

San Mateo County Express Lanes Joint Powers Authority Board of Directors Meeting Minutes

Meeting No. 29
November 12, 2021

In compliance with Governor’s Executive Order N-29-20, and pursuant to the Shelter-in-Place Order issued by the San Mateo County Health Officer, this meeting was conducted via remote conferencing.

Board of Directors: Diane Papan (Chair), Rico Medina (Vice Chair), Alicia Aguirre, Emily Beach, Maryann Moise Derwin, and Don Horsley

1.0 CALL TO ORDER/ ROLL CALL

Chair Papan called the meeting to order at 9:00 a.m. Roll call was taken.

Members Present:

C/CAG Members:

Diane Papan, Maryann Moise Derwin (arrive 9:03 a.m.), Alicia Aguirre (departed 10:02 a.m.)

SMCTA Members:

Rico Medina, Emily Beach, Don Horsley

Members Absent:

None.

Staff Present:

Sean Charpentier – Executive Council

Carter Mau – Executive Council

Mima Guilles – Clerk

Tim Fox – Legal Counsel

Van Ocampo – C/CAG staff supporting SMCEL-JPA

April Chan, Derek Hansel, Robert Casumbal – SMCTA staff supporting SMCEL-JPA

Lacy Vong, Matt Click – HNTB

Leo Scott – Gray-Bowen-Scott

Lisa Klein – Bay Area Metro

Other members of staff and the public were in attendance.

2.0 BRIEF OVERVIEW OF TELECONFERENCE MEETING PROCEDURES

Mima Guilles, Clerk of the Board, provided an overview of the teleconference meeting

procedures.

- 3.0 Review and approval of Resolution 21-19 finding that, as a result of the continuing COVID-19 pandemic state of emergency declared by Governor Newsom, meeting in person would present imminent risks to the health or safety of attendees. APPROVED

Director Medina MOVED to approve item 3.0. Director Aguirre SECONDED. Roll call was taken. **MOTION CARRIED 5-0-0** (Director Moise Derwin absent)

4.0 PUBLIC COMMENT

Note: Public comment is limited to two minutes per speaker. Public comment permitted on both items on the agenda and items not on the agenda.

Mima Crume reported there was no public comment submitted before the meeting. There was no public comment.

5.0 APPROVAL OF CONSENT AGENDA

This item is to set the final consent and regular agenda, and to approve the items listed on the consent agenda. All items on the consent agenda are approved by one action. There will be no separate discussion on these items unless members of the Board, staff or public request specific items to be removed for separate action.

- 5.1 Approval of the minutes of Board of Directors regular business meeting No. 28 dated October 8, 2021. APPROVED

- 5.2 Accept the Sources and Uses of Funds for the FY22 Period Ending September 30, 2021. APPROVED

- 5.3 Review and approval of Resolution SMCEL 21-20 approving the License Agreement with the City of Redwood City for Express Lanes Toll facilities within City Rights of Way. APPROVED

- 5.4 Accept the Annual Financial Report for the Fiscal Year Ended June 30, 2021. APPROVED

Director Aguirre MOVED to approve the consent agenda. Director Medina SECONDED. Roll call was taken. **MOTION CARRIED 6-0-0**

6.0 REGULAR AGENDA

- 6.1 Authorize the Executive Council to sign the Bay Area Express Lanes Network Executive Steering Committee Memorandum of Understanding (MOU). APPROVED

The Board received a joint presentation from Sean Charpentier and April Chan on the Bay Area Express Lanes Network Executive Steering Committee Memorandum of Understanding (MOU).

Sean Charpentier gave some context on the Executive Steering Committee MOU. One of the recommendations of the Bay Area Infrastructure Financing Authority (BAIFA) Managed Lanes Strategic Plan is to formally create an Executive Steering Committee (ESC) with MTC and the regional express lanes partners and operators to have a formal process to maintain operational consistency throughout the express lanes network. The ESC MOU does not bind member agencies to ESC recommendations that would require policy direction or actions from the respective boards. As noted in MOU Article II Membership, “ESC membership is voluntary, and the ESC shall not and cannot require compliance with any actions that are inconsistent with policies, procedures, and board actions of any Member Agency.”

April Chan then gave examples of recent actions taken at the regional level and whether those would be subject to ESC and SMCEL JPA board discussion and action in the future. Some examples, such as Bay Area Toll Authority (BATA) action to reduce toll tag deposits, reduced initial balance for cash/check customers, elimination of cash payment network fees for cash/check customers, these would not be subject to discussion at the ESC in the future. These BATA actions are not the operational policies that are envisioned that require ESC discussion to achieve consistency. However, there are other items that will likely be discussed in the future by the ESC that may require consistency amongst the express lanes operators to ensure a more seamless customer experience. One example provided is whether violation penalties should be consistent across the board amongst the express lanes operators, which is currently being actively discussed at the ESC level.

Chair Papan asked if there's a duration of the MOU agreement. Ms. Chan said there is no expiration to the ESC agreement.

Director Beach asked if Sean Charpentier and April Chan will be the representatives for ESC and both confirmed that they will be.

Gina Papan, MTC Commissioner, says the Fastrak is a benefit to everyone and in hopes Fastrak will be a part of everyone's life and make it easier and not penalize those most in need.

Lisa Klein, Director Field Operations and Asset Management for MTC and BAIFA Express Lanes thanked the Board for considering the MOU item. She noted that this is an important step to formalize the vetting process where staff from all the different Express Lanes agencies, bridge toll agency and BATA be able to review operating policies and bring recommendations to their Board for discussion and action.

There were no other comments or questions and the Chair has closed public comments.

Director Beach MOVED to approve item 6.1. Director Aguirre SECONDED.
Roll call was taken. **MOTION CARRIED 6-0-0**

6.2 Receive a Presentation and update on the construction and schedule of the San Mateo 101 Express Lanes Project. INFORMATION

The Board received a presentation update from Leo Scott on the construction and schedule of the San Mateo 101 Express Lanes Project. Both SMCEL-JPA and VTA staff have discussed the updated project schedule which projects the new opening date of the Express Lanes to be January 28, 2022. This date has been coordinated with VTA and Caltrans to ensure a smooth joint opening of the San Mateo and Santa Clara Express Lanes as well as the information rollout to the broader public. The new opening date will not impact the scheduled opening of the northern segment (Whipple Ave. to I-380), which is still scheduled at the end of 2022.

Director Beach asked for clarification that before January 28th we'll still have the HOV-2 signs up in the southern segment. Question posed was: during this transitional time, is a transponder required or does it operate just like an HOV-2 carpool lane around Whipple, and does one need a transponder.

Leo Scott responded that you don't actually have to have the transponder present in the vehicle to be able to drive legally in the lane, but you will need to have that transponder in the car starting on the 28th of January.

Chair Papan asked will there be any information as to how to obtain a transponder anywhere along the corridor.

Leo said yes, the construction team will continue to communicate 1) Express Lanes are opening soon (begin tolling) 2) Follow the signs on the road 3) Get a FasTrak, Flex or CAV Toll Tag now. People can also go to 511.org link to the FasTrak customer service center.

Director Horsley commented on the HOV violation of \$490 being a steep fine. He has asked if there is any move to reduce the fine.

Leo responded that he has not heard any movement and may not be the qualified person to answer this question. Although he's added that there are two types of violations. A violation associated with someone who is in the lane and assess the toll but fails to pay that toll and a violation for someone who's in the lane claiming to be a carpool but isn't and when somebody is deceiving or attempting to deceive the system or the CHP and indicates that they are carpool when they're a single occupant, that's when the \$490 plus the toll fee would be assessed.

Director Beach commented on the fiber optic line that was discussed last week in the TA meeting and has asked Leo to discuss to the JPA Board, so they are aware.

Leo responded that the issue of fiber optic line was not previously reflected in the

risk assessment for the project. The project team had encountered some challenges getting the fiber optic line to function per the standard requirements which is at a very high level of accuracy because we're dealing with a system that requires accuracy to be close to 99% or better. This means that when you connect all the equipment to the fiber and the fiber to itself to make that long run through the corridor and then over to the customer service center and to the data center everything has to be in tip-top shape. The project team found that it hasn't been and have had to fix it which has cost some money.

Director Beach asked whether we're confident that we don't need additional contingency at this time. Leo answered yes that it is a reasonable characterization.

Gina Papan, MTC Commissioner, suggested that drivers should update their FasTrak transponders to ensure accurate contact information; and noted that the ESC could discuss the violations for penalties; and that the SMCEL-JPA should have access to the operational data from the toll lanes.

Chair Papan announced Closed Session will now take place. Tim Fox, Legal Counsel made sure there were no public comments for closed session. Chair Papan confirmed that there were no public comments for closed session.

April Chan commented that they may bring back an item on how they will be doing the public outreach and the public education marketing effort. Can discuss about the transponder and bring it back next month.

7.0 CLOSED SESSION

- 7.1 CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Cal. Gov't Code § 54956.8)
Property: No. 1 lanes on US 101 N/S from Santa Clara/San Mateo County Line to I-380 interchange
Agency Negotiator: SMCEL-JPA Executive Council
Negotiating Parties: SMCEL-JPA; California Department of Transportation
Under Negotiation: Price and terms of payment for leasehold interest

Chair Papan reported out from closed session and staff was giving directions to proceed pursuant to the instructions from the Board of Directors.

8.0 REPORTS

- a) Chairperson Report.
None.
- b) Member Communication.

Director Beach reminded everyone to join the Transit District in an Autonomous

Vehicle workshop on Wednesday the 17th from 9am – 12pm. Elected staff and the public are welcome join. You can pre-register if not you can join the webinar.

c) Executive Council Report - Executive Council Verbal Report.

None.

d) Policy/Program Manager Report.

Matt Click has let the Board know that they continue to make good progress on the negotiations with Samaritan House regarding implementing the equity program and they will be coming before the Board at the next board meeting December 10th.

9.0 WRITTEN COMMUNICATIONS

None.

10.0 NEXT REGULAR MEETING

December 10, 2021

11.0 ADJOURNMENT – 10:29 a.m.