



## I-680 Sunol Express Lane Joint Powers Authority Meeting Agenda Monday, January 14, 2019, 9:30 a.m.

Committee Chair: Jerry Thorne, City of Pleasanton  
Vice Chair: Lily Mei, City of Fremont  
Members: Scott Haggerty, David Haubert,  
Lan Diep (Santa Clara Valley  
Transportation Authority)

Executive Director: Arthur L. Dao  
Staff Liaison: [Elizabeth Rutman](#)  
Clerk of the Commission: [Vanessa Lee](#)

Teleconference location: San Jose City Hall, T-1854 (Tower Side)  
200 East Santa Clara St., 18th Floor  
San Jose, CA 95113

### 1. Call to Order/Pledge of Allegiance

### 2. Roll Call

### 3. Public Comment

### 4. Consent Calendar

Page/Action

- 4.1. [Approve the November 19, 2018 I-680 Sunol Smart Carpool Lane Joint Powers Authority \(JPA\) Meeting Minutes](#) 1 A

### 5. Public Hearing

- 5.1. Conduct Public Hearing and Receive Public Comment on the Sunol Smart Carpool Lane JPA Conflict of Interest Code I/A
- 5.2. [Approve the Sunol Smart Carpool Lane JPA Conflict of Interest Code](#) 5 A

### 6. Regular Matters

- 6.1. [I-680 Southbound Express Lane: Monthly Operations Status Update](#) 27 I
- 6.2. [I-680 Tolling Overview](#) 33 I
- 6.3. [I-680 Sunol Express Lanes \(PN 1369.000\): Monthly Status Update](#) 41 I

### 7. Committee Member Reports

### 8. Staff Reports

### 9. Adjournment

Next Meeting: Monday, February 11, 2019

#### Notes:

- All items on the agenda are subject to action and/or change by the Commission.
- To comment on an item not on the agenda (3-minute limit), submit a speaker card to the clerk.

- Call 510.208.7450 (Voice) or 1.800.855.7100 (TTY) five days in advance to request a sign-language interpreter.
- If information is needed in another language, contact 510.208.7400. Hard copies available only by request.
- Call 510.208.7400 48 hours in advance to request accommodation or assistance at this meeting.
- Meeting agendas and staff reports are available on the [website calendar](#).
- Alameda CTC is located near 12th St. Oakland City Center BART station and AC Transit bus lines. [Directions and parking information](#) are available online.



## Alameda CTC Schedule of Upcoming Meetings:

### Commission Chair

Supervisor Richard Valle, District 2

### Commission Vice Chair

Mayor Pauline Cutter,  
City of San Leandro

### AC Transit

President Elsa Ortiz

### Alameda County

Supervisor Scott Haggerty, District 1  
Supervisor Wilma Chan, District 3  
Supervisor Nate Miley, District 4  
Supervisor Keith Carson, District 5

### BART

Vice President Rebecca Saltzman

### City of Alameda

Mayor Marilyn Ezzy Ashcraft

### City of Albany

Mayor Rochelle Nason

### City of Berkeley

Mayor Jesse Arreguin

### City of Dublin

Mayor David Haubert

### City of Emeryville

Councilmember John Bauters

### City of Fremont

Mayor Lily Mei

### City of Hayward

Mayor Barbara Halliday

### City of Livermore

Mayor John Marchand

### City of Newark

Councilmember Luis Freitas

### City of Oakland

Councilmember At-Large  
Rebecca Kaplan  
Councilmember Dan Kalb

### City of Piedmont

Vice Mayor Teddy Gray King

### City of Pleasanton

Mayor Jerry Thorne

### City of Union City

Mayor Carol Dutra-Vernaci

### Executive Director

Arthur L. Dao

Description	Date	Time
Paratransit Advisory and Planning Committee (PAPCO)	January 28, 2019	1:30 p.m.
Alameda CTC Commission Meeting	January 31, 2019	2:00 p.m.
Alameda County Technical Advisory Committee (ACTAC)	February 7, 2019	1:30 p.m.
Finance and Administration Committee (FAC)	February 11, 2019	8:30 a.m.
I-680 Sunol Smart Carpool Lane Joint Powers Authority (I-680 JPA)		9:30 a.m.
I-580 Express Lane Policy Committee (I-580 PC)		10:00 a.m.
Planning, Policy and Legislation Committee (PPLC)		10:30 a.m.
Programs and Projects Committee (PPC)		12:00 p.m.
Bicycle and Pedestrian Community Advisory Committee (BPAC)	February 21, 2019	5:30 p.m.
Joint Paratransit Advisory and Planning Committee (PAPCO) and Paratransit Technical Advisory Committee (ParaTAC)	February 25, 2019	1:30 p.m.
Independent Watchdog Committee (IWC)	March 11, 2019	5:30 p.m.
Paratransit Technical Advisory Committee (ParaTAC)	March 12, 2019	9:30 a.m.

All meetings are held at Alameda CTC offices located at 1111 Broadway, Suite 800, Oakland, CA 94607. Meeting materials, directions and parking information are all available on the [Alameda CTC website](http://www.AlamedaCTC.org).

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# I-680 Sunol Smart Carpool Lane Joint Powers Authority Meeting Minutes Monday, November 19, 2018, 9:30 a.m.

4.1

1111 Broadway, Suite 800, Oakland, CA 94607 • PH: (510) 208-7400 • www.AlamedaCTC.org

## 1. Call to Order/Pledge of Allegiance

## 2. Roll Call

A roll call was conducted. All members were present.

## 3. Public Comment

There were no public comments.

## 4. Consent Calendar

### 4.1. Approve the October 8, 2018 I-680 Sunol Smart Carpool Lane Joint Powers Authority (JPA) meeting minutes

*Commissioner Haggerty moved to approve the consent calendar. Commissioner Mei seconded the motion. The motion passed with the following votes:*

Yes: Diep, Haggerty, Haubert, Mei, Thorne

No: None

Abstain: None

Absent: None

## 5. Regular Matters

### 5.1 I-680 Southbound Express Lane: Monthly Operations Status Update

Ashley Tam provided an update on the I-680 Southbound Express Lane for the month of September 2018. She covered the average toll trip data and roadway segment speeds and corridor performance information. Ms. Tam also reviewed average speeds and density, and toll rates during operational hours. She concluded the update by reviewing estimated gross toll revenues versus forecasted budget.

Commissioner Haggerty asked the definition of Express Lanes toll trip. Ms. Tam said the definition of an express lane toll trip is where a motorist with a toll tag is charged.

Commissioner Mei asked with the growth in revenue is there funding to address the congestion at Washington. Mr. Dao said that the agency is seeing an increase in Land Use in the area that will increase trips. He noted that relative to Washington it is not an express lane issue but a corridor issue. Once the Northbound express lane is constructed and the Southbound is converted it would eliminate many areas of congestion. Mr. Dao noted that the need is to get the corridor built and see how it will operate.

*This item was for information only.*

## **5.2. I-680 Sunol Express Lanes (PN 1369.000): Monthly Status Update**

Trinity Nguyen presented the I-680 Sunol Express lane status update. She provided an update on recent construction activities and an overview of the project schedule. She also provided the status of related projects including the I-680 Gap Closure, the SR 84 Gap Closure/I-680 Interchange, the SR-262 Cross Connector, and the SR-84 South Segment projects. Ms. Nguyen noted that the SR 84 South Segment opened to traffic on November 13, 2018 and preparation is underway for a ribbon cutting event.

Commissioner Haggerty asked if finding a mammoth tooth and bones delayed construction. Ms. Nguyen said no, the finding did not delay the construction progress. There is an approved process in place to quickly address on site discoveries.

Commissioner Haggerty asked if the Sheridan Road Bridge has been constructed higher than the old bridge. Mr. Dao said that the vertical clearance was increased.

Commissioner Haggerty commented that the new Sheridan Road Bridge increases the capacity of cut-through traffic and what can we do to mitigate this. Mr. Dao stated that once the Northbound is implemented the speed on the highway will be more competitive. Ms. Nguyen said that Caltrans has installed ramp metering at the Andrade on-ramp and the observed reduction in queueing is an indicator that drivers are staying on the freeway.

*This item is for information only.*

## **5.3. Approve the FY2018-19 First Quarter Financial Report**

Patricia Reavey recommended that the Authority approve the I-680 Sunol Smart Carpool Lane FY2018-19 First Quarter Financial Report. Ms. Reavey noted that this report summarizes revenues and expenses related to the I-680 Sunol Smart Carpool lane for through September 30, 2018. She stated that the total revenue was \$765,302 and the expenses were \$404,896, which resulted in a net position increase of \$360,406. This variance is due to actual toll revenue coming in higher and expenses coming in lower than projections. As of September 30, 2018 the Sunol Smart Carpool Lane had cash and investments totaling \$5.25 million. Ms. Reavey said that the I-680 Sunol Smart Carpool Lane JPA is in a strong position compared to budget after the first quarter of the fiscal year and remains sustainable. Operating budget includes \$2.6 million toll revenues which is offset by \$2.77 million of expenses, including depreciation, resulting in a decrease of \$166,372 to projected net position at the end of FY2018-19 of \$4,593,032 comprised of \$1,301,086 invested in capital assets, \$1,500,000 reserved for maintenance, \$1,500,000 reserved for operational risk, and \$291,946 unrestricted.

Commissioner Haggerty asked what we spent \$405,000 on. Ms. Reavey directed the Authority to the operating expenses on page 19 of the packet.

Commissioner Haggerty then asked how Alameda CTC Operations and Management costs total \$70,118. Ms. Reavey stated that Alameda CTC has dedicated staff for this project.

Commissioner Haggerty asked to have an attachment to break out the enforcement costs for a fiscal year. Ms. Rutman said that staff usually bring a report to the Authority on a quarterly basis detailing this information and will do so in January.

*Commissioner Mei moved to approve this item. Commissioner Thorne seconded the motion. The motion passed with the following votes:*

Yes:	Diep, Haggerty, Haubert, Mei, Thorne
No:	None
Abstain:	None
Absent:	None

## **6. Committee Member Report**

Commissioner Mei mentioned the CEO & Co Founder of Tesla Elon Musk was a keynote speaker at the National League of Cities this year. She noted that he fully supportive of SR 262.

Commissioner Haggerty noted that this is not for this Committee; however, he suggested that the Commission have a special meeting in December to discuss Casa.

Commissioner Haggerty informed the Committee that there is something affecting the Commission and its moving rapidly. He suggested a special meeting in December to discuss CASA. Commissioner Haggerty stated that CASA is a housing strategy that will affect Alameda County Cities and Mayors.

Mr. Dao stated that the Metropolitan Transportation Commission and the Association of Bay Area Governments will have a retreat on November 28, 2018 and he'll weigh in on the CASA discussion. He suggested to bring this item to the January Planning and Policy, Policy and Legislation Committee (PPLC). Commissioner Haggerty suggested the item go to the full Commission instead of PPLC.

## **7. Staff Reports**

Mr. Dao thanked the Authority on educating the public on Proposition 6 and SB 1. He stated that Alameda CTC can now complete the work on I-680 and SR 84 along with I-580 and BART extension in the valley.

## **8. Adjournment/ Next Meeting**

The next meeting is:

Date/Time: Monday, January 14, 2019 at 9:30a.m.

Location: Alameda CTC Offices, 1111 Broadway, Suite 800, Oakland, CA 94607

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# Memorandum

5.2

1111 Broadway, Suite 800, Oakland, CA 94607

• PH: (510) 208-7400

• www.AlamedaCTC.org

**DATE:** January 7, 2019

**TO:** I-680 Sunol Express Lane Joint Powers Authority

**FROM:** Patricia Reavey, Deputy Executive Director of Finance and Administration

**SUBJECT:** Approve the Sunol Smart Carpool Lane JPA Conflict of Interest Code

## Recommendation

It is recommended that the Authority approve the Sunol Smart Carpool Lane JPA Conflict of Interest Code.

## Summary

The Political Reform Act (Government Code Section 81000. *et seq.*) requires state and local government agencies to adopt and promulgate a Conflict of Interest Code. The proposed Code establishes designated employees and disclosure categories for filing Statements of Economic Interest, sets forth conflict of interest rules governing disqualification standards, campaign contribution rules, and conflicts disclosure requirements, and includes other Authority requirements and prohibitions. The Fair Political Practices Commission (FPPC) adopted 2 California Code of Regulations Section 18730 that contains the terms of a standard conflict of interest code which is incorporated by reference into the proposed Conflict of Interest Code (Code) for the Sunol Smart Carpool Lane JPA (Sunol JPA) ensuring that amendments later adopted by the FPPC are included in the Sunol JPA's adopted Code.

## Background

The Political Reform Act requires state and local government agencies to adopt a Conflict of Interest Code. In addition, the California Code of Regulations Section 18750 requires that the Sunol JPA, as a multi-county agency, submit the adopted Code to the FPPC for approval. The FPPC also requires that the Sunol JPA review the Code for accuracy biennially during even-numbered years and notify the FPPC whether the Code does or does not need to be amended.

Upon approval of this item, the adopted Code will be forwarded to the FPPC for review and approval. The adopted Code will become effective as of the thirtieth day following the date it is approved by the FPPC.

Sunol JPA Board members, staff, legal counsel and consultants listed as designated employees in Appendix A will be required to file the Statement of Economic Interest - Form 700 for both Alameda and Santa Clara counties which is done by marking the Multi-county box in Section 2 of Form 700 and listing the two counties on the line indicated. It is likely that most designated employees will be required to file the Form 700 with more than one government agency. If the information required to be reported on Form 700 for multiple agencies is the same (this won't always be the case because reporting requirements can be different, and the Sunol JPA covers both Alameda and Santa Clara counties), then you can submit a copy of the same form to multiple agencies, however, you will need to sign two separate signature pages because a wet signature is required to be on file for each agency.

**Fiscal Impact:** There is no fiscal impact associated with the requested action.

**Attachment:**

- A. Conflict of Interest Code of the Sunol Smart Carpool Lane Joint Powers Authority

**CONFLICT OF INTEREST CODE  
OF THE SUNOL SMART CARPOOL LANE JOINT POWERS AUTHORITY  
(AS ADOPTED ON                     , 2018)**

**ARTICLE I: State Requirements Under The Political Reform Act**

**SECTION 1. Purpose.** The Political Reform Act (Government Code Section 81000, *et seq.*) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission (“FPPC”) has adopted a regulation (2 California Code of Regulations Section 18730) that contains the terms of a standard conflict of interest code, which can be incorporated by reference in an agency’s code. After public notice and hearing, the FPPC may amend this standard code to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the FPPC are hereby incorporated by reference. This regulation and the attached Appendix designating positions and defining disclosure categories shall constitute the Conflict of Interest Code (“Code”) of the Sunol Smart Carpool Lane Joint Powers Authority (“Authority”).

**SECTION 2. Designated Positions.** The positions listed on Appendix A are designated positions. Officers, employees, members and consultants holding those positions are designated employees and are deemed to make, or participate in the making of, decisions which may foreseeably have a material effect on a financial interest of the designated employee. “Board Member” for the purposes of this Code means any member or alternate of the Authority’s governing body. “Consultant” for the purposes of this Code shall have the meaning set forth in 2 California Code of Regulations Section 18700.3 (see Appendix B for the current version of 2 CCR §18700.3, along with 2 CCR §18704, as referenced therein).

**SECTION 3. Filing Statements of Economic Interests.** The Clerk of the Alameda County Transportation Commission (“Clerk of the Commission”) serves as clerk of the Authority. Individuals holding designated positions shall file statements of economic interests annually with the Clerk of the Commission in his/her capacity as clerk of the Authority. Such statements of economic interest shall disclose individual’s business positions, income, investments, and interest in real property that are reportable pursuant to this Code. The Clerk of the Commission shall make and retain a copy of the statements submitted by the Executive Director and all Board Members, and shall forward the original to the Clerk of the Alameda County Board of Supervisors which shall be the filing officer. The Clerk of the Commission shall retain the original statements filed by all other designated individuals. The statements shall be retained for a period of seven (7) years. The Authority will make the statements available for public inspection and reproduction pursuant to Government Code Section 81008.

**SECTION 4. Disqualification.** No designated employee may make, participate in the making, or in any way use or attempt to use his or her position with the Authority to influence the making of any decisions which will foreseeably have a material financial effect, distinguishable from its effect on the public generally, on any reportable interest of that employee.

## **SECTION 5. Manner of Disqualification.**

(a) Any Board Member who is required to disqualify himself or herself from a decision-making process shall not participate in any way in the matter before the Authority or any committee of the Authority. Further, such Board Member shall be subject to the requirements and procedures set forth in 2 California Code of Regulations Section 18707 if the Board Member is seated as a member of the Authority or committee during a meeting thereof and a governmental decision on such a matter is listed on the meeting agenda (see Appendix B for the current version of 2 CCR §18707). As of the date hereof, such procedures include the obligation to publicly recuse himself or herself and leave the room after making the identification required by said regulation, subject to certain exceptions as set forth in such regulation. Such recusal must take place after the announcement of the relevant agenda item, but before commencement of discussions or voting.

(b) Any designated employee who is required to disqualify himself or herself from a decision-making process shall notify the Executive Director of the Authority (if the Executive Director requires disqualification, such notification shall be made to the Authority Board Chair) in writing of the reason for the disqualification. A copy of this notice shall be filed with the Clerk of the Commission in his/her capacity as clerk of the Authority. Upon receipt of a designated employee's disqualification statement, the Executive Director shall immediately reassign the responsibility for the matter to another designated employee of the Authority.

**SECTION 6. No Disqualification Required if Participation is Necessary.** A designated employee may make or participate in the making of a decision when he or she has a financial interest which would otherwise require disqualification if his or her participation is legally required for the decision to be made as defined in California Code of Regulations Title 2, Division 6, Section 18705 and he or she follows the procedures outlined in Section 18705. The fact that the vote of a designated employee is needed to break a tie does not make his or her participation legally required for the purposes of this section.

**SECTION 7. Assistance of the FPPC and Legal Counsel.** Any Board Member or designated employee who is unsure of his or her duties under this code may request assistance from the FPPC pursuant to Government Code Section 83114 and in accordance with the requirements of Regulations 18329 and 18329.5, or from the Authority's Legal Counsel, provided that nothing in this section requires Legal Counsel to issue any formal or informal opinion.

**SECTION 8. Violations.** This Code has the force and effect of law. Designated employees violating any provision of this Code are subject to the administrative, criminal, and civil sanctions provided in the Political Reform Act. In addition, if a court determines that a violation of the disqualification provisions of this Code has occurred and that the official action might not otherwise have been taken or approved, the decision in relation to which a violation has occurred may be set aside as void pursuant to Government Code Section 91003.

**SECTION 9. Effective Date.** This Conflict of Interest Code and the Appendix shall become effective immediately upon approval by the Authority Board. The initial disclosure statements required under this Code shall be filed on April 1, 2019.

## **ARTICLE II: Additional Authority Requirements**

**SECTION 1. Purpose.** The Authority recognizes that certain conflict of interest issues may arise that are not governed by the Political Reform Act or the FPPC regulations referenced above. The provisions in this **Article II** are intended to address such issues.

**SECTION 2. Campaign Contribution Disclosure; Levine Act.** The Levine Act, Government Code Section 84308, prohibits Board Members from accepting, soliciting, or directing contributions (as defined in Government Code §82015) of more than Two Hundred Fifty Dollars (\$250) from any party who has a financial interest in any proceeding involving a license, permit, or other entitlement for use that is pending before the Authority and for three (3) months following the date a final decision is rendered in the proceeding. The Levine Act further prohibits any Board Member who has received a contribution within the preceding twelve (12) months from any party who has a financial interest in any proceeding involving a license, permit, or other entitlement for use that is pending before the Authority from making, participating in making, or in any way attempting to use his or her official position to influence the decision in said proceeding. A party has a financial interest in a decision if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable generally, on the party, a member of the party's immediate family, or on income, investments, business positions, or interests in real property that are described in Appendix A, Category 2. For purposes of this Section, the word "contribution" shall include a political contribution to a person who is running for, or serving in, any elective office.

(a) **Participants in Proceedings Pending Before the Authority.** In the event Authority staff and/or independent members of a screening committee (which does not include Board Members) evaluates and screens proposals submitted in response to a Request For Proposal or Qualifications and compiles a short list of firms to be considered by the Authority, only the proposals that the staff submits to Board Members for consideration shall be considered a part of a proceeding pending before the Authority. Only persons or entities on the short list will be considered involved in a proceeding before the Authority or any committee of the Authority.

(b) **Notice to Authority Board Members.** To facilitate compliance with the Levine Act, the Authority staff shall include as part of the Board Members' agenda packets for Authority Board Meetings and committee meetings information described in (i) and (ii) of this subsection regarding each application for a license, permit, or other entitlement for use that will be considered by the Board or such committee. "License, permit, or other entitlement for use" shall include all business, professional, trade and land use licenses and permits and all other entitlements for use, including all entitlements for land use, all contracts for goods or services (other than competitively bid, or labor, or personal employment contracts), and all franchises. Such notice shall include:

(i) The name of the persons or entities that submitted the application for a license, permit or other entitlement for use ("applicant"). The term "applicant" shall include any owner, manager or employee, who acts as an agent of the applicant with respect to the application; and

(ii) To the extent known by staff, the name of each person who actively supports or opposes a decision in the proceeding before the Authority involving a license, permit, or other entitlement for use and who has a financial interest in the decision; such persons are referred to herein as “participants” in a decision. The term “participant” shall include any owner, manager or employee who acts as an agent of the participant with respect to the application. Lobbying Board Members or Authority staff by direct communication (either in person or in writing), testifying in person before the Authority, or otherwise acting to influence Board Members shall constitute active support of or opposition to a decision pending before the Authority.

In the event Authority staff and/or independent committee compiles a short list of firms, the Proposal Data Form will contain information on only those firms that comprise the short list.

(c) **Prohibition on Making Contributions During Pendency of Proceeding.** Applicants and participants, and their agents, shall not make contributions of more than Two Hundred Fifty Dollars (\$250) to any Board Member while a proceeding involving a license, permit, or other entitlement for use is pending before the Authority and for three (3) months following the date a final decision is rendered by the Authority in the proceeding.

(d) **Statement of Applicants and Participants.** As part of any Request For Proposal or Qualification, any other solicitation process, or any license, permit, or other entitlement for use, Authority staff shall provide all applicants and participants a statement form that requests the information described in (i) and (ii) of this subsection (d). When a close corporation, as defined in Corporations Code Section 158, is an applicant or participant, the majority shareholder is subject to the Levine Act’s disclosure and prohibition requirements. Generally, a close corporation is a corporation whose issued shares are owned by not more than ten (10) persons. Such statement form shall request the following information:

(i) Whether or not an applicant or participant, and/or their respective agents have made any contribution of more than Two Hundred Fifty Dollars (\$250) within the preceding twelve (12) months to any Board Member; and

(ii) Whether or not an applicant or participant, and/or their respective agents anticipate or plan to make any contributions of more than \$250 to any Board Member in the three (3) months following the date a final decision is rendered by the Authority in the proceeding.

If an applicant, participant, and/or their respective agents, fail to notify or disclose to the Authority in writing prior to the relevant proceeding whether or not such contributions have been made or are intended to be made, then such disclosures may also be made orally during said proceeding.

(e) **Limitations on Receiving Contributions.** While a proceeding involving a license, permit, or other entitlement for use is pending before the Authority and for three (3) months following the date a final decision is rendered in the proceeding, Board Members shall not accept, solicit, or direct a contribution of more than Two Hundred Fifty Dollars (\$250) from any applicant or participant who has a financial interest in the decision. This prohibition shall apply regardless of whether the Board Member accepts, solicits, or directs the contribution for

himself, or on behalf of any other Board Member, or on behalf of any candidate for office or on behalf of any committee.

(f) **Disclosure of Conflict.** Before the Authority renders a decision in a proceeding involving a license, permit, or other entitlement for use, each Board Member shall disclose orally at the time of the proceeding, or in a writing delivered to the Clerk of the Commission, in his or her capacity as clerk of the Authority, at any time prior to the proceeding, any contributions of more than Two Hundred Fifty Dollars (\$250) that the Board Member has received within the preceding twelve (12) months from any applicant or participant involved in the proceeding before the Authority.

(g) **Disqualification from Participating in a Proceeding.** No Board Member shall make, participate in making, or in any way attempt to use his or her position in the Authority to influence a decision in a proceeding pending before the Authority or committee of the Authority involving a license, permit, or other entitlement for use if the Board Member has received a contribution of more than Two Hundred Fifty Dollars (\$250) within the preceding twelve (12) months from an applicant involved in the proceeding before the Authority or a participant who has a financial interest in the decision. A Board Member who received a contribution which would otherwise require disqualification may participate in the proceeding if he or she returns the contribution within thirty (30) days from the time the Board Member knows, or should have known, about both the making of the contribution and the participant's participation in the proceeding involving the license, permit, or other entitlement for use.

(h) **Effect of Disqualification.** If a Board Member is so disqualified from participation in any decision, that Board Member shall not participate in any way in the matter before the Authority or any committee of the Authority. Further, such Board Member shall be subject to the requirements and procedures set forth in 2 California Code of Regulations Section 18707 if the Board Member is seated as a member of the Authority Board or committee and a governmental decision on such a matter is listed on the agenda thereof (see Appendix B for the current version of 2 CCR §18707). As of the date hereof, such procedures include the obligation to publicly recuse himself or herself and leave the room after making the identification required by said regulation, subject to certain exceptions as set forth in such regulation.

**SECTION 3. Authority Officers and Employees Running for Elected Office or Serving as an Elected Official.** Pursuant to Government Code Section 3203, the Authority is not permitted to restrict its officers and employees' political activities, except to the extent required by other applicable law. Accordingly, any officer or employee of the Authority is permitted to run for elected office. However, the Authority believes it is appropriate to impose certain reporting and recusal requirements upon such officers and employees, consistent with the requirements set forth above with respect to Board Members' obligations under the Levine Act.

(a) **Campaign Disclosures.** If any Authority officer or employee is required under any applicable law to make any campaign-related filings with any City, County, or other governmental agency located completely or partially within Alameda County or Santa Clara County, and/or with the FPPC, the officer or employee shall simultaneously provide copies of any such filing(s) to the Clerk of the Commission, in his or her capacity as clerk of the Authority. The foregoing obligation shall also apply with respect to campaign-related filings made by or on

behalf of any committee controlled by an Authority officer or employee. The Clerk of the Commission shall make and retain a copy of any such campaign filings.

**(b) Disqualification from Participating in a Proceeding.** No Authority officer or employee shall participate in making, or in any way attempt to use his or her position with the Authority to influence a decision in a proceeding pending before the Authority or committee of the Authority involving a license, permit, or other entitlement for use if the officer or employee has received a contribution of more than Two Hundred Fifty Dollars (\$250) within the preceding twelve (12) months from an applicant involved in the proceeding before the Authority or a participant who has a financial interest in the decision.



## APPENDIX A DESIGNATED EMPLOYEES AND DISCLOSURE CATEGORIES

### Designated Employees

The following positions entail the making or participating in the making of decisions which may foreseeably have a material effect on financial interests.

<b>Position</b>	<b>Disclosure Categories</b>
Authority Board Member	1 & 2
Executive Director	1 & 2
Deputy Executive Director of Projects	1 & 2
Deputy Executive Director of Planning and Policy	1 & 2
Deputy Executive Director of Finance and Administration	1 & 2
Director of Finance	4 & 6
Director of Programming and Project Controls	2, 3, 4 & 5
Director of Project Delivery	2, 3, 4 & 5
Director of Express Lane Operations	3 & 4
Director of Procurement and Information Technology	4 & 6
Director of Planning	2, 3, 4 & 5
Director of Government Affairs and Communications	4 & 5
Legal Counsel	1 & 2
Consultant*	as determined by the Executive Director
Advisory Committee Members (all)	2, 3, 4 & 5

\* Consultants, as defined in 2 California Code of Regulations §18700.3, shall be included in the list of designated employees. Not all outside contractors are considered to be Consultants under this Regulation, since it depends on the contractor's particular scope of work. Further, the Executive Director may determine in writing that a particular Consultant is hired to perform a range of duties that is limited in scope and thus it may be appropriate to assign one or more of the limited disclosure requirements set forth below. The Executive Director's determination designating a specific contractor as a Consultant and assigning one or more specific disclosure categories, which determination may be made utilizing FPPC Form 805, is a public record and shall be retained for public inspection in the same manner and locator as this Code.

## **Disclosure Categories**

The disclosure categories listed below identify the types of economic interests that the designated position must disclose for each disclosure category to which he or she is assigned. Such economic interests are reportable if they are either located in or doing business in the jurisdiction, are planning to do business in Alameda County and/or Santa Clara County, or have done business during the previous two years in Alameda County and/or Santa Clara County.

Category 1: All investments and business positions in business entities and sources of income (including gifts, loans and travel payments) that do business or own real property within Alameda County and/or Santa Clara County.

Category 2: All interests in real property which is located in whole or in part within, or not more than two miles outside, the boundaries of Alameda County and/or Santa Clara County.

Category 3: All investments and business positions in business entities and sources of income (including gifts, loans and travel payments) that are engaged in land development, construction or the acquisition or sale of real property within Alameda County and/or Santa Clara County.

Category 4: All investments and business positions in business entities and sources of income (including gifts, loans and travel payments) that provide services, products, materials, machinery, vehicles or equipment of a type purchased or leased by the Authority.

Category 5: All investments and business positions in business entities and sources of income (including gifts, loans and travel payments), including income from nonprofits or similar organizations, if the source is of the type to receive grants or similar funding from or through the Authority.

Category 6: All investments and business positions in business entities, and sources of income, including gifts, loans, and travel payments, if the source is of the type of firm in or with which the Authority is empowered to invest its funds, or the source has during the reporting period filed a claim or currently has a claim pending with the Authority.

**APPENDIX B**  
**EXCERPTS FROM FPPC REGULATIONS AS OF THE ADOPTION HEREOF**

(Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations.)

**§ 18700.3. Consultant, Public Official Who Manages Public Investments: Definitions.**

(a) For purposes of Sections 82019 and 82048, “consultant” means an individual who, pursuant to a contract with a state or local government agency:

(1) Makes a governmental decision whether to:

(A) Approve a rate, rule, or regulation;

(B) Adopt or enforce a law;

(C) Issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order, or similar authorization or entitlement;

(D) Authorize the agency to enter into, modify, or renew a contract provided it is the type of contract that requires agency approval;

(E) Grant agency approval to a contract that requires agency approval and to which the agency is a party, or to the specifications for such a contract;

(F) Grant agency approval to a plan, design, report, study, or similar item;

(G) Adopt, or grant agency approval of, policies, standards, or guidelines for the agency, or for any subdivision thereof; or

(2) Serves in a staff capacity with the agency and in that capacity participates in making a governmental decision as defined in Regulation 18704(a) and (b) or performs the same or substantially all the same duties for the agency that would otherwise be performed by an individual holding a position specified in the agency's Conflict of Interest Code under Section 87302.

(b) For purposes of Section 87200, the following definitions apply:

(1) “Other public officials who manage public investments” means:

(A) Members of boards and commissions, including pension and retirement boards or commissions, or of committees thereof, who exercise responsibility for the management of public investments;

(B) High-level officers and employees of public agencies who exercise primary responsibility for the management of public investments, such as chief or principal investment officers or chief financial managers. This category shall not include officers and employees who work under the supervision of the chief or principal investment officers or the chief financial managers; and

(C) Individuals who, pursuant to a contract with a state or local government agency, perform the same or substantially all the same functions that would otherwise be performed by the public officials described in subdivision (b)(1)(B).

(c) “Public investments” means the investment of public moneys in real estate, securities, or other economic interests for the production of revenue or other financial return.

(d) “Public moneys” means all moneys belonging to, received by, or held by, the state, or any city, county, town, district, or public agency therein, or by an officer thereof acting in his or her official capacity, and includes the proceeds of all bonds and other evidences of indebtedness, trust funds held by public pension and retirement systems, deferred compensation funds held for investment by public agencies, and public moneys held by a financial institution under a trust indenture to which a public agency is a party.

(e) “Management of public investments” means the following nonministerial functions: directing the investment of public moneys; formulating or approving investment policies; approving or establishing guidelines for asset allocations; or approving investment transactions.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 82019, 82048, 87100, 87200 and 87302, Government Code.

#### HISTORY

1. New section filed 6-22-2015; operative 7-22-2015. Submitted to OAL for filing and printing only pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2015, No. 26). For prior history, see Register 2015, No. 18.
2. Amendment of subsection (a)(2) filed 7-10-2015; operative 7-10-2015 pursuant to section 18312(e)(1)(A), title 2, California Code of Regulations. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2015, No. 28).

(Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations.)

**§ 18704. Making, Participating in Making, or Using or Attempting to Use Official Position to Influence a Government Decision, Defined.**

(a) Making a Decision. A public official makes a governmental decision if the official authorizes or directs any action, votes, appoints a person, obligates or commits his or her agency to any course of action, or enters into any contractual agreement on behalf of his or her agency.

(b) Participating in a Decision. A public official participates in a governmental decision if the official provides information, an opinion, or a recommendation for the purpose of affecting the decision without significant intervening substantive review.

(c) Using Official Position to Attempt to Influence a Decision. A public official uses his or her official position to influence a governmental decision if he or she:

(1) Contacts or appears before any official in his or her agency or in an agency subject to the authority or budgetary control of his or her agency for the purpose of affecting a decision; or

(2) Contacts or appears before any official in any other government agency for the purpose of affecting a decision, and the public official acts or purports to act within his or her authority or on behalf of his or her agency in making the contact.

(d) Exceptions. Making, participating in, or influencing a governmental decision does not include:

(1) Ministerial. Actions by a public official that are solely ministerial, secretarial, or clerical.

(2) Appearances as a Member of the General Public. An appearance by a public official as a member of the general public before an agency in the course of its prescribed governmental

function if the official is appearing on matters related solely to the his or her personal interests, including interests in:

(A) Real property owned entirely by the official, members of his or her immediate family, or the official and members of his or her immediate family;

(B) A business entity owned entirely by the official, members of his or her immediate family, or the official and members of his or her immediate family; or

(C) A business entity over which the official, members of his or her immediate family, or the official and members of his or her immediate family solely or jointly exercise full direction and control.

(3) Terms of Employment. Actions by a public official relating to his or her compensation or the terms or conditions of his or her employment or consulting contract. However, an official may not make a decision to appoint, hire, fire, promote, demote, or suspend without pay or take disciplinary action with financial sanction against the official or his or her immediate family, or set a salary for the official or his or her immediate family different from salaries paid to other employees of the government agency in the same job classification or position.

(4) Public Speaking. Communications by a public official to the general public or media.

(5) Academic Decisions.

(A) Teaching decisions, including an instructor's selection of books or other educational materials at his or her own school or institution, or other similar decisions incidental to teaching; or

(B) Decisions by a public official who has teaching or research responsibilities at an institution of higher education relating to his or her professional responsibilities, including



applying for funds, allocating resources, and all decisions relating to the manner or methodology with which his or her academic study or research will be conducted. This exception does not apply to a public official who has institution-wide administrative responsibilities as to the approval or review of academic study or research at the institution unrelated to his or her own work.

(6) Architectural and Engineering Documents.

(A) Drawings or submissions of an architectural, engineering, or similar nature prepared by a public official for a client to submit in a proceeding before the official's agency if:

- (i) The work is performed pursuant to the official's profession; and
- (ii) The official does not make any contact with the agency other than contact with agency staff concerning the process or evaluation of the documents prepared by the official.

(B) An official's appearance before a design or architectural review committee or similar body of which the official is a member to present drawings or submissions of an architectural, engineering, or similar nature prepared for a client if:

- (i) The review committee's sole function is to review architectural designs or engineering plans and to make recommendations to a planning commission or other agency;
- (ii) The review committee is required by law to include architects, engineers or persons in related professions, and the official was appointed to the body to fulfill this requirement; and
- (iii) The official is a sole practitioner.

(7) Additional Consulting Services: Recommendations by a consultant regarding additional services for which the consultant or consultant's employer would receive additional income if the agency has already contracted with the consultant, for an agreed upon price, to make recommendations concerning services of the type offered by the consultant or consultant's



employer and the consultant does not have any other economic interest, other than in the firm, that would be foreseeably and materially affected by the decision.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 87100, 87101 and 87302, Government Code.

#### HISTORY

1. Change without regulatory effect renumbering former section 18702 to section 18704, including amendment of section heading and section, filed 4-27-2015. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2015, No. 18). For prior history of section 18704, see Register 2015, No. 6.
2. Repealer and new section and amendment of Note filed 6-22-2015; operative 7-22-2015. Submitted to OAL for filing and printing only pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2015, No. 26).

(Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations.)

**§ 18707. Disqualification Requirements.**

(a) Public Officials under Section 87200. For recusal under Section 87105, all of the following apply when a public official who holds an office specified in Section 87200 has a financial interest in a decision within the meaning of Section 87100, and the governmental decision relates to an agenda item that is noticed for a meeting subject to the provisions of the Bagley-Keene Act (Section 11120 et seq.) or the Brown Act (Section 54950 et seq.):

(1) Content and Timing of Identification. Following the announcement of the agenda item to be discussed or voted upon but before either the discussion or vote commences, the public official must do all of the following:

(A) The public official must publicly identify each type of financial interest held by the official that is involved in the decision and gives rise to the disqualifying conflict of interest (i.e. investment, business position, interest in real property, personal financial effect, or the receipt or promise of income or gifts), and the following details identifying each financial interest:

- (i) If an investment, the name of the business entity in which each investment is held;
- (ii) If a business position, a general description of the business activity in which the business entity is engaged as well as the name of the business entity;
- (iii) If real property, the address or another indication of the location of the property, unless the property is the public official's principal or personal residence, in which case, identification that the property is a residence;
- (iv) If income or gifts, the identification of the source; and

(v) If personal financial effect, the identification of the expense, liability, asset or income affected.

(B) Form of Identification. If the governmental decision will be made during an open session of a public meeting, the public identification must be made orally and be made part of the official public record.

(C) Recusal and Leaving the Room. The public official must recuse himself or herself and leave the room after the identification required by this regulation is made. He or she will not be counted toward achieving a quorum while the item is discussed.

(2) Special Rules for Closed Session. If the governmental decision is made during a closed session of a public meeting, the public identification must be made orally during the open session before the body goes into closed session and may be limited to a declaration that his or her recusal is because of a conflict of interest under Section 87100. The declaration will be made part of the official public record. The public official must not be present when the decision is considered in closed session or knowingly obtain or review a recording or any other non-public information regarding the governmental decision.

(3) Exceptions:

(A) Uncontested Matters. The exception from leaving the room granted in Section 87105(a)(3) for a “matter [that] has been placed on the portion of the agenda reserved for uncontested matters” means agenda items on the consent calendar. If the public official has a financial interest in a matter that is on the consent calendar, the public official must comply with subdivisions (a)(1)(A) and (a)(1)(B) of this regulation, and recuse himself or herself from discussing or voting on that matter, but the public official is not required to leave the room during the consent calendar.

(B) Absence. If the public official is absent when the agenda item subject to subdivision (a) of this regulation is considered, there are no public identification duties on the public official for that item at that meeting.

(C) Speaking as a Member of the Public Regarding an Applicable Personal Interest. When a personal interest found in Regulation 18704(d)(2) is present, a public official may speak as a member of the general public if he or she complies with subdivisions (a)(1)(A) and (a)(1)(B) of this regulation, recuses himself or herself from voting on the matter and leaves the dais to speak from the same area as the members of the public. He or she may listen to the public discussion and deliberations of the matter with the members of the public.

(b) For All Other Public Officials. For recusal from any decision other than a decision under subdivision (a), all of the following apply:

(1) If a public official determines not to act because of his or her financial interest, the official's determination may be accompanied by an oral or written disclosure of the financial interest.

(2) When an official with a disqualifying conflict of interest abstains from making a governmental decision in an open session of the agency and the official remains on the dais or in his or her designated seat during deliberations of the governmental decision in which he or she is disqualified, his or her presence will not be counted toward achieving a quorum.

(3) During a closed meeting of the agency, a disqualified official must not be present when the decision is considered or knowingly obtain or review a recording or any other nonpublic information regarding the governmental decision.

(4) An agency may adopt a local rule requiring a disqualified official to step down from the dais or leave the chambers.

(c) Confidential Information. Nothing in the provisions of this regulation is intended to cause an agency or public official to make any disclosure that would reveal the confidences of a closed session or any other privileged information as contemplated by law including but not limited to the recognized privileges found in Regulation 18740.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 87100, 87101, 87105 and 87200, Government Code.

#### HISTORY

1. New section filed 6-22-2015; operative 7-22-2015. Submitted to OAL for filing and printing only pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2015, No. 26). For prior history, see Register 2015, No. 21.

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# Memorandum

6.1

1111 Broadway, Suite 800, Oakland, CA 94607

510.208.7400

www.AlamedaCTC.org

**DATE:** January 7, 2018

**TO:** I-680 Sunol Express Lane Joint Powers Authority

**FROM:** Ashley Tam, Associate Transportation Engineer  
Liz Rutman, Director of Express Lanes Implementation and Operations

**SUBJECT:** I-680 Sunol Southbound Express Lane (PN 1408.000): Operations Update

## Recommendation

This item is to provide an update on the Operation of the I-680 Southbound Express Lane. This item is for information only.

## Summary

The purpose of this item is to provide the I-680 Sunol Smart Carpool Lane Joint Powers Authority ("Sunol JPA") with a Monthly Operation Update of the existing I-680 Southbound Express Lane facility for October and November 2018. See Attachment A for express lane operation limits.

The October through November 2018 operations report indicates that the express lane facility continues to provide travel time savings and travel reliability along the corridor.

## Background

The I-680 Sunol Southbound Express Lane spans approximately 14 miles from SR 84 near Pleasanton to SR 237 in the City of Milpitas. Motorists using the express lane benefit from travel reliability as the express lane optimizes the corridor capacity by providing a choice to drivers: single occupancy vehicles (SOVs) have the option to pay a toll and travel within the express lane, while carpool, clean-air vehicles, motorcycles, and transit vehicles enjoy the benefits of toll-free travel in the express lane. The Alameda CTC, acting as the managing agency for the Sunol JPA, has been operating the express lane facility since it opened to traffic in September 2010. California Highway Patrol (CHP) officers provide enforcement services, and the California Department of Transportation (Caltrans) provides roadway maintenance services through reimbursable service agreements.

An All Electronic Toll (AET) collection method has been employed to collect tolls. Through June 2017, toll rates were calculated based on real-time traffic conditions (speed and

volume) in express and general purposes lanes evaluated every three minutes. Beginning July 1, 2017, in preparation for the construction of the new northbound express lane and conversion of the southbound lane to continuous access, a time-of-day pricing schedule has been in effect with rates changing as frequently as every 15 minutes. Due to a construction conflict with the existing southbound enforcement zone near Vargas Road, the gantry was decommissioned in October 2018. As a result, no traffic data is recorded at that site.

#### October-November 2018 Operations Update:

Nearly 162,000 express lane toll trips were recorded during operational hours in October and November. Table 1 summarizes the monthly and average daily toll trips during the operational hours in October and November. All express lane users typically experience higher speeds and lesser lane densities than the general purpose lanes. Lane density is measured by the number of vehicles per mile per lane and reported as Level of Service (LOS). LOS is a measure of freeway performance based on vehicle maneuverability and driver comfort levels, graded on a scale of A (best) through F (worst).

Table 2 summarizes the express lane speed and LOS at three points in the corridor during the morning commute hours in October and November. Although comprehensive traffic data is not currently available, daily observation of the corridor via closed circuit television cameras suggests that the express lane continually provides higher speeds and better LOS than the general purpose lanes, particularly during peak commute hours.

Table 1. Toll Trips in Express Lane

Month	Total Monthly Toll Trips	Average Daily Toll Trips
October	89,000	3,900
November	73,000	3,700

Table 2. Speeds and Level of Service in Express Lane  
Morning Commute

Express Lane Location	5 AM – 11 AM		8 AM – 9 AM	
	Avg Speed (mph)	Avg Express Lane LOS	Avg Speed (mph)	Avg Express Lane LOS
Andrade Rd	68	C	63	C
Washington Blvd	62	C	44	E
Mission Blvd SR 262	73	B	70	B

Table 3 presents the maximum posted toll rate to travel the entire southbound express lane corridor and the average toll assessed to non-HOV users.



Table 3. Toll Rate Data

Month	Maximum Posted Toll (Travel Entire Corridor)	Average Assessed Toll (All Trips)
October	\$9.50	\$3.21
November	\$9.50	\$3.10

The estimated gross revenue generated from the I-680 Sunol express lane thus far in Fiscal Year 2018-19 is \$1.23 million, while the pro-rated forecast operation budget is \$1.08 million.

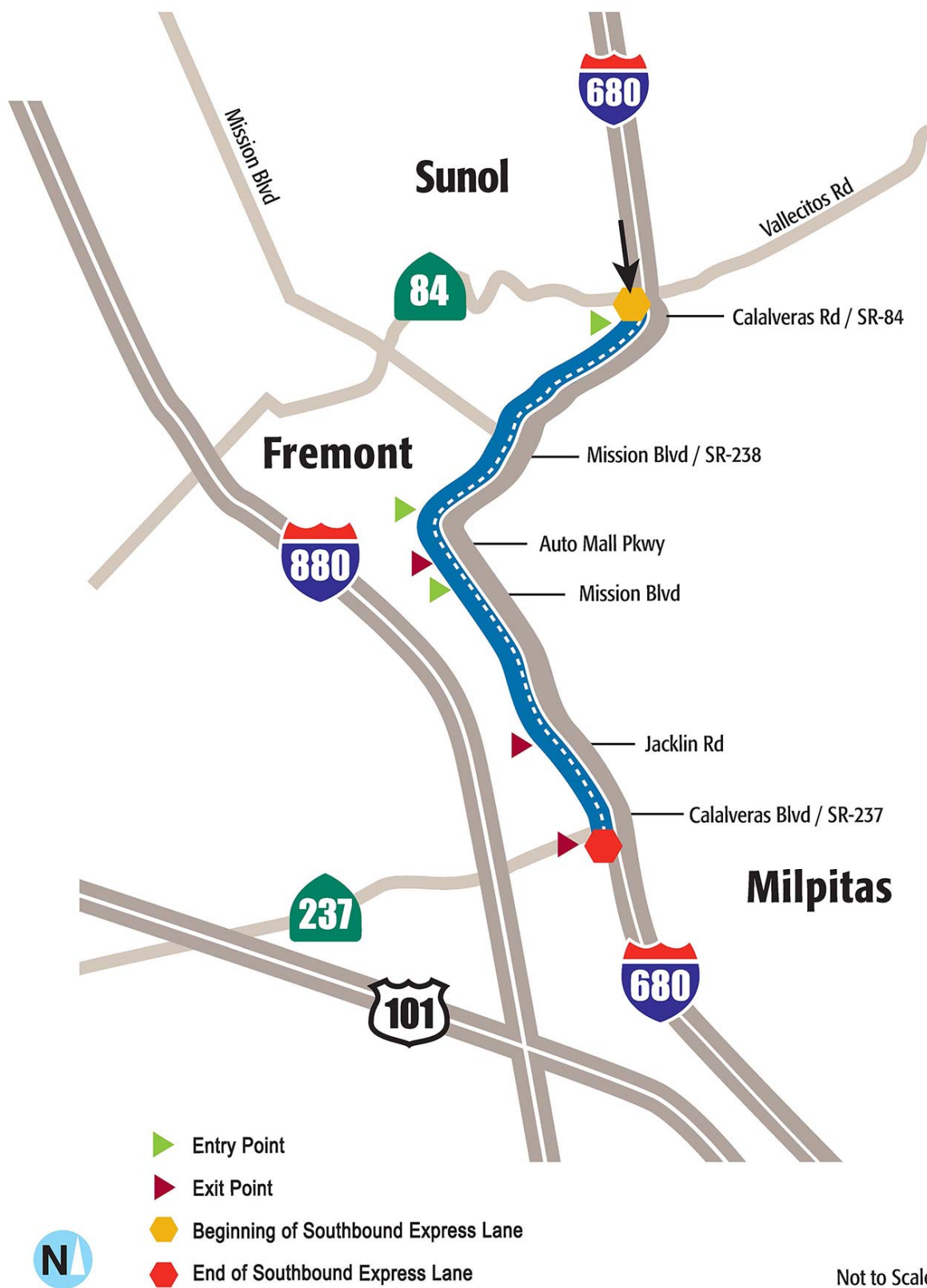
**Fiscal Impact:** There is no fiscal impact associated with the requested action.

**Attachment:**

- A. I-680 Southbound Express Lane Location Map

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## Sunol I-680 Southbound Express Lane Location Map



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# Memorandum

6.2

1111 Broadway, Suite 800, Oakland, CA 94607

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• www.AlamedaCTC.org

**DATE:** January 7 ,2019

**TO:** I-680 Sunol Express Lane Joint Powers Authority

**FROM:** Liz Rutman, Director of Express Lanes Implementation and Operations

**SUBJECT:** I-680 Tolling Overview

## Recommendation

Receive an informational presentation on the I-680 Express Lanes tolling policies and operations. This item is for information only.

## Summary

This is an informational item on the I-680 Express Lanes tolling policies and pricing procedures. Section 149.5 of California Streets and Highway Code authorizes the Sunol JPA, the administrative agency of I-680 Sunol Express Lanes, to adopt a fee structure to manage traffic congestion. The Sunol JPA approved a set of Business Rules, including tolling policy statements, in June/July 2010. Toll rates were dynamically priced based on real-time traffic conditions to optimize the use of existing roadway capacity until July 2017, at which time a static time-of-day pricing scheme was enacted for the duration of the express lane construction activities. Dynamic pricing will resume with the new toll system goes live in 2020.

## Background

The I-680 Sunol Southbound (SB) Express Lane spans approximately 14 miles from SR 84 near Pleasanton to SR 237 in the City of Milpitas. An All Electronic Toll (AET) collection method is used to collect tolls by means of FasTrak® transponders. Toll rates were calculated based on real-time traffic conditions (speed and volume) in express and general purposes lanes and could change as frequently as every three minutes until July 2017 when a static time-of-day pricing scheme was implemented. The static pricing can change as frequently as every 15 minutes, and there are separate schedules for Monday, Tuesday – Thursday, and Friday. The new toll system currently under construction will implement dynamic pricing when operations begin in 2020.

Although California Streets and Highways Code section 149.5 authorized the Sunol JPA to conduct, administer, and operate a value pricing high-occupancy vehicle program (Express Lane) on I-680, it was necessary for the Commission to adopt business rules and tolling policies prior to opening the lanes to traffic in September 2010. These policies provided guidance for the facility and toll system design and encompassed the following major design concepts:

- Limited access
- Zone tolling
- Dynamic pricing
- Trip building and toll collection
- Enforcement

Between May and July 2010, the Sunol JPA adopted a Business Rules and Toll Policy that established tolling parameters as shown in the table below. The original I-680 Express Lanes Policy and Business Rules Matrix adopted in 2010 is provided in Attachment A.

Item	Policy	Description
Minimum toll rate**	<ul style="list-style-type: none"> <li>• AM Peak Period (5 am to 10 am) Minimum Toll of \$1.00*</li> <li>• Non-AM Peak Period (10 am – 3 pm) Minimum Toll of \$0.30</li> </ul>	<ul style="list-style-type: none"> <li>• Staff will implement the toll rate and toll plan that will optimize the operations of the facility within constraints approved by JPA</li> </ul>
Maximum toll rate	<ul style="list-style-type: none"> <li>• No Maximum Toll Established</li> <li>• Maximum Toll Price for Algorithm Calculations only \$15.00</li> </ul>	<ul style="list-style-type: none"> <li>• Staff to have flexibility to raise toll as needed to manage traffic flow</li> <li>• Maximum Incremental Toll Increase of \$5.00</li> </ul>
Toll Waiver/ Reduction		<p>Under normal circumstances the tolls should not be reduced for any reason; however there is potential for instances when a reduction or waiver could be authorized. These include:</p> <ul style="list-style-type: none"> <li>• Incidents that cause delays and affect travel time</li> <li>• Lane closures and interruption of services</li> <li>• Equipment failures that cause confusion to motorists</li> <li>• Vehicle breakdowns in the EL</li> </ul>

\* Reduced to \$0.30 effective April 11, 2011, as an allowed but not required minimum.

\*\* Increased to \$0.50 effective January 1, 2017 after evaluation of operating costs associated with processing tolls.

Hours of operation and occupancy requirements for toll-free travel are proposed by Sunol JPA but approved by the Managed Lane Committee, which is comprised of Caltrans, the Metropolitan Transportation Commission (MTC), and the California Highway Patrol (CHP). The I-680 Sunol SB Express Lane operates Monday through Friday from 5:00 am to 8:00 pm.

At inception, the facility was established as "HOV2+", meaning all high-occupancy vehicles (HOVs) with two or more occupants, transit vehicles, and motorcycles are permitted toll-free use of the I-680 SB Express Lane. In addition, clean-air-vehicles (CAVs) eligible to use HOV lanes per California law are currently permitted to use the I-680 Sunol SB Express Lane for free.

Staff evaluate the I-680 Sunol SB Express Lane periodically to assess if it is meeting federal and state performance requirements, as well as providing speed and level of services (LOS) benefits over the general purpose lanes. The Federal Highway Administration considers an express or HOV lane degraded if the average traffic speed during the morning or evening weekday peak commute hours is less than 45 miles per hour for more than 10 percent of the time over a consecutive 180 day period. Caltrans mandates that express lanes maintain LOS C or better, though small periods of LOS D are permitted. The heat maps for speed and LOS (measured as density) that staff have prepared for the monthly status updates reflect a portion of this evaluation.

Pricing is one tool used to help express lanes meet desired performance metrics. When demand for the express lane increases beyond the free flow capacity of the lane, speed will start to decrease and LOS degrades. When implemented, a dynamic pricing algorithm used by the toll system evaluates the speeds and traffic volumes in the express and general purpose lanes at regular intervals and adjusts the toll rates to achieve desired parameters, but the pricing may be constrained by preset parameters such as caps on the rate change from one time period to the next or limits on the minimum or maximum toll rates. To ensure the dynamic pricing algorithm does not escalate rates unchecked, staff implement a "soft cap" on the rates for each zone and for the entire corridor. This allows the dynamic pricing algorithm to calculate prices exceeding this cap but the system cannot charge users more than the capped amount. The current static time-of-day pricing is based on the historic rates implemented by the dynamically priced system. The maximum toll rate for the I-680 Sunol SB Express Lane, which is the toll rate to travel the entire length of the corridor, is currently \$9.50, though on Mondays the maximum is \$6.25 and Fridays it is just \$4.00. When evaluation of the express lane performance shows sustained degradation over time, staff evaluates static rate plan and proposes modifications to the Executive Director to improve performance of the express lane.

Failure to meet federal, state, or owner-desired performance requirements may necessitate modifications to non-pricing policies. Some Bay Area Express Lanes are evaluating requiring three occupants per vehicle for toll-free travel (HOV3+) while providing a partial discount toll rate to HOV2 users. All California toll operators are evaluating modifying their CAV policies to provide for a partial discount rather than toll-free travel.

The I-680 Sunol Express Lanes Project currently under construction will result in a new northbound express lane and convert the majority of the existing southbound express lane from limited to continuous access. The new toll system will slightly modify the current

southbound toll zones to create three consecutive zones; the northbound direction is proposed to have two toll zones. Attachment B shows the current and proposed toll zone maps. The presentation of this item will provide additional details regarding toll rates for the I-680 Express Lanes.

**Fiscal Impact:** There is no fiscal impact associated with the requested action.

**Attachments:**

- A. I-680 Express Lanes Policy and Business Rules Matrix (June 2010)
- B. I-680 Corridor Express Lane Toll Zone Maps



## I-680 Express Lanes Policy and Business Rules Matrix

June 14, 2010  
Agenda Item A.6

Item No.	Area	Subject	Action/Policy Adopted by the Board	Date Adopted	Business Rule delegated to Executive Director	Detailed Description
1	Tolling Policy	Hours of Operation	✓	Feb 2010		Monday thru Friday 5 am to 8 pm
2	Tolling Policy	Min and Max Toll Price	✓	<i>Scheduled for July 2010</i>		
2.a	Tolling Policy	Min and Max Toll Price			✓	Staff will implement the toll rate and toll plan that will optimize the operations of the facility within constraints approved by JPA
3	Tolling Policy	Incremental Toll Increase	✓	<i>Scheduled for July 2010</i>		Recommended incremental toll rate range: \$2 - \$5
3.a	Tolling Policy	Incremental Toll Increase			✓	Actual incremental toll rate will be implemented by staff. Rate is within the approved range.
4	Tolling Policy	Implementation of Specific Toll Plans			✓	Staff will implement the plan that will optimize the operations of the facility with parameters set by the Board.
5	Agreements	BATA Interface, customer service	✓	Jan 2010		Board Authorized ED to negotiate reimbursement agreement with BATA for processing FasTrak transactions, provide customer service and interface with TDC.
5.a	Agreements	BATA Interface, customer Service		Jan 2010	✓	Staff to negotiate the cost per transaction, additional fees, customer services needs and the process to handle customer inquiries.
6	Agreements	CHP Enforcement	✓	Jan 2010		Board authorized ED to negotiate a reimbursement agreement w/ budgeted amount.
6.a	Agreements	CHP Enforcement		Jan 2010	✓	Staff will coordinate with CHP to determine the number of officers and hours/days of enforcement

# **I-680 Express Lanes Policy and Business Rules Matrix**

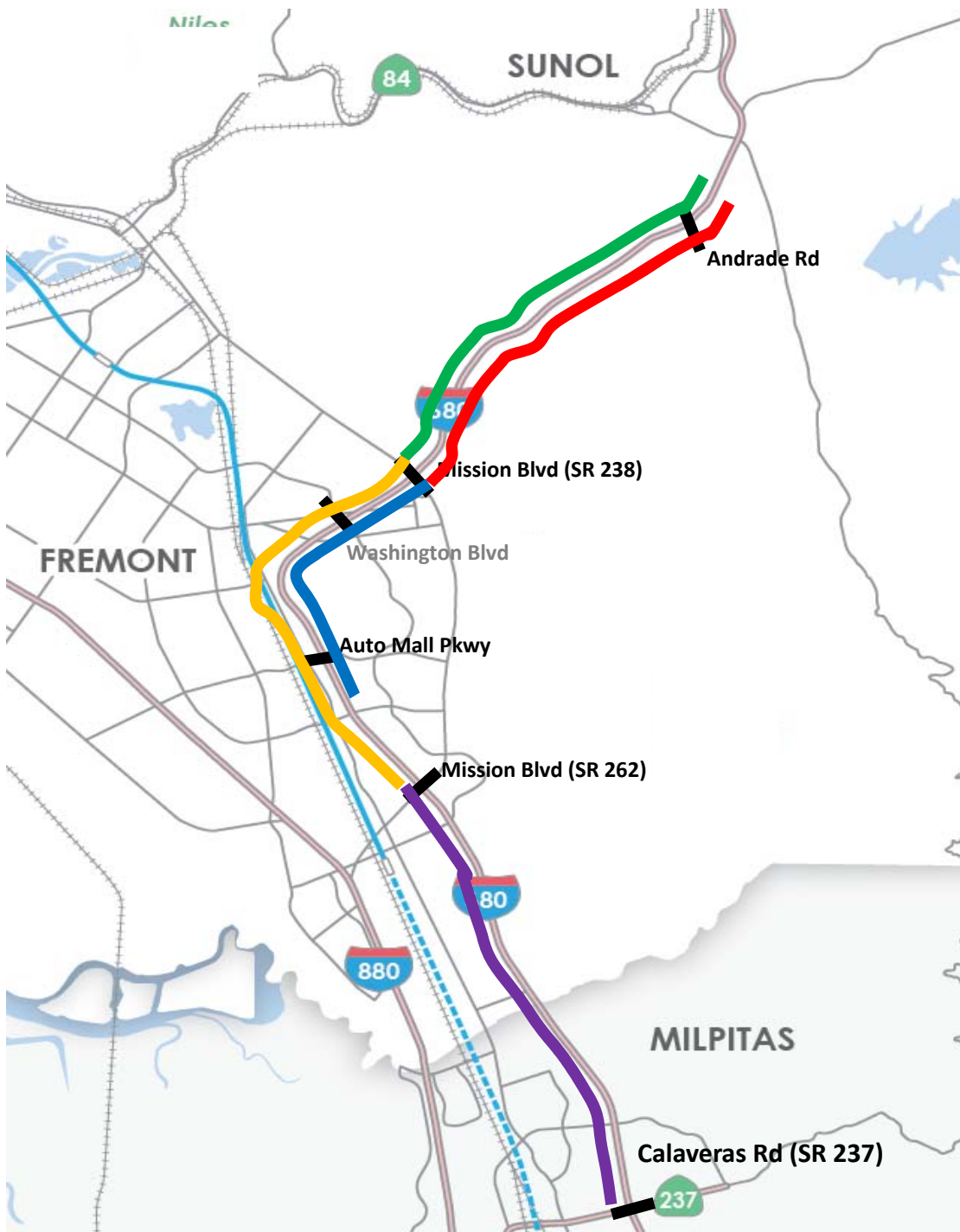
**June 14, 2010  
Agenda Item A.6**

<b>Item No.</b>	<b>Area</b>	<b>Subject</b>	<b>Policy Adopted by the Board</b>	<b>Date Adopted</b>	<b>Business Rule delegated to Executive Director</b>	<b>Detailed Description</b>
7	Agreements	Caltrans JUMA Maintenance	✓	Jan 2010		Authorized ED to execute JUMA and to negotiate agreement within budgeted amount
7.a	Agreements	Caltrans JUMA Maintenance			✓	Staff will outline the need for Preventive Maintenance, routine maintenance, the frequency, number of maintenance crews, and performance measures.
8	Financial	Toll Waivers and Reductions	✓	May 2010		Under normal circumstances the tolls should not be reduced for any reason; however there is potential for instances when a reduction or waiver could be authorized. These include: <ul style="list-style-type: none"> <li>• Incidents that cause delays and affect travel time.</li> <li>• Lane closures and interruption of services</li> <li>• Equipment failures that cause confusion to motorists</li> <li>• Vehicle breakdowns in the EL.</li> </ul>
8.a	Financial	Toll Waivers and Reduction			✓	Customer service representatives will follow JPA guidance, exceptions may be considered on a case by case basis.
9	Financial	Revenue Reconciliation	✓	July 2010		Board to review sample reports in July.
10	Financial	Loss of Revenue in Case of Major Events	✓	July 2010		Board to review process in July. Policy will address revenue lost due to contractor related issues. Revenue lost from accidents on the roadway and other un-foreseen events.
11	Marketing	Marketing Plan & Materials approve approved by Board	✓	February 2010		

## Current I-680 Sunol SB EL Toll Zone Map



# Proposed Future I-680 Sunol EL Toll Zone Map





# Memorandum

6.3

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www.AlamedaCTC.org

**DATE:** January 7, 2019

**TO:** I-680 Sunol Express Lane Joint Powers Authority

**FROM:** Trinity Nguyen, Director of Project Delivery  
Liz Rutman, Director of Express Lanes Implementation and Operations

**SUBJECT:** I-680 Sunol Express Lanes (PN 1369.000): Monthly Status Update

## Recommendation

This item is to provide the Authority with an update on the status of I-680 Sunol Express Lanes – Phase 1 project. This item is for information only.

## Summary

The Interstate 680 (I-680) Sunol Express Lanes (EL) Project will provide enhanced mobility for motorists in both the northbound and southbound directions as a combination of two projects, the I-680 Express Lanes (EL) project and the I-680 Southbound Conversion Project. The I-680 Sunol EL project will widen I-680 from SR 237 in Santa Clara County to SR 84 in Alameda County to construct a 14-mile long northbound High Occupancy Vehicle (HOV)/Express Lane in the corridor. The project is being implemented in a phased approach focused on providing immediate operational benefits based on funding availability. The I-680 Sunol Express Lane - Phase 1 (Phase 1) project, constructs an initial 9-mile HOV/Express Lane segment on northbound I-680 between south of Auto Mall Parkway and SR 84. The I-680 Southbound Access Conversion project will convert the existing southbound controlled access tolling configuration to an open access configuration to provide consistency with the new northbound express lane. This conversion has been incorporated into the northbound Phase 1 project.

The purpose of this item is to provide the Commission with a monthly status update on the project development and implementation activities which are either completed or planned for the Phase 1 project.

## Background

The I-680 Sunol Express Lanes project will widen northbound I-680 from SR 237 in Santa Clara County to SR 84 in Alameda County to construct a 14-mile long northbound

HOV/Express Lane in the corridor. The project will provide a number of benefits including: 1) enhanced mobility by reducing traffic congestion; 2) reduced travel time and improved travel reliability; and 3) reduced congestion related accidents, thereby enhancing safety. The Express Lane facility will maximize available HOV lane capacity by offering solo drivers the choice to pay an electronic toll to access the lane, while regular carpool/carpool eligible users continue to use the lane at no cost. The Phase 1 project will provide an initial 9-mile segment of new HOV/Express Lane from south of Auto Mall Parkway to SR 84 to eliminate the bottlenecks and alleviate much of the daily traffic congestion.

The I-680 Southbound Express Lane was opened to traffic in September 2010 as a controlled access facility. To be consistent with the new northbound express lane and provide enhanced accessibility for users, the southbound direction will be converted to an open access configuration in conjunction with the Phase 1 project.

The Project Approval and Environmental Document (PA&ED) for the overall project was completed in July 2015. In December 2015, WMH Corporation was selected to prepare the civil design and will continue to provide design support during construction (DSDC). In June 2016, Kapsch TrafficCom Transportation NA, Inc. was selected to provide Toll System Integration Services. In November 2017, Bay Cities Paving & Grading Inc. was awarded the civil construction contract.

Alameda CTC, in partnership with Caltrans, is the implementing agency for preliminary engineering, environmental studies, design, right-of-way acquisition, and utility relocation. For the construction phase, Alameda CTC is the project sponsor and Caltrans is the implementing agency to administer the construction of the Phase 1 project. Attachment A, I-680 Sunol Express Lanes Progress Update, provides the current implementation schedule and delivery milestones.

The approved Environmental Document and Project Report (PA&ED documents) included studies and analysis for construction of both the full project limits (SR 237 to SR 84) and an initial segment (south of Auto Mall Parkway to SR 84). The initial segment (Phase 1 project) is focused on providing immediate operational benefits within currently available funding. During development of the Phase 1 project, staff identified and implemented several geometric refinements to reduce costs and minimize environmental impacts.

In the interest of expediting important improvements for the public, Alameda CTC and Caltrans have agreed to incorporate a pavement rehabilitation project into the Phase 1 project.

Civil construction began on March 5, 2018 after the approval of the required initial submittals. The following is a detailed discussion of work in progress and/or upcoming major tasks.

#### **Recently Completed Project activities in Late 2018**

- Sheridan Road Overcrossing Bridge deck completed

## Upcoming Project Activities

- Visible work activities for the three months ahead will include:
  - Continue construction of PG&E pedestals
  - Continue progress on the widening at Calaveras Bridge; superstructure work underway.
  - Continue progress on the retaining wall on northbound I-680 between Paseo Padre Parkway and Palm Avenue (Approximately 1,012 feet long).
  - Continue progress on the retaining wall on northbound I-680 between Vargas Road and Sheridan Road off-ramps (Approximately 2,897 feet long).
  - Continue progress at the Sheridan Road Overcrossing Bridge replacement; superstructure work underway.
  - Continue progress for retaining wall (Approximately 1,606 feet long) along northbound I-680 from north of the Alameda Creek Bridge Undercrossing to the Calaveras Road off-ramp
  - Continue placement for median lights in Segment A
  - Continue progress for completion of median barrier in Segment A
  - Construction of Overhead sign foundations in the median starting from the southern end of the project and proceeding northerly and removal of median toll signs.
- Preliminary tolling zone configuration and associated signing locations determined. Continue to finalize configuration of tolling facility (on-going).
- Continue preliminary toll system design and coordinate with civil design for construction staging/sequencing (on-going).
- Continue to coordinate with PG&E, AT&T and Comcast regarding power and communication service connection needs (on-going).

**Fiscal Impact:** There is no fiscal impact associated with the requested action.

### Attachment:

- A. I-680 Sunol Express Lanes Progress Update

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# I-680 Sunol Express Lanes

Progress Update: January 2019

