



I-680 Sunol Express Lane Joint Powers Authority Meeting Agenda Monday, July 13, 2020, 9:00 a.m.

Due to the statewide stay at home order and the Alameda County Shelter in Place Order, and pursuant to the Executive Order issued by Governor Gavin Newsom (Executive Order N-29-20), the Commission will not be convening at its Commission Room but will instead move to a remote meeting.

Members of the public wishing to submit a public comment may do so by emailing the Clerk of the Commission at vlee@alamedactc.org by 5:00 p.m. the day before the scheduled meeting. Submitted comments will be read aloud to the Commission and those listening telephonically or electronically; if the comments are more than three minutes in length the comments will be summarized. Members of the public may also make comments during the meeting by using Zoom's "Raise Hand" feature on their phone, tablet or other device during the relevant agenda item, and waiting to be recognized by the Chair. If calling into the meeting from a telephone, you can use "Star (*) 9" to raise/ lower your hand. Comments will generally be limited to three minutes in length.

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

Executive Director: Tess Lengyel
Staff Liaison: [Gary Huisingh](#)
Clerk of the Commission: [Vanessa Lee](#)

Location Information:

Virtual Meeting Information: <https://zoom.us/j/99828936584?pwd=cHl4NjJscm1qUkQ0MGZpejJxYklGQT09>
Webinar ID: 998 2893 6584
Password: 726500

For Public Access
Dial-in Information: (669) 900-6833
Webinar ID: 998 2893 6584
Password: 726500

To request accommodation or assistance to participate in this meeting, please contact Vanessa Lee, the Clerk of the Commission, at least 48 hours prior to the meeting date at: vlee@alamedactc.org

1. Call to Order

2. Roll Call

3. Public Comment

4. Consent Calendar

Page/Action

- | | | | |
|------|--|---|---|
| 4.1. | Approve the May 11, 2020 I-680 Sunol Smart Carpool Lane Joint Powers Authority (JPA) Meeting Minutes | 1 | A |
| 4.2. | I-680 Sunol Express Lanes from SR 262 to SR 84 Construction Status Update | 5 | I |

5. Regular Matters

- | | | | |
|------|--|----|---|
| 5.1. | Adoption of Toll Policies for the I-680 Sunol Express Lanes | 11 | A |
| 5.2. | Introduction of the I-680 Sunol Express Lanes Toll Enforcement Ordinance | 21 | A |

6. Committee Member Reports

7. Staff Reports

8. Adjournment

Next Meeting: Monday, September 14, 2020

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, submit an email to the clerk or use the Raise Hand feature or if you are calling by telephone press *9 prior to or during the Public Comment section of the agenda. Generally public comments will be limited to 3 minutes.
- 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.
- 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 Schedule of Upcoming Meetings July 2020 and September 2020

Commission Chair

Mayor Pauline Russo Cutter
City of San Leandro

Commission Vice Chair

Councilmember John Bauters
City of Emeryville

AC Transit

Board Vice President Elsa Ortiz

Alameda County

Supervisor Scott Haggerty, District 1
Supervisor Richard Valle, District 2
Supervisor Wilma Chan, District 3
Supervisor Nate Miley, District 4
Supervisor Keith Carson, District 5

BART

Director Rebecca Saltzman

City of Alameda

Mayor Marilyn Ezzy Ashcraft

City of Albany

Mayor Nick Pilch

City of Berkeley

Mayor Jesse Arreguin

City of Dublin

Mayor David Haubert

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 Sheng Thao

City of Piedmont

Mayor Robert McBain

City of Pleasanton

Mayor Jerry Thorne

City of Union City

Mayor Carol Dutra-Vemaci

Executive Director

Tess Lengyel

Commission and Committee Meetings

Time	Description	Date
2:00 p.m.	Alameda CTC Commission Meeting	July 23, 2020 September 24, 2020
9:00 a.m.	I-680 Sunol Smart Carpool Lane JPA (I-680)	September 14, 2020
9:30 a.m.	Finance and Administration Committee (FAC)	
10:00 a.m.	Programs and Projects Committee (PPC)	
11:30 a.m.	Planning, Policy and Legislation Committee (PPLC)	

Advisory Committee Meetings

5:30 p.m.	Independent Watchdog Committee (IWC)	July 13, 2020
9:30 a.m.	Paratransit Technical Advisory Committee (ParaTAC)	September 8, 2020
1:30 p.m.	Alameda County Technical Advisory Committee (ACTAC)	September 10, 2020
1:30 p.m.	Paratransit Advisory and Planning Committee (PAPCO)	September 28, 2020

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). Meetings subject to change.

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1. Call to Order/Pledge of Allegiance

2. Roll Call

A roll call was conducted. All members were present with the exception of Commissioners Haggerty and Mei.

Subsequent to roll call:

Commissioner Haggerty arrived during item 3. Commissioner Mei arrived during item 5.1.

Tess Lengyel stated that Vanessa Lee, Clerk of the Commission will handle the remote procedural actions during the meeting which includes managing questions. She noted that public comments should be submitted via email to Vanessa Lee at vlee@alamedactc.org.

3. Public Comment

There were no public comments.

4. Consent Calendar

4.1. Approve the February 10, 2020 I-680 Sunol Smart Carpool Lane Joint Powers Authority (JPA) Meeting Minutes

4.2. Receive the 2019 I-680 Sunol SMART Carpool Lane JPA Annual Report

4.3. I-680 Southbound Express Lane from SR 237 to SR 84 Operations Update

4.4. I-680 Sunol Express Lanes from SR 262 to SR 84 Construction Status Update

4.5. Approve the I-680 Sunol Smart Carpool Lane FY19-20 Third Quarter Financial Report

Commissioner Haubert moved to approve the Consent Calendar. Commissioner Thorne seconded the motion. The motion passed with the following roll call votes:

Yes: Haggerty, Haubert, Hendricks, Thorne

No: None

Abstain: None

Absent: Mei

5. Regular Matters

5.1 Approve the Sunol JPA Proposed FY2020-21 Budget

Patricia Reavey recommended that the Authority approve the I-680 Sunol Smart Carpool Lane Proposed budget for FY2020-21. She noted that the proposed budget is aligned with the core function of the agency, as defined in enabling legislation, to operate a toll lane along Interstate 680. Ms. Reavey stated that the proposed Sunol Smart Carpool Lane FY2020-21 budget reflects an operating deficit due to a reduction in projected revenues related to the expected impacts of the COVID-19 pandemic and resulting Shelter in Place Order. The deficit requires use of the entire unrestricted fund balance and some operations risk reserves which were set aside

cumulatively through FY2019-20 for incidents such as this. Ms. Reavey reviewed the proposed budget in detail, stating that there is a revenue projection of \$2.17 million, and an expense budget of \$3.77 million. These expenses reflect a 48.9 percent increase due to the inclusion of costs for the North Bound Express Lane system scheduled to begin operations in FY2020-21. The reserves for maintenance in net position increased by \$1 million in the proposed budget; and the budget also requires the use of \$372,369 of operational risk reserves in net position. There are no capital projects planned for the Sunol Smart Carpool Lane during FY2020-21. In summary, Ms. Reavey stated that the proposed budget has a beginning net position of \$6.93 million, with revenues in the amount of \$2.17 million and expenses in the amount of \$3.77 million, for a net decrease in net position of \$1.60 million. The net position is comprised of: Maintenance reserves of \$2.5 million, operational risk reserves of \$1.62 million, and funds invested in capital assets of \$1.21 million, for a total projected ending net position of \$5.33 million.

Commissioner Haggerty asked if Alameda CTC will release revenues to the Livermore Amador Valley Transit Authority for express buses in that corridor. Tess Lengyel stated that the legislation that authorized the I-580 and I-680 express lanes requires that net revenue be reinvested into the corridor and includes transit as an allowable investment. Ms. Lengyel noted that Alameda CTC is working with partner agencies to look at express bus service along the I-680 corridor and staff will bring net revenue investment recommendations to the Authority through an Expenditure Plan.

Commissioner Haggerty asked when an expenditure plan will be developed. Ms. Lengyel said staff will bring the expenditure plan to the Authority approximately one year after the new northbound lanes are operational.

Commissioner Hendricks asked if there were any changes or reduction to expenses during this period. Liz Rutman stated that during the current year the express lanes experienced a reduction in revenues related to the shelter in place order due to COVID-19 of approximately \$230,000 per month, though some losses were offset by corresponding expenditures not incurred for revenue collection and CHP enforcement.

Commissioner Hendricks asked what staff can do to reduce expenses so that reserves are not used. Ms. Rutman said staff is being conservative on revenue projections; however, staff doesn't want to be too conservative on expense projections. She stated that there are many fixed expenses that the agency is committed to, such as Toll System Integrator expenses to maintain the lanes and CHP enforcement once operations resume.

Commissioner Hendricks suggested that less money be put aside for maintenance and operational risk reserves. Ms. Reavey stated that the amount designated for operational and maintenance reserves is required for maintenance on the express lane.

Commissioner Hendricks asked what the Authority can do to limit the use of reserves during the current health crisis. Ms. Lengyel said that staff is coordinating with partner

agencies to review projections for when traffic patterns will return to normal in the express lanes and will bring an adjusted budget to the Authority when appropriate.

Commissioner Haggerty suggested that Alameda CTC suspend CHP enforcement during this time and he noted that the Metropolitan Transportation Commission (MTC) suspended their contract with the CHP. Ms. Rutman stated that neither Alameda CTC, MTC, nor Santa Clara Valley Transportation Authority are spending funds on enforcement during this time. Alameda CTC will reactivate the toll lanes soon, and a contract amendment to extend the contract with the CHP will be needed at that time.

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

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

5.2. Approve Amendment No. 6 to Agreement with California Highway Patrol for I-680 Sunol Express Lanes Enforcement Services

Liz Rutman recommended that the Authority approve and authorize the Executive Director to execute Amendment No. 6 to Agreement 10R390000 with the California Highway Patrol to extend the term of the agreement for three years with an additional budget of \$2,460,000 for a total not-to exceed amount of \$4,960,000 for I-680 Sunol Express Lanes Enforcement Services.

Commissioner Haggerty asked if an action to formally suspend the payment to CHP during this time is needed. Ms. Lengyel said that CHP services and payments are suspended by virtue of the structure of the contract.

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

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

6. Committee Member Report

There were no committee reports.

7. Staff Reports

There were no staff reports.

8. Adjournment/ Next Meeting

The next meeting is:

Date/Time: Monday, July 13, 2020 at 9:00 a.m.

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DATE: July 6, 2020

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 from SR 262 to SR 84 Construction Status Update

Recommendation

This item is to provide the Authority with an update on the status of I-680 Sunol Express Lanes – Phase 1 construction 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 project (Phase 1), 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 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. 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 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. To date, the contractor has achieved 80% progress on various bid items at various locations. The following is a detailed discussion of work in progress and/or upcoming major tasks.

Recently Completed Project activities (June 2020):

- Drainage System near Sheridan is complete
- Retaining walls on I-680 NB near Paseo Padre Parkway and the Alameda Creek Bridge are complete.
- Barrier Rail in Segment C is complete.

Upcoming Project Activities:

- Visible work activities for the three months ahead will include:
 - Continue construction of PG&E connection
 - Continue installing electronic toll system cabinets
 - Paving in Segment C
- Traffic switch near Sheridan Bridge
- Demolition and reconstruction median barrier near Sheridan Bridge
- Precast concrete panel installation on I-680 NB
- Continue LED panel installation and toll equipment on Overhead Sign Structures
- Continue coordination between CM team and Toll System Integrator for construction staging/sequencing (on-going).
- Continue to coordinate with PG&E, AT&T and Telco regarding power and communication service connection needs (on-going).

Schedule: COVID-19 Discussion and Impacts:

A Shelter-In-Place Order (Order) has been in effect in Alameda County since March 16, 2020 and includes restrictions on the type of businesses that can operate and how the operations are to be conducted. The current SIP order is revised and effective June 18, 2020.

Caltrans is administering the civil work contract and has deemed this work as essential and has continued construction of the project under COVID-19 precautions. A COVID-19 Third-Party Jobsite Safety Accountability Supervisor has been brought on board to ensure as much as possible can be done to limit the risk of the spread of COVID-19 during construction.

There has been significant benefit to the paving operations, for which, due to lighter than usual volume of traffic, Caltrans allowed longer traffic closures. As a result, it is anticipated that the NB lane will be completed by late October 2020.

The Toll System Integrator commenced its field operations in early June and is continuing on while complying with the Order. The toll system integration testing work is the controlling activity for the start of toll operations and the tolling software is scheduled to be available in February 2021. The final testing and tuning will take two months to complete. Staff is working with Caltrans to develop an acceptable strategy to operate the lanes as HOV Only until toll collection begins.

With the current reduction in traffic along the corridor and usage of the SB Express Lane, there is an opportunity to advance the paving and striping necessary to convert the existing SB lane from controlled access to open access. Staff has initiated discussions with Caltrans to better understand the cost and traffic impact associated with the option of completing the SB paving and striping work in 2020.

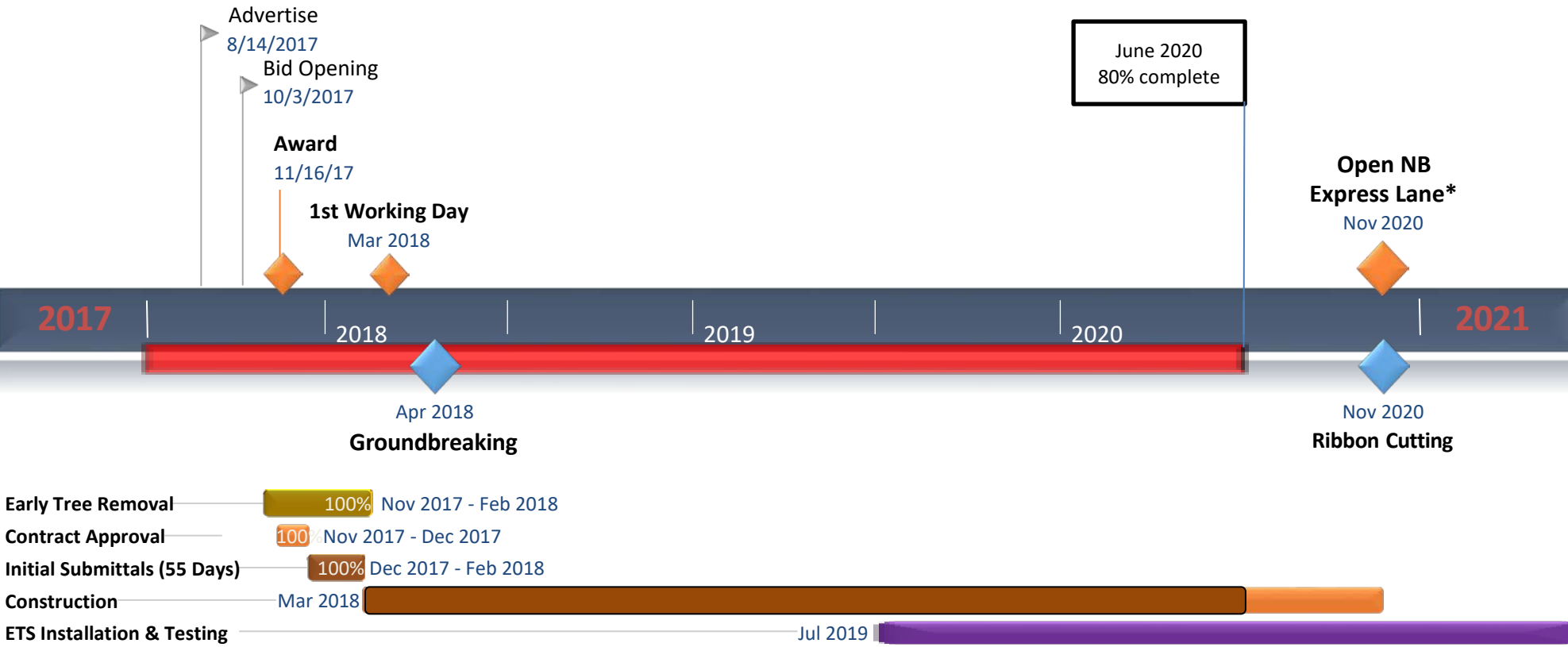
Fiscal Impact: There is no fiscal impact. This is an information item only.

Attachment:

- A. I-680 Sunol Express Lanes Progress Update

Sunol Express Lanes from SR 262 to SR 84

Progress Update: June 2020



* HOV Only Operations

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DATE: July 6, 2020

TO: I-680 Sunol Express Lane Joint Powers Authority

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

SUBJECT: Adoption of Toll Policies for the I-680 Sunol Express Lanes

Recommendation

It is recommended that the Authority adopt toll policies necessary to implement and operate the new I-680 Sunol Express Lanes toll system.

Summary

Section 149.5 of California Streets and Highway Code authorizes the Authority, the administrative agency of I-680 Sunol Express Lanes, to conduct, administer, and operate a value pricing high-occupancy vehicle (HOV) program on I-680. The Authority approved a set of tolling policies in June/July 2010 for the I-680 Sunol Southbound Express Lane (EL). The I-680 Sunol Express Lanes (Phase 1) Project, under construction, will construct new parallel northbound HOV/EL and modify the existing southbound HOV/EL. See Attachment A for the completed I-680 Sunol Express Lanes operating limits. Express Lanes have been implemented throughout the Bay Area, either as conversions of existing high occupancy vehicle (HOV) lanes or by creation of new lanes, for the purpose of:

- Providing travel time savings and travel reliability to express lane users;
- Expanding the regional freeway network for HOVs and buses; and
- Optimizing the corridor capacity by allowing single occupancy vehicles (SOVs) to choose to pay a toll and travel in the express lanes.

Prior to the opening of the original I-680 Sunol Southbound Express Lane in 2010, the Authority adopted several toll policies to guide the operation of the express lane. The new I-680 Sunol Express Lanes will differ from that original express lane in numerous ways, necessitating adoption of a new set of toll policies and business rules prior to opening the new toll system. These provide guidance for the facility operations and toll system design and encompass the following major concepts:

Toll Policies

- Access control
- Hours of operations
- User requirements
- Pricing strategy
- Enforcement
- Performance goals

Business Rules

- Zone tolling
- Fare assignment
- Usage rules

These policies and business rules are consistent with those adopted by Alameda CTC for the I-580 Express Lanes and are generally consistent with other regional express lane operators.

Background

The existing I-680 Sunol Southbound Express Lane spans approximately 14 miles from State Route (SR) 84 near Pleasanton to SR 237 in the City of Milpitas and was opened to traffic in September 2010 as a limited access High Occupancy Vehicle (HOV)/EL. The I-680 Sunol Express Lanes (Phase 1) Project is under construction and will result in a new 9-mile northbound EL from south of Auto Mall Parkway to SR 84. In addition, the existing southbound controlled-access tolling configuration will be converted to a continuous access facility between SR 84 and SR 262 with all new tolling infrastructure. The new I-680 Sunol Express Lanes will use an All Electronic Toll (AET) collection method to collect tolls. Toll pricing is displayed on dynamic message signs (DMS) throughout the corridor; and equipment installed on toll gantries, which are spaced approximately every three-quarters of a mile, detect vehicles in the express lane by FasTrak® toll tags (also known as transponders) and/or license plate capture cameras. Toll policies and associated business rules inform the design and operation of the express lanes.

Caltrans retains its authority to set freeway operations policy, but the Authority has the authority to establish toll policy. Table 1 lists the current I-680 Sunol Express Lanes freeway operational policies adopted by the Authority and Caltrans via the environmental approval process.

Table 1: Freeway Operations Policies

Item	Policy
Access Control	Continuous access
Hours of Operation	5 am – 8 pm, Monday - Friday
Occupancy Requirement (for toll-free travel)	2 or more persons (HOV 2+)

Toll Policies provide the guidelines for operations. Table 2 provides a summary of proposed I-680 Sunol Express Lanes toll policies.

Table 2: Proposed Toll Policies

Item	Proposed Policy
Pricing Strategy	Dynamic pricing based on real-time congestion in the corridor updated as frequently as every 3 minutes.
Minimum Toll Rate	\$0.50 (operational minimum unless the Express Lanes are opened for use to all motorists in conjunction with incident management).
Maximum Toll Rate	No policy maximum. The Executive Director is authorized to establish operational maximum toll rates and adjust as needed to optimize corridor throughput, with incremental increases no greater than \$5, and report back to the Authority when toll rates are revised within the approved parameters.
Toll-Free Users	Carpools, motorcycles, and transit vehicles may travel toll-free in the I-680 Sunol Express Lanes.
Clean Air Vehicle Discount	Eligible single-occupant clean air vehicles may receive a 50% toll discount in the I-680 Sunol Express Lanes.
User Requirements	<ol style="list-style-type: none"> 1. Every motorist traveling in the I-680 Sunol Express Lanes shall have a properly mounted toll tag (FasTrak or FasTrak Flex®) or a properly-mounted license plate associated with a valid FasTrak Account having a balance sufficient to pay the Toll. 2. To be eligible for HOV toll discounts, HOV customers must have a properly mounted FasTrak Flex toll tag set to either “2” or “3+” in accordance with the actual occupancy of the vehicle. 3. To be eligible for toll-free travel, motorcycles and transit vehicles must be equipped with a properly mounted FasTrak Flex toll tag set to the “3+” position. 4. To be eligible for toll discounts, SOV vehicles displaying a valid DMV-issued CAV decal for HOV lane usage must carry a FasTrak CAV toll tag set to match the number of people in the vehicle. 5. All vehicles traveling in the Express Lanes without toll tags are subject to being charged the Single Occupant Vehicle (SOV) toll and violation penalties, if applicable.
Enforcement	Under the Toll Ordinance currently being considered to enact toll violation processing/penalties, motorists who incur a toll and do not have a valid FasTrak account eligible for posting the Trip Transaction at the time of travel would be issued a Violation Notice.

Item	Proposed Policy
Performance Goals	<p>Federal Requirement: During morning and evening commute hours, or both, maintain 45 MPH or higher in HOV lane for 90% of the time.</p> <p>State requirement: maintain Level of Service C or better at all times, though D is permitted for short periods of time.</p> <p>If goals are not being met even with increases in pricing, express lanes users may be limited to only HOV and HOV-eligible vehicles. When "HOV Only" is displayed on a dynamic message sign it means that solo drivers shall not enter the Express Lane unless they are a motorcycle or clean air vehicles allowed in the HOV lane, as "HOV Eligible Vehicles" per current State laws.</p>

Business Rules inform the specific design of the toll system. Table 3 lists proposed business rules under which the I-680 Sunol Express Lanes would operate.

Table 3: Proposed Business Rules

Item	Proposed Business Rule
Zone tolling	<p>Flat rate for travel within a single zone.</p> <p>Two northbound zones:</p> <ul style="list-style-type: none"> • Auto Mall to SR 238 • SR 238 to SR 84 <p>Three southbound zones:</p> <ul style="list-style-type: none"> • SR 84 to SR 238 • SR 238 to SR 262 • SR 262 to SR 237 <p>See Attachment B for the toll zone map.</p>
Locked-in Rates	<p>Customers are locked-in to pay the lesser of the toll rate displayed on the Dynamic Message Sign (DMS) that is directly prior to the customer's first read point <u>or</u> the toll rate previously determined for that DMS within the toll rate safeguard time parameter. The toll rate safeguard provides a defined interval within which the customer has ample opportunity to view the toll rate on the DMS before entering the Express Lanes.</p> <p>The locked-in toll rates will not change if the price goes up or down while the customer is still driving in the Express Lane.</p>
Trip Building	<p>A customer's "Trip" is created from all of the associated toll tag reads and/or license plate images captured at toll gantries.</p>

Item	Proposed Business Rule
Rate Assignment	<p>The locked-in toll rate will apply from entry into the Express Lane and include travel through each successive toll zone for that Trip.</p> <p>If a customer exits the Express Lane and decides to get back in after the allowable travel time passes (currently 10 minutes), two separate trips are constructed and the guaranteed price from the initial entry is considered expired.</p> <p>Trips with different FasTrak Flex occupancy switch settings within a single Trip will be assigned the lowest occupancy setting that is detected during that Trip.</p>
Toll Rate during "HOV ONLY" Operation	<p>An SOV that enters the express lane during HOV-Only mode is subject to a \$30 toll and may also be cited by CHP.</p>
Non-Tolling Hours	<p>During non-tolling hours the Express Lanes are available for all vehicles to use toll-free as general purpose lanes and without any occupancy restrictions.</p>
Toll Waiver/Reduction	<p>Executive Director is authorized to plan and execute a toll waiver/reduction plan.</p>

Staff recommends the Authority adopt all of these policies to further the achievement of the project goals and ensure consistency across regional express lanes.

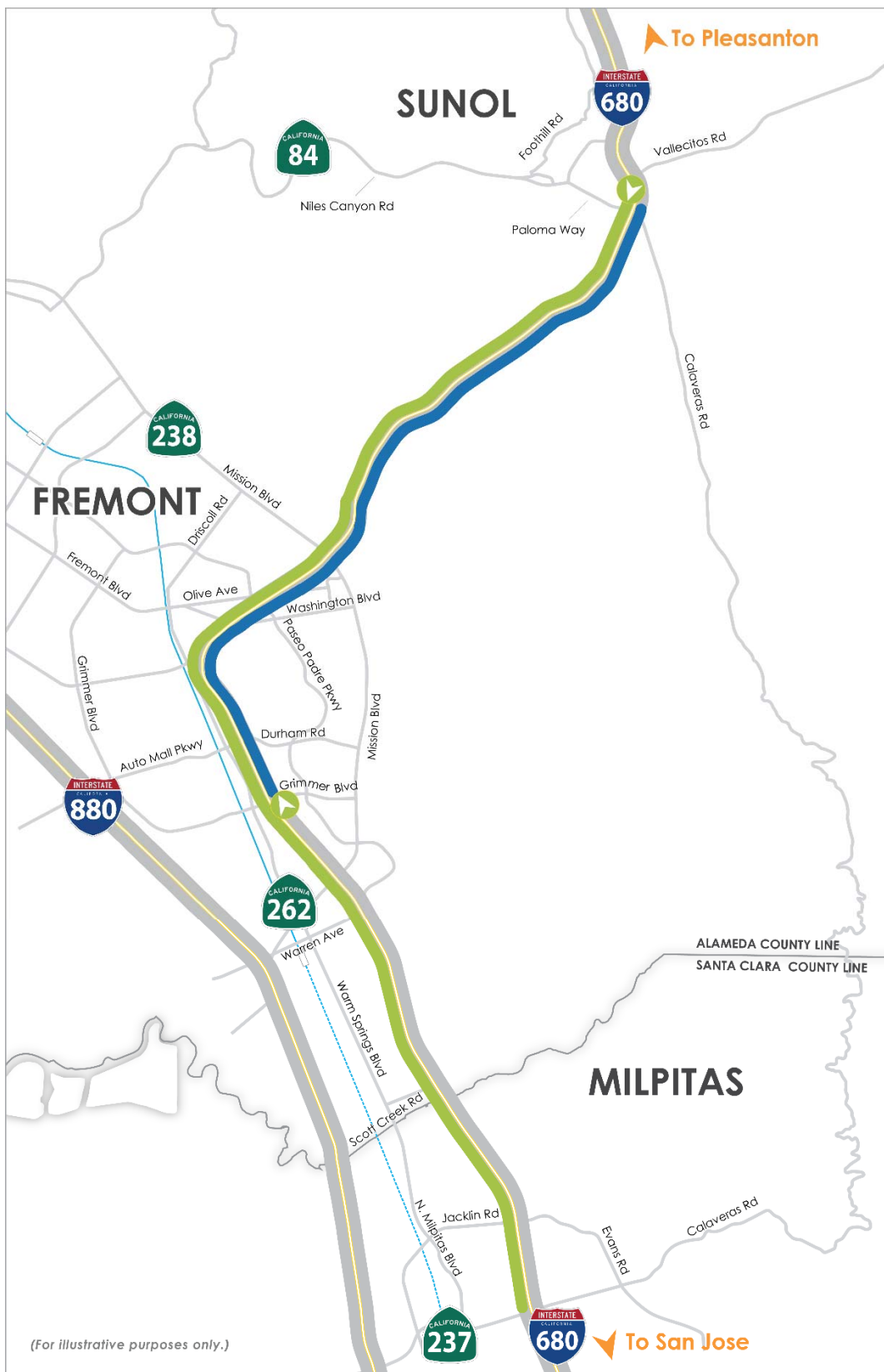
Fiscal Impact: There is no fiscal impact associated with this action.

Attachments:

- A. I-680 Sunol Express Lanes Location Map
- B. I-680 Sunol Express Lanes Proposed Toll Zones

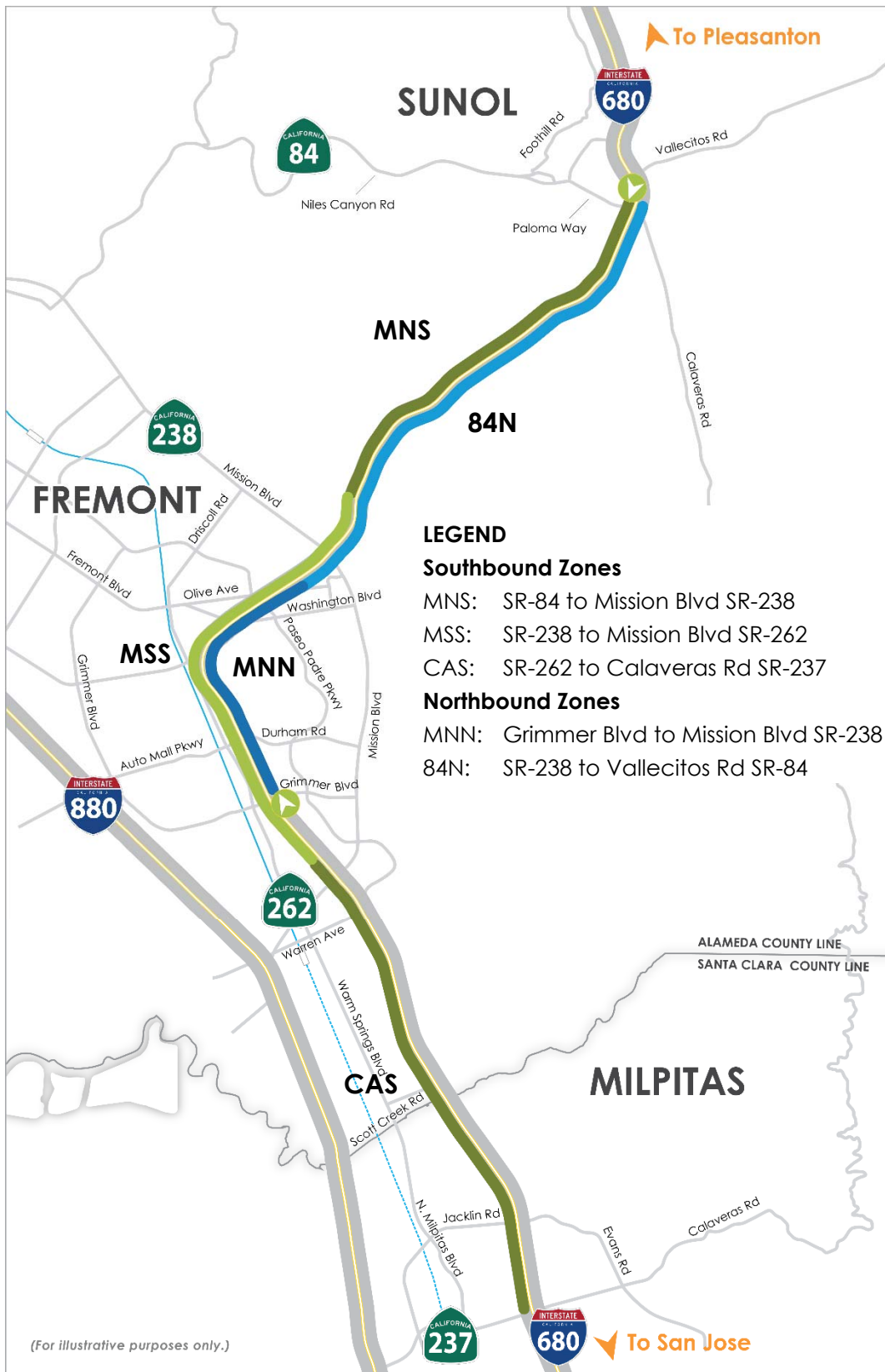
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I-680 Sunol Express Lanes Location Map



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I-680 Sunol Express Lanes Proposed Toll Zones



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Memorandum

5.2

1111 Broadway, Suite 800, Oakland, CA 94607 • 510.208.7400 • www.AlamedaCTC.org

thrDATE: July 6, 2020

TO: I-680 Sunol Express Lane Joint Powers Authority

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

SUBJECT: Introduction of the I-680 Express Lanes Toll Enforcement Ordinance

Recommendation

It is recommended that the Authority waive the reading, and introduce an ordinance for the administration of tolls and enforcement of toll violations for the I-680 Sunol Express Lanes and incorporation of Article 4, Chapter 1, Division 17 of the Vehicle Code.

Summary

The Sunol Smart Carpool Lane Joint Powers Authority ("Authority") is authorized pursuant to California Streets and Highways Code section 149.5 to conduct, administer, and operate a value pricing high-occupancy vehicle program (also known as express lanes) on Interstate 680 (I-680) in Alameda and Santa Clara counties. The Alameda County Transportation Commission (Alameda CTC) is the managing agency for the Authority.

In order to assess toll evasion violation penalties and send violation notices, the Authority must adopt a toll enforcement ordinance pursuant to, and consistent with, Vehicle Code Section 40250. The proposed Ordinance for the Administration of Tolls and Enforcement of Toll Violations for the I-680 Sunol Express Lanes and Incorporation of Article 4, Chapter 1, Division 17 of the Vehicle Code by Reference, also to be known as the I-680 Sunol Express Lanes Toll Ordinance, will establish usage requirements for the I-680 Express Lanes and civil penalties for the evasion of those tolls or noncompliance with other policies set forth in the ordinance.

As the ordinance is incorporating the relevant provisions of the Vehicle Code by reference, the ordinance must be introduced, adopted, and noticed pursuant to specific procedures under state law. Introduction and adoption of the ordinance must take place at two separate meetings. A public hearing will be held at the second meeting. Prior to the second meeting, a notice of public hearing will be published along with a summary of the toll ordinance. The Public Hearing is expected to be held at the next I-680 Sunol

Express Lane Joint Powers Authority meeting, currently scheduled for September 14, 2020. The ordinance would be put forth for adoption subsequent to the public hearing.

Background

The I-680 Sunol Express Lanes Project will implement a new toll system on northbound I-680 from south of Auto Mall Parkway to State Route 84, and on southbound I-680 from State Route 84 to State Route 237. Like other regional express lanes, the I-680 Sunol Express Lanes will be continuous access, meaning motorists will be able to enter and exit the express lanes throughout the corridor. Technology will be deployed throughout the corridors that will detect when a vehicle is in the express lane, receive transmission of electronic data from a toll transponder located within the vehicle, and capture images of the vehicle and associated license plate. This third element supports the automated violation enforcement system (VES) which allows for identification of vehicles that are not carrying a transponder. The Authority contracts with The Bay Area Toll Authority (BATA) for processing of all toll transactions, and with California Highway Patrol for enforcement of the I-680 Sunol Express Lanes user requirements. The VES is commonly implemented on toll facilities of all types to reduce revenue leakage that would otherwise occur with only manual enforcement tools.

Supported by state law, Alameda CTC's adopted toll policies and business rules require that all motorists traveling in Alameda CTC's Express Lanes facilities are required to be in a vehicle with either (1) a properly-mounted and properly-functioning valid transponder on board, or (2) valid vehicle license plates properly attached pursuant to Vehicle Code Section 4850.5 or 5200, and, in either case, being associated with a valid FasTrak® account having a balance sufficient to pay the toll. Every motorist traveling in the facilities during its hours of operation is required to pay the applicable toll using a FasTrak® account. For the purposes of this ordinance, FasTrak accounts are those established with the Bay Area Toll Authority (BATA) or any other members of the California Toll Operator's Commission to administer the payment of tolls, including accounts established to administer the payment of tolls without the use of a transponder that are also known as License Plate Accounts.

All motorists seeking toll discounts, including toll-free use of the express lanes, are required to self-declare eligibility for these discounts by using an appropriate FasTrak transponder, properly mounted and linked to a valid FasTrak account. For qualifying high occupancy vehicles (HOVs) and motorcycles, this is a FasTrak Flex® transponder, also known as "switchable", which allows motorists to declare the occupancy of the vehicle as "1", "2", or "3+". For qualifying clean air vehicles (CAVs), this is a FasTrak transponder marked for use by CAVs; occupancy for these users must also be self-declared via a switchable transponder so that the maximum toll discount for which the vehicle is eligible may be applied.

Motorists traveling in Alameda CTC's express lanes with either a valid FasTrak transponder or a license plate linked to a valid FasTrak account will be charged the applicable toll via the associated FasTrak account. All other motorists are deemed violators.

In order to assess toll evasion violation penalties and send violation notices, the Authority must adopt a toll enforcement ordinance pursuant to and consistent with Vehicle Code

Section 40250. Attachment A is a toll enforcement ordinance, prepared by legal counsel and Alameda CTC staff, which conforms to the legal requirements. The Ordinance affirms the user rules stated above in order to establish what constitutes a violator. The Ordinance adopts and incorporates by reference the statutory requirements and administrative procedures provided in Article 4, Chapter 1 of Division 17 of the Vehicle Code for the imposition, processing, and collection of Toll Evasion Violations; and authorizes that the processing of violation notices be conducted in accordance with those procedures adopted by BATA, with whom the Authority contracts for processing of toll violation notices.

Provisions have been made within this ordinance to simplify future amendments, such as modifications to toll policies regarding discounts and expansion of the I-680 Sunol Express Lanes toll system.

Staff recommends that the Authority waive reading and introduce the ordinance and approve noticing of a public hearing for the ordinance. The ordinance would be put forth for adoption subsequent to the public hearing.

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

Attachment:

- A. Ordinance for the Administration of Tolls and Enforcement of Toll Violations for the I-680 Sunol Express Lanes and Incorporation of Article 4, Chapter 1, Division 17 of the Vehicle Code by Reference

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**SUNOL SMART CARPOOL LANE JOINT POWERS AUTHORITY
(I-680 Sunol Express Lane JPA)**

**ORDINANCE FOR ADMINISTRATION OF
TOLLS AND ENFORCEMENT OF TOLL VIOLATIONS
FOR THE I-680 SUNOL EXPRESS LANES AND INCORPORATION OF
ARTICLE 4 CHAPTER 1 DIVISION 17 OF THE VEHICLE CODE**

PREAMBLE

The Sunol Smart Carpool Lane Joint Powers Authority, also sometimes identified as the “I-680 Sunol Express Lane JPA,” is authorized pursuant to California Streets and Highways Code section 149.5 to conduct, administer, and operate a value pricing high-occupancy vehicle program on Interstate 680 in Alameda and Santa Clara Counties.

While traveling in Sunol Smart Carpool Lane Joint Powers Authority’s facilities, motorists are required to be in a vehicle with either (1) a properly-mounted and properly-functioning valid transponder on board, or (2) valid vehicle license plates properly attached pursuant to Vehicle Code Section 4850.5 or 5200, and, in either case, being associated with a valid FasTrak® account having a balance sufficient to pay the toll. Every motorist traveling in the facilities during its hours of operation is required to pay the applicable toll using a FasTrak® account. Vehicle Code Section 23302.5 provides that it is unlawful for a person to evade or attempt to evade the payment of tolls or other charges on any vehicular crossing or toll highway, and further provides that such acts are subject to civil penalties. Vehicle Code Division 17, Chapter 1, Article 4, commencing with Section 40250, provides for enforcement of civil penalties for violation of Vehicle Code Section 23302.5 and any ordinance enacted by local authorities, including joint powers authorities, pursuant to civil administrative procedures set forth in Article 4. This Ordinance establishes the usage requirements for the I-680 Sunol Express Lanes, as well as administrative procedures and penalties, enacted pursuant to Article 4, to ensure that motorists who evade the payment of tolls are subject to civil penalties, while also ensuring fairness in the treatment of violators.

In addition to this Ordinance, the Sunol Smart Carpool Lane Joint Powers Authority has also adopted supplemental administrative policies applicable to its facilities. These policies are available online on the I-680 Sunol Express Lanes Website and hard copies are available upon request.

Now, therefore, the Board of the Sunol Smart Carpool Lane Joint Powers Authority hereby ordains as follows:

ARTICLE I - GENERAL

Section 1. Title

This Ordinance shall be known as the “I-680 Sunol Express Lanes Toll Enforcement Ordinance.”

Section 2. Purpose

The purpose of this Ordinance is to establish usage requirements for the I-680 Sunol Express Lanes and civil penalties for the evasion of those tolls or noncompliance with other policies set forth in this Ordinance. Every Motorist entering the I-680 Sunol Express Lanes shall be subject to and must abide by this Ordinance.

Section 3. Definitions

The following definitions shall apply throughout this Ordinance. Unless specifically defined below, the words and phrases used in this Ordinance shall have the same meaning as they have in common usage. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The words “shall” and “must” are always mandatory and not merely directive.

- (a) “Alameda CTC” means the Alameda County Transportation Commission.
- (b) “Article 4” means California Vehicle Code Division 17, Chapter 1, Article 4, commencing with Section 40250.
- (c) “Authority” means the Sunol Smart Carpool Lane Joint Powers Authority, its employees, agents, and contractors.
- (d) “Authorized emergency vehicle” means a vehicle satisfying all of the conditions specified in Vehicle Code Section 21655.5 or Section 23301.5 for an exemption from paying a toll on the I-680 Sunol Express Lanes.
- (e) “BATA” means the Bay Area Toll Authority.
- (f) “Board” means the governing body of the Authority.
- (g) “CAV Transponder” means a Transponder associated with a FasTrak Account that either BATA or any other California toll operator agency abiding by CTOC interoperability guidelines has designated for use by an eligible Clean Air Vehicle.
- (h) “Clean Air Vehicle” means a motor vehicle referenced in Section (b)(5) of Section 166 of Title 23 of the United States Code that displays a valid decal, label, or other identifier issued pursuant to Vehicle Code Section 5205.5(a) or any other California law that enables toll-free or reduced-rate passage on the I-680 Sunol Express Lanes.
- (i) “CTOC” means the California Toll Operators Committee.
- (j) “Delinquent Penalty” means the amount assessed when a Violation is deemed to be delinquent in accordance with the procedures adopted in **Section 8**.

(k) “Discount” or “Discounted” means a reduced-rate Toll expressed as a percent of the full Toll as specified in the Schedule of Discounts/Surcharges in Appendix A, attached hereto and incorporated herein. Appendix A may be updated from time to time by a resolution of the Board. Upon adoption of such resolution, the updated rates will be effective and deemed included in this Ordinance.

(l) “FasTrak[®]” or “FasTrak” means the electronic toll collection system, administered by BATA for the I-680 Sunol Express Lanes, as well as the electronic toll collection systems administered by any other California toll operator agency abiding by CTOC interoperability guidelines.

(m) “FasTrak Account” shall mean an account established with BATA or any other California toll operator agency abiding by CTOC interoperability guidelines to administer the payment of tolls, including License Plate FasTrak Accounts.

(n) “High Occupancy Vehicle” means a vehicle with the minimum number of occupants specified by the Authority for entering the I-680 Sunol Express Lanes as a high occupancy vehicle as set forth in Appendix A to this Ordinance and as displayed on signs and other official signs or traffic control devices throughout the I-680 Sunol Express Lanes.

(o) “Hours of Operation” of the I-680 Sunol Express Lanes means the hours when the Authority is charging a Toll as displayed on I-680 Sunol Express Lanes signs and other official signs or traffic control devices.

(p) “HOV 3+” means a high occupancy vehicle requirement of three or more occupants.

(q) “HOV 2+” means a high occupancy vehicle requirement of two or more occupants.

(r) “I-680 Sunol Express Lanes” means any express lane under the jurisdiction of the Sunol Smart Carpool Lane Joint Powers Authority, as more fully described in Appendix B attached hereto and incorporated herein.

(s) “I-680 Sunol Express Lanes Website” means the website at <http://alamedactc.org/680expresslanes> or any new or updated website hosted by Alameda CTC exclusively containing information about the I-680 Sunol Express Lanes.

(t) “License Plate FasTrak[®] Account” shall mean an account established with BATA or any other any other California toll operator agency abiding by CTOC interoperability guidelines to administer the payment of tolls without the use of a Transponder.

(u) “Motorist” shall mean the registered owner, rentee, lessee and/or driver of a Vehicle.

(v) “Non-revenue Transponder” means a Transponder associated with a FasTrak Account that has been designated within the account as exempt from having a toll being charged on the I-680 Sunol Express Lanes.

(w) “Notice of Delinquent Toll Evasion Violation” shall mean the written notice provided to the registered owner of a Vehicle when a Penalty has not been timely received by the Authority.

(x) “Notice of Toll Evasion Violation” shall mean the written notice provided to the registered owner of a Vehicle which has committed a Violation.

(y) “Pay-by-Plate” means use of on-road vehicle license plate identification recognition technology to accept payment of tolls in accordance with Authority or CTOC policies.

(z) “Penalty” shall mean the monetary amounts assessed for each toll Violation, including the unpaid Tolls, the Toll Evasion Penalty and the Delinquent Penalty, and constitutes a toll evasion penalty under Vehicle Code Section 40252(b).

(aa) “Penalties Schedule” shall mean the schedule of Penalties, attached hereto and incorporated herein as Appendix C, outlining the current Penalties for Toll Violations. Appendix C may be updated from time to time by a resolution of the Board. Upon adoption of such resolution, the new schedule will be effective and deemed included in this Ordinance.

(bb) “Processing Agency” shall mean BATA, as designated in accordance with Vehicle Code Sections 40252 and 40253 and Streets and Highway Code Section 149.5, as the party responsible for the processing of the Notices of Toll Evasion and Notices of Delinquent Toll Evasions.

(cc) “Repeat Violator” means any Motorist for whom more than five (5) Notices of Toll Evasion Violation have been issued in any calendar month within the preceding twelve (12) month period.

(dd) “Switchable Transponder” shall mean a Transponder, including FasTrak Flex[®], with a switch or other mechanism that allows Motorists to self-declare the number of vehicle occupants.

(ee) “Terms and Conditions” shall mean the obligations of Authority and a FasTrak customer with regard to the usage and maintenance of a FasTrak Account as published by, BATA, or any other California toll operator agency abiding by CTOC interoperability guidelines from time to time.

(ff) “Toll” shall mean the monetary charges for use of the I-680 Sunol Express Lanes as applicable at the time a Motorist enters the I-680 Sunol Express Lanes, as determined through the Toll pricing system established through policies adopted by the Authority.

(gg) “Toll Evasion Penalty” is the amount assessed under **Section 8** and Appendix C of this Ordinance.

(hh) “Transponder” shall mean an electronic device that meets the specifications of California Code of Regulations Title 21 and is used to pay Tolls electronically.

(ii) “Vehicle” shall mean any vehicle as defined in Vehicle Code Section 670.

(jj) “Violation” shall mean the commission of any activity proscribed in **Sections 4** and **5** of this Ordinance.

Section 4. I-680 Sunol Express Lanes Usage Requirements

(a) Every Motorist traveling in the I-680 Sunol Express Lanes is required to be in a Vehicle with either (i) a properly-mounted and properly-functioning valid Transponder on board, or (ii) valid vehicle license plates properly attached to the Vehicle as required by Vehicle Code Section 4850.5 or 5200, and, in either case, being associated with a valid FasTrak[®] Account having a balance sufficient to pay the Toll. Every Motorist traveling in the I-680 Sunol Express Lanes is required to pay the Toll using the FasTrak Account associated with the applicable Transponder or license plate.

(1) “Properly-mounted” means that, except as specified in **Section 4(a)(2)** below, the Transponder shall be (i) affixed to the Vehicle in a location and in a manner as directed by the agency issuing the Transponder that ensures that it can be read by the Authority’s detection equipment; and (ii) visible for the purposes of enforcement at all times while the Vehicle is in the I-680 Sunol Express Lanes.

(2) A motorcyclist shall use any one of the methods specified in Vehicle Code Section 23302(a)(3) to comply with the requirement to have a properly-mounted Transponder as long as the Transponder is able to be read by the Authority’s detection equipment.

(3) Every Motorist traveling in the I-680 Sunol Express Lanes with the minimum number of Vehicle occupants to qualify for high occupancy lane use at that time must have a Switchable Transponder set to the required number of occupants prior to travel or they will be charged the posted single occupancy Toll.

(4) Motorists traveling in the I-680 Sunol Express Lanes without a Switchable Transponder in the Vehicle will be charged the posted single occupancy Toll rate.

(5) A Motorist with a valid License Plate FasTrak[®] Account traveling in the I-680 Sunol Express Lanes will be charged the posted single occupancy Toll rate via Pay-by-Plate payment. A License Plate Account surcharge as specified in Appendix A to this Ordinance shall apply to Pay-by-Plate Toll payments.

(b) FasTrak Account holders who are Motorists in the I-680 Sunol Express Lanes shall adhere to the Terms and Conditions provided at the time of account opening as updated thereafter with notification to the FasTrak Account holders.

Section 5. Exemptions from Tolls and Discount Tolls

(a) The following Vehicles are exempt from paying Tolls imposed by this Ordinance:

- of Operation;
- (1) Vehicles entering the I-680 Sunol Express Lanes outside the Hours
 - (2) High Occupancy Vehicles, identified as exempt in Appendix A;
 - (3) Motorcycles;
 - (4) California Highway Patrol vehicles policing the I-680 Sunol
- Express Lanes;
- (5) Authorized Emergency Vehicles; and
 - (6) Motorists having a properly-mounted, Non-revenue Transponder.

(b) To use the exemption from tolls afforded under **Section 5(a)**, every Motorist entering the I-680 Sunol Express Lanes during its Hours of Operation who is entitled to that exemption must use a properly-mounted Switchable Transponder to accurately indicate a toll-exempt status or follow such other methods for indicating eligibility for exemption as specified by the Authority in its adopted policies. Otherwise, such Motorist entering the I-680 Sunol Express Lanes during its Hours of Operation shall be charged the applicable Toll.

(c) Two-occupant Vehicles traveling in HOV 3+ I-680 Sunol Express Lanes shall pay the applicable Discounted Toll, if any, specified in Appendix A to this Ordinance. To be eligible for the Discounted Toll, two-occupant Vehicles must use a properly-mounted, valid, Switchable Transponder to accurately indicate HOV 2 status (by switching the Transponder to the '2' setting) or follow such other methods for indicating eligibility for the Discount as shall be specified by the Authority in its adopted policies. An exception is for class I Vehicles designed by the manufacturer to be occupied by not more than two persons, including the driver; in this case, if the Vehicle is occupied by two persons, the Vehicle qualifies as Toll-exempt, but must use a properly-mounted Switchable Transponder switched to the '3+' setting or follow such other methods for indicating eligibility for exemption as shall be specified by the Authority in its adopted policies.

(d) Motorists driving clean air vehicles shall be eligible to claim the Discounted Toll, if any, specified in Appendix A to this Ordinance. In order for a single-occupant Clean Air Vehicle Motorist to be eligible for a Discounted Toll, the Motorist must (i) use the properly-mounted CAV Transponder issued for that Vehicle by the FasTrak

Account managing agency and accurately declaring the number of occupants in the Vehicle (by switching the Transponder to the '1', '2', or '3+' setting), or (ii) follow such other methods for indicating eligibility for the Discount as specified by the Authority in its adopted policies.

Section 6. Liability for Failure to Pay Toll

(a) Except as provided herein, the registered owner, and the driver, rentee or lessee of a Vehicle which is the subject of any Violation shall be jointly and severally liable for any Penalty imposed under this Ordinance, unless the registered owner can demonstrate that the Vehicle was used without the express or implied consent of the registered owner. Anyone who pays any Penalty pursuant to this Ordinance shall have the right to recover the same from the driver, rentee or lessee, and not from the Authority or the Processing Agency.

(b) A driver, rentee, or lessee of a Vehicle who is not the owner of the Vehicle may contest a Notice of Toll Evasion Violation as applied to the driver, rentee, or lessee without the consent of the registered owner in accordance with this Ordinance.

(c) Any Motorist assessed a Penalty for a Violation shall be deemed to be charged with a non-criminal, civil violation.

Section 7. Violations and Enforcement

(a) It shall be a Violation of this Ordinance to:

- (1) Fail to comply with **Section 4(a)**;
- (2) Fail to comply with **Section 4(a)(1)**;
- (3) Fail to comply with **Section 4(a)(2)**;
- (4) Fail to comply with **Section 4(a)(3)**;
- (5) Fail to comply with **Section 4(a)(4)**.

(b) Vehicle occupancy violations while in the I-680 Sunol Express Lanes, including using a Switchable Transponder to declare an occupancy status for Toll exempt or Discounted Tolls when such declaration is not justified or permitted hereunder, and other moving violations while in the I-680 Sunol Express Lanes, including entry into the I-680 Sunol Express Lanes by a Vehicle that is not authorized by the laws of the State of California to travel in such facility, are subject to citation by the California Highway Patrol.

(c) A Motorist traveling in the I-680 Sunol Express Lanes without either a properly-mounted and properly-functioning valid Transponder on board that is associated

with a valid FasTrak account or valid vehicle license plates properly attached to the Vehicle pursuant to Vehicle Code Section 4850.5 or 5200 are subject to citation by the California Highway Patrol.

(d) Toll violations, including using Switchable Transponder to declare an occupancy status for Toll Exempt or Discounted Tolls when such declaration is not justified or permitted hereunder, are subject to enforcement by the Authority, as detailed in this Ordinance and in the Authority's adopted policies. Toll violations are subject to the Penalties provided in the Penalties Schedule in Appendix C.

Section 8. Penalties and Processing of Violation(s)

(a) This Ordinance adopts and incorporates by this reference, as though fully set forth herein, the statutory requirements, and administrative procedures provided in Article 4, Chapter 1 of Division 17 of the Vehicle Code for the imposition, processing, and collection of Toll Evasion Violations, as may be amended from time to time hereafter. The processing of Notices of Toll Evasion Violations and Notices of Delinquent Toll Evasion Violations shall also be conducted in accordance with those procedures and penalties adopted by BATA, as the Processing Agency for the Authority within the meaning of Section 40253 of the Vehicle Code. The FasTrak® Regional Customer Service Center Policies set forth in Attachment A to BATA Resolution No. 52, Revised, as amended from time to time, shall be applicable to the I-680 Sunol Express Lanes and this Ordinance (except to the extent they conflict with the provisions of this Ordinance or the Vehicle Code) and are hereby adopted and incorporated by reference into this Ordinance as though fully set forth herein.

(b) The Authority or the Processing Agency may access data saved electronically by the toll system in order to investigate Violations under this Ordinance. Such data may include, but is not limited to, the vehicle license plate number, Transponder occupancy setting, and Transponder's associated FasTrak Account number, as permitted by law.

(c) The Penalties for a Violation of this Ordinance shall be the amounts set forth in the Penalties Schedule attached hereto as **Appendix C** and incorporated by reference herein. The Penalties Schedule may be updated by resolution of the Board from time to time. Penalties may not be greater than the amounts established under Vehicle Code Section 40258 as the maximum Penalties for civil Toll Evasion Violations. If the driver of any Vehicle is arrested pursuant to Article 1 (commencing with Section 40300) of Chapter 2 of the Vehicle Code, the civil procedure for enforcement of violations established by this Ordinance shall not apply. Revenues received from the Penalties assessed pursuant to this subsection shall be returned to the Authority.

Section 9. Confidentiality

Any information obtained during the enforcement of Violations shall not be used for any purpose other than to pursue the collection of Violations or process Tolls.

Section 10. Other Notices

Provided that the applicable requirements of Article 4, Chapter 1 of Division 17 of the Vehicle Code are met, nothing herein shall prohibit the Authority or the Processing Agency from establishing informal methods of notifying Motorists of Violations and/or from collecting Tolls and Penalties for Violations through such means.

Section 11. Implementation

The Authority’s Executive Director is hereby authorized and directed to develop procedures, forms, documents and directives which may be necessary to implement the terms of this Ordinance, and the Executive Director may delegate such duties and obligations under this Ordinance to staff of, or consultants under contract to, the Authority or Alameda CTC.

Section 12. Severability

If any term, covenant or condition of this Ordinance shall be held by a court of competent jurisdiction to be invalid or unenforceable, then that term, covenant, or condition shall be deemed stricken and the remainder of this Ordinance shall not be affected and each remaining provision shall be valid and enforceable to the fullest extent permitted by law unless any of the stated purposes of this Ordinance would be defeated.

ARTICLE II –PUBLICATION/EFFECTIVE DATE OF ORDINANCE.

A summary of this Ordinance shall be prepared by the General Counsel. At least five (5) days prior to the Board meeting at which this Ordinance is scheduled to be adopted, the Clerk of the Authority shall (1) publish the summary, which will include a web address for access to the full version and a statement that a hard copy of the full ordinance will be mailed to members of the public upon request, in a newspaper of general circulation printed and published within each of the counties within the jurisdiction of the Sunol Smart Carpool Lane Joint Powers Authority, and (2) post in the Authority’s Office a certified copy of this Ordinance. Within fifteen (15) days after the adoption of this Ordinance, the Clerk shall (1) publish the summary in a newspaper of general circulation, which will include a web address for access to the full version, printed and published within each of the counties within the jurisdiction of the Sunol Smart Carpool Lane Joint Powers Authority, and (2) post in the Authority’s Office a certified copy of the full text of this Ordinance along with the names of those Board members voting for and against this Ordinance or otherwise voting. The Board Secretary shall attest to such adoption and publication of this Ordinance. This Ordinance shall become effective thirty (30) days after adoption.

PASSED AND ADOPTED by the Board of the Sunol Smart Carpool Lane Joint Powers Authority on _____ by the following vote:

AYES:

NOES:

EXCUSED:

Date Published: _____ (Alameda County)

Date Published: _____ (Santa Clara County)

Attested to:

Dated: _____

Board Secretary

APPENDIX A

SCHEDULE OF DISCOUNTS/SURCHARGES

Facilities and Tolls

Under the I-680 Sunol Express Lanes Toll Enforcement Ordinance, discounts/exemptions applicable to two- and three-occupant Vehicles and single-occupant Clean Air Vehicles shall be as set forth in Table A-1.

Table A-1
(as adopted by the Board on _____.)

Vehicles Eligible for Discounts	Discounts based on HOV Requirements (Discounts may not be combined.)	
	Posted requirement: HOV-2 (Minimum of two-occupant requirement)	Posted requirement: HOV-3 (Minimum of three-occupant requirement)
Vehicle with two occupants	Meets minimum occupancy requirement. No Toll.	TBD (This discount will be set before HOV-3 lanes become operational)
Vehicle with three occupants	Meets minimum occupancy requirement. No Toll.	Meets minimum occupancy requirement. No Toll.
Single-Occupant Clean Air Vehicle	50% Toll Discount	

License Plate FasTrak Account Surcharge

For the I-680 Sunol Express Lanes, the surcharge for License plate FasTrak Account transactions shall be \$0.00.

Appendix B

Operational I-680 Sunol Express Lanes Under Jurisdiction of Sunol Smart Carpool Lane Joint Powers Authority

(as adopted by the Board on _____.)

- Southbound I-680: State Route 84 to State Route 237
- Northbound I-680: Grimmer Boulevard to State Route 84

Appendix C

Penalties Schedule

(as adopted by the Board on _____.)

Toll Evasion Penalty: Original Toll plus up to a maximum \$25 toll evasion penalty

Delinquent Penalty: Original Toll plus up to a maximum \$70 penalty – i.e., \$25 Toll Evasion
Penalty plus \$45 late fee

Exceptions:

1. If the violation is determined to be the fault of the Authority.
2. For first time offense, a non-customer can open a FasTrak[®] account and the toll evasion penalty will be waived.

Department of Motor Vehicles (DMV) Processing Fee:

A processing fee will be applied to violations sent to the DMV for a registration hold in the amount of the DMV recording fee authorized pursuant to Vehicle Code 4773, as said amount may be amended from time to time.

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