



I-680 Sunol Express Lane Joint Powers Authority Meeting Agenda Monday, February 14, 2022, 9:00 a.m.

Pursuant to AB 361 and in light of the current statewide State of Emergency, the Authority will not be convening at its meeting room but will instead convene remote meetings.

Members of the public wishing to submit a public comment may do so by emailing the Clerk of the Commission at vlee@alamedactc.org. Public comments received by 5:00 p.m. the day before the scheduled meeting will be distributed to Board members before the meeting and posted on Alameda CTC's website; comments submitted after that time will be distributed to Board members and posted as soon as possible. Submitted comments will be read aloud to the Authority 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, or as specified by the Chair.

Authority Chair:	Lily Mei, City of Fremont	Executive Director:	Tess Lengyel
Vice Chair:	David Haubert, Alameda County, District 1	Staff Liaison:	Gary Huisingh
Members:	Karla Brown, Glenn Hendricks (Santa Clara Valley, Transportation Authority), Melissa Hernandez	Clerk of the Authority:	Vanessa Lee

Location Information:

Virtual Meeting Information: <https://us06web.zoom.us/j/86507747079?pwd=KzFscnQ3aGcrL2p0ZjNKN0VoaEdlZz09>
Webinar ID: 865 0774 7079
Password: 129614

For Public Access Dial-in Information: **(669) 900-6833**
Webinar ID: 865 0774 7079
Password: 129614

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

1. Call to Order

2. Roll Call

3. Public Comments

4. AB 361 Findings	Page/Action
4.1. Consider and Adopt Findings Pursuant to Government Code Section 54953(e) (AB 361) to Allow Remote Meetings	1 A
5. Election of Chair and Vice Chair	
5.1. Approve the election of the Authority Chair and Vice-Chair of the Sunol SMART Carpool Lane Joint Powers Authority	3 A
6. Consent Calendar	
6.1. Approve the November 8, 2021 I-680 Sunol Smart Carpool Lane Joint Powers Authority (JPA) Meeting Minutes	5 A
6.2. Approve the I-680 Sunol Smart Carpool Lane FY2021-22 Second Quarter Financial Report	9 A
7. Regular Matters	
7.1. Approve the I-680 Sunol Smart Carpool Lane FY2021-22 Mid-Year Budget Update	13 A
7.2. Approve Amendment No. 6 to Cooperative Agreement with the Bay Area Toll Authority for Regional Customer Service Center Services for the I-680 Sunol Express Lanes	17 A
8. Committee Member Reports	
9. Staff Reports	
10. Adjournment	

Next Meeting: May 9, 2022

Notes:

- All items on the agenda are subject to action and/or change by the Authority.
- 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 February through March 2022

Commission Chair
Mayor John J. Bauters
City of Emeryville

Commission Vice Chair
Board President Elsa Ortiz
AC Transit

Alameda County
Supervisor David Haubert, District 1
Supervisor Richard Valle, District 2
Supervisor David Brown, District 3
Supervisor Nate Miley, District 4
Supervisor Keith Carson, District 5

BART
President Rebecca Saltzman

City of Alameda
Mayor Marilyn Ezzy Ashcraft

City of Albany
Councilmember Rochelle Nason

City of Berkeley
Councilmember Rigel Robinson

City of Dublin
Mayor Melissa Hernandez

City of Fremont
Mayor Lily Mei

City of Hayward
Mayor Barbara Halliday

City of Livermore
Mayor Bob Woerner

City of Newark
Councilmember Luis Freitas

City of Oakland
Councilmember At-Large
Rebecca Kaplan
Councilmember Sheng Thao

City of Piedmont
Mayor Teddy Gray King

City of Pleasanton
Mayor Karla Brown

City of San Leandro
Mayor Pauline Russo Cutter

City of Union City
Mayor Carol Dutra-Vernaci

Executive Director
Tess Lengyel

Commission and Committee Meetings

Time	Description	Date
2:00 p.m.	Alameda CTC Commission Meeting	February 24, 2022 March 24, 2022
9:30 a.m.	Finance and Administration (FAC)	March 14, 2022
10:00 a.m.	Programs and Projects Committee (PPC)	
11:30 a.m.	Planning, Policy and Legislation Committee (PPLC)	
9:30 a.m.	Alameda CTC Commission Retreat	March 30, 2022

Advisory Committee Meetings

5:30 p.m.	Bicycle and Pedestrian Advisory Committee (BPAC)	February 17, 2022
1:30 p.m.	Joint Paratransit Advisory and Planning Committee (PAPCO) and Paratransit Technical Advisory Committee (ParaTAC)	February 28, 2022
9:30 a.m.	Paratransit Technical Advisory Committee (ParaTAC)	March 8, 2022
1:30 p.m.	Alameda County Technical Advisory Committee (ACTAC)	March 10, 2022
5:30 p.m.	Independent Watchdog Committee (IWC)	March 14, 2022

Pursuant to AB 361 and the findings made by the Commission governing its meetings and the meetings of its Committees in light of the current statewide State of Emergency, the Commission and its Committees will not be convening at Alameda CTC's Commission Room but will instead convene remote meetings.

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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MEMORANDUM

January 25, 2022

TO: Sunol Express Lane Joint Powers Authority (“Sunol JPA”)

FROM: Neal Parish

RE: Consider and Adopt Findings Pursuant to Government Code Section 54943(e) (AB 361) to Allow Remote Board Meetings

As discussed during the November 8, 2021 meeting of the Sunol JPA Board, AB 361 allows a local agency to continue to use teleconferencing without complying with the standard teleconferencing provisions of the Brown Act if the legislative body holds a meeting during a proclaimed state of emergency and determines by majority vote that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees (Government Code section 54953(e)). The governing bodies of both Alameda CTC and VTA, the Sunol JPA’s member agencies, have carefully considered this issue periodically beginning in September 2021, and each agency has made and renewed the appropriate findings, thereby allowing all meetings of the governing bodies, committees, and subcommittees of each agency to be held on a remote basis since October 1 of last year.

Since the Sunol JPA is a separate legal entity from both Alameda CTC and the VTA, however, the Sunol JPA Board is required to take an independent action to adopt the appropriate finding in order for the Sunol JPA Board to follow the lead set by its member agencies and also hold its meetings remotely. The Sunol JPA Board made such a finding at its November 8, 2021 meeting, allowing that meeting to be held remotely. Although AB 361 allows an agency to renew the AB 361 findings by appropriate actions every 30 days or less, agencies may also simply adopt new findings and start the clock over if they do not meet within that 30 day period.

Accordingly, in order to hold this meeting of the Sunol JPA Board on a remote basis, and potentially hold future meetings of the Board remotely, the Board must approve a motion making the following finding:

Pursuant to Government Code Section 54953(e)(1), the Sunol Express Lane Joint Powers Authority (“Sunol JPA”) hereby determines that there is a state of emergency proclaimed by the State of California based upon the COVID-19 Pandemic, and further determines that meeting in person would present imminent risks to the health or safety of attendees, and therefore Sunol JPA will follow the provisions of Government Code Section 54953(e)(2) with respect to all meetings of the Sunol JPA Board, subject to continued compliance and review pursuant to Section 54953(e)(3).

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Memorandum

5.1

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DATE: February 7, 2022

TO: I-680 Sunol Express Lane Joint Powers Authority

FROM: Tess Lengyel, Executive Director
Vanessa Lee, Clerk of the Authority

SUBJECT: Approve the election of the Authority Chair and Vice-Chair of the Sunol SMART Carpool Lane Joint Powers Authority

Recommendation

It is recommended that the Authority approve the election of the Chair and Vice-Chair of the Sunol SMART Carpool Lane Joint Powers Authority (Sunol JPA).

Summary

Per the Sunol JPA's Administrative Code, the election of the Chair and Vice-Chair of the Authority will occur annually at its first meeting of the year, and such elections will be effective immediately.

Background

The Sunol JPA annually elects the Chair and Vice Chair at its organizational Sunol JPA meeting. The Administrative Code indicates that in selecting the Chair and Vice-Chair, members of the Authority should give reasonable consideration to rotating these positions among voting members, among other things.

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

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1. Call to Order

2. Roll Call

A roll call was conducted. All members were present with the exception of Commissioner Hendricks.

3. Public Comment

There were no public comments.

4. AB361 Findings

4.1. Consider and Adopt Findings Pursuant to Government Code Section 54953(e) (AB 361) to Allow Remote Meetings

Tess Lengyel introduced the item which focused on AB 361 and the necessary steps for the continuation of remote meetings. Ms. Lengyel noted that AB 361 requires that each local agency make appropriate findings as described in the staff memo if the agency wishes to continue holding remote meetings of its legislative bodies.

Commissioner Hernandez moved to approve the findings as stated in the staff report. Commissioner Brown seconded the motion. The motion passed with the following vote:

Yes: Brown, Haubert, Hernandez, Mei
No: None
Abstain: None
Absent: Hendricks

5. Consent Calendar

5.1. Approve the September 13, 2021 I-680 Sunol Smart Carpool Lane Joint Powers Authority (JPA) Meeting Minutes

5.2. I-680 Sunol Express Lanes Project Implementation Update

5.3. Approve the FY2021-22 First Quarter Financial Report

Commissioner Brown moved to approve the Consent Calendar. Commissioner Hernandez seconded the motion. The motion passed with the following vote:

Yes: Brown, Haubert, Hernandez, Mei
No: None
Abstain: None
Absent: Hendricks

6. Regular Matters

6.1. Approve the Bay Area Express Lanes Network Executive Steering Committee Memorandum of Understanding

Tess Lengyel introduced Liz Rutman to present this item. Liz Rutman recommended that the Authority approve and authorize the Executive Director to execute the Bay Area Express Lanes Network Executive Steering Committee Memorandum of Understanding. Ms. Rutman provided an overview of the program, emphasizing the need for consistency across Express Lanes operators and the Metropolitan Transportation Commission's recommendation to formalize the Express Lanes Steering Committee.

Commissioner Hernandez moved to approve the item. Commissioner Brown seconded the motion. The motion passed with the following vote:

Yes: Brown, Haubert, Hernandez, Mei
No: None
Abstain: None
Absent: Hendricks

6.2. Approve the Sunol Smart Carpool Lane JPA Draft Audited Annual Financial Report For the Year Ended June 30, 2021

Patricia Reavey presented this item, noting that the Sunol JPA had received an unmodified, or clean, audit and recommended that the Authority approve the Sunol Smart Carpool Lane Joint Powers Authority Draft Audited Annual Financial Report for the Fiscal Year Ended June 30, 2021. Ms. Reavey introduced the auditor, David Alvey a Partner at Maze and Associates, who presented highlights from the Report which included a decrease from the prior fiscal year end in net position of \$1.13 million or 16.6 percent, due to a decrease in cash and investments of \$0.90 million or 13.7 percent related to the suspension of revenue operations in August 2020 to allow for the transition to a new toll system and other construction activities on the Interstate 680 (I-680) express lane. Capital assets, net of accumulated depreciation, comprised \$0.25 million or 4.4 percent of the total net position at June 30, 2021. Operating revenue and expenses also decreased by 95.4 percent and 57.3 percent, respectively, from the prior fiscal year due to the suspension of revenue operations as the agency works to implement a new toll system.

Commissioner Brown moved to approve the item. Commissioner Hernandez seconded the motion. The motion passed with the following vote:

Yes: Brown, Haubert, Hernandez, Mei
No: None
Abstain: None
Absent: Hendricks

7. Member Reports

There were no member reports.

8. Staff Reports

There were no staff reports.

9. Adjournment

The next meeting is Monday, February 14, 2021 at 9:00 a.m.

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Memorandum

6.2

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DATE: February 7, 2022

TO: I-680 Sunol Express Lane Joint Powers Authority

FROM: Patricia Reavey, Deputy Executive Director of Finance and Administration
Yoana Navarro, Accounting Manager

SUBJECT: I-680 Sunol Smart Carpool Lane FY2021-22 Second Quarter Financial Report

Recommendation

It is recommended that the Authority approve the I-680 Sunol Smart Carpool Lane FY2021-22 Second Quarter Financial Report.

Summary

This financial report provides a summary of revenues and expenses related to the I-680 Sunol Smart Carpool Lane for the fiscal year through December 31, 2021. Investment income was \$5,778 or 23.0 percent less than projected through the second quarter of FY2021-22 which reflects market interest rates. Revenue operations were suspended on August 10, 2020 to allow for construction work on the I-680 express lane and are currently projected to reopen in this year; therefore, no toll nor toll violation revenues were collected during the second quarter of the fiscal year. An update to both revenue and expense line items in the budget is being proposed concurrently at this meeting to reflect an update the capital project delivery dates. Expenses through the second quarter totaled \$220,487 or 82.6 percent less than budget due to expenses coming in lower than projections related to a delay in capital project work and a delay in the kick off of the toll revenue forecasting special project. These variances together result in a decrease to net position of \$213,732 for an ending net position of \$5,482,265 comprised of investments in capital assets of \$252,582, maintenance and operational risk reserves of \$3,000,000, and unrestricted net position of \$2,229,683. As of December 31, 2021, the I-680 Sunol Smart Carpool Lane had cash and investments totaling \$5.3 million.

Background

The FY2021-22 operating budget approved by the I-680 Sunol Smart Carpool Lane Board in May 2021 included \$2.7 million of revenues which was offset by \$4.2 million of expenses,

including depreciation, resulting in a decrease of \$1.5 million to the projected net position for the fiscal year. The projected net position in the budget at the end of FY2021-22 was \$3,311,547 comprised of \$230,722 invested in capital assets; \$1,000,000 reserved for maintenance; \$2,000,000 reserved for operational risk; and \$80,825 of unrestricted funds. There was no capital budget proposed for FY2021-22.

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

Attachment:

- A. I-680 Sunol Smart Carpool Lane Statement of Operating Revenues and Expenses
As of December 31, 2021

I-680 SUNOL SMART CARPOOL LANE
Statement of Operating Revenues and Expenses
As of December 31, 2021

	YTD Actuals	YTD Budget	% Used	Favorable / (Unfavorable) Variance
Beginning Net Position, June 30, 2021	\$ 5,695,997			
<u>OPERATING REVENUES</u>				
Toll Revenue	\$ -	\$ 625,000	0.0%	\$ (625,000)
Interest Income	5,778	7,500	77.0%	(1,722)
Other Income	977	-	0.0%	977
Total Operating Revenues:	6,755	632,500	1.1%	(626,722)
<u>OPERATING EXPENSES</u>				
Revenue Collection Fees	\$ -	\$ 183,750	0.0%	\$ 183,750
Alameda CTC Operations and Management	89,579	107,500	83.3%	17,921
System Manager/Operations Support	32,065	50,000	64.1%	17,935
Enforcement	-	100,000	0.0%	100,000
Express Lane Monitoring	52,500	52,500	100.0%	-
Utilities	5,114	50,000	10.2%	44,886
Alameda CTC Administration	11,298	27,500	41.1%	16,202
IT Support	-	6,000	0.0%	6,000
Insurance	46,512	100,000	46.5%	53,488
Public Outreach/Education	-	100,000	0.0%	100,000
Legal Fees	(29,736) ¹	12,500	-237.9%	42,236
Roadway Maintenance	5,000	25,000	20.0%	20,000
Miscellaneous	8,155	12,500	65.2%	4,345
Contingency	-	250,000	0.0%	250,000
Total Operating Expenses:	220,487	1,077,250	20.5%	856,763
Operating Surplus (Deficit)	(213,732)	(444,750)		
<u>OTHER EXPENSES</u>				
Special Project - Salaries & Benefits	\$ -	\$ 4,000	0.0%	\$ 4,000
Special Project - Toll Revenue Forecasting	-	187,500	0.0%	187,500
Total Non-Operating Expenses:	-	191,500	0.0%	191,500
<u>ENDING NET POSITION</u>	\$ 5,482,265			
<u>Net Position</u>				
Invested in Capital Assets	252,582			
Maintenance Reserve	1,000,000			
Operational Risk Reserve	2,000,000			
Unrestricted Net position	2,229,683			
Total Net Position as of September 30, 2021	\$ 5,482,265			

Note: Some line items in the budget were budgeted with specific amounts by month due to the suspension of revenues operations during constructi

¹ Legal fees incurred reflect a reclass related to a prior period.

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Memorandum

7.1

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DATE: February 7, 2022

TO: I-680 Sunol Express Lane Joint Powers Authority

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

SUBJECT: Approve the I-680 Sunol Smart Carpool Lane FY2021-22 Mid-Year Budget Update

Recommendation

It is recommended that the Authority approve the I-680 Sunol SMART Carpool Lane JPA FY2021-22 Mid-Year Budget Update.

Summary

The proposed mid-year budget update for the I-680 Sunol SMART Carpool Lane (Attachment A) adjusts the beginning net position of the currently adopted budget to tie to the ending net position in the audited financial statements for FY2020-21 and updates both revenue and expense line items mostly related to changes in expectations related to the delay in reopening of the I-680 Express Lane to revenue service. These changes increase the beginning net position by \$869,303, decrease projected revenues by \$2,703,023, and decrease expense authority by \$3,086,400; therefore, increasing the projected net position by \$1,252,680 to \$4,597,227. The projected ending net position is comprised of \$1.0 million of maintenance reserves, \$2.0 million of operational risk reserves, \$225,335 of investments in capital assets, net of depreciation, and \$1,371,892 of unrestricted funds.

Background

In May 2021, the Sunol Smart Carpool Lane JPA Board adopted an operating budget for FY2021-22, which included \$4,197,147 of expenses including asset depreciation to be paid from \$2,715,000 of revenues and unrestricted fund balance for an overall decrease in net position of \$1,482,147. This projected change in net position reflected depreciation expense of \$27,247 and an operating deficit of \$1,454,900 related to a reduction in projected revenues due to the closure of revenue operations for the Alameda CTC Capital project work on the express lane. The reserves for maintenance in net position was decreased by

\$1,500,000 in the FY2021-22 budget and funds were released back to the unrestricted fund balance because major maintenance work is not expected to be required on the express lanes during the next few years due to the upgrades included in the capital project work.

Fiscal Impact: The fiscal impact for the approval of this item is to decrease projected revenues by \$2,703,023 due to the extended suspension of toll collections and decrease budget expense authority by \$3,086,400 to \$1,110,747, to be paid from revenues and unrestricted fund balance. This budget update also increases overall net position by \$1,252,680.

Attachment:

- A. I-680 Sunol Smart Carpool Lane Fiscal Year 2021-22 Proposed Mid-Year Budget Update

I-680 SUNOL SMART CARPOOL LANE JPA
Fiscal Year 2021-22
Proposed Mid-year Budget Update

	FY 2021-22 Proposed Budget	Proposed Budget Adjustment	Proposed FY2021-22 Budget
Beginning Net Position	\$ 4,826,694	\$ 869,303	\$ 5,695,997
<u>OPERATING REVENUES</u>			
Toll Revenue	2,500,000	(2,500,000)	-
Toll Violation Revenue	200,000	(200,000)	-
Interest Income	15,000	(4,000)	11,000
Other Income	-	977	977
Total Operating Revenues:	2,715,000	(2,703,023)	11,977
<u>OPERATING EXPENSES</u>			
Operations and Maintenance	900,000	(900,000)	-
Revenue Collection Fees	735,000	(735,000)	-
Alameda CTC Operations and Management	215,000	(80,000)	135,000
System Manager/Operations Support	100,000	-	100,000
Enforcement	570,000	(570,000)	-
Express Lane Monitoring	105,000	-	105,000
Utilities	100,000	(70,000)	30,000
Alameda CTC Administration	55,000	(10,000)	45,000
IT Support	106,900	(100,400)	6,500
Insurance	200,000	(100,000)	100,000
Public Outreach/Education	100,000	(100,000)	-
Legal Fees	25,000	-	25,000
Roadway Maintenance	50,000	(25,000)	25,000
Miscellaneous	25,000	7,000	32,000
Contingency	500,000	(400,000)	100,000
Total Operating Expenses:	3,786,900	(3,083,400)	703,500
Operating Surplus/(Deficit)	(1,071,900)	380,377	(691,523)
<u>OTHER EXPENSES</u>			
Special Proj - Toll Rev Forecasting Salaries & Benefi	8,000	(3,000)	5,000
Special Project - Toll Revenue Forecasting	375,000	-	375,000
Depreciation*	27,247	-	27,247
Total Non-Operating Expenses:	410,247	(3,000)	407,247
<u>PROJECTED ENDING NET POSITION</u>	\$ 3,344,547	\$ 1,252,680	\$ 4,597,227
Net Position			
Maintenance Reserve	1,000,000	-	1,000,000
Operational Risk Reserve	2,000,000	-	2,000,000
Invested in Capital Assets	230,722	(5,387)	225,335
Unrestricted	113,825	1,258,067	1,371,892
Total Net Position	\$ 3,344,547	\$ 1,252,680	\$ 4,597,227

* Non-cash expense

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Memorandum

7.2

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DATE: February 7, 2022

TO: I-680 Sunol Express Lane Joint Powers Authority

FROM: Ashley Tam, Associate Transportation Engineer (Express Lanes)

SUBJECT: Approve Amendment No. 6 to Cooperative Agreement with the Bay Area Toll Authority for Regional Customer Service Center Services for the I-680 Sunol Express Lanes

Recommendation

It is recommended that the Authority approve and authorize the Executive Director to execute Amendment No. 6 to Cooperative Agreement I680-BATA-JPA with the Bay Area Toll Authority for Regional Customer Service Center Services for the I-680 Express Lanes to extend the term of the Agreement until March 30, 2024 and amend the terms of reimbursable costs.

Summary

The Sunol JPA entered into a cooperative agreement with the Bay Area Toll Authority (BATA) for toll collection and customer services necessary to operate the I-680 Sunol Southbound Express Lane in 2010. The Agreement was subsequently amended five times to adjust reimbursable costs associated with implementation of new express lanes corridors and ongoing revenue collections services; add protections for Personally Identifiable Information; and extend the term of the Agreement.

BATA provides Customer Service Center (CSC) services for all of the Bay Area Express Lanes and the terms relating to reimbursable costs for revenue collections services are negotiated with BATA in coordination with the other Bay Area express lane operating agencies. This ensures equitability and consistency of sharing of joint costs and cost adjustments are automatically applied as additional express lane facilities begin operations. Many of these costs are direct pass-through costs for services provided by the CSC consultant.

The agreement currently expires March 30, 2022. BATA requests that the Agreement be extended until March 30, 2024, and is also requesting to add a new reimbursable cost for cash payment network fees and reflect current unit pricing for various reimbursable costs.

All costs adjusted by this amendment are operational costs and are anticipated and included in the Sunol JPA's annual budget.

Background

The Sunol JPA owns the I-680 Sunol Express Lanes toll system. Tolls for solo drivers will be collected through an All Electronic Toll (AET) collection method by the use of FasTrak® transponders and license plates. Prior to the opening the original southbound express lane to traffic in September 2010, the Sunol JPA entered into a cooperative agreement with the Bay Area Toll Authority (BATA) for toll collection and customer services necessary to operate the I-680 Sunol Southbound Express Lane as an AET facility. Such an agreement is mandated by the legislation authorizing the Sunol JPA to operate the express lanes, and BATA is the only agency in the Bay Area that is set up to distribute FasTrak® / FasTrak flex® transponders (a.k.a. toll tags), maintain accounts, collect tolls, and provide related customer services for the Bay Area. BATA, therefore, provides these back-office services for all of the Bay Area toll facilities. The original Agreement was amended five times to adjust reimbursable costs associated with implementation of new express lanes corridors and ongoing revenue collections services; add protections for Personally Identifiable Information; and extend the term of the Agreement.

At this time, an amendment is requested to extend the term of the Agreement by two years to March 30, 2024. The amendment includes additional protections for Personally Identifiable Information, which are administrative in nature and bring consistency for all regional operators. In addition, BATA is seeking reimbursement for a share of the Cash Payment Network (CPN) fees that are paid on behalf of the customer to the CSC CPN subcontractor. CPN fees are incurred when a customer opts to add funds to their FasTrak account using cash rather than a credit card. The CPN subcontractor charges a fee for this service. BATA had previously required that the customer pay these CPN fees, but recently adopted a revised policy wherein BATA absorbs that costs for these customers. Because the express lanes require that all users enroll in FasTrak, BATA is asking for express lanes operators to pay a share of the CPN fees based on the I-680 Sunol Express Lanes proportion of all Bay Area bridge and express lane transactions. BATA staff reported that the CPN fees currently total approximately \$3,000 per month, of which the Sunol JPA would pay only a fraction.

Fiscal Impact: Approval of Amendment No. 6 to the Agreement will encumber I-680 Toll Revenue funds for subsequent expenditure through March 30, 2024 subject to the approval of the FY 2022-23 and FY 2023-24 operating budgets.