



Memorandum

8.4

1111 Broadway, Suite 800, Oakland, CA 94607

• 510.208.7400

• www.AlamedaCTC.org

DATE: December 4, 2025

TO: Alameda County Transportation Commission

FROM: John Lowery, Director of Express Lane Operations

SUBJECT: Adoption of an Amendment to the Alameda CTC Express Lanes Toll Enforcement Ordinance

Recommendation

It is recommended that the Commission waive the reading and adopt an ordinance to amend Alameda CTC's Express Lanes Toll Enforcement Ordinance to update the limits of the I-680 Express Lanes and remove references to the Clean Air Vehicle (CAV) toll discount that expired on September 30, 2025 when the underlying federal law expired.

Summary

Alameda CTC's Express Lanes Toll Enforcement Ordinance establishes usage requirements for the agency's express lanes and civil penalties for toll evasion or noncompliance. The ordinance must be updated periodically to reflect changes in law, facility limits, and tolling policies. The following two updates are currently required:

Changes to I-680 Express Lane Limits. Alameda CTC is constructing the I-680 Southbound Express Lane Gap Closure Project between State Route (SR) 84 and Alcosta Boulevard, anticipated to commence tolling in mid-2026. The ordinance must be updated to incorporate the revised facility limits so that toll collection and enforcement may begin upon opening. In addition, following the dissolution of the Sunol Smart Carpool Lane Joint Powers Authority (Sunol JPA) in 2024, the southernmost limit of the southbound express lane needs to be updated to reflect that Alameda CTC's toll authority extends to the Alameda/Santa Clara County line.

Removal of Clean Air Vehicle Discount. Pursuant to federal law, the authorization for a toll discount program for single-occupant CAVs in express lanes expired on September 30, 2025. As of October 1, 2025, single-occupant CAVs no longer receive a 50 percent toll discount and are no longer eligible to travel in high-occupancy vehicle (HOV) lanes. The ordinance therefore removes all references to the CAV discount to ensure compliance and provide clarity for customers.

The process for adoption of the amended ordinance includes introduction and adoption at two separate Commission meetings. The ordinance was introduced at the October 23, 2025 Commission meeting. After the introduction, a notice of public hearing was published on two occasions in newspapers of general circulation in English, Spanish, and Chinese, which included instructions for members of the public to submit comments. A summary of the ordinance, including a web link to the full ordinance, was also published in the above-referenced publications. After the conclusion of the public hearing at this meeting, it is recommended that the Commission waive the reading and adopt the ordinance.

Background

The Alameda CTC Express Lanes Toll Enforcement Ordinance provides the legal framework necessary for Alameda CTC to collect tolls and enforce compliance on the I-580 and I-680 Express Lanes in Alameda County. The ordinance defines the limits of the express lanes under the jurisdiction of Alameda CTC and sets the conditions for use of the express lanes, including the requirement to pay tolls through a valid FasTrak® account. The ordinance also defines eligibility for toll discounts and exemptions and establishes civil penalties and procedures for toll evasion.

This toll ordinance amendment will change the northern and southern limits of the southbound I-680 express lane to reflect new express lane construction and to reflect the limits of Alameda CTC's tolling authorization following the dissolution of the Sunol JPA last year. Construction is currently underway on the I-680 Southbound Express Lane Gap Closure Project, which will extend the northern limit of the southbound I-680 express lane from SR-84 to Alcosta Boulevard at the Contra Costa County line. This change to the toll ordinance is required to be in effect prior to tolling commencement, which is anticipated in mid 2026. The toll ordinance amendment also includes an update to change the southern limit of the I-680 southbound express lane from SR-237 in Santa Clara County to Scott Creek Road, which is the interchange just north of the Alameda/Santa Clara County line. This change is needed to conform to the express lane limit with Alameda CTC's tolling authorization following the dissolution of the Sunol JPA and the transfer of responsibility for operating the I-680 Express Lanes from the Sunol JPA to Alameda CTC that took place last year.

The toll ordinance amendment also removes reference to the CAV discount that expired when federal authorization expired on September 30, 2025. Under federal law, states could allow single-occupant CAVs to use HOV lanes and to receive a discounted toll in express lanes on federal-aid highways only until September 30, 2025. California law that authorized the CAV decal program and allowed CAVs to use HOV lanes and to receive express lanes toll discounts became inoperative when the federal authorization expired. As a result, as of October 1, 2025, single-occupant CAVs no longer receive toll discounts and are no longer permitted to travel in HOV lanes throughout the state. Alameda CTC's current toll ordinance refers to the underlying federal and state authorization and therefore already allowed for the discontinuation of the CAV discount effective October 1, 2025. However, to provide clarity for express lane users, reference to the CAV discount is being removed entirely.

The process for adoption of the amended ordinance includes introduction and adoption at two separate Commission meetings. The ordinance was introduced at the October 23, 2025 Commission meeting. After the introduction, a notice of public hearing was published on two occasions in newspapers of general circulation in English, Spanish, and Chinese, which included instructions for members of the public to submit comments. A summary of the ordinance, including a web link to the full ordinance, was also published in the above-referenced publications. After the conclusion of the public hearing at this meeting, it is recommended that the Commission waive the reading and adopt the ordinance. Once adopted, the ordinance would go into effect after 30 days.

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

Attachment:

- A. Ordinance Amending Alameda CTC Express Lanes Ordinance for the Administration of Tolls and Enforcement of Toll Violations

ALAMEDA COUNTY TRANSPORTATION COMMISSION

**ORDINANCE AMENDING ALAMEDA CTC EXPRESS LANES ORDINANCE
FOR ADMINISTRATION OF
TOLLS AND ENFORCEMENT OF TOLL VIOLATIONS**

WHEREAS, Alameda County Transportation Commission’s (“Alameda CTC”) Express Lanes Toll Enforcement Ordinance (“Toll Ordinance”) was adopted in July of 2015 and last updated in April of 2024; and

WHEREAS, the Toll Ordinance establishes civil penalties for the evasion of tolls on the I-680 and I-580 Express Lanes and for noncompliance with other policies set forth in the Toll Ordinance; and

WHEREAS, the boundaries of the Alameda CTC Express Lanes need to be revised to reflect the change in operations due to the dissolution of the Sunol Smart Carpool Lane Joint Powers Authority and the impending completion of the I-680 gap closure project; and

WHEREAS, federal law authorizing a discount for Clean Air Vehicles operating in tolled lanes on Federal-aid Highways, and associated state law implementing the authorization, expired on September 30, 2025; and

WHEREAS, Alameda CTC’s Toll Ordinance must be amended to remove references to the expired Clean Air Vehicle discount and to reflect other changes to the boundaries of the Express Lanes effectuated through completion of the I-680 southbound express lane between State Route 84 (SR-84) and Alcosta Boulevard and dissolution of the Sunol Smart Carpool Lane Joint Powers Authority.

NOW, THEREFORE, THE ALAMEDA COUNTY TRANSPORTATION COMMISSION DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Findings

Alameda CTC finds that the foregoing recitals are true and correct and are incorporated into the Toll Ordinance by this reference.

SECTION 2. Amendments to the Toll Ordinance

- A. **Section 3 “Definitions”** of the Alameda CTC Toll Ordinance is amended as follows with additions in double-underline and deletions in ~~striketrough~~:

f. ~~“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.~~

- g. ~~“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 Alameda CTC Express Lanes.~~

B. **Section 5(d) “Exemptions from Tolls and Discount Tolls”** of the Alameda CTC Toll Ordinance is amended as follows with additions in double-underline and deletions in ~~strikethrough~~:

- 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 Alameda CTC in its adopted policies.~~

C. **Appendix A** of the Alameda CTC Toll Ordinance is amended as follows with additions in double-underline and deletions in ~~strikethrough~~:

APPENDIX A

SCHEDULE OF DISCOUNTS/SURCHARGES

Facilities and Tolls

Under the Alameda CTC 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.

D. **Appendix A, Table A-1** of the Alameda CTC Toll Ordinance is amended as follows with additions in double-underline and deletions in ~~strikethrough~~:

Table A-1

(as adopted by the Commission on ____ September 24, 2020 [**DATE OF ADOPTION**].)

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	

E. **Appendix B** of the Alameda CTC Toll Ordinance is amended as follows with additions in double-underline and deletions in ~~striketrough~~:

Appendix B

Operational Alameda CTC Express Lanes Under Jurisdiction of Alameda CTC

(as adopted by the Commission on April 25, 2024 [**DATE OF ADOPTION**])

- Westbound I-580: Greenville Road to Interstate 680
- Eastbound I-580: Hacienda Drive to Greenville Road
- Southbound I-680 Sunol Express Lanes: Alcosta Boulevard ~~SR-84~~ to Scott Creek Road ~~SR-237~~
- Northbound I-680 Sunol Express Lanes: Auto Mall Parkway to SR-84

SECTION 3. Severability.

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

The Commission hereby declares that it would have passed the Ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of this Ordinance would be subsequently declared invalid or unconstitutional.

SECTION 4.

Publication/Effective Date of Amended Ordinance.

A summary of this Ordinance shall be prepared by the General Counsel. At least five (5) days prior to the Commission meeting at which this Ordinance is scheduled to be adopted, the Clerk of the Commission shall (1) publish the summary, which will include a web address for access to the full version, in a newspaper of general circulation printed and published within the jurisdiction of the Alameda CTC, and (2) post in the Alameda CTC'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 the jurisdiction of the Alameda CTC, and (2) post in the Alameda CTC Office a certified copy of the full text of this Ordinance along with the names of those Commission members voting for and against this Ordinance or otherwise voting. The Clerk of the Commission 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 Alameda County Transportation Commission
on _____ by the following vote:

AYES:

NOES:

EXCUSED:

Date Published: _____ (Alameda County)

Attested to:

Dated: _____

Clerk of the Commission