

Date: July 27, 2022
Referred by: BAIFA Network
and Operations
Committee
Revised: 05/24/23-BAIFA
06/26/24-BAIFA

ABSTRACT

BAIFA Resolution No. 36, Revised

This resolution adopts revised violation penalties for the BAIFA Express Lanes, effective October 3, 2022, as set forth in Attachment A of the BAIFA Toll Facility Ordinance.

This resolution was revised on May 24, 2023 to address revisions to exceptions to the assessment of violation penalties. Attachment A to this Resolution was also revised on May 24, 2023 to clarify penalty amounts and to revise the exceptions to the assessment of penalties to include a One-Time Waiver Program effective July 1, 2023 and expiring September 30, 2024.

This resolution was revised on June 26, 2024 to revise the exceptions to the assessment of penalties to make customers eligible for a low-income payment plan eligible for a one-time waiver of all violation penalties effective October 1, 2024. All other customers would be eligible for a waiver of one violation penalty for a first-time offense.

Further discussion of this resolution is contained in the Executive Director's memoranda dated July 27, 2022, May 24, 2023, and June 26, 2024.

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Referred by: BAIFA Network and
Operations Committee
Revised: 05/24/23-BAIFA
06/26/24-BAIFA

Re: Adoption of revised violation penalties for the BAIFA Express Lanes and exceptions to the assessment of penalties, as set forth in Attachment A of the BAIFA Toll Facility Ordinance

BAY AREA INFRASTRUCTURE FINANCING AUTHORITY
RESOLUTION No. 36, Revised

WHEREAS, the Metropolitan Transportation Commission (“MTC”) and the Bay Area Toll Authority (“BATA”) have executed a joint exercise of powers agreement dated as of August 1, 2006, as amended, which created and established the Bay Area Infrastructure Financing Authority (“BAIFA”): and

WHEREAS, the Metropolitan Transportation Commission (“MTC”) has been authorized by the State of California to develop and operate high-occupancy toll lane facilities constituting the Bay Area Express Lane Network (“Project”) pursuant to California Streets and Highways Code section 149.7 (“Express Lanes Statute”); and

WHEREAS, the Bay Area Infrastructure Financing Authority (“BAIFA”) is authorized by the Joint Exercise of Powers Agreement between MTC and the Bay Area Toll Authority (“BATA”) dated as of August 1, 2006, as amended, to develop and operate high-occupancy toll lane facilities pursuant to the Express Lanes Statute; and

WHEREAS, Vehicle Code authorizes penalties for certain types of violations; and

WHEREAS, BAIFA adopted a Toll Facility Ordinance that sets forth penalties for certain violations of the Toll Facility Ordinance (“Penalties”) and amended the Toll Facility Ordinance in June 2022 to allow revision of penalties and exceptions to the assessment of penalties by resolution;

NOW, THEREFORE, BE IT RESOLVED, that BAIFA hereby adopts revised penalties and exceptions to the assessment of penalties as set forth in Attachment A to this Resolution, and incorporated herein as though set forth at length; and be it further

RESOLVED, that Attachment A to the BAIFA Toll Facility Ordinance shall be updated to reflect the changes adopted through this Resolution No. 36 and posted on the agency website.

BAY AREA INFRASTRUCTURE FINANCING AUTHORITY

Alfredo Pedroza, Chair

The above resolution, revising and superseding the resolution approved on July 27, 2022, was entered into by the Bay Area Infrastructure Financing Authority at a regular meeting of the Authority held in San Francisco, California on June 26, 2024.

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Attachment A
Resolution No. 36
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**BAIFA Express Lanes Violation Penalties and Exceptions to the
Assessment of Penalties on the
BAIFA Express Lanes**

Attachment A

ATTACHMENT A TO
BAY AREA INFRASTRUCTURE FINANCING AUTHORITY TOLL FACILITY ORDINANCE

Facilities and Tolls

Under the Bay Area Infrastructure Financing Authority Toll Facility Ordinance, the minimum toll per zone, the hours of operation, and Discounts available for high occupancy vehicles (HOVs) and clean air vehicles for each BAIFA toll facility listed below shall be as set forth in this table:

BAIFA Toll Facilities and Zones	Minimum Toll per Zone	Maximum Hours of Operation	HOV Requirement and Occupancy Discount*	Clean Air Vehicle Discount*
<p>I-680 San Ramon to Martinez Five zones southbound:</p> <ol style="list-style-type: none"> 1. Monument Zone: Marina Vista Avenue to Monument Boulevard 2. South Main Zone: Monument Boulevard to South Main Street 3. El Cerro Zone: South Main Street to El Cerro Boulevard 4. Crow Canyon Zone: El Cerro Boulevard to Crow Canyon Road 5. Alcosta Zone: Crow Canyon Road to Alcosta Boulevard <p>Two zones northbound:</p> <ol style="list-style-type: none"> 6. Crow Canyon Zone: Alcosta Boulevard to Crow Canyon Road 7. Livorna Zone: Crow Canyon Road to Livorna Road 	\$0.50	Monday to Friday from 5AM to 8PM	100% for two or more persons (HOV 2+)	50%
<p>I-880 Oakland to Milpitas Six zones southbound:</p> <ol style="list-style-type: none"> 8. Washington/238 Zone: Hegenberger Road to Washington Avenue/238 9. Tennyson Zone: Washington Avenue/238 to Tennyson Road 10. Alvarado-Niles Zone: Tennyson Road to Alvarado-Niles Road 11. Thornton Zone: Alvarado-Niles Road to Thornton Avenue 12. Auto Mall Zone: Thornton Avenue to Auto Mall Parkway 13. Dixon Landing Zone: Auto Mall Parkway to Dixon Landing Road <p>Five zones northbound:</p> <ol style="list-style-type: none"> 14. Auto Mall Zone: Dixon Landing Road to Auto Mall Parkway 15. Mowry Zone: Auto Mall Parkway to Mowry Avenue 16. Decoto/84 Zone: Mowry Avenue to Decoto Road/84 17. Whipple Zone: Decoto Road/84 to Whipple Road 18. Hesperian/238 Zone: Whipple Road to Hesperian Boulevard/238 	\$0.50	Monday to Friday from 5AM to 8PM	100% for three or more persons (HOV 3+) 50% for two persons, with the exception of 100% for two persons in a class 1 vehicle designed by the manufacturer to be occupied by no more than two persons, including the driver.	50%

*Discounts cannot be combined across discount categories; for example, a two-person clean air vehicle on I-880 cannot receive a 100% discount (50% for two persons plus 50% for clean air vehicle).

For all BAIFA toll facilities, the surcharge for “pay-by-plate” transactions shall be \$0.

Penalties for Violations

All Violations

1st Notice Penalty

\$10

2nd Notice Penalty

Additional \$20 (for a total penalty of \$30 from the 1st and 2nd notices)

Exceptions:

1. If the violation is determined to be the fault of the toll agency.
2. For FasTrak[®] account holders in good standing, toll-only will be posted to the account balance. If the account balance is less than the amount of the toll, the account balance must be brought to the replenishment threshold amount prior to posting the violation toll amount.
3. One-Time Waiver: Upon request, violation penalties will be waived for all open violations at the time of request, up to and including violations on DMV registration hold or at collections. A customer is eligible for this waiver one time only. To receive the waiver, the customer must pay all outstanding tolls and DMV processing fees or, if eligible, enter into a low-income payment plan in accordance with BATA Resolution No. 52, Revised, and make the first payment. This waiver is effective July 1, 2023 and expires September 30, 2024. After September 30, 2024, only customers eligible for a low-income payment plan in accordance with BATA Resolution No. 52, Revised, will be eligible for this one-time waiver.
4. For 1st-time offense, upon request a non-customer can open a FasTrak[®] account prior to DMV registration hold or collections and the penalty will be waived.

A processing fee will be applied to violations sent to the Department of Motor Vehicles (DMV) for a registration hold in the amount of the DMV recording fee authorized pursuant to Vehicle Code Section 4773 (currently \$3, as said amount may subsequently be revised by the DMV).