



Bay Area Infrastructure Financing Authority
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Memorandum

TO: BAIFA

DATE: July 26, 2016

FR: Executive Director

W. I. 6840

RE: Public Comments: Toll Facility Ordinance for Express Lanes

The proposed Toll Facility Ordinance was released for public comment on June 8, 2016, as described in the memo dated July 13, 2016. The written comment period ended July 20, 2016. During this period, BAIFA received a total of six comments on the proposed Toll Facility Ordinance. Four of the comments were submitted in writing (through comment forms on MTC's website or via email.) BAIFA received two oral comments at the first public hearing, June 22, 2016. The major themes reflected in the comments and staff's responses are summarized below. (Note that several comments addressed more than one theme.) To view individual written comments, see Attachment A.

1. Theme: Concern about impacts to carpoolers and transit riders (2 comments)

Carpools and transit riders will benefit because express lanes will be actively managed to operate more reliably than carpool lanes, thus improving travel for those in the lane today. This includes use of dynamic pricing to keep the lane free flowing, striping and signing to reducing weaving and traffic monitoring to more quickly identify and respond to incidents. Enhanced enforcement, described further below, will also improve operations and reliability compared to existing carpool lanes. These tools will be used to maintain state and federal performance standards for express lanes.

2. Theme: Concern about having to pay a toll to use a lane already paid for with taxes (2 comments)

The tolls paid to use the express lanes will fund active transportation management strategies to improve operations, for which current funds from taxes are not sufficient, and to meet state and federal performance standards. The express lanes will increase traffic monitoring and enforcement, which will facilitate response to traffic incidents and improve travel reliability. In addition, some drivers who are not currently able to use the carpool lanes during their hours of operation will have the choice to use the express lanes when they are willing to pay the toll. The tolls for express lanes thus pay for services and uses not paid for or provided with existing funding, including tax funding.

3. Theme: Concern the lanes are not fair to lower-income travelers (equity) (3 comments)

National research has shown that individuals of all income levels value and use express lanes for better reliability of travel when they most need it.¹ That could include getting to work on time, picking a child up from day care, or getting home to spend time with family. Findings from focus groups and intercept surveys with low income and minority residents in the Bay Area, conducted by MTC in 2012, confirmed these findings with a majority of respondents indicating willingness to pay a toll to use express lanes at least some of the time. Moreover, it is each motorist's choice whether to use the express lanes; no motorist is forced to pay the toll.

¹ Patil, Sunil; Burris, Mark; Dhaw, Douglass; and Concas, Sisinnio. 2011. "Variation in the Value of Travel Time Savings and its Impact on the Benefits of Managed Lanes" in *Transportation Planning and Technology*, Vol. 34, pp. 547-567. August 2011

4. Theme: Concern about increasing air pollution (1 comment)

The impacts of specific express lane projects on air pollution are analyzed during the environmental review process. By law, any significant impacts identified in the analysis must be mitigated. The environmental analyses conducted to date for BAIFA's express lane projects on I-680, I-880 and I-80 have not identified any significant impacts on air pollution.

5. Theme: Importance of enforcement (2 comments)

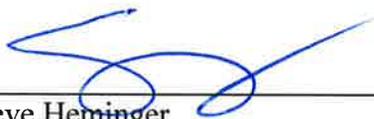
Data recently collected by the Metropolitan Transportation Commission shows that between 9% and 39% of drivers in the region's carpool lanes are violators. The express lanes will improve enforcement through additional California Highway Patrol (CHP) officers, upgrades to CHP observation areas in the highway median and new technology to help enforce use of the lane. In addition, the use of FasTrak Flex[®] switchable toll tags will help CHP identify violators.

6. Theme: Use of revenues for transit (1 comment)

Toll revenues will first be used to pay BAIFA's express lane expenses. All remaining net toll revenue will be expended for transportation purposes in accordance with state law and according to BAIFA policies to be established for use of the funds, which may include transit.

7. Theme: Importance of notifying travelers about FasTrak Flex[®] (1 comment)

Information on FasTrak Flex[®] is already featured on the FasTrak[®] website. In the months leading up to, and following, the opening of each express lane, staff will conduct focused public education on how to use the lanes. This will include information about when FasTrak Flex[®] is required and how to get FasTrak[®] and FasTrak Flex[®]. Education strategies will include temporary messaging on the freeway, face-to-face community outreach and use of news media and social media. We plan to build on lessons learned from I-580 Express Lanes opening.



Steve Heminger

SH:lk

Attachment

**Attachment A
Public Comments on the Draft Toll Facilities Ordinance**

Comment No.	Name, Agency	Comment Theme	Source
1	Michael Daley, Public	Concern about increasing air pollution	Email*
		Concern about having to pay a toll to use a lane already paid for with taxes	
		Concern the lanes are not fair to lower-income travelers (equity)	
		Importance of enforcement	
2	Darren Magda, Public	Concern about having to pay a toll to use a lane already paid for with taxes	Email*
		Concern about impacts to carpoolers	
		Concern the lanes are not fair to lower-income travelers (equity)	
3	Brett Bibeau, Public	Concern about impacts to carpoolers and transit riders	Email*
		Concern the lanes are not fair to lower-income travelers (equity)	
4	Paris Georgallis, Public	Importance of enforcement	MTC Website User Comment*
5	Ken Bukowski, Public	Use of revenues for transit	Oral, Public Hearing #1
6	Roland Lebrun, Public	Importance of notifying travelers about FasTrak Flex®	Oral, Public Hearing #1

* Written comment attached in the following pages

Public Comment #1

From: Michael Daley

Sent: Saturday, June 18, 2016 6:41 AM

To: MTC Info <info@mtc.ca.gov>

Subject: I OPPOSE ANY Conversion of carpool lanes to toll lanes.

I am opposed to ANY conversion of carpool lanes to toll lanes for any reason, anywhere. It is unethical and probably illegal. The carpool lanes were constructed at vast PUBLIC expense for the express, stated purpose of reducing AIR POLLUTION and smoothing the commute. Allowing single drivers in gas-guzzling vehicles to use these lanes, whatever you rename them, is a clear violation of the public trust.

While I realize the whole notion of "ethics" has become "quaint", taxpayer funding of these lanes is unethical. Rich people do not have a God-given right to get to work faster than poor people, especially on infrastructure largely paid for by the latter, while their much greater needs go unaddressed.

ENFORCEMENT of the existing carpool lanes would be a welcome change. I recently took an informal survey on I-80 WB while stuck in lane 2 in Berkeley. About 1/3 of the cars in the carpool lane had no right to be there, and the many single drivers in huge SUVs abusing a resource intended to clear the air is especially offensive. They seem to know there is no enforcement, or else they just don't care. How do you suggest we explain this to our children?

Keep carpool lanes for their rightful purpose: CARPOOLS, and ticket the abusers.

NO taxpayer-subsidized fast lanes for the Fat Cats!

Sincerely,

Michael Daley

P.S. I know writing this is pointless and you don't really care what we think, are just going through the motions, and will do what the rich people want regardless of ethics or law -- that's how an oligarchy works...

Public Comment #2

From: darren magda

Sent: Friday, July 08, 2016 4:37 PM

To: MTC Info <info@mtc.ca.gov>

Subject: BAIFA Toll facility ordinance

I am dismayed by the proposed system of allowing solo drivers to use carpool lanes by paying a toll. This proposal violates the unwritten rule that all taxpayers should enjoy equal access to community funded resources (such as federal highways) regardless of economic status (ability to pay extra). This proposal will inevitably lead to more traffic for the common person. Carpool lanes are designed to encourage favorable behavior (i.e., carpooling), not to benefit solo drivers for profit to the detriment of others who carpool or choose not to pay extra for whatever reason. What is next, certain highways only accessible for a fee? Certain schools?

Darren Magda

Public Comment #3

From: Beebo

Sent: Tuesday, July 12, 2016 4:35 PM

To: MTC Info <info@mtc.ca.gov>

Subject: Comment on: Toll Facility Ordinance for high-occupancy vehicle (carpool) lanes

Hi,

It is absolutely unbelievable that you have decided to cater to those who could give the slightest crap about carpooling and carpool lanes. Instead, you are now allowing those single occupancy-minded drivers a way to clog-up the carpool lanes when the commuters need them the most. What you are doing is incredibly stupid and shameful, but not that you give the slightest care since this will bring money into your pockets. I'm sure so many people are extremely excited to see their commutes wrecked by idiots who can now afford to pay a toll.

You have decided to turn I-80's morning westbound commute into even more of a mess. The carpool lane is already crowded, and now you have ingeniously come up with a plan to turn it into a normal lane, meaning that it will move no faster than the non "carpool" (a word that no longer has any meaning to you) lanes.

Congratulations, you greedy turds. You just destroyed the I-80 westbound morning and evening eastbound commutes for those of us who actually carpool by taking buses, and by filling our cars with commuters. How 'bout a bus lane only? Nope, not enough room. I cannot wait to hear the excuses you use once the entire I-80 becomes gridlocked because you need more money to reach your goals in whatever remarkably stupid fashion you see fit.

Thanks, jerks, for your greed and shortsightedness.

-Brett Bibeau (someone who will now have to chalk-on an extra hour-a-day for my bus commute because, by golly, people can now pay to reduce pollution by doing absolutely nothing to reduce pollution, and gridlock)

Public Comment #4

ordinance at its July 27, 2016 meeting.

Bay Area Express Lanes

Bay Area Infrastructure Financing Authority (BAIFA)

Express Lanes

I-680

I-80

I-880

Public Comment

Add new comment

 **Users Comments** [Post your comment >](#)

Paris Georgallis JULY 2, 2016

All wonderful - however there is little to no Toll/HOV law enforcement for abusers and there are many - whats the point if the CVC is not enforced. Don't spend my tax \$\$\$ on these great idea unless the CVC is enforced and those of us obeying and abiding by the law are not abused by those not. A fine is not enough, after several abuses I would impound the abusers vehicle.

Reply

Source: <http://mtc.ca.gov/whats-happening/news/participate-two-public-hearings-express-lane-toll-collection-process>