

GOLDEN GATE BRIDGE, HIGHWAY AND TRANSPORTATION DISTRICT

RESOLUTION NO. 2013-038

**APPROVE A POSITION OF SUPPORT OF
ASSEMBLY BILL 179, IF AMENDED**

April 26, 2013

WHEREAS, the Board of Directors (Board) of the Golden Gate Bridge, Highway & Transportation District (District) govern a state “transportation agency,” as that phrase is defined under Section 31490 (l) of the California Streets and Highways Code; and,

WHEREAS, existing state law prohibits a transportation agency from selling or providing personally identifiable information of a person obtained through the person’s participation in an electronic toll collection system or use of a toll facility that uses an electronic toll collection system; and,

WHEREAS, existing state law, with certain exceptions, requires a transportation agency to discard personally identifiable information after 4-1/2 years, and provides various legal remedies in that regard; and

WHEREAS, Assembly Bill 179 (Bocanegra and Levine) (AB 179), introduced in the California State Legislature on January 24, 2013, would make existing state law applicable to a transportation agency that employs an electronic transit fare collection system for payment of transit fares; and,

WHEREAS, AB 179 would amend existing law to require transportation agencies that obtain personally identifiable information of a person from electronic toll collection or electronic transit fare collection systems to discard that information after six months; and,

WHEREAS, AB 179, as presently written, conflicts with the District’s existing legal obligations with respect to contract and tort claims filed against the District, as well as protocols that govern credit card transactions by District customers, which require the retention of personally identifiable information for a period of time of up to four years; and,

WHEREAS, AB 179, if signed into law as presently written, shall make it more difficult for the Board to properly respond to and resolve contract and tort claims filed against the District as well as credit card transaction inquiries from District customers; and,

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BOARD OF DIRECTORS MEETING OF APRIL 26, 2013
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WHEREAS, on April 24, 2013, the Metropolitan Transportation Commission (MTC) approved the April 11, 2013 recommendation of its Legislative Committee with respect to AB 179, as presently written, which is "Oppose Unless Amended" to revise the six-month timeframe to three years, and revise the statute of limitations of claims relating to electronic toll collection systems and transit smart card programs to three years; and,

WHEREAS, the MTC's April 24, 2013 position on AB 179 accurately reflects the views and opinions of the Governmental Affairs & Public Information Committee, which finds that the Board's adoption of an identical position is in the District's best interest and, at its meeting of April 26, 2013, recommends this position for the Board's approval; and,

WHEREAS, as a matter of principle, the Board does not otherwise oppose laws that reduce the amount of time in which the District may retain personal identifiable information; now, therefore, be it

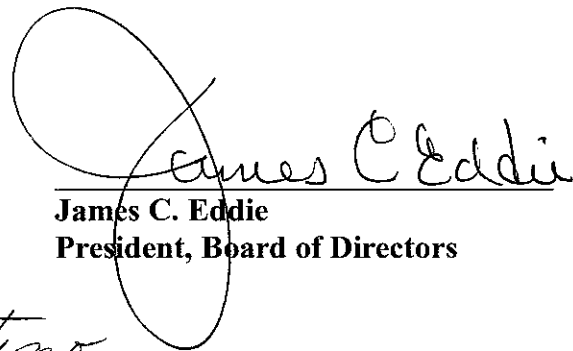
RESOLVED that the Board of Directors of the Golden Gate Bridge, Highway and Transportation District hereby approves of a position of support of Assembly Bill 179 (Bocanegra and Levine), if amended, which would apply new restrictions to the retention and sharing of account information for electronic transit fare collection systems, such as Clipper®, as well as electronic toll collection systems, such as FasTrak®.

ADOPTED this 26th day of April 2013, by the following vote of the Board of Directors:


AYES (17): Directors Arnold, Belforte, Breed, Campos, Cochran, Fredericks, Pahre, Rabbitt, Reilly, Sears, Sobel, Theriault, Wiener and Yee; Second Vice President Stroeh; First Vice President Grosboll; President Eddie

NOES (0): None

ABSENT (2): Directors Moylan and Snyder



James C. Eddie
President, Board of Directors

ATTEST: 
Janet S. Tarantino
Secretary of the District