

GOLDEN GATE BRIDGE, HIGHWAY AND TRANSPORTATION DISTRICT

ORDINANCE NO. 2012-004

**AN ORDINANCE TO AMEND MASTER ORDINANCE 2010, AS AMENDED,
TO INCORPORATE TOLL POLICIES RELATIVE TO IMPLEMENTATION OF ALL
ELECTRONIC TOLLING ON THE GOLDEN GATE BRIDGE**

September 21, 2012

THIS ORDINANCE is adopted with reference to the following facts and circumstances which are found and declared by the Board of Directors (Board) of the Golden Gate Bridge, Highway and Transportation District (District):

1. By Resolution No. 2011-008, adopted January 28, 2011, the Board of Directors authorized conversion to an all-electronic toll collection system on the Golden Gate Bridge, and directed staff to proceed with implementation activities.

2. By Resolution No. 2011-068, adopted July 8, 2011, the Board of Directors approved the all-electronic toll payment processing framework, in preparation for negotiations with the FasTrak Regional Customer Service Center contractor.

3. By Resolution No. 2012-009, adopted February 10, 2012, the Board of Directors approved the change order that had been negotiated by staff for the implementation of the all-electronic tolling payment processing framework and cash payment network, to amend the contract between the Bay Area Toll Authority and ACS State and Local Solutions, Inc., the contractor for the FasTrak Regional Customer Service Center.

4. The Finance-Auditing Committee recommends amending the Master Ordinance to incorporate toll policies that are necessary to implement all electronic tolling on the Golden Gate Bridge, as recommended by staff and as set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE GOLDEN GATE BRIDGE, HIGHWAY, AND TRANSPORTATION DISTRICT AS FOLLOWS:

Section 1. The Board hereby replaces in its entirety Section I, "General Provisions," Subsection B, "Bridge Toll Discount for Persons with Disabilities," Item c, "Identification Cards" of Master Ordinance 2010, with the following:

- c. Identification Cards. Persons who have been found by the District to be eligible for the discount toll and who intend to utilize discount tolls based upon disability will be issued an identification card from the District's Administrative Office. In order to receive the discount toll, it is necessary to open and use a special discounted FasTrak® account for toll payment. The special FasTrak® tag will be associated with the individual qualifying for the discount, it will not be associated

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with vehicle license plate numbers, and it will be marked to facilitate differentiation from standard FasTrak® tags.

Section 2. The Board hereby replaces in its entirety Section II, “Golden Gate Bridge and Approaches,” Subsection B, “Bridge Toll Rates” of Master Ordinance 2010, with the following:

1. GENERAL. Effective July 1, 2012 the base and FasTrak® Bridge toll rates, southbound only, for all vehicles shall be based on the total number of axles of the vehicle, or connected combination of vehicles, as follows:

Vehicle Type	Base Toll	FasTrak® Toll
2-Axle	\$6.00	\$5.00
3-Axles	\$18.00	\$15.00
4-Axles	\$24.00	\$20.00
5-Axles	\$30.00	\$25.00
6-Axles	\$36.00	\$30.00
7-Axles or More	\$42.00	\$35.00

2. REDUCED FASTRAK® TOLL FOR DESIGNATED VEHICLES DURING COMMUTE HOURS. A reduced FasTrak® toll rate, calculated at 50% of the base cash toll for two-axle vehicles, is available between the hours of 5:00 to 9:00 a.m., and 4:00 to 6:00 p.m., Mondays through Fridays, excluding the following holidays: New Year’s Day; Presidents’ Day (third Monday in February); Memorial Day (last Monday in May); Independence Day (July 4); Labor Day; Thanksgiving Day; and Christmas Day. The reduced FasTrak® toll applies to two-axle vehicles with three or more passengers, motorcycles, and buses. In addition, clean air vehicles that bear a DMV issued WHITE Clean Air Vehicle decal, that allows the vehicle to be operated by a single occupant in High Occupancy Vehicle (HOV) lanes are eligible for the reduced toll during commute hours, for as long as California Vehicle Code Sections 5205.5 and 21655.9 remain in effect. Vehicles bearing the YELLOW or GREEN Clean Air Vehicle decal are not eligible for the reduced toll.

All vehicles that qualify for the reduced toll shall be registered with a FasTrak® account in good standing and the reduced toll shall be paid with a valid transponder. Eligible vehicles are required to use a marked, dedicated ‘Carpool’ lane.

3. TOLL RATES FOR PERSONS WITH DISABILITIES. The applicable toll for a two-axle vehicle in which an eligible person with disabilities is either the operator or a passenger shall be 50% of the base cash toll for two-axle vehicles. The discount toll must be paid via a special, discount FasTrak® tag issued to the eligible person with disabilities. The discount toll is not available for vehicles with more than two axles. The provisions of Section I.B.1, “Bridge Discount for Persons with Disabilities,” shall apply.

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Section 3. The Board hereby replaces in its entirety Section II, "Golden Gate Bridge and Approaches," Subsection D, "Collection of Tolls and Charges" of Master Ordinance 2010, with the following:

1. **STANDARD TOLL COLLECTION.** It shall be the duty of the General Manager, through employees and the District's contractors, to collect the revenue and deposits derived from the rates, tolls, traffic charges and special service charges established by the Board of Directors of the District, and to forthwith pay the same when collected, no later than 48 hours thereafter (exclusive of Sundays and holidays) to the proper fund of the District, in the manner provided by the accounting system set up for receipt of revenues of the District.
2. **ELECTRONIC TOLL COLLECTION.** The District collects Bridge tolls through the Electronic Toll Collection System (ETC). The General Manager or designee is authorized to issue written procedures for implementing the Electronic Toll Collection System, consistent with this Ordinance, and Board direction as may be given from time to time. Bridge toll payment can be made automatically via FasTrak® Account or Pay- By-Plate, or via invoice mailed to the registered owner of the vehicle.
 - a. **FasTrak® Account**
 - i. **Transponder Deposit.** The customer shall execute an Application and License Agreement providing for the terms and conditions for use of the transponders and to establish a customer credit card or cash account with the District. For cash accounts, the customer shall deposit \$20 for each transponder. The deposit will be maintained for the duration of the active account, and will be refunded to the customer, without interest, upon return of the transponder in good working condition to FasTrak®. The deposit will be forfeited if the transponder is misused, damaged, lost, or stolen. No deposit shall be required for the first three (3) transponders issued to a credit card account; however, the credit card account is subject to a charge of \$20 for each transponder that is misused, damaged, lost or stolen. A deposit is required for additional transponders issued to a credit card account.
 - ii. **Toll Payment.**
 - (a) Credit Card Accounts. The customer shall establish an initial prepaid balance of \$25 per transponder and shall authorize the District to make automatic charges to the account to replenish it (in the amount of the account's "Replenishment Amount") whenever the account falls to or below the Replenishment Threshold. The Replenishment Threshold is reached when the balance in a credit account

equals two week's average usage over a 90-day period, or \$15 per account, whichever amount is greater. The Replenishment Amount shall be equal to the customer's one-month average usage based on the previous 90 days' usage, or \$25 per account, whichever amount is greater. The Replenishment Threshold and Replenishment Amount will be adjusted 35 days after initial use and quarterly thereafter.

(b) Cash Accounts. The customer shall prepay Bridge tolls in the initial amount of \$50 per transponder. The customer shall replenish the account as necessary to maintain a positive account balance.

b. Pay-By-Plate

Pay-by-Plate offers customers the option of signing up for a License Plate Account, or making a One-Time Payment. Payment can be made prior to or subsequent to crossing the Bridge. Customers either provide a credit/debit card to be debited nightly for any transactions incurred that day, or establish a pre-paid cash balance.

i. License Plate Account. Pay-by-Plate customers opting to become License Plate Account holders complete an application and agree to the terms and conditions set forth in an agreement. Customers have the option of establishing a pre-paid balance or placing a credit card on file. If the card on file is invalid or if the pre-paid balance is insufficient, an invoice is sent.

ii. One-Time Payment. Customers who prefer not to become License Plate Account holders have the option of making a non-refundable One-Time Payment that is good for 30 days and up to three tolls. Customers should review the One-Time Payment terms and conditions at the time of payment. One-Time Payments can be made by cash or credit card.

c. Invoice

An invoice will be generated for tolls that are not paid via the FasTrak® or Pay-by-Plate methods. The first invoice will be generated 3 days after passing through the toll plaza; tolls will be aggregated on subsequent invoices and will be generated every 30 days thereafter. Invoices will be sent to the registered owner of the vehicle on file with the Department of Motor Vehicles. Invoice Payments are due 21 days from the invoice mailing date. Past due invoices will be processed as violations.

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3. **ELECTRONIC TOLL COLLECTION PAYMENT LOCATIONS.** Toll payment can be made at the FasTrak® Regional Customer Service Center, by mail and via the internet. To accommodate cash customers, toll payments can also be made via a network of cash payment locations. A list of available walk-in centers will be kept up to date on the Bay Area FasTrak® website, www.bayareaFasTrak.org. Convenience fees that may be charged by businesses enrolled in the cash payment network system are the responsibility of the customer. However, the District will absorb the cost of convenience fees for One Time Payment, Invoice Payments, and License Plate Account replenishment until further notice.

4. **TOLL EVASION PENALTIES AND VIOLATION ENFORCEMENT.** It is a violation of the toll evasion statutes under Vehicle Code Section 4770 *et seq.*, 23302 *et seq.*, Section 40250 *et seq.*, and Streets and Highways Code Section 30843 to fail to pay the established Bridge toll. . An invoice will be mailed for any transaction that cannot be paid automatically via FasTrak® or Pay-by-Plate. It is a violation of the toll evasion statutes to fail to pay an invoice by the invoice payment due date. Pursuant to authority granted in Streets and Highways Code Section 27174.1, the District shall enforce this ordinance relating to toll evasion by issuance of notices of toll evasion violation, delinquent toll evasion and the imposition of civil penalties. Violators are subject to penalty as set forth below.

For All Violations:

First Notice: Toll plus \$25 penalty

Second Notice: Toll plus \$70 penalty

Exceptions: (1) If the violation is the fault of the agency; (2) For the first time offense, a non-customer can open a FasTrak® account or License Plate Account and the \$25 penalty will be waived; and, (3) For FasTrak® account holders with a positive account balance and License Plate Account holders whose account is in good standing, the toll only will be posted to their account. Also, in compliance with state law, if the registered owner makes payment within fifteen days of the mailing of the second notice, the applicable penalty is reduced to the lower penalty of \$25. A \$3 processing fee will be applied to violations sent to the Department of Motor Vehicles (DMV) for a registration hold.

5. **RETURNED CHECK FEE.** Any returned check is subject to a fee of \$25.00.

Section 4. The Board hereby replaces in its entirety Section II, "Golden Gate Bridge and Approaches," Subsection F, "Exemptions from Tolls" of Master Ordinance 2010, with the following:

No toll shall be charged to the following classifications of traffic:

1. Vehicles of members of the California Highway Patrol, while traveling in official patrol vehicles and on duty policing the Bridge and District facilities.

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2. Vehicles of the United States Government required to be passed free of charge under the terms of Public Law 255-78th Congress.
3. Pedestrians and bicyclists on East and West sidewalks.
4. Vehicles in funeral procession of a person who dies while on active duty with the Armed Forces of the United States.
5. Vehicles of the United States Park Police while crossing the Bridge on official business.
6. Vehicles of officers and enlisted personnel of the U.S. Coast Guard, while engaged in the performance of their official duties, with the understanding that civilian Coast Guard employees are excluded from the toll-free privilege; with the further understanding that the U.S. Coast Guard will be subject to the same rules that apply to other branches of the military with regard to toll-free privileges on the Golden Gate Bridge.
7. Buses operated by the Municipal Railway of the City and County of San Francisco, on Saturdays and Sundays, when providing scheduled service to Forts Cronkite and Baker within the Golden Gate National Recreation Area.
8. Vehicles of the Golden Gate National Recreation Area (GGNRA), with government license plates, while crossing the Bridge on official business, with the understanding that commute trips are excluded from the toll-free privilege, and that any GGNRA employee who misuses this privilege will have this privilege revoked, and with the further understanding that staff will maintain a computer record of the time and date of each toll-free crossing authorized by this provision, and staff will monitor such use and report periodically to the Board.
9. Emergency vehicles such as police, fire, and ambulances when responding to incidents on the Bridge and approaches, or police vehicles when involved in pursuits that require crossing the Bridge.

Section 5. The effective date of this Ordinance shall be September 21, 2012

Section 4. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect any other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

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ADOPTED this 21st day of September 2012, by the following vote of the Golden Gate Bridge, Highway and Transportation District Board of Directors:

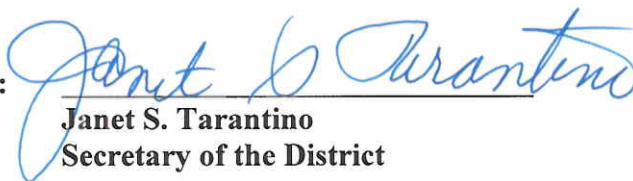
AYES (14): Directors Arnold, Campos, Cochran, Elsbernd, Fredericks, Moylan, Renée, Snyder, Sobel, Stroeh and Theriault; Second Vice President Grosboll; First Vice President Eddie; President Reilly

NOES (0): None

ABSENT (5): Directors Chu, Mar, Pahre, Rabbitt and Sears



Janet Reilly
President, Board of Directors

ATTEST: 

Janet S. Tarantino
Secretary of the District