

Date of Hearing: April 2, 2018

**ASSEMBLY COMMITTEE ON TRANSPORTATION**

Jim Frazier, Chair

AB 2535 (Obernolte) – As Amended March 19, 2018

**SUBJECT:** High-occupancy toll lanes: notice of toll evasion violation

**SUMMARY:** Requires processing agencies representing toll facility operators to include in the notice of a toll evasion violation sent to a violator, a copy of photographic evidence on which the determination was reached by automated devices for any failure to meet occupancy requirements in a high-occupancy toll (HOT) lane.

**EXISTING LAW:**

- 1) Authorizes certain entities in the state to operate toll facilities, including toll bridges, dedicated toll roads, and HOT lanes.
- 2) Requires processing agencies representing toll facility operators to send to the registered owners of a vehicle found to have evaded tolls on a toll road or toll bridge a notice of toll evasion violation within 21 days of the violation in most cases.
- 3) Defines the information that must be included in the notice of toll evasion violation as:
  - a) The section of code defining the violation;
  - b) The approximate time of the violation;
  - c) The location where the violation occurred;
  - d) The license plate number of the offending vehicle;
  - e) The registration expiration date and the make of the vehicle, if possible; and,
  - f) A clear and concise explanation of the procedures for contesting the violation and appealing an adverse decision.

**FISCAL EFFECT:** Unknown

**COMMENTS:** Current law authorizes a number of public agencies (and currently, one private company) to operate toll facilities in this state. These facilities include state-owned toll bridges, local toll bridge districts, public toll roads, HOT or “managed” lanes, and a private toll road. Additionally, current law allows toll facility operators to designate a separate public or private entity to act as a processing agency for the purposes of collecting tolls from vehicle owners or operators who fail to pay before using a toll facility.

Processing agencies are also authorized to follow administrative procedures in current law to notify and collect delinquent tolls from motorists and registered vehicle owners. In many cases, when a driver enters a toll facility without payment, automated cameras are triggered and a photograph is taken of the vehicle's license plate. Processing agencies then obtain home or mailing address

information from the Department of Motor Vehicles (DMV), and send a notice of toll violation to the registered owner within 21 days.

HOT lanes are increasingly being implemented in metropolitan areas around the state and the nation. HOT lanes allow single-occupant or lower-occupancy vehicles to use a high-occupancy vehicle (HOV) lane for a fee, while maintaining free or reduced travel to qualifying HOVs. The acknowledged benefits of HOT lanes include enhanced mobility and travel options in congested corridors and better usage of underutilized HOV lanes.

The challenge with HOT lanes rests in enforcement of toll evasion violations. Because some vehicles (e.g. HOVs and zero-emission vehicles) are eligible to operate in the lane without paying the toll, it can be difficult for law enforcement to identify the under-capacity vehicles that are violating the toll requirement. Several firms are attempting to solve this challenge with technology. Vehicle Passenger Detection Systems (VPDS) have been under development for a number of years, although to date no effective systems have been fully deployed. Current systems being tested utilize cameras to capture images through the front windshield and through the rear passenger window. Once images are captured, employees of the processing agency perform image analysis using facial recognition software to determine how many occupants are in the vehicle. The results from recent testing of VPDS in Los Angeles have shown that the system can maintain above a 95% capture rate of vehicles using the facility. Toll operators believe that utilizing manual review of the remaining 5% of the images can put the capture rate at close to 100%.

A separate recent study conducted by the California Department of Transportation (Caltrans) produced similar results. In the Caltrans study, VPDS achieved a 95.94% accuracy rate with missed violators accounting for 2.65% and wrongly identified non-violators accounting for the remaining 1.41%. The vendor claimed that, in operation, the back office system would include an image double-check so any errors would be caught before driver notifications or erroneous toll adjustments occurred.

The author introduced this bill because he believes that no system can be perfectly accurate and therefore more information provided to the alleged violator can assist in the transition to this technology. The author states, “providing photographic evidence with a toll evasion violation will give the public confidence in this new technology. The approximate time and place of the violation may not sufficiently convince the recipient of a ticket that they were at fault. Providing photographic evidence of the vehicle evading the toll will allow the owner of the vehicle to confirm that the toll evasion took place. And in the occasion that the technology inaccurately sent the ticket, the photos will give the vehicle owner a means to dispute the toll evasion violation.”

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

Teamsters

### **Opposition**

None on file

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