

Date of Hearing: March 24, 2025

ASSEMBLY COMMITTEE ON TRANSPORTATION
Lori D. Wilson, Chair
AB 334 (Petrie-Norris) – As Introduced January 28, 2025

SUBJECT: Operators of toll facilities: interoperability programs: vehicle information

SUMMARY: Limits information sharing between interstate tolling agencies for implementation of interstate interoperability to only the vehicle's use of the toll facility.

EXISTING LAW:

- 1) Allows operators of toll facilities on federal-aid highways engaged in an interoperability program to provide the following information regarding a vehicle's use of the toll facility; license plate number, transponder identification number, date and time of transaction, and identity of the agency operating the toll facility. (Streets and Highways Code Section (SHC) Section 27565)
- 2) Requires the toll operator to comply with all federal and state privacy protection laws. (SHC 27565)
- 3) Prohibits a transportation agency from selling or providing identifiable information of any person who subscribes to an electronic toll or electronic transit fare collection system or who uses a toll bridge, toll lane, or toll highway that employs an electronic toll collection system. (SHC 31490)
- 4) Requires a transportation agency that employs an electronic toll collection or an electronic transit fare collection system to establish a privacy policy regarding the collection and use of personally identifiable information. (SHC 31490)

FISCAL EFFECT: Unknown

COMMENTS: California has approximately 400,000 lanes miles of state and local roadways. This includes 21 interstate highways, and 45 federal highways. There are 25 toll facilities across the state which are operated by different agencies, and all use FasTrak for toll payment. FasTrak is a toll tag that removes the need to use invoices for billing and automatically charges an individual's credit card for payment. Toll road revenue can be used by regional transportation agencies to fund the construction, expansion, and maintenance of roads, bridges, and tunnels, as well as supporting operations and repayment of debt.

Toll facilities in California include; I-101 Express lanes, I-680 Express lanes, I-580 Express lanes, State Route (SR) 237 and I-880 Express lanes, I-10 and I-15 Express lanes, I-10 and I-110 Express lanes, I-405 Express lanes, SR 91 Express lanes, SR 125 toll road, SR 241, 261, 133, and 73 toll roads. These toll facilities are located in Orange, Riverside, San Diego, Alameda, Contra Costa, Marin, San Francisco, and San Mateo counties. California has interoperability within the state, however it does not participate in interstate operability with tolling authorities in other states.

Existing interstate operability models. In 1987, several toll agencies in the Northeast Corridor spanning began to explore the potential regional application of an emerging technology known as Electronic Toll Collection (ETC). ETC allows a motorist traveling on a participating toll facility to pay a toll automatically from a prepaid account. A small electronic tag on a windshield of a car collects and transmits customer account status electronically to the appropriate toll agency and the correct toll is charged to or credited against that customer's account.

In 1990, seven toll facilities from the states of New York, New Jersey and Pennsylvania joined to form the E-ZPass Interagency Group (IAG). These seven agencies represented almost 40% of all U.S. toll transactions and nearly 70% of all U.S. toll revenue. The IAG's goal was to implement a regionally compatible, non-interfering electronic toll collection system that would satisfy the divergent toll collection and traffic management needs of the seven participating agencies and provide regional mobility and convenience to motorists.

Today the E-ZPass Program is the largest interoperable toll collection program in the world, consisting of toll authorizes in over 15 states, servicing more than 35 million accounts, 59 million tags and the collection of over \$13.8 billion dollars in electronic toll revenues. The EZ-Pass network includes toll facilities in the states of Minnesota, Illinois, Indiana, Ohio, Kentucky, West Virginia, Pennsylvania, Maryland, Delaware, Virginia, North Carolina, Florida, New Jersey, New York, Massachusetts, Rhode Island, New Hampshire, and Maine.

Federal support of interstate interoperability. The Moving Ahead for Progress in the 21st Century Act (MAP-21), was signed into law by President Obama on July 6, 2012, and included provisions requiring all U.S. tolling agencies to become nationally interoperable, expanding existing in-state interoperability to a national level. This act, formally known as Public Law 112-141, was a two-year transportation reauthorization bill that provided funding for federal transit and highway programs through federal fiscal year 2014. MAP-21 included provisions that authorized toll agencies to share only necessary information with out-of-state toll facility operators, facilitating national tolling interoperability.

Among other provisions, the legislation aimed to expand the existing in-state interoperability of tolling systems to a national level, allowing drivers to use their toll payment devices across different states in order to streamline the tolling process for travelers and reduce the need for multiple toll payment devices or system.

Current in-state interoperability allows tolling agencies in California to exchange that includes license plate number, transponder identification number, date and time of transaction, and identity of the agency operating the toll facility. This allows motorists to use FasTrak transponders on any toll facility with their home account and allows various toll agencies to collect revenue for other agencies appropriately.

However, current state law prohibits other, potentially necessary, toll data from being shared which has made national interoperability infeasible in California. This bill removes language detailing the specific information that could be shared between tolling authorities, and instead allows information to be shared that is intended to implement interstate interoperability. This will enable California can participate in national interstate interoperability.

This bill may create privacy concerns with the lack of specificity of information that can be shared between tolling authorities. This bill is next referred to the Privacy and Consumer Protection Committee should it pass out of this committee.

According to the author, “When tolling agencies are nationally interoperable, customers will be able to seamlessly use their account on all toll facilities, further enhancing efficiencies in our transportation system and providing an added benefit for drivers across the state and nation. This simple fix will not only expand the benefits of toll interoperability, but it will replace the current and burdensome system with a safer, more efficient, and cost-effective system that benefits both customers and toll agencies alike.”

In support, the Transportation Corridor Agencies writes “This legislation would also enable a seamless, more efficient travel experience for drivers while improving operational efficiencies for toll operators. This bill will ensure that customers who use toll facilities across state lines can have their home toll account billed while reducing toll operators’ time and effort spent on collecting toll violations.”

Previous legislation. AB 2645 (Lackey), Chapter 730, Statutes of 2024 authorizes a transportation agency that employs an electronic toll collection system to provide the date, time, and location of a vehicle license plate read captured by the system to a peace officer in response to a special alert, as specified.

SB 623 (Newman of 2021) makes numerous amendments to the laws related the use of personally identifiable information (PII) for the purposes of an electronic toll collection system (ETCS) or an electronic transit fare collection system (ETFCS), specifies that many of these amendments are declarative of existing law. *This bill died in the Senate Transportation Committee*.

SB 664 (Allen of 2019) clarifies the definition of a transportation agency for the purposes of restricting the use of personally identifiable information (PII) related to subscribers or users of electronic toll or transit fare collection systems, and for what purposes PII can be used. This bill died in the Assembly Privacy and Consumer Protection Committee.

AB 493 (Daly), Chapter 79, Statutes of 2013 permits toll facility operators in the state to implement technologies or business practices that provide for nationwide interoperability of electronic toll collection (ETC) programs.

REGISTERED SUPPORT / OPPOSITION:

Support

Transportation Corridor Agencies (sponsor)
AAA Northern California, Nevada & Utah
AAA Northern California, Nevada, and Utah
Aliso Viejo Chamber of Commerce
American Council of Engineering Companies, California
Association of California Cities - Orange County
Automobile Club of Southern California
Black Chamber of Orange County
City of Laguna Niguel

Corona Chamber of Commerce
Costa Mesa Chamber of Commerce
Dana Point Chamber of Commerce
Eastvale Chamber of Commerce
Economic Development Coalition of Southwest Riverside County
Greater Irvine Chamber of Commerce
Inland Empire Regional Chamber of Commerce
Ladera Rancho Chamber of Commerce
Laguna Hills Chamber of Commerce
Laguna Niguel Chamber of Commerce
Lake Elsinore Valley Chamber of Commerce
Lake Forest Chamber of Commerce
Metropolitan Transportation Commission
Mission Viejo Chamber of Commerce
Move LA
Newport Beach Chamber of Commerce
Norco Area Chamber of Commerce
North Orange County Chamber of Commerce
Oakland Privacy
Orange County Business Council
Orange County Taxpayers Association
Rancho Santa Margarita Chamber of Commerce
San Bernardino County Transportation Authority
San Juan Capistrano Chamber of Commerce
Santa Ana Chamber of Commerce
South Orange County Economic Coalition
Southwest California Legislative Council
Tustin Chamber of Commerce
Yorba Linda Chamber of Commerce

Opposition

No opposition on file

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