

RESOLUTION NO. 2018-121**A RESOLUTION OF THE ORANGE COUNTY TRANSPORTATION AUTHORITY CONFIRMING THE LONGSTANDING POLICY OF REQUIRING THE USE OF TRANSPONDERS ON THE 91 EXPRESS LANES**

WHEREAS, in 1994-95 the California Private Transportation Corporation (“CPTC”) constructed an approximately 10-mile long toll road in the median of the State Route (“SR”) 91 Freeway between the Riverside County line and the interchange of the SR 91 Freeway and the SR 55 Freeway in Orange County, known as the 91 Express Lanes. There were no toll booths built on the 91 Express Lanes. To use the 91 Express Lanes, drivers were required to use transponders provided under an agreement with CPTC; and

WHEREAS, in 2002, the Orange County Transportation Authority (“OCTA”) acquired the license to operate the 91 Express Lanes from the State of California; and

WHEREAS, when the OCTA began operating the 91 Express Lanes in January 2003, the OCTA continued the requirement that drivers have active transponders tied to properly funded FasTrak accounts to use the toll road without incurring a penalty; and

WHEREAS, the policy requiring the use of transponders is reflected in many different places, including but not limited to:

- California Department of Transportation approved road signs on each of the approaches to the 91 Express Lanes;
- 91 Express Lanes account agreements;
- written materials provided to new account holders, including a 91 Express Lanes “Welcome Kit;”
- the website of the 91 Express Lanes; and
- official statements approved by the OCTA’s Board of Directors in connection with bond offerings to finance/refinance the OCTA’s acquisition of the 91 Express Lanes.

WHEREAS, in March 2017, an extension of the 91 Express Lanes into Riverside County, operated by the Riverside County Transportation Commission, was opened. Use of the Riverside County portion of the 91 Express Lanes also requires a valid transponder tied to a properly funded FasTrak account.

NOW, THEREFORE, BE IT RESOLVED, that the OCTA's Board of Directors reaffirms the OCTA’s longstanding policy requiring that drivers using the Orange County portion of the 91 Express Lanes display in the vehicle a transponder tied to a properly funded FasTrak account. But recognizing that transponders, like all electrical equipment, sometimes fail to work, the Board also reaffirms the longstanding policy of forgiving FasTrak customers when a

transponder occasionally cannot be read, provided the license plate number of the otherwise offending vehicle can be read and is listed on a valid FasTrak account.

PASSED, ADOPTED and EFFECTIVE on this _____ day of September, 2018.

LISA A. BARTLETT, CHAIRWOMAN
ORANGE COUNTY
TRANSPORTATION AUTHORITY

APPROVED AS TO FORM:

JAMES M. DONICH
GENERAL COUNSEL

ATTEST:

I, Laurena Weinert, Clerk of the Board of Directors of the Orange County Transportation Authority, do hereby certify that the foregoing Resolution No. 2018-121, by the following votes:

AYES:

NOES:

ABSENT:

LAURENA WEINERT
CLERK OF THE BOARD