

*AFFILIATED AGENCIES**Orange County
Transit District**Local Transportation
Authority**Service Authority for
Freeway Emergencies**Consolidated Transportation
Service Agency**Congestion Management
Agency*

April 1, 2021

The Honorable Josh Newman
California State Senate
State Capitol, Room 4066
Sacramento, California 95814

Subject: **SB 623 (Newman) – SUPPORT**

Dear Senator Newman:

On behalf of the Orange County Transportation Authority (OCTA) Board of Directors, we are pleased to support SB 623, legislation that will clarify existing law to ensure toll operators statewide can meet interoperability requirements, enforce toll policies, and issue toll violations, without weakening existing privacy protections for the use of personally identifiable information (PII). Without these clarifications, the operation of toll facilities within the State will be impacted.

Current state statute provides guidance for how toll facility operators, including OCTA, process toll violations and communicate information with other toll operators and customers. Many of these provisions were first enacted in 2010 with the passage of SB 1268 (Chapter 489, Statutes of 2010) and revised again in 2013 with the passage of AB 179 (Chapter 375, Statutes of 2013). Both bills were introduced to include protections to prevent the sale or disclosure of PII, unless explicitly provided for under statute, while also ensuring that toll operators could efficiently enforce policies on their respective facilities.

Since the passage of these bills, state and federal law has required toll operators nationwide to develop policies to ensure interoperability between facilities, allowing customers to seamlessly drive between facilities without establishing different accounts. To abide by these requirements, toll operators must be able to share necessary information with other toll operators to process tolls and penalties, including the location of the toll collection and license plate information.

While the intent of the Legislature in enacting SB 1268 and AB 179 was to adapt to the newest technology, many of the provisions of the statute do not explicitly reflect more recent technology adaptations, including expanded cashless toll collection systems, toll subscriptions completed online and subsequent use of emails or apps to communicate toll facility usage and issue customer agreements, and the ability to use devices other than transponders for toll collection. Code sections, therefore, need to be updated to reflect the more

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widespread use of these methods of communication and collection. Many other common practices and reoccurring issues also need clarification in statute, including the use of third-party contractors for toll penalty collections, and the ability for toll operators to notify customers of public safety or travel alerts.

SB 623 makes needed technical corrections to maintain the intent of SB 1268 and AB 179 and their associated privacy protections, while also ensuring that toll operators can share necessary information with each other to comply with state and federal interoperability requirements, improve customer service and facility efficiency, and maximize the use of revenues for reinvestment in further transportation improvements. Without these changes, toll facilities across the State could be subject to potential litigation challenges that could disrupt the viability of existing and future toll facilities, and threaten the ability of toll agencies to use toll revenues to invest in additional transportation improvements.

A SUPPORT position is consistent with the OCTA 2021-22 State Legislative Platform's principle to "Support efforts to improve the interoperability of the different toll systems across the State in order to ensure fair and efficient toll operations while affirming user privacy protections."

If your committee or staff have any questions regarding OCTA's position on SB 623, please contact Kristin Jacinto, Manager of State and Federal Relations, at (714) 560-5754 or kjacinto@octa.net.

Sincerely,



Andrew Do
Chairman

AD:kj

c: Darrell E. Johnson, Chief Executive Officer
Orange County State Legislative Delegation
Topp Strategies, LLC