

ATTACHMENT C

BILL: ASSEMBLY BILL 344

AUTHOR: ASSEMBLYMEMBER MELISSA MELENDEZ (R-LAKE
ELSINORE)

SUBJECT: TOLL EVASION VIOLATIONS

STATUS: ASSEMBLY THIRD READING FILE
APRIL 4, 2017

PASSED ASSEMBLY TRANSPORTATION COMMITTEE
MARCH 28, 2017 (14-0)

ACTION: OPPOSE

RECOMMENDATION

Staff recommends that the Board of Directors adopt an OPPOSE position on Assembly Bill 344 (Melendez).

ISSUE

Assemblymember Melissa Melendez introduced legislation that would amend existing law related to the operation of High-Occupancy vehicle toll (HOT) lanes.

Specifically the bill would:

- Not require a person contesting a notice of toll evasion violation to pay the toll evasion penalty until after the processing or issuing agency finds as the result of an administrative review or court finds that the contestant did not commit the violation.

DISCUSSION

Staff recommends that the Board adopt an oppose position on the measure, AB 344 (Melendez), the bill would require that agencies administering toll lanes make substantial changes to the program administration regarding collection of fees associated with toll violations. Existing law provides that toll evasion is a civil offense, similar to the provisions related to parking citations. Existing law also prescribes the administrative appeals procedures, including that a person contesting a violation must deposit the toll evasion penalty amount at the time an appeal is requested via administrative hearing or court review. Unpaid toll evasion citations can result in DMV holds being issued to a repeat violator.

Currently Los Angeles Metro operates toll lanes (ExpressLanes) on the I-10 and I-110 freeway corridors. The current process in place for toll violations allows customers ample time and opportunity to contest a toll violation and to have the violation reviewed prior to elevating to the level of administrative review. If the toll was issued in error, Metro makes accommodations to ensure that the user is not incorrectly noticed. Metro investigates the accuracy of the violation, and if an error is found, the violation is dismissed and the customer is notified that they are not responsible for payment of the toll or any penalties incurred. If the toll violation is, in fact, verified, the customer is informed that they are responsible, and depending on whether the user has a FasTrak account, is encouraged to sign up for an account to have the penalty amount dismissed. The customer, if found responsible, would only be required to submit payment for the amount of the toll and any associated penalties. If the individual is not satisfied with the result of the investigation, they may request an administrative review.

The Assembly Transportation Committee bill analysis for AB 344 cites that the bill is consistent with actions taken by the Judicial Council of California in 2015, noting that payment of parking citations and other vehicle code violations is not required before contesting a ticket. The first opportunity for a potential violator, in the case of parking and moving vehicle citations is to contest the violation. This provision does not directly align with Metro's current ExpressLanes operations, as customers are given opportunities for review and contesting a violation prior to elevating to the level of administrative review. To-date, since the ExpressLanes program's inception, no issued violations have been elevated to the level of Administrative Review.

The Transportation Corridor Agencies (TCA) which operates toll facilities in Orange County opposes AB 344 (Melendez), stating that existing law includes a dispute process where the violation can be contested without any payment being remitted. Existing legislation requires that the issuing agency investigate any contested violation to ensure the accuracy of the transaction, lack of payment and the registered owner of the vehicle. This review process for a toll evasion is fair and thorough and therefore the legislation is unnecessary and duplicative. AB 344 encourages delay by those wishing to avoid payment of tolls on non-factual grounds, significantly increasing the administrative burden on local agencies which would be costly and would likely result in no meaningful difference in outcomes.

The bill establishes that a customer would not be required to pay the violation prior to requesting an administrative review. Staff finds that amending the vehicle code to postpone payments until after the administrative review may directly impact Metro's ability to operate the ExpressLanes, in effect, encouraging users to request an administrative level review to avoid or delay payments.

Staff recommends that the Board adopt an OPPOSE position on the measure AB 344 (Melendez).

DETERMINATION OF SAFETY IMPACT

There is no determined safety impact due to the enactment of the proposed legislation.

FINANCIAL IMPACT

Staff is reviewing potential impacts to Metro's ExpressLanes operations.

ALTERNATIVES CONSIDERED

Staff has considered adopting either a support or neutral position on the bill. A support or neutral position would be inconsistent with Metro's Board approved 2017 State Legislative Program goals. A support position on this legislation would also be contrary to our agency's goal of preserving Metro's ExpressLanes current operations.

NEXT STEPS

Should the Board decide to adopt an OPPOSE position on this measure, staff will communicate the Board's position to the author and work to oppose the bill. Staff will continue to keep the Board informed as this issue is addressed throughout the legislative session.