

## Assembly Bill No. 493

### CHAPTER 79

An act to amend Section 27565 of the Streets and Highways Code, relating to transportation.

[Approved by Governor August 12, 2013. Filed with Secretary of State August 12, 2013.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 493, Daly. Toll facilities.

Existing law requires the Department of Transportation, in cooperation with the Golden Gate Bridge, Highway and Transportation District and all known entities planning to implement a toll facility, to develop and adopt functional specifications and standards for an automatic vehicle identification system, as specified, and generally requires any automatic vehicle identification system purchased or installed after January 1, 1991, to comply with those specifications and standards. Existing federal law, pursuant to the Moving Ahead for Progress in the 21st Century Act (MAP-21), requires all toll facilities on federal-aid highways to implement technologies or business practices that provide for the interoperability of electronic toll collection programs no later than a specified date.

This bill would authorize operators of toll facilities on federal-aid highways to fully implement technologies or business practices that provide for the interoperability of electronic toll collection programs on and after the date specified in MAP-21. The bill would limit the information that may be disclosed through participation in an interoperability program, as specified.

*The people of the State of California do enact as follows:*

SECTION 1. The Legislature finds and declares both of the following:

(a) Subsection (b) of Section 1512 of the federal Moving Ahead for Progress in the 21st Century Act (MAP-21; Public Law 112-141) requires all toll facilities on federal-aid highways to implement technologies or business practices that provide for the interoperability of electronic toll collection programs no later than a specified date.

(b) It is the intent of the Legislature to fully comply with federal law with respect to electronic toll collection interoperability requirements on federal-aid highways.

SEC. 2. Section 27565 of the Streets and Highways Code is amended to read:

27565. (a) The department, in cooperation with the district and all known entities planning to implement a toll facility in this state, shall develop and adopt functional specifications and standards for an automatic vehicle identification system, in compliance with all of the following objectives:

(1) In order to be detected, the driver shall not be required to reduce speed below the applicable speed for the type of facility being used.

(2) The vehicle owner shall not be required to purchase or install more than one device to use on all toll facilities, but may be required to have a separate account or financial arrangement for the use of these facilities.

(3) The facility operators shall have the ability to select from different manufacturers and vendors. The specifications and standards shall encourage multiple bidders, and shall not have the effect of limiting the facility operators to choosing a system that is able to be supplied by only one manufacturer or vendor.

(b) Except as provided in subdivision (c), any automatic vehicle identification system purchased or installed after January 1, 1991, shall comply with the specifications and standards adopted pursuant to subdivision (a).

(c) Subdivision (b) does not apply to an interim automatic vehicle identification system for which a contract is entered into between an entity planning to implement a toll facility and the supplier of the interim system prior to January 1, 1994, if both of the following requirements are met:

(1) The department has made a written determination that the installation and operation of the interim system will expedite the completion of the toll facility and its opening to public use.

(2) The entity planning to implement the toll facility has entered into an agreement with the department to install, within five years after any portion of the toll facility is opened for public use, an automatic vehicle identification system meeting the specifications and standards adopted pursuant to subdivision (a).

(d) The automated vehicle identification system developed by the department pursuant to subdivision (a) shall be capable of identifying various types of vehicles, including, but not limited to, commercial vehicles.

(e) On and after the date specified in the federal Moving Ahead for Progress in the 21st Century Act for implementation of interoperability of electronic toll collection on federal-aid highways, operators of toll facilities on federal-aid highways may fully implement technologies or business practices that provide for the interoperability of electronic toll collection programs consistent with federal law. Operators of toll facilities on federal-aid highways engaged in an interoperability program may provide only the following information regarding a vehicle's use of the toll facility, and shall otherwise comply with all federal and state privacy protection laws, including, but not limited to, Section 31490:

- (1) License plate number.
- (2) Transponder identification number.
- (3) Date and time of transaction.

(4) Identity of the agency operating the toll facility.

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