



The Honorable Therese McMillan
Executive Director
Metropolitan Transportation Commission
375 Beale St #800
San Francisco, CA 94105

The Honorable Amy Worth
Chair, BATA Oversight Committee
Metropolitan Transportation Commission
375 Beale St #800
San Francisco, CA 94105

The Honorable Alfredo Pedroza
Chair
Metropolitan Transportation Commission
375 Beale St #800
San Francisco, CA 94105

Cc: Metropolitan Transportation Commissioners

April 21, 2022

Re: Recommendations for equity pilot plan

Dear Executive Director McMillan, Chair Pedroza, and Chair Worth,

Thank you for your continued commitment to equity and your efforts to make the unpaid toll system less harmful for low-income people and people of color across the Bay Area. After providing testimony at the recent BATA Oversight Committee meeting, Chair Worth asked our coalition to submit our feedback in writing. We believe that the recent update to the Equity Action Plan is an important first step in building a more equitable system, but we also believe that there are valuable lessons from other systems across the region, state, and country that could be applied to make the plan more effective in producing equitable outcomes for all people.

As the Commission builds out a pilot program in the pursuit of equity, we encourage you to seek bold and transformational policies that would make the Commission a national leader on promoting equity in tolling. This means building systems that are aimed at serving people with the least access to resources and applying those best practices broadly, so that there is both a low barrier to entry and policies that work for everyone. A system designed in such a way would maximize the opportunity for the agency to collect tolls, which is the primary purpose of the unpaid toll system. This would increase revenues and help improve outcomes for all people. We commend MTC staff's proposal for a payment plan program that does not require income qualification, but we also believe that the current proposal is not up to the task of meeting the needs of the Bay Area's least resourced residents.

In order to build a pilot program that fulfills the MTC's commitment to equity, we recommend that the Commission enact the following components of a pilot payment plan program. The components fall into three categories - ease of access, eliminating harms for low-income people, and improving outcomes for all people. If adopted, they will ensure that the pilot payment plan program will be effective, equitable, and help the Commission capture more revenue than under the past system by helping people who have historically been unable to pay their tolls to now pay them.

Ease of access means building a payment plan system that all people can access. If MTC builds the most accessible plan possible, we can ensure that people are able to access it and pay down their debts in a way that works best for them. This can be accomplished by:

- **Continue the plan of not requiring income qualification for payment plans, where anyone can access it**
- **Require no initial payment to begin the payment plan process. Currently, the proposal requires people to pay all of their toll debt before they enter into a payment plan. This is a barrier to entry for people who do not have access to the cash necessary**
- **Proactively offer payment plan options before engaging DMV hold, allowing people to opt into a payment plan before they face harsher penalties**

- **Notify people of payment plan availability at the unpaid toll violation stage**
- **Allow people to enroll in a payment plan at any time, even if they have had their debt referred to a DMV hold or to collections**
- **Remove DMV hold upon enrollment in payment plan without requiring any payment**
- **Continue your work to make it easier to speak to a customer service representative through the phone, in multiple languages**

Equitable treatment for lower-income people would ensure that poverty is not a barrier to using our region's bridges. Building a system that works for low-income people and treats them equitably will also increase toll collections, as people who previously were unable to pay their tolls will now be able to. This can be accomplished by:

- **Ask all payment plan participants if they wish to provide income information in order to receive further reductions in penalties**
- **Eliminate all fines and fees debt for people at 50% of the Area Median Income or below, a practice that is employed in traffic courts across California**
- **Ensure that payment plans are flexible, allowing people to pay amounts they can afford at times that are most convenient for them (i.e. accepting any payment amounts, allowing payment plan schedules to be set by participants so that people can pay when they are able to and not on a fixed monthly schedule, accepting payments via money transfer apps such as Venmo, in cash at physical locations, and other processes)**
- **Offer penalty waivers and debt forgiveness for everyone, including those who have DMV holds or debt in collections. Currently, people who have DMV holds or have their debt in collections cannot access payment plan options.**

Improving outcomes for all people will ensure that MTC builds a system that increases toll collection but also provides the best service possible to people traveling over toll bridges. By collecting and analyzing data, improving communications, and making systems more transparent, MTC can help all people reach better outcomes. This can be accomplished by:

- **Collect data on plan participants, including demographic information, income, outcomes of plan participation**
- **Conduct a revenue analysis based on the pilot to understand how an expanded program could impact future revenues**
- **Coordinate with DMV to make the process for clearing DMV holds faster, easier, and more transparent. Currently, the DMV hold removal process is opaque to people, slow to be resolved, and requires coordination with multiple agencies**

- **Automatically update invoice information after penalties are cleared or waivers granted so people can pay on the automated phone line or at a kiosk**

We are a coalition of direct service providers, researchers, advocates, technical service providers, and more with extensive experience navigating, designing, and improving systems such as this. We would welcome the opportunity to meet with Commissioners and staff to provide input and feedback on the pilot program design. Please contact Jacob Denney (jdenney@spur.org) if there are any opportunities for us to work together on this pilot program.

Our coalition is encouraged by the continued engagement of MTC Commissioners and staff on building an equitable tolling system. We believe that the pilot payment plan program for helping people who are unable to pay their tolls and subsequent fines and fees is an important step in continuing to make the system equitable. We believe that MTC can be a national leader, and we hope the Commission and staff will adopt ambitious policies to ensure that equity is enshrined in MTC's systems.

Sincerely,

ACLU Northern CA
Anti-Police Terror Project
Bay Area Legal Aid
Consumer Attorneys of California
East Bay Community Law Center
Financial Justice Project, City & County of SF
GLIDE
Insight Center
Lawyers' Committee for Civil Rights of the San Francisco Bay Area
Legal Services for Prisoners with Children and All of Us or None
Policy Advocacy Clinic at Berkeley Law
San Francisco Foundation
San Francisco Taxpayers for Public Safety
SF Human Rights Commission
SPUR
TransForm
United Way Bay Area
Western Center on Law & Poverty
Young Women's Freedom Center