



April 6, 2021

Senator Lena Gonzalez
Chair, Senate Transportation Committee
Room 2209, State Capitol
Sacramento, CA 95814

RE: Support of SB 623 (Newman)—Clarifies Toll Agency Operating Statute

Dear Chair Gonzalez:

On behalf of the South Orange County Economic Coalition (Coalition) I write to urge your support of SB 623 (Newman), which would clarify existing law to assure that operators of toll roads, bridges and express lanes statewide can perform the necessary operations to enforce toll policies, provide emergency road alerts to account holders and fulfill interoperability for seamless cross-agency billing around the state while maintaining strong privacy protections.

As South Orange County's leading voice of business, the South Orange County Economic Coalition is the driving force of advocating for a strong local economy. We focus on four key areas: Advocacy, Education, Representation and Progress for South Orange County issues, initiatives and projects. We support and encourage a streamlined government process. Representing hundreds of employees, we are an alliance of businesses, community thought-leaders and stakeholders committed to enhancing the region's economic vitality and protecting its exceptional quality of life.

The Coalition supports SB 623 because it makes clear, consistent with the original legislative intent, that toll facilities are permitted to share necessary customer information with the Department of Motor Vehicles and other agencies to pursue toll collection and enforcement, and to share such information with other toll facilities to carry out the state mandate for interoperability (allowing one toll facility's customers to use any other toll facility within the state).

We know that customer privacy is a critical issue, and SB 623 was specifically drafted to preserve privacy and maintain the prohibition against the sale or other disclosure of personal information except for essential operating functions of toll facilities and transit fare payment systems. The bill retains the \$2,500 per violation penalty in current law and adds the requirement that a transportation agency describe in a "clear manner" within its privacy policy the process for providing opt-in consent and for revoking that consent.



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Toll agencies across the state are currently the target of various lawsuits alleging that they are violating restrictions in current law from SB 1268 (Simitian, 2010) related to sharing personally identifiable information (which the law defines to include a license plate number) even though it would be impossible for toll agencies to operate without making use of such information when operating a toll facility. Because of the ambiguity in the current law, toll agencies are forced to weigh providing emergency alerts against potential lawsuits alleging billions in statutory damages. For instance, during the fall 2020 fires in Orange County, toll agencies felt that because of the potential litigation risk, they were not able to notify their customers about the wildfires that forced the closure of their roads. This bill would clarify that toll agencies are permitted to provide these emergency communications without fear of costly lawsuits.

Without the passage of SB 623, the operation of toll facilities could continue to be severely hindered by class action lawsuits that distort the Legislature's intent in order to try and seek billions in penalties. These lawsuits threaten the ability of agencies to meet payment obligations on bonds, to invest in future infrastructure improvements and the jobs they support and undermine the viability of toll facilities as a mode of travel, congestion management, and greenhouse gas reduction.

On behalf of the South Orange County Economic Coalition, I respectfully request your support for SB 623.

Sincerely,

A handwritten signature in black ink that reads "Barbara J. Thomas".

Barbara J. Thomas
Executive Director
South Orange County Economic Coalition