

Date of Hearing: May 6, 2025

Fiscal: No

ASSEMBLY COMMITTEE ON PRIVACY AND CONSUMER PROTECTION

Rebecca Bauer-Kahan, Chair

AB 334 (Petrie-Norris) – As Introduced January 28, 2025

PROPOSED AMENDMENTS

SUBJECT: Operators of toll facilities: interoperability programs: vehicle information

SYNOPSIS

With the advent of electronic toll collection systems (ETCSs), including FasTrak, over the last three decades drivers are now able to pay their tolls without stopping at a toll plaza, allowing them to avoid the long lines associated with manual toll collection booths. The trade off, however, was the collection of a significant amount of personal information by toll operators about California motorists, including the location of their car, the speed it was traveling, time of day, and photos of the vehicle and license plates. In order to protect that personal information, the Legislature passed SB 1268 (Simitian, Ch. 489, Stats. 2010). That bill prohibited these entities from selling, or providing to any other person, the personally identifiable information of either subscribers of an electronic toll collection system or anyone who uses a toll bridge, lane, or highway that utilizes an electronic toll collection system. The bill further restricted the sharing to four data points that can be shared between toll operators for interoperability purposes:

- 1. License plate number.*
- 2. Transponder identification number.*
- 3. Date and time of transaction.*
- 4. Identity of agency operating the toll facility.*

This bill, sponsored by the Transportation Corridor Agencies, removes the current restrictions on the types of personal information that toll facility operators in California can share with toll facility operators in other states in order to achieve inter-state interoperability. In addition, it states that the operators may only share personal information that is “intended to implement interoperability.”

Proposed Committee amendments in Comment #5 instead limit the toll operators to only sharing the required data points in the following categories:

- 1. Transponder data.*
- 2. License plate data.*
- 3. Transaction data (including acknowledgement data, correction data, and reconciliation data).*

This bill is supported by a large number of local chambers of commerce, the Automobile Clubs of Northern and Southern California, and several transportation agencies. The bill currently has no registered opposition.

THIS BILL:

- 1) Deletes the current limitation on the information that toll operators can share with toll operators in other states.
- 2) Limits the sharing of information regarding the use of a toll facility to only information that is intended to implement interstate operability.

EXISTING LAW:

- 1) Authorizes toll operators to share specified data with each other in order to comply with interstate interoperability requirements for electronic toll collection systems. The data toll operators may share for this purpose is limited to:
 - a) License plate number.
 - b) Transponder identification number.
 - c) Date and time of transaction.
 - d) Identity of agency operating the toll facility. (Sts. & Hwy. Code § 27565(e).)
- 2) Requires the toll operator to comply with all federal and state privacy protection laws. (*Ibid.*)
- 3) Prohibits a transportation agency from selling or providing identifiable information of any person who subscribes to an electronic toll or electronic transit fare collection system or who uses a toll bridge, toll lane, or toll highway that employs an electronic toll collection system. (Sts. & Hwy. Code § 31490.)
- 4) Requires a transportation agency that employs an electronic toll collection or an electronic transit fare collection system to establish a privacy policy regarding the collection and use of personally identifiable information. (*Ibid.*)

COMMENTS:

- 1) **Author's statement.** According to the author:

When tolling agencies are nationally interoperable, customers will be able to seamlessly use their account on all toll facilities, further enhancing efficiencies in our transportation system and providing an added benefit for drivers across the state and nation. This simple fix will not only expand the benefits of toll interoperability, but it will replace the current and burdensome system with a safer, more efficient, and cost-effective system that benefits both customers and toll agencies alike.

- 2) **Background on electronic toll collection systems (ETCS) and privacy protections in California.** Historically, a motorist would have to stop to pay a toll in cash at a toll both, but the advent of ETCSs, including FasTrak, as well as pay-by-plate systems, now permits motorists to proceed without stopping through a toll plaza. With an ETCS, motorists can avoid the longer lines at manual toll collection booths by going through an automated lane with an electronic reading device. The subscriber's automobile contains a transponder containing a number that is read by an electronic reader as the vehicle passes through the booth. This information is then linked to a database with the subscriber's name, address, and credit card number for billing purposes. FasTrak grew out of SB 1523 (Kopp, Ch. 1080, Stats. 1990), which required CalTrans

to develop and maintain a specification that enables interoperability between all toll agencies in the state.

Two decades later, in 2010, the Legislature established a framework guiding how a transportation agency may use the personal information of either an electronic toll collection subscriber or user of a tolled facility that employs an electronic toll collection system (SB 1268; Simitian, Ch. 489, Stats. 2010). According to the policy committee analyses of that bill, it was borne out of a concern that ETCSs have the ability to track information such as location and speed of the vehicle, time of day, and other personal information. In addition, the systems may capture photos of vehicles and license plates in order to identify toll violators. As a result, transportation agencies that operate these systems may collect and store significant amounts of personal information about California's motorists. SB 1268 was intended to ensure that personally identifiable information collected using electronic toll collection systems was not inappropriately used for marketing purposes.

The privacy protections enumerated in SB 1268 include, among others:

- Subject to certain exceptions, prohibiting a transportation agency from selling or otherwise providing the personal information of any person that subscribes to or uses an electronic toll collection system.
- Requiring a transportation agency to establish a privacy policy, provide it to subscribers, and post it on their website.
- Allowing a transportation agency to store personal information for no more than four years and six months for purposes of billing, account settlement, or enforcement.
- Allowing a transportation agency to provide personal information to a law enforcement agency only pursuant to a search warrant.

The bill also allowed a person whose personally identifiable information was knowingly sold or otherwise shared in violation of the section to bring an action to recover damages. AB 179 (Bocanegra, Ch. 375, Stats. 2013) expanded these privacy protections to include users of electronic transit fare collection systems.

3) What is toll interoperability? In 2012, the Moving Ahead for Progress in the 21st Century Act (Public Law 112-141) was signed into law by President Obama which, among other provisions, required all tolling agencies in the U.S. to be nationally interoperable, expanding in-state interoperability to the national level. The goal of national toll interoperability is to allow drivers to use a single account to pay tolls anywhere in the United States.

4) What this bill would do. As noted above, current law limits the data points that can be shared among transportation authorities to the following four:

1. License plate number.
2. Transponder identification number.
3. Date and time of transaction.
4. Identity of agency operating the toll facility.

This bill deletes that restriction and instead allows toll facility operators to share information that is “intended to implement interstate operability.” Of note in this phrasing is the use of “intended to” rather than “required to” or “necessary to” implement interstate operability.

5) **Amendments.** The author has agreed to the following amendments that update the current restrictions on the data elements that toll operators can share and strengthen the data minimization language as follows:

(e) On and after the date specified in the federal Moving Ahead for Progress in the 21st Century Act (Public Law 112-141) 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 interstate interoperability program may provide only the information regarding a vehicle’s use of the toll facility that ***are within the following categories and is intended are required*** to implement interstate interoperability, and shall otherwise comply with all federal and state privacy protection laws, including, but not limited to, Section 31490.

(1) Transponder data.

(2) License plate data.

(3) Transaction data, which may include:

(A) Acknowledgement data.

(B) Correction data.

(C) Reconciliation data.

ARGUMENTS IN SUPPORT: The Transportation Corridor Agencies, the sponsors of the bill, write in support:

As you know, TCA is comprised of two joint powers authorities (JPA) authorized by the Legislature in 1986 to plan, finance, design, construct, and operate major thoroughfares and bridges. The two agencies (Foothill/Eastern Transportation Corridor Agency and San Joaquin Hills Transportation Corridor Agency) financed the construction of California’s largest toll road network which includes State Routes (SR) 73, 133, 241, and 261. Together, these state routes make up 51 miles of toll roads, 420 miles of toll lanes, and 20 percent of Orange County’s highway network. Today, TCA has more than 2.7 million accountholders and plays an integral role in the regional mobility for Southern California.

On July 6, 2012, the federal Moving Ahead for Progress in the 21st Century (MAP-21) was signed into law. MAP-21 included a provision that requires all tolling agencies throughout the U.S. to be nationally interoperable, which is the process of exchanging information across state lines to allow customers to utilize their home toll account when they drive on out-of-state tolled facilities. However, due to current restrictions in state law (SHC § 27565), only certain tolling data can be shared with out-of-state toll operators, making full interoperability with other states not feasible.

AB 334 addresses this limitation by allowing toll facility operators to share only the essential data required for interstate interoperability without compromising the privacy and security of customers. This legislation would also enable a seamless, more efficient travel experience for drivers while improving operational efficiencies for toll operators. This bill will ensure that customers who use toll facilities across state lines can have their home toll account billed while reducing toll operators' time and effort spent on collecting toll violations.

REGISTERED SUPPORT / OPPOSITION:

Support

Transportation Corridor Agencies (Sponsor)
AAA Northern California, Nevada, and Utah
Aliso Viejo Chamber of Commerce
American Council of Engineering Companies, California
Association of California Cities - Orange County (ACC-OC)
Automobile Club of Southern California
Black Chamber of Orange County
City of Laguna Niguel
Corona Chamber of Commerce
Costa Mesa Chamber of Commerce
Dana Point Chamber of Commerce
Eastvale Chamber of Commerce
Economic Development Coalition of Southwest Riverside County
Greater Irvine Chamber of Commerce
Inland Empire Regional Chamber of Commerce
Ladera Rancho Chamber of Commerce
Laguna Hills Chamber of Commerce
Laguna Niguel Chamber of Commerce
Lake Elsinore Valley Chamber of Commerce
Lake Forest Chamber of Commerce
League of California Cities Orange County Division
Metropolitan Transportation Commission
Mission Viejo Chamber of Commerce
Move LA
Newport Beach Chamber of Commerce
Norco Area Chamber of Commerce
North Orange County Chamber of Commerce
Orange Chamber of Commerce
Orange County Business Council
Orange County Council of Governments
Orange County Taxpayers Association
Rancho Santa Margarita Chamber of Commerce
Riverside County Transportation Commission (RCTC)
San Bernardino County Transportation Authority
San Diego Association of Governments
San Juan Capistrano Chamber of Commerce
Santa Ana Chamber of Commerce
South Orange County Economic Coalition

Southwest California Legislative Council
Tustin Chamber of Commerce
Yorba Linda Chamber of Commerce

Opposition

None on file.

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