

OPERATIONS BULLETIN #41

Subject: Toll Roads and Toll Bridges

PURPOSE

To clarify the responsibility of the operator, the assignee agency, and the registered owner of Fire and Rescue apparatus when traveling on toll roads, HOT/HOV lanes, or crossing toll bridges/tunnels.

HISTORY

Prior to FasTrak lanes and commuter lanes, fire apparatus passed through toll plazas either by paying the toll or being waved through by the toll collector. The California Governor's Office of Emergency Services (Cal OES) has received numerous toll violation invoices for Cal OES Fire and Rescue apparatus, which are assigned to individual fire agencies. Vehicles that travel through toll-required thoroughfares without paying may have a picture taken of their license plate, which is processed electronically and the invoice and penalty are forwarded to the registered owner of the vehicle. This system is automated, and an invoice cannot be avoided. The invoice will include toll charges, as well as penalties and possible late fees for failure to resolve the violation notice in the timeline indicated. An agency assigned a Cal OES Fire and Rescue apparatus is responsible for these charges.

PROCEDURE

Fire apparatus operators are responsible for knowing, understanding, and operating vehicles in a safe manner and to obey all toll bridges, roads, HOT/HOV, and FASTRAK laws. Fire agencies with day-to-day operations in toll-restricted thoroughfares should contact the toll provider's management and develop "standard operating procedures" for daily toll use. Fire apparatus entering toll-restricted thoroughfares on routine travel should proceed through the toll plazas where there is a toll taker and either pay the toll, or be waved through by the toll taker after being advised that they may pass toll-free. Cal OES Fire and Rescue apparatus responding to, or returning from, an incident or a "cover assignment" directly related to an emergency event are exempt from tolls by CA Vehicle Code Sec. 23301.5 (attached). While Sec. 23301.5 provides an exemption, a violation notice may still be processed. In these cases the mitigation process has been established.

MITIGATION

Assignee agencies are responsible for the lawful operation of Cal OES Fire and Rescue apparatus and are responsible for any fines incurred while in their possession. While toll violations are the responsibility of the registered owner of the vehicle, by agreement Cal OES Fire and Rescue Apparatus in direct day-to-day control of an "assigned agency" shall have any violation forwarded to the assignee for disposition.

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Apparatus responding to, or returning from, an incident, or traveling to or from a cover assignment may receive a "notice of violation". For Cal OES Fire and Rescue apparatus, this notification will be received by Cal OES; it will then be forwarded to the assigned agency to be resolved. When a violation is received, the violation can be corrected by responding to the notice with the following information: on agency letterhead, signed by the fire chief or the designated representative; incident name, order and request numbers, vehicle license number, date, time, and any additional pertinent information (ICS 214). Prompt attention should be taken as there may be time deadlines and additional fees incurred.

Additional information can be received from the following websites:

Los Angeles/Orange County Area:

<https://www.thetollroads.com/violation/>

San Francisco Area Bridges:

<https://www.bayareafastrak.org/vector/dynamic/violations/index.shtml>

San Diego Area:

<http://fastrak.511sd.com/>

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V C Section 23301.5 Emergency Vehicle Exemption from Tolls

23301.5. (a) An authorized emergency vehicle is exempt from any requirement to pay a toll or other charge on a vehicular crossing, toll highway, or highoccupancy toll (HOT) lane, including the requirements of Section 23301, if all of the following conditions are satisfied:

(1) The authorized emergency vehicle is properly displaying an exempt California license plate, and is properly identified or marked as an authorized emergency vehicle, including, but not limited to, displaying an external surface-mounted red warning light, blue warning light, or both, and displaying public agency identification, including, but not limited to, "Fire Department," "Sheriff," or "Police."

(2) (A) The vehicle is being driven while responding to or returning from an urgent or emergency call, engaged in an urgent or emergency response, or engaging in a fire station coverage assignment directly related to an emergency response.

(B) For purposes of this paragraph, an "urgent" response or call means an incident or circumstance that requires an immediate response to a public safety-related incident, but does not warrant the use of emergency warning lights. "Urgent" does not include any personal use, commuting, training, or administrative uses.

(C) Notwithstanding subparagraph (A), an authorized emergency vehicle, when returning from an urgent or emergency call, or from being engaged in an urgent or emergency response, or from engaging in a fire station coverage assignment directly related to an emergency response, shall not be exempt from any requirement to pay a toll or other charge imposed while traveling on a high-occupancy toll (HOT) lane.

(3) The driver of the vehicle determines that the use of the toll facility shall likely improve the availability or response and arrival time of the authorized emergency vehicle and its delivery of essential public safety services.

(b) If the operator of a toll facility elects to send a bill or invoice to the public agency for the use of the toll facility by an authorized emergency vehicle, exempt pursuant to subdivision (a), the fire chief, police chief, county sheriff, head of the public agency, or his or her designee, is authorized to certify in writing that the authorized emergency vehicle was responding to or returning from an emergency call or response and is exempt from the payment of the toll or other charge in accordance with this section. The letter shall be accepted by the toll operator in lieu of payment and is a public document.

(c) An authorized emergency vehicle that does not comply with this section is not exempt from the requirement to pay a toll or other charge on a toll highway, vehicular crossing, or high-occupancy toll (HOT) lane. Upon information and belief of the toll operator that an authorized emergency vehicle is not in compliance with this section, the fire chief, police chief, county sheriff, head of the public agency, or his or her designee, upon the written request of the owner or operator of the toll facility, shall provide or otherwise make accessible to the toll operator the dispatch records or log books relevant to the time period when the vehicle was in use on the toll highway, vehicular crossing, or high-occupancy toll (HOT) lane.

(d) Nothing in this section shall prohibit or amend an agreement entered into between the owner or operator of a toll facility and a local emergency service provider that establishes mutually agreed upon terms for the use of the toll facility by the emergency service provider. This section shall not prohibit the owner or operator of a toll facility from having a policy that meets or exceeds this section. If at any time an emergency service provider or the owner or operator of a toll facility opts to terminate an agreement regarding the payment and processing of tolls or other charges, this section shall apply to the emergency service provider and the toll facility. An agreement between an emergency service provider and the owner or operator of a toll facility does not exempt other emergency service providers not named in the original agreement and the toll facility from the requirements of this section when those other emergency service providers use a toll facility in the jurisdiction of the owner or operator of the toll facility.

(e) Sections 23302 and 23302.5 do not apply to authorized emergency vehicles exempt pursuant to this section.

(f) As used in this section, "toll facility" includes a toll road, high-occupancy toll (HOT) lane, toll bridge, toll highway, a vehicular crossing for which payment of a toll or charge is required, or any other toll facility.

Added Sec. 2, Ch. 425, Stats. 2009. Effective January 1, 2010.