



July 29, 2015

VIA E-MAIL

Mr. Dennis "Stump" Haberstumpf
 Legislative Affairs Officer
 ABATE of Colorado
stumpandval@msn.com

Re: Justification for Motorcycle Transponder Requirement

Dear Mr. Haberstumpf:

Thank you for meeting with us on June 10, to discuss motorcycle and access to HOV Express Lanes. We wanted to follow up with a written explanation of the High Performance Transportation Enterprise (HPTE) requirement that all vehicles, including motorcycles, have transponders in order to use the US36 ExpressLanes on a non-toll paying basis.

C.R.S. § 42-4-1012(2) provides that "a motorcycle may be operated upon high occupancy vehicle ("HOV") lanes pursuant to section 163 of Public Law 97-424 or upon high occupancy toll lanes, unless prohibited by official traffic control devices." Section 163 of Public Law 97-424 limited the use of federal funds for HOV lanes unless they also made provision for use by motorcycles. This requirements is further codified at 23 U.S.C. § 166(b)(2)(A), which provides that "notwithstanding the occupancy requirements [of HOV facilities]...the State agency shall allow motorcycles and bicycles to use the HOV facility." The exception referred to in this statutory provision is to the occupancy requirements of an HOV lane. Taken together, these provisions clearly indicate a desire to permit motorcycles the same access to HOV lanes that HOV users enjoy.

C.R.S. § 42-4-1012(1)(d) requires CDOT to develop standards for an automatic vehicle identification system for use on HOV lanes and high occupancy toll (HOT) lanes to ensure that automatic vehicle identification systems are compatible with one another, and that a vehicle owner is not required to purchase or install more than one device to use on all toll facilities. Likewise, Section 1512 (b) of MAP-21, the Moving Ahead for Progress in the 21st Century Act (P.L. 112-141) also requires all toll facilities on the Federal-aid highways to implement technologies or business practices that provide for the interoperability of electronic toll collection programs.

To accomplish the interoperability required by both state and federal law, and ensure drivers are only required to purchase a single device for use on all toll facilities, HPTE has entered into a Tolling Services Agreement with the E-470 Public Highway Authority (E-470), under which E-470 provides tolling services for and on behalf of HPTE for all tolled corridors, including the I-25 North and US 36 Express Lanes, as well as future planned corridors such as the I-70 Mountain Express Lanes, C-470 and I-70 East through Denver. As tolling expands throughout the state, the single automatic electronic toll collection system must now accommodate both toll-only corridors, such as E-470 and the Northwest Parkway, as well as mixed toll/HOV corridors like US 36 and I-25 Express Lanes, where motorcycles are permitted free use.

The automatic electronic toll collection system has only two mechanisms for determining the toll/no-toll status of a user: the transponder system, or license plate tolling. To guarantee ease of access to all drivers, the toll collection system automatically charges a license plate toll to any vehicle that does not have a transponder, including motorcycles. An HOV user in an automobile is now required to utilize a switchable transponder in order to use the HOV lane on a non-toll paying basis. The switchable transponder enables a user to self-identify as an HOV-eligible non-toll-paying customer, and communicates that status to the toll collection system, which is then programmed not to charge a license plate toll. -Because motorcycles are never required to pay in an HOV

Mr. Dennis "Stump" Haberstumpf
Legislative Affairs Officer
ABATE of Colorado
Page 2

lane, it is not necessary to use a switchable transponder. However, without some form of transponder, the system cannot automatically distinguish the motorcycle from a single occupant toll-paying vehicle, and so the motorcycle will automatically be processed through the license plate toll system. This is the same as the standard protocol for automobile HOV users. With the transponder, the transponder number account is recognized as a motorcycle and processed as a non-revenue transaction when operating on a facility that permits free HOV use. If operating in a toll-only corridor such as E-470, the motorcycle would be charged a toll at the reduced rate applied to vehicles with established ExpressToll accounts, rather than the higher license plate toll rate.

Within E-470's customer base are more than 12,000 transponder issued motorcycles spread over approximately 9,800 household accounts. Many of these have the smaller motorcycle dot transponder for the headlight. The remainder use the same "sticker" transponder used in automobiles. Each transponder is assigned to a specific vehicle and license plate. Households with multiple vehicles have multiple transponders but only one account. The \$35 minimum deposit is required by E-470 (one per household account). The \$35 minimum balance was established by E-470 approximately 20 years ago and is required of all users of their facilities to minimize collection costs associated with accounts that "go into debt." In all E-470 processes more than 100,000 motorcycle transactions annually.

State and federal law both require Colorado to develop a single interoperable automatic system. HPTE has carefully reviewed all of the technological options available to it, and has determined that the transponders are the only feasible option to permit diverse transportation facilities to be operated in the most cost-effective and user-friendly manner for all members of the traveling public. And because most vehicles, including motorcycles, eventually utilize both HOV and tolled facilities, the same business rules are applied to all users of ExpressToll facilities operated by E-470.

We understand and appreciate the frustration that comes with new requirements. However, as Colorado's transportation system continues to evolve and become more complex, it is important to utilize best technological practices that enable us to provide as much choice as possible to a wide variety of users. It is worth noting that the overwhelming majority of U.S. jurisdictions that operate mixed HOV/toll lanes also require motorcycle users to use a transponder for free HOV use. And as most motorcycle owners also own other vehicles, and each household need only establish one ExpressToll account, we believe the impact on the motorcycling community overall will be minimal.

If you have any further questions, or would like to discuss further, please do not hesitate to contact us.

Sincerely,

Michael Cheroutes
HPTE Director

Brent E. Butzin
HPTE General Counsel