

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

AB 334 (Petrie-Norris)
Version: June 27, 2025
Hearing Date: July 15, 2025
Fiscal: No
Urgency: No
AWM

SUBJECT

Operators of toll facilities: interoperability programs: vehicle information

DIGEST

This bill authorizes a state toll agency to share specified categories of data with out-of-state toll agencies in order to facilitate interstate operability of electronic toll collection systems (ETCs).

EXECUTIVE SUMMARY

The advent of ETCs, including FasTrak, over the last three decades is typical of many technological advancements: workers are put out of the job in favor of automation, and consumers gain convenience (in the form of shorter lines at toll booths) at the cost of privacy (California's fully automated tollbooths means drivers are surveilled as a matter of course). Automated toll operators collect a significant amount of personal information about California motorists, including the location of their car, the speed the car was traveling, the time of day, and photos of the vehicle and license plates. In order to limit the exposure of drivers' personal information, the Legislature passed SB 1268 (Simitian, Ch. 489, Stats. 2010), which (1) 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, and (2) restricted the information that can be shared between toll operators for intra-state interoperability purposes. Under SB 1268, toll operators can share only a license plate number, the transponder identification number, the date and time of the transaction, and the identity of the agency operating the toll facility.

Current state law does not permit toll agencies to share tolling information with other states. This prevents in-state toll agencies from working with out-of-state agencies to enable our ETCs to work in out-of-state tollbooths, and vice versa (known as "interstate interoperability"). In the past, the Legislature has declined to pass legislation to

facilitate interstate interoperability due to privacy concerns associated with sending residents' information to out-of-state toll agencies, which may not have similar privacy protections for drivers' personal data.

This bill would authorize California toll agencies to share data with out-of-state tolling agencies as needed to establish interstate interoperability. Specifically, the bill permits a toll operator on a federal-aid highway to provide specified categories of data to an out-of-state tolling facility about a vehicle that passes through the tolling facility: license plate data; transponder data; transaction data; acknowledgement data; correction data; and reconciliation data. The bill also specifies that the California toll agency shall otherwise comply with all federal and state privacy protection laws.

The bill in print makes changes to amendments that the author agreed to in the Assembly Privacy and Consumer Protection Committee. This analysis sets forth amendments that revert the bill back to the version approved by that committee, and that make additional changes in light of the privacy concerns raised by this bill. These amendments are discussed in Comment 5 of this analysis.

This bill is sponsored by Transportation Corridor Agencies and is supported by 20 organizations, primarily from Orange County. This bill is opposed by the Electronic Frontier Foundation. The Senate Transportation Committee passed this bill with a vote of 13-0.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Provides that, on or after the date specified in the federal Moving Ahead for Progress in the 21st Century Act (Pub. L. 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. (Sts. & Hy. Code, § 27565.)
- 2) Provides that operators of toll facilities on federal-aid highways engaged in an interoperability program may provide only the following information regarding a vehicle's use of the toll facility, and shall otherwise comply with all federal and state privacy protection laws:
 - a) License plate number.
 - b) Transponder identification number.
 - c) Date and time of transaction.
 - d) Identity of the agency operating the toll facility. (Sts. & Hy. Code, § 27656(e).)

- 3) Prohibits a transportation agency from selling or providing identifiable information of any person who subscribes to an electronic toll or transit fare collection system or who uses a toll bridge, toll lane, or toll highway that employs an ETC, except for specified reasons, including:
 - a) Providing information to law enforcement pursuant to a search warrant.
 - b) Providing aggregated data derived from collective data that relates to a group or category of persons from which personally identifiable information has been removed.
 - c) With another transportation agency for purposes of ETC interoperability under 2), above. (Sts. & Hy. 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. (Sts. & Hy. Code, § 31490(b).)

This bill:

- 1) Authorizes operators of toll facilities on federal-aid highways engaged in an interstate interoperability program to provide only the information regarding a vehicle's use of the toll facility that is within the following categories and that is required to implement interstate interoperability, as established by the data types in the National Interoperability Interface Control Document Version 2.0, or a successor version, that is published by the National Interoperability Committee, and shall otherwise comply with all federal state and privacy laws:
 - a) License plate data.
 - b) Transponder data.
 - c) Acknowledgement data.
 - d) Correction data.
 - e) Reconciliation data.
- 2) Provides that, notwithstanding 1), operators of a toll facility on federal-aid highways shall not provide biometric information, as defined, as part of implementing interstate operability.
- 3) Requires a transportation agency that participates in interstate interoperability to post on its website the data types required to implement interstate interoperability, as established in the National Interoperability Interface Control Document Version 2.0, or a successor version, that is published by the National Interoperability Committee.

COMMENTS

1. Author's comment

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 toll roads in California and California's ETC systems

As explained by the Senate Transportation Committee's analysis of this bill:

California has approximately 400,000 lanes miles of state and local roadways. There are currently 25 toll facilities across the state, including toll bridges, toll roads, and high occupancy toll (HOT) lanes covering over 870 lanes miles. Numerous agencies operate the toll facilities in California, with varying governance and financing structures and statutory authority...

Historically, a motorist would have to stop to pay a toll in cash at a toll both, but the advent of ETCs, including FasTrak, as well as pay-by-plate systems, motorists do not have to stop a toll plaza to pay. In fact, after the COVID -19 pandemic, many toll agencies, such as the Bay Area Toll Authority (BATA), who manages the seven in the Bay Area toll bridges, removed the existing toll booths from the roadway and moved elusively to all-electronic tolling.

With FasTrak, the subscriber's automobile contains a transponder containing a number that is read by an electronic reader as the vehicle passes a certain point. 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, Chapter 1080, Statutes of 1990), which required Caltrans to develop and maintain specifications and standards that enable interoperability between all toll agencies in the state.

All California toll agencies use FasTrak for toll payment. Since 1995, toll agencies have been interoperable, meaning customers can use their FasTrak transponder on all tolled bridges, lanes, and roads throughout the state, and toll agencies can collect the revenue from other agencies. In fact, the California Toll Operators Committee (CTOC), which is a collaborative organization composed of

California's toll facility operators/owners, operate a FasTrak website to make intrastate use as seamless as possible. According to CTOC, California's toll agencies serve over six million FasTrak account holders and process millions of transactions.

In 2012, Congress enacted the Moving Ahead for Progress in the 21st Century Act (MAP-21), which authorized funding for federal-aid highways, highway safety programs, and transit programs.¹ One provision of the MAP-21 stated that "[n]ot later than 4 years after the date of the enactment of [the MAP-21], all toll facilities on the Federal-aid highways shall implement technologies or business practices that provide for the interoperability of electronic toll collection programs."² Suffice it to say, the states – including California – did not have full interstate ETC interoperability by 2016, and the MAP-21 authorization has since been superseded. There is therefore no longer any legal requirement that California adopt interstate interoperability.

Since 2016, the Legislature has declined to pass legislation that would allow tolling agencies to engage in the level of data-sharing necessary to implement interstate interoperability, due to the privacy concerns arising from sharing individuals' personal data with states that do not have California's strong privacy protections.³ In 2021, Judge Otis D. Wright II of the United States District Court for the Central District of California approved settlements in the *In re Toll Roads Litigation* consolidated cases, which arose out of allegations that several Southern California tolling agencies – including the Transportation Corridor Agencies (TCA) and the Orange County Transportation Authority (OCTA) – violated California law by providing Californians' personal identifying information to third parties.⁴ The settlement classes included persons whose information was obtained through interoperability transmissions.⁵

3. This bill permits California's transportation agencies to exchange specified data in order to facilitate interstate ETC interoperability

This bill is intended to allow California to join the states with interstate ETC operability, thereby allowing Californians' ETC transponders to be useable in other states, and other states' transponders to be useable here. To that end, this bill permits the operator of a toll facility on a federal-aid highway to share specified categories of data for purposes of interstate interoperability:

- License plate data;
- Transponder data;

¹ Pub. L. 112-141 (Jul. 6, 2012) 126 Stat. 405.

² *Id.*, 126 Stat. at p. 572.

³ See SB 623 (Newman, 2021); SB 664 (Allen. 2019).

⁴ Case No. 8:16-cv-00262 ODW (JCGx) (C.D. Cal).

⁵ See TCA/3M Settlements, FAQ, "Who is included in the Settlements?", <https://www.tollroadssettlements.com/TCA3M/FAQ#faq6>; OCTA Settlement, FAQ, "Who is included in the settlement?", <https://www.tollroadssettlements.com/OCTA/FAQ#faq6>. All links in this analysis are current as of July 10, 2025.

- Transaction data;
- Acknowledgement data;
- Correction data; and
- Reconciliation data.

Data falling under these categories may be shared only to the extent that the National Interoperability Committee – the body tasked with overseeing interstate interoperability – requires the data; any categories of data listed as “optional,” or not listed, shall not be shared. The bill does not currently specify the permissible recipients of this data.

The bill also states that operators of toll facilities on federal-aid highways cannot provide biometric information, as defined, a part of implementing interstate operability. While it does not appear that this was the author’s intention, the caveat that biometric data may not be shared in the *implementation* of interoperability could be interpreted to authorize biometric-data sharing as part of routine toll road business. Additionally, this carve-out appears too narrow to protect all the potential categories of data which the state has an interest in protecting.

The bill additionally requires a transportation agency that participates in interstate operability to post on its website the data types required to implement interstate operability, as established in the National Interoperability Interface Control Document Version 2.0, the current interstate operability guidance published by the National Interstate Operability Committee, or a successor version. The possibility that a successor version of the guidance could add new data to the “required” categories is a concern for this Committee.

This bill is unusual insofar as it authorizes California entities to share more private information with entities outside the state; most of the Legislature’s privacy-related legislation is geared at restricting when individuals’ personal data can be shared. The federal government is scraping data from government agencies to create a massive database of Americans’ private information.⁶ To resolve the Committee’s concerns about data privacy, the Committee is proposing amendments, set forth in Comment 5, below.

5. Amendments

As noted above, the author may wish to amend the bill as set forth below. These amendments satisfy concerns about data collection and transmission to out-of-state toll agencies, and also replace a number of amendments that were put into place by the Assembly Privacy and Consumer Protection Committee and subsequently undone via

⁶ E.g., Frenkel & Kroliks, *Trump Taps Palantir to Compile Data on Americans* (May 30, 2025) New York Times, available at <https://www.nytimes.com/2025/05/30/technology/trump-palantir-data-americans.html>.

author's amendments. Committee staff is aware that the sponsors are concerned that these amendments will prevent them from collecting all of the information they need from their own account holders. It is not the Committee's intent to prevent the collection of necessary information; however, given the information provided, the concerns of the Assembly Privacy and Consumer Protection Committee, and the very real concerns about the collection and transmission of data. If the author accepts the amendments, they may wish to hold additional stakeholder meetings with all of the tolling agencies in the state to determine how to hone this bill further.

Amendment

On page 3, delete line 21 after "law." and lines 22-40; and on page 4, delete lines 1-12, and insert the following in line 22:

(2) (A) Subject to subparagraphs (B), (C), and (D) an operator of a toll facility on federal-aid highways engaged in an interstate interoperability program may provide only the following information to an out-of-state toll agency or an interstate interoperability tolling hub regarding a vehicle's use of the toll facility:

(i) License plate data.

(ii) Transponder data.

(iii) Transaction data, which may include:

(I) Acknowledgment data.

(II) Correction data.

(III) Reconciliation data

(B) The operator of a toll facility on a federal-aid state highway may provide information within the categories listed in (A) only if it is listed as a "required" field within the National Interoperability Interface Control Document Version 2.0 as it was in effect on July 1, 2025.

(C) Notwithstanding subdivision (h) of Section 31490, to the extent an operator of a toll facility on a federal-aid highway needs to collect information in addition to the information set forth in subparagraph (B) to implement interstate operability without transmitting the information, that collection shall be governed by subdivision (a) of Section 31490.

(D) Notwithstanding subdivision (h) of Section 31490, if an operator of a toll facility on a federal-aid highway engaged in an interstate interoperability program provides to an out-of-state toll agency or an interstate interoperability tolling hub or collects

information beyond what is permitted by this paragraph, the transmission shall be deemed a violation of subdivision Section 31490.

(3) A transportation agency that participates in interstate interoperability shall post on its internet website the data types required to implement interstate interoperability, as established in the National Interoperability Interface Control Document Version 2.0 that is published by the National Interoperability Committee.

(4) This subdivision shall be in effect until January 1, 2035, and as of that date be repealed.

6. Arguments in support

According to Transportation Corridor Agencies:

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.

7. Arguments in opposition

According to the Electronic Frontier Foundation:

We respectfully oppose A.B. 334, authored by Assemblymember Petrie-Norris, which amends existing California privacy laws that restrict the out-of-state sharing of California motorists' information. As originally written, the bill would have expanded out-of-state sharing of driver information without transparency into what that data would be or who outside of California could access that data. As such, we appreciate the Assembly Privacy Committee's amendments that take steps to enumerate these data points. Unfortunately, the committee amendments as described in the bill analysis do not strike that balance, nor

provide sufficient clarity as to exactly what will or will not be shared outside of California.

The proposed amendment would allow toll operators to share data within certain categories, provided that the data are required for interstate interoperability. We applaud the proposal for restricting data sharing to data that is required, as opposed to merely intended, for interstate operability.

Under the proposal, however, it is unclear what data is within these categories. Are location data and time and date stamps associated with toll payment considered “transaction data” that would be shared widely across states? If so, toll operators in California could very easily capture when a Texas vehicle entered California, an approximation of where they went, and then when they left the state. This would then be shared with Texas operators. This is innocuous enough, if not for the fact that this information provides another method of tracking against those coming into California to seek healthcare. That we do not know whether location data, or any other kind of data would be considered transaction data creates dangerous situations for motorists.

SUPPORT

Transportation Corridor Agencies (sponsor)
AAA Northern California, Nevada & Utah
Association of California Cities Orange County
Automobile Club of Southern California
Economic Development Coalition
International Bridge, Tunnel and Turnpike Association
Lake Forest Chamber of Commerce
Metropolitan Transportation Commission
Mission Viejo Chamber of Commerce
Newport Beach Chamber of Commerce
Orange County Business Council
Orange County Council of Governments
Orange County Transportation Authority
Riverside County Transportation Commission
San Diego Association of Governments
San Juan Capistrano Chamber of Commerce
South Orange County Economic Coalition
Southern California Association of Governments
Southwest California Legislative Council
Tustin Chamber of Commerce
Yorba Linda Chamber of Commerce

OPPOSITION

Electronic Frontier Foundation

RELATED LEGISLATION

Pending legislation: None known.

Prior legislation:

AB 2645 (Lackey, Ch. 730, Stats. 2024) permitted a transportation agency that employs an electronic toll collection system to provide the date, time, and location of a vehicle license plate read captured by the system to a peace officer in response to an alert pursuant to specified “alert” notification systems.

SB 623 (Newman, 2021) was similar to this bill insofar as it was intended to facilitate interstate ETC interoperability, but would have expressly permitted personally identifiable information to be provided in connection with electronic toll collection and electronic transit fare collection systems. SB 623 died in this Committee.

SB 664 (Allen, 2019) was similar to this bill insofar as it was intended to facilitate interstate ETC interoperability, but made a number of additional changes to the existing privacy protections and limitations on what data may be shared. AB 664 died in the Assembly Privacy and Consumer Protection Committee.

PRIOR VOTES:

Senate Transportation Committee (Ayes 13, Noes 0)

Assembly Floor (Ayes 74, Noes 0)

Assembly Privacy and Consumer Protection Committee (Ayes 14, Noes 0)

Assembly Transportation Committee (Ayes 16, Noes 0)
