

**Board Report**

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**PLANNING AND PROGRAMMING COMMITTEE  
FEBRUARY 17, 2021****SUBJECT: FREEWAY SERVICE PATROL****ACTION: APPROVE RECOMMENDATION****RECOMMENDATION**

**AUTHORIZE the Chief Executive Officer (CEO) to execute a five (5) year agreement for FY21, FY22, FY23, FY24 & FY25 with the California Highway Patrol (CHP) to provide services in support of the Metro Freeway Service Patrol (FSP) program, in the aggregate amount of \$3,738,310.10.**

**ISSUE**

Metro, in partnership with the CHP and the California Department of Transportation (Caltrans), operates and manages the FSP program. The FSP program is designed to reduce congestion and improve mobility on Los Angeles County freeways by assisting motorists with disabled vehicles throughout the region. This program includes FSP Light Duty, FSP Heavy Duty, and FSP ExpressLanes projects. Per enabling legislation, CHP's role in support of the program is to provide dispatch, field enforcement, inspections, driver training/certification services and incident management support. A funding agreement with CHP is required to ensure continued support from CHP in operating Metro's FSP program.

**BACKGROUND**

Metro has historically negotiated and entered into funding agreements with the CHP to provide additional needed staff support for the FSP program. Although the CHP receives funding annually from Caltrans to fund positions for the FSP program statewide, that funding is not sufficient to accomplish FSP activities. Due to increasing labor costs, the gap between Caltrans funding and the activities that need to be accomplished annually has continued to increase over the years. This required Metro to provide supplemental funding to the CHP through an MOU for staff positions and overtime (OT).

**SB1 Funding**

The passing of SB1 created an additional funding source for the FSP program in FY18. The funds supplemented existing state FSP funding for local agencies as well as the CHP. The additional funds enabled the CHP to fund the full-time positions previously funded through the MOU. For the current agreement, it reduces Metro's annual contribution by approximately 66%.

## **DISCUSSION**

Metro recently completed a three-year agreement with CHP for supplemental staff support for the FSP program. The agreement provided funding for officer positions and OT. This new five-year agreement will only fund OT activities. This will be the third multi-year agreement between the agencies. These agreements replaced the one-year agreements that required staff to renegotiate and process annually. The multi-year agreements proved more efficient for both agencies by utilizing staff time more efficiently. Staff request funding and authorization for a five-year agreement from FY21 - FY25.

The roles and responsibilities detailed within the agreement have remained constant. The only variability within the agreement is the cost of OT. The increase in CHP wages/salaries (labor contract requirements) is estimated to be 5% annually.

### Funding Detail

The five-year agreement will allow the CHP to maintain the same level of program oversight as the most recent agreement for an amount not to exceed \$3,738,310.10. The annual funding breakdown is as follows:

- FY21 - \$676,541.00 (includes \$338,270.50 for FSP Program Support/Oversight, and \$338,270.50 for FSP ExpressLanes Oversight);
- FY22 - \$710,349.35 (includes \$355,174.67 for FSP Program Support/Oversight, and \$355,174.68 for FSP ExpressLanes Oversight);
- FY23 - \$745,898.55 (includes \$372,949.27 for FSP Program Support/Oversight, and \$372,949.28 for FSP ExpressLanes Oversight);
- FY24 - \$783,198.45 (includes \$391,599.22 for FSP Program Support/Oversight, and \$391,599.23 for FSP ExpressLanes Oversight);
- FY25 - \$822,322.75 (includes \$411,161.37 for FSP Program Support/Oversight, and \$411,161.38 for FSP ExpressLanes Oversight);

### Performance Metrics

To effectively manage and oversee this agreement, Metro and CHP have agreed to include a comprehensive list of field operations and reporting goals that the CHP will provide on a monthly and quarterly basis. These reporting requirements will enable staff to more thoroughly monitor activities in the field to improve the overall management of FSP tow service contracts.

Quarterly Report prepared by CHP, and forwarded to LACTMA by the 20<sup>th</sup> of each month after the quarter's end, shall include the following:

- A summary report of activity conducted by the CHP Officers.
- The total number of Cursory Inspections completed each quarter. Copies of the

- completed inspection forms will be included.
- The total number of Comprehensive Vehicle Inspections of FSP contractor vehicles performed during the quarter. The report shall detail the contract, contractor name and month in which the inspection was performed. Copies of the completed inspection forms will be included.
- The total number of complaint investigations initiated by month.
- The total number of complaint investigations completed.
- Copies of Proficiency tests administered will be provided.
- The total number of two day “Initial Driver Training” classes held, the total number of new FSP driver applicants processed, and the total number of officer hours expended.
- The total number of four hour “Driver Refresher Training” classes held, the total number of FSP drivers in attendance, and the total number of officer hours expended.
- The total number of FSP Driver Contacts performed each month.

### FSP Light and Heavy Duty Programs

CHP receives an annual funding allocation from the State to cover the cost of supporting the FSP Light and Heavy Duty programs; however, historically; state funding has not been sufficient to meet the needs of these programs in Los Angeles County. Therefore, it is necessary for Metro to augment the state funding to ensure that we maintain an effective level of CHP support to properly manage and operate the current FSP and Big Rig programs.

The Metro FSP program has been in existence since 1991 and is currently the largest program of its kind in the nation providing approximately 325,000 assists per year via 165 tow and service vehicles (peak commuting hours) through 39 beats (Freeway segments) operated by 19 tow service providers.

### ExpressLanes

Metro ExpressLanes FSP provides critical congestion mitigation services as well as quick clearance of non-injury accidents. Metro began operation of the Metro ExpressLanes project along the I-110 freeway in November 2012 and the I-10 freeway in February 2013. These tolled lanes are designed to allow motorists to travel and maintain a minimum speed through the respective corridors during peak commuting periods. In support of the ExpressLanes project, Metro has operated a dedicated tow operation designed to minimize response times and the impacts of incidents on the ExpressLanes to ensure travel speeds. Like the FSP Light Duty program, these vehicles are responsible for supporting the prompt and efficient removal of incidents along the ExpressLanes and CHP is responsible for field supervision, driver training/certification and inspections. Despite these similarities, the ExpressLanes tow service is a dedicated, separate and distinct service from the FSP Program, primarily due to the program’s operational requirements. As a result, services are needed from CHP to specifically support the ExpressLanes tow operations.

### CHP Activity

CHP support is important to maintaining the overall effectiveness of the FSP programs. CHP’s role in field supervision, dispatching, inspection, certification and training is critical to ensure the overall quality of the programs and services provided to the motoring public. Listed below are a few of the

activities, performed by CHP staff dedicated to the FSP program in calendar year 2020:

Activity	Quantity
Cursory Inspection (Driver & Vehicle Spot Inspection)	2,196
Staging Area Inspection (Start of Shift Inspection)	1,556
Annual Vehicle Inspection (Annual Vehicle Compliance & Safety Inspection)	290
In-Field Contact & Interviews with Drivers	10,354
Complaint Investigations	129
Total Fines Levied & Recovered from Contractors Due to CHP Activity	\$132,465

### **DETERMINATION OF SAFETY IMPACT**

The FSP Program enhances safety on Los Angeles County freeways by assisting secondary accidents and removing debris/obstacles that can be a hazard to motorists. CHP participation in the program is vital to the success of the program as it oversees FSP service delivery on the freeway.

### **FINANCIAL IMPACT**

Funding of \$676,541.00 for FY21 is included in the budget in cost center 3352, Freeway Service Patrol. Since this is a multi-year Agreement, the cost center manager and Executive Officer of Congestion Reduction will be responsible for budgeting the funds in future years.

#### Impact to Budget

The FSP program is funded through a combination of dedicated state funds, SB1 funding and Proposition C 25% sales tax. These funds are not eligible for Metro Bus and Rail Operating and Capital expenses.

### **IMPLEMENTATION OF STRATEGIC PLAN GOALS**

The FSP Program aligns with Strategic **Goal 1: Provide high quality mobility options that enable people to spend less time traveling.** The program mitigates congestion on all major freeways in Los Angeles County.

### **ALTERNATIVES CONSIDERED**

The Board may choose not to approve the execution of this agreement. This alternative is not recommended, as it would decrease the amount of resources provided by the CHP in support of FSP, which would negatively impact the operation and effectiveness of the FSP program in Los Angeles


County.

**NEXT STEPS**

Upon Board approval, staff will execute the agreement with CHP.

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