



Board Report

File #: 2022-0179, File Type: Contract

Agenda Number: 25.

OPERATIONS, SAFETY, AND CUSTOMER EXPERIENCE COMMITTEE JUNE 16, 2022

SUBJECT: METRO EXPRESSLANES CALIFORNIA HIGHWAY PATROL (CHP) ENFORCEMENT AGREEMENT

ACTION: APPROVE RECOMMENDATIONS

RECOMMENDATION

AUTHORIZE the Chief Executive Officer (CEO) to execute a three (3) year funding agreement with the California Highway Patrol (CHP) to provide enforcement services on the I-10 and I-110 ExpressLanes from July 1, 2022 to June 30, 2025 in the not-to-exceed amount of \$12,376,790.

ISSUE

A best practice of Express Lanes in operation across the nation is to provide additional dedicated patrols to aid in the enforcement and operations (i.e. incident response) of their programs. In California, enforcement of the ExpressLanes is regulated by the California Vehicle Code (CVC). Per CVC Section 23251 the CHP is designated with the responsibility for policing of all toll highways. SB 1298, which allows for the ongoing operation of the I-110 and I-10 ExpressLanes, outlines that Metro shall have a reimbursable agreement with CHP. Metro has had an agreement with the CHP since the inception of the ExpressLanes program, with the current agreement expiring June 30, 2022.

BACKGROUND

CHP receives an annual funding allocation from the State to cover the cost of routine freeway enforcement including traffic law enforcement, incident response, accident investigation, traffic control, and enforcement of any other laws or regulations related to the operation of motor vehicles and/or the protection of life and property on state highways. CHP generally does not assign enforcement officers for the specific purpose of monitoring vehicle occupancies in either High Occupancy Vehicle (HOV) lanes or ExpressLanes focusing limited personnel resources on issues of safety and incident response.

DISCUSSION

Metro has negotiated and entered into funding agreements with the CHP for ExpressLanes

enforcement to cover the cost of providing additional patrols on the ExpressLanes beyond CHP's regular freeway coverage. The agreement outlines the following work plan to augment existing CHP patrols: up to three (3) dedicated officers on each of the I-110 and I-10 ExpressLanes during morning and afternoon commute hours, Monday thru Friday; and up to 16 saturation patrols per month.

A saturation patrol is a procedure where CHP deploys three additional officers on the ExpressLanes during select periods to enhance enforcement of the ExpressLanes toll and occupancy requirements. The increased presence of CHP officers during a specific period assists in deterring occupancy misrepresentation on the ExpressLanes.

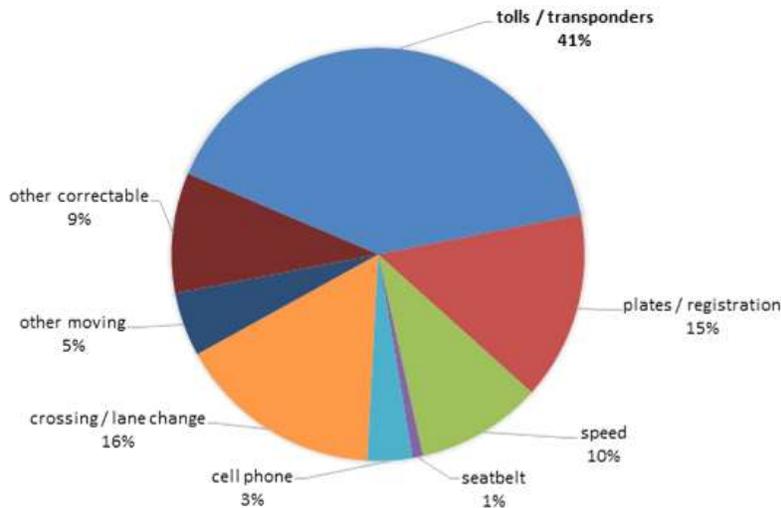
In addition to the increased number of officers on patrol, the agreement provides for dedicated dispatchers for the ExpressLanes to expedite accident and incident response of the dedicated officers on patrol. A dedicated CHP Sergeant oversees and administers the program and coordinates with Metro staff to adjust enforcement strategies to best align with the efficient operations of the ExpressLanes.

Metro pays CHP on a reimbursement basis for actual enforcement services provided at current CHP labor rates. Since the last enforcement contract was negotiated in 2018, CHP rates have increased by 17.1% and are expected to increase by 14% over the life of the proposed contract. This has caused the not-to-exceed amount of the current contract to increase by \$2.66 million over the last agreement.

CHP Performance

CHP is an invaluable partner in the safe operation and enforcement of ExpressLanes. Daily, as part of their activities, CHP officers help educate users of the ExpressLanes about the program requirements and continue to provide feedback on how Metro can improve the customer experience and operation of the ExpressLanes. In addition, CHP currently provides the sole means of enforcing safety and occupancy requirements for the ExpressLanes and has demonstrated the value of their presence on the ExpressLanes. As shown in Figure 1, between the opening of the ExpressLanes in November 2012 until December 2021, CHP has issued 117,628 citations with 41% of those being toll and transponder related. As a part of the 'Pay as You Go' pilot, CHP has not issued citations for those driving the ExpressLanes without a transponder since January 2020. An additional 31% of citations issued to date focus on illegal lane changes and plate/registration infractions which directly affect the effectiveness and reliability of the ExpressLanes.

**Figure 1: CHP Issued Citations
Nov-2012 to Dec-2021**



In addition to issuing citations for moving violations and safety issues, CHP presence enhances safety and efficiency within the corridors as CHP are more readily available to respond to accidents and incidents and coordinate the rapid removal of disabled vehicles utilizing dedicated Freeway Service Patrol (FSP) tow vehicles on the ExpressLanes. FSP performs approximately 4,128 assists annually on the ExpressLanes. A lack of increased CHP presence during peak periods could lead to more congested corridors and delays resulting in a less reliable option for ExpressLanes users including transit riders.

DETERMINATION OF SAFETY IMPACT

CHP enforcement on the Metro ExpressLanes improves safety as these officers are vital to incident management on the ExpressLanes. CHP expedites the resolution of accidents and incidents in the ExpressLanes including the off-loading of passengers from disabled buses, removal of debris, and any other issues necessitating traffic stops.

FINANCIAL IMPACT

The not-to-exceed amount for this Agreement over three years is \$12,376,790 which is funded by toll revenues. Funding of \$3,877,000 is included in the FY23 budget. Since this is a multi-year agreement, the cost center manager and Deputy Chief Operations Officer, Shared Mobility will be responsible for budgeting the funds in cost center 2220, ExpressLanes, split between Project 307001 (Express lanes I-110) and Project 307002 (Express lanes I-10) for future years.

Impact to Budget

The current funding for this effort is toll revenues. Using these funds maximizes their use given approved provisions and guidelines.

EQUITY PLATFORM

The enforcement of the ExpressLanes helps keep the lanes free flowing for cars and transit vehicles. Drivers and transit riders will benefit from the increased safety and fewer delays due to quicker incidence response. The increased speed in the ExpressLanes for transit vehicles improves mobility for transit riders. Transit riders on the I-10 and I-110, including the J (Silver) Line, Gardena Line 2, Torrance Line 4, and Foothill Transit Silver Streak, will save an average of 10 minutes per trip on the ExpressLanes vs. riding in the general-purpose lanes. The J Line specifically serves a ridership population that is 90 percent people of color, 43 percent below the poverty line, and 68 percent without access to a car (Fall 2019 Silver Line Rider Survey).

CHP Officers adhere to AB 230, which establishes uniform use-of-force training programs, requires that officers be trained on de-escalation techniques, crisis intervention tactics and alternatives to force. The CHP provides safeguards from potential excessive force and/or harassment by requiring all uniform personnel to recertify in Arrest and Control techniques and Use of Force. CHP follows the California Peace Officers Standards Training (POST) curriculum which mandates this recertification every two years. CHP's goal is to have zero incidents involving claims of excessive force or harassment.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

This recommendation will support Strategic Goal 1 to provide high-quality mobility options that enable people to spend less time traveling. This funding agreement will ensure the ExpressLanes remain free flowing.

ALTERNATIVES CONSIDERED

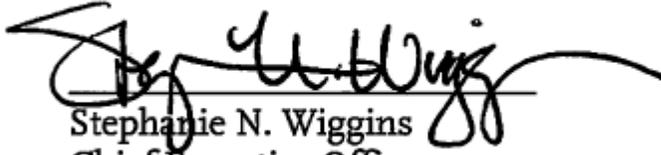
The Board may choose not to approve the execution of this agreement. The alternative is not recommended as CHP has demonstrated its value to the ExpressLanes and Metro is required by SB 1298 to have an agreement with CHP for the enforcement of the ExpressLanes.

NEXT STEPS

Upon Board approval, staff will execute the funding agreement with CHP to continue with CHP enforcement of the ExpressLanes. Staff will evaluate the level of enforcement on an annual basis and continue to work with CHP to reduce any potential duplicative enforcement as improvements in technology are implemented.

Prepared by: Michel'le Davis, Sr. Manager, ExpressLanes, (213) 418-3136
Mark Linsenmayer, DEO, Congestion Reduction, (213) 922-5569
Shahrzad Amiri, Deputy Chief Officer of Operations, Shared Mobility, (213) 922-3061

Reviewed by: Conan Cheung, Chief Operations Officer, (213) 418-3034



Stephanie N. Wiggins
Chief Executive Officer