



Board Report

File #: 2017-0804, File Type: Agreement

Agenda Number: 5.

AD HOC CONGESTION, HIGHWAY AND ROADS COMMITTEE MAY 16, 2018

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

ACTION: APPROVE RECOMMENDATION

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, 2018 to June 30, 2021 in the not-to-exceed amount of \$9,713,310.

ISSUE

CHP has proven to be an invaluable partner in the safe operation and enforcement of the ExpressLanes. While ExpressLanes' staff focuses on improving the ExpressLanes performance and implementing best-in-class technology, CHP presence is essential to the safety of the ExpressLanes customers, as well as enforcement of the ExpressLanes policies and procedures. CHP records show an increase in enforcement citations for the following unsafe behaviors over the last year on the ExpressLanes:

- Texting/ Using a Cellphone: 59% increase;
- Illegal Lane Changes/ Crossing Double Lines: 23% increase;
- Obscured or Missing License Plates/ Lack of Registration: 16% increase.

In addition to enforcing traffic and safety laws, CHP presence expedites the resolution of incidents on the ExpressLanes, including, but not limited to:

- Accident response,
- Off-loading of passengers from disabled buses, and
- The removal of debris or other issues necessitating traffic stops.

DISCUSSION

Background

In California, enforcement of the ExpressLanes is regulated by the California Vehicle Code (CVC). Per California Vehicle Code 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 110 and 10

ExpressLanes, outlines that Metro shall have a reimbursable agreement with CHP. Metro has had an enforcement agreement with the CHP since the inception of the ExpressLanes program, with the current agreement expiring June 30, 2018.

CHP receives an annual funding allocation from the State to cover the cost of routine freeway enforcement including traffic enforcement and control, incident response, accident investigation, and enforcement of any other laws or regulations related to the operation of motor vehicles and/or the protection of life or 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.

FY2019-FY2021 Agreement

Metro's agreement with the CHP for ExpressLanes covers the cost of providing additional patrols on the ExpressLanes beyond CHP's regular coverage. The agreement provides for increased patrols and dedicated dispatchers on the ExpressLanes to expedite accident and incident response. Without increasing the not-to-exceed amount, this upcoming agreement has been updated in collaboration with CHP to provide Metro with more flexibility to update the hours and levels of enforcement. Metro and CHP will make the adjustments as necessitated by changes in traffic conditions or improvements in technologies.

A 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. CHP educates ExpressLanes users regarding the program and provides beneficial feedback to Metro staff on their observations and interactions with customers on the ExpressLanes. Additionally, in light of recent policy changes, dedicated CHP support will supplement efforts to educate customers on changes made to the clean air vehicle (CAV) tolling policy. Metro and CHP will continue their partnership to ensure ExpressLanes users are educated and informed with CHP instructing CAV customers during the grace period before enforcement begins.

CHP Performance

CHP currently provides the sole means of enforcing the occupancy requirements for the ExpressLanes and has demonstrated the value of their presence on the ExpressLanes. As shown in Attachment A, Figure 1, from the opening of the ExpressLanes in November 2012 until December 2017, CHP has issued 76,531 citations with 41% of those being toll and transponder related. Although CHP is vital to effective enforcement of a vehicle's occupancy, Metro's automated Occupancy Detection System (ODS) proof-of-concept, will demonstrate the efficacy of technology innovations to assist in enforcement.

With the implementation of the ODS, Metro will be able to capitalize on both the available technological advances and CHP resources to improve enforcement of the ExpressLanes and compliance with its requirements for enhanced management and increased mobility. Once the ODS proof of concept is completed and the system is deemed efficacious, Metro will work with CHP to revisit the agreement to assure efficient use of Metro's resources.

However, a limitation to ODS and the Violation Enforcing System (VES) currently in place is an

inability to capture scofflaws that are intent on avoiding tolling equipment by removing or obscuring license plates in an attempt to avoid being charged by tolling equipment. Illegal lane changes (including crossing the double white lines) are also committed in an attempt to circumvent tolling and VES equipment. As shown in Attachment A, Figures 2 and 3, the number of citations issued related to license plates and illegal lane changes are increasing monthly. CHP will continue to provide the needed enforcement of vehicles that commit illegal and unsafe moves in an attempt to avoid tolling enforcement equipment.

DETERMINATION OF SAFETY IMPACT

CHP enforcement on the Metro ExpressLanes improves safety as these officers are more readily available to carry out traffic safety duties and respond to accidents and incidents on the ExpressLanes. CHP expedites incident management on 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 \$9,713,310 which is funded by toll revenues. Funding of \$3,000,000 is included in the proposed FY19 budget. 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 cost center 2220, Congestion Reduction, split between Project 307001 (Express lanes I-110) and Project 307002 (Express lanes I-10) for future years.

Impact to Budget

There is no impact to the bus and rail operating and capital expenditures. The source of funds for this effort will be from toll revenues. No other sources of funds were considered.

ALTERNATIVES CONSIDERED

The Board may choose not to approve the execution of this agreement. The alternative is not recommended as CHP has demonstrated their 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

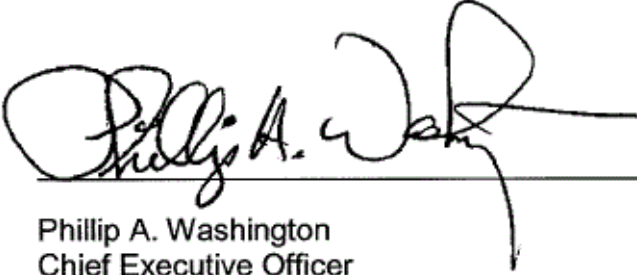
Upon Board approval, staff will execute the funding agreement with CHP to continue with CHP enforcement of the ExpressLanes. Staff will evaluate the level of enforcement on an annual basis and continue to work with CHP to reduce any potential duplicative enforcement as improvements in technologies are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

ATTACHMENTS

Attachment A - CHP Performance November 2012 to December 2017

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