



October 23, 2023

To: Members of the Board of Directors

From: Darrell E. Johnson, Chief Executive Officer

Subject: Agreement with the California Highway Patrol for Enforcement Services on the 405 Express Lanes

Overview

The Toll Operating Agreement with the California Department of Transportation requires the Orange County Transportation Authority to enter into an agreement with the California Highway Patrol to provide enforcement services on the 405 Express Lanes. The California Highway Patrol will provide patrol services, including toll and traffic enforcements, incident response, traffic control, and other services, in addition to supplemental enforcement services, at the request of the Orange County Transportation Authority.

Recommendation

Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-3-2860, between the Orange County Transportation Authority and California Highway Patrol, for a contract term of ten years, in an amount not to exceed \$15,000,000, for toll and traffic enforcement services on the 405 Express Lanes.

Background

The Orange County Transportation Authority (OCTA), in cooperation with the California Department of Transportation, and the cities of Costa Mesa, Fountain Valley, Huntington Beach, Seal Beach, and Westminster, is implementing the Interstate 405 (I-405) Improvement Project (Project) between State Route 73 (SR-73) and Interstate 605 (I-605). The Project will add one general purpose lane in each direction from Euclid Street to I-605, consistent with Measure M2 Project K, and will add an additional lane in each direction that will combine with the existing high-occupancy vehicle (HOV) lane to provide dual express lanes in each direction of I-405 from SR-73 to I-605, called the 405 Express Lanes. Scheduled to open in late 2023, the 405 Express Lanes will

be an all-electronic tolled facility requiring FasTrak accounts and valid transponders.

Discussion

In March 2017, OCTA entered into a Toll Operating Agreement for the 405 Express Lanes with the California Department of Transportation (Caltrans). AB 194 (Chapter 687, Statutes of 2015), signed by Governor Jerry Brown in October 2015, and codified in Section 149 of the Streets and Highways Code, required OCTA to enter into a toll operating agreement with Caltrans that addressed all matters related to the design, construction, maintenance, enforcement, and operation of the toll facility. Also included in AB 194 is the requirement that OCTA enter into an agreement with the Department of the California Highway Patrol (CHP) that addresses all law enforcement matters related to the toll facility.

The CHP provides patrol services on an overtime basis, including toll and traffic enforcements, incident response, traffic control, and other services, in addition to supplemental enforcement services, at the request of OCTA. The presence of CHP should deter toll violators who neglect to have a FasTrak account and valid transponders, are not using temporary plates or purposefully obstructing their license plates, or have misclassified their HOV declaration status. The CHP will also provide further enforcement and promote proper motorist behavior such as deterring driving at excessive speeds and distracted driving.

OCTA will reimburse the CHP for the actual costs, which are comprised of officer rates and any associated mileage incurred at the time services are provided. The CHP will provide officers daily during the hours of 5:30 a.m. to 10:00 p.m. (subject to future adjustments), as well as any supplemental enforcement services as requested by OCTA and agreed upon by the CHP. The geographical area of responsibility for the 405 Express Lanes is assigned to the Westminster CHP office. This agreement would be effective as of October 1, 2023, through September 30, 2033, with a not-to-exceed maximum obligation of \$15,000,000.

Fiscal Impact

Funds are included in OCTA's Fiscal Year 2023-24 Budget, 405 Express Lanes Account No. 0037-7616-A9510-9Y4, and will be included in the 405 Express Lanes budget for the subsequent years and is funded through 405 Express Lanes revenues.

Summary

Staff is recommending the Board of Directors authorize the Chief Executive Officer to execute Agreement No. C-3-2860, with the California Highway Patrol, to provide toll and traffic enforcement services for the 405 Express Lanes, in an amount not to exceed \$15,000,000, for a contract term of ten years.

Attachment

- A. State of California – Department of General Services, Standard Agreement

Prepared by:



Kirk Avila
General Manager,
Express Lanes Programs
(714) 560-5674