



April 1, 2019

To: Regional Planning and Highways Committee

From: Darrell E. Johnson, Chief Executive Officer

Subject: Amendment to Agreement with the California Highway Patrol for Services Related to Freeway Service Patrol

Overview

The Orange County Transportation Authority administers the operation of the Freeway Service Patrol program. In accordance with state law, the program is supervised by the California Highway Patrol. On May 25, 2018, the Board of Directors authorized Agreement No. C-8-1553 between the Orange County Transportation Authority and the California Highway Patrol in the amount of \$476,376, to fund the cost of officer overtime and a full-time dispatcher position. An amendment to the cooperative agreement in the amount of \$434,887 is requested to add funds that became available through the Road Repair and Accountability Act of 2017 and adjust the maximum obligation in the original agreement; these adjustments were requested after the agreement was approved by the Board of Directors in May 2018.

Recommendation

Authorize the Chief Executive Officer to negotiate and execute Amendment No. 1 to Agreement No. C-8-1553 between the Orange County Transportation Authority and the California Highway Patrol, in the amount of \$434,887, to add Road Repair and Accountability Act of 2017 funds recently made available to support the Freeway Service Patrol program and to adjust the amount of the maximum obligation in the original agreement.

Discussion

The Orange County Service Authority for Freeway Emergencies (SAFE) is one of the agencies included in the consolidation of seven transportation agencies that formed the Orange County Transportation Authority (OCTA) in 1991. The Orange County SAFE oversees the administration and operation of the Freeway Service Patrol (FSP). This includes planning the level of service to be provided, conducting procurements, and managing agreements with tow truck companies

to provide FSP services. The California Department of Transportation (Caltrans) and the California Highway Patrol (CHP) also play roles in the provision of the FSP. As detailed below, Caltrans provides funding to the program and collects data on the performance of FSP services throughout the state. CHP provides training, supervision, and other activities that are more appropriately provided through a law enforcement agency; CHP's mission is to provide the highest level of safety, service, and security on California's highways.

Caltrans' role includes:

- Develop and administer state annual funding for FSP,
- Conduct special studies in support of cost-effective operations,
- Collect statewide performance measurement data.

CHP's role includes:

- Supervise FSP field operations,
- Train FSP personnel,
- Conduct background investigations,
- Perform real-time dispatching for FSP,
- Develop standard operating procedures for FSP.

Caltrans provides funding to CHP through the State Highway Account for FSP supervision and training. These funds support three full-time officers and 20 hours of dispatching provided by a public safety dispatcher located at the Caltrans Traffic Management Center in Irvine, CA. OCTA supplements these services by providing additional funding through Agreement No. 8-1553 for necessary overtime and 20 additional hours of dispatching services.

The Road Repair and Accountability Act of 2017, also known as Senate Bill 1 (SB1), includes additional funding for FSP programs through an allocation method determined by Caltrans to provide inflation relief to the CHP. For the first funding year, Caltrans elected to pass inflation relief funds to CHP through the local agency allocation. Caltrans has allocated \$383,761 in SB1 funds to CHP through the OCTA SB1 funding agreement. Receipt of these funds was included in Cooperative Agreement No. C-8-1871, which was approved by the OCTA Board of Directors on November 12, 2018. Approval is now being requested to pass these funds to the CHP as part of Amendment No. 1 to Agreement No. C-8-1553. Future year SB1 funding for CHP will be handled through a direct agreement between Caltrans and the CHP.

In mid-December 2018, CHP notified OCTA that a calculation error had been discovered in the rates used for Agreement No. C-8-1553. Specifically, CHP had not used a correct overtime hourly rate for officers or a correct regular hourly rate for the public safety dispatcher for the term of the new agreement. CHP indicated they would process an amendment in the amount of \$51,126, to correct the calculation error and submit it to OCTA.

OCTA is now in receipt of Amendment No. 1 to Agreement No. C-8-1553 from CHP, which incorporates both the addition of SB1 funds and an adjustment to address the calculation error, in the total amount of \$434,887, which increases the maximum obligation to \$911,263.

Fiscal Impact

Funds for the provision of CHP overtime and 20 hours of public safety dispatching are included in OCTA Fiscal Year 2018-19 Budget, Motorist Services Department – SAFE Fund, Account 0013-7629-FN001-AVW, and is funded through M2 Local Transportation Authority.

The SB1 funds to support CHP supervision of the FSP program are included in Cooperative Agreement No. C-8-1871, between OCTA and Caltrans.

Summary

Based on the information provided, staff recommends Board of Directors approval to authorize the Chief Executive Officer to negotiate and execute Amendment No. 1 to Agreement No. C-8-1553 between the Orange County Transportation Authority and the California Highway Patrol, in the amount of \$434,887, to add Road Repair and Accountability Act of 2017 funds recently made available to support the Freeway Service Patrol program, and to correct a calculation shortfall in the original agreement.

Attachments

- A. California Highway Patrol, Agreement No. C-8-1553 Fact Sheet
- B. Measure M2 Project N Guidelines, Freeway Service Patrol Project
- C. Amendment No. 1 to Agreement No. C-8-1553 Cost Breakdown

Prepared by:



Patrick Sampson
Manager, Motorist Services
(714) 560-5425


Approved by:



Cliff Thorne
Director, Maintenance and Motorist
Services
(714) 560-5975



Virginia Abadessa
Director, Contracts Administration and
Materials Management
(714) 560-5623



Jennifer L. Bergener
Chief Operating Officer, Operations
(714) 560-5462