



November 4, 2019

To: Regional Planning and Highways Committee

From: Darrell E. Johnson, Chief Executive Officer

Subject: California Department of Transportation Freeway Service Patrol Program Fund Transfer Agreements

Overview

The Orange County Transportation Authority serves as the administering agency for the Freeway Service Patrol program in Orange County. Funding for the Freeway Service Patrol program is provided annually from the California Department of Transportation through the State Highway Account and the Road Repair and Accountability Act of 2017, also known as Senate Bill 1. Funding agreements are necessary each fiscal year to facilitate the transfer of funds to the Orange County Transportation Authority for the continuance of the Freeway Service Patrol program. Staff is seeking Board of Directors approval to authorize the Chief Executive Officer to negotiate and execute funding each year through fiscal year 2028-29.

Recommendations

- A. Authorize the Chief Executive Officer to negotiate and execute Cooperative Agreement No. C-9-1620 between the Orange County Transportation Authority and the California Department of Transportation for fiscal year 2019-20 Freeway Service Patrol Program State Highway Account funding of approximately \$2,294,286.
- B. Authorize the Chief Executive Officer to negotiate and execute Cooperative Agreement No. C-9-1620 between the Orange County Transportation Authority and the California Department of Transportation for fiscal year 2019-20 Freeway Service Patrol Program Senate Bill 1 funding of approximately \$1,969,345.
- C. Authorize the Chief Executive Officer to negotiate and execute Cooperative Agreements between the Orange County Transportation Authority and the California Department of Transportation each year for fiscal years 2020-21 through 2028-29 Freeway Service Patrol Program

State Highway Account funding in an amount not to exceed \$20,545,608, for the nine fiscal years.

- D. Authorize the Chief Executive Officer to negotiate and execute Cooperative Agreements between the Orange County Transportation Authority and the California Department of Transportation each year for fiscal years 2020-21 through 2028-29 Freeway Service Patrol Program Senate Bill 1 funding in an amount not to exceed \$17,635,726, for the nine fiscal years.

Discussion

The Orange County Freeway Service Patrol (FSP) program is a partnership between the California Department of Transportation (Caltrans), California Highway Patrol (CHP), and the Orange County Transportation Authority (OCTA). In November 1992, the FSP program began providing peak-hour assistance to stranded motorists along Orange County freeways in an effort to reduce congestion. The FSP program is designed to provide timely assistance to motorists with disabled vehicles and timely response to other incidents that leave debris on the freeways.

In addition to peak-hour service on all freeways, FSP provides midday service on Interstate 5 (I-5), Interstate 405, State Route 22 (SR-22), State Route 55 (SR-55), State Route 57 (SR-57), and State Route 91 (SR-91) in central Orange County. The FSP program also provides weekend service on SR-91 from SR-55 to the Riverside County Line, on SR-22 from Harbor Boulevard to SR-55, including the I-5/SR-57 interchange, and on I-5 in South Orange County, as well as off-peak hour service in certain designated construction zones.

OCTA is the administering agency for the FSP program in Orange County and is responsible for procuring services necessary for the operation of the FSP program. Caltrans allocates \$25 million to statewide FSP programs annually through the State Highway Account (SHA). After applying a deduction for required CHP oversight, SHA funds are allocated to each local FSP agency based on a formula defined in California Streets and Highways Code, section 2562.1. Allocation percentages change from year to year based on calculations used to measure congestion within the region, the number of active FSP programs statewide, and individual FSP program ability to provide matching funds to accept the entire allocation.

Local programs are required to provide a 25 percent funding match to the state program funding using local funds. Local match funds are provided using Orange County Service Authority for Freeway Emergency (SAFE) funds and

Measure M2 (M2) funds. SAFE is funded through a one-dollar California Department of Motor Vehicles fee for all vehicles registered in Orange County. M2 is funded through a one-half cent sales tax on goods purchased in Orange County. To provide the level of FSP service outlined above, OCTA provides a higher match than the minimum requirement.

The SHA allocation for the Orange County FSP program for fiscal year (FY) 2019-20 is \$2,294,286, requiring a local match of \$573,572 from OCTA. Total FY 2019-20 SHA funding, including both the SHA allocation and the local match is \$2,867,858, and OCTA will have until June 30, 2022, to be reimbursed from this funding source for program expenditures.

In April 2017, the Governor of California signed the Road Repair and Accountability Act of 2017 (SB1) into law. The SB1 legislative package provides an additional \$25 million annually for California FSP programs. SB1 funding can be used to support FSP program activities in three specific categories: inflation relief, new or expanded service, and for CHP support.

The Orange County FSP program SB1 allocation for FY 2019-20 is \$1,120,731 for inflation relief and \$848,614 for new or expanded service, totaling \$1,969,345, which requires a local match of \$492,336 from OCTA. Total FY 2019-20 funding, including the SB1 allocation and the local match, is \$2,461,681, and OCTA will have until June 30, 2022, to be reimbursed from this funding source for program expenditures.

Future year funding will be calculated by formula each FY and will be available for reimbursement for up to three FYs. Actual anticipated SHA and SB1 funding for future years will be presented to the OCTA Board of Directors (Board) annually as part of the annual budget approval process. The anticipated funding to be made available for FY 2019-20 through FY 2028-29 is \$38,181.334. A history of funding for FSP from FY 2008-09 through FY 2019-20 and estimated projections through FY 2028-29, including match requirements and contributions made to FSP from Orange County local SAFE and M2 funds, is shown in Attachment A.

To access the funding outlined above, agreements between OCTA and Caltrans are required each FY. Staff has traditionally brought this item to the Board for approval each FY; however, staff is seeking Board approval to authorize the Chief Executive Officer to negotiate and execute Caltrans funding agreements each year through FY 2028-29 to expedite agreement and funding processes and allow OCTA to invoice Caltrans sooner. Invoicing Caltrans sooner will allow OCTA to receive the funds faster and manage reserve fund accounts more effectively.

Summary

The FSP program provides valuable services by assisting motorists with disabled vehicles and removing congestion-causing debris from freeway traffic lanes. Funding for the FSP program is provided through a combination of sources, including Caltrans directed SHA and SB1 funds, local SAFE funds, and M2 funds. Funding agreements are required each year to continue the program. Staff is seeking Board approval to authorize the Chief Executive Officer to negotiate and execute Caltrans SHA and SB1 funding agreements for FY 2019-20 and for each year through FY 2028-29.

Attachment

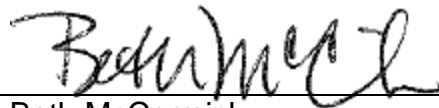
- A. California Department of Transportation Freeway Service Patrol Funding,
Fiscal Year 2008-09 to Fiscal Year 2028-29

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