



Board Report

File #: 2017-0820, **File Type:** Motion / Motion Response

Agenda Number:

AD HOC CONGESTION, HIGHWAYS AND ROADS COMMITTEE JANUARY 17, 2018

**SUBJECT: METRO EXPRESSLANES CALIFORNIA HIGHWAY
PATROL CITATION DISTRIBUTION**

ACTION: RECEIVE AND FILE

RECOMMENDATION

RECEIVE AND FILE report on the distribution of Metro ExpressLanes California Highway Patrol (CHP) issued citations.

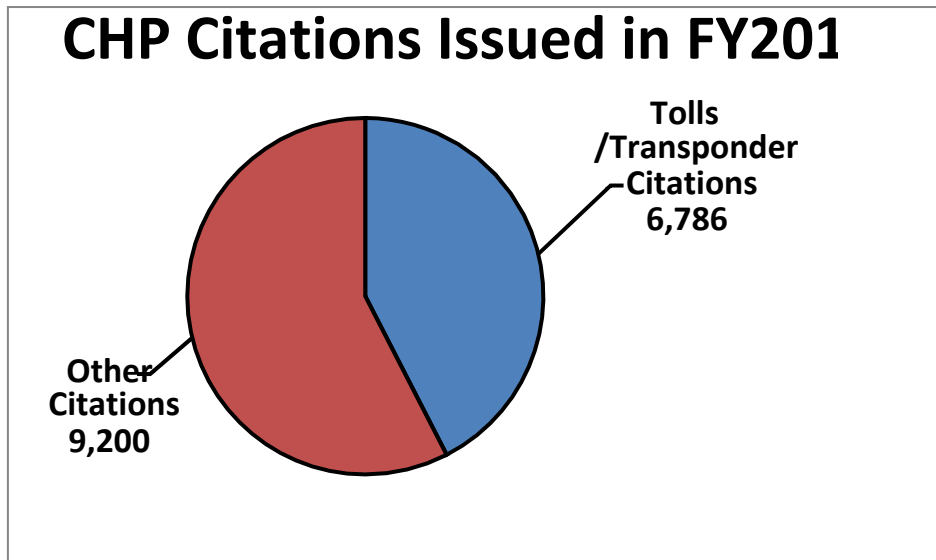
ISSUE

At the October 2017 Board meeting, Motion 37.1 by Director Hahn was approved requesting a report back in January 2018 of a breakdown of Metro ExpressLanes citations, identification of the entities that receive the collected fees, and the viability of redirecting the citation revenue to the Metro ExpressLanes Program.

BACKGROUND

The Metro ExpressLanes system identifies all vehicles without transponders through license plate images and with assistance from the DMV, issues a notice of toll evasion inclusive of the toll and a \$25 fine to the vehicle's owner. All funds generated in this manner are directly provided to the Metro ExpressLanes program.

For all other enforcement activities such as placement of the transponder on the wrong setting to avoid payment, the ExpressLanes program provides funding to the CHP. The CHP may issue a citation for ExpressLanes enforcement or any other non-ExpressLanes enforcement activity. Below is a chart of the citations issued during FY17 illustrating that approximately 42% of the citations issued last year are transponder-related.



DISCUSSION

At the present time, none of the revenue generated by CHP issued citations is returned to Metro. Tolling citation revenues follow the same overall distribution as any other traffic citation revenue as originally established in 1953. Per state law, none of the tolling agencies in the State receives revenue from CHP citations issued, rather, as stated above, the tolling agencies, like Metro, receive 100% of the revenue generated by the notice of toll evasion issued by the tolling system.

Attachment B outlines the various programs and agencies that receive the funds associated with CHP citations issued due to transponder-related infractions. As the chart illustrates, the funds are distributed to the State, County and cities. The Base fine of \$35 is split between Los Angeles County and the jurisdiction in which the citation was issued with the county receiving between 8 to 16 percent and the City receiving between 84 to 92 percent. As depicted in Attachment C, other fines, penalties and fees are distributed among a myriad of agencies.

Metro staff is not involved in the disposition of these citations as they are handled through the Los Angeles County Court system. Staff made contact with various Los Angeles County departments and have been unable to identify the amount of funding generated by these citations. As a result, in order to complete this assignment, staff identified the number of transponder-related tickets from the inception of the program through September 2017 from the data submitted by CHP. Based on the number of citations issued by the CHP, the base amount of revenue generated over approximately five years is \$1,032,780 which is about \$207,000 per year. This figure assumes that all citations issued are paid which is not the case since in some cases, the courts dismiss the citations and no revenue is recovered.

The Streets and Highways code that delineates the formula for these citations applies to all similar programs in the State. Any changes would require outreach to and the concurrence of the jurisdictions and other ExpressLanes operators within the State.

Under these circumstances and given the fact that the revenue generated with the Base portion of the citations would have to be redirected from Los Angeles County and jurisdictions in which the ExpressLanes are located, staff does not recommend pursuing legislation to change the formula.

ALTERNATIVES CONSIDERED

The Board could choose to pursue legislation to redirect the citation revenue; however, this option is not recommended given the potential cost and benefit of such action since it would re-direct funds that go toward Los Angeles County and local jurisdictions' efforts as well as support critical programs within the State from which the region also benefits.

NEXT STEPS

Staff will continue to explore technology enhancements to improve enforcement on the ExpressLanes.

ATTACHMENTS

Attachment A - Motion 37.1 Hahn

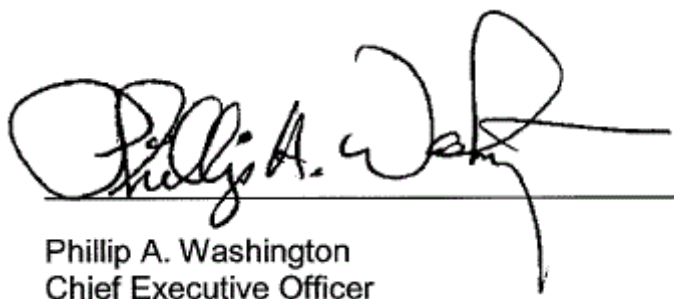
Attachment B - Transponder Related Fees, Penalties and Fines' Distribution

Attachment C - DOJ Distribution of Criminal/Traffic Fines, Penalties and Fees

Prepared by: Shahrzad Amiri, Executive Officer, (213) 922-3061

Michael Turner, DEO, Government Relations (213) 922-2122

Reviewed by: Stephanie Wiggins, Deputy CEO, (213) 922-1023



Phillip A. Washington
Chief Executive Officer

**REGULAR BOARD MEETING
OCTOBER 26, 2017**

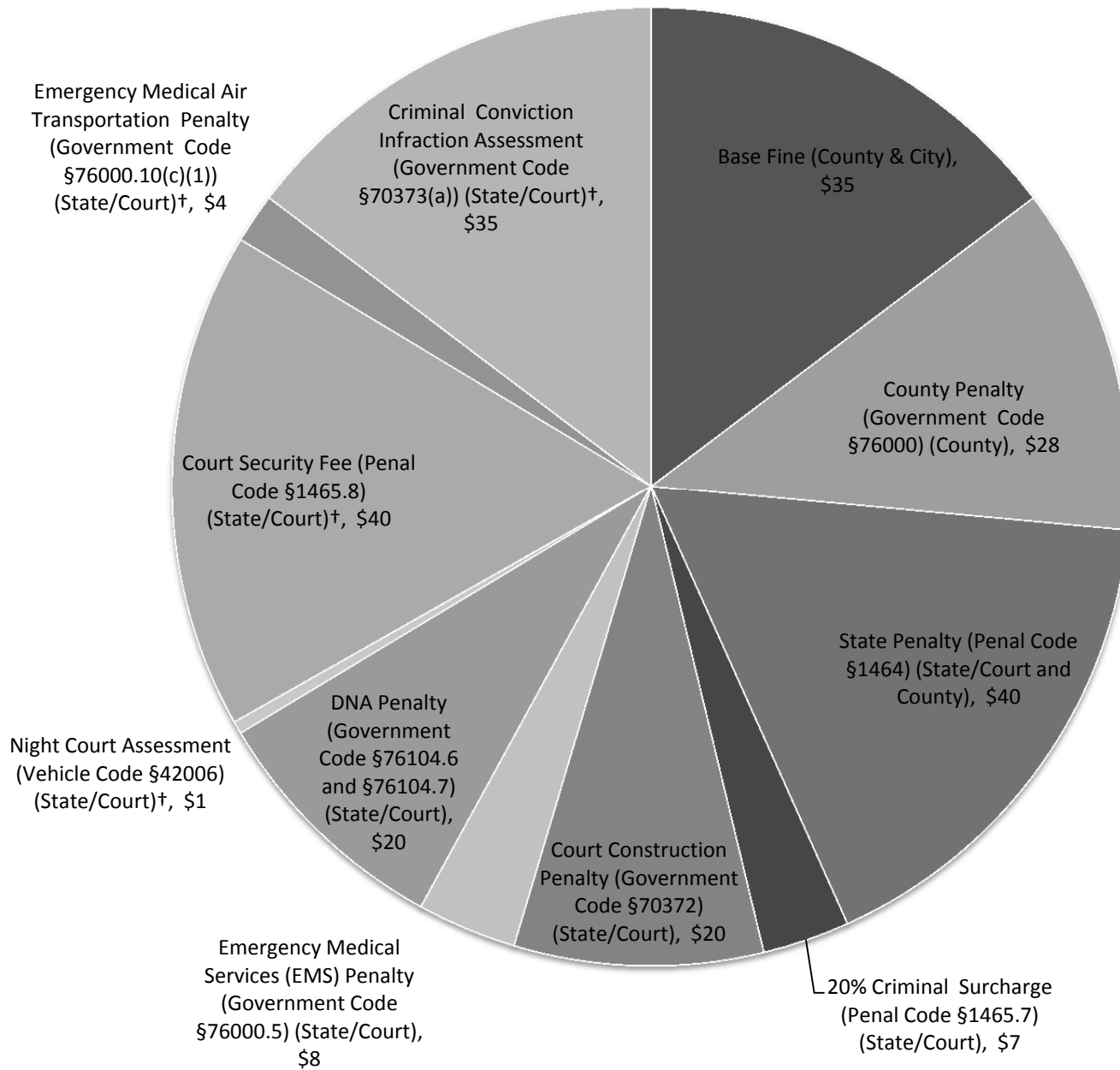
Motion by:

Director Hahn

Related to Item 37: Countywide Transportation Demand Management Motion

APPROVED **Motion by Hahn** requesting a breakdown of all Metro ExpressLanes citations demonstrating who and what jurisdictions receive the collected fees, and report back during the January 2018 Board cycle on the viability of redirecting citation revenue to the Metro ExpressLanes program.

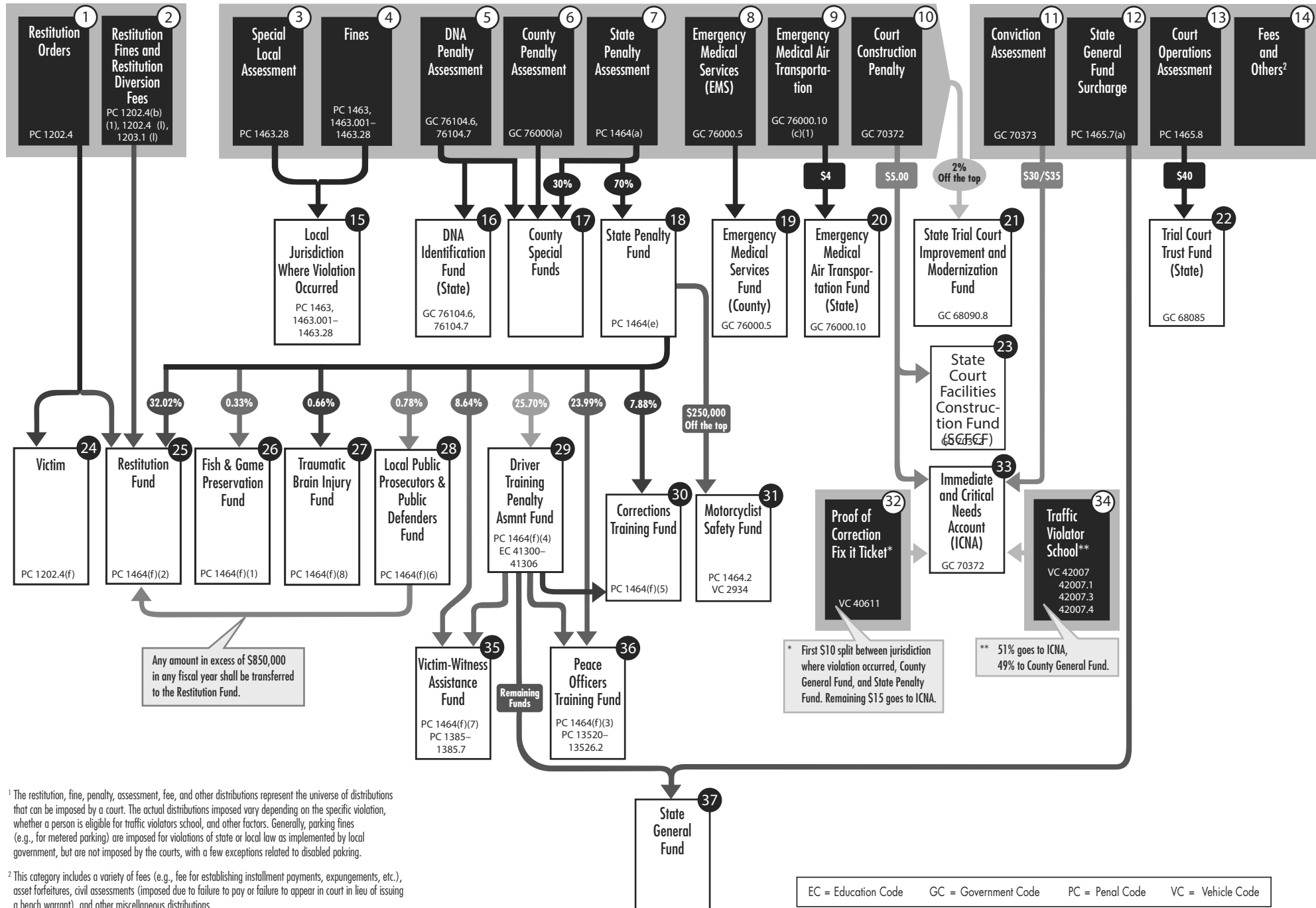
Transponder Related Fees, Penalties, and Fines' Distribution*



*\$238 ticket for transponder infractions: 23302(a)(1) VC and 23302(a)(2)

†Fixed amount penalty or fee

Distribution of Criminal/Traffic Fines, Penalties, and Fees¹



¹ The restitution, fine, penalty, assessment, fee, and other distributions represent the universe of distributions that can be imposed by a court. The actual distributions imposed vary depending on the specific violation, whether a person is eligible for traffic violators school, and other factors. Generally, parking fines (e.g., for metered parking) are imposed for violations of state or local law as implemented by local government, but are not imposed by the courts, with a few exceptions related to disabled parking.

² This category includes a variety of fees (e.g., fee for establishing installment payments, expungements, etc.), asset forfeitures, civil assessments (imposed due to failure to pay or failure to appear in court in lieu of issuing a bench warrant), and other miscellaneous distributions.

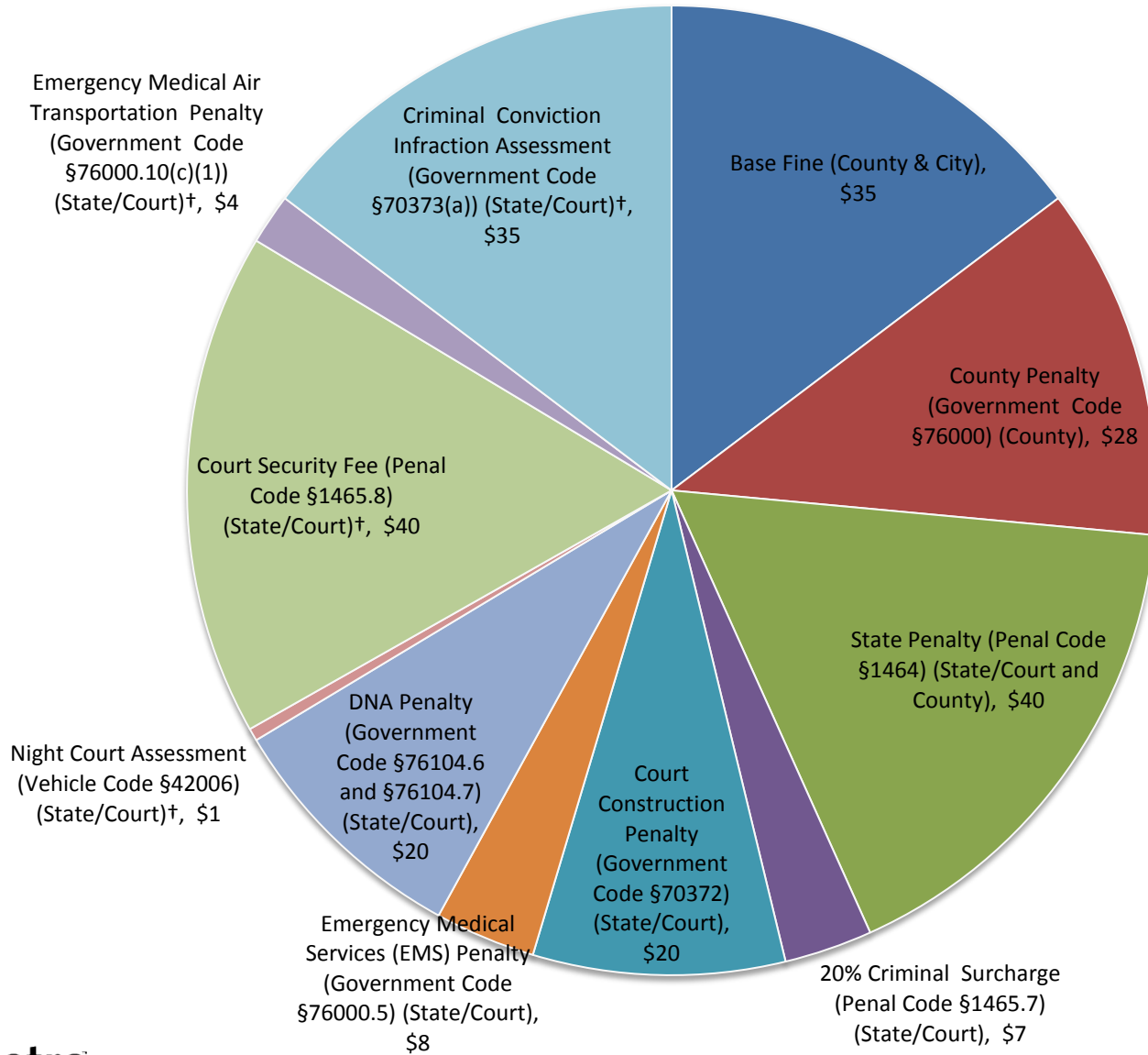
METRO EXPRESSLANES CALIFORNIA HIGHWAY PATROL CITATION DISTRIBUTION

**Ad Hoc Congestion, Highways and Roads Committee
JANUARY 17, 2018**



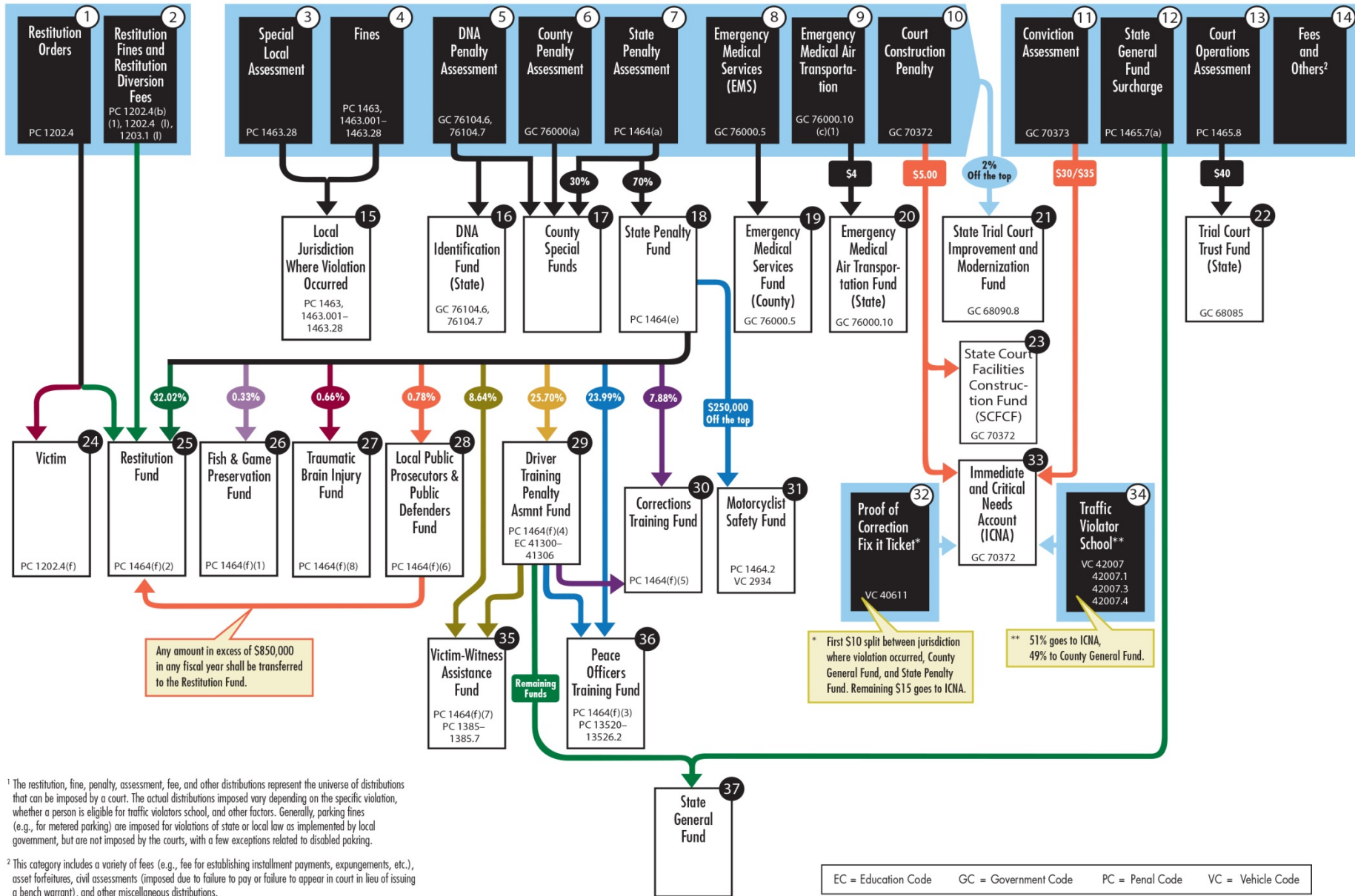
Metro

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EC = Education Code GC = Government Code PC = Penal Code VC = Vehicle Code