14-001 Department Use of High Occupancy Toll (HOT) or "Express Lanes"

Los Angeles County Sheriff's Department

FIELD OPERATIONS DIRECTIVE

DEPARTMENT USE OF HIGH OCCUPANCY TOLL (HOT) OR "EXPRESSLANES"

BACKGROUND

The Los Angeles County Metropolitan Transportation Authority (Metro) began operation and enforcement of High Occupancy Toll (HOT) lanes known as "ExpressLanes" on I-110 starting on November 10, 2012, and I-10 in early 2013. The I-110 ExpressLanes consist of the existing carpool/busway lanes on north and southbound I-110 from the vicinity of SR-91 to Adams Boulevard in Downtown Los Angeles. This also includes the transition carpool lanes from the I-105 to the I-110 ExpressLanes. The ExpressLanes are operated similarly to the existing SR-91 FasTrak® lanes and the Orange County Toll Roads, which require the use of a FasTrak Flex transponder. This program was funded by a Federal grant with specific performance requirements placed upon Metro for its operation. Failure to meet these performance requirements could result in forced repayment of the $210.6 million grant funding by Metro, back to the Federal government.

All vehicles which operate in the ExpressLanes are required to have a FasTrak Flex transponder and FasTrak account. There are exceptions for account holders who travel in carpools, or for those who utilize the "Pay As You Go" option (see Prohibited Use section for further information). Carpool exception rules are as follows:

- The I-110 allows carpools with two people or more, to travel toll-free, 24/7; and
- The I-10, during the peak hours of (0500 - 0900 and 1600 - 1900 hours Monday - Friday), requires three people to qualify as a carpool and two people at all other times. Carpools with three or more people traveling on the I-10 can use toll-free lanes 24/7.

You can open a Metro ExpressLane account and obtain a FasTrak transponder via any of the following options:

- Register at https://www.metroexpresslanes.net/;
- Visit a Metro ExpressLanes walk-in center in El Monte or Gardena;
- Dial 511 and say "ExpressLanes;" or

- Sign up and pick up your transponder at any AAA branch.

(20% savings at account opening) or select Albertsons and Costco stores (10% savings at account opening).

POLICIES AND PROCEDURES

Individual Responsibility

Department members must be aware that failure to comply with the law or any fraudulent reporting of compliance can subject the violating Department member to an administrative investigation, possibly leading to discipline within existing Department policy. **Department members who are non-compliant with ExpressLanes restrictions may be held accountable for any fees and/or penalties assigned**.

Department personnel may purchase a transponder and use it with a Department vehicle, but are required to follow the rules of the ExpressLanes terms of use with Metro. Personnel will be held accountable for the misuse of a transponder in the ExpressLanes if in fact, there are less than the required number of persons in the vehicle while traveling in the ExpressLanes.

Prohibited Use

The “Pay as You Go” option provides for the use of the I-110 and I-10 Metro ExpressLanes without a FasTrak Flex transponder or registered account at a reduced violation rate. The registered owner usually receives a notice for the toll amount, plus a $4 processing fee. **Department employees are not authorized to use this feature while driving a County vehicle.**

NOTE: Employees who use their personal FasTrak transponders in a County vehicle must add the vehicle license plate number as an authorized vehicle to their account prior to utilizing the FasTrak lanes. Failure to do so will result in the County being billed for the violation plus penalties, and the employee will be held accountable for any fees and/or penalties assigned.

Allowable Exceptions for Marked Units

Lawful use of the ExpressLanes, as they apply to authorized emergency vehicles, is detailed in section 23301.5 of the California Vehicle Code (CVC).

It is critical for all Department members to understand that they must comply with section 23301.5 CVC even when operating a marked patrol vehicle. This law specifies that in order to qualify as an "authorized emergency vehicle," the vehicle must be "properly displaying an exempt California license plate, and is properly identified or marked," to include external surface-mounted red and/or blue warning light and displaying public agency identification. The marked County vehicle, while in the HOT lane, must be driven in response to or returning from an urgent (priority) or emergent call, or engaged in an actual emergency. The actual display of emergency lighting is not required under this law.

The Department has entered into Letters of Agreement (LOA) directly with Metro for exemption of certain vehicles, as long as those vehicles comply with the agreed-upon restrictions, in that they are only exempt

when in the performance of specified duties and not commuting to/from work, training, or engaged in routine business not identified within the LOA. Such vehicles have been entered into the toll system as "non-revenue" vehicles. Inmate transportation, law enforcement patrol operation of the I-110 bus stations, as well as patrol of the Metrolink stations along I-10, are examples of non-revenue vehicles. Marked patrol vehicles (excluding vans, utility vehicles, pickups, etc.) assigned to Carson, Century, South Los Angeles, and Temple Stations are also designated as non-revenue vehicles. In addition, specific specialized emergency response units (i.e., Special Enforcement Bureau, Emergency Services Detail, Arson Explosives, and HazMat Details, as well as Emergency Operations Bureau and mobile communication response vehicles) are considered non-revenue.

Reimbursement for Toll Violation Fees and HOT Lane Usage

Claims for reimbursement of toll lane fees are not being accepted by Fiscal Administration Bureau; however, updates are anticipated in the future. Refer to Fiscal Notice bulletins and/or contact Fiscal Administration Bureau for further guidance.

Enforcement and Violations

- The ExpressLanes are enforced with a combination of California Highway Patrol enforcement and cameras that take pictures of vehicle license plates for those vehicles without a transponder.

- Violator vehicle information from ExpressLanes cameras is conveyed to the California Department of Motor Vehicles, and the registered owners are sent a violation notice for payment. The first notice allows the violator to pay only the toll amount owed within 14 days of the date the notice was mailed. If the toll is not paid within 14 days, a $25 penalty is assessed. If the violation is unpaid after 30 days, an additional $30 penalty is added. After 60 days of non-payment, a hold is placed on the vehicle registration, or it will be sent to collections for payment.

- The I-110 and I-10 Metro ExpressLanes are separated from the general-purpose lanes by solid white lines. The fine for crossing the solid white lines to enter or exit the ExpressLanes is $491.

Violation notices are sent to the registered owner’s address on file.

- In the case of a Department-owned vehicle, violations are sent directly to the Communications and Fleet Management Bureau (CFMB) at 1227 N. Eastern Avenue, Los Angeles CA, 90063. In some cases, toll violations may be misdirected and should be immediately routed to CFMB to initiate proper Department processing. CFMB will date/time stamp the notice upon receiving it. The notice shall be entered into the Fleet Asset Status Tracking (FAST) program for tracking and archival purposes. Within 24 hours of receiving each notice, CFMB shall forward the violation notice(s) directly to the affected unit commander(s).

- In the case of a personal-owned vehicle bearing confidential plates, violations are first sent to Sheriff’s Headquarters Bureau (SHB). After receiving the toll violation, SHB will forward the violation to CFMB. Within 24 hours of receiving each notice, CFMB shall forward the violation notice(s) directly to the employee’s unit. Based on the limitations of routing and distribution of county mail between units, employees should be mindful of delays in receiving notices of violation.

Disposition of Violations

Each unit commander is responsible for the review, handling, and reconciliation of toll violation notices at the unit level. If the violation was received late, (according to the time stamp from CFMB) and an increased fine is already imposed, the unit of assignment must notify CFMB of the concern and provide an explanation of the delay involved in getting the first notice.

It is incumbent upon the vehicle's assigned unit's operations lieutenant, assistant director, or comparable designee (at time of violation), to investigate in order to identify the operator who committed the violation, and ensure one of the following dispositions is achieved for each violation:

- The violation is paid by the employee who committed the violation;
- The notice of violation is formally contested with Metro for good cause; or
- A request for dismissal is made, per section 23301.5 CVC. The unit of assignment must ensure each violation is properly resolved in a timely manner, and a response shall be sent directly to CFMB.

Waiver Process

If determined that the vehicle receiving the toll violation notice was in compliance with section 23301.5 CVC, the unit of assignment shall provide a written response directly to CFMB utilizing the Request for Emergency Vehicle Toll/Credit Waiver form, which can be located by clicking here. The notice to CFMB may only be signed and submitted by the unit operations lieutenant, assistant director, comparable or higher-ranking management personnel. This rule was imposed to assure Metro that an official investigation occurred, and the allowable purpose was affirmed by an authorized Department official.

Data Entry Violation Tracking

The unit operations office shall ensure the final outcome for each reported violation is noted in the FAST program (all units of assignment have been given direct access to the program for this purpose). If there is any trouble accessing or updating the program directly, contact CFMB.

Loaned Department Vehicles

Toll violations issued to loaned vehicles shall be forwarded to the unit of assignment where the vehicle was loaned to at the time of occurrence. It shall be the responsibility of CFMB to determine the unit responsible and forward the toll violation(s) to the concerned unit commander to resolve as outlined herein. In the event that the Fleet Management intake office lacks specific loan records and/or the responsible unit cannot be determined, Metro shall be notified by the Fleet Management lieutenant.

ExpressLanes Outside of Los Angeles County

Violations for ExpressLanes outside of Los Angeles County shall be handled in the same manner as prescribed above; however, the LOA with Metro does not apply as there are no "non-revenue" list vehicles allowed to use the lanes outside of Los Angeles County.

For information on Metro ExpressLanes, please visit https://www.metroexpresslanes.net/.

Questions regarding the content of this Field Operations Directive may be directed to Communications and Fleet Management Bureau (CFMB).

REFERENCES

23301.5 CVC Emergency Vehicles in Toll Lanes