



CENTRAL TEXAS REGIONAL
MOBILITY AUTHORITY

June 29, 2022
AGENDA ITEM #9

Authorize agreements with the
Travis County Sheriff's Office
for habitual violator road
enforcement services

Strategic Plan Relevance:	Deliver Responsible Mobility Solutions that Respect the Communities We Serve; Deliver of Commitments to Our Customers and Our Investors; Employ a Collaborative Approach to Implementing Mobility Solutions
Department:	Operations Department
Contact:	Tracie Brown, Director of Operations
Associated Costs:	not to exceed \$300,000
Funding Source:	FY 23 Operating Budget
Action Requested:	Consider and act on draft resolution

Project Description/Background: The vast majority of Mobility Authority customers pay for their toll usage in a timely manner, either by electronic toll tag or through our courtesy Pay By Mail program. Non-payers undermine the ability of the Mobility Authority to pay back its bonds and finance future projects. It also presents an unfair burden to the paying customers.

Chapter 372 of the Texas Transportation Code provides enforcement tools for egregious toll violators. This statute authorizes additional remedies for "habitual violators," those who have accumulated 100 or more unpaid tolls in aggregate in a 12-month period and have been issued two notices of nonpayment that continue to go unpaid. The remedies include publication of the toll scofflaw's name, a vehicle registration block and a ban of the vehicle's use of the entity's toll facilities. In addition, traffic citations and vehicle impoundment are possible for those who violate the vehicle prohibition.

Previous Actions & Brief History of the Program/Project: In July 2019 the Mobility Authority's Board of Directors authorized the Executive Director to negotiate agreements with Travis and Williamson Counties for habitual violator enforcement services. The Williamson County Commissioner's Court approved a standard

agreement for off-duty contracting of county constable deputies in December 2019 which sets an \$8 hourly rate for vehicle use and deputies be paid by the Mobility Authority directly as independent contractors.

Active on-road enforcement with those deputies began in February 2020. Enforcement was briefly halted in March 2020 for a 3-month period as the Deputies were required to focus on COVID-related matters for the county. Enforcement resumed in June 2020. The election of a new Constable in Precinct #1 necessitated the execution of a new ILA with Williamson County in December 2020 to continue these services.

In August 2021 the Board authorize the Executive Director to enter into an off-duty agreement with the Travis County Sheriff's Office to provide on-road enforcement services. These services support the Authority's habitual violator program and allow the detainment of vehicles that have been expressly prohibited by the Board from utilizing the Authority's toll facilities as a result of their unpaid toll obligations.

Because procurement of road enforcement services does not precisely align with normal acquisition of good and services, a change to the Mobility Authority's *Policy Code* was also approved to add these services to the list of items allowed under discretionary exemptions.

Financing: Operating Fund

Action requested: Through an off-duty agreement with the Travis County Sheriff's Office, the Authority will contract for marked law enforcement vehicles, uniformed law enforcement officers, and all vehicular equipment necessary to identify offenders and enforce Texas Transportation Code Section 372 violation of an order prohibiting the operation of motor vehicles on CTRMA-operated toll facilities within Travis County or adjacent counties as permitted when the following criteria are met:

- i. the registered owner of the vehicle has been finally determined to be a habitual violator; and
- ii. the toll project entity has provided notice of the prohibition order to the registered owner.

Specific operations include active law enforcement, identifying and stopping certain vehicles via the use of license plate information provided by CTRMA, issuing a citation for violation of a prohibition order, issuing verbal and written notification to the violator of possible action to be taken if violator continues to use the facility, and directing the impoundment of the prohibited vehicle under the appropriate circumstances. Additional active law enforcement may include arrests, perpetrator transportation, impounding of vehicles, etc. The supervising officer will be required to provide written monthly reports noting the enforcement hours and a summary of the violations issued during the targeted enforcement period.

The hourly rate or “donation” for these services are prescribed by Travis County’s standard *Application for Secondary Employment of Law Enforcement*. Staff recommends a \$76 hourly rate for officers. A separate "donation" of \$20 per hour is required for the use of Travis County-owned vehicles. The combined Travis County rates are in line with that paid to Williamson County and its deputies for the same service.

The term of the proposed agreement will begin after full execution and terminate on December 31, 2022 at which point TCSO requires execution of a new agreement. The Agreement may be terminated by mutual written agreement, or after either party gives notice to the other party, whichever occurs first.

Staff Recommendation: Staff recommends authorizing agreements with the Travis County Sheriff’s Office for habitual violator road enforcement services.

Backup provided: Draft Resolution
TCSO Application for Secondary Employment of Law Enforcement
TCSO Vehicle Agreement
TCSO Liability Agreement

**GENERAL MEETING OF THE BOARD OF DIRECTORS
OF THE
CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY**

RESOLUTION NO. 22-0XX

**AUTHORIZING AGREEMENTS WITH THE TRAVIS COUNTY SHERIFF'S OFFICE
FOR HABITUAL VIOLATOR ROAD ENFORCEMENT SERVICES**

WHEREAS, the Central Texas Regional Mobility Authority (Mobility Authority) requires law enforcement services to enforce the Habitual Violator Program; and

WHEREAS, local law enforcement agencies have programs to allow third-parties to request off-duty services such as toll road enforcement but do not regularly respond to solicitations for these types of services; and

WHEREAS, the Travis County Sheriff's Office has indicated it is interested and willing to provide law enforcement services to the Mobility Authority through its off-duty program; and

WHEREAS, pursuant to Section 401.0061 of the Mobility Authority Policy Code, law enforcement services are exempted from competitive procurement requirements; and

WHEREAS, the Executive Director recommends and requests that he be authorized to take all actions necessary to enter into agreements with the Travis County Sheriff's Office for toll road enforcement services up to a cumulative amount not to exceed \$300,000 through their off-duty employment program.

NOW THEREFORE, BE IT RESOLVED that the Board of Directors hereby authorizes and directs the Executive Director to take all actions necessary to enter into agreements with the Travis County Sheriff's Office for toll road enforcement services up to a cumulative amount not to exceed \$300,000 through their off-duty employment program in support of the Habitual Violator Program.

Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the 29th day of June 2022.

Submitted and reviewed by:

Approved:

James M. Bass
Executive Director

Robert W. Jenkins, Jr.
Chairman, Board of Directors