SUBJECT: ORDINANCE FOR ENFORCEMENT OF TOLL VIOLATIONS FOR THE METRO EXPRESS LANES

ACTION: APPROVE RECOMMENDATION

RECOMMENDATION

A. Approve the introduction of, and introduce an Ordinance for Enforcement of Toll Violations (Attachment A for consideration and adoption by the Board of Directors at the next regular meeting occurring April 26, 2012.

B. Approve the establishment of toll evasion penalties for a violation of this ordinance in the initial amount of $25 for each violation and a delinquent penalty of an additional $30 for each unpaid violation deemed delinquent. These penalty amounts, may be increased or decreased by Metro’s Chief Executive Officer up to 5% annually provided the calculated amount does not exceed the amount set forth in California Vehicle Code Section 40258(A). Any amendments to the penalty amounts shall be posted on the Metro website 90 days in advancement of enactment.

ISSUE

Toll evasion penalties are regulated by the California Vehicle Code (CVC) Section 40258. In order for the penalties to be enforced, the Metro Board must adopt an ordinance establishing the administrative procedures and penalties to ensure compliance with statute and fairness with the treatment of violators under.

The proposed penalty rate of $25 on the initial violation notice and a $30 delinquent penalty for motorists that do not pay within the set time frame is within the CVC limits, conservative when compared with other toll agencies, and generates sufficient revenue to cover the estimated costs of the toll enforcement program.

As with the opening of all new toll facilities, there will be a period of learning and education for the public. The proposed violation enforcement process includes the
forgiveness of violations for customers who failed to understand the proper method to use the Metro ExpressLanes.

**BACKGROUND**

A successful toll enforcement program balances the cost of the program with the monies recovered and deters violators. In setting the toll evasion penalties for the Metro ExpressLanes, five key items were considered:

- CVC Limits
- Avery Class Action Settlement
- Other California Toll Operator Penalty Amounts
- Cost-Revenue Analysis
- Administrative Procedures to Reduce Violators

**CVC Limits**
The CVC limits toll evasion penalties to $100 for the first violation, $250 for the second violation, and $500 for the third violation occurring within a twelve month period.

**Avery Class Action Settlement**
The Orange County Transportation Authority and Transportation Corridor Agencies were named plaintiffs in a class action lawsuit for which a settlement agreement was reached. A condition of the settlement was to limit toll violation penalties equal to 20 times the highest toll the agency charges. While the settlement agreement does not apply to Metro, the estimated penalty calculation for Metro under these guidelines would be $300 a violation, which exceeds the CVC limit.

**Other California Toll Operator Penalty Amounts**
The 91 Express Lanes, The Toll Roads, and Bay Area Toll Authority all use a two notice violation scheme (1st Notice and 2nd Notice). The associated penalties are as follows:

<table>
<thead>
<tr>
<th>Facility</th>
<th>1st Violation Notice</th>
<th>2nd Violation Notice</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>91 Express Lanes</td>
<td>$25.00</td>
<td>$30.00</td>
<td>Additional Penalties added if forward to collections up to $100 for 1st violation, $100 for 2nd Violation and $250 for 3rd Violation</td>
</tr>
<tr>
<td>The Toll Roads</td>
<td>$57.50</td>
<td>$42.50</td>
<td>$100.00</td>
</tr>
<tr>
<td>Bay Area Toll Authority</td>
<td>$25.00</td>
<td>$45.00</td>
<td>$70.00</td>
</tr>
</tbody>
</table>

**Cost-Revenue Analysis**
There are many costs associated with the processing of toll violations, ranging from the in-lane detection and imaging system to the cost to process a payment. There is also "leakage" associated with the toll revenue due to the following factors: the in-lane systems ability to capture a legible photograph of the vehicle plate, the availability of the accurate name and address of the vehicle's registered owner, and the actual willingness of the violator to pay the toll violation.
The cost-revenue analysis includes the forgiveness of violations for customers who failed to understand the proper method to use the ExpressLanes. The annual cost to operate the toll violation program as well as the cost of the uncollectable or unprocessable revenue is estimated to be $13 million a year. Using a $25 penalty on first notice and $35 on subsequent delinquent notices, the estimated revenue recovery is $14 million a year. The net overage of violation revenue beyond costs and lost revenue is estimated to be $1 million a year. It should be noted that the estimated calculations are based on many estimates such as number of transactions, percent of violators, percent of payments at various stages, functionality of the system, and availability of registered owner data.

Administrative Procedures to Reduce Violators
Violation processing incorporates a five-day retry period to allow customers a chance to adjust their FasTrak account or open a new account to avoid receiving a violation notice. Once a notice is issued, the customer has an additional five days to pay the toll and avoid any assessment of penalties.

The CVC requires that the customer be provided with two levels of review for contesting a toll violation: an Investigative Review and Administrative Hearing. A customer may request an Investigative Review at any time during the violation escalation process provided the violation has not been placed on DMV Hold or sent to collections. Violations that are deemed invalid will be dismissed.

ALTERNATIVES CONSIDERED

The Board may elect not to adopt an ordinance establishing toll evasion penalties. This alternative is not recommended since the California Highway Patrol will enforce occupancy violations but does not enforce toll evasion. Lack of an adopted ordinance will prevent Metro from enforcing toll evasion. As a result, violators would increase in the ExpressLanes and degrade the speed performance of the ExpressLanes.

ATTACHMENTS
A) Ordinance No. 12-01 for Enforcement of Toll Violations

Prepared by: Stephanie Wiggins, Executive Officer
Paul C. Taylor
Deputy Chief Executive Officer

Arthur T. Leahy
Chief Executive Officer
AN ORDINANCE TO ESTABLISH

THE LOS ANGELES COUNTY

METROPOLITAN TRANSPORTATION AUTHORITY ADMINISTRATION OF

TOLLS AND ENFORCEMENT OF TOLL VIOLATIONS

FOR THE METRO EXPRESSLANES

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE LOS ANGELES COUNTY

METROPOLITAN TRANSPORTATION AUTHORITY:

SECTION 1: The Los Angeles County Metropolitan Authority Administrative Code Title 7, Metro ExpressLanes Toll Violations, is hereby established to read as follows:

Title 7

Preamble

Los Angeles County Metropolitan Transportation Authority ("Metro") is authorized pursuant to California Streets and Highways Code section 149.9 to operate high occupancy toll facilities, the "Metro ExpressLanes." The implementation and operation of the Metro ExpressLanes is intended to reduce congestion, improving travel and safety for the motoring public. While traveling in the Metro Expresslanes, motorists are required to have a properly mounted transponder associated with a valid FasTrak® Account to facilitate vehicle occupancy validation and the toll collection process pursuant to California Vehicle Code section 23302 et. seq. Motorists who evade the payment of tolls while travelling on the Metro ExpressLanes shall be subject to civil penalties to encourage proper use of the Metro ExpressLanes, pursuant to California Vehicle Code section 40250. This ordinance establishes the administrative procedures and penalties, enacted pursuant to Article 4, Chapter 1 of Division 17 of the California Vehicle Code, to ensure compliance with statute and fairness in the treatment of violators.

Definitions

07-01-020 Definitions
A. "Code" shall mean the California Vehicle Code.

B. "Delinquent Penalty" is the amount accessed when a Violation is deemed to be delinquent as set forth in section 07-01-035.

C. "Department" shall mean the California Department of Motor Vehicles.

D. "Due Date" shall mean the date specified in the Notice of Toll Evasion Violation and Notice of Delinquent Toll Evasion Violation by which payment of the Penalty or written explanation of contest must be received.

Metro ExpressLanes Toll Violations Ordinance
E. “FasTrak Account” shall mean an account established with any of the California toll operators to administer the payment of tolls.

F. “Metro” means the Los Angeles County Metropolitan Transportation Authority and its subsidiary, the Public Transportation Services Corporation, and their contractors.

G. “Metro ExpressLanes” shall mean the toll facilities on the I-110 and I-10.

H. “Motorists” shall mean and include the registered owner, rentee, lessee and driver of a Vehicle.

I. “Notice of Delinquent Toll Evasion Violation” shall mean the written notice provided to the registered owner of a Vehicle when a Penalty has not been timely received by Metro.

J. “Notice of Toll Evasion Violation” shall mean the written notice provided to the registered owner of a Vehicle which has committed a Violation.

K. “Penalty” shall mean the monetary amounts assessed to each toll Violation, including the unpaid Tolls, the Toll Evasion Penalty and the Delinquent Penalty, and constitutes a toll evasion penalty under Code section 40252.

L. “Processing Agency” shall mean Metro, or the contractor or vendor designated by Metro, as the party responsible for the processing of the notices of toll evasion.

M. “Repeat Violator” means any registered owner for whom more than 5 Notices of Toll Evasion Violation have been issued in any calendar month within the preceding 12 month period.

N. “Switchable Transponder” shall mean a Transponder with a switch which allows the motorists to self-declare the number of vehicle occupants.

O. “Terms and Conditions” shall mean the obligations of Metro and a FasTrak customer with regard to the usage and maintenance of a FasTrak Account as published by Metro from time to time.

P. “Toll” shall mean the monetary charges established by Metro for use of the Metro ExpressLanes.

Q. “Toll Evasion Penalty” is the amount accessed under section 07-01-035.

R. “Transponder” shall mean a FasTrak electronic device issued by any of the California toll operators that meets the specifications of California Code of Regulations Title 21 and is used to pay tolls electronically.

S. “Vehicle” shall mean any vehicle as defined in Code section 670.
T. “Violation” shall mean the commission of any activity proscribed in sections 07-01-025 and 07-01-030 hereof.

07-01-025 Metro ExpressLanes Usage Requirements
A. While traveling in the Metro ExpressLanes, Motorists shall have a properly mounted transponder associated with a valid FasTrak Account to facilitate vehicle occupancy validation and the toll collection process. Motorists traveling in the Metro ExpressLanes with the minimum number of vehicle occupants to qualify for high occupancy lane use at that time must have a Switchable Transponder set to the required number of occupants or they will be charged the posted single occupancy Toll.
   (1) Metro ExpressLanes users with a Switchable Transponder shall set the self-declaration switch to the actual number of vehicle occupants prior to travel.
   (2) Metro ExpressLanes users without a Switchable Transponder will be charged the posted single occupancy Toll rate.
   (3) Vehicle occupancy violations, including falsely self-declaring the vehicle occupancy, are subject to citation by the California Highway Patrol.
B. The FasTrak Account associated with the Transponder must have a balance sufficient to pay the charged Tolls at the time a Vehicle enters the Metro ExpressLanes.
C. Metro ExpressLanes FasTrak accountholders shall adhere to the Terms and Conditions provided at the time of account opening as updated thereafter with notification to the accountholders.

7-01-030 Liability for Failure to Pay Toll.
A. No person shall cause a Vehicle to enter the Metro ExpressLanes without payment of the Toll for the Vehicle by use of a Transponder, issued by Metro or any California toll agency, which is associated with a FasTrak Account with a balance sufficient to pay those Tolls.
B. Except as provided herein, the registered owner and the driver, rentee or lessee of a Vehicle which is the subject of any Violation shall be jointly and severally liable for the Penalty imposed under this ordinance, unless the registered owner can demonstrate that the Vehicle was used without the express or implied consent of the registered owner. Anyone who pays any Penalty pursuant to this ordinance shall have the right to recover the same from the driver, rentee or lessee.
C. The driver, rentee or lessee of a Vehicle who is not the owner of the Vehicle may contest the Notice of Toll Evasion Violation in accordance with this ordinance.
D. Any Motorist assessed a Penalty for a Violation shall be deemed to be charged with a non-criminal, civil violation.

07-01-035 Penalties and Processing of Violation(s).
A. The Toll Evasion Penalty for a Violation of this ordinance shall initially be $25 for each Violation and the Delinquent Penalty shall be an additional $30 for each unpaid Violation deemed delinquent. These Penalty amounts, may be increased or decreased by Metro’s Chief Executive Officer up to 5% annually provided the calculated amount does not exceed the amount set forth in Code section 40258(A). Any amendments to the Penalty amounts shall be posted on the Metro website 90 days in advancement of enactment.
B. If a Vehicle is found, by automated devices, by visual observation, or otherwise, to have evaded tolls on the Metro ExpressLanes, a Notice of Toll Evasion Violation shall be mailed by first class mail to the registered owner at the address as shown on the record of the Department within 21 days of the Violation. If accurate information concerning the identity and address of the registered owner is not available within 21 days from the Violation, the Processing Agency shall have an additional 45 calendar days to obtain such information and forward the Notice of Toll Evasion Violation, provided that where the registered owner is a Repeat Violator, the Processing Agency shall forward the Notice of Toll Evasion Violation within 90 calendar days of the Violation.

07-01-040 Notice of Toll Evasion Violation.
A. The Notice of Toll Evasion Violation shall contain (1) the date, time and location of the alleged Violation, (2) the section of the Code allegedly violated, (3) the Penalty due for that Violation, (4) the identity and address of the registered owner, (5) the Vehicle make and license plate number, (6) the procedure to follow for payment of the amount due, (7) a statement in bold print that payments may be sent in the mail, (8) the date and time within which the Penalty must be paid, (9) a clear and concise explanation of the procedures for filing an affidavit of non-liability in those circumstances set forth in section 07-01-040 B, C and D and for contesting the alleged Violation and appealing an adverse decision in accordance with section 07-01-055 and (10) the Due Date, which is also the date by which the written explanation of contest must be received by Metro.

B. The Notice of Toll Evasion Violation shall contain, or be accompanied with, an affidavit of non-liability and information of what constitutes non-liability, information as to the effect of executing the affidavit, and instructions for returning the affidavit to the Processing Agency.

C. If the affidavit of non-liability is returned to the Processing Agency within 21 days of the issuance of the Notice of Toll Evasion Violation together with proof that the driver at the time of the Violation did not possess express or implied consent to drive the Vehicle as evidenced by a stolen vehicle police report, if the Processing Agency is satisfied that the registered owner is not responsible for the Violation, the Processing Agency shall cancel the Notice of Toll Evasion Violation and make an adequate record of the reasons.

D. If the affidavit of non-liability is returned to the Processing Agency by the Due Date with proof that the registered owner given the Notice of Toll Evasion Violation has made a bona fide sale or transfer of the Vehicle and has delivered possession thereof to the purchaser prior to the date of the alleged Violation and either (1) has complied with section 5602 of the Code, or (2) the Processing Agency is satisfied with evidence that establishes that the transfer of ownership and possession of the Vehicle occurred prior to the date of the alleged Violation, and has obtained verification from the Department, then the Processing Agency shall terminate proceedings against the originally served registered owner and proceed against the new owner of the Vehicle.

E. If the affidavit of non-liability is returned to the Processing Agency by the Due Date of the Notice of Toll Evasion Violation together with the proof of an executed written rental agreement or lease between a bona fide renting or leasing company and its customer that identifies the rentee or lessee and provides the driver’s license number, name and address of the rentee or lessee, the Processing Agency shall serve or mail to
the rentee or lessee identified in the affidavit of non-liability a Notice of Toll Evasion Violation.

F. If payment of the Penalty is not received by Processing Agency by the Due Date on the Notice of Toll Evasion Violation, the Processing Agency shall deliver by first-class mail a Notice of Delinquent Toll Evasion Violation.

G. If the description of the Vehicle in the Notice of Toll Evasion Violation does not match the corresponding information on the registration card for that Vehicle, the Processing Agency may, on written request of the Motorist, cancel the Notice of Toll Evasion Violation without the necessity of appearance by that person.

07-01-045 Dismissal of Notice of Toll Evasion Violation.
A. If, after a copy of the Notice of Toll Evasion Violation has been sent to the Motorist, the Processing Agency determines that due to failure of proof of apparent Violation the Notice of Toll Evasion Violation shall be dismissed, the Processing Agency shall cancel the Notice of Toll Evasion Violation, and the Motorist shall be notified by first-class mail.

B. If the full amount of the Penalty is received by the person authorized to receive the payment of the Penalty by the Due Date and there is no contest as to that Violation, proceedings under this ordinance shall terminate.

C. If the registered owner of the Vehicle provides proof to the Processing Agency that he or she was not the registered owner on the date of the Violation as set forth in sections 07-01-040 and 07-01-050 proceedings against the notifying party shall terminate. This shall not limit the right of the Processing Agency to pursue collection of the delinquent toll evasion Penalty from the person who was the registered owner of the Vehicle on the date of the alleged Violation.

07-01-050 Notice of Delinquent Toll Evasion Violation
A. If the payment of the Penalty is not received by the Processing Agency by the Due Date on the Notice of Toll Evasion Violation, and there is no contest as to that Violation as set forth in section 07-01-060, the Processing Agency shall deliver by first-class mail to the registered owner of the Vehicle a Notice of Delinquent Toll Evasion Violation.

B. Metro shall establish a procedure for providing, upon request, a photo-static copy of the original Notice of Toll Evasion Violation or an electronically produced facsimile of the original Notice of Toll Evasion Violation within 15 days of a request. Metro may charge a fee sufficient to recover the actual costs of providing the copy not to exceed two dollars ($2), to be established by the Chief Executive Officer of Metro. Until the Processing Agency complies with a request for a copy of the original notice of Violation, the Processing Agency may not proceed to collection of amounts covered by such notice.

C. The Notice of Delinquent Toll Evasion Violation shall contain the information required to be contained in the original Notice of Toll Evasion Violation and, additionally, shall contain a notice to the registered owner that, unless the registered owner pays the Penalty, contests the Violation pursuant to the procedure set forth in the Notice of Toll Evasion Violation, or completes and returns to the Processing Agency an affidavit of non-liability, as provided with the Notice of Toll Evasion Violation and in compliance with section 07-01-045 D, E and F, within 15 days after the mailing of the Notice of Delinquent Toll Evasion Violation (the Due Date): (1)
the Penalty shall be considered a debt due and owing Metro, (2) the renewal of the Vehicle registration shall be contingent upon compliance with the Notice of Delinquent Toll Evasion Violation at Metro’s election, and (3) Metro may seek to recover in any lawful manner, as provided for in section 07-01-075.

D. The Notice of Delinquent Toll Evasion Violation shall contain, or be accompanied with, an affidavit of non-liability and information of what constitutes non-liability, information as to the effect of executing the affidavit, and instructions for returning the affidavit to the Processing Agency.

E. If the affidavit of non-liability is returned to the Processing Agency within 15 days of the mailing of the Notice of Delinquent Toll Evasion Violation (the Due Date) together with proof that the driver at the time of the Violation did not possess express or implied consent to drive the Vehicle as evidenced by a stolen vehicle police report, if the Processing Agency is satisfied that the registered owner is not responsible for the Violation, the Processing Agency shall cancel the Notice of Toll Evasion Violation and make an adequate record of the reasons.

F. If the affidavit of non-liability is returned to the Processing Agency by the Due Date with proof that the registered owner given the Notice of Toll Evasion Violation has made a bona fide sale or transfer of the Vehicle and has delivered possession thereof to the purchaser prior to the date of the alleged Violation and either (1) has complied with section 5602 of the Code, or (2) the Processing Agency is satisfied with evidence that establishes that the transfer of ownership and possession of the Vehicle occurred prior to the date of the alleged Violation, and has obtained verification from the Department, then the Processing Agency shall terminate proceedings against the originally served Motorists and proceed against the unauthorized driver at the time of the Violation, or the new owner of the Vehicle.

G. If the affidavit of non-liability is returned to the Processing Agency within 15 days of the mailing of the Notice of Delinquent Toll Evasion Violation (the Due Date set forth in the Notice of Delinquent Toll Evasion Violation) together with the proof of an executed written rental agreement or lease between a bona fide renting or leasing company and its customer that identifies the rentee or lessee and provides the driver’s license number, name, and address of the rentee or lessee, the Processing Agency shall mail to the rentee or lessee identified in the affidavit of non-liability a Notice of Delinquent Toll Evasion Violation. If payment is not received within 15 days of such mailing of the Notice of Delinquent Toll Evasion Violation, the Penalty shall be considered a debt due and owing Metro and Metro may seek to recover in any lawful manner, as provided for in section 07-01-075, from the rentee or lessee.

07-01-055 Payment After Notice

A. If a Motorist who was mailed a Notice of Delinquent Toll Evasion Violation pursuant to section 07-01-050, or any other person who presents the Notice of Toll Evasion Violation or Notice of Delinquent Toll Evasion Violation, deposits the Penalty due with a person authorized to receive it, then the Processing Agency shall terminate all proceedings where the amount deposited satisfies the amount due. If the registered owner, by appearance or by mail, makes payment to the Processing Agency within 15 days of the mailing of the Notice of Delinquent Toll Evasion Penalty, the Penalty shall consist of the amount of the original penalty without any additional administrative fees or charges.
B. If the Notice of Delinquent Toll Evasion Violation has been filed with the Department pursuant to subdivision (b) of Code section 40267 or a civil judgment has been entered pursuant to Code section 40267 and payment of the Penalty together with the administrative fee of the Department and the administrative service fee of the Processing Agency for costs of service and any applicable assessment is received, the Processing Agency shall immediately transmit the payment information to the Department in the manner prescribed by the Department, terminate proceeding on the Notice of Delinquent Toll Evasion Violation.

07-01-060 Contest of Notice of Toll Evasion Violation or Notice of Delinquent Toll Evasion Violation

A. A person may contest a Notice of Toll Evasion Violation or Notice of Delinquent Toll Evasion Violation within 21 days of the issuance of the Notice of Toll Evasion Violation, or within 15 days of the issuance of the Notice of Delinquent Toll Evasion Violation, whichever occurs later.

B. The Processing Agency shall establish a fair and impartial investigation process to investigate the circumstance of the notice with respect to the contestant’s written explanation of reasons for contesting a Violation. The Processing Agency shall investigate with its own records and staff the circumstances of the notice with respect to the contestant’s written explanation of reasons for contesting the Violation. If based upon the results of that investigation, the Processing Agency is satisfied that the Violation did not occur or that the registered owner was not responsible for the Violation, the Processing Agency shall cancel the Notice of Toll Evasion Violation or Notice of Delinquent Toll Evasion Violation and make an adequate record of the reasons for cancelling the notice. The Processing Agency shall mail the results of the investigation to the person who contested the Notice of Toll Evasion Violation or the Notice of Delinquent Toll Evasion Violation.

C. A person who contests a Notice of Toll Evasion Violation or Notice of Delinquent Toll Evasion Violation and is not satisfied with the results of the investigation may, within 15 days of the mailing of the results of the investigation, deposit the amount of the Penalty as set forth in section 07-01-065 D and request an administrative review. An administrative review shall be held within 90 calendar days following the receipt of the request for an administrative review accompanied by the required deposit amount. The person requesting the administrative review may request one continuance, not to exceed 21 calendar days. The person requesting the administrative review shall indicate to the Processing Agency his or her election for a review by mail or personal conference.

D. The deposit for requesting an administrative review shall be as follows:
   1) Except as provided herein, an individual seeking an administrative review shall deposit the full amount of the Penalty due at the time of the request.
   2) For Violations arising out of the same set of operative facts and belonging to the same registered vehicle owner, the maximum amount of Penalty required to be deposited shall be (a) $250 or (b) $250 plus 10 percent of Penalty above $1,000, whichever is greater.
   3) Individuals unable to pay the required deposit may apply for a hardship exception.

E. If the person requesting an administrative review is a minor, that person shall be permitted to appear at an administrative review or admit responsibility for a Violation.
without the necessity of the appointment of a guardian. The Processing Agency may proceed against that person in the same manner as if that person were an adult.

F. As evidence of the Violation the Processing Agency shall produce the Notice of Toll Evasion Violation or a copy thereof, information received from the Department identifying the registered owner of the Vehicle, and a statement under penalty of perjury from the person authorized to issue a notice of Violation that the Tolls or other charges and any applicable fee were not paid in accordance with Metro’s policies. This documentation in proper form shall be prima facie evidence of the Violation.

G. The reviews shall be conducted in accordance with the written procedures established by the Metro Transit Court which shall ensure a fair and impartial review of the contested Violations. The Metro Transit Court shall provide its decision by first-class mail to the contestant. If a notice of appeal to the California Superior Court is not filed within the period set forth in section 07-01-070, the decision shall be deemed final.

07-01-065 Hearing Officers.
Metro’s Chief Executive Officer shall designate the Metro Transit Court hearing officers as the hearing officer(s) appointed to conduct administrative reviews. The hearing officers shall demonstrate the qualifications, training and objectivity necessary to perform fair and impartial reviews. The hearing officer’s employment, performance evaluation, compensation and benefits shall not be directly or indirectly linked to the outcome of reviews or the revenue generated by such reviews. Hearings shall be conducted according to such written procedures as may be approved from time to time by the Chief Executive Officer. The hearing shall provide an independent, objective, fair and impartial review of contested violations.

07-01-070 Appeal to Superior Court.
A person who requests an administrative review and is not satisfied with the results of the review, may within 20 days after the mailing of the Metro Transit Court’s final decision seek review by filing an appeal to the California Superior Court, where the case shall be heard de novo, except that the contents of the Processing Agency’s file in the case on appeal shall be received in evidence. For the purposes of computing the 20-day period, section 1013 of the Code of Civil Procedure shall be applicable. The Processing Agency shall admit into evidence as prima facie evidence of the facts stated therein, a copy of the Notice of Toll Evasion Violation and/or Notice of Delinquent Toll Evasion Violation. A copy of the notice of appeal shall be served in person or by first-class mail upon the Processing Agency by the contestant. Notwithstanding section 72055 of the Government Code, the fee for filing the notice of appeal shall be $25. If the appellant prevails, this fee, together with the deposit of the Penalty made by the contestant, shall be promptly refunded by the Processing Agency in accordance with the judgment of the court.

07-01-075 Collection of Unpaid Penalties
If payment is not received within the time periods set forth herein, and no contest has been timely filed, or has been resolved, Metro and the Processing Agency are authorized to proceed under one or more of the following options for the collection of unpaid Penalties:

Metro ExpressLanes Toll Violations Ordinance
A. Transmit an itemization of unpaid Penalties with the Department for collection with the registration of the Vehicle. Metro shall pay the fees assessed by the Department associated with the recording of the Notice of Delinquent Toll Evasion Violation and may charge the amount of the fee to the Motorists to be collected by the Department.

B. If more than four hundred dollars ($400) in unpaid Penalties have been accrued by any person or registered owner, Metro may file proof of that fact with the Superior Court with the same effect as a civil judgment. Execution may be levied and other measures may be taken for the collection of the judgment as are authorized for the collection of any unpaid civil judgments entered against a defendant in an action on a debt. The court may assess costs against a judgment debtor to be paid upon satisfaction of the judgment. The Processing Agency shall mail a notice by first-class mail to the person or registered owner indicating that a judgment shall be entered for the unpaid Penalties and that after 30 days from the date of the mailing of the notice, the judgment shall have the same effect as an entry of judgment against a judgment debtor. The notice shall include all information required by Code section 40267. The filing fee and any costs of the collection shall be added to the judgment amount.

C. If the Processing Agency has determined that registration of the Vehicle has not been renewed for 60 days beyond the renewal date, and the Penalty has not been collected by the Department pursuant to section 4770 of the Code, file proof of unpaid Penalties with the court with the same effect as a civil judgment as provided above, except that if the amount of the unpaid Penalty is not more than four hundred dollars ($400), the filing fee shall be collectible by the court from the debtor.

D. Contract with a collection agency to collect Penalty amounts.

E. Submit a request to the California State Controller for an offset of unpaid Penalty owing by a Motorist against any amount owing the person or entity by a claim for a refund from the Franchise Tax Board under Personal Income Tax Law or the Bank and Corporation Law or from winnings in the California State Lottery, as authorized by California Government Code section 12419.10. Metro shall provide notice of intent to request an offset by first-class mail to the Motorist 30 days prior to the request date.

F. Pursue such other remedies and enforcement procedures that are authorized under the laws of the State of California.

07-01-080 Termination of Proceedings.
The Processing Agency shall terminate proceedings on the Notice of Delinquent Toll Evasion Violation, in any of the following cases:

A. Upon receipt of collected penalties remitted by the Department under Code section 4772 for that Notice of Delinquent Toll Evasion Violation.

B. If the Notice of Delinquent Toll Evasion Violation was returned to the Processing Agency pursuant to Code section 4774 and five years have elapsed since the date of the Violation.

C. The Processing Agency receives information that the Penalties have been paid to the Department pursuant to Code section 4772.

07-01-085 Confidentiality
Any information obtained during the enforcement of Violations shall not be used for any purpose other than to pursue the collection of Violations or process Tolls.

Metro ExpressLanes Toll Violations Ordinance
07-01-090 Other Notices.
Nothing herein shall prohibit Metro or the Processing Agency from establishing informal methods of notifying Motorists of Violations and from collecting Tolls and Penalties for Violations through such means.

07-01-85 95 Implementation.
The Chief Executive Officer of Metro is hereby authorized and directed to develop procedures, forms, documents and directives which may be necessary to implement the terms of this ordinance and may delegate his duties and obligations under this ordinance to the Executive Officer, Congestion Reduction Initiative or the Chief Hearing Officer.

07-01-85 100 Severability.
If any term, covenant or condition of this ordinance shall be held by a court of competent jurisdiction to be invalid or unenforceable, then the remainder of this ordinance shall not be affected and each remaining provision shall be valid and enforceable to the fullest extent permitted by law unless any of the stated purposes of this ordinance would be defeated.

SECTION 2:
Publication of Ordinance. Upon adoption, this Ordinance shall be signed by the Chair of the Board of Directors of the Los Angeles County Metropolitan Transportation Authority. The Board Secretary shall cause the publication of this Ordinance once, within fifteen days of its adoption, in a newspaper of general circulation printed and published within the area served by the Los Angeles County Metropolitan Transportation Authority and the Board Secretary shall attest to such adoption and publication of this Ordinance.

Dated: ____________________________  Chair, Board of Directors

Date Adopted by Board of Directors: ____________________________

Date Published: ____________________________

Attested to:

Dated: ____________________________  Board Secretary

Metro ExpressLanes Toll Violations Ordinance