

Supplemental Agenda Item No. 12

**Board of Directors Meeting
November 2, 2022
10:00 a.m.**

LOCATION:

**San Bernardino County Transportation Authority
First Floor Lobby Board Room
Santa Fe Depot, 1170 W. 3rd Street,
San Bernardino, CA**

**TELECONFERENCING WILL BE AVAILABLE AT THE FOLLOWING LOCATION:
City Council Chambers, 1111 Bailey Ave., Needles, CA 92363**

DISCUSSION CALENDAR

Transit/Rail

12. Law Enforcement Services for the Arrow Service with San Bernardino County Sheriff

That the Board, acting as the San Bernardino County Transportation Authority (SBCTA):

A. Authorize the Executive Director, or his designee, to approve Amendment No. 1 to Contract No. 23-1002921 with the County of San Bernardino, for law enforcement services for the Redlands Arrow Service, increasing the contract amount by \$150,634, for a new not-to-exceed amount of \$250,634, upon approval as to form by General Counsel.

B. Approve contingency funding in an amount not-to-exceed \$502,000 for Contract No. 23-1002921 and authorize the Executive Director, or his designee, to execute additional amendments, as necessary, to increase the total contract amount not-to-exceed \$752,634.

C. Approve an amendment to the Southern California Regional Rail Authority (SCRRA) Budget Request for Arrow Service Operations for Fiscal Year 2022/2023, for an increase to the operating assistance allocation up to the amount of \$718,896, to fund the dedicated law enforcement services along the Arrow Service route using San Bernardino County Sheriff services.

D. Approve funding allocation totaling \$969,530, to fund dedicated law enforcement services for the Arrow Service as noted under recommendations A and C, to be funded with Measure I Valley Metrolink/Rail Service Program (MSI Rail) funds.

E. Approve a budget amendment for the Fiscal Year 2022/2023 Budget for Task No. 0314 Transit Operations in the amount of \$969,530, to be funded with Measure I Valley Metrolink/Rail Service Program (MSI Rail) funds.

F. Provide direction to staff on how to proceed with funding SCRRA to provide law enforcement services for the Metrolink system in San Bernardino County outside of the Arrow Line.

This agenda item was made available after the posting of the agenda.

Minute Action

AGENDA ITEM:

Date: November 2, 2022

Subject:

Law Enforcement Services for the Arrow Service with San Bernardino County Sheriff

Recommendation:

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E. Approve a budget amendment for the Fiscal Year 2022/2023 Budget for Task No. 0314 Transit Operations in the amount of \$969,530, to be funded with Measure I Valley Metrolink/Rail Service Program (MSI Rail) funds.

F. Provide direction to staff on how to proceed with funding SCRRA to provide law enforcement services for the Metrolink system in San Bernardino County outside of the Arrow Line.

Background:

On October 5, 2022, the San Bernardino County Transportation Authority (SBCTA) Board of Directors (Board) approved the budget request from the Southern California Regional Rail Authority (SCRRA) for Arrow Service operations for Fiscal Year (FY) 2022/2023, which began revenue service on October 24, 2022. Law enforcement services for the Arrow Service are to be contracted directly by SCRRA. The approved FY 2022/2023 Budget includes \$1,106,000 for law enforcement services by Los Angeles County Sheriff's Department (LASD), and \$100,000 for armed guard services. LASD currently provides law enforcement services on the Metrolink system, including the San Bernardino County portions of the San Bernardino Line and the Inland Empire-Orange County Line. The intent was to start Arrow Service with the existing law enforcement model in place using LASD, and then return to the Board to discuss using the

Entity: San Bernardino County Transportation Authority

San Bernardino County Sheriff's Department (SBCSD) to provide coverage for the Arrow Service as well as the rest of the Metrolink system in San Bernardino County.

However, subsequent to the approval of the Arrow Service budget, there was a question as to whether or not the contractual relationship between SCRRA and LASD would be in place at the start of Arrow revenue service, resulting in a concern over a lack of coverage. This prompted SBCTA staff to initiate conversations with the SBCSD to ensure coverage starting on October 24, 2022. The law enforcement services would temporarily be contracted directly by SBCTA while SCRRA proceeds to execute a contract directly with San Bernardino County for law enforcement services on the Arrow route.

Recommendations A & B:

In coordination with the San Bernardino County Sheriff's Department, on October 25, 2022, the San Bernardino County Board of Supervisors approved executing a contract, Contract No. 23-1002921, for dedicated Arrow Line law enforcement services with SBCTA for \$100,000, and delegated authority to the Chief Executive Officer to execute any subsequent and non-substantive amendments in relation to the contract subject to review by County Counsel. Under SBCTA Procurement and Special Risk Assessment Policy No. 11000, the Executive Director, or his designee, is authorized to approve and execute contracts up to \$100,000. A final draft of Contract No. 23-1002921 will be provided as support material to this item prior to the Board meeting. Under Recommendation A, staff is recommending the Board delegate authority to the Executive Director to execute an amendment to the law enforcement services contract for the Arrow Service, bringing the total contract value to \$250,634. The amendment amount will provide the funds needed to provide law enforcement services during the Arrow Service operating hours up to November 30, 2022. SCRRA will then need to have a contract in place by November 30, 2022, to provide continuity of law enforcement services. The duration of the temporary law enforcement contract between SBCTA and the SBCSD has been communicated to SCRRA. Staff is also recommending approval of Recommendation B to provide contingency funds needed to further amend the temporary law enforcement contract for an additional two (2) months, if necessary, while Metrolink negotiates with SBCSD, and to authorize the Executive Director to execute additional amendments, as necessary.

Recommendations C and F:

In order to provide the additional funding needed to provide dedicated SBCSD law enforcement on the Arrow Line, the Arrow budget needs to be increased by \$718,896.

The law enforcement services model currently used on the 538-mile Metrolink system (not including the Arrow Line extension) is a pool of LASD's resources for right-of-way enforcement and fare enforcement, supplemented with private security on the trains on an as-needed basis, rather than having dedicated, or assigned resources, to specific Metrolink lines. This includes the portion of the "legacy" Metrolink system in San Bernardino County consisting of the San Bernardino Line from east of the Pomona North Metrolink Station in Los Angeles County to the Downtown San Bernardino Metrolink Station, and the Inland Empire-Orange County Line from north-east of the Downtown Riverside Metrolink Station to the Downtown San Bernardino Metrolink Station. The Arrow budget previously approved by the Board included extending the pooled resource model, currently used by SCRRA at an approximate cost of \$1.1 million, or approximately \$93,000 per month. The Fiscal Year 2022/2023 estimate for LASD dedicated

service for Arrow Service is \$2.21 million and for the following year (non-startup year) it is \$1.52 million.

Given concerns over the potential gap in coverage, and the amount of LASD resources actually being deployed in San Bernardino County, as well as a desire for increased local coordination efforts between the SCRRA-contracted law enforcement agency and the local jurisdiction law enforcement agencies along the system in San Bernardino County, use of the SBCSD and dedicated model for the Arrow route is being presented to the Board for consideration. The latest estimate to provide dedicated law enforcement services on the Arrow route by the SBCSD office is \$1.83 million, or \$152,075 per month, which is \$718,896 more than what is currently authorized in the annual budget. Therefore, staff recommends approval of Recommendation C to provide the additional funding needed to provide the dedicated law enforcement services by the SBCSD along the Arrow route.

In addition, staff is seeking direction on how to proceed with funding SCRRA to provide law enforcement services for the Metrolink system in San Bernardino County outside of the Arrow line. One important consideration is the position of SCRRA staff that should SBCTA elect to utilize SBCSD for all of the territory in San Bernardino County, SBCTA would still be required to subsidize the SCRRA-LASD contract cost as part of the all-share formula cost allocation. For Fiscal Year 2022/2023, SCRRA's budgeted cost for LACSD and private security is approximately \$15.7 million, with SBCTA's share being \$1.742 million, or \$145,167 per month. This does not provide dedicated service. SBCSD's Fiscal Year 2022/2023 estimate for providing dedicated law enforcement services to the San Bernardino County Line is \$2.57 million, or \$213,829 per month. SBCTA staff does not agree with SCRRA's assertion that SBCTA should still subsidize SCRRA's LASD contract cost per the all-share formula.

Recommendations D and E:

Recommendation D seeks approval to allocate the additional funding needed to provide the temporary law enforcement services noted under Recommendations A and C. Recommendation E is required to reconcile the SBCTA FY 2022/2023 Budget as required based on the additional expenditures anticipated under Recommendations A and C.

It should be noted that the SBCSD dedicated law enforcement services will add a projected \$21 million to the cost of Arrow Service through 2040. It is also projected that the Measure I Rail Program will not have the funding capacity for the additional cost; therefore, staff will analyze options for long-term funding for future Board approval if it is determined to impact other Board-approved allocations.

Financial Impact:

This item is not consistent with the Fiscal Year 2022/2023 Budget. Recommendation E supports a budget amendment increase.

Reviewed By:

This item has not received prior policy committee or technical advisory committee review. SBCTA General Counsel has reviewed this item.

Responsible Staff:

Carrie Schindler, Deputy Executive Director

Approved
Board of Directors
Date: November 2, 2022

Witnessed By: