



## Legislation Details (With Text)

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**Type:** Consent - Staff Report      **Status:** Agenda Ready

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**On agenda:** 1/15/2019      **Final action:**

**Title:** Resolution No. 19-0010 Electing to be Exempt from the California Congestion Management Program (Community Development Director McIntosh).  
ADOPT RESOLUTION NO. 19-0010

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Resolution No. 19-0010, 2. Metro Board Report with Attachments – June 20, 2018, 3. Metro CMP Opt-Out FAQ Sheet

Date	Ver.	Action By	Action	Result
1/15/2019	1	City Council Regular Meeting		

**TO:**  
Honorable Mayor and Members of the City Council

**THROUGH:**  
Bruce Moe, City Manager

**FROM:**  
Anne McIntosh, Community Development Director  
Erik Zandvliet, T.E., City Traffic Engineer

**SUBJECT:**  
Resolution No. 19-0010 Electing to be Exempt from the California Congestion Management Program (Community Development Director McIntosh).  
**ADOPT RESOLUTION NO. 19-0010**

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### RECOMMENDATION:

Staff recommends that the City Council adopt Resolution No. 19-0010 electing to be exempt from the California Congestion Management Program (CMP).

### FISCAL IMPLICATIONS:

There is no anticipated impact to the continued flow of State gas tax revenues to local jurisdictions. There are minimal budget savings due to the elimination of costs to administer the CMP program, including approximately \$250 every 2 years to conduct traffic counts at a CMP designated intersection within the city limits.

### BACKGROUND:

Los Angeles County Metropolitan Authority (Metro) is required by state law to prepare and update, on a biennial basis, a Congestion Management Program (CMP) for the County of Los Angeles. The CMP process was established as part of a 1990 legislative package to implement Proposition 111,

which increased the state gas tax from 9 to 18 cents. The intent of the CMP was to tie the appropriation of new gas tax revenues to congestion reduction efforts by improving land use/transportation coordination. While the CMP requirement was one of the pioneering efforts to conduct performance-based planning, the approach has become antiquated and expensive. CMP primarily uses a level of service (LOS) performance metric which is a measurement of vehicle delay that is inconsistent with new state-designated performance measures, such as vehicle miles travelled (VMT), enacted by SB 743 for California Environmental Quality Act (CEQA) transportation analysis.

In accordance with California Government Code §65088.3, jurisdictions within a county may opt out of the CMP requirement without penalty, if a majority of local jurisdictions representing a majority of the County's population formally adopt resolutions requesting to opt out of the program.

### **DISCUSSION:**

On June 28, 2018, the Metro Board approved a staff recommendation to initiate the process to opt out of the state-mandated CMP. The action allows Metro staff to proceed with the next step in the process, which is to determine if a majority of its public agency partners support Metro's intent to opt out of the CMP. If a majority of the 88 participating local jurisdictions adopt resolutions requesting to opt out of the Program, Metro will notify the State Controller, Caltrans, and SCAG that LA County has opted out of the CMP in accordance with statutory requirements. Other counties, including San Diego, Fresno, Santa Cruz and San Luis Obispo counties have already opted out of the CMP.

According to Metro, the CMP has been found to contradict the region's own efforts to promote a more sustainable and equitable transportation system. The passage of Measure M and the update of the Long-Range Transportation Plan give Metro an opportunity to consider new ways to measure transportation system performance that help combat climate change, support sustainable, vibrant communities and improve mobility. As such, the CMP is becoming increasingly outdated and is an impediment in pursuing current local and regional transportation goals and policies.

There are additional reasons to opt out of the CMP, including:

- Relieves Metro and local jurisdictions of the mandate to use a single measure (LOS) to determine roadway deficiencies
- Eliminates the risk to local jurisdictions of losing their state gas tax funds or being ineligible to receive state and federal Transportation Improvement Program funds, as a result of failing to comply with CMP requirements or performance standards.
- Eliminates the administrative and financial burden to cities associated with the preparation of documents to demonstrate conformance with the CMP.

To be one of the cities indicating its support to opt out, the City Council must adopt the attached resolution formally requesting exemption from the Congestion Management Program.

### **PUBLIC OUTREACH/INTEREST:**

After analysis, staff determined that public outreach was not required for this issue.

### **ENVIRONMENTAL REVIEW**

The City has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a "Project" as defined under Section 15378 of the State CEQA Guidelines; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines, the activity is not subject to CEQA. Thus, no environmental review is necessary.

## **LEGAL REVIEW**

The City Attorney has reviewed this report and determined that no additional legal analysis is necessary.

### **Attachments:**

1. Resolution No. 19-0010
2. Metro Board Report 6/20/2018 with Attachments
3. Metro CMP Opt-Out FAQ Sheet