



Metro

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August 17, 2004

TO: BOARD OF DIRECTORS

THROUGH: ROGER SNOBLE
CHIEF EXECUTIVE OFFICER

FROM: JAMES L. de la LOZA
CHIEF PLANNING OFFICER

SUBJECT: 2004 REGIONAL TRANSPORTATION IMPROVEMENT PROGRAM
CONFORMITY ISSUE

ISSUE

In preparing the Draft 2004 Regional Transportation Improvement Program (RTIP), the Southern California Association of Governments (SCAG) has identified various projects around the region that are delayed when compared to their schedules in the 2004 Regional Transportation Plan (RTP). Six of these projects are in Los Angeles County (see attached listing). These delays have caused the Federal Highway Administration (FHWA) to raise air quality conformity issues with the RTIP. Such conformity issues can ultimately lead to the withholding of federal transportation funds for the SCAG region.

BACKGROUND

The Transportation Equity Act for the 21st Century (TEA-21) requires that Metropolitan Planning Organization (MPO's), such as SCAG, develop a Regional Transportation Plan for a 20-year period. In accordance with federal regulations MPO's must develop a RTIP to fully implement the RTP. According to the Clean Air Act, the RTIP and RTP must comply with the conformity requirements of the Transportation Conformity Rule of the U.S Environmental Protection Agency (EPA) in federal air quality non-attainment and maintenance areas, such as the South Coast Air Basin (SCAB).

Among the conformity requirements is the timely implementation of Transportation Control Measures (TCM's) projects in the applicable State Implementation Plan (SIP). Any delay in implementing these projects results in a "conformity lapse" determination. Consequently, no new transportation system capacity enhancement projects may obtain federal funds, permits, or environmental clearances. However, "exempt" transportation projects (e.g. non-

capacity enhancing maintenance and capital improvements) may continue to receive federal funds, permits, and environmental clearances after the initial period of delay.

The status of the current 2002 RTIP will expire on October 4, 2004. Accordingly, the conformity determination for a transportation plan or improvement program expires and there is no current conforming transportation RTP or RTIP. SCAG's Draft 2004 RTIP, introduced on June 18, 2004, cannot be adopted until the conformity issue is resolved.

CONFORMITY ISSUES

SCAG presented the draft 2004 RTIP to its Regional Council on August 5, 2004. At that meeting, they indicated that there were nine projects that are no longer fully funded or on schedule, and therefore do not meet air quality conformity requirements. These nine projects are designated as Transportation Control Measures that benefit air quality and were scheduled for implementation over the next two years. The Los Angeles County projects, which were reduced from seven to six, include three High Occupancy Vehicle lane projects on I-5 between Route 134 and Route 14, as well as various transit projects, such as the San Fernando Valley North-South Bus Rapid Transit Corridor, the Crenshaw Transit Corridor, and the Wilshire Metro Rapid Busway.

The conformity issues that are being experienced by these projects are directly related to the State budget crisis and in particular, the suspension of TCRP funds. Even though the loss of State funds was unanticipated and clearly beyond MTA's control, Federal law has no remedy. Since these projects are designated as Transportation Control Measures, they are required to be made the first priority for funding and implemented on time. As a result, SCAG is requesting that MTA re-program funds to make these projects whole and that the MTA Board approve a re-programming plan no later than its September 23rd Board meeting.

SCAG will take action at its September 2nd Regional Council meeting to approve the RTIP, contingent upon an MTA Board re-programming action at its September 23rd meeting. The RTIP will then be submitted to Caltrans and federal transportation agencies for concurrent review. The SCAG RTIP must be approved by federal agencies by October 4th in order to avoid a conformity lapse. Such a lapse could threaten federal transportation funds for most projects in Los Angeles County, as well as other counties within the South Coast Air Basin (Orange, Riverside, and San Bernardino Counties), with the exception of various safety and operational projects.

STATE FUNDING ISSUES

MTA has been taking aggressive steps to mitigate the impacts of the state transportation funding shortfall issue. Over the past year and one-half, the MTA Board of Directors has received reports on the State General Fund deficit's impact on transportation projects in Los Angeles County. In response to these reports, the Board has adopted project priority setting criteria, approved a State Transportation Improvement Program (STIP) Amendment to allow several high priority regional projects to move forward and accepted an AB 3090 State Repayment schedule. In addition, the Board adopted a major financing plan to mitigate much of the impacts of rescheduling the Los Angeles County TIP that included State

GARVEE Bond Financing, reprogramming of 2002 STIP projects, and the approval of several ready-to-go projects for AB 3090 replacement project financing.

NEXT STEPS

We are currently working closely with SCAG to develop recommendations that will address the conformity impacts associated with the above-mentioned projects. These recommendations will be presented for MTA Board action in September. SCAG's Regional Council will take action on the draft 2004 RTIP on September 2, 2004. Caltrans and the FHWA will perform concurrent reviews of the draft RTIP to meet the October 4, 2004 deadline.

In proposing solutions to this issue, MTA staff is considering recommending acceleration of previously deferred transportation projects as identified by SCAG and FHWA. This will ensure the continuing advancement of mobility in Los Angeles County and help the Southern California region meet air quality conformity requirements of the Federal Clean Air Act. To achieve this MTA would consider utilizing bonds as a last resort after State and Federal funds are first sought. The bonding would be done within the limits of the current debt policy of the Board with each issuance separately approved by the Board. This acceleration would bring forward previously deferred projects and generally restore projects as envisioned in the Short and Long Range Transportation Plans.

Prepared by: David Yale
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Attachment (Project Listing)

**Los Angeles County Metropolitan Transportation Authority
2004 Regional Transportation Improvement Program
Projects with Conformity Issues Identified by SCAG**

LEAD AGENCY	PROJECT ID	DESCRIPTION ¹	STATUS / ELEMENT	2004 RTP COMPLETION DATE	DRAFT 2004 RTIP COMPLETION DATE
1. CALTRANS	LA01344	Route 5 FROM RT 118 TO RT 14 FROM 10 TO 12 LANES HOV LANES. EA# 122001, PPNO 0162P. GARVEE BOND PROJECT.	Bid/Advertise Phase	2005	12/31/2006
2. CALTRANS	LA000357	Route 5 FROM ROUTE 170 TO ROUTE 118 HOV LANES (10 TO 12 LANES) (CFP 345) (2001 CFP 8339; CFP2197) (EA# 121901, PPNO 0158K)	Environmental Document/ Pre-Design Phase	2008	12/31/2010
3. CALTRANS	LA000358 & LA996375	Route 5 FROM ROUTE 134 TO ROUTE 170 HOV LANES- INCLUDES EMPIRE ACCESS (8 TO 10 LANES) (CFP 346)(2001 CFP 8355) (EA# 121801, PPNO 0142F)	Engineering/Plans, Specifications and Estimates	2012	4/5/2010
4. LOS ANGELES COUNTY MTA	LA29202W	MID -CITY TRANSIT CORRIDOR: WILSHIRE BLVD. FROM VERMONT TO SANTA MONICA DOWNTOWN- MID-CITY WILSHIRE BRT INCL. DIV. 10 EXPANSION	Division 10: Right-of-Way Acquisition Corridor: Environmental Document/ Pre-Design Phase	2009	9/30/2006 (Division 10) 11/30/2013 (Corridor)
5. LOS ANGELES COUNTY MTA	LA0D198	CRENSHAW BRT CORRIDOR	Rapid Bus completed, \$10 million funding in S RTP	2010	12/31/2015
6. LOS ANGELES COUNTY MTA	LA29202U2	SAN FERNANDO VALLEY NORTH/SOUTH BRT EXTENSION (PE ONLY)	Environmental Document/ Pre-Design Phase/\$20 million in S RTP	2009	7/31/2012

Notes:

1. Conformity issues regarding project SR-60 HOV lanes from I-605 to Brea Canyon Road have been resolved with the Southern California Association of Governments (SCAG).

Attachment