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**PLANNING AND PROGRAMMING
COMMITTEE RECOMMENDATION**

FORWARDED WITHOUT RECOMMENDATION The setting of Public Hearings:

- a. On October 25, 1995 to consider formal findings of conformance with the 1993 Congestion Management Program (CMP) for 88 cities and the County of Los Angeles; and
- b. On November 15, 1995 to consider adoption of the 1995 CMP.

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July 20, 1995

Los Angeles County
Metropolitan
Transportation
Authority

MEMO TO: PLANNING AND PROGRAMMING COMMITTEE

THROUGH: FRANKLIN E. WHITE

FROM: ^{for} JUDITH A. WILSON ^{DAW}

SUBJECT: CONGESTION MANAGEMENT PROGRAM PUBLIC
HEARINGS

818 West Seventh Street
Suite 300
Los Angeles, CA 90017

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RECOMMENDATION

Staff recommends that the Board of Directors set public hearings as follows:

1. At the October MTA Board meeting to consider formal findings of conformance with the 1993 Congestion Management Program (CMP) for 88 cities and the County of Los Angeles; and
2. At the November MTA Board meeting to consider adoption of the 1995 CMP.

ALTERNATIVES CONSIDERED

No alternatives were considered. These recommendations are made pursuant to California Government Code Section 65089 and adopted MTA policy. Adoption of the CMP is also required to comply with the federal congestion management system (CMS) requirement in ISTEA.

IMPACT ON BUDGET AND OBJECTIVES

There is no direct impact on the MTA budget. A conformance finding allows local jurisdictions to continue receiving State gas tax (Section 2105) subventions. A determination of nonconformance triggers a 90-day corrective period prior to a formal nonconformance finding. If a nonconformance finding is ultimately made, MTA staff must notify the State Controller who will withhold the jurisdiction's Section 2105 funds. In addition, non-conforming jurisdictions are not eligible to receive state Flexible Congestion Relief (FCR) funds, or federal Surface Transportation Program (STP) and Congestion Mitigation and Air Quality (CMAQ) funds.

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BACKGROUND

As the designated congestion management agency for Los Angeles County, the MTA is required to make an annual finding, following a public hearing, as to whether the local jurisdictions are in conformance with the Congestion Management Program (CMP). It is also required to biennially update and adopt, following a public hearing, the Congestion Management Program for the County. In accordance with state statute, a 1995 CMP must be adopted by November 1995.

1. CONFORMANCE FINDING

As the congestion management agency for Los Angeles County, MTA is statutorily required to monitor the implementation of all CMP elements and annually determine, following a public hearing, whether the County and cities of Los Angeles are conforming to the CMP.

In accordance with MTA's adopted 1993 CMP, local jurisdictions are required to:

1. Continue to implement the adopted CMP transportation demand management (TDM) ordinance;
2. Continue to implement the adopted CMP land use analysis program;
3. Monitor traffic Levels of Service (LOS) at specified locations on the CMP Highway System; and
4. Participate in the CMP Countywide Deficiency Plan by tracking and reporting new development activity and implementing commensurate transportation improvement strategies.

Local jurisdictions are required to certify compliance with these actions through adoption of a resolution and Local Implementation Report by September 1, 1995. Based on reviewing the information submitted by local jurisdictions, MTA staff will make a recommendation at the public hearing regarding their conformance with the CMP.

2. ADOPTION OF THE 1995 CMP

California Government Code 65089 requires the CMP to be updated and adopted, following a public hearing, in November of odd-numbered years. The current CMP was adopted by the MTA in November 1993.

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The changes anticipated for the 1995 CMP are minimal in nature and will primarily occur in two general areas:

1. Updating data in the CMP as a result of CMP monitoring. This includes CMP highway and transit monitoring information, and summaries of local Deficiency Plan reporting; and
2. Providing improved guidance and clarification to local jurisdictions in the implementation of existing CMP requirements, including the Deficiency Plan.

Staff does not anticipate changing the CMP's Countywide Deficiency Plan in 1995. The Deficiency Plan is a new component of the CMP which was adopted in 1993 and its requirements are still being phased in. The first full cycle of Deficiency Plan implementation will be completed later this year when the MTA makes its annual findings of local CMP conformance (scheduled for October 1995), just prior to the scheduled adoption of the 1995 CMP. Major changes to the CMP at this time would be premature and without full benefit of Deficiency Plan implementation experience. They would also be unfair and disruptive to cities that are still getting familiar with the CMP's Deficiency Plan requirements and are working to incorporate them into day-to-day procedures.

Staff recognizes that some cities may have specific issues or questions related to the CMP Deficiency Plan. Existing Deficiency Plan requirements took over two years to develop and required the consensus of cities, developers, environmentalists and others. Because of this level of complexity and the amount of consensus needed, staff proposes that issues related to the Deficiency Plan be addressed as part of the 1997 update of the CMP. Staff proposes beginning this evaluation of the Deficiency Plan in early 1996, shortly after adoption of the 1995 CMP. Staff will form an advisory group to assist MTA in this process. The advisory group will be similar to the Policy Advisory Committee that was so instrumental in the development of the current CMP and Deficiency Plan.

A memorandum was recently sent to all jurisdictions outlining this approach and inviting comments from local jurisdictions by September 15. Staff will summarize these comments and present a workplan for addressing outstanding issues to the MTA Board at the November public hearing when the 1995 CMP is presented for adoption.

PREPARED BY:

Jody E. Feerst
Acting Manager
Congestion Management Program

#14



August 22, 1995

TO: MTA BOARD MEMBERS & ALTERNATES
FROM: JODY FEERST, ACTING MANAGER
CONGESTION MANAGEMENT PROGRAM

INTEROFFICE
MEMORANDUM

SUBJECT: AUGUST MTA BOARD MEETING, AGENDA
ITEM #14, CMP PUBLIC HEARINGS



Agenda item #14 on the MTA agenda for 8/23 is coming forward to the Board without a recommendation from the Planning & Programming Committee (PPC). This item is requesting that the Board set two public hearings for the Congestion Management Program (CMP) -- one hearing in October for the annual local conformance findings, and one hearing in November for adoption of the 1995 CMP.

There is no PPC recommendation on this item because Director Fasana raised concerns about a CMP study just completed by the San Gabriel Valley COG and possible changes for the 1995 CMP. At the time of the PPC meeting, we had not yet received the study or its recommendations.

Please note the following points:

- Both public hearings, and their timing, are required by CMP statute and MTA policy.
- Failure to comply with the CMP at a countywide level will jeopardize over \$30 million in revenues to the County and over \$46 million to the cities in the County. It also jeopardizes additional state and federal transportation dollars.
- This item is merely to set the public hearings. If there are concerns about the contents or details of the 1995 CMP, the Board always has the prerogative to make amendments, choose to delay, or refuse to adopt the program in November when it is presented.

We have received the COG recommendations and are working to schedule a meeting with COG staff and consultants to discuss them. Staff's initial review indicates that we may be able to address some of the recommendations in the 1995 CMP update. Others may not be allowable under current statute. Other recommendations may be allowable but it would take some time to sort out the details in consultation with jurisdictions throughout the County. The current CMP was adopted after 3 years of development with extensive countywide input from cities, the private sector, environmentalists and others. There should certainly be a similar opportunity for input and consensus on any significant changes to the program.