



Metro

PLANNING & PROGRAMMING COMMITTEE

February 14, 2007

**SUBJECT: CONGESTION MANAGEMENT PROGRAM
LOCAL CONFORMANCE FINDINGS**

**ACTION: APPROVE CONGESTION MANAGEMENT PROGRAM
LOCAL CONFORMANCE FINDINGS**

RECOMMENDATION

Find that 88 jurisdictions are in conformance with the Congestion Management Program (CMP) for Los Angeles County, and determine that the City of Industry intends to come back into conformance with the CMP by April 20, 2007 as indicated in Attachment A.

ISSUE

Since 1992, one of Metro's statutory requirements as the Congestion Management Agency for Los Angeles County is to monitor the implementation of the CMP. The Board must annually make a formal finding as to whether the 89 local jurisdictions of Los Angeles County conform to the CMP. A conformance finding allows local jurisdictions to continue receiving their Section 2105 state gas tax subventions, and maintain their eligibility for other state and federal funds programmed in the Transportation Improvement Program (TIP).

POLICY IMPLICATIONS

As the Congestion Management Agency for Los Angeles County, Metro is responsible for determining that local jurisdictions are in conformance with its adopted 2004 CMP and State CMP statute. Los Angeles also uses the CMP to meet federal Congestion Management System requirements, thereby eliminating potential conflicts or duplicating requirements.

OPTIONS

CMP conformance findings are based on whether local jurisdictions have implemented their responsibilities, as identified in the Board-adopted CMP. As this is a statutory requirement, no other options are available.

FINANCIAL IMPACT

Approving the recommendation would have no direct impact on the budget. A conformance finding allows local jurisdictions to continue receiving Section 2105 State gas tax subventions, as well as other state and federal transportation funds.

Section 2105 funding annually provides more than \$95 million to jurisdictions in Los Angeles County.

BACKGROUND

As the Congestion Management Agency for Los Angeles County, Metro is required by law to monitor local implementation of all elements of the state-mandated CMP. Local jurisdictions are required to monitor arterial congestion levels, monitor transit services along certain corridors, and implement an adopted trip reduction ordinance and land use analysis program. In addition, a Deficiency Plan is required when any portion of the CMP highway system does not meet the established level of service standard. A Deficiency Plan must include an analysis of the cause of the deficiency; a list of improvements needed to maintain the level of service standard and their estimated cost; a list of improvements, programs, or actions, and estimates of costs, that will measurably improve multimodal performance, and contribute to significant improvements in air quality; and an action plan.

In developing the Deficiency Plan for Los Angeles County, there was overwhelming support from both local jurisdictions and the development community for a countywide approach to meet CMP requirements. Given the high levels of congestion in Los Angeles County and the long and complex travel patterns that exist, any deficiency in one location has multiple causes. A countywide approach is best able to account for and address the cumulative impact of all types and sizes of new development. Since 1993, each local jurisdiction's responsibilities have been tracked through a point system that reflects the impact of local growth (debits) and benefits of transportation improvements (credits).

Based on Board direction, staff is exploring the viability of a new approach to the CMP's Countywide Deficiency Plan through a Congestion Mitigation Fee Feasibility Study that explores the feasibility of implementing a Congestion Mitigation Fee program countywide. A Congestion Mitigation Fee is a one-time fee applied to new development. It would generate new revenue to fund local projects with regional benefits that mitigate the impacts of growth while meeting local responsibilities under the CMP's Countywide Deficiency Plan. Staff is meeting with subregional Councils of Governments, local governments, the private sector, and other stakeholders to solicit input, address outstanding issues, and continue to build consensus on the program. Staff plans to tentatively complete the study and report to the Board in the fall of 2007.

During the development of the Congestion Mitigation Fee Feasibility Study, conformity requirements under the Countywide Deficiency Plan for local jurisdictions are reduced. Jurisdictions are still required to track and report new development activity. However, reporting of transportation improvements that were historically used to generate credits for Countywide Deficiency Plan purposes is not required. As a result, jurisdictions are not being required to maintain a positive credit balance while the nexus study is underway.

Following extensive outreach with local jurisdictions, the County of Los Angeles and 87 cities have fully met all five CMP local implementation requirements, including the remaining Countywide Deficiency Plan requirements. As a result, staff finds these jurisdictions are in conformance with the CMP for 2006. A complete list of these

jurisdictions is shown in Attachment A.

Since 2002, the City of Industry has respectfully declined to participate in the countywide program. Due to nonconformity status, and as required by statute, the State Controller is withholding the City's Section 2105 gas tax funds. In addition, a non-conforming status negatively affects the City of Industry's eligibility to receive funding through Metro's 2007 Call for Projects.

The City of Industry has recently expressed interest in returning to CMP compliance so that it is eligible to compete in the 2007 Call for Projects. Metro staff contacted the city in November 2006 to invite the City of Industry to come into compliance with the CMP with certain requirements as outlined in correspondence mailed on December 12, 2006 (Attachment B). On January 9, 2007 the City of Industry sent a letter of intent to Metro agreeing to come back into compliance with the CMP in 2007 (Attachment C). Metro will continue to work with the City of Industry to ensure compliance with the CMP.

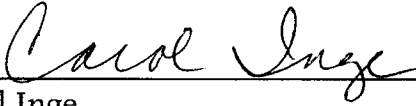
NEXT STEPS

No further action is required until Fiscal Year 2008 for the 88 jurisdictions that are in compliance for the 2006 CMP Cycle. Meanwhile, staff will continue to work in coordination with local jurisdictions and stakeholders to build consensus on the Congestion Mitigation Fee as a potential alternative to meeting the future requirements of the CMP's Countywide Deficiency Plan.

ATTACHMENT

- A. List of CMP Conforming and Nonconforming Agencies for 2006, with special note that City of Industry intends to come back into conformance.
- B. Letter to City of Industry with requirements for CMP conformity
- C. Letter of intent for CMP conformity from City of Industry

Prepared by: Stacy E. Alameida, Program Manager, Long Range Planning
Heather Hills, Interim Director, Long Range Planning



Carol Inge
Chief Planning Officer
Countywide Planning & Development



Roger Snoble
Chief Executive Officer

Attachment A

CONFORMING & NONCONFORMING JURISDICTIONS

Local Jurisdictions Recommended for a Finding of Conformance with the CMP for 2005

Agoura Hills	Diamond Bar	Lawndale	Rolling Hills Estates
Alhambra	Downey	Lomita	Rosemead
Arcadia	Duarte	Long Beach	San Dimas
Artesia	El Monte	Los Angeles City	San Fernando
Avalon	El Segundo	Los Angeles County	San Gabriel
Azusa	Gardena	Lynwood	San Marino
Baldwin Park	Glendale	Malibu	Santa Clarita
Bell	Glendora	Manhattan Beach	Santa Fe Springs
Bell Gardens	Hawaiian Gardens	Maywood	Santa Monica
Bellflower	Hawthorne	Monrovia	Sierra Madre
Beverly Hills	Hermosa Beach	Montebello	Signal Hill
Bradbury	Hidden Hills	Monterey Park	South Gate
Burbank	Huntington Park	Norwalk	South El Monte
Calabasas	Inglewood	Palmdale	South Pasadena
Carson	Irwindale	Palos Verdes Estates	Temple City
Cerritos	La Canada Flintridge	Paramount	Torrance
Claremont	La Habra Heights	Pasadena	Vernon
Commerce	La Mirada	Pico Rivera	Walnut
Compton	La Puente	Pomona	West Covina
Covina	La Verne	Rancho Palos Verdes	West Hollywood
Cudahy	Lakewood	Redondo Beach	Westlake Village
Culver City	Lancaster	Rolling Hills	Whittier

Local Jurisdiction(s) with intent to come into compliance with the CMP

Industry: In an effort to allow the City of Industry to compete in the 2007 Call for Projects, Metro staff contacted the city in November 2006 to invite the City of Industry to come into compliance with the CMP with certain requirements as outlined in correspondence mailed on December 12, 2006. On January 9, 2007 the City of Industry sent a letter of intent to Metro agreeing to come back into compliance with the CMP in 2007.



Los Angeles County
Metropolitan Transportation Authority

One Gateway Plaza
Los Angeles, CA 90012-2952

213.922.2000 Tel
metro.net

Metro

December 12, 2006

Mr. Mike Kissell, Planning Director
City of Industry
15651 E. Stafford Street
Industry, CA 91744-0366

**Subject: 2007 CALL FOR PROJECTS ELIGIBILITY AND CONGESTION
MANAGEMENT PROGRAM CONFORMITY**

Dear Mr. Kissell:

This letter serves as a follow-up to our telephone conversation on November 21, 2006, and addresses the process for the City of Industry to come back in to conformance with the Congestion Management Program (CMP) for Los Angeles County.

As you know, the Los Angeles County Metropolitan Transportation Authority (Metro) made a CMP nonconformance determination for the City of Industry at the Board of Directors meeting February 28, 2002, following a noticed public hearing, and the City remains in nonconformance. Due to nonconformance, and as required by statute, the State Controller is withholding the City's gas tax funds. In addition, a non-conforming status negatively affects the City of Industry's eligibility to receive funding through Metro's 2007 Call for Projects.

Recently, it has come to Metro's attention that the City of Industry is working together with the City of Diamond Bar to submit an application for significant improvements to the SR-60/Grand Avenue Interchange. Therefore, in an effort to allow the City of Industry to compete in the 2007 Call for Projects, Metro is inviting the City of Industry to come into compliance with the CMP by submitting the following information in the timeframes indicated below:

- 1) Letter of Intent for Conformance with the CMP
Due: January 26, 2007 4:00 p.m.

Letter of Intent, signed by City Manager, stating the City of Industry intends to come back into conformance with the Los Angeles County CMP. This letter is necessary by the deadline above in order for Metro to evaluate and score any application submitted in the 2007 Call for Projects. This letter also needs to state that the City Council for the City of Industry will adopt a Self-Certification Resolution of CMP Conformance and a Local Development Report, both of which will be delivered to Metro by April 20, 2007.

2) Self-Certification Resolution of CMP Conformance

Due: April 20, 2007 4:00 p.m.

A resolution adopted by the City Council finding the City of Industry to be in conformance with the CMP, and adopting the CMP Local Development Report, in accordance with California Government Code Section 65089. These documents are necessary by April 20, 2007 in order for Metro to make any preliminary funding recommendations for the 2007 Call for Projects. Further, should the Metro Board approve any project submitted by the City of Industry, the City of Industry must remain in conformance with the CMP in order to ensure continued funding throughout the life of the project programmed from FY 08 thru FY 2013.

To assist preparation of your 2006 Local Development Report (LDR), staff has prepared the attached materials for your use:

LDR Instructions (Attachment 1)

This file has instructions on how to use the LDR form. Please review this file first before entering data into the LDR form.

2006 LDR Form (Attachment 2)

This Microsoft Excel file contains the LDR spreadsheet.

Self-Certification Resolution (Attachment 3)

This Microsoft Word file has the sample resolution for self-certification of conformance with the requirements of the CMP. Remember to hold a noticed public hearing prior to your City Council taking action on the Resolution and LDR.

Please contact Stacy Alameida at (213) 922-2821 for electronic versions of these documents.

Metro welcomes the opportunity to work with the City of Industry to bring the City into conformance with the CMP, and move forward in the 2007 Call for Projects. If you have any questions regarding this letter or the procedures outlined therein, please contact Stacy Alameida at (213) 922-7414.

Sincerely,



Heather Hills, Interim Director
Long Range Planning

Attachments



CITY OF INDUSTRY

Incorporated June 18, 1957

January 9, 2007

Ms. Stacy Alameida
Los Angeles County Metropolitan Transportation Authority
Congestion Management Program, Mail Stop 99-23-2
One Gateway Plaza
Los Angeles, CA 90012-2952

RE: Congestion Management Program

Dear Ms. Alameida:

As you are aware, the City of Industry has been out of conformance with the Congestion Management Program (CMP) for Los Angeles County since 2002. As a result of this nonconformance, the state has withheld the City's gas tax allocations.

Because the criteria for determining compliance or noncompliance to the CMP has been modified since 2002, the City of Industry intends to come back into conformance with the Los Angeles County CMP this year.

Staff will prepare a Self-Certification Resolution of CMP Conformance and a Local Development Report for City Council adoption in the coming weeks. These documents will be forwarded to the Metro offices prior to April 20, 2007.

Should the current criteria for compliance with the CMP be revised or modified in the future, the City will attempt to remain in compliance. However, if new criteria is established that would prevent continued growth and implementation of the City's redevelopment plans, then the City may at that time, choose to go out of compliance with the CMP.

If you have any questions or concerns about the City's intentions on this matter, please contact Mike Kissell, Planning Director for the City at (626) 333-2211.

Sincerely,

A handwritten signature in black ink, appearing to read 'Philip L. Iriarte', written over a horizontal line.

Philip L. Iriarte
City Manager

PLI:MK:jm