



**Metro**

PLANNING & PROGRAMMING COMMITTEE  
February 15, 2006

**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 remains in non-conformance, as indicated in Attachment A.

**ISSUE**

Since 1992, one of Los Angeles County Metropolitan Transportation Authority's (LACMTA) 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, LACMTA is responsible for determining that local jurisdictions are in conformance with its adopted 2004 Congestion Management Program 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, the LACMTA 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 Nexus Study that studies the feasibility of implementing a Congestion Mitigation Fee program countywide. A mitigation fee is a one-time fee applied to new development that would generate new revenue to fund transportation improvements that mitigate the impacts of growth while meeting local responsibilities under the CMP's Countywide Deficiency Plan. Phase II of the Nexus Study is currently underway. In response to stakeholder concerns and issues, staff is refining the proposed program and 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 complete the proposal in summer 2006, when the Board will consider adoption of the Congestion Mitigation Fee program and subsequent amendments to the CMP Deficiency Plan.

During the development of the nexus 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 2005. A complete list of these jurisdictions is shown in Attachment A.

However, staff continues to find that the City of Industry remains in non-conformance with the CMP, based on its decision to not comply with the program requirements. Since 2002, the City has respectfully declined to participate in the countywide program. In October 2005, Metro staff contacted the city to invite them to reconsider their decision. Once again, the City reaffirmed their decision to not comply, but requested that Metro staff continue to update them on the status of the nexus study. Therefore, in accordance with CMP statute, the California State Controller will withhold the City's annual State gas tax revenue of approximately \$5,000 from Section 2105 of the California Streets and Highways Code. These funds are available to Metro to program for regionally significant projects.


### **NEXT STEPS**

No further action is required until September 2006 when all local jurisdictions are required to submit development data 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. Metro Board consideration of the Congestion Mitigation Fee is tentatively scheduled for summer 2006.

### **ATTACHMENT**

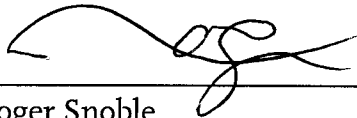
A. List of CMP Conforming and Nonconforming Agencies for 2005

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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) in Non-Conformance with the CMP

Industry: The City has respectfully declined to participate in the 2005 CMP. Pursuant to CMP statute, the California State Controller is now withholding the City's annual State gas tax funds from Section 2105 of the California Streets and Freeways Code. These funds are available to Metro to program regionally significant projects.