



Staff Report

File #: REPORT 19-0192, Version: 1

Honorable Mayor and Members of the Hermosa Beach City Council
Regular Meeting of March 26, 2019

**A RESOLUTION OF THE HERMOSA BEACH CITY
COUNCIL ELECTING TO BE EXEMPT FROM THE
CALIFORNIA CONGESTION MANAGEMENT PROGRAM**
(Environmental Analyst Kristy Morris)

Recommended Action:

Staff recommends that the City Council:

1. Find that the following proposed action is exempt from review pursuant to the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15061(b)(3);
2. Adopt the following Resolution waiving further reading: a resolution of the City Council of the City of Hermosa Beach, California, electing to be exempt from the Congestion Management Program.

Executive Summary:

The Los Angeles County Metropolitan Transportation Agency (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. The CMP primarily uses a Level Of Service (LOS) performance metric which is a measurement of vehicle delay that is now inconsistent with the new vehicle miles travelled (VMT) state-designated performance measurement methodology, enacted by SB 743 and scheduled to replace LOS for California Environmental Quality Act (CEQA) transportation analysis on July 1, 2020.

In accordance with California Government Code 65088.3 (**Attachment 1**), 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.

Background:

Under the CMP, 88 incorporated cities plus the County of Los Angeles share various statutory responsibilities and reporting requirements, including monitoring traffic count locations on select arterials, implementing transportation improvements, adoption of travel demand management and land use ordinances, and mitigating congestion impacts. A copy of the City's most recent CMP reporting document is attached for reference (2015 Administrative Report and Resolution).

The framework for the CMP is firmly grounded in the idea that congestion can be mitigated by continuing to add capacity to roadways. This is evidenced by the primary metric that drives the program which is Level of Service (LOS). Recent changes in state laws and rulemaking, namely AB 32 (California Global Warming Solutions Act of 2006), SB 375 (Sustainable Communities and Climate Protection Act of 2008), SB 743 (Environmental quality: transit-oriented infill projects, judicial review streamlining for environmental leadership development projects), SB 32 (California Global Warming Solutions Act of 2006), and Measure M all move away from the LOS methodology directly or indirectly.

The CMP has become increasingly outdated and now contradicts the direction of Metro's planning process and regional, state, and federal transportation planning requirements. Therefore, on June 28, 2018 the Metro Board approved a recommendation to initiate the process to opt out of the state mandated CMP. This action by Metro allows Metro staff to proceed with the next step in the process, which is to provide its public agency partners with the option to opt out of the CMP as well.

Opting out of the CMP provides the following benefits:

- Eliminates the risk to local jurisdictions of losing state gas tax funds or being ineligible to receive state and federal Transportation Improvement Program funds, as a result of not being in compliance with CMP requirements or performance standards.
- Removes the administrative and fiscal burden for monitoring and preparation of reporting documents to demonstrate compliance with the CMP.
- Relieves Metro and local jurisdictions of the mandate to use a single measure (LOS) to evaluate traffic impacts in CEQA documents and determine roadway deficiencies.

A number of counties have elected to opt out of the CMP over the years, including San Diego, Fresno, Santa Cruz and San Luis Obispo. The reasons for doing so are varied but generally concern redundant, expensive, administrative processes that come with little to no congestion benefit and continue to mandate the use of LOS to determine roadway deficiencies which is inconsistent with recent changes in State law. Given Metro's decision to opt out, many local jurisdictions within Los Angeles County, which are listed below, have adopted resolutions opting out of the CMP. Most recently, the neighboring cities of Redondo Beach and Manhattan Beach adopted resolutions to be exempt from the program on March 12, 2019 and January 15, 2019, respectively.

Metro is currently engaged with 28 cities also considering taking a CMP opt-out resolution to their governing bodies. Three of those cities are the cities with the largest populations in LA County: City of Los Angeles, County of Los Angeles, and the City of Long Beach at approximately 5.5 million residents collectively. Additionally, other South Bay cities are also currently in discussions and considering a CMP opt-out.

Upon receipt of formally-adopted resolutions from a majority of local jurisdictions representing a majority of the population, Metro will notify the State Controller, Caltrans, and the Southern California Association of Governments that Los Angeles County has opted out of the CMP in accordance with statutory requirements.

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 (**Attachment 2**).

General Plan Consistency:

PLAN Hermosa, the City's General Plan, was adopted by the City Council in August 2017. Exemption from the California Congestion Management Program supports the direction of Metro's planning process and regional, state, and federal transportation planning requirements which supports several PLAN Hermosa goals and policies that are listed below.

1.1 Consider all modes. Require the planning, design, and construction of all new and existing transportation projects to consider the needs of all modes of travel to create safe, livable and inviting environments for all users of the system.

5.4 Evaluate projects. Ensure the evaluation of projects for transportation and traffic impacts under CEQA consider local and statewide goals related to infill development, the promotion of healthy and active lifestyles through active transportation, and the reduction of greenhouse gases, in addition to traditional congestion management impacts.

6.1 Regional network. Work with government agencies and private sector companies to develop a comprehensive, regionally integrated transportation network that connects the community to surrounding cities.

Fiscal Impact:

There are no costs to the City associated with this action. There may be a positive effect in future years when the costs associated with monitoring and preparation of CMP compliance documents are no longer necessary.

Attachments:

1. California Government Code 65088.3
2. Resolution electing to be exempt from the Congestion Management Program

- 3. Metro Board Report 6/20/2018 with Attachments
- 4. Metro CMP Opt-Out FAQ Sheet

Respectfully Submitted by: Kristy Morris, Environmental Analyst

Concur: Lucho Rodriguez

Concur: Ken Robertson

Noted for Fiscal Impact: Viki Copeland, Finance Director

Legal Review: Mike Jenkins, City Attorney

Approved: Suja Lowenthal, City Manager