



Agenda Report

December 10, 2018

TO: Honorable Mayor and City Council

FROM: Department of Transportation

SUBJECT: RESOLUTION ELECTING TO JOIN OTHER COMMUNITIES IN LA COUNTY IN OPTING OUT OF THE REQUIREMENTS OF THE CONGESTION MANAGEMENT PROGRAM ESTABLISHED IN 1990 BY PROPOSITION 111

RECOMMENDATION:

It is recommended 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); and
2. Adopt the resolution electing to be exempt from the Congestion Management Program (CMP) in accordance with the CMP State statute.

BACKGROUND:

The CMP is a 1990 era state-mandated performance-based planning program that attempts to link land use and transportation decisions. The statute designated regional Congestion Management Agencies and charged them with administering the program. For Pasadena's region, the LA County Metropolitan Transportation Authority (Metro) is the Congestion Management Agency and 89 jurisdictions (88 cities plus the County of Los Angeles) are responsible for compliance with the provisions of the program. Pasadena has reported every other year via City Council action on the Level of Service (LOS) at monitored intersections named in the CMP and on the total size and type of development approvals in the City.

Additionally, because the CMP is a state program, the California Environmental Quality Act (CEQA) requires that environmental documents include an assessment of whether projects would have an impact on CMP targets. The LOS methodology used to report CMP impacts is not consistent with the transportation metrics used by Pasadena for CEQA analysis since 2015.

Metro has recognized that the CMP approach is out of date and rapidly becoming obsolete, particularly in light of new state-designated performance measures, such as

vehicle miles travelled (VMT), enacted by SB 743 and scheduled to replace LOS for CEQA transportation analysis by 2020.

An agency cannot opt out of the CMP requirement alone. California Government Code §65088.3 provides for jurisdictions within a county to 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. A majority consensus of 45 jurisdictions representing approximately 5.1 million people in the County of Los Angeles is required to opt out formally.

On June 28, 2018, the Metro Board approved a recommendation to initiate the process to opt out of the CMP. The Board action allows Metro staff to provide public agencies with the option to opt out of the CMP.

Opting out of the CMP provides the following benefits:

- Eliminates the risk of losing state gas tax funds or being ineligible to receive federal transportation funds because of not being in compliance of CMP requirements or performance standards.
- Removes the administrative and fiscal burden for monitoring and preparation of reporting documents to demonstrate compliance with the CMP.
- Eliminates the need to use LOS to evaluate CMP locations in CEQA documents.

Staff recommends approval of a resolution electing to be exempt from the CMP. It is important to note that Pasadena cannot unilaterally opt out of the CMP. Formal opt out will occur after a majority of cities in the region opt out and Metro notifies the State Controller, Caltrans and SCAG that Los Angeles County has opted out of the CMP in accordance with the statutory requirements.

COUNCIL POLICY CONSIDERATION:

The proposed action is consistent with Council adopted methods for CEQA transportation analysis.

ENVIRONMENTAL ANALYSIS:

The proposed action is exempt from CEQA per section 15061 (b) (3), the General Rule. The General Rule can be applied when it can be seen with certainty that the activity will not have a significant effect on the environment.

FISCAL IMPACT:

There is no cost 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.

Respectfully submitted,



FREDERICK C. DOCK

Director

Department of Transportation

Approved by:



STEVE MERMELL

City Manager