



CITY OF LONG BEACH

DEPARTMENT OF PUBLIC WORKS

R-32

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April 23, 2019

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Adopt a Resolution electing to be exempt from the Congestion Management Program (CMP) in accordance with State CMP statute. (Citywide)

DISCUSSION

The Congestion Management Program (CMP) is a 1990 State-mandated, performance-based program that attempts to link land use and transportation planning. The CMP was established as part of a legislative package to implement Proposition 111, tying the appropriation of new gas tax revenues to congestion reduction efforts. While the CMP requirement was considered a pioneering effort when it was first implemented, it primarily relies upon a performance metric that is inconsistent with new State-designated performance measures.

In accordance with California Government Code 65088.3, jurisdictions within a county may opt out of the CMP requirement without penalty. However, Long Beach cannot unilaterally opt out of the CMP. Formal opt out will occur after a majority of cities, with a majority of residents, in Los Angeles County (County) opt out. Therefore, in the County, a consensus of at least 45 jurisdictions representing at least 5.1 million people will be required to opt out formally. A Resolution adopted by the City Council is necessary to elect to opt out with other County jurisdictions when the consensus has been reached. There is no formal deadline for the County to opt out.

The Los Angeles County Metropolitan Transportation Authority (Metro) is responsible for CMP compliance within our region. On June 28, 2018, the Metro Board of Directors approved a recommendation to initiate the process to opt out of the CMP. To date, 32 cities, with a combined 1.9 million residents, have already opted out, including, among others, Glendale, Pasadena, West Hollywood, Inglewood, Santa Monica, Pomona, and Lancaster. It is anticipated that the County consensus will be met before the end of the year.

Opting out of the CMP provides Long Beach with the following benefits:

- Eliminating the risk of losing state gas tax funds or being ineligible to receive federal transportation funds because of failure to comply with CMP requirements or performance standards.
- Removing the administrative and fiscal burden for monitoring and preparation of reporting documents to demonstrate compliance with the CMP.
- Eliminating the need to use inconsistent performance measures to evaluate CMP compliance in California Environmental Quality Act (CEQA) documents.

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 SCAG that Los Angeles County has opted out of the CMP in accordance with statutory requirements.

This matter was reviewed by Deputy City Attorney Amy R. Webber on April 1, 2019 and by Budget Analysis Officer Julissa José-Murray on April 5, 2019.

TIMING CONSIDERATIONS

City Council action on this matter is not time critical.

FISCAL IMPACT

Until such time as the County is able to formally opt out, the City will continue to comply with the CMP standards and regulations. There is no immediate fiscal impact foreseen as a result of this action. This recommendation is anticipated to result in a minimal impact to staff time beyond the normal budgeted scope of duties and is in line with existing City Council priorities.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



CRAIG A. BECK
DIRECTOR OF PUBLIC WORKS

APPROVED:



PATRICK H. WEST
CITY MANAGER

CB:EW:LK;td

ATTACHMENT: RESOLUTION

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
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Lona Beach, CA 90802-4664

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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH ELECTING TO BE EXEMPT FROM
THE CONGESTION MANAGEMENT PROGRAM

WHEREAS, in 1990, the voters of California passed Proposition 111 and
the requirement that urbanized counties develop and implement a Congestion
Management Program (“CMP”); and

WHEREAS, the legislature and Governor established the specific
requirements of the CMP by passage of legislation which was a companion to
Proposition 111 and which is encoded in California Government Code Sections 65088
and 65089.10; and

WHEREAS, the Los Angeles County Metropolitan Transportation Authority
(Metro) has been designated as the Congestion Management Agency responsible for
administering Los Angeles County’s CMP; and

WHEREAS, California Government Code Section 65089.3 allows urbanized
counties to be exempt from the CMP based on resolutions passed by local jurisdictions
representing a majority of a county’s jurisdictions with a majority of the county’s
population; and

WHEREAS, the CMP is outdated and increasingly out of step with current
regional, State, and federal planning processes and requirements, including new State
requirements for transportation performance measures related to greenhouse gas
reduction; and

WHEREAS, on June 28, 2018 the Metro Board of Directors took action to
direct Metro staff to work with local jurisdictions to prepare the necessary resolutions to
exempt Los Angeles County from the Congestion Management Program;

NOW, THEREFORE, the City Council of the City of Long Beach resolves as

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follows:

Section 1. The foregoing recitals are true and correct.

Section 2. That the City of Long Beach, located in Los Angeles County, hereby elects to be exempt from the Congestion Management Program as described in California Government Code Sections 65088 to 65089.10.

Section 3. This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting this resolution.

I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of _____, 2019 by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk