



DATE: August 12, 2009
TO: Honorable Mayor and City Councilmembers
FROM: Development Services Department
SUBJECT: **RESOLUTION EXEMPTING THE CITY OF OCEANSIDE FROM THE REQUIREMENTS OF THE CONGESTION MANAGEMENT PROGRAM**

SYNOPSIS

Staff recommends that the City Council adopt a resolution electing exemption from the SANDAG Congestion Management Program statutes.

BACKGROUND

SANDAG is required by state law to prepare and regularly update the Congestion Management Program (CMP) for the transportation system within the San Diego region. The CMP requires each local jurisdiction to analyze the traffic on designated CMP arterials and prepare a Deficiency Plan for those arterials that are deemed deficient. The CMP process was established as part of the 1989 legislative package which increased the fuel tax from nine cents to 18 cents. The process was intended to assure that projects funded by new transportation revenues would reduce traffic congestion by maintaining a minimum Level of Service E (LOS E) on the arterials, highways and freeways that are listed in the CMP.

The CMP is a method of monitoring the region's transportation system and provides a mechanism to prepare Deficiency Plans for roadway segments that do not meet the CMP Level of Service Standard. If a roadway segment falls below LOS E, the local jurisdiction is required to prepare a Deficiency Plan identifying potential mitigations to improve the level of service of the segment. This includes Deficiency Plans for freeways within the City limits. A failure to follow through on these plans could subject the local agency to a potential loss of the enhanced fuel tax funding attributable to Proposition 111. To date, no local agency has had funds withheld due to lack of compliance with the State CMP. For the City of Oceanside, this apportionment was approximately \$1,000,000 in FY 2008.

In 1996, the California legislature passed Assembly Bill 2419 to allow urbanized areas the option to be exempt from preparation and implementation of the State CMP. According to the legislative history of AB 2419, the option to be exempt provision was added because the State CMP requirements had in many instances become an expensive and redundant paper exercise, which had done little to reduce congestion

and had never actually subjected a local agency to a fuel tax revenue penalty. The bill was written to give the regions the option of exempting themselves on a self-determined basis.

At its May 8, 2009, meeting, the SANDAG Board of Directors voted to direct SANDAG staff to initiate work with local jurisdictions that desire to opt out of the State CMP.

ANALYSIS

CMP Requirements

Table 1 identifies the CMP freeways, highways and arterials that are entirely or partially within the City of Oceanside.

**Table 1
CMP System Roadways
Fully or Partially within the City of Oceanside**

CMP Freeways
Interstate 5 Camp Pendleton to southern City limits State Route 78 from Interstate 5 to easterly City limits
CMP Highway
State Route 76 from Coast Highway to easterly City limits
CMP Arterial
El Camino Real from Douglas Drive to southern City limits

Each CMP roadway is required to be analyzed biennially as part of the CMP Updates. As part of this analysis, each jurisdiction is required to collect traffic data that is used to calculate the LOS for CMP freeways, highways and arterials. This information is sent to SANDAG which, in turn, calculates the LOS based on the local agency's data for each CMP arterial and notifies the local agency of any deficient CMP segments.

As it relates to CMP monitoring, it was determined that the only deficient segment within the City of Oceanside is the segment of SR76 (a Caltrans facility), from Melrose Drive to the east City limit. Therefore, the City of Oceanside is currently required to complete a Deficiency Plan for this segment of SR76 by November 2009 at an estimated cost of \$60,000.

Impacts of Exemption from the CMP

If the City of Oceanside is exempt from the CMP, SANDAG is still required to comply with Federal congestion management provisions. If the region as a whole chooses to opt out of the CMP, SANDAG will continue to meet the Federal congestion management provisions through existing planning and performance monitoring activities, such as the Regional Transportation Plan.

A number of counties throughout the State have opted out of the CMP requirement, including Fresno County, Santa Cruz County, and San Luis Obispo County. SANDAG staff has spoken with the staff responsible for the CMP process in these counties and confirmed that they have not lost any State or Federal funding as a result of opting out of the State CMP process. The SANDAG office of General Council has confirmed that local agencies will not lose their gas tax allocations if the San Diego region opts out of the State CMP.

To date, the following cities within San Diego County received Council approval and adopted resolutions to opt out of the CMP process:

1. City of San Diego;
2. County of San Diego;
3. National City;
4. City of Lemon Grove; and
5. City of El Cajon.

According to SANDAG staff, there are 9 additional cities that will be bringing forward a recommendation to opt out of the CMP process in August.

Summary: Opting out of the State CMP process would have the following benefits:

1. Relieve the City of a mandate to use one measure (LOS) to determine roadway deficiencies;
2. Eliminate the City’s risk of losing millions of dollars of transportation funds if the City does not comply with the CMP requirements;
3. Eliminate duplication of identifying transportation deficiencies (CMP, the City’s Financing Plans, Community Plans, Corridor Studies, Needs List, and SANDAG’s plans);
4. Eliminate the need for the City to prepare and adopt a Deficiency Plan for State Route 76 at an approximate cost of \$60,000. Caltrans will continue to monitor freeways.

FISCAL IMPACT

Adopting this resolution would result in eliminating the need for the City to prepare and adopt Deficiency Plan for State Route 76 at a cost of approximately \$60,000.

INSURANCE REQUIREMENTS

Does not apply.

COMMISSION OR COMMITTEE REPORT

Does not apply.

CITY ATTORNEY'S ANALYSIS

The referenced document has been reviewed by the City Attorney and approved as to form.

RECOMMENDATION

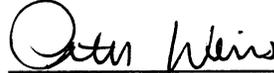
Staff recommends that the City Council adopt a resolution electing exemption from the SANDAG Congestion Management Program statutes.

PREPARED BY:



David DiPierro
City Traffic Engineer

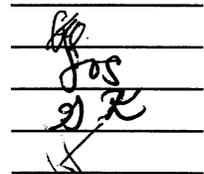
SUBMITTED BY:



Peter A. Weiss
City Manager

REVIEWED BY:

Michelle Skaggs Lawrence, Deputy City Manager
George Buell, Development Services Director
Scott O. Smith, City Engineer
Gary Kellison, Senior Civil Engineer
Teri Ferro, Financial Services Director



Attachments
Resolution

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
OCEANSIDE ELECTING EXEMPTION FROM CONGESTION
MANAGEMENT PROGRAM STATUTES

WHEREAS, California voters passed Proposition 111 in June 1990 establishing the requirement that urban counties develop and implement a congestion management program;

WHEREAS, local jurisdictions were required in 1990 to adopt resolutions designating an agency responsible for the preparation and implementation of a congestion management program for their respective counties;

WHEREAS, the City of Oceanside, a local jurisdiction, elected to designate the San Diego Association of Governments (SANDAG) as the agency responsible for the San Diego County congestion management program;

WHEREAS, subsequent to that designation, legislative revisions progressively eroded the strength and effectiveness of the congestion management program statutes;

WHEREAS, in 1996 Assembly Bill 2419 was passed and signed by the Governor allowing urbanized counties the option to be exempt from preparation and implementation of a congestion management program;

WHEREAS, there is duplication between the congestion management program and other transportation planning documents;

WHEREAS, the goals of the congestion management program may be carried out through other transportation planning documents and through general plans; and

WHEREAS, the San Diego Association of Governments will include elements of the congestion management program which are relevant and useful in the Regional Transportation Plan (RTP), the Regional Transportation Improvement Program (RTIP) and/or the Annual Monitoring Report.

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1 NOW, THEREFORE, BE IT RESOLVED that this body hereby elects that the City of
2 Oceanside be exempt in accordance with California Government Code Section 65088.3
3 from the statutes requiring the development and implementation of a congestion
4 management program as described in California Government Code Sections 65088 to
5 65089.10.

6 PASSED AND ADOPTED by the City Council of the City of Oceanside, California,
7 this _____ day of _____, 2009, by the following vote:

- 8
- 9 AYES:
- 10 NAYS:
- 11 ABSENT:
- 12 ABSTAIN:

13 _____
MAYOR OF THE CITY OF OCEANSIDE

14

15 ATTEST:

APPROVED AS TO FORM:

16

17 _____
CITY CLERK

18 
CITY ATTORNEY