

THE CITY OF SAN DIEGO
REPORT TO THE CITY COUNCIL

DATE ISSUED:

REPORT NO.

ATTENTION:

Land Use and Housing Committee
June 17, 2009

SUBJECT:

Exempting the City of San Diego from the requirements of the
Congestion Management Program

REQUESTED ACTION:

Adopt a Resolution authorizing the City of San Diego to request SANDAG to exempt the region from the Congestion Management Program

STAFF RECOMMENDATION:

Adopt the Resolution

BACKGROUND:

SANDAG is required by state law to prepare and regularly update a 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 were 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. 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 its funds withheld due to lack of compliance with the state CMP. For the City of San Diego this apportionment was approximately \$6 million in FY08.

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.

CMP Requirements

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

**Table 1
CMP System Roadways
Fully or Partially within City of San Diego Jurisdiction**

CMP Freeways:
Interstate 5: Orange County Line to United States/Mexico Border
Interstate 8: Nimitz Boulevard to Imperial County Line
Interstate 15: Riverside County Line to I-5
Interstate 805: I-5 (North) to I-5 (South)
State Route 52: I-5 to SR 125
State Route 56: I-5 to I-15
State Route 94: I-5 to Avocado Boulevard
State Route 125: SR 905 to San Miguel Road
State Route 163: I-15 to I-5
State Route 905: Oro Vista to Otay Mesa Road
CMP Arterials:
Scripps Poway Parkway: I-15 to SR 67
La Jolla Village Drive/Miramar Road: I-5 to I-15
Balboa Avenue: I-5 to I-15
Sea World Drive/Friars Road/Mission Gorge/Woodside Avenue: I-5 to SR 67
Nimitz Boulevard/North Harbor Drive/Grape Hawthorne St./Pacific Highway/Harbor Drive: I-8 to I-5
Otay Mesa Road-Interim State Route 905: SR 905 (West) to SR 905 (East)

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 who, 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

Based upon the data collected and the LOS analysis, individual roadway segments that do not meet the CMP standard LOS E require the creation of a Deficiency Plan within 12 months of the identification of the deficiencies. A Deficiency Plan is a study that identifies the LOS of the roadway segment(s) and potential mitigations for those segments operating at a LOS lower than LOS E. Under state law, the local jurisdiction in which the deficiency occurs is responsible for the preparation of the Deficiency Plan for each deficient segment. This includes Deficiency Plans for freeways within the City limits.

If the local agency does not comply with these requirements, the legislation states that an apportionment of the City's gas tax could be withheld (approximately \$6 million in FY08).

In November 2008, SANDAG adopted the 2008 CMP Update. The resulting deficient segments within the City of San Diego that require Deficiency Plans are shown in Table 2.

**Table 2
2008 CMP Roadway Segments Requiring Deficiency Plans**

CMP Route	Limits	Affected Local Jurisdiction
<u>Freeways</u>		
Interstate 5	SR 54 to Pacific Highway Ramp	Cities of San Diego and National City
	Mission Bay Drive to Gilman Drive	City of San Diego
Interstate 8	I-5 to El Cajon Boulevard	Cities of San Diego and La Mesa
<u>Interstate 15</u>		
	I-8 to Balboa Avenue	City of San Diego
	SR 163 to Miramar Road	City of San Diego
State Route 52	I-5 to I-805	City of San Diego
State Route 94	I-5 to College Avenue	City of San Diego
State Route 163	Ash Street to Friars Road	City of San Diego
<u>Arterials</u>		
Miramar Road	Black Mountain Road to I-15	City of San Diego
North Harbor Drive	Laurel Street to Hawthorne Street	City of San Diego

The City of San Diego is currently required to complete Deficiency Plans for each of the ten segments identified in Table 2 by November 2009. Each Deficiency Plan is estimated to cost approximately \$60,000 to \$100,000 for a total cost of \$600,000 to \$1,000,000 for the ten segments indicated in Table 2.

Impacts of Exemption from the CMP

If the City is exempt from the CMP, SANDAG is still required to comply with federal congestion management provisions. Federal guidelines are more flexible than the state CMP requirements and utilize the Regional Transportation Plan (RTP) as the primary tool to provide solutions for regional congestion. The RTP analyzes the transportation system throughout the region and identifies existing and future LOS deficiencies. If the region 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. Our City Attorney has also stated that our gas tax allocation will not be affected by the City exercising the option of opting out of the CMP.

SUMMARY: Opting out of the state CMP process would have the following benefits:

- Relieve the City of a mandate to use one measure (LOS) to determine roadway deficiencies,
- Eliminate the City's risk of losing millions of dollars of transportation funds if the City does not comply with the CMP requirements.
- Eliminate duplication of identifying transportation deficiencies (CMP, the City's Financing Plans, Community Plans, Corridor Studies, Needs List, and SANDAGs RTP and Performance Monitoring plans). The RTP will continue to identify deficiencies of major arterials, freeways and highways.
- Eliminate the need for the City to prepare and adopt Deficiency Plans for arterials, highways and freeways at a cost of \$600,000 to \$1,000,000 . Caltrans will continue to monitor freeways.

FISCAL CONSIDERATIONS:

Adopting this Resolution would result in eliminating the need for the City to prepare and adopt Deficiency Plans for arterials, highways and freeways at a cost of \$600,000 to \$1,000,000.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

None

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On May 1, 2009 the SANDAG Transportation Committee recommended that the SANDAG Board of Directors direct staff to work with local jurisdictions to prepare resolutions electing to opt out of the State Congestion Management Program.

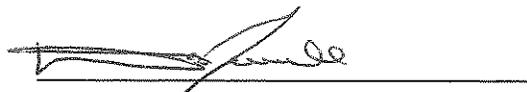
On May 8, 2009, the SANDAG Board of Directors directed staff to work with local jurisdictions to prepare resolutions electing to opt out of the State Congestion Management Program.

KEY STAKEHOLDERS & PROJECTED IMPACTS

SANDAG, County of San Diego, each of the 18 City's within the San Diego Region including the City of San Diego.



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