

**RESOLUTION NO. 92-32**

**A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF EL PASO DE ROBLES  
SUPPORTING THE DESIGNATION OF THE SAN LUIS OBISPO  
AREA COORDINATING COUNCIL AS THE CONGESTION  
MANAGEMENT AGENCY FOR SAN LUIS OBISPO COUNTY**

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**WHEREAS**, as a result of the 1990 census, San Luis Obispo County now contains an urbanized area with a population of more than 50,000, which requires establishment of a Congestion Management Program (CMP); and

**WHEREAS**, State law requires that the County Board of Supervisors and the City Councils of a majority of the Cities representing a majority of the population of the incorporated area of the County adopt resolutions designating a Congestion management Agency; and

**WHEREAS**, the San Luis Obispo Area Coordinating Council (hereinafter known as the Area Council) is the designated Regional Transportation Planning Agency (RTPA) for the San Luis Obispo region; and

**WHEREAS**, Area Council delegates include the five members of the County Board of Supervisors and an elected official from each of the seven incorporated cities in the county; and

**WHEREAS**, the Area Council will, as the designated Metropolitan Planning Organization (MPO), be eligible for Federal Planning funds which can be used to prepare the CMP; and

**WHEREAS**, the Area Council reviewed such designation with the City/County Managers Group, received a unanimous recommendation from the interjurisdictional Technical Transportation Advisory Committee, and on December 4, 1991 unanimously recommended that each City and the County designate the Area Council as the CMA for the County; and

**WHEREAS**, it is the desire of San Luis Obispo County that the Area Council be the designated Congestion Management Agency.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of El Paso de Robles hereby support the designation of the San Luis Obispo Area Coordinating Council as the Congestion Management Agency for San Luis Obispo County.

**PASSED AND ADOPTED** by the City Council of the City of El Paso de Robles,  
this 18th day of February, 1992, on the following vote:

AYES: Martin, Picanco, Reneau, Russell and Iversen  
NOES: None  
ABSENT: None

  
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Christian E. Iversen, Mayor

ATTEST:

  
\_\_\_\_\_  
Richard J. Ramirez, City Clerk

1-10-42

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AGENDA ITEM #

DATE

( ) APPROVED ( ) DENIED

( ) CONTINUED TO

**SAN LUIS OBISPO AREA COORDINATING COUNCIL**

**STAFF REPORT**

<b>MEETING DATE:</b>  <b>SUBJECT: URBANIZED COUNTY DESIGNATION</b>
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**SUMMARY**

The Area Council has long been designated the Regional Transportation Planning Agency for the County. As a result of San Luis Obispo City and an adjacent contiguous unincorporated area exceeding a population of 50,000, the county is now defined as urbanized and must meet more rigorous State and Federal planning requirements, in order to receive State and Federal transportation funding. A Metropolitan Planning Organization (MPO) must be formed to assume these transportation planning and programming responsibilities. No action would result in the loss of all existing and prospective federal, state and local transportation revenues to the region and all local jurisdictions.

**RECOMMENDATION**

The San Luis Obispo Area Coordinating Council on December 4th unanimously supported designating itself as the MPO for the region and directed staff to distribute draft staff reports and resolutions to all jurisdictions soliciting their support to designate the Area Council as the MPO for the region for transportation purposes.

**DISCUSSION**

The county is now defined as an Urban County, which requires the designation of a Metropolitan Planning Organization (MPO) to comply with State and Federal requirements for a specified continuing, cooperative, and comprehensive transportation planning process. Contacts with the U.S. Census have noted that the urbanized status designation, for all intents and purposes, is final. Local participation is neither invited nor required; nor has any such designation ever been revoked.

As a result of this finding, the Governor is required by Federal Law to designate an MPO to meet federal planning and programming requirements. In general this results in some additional requirements above and beyond those presently conducted by the Area Council acting as the RTPA for the region. Unless further requested, the Governor would designate the existing RTPA as the MPO for the county. There does not appear to be any other organization that could assume these responsibilities in San Luis Obispo County.

**Benefits and Requirements.**

The following identifies the major benefits and requirements associated with becoming an Urban County as they affect transportation funding, planning and programming.

### Funding.

1. San Luis Obispo City will change from an Urban Mass Transportation Assistance (UMTA) Section 18 potential rural grant recipient to an UMTA Section 9 urban recipient. This change entitles the City to \$300,000 to \$600,000 annually in Section 9 funds (exact amount to be determined based upon the new federal Transportation Act). This change will also benefit all other jurisdictions by eliminating SLO City as an eligible UMTA Section 18 grant recipient.
2. The Area Council will become eligible for \$140,000 to \$280,000 per year in additional federal planning funds (Amount to be determined based upon the new federal Transportation Act). This funding is earmarked to the MPO to fulfill federally approved work programs required to meet state and federal planning and programming requirements. This funding is expected to be sufficient to meet all additional state and federal planning requirements and hopefully reduce the amount of local TDA funds presently used for these purposes.
3. The Area Council will become eligible for apportioned UMTA Section 8 funding for transit planning in the amount of \$20,000 to \$30,000 annually. Presently the Area Council must compete statewide for such funding and typically receives between \$10,000 to \$15,000 annually.
4. All jurisdictions are now eligible for a new source of state funding, Transportation Systems Management funding. This funding is allocated annually by Caltrans on a competitive basis for low-cost "system improvements" such as street and road channelization, traffic signals, etc. To be eligible for such funding all projects must be derived from an approved countywide Congestion Management Plan (a new requirement discussed below).

### Planning and Programming.

5. Federal law requires designation of a Metropolitan Planning Organization to fulfill additional State and Federal transportation planning and programming responsibilities. These include developing continuous, comprehensive and cooperative intergovernmental planning and programming process. This process is currently undertaken by the Area Council acting as the RTPA for the region.
6. An Overall Work Program (OWP) and budget must be prepared identifying all tasks, products, manpower and schedules for the upcoming fiscal year in conformance with State and Federal guidelines and requirements. To be eligible for any funding in FY 92/93 the OWP must be submitted by February 15, 1992. The OWPs and budgets are presently developed to largely satisfy these requirements.
7. All federal transportation funding must now be included in a Transportation Improvement Program (TIP), including highway projects, UMTA transit grants, and Federal Aid Urban (FAU), Federal Aid Secondary (FAS) and Combined Road Program (CRP) funds. Previously, all these funds were requested through a variety of means independent of one another. These fund requests must now be requested concurrently in a comprehensive capital improvement program.

Highway Funding. Previously, the Area Council legally responded to projects proposed by Caltrans. As a result of MPO designation this process is reversed for certain categories of funding, and Caltrans must now respond to recommendations made by the Area Council. All jurisdictions are also entitled to a new source of funding for Transportation System Management (TSM) projects

Transit Grants. Previously, all transit grants were reviewed, prioritized, and approved annually by the Area Council. As an MPO, such grants would have to be considered concurrently with all street, road and highway projects in the TIP.

Combined Road Program Funds. Previously these funds were allocated annually by an CRP Committee consisting of the Engineers of each jurisdiction. As an MPO, all CRP projects must be in the TIP which would be approved by the MPO governing board. The CRP Committee could remain as an advisory body. The final outcome of these funds and the committee is subject to the new federal Surface Transportation Act (information is currently not available).

8. Federal law requires that the Transportation Improvement Program (TIP) be in conformity with the State Implementation Plan (SIP), as required by the Federal Clean Air Act. Recent court cases have required a quantitative rather than qualitative analysis, resulting in the need to prepare a comprehensive traffic/air quality emission model, to certify all transportation projects will not adversely affect attainment of Federal clean air standards. This is a significant new requirement. The national Environmental Protection Agency (EPA) is drafting implementing regulations. It is unclear at this time what kind of review process would be required for counties such as SLO that currently meets federal clean air standards.

#### Administrative.

9. In addition to OWP and budgetary requirements, federal law also necessitates that the prospective MPO's accounting and budgetary system complies with all Federal requirements. Additionally, an Indirect Cost Negotiation Agreement must be executed between the Federal Highway Administration (FHWA) in order to charge indirect costs to Federal Planning funds.
10. A Memorandum of Understanding (MOU) must be executed between the proposed MPO and Caltrans outlining new roles and responsibilities.
11. Finally, a Disadvantaged, Women, and Veterans Business Enterprise Plan and goals must be submitted if the MPO intends to use Federal Planning funds to contract for services.

Other Programs. Achieving urban county status also affects regional housing programs in that the City of San Luis Obispo will be eligible for "entitlement" status under the federal Department of Housing and Urban Development's regulations. This will allow the city to receive direct annual grants from the Community Development Block Grant (CDBG) Program, rather than requiring it to compete with other rural cities and counties in the state for grants. The region's health system is also assisted since urbanized status provides for increases in the eligibility of the area for urbanized health program funding. The designation of the Area Council as the MPO would have no effect on non-transportation related programs.

## **ALTERNATIVES**

Several alternative actions are available for consideration, including: no action; delay designation of the Area Council as the MPO and CMA; or designation of another organization as the MPO. As noted below, the costs and risks are too high to delay an action or designate any agency other than the Area Council as the MPO.

**No action** - Choosing this alternative would result in the region being ineligible to receive \$140,000+ in Federal transportation planning (PL) funding, and another \$20,000+ in UMTA transit funding, and SLO City being ineligible to receive over \$300,000 in transit. It may also jeopardize all other local, state and federal and funding since we would not have a comprehensive planning process consistent with state and federal law. Local funds consist of TDA funds in excess of \$4.5 million per year, and CRP (formerly FAU & FAS) in excess of \$2 million per year, and funding for major highway projects.

**Delay Action** - To be eligible for any Federal funding in the upcoming fiscal year (FY 92/93), Federal law requires submittal of an approved Overall Work Program (OWP), consistent with Federal standards, to be submitted to the State and FHWA by February 15th, 1992. A one year delay would also not allow sufficient time to complete a Congestion Management Program, which is required to be complete by December, 1994 to be able to request additional State highway projects in the STIP and for all jurisdictions in the region to receive the increased gas tax revenue authorized by AB471 (1990).

**Designate the Area Council as the MPO** - The Area Council is the designated Council of Governments (COG) and Regional Transportation Planning Agency (RTPA) for the county. It develops an annual Overall Work Program (OWP) and budget for transportation planning, carries out a regional transportation planning process, and develops a Regional Transportation Plan (RTP), in compliance with State requirements that are substantially similar to Federal requirements. The jurisdictions could create another agency for these purposes and split responsibilities with the Area Council, but this would result in duplication of work and funding. Caltrans has indicated that it would oppose designation of any organization other than the Area Council.

Staff Report Prepared by  
Ronald De Carli, Executive Director  
San Luis Obispo Area Coordinating Council

# SAN LUIS OBISPO AREA COORDINATING COUNCIL

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## STAFF REPORT

**MEETING DATE:**

**SUBJECT: DESIGNATION OF AREA COUNCIL AS THE CONGESTION  
MANAGEMENT AGENCY (CMA) FOR THE REGION**

### SUMMARY

As a result of the passage in 1989 of AB471 every county that includes an urbanized area (an area with more than 50,000 people) is required to establish a Congestion Management Agency (CMA) and develop, adopt and annually update a Congestion Management Program (CMP) which includes every city and the county. Any county that has an urbanized area identified in the 1990 census, as was San Luis Obispo County, is required to prepare a CMP. State law requires that the program be developed in consultation with, and with the cooperation of, the transportation planning agency, regional transportation providers, local governments, Caltrans, and the air pollution control district.

The CMP can be prepared either by a county transportation commission, or by another public agency, as designated by resolutions adopted by the county board of supervisors and the city councils of a majority of the cities representing a majority of the population in the incorporated area of the county.

### DISCUSSION

In approving AB471 the California Legislature found and declared the following:

1. Although California's economy is critically dependent upon transportation, its current transportation system relies primarily upon a street and highway system designed to accommodate far fewer vehicles than are currently using the system.
2. California's transportation system is characterized by fragmented planning, both among jurisdictions involved and among the means of available transport.
3. The lack of an integrated system and the increase in the number of vehicles are causing traffic congestion that each day results in hours lost in traffic, tons of pollutants released in the air we breath, and millions of dollars of added costs to the motoring public.
4. To keep California moving, all methods and means of transport between major destinations must be coordinated to connect our vital economic and population centers.

5. In order to develop the California economy to its full potential, it is intended that federal, state, and local agencies join with transit districts, business, private and environmental interests to develop and implement comprehensive strategies needed to develop appropriate responses to transportation needs.

**By state law the Congestion Management Program shall contain five primary elements, including:**

1. Traffic level of service standards established for a system of highways and roadways designated by the CMA. The system shall include at a minimum all state highways and principal arterials. No highway or roadway designated as part of the system shall be removed from the system, and all new state highways or principal arterials must be added to the system. Level of service shall be measured by Circular 212, the Highway Capacity Manual (HCM), or by a uniform methodology consistent with the HCM.
2. Transit standards established for the frequency and routing of public transit, and for the coordination of transit service provided by separate operators.
3. A trip reduction and travel demand element that promotes alternative transportation methods, such as carpools, vanpools, transit, bicycles, and park-and-ride lots; improvements in the balance between jobs and housing; and other strategies, including flexible work hours and parking management programs.
4. A program to analyze the impacts of land use decisions made by local jurisdictions on regional transportation systems, including an estimate of the costs associated with mitigating those impacts. In no case shall the program include an estimate of the costs of mitigating the impacts of interregional travel. The program shall provide credit for local and private contributions to improvements to the regional transportation systems.
5. A seven-year capital improvement program to maintain or improve the traffic level of service and transit performance standards, and to mitigate regional transportation impacts, which conforms to transportation related vehicle emissions air quality mitigation measures.

**Traffic Modeling** - The state law further requires that the Congestion Management Agency (CMA) develop, in consultation with the regional agency, cities, and the county, a uniform data base on traffic impacts for use in a countywide transportation computer model and shall approve transportation computer models of specific areas within the county that will be used by local jurisdictions to determine the quantitative impacts of development on the circulation system that are based on the countywide model and standardized modeling assumptions and conventions. The computer models and data bases shall be consistent with the modeling methodology and data bases adopted by the regional planning agency.

**Regional Agency Review** - Congestion management programs shall be submitted to the Regional Transportation Planning Agency (RTPA), which shall evaluate the consistency between the program and the Regional Transportation Plan (RTP). The RTPA shall, upon finding that the CMP is consistent, incorporate the program into the Regional Transportation Improvement Program (RTIP). If the RTPA finds that the program is inconsistent, it may exclude any project in the CMP from inclusion in the RTIP.

**Monitoring of Implementation** - The CMA shall monitor the implementation of all elements of the CMP. Annually, the agency shall determine if the county and cities are conforming to the CMP, including, but not limited to the following:

1. Consistency with levels of service and performance standards, except under certain circumstances.
2. Adoption and implementation of a trip reduction and travel demand ordinance.
3. Adoption and implementation of a program to analyze the impacts of land use decisions, including the estimate of the costs associated with mitigating these impacts.

The CMA shall, after consultation with the RTPA, Caltrans, and the local air pollution control district, exclude from the determination of conformance with level of service standards, the impacts of any of the following: interregional travel; construction, rehabilitation, or maintenance of facilities that impact the system; freeway ramp metering; traffic signal coordination; and traffic generated by the provision of low and very low income housing.

If, pursuant to the annual monitoring, the agency determines, following a noticed public hearing, that a city or the county is not conforming with the requirements of the CMP, the agency shall notify the city or county in writing of the specific areas of nonconformance. If, within 90 days of the receipt of the written notice of nonconformance, the city or county has not come into conformance with the CMP, the governing body of the agency shall make a finding of nonconformance and shall submit the finding to the California Transportation and the State Controller. Upon receiving notice from the agency of nonconformance, the Controller shall withhold apportionments of funds required to be apportioned to that nonconforming city or county until the controller is notified by the agency that the city or county is in conformance.

## **CONCLUSION**

There are several alternatives to choose from in establishing the Congestion Management Agency. In addition to the Area Council, which is recommended by staff as the most appropriate agency, the County could be given the authority or an entire other agency could be established. Given that the Area Council has functioned for many years as the Regional Transportation Planning Agency, that it includes delegates from all jurisdictions, and that as a result of the 1990 census it will become a Metropolitan Planning Organization (MPO) with access to funding necessary to prepare the CMP, staff recommends designation of the Area Council as the CMA.