

ASSEMBLY BILL

No. 1098

Introduced by Assembly Member Bloom

February 27, 2015

An act to amend Section 65089 of the Government Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1098, as introduced, Bloom. Transportation: congestion management.

Existing law requires a congestion management plan to be developed, adopted, and updated biennially by a designated agency for every county that includes an urbanized area.

This bill would make nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 65089 of the Government Code is
2 amended to read:
3 65089. (a) A congestion management program shall be
4 developed, adopted, and updated biennially, consistent with the
5 schedule for adopting and updating the regional transportation
6 improvement program, for every county that includes an urbanized
7 area, and shall include every city and the county. The program
8 shall be adopted at a noticed public hearing of the agency. The
9 program shall be developed in consultation with, and with the
10 cooperation of, the transportation planning agency, regional

1 transportation providers, local governments, the department, and
2 the air pollution control district or the air quality management
3 district, either by the county transportation commission, or by
4 another public agency, as designated by resolutions adopted by
5 the county board of supervisors and the city councils of a majority
6 of the cities representing a majority of the population in the
7 incorporated area of the county.

8 (b) The program shall contain all of the following elements:

9 (1) (A) Traffic level of service standards established for a
10 system of highways and roadways designated by the agency. The
11 highway and roadway system shall include at a minimum all state
12 highways and principal arterials. No highway or roadway
13 designated as a part of the system shall be removed from the
14 system. All new state highways and principal arterials shall be
15 designated as part of the system, except when it is within an infill
16 opportunity zone. Level of service (LOS) shall be measured by
17 Circular 212, by the most recent version of the Highway Capacity
18 Manual, or by a uniform methodology adopted by the agency that
19 is consistent with the Highway Capacity Manual. The
20 determination as to whether an alternative method is consistent
21 with the Highway Capacity Manual shall be made by the regional
22 agency, except that the department instead shall make this
23 determination if either (i) the regional agency is also the agency,
24 as those terms are defined in Section 65088.1, or (ii) the department
25 is responsible for preparing the regional transportation
26 improvement plan for the county.

27 (B) In no case shall the LOS standards established be below the
28 level of service E or the current level, whichever is farthest from
29 level of service A except when the area is in an infill opportunity
30 zone. When the ~~level of service~~ *LOS* on a segment or at an
31 intersection fails to attain the established level of service standard
32 outside an infill opportunity zone, a deficiency plan shall be
33 adopted pursuant to Section 65089.4.

34 (2) A performance element that includes performance measures
35 to evaluate current and future multimodal system performance for
36 the movement of people and goods. At a minimum, these
37 performance measures shall incorporate highway and roadway
38 system performance, and measures established for the frequency
39 and routing of public transit, and for the coordination of transit
40 service provided by separate operators. These performance

1 measures shall support mobility, air quality, land use, and economic
2 objectives, and shall be used in the development of the capital
3 improvement program required pursuant to paragraph (5),
4 deficiency plans required pursuant to Section 65089.4, and the
5 land use analysis program required pursuant to paragraph (4).

6 (3) A travel demand element that promotes alternative
7 transportation methods, including, but not limited to, carpools,
8 vanpools, transit, bicycles, and park-and-ride lots; improvements
9 in the balance between jobs and housing; and other strategies,
10 including, but not limited to, flexible work hours, telecommuting,
11 and parking management programs. The agency shall consider
12 parking cash-out programs during the development and update of
13 the travel demand element.

14 (4) A program to analyze the impacts of land use decisions made
15 by local jurisdictions on regional transportation systems, including
16 an estimate of the costs associated with mitigating those impacts.
17 This program shall measure, to the extent possible, the impact to
18 the transportation system using the performance measures
19 described in paragraph (2). In no case shall the program include
20 an estimate of the costs of mitigating the impacts of interregional
21 travel. The program shall provide credit for local public and private
22 contributions to improvements to regional transportation systems.
23 However, in the case of toll road facilities, credit shall only be
24 allowed for local public and private contributions which are
25 unreimbursed from toll revenues or other state or federal sources.
26 The agency shall calculate the amount of the credit to be provided.
27 The program defined under this section may require
28 implementation through the requirements and analysis of the
29 California Environmental Quality Act (*Division 13 (commencing*
30 *with Section 21000) of the Public Resources Code*), in order to
31 avoid duplication.

32 (5) A seven-year capital improvement program, developed using
33 the performance measures described in paragraph (2) to determine
34 effective projects that maintain or improve the performance of the
35 multimodal system for the movement of people and goods, to
36 mitigate regional transportation impacts identified pursuant to
37 paragraph (4). The program shall conform to transportation-related
38 vehicle emission air quality mitigation measures, and include any
39 project that will increase the capacity of the multimodal system.
40 It is the intent of the Legislature that, when roadway projects are

1 identified in the program, consideration be given for maintaining
2 bicycle access and safety at a level comparable to that which
3 existed prior to the improvement or alteration. The capital
4 improvement program may also include safety, maintenance, and
5 rehabilitation projects that do not enhance the capacity of the
6 system but are necessary to preserve the investment in existing
7 facilities.

8 (c) The agency, in consultation with the regional agency, cities,
9 and the county, shall develop a uniform data base on traffic impacts
10 for use in a countywide transportation computer model and shall
11 approve transportation computer models of specific areas within
12 the county that will be used by local jurisdictions to determine the
13 quantitative impacts of development on the circulation system that
14 are based on the countywide model and standardized modeling
15 assumptions and conventions. The computer models shall be
16 consistent with the modeling methodology adopted by the regional
17 planning agency. The data bases used in the models shall be
18 consistent with the data bases used by the regional planning agency.
19 Where the regional agency has jurisdiction over two or more
20 counties, the data bases used by the agency shall be consistent with
21 the data bases used by the regional agency.

22 (d) (1) The city or county in which a commercial development
23 will implement a parking cash-out program that is included in a
24 congestion management program pursuant to subdivision (b), or
25 in a deficiency plan pursuant to Section 65089.4, shall grant to
26 that development an appropriate reduction in the parking
27 requirements otherwise in effect for new commercial development.

28 (2) At the request of an existing commercial development that
29 has implemented a parking cash-out program, the city or county
30 shall grant an appropriate reduction in the parking requirements
31 otherwise applicable based on the demonstrated reduced need for
32 parking, and the space no longer needed for parking purposes may
33 be used for other appropriate purposes.

34 (e) Pursuant to the federal Intermodal Surface Transportation
35 Efficiency Act of 1991 and regulations adopted pursuant to the
36 act, the department shall submit a request to the Federal Highway
37 Administration Division Administrator to accept the congestion

- 1 management program in lieu of development of a new congestion
- 2 management system otherwise required by the act.

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