

Assembly Bill No. 2419

CHAPTER 293

An act to amend Sections 65082, 65089, and 65089.3 of, and add Section 65088.3 to, the Government Code, relating to transportation.

[Approved by Governor July 25, 1996. Filed with Secretary of State July 25, 1996.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2419, Bowler. Transportation: congestion management programs.

(1) Existing law requires the development, adoption, and updating of a congestion management program for each county that includes an urbanized area. Existing law requires congestion management programs to be incorporated into the regional transportation improvement program by December 15 of each odd-numbered year.

This bill would provide that this incorporation requirement does not apply in those counties that do not prepare a congestion management program in accordance with existing law.

(2) Under existing law, a congestion management program is required to contain specified elements.

This bill would delete the trip reduction element and would make corresponding changes.

(3) Under existing law, a congestion management program is required to be developed for specified counties and include every city and the county. The program is required to be developed and adopted by the county transportation commission or by another public agency designated by the county board of supervisors and the city councils of a majority of cities representing a majority of the population in the incorporated area of the county.

This bill would make those requirements inapplicable in a county in which a majority of local governments, collectively comprised of the city councils and the county board of supervisors which, in total, represent a majority of the population of the county, adopt resolutions electing to be exempt from the congestion management program.

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

SECTION 1. Section 65082 of the Government Code is amended to read:

65082. (a) A seven-year regional transportation improvement program shall be prepared, adopted, and submitted to the California



Transportation Commission on or before December 15 of each odd-numbered year, updated every two years, pursuant to Sections 65080 and 65080.5 and the guidelines adopted pursuant to Section 14530.1, to include projects and programs proposed to be funded, in whole or in part, by funds which are any of the following:

(1) For flexible congestion relief projects, as defined in Section 164.2 of the Streets and Highways Code.

(2) For urban rail transit and commuter rail projects.

Major projects shall include an escalated current cost updated to at least November 1 of the year of submittal, and be listed by relative priority, taking into account need, delivery milestone dates, as defined in Section 14525.5, and the availability of funding.

(b) Congestion management programs adopted pursuant to Section 65089 shall be incorporated into the regional transportation improvement program submitted to the commission by December 15 of each odd-numbered year.

(c) The incorporation of the congestion management program into the regional transportation improvement program required to be submitted to the commission by December 1, 1991, may be delayed for a period not to exceed one year if an environmental impact report is required to be prepared for the congestion management program pursuant to Division 13 (commencing with Section 21000) of the Public Resources Code, and the following conditions are met:

(1) The agency, as defined by Section 65088.1, adopts written findings that the congestion management program cannot be incorporated into the regional transportation improvement program by December 1, 1991, due to the time required to prepare an environmental impact report pursuant to Division 13 (commencing with Section 21000) of the Public Resources Code.

(2) The agency adopts a schedule for development of the congestion management program that will result in its adoption no later than December 1, 1992, and submits a report to the Legislature by July 1, 1992, on the progress of complying with this section.

(3) The agency, county, and cities take every action necessary to assure the congestion management program will be adopted by December 1, 1992.

(d) If the incorporation of the congestion management program into the regional transportation improvement program is delayed pursuant to subdivision (c), both of the following shall apply:

(1) Any project included in the state transportation improvement program or the traffic systems management program prior to December 1, 1992, which is otherwise required to be included in the congestion management program, pursuant to subdivision (e), but which is not included in the congestion management program to be incorporated into the regional transportation improvement program pursuant to subdivision (b), shall be deleted from the state



transportation improvement program or the traffic systems management program.

(2) Local projects which are otherwise required to be included in the congestion management program, pursuant to subdivision (e), may be included in the regional transportation improvement program to be submitted to the California Transportation Commission by December 1, 1991. Any local project which is included in the regional transportation improvement program after December 1, 1991, but prior to December 1, 1992, which is otherwise required to be included in the congestion management program, but which is not included in the congestion management program to be incorporated into the regional transportation improvement program pursuant to subdivision (b), shall be deleted from the regional transportation improvement program.

(e) Local projects not included in a congestion management program shall not be included in the regional transportation improvement program. Projects and programs adopted pursuant to subdivision (a) shall be consistent with the seven-year capital improvement program adopted pursuant to paragraph (5) of subdivision (b) of Section 65089, and the guidelines adopted pursuant to Section 14530.1.

(f) Other projects may be included in the regional transportation improvement program if listed separately.

(g) Unless a county not containing urbanized areas of over 50,000 population notifies the Department of Transportation by July 1 that it intends to prepare a regional transportation improvement program for that county, the department shall, in consultation with the affected local agencies, prepare the program for all counties for which it prepares a regional transportation plan.

(h) The regional transportation improvement program may not change the project delivery milestone date of any state project as shown in the prior adopted state transportation program without the consent of the department or other agency responsible for the project delivery.

(i) The requirements for incorporating a congestion management program into a regional transportation improvement program specified in this section do not apply in those counties that do not prepare a congestion management program in accordance with Section 65088.3.

SEC. 2. Section 65089 of the Government Code is amended to read:

65089. (a) A congestion management program shall be developed, adopted, and updated biennially, consistent with the schedule for adopting and updating the regional transportation improvement program, for every county that includes an urbanized area, and shall include every city and the county. The program shall be adopted at a noticed public hearing of the agency. The program



shall be developed in consultation with, and with the cooperation of, the transportation planning agency, regional transportation providers, local governments, the department, and the air pollution control district or the air quality management district, either by the 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.

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

(1) (A) Traffic level of service standards established for a system of highways and roadways designated by the agency. The highway and roadway system shall include at a minimum all state highways and principal arterials. No highway or roadway designated as a part of the system shall be removed from the system. All new state highways and principal arterials shall be designated as part of the system. Level of service (LOS) shall be measured by Circular 212, by the most recent version of the Highway Capacity Manual, or by a uniform methodology adopted by the agency that is consistent with the Highway Capacity Manual. The determination as to whether an alternative method is consistent with the Highway Capacity Manual shall be made by the regional agency, except that the department instead shall make this determination if either (i) the regional agency is also the agency, as those terms are defined in Section 65088.1, or (ii) the department is responsible for preparing the regional transportation improvement plan for the county.

(B) In no case shall the LOS standards established be below the level of service E or the current level, whichever is farthest from level of service A. When the level of service on a segment or at an intersection fails to attain the established level of service standard, a deficiency plan shall be adopted pursuant to Section 65089.4.

(2) A performance element that includes performance measures to evaluate current and future multimodal system performance for the movement of people and goods. At a minimum, these performance measures shall incorporate highway and roadway system performance, and measures established for the frequency and routing of public transit, and for the coordination of transit service provided by separate operators. These performance measures shall support mobility, air quality, land use, and economic objectives, and shall be used in the development of the capital improvement program required pursuant to paragraph (5), deficiency plans required pursuant to Section 65089.4, and the land use analysis program required pursuant to paragraph (4).

(3) A travel demand element that promotes alternative transportation methods, including, but not limited to, carpools, vanpools, transit, bicycles, and park-and-ride lots; improvements in the balance between jobs and housing; and other strategies, including, but not limited to, flexible work hours, telecommuting,



and parking management programs. The agency shall consider parking cash-out programs during the development and update of the travel demand element.

(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. This program shall measure, to the extent possible, the impact to the transportation system using the performance measures described in paragraph (2). 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 public and private contributions to improvements to regional transportation systems. However, in the case of toll road facilities, credit shall only be allowed for local public and private contributions which are unreimbursed from toll revenues or other state or federal sources. The agency shall calculate the amount of the credit to be provided. The program defined under this section may require implementation through the requirements and analysis of the California Environmental Quality Act, in order to avoid duplication.

(5) A seven-year capital improvement program, developed using the performance measures described in paragraph (2) to determine effective projects that maintain or improve the performance of the multimodal system for the movement of people and goods, to mitigate regional transportation impacts identified pursuant to paragraph (4). The program shall conform to transportation-related vehicle emission air quality mitigation measures, and include any project that will increase the capacity of the multimodal system. It is the intent of the Legislature that, when roadway projects are identified in the program, consideration be given for maintaining bicycle access and safety at a level comparable to that which existed prior to the improvement or alternation. The capital improvement program may also include safety, maintenance, and rehabilitation projects that do not enhance the capacity of the system but are necessary to preserve the investment in existing facilities.

(c) The agency, in consultation with the regional agency, cities, and the county, shall develop 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 shall be consistent with the modeling methodology adopted by the regional planning agency. The data bases used in the models shall be consistent with the data bases used by the regional planning agency. Where the regional agency has jurisdiction over two or more



counties, the data bases used by the agency shall be consistent with the data bases used by the regional agency.

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

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

(e) Pursuant to the federal Intermodal Surface Transportation Efficiency Act of 1991 and regulations adopted pursuant to the act, the department shall submit a request to the Federal Highway Administration Division Administrator to accept the congestion management program in lieu of development of a new congestion management system otherwise required by the act.

SEC. 3. Section 65089.3 of the Government Code is amended to read:

65089.3. The agency shall monitor the implementation of all elements of the congestion management program. The department is responsible for data collection and analysis on state highways, unless the agency designates that responsibility to another entity. The agency may also assign data collection and analysis responsibilities to other owners and operators of facilities or services if the responsibilities are specified in its adopted program. The agency shall consult with the department and other affected owners and operators in developing data collection and analysis procedures and schedules prior to program adoption. At least biennially, the agency shall determine if the county and cities are conforming to the congestion management program, including, but not limited to, all of the following:

(a) Consistency with levels of service standards, except as provided in Section 65089.4.

(b) 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.

(c) Adoption and implementation of a deficiency plan pursuant to Section 65089.4 when highway and roadway level of service standards are not maintained on portions of the designated system.

SEC. 4. Section 65088.3 is added to the Government Code, to read:

65088.3. This chapter does not apply in a county in which a majority of local governments, collectively comprised of the city



councils and the county board of supervisors, which in total also represent a majority of the population in the county, each adopt resolutions electing to be exempt from the congestion management program.

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