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PROPOSITION 111 AND CONGESTION MANAGEMENT PROGRAMS:
A CASE OF OVER-BUREAUCRATIZATION

A Project
Presented to the
Faculty of
California State University,
San Bernardino

In Partial Fulfillment
of the Requirements for the Degree
Master of Public Administration

by
Scott Richard Priester

December 1993

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Approved by:



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11/30/93

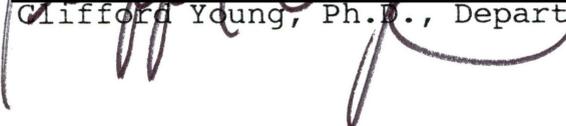
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ABSTRACT

Government has long been defined as bureaucratic. This was no more evident than the 1992 presidential election, when presidential candidate Ross Perot prophesized how much better government would be with a businessman in the White House. As an employee of what I consider to be one of the least bureaucratic and perhaps most conservative jurisdictions in Southern California, Victorville, I have been involved in the process of creating a congestion management program (CMP) in San Bernardino County. A creation of the State legislature as a "tag on" to Proposition 111, passage of the Proposition in 1990 mandated the implementation of Assembly Bill 1791 which created CMP. Based on the evidence presented in this investigation, this bill created an unneeded layer of bureaucracy. This layer includes the creation of "congestion management agencies" in every urbanized county to oversee the expenditure of gas tax revenues generated by Proposition 111 and at the same time act as "watch dog" to ensure compliance with other existing laws regulated by other agencies involving air quality, mass transit, and land use.

This law has been in effect for three years, however, to date there is no evidence to suggest that these new agencies and processes have fared better than previously existing agencies. Moreover, congestion management programs have done nothing to improve traffic congestion, air quality, or infrastructure expenditures for road improvements that had

not already been in place.

This research project evaluates the current value of the congestion management program through a survey of government employees directly involved with CMP throughout the State. The results of the survey indicate that three of the five elements of the CMP were already in place by a large number of jurisdictions. Further, excepting for trip reduction and travel demand management measures, CMP has not improved local agencies' establishment or implementation of the required elements.

Three-fourths of the respondents believe CMP was another regulation promulgated by the State without local government input. However, a like amount also believe that CMP has resulted in an improvement in coordination of activities with agencies outside their jurisdiction, specifically regionally-oriented agencies. Nevertheless, this benefit could have been achieved without such a State mandate being forced on local government.

TABLE OF CONTENTS

Chapter	Page
I INTRODUCTION	1
II HYPOTHESES	3
III ASSUMPTIONS/LIMITATIONS OF THE STUDY	4
IV LITERATURE	6
1. Review	6
2. Summary	9
V BACKGROUND	10
1. Proposition 111	10
2. AB 1791	12
3. CMP Relationship to Other Regulations	17
4. Agency Competition	19
5. Elements of the Congestion Management Program	23
6. Summary	30
VI METHODOLOGY	32
VII ANALYSIS	34
VIII CONCLUSION	48
IX APPENDIX	53
1. Proposition 111 Ballot Title, Summary and Label	54
2. Survey form	55
X BIBLIOGRAPHY	60

INTRODUCTION

During the past few decades, the State of California has experienced increased levels of growth and development. However, in that same time period, roads and other transportation infrastructure necessary to accommodate the growth lagged. As a consequence, increased levels of traffic congestion clogged the State's roads. The seriousness of this problem was recognized by the State Legislature, and recently several laws and referenda were proposed, effective only upon approval by the State's electorate.¹ During the campaign for passage of these measures, voters were promised that the infusion of new funding would significantly improve the State's transportation infrastructure.² However, voters had to decide which was worse: tolerating increased traffic congestion or higher taxes.

In 1990, California voters approved Proposition 111. This proposition established an incremental gasoline tax for transportation improvements, beginning at five cents per gallon and escalating one cent per year to a maximum nine cents within five years. However, unknown to most voters, its approval also sanctioned an additional layer of government in the form of linked bills sponsored by State Assemblyman Richard Katz. Adding additional government involvement to the simple concept of infusing additional

¹ William R. Loudon and Deborah A. Dagang, "Predicting the Impact of Transportation Control Measures On Travel Behavior And Pollutant Emissions," JHK & Associates, January 1992, p. 2.

² "Proposition 111 Victory Eases Calif. Anti-Tax Stance", Los Angeles Times, June 7, 1990, p. A-1.

monies for infrastructure, the bills require all urbanized counties and cities within those counties to prepare new plans for minimizing, reducing, and abating traffic congestion on a regional transportation system of arterials and freeways. Failure of a city or county to adopt a congestion management program (CMP) can result in loss of its share of the gas tax. Consequently, participation in this increased bureaucracy is necessary in order for a jurisdiction to receive, what can amount to, hundreds of thousands of dollars each year.

This research project will answer five basic questions covering transportation planning in California related to Proposition 111. Specifically:

- 1). What is Proposition 111?
- 2). What is its linked Assembly Bill's statutory requirements?
- 3). What are Congestion Management Programs?
- 4). Is the CMP accomplishing what it was intended to do?
- 5). Without CMP, would Proposition 111 monies be spent more effectively?

HYPOTHESES

1. City and County government officials responsible for implementing Congestion Management Programs would not have passed Proposition 111 had all been made aware of the CMP legislation;

2. Counties and larger city governments responsible for implementing Congestion Management Programs will be more acceptable to CMP than smaller cities;

3. Congestion Management Programs duplicate existing programs administered by existing agencies;

4. Congestion Management Programs have not improved similar programs existing prior to its implementation.

ASSUMPTIONS OF THE STUDY

While this research project involves new legislation that affects many different municipal jurisdictions around the State, several assumptions are made regarding the study.

1. Due to shrinking resources, city and county governments want to streamline the process of development review and land use approvals;
2. Elimination of duplicative processes is a cost-effective method of streamlining;
3. By streamlining the process, government can save costs;
4. New governmental regulations promulgated by the State on local governments without local government input results in less efficient government.

LIMITATIONS OF THE STUDY

Limitations of this study are: (1) a lack of extant research outside of local or State government involving gas tax use and programs established to implement gas taxes, and (2) the amount of time the law has been in effect. The first limitation, potential lack of participant selection randomization, is the result of the legislature primarily focusing on generating revenues. The second

limitation is the short time the program has been in effect. Evaluations conducted early on may yield different results further into the program. However, this "snap-shot" of the CMP's current effectiveness can be used as a gauge to evaluate and predict the effectiveness of the program in the future.

LITERATURE

Review

The primary source of literature was found in areas involving financial solutions to transportation needs. This literature is primarily authored by governmental agencies, ranging from legislators to State department heads responsible for the development and maintenance of transportation networks. The following summarizes the ideas of the transportation spokespersons.

Discussing freeway development, Robert Deen points out that California possesses an amazing transportation system, but there is no guarantee that the system will continue to meet the needs as it has in the past without improvement and expansion consistent with the State's rate of growth.³

California Assemblyman Richard Katz pronounces that money must be raised to build highways, mass transit, and fix potholes. However, at the same time, he agrees with the transportation community that we cannot just build ourselves out of the crisis. He believes new ideas on transportation reform must be explored, and Congestion Management Programs are just the start. Other changes include: squeezing new transportation uses out of existing infrastructure; changing people's behavior by encouraging ridesharing; increasing the use of rail transportation; innovative financing for

³The Alternatives to Gridlock - Perspectives on Meeting California's Transportation Needs, Robert Deen, Editor, California Institute of Public Affairs, 1990, pp. 15-16.

transportation development projects; legislation; and improving transportation technology.⁴

California Senator Quinton Kopp explains that the infrastructure is aging, and the State has fallen behind in providing alternate transportation modes. He believes gas tax is the proper source of revenue to address the problem, but the monies cannot continue to be spent as they have historically. Expenditures must include management of existing congestion with an emphasis on commuter rail. Local maintenance of roads must also be addressed, but the slice of the financial pie for these purposes is but a fraction of the total (\$1.5 billion versus \$18.5 billion).⁵

The California Senate Office of Research concludes that, to ensure mobility of Californians in the next twenty years, the State must be willing to spend more on highway construction. The source of revenue recommended is additional gas tax, to serve as a "pay as you go" revenue system, which should be indexed on an annual basis. This would ensure that future gas tax revenues keep pace with changing transportation costs.⁶

Robert K. Best, past director of the California Department of Transportation believes the funding levels for transportation system improvements must increase and the motorist should pay the majority of the cost. This is due to

⁴ The Alternatives to Gridlock, pp. 19-24.

⁵ The Alternatives to Gridlock, pp. 24-30.

⁶ State of California, Senate Office of Research Issue Brief, The Gas Tax: A Long-term Solution to Freeway Congestion, Senate Office of Research, June, 1988.

the fact that the gas tax in 1990 was the same as it was in 1970, and little investment in new construction had occurred. The new construction should involve facilities geared toward movement of more goods and people through the use of multi-modes of transportation and multiple occupancy vehicles. he proposes private venture-capital funding for major transportation facilities as well. Finally, Best believes higher technology should be employed to increase driver awareness of the roadway system before entering their vehicle, reducing distractions, and automation should be implemented to assist the driver.⁷

Jack Maltester, past president of Californians for Better Transportation (a coalition of business, labor, and government leaders) and Kirk West, past president of the California Chamber of Commerce, both profess the lack of new roads in the State's network while the population has dramatically increased as the major contributor to increased congestion. The need for additional "pay as you go" revenue in the form of gas tax to be invested in the State's transportation infrastructure is needed as a solution. Increasing public transit, use of traffic systems management, and reducing reliance on the single-occupant vehicle are also important, but secondary to more revenue.⁸

⁷ The Alternatives to Gridlock, pp. 35-44.

⁸ The Alternatives to Gridlock, pp. 51-54, 62-66.

Summary

The common theme among these authors is the need to generate additional revenue to correct the deficiencies on the State's road network as well as provide for future needs. However, this need to improve the transportation system focuses on the regional system, freeways and highways, with secondary focus on locally-oriented roads. Encouraging the use of multiple modes of transportation such as transit and non-single occupant vehicles is recommended to alleviate both problems as well. "Pay as you go" and "pay at the pump" phrases reflect the philosophy of placing the burden of paying for the improvements on those who utilize the system and will benefit from it. However, it should be noted that this position is not without its flaws. Since some utilize the highway/freeway system more than others, not all those who would pay the tax while getting gasoline would benefit equally.

It also should be pointed out that one of these transportation spokespersons, Richard Katz, the author of the congestion management program legislation, voiced the need to increase the level of government to meet the objective of improving traffic movement. This idea is challenged by this report.

BACKGROUND

Proposition 111

Proposition 111 was a ballot initiative approved by California voters on June 5, 1990. This approval established a nine-cent State gas tax increase, beginning with an initial five cents in late 1990, and increasing by one cent per year to the maximum nine cents in 1994.⁹ This approval set the cornerstone of an \$18.5 billion program to improve State highways, local street and roads and rail transit systems. Authored by State Assemblyman Richard Katz (D-Sylmar), chairman of the Assembly Transportation Committee, the proposition passed by a vote of 52 to 48 percent (2,478,104 - Yes, 2,249,849 - No).¹⁰ Two other transportation-related initiatives, Propositions 108 and 116 also passed, authorizing \$1 billion in bonds to finance mass transit and \$2 billion in bonds for rail transportation.¹¹ Had Proposition 111 failed, Propositions 108 and 116 would not have gone into effect. At the full increment, the Proposition 111 funding equates to an estimated annual return of more than \$6.25 per capita for cities and a variable amount for each county.¹²

The expenditure of these funds was not left to the

⁹ Californians for Better Transportation, Congestion Management Programs: Theory Hits the Streets, January, 1992, p. 1.

¹⁰ "Proposition 111 Victory Eases Calif. Anti-Tax Stance", p. A-1.

¹¹ "Proposition 111 in Close Vote", Los Angeles Times, June 6, 1990, p. A-1.

¹² Michael Colantuono, The Congestion Management Planning Statute: Implications for Local Land Use Decision -Makers, (Richards, Watson & Gershon, March 20, 1991), p. 5.

existing transportation organizations and the current priority practices. Instead, Assemblyman Katz also authored a linked bill, AB 1791, which gave the authority to "Congestion Management Agencies." Unknown to most voters as it was not disclosed under the voter pamphlet for Proposition 111 (see Appendix), this was a new effort to improve the relationship between land use, transportation and air quality. The law provides county-wide Congestion Management Agencies (CMA) a significant degree of latitude in meeting the statutory requirement. Within San Bernardino County in Southern California, the San Bernardino Associated Governments (SANBAG), a mini-council of government responsible for transportation issues in the County, was designated the CMA. This was the result of a positive vote from the County Board of Supervisors (representing the County) as well as a majority vote from elected officials representing the cities in the County representing a majority of the population of the cities in the County.¹³

SANBAG was determined to be the most appropriate CMA in San Bernardino County for several reasons. First, SANBAG was an existing small "regional" agency. Second, as a sub-regional agency within the Southern California Association of Governments (SCAG) jurisdiction, SANBAG was already the County Transportation Commission (CTC). In this role it is charged with reviewing transportation projects vying for

¹³ San Bernardino Associated Governments, Congestion Management Program Resources Handbook, 1990, p.13.

federal funding and providing recommendations to the "primary" regional government, SCAG.¹⁴ Third, since SANBAG was composed of elected officials within the County, representation and actions taken by SANBAG could be expected to be in the best interests of the area.

AB 1791

Assembly Bill AB 1791, passed in March, 1990, cleaned up the State's comprehensive transportation finance package passed in 1989 under AB 471 and approved by the voters under Proposition 111 in June, 1990. It dealt with several problems identified with the congestion management program requirement in the package detailing the legislative intent and authority for CMPs. For the reader's benefit, the following outlines the requirements of the Bill and comments related to the requirements:

- 1) Traffic service standards must be established for a system of highways and roadways designated by the congestion management program agency. The system must include at a minimum all State highways and principal arterials. No highway or roadway designated as a part of the system can be removed from the system.

One problem with this requirement is that the statute does not give a definition of "principal arterial." Further,

¹⁴"When COGs Collide", Planning, (Chicago, American Planning Association, June, 1992), p. 10.

no federal , state or local transportation agency had an existing definition to serve as a guide. Therefore, one city's delineation of a road as a "principal arterial" can be different from a neighboring city which contains the extension of the same road. Thus, a conflict is created. This problem can be compounded when neighboring counties' roadway networks are involved.

2) The bill specified that the level of service standards which are established by the CMA can in no case be below level of service E or the current level, whichever is farthest from level of service A, except where a "segment" or intersection has been designated as deficient and a deficiency plan has been adopted pursuant to the law. This established level of service cannot be downgraded (i.e., B to C, C to D).

Level of service standards (LOS) describe traffic conditions in terms of speed, capacity, and traffic interruptions, with a letter designation. These range from A, which constitutes free traffic flow, to F, which constitutes restricted stop and go (gridlock) traffic. A deficiency plan is a tool under the law which allows a road "segment" (between intersections) or an intersection, once designated on the network at a certain LOS, to be downgraded. However, as a substitute for the lower LOS, other traffic measures must be identified which improve traffic circulation around the downgraded segment or intersection. This is

further discussed in Section 4 later in this chapter.

3) The bill specified that in no case shall a congestion management program include an estimate of the cost of mitigating the impacts of interregional travel. Interregional travel is defined as trips that have neither origin nor destination within the boundary of the congestion management program. Impacts of a trip which originates in one county and terminates in another county shall be included in the determination of conformance with levels of service standards with respect to the originating county only. A round trip shall be considered to consist of two individual trips.

This provision allows for the discounting-out of traffic over which the respective city has no control. For example, in Southern California, a vehicle trip that begins in Riverside County, travels through San Bernardino County and ends in Los Angeles County would be an interregional trip. This trip would then be discounted out when determining at what level of service a roadway is operating.

4) The agency is required to monitor the congestion management program and annually determine if a city or county is conforming to the CMP. Involved in that review, the law permits a city or county to designate individual deficient "segments" or intersections which do not meet the established level of service standards. However, prior to the

designation, the city or county must have adopted a deficiency plan which is to include the following:

- a) An analysis of the causes of the deficiency.
- b) A list of improvements necessary for the deficient segment or intersection to maintain the minimum level of service.
- c) A list of improvements, programs or actions and the estimates of cost that will (i) measurably improve the level of service of the system as defined, and (ii) contribute to significant improvements in air quality such as improved public transit service and facilities, improved non-motorized transportation facilities, high occupancy vehicle (HOV) facilities, and transportation control measures (TCM).

5. The air quality management district and/or air pollution control district must establish and periodically revise a list of approved improvements, programs and actions which meet the scope of this law. If an improvement, program or action is not on the approved list it shall not be implemented unless approved by the air quality management district or the air pollution control district. In addition to the CMP, the Federal and State Clean Air Acts also require these items which are the responsibility of the respective air districts to implement and regulate.

6. The agency shall exclude from the determination of conformance with the level of service standards the impacts of any of the following:

- a) Interregional traffic.
- b) Construction, rehabilitation or maintenance of facilities that impact the system.
- c) Freeway ramp metering.
- d) Traffic signal coordination by the State or multi-jurisdictional agencies.
- e) Traffic generated by the provision of low and very low income housing.

7. Failure to complete or implement a CMP shall not give rise to cause of action against a city or county for failing to conform to its general plan, unless the city or county incorporates the congestion management program into the transportation element of its general plan.

This is another problem in the law. It is assumed that a local jurisdiction does not want to become non-compliant with the law in terms of LOS on its CMP system and risk losing gas tax revenue. Therefore, it is prudent to establish the lowest allowable LOS (E) on the CMP. However, most cities' general plan circulation elements are designed for a LOS of B or C at full build-out of the land and all master-planned roadways.

8. A proposed development specified in a development

agreement entered into prior to June 10, 1989, shall not be subject to any action taken to comply with this law, except actions required to be taken with respect to the trip reduction and travel demand element of a congestion management program.

This is another built-in problem. The June, 1989 date is the date of the bill's passage. The election approving the law occurred one year later. So, the law required ex post facto compliance, including projects approved by the local jurisdictions prior to law passage. For San Bernardino County, this issue has been reviewed by SANBAG's legal counsel, and his determination is that no enforcement of the CMP regulations could occur until SANBAG formally adopted their Congestion Management Program, which was not until three years later, on November 4, 1992. Assemblyman Katz could have eliminated this problem just by eliminating the sunset/start clause in his bill or by making it effective when the respective county CMPs were adopted.¹⁵

CMP Relationship to Other Regulations

While the CMP is an independent requirement, it relates to other statutory and regulatory requirements. Transportation, air quality and land use decisions have mutual impacts. The CMP must respond to environmental quality, clean air, transportation, and land use laws. Consequently, issues that can only be dealt with on a

¹⁵ Resources Handbook, pp. 17-20.

regional level, like air quality, and regional transportation networks, are being melded and folded into issues that traditionally have been left to local jurisdictions, such as land use decisions, and local transportation needs. Each of these involves complicated and related processes. The author of the legislation intended that it assist in meeting these requirements in addition to those found in the CMP Statutes. To the extent that this process could integrate the goals of mobility, clean air, and appropriated land uses, consensus building during the initial development of the CMP with the involvement of the affected parties had to occur.

Transportation professionals were involved since it was intended that they would use the CMP to assess potential congestion concerns and how a balanced, multi-modal program would address these concerns. It was expected that they also look to CMPs to better understand the impact of land use decisions on the transportation system. Air Quality professionals were involved due to the inclusion into the CMP of achieving the transportation performance standards of the California Clean Air Act. These standards include reduced trips and vehicle miles traveled, no net increase in vehicle emissions after 1997, and a 1.5 commute period vehicle occupancy by 1999.¹⁶

Land use professionals were involved because the CMP focuses in part on land development, including the separation

¹⁶"Congestion Management Plans Offer Hope for Keeping Congestion at Livable Levels", SCAG Regional Update (SCAG, January/February 1991), p. 3.

of employment and housing, and resulting congestion, as a result of the general plan and CMP conformity process. Local governments and CMAs were advised to create strategies for increasing system efficiency through new road construction, flow improvements on the existing system, increased transit usage and demand management.

By working together, proponents of the CMP state, professionals from these diverse but linked areas can reach decisions which enhance the quality of life for all Californians.

Agency Competition

One of the factors that has hindered the implementation of the congestion management program has been political conflict. This includes several entities vying for additional control to place them in a position to be the "regional agency" as defined by the State legislature's recent regionalism proposals. In Southern California, those include: Southern California Association of Governments (SCAG), South Coast Air Quality Management District (SCAQMD), Los Angeles County Transportation Commission (LACTC), and San Bernardino Associated Governments (SANBAG). From the beginning, these councils of government (COGs) have been in competition. SCAG covers an immense region - 15 million people spread across an area almost as big as Ohio and divided into hundreds of feuding political subunits, most of which are hostile to any form of a regional power. Moreover,

although it has always been a lively forum for planning ideas - albeit esoteric - SCAG has often seemed remote, clubby, and irrelevant to many of its member local governments.¹⁷

While SCAG has struggled in recent years, the SCAQMD, LACTC and SANBAG have been given more money and power by the State to deal with regional planning issues. The growth management proposals floating around the State's capitol have been haunting SCAG; some bills call for strengthening it, some for restructuring it, some for abolishing it. Conflicts among these COGs stem from the fact that, although they were supposed to be instruments of federal policy in the region, they were run by local elected officials. In essence, the councils' leaders were expected to impose regional policy on their own constituencies. This is obviously difficult since politicians do not like to give up part of their local autonomy.

The SCAQMD, granted additional powers by the State in 1988, has been pressuring local governments around Los Angeles to make a stronger connection between land use and air quality issues. Although it draws up the air quality plan in conjunction with SCAG, the air quality district has eclipsed SCAG in terms of power and influence. The AQMD has 1,100 employees and an annual budget of over \$110 million, compared with SCAG's 110 employees and \$13.5 million budget. The LACTC collects over \$500 million in local sales tax funds earmarked for construction of L.A.'s rail transit system,

¹⁷"When COGs Collide," p. 9.

employs 500 people and its total budget exceeds \$1 billion.¹⁸ The implementation of the congestion management program by the 90 cities within Los Angeles County is the responsibility of the LACTC.

Likewise, SANBAG's power in San Bernardino County has increased tremendously by the passage of Proposition 111 and its designation as the congestion management agency. Prior to 1990, SANBAG had a staff of twelve. By 1992, their staff increased to 38 persons and their budget increased as well. This agency has looked at its increased stature in the regional government forum as a means to control local land use actions via their review of "regionally significant projects".

The San Bernardino Associated Governments (SANBAG) is a council of governments, designated by the Southern California Association of Governments (SCAG) to serve as the County's Transportation Commission.¹⁹ This role puts SANBAG in a position of recommending to SCAG whether transit-related projects requested by its member entities are compatible with SCAG's plans. This is critical when said projects involve federal funding. SCAG is the agency responsible for Circular A-95 review by the federal government in Southern California. Therefore, any project that is accepted by SCAG and determined to be consistent with the goals and plans, among them their Regional Comprehensive Plan, Mobility Plan, and

¹⁸"When COGs Collide," p. 11.

¹⁹San Bernardino Associated Governments, Draft Environmental Impact Report - SANBAG Congestion Management Program, June 23, 1992, p. 20.

Transportation Plan, has an opportunity of gaining federal funding.²⁰

The member agencies to SANBAG are currently 24 incorporated cities and the County of San Bernardino. Those cities are: Adelanto, Apple Valley, Barstow, Big Bear Lake, Chino, Chino Hills, Colton, Fontana, Grand Terrace, Hesperia, Highland, Loma Linda, Montclair, Needles, Ontario, Rancho Cucamonga, Redlands, Rialto, San Bernardino, Twentynine Palms, Upland, Victorville, Yucaipa, and Yucca Valley.

As has been pointed out, the CMP legislation requires the establishment of a program, not a plan.²¹ Planning is fundamental to both, but the products are different and their purposes are quite distinct. A plan establishes direction; a program carries it out. There may be several programs to implement a particular plan. A plan is condition oriented - what end is desired; a program is action oriented - how to bring the desired condition about.

The countywide CMP was developed by SANBAG and its consultant, JHK Engineers, "in cooperation" with a technical advisory committee composed of planning and engineering staff from SANBAG, SANBAG member jurisdictions, OMNITRANS, SCAG, the California Department of Transportation (CALTRANS), the South Coast AQMD and the Mojave Desert AQMD.²²

²⁰ Draft Environmental Impact Report, p. 20.

²¹ Draft Environmental Impact Report, p. 20.

²² Draft Environmental Impact Report, p. 23.

Elements of the Congestion Management Program

Congestion Management Programs must include five elements.²³ They are listed below with comments on their purpose.

1) System LOS - This first element defines the CMP roadway network, establishes traffic level of service standards on the network, and prescribes procedures for computing traffic levels of service.

Every city and county is required by State law to prepare and adopt a general plan. The plan is to serve as a guide for the physical growth of the jurisdiction over a long-range time frame, typically twenty years. Seven mandated elements must be included. One of those elements is circulation, which purpose is to provide the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other facilities.²⁴ The circulation system also establishes a minimum level of service (LOS), ranging from A (best) to F (worst). For most jurisdictions, the LOS is C, which is a middle ground for providing an adequate road system at a reasonable cost. However, some communities want a better network. Therefore, they establish an LOS of B. This translates into a commitment of spending more monies to build these roads, as well as the need to maintain them.

The CMP provides that the congestion management network

²³ Resource Handbook, p. 3.

²⁴ State of California, Planning, Zoning and Development Laws, Sacramento State Office of Publications, 1992 Edition, p. 25.

also have an LOS. San Bernardino County's congestion management agency (SANBAG), as well as most CMAs who adopted CMP, established an LOS of E for this network. What this means is the communities within the County must not allow development to occur that causes the LOS to reduce below E. If it does, the community must provide mitigation for causing the deficiency, and bring the roadway LOS back to E or better. Failure to do so can cause the community's gas tax monies to be withheld.

Given the fact that the general plan requires LOS maintenance, and a majority if not all the roadways on the CMP network are also in cities' and counties' circulation elements, the CMP duplicates the existing regulations. However, the problem which the legislation tries to resolve is the portion of the network that is beyond the control of the jurisdiction. This includes all State highways and freeways, which are the responsibility of Caltrans. Further, it is evident by Caltrans' response to their review of projects that cause any impact on their roadways that Caltrans wants financial mitigation before they will allow the project to go forward.

As has been discussed earlier, Caltrans is the prime beneficiary of this legislation. However, Caltrans did not, until recently, focus on creating its own "general plan" to establish policies on how it is going to spend its monies over a long-range of twenty years. This is now a part of the 1993 California Transportation Plan, and was required by the

Federal Government's Intermodal Surface Transportation Efficiency Act (ISTEA) in order for the State to be eligible for Federal funding.

Due to the growth of within the State, and the reliance on the automobile by Californians, deficiencies currently exist on the State's highway and freeway system. Now this current legislative act involves gas tax monies to be used to improve Caltrans' network, including the current deficiencies. Rather than establishing the CMP animal which involves another layer of bureaucracy, why not just commit the gas tax and increment (totaling \$.09 per gallon in 1994) to Caltrans and leave the responsibility of handling improvements to our State's highway system to the existing organization? Granted the organization needs to streamline to become more efficient, but it is easier and less costly to fix an existing system that is not doing its job than create another layer of bureaucracy that is expected to work with the existing bureaucracy.

The citizens of the State have a reasonable expectation that our tax monies be spent as efficiently as possible. Involving a congestion management agency as a "middleman" is not the right step. Leaving the responsibility to Caltrans to spend the monies and concurrently "cleaning house" in the organization is a better approach.

2) Land Use/Transportation Analysis Program - This is one of two components that address future problems in the system. Key elements of this program include the preparation

of the Traffic Impact Analysis (TIA) Report, dissemination and use of the information in land use decisions, and mitigation of impacts.

The purpose of this component is to relate land use decisions to transportation system impacts, and to require mitigation of those impacts. Jurisdictions which have established impact fees are implementing the intent of this element. However, these impact fees typically do not include highways and/or freeways. Therefore, this component provides evidence to suggest that CMP is another method to direct monies to Caltrans.

3) Transit - The CMP establishes the frequency and routing of transit service as well as coordination among transit systems. This element presents the legislative requirements; establishes objectives, policies, and actions; provides an overview of existing transit services; and presents the standards for transit routing, frequency, and coordination.

Public transportation in many areas of the State is currently accomplished by the creation of joint-powers authorities who establish the same standards that the CMP legislation requires. Further, prior to the CMP, these authorities relied on the regional agencies, such as SCAG in Southern California, who review the system and makes recommendations for federal and state assistance based on the systems compliance with current law. Therefore, again, CMP creates a redundant law.

4) Trip Reduction and Travel Demand Management - The CMP emphasizes not only increases in capacity to maintain traffic level of service standards, but also the control of trip making and travel demand. The intent is to maintain mobility for person and goods movement while minimizing trip making and travel and improving air quality. This element provides a framework for trip reduction and travel demand management for the CMP.

This element is intended to promote alternative transportation modes and multiple occupancy vehicles, such as carpools, vanpools, transit/high occupancy vehicles, bicycles, park-and-ride lots, and even establishing staggered work-hours so as not to arrive to work during peak travel periods.

Currently the Federal Clean Air Act (FCAA) and the California Clean Air Act (CCAA) require improvements to air quality. One of the provisions of these laws is the mandate that local jurisdictions adopt enforceable "transportation control measures" (TCMs) which will result in the reduction of business employee vehicle trips by 25% by November, 1996. TCMs include the list of promotable items above, and any others that will result in less vehicle trips, vehicle miles traveled which ultimately reduce traffic congestion and vehicular emissions.

Since these laws stem from air quality, the State's air districts have the authority to require their implementation by cities and counties. Consequently, a regulation that is

in place and under the guise of one regulatory agency is redundantly placed in another, the CMA. This can result in a "turf war" between the two agencies, if the power-hungry agencies resist sharing their role of air quality agencies.

Further, transportation monies administered by the Federal Highway Administration (FHWA) are available to jurisdictions today based upon compliance with Federal Clean Air Act regulations and promotion of non-single occupancy vehicle use. Failure to do so results in loss of federal monies, which are a significant amount of the available funding sources (i.e., gas tax, ISTEA grants, etc.). In addition, State transportation agencies are now predicating funding disbursements on compliance with federal and State air quality regulations. So, as I have shown here, there is an existing incentive to further the goals of the respective Clean Air Acts.

5) Capital Improvement Program - One of the intents of the Capital Improvement Program (CIP) prepared for the CMP is to assemble in one document information on all the transportation-related improvements anticipated for the CMP network regardless of funding source. This is intended to provide an improved method for coordinating improvements across jurisdictional boundaries. At the same time, the CMP CIP serves as a vehicle for forwarding projects to Metropolitan Planning Organizations' Regional Transportation Improvement Plan (RTIP) process, involving state and federal funding sources.

There are two components to the CIP: one which specifically relates to RTIP projects and the other which includes a much broader spectrum of projects and funding sources. The latter is a compilation of CMP projects from the CIPs of individual jurisdictions. Over time, these projects are identified through the Land Use/Transportation Analysis Program (i.e., action plans in TIA Reports), corridor and subarea master plans, and deficiency plans.

The local gas tax subvention increment added by Proposition 111 can be used by local jurisdictions to develop and implement all aspects of the CMP except travel demand management and non-fixed-guideway transit.

The CMP is required to be consistent with the Regional Transportation Plan (RTP) adopted by the Metropolitan Planning Organization (MPO). For example, SCAG as the MPO for San Bernardino County, adopted its regional transportation plan, known as the Regional Mobility Plan (RMP), in 1989.²⁵ The SANBAG CMP becomes a sub-component of the SCAG RMP, therefore creating a tiered document.²⁶

In addition, the Congestion Management Agency is required to develop a uniform database on traffic impacts, consistent with the regional database, for use in the subregional transportation computer model. The CMA is also required to approve computer models of specific areas that are used by local jurisdictions to determine the impacts of

²⁵ Southern California Association of Governments, "Regional Comprehensive Plan," Vol. 1, No. 1, p.2.

²⁶ Draft Environmental Impact Report, p. 3.

development on the circulation system. Monitoring is also an essential component of the CMP process. The local jurisdictions, Air Districts, Caltrans, and the CMA have monitoring responsibilities within the CMP framework. The CMA's responsibility is focused on assisting and ensuring compliance by local jurisdictions with the CMP requirements.²⁷

Summary

A final note on the required elements is the general consensus among the San Bernardino County cities' technical staff as to the expenditure of funds. During the preparation of the County CMP, it was believed that the lion's share of the gas tax monies generated by Proposition 111 will be earmarked toward improvement of state highways rather than to the local jurisdictions' principal arterials. These will be the responsibility of new development and the cities which allow the development. That is a major reason why more than three-fourths of San Bernardino County's CMP network are State highways.

In fact, in reviewing the ballot measure and media focus on the measure before the 1990 election, the basic premise for the "sale" of Proposition 111 to the voters was that it would relieve congestion on freeways. Likewise, it is expected that a major portion of the monies will be used for "network enhancement" on the State highway portion of the

²⁷ Draft Environmental Impact Report, p. 28.

network.²⁸ Currently, one can see the results of this by the new construction and rehabilitation being done by CALTRANS. The signs advertising the projects along the freeway indicate project funds from Proposition 111. Never mind the behind the scenes fact that most of these current projects had previous funding from other sources, such as Federal Highway Trust Funds, but to provide visibility, many of the signs replaced the "Federal Funds" notice with a "Proposition 111 Funds" notice. This would appear that the project would not have gone forward had Proposition 111 failed. Was this a deliberate juggling of monies by CALTRANS? The reader can decide.

²⁸ "Newly Formed Opposition Threatens Measure to Raise Gasoline Tax," Los Angeles Times, May 26, 1990, p. A-35.

METHODOLOGY

The analysis involves use of a cross-sectional survey. A self-administered questionnaire was mailed to 223 local government jurisdictions. All 31 counties, and one-half of the cities in those counties required to adopt congestion management programs were surveyed. One hundred and ninety-two of the 384 cities were selected by random sampling on a per county basis. In other words, one-half of the cities in each affected county were selected through a statistically random process. It was determined that a fifty percent sample level from each county is acceptable for this project, inasmuch as at least one city from each county has an opportunity to be represented and a statewide sample opinion was the goal of the survey.

The surveys were mailed the week of August 18, 1993 and the governmental agencies were requested to return them by September 4. A follow-up telephone call was made to jurisdictions who had not returned the survey by September 23. As of October 12, 126 surveys (56.5%) had been returned (107 cities, 19 counties). A response was received from at least one city from each county. Consequently, the analysis in this study is based upon 126 responses. A 50 percent response rate is considered adequate for analysis and reporting, and a response rate of at least 60 percent is

good.²⁹ This response falls between the two classifications.

The survey form contained nineteen questions, including the name of the jurisdiction returning the survey, and population of the jurisdiction. A copy of the survey form is provided in the Appendix.

²⁹ Earl Babbie, The Practice of Social Research, 6th Edition, Belmont, CA: Wadsworth Publishing Company, 1992, p. 267.

ANALYSIS

Questions one through three were not compiled since they were asked only to provide general information. The data compilation and analysis begins with question four.

4. The jurisdictions' population:

Up to 25,000	- 42 (33.3%)
25,001 to 50,000	- 27 (21.4%)
50,001 to 100,000	- 24 (19.1%)
100,001 to 250,000	- 17 (13.5%)
over 250,000	- <u>16 (12.7%)</u>
	n= 126 (100%)

All of the jurisdictions with a population over 250,000 are counties, as well as three of the seventeen within the 100,001 to 250,000 category. Approximately 40% of the cities (42 out of 107) are 25,000 or less in population, and approximately 48% (51 out of 107) are between 25,000 and 100,000 in size. The fourteen remaining cities have populations between 100,000 and 250,000.

5. When were you made aware of Assembly Bill 1791, which required CMP?

60 (47.6%) - More than 6 months prior to June, 1990 election.

27 (21.4%) - Just prior to the June, 1990 election.

37 (29.4%) - After the June, 1990 election.

2 (1.6%) - No response.

126 (100%)

A majority (87 of 126 responses - 69%) of the respondents were aware of the Assembly Bill prior to its enactment. Many jurisdictions keep track of pending legislation through legislative bulletins maintained by organizations, such as the League of California Cities or the regional agency, such as SCAG in Southern California. Others receive updates by their legal counsel. The full import of how these laws ultimately affect the jurisdictions does not occur until they are passed.

6. How were you made aware of CMP?

60 (41.9%) - Notified by regional agency (COG, etc.).

11 (7.7%) - Notified by Caltrans.

30 (21.0%) - Notified by County agency.

4 (2.8%) - Notified by Inter-agency department.

34 (23.8%) - Other

4 (2.8%) - No Response

143 (100%)

The number of responses to this question exceeds the number of respondents to the survey because some respondents

were notified by more than one agency. Regional entities, such as council of governments, regional/county transportation commissions or transit agencies, were the primary agency to notify local jurisdictions. This is due to their ability to become the congestion management agency for their respective county and be responsible for the preparation of the congestion management program.

7. CMP requires the designation of a Congestion Management Agency (CMA) to administer the program. Who is the CMA in your county?

41 (32.5%) - Regional Council of Government.

2 (1.6%) - Mini-Council of Government.

64 (50.8%) - County Transportation Agency.

14 (11.1%) - Joint Powers Authority.

5 (4.0%) - No response/other.

126 (100%)

The majority (64 of 126 - 50.8%) of the organizations established as congestion management agencies for the respective counties exercised control over transportation issues prior to CMP. As discussed in question 6 above, these agencies took the lead in preparing the counties' program.

8. How would you rate your agency's involvement in the preparation of the CMP? (check one):

- 59 (46.8%) - greatly involved
 - 55 (43.7%) - somewhat involved
 - 10 (7.9%) - not involved
 - 2 (1.6%) - no response/other
- 126 (100%)

An overwhelming number of jurisdictions (114 of 126 - 90.5%) were involved in the preparation of the congestion management program. This response supports the fact that the CMP law affected the way local governments were accustomed to doing business, as local autonomy was diminished.

9. CMP includes the following five elements. Prior to CMP, in which of these elements was your jurisdiction already involved? (check all that apply):

- 72 (57.1%) 1. Defining a system level of service for the roadway network;
 - 74 (58.7%) 2. A program to analyze land use decisions and their impact on transportation systems;
 - 56 (44.4%) 3. Establishing or operating a transit system network;
 - 52 (41.3%) 4. Trip reduction and travel demand management which improves air quality;
 - 101 (80.2%) 5. A capital improvement program.
 - 5 (4.0%) No response
- 360 (57.1%)

Responses to this question prove that the components required as part of the CMP were already being implemented. Three hundred fifty-five (355) responses out of a maximum possible of 630 were distributed (126 responses possible for each element times 5 elements = 630). Overall 56.3% of the respondents were involved in all five elements prior to the establishment of CMP.

However, individually, over 80% of the jurisdictions were involved in a capital improvement plan. The establishment of roadway level of service, and programs to evaluate land use decisions' impacts on the transportation system were also in place in more than half of the jurisdictions (57.1% and 58.7%, respectively).

10. Of those elements in the previous question, how has CMP affected your agency's establishment or implementation?

(refer to numbers above, check all that apply):

1. 34 - improved	63 - no change	8 - detrimental	7 - n/a
2. 34 - improved	63 - no change	8 - detrimental	7 - n/a
3. 16 - improved	62 - no change	1 - detrimental	15 - n/a
4. 50 - improved	37 - no change	3 - detrimental	9 - n/a
5. 31 - improved	76 - no change	1 - detrimental	6 - n/a
165 (31.1%)	301 (56.7%)	21 (4.0%)	44 (8.3%)

n=531

Responses here generally indicate that the CMP has not affected the jurisdictions' ability to establish or implement the five elements identified in the previous question. Of

those five, the respondents generally agree that only the trip reduction/travel demand management element implementation has improved (50 of 99 responses for the element - 50.5%). All others have not changed, with the smallest agreement of 56.3% (63 out of 112 responses - elements 1 and 2). Only a small number believe CMP has been detrimental to the agencies' establishment or implementation of the five elements. One could conclude from these data that the CMP has not improved implementation of the elements.

However, this conclusion may be drawn because the law has been in effect for three years, and most county programs have been in place for no more than 2 to 2-1/2 years. A few written responses to this question affirm this limitation to the study, which is the relative infancy of the program, and that it is too soon to evaluate its ultimate effect. Yet, other comments indicate that the CMP is simply duplicative to existing programs.

11. CMP has resulted in an improvement in coordination of your agency's activities with outside agencies (check one):

- 21 (16.7%) - Strongly agree
 - 70 (55.5%) - Agree
 - 27 (21.4%) - Disagree
 - 6 (4.8%) - Strongly disagree
 - 2 (1.6%) - No response
- 126 (100%)

The law is structured to require coordination of local

jurisdictions' activities with outside agencies. These can include adjacent jurisdictions, Caltrans, county transportation agencies, transit agencies, and regional governments. Failure to do so can jeopardize gas tax revenue. As a consequence, 73.4% of the respondents agree or strongly agree (91 out of 124) that CMP has caused some improvement in coordination between agencies. However, this question does not provide information as to whether the jurisdictions had such coordination activities prior to CMP, or the law forced it to occur.

12. CMP was another attempt at promulgating regulations at the State level without acquiring feedback from local governments (check one):

- 27 (21.4%) - Strongly agree
 - 49 (38.9%) - Agree
 - 42 (33.3%) - Disagree
 - 1 (0.8%) - Strongly Disagree
 - 7 (5.6%) - No response
- 126 (100%)

Over 60% of the respondents (76 out of 119 - 63.9%) agree or strongly agree that CMP was established and enforced on local jurisdictions without input by the local jurisdictions. This is reinforced by the response in question five, which found that over 50% (64 out of 124 - 51.6%) were not aware of the CMP legislation until just prior to, or after the June, 1990 election. Assembly Bill 1791,

which created CMP, was drafted prior to July, 1989, was signed by the Governor on March 12, 1990, and became effective after the June, 1990 election.

13. As noted in question 4, the ballot measure summary indicated that Proposition 111 "...would provide new revenues to be used to reduce traffic congestion by building new state highways, local streets and roads, and public mass transit facilities." Where do you believe the money generated by the gas tax will be spent?(check one):

- 61 (48.4%) - Primarily State highways, freeways and roads
- 42 (33.3%) - State highways, freeways and roads, and local roads equally
- 10 (8.0%) - Primarily local roads
- 13 (10.3%) - No Response
- 126 (100%)

Fifty-four percent of the respondents (61 out of 113) believe the revenues generated will ultimately be spent primarily on State roads and highways. Less than 40% (42 out of 113 - 37.2%) believe the monies will be equally spent on State and local roads. This reaffirms the belief that the primary purpose of Proposition 111 is to direct monies to Caltrans for improving the State highways. A few of those respondents modified the answer, indicating the monies would be spent on both, but not equally. A larger portion would be spent on State roads. Those were still accounted for in the 42 responses in that category.

14. Gas tax monies from Proposition 111 are being more efficiently expended with the existence of CMP (check one):

- 2 (1.6%) - Strongly agree
 - 43 (34.1%) - Agree
 - 57 (45.2%) - Disagree
 - 9 (7.2%) - Strongly Disagree
 - 15 (11.9%) - No Response
- 126 (100%)

Approximately 60% of the respondents (66 out of 111 - 59.5%) disagree or strongly disagree that the gas tax monies are being spent more efficiently with CMP.

15. Overall, CMP has resulted in (check one):

- 15 (11.9%) - An improvement over previous practices
 - 65 (51.6%) - Somewhat of an improvement over previous practices
 - 31 (24.6%) - No improvement over previous practices
 - 9 (7.1%) - A detriment over previous practices
 - 6 (4.8%) - No Response
- 126 (100%)

A majority of jurisdictions (80 out of 120 - 66.7%) rate the addition of CMP as an improvement or somewhat of an improvement over practices existing before its enactment. These responses could mean the agencies find certain aspects of the law assist their activities, such as coordination with outside agencies (see question 13). This is especially true for large agencies, such as county governments. Further,

some agencies are hesitant to propose new procedures unless they can support their requirements from State mandates, such as CMP. A disaggregation of the responses based on population size confirms these reasons.

<u>CATEGORY</u>	<u>up to 25,000</u>	<u>25,001- 100,000</u>	<u>over 100,001</u>
An Improvement	4	2	9
Somewhat of an improvement	17	29	19
No improvement	16	14	1
A detriment	3	4	2
No response	2	2	2
Responses	40	49	31

Just over 50% of the jurisdictions up to 25,000 in population believe an improvement has occurred (21 out of 40 - 52.5%). As the population increases, the percentage does as well. A grouping of the next two population categories (25,001 to 50,000, and 50,001 to 100,000) results in an increase to 63.3% of the jurisdictions (31 out of 49) believing there has been an improvement. A grouping of the final two population categories results in an increase to 90.3% (28 out of 31). This confirms the second hypothesis of this study: the larger the jurisdiction, the more likely there will be a perceived improvement, especially when the jurisdiction exceeds 100,000.

Conversely, 33% of the respondents (40 out of 120) believe CMP has been a detriment or has not resulted in an improvement over previous practices, and as the jurisdictions

get smaller, the higher the percentage believing CMP has been a detriment.

16. CMP duplicates/impinges upon the following agencies' regulatory authority (check all that apply):

59 (18.9%) - Air quality control district

31 (9.9%) - Mass transit agency

30 (9.6%) - Caltrans

87 (27.9%) - Local land use agency

51 (16.4%) - Local infrastructure agency

30 (9.6%) - Regional joint-powers authority

24 (7.7%) - No Response

312 (100%)

The responses to this question came from 102 jurisdictions. A large majority (87 out of 102 - 85.3%) believe that CMP is a duplication of the local land use authorities' regulations, and a smaller number believe that CMP impinges on the air quality control district and local infrastructure agency (59 and 51 out of 102 - 57.8% and 50%, respectively). An equal number believe mass transit agencies, Caltrans and regional joint-powers authorities' regulatory abilities are duplicated (approximately 30%). Overall, this generally proves that existing agencies' activities are duplicated and impinged upon by CMP.

17. CMP affects the following agencies' authority in the following manner (check one for each agency):

	<u>Assists it</u>	<u>Hinders it</u>	<u>No effect</u>	
Air quality control district	80	13	16	
Mass transit agency	64	10	27	
Caltrans	55	17	23	
Local land use agency	29	63	19	
Local infrastructure agency	30	44	21	
Regional joint-powers authority	41	12	27	
<u>No Response</u>				<u>8</u>
n=599	299	159	133	8

The responses suggest that CMP assists agencies that are regionally-oriented, and hinders local agencies. Regional joint-powers authorities, Caltrans, mass transit agencies and air quality control districts are single-focus agencies whose jurisdiction is an "umbrella" over many local agencies. The respondents believe all four are assisted by the CMP, from a minimum of 51.3% for the joint-powers authorities (41 out of 90) to a maximum of 73.4% for the air quality control districts (80 out of 109).

The respondents believe multiple-focus agencies, specifically local city governments, are hindered by the CMP more than they are assisted. Approximately 45% (44 out of 98) believe infrastructure agencies are hindered while 56.8% (63 out of 111) believe local land use agencies are hindered as well.

18. Overall, CMP is redundant, and a duplication of existing agencies' regulatory authority (check one):

- 11 (8.7%) - Strongly agree
- 37 (29.3%) - Agree
- 64 (50.8%) - Disagree
- 7 (5.6%) - Strongly Disagree
- 7 (5.6%) - No Response

126 (100%)

Question 16 indicates that a large percentage believe CMP impinges on some existing agencies' authority. However, 59.7% (71 out of 109) disagree or strongly disagree in this question that CMP is redundant and a duplication of the existing agencies' authority. Considering the responses to question 17, the assistance to regional agency activities appears to outweigh the respondents' views on the redundancy and duplication of authority.

19. Proposition 111 passed with 51% of the vote. If the ballot summary had included information that passage would authorize the creation of congestion management agencies to oversee the expenditure of gas tax revenues, do you believe the measure would have passed?(check one):

- 51 (40.5%) - Yes
- 57 (45.2%) - No
- 18 (14.3%) - No Response

126 (100%)

A majority of the respondents (57 out of 108 - 52.8%) do

not believe Proposition 111 would have been passed by City and County government officials had the CMP provisions been disclosed under the ballot summary. This generally proves the first hypotheses of this study: city and county government officials responsible for implementing congestion management programs would not have passed Proposition 111 had all been made aware of the CMP legislation.

CONCLUSION

It is easy to be a cynic after sitting through dozens of hours of meetings at SANBAG. The overall cost in terms of staff time to get where we are now is staggering when the number of entities involved are counted. Just in San Bernardino County, this includes twenty-four cities, the County, SANBAG, CALTRANS, two air quality control districts, SCAG, building industry representatives, etc.

The results of this research project lead to the conclusion that the gas tax monies generated by Proposition 111 could be used much more efficiently if the requirement for this creature called CMP had been neutered out of the bill. Voters want improved transportation systems. The appearance of the law is that there is a more localized decision on expenditure of monies for roads. Given the existence of the local budgetary process, capital improvement programs, state and federal transportation and transit authorities and air districts, this is not the case.

The coordination purpose of the CMP appears to be the primary benefit by those who responded to the survey. However, one wonders if the same result could have been achieved without the additional bureaucracy. It very well could have. Over the past few years, the average annual rate of population growth in California has been approximately two percent, while the rate of growth in vehicle miles traveled (VMT) has been roughly six percent, resulting in increasing

congestion in urban areas.³⁰ The Federal and State Clean Air Acts mandate the reduction of vehicle trips and emissions by a quantifiable amount. The CMP does not. These address the transit, and trip reduction/travel demand management elements of the CMP. Jurisdictions already have their own General Plans and Circulation Elements which identify needed roadways at build-out with a specified level of service. They adopt an annual Capital Improvement Program consistent with the way the elected officials' constituents want things done. If not, they do not get re-elected. Neighboring cities already work together to address regional problems. And absolutely nothing in Proposition 111 resolves the competition between cities that has created the fiscalization of land use.

Further, California's negative business climate, especially all its regulations has driven potential new business away, and spurred existing businesses to move out. The current out-migration of people has approached 15,000 monthly. In less than one year, enough jobs will have been lost and people moved out of the State to meet the emissions and vehicle reductions required by the existing laws. Has this fact slowed down the implementation of CMP? Not one bit.

For the reader's information, I am an employee of the City of Victorville, and have participated in the process since the City's notification by SANBAG of Proposition 111's passage, and have cooperated with the agencies responsible

³⁰"Predicting the Impact . . ." p. 1.

for its implementation. The City has been diligent in creating policies and/or programs necessary for the City to comply with the law. But this has been accomplished only at the cost of considerable staff time and elected officials' time at meetings. As noted in the limitations of this study, due to its infancy, no one knows if the benefits of implementing the CMP will outweigh the costs. The primary benefit is retention of the gas tax increment. Utilizing the estimate of \$6.25 per capita for cities at the full increment in January, 1994, and estimating that a city with a population of 50,000 in 1990 which increases its population to 56,000 in 1994, will receive approximately \$350,000. Since five cents of the nine cents is guaranteed for the jurisdiction, the balance of four cents is what could be withheld by the congestion management agency for non-participation and non-compliance with the law.

Therefore, four-ninths (44.4%) of \$350,000, or just over \$155,555 would be at risk annually. If the benefit from implementation comes at the cost of losing a project which may generate more revenue to the City in terms of additional sales tax and/or employee base, it does not take much of a cost-benefit analysis to determine whether \$155,000 is worth losing. Further, some cities in California had already established development impact fees which generate monies from new development for roadway improvements needed as a result of the development. These cities will not hold as great a reliance on CMP monies. However, the larger impact

is its link to other State and Federal transportation monies, which can have an effect.

The bottom line is that the CMP has been another attempt to throw more money at a problem to fix it. Unfortunately, when involving more government, only a portion of that money goes toward fixing the problem. As this study has shown, CMP appears to be another duplication of effort by the California State Legislature which has enlarged the bureaucracy. A novel idea that has been discussed in the past and should be brought up again is the reduction and streamlining of government. If a law is passed that establishes a new layer of government, like Proposition 111's tailcoat bill of Mr. Katz, one of the mandates should be that an existing level of government be eliminated. Until then, we will be forced to deal with legislation such as this that, when passed, did not take into account whether there was a better way of doing business. As the saying goes, "if it ain't broke, don't fix it." Only in Utopia.

It's true that people resist change and only commit when they are forced. However, change that results in an improvement or betterment can be accepted with less force. In this case, even with the force, it has yet to be seen whether this change in process is an improvement. But, since the tax has been in place since November, 1990, we are approaching one-third of the time expected to generate an \$18.5 billion pool for road improvements. To date, this translates into more than \$6 billion in generated revenue.

But how much of that has been spent on road improvements, instead of administrative "red tape?"

The federal government is also looking to the gas tax as a revenue collecting mechanism. Recently, President Clinton announced the possibility of raising the federal gas tax by an additional \$.09 per gallon, beginning with \$.06 and adding \$.01 per year for the next three years. However, there is no catch to this increase which results in the creation of a bureaucracy such as CMP to spend these revenues.³¹

Thirty-one of the 58 counties within the State are subject to preparation of congestion management programs. The 385 cities within those counties also must adhere to, and adopt the plan in order to receive gas tax monies. The non-urbanized counties and cities within those counties still receive gas tax revenues without having to work with the creature called CMP. One wonders if they faring any better in managng congestion than the urbanized cities and counties.

³¹ "Clinton Proposes New Gas Tax", Los Angeles Times, July 22, 1993, p. A1.

APPENDIX

Proposition 111
Legislative Constitutional Amendment
Resolution Chapter 66, 1989 (SCA 1)
(Language set forth in Chapter 106, 1989 (AB 471))

February 22, 1990

BALLOT TITLE, SUMMARY and LABEL

THE TRAFFIC CONGESTION RELIEF AND SPENDING LIMITATION ACT OF 1990. This measure would enact a statewide traffic congestion relief program and update the spending limit on state and local government to better reflect the needs of a growing California population. It would provide new revenues to be used to reduce traffic congestion by building state highways, local streets and roads, and public mass transit facilities. This measure would enact a 55% increase in truck weight fees and a five cent per gallon increase in the fuel tax on August 1, 1990, and an additional one cent on January 1 of each of the next four years. This measure updates the state appropriations limit to allow for new funding for congestion relief, mass transit, health care, services for the elderly, and other priority state programs, while still providing an overall limit on state and local spending. This measure would continue to provide that public education and community colleges receive at least 40% of the state general fund budget, and would provide that revenues in excess of the state appropriations limit are allocated equally between education and taxpayers.

Source: Office of the Secretary of State, 5/17/93.

PROPOSITION 111 AND CONGESTION MANAGEMENT PROGRAMS

A Survey on its success and/or failure

Please respond to each of the following questions. Once completed, please return the survey in the stamped self-addressed envelope to: Scott Priester, 14971 Ashley Glen Drive, Victorville, CA 92392-2066. Please return by September 4, 1993.

1. Name of your jurisdiction: _____
2. Department in which you are employed: _____
3. Your name and title (optional): _____
4. What is your jurisdiction's population?
____ up to 25,000 ____ 50,001 to 100,000 ____ over 250,000
____ 25,001 to 50,000 ____ 100,001 to 250,000

Congestion Management Programs (CMP) were required by an Assembly Bill linked to Proposition 111, which was passed in June, 1990. The ballot measure summary indicated that it "...would provide new revenues to be used to reduce traffic congestion by building new State highways, local streets and roads, and public mass transit facilities." However, it did not indicate that the gas tax was subject to creation of CMP.

5. When were you aware of Assembly Bill 1791, which required CMP?
____ More than six months prior to the June, 1990 election.
____ Just prior to the June, 1990 election.
____ After the June, 1990 election.

6. How were you made aware of CMP?

- Notified by regional agency (Council of Gov't.)
- Notified by State Department of Transportation (CALTRANS).
- Notified by County agency.
- Notified by Inter-agency department
- Other(specify)_____.

7. CMP requires the designation of a Congestion Management Agency (CMA) to administer the program. Who is the CMA in your county?

- Regional Council of Government(specify)_____.
- Mini-Council of Government(specify)_____.
- County Transportation Agency(specify)_____.
- Joint Powers Authority(specify)_____.
- Other(specify)_____.

8. How would you rate your agency's involvement in the preparation of the CMP? (check one):

- greatly involved
- somewhat involved
- not involved

9. CMP includes the following five elements. Prior to CMP, in which of these elements was your jurisdiction already involved? (check all that apply):

- 1. Defining a system level of service for the roadway network;
- 2. A program to analyze land use decisions and their impact on transportation systems;
- 3. Establishing or operating a transit system network;
- 4. Trip reduction and travel demand management which improves air quality;
- 5. A capital improvement program.

10. Of those elements in the previous question, how has CMP affected your agency's establishment or implementation? (refer to numbers above, check all that apply):

- | | | | |
|--------------------------------------|------------------------------------|--------------------------------------|------------------------------|
| 1. <input type="checkbox"/> improved | <input type="checkbox"/> no change | <input type="checkbox"/> detrimental | <input type="checkbox"/> n/a |
| 2. <input type="checkbox"/> improved | <input type="checkbox"/> no change | <input type="checkbox"/> detrimental | <input type="checkbox"/> n/a |
| 3. <input type="checkbox"/> improved | <input type="checkbox"/> no change | <input type="checkbox"/> detrimental | <input type="checkbox"/> n/a |
| 4. <input type="checkbox"/> improved | <input type="checkbox"/> no change | <input type="checkbox"/> detrimental | <input type="checkbox"/> n/a |
| 5. <input type="checkbox"/> improved | <input type="checkbox"/> no change | <input type="checkbox"/> detrimental | <input type="checkbox"/> n/a |

11. CMP has resulted in an improvement in coordination of your agency's activities with outside agencies (check one):

- Strongly agree
- Agree
- Disagree
- Strongly Disagree

12. CMP was another attempt at promulgating regulations at the State level without acquiring feedback from local governments (check one):

- Strongly agree
- Agree
- Disagree
- Strongly Disagree

13. As noted in question 4, the ballot measure summary indicated that Proposition 111 "...would provide new revenues to be used to reduce traffic congestion by building new state highways, local streets and roads, and public mass transit facilities." Where do you believe the money generated by the gas tax will be spent?(check one):

- Primarily State highways, freeways and roads
- State highways, freeways and roads, and local roads equally
- Primarily local roads

14. Gas tax monies from Proposition 111 are being more efficiently expended with the existence of CMP (check one):

- Strongly agree
- Agree
- Disagree
- Strongly Disagree

15. Overall, CMP has resulted in (check one):

- An improvement over previous practices
- Somewhat of an improvement over previous practices
- No improvement over previous practices
- A detriment over previous practices

16. CMP duplicates/impinges upon the following agencies' regulatory authority (check all that apply):

- Air quality control district
- Mass transit agency
- Caltrans
- Local land use agency
- Local infrastructure agency
- Regional joint-powers authority

17. CMP affects the following agencies' authority in the following manner (check one for each agency):

	<u>Assists it</u>	<u>Hinders it</u>	<u>No effect</u>
Air quality control district	_____	_____	_____
Mass transit agency	_____	_____	_____
Caltrans	_____	_____	_____
Local land use agency	_____	_____	_____
Local infrastructure agency	_____	_____	_____
Regional joint-powers authority	_____	_____	_____

18. Overall, CMP is redundant, and a duplication of existing agencies' regulatory authority (check one):

- _____ Strongly agree
- _____ Agree
- _____ Disagree
- _____ Strongly Disagree

19. Proposition 111 passed with 51% of the vote. If the ballot summary had included information that passage would authorize the creation of congestion management agencies to oversee the expenditure of gas tax revenues, do you believe the measure would have passed?(check one):

- _____ Yes
- _____ No

Thank you for participating in this survey. If you have any comments, please provide them below.

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