

Congestion Management Program (CMP) Frequently Asked Questions

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What is the CMP? The CMP is an early attempt at developing a performance-based planning process to determine local development impacts on a specified network of arterials and highways. The CMP identifies a roadway network, sets level of service performance standards, develops a standardized land use development review for regional traffic impacts, identifies transportation demand measures, requires the development of a travel model and a capital improvement plan to address any identified deficiencies to system performance.

Why does TAM prepare a CMP? TAM is founded as a sales tax authority and designated by local resolution as the congestion management agency (CMA). Section 65088 - 65089.10 of the state government code requires the development of a congestion management program every two years for local streets and roads funding from 1990's Proposition 111 to flow to local jurisdictions. TAM conducts CMA duties, specifically planning, programming and project delivery functions based on the CMA designation.

Why is TAM exploring opting out? An "opt-out" provision was incorporated into the state government code in 1997, and some CMAs chose to opt out of the CMP subsequently. TAM's funding agreement with MTC has historically required TAM to develop either a congestion management program or a countywide transportation plan and allowed TAM to fund the CMP. In October 2021, TAM received guidance from MTC encouraging CMAs to opt out of the CMP process and stating MTC's intention to not allow future MTC planning agreement funds to be used for future CMP development.

Why is MTC encouraging CMAs to opt out? MTC is encouraging CMAs to opt out due to conflicts between level of service-based planning and the state legislative focus on greenhouse gas reduction from AB 32, SB 375, SB 743 and CEQA's use of Vehicle Miles Traveled as the preferred metric for transportation analysis. Additionally, MTC has noted that the CMP process does not include public participation, equity, climate change and other critical factors for consideration. The process also does not consider operations and maintenance costs, or adaptation needs such as sea level rise in its planning process.

What CMAs have opted out? TAM is not the first county to consider opting out. The following agencies have either opted out or no longer prepare a CMP:

- Fresno Council of Governments (Fresno County) – 1997
- Sacramento Transportation Authority (Sacramento County) – 1996
- San Diego Association of Governments (San Diego County) – 2009
- San Luis Obispo Council of Governments (San Luis Obispo County) – 1997
- Santa Cruz County Regional Transportation Commission (Santa Cruz County) – 2000
- Sonoma County Transportation Authority (Sonoma County) – 2000s
- Napa Valley Transportation Authority (Napa County) – 2000s
- LA Metro (Los Angeles County) – 2019
- San Joaquin Council of Governments – 2020

Will opting out of the CMP affect Marin County's Transportation Funding? There is no impact to Marin County transportation funding from opting out. MTC guidance supports this determination, and TAM sales tax expenditures have no relationship to the CMP. The impact on TAM member fees from local jurisdictions would remain in place. Retaining the CMP may require additional funding from local jurisdictions if MTC funds are no longer allowed for use.

Would opting out of the CMP affect Marin County Transportation Projects? There would be no impact to transportation projects if TAM retains or opts out of the CMP. MTC guidance and SCTA and NVT A practice assure that TAM can still input projects into the TIP.

Would opting out remove TAM's CMA designation? The opt-out language refers specifically to the CMP, and not the broader CMA designation. TAM would maintain CMA functions outside of the CMP process, including but not limited to, designation of a representative to the SMART board, and distribution of Bay Area Air Quality Management District funds as designated.

What process is required to opt out of the CMP? The CMA designation is provided by local resolution. State code above allows for opting out of the CMP when "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." (Section 65088.3)

Would opting out of the CMP require a Countywide Transportation Plan? To comply with MTC's funding agreement, a countywide transportation plan would be required. TAM has the basis of a countywide plan with the development of 2017's Strategic Vision Plan, as well as components of a countywide plan through other plans, programs and model development activities. Future updates to the Strategic Vision Plan are expected to meet Countywide Transportation Plan Requirements.

What is TAM's process for a decision on opting out? TAM is currently exploring opting out with local jurisdictions, in advance of a future board discussion. If TAM needs to develop a 2023 CMP, staff will need to release an RFP around April 2022 to meet procurement and upcoming monitoring deadlines. TAM would like staff level agreement by the April timeframe, and local resolutions to be passed no later than December 30, 2022.

Does opting out of the CMP have any impact on how TAM and partner agencies address congestion? TAM will continue to monitor and report on traffic conditions and expects to be able to deliver more robust monitoring efforts for less expense than the legislatively required CMP performance analysis. TAM will continue to work with our partner agencies to deliver congestion and mobility improvements in Marin County as required by voters in approved expenditure plans. The CMP is not the only tool used to address congestion in the county, and sales tax measures and other planning efforts are more effective at delivering improvements in the county.

What is the relationship between the CMP and TAM's Measure Programs? The voter-approved Measure AA, the 0.5 cent transportation sales tax, and Measure B, the \$10 vehicle registration fee, would have no impact from opting out. Expenditure plans and strategic plans for these funds are not based on the CMP.