

April 27, 2017

DRAFT 4.12.17

Honorable John Fasana, Chairman
Los Angeles County Metropolitan Transportation Authority
One Gateway Plaza
Los Angeles, CA 90012

Dear Chairman Fasana:

The South Bay Cities Council of Governments (SBCCOG) appreciates the opportunity to partner with Metro in the development of Measure M Guidelines. We support Metro's goal of delivering Measure M projects efficiently and expeditiously, however we want to suggest changes that we believe will be important to make the guidelines work better for Metro's Sub-regional and Local partners.

We request that the Guidelines be modified to capture the following priorities:

Sub-regional Program Guidelines

- The draft guidelines appear to make sub-regional capital funds subordinate. There is nothing in the ordinance that supports that interpretation. Sub-regional capital funds should not be considered subordinate obligations that are conditionally programmed funding after Metro Administration, Transit Operating & Maintenance, and Local Return / Regional Rail Subfund needs are met. By definition, Multi-Year Subregional Programs (MSPs) are neither Local Return nor Regional Projects and Programs. A discrete amount of Measure M funding was included in the Measure M Expenditure Plan Attachment A for each sub-regional program. These commitments need to have the same priority for programming as the other primary funding categories listed in the Ordinance. COGs and lead agencies need assurance that Metro will allow projects to have the funding that they need to proceed from development to delivery. In addition, Measure M MSP funds should receive the same consideration for bonding and borrowing as major regional capital projects.
- Sub-regional projects and programs should be completely funded using the sub-regional funding allocations in the Ordinance. Local Return funding was not required in the Ordinance for sub-regional projects. It is unrealistic and inequitable to require Local Return funds for sub-regional projects when such uses were not called out in the Measure M Ordinance. No additional local return investments in sub-regional projects should be required during the planning, development, design, right-of-way, or construction phases of a sub-regional project.
- Sub-regional projects should be prioritized and recommended for programming in a manner similar to the current process used by Metro and the SBCCOG for the successful Measure R South Bay Highway Program (SBHP). We believe this model allows better efficiency and sub-regional customization than what is currently proposed in the draft guidelines – a regional approach in which local jurisdictions must use their Local Return funds to develop projects for consideration by Metro in a process similar to the current Regional Call for Projects. With local jurisdictions being part of the development of projects, the SBHP process currently employed for project development ensures project acceptance by local jurisdictions. In addition, sub-

regional funding should not be re-assigned from one project to another without the agreement of the relevant COG(s) and the jurisdictions otherwise eligible for those sub-regional funds.

- Sub-regions should be able to use Measure M funding for the entire life of a project - to develop sub-regional projects lists, for corridor planning and coordination, and for subsequent project development and delivery. These early steps should all be considered pre-construction activities. They allow the sub-region to ensure that projects complement each other and maximize mobility and/or sustainability. These funds should be available to the COG and the lead agencies to get the projects ready. COGs should also be allowed to use Sub-regional funds to assist lead agencies in preparing project applications for any applicable federal, state and regional transportation grant programs that are consistent with Measure M eligibility requirements. In addition, Sub-regional Highway Sub-funds should be eligible for the project development process for projects that were not included in the pre-election Mobility Matrices.
- The Guidelines for the MSP allow lead agency project sponsors to borrow from one MSP Program to fund a different MSP project sub-fund that may not be available until a later year with the consent of the Metro Board and the “affected sub-region(s)”. Although the flexibility is appreciated, the Guidelines language should be changed to explicitly require consent of the “affected Council of Government(s)”. The Guidelines should also describe the basis and process for obtaining COG and Metro Board approval of the request. There should be language added that ensures that Metro will not approve loans without prior COG approval and that such approval will not be unreasonably withheld by the COG or METRO.
- Metro should hold the sub-regions accountable for complying with the ordinance but it should not establish criteria beyond those needed to ensure legal compliance with the ordinance. For example, under current Measure R regional programs and in the model proposed in the draft Measure M Guidelines, Metro retains the authority to unilaterally disallow or defer a project that has been included in a sub-regional list. While this may be appropriate for the regional programs in Measure R, it is not appropriate for Measure M sub-regional programs in which the allocation of funding and eligibility criteria should be the purview of each sub-region, not Metro especially since the Subregional program is the product of early collaboration between the lead agencies in each sub-region.
- To clarify the process that we believe should be used to develop, fund, and deliver Sub-regional Measure M projects, we have attached a flow chart of the steps we believe appropriately involves Metro, lead agencies and the COGs.

Sub-Regional Equity Funds

- The Measure M Guidelines regarding Sub-Regional Equity funds should not allow Metro to meet its obligations using “any combination of federal, state or Metro controlled funds including, but not limited to, Measure M.” This flexibility being sought by Metro potentially places significant grant compliance requirements on sub-regions and lead agencies that were

not specified in the Measure M Ordinance. Sub-regions may choose to leverage their Measure M funding with other grant sources, but such a decision should not be imposed by any unilateral Metro decision. The guidelines need to require the agreement of the affected COG(s) that they can accommodate the requirements of funds from other sources. Borrowing or bonding against future Measure M revenues to fund the Subregional-Equity Funds should be considered in keeping with the ordinance directives.

- Sub-regional Equity projects should be developed using the sub-regional process led by the COGs rather than using the Metro-centric process based on “project readiness”. The Guidelines should not impose any special project readiness or local contribution requirements for these funds. In addition, consistent with the Metro Board action that created the Sub-Regional Equity program, these funds should be available at the same time Metro funds the West San Fernando Valley sub-regional equity project.

Other Policy Concerns

- The Measure M Guidelines include several definitions of Active Transportation which are all too narrow because they only include non-motorized and rolling modes. Active Transportation is much more than the “non-motorized, human-powered mode of transportation...” described in the Local Return section. This specificity excludes other current and future “slow speed” modes and the facilities to improve the safety of their use in public rights-of-way. Examples of excluded modes include e-bikes, slow speed scooters, e-skateboards, etc. – besides all of the other innovative modes that may be introduced through future public or private sector programs. Considering the aging demographics in L. A. County, the regional, sub-regional and local return guidelines should be broadened and consistent to include eligibility for all electric-power assisted slow speed modes and the facilities that improve the safety of these modes.
- The First/Last Mile Measure M Guidelines should include as eligible programs, strategies that eliminate trips or support ridesharing. In the last sentence of the section, “information and technology that eases travel...”, the guidelines should also specify transportation demand management strategies as eligible. This would allow Measure M to be used for a broad range of communications technology applications and for innovative mobility approaches like smart transit applications, slow speed lanes, and citywide gigabit fiber to homes and businesses.
- The Guidelines currently limit regional Visionary Project Seed Funding to transit operators. SBCCOG recommends that this funding category be made available to a broader range of partnerships (e.g.: transit operators, COG’s, non-profit organizations, academic institutions, and for profit organizations) – basically any organization that presents a visionary project idea.
- The Guidelines refer specifically to using Measure M for taxi services. References to taxis should be expanded to include ride-hailing services.

Administrative Recommendations

- The Guidelines allow the Metro Board to change the Sub-regional boundaries starting in 2047. The Guidelines should require concurrence from the sub-regions rather than as a unilateral Metro action.
- The Guidelines should include add COGs to the recipients currently listed to receive any Notices of Public Hearing related to Measure M Guidelines.

In summary, the SBCCOG supports incorporating these policies into the draft Guidelines which would ensure that they are more equitable and would improve the prospects for efficient and timely use of the Measure M funds. Please contact us if you would like additional clarification on any of the changes we are advocating.

Sincerely,

James Osborne, Chair
South Bay Cities Council of Governments
Councilmember, City of Lawndale

c.c.: SBCCOG Board of Directors
L. A. Metro Board of Directors
Phillip Washington, CEO, L. A. Metro
COGs of Los Angeles County