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May 25, 2017

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

RE: South Bay Cities Council of Governments' Updated Recommended Changes in Measure M Guidelines

Dear Chairman Fasana:

On May 9, 2017, the South Bay Cities Council of Governments (SBCCOG) submitted the attached letter containing 16 recommendations to improve the Measure M Guidelines. During the ensuing discussions, it has become apparent that the format of the initial letter somewhat obscured a few of the key recommendations that are at the heart of implementing the innovative design of Measure M, which for the first time includes a discrete Sub-regional category of programs and projects in addition to the traditional Regional and Local Return Programs. We believe this new category is a vital cornerstone of the Measure M Guidelines that warrants this letter to amplify its importance to the SBCCOG.

We urge Metro to provide guidelines that provide an integral role for the COGs that wish to lead efforts in their sub-region to develop and deliver the sub-regional programs and projects that are specified in the Measure M Ordinance. To achieve an efficient and expedited implementation program, we believe the following steps should be incorporated in the appropriate sections of the Guidelines:

1. As a new category of funding, the Multi-Year Sub-Regional Programs (MSPs) are distinct from Local Return and Regional Programs and Projects. These commitments need to have the same priority for programming as the other primary funding categories listed in the Ordinance. MSPs should be implemented with the same priority and on the same schedule as Metro Administration, Transit Operating & Maintenance, and Local Return / Regional Rail Sub-fund.
2. A discrete amount of Measure M funding is included in the Measure M Expenditure Plan Attachment A for each sub-regional program. Sub-Regional Funding should be eligible to allow interested COGs to initiate development of the programs and implementation and sub-regional oversight of the projects within each of the programs. COGs and lead agencies need assurance that Metro will allow projects to have the funding that they need to proceed from program development through project delivery. (See process chart attached to May 9 letter) In addition, Measure M MSP programs of projects should receive the same consideration for bonding and borrowing as major regional capital projects.

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3. Measure M Sub-Regional funding should be allocated to Interested COGs immediately after adoption of the initial Measure M Guidelines (in June or July 2017) for the preparation and implementation of 5-year Measure M Sub-Regional Plans that would describe the processes and procedures to be used to select, schedule, fund and deliver sub-regional projects. In the South Bay, this plan would include the Measure M Operational Improvements Program, the Mobility and Sustainability Program, and the Sub-Regional Equity Program. Such a plan should include a process that assures project selection, sequencing and policies and processes are clearly described and that perspectives of potential project lead agencies and stakeholders are considered.

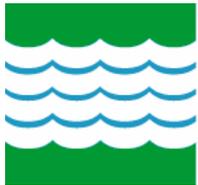
These recommendations are intended to amplify, not replace, the detailed recommendations made in our May 9, 2017 letter. We continue to appreciate Metro's collaborative process in developing the Measure M Guidelines.

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

Attachment: May 9, 2017 Letter



**SOUTH BAY CITIES**  
COUNCIL OF GOVERNMENTS

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May 9, 2017

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

RE: South Bay Cities Council of Governments' Recommended Changes in Measure M Guidelines

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. We believe implementing the following recommendations will be integral towards meeting Metro's stated goals while concurrently creating flexibility and improvements in Metro's Sub-regional and Local partnerships. Thirteen of our comments refer to text on specific pages in the draft guidelines. The remaining two comments relate to new concerns for which we could not identify a specific page reference. We request that the Guidelines be modified to capture the following priorities:

Multi-year Sub-Regional Program (MSP) Guidelines

The majority of the SBCCOG's recommended changes focus on a common major theme that the draft guidelines do not recognize a central role for the COGs in developing and delivering the sub-regional programs and projects that are specified in the Measure M Ordinance.

1. (p. 14-15) The draft guidelines appear to make sub-regional capital funds subordinate to other Metro priorities with the potential consequence that funding will be delayed or unavailable in the first two decades. 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 Sub-fund needs are met. By definition, Multi-Year Sub-Regional Programs (MSPs) are neither Local Return nor Regional Projects and Programs. These commitments need to have the same priority for programming as the other primary funding categories listed in the Ordinance. A discrete amount of Measure M funding was included in the Measure M Expenditure Plan Attachment A for each sub-regional program. 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.
2. (p. 22) 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

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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.

3. (p. 22) The Measure M Guidelines currently envision a regional programming approach similar to the current Metro Call for Projects in which local jurisdictions must use their Local Return funds to develop projects for consideration by Metro. We recommend that sub-regional projects be funded through Measure M for project development and delivery and be prioritized and sequenced for Measure M and other matching funds in a manner similar to the current process used by Metro and the South Bay Cities Council of Governments (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 with local jurisdictions being part of the development of projects, the SBHP process currently employed for project development ensures project acceptance by local jurisdictions.
4. (p. 22) 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 Sub-regional 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.
5. (p. 25) MSP Highway Sub-Fund Guidelines state, "It is expected that local jurisdictions will contribute to total project costs." Local funding was not required in the Ordinance for sub-regional projects. It is unrealistic and inequitable to require Local funds for sub-regional projects when such uses were not called out in the Measure M Ordinance. Sub-regional projects should not require a project sponsor match. No additional local investments in sub-regional projects should be required during the planning, development, design, right-of-way, or construction phases of a sub-regional project.
6. (p. 16) 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.

7. (p. 26) For projects using Measure M Highway Efficiency and Operational Improvement Sub-regional funds, Metro and the relevant COG should review project applications and clarify any items necessary with the project sponsor to determine project readiness and eligibility for pre-construction or construction activities. Authorization to proceed should require concurrence of the COG and Metro Boards of Directors. (p. 27) Examples accompanying the definition of eligible Highway Efficiency and Operational Improvements should include Traffic Signalization / Communications with Motorists Improvements and Autonomous-vehicle-to-infrastructure communications improvements.
8. (p. 52) 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 Sub-Regional Equity Funds should be considered in keeping with the ordinance directives.
9. (p. 52) 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 for the Sub-Regional Equity Sub-funds should not impose any special category-specific project readiness or local contribution requirements. 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 Measure M Funding Category Guidelines - Addressing Innovation

10. (New) Throughout the Guidelines Metro has called for flexibility to allow innovation and the ability to respond to changes in future mobility options and strategies. In support of broader eligibility in the guidelines, the adopted Metro/SCAG First/Last Mile Strategic Plan clearly calls for this flexibility with the following statement, “The proliferation of personal mobility devices by all age groups, from skateboards to bicycles to electric mobility scooters, presents a tremendous opportunity to extend the reach of public transit investments. It is well known that the time it takes to walk to a station is the metric by which access sheds are realized. Supporting personal mobility devices that allow an aggregate increase in personal mobility speeds can dramatically increase regional access sheds. Better policies, new infrastructure and a careful look at mode integration is needed when assessing how best to realize the potential offered by the growing range of mobility options.” The Guidelines should incorporate this flexibility.
11. (p. 37) 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.
12. (New) Because innovation is occurring in real time, all sub-regional funding programs and regional programs (such as First/Last Mile, Active Transportation, and Visionary Seed Funding) should be written

to allow a broad range of emerging communications technologies and mobility options that will improve access to transit or eliminate single-occupant trips. In addition to innovative transit and shared-ride programs, the guidelines should allow Measure M funding to be used for emerging and future transportation demand management strategies including smart city technologies, broadband connectivity for residences and businesses, electric-powered neighborhood vehicles and charging infrastructure, slow speed lanes and smart neighborhoods. Lead agencies for these innovative strategies should not be restricted and should be encouraged to partner with Metro, local jurisdictions including their transit operators, COGs/JPAs, non-profit organizations and public/private partnerships.

13. (p. 48) The Visionary Project Seed Funding Guidelines currently limit applicants to L. A. Metro, Municipal Operators, and local operators. Applicants are also encouraged to identify one or more research partners. SBCCOG recommends that funding in this category be made available to any organization that presents a visionary project idea (e.g.: Metro and other transit operators, COG's, non-profit organizations, academic institutions, and for profit organizations). The Guidelines also require a minimum of a 40% local match which may dissuade visionary projects from being proposed and may be difficult for some of the eligible applicants to meet. The match should be no more than 20% and the Guidelines should allow for in-kind contributions including staff efforts by all partners to be counted toward the match.
14. (p. 81) The Local Return Guidelines refer to using Measure M for taxi services. References to taxis should be expanded to include shared-ride hailing services.

#### Measure M Administrative Guidelines

15. (p. 10) The Guidelines allow the Metro Board to change the Sub-regional boundaries starting in 2047. These guidelines should require concurrence from the sub-regions.
16. (p. 10) The Guidelines should add COGs to the recipients currently listed to receive any Notices of Public Hearing related to changes to or amendment of the 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  
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# SBCCOG's proposed Measure M Sub-regional Project funding approval process

