

April 27, 2017

DRAFT 4.23.17

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. Several 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 that are specified in the Measure M Ordinance.

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. Eight of our comments refer to text on specific pages in the draft guidelines. The remaining eight 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:

1. (p. 10) The Guidelines allow the Metro Board to change the Sub-regional boundaries starting in 2047. The Guidelines should require concurrence from the sub-regions.
2. (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.
3. (p. 14-15) 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 Sub-fund needs are met. By definition, Multi-Year Sub-regional 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.
4. (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.

5. (p. 22) 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.
6. (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 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.
7. (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.(New)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.
8. (p. 25) MSP Highway Guidelines state, “It is expected that local jurisdictions will contribute to total project costs.” Sub-regional projects and programs should be completely funded using the sub-regional funding allocations in the Ordinance. 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 beyond the initial definition required for pre-construction activities. 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.

9. (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.
10. (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.
11. (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 this funding 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.
12. (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.
13. (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 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.

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.
15. (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."
16. (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.

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