

Congestion Management Program legislation requires preparation of deficiency plans when a CMP roadway segment does not meet the adopted level of service standard, which is LOS E for Alameda County CMP roadways. Deficiency plans provide an opportunity to analyze the causes of the problems and determine whether localized improvements can address them or if it would be best to employ measures that will improve overall system efficiency and air quality. Deficiency plans also provide local governments the opportunity to give priority to system-wide and non-capital mitigation methods to relieve congestion. The statutes specifically point to improved public transit service and facilities, improved non-motorized transportation facilities, high occupancy vehicle (HOV) facilities, parking cash-out programs, and transportation control measures.

Requirements

The need for deficiency plans is identified following the biennial LOS monitoring of the CMP roadway network. Deficiency plans are required when a CMP segment does not meet the adopted LOS standard, after allowable exemptions. At a minimum, deficiency plans must include:

- Identification and analysis of the causes of the deficiency;

- A list of improvements necessary for the deficient segment or intersection to maintain the minimum LOS required and the estimated costs of the improvements;
- A list of improvements, programs, or actions (and estimates of their costs) that will measurably improve multimodal performance of the system and contribute to significant improvements in air quality; and
- An action plan of the most-effective implementation strategies to maintain the minimum LOS standards on the deficient segment, or to improve the current and future LOS, and contribute to significant air-quality improvements. The action plan must include implementation strategies, a specific implementation schedule, and a description of funding and implementation strategies. Special consideration for state or federal requirements must be taken into account when determining the feasibility of the action plan. Improvements funded through the CMP Capital Improvement Program, whether having local or system impact, must not degrade air quality.

Deficiency Plan Types

Two types of deficiency plans can be developed, depending on the needs of the local jurisdiction(s) and how and whether the deficiency can be mitigated. If more than one local jurisdiction is responsible for causing a deficient segment, all responsible local jurisdictions must participate in development and approval of a multi-jurisdictional deficiency plan. Local jurisdictions outside Alameda County that contribute significantly to a deficiency plan will be invited to participate but cannot be compelled to do so.

Localized Deficiency Plan

This type of plan is appropriate for addressing transportation impacts to a single CMP segment or roadway identified as or anticipated to become deficient based on LOS monitoring. The Localized Deficiency Plan focuses on analyzing the cause of deficiency by including the immediate surrounding area as the project area and identifying the list of improvement or mitigation measures in the action plan.

Areawide Deficiency Plan

This type of plan is appropriate for addressing transportation impacts to more than one CMP roadway in a larger geographic area not able to be mitigated back to conformance within the CMP LOS standards if considered individually within a localized area. The Areawide Deficiency Plan focuses on offsetting the deficiency by including the broader surrounding area as the project area and identifying a list of improvements, programs, or actions to improve the performance of the larger multimodal network.

Guidelines

As part of the 2017 CMP update, Alameda CTC updated the deficiency plan guidelines that describe the approval process, timelines, and acceptable methodologies for jurisdictions to use in development and approval of deficiency plans. The guidelines are in Appendix D. The update includes details and clarification on completion of the deficiency plan

implementation. Specifically, a deficiency plan can be considered fully implemented, if the local jurisdiction determines and Alameda CTC concurs that the implementation of the deficiency plan resulted in a measurable improvement in LOS, bringing the formerly deficient segments into compliance with the LOS standards. For deficiency plans that include both near-term and long-term actions, if completion of the near-term actions resulted in a measurable improvement in LOS, and has demonstrated compliance with LOS standards for at least five years, Alameda CTC and the local jurisdiction may consider implementation of the deficiency plan to be complete without the completion of the long-term actions.

Conflict Resolution

CMP legislation requires each congestion management agency to establish a conflict-resolution process for addressing conflicts or disputes between local jurisdictions in meeting the multi-jurisdictional deficiency plan responsibilities.

The intent of Alameda CTC's conflict-resolution process is to help local jurisdictions resolve conflicts that arise during multi-jurisdictional deficiency plan development or implementation that could impact the CMP conformance of one or more jurisdictions. The conflict resolution process is intended to be an effective and flexible process that responds to the issues and concerns of the respective jurisdictions.

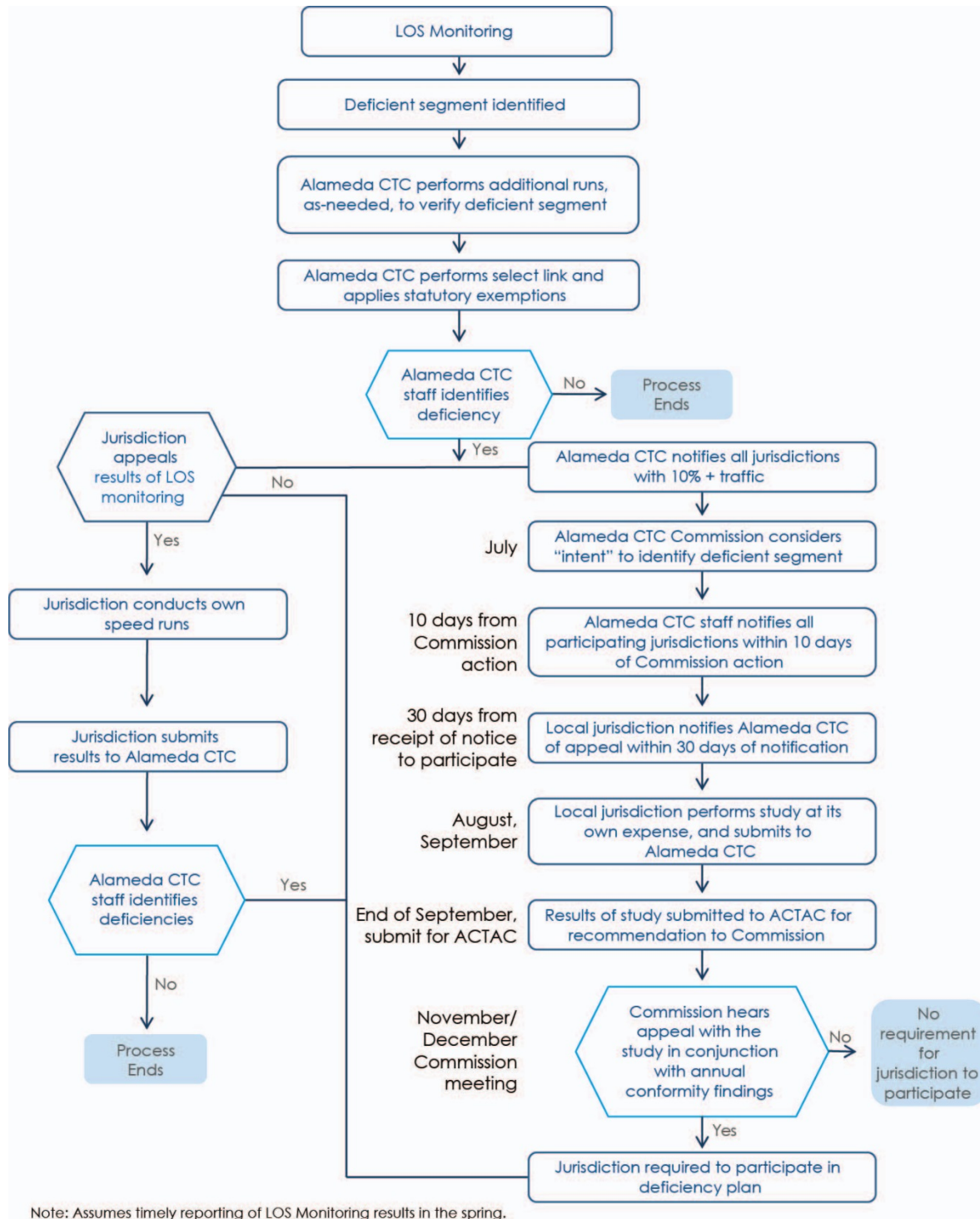
Alameda CTC's conflict resolution process is based on the following principles.

- First, consensus at the local level on the resolution of conflicts is encouraged through the Alameda County Technical Advisory Committee (ACTAC).
- Second, when ACTAC is unable to reach consensus, Alameda CTC will look for evidence of "good faith" efforts among the parties involved when determining CMP conformance.

- Finally, any determination by Alameda CTC with respect to CMP conformance will not affect local agencies' land use authority or require programs that conflict with a community's fundamental socioeconomic or environmental character. The conflict resolution process has the following four phases:
 1. **Process initiation:** The lead jurisdiction requests Alameda CTC to initiate the conflict resolution process and outlines the issues needing resolution.
 2. **Assessment of issues:** Alameda CTC staff meets with the parties involved to assess the issues in the dispute and its appropriateness for the conflict resolution process.
 3. **Settlement sessions and agreement:** This phase involves holding/facilitating settlement sessions among the parties involved, facilitated by Alameda CTC staff (if appropriate), and the development of a settlement agreement, and obtaining all approvals that may be required from the governing bodies of the involved jurisdictions and/or Alameda CTC.
 4. **Implementation and monitoring:** The final phase involves the implementation and monitoring of the agreement and Alameda CTC's assessment of good faith effort by the parties involved.

The conflict-resolution process outlined here is a general process that can be adjusted to meet the respective needs of local jurisdictions and/or the specific situation including identifying another mutually agreed upon conflict resolution process. See Figure 10.1, which describes the multi-jurisdictional deficiency plan appeal process.

Figure 10.1—Multi-jurisdictional Deficiency Plan Appeal Process



Completed and In-Progress Deficiency Plans

Tables 10.1 and 10.2 show the status and progress of the most recent deficiency plans. Table 10.1 shows the roadway or ramp segments that have completed implementation of the required deficiency plans. Table 10.2 shows the roadways segments with deficiency plans being implemented.

Table 10.1—Complete Deficiency Plans

Segment	Jurisdiction	Year Required/ Approval	Implementation Status
Westbound I-580, from Center Street to I-238	Alameda County (participant jurisdictions: Dublin, Livermore, Oakland, Pleasanton, San Leandro)	2000/2001	Deficiency plan has been implemented, LOS standard restored.
Northbound San Pablo Avenue, from Allston Way to University Avenue	Berkeley (participant jurisdictions: Albany, Emeryville, Oakland)	1998/1999	Deficiency plan has been implemented, LOS standard restored.
Southbound University Avenue, from San Pablo Avenue to 6th Street	Berkeley	1998/1999	Deficiency plan has been implemented, LOS standard restored.
Eastbound Mowry Avenue, from Peralta Boulevard to SR-238/ Mission Boulevard	Fremont (participating jurisdiction: Newark)	2000/2001	LOS standard restored. Documentation in process to close out the deficiency plan.

Table 10.2—Deficiency Plans Under Implementation

Segment	Jurisdiction	Year Required/ Approval	Implementation Status
The freeway connection between SR-260 Eastbound (Posey Tube) and Northbound I-880	Oakland (participating jurisdictions: Alameda, Berkeley)	1998/1999	Deficiency plan is being implemented.
Northbound SR 185 (14th Street) between 46th and 42nd Avenues	Oakland (participating jurisdiction: Alameda)	2008/2009	Deficiency plan is being implemented.

Local Government Responsibilities and Conformance

Alameda CTC is responsible for monitoring conformance of local jurisdictions with the adopted CMP. Among these requirements, Alameda CTC must find compliance with the implementation of approved deficiency plans to maintain LOS standards on the CMP network. When a deficiency plan is adopted and active, the lead jurisdiction must submit status reports on the implementation of the deficiency plan showing progress and concurrence from the participating jurisdictions to Alameda CTC annually as part of the annual conformity process. If after 90 days of the conformity timeline the local jurisdiction is still in non-conformance, Alameda CTC is required to follow the conformance process as identified in Chapter 9, "Program Conformance and Monitoring." The detailed process for finding of non-conformance and the resulting withholding of Proposition 111 funds is described in Chapter 9.

Next Steps

Based on the legislative actions/decisions regarding the CMP reform, the deficiency plan and related conformity requirements will be modified for the 2019 CMP, as appropriate.