

## Deficiency Plan Guidelines

### Background and Purpose

Deficiency Plans include various measures to improve transportation conditions on a Congestion Management Program (CMP) roadway that does not meet the established CMP level of service standard set forth in the California Government Code Section 65089 (b)(1)(B). The state legislation requires:

*In no case shall the LOS standards for roads established be below the LOS E or at the current level, whichever is further from LOS A. When the LOS on a segment or at an intersection fails to attain the established LOS standard, a Deficiency Plan shall be adopted pursuant to Section 65089.4.*

Deficiency Plans are a way for jurisdictions to remain in compliance with the CMP. Deficiency Plans should be developed with consideration of the countywide transportation planning process, including forecasts of travel needs and planned capital improvements. Likewise, existing deficiencies should influence future countywide transportation planning and programming decisions. If the Deficiency Plan involves system-wide improvements, Alameda CTC staff, transit agencies, the Bay Area Air Quality Management District (BAAQMD), and the California Department of Transportation may also be involved.

### Process Overview

When the LOS on a given CMP-network segment deteriorates below the established state standard, the responsible jurisdiction(s) must prepare a Deficiency Plan, or additional gasoline tax subventions (pursuant to Section 2105 of the Streets and Highways Code) will be withheld. During even number years, when the LOS Monitoring is performed, the Alameda CTC Commission determines whether a jurisdiction is required to prepare a Deficiency Plan based on the LOS Monitoring results. If any CMP segment is identified to be deficient, the respective jurisdiction(s) must prepare a Deficiency Plan

within 12 months of the determination to prevent its forfeiting of additional gasoline tax subventions. Pages 5-8 herein include the relevant sections of the CMP legislation related to the Deficiency Plan requirements.

### Deficiency Identification

Biennially, the Alameda CTC identifies potentially deficient roadway segments based on LOS monitoring. Only trips originating inside Alameda County in the p.m. peak period are included in determining LOS conformity with the established LOS standard exempting many types of travel. After applying the required exemptions, if a CMP roadway segment is still found to operate at LOS F, it will be determined as deficient and the respective local jurisdiction(s) will be informed.

### Exemptions

The State statute requires several types of travel to be exempted from the deficiency determination, including:

- Interregional travel;
- Construction, rehabilitation, or maintenance of facilities that impact the system;
- Freeway ramp metering;
- Traffic signal coordination by the state or a multi-jurisdictional agency;
- Traffic generated by the provision of low and very low income housing;
- Traffic generated by high-density residential development within one-fourth mile of a fixed rail passenger station; and
- Traffic generated by any mixed use development located within one-fourth mile of a fixed rail passenger station; and if more than half of the land area or floor area of the mixed use development is used for high density residential housing.

### **Roadway Capacity Standards**

For the purposes of determining deficiency, the following standards for roadway capacity will be used unless a local jurisdiction can demonstrate an alternative capacity:

- Freeways: 2,000 vehicles per lane per hour
- Two-lane: 1,400 vehicles per lane per hour highways
- Arterials: 800 vehicles per lane per hour

### **Jurisdictional Participation**

If a deficient CMP roadway segment is located entirely in one jurisdiction and all other jurisdictions contribute less than 10% traffic, then the deficiency should be addressed through a local single-jurisdiction deficiency plan. However, if a deficient CMP roadway segment crosses jurisdiction boundaries, borders two jurisdictions, or if the following conditions are met that are considered to be contributing to the deficiency or for effective planning purposes, then the deficiency should be addressed through a multi-jurisdictional deficiency plan.

- A jurisdiction shall participate in a deficiency plan if traffic to or from that jurisdiction, either an origin or destination at the deficient segment, represents ten percent (10 percent) of the capacity of the freeway/roadway, as estimated by the countywide travel demand model.
- In some cases, (in order to eliminate any gaps and to ensure continuity in the planning process) a jurisdiction that does not meet the 10 percent threshold shall be required to participate in the deficiency plan process if it is surrounded by jurisdictions which meet the threshold for participation.

Additional features of the multi-jurisdictional deficiency plan in terms of participation are:

- All owners/operators of a deficient segment of freeway or roadway along with transit operators shall be invited to participate in the deficiency plan process.

- The percent contribution of traffic specifically does not imply a commensurate financial share of the Deficiency Plan actions identified.
- All participating jurisdictions shall adopt identical deficiency plan action plans. A local jurisdiction shall have the right to appeal as depicted in the Multi-jurisdictional Deficiency Plan Appeal Process, (Figure D1) or to invoke the established Conflict Resolution Process to address conflicts or disputes that arise between the local jurisdictions in developing the multi-jurisdictional Deficiency Plan.
- If a local jurisdiction responsible for participating in a multi-jurisdictional deficiency plan does not adopt the deficiency plan in accordance with the schedule and requirements outlined above, that jurisdiction shall be considered in non-conformance with the CMP.

### **Types of Deficiency Plans**

The Deficiency Plan process allows a local jurisdiction to choose one of two types of Deficiency Plans.

#### **Localized Deficiency Plan**

This type of plan is appropriate for addressing transportation impacts to a single CMP segment or roadway that has been identified as or is anticipated to become deficient based on the LOS Monitoring. This plan focuses on analyzing the cause of deficiency by including the immediate surrounding area as the project area and identifying the list of improvements or mitigation measures that are necessary to meet LOS standards, and estimates the costs and implementation schedule of the proposed improvements.

#### **Areawide Deficiency Plan**

An Areawide Deficiency Plan is appropriate when a CMP segment or roadway has been identified as or is anticipated to become deficient based on the LOS Monitoring and it cannot be improved to meet LOS standards and mitigated back to conformance if considered solely within a localized area. The jurisdiction must designate the segment as deficient, and develop and implement actions to measurably improve the

performance of the larger network LOS in the study area and contribute to significant air quality improvements. Such actions may not necessarily directly pertain to or have a measurable impact on the deficient segment itself but must show system-wide improvement. This 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. The plan should contain an estimate of the costs and implementation schedule of the proposed improvements, programs or actions.

The study area for an Areawide Deficiency Plan should generally be an area where improvements made to the multimodal network in one place of the study area provide improved overall performance of the larger network in that area. The study area should include or be served by one or more alternative transportation modes. The study area can be:

- An administrative jurisdiction such as a city/county or a part of a city/county
- An area comprising parts of multiple adjacent jurisdictions in which case it will be a multi-jurisdiction deficiency plan

## Plan Development and Approval

### Required Components

The scope of a Deficiency Plan should match the severity of the problem. Extreme deficiencies will need more significant actions. Action plans must be incorporated into future CMP documents. State law requires a Deficiency Plan contain the following:

- an analysis of the deficiency
- a list of improvements and related costs to mitigate the deficiency in that facility itself;
- a list of possible actions and costs that would result in improvements to the CMP system's LOS and be beneficial to air quality; and
- an action plan, including a schedule, to implement improvements from one of the two above lists.

In developing the deficiency plan addressing the required components, the following format should be used:

- **Introduction and Setting.** A short description of the facility, including a map showing its location.
- **Deficiency Analysis.** Analysis and assessment of deficiency in terms of likely causes and the magnitude.
- **Screening of Actions.** An array of suitable actions evaluated at a sketch-planning level for potential effects on system-wide traffic congestion and air quality (traffic operations analyses or model forecasts may be required). For this purpose, actions listed in the BAAQMD guidelines (described in more detail in the following section) and other actions identified and approved by the BAAQMD should be used.
- **Evaluation of Suitable Actions.** Selected actions from the screening process further evaluated to demonstrate how these actions when implemented contribute to improving the CMP network LOS conditions.
- **Implementation.** A detailed implementation plan should be developed, including description of the selected actions, anticipated costs, related funding sources and schedule.

### Suitable Implementation Actions

Implementation actions fall into one of two categories:

- **Mitigation of Deficiency.** These types of improvements are designed to directly mitigate the specific deficiency such as highway, transit and other mode improvements, typically included in the localized deficiency plan.
- **Overall System Performance and Air Quality Improvement.** These actions are intended to provide overall measurable improvements to system performance and air quality, in cases where deficiencies cannot be mitigated directly.

This will occur from implementing an areawide deficiency plan.

Areawide deficiency plans facilitate implementation of coordinated improvements to the multimodal transportation network and promote reduction of overall percentage of trips made by the single occupant vehicles while increasing the percentage of trips made by transit, pedestrian and bicycle and resulting in improvements to air quality. For these types of plans, the legislation requires identifying an array of actions improving multimodal performance. In addition, the legislation requires the air quality management district, which is Bay Area Air Quality Management District (BAAQMD) for the Bay Area, to develop a list of improvements, programs and actions for this purpose as follows:

*The deficiency plan shall include...a list of improvements, programs, or actions, and estimates of costs, that will (A) measurably improve multimodal performance, using measures defined in paragraphs (1) and (2) of subdivision (b) of Section 65089, and (B) contribute to significant improvements in air quality, such as improved public transit service and facilities, improved nonmotorized transportation facilities, high occupancy vehicle facilities, parking cash-out programs, and transportation control measures. The air quality management district or the air pollution control district shall establish and periodically revise a list of approved improvements, programs, and actions that meet the scope of this paragraph. If an improvement, program, or action on the approved list has not been fully implemented, it shall be deemed to contribute to significant improvements in air quality. If an improvement, program, or action is not on the approved list, it shall not be implemented unless approved by the local air quality management district or air pollution control district.*

The BAAQMD has developed a list of actions which are considered beneficial for air quality and congestion management. The list includes measures to improve use of alternative modes, which will improve traffic flow and reduce trips. Jurisdictions may include actions other than those on this list, provided the BAAQMD reviews and approves the list prior to plan adoption. The most current BAAQMD list of actions should always be consulted.

In addition, the proposed improvement measures and actions for the Action Plan of the Deficiency Plan in Alameda County can be coordinated with the outcome of the upcoming countywide modal plans – (i.e., Countywide Goods Movement Plan, Countywide Transit Plan, and Countywide Multimodal Arterial Corridor Mobility Plan) and the adopted Comprehensive Countywide Travel Demand Management (TDM) Strategy to effectively improve the multimodal transportation network performance. This could support measures including but not limited to the potential improvement measures related to the priority transit routes, bicycle and pedestrian locations, priority roadways, and freight as identified in the modal plans. Alameda CTC will develop a list of multimodal improvement measures based on the outcome of these modal plans and work with the Air District to get their approval, so that more improvement options are readily available should an areawide deficiency plan be required.

## Review and Evaluation

An acceptable Deficiency Plan will contain all of the required components listed above and will be evaluated on the following technical criteria:

- Completeness as required in California Government Code Section 65089.5;
- Appropriateness of the Deficiency Plan actions in relation to the magnitude of the deficiency;
- Reliability of the funding sources;
- Ability to implement the proposed actions (including jurisdictional control issues); and

- Reasonableness of the implementation plan schedule.

Alameda CTC staff and ACTAC members will review the draft Deficiency Plan and provide technical input to assist the respective local jurisdiction(s) in developing and finalizing the Deficiency Plan.

## Adoption

A final plan must be adopted by the affected local jurisdiction(s) at a noticed public hearing no later than 12 months following identification of Deficiency by Alameda CTC. The Alameda CTC Commission will approve or reject a Deficiency Plan within 60 days of receipt of the Deficiency Plan from the local jurisdiction(s). If the plan is rejected, Alameda CTC will notify the local jurisdiction(s) of the reasons for that rejection, and the local jurisdiction must submit a revised plan within 90 days. Once a plan is adopted, written notification of the conformance findings of the Alameda CTC Commission (presently scheduled to occur at the November/December Alameda CTC Commission meeting) is required annually.

## Updates

To facilitate the implementation process, the Alameda CTC Commission will accept minor updates to Deficiency Plans. The affected jurisdiction(s) may submit a notice to the Alameda CTC stating the reason for and content of the update. The Alameda CTC Commission will approve or reject the request for the update. Should the Alameda CTC Commission reject the request, the existing Deficiency Plan will remain in place.

## Monitoring

Annually, the Alameda CTC will monitor implementation of the Deficiency Plans prior to the annual conformance determination, to establish whether:

- They are being executed according to the schedule detailed in the implementation plan; or
- Changes have occurred that require modifications of the original Deficiency Plan or schedule.

Jurisdictions that have prepared and are implementing a Deficiency Plan must prepare annual status report updates for the Annual Conformity Findings. Participating jurisdictions that did not prepare the Deficiency Plan must also review the annual status report updates and submit a letter to the Alameda CTC stating they are in concurrence with the annual update from the lead jurisdiction. This information is required for the Commission to make a determination whether the jurisdictions are in conformance with the CMP.

## Compliance

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.

A jurisdiction (lead or participating), which is either not implementing the actions or not adhering to the stated schedule in the approved Deficiency Plan may be found in non-conformance, if the deficiency still exists. The detailed process for finding of non-conformance and the resulting withholding of Proposition 111 funds is described in Chapter 9.

## California Code Sections 65089.4 and 65089.5 Regarding the Congestion Management Program Deficiency Plan Process

Refer to Appendix A for the most recent CMP legislation regarding the CMP deficiency plan process.

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