RESPONSES TO POLICY ADVISORY COUNCIL MAY COMMENTS
FOR DRAFT MEASURE M MASTER GUIDELINES

Summary of Policy Advisory Council Initial Comments

The Policy Advisory Council (PAC) brings together 27 committee members, each with an alternate, spread across 3 groups of stakeholders (Jurisdictions/Councils of Governments, Providers, and Consumers) to provide input and recommendations on Measure M's draft guidelines and the upcoming Long Range Transportation Plan (LRTP).

PAC Engagement Process

At the first meeting on April 5th, Metro staff provided an overview of the roles and responsibilities of the PAC, followed by a presentation on the Measure M ordinance and draft guidelines. Committee members then discussed the challenges of the short timeline and mapped out a strategy on how to provide input to the Board on the draft guidelines by May. The committee broke out into the 3 categories (Jurisdictions/COGs, Providers, and Consumers) and each nominated an officer (Cecilia Estolano, Roderick Diaz, and Jessica Meaney). Each officer is responsible for coordinating with their respective members to gather their input.

In the weeks following the first PAC meeting, committee members were provided a survey to fill out with their key issues regarding the Measure M guidelines. Over 80 comments on various parts of the draft guidelines were recorded through this survey. The PAC committee then held a conference call at the end of April to begin to distill these responses into potential discussion topics for the May 2nd meeting. Comments were grouped into clusters of topics so that small “breakout” groups of PAC members could have a discussion and potentially come to consensus recommendations. Five general categories emerged:

- 3% Local Contribution for Transit
- ADA/Paratransit, Transit for Elder Adults and Students, Discounts
- Local Return: Local Return Floor, Other Allocation and Eligibility Issues
- Shovel-Readiness/Project Readiness, Program Eligibility
- Multi-Year Subregional Programs, COG/Metro Roles/Responsibilities, Fund Administration

There were also a few comments that could not fit into these five general categories that were reserved for discussion at a later date.

Comments by Category – Consensus Comments and Points needing Greater Clarification / Discussion

Based on notes from the breakout discussions at the May 2nd meeting, the PAC officers have summarized the range of perspectives expressed by members and identified areas where there is broad consensus.
3% Local Contribution for Transit

Consensus Ideas

- How 3% funding commitment is made should be flexible and be done either by individual jurisdictions (not just those within ½ mile of a station), on a corridor approach funded by the jurisdictions or through applicable subregional programs, or by state or federal grants.
  
  A corridor or subregion can agree to redistribute the 3% amount, and may use their MSP funds if available. However, the Local Return default can only be imposed on the agencies formally listed at the time of 30% final design, and the funding agreement must be prior to start of construction.

- Any costs that would normally be considered a project cost that can be offset should be considered as eligible for the 3% local match. This may include staff time for plan checking, inspection, or permit issuance that would normally be paid for by the project.
  
  In-kind services, such as staff time are allowed, if included in project cost at 30% completion of final design, when 3% contribution is calculated per Measure M Ordinance.

- If the local agency is working with a developer that results in the construction of improvements that would otherwise have been included in as a component of the light rail project as defined at the 30% design stage, those cost offsets shall be counted towards the 3% local match.
  
  Funding agreement must be entered with the local agency prior to start of construction. This option can be included in the funding agreement, but as noted above, the timing of the calculation of the contribution is per Ordinance language.

- For local match requirements imposed on unincorporated county, those costs shall be assigned to the supervisorial district in which the improvements are located.
  
  Fund source for payment of the contribution is within the jurisdiction of the agency; the County would need to make the suggested assignment distinction, not Metro.

Points needing Greater Clarification / Discussion

- Clarify “Betterments” and what improvements would be eligible to satisfy the local contribution requirement.

Metro Response: Metro will clarify “Betterments”. Guidelines draft revision: A betterment is defined as an upgrade of an existing city or utility’s facility or the property of a Third Party, be it a public or private entity, that will upgrade the service capacity, capability, appearance, efficiency or function of such a facility or property of a third party. This definition was previously adopted by the Metro Board in the policy on Supplemental Modifications to Transit Projects.
ADA/Paratransit, Transit for Elder Adults and Students, Discounts

Consensus Ideas

- There needs to be a way to quantify and publicize the delivery of programs and services that result from Measure M monies.
  Marketing of New low income program provides the right opportunity to show the public their Measure M monies at work.
- Overall, the group agreed that there wasn't enough funding in this category to sufficiently fund these worthy initiatives. There is limited funding in this category. Metro has creatively leveraged these funds for maximum impact.
- Understanding of student needs is at a very nascent stage
- A regional Travel Training/Mobility Management program would be beneficial to seniors and people with disabilities and could solve the issues raised above by providing resources to these groups about transportation options and also directing them to programs that could assist them in utilizing these options. Guidelines revised to allow for Travel Training/Mobility Management programs as eligible uses.

Points needing Greater Clarification / Discussion

- The 75/25 Allocation of the 2% ADA Paratransit for the Disabled; Metro Discounts for Seniors and Students (See response below)
- The need to educate affected groups about programs available to them. Guidelines revised to include language on eligible use for travel training programs on pages 71-72.
  A marketing plan on all available programs and new low income program will be developed and launched educating the public.
- Provisions to expand accommodation for wheelchair passengers on regular fixed-route transit
- The possibility of using local return monies to provide local senior and disabled transportation services and suggestion that the Metro Board could incentivize local cities to provide additional services to their citizens. Local Return is already eligible for this.

Metro Response: 75/25 Allocation split

The Ordinance language states: ADA Paratransit for the disabled and Metro discounts for seniors and students. Measure M provides for 2% annually or $16M for three large rider groups.
ADA Paratransit is federally mandated with no dedicated funding source. The needs and resources for this group is expected to grow significantly, currently estimated at $90M annually.

Seniors and Students are another category of riders of which Metro already provides significant reduced fares, estimated at $100M annually.

The guidelines provide for a split of a maximum of 75% for ADA paratransit and a minimum of 25% for Metro discounts. This split allows for flexibility in funding each of these programs.

The split is based on our ability to leverage funds and budgetary needs.

- The need to fund ADA Paratransit is federally mandated. Measure M provided a dedicated funding source for this.
- Metro saw an opportunity to leverage the Measure M dollars by expanding the low income programs currently in place.
- With over $100M dollars already provided in Metro senior and student reduced passes, the Measure M dollars could be used to really help those who need it the most, low income riders. The Measure M dollars will be used to provide an even bigger discount to these riders.

By combining the program with Measure M dollars, we took $16M from Measure M and turned it into $26M, from the other subsidy programs and are helping not only seniors and students, but all low income riders.

The split, which is still flexible, provides for an almost even split between the 2 categories, when adding the other subsidy programs.

- ADA Paratransit – Measure M ($12M)
- Metro Discounts – Measure M ($4M) + Other Subsidy ($10M) = $14M

Local Return: Local Return Floor, Other Allocation and Eligibility Issues

Consensus Ideas

- Local Return Floor – The allocation of $100,000 or more to every city should be eliminated. There is not support for this proposal and there is strong opposition to redirecting funds from other cities, particularly low income cities, to the few cities that would benefit from this proposal.
  Metro is recommending: 1) No minimum be established by Metro; 2) Any reallocation of funds be done at the subregional level; 3) Measure M Multi-year Subregional funds can be used to supplement Local Return allocations (subject eligibility, process and availability described in Measure M MSP guidelines.

- TOCs (Transit Oriented Communities) – The guidelines should provide more details on Metro’s own TOC policies, potentially reference the Metro manual,
Metro’s own affordable housing goal for TOC, the MATCH program, etc., with specific details subject to future discussion. Guidelines revised to reference Metro TOC manual on p. 86. 

- Expand “Subsidized Taxi” to include similar services. Guidelines revised on p. 83.

Points needing Greater Clarification / Discussion

- Allocation Formula – daytime employment v. residential population
  A variety of allocation formulas was provided at Metro’s May Board meeting. Metro is recommending residential population for method of allocation, as this is the most reliable data and is updated annually.

- DBE/SBE/DVBE requirements for Local Return – requirements for some SBE/DBE/DVBE requirements or guidance; management and technical expertise

Metro Response:

- Language encouraging SBE/DBE participation will be included in the Assurances and Understandings agreement between Metro and each local jurisdiction.

- SBE/DBE will be encouraged for Multi-year Subregional Program or Local Return projects under the provisions of the supplemental funds requirement, wherein any application of resources under Metro’s direct control triggers application of any and all pertinent Metro policies, including those related to procurement.
Shovel-Readiness/Project Readiness, Program Eligibility

Consensus Ideas

- **Project Readiness** – There is a need for a more consistent definition of “project readiness” applied throughout the guidelines. "Project readiness" should be expanded to include the ability to fund all phases of work including planning, environmental, design, right of away and construction, as well as expanding eligibility for funding both programs and projects.
- **Metro** agrees that the distinct phases specifically listed above in this bullet are eligible, depending on the fund category, but not "all" possible phases of work (e.g., pre-planning development is generally excluded and highway eligibility will begin with PIDs – using Caltrans definition).
- **Bus Rapid Transit** – Bus Rapid Transit Program should be expanded to include projects where operators other than Metro can receive funds and a process should be defined to define how projects can be added. Metro agrees that eligibility should be expanded, to be determined as part of the revision of the Countywide BRT plan.
- **Mobility Matrices** – Additional flexibility is warranted to allow additional projects beyond those identified on the Mobility Matrices. The review process could be consistent with the 5 and 10 year allocation period assessment reviews, where new projects could be added. Messaging regarding the Mobility Matrices was not clear in the guidelines. Metro agrees that there should be additional flexibility to reconsider the relevance and performance of existing Mobility Matrix projects, and similarly the addition of new projects.

Points needing Greater Clarification / Discussion

- Potential expansion of eligibility for "green streets" beyond that of just stormwater improvements to climate technology. **Staff is reviewing policy for possible expansion.**
- Funding cap on the earlier planning and EIR phases, to ensure that too much money is not being spent on a project that may not be feasible and likely moving forward to delivery. **Additional controls will be considered in follow up administrative guidance to address project viability.**
- **Eligibility for 2% Highway Connectivity Program** The Guidelines reference a competitive process that will be developed. It will include eligibility.
- **Eligibility for 2% Transit Connectivity Program** The Guidelines reference a competitive process that will be developed. It will include eligibility.
- **Flexibility in Performance Measures for 1% Regional Rail Program** Guidelines have been revised to reflect change from specific attainment of criteria to an
evaluative judgment that the Board would consider. These Guidelines have been developed collaboratively with Metrolink.

Multi-Year Subregional Programs

Consensus Ideas

- The subregions should be empowered to create five year plans for their programs and need a funding set aside to accomplish this task. These plans should be based on, but not limited to, the projects and programs included in the Mobility Matrices. Agreed. Metro will recommend a 5 year plan in the Guidelines, with subsequent development of administrative requirements and procedures.
- There should be specific metrics around community involvement and that the subregional plans should not be constraining. In other words, subregions should be able to work within the framework of the subregional plan but not be bound by it, particularly if adjustments arise during the planning process. Metro agrees that meaningful community engagement is essential to the success of the Multi-year Subregional Program, and will include this requirement in the Guidelines. Parameters for effective community engagement will be developed as part of the subregional administrative procedures.
- The guidelines should lay out a process for project and program development that clearly articulates Metro’s role relative to other stakeholders as well as the eligibility of certain tasks related to project development in the pre-environmental phase (outreach, conceptual design, etc.). As discussed above, a new process is being included in the Guidelines for the role of Metro relative to subregional agencies. It includes project development discussion, but eligibility of "pre-environmental" phase is to be determined.

Points needing Greater Clarification / Discussion

- Connectivity to Airports other than LAX. Other airports are eligible for System Connectivity and Multi-year Subregional Program funds.
- The need for a process for projects related to:
  - Roles and responsibilities
  - Funding
  As discussed above, a new process is being included in the Guidelines for the role of Metro relative to subregional agencies.
- The need for a mechanism to sort out when cities need to go through the COGs. This mechanism will be evaluated during the administrative process development.
- Mechanisms for borrowing from one sub-region to another. To be determined.
- The need for funding for COGs to plan and prioritize projects. Staff has proposed use of Multi-year Subregional Program funds to be used for
subregional program development and planning, with a cap of 0.5% per year per MSP pot.

- Use of Equity Funds for bonding capacity and the need for two-way concurrence from COGs and Cities and guidance related to applicability by size of projects. Metro retains all capital fund bonding authority to manage financial constraints.
- Active Transportation Programs and professional capacity of city staff to administer federal grants and whether the guidelines should allow Metro to serve as an administrator. Metro will consider agency concurrence for federal fund assignments.