REFORMING REGIONAL GOVERNMENT

Adjusting county and city representation at the Metropolitan Transportation Commission

SPUR REPORT

INDEX

INTRODUCTION

Ever since regional government was first proposed for the Bay Area after World War II, leaders have debated the best governance model for managing a growing region. Today, the basic governance structure in place for regional transportation planning and funding has not changed since the Metropolitan Transportation Commission (MTC) was formed in 1970.

While there have been numerous proposals for reforming the MTC governance structure over the years (including several attempts to merge MTC with the Association of Bay Area Governments, or ABAG), none have succeeded. This paper is partly a response to the latest of these legislative proposals, Assembly Bill 57, which would give additional seats on MTC to San Jose and Oakland. But is also a contribution from SPUR to the larger debate about how to best structure our regional governance.

Currently, all counties in the Bay Area have at least one seat on MTC, and larger counties have two. But the existing seats are not evenly distributed according to county size. We argue that reforming MTC governance is appropriate, as the larger counties are justified in feeling under-represented. In short, SPUR endorses the idea of adding seats for the central cities of San Jose and Oakland. But simply adding seats for San Jose and Oakland is far from a complete solution. As a result, we think a more equitable reform would be to shift the way votes are taken within MTC and call for MTC to implement weighted voting. This weighted voting would be administered in addition to the current majority voting. We think the weighted vote should incorporate both the population and employment of each county and potentially include trip ends or other metrics of travel in the region. Weighted voting would make voting on MTC more objectively representative and also make MTC governance consistent with other regions throughout California.

Our call for weighted voting and additional seats for San Jose and Oakland reflects SPUR's belief that the region's governance model should be rational and objectively fair. But we recognize that simply allocating voting power to where people live and work today does not in and of itself lead to better planning outcomes for future residents, visitors and workers. To plan for a different regional outcome will require making judgments about where to invest and grow in ways that enhance the public good. And achieving this requires taking a stand that might involve shifting investments from one area or use to another.

Shaping the future requires transparent goals and a planning process that involves more than political decisions about investments. This paper does not address how to support MTC and ABAG staff in further implementing this level of transparency. By focusing on the governance and voting process, we are addressing a more basic issue of fairness among existing counties in the region while also addressing the real need for greater central city representation.

A BRIEF HISTORY OF REGIONAL PLANNING IN THE BAY AREA

The concept of regional planning in the San Francisco Bay Area arose in the post-World War II era as a response to challenges of transitioning successfully from a wartime to a peacetime economy. Many groups, including SPUR and the Bay Area Council, were concerned with the results of the rapid growth of the Bay Area, particularly issues such as air pollution, the proposed filling of the San Francisco Bay and the need for additional transportation investments.

Starting in the late 1940s and continuing throughout the 1950s and 1960s, the Bay Area established several single-issue regional agencies. In 1949, the Regional Water Quality Control Board (RWQCB) was

formed to address water quality issues in San Francisco Bay. In 1955, the Air District (today called the Bay Area Air Quality Management District) was formed to address issues with air pollution. In 1957, the Bay Area Rapid Transit District (BART) was formed to begin planning and building a regional rail system. In 1965 the Bay Conservation and Development Commission (BCDC) was established as a single-purpose agency focused on managing development and impacts to the San Francisco Bay.

During this time, regional leaders revisited the initial post-war idea to create a regional transportation agency. Although legislation to create such an agency was not successful, many local government leaders became increasingly opposed to the idea of a regional authority not controlled by local government. Bay Area leaders at that time recognized the need to address common issues from a regional perspective, but they wanted to ensure that local governments controlled regional planning decisions.

In 1960, the concept of a voluntary metropolitan council made up of cities and counties was put forth by the League of California Cities (LCC) and what is now called the California State Association of Counties (CSAC), and in 1961 the Association of Bay Area Governments (ABAG) was formed through a joint powers agreement pursuant to the California Government Code as a voluntary council of cities and counties. ABAG was the first Council of Governments (COG) formed in California. Today, ABAG functions as the regional planning agency for the nine counties and 101 cities and towns of the San Francisco Bay Area, and provides the land-use planning and research for transportation planning decisions. The planning and service programs provided by ABAG work to address regional economic, housing, transportation and environmental challenges.

It was not until a generation after World War II ended that the region finally established a transportation agency. The California Legislature created the Metropolitan Transportation Commission (MTC) in 1970. Its initial purposed was to receive and administer state and local transportation funds. With subsequent federal legislation, MTC became, as it is today, the region's transportation planning, coordinating and financing agency for the nine-county San Francisco Bay Area. It functions as both the state-designated Regional Transportation Planning Agency (RTPA) and, for federal purposes, as the region's Metropolitan Planning Organization (MPO).

MTC is responsible for preparing the Regional Transportation Plan (RTP), a comprehensive long-range planning document that establishes planning and funding goals for the development of mass transit, highway, airport, seaport, railroad, bicycle and pedestrian facilities. Other responsibilities include prioritizing regional transportation investments, distributing certain state and federal transportation funds to local agencies, and reviewing local transportation projects to determine their compatibility with the RTP. Changes over the years in state and federal laws have strengthened the roles of regional transportation planning agencies and MPOs, and have given MTC an increasingly important role in financing Bay Area transportation improvements. This is particularly relevant given MTC's dual function as the Bay Area Toll Authority (BATA), a responsibility it shares with Caltrans, the California Department of Transportation. BATA is responsible for managing the Bay Area's seven state-owned toll bridges and collecting and dispersing the toll revenue.

For more on the history of the Bay Area's regional governance, see Appendix A, page 21.
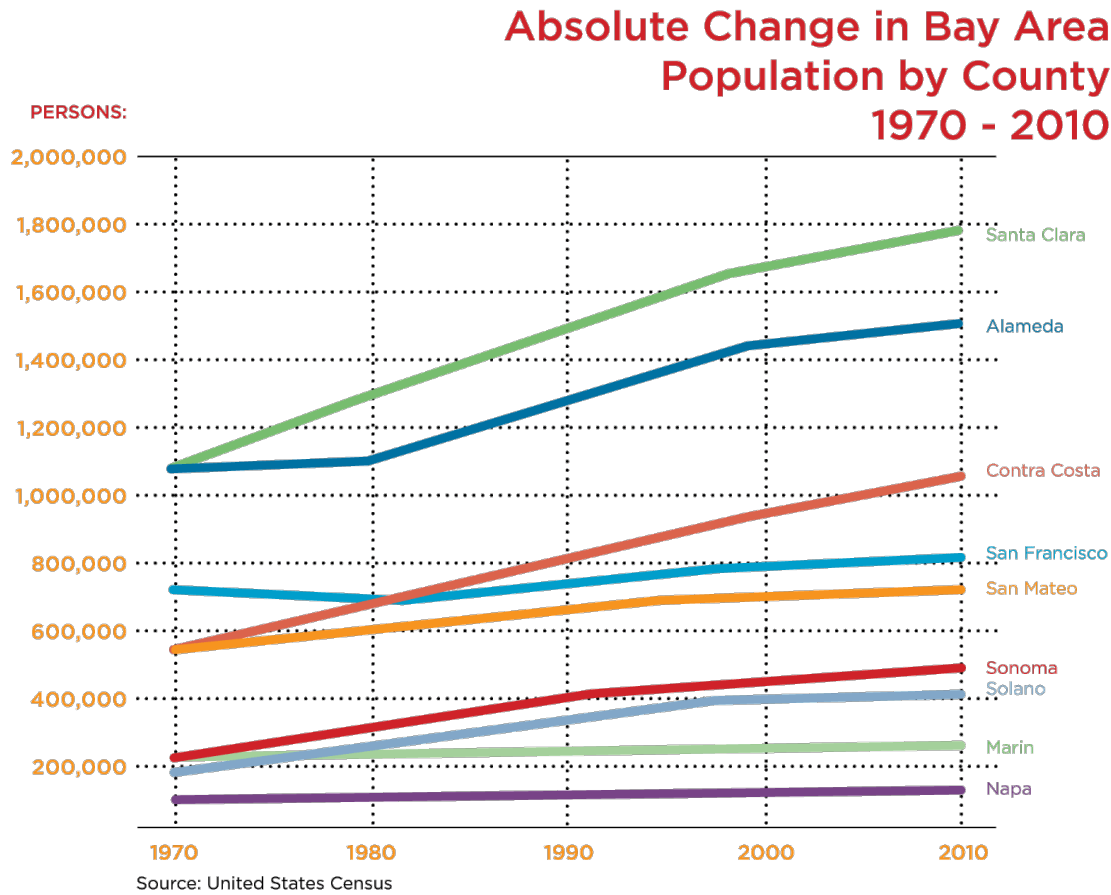
THE CURRENT GOVERNANCE MODEL AT MTC

A 19-member policy board governs MTC. Sixteen members have voting power and three members are non-voting. The board is comprised as follows:

- Fourteen commissioners are appointed directly by local elected officials, with each of the five most populous counties (Alameda, Contra Costa, San Francisco, San Mateo and Santa Clara) having two representatives. The board of supervisors selects one representative, and the mayors of the cities within that county appoint the second. In the case of San Francisco, one representative serves at the request of the mayor and the other at the request of the board of supervisors. The appointee of the mayor does not have to be an elected official. The four remaining counties (Marin, Napa, Solano, and Sonoma) appoint one commissioner to represent both the cities and the board of supervisors. The city selection committees of each county nominate three people, whose names are forwarded to their respective boards of supervisors. Each board selects a combined city/county representative from its county.

- Two voting members represent regional agencies — ABAG and BCDC. In each case, the respective boards (ABAG or BCDC) select their own representative.

- Three nonvoting members are appointed to represent Federal Transportation Agency (FTA), the California Department of Transportation (Caltrans) and the Federal Department of Housing and Urban Development (HUD).

Seats on the MTC board were originally allocated roughly according to the Bay Area's population distribution at the time MTC was created in 1970. Each county had to have at least one representative, but the counties with two representatives did not necessarily have twice the population, and were not themselves equal in population. Given that the State legislature enacted the MTC governance structure, any changes to the number of commissioners or their distribution by counties would require new state legislation.

THE CASE FOR REFORM

Proponents of reforming the governance at MTC note that the population has grown significantly since MTC was established in 1970, from 4.6 million to more than 7 million in 2010. Forty years ago, there were four small counties with fewer than 200,000 people (Napa, Solano, Sonoma and Marin); three mid-sized counties with between 500,000 and 750,000 residents (San Mateo, Contra Costa and San Francisco); and two large counties with approximately 1.1 million people (Alameda and Santa Clara).

Absolute Change in Bay Area Population by County 1970 - 2010

PERSONS:

(chart showing population lines for Santa Clara, Alameda, Contra Costa, San Francisco, San Mateo, Sonoma, Solano, Marin, and Napa from 1970 to 2010, with y-axis from 200,000 to 2,000,000)

Source: United States Census

Figure 1: *The counties experiencing the greatest absolute population growth since 1970 are Santa Clara, Alameda and Contra Costa.*

While some counties grew faster than others, there was little change in the relative distribution of the population among the counties. The biggest change in relative distribution is the decline of San Francisco and San Mateo counties and the relative increase of Contra Costa. The change in share between Santa Clara and Alameda counties has been slight and flat since 1980 (meaning both continued to grow at a similar rate relative to the region). This data shows that the initial MTC allocation of two seats for all the five larger counties resulted in under-representation of Alameda and Santa Clara counties from the start.

Relative Change in Bay Area Population by County 1970 - 2010
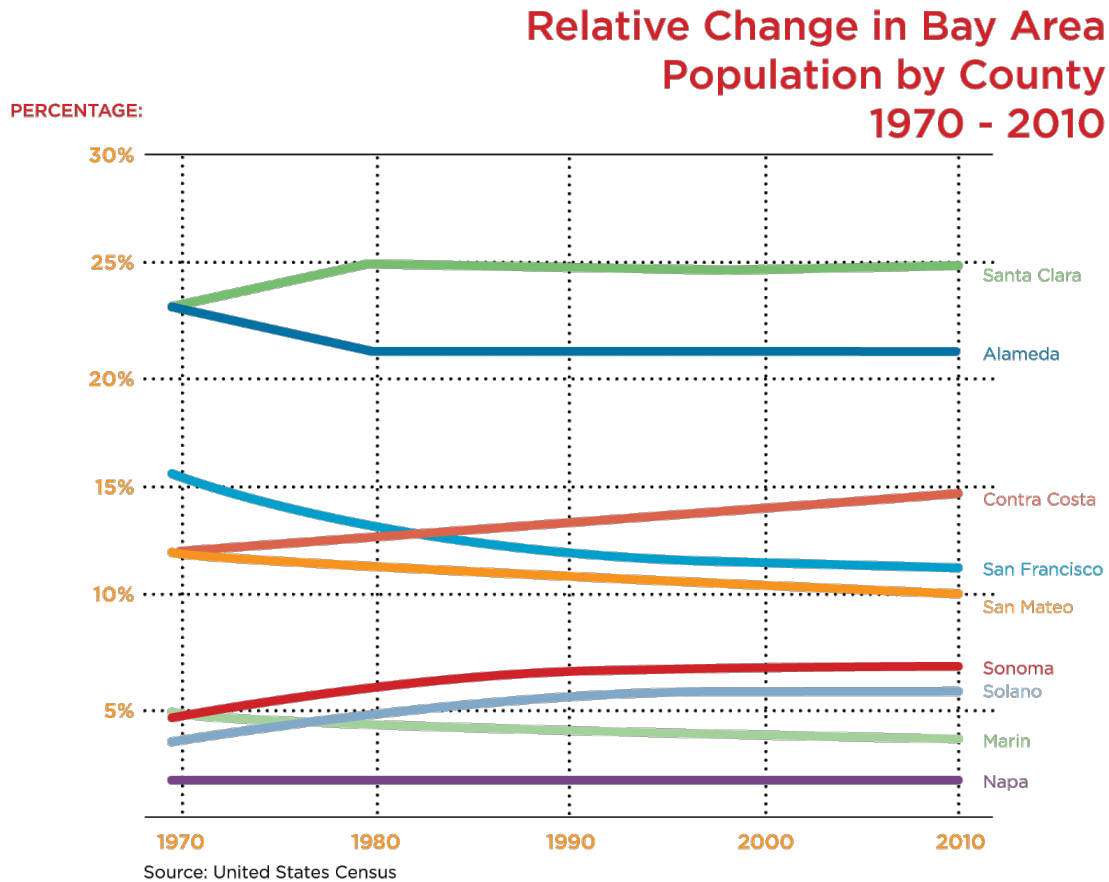
PERCENTAGE:

Figure 2: *The relative distribution of population among the counties has changed little since 1970.*

County employment as a percent of total regional employment has also remained fairly consistent over time from 1990 to 2010. The following chart shows the relative share of Bay Area jobs among the nine counties, with Santa Clara, Alameda and San Francisco counties containing approximately 65 percent of the region's jobs.
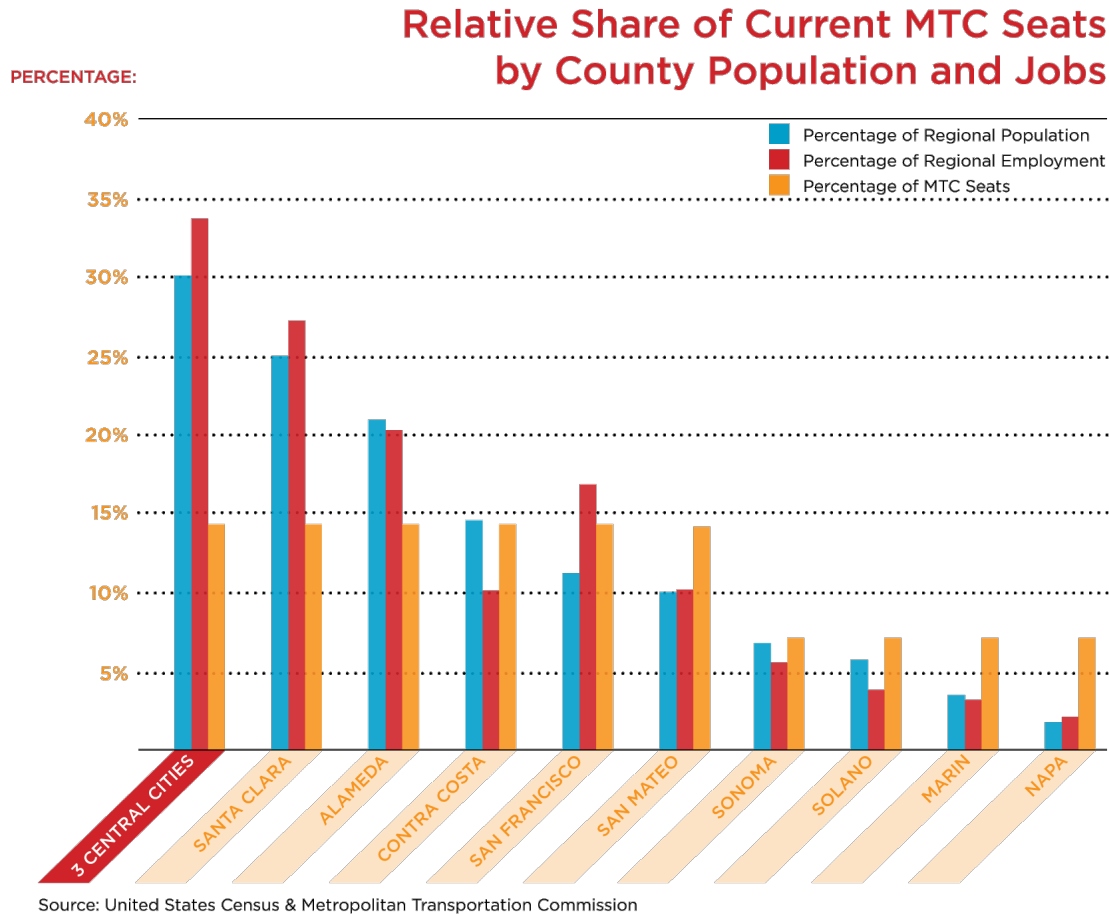
Employment by County as Percentage of Bay Area 1990 - 2010

PERCENTAGE:

Source: United States Census
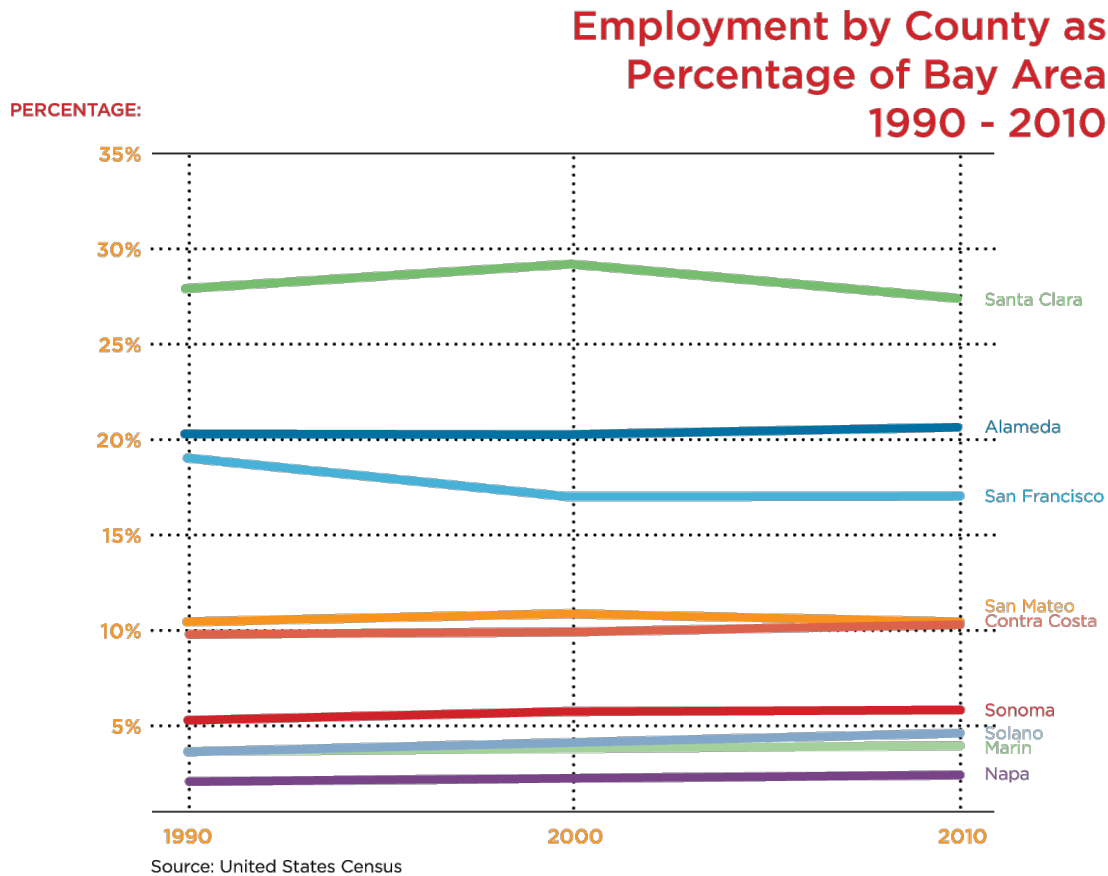
Figure 3: *Aside from San Francisco's decline as a share of regional employment in the 1990s, the distribution of jobs among counties has changed little in the past two decades.*

The following chart shows that the three central cities (Oakland, San Francisco and San Jose) are under-represented on the MTC board, measured both by population share and employment share. These central cities account for approximately 30 percent of the regional population and 35 percent of the jobs, but only 14 percent of the seats on the MTC board. And that entire 14 percent is represented by the two seats for San Francisco. San Jose and Oakland do not have guaranteed representation (although San Jose has often been represented on MTC by a city council member or a Santa Clara supervisor whose district includes San Jose).

Santa Clara and Alameda counties are most under-represented using both population and jobs. San Francisco is slightly over-represented using population and under-represented using jobs. Napa and Marin are the most over-represented counties, given that they each have one seat despite much smaller populations and job bases.

Relative Share of Current MTC Seats by County Population and Jobs

PERCENTAGE:

Legend:
- Percentage of Regional Population
- Percentage of Regional Employment
- Percentage of MTC Seats

Source: United States Census & Metropolitan Transportation Commission

Figure 4: *The current distribution of MTC seats most under-represents the central cities and the counties of Santa Clara and Alameda.*

The under-representation of the cities will likely continue to increase over time, as the three central cities are all planning for significant growth.

San Francisco, San Jose and Oakland are by far the three largest cities in the region today, and they are projected to grow by the greatest increment over the coming decades. This is particularly true with employment. Jobs are important for transportation investments because travel to work tends to be more concentrated than other trips, and transportation systems are often sized for "peak travel" during commute times. Whether the region chooses to focus on transit or road capacity, or a combination of investments and policy measures that will affect travel behavior, will have a major impact on the growth and the shape of growth in the three central cities.

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Projected Population Growth of Largest Bay Area Cities

Source: Association of Bay Area Governments
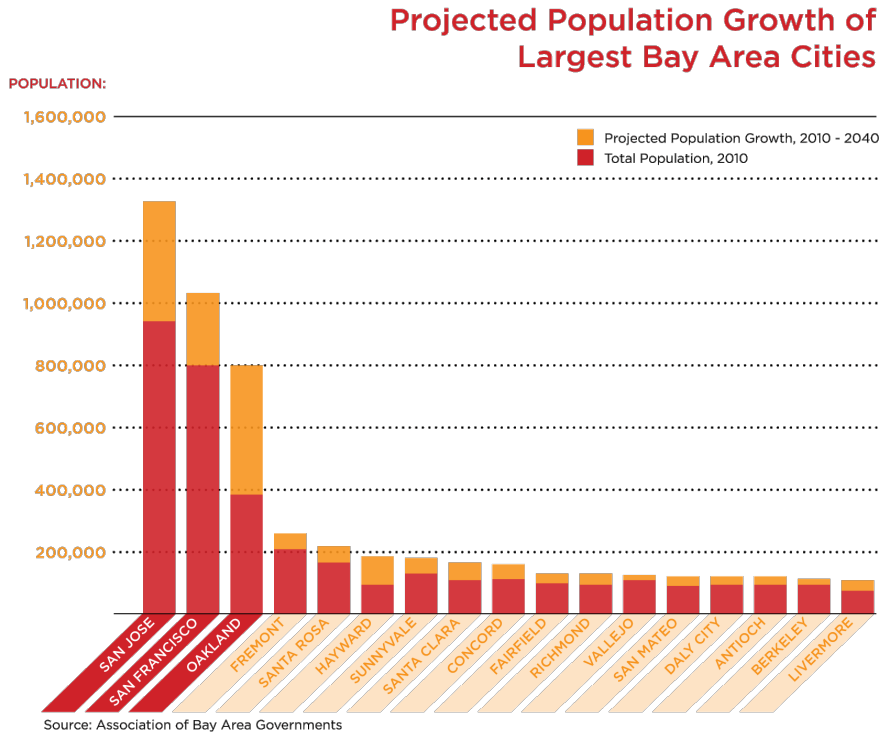
Figure 5: *The greatest total population growth will take place in the three central cities.*

Projected Job Growth of Largest Bay Area Cities

Source: Association of Bay Area Governments
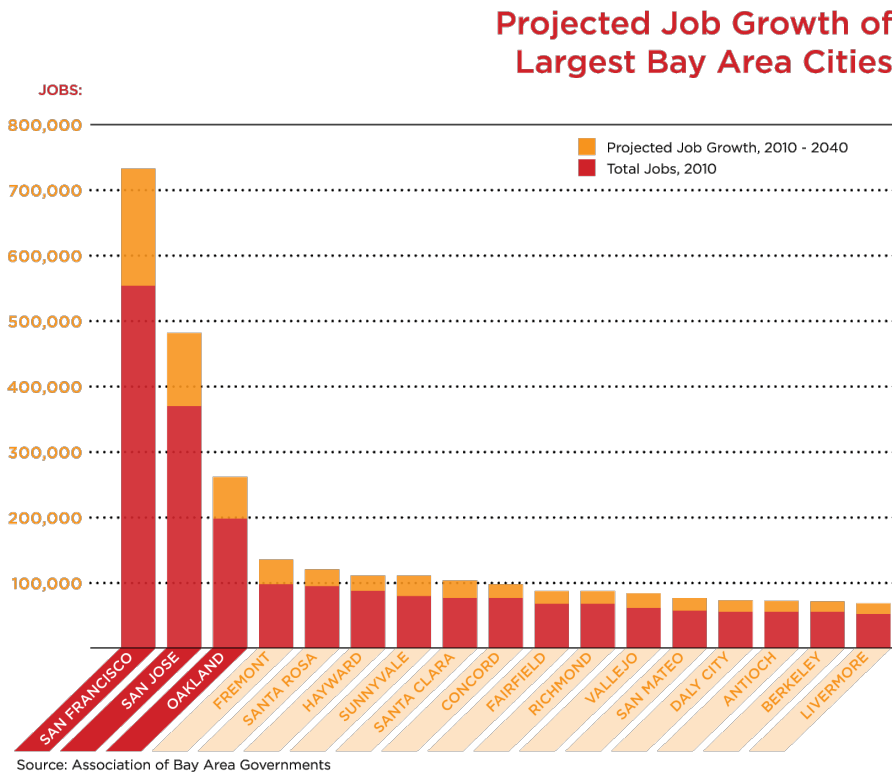
Figure 6: *Job growth will also concentrate in the three central cities between 2010 and 2040.*

ARTICULATING THE CONCERNS OF THE SOUTH BAY AND SAN FRANCISCO

The above charts demonstrate that Santa Clara and Alameda counties, and the central cities of Oakland and San Jose, are currently the least represented major places in the Bay Area on MTC. This under-representation has led to a perception that these places are not getting a fair share of transportation dollars. Also, despite San Francisco's two seats and declining share of regional population, San Francisco has grievances about the allocation of seats at MTC not taking into account the share of transit trips and large transit projects designed to reduce dependence on the automobile. This section attempts to articulate concerns of both Santa Clara and San Francisco counties.

The Santa Clara Perspective

In general, Santa Clara County argues that while it has 25 percent of regional population and 27 percent of regional jobs, it has only two seats and has at times received a smaller share of regional funding. Santa Clara officials have noted the county received 13 percent of regional discretionary funding during a sample period of 2003-2008. In contrast, Alameda County has 21 percent of the population but during the 2003-2008 period received 30 percent of discretionary funding.

Santa Clara also argues that there is sometimes a geographic bias against the county. Many staff at regional agencies reside in San Francisco or the East Bay and have little experience in the South Bay. This means they cannot intuitively understand the need for many of the proposed transportation projects. This can manifest itself in subconscious ways – such as giving South Bay projects lower scores on regional project rankings or not lobbying as strongly in Washington for South Bay priorities (such as BART to San Jose).

Whether or not these objections are accurate, the perception of bias against Santa Clara and the South Bay harms the legitimacy of MTC. Santa Clara has several times tried to establish a new MPO with counties to the south. Because of these feelings, some in Santa Clara argue that it becomes more difficult for them to advocate strongly for major regional priorities or new regional funding measures if it seems unlikely that Santa Clara will get a fair share of the new revenues. As a result, some in Santa Clara argue that it pursues its own local sources of funding for projects.

Finally, Santa Clara argues that if the Bay Area is serious about shifting towards becoming less auto-dependent, it is crucial to both have the support of Santa Clara County as well as assist the county in funding projects that support that shift.

The San Francisco Perspective

For decades, San Francisco has received two guaranteed seats although its overall population and employment share of the region has declined. Yet San Francisco also has many similar arguments to the South Bay. In particular, San Francisco argues that there is an anti-urban bias within many of MTC's internal evaluation processes. For example, the travel models cannot acknowledge transit crowding, although Muni riders daily can attest to Muni buses not picking them up due to being over capacity. The project performance measurement has historically over valued speed improvements that privilege either roadway projects (such as the Freeway Performance Initiative) or suburban transit projects. While San Francisco projects scored high in the 2013 RTP/SCS Project Performance Assessment, this sentiment still holds based on past project evaluation.
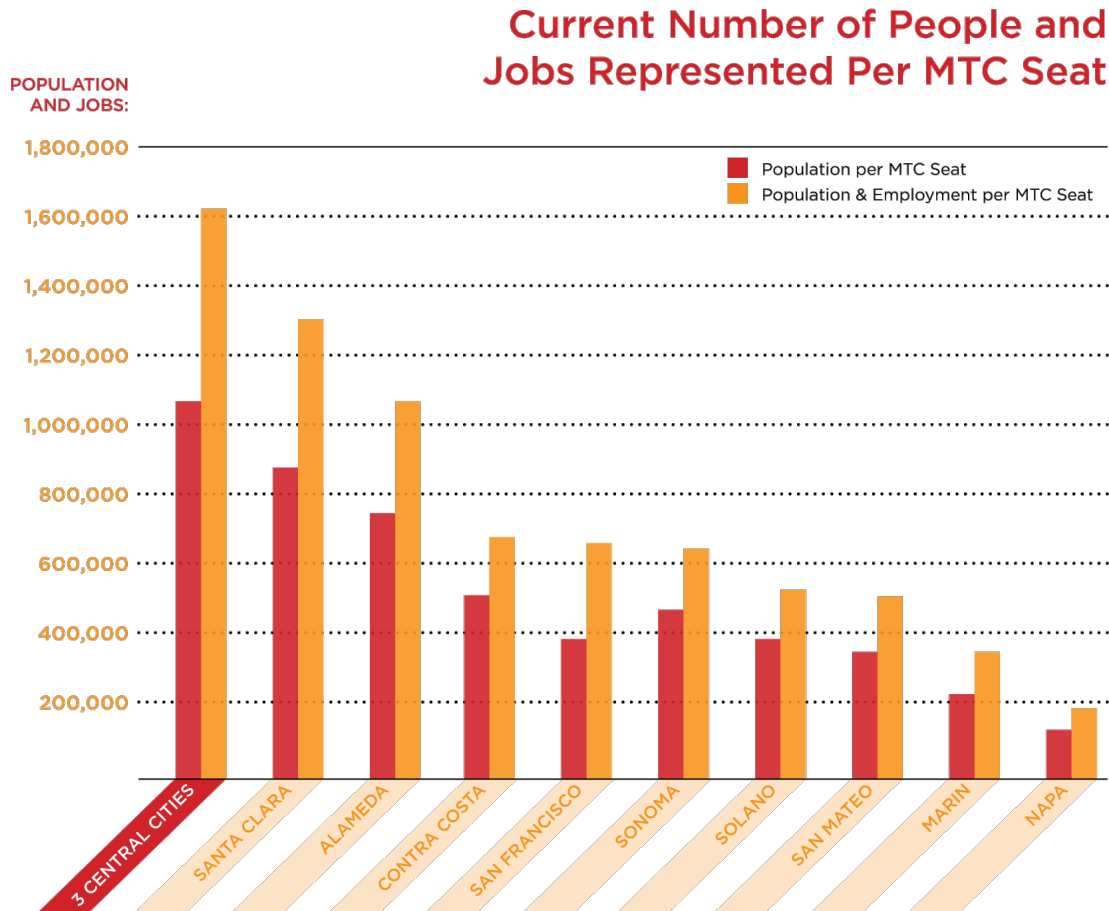
Further, San Francisco is the undisputed least auto-dependent part of the Bay Area. Encouraging more growth in San Francisco is the most immediate and direct way to achieve regional greenhouse gas goals. But San Francisco has a mature and aging transit system carries over half of the Bay Area's entire transit ridership. This system is costly to maintain and in need of new investment to improve. With transit, unlike with autos, the public sector must bear the full cost of the service (including maintenance, labor and operations).

Ultimately, the crux of San Francisco's argument is that the city is ideally situated to help the Bay Area achieve its regional goals. It can grow and add travelers with the smallest number of new cars, vehicle miles traveled and GHG emissions. This will require major new investments in transit infrastructure, but San Francisco will not necessarily get such investments unless the city has sufficient representation on MTC and a commitment on the part of MTC to commit sufficient funds towards the urban core. If San Francisco's power on MTC is diluted, more money might be invested elsewhere, and this will likely be in ways that more reinforce driving and exacerbate the region's climate change impacts.

EVALUATING THE OPTIONS FOR REFORM

As discussed previously, under the current MTC seat allocation model, Santa Clara and Alameda counties are under-represented based on population and employment, and the smallest counties (Marin, Napa and Sonoma) are over-represented. Expressed regionally as population or employment per seat, each of the 14 voting members on the MTC board should represent an average of approximately 510,000 residents or 225,000 jobs. Combined, this would be about 735,000 people and jobs.

The following chart shows the number of people, as well as people plus jobs, represented by each MTC seat. The chart also shows the calculation for jobs and residents of the three central cities per MTC seat. According to the chart, in all counties other than Santa Clara and Alameda, MTC commissioners are representing fewer than 735,000 people and jobs combined. In other words, only Santa Clara and Alameda (as well as the three central cities) represent more than the regional average share of jobs and people. On a pure population basis, San Francisco's two dedicated MTC commissioners represent fewer residents each than Sonoma's one commissioner and about the same as Solano's one commissioner (given that San Francisco is less than double the population size of Sonoma County and approximately double that of Solano).

Current Number of People and Jobs Represented Per MTC Seat

POPULATION AND JOBS:

Legend:
- Population per MTC Seat
- Population & Employment per MTC Seat

Categories (left to right): 3 CENTRAL CITIES, SANTA CLARA, ALAMEDA, CONTRA COSTA, SAN FRANCISCO, SONOMA, SOLANO, SAN MATEO, MARIN, NAPA

Y-axis: 200,000 to 1,800,000

Figure 7: The number of people plus jobs represented by each MTC seat is the clearest metric of which counties are overrepresented and which counties are underrepresented. Using this metric, each San Francisco, Contra Costa and Sonoma county commissioner represents the same number of people and jobs, while Santa Clara and Alameda county's two commissioners each represent a much larger number of workers and residents.

Option 1: Add Voting MTC Seats for San Jose and Oakland

The first option for reforming MTC would be to add two voting seats to MTC: one would be reserved for the mayor (or designee) from the City of Oakland and the other for the mayor (or designee) from the City of San Jose. This would result in Alameda and Santa Clara counties having three voting seats respectively, and would reflect their large share of the region's population. This option would also prevent either of these counties from having a fourth MTC commissioner. In practice this would prevent the BCDC or ABAG seats from going to a resident of Alameda or Santa Clara. The details of this option are identical to the proposal drafted in Assembly Bill 57 in 2011.

The chart below shows how the number of people and jobs represented per MTC seat would change with new MTC commissioners from the cities of San Jose and Oakland. The addition of two seats changes the relative distribution and results in a more even distribution, particularly when measuring jobs and population.

Number of People and Jobs Represented Per MTC Seat Under Option 1
(Seats Added for San Jose and Oakland)
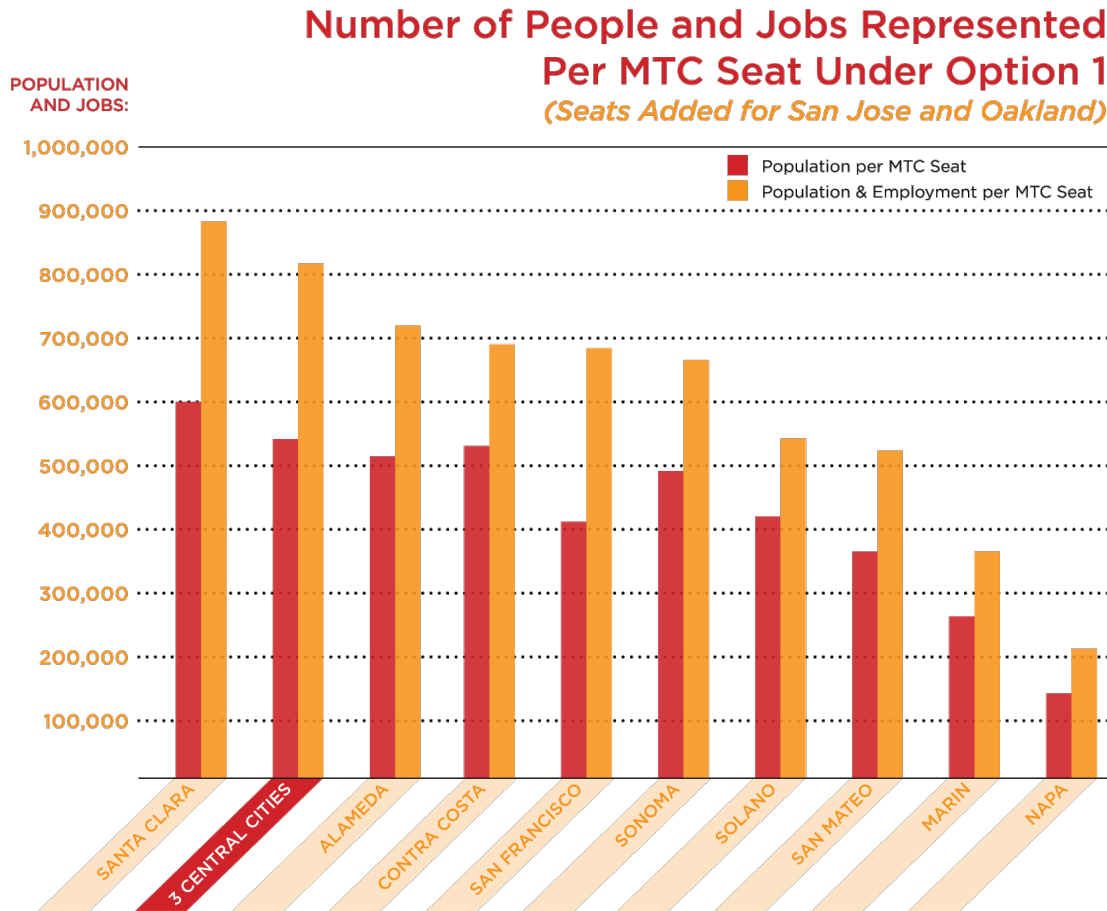
Figure 8: *Adding seats for San Jose and Oakland results in greater equity by county.*

Pros

- Adding seats for San Jose and Oakland would result in a more equitable distribution of seats than today's governance structure. In particular, Alameda would be nearly on parity with Contra Costa and San Francisco on a population and population plus jobs metric. While Santa Clara County would remain under-represented, it would receive closer to proportionate representation.

- This option directly addresses the needs of the central cities by guaranteeing seats for all three central cities. Until now, San Francisco was the only city with a guaranteed seat.

- Increasing the total number of seats (with all of the increases being allocated to the larger counties) would also reduce the relative power of the smallest counties in the region.

Cons

- San Jose has more than double the population of Oakland. Yet under this approach, each would get one seat on MTC. While adding seats for central cities in large counties increases overall equity, providing the same level of representation to cities of such different sizes lacks is not.

- This option does little to change the disproportionately high representation for the smallest counties (Marin and Napa) as those places still continue to be over-represented based on both population and jobs.

Option 2: Add Voting MTC Seats for San Francisco, San Jose and Oakland

While Option 1 provides for more central city representation, it does not address San Francisco's concerns that it too is under-represented in terms of key funding and investments. Further, while San Francisco's population is not growing as quickly as other areas, the city has a high share of the region's transit trips. This is true both because of the city's role as an employment center as well as its role as a travel destination for both Bay Area residents and tourists. San Francisco has noted that "population" for purposes of distributing funding means "nighttime population." Some counties (such as San Francisco) have a much higher daytime population than nighttime population, since the city is a job center. This means it has specific transportation needs to accommodate a large influx of workers and goods on a daily basis. By contrast, San Jose has a higher nighttime population than daytime population, as half of its employed residents leave the city each day for a job elsewhere; although more than 90 percent of them go elsewhere in Santa Clara County.

This proposed modification to the first option takes into account employment distribution, and allocates an additional seat to each of the three largest job centers. This approach is also reflective of the notion that the three central cities will be taking on the greatest share of overall regional growth and have a high share of transit trip ends (with San Francisco alone accounting for more than 50 percent of transit trip ends in the region).

Under this option, each of the now 17 voting members on the MTC board would represent an average of approximately 600,000 people and jobs. The chart on the next page shows the relative representation of population (and population and jobs) per MTC seat. Under this approach, San Francisco alone shifts from being in the middle of representation to closer to Marin and Napa in overrepresentation. And the three central cities as a combined unit shift to being in the middle.

Number of People and Jobs Represented Per MTC Seat Under Option 2
(Seats Added for San Jose, Oakland and San Francisco)

POPULATION AND JOBS:

Legend:
- Population per MTC Seat
- Population & Employment per MTC Seat
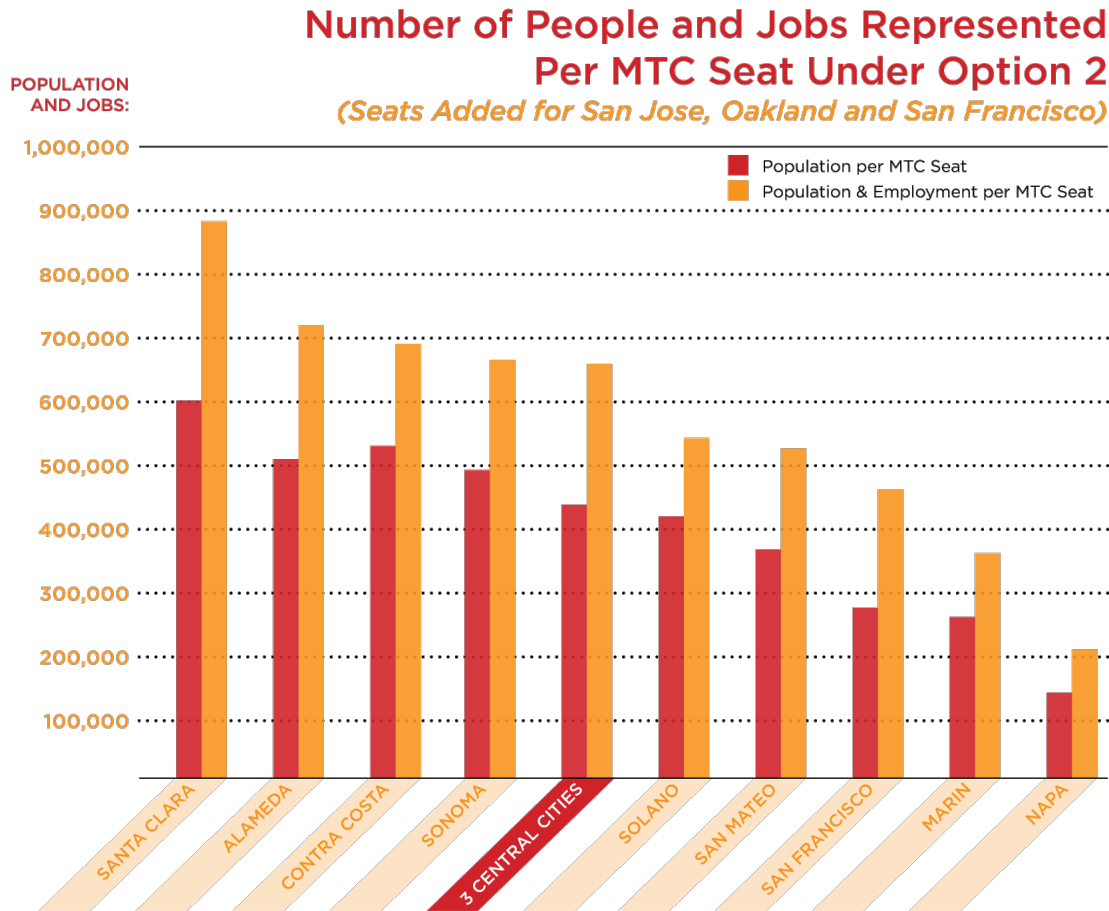
Figure 9: *Adding one seat each for San Jose, Oakland and San Francisco gives the region's three largest cities the most equitable representation.*

Pros

- This option most directly addresses the under-representation currently experienced by the central cities.

- This option also addresses the disproportionately low representation for Alameda and Santa Clara counties.

- By giving San Francisco an additional seat, this option acknowledges that San Francisco has a disproportionately high share of regional transit trip ends and that increasing transit use fits the region's overall climate emission reduction goals.

- Given the region's per capita emission reduction goals and interest in shifting more funding towards maintenance and away from expansion, putting votes and resources in dense communities like San Francisco is appropriate.

Cons

- Increasing representation for San Francisco to account for a larger share of transit trips would result in a disproportionately high representation for San Francisco based on population and jobs.

Option 3: Create New Districts With Equal Population

As discussed earlier, MTC seats are currently allocated such that the "large" counties each get two seats and the "small" counties each get one seat. This creates unequal representation based on population, as Santa Clara has approximately four times the share of regional population as Solano, but only two times the number of votes (two votes versus one vote). To alleviate this disparity, new districts could be created with more equal population. This approach would be most similar to Assembly or Senate seats where each district represented is of the same population size. Districts would likely cross county boundaries (in some but not all cases) and would be readjusted each decade.

SPUR considered the idea of elected regional representatives for such seats. This is the approach taken in Portland, Oregon. We decided to not recommend elected regional government as a possible option given that we do not think creating a new layer of elected government solves the issue at hand. Voters already select people for many layers of government and too often have little understanding of the actions of their representatives at various levels (city council, county supervisor, BART Board, as well as state and federal representatives).

Pros

- Proportional representation would eliminate the perception that any area or population is under-represented on the MTC board.

- This approach has a built in system for maintaining equal representation over time.

Cons

- Creating districts with more or less equal population, such as State Assembly districts, could be done, but would most likely result in districts crossing existing county lines. While the county boundaries may be somewhat arbitrary remnants of 19th century land holdings, they still retain important cultural currency and some boundaries have somewhat rational natural boundaries (Napa/Sonoma, San Francisco on three sides).

- This change would require a wholesale change in the selection process of MTC commissioners as well as regional-county funding patterns. MTC commissioners are typically elected officials whose boundaries fall entirely within one county. An important share of MTC money flows directly to county Congestion Management Agencies (CMAs). If commissioners represented areas that crossed county boundaries, they would have conflicts of interest based on what are they most represent.

Option 4: Implement Weighted Voting

A weighted voting system could be implemented where each vote by an MTC board member would be weighted by the population he or she represented, or by some combination of population and other factors as discussed in Option 2 above (i.e., one Santa Clara vote would be weighted more than one Solano vote).

In practice, weighted voting would mean that major decisions like funding for a regional project would need at least 10 votes in favor (out of 18 votes), and that those 10 votes would have to be from commissioners who represent a majority of the region's population, jobs or some other weighted measure. In the case of the Oakland and San Jose seats, these commissioners votes would count as one-third of the weighted factor for the county as a whole, not for the population of the respective city. The two San Francisco commissioners would each have a vote counting as one-half of the San Francisco factor.

This approach would make MTC consistent with other metropolitan planning organizations in California such as the Sacramento Area Council of Governments, Southern California Association of Governments and San Diego Association of Governments, all of which use weighted voting. In some cases, weighted voting could be combined with majority voting. For example, an important vote on funding priorities would have to receive a majority of votes by those commissioners present and would need for those commissioners to reflect the weighted majority.

All jurisdictions that use weighted voting only take into account nighttime population when assigning weights to board seats. This approach does not take into account the greater investments in transit infrastructure that must occur in places with large employment centers in order to meet State emission reduction goals. Other factors that could be considered for a proposed allocation formula at MTC include the following:

- Daytime population (includes both workers and other travelers)
- Total employment
- Total trip ends
- Transit trip ends
- Total trips (which recognizes some counties have more pass through trips)

One consideration to this approach is that the ABAG and BCDC seats do not represent a specific population, and thus it would be problematic to assign a "weight" to their vote. However, any weighted voting system would likely be a mixture of majority and weighted voting, and thus the ABAG and BCDC votes would remain important for achieving a simple majority vote needed for affirmative action of the MTC board.

Pros

- Weighted voting would eliminate the perception that any area or population is under-represented on the MTC board.

- Weighted voting solves two problems at once: It maintains the seats for smaller counties without diluting their voice while simultaneously increasing the power of larger counties and cities by increasing their voting power. As a result, the discussion can focus on the merits of a proposal while the vote can better reflect the will of a larger share of the region.

- Weighted voting could incorporate factors other than nighttime population, reflecting a policy shift that accounts for transit and employment.

- This change would make MTC consistent with many MPOs throughout California and the United States.

- This change would make MTC consistent with the platform of T4America that calls for proportional representation and includes weighted voting as one method of proportional representation.[1] T4America is a transportation advocacy coalition of which SPUR is a member.

Cons

- To be successful, planning must be forward looking. Weighted voting is backward looking to the extent that it gives greater power to places that grew more historically. The only way to resolve

[1] See: "Certification requirements should include requirements for actions by the MPO to deal with such issues as population proportionality in policy board votes, and land use scenario planning. The specific methods used by each MPO to deal with those issues should be left to the individual region. For example, proportionality might be dealt with either by weighted voting or by board appointment considerations." Page 52 in The Route to Reform: Blueprint for a 21st Century Federal Transportation Program. http://t4america.org/docs/blueprint_full.pdf

this tension is to have strong criteria about where to focus growth and resources based on staff guidance and objective criteria and goals.

- Weighted voting might not be immediately understood by the public or other stakeholders, as some votes might receive a majority of commissioner votes but not a majority of the population represented by those votes.

- An approach that does not give the BCDC or ABAG commissioners a portion of the weighted vote could diminish the relative power of those agencies on MTC.

- Weighted voting would require additional new state legislation to implement and would likely be opposed by those who see their power most immediately reduced.

SPUR'S RECOMMENDATIONS

SPUR recognizes the need to reform the governance of MTC. Some counties are under-represented and some counties are over-represented. Further, the implementation of Senate Bill 375, which mandates the reduction of greenhouse gas emissions, begs for an approach to regional transportation that better reflects the importance of investments in the region's three central cities.

There are elements in each of the above options that we support. However, no one of them is a sufficient reform of MTC. A summary of SPUR's analysis of the options is as follows:

1. **Option 1**: Giving additional seats to Oakland and San Jose moves in the direction of more proportional representation but is not a fully accurate reflection of the region.

2. **Option 2:** Adding additional seats to all three central cities recognizes San Francisco's particular role as a major transit hub and destination. Yet it gives San Francisco a disproportionate share of seats.

3. **Option 3:** Establishing new districts that are equal in population would be fair and rational. But it would result in seats that cross county boundaries. Not only would this make selection of elected officials for such seats complicated, but it also ignores the historic role of counties as a relevant feature of regional identity.

4. **Option 4:** Moving towards weighted voting addresses the concern with under-representation, and would make MTC more consistent with other MPOs in California. But this approach, absent any increase in the number of MTC seats, does not address the need for additional voices from the central cities and may not be forward-looking.

We recognize that achieving greater fairness or equity on MTC assumes that having more seats from a given county will result in access to a greater share of MTC funding. It is not clear, however, that this is indeed the case. Further, is not clear that this is in the best interests of regionalism. Interviews with current and prior MTC board members indicate that decisions rarely pass with narrow margins. The members generally work to gain consensus, with a mind towards supporting others' desired projects in the short-term in exchange for receiving support for their projects in the future.

Modifying the structure of MTC simply to increase the representation for some counties may not advance the spirit of regionalism and the selection of commissioners who vote based on what is best for the Bay Area at large. But we agree that the current distribution of MTC board seats is unfair and support the principle of increasing the representation for Santa Clara and Alameda counties.

Our position is as follows: SPUR supports both increasing the representation of central cities and implementing weighted voting at MTC as the best ways to address the concerns of disproportionate

representation. A system of weighted voting should take into account employment as well as population. SPUR calls for modifying the voting structure at MTC to administer voting both by majority and by a weighted calculation. This means that all important decisions (i.e., not voting on the consent calendar or for approval of meeting minutes) would require both a majority of all commissioners as well as for that majority to reflect a weighted majority of the region.

There are several ways to calculate weighted voting. Options include population, jobs, population plus jobs, trip ends, transit trips, transit trips, share of existing infrastructure, or some combination of these factors. SPUR proposes that this formula only take into account population and jobs, as these data are most readily available and accepted. However, we would welcome further study by MTC or others to explore the most fair and appropriate form of weighted voting. Such an exploration into weighted voting could also address whether or not the votes by the ABAG and BCDC commissioners would be calculated as part of the weighted voting or if those seats should shift to being non-voting seats or simply votes calculated towards the majority. If the ABAG and BCDC seats were to shift to being non-voting members, it would be appropriate to add an additional non-voting seat for the Bay Area Air Quality Management District, particularly since it will also be housed at the new Regional Agency Headquarters.

By implementing weighted voting, MTC would become more consistent with other regional transportation agencies throughout California. In some of those models, each entity/seat gets one vote that represents their specific population. Some decisions are made by a simple majority of votes and some decisions must be made by majority of weighted vote. Refer to the Appendix for details of these structures.

In short, we endorse both Option 1 and Option 4 above. MTC should expand from 16 to 18 voting members by adding seats reserved for the cities of San Jose and Oakland, and should implement a system of weighted voting that requires important MTC decisions to receive both a simple majority vote as well as a weighted majority (with the weight being a combination of the represented population and employment).

CONCLUSION

Ultimately, regionalism in thinking and outcome is not best advanced by proposals that pit different parts of the region against each other. We think our proposal advances both regional thinking and fairness. That is, it recognizes the under-representation of Alameda and Santa Clara counties, and provides those areas with the additional seats they have sought. It provides greater strength for the central cities, which is something San Francisco argues for in principle. But it also introduces an objective standard of proportional representation without eliminating the important notion of county representation in our nine-county region. Weighted voting is a rational and fair solution, and is currently in use in other metropolitan areas. SPUR's long-term vision for a more urban Bay Area requires greater collaboration and coordination among the central cities. Adding seats for Oakland and San Jose advances this vision.

APPENDIX A: HISTORY OF REGIONAL GOVERNMENT IN THE BAY AREA

Establishing Regional Government

The concept of regional government planning in the San Francisco Bay Area arose in the post-World War II era as a response to concerns about transitioning successfully from a wartime to a peacetime economy. Many groups, including the predecessors to SPUR as well as the Bay Area Council became concerned with the results of the rapid growth of the Bay Area, as well as planning issues such as need for new transportation investments and increased air pollution.

In 1946, an unsuccessful attempt was made to create a regional transportation agency to acquire, manage and operate all of the Bay Area airports, seaports and bridges. This agency would have been similar to the Port Authority of New York and New Jersey.

Starting in the late 1940s and throughout the 1950s, the Bay Area established several single-issue regional agencies. In 1949, the Regional Water Quality Control Board (RWQCB) was formed to address water quality issues in San Francisco Bay. In 1955, the "Air District" (today called the Bay Area Air Quality Management District) was formed to address issues with air pollution and smog. In 1957, the Bay Area Rapid Transit District (BART) was formed to begin planning and building a regional rail system.

Around this time, regional leaders revisited the immediate post-war idea to create a regional transportation agency. Although legislation to create such an agency was not successful, many local government leaders became increasingly opposed to the idea of a regional government authority not controlled by local government. Bay Area leaders at that time recognized the need to address common issues from a regional perspective, but these leaders wanted to ensure that regional planning decisions were controlled by local governments. In 1960, the concept of a voluntary metropolitan council made up of cities and counties was put forth by the League of California Cities (LCC) and what is now called the California State Association of Counties (CSAC), and in 1961, the Association of Bay Area Governments (ABAG) was formed through a joint powers agreement pursuant to the California Government Code as a voluntary council of cities and counties. ABAG was the first Council of Governments (COG) formed in California.

ABAG functions as the regional planning agency for the nine counties and 101 cities and towns of the San Francisco Bay Area, and provides the land-use planning and research for transportation planning decisions. The planning and service programs provided by ABAG work to address regional economic, housing, transportation, and environmental challenges.

Then in 1965 came the creation of the Bay Conservation and Development Commission (BCDC) as a single-purpose agency focused on managing development and impacts to the San Francisco Bay.

It was not until 1970, a generation after World War II ended, that region finally established a transportation agency. The California Legislature created the Metropolitan Transportation Commission (MTC) in 1970. Its initial purposed was to receive and administer state and local transportation funds. With subsequent federal legislation, MTC became (as it is today) the region's transportation planning, coordinating and financing agency for the nine-county San Francisco Bay Area. It functions as both the state-designated Regional Transportation Planning Agency (RTPA) and, for federal purposes, as the region's Metropolitan Planning Organization (MPO).

MTC is responsible for preparing the Regional Transportation Plan (RTP), a comprehensive long range planning document that establishes planning and funding goals for the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities. Other responsibilities include prioritizing regional transportation investments, distributing certain state and federal transportation funds to local agencies, and reviewing local transportation projects to determine their compatibility with the RTP. Changes over the years in state and federal laws have strengthened the roles of regional transportation planning agencies and MPOs, and have given MTC an increasingly important role in financing Bay Area transportation improvements.

Efforts to Reform the Governance Structure

Over recent decades, there have been numerous calls to reform the structure of the Bay Area's regional government structure. Most proposals have focused on merging ABAG and MTC into a single transportation and land use agency. There have also been proposals to directly elect regional decision-makers and to establish new MPOs with other counties.

Shortly after the formation of MTC, State Senator John Foran of San Francisco, author of the MTC legislation, wanted to see a comprehensive land use planning and transportation agency. He made sure his bill included a proviso for MTC's automatic absorption in any such future agency.

The notion of a more inclusive form of regional governance, or at least regional planning, has been around for many years. Several bills succeeded in the Assembly, they never did in the Senate. Two principal reasons were the fear of conservatives from southern California that this idea might spread to their part of the state and somehow result in domination by Los Angeles of their suburban territory; and the unwillingness of Bay Area groups to compromise on the composition of a governing board (local government appointees, directly elected representatives, or a mixture of both).

This concept reemerged with Bay Vision 2020 in the late 1980s as well as in the early 2000s. In 2001, State Senator Tom Torlakson of Contra Costa County introduced Senate Bill 1243 which proposed fusing the MTC and ABAG. It was opposed by ABAG and died in committee. In 2002, recognizing the Legislature's focus on California's budget crisis, Torlakson agreed to suspend his efforts to legislate Bay Area regionalism while ABAG and MTC had formal talks to find common ground.

APPENDIX B: OTHER REGIONAL TRANSPORTATION PLANNING AGENCIES

While the Bay Area has both ABAG and MTC functioning separately as the regional Council of Governments (COG) and MPO/RTPA, most other regional agencies in California function as both the COG and MPO. In addition, other regional governance agencies have either seat allocation structures specifically reflecting equal population, weighted voting by population represented, or direct election of board members.

San Diego Association of Governments

The San Diego Association of Governments (SANDAG) is an association of local San Diego County governments, including 18 member cities and the county. SANDAG was formed pursuant to legislation (SB 1703), which consolidated all of the roles and responsibilities of SANDAG with many of the transit functions of the Metropolitan Transit Development Board and the North San Diego County Transit Development Board. The consolidation allows SANDAG to assume transit planning, funding allocation, project development, and eventually construction in the San Diego region in addition to its ongoing transportation responsibilities and other regional roles. SANDAG functions as a merged COG and MPO, although it represents a single county.

Organizational Structure

A 21-member Board of Directors composed of mayors, councilmembers, and county supervisors from each of the region's 19 local governments, as follows, governs SANDAG:

- Each of the 18 cities and the county gets one representative, with two representatives for the City of San Diego and the County of San Diego).

- Non-voting advisory representatives include Imperial County, Caltrans, MTS, NCTD, the U.S. Department of Defense, San Diego Unified Port District, San Diego County Water Authority, Southern California Tribal Chairmen's Association, and the country of Mexico.

Voting Structure

Seats are allocated by jurisdiction, not population share. But Board actions must get both majority of vote and majority of weighted vote (based on population of jurisdiction represented by each voting member) to pass.

Affirmative decisions require majority of the weighted vote of the member agencies present. A total of 100 votes are distributed by population, with every agency receiving at least one but not more than 40 votes. A complex formula is used to distribute the 100 votes. The City of San Diego and the County of San Diego must determine how to allocate their single vote and weighted votes between them.

Sacramento Area Council of Governments

The Sacramento Area Council of Governments (SACOG) is an association of Sacramento region governments formed from the six area counties — El Dorado, Placer, Sacramento, Sutter, Yolo and Yuba — and the 22 member cities. SACOG was formed by a JPA, and serves as the regional COG, MPO and RTPA. SACOG provides transportation planning and funding for the region, and serves as a forum for the study and resolution of regional issues. In addition to preparing the region's long-range transportation

plan, SACOG approves the distribution of affordable housing in the region and assists in planning for transit, bicycle networks, clean air and airport land uses.

Organizational Structure

A 32-member Board of Directors represents SACOG with 31 voting members and one non-voting member, as follows:

- Eight voting board members represent the six counties. Each board of supervisors appoints one supervisor to represent their county, except for Sacramento County, which appoints three.

- 23 voting board members represent the 22 cities; each city council appoints either the mayor or a city council member to represent their city, except for the City of Sacramento, which appoints two.

- One non-voting member represents the Caltrans District 3 director.

Voting Structure

SACOG voting is weighted, and Board actions require all of the following:

- A majority of members representing the total population of member agencies must be present. Affirmative decisions require a simple majority of the total population represented. Agencies with more than one director have their total population divided equally among voting members.

- A majority of members representing cities must be present. Affirmative decisions require a simple majority of the cities. Each member has one vote.

- A majority of members representing counties must be present. Affirmative decisions require a simple majority of the counties. Each member has one vote.

- Special approvals by the governing bodies of two thirds of member counties and member cities are required for area-wide plans, standards, and programs.

Southern California Association of Governments

The Southern California Association of Governments (SCAG) is an association of Los Angeles regional governments from the six area counties — Los Angeles, Orange, San Bernardino, Riverside, Ventura, and Imperial — and 191 member cities. SCAG was formed by a JPA, and serves as the COG, MPO and RTPA for the six counties.

Organizational Structure

SCAG is represented by two governing bodies with the authority to approve and act upon policies, operations and funding. The General Assembly is the official body representing SCAG member agencies. The General Assembly meets annually to discuss and approve policy matters, the annual budget, and regional studies. The Regional Council directs the day-to-day affairs of SCAG; implements General Assembly policy decisions; acts upon policy recommendations from SCAG policy committees and external agencies; appoints committees to study specific problems and programs; and amends, decreases, or increases the proposed budget to be reported to the General Assembly. The Regional Council meets monthly.

- SCAG contains 67 districts comprised of a group of cities that have a geographic community of interest with approximately equal population.

- Each city and county gets one representative in the General Assembly, except City of Los Angeles, which gets three. Members must be elected officials.

- Each County Transportation Commission gets one representative

- The membership of the SCAG Regional Council includes a total of 83 members, and is comprised as follows:

  - Seven county representatives, with one representative from each member county board of supervisors, except for the County of Los Angeles which gets two
  - One representative from the Tribal Government Regional Planning Board, who shall be a locally elected Tribal councilmember from a federally recognized Tribal Government within the SCAG region;
  - 67 district representatives, with 1 representative from each district;
  - The mayor of the City of Los Angeles serving as the Los Angeles city-at-large representative;
  - Six County Transportation Commission (CTC) representatives, with one general purpose local government elected representative, defined as either an elected city council member or member of a County Board of Supervisors, from the governing boards of each of the six CTCs;
  - One local government elected representative from one of the five air districts within SCAG to represent all 5 air districts operating within the SCAG region;
  - One local government elected representative from the Transportation Corridor Agencies (TCA).

Voting

- General Assembly. A quorum requires one-third of the member city representatives, one-third of the member county representatives, and one third the member CTCs. Each representative has one, equally-weighted vote. Affirmative decisions require a simple majority; however, this may be split to require a majority of cities and a majority of counties.

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- Regional Council. A quorum is one-third of the members of the Regional Council. Each member has one equally weighted vote. Affirmative decisions require a simple majority; however, this may be split to require a majority of cities and a majority of counties.

Portland Metro

The 1992 Metro Charter approved by voters in 1999 and amended in 2002, created the Metropolitan Service District. Portland Metro functions as the MPO for three counties and 25 cities in the Portland, Oregon area, but does not function as a COG.

Organizational Structure

Metro is governed by a region-wide council, which includes seven members, consisting of a president and six councilors. The president and councilors are elected directly by the voters every four years. Councilors are elected by sub-region, and the president is elected at large.

- The president presides over the council, sets its policy agenda, and appoints all members of Metro committees, commissions and boards.

- Councilors represent sub-regions and local municipalities. The council is responsible for developing long-range regional plans and approving regional funding measures.

Voting

A quorum requires a majority of councilors. Affirmative decisions require a simple majority.

APPENDIX C: ABAG GOVERNANCE

ABAG and MTC are separate entities with independent governance structures. While the agencies often hold joint committee meetings, the ABAG Executive Board alone must approve all major decisions at ABAG.

Seats on the ABAG Executive Board are allocated according to Bay Area population. The total number of seats allocated and the distribution of seats are contained within the bylaws. This structure can be amended by majority vote of both the city and county delegates.

ABAG is governed by a 38-member executive board, which assembles locally elected officials allocated based on regional population to make operating decisions, appoint committee members, authorize expenditures, and recommend policy. An elected official from each member city, town and county serves as a delegate to the General Assembly, which determines policy, adopts the annual budget and work program, and reviews policy actions of the executive board. Each delegate has one vote, and a majority of city and county votes are required for action. Of the 38 voting memberships on the ABAG Executive Board, 35 are appointed to reflect the population size of each county, as follows:

- Alameda County (7): two for the county; two for the cities; three for the City of Oakland
- Contra Costa County (4): two for the county; two for the cities
- Marin County (2): one for the county; one for the cities
- Napa County (2): one for the county; one for the cities
- San Francisco County (5): two for the county; two for the city; one alternating appointment
- San Mateo County (4): two for the county; two for the cities
- Santa Clara County (7): two for the county; two for the cities; three for the City of San Jose
- Solano County (2): one for the county; one for the cities
- Sonoma County (2): one for the county; one for the cities

The president, vice president and immediate past president of the General Assembly also serve as voting members of the Executive Board. Their boards of supervisors select county representatives. The mayors of member cities in each county appoint city representatives. Their respective councils appoint those officials representing the City of Oakland and the City of San Jose; the mayor appoints the City of San Francisco representative. Each of these appointing authorities may appoint alternates to the members selected.