

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

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March 23, 2012

TO: Commissioners and Alternates
FROM: Steve Goldbeck, Acting Executive Director (415/352-3611 steveg@bcdc.ca.gov)
Tim Eichenberg, Chief Counsel (415/352-3655 time@bcdc.ca.gov)
SUBJECT: Staff Report and Recommendation on Pending Legislation – AB 57
(For Commission consideration on April 5, 2012)

Summary and Recommendations

Assembly Bill 57 (attached) by Assembly Member Jim Beall and Senator Elaine Alquist, would enlarge the Metropolitan Transportation Commission (MTC) from 19 to 21 members (16 to 18 voting members) by adding one member each from Oakland and San Jose, appointed by their mayors, giving a total of three MTC members to both Alameda and Santa Clara counties. The Bill was amended in the Senate to require the BCDC representative to MTC to be a resident of San Francisco and be approved by San Francisco's mayor, thereby giving San Francisco three MTC members. The Bill would also limit MTC membership to no more than three residents from any one county. The staff has no recommendation but is providing this report for Commission consideration and possible action in the event it wishes to take a position on the Bill.

Background

AB 57. Assembly Member Beall introduced AB 57 to enlarge the Metropolitan Transportation Commission from 19 to 21 members in December, 2010. The Bill requires that the two new MTC members represent Oakland and San Jose, appointed by the respective mayors of those cities, for initial terms ending in February 2015. It further limits MTC membership to not more than three residents from one county. The Bill passed the Assembly by a vote of 71 to 5 on May 11, 2011. The Bill was amended in the Senate on March 5, 2012 to require the BCDC representative to MTC to also be a resident of San Francisco that is approved by the Mayor of San Francisco, thus giving Alameda, Santa Clara and San Francisco counties three members each on MTC. The Bill currently is before the Senate Housing and Transportation Committee. Coauthors include Assembly Members Alejo, Bonilla, Buchanan, Campos, Fong, Gordon, Skinner, Swanson, Wieckowski, and Yamada, and Senators Alquist, Hancock and Wolk.

MTC. MTC is the state regional transportation planning agency and the federal metropolitan planning organization (MPO) for the nine county Bay Area. When it was created in 1970, MTC was the first statutorily created transportation planning agency in California. MTC is responsible for preparing the regional transportation plan for the Bay Area, a comprehensive long range planning document that establishes planning and funding goals for



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the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities, and reviews local projects for compatibility with the regional transportation plan. It also is responsible for prioritizing regional transportation investments; establishing policies and priorities that govern the expenditure of transportation funds; coordinating funding for transportation projects between local governments, transit districts, and the Department of Transportation (Caltrans); and distributing state and federal transportation funds to local agencies.

MTC has a 19 person governing board, with sixteen voting members who serve four-year terms. The MTC board currently consists of two members from the City and County of San Francisco (one appointed by the mayor and one by the board of supervisors); two members each from the counties of Alameda, Contra Costa, San Mateo, and Santa Clara (one selected by the city selection committee and one appointed by the boards of supervisors of each county respectively); one member each from the counties of Marin, Napa, Solano, and Sonoma (appointed by their respective boards of supervisors from nominations provided by city selection committees); one member appointed by the Association of Bay Area Governments (ABAG); and one member appointed by BCDC. The three non-voting members are appointed by the California Secretary of Business, Transportation & Housing, the United States Secretary of Transportation, and the United States Secretary of Housing & Urban Development.

Supporting Arguments. MTC's existing arrangement for selecting board members attempts to balance population and jurisdictional representation between the five large counties and the four small ones. The larger counties (Alameda, Contra Costa, San Mateo, and Santa Clara) have two members. San Francisco, as a consolidated city and county and the region's most populous city and third most populous county, also has two members, one appointed by the mayor and one by the board of supervisors. The remaining smaller counties (Marin, Napa, Solano, and Sonoma) have one representative each, from persons nominated by the cities and appointed by the boards of supervisors. Because BCDC's current MTC member is a resident of San Francisco, San Francisco currently has three residents who are MTC members, one more than Alameda, Contra Costa, San Mateo and Santa Clara County.

According to the Bill's author and sponsor, two new seats should be given to San Jose and Oakland because they are two of the three largest Bay Area cities in terms of population, their combined total of 1.2 million workers represents one-third of the Bay Area workforce and more than 50 percent of the Bay Area's transit commuters, and both cities will play a leading role in the Bay Area's efforts to comply with the state's greenhouse gas reduction requirements and implementation of SB 375, which seeks to focus new development within the existing urban core and near public transit stations.

During the last 40 years, the Bay Area's population has grown by 61.2 percent. Solano and Sonoma counties have experienced the greatest growth (151.7 and 140.8 percent population increases respectively); Contra Costa County experienced a 92.2 percent population increase; Santa Clara County 76.6 percent; Alameda County 46.7 percent; and San Mateo County 35.6 percent. Santa Clara County had the largest population increase of 816,000 persons, and Contra Costa was second with 514,666 persons. The City and County of San Francisco experienced the least growth of any county (19.6 percent population increase). The Bill seeks to reflect these changes in population by adding new members from Oakland and San Jose to give Alameda and Santa Clara County three members each. The Bill was amended in the Senate to require BCDC's representative to be a resident of San Francisco approved by the mayor, giving Alameda, Santa Clara and San Francisco counties three members each.

List of Supporters. MTC (sponsor); Alameda County Transportation Commission; American Federation of State, County and Municipal Employees (AFSCME); the Cities of Oakland and San Jose; Contra Costa Transportation Authority; East Bay Economic Alliance; the Counties of Napa and Santa Clara; Santa Clara Valley Transportation Authority; and the Silicon Valley Leadership Group.

Opposing Arguments. A letter from the former Senate Transportation Committee chairs, Senator John Foran (the author of MTC's 1970 enabling legislation), and Quentin Kopp (the former chair of MTC), argue that transit use would be a better measurement for determining representation on the MTC. They state that, "the idea that San Francisco, which provides 700,000 of public transportation trips per day should have its voting power on MTC diluted, to confer more representation on San Jose and Oakland whose urban core and transit trips pale by comparison to San Francisco, is contrary to good legislative sense. The day time population of San Francisco swells by more than the entire population of Oakland. . . "

By limiting BCDC's representative on MTC to a San Francisco resident, AB 57 constrains the flexibility and discretion of BCDC to select its own MTC representative, and prevents BCDC commissioners residing outside San Francisco from being appointed to the MTC. It also requires the representative selected from BCDC to be approved by the Mayor of San Francisco; currently BCDC's appointment to the MTC is approved only by the Commission. The Bill also limits MTC members to no more than three from any one county, meaning that the ABAG representative on MTC could not be a resident of San Francisco, Alameda or Santa Clara counties since those counties would already have three representatives on MTC.

The Senate Committee report suggests that an alternative arrangement could include weighted voting, as used by the San Diego Association of Governments, based upon a specified proportion of the region's total population, with smaller jurisdictions being guaranteed a minimum number of votes and remaining votes being distributed on the basis of population. Another alternative would be to leave unrestricted the selection of the BCDC member, and add an additional voting member from San Francisco. That would provide voting parity between the region's three largest counties, allow another representative to be appointed from outside those counties, and reduce the likelihood of tie voting by increasing the voting membership to 19 members. If that were to be done, similar to ABAG, BCDC's representative could not be a resident of San Francisco, Alameda, or Santa Clara County.

List of Opponents. San Francisco County Transportation Commission; former State Senators John Foran and Quentin Kopp.

AMENDED IN SENATE MARCH 5, 2012
AMENDED IN ASSEMBLY MAY 19, 2011
AMENDED IN ASSEMBLY APRIL 27, 2011
AMENDED IN ASSEMBLY FEBRUARY 2, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 57

Introduced by Assembly Member Beall

(Principal coauthor: Senator Alquist)

**(Coauthors: Assembly Members Alejo, Bonilla, Buchanan, Campos,
Fong, Gordon, Skinner, Swanson, Wieckowski, and Yamada)**

(Coauthors: Senators Hancock and Wolk)

December 6, 2010

An act to amend Sections 66503 and 66504 of the Government Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 57, as amended, Beall. Metropolitan Transportation Commission.

The Metropolitan Transportation Commission Act creates the Metropolitan Transportation Commission as a regional agency in the 9-county San Francisco Bay Area with comprehensive regional transportation planning and other related responsibilities. Existing law requires the commission to consist of 19 members, including 2 members each from the Counties of Alameda and Santa Clara, *and one member appointed by the San Francisco Bay Conservation and Development Commission*, and establishes a 4-year term of office for members of the commission.

This bill would, instead, require the commission to consist of 21 members, including one member appointed by the Mayor of the City of Oakland and one member appointed by the Mayor of the City of San Jose. The bill would require the initial term of those 2 members to end in February 2015. The bill would, ~~effective with the commission term commencing February 2015,~~ prohibit more than 3 members of the commission from being residents of the same county, as specified. *The bill would require the member from the San Francisco Bay Conservation and Development Commission to be a member of that commission, a resident of San Francisco, and to be approved by the Mayor of San Francisco.* By imposing new requirements on a local agency, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 66503 of the Government Code is
2 amended to read:
3 66503. The commission shall consist of 21 members as follows:
4 (a) Two members each from the City and County of San
5 Francisco and the Counties of Contra Costa and San Mateo, and
6 three members each from the Counties of Alameda and Santa
7 Clara. With respect to the members from San Francisco, the mayor
8 shall appoint one member and the board of supervisors shall
9 appoint one member. With respect to the members from Alameda,
10 Contra Costa, San Mateo, and Santa Clara Counties, the city
11 selection committee organized in each county pursuant to Article
12 11 (commencing with Section 50270) of Chapter 1 of Part 1 of
13 Division 1 of Title 5, shall appoint one member and the board of
14 supervisors shall appoint one member. The Mayor of the City of
15 Oakland shall be self-appointed or shall appoint a member of the
16 Oakland City Council to serve as the third member from the County
17 of Alameda. The Mayor of the City of San Jose shall be
18 self-appointed or shall appoint a member of the San Jose City

1 Council to serve as the third member from the County of Santa
2 Clara.

3 (b) One member each from Marin, Napa, Solano, and Sonoma
4 Counties. The city selection committee of these counties shall
5 furnish to the board of supervisors the names of three nominees
6 and the board of supervisors shall appoint one of the nominees to
7 represent the county.

8 (c) One representative each appointed by the Association of
9 Bay Area Governments and the San Francisco Bay Conservation
10 and Development Commission. *The representative appointed by*
11 *the San Francisco Bay Conservation and Development Commission*
12 *shall be a member of the commission and a resident of the City*
13 *and County of San Francisco, and shall be approved by the Mayor*
14 *of San Francisco.*

15 (d) One representative, who shall be a nonvoting member,
16 appointed by the Secretary of the Business, Transportation and
17 Housing Agency.

18 (e) One representative each appointed by the United States
19 Department of Transportation and Department of Housing and
20 Urban Development. However, these representatives shall serve
21 only if the agencies they represent are amenable to these
22 appointments. These representatives shall be nonvoting members.

23 (f) Public officers, whether elected or appointed, may be
24 appointed and serve as members of the commission during their
25 terms of public office.

26 (g) ~~Effective with the commission term commencing February~~
27 ~~2015, no~~ *No* more than three members appointed pursuant to
28 subdivisions (a), (b), and (c) shall be residents of the same county.

29 SEC. 2. Section 66504 of the Government Code is amended
30 to read:

31 66504. Each commissioner's term of office is four years;
32 provided, however, that the commissioners appointed by the Mayor
33 of the City of Oakland and the Mayor of the City of San Jose shall
34 have an initial term of office ending in February 2015. A
35 commissioner appointed as a public officer vacates his or her
36 commission seat upon ceasing to hold such public office unless
37 the appointing authority consents to completion of the term of
38 office. Commissioners shall be selected for their special familiarity
39 with the problems and issues in the field of transportation.

1 SEC. 3. No reimbursement is required by this act pursuant to
2 Section 6 of Article XIII B of the California Constitution because
3 the only costs that may be incurred by a local agency or school
4 district are the result of a program for which legislative authority
5 was requested by that local agency or school district, within the
6 meaning of Section 17556 of the Government Code and Section
7 6 of Article XIII B of the California Constitution.

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