

## Fw: Regional Transportation Funding Measure

Brittney Sutherland <[bsutherland@bayareametro.gov](mailto:bsutherland@bayareametro.gov)>

Sun 8/25/2024 5:26 PM

To: Brittney Sutherland <[bsutherland@bayareametro.gov](mailto:bsutherland@bayareametro.gov)>

**From:** Howie M.

**Sent:** Friday, August 23, 2024 11:24:16 AM

**To:** MTC-ABAG Info <[info@bayareametro.gov](mailto:info@bayareametro.gov)>

**Cc:** Howie M.

**Subject:** Regional Transportation Funding Measure

Hello,

As a resident of El Cerrito and former resident of Mountain View, I have used many of the transportation systems (BART, CalTrain, Muni, AC Transit, VTA, SamTrans) in the Bay Area. I understand the need to support all of these systems and to get them to work efficiently together.

In the upcoming Monday meeting on the regional transportation funding, please be sure that:

- Funding includes all Bay Area counties.
- The revenue method should be progressive so that the burden does not fall too hard on lower income residents.
- Funding should be adequate to keep service at or above current levels.

Thank you very much!

Howard M.

## **Labor and Community Principles for New Regional Transit Measure Bill**

1. Nine-county measure that raises at least \$1.5 billion a year.
2. Include progressive revenue sources (parcel tax and payroll tax), and limit the sales tax option.
3. Fully fund operating needs of all Bay Area transit agencies for the entire term of the measure to meet transit service goals that:
  - a. At a minimum, preserve service levels and prevent layoffs.
  - b. Allow funding to expand service levels that increase ridership and/or improve equitable access to transit services.
4. Allow counties that preserve transit service levels (and meet minimum outcomes for safety and pavement) within the county the flexibility to allocate funds to any projects and programs in Plan Bay Area.
5. Project Labor Agreement and prevailing wages required on all capital projects of \$1 million or more.
6. Fund regional transit transformation improvements (transit priority, wayfinding, fare integration, and access and mobility for people with disabilities and seniors).
7. Omit consolidation study section from the bill.
8. Omit limitation on when Marin and Sonoma counties can go to the ballot, and address “ballot collision” with local funding measures.
9. Add annual reporting and citizen oversight provisions at the county and regional levels.
10. Prioritize in-house work: Restrict or limit MTC and transit agencies from outsourcing job functions or duties that are currently performed by transit agency employees.

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**Amalgamated Transit Union (ATU)** California Conference Board and  
ATU Locals 192, 265, 1555, 1574, 1575 and 1605

**Service Employees International Union (SEIU)** Local 1021

**Transport Workers Union of America, AFL-CIO (TWU)** and TWU Local 250A and  
Local 200

**International Association of Sheet Metal, Air, Rail and Transportation Workers (SMART)**, SMART-Transportation Division, and Sheet Metal Workers Local 104

**International Brotherhood of Electrical Workers (IBEW)** Local 6

**United Auto Workers (UAW)** Local 4811

## Fw: comment for Monday meeting on regional transit funding measure

Brittney Sutherland <bsutherland@bayareametro.gov>

Fri 8/23/2024 5:55 PM

To: Brittney Sutherland <bsutherland@bayareametro.gov>

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**From:** Michael C.

**Sent:** Friday, August 23, 2024 4:56:59 PM

**To:** MTC-ABAG Info <info@bayareametro.gov>

**Subject:** comment for Monday meeting on regional transit funding measure

Dear Committee Members,

I would like to see 50% of money raised be used to continue funding existing levels of transit operations & the rest used for improvements like increased frequency. Thank you  
Mike C.

## Fw: Transportation Revenue Measure Select Committee Aug. 26, 2024 - public comment

Brittney Sutherland <bsutherland@bayareametro.gov>

Sun 8/25/2024 4:49 PM

To: Brittney Sutherland <bsutherland@bayareametro.gov>

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**From:** Nick W.

**Sent:** Sunday, August 25, 2024 2:00:53 PM

**To:** MTC-ABAG Info <info@bayareametro.gov>

**Subject:** Transportation Revenue Measure Select Committee Aug. 26, 2024 - public comment

The MTC lacks the power to put a tax measure on a ballot.

Article XI, section 11, subdivision (a), of the California Constitution, provides, “The Legislature may not delegate to a private person or body power to make, control, appropriate, supervise, or interfere with county or municipal corporation improvements, money, or property, or to levy taxes or assessments, or perform municipal functions.”

In *Howard Jarvis Taxpayers’ Assn v. Fresno Metropolitan Projects Authority* (1995) 40 Cal. App. 4th 1359, a statute passed by the Legislature, Gov. Code, § 68059.7, allowed the Fresno Metropolitan Projects Authority to impose a tax, and provided that the Authority shall be authorized to levy and collect the tax. The Authority was held to be a “private person or body” because some of the members of the Authority were not publicly-elected officials, or appointees of publicly-elected officials. There were not accountable to the public. The court ruled that the statute was unconstitutional, because the power to tax cannot be delegated to a “private person or body.” The same constitutional flaw is fatal to AB 1487. Notably, the court in this case also concluded that it made no difference that the tax had been approved by the voters. It was “taxation without representation.”

Similarly, in *County of Sonoma v. Superior Court* (2009) 173 Cal. App. 4th 322, the court ruled that a state law requiring Sonoma County to submit disputes over employee compensation to arbitration, in which arbitrator would determine compensation, violated state constitutional provision giving county authority to establish such compensation. The constitutional power vested in the county could not be required to be delegated to a “private person or body” – an arbitrator.

The MTC contains unelected officials. <https://mtc.ca.gov/about-mtc/commissioners/full-commissioner-roster>

Specifically, no one is elected to the position of MTC Commissioner. Some of the commissioners are elected officials. Some are appointees of elected officials. Some are not even appointees of elected officials: Dina El-Tawansy (Representing California State Transportation Agency (CalSTA); Director, Caltrans District 4); Dorene M. Giacopini (Representing U.S. Department of Transportation); and Libby Schaaf (Representing U.S. Department of Housing and Urban Development).

Although those who are not even appointees of elected officials are "non-voting" MTC Commissioners, they participate in discussions. Their participation results in a violation of Article XI, section 11, subdivision (a). By analogy, when a public official must recuse himself or herself from a decision, the recusal must include not only not voting, but also not participating in the discussion; also, the official must physically leave the room. Gov't Code section 87105(a)(2) and (3). At the MTC, the non-voting commissioners do not leave the room and if present actively participate in the discussion.

The participation of the non-voting members in discussions is sufficient to establish a violation of the California Constitution if the MTC places a tax measure on the ballot.

*Nick W.*

Retired attorney

Good morning:

I am writing as a resident and taxpayer in Santa Clara County.

We don't need another regressive transportation funding measure. Our taxes are already too high.

Vote NO.

Over the last several elections, voters in Santa Clara County have passed multiple tax and fee increases including gas taxes, the Caltrain Measure RR tax, two bridge toll increases, three VTA sales taxes, Santa Clara County's Measure A 1/8 cent sales tax, the state prop 30 ¼ cent sales tax and the 2010 Measure B Vehicle Registration Fee of \$10. Additionally, we're on the hook to pay back numerous state bond issues including high-speed rail, the Proposition 1 water bond and the infrastructure bonds of 2006.

All this nickel and diming contributes into making the Bay Area a horribly expensive place to live; especially for people of modest means, who must pay the greatest percentage of their income in these regressive taxes and fees. Each increase by itself does not amount to much, but the cumulative effect is to add to the unaffordability of the region.

Before increasing taxes YET AGAIN, waste needs to be removed from transportation projects. For example, we need to eliminate the redundant and BART extension between the San Jose and Santa Clara Caltrain stations. The BART segment from these stations would duplicate both the existing Caltrain line and VTA's 22 and 522 buses.

Why don't the wealthy high rollers at MTC suggest taxing rich tech companies and leave the little guy alone for a change?

I was glad to read that the vote on yet another sales tax increase to fund "Faster Bay Area" has been deferred. Over the last several elections, voters in Santa Clara County have passed multiple tax and fee increases including gas taxes, two bridge toll increases, three VTA sales taxes, Santa Clara County's Measure A 1/8 cent sales tax, the state prop 30 ¼ cent sales tax and the 2010 Measure B Vehicle Registration Fee of \$10. Additionally, we're on the hook to pay back numerous state bond issues including high speed rail, the Proposition 1 water bond and the infrastructure bonds of 2006.

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I was glad to read that the vote on yet another sales tax increase to fund "Faster Bay Area" has been deferred. At the beginning of the current virus scare, tech companies instructed their employees to work from home which greatly reduced traffic congestion. Instead of raising sales taxes YET AGAIN, why not tell tech employees to work from home when the crises is over?

Bill H.