UC Berkeley
Earlier Faculty Research

Title
Bay Area Transportation Decision Making in the Wake of ISTEA: Planning Styles in Conflict at the Metropolitan Transportation Commission

Permalink
https://escholarship.org/uc/item/7ck5n59x

Authors
Innes, Judith E.
Gruber, Judith

Publication Date
2001-03-01

BAY AREA TRANSPORTATION DECISION MAKING IN THE WAKE OF ISTEA

Planning Styles in Conflict at the Metropolitan Transportation Commission

By
Judith E. Innes
Professor
Department of City and Regional Planning
University of California, Berkeley

and

Judith Gruber
Associate Professor
Department of Political Science
University of California, Berkeley

Table of Contents

PREFACE

This is a study of the Bay Area's Metropolitan Transportation Commission's (MTC) transportation decision making process after the passage of the Intermodal Surface Transportation Efficiency Act in 1991. This innovative federal legislation promised to make transportation policy at state and regional levels more flexible across modes and more participatory among a wider range of players. MTC was one of the first Metropolitan Planning Organizations off the mark in implementing this legislation, setting up a Bay Area Partnership of all the transportation providers and key regulators in the region to work collaboratively to come up with plans and policies. This innovative effort offered an excellent opportunity for learning about the potential for and obstacles to change in transportation policy making. In particular it offered us the opportunity to look at what seemed a new model of collaborative decision making across agencies and jurisdictions.

Purpose, Method, and Scope of the Study

We came to this project with several purposes and with emerging theory built on our earlier comparative research on coordination through consensus building in environmental and growth management (Innes, et al. 1994; Gruber 1994; Innes 1996). We wanted to test some of our earlier findings on the conditions, incentives, institutional forms, processes, and dialogue which produce genuine agreements, joint action, and other results. We sought to account for and explain the degree of success or failure of the Partnership in cutting across agency boundaries, in coordinating the actions of the many players, in achieving cooperation among them, and in creating regional agendas, plans, and actions. We wanted to see if and how the Partnership and its discussions changed the players' views or actions, and if and how it had further consequences. If it made a difference what made that possible? We were particularly interested in the degree to which collaborative policy making seemed to represent something new. Does it produce results or outcomes that were unlikely to have occurred applying more traditional methods of decision making or which were not occurring in the past? We hypothesized, based on our earlier work, that collaborative methods would be more likely than other decision methods to produce outcomes that were regional in nature (as opposed to, for example, simply a package of activities serving a set of parochial concerns but not adding up in a way that can benefit a collective concern or address a shared objective across the metropolitan area). These questions, we believe, are of interest not only to the transportation community, but also to the fields of political science, public administration and planning. The case should also help to provide a foundation both for improved practice and for the building of empirically grounded theory about collaborative policy making.

This case history is the product of three plus years of intensive observation of close to 100 meetings, of interviews with at least 70 participants, and of review of mountains of documents, reports and analyses. We began the work in 1995 and continued to follow many of the activities through late 1998, when a number of issues came to a head. We continued to follow selected events and activities in 1999 and 2000 as we were writing. We have found it difficult to decide where and when to end our research. The Partnership and the processes of transportation

planning are constantly evolving as both the State of California and the federal government have enacted major new laws funding transportation, and new initiatives are being proposed to alter the way MTC works. There is no neat conclusion to this story nor any obvious boundaries around it. We have tried to give the big picture while providing in-depth descriptions of key events and following the evolution of practices, attitudes and decisions. We hope this story will illuminate for scholars and practitioners of transportation planning many of the issues, opportunities and problems that are common, not just to MTC but to many MPO's around the country. We hope it will help policy makers and policy researchers to develop more effective strategies for regional transportation planning and expenditures. We hope too that it will have relevance for other policy arenas where investments and regulatory decisions must be made around regional resources, where the interests are as wide ranging and conflictual, where the technical dimension is equally important and where uncertainty frames the situation.

We build on our earlier analysis of 13 cases of coordination and policy making across agencies and private interests working on land use, environmental management, development, and defense conversion at the regional scale with the aid of consensus building (Innes, et al. 1994). That study, however, relied primarily on interviews and written materials gathered after processes were completed. In this study we have been able to observe deliberations and be on hand for the evolution of agreements and disagreements. To our knowledge this kind of extended observation of collaborative policy processes has never been reported on. The study provides a more complete and often quite a different picture from that gathered from interviews and documents alone. It allows us to assess the role of meeting management and the nature of the dialogue which results in agreement, change, or conflict. We were also concurrently involved in observing other collaborative and consensus building processes in water policy and management, which allowed us to identify ways in which the transportation arena may be similar or different and to allow to learn from the comparisons.

First Steps

Our study of MTC began slowly in the winter of 1995, as we surveyed the terrain and decided on the issues, committees, and categories of participants we would focus on. We wanted to look at the topics and activities that would give us the best insight into any changes resulting from the introduction of a collaborative effort into MTC's work. We began by interviewing two or three of the principal MTC staff, including Executive Director Larry Dahms, to get an overview and suggestions. They gave generously of their time in helping us get started. Our next step was observation of various Partnership Board and committee meetings, as well as of Commission meetings and advisory groups, to determine which ones were engaging participants in the genuine dialogue we wanted to observe. We wanted to identify those working on matters which were in dispute, or which could be addressed in a variety of ways as opposed to matters where federal or other requirements left the region little choice. We wanted to observe debate, if not actual conflict, and learn how and when difficult issues were resolved and how different interests were represented and dealt with within these discussions. It would serve little purpose for us to observe meetings with little or no debate.

This first 6 months of work were challenging because MTC's processes were complex, with dozens of activities going on in parallel, sometimes linked or partially overlapping with one another. Moreover we were not at first conversant with the details of transportation funding programs. It was difficult to make sense of discussions referring to an alphabet soup of acronyms, each of which referred to a different set of activities, different rules, and different sources. Much of the committee discussion was on programs and their requirements. Even with the assistance of knowledgeable, advanced graduate students with transportation planning and policy expertise, it took us many months to become sufficiently familiar with the language and programs to grasp the underlying policy issues and to understand the dynamics of the meetings. To help us to make sense of this we eventually commissioned a graduate student, John Cook of City and Regional Planning, to prepare an overview and guide to the funding arena.

At an early stage in the process we also commissioned two graduate students, Katherine Johnson of Geography and P. Anthony Brinkman of City and Regional Planning, to do an analysis of the historical roots of MTC and the Partnership to help us to understand the agency, its institutional and political setting and the long held understandings and differences that were being enacted in the drama of the Partnership by 1995. This historical work was primarily based on secondary sources, histories and commentaries on transportation planning during the 1960's and 1970's. For the later period some of it depends on the memories of long term staff and commissioners from the early period. In addition we began a comparative look at several other Metropolitan Organizations' implementation of ISTEA, with the assistance of graduate student Ray Laraja from Political Science. While some of the preliminary findings influenced our thinking, it soon became clear that we could not realistically compare other processes to this one without substantially more funding than was available. Each MPO was unique and each was set in such a different context that meaningful comparison would require far more research than we could do. We decided to concentrate on MTC and to draw internal comparisons among different processes as part of our hypothesis testing effort.

Once we grasped the shorthand language in which Partnership dialogues were conducted,[1] the policy, process, and technical issues themselves were no more difficult to understand than in other policy arenas we had studied, such as water, environmental management, education or land use. Our own difficulties in getting to a point where we could follow and quickly interpret discussions did, however, give us insight into the challenges that citizens or environmental interest groups, elected officials, perhaps even partners, could have in understanding all the issues. Between the complexity of MTC-related activities and that of the multiplicity of funding pots and possible strategies, it seemed likely that only a handful of partners and staff would have a good understanding of the whole picture. We would try to piece a big picture together, but realized it would be partial. Our intent was to focus strategically on important dimensions.

Focus on Key Partnership Issues

As we came to understand the issues and process by the fall of 1995, we decided that one major focus would be on the dialogues over funding allocations and monitoring of projects.

---

[1] A glossary is included in the Appendix to assist the reader with the acronyms.

These were clearly the issues that most deeply engaged the Partnership. We began to monitor key Partnership committees regularly, particularly those involved in funding decisions. We also monitored committees dealing with topics where members of the research team had particular interest and expertise. We identified the issues that raised conflicts and groups which seemed to be reaching real agreement over differences and where new ideas seemed to be emerging. Our purpose in this effort was to characterize the discussions and the roles of the participants, including staff and committee chairs. We elaborated our understanding of this through later interviews with participants about their understandings of the issues and the processes and about their own intentions and satisfaction with the process and outcomes. We wanted to be able to explain how and why players did or did not reach agreements, and identify the consequences of the dialogues and any related activities.

    We concluded that we could learn the most from the more informal and often ad hoc discussions, rather than the more formal and carefully agendized meetings of the major committees. Thus it was in workshops, retreats and small task forces set up to address specific issues or conflicts, that we could best unpack the differences among players, observe the dynamic of conflict resolution and get a sense of the interests and incentives that affected the players. We therefore chose several such efforts for our particular attention. It was difficult at times however to implement this strategy as informal and ad hoc meetings were often not generally announced, and we typically did not hear about them or realize something of interest to us was going on until it had been in place for a while.

    We did not have a narrow a priori definition of what would be important. At one level, if key members of the Partnership considered something important or controversial, we did as well. At another level, if anything was puzzling or not immediately explicable, we also pursued it because it seemed likely to lead to helping us get beneath the surface to a deeper story. Some of these leads were dead ends, while others were more interesting. Sometimes exploring these puzzles helped us to see things we had not seen about the whole process, while at other times they simply raised more questions for further inquiry.

Coverage of Meetings

    When we attended meetings we tried to keep notes that were as close as possible to verbatim, using the language of the players and noting who said what. Not being legal secretaries, however, we necessarily telescoped the dialogue, and selectively recorded the commentary that we thought at the time was most relevant to our interests. This was not entirely satisfactory as our interests evolved during the years of the research, as we watched the process unfold and as new events and issues took center stage. Especially in the beginning we were not always certain who the speakers were in meetings. Nonetheless our coverage of the meetings we did attend was fairly complete. We went to the largest number of meetings during 1996 and early 1997, though we continued to attend meetings pertinent to finance issues well into 1998 because so many changes were being introduced. Inevitably schedules did not allow us to attend all the meetings of any given committee, and sometimes our guesses about which meetings would be important and which routine, were incorrect. Occasionally meetings were covered by research assistants, but Professors Gruber and Innes did the vast majority of the meeting observation.

We filled in our knowledge of committee activity using the minutes and agenda packets, tapes when they were available, and by asking participants or staff for details. The minutes increasingly, however, during the course of our study became mere listings of what was decided by topic, or statements that someone made a presentation about a topic without providing any substance of the remarks. Inevitably therefore, our story has holes. We have addressed that in part by providing an early draft of the case to top level MTC staff to get corrections of fact and fill in missing elements.

For meetings prior to our first hand research we have relied first and foremost on minutes and agenda packets, which, during the years from 1992-94 were quite detailed, typically giving different people's perspectives and noting conflicts or differences as well as the rationale for decisions. We have also relied on the memories of key staff and partners.

Interviews

We interviewed more than 60 different individuals, some of them more than once, during the course of the study and spoke informally with many more at meetings and in other settings. Individuals formally interviewed included staff members of MTC, including most of the senior staff, representatives of the Partner agencies--typically the head of the agency–, MTC commissioners and former commissioners, and representatives of interest groups who were actively participating in MTC or Partnership committees or who were close observers. Interviews lasted from one to three hours, with one and half to two hours as the normal length. Respondents were guaranteed confidentiality, such that only the members of the team would ever have access to the interview transcripts and the contents of an individual's interview would never be disclosed to others outside the research team. Respondents were promised that if we used quotes or opinions from them, their identities would be concealed. In the rare cases where we would want to cite a name with a quote from the interviews, respondents would be asked for permission. Our objective was to get frank opinions and insights from them. Interviews were taped, with the respondent's permission, and we typed the transcripts to share among the research group. Most respondents (with exceptions of course) seemed to enjoy the interviews, presumably because they had the opportunity to reflect on their practice and to think about a set of issues that were important to them. The majority of the interviews were conducted by Professor Gruber, but a substantial number were also conducted by Professor Innes. Graduate student researchers including primarily Jonathan Hoffman from Political Science, conducted most of the interviews on public participation. P. Anthony Brinkman conducted most of the interviews with transit providers. Kazuya Kawamura from Civil Engineering did most of the interviews with participants in the Modeling Coordination Subcommittee, as well as most of the meeting observations for that committee.

Our interviews were open ended, so-called "elite" interviews which followed a guide to assure certain basic questions were covered. Appendix Preface-1 has an example of the interview guides we used. These evolved as we learned more and began to focus on particular issues. The interviews were open ended in the sense that we used interview guides to identify the topics that we would cover, but did not define precisely the language in which we asked the questions. Using these guides, rather than closed ended questionnaires, also permitted the respondents to

talk to us in their own ways, using their own language and framing of the issues. It was more important to conduct the interview in a natural conversational way and to get the respondent's own perspective than to force all respondents to answer exactly the same questions in our terms, as one would in a survey. The informality allowed the respondents to raise points we had not anticipated and to give us an understanding of their perspectives rather than imposing ours. We pursued questions that emerged in the discussion as well as those on the prearranged topics.

The purpose of the interviews was to get insight and in-depth understanding into the experience of the respondents in this process. Sometimes the respondents would develop their own insights during the course of the interview as a result of our questions. Many of them had little opportunity to do such reflection in the course of the daily pressure of their work and were unlikely to produce such insights in a shorter, more structured and less interactive interview. While naturally the potential always exists of biasing the respondents' responses through how one interacts with them, we guarded carefully against creating any impression about what would be a good or desirable answer. Though we cannot guarantee we fully succeeded in this respect, we can say that our respondents were thoughtful and independent individuals, with a high degree of professionalism and knowledge. They did not hesitate to tell us if they thought we were asking the wrong sorts of questions, and they often came up with statements that we had not anticipated. Indeed sometimes we could get the clearest responses by posing deliberately provocative ideas to them which others had posed to us. This technique often clarified for the respondent his or her own views, often in opposition to what others had been saying.

While the opinions of the respondents were important to us, our interviews were in no sense an opinion survey. We were not trying to map opinions as much as to rely on knowledgeable people to help us understand MTC's processes and what was happening in the Partnership and why. Respondents provided us a window on the world they knew better than we did. If they differed among themselves in opinions, perceptions, and attitudes, it was our job to develop a story that could make sense of these differences, rather than simply to report what was said. We tried always to make clear where there were differences and make our reasoning clear as we organized the results in a story form.

<u>Analysis and Writing</u>

To assure consistency in the interviews across the research group, and to assure that emerging insights from early interviews could be integrated into later interviews and important issues could be explored in increasing depth, the members of the research group met regularly during late 1995, 1996, and early 1997. The group discussed what each of us was learning and provided guidance for the next interviews, as well as made decisions on what meetings should be observed and what were the matters of particular importance in those meetings. We identified emerging findings that should be tested through later interviews and collectively developed a framework in which to situate the study. In 1997 the meetings began to involve only the two principal investigators, who jointly designed this case study writeup and developed the findings and conclusions. Overall this study is a collaborative product in which the ideas, especially of the principal investigators, are so thoroughly merged it would be difficult to disentangle them. This collaboration is itself responsible for much of the value of the study. Gruber's perspective as a

political scientist, with a focus on interests, incentive structures, and intergovernmental coordination, and Innes' perspective on planning processes, particularly consensus building and collaborative dialogue, and how these do and do not produce new kinds of outcomes, provided important creative tension. It is fair to say that we have both learned, developed insights, and changed our views in the course of the effort to communicate and to justify and explain our views to one another. In the course of this we have come to agree on an interpretation that incorporates these divergent perspectives.

Interpretive Procedure and Framework

This study produced many seeming contradictions and puzzles which will emerge as we tell the story. We found that often key players seemed not to know how or why things happened, or they gave different accounts. Although we were personally acquainted with many of the respondents, some of whom were at one time our students, and although we spent years establishing rapport, observing meetings, and talking with people, we had a sense that there were topics where almost no one was fully frank with us. The meetings we observed sometimes seemed highly interactive and collaborative with authentic and sincere dialogue and at other times more like standard review and comment meetings with fixed agendas and formalistic commentary and where any genuine discussion probably took place only outside the meetings. At times the Partners were told they would make the decisions. At other times they were told the staff were deciding. Sometimes they cooperated with one another or MTC even when their interests did not seem served, and other times they rebelled, sometimes effectively and sometimes not. It was unclear why one task was assigned to the Partnership, another to an MTC committee and another to staff.

There were holes and contradictions in the overall story as we tried to piece it together. Neither of us had had a comparable experience before in several decades of research. Usually after a few months the pieces of the story come together and the puzzles begin to be resolved. We did not imagine that there was a conspiracy, nor that the respondents were not trying to be both honest and helpful. They were probably being cautious about certain things, though we could not be sure what; they may have failed to tell us other things because they did not recognize that we did not share assumptions that they took for granted; or there may have been some tacit understanding among participants that some things are simply never said aloud. It also seemed, however, that there was something fundamentally confusing to the participants and difficult for them to articulate about the whole process. This phenomenon we took as part of the data which we had to explain.

The writing and analysis has been shared by Innes and Gruber, with Gruber taking primary responsibility for the sections on funding and finance as well as on accountability particularly chapters 7, 15, 16, and 20 and Innes on the planning and public participation aspects. Both of us have reviewed and edited each other's work. P. Anthony Brinkman was the primary author of Chapter 2. He also drafted some sections in Chapter 3 which deal with the historical perspective on transit. He contributed to the analysis for Chapter 4. Chapter 8 on the Modeling Coordination Subcommittee was coauthored with Kazuya Kawamura. Jonathan Hoffman provided much of the analysis and quotations for Chapter 11 and 12 and some for Chapter 17 on public participation.

John Cook prepared a valuable summary and analysis of transportation finance which helped us with our understanding and analysis of that topic.

        We have tried to tell the most accurate story possible in a way that provides insight into the questions we believe are important. Thus the story itself adheres closely to the facts as we understand them, but, inevitably we had to use an interpretive framework to help us select and organize the material. Our goal was to put together a narrative which accounted for the full detail of what we found, including the attitudes and the events, and which reconciled any competing or conflicting views or seemingly contradictory events into a larger account, making sense of the whole. Our method is perhaps best characterized overall as an anthropological one, as we tried to allow the story to emerge in its own terms rather than to place events into our predetermined categories.[2] The challenge of this method is that invariably accounts differ among respondents, and often the researchers' perspective suggests yet another account. Where everyone tells a common story on the other hand, that too may be a problem because in real life such unanimity is seldom found. It suggests that a more interesting and important story may be hidden just beneath the surface of the story that everyone tells, a story of which respondents may or may not be aware. The most important clue to the deeper story may be found by paying attention to the contradictions and inconsistencies of the surface story. When the story somehow does not make complete sense, that is when it may be necessary to step back and look for a larger narrative.

        It was in this context that we looked at the idea that players were themselves operating within different narratives or models of what the regional transportation planning task is, as described in Chapter 1. Once we identified these different models, many of the puzzles and contradictions became more understandable.

Other Acknowledgments

---

[2] This kind of approach has been pioneered by Clifford Geertz (Geertz 1973). An excellent reference is the *Handbook of Qualitative Research* (Denzin & Lincoln 1994).

SECTION I

INTRODUCTION

CHAPTER 1

THE BAY AREA PARTNERSHIP:
AN EXPERIMENT IN REGIONAL COOPERATION

Even before the Intermodal Surface Transportation Efficiency Act (ISTEA) was passed by Congress and signed by the first President Bush in November 1991, Larry Dahms, Executive Director of the San Francisco Bay Area's Metropolitan Transportation Commission, his staff and various federal, state, and regional players were planning how to implement this new law for the Bay Area. They had already begun to conceive of the idea that a partnership needed to be created of the agencies involved in providing or regulating transportation. This idea evolved into the Bay Area Partnership, which continues today to play a major role in the planning and programming for transportation investment for the region. MTC was among the first Metropolitan Planning Organizations (MPOs) across the country to respond to the mandate of ISTEA, which changed the rules of transportation decision making in significant ways. The Partnership has been an important experiment in interagency cooperation which has drawn national attention. Understanding and assessing this effort is important to assisting other MPO's around the country in developing their transportation planning and programming strategies in a post ISTEA era. The MTC case has broader implications as well in that it is an effort to create consensual decisions about transportation plans and funding allocations across agencies and jurisdictions in a diverse metropolitan area of nine counties, 100 cities and 28 transit agencies and which does not have regional governance framework. One of the greatest challenges of urban and regional public policy today is to develop constructive and coordinated action across the fragmented and often warring jurisdictions in metropolitan areas. An examination of this experiment in intergovernmental cooperation and its accomplishments and limitations provides an opportunity to develop both theory and practice for interagency cooperation and regional policy making.

While this began as a study of the Partnership as a way of implementing ISTEA, it soon became clear that the Partnership's formally designated activities could not be understood apart from the larger context of MTC's transportation planning and programming activities. MTC has a Commission mostly made up of elected officials from the region, along with a handful of others, most appointed by counties. It has a staff of over 100, mostly professionals, along with a series of committees, both standing and ad hoc, some times made up of commissioners, sometimes made up of citizens, experts, or other agency representatives from the region. The Partnership and its committees fit rather ambiguously into this mix. MTC staff served both the Partnership and the Commission, along with their other duties. Committee memberships, relationships, and responsibilities were overlapping among the players. There was no way to draw a boundary around the Partnership or its activities, because they all blurred into one another.[1]

This blurring was evident when we tried to isolate the activities and ideas of the Partnership and the mandate of ISTEA from what was happening within MTC apart from these.

---

[1] This tendency to blur the categories of organizations and activities is characteristic of leading edge businesses today as they try to deal with the high speed of change, and the interconnected, networked economy (Davis & Meyer 1998). MTC is responding in a parallel way to its diverse and challenging environment.

For example, the principles and procedures for allocating funding and doing transportation planning that emerged from the Partnership for implementing ISTEA originally, also began to affect how MTC distributed state funds. The learning that has taken place is affecting all kinds of regional transportation decision making. Moreover, it has been impossible to disentangle the effect of ISTEA and the Partnership because both started together. Therefore we have reframed our project as a study of metropolitan transportation planning and programming in the Bay Area since ISTEA, focusing on how the effort at collaboration has and has not had an influence, the degree to which it has been genuinely collaborative, as well as to account for why it has had the outcomes we have observed.

Collaboration and Regionalism

We are interested in several key questions in this study: to what extent can the decision making processes be characterized as collaborative, to what extent did the decisions that emerged focus on the needs of the region as a whole, and to what extent are collaborative decisions associated with regionalism? We characterize decision making as collaborative which involves the group as a whole, rather than a single actor or small set of actors in arriving at decisions, and in which the group makes reaches conclusions not by choosing among alternatives presented in an adversarial fashion, but by working to understand and incorporate the needs, information, and ideas of all members[2]. This definition has something in common with Kelman's concept of cooperationist institutions, which he describes as institutions in which participants make decisions by talking to each other and make an effort to reach decisions that are acceptable to most or all of the participants (Kelman 1992). It goes beyond that view however to incorporate the idea of collaborative policy dialogue as a process which involves developing an understanding of shared problems, interdependence among diverse, and even competing, stakeholders such that they can provide each other reciprocal benefits and potentially reach solutions that offer mutual gain, rather than simply making tradeoffs or dividing up a limited pie (Innes & Booher Forthcoming).

Decisions made in the interest of regionalism are those that are characterized by an effort to consider the needs of the region as a whole as opposed to solely the needs of the region's individual jurisdictions, agencies or interests. Thus "regionalism" stands in contrast to what we call particularistic or parochial decision making. In some respects, regionalism can be seen as a specific case of Kelman's concept of "public spirit" which he describes as "the disposition to take serious account of the good of others and not just oneself when acting in public life" (Kelman 1992: 178). Yet it need not be based on public spiritedness, as our earlier research has shown that collaborative dialogues can demonstrate to the participants that their self interest can be served by working toward a collective or regional interest as they find ways to solve problems or gain resources that are unavailable to them working individually (Innes, et al. 1994; Innes & Booher Forthcoming).

We look for evidence of regionalism, both in the discourse surrounding decisions and in the actual decisions themselves. Thus, we consider conversation that makes claims more broadly

---

[2] We should note that this is a relatively weak definition of collaboration, especially compared to consensus building as defined in the *Consensus Building Handbook* (Susskind, et al. 1999).

than "my county needs" or "my agency needs" as evidence that at least some regional thinking is taking place. Such claims might take the form of supporting the needs of other parts of the region, or needs of groups not at the table. Such claims might be based on an effort to make the system as a whole work better. Discourse or decisions whose substantive import is blind to county, city or agency lines is likely evidence of regionalism. Exploration of criteria other than geographic is one example. Regionalism might also include a shared vision or simply cooperation among players without an immediate or certain payoff.

Our working definition of regionalism does not involve a determination of what is in fact in the interests of the region and then a comparison of the decisions that have been made with that standard. We do not presume to say in this study what regional decisions are in the interest of the region. This is a contested matter and not one that we designed this study to determine. Moreover there is no external standard for what is good for the region. If the Bay Area had gone through a regional visioning process similar to ones conducted, for example, by the Portland or Seattle metropolitan areas, such an endeavor might be possible. But in the absence of such a broadly agreed upon vision and given the existence of a wide diversity of views in the region about matters of transportation and land use, it does not seem appropriate to evaluate decisions except on their own terms. Thus it is inevitable that some may look at decisions or actions that we use as evidence of regionalism and judge them not to be in the interests of the region.

Here our concern is whether the Partnership process has enabled the Bay Area to engage in decision making other than that which assumes that the region's interests are met solely by meeting the interests of the component parts. We treat the relationship between the type of process and the regionalism of the outcomes as an open question. Here we part company somewhat from Kelman, who argues that cooperationist institutions lead to public interested decisions. We agree that one would expect that more regionally oriented decisions would emerge from truly collaborative processes since it is the collective, regional interest that all players have in common and that should emerge from such decision making. Yet one can imagine collaborative decision making that results in policy initiatives that are particularistic in their focus, when collaboration results in all participants agreeing to allow each other to pursue their own narrow interests. But this form of collaboration is not one that meets our standard, which involves the players recognizing and building on their interdependence and sharing understandings of their stake in the welfare of the region as a whole. Our hypothesis is that genuine collaboration can produce regionalism where non collaborative approaches fail to do so.

Defining the Outcomes

We come to this project with a broad view of what the outcomes of importance are. We contend (Innes and Booher 2000a; Connick and Innes 2001; Innes, et al. 1994) that collaborative policy making is not only about making and implementing agreements, but it is also about changing the important players' attitudes and actions. It is about joint learning. It is about building capacity in a community to adapt rapidly and effectively to change and to new information. It is about moving toward higher levels of overall performance. In this context tangible outcomes like agreements, plans and projects, while important, are likely to be less significant in the long run than the social, political and intellectual capital (Gruber 1994) that is

built among participants as they learn to work together cooperatively on jointly developed agendas. These tangible outcomes are likely to be less important than the changed practices and institutional arrangements which may continue to evolve and have a significant impact for years in the future. They may well be less important than some of the new ideas that are developed or introduced to a community, even when those ideas have no immediate visible impact. They may be less important than the ways the overall system of policy making and action has changed for the long term.

This conception of success is built on the results of our research and informed by the emerging ideas of complexity science.[3] From this perspective a healthy system is one which can adapt to feedback and in which individual agents can learn and change, seeking out opportunities and developing effective responses. Such an adaptive system is most likely to be successful in conditions "at the edge of chaos," where the external environment offers little predictability and is characterized by complex interacting relationships among agents. The conditions under which transportation planning has been taking place in California have been very much this kind of complex, unpredictable environment over the period since ISTEA. This period has been characterized by sudden changes in funding categories, rules of the game, availability of funds for different purposes, decisions of courts about local ability to raise revenues, voter decisions about taxes, air quality changes, lawsuits, and public opinion. The region itself has an extraordinary number of players, all making their own decisions which each have impacts on the region and other players. The successful metropolitan transportation decision-making process will be one that most builds the region's capacity for responding productively to this constantly shifting context and interacting dynamics of players.

Results

The process that was set up at MTC to implement ISTEA has reduced conflict among important regional transportation players, built trust, assured that virtually all funding due the region has been allocated and spent in timely way, and developed a much copied model for multimodal scoring of projects on the same basis across counties. This agreed-on procedure for project selection embodied regionally agreed-on criteria and allowed consensual decision making on projects to be funded across transport modes. It provided a forum for the counties to communicate over transportation issues and in some cases to develop spinoff partnerships and new working relationships and problem solving. It has helped to assure a regional consensus behind projects and legislation in Sacramento and Washington, which in turn has undoubtedly had impact on that legislation. It has helped assure that key transportation players in the region are informed, not only about ISTEA, but also about other transportation policies, programs and funding, as well as about each other's activities. The Partnership has modified policies that MTC staff would have otherwise implemented without their input and provided information to staff about county concerns and needs.

---

[3] One can start with two useful references to understand complexity science (Kauffman 1995; Waldrop 1992).

Challenges

As of early 2001, significant challenges remain. Attendance and engagement by leadership of agencies has declined. New state legislation, providing more block grant funding and eliminating some funding (SB 45) that had been used for regional MTC projects, highlighted many unresolved issues about what are or should be regional priorities. The Partnership's response to SB 45 illustrated that there was at that point no shared vision, nor even deep agreement, on what was important for the region or a collective notion of common interest in the region. The 1998 Regional Transportation Plan highlights this as it emphasizes a "realistic vision" rather than lays out new directions. Most transit agencies, other than BART, still seemed tenuously related to the Partnership although they were members. Most are involved only in limited ways and seem uncertain of how or why they should participate. There is growing, vocal disapproval from environmental and community based groups' contending that their concerns are not being met in the policies being developed by MTC. A special State Senate Committee on Bay Area Transportation was set up in 1999 to look at how to improve Bay Area transportation, and it has focused particularly on preparing legislation that would require changes in the workings of MTC including the development and use of performance measures. Alternative forums outside MTC have been created for public discussion of regional transportation matters because some stakeholders want to put pressure on MTC and the Partnership to change their approach. In spite of the priority placed on regional transportation management by MTC staff, the Partnership has made little progress on developing such a system, nor settled on the meaning of this idea, even after several years of discussion. Similarly, although most partners agreed that regional projects were important, the Partnership was unable to come up with a working definition of what constitutes a regional project, much less to follow through on getting such projects funded and implemented. Discussion of performance measurement has been fragmented, and MTC and members of the Partnership do not agree on what kinds of performance measures are appropriate. Trust may have increased in some respects, but distrust among partners and between partners and MTC remains significant. As the Partnership confronted new state and federal legislation in 1997 to 1999, meetings at times looked more like power struggles than collaborative efforts. Congestion and public dissatisfaction with transportation are both increasing at the present writing, and differences among partners who favor greater support to transit and those who favor supporting suburban infrastructure remain unresolved.

Top MTC staff placed great stock in the importance of developing regional transportation management systems, and partners agreed that this was extremely important. Yet after nine years this goal remains as elusive as it was at the outset. The Partnership has as yet no agreement on what its regional mission or vision is, or even on whether they need such a vision. This is true although from the outset a number of partners and commissioners have called for such a vision. MTC is constantly experimenting with different forms of public participation, never seemingly satisfied with any of them. There were disagreements and ambiguities about the role of the Partnership from the beginning–was it advisory or in some sense independent, was it an advocacy group, a management group, or a planning group? The partners themselves and top staff seem dissatisfied with the Partnership, at best uncertain whether to regard it as a success, yet they

continue to participate, albeit often by sending middle level staff. This is not surprising because the results are indeed mixed thus far.

Four Models of Planning and Policy Making

We decided we could not make sense of the story if we looked at it uniquely as a collaborative process. Collaboration had been layered on top of other forms of decision making and planning which persisted and coexisted in an uneasy way. We decided that there were four different tacit conceptions of the right way to do regional planning among the players –the technical/bureaucratic model, the political influence model, the social movement model and the collaborative model. Some individuals use one model almost exclusively. Some borrowed ideas from one model at times and another at other times. Some aspects of the process seemed to rely primarily on one approach and some aspects on another. Often the models collided, as some players' expectations differed from others. Participants typically quite strongly believed that their own style of planning was the right one, and each could point to successes of their approach. Often players disagreed with one or another approach, and differences on substantive issues were entangled with differences on what process to use. These differences confounded discussion and at times created ill will among participants that was an obstacle to productive interaction. We believe these differences help explain the some of the difficulties that MTC has had in achieving some of its goals. Looking at these offers insight into what are the obstacles to moving forward and achieving some of the hopes that participants have for the process. Examining the workings of these models in practice also helps us to see how state and federal laws hinder or support regionally meaningful outcomes. It also can help us to see how MTC or other MPO's can act to encourage or discourage one or another style of planning.

Figure 1-1 shows these four approaches in a matrix form, posing the hypothesis that each approach has particular strengths for certain purposes and under certain conditions. Each model has a different view of what makes a good regional transportation plan, what types of information are needed and for what purpose and each has a different view of public participation. As the diagram posits, the technical bureaucratic model works best where there is a unitary decision maker and where different players and issues are not highly interdependent. Multiple decision makers and interdependencies introduce uncertainties that undermine this approach. It does not deal well with conflicting goals nor with rapid change. The political influence model does accommodate a broad diversity of players with differing objectives, but does not deal well with the potential interdependence of the players because it normally involves one influential agency or patron that players work with individually to get what they have already determined they want. It typically does not allow for the development of solutions that only can be discovered through interaction of players. The social movement model does deal with some interdependence among participants as groups and individuals join together to have an impact on the process and to promote a common agenda. They typically however are not highly diverse. Many interests and players are left out by the very nature of social movements which require focus to be effective. The collaborative model works best where there are diverse but interdependent interests.

Another way to think about the contrasting approaches is to see the technical style as being about *convincing* people with analyses to show what the right action is. The political

7

model can be seen as being about *coopting* the players, getting buy in to assure a plan or program will have support and that the leader will have the power to influence players at all levels because of this support. The social movement style is about *converting* others to one's way of thinking, to the movement's vision. The collaborative style is about *coevolving* as participants identify their reciprocity and interdependence and as they learn and change to become more adaptive and help the system itself become more adaptive.[4]

Figure 1-1

Four Models of Planning and Policy Making

	Diversity	
	low	high

	low	high
low	Technical Bureaucratic *Convincing*	Political Influence *Co-opting*
high	Social Movement *Converting*	Collaborative *Co-evolving*

Interdependence of Interests

Adapted from "Planning Institutions in the Network Society: Theory for Collaborative Planning" by Judith Innes and David Booher in <u>Revival of Strategic Spatial Planning</u>, eds. Willem Salet and Andreas Faludi, Royal Netherlands Academy of Sciences, Amsterdam.

The Technical/Bureaucratic Model

This model of planning is often called the "rational/technical" approach. In its ideal form, as taught in planning and public policy schools, it means that professionals operate as analysts whose job it is to explore a wide range of alternatives against objectives to see which will work best. They scan for the best information and they act as neutral advisors providing information on which decision makers can and should act. They do projections and make predictions about the consequences of actions; they evaluate actions, assess impacts, do cost effectiveness analyses, design and run models, and provide information to decision makers on which they will make their

---

[4] Thanks to David Booher (personal communication) and Ann Swidler (personal communication) for assisting us in developing this matrix and to Booher for these four C's differentiating the four models.

choices. Unfortunately an ample literature suggests that this ideal type model of setting goals, doing analyses, and convincing decision makers seldom works quite this way. Information all too often fails to influence, or misses the point that the decision makers care about (Innes 1998). But the model is typically presented and predicated on the idea that the analyst must work for a decision maker, a unitary decision maker because this approach does not work well when there are conflicting goals. It is also typically predicated on a fairly stable and predictable set of conditions and variables which permit analysis and prediction. While such analysts could theoretically work in a variety of other ways in practice they have typically found themselves attached to bureaucracies doing required analyses or providing documentation for proposals that are all but decided upon already. This procedure does not fit the so called "rational" model of planning so we are not going to associate the term with this approach. In any case, we do not believe this approach has the unique claim to rationality, despite the common usage.

What we find in many public agencies, including MTC, is a technical/bureaucratic style of planning, which involves assuring that formal objectives are implemented, making sure rules are followed and doing analyses and modeling to predict and test the potential results of various interventions. In this planning style the region is regarded as being like a machine which may or may not work effectively to accomplish its purposes, but a machine that has knowable parts and with knowable relationships. The task is to make it work well, using information and analysis to determine what interventions will work.

From this view the proper way to proceed is first to determine what is the purpose of the system. This may be done by planners or by getting input from political leadership or the public about goals. In MTC the goals that were established by the Commission some years earlier were the mantra of these planners. Once goals were laid out it was to be the job of experts, consultants, staff and others to define and analyze the problems interfering with meeting the objectives, to gather and analyze data, develop models for predicting the consequences of action, to monitor activities according to measures they define, identify alternative ways to solve problems and recommend solutions to the decision makers. In this context a transportation system which efficiently and effectively meets formally mandated objectives is the goal. A good regional transportation plan is one which follows all the rules and is backed up by all required analyses. In this model there is a strict division of labor where elected officials and citizens identify their preferences and values and provide the goals for the system, and where value-neutral experts figure out how best to make the regional transportation machine serve these. The idea that experts and analysts can be value neutral is an important part of this model. Citizens' and elected officials job is to provide feedback on the proposals of these analyst/bureaucrats. This approach is symbiotic with the idea that bureaucracy should have substantial power to make choices that will best implement policy. This model works best where there is substantial agreement on values; technology is not uncertain; change is relatively slow, and data are reasonably accurate (Christensen 1985).

The Political Influence Model

This model of planning is not taught to professional planners or policy analysts and indeed seems very far from planning as those two professions see it. However in transportation as in a

number of other policy arenas this is in practice the dominant approach to decision making. The practitioners of this model believe in it, as do the practitioners of other models. In the political influence model[5] a single leader or agency works with players on a one-on-one basis keeping them personally attached and loyal by offering them things they each want Once reached, agreements must be kept by both partners in order to maintain that loyalty. Promises are important and must be honored. The leader needs visible power so others will do what s/he wants and so s/he can deliver results. This kind of agreement is typically done behind closed doors, in secrecy about the individual deals that are struck. It depends on personal loyalty, cemented by reciprocity between the leader and those who are benefitting. The beneficiaries get what they want and in return support the leader. This approach works best when there are projects or other specific divisible goods and/or favors that can be given out. It deals with diversity of interests in that the goal is to satisfy all the powerful players. A newer incarnation of this political influence model is the idea of formula allocation of funding to the players. This depersonalizes the allocation and deal making system and allows it to be transparent or even public, but it operates by the same principle of assuring that all players are on board because they get something. It ultimately works by coopting the players into a common agenda.

A successful regional process in the political influence model is one which gets everyone, or enough powerful players, behind an agreement so that the region can move forward or act effectively in larger political arenas. A person who operates in this model tries to amass things s/he can give out as part of a trade for support, or participates by getting the best deal for his constituency in return for their support of the package. Players working in this model are substantively neutral about outcomes, in the sense that they do not advocate an image of what the region ought to be like or what makes a good regional transportation system. The regional vision, such as it is, is that the key players are in agreement, money flows in, and visible projects are completed. The information these planners need is about who wants what and who is keeping their promises. A good outcome is one where everyone, or everyone who is powerful, gets what he/she wants, or enough of it to unite behind an overall plan or program. This approach assumes that everyone will make demands according to his/her parochial interests and that deals can and should be made to get them on board. People operating in this model are likely to think the regional interest is nothing more than the sum of these parochial interests. Where this model of policy making is in use, it is typically project based (as opposed to policy or plan based) because projects are the tangible, divisible benefits that will be the test for individual players to determine whether they support the package. Projects can be mixed and matched in various ways and offer ample opportunity for trades.

Such a process typically works toward Pareto Optimality–that is, it moves toward improving the lot of some players without damaging the lot of others. Thus it may improve the region's welfare, but in a way that depends on not fundamentally challenging the status quo nor the basic distribution of power. It tends to make changes only at the margin. Players who apply this type of thinking seek to create "consensus" by making sure proposals benefit many players in specific ways typically in terms of projects and make sure benefits are spread widely, and that no powerful players are losers. Public involvement in this model is left to the individual players

---

[5] This is a simplified version of Banfield's model (Banfield 1961).

seeking shares of the pie as they consult their constituencies before making their requests or demands.

The Social Movement Model

The third policy making style is the social movement approach, where a set of interest groups join together around an issue area and mobilize public support to influence the planning process. At MTC in recent years a coalition of environmental, social justice and transit advocacy groups has begun using media events, orchestrated presentations at meetings and developing of alternative analyses and is even pushing for new legislation to affect MTC. They have mobilized a grassroots effort to support their vision. This kind of planning style has become more common in recent years, and it is often a response to the use of the first two models. The technical model, in looking only for feedback on proposals, does not engage stakeholders in the substantive way many of them wish, nor does it allow them to understand and play a part in the design of the data and analysis. They become mistrustful and seek to force open the processes of decision and to get public attention to their definition of the issues. The political model is even more opaque and their constituencies are typically not included, particularly since they are usually not interested in projects as much as broad policy direction. Such groups regard a good regional plan as one which implements their vision. They use information selectively, for advocacy purposes. As for citizen participation they see themselves as representing the public. Their goal is to convert the decision makers along with a broad public to their vision of a good region.

The Collaborative Model

The fourth planning style is the collaborative model. This model tends to be what works best where players differ in goals and objectives and where the technology for the solution is not known ahead of time. This model is one where stakeholders with different views and interests in a shared problem meet for lengthy face to face discussion and collective working out of what to do. Decisions are only taken when all, or most, are in agreement. Participants develop common problem frames and agree on information they can all trust and use. In this view policy should be made jointly by those with something at stake, along with experts to answer questions and assist them. Participants reach mutual understanding and develop improved knowledge through dialogue, joint problem solving, and experimentation. In this view all players have something to offer in terms of knowledge and experience, and the joint process can produce something more than the sum of the parts or the individual preferences. It can discover new options, build collective capacity through joint learning and change people's minds about what is in their interest. It can create a shared vision and motivate collective action. When it is successful it produces social, intellectual, and political capital which are of value beyond the immediate policy decisions (Susskind, et al. 1999; Innes & Booher 1999a; Gruber 1994). A good plan in a collaborative model is one which responds to the interests of all the players and which allows for the creation of joint benefit. A good plan is one which produces learning and working relationships along the way. Information is of many kinds from the different stakeholders as well as from the experts. Citizen participation is unnecessary in the view of many who do this because

11

all the interests are represented at the table and all interests have the opportunity to develop an in-depth understanding of the choices and play a genuine part in the deliberations.

The collaborative approach is increasingly emerging as a response to fragmented administrative, political and jurisdictional environments. It depends on a gradual rapprochement of perspectives and identification of common ground. Its biggest limitations are that it is time consuming and one cannot always get key stakeholders to the table. Thus collaborative methods are not a panacea and only can work under certain conditions. This approach works when the agencies and players understand that they cannot get far toward their goals without cooperating with others. It works when they can establish civil discourse where they can frankly discuss their interests, feel empowered to speak openly, and where they can manage their own groups in ways that make sense for all those at the table. It works when players have no other good options and when each has something others want. It works where there are institutionally arranged forums and arenas for the discussion and where there is some reason to believe that the collectively arrived at solutions will be implemented.

Comment

For the most part these four planning models are in conflict in transportation planning. Their uncomfortable coexistence at MTC we argue, accounts for some of the difficulties of transportation planning in the Bay Area. Equally however, each of the models also accounts at times for particular successes that can be pointed to, reinforcing the faith of proponents of one model of policy making or another. We will be arguing that a collaborative system can provide many of the benefits of the other three, but that collaborative systems must be designed explicitly to build collective social, political and intellectual capital to have this result. In particular our findings suggest that genuinely regional outcomes in this transportation planning process came from processes that were predominantly collaborative. Creating truly collaborative dialogues and planning systems is a difficult task however requiring substantial knowledge and practice which as yet is not widespread among players in transportation policy making. Collaboration allows for adaptiveness in the face of change and uncertainty. MTC has pulled back from collaboration they began and at the same time seems to not to be adapting well to the new demands being placed on it.

A new Executive Director and two Deputy Directors of MTC have been named as of January 1, 2001 in response to the retirement of long time Executive Director Dahms. The economy is threatening to turn down and this may in turn reduce the traffic congestion. Many unknowns, challenges and opportunities remain at the present juncture for MTC and the region's transportation system. We hope that the recommendations we offer at the end of this report may be useful to them.

SECTION II

HISTORY AND CONTEXT

CHAPTER 2

**THE METROPOLITAN TRANSPORTATION COMMISSION:
ORIGINS AND EARLY ACTIVITIES** [1]
Coauthor P. Anthony Brinkman

Origins

In the Bay Area in the 1950's, business interests, embodied by the Bay Area Council (BAC), were increasingly concerned that political fragmentation would hurt the status and political influence of the region. They feared that Oakland and San Francisco would lose their position as political leaders of the Bay Area and that their voices would be lost in a regional cacophony of conflicting business and political ideas (Perelman 1985: 9). BAC believed this eventuality would reduce its capacity, and that of other like minded lobbies, to affect policies outside of Oakland and San Francisco, and threaten the competitive position of the Bay Area among the nation's large metropolitan areas (Banks 1977: 16). BAC advocated the creation of a regional government and a regional rapid transit district that could control growth to ensure the political centrality of Oakland and San Francisco and tie the hinterlands together with Oakland and San Francisco at the apices of the transit system. Other organizations such as the League of Women Voters and the Sierra Club also supported the idea of regional government and a regional rapid transit district to address their growing concerns about urban sprawl, increased investment in freeways, pollution and traffic congestion (Perelman 1985: 9-10). The political support harnessed by BAC was instrumental in the creation of the Bay Area Rapid Transit Commission in 1951. BAC continued to champion the cause of regional government into the sixties. Beyond this larger objective, BAC and its allies were interested in consolidating the planning, construction and operation of the region's seaports, airports and bridges. The Council felt that such a move would enhance the competitive position of the Bay Area vis-a-vis other major metropolitan areas (Banks 1977: 17-18).

The Bay Area Transportation Study Commission

In 1961, the California Legislature debated a measure to establish a six-county Golden Gate Transportation Commission that would assume responsibilities for the regional transportation facilities as set out by BAC. Opposition to this legislation came from local governments, principally San Francisco and Oakland, threatened with the loss of considerable transportation oversight and control, and, to a lesser extent, from special districts. The Bay Area Rapid Transit District (BARTD) feared the loss of toll revenues and the Golden Gate Authority feared for its very existence. Although the BAC backed bill failed to pass, it provided the impetus for future measures aimed at providing transportation planning on a regional level in the Bay Area (Banks 1977).

---

[1] See Appendix 2 for a full chronology of this story. See Appendix 3 for a glossary of acronyms which appear throughout this report.

In 1963, the Federal Aid Highway Act (FAHA) first required comprehensive, cooperative transportation planning on a regional basis. It denied federal highway construction funds after mid-1965 to projects not included in an official regional transportation plan. The California Legislature responded in 1963 by establishing the Bay Area Transportation Study Commission (BATSC) and charging it with the responsibility to:

1. Undertake a comprehensive study of urban transportation in the nine counties adjoining San Francisco Bay;
2. Prepare a master regional transportation plan;
3. Recommend ways and means of implementing the plan, and;
4. Provide for an orderly transition of its responsibilities to an on-going program (BATSC 1969).

While most agree that FAHA was an impelling force behind creation of BATSC, many, but by no means all, credit BAC with convincing a hesitant legislature to establish BATSC in the face of fierce opposition by local interests who feared the Commission would erode their decision making power (Shipnuck & Feshbach 1972: 9). Others characterize the push for a regional transportation planning study as a BAC alternative to the failed Golden Gate Authority proposal (Banks 1977: 24). Whatever the case, the Legislature diffused opposition by granting BATSC no policy making powers. Nor did it have power of review over the decisions of other agencies. The role of the Commission was limited and temporary.

Nils Eklund, a BAC trustee and Vice President of Kaiser Steel, chaired BATSC, and BAC President Stanley McCaffrey served on the Commission as chair of its Citizen Advisory Committee. The State of California Department of Public Works, Division of Highways, the predecessor agency of Caltrans, staffed BATSC in part (Appleyard 1986). Additionally, a majority of the non-federal share of funding for the Bay Area Transportation Study came from the state's highway budget, while the federal share was provided by the U.S. Bureau of Public Roads. These arrangements, some have argued, generated a great deal of pressure on BATSC to develop a plan that advocated increased automobile use (Perelman 1985: 13).

Not surprisingly, the Bay Area Transportation Study was regionalist in its orientation and noticeably pro-highway in its approach. The Housing and Urban Development Act of 1961 (HUD-61), FAHA and the Urban Mass Transportation Act of 1964 (UMTA) all failed to moderate the highway emphasis of the BATSC recommendations. Although FAHA guaranteed that urban areas would at least give consideration to transport alternatives other than highways and UMTA offered financial incentives to plan regional integrated urban transportation systems, the incentives were, according to Smerk, insufficient at the time to produce the intended results. From the passage of HUD-61 in 1961 through 1966, the federal government spent a total of $375 million for transit programs; "during the same time period, federal expenditures were about $24 billion for highways, airways, and waterways" (Smerk 1991: 91-94).

BATSC issued its recommendations in 1969. Its report presents a detailed description of the preferred highway networks. Scenario X comprises 857 miles of freeways of which about three-quarters were actually built (Appleyard 1986). Scenario W, the preferred alternative, includes 1,386 miles of proposed freeway. This is almost twice the freeway mileage that is on the

ground today. The transit recommendations are vague in comparison. They emphasize rail rapid transit over the use of buses. Bus transit is recommended primarily for interurban express service on dedicated right-of-ways that could be converted for rail transit in the future.

The rail emphasis of the BATSC transit element may well be related to the approach of the Urban Transit Administration (UTA) at the time. UTA "emphasized growth management and rail investment as companion strategies to shape the course of urban development and thus create viable markets for mass transit" (Jones 1985). A transit plan focused on BART would probably maximize the Bay Area's ability to capture scarce federal transit dollars. Additionally, by 1968, BART, still far from completion, had exhausted its construction funds (Banks 1977: 25). Fear of losing its already sizeable investment in BART may have influenced BATSC members' decisions. Finally, Jones argues that the civic plaudits, which rail planning and construction brings, motivated many local officials to advocate rail transit (Jones 1985: 143). This popular appeal, too, may have affected the BATSC recommendations.

Critics of regional government argue that BATSC went well beyond its mandate in recommending regional government as a means of implementing its plan (Shipnuck & Feshbach 1972: 9). The Commission urged creation of a "limited-purpose but multiple function regional government" with an elected policy board to assure the most "appropriate political participation in regional transportation planning and development decisions" (BATSC 1969: 82). It justified its recommendation on the grounds that transportation and land use planning are more effective when conducted in tandem and that planning is more efficient when it is the responsibility of a single agency, since both kinds of planning require the same types of data and analyses.

The discussion of regional transportation management in the BATSC report continues by suggesting a second best alternative to regional government. This approach calls for a "single-purpose regional transportation agency, with essentially the same authority and responsibility over regional transportation that would be delegated to a regional government and exercised by a department of such government." The Commission advised, however, that a regional agency "be formulated in such a way that it could readily be absorbed if a broader regional organization is created subsequently." For this reason, BATSC recommended an appointed, not elected, board for a regional agency on the grounds it would be easier to dissolve later (BATSC 1969).

The Association of Bay Area Governments

The Association of Bay Area Governments (ABAG) formed in 1961, ostensibly to solve regional problems through cooperative efforts. However, there is wide ranging consensus among those who have written about this that creation of ABAG was a formal step by local governments to thwart further proposals for stronger regional government (Banks 1977; Shipnuck and Feshbach 1973; Perelman 1985). Banks suggests that ABAG was founded to defeat the Golden Gate Authority Commission bill and to "head off any further proposals for regional agencies with broad powers." Even ABAG President Jack Maltester, in his 1970 State of the Association Message conceded that "the Association's critics could find plenty of fuel for their fires and many occasions to say that, 'the Association is a do-nothing group who want [sic] to pre-empt the field but not act on the difficult issues.'" An informal and voluntary organization, ABAG was essentially a loose confederation of local governments during its first seven years of existence.

With the passage of the Housing and Urban Development Act of 1966 (HUD-66), its structure and role slowly began to change.

HUD-66 required that applications for federal construction funding of airports, sewage treatment plants, housing, and health facilities be reviewed by regional bodies known as councils of government (COG). COGs comprised elected officials from cities and counties in each region and were financed by the federal government. Perhaps accepting the inevitability of regional government and fearing that a BAC-dominated body would assume responsibility for it, as some suggest, ABAG requested designation as the Bay Area COG and the powers of limited regional government from the California Legislature in 1966. Victor Jones of the University of California in his testimony to the Subcommittee on Urban Affairs observed:

> Within six years after ABAG was formed it voted, not unanimously, to ask the legislature to change it from a voluntary Wednesday afternoon tea society into a limited but multipurpose regional agency. Now this was done by city and county officials who six years before would have run from anything that looked metropolitan.

The California legislature designated ABAG as the COG in 1966, but refused to grant it the powers it sought as a regional government.

If ABAG's initial purpose was indeed obstructionism, did the attitudes of Council members change after a half decade of exposure to regional issues or was the COG designation a planned move to effectively thwart regional decision making? Possibly both answers are correct. The record indicates that in the sixties and early seventies ABAG was an organization in which members were simultaneously pursuing two radically different ends. ABAG regionalists, led by Alameda County Supervisor Joseph Bort, worked tirelessly to bring regional government to the Bay Area (Banks 1977: 8-9, 27). This included efforts to secure ABAG's selection as administrator of UMTA federal grants in 1970 and to deliver an ABAG endorsement of the Knox Bill in 1973 that would establish multi-purpose regional government in the Bay Area. A coalition on the Council, however, fought attempts to erode the power of local governments (Martin 1973). The end result was organizational paralysis for ABAG. President Maltester, a regionalist, lamented that "the Association's disinclination to provide a regional point of view or take a stand that may be disagreed with by some member jurisdictions on major issues has been a source of disappointment and frustration to me."

BATSC did not request an extension of its enabling legislation and it was allowed to lapse after issue of the Commission's final report in 1969. The Regional Transportation Planning Committee (RTPC) of ABAG assumed responsibility on an interim basis for continuing transportation planning in the Bay Area (Banks 1977: 26). However, RTPC soon proved its reluctance to act on a number of transportation planning issues, including requests to mediate the impasse between the State and San Francisco over transportation links through the City and for action on the southern crossing bridge (Maltester).

In 1968, UMTA moved from the Department of Housing and Urban Development (HUD) to the new U.S. Department of Transportation (DOT) to become the Urban Mass Transit Administration (Transit Administration). By 1970, DOT placed with the Transit Administration the authority to certify that regional planning processes meet federal requirements in order for

metropolitan regions to receive federal transportation funds for planning and capital expenditures. Additionally, the Urban Mass Transportation Assistance Act of 1970 (UMTAA) substantially increased both federal funding for transit and the stability of the transit grant program. Under UMTAA, transit authorizations increased from $175 million to $3.1 billion annually and the contract authority provision, in effect, guaranteed full appropriation each year (Smerk 1991: 100-113). The latter brightened prospects for long-term projects that traditionally suffered from the uncertainty connected with annual appropriations. In concert, these events significantly strengthened the hand of the Transit Administration in promoting regionalist programs (Banks 1977: 184).

During this same period, according to Banks, the Transit Administration was becoming increasingly frustrated by failed efforts in the Bay Area to voluntarily coordinate transit operations. When it refused ABAG full certification to administer federal grants for the Bay Area, it cited a lack of detail in the Transit Improvement Program (TIP) that ABAG submitted and the absence of any mechanism in place for unified or coordinated operation of mass transit as reasons for its decision. From the Transit Administration perspective, the existing institutional arrangements were ineffective because RTPC lacked powers of enforcement. Some commentators also suggest that the Transit Administration wanted ABAG to relinquish its planning role, inasmuch as it carried the legacy of BATSC and its freeway orientation.

Partisan internal politics seemed to preclude regional leadership by ABAG. In 1970, the Transit Administration threatened to withhold full certification from the Bay Area if a planning agency stronger than ABAG was not created. This put at risk the additional one-sixth of the net costs of transit capital projects that the federal government made available to regions performing adequate planning (Smerk 1991: 93). The threat was even more alarming to some, as Banks argues (184), because BART was "in a position to use large sums of federal money immediately." There was indeed a "void in forceful transportation planning and action," as Maltester termed it. It was now up to the California Legislature to fashion an organization to fill it.

The Creation of MTC

Acting on the BATSC recommendations, the California Legislature created the Metropolitan Transportation Commission (MTC) in September, 1970 with passage of Assembly Bill (AB) 363 sponsored by Assemblyman John Foran of San Francisco. This did not immediately end the crisis over certification because the role of ABAG was still unclear. The Transit Administration, according to Banks' account, wanted MTC firmly in control of Bay Area transportation planning and reportedly threatened to cut off all federal transit aid if institutional arrangements to this end were not in place by 1971. Only when ABAG relinquished its review powers over federal transportation projects and formalized its relationship with MTC did the Transit Administration restore full certification to the Bay Area.

While federal policy was indeed a strong catalyst in the process that established MTC, other considerations influenced the Legislature to act. The scheduled opening of BART in 1973 focused attention on the problems of coordination and rivalry among the many transit providers in the Bay Area. Justification for continuing public investment in BART demanded that the system operate near its capacity. Many thought that this in turn would require coordinated BART feeder service by local

transit operators, which was unlikely without state intervention. BART also depended on the uninterrupted financial support of the counties in which it operated. Many felt that the BART issues, as well as other transit-related problems like the mounting deficits of the San Francisco Municipal Railway (Muni), could best be addressed by a new regional agency positioned to coordinate transit service, mediate the negotiation of cost sharing arrangements and allocate anticipated flexible regional transportation funds (Jones, et al. 1974).

In 1970, the state legislature was also under mounting pressure to address public discontent with the pro-highway policies of the state Department of Public Works (Scott 1985: 313). Jones et al. contend,

> In the wake of the San Francisco Freeway Revolt and in the context of growing environmental concern, the Division of Highways was widely perceived as a distant and unresponsive bureaucracy insulated from public control by the political muscle of construction interests, county development associations and the oil industry.

MTC was therefore designed to "provide a procedural mechanism to insure that highway planning and funding decisions received a visible review at the regional level" (p. 15).

Finally, the creation of MTC was driven by both historically strong interest in regional government in the Bay Area as a way to address pressing issues (e.g., the need to plan and fund transportation facilities that match the scale of region-wide labor markets) and the regionalist perspectives of key state legislators such as Senator Jack Knox and Assemblyman John Foran (Lewis & Sprague 1997: 107; Jones, et al. 1974: 16). Knox introduced a series of measures between 1969 and 1973 aimed at establishing multi-purpose regional government in the Bay Area and Foran regarded AB 363 as a half step toward this goal. In the end, however, the BATSC recommendation of a multi-purpose regional government was not adopted nor was an ABAG proposal for a regional transit agency with implementation power. According to Perelman (1985),

> Fear of a supergovernment, loss of local autonomy by local governments and transit agencies, and fear in the rest of the state that a very strong regional government with land use and utility control would set a precedent and become a powerful political force in California all worked against a move to a regional government and tempered the amount of power, authority and responsibility given to MTC. (pp. 17-18)

The transit lobby in particular fought hard to defeat the MTC enabling legislation and was successful in eliminating a provision in the bill that would have granted MTC the power to unilaterally resolve disputes among transit agencies. Some legislators claim that the provision was inserted originally only as a bargaining chip (Banks 1977: 186). In any case, the amendment illustrates the contentious nature of AB 363.

Original Responsibilities of MTC

Fourteen of the Metropolitan Transportation Commission's nineteen members were directly appointed by elected officials; two representatives each from the largest five counties in the region and one representative each from the four remaining counties. A commentator described the early commissioners as "pro-growth conservatives that believed land use decisions should be left to local government" (Scott 1985: 320). In reality, however, the Commission did have its share of regionalists, most notably Joseph Bort, its first Chair. Common wisdom, according to Perelman (p. 28), ascribes the presence of those with a regional orientation on the Commission to the natural propensity of such individuals to seek appointment to a regional body such as this and to the lack of competition for appointments to this fledgling group.

To secure support for AB 363, regionalists in the Legislature adopted a strategy of incremental accumulation of power for MTC (Perelman 1991: 20-21). Accordingly, MTC was initially established as a weak organization. It was granted first only the power to accept funding, appoint committees and contract for or employ professional services. Thus, when MTC first convened in February 1971, it had no control over funding and power only to veto transportation proposals.

The earliest tasks it was assigned included:

1. Assumption of the planning and related responsibilities of BATSC and RTPC;
2. Adoption of a Regional Transportation Plan (RTP) by 30 June 1973;
3. Approval of transbay bridge construction in the region;
4. Approval of construction and operation of multi-county transit systems using an exclusive right-of-way;
5. Provision of all available assistance to public transit systems operated within the region to ensure adequate feeder service to public multi-county transit systems;
6. Study of the role of harbors and airports within the region as they relate to surface transportation and determination of their function in the regional transportation system;
7. Approval of state and federal grant applications that contain a transportation element;
8. Negotiation of contracts or agreements whereby federal-aid highway funds available for planning may be made available for support of the activities of the commission;
9. Negotiation with HUD for grants or contributions of federal funds that may be available to support the study and planning activities of the commission, and;
10. Negotiation with local governments and regional agencies for the contribution of funds or services for the general support of the activities of the commission and for such required matching federal funds as may be made available (California, Metropolitan Transportation Commission Act, Government Code (1970), 66500 et seq.).

MTC was established in part to have a close relationship with BART and to enable its construction and operation. The legislature did not provide funds to support MTC activities and instead was, according to Jones, et al. (p. 17), "sent out to beg" (see 8 through 10 above). This changed in the summer of 1971 when MTC first received a $250,000 contract with the State Air

Resources Board and then a planning grant from the Transit Administration to perform a series of transit-related studies. It was not until the latter half of 1971 that the Legislature passed Senate Bill (SB) 325, the Transportation Development Act (TDA), which gave MTC its first substantial source of non-earmarked funds by providing a small percentage of local sales tax directly to MTC.

The Passage of TDA also marked the first substantial increase in the power of MTC to affect Bay Area transportation outcomes. TDA, as amended, permitted counties to raise the state sales tax on general commodities and gasoline by 1/4 of one percent to support local transportation needs and empowered MTC to divide these revenues annually among eligible applicants (i.e., counties, cities and districts providing public transportation) in each of the nine counties. Furthermore, MTC was permitted to allocate funds between present and future transit needs, and, in rural counties (populations under 200,000), between highway and transit priorities (Jones et al. 1974: 10). Since up to 85% of TDA revenues were available for transit, in FY75-76, for example, TDA allocations could have funded roughly 17% of the combined Bay Area transit operating budget. Since Congress did not yet permit the use of federal dollars for transit operations in the early seventies, Bay Area transit agencies were forced to rely on TDA revenues to offset their increasing annual operating shortfalls (Metropolitan Transportation Commission 1976). This, for the first time, put MTC in a position to significantly influence transit decisions in the Bay Area.

1973 Regional Transportation Plan (RTP)

Beyond addressing the immediate issues of securing funding for its activities, hiring staff and establishing offices, MTC made its first priority the development of the RTP. The difficulty of this task was compounded by the limited time allotted by the legislature for its adoption, less than three years, and by provisions included in AB 69 (1972) that expanded the list of system elements required in the Plan to include railroad, maritime and aviation facilities (California, Government Code, 1972, 65080). Although their exact origins are uncertain, the goals and objectives that both Banks and Jones, et al. contend MTC adopted to guide its planning process seem to have stemmed from MTC staff's understanding of Bay Area transportation politics, the BATSC-RTPC experience, federal guidelines and the legislative intent of AB 363, AB 69 and TDA. Therefore, the first RTP, adopted 27 June 1973, committed MTC to "an action policy in support of a balanced regional transportation system with special emphasis on the development of a coordinated, mass public transit system." Missing from the RTP were the transit advocacy strategies of its earlier staff-prepared drafts, which provided incentives and disincentives to curtail auto use, contain urban sprawl, promote transit development and concentrate population growth (Jones, et al. 1974: 18-19). The end result was a plan described by supporters as open-ended and criticized by others as general and vague (Perelman 1985: 38). Ostensibly, the Commission's cautious approach stemmed from a lack of agreement among commissioners and from the fact that MTC was a very new agency.

The transit operators were perhaps the most vociferous in their opposition to the policy goals of MTC. One agency, in its comments on the RTP charged that "one of the apparent fundamental objectives of MTC is to take over the entire transit industry" (Banks: 299). Additionally, even though relations between transit operators had been historically poor, the

transit operators banded together to form the Regional Transit Association (RTA). This was a response to the perceived threat of MTC to the operators' independence (Chisholm 1989: 120). However, bolstered by growing support for MTC in the state legislature, RTA was to have little direct effect on the influence of MTC.

Changing Emphasis and Consolidation of Power

Without implementation authority, it appeared that MTC's plan was destined to be ignored by local government and special districts or tempered by the political realities of the Bay Area, where interest in regionalist reforms was beginning to fade. The defeat of a bill introduced in 1973 (AB 2040), which would have consolidated a number of single-purpose agencies under the umbrella of a multi-purpose government, was an example of this trend. While two similar bills failed to pass in the state legislature, AB 2040 differed in that it preserved, to a large extent, the power of local elected officials to influence regional decision making. Professor Victor Jones in a speech to Mayors, city councilors and county supervisors on 25 July 1973, warned that defeat of AB 2040 would result in the exclusion of local government from participation in regional affairs by spurring the proliferation of additional special districts. Although Assemblyman John Knox introduced variations of AB 2040 twice more, the failure of this compromise measure in 1973 marked the beginning of the end for hopes of establishing a multi-purpose regional government in the Bay Area. Instead, the state created changes that would allow MTC to incrementally influence local government and special districts by increasing its fund programming authority. This shift in emphasis, according to Perelman (p. 43), would happen gradually over the next three years and culminate in the departure of Paul Watt from MTC and the naming of Lawrence Dahms, who had been a senior BART official, as new MTC Executive Director.

When, in 1974, Congress passed the National Mass Transportation Assistance Act, Governor Ronald Reagan designated MTC the metropolitan planning organization (MPO) for the nine-county San Francisco Bay Area region. This put MTC in the position to allocate Section 5 funds between transit operator assistance and capital improvements in the four Bay Area counties with populations over 200,000. Federal support for Bay Area transit under Section 5 totaled $67.4 million for fiscal years 1975 through 1977, which accounted for almost 16% of all federal subsidies provided to the Bay Area (Metropolitan Transportation Commission 1976). The following year Governor Reagan signed AB 664. This measure gave MTC conditional power to adopt toll schedules for, and allocate surplus revenue from, all transbay bridges except the Golden Gate. The bill authorizes MTC to allocate these surplus, or net, revenues among public entities operating public transportation systems and Caltrans for projects in the vicinity of toll bridges and/or supporting ferry operations. The legislature subsequently amended the Streets and Highways Code (AB 50, 1981) to limit the amount of net toll revenues MTC may raise to $8 million annually and earmarked these funds exclusively for transit capital improvements.

Dahms Administration

After Dahms was appointed Executive Director in December 1977, the legislature seemed to quicken the pace with which it was consolidating power in MTC through the Commission's

incipient role of fund programmer. The passage of AB 1107 in 1977 (which Dahms had worked on as consultant) extended permanently the half-cent sales tax instituted in 1972 to fund BART construction and gave MTC responsibility for allocating 25% of the generated tax revenue between BART, Muni and Alameda-Contra Costa (AC) Transit for service improvements. To be eligible for these MTC-allocated funds, the fare revenues of a transit system had to exceed 33% of its operating costs and operators had to maintain membership in an MTC established transit coordinating council. In total, by 1977 MTC was responsible for allocating more than $200 million annually in local, state and federal funds (Metropolitan Transportation Commission 1996).

Transit

The initial responsibilities of MTC for transit were relatively modest, especially compared with the present scope of its powers. The State Legislature charged MTC at its inception with the responsibility for approving the construction and operation of public multi-county transit systems on exclusive right-of-way, reviewing applications for funds from local governments and transport districts in the region to the federal or state governments, and providing assistance to transit systems that would supply feeder services to intercounty rapid transit (Metropolitan Transportation Commission Act, 1970). Beginning in 1971 with the Transit Development Act, MTC has been gradually granted more and more power to allocate funds among transit operators. This, at least theoretically, put it in a position to exert considerable influence over the operations of the Bay Area transit agencies.

Fierce competition among the Bay Area transit operators, described by one author as "bitter warfare," dates back to the earliest decades of the twentieth century when the Southern Pacific built parallel lines within a few blocks of several light rail lines in the East Bay (Scott 1985: 169). This competition, first over routes and later over subsidies, helps to explain why relationships among the transit agencies in the Bay Area are historically poor. The fund programming and coordination powers granted MTC by the State Legislature in the mid-seventies were viewed by the transit agencies as an overwhelming threat to their ability to operate independently. According to Scott (319), so ominous was this threat that the largest operators put aside their differences to form the RTA in an attempt to thwart the work of MTC. This coming together against a common enemy, real or perceived, drew the general managers of the largest transit agencies into discussions and forums where they soon began to identify common interests beyond their shared opposition to MTC power. While there is little record of specific ways in which the RTA challenged MTC, its formation had an unintended outcome. According to our respondents, it became an exclusive social club of Bay Area transit general managers. Remarked one operator, "it was a forum for [the general managers] to get together and plan their golf games." Such social interaction can be an important part of building collaborative activities over time (Innes et al. 1994). While the RTA had eight standing committees (Accessibility, Legal Affairs, Maintenance, Minority Affairs, Operations, Procurement, Public Information, Protective Services), besides social interaction, its major role became one of joint marketing and procurement to save money.

AB 1107 mandated the establishment of the Transportation Operators Coordinating Council (TOCC) and made transit agency participation a prerequisite of eligibility for MTC

programmed funds. In 1978, MTC adopted a resolution establishing such a Council. Initially TOCC membership comprised only Muni, AC Transit and BART, the operators eligible for the BART sales tax money. However, Dahms was able to convince many of the other transit operators in the Bay Area to join the Council on the grounds that broader participation would increase efficiency and improve communication, according to Perelman. Although MTC met the coordination requirement of AB 1107 through TOCC, Muni and AC Transit failed to achieve the farebox recovery ratios mandated by the bill. Furthermore, the financial crisis precipitated by the passage of California Proposition 13 in 1978 precluded transit service improvements as operators scrambled to secure basic operating assistance. MTC therefore found itself in a situation where it could not release urgently needed funds already set aside for Muni, AC Transit and BART (Perelman 1985: 53-59).

MTC responded by successfully petitioning the legislature in 1979 (AB 842) to free the BART sales tax money it was responsible for programming by modifying the farebox recovery requirements and dropping the service improvement earmark. This ameliorated the situation while strengthening the hand of MTC. MTC now had the power to allocate these funds at its discretion. In addition, AB 842 placed with MTC the responsibility for developing a financial management plan for the operators and created a transit policy committee that included MTC Commissioners in its membership. MTC, it seemed, was finally granted the leverage it needed to coordinate BART feeder service, which the legislature had intended for MTC to do when it was created nearly a decade earlier. On the other hand, MTC de facto gave up some of the discretionary authority it had obtained, according to Dahms, by agreeing to use the funding to "backfill" the needs of the transit agencies rather than to fund improvements.

Among the final legislative pieces of what essentially served as the MTC base of authority up until passage of the federal Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991, were AB 620 and SB 215 passed in Sacramento in 1981. Together these granted MTC control over $53.8 million in surplus revenues generated by the BART half-cent sales tax with the substantial unexpected increase of gasoline prices. Finally, in 1982, MTC was designated as the federal recipient for Section 9 transit funds for San Francisco, Oakland and San Jose. Section 9 of the Federal Public Transportation Act of 1982 was a new transit formula block grant program for providing both capital improvement funds and operating assistance. It essentially replaced Section 5 and was allocated a greater proportion of federal transit dollars than its predecessor.

MTC Resolution 1876: The Agreement on Rail Projects

In 1988, Commissioners negotiated among themselves a package of proposals for rail projects, which MTC would support and for which it would seek funding. This package, known as 1876 for the resolution by which the Commission adopted this policy, included ten proposed projects around the metropolitan area. These included an extension of BART to the San Francisco Airport, and three more in the East Bay, including one to northeastern Contra Costa County, a second into central Contra Costa and a third into southern Alameda county almost to San Jose along with the Tasman corridor light rail extension in Santa Clara County, a Muni light

rail extension in San Francisco and extensions of the Peninsula's CalTrain both to connect with the Santa Clara County light rail system in San Jose and with San Francisco's Transbay terminal. The idea was that the region would lobby and advocate in Washington and Sacramento for the total package rather than go separately to legislators on a project by project basis. This regional consensus was expected to be more likely to produce funding for the projects than the piecemeal approach.

Figure 2-1   MTC Rail Extention Program Map, Resolution 1876
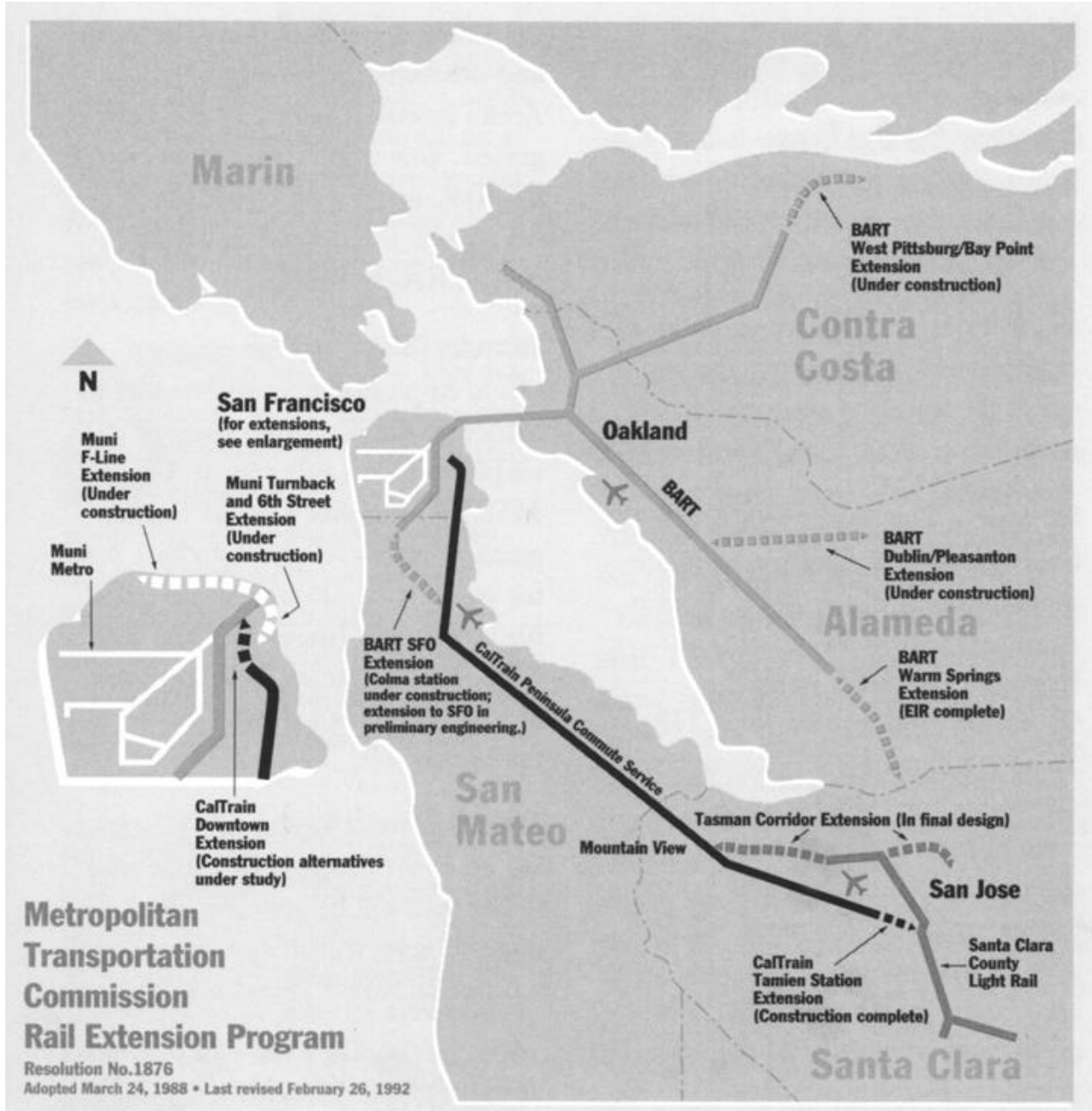
These proposed projects were widely spread around the Bay Area, but there were no projects in the densely urbanized central and northern parts of Alameda County, in Marin County nor in any of the other more rural northern counties. Several of the projects were extraordinarily costly, including over $1 billion for the BART SFO extension, not including the cost of the first leg to Colma, and about $750 million for a CalTrain extension into a San Francisco terminal. Though there was official agreement by MTC Commissioners on this package in 1988, it is unclear that leaders from all counties truly supported it as some had little if anything to gain. Nonetheless, this 1876 package was to remain as something Dahms, the Commission and even the Partnership did not question or try formally to change until the late 1990's. As one senior MTC staff member said,

> Once you got 1876 it was a commitment. That was way before the Partnership. It went through a process like that–negotiation. I can't remember who said what to whom, as [State Senator] Quentin [Kopp] was such an activist chair. So one of the things he wanted to do was the rail program so we did it. ...At least two other Commissioners strongly pushed for this resolution and they assured there would be projects in the East Bay as well as the Peninsula. Admittedly it was a very quick process, but it was an intensive one around this region. Between December 1987 and March 1988 we put this package together...that resolution has been memorialized in state law and it has had the unanimous support of our delegation ever since. People don't recognize the significance of the commitment to that. They don't recognize what it has taken to keep it together all these years.

MTC staff and even some partners appeared to regard this carefully negotiated package of projects as symbolic of the ability of agencies in the region to agree among themselves and useful to demonstrate the value of solidarity, even when there might be underlying disagreement. This view of the importance of maintaining what came to be understood as promises in the 1876 agreement continued throughout the decade. A memo from the Executive Director to the Work Program Committee dated September 1997 read,

> ...implementation of rail extensions was stalled until 1988 when consensus was forged on an equitable funding package for an approximately $3.4 billion rail extension program. This consensus was put forth in MTC resolution 1876. This resolution was the catalyst for state and local support for the program and for local votes on increases in sales taxes and bridge tolls to provide the necessary funding. Resolution 1876 was also the glue for our Congressional delegation in delivering the approximately 30% federal share.

These projects were not selected on a cost effectiveness basis, nor was consensus achieved through collaborative dialogue to identify interdependence and mutual benefit, nor were these projects chosen because a social movement formed to push for them. Resolution 1876 was a clear victory for the political model of planning and the commitment to it was based on staff learning that this type of agreement on a package of projects could be both "catalyst" and "glue."

There is little question that the success of this effort in pulling and holding players together became a model that was a powerful one for at least some MTC staff.

Conclusion

MTC's roots lie in a Bay Area conflictual history over regional governance and in a context of local governments and transit operators jealously guarding their prerogatives and autonomy. It shares a limited regional role with ABAG, the COG, though MTC's status as the region's designated MPO gives it today more authority than ABAG. ABAG's General Assembly, made up of most of the region's local governments, was, in any case, to hinder its ability to take strong positions. It had little authority or funding that could give it an equivalent regional power position to MTC. It came into being to implement state mandates around transportation in great part on the basis of pressure from the legislature. One of the main purposes was to help to implement BART, the regional rail system. One of its biggest challenges has been to try to coordinate a complex and highly varied array of sometimes-competing transit agencies. While MTC has slowly gathered new mandates and responsibilities beyond the limited ones it was originally assigned and has evolved in many ways, these historic origins have inevitably shaped the contemporary organization and the perceptions of its staff and leadership. Today it is the most powerful of the regional agencies in the Bay Area's fragmented governmental context.

CHAPTER 3

THE CONTEXT: THE BAY AREA AND CALIFORNIA

The Potential for Regionalism

The San Francisco Bay Area is, unlike Greater Los Angeles, clearly identifiable as a metropolitan region, unified physically by the clustering of cities around the Bay. People know it as the Bay Area and share to some degree a common culture. They are politically more likely to be liberals and Democrats. There has historically been a strong, activist environmental movement made up of many different types of organizations, from moderate to radical. The rugged terrain and Bay create an environment of natural beauty always visible to the residents, and the quality of life is recognized as an important factor in the prosperity of the region. The population is ethnically diverse. Two of the top ranking universities in the world, University of California, Berkeley and Stanford, have played significant roles in the region's evolution, influencing not only the growth of the environmental movement, but also political debates in many arenas. Many of the professionals working in the transportation field are products of these two universities and share both perspectives and networks. The high technology industry, also spun off from these institutions, is driving the rapid growth in the region's economy.

Five major bridges link the various parts of the region, and these, along with the topography and development patterns, have created key "gateways" or corridors (Figures 3-1 and 3-2). It is only with great difficulty and cost that these corridors can be expanded to accommodate more traffic. The existence of these corridors, along with the destruction of several freeway links in the Loma Prieta Earthquake of 1989, have contributed to growing traffic congestion around the Bay Area. Traffic congestion was a high priority concern among the public for much of the nineties. This congestion has also resulted in air quality problems, which have led the EPA twice in that decade to declare the Bay Area out of conformity with Clean Air Act Amendment requirements.

Challenges for Regionalism

Despite the degree of regional identity and shared regional transportation problems and bottlenecks, the challenges and obstacles to regional cooperation are considerable. The Bay Area has neither a regional structure for governance that cuts across the various agencies and jurisdictions, as does Portland or Seattle, nor a Council of Government like that in San Diego, which has the capacity to bring local governments together to decide on matters related to regional growth (Gruber & Neuman 1994). The COG (ABAG) and the MPO (MTC) are two separate agencies. Although there are many strong regionalists in the area who would like to see some way of making choices that make sense for the region as a whole rather than parochial decisions good primarily for each local jurisdiction, such regionalism remains a controversial goal. Regionalists have not succeeded in creating new, formal regional institutions since MTC was set up, though stakeholder groups such as the Bay Area Alliance for Sustainable Development have

Figure 3-1   Major Features of the Bay Area Transportation Network

Major Features of the Bay Area Transportation Network

Figure 3-2   Major Corridors of the Bay Area Transportation Network

been meeting for several years to find solutions to a variety of regional issues, including transportation.

In the early nineties, a consensus building effort among a group of Bay Area leaders cosponsored by MTC, ABAG and the Greenbelt Alliance, known as BayVision 2020, produced a proposal to merge MTC, The Bay Area Air Quality District, and ABAG to create a powerful new agency. This met with substantial opposition and, like the efforts twenty years earlier, failed in the legislature. Top staff at MTC, judging by comments made to us by a number of respondents, were to regard this failure of BayVision 2020 as evidence that regional government was not a viable concept in the Bay Area.[1] California has a tradition of strong home rule for local governments, and it has hundreds of special district governments with responsibilities ranging from providing bus service to providing water. It has no state growth management legislation nor enabling laws for regional land use management or infrastructure planning. Indeed, all the incentives run contrary to any effort to have broad-based governance of a region. Proposition 13 and later tax limitation measures passed by the voters create substantial incentives for localities to build low density land uses, such as shopping centers in undeveloped areas where no neighbors will protest. Such uses are typically the only kind that bring in net tax benefits (Innes & Booher 1999c). This in turn places substantial pressure on transportation funding to provide access either through roads or rail to these outlying areas.

This fragmented governmental pattern means that many different players have regulatory or other decision authority over development patterns in the region, and there is no common arena in which to discuss these, much less to act collectively to change them. Some counties have adopted urban limit lines, but they have done so individually, without consultation with each other or with MTC. Counties have supplemented federal and state sources of funding in the last decade with sales taxes, voted in by county voters, dedicated typically to a set of transportation projects. A California Supreme Court decision, however, declared these sales taxes unless a two-thirds vote is obtained. This sort of vote is difficult to achieve, and thus the ruling has placed even more pressure on state and regional sources of funding.

Variations by County

The metropolitan region is made up of nine counties and over 100 cities. Since three of the cities–San Francisco, Oakland, and San Jose–are major metropolitan areas in their own right, the Bay Area does not have a single center either in physical or economic terms. Both cities and counties differ among themselves substantially in demographics, politics, economic base and physical development patterns. These differences make it particularly challenging to create a regionwide constituency for any policy, particularly in the area of transportation or the closely related land use issues, because the perceived intersests of jurisdictions are often at variance.

---

[1] This effort however was not a well designed process, engaging not stakeholders, but leading citizens with little understanding of land use and growth issues and little power to implement. The proposal did not reflect buyin from those who would be needed, and it was not a regional government proposal. (Innes, et al. 1994: 233-243) Nonetheless it cast a damper on continuing efforts.

Each county represents a different kind of population with different transportation concerns. The six counties in the central part of the region range significantly in personal wealth, with 36 percent of households making more than $75,000 in Marin County to the north, while 20 percent or less make this much in San Francisco and Alameda counties. The latter both have a substantial poor population, likely to be transit dependent, with 44 percent in San Francisco and 37 percent in Alameda County have household incomes of under $35,000. Marin County has only about 26 percent in this low income category. San Mateo and Santa Clara counties on the peninsula south of San Francisco fall somewhere in between these extremes.[2] Contra Costa County to the east of the hills in the East Bay is also in the midrange, but it is made up of some of the wealthiest suburban communities and prospering new "edge cities"[3] along with the poorest and most predominantly African-American city, Richmond. Of the Bay Area counties, Contra Costa tends to be the most supportive of providing roads that will serve low density development, but it also has substantial internal controversy over transportation matters in part due to the extremes in income and different subregional cultures and in part because of their growing congestion. Marin County has by far the smallest percentage of minorities among these inner Bay area counties, while Alameda and San Francisco have significantly larger minority proportions in their populations than other counties, with the largest proportion of African Americans in Alameda . Marin has the most highly educated population overall, followed by San Francisco, Santa Clara, Contra Costa, and Alameda counties.[4]

By contrast to these inner counties, the outlying northern counties, Solano, Sonoma and Napa, have much smaller populations, although comparable proportions in poverty. These are to a substantial degree rural in settlement patterns. They depend significantly on agriculture, particularly the wine industry, and on tourism in Napa and Sonoma, though there has also been significant new development in Sonoma and Solano counties. These counties have typically been ambivalent about participation in any regional governance structure or about any regional cooperative arrangements because they fear being overwhelmed by their larger neighbors to the south. While the counties tend to be divided internally on whether they support or oppose greater development (Napa has been more likely to oppose it, while Solano and Sonoma have tended to be more open to it), they have traditionally been wary of any regional agency that might preclude their options, either forcing development on them or preventing them from developing in the patterns they wish. They are in general, less persuaded than the representatives of the inner counties (with the possible exception of Marin) of the value to them of a regional effort. They have less at stake in getting transportation investment as they have fewer roads and long distance commuters, and less transit. Because of the funding formulas that have been used they have

---

[2] These data are drawn from the *San Francisco Examiner and Chronicle*, Sunday February 16, 1997, p. W-21 and are based on the San Francisco Market Gallup Study.

[3] These are largely office and retail centers in outlying suburban areas, as described in *Edge City: Life on the New Frontier* (Garreau 1991)

[4] According to the San Francisco Gallup Study as reported in the *San Francisco Sunday Examiner and Chronicle*, Feb.9, 1997, p. W-17.

typically less to win and lose in the funding game as well as smaller city and county staffs to play the game.

Some counties are significantly more densely developed than the others. San Francisco City and County are coterminous and this is basically all highly urban, with multifamily and attached housing prevailing throughout. San Francisco is dominated by finance and headquarters office business, with many commuting in from Alameda and Contra Costa counties and beyond by BART and freeway. It also contains a significant proportion of the retail activity for the region. Car ownership is by far the lowest in the region as is the percentage driving alone to work (37%)[5]. San Francisco residents and those who work in the city depend heavily on public transit. Major transportation facilities and systems from other counties converge in the city, with the Golden Gate Bridge dumping its traffic from the northern counties onto a few congested city parkways and streets, and both the Bay Bridge and Highway 101 bringing traffic into downtown.

Alameda County is highly diverse in its economic base, land use patterns and population characteristics, as it runs much of the way along the eastern side of the Bay. It includes the highly urban cities of Oakland and Hayward, Berkeley, the older inner suburb of San Leandro, and the new, sprawling Fremont, a suburb of Silicon Valley, as well as the new wealthy suburbs and gated communities across the hills 20 miles east of Oakland. Large sections of the west and east parts of Oakland, where the main freeway from north to south run, are poor, immigrant and minority. Prosperous professionals live in the Oakland hills and Fremont subdivisions and work in local high technology industry or universities or commute to San Francisco or Silicon Valley. Eastern Alameda County across the hills is affluent, sprawling, and characterized by large lots and suburban style development virtually identical with much of Contra Costa's neighboring development. In Alameda County 13% rely on transit for commuting, 15% rely on carpools and 64% drive alone. Accordingly, Alameda County tends to have conflicts among many competing types of demands for transportation investment, ranging from maintenance and managing traffic flow on the freeways and parallel arterials that serve most of the long distance traffic, to new highway interchanges or capacity building investment, capital investments in the aging equipment of AC transit, and maintenance of its key routes.

Contra Costa County contains some comparatively dense development in the edge city of Walnut Creek and the older poorer city of Richmond, along with sprawling subdivisions and gated communities. The wealthier areas are in the Central and East County areas across the hills, while the Western part, bordering the Bay is either middle or lower income, and is dominated by oil refineries. In the northeastern part of this far flung, populous county, moderate income communities sprawl around some small older towns like Pittsburg and Antioch. Major office parks dominate in parts of the East County, though much of this are still has a rural feel and substantial land remains for potential development. This county is so diverse that its CMA works with each of the distinct "regions" separately. Employment in Contra Costa has been moving from San Francisco and other parts of the region to these suburban office parks. The county has been criticized for its jobs-housing imbalance as it has permitted largely only high end housing in the vicinity of its new office parks so workers must travel long distance on the congested freeways. Contra Costa residents are the heaviest users of BART among counties, with 13% of

---

[5]All commute figures are from "*Commute Profile '96*", July 1996 by Rides for Bay Area Commuters Inc.

commuters using this commuter rail system, though other transit use is negligible. With 67% driving alone and 16% carpooling, Contra Costa residents have the longest commutes in the region. Not surprisingly transportation issues are of central importance in this county, and the county is a big supporter of BART.

Santa Clara is an older suburban county, less sprawling in development patterns on the whole than the newer parts of Contra Costa and southern or eastern Alameda County. Santa Clara County is home to Silicon Valley and to some of the highest housing prices in the region (other than Marin, which by contrast has far less business and employment). Santa Clara County includes the sprawling city of San Jose, the largest city of the region, with close to million people. Unlike the other two major cities, it continues to have buildable land and growth in housing supply. Many who work in booming Silicon Valley today are forced, however, to live either across the Bay in southern Alameda County, in Contra Costa, or even beyond, in their search for affordable single family housing. Approximately 11 percent of the work force in Santa Clara lives outside the county, and traffic congestion is substantial in its major freeway corridors.[6] This congestion has been a concern of the Santa Clara County business community, particularly as represented by Joint Venture Silicon Valley and the Silicon Valley Manufacturing Group, two business organizations which try to plan for the county's future and focus on congestion and managing growth. Congestion interferes not only with business' ability to offer employees affordable housing within reasonable commute times, but also with their access to airports and freight movements. This access is crucial to the just-in-time approach to manufacturing, which has been so important to the economic success of Silicon Valley. Moreover residents and workers in both Santa Clara and San Mateo counties use CalTrain, an old commuter rail which extends down much of the peninsula and stops short of downtown in San Francisco. The question of whether CalTrain is extended to link with other San Francisco transit or BART has been an emotional issue for many from San Mateo and Santa Clara counties, as the Highway 101 corridor is highly congested at rush hours. On the other hand this wealthy county has not participated financially in BART, recently has not paid its share of CalTrain expenses and failed to widen I-880 between Alameda County and San Jose so that eight lanes narrow to four at the county line for a long and congested freeway commute. A new San Jose mayor and a booming Silicon Valley economy have recently changed the priorities. The mayor is now seeking funding to extend BART (for over a billion dollars) between Fremont and San Jose–much to the chagrin of far northeast Contra Costa County players who point to the agreement to meet their needs before starting other extensions.

San Mateo County, sandwiched between San Francisco and Santa Clara Counties, has not played as big a role in the Partnership as its two more influential neighbors, but its location make it a highly desirable place for those working in the other two counties. It contains a wide diversity of income groups and substantial Asian population (20%). Though some land remains available for development,[7] the housing stock increased less than any county in the region in the mid

---

[6] Comment made by Santa Clara CMA staff member in a Planning and Operations Committee Meeting, April 24, 1997.

[7] *ABAG Projections 1996* December 1995, p. 34-35.

1990's, and its population increased by less than 4% between 1990 and 1995.[8] Its residents, who are among the best educated in the Bay Area,[9] rely heavily on U.S. 101 and 28 for their commutes though 9% use transit, especially BART and CalTrain. 18% rely on carpools. San Mateo was a regional player in supporting the construction of BART and CalTrain and paying more than their original share.

The Fiscal Context in California

California's public finance system has been dramatically shaped by Proposition 13 and several other tax limitation measures passed since 1978. These measures basically prevent local governments from raising property taxes in any significant way. They require a two-thirds vote for most revenue raising measures at the local or state level, so that it is very difficult to pass the bond issues that in the past or in other states might have supported transportation investment. They limit the amount of revenue the state might raise, and give the state authority over property tax revenue distribution. In the mid 1990s, when the state's economy slumped, the state withheld property tax revenues from city and county governments and school districts and used it to support state programs. As a result, the state and localities are highly dependent on federal sources for much of their investment in transportation, including operations and maintenance funding. Local revenues, which are highly limited, may have to be spent for police, fire, libraries, and many other local services, and road maintenance may not be the highest priority. Not surprisingly, these measures have led to a deterioration in the state's infrastructure, and many expansion plans have been put on hold. The decline of funding at the local level led to a scramble for politically acceptable revenues—that is, for revenue raising measures that could be placed on the ballot and win a two-thirds vote.

The most politically acceptable tax in recent years has been the sales tax. People are more likely to accept increases in the sales tax than gasoline tax increases or state income tax, as countless polls and focus groups have confirmed. Counties all over the state have placed sales tax measures for transportation infrastructure on the ballot with some success. Los Angeles' Metropolitan Transportation Authority was able to raise billions to build light rail and heavy rail systems. Santa Clara, Contra Costa, and Alameda counties were able to pass sales tax measures in this period for a specific set of transportation projects around the country. These were seemingly exempt from the two-thirds requirement and were substantially easier to pass than other taxes. When the State Supreme Court invalidated this strategy in 1995, saying such special taxes did require a 2/3 vote, the decision reverberated throughout MTC, the Partnership and most of the rest of the Bay Area transportation community. Sales tax money, not only in Santa Clara but elsewhere, was being used for matching federal or state funds, as well as for a variety of projects that played important parts in the overall transportation investment picture. These sales tax measures were put together to fund specific projects thought to be popular with voters in order to get the majority or later the 2/3 vote. These were not necessarily the projects that the

---

[8] *California County Projections 1997* Center for the Continuing Study of the California Economy.

[9] *1997 County and City Extra Annual Metro City and County Data Book.* 6th Edition, Bernan Press, 1997.

transportation planners would have suggested, nor were the projects necessarily analyzed or selected on the basis of cost effectiveness in impact on congestion or mobility. The funding was typically not allocated to basic maintenance and operations. The public assumed, as MTC found out in some of their outreach meetings, that such maintenance was and should be paid for out of regular funds. They were not interested in using sales tax to raise maintenance money. When a two-thirds vote was required, the politically strategic response in each county was to make sure every part of a county got some visible projects, rather than to try to work out what projects could best serve the region's or even the county's economy or transportation system in terms of performance or need. Because of the peculiarities of this sort of revenue raising—where a sales tax would be set up for a period of years in which one could not change the purposes or projects, and in which a political alliance in a county would set up the funding—it could not be readily integrated with MTC decision making on transportation.

This sales tax funding arrangement was particularly problematic for MTC as counties were to expect it to make up the shortfall when the sales tax funding was inadequate. In addition localities would often have trouble raising matching funds for other projects not included in the sales tax. For several years MTC pursued the possibility of a regional gas tax, and in 1997 the legislature, after intense lobbying by MTC, finally agreed to allow such a measure to be placed on the ballot in regions that choose to. As of this writing no such measure has been placed on the ballot.

The Blueprint

In 1989 and 1990 state legislation was passed, known popularly as the Blueprint for the 21st Century,[10] which substantially affected the context in which MTC worked. This also became a model for the federal ISTEA legislation in a number of ways, putting MTC ahead of the game in dealing with new types of multimodal, flexible funding. Until that time, California state highway funding, drawn primarily from the 18-cent a gallon gas tax, went primarily to highway administration, operations, maintenance, and the required match for federal capital outlay funds. By 1989 little was available for state-initiated capital projects. State legislators responded to a $3.5 billion funding shortfall in the 1988 State Transportation Improvement Program (STIP) by passing a package of bills designed to generate $18.5 billion over 10 years from four sources: increases in the state gasoline tax, an increase in weight fees for trucks; an increase in sales tax revenue from fuel tax increases; and three one-billion dollar general obligation bonds for rail projects. The package included Propositions 108 and 111, passed by voters in 1990. The first authorized rail transit bond issues and the second raised the fuel tax for motorists.

This package defined specific programs, including Environmental Enhancement and Mitigation and Flexible Congestion Relief (FCR). FCR became an important funding source for such things as high occupancy vehicle lanes and other highway capacity expansion projects. The Transit Capital Improvements (TCI) and Transportation Systems Management (TSM) programs funded projects which increased the number of person trips on highways without significantly increasing the design capacity, and included such measures as ramp metering or computerized

---

[10] This was established by AB 471 and AB 1791 in 1989 and 1990.

signals. Three billion dollars was allocated as subventions directly to the counties. This money was subject not only to a 40/60 percent north/south split statewide, but also required that a certain share of funds go to every county based on a formula using population and road mile data. The Blueprint overall made more funding available to the Bay Area and gave MTC a greater role in its allocation than it had in the past, because of the new and more flexible funding sources it provided in FCR, TCI, and TSM.

Congestion Management Agencies

Part of the Blueprint called for urbanized counties to develop and adopt Congestion Management Plans (CMP) to get priority for FCR funds. Counties were to create Congestion Management Agencies (CMAs) which would implement congestion reduction plans. The legislation's specific objectives include making most effective use of all transportation modes, requiring local jurisdictions to consider the impact of their land use decisions on the regional transportation network and take responsibility for mitigating impacts, and to develop congestion relief measures that benefit air quality. The CMPs were to be comprehensive, short range transportation programs that set standards to maximize the efficiency and effectiveness of the metropolitan transportation system. CMAs had to address nine elements in their plans, including the roadway network, level of service standards, transit service standards, transportation demand management for routing and coordination, land use impact analysis, and capital improvements.

Despite their ambitious mission, CMAs were not provided with any funding, and they were given few specific mandates regarding program organization and structure. A survey of CMA staff conducted two years after CMAs were mandated (Lee and Wilshusen 1994) focusing on their successes and failures, showed they were typically proud of their analyses of land use impact and their travel demand management, but dissatisfied with their transit service standards; they felt that they had little means of enforcing aggressive standards on transit agencies. They had difficulty coordinating congestion relief with air quality goals, particularly as they had little direct relation with the Bay Area Air Quality Management District (BAAQMD). By 1998, CMAs typically were playing little role in local land use decision making, and some had strained relationships with transit agencies within their borders.

CMAs were to become an important component of MTC's later partnership efforts because they, at least ostensibly, could speak for the range of cities within each county. A partnership in which MTC would work directly with the more than 100 cities and counties in the region was almost certainly infeasible. One which relied instead on the nine CMAs seemed to make more sense, especially if these could in turn work with and represent the cities. With the passage of ISTEA, CMAs took on responsibility for the Congestion Management System (CMS) requirements of that legislation, which closely mirrored the California model. The CMAs thus grew in importance after ISTEA as crucial players in both state and federal transportation planning efforts. CMA Directors formed a CMA Association and began to meet regularly to discuss common issues.

Counties had considerable latitude in how they set up their CMAs, with the result that each of the nine has a different form of governance and relationships to the other decision making bodies in its county. Typically CMAs have board members who are local elected officials serving

not only on this but also on a number of other county or regional bodies. The nature of the boards is such that the executive director typically has substantial autonomy and de facto decision making ability so long as he or she can make a good case to the board. The differing institutional structures almost certainly had an impact on the kinds of positions the CMA directors took in the Partnership. The Alameda County CMA, for example, was set up by a Joint Powers Agreement (JPA)[11] among county jurisdictions including the two transit agencies, AC Transit and BART, both of which are themselves special district governments. Thus this CMA, like several of the others, is a freestanding agency, not under the county administration. It is governed by a board with appointed members from each city in proportion to its population. This CMA is not directly connected to the county transportation agency nor answerable to any jurisdiction.

The Contra Costa County Transportation Authority by contrast serves as CMA in that county. This was set up by a JPA to implement Measure C, a citizen initiative for growth management and transportation infrastructure provision. In addition to congestion management, this agency manages the use of a special one-half cent sales and use tax for transportation to implement projects, and it manages special county funds from a surcharge on vehicle registrations, for clean air purposes. This is a substantial agency, which presides over several consensus building efforts for each of the distinctive "subregions" of the county in the effort to develop its CMP. It has several technical advisory and citizen committees drawing on different "regions" of the county as well as on representatives from MTC, Caltrans and the county's five transit operators. The CMA must negotiate among the southern and east county interests supporting low density development and the more urbanized central areas including the "edge city" of Walnut Creek, the moderate income and working class cities of Pittsburg and Martinez, and the older city of Richmond which contains some of the poorest and most troubled sections of the Bay Area. So called "East County developers" seem to wield substantial power as they push successfully for development of unincorporated open space areas in sprawling subdivisions, despite a growing popular discontent with further development in the county. Contra Costa County has a challenge to deal with the multiple perspectives and lack of consensus internally. Nonetheless this county has become a central player in the Partnership, often as ally of BART.

In yet another model the San Francisco County CMA answers to a board made up of the County Supervisors, who also make up the City Council. Thus this CMA is tightly linked into city administration and policy. In part because the San Francisco Muni is also a city agency under the Mayor and City Council, this CMA takes more active responsibility for the bus and light rail than does Alameda County, where the bus service is provided by AC Transit, which is its own special district government. AC has its own sources of revenue, and accesses MTC independently in its funding negotiations, as well as working through the CMA for funding it controls. On the other hand, Muni also participates directly as a partner in addition to through the San Francisco CMA.

---

[11] The Joint Powers Agreement is commonly used in California as one of the few formal ways to establish formal interjurisdictional cooperation. Only formal governmental entities can participate in a JPA. Typically such agreements set up a new institution or organization that is jointly governed by representatives from these jurisdictions. It is not however under the direct authority of any jurisdiction. Though it would have difficulty in going against the desires of one or more significant jurisdictions, de facto such organizations have substantial autonomy as long as they operate within certain bounds.

In Santa Clara County the CMA began as a joint powers agency, but during the course of our study was folded into the Santa Clara Valley Transportation Authority (VTA) so that congestion management is now one program of this agency. SCVTA has its own Board of Directors made up of city and county elected officials, who also serve as the CMA board. This agency does much more than congestion management, including operating bus, light rail, and paratransit. It does transit planning for new facilities, as well as highway planning, design and construction. It operates CalTrain service in partnership with San Mateo and San Francisco counties, and it works with other transit agencies in the region to provide service across county lines. This county, perhaps more than any other, has a regional and activist perspective on transportation. The county had an early history of concern by major business interests in transportation issues because many of its employees live outside the county due to the Valley's high housing prices and tight housing market. Jobs have greatly increased in the county over the last twenty years, whereas housing has increased very little, so workers have to choose between long commutes or expensive housing. There have been a number of voluntary collaborative efforts in the region, starting with the Golden Triangle project in the 1980's, where business has been sufficiently concerned about congestion to invest its own money in transportation infrastructure and to support ballot measures for more funding for both transit and highway improvements. Its representatives have been active participants in the Partnership. Today Joint Venture Silicon Valley and the Silicon Valley Manufacturers group organize and mobilize business and community support for regional housing and transportation plans and projects.

The CMA for well-to-do Marin County just north of San Francisco, is part of the countywide planning agency. Its executive director is also Chief Assistant Director of the Public Works Department, thus reporting indirectly to the County Board of Supervisors. This CMA has no direct organizational link to the main transit agency of the County, the powerful Golden Gate Bridge, Highway, and Transit District (GGBHTD), which supports both bus and ferry systems from tolls on the Golden Gate Bridge. Thus the CMA tends to focus on planning or coordinating road projects that can reduce congestion. Representatives from the GGBHTD have generally been active participants often more in evidence in the Partnership than have been the county CMA representatives. This county, though adjoining San Francisco, lacks BART and relies primarily on automobile use and one major highway and bridge. Unlike Contra Costa, its population has long been opposed to growth, and residents have particular interest in ways to reduce the growing congestion on I-101 that runs from Sonoma County on their northern border to San Francisco in the south.

Small San Mateo County also had a JPA, the City/County Association of Government, which served as its CMA. This organization also managed local programs funding related transportation improvements for clean air and bicycle facilities. Thus it too it was independent of the county public works department, of Samtrans, the main transit provider, and of CalTrain which is managed by the counties. The BART extension to SFO airport is one of Resolution 1876 projects that was to be constructed in San Mateo. The CalTrain downtown extension is of great interest to San Mateo, Though representatives regularly attend meetings, this county has not been a major player in the Partnership, some observers suggest, because it is small and not as powerful as some other counties politically and because internally it has not agreed on its priorities.

The North Bay counties' small populations and limited revenue and funding bases mean they have less complex and active CMAs. Napa county's tiny CMA was established by a Joint Powers Agreement (JPA) between the cities and the county. Its Executive Director was however, a county employee reporting to the Public Works Director. It had during our study an eight-member board appointed from the county and the cities. There were no transit agencies in the county that are independent of the cities. Solano County's Transportation Authority was also formed by a JPA and is governed directly by a board made up of local and county elected officials. Unlike most of the other CMAs, this one not only does planning and coordinating of projects, it also operates two transit programs. Sonoma County's Transportation Authority has been designated the CMA. This agency is governed by an 11-member board appointed by the local governments and board of supervisors.

This array of organizational arrangements, boards, responsibilities and differing lines of accountability of CMA directors means that each has a somewhat different relationship to other governing agencies and to the public in their counties. Some have more autonomy and scope than others. Some are more likely to speak for transit interests given their structure, while others are more subject to county political issues and conflicts than others. In general however, Contra Costa, Alameda, Santa Clara, San Francisco counties are the most populous counties with the most at stake in terms of needs and expenditures, and they are accordingly the CMAs which have played the largest and most vocal roles in the Partnership.

Transit in the Bay Area

The San Francisco Bay Area's population of 6.5 million is served by a labyrinth of transit routes operated by 28 transit agencies spread across the nine counties.. These operators combine to move 1.5 million riders each weekday by five modes (heavy rail, light rail, bus, ferry and paratransit). Together they span a broad spectrum of ridership, size, and type of governance. The San Francisco Municipal Railway (Muni) carries nearly one of every two transit riders in the region, with average weekday ridership of well over 500,000. BART carries about 300,000 a day and AC Transit carries almost as many, with ridership steadily increasing, especially on BART. Tri-Delta Transit in suburban eastern Contra Costa County, by contrast, carries only a few thousand passengers per day. The size of ridership is not highly correlated with agency outlays, workforce, service area or other common benchmarks of size, nor is the percentage of operating costs paid by federal or state subsidy. The smaller suburban systems tend to be supported almost entirely by federal and state funds, while the larger and more urban systems are supported more by local contributions and farebox recovery (Taylor 1991).

While 9 percent of San Francisco residents use BART to commute, Contra Costa County is the largest BART user with 13 percent of commuters. Accordingly BART support tends to come from Contra Costa, where new BART stations have recently been built in comparatively undeveloped areas, opening them to new development potential. Although Alameda and San Francisco counties have similar percentages of the public using BART, they have in addition major, financially troubled transit agencies that carry significant numbers of people so BART is not their first priority. BART has stops that are far apart and which in Alameda County stop in through industrial areas with few nearby residents. The long hoped for transit-based development has not

materialized at BART stops, for the most part (Landis & Cervero 1999), so BART passengers typically arrive by car and fill the parking lots before 8 a.m., limiting the growth in BART ridership.

The governing structures of the Bay Area transit operators also range widely. Some agencies, like Muni and Vallejo Transit, are departments of municipal government while others, like BART and AC Transit, are special district governments guided by directly elected boards. The Golden Gate Bridge, Highway and Transit District (GGBHTD) is guided by an appointed board that oversees the District transit activities-primarily bus and ferry--and operation of the Golden Gate Bridge. San Mateo County Transit (SamTrans), another large regional transit provider, is also run by an appointed board. CalTrain is run by a partnership of local governments and directed by a board appointed by each partner to the enterprise. There are also numerous small operators run by city or county agencies or even private companies.

A major challenge for MTC is to coordinate transit operations of, and make allocations to many agencies with dissimilar facilities and services, problems, revenues and financial resources, management styles, operating roles and levels of political power. San Francisco's Muni, for example, runs a complex combination of light rail, bus and cable cars around the city, serving both commuters and residents, and it receives heavy use. AC Transit runs an extensive bus system stretching from one end of Alameda county into Northern Contra Costa and crossing the Bay Bridge to San Francisco. GGBHTD runs primarily buses and ferries. CalTrain is an older commuter rail system serving the whole peninsula from San Francisco to San Jose. Light rail exists primarily in Santa Clara County. Buses, often running despite little demand, serve the less densely populated suburban areas in Contra Costa and the northern counties.

There are also great contrasts from a financial perspective. Muni, forced to compete for funding with other city services, has been shackled with the most antiquated vehicles and facilities in the Bay Area and therefore is focused on developing strategies for reinvestment. At the other end of the spectrum, Tri-Delta Transit, which enjoys a relatively stable stream of funding directly from the state, is planning an expansion to serve new riders that depend on Tri-Delta for transportation to jobs mandated under the new federal welfare to work legislation. AC Transit is heavily dependent on farebox revenues for operating costs, though it receives some sales tax revenue and some revenues from bridge tolls. It has had to make major service cuts in recent years. These have been particularly controversial as AC provides the only public transportation to poorer areas in Oakland. People in some neighborhoods in the East Bay were as a result stranded on evenings and weekends for a period until some cuts were restored. BART is the most financially solvent operator in that it has dedicated sales tax revenues from three counties, rights to part of bridge toll revenues, as well as substantial ability to raise funds for its new construction from Congress and the state due to its visibility and lobbying capacity. A 1991 study (Taylor 1991) of the equity implications of California's Transportation Development Act which provides the major source of subsidies to transit shows that its per capita funding allocation turns out to strongly favor lightly patronized suburban transit service over more heavily patronized inner city services like Muni and AC transit. Transit riders in San Francisco's Muni were subsidized by $.13 per trip, as compared to transit patrons in the suburban Livermore area, who are subsidized by over $5 per trip. At the same time the more urban systems are subsidized by their cities and local counties, whereas the more suburban systems tended to rely almost totally on the federal and state

subsidy with little local contribution. Without the subsidy it seems likely that suburban systems would be reorganized to focus less on lightly patronized routes, and that local government in those areas would choose to support high priority transit routes. As it is, the incentive that results from a population formula allocation is simply to spend the money on transit even where it is not needed.

The biggest contrast on all dimensions to the other transit agencies is BART. BART is essentially a commuter rail system with a single line going through San Francisco's downtown and lines stretching far into suburban Contra Costa and Alameda counties, as well as into San Mateo. It is the giant among transit agencies, with the largest and most sophisticated staff and budget. It serves only a little more than half the number of daily passengers as Muni, but on much longer trips. Its fortunes are closely wrapped up with MTC's, because it must work with, and get the financial and political support of at least three counties to support its extensions and maintain its revenue sources. It has enjoyed significant popular support over the years and has been able to lobby effectively in Sacramento and Washington with MTC's help for the tremendous investments that have been made in extending the system.

BART has come to be increasingly at the center of controversies in regional transportation planning. It has always competed to some degree with other services, such as CalTrain on the Peninsula and AC Transit across or along the Bay. Indeed the elected boards of AC and BART have been at odds for decades, though staff have begun to cooperate on some tasks, like providing paratransit.   The series of new suburban stations are limited in the number of passengers they can serve by the size of the parking lots, given the low use of bus service in some of these sprawling areas and limited nearby housing. Older BART stations either are in modest residential neighborhoods where residents resist intensified development, or in industrial areas or other places where land was cheap at the time BART was constructed. Accordingly there has been little increased density around the region near BART stations that might more convincingly justify regional expenditures on BART. Even the once popular BART San Francisco International Airport (SFO) extension garnered substantial opposition from transit and environmental groups, who believed transportation funds could be better spent on less expensive transportation services.

Management styles and philosophies vary widely among agencies. BART went through a one-week labor walkout in 1997 after two years of negotiation produced nothing but animosity between management and the four BART unions. By contrast, AC Transit placed special emphasis on its management-labor relationship. AC Transit used interest-based bargaining[12] successfully to settle with some of the same unions that struck BART and avoided a strike, though its workers were paid less.

Transit providers sometimes disagreed among themselves on the appropriate operating roles each agency should assume in the region. For example, the original BART plan was to get AC Transit to give up transbay service and instead provide feeder service to BART. This met with stiff resistance from AC and some East Bay groups. Other agencies, like the smaller operators in Contra Costa County, appeared to be content to provide feeder service to the outlying BART stations. The public perceived that transit service was not well coordinated in terms of service and

---

[12] As opposed to positional bargaining (Fisher & Ury 1981), ideas of principled negotiation have been used by many people to create more positive, less conflictual relations as well as to identify mutual gain solutions.

schedules.[13] Coordination at the regional level remains difficult, as evidenced by the fact that, even after several years of planning and design, no universal transit ticket has yet been implemented.

Finally, there is a substantial variation among transit agencies in the amount of political power the operators command. This is not directly related to their size, but more to their political skills and needs to operate in the larger political arena. Small operators typically have little political power and few staff to go after new funds or participate in the Partnership. Muni, while it serves the largest number of people, does not appear to wield much political power within the transportation planning arena, perhaps because its power is contingent on the Mayor of San Francisco, who is not a participant in MTC. CalTrain will likely have to go, cup in hand, to individual counties in the next few years to finance their capital program, and it has not been able to get significant support for its proposed downtown extension.[14] On the other hand BART enjoys broad support in both Sacramento and Washington and is due to receive more than 750 million federal dollars in the next few years to extend its line to SFO.

Transit operators in neighboring counties have begun in some cases to develop cooperative programs among neighboring agencies. The most notable is probably the Joint Powers Board involving three counties, San Francisco, Santa Clara, and San Mateo, set up to direct CalTrain. This board includes three members from each county, including people appointed by the elected bodies as well as by the principal transit agencies in each county. The agency is staffed by Samtrans employees, and train service is coordinated with that of the other transit agencies. Samtrans and BART also joined up to plan the BART SFO extension, and AC Transit got together with BART to develop a joint paratransit program. These were relationships that were to some degree facilitated by the fact that players got to know each other through the various committees and operator groups in the Partnership. In the mid 1990's MTC took the lead on Travinfo, a program to provide coordinated schedule and fare information for all the agencies in the region and beyond, available over the Internet and by phone.

Nonetheless rivalries have remained. The rivalry between BART and AC Transit, according to one highly placed transit official, is more between the boards than the staff. It dates back to the early 1960s and continues as almost a tradition. Many of those originally involved have died, and no one is quite clear what started it. Schedules and routes of other transit agencies were not necessarily coordinated at county boundaries and efforts to develop a universal fare and ticketing system remain elusive. There is considerable debate among researchers and professionals over whether the transit system is coordinated or not, or even whether it needs to be. The general public thinks however that it is not coordinated. MTC's task as manager of transit funding remains significant one.

---

[13] Consensus was found among transportation advocates at regional forums that connecting transit systems was a high priority. Reported in the *San Francisco Chronicle,* December 22, 1997 p. A1, G 8.

[14] In 2000 Governor Davis did propose new state funding for some investment in CalTrain service.

Conclusion and Comment

MTC has major challenges as a transportation planning and programming agency in the Bay Area context. The diversity of the region's population, the multiplicity of governments, the complexities and constraints of the fiscal situation, the dizzying variety of transit operators, with differing needs, governance and knowledge, the topography with its many "gateways" or bottlenecks all add up to a highly complex situation. No one-size-fits-all solution will work, nor is it likely that even the cleverest bureaucrat, analyst, or politician can predict what policies will be acceptable, much less which will produce any particular set of results. Many players have roles and widely differing objectives. Yet all are affected by the how the system works.

CHAPTER 4

ISTEA AND CHANGES AT MTC :
COLLABORATIVE GROUPS AND NEW DIRECTIONS

How ISTEA Changed the Policy Context

In the late 1980's, many players in the transportation policy arena were casting about for a new model for transportation planning and funding to succeed the Highway Act of 1973. California's Blueprint provided one model, with its more flexible funding for supporting a variety of modes and greater number of choices at the regional and local levels. MTC took an advocacy role in Washington, urging, among other things, that new transportation legislation allow more regional responsibility and regional choice. The Intermodal Surface Transportation Efficiency Act (ISTEA), which was signed into law by President Bush in December of 1991, bore the mark of MTC's influence. MTC anticipated for considerable time what the primary features of this legislation would be, and it was in many ways prepared to hit the ground running when the legislation passed.

While in theory vast national Highway Trust Fund monies were available for transit, in practice most went to highway construction and improvement. Separate funds were available for transit, but it was difficult for regions to set their own priorities among modes or to invest in the proportions and projects they thought were appropriate to their needs. Typically state departments of transportation dominated the decision making on the allocation of trust fund moneys returned to the state, as well as on transportation funds raised by the state. These agencies normally favored highways, and state laws kept state gasoline tax for use for highways only. Thus obtaining matching funds for other types of projects funded by federal agencies was difficult at the local or regional level. Increasingly in the 1980's however, it seemed to more and more observers that highways were overbuilt and transit underfunded. The highway revolts of the preceding 25 years had successfully stopped the construction of highways through major cities and discredited state transportation agencies as decision makers in many regions. By 1990 it had become clear that suburban developments opened up by highway construction were becoming as congested as more dense urban areas and that transportation facilities, especially highways, could have substantial negative environmental impacts.

ISTEA was a response to these changed perceptions and priorities. This was a complex piece of legislation introducing changes in rules and procedures for transportation investment decision making at state and metropolitan levels. While there remains debate over whether ISTEA represented a revolution in transportation or an incremental change (Brooks 1974; Denno 1994; Dittmar 1995; Francois 1993; Francois 1996; Lockwood 1995; Gage & McDowell 1995; Rothblatt & Colman 1997), it has had both practical and symbolic consequences. The five promises of ISTEA were:

1.   Transportation investments would be made strategically, with the requirements for fiscal realism forcing a greater sense of responsibility on decision makers.

2.   Flexibility would mean that regions each could put together packages of investments that best fit their needs.

3.   There would be greater multimodalism in transportation planning and a balance among different modes.

4.   The investments would be policy driven and responsive to policy priorities such as protecting the environment

5.   Decision making would be more participatory and a variety of partnerships would be developed (Deakin & Goldman 2000).

The extent to which ISTEA has fulfilled these promises may only become clear after the long pipeline of preexisting project proposals around the country has been cleared, when institutionalized practices have evolved and adapted, and when a new generation of professionals and politicians take over who are comfortable operating according to the new rules (Lewis & Sprague 1997). Since the legislation leaves the implementation methods up to states and MPO's, it will take a period of trial and error and studies such as this one to determine what sorts of practices produce what sorts of results, to assess the desirability of the outcomes, identify improved strategies and ultimately discover what difference ISTEA made.[1]

The first of ISTEA changes is that the new law provided the opportunity for states and MPO's to have more flexibility in the allocation of funds to different transportation modes, according to their needs and preferences and the economic and physical characteristics of the regions. They had the obligation, instead of planning around particular modes of transportation or working around funding categories defined by the many federal funding sources, to plan for mobility of people and goods (Dittmar 1992). The law gave more access to the Highway Trust Fund for public transit and other transportation-related projects. It also meant that some previously dedicated transit funding might also be used for other purposes, though the act's overall effect was to increase the funding available to transit. ISTEA opened up the potential for using some transportation funding for new types of projects, such as pedestrian and bicycle paths. ISTEA changed the possibilities and permitted those looking for new transportation strategies the opportunity to make their case at a regional level. The notion of flexible funding and multimodalism was highly touted (US DOT 1996), especially in the Bay Area, helping to change the norms and expectations of the interest groups and transportation policy makers. This more flexible funding was also to mean that, in effect, MPO's were to have more potential authority, or at least influence, over the allocation of larger amounts of funding than before. This flexibility, in combination with some new funding pots that MPO's would control, was to change the power of MPO's relative to other players.

A second crucial change was that states not only had to prepare transportation plans, but they had to be fiscally constrained. That is, the plans had to be limited in scale to a program of projects for which funding could be reasonably projected and identified. This stipulation would

---

[1] A major comparative study of several MPO's done for Congress begins to do this (Dempsey, et al. 2000).

change the practice of making plans that were little more than wish lists and force hard decisions in the light of realistic funding limitations. This would set up the need for genuine negotiations, consensus building or other methods for choosing among multiple claimants on a limited pot of funds within a region. It would require new procedures or criteria, or both, to help make these difficult choices, though the law did not dictate how to make the choices. This requirement de facto was to encourage project based planning as opposed to a more visionary or broad approach to strategy because it is more difficult to assign costs and funding sources to visions than to lists of projects.

ISTEA identified 19 factors to be considered in preparing state transportation plans and 15 for MPO's to use in their planning and project choices. These differed to some degree from criteria typically in use before that time to guide transportation investment. Particularly notable were requirements for considering the effect of projects in terms of their ability to relieve congestion, to expand and enhance public transit service, to conserve energy, to be consistent with land use and development plans, and to consider the overall social, economic, energy and environmental effects of transportation decisions. This was to mean that, one way or another, transportation plans would have to be demonstrably guided by explicit policy and that some of this policy was not about transportation per se, but about transportation as part of a larger set of interrelated societal goals. The decisions were seemingly to be policy driven rather than simply to operate by the familiar pork barrel of pet projects of powerful players, or even driven primarily by uniquely transportation objectives like congestion reduction. While there were no obvious teeth to ensure enforcement of this new approach, it changed the rules of the game to some degree, altered the official norms, and, in doing so, provided openings for those who advocated new objectives and outcomes.

ISTEA also provided for two entirely new categories (most other funding categories represented modest changes in the rules for allocating in preexisting categories). The first, CMAQ, (Congestion Mitigation and Air Quality) provided special funding to regions which had not attained federal air quality standards for projects that would improve air quality and funds for maintaining air quality levels or to regions with air quality protection plans. Funds could also go to attainment areas which established a "maintenance" plan according to federal guidelines. CMAQ transportation projects had to be coordinated with and approved by the Air Districts. These included such things as signal and intersection improvements, traffic operations, transit projects, park and ride projects, and, only rarely in the Bay Area, road widening. These funds were distributed in California according to the formulas in the federal law based on population and pollution severity, rather than according to county minimums, so MTC was to have the ability to program these funds in cooperation with the Air Districts. Because of the coordination requirement CMAQ was to be a fulcrum for involvement of players who were not otherwise directly involved in MTC's work, namely environmental organizations which took an interest in air quality and which were involved in decision making required by the Clean Air Act Amendments (CAAA) of 1970, 1977 and 1990. These acts included a provision that region must conform to air quality requirements or lose various federal funds for transportation. The 1970 act said that a state must show in their State Implementation Plan what measures it will use to help meet the conformity requirements. It allowed for citizen lawsuits against agencies for failing to follow the CAAA requirements. This gave interest groups some potential power and possible

place at the table in negotiations over transportation, but most enforcement of the law by federal agencies had to await the 1990 amendments, which made regulation stricter and more specific.

The second new program was Transportation Enhancements, which funded a variety of projects designed typically to mitigate the negative impact of transportation facilities or support these facilities, or even make them more politically acceptable. These might involve a regional greenway, preservation of a historic building, acquisition of scenic land, or building of bicycle and pedestrian trails. These were projects that were locally initiated and designed unlike many other transportation programs. While neither of these two new programs have had large amounts of funding, (Enhancements were designated as 10% of a state's STP funding) they were flexible in an entirely new way and very much under control of the MPO's. Moreover funds were not typically usable for the many construction projects in the pipeline so they could be used for new projects. As a result they were to draw substantial local attention. These projects were sometimes controversial at the state and national level because they used transportation money for nontransportation purposes, but they tended to be locally popular and to help get public support for more traditional transportation facilities construction. These expenditures in the Bay Area were heavily used for bike and pedestrian projects (75% of the total in 1996), but they also included such innovations as a child care center at the Tamien Light Rail/ CalTrain station in San Jose.

Several other innovations in ISTEA were important for MTC in terms of their ensuing activities. ISTEA included a requirement to manage the transportation system and an opportunity to make use of new information technology in that process. Precisely how this would work or what would be involved was not spelled out. These stipulations were to give MTC an opportunity to sponsor work on intelligent transportation systems and on various ways of feeding information to transportation users about traffic, schedules, and accidents as well as to use information systems to directly control traffic flows.

ISTEA also contained clear mandates for public participation at various points in the planning process. It required that "citizens, affected public agencies, representatives of transportation agency employees, private providers of transportation, and other interested parties"...should be provided with a "reasonable opportunity to comment" on transportation plans and programs. It said the public needed to know before decisions are made what the proposed long range transportation plan would include, how that plan would be carried out in capital projects through the TIP and State Transportation Improvement Program (STIP), and what technical studies of major metropolitan transportation investments were underway (Younger & Murray 1992: 17-20). Federal regulations required that every MPO and state publish an overall plan for public participation and review it periodically for effectiveness in assuring that "the process provides full and open access to all." The regulations also require that MPOs demonstrate "explicit consideration and response to public input received during the planning and program development phases"[2]. The regulations suggest that participants must agree on the process for discussing policy before the substantive discussions can begin.

One intent of the requirements was to make public participation an integral part of the transportation planning process, with the public included early in the process and on a continuing

---

[2] See section 450.316 (b) (1), federal D.O.T./ also 450.315 (b) and 450.212.

basis - in order to give the public real influence on the planning process and projects selected. The hope was to avoid the pitched battles of an earlier era over freeway location. In addition to assuring earlier public involvement in decision-making, the participation requirements were also perceived by observers to be aimed at improving public/private relationships. A new process was also established by ISTEA for considering major capital transportation investment decisions, the Major Investment Study (MIS), which calls for an open decision-making process with full involvement from interested agencies and the public[3].

Since traditionally state highway agencies had made most of the project and funding decisions, such decisions were normally subject only to the most minimal public hearing requirements, typically after a project had been developed and was far down the road in its planning and design. Even local governments often had little say in the design or placement of highways or on ramps. At most they could react and protest. Environmental regulators too were mainly reactive. But once significant aspects of the decision making were lodged in MPO's, that could change. First, MPO's are required to include representation from local governments in the metropolitan region. The 3 C process, required by federal law since 1962 for MPO's, requires a "continuing, cooperative coordinated" process involving local officials. Although this did not mean a lot in 1962 because MPOs controlled little in funds and had little authority, the passage of ISTEA made this kind of participation potentially more meaningful. ISTEA's requirement for attention to multimodal transportation was widely interpreted to demand that MPOs work at least with freight providers in their planning. This for some MPOs would be the first time they incorporated any private sector players into their deliberations.

Probably the most significant effect of ISTEA, however, on beginning to fulfill the promise of earlier and broader public participation in transportation decision making came from the inclusion of CMAQ projects. The stipulation that these had to be approved jointly with air districts was to mean that air districts would have to be at the decision making table and might have an impact not only on these projects, but also on other transportation funding decisions. Their involvement had particular significance because the CAAA requires public involvement in air district decision making, so the public participants in air quality decision making were linked into the transportation decision system. Moreover, CAAA allows citizens to enforce the act. That is citizens, environmental groups, or others can sue over projects that seem not to be in keeping its mandate for protecting air quality. This meant that environmental groups had a new kind of power relative to transportation projects and became more effective as stakeholders. The fact that those proposing transportation projects were supposed to take into account the environmental side effects meant that public and private interest groups would have a legitimate role in the discussion and they could be potential threats if their concerns were not addressed. (Innes 1988a) This would have a particular impact in a state like California where all major projects, with or without federal funding, are subject by state law to detailed environmental impact assessment before they can be approved. A member of the Surface Transportation Policy Project (STPP), a pro ISTEA advocacy group, said "ISTEA is the carrot and the Clean Air Act can be the stick" (Plous 1993).

---

[3] Memo from Deputy Executive Director Bill Hein to the Advisory Council, 5/15/96

The Idea of Partnership

In response to ISTEA MTC[4] created various committees and partnerships to work with new players, or to work with familiar ones in new ways. The much more open-ended funding of ISTEA and the new policy criteria were going to require a new sort of consensus and new working arrangements. Well before passage of ISTEA, MTC was preparing for the changes they anticipated. Not only did staff in 1991 discuss informally with key state and national players how they might organize to implement the law, they also held several formal meetings, out of which came many of the ideas behind the Partnership. Staff held a meeting with key individuals from several CMA's and transit districts during the summer of 1991. In October MTC held a conference designed to say, in Dahms's words, "it is a new day in transportation." In December MTC organized a workshop called "Redefining the Urban Partnership in Transportation" at a retreat in the wine country. This group, which made use of a professional facilitator, included 16 high level transportation experts from state and federal agencies in transportation and environmental regulation, several MTC staff, two CMA directors--Brigid Hynes Cherin from San Francisco and Robert McCleary from Contra Costa--along with John Hirten, Director of the regional ridesharing project known as RIDES, and a representative from ABAG. These CMA directors and Hirten were to become leading players in the Partnership in the ensuing years. Materials prepared for this December workshop laid out the features of ISTEA legislation and posed a set of objectives for a partnership, along with some specific tasks and a schedule. That material suggested that the Bay Area would become a demonstration project for the rest of the nation. Unstated was the presumption that in this process MTC would get support from the federal agencies for such demonstration efforts.

During the course of these discussions Dahms became convinced, according to staff, that a partnership should be formed of transportation providers, along with relevant public regulatory agencies such as the U.S. Environmental Protection Agency (EPA) and BAAQMD. Federal agency representatives from UMTA and the Federal Highway Administration (FHWA) would be invited as well, though whether as formal participants or more as commentators was not clear. Each member of the group represented one of the responsible agencies in the transportation arena, either providing transportation services or regulating in some way that affected transportation. One staff member said "Larry was adamant these should be agencies that *do* something". Thus members included primarily directors of the CMA's and of most of the region's transit systems, and representatives from FTA, FHWA, and the BAAQMD and BCDC. The EPA Regional Director indicated he was not interested, though from time to time in the ensuing years an EPA representative attended. The Partnership did not directly include the cities or the counties, relying instead on the CMA's, to represent them. The CMA boards typically included elected officials from many of the county's jurisdictions.

---

[4] We will use the term MTC to refer to staff and the term Commission when we are referring to the formal governing body of the organization.

Figure 4-1   San Francisco Bay Area Transportation Partnership Members

State Agencies

Caltrans

California Air Resources Board

California Transportation Commission

California Highway Patrol

Federal Agencies

Federal Highway Administration

Environmental Protection Agency

Federal Transit Administration

Federal highway Administration

Congestion Management Agencies

Santa Clara Congestion Management Agency

Alameda County Congestion Management Agency

Solano Transportation Authority

San Francisco Transportation Authority

Marin County CMA

Contra Costa Transportation Authority

Napa Public Works Department

Sonoma County Transportation Authority

San Mateo City/County Association of Governments

Transit Agencies

AC Transit

Vallejo Transit

Golden Gate Bridge, Highway and Transportation District

City of Santa Rosa

SamTrans

Central Contra Costa Transit

Santa Clara County Transportation Authority

Livermore/Amador Valley Trans Authority

Bay Area Rapid transit

San Francisco Public Utilities

Regional Agencies

Metropolitan Transportation Commission
Association of Bay Area Governments

Bay Area Conservation and Development Commission

Bay Area Air Quality

RIDES for Bay Area Commuters, Inc.

Intermodal

San Francisco Airport

Port of Oakland

Port of San Francisco

Buchanan field

According to staff there were three kinds of representation they sought.

> One thing was to have it broad enough to include the environmental community. The next thing was how do you deal with 100 cities and 9 counties? So the CMA's as a surrogate for each county came out of that. Beyond that we invited pretty broadly, so we invited energy people from Sacramento. We invited the California Transportation Commission (CTC) They never really came. But we also invited on the environmental side, The Bay Conservation and Development Commission (BCDC) and the Air District.

When we asked whether they considered including non governmental representatives in the Partnership, staff said,

> No the decision was it would be the governmental group, and the BRAC would be the way to bring in the community. The thinking behind that was first that we wanted the responsible agencies involved . Another (factor) was we did not want to get so big that we could not function. And a third was we thought we could make the BRAC work. The other spinoff, while we are still talking about 1992, was the Freight Advisory Council. We were thinking we could handle that as part of the BRAC at first but we saw pretty quickly that was not going to work.

The practical decision for coping with the reality of 100 localities in the Bay Area has turned out to be fateful for the nature and dynamics of the Partnership as was the decision to include only agencies that "do something." Most of the CMA directors found the Partnership valuable, and became its dominant participants. However, the CMA directors were not in a position to influence the local governments just because some of their elected officials were on the boards nor even because their organizing legislation gave them a mission to deal with land use. They actually had no authority over either land use or local governments. While CMA's allocated transportation sales tax money, many counties had quite separate transportation agencies apart from the CMA's, which made other funding decisions out of locally raised revenues and allocated them to localities. Local governments thus had at most indirect influence on the Partnership, and the Partnership deliberations by the same token were to have little opportunity to influence these governments. Transit operators, other than BART and a handful of others, were to play marginal roles in the Partnership, though they worked with MTC individually and in other committees. Transit operators often complained that CMA directors were not sympathetic to their needs, because they were more oriented to highways and roads. Finally a number of deeply interested stakeholders were not at the table and over time were to become increasingly frustrated because they did not think their voices were being heard.

Multiple Meanings and Purposes of the Partnership

Our review of the records and our interviews with founders of the Partnership indicate that its precise purpose and role were never fully explored nor agreed upon, much less articulated

at the outset. Many different rationales were offered to us. The immediate impetus for its creation, according to Executive Director Dahms, was the need for learning how to implement the new law. He said that it would require significant change in many players' thinking. According to Dahms' vision,

> The real magic of ISTEA was clearly the issue that no one is in charge any more and there has got to be joint action on the part of a lot of players. Somehow there has to be a working partnership, so if ... anybody is going to educate anyone, the education was going to have to go far beyond the MPO's. Even if you could train them, that education would not be anywhere near sufficient.

A further impetus for the Partnership was that Dahms and MTC had a special relationship with the FHWA and its Director Tom Larsen, in part because of the strong role both had played in the design and lobbying for the ISTEA legislation. According to Dahms, Larsen "planted the seed and watered it." Both FHWA and Dahms wanted something to visibly launch ISTEA and to call attention to the fact that it was something different, not only in the Bay Area, but nationally. According to one MTC staffer,

> The Partnership was almost Larry's way of saying, 'Okay, DOT wants us to roll out ISTEA. We have to show some progress, some movement, bringing in people on the outside. We have to reinvent ourselves.

Finally, Dahms also was inspired by the opportunity to develop Intelligent Transportation Systems (ITS) using new technology. His view was that one could not implement such transportation management systems without a regional client. The Partnership could become such a client.
     A respondent who had worked closely with MTC over the years told us the Partnership was designed to formalize and improve the relationships that MTC already had with players around the region. According to Dahms, the Partnership was a normal next step for MTC. MTC already was accustomed to setting up committees of regional players for various purposes and to consulting various players. Thus there already was a certain amount of social capital on which to build. What was new about the Partnership was that, instead of, or in addition to, piecemeal meetings among subsets of players or private negotiations between MTC staff and individual agencies, the Partnership would provide an opportunity for transportation providers and regulators around the region to be around a table talking together and listening to one another. Some respondents who were involved early on contended that the Partnership was to help MTC become more multimodal after years of being primarily an agency oriented to transit. They wanted to win trust in the auto and highway oriented community. This background could help explain the sense we were to get throughout our research that MTC staff felt they had a careful line to walk among the competing players of inner city, suburban, exurban and highway vs transit. Each group was suspicious of the other and of MTC's possible favoritism to one mode or geographic area or another.
     Perhaps the most significant reason for the creation of the Partnership that some of these original participants identified was MTC's desire to build consensus on the allocation of money

under ISTEA's flexible funding mandate. MTC was acutely conscious of the potential for conflict, and the possibility that CMA directors or transit operators would take disagreements with programming proposals to the California Transportation Commission (CTC), or even to the legislature, in the hope they would do better in one of those arenas. Evidence of conflict could reduce MTC's credibility and slow down, or even prevent, the region from getting its maximum funding, much less using it in some regionally desirable way. More bluntly, one staff person said that the Partnership's purpose was to "get buy in, if not to coopt" the players. One knowledgeable observer said that what Dahms means when he says "buy in," is an ability to go to state bodies and say there was a regional consensus on what he puts forward.

Dahms also attributed the Partnership concept in part to the regional rail proposal, Resolution 1876. Dahms contended that regional agreement to support this package of projects helped create a sense of partnership and joint power on which the region could build a shared mission. MTC held to 1876 through difficult financial times, when it seemed that the funds would never be forthcoming, on the grounds that doing so was crucial for the Partnership and for future cooperation. Another respondent commented that Dahms saw MTC's adherence to this agreement as an important symbolic act representing the region's solidarity. It was certainly also a way to help assure that key legislators, including the powerful Senator Quentin Kopp, who chaired the Senate Transportation Committee during most of the ISTEA period, continued to lend support to MTC proposals, because the package included key items of interest to them. Resolution 1876 seems to have been a tacit model for the Partnership to some degree. Both MTC leadership and many of the partners regarded the Partnership as a way to agree on and jointly support a set of projects, because they believed that the 1876 agreement had had political value in holding the region together as well as making MTC more influential at state and national levels.

The Partnership thus had many purposes and roles, actual and potential, and the perception of these differed by respondent. Some of these were not fully compatible with one another. Tensions among these objectives were noticeable at times and may explain some of the conflicts which later emerged. Though no one ever gave us a clear and unambiguous statement about the Partnership's role, there are several implicit concepts we can differentiate. One view was that it was purely advisory to the staff. Staff could and should choose what to give to the Partnership to consider and which of the Partnership advice to take. Another view was that it was a more or less independent "consortium" of agencies and players, including MTC as just one member, the purpose of which was to work out new strategies among themselves. A third idea was that it was a "tool for MTC to implement ISTEA." Dahms also argued that its purpose was educational–that it was to be a learning organization designed to educate key transportation providers about the new law, and to help develop ways to take advantage of opportunities to innovate. A fifth concept, also offered by Dahms, was a client body for regional activities in an area where no multipurpose regional government existed for this work. From the perspective of both staff and federal bureaucrats it was a demonstration project designed to further the nationwide implementation of ISTEA. In practice it was also to become a forum for discussion and reaching understanding and agreement among agencies about transportation investments. This forum created the opportunity for new dialogue among those responsible for different transport modes. Finally there was the view, shared by many staff and Partners, that it would be an advocacy organization and provide a way to build political capital and regional consensus that

would be powerful outside the region.

The Partnership was set up without a formal motion of the Commission, and it was not mentioned in the agendas or minutes of the Commission's Work Program Committee (WPC) in the period immediately before or after its formation and only very briefly from time to time in later years. On the other hand, staffing the Partnership was to become a major task for MTC. Nonetheless, few of the materials staff give to commissioners cite when Partnership review has taken place or discuss or report on Partnership activities or debates other than in the programming of projects. Understanding these origins makes it easier to understand why the Partnership seems to have been little recognized or understood, even by commissioners who were in place at the time. This history also helps to understand why many participants and observers today have differing expectations of the Partnership.

The Freight Advisory Council

Early in 1992 MTC also established a Freight Advisory Council (FAC) in a formal advisory role to the Commission. This group, which was officially made up of 30 top executives from railroads, seaports and airports, shipping firms, freight brokers, retail and manufacturing, along with Caltrans and the California Highway Patrol, was to meet three or four times a year to identify the transportation problems affecting freight. It was thus a way not only to meet ISTEA's broadened participation requirements, but also to win some new private sector support for MTC activities. They would have the opportunity to identify special freight needs and find ways to assist in freight movement. In practice, over time it was to garner the most attendance and engagement from trucking companies. Given the increasing importance of just-in-time shipping, the freight industry had a substantial stake in assuring their mobility.

Although FAC addressed some matters salient to the Partnership, FAC did not report to them, nor were FAC minutes made routinely available to the Partnership. Some of the FAC concerns were brought to the Partnership occasionally through formal presentations or comments by staff. The freight industry had different interests and knowledge than other players involved with MTC. For example, truckers are less interested in commute hour congestion than in midday traffic flows. They care more about ports and airports than do CMA's or transit agencies. They are interested in special technologies like weigh-in-motion methods[5]. They need help with working with local governments so they can park their trucks. Strategies on these issues were worked out over the following years with the help of this committee, but the voice of freight was not at the table with the Partnership.

The Regional Transit Coordinating Council (RTCC)

In 1992, MTC persuaded the two transit committees, its own TOCC and the independent RTA, to merge. The new group, which was named the Regional Transit Coordinating Council (RTCC), was to be advisory to the Commission and was not linked to the Partnership. RTCC

---

[5] These are techniques to record truck weights with electronic equipment as they drive past and over the devices. These save truckers many hours and many dollars.

was organized to carry out its work program through three standing committees: Finance; Coordination; and Legislation. The membership of RTCC was made up of the general managers of the largest transit operators in the region, AC Transit, BART, Contra Costa County Transit (CCCTA), GGBHTD, Livermore Amador Valley Transit Authority (LAVTA), SamTrans, and Santa Clara County Transit District, along with the Transportation Director of the City of Santa Rosa, the City Manager of the City of Vallejo, the Assistant General Manager for Finance of SFPUC, the Deputy Director of Caltrans District 4, and the Executive Director of MTC. The stated objectives of the newly formed body were

> to provide a forum for contributing ideas to top transit management in MTC policy making and fund programming; establish a partnership among operators and MTC to develop joint strategies for improving the financial position, inter-operator coordination and effectiveness of legislative advocacy of the region's transit operators; sustain the partnership of general managers and their assigned staff members to implement these strategies; develop a strategy to strengthen the partnership of transit operators, Congestion Management Agencies, and advocates of non-transit modes; focus the joint efforts of operators and MTC on a limited number of key projects in order to achieve these in an effective and efficient manner; maintain a cooperative/collegial environment to identify and discuss issues of mutual interest; eliminate the duplication of effort of the existing RTA and TOCC. (MTC Resolution No. 2467).

Although the charge of RTCC was broad, the role it soon assumed was much narrower. The RTCC was mainly to involve itself as a practical matter in decisions about the allocation of federal transit money. A closer examination of the RTCC membership list suggests that, regardless of its stated objectives, RTCC was first and foremost a fund programming body. Over its strong objections, for example Tri-Delta Transit, a small operator in Eastern Contra Costa County, was excluded from RTCC membership because it was not eligible for the funding that RTCC had responsibility to program. RTCC established a finance subcommittee and that was to become ultimately the only really active part of the committee.

Ad Hoc Multimodal Priority Setting Committee (Ad Hoc Committee)

In early 1992 MTC instituted another working group known as the Ad Hoc Multimodal Priority Setting Committee, which was made up of representatives of the transportation-providing agencies. Its purpose was to advise staff on implementing the flexible, multimodal funding mandate of ISTEA. It would be necessary to develop some legitimate and accepted way to allocate funding *among* roads, transit, and other types of projects. ISTEA required evidence that decisions were made on the basis of substantive planning criteria in the law rather than by formula or other political (or pork barrel) criteria. This committee was to model its approach on the work MTC had already done working with transit agencies, in developing scoring criteria for transit projects proposed for the Transit Capital Investment (TCI) program.

This committee's work turned out to be one of the most genuinely collaborative efforts we

identified in our story and the one that comes closest to using the stakeholder model for membership. It was by most estimates highly successful and gave momentum and focus to the Partnership. Its successes were to be institutionalized as a core of the Partnership's activities, though it began outside the Partnership as a separate group, including many of the partners. The work of this Ad Hoc Committee was innovative and its product was to be widely imitated around the country.

Internal memos suggest that the idea for the committee began in February 1992, when a statement prepared for staff discussions with Dahms and Hein, outlined the concept. This said

> MTC will be leading an effort to achieve consensus on a multimodal priority setting process for transportation projects. We seek to establish a unified process that will guide regional capital programming decisions....MTC intends to complete the process of setting the criteria by the summer of 1992 so the CMA's, transit operators and local agencies can use this information to inform their own priority setting processes.

The statement proposed that a committee would be established to draft proposed regional principles/objectives for multimodal priority setting with flexible funds. The committee's membership was to be drawn from the already existing Regional Technical Advisory Committee, and it was to include representatives from both large and small cities and counties, CMA's, transit operators, including both large and small, Caltrans, the Air District and ports/airports. Though it did not include non agency stakeholders, it did try to represent the agencies that might have different stakes in the principles and criteria that emerged. The statement gave a detailed timeline, proposing that the subcommittee's work should be completed by summer of 1992, in time for the Commission to adopt the criteria prior to the submission of the 1993 RTP in September. The statement also proposed putting significant effort into presenting the approach and the criteria to the transportation community, particularly those representing agencies. The statement said "Our goal is consensus."

JUMP Start

In addition to setting up the committees, MTC also launched a program it called JUMP Start, for Joint Urban Mobility Program. (MTC and the participants often used transportation based metaphors in both the acronyms they chose and the language they used in discussion) JUMP Start was an MTC initiative explicitly intended as a public relations and image building activity, and a way of trying to make the Partnership appear as a " can do" organization when the projects were implemented. Projects for this list were selected by staff using mainly two criteria: they were likely to be implemented within a short time frame and they could garner public interest. Staff generated a list of highly visible multicounty projects that were in process and likely to be accomplished in the near future, and presented the list to WPC and then to the Partnership as a key focus for their attention. These projects were not all construction projects, but included planning and other activities. Listing as a JUMP Start project was not associated with additional access to funding, with being high priority or regional in character, nor with any

advantage over any other project.

Comment

Thus as the ISTEA era opened, MTC was ready with an array of potentially collaborative groups to address the new issues and opportunities and a set of forums within which dialogue, learning and "buy in" could occur. These forums did not include everyone who might be regarded as a transportation stakeholder, but they did expand participation to a wider range of public agencies than in the past, they did include all counties and transit agencies, and they did create opportunities for cooperation and developing a common direction among representatives of different interests and different parts of the Bay Area. The path they chose was to have its benefits and eventually its problems too.

SECTION III

THE STORY OF THE PARTNERSHIP

CHAPTER 5

GETTING THE PARTNERSHIP STARTED

Dahms sent a memorandum to transit agencies and CMA's in late December 1991, laying out a set of objectives and tasks for the Partnership. While some partners were involved in planning for the Partnership, the memo appears to be a staff document.[1] These proposed goals were in rather complex language, but paraphrasing, they were to:

- Help improve the performance of the metropolitan transportation system through communication among partners, thus producing improvements in congestion and air quality and restoring public confidence in the agencies;

- Improve operation of all modes;

- Make possible the use of new technologies;

- Assure better methods and decisions.

The memo also suggested at least six tasks:

- Identify new partnerships and changes in old ones

- Improve the planning program;

- Develop strategies to manage the transportation system

- Schedule visible, deliverable high profile projects;

- Improve planning methods by developing joint longer range planning projects, defining a process for agreeing to priorities, assumptions, and methods and documenting a planning decision process;

- Develop an improved public information program to create an imperative for the Partnership to deliver.

We found no evidence that this set of goals originated from partners. The tasks are either technical or oriented to public relations, whereas the partners were primarily oriented to delivering transportation services and projects in their own areas. The Partnership would be unlikely to

---

[1] Memorandum To Transit General Managers and CMA Executive Directors from Lawrence Dahms, December 31 1991, attachment "Redefining the Urban Partnership in Transportation: A Partnership Proposal for Environmental and Transportation Leadership."

come up with the task, for example, of forcing themselves to deliver. We did not find that there was much focus in practice on a lot of these goals in the Partnership, though MTC continued to be concerned with most of them. MTC for example as a regional agency had the responsibility for documenting a planning process and the process for agreeing to priorities and methods.

In early January of 1992 MTC called a meeting of the planning directors of the partner agencies to help decide on exactly what the Partnership would do and to plan a kickoff meeting later in the month. They launched the Partnership with a two-day conference on January 23rd, 1992 organized jointly with FHWA. Dahms' December memo referred to this first meeting as a "symbolic" event. The leaders from the federal agencies spoke on the first day to a wide range of regional political and agency leadership about what was new about the ISTEA legislation. The second day was the first official meeting of the Partnership Board. That meeting was carefully orchestrated by MTC staff, who made sure the directors of the Partner agencies virtually all attended. The action items on the agenda were: to confirm the Partnership Executive Committee; to confirm invitations to a group of private citizens to serve on the BRAC; and to approve a set of JUMP Start projects.[2] Notable by its absence on the agenda was a discussion of the Partnership mission or work plan. The agenda reads as if the Board would be more or less a rubber stamp for what had been worked out ahead of time by MTC and Partner agency staff (see Figure 5-1 for the structure proposed by MTC).

The Partnership did not act as a rubber stamp however. One of the Board's first actions was to decide against establishing an Executive Committee. This is not surprising as it is not uncommon in our research for collaborative groups to prefer, at least at first, to operate only as a committee of the whole, because they do not trust or know each other enough to delegate responsibility to a subgroup. The group took less initiative however on defining the substance of its tasks. They did not discuss Dahms' memo, according to the minutes, nor try to decide if they were prepared to work on what was laid out in that task list.

The group did approve the JUMP Start project list, but raised questions, as they would continuously during the ensuing years, about the intent and purpose of this program and about their own role in it. MTC had created substantial fanfare about these projects, mentioning them in its press release before the first Partnership meeting and focusing major attention during the meeting on them. As one staff member said "we had them adopt JUMP Start in the first meeting." The Partnership was given no special responsibility with regard to these projects other than to discuss them and their progress over time.

Organizing and Planning the Partnership

Ideas about how to run the Partnership and what it should do emerged piecemeal and evolved during the following year. The Partnership was set up in the first year with two advisory committees. The first was the Technical Advisory Committee, to which each Partner appointed

---

[2] Transportation labels were often used in this process, including later "Kickstart" projects and people used terminology like "start the engine" for getting a project started.

Figure 5-1
Partnership Organization as Proposed in January 1992

Partnership Board

- 3 Federal Agencies
- 4 State Agencies
- 5 Regional Agencies
- 9 Congestion Mgt. Agencies
- 11 Transit Operators

Blue Ribbon Advisory Council

Partnership Executive Committee

MTC Partnership Staff

Project Managers

- Jump Start Project Support
- Planning Process For Projects
- General Planning Process

Partnership Project Managers

Jump Start Projects	Planning Process

one staff person from their organization. This committee's mandate was to identify and recommend strong candidates for JUMP Start projects, to screen the projects against Partners' criteria that were adopted in the January meeting, to evaluate implementation of existing JUMP Start projects and provide assistance in implementation to projects not yet eligible for JUMP Start.

The other committee was a citizen advisory group, the Blue Ribbon Advisory Council (BRAC), made up of a combination of four experts selected for their knowledge and positions as leaders of transportation research organizations, from the Bay Area and Washington D.C., and nine interest group representatives, including four from environmental organizations, two from business, one from truckers, another representing motorists and one representing Americans with Disabilities. BRAC was a sort of hybrid group, established to serve simultaneously multiple and somewhat disparate purposes. It was conceived of as an elite, rather than a stakeholder, group or a broadly representative group of citizens. At the June 1992 Partnership Board meeting, Dahms said the intent was that BRAC would provide both an opportunity for national research experts to advise the Partnership on new technologies and for involvement of others who would "broaden the Partnership base." The members of the committee, who had been originally chosen collaboratively by MTC staff and a small group of partners, were formally approved at the April 1992 meeting of the Partnership Board.

The Board started off their first meeting by taking charge of their own group, both in reviewing their membership and their agenda. At their second meeting, in April 1992, new members from the Bay Area ports were added at the behest of Partners. The Board also requested the opportunity to review and comment on the recommendations for multimodal priority setting that were being prepared concurrently by the Ad Hoc Committee that had been set up by Dahms separately. They also ratified a list of members to the BRAC.

 It soon became clear that the workshop model worked best for the Board meetings. Such meetings, which the Board continued to use through the 1990's, involved the larger part of a day, or even two days. There were some formal presentations, often on pending legislation or updates on issues from high level officials, but then they broke into small working groups, where all partners could discuss issues. Each focused on a different task and each was typically charged with proposing specific actions. These appear from the minutes to have been largely self organizing and creative activities in this first year, fueled by enthusiasm of both staff and partners.

A Partnership workshop in July 1992 relied on three subgroups. The first addressed the Partnership Charter and agenda, the second dealt with JUMP Start, and the third, labeled "Too Many Hats," addressed the organizational and committee structure of MTC and the Partnership. The agenda group proposed that the Partnership should develop a long range vision for transportation system management and investments, recognize public and private sector contributions, and provide for an equitable participatory process for flexible fund programming. The JUMP Start group reaffirmed the importance of JUMP Start, emphasizing that its projects should be regional, multi partner, quickly implementable and have high public visibility and opportunity for success. Too Many Hats proposed to rationalize and streamline the many committees and subcommittees of MTC and the Partnership.

The Board concluded after the group reports that since JUMP Start projects must have secure funding as a prerequisite to being listed, they could not be given separate priority status

when competing for funds. The Board also reviewed the multimodal priority setting process that had been underway by the Ad Hoc Committee and agreed that some changes in programming and scoring criteria were needed. The Board also discussed the need for a monitoring system to ensure funds were expended in timely fashion. The group put off formal decision on charter changes and on organizational issues.

Defining the Agenda and Goals

As the Partnership evolved in 1992, partners began to elaborate and specify changes in their charter and to define how they would work together. These issues reflect some of the underlying dynamics between MTC and partners as well as the concerns partners came in with. The Board first added to their charter a balancing statement about local and regional objectives, saying that achieving consensus on fund programming would be possible while also acknowledging basic responsibilities of member agencies. This reflected partners' concern that they did not want to lose their individual identities or the opportunity to protect their agency's interests in the course of joining in a regional partnership. They wanted legitimacy for promoting their local interests while still being involved in a regional group. The Partnership added that there was a need to define system management, which staff had included in the proposed agenda. They also added a statement to the charter that the Partnership should be not only focused on better planning methods for MTC, but also for themselves. They added a whole section on developing new directions for the future. Perhaps most importantly, they changed the work scope by saying that the Partnership should define the planning and programming effort. They added activities related to planning for air quality and regional benefit and making tradeoffs. They added to the JUMP Start program the idea of designing a review and selection process to assure projects selected would have regional impact, multiple partner commitment, and rapid implementation. They added the word "regional" to the task of improving planning, along with project development and programming methods, specifically proposing to define and identify transportation projects of regional significance and to develop criteria for evaluating and prioritizing such projects for regional discretionary funding. They also proposed developing a process for tracking implementation and performance of projects. This seemed an ambitious and hopeful beginning for the partners.

There remained however some ambiguity and difference of opinion about what the partners should be discussing and how. In the November Board meeting for example, as Partners began to talk about policy for regional projects, Dahms asserted that the Partnership was a management, not a policy organization, pointing out that it was made up of managers. He said management is not sexy and that politicians focus on capital projects. He pointed out the opportunities for transportation management projects. This statement seemed curious given the emphasis in the materials about the Partnership on their role as advisory to MTC, which deals both with policy and management issues (if indeed they can be separated). His view was seemingly not fully shared by the partners at the time or later, as a number of them were to ask for policy-oriented discussions on a variety of occasions.

A comment in early 1996 by one of the early partners illustrates the strategy that some partners were to adopt to bring in policy issues under the guise of management through the development of a scoring process for projects.

> To the extent possible we try to conceptualize the problem as a technical one or from a technical point of view. Then we can put it to them (MTC) and show them its effects. We try to put technical clothes on [a policy issue], using the ISTEA criteria for example. We adopt criteria and then we can tell people about these. It has changed the politics of the process and changed the types of projects that get submitted.

The Blue Ribbon Advisory Council (BRAC)

The agenda for the BRAC was even harder to set than for the Partnership. This committee and its operations provide a study in contrasts to the Ad Hoc Multimodal Priorities Committee, which was very focused, self organizing, and productive (see Chapter 6). The BRAC on the other hand never really developed a focus or sense of purpose. BRAC first met in July 1992, joining the Partnership after partners had held a workshop in which they already had begun to discuss the BRAC structure and mission. One of the subgroups at the workshop had recommended that BRAC's mission be to deal with four responsibilities: assisting the Partnership in developing direction and vision for Bay Area transportation; guiding implementation of ISTEA; providing advice on new technology; and developing recommendations for monitoring the performance of the MTS (Metropolitan Transportation System, the set of key routes designated by the region). (Figure 5-2)

BRAC members, however, had less than unanimous support for these divergent goals. Not surprisingly considering their membership, they had significant differences among themselves about what BRAC should be doing, and the ideas were not necessarily shared by staff. Some thought they should primarily deal with big, value-related issues-- helping develop a long-range vision and transportation policy linked to land use, housing, jobs and air quality issues. Others thought they should get involved in the details of ISTEA implementation and programming and in developing the criteria. Some wanted the group to pay particular attention to distributional issues, including the question of whom the transportation system serves and does not and what its impacts are on the environment and communities. The group as a whole did show substantial interest in performance monitoring and asked to add a transportation economist to the group. They were interested in whether the "right" decisions were being made at MTC. They also agreed that they could contribute considerably to coalition building and political capital for MTC, as clearly Dahms was hoping and intending. Judging by the minutes, however, they neither talked these various possibilities through, nor made a decision on a specific focus. Like the Board, the BRAC resisted setting up small working groups to do tasks. They did ask however for data to be prepared by staff showing current transport responsibilities, probable demographic and transportation investment futures, and time line, in an effort to build a base of knowledge on which they could work together.

Figure 5-2
The Partnership Blue Ribbon Advisory Council (BRAC)

Membership

Leaders drawn from transportation, research, industry,
business and the environmental community.

Responsibilities/Purposes

1. Provide an expanded partnership Base.

2. Assist the partnership in developing a vision for Bay Area
transportation.

3. Assist the Partnership on implementing ISTEA mandates to
plan and manage MTS.

4. Provide advice on the application of new technologies and other
innovative ways to operate the MTS.

5. Develop recommendations for management of the MTS.

6. Build coalitions among diverse interests to garner support for
the vision.

At their second meeting in November 1992 the BRAC raised issues that were to become a preoccupation of the BRAC and of their successor committee, the Advisory Council. They discussed public outreach and agreed that there was a need to increase the local level of participation. Members were concerned that the CMA's were too road-oriented and the opinion was expressed that transit operators should be involved in the outreach as well. Also they said county meetings to make project decisions would not reflect the interrelatedness of transport problems across counties. The group appears to have had a rather unfocused discussion on the Regional Transportation Plan (RTP). The Committee did not make specific recommendations to

the Partnership or staff, asking for an update on the transportation-land use connection and a followup on the outreach issue, among other things.

Developing A Structure

The structure of the Partnership was the main focus of the September 1992 board meeting. Materials MTC prepared for the meeting included an inventory of the 21 existing regional transportation advisory committees, each of which had a different role and relation to MTC.[3] There were according to this inventory, three basic types of committees: standing MTC committees, advisory to staff and the commission; ad hoc committees established or coordinated by MTC to advise the staff and commission; and independent committees of which MTC was a member or informal participant, like the CMA Association. Some were set up by MTC resolution or statute; others were staff initiatives. Key committees included the RTCC, Elderly and Disabled and Minority Citizens committees, both advisory to the Commission and formally established by resolution; the Advisory Committee on Arterial Operations, which reported to the Regional Technical Advisory Committee; the Ad Hoc Multimodal Priority Setting Committee; and a committee to develop Transportation Control Measures (TCM), also advisory to MTC staff.

The Partnership was included in this staff inventory as one of many committees. It is described as an "ad hoc coalition," not set up by resolution or statute. The staff memo says it does not have "formal advisory responsibilities to any single governmental policy board or commission," and that it was "set up by Executive Staff initiative to strengthen cooperative planning and programming activities in response to ISTEA mandates and opportunities." The careful wording of this statements does little to conceal contradictory views of these group's missions. Was it an independent coalitions? Was it designed to support MTC with advice and lobbying or other political activity? Was it designed to take its own proactive role? Finally the CMA Association is listed as an "ad hoc independent" group whose purpose is to provide information sharing and discussion for Bay Area CMA's.

MTC staffer Hank Dittmar reported at this September meeting for the Too Many Hats group, noting his group had reached consensus that they were in a transitional period, and changes should be regarded as interim. The group had agreed that the Partnership should move toward having a set of functional, multimodal committees working on topics including planning, programming, and operations. They proposed that the members of the committees should report to the Partnership as well as to their member agencies, acting rather like stakeholder groups in this respect. They agreed that a need for mode-specific committees remained however and that multimodal committees should not be a substitute. They said that RTAC should be reorganized to be like RTCC; and ultimately they should reduce the number of committees at MTC. MTC did not end up reducing the number of committees in the following years, but rather introduced a new layer that was partially redundant with the old one. Many of the same people participated in both sets of committees.

---

[3] "Review of Regional Transportation Advisory Committees," Attachment B in the Agenda Packet of the joint meeting of the Partnership Board and the Blue Ribbon Advisory Council, Sept 25, 1992.

Figure 5-3   Organization Chart of MTC Advisory Committees

Organization Chart of MTC Advisory Committees

MTC Graphics Nov. 1992
11/05/92 Partnership Staff
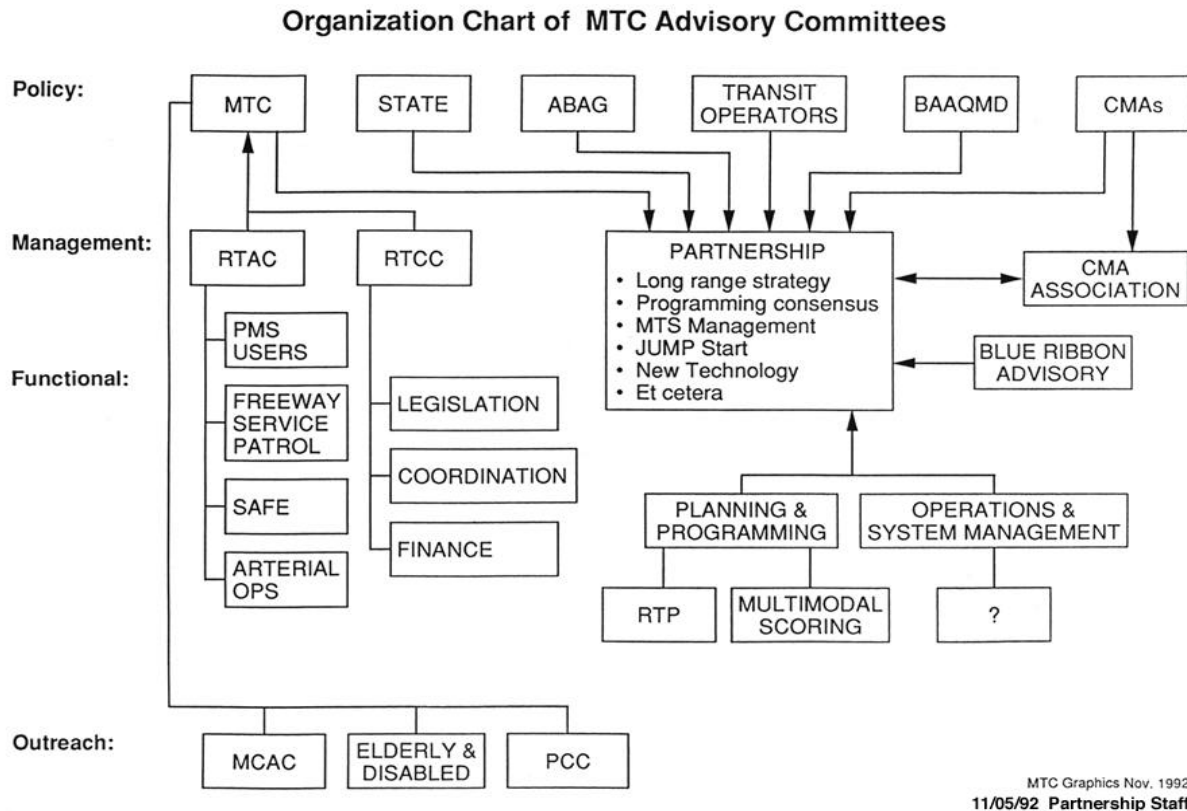
A staff report designed to implement some of the restructuring ideas of the Too Many Hats group recommended formation of multimodal staff level working groups around planning and programming and operations and system management. (See Figure 5-3.) This report proposed redesigning the Ad Hoc Multimodal Priority Setting Committee as the Partnership Planning and Programming Committee, which would advise MTC staff on RTP issues as well as continue the work on criteria and programming. It also proposed establishing an Operations and Systems Management Committee to function as both advisory and working group to replace the Partnership TAC. It would function, according to the memo, as the JUMP Start technical advisory committee and focus on operations, coordination and management of the metropolitan transportation system. The report also recommended discussing whether to set up committees on marketing and public information, legislation, policy and finance, and outreach and participation. They note that mode-specific or single constituency advisory groups like the Minority Citizens Advisory Committee (CAC) and the RTCC legislative committee are doing these things.

At the November 1992 meeting of the Partnership, a working group headed by Richard White, Deputy General Manager of BART, building on this report, reached consensus on how to organize the Partnership. They proposed that it become the heart of a permanent advisory structure to MTC and replace many existing committees. There should be three initial functional

68

committees made up of Partners: Operations and System Management, Planning and Programming, and Legislative and Policy. They offered tepid support for the continuance of mode-specific committees as well, presumably recognizing the concern of transit that they continue to have their own group to address their own funding and other issues. A memo from this group in January 1993 included language from a subcommittee of White, Brigid Hynes Cherin of the San Francisco CMA and John Hirten, Director of RIDES. They contend in the memo that the Partnership is a "consortium" of the top management officials of 36 agencies who have come together under the initiative of MTC to enhance communication and information sharing among the agencies. They say its objective is to have a more effective planning process, to coordinate management and operations of the entire system, and to resolve implementation problems with respect to JUMP Start. There was strong sentiment to keep both the RTAC and RTCC and for CMA's to continue meeting alongside the Partnership. The memo includes an organization chart (see Figure 5-4). They say "the purpose of the proposed subcommittee structure is to allow for this information sharing, to focus on consensus building, and yet acknowledge legitimate modal interests." They hoped that modal groups would meet just before intermodal groups, envisioning, it seems, that participants would operate in both modal and intermodal discussions.

| Figure 5-4 | **MTC Bay Area Partnership Committee Structure** | Phase I 3/1/92 |

69
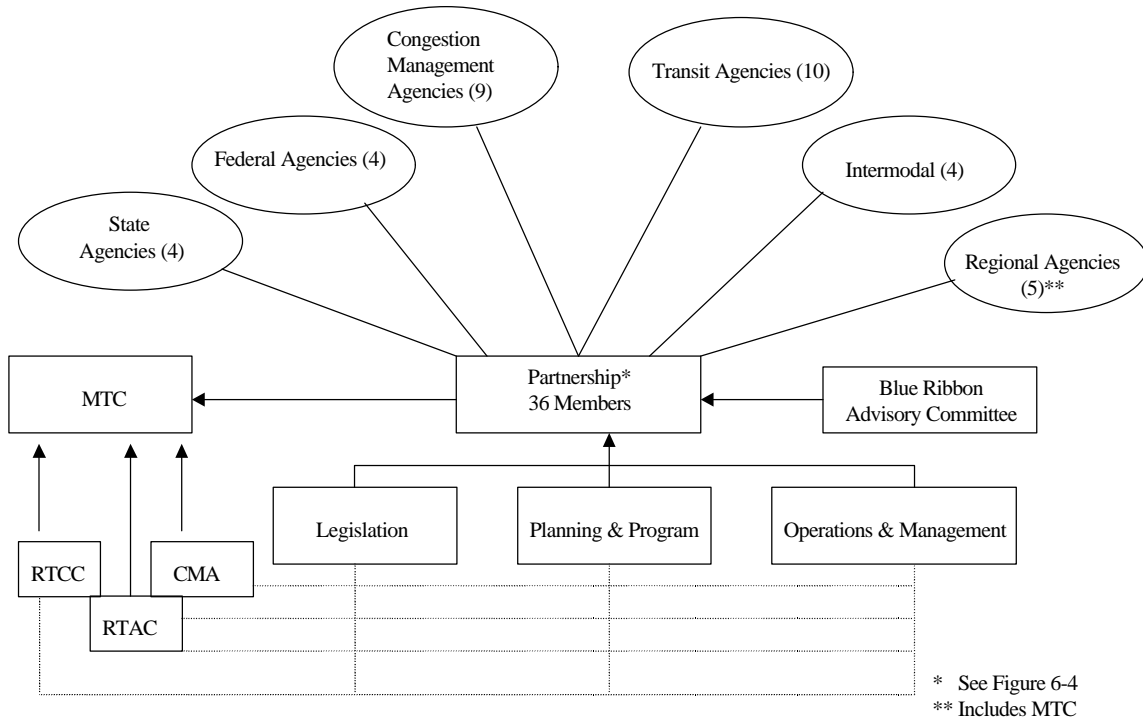
By February 1993 most of the structure that would frame the Partnership's activities for the following four years was established. The Board agreed to setting up the basic structure proposed in the earlier meetings, institutionalizing the Ad Hoc Multimodal Priority Setting Committee as the Planning and Programming Committee (3PC) and creating a second multimodal committee, Systems Operation and Management (SOM), along with the Partnership Legislative Committee (without the term "Policy" in the title as some partners originally suggested). Because of the strong objections to eliminating the modal committees they did not do so, though some wanted to. The next step was for the Partnership Board to write a mission statement for each functional committee and decide on its membership. First chairs were established: Brigid Hynes Cherin of San Francisco CMA for 3PC, Robert McCleary of Contra Costa County CMA for Legislative and Larry Reuter of Santa Clara County Transportation Authority for SOM (Fig. 5-5).

Figure 5-5
The Bay Area Partnership Structure 1993

Partnership Board
(39 Members)

Legislation
(McCleary)

Plans & Programs
(Hynes-Cherin)

Systems Operation &
Management
(Reuter)

Blue Ribbon
Advisory Committee

Fund
Programming
(Moscovich)

RTP
(Hart)

Modelling
(Englemann)
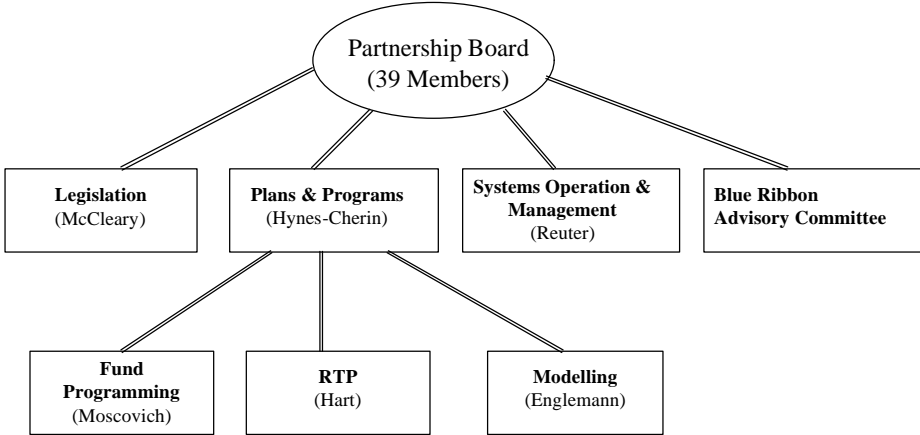
() -- Committee Chairpersons

Committee Activities

The three Partnership multimodal committees began meeting in spring of 1993, quickly becoming the principal locales for the Partners' work. 3PC set up three subcommittees. The Fund Programming Subcommittee (FPS) took over most of the activities of the Ad Hoc Multimodal Committee, though with membership drawn from Partners only. 3PC also took on as a subcommittee the Modeling Coordination Group, made up of representatives of the CMA's, MTC and ABAG. It had been started to implement Proposition 111 passed in 1990, which called

for consistency among the travel demand forecasting models used by the CMA's to prepare their CMP's (See Chapter 8). 3PC also appointed a task force to help in preparing for the 1994 RTP and then again appointed another in 1995 for the 1996 RTP and then another for the 1998 one. The Air Quality Conformity Task Force, which had been set up to help assure that the required Transportation Improvement Program (TIP) and the Regional Transportation Plan (RTP) complied with state clean air requirements, would also report to 3PC. The Legislative Committee had no subcommittees, nor did BRAC. Finally in early 1994, at the urging of Dahms, the Partnership agreed to set up a Steering Committee made up of committee chairs and federal and state participants along with MTC staff, mainly to help plan the Partnership Board agendas. Various other committees and task forces were constituted from time to time for special purposes, including one to develop a plan for Transportation Demand Management (TDM), which was attached to 3PC. The Partnership decided that membership in the standing committees would be open to representatives of any partner who chose to attend, but not to others outside the Partnership, such as representatives of local governments or interest groups.

Other committees continued as part of MTC, reporting to the Commission. These included the RTCC and the Freight Advisory Committee, and the Minority Citizens and the Elderly and Disabled Committees. The RTAC was eliminated. Strong feelings about maintaining the modal groupings led the Partnership reluctantly to agree to leaving the RTCC standing. The transit operators were uncomfortable about not having their own separate modal voice and worried about the CMA's taking charge of the Partnership. Moreover transit had its own funding, in Section 3 and 9, and transit operators were concerned that this funding not be in any way under the purview of this larger group. It was a rather anomalous situation, however, because members of the RTCC were also members of the Partnership.

Partnership Legislative Committee

The Partnership Legislative Committee noted in its1994 review of committees that it served more as a focus for information and discussion of major issues than as a forum for setting policy. This, their report says, is due to the diversity of interests in the Partnership and the evolving nature of the legislative process. Because they were mostly not discussing policy, we did not follow this committee's work other than through the minutes and packets. The Legislative Committee reported on and offered explanations to the members of all the important state transportation bills and many of the federal bills. They alerted Partners to upcoming issues and urged them to support key legislation or amendments and helped to bring everyone up to speed on the issues. They did not design legislation themselves, though they sometimes commented on proposed legislation (See Figure 5-6).

Though MTC had a real hand in much of the legislation that passed in the state and even nationally in the last decade, staff appeared to work mainly behind the scenes to write and amend legislation rather than to work through the Partnership Legislative Committee. It was difficult for us as researchers to discover what MTC's actual role was in most state legislation. Sometimes it was clear when Dahms prepared a letter to Senator Kopp or other legislator or when he asked the Commission itself to pass a resolution. Sometimes this was legislation the Partners would have disagreed on, but not always. For example in 1996-97 MTC pushed for and was apparently

71

Figure 5-6
Partnership Committee on Legislation and Public Affairs
Responsibilities as of February 1994

1. Seek Bay Area consensus positions where appropriate on state and federal bills affecting the partnership and its members.

2. Develop regional responses, where appropriate, on new state and fed regulations affecting the partnership and its members.

3. Identify and make recommendations for new sources of revenue and coordinate legislative advocacy for new funding to support implementation of the RTP.

4. Seek legislative opportunities that would further the goals of the Partnership and help implement goals of the Committees.

involved in the preparation of Senator Quentin Kopp's SB1474, which gave them more authority and leverage to get coordination among transit agencies (though they already had power to withhold funding from the agencies under certain conditions.) This proposed legislation was mentioned a number of times in the Partnership Legislative Committee, but never really debated and certainly not designed by the Partners. Indeed some of the transit partners strongly opposed giving MTC more power over transit. Overall the Legislative Committee seemed to serve mainly an informational function for the Partners (especially since there was a parallel committee made up of Commissioners advising the Commission on its positions on legislation) and a way to help mobilize the Partnership's advocacy function in Sacramento or Washington.

Summary and Conclusion

Though MTC set up the Partnership and gave it a first agenda, the Partnership did not act as a rubber stamp. It did however go along with most of what staff proposed. One exception was they decided against establishing Partnership Executive Committee that MTC wanted. Dahms attempted to set limits on the Partnership's role early on, stressing in discussions about the 1993 RTP update preparation that the Partnership was a management organization and not a policy

organization though this point remained contested. By late 1992 the Partners began to define how they would work together, and they began to develop their own views. They made changes to their charter that reflected their concern about safeguarding their identity, and their ability to protect the interests of their agencies, while joining in a regional partnership. They began to prefer the workshop model rather than the approach of reviewing and ratifying things, for the Board meetings.

The Partnership structure was basically established by February 1993, as the Board agreed to institutionalize the Ad Hoc Multimodal Priority Setting Committee as the Planning and Programming Committee (3PC) and to create the Systems Operation and Management (SOM) Committee, along with the Partnership Legislative Committee. Most of the Partners' work, beginning in 1993, was done in the three multimodal committees. There was little success in involving the public in these early Partnership activities. The BRAC was one of the least successful components of the Partnership. In terms of influencing legislation, MTC staff appeared to work behind the scenes rather than publicly through the Partnership Legislative Committee. The Legislative Committee seemed to function mainly as a source of information for the Partners and a mobilizer of the Partnership's advocacy role. The Partnership was launched, however, amid considerable optimism that they were going to develop a whole new way of working on transportation in the Bay Area.

CHAPTER 6

THE AD HOC MULTIMODAL PRIORITY SETTING COMMITTEE: INNOVATIONS IN FUND PROGRAMMING THROUGH SCORING

The Agenda

As the Partnership was getting itself organized, the Ad Hoc Multimodal Priority Setting Committee was already hard at work. This committee, which MTC set up as advisory to itself, was made up of staff from a variety of agencies, including CMA's, transit, cities, counties, and regulators. The origins of this committee go back at least to February of 1992, when staff held a meeting for which they prepared a preliminary draft for discussion of an "Approach to Guide Multi-modal Priority Setting."[1] This memo laid out some of the principles that were to become firmly embedded in MTC's programming approach. It emphasized the importance of cross modal programming, but also said they would seek "fairness" to modes and apply principles of geographic equity.

> Programming criteria will use the flexibility offered by ISTEA to the fullest. The goal of the project is to choose the best capital projects that will benefit the MTS (Metropolitan Transportation System, the designated network of roads and transit systems deemed to be essential to the regions transportation), regardless of mode. Principles of fairness in distribution of funds across modes and geographic areas, over the 20 year period encompassed in the RTP will be used. Specifically, counties will be guaranteed a minimum amount of programming equivalent to funding levels under the old FAU/CRP program.

The staff memo proposes that multimodal criteria would apply to all projects competing for flexible funds, including STP, CMAQ and FCR. It says, "It is hoped that similar criteria would be used by local jurisdictions who have the responsibility of programming flexible local fund sources." It contends that there should be three kinds of criteria: for screening projects; for scoring them; and for programming. It offers a list of MTC priorities, including maintenance and improvement of the MTS, intermodal transfer points, prior commitments from the 1992 RTP, adopted TCM's, and JUMP Start projects. It expressly says programming will rely on and strengthen existing processes and plans, including not only County Congestion Management Plans (CMP's), but also MTC Resolution 1876, with its list of rail projects. It notes that the process of establishing and applying the criteria must conform to ISTEA's directives, take into account the 15 factors it provides, and conform to the mandates of the Clean Air Act. It goes on to say that this proposal is to "demonstrate Partnerships that show results," as well as to maximize discretionary funding to the Bay Area. Finally it says there should be a feedback loop for the first round to learn from the results and that it should have performance standards as an integral part of the criteria used.

---

[1] Prepared for the meeting of April 1, 1992.

The Multimodal Priority Setting Committee first met on April 1 1992, staffed by Dave Murray and Kristina Younger of MTC. Hank Dittmar, then a senior MTC staff member, addressed the group at the outset and put on the table what he saw as the issues. These included, according to the meeting record[2]:

- Cities and counties want a replacement for FAU, where all the money went to them on a formula basis for streets and road maintenance

- Transit operators are worried about their representation.

- MTC is depending on CMA's to be the forum for city and county interests.

- CMA's want more control over programming decisions and less MTC discretion

- Traditionally small projects have lost in the programming process relative to larger ones and people do not think that will change.

- Caltrans wants/needs a stake in the process. FAP was eliminated.

- The Air District is concerned about expeditious implementation of TCM's

- The federal government is demanding that we use the flexibility we argued so hard for

- *MTC wants to get out of this alive* (italics in the memo)

Dittmar went on to say there were three ways to deal with this:

> 1) We could go through an MTC staff-led process that ends up as a political deal at the Commission level (i.e. do it politically); 2) we could split the money into slices by formula; or 3) we can work together to reach an understanding about what's important in terms of mobility (maintenance, enhancement, system improvements) recognizing that everyone has a stake and a role in the process and that it should be a group decision.

Discussion in the Committee

The discussion, which seems to have been relatively open-ended, allowing participants to offer their own perspectives, raised a number of issues. BART and AC Transit representatives opposed a formula-driven process because they felt transit did not compete well at the county level because of their counties' historical attachment to FAU. They believed public works directors lacked a perspective on transit and were not judged by their success in serving transit

---

[2] Detailed minutes were kept of AHMS meetings so quotes are taken from these minutes.

needs. BART and AC were worried about the ability of multicounty transit agencies in particular to compete in this model. On the other hand, the representative from Santa Clara County said that a formula was needed so they could plan ahead, while a representative from Sonoma felt that his county would never get more than the guarantee money because heavy transit was not viable in his county. Dittmar pointed out a formula might not serve their needs either. A partner from the Santa Clara CMA said that CMA's should make sure everyone was at the table and that MTC could play an appeals role. The Alameda County CMA Director argued for a large regional discretionary pot to make sure important projects got done. A representative from San Francisco felt good multimodal programming which incorporates ISTEA goals and is synergistic with regional efforts should be rewarded and that the focus thus should *not* be on individual projects. A representative from a Santa Clara County transit agency argued for MTC to strengthen local programs, guarantee a substantial amount to counties, and have less regional discretion, contending that counties would produce good projects.

With these interests and concerns on the table, largely reflecting the different situations of the counties (for example, Alameda County, with its heavy dependence on transit, was likely to benefit from regional discretionary projects; San Francisco was dependent on functioning of all modes and was also likely to benefit from regional projects ; and Santa Clara was rapidly growing and needed to build infrastructure) in a context of cooperation and learning about each other's views, Dittmar moved the group to the three types of criteria staff had earlier developed for screening, scoring, and programming. According to Dittmar, the first set of criteria for screening would assure projects had no fatal flaws such as lack of funding and that they met the requirements of the law; the second set, for scoring projects, would evaluate the merits of projects across modes and assign scores to them; the third set of criteria would help to put together an overall program out of the projects. From his view a good process would be one where MTC would never have to say no because the CMA's had done such a good job.

Equity Subcommittee

The Committee established two working subcommittees, one on equity and one on scoring. Each was a manageable size with between 7 and 10 participants including MTC staff, and each incorporated a range of interests such as "older urban" or "rural transit." The first committee focused on equity, and its charge was to prepare a 5-page discussion paper addressing several questions. First it should outline what are the valid equity concerns other than geography, such as modal (highway vs transit) or functional (maintenance vs capacity) and sub-regional (cities, vs return to source, small vs large).[3] It made no mention of equity in terms of income or minority status. This equity committee was also charged with advising on whether there should be a guarantee amount to the CMA's and, if so, on what it should be based (e.g a percentage of

---

[3] This list notably, did not include the notion of equity more commonly understood by outsiders to transportation -- namely social or income equity. Thus the issue of need based on the income or disadvantage of the population, on the tax burden of the community, on the age of its infrastructure or on the degree of transit dependency was not a factor in funding distribution. This issue was to be brought into MTC discussion significantly only at the Commission level in 1997-8 after welfare reform legislation made transportation to work for the poor into a programmatic issue.

STP, or previous FAU/FAS). If there were to be a guarantee, then should projects within it be scored and ranked? They were also asked to say how transit and ports and other nontraditional public works could be protected. Staffer David Murray was designated facilitator for this group and Dennis Fay, Alameda County CMA Director chosen as spokesperson. This choice reflected the basically collaborative model that was applied in this committee more systematically than in many Partnership activities. It was a collaboration that involved both MTC staff and committee members.

The equity subcommittee proposed to assure geographic equity by returning 55 percent of regional STP funds directly to the CMA's on a population-based formula for them to program for any of the ISTEA purposes. This amount could vary from year to year from 85 percent of what is due them that year to 115 percent, (to account for large projects). The subcommittee also proposed distributing 5 percent of the CMAQ funds on a population basis. A minority view from a CCCTA member representing transit operators, opposed this proposal, contending that most of the funds would in this case go to public works. The subcommittee proposed that other equity dimensions should be handled by screening, scoring, and programming strategically. They proposed that a certification process be used to assure that CMA's are planning properly, using ISTEA criteria and involving appropriate interests at the table. The meeting record of April 22 indicates "Larry will accept a percentage guarantee to the counties if it is closer to 50 percent," which was the figure ultimately chosen. Thus the decision about formula allocation was basically negotiated by this set of stakeholders and modified slightly by staff with a target set by Dahms. The decision was to make all CMAQ funds competitive across the region.

Scoring Committee

The Scoring subcommittee chose John Ponte, then CMA director for Solano County, as spokesperson. This committee debated each of the criteria, with participants like BART and San Francisco preparing differing proposals reflecting in part their own interests and concerns. For example BART, San Francisco, and Oakland stressed transit and port/airport access as scoring criteria, while Solano focused more on continuity and maintenance and worried about giving points for ADA (Americans with Disabilities Act) because that would favor transit and they said the approach should be mode-neutral. On the other hand, many of the proposals had no clear link to the proposer's interests. For example, the BART representative stressed the need for connectivity of roads and methods to enhance freight movement.[4] Discussion of options was detailed and specific, and the evidence of the minutes suggests that it was not entirely parochial or self interested as the participants got deeply into the issues of how to implement the law.

In particular the issue of how to create a meaningful set of criteria for the expenditure of regional funds was important and controversial. The committee had referred a series of questions to the equity committee to answer, including: "What is a regional project? How should it be nominated? Should it be counted against county bid targets? Should it be nominated in all affected counties? Should there be a regional set aside? What should the appeals process be? The idea of a regional set aside was clearly unpopular with some committee members, who

---

[4] Agenda packet for May 6, 1992 meeting of Ad Hoc Committee

asserted that all projects should have local support. This set of issues was not to be fully resolved at the time and was to remain a continuing point of contention in the ensuing years.

The Scoring subcommittee discussed the possibility of bonus points for multi-jurisdictional projects. Perhaps not surprisingly, considering that there were few participants with direct interest in such projects, the group members at first proposed only a 5 point bonus (on top of 100 points) for such projects. Ultimately the committee agreed to integrate this criterion into the scoring rather than give it as a bonus. There was a lengthy debate on regional projects and the appeals process. The group agreed that regional projects as defined by MTC could be submitted directly to MTC. The only such projects on the table at that point were from BAAQMD (Bay Area Air Quality Management District) for TCMs (Transportation Control Measures) and a project from RIDES. Essentially the committee seems to have ducked the decision on scoring, much less defining, regional projects, though they explicitly left the issue open for future years. A strong voice in the group argued that all regional projects needed the concurrence of at least one CMA. Dittmar stressed to the group that MTC delegates the task of putting projects on the table to the CMA's, but MTC ultimately had the responsibility to adopt and fund the TIP and assure conformity with air quality requirements. The final decisions regarding CMAQ and AB 434 funds rested with the MTC and BAAQMD respectively.

The Scoring subcommittee was aided by Professor Elizabeth Deakin of the University of California, who served as a consultant from the beginning, advising on the choice of topics to include in the scoring and in the design of the measures themselves. The group appears to have taken much of her advice in, for example, building on the 15 factors required by ISTEA (such as improvement of air quality or consistency with other plans), and in requiring the CMA's to certify that they followed the ISTEA criteria rather than simply that they "considered" them. Staff members later wrote (Younger and Murray 1992) that Deakin offered four principles, which the committee kept in mind. The first was to tie the solution to the problem; the second to use measures that cut across modes as much as possible; the third to anticipate data that would be available from ISTEA-mandated systems; and the fourth to rely upon and strengthen existing plans and programming processes.

On the other hand Deakin proposed other principles that the committee did not apply, or applied only in a very limited way. For example according to memos in MTC files, Deakin suggested they use criteria derived from local and regional policies on such things as economic development or support of growth. She wanted the scores to be clear enough to link to actual policy objectives. She urged that the basis for assigning points to categories should get a lot of discussion. This discussion happened, but in the end the weighting decision for categories was made in an arbitrary, rather than policy focused, way. The group came up with an average of everyone's preferred weights. As one participant said, everyone was busy calculating "how will this affect my interests?" The result looked acceptable to the group so they agreed to use the averages.

Deakin also urged them to use a cost effectiveness framework to award points in each category so that, for example, projects affecting the largest volume of users for the least cost would be favored. This would also make intermodal comparisons more meaningful. Deakin proposed they tie the points to performance indicators rather than to project types. Neither of these ideas were used, though in later years they resurfaced.

78

Deakin also noted in her memoranda to the group that the scoring process proposed would equate all players for the purpose of participation entirely with public agencies because the process did not include interests or advocacy groups. She contended that meaningful *public* participation would be particularly important in scoring. She wanted to know if meetings would be open and recorded and seek public comment. She urged that public involvement be included even at the technical committee level because, she argued,

> If interested parties are shut out they may find other, less productive (less constructive) channels for expressing their views and influencing the outcomes...the seeming inefficiencies of having the public present may be outweighed in the long run by the inefficiencies of having to engage in damage control or do things over.

She also warned that the formula distribution to CMA's would be frowned on by the federal government, and that the planning justifications would need to be highly compelling. What is important to note here is that the group was made aware of issues that it made a conscious decision not to address, and also that many of these questions were to resurface in future years.

Gary Binger, Planning Director of ABAG, had offered the committee[5] an alternative scoring proposal for land use. His proposal was to award up to 10 points for projects consistent with the land use goals/strategies adopted in July 1990 by ABAG. Thus projects would score well if they supported growth where other regional infrastructure (water, sewer etc) was available or committed or where natural resources would not be overburdened; if they discouragede long distance automobile commuting and increased resident access to employment, shopping or recreation by non auto means; and if they supported development and redevelopment within major urbanized areas. The records we were able to obtain for the committee do not indicate what the discussion was on this proposal, but little of his proposal was used. What appeared in the scoring was more generic and simpler and made no mention of existing infrastructure or resources, or the idea of investment in urbanized areas. Thus the land use was to be scored within a category of "External Impacts," which allowed a project to accumulate a total of 25 points, including more than 50 possible points for Transportation Control Measures, 10 points for energy conservation, 20 points for Americans with Disabilities Act compliance and 15 points for a variety of Enhancement activities. Land use was to be given only a possible 10 points at most. The three land use criteria were: Promotes increased land use density around transit stations; promotes more efficient land use patterns; reduces auto dependence. Needless to say, meeting even these more limited land use criteria was not to become a primary goal of many project sponsors in the ensuing years.

---

[5] In a memo dated June2, 1992, in the Scoring Subcommittee Report to the Ad Hoc Committee, dated June 4, 1992.

Applying the Procedures and Criteria

These subcommittees met intensively from early April through June 1992, in an effort to develop the procedures and criteria that would be applied to the RTP due in September. As they were working on the criteria, project sponsors in the counties were developing proposals in anticipation of the criteria. MTC staff went to each county and talked over what county staff were doing and how and reported back, and as a result there was less mismatch than one might have anticipated and also less outcry at the end of the process. Reports that came back from the counties showed that they were concerned about whether they could program the guarantee funds themselves. Contra Costa was criticized for not including transit interests in the project selection process and eliminating most transit proposals for no clear reason. They provided half of their guarantee back to city public works departments on formula basis for road projects, and Solano subvented their entire guarantee to these departments. These discussions fed back into policy discussions in the Ad Hoc committee and into development of guidelines and criteria.

In the April 22, 1992 meeting of the whole Ad Hoc Committee, this formula allocation process to counties was called into question. While the subcommittee's proposal was on the table, staff distributed the Interim Guidance from DOT which said in part that

> Procedures or agreements that distribute suballocated STP or Section 9 funds to individual jurisdictions or modes....by predetermined percentages or formulas are inconsistent with the ISTEA provisions that require MPO's in cooperation with the State and transit operators to develop a prioritized and financially reasonable TIP unless they can be clearly shown to be based on considerations required to be addressed as part of the planning process.[6]

This generated substantial discussion, with transit and air quality interests arguing that guarantee projects could subvert ISTEA priorities and processes if they are not scored. The committee decided, seemingly without opposition from MTC, that the solution was for MTC to pay close attention to the certification criteria for CMA planning processes but to go ahead with formula approach. Later MTC got approval from DOT for this exceptional approach.

Procedures and Criteria Adopted

The Committee finally agreed on a set of procedures and criteria that, along with the county guarantee concept, were formally approved and adopted by the Commission with little modification.[7] These were to change somewhat over time, but nonetheless remained in essentially the form developed in 1992 throughout the six years of ISTEA. CMA's were first to solicit

---

[6] U.S. Dept of Transportation Interim Guidance

[7] FY 1993 San Francisco Bay Area Transportation Improvement Program, Surface Transportation Program and Congestion Mitigation and Air Quality Process and Criteria for Project Selection, July 22, 1993 by MTC Resolution 2457

proposals that meet ISTEA mandates from project sponsors. They were to apply a planning process that they would have to get certified by MTC as bringing all the relevant players to the table, including public participation, and using the factors mandated by ISTEA for selection of projects for their county guarantee. They were to submit a prioritized list of projects to MTC for other projects including transit, but transit agencies could also submit projects directly to MTC for consideration in their Capital Priorities process (MTC Resolution 2379). Regional and cross county projects such as TCM's proposed by the BAAQMD could also be proposed to MTC directly, but project sponsors were supposed to try to get CMA's to include these in their priority lists. An appeals process was set up for CMA staff and policy boards to hear from those who felt their projects should have been included. Finally the MTC Work Program Committee and the Commission would consider appeals as a last resort. These procedures controlled the activities of the CMA's in a lot of detail. The basic idea was that MTC staff would screen and score projects using the criteria. The WPC would release the list for public review and then hold a public hearing and recommend to the Commission the adoption of the TIP, submitting it to the Governor for approval. MTC made a commitment to a cooperative process with its two main committees, the RTAC and Capital Priorities Task Force and with the Partnership. It would also consult with its other advisory committees.

For a project to pass the screening test it had to be part of a CMA priority list developed by a certified process as described above; it had to be within the CMA's bid limit as set by MTC; it had to be eligible for STP or CMAQ; it had to have reasonable cost estimates and an adequate financial plan including a formal action of local policy boards with authority committing to local funding components. The projects had to be well defined and justified, appropriately phased into usable segments, and they must be ready for implementation within a specified period after the TIP was submitted. They could have no unmitigated negative impacts to air quality. These were all requirements designed to assure projects conformed to the law, could be scored, and would not have to be eliminated later.

Scoring was more complex. Its objectives, as noted in the MTC Resolution 2457, were among other things, to reward projects that: met a documented need or solved an identified problem or which were the outcome of the Management Systems mandated by ISTEA; were cost effective or improved the MTS; and accommodated multiple modes or fostered interjurisdictional cooperation. They used the 15 factors required by ISTEA as the starting place for the scores, and the overall program would have to be in conformity with the CAA. It was possible for a project to achieve a maximum of 100 points, with 30 points going to maintaining the MTS by replacing transit equipment or rehabbing roads in poor condition, or such things as seismic retrofit. Another 30 points were available for projects improving the efficiency and effectiveness of the MTS through such things as safety and security improvements, including bicycle and pedestrian projects, and congestion relief projects such as HOV lanes, and transit improvement projects. System expansion got 15 points, including new lanes, transit expansion and intermodal or freight facilities. Twenty-five points were available for External Impacts, including such things as transportation control measures like incident management or signal timing, support of land use plans and goals, energy conservation, ADA, and enhancement activities like scenic easements and bicycle trails. The committee considered and rejected the notion of awarding negative points for

projects. Though they thought the idea had merit, they regarded the data gathering effort as too "daunting" for the time frame they had.

The Committee adopted nine programming criteria/principles, according to the statement, to ensure that projects would increase mobility, clean the air, leverage the most state and federal resources, and be equitably distributed. These were:

1.   Project merit evaluation was to be "primarily" based on the project score;

2.   Priority was to be given to projects that are ready to go;

3.   Priority was to be given to projects that are most cost effective;

4.   Geographic equity would be assured for the duration of ISTEA by guaranteeing counties their population share (+/- 15%) of regional STP funds and by allowing 50% of the regional STP funds to be programmed by the counties;

5.   CMAQ funds would be entirely programmed at MTC discretion, addressing the most serious air pollution problems first;

6.   All projects were subject to screening criteria, though county guarantee funds did not require scored and ranked projects;

7.   Consideration could be given to projects that scored well <u>and</u> leveraged nonfederal resources

8.   Consideration could be given to projects that scored well <u>and</u> promoted multijurisdictional cooperation

9.   Projects that had multijurisdictional benefits.

These criteria were clear and jointly decided, but they also allowed discretion by MTC. An observer could not easily criticize a programming decision, unless MTC denied funds to a very high scoring project or gave them to a very low scoring one. It would be very difficult to know whether these priorities were actually followed.

The 1993 TIP, using these basic criteria, was presented to the WPC in early July 1992 with explanations of the multimodal priority setting process. Dahms pointed out that the process and projects were the result of many years of advocacy in Washington and said that "all eyes are on us to see whether this region can make good investments with its new found authority." Representatives of several CMA's, cities and transit agencies came and offered support for the process and the product, and occasionally also offered caveats and concerns. The BART General Manager complained that multicounty projects did not do well and felt that its two percent of the overall program was too low. Several speakers raised concerns about the support for older city and transit projects, which were echoed by commissioners from San Francisco and Oakland. The

WPC voted to recommend to the Commission adoption of Resolution 2457 laying out the criteria as agreed to by the Ad Hoc Multimodal Priority Setting Committee, and to release the draft TIP based on these criteria for public comment (see Appendix 6-1).

Assessment

Looking back at the process, one can see that the time pressure and the need to produce an RTP was an important factor in getting agreement among the committee participants. As one participant said,

> ..things got heated up real fast. That first year we were behind the curve. ISTEA was passed, now it was time to start spending money. We had to come up with a process in a matter of a couple of months and fund some projects so we could work in a window of the TIP approval process. So there were a couple of months there when it was crash and burn. We had to really bust our butts to put this together.

His assessment of the process was,

> The first ISTEA program came out. There were some bumps along the way. There were some unhappy campers. But for the most part, we realized, hey, it's funny what happened. We sat at the table. We all built this process. We all had a stake in it. When it came time to approve it, we really couldn't criticize it all that much. There was some criticism by people who weren't at the table. But that first round I think impressed upon all of us that this is the benefit of being at the table. We're here making the decisions. We're actually not making the decisions. We're advising MTC on its decisions. But, we as professionals, the people in the trenches, who deal with these issues on a daily basis, actually have a hand in setting the rules. So, damn, we'd better make the rules work. We'd better make them rational, we'd better make them equitable. It's a buy in thing. That's the element of the Partnership that is the success I think. We're all in there having a hand in creating these things. By the time they get to the Commission for approval we're pretty much happy with them.

Another more senior participant said he realized that it was a serious effort, and worth being involved, when

> Larry and MTC staff would acquiesce to the consensus of the group....We did not have complete consensus. BART and I forget who else had objections, but the regional consensus among the nine Bay Area counties to me was phenomenal. So I realized for that to happen he had to let go.

This participant regarded it as a success because

To me it is a classic case. It is always easy to divide up a growing pie but we are in a constrained time and we're dividing up a diminished pie. And it works...you could never have done that before this whole process.

There was also resistance to the consensus process, however. One participant said,

There were people who were making the transition a little slower, who were used to dealing with the old way and didn't realize that there was a new way of doing business. They tended to go through old channels. We would shine a flashlight on them and say 'No. Come to the Partnership. Come to the Ad Hoc committee. Come here. Talk to us. Let's hear what the problem is and see if we can help you solve it.'

The old channels, he explained, were dealing directly with MTC.

Not being an MTC insider, I don't know how they reacted to that. I think (MTC) lost a certain amount of control... But I think what they've gained is a lot more positive. They still make the decisions, they're still in control, but their decisions have been thought about a lot by a lot of people before they make them.

There were also differences within the group on substance. Not everyone regarded their interest as ideally served. BART was most vocal, but northern counties, never very supportive of regional initiatives, opposed some key elements. When we asked one CMA director why, if he thought that the scoring did not favor his area, he and the other counties in the end agreed to it? He explained,

It doesn't favor them for expansion projects. But for most STP stuff, we really are looking at rehab–transit rehab, transit expansion. I don't think anyone looks at STP, CMAQ stuff as straight expansion money for major projects. Sonoma isn't saying let's try to do 101 with STP money. It just doesn't fit. It's too big of a project...I did not agree (to FCR scoring) Five votes no - Napa, Marin, Sonoma, Solano and Santa Clara voted no. Santa Clara had some major expansion projects. And they wanted flexibility. At the Scoring Subcommittee there was no decision because there was a group that wanted it one way and a group that wanted it the other, so it was bumped up to the Commission. At the Commission - several folks have multiple representation. Think it worked out to be 8-12 or 8-10. It was close. It was the North Bay voting as a group. Some of the folks from Santa Clara voting for it as well. But it wasn't enough.

The weighting issue was controversial, as the above quote suggests. According to one participant, the choice of 15 points for strategic expansion versus 30 points for maintenance and 30 points for efficiency and effectiveness reflected the priorities of MTC. His county had transit expansion plans and they were unhappy with this weighting. He said, "We were big on expansion

but were overruled by the consensus process." When we asked why they bought that, he said "We had no choice... if we were going to be a partner, we had to go along with it." When we pushed him on whether his county had an option not to be a partner he said,

> I don't think so. Yes, of course we had an option not to be a partner .... When I first started working in (the) county I always heard this rumbling that we were going to separate from MTC and create our own MPO. We had the population to do it. We're sick and tired of the region telling us what to do blah, blah, blah, blah, blah. We're not like the rest of the region. We're so different. But I don't think rational people believe that's the solution to any problem. That we need to be, especially with what was going on in the county... there was a feeling of "We're part of the Bay Area. We need to participate in regional decision making.... We're as individual and unique as those counties are and we have a lot to offer to the region. It just makes sense to be at the regional table."

There was substantial collective learning going on during the original scoring process and in the later years. Staff tested the ideas on existing and proposed projects while designing the scoring. MTC staff ran projects through in a sort of beta test to see how different kinds of projects would score. A partner participant said,

> It was more or less an intuitive thing. If you thought here's a good project ...if it does not score well in the process there's something wrong in our process...and then we would talk about 'Why didn't this project score what we thought it should score? Oh I see, well the criteria won't let it because it says this. Well let's change it to say that. It is not an exact science at all...we have gone through it a third time now.

Once the TIP was adopted, MTC began holding meetings to improve the process and criteria for the next cycle of programming. Surveys were conducted by MTC asking for comments from participants, comments were obtained in public meetings and a work plan was developed for the next stage of the scoring subcommittee's work. This committee was then to take up such matters as the definition of and process for regional projects, additional criteria for guarantee projects, refinement of scoring to deal with cost effectiveness, the potential for negative scores, and use of the criteria for long range planning.

Summary and Conclusion

MTC set up the Ad Hoc Multimodal Priority Setting Committee in 1992 as advisory to staff, emphasizing the importance of cross modal programming while also seeking "fairness" to modes and geographic equity. The Committee established two working subcommittees, equity and scoring, which met intensively from early April through June to develop the procedures and criteria that would be applied to the RTP in September. The equity committee proposed the Commission adopt formula allocation to counties; the committee suggested that MTC pay close

attention to the certification criteria for CMA planning processes to guarantee that projects reflected ISTEA priorities. The scoring committee debated each of the criteria, and discussions were not entirely parochial and self-interested. However, a conscious decision was made not to address certain issues, and many of which resurfaced in later years of the Partnership. The creation of a meaningful set of criteria for the expenditure of regional funds was particularly important and controversial. Questions on the definition of regional projects, the process by which such projects should be nominated, and the appeals process remained points of contention throughout the 1990's. The scoring committee essentially avoided making a proposal about the scoring, or even the definition, of regional projects. Decisions about how many points to assign to categories were made by averaging everyone's preferred weights, rather than by reaching consensus on the substantive issues.

The Ad Hoc Multimodal Priority Setting Committee agreed on a set of procedures and criteria for ranking an scoring projects that, while changing somewhat over time, remained in essentially the same form from 1992 through 1997. Time pressures and the need to produce an RTP were an impetus behind the relatively quick agreement reached by committee participants. The first scoring process as well as scoring discussions in later years were characterized by substantial collective learning, as participants tested ideas on existing and proposed projects and continually drew lessons from the results.

CHAPTER 7

PARTNERSHIP PLANS AND PROGRAMS COMMITTEE

The Partnership Plans and Programs Committee, routinely called 3PC, had broad responsibility in both the planning and programming. The Partnership charged this committee with responsibility in eight areas: development and review of the RTP; recommendations for programming of funds; air quality requirements; coordination of RTP with other transportation related plans; regional financial assumptions and forecasts; data collections, system definition and performance assessment techniques; monitoring of project delivery and obligation of funds; development of regionally consistent travel demand modeling[1]. These are detailed in Figure 7-1. Of all the Partnership committees, 3PC drew the most consistent attendance and energy from its members. This was due to the fact that the committee dealt with issues of immediate and critical interest to the counties and transit operators: the allocation of resources. Monthly meetings were always very well attended, often with thirty or more people present.

Because of the breadth of the issues 3PC dealt with, it also functioned with a set of standing subcommittees and ad hoc task forces. The subcommittees included the Fund Programming Subcommittee (FPS)[2] which took over the work of the Ad Hoc Multimodal Priority Setting Committee. Its role was to further develop the screening and scoring procedures, reviewing and modify the original weighting and scores as issues arose, and develop programming procedures. They also developed methods for monitoring project readiness and making sure funds were obligated each year. Eventually they also worked on the application of the scores to actual project proposals. The Modeling Coordination Subcommittee originated in a committee set up by the CMA's to help them meet requirements for modeling consistency across counties. [3] It became nominally a 3PC subcommittee though it operated largely autonomously.

FPS met monthly, and its meetings were generally well attended, at times by the same people who came to 3PC meetings, at times by lower level staff members. Its responsibilities included revising the multimodal scoring process for allocating federal ISTEA monies, monitoring projects funded through that process, making recommendations concerning requests for changes to specific projects and developing criteria for use in the allocation of state transportation funds. Much of this work will be discussed below.

Task forces were typically also appointed to deal with shorter term issues such as the RTP update, air quality conformity and data integration. Each of the subcommittees and task forces usually made a brief report at each 3PC meeting. These reports tended to be mainly informational updates with a pro forma character (with the notable exception of the RTP Task Force, which

---

[1] Memorandum from David Tannehill to Plans and Programs Committee, 11/20/95.

[2] In mid 1996 the group changed its name to the Fund Programming Working Group in order to emphasize that it was not a formal subcommittee and thus not subject to Brown Act public meeting requirements. For the sake of simplicity, however, it will be referred to as FPS throughout this chapter.

[3] A full discussion of the activities of the Modeling Subcommittee can be found in Chapter 8.

Figure 7-1
Partnership Plans and Program Committee
Responsibilities as of February 1994

1. Develop recommendations on the process for developing the regional RTP and reviewing its contents.

2. Develop recommendations for the programming of funds to support the implementation of the RTP through the RTIP and TIP including but not limited to STP/CMAQ, FCR and Transportation Enhancements.

3. Develop recommendations for the transport related elements of the State Implementation Plan/Maintenance Plan and Clean Air Plan.

4. Recommend specific actions for better coordinating the RTP with the following: Short range transit plans, congestion management plans, countywide transport plans, state transportation plan, ISTEA management systems.

5. Review and make recommendations on MTC's regional financial assumptions and fore casts and coordinate these with locally generated financial assumptions and forecasts.

6. Make recommendations to coordinate the various data collection system definitions and performance assessment techniques used for the region.

7. Monitor the delivery of projects and obligation of funds contained in the region's federal TIP.

8. Support development of a regionally consistent travel demand modelling set for the Bay Area with fully coordinated regional and subregional models. This will provide a common foundation for transportation policy analysis as well as transportation corridor and project level analysis.

generated intense discussion. See Chapter 12). Even a lengthy presentation on the modeling coordination study elicited relatively few questions and relatively little comment from the group. The data integration task force did surface an issue that people discussed concerning the validity of data local entities were required to collect for the state and federal highway performance monitoring system and the difficulty that that collection imposed on these entities. Representatives from Caltrans and the FHWA (Federal Highway Administration) were invited to a 3PC meeting to discuss the issue, but committee members did little other than listen to an interchange between MTC staff and the federal and state officials.

The frequent exception to this pattern of passive listening was when the reports from the FPS came to the committee. These were often a major agenda item at 3PC. The matters this subcommittee dealt with–the allocation of money–were of intense interest to partners, and although FPS recommendations were almost always accepted by the full committee, they frequently provoked considerable discussion. FPS not only reviewed and revised the multi-modal scoring criteria for programming federal funds, it also made recommendations on requests for extensions of obligation deadlines for projects as well as requests for changes in the way monies had been programmed. Although the latter type of request was not common, it typically provoked considerable interest by the full 3PC committee, since such requests implicitly involved exceptions to the processes and criteria the committee had agreed on. For example, in the wake of a court decision invalidating Santa Clara county's sales tax measure in 1995, that county had to reorder its spending priorities for federal funds. A request was made to FPS to reprogram CMAQ funds that the county had been scheduled to receive to a light rail extension (Tasman) that had been moved to the top of the county's priority list. The matter evoked considerable attention when it came before 3PC.[4]

> 3PC chair (to Santa Clara representative): Do we need to act?
>
> Santa Clara: Action is needed. It has to do with the Tasman TIP amendment. This would be part of revised funding for Tasman.
>
> Santa Clara 2: If there is a problem with this proposal, we need to know.
>
> CMA 1: Boil this down. You want to transfer money?
>
> Santa Clara 2: Yes.
>
> CMA 2: This is a rules change. Before we said you could move money, but you have to do both projects. Here, something won't get done.
>
> Santa Clara 2: This requests a waiver of the rules.
>
> CMA 2: That's the big deal with this one. It requires a rules change.

---

[4] The following quotes are from the 11/20/95 3PC meeting.

Santa Clara: It had been in the previous change. It had been in language about Measure A [the invalidated sales tax measure].

Chair: We took that out. We wouldn't commit to a blanket change for Measure A.

CMA 1: Does Tasman score lower?

Santa Clara 2: It was never scored.

Transit re: It's an 1876 project

Chair: The issue is, do we agree to transfer money only if they agree to do all of the projects?

CMA 2: Yes. The rule is designed to avoid game playing. We need to be crystal clear about what we are doing. We'll do it in this instance because of Measure A, but it is not a rules change.

CMA 1: It is a unique situation. The sales tax measure was overturned by the Supreme Court.

Chair: We need to make it clear that this is an exception.

CMA 2: I'm worried about someone putting $30 million into an interchange and $10 million from STP funds. They then come in and say that their impact fees are less than expected and they don't want to do the interchange but they want the $10 million too.

MTC: I've added a sentence saying that this is an exception due to Measure A.

Chair: FPS recommends this exception. I don't want to put in an amendment to the rules that Santa Clara can come in and do what it wants. We'll look at each project on its merits.

This discussion illustrates how protective 3PC was of the programming criteria, rules and scoring procedures that its members had developed. These rules and criteria were designed to apply consistent criteria to projects across the region and to bring a regional voice to bear on programming decisions. Thus, even under unusual circumstances, the committee was reluctant to allow a county to redirect funds on its own. The discussion also illustrates the mistrust partners had of each other. There was considerable discussion about whether to give Santa Clara all of the money that it wanted and several expressions of concern that this would not be the last time they heard from the county. One committee member worried about "opening the barn door;" several

argued for retaining some of the requested money until the county demonstrated that it would do what it said it was going to do.

An additional reason the full 3PC committee often engaged in considerable discussion of FPS reports was that the subcommittee chair often used specific cases and recommendations as a way of raising more general issues. At the August 1995 meeting, for example, FPS brought 3PC its recommendation that the deadline for obligating funds for a particular project be extended because the project sponsor had been faced with a late and unexpected request from the Federal Transit Administration (FTA). The chair of FPS used this case to raise the more general issue of how to deal with federal agencies in the partnership process. Similarly, a recommendation concerning the movement of funds between two segments of a single project was used to raise the issue of the need for rules for dealing with large projects with multiple funding sources and phases. Neither of these large issues was dealt with at any length at the meeting, but both are examples of using the process of committee oversight of specific projects as a way of learning about more general concerns.

As the committee engaged in its work there was ongoing tension between localism and regionalism. Most members of the committee represented either a county or a transit operator and thus had particular interests to protect. The exceptions were the MTC staff members and the representatives from regional agencies such as the Bay Area Air Quality Management Board and the regional ride sharing agency. But some of the local representatives were fairly consistent advocates for thinking about regional needs and, as the discussion above indicates, many came to see the value of working together as a region, at least at times. Thus, meetings frequently involved a back and forth between local and regional views.

Major Activities 1995-1996

In this chapter we will focus on major activities the 3PC committee engaged in during 1995 and 1996. Four issues dominated the agenda during this period, though many others were discussed as well. One concerned updating the federally mandated Regional Transportation Plan (RTP) and MTC's ideas concerning the development of a second portion of that plan (called Track 2) that would include investments that would be undertaken if new sources of funds were located. A second, smaller issue concerned implementation of a federal requirement for a major investment study (MIS) for certain federally funded projects. A third related set of issues involved the redesign of the multimodal application and scoring criteria to be used for programming federal ISTEA funds and the monitoring of projects allocated federal funds. The final issue was an undesired and unanticipated one: how to deal with the large shortfall in state transportation funds. By the end of 1996, the committee also turned its attention to planning for a new state funding cycle in 1998.

Regional Transportation Plan (RTP)

The Regional Transportation Plan is a planning document with a time horizon of twenty years that is a requirement of state and federal law. It must be fiscally constrained, i.e., it must include only projects that can be funded from a known source of funds, although the twenty year

planning horizon inevitably means that this involves some considerable guesswork. The plan is updated every two years.

Discussion of the 1996 RTP update began in 1995. At the same time, MTC staff proposed development of what they called Track 2, an advocacy platform for seeking new investments should additional sources of funds become available. The update, and the development of Track 2 were major items on the 3PC agenda during 1995 and 1996. The discussion revolved around at least four issues: the kind of update that should be done for the RTP for 1996, what the Track 2 process should look like, what kind of public outreach should be done in connection with the development of Track 2, and the desirability of creating a task force to look at broad ranging issues in connection with the RTP.

1996 RTP Update

Prior to the August 1995 3PC meeting, as part of the agenda packet, MTC staff distributed a memo outlining the agency's plans for the 1996 RTP update. MTC proposed to defer a major update of the RTP at least until after passage of the next federal transportation reauthorization bill and to merely do a housekeeping and technical update of the RTP for 1996. The rationale for this outlined in the memo was based on three factors. The first was the likely need for major changes in the RTP once new federal, and perhaps state, legislation was passed. This, the memo suggested, made it desirable to wait to do a major update until such legislative changes had occurred. Second, MTC staff argued that scaling back the 1996 RTP update would allow for more time to work on Track 2 of the RTP, i.e., the proposed transportation improvements that would be undertaken if new funding sources could be found. The memo stated "We believe Track 2 is a more fruitful area for the Partnership to focus on in exploring new directions for transportation."[5] Finally, the memo notes "that the RTP Task Force is exploring new directions for the RTP. This work may require a significant amount of time, but may provide new tools for the RTP. It should be also be allowed to evolve without getting bogged down in a full RTP update process." Attached to the memo was a detailed document that listed goals, maintenance commitments, operational strategies and strategic expansion projects in the RTP for each of the sixteen corridors as well as possible maintenance, operational and expansion projects for Track 2. 3PC agreed to this with little discussion.

Throughout the period under study, MTC staff briefed 3PC on the progress of the RTP update. Discussion of this issue was usually slight and tended to be limited to specific questions about specific projects by the project sponsor or the relevant CMA. Having agreed to doing a "housekeeping" update, there were no policy issues to discuss and the process was completed almost exclusively by MTC staff.

Track 2

In the same memo that MTC staff delineated their plans for the RTP update, they also laid out their proposed Track 2 strategy. At the August meeting one key staff member reiterated that

---

[5] August 21, 1995 memo from David Tannehill to Plans and Programs Committee.

it was MTC's plan to focus on corridors, not on counties, in this process and to use corridor analysis such as that attached to an accompanying memo as the way they would organize the outreach and participation. MTC planned to hold focus groups in each county in the fall that would focus on operational strategies, but not on big ticket expansion. Specifically, MTC staff asked for feedback on the appropriateness of the theme of operational strategies.

Initially committee members focused on the attachment to the memo, on the specific projects listed for each corridor and the accuracy of corridor descriptions and urged that MTC seek systematic comments from partners on the document. However, as the conversation progressed, two things happened. First, the limitations of the corridor concept were raised, particularly the way the concept did nothing to create a regional vision. Second, committee members engaged in a process of grappling with the concept of corridors and its ambiguity and complexity by raising specific examples.

CMA 1[6]: Are there some strategies common to all corridors? If so, shouldn't they be highlighted? Some things that are good for everyone get buried in some lists.

MTC: Outreach will be by county, not corridor. We will probably then bring out common strategies and then those unique to that county.

CMA 1: We need to see what is region-wide and what is specific to a corridor.

CMA 2: We need consensus from this group to see what is regional. That's why we need to see it first [before it is given to the public].

CMA 3: Looking at the corridors, why do you separate I-880 and Fremont/South Bay?

CMA 2: Where does the Caldecott Tunnel fit in the corridor description?

CMA 4: Highways 24 and 680 [two highways that intersect] have no relationship to each other in the corridors.

MTC: The corridor titles may need to be changed. They seem to be limited to highway facilities, but they are more broadly defined. The Caldecott Tunnel is more closely linked to the Transbay corridor.

CMA 2: How are you defining a corridor? Freeways? Connections among communities?

MTC: They are geographic areas.

---

[6] Speakers are identified only by the kind of organization they represent. When there is more than one speaker from the same kind of organization, the organizations are numbered to distinguish among different speakers. The numbering scheme, however, applies only to the discussion in question and is not consistent throughout the chapter.

CMA 4: Think about the reversible bore in the Caldecott Tunnel. It is reversed to go in and out of the Transbay corridor. What's the relationship between that and 680?

Regulatory agency: If these are management strategies, they should be defined by trips.

CMA 2: What if there are two corridors for the same trip?

None of these questions were resolved at the meeting, but as the above excerpt suggests, the committee could provide a useful forum for learning through discussing. The partners had significant questions that were pertinent to working out whether this mode of planning could work effectively and questions that might well be raised by the members of the public.

When Track 2 was discussed the following month, it became quickly apparent that partners remained quite confused about what Track 2 was really about. Partners clearly did not agree on what Track 2 should consist of nor how it should be developed. Some thought quite parochially about specific projects while others emphasized the need to think more broadly and systematically about regional needs.

CMA 1: You show Track 2 on the RTP update schedule. What does this mean? What is its status? Will it be in the environmental documents?

MTC: It won't be in the environmental documents. It won't be conformed [i.e., meet air quality conformity standards] or constrained [i.e., meet federal requirements for a fiscally constrained plan]. We will look to the task force for help. I don't see it as a detailed expenditure plan. That would be divisive for no reason. In my mind it is something much less than that. It is strategic goals and objectives. It is relative investment strategies, for example, how much maintenance versus how much strategic expansion. But it won't be a detailed, project by project expenditure plan. If the bill [the regional gas tax bill] were ever to move, it would be different.

CMA 2: I have a question. One of the original concepts of Track 2 was that if funding was constrained, Track 2 would be twice the constraint of what a regional fuel tax would be. Why would you want to do a Track 2 project list that would have vastly more projects than any single fund source?

MTC: Without the urgency to develop detail that a bill would provide, I don't see us getting into detail about projects. It's much more abstract. But we can talk about this.

CMA 2: There might be some value to doing some of that in Track 2. We're going to be faced with a constitutional amendment. We could show the voters that if they support the amendment, they'd have the opportunity to vote on these projects.

MTC: We don't have lots of ideas about Track 2.

CMA 1: The task force is supposed to be focusing on a fairly narrow agenda to get something on the table. How to make tradeoffs in an unconstrained environment, then in a constrained environment. It's difficult, but it's easier than looking at projects.

MTC: We'll be looking at corridors, at performance objectives and strategies, what kinds of investments make sense.

Unknown: Combining what both of you are saying, the place to start is criteria. It should be an interactive process leading to project selection against those criteria.

CMA 2: How would the criteria be different from the criteria for a constrained RTP?

CMA 3: They'd be more specific than the RTP.

Transit: One thing we're asking the RTP task force to do is to come up with defined strategies rather than projects. Projects will fall out of strategies. Given the status of the regional gas tax measure, it's not prudent to put our effort into a project list. We need to talk about how to balance transportation expenditures rather than talk project by project.
...

CMA 1: Depending on what the task force produces, that's what will be in Track 2. We don't have time to do a project list. Even to get criteria in place will be a major effort. We need to figure out what we want to accomplish in the region, then what we want to do to accomplish that. Projects are anything anyone has on the table. If we go to the voters, we should take criteria, then apply them to projects.

CMA 4: We need to be careful with criteria. There are already criteria in 877 [the proposed regional fuel tax bill]. I'd hate to see criteria turn into a scoring and screening process.

MTC: Let's not worry about packaging things to a fund source.

CMA 4: But we can't have Track 2 criteria opposite to 877.

CMA 1: I disagree. Those are criteria for that fund source. Not, what are the region's criteria? We need to have that kind of discussion.

This confusion and disagreement were evidence of the fact that the Track 2 concept was one that was heavily staff driven. This was not something that had emerged out of the partnership process but rather an idea that was brought to the partners by MTC staff for approval. But they did not really approve. They seemed among other things to want something more criteria driven than what staff had presented. The partners' approach tended to want to deemphasize projects as the focus.

3PC continued to work on the RTP Track 2 process in 1996. As had become the pattern, MTC staff presented increasingly refined proposals to the committee for feedback and comment; little initiative was taken by the committee. The basic premises behind the corridor concept were de facto accepted in spite of the reservations partners had expressed earlier. Major discussions of principles that should underlie Track 2 took place in the RTP Task Force and in 3PC discussions of its work, but by mid 1996 those discussions were over.

In November, MTC staff came to 3PC with an extensive draft document for Track 2 for discussion. As it was presented, MTC staff made it clear that this had been an MTC staff driven effort.

> A lot of work has been done. This report pulls it together in one place. As we work further on defining it, we intend to go and talk to partners. It will be a consensus building exercise with the public, the CMAs, the counties and the legislature. If there is broad enough consensus we will use this as a tool to get a new revenue source.

3PC members were generally pleased with the document. One called it a "very good effort of putting together what's on the table." Another described it as a "great starting place." Most of the discussion revolved around questions about particular items in the draft and around who should be present at the corridor by corridor meetings with partners that was MTC's proposed next step in the development of the plan.

At the December 1996 3PC meeting, MTC staff announced that they had decided that corridor meetings were premature and that instead they intended to meet one on one with the CMAs to go over the material to make sure that it was consistent with county plans and strategies. Only after that happened would the larger corridor meetings take place. Transit operators noted that they needed to be included in this process. Once again, there was no controversy over the MTC proposal though there was no evidence that it was in response to the issues partners raised in the public meeting. We note, however, that this change moved the process even further from a regional one involving collaborative dialogue among partners.

Outreach

At the June 3PC meeting MTC staff presented a proposal to 3PC for public outreach in conjunction with 1996 RTP update. The proposal was for meetings with invited individuals in each of 9 counties to discuss the RTP and Track 2 in September, followed by a second phase in the spring to focus on a draft document. 3PC accepted the proposal and recommended that each CMA select at least one opportunity to include the RTP in current public outreach efforts and

inform 3PC of the result the following month. At that time MTC staff also reviewed a memo describing the assumptions and underlying methodology for Track 2 revenue projections.

At the committee's October 1995 meeting MTC staff further briefed committee members on the RTP outreach plans. Staff explained that the effort was designed to communicate with people who are not normally included in the transportation planning process with the goal of identifying priorities if new funds became available to the region. At least some committee members pushed MTC staff on the question of whether the outreach meetings would involve discussions of how to make tradeoffs. MTC staff was reluctant to do this, and the committee was divided, though many thought that there was merit to the idea.

A month later, staff again briefed 3PC on the progress of the RTP outreach process. The ensuing discussion revealed considerable skepticism on the part of partners on how much could be learned from the outreach process and even on whether it was being conducted properly. They seemed to feel that people should be told what could be done.

> MTC: These are not true focus groups. They are a facilitated discussion. There is give and take. It is not a random sample of the public.

> CMA 4: Small groups are easily biased.

> CMA 1: That's my concern. How much can you make of consensus?

> CMA 5: In my county, what they asked for they're not going to get. Everyone in the room wanted transit, not highways. More buses, more BART. We spent two hours getting input, but they're not going to get it. No one stood up and said "You're not going to get it." You never broke the news that we're actually cutting bus service.

> CMA 2: Wanting, and being desirable solutions are different. We have a responsibility as professionals to tell them what is reasonable to deliver.

> CMA 4: I have trouble depending on these groups. They tend to be over the edge modally biased.

This skepticism about public involvement was characteristic of much of the partnership process.[7] CMA staff, like MTC staff, seemed to view the outreach process as consisting as much in educating the public as in learning from them and were consistently reluctant to include a broader group of stakeholders in the process, or when they were included, to take their views seriously.

---

[7] See Chapters 11 and 16 for a full discussion of MTC's public participation activities.

RTP Task Force

In mid June, 3PC set up an RTP Task Force to discuss programming and planning for the 1996 RTP update. This group was then to report back to 3PC. At the October 3PC meeting staff informed the committee that the RTP task force had decided to suspend operation at least until the outreach process had been concluded. Before disbanding, the task force did, however, propose seven critical issues to be addressed in future RTPs.[8]

There was debate among members as to the desirability of disbanding, but the dominant view was that the task force had been unable to develop a clear focus for its activities. Some members wanted to use the group as a vehicle for developing a way of thinking about tradeoffs within the RTP, but MTC staff and other members contended that this was a nearly impossible task. One committee member, however, was insistent that a new group be set up to address the issue of how to make investment tradeoffs and after some discussion the committee decided to constitute a group of people interested in doing this to report back to the full committee in two months with a statement of detailed objectives and goals.[9]

Members of 3PC, however, were deeply divided about the scope of activities the task force should engage in, reflecting significant differences of opinion. Some partners wanted 3PC to take a broad and far reaching look at the whole range of transportation spending in the Bay Area. Others were extremely leery of reopening old decisions and were insistent that the existing

---

[8]   These issues were: <u>Maintenance of roadways</u>: Analyze how maintenance costs are projected to grow relative to revenues. Determine shortfalls.

Financially sustainable transit systems: Analyze how operating and maintenance costs are projected to grow relative to revenues. Determine shortfalls.

Operational strategies: Develop performance measures to determine how productive various strategies are. Develop strategies on a corridor-by-corridor basis.

TOS: Determine exactly what it is we are getting from TOS and its impact on system performance.

Strategic expansion: What are the critical regional deficiencies and their relative performance and impact.

Land use connection: Identification of good land use examples and an analysis of why does it happen.

Seismic retrofit: Determine the true cost of seismic retrofit.

Memo from David Tannehill to 3PC 10/16/95.

[9] See Chapter 12 for a full discussion of this second RTP task force. What follows is merely a brief description of some of the issues related to that task force that came before 3PC.

legal structure not be questioned. This conflict is evident in the following discussion that took place in December.[10]

> Task Force Chair: One major problem [one partner] had with the RTP was that $70 billion was off of the table. for example, the pavement management system. We should put on the table whether we want to repave.
> ...
>
> Large CMA: I would not want to participate in a process that could pit one group of political interests against another group of political interests. For example, should we maintain local roads at the level that they are? If not, the money would go elsewhere. In effect, you are pitting local governments against others. I don't want to participate in that... We need to set ground rules. Don't mess with local fuel tax money... You're reopening a huge set of issues that were settled over long years... If the basis of the RTP is existing statute, then the basis of discussion should be existing statute.

The political sensitivity of reopening old issues, and the extent that major aspects of transportation funding were in fact off the table for the Partnership is also clearly seen in a memo from the chair of the RTP Task Force to the full committee. The second paragraph of the memo reads:

> This is <u>not</u> an effort to re-define the RTP and its goals and objectives. Rather, this is an effort to refine the capital and operating elements of the plan and introduce a process for determining how regional resources will be allocated to deliver those elements. The process is not intended to challenge parameters for equity that are already in place (STIP county minimums, STP Guarantee, 85% minimum for STP funds, etc.).[11]

The contentiousness around this issue of scope did not recede. In March 1996 the task force made a report to 3PC and the same partner immediately expressed the same concerns.[12]

> Large CMA: Are we going to assume that the current law is the current law in terms of the use of funds, for example that it is limited to capital expenditures? ... We need to plan in the context of the current law.

---

[10] 3PC meeting 12/18/95.

[11] Memo to Partnership, Planning and Programming Committee from Andy Nash, Chair RTP Task Force, December 11, 1995.

[12] The following discussion is from the March 18, 1996 3PC meeting.

MTC: We can do planning without that. We can't program without the law.
...

Large CMA: I want to know what the assumptions are. Those are the key things.
There's no point proceeding without that.
...

Regional agency: Whatever the rules are, there needs to be assurance that there
are enough projects, that we can use the funds. We'll go down the list until we
have a funding source. We still want to know what the best projects are. We need
to get a picture of what we want. If we can fund it, great.

Large CMA: I'm still not comfortable with not having a clear statement of rules.
Presumably this will turn into something with which we evaluate projects.
...

Large CMA 2: We can operate with the caveat that we know we will be subject to
rules. That aside, how do we bubble up the best projects for the region? Then
we'll see if we can afford them. We [the task force] were focusing on "Do these
questions get at what's best for the region?"

Others, however, worried that the task force might have been too wedded to the status
quo and did not think innovatively enough.

Task Force Chair: We tried to put together a laundry list of criteria that will result
in a group of projects that work together.

Transit: May or may not be regionally acceptable. You could have a group of
projects that score well, but leave the most underserved parts of the region
underserved because no one thought of a project. The current financial situation
makes a planning document look like a programming document. How do we step
back and say "What are the big, significant unmet needs? Where are the priority
needs as opposed to bubbling up the best county by county projects?"

Embedded in these discussions of scope were substantive conflicts over the value of
different kinds of investments, particularly between transit and highways. The most vociferous
proponent of working within the current legal structure consistently used examples that indicated
a concern with the possibility that capital expenditures (presumably largely for roads) might get
shifted into operating expenditures (presumably mostly for transit).   Another CMA staff member
skeptical of the task force's work argued against the questions the task force had put together to
serve as a way of evaluating proposals:

The questions are value laden. It sounds like it was written by the Sierra Club and the Greenbelt Alliance. For example, it doesn't ask, "Does the project promote economic development?" The business/developer community would want to add those. The equity questions, these things harken back to the urban interstates, the anti-urban freeway stuff from long ago.

A member of the task force replied:

These <u>are</u> value laden. It's what we thought the region was trying to say. Transit investment in the urban core is more important that in the non urban core. We are trying to put value on questions. If these aren't the right values, then we need to change the questions.

As the above suggests, the task force's work touched upon some fundamental controversies among the partners, as well as between the partners and MTC staff and thus remained an extremely contentious item on the 3PC agenda. These issues and the discussion in this Task Force are looked at in detail in Chapter 13.

Major Investment Studies (MIS)

Like the RTP, the issue of major investment studies (MIS) was already before 3PC at the start of 1995. Initially discussion revolved around developing a regional approach to this ISTEA requirement and a committee task force was formed to address this issue. By midyear, however, discussions became focused on the concerns raised by one county regarding how an MIS would be deemed to be complete. This issue was originally taken to the Partnership Board which then referred it back to 3PC and to MTC staff for clarification.

In response to this request MTC staff drafted a revision to the guidance document concerning MIS. This proposed revision was presented at 3PC for discussion. Staff emphasized that even with such clarification, project sponsors could not be assured that challenges to the MIS would not arise. To respond to this continuing possibility, staff presented some additional ideas about how project sponsors might streamline or improve the MIS process to limit the potential for challenges. The committee requested that a new sentence be added to the proposed language. It was clear, however, that the committee did not feel that this issue had been resolved and there continued to be considerable unhappiness with the MIS process.

In response to this continued unhappiness, the Partnership asked for a meeting with staff from MTC and from FHWA (Federal Highway Administration) and FTA (Federal Transit Administration) to discuss the matter. This meeting was scheduled immediately prior to the regularly scheduled 3PC meeting in August 1995. The meeting was chaired by an MTC staff member, who noted that the major area of concern was the seemingly open ended nature of the process and the desire of project sponsors for more assurance that a project would not be challenged.

The leading critic of the MIS process was the executive director of the transportation agency in one of the larger counties. He expressed frustration with the inability of sponsors to

bring closure to the decision making process. He also expressed the view that the MIS process may have simplified things for transit by creating a more level playing field vis a vis road projects, but from the highway side the MIS requirement seemed like yet another step. He argued that it was essential to find a way to get a final signoff on a project.

> CMA 1: What we want is an acknowledgment from FHWA that the work we have done is viable, that they buy off on the preferred alternative. The feds say they won't do that until there is a complete EIS [environmental impact statement]. FHWA won't sign off on an MIS and my agency is very upset about this. Our concern is not with the concept of corridor planning or with multi-modal alternatives. Our concern is getting closure. We want buy in on an alternative we decide on through the MIS process.

> Representatives of other CMAs probed to see how extensive the problem really was.

> CMA 2: Is this happening in other parts of the state or the country?

> CMA 3: Do we have a real problem or a potential one? Have we had a problem where an MIS has been overturned? Is this a fear or a reality?... Let's not overreact.

> CMA 1: Our fundamental concern is that having spent a lot of money and time, when we got to the MIS, no one was willing to say even that the process seemed reasonable, let alone the decision. We went through a lot, we looked at a lot of modes to determine that a highway was the right mode–which we knew from the start.

Staff from FHWA and FTA tried to explain the process as they saw it, but as the conversation progressed, it became clear that there was considerable confusion regarding the MIS process and many issues were raised. Although there were differences of opinion among staff from the different counties, the general tenor of the meeting was one where the locals were on one side, the staff from the federal agencies on the other. However, overall a considerable amount of learning took place, both about the MIS process and about problems with it. Eventually the federal staff seemed to come to a greater understanding of the problem from the local perspective. Thus, this can be viewed as an example of where the Partnership process worked. It provided a forum where the counties and the federal agencies could learn from each other, speak effectively to federal agencies and move to solve problems. It is unlikely that any single county alone could have achieved progress on the MIS issue. Together, they were at least able to make themselves heard.

The following extended excerpt from the meeting illustrates these dynamics.

> CMA 1: We asked for a signoff or a letter and you wouldn't give it.

FHWA: A letter can't be viewed as approval. There is no federal approval of the MIS.

MTC: What does approval mean? Can the Partnership be the forum to sign off on an MIS? But will they? Can you do an option 1 MIS and not have to reopen alternatives as you go to NEPA?

FHWA: We rely on the MPO and the state DOT to evaluate the MIS.

CMA 1: We'd like to see from the resource agencies and from FHWA "we're satisfied with your analysis and conclusions and you can go ahead with the analysis for the preferred alternative." It is a great idea to do corridor level planning. I like the concept. We have done too much mode-specific planning in the past. But when we do the process and make decisions, let's stick with them. For example, with the I-80 corridor. There were 11th hour law suits saying we didn't think of rail. If there are major changes in the environment, we need to reconsider. But now there is too much revisiting of issues.

FTA: Put together a proposal about what you want. You want to be allowed to go to the next phase. We don't expect to bring something up late and set you back. As long as we're part of the process.

CMA 3: With I-80, rail wasn't considered. There was no MIS process because it had always been a highway project. My concern is with statutory change. It is hard to write something that deals with every situation. We've had no success getting NEPA or CEQA changes.

FHWA: Do you really want federal approval?

CMA 4: I'm still not clear whether we're talking about approving the process or the conclusion.

FTA: Once you've completed an MIS, you're in the NEPA process. You refer back to the MIS to satisfy NEPA for alternatives considered.

CMA 4: That's okay if there is no second guessing on the part of the feds later on.

FTA: It's all part of getting consensus of all the stakeholders. The MPO, FHWA, the public. You need public buyin.

MTC (to CMA 1): Who do you see signing off? Just the feds? We think about the MPO, the CMAs, the transit operators. How does the public sign off? What about the resource agencies?

CMA 1: I want FHWA, FTA, MTC, the federal resource agencies, and Caltrans signoff that the preferred alternative looks viable.

CMA 3: The signoff is the affected parties. That varies from project to project. The federal regulatory agencies are supposed to be involved. Why wouldn't they sign off?

CMA 5: It's very difficult to get the federal regulatory agencies to commit to anything.

CMA 3: But if they can bring up an alternative later on, we want them to sign off. The resource agencies don't have time to devote early on. But if they choose not to come, they should narrow their comments later.
...

MTC: What should require an MIS? It shouldn't necessarily be cost. We have lots of flexibility at the partnership level to define what needs an MIS. Is a gap closure an MIS project?

CMA 3: A lot of evident solutions aren't necessarily evident. The nature of a highway may not be evident.

CMA 1: We start out with projects where we know what we want to do.

CMA 3: That's not what we're supposed to be about.

CMA 1: We often do an MIS for projects where we know what we want.

FTA: The point of an MIS is to identify transportation problems in a corridor. An MIS is not supposed to be for a specific project. You could have a package of investments for a corridor. The corridor study is the MIS.

MTC: The consensus is that we'll draft a protocol process with a signoff. Will [staff from CMA 1] do the draft?

CMA 1: The language would have three boxes: the process was reasonable; we have looked at a reasonable set of alternatives; the alternative that falls out is reasonable. The participating agency might sign off on some but not all.

FTA: The feds don't endorse alternatives. That's a local decision. We just let you go forward. We don't endorse alternatives.

CMA 3: I don't want to send a document to the feds where they pick a box to sign. What is the implication if they won't check all of them? Some MIS's don't have a single alternative.

CMA 5: You may have a package of projects.

MTC: We'll bring a draft back to 3PC.

When the issue was returned to at a subsequent meeting partners continued to express frustration that the MIS process was potentially an expensive and time-consuming one that added little value if it did not result in the elimination of some alternatives. The committee agreed to a proposal from the county that had originally raised the issue that the MIS guidance be amended to include a sign off on the validity of the process used and that the matter be referred to the Legislative Committee to pursue legislative action that would solve the problem. The proposed revisions to the MIS guidance were presented to 3PC in January 1996 for approval.

ISTEA Multi-Modal Application

The Fund Programming Subcommittee of 3PC was responsible for development of the multimodal application for federal ISTEA funds and its work was taken to the full committee for discussion and approval. FPS was also charged with monitoring the progress of projects funded through the ISTEA program to ensure that they were actually delivered in a timely fashion. During the period 1995 - 1996 a number of significant issues arose including the definition of regional projects, questions concerning how projects would be scored and how to approach the problem of projects that were not meeting delivery deadlines.

Regional Projects

The issue of how regional projects would be defined was a source of dispute through much of the ISTEA period (and in fact, beyond). It was important since a separate process, controlled by MTC and not the county CMAs, governed the programming of regional projects from federal funds. Moreover, the cost of regional projects was to be shared by all the affected counties and not borne by a single one, as was the case for local projects. Thus, the cost sharing formula was also a source of considerable contention.

FPS had developed a definition of regional projects that had both an impact and a benefit component[13]. Several smaller transit operators, however, sought a categorical definition of

---

[13] To satisfy the impact test a project had to demonstrate that at least three counties each contribute a minimum of 10% of trips on the facility OR the facility handles over 1% of the region's roadway trips OR the facility handles over 10% of the region's transit trips OR the facility handles over 10% of the region's freight volume. The benefit test required that a regional project located in a single county had to demonstrate that at least 50% of the project's beneficiaries were from outside of the county. for multi-county projects, the test only had to be satisfied in one of the constituent counties. In addition, the definition had a policy component which held that either the Partnership or MTC could determine that a project had regional significance even if it did not satisfy the impact/benefit test.

regional projects (e.g., all multi-county transit service) because of fears that their projects would not be funded through a local priority setting process. If their projects were classified as regional, they could apply directly to MTC for funding from discretionary state or federal funds. As the chair of the Scoring Task Force wrote in a memo to 3PC, "This position is inconsistent with the Task Force's original philosophy of narrowing the definition of regional projects to encourage a more comprehensive priority setting process at the local/CMA level."[14]

As 3PC discussed this issue, the extent of mistrust between CMAs and transit operators became clear, as did the fact that at least some transit operators did not understand how the process worked. The chair of FPS (a staff member from one of the larger CMAs) explained the latest flareup to the committee.

> I am exasperated. We have dealt with this for so long. We have a process that is already a compromise between a purely numerical approach and process oriented solutions. What has happened is that small transit operators want to categorically define some small transit projects as regional. It boils down to a matter of trust, the relationship of smaller operators to their CMA.

The chair of the Scoring Task Force reiterated the point.

> The smaller transit operators are not comfortable with the local priority setting process at the CMA level. It comes down to not wanting to deal with the CMAs. They want to go to MTC.

The FPS chair then explained the source of his exasperation.

> What I asked for was, if something is wrong with the process that had been proposed, what exactly is wrong? We have a process so we don't have at the last minute someone asking for it to be done another way. The argument I heard was "we want these to be regional so we don't have to argue with the CMAs." But that's not one of our goals.... If we start giving special treatment to these projects for which we have no good reason, we'll be back to the table addressing more projects and we will undercut the process. We should not change the criteria.

At this point one of the transit operators requesting the change weighed in.

> Transit: Why is it important to a project sponsor whether a project is local or regional? If the project is local, to access scoring, you have to get in through the

---

August 10, 1995 memo from Walt Streeter, Chair, Scoring Task Force to Partnership Plans and Programs Committee.

[14] ibid.

CMA bid list. So it is significant to a sponsor if they feel they will not be fairly evaluated by the CMA.

Scoring Chair: But this is not the way to deal with that problem. Changing the criteria for what is regional is not the way to deal with the problem of CMA operation.

Transit: Is each CMA held to the same scoring criteria? What is the screening process?

CMA 1: It is a standard screening process. There is also an appeals process.

CMA 2: It doesn't pay the CMA to violate the regional process because their projects will not score regionally and get funded. We hold the CMA staff accountable. What we can't deal with are local political officials.

CMA 1: You can always go to MTC or the Partnership and ask them to determine that it is a regional project.

Transit: Do the tests for regional significance apply to the project or to the sponsor? If a regional operator proposes a project, is it automatically regional?

MTC: We do need to be sure that transit operators have fair access to discretionary and guarantee funds.

Transit: Do the same screening criteria apply to the discretionary and to the guarantee programs?

MTC: Screening yes. Scoring no.

CMA 3: Once the definition is in place, if something is a regional project, the cost of the project is assigned to the counties throughout the region. So CMAs have an incentive to make things regional.
...

3PC Chair: Does anyone disapprove of the regional definition without amendments?

Transit: It gives individual counties veto power over projects of transit operators

CMA 3: Is that true?

CMA 2: That seems like what we want, for non-regional projects to be determined locally.

CMA 1: MTC is the only place that can veto.

CMA 2: The CMA should be able to veto local projects. Local jurisdictions have control over local projects. That is how it should be.

CMA 3: There's a safety valve there. If one CMA is vetoing, we'll look at it.

This discussion can be seen in a number of lights. From one perspective, partners strongly defended the universal process for scoring projects that they had jointly developed against the particularistic incursions of some transit operators. From another perspective, however, this discussion can be seen as a defense of CMA power by staff from the CMAs from a challenge by smaller transit operators. Seen in this light, the discussion reveals a lack of mutual understanding between CMA and transit partners and a reluctance to really deal with the issues being raised.[15]

The issue of regional projects reappeared on the 3PC agenda in early 1996. The Scoring Task Force had decided that a project for a ferry terminal had not met the criteria for a regional project and the sponsor wanted the decision reconsidered on the grounds that even though the ferry only served two counties (one criterion for a regional project is that it serve three), the ferry system overall was regional and thus the project should be considered so[16]. The matter was first brought to the Fund Programming Subcommittee. FPS recommended that the decision of the task force be upheld on the grounds that the criteria that had been adopted by MTC had been appropriately applied.

At the 3PC meeting the discussion revolved around a number of issues. One was the proper procedure for dealing with the matter. The sponsor had requested that it be placed on the agenda of the Partnership board. Several committee members, however, argued that it should go straight to the Commission for resolution since in essence what the sponsor was asking for was a change in the criteria. In the course of this part of the conversation, it became evident that there was a great deal of confusion regarding the role of Partnership committees and their relationship to the Partnership Board and to the Commission.   Even a former chair of 3PC was not sure of the answer.[17]

Do the committees get authority from partners? Do we need to come to the meeting to back it up? This is getting at whether the criteria are correct. The question is how much to empower the committees so it should go to the Partnership.

---

[15] We should note that the definition of regional projects was not only a thorny issue at the time of this discussion, but proved to be an ongoing problem for the partnership and one that was never satisfactorily resolved.

[16] Memo to Partnership Planning and Programming Committee from Walt Streeter, Chair, Scoring Task Force, January 4, 1996.

[17] Following is from 2/20/96 3PC meeting.

Current Chair: All of this is ultimately advisory to MTC. The Partnership was designed to address redundancy of decision making.

Large CMA: We should clarify that the request will go to the Commission and not be a staff decision.

...

Chair: Do we need to do anything further on the appeal? [the past chair] makes a good point that the Partnership needs to decide. Do we agree that these things can go straight from 3PC to MTC?

Small CMA: We should put it on the Partnership agenda to follow this procedure this year and make it 3PC to MTC next year.

Earlier in the discussion an MTC staff member had intervened and pointed out that there was a way around the problem of changing the criteria. In the process of doing this the staff member gave the committee a way to avoid having to deal with the fundamental issue of the criteria and in the process demonstrated the superior grasp of the procedures MTC staff had.

Remember the regional process criteria. One is benefits. One is impact and the third is that MTC makes an exception for issues other than A and B. Thus, there is no need to change A or B.

In April 1996, FPS brought the question of how costs for regional projects would be allocated to 3PC for discussion. Various counties objected to the percent of costs they were being asked to bear for various projects, and the matter had become a source of considerable tension among the partners. The general principle which had been established was that county charges would be proportional to the benefits the county received, but that principle had been implemented in different ways for different projects. For some, population was used. For a project involving the development of a single regional transit ticket (Translink) the chargeback was based on which elements of the project had been distributed to the various transit operators. For still others, ad hoc cost sharing arrangements had been developed.

At this meeting, a specific project was the issue - a joint intermodal terminal at one of the region's port facilities - but the dynamic of trying to push the costs off on others was typical of many such discussions with few, if any partners taking a consistently principled position on the issue of paying for regional projects.

Large CMA 1 (where the project was located): If we go through the process of defining something as a regional project, it means there's a benefit to the region. Others need to share in the cost. It makes no sense for a regional project if [my county] has to pay for it all. We'll have to revisit the issue of regional projects and

109

how to fund them. If this project is funded, it has to be funded like all other regional projects.

Large CMA 2: But there's no single formula.

Small CMA: It should be tailored to the project.

Transit: The definition of a regional project doesn't mean that all nine counties benefit.

Large CMA 1: There's little or no value to defining something as a regional project if there is no way to fund it. If we really believe there are regional projects, and we all believe there are, we need a way to fund them.

Large CMA 2: I agree. We need a set aside.

Small CMA: That's just a population surrogate. We shouldn't use that.
...

Large CMA 1: Part of the problem this year is that there is so little money. We need to be careful about funding too many problems this year.

Large CMA 2a: This is a good time to think about whether we want certain things as a region. There are other, more indirect benefits to the whole region. We need to think in terms of the overall question instead of squabbling over percents.

Small CMA: Most of the benefits of this project are in [large county 1].

Large CMA 1: They are spread across the industrialized counties... If people are saying that all the economic benefits are in [my county] it's not true. They are saying that they are only willing to give lip service to freight issues identified in ISTEA.

Small CMA: I was just arguing that it shouldn't be split on the basis of population... I suggest we continue with project by project negotiations for this cycle but create a task force to look at this issue.

The problem of regional projects continued to plague the partnership. The failure to come to grips with the definition of such projects is a sign of one of the major weaknesses of the partnership process. Members were unable to develop the intellectual capital needed to transcend their own county boundaries to see the regional impact of various transportation investments. Without such capital it was very difficult to develop a truly regional transportation vision that was more than the stapling together of project lists generated by each county.

Scoring

In August 1995 FPS reported on the beta testing of the new multi-modal scoring process. Committee members were quite assertive about their desire to see the actual data, as well as their desire to have final approval of the application, testifying to the engagement and vitality of the committee at this time. They were not content to take the word of MTC staff or even of their own subcommittee on the crucial issue of how the scoring worked.

> MTC: There were some unusual variations from inaccurate and inconsistent application of the criteria. It's not an easy job. There was often wide variance from inconsistent interpretation about what applies. MTC staff will work on training. We will have samples as part of the application, or at least we will try to. There's lots of work to do to help it be more user friendly. But there's nothing very significant about substance.

> Transit 1: I'd like to see the beta testing results. I'd like to see the application before us. I have questions about the fairness to transit projects that are productivity improvements.

> 3PC Chair: I didn't realize that we had adopting the application on the table. 3PC has never had a chance to weigh in on the application.

> FPS Chair: We're not asking for approval of the application.

> MTC: There's a schedule problem. We won't meet again before we go to Work Program [the Commission committee that had to make a recommendation concerning Commission action]. We didn't get the beta test results until Friday.

> 3PC Chair: Why isn't the application in the [agenda] packet?

> MTC: The application is the same as the one you saw in July. If we ship it, we'll lose a month and that will have a major impact.

> CMA 1: We really won't know about this until we have a wide array of projects scored with this.

> CMA 2: We can't completely delegate to FPS.

> FPS Chair: I wanted a wrap up of the issues today with the application in front of us and a decision about regional projects which is the biggest issue. We can do it on faith, or we can schedule a special meeting and live with the delay.

Transit: I'm concerned that we haven't really talked through the issues.

As a result of this discussion, the committee decided to hold a special meeting to review the application in approximately two weeks. In the interim, a small group of FPS members worked closely with MTC staff to revise the application in light of the beta test results. This revised application was presented to the full 3PC for review.

The meeting ranged over a number of issues and the discussion often helped to both clarify issues and educate members. For example, the first major question that arose was whether the application should say that it was only for STP funds. In earlier ISTEA programming cycles the same application had been used for both STP and CMAQ funds. However by the summer of 1995, the Bay Area's air quality attainment status had changed and it appeared that the region would no longer be eligible for CMAQ funds.[18]

> CMA 1: I don't want to give the impression that if FCR [a major state transportation program] had been on the table, the application would be different. It sounds like that when it says that it is only for STP. The criteria should be broadly applicable. It should say that the procedures are designed to be applied to federal and state funds.
>
> MTC: It says it is only STP for the aid of project sponsors.
>
> Transit 1: If you get CMAQ money, how would you anticipate handling that?
>
> MTC: We don't anticipate getting CMAQ money. The dollar amount for the application is only STP money.
>
> Transit 1: I'm asking about the upside, if we do get CMAQ money.
>
> MTC: The expectation is no. But if we do, we could a) go further down the list or b) have a supplemental call for projects.
>
> CMA 1: Inherent in the question is that last time we had special criteria for CMAQ money. Would we this time have to have supplemental criteria to identify CMAQ-eligible projects?
>
> MTC: I expect it will only be STP money.
>
> CMA 2: Refresh my memory about the special provisions for CMAQ.
>
> MTC: There was one set of ranking criteria but within that we assigned a project to STP or to CMAQ.

---

[18] Following quotes all from September 6, 1995 3PC meeting.

Transit 2: We should keep this only STP. I don't want to imply that projects might be drawn off this list for future money. If you do that, what projects do you submit?

CMA 1a[19]: Let's be clear. The criteria are not just for STP, but the only funds now are STP funds.

CMA 1: If we had more money, we might submit more or different projects.

Transit 2: Yes. It's cleaner to say this is just STP.

CMA 1: But the criteria would be the same if there were other funds.

Later in the meeting the director of a large CMA challenged an aspect of the scoring scheme. What follows is an extended excerpt from that discussion. In it one can see members of the committee working through the implications of what they've done and various potential changes to it, i.e., developing a shared understanding of their goals and of how the scoring criteria serves them.

CMA 1: If we're attempting to provide equitable treatment across modes, this doesn't do it. For example, an HOV facility gets five points. You also get five points for non-commuter school use for bikes. So a bike lane and an HOV lane get the same number of points. That just doesn't make sense. The public works people will say that it is impossible to compete with an expansion project for local streets or roads because the points are unfair.

CMA 2: This points to an inequality within the expansion category. But an HOV lane scores higher in other areas such as congestion relief. So an HOV project will score higher overall.

CMA 1: My example was carefully chosen. It relates to the I-80 expansion. There is an HOV lane. There is also a proposal for a parallel bike lane. It looks like the points would lead you to choose the bike lane. That makes no sense.

CMA 3: That may be the case in this category, but not others.

CMA 1: If it is true that we would choose the bike lane, we have a real problem in the scoring process. The most serious problem is that if the public works people see this, they'll come unglued.

CMA 2: Is the parallel project a gap closure or a new facility?

---

[19] This designation indicates a second speaker from the same organization.

CMA 1: A gap closure and the bike sponsor used the LOS (level of service, a measure of congestion) along the freeway. That gives the maximum multiplier.

CMA 3a: We should downgrade the bicycle scoring, not upgrade the other. There is no regulation that requires us to give bicycles the same treatment as other modes.

MTC (to person who made the original challenge): Are you proposing an adjustment in the scoring or challenging the whole premise?

CMA 1: If the principle is that bicycles don't contribute as much to congestion relief, we have to apply it through the whole system.

CMA 3a: If we talk about strategic expansion as a way to allocate scarce resources, there is a subjective judgment that a project has more benefit. It's a value judgment about what is more desirable with a shortage of money. We could just make the judgement that in a time of scarcity, we don't consider bicycles to make as much of a contribution as transit or roads.

CMA 1: There is a point there. Look at transit. The point values are more consistent with roads. Freight too. So the big thing is the discrepancy between the bicycle points and highway points. Ramp metering also ought to get two points. Ramp metering is very important to the functioning of a highway and an HOV lane.

CMA 3a: I assume we'd add points for ramp metering.

CMA 1: What we're saying is, we want you to build highway facilities for multiple occupant vehicles. Then we're left with whether the point structure for bicycles is consistent with the other three categories.

CMA 3a: We could do something to lower the bicycle points. The other way to deal with this is to deal with the issue of parallel routes. In most places, a bike lane is not in the same place as an HOV lane. Maybe we need an exclusion for the freeway system. Relate bike lanes to arterials. We can do that without twisting the points.

CMA 1: So we'd deal with the multiplier, not the impact score.

CMA 3a: That's parallel to what we did with freight. I don't want to see a cascade of changes.

CMA 1: That's right. Look at transit. We say that you must make the case that it is relieving congestion to use the multiplier.

CMA 2: The bike community will take umbrage. Some counties have bike facilities that parallel the freeways.

CMA 1: Then maybe the solution is to put them to the same test as transit. It makes it more subjective, but it gives flexibility. It's a more elegant solution than messing with points.

Transit 1: We could give a choice. Either demonstrate that they are relieving congestion or give them a lower multiplier.

CMA 1: Either accept .3 or make the case for another.

Transit 2: How much of a problem is this? How many strictly bike projects did we have last round?

CMA 3a: Two in [his county].

City: Bike lanes don't connect to anything today. I would hate to make it so that you can't complete a bike system that might relieve congestion.

CMA 2: That's a good point. HOV lanes were in the same predicament a while ago. They didn't connect to anything. I don't want to give an automatic disadvantage to bike lanes.

CMA 1: Give them the option to justify the multiplier based on relieving congestion on a parallel road. It's the same test as transit has.

Transit 1: I have no problem with the idea that a gap closure on a bike path parallel to a congested freeway is a good project.

CMA 3a: Use .3 as the default?

CMA 1: I don't care what we use. It must be based on relieving congestion.

Transit 3: This raises a new question in my mind. Some projects have <u>negative</u> impacts on bicycles. Has there been any thought to devaluing those projects?

MTC: We debated negative points. But we decided the competition would be on benefits only.

Transit 3: So a project that makes pedestrian access impossible is not downgraded?

MTC: What about a bicycle-activated signal that slows traffic? We're handling it as a positive impact. We're not considering the negative impact.

Transit 3: A bicycle has an equal right to use the road as any other vehicle. So the question about a bicycle-activated signal is the same as a traffic-activated signal. it's put in for the operation of the system.

MTC: That's what I'm saying. That's the level where we evaluate it. Not the congestion it creates.

Transit 3: The next step would be to consider the negative impacts of one mode on others.

CMA 2: We made a conscious decision not to deal with negatives.

CMA 1: Let's put it on the table for the next cycle: how to deal with negatives.

There are several notable things about this discussion. First, it demonstrates the kind of learning that can take place when a group is working with concrete examples and when it has the latitude to work through various scenarios. Notable too is the relatively minor role MTC staff played in this discussion. Unlike many partnership discussions which were dominated by MTC staff, in this one, it was the partners themselves who controlled the discussion. On a less positive note is the fact that although some participants made the case for bicycle projects, those stakeholders were not at the table and were dependent on staff from county CMAs and from transit agencies to make their case, though for the most part they were unenthusiastic.

At this same meeting, a representative from a transit agency raised the question of how the resolution 1876 rail projects would be treated. This package of projects was the subject of intense negotiations within the region and is held by many MTC staff members as the primary example of the benefits of regional cooperation since it prevented different parts of the region from competing against each other for limited federal funds. As time has passed, however, other players within the region have come to question the priority that the costly 1876 projects continue to be given. The proposed multi-modal scoring criteria included points for being an 1876 project and this inclusion was now questioned.

Transit 2: Every time we perpetuate 1876 it gets in the way of moving past it. We need to update 1876 or eliminate 1876.

CMA 1a: We haven't changed it yet so it didn't make sense to get rid of it.

Transit 2: We haven't changed it, but do we give it a free pass in this new process?

CMA 1: Why should 1876 continue to get a free ride? .... Should we get rid of 1876?

CMA 3: No.

CMA 1: Yes.

Transit 3: Should 1876 get 15 points?

Transit 2: Most would get 15 points because they do stuff below [on the application].

CMA 1: But the policy issue is, do they get special status?

CMA 3: Until MTC changes it, we shouldn't fool around with this. It may be only a small ingredient, but it might be important. 1876 has been MTC policy for a long time.

CMA 1: Every time we ask that it be looked at, it doesn't get done.

MTC: It is a longstanding commitment

Unknown: If a project is worthwhile, it will be funded. It's not smart to put money into non-worthwhile long term commitments. If it can't stand on its own merits, why do it?

CMA 1a: This is a policy level discussion of the value of 1876. The subcommittee was working with agreed upon commitments about what the region wants. We are supporting what is already in the pipeline. But that can be changed.

Unknown 2: We have to look at how long ago 1876 was enacted. Things have changed. There may now be more pressing transit needs.

Transit 3: Why not give a bonus on the impact value scoring for 1876 projects?

Transit 1: It's a matter of political perception. If you're doing expansion, you should have regional agreement.

CMA 3: My concern is more with perception. I like [transit 3's] suggestion. Go to a "plus" category. Give it an added five points. It needs to look to the Commission that it is more important than park'n'ride lots.

This interchange shows both the promise and the limits of the evolving partnership. On the positive side, a concern was raised by a partner, and a resolution was reached through a process of discussion. On the other hand, this conversation reveals the frustration many partners

have expressed at the fact that 1876 projects are, from MTC staff perspective, off the table for discussion.[20]

Another issue surrounding the scoring process that 3PC dealt with during this period was the composition of the scoring teams. These teams were to be made up of volunteers from the various partner agencies. A transit representative, however, was adamant that each team include at least one person from a transit agency. Although no one objected to the idea, several committee members pointed out that there was no way to compel participation on the scoring teams. This matter did not take up much committee time, but is interesting for our purposes because it both reflects the dominance of the CMAs in the partnership process and suggests the difficulties in getting fuller transit participation. Transit operators did not believe that their interests were adequately represented by CMA staff (and often in fact, quite the contrary) yet poorly staffed transit operators often had difficulty mustering the resources to participate fully in the Partnership.

ISTEA Project Monitoring

The Fund Programming Subcommittee had responsibility for monitoring the progress of projects programmed for federal ISTEA funds. Based on data provided by MTC staff and by project sponsors, the subcommittee attempted to ensure that projects were delivered on schedule and that therefore no federal money was left lying on the table at the end of the ISTEA process. Intermediate deadlines were monitored, and at times extended. Efforts were made to help sponsors overcome obstacles to project delivery. However, a process had been developed in connection with the original scoring criteria for reallocating monies that could not be spent on time.

In March 1996, FPS brought the issue of deobligating money (i.e., taking money away from a project that it appeared could not be delivered on time) to 3PC for discussion. FPS was not looking for new rules or procedures, but rather was seeking assurance from the parent committee that it should proceed with its task, given the politically sensitive nature of the prospect of actually defunding a project. FPS was becoming concerned that if it did not do this fairly quickly, the region might be faced with the prospect of being unable to find another priority project that could be delivered before the ISTEA program ended on September 30, 1997.

3PC members continued to be supportive of the concept of project money but wanted to be sure that FPS was not introducing new criteria for moving money to a new project.

> Large CMA 1: We already have rules for what to do when something can't be completed.

---

[20] In fact, the 1876 issue is but an example of a broader set of questions about what is on and what is off the table for discussion that 3PC periodically encountered. See, for example, the discussion of the scope of the RTP Task Force above.

MTC (presenting in the absence of the FPS Chair): The question is how early should we act on endangered projects. The first step is for the CMA to investigate where the problem is. Then we would deobligate if it can't be solved.

Transit: But the process of deciding where deobligated funds go is not changed?.

Large CMA 1: We're not reopening which project gets the money?

MTC: No. The idea is to be clearer about how soon to open it up and what to do.

Transit: We should focus on problem solving.

MTC: Yes. That's the first thing.

Large CMA 2: It's clear that unless there's real action to deprogram, this is all phony. On the other hand, we don't want to deny a fair hearing. It's one thing to deprogram a local street or road rehab. It's another to deprogram a major regional project.... Has a sponsor ever said no and fought deprogramming?

MTC: No.

Transit: To some extent, the effort has had the desired effect. We're getting people focused on delivering projects.

Large CMA 2: If we just keep extending deadlines, it becomes no deadline.

Large CMA 1: That hasn't been our history. Extensions have been for good reason.

Unknown: This came up at FPS because of a fear about the end of ISTEA. We want to be sure that there is enough time to say something is dead and still have enough time to encumber funds for a new project.

Large CMA 2: What is the action you want from us?

MTC: To buy into the idea of focusing on problem solving and support the removal of funds early on.

Transit: Early on as in when?

MTC: It depends on the project. If you need a right of way and you still don't have it, you probably won't make it.

The question was never formally resolved by the committee, but the general tenor of the conversation, as reflected in the excerpt above, was to continue to support the concept that projects that could not be delivered on time should be stripped of their funds and that those funds should be reallocated to the next highest priority project that could be delivered. However partners were clearly concerned that this not be done too hastily and that efforts be made to help project sponsors meet their deadlines.

As time passed, FPS became more concerned about the prospect that funds for delayed projects might be lost to the region. At its August meeting it proposed to use the TIP (Transportation Improvement Program - the primary spending plan for federal funds) monitoring data base as a starting point for identifying projects with delivery problems. The proposal was to ask CMAs to update the data base and notify MTC and project sponsors of any projects that were behind schedule. An effort would be made to distinguish among projects that were late, but likely to be able to spend funds on time and those which appeared to be unable to do so. Sponsors of projects in the latter category would be asked to discuss their projects with FPS which would then make a recommendation to 3PC as to whether the funds should be reprogrammed.

This proposal was brought before 3PC in August and approved. At its September meeting FPS heard presentations from each CMA on at risk projects and identified a few that did not appear to be deliverable by the ISTEA expiration date, at that point only a year away. FPS also discussed a variety of principles that could be used to determine which projects funds should be transferred to. Notably, when the list of options was presented to 3PC, the committee directed FPS to delete options that involved ensuring that the reprogrammed funds would remain in the same county, opting instead for funding a project purely on the basis of the score it had received.

The strength of the partners' commitment to the rules that they had put in place was seen in January 1997 when FPS and 3PC dealt with a request for an extension beyond the September 30 ISTEA expiration date. The project sponsor attended the meeting to argue their case, but members of the committee held firm.

> FPS Chair: We had much discussion of this. Not about the merits of the project, but about the process of the extension. We have not granted any beyond September 30th. We have asked CMAs to emphasize the September 30th deadline. We have said that funds will lapse if there is no NextTea and continuing resolution. The committee is very uncomfortable about an extension. We think it is premature. The [sponsor] needs to work diligently. There may be a time later, but to set a precedent now is counter productive to get other projects moving.

> MTC: We sent a letter to [the sponsor] after a meeting between Larry and the executive director of [the sponsor]. They understood the circumstances. We have a process with the Partnership. We don't make unilateral decisions. We work through the process. It's not a problem with the merits of the project. But because it is such a large projects, there's lots of money involved and because some CMAs have given up projects because they couldn't meet their deadlines, we want to delay a decision for at least a month to discuss the precedent.
> ...

FPS Chair: The committee doesn't question the merits. We have a process, expectations about how these things are dealt with. The committee wants to take time and work with MTC to develop the process.

Transit: Are you proposing developing criteria?

FPS Chair: We want to look at what we've already developed and be sure we're not breaking rules.

Large CMA: We do have a September 30th deadline. When you open that, you open it for everyone. Until we find a reasoning that says this is a special case, size is not enough. Other projects have environmental problems too. We have to be clear in this case. Otherwise we upend the rules. We already have a precedent of money returned. What do we say to them? We need to do some thinking.

Committee members pushed the sponsor about the likelihood that they would in fact be able to obligate funds. Other committee members suggested trying to identify an alternative project that could be obligated quickly if this one in fact fell through. All were seeking a solution that would preserve the integrity of the process, give time to the sponsor to work out its problems and also ensure that should the sponsor fail, the region would not lose the money.

Both the project monitoring process and the agreement on the idea that it was in the regional interest to monitor projects and reallocate funds (often to a different county) when necessary to avoid leaving money on the table were significant successes of the partnership process. The contact, regularized interaction, and learning that the partnership process fostered enabled partners to work together to overcome obstacles to project delivery. In one of its reports to 3PC the FPS chair emphasized the overall success of the Partnership monitoring process. He wrote:

It should be noted that while some projects will not go forward, and some are behind schedule, the <u>vast majority</u> of programmed projects have obligated their funds and are either under construction or completed. Without the Partnership and its ability to deal with issues and problems as they arise, this would not have ben possible. [21]

The social and intellectual capital that partners had been able to develop together enabled them to agree to the idea that faltering projects had to be stopped before it was too late to spend the federal funds involved. Even as the prospect of taking funds away from a project became more real partners were unwilling to back away from their agreement to do this, and they reiterated their commitment to funding projects on the basis of score. This agreement was undoubtedly easier to achieve because most of the discussion did <u>not</u> take place in the context of specific

---

[21] Memo to Partnership Planning and programming Committee from Walt Streeter, Chair Fund Programming Working Group, September 6, 1996.

projects, but rather in terms of general principles and in terms of the growing understanding that FPS was gaining as it actually worked with the monitoring process.

State Issues

3PC was the Partnership committee with primary responsibility for planning for, and overseeing the programming of, state transportation funds as well as the federal ones discussed above. The state program is embodied in the STIP, the State Transportation Improvement Program. Monies flow into this program from both the federal and state gas taxes. During the period of our study, in 1997, the state legislature enacted a major policy change concerning how state transportation monies would be programmed. Planning for this new regime, called SB 45, is described in detail in Chapter 15. Here we will discuss the activities of 3PC (and FPS) during 1995 and 1996. At that time the STIP included the Flexible Congestion Relief Program (FCR), which was primarily a highway program, as well as programs targeted to transit and system management. Two major issues came before 3PC. The first was how to deal with an expected shortfall in the STIP due to state budget deficits as well as the unanticipated costs of significant seismic retrofitting in the wake of two major earthquakes in the state. The second issue, which emerged toward the end of 1996, was how to plan for the 1998 cycle of STIP programming.

Budgetary Shortfall

Throughout the summer and fall of 1995 and well into 1996 the shortfall in the state transportation budget was an issue of major concern to 3PC. This shortfall meant that some projects that the region had expected to be able to fund from state monies would no longer have funds available to them. The size of the shortfall, however, and the way it would be distributed among regions within the state were initially unknown. MTC staff regularly reported on the state of budget estimates and the evolving state procedures for dealing with it and answered questions from partners as best they could. Although the committee was largely dependent on MTC staff for information, at one point several committee members expressed concern that MTC was being too conservative in its revenue estimates and asked that MTC staff find out how other regions were estimating revenues.

In early November 1995 a special meeting of the committee was held to discuss how to deal with the shortfall in state transportation funds. Not surprisingly, this meeting was extraordinarily well attended. MTC staff briefed committee members about plans for how to deal with the need to cut up to 25% of the regional program and distributed a detailed listing of all projects potentially affected.

Much of the meeting consisted of discussions about how particular projects would be treated. Several MTC Commissioners had expressed concern about projects within their home county; individual committee members raised additional concerns about specific projects. Although much of the discussion was fairly technical, committee members consistently struggled with balancing at least three different goals: preserving the integrity of the process, achieving regional needs and protecting the interests of the county involved. Specific proposals were

discussed and modifications were made in rankings to try to balance the desires of a county with the impact of various projects on the region as a whole.

The discussion of how to deal with an expensive road project that might be in jeopardy if cutbacks had to be made illustrates these dynamics. An MTC Commissioner had expressed a desire to protect this project. To do so, MTC staff proposed splitting the project in two pieces as a way of securing at least some funding for it, but members of the committee questioned the consequences of doing this for the rest of the region. The point was made that the maneuver would be obvious to the California Transportation Commission (CTC), the body with the final decision making authority over which projects would be funded, and that this would hurt the credibility of the region as a whole. Others insisted that the project be evaluated in terms of the benefits it would provide to the region.[22]

> CMA 1: What does this means? If you split the auxiliary lane, do you have a project? Shouldn't it be listed as a trade?
>
> MTC: It's not clear what the numbers are from Caltrans.
>
> CMA 1: But if there is no auxiliary lane, it will be clear to the CTC.
>
> CMA 2: This is pure sophistry to satisfy a commissioner. The CTC will see that and do what it's going to do anyway.
>
> CMA 1: Wouldn't it be more honest to offer this as a trade?
>
> CMA 2 (addressing representative from affected county): Is this actually a piece necessary for the HOV project? Is it really a trade?
>
> CMA 3 (the affected county): It is literally a trade.
>
> MTC: Do you want us to say that?
>
> CMA 1: If the CTC is going to take a hard look we ought to be as forthright as possible about everything in the 25% limit. That will make them look more favorably on everything we do. I'm not comfortable with an artificial split. They'll say we're playing games.
> ...
>
> CMA 2: Does [the county affected] need this for the project?
>
> CMA 3: I don't know. If Caltrans can do the southbound HOV lane alone, we'll need it. If it can't, we'll have to do something else.

---

[22] The following quotes are all from November 1, 1995 special meeting of 3PC to discuss STIP shortfall.

MTC: From a regional point of view it makes sense to get the whole project.

CMA 1: Will this give us a continuous HOV lane?

MTC: I propose we make it number one and not split the project.

CMA 1: We're doing it because we need the HOV lane, not the auxiliary lane.
...

CMA 4: Would we do the southbound auxiliary lane if we don't need it for the HOV lane?

CMA 3: We wanted the auxiliary lane but the HOV lane has more benefits for the region.

Transit: If it's not a trade, it looks weird to be on top of the list.

CMA 4: Caltrans, do you have a problem with making it a trade?

Caltrans: It seems okay.

The second major issue discussed at this meeting was the phasing of projects, i.e. in what year of a multi-year program each project would be scheduled. As with the issue of the ranking of projects, this was a matter of great concern to committee members since, particularly in an era of shortfalls, phasing would affect when (and perhaps even whether) a project would be done. Although a considerable portion of the conversation involved jockeying among various counties for the placement of their projects, the group also collectively wrestled with matters of strategy for getting the most money for the region.

CMA 5: I have a question about the total numbers for the 1997 allocation. Shouldn't we be able to justify more? Are we hurting ourselves if we have more projects that are ready to go? If we have deliverable projects and the opportunity is there to put more forward, why not do that?

MTC 1: We've been told that everyone will have to delay projects.

CMA 5: The CTC says that they will program $750 million. Isn't our share 20%?

Transit: Will the STIP be the allocation plan? If you're in a later year and something drops out, can you accelerate?

CMA 4: If we're more realistic, they are more likely to honor it.

CMA 5: But if we give them less than our share, we're saying we want to delay. it's a judgment call. But if our share is $150 million, we should show that in the first three to four years.

CMA 4: There's likely to be some slippage.

CMA 5: I can see stretching it out, but not so far, especially with ready to go projects. If based on their numbers our share is $150 million, we hurt ourselves by coming too short. Why are we doing that?

MTC: You're making a leap about CTC capacity over seven years. It is highly unlikely that they have that capacity.

CMA 5a: Once they look across the state, give them a second game plan to show them our deliverability.

MTC: They ask us what's the earliest year we're ready to go. We could submit that and then with what they can and can't handle on a case by case basis. Or, we could submit this but with a list of the earliest deliverable date if they have a hole.

CMA 2: That's [CMA 5a's] idea. It's a good one. Every one else is probably going to front load. They'll get slammed.

CMA 5a: When the CTC staff goes out and looks at deliverability in other parts of the state, they'll find softness.

3PC deliberations concerning the politically painful issue of funding shortfalls reveals a number of things about the functioning of that part of the Partnership in 1995. First, as with most Partnership matters, MTC staff took the lead, and the committee worked off of detailed documents staff provided. But second, at the meeting itself, MTC staff did not dominate. Proposals and ideas percolated out of the discussion and many of those were incorporated into changes in the staff proposal. Third, the generally amicable tone of the meeting (especially in light of the potentially contentious topic at hand) showed the considerable social capital the group had amassed. Fourth, the Partnership process created the opportunity to discuss strategic and regional issues that were not likely to emerge had the issue of how to deal with cutbacks been negotiated on a bilateral basis between MTC staff and each of the counties.

Finally, the deliberations showed a mix of parochial and regional thinking by members of the group. County representatives were clearly there to protect projects in their county, but all were willing to consider regional effects and the consequences of various courses of action for the region as a whole; and MTC staff pressed for their vision of the region's interests.

The regional/local tension was clearly evident in discussions about how testimony before the CTC would be organized. The region had a regional interest to protect - avoiding bearing the

brunt of the needed cuts - but counties also had projects that they were concerned about protecting. [23]

> Large CMA: What about the CTC hearing in January?

> MTC: In 1992 we had the chair of MTC make a presentation. We haven't yet settled on what we will do. Our concern is to present a consensus position.

> Large CMA: A CTC commissioner has the barrel of a gun set on a small project in [my] county. I don't know how to deal with it.

> MTC: Let's talk about how to deal with a specific project. I want to present a consensus.

> Large CMA 2: I want to follow up about how to orchestrate the testimony. In part, MTC has orchestrated the region's testimony. It's been largely MTC commissioners. Will you do that again where each county has a couple of seconds to say something?

> MTC: I don't know. In the past, we were asking for money. Now we're asking that they not take it away.

> Large CMA 2: There should be some attempt to coordinate legislative testimony, to coordinate with what the locals will say.

> MTC: Call Steve Heminger [then MTC staff in charge of Legislation and Public Affairs] with issues about specific projects. But lead with the Bay Area message.

Planning for the 1998 STIP

By late 1996, 3PC had directed FPS to begin planning for the 1998 STIP. Specifically, 3PC asked FPS to draw lessons from its experiences with the 1996 programming cycle for federal funds and apply them to the design of procedures for the FCR program in the 1998 STIP. FPS, in turn, delegated the task to its scoring subgroup. At the November 3PC meeting, FPS reported some preliminary findings from this group. Among them were a recommendation to try to find ways to streamline the process, a series of recommendations regarding the application of state as opposed to federal funding criteria, and a recommendation concerning the seemingly perpetual issue of the definition of regional projects. Members of FPS emphasized that at the moment, what they were engaging in was more brainstorming than anything else and requested guidance from the full committee as to whether they were looking at the right kinds of issues.

---

[23] The following discussion comes from the 12/18/95 3PC meeting.

Some members of 3PC questioned whether the enterprise was premature. There was already considerable discussion of a legislative overhaul of the state program and if that were passed, it might make the working group's work moot. Others argued that they should wait until the California Transportation Commission (CTC) issued its guidelines and policies since that group would be the one making the final decisions about which projects would be funded. Others worried that since there had not been any new state programming capacity since 1992 and since the funding for the seismic retrofit program was still under debate, efforts to decide how to select new projects were very premature. As one committee member said:

> In 1994 we developed rules, we scored projects and we didn't program any money. Is it wise to spend a lot of time getting this nailed when it is not clear there will be programming capacity because of the deficit?

But others disagreed, arguing that it was important to be prepared.

> Large CMA 1: We should do this in two phases. We should first adopt criteria and give examples of projects that would do well and send this out so people can think about it. Then we can return to it in March or April when we have fund targets. We can ask people for an expression of interest. Tell us which projects they might want.

> Transit: Is it notification to you or a heads up to applicants?

> Large CMA 1: Both. A heads up and a notification.

> Large CMA 2: So we wouldn't ask for an application. Just a project and a budget.

> Large CMA 1: Yes. A paragraph with a dollar amount.

> Large CMA 2: That's helps them start thinking, because the application period will be short.

This discussion is an example one of the ways the Partnership process worked well. Partners and MTC staff were able to think through a way to deal with uncertainty in the state fiscal environment while avoiding being caught flat footed if new monies became available. CMA directors were sensitive to the situation of potential project sponsors and together were able to devise a plan that would get the process started without imposing undue burden.

The working group's proposal concerning the regional project definition did not go unnoticed. As with virtually every time the issue of regional projects came up at the Partnership, it was once again a source of controversy. The proposal in essence was to add a minimum Annual Average Daily Traffic requirement for roadway projects and a minimum ridership figure

for transit projects to the regional project definition.[24] The intent was to ensure that projects deemed to be regional carried a significant amount of traffic, thereby avoiding the possibility that a low volume project whose users happened to come from many counties would qualify.

Partners first wanted to get a sense of the proposed minimum numbers, i.e. what size of project would qualify. One CMA director questioned why the proposed numbers were different for roadway and transit but seemed mollified when told that the proposed roadway figure, if applied to transit, would eliminate all transit projects. Several committee members questioned whether the regional project issue was really relevant to state program at all, but others pointed out that it would affect the chargeback process to counties, particularly for transit. One transit representative argued that the transit minimum was too high since it eliminated his entire system. But in all of this, a substantive discussion of the meaning of a regional project was absent and once again, the committee decided to set aside the issue.

In December, FPS returned to 3PC with a further update on its progress in drafting a scoring process for the 1998 FCR program. The proposed application was greatly simplified from that which had been used for ISTEA funds in response to concerns from sponsors that the previous application had been far too complex.

The issue which seemed to most engage the committee concerning the state programming process was how county priorities, compared to regional ones, would be treated.

> Large CMA 1: As I understand it, we'll score all projects. But we need to be clear about the rules for putting together priorities for a county. how do we deal with the lack of cohesiveness between what MTC wants and what a county wants? What do we do if a county's top priority project doesn't score well?

> Large CMA 2: Part of the problem is that we never had to do the RTIP [Regional Transportation Improvement Program - the region's proposal to the state for the STIP] on this. It went well for the multi-modal process but we haven't done this before for FCR.

> Large CMA 3: Last time we scored was when we did FCR and ISTEA at the same time for the 1992 STIP.

> Large CMA 2: In 1992 there was so much money there, it wasn't a problem.

> Large CMA 3: This year, when we've cut projects, counties could say which projects they wanted to protect.

> MTC: The issue about county priorities in terms of the regional score was discussed [at the scoring work group] but it hasn't gone far because of differences of opinion.

---

[24] Memo to Partnership Planning and Programming Committee for Walt Streeter, Chair, Fund Programming Working Group, November 8, 1996.

Transit: What's the objective of scoring if not to establish a set of priorities?

Large CMA 4: In some cases, regional goals may not match county political desires or needs.

Transit: I understand the problem. I just want to be sure that priority setting is at the heart of the process.

Large CMA 2: I propose that for up to 70% of county funds, the county could set the priority.

Large CMA 3: The real problems are where the scores are lower and you don't reach the county minimum without dipping down in the scores.

Large CMA 1: Maybe 70% is too high, but some percent the county decides. It is able to include politically important projects to the county that may not score well regionally.

Regional agency: I thought that was what local sales tax money was for.

Large CMA 2: Those were passed at specific times with specific project lists. Times change, things come up. There's no way to fund them except the state.
...

Large CMA 1: I'm asking for a statement from MTC staff about how you intend to approach this. How will you implement the structuring of the RTIP?

Large CMA 3: It's important to know how you'll pick projects from the list. From the score alone? We just need to know.

Large CMA 2: We need an objective way to choose. This program is radically different from STP and CMAQ.

Regional agency: If we have scoring criteria and we don't use them...If the scoring process reflects the interests of the region and we throw it out because of local politics?

This discussion illustrates the continuing powerful pull of localism that existed within the Partnership. Even after working on and agreeing to a consistent set of scoring criteria for all projects, partners consistently resisted using those criteria to choose projects. Even some partners who were a fairly strong voice for regionalism joined in on the local side of this issue. This is particularly noteworthy because the state FCR program was structured to guarantee counties a certain share of the money and so the issue was not even which counties would get

projects, but which projects within a county would get funds. The only voice for the region in this conversation was the representative of a regional agency and that voice was basically ignored.

Another source of contention involved the treatment of land use as a scoring criterion. FPS was proposing that it be included, but it was not resolved how. At least one partner was skeptical.

> Large CMA 2: Do you have reason to believe that this [including a land use criterion] will be successful? Might you do it as a tie breaker? Isn't this in the eye of the beholder?

> MTC: We tried to operationalize the new Commission statement on land use. Some things about land use are antithetical to FCR. We tried to keep a balance between weighting heavily and using it as a tie breaker. For FCR, land use is not a high priority. We tried to simplify some elements in the Commission policy and operationalize it to issues maybe.
> ...

> Large CMA 2: For land use before you weight, you have to decide if you've achieved your goal. That's in the eye of the beholder. What is city center development? What does that mean? Is it San Francisco only? Is it any city? Land use means different things to different people.

> Scoring work group Chair: It's a small portion of the overall scoring process. It has been a problem for three years that's not been resolved. But it's a small piece of the big picture.

> 3PC Chair: For the next discussion, the committee should work on this.

Like the issues of regional projects, and the tug of localism, land use remained a matter where the Partnership continued to have difficulty making headway, in significant part no doubt because partners had no shared vision of what the region should look like. Many of these problems continued to beset the Partnership as it began to grapple with new state and federal funding regimes in 1997.

CHAPTER 8

MODELING COORDINATION SUBCOMMITTEE:
A STORY OF COOPERATION
Coauthor Kazuya Kawamura[1]

Background on Modeling Issues

Travel demand forecasts are the most critical and expensive data in transportation planning. Effectiveness of long-range transportation plans such as the Regional Transportation Plan (RTP) and traffic impacts of projects of various sizes, from a single restaurant to a baseball stadium, are predicted based on the travel demand forecasts provided by sophisticated computer programs. Travel demand forecasts also provide input to the analysis of air quality impacts as well as land use.

In large urban areas such as the Bay Area, a small but detailed model must be developed for sub-regions in addition to the regional model, which covers a broad area but lacks sufficient resolution to analyze local traffic. For example, MTC's regional model, FCAST, covers the entire Bay Area, but only major highways and freeways are included. On the other hand, even minor roads are represented in the sub-regional models developed by the CMAs such as Santa Clara, Alameda, and Contra Costa.

FCAST is very powerful and complex, and could be run only on a mainframe computer until 1998. In fact, since its creation in the 1970's, MTC's model has been regarded as one of the most sophisticated in the country. Meanwhile, to address their own needs, CMAs hired consultants to develop sub-regional models or developed models themselves with commercially available software packages. Unfortunately, each county developed its own model independently without much effort at coordination. In addition to MTC's FCAST model, there were eight CMA models (San Francisco County relied on the MTC for traffic forecasts); and they all differed in input data source, structure, algorithms, and software. Although some components of FCAST were extracted and used by the CMAs, their models were based on a PCs or UNIX platform, and could therefore not incorporate some of the techniques used in MTC's model. In some cases, the CMAs models included procedures that are not used by the MTC. For example, the Contra Costa CMAs model limited the amount of traffic on some of the most severely congested freeways. Also with its team of technicians, MTC was able to make constant updates to the the FCAST model, while most CMAs lacked resources to keep up.

Although MTC and the CMAs had tried to coordinate their modeling efforts in the 1980's, these factors meant that the CMA models could not achieve a high degree of consistency with

---

[1] The primary research and analysis for this chapter was conducted by Kazuya Kawamura. The chapter was jointly written by the main authors and Kawamura. This based largely on the information collected during the monthly committee meetings, which were attended by the authors between April 1995 and July 1996, and interviews of the key members of the MCS conducted by the authors during 1995 and 1996. The members of the MCS from four counties, MTC staff as well as the consultant team were interviewed.

FCAST. Also, since a lot of resources were invested in the development of each model, it would have been a major cost for the CMAs if they had to make any drastic change in their modeling practices.

The prime motivation behind the modeling coordination effort was a requirement imposed by the enactment of Proposition 111 in June 1990. The California Government Code associated with Proposition 111 calls for consistency between the demand forecasting models used by the county agencies and the model maintained by the regional planning agency. Even before ISTEA and the formation of the Partnership, representatives from MTC, the CMAs, and the Association of Bay Area Governments (ABAG) had been working to improve the consistency of the travel demand models to meet this legal requirement. This earlier effort produced a consistency checklist that was used as a guideline by the CMAs during their model development and updates. However, the effectiveness of the guidelines was limited since the models in use in the mid 1990s still showed considerable differences.

The ad hoc assemblage of modeling professionals around the region, which had been meeting to try to coordinate their models, was subsumed under 3PC as the Modeling Coordination Subcommittee (MCS) in 1993. The core members included representatives from the nine CMAs (typically represented by the chief modeler), and from MTC, and ABAG, as well as private consultants since some CMAs hire consultants to operate their models. The subcommittee's principal staff person, Chuck Purvis, was the chief modeler for MTC. The MCS met once a month or every other month to address various problems associated with the modeling activities in the region. The chair and the vice-chair, elected from the non-MTC members of the committee, ran the meetings which usually lasted about three hours.

Activities

While modeling coordination was the main focus of this subcommittee, typically 20 to 40 minutes were allocated to technical information exchange and discussion, including presentations on the modeling efforts at each CMA, as well as on state-of-the-art modeling techniques. In 1993, the committee received funding for a four-part, 18-month project to develop a work plan to improve the consistency of the modeling activities. A private consulting team from Cambridge Systematics, Inc. was retained to carry out the tasks in coordination with the committee. Although the project manager for the consultant team, Steven Pickrell, was not a member of the committee, he was one of its key players during the first few years. He contributed heavily to the development of the plan for coordinating the models, working mainly with MTC staff, the committee chair and one or two of the most knowledgeable committee members. His role in committee meetings was primarily to answer questions, though he also coordinated among committee members between meetings. Cambridge Systematics' contract expired after the committee produced the final implementation plan for the model coordination project in April 1996.

This group was anomalous among Partnership committees and subcommittees, as it was largely disconnected from the work of its titular parent committee and it had a mandate that predated ISTEA. Though the committee chair made brief reports to 3PC, usually there was little discussion and little apparent interest in its work from the agency managers who sat on 3PC. This

subcommittee was seldom, if ever, assigned a task by the parent committee, but instead carried on with the activities they were doing originally to fulfill the obligations for model consistency. They initiated some other activities such as an effort to develop a GIS data base. They coordinated with the Data Integration Task Force, which was a special JUMP Start project in which they were interested. But in practice there was little overlap among its membership and that of other committees, with a few key exceptions. John Ponte, who was CMA director in Solano County and later moved to Napa, chaired for a while as did Martin Engelmann, Deputy Director of Planning from the Contra Costa CMA. Neither of these was primarily a technician and both were very active in the Partnership.

There were five players who appear to have largely determined the direction of the MCS. They were MTC staffer Chuck Purvis, Martin Engelmann, John Ponte, Frank Lockfeld, chief modeler from Santa Clara County, and Steven Pickrell. These five people made most of the comments and asked most of the questions during the meetings, and seemed to have a good understanding of the issues discussed. Other committee members seldom spoke, though they seemed to be listening closely. Engelmann and Ponte each had enough knowledge to understand aspects of the technical discussions and they each had organizational concerns they wanted to protect. The two often argued during the meetings, and Pickrell and sometimes Purvis acted as a moderator. MTC and the Santa Clara CMA were doing the most of work for implementing a PC-based model known as BAYCAST for the region. During an interview, one of the key players indicated that those five formed a *de facto* executive committee, and communicated on important issues outside the monthly meetings, with Pickrell serving as a point person. The consultant had to create an expeditious decision making process because the MCS was progressing more slowly than provided for in the original contract, and the project was facing a severe cost over-run.

The Modeling Consistency Challenge

The CMAs had a substantial incentive to be represented on this subcommittee. They had to use travel demand forecasting models for many of their required tasks and they were expected to have models which were consistent with models of other counties and the region. This mandate was a real challenge because there are eight CMA models in the Bay Area, differing in input data sources, structure, algorithms and even software, because each county developed its model independently. They could be inconsistent either because of the structure of the model or the parameters. Furthermore two identical models could produce inconsistent results because they relied on different data sources. Aspects or submodules of MTC's model, FCAST, are used to varying degrees by the CMAs, but MTC's entire model could only be run on a mainframe until November of 1998, and only one or two CMAs had the capacity to run it. Moreover it was constantly being upgraded.

There were three major problems the committee had to address to satisfy the requirement imposed by Proposition 111. First, since Proposition 111 did not define consistency in specific terms, the definition was left to local planning bodies. Therefore, in developing the work plan to improve the model consistency, the committee first had to agree on the definition and target level of consistency that is adequate for the purpose of regional planning. Interviews of the committee members revealed that this was probably the most sensitive and difficult task in the project since

133

defining consistency meant agreeing on the level of technical sophistication for models. A serious effort to create total consistency across counties would be extremely expensive for the CMAs, especially those with very small staffs. Napa County for example had only its CMA director on staff. In addition many of the features of this complex regional model would not be particularly meaningful in rural areas. However, for the CMAs in rapidly growing areas such as Contra Costa and Santa Clara counties, model consistency is crucial, particularly for the traffic along the county borders. There is always difficulty in matching traffic volumes at the boundary of two counties when CMAs use inconsistent modeling methods. After many months of discussion, the committee agreed on creating two sets of numerical standards, one for rural and one for urban counties, to check consistency with the MTC model. The amount of discrepancy allowed for the rural counties is approximately twice the standard for urban counties.

The second problem was how to achieve a satisfactory level of structural consistency among the models. The committee considered four options for attaining consistency: 1)a single centralized model run by MTC for all CMA purposes (as is done by the San Diego Association of Government and Portland Metro); 2) a single set of consistent algorithms and components that are scaled down versions of FCAST (to be called BAYCAST) which can be used flexibly by CMAs with their current software;[2] 3) a checking process designed to limit the variations and deviations in the models, similar to what they were already doing; and 4) finally the ultimately flexible process with different checking methods for different kinds of models. The committee opted for moving toward the BAYCAST option gradually so that eventually a single model could be implemented and the CMAs could begin to upgrade their hardware and software.

The third task was to improve data consistency. To that end the consultant team developed a concept for a transportation data base accessible to planning agencies, local governments and consultants. This data base for a start was to include only the kinds of data immediately relevant to demand modeling– data about communities such as population, land use, employment, network data about different modes, and traffic counts. The committee wanted this ultimately to be integrated into a single geographic information system (GIS). They began incrementally by developing a comprehensive list of available data and a strategy for having each agency responsible for updating its component of the common data base. This presumably would help to deal with the significant differences among the forecasts of the counties and of ABAG. They developed and agreed on a work plan for the group and for MTC. As of December 1998, input data were posted on a web site maintained by MTC, so that the CMAs can obtain the most recent data of many types. Cost estimates and a task list are being developed for integrating all the data into GIS, though by mid 1998 funding had not been found.

Accomplishments

All the interviewees agreed that the committee achieved its objective of fulfilling the legal requirement imposed by Proposition 111. However, interestingly, during the interviews, the members usually listed other achievements such as developing personal contacts with other

---

[2] A detailed discussion of the difference between FCAST and BAYCAST can be found at the MTC web site www.mtc.ca.gov/datamart/research/models1.htm .

members and becoming familiar with the modeling practices at other agencies before pointing to the fulfillment of the legal requirements and the actual plans that were created and adopted by the committee. It was as if the committee developed a dynamic of its own. Even though the members felt that the first task of defining the target level of consistency was an extremely difficult and painstaking process, the many hours of discussion helped members understand each other's positions and become accustomed to different styles of communication. As the committee matured as a group, negotiations became more subtle and sophisticated. For observers, it was sometimes difficult to pick up the underlying significance of the discussion. For example, when the schedule for implementing the tolerance checking procedure was disputed, actual discussion centered around the language used in a memo. Cynical comments and jokes were often used to remind other members of one's position on issues. While it reflected differences among the participants, this humor was also a way of keeping it under control.

It became clear that the group saw consistency of the model output as something that had to be accomplished even though members saw little or no gain in the performances of each of their demand models. Therefore, most members paid particular attention to the amount of additional workload that would result from this entire process. The committee's aim was to develop a short-term plan that did not require a major investment in staff time and equipment, to ensure an immediate improvement on the status quo and to satisfy the legal requirement. Most of work for the short-term plan was carried out by MTC staff. On the other hand, the long-range plan was developed with little emphasis on feasibility and cost-effectiveness, in order to incorporate the wishes of all the committee members. This became a rather conceptual plan that was vast and expensive to implement. The long-range plan suffered from being overly inclusive of every proposal regardless of feasibility, rather like the financially unconstrained pre ISTEA transportation plans.

On the other hand, the committee seemed much more enthusiastic about creating a GIS database. In fact, the committee actually created a site on the Internet to post the most recent data sets that could be downloaded. Also, the committee developed several alternative strategies to obtain funds to create a GIS database. According to the interviews, in the past most counties had been quite frustrated and confused over the inconsistency of input data sources. For the members of the MCS, the issue of input data sources was much more important than structural consistency of models for doing their job. This was reflected in a generally more proactive attitude toward this task, which was of more value to them.

Several of the participants were frank about their reasons for attending this group. They wanted to protect themselves from having to spend a great deal of money on new models and data gathering. They felt their attendance was worthwhile on those grounds alone. They also attended meetings because they learned a good deal from the counties with the most sophisticated data management programs and from Caltrans and MTC staff. They got up to speed on technical developments, use of software and so on. The beginning of the meetings with informational reports about what was being done was usually lively with lots of questions and interest. Presentations on the inner-workings of the CMA models usually drew substantial discussions on the correctness of the methods and assumptions. During these discussions, every member spoke, while the discussions involving non-technical issues such as work plan and funding were usually carried out by the four or five key members.

We were surprised to find that participants did not say they were concerned that the MTC model might incorporate assumptions damaging to their county's interests or with policy implications that would be undesirable. This lack of concern may be because most of these participants were not much engaged in the policy or political side of transportation planning, but rather in the statistical side. There was little discussion in these meetings about the issues on the table in the other Partnership committees, just as there was little effort by the managers in the Partnership to understand the possible policy implications of the models or of other projects of this committee.

Overall Assessment

Participants we interviewed were in agreement that this committee has been a significant success. Indeed it is probably one of the most unambiguously successful elements of the Partnership. The group created and agreed on a consistency checklist, a strategy, and a work plan for developing a common data base. Even though the transition to the completely consistent model has gone more slowly than planned, the job of modeling was made easier for the CMAs by having a formal channel of communication among themselves and a set of written standards to go by in the interim. Not only did the group develop and agree on a set of products, they developed valuable personal and professional relationships and trust among people working in different counties and at MTC and Caltrans.

The committee meetings, which were generally well attended, provided, according to our respondents, a useful opportunity for information exchange about the technical issues in modeling, new data sources, software and methods. In fact the informational introduction to the meeting where different participants talked about their new initiatives or their plans for innovation, or simply explained how to do some key tasks seemed to be the liveliest part of the meeting. This committee thus helped to educate the region's modeling professionals and get them to learn from one another as well as from MTC, Caltrans, and ABAG staff and helped to make them all more aware of each other's activities. They all developed a better understanding of each other's models and of improved modeling methods they could apply.

The participants valued the committee's work as well because it gave them the opportunity to have input into MTC's modeling work and into the policies and procedures before they were adopted. In the process they could protect their interests. The creation of two separate checklists for urban and rural counties rather than a one-size-fits all list was one example of how interests were protected and how the committee was able to produce flexible approaches adapted to the player's needs and realities. The adoption of an official consistency guideline reduced MTC's potential discretion over the CMAs and made them feel more empowered and less vulnerable.

From another perspective, however, the fact that this committee's work was so disconnected from the Partnership as a whole made it less successful than it might have been. It is not clear whether the learning going on in this committee was transferred to other players in the process. The models were being discussed and redesigned in a context where the policy implications were not being explored, much less transferred to the managers and the policy makers. Few people at the table were both managers and highly technically skilled. Much of the

technical work on the modeling was done by MTC staff and consultants. The kind of conversation that could integrate substantively the modeling work into the planning and policy processes going on elsewhere in the Partnership never happened. Whether the questions were about the substantive implications of using one type of model design or another, about the choice of parameters and data sources, or about the costs and benefits of different types of modeling strategies from a regional perspective, the dialogue did not happen. The questions remained unasked and unanswered. Yet experience in other cases shows that once policy makers understand how indicators and models are arrived at they have many issues to raise and often want, for legitimate reasons, to revise the models to fit better with their policy directions. (Innes 1990; Dutton and Kraemer 1984)

The missed opportunity of this committee may be greater than the failure to link models to policy and vice versa. It extends more broadly to the larger category of building trusted and shared information across the Partnership. This committee, brought together each month the leadership of the technical staffs of the CMAs with technical staff from the regional and state agencies, and a number of consultants with substantial expertise. They could have served as a sort of technical advisory committee to the Partnership, similar to the kinds of committees that many consensus building efforts create, where stakeholders send their own technical experts to review and develop specialized information.

The Partnership as a whole often dealt with issues which required technical expertise and interpretation. On these occasions sometimes MTC staff prepared analyses. Other times they did not prepare anything. Sometimes the Partners accepted the analyses, and other times they were not so satisfied. They certainly did not feel "ownership" of the analyses and often had only a partial understanding of information they were given, judging by the discussion. The opportunity could have been taken either for 3PC to ask the MCS about the technical perspective on the issues and to do their own review of MTC's analysis or to design and ask their own questions and prepare a report to the 3PC. This kind of discussion could have created genuine buy in to analyses rather than superficial agreement that could break down easily (Innes 1998). The process could have created genuine shared intellectual capital, particularly if the technical and managerial staffs of the agencies engaged collectively in face to face discussion from time to time. The CMA directors are more likely to trust their own staff or to trust a conclusion collectively reached by participants from all the counties than one reached by MTC alone. On several occasions for example the CMA partners requested the opportunity to discuss among themselves the performance measures they were required to use to evaluate and monitor their CMPs, but they did not propose that MCS do this.[3] Such an effort would have required participation of the technical people if they were to have such a discussion but this was not suggested.

Paradoxically, however, the degree of success of this committee may be in part a product of its limitations. This committee appears to have been allowed to take its own course. It was not drawn into the political agenda of MTC, nor into the conflicts among the Partners. Seemingly neither Partners nor executive staff regarded this work as very consequential, presumably because it was required by law, because it was highly technical, and if it had policy implications, they did not know what they were. Though the MTC staff were considerably more technically

---

[3] See Chapter 18 on the debates at MTC over performance measurement.

knowledgeable than most other participants (with some exceptions) the modeling effort was made transparent in the committee. One did not have the feeling in these meetings, as one did in other Partnership meetings at times, that there was a hidden agenda nor that the whole story could not be told in the public setting. While it is not clear all participants understood all the procedures, they could ask questions and get answers. It seems likely that the very isolation of this committee, which limited its ultimate value, also protected it so it could accomplish its limited task in a productive and constructive way. Certainly participants were left satisfied, genuinely in agreement with the results, more knowledgeable, and better linked together for future work.

CHAPTER 9

SYSTEMS OPERATION AND MANAGEMENT COMMITTEE (SOM):
THE DIFFICULTIES OF ACHIEVING A SYSTEMS VIEW

<u>A Puzzling Contradiction</u>

Though many partners told us that in principle SOM was important committee and
Executive Director Dahms often stressed the priority he gave to the issues of regional
transportation systems management, the SOM Committee never generated much interest or
activity among the Partners. By 1995-6 when we began observing, these meetings typically had
only a dozen or so participants, of whom several were MTC staff. Often a representative attended
from BART, San Francisco or RIDES, along with a few others. Sometimes an MTC staff member
ended up chairing the meeting. This lack of interest was curious because many of the topics the
committee could potentially deal with were of considerable public interest, like freeway ramp
metering or freeway incident management. Also the potential of reducing bottlenecks and making
the transportation system work more efficiently could benefit all the partners' constituencies and
even have direct financial impact on them, particularly the transit agencies. MTC put substantial
effort into supporting SOM and developing tasks and a mission for it, but it never quite worked.
    One indication of the difficulties of the committee was that they had to find a new chair
after the first year, when Sharon Banks of AC Transit took over from Larry Reuter. But she was
unable after a year or so to attend regularly herself due to pressing management issues of her own.
John Ponte of the Napa CMA took over in 1996 for what he intended to be a temporary year-long
stint. In 1997 the committee was abolished and some of its functions transferred to a committee
with a different overall mission. There was no noticeable complaint about the change.
    This chapter tells the story of SOM with the goal of showing how and why this committee
did not work well from either MTC's or the Partnership perspective, despite the agreed on
importance of its mission. It is instructive that several ancillary activities to SOM were however to
be comparatively successful. Our general view of SOM is that the tasks and membership of the
committee were not well matched to each other and that it did not develop the necessary
intellectual capital, much less ownership of the tasks or interest in practical results that could have
made it more successful. We note that much of our perspective on SOM is based on interviews,
minutes and other documents and memoranda rather than close observation of the committee at
work, though we did attend a few meetings.

<u>Mission and Responsibilities of the SOM Committee</u>

In 1994 when the Partnership developed the mission statements for each of the
committees, they cited four tasks for the SOM focusing primarily on the management of the
metropolitan transportation system, particularly the formally designated MTS for the Bay Area. it
also had the responsibility to monitor and make recommendations on JUMP Start (Fig. 9-1).
    In addition the 1994 Partnership retreat assigned several specific tasks to SOM, including
identifying strategic alliances to support JUMP Start, exploring how technology can assist

Partnership communications; implementing operations programs for three corridors that they had begun to use as examples for the rest of the region; promoting telecommuting; making connections to the technology community for potential transportation benefits and exploring building fiber optic capacity on the existing transportation system. Partners and staff agreed that much of the management problem was that there were separate systems and separate owners–nine counties and 28 transit agencies. This they believed led to a need for "integration" of the MTS (Metropolitan Transportation System), and for an overall management strategy. Partners said at that retreat that the Partnership was the right group to do this because "us = them" and because "coordination of management strategies requires buy in."

In practice during its lifetime much of the SOM committee's work involved hearing from consultants who had been hired to do a variety of tasks in connection with system management and the MTS. SOM also had a small pot of money (about $11 or 12 million in 1995) to allocate for TSM projects. Beyond this their principal other activity involved the monitoring of JUMP Start projects and discussion of how to improve that program.

Figure 9-1
PARTNERSHIP COMMITTEE ON SYSTEMS OPERATION AND MANAGEMENT
Responsibilities as of February 1994

---

1. Develop the MTS management plan.

2. Develop a coordinated regional approach to monitoring the performance of the MTS.

3. Recommend specific actions or strategies to improve performance. Evaluate the effectiveness of actions implemented.

4. Make recommendations about what projects should be in JUMP Start.

5. Monitor and make recommendations on JUMP Start ongoing projects.

Working on the MTS

The MTS is a set of transportation facilities that have been defined and officially designated as the key elements in the region's Metropolitan Transportation System. The purpose of this designation, required by law, was to "promote better coordination of the operation and improvement of highways, streets, transit, and freight, to manage congestion, and maintain mobility." From the time we began observing the Partnership there appeared to be little interest in the MTS among the partners nor much discussion of it. It seemed to our observer to be a legal requirement requiring formal procedures, rather than a focus for debate about the system or thinking through issues among partners.

The identification of capital projects that were appropriate for the MTS was a fairly clear task, but the management issues were more ambiguous. The committee as well as the staff struggled continuously to define what system management meant operationally and to work out what tasks it should entail. In late 1993 the committee selected JHK and Associates as consultants to work with staff to develop a framework and the first phase for the MTS management plan, along with consultant Dan Iacofano whose expertise was in facilitation and process. The committee relied heavily on the analytic work and the proposals of these consultants. In March 1995 the committee presented to the Board the MTS management strategy with core strategies, management tools and workshop process. (See Figure 9-2) The overall strategy emphasized coordination of investments and activities, as well as traffic movement of many kinds.

The specific management tools that the committee proposed included such things as traveler information, transit and high occupancy vehicle (HOV) access, transit service coordination, incident management, management of gateways or restricted capacity sections of routes which become bottlenecks, corridor based governance, regional funding for facilitation and performance measurement. The actual goal of the management system remained undefined at this point. Consultant David Jones had prepared a paper on performance measurement for MTC which was often referred to, however (Jones 1995), which gave some ideas about goals and proposed some performance measures. The potentially controversial issue was not addressed however, of whether the system's main goal was to maximize the number of people or vehicles that could be accommodated, to improve access, to improve mobility, or to do either of these in an equitable way. Indeed there does not appear to have been a significant substantive discussion of performance measures in this or any other Partnership committee, at least in the period before 1997. The paper by Jones was presented to the committee for "feedback" but no discussion was scheduled on the proposed goals or measures themselves. This is in contrast to what happened in 1997 in the Advisory Council, where the issue of performance measures was to become an important focus for the citizen and interest group participants (see Chapter 18).

The consultants prepared the report and proposal for phase one of the MTS management strategy after conducting a series of interviews with partner agencies. The consultants found that most agencies did not have a system orientation, though they did think the effort to develop a management system was important. Still their respondents noted that expansion of highways and transit was not only the focus of most agencies, it was more "sexy" than management. They wanted MTC to develop credible evidence and analysis about the value of management. The consultants' initial reconnaissance report on the performance of the existing transportation system

persuaded the staff and the committee that information available on a regional level was not sufficient to reveal specific transportation management deficiencies.[1]

A "Senior Advisory Group" made up of MTC staff and a few committee members met with the consultants on the MTS management strategy and a Project Team of consultants met separately with MTC. In these meetings there were

> many different perspectives and unresolved discussions on what (the) strategy should do....A major issue was the level of analysis that was needed to convince the transportation community to support increased efforts on management and operations. While it was argued that many of the ideas of the management strategy were very logical, the implementation of the concepts may involve some trade-offs between operating objectives of different agencies and that the benefits of these operational programs are not readily comparable to capital projects.[2]

This statement distills the essential dilemma of this committee. There was a political and practical reality that operations work was, unlike capital projects, not very visible and thus not particularly appreciated by the public or by elected officials. As a practical matter resources used for management would have to be drawn from more popular capital projects. Moreover the idea of a seamless management system across agencies would have to contend with each agency's own agenda and mission. How could one get the agencies to agree on putting resources that might otherwise go into visible capital projects or into their own operations budget into a collective management system? Would there be sufficient incentives? Although there was agreement on core strategies, these were hard to operationalize and translate into a set of specific actions. Finally there was a vacuum in the responsibility for regional operations among existing agencies. MTC was a funding and planning agency, but mostly not set up to be an operational one. No other regional agency was in a position to play the role. Clearly developing and implementing a management system was going to be a challenge from both a technical and a political point of view, and the staff and consultants were well aware of this.

Corridor Case Studies

Accordingly SOM revised their strategy toward a more modest goal: "To demonstrate that an interagency management strategy can be effective in improving regional mobility." In order to accomplish this they proposed three corridor case studies, I-880 Oakland south to Fremont, I-80 north of the Bay Bridge out into Solano County and a corridor in the Peninsula through Silicon Valley. After the first case analysis of I-880, the group concluded that these corridor studies must involve the people who directly manage and operate the corridor, like local public works directors. In a Board workshop partners agreed that the management strategy

---

[1] This section draws primarily on the May 18, 1995 memo to the SOM committee by Richard Lou "Summary of MTS Management Strategy Phase 1 Activities"

[2] Lou memo of May 18, op. cit.

```
┌─────────────────────────────────────────────────────┐
│                    Figure 9-2                        │
│              The Partnership's MTS                    │
│              Management Strategy                      │
└─────────────────────────────────────────────────────┘
```

The Partnership's strategy for managing the Metropolitan Transportation System has two defining elements: 1) a set of five core principles, and, 2) a commitment to cooperative planning at the corridor scale. The core principles outline a multi-modal approach to system management that gives appropriate emphasis to people movement during peak commute hours and correspondingly appropriate emphasis to traffic flow during off-peak hours. The emphasis on corridor planning ensures that the management strategy can be tailored to fit local conditions. It also ensures local governments a real opportunity to participate in the process of system management.

The five core principles which define the Partnership's management strategy can be summarized as follows:

```
┌─────────────────────────────────────────────────────┐
│ 1.  Streets, highways, and transit services should   │
│ be planned, operated and priced as if they were      │
│ integral elements of a single system.                │
└─────────────────────────────────────────────────────┘
```

```
┌─────────────────────────────────────────────────────┐
│ 2.  Transportation and land use should be better     │
│ coordinated to enhance accessibility while reducing  │
│ the need for travel.                                 │
└─────────────────────────────────────────────────────┘
```

```
┌─────────────────────────────────────────────────────┐
│ 3.  The transportation system should be designed to  │
│ provide convenient access to jobs and services, to   │
│ move goods efficiently and reliably, to facilitate   │
│ the interregional movement of people and goods, and  │
│ to shelter the region's communities and its natural  │
│ environment from traffic overload.                   │
└─────────────────────────────────────────────────────┘
```

```
┌─────────────────────────────────────────────────────┐
│ 4.  Despite limited resources, the region can        │
│ effectively resolve the conflict between these goals │
│ if it adopts a strategy of system management that is │
│ tailored by corridor and time of day, Specifically:  │
└─────────────────────────────────────────────────────┘
```

Continued...

Figure 9-2 continued

• The management plan should emphasize operational improvements that enhance the ability of the transportation system to move people during peak commute hours and its ability to move vehicular traffic during off-peak hours.

• When considering the supplementary capacity necessary to serve the commute peak, priority should be given to projects and programs which will enhance the operation and coordination of mass transit, provide incentives for ridesharing and transit use, and increase the capacity and continuity of the arterial street system; and,

• When considering operation improvements necessary to improve the flow of traffic, priority should be given to those corridors which play a critically important role in freight movements.

5. Operational improvements alone will not be sufficient to maintain mobility. Continuing investments - coupled with innovations in pricing and technology - will be required to meet the needs of a growing population and economy. Thus, it is essential to coordinate planning for management and investments.

* DRS Associates

workshops should tackle the issues laid out in the case study report, including freeway congestion management, freeway/arterial coordination, arterial management, incident management, commercial travel, transit and HOV access, and transit coordination.

The consultants' Project Team developed a program of four workshops in each corridor to develop a hands on management strategy. In the I-880 case the effort focused in part on the issue of freeway ramp metering. Caltrans had been making decisions about ramp metering and using their own models for the metering process. This had been causing negative reaction in the communities along the corridor, where local traffic engineers and the public feared local traffic backups and felt that local traffic flow was being sacrificed to freeway flow. JHK prepared

background memos–a corridor information profile, capabilities of traffic operation tools, and concerns about ramp metering strategies. This corridor effort involved local traffic managers, along with representatives of Caltrans and MTC, as well as transit and other local agencies.

This effort was quite successful in that during this period reportedly, hostility between Caltrans and the local agencies was transformed into positive working relationships. Caltrans agreed to use locally developed traffic models. The local traffic engineers got together and developed a proposal that would assure that the operation of the local street system would not be sacrificed for better traffic flow on the freeway. They jointly developed a proposal for adoption by the Alameda County CMA for a governance structure for developing corridor management strategy, for principles for corridor management, and for identifying a set of action strategies beyond TOS and ramp metering. They agreed on traffic operations management methods, but with the proviso that impacts would be monitored and potentially adjustments made.

In the case of the I-80 demonstration corridor, ramp metering was not an issue so the group focused on the planned HOV lanes and how to link them into coordinated corridor management to assure they would be productive. This project however was not as successful as the first, according to an evaluation done later, as the corridor spanned three counties and brought together players who did not begin by knowing each other or each other's issues. This corridor management workshop merged with MTC's I-80 Corridor Study Technical Advisory Committee, and the joint group in 1995 began, with a consultant, to deal with future capital and operating improvements including HOV operations, express bus service, ramp metering and gateway control.

The Peninsula, or Silicon Valley Smart Corridor project had already begun. Silicon Valley had initiated in this period a number of cooperative projects relating to transportation. In this case five cities including San Jose and Santa Clara County, along with Caltrans, had already done a feasibility study for a system integration project. The MTC effort simply provided support for this by applying for TSM funding and by helping develop memoranda of understanding and plans for project implementation. This self organizing effort was highly successful according to the evaluation.

The evaluation of these workshops, which was conducted with the help of Professor Michael Meyer of Georgia Tech, showed that three issues had to be dealt with in these corridor management efforts-- "turf," "process," and "substance" In the I-880 case the group did establish responsibility. Indeed the practical and concrete problem of deciding how to operate ramp metering itself triggered a discussion over who was responsible and who should be making decisions. This in turn ultimately led to a structure for governance of such matters in the future and of a process for making decisions. A certain amount of existing social capital among the players helped in conducting the negotiations. The evaluation suggested that because the I-80 discussion was not oriented to specific tasks, but rather to general concepts (like how to assure transit makes use of the HOV lanes) without obvious specific implications for any city they did not get into turf issues, on the one hand. On the other hand, they did not as a group take responsibility for achieving the objectives. This problem was aggravated by the fact that there were transit cutbacks during the period. The Smart Corridor project's success by contrast seemed partly due to their taking on specific, doable, small scale projects that affect traffic operations.

A related effort was going in the Arterial Operations Committee, which had been set up in 1993 by MTC to coordinate the operation of arterials in adjacent communities, through making agreements on signal timing and traffic operations. It was a response to Clean Air Act requirements to reduce emissions. This group was seemingly one of the success stories of MTC's effort in that it was cooperative and produced agreements, but it did not involve the Partnership directly. This was advisory to SOM in the early years, but in January 1996 it was established as a committee reporting to SOM.

These corridor and arterial efforts directly involved only a handful of partners. They were managed by MTC or other staff. These included many others not involved in either MTC or the Partnership. SOM had some hand in designing them and heard reports from the groups, but was not deeply immersed in these activities, nor did they provide much guidance to them.

Intelligent Transportation Systems

During 1994-1996, another consulting group (DKS) was working on an extensive study on Intelligent Transportation Systems (ITS) and developing an Early Deployment Plan (EDP) for the San Francisco Bay area with a $450,000 grant from FHWA. This effort overlapped considerably with the Management Strategy work, as one of its major objectives was to support the MTS. A major part of the task involved identifying a wide range of problems associated with the transportation systems. These problems included lack of facilities, traffic delays, lack of information, environmental impacts and so on. Under each category dozens of specific problem types were identified, such as specific causes of traffic delays, like lack of left turn lanes. This was an extensive and inclusive listing of transportation system problems. It was developed with the aid of an EDP Advisory Board, which met monthly throughout the study involving public agencies, private companies, advocacy groups, and citizens. Participation was open to all, and dozens of people attended the meetings, in which they reviewed the draft materials prepared by the consultants. Public outreach and focus group meetings were also held to find out about collaborative projects of interest to local roadway and transit operators. These were to be the basis of the development of other ITS projects around the region. The consultants' work was routinely brought to SOM, but their reports in our observation generated little conversation or substantive discussion of issues.

Overview and Evolution of the Management Strategy

In short there was a lot of work going on with regard to system management planning, but most of it was not taking place in the main SOM Committee, where members acted largely as passive recipients of information. They did not, judging by the minutes, grapple with the traffic management problems. They did not spend time trying to understand the concept of system management nor the practical problems of doing it. That kind of work went on, to the extent it did, mostly at the corridor level among traffic engineers, consultants and staff. No clear concept of the nature of the system and its need was to emerge for partners. There is no obvious or simple explanation for why this pattern emerged. MTC was certainly trying hard. Partners seemed however to find these questions dull or not worth their time.

The corridor management concept did seem relatively successful. This evolved and was eventually absorbed into MTC's effort to prepare the long term RTP. According to the minutes, in July 1995, MTC staff who normally worked with the 3PC committee made a presentation to SOM indicating that they would develop a list of Track 2 projects (projects for which funding would have to come from new sources) for the 1996 RTP "structured around corridor management strategies". Staff did outreach and held working sessions with stakeholders in the counties and the environs of the different corridors. This however became quite a different exercise from the Smart Corridor or the I-880 corridor efforts, which both were focused, not on the future nor on capital projects, but on the present and on small doable management tasks. The groups in the early cases were able to make their own decisions rather than simply give "input" into MTC's decision. The corridor management concept and focus, was to become the basis for developing new project proposals for the RTP, but it was not under the purview of SOM.

Staff proposed that Phase 2 of the MTS management strategy be similar to the JUMP Start strategy,

> built around current MTC and Partnership projects and activities. The value added by the Management Strategy will be the Partnership and MTC identification and focus on certain key activities and projects in the region that exemplify the need and benefits of managing the system.[3]

While SOM continued to hear consultant reports during 1995 and 1996 on the MTS management strategy, and on specific management projects, there did not seem to be any time where they actively engaged in trying to solve system management problems themselves, or indeed where they were able to provide compelling input or reactions to the detailed and well researched studies placed in their fat agenda packets.

JUMP Start

The other main task of SOM besides the management strategy was to track JUMP Start and to make recommendations on it. Normally at its meetings the committee would hear reports on each of the 20 or so projects on the JUMP Start list. Projects on this list in 1995 included a set of so called "mobility" projects like the Smart Corridor, Electronic Toll collection, a proposal for a single transit ticket across the region, a regional ferry improvement plan, and "planning" projects including the MTS management plan, regional earthquake emergency planning, the Bay Bridge congestion pricing demonstration program, and designation of the National Highway System. Most of the items on the list in 1995 had MTC as at least one of the lead agencies. The criteria for inclusion on this list were that it had to be visible, involving more than just one county, with fully committed funding and be likely to be completed. Its purpose from MTC's perspective back in 1992 when they proposed the program had been to "showcase" the Partnership and have

---

[3] Lou, Richard, Memo to SOM Committee members, "MTS Management Strategy Update," September 21, 1995.

some success stories it could take credit for, to show the Partnership was a "can do" organization. These criteria reflected this purpose.

Staff by 1995 had begun preparing monthly lists noting each project as green, amber or red, indicating whether it was moving forward, going slowly or stopped. For each project a small explanation would be given on the sheet and a bit of elaboration by staff in the meeting. Sometimes there would be desultory discussion of one or more of the projects, perhaps with someone offering an idea about what might be done to move it forward. The committee however never really engaged much in discussion over these projects, many of which were quite technical. In any case it was not clear what role the committee actually could have in relation to the projects. These were not Partnership projects, though some partners were involved in individual ones. They already had funding so the Partnership could not program funding, which was their normal activity. The Partnership did not "own" these projects nor even choose the new ones on the basis of their own priorities.

The committee spent most of their time discussing the whole idea of JUMP Start and how they could play a more meaningful role in the program. Before 1995 they had started KICK Start, a listing of programs that could be appropriate JUMP Start projects, but which still lacked committed funding. Their idea was that these programs might be gradually moved into JUMP Start. By 1995 however, according to a staff memo[4] Partnership attention to and use of the JUMP Start and Kick Start programs was diminishing. This memo said "The SOM Committee needs to reestablish what the JUMP Start Program means to the Partnership and how the committee will support these projects." The minutes do not indicate what the discussion of this issue may have been.

By January of 1996 the committee began to discuss future directions of JUMP Start starting with a memo from staff member Nancy Okasaki. Her memo asked the questions whether JUMP Start had met the original objectives and whether these were still priorities.[5] She offered her framing of these objectives which included: "provide a tangible focus for the Partnership so it would be more than a discussion forum;" provide some near-term success stories;" "regain confidence in government's ability to deliver on promises;" "motivate performance by spotlighting projects;" and "set the stage for further cooperative projects." Her assessment on each of these was that success was at best mixed and that early successes were not matched now as Partnership interest was waning. She proposed that new visible projects be identified. Giving the MTC view, her memo continues "We believe the objectives for having the program are still valid" and she proposes SOM reestablish a working group to do such things as "focus on ways to increase Partnership involvement;" redefine milestones for accomplishment; "breathe life into our model of interagency partnering;" and change the number or complexity of JUMP Start projects. The committee decided that they should hold a lengthy discussion at their next meeting and give presentations at other Partnership meetings to engage partners in this. They did this, but only 3PC

---

[4] Lou, Richard, Memo to the SOM Committee, June 13, 1995, re Discussion of the Scope of SOM Committee activities.

[5] Okasaki, Nancy W. Memo to SOM Committee, "JUMP Start program of projects for 1996, Future Directions of JUMP Start" January 18, 1996.

had constructive suggestions for SOM, proposing a review and comparison of several successful JUMP Start projects and unsuccessful ones, along with a review the TIP for current projects to include.

At the February 1996 meeting the committee agreed the JUMP Start projects should be ones of significant regional importance, according to scoring criteria, or because they provided local examples that can be widely replicable, or by agreement of SOM Committee. They agreed that the program should have a dual purpose: to assist in the implementation of important partner mobility projects and to showcase the work of the Partnership and the partners. The committee agreed on five recommendations for "energizing JUMP Start" These included:

1.   Limit the list to capital and operating projects

2.   Limit to projects with 2-5 year implementation horizon

3.   Reduce the list to regionally important projects

4.   Kick Start should be maintained as a feed into JUMP Start.

5.   Limit the projects presented to the SOM Committee to those that will benefit from the committee's assistance

They decided they would focus in the committee only on the red and amber projects. They also proposed to remove planning projects from the list, moving some so-called planning projects into a mobility category and deleting others. Andy Nash, representing CalTrain, proposed that the Transbay Terminal redesign be included as a JUMP Start project in view of its relevance to many players in the region. Because this project did not have secure funding the committee did not agree to include it. Several other project proposals were made, usually by the partner agency with most at stake. The committee also heard presentations on successful and unsuccessful JUMP Start projects.

By the following meeting the chair, John Ponte had prepared a memo of his own (this was rarely done in any Partnership committee, as staff usually prepared all materials for meetings.) In this he not only elaborates on the five criteria, but also proposes some new procedures. The first is that any partner should be able to propose a project for JUMP Start listing, and that SOM will act on the proposal. Second he proposes procedures for dealing with delayed projects, including tracking, notification, and presentation by proponents to SOM and then the creation of teams or task forces to assist in moving the projects forward at the request of the sponsoring partner. These teams would facilitate in various ways the resolution of problems. Though Ponte had proposed earlier that financial incentives be provided by the listing on JUMP Start as a way to interest partners in the program, that idea was not included. This would interfere with the scoring and other methods of allocating funding on which they had all agreed. It is unclear from the record whether the committee agreed to recommend his proposal or even whether there was discussion of it.

Hot Topics

Staff developed a set of "Hot Topics" for presentation to the SOM and Steering Committee as a way to interest partners in JUMP Start. These included improvements of toll bridges, replacement of the quake damaged Central Freeway in San Francisco, the reconstruction of the Transbay Terminal, the extension of CalTrain into downtown, the Golden Gate Bridge seismic retrofit, and a proposal for setting up Transportation Management Centers to help monitor and control traffic operations. These were projects that were not on the JUMP Start list, but they were ones that were getting a lot of public attention at the time and that were controversial and needing action. They were logical for Partnership consideration as they did involve projects important to the flow through the region, serving many people, often involving multiple agencies and jurisdictions, though typically only one jurisdiction, along with Caltrans, had decision making power. Funding was an issue for all these projects as well as other local or regional differences. Nonetheless these topics were not ones that had been placed on the Partnership agenda before even as informational items.

The Partnership Board Meeting in April of 1996 focused on JUMP Start and its future for most of an afternoon. These Hot Topics were presented in a lunchtime panel. Then a discussion of JUMP Start was held with the agenda to

> discuss the merits of each JUMP Start and Kick Start idea and to discuss the reasoning and priorities underlying the suggestions. We hope that such a discussion will help generate a new consensus among the partners on what JUMP Start should accomplish and how to reach those objectives.[6]

The SOM chair presented the committee's ideas to the Board, proposing that one strategy to rejuvenate the JUMP Start program was to focus on "hot topics that impact a large number of Partners and more importantly a significant number of the traveling public." The committee had identified two ways of identifying projects–"'top down' identification by the Committee of five major, regional scale problems; and a 'bottoms up' solicitation of problem areas from numerous other partners." [7]

After presentation of the Hot Topics, partners agreed these were all regionally significant and important projects that were stalled. They wanted to identify ways in which they could help move them forward and work with Caltrans and others. The Board wanted to commit to seeing these projects through even if they did not fit the JUMP Start mold. Some saw it as an opportunity for creative problem solving, or even as the quintessential activity that expressed the purpose of the Partnership. The group cautioned each other to go slowly and discussed the importance of thinking through just what their value added could be to these problem projects, but the enthusiasm in the room for this role of enabling important projects was considerable. The

---

[6] Systems Operation committee memo to Partnership, "April 29th Partnership Meeting Break-out Session–JUMP Start program" April 1, 1996.

[7] Minutes of Partnership board meeting April 29, 1996.

group asked that SOM go back and review the Hot Topics, along with the 36 projects that had been proposed through the bottoms up process for JUMP Start, and select a smaller number. They did identify seven new projects for JUMP Start, such as AC/BART joint service for the disabled and Smart Call boxes. The committee also proposed to 3PC that extra points be given to a project for JUMP Start or Kick Start status. They discussed how to flesh out the Hot Topics further and were given brief status reports on some of the large construction projects. They heard some presentations from Caltrans on the Central Freeway replacement project. The idea of focusing on these large controversial projects, however over time seemed to gradually disappear from their agenda. The last meeting of SOM before the reorganization was in October of 1996. The committee that represented a partial reincarnation of the SOM, the Planning and Operations Committee had a new chair and it did not take up these matters of Hot Topics and control of JUMP Start project selection.

Other SOM Committee Activities

Generally speaking the committee meetings were made up of hearing reports on not only the MTS Management Strategy, the TSM proposals, the EDP proposals, and JUMP Start, but also on a grab bag of other items. These included some of those assigned by the Board in 1994, including a BART program for laying fiber optic cables, electronic toll collection, and emergency response planning. Typically staff prepared detailed memos, made brief presentations and there might be a few questions. Little seems to have been initiated by the committee, and little seems to have been controversial or even generating of substantive discussion. With 6 or 8 of such items on the agenda only 15 minutes to half an hour was available for each topic. Each was usually rather technical and there was little of clear cut policy or management significance that was evident from the memos in the packet. Rather these were reports from ongoing projects. From an observer's perspective each of the projects seemed useful or desirable in some way, but the issue of which were most useful or most worth the time and funding was not on the agenda, nor was the design or implementation of the project.

In the Partnership retreat in December 1996 there was substantial agreement that SOM was not successful as a committee and was not getting partners' interest or attendance. By that time however, staff had already made plans to reorganize the Partnership committees to divide their responsibilities differently. SOM would be no more. While there were some of the same participants on a new committee, the dynamic and the mandate were to be different.

Commentary

There are many ways of understanding why SOM never really gathered steam or got the attention of the partners. It did not have much money to allocate so it never had a compelling agenda for Partners. It was designed to deal with an elusive concept of system management that few of the Partners really understood and for which no one had a simple definition. As one staff person said rather disparagingly to the Board when they were discussing the problems of the SOM Committee, "They got into a lot of planning theory." This comment elicited a laugh because planning theory is generally regarded as abstract and not useful. Unlike some of the

ancillary groups, such as the corridor workshops or the EDP advisory board, the members of SOM were not the people who make the system work and their tasks as a group were not concrete nor focused on things that the members actually had to do outside the meetings. Committee members were not the traffic engineers. They were the managers of individual agencies and not of larger transportation systems and not likely to have practical knowledge to bring to the committee on the systems problems, even if they had been interested in it. In this they stand in sharp contrast to the Arterial Operations Committee, which did involve traffic engineers and public works directors, and worked on specific operations tasks.

Probably the one partner besides MTC itself with the most invested in the idea of a regional system was the BAAQMD, but that was only one partner. Since there were no public interest groups at the table, there was really no one representing the driving or traveling public as a group. With no interest group members from the metropolitan business or environmental community, the partners by definition each represented a sub part of the region.   While they might see how the whole region could benefit from an action, their primary responsibility was to deal with what would benefit their area. Each might have interests which are shared with the larger region, but the agencies had more immediate parochial concerns. Even if system management might help their constituencies or even, in the case of transit agencies, help with scheduling or speed of service, the relationship between the tasks of SOM and beneficial outcomes to partner agencies was neither direct nor clear. If no one did system management no one would be blamed (other than maybe MTC) and public officials or partners' boards would not even notice. The group's task was hard for members to understand and did not motivate them much.

It also seems to be the case that SOM as a whole did not have much input into the design of its work. They never came to "own" their agenda the way 3PC did, nor to develop shared intellectual capital on the problems of systems management. The way the meetings and the tasks of the committee were designed made it very unlikely that members would get engaged deeply in the issues. Consultants were doing the main analytic and conceptual work, under the guidance of staff. The committee was asked to respond to complex, fully developed materials and to talk about something that was itself quite abstract–the MTS Management Strategy. They did not do things they might have been able to tackle effectively and which might have helped them both to learn about the MTS and to buy in to serious efforts to work on it. For example the committee, along with the consultants, or even without them, might have identified the transportation problems in their areas, quantifying the costs of congestion in their areas and identifying the bottlenecks and problems. They could have provided more input into exactly what the consultant would produce and what questions they should answer. They might have developed a joint definition of the MTS which fit with the agreed on notions of the region.

JUMP Start was a different sort of problem from the management strategy. Though the group often spent considerable time listening to reports and discussing JUMP Start, they really could not find what they regarded as a useful role where there was truly value added by their participation. Judging by their preference not to hear about successful projects and only to hear about those where they could contribute, some of the partners felt that the JUMP Start program was a waste of their time. Committee members tried at various times to reconfigure the program and the criteria so that the projects could make use of Partnership help in a real way and so that

the projects would merit the attention of the Partners as regionally important. But these criteria were in conflict with the JUMP Start principles that required them to be fully funded and not necessarily regionally significant. While the partners seemed to pay lip service or even to genuinely support the original JUMP Start idea of showcasing the Partnership by attaching themselves to successful projects and taking credit, one has the sense that what they really wanted to do was to make a difference in the projects. They wanted something to work on that could make use of their skills in problem solving.   The partners never did show a great deal of interest in MTC's public relations activities and showcase efforts, other than lobbying in Sacramento and Washington.

There was also an inherent difficulty in linking the work of SOM to that of 3PC. 3PC members were not much interested in the SOM agenda, and in any case it was not clear just how it could be related to the investment decisions 3PC was making.   It was not that SOM discussions had no relevance to transportation investment, nor that 3PC investment decisions had no relevance to SOM's agenda. On the contrary, it was rather that the processes and ways of approaching the issues that characterized the work of each committee were very different. 3PC was focused on project scoring and programming of projects that bubbled up from the counties. SOM was focused on how to make the system work better. There was no occasion that we noted where SOM proposed that 3PC support some project that SOM had decided was important for the system, nor did they comment on whether the package of projects 3PC produced was good for that system. Other than specific system management projects, which were on the agenda mostly as informational like ITS or having to do with obstacles to traffic flow, the relation of a major construction project to the future working of the overall system was not normally discussed, much less coordinated with 3PC. A seemingly simple thing like trying to make sure that the buses were available to make use of the HOV lanes was not actually simple, as it would involve both SOM thinking of the idea and finding a way to get the capital investment in new buses approved. The latter was not among their tasks. The scoring process did not take into account SOM's preferences. The programming of projects was not linked to SOM's work, nor does it appear that anyone tried to make this happen in or through the committees.

SOM was an experiment that did not work, but in its successes and failures there is much that we can learn about the nature of collaborative work, about how MTC and the Partnership interacted and about the reasons collaboration can fall short even when there is an intent to collaborate.

CHAPTER 10

THE PARTNERSHIP BOARD:
SELF EVALUATIONS AND EFFORTS TO SET DIRECTION

Attendance at Board Meetings

After the first year or so, the Partnership Board seemed to have less and less of a function. The real work occurred in the committees. Typically in its bimonthly meetings the Board heard reports from staff and committees and, except for rare occasions, agreed to whatever was recommended by committees or staff. The agenda for ordinary meetings was long, involving mainly reports and approvals. The conversation was desultory, typically involving questions for staff rather than exploration of issues among the group. Controversial issues were seldom discussed. New ideas or approaches did not emerge from these monthly or bimonthly meetings.

Not surprisingly, general managers and CMA directors increasingly sent their deputies or other staff to represent them, if they sent anyone. While CMA's were usually mostly represented, the transit partners often did not attend, though BART was always in evidence, GGHBTD was usually represented, and AC Transit was often there. Other transit agency representatives attended sporadically. According to some, these agencies were represented because they had staff that they could send while others did not. Others attended because they felt the Partnership was dominated by the CMA's. Some nontransit representatives told us they thought it was because transit did not set a high priority on the Partnership. One head of an important transit agency gave a different view when asked in mid 1997 about the agency's involvement in the Partnership (or lack thereof),

> But I have to keep comparing... the pressures of running an organization are all consuming. And what has happened for me personally is I got into the middle of cutting service, balancing my budget, and addressing all kinds of crises, and the agency comes first. There is nothing left over, literally, no part of me left over for the Partnership. And even though I think I was one of the champions of this Partnership and committed huge amount of time and energy to getting it going. I still believe in it. I just don't know how I can do it. And when we started the Partnership we made I think a wise decision that the head levels, the CEO, the general manager had to be at the table. And we frowned on substitutes because we believed from the inception that that would dilute the partnership. So having made that statement and believing in it, how do I now send a substitute or not make time? That is a real dilemma. It is a real dilemma. Maybe if we talked about these kinds of things in the Partnership I think we could...I think there is a revival of some sort needed in the Partnership. And what we are not talking about are the real issues. Why are there not general managers from transit properties routinely there at the meetings?... Except for MTC and X (this agency head names another partner) I am not sure anyone else would pick up the phone if there were no more Partnership meetings and say "what happened to the Partnership? Why aren't we

meeting?" which tells me that each of us have to make the Partnership relevant to what we are doing on a daily basis.

Another high level staff member of a major transit agency wondered aloud to us whether the meeting she had just attended was worthwhile. She did not see why she should have to listen to discussion of the congestion management system. She was feeling anxious to get back to the office. Someone had just been killed by one of the agency's vehicles that day. But operating concerns were clearly uppermost on her mind almost any day.

Workshops and Retreats

The Board and staff soon discovered that workshop meetings and retreats were better attended and more engaging than regular meetings, so they began by 1996 to have more one- or two-day retreats and workshops. The general managers more often came to the retreats, though they did so in gradually diminishing numbers from 27 partners at the October 1993 workshop to only 16 partners at the equivalent meeting in 1997. These workshops and retreats were carefully planned by the Steering Committee and staff, with an eye to being entertaining and engaging for the participants. A typical meeting had a presentation by a federal or state official about some program of interest to all. This might be from the head of the Air District or from a representative from the U.S. Department of Transportation, or it might be a presentation from a CMA director about its program. The idea was to provide something that would motivate people to attend by offering the opportunity to get the latest information and to meet a key official. Meetings typically also included a legislative update about what was going on in Washington and Sacramento. This seemed to generate lively interest, since it provided an inside story that Board members might not otherwise hear.

Dahms would usually exhort Board members to back the latest MTC initiative, and stress the importance of consensus and collective advocacy. A lunch would be served, but the informal time would be limited, usually with talks or working sessions over lunch. After lunch the group often broke up into clusters of 6-10 people, including staff, to discuss particular topics and then report back to the larger group. These meetings often had a facilitator. This type of meeting was so much more successful and satisfying to the Partners than conventional ones, that by 1997 they had decided the Board would only have workshops/retreats.

Advocacy Role of the Partnership

A good bit of the Board's time went into hearing about the importance of their advocacy role and into efforts by Dahms to get Board members to come to Washington or Sacramento for testimony. In 1995 a federal official came to a Board meeting, and she and Dahms urged the Partnership to "Take the Show on the Road" to show the rest of the country how well they were implementing ISTEA. It certainly could benefit MTC to assist the federal bureaucracy in its efforts to implement ISTEA and it seems to have served MTC well to have good working relationships with federal officials and to be widely regarded as a model for the country. This relationship may have helped them, for example, to get their procedures agreed to for example

even when they seemed to be at odds with ISTEA, as they did back in 1993 when they got approval for applying formulas to the funding allocations.   Partners however never demonstrated much enthusiasm for "Taking the Show on the Road," though they were polite and a number of officials did make trips to Washington.

Partners were more explicitly supportive of a legislative advocacy role than of strictly public relations activity, but neither was what they seemed to be prepared to discuss in meetings, nor even to spend a lot of time doing on their own. A major explanation for this is probably that those around the table were mostly bureaucrats and managers. The Board included only a handful of political appointees, for whom such activities were more comfortable. While such collective advocacy may have been important to MTC's getting resources or legislation or to creating a sense of common purpose and holding the group together, these activities were seen from the perspective of some respondents as taking energy away from alternative activities for which the group's interest and skills may have been better suited or from activities where the Board might have taken the leadership roles some members wanted. As it was, these political and public relations roles were substantially different from managing a regional transportation system, coordinating their own activities, or planning regional transportation investments.

Voting versus Consensus

The Partnership did not spend much time discussing process or ground rules for their meetings and discussions, as many consensus building groups do and as professional facilitators recommend (Susskind, et al. 1999). One exception was during the spring of 1994 when the Board took a vote on an issue, much to the distress of several members who felt this should be consensus-based and not involve voting. They contended the Partnership had a ground rule for consensus decision making. The Steering Committee took up the matter, recommending against voting, and then the Board agreed in September of 1994. The record does not make clear the reasons for this. But votes can be divisive and run counter to the need to build community and joint understanding. Moreover, taking votes would also potentially have put some participants at political risk.

A High Water Mark for the Partnership

In January of 1995, when the Partnership had been in place three years, the Board meeting was characterized by lots of self congratulation for being the first in the country to establish MIS standards, for setting up agreements on how to do Transportation Demand Management, and for being one of the few regions in the state to have obligated most of its CMAQ and STP funds, (Obligating as much as possible of the funds is the one consistent criterion by which the Partnership and MTC judged itself.) and generally for just getting along together. The group had also agreed on the design and application of scoring criteria, with relatively little conflict. Dahms referred to their last retreat as a high water mark for the Partnership. This moment may well have been that for the Partnership in terms of its optimism and sense that it could move forward to meet the next challenges.

Our observation of the Partnership began at this point, when it enjoyed a strong positive reputation in the planning and transportation community both in the region and at the national level. It received a national award at the time from the American Planning Association for its outstanding efforts in intergovernmental coordination. The Partnership was, after this, to face declining funding and the need to cut back and to reopen decisions already made. Perhaps in part because of these cutbacks, it was to make fewer steps toward becoming a genuine collaborative Partnership than it had in the first two or three years. More than one respondent told us that the Partnership was more collaborative in those first years than it was later.

In 1995 various issues came before the Board, but none of them had the compelling quality of the funding and programming issues addressed by the 3PC. The Board agreed with the recommendation that corridors were an acceptable way to plan the MTS management system. They heard from the transit partners that transit concerns were not adequately addressed in the MTS strategies. Staff prepared a new charter for the Partnership, making minor changes, eliminating some agencies, like EPA, as partners because they had not been attending, so they would have 35 members representing 31 transportation and environmental agencies. The new charter established the Steering Committee officially, including Partnership and other committee chairs. Much of the Partnership discussion focused toward the end of the year on speculation about ISTEA-II (the successor to the ISTEA legislation, which was nearing its official end amid debate in Congress about what next) and its chances. Partners began at one point to brainstorm about possible Track 2 projects and strategies in a Board meeting. Before they got far in developing these ideas, Dahms threw a damper on the discussion by saying,

> You should not discuss these ideas in public unless you are prepared to stand up and support these things...We took a lot of heat in MTC for things we did that you supported here but not there.

He told a story of something MTC recommended and then got "fried" by local officials, highlighting the importance of political skills and activities.

> Remember there is a political world out there and we need you to sell it...Anything that is proposed will meet from resistance from someone.

Things That Did Not Happen

The Board meeting packet for June 1996 contained a memo from Dahms on the programming of regional projects, noting that this was a source of "continual debate and consternation among partners." He cites as evidence that

> the definition of what is regional continues to change and has yet to be satisfactory to all parties; regional projects are rarely assigned STP-Guarantee funds, and almost inevitably must compete for funding. The proportional split of funding among contributing counties is almost always in dispute–increasingly so as overall dollars decrease.

At this point an evolving piece of state legislation, SB 1505, was wending its way through the legislative process. If passed, it would turn a considerable amount of discretion for state funding back to the regions. The memo suggests that this bill would mandate some type of multimodal project evaluation process for regional projects. In the memo, Dahms also raises the issue of how to make decisions about the use of tolls and sales tax, given the difference between potholes and "crowd pleasing" topics. In the meantime legislative battles were being fought around SB 160, the funding of the seismic retrofit of the bridges across the Bay, and who would pay how much for it. Neither SB1505 nor SB 160, were developed through the Partnership nor were they substantively debated by the Board.

During 1996 MTC and the larger transportation community was struggling with several other issues, which did not come before the Board nor any of its Committees, except in passing. These included controversies over the future of the Transbay Terminal in San Francisco, serving several transit agencies, the possible extension of CalTrain into downtown, and the extension of BART into the San Francisco Airport (SFO). These issues were mentioned from time to time, but were not on the Board agenda. The Board was not asked to assist in their resolution, to help develop strategy, nor to make a decision or recommendation on these matters.

MTC's Land Use Policy

A case in point, was MTC's policy with regard to land use. Key Commission members over the years had stressed the importance of paying attention to the ways that transportation policy affects land use and vice versa, arguing that the implementation of one sort of policy necessarily affects the other. In response to these concerns the staff prepared a booklet that appeared in 1996, outlining strategies, techniques and resources for communities that wanted to have land use policies that would support what they called "community oriented" transportation strategies (MTC 1996) This was a very non directive compendium, reflecting the staff perspective that it was not up to MTC to make any statements about what localities' land use policies should be, nor to reward one kind of local policy or another. The booklet refrained from referring to sprawl, compact development or even transit-based land use--concepts others were using at the time--focusing on instead on less controversial approaches like streetscape improvements and infill development. The booklet stressed that all the policies were voluntary and under local control. Commissioner James Spering, dissatisfied with this response, in the late spring of 1996 insisted that staff immediately draft a policy statement on the transportation/land use connection for the Commission to adopt.

This land use policy draft statement was not placed on the Partnership agenda for discussion or even review. In fact only one or two Partners were even aware it was being prepared and then only because they received the Work Program Committee agenda. These particular partners were delighted to have such a statement from MTC, but wanted a stronger one than the first draft that they saw. They went to the Commissioners representing their counties and got support for adding some action statements. The final policy statement (See Appendix 10-1) essentially said that, though MTC is an agency whose primary function is to set regional transportation priorities, the Commission wants to "encourage" local decision makers to "make transportation and development mutually supportive and to exploit opportunities for

158

transportation investment that will improve our quality of life." It goes on to emphasize the complete autonomy of local government to do as they wish and to celebrate the diversity of communities. This statement was reviewed by MTC's principal citizen advisory group at that point, the Advisory Council, and the Commission approved it in the late summer. By then it had been revised to also say it "encourages community plans" that have features such as enabling residents to use a range of travel modes and providing for housing and activity center accessible to regional transit. It also commits the Commission to several actions, albeit vaguely defined, including joining with other interested agencies in pursuing the objectives, sponsoring community meetings to stimulate new opportunities, continuing to give priority to supporting transit in the urban core and to maintenance and operation of the existing system, giving weight in scoring to proposals that support these objectives and identifying community project sponsors. The policy was not the strong statement about stopping sprawl and fostering compact development the some wanted, but it was to offer a jumping off place for those who wanted new directions for MTC. This new policy was sent to the Partnership to implement in part through changes in the scoring criteria.

  The way the land use policy had come into being was unclear to almost everyone we spoke with outside of one or two staff, including several commissioners, Advisory Council members, and partners. They all gave contradictory accounts. Partners were talking about it at the December 1996 retreat, not quite sure what to make of it. Some were indignant because they had been meeting as part of the RTP Task force (see Chapter 13) to develop a new planning process for the 1998 RTP, and even that group was not informed this policy was in the making. Since much of the debate in their task force had been with staff over land use policy, members who spoke with us did not think it was an accidental oversight.

  One staff member told us he thought that the talk among Partners at the December retreat on the need for goals, visions, and plans was really concealing a hidden agenda of trying to get the Partnership to pursue an active land use agenda, presumably doing such things as trying to prevent sprawl or reward compact development. It was his view that, even though the Commission had proposed this, the Commissioners did not really understand that a strong land use policy statement would prevent them from getting the projects they wanted. The staff position on this theme had surfaced early on in the design of the scoring when they rejected the ABAG proposal for scoring projects for land use impacts (Chapter 6). It was an often expressed staff view that MTC could not or should not take any position with regard to land use patterns. On the other hand a number of partners, particularly representatives from San Francisco, Santa Clara, and the Air Quality District, felt strongly that regional funds should not be used to support sprawling land use patterns by extending roads and highways in undeveloped areas. They contended this would just increase congestion elsewhere and reduce available funding for transit. This would end up, in their view, costing everyone more money so the issue was a legitimate regional concern and not just local decision making.

  Contra Costa County, on the other hand, perhaps more than any other county, was getting significant benefit of such funding for roads, and they would clearly fight hard to keep this. As a large wealthy county, they had substantial clout in MTC and in the region. Perhaps even more significant were the so called "East County developers", often referred to in discussions though they were never in evidence in the meetings. The eastern part of both Contra Costa and Alameda

Counties was undergoing substantial development of suburban subdivisions in largely undeveloped areas. These developers seemed to have substantial influence without being at the table. Such development, however, even in Contra Costa, was to become increasingly controversial.

Proposals for Improvement

Partners at the 1996 retreat set up discussion groups on matters they considered high priority. One group was set up to discuss how to develop a vision for the region; another was to discuss the issue of leadership and the Partnership role vis a vis MTC. A third focused on organizational and structural issues and a fourth on partnering opportunities. The discussion was intense and engaging. Not surprisingly, with only an hour or two of discussion, neither the visioning group nor the leadership group succeeded in agreeing on just what these concepts meant, much less on what to do, though they had many ideas. Groups agreed they wanted a vision and agreed they wanted the Partnership to take on more regional leadership. Staff however constantly reminded the groups of limitations on what the Partnership was entitled to do. They also held the pens and wrote the ideas on the paper during the discussion. The staff, over objections of the facilitator, insisted on writing up the findings of the groups and reporting on them to the larger group.

Dahms then announced to the assembled group that he was restructuring his staff to integrate all finance issues, including both highway and transit under staffer Terese MacMillan, and freeing time for MTC transit staff to work on implementing SB 1474, the transit coordination bill which had been enacted. This was a big surprise to many partners and even some staff, who had just heard about it at the meeting. He suggested that the Partnership too needed a new committee structure in accord with ideas that were developed in the small group discussion on organization. Dahms later summarized the results of this retreat for the February 1997 meeting, giving them his own spin and suggesting that MTC was already dealing with each topic of concern. On partnering he emphasized two projects that were already in the works, including implementing SB 1474. On leadership he said they would host a workshop on meeting facilitation, though that issue had not been discussed in the small group. On regional vision he said that should occur through the RTP Track 2 planning. He said also that MTC was developing some performance measures that would help to measure achievement of regional goals. In addition he indicated that MTC was going to revisit the programming criteria and procedures for all fund types. He was not specific about what the performance measures were, nor about what programming changes they were considering, though he hinted that these would be designed to make regional projects easier to accomplish. The memorandum seemed to be a way of absorbing the Partnership concerns into MTC's own agenda, rather than an actual response to the Partnership ideas. The partners had not, in the retreat or at other times, been asking for fundamental change in the programming criteria. Indeed in our interviews they seemed to regard the procedures as a major achievement, though there was some agreement that the forms had become too time consuming and complex.

Assessments of the Partnership

Self evaluation was a major activity of the Board in annual retreats between 1993 to 1996. Board members were constantly asking "how is it going?" They found a lot of fault with themselves, although they also recognized some areas of success. Dahms went back and forth between giving encouragement and congratulations to the group for their achievements and blaming them for not participating enough or not contributing staff support. There seemed a constant tension between the Partners wanting to take leadership roles and set policy and Dahms or other staff insisting that they were about management and not policy. Staff often pointed out that MTC was "holding the bag" and therefore would have to decide in the final analysis. In these meetings MTC was clearly the most powerful partner--if partner is even an appropriate term--and staff at times seemed to be making an effort to keep the discussions within bounds and away from certain topics, or to reframe issues.

   Reviewing the themes and findings of these self evaluations helps see how the partners themselves regarded the Partnership. These evaluations usually were accompanied by suggested actions, so identifying them can help to see how effective the Partnership was in moving forward its own agenda. It turns out that little that the Board members suggested in these meetings was followed up with analyses or genuine change, and few of the criticisms were systematically addressed, even when followup Partnership committees made attempts to define next steps. Though much of the discussion was held with the help of a facilitator, the ideas were seldom formalized into conclusions at the meetings so staff usually wrote these up later, if at all. MTC maintained its prerogative as decision maker and was not necessarily persuaded by the Partners.

   One partial evaluation of the Partnership was done by Tom Larsen, who had been Director of FHWA until the end of the Bush Administration in 1992, and who was employed as a consultant to MTC. He was a booster of the Partnership and gave enthusiastic talks to the group at various times about how creative it was, how much ahead of other MPO's in implementing ISTEA, and how important collaboration was. In 1993 he conducted interviews with Partners to assess how it was going. Though we did not find any systematic description of his results in the materials given out to Partners, we note that he did advise Dahms not to continue to chair Partnership Board meetings so the group could get more ownership of the process. The solution was to rotate chairs for each meeting and agency locations for meetings. Perhaps an unanticipated side effect of this strategy was that with no regular chair there was no partner who took special responsibility for the Board, nor anyone who would become especially knowledgeable or be able to take particular charge of the agendas. By mid 1994 these agendas were set up by the Steering Committee, which was better attended by staff than partners and where staff came in well prepared with ideas, which partners at most modified. In other words the net effect of the rotating chair seemed not to reduce, but to maintain MTC's control.

   Larsen's other recommendations hint at what some of his unreported findings may have been. He argued that there needed to be compelling agendas and continuity in attendance of people in high levels of authority. Dahms was to echo this point many times during the ensuing years focusing on the attendance issue, often complaining and criticizing the Partners for not attending. Larsen also said there ought to be strategic linkages for funding, political support and environmental issues. He presumably was suggesting the Partnership did not have adequate relationships with other powerful players. Indeed Dahms appeared in the following years to

manage most relationships with outside players, even chastising Partners on one occasion we observed, who made independent contact with high level federal or state officials without going through MTC. Larsen also strongly recommended that the Partnership develop a long term vision focusing on "access, environment, land use, and economic viability for the Bay Area." The task of developing such a vision was never to be placed on the agenda of the Partnership, though it was on the agenda of the BRAC briefly, along with many other items. Larsen suggested that both partners and the public needed more education about ISTEA and transportation issues. MTC was an agency that had long made transportation decisions quietly, working with individual agencies and political officials. He proposed that Partners share their information in a multisourced newsletter, suggesting essentially that they needed their own independent information rather than relying solely on MTC. He proposed that they demand more federal participation, as these players did not attend much, presumably dealing directly with Dahms rather than attending the Partnership meetings. To our knowledge none of this was done.

During the October 1993 Board meeting partners identified as their highest priority the need to improve the committee structure. Their second priority was to work on developing shared values, a sense of Partnership community, and adaptable institutions. Interestingly these are the things which do occur in processes where consensus building is more systematically done, according to our earlier research (Innes, et al. 1994). They wanted, as a third priority, to streamline state and federal approval processes and improve institutional relationships. In particular they wanted to identify and resolve conflicts among members of the Partnership, including those not at the table, and to get a handle on where Partnership decisions are actually being made. They also wanted to develop greater financial incentives for collaboration in the Partnership, and to work out better the interrelationships between land use, transportation and air quality. In 1993 the record shows they thought the JUMP Start process was working well, as was input to the RTP, scoring, travel demand modeling, and IHS deployment. They made a conscious decision to keep out of the issue of regional governance and agency consolidation. This is not surprising because a legislative proposal to establish a regional superagency combining MTC, ABAG and BAAQMD had recently failed to pass the legislature a year or so earlier though it had been proposed by an elite ad hoc group from around the region, known as BayVision 2020[1]. Indeed the failure of this legislation and the opposition of local government was often cited to us by staff as evidence that the region did not want regional governance (and by implication that land use had to be left for local decision making).

The Board in October 1993 broke into groups to discuss each of its priority topics and develop action plans. Though a number of these seem, on the surface, to have been creative approaches to genuine problems, few were implemented in the following years despite the fact that follow up task forces were set up. One idea for example was to have focused policy discussion at Board meetings involving issue papers prepared by a task force. Since Dahms did

---

[1] This story is told in more detail elsewhere (Innes, et al. 1994:233-243). One high level respondent suggested to us that she thought that the Partnership was actually created to head off the creation of this agency because the sponsoring Senator had the votes. MTC staff, she hypothesized, were concerned that they would lose power in such an association and started the Partnership in order to give the appearance that they were instituting a form of regional governance.

not favor the Partnership regarding itself as a policy group this may not have been a welcome proposal. Another group proposed that participatory roles should be determined for stakeholders outside the Partnership. They clearly did not regard BRAC as serving this purpose. While a number of outreach methods, such as focus groups and working groups, were used by MTC over the ensuing years, no system was established to provide input directly to the Partnership by nonpartners, other than staff reports. Another group focused on the need to develop strategies for conflict resolution around funding, turfism, competing visions, and the location of decision making. They proposed an interagency staff technical team to create ongoing communication, educate all members in a conflict resolution approach, and create incentives for productive participation. These ideas were not implemented so far as we know.

In later meetings in 1994 other issues came up in small group discussion. One group which discussed the need for greater financial incentives for Partnership collaboration, argued first that they needed a way to get agency participation in the development of intermodal facilities and second that the Partnership needed to be a party to the identification of Track 2 and to identify a financial plan. The Partnership in our observation period did not become formally engaged in the decision making and analysis over the major intermodal facility the Transbay Terminal, though some of them were involved individually in behind the scenes discussion. The Partnership never developed a financial plan, other than that which results from making a list of projects. The group addressing land use concluded that the Partnership could have no land use role because of local control issues. A last group focused on the deeper, more philosophical question of reasons for the Partnership. The minutes suggest that this group was motivated by a concern that there was not sufficient sense of partnership among the members nor sufficient shared values to make the Partnership effective nor to justify participation. A form was sent out by the followup task force asking partners what they could do for the Partnership and what the Partnership could to do for the Bay Area.

When Larsen addressed the November 1994 Board retreat, again he praised the Partnership for being a creative venture and noted members were trying to identify shared values while maintaining their own identity and control. In a speech that appears to have been grounded in the emergent business management literature, he cautioned them against becoming reactive and encouraged them to take on tough tasks, learn to be flexible, to adapt to customers' needs, to "undevelop" hierarchies, rely on product-oriented teams and look for opportunities to grow and experiment. These exhortations seem likely to have been as much addressed to MTC leadership as to the partners.

In this same retreat in November 1994 the Partnership engaged in a self evaluation led by Sharon Banks, the General Manager of AC Transit. The group agreed they had done fairly well in internal organization and relationship building. They had gained in ability to address common objectives but were hampered by too large an agenda, insufficiently defined common ground, and lack of participation by some key players. A facilitator led further discussion, in which the group identified several major contributions by the Partnership, including multiparty evaluation and negotiation, development of a more widely accepted product and solid foundations on which to build future regional transportation processes. They also identified more intangible benefits of the Partnership, like deepening trust among the parties, a common base of education and

understanding about ISTEA and an improved ability to listen to and appreciate others' points of view.

According to the meeting record, small groups pursued the evaluation and analysis further, coming up with six key points.

- Partners brought different strengths and expertise to the table and they could take insights from others back to their jobs.

- All issues were on the table and fair game for debate.

- MTC was willing to let loose and delegate policy development to Partnership

- Communication and trust was established where it did not exist before.

- Risk was shared, and therefore minimized by taking initiatives as a group

- Ability to take off parochial hats and look at things regionally was enhanced by participating in Partnership –developing shared values may follow.

Areas where the Partnership experienced difficulty and where it should continue to work for improvement included the following, according to the minutes:

- Some key partners refuse to participate, which hinders success–ideas either to bring these parties in or effectively work around them must be found.

- We must continually distinguish between and balance issues of management [partner prerogative] and policy [policy board prerogative]

- Leadership cannot come just from MTC–other partners need to take the initiative.

- Caution must be taken not to overly bureaucratize the Partnership. While committee structures, policies and process have greatly helped to develop and manage the Partnership agenda, a major strength of the Partnership lies with its innovation and flexibility.

- To be most effective, the Partnership must aim to recognize problems before they become crises.

- The Partnership must focus its attention to payoff areas where collaboration will contribute to success.

At the end of the meeting Dahms summarized the discussion, suggesting the four themes of the discussion as being ISTEA-II, strategic alliances, the Partnership as laboratory for new ideas, and the idea of taking the show on the road. While these topics were discussed to some

degree judging by the minutes, none were the compelling topics that interested the Partners, who focused much of their discussion on how to make the Partnership itself more effective. They took a vote and the top vote getting items were, however, more or less consistent with MTC's agenda. These were

- A financial and state and federal legislative agenda to maximize Partnership ability to influence policy.

- Partnership public relations/information

- Internal strategic alliances to deliver projects

- Make use of the existing cutting edge technologies

In another self evaluation in 1995 the Board agreed that they needed to do a better job getting transit operators into the Partnership process. A subgroup in one of the meetings concluded that the Partnership had done well at identifying turf and at setting up a process to work together, but they had not had much luck going to the next step of working out substance. Another group wanted to find a way to coordinate among corridors and to have an overall regional plan. A third wanted to increase stakeholder involvement. A fourth wondered how the cooperation they had so far would last when the group was not held together by money. Their suggestion was that self protection might be the motivation, along with the hope for new money. By this time the themes must have been becoming all too familiar to MTC staff. Clearly the Partnership had not yet achieved a regional vision nor a sense of shared values, and they were still hoping for a regional plan. They wanted to get beyond process to some task and mission they could share as opposed to compete over. They seemed however unable even to get started on these wishes.

In December of 1996, the two-day retreat of the Board focused intensively once again on self evaluation. The staff had conducted a survey of Partners to identify what they considered the strengths and weaknesses of the Partnership to be. The survey showed they regarded the strengths to be that:

- It allows for information sharing and communication among agencies;

- It provides a forum for developing consensus on major regional projects and legislative efforts;

- It is the opportunity to develop relationships with counterparts at other agencies and to gain understanding of issues affecting other parts of the region.

The weaknesses according to the survey were that

- There were too many meetings;

165

- MTC's role was too ambiguous–should it be leader or partner?;

- There was more emphasis on process than on product with much discussion at meetings without necessarily generating results;

- CMA's are more involved than transit operators and there was no representation from cities or counties.

The survey found that improvement was needed in several respects, according to partners.

- Structure of the Partnership. It was difficult to differentiate responsibilities of the Board versus the committees. Board meetings need to be more focused and to consider only policy issues of highest order.

- Committees have been more effective than the Board. 3PC was most effective. SOM needed better attendance and had trouble getting the right people to the table.

- While all acknowledged the value of developing consensus, there was concern that the need to do this hindered the ability to set policy goals. There was too much parochialism, and too much discussion of pros and cons without implementing solutions. It was difficult for Partnership members to take policy positions in advance of boards to whom they are accountable.

- Some thought it had been beneficial to have MTC facilitate the Partnership, and others worried whether the agenda, especially in committees, was too influenced by MTC's issues and goals.

- There was a need to continue to improve the multimodal priority setting process and identification of regional issues.

- Though most agreed that the need for a systems management focus was crucial, this was the focus of most of the criticism.

- The Partnership needed assessment of performance/results to find out if it is achieving its objectives.

- Some suggested that land use and economic development be included in the objectives, but they wondered whether this can be done without the involvement of cities and counties.

The staff organized a way to showcase several spinoff partnerships during this retreat, which they regarded as successes of the Partnership that they wanted to encourage. For example

Contra Costa and Solano counties had managed to come to almost full agreement on the seismic retrofit of two bridges joining their counties across the Sacramento River. This negotiation had been contentious and difficult, but because of the personal and professional relationships CMA staff had built at the Partnership and the coordination assistance of MTC, they had been able to deal with most of the differences. A second example was a partnership between AC Transit and BART to provide paratransit services to implement the Americans with Disabilities Act (ADA) through a Joint Powers agreement. This was challenging because California's open meetings law applied to this agreement and prevented the general managers of these two agencies from communicating on the issues directly by phone or informally outside of public meetings. It was also challenging because the elected boards of these two agencies had been at war for 30 years or more over turf issues, among other things. Again the relationships developed in the Partnership were credited for the success of the paratransit program.

In the Board meeting discussion about the Partnership's performance in the previous year, partners raised a number of concerns. One partner, frustrated about the Partnership's lack of leadership said,

> The survey shows the Partnership has not really done anything. Can they pass a set of principles or are they bound by (partners') boards? For example could they, since it is allowed here to be provocative, say you should get AC and BART more integrated or relate to air quality more? Maybe we cannot do policy principles as we cannot interfere in this arena, but can we do this somehow?

Another said,

> Is this process working? I think yes, people are talking. But what about performance? How can we tell if we are accomplishing what we want to? We have worked on methods, but we do not know if we have done well. How do we decide if a project should be in the RTP? Can we do both the big and the small? Where are we going? I feel the partnership is not addressing this and I feel frustrated [said with finality and considerable emphasis].

A third partner supported this comment.

> I am glad __ said this. This is what I meant with my Byzantine comment on the need to be sure the Partnership provides value added. We need a set of goals and understanding.

The Caltrans Director was more sanguine, commenting,

> You are a lot farther down the road in dealing with this than other parts of the state in bringing in other interests and issues.

A fourth partner took up the idea that the Partnership had both positives and negatives,

167

I agree with ___. We are doing well and some of us want to see this go further and not get bogged down in day to day activities without the broader goals.

This comment led into a partner discussion of performance measurement, the need for which would become an increasingly stronger refrain in the ensuing years, both among partners and outside stakeholders (see Chapter 18).

The other half of this is a measuring tool. Not sure if there is one. To show whether something is the best project.

Yes, but you cannot get measures unless you know where you are going.

You can compare them to where you have been. You don't have to know where you are going.

The RTP is that place where this sort of thing could happen, but it is only projects. But tell me where these measures would be and what the RTP would be like if it were to tell where you were going.

The RTP was about mobility and air quality, but we need to be more specific. (This partner like some of the others seemed to be struggling with how performance measurement would work.)

Don't you think the tremendous effort in the scoring system has moved in that direction, measuring projects against objective measures of many things? ....

Projects that are more multimodal should be encouraged. I am a planner by training and it feels funny to me to go through the process and not know where we are headed. We hear the region is headed for gridlock. I wish we could think big picture on that and what to do about it.

The facilitator intervened here, obviously regarding this as an important discussion. He tried to help the last partner articulate. He began writing on the butcher paper, "What does it mean to get a picture of where you are going?" A partner responded,

 Good question. It is difficult to make tradeoffs. If you have limited resources you want them in the most important areas.

So you want something to measure to optimize RTP?

Yes. Are what we putting in there the right things to do? A lot in there is maintenance, but we have not asked this question.

A staff member at this point who was acting as a kind of co-facilitator, standing in front, changed the subject from the vision question to procedures and the political dimensions of their actions.

> Going back to whole setting of the agenda. There are two main things. One task is setting goals. If it is avoiding gridlock, say that. The methods one is a whole different thing. The question is what role do you want in setting targets vs methods of getting there? Different operators might do it differently for ADA, but for RTP for example there are value-laden issues in methods. And we don't want our policy boards to object. One issue is how serious the specter of these boards really is. They are apparently less evoked today than they were in the beginning. Realistically they probably know very little and care less about much of what goes on here.

But Partners continue,

> The question from ___ is to what extent should this group play the role of visionary, saying "what it is that should go on?" Are we not in the best position in the region to do this and would not it enhance the already pretty good work that MTC has already done?

> I see the Partnership as a framework to structure decisions. It is not parochial and isolated, so all of us can feel a high level of comfort that, even if we were not at a meeting, that people who were there will meet a high standard. Even though we don't know where we are going, we are buffetted by many forces. You have to have faith you can continue to do that.

Partners seemed to generally agree with this statement. One noted,

> I see the Partnership as a unique resource and focus. It is working well at the subcommittee level. At the larger level the Partnership is not using the resources it has. We run after gridlock problems with money and projects. We need to deal with this. What if we agreed as individuals professionally as we do in our professional organizations, on something? (Rather than as representatives of our policy boards) Would this help in Sacramento?

Another staff member, sounding a bit defensive, tried to get the conversation moving on a different track,

> I feel proud that people feel the Partnership helped spawn other partnerships. The conversation drifted off into the MTC again and the RTP. RTP has been budget driven. Our answer has been Track 2. It is hard but beginning to take shape. The mantra is price the system, manage the system. The RTP will be a framework for this in the next few months. If you think that is a vision, then we have it. The

other committee, SOM, does not get attention of 3 PC. I still hold on to the idea of what ISTEA was all about--partnering. It did not say MPO's were the leader. They can't be. To me the shadow MTC is important. We need to spawn more partnerships. *This* is where we fall down. The world belongs to who comes to meetings...I believe the RTP is all we have got for those interested in long term vision. We are a breakthrough region in thinking about operations in the region. Track 2 is it.

Another partner responded,

The underlying word is leadership. We are not really tackling the problem of leadership. Where MTC does not take the lead, we don't follow. We should step up to the plate in this group. When we come here everything is left to MTC. Is that ok?

The small group that later on was set up to discuss leadership agreed that MTC was largely the leader, but did not seem convinced that was as it should be. They were concerned that the Partnership had focused too much on MTC's agenda, activities, and products and not enough on an agenda they developed themselves. A later interview with one of the members of this group indicated she thought this was due to the Partners's own failure to take leadership and to MTC's filling the vacuum. The formal report later provided by staff on this discussion, indicated that the group agreed that whichever agency was accountable should take the leadership role, set the parameters for the initial agenda, the areas open for negotiation, and the range of acceptable solutions, and should determine whether or not to take the advice. That from our observation was not a full representation of the group's discussion. Rather the report emphasized what the staff member had said. Much of the group discussion was actually devoted to the idea that in the present era one needed to develop new models of leadership. In particular the group emphasized that leadership was about listening and working together. It was about innovating and learning from each other. It was about looking for ways not to be hemmed in by assumptions but to look for creative ways to make a difference. None of that came across in the written or oral report.[2]

The small group working on Partnership structure proposed that the Board meet only twice a year in strategic workshops to set committee agendas, among other things. They proposed integrating the RTCC into the Partnership and holding meetings as much as possible on the same day to save the partners' time. They proposed getting the partner agencies to assist with clerical and mailing work and to use the web for communication. The most important change that they proposed was to divide 3PC between a committee on Finance and one on Planning and Operations (POC), putting the programming activities in the first and planning in the second, but making sure fiscally important issues with immediate consequences were addressed by both committees. All the SOM activities would be folded into POC. This was a suggestion that had

---

[2] This inaccurate reporting was not an isolated instance. One leading partner told us, "MTC staff come to meetings and hear what is said and then come back the next time with something different that obviously is what MTC told them that did not come from Partnership."

been made earlier in the meeting by Dahms, and it appeared to have been discussed before the meeting.   The basic idea was to more evenly balance the responsibilities of the committees, improve the likelihood that partners would attend each of them, and presumably increase the likelihood that planning would be done rather than just programming. The Legislative Committee would continue. The RTCC would be abolished, as its members were all part of the Partnership and in any case the committee was doing little of note. There would be a new subcommittee on transit finance as part of the new Finance committee to assure transit operators that they could make their own decisions about the uses of the funding dedicated to transit.   The group also proposed a special new committee on transit coordination.

Concluding Comment

There were recurring themes in all the self assessments. Partners felt the Partnership was valuable in helping them share information, develop relationships and trust, and have a forum for discussion that allowed them to share risk and think regionally. They were all concerned however about MTC's dual role as leader and partner, and they wanted the Partnership to assume more leadership and policy roles than they had been able to–though they were not sure why they had not done so. They were concerned because some partners did not participate and other stakeholders were not being heard from. They felt the structure of the Partnership was cumbersome, involving too many meetings, and some committees were not as effective as others. They supported the multimodal priority setting and scoring process, but recognized the need for doing better on regional issues. They wanted performance measures to see how they were doing. They wanted a regional vision to come out of their group.

The proposed reorganization was carried out the next month, but during 1997 and 1998 the Partnership was to face increasing challenges. The Partnership Board as a whole did not take further leadership in that period, fading even more into the background as battles were fought out within the committees and outside the formal meetings of the Partnership altogether. Looking back one can see that few of the proposals Board members made were implemented, other than restructuring of the Partnership.

CHAPTER 11

PUBLIC PARTICIPATION AT MTC:
BRAC AND THE ADVISORY COUNCIL, 1992-1996

MTC's Public Involvement Strategies

MTC as an agency has many activities involving the public. First of course, the Commission, as a public body, holds hearings and the public is permitted to make comments to the Commission and its committees. Because almost all commissioners are elected officials in their own communities, they hear from the public in formal and informal ways at home on some of the topics before the Commission. The Partnership itself represents a good geographic and modal range of interests among transportation providers. The partners are in turn almost all answerable to appointed or elected boards, which are subject to public hearing and other public participation requirements. When MTC made the decision in 1992 to allocate funds from ISTEA on a county guarantee basis, they stressed that, although the counties would have to go through a planning process using ISTEA criteria, they need not hold additional public hearings, on the ground that there was already opportunity for the public to comment in various ways.

MTC also has several advisory bodies that serve as a way of securing the input of various segments of the community into MTC decision making. These include the Advisory Council (discussed in detail below), the Freight Advisory Council and the Minority and Elderly and Disabled Advisory Committees. In addition, MTC has convened, or has been involved in, a number of groups working on specific issues that include public members. These include the Congestion Pricing Task Force, the Conformity Task Force (focused on air quality standards), corridor advisory committees, and a variety of other ad hoc groups.

MTC's staff during our study devoted thousands of hours each year to a variety of public "outreach" activities, as they normally labeled them. Much of this might also be called public education or even public relations. More recently some of it involves testing public opinion through polls and focus groups. The agency produces an eye-catching monthly newsletter, called *Transactions,* which it mails to a sizable number of people around the region. MTC occasionally holds visible public conferences on transportation issues, inviting political leadership to speak and engaging public officials and local leaders. The agency holds public hearings around the region on the RTP and on other matters of public interest such as the Bay Bridge design. As part of their public information effort they produce, in addition to the *Resources Guide for Livable Communities*, a professionally designed booklet, *Citizens' Guide to the MTC* (MTC October 1995), and in conjunction with the "Take the Show on the Road Program" in 1995 a brochure on the Partnership itself. A web site provides an excellent overview of MTC programs, including the Partnership. Dozens of MTC publications are available for the asking, and anyone can be placed on the mailing list for the agendas and agenda packets of any of the regularly scheduled committee meetings of MTC or the Partnership.[1]

---

[1] Much of this is described in more detail in a consultant report assessing MTC's public involvement procedures (Metropolitan Transportation Commission 2000c).

A public and community relations staff manages the meetings of MTC's various advisory groups and answers the public's questions. Steve Heminger, MTC's primary public spokesperson during our study, appeared often on talk programs and public forums. Taped versions of many major meetings of MTC or Partnership committees are available on request, in compliance with the state's open meetings law, as are minutes of meetings. There is no question that MTC puts significant effort and funding into this type of public information responsibility.

MTC also has a substantial program for more in depth and interactive public participation. In connection with the RTP and the designation of Track 2 in particular, MTC staff, sometimes with the help of facilitators, conducted dozens of "outreach" and focus group meetings around the region. These took various forms, typically involving invited individuals or groups known to be interested in transportation issues in a particular county. The CMA and other agencies in the county were usually asked to provide the names of people to invite. The groups sometimes involved key local public agency representatives. Meetings often included 20 or 30 people and lasted two to three hours. In the early stages of RTP development in 1995-96 the staff brought general strategy questions to these groups about, for example maintenance versus expansion, and questioned them on the biggest priorities for their areas, laying out some of the options and trying to clarify the fact that much of the funding they were talking about was not going to be available until some time in the future.

As time passed the outreach meetings increasingly focused on the emerging Track 2 strategies and the corridor-by-corridor approach. A staff member would give a presentation to interests in a corridor, complete with multiple overheads showing the options and ideas. Detailed records of the comments were kept and reported to the various Partnership and Commission committees. While some of the things that these groups wanted were impractically expensive, the preferences undoubtedly made some difference to the staff, who recognized that these people are more aware of local problems and conditions than they. These were also local leaders or vocal spokesmen on transportation issues so their opinion could well matter politically. These were mostly not scientifically representative methods of opinion testing, nor were they collaborative dialogues designed to include a wide range of stakeholders. These methods seemed to represent a cross between the technical and the political models for public involvement. They were technical methods of gathering opinion, sometimes in a scientifically representative way, and they were simultaneously political methods for public education about MTC's agenda, public relations, selecting the most popular projects and ultimately seeking public support for the proposed projects.

In addition to these formal public involvement procedures, staff reported that they had informal and frequent communications with a number of representatives of transportation-related interests. Based on our interviews and comments made in meetings, we believe these relationships include at least some members of the development community in the suburban and rural areas, the highway construction industry including unions, the Bay Area Council representing big business in the Bay Area, and selected individuals from key environmental organizations, including the Environmental Defense Fund[2], which had a particular interest in

---

[2] In 2000 the name changed to Environmental Defense.

congestion pricing, the Sierra Club, and more recently some community-based organizations and inner city developers of affordable housing.

Limitations and Obstacles to Participation

Although their methods were diverse, MTC's public involvement activities faced limitations as ways of getting informed and meaningful participation from various interests and the broader public. First, not many members of the public actually attended Commission meetings as a rule, and those who did typically came only for some particular issue on the agenda. The press seldom covered Commission meetings so the wider public was not much aware of what MTC is doing, nor of what issues it was considering. Reliance on public involvement procedures at the local level meant more public attention for local projects than for the larger scale regional policy questions or projects. While there are many regional interest groups in the Bay Area, they ordinarily do not have the resources or information to monitor and address dozens of local decision making bodies.

A second obstacle to public involvement lies in the complexity of the MTC and Partnership structures. Each has numerous committees and ad hoc task forces. When we began our research we found it difficult to discover what committees existed, much less what the responsibilities of each were. We had to dig through old materials to find the mission statements of the committees. Then we had to discover which staff person was responsible and contact that person. Others interested in monitoring and participating in MTC/Partnership deliberations have told us of similar experiences. Moreover, while information on Partnership and MTC agendas is publically available, we found it took time to get on regular mailing lists for some committee agendas.

For the small group meetings like the Steering Committee and short term, ad hoc task forces, where it turned out much of the important work occurred, it was even more difficult to find a way to be informed. Frequently we did not learn of key meetings until too late. Our team of researchers also found it difficult and, in some cases impossible, to get copies of minutes or agenda packets of some committees from earlier years from the MTC library. Individual staff were very helpful to us however, in locating some of this material from their own files. Sometimes we got the information we wanted immediately and sometimes we did not. Staff were extremely busy with many activities, and such information requests often cannot be high priority for them. However as we were personally acquainted with many staff, who were willing and supportive, we can guess that the challenge of monitoring meetings is even greater for a member of the general public than it was for us.

A third obstacle lies in the technical complexity of many discussions. When we began to attend the Partnership meetings, we found it challenging to follow the discussion, which was conducted in terms of acronyms and referred to many funding pots and programs, each with their own unique and complex characteristics. It was an ingroup conversation among people who deal in the technicalities of the programs on a daily basis. It took us as policy researchers, knowledgeable but far from expert in transportation, about six months to get to a point where we could understand a sizable proportion of the meeting discussion. While there certainly are expert members of the public who could follow the discussion better than we could at first, the technical

174

detail is a substantial deterrent to most who might want to observe meetings. In fact the technical nature of the language and the amount of knowledge required was often cited to us by partners as the reason they did not want others who were not transportation providers or regulators involved in the Partnership. They could speak more easily to one another without having to explain things to outsiders.

A final obstacle was created by the way most MTC staff thought about public involvement. Typically public involvement was thought of as feedback on priorities as laid out by staff or aspects of proposals prepared by staff. It was not involvement in the early stages of problem solving, nor was it about major goals because these had been adopted several years earlier by the Commission. Thus it was difficult for members of the public to do more than comment on a course that had already been set.

While it is not evident that MTC ignores public input it is also not evident that they make use of it. Many members of the public expressed the conviction that they were not listened to in the 1999 review of MTC public involvement procedures by the U.S. Department of Transportation (See Chapter 17). It would be hard for the public to tell what impact they have because so many comments are made at such meetings, comments going in opposite directions and because there are so many constraints a priori on the use of the money. Public participants do not ordinarily get deeply enough into discussion with staff to penetrate these issues or challenge the assumptions about what is and is not negotiable. Some participants are quite knowledgeable about some issues, but none really have full information about the whole picture. Moreover many members of the public are participants in an advocacy groups and thus from a technical planning perspective, their data and opinions are often suspect–though these advocates were often equally distrustful of MTC's data. Public meetings were not designed to reach closure nor to get commitments from MTC on actions. The participants were seldom in a position to find out whether their point of view was seriously considered, much less accepted, or if it was not accepted, why it was not except in the rare cases where they influenced a vote of Commissioners directly.

Public Involvement in the Partnership

Public participation was not something the Partnership encouraged in their activities. Some partners even doubted that they, as the Partnership, could legitimately conduct outreach or public involvement. All meetings of the Partnership were open to the public and many were taped after 1995. Members of the public seldom attended, however, and the Partnership never held hearings, though some meetings were informal enough for outsiders occasionally to comment. Minutes of meetings were taken and distributed, along with agenda packets, to anyone who requested them. But as a practical matter it was difficult to get on mailing lists in some cases, difficult even to find out what all the committees were, and especially difficult to get timely information about irregularly scheduled ad hoc committees. Minutes, which had been fairly informative in the early years, became less and less so as partners challenged the details. Old minutes of the Partnership committees were not always kept in the MTC library. Those we obtained were mostly from staff or partner files. Tapes, when they were available, were sometimes inaudible or otherwise not usable. Obtaining the tapes was difficult, requiring a visit

and cash payments after the copy had been made. One staffer told us with some annoyance "We discourage people from asking for tapes." At one point SOM committee members proposed for convenience to place agendas on MTC's web site. A senior staff member vetoed this proposal, saying agendas should be for inside use. No one objected.

Nor could it be said that the Partnership itself incorporated public participation in the way some stakeholder groups do. All partners who were at the table represented public agencies which either delivered or regulated transportation services. None represented organized interests or citizen groups. Nor did the partners want to change this or have more public involvement. A staff member told us,

> Staff: Providers thought these outside groups did not have the goal of getting something done, but to stop things.

> Interviewer: But don't business groups want to get things done? Are you referring just to environmental groups?

> Staff: Yes, but we could not invite one without the other. We have a common level of decision making here and with it comes the fact that you are missing other sorts of players.

During all the evaluation exercises the Board went through, the idea of broadening their membership to more kinds of participants never came up as far as we can tell. Nor did the idea of developing their own public involvement program. When we asked individual partners in interviews in 1996 and 1997 if they thought interest groups should be included at the table, none responded positively. They felt that the group was large enough already; that the issues were too technical; that partners needed to get their own act together more before incorporating others. One of the leading partners told us,

> I think we need to strengthen the Partnership as it is now before you add. If you are adding cream to coffee that is already diluted you are not going to get a better cup of coffee. You are going to get just blaah. I would frankly be concerned about bringing in new people into a Partnership that is not the Partnership we started with. The Partnership when we started was more vibrant and alive and there was enthusiasm for it. I think that has waned, and we need to revive it. And you don't do that by bringing in new people.

Individual partners were publically accountable, as were the policies and programs they put together for their agencies. Most Partners report to their own publically appointed or elected boards, which hold public hearings and usually include members who answer to the voters. But the Partnership Board as a whole did not answer to a regional public. Rather formal public accountability in the region was left to MTC, which had its own program of citizen committees, public involvement, outreach, education, and public hearings before the Commission. Some of

these activities were reported on from time to time to the Partnership, but there was little direct interaction at Partnership committees with members of the public.

The Blue Ribbon Advisory Council (BRAC)

The Partnership's only formal effort at public participation was the Blue Ribbon Advisory Council (see Fig. 11-1), which both partners and MTC regarded in the end as a failure. It began in mid 1992, meeting jointly for the first year or so with the Partnership Board–though Partner attendance at the BRAC portion of meetings soon dwindled. BRAC members included transportation, research, industry, environmental and business leaders. It was designed on the model of a blue ribbon committee, as it was made up of elite and influential people, chosen more or less to reflect a range of interests and perspectives. They were not obligated or even expected to speak for any particular group, though some did so. The group included some "neutral" experts not identified with any interest.

Mission and Agenda

The first big question BRAC members faced in 1992 was what would be their mission and activities, but they did not come to a clear agreement on this. One of the work groups at a Board workshop in July 1992 recommended a set of responsibilities, including assisting the Partnership in developing direction and vision for Bay Area transportation; guiding implementation of ISTEA; providing advice on new technology; and developing recommendations for monitoring the performance of MTC. BRAC members themselves however had less than unanimous support for these divergent and challenging goals, and they, not surprisingly considering the diverse membership, had significant differences among themselves. Some thought they should primarily deal with big, value-related issues like helping develop a long-range vision and transportation policy linked to land use, housing, jobs and air quality issues. Others thought they should get involved in the details of ISTEA implementation and programming and discuss the criteria. Some wanted BRAC to pay particular attention to distributional issues, including whom the transportation system serves and does not and to how it affects the environment and communities. (Fig. 11-1)

The group did show substantial interest in performance monitoring and was interested in whether the "right" decisions were being made. They agreed that they could contribute considerably to coalition building and political capital for MTC, as clearly Dahms was hoping and intending. They apparently neither talked through these various possibilities, nor made a decision on a more specific focus however, instead leaving all the ideas on the table. Like the Board in the first year, the BRAC resisted setting up small working groups to do specific tasks. They did ask for data to be prepared by staff showing current transport responsibilities, probable demographic and transportation investment futures, and time line, in an effort to build a base of knowledge on which they could work together.

```
┌─────────────────────────────────────────────────────────────┐
│                       Figure 11-1                           │
│        The Partnership Blue Ribbon Council (BRAC)           │
│                 Mission Statement 1994                       │
└─────────────────────────────────────────────────────────────┘
```

Membership

> Leaders drawn from transportation, research, industry, business and the environmental community.

Responsibilities/Purposes

> 1. Provide an expanded partnership base.

> 2. Assist the partnership in developing vision for Bay Area transportation.

> 3. Assist the Partnership in implementing ISTEA mandates to plan and manage the MTS.

> 4. Provide advice on the application of new technologies and other innovative ways to operate the MTS.

> 5. Develop recommendations for the management of the MTS.

> 6. Build coalitions among the diverse interests to garner support for the vision.

At their second meeting, in November 1992, the BRAC members raised issues that were to become preoccupations of the Council and its successor, the Advisory Council. They discussed public outreach and agreed that there was a need to increase the local level of participation. They were concerned that CMA's were too road-oriented and the opinion was expressed that transit operators should be involved in the outreach as well. Also they said county meetings to make project decisions would not reflect the interrelatedness of transport problems across counties. The group appears, from the minutes, to have had a rather unfocused discussion on the RTP, perhaps reflecting the diversity of knowledge and expertise in the group and uncertainty of many members about what the RTP was and what the technical and policy issues were. The BRAC did not make

178

specific recommendations to the Partnership or staff, asking only for an update on the transportation-land use connection and a followup on the outreach issue, among other things.

When BRAC met again in February 1993, members were unenthusiastic and even critical of both the agenda MTC proposed for them and MTC's approaches to planning. The committee wanted to focus more on value issues than did staff. When MTC staff presented the overview of the RTP Capital Investment Plan Decision Process and Principles, BRAC members said principles should be reordered to reflect broader values first and that, in particular, quality of life and mobility should be considered primary so that policies would be designed to achieve this. BRAC members complained that the staff principles seemed designed to reflect rules to "play the game" rather than to meet the region's needs in the best way. The Council also wanted to suspend some of the limitations on the process of preparing the next RTP. They wanted to focus not just on new projects, as staff were suggesting, but also on using existing resources better. They were challenging the untouchable quality of the pipeline of agreed on projects.

BRAC members wanted to expand public involvement beyond their own meetings. They discussed MTC's public outreach program and agreed that the biggest obstacle was that issues were so complicated. Activist and articulate spokesman Larry Orman, of the Greenbelt Alliance, one of the Bay Area's largest environmental advocacy organizations, suggested MTC establish an ombudsman position to assist and educate community members. A community liaison member complained there was no coordinated local planning and that all was driven by politics. Turnover in elected officials, they said, resulted in a lack of institutional history or continuity in policy, which deterred citizens from voicing concerns. There was among BRAC members a sense that the transportation bureaucracy lacked accountability and did not pay attention to the real needs of the community. They suggested such things as meetings sponsored by community groups, radio talk shows, focus groups, and the presentation of informed public opinion, with debates followed by focus groups. Though several of these ideas and proposals for change at MTC are in the minutes, few appear to have been pursued or even formalized into recommendations. The committee had already launched on a course of conflict and ultimately confrontation with MTC. There was little evidence from the minutes that constructive dialogue was taking place.

Defining a BRAC Mission

During 1992-94 BRAC members learned about the missions and activities of the Partnership committees and continued to have some joint meetings with the Board. They heard more about the RTP outreach strategy and the Track 1 and 2 concepts for prioritizing projects. The BRAC as a whole took a particular interest in the RTP. Larry Orman wanted more information and public education on how the RTP process works and said that the process leaves the impression there is a planning vacuum. He proposed a look at what other regions were doing to produce financially constrained plans.

The idea of BRAC members participating in Partnership committees was proposed as a way of giving BRAC a better notion of what do to with what they were learning, but members did not want to do that until they revised their charter. By the June 1993 meeting staff had prepared a new draft of the BRAC charter saying that the members would participate in Partnership committees and make formal recommendations on Partnership work items as well as define

significant regional issues. This was another experiment which seems not to have been continued for long. In November 1993 and again in December, BRAC did meet jointly with 3PC. These meetings focused on the 1994 RTP, which would soon have to be adopted. The minutes show comments only from one particularly vocal BRAC member, who called for a regional vision on resource allocation.

The charter of the BRAC, when finally spelled out in 1994, (Fig. 5-2) included a list of categories of representation and said its overall purpose was to "Provide an expanded Partnership base." The BRAC responsibilities included assisting the Partnership in developing a vision for Bay Area transportation; assisting in managing the MTS; advising on applications of new technologies and innovative ways to operate the MTS; and building coalitions among diverse interests to garner support for the vision. BRAC was supposed to define significant regional issues and stimulate and focus new ideas, outline the process for consideration of these ideas including public outreach, facilitate broad debate over the issues, and build consensus for specific recommendations. It was a diverse and lengthy agenda to be addressed in bimonthly two- or three-hour meetings and some of the items on it were not particularly well suited to the expertise and interests of some of the group, as became evident in the following year.

The RAFT Proposal

Some environmentalist members of BRAC, along with others, formed an organization they called RAFT, the Regional Alliance for Transit, designed to push for alternative versions of the RTP in social movement style. They made a proposal for a new version of Track 1 to a Partnership/BRAC meeting in December 1993. The goals of their proposal were to try to increase transit ridership, reduce vehicle travel and emissions, and conserve open space. Their plan would expand and upgrade transit services and add no new highway capacity over 20 years. It assumed there would be funding flexibility across transit operating and capital costs, that local land use plans would be revised to concentrate growth around transit services, that a $3/day parking surcharge would be added for driving to work, and that county equity funding shares would be relaxed to provide more funding for more investment in the inner urban core. While MTC made clear that they regarded these assumptions as unrealistic, they agreed to do an analysis and set of projections on this plan. One staff member told us they thought it might contribute to a discussion.

What the staff projections showed was that using the RAFT assumptions and policies there would be 23% more transit trips than with the RTP as it was planned, along with fewer vehicle trips and fewer vehicle hours of travel along with fewer emissions. A sensitivity analysis of the model showed that the parking cashout or surcharge and land use assumptions were important to the findings. BRAC members felt these results should be used as an educational tool, and staff proposed to bring the findings to the attention of MTC and other policy makers. They made presentations to Partnership committees, and the material was also presented to the Work Program Committee in May of 1994.

MTC took the position that they could not implement a plan such as RAFT's because they had no land use authority, while RAFT argued MTC could use its influence and funding capabilities to shape local decision making. Staff was frustrated, contending that the plan was

simply not implementable, while RAFT proponents, led by John Holtzclaw of the Sierra Club, argued that MTC should take seriously their aggressive infill growth scenario. One senior staff person who had originally supported looking at the RAFT ideas, felt disappointed, even bitter about the whole process. He told us,

> Staff: The RAFT group are well meaning folks that we at least started to work with. They could harm us so you cannot shut them out. You have to allow them to say their piece at the meetings. I don't know if you were at the last meeting of 3PC, where one of the RAFTers was kind of angry at us. That is probably an understatement. I do not know how to deal with them. I have to just let them say their piece. I cannot engage the RAFT philosophy because they have taken it to the point where it is Us vs. Them   We should adopt their proposal. It is theirs. Their proposal gave us an intellectual basis to discuss issues about land use and transport, but that is not where they took it. They took it as a way to say MTC is doing wrong by not adopting their proposal. Their proposal is not adoptable.

> Interviewer: You originally understood it as an intellectual basis for discussion but it became...?

> Staff: An advocacy piece. And misrepresented. There is no legal way we could adopt their proposal. We cannot say to Palo Alto, "You have to take all the people who were going to go to Sonoma." But that is their proposal. They say that is good because it saves all this land and it looks good because CalTrain ridership goes up. I agree. More people would ride BART in Berkeley. But I know there are not going to be more people around BART in Berkeley either. What they are trying to do is say we are bad, we are evil, we are wrong. If you read what one of them says we are also racist.

Clearly this set of interactions had polarized matters, not so much because there were different opinions but apparently because of very different styles. RAFT was pushing its vision and the staff were looking at the issues within the bureaucratic and technical framework that they believed constrained their actions. There was little mutual understanding much less empathy for the different views. No changes were made at the time to the carefully negotiated 1994 RTP as a result of RAFT's proposal, but the issue was to arise again for the 1996 RTP. RAFT wrote to the Air District at that time asking them to persuade MTC and ABAG to analyze a more aggressive transit-oriented scenario. The RAFT group by 1998 was to be joined by a broader based grouping of nonprofits and advocacy organizations challenging MTC and the RTP (See Chapter 17).

The Deterioration of Discourse

BRAC's meetings by all reports became more and more contentious. In 1994 a Partnership assessment of what was going well and badly found that a good number of partners

were concerned about the BRAC, which they felt was not well linked into the Partnership structure and was not working well. The RAFT discussion had played a substantial part in a breakdown of civility and communication. Much of it was conducted in a rather confrontive or blaming tone on the part of RAFT proponents, which was quite different from the usual Partnership discourse. The more moderate members of BRAC stopped attending. These were replaced by others, primarily environmentalists, who had not been formally invited, but who moved up to fill the empty places at the table, becoming de facto committee members. Ill will between the remaining members and MTC staff grew. One staff member explained,

> Staff: (BRAC) was not structured well, so that while we began with a mix of people in terms of their points of view, most of the rational people got driven away because the environmental community--and not necessarily the middle of the road environmental community--kind of just came to the table without even being invited...They just dominated the discussion and drove out...other people did not bother coming. Nobody listened to them..... we were trying to discuss the same things we discuss with the Partnership, but we got hung up on the RTP. MTC was a villain because we were supporting rail everywhere.... There was (originally an invitation) but we kind of let those who had not been invited come and it started to disintegrate. And I think it did drive out people...who said, you know, why put up with it?

One of the nonpartisan members offered another perspective on what went wrong with BRAC discourse.

> BRAC Member: BRAC didn't work very well, because we would meet and hear what was going on, but there wasn't as much contact with the issues - there wasn't as much in-depth discussion of issues. The meetings were a little short. Members would meet for only 2 hours, during which time they would be bombarded by 17 different things, with everyone rushing to move onto the next item of the agenda. All participants had a chance to do was to listen and sort of nod and say "fine, we'll discuss it next time," and say "good, good, good" and then "see you 2 months from now.

Some BRAC members told us they had little impact or influence. Some felt they would be more effective if they were advisory to the Commission instead of to the Partnership. It is not clear that they understood what the Partnership did however, because a number of our respondents were quite vague about the Partnership role.

In the November 1994 meeting of BRAC, Dahms said that to pass the transportation funding reforms they were working on, MTC would have to work hard on consensus building and would need to reinvigorate and reenergize the BRAC. He suggested that MTC staff would ask the Partnership if they still wanted the BRAC to advise them and, if not, that they might be made advisory to the Commission. At that same meeting BRAC members commented that MTC

needed to make its work more accessible to the public and that if they were advisory to the Partnership, they needed to get its minutes.

An internal staff memo the month before this November meeting had already made the case that BRAC had failed to serve as the diverse spectrum of public advisors and advocates that MTC had intended. The memo notes that participation was dwindling and had become largely limited to members of environmental groups. The memo contended that primary reasons for the problems were that BRAC members were not taking the initiative in developing their own agenda and had not engaged in activities of the Partnership, except for the RAFT proposal on the RTP. Even that, it noted, was really only a proposal of environmental groups rather than of the whole BRAC. The memo also suggested that BRAC's access point to the decision making process was not clear. It had not functioned as advisory to the Partnership due to the "informal diffuse nature of the Partnership and resistance by some Partnership Board members. More recently it has acted as advisory group to MTC staff." The memo proposed that the BRAC be reconstituted as an MTC advisory council, on the same model as the Air District's advisory council, with 18 members from specified interest categories. The memo proposed something closer to a stakeholder group than the BRAC blue ribbon approach, where members would be included because they represent an interest rather than solely in their own right as individuals. The memo contended that such a council would offer several advantages, including improving the quality of advice it could offer, responding better to ISTEA mandates on public participation, providing an early warning device for MTC initiatives, providing a clearinghouse for ideas and initiatives others like RAFT might want to pursue and providing more allies for MTC initiatives in Washington and Sacramento.

The Abolition of the BRAC

Staff then made a proposal to the Partnership Steering Committee meeting in December 1994 to abolish the BRAC. The Steering Committee minutes provide little insight into the discussions.

> For a variety of reasons, the BRAC has not effectively fulfilled its purpose as an advisory group to the Partnership Board. Prior to this meeting MTC distributed to Steering Committee members its proposal for restructuring of the Partnership's public participation program based on the Partnership's interest in forging strategic alliances. The proposal calls for disbanding the BRAC as it currently exists and setting up ad hoc advisory groups as the need arises to assist the Partnership with specific issues.

The minutes indicate that the Steering Committee's response to the proposal was generally favorable. Committee members said the BRAC membership list should be transformed into a resource list of people willing to help the Partnership on specific issues. This they thought might ease BRAC members' concerns that they were being left out. A question was raised about whether the Partnership had the authority to do public outreach. They proposed looking at how BRAC is written into public participation regulations, seeing how this proposal fit MTC's adopted public participation rules, and then revising the charters accordingly.

Staff prepared a memorandum for the January 5, 1995 BRAC meeting, forwarding the Steering Committee's proposal for BRAC "consideration." Echoing the proposal to the Steering Committee, the memo said that the BRAC had "not entirely fulfilled its original purpose" of providing broad based input to the Partnership. It went on to say that " By seeking outside response and input, the Partnership establishes its credibility... the outreach process provides the Partnership with an opportunity to forge strategic alliances with advocacy groups." The memo argues that the Partnership should redirect its public outreach based on its successful models and on the commitment to building alliances. BRAC according to the memo, had been most effective when presented with a specific agenda tailored to fit members' interests. Therefore the memo proposed to develop an outreach effort, identifying on a case by case basis the groups that would be most successful in addressing Partnership issues. The memo cited the Congestion Pricing Task Force as a good example. The idea was that each Partnership committee would develop a list of the issues/projects under its purview which would benefit from "strategic alliances" with outside interests and list these groups. The committee would then actively seek input early on in the project, recognizing that it might involve making changes, and keeping in mind the value of alliances to the regional agenda. This notion of the role of participation as involving strategic alliances seemed to come from those operating in the political model.

According to the BRAC minutes, members saw the merit of an ad hoc approach to participation for Partnership purposes. They did, however, object to disbanding the BRAC, arguing it should be preserved and made advisory to the Commission. This idea was not put on the table for the Partnership Board, probably, as some staff respondents have suggested, because MTC wanted to have different individuals to deal with in their advisory processes and BRAC would have to be abolished to accomplish that.

In the January 1995 Board meeting after Deputy Director Hein presented the committee's proposal to "restructure public participation," the discussion suggested that BRAC was perceived as ineffective by its own members who complained that the Partnership did not listen to them and by members who had been leaving the group. On the other hand Partnership members complained that BRAC recommendations are too general and often unrealistic. A Sierra Club representative said, using vivid, almost violent, terminology, "BRAC has the promise of broadening your outlook," but the Partnership "ignored the BRAC in the interest of steamrolling your own interests." Further, he said, it is "sad" that they did not have major interest groups "at the table." After that he was invited to sit at the Board table. There were rapid fire contentions and rebuttals. A Partner said, "The purpose of this group (the Partnership) was to establish communication among ourselves." Others complained that the BRAC was dominated by interest groups, while "issue focus is more beneficial to the public." "Partnership size is already unwieldy." "The Partnership has demonstrated a good record of self policing and accountability and notifying the right public."

Another Partner noted that a key discussion in the most recent Board retreat was about how to reach beyond the Partnership, and that "MTC is required by statute to have public involvement." There was consensus that public involvement should be focused on specific issues and not be general. There were comments that the TDM task force worked with corporate representatives to develop programs to encourage employees to carpool and take transit and that there was no problem with the Freight Advisory Committee. Someone said that MTC, rather than

the Partnership, needed the formal citizen's advisory group. Dahms noted that BRAC itself was more interested in advising MTC than the Partnership.

There was concern on the Board however, about whether it was appropriate to disband the BRAC without an alternative in place. Everyone looked to Dahms, who said this should be referred to the Steering Committee for further discussion. In the end Board members approved the proposal to end the BRAC and establish an ad hoc advisory approach. MTC and the Steering committee were asked to discuss how the process would work, what interests would be involved and other matters at its next meeting. At that next Steering Committee meeting however the minutes do not reflect any discussion of the BRAC nor of ad hoc advisory processes. The minutes just say that BRAC is no more. One BRAC member, looking back trying to understand what happened said,

> BRAC member: We pretty much went along for a while, and then started being feisty. (Participants) started saying they wanted to be more active in making decisions and that they wanted to shape the agenda, and suddenly it got disbanded.

The whole chain of events left considerable bitterness on all sides.

The Advisory Council

After six months in which there was no visible effort by staff or Partnership committees in any agendas or minutes to identify topics for ad hoc advisory committees, in July 1995, on recommendation of staff, the Commission established a new body, the Advisory Council (AC) which would directly advise the Commission, not the Partnership.[3] At that same meeting the members of the new Advisory Council were appointed by the Commission on the recommendation of staff. These included individuals who were, for the most part, known personally to MTC staff and with whom staff felt they could work–indeed they were having informal conversations with some of them on other matters already. These people were generally representatives of important organizations in the region, like the Bay Area Council, a regional organization of big business and housing, the Santa Clara Valley Manufacturing Group, an active organization promoting transit, housing and other needs of Silicon Valley, the Environmental Defense Fund (EDF), the Sierra Club, the Operating Engineers Union and the Automobile Association. Representatives were also included from both the MTC Minority Citizens and Elderly and Disabled Citizens Advisory committees.[4] Several of the Advisory Council members already had experience working constructively with MTC. Michael Cameron of EDF had been a leading player in the Congestion Pricing Task Force. The Bay Area Council's former president

---

[3] Although the Council did not communicate directly to the Partnership, its activities were closely related to what the Partnership was doing, and its very existence was partly due to ISTEA requirements for citizen participation. Therefore we regard its activities as integral to our story and include it here.

[4] The latter committee was not happy with the original representative staff proposed from the group and insisted on selecting its own representative.

had long been a member of the Commission. Carl Guardino of the Santa Clara Manufacturers Association was involved in a number of regional cooperative initiatives. The Chair was Arabella Martinez, director of one of the region's most active and successful community based organizations, the Spanish Speaking Unity Council. She had already been working with MTC because she was seeking funding for her organization to develop a transit-based village at Oakland's Fruitvale BART station as part of an economic development strategy.

The Advisory Council was a hybrid group, a cross between a blue ribbon committee and a stakeholder group. It was not quite a stakeholder group as it had academics on it who did not represent any interest and because the interest representatives were not asked to formally speak for their groups. Rather, they were asked to participate in the Advisory Council primarily because they were involved in a given community (e.g., work in the non-profit community, or participate in an environmental organization) - and could reasonably be viewed as a "voice" of someone in that community. They were not expected to find out or communicate the ideas or positions of the given interest or community that they purportedly represent, much less to check their own positions with them, though some did this.

Format and Responsibilities

Like the BRAC, the Advisory Council met infrequently (4-6 times a year) for relatively short (2-3 hour) periods. One member who was on both Councils commented on the length of meetings and the problems it presents.

> AC Member: Advisory Council meetings are a little longer than BRAC meetings were, and there is "a little more substance, so [members are] able to help a little more. I think the Advisory Council was a better version of the process. BRAC didn't work very well, because we would meet and hear what was going on, but there wasn't as much contact with the issues - there wasn't as much in-depth discussion of issues.

The AC can and did make recommendations directly to the Commission. At AC members' request it held several joint workshop meetings with the Commission. One member compared it to the other citizens advisory committees and said there was more Commission attention to the Council's recommendations. "The Advisory Council is working a little bit more closely with the Commission itself and the Commissioners - joint commission meetings being the primary example."

Chair Martinez came in with her own agenda, which gave the Council more focus and constructive direction than the BRAC (on which she also had served). Ms. Martinez, who had been Assistant Secretary of Health Education and Welfare in the 1970's, brought substantial experience and skill in working with both political officials and public agencies. She had background in community organizing and had taken over as Director of the Spanish Speaking Unity Council just a few years earlier, building it up to be one of the most effective community based organizations in the Bay Area. She had both credibility and respect from most parties and no track record of preexisting positions on transportation issues. She was however deeply

interested in transportation planning and investment. She had learned about these in her efforts to generate economic development in Oakland's Fruitvale neighborhood, where her agency was based. She had found that there was a lot of money to be had from transportation sources that could be used to help revitalize inner city neighborhoods. Her agency was to raise more than $100 million from various sources as the developer of a nationally recognized and innovative transit-based village, while also conducting other large scale service and development activities. She also had begun to be aware of how much money was being invested in outlying areas of the region to support new and often sprawling development in communities that were substantially better off fiscally and socioeconomically than the inner city areas she represented. She agreed to take on the job of chairing the Advisory Council because she wanted to change that pattern.

The Council under her leadership and later that of Carol Galante of Bridge Housing, a nonprofit housing developer, took more charge of its own agenda than BRAC, focused on a more limited set of topics, produced specific recommendations, and did all these things in a way that was less confrontational, for the most part. A constructive discourse was created within the group and between the group and staff, though at times there were sharp differences. At the first meeting, after noting that the Council could do various things, including respond to Commission requests, debate financing issues, and work on transportation and land use development, Chair Martinez led a discussion designed to see what Council members wanted to do and develop a consensus-based agenda. Staff agreed to brief the Council on the RTP, on funding and gas tax issues, on the ISTEA process and on the land use/transportation connection. They agreed that the Council would see the Commission minutes and vice versa. Memos from the Director at the following meeting suggest that the Council should do at least some of the following: advise MTC on the development of Track 2; assist MTC in formulating and implementing legislative and electoral strategies in support of the funding strategies they had identified; advise on reauthorization of ISTEA, assist in public education about ISTEA, offer testimony in Congress; and identify organizations which could develop livable communities projects, making sure not to raise false expectations.

RAFT and Track 2

The Council's work really began in March 1996 with presentations on ISTEA and with the well rehearsed staff presentations on Track 2 strategies and projects, which they were giving in many venues during the period. These generated some unfocused discussion with comments and criticisms from various directions, prohighway, protransit, prosuburbs pro-inner city etc., but no resolution or clear recommendation. There was also a presentation by RAFT, which said the group was in agreement with the general goals of the RTP, but felt that the policies advocated did not fulfill the goals, particularly on social equity. When MTC criticized the analysis RAFT had done as unrealistic, RAFT presenters contended they had not used the assumptions that MTC claimed they did about shifting transit capital to operating and that they did not use the county equity (county share) assumptions because they did not know about them. MTC continued to contend that they could not do some of what RAFT proposed without land use authority. RAFT argued that while MTC did not have land use authority, it did have the power to condition funding on efficient use of the facilities, which could imply land use regulation by the community.

The minutes do not indicate further discussion of this RAFT proposal. In the following meeting there was other discussion of Track 2 and the corridors concept, with Dahms trying to get the group to answer the questions staff had developed, like whether regional money should be used for local roads. Some of the Council suggestions were to identify stakeholder groups and broaden participation to balance the government agencies on the Partnership. These were presented to the Work Program Committee by a representative of the Council.

Assessment of the Council after the First Year

Our interviews with Advisory Council participants done in spring 1997 showed that they did not regard the Council at that point as highly independent, nor did they see it as a consensus building effort. For one thing members were not as independent as they might be if they came as representatives of interests. They depend on commissioners every 2 years for an appointment. More than one respondent told us they believed that if they rocked the boat, they would not be reappointed. They could not really do consensus building because, they told us, they generally had little knowledge about the other members of the Council - what other groups are even on the Council, what representatives' names were, much less what their interests were. Several people told us MTC staff set the agendas for the Advisory Council meetings. "They come to us with the things they want our input on. They discuss the issues where they want to make sure that they have enough input from the various people." But this respondent did think members had some control over what was discussed at meetings. He noted that when members were interested in something and said they wanted to hear about a topic at the next meeting, that subject was on the agenda. While staff did seem to drive the agenda one Council member told us,

> If we want a piece of information, we ask staff to get it and it will appear the next time, or they'll send it to us. We are there to help them [the staff], and in order for us to help them if we need some information they'll assemble it for us.

Another told us she had

> not tried to get anything independent of MTC staff, and I have actually found the staff I work with at MTC incredibly professional, and forthcoming–much more than many public agencies, so they get pretty high marks. They're very accessible.

A third member criticized the fact that meetings were so short and infrequent.

> To be really effective as a member in a process like this you have to be able to devote a lot of time to this. You have to do a lot of homework and study all of the things they send you, and you have to spend more than just two hours worrying about your next meeting. What happens is that as soon as we really get into a discussion, it's time to quit. So for a while I've been recommending that we should have a one-day meeting... We can't just have an item on the agenda, 15-minute discussion from staff, a few remarks from some people, and then goodbye."

It is not done differently, according to this respondent, because

> ...people don't have time. It's very hard, people are very busy. Some people are spending a lot of time because that's their job, but you get the vice president of a trucking company, or a university professor who is running 17 different things, and you say 'Okay, we're going to sit down and do this.' But what about everything else they do? That's the problem of ineffectiveness. It's not priority - as a priority it's a very important task and it's one that should be taken seriously.

Another respondent who was on the Council from the beginning complained that the group did not set up the basis for collaborative discussion,

> I didn't feel like the [Advisory Council] orientation was that good. I mean, it has taken me several meetings to figure out who everybody is and who they represent. There is a list of who the council members are and who they represent, but I've really been left to my own to sit down and talk to the guy from the Sierra Club... it would have been good if they had a session where they got as many members together as they could, to talk about the purpose and original goal - I mean I kind of feel like I entered in the middle of the stream, had to figure out what's going on, who is who and what their agendas are. And then I can play a role. And I don't feel like it took me long to do that, in areas that I understand; I can contribute quite readily [in those areas]. But I really didn't have a good sense of who the other players on the Council were. It would have been helpful to really sit down and see what, for example, the guy from the Sierra Club thinks of what MTC is doing. It would have been helpful to have a free-flowing discussion about who each other is and what our perspectives are, as opposed to just jumping into an agenda topic, and having to make a statement without knowing what anyone else around the table thinks.

According to this respondent, there was "a fair amount of informal dialogue" between members before and after Advisory Council meetings, "but not in between the meetings, unless you happen to serve on other committees with Advisory Council members."

Members of the Council thought the representation of stakeholders was pretty good, but felt it could have been better. One critique was that it had not at first included nonprofit housing organizations, nor the profit sector development community. While both business and the environmental community were represented, these are highly diverse groups in terms of the transportation issues they care about, and that diversity was not represented. One business based member said,

> A lot of people think business is some monolithic thing, and that's flattering in a way, I'm glad people think that we can agree among ourselves, that we have our act together. But an insider will tell you that most of the time businesses don't know what they want, they can't figure out what they want, and there are

189

disagreements - especially as you circle the Bay. The South Bay sort of stands for different things than the North Bay; the South Bay is trying to build more stuff, and the North Bay is anti-growth. So there are a lot of differences.

Participants varied in how they dealt with their organization or the stakeholder group they ostensibly represented. One or two indicated they did not formally communicate with the group about Council matters. Others represented an interest that was not organized. Two or three however did consciously serve as two way communication channels.

I think [the communication between the Council and my organization] is good. I think we're able to bring in a lot of the issues...like transit performance, and the importance of transit as a major mode for low and middle income groups in the Bay Area. Access to transit, and the maintenance of transit in the face of economic constraints. And this of course all feeds into the RTP and Track 2....In some respects there are things that are brought up - or that we can bring back - and say 'this is being discussed at the Advisory Council. What do you think? Let's talk about this, because we are the representatives of the Bay Area. So let's get some consensus so that we can bring that back to the Advisory Council.

There were also differences among the participants in how they saw their role in the Council and indeed the task and role of the Council itself. The issue really was whether it was or should be a stakeholder group representing interests. One member who was really opposed to the stakeholder model told us,

One of the things that I would like to see different is that I'd like to see an Advisory Council that is an _advisory_ council, not an advocacy council - and what irritates me sometimes is that members of the council who represent an advocacy group are ... speaking the party line of a particular party, whether it is the Sierra Club or the shippers, or truckers, or so on. And that's fine for public participation, but what I think the process needs is an advisory body that is - to the extent possible - neutral, objective, and made of people, not because they represent [interests] but because they themselves are knowledgeable and can give insight. Now that still doesn't mean that you don't get somebody who has a strong view on the environment, but you don't bring someone to represent the Sierra Club, and somebody to represent EDF, etc. That becomes more of a representation, a U.N. type of thing, and then you get people saying 'I told you this, why didn't you respond? Why didn't you heed my advice? You're not listening to me'. It becomes more of a confrontational process...

Another respondent said,

The Advisory Council is supposed to be this patchwork quilt - (of interests), and there's another representative in our category also. And I'm happy to be there,

I'm happy to serve, and to speak out for what I perceive to be the interests of our community. When I do so I'm not speaking out for the community in the most general sense, but I can speak out for my organization-- that's not a problem. The other group does have different priorities. We're happy to wish them well; in fact, we write letters on their behalf. A lot of times we'll cooperate and collaborate on bills. We have a terrific working relationship; I can't think of a single instance where they've come out for something that we would oppose. But it's a division of labor.

Several respondents made clear they did not regard the Council as a self-organizing, consensus building group, though votes were not taken and consensus was sought.

The agendas are controlled, so it takes active assertion of will on the part of the advisory group to do something different. Which means organizing outside of the structure that's provided by MTC. The structure they provide has a narrowly focused agenda... the typical kind of process at these meetings is that something will be passed out - a piece of paper - that may touch on huge issues. MTC staff will briefly describe what's there. Typically there's not a vote, there's no clear resolution of the issue. But the next time the minutes come out it's: "the consensus of the group was to do such and such." It's very loose and yet... somehow it becomes the decision. So unless people at the meeting have beforehand talked to each other and formed a position and decided to make something an issue - unless they really force it - it doesn't happen. If a group of people show up, one individual ends up being the squeaky wheel that gets ignored.

Another respondent told us,

MTC does not seek a consensus from the Advisory Council, because the Advisory Council does not represent a consensus of anything...We are very different people coming from very different perspectives on transportation. The Council is "not a consensus body, but rather a "body of representation of different factions... Because we are all aware of this, we never confront the issue of disagreement amongst us. If someone on the board says 'this is too much highway transportation and not enough transit', someone else says 'baloney, you're putting too much money in transit,' the MTC staff will hear that there are people who think this and people who think that. But there is not going to be a consensus... It's not a consensus building enterprise. They have probably other forums where they do consensus building, forums where they sit down and try to negotiate what is the list of projects that is going to appear in Track 1 or Track 2 - that's a consensus building process, and it's probably much more complicated than what we see.

In 1997 respondents largely did not regard the Council as particularly important or influential. Their responses bordered on the cynical at times, while giving MTC the benefit of the doubt. One said,

> It seemed to me that MTC created the Advisory Council because of ISTEA, because there's now an expectation that these agencies include public input. It's a good faith effort, they did get a decent cross-section, they're trying to put the issues on the table, they let the group choose its own chair person and set its own agenda - and they deserve credit for doing that. But I found the discussions to be disconnected from the actual levers of [power] - I mean, there's a Commission at the MTC, that's the public input. The composition of the MTC is elected officials from the counties and cities around the Bay Area, and it's very indirect representation of the public interest, and the rules for voting are arbitrary arguably–you could probably figure out five different models of a commission format that would be equally defensible but that would yield very different outcomes in terms of policy decisions. But I'm sitting there on this Advisory Council and realizing that even if we all came up with a good idea, if our idea ran contrary to the general opinion of the Commission, we had not a chance in hell of changing anybody's mind. If we happened to come up with an idea that they agreed with, then maybe we'd feel good about the fact that they decided to do something about something that we said, because we said it."

Another told us with regard to the role that the Advisory Council would play in decision-making on issues where there is not a consensus, such as land use:

> I think it's going to come down to how you score what transportation projects get funded, and how much MTC - as a political decision - is going to skew less money going towards freeways, and more money towards more transit-oriented, infill type of development. That's the only real place I think the Advisory Council can have an impact. They're not at the table to make funding decisions when Contra Costa County or Caltrans or whoever comes with a proposal to fund a Rte 4 extension. The Advisory Council is not at the table there. It's this funding group, it's the transportation plan, it's the Commission, and the Advisory Council isn't there. So all they can do, given the structure, is to have input on the scoring process for these things.

This same respondent thought MTC was willing to take public input into account, and to change its view on a given issue based on feedback from public outreach:

> Staff recommended a work plan to the Advisory Council for the year, and one of the main items was the connection between land use and transportation, and more transit-oriented development. And the Council approved that, and even recommended some changes - there were two big issues that I don't think the staff

had thought of, which they heard from the Council. One of the biggest issues is that BART has a replacement parking requirement; if you build on BART station property, you have to replace whatever parking that development takes away...And it's a major impediment to what MTC wants to see, which is infill development around BART stations. So we suggested to the staff that they add that to the list of things to look at: how do we deal with BART, how do we have a better process? And then the other thing is that there are a lot of lending issues, in terms of development at transit stations. So that was added - an outreach to the lending community - as something we are going to pursue. So yeah, I think they kind of came up with the basic idea and plans, but I think they're very willing to listen to the Advisory Council. The real test is going to be in the changing of the scoring, which everyone said they're going to be doing, but they haven't started yet. How do you score what projects get funded? That's the crux of this, and that scoring has not been changed. Right now, in my opinion, they're still just tinkering around the edges. But they act as if they're serious about the re-scoring. I haven't seen anything concrete."

A second respondent argued that the Council's role was to enrich MTC's thinking about the issues in the community but accepted that MTC had discretion to do what it wanted.

"They often take [Advisory Council members'] advice into consideration... what I think is a useful product of meeting with us and the MTC is not the consensus of what everyone is saying, but the sum total of what everyone says. Somebody says to watch out for the ADA requirement, someone says to watch out for bicycle transportation, someone says you have to watch out for efficiency in the highway system. And they take all of this in and they synthesize it... We don't approve. We endorse only - and then of course they have a Commission that approves... this just enriches and informs the MTC process as to what are the views out there in the community. They still have a Commission and the Commission is still a political body and they make a decision on the basis of their best judgment as to what is a politically valid decision at that point. So we advise them - I think it's more like a sounding board to hear the views of the various members of the community, to make sure their decisions are sensitive to that. That's all it is."

Another respondent who worked closely with MTC on various matters told us more cynically,

I'm on the Advisory Council because they asked me. I'm not inclined to say no. I don't think the Advisory Council is very important, I don't think it amounts to anything right now. I think MTC has created it because they have a need to do so, as part of their federal oversight process. They're looking for ways to show that they're inclusionary, and that there's public access. So they've created this thing. We meet once a quarter and everybody talks, but we're not a decision-making

body. The Commissioners themselves I think could care less; they've treated us with respect, and they're very nice, but if we make a recommendation - first of all, I don't think we've made any kind of recommendation; we passed a resolution endorsing ISTEA, but big deal. The Commission had already done so, I mean what does our endorsement add to that? I just feel that they're trying to keep us busy and make us feel important, and they want to show the federal government that... they provide a public access. I don't really believe that this is an advisory body, I don't believe that we're making recommendations or advising anybody, or that we're making recommendations that would do anything in terms of changing the way wheels turn at MTC.

Finally another member told us,

If I can get (he mentions the name of a high level staff person) to have a couple of beers first, he/she will agree [that MTC's public participation process is a charade]...But those guys are really good at giving the party line... I'm pretty good friends with (the staff member) and I've told him/her: 'I'm here because I value our relationship and I want to keep the lines of communication absolutely wide open between us, so if you need me to sit on your little council I'll sit on that.' So, the staff member acknowledged that and we sort of had a winking thing going on.

Commentary

The BRAC and the Advisory Council represented similar ideas about public participation, bringing stakeholders or community leaders together to speak for different interests with regard to regional transportation. The latter was more of a stakeholder group, while the former was more of a blue ribbon group. While the former was technically advisory to the Partnership and the latter to the Commission, the interests of the participants were similar, as were the topics they took up. They differed in that the Advisory Council took more charge of its own primary agenda and met with the Commission and made specific recommendations to the Commission. They organized themselves as a learning group, working to get up to speed on the issues they were interested in such as the transportation land use connection and specific problems such as issues of development. The BRAC never really decided on its focus and lost attendance. Civility broke down as more adversarial players joined the group and as the diversity of its original membership disappeared. Though some members objected when staff and the Steering Committee proposed disbanding it, no one really felt it had been successful in the varied purposes laid out for it. The Advisory Council by 1997 seems to have been a qualified success in the sense that participants felt they had some influence or at least opportunity to communicate with staff and the Commission, and staff seemed open to their ideas. Everyone seemed to be learning about the issues. Neither of these groups however had much to do with the Partnership, which basically remained relatively insulated from public involvement. Public involvement for the partners occurred only at the local level.

CHAPTER 12

**THE ADVISORY COUNCIL TAKES ON
THE TRANSPORTATION/LAND USE CONNECTION**

The Transportation Land Use Connection

     The Advisory Council began to emerge as a significant player at MTC when it started to seriously tackle the transportation/connection. Arabella Martinez had introduced the topic in May 1996 with a detailed presentation and discussion of her agency's transit village project after a staff presentation on the issues. Some Council members wondered whether ISTEA money could be used for such projects. Larry Dahms was concerned that the scoring process was not well suited to them because they did not score well. Martinez pointed out that these projects are related to air quality goals, increasing transit ridership, and reducing trips because of mixed use development. She drew several lessons from her experience, including that partnerships between private agencies and government are useful, that economic development should be linked to transit-based land use and that the community should be invited to discuss high density development. These were very different topics from those in which the Partnership engaged. Conversation in the Council was particularly lively on the kinds of things that might be done to encourage such development. The staff presented a draft of a document they had prepared to respond to the Commission's and ISTEA's interest in land use issues. This was a "resource guide" for local governments about books, articles, examples and models of regulation that could provide for the type of land use that could support communities, transit and so on (Metropolitan Transportation Commission 1996). The Council, however, did not seem to regard this booklet as sufficient response. They proposed, among other things, that funding be developed for multiple small projects, that planning departments be invited to their workshops, that they should work to curb suburban sprawl, and that they not support big box retail, which depends on roads and single vehicles.

     About the same time as the Council was urging MTC staff to take a more proactive stance to curb sprawl and generate local proposals for communities to develop new types of land use, James Spering, Vice Chair of the Commission, pushed the staff to go further than this resource guide and develop a formal policy on transportation and land use. Neither the draft of this policy nor the idea was formally presented to or discussed with the Advisory Council ahead of time (though it appears that one or more Council members may have been involved in informal discussions on it). The policy, in the first draft, was quite general, saying MTC was committed to decisions that contributed to the health and vitality of neighborhoods, but tiptoeing carefully around the idea of encouraging any specific land use policy. The statement was full of caveats about how MTC recognizes that local governments are responsible for land use and that local government sponsors will have to identify the opportunities. The policy was substantially revised after this initial presentation. The final policy statement as adopted and published in the Resource Guide (See full text in Appendix 12) added a whole section stating that to implement it the Commission would take a number of specific actions, including sponsoring community meetings, giving weight in project scoring to transportation proposals that support the development

objectives, identifying community sponsors and enabling their engagement with flexible funding. This statement was in turn to go back to Partnership with the mandate to give more weight to land use in the scoring process.

This new policy provided the opportunity for the Council to push for its transportation/land use agenda. It did so in several ways. The group requested joint meetings and workshops with the Commission with a view to educating Commissioners on the issues they themselves wanted to learn about, by bringing in other interests including developers and representatives of the business community, to discuss the issues and what could be done. This strategy was a way of trying to assure that the Commission would pay attention to what the Council had to say and to develop a working relationship. In effect it was also a way of not allowing staff to be the go betweens.

In September 1996, at a joint meeting with the Commission, Chair Martinez presented the Council's work program, and Council members emphasized their interest in the transportation land use nexus and their belief that they were able to help with this. This instigated a lengthy and lively discussion in which all agreed that the transportation land use relationship is seldom visible to the local communities. Commissioner Siracusa contended that this was a challenge because "there are two things people really dislike–density and sprawl."

The discussion raised a number of ideas, most notably that MTC may harbor existing powers not being used that could help implement the policy, that major funding agencies and development players ought to be partners, and that pacts could be created between cities to deal with transportation issues. Commission Chair Diane McKenna suggested that one way to understand how to incorporate the land use policy into MTC's work would be to conduct a case study of a planned highway expansion (Route 4) in a sparsely developed area of Contra Costa County. Council members agreed that such a study would shed light on the relationship between the building of new or expanded freeways in rural areas and development.

Later the Council got the home organizations of two of its members, the Bay Area Council and Bridge Housing, to host a joint workshop with members of the development community, particularly non profit housing developers, that served to educate Council members, Commissioners, and developers about the issues and problems involved trying to implement transit based development. They identified obstacles including local resistance, inappropriate zoning, preferences for single family housing, parking issues, and practical difficulties in building mixed use development. The conversation at the workshop was informal compared to ordinary Council or Commission meetings, and judging by the tape, members learned a good deal about the obstacles to such development and the ways in which it can be successful.

In November 1996 Deputy Director Hein, in a presentation to the Council about the transportation/land use nexus, made it clear that he saw significant limitations on MTC's ability to promote particular land use patterns. He noted that one of the RTP's adopted goals was to support community vitality and to support transportation investment in the core. But he argued that suggestions that MTC use its allocations authority to leverage 'desired' land uses, were not going to work because MTC was not delegated the role of land use arbitrator, which was a local prerogative.[1] Moreover he added that zoning is out of the purview of project sponsors (CMA's

---

[1] Minutes of the November 1996 Advisory Council meeting

and public works agencies and transit agencies.) He argued that MTC needed to respond to the population projections, presumably rather than try to alter them through trying to influence land use. His contention was that MTC could best use its authority and best implement its Transportation/Land Use Connection Policy by supporting things like the Fruitvale Transit Village, by using community vitality criteria in the scoring process, and by publishing the reference guide for community-oriented transportation.

Council members were not satisfied with Hein's comments, and they kept looking for more that could be done. Several members, while acknowledging that MTC lacked broad authority, persisted in asking what else could be done. One argued that the message that growth justifies regional transportation investment should be changed to indicate that transportation investment cannot be responsive to all new development. One said privately that the Council was,

> trying to prod them [MTC] on the land use issue, to make some noise. We organized a land use symposium with a number of developers in order to see what happens when we do something that really would make them [MTC] uncomfortable. The point of the symposium was to say: "look, everybody agrees that the housing/land use/transportation connection is real. Our transportation problems are housing problems. So what can MTC do about that? Why isn't MTC doing anything about that? I want to know right now." We want to force them [MTC] to think regionally, instead of just always log-rolling pork barrel....And we did it, and it was a great exercise and widely praised ... but the outcome was basically the white flag, with "we don't have the authority to do this kind of thing."

The Council's approach to the land use issue was in clear contrast to that of MTC's staff. Bill Hein's response came squarely out of a political decision making model. Projects with appropriate sponsors would come forward and MTC's role was to fund those projects. The Council, on the other hand, was not content to merely tinker with the status quo. Collectively they sought to find new ways of thinking about MTC's role and about the shape of the region.

Scoring

In 1997 the Council's efforts began to narrow and focus on specific action items. It gradually began to take more control of its own agenda and to make a significant effort to understand MTC's procedures and criteria. The Council continued to try to develop enough understanding of MTC's funding allocation process to be able to suggest practicable changes that would encourage less sprawl and more transit friendly land use. MTC requested input from the Council in January on how to develop a land use criterion in the scoring process for the state Flexible Congestion Relief program (FCR) to implement the land use policy. Staff presented an overview of the scoring process to the group and proposed that criteria such as density, encouragement of infill along transit corridors, mixed use and pedestrian friendly street networks be used as criteria when evaluating proposed projects. Staff said that the Council could have real input on these criteria as nothing was at that point settled.

Scoring was complicated however, and it was difficult for Council members to fully absorb the concepts and explanations of how scoring was to be related to funding, much less to determine the effectiveness of the scores in promoting the policies they were interested in. Council members requested more information about the fund sources. One member noted that they could not clarify how land use could be considered among the criteria for funding unless they understood how different funding sources could be used. Most on the Council nodded agreement on this point. Staff agreed to give a presentation at the next meeting, though cautioning that the funding picture was extremely complex. The Council postponed further discussion of scoring, and it remained unclear when or even whether the Council members would eventually have the opportunity to assess or recommend scoring criteria.

Although staff provided a presentation about funding sources at the next Council meeting in March 1997,[2] scoring was never again on the Council agenda. A few months later the state enacted SB 45, a new framework for state transportation funding and attention at MTC focused on developing new procedures and funding formulas to respond to this change in the state allocation rules (See Chapter 15). By 1998 MTC announced that they were abandoning scoring for the federal TEA 21 program in favor of a tier system, which Partners helped to develop (See Chapter 16). The Council appears to have played no role in these decisions.

Getting a Grip on Land Use

In the January 1997 Council meeting a number of other important discussions took place which began to focus the Council's attention and mark out the terrain of debate that was to emerge in the following year. Much of this focused on land use, either directly or indirectly. Deputy Director Hein made a presentation arguing that the case study of Route 4 suggested by Chair McKenna and supported by some Council members, should not be conducted. He contended that the MIS (Major Investment Study) process required by the federal government would do the job they wanted. He said it would provide for public input on land use impacts, and that it could even allow exploration of alternative land use assumptions. Again no closure or recommendation was reached on this topic in the meeting.

The Greenbelt Alliance, whose Director at that time, Jim Sayer, was a member of the Council, after the meeting wrote a letter to the Council disagreeing with Hein's position. The letter argued that the MIS, as a formal, defined process, would not help resolve the question of what new opportunities there would be to incorporate the land use criteria into the RTP, which was the purpose of McKenna's proposal. Using the MIS was not responsive to McKenna's request in Sayer's view. The letter went on to say,

> But perhaps most troubling is the fact the Deputy Executive Director does not
> appear willing to consider land use and transportation from a regional perspective,
> even though the purview of the MTC is to develop regional transportation plans.

---

[2] In 1995 MTC produced a booklet about itself which included a section how projects get funded for public consumption(Metropolitan Transportation Commission 1995) and later one focused entirely on funding issues (Metropolitan Transportation Commission 1999).

He states that land use decisions are a local concern and the MTC should simply encourage community level transportation decisions...The public response to the Forum sponsored by the *San Francisco Chronicle* and KRON on November 20, 1996 showed that the public is very concerned with the regional transportation/land use nexus and is looking for more public accountability in the planning process.

Sayers' letter pointed out that Contra Costa County was proposing the highway and, in doing the required MIS for it, could not be expected to take the larger view of what is best for the entire Bay Area. County planners would not be likely to incorporate the points of interest to the region as a whole in the study, much less to show any adverse land use impacts on the region of what they wanted to do. The Alliance included a copy of a *Chronicle* article about the Forum with the headline "Gridlock Forum Hits Developers: Contra Costa Traffic Blamed on Growth."

At the following Advisory Council meeting two Contra Costa staff presented an explanation of the MIS, indicating that it would evaluate the growth impacts of alternatives and present them to local decision makers and discuss them publically as well as identify local community-oriented transportation strategies. The Contra Costa Transportation Authority hosted a special briefing for interested Council members on the MIS, which was completed during the summer. To our knowledge the proposed case study was never done.

The Council's Agenda

In January 1997 the Council also reviewed a staff work plan on the transportation land use connection and this generated substantial discussion. Phase one of the plan was to include outreach meetings to find community-oriented transportation ideas to support in planning and implementation phases and to distribute the transportation/land use resource guide. Phase two was to meet with regional agencies to identify additional projects, to convene a panel of environmental justice and community development advocates to look at the transportation land use connection, to present the policy at ABAG's General Assembly of local elected officials, and to revise the multi-modal scoring criteria. Staff would also hold workshops with local elected officials, offer technical assistance to local communities in putting together proposals, and discuss the policy as part of Track 2 development.

The work plan did not appear to have an explicit role for the Council. Chair Martinez said that the Council's function is educational, and she saw no reason for it not to focus on the land use issue. Many of the members' comments addressed the idea of assuring that the right people genuinely had an opportunity to participate, and they offered suggestions on who should be involved and how to link up with them. Martinez posed the view that this process should be regarded as a citizenship process connecting to a larger vision for the region, rather than solely a transportation effort involving tinkering at the margin. The group agreed to add a prologue to the work plan with language about the importance of developing a vision. The group agreed that Chair Martinez would present the Council's comments to the MTC Work Program Committee.

Many other topics were presented briefly to the Council at its 1997 bimonthly meetings. In response to the Council's request, Gary Binger of ABAG presented information on regional long

range growth forecasts prepared by his agency and on their impacts on regional transportation funding. Staff reported on ISTEA reauthorization and urged Council members to go to Washington to lobby for the program. Members were briefed on the Bay Area Toll Bridge Seismic Retrofit Program. They heard about the RTP Track 2 Workshops. Though these presentations were less technical than typical Partnership committee meetings, there was a tremendous amount of complex material "covered" in short order and sometimes there was little comment, much less focused reactions or recommendations. Nonetheless during the year discussion became increasingly substantive. Members asked questions and sought additional information and seemed to be learning rapidly.

These meetings dealt increasingly with the essential substance of at least some transportation policy issues in ways that Partnership meetings, even the retreats, seldom did. The Council addressed, or tried to address, such fundamental questions as whether and how MTC could or should play a part in reducing sprawl, what is fair and appropriate in terms of providing regional funds for maintenance and upkeep of roads, how to improve transit service where it is needed, how to deal with social equity issues, how to solve transit-based development problems, and how to select appropriate performance measures. The Council was pressing for a vision for the region. Unlike the transportation professionals in the Partnership who were immersed in the details of specific programs and the specific needs of each of their jurisdictions, Council members sought to step back and ask questions about the region as a whole.

Transit Based Land Use

In spite of MTC staff's seeming lack of enthusiasm for systematically looking at the transportation/land use nexus, the Advisory Council persisted in pursuing this issue and in the end had some considerable success. It began a series of activities that were to lead to a significant new MTC program for linking transportation and land use, in which the Council was to play an important continuing role.

In mid 1997 the Council organized a workshop on how to finance mixed use projects, particularly around transit stations, and invited representatives from the banking and finance community. In the course of their discussions Council members identified ways in which lack of coordination among the various entities, including local governments, transit agencies and private developers was a major obstacle to such development. A Council meeting in September involved a presentation by a national expert on traffic calming and pedestrian-friendly communities. Another meeting in November, to which the Commission was invited, focused on how to get transit villages actually built.

These meetings were very much initiatives of the Council in the spirit of educating themselves, the development community, and the commissioners. They were also part of a strategy to instigate change. One participant told us,

> We were trying to do an end-run, to plow through, MTC's resistance to pursuing the land use issue in more than a superficial way. The aim is to try to form a "transit village implementation group," which would be "a group that becomes a watchdog for housing at BART stations, joint development at train stations. Infill

housing - all the cities have said they're in favor of it, but none of them are building it, so we're going to try to find out why. Sometimes it'll mean identifying funding source. That means going to bat, getting into people's faces. Sometimes it'll just mean building consensus for us, so when they have the city council meeting you're going to have a bunch of NIMBYs there, but we'll have an equal number of forces to counteract it.

This view represented the nuanced understanding that some members of the Council had been able to develop during their discussions of the complex and challenging task of achieving more transit-based development in the region. The group had also recognized in this issue something that they could pursue without having directly to challenge the principle of local control over land use that was so difficult even to put on the table. Rather than simply rely on MTC to change its policies, they proposed to use the skills many of them already had as organizers and mobilizers to influence the various decision makers potentially involved in the land use decision making processes.

Transportation for Livable Communities

In January of 1998 Larry Dahms proposed to the Council that he wanted to initiate a program called Transportation for Livable Communities (TLC). MTC had already budgeted $150,000 in the previous year for technical assistance and planning grants for transportation/land use activities. Projects funded had included a community planning process for development of the 16th St. BART station area in the poorest section of San Francisco's Mission District. Funding went to a nonprofit housing corporation and to Urban Ecology, an environmental advocacy organization, to guide this process. MTC also supported a transportation planning effort in a disadvantaged area of West Oakland. Dahms proposed expanding this modest funding pot to support additional local planning activities directed to improving the transportation land use connection in a way that would allow localities to develop their own strategies and projects. It would be a way to respond to the growing demand for linking land use with transportation without interfering with local control. Dahms proposed entering into agreements with the heavy rail providers and finding ways to demonstrate livable communities projects with funding match from the operators. This would be a relatively noncontroversial way to respond to the interest of the Council and the Commission in the transportation land use connection because it would be voluntary–a program that would offer grants on a competitive basis.

Staff had drafted a set of criteria for funding under the TLC. This funding was to be for planning projects supporting one or more objectives of MTC's Transportation/Land Use Connection policy. The criteria required that projects be developed collaboratively with community stakeholders. Projects were supposed to remedy deficiencies in the physical environment, have potential synergistic effects with other community benefits, and support projects unlikely to be funded without MTC. Project sponsors could include not only the usual local public agencies, but also community organizations. Dahms sought the Council's recommendations on this idea and on the draft criteria staff had prepared. The Council appointed a TLC subcommittee to review proposals and make recommendations. The Council wanted the

projects also to address, among other things, development issues at BART stations *before* they were built, broadening beyond rail to include bus, involvement of community-based organizations, the Americans for Disability Act requirements, and ways of encouraging creativity.

The revised criteria, as staff brought them back in April, did not incorporate these issues, except indirectly in an ambiguous statement, "as appropriate during the development of the project, the following issues will be evaluated...." The notion about creativity did not appear.

Staff informed the Work Program Committee in February about their proposed expansion of the TLC program, saying they planned to enter into agreements with BART and other rail operators to conduct further planning at stations which offered most promise for livable communities projects and to seek matching funds from them. Staff would also interview major bus operators about their potential interest. Finally they would expand their technical assistance program to local governments, engaging sixteen planning and design firms to be on call to provide this assistance. Staff explained to the WPC that the purpose of the TLC program was to work with local areas to plan and develop community-oriented transportation projects that could compete for transportation funding at the regional level. Projects of this kind were not often even formulated, much less actually proposed prior to this initiative. Most capital projects were proposed by the public works directors, who routinely developed project ideas for transportation facilities, rather than projects focusing on transit based development or improvement of streetscapes. Such projects were more related to the work of the planning or economic development departments of cities. The new players who would prepare these proposals would require help in learning how to do this and encouragement in the form of financial assistance if this program were to become significant.

WPC approved the program's criteria in May 1998 and sent the proposal forward to the Commission for its formal approval. Commissioners on WPC added to the evaluation factors the idea that projects should benefit low income communities. They also proposed a preamble to the scoring criteria, saying that the TLC program was designed to "develop community oriented strategies to support community development and community revitalization." WPC unanimously adopted the proposal. The Commission seldom went against recommendations of WPC so this was the critical step. Shortly after that brochures and notices were widely circulated to advertise this new program.

In 1998 TLC funded two community plans in Oakland and technical assistance for a BART linkage project to JFK University in Contra Costa County, and four projects were approved for planning around CalTrain, Muni, SamTrans, and SCVTA stations. In January 1999, even with relatively little publicity, $600,000 worth of planning projects were proposed for this popular program which had only $220,000 available for that fiscal year. Three additional planning projects were then approved by the WPC, including a design study for the major roadways in the Fruitvale district of Oakland, a design study for the Chinatown district in Oakland as well as a design for a campus for the disabled near a BART station in Berkeley. These were all projects that would not have been funded in the past. They had been reviewed by staff and the Advisory Council, using the land use criteria.

In 1999 the program expanded significantly to include capital improvements grants, along with technical assistance and planning. About $9.5 million was allocated using funding from flexible federal TEA-21 funds and from TEA-21's Transportation Enhancements program. By

May 1999 MTC had received 88 applications totaling $82 million. Funding was approved for 15 projects, mostly in lower income cities or neighborhoods, ranging from improvements for bicycle and pedestrian use to other street improvements near transit stations. The MTC newsletter *Transactions* ran a detailed cover story in the July/August 1999 issue about these community projects. In 1999-2000 MTC proposed programming $9 million per year for two years, drawing on CMAQ and Transportation Enhancement funds. The review committee for these projects included four Advisory Council Members and four partners, including one transit agency, one CMA, ABAG and BAAQMD, along with MTC staff, assuring a relatively wide spectrum of views. This capital grants program has continued to grow in popularity. The TLC overall has been a successful use of the political model to expand the support for MTC through spreading projects to a wider constituency while also providing tangible stories and products to offer to the environmentalist critics.

Partnership members, especially CMA Directors, were not all happy about the program, judging by comments they made in meetings. It took a sizable chunk of funding that they might otherwise allocate to their own projects. Moreover partners had not had much input on the project criteria or selection until, in 1999, a joint committee of the Partnership and the Council was established to do proposal review. Their reaction made it even clearer that CMA directors tended not to see themselves as representing all interests in their counties, but rather had most kinship with public works directors proposing transportation facilities. TLC, as a largely land use program, was not of much interest to them.

TLC turned out, however, to be very popular with local communities and with transit, social equity and environmental interests. As we will discuss in chapter 17, these interests began to significantly insert themselves into MTC decision making by mid 1998 as MTC faced an increasingly turbulent environment. The inclusion of these interests in the Advisory Council helped to change the direction of some MTC policies, but that was not enough to satisfy these very vocal constituencies in the Bay Area.

CHAPTER 13

THE RTP TASK FORCE 1995-96:
STAFF AND PARTNERS COME TO THE BRINK

Preparing the RTP: The Challenges and Debates

One of the main activities of 3PC was to help prepare the RTP. Because of funding
cutbacks and the long pipeline of agreed upon projects from a period when no fiscal constraints
were placed on plans, most of the immediate work was to decide which of the currently planned
projects would actually be programmed and how much money would be allocated to them. While
some partners called for a regional vision, along with a plan from which projects could be derived,
the focus on programming and dealing with the pipeline seemed to gather all their attention.
Deadlines had to be met. There was a huge funding shortfall for the Resolution 1876 rail projects.
Additional funding to implement a vison and plan was far in the future and quite uncertain. The
net effect was to be that the RTP in both 1994 and 1996 were simply composites of projects that
emerged from the screening and scoring processes.

Tracks 1 and 2

MTC dealt with the contradiction of trying to have a plan that was both fiscally
constrained and long range, in a context where future funding was far from assured, by labeling
the projects that had been agreed to in the past and could be funded from existing sources as
Track 1 and the possible projects that might be funded someday as Track 2. They began to refer
to Track 2 as an advocacy project, similar to 1876. The idea was that the Partnership would
come up with a series of projects which could be implemented once the money was available.
This might come from a new sales tax or gasoline tax or simply a time when more money was
available from Washington. Certainly if the money was to come from voter-approved local taxes,
the conventional wisdom was that the plan would have to contain popular projects from all
around the region. Track 2 seemed to be a way to deal with some of the pressure from Partners
for new projects and a way to focus advocacy on raising additional revenues.

Track 1 on the other hand was treated by staff as not open to question. One top staffer
said about it "Well there always has been a general unwritten but articulated policy that you
would not abandon what you had once committed." Occasionally Partners and interest groups
raised the possibility that this long pipeline of projects should not be regarded as sacred and
proposed that everything should be on the table. This idea was not seriously discussed, however,
nor placed on the Partnership agenda. MTC seemed to regard Track 1 as part of a compact they
had made with participants, and staff worried that the political capital the agency had acquired and
the united front on funding issues would fall apart if they even opened up the question. Most
Partners did not question this either. A fear of conflict breaking apart the consensus they had
achieved seemed an important factor explaining these attitudes.

According to staff, Track 2 was to be the basis of the long term regional plan. They
defined the regional plan from the beginning as being built from projects that would be evaluated

at least in part in terms of their value to the MTS. How to link projects to broad objectives was unclear, as some Partners had complained in the 1996 retreat (Chapter 10). Though the scoring process did embody some goals, using it did not imply that the package of projects would be coherent as a whole, fulfill a particular vision, nor even address the problems the key players a region might agree were most important, much less that it would clear up congestion or assure that funding was used in the most cost effective way. Scoring depended on projects "bubbling up" from project sponsors and, while it might help assure projects met regionally agreed criteria, it was ultimately a way of programming individual projects rather than planning for a region as a whole. [1]

Tradeoffs and Flexibility

MTC began a series of outreach meetings about Track 2, in late 1995, going to different counties around the region to bring ideas and get input from interest groups on priorities and projects in each county. They used consultants and facilitators for these meetings. Dave Tannehill of MTC explained to 3PC that the purpose was to communicate with people they would not normally and to decide how to spend any new funds that they acquired. MTC was counting on the help of the CMA's to identify who ought be included, but they gave the impression they expected this to be business leaders and community leaders and that the staff would come just to listen. Brigid Hynes Cherin, 3PC chair at the time, asked whether the groups would address which projects could be cut and traded off against new ones, and Tannehill and others responded that this would not be what these groups would do. Her question reflected what would be a recurrent theme in Partnership discussion, as some partners wanted to cut projects already in the pipeline and others did not want to address that issue at all. MTC staff consistently took the position that these were commitments that should be honored. Another partner asked for a grand strategy that would include raising new funding, and he and Hynes Cherin asked that an expenditure plan be developed. This discussion ended without specific agreement to act, nor any clear sense of the meeting on the issue.

As the discussion proceeded sparks began to fly, suggesting deeper differences among staff and partners and among partners themselves over fundamental issues–in particular the issue of what it meant to prepare a plan. One part of the discussion for example concerned the court decision that had overturned the sales tax for transportation in Santa Clara County and the consequences for the RTP of the unexpected changes in available funding introduced by this decision, the following exchange took place:

Partner: I think we could have flexibility in the planning process

Staff: Flexibility has not been an inherent part of the planning process till now.

Partner: We have not *done* any planning yet.

---

[1] Scoring could have included cost effectiveness criteria but that option was rejected by the original committee which designed the scoring (See Chapter 6).

Obviously staff had a different notion of planning than this partner.

Work Plan

At the beginning of 1996, the staff presented the 3PC with a work plan defining the tasks for each committee. It made clear that the charge of the committee as a whole was to "review and provide input on the 1996 RTP" and to develop Track 2, including addressing issues of strategic expansion, operational strategies, performance measures, financially sustainable transit, and maintenance. 3PC appears, judging from the minutes, to have to accepted most of this complex work scope though they had little time on their agenda to explore or discuss its implications. This was only one of nine items in an hour and a half meeting. In the time after that they seem not to have addressed performance measures, planned strategic expansion or discussed operational strategy. The committee did want to do some evaluation however. They proposed to evaluate the guidelines that had been set up for conducting Major Investment Studies (MIS), which were required by the state and federal government for many projects and to assess whether scoring is the most efficient way to bring the best projects forward.

The Corridor Approach

At this same January 1996 3PC meeting staff announced that the development of Track 2, would rely on a corridor approach. They had defined 16 corridors around the region, based on major highway segments (see Figure 3-2). The idea, which apparently had been under discussion among staff for some time, was that they would develop corridor based strategies, rather than build the RTP on the basis of individual projects. Most of the proposals that were to emerge from this corridor work would be individual projects, but they were to be considered on a corridor rather than jurisdiction basis. This was a staff effort to develop a framework that would not be so completely structured on a county by county basis. MTC also said that investments would be categorized into three types: Maintenance, Operations, and Strategic Expansion. The idea according to the staff memo, was to simplify "what will assuredly be a complex and dynamic process." Judging by the minutes of 3PC, this proposal seems to have been accepted by the committee. There is no evidence that the committee discussed the pros and cons of the corridor approach, or of using these three categories. Some partners were later to express to us disinterest in the corridor approach or skepticism that it could build to a genuinely regional approach. It was curious that partners accepted these categories of investments, since some were largely opposed to expansion. The lack of time in the meeting and the detail of the staff proposal may however have been daunting for discussion. What does seem likely is that partners agreed to this approach without having thought through the implications. Later evidence was to show that the Partners would have come up with a different approach, left to their own devices. This was one of many instances where the role of the Partnership as a collaborative body trying to do a task was ambiguously merged with the role of the Partnership as a group which had to defer to MTC.

RTP Task Force: Framing a Plan through Questions

This desire of some partners to develop a broad framework for assessing projects for the RTP led to 3PC, with the urging of its chair Brigid Hynes Cherin, establishing a new RTP task force in late 1995 to prepare for the 1998 RTP. One that had been set up for the 1996 RTP had decided there was little more for them to do and disbanded. Hynes Cherin indicated disappointment that the task force had not prepared a paper on tradeoffs. One partner on that committee commented that they spent the first hour of each meeting trying to figure out what to do. A staff member said the committee had such a broad focus that they could not get to tradeoffs. He added, to considerable laughter in the committee, "They started trying to develop a unified planning theory and got lost." Another staffer said that they "could spend a whole year just dealing with tradeoffs" and a partner retorted that "At least we would be closer to where we want to be."

The proposal for the new task force met with resistance from some 3PC members, who said the 1998 RTP was too far off to try to work on it so soon. Others insisted however that the RTP would take some serious conceptual work and that it should result in more of a long term plan that addressed objectives. They did not want to be in the reactive mode when the time came again to prepare the plan. One partner pointed out that preparing the scoring criteria took a year, but it was well worth it. The task force was set up and charged to report back in two months to the 3PC. The charge was not very precisely specified, and further discussion showed the members of 3PC all seemed to have heard different purposes for the group. Later interviews with some of those pushing for the task force indicate that their primary motivation was their concern with lack of vision of MTC, particularly as expressed in the RTP, as well as with a lack of specific and concrete way of operationalizing procedures and principles.

This task force, was self selected in membership and chaired by its most vocal proponent, Andy Nash of Samtrans. It included Brigid Hynes Cherin of the San Francisco CMA and chair of 3PC, Walt Streeter from the Santa Clara County Transit Agency and vice chair of FPS, John Ponte, chair of the SOM committee, Mark Brucker of EPA, Mark Wagner of CCTA, Alan Zahradnik of GGBHTD, David Marshall of the Air Board, Gary Adams of Caltrans, and Michael Evanhoe of Santa Clara County CMA. This represented a fairly broad group from all parts of the region, and included a number of people who were major players in the Partnership. Staff members Michelle Brubaker, Terese MacMillan Dave Tannehill and Chris Brittle each at some time met with this Task Force.

The work of this task force was among the most creative and collaborative of the entire Partnership, but it also generated the most difficult conflict with staff that we observed as staff resisted the direction the Task Force was going. Partners and staff came, as one partner said "to the brink and stepped back." Looking back, one may see this conflict as marking a turning point in the Partnership, which may have been caused by many factors, but the experience of the Task Force was certainly one factor. Until this time it seemed that the partners were taking growing roles and initiative and beginning to act as if they believed in the emerging potential of the Partnership to change the ways plans were made. After this Task Force disbanded, we saw less and less taking of initiative among partners and growing roles of staff in preparing materials for discussion and framing the issues.

Workings of the Task Force

The January work scope for 3PC that was prepared by staff assigned the Task Force the responsibility to develop "regional principles for guiding the development of Track 2." It listed several specific tasks, including drafting initial principles, establishing principles for resource allocation, and developing a methodology to apply the principles. It also said they would "initiate review of RTP Tracks 1 and 2," though this point was puzzling since the earlier points implied that Track 2 was not to be developed, except on the basis of the principles the Task Force would develop. It seemed a double message about the role of the Partnership committees–were they to be initiators of principles or just reactors to staff proposals? No one remarked on this at the time though later debate showed that there was substantial disagreement about the scope and applicability of the Task Force's work.

The Task Force met on their own and prepared their own meeting materials, made their own proposals, and wrote up their own conclusions. In this respect it was unique in our observation, though there may have been other committees which were similarly self organizing and self managing which we did not observe. They began with the five formal goals of the RTP, including "Improve mobility", "promote equity for system users" "Enhance sensitivity to the environment" and "Support economic vitality" and "Support community vitality." They then developed a set of draft principles that could implement these goals through transportation investment. For example, under the goal of Economic Vitality one of six draft principles was "Promote and ensure convenient and efficient access to employment centers." Under Community Vitality, they began with "transportation projects should not prevent diversity" and "encourage development concepts that support alternatives to use of single-occupancy vehicles." Under Equity they said, "low income and minority neighborhoods should not bear the brunt of the adverse impact of transportation investments," and under Mobility they said that, "Priority will be given to investments that support mobility in the core region." While these were just working ideas and not at that point agreements, they do show that the orientation was rather more on encouraging certain types of compact land use, on supporting transit and inner city investment and on equity, defined in terms of income or disadvantage than MTC's principles of operation had been to that point. The group then began working over these ideas and gradually changing and deleting or adding, transforming these "principles" into questions that could be asked of projects or proposals. The idea was to make this a less top down way of planning and more of a discussion-based approach. The questions would be a way of opening rather than closing discussion. Staff joined in the Task Force meetings as equal participants, in general brainstorming sessions as they discussed and revised each of the questions.

The discussion was cooperative, energetic and good natured, even filled with joking and humor in by the time of the February meeting we first attended. It was open ended and collaboratively creative, with people chiming in with ideas in a rapid fire way and seeking ways to accommodate each other's concerns, or at least to discuss them. The chair posed the Task Force's job for the day.

Chair: We're here to tighten up the lettered bullets developed in the previous meetings. Are some repetitive? Are they organized properly? Are there missing goals?

Task Force Member A: I put together a table addressing environmental indicators and issues.

Task Force Member B: Are these criteria for evaluating projects for RTP? If so, relative ratings for each criterion are needed. We need to get from generalized statements to things we can quantify.

Chair: Let's go over the objectives again. Take what we're doing with project scoring and apply that to longer range projects and plans for the RTP. Ensure what counties come up with for the RTP fits with the goals for the RTP already set by MTC.

By contrast with the usual formal meetings of the committees and subcommittees characterized by presentations and desultory discussion or a smattering of questions to staff, this was a brainstorming and speculative process, like those we have observed in some consensus building projects, where the group jointly develops ideas and pieces them together in a type of "bricolage," as they create something new (Innes & Booher 1999b). They did not argue, but listened to one another and built on each others reactions, experience, and ideas. The interchange was rapid fire, not involving speeches, but with people almost finishing each other's sentences. For example, as they reviewed various criteria or questions,

Member C: Let me caution on development. Many elected officials think they're spending too much on planning as it is. Say "enhance."

Member D: Isn't this goal what we're supposed to be doing?

Member E: This really is a screening criteria.

Member F: The way I saw the process, we're trying to improve on it. Coordination could have been improved. Each municipality and lead county had an idea of what the best projects to compete for county money. They sent these to the CMA. They had too many projects so had to screen. That caused major problems. The process is in the developmental stage. RTP, CMA, screening and scoring criteria are all being developed at the same time. It's a process that could be improved.

Chair: We have a new goal: enhance the process. (Criterion) A is plan. BB is coordinate in the region; provide systemwide benefits. What about the efficiency of the investment?

Staff: Isn't that (criterion) S?

Chair: Yes. Put that here in process goal. We will need to develop A. What is this plan we want?

Member G: Are you saying RTP projects have to have systemwide benefit, not just county benefit?

Member F: You have to do the analysis. Determine what is the system benefit.

Chair: Every project will have some system benefit.

Member H: Some projects benefit a locality, but hurt the system

Member I: Don't make this a goal. It's what the RTP is supposed to be.

Member J: You can't take individual projects and see if they enhance the transportation planning process.

Chair: This is a goal of the Task Force: to enhance the transportation planning process in a way that better optimizes transportation investment.

Member I: Eliminate A. We're designing that. S should stay where it is, as part of economic vitality.

Chair: How does cost effectiveness contribute to economic vitality?

Member I: You have money left over for other things.

In this interchange, which was characteristic of the whole meeting, almost everyone spoke. No one dominated, and the chair periodically fed back to the group what he thought they were saying and kept things moving. They were all thinking and developing the ideas while talking them through and gradually shaping the proposal. They worked out what the process should be like by first comparing it to an MIS or an environmental assessment and to scoring, which were familiar to them, agreeing that their process might have some characteristics of these, but be different in other ways. They did not want it to be just project-based, and they tried to adapt it to procedures MTC had already put before them, like using the corridor approach and giving priority to projects affecting the MTS. They were trying, it seemed, to make a package that would be satisfactory to all the players. After staff left one of the meetings partners indicated that they did not care about the MTS or the corridors, though they would not say so in front of staff. Partners had not bought in to these ideas but they were not going to argue with it.

Using Questions to Set Priorities and Assess Proposals

The Task Force in the February meeting and between meetings developed a draft proposal for further discussion in their March 8 meeting. This laid out principles for investment. These included that investments should be evaluated from a systemwide perspective and in terms of operating and maintenance costs as well as initial capital costs; that they should be appropriate for local land use plans; and that system expansion should be balanced with maintenance. The draft noted that the Task Force was not intending to challenge the county equity system already in place, including the county minimums and guarantees. They proposed using the regional principles to evaluate investments within corridors. They proposed that this analysis *not* be quantitative, but that a set of questions be developed on the basis of these principles. Answers would be prepared in an essay form for proposed strategies, on the basis of a a rigorous analysis. In other words they did not want to try to quantitatively rank projects as the scoring did, but they did want to use criteria in a qualitative way to help with discussion and understanding. By the March meeting the group had elaborated the set of questions considerably, covering topics such as appropriateness to the context, land use, finance, equity, environmental protection, freight and goods. The ideas were innovative and interesting, but still in a rather embryonic form as they tried to work through how the approach could work.

Emergent Staff-Partner Differences

The March 8 RTP meeting entailed a lively discussion, in which the beginnings of staff-partner differences began to emerge. Staff objected to what they saw as an emphasis on counties in the questions, and partners pointed out that they had agreed not to interfere with the county guarantee principles. One partner tried to add a point on accessibility and infill development, and staff objected that MTC has "little leverage over land use." Staff objected to the proposal to have a "block grant" approach to funding all types of investment so all could be compared to each other, saying first they did not know what a block grant was and then that the idea had too much baggage. The group agreed to talk about flexible funding instead. Then staff objected to building the method on a corridor-based approach, because some things might not be related to the corridors, such as regionwide management projects. This seemed to confuse the Partners, who had accepted the corridor model as what MTC wanted. The following exchange ensued:

Staff: I would ask why the language is here.

Chair (laughing): I did it for you guys. TOS should be done on corridor basis, not regionwide off the top. Let's come up with a sentence that captures some money not in play in corridor level. Some regional things.

Member A: But the idea of the group is that maybe so much wouldn't go off the top.

Staff: I like the phrase because it gets away from county boundaries.

Member A: What language would get at regional off the top investments?

Staff: How about "RTP investments will be developed at regional, sub-regional and corridor based approaches"?

Chair: What's sub-regional?

Staff: Urban v. suburban.

Member B: I agree we need sub-regional.

Staff: This gives flexibility.

Member A: But the next sentence is only about corridors. Is that okay? Change corridor to "approach."

Staff: Strike "With each corridor."

There was considerable discussion over whether all projects should come through counties, and some partners insisted that state and regional agencies should be allowed to submit them separately. Partners not in CMA's did not like the idea, while staff wanted to limit the CMA role. It was a challenge to reconcile the county equity principles and the CMA role in the Partnership with the regional agenda of the RTP and with MTC's agenda. The group continued to discuss the meaning of the words and alternative ways to frame the questions. The conversation, as in February, was friendly and humorous for the most part, despite some differences. For example a CMA director from a rural area objected to criteria that favored transportation provision to the core and mass transit. The group did find some agreement that they could say "provide access to the urban core," noting that every county had an urban core.

The proposal for a criterion rewarding cities which planned for compact development and infill was controversial, with Caltrans and rural representatives objecting, The Santa Clara County representative said he did not want to have a discussion about compact development in his county, as people would split hairs over it, though he personally wanted movement toward greater density. EPA and San Francisco and CalTrain representatives wanted this compact development criterion, but it remained contentious. A discussion about equity showed that some felt poverty was a central issue to be considered, while others seemed unconcerned about this issue. One contended that *no* neighborhood should have the brunt of an impact and that there should be *no* special attention to poor neighborhoods. Finally several partners urged the use of Vehicle Miles Traveled (VMT) as a performance criterion, while others strongly objected. An EPA representative and some of the inner area representatives supported using VMT as a criterion, on the ground that it would improve air quality, and, less explicitly, that it would imply strategies to encourage public transit and discourage sprawling development. One partner argued that using this measure was unnecessarily going beyond the air quality statute.

Despite their differences, the group seemed pleased at the end of the meeting that they had found criteria which they could all find largely acceptable and even useful. The group agreed members would all try to attend 3PC to support the proposal and avoid having other 3PC members destroy it. They asked staff to make sure the rest of the agenda was light because they had been involved in hours of intensive meetings and discussion and it would be hard to communicate why they had come to agree on these ideas.

Presenting the Draft Proposal to 3PC

When the Task Force presented its report to 3PC in March, one partner who had not been on the Task Force, quickly launched into an attack on the proposal, just as some Task Force members had anticipated he would. He asked, "Are we going to assume that current law continues about the use of funds?" He insisted it would just be a fantasy if it did not. Another partner not on the Task Force wondered if this was the process and goals for Track 2 or for the RTP, noting the original work scope was for Track 2. She added that clarity was needed on what the method would be used for. The first partner persisted, "We have to know what the rules are. The existing RTP must operate within the existing situation... No point in proceeding without that." The Task Force chair expressed puzzlement about how their proposal was inconsistent with current law. Another Task Force member said, "The 1998 RTP may be a whole new ball game." Another partner tried to deflect this insistence on knowing the rules saying, "we can go down the list till we have funding sources...we can get a picture of what we want and if we can find out, great." The critical partner seemed to argue there was no point in planning in any other sense than just following the rules.

More discussion ensued about the county focus and whether the county agencies really should be the ones to prioritize projects. Staff expressed concerns about how systemwide issues would be dealt with or multicounty projects. A Task Force member acknowledged the problem and said "we were trying to figure out how to force everyone to sit at some table. We have no lever to do that." A partner representing a multicounty agency and who had not been on the Task Force said that the process sounded too focused on programming of individual projects and did not look enough at the region– the unmet and regional needs. Her concern was that the RTP would not end up looking like a planning document and that regionally they needed to decide on priorities rather than waiting for them to "bubble up" from the counties. Another, a Task Force member, asserted "You cannot avoid the fact that the RTP has stopped being a planning document. It is a 20-year programming document." A staff member felt the questions would not "capture all the dimensions." A Task Force member replied "We assume a number of processes, corridor studies, BART etc all use these questions. There is no one study, no one process, but multiple ones."

The questions were designed to be evaluative of projects or strategies, and that caused significant reaction. Staff expressed concern that the questions might not apply equally to different parts of the metropolitan area, citing for example that questions on transit might not be appropriate for the North Bay Corridor and that "what works in Napa does not in San Francisco." Task Force members felt the questions were appropriate for all. The critical partner then complained that the questions implied right answers. Another, from Contra Costa County, was even more vehement.

These questions are value laden! This sounds like something by the Sierra Club and the Greenbelt Alliance! For example it does not ask "Does the project promote economic development?" The business community would want to add those. These things harken back to urban interstates and antiurban freeway stuff from long ago.

A Task Force member replied, equally vehemently,

These <u>are</u> value laden, representing what we thought the region was trying to do. Transit investment in the urban core is more important than transit investment in the non urban core. We are trying to put values in the questions. If these are not the right values, then we need to change the questions.

The critical partner said "The RTP does not state things this way. This lays out an expression of the values of the people writing the questions." He criticized the effort to reward higher density development by asking "What does this have to do with transportation?" But Task Force members insisted the questions had been derived from the goals of the RTP, though the list they had provided had evolved and used different categories than the original five goals. Each of the questions, they pointed out typically was related to more than one goal and they could show the relevant goals after each question. Another Task Force member said

In working to meet the need of the group for a Track 2 evaluation method, we crafted an overlay onto existing processes. If you look at it that way it is not as ominous as some think. On other hand, some think we should change existing processes. Do you want us to invent new processes or just come up with an overlay to answer what are good projects? What is it you want us to do?

Another said in a puzzled tone, "We did not talk much about processes, but I don't see how a multicounty group would be thwarted by answering the questions." A non Task Force partner then replied "If this is a screen or sort on top of other processes it starts to look a lot like scoring." To which another Task Force member and CMA director replied, "I thought we were doing an overlay and that we got a decent product. We were asking questions of value. We are in for continued tough times...I welcomed this opportunity to make thoughtful questions so we don't get projects from our cities that don't make sense." A staff member wanted the questions to focus on such things as whether the project was part of the CMP, or of a corridor or other analysis. She said she was satisfied if this was just an overlay process. Another staff member was less pleased. He echoed the critical partner, who added he wanted the questions simplified and linked clearly to RTP goals. This senior staffer thought performance measures would address some of the goals. He criticized the land use questions saying rather sarcastically, " What agency do you think is developing regional land use objectives?" A Task Force partner pointed out that scoring points were being given for land use, suggesting that the agency did have land use objectives. Another, from a rural county, asserted that it was legitimate to ask land use questions. The staff member said that the question was whether this land use policy was consistent with local land use policy.

214

Another staff member said, "if you are going to use this for Track 2 you better test values up front with a larger group, commissioners, public etc."

The question came up also of priorities, with one partner asking that they set priorities on the questions. It was not clear, he said which opinions would matter most. A Task Force member replied "we have no priorities. We want all questions answered." Some of the non Task Force partners were seeing the questions as leading to a more quantitative and less ambiguous conclusion than the Task Force members had intended. The latter seemed to regard the purpose of the questions being primarily information gathering so a more qualitative decision could be made through another process. This "other process" they did not define, and other partners could not quite imagine what that might be. At this point the senior staff member became more blunt in his criticism.

> We need to rethink the whole process. A lot of the questions are flat out
> questionable. User fees for example. VMT–our objectives are about air quality.
> The suburban vs. urban issues. MTC can take a crack at it and ask a series of
> questions on the RTP goals.

The critical partner suggested the Task Force should go back with this feedback, while the staff also took a crack at it. Task Force members said there should only be one process and that MTC could develop something and run it through the Task Force before bringing it back to 3PC. The chair suggested MTC repackage the set of questions, but tracked to RTP goals and then review this with the Task Force. The partners offered advice to MTC that any new questions be specific and be clear about what would be a good answer. Staff seemed reluctant on this point because they pointed out it was a diverse region. A Task Force member replied "There are 28 questions. Projects will do well on some and poorly on others." But another disagreed. "These are urban core, transit-oriented questions."

During the following month staff prepared a memorandum for the April 3PC meeting in which they proposed an entirely different procedure and a substantively different set of questions. On procedure they proposed to "use the RTP Task Force to review and refine the proposed regional and corridor management strategies," to "review MTC work on development of alternative Track 2 corridor and regional investment options," "evaluate the investments in terms of the RTP goals and objectives using, among other approaches, the attached evaluative questions." They proposed staff would develop "planning level cost data for regional and corridor investments." The memo did not acknowledge the methodology or principles proposed by the Task Force and said in essence that its proper role was to review what they, staff, prepared. This was somewhat contradictory to the language of the original work scope where staff had said task force was supposed to develop principles for Track 2.

The memo went on with questions, some of which sounded vaguely like what the Task Force had painstakingly wordsmithed, but which left out many of the nuances that members had worked through. The emphasis was considerably different. The staff went back to the original five goals and used those categories. Under Improving Mobility they emphasized the consistency of strategies with the MTS. They included specific performance measures staff had selected, like average door to door commute time. They eliminated reference to low income people, noting

instead the importance of meeting requirements of the Americans with Disabilities Act and the mobility needs of those without automobiles. The staff version dropped the questions on land use entirely, along with questions about the viability of the long term financing of the project which the group had developed themselves. It dropped reference to VMT. On the environmental goal it dropped the criterion of encouraging alternatives to motor vehicle travel, along with reference to investment that favors renewable energy. They changed the idea of minimizing energy use to promoting efficiency in energy use. It turned the Task Force's rather open-ended question about minimizing the loss of land resources and sensitive lands, into a more limited statement about how the investment would "help protect and enhance the Bay, wetlands and sensitive habitats." It added a question on how adverse impacts could be mitigated. The topic of community vitality was mostly addressed through questions about design of streets and provision of transit and bike access, and the mitigation of negative impacts. They added a question on consistency with local plan under the topic of community vitality. Their changes seem to reflect an effort to relate the questions to procedures and legal requirements they were already obligated to follow, rather than more open ended or more ambitious ones. They did not do much to accommodate the strongly expressed views of the partners at that meeting and tried to sidestep difficult issues like whether MTC should evaluate local plans.

While the questions proposed by the Task Force contained specific normative content, making clear what answers would be more valued, the staff version was quite neutral, substituting for Task Force questions of the form "to what extent does the investment provide convenient and efficient access" to questions in the form "How will the investment strategy affect ease of movement on the MTS for users?" Many answers might be acceptable in the staff version as long as any ease of movement was improved for anybody, whereas in the partners' version only investments of certain kinds would be regarded as efficient investments. The staff version was, on the one hand, more open ended about what might be acceptable if the proponent could make any sort of a case and on the other, much more narrow and limiting in focusing on specifics like the MTS or "ease of movement." Clearly the staff version would be easier to apply, as it was more concrete and involved more measurable criteria. The staff questions were closely related to the bureaucratic tasks they had to complete. Indeed many of them seemed driven by those tasks, as they focused on the MTS, the requirements of the Americans with Disability Act and so on rather than on more generic and substantive questions about the nature of the region, the region's needs, and the regional transportation system they wanted to provide.

Presenting the Proposals To 3PC

Instead of passing this proposal to the Task Force for review and comment before the meeting as Task Force members had requested, staff simply placed it in the packet and mailed it out with the 3PC agenda materials for April of 1996. The 3PC meeting began inauspiciously when several partners complained about the minutes of the previous meeting of the RTP task force. These minutes purported to give "highlights and conclusions of the discussion." They did not think these captured the discussion. The staff member noted these were only meant to be summary minutes, but the committee decided to ask for removal of three points from the meeting record on the ground that it implied this was a record of the discussion. While the three points were in fact

made during that discussion, these were a selective representation of what was said and not highlights or conclusions, judging by our observation. The meeting was complex and involved many more points not noted. The committee decided they preferred to keep minutes simply to what action was taken. After this time, minutes not only in this committee but others, were to become more and more sketchy, presumably as staff avoided criticism.

Task Force members and staff quickly got into a series of angry exchanges because the document had not gone to them before it went to the whole committee.

> Task Force member A: We agreed the staff would talk to the Task Force before it went out. It did not happen.

> Task Force member B: The name of this group is the Partnership, but it did not happen...it would have been nice at least to get a phone call to say that you could not get it to us.

> Staff: We ran out of time but we did call A. [Chapter 2, The Metropolitan Transportation Commission: Origins and Early Activities (Coauthor P.Anthony Brinkman)].

> A: We did not discuss this. We discussed something else.

> B: We have people going to Washington and arguing with each other. We should be trying to solve our own problems here. A lot of people put a lot of time in the Task Force.

A staff member presented the staff version of procedures and questions. He noted that their purpose was to link them to RTP goals, and to what MTC had authority over. He said the Task Force should deal with programming and project development and asserted that MTC would build on a corridor approach. Task Force member C began by asking how the staff got from Task Force questions to their questions. Others chimed in that they too wanted to know and did not understand why their versions would not work for corridor management or other purposes. The tone of the Task Force members was controlled but angry. Staff replied that they developed questions because the committee asked them to. "We developed questions we thought more appropriate." The committee chair, who had not been on the Task Force, seemingly in an effort to smooth over the conflict, clarified that the committee did want more link to the goals and that they shared a concern that the values might not apply to every part of the Bay area equally, and that not everyone shared the values. Task Force member B added "My notes from the last meeting show almost no discussion of the questions themselves." (Implying that the meeting did not give the staff a mandate to change the questions). Member D commented that there was discussion about the questions being biased, and member A corrected him, "I did not say bias, I said values...we need specific criteria to evaluate." Member C said, "I am hearing that people do not want to implement RTP goals. If we do that, we have values. That is what goals are." During the course of this conversation Member D was also insisting that he had not liked the Task Force questions because

they were too "urban core and transit oriented" and that he was pleased that they were not so uniquely urban core any longer. He did not think that urban core orientation was implied by the RTP goals.

The staff member noted "many of the questions are the same. The way to get out of this loggerhead is to decide whose questions are better. We took some of yours. Others we thought were better for our authority. We don't have land use authority." The criticizing partner objected, "We cannot discuss all the questions. That is not the best use of air time. The Task Force should propose what they want to do." (This partner, while critical of the Task Force work in some respects seemed equally resistant to allowing MTC to take over the process.) Member A noted "We can evaluate local land use plans and see if they support the transportation system. Do we want to use transportation to shape land use?" Member B continued to be frustrated by the idea that people thought the questions were biased and could not apply equally to all areas. At this point a partner from Contra Costa asserted "I think the MTC list of questions is great." A Task Force member responded,

> I am amazed personally that I participated in something that is transit oriented. I thought it was just an approach to how to make the system work. I hope we do use transportation investment to provoke land use the region wants. We in our county are trying to encourage the right kind of transportation and land use development.

At this point a non Task Force partner suggested "why don't we go through the list and accept the questions with which we all agree, delete the ones we don't agree with?' A Task Force member objected. "We have had 8 two-hour meetings to develop these questions. It can't be done here." "Well then lets give some direction." A partner from San Francisco suggested, "To have a productive meeting the Task Force should come up with analysis of areas where new questions don't address original concerns and give this to staff to address and to discuss in a joint meeting." Considerable discussion ensued about how to proceed and how to identify the similarities and differences in the questions and how to resolve them. The chair clarified that the staff and Task Force would get together to clarify difference so they could be discussed at the next 3PC meeting. She noted that the issue of land use will be discussed and asked if anyone wanted to discuss other policy issues. A Task Force member added that it turns environmental protection on its head by simply asking the project to respond by mitigating damage. He also suggested that they address whether they should proceed with the document as if it is merely a programming effort. Another Task Force member wanted to return to the question of equity as an issue of poverty and minority status rather than just lack of access to automobiles.

Others added points they wanted addressed including "how do you pick investments across jurisdictions, or corridors?" Another said what few others would express in public, "We are not convinced that all of Track 1 can be delivered. How do you decide what to move from Track 1 to Track 2?" Staff added "We want to add on top of the corridors, regional strategies." A Task Force member wanted to know

Even when we have return-to-source funding, what are the projects in the counties which will move forward a regional vision? There may have to be tradeoffs. That is what we were trying to address.

Another said "More than tradeoffs–what are the alternative futures? Why aren't we putting forward innovative new ideas?" The critical partner asked. "What is your point?" and staff replied that they were offering different growth scenarios. Another Task Force member said "Our concern is that... we are too constrained by preexisting commitments." The chair insisted that what they were doing was innovative because the emphasis in investment was now on operations and maintenance rather than expansion. A staff member said,

> We need grounded discussion at a corridor level. When we take it to the ethereal regional level we lose our anchor. I fear we will go back to the regional level and endless loops. We need to see how principles get operationalized.

The committee agreed the Task Force would look at MTC questions and meet with staff three weeks later, bringing the issues back to 3PC the following month.

Reconciling the Differences

For this 3PC meeting staff prepared a chart comparing the questions point by point indicating several points of disagreement. Staff and the Task Force chair agreed they should focus on the specific areas of policy disagreement. The meeting proceeded with the help of a big block of paper on an easel on which the staff identified differences on which participants attempted to diagram the processes they were proposing. The discussion began with staff indicating what they thought was the first difference.

> Staff: I see you are not dealing with corridors, and that is the strategy we are using.

> A Task Force member objected, "I don't see how these two are so different in relation to corridors."

There was confusion, ambiguity and what appeared to some participants as deliberate obfuscation about what the MTC process was to be for preparing the plan, though indeed MTC staff may not have thought it through completely at this stage, just as the group itself had not.

> A staff member said, "I see it as more a question of process. I see yours as open solicitation of projects and maybe that is not what you meant."

Staff began putting issues and concerns on the butcher paper. The first read, "questions lead to mushy answers." Someone says he is concerned MTC does not care about equity, but staff say they do. "We are not trying to change the formula for financial equity. This is social equity." A third issue is corridors. On this the Task Force members insist they think corridors are fine. Land

use is labeled as another issue. A Task Force member says "There is a question of control and discretion. The issue is what process is used." Another agrees, "I am fuzzy on the process. Questions were used to score projects. You probably need corridor-specific goals. I don't see them." Task force members explore among themselves whether they want to use some sort of scoring idea.

A: I don't think we should use the scoring concept.

B: It keeps coming back to scoring.

A: Obviously it is a red flag.

C: [muttering] Scoring works.

D: It was deliberate. It was going in that direction. The charge to the committee was to choose projects to go to the RTP. This is less analytically rigorous than what we originally proposed. That is ok. It should be clear what gets something into the RTP. We have talked about cost efficient or cost effectiveness.

Staff: We would benefit from more discussion. We could go to the public with strategies vs project. If you score, you have projects. If you don't you have more flexibility. Not clear to me in the Task Force proposal that we are sticking to a budget.

E: Yes. We are assuming budget is set.

The issue of opening up Track 1 and its sacrosanct list of projects also came up.

A: What is the process for moving from Track 2 to 1? or the other direction ?

C: As staff said, use it for both 1 and 2.

More process and criteria questions:

A: Looking at corridors you are obviously not going to be able to fund it all. How do you do the decision?

Staff: There are 16 corridors. Regional strategies could affect the corridors.

E: Such as?

Staff: Maintain MTS.

E: You could spend it all on Marin buses.

Staff: We have had workshops with community for corridors. They say they don't want all projects. . . . If there is a gas tax that is different.

Staff: This will apply not to the next RTP (1996) but to 1998.

C: Everyone but RAFT is ok with this.

A Task Force member wanted to get back to land use and was optimistic that the staff and the Task Force proposals could be joined in a consensual way. In contrast to some of the staff comments, this one seemed to be seeking common ground rather than differences.

F: Land use is more of a basic policy issues if we do get involved. It was interesting to put these side by side and see that we can put the two together. We can get the best of both.

B: That is a technical exercise.

F: I think we should concentrate today on process. Land use and environment will be more difficult.

Staff responded to this by using market terminology and trying to get Task Force members to react to their proposal and their points and focus discussion on these.

We can go through our process. (hands out description and tables). In general our process is to focus on 16 corridors and to deal with several travel markets. We would like to talk about if those are the right regional strategies. See 1 for our process. Our other approach is to look at corridors. See in 2, how we look at what is in plans now.

On back of sheet is how we would compare RTP objective to corridor issues. Are these the right goals for each corridor?

Task Force members respond, in tones of increasing frustration.

B: I think this is what we intended. (Eg we accept the idea of doing it by corridors).

G: Now we want questions consistent across corridors.

B: We thought our questions would be in mind as people develop proposals and they do their project plans.

221

Staff: (Ignoring the point being made) We have been to each county twice.

B: I am not talking about the public process.

A: I want to echo B. It is exactly what we had in mind. These objectives are so broad it is meaningless. They have to be specific to the corridor and there have to be some measures developed.

Staff: Yes that is the way to go.

G: We thought questions would shape the discussion of objectives. What you do in each county would be different.

Staff: Yes.

C: We are not seeing the link to objectives.

The overall tone here is one of barely controlled impatience on both sides-- frustration by the partners trying to communicate, but seemingly not being heard nor understanding what the staff are saying about process. The staff seem frustrated and annoyed as well, though the cause of their reactions was less obvious. Staff began to try to understand the Task Force members' process ideas, but within the context of what they have already decided to do:

Staff: What we have not done is to use the questions. Not yet. We agree they ought to be up front. It is like a test.

B: I like the RTP goals used in relation to the corridors and then the questions.

Staff: I don't see how you would do this, but lets go corridor by corridor to define objectives for mobility.

B: We say step 1 is broad goals, 2 is questions to focus goals, step 3 is specific.

D: You might get different strategies if you don't use the questions.

Staff: I am uncomfortable with the use of questions.

C: What you have got here is a set of strategies out of which you will get projects, but we want the questions to be intermediate. You asked questions in your head to get to these strategies. They might not be the same ones everyone asked.

C: I agree we should have a list of strategies in the end, but that the questions should be a step in the middle. Projects will fall out in short term and of course long term.

By this time the Task Force members seem to have made the case that theirs was not a project-by-project approach as that no longer seemed to be the issue.

A Task Force member objected to the idea of "high end expansion" and wanted assumptions to be clear. This provokes an interchange about budget constraints.

Staff: There is a tension between too much and too little detail.

Staff: We wanted to make sure the budget constraint is in your thinking.

F: It is. We are so concerned about the budget we don't think Track 1 can be done. We want to know how do you drop something. You will create an expectation about what is going to happen.

C: Insiders may know but the public does not.

In this exchange staff seemed condescending to partners, who in turn retorted with some anger, suggesting staff are the ones who are not facing the budget constraint. Once again partners wanted more transparency about the criteria for cutting projects than MTC had provided in the past.

Staff: Then look to framing the issue around assumptions.

Staff: So you want us to change our assumptions?

C: In the RTP we are planning to not maintain all of the MTS. We will let some of it go to dirt, given the assumptions.

Staff: We adopted idea of life cycle costs. It is true there will be a shortfall. So how much money should we spend? You tell us the assumption of what you want to spend on this and we plug it in. If you want it at the corridor level we cannot really disaggregate. We can only do the model at the regional level. You give us the assumptions. We run the models.

No one replies to this. The group comes back again to process:

Staff: We said our approach is hierarchical, but it is really tradeoffs.

A: (keeps checking throughout the discussion to see if people understand the MTC process and people keep saying no, so they continue talking.)

223

D: There is a lot I don't understand. It seems you are talking about corridors. Do you look at the regional issues before the corridors?

Staff: Yes. This would take first all the money. You might have nothing left for the corridors.

D: If you do corridor by corridor, a piece might not work together with the rest or might be missed. For example the Bay Bridge which affects all corridors.

Staff: I agree. (But he does not explain)

C: The fact we protect the MTS off the top is consensus agreement.

E: I still don't understand the process (MTC's process). We need a flow diagram. You have on this sheet strategies that don't read as strategies, and goals that are not goals. It is hard to see how you get from strategies to a list of projects. Trace one path, pick a strategy, and show how you got to that.

Staff: (exasperated) We are not starting from scratch. Through many years of discussion we decided we would do this.

The conversation returns to financial constraints and transparency of criteria, with partners pursuing the staff for clarity and finding out what have been the reasons for their decisions.

E: Why are you allowing operating shortfalls?

Staff: We don't have the money.

E: Where is the financial constraint on mobility? Not doing upkeep on buses does constrain mobility. How do you decide which operators have the shortfall? I am looking at process only.

Staff: (reply unclear)

E: Is there a choice to not take from another operator?

C: There are some constraints on the money. RAFT assumes all money goes into the pot. You have to go with what you have got for constraints.

B: Track 2 was the way to make this different.

C: The current formulas are the crude way we are doing it.

E: Isn't the RTP to be more active, directive rather than just reactive?

Staff: We want to know what insight you have that we don't. We don't know about your county (this comment seems to be suggesting that the appropriate role for counties is to provide local information to MTC).

E: (Still pursuing the transparency issue) Why did MTC side with GGBHTD vs Sonoma?

Staff seem not to understand the question.

E: (trying again) I take the point of view I do because it is my job to protect the county. Why do you take the view you do?

C. & F: We are going to have to somehow make these decisions.

Staff: Yes. I don't have my magic computer, but we do have to deal with this. We don't have enough staff.

F: We wanted to give the whole process some cover. We have more bullets than you have staff.

At this point there was a strong reaction from staff, who took this as a hostile remark. F explained that the term "bullets" was not referring to guns, but meant merely that they had more questions than MTC had staff to answer them.

The conversation returned again to process:

Staff: One of the ways we plan to proceed is to have 4-5 meetings of corridor cluster groups in several focused meetings, in different parts of the Bay Area, such as North Bay and Peninsula. Lets roll up our sleeves and focus on development objectives and strategies. If you have an idea how to make this more focused...

He keeps trying to say in essence "Help me do it my way" instead of trying to clarify his way or to find out what their purpose is in pushing on these issues. Not surprisingly no one responds to this invitation. In the meantime B does a flow diagram of what he thinks they are talking about, which he continues to modify during the discussion. The continuing discussion shows partners still confused about the relationship of corridors, Track 2, and RTP, not knowing to what extent they are the same or different from the staff perspective. They clearly do not understand MTC's intended process any better than staff understand the proposed role of the questions. One partner wants to know how Track 2 fits into the 1996 RTP and the staff reply it does not. Then F raises the question of whether new investments are going to be made.

F: I would like to see we don't go into the investment option column in September

A: You could see these as a package of options and not entitlements.

Staff: At this point you are not going be satisfied with a lot of process.

F: But you won't get all bullets (items on the list) so how will you decide? I would rather have all bullets than have to pick without knowing all the choices.

A: (pushing more on transparency) I want all the bullets and the total money so people can see they can't have them all.

Staff: But it will be so far beyond the MTC budget that it does not inform people. We should have a sense of realistic bullets. (Presumably this means that staff or someone needs to narrow things down before they go public but he does not clarify.)

B: Does everyone understand the MTC process? (laughter)

E: Don't keep asking. You won't get an answer.

Staff: What you can do with the list is use it as part of the information to the corridor groups, showing them shortfalls.

F: Doesn't the list inform these decisions as much as the questions?

Staff: If you agree these are so important, they should come off the top.(not clear if he is saying before applying any criteria or questions)

F: Not sure we agree.

The Task Force members then raised the question of how to assure that all forms of transportation would get taken into account in the corridor approach, rather than solely highways. The staff suggest that this may be technically too difficult:

Staff: AC Transit is in five corridors. I can't divide the system that way.

Various Task Force members: Yes, you can. Why not?

Staff: He is right. We cannot. We are trying to work on analysis inhouse and we are not sure the data are available.

This was a puzzling response to partners, given that MTC staff seem determined both to have the corridor approach and to do quantitative modeling. One of the partners suggested a joint fact finding approach among the staff and transit operators to allow the development of appropriate data. This was met with staff opposition on the grounds operators were not trustworthy.

> C: Why keep it inhouse? Why not ask operators to bring information to the table? You bring some; they bring some.

> Staff: We don't think we can trust the operators to give us accurate information. The data may not be available. Not sure we have the capability to do corridor analysis.

> F & A: But operators should do this. We need to start developing a process where this information will be forthcoming.

> A: We are dangling a pot of money in front of them. We can say "if you answer questions in this way you get money." MTC does not have to make decisions.

> Staff: (resisting) You have to look at AC as a whole system.

> C: You are both saying the same thing. This process over time will shape what you get. But you can't just keep using the broad brush. It is being written in blazing letters.

> Staff: We have been pushing AC Transit, complaining about the service cuts.

> C: And AC told you to go fish.

> F: You keep funding them. Do you take these issues at the regional or the corridor level? and look specifically at them? That is the point.

> Staff: Rather than debate, we can do corridor estimates where we can. Our commission has said don't just backfill all cuts. They should serve carless markets. Look at our coordination bill. When you try to push it it is not appreciated. (Here they seem to be referring to SB 1474 which some transit agencies opposed as giving too much power to MTC)

Later in the discussion the issue comes up again of getting data at the corridor level to answer the questions that could help with corridor priorities. Staff are clearly unhappy with the idea of getting data from other players

> Staff: We don't have the data.

C: You should not have to do it. The corridor groups should be able to give you that.

Staff: But don't mess with us and make us do handstands for something of marginal value.

F: But this is the core, not marginal value.

C: Unless they give you figures, tell them they go to regional defaults. MTC does not have a choice.

Staff: We cannot be checking on all the traffic signals...

This had clearly become an argument rather than a constructive discussion. No one was giving any ground.

Another Task Force member wanted more specificity on the process flow chart the members had been trying to create during the discussion, wondering if corridors feed into regional strategies. B replied, "Regional strategies are in the ozone, but they are implemented at the corridor level." Though one member expressed skepticism about the strategies that had been listed, everyone else seemed to support them. Staff reminded them that all cannot be done so Task Force members tried once again to find out what will happen to make the choice:

B: That is an example. Supposing a corridor group says that a road should go to this destination?

Staff: We don't have the tools now (presumably for doing corridor analysis through modeling).

B: There is a way to say in corridor X there is a need for Y dollars worth of pavement.

Staff: The data is not at the corridor level.

B: We have to get people to start putting it in that form.

Staff: We are now looking at this in terms of management strategies in terms of costs.

F: (complaining) We can't fund all this.

This exchange highlighted the lack of trust by staff of partners and real resistance among staff to cooperative data development. The reaction of the Task Force members began at this point to be increasingly one of their teasing the staff and joking or being ironic over what they disagreed about. It seemed to be a way to defuse the tensions in the room to some degree, without actually

backing off. It seemed to be a way of dealing with what some partners later told us they regarded as rude and disrespectful responses to their concerns. It was after this meeting that one partner told us they "came to the brink" and "stepped back."

The group met again a week later to finish their discussion before the meeting of the full 3PC. Martin Engleman from Contra Costa County joined the group this time. Staff had not written anything up on process, as they had been requested to, saying they could not understand the diagram that had been prepared during the previous meeting. Task Force members asked them to prepare something for 3PC. Seemingly their discussion of process had gotten nowhere in terms of mutual understanding. Task Force members continued to press for how tradeoffs were going to be made and staff resisted, saying "You cannot really do that. You have to look at it within a regional strategy."

The main focus of this meeting was to seek agreement on questions among staff and partners, and they had a chart to work with questions side by side and with comments from the Task Force in the center on points where the discrepancies were significant. The Task Force chair went through the questions. On investment strategy B noted a lot of differences between their questions, but a staff member said he had trouble seeing the differences. Task Force questions were in the form of "To what extent does the investment do..." certain specific things like provide more convenient access to employment centers, or support maintaining and operating the existing system. Staff questions focused mostly on the relationship of investment to the MTS, and they looked for consistency with MTS and various studies or asked, "How will it affect ease of movement," for example.

A: A main difference is ours allows ranking. It is one way to make tradeoffs.

Staff: I agree. But yours does not include the MTS and long term strategy.

F: So if we include those on the MTS is ours ok with you?

The group agrees to change the Task Force version. Later the Task Force accepts some more detailed performance measures as substitutes for two of their questions. They start joking that they hope not to choose all MTC versions. A kind of good humored irony characterizes the Task Force comments. Staff do not participate in this, and at times it seemed in our observation that they were contemplating the proceedings with undisguised condescension in their facial expressions. One of the most vehement Task Force members from the previous meeting began to take on a kind of exaggerated middle ground, where he jokes at both sides for their "extreme positions." This member remained adamant however on certain key issues.

Staff objected to a question which supported user fees, saying it was value laden. One of the Task Force members then nearly snorted with laughter. "Of course. All the questions are. That is the point." The staff member looked disgusted. Judging from the comments he made throughout the discussion this staff members' view was "If it is in the regulations we will do it. If it is not in the regulations or the explicit mission, then MTC does not have the authority to do it." Ironically of course as we look at the history we see that MTC staff developed the mission and readily got Commission adoption without a lot of discussion and probably could as easily make

changes. Task Force members backed off with the face-saving observation that "user fees are covered in other contexts." Staff then pointed out that they liked one of the Task Force questions on serving the transportation disadvantaged, though they have changed it in their own version, leaving out explicit mention of the economically disadvantaged.

The staff question on public involvement read, "How have the appropriate agencies and public had, or will have, input in the development of the investment strategy." This was juxtaposed to the Task Force's two questions: "Has this investment been through a public input process specific to the investment?" and "To what extent is the investment supported by the public?" The second question troubled the staff.

> Staff: A lot of these (investments) are our thoughts and have not been through a public participation process. In some case this presumes there is a (participation) process out there, and there is not. We would submit these ideas to MTC as a draft and then there would be hearings.

In this case the Task Force was looking for evidence of real support for a project from the public before a project gets in the proposal, while the staff seemed to want to have public input and not be held to the test of support. They also seem to envision a process where the broad participation comes at a relatively late stage–though the outreach meeting provide a somewhat earlier public involvement. The conversation on this topic became desultory. Though the staff and Task Force did not agree, the Task Force was not going to make this an issue. Our observer had the sense the Task Force members were getting worn down and deciding to choose the issues on which they would take stands and accept others even when they disagreed.

Staff objected then to another Task Force question: "To what extent does the investment bolster the long term, sustained economic vitality of the region?" on the ground that it was too broad. They want to keep things narrow and, presumably, more manageable. The Task Force members responded that the larger scope was entirely legitimate for MTC as economic vitality is one of the five goals. They did not want MTC to "duck the issues." Staff explained, "Suppose city X wants to develop (he names an inner ring city which is developing quite fast, without adequate infrastructure and at the economic expense of its neighbors) and wants the service to help it develop?" Several Task Force members protested the use of this example. Staff asserted, "We should support things that are consistent with local plans." Whereupon a Task Force member raised the question of whether local governments have economic development policies, and one notes that even if something is consistent with the local plan, it may not be consistent with economic development policies. This Task Force member continued to insist throughout the meeting that it was not ok to support just any local plan as some were better in content and quality than others. Staff resisted this line of discussion entirely. "We are not into economic development. We are a mobility agency. We do transportation investment and do it regionally." A Task Force member admitted they do not have any regional authority to do this, and the group reluctantly agreed to drop this question, though they added the term "economic development" into another question. The Task Force seemed to be losing in these discussions, but making points nonetheless and seeking consensus.

On the issue of enhancing sensitivity to the environment, one of the Task Force members pushed hard to keep a Task Force question "To what extent does the investment decrease VMT?" Most members of the group, led by staff, argued with him that air quality can be improved without decreasing VMT and that therefore it was not a good performance measure. Staff argued that VMT could even increase while air quality improved, due to changes in gas consumption or emission control technology. They also argued that as a mobility agency it was not up to them to try to decrease the miles traveled, but maybe even to increase them. "The investment should be sensitive to the environment, while *increasing* VMT." (Emphasis by speaker). He pointed out that Detroit has low VMT, but this is not good (presumably because their economy was depressed.) A Task Force member notes "We have to be careful that people do not say we are trying to cut travel." They point out that there is no reason to use this criterion as it is not required. A discussion ensued about potential new EPA standards, which the staff cut off by saying, "We will address this when the standards come out, but not when we do not have to." One Task Force member continued to assert that VMT was the best overall measure of environmental damage, noting that it was related to water quality and runoff among, other things. He provided a chart based on a study his agency did.

This conversation seemed to our observer not to be fully addressing the agendas the different players had about the performance measures. Representatives of inner city agencies, even those that were transit focused, did not side with this Task Force member, though the use of VMT as a performance measure would presumably benefit their agencies. It was not clear if they thought this was too divisive or if they thought it was inappropriate measure for technical reasons. This topic of VMT was to reemerge in 1997 and 1998, pushed by external environmental activists and to become the focal point of considerable controversy.

Task Force members asserted then that the investment strategy needed to be looked at on a corridor basis, but the staff said standards are regional. The Task Force member said "one question will not kill a project." Finally a staff member suggested new wording rather than continue the standoff they seemed to have gotten into. "Will investment strategy help minimize emissions in the corridor?" All were able to accept this idea and add the concept.

Substantial discussion took place over a Task Force question, "To what extent does the investment minimize the loss of land resources in general and specific sensitive land (open space, habitat, wetlands, greenbelt, agricultural land, etc) and consider alternative transportation investments that meet the transportation need?" One of the Task Force members largely took the part of staff in objecting to a lot of these specifics. They agreed to take out reference to greenbelts since they did not think these were defined and the Greenbelt Alliance had just sued them anyway. Another Task Force member from an inner city area said, "Fine, they can develop their land, but we don't want to help them do it." Staff replied "Why not? People want houses?" The Task Force members debated whether to keep the protection of agricultural land in the list, while one staff member gave our observer the impression he could barely contain himself because the conversation was so ridiculous. They agreed to add parks, as no one can build in them anyway and urban limit lines as those have been agreed on in many cities.

A difference between the staff question, "How will the investment strategy promote efficiency in the use of energy for transportation? and the Task Force question, "To what extent does the investment minimize energy use over alternative transportation investments that meet the

transportation need and favor renewable energy" produced the staff comment "I don't know what renewable resources are. Everything is renewable." This was met in the group by general outrage and ridicule, with people saying, "Come on!" Staff persisted, "Tell me how this enters into investment. How is it something MTC can get behind?" One interpretation of this odd exchange is that staff was protecting highway construction the Task Force ideas seemed to be threatening. It was also similar to the staff reaction to anything that seemed ambiguous. A Task Force member explains, "From an environmental perspective you could be more efficient but be doing much more and using more resources, and that is not the goal." Staff backed off at that point.

In what seems to have been the climax of the meeting's drama, Task Force members objected to the staff question "How can adverse impacts of the investment strategy be mitigated?" On the large sheets Task Force reaction to the question was noted: "This principle would send a message to project sponsors that environmental impacts are OK if mitigated; we should be looking for projects that do not need to be mitigated." When a Task Force member made this point the staff response was "You always have impacts. You cannot exist as a human being without them." There was laughter at this response, but it appeared to our observer to be a surprised reaction, rather than at a shared joke. The tone of the comment seemed rude and a way to belittle or ignore the point being made by the Task Force about the substantive issue of impact rather than the mitigation rules. In what seemed an effort to cut through the tension that had built between Task Force and staff at this point, one Task Force member said jokingly to both sides, "I love the extremes I hear at this table. You guys have no values." Everyone started talking at once, joking and making comments like "We value our jobs" and "In private we have values." This exchange reduced the tensions a little in the room. Staff agreed to drop the question.

The fifth goal, Community Vitality, proved also to be controversial. The Task Force wanted staff to drop the question "How is the investment strategy consistent with local plans?"

A: This would mean anything developed locally would be acceptable.

F: Let's add to it 'consistent with MTC-developed guidelines for local planning.'

People note that there are no guidelines.

F: Fine but if there are, we will use them. At least it does not just accept local plans as is.

In this little exchange F rather cleverly moved toward her goal without forcing the details of what the principles would be to be agreed on in this meeting. This concept of consistency with local plans was a stand-in for a conflict over land use and MTC's appropriate role in evaluating or encouraging particular land use patterns. For staff to take the position that MTC should uncritically accept local plans and indeed provide transportation investment consistent with them, was in some partners' eyes a way of rationalizing investment in new highway expansion in the fringe suburban areas. Some of them believed this was not an appropriate use of regional highway money because such expansion causes traffic and other impacts elsewhere. Others took the view that local land use control must be totally respected and that transportation investment is there simply to service to whatever communities want.

Staff had prepared a question "How does the investment support community vitality? and offered a long list of things that would be evidence of this. These included such things as bike or pedestrian connections to job or retail centers, more pleasing streetscapes, integration of transit access, reductions in the intrusiveness of auto activity in the community, safer streets, reorientation of community activity around a transit node. This added a number of specifics, but left out several things the Task Force included, "support compact development or infill in areas with good transit service, mixed land uses and/or good pedestrian and bicycle accessibility" and "to what extent does the investment support higher densities and infill?"

Staff: What is 'good' transit service? I don't know.

This remark seemed to the observer disingenuous at least. It seemed to be making fun of the idea of measuring the quality of transit service, which seems odd as MTC is charged with distributing funds to transit agencies.

J: (who was not in on the first meetings of the Task Force) It is value laden.

F: Yes, everything is.

Staff: I see our version as more objective. Some places are different. Suisun City does not have transit.

J: The facility does not dictate mixed use. That is up to the locality

A: When we as a region want to decide where we place regional resources, we can decide what we want. We are not forcing any land use on anyone.

Staff: Could you invest in Suisun City, if we keep the point on compact development?

F to Staff: You do say compact development enhances community vitality. (This Task Force member seems to be appealing to the bureaucratic instinct in pointing out that MTC has said this elsewhere.)

The group decided to add supporting compact development to MTC's list of criteria for supporting community vitality and transit as a way of supporting infill. Staff seem reluctant, but someone points out that this is in the MTC goals, so they agree.

The group managed to agree that many of their questions were contained in some way in the staff questions and accept staff versions instead. They stick however on the staff question "How does the investment help shelter the community from adverse transportation system impacts?" While they agree this is important they are concerned that specifics they had included are not in this question. For example it does not refer to low income or minority neighborhoods as did the Task Force questions nor discuss the problem of divided neighborhoods.

Debating How to Present the Results to 3PC

The question of who will do the writeup and how it will happen becomes important, but in this case because one Task Force member from a suburban county, who clearly has not bought into Task Force ideas, proposes something the rest do not want.

Staff: Are you (to Task Force chair) going to write this up?

Chair: Yes. (suggestions that he fax it to all)

J: You should show this with side by side questions of MTC with strikeouts in red. (At this point there are protests from F and other Task Force members) I want to suggest this. That was what 3PC wanted.

F: No, it is not.

Chair: We could do it in two colors but I don't do the strikeout (on his computer)

F: (getting upset) Why do this? We wanted to bring a consensus to them. It is too complicated.

Staff: No one will care about all that. (The staff member argues with J.)

F: We have two questions to bring to them and otherwise we bring this revised set of questions.

J: I thought 3PC wanted us not to change MTC list.

(Various people chime in that that is not what they heard)

Staff: Well we should have the old list in our pocket. If anyone wants to know more we tell them. (He is not supporting this proposal.)

Staff: At this point it is water under the bridge. (Neither staff person is supporting J's proposal)

J: You say this because the MTC staff is on board?

Staff: Yes.

A: That (using the strikeout approach) would just focus more conflict. We just need to run it by staff and everyone and make sure it is right.

E: MTC is on board and that is great, but I think it will be easier to sell with a red line strikeout approach. Some people liked the MTC stuff the way it was.

F: I don't want to set up a dynamic where it is MTC vs. the Task Force. I don't think people should go with what MTC said just because they said it.

Staff: I don't think we lost anything. I think we got it better. I may have something to sell back there. (Though he says this he does not seem worried. Staff did win on most of the disagreements)

F: I think we have taken care of the issues.

Staff: I agree. We don't want to spend time on it.

J: (persisting) My position is if you show the committee what you had with red line strikeout, it is easy to see. Some people will say "where is the old list? Did any of the evil value laden environmental stuff get in there?" We use this all day. I don't see why it is hard. There! I made my point.

There is no sympathy with his view and the group moves on.

How to Use the Questions?

Staff proposed how they were thinking they would use the questions. They were clearly quite uncertain about how it could work, and continued to think in terms of top down procedures and analytic approaches that were not really part of the discussion of the Task Force.

I would like to talk about how we see the process working. We would take the evaluative questions and help us develop corridor issues-- I don't see us having objectives but findings or issues--and then corridor specific objectives and investment strategies and programs. It sounds good but it is hard to see how it would work.

I propose we take the questions as background understanding. We would develop issues specific to corridors. The staff would start off with the questions as part of background to develop corridor strategies. Then we have stakeholder corridor meetings with clusters of corridors, including CMA's etc and consider the questions. Then we will use the questions somehow to evaluate the corridor strategies. The questions are not performance measurements yet, so we are not clear how we will use them.

The group discussed this further and staff seemed puzzled. The notion of developing and using qualitative information in essay form as a way of informing discussion, which was the

intention of the Task Force, was not something staff were comfortable with and maybe not something they understood. It is really quite different from the normal mode for these staffers of getting objectives, goals, and performance measurements, and building models, setting criteria or doing analyses. This world of discussion where the outcomes or implications of the answers are not definitive or deterministic of results seems to be unfamiliar and not to correspond to their notion of their jobs. When everything was seen as value laden, they were more comfortable with following standard procedures and explicit criteria.

Task Force member F often played the role of trying to get closure and clarity about what was agreed on rather than let a meeting end in uncertainty about the next steps.

> F: Is the Commission going to adopt these questions? I think they should.

> Staff: I don't know. We had various workshops with them. (His reply wanders off, giving the impression he is not certain what to say)

Then staff proposed in a more collaborative tone than earlier in the meeting,

> Staff: If you feel comfortable, we will do first cut at describing this process.

> F: Sounds fine.

In an effort to develop more clarity about procedures a Task Force member asks,

> H: Who are the stakeholders? When does the public get involved?

> Staff: We bundle corridors, get CMAs together and then bring this to the Commission and then have public hearings next fall or winter.

> D: Are you fixed on having it be only agency people and not public groups?

> Staff: Yes. Only do that later. Now we just need the partners.

> F: Yes they (the public) need something to react to. My concern is still whether we get to the fiscally constrained part and making tradeoffs.

After the meeting we talked with several Task Force members, one of whom was smiling and optimistic, feeling it had been a good meeting and a lot had been accomplished. He was however disgusted with how some people had acted. About the staff he said, "It is a power struggle. These guys are insulting. It is infuriating." About his colleague who had persisted so hard in insisting on presenting a strikeout version of the questions, he said,

> B: He was outrageous... His county has never really been a partner. (Turning to another Task Force member standing nearby) Don't you agree?

236

D: Yes. I do.

C: They just want to build. They even ignore transit needs in their own county.

Further discussion with Task Force members indicated they were glad the staff was going to use the questions in the beginning, but one noted that the staff idea was probably more top down than the Task Force intended. He noted that they did not seem to have a clear idea what to do when they got to projects and that he was afraid they would not make tradeoffs at all, but give money out by formula or some other automatic way. Later discussion with MTC staff who were not involved indicated that staff said about this meeting that "we kissed and made up." Clearly it was a meeting where the conflict came perilously close to breaking down any sort of working relationship.

For the 3PC meeting the following week the Task Force provided a revised version of the questions based on the earlier meetings. This document noted the two questions on which they had not been able to agree, one including the urban limit line and another asking if the investment reduces VMT. A cover sheet carefully noted the chair's editorial and wording changes and reasons for them. The EPA representative provided his written rationale for requesting that VMT be used as a performance measure. He made four points: Using VMT now would help assure that the RTP meet the new standards EPA was soon to promulgate and help assure it would be in compliance with air quality plans; VMT addresses many transportation-related environmental issues; the California Clean Air Act included a performance standard that regions reduce the rate of increase of VMT; this would be only one of thirty questions and a "no" would not stop a project.

The packet also included a memorandum from staff entitled "Track 2: RTP Task Force Discussion" This memo begins by saying they decided they had to go beyond the questions to underlying issues, including process, the land use transportation issue and the issue of environmental objectives and that they believe their remaining differences are fairly narrow. On process, the memo indicates staff were initially concerned because they thought the Task Force was proposing an implied project solicitation process and that the Task Force "provided good input" on how evaluative questions may play a role in the process MTC outlined to them. They proposed as the consensus view of the Track 2 process that there would be a corridor approach that would follow these steps (many of which were not discussed in the meeting explicitly).

1. MTC and Task Force will develop consensus package of evaluative questions
2. MTC will schedule working sessions with Partners in each corridor "to develop corridor-specific objectives for each of the RTP goals, using the evaluative questions."
3. Given these objectives, MTC staff would develop corridor-specific strategies and options.
4. Similarly MTC would also define the regional investments for programs that are "regional" in nature such as streets and road maintenance, areawide transit programs, seismic retrofit, etc
5. The questions would then be used to evaluate Track 2.

6.   Conceptual cost data will be developed for the evaluated program and compared to the Track 2 budget, highlighting shortfalls. The goal would be to develop a Track 2 program, constrained to the budget discussed at previous meetings.

It is noteworthy that this list includes nothing about tradeoffs, about Track 1, about who would be involved at each stage, nor about when the public come in. It poses the questions without explaining how they will be used. The effort ended before clarity could be developed about an overall planning procedure. The staff memo also outlines the differences between the Task Force and the staff at the May 6 meeting on land use and environmental matters, with two columns, one for each view one written by staff and one by the Task Force.

A Second Presentation to 3PC

The staff opened the discussion at the following 3PC meeting by saying their meetings with the Task Force "went really well." The Task Force chair reinforced this view, "When we sat down we agreed it was pretty much semantics. We picked the questions we thought worked best and massaged them." At this point the Task Force participant who had objected to the inclusion of the urban limit line announced that he had discovered that everyone already has an urban limit line so he withdrew his objection. This left the committee to discuss VMT. Task Force members were divided on this issue, with some speaking for it and some against. Staff said "sometimes I have a problem saying which projects reduce VMT." A senior staff person spoke more definitively,

It is a poor indicator of anything and hard to apply to projects. You want to focus on the specific impacts. The price of gas will drive this more than anything. This is a nonsensical measure. I did not have the benefit of your discussion, but we have been dealing with this a long time.

A partner from Contra Costa announced, "I cannot support VMT." A Task Force member from a north county CMA continued to argue against it, saying it would be too difficult to model it for each project, and it was not necessary or required. Other committee members tried to find out how it really worked and if it is causally or just statistically related to environmental protection. Task Force members who favored this indicator were quiet, perhaps not wanting to fight this particular battle or perhaps cowed by the statement that it is a "nonsensical" indicator. The conversation veered off more into the importance of the questions to help people think things through. A 3PC member wanted to know if they were trying to substitute the RTP for the EIR and wanted to remind people the RTP is not supposed to be about the micro level of projects. The question seemed to be dropped for lack of support.

There was some discussion of one of the questions from a 3PC member who did not like vague or qualitative concepts. He was uncomfortable with not knowing what a high level of benefit is. Task Force members explain it is a way of trying to deal with cost effectiveness although since it is 20 years away they cannot get the actual figures. A Task Force member said,

1.   This is an essay question.

Staff: You are just asking what are the benefits.

3PC member A: Which benefits?

Staff: (defensively) All this asks is does it pass the sniff test? We did not disagree on this.

3PC member B: If you are going to put this on a scale and weigh this...

D: No we are not.

3PC member A: What benefits?

B: All benefits.

C: For example an improvement might end head-on collisions on Highway 37.

3PC member C: This is to amass the evidence for and against a project. It is fine this way.

This exchange was followed by a rather unfocused discussion with each person putting in opinions about various aspects of the issue. 3PC member A said "I am sorry to be a troublemaker but I don't understand this question about sharing costs equitably among those who will benefit." This generated considerable discussion in which he says this may harm transit. Someone from BART said "What if some program is not equitable to begin with?" Member A quickly insisted he was not making a value judgment. A staff member suggested a compromise, "Why not ask how costs and benefits are distributed and separate whether costs are equitable?" Member A said "This sounds like another essay. You don't want to open yourself up unduly where a lot of groups see things differently." Task Force member F suggested a compromise, "lets just say how are things distributed among beneficiaries." 3PC member A continues to criticize question by question, with the chair intervening from time to time. Few of the other 3PC members commented, except for those on the Task Force. Mostly the questions remained as they were.

When they got to discussing the corridor strategies, partners said that it often should not just be the partners in the corridor who participated. San Francisco, for example, wanted to participate in the seismic retrofit planning for the Bay Bridge though technically the bridge at that stage was not on property they controlled but on the island owned by the U.S. Navy. The staff responded that questions would be sent to the stakeholders as they reviewed the corridors as a way to discuss the strategies. Task Force members began to ask for more specificity about when and to whom questions would be asked. Staff said it would be in the step between "refining" and "evaluating."   Someone said it was important to include how to deal with questions the public raised that they never thought of. Someone else wanted to know how the public could benefit from knowing the answers to questions if they were only asked in the second stage. The senior staff member said, "This is overly complicated. Partners will come up with initial ideas and then we go to the public." Another staff person asserted, "The public is always with us, here and in the

Partnership." Conversation moved back to the issue of who should be in the room in planning corridors, especially the Bay Bridge retrofit. Clearly the partners did not think the corridors could be neatly separated. Like many 3PC meetings this one ended inconclusively, presumably with most of the questions and the MTC process still intact, though staff may have been influenced by the discussion once they knew what partners wanted.

A Perspective on the Dynamic of the Task Force

When we asked one member of this task force what was going on in that process, he said:

(sigh) Well, my first cut is a personal one. The big versus the small. There is a desire by mostly the bigger counties to say "Okay, we have all the population, we have all the traffic ergo we get all the money." That's always been a problem with the little guys versus the big guys. That's clearly one of the dynamics I see there. That's among the Partners. I don't think MTC cares if all of the money goes to Santa Clara county or Contra Costa County just so long as everybody is happy about it.

Clearly San Francisco is leading the charge on this one. I think that's because of one of the other dynamics going here: transit v. roads and streets. I don't think San Francisco is leading that charge for roads and streets. I think they're leading that charge for transit. Contra Costa is picking up on that really clearly. They are opposing them just because of that.... The only city that clearly wins if you go all transit is San Francisco. They're a clear winner. The northern counties are losers and everybody else is gray. If you fix and build roads and streets, Alameda, Contra Costa are probably the clear winners, with San Francisco and the northern counties clear losers.

Postscript

Looking back from late 2000 it appears that the questions developed by the Task Force were never actually used. They did not turn up as discussion topics in any meetings we later attended, nor did we find them referred to in the materials MTC sent out about Commission or Partnership meetings. One of the key task force members bemoaned the fact that all that work had gone into reaching agreement and there was nothing to show for it and no use being made of it. Two of the key members of the Task Force who were major proponents of using these questions withdrew from much participation in the Partnership. One quit her job and another simply did not appear much at Partnership meetings. Moreover the rules of the game for allocation of funding from the state and federal governments were about to change. Legislation was wending its way through the federal process and everyone was thinking about that and wondering how to react. When it was passed there was relatively little time to readjust and try to get a 1998 RTP together,

240

as the rest of this story will explain. Still these events do not seem quite enough to account for the disappearance of these hard fought questions from the planning process.

In retrospect it seems likely that the RTP Task Force conflict with staff represented a turning point in the Partnership history. Before that time there was considerable sense of collaboration and empowerment by Partners and growing pride in the accomplishment of the scoring process and what they could do together. This Task Force was very much in the spirit of the scoring committee. Indeed participants often referred to that earlier experience and felt they were building on that. But the way that staff reacted and took over the process and reframed it and the conflict and unpleasantness of that interchange seems to have made the partners retreat. Perhaps other things happened behind the scenes as well to discourage further independent activity. Whatever the reason, we did not observe in the following years any process as self organizing and collaborative across the partners, nor any that dealt as explicitly and directly with substantive and planning style differences between partners and staff as this Task Force.

One question that arises is why would MTC staff act so vehemently to quash the partners' effort? After all they had reached a fair amount of agreement across several agencies. One partial answer may be that the partners' proposals were not well operationalized and the processes not clear enough by the March meeting. Their visualization of what they would do was not the same as the procedures staff envisioned. But even if that were the case, why would staff not try to work with what the partners came up with to make it more workable? It seemed that staff in this case were operating by the technical bureaucratic model, seeking to follow regulations and standardized procedures. They were uncomfortable with the more qualitative and open-ended form of discussion, the more collaborative partners were seeking. And lurking behind the discussion may also have been other staff operating by the political influence model. The latter approach to planning depends on behind the scenes agreements. The partners were trying to create transparency in MTC's process and meeting resistance, perhaps because of staff effort to maintain MTC prerogative of making project decisions without prior commitment to explicit criteria. The handling of this process could on the other hand have been just clumsy, reflecting a lack of sophistication on the part of staff in dealing with this kind of initiative from partners. But it seems too that there was more involved. MTC clearly did not like a number of the ways of operationalizing the goals that the group had come up with. It was moving in a direction MTC had resisted for a long time and continued to resist until the 1998 RTP, when they did accept aspects of it. They did not want to go into land use topics, nor into equity issues involving the low income communities, nor into favoring transit in central cities. What they said was they had no land use authority–though the Commission had insisted on a policy. They also seemed reluctant to take on the goal of supporting the economy with the transportation system. They may have been worried that these would be divisive issues. Whatever the case, the issues that were raised in this short-lived Task Force were to continue to be on the table in the ensuing years, although the arena of discussion changed so that outside interest groups were the ones taking on the issues with MTC.

CHAPTER 14

CHANGE AND CONTROVERSY, 1997-1998

<u>Overview</u>

1997 marked a turning point in the Partnership and in MTC. The Partnership structure was reorganized; key players left their positions; and new people took over as chairs of the committees and the Advisory Council. New state and federal legislation was in the works that would trigger reconsideration of the agreements and working understandings among the partners and MTC about programming procedures and principles. Among other things, this new legislation folded the funding that MTC had been able to apply for and control for its own operational projects, such as call boxes, roving tow trucks, and carpool programs, into more general categories, forcing the agency to compete for funds with the partners. The Advisory Council's efforts were gathering steam as some of its members pushed MTC on issues related to land use and social justice. Their work was paralleled by widening disaffection and growing militancy among the Bay Area's powerful environmental community, which increasingly organized itself, creating new alliances and groups with a principal purpose of opening up a regional transportation debate and challenging MTC's policies.

There has been less and less evidence since 1997 of genuinely collaborative or self organizing activities on the part of the Partnership as a whole and more evidence that the "Front Office" has been taking increasing control of the Partnership. Increasingly MTC began to make initiatives involving detailed proposals on matters that formerly would have been done with more input by the Partners. At the same time partners struggled with MTC over changes in the programming processes and criteria, and even threatened to go around Dahms to the Commissioners in a way that we had not observed earlier. Products of small collaborative Partnership task forces, like the one on the RTP the previous year, were put aside rather than followed up by staff. While most Partnership meetings were non-conflictual on the surface, occasional hostility among partners and MTC did bubble up. As observers at meetings we increasingly got the impression that there was a power struggle going on. Sometimes things were agreed to in meetings without discussion, even though they were controversial. Presumably either private discussions prior to the meetings had been held with those who would otherwise object, or participants were for some reason reluctant to speak out or thought it would be a waste of time.

The wider public too in this period became increasingly aware of transportation issues and debates and increasingly disaffected. The *San Francisco Chronicle,* in tandem with KQED FM-- the local public radio station --commissioned a series of polls on transportation and growth related issues and hosted a series of widely publicized public forums to discuss transportation and growth policy in the region. All the major area newspapers regularly ran front page articles reporting on transportation and growth issues. The economy was heating up and with it congestion was increasing, along with public dissatisfaction with transportation policy. The growth engine of the Bay Area, Silicon Valley in Santa Clara County, was particularly impacted because its limited and expensive housing supply forced an increasing number of its employees

into 1- or 2-hour commutes across the Bay deep into Alameda and Contra Costa Counties and beyond.

Outside events and debates with significant consequences for regional transportation policy added to the reasons MTC and the Partnership came under stress, as these events pitted partners against one another and at times against MTC. Few of these things came directly before the Partnership, though some of its members were involved in and deeply affected by each of them. In addition to the ongoing, sometimes bitter, negotiations over Alameda County's sales tax Measure B, were debates over how the Bay Bridge seismic retrofit would be paid for and then over its design and location, a strike by BART employees which had major effects on the whole transportation system and on public opinion about BART, battles in Contra Costa County over the permitting of long planned development projects as county voters became increasingly disillusioned with growth, and challenges in Congress by environmental groups to the inclusion of the BART SFO extension in the emerging legislation to reauthorize ISTEA. This last threatened the SFO project and ran counter to MTC's ability to present a united front to Congress. In addition militant supporters of AC Transit turned up at Commission meetings, which normally had few if any members of the general public, to demand more funding for AC. Controversy also raged on about whether the Transbay Terminal in San Francisco would be replaced and over whether CalTrain would be extended into downtown San Francisco.

Sometimes MTC played a public role in these events. For example they appointed a committee of Commissioners to solicit and review Bay Bridge designs and make recommendations to Caltrans. Sometimes partners thought MTC was playing some role, although they could not be sure exactly what. In the preparation of the new state legislation changing the funding rules and limiting the state role in local and regional decision making on transportation investment (See Chapter 15) MTC publically commented on some features of the proposed law, but they also were involved in behind the scenes negotiation over this and over a proposed regional gas tax law, which they had been promoting for several years. The media criticized MTC for not taking leadership in developing an emergency transportation strategy for use during the BART strike, which had been imminent for some time. By the end of 1997, in professional circles of urban and transportation planning, one was more likely to hear criticisms of MTC than admiration, in contrast to 1995 when we began the study. When we told professional colleagues in the region during 1997-8 that we were doing a study of MTC, the statement on a number of occasions engendered a long invective against the agency on a variety of grounds–its resistance to involvement of nongovernmental interests, its unwillingness to address the reality that its policies increase sprawl and affect land use, its emphasis on corridors instead of the region more broadly, or its failure to address one or another transportation issue of concern to the particular individual. It was a remarkable change in a short time in how the agency was viewed.

The picture one gets in this period is of an increasingly beleaguered agency, trying to get a tighter and tighter rein on all activities at the same time as more and more players were jumping into the ring and as more and more rules and practices were called into question or otherwise in flux. While MTC seemed by mid 1998 to be winning many of its battles, its adversaries were increasing and its reputation was becoming less that of a leading edge agency and more of one that is not flexible or responsive, nor providing the regional leadership that some had expected it to provide.

243

Partnership Restructuring

The Partnership was reorganized as 1997 started, more or less along the lines that were laid out by one of the working groups at the December 1996 Partnership retreat. SOM was transformed into the Planning and Operations Committee (POC). 3PC's work was divided between the POC and a new Finance Committee. The Legislation Committee remained in place. The RTCC was abolished and its subcommittees, where much of the work had been done, became part of Partnership committees. The RTCC finance subcommittee became a subcommittee of the Finance Committee; its legislation subcommittee joined the Partnership Legislation Committee and a new transit coordination committee was formed. (See Fig. 14-1) The existing Partnership subcommittees continued, each attached to one of the new committees. The Fund Programming Subcommittee (now called the Fund Programming Working Group - FPWG[1]), which had played so significant a role, was assigned to report to the Finance Committee.

The players changed as well in this period. Long time chair of the Legislation Committee and Partnership advocate from the outset, Bob McCleary of Contra Costa County CMA, stepped down from his chairing role, though he remained active in the Partnership. Brigid Hynes Cherin, former chair of 3PC and prime mover of the Partnership from the beginning, as well as outspoken advocate of land use policies and transit support, resigned from her job as San Francisco CMA director and no longer played a part in the Partnership. Dorothy Dugger of BART, who had been chair of 3PC at the end of 1996, took over as chair of the Finance Committee. John Ponte, Napa CMA director, who had been chair of SOM continued as chair of POC, though he soon resigned to be replaced by Alan Zahradnik of GGBHTD. Arabella Martinez was succeeded at the end of 1997 as chair of the Advisory Council by Carol Galante from BRIDGE, a leading nonprofit affordable housing organization.

The Finance Committee and the FPWG became the central committees of the Partnership, and the site of the action. Finance was to become an even more central preoccupation of the Partnership during this period because of the need to respond to the state legislation SB 45, which was enacted in fall of 1997 and which changed the rules of funding. The continuing consideration of this bill during the year introduced significant uncertainty into planning for the 1998 RTIP, as did the delays and debates over the reauthorization of ISTEA (TEA-21, the successor legislation, was passed and signed in late spring of 1998). No one knew how much money would be available to the Bay Area, much less what the rules of the allocation game would be. When SB 45 came into effect it significantly changed the rules governing the
 allocation of state funds and gave MPOs very little time to adjust. One of the main effects of this was that the RTIP planning had to focus on projects that were ready and projects on which the Partnership already had some form of agreement. This was to put much of the burden on the Finance and FPWG committees rather than on POC, which had responsibility at first only for the long range planning side of things and for allocating a relatively small pot of money for TSM.

---

[1] FPS had been reconstituted as a working group and renamed the Fund Programing Working Group so that it would not be subject to the requirements of the state open meetings law, such as taping of meetings and noticing requirements, though the meetings continued to be open to the public. It chose to remain a working group and not a subcommittee after the reorganization.

POC did gain some additional responsibility once TEA 21 was passed since it was given the lead role in programming the 25% of the federal funds that the Partnership agreed would be allocated competitively around the region for management related projects.

```
┌─────────────────────────────────────────────────┐
│                  Figure 14-1                    │
│          Partnership Restructuring Proposal     │
└─────────────────────────────────────────────────┘
```

Current   Proposed

┌─────────────┐   ┌─────────────┐
│ Partnership │   │ Partnership │
└─────────────┘   └─────────────┘

1. Plans and Programs   → 1. Finance
    -- Programming   -- RTCC Finance
    -- Planning   subcommittee

2. Systems Operations   → 2. Planning & Operations
    & Management

3. Legislation   3. Legislation

┌───────┐   4. RTCC/Transit Coordination
│ RTCC │
└───────┘

1. Finance

2. Legislation

3. Coordination
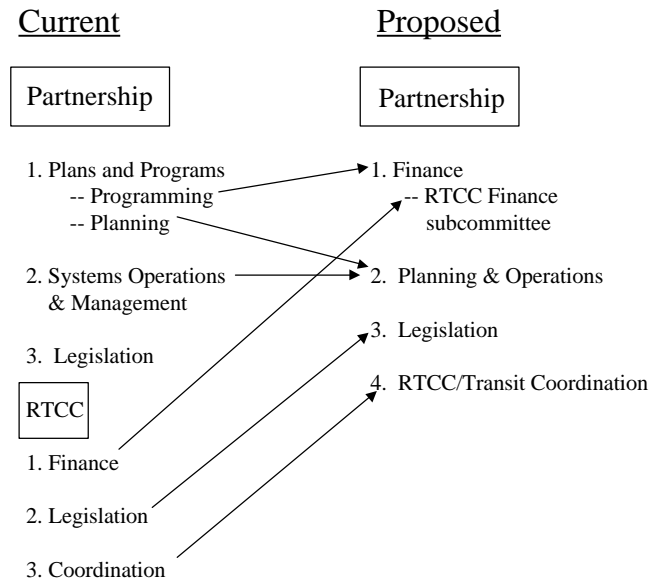
Finance Committee

In the first half of 1997, the newly constituted Finance Committee largely continued with ongoing work it inherited from 3PC. One major activity was increasingly tight monitoring of the progress of projects funded with STP and CMAQ funds to ensure that they would meet the September 30, 1997 obligation deadline, when the ISTEA program was scheduled to expire. By July, several projects were identified that looked highly unlikely to meet this deadline and a larger set were characterized as being potentially in trouble. It had long been Partnership policy that projects seriously at risk would return their funds and that those funds would be reprogrammed to projects that could obligate in time. Although some projects had already met this fate, the decision to remove a much larger set of projects from the TIP was not easily made. However,

after extensive discussion in Fund Programming, the Finance Committee agreed to do so, agreed on a process for reallocating those funds and also agreed that penalties would be levied in the next cycle of federal funding against remaining project sponsors who failed to obligate by the deadline. Thus the success 3PC had had in maintaining a focus on the regional consequences of failure to deliver was preserved.

The Finance Committee also continued preparing for the next cycle of state funding. The process was complicated by the fact that fund estimates from the CTC were slow in coming, and by the continuing discussion of major STIP reform in Sacramento. However, in the absence of the passage of new legislation, Fund Programming and Finance continued work on adapting the federal multi-modal application to the existing state FCR program.

A major new initiative had been launched by 3PC in late 1996 - a comprehensive process of reevaluating the entire transportation funding structure in the region. This effort was prompted in part by a desire to consider what could be learned from the ISTEA programming experience. However, at the urging of MTC staff, the idea quickly broadened into an effort to look at the total picture of how transportation funds from all sources (federal, state and local) were being spent in the region in order to evaluate which needs identified in the RTP were being met and which were not. As one MTC staff member described the effort to the Finance Committee "The general concept is to ask the broad question: Taken together, do all of our fund programming efforts deliver a package consistent with the RTP?"[2] MTC staff presented a framework for thinking about this question to Finance and a decision was made to constitute a special group to begin work on the reevaluation.

The direction of Finance Committee activities was dramatically changed, however, in the Fall of 1997 with the passage of SB 45, a major reform of the state transportation program. Implementation deadlines for this new legislation were extremely tight, and all available resources within the Finance Committee were redirected toward planning for this. The reevaluation was put on a back burner and the work group was impressed for this new task. Partnership efforts to develop procedures for implementing SB 45 are detailed in the following chapter.

The federal funding environment was as turbulent as that of the state. ISTEA expired on September 30, 1997, but Congress failed to pass a new federal program. MTC staff closely monitored developments in Washington and kept Finance Committee members informed. In the expectation of new legislation, however, MTC staff insisted that the Partnership develop a statement of principles for a federal strategy parallel to that being developed for state funds in the SB 45 process in order to ensure that when looked at together, these two fund sources would meet the diversity of needs in the region. The development of this strategy is discussed in Chapter 16.

Finally, in June 1998, Congress passed the Transportation Equity Act for the 21st Century, known as TEA 21, the successor legislation to ISTEA. Groundwork for programming these new federal funds had been laid in the development of the parallel federal strategy adopted by the MTC Commission at the same time as it adopted the SB 45 implementation plan. But the parallel federal strategy was largely a statement of principles, and thus the major agenda item for Fund

---

[2] Partnership Finance Committee meeting, 3/17/97.

Programming and the parent Finance Committee during much of 1998 was to develop specific procedures for programming the new federal funds.

Planning and Operations Committee

Though POC had better attendance at its monthly meetings than SOM once it had a broadened mandate, one partner's comment probably summed up the views of many in the first meeting. He said,

> I heard that the stuff SOM was working on was boring. I hope we don't have to talk about all that boring stuff, especially with a group this big. If we're going to be talking about the RTP and a signal connect proposal, it will be difficult to straddle those things.

That first meeting was well attended by partners, and they made clear their preference that subcommittees deal with the technical issues and make recommendations. They did not want to deal with the detailed questions of what they supposed were primary preoccupations of SOM. Ironically SOM had actually spent little time on technical matters as its members were not technical staff either, though they did get a lot of presentations from consultants. The Arterial Operations Subcommittee dealt with such "technical" issues as signalization coordination. A TSM committee ranked and scored projects competing for these funds. SOM committee meetings had been significantly taken up with status reports on many things, including JUMP Start projects. SOM had been viewed also as mostly highway oriented so members expressed the hope that the new committee would engage transit members more, especially with a transit-based chairperson.

The POC's work in 1997 consisted mainly in hearing status reports and in some cases in reviewing and approving MTC staff activities. During the year they heard reports on Track 1 and Track 2, JUMP Start, TSM, Arterial Operations, performance measures, the MTOS program–a set of low cost, nonstructural "fixes" like ramp metering, designed to smooth the flow of traffic–, the High Occupancy Vehicle (HOV) master plan, the MTS management strategy, and a variety of other topics, including an earthquake response plan and MTC's travel information program. Naturally with so much on the agenda and with each topic the product of months of staff work, in the few minutes they had per topic committee members could not begin to get into the subject. Partners did not really engage in discussion nor raise significant issues for the most part. On only a few of these topics did the committee have substantive decisions to make. They approved the TSM lists of projects. They did some management review on MTOS and Arterial Operations work. Another RTP task force began meeting in 1998 to go over draft RTP alternatives, though the committee did not have anywhere on its agenda a discussion of the principles that would be followed in the RTP. They heard reports from staff on focus group outreach meetings In spring of 1998 they agreed to ending JUMP Start and replacing it with a new program in January of 1999, though the precise definition of the program remained to be developed. Mostly committee members just heard reports and asked questions. They did not focused on any topic in sufficient depth that they could actually develop their own perspectives on it, as opposed to simply reacting to staff ideas.

After the passage of TEA 21, an additional responsibility was placed on the POC. AS discussed in detail in Chapter 16, the Partnership decided the split the new federal flexible funds into two categories. Seventy-five percent of the monies were allocated to counties using a population formula. These monies were to be used primarily for maintenance of the existing system. The remaining 25% of the money was to be distributed on the basis of a regional competition primarily for systems management and community vitality related projects. POC was given primary responsibility for developing the criteria to be used for programming this latter set of funds.

Achievements

Notable achievements in 1997-98 were almost all in the legislative arena. They include the passage in Sacramento of a bill to permit regions to establish a regional gas tax after a vote of the public, and the passage of ISTEA's successor legislation, with many features that MTC wanted in terms of flexibility. By mid 1998 most of the planned HOV lanes in the Bay Area had been completed, after lawsuits by environmental groups had stalled them for years. Bridge tolls were increased by the legislature to pay for seismic retrofit or new bridges across the Bay, as well as to provide additional funds for transit, all to be administered by MTC. Finally the BART SFO extension funds were included in the new federal legislation. MTC's role in these matters was significant, as they brought their political capital and expertise to the table.

Funding Uncertainties

Overshadowing much of the work of the Partnership during this period was uncertainty around the reauthorization of ISTEA. This law had been set up for a six-year period, and its opponents and detractors were working hard to change it in the next iteration. Some wanted to change the formulas for allocating funds by state, which would almost certainly have reduced California's allocation significantly. Others wanted to reduce the amount of funding that could go to nonhighway projects. Still others wanted to change provisions allowing local and regional flexibility. Moreover it was uncertain which projects would be singled out for funding in the new transportation package. All of this uncertainty not only affected the federal funding, but also the state funding, which would be in part contingent on the federal money. The question was not only the amount of funding that would be available to the Bay Area, but also what the funding categories and projects would be. Other funding pots might well be used to fill in for funding not included in the bill. Finally, even after the new federal law did pass, it was months more before the calculations could be done to sort out how much California would get and in turn how much the Bay Area would get. These uncertainties were to interfere with efforts to do long range planning. The passage of Senate Bill 45, which restructured state rules and formulas for allocation of transportation funds also created uncertainties during the period it was under consideration. It interfered with the long range planning the Partnership had started because of the short time lines it imposed.

Public Opinion

Congestion became a growing public concern by 1996 after the economy had picked up and, with it, the traffic. Most of the major newspapers ran frequent articles in 1996, 1997, and 1998 about the growing congestion on Bay Area freeways. The Commuter Chronicles, as they were labeled in the *San Francisco Chronicle*, ran horror stories about commute times, traffic delays, and the construction that had begun on many freeways to complete HOV lanes or do seismic repairs. Local papers also ran articles linking the congestion problem to growth in the suburban areas, and other articles about the affordable housing shortage and the difficulty this was creating for Silicon Valley employees and businesses.

In 1996 and 1997 the *San Francisco Chronicle*, in cooperation with KRON TV and KQED FM, commissioned a series of Voice of the Voter polls by U.C. Irvine planning professor Mark Baldassare on transportation-related issues and ran lengthy front page articles on the findings. They found for example in June 1996 (Kershner 1996) that 86% of the public regarded traffic congestion as a problem, including 55% who thought it was a major problem while only 7% thought it was not a problem. People from the East Bay suffered the worst commutes and the longest commute times by a significant amount. Nearly 70% regarded local congestion as a problem which they felt was getting worse. BART had a high approval rating of 70%, but only about 30% rode BART as often as sometimes. Local bus service was also approved by a margin of 2 to 1, and there was a lot of support for improving local streets (83%), local rail transit (79%) and buses (62%) while only 42% of the public wanted to build more freeways. Still as a practical matter, most used their personal cars for travel, complaining of transit systems that do not connect and lengthy commutes on transit. The public was not willing however to fund the programs they supported, with 57% opposing a sales tax for funding, and 51% opposing a gasoline tax or new bridge tolls as a source. Given that in California the first two would require a 2/3 vote, this opposition was significant. Interestingly, the poll also found that 49% of the public favored some form of regional government as a solution, (37% opposed) –the same level of support that had been found in a 1989 poll.

Another Voice of the Voter poll in March 1997 (Wildermuth 1997), reported at length, complete with photos, graphics and maps on the front page of the Chronicle, that three out of five Bay Area residents said they would give up the dream of the suburban house on a large lot if they could find a smaller house for the same money closer to where they work. Though the ideal home remained in their minds, only a third said they could buy such a home, including only a little more than half of those making $80,000 or more per year. Though only half the respondents supported requirements for high density housing and regional planning, more than 60% in all parts of the region favored forcing cities to provide more moderate income housing near employment centers and 74% wanted cities to provide more moderate income housing, with 65% even favoring low-income housing.

The three media organizations sponsored five public forums during this time, which were broadcast on KQED, and reported in depth in the Chronicle in front page stories These forums were each held in a different part of the Bay Area and each involved a panel of experts, local public officials and policy activists, along with hundreds of people in the local audience who made comments and asked questions. These not only called attention to transportation issues, but also

created a visible public discussion arena that had not been available before. While MTC participated typically in the person of Steve Heminger, who served as a panelist, they did not sponsor these discussions. The discussions, as reported in the newspaper, emphasized the importance to many participants of more and better public transit. In the Contra Costa County Forum speakers blamed politicians and developers for congestion (Hallisey 1996). At the Forum on the Peninsula (between San Francisco and Silicon Valley), members of the audience heckled and booed the proposal to send BART to the airport (some of them preferred to use the funding to support CalTrain). Though a majority of the public in that area supported BART to the airport, there was increasingly well organized local opposition to this expensive project (Pimentel 1996).

       According to the Chronicle, (Kershner 1997) there were ten areas of consensus among speakers at all the Forums around the area. These were topped by the desire to have the Bay Area's 28 transit systems better connected and with coordinated schedules. Other areas of agreement included the view that the East Bay BART-San Jose gap should be filled, not by the planned BART Warm Springs extension but by less expensive light rail; that CalTrain should be extended to downtown San Francisco; that a universal transit ticket should be developed; that bus service, ferries, and bike lanes should be supported; that housing should be built near transit; and that urban sprawl should be restricted. The Forums showed several areas of contention. For example support for BART had eroded since the earlier polls, with many participants contending it was a "cash hog that drains transit funds that could help more people if spent on the less glamorous CalTrain and bus systems." There was contention over widening Highway 101 in Marin County, and building a fourth bore to the Caldecott Tunnel between Contra Costa and Alameda counties, with some arguing these bottlenecks should be repaired and others concerned about effects on sprawl. Muni's light rail system was controversial, with some supporting repair and extension of San Francisco's "creaky" system and others supporting investing more in buses. A bike lane for the planned replacement of half of the Bay Bridge was controversial as there would be no extension on the half of the bridge that was not being retrofitted. Carpool lanes too were controversial, with some speakers favoring encouraging casual carpooling and others arguing that carpool lanes do nothing to decrease congestion but do encourage driving.   Finally the question of raising the gas tax to support transportation improvements was also controversial.

       These findings were not inconsistent with the kinds of responses MTC had been getting at some of its "outreach" and focus group meetings over the previous years. A riders' transit survey conducted by MTC to find out what projects voters (given separate polls by county) would support as part of a ballot measure for a regional gas tax hike found, for example, that Alameda county voters supported replacing old AC Transit buses as their highest priority, and that the universal transit ticket was high priority, along with seismic retrofit of highways and overpasses.

       The findings however about public opinion were not always consistent with MTC's policy stance during the period. MTC had been unable during the time to achieve some of the most desired objectives. Staff insisted repeatedly that MTC did not have a mandate to establish a land use policy and made clear they believed the idea of regional government was politically impossible. They did not make an effort to significantly change their mandate relative to land use nor to make decisions designed to reduce sprawl. Though MTC had been working on getting a universal transit ticket for a number of years, they had not succeeded. BART remained a principal obstacle as they were unwilling to substitute the new ticket technology for their own and wanted regional funds to

develop a dual system, which CMA's opposed. A transit coordination bill, SB 1474, enacted to give MTC more authority to implement coordination, did not seem to help. Critics claimed that MTC already had enough authority to do more coordinating without the bill. MTC did begin to encourage transit based development, working with the Advisory Council to establish a small program in 1997 and a larger one in 1998, the TLC (Transportation for Livable Communities) program. Although MTC and the Bay Area provided substantial support in percentage terms for transit in comparison to many other cities, cutbacks had been made in AC Transit service in 1995 and 1996 which evoked substantial protest and for which many transit advocates held MTC responsible. Muni, the workhorse of Bay Area transit, was also strapped for funds. While MTC was seemingly balancing highway and transit interests, it seemed that the preponderance of organized public groups was more supportive of transit than highways. The polls suggested that the public was as well. It was beginning to seem by early 1997 that MTC was out of step with public opinion.

Controversies

Several regional transportation controversies stewed in the background throughout the period, sometimes erupting into major public disputes with hostile parties lining up on both sides. MTC stayed out of the public eye in these disputes, although in some cases the agency was a player. These important issues were neither brought to the Partnership for discussion nor did MTC take a public, active stance to preempt or to mediate the dispute nor to set up a resolution process, as some would have liked. Nor were these for the most part discussed by the Commission to set up an official MTC position on them. The strategy of public avoidance of these issues may well have been part of MTC's long time effort to maintain public consensus, or at least the semblance of it, in the interest of giving the region more clout and influence in Sacramento and Washington. Open dissent might have undermined that influence. Each of these controversies however affected MTC's credibility in other ways and led some to criticize the agency. Each of them left some players bitter or angry at others. Only one, the BART strike, is comfortably or reliably resolved, though without a visible role for MTC in creating the solution.

BART's Declining Public Support

The most publically visible issue was the BART strike in September of 1997. This tied up freeways and jammed alternative transit systems to the breaking point, fraying tempers and affecting the ability of the Bay Area to conduct its daily business. This strike, according to the media, both television and newspapers, garnered little public support. On the contrary the more the public learned about BART and its unions, the less they liked. They found that workers were paid more than workers in many other lines of work, and more than those in AC Transit. They began to express resentment about BART's fares and their costly construction programs at the fringe of the suburban areas. BART's negotiating style was publically compared unfavorably to AC Transit, which under the leadership of Sharon Banks, had used mediation and a collaborative dialogue over the previous three years to reach agreements with the same unions without a strike. Commuters began to try other modes, including AC Transit and casual carpooling and some decided these were

better. All in all this strike seems to have helped to turn public opinion against BART, at least temporarily. More than one newspaper faulted MTC for not having prepared a contingency plan for the strike, which had been threatened for some time. There was no prearrangement for readjusting other transit agencies routes or schedules to replace BART lines.

San Francisco's muckraking, progressive weekly paper, the *Bay Guardian* ran a piece labeling BART a "vampire" sucking the life out of urban transit systems by absorbing a disproportionate share of the region's capital funds while serving only a third of the ridership (Griswold 1997). They pointed out that this ridership was mostly white, in contrast to the ridership of the other two major transit services, AC and Muni, on which the substantial majority of riders were nonwhite. They contrasted BART's extensions to AC's need to cut back service, and Muni's 21-year old buses that missed many runs a day due to repair problems. Though the article acknowledged that much of BART's money is dedicated from the sales tax or other funds that could not be transferred to other agencies, they faulted MTC for the way they prioritized regional funds. The article argued that "MTC has disregarded basic efficiency criteria such cost per new rider analyses for BART projects." It criticized Resolution 1876 and the fact that MTC pursued its expensive rail programs even when city services were drying up. It singled out the BART SFO, and Warm Springs extension in Fremont as particularly wasteful. It suggested that Dahms and Hein's prior employment at BART was somehow related to this policy. It contended that BART had an expensive public relations effort and that construction firms contributed to BART directors' campaigns. (Indeed several BART directors were under investigation by the FBI for improper use of such contributions at the time and one was ultimately convicted).

The bias of this article is understandable as the *Bay Guardian* is very much a San Francisco paper, and that prides itself in being anti-establishment, but they were not alone in making such criticisms. Many of these points were being made by transit advocates, local officials, and environmental groups in other arenas. Whatever the merits of the arguments on either side, this was an area of controversy and conflict where reasonable and well informed players disagreed. MTC's reported reply to the *Bay Guardian*'s questions about its possible bias toward BART, was to send the paper a copy of a letter Dahms had written to California Senate leader, Bill Lockyer, saying MTC's hands were tied by regulations and that it was doing all it could to find funds for bus operations. Transit advocates like John Woodbury of AC Transit reportedly dismissed this response, noting that if you ask for rail funding you get rail funding not bus funding, implying that MTC could have asked for other things.

AC Transit Riders Grow Restive

At the same time disaffection with BART was growing, AC Transit riders were growing increasingly militant, in a way that MTC was apparently uncomfortable with. Funding for AC had been cut and as a result, service had been reduced. One representative from AC Transit told us,

> The other thing that has happened is our citizenry is really up in arms over the cuts and formed a bus riders union, and they have been screaming and doing exactly what they do to us at MTC and that has bothered the commissioners and I think staff. ... I don't think MTC is accustomed to hearing from citizen groups. We did 50 outreach

meetings and got blistered by these citizens. We were talking about cutting the service. I embraced the citizens as partners and said how can we get money from the state and feds. When they showed up at MTC meetings I think that really angered MTC. I think they think somehow AC sent those people over there. And that we could have stopped them. That is like treating the public as if they had no brains. I could not stop them.

The Transbay Terminal

One of the bitterest controversies over regional transportation facilities in this period involved the Transbay Terminal. Located in San Francisco at the terminus of the Bay Bridge, it provided rapid access for AC Transit buses from the East Bay and, not incidentally, parking for these buses when not in use on the freeway offramp connecting the bridge to the Terminal. The Terminal, which is near the business district, serves as a connection point to many Muni lines as well as to bus systems from the Peninsula. After the powerful former speaker of the California Assembly, Willie Brown, was elected Mayor of San Francisco, one of the things he proposed was to move the building a block or two. A new, taxpaying high-end development would be placed on the valuable and well located real estate then occupied by the terminal.

This was a tricky problem. San Francisco certainly had the control of land use decisions under its jurisdiction, and Brown had established his own interest and personal authority over such decisions. The decision might benefit San Francisco–although some interests and public interest groups in the city, like San Francisco Tomorrow, did oppose it on the grounds that it would create more automobile commuting–but it was clearly damaging to East Bay commuters and to AC Transit, which would have to foot much of the bill for the new terminal. CalTrain had hopes of eventually linking to the Terminal and some critics felt the new location would make it impractical to extend the rail line. AC Transit filed suit against the city in 1997 on the grounds that the scope of its Environment Impact Report (EIR) was inadequate. After the city agreed to expand its EIR, AC dropped the suit, reportedly with a threat from a powerful Assembly member. In January of 1998, the Vice Mayor of Emeryville, at the opposite end of the Bridge from San Francisco, made a public brouhaha about the Terminal, arguing that the East Bay should have some say in the decision. The state would have to be involved as well since the move would likely entail removal or change of the freeway off ramp.

While MTC staff reportedly played a part in behind the scenes efforts to mediate this dispute, it seemed to some observers a natural opportunity for the Partnership to have a dialogue that could help resolve this. It was after all a project with implications reverberating widely in the region and directly affecting several partners. One partner said that the Partnership could have helped. She saw this as a missed opportunity.

> We could have had a day-long discussion about what happens to the Bay Bridge if there is no terminal. San Francisco is talking about a street terminal. This Partnership could have brought in projections of what the traffic would have been like in San Francisco. We could have provided a forum, if not for conclusions, for information, and said to people "In light of all this information it seems that this is the direction all

the parties should go." I think this will be a test, until we can talk abut the thorniest of issues--SamTrans contribution to the SFO extension for example. .. We have not created a forum for people to really talk together and maybe the question is how can we make this work so there are no winners and losers here?

Another partner from transit thought that MTC's failure to play a role in bringing players together around this issue was a missed opportunity for MTC to coordinate transit. He was fully aware of the Bay Area's unique challenge in having 28 transit agencies.

> My feeling, is if you build a bus terminal and you require that the transit operators participate in the construction and planning of such a facility and then in the operation of the facility, then what you end up having is a bunch of transit operators sitting around a table figuring out how to operate a building. That's the first step... because they're sitting around the table anyway "Well, gee. Isn't there some way where we could use the same transfer? Well, yeah. That makes sense. We' ll talk about it next month when we get together. Okay?" So then you begin to have the people sitting around the table and you figure, "Well, let's coordinate on this. We're coordinating on this building already. Lets coordinate on getting the systems to work together. And that's been an objective of MTC for twenty-five years! And it doesn't happen.

The BART SFO Extension

One of the most bitter of the controversies during this period was a continuing and mostly unspoken subtext in Partnership meetings: the plan to extend BART to San Francisco Airport (SFO). This project was one of the Resolution 1876 proposals. This project would be expensive, requiring an extension of BART from its terminus in Colma (Figure 2-1) further south and then a spur one mile to the airport. When we asked one partner why BART SFO was kept off the Partnership plate, she replied, "Oh, yeah, because we had huge disagreements about it." We asked whether this would have been impossible to handle and whether there were some things that should be kept off the table. She responded, with great emphasis,

> No, I mean, we *have* to talk about it....Why in that room can't we talk about difficult stuff? SFO extension would have been one issue and the Transbay Terminal--there are all sorts of issues.

Another partner agreed that not only did BART SFO not come to the Partnership table, it would have been a major problem if it did.

> You know how they refer to Social Security as the third rail of American politics? The BART-Airport extension is the third rail of MTC politics. That is so ingrained in MTC that they can't deal with it...They can't even address it. They are so bought into this thinking that, if we don't do BART to the Airport, the money is going to go away and we'll never get it. They didn't, I believe, fight hard enough for a simpler

project and they should have. Nor do I think SamTrans fought hard enough for a simpler project. And this thing about an elected BART board, this is what got us into trouble there. And then Quentin Kopp (then state Senator from San Francisco and Chair of the Transportation Committee) –"You know it has to go into the Airport. We're going to vote on this sort of thing." I don't know how or why MTC couldn't convince Quentin Kopp that he's completely wrong about this. ....

This partner thought that,

> For most of ... the Bay Area's transit operators, the best thing that could happen is for Congress to deep six the BART extension. For BART it would be a disaster--- actually it probably wouldn't be so bad--but they wouldn't get to build a big project, which is a big thing for transit agencies.

While BART SFO was authorized in 1998 to receive $750 million from the federal government, local matching funds of over $400 million would be required by estimates at that time. (The figure continued to grow in the following years.) While some of these funds could be obtained from dedicated BART money such as sales tax, at least some of the funds would be taken from money that could potentially be used for other transit projects in the region. The airlines originally opposed this project because they were going to be liable for a significant amount of the cost. Many transit and environmental advocates decided to oppose the extension because of the large comparative cost. While some supporters contended that it would be a great convenience to airline travelers and reduce airport traffic significantly, others pointed out that a connection from BART to the airport was already available by shuttle bus which could readily be improved. Some critics predicted that the main users of this line would be the employees, rather than the travelers. Some participants from San Mateo and the Peninsula believed that the project would be using funds that could otherwise be used to support CalTrain, which runs essentially parallel to BART on the Peninsula. The cynics among our respondents argued that this was a construction boondoggle designed to pump money into the Bay Area economy and construction firms. There were no other Bay Area projects likely to get this level of federal funding. From Dahms' and MTC's perspective it appeared to be a way of keeping faith with the 1876 resolution and showing that agreements and bargains will be kept. It also happened to be a pet project of Senator Quentin Kopp, with whom Dahms frequently worked to get key legislation written and passed.

Several of the Partners, however, were bitter about MTC's support of this project. They felt it was a major funding decision that was off the table, not open for their discussion. They eyed the $400 million enviously thinking how many of their own problems might be solved with a portion of that. One said,

> There is nothing that makes me angrier than BART to airport, but no one has looked at the value to the region. This is only 6 million of BART money and the rest is state and federal. Is it possible to use this money for other things? Maybe. The money, or at least some could go to CalTrain extension. No one has looked at value of the

BART extension, but they do look at the CalTrain extension and measure it. But
when they added BART in Concord they only added 3,000 passengers.

Nonetheless in our observation, despite private comments, partners did not bring this issue to the
tables of the Partnership. Some environmental and transit groups did go to Washington in an
attempt to defeat the project. The battle was won by MTC when the project was included in the final
federal reauthorization bill in 1998.

CalTrain Downtown Extension

Another proposed project with regional implications, this one also part of Resolution 1876,
was the idea of extending CalTrain further into downtown San Francisco so that it would connect
better with Muni, BART and other transit systems. This commuter rail system, which links San
Francisco to San Jose, stops in a former warehouse district more than a mile short of BART, City
Hall, the Transbay Terminal and the business and commercial districts. Although Muni serves
CalTrain, the service is infrequent at all but rush hour. This project, which was estimated at the time
to cost $600 or $700 million never garnered the level of support from Senator Kopp or from MTC
that BART SFO did. CalTrain was supported particularly by San Mateo representatives and by
environmental interests. Others, however, were concerned that financing for the project was not
available; still others feared that the cost was not worth the expected increased ridership to be
gained. In June 1997 San Francisco Mayor Willie Brown announced his opposition to the
downtown extension, effectively killing the proposal at the time. The issue was not placed on the
Partnership agenda during the period, though occasionally one of the representatives of San Mateo
attempted to bring it up. In the following two years the political configuration around the issue
shifted with San Francisco beginning to advocate for the extension while representatives from
San Mateo and Santa Clara counties seemed more interested in procuring funds for the rehabilitation
and/or electrification of the existing system. Then in 2000 Governor Davis announced earmarked
funding for improving CalTrain service.

Bay Bridge Design

MTC did take an active role in trying to produce a consensual agreement on the design of a
new span for the Bay Bridge. The Loma Prieta earthquake in 1989, made it clear that the eastern
portion of the Bay Bridge was seismically unsafe. After considerable public debate and discussion,
Caltrans concluded that a new eastern span would be more cost effective than an attempt to retrofit
the old bridge. The legislature agreed that the tolls could be raised to $2 on all the Bay Area bridges[3]
and MTC, as the administrator of the tolls, set up a committee of commissioners to select the design
for the new bridge, including Mayor Harris of Oakland, a representative from San Francisco, and a
number of others. It was headed by Mary King, Alameda County Supervisor. A panel of engineers
and other technical experts was appointed to work with this group of commissioners. They
considered whether to expand the bridge capacity. They put various designs forward as technically

---

[3] This did not include Golden Gate Bridge, which was under the jurisdiction of GGBTD.

adequate, including the least expensive, a long causeway type of bridge and the most expensive and elegant design, a cable-stayed bridge with two towers.   They debated the issue of whether a bike path should be added which would add to the cost, though some were skeptical about its usefulness especially if the western half, the suspension span would not include such a path. In the end the commissioners chose a design with one tower near Yerba Buena Island in the center of the Bay.

No sooner did they select this design in June of 1998 than MTC was met with a barrage of criticism. Jerry Brown, former California governor and Mayor-elect of Oakland, charged that the design was done through an old boy network and that it was esthetically unworthy of an entrance to the great city of Oakland, especially since the tower was so far away from the city. Mayor Willie Brown of San Francisco, who had originally agreed to support the committee's decision, criticized it for interfering with development plans he had for Yerba Buena and Treasure Island, where the eastern span would end. The Navy, which owned the land also objected and prevented environmental studies from being done. Some noted architects and urban designers made public statements about the lack of vision and esthetic quality in the design. Jerry Brown vowed to fight. Caltrans which said they would nonetheless implement the Commissioners' decision. The controversy continued as newly elected Governor Gray Davis appointed a San Francisco supervisor to the job of Caltrans Director, and accordingly both Mayors Brown tried again to reopen this issue. Davis however in early 1999 made clear that he would place safety and costs first and not reopen the design issue without the cities' identifying the necessary additional funds. Then reluctantly the state agreed to more technical studies in 1999-2000 on the feasibility of including rail, and other matters. Willie Brown continued to insist that the design would interfere with plans for a hotel and brew pub on the island and the Navy continued to refuse to allow the necessary environmental analyses. The whole process involved a lot of finger pointing on all sides, while the project itself languished. Finally in fall of 2000 the federal government took action, removing the contested land from the Navy's jurisdiction and turning it over to Caltrans. At the present writing in late 2000 the project is finally underway. While MTC may have played a role in persuading the federal government to take action, they did so very much behind the scenes. Their effort at creating consensus had not worked in part because the players with the power to stall the project were not at the table and in part because the process they set up did not develop agreement on the technical information.

Measure B in Alameda County

A final controversy was in the background in this period, involving some members of the Partnership as well as a number of the interest groups which had been dogging MTC for some years. Alameda County's sales tax authorization to support transportation projects was running out and would need reauthorization, requiring a 2/3 popular vote this time. The given wisdom was that ballot measures to support the raising of special revenues require that the funds be designated for specific popular projects if they were to have a chance of passage. The county transportation agency called together a group of providers, interest groups and public officials to negotiate the package of projects that would be put to the voters. Negotiations went on for months. To simplify the task (and incidentally work in the political influence planning mode) the potential funding was divided in parts with north county, including Oakland, Berkeley and Albany, empowered to allocate only its share of the total expected funds. This north county group, which represented the only really inner city

population in the county, including Oakland and the 30,000 students of U.C. Berkeley, chose, not surprisingly, to put a substantial proportion of its allocation into AC Transit. They also proposed to support the transit village for which Arabella Martinez' Unity Council was the developer. The other segments of the county supported quite different things, including highway improvements and the costly BART Warm Springs extension further into Fremont.

The resulting package was controversial. Some transit advocates and environmental groups supported it, arguing it would not be possible to do much better. After all it had taken months to negotiate this. But others disagreed, contending the package contained too many expensive expansion projects, like Warm Springs, at the expense of more cost effective transit and other environmentally friendly projects. They believed a better deal could be negotiated. Certainly the way they divided the money at the outset virtually guaranteed this sort of outcome, as the areas most likely to use transit were severely limited in the resources they could allocate. The environmental community mobilized around this issue and came out virtually unanimously in opposition when Measure B was placed on the ballot for June of 1998. The measure garnered only 57% of the vote instead of the required 67%. A new measure was thereafter negotiated offering additional transit funding but maintaining the BART extensions to Warm Springs and the Oakland airport. This garnered the support of most of the major interest groups including environmental groups as the best they were likely to do. Speaking with one voice in the press these interests were able to get passage of the revised Measure B in November 2000.

The deal making process around Measure B mirrored in some ways the process at MTC. Like MTC the group divided up the money at the outset on a geographic basis. The county participants had no regional, or even countywide, vision of a desirable transportation system to guide them. They had no clearly articulated nor agreed-upon set of county transportation problems to be solved to guide their negotiations. Not surprisingly in these circumstances there tended to be a kind of free for all as each player looked out for his/her own interests and focused on visible projects that had been already planned rather than trying to create new problem solving ideas.

Measure B's content was of concern to MTC and to the Partnership in a variety of ways. There is only a limited willingness in the region for people to tax themselves for transportation. Whatever the county raised by the sales tax would probably mean less could be raised from a regional gas tax if it could be established. If the projects did not make some kind of sense, or fit regional criteria in some way, the measure would simply reduce the potential for solving regional issues. If the county raised money and spent little or none of it on local road maintenance or transit maintenance and operations, pressure would be placed on MTC to find funds for these things. If the county raised funds that were inadequate to fully support their projects then MTC would probably be called on to fund the shortfalls. Ultimately Measure B represented a "planning" process that was conducted in parallel, but not in coordination with MTC's RTP. It would however affect the demands placed on the RTP and regional funding in the future.

Comments

Many things conspired to create a difficult environment for MTC during 1997-1998. A booming economy created more traffic and aggravated the jobs-housing imbalance. New legislation created uncertainties and prevented a continuation of planning processes they had started and began

to pit players increasingly against each other. Things such as the BART strike and the need to design a new Bay Bridge created conflict and ill will among many partners, commissioners and other political players. Growing opposition from an increasingly organized community of interest groups challenged many of MTC's taken for granted practices. The culture of transportation planning in the Bay Area, was highly competitive, with players quite willing to pursue courses destructive to other players. There was little sense of a shared regional problem or responsibility that might have helped to address this. MTC did some reorganization of staff and the partnership and stepped up its public involvement, but the controversies did not abate. Neither MTC nor the Partnership resolved or, in some cases, even addressed these controversies.

CHAPTER 15

THE PARTNERSHIP RESPONDS TO SB 45:
PAROCHIALISM WINS THE DAY

On September 12, 1997, the last day of legislative session, SB 45 was approved by lopsided margins in both the State Assembly and the State Senate and sent to Governor Wilson for his signature.[1] The bill, which was sponsored by Senator Quentin Kopp, took effect on January 1, 1998. SB 45 replaced the 7-year State Transportation Improvement Program (STIP) with a 4-year program with an interim transitional period. Among its many significant provisions was the consolidation of numerous existing fund programs into three new programs within the STIP: Regional Choice Program (75% of funds), State Discretionary Program (10% of funds), and Interregional Program (15% of funds). In this chapter we briefly outline the key provisions of SB 45 and then detail how the Partnership responded to this new state legislation.

SB 45

Prior to the passage of SB 45, state funding for transportation had been provided through a variety of sources. The Transportation Planning and Development Account funded three programs: State Transit Assistance (STA), the Transit Capital Improvement (TCI) program and Intercity Rail Operations. The seven year STIP included five programs: Flexible Congestion Relief (FCR), Interregional Road System, Soundwalls, Urban and Commuter Rail and Intercity Rail. Other state transportation programs included the State-local Partnership program and Transportation Systems Management. All of these programs, with the exception of State Transit Assistance and Intercity Rail Operations, were folded into the three new SB 45 programs.

Under the pre-SB 45 STIP, monies had been divided between northern and southern counties using a 40%-60% split (the so-called north/south split). Each share was then further divided between county minimums (70%) and California Transportation Commission (CTC) discretionary money (30%). SB 45 maintained the north-south split for two of the three new programs: State Discretionary and Regional Choice. The State Discretionary program is composed of projects proposed by Caltrans. All of the Regional Choice monies are allocated to the counties on a formula basis. This allocational principle also underwent a subtle, but interesting name change. What had been county minimums became county shares. SB 45 gave the CTC full discretion over projects in the third program, the Interregional program. Projects were to be proposed by Caltrans and at least 15% of the money had to go to Intercity Rail. Interregional road funds could be spent only in non-urbanized areas with populations of under 50,000. These funds could be bid on by Regional Transportation Planning Agencies (RTPAs).

Several features of the Regional Choice program were designed to give regions more programming authority. First, the program provides for a more flexible, multi-modal block of funds. Second, a statement referring to the need to achieve RTP goals and objectives replaced

---

[1] The following discussion of the provisions of SB 45 and of the preceding fiscal regime draws heavily upon an analysis done by Steve Heminger, later Deputy Director of MTC, in a memo dated September 16, 1997.

prior legislative directions favoring projects that increased capacity. Third, the programming of FCR funds had been subject to geographic restrictions at the discretion of the CTC. Under the new Regional Choice program, the RTPAs are charged with adopting the RTIP and the CTC must either accept the program or reject it in its entirety. However, the persistence of county minimums and their transformation into county shares, undermined the role of the region in favor of the counties, at least in the Bay Area.

Another goal of SB 45 was to increase fiscal responsibility and oversight of the expenditure of state funds. To these ends SB 45 included a "use it or lose it" provision requiring that STIP funds be expended within three fiscal years; a requirement that Caltrans, in cooperation with the CTC and the RTPAs, develop minimum standards for project deliverability and cost estimation; limitations on Caltrans' administrative expenses; tighter reporting, monitoring and delivery requirements; and a prohibition on the state budget including individual appropriations for specific transportation projects.

The Partnership and MTC React to SB 45

The Fund Programming Reassessment

The Partnership had just begun a potentially far reaching comprehensive reassessment of MTC's fund programming policies and procedures when SB 45 was passed. MTC had intended the reassessment process to address fairly basic principles rather than specific legislation; potential change in the state program was only one of a number of factors precipitating the reassessment. The Governor signed SB 45 shortly before a meeting of the Partnership Board in early October, which had been scheduled in order to discuss a draft that staff had prepared on funding issues. Initial discussion of programming under SB 45 thus took place in the context of the Partnership's broader reassessment of fund programming policies.

Larry Dahms made introductory remarks at the October Partnership Board meeting and quickly turned to the new state legislation. He told the group that "SB 45 means that you are in control. You have been able to make a lot of decisions before but now the decisions will be here." He added a warning, however, to this good news. "We are hopeful that this forum will work. If two or three of you get into fist fights on a regular basis, it will be hard for us. If we stub our toes, the legislature will find another way to do it."[2]

Much of the Partnership meeting was focused on the original, more general proposal regarding the reassessment of fund programming policies. The MTC staff proposal involved creating three funding tiers, one of which would be a set aside for regional projects. This was an important goal for MTC staff, who had been looking for a permanent way to fund, among other things, a number of operational projects that MTC managed for the region, such as a multi-agency transit ticket (Translink), ride sharing programs, and an information program for travelers (TravInfo). There was much debate over how regional projects would be defined, and eventually

---

[2] 10/8/97 Partnership Board meeting.

that debate worked its way to the issue of SB 45. Many at the meeting were unsure about many of the provisions of the new bill, and staff explained what they knew.

Partners immediately seized on two things: county minimums and the definition of regional projects in the context of SB 45. The first comment after the staff's brief presentation went to the issue of county minimums and what would happen to counties that were "owed" money. A CMA director commented:

> Over time MTC put only 85% in my account. My board is going to want to know where the other 15% is. Now I can tell them I am giving it to [the director of a neighboring CMA for a project that links the two counties]. But if I have to tell them it is going to [a distant county in the region] then...

A few minutes later, a comment by the director of another CMA addressed the issue of defining regional projects in the context of SB 45. He asserted:

> I don't think that MTC has the statutory authority to create a regional funding pot. Just to borrow from business, the companies that have devolved decisions to the lowest level have been most successful. SB 45 was about devolving to regions and counties and I am worried about creating hierarchy.

These two issues were clearly related since the stronger the return-to-source provision, the harder it is to do regional planning and programming. This problem was highlighted by one group member, who suggested that the only place with room for truly regional approaches would be the new federal program (which had not yet been passed):

> I have to admit to being thoroughly confused. We spent a lot of time talking about a new regional approach. You look at SB 45 and it says 100% goes back to the county. If Solano wants to chrome plate their roads, I don't know if MTC has the authority to say no. I am trying to wrestle with the concept that we are going to do regional planning versus what Kopp seems to have intended that each county gets to decide what it does. Maybe we should talk about NextTEA [the name they were giving the legislation to replace ISTEA which was winding its way through Congress at the time] instead.

As this last comment suggests, the passage of SB 45 deflected MTC's efforts at comprehensive reassessment of fund programming policies in at least two ways. First, the very short time frame built into the new legislation required staff at MTC, the CMAs and transit operators to turn full attention to reorienting their efforts to program the STIP to reflect the new realities created by SB 45. In the Bay Area, the call for projects under the old FCR program had already been done and draft bid lists had been assembled. SB 45 required some considerable changes in the programming process and this left few if any resources, at least in the short run, for doing planning because planning was not governed by the impending deadline. As one CMA representative later explained to the Finance Committee "The Partnership wanted to deal with SB 45. They put the reassessment on the back burner." Second, and more fundamentally, the

262

continuation of the county-based return to source elements of the program made efforts to transcend county boundaries and think about regional needs all the more difficult. The second effect unfolded more slowly; the first was immediately apparent.

MTC'S Proposal for Implementing SB 45

The Partnership's Finance Committee Task Force, which had originally been set up to conduct the programming reassessment, was immediately redirected to deal with the implementation of SB 45. Following a well established pattern for working with the Partnership, MTC staff drafted a detailed proposal in advance that was sent to task force members for discussion. The language of the cover memo makes it clear that the expected role of Partners was to comment and perhaps modify, but not substantially to change what staff was proposing. The memo asked task force members to "come prepared with comments to our approach, and/or options to address the issues raised in the proposal."[3]

MTC staff's proposal, as outlined in the memo, was based on four principles: the need to keep the process as simple as possible given the short time frame, the desire to build on the significant work already done toward programming the STIP, the need to take advantage of the increased programming flexibility SB 45 offered, and the idea that whatever was done would be a transitional strategy that would be revisited in the future programming cycles.

Four key elements of an implementation strategy were then outlined in the memo. The first concerned project solicitations. MTC expected that on the highway side high priority projects were already on the table in the form of the draft bid lists for the FCR program and thus, with some limited exceptions, a new project solicitation process would not be conducted. The major exception to this would be projects newly eligible under SB 45, especially non-rail transit, local road rehabilitation, pedestrian and bicycle facilities. These new projects could not be scored using existing RTIP criteria because they had previously been ineligible for FCR funds. Thus MTC proposed that these projects "be evaluated and considered outside the current RTIP scoring criteria, and negotiated with each county."

The second key element of the strategy concerned TCI/transit projects. The old, separate TCI program for transit capital projects had been folded into the new block grant and would have to compete with road projects for funds. Undoubtedly anticipating that this would create problems, MTC first affirmed its intention "to maintain its commitment to transit projects under SB 45 by programming projects in the 1998 RTIP that previously would have been provided under the TCI program." The memo then proposed a ballpark estimate for transit projects based on the amount of money that would have been generated by the TCI program. It said that transit operators would be asked to submit proposed projects and that these projects would be scored using the existing TCI scoring criteria. Only projects with scores of 10 or higher would be considered for funding. In bold face, MTC staff then stated that "The calculated TCI target is not a maximum cap or a minimum floor on transit programming in the RTIP." Finally, staff proposed a process whereby "MTC will negotiate with the transit operator sponsor and the county's CMA

---

[3] Memo from Therese McMillan to Finance Committee Task Force, 10/17/97.

within which the project falls, to assess that project's merit compared to projects already on the draft RTIP lists, to reach a consensus on possible programming this RTIP cycle."

Element three was the TSM/System Management Program. This program too had been folded into the new block grant and here too MTC anticipated difficulties. As with transit, it affirmed its commitment to funding projects that would have been funded under the old TSM program. But for system management projects, MTC proposed a different method of programming. It proposed taking a lump sum of money equivalent to the estimated annual average of past TSM funding for the region off of the top of the overall regional program. For the first two years, programming of these funds would be based on project solicitations that had already occurred for the TSM and RTSOP programs, plus MTC-sponsored systems operating projects. Ranking of projects would be done by MTC in cooperation with the Partnership. As with transit, projects would count against the programming total for the county in which they took place and multi-county projects would be programmed on the basis of population shares.

The final element of the implementation strategy concerned 85-115% adjustments. SB 45 allows for some flexibility in programming county shares and MTC proposed to use that flexibility to ensure that the proper scope of projects submitted could be accommodated.

The Partnership Responds

The Finance Committee Task Force met on October 20, 1997 to discuss the proposed SB 45 implementation strategy. In her introductory remarks, the lead MTC staff member on this issue commented on both the administrative and political challenges inherent in the task.

> In pulling together for the STIP, realize that there is very little time. It means we won't create new criteria. We want to build on the work sponsors have already done. We also need to recognize the increased program flexibility. Some of our commissioners are interested. Some interest groups are very interested in that and will be watching what we do very carefully.

The geographic equity issue arose almost immediately. A CMA director interjected that

> Counties are concerned about equity. Will transit be taken off of the top? Will MTC attribute the cost of regional projects to each county?" He was reassured by MTC staff that nothing would be taken off of the top; all projects would be allocated to the affected counties. He replied "That should be explicit, that there's equity. It puts everyone at ease.

A representative of a regional agency on the task force reminded the group that there was more than geographic equity at stake in the programming process; the new block grant was designed to allow regions flexibility in meeting a variety of transportation needs.

> Before we leave broad concepts, [the MTC staff member] made the point that it was important to use the new flexibility. It will be important

to have examples to point to throughout the region to show that flexibility was used. It will be important to have demonstrable things to point to, to show that we are indeed exercising flexibility.

When the group turned to the transit element of the strategy, the key issue it focused on was how the balance between transit and highway projects in a given county would be reached. This issue was raised by a representative from a county with a significant demand for transit, who was concerned that transit would lose out in the absence of clear guidelines.

I'm a little confused. We look at the new fund estimate, translate to the new county minimums, that includes TCI. At the CMA level, we look at the projects that get scored high and make choices. There's a tradeoff between what's already on the list and projects coming in. Are we accepting historical levels of TCI to different counties as the benchmark? The color of money criterion as the governing criterion? Some of my fellow CMA colleagues prefer complete flexibility. But it would be better if there was clear direction from the region.

An MTC staff member then explained the tradeoffs.

Part of the problem is that if we set a single target for TCI, the operators would say it's not fair. It's not limited under SB 45. On the other hand, we don't want to fund bad projects. Because of county minimums in TCI, we were funding things because of the benchmark for the county.

The CMA representative continued to be concerned, and emphasized the importance of making only short term decisions that would affect the immediate programming deadlines, as opposed to long term decisions that would govern the program in the future.

Given what I've seen with many of our boards where the issue isn't even multi-modal, this will be a pressure cooker with lots of people unhappy. We need a lot of flexibility to change later....There are lots of things not resolved, for example, regional projects. We can't let the schedule force a resolution. I don't want to make a long term commitment.

A transit operator also expressed concern.

We could have a scenario where, in a single county, there are many projects with the same score. Is the negotiation process going to deal with that? CMA priorities may be different from transit operator priorities.

Nothing was resolved and the group moved on to the issue of system management projects. The major issue that arose concerning the proposal for programming management

projects was the value of the MTC-sponsored projects, especially in light of the fact that funding for them would now be charged against county shares. A CMA representative raised this issue.

> We need to know how the MTC programs are funded now and what are the benefits. What are those projects? What are the benefits? You're asking the CMAs to program a portion of their money for these programs. RIDES [a ride sharing program] - are we getting a bang for the buck?

Another CMA representative joined in.

> My county has a problem with Translink [the universal transit ticket program]. In fairness to all of us, we need a clear definition of what these projects are and what they intend to accomplish.

> An MTC staff member expressed discomfort with the idea that regionally sponsored projects might get shut out of SB 45 funding.

> It's fair enough to say that every project needs to have merit. I'm uncomfortable with the notion that we're taking away your money. The fact that MTC is the sponsor shouldn't mean we shouldn't have access to the money.

But a CMA representative challenged this view.

> I disagree. My understanding is that many of these are funded from demo funds. Just because we did this doesn't mean they deserve to go on in perpetuity. We need to evaluate these like any other project.

After a little more discussion, the MTC staff member tried to find a way to accommodate both perspectives in the short run.

> Would it be safe to say [that we should] ... spend some time thinking in detail? But that the notion is that we do need to look at an array of management projects and come up with a way of evaluating. But we're not saying that they aren't on the table.

This issue would become a major source of controversy. A CMA representative temporarily had the last word in the debate. "They're on the table if they're counted in the county share. We're all going to keep them competitive because of that."

At the same time that the Finance Committee Task Force worked on broad issues of SB 45 implementation, the Fund Programming Working Group, a subcommittee of the Finance Committee, worked on identifying technical questions (though many with important programmatic consequences) that the new legislation raised. The lead was taken by MTC staff, who developed twenty questions and MTC's presumed answers to them, as well as potential

options where there were no clear answers. This exercise was also designed to develop a list of questions to ask CTC staff at a workshop later in the month. These questions were then presented to the full Finance Committee for discussion. Some of the discussion revolved around issues such as how development and project support costs would be calculated. Another major topic was the new, stiffer requirements around project delivery and the implications of these requirements for monitoring by MTC and, even more significantly, for the way Caltrans operated. The fear was that Caltrans could delay funding and then the region might lose projects.

The Finance Committee then turned its attention to the SB 45 implementation strategy that had been discussed by the Task Force earlier in the day. As she introduced the document, the lead MTC staff member immediately tried to reassure the group on the sensitive issue of geographic equity. "Procedures for equity will be adhered to. There are county minimums. We will include that as a guiding principle." MTC staff also sought to emphasize the fact that SB 45 significantly expanded project eligibility over the old FCR program. "Some commissioners and advocacy groups will be looking at how we take advantage of increased flexibility". A few minutes later that theme was re-emphasized by another MTC staffer.

> The legislative history shows that the expectation is not to wind up where we
> started. There is an expectation out there to take a look at things. The law lets us
> now. We do owe it to relook at the program and see if there are new directions
> we can explore.

The committee's discussion of the transit element of the strategy was notable on two counts. First, and quite predictably, some CMA representatives seemed resentful of transit's role in the new programming process and of MTC's seeming insistence on clearing a path for transit projects. The following exchange between an outspoken CMA representative and an MTC staff member captures the conflict.

> So does the transit project have to be on the draft bid list of the CMA?

> That will be subject to negotiation. MTC would expect high scoring transit
> projects to be considered. It will have to be negotiated between transit, MTC and
> the county.

> We've given transit the right to appeal to MTC which we don't give to roads.

> Unlike with roads, we're concerned that TCI is a specific program folded into SB
> 45. So we've set up a specific process.

> It wasn't folded in. It was repealed.

> From the perspective of this Commission, it was folded in. But we're not
> guaranteeing any transit project. But we are making a commitment to assure that
> transit is a key player.

The second notable aspect of the conversation, however, was much more positive: the discussion led to some important new understandings about the implications of the strategy MTC was proposing. This happened as group members tried to work through the strategy's implications from their own vantage points. The place where this most clearly took place was in the discussion of the kinds of transit projects that would likely be competitive in the new process.

Transit: It sounds like you're holding the line for maintaining buses, not expansion.

MTC: A project needs to score at least 10. How does expansion generally score?

MTC 2: Generally lower.

Transit 2: Can't transit go into FCR?

MTC: Only rail. (to chair of Transit Finance group) Do you have a sense about how you want to deal with this?

Transit Finance Chair: I would assume that since FCR deals with expansion, it's not fair to not open it up to transit.

CMA: If you stick to everyone's current FCR, there won't be any rehab, just expansion. If you open it up, you should open it up for both sides, and you don't have time to do that.

MTC: Let's look more at this expansion issue. I hadn't thought this through.

Unfortunately, this positive, learning aspect of the Partnership consideration of SB 45 implementation receded as conflict intensified over how the various claims on the Regional Choice dollars would be accommodated.

Resolving this conflict became even more difficult after MTC received the preliminary fund estimate for the program in late October. That estimate showed that despite the inclusion of old fund categories in addition to FCR, programming capacity under the new legislation would not be any greater than what had been previously projected for the 1998 RTIP.[4] Worse still, county shares would have to accommodate support costs which had previously been taken off of the top as a separate Caltrans line item. MTC's rough estimate was that those costs would represent approximately 25% of those shares. Thus, the draft bid lists which had been prepared for the FCR program would now have to accommodate both newly eligible projects as well as support costs without any increment in funds. This was particularly difficult politically, given the fact that county CMAs had already prepared those lists and thus projects would have to be scaled back or deleted given the new programming environment.

_____

[4] Memo from Therese McMillan to Partnership Finance Committee, November 4, 1997.

In early November, following receipt of the preliminary fund estimate and building on the discussions of the Finance Committee and its Task Force, MTC staff prepared a revised implementation plan for presentation first to the Finance Committee and then the MTC Commission Work Program Committee. In a cover memo, the implications of the fund estimate were laid out but once again MTC staff emphasized the need to use the programming flexibility. "Our challenge is to strike a balance among newly eligible needs and RTIP candidates already on the table"[5] (underlining in the original). The cover memo outlines three key issues yet to be resolved through discussion with the Partners: the priority assigned to transit projects, the size of a reserve for system operations projects and the size of a reserve for an anticipated CMAQ match for the anticipated federal program. Attached to the revised proposal was a table showing, county by county, how much money would be "lost" from the county share under one scenario for creating reserves for systems operations projects and CMAQ match. Staff noted: "As you can see, the impacts can be dramatic, and will be the focus of discussion and negotiations with our Partners."

MTC staff were well aware of the sensitivity among Partners to any proposal that would cut into the size of county shares. Even though the proposed reserves were allocated to the counties on the basis of their population and their estimated share of the 1998/99 TSM and MTS System Management programs, MTC understood that the proposal would be seen as an erosion of geographic equity and thus it was likely to be highly unpopular, at least among some Partners. Thus, staff realized that this effort to secure SB 45 funds for management projects might well run into difficulties. Given the priority MTC placed on management projects, an alternative source of funds might be necessary. Moreover, given the emphasis that the old FCR program had placed on expansion, it was highly likely that such projects would figure centrally in what the counties proposed for SB 45. Thus, not only management, but also maintenance and rehabilitation projects might prove hard to fund.

MTC staff had been talking about the need to look at the new state program in the larger context of transportation funding, especially the federal program. In fact, that had been part of the idea behind the fund programming reassessment that SB 45 had at least temporarily derailed. In this early November memo, staff made the idea of linkage between the state and federal program explicit. In bold face the memo states "Most clearly, we see a final 1998 RTIP that, in isolation, will not be able to accommodate all the critical investment needs that must be programmed over the next six years." The consequence of this, the memo goes on to say is that the Commission and the Partnership "must consider now the separate but linked programming options that must be made to complement the state transportation improvement program..." Anticipating what this would mean for the programming of federal funds the memo states "the Commission and the Partnership should plan to see significant changes in the structure and criteria by which STP and CMAQ funds are prioritized and distributed in this region." The memo concludes by saying that:

> MTC staff plans to develop a parallel federal investment strategy to complement
> the 1998 RTIP/STIP program, and to discuss the parameters of this approach with

---

[5] ibid.

the Partnership...It is our intent to finalize it as an accompanying Resolution with the Commission's adoption of the 1998 RTIP...[6]

By linking the state and federal programs in this way MTC staff hoped to take some of the pressure off of programming decisions for SB 45 and to ensure that a wide variety of projects was funded when the federal and state programs were looked at together. This was important both to ensure that management and systems maintenance projects were eventually funded and to try to avoid too much criticism of a STIP that might be heavily weighted toward expansion.

The early November Finance Committee meeting was an unusually contentious one. Partners agreed to the aspects of the proposal from MTC staff on how to handle TCI projects and the creation of a reserve for CMAQ match, but they expressed grave concerns about the consequences for projects already on the RTIP bid list of the proposed set asides for systems management projects. Partners were uncharacteristically forceful about their concerns and unwilling to follow the lead of MTC on this aspect of the implementation strategy. Many were adamant that TSM type projects should not be given any sort of preferential status by taking money off of the top of county shares.

The original MTC proposal included three kinds of reserves for systems operations programs, each of which was challenged at the Finance Committee meeting. One concerned funding for projects that had already been identified for the 1998/99 TSM program. MTC staff proposed that since that program had now been folded into the Regional Choice program under SB 45, these projects should be guaranteed funding out of the county shares. The Finance Committee recommended against any such guarantee. Instead the Committee merely said that if a county wanted to propose funding for any of these projects out of its county share, it could.

The second reserve was for MTC-sponsored regional projects such as Ridesharing and Translink. MTC staff recommended that funding for four of these projects be secured through an assessment to county shares based on population. Here, the Finance Committee requested additional information from MTC staff about each of the four projects so that an assessment could be made as to whether the projects were truly competitive with those they would have to replace in the STIP. Partners also requested that MTC consider distribution formulas based on factors in addition to population.

Finally, MTC staff recommended that a reserve be created for systems management projects in the out years of the program. The TSM program had been an annual one, which MTC staff thought had worked well in that particular policy environment since operational issues are often difficult to forecast long in advance. To try to retain some of the flexibility that the annual system had allowed, this reserve for the out years was proposed. Partners strongly objected on the grounds that this ran counter to the multimodal competitive character of the Regional Choice program, that it would be unreasonable to create a reserve for undefined projects at the expense of those that had already been identified, and that no similar reserve had been proposed for TCI type projects.

As a result of this meeting, the memo to the Commission Work Program Committee was modified to reflect the strong views that Partners had raised. Since several Partnership

---

[6] ibid

270

committees were scheduled to meet to discuss SB 45 implementation before the WPC meeting, this memo was sent as a place holder, to outline the current state of thinking with the expectation that agreement on how to resolve the TSM issue might be arrived at before the WPC meeting. The table presenting the county by county consequences of the proposed set asides was now prefaced, in bold face, with the statement "This is not a staff proposal for what the Commission should do in terms of investment priorities under SB 45. It is simply a disclosure of certain fiscal outcomes that you should be aware of as we grapple with the many choices before us." The table remained unchanged, but MTC staff were clearly backing off from an implied recommendation that this be the way that implementation proceed. The memo also explicitly discussed Partner objections to each aspect of the proposed TSM reserve but ended that discussion by saying "all three of these responses raises the unanswered question of how do we fund system management projects if for whatever reason we fail to program them under SB 45."[7]

The Finance Committee Task Force met again the following week. The tensions of the previous week immediately reappeared. MTC staff distributed the detailed information concerning MTC sponsored projects that Partners had requested. A CMA representative quickly asked "Do you envision a time when WPC would go through and review these in terms of their cost effectiveness?" MTC staff answered "They will as they would with any other project. They wouldn't give these more scrutiny."

The meeting then turned to an issue that had also come up the previous week, the very tight schedule under which everybody had to operate in order to meet CTC deadlines. Partners expressed both logistical concerns in terms of their ability to mesh this tight schedule with their own schedule of board meetings and more substantive concerns about the difficulty of undertaking programming before a final estimate had been received from the CTC that would enable the region to know what the total funding would be. This concern was given greater weight by the fact that there were intimations that available funds might be less than the preliminary estimate.

Working under such a tight time frame was a particular problem for MTC given the Partnership structure. Collective decision making is time consuming and the very quick turn around SB 45 required did not allow for that time. In the course of the discussion of the schedule, one Partner at the Task Force meeting asked MTC staff "Are we the only region that has such a mess with making the CTC schedule?" MTC staff replied "LA doesn't. They know their priorities. The Partnership process is complicated."

A major complexity of the Partnership process derived from the heterogeneous interests of the Partners. Although many were fighting hard against any incursions on county shares, this was not a universally held view among the Partners. Transit operators and representatives from heavily transit dependent CMAs tended to view this matter somewhat differently, as illustrated by the following exchange between one of these CMA representatives and an MTC staff member.

> One of the strongest things we've heard from a number of partners is the thing
> about geographic equity. It's in the law. Larry has made it clear that it will be

---

[7] November 14, 1997 memo from MTC Deputy Executive Director to Work Program Committee.

there. But the bullet discusses only the geographic issue. Where do we address multi-year programs already committed to in TCI?

The other side of equity is the efficiency of investments. That is why MTC has invested in transit.

God knows we've tried to get system management funded. The fact that we haven't been able to get enough accommodated is the main reason we need a parallel federal strategy.

As we move toward that, it would be desirable to be more explicit about that. We should call out the sorts of things that are likely to get the short end of the stick in the state process.

My thought is that we would add the principal pillars of the federal program.

So we'll really detail that and make it explicit?

My sense is that the parallel strategy would be adopted as a separate resolution by the commission when they adopt the RTIP. But it would not be a specific listing of projects. It would outline a series of elements that have to be part of the federal program.

I'm pleased to learn that. We would have a great deal of difficulty going forward without that.

This same Partner continued to challenge the seeming sole concentration on geographic equity later in the meeting, with a sympathetic echo from an MTC staff member.

It's important that we remember that the scoring criteria, which were developed at great cost, had a number of underlying principles and values including an integrated transit system and tying funding to performance evaluation. The emphasis on geographic equity has the potential to threaten all of that. It's making it move more into black and white, "I want my share".

That's what I've been hearing.

We need to get the Partners to sit down and look at those principles, e.g. transit alternatives. We should engage in an exercise of parallel comparisons and decide if they are still priorities. It's not rocket science. We can do it. Getting your share is a given.

But he was quickly challenged by one of the CMA representatives who was most adamant about defining equity solely in geographic terms.

> We've got a column on the table for our share of the MTS management. You can fund bus replacement with all of your share, so what's the beef?
>
> The issue is that projects are required to operate within the constraint of population share. That was not the case before. We recognized in the past that some projects need more money. It was linked to performance.
>
> You're looking for a regional discretionary pot for bus replacement. You're too late. You don't have bus replacement in the MTS system management column.

An MTC staffer tried to defuse the conflict, while weighing in on the side of those questioning the emphasis on geographic equity.

> I think what he's saying is that in all of the scrambling about county minimums and the political pressure for highway projects which I know you all feel, we need to acknowledge that there are other priorities that could be accommodated.

This staffer then went on to add "This is something clearly our executive office will want to have final say on." This last comment is evidence both of the importance of the issue to MTC staff and of the limits that top staff placed on the Partnership process.

The time pressure created by the tight SB 45 deadlines made it impossible to work through these conflicts in a collaborative fashion. Fortunately, the upcoming federal program served as a safety valve, relieving the pressure on the STIP. But relieving the pressure was not the same as resolving the issue of what the priorities for the region ought to be, as one partner warned:

> In that vein, we need to be cognizant of the size of various pots of money. We don't have much choice but to work with the federal program to deal with some of these other priorities. But the federal money is not likely to be a huge pot. The fact of the matter is, we don't have time to come to grips with this in this programming cycle but we will have to come to grips with this. If we rely on the federal program alone, we are likely to be doing less than we have been in the past.

Some partners were so wedded to the concept of geographic equity that they even resisted the idea of using the federal program to meet needs that went unmet under the STIP. An MTC staff member began to explain what staff had in mind for the proposed parallel federal strategy, but was quickly opposed by a CMA representative.

> The point would be that we would add ... that high priorities for the federal strategy would be rehabilitation and management. And that federal programs are not return to source.

> Why would you do that? Why would you slap your partners?

> I want the Commission to understand that they have to do what's best for the region. They need to understand that they have options in terms of the federal money.

> We ought to focus on SB 45.

The staff member at this point put his foot down.

> There's no way that we will adopt an RTIP without a parallel strategy for the feds.

Another partner questioned the need to start work on the federal strategy at that time, before Congress had even acted. An MTC staff member insisted "I don't want us to start work on the federal program a year from now and forget what we weren't able to do with SB 45." This view was strongly supported by a CMA representative who was unhappy with the way the state program was shaping up.

> It makes sense to discuss the parallel strategy now when we are dividing the pot. Weneed to come up with a few pages of principles, not a full set of guidelines. But we need that to give some of us comfort with this. Otherwise we will have this debate at your Commission because there will not be unanimity.

> Although this Partner's view was clearly a minority of one at the meeting, MTC staff were aware that many players interested in transportation were not included in the Partnership process and that many of these players would be equally unhappy with an SB 45 STIP that looked very much like the old FCR program. An MTC staff member emphasized this to the members of the Finance Task Force.

> You need to understand that this [the proposed SB 45 implementation strategy] is being reviewed not just by your boards but by other interests outside. It is important for us to acknowledge that we are urging you to rethink what you are doing.

After a quick discussion of the transit element of the strategy, to which there had already been basic agreement, the group then turned to the controversy which had generated the heat at the meeting the week before - how to handle TSM/system management. The ensuing discussion made it clear that Partners remained very hostile to the MTC proposal to create a future reserve for TSM programs and to fund MTC-sponsored operational projects through a set aside. The

274

discussion made it equally clear that securing such funding was a major priority for top MTC staff. Dispute over this issue was pushing at the boundaries of the collaborative process. MTC staff threatened to ignore the wishes of the Partners, and Partners threatened to go over staff's head to the Commission. These dynamics are seen in the following conversation at the meeting.

MTC: The four MTS systems management projects we identified for the RTIP list are: Ride share, Translink, a small TOS (traffic operations system) program, Probes. We've distributed information on each.

CMA: Probes will only be charged against those counties where it is?

MTC: That will be part of the negotiation.

CMA: Did everyone agree that the other three were okay?

CMA 2: RIDES is not okay.

Transit: Are the other three projects a go or are they subject to negotiation?

MTC: I will report to my front office the concern of this group that these need to be negotiated. I don't know what Larry's going to want to do. I don't know whether he will want to ask the Commission for a broader commitment to these programs.

Transit: Are they included in the RTIP? With what cost sharing?

CMA 3: The language is that you negotiate.

Transit: The RTCC had spent a fair amount of time on TransLink. The operators signed up on that a long time ago. Their planning and programming are based on it.

CMA 3: To assume that TransLink is a given is going a little too far.

MTC: What doesn't get in this program will affect the federal commitments.

CMA: Even my transit folks have questions about spending more money for TransLink. We've already sacrificed a lot for TOS.

MTC: We could have a whole session on these projects. We probably will have a working session on it. I'm putting you on notice, I know my executive director fully believes in these programs and will get them done. If not here, he will take the discretion he needs from the federal program.

CMA 2: That's probably stating reality, but we are a partnership. I would hope that MTC would listen to its partners. I detect a not so subtle threat.

CMA 3: I expect that MTC will listen to its partners. This is a change that upset the apple cart. Everyone has to look at priorities again. We're looking at a huge new set of projects.

MTC: It's worth saying, to be perfectly honest, that the biggest battles to get any sort of agreement with the partners have been on the operations side. It's not that we've seen someone else step up to the plate on these projects.

CMA: Let me point out that us is them and them is us. We sent a memo to our commissioners asking them not to vote until they get some clarification on this. When I go to my MTC commissioners and tell them that we can't do [a road project] they'll want to know why. We are them and them is we. Next Tuesday, at the Partnership meeting, if there is no agreement there will be a nasty meeting the next day at the Commission.

MTC: I acknowledge all of that. I know about local political pressures. But at the end of the day, the policy board that will be on the spot from Kopp, the CTC, and from the advocacy groups will not be your boards, but the Commission. I'm not trying to say that there hasn't been cooperation. Some of you have remarkable multi-modal programs, but some of you don't. We need a commitment for a regional multi-modal program.[8]

As the meeting went on Partners pushed hard on MTC staff to revise the table that had been prepared for the WPC to remove options delineating TSM and management set asides. MTC staff refused to be pushed.

CMA: Is the next step to redo Table A for Work Program based on our discussion today? I assume you will modify Attachment A. For example, we decided that we don't want a TSM set aside.

MTC: This is simply showing what would happen if we did it. This isn't the proposal. I would walk it through with the Commission, under each option highlighting areas for continued discussion.

CMA 2: So you won't eliminate column 6? [county share of 98/99 TSM]

MTC: I'll say it's the recommendation.

---

[8] Finance Committee Task Force meeting, 11/12/97.

CMA: Will it be the staff recommendation?

MTC: I'll take it to Larry and if he agrees, I'll say the staff recommends.

CMA 2: I'm briefing my commissioner this afternoon. What about eliminating column 8? [county share of system management reserve]

MTC: Assuming Larry agrees.

CMA 2: I hope as Partners, we could check these off. But it's still up to Larry to check them off.

CMA: You haven't talked to Larry yet?

MTC: He hasn't been here. I talked to Bill. The result was the memo that you got. It's a fact sheet. What I will do with the Commission tomorrow is go over the chart.

CMA 3: That's a good process but knowing how elected officials react, I wouldn't want my elected officials to get a hold of this page. [the table with the various options with dollar figures attached for each county]

MTC: They already have it.

CMA 3: I would want a new spread sheet that pulls those columns out.

MTC: It's important for the Commission to go step by step.

Regional agency: It's important that TSM be on the sheet because it is something vying for the money. If it's not there, it could make people very angry.

CMA 4: I'm going to brief three commissioners and say that if there is not agreement to remove columns 6 and 8, [my agency] recommends voting against it.

MTC: This is already out there.

As a result of the discussion at this meeting, MTC staff revised its memo to the WPC to reflect the tentative agreements reached with the Partners. On the controversial issue of TSM/management projects all mention of set asides and reserves was omitted except for a reserve for CMAQ match. A statement was added emphasizing that inclusion of management projects "will be done in consultation with affected CMAs and project sponsors."[9] Moreover, the table

---

[9] Memo to Work Program Committee from MTC Executive Director, 11/14/97.

that the partners had objected to was revised to remove columns referring to potential set asides for TSM or a system management reserve.

MTC staff, however, did not give up on their quest to secure funding for management projects. Another change in the memo was the specification of three factors to guide the development of the parallel federal strategy, each of which in some way addressed the issue of management projects: 1) the importance of multi-modal investments, 2) the need to give priority to maintaining and sustaining the existing system, and 3) the fact that federal funds are not bound by return to source requirements. On this point the memo states:

> In developing the programming procedures for ISTEA II, MTC will consider the degree of discretionary programming authority it requires to ensure the best mix of transportation investments for the Bay Area.

The revised memo was discussed at the next meeting of the Partnership Finance Committee. At that meeting Partners supported the idea of the parallel federal strategy but expressed misgivings about the apparent emphasis on transit and maintenance in the proposal and about MTC control of the development of the strategy. This conversation revealed the continuing localism of many Partners, who saw their role as safeguarding the interests of their county and who resisted having MTC decide regional priorities.

> CMA: As it's written now, it's almost presumptive that there will not be a multi-modal program in the RTIP. We don't know that. We need to recognize that it's in the sum of the programs that we want to achieve the multi-modal goal. We may have to redress this in the federal program in some counties but not in others.

> CMA 2: This is a good place to do this. But we also need to realize that all counties are different in what they need and what they can accommodate. Some counties aren't going to find a use for as many of the multi-modal elements as others.

> MTC: We need to focus on the region.

> CMA: We have to be careful of a one-size-fits-all approach.

> Transit: I don't think the language signals a cookie cutter approach.

> City: The idea of a big picture approach is fine, but everybody must be involved in the decision making process. All views have to be included. I don't see that there.

> MTC: It says here MTC and the Partnership.

City: The last dash [emphasizing absence of return to source requirements in the federal program and possibility of greater discretion for MTC in that program] bothers me.

MTC: That's what we feel very strongly about.

Regulatory Agency: Maintain and sustain is very important. We're looking at complementary funding sources to implement the RTP.

CMA 3: Return to source is specified in the state statute but MTC has complete discretion over federal funds. Our role is just advisory. It's a sign of partnership that we're sitting at the table and negotiating.

CMA 4: Reword the last dash to say "MTC in consultation with the Partnership." Emphasize the fact that this will be a cooperative effort. [CMA representative 3] is absolutely right that it is MTC's authority, but [another CMA director's] comments last week objected to the idea that this would be done from on high.

CMA 5: This committee needs to start doing partnership on this issue now to avoid a clash further down the road. We need to calm some anxieties of some partners.

On a more positive note from the perspective of regional understanding, this meeting also revealed understanding of and sympathy for the situation of the smaller northern counties in the region. These counties are dwarfed in terms of population by their southern neighbors. This often means that their county share allocation is inadequate to cover the cost of even a single highway project. Thus, these counties have been particularly resistant to any set asides that would reduce their already small county shares.

MTC staff had strongly advocated creating a set aside for local match money for the federal CMAQ program on the grounds that failure to do so might risk access to these federal monies. In the past the more rural northern counties had received few if any CMAQ funds since the program is aimed at air quality improvement. Consequently, this proposed set aside was seen as especially problematic, especially if the money for it was taken from county shares on a population basis. These concerns were accommodated by a proposal from a very populous county that the region strongly support use of other state funds (referred to below as "the 10%") to augment northern county shares.

CMA: If historically the rural counties hadn't received very much, would it make it more palatable to make the distribution historically?

Northern CMA: It would make it much better for my board. I can pretty much assure you that our CMAQ will be zero.

CMA 2: We're prepared to go along with the CMAQ match if the MTS and TSM come out [the other proposed set asides].

Northern CMA: I'd agree except for some very peculiar circumstances of my own.

CMA 2: Your board will look at it as an unnecessary hit?

Northern CMA: The one project I have will still be shy and will need to go after some of the 10%.

CMA 2: Most of us in the region realize that [the northern counties] will have to get some of the 10%. We'll tell the CTC [California Transportation Commission] that we're doing some preplanning for the federal program. The rest of us will do amendments to the RTIP to get the money.... We can go to the CTC. They're awash in money. We ought to be able to work something out.... can we put in language that we're doing this for ISTEA? Should we, as a region, find that there's a problem for these four counties, we would, as a region, make programming adjustments.

MTC: We could do something similar. MTC will work with the northern areas on a way to deliver their single projects. We'll leave the door open.

CMA 2: The rest of us can help work toward that insurance policy.

In some respects this outcome can be looked at merely as an example of political horse trading: concessions were made to the northern counties in order to get their support for the overall implementation plan. But this outcome also reveals a learning process that took place among the Partners in which they came to better understand each other's positions. In this case letting each county "do its own thing", the traditional way of addressing the diversity of the region, was not an adequate solution and the group worked to find one that was.

The agreements reached at the Finance Committee meeting were taken to the full Partnership Board the next day, and SB 45 implementation was the main agenda item.[10] Although there was general agreement with the strategy that had been hammered out, the proposed allocation of $24 million to four MTC-sponsored management projects not only remained controversial, but also served as the vehicle for Partners to raise ongoing doubts about regional projects and about how those projects should be evaluated. MTC staff requested consideration of funding for these four projects by the counties and proposed to have a meeting early the following month to explain the projects and present data on them.

Many Partners expressed concern about this part of the proposal. Some advocated looking to other fund sources, particularly the expected federal ISTEA renewal, for these programs. Others argued for the necessity of looking at performance measures to evaluate the

---

[10] Partnership Board, 11/18/97.

worth of the four programs before funds were committed. Still others took issue with a population-based formula for allocating the costs of the programs.

Some of the controversy reflected the continued inability of the Partners to agree on what constituted a regional project i.e. a project that benefits the region as a whole and whose costs therefore should be borne by the region. Without such agreement, many Partners applied a highly parochial lens to the proposal and concluded that their constituents did not benefit sufficiently from the projects in question to justify allocating money from county shares to them. This is reflected in the following discussion of the ride sharing program.

> CMA: I can't justify to my board that we'll spend money when we have 150 people in the (ride sharing) data base. I can't justify that to my elected officials.

> CMA 2: The regional project debate rears its ugly head.

> Transit: You have to look at these things when there's a shortfall. You can't afford to spend a dollar that won't benefit your constituency.

> Transit 2: It hard to capture benefit. You can capture direct users, but not the people who use capacity that's been freed up. That's the regional benefit.

> CMA 2: The commitment of the region to these projects is more important symbolically than the actual size of the project. I would rather downscope the projects than have pieces of the region get out of a commitment to the projects. What is it that binds us as a region? There's a real need to recognize that there are projects that are important to the region. That ought to be enough for a commitment to funding. Maybe we should settle for a smaller expense but keep the project regional.

A second major factor that contributed to this controversy, as well as to the general opposition to management set asides, was the timing of the passage and implementation of SB 45. Although passage of STIP reform in 1997 seemed likely, it was far from certain that it would happen. In the absence of new legislation, the old programs would remain. Given the lengthy process required for developing a bid list under the old program, regions and counties could not afford to wait to see if change would be enacted. Thus, by the time SB 45 was finally enacted, counties were not dealing with a clean slate. They had already gone far to develop their bid lists for the old FCR program and project sponsors had already had their appetites whetted. As a result, any money diverted from projects that would have competed under the FCR program was particularly painful since expectations of funding had already been raised. As one CMA director put it "Every county has good programs that are going down the tubes."

The timing of SB 45 also helps explain the desire among some to find other sources of funds for the four regional programs. A CMA director was explicit about this in explaining why he preferred to use another fund source to meet his county's proposed commitment to the programs.

It's because of the squeeze on available funds. SB 45 came along after a whole set of expectations had been created. It is harder to make a commitment now than it would be on future funds. Any amount that can minimize the hit on existing priorities is better because of the way things played out this year.

The continuing discomfort of counties with the prospect of being governed by regional priorities also emerged at this meeting. This issue arose in the context of discussions on how projects within the county share would be decided. A CMA representative explicitly raised the issue.

[My county] went through a process to select projects for the original 98 STIP. We set aside the MTC criteria and used our own. Will we still get the same projects we wanted to do or will that be up for grabs because regional criteria will be used?

MTC: Even before SB 45, it was not true that counties got what they wanted. The Commission adjusted rankings as necessary. The basis on which we assess what's in the program will be broader because new projects are eligible - transit, TSM. We will still need to resolve issues such as RTP consistency and project deliverability. The county's priorities are one among many considerations.

CMA: That doesn't give me a lot of comfort.

A few minutes later the issue was raised again by another representative from the same county. The following interchange between that representative and an MTC staff member is interesting for at least two reasons. First is the CMA's resistance to the idea that county priorities might have to take a back seat to regional ones. Second is the staff member's expectations about the attitudes of the MTC commissioners. Far from being a force for regionalism, the staff member expected members of the regional agency to act as local advocates.

CMA: In [my county] we used MTC scoring and other criteria. The list could be turned upside down if we used only MTC criteria. The question is, will there be consideration to what is most important to a county? We know we won't get everything we want. But will established local priorities be a significant factor in negotiations between MTC and the counties?

MTC: Yes.

CMA: Can we say that? Not the only factor. But counties have gone through a lot of process to reach consensus.

MTC: We're building off a program that already includes local considerations.... Every single project has to be reassessed in light of the new SB 45 screening criteria. That's a big deal, not a little deal.

CMA: The question is much simpler. We have a list of projects that meet requirements. If the county's number one project is not number one using MTC scoring, are you going to be pushing against the number four and number five items? Scoring can only go so far because county consensus must be built.

MTC 2: Will MTC substitute its judgments for your county's? You have a political process you need to defend. We have a political process we need to defend. But they're integrated. You have two commissioners. I suspect if we cherry pick and go to your number five, we'd hear from them.

SB 45 Implementation Goes to the Commission

When the proposal concerning SB 45 implementation was brought to the Commission for approval the next day, Commissioners behaved as expected.[11] Their comments were limited and those they had focused on the importance of local priorities. One Commissioner commended the staff for their work in gaining consensus among the Partners, and then added "I would hope that you would keep the priorities that the counties had originally." The MTC staff member presenting the proposal replied:

We did discuss that yesterday. There was some question whether local and regional priorities will be clearly in alignment. I said yesterday that if we cherry pick, we expect to hear from some of you.

The Commissioner responded, "With that understanding, I move approval." Another quickly added "I will be watching carefully to be sure our priorities are there."

Another Commissioner expressed the conflict between local and regional priorities in a different way at this meeting. His concern was that the total amount of money available under the regional choice (and therefore county shares) program had been reduced by the redirection of funds from that program to the seismic retrofitting of bridges.

The bridge toll legislation had an effect on county minimums. It lowered the amount available for counties that don't have bridges, such as ours. There should be an awareness that that happened. Projects have been deleted as a result. We have paid the price. There ought to be an understanding of that when we deal with SB 45 and some of the regional funds involved. Our county wants flexibility for the region but at the same time, projects like this distort rational approaches to flexibility.

---

[11] MTC Commission meeting, 11/19/97.

Another Commissioner saw this differently.

> I want to disagree. When we went to Sacramento to fight for our bridges, we fought Southern California legislators. The Bay Area bridge system benefits the entire Bay Area region. It is not an appropriate regional assumption to make that some counties got cheated.

In spite of these reservations, there was little debate on the proposal and it was approved by the Commission.

Conclusion

An agreement was thus reached on the SB 45 implementation strategy. Partners forced MTC staff to retreat from their advocacy of set asides for management related projects, but agreed to the development of a parallel federal strategy that would emphasize the kinds of projects not funded by the state program. Many particular concerns of individual partners were accommodated. What had started out extremely acrimoniously ended with agreement. Viewed in this light, the SB 45 implementation process was a major Partnership success. The collective power created by the Partnership process enabled the component pieces of the region - especially the counties - to resist an initial MTC staff proposal that most partners found objectionable. Decision making was shared among many players and in the end it was largely consensual.

At the meeting of the Partnership Board where the proposal was finally considered, several key participants noted the importance of the process. The chair of the Finance Committee introduced the issue with the observation "We're here today with the consensus of the Finance Committee. The process has underscored both the value and the fragility of the Partnership." One CMA executive director expressed his "appreciation for MTC's responsiveness to work with us at the staff level." Another said "I don't know if Larry [Dahms] knew what he was doing when he created the Partnership but the fact that we got through this relatively smoothly is testimony to the strength of the Partnership."

Viewed through the lens of regionalism, on the other hand, the process of developing an SB 45 implementation strategy was much less successful. The proposal for the set asides was driven at least in part by the idea that the kinds of projects being privileged were those of greatest importance to the region. Had the opposition to the set asides been couched in terms of an alternative regional vision, one could regard it as a success of regionalism. But this was not the nature of the opposition. Partners strongly resisted set asides on the grounds that they reduced county shares and thus intruded on county autonomy to program money according to county priorities. They focused on each getting a share of a fixed funding pie and were unwilling to consider any modification to what they viewed as their right. They communicated this to the commissioners, who mirrored back these views in their meeting. If they had done this from a perspective of what would be good for the region they might have been able to look at projects from a perspective other than just amounts of money, for example, contribution to improvement of travel times or congestion. They might have found that actual collaboration might have led to increasing the total benefits that could be achieved with the given funding. Instead they used their

284

collective power as a Partnership to pursue the distinctly parochial objective of making sure each of them got the funding to which they were entitled.

The reasons for this are many and they will be discussed further in later chapters. By the time SB 45 was passed the concept of return to source had been firmly ingrained as an allocation principle among the partners and had been reinforced by MTC's use of the county minimum approach with ISTEA flexible funds, as described in Chapter 6. SB 45, with its county shares, reinforced this expectation and practice. Moreover, throughout the previous six years, when partners asked to develop a regional vision or direction, MTC staff did little to encourage this or follow up. At times they seemed to actually discourage this sort of thing, as suggested in Chapter 10. Moreover MTC's use of the spreadsheets after SB 45 passed, showing how much each county would get inevitably focused partners' attention on that issue more than any other. Thus a combination of factors seemed to do much to encourage parochialism and little to discourage it.

CHAPTER 16

TEA-21 AND THE PARALLEL FUNDING STRATEGY

In June 1998 Congress passed legislation to replace ISTEA ,which had expired the previous year. The legislation, called the Transportation Equity for the 21ˢᵗ Century Act, is popularly known as TEA-21. Following in the footsteps of its predecessor legislation, TEA 21 allows metropolitan areas considerable latitude in how they spend a sizeable portion of their federal funds. The new legislation provided the Partnership with an opportunity to step back and take stock of the outcomes of its decision making during the ISTEA era and thus allowed for a rethinking of previous choices. As discussed in the previous chapter, implementation of the Act also provided an arena to continue to try to resolve the conflicts and issues raised by SB 45. TEA 21 can be seen as a prod toward change in a system that had been, at most, in a state of uneasy equilibrium. In an equilibrium conflicts and tensions can be masked as players live with the status quo, but when issues are put back on the table, as they were with the new law, suppressed conflicts may emerge and one may see the more elemental functioning of the process.

TEA 21 authorizes significantly higher levels of funding for transportation programs than had been the case with ISTEA[1]. As with ISTEA it includes flexible funds that allow for significant discretion in programming, funds designated for certain kinds of projects (e.g. various kinds of transit projects, rehabilitation, new roadway construction) and funds earmarked for specific projects. Among the mode specific funds authorization for new highway construction decreased compared to what was provided under ISTEA, funds for the repair and preservation of the existing road system slightly increased, as did funds going to transit. Authorizations for the CMAQ program and for the Transportation Enhancements program, a popular program that provides opportunity for local initiatives and projects supportive of transportation but not necessarily transportation facilities. TEA-21 added a new program for transit enhancements as well as a program to assist people on welfare to get access to jobs, in response to recent welfare reform legislation, requiring them to work. Finally it established a new discretionary funding program called the Transportation and Community and System Preservation Pilot Program whose purpose was to provide support for MPO's and local governments to better coordinate land use and transportation planning.

This chapter will focus particularly on MTC's and the Partnership's effort to develop a program for the use of the flexible funds in TEA-21. We look at three nested decisions: the initial decision about the purposes for which federal flexible funds would be used, the decision about the selection criteria for specific projects, and the decision about how funds would be distributed to the nine counties of the region. These three decisions were crafted in an extended series of meetings that began in January 1998, before the new federal legislation had been passed. Examining the debate and discussion around these decisions allows us to get insights into the degree to which the Partnership operated collaboratively and the reasons they did or did not, and into their relationship with MTC. It also illuminates further how the Partnership handled the issue of regionalism.

---

[1] Surface Transportation Project "TEA-21 User's Guide," http://www.istea.org/guide/guideonline.htm

This story is one like that in Chapter 15, in which the cooperation among partners, when it did occur, might be better labeled coalition politics because it resulted much more often in parochial outcomes than in regional ones. That is, when partners did cooperate it was to assure that each got a specific piece of the pie rather than to collectively solve regional problems with the funds. When the group began to work collaboratively on alternatives the staff cut off these efforts, asserting their authority. In general in this process the Partnership served more as a feedback mechanism for MTC staff than as a true decision making group. There were indeed instances in which the group was intensely involved in shaping decisions, but these instances almost always moved the decision away from regionalism toward particularistic outcomes, very much in the spirit of the political influence model of policy making rather than the collaborative one. The central task of this chapter is to explain why and how this happened.

Developing the Parallel Federal Strategy

Because SB 45 folded together a highway expansion program, a transit capital improvements (TCI) program and a transportation systems management (TSM) program into a single block grant that went to counties on a formula basis, there were no longer dedicated state funds for either transit or for management programs. Although transit and TSM projects could compete for SB 45 funds, the outcome of the Bay Area programming process for SB 45 funds was that the old FCR focus on highway expansion was maintained. Transit and systems management got an extremely small share of the pie.

MTC staff were well aware that this outcome would not be looked upon favorably by environmental and transit interests. Moreover, MTC itself was unhappy with this outcome since it had hoped to be able to obtain secure funding for a number of management programs that it ran, including the Probe Vehicle and Corridor Management System, the Regional Ride Share Program, and the Freeway Surveillance System. In the past, these programs had been funded through a combination of state TSM money, grants, and dedicated demonstration project money from the federal and state governments. None of this provided a stable source of support for these programs, and MTC had hoped that the new SB 45 framework would provide one.

MTC's response to the heavy emphasis on highway expansion of the SB 45 programming was to develop the idea that an integral piece of the state program would be a "Parallel Federal Funding Strategy". The staff's idea was that at the same time that the MTC Commission approved the allocation of SB 45 funds, it would also pass a parallel federal strategy which would set out the Commission's priorities for how federal monies would be spent when the major federal transportation program - ISTEA - was finally reauthorized. Federal funds would be used to complement projects funded with state funds; and when the outcomes of the two programs were looked at together, the varied transportation needs of the region would in fact be met.

Developing this parallel strategy involved making basic decisions about the kinds of projects federal monies would be used to fund. MTC accurately assumed that the new legislation would continue to allow for flexibility in the use of at least some of the funds and thus that there would be considerable discretion about which of many broad categories of projects would be funded in each region. Developing the strategy also involved the Partnership and MTC in making basic decisions concerning the extent to which federal funds would be allocated on a geographic,

287

or return-to-source basis, within the region and the extent to which there would be a single regional pot of money for which all projects would compete.

From its inception, the development of the parallel strategy was dominated by MTC staff. They presented the Partnership with the idea as virtually a fait accompli; the only debate was to be over the provisions of the strategy. However, even that debate took place in the context of an outline developed by MTC staff. A January 26, 1998 memo from a high level MTC staff member to a key Partnership Committee lays out the framework in which the Partnership debate would take place.

> While the Partnership made tremendous strides in resolving many issues to pull together the RTIP, it is not surprising that several functions and modes were either left out or minimally addressed by the state program. Specifically, the 1998 RTIP is dominated by highway and expansion investments in most counties with the exception of San Francisco. While these RTIP choices can be supported, it is clear that the goal of a balanced regional investment program addressing multiple modes and the system's maintenance, rehabilitation and management needs must be achieved through the judicious programming of companion federal flexible dollars.

Although the thinking behind this framework was not unique to MTC staff and reflects the thinking of a number of stakeholders left out of the process as well as the principles enunciated in the Regional Transportation Plan (RTP), it is noteworthy that the framework was neither developed collaboratively by the Partnership nor open for Partnership debate.

At an early meeting to discuss the strategy, one committee member asked " I'm puzzled by what's driving this? Is it the linkage to the STIP? ISTEA hasn't been reauthorized." An MTC staff member explained:

> SB 45 broadened the state program. We haven't done programming in the STIP since 1992. So it's not surprising that most projects were highway and expansion. We anticipated this. As early as October we told the Commission that we would have to look at the STIP in tandem with the feds. We would need to evaluate them together as a balanced program.

The questioner went on, "So it is to give project and program supporters some level of comfort that the STIP is not leaving them stranded?"

> MTC Staff: Yes. Not only to outside groups, but also the Commission. The only place to go for highway projects is the STIP.... We don't want them to dominate the flexible funds. We have to expect to see highways in the STIP. Part of the reason it is so important to do parallel federal policies is to stress the fact that the STIP does not reflect the priority of all the needs that need to be fulfilled. There are already groups that believe our process, I don't know if they even understand it, but I know we're going to get a lot of opposition on Friday [when the state program was to go to the Commission for approval]. The Partners have bought in

to the concept of a parallel federal program. It behooves the Partners to stand up and support this because otherwise we will have problems with the RTIP.

This exchange is interesting for a number of reasons. First is the assertion by MTC staff that the Partners had bought in to the concept of a parallel federal strategy in the face of a question from a partner, very early in the meeting, indicating that that partner not only hadn't "bought in" but didn't really understand what the strategy was or why it was needed. Second is the use of the language "bought in", a term MTC staff members often employed when describing interactions with the Partnership. The Partners had not themselves come to the realization of the need for the strategy, they had "bought in" to MTC staff's decision. Finally, there is an implicit threat at the end of the exchange: if Partners did not in fact "buy in" they would not get the money they wanted for highway expansion. There was no opportunity for discussing alternative ways of proceeding; this was it.

MTC began the process of developing the parallel strategy by presenting a draft set of principles for discussion by the Finance committee. As the meeting unfolded, discussion focused on clarifying the meaning of the language in the draft presented but not on the substance of the principles embodied in the draft. A follow up memo after the meeting from an MTC staff member describes what happened:

> ...we reviewed the draft principles that will guide the development of programming priorities and procedures for future federal funds anticipated under ISTEA reauthorization. The group supported the principles with some clarifications.

The tight direction that MTC staff gave to Partnership consideration of the federal strategy was also seen in the number of times the wishes of top MTC staff were cited in discussion. At a meeting held at a time when the strategy was ostensibly only in early draft form, one committee member asked about the implications of the county by county emphasis of the materials MTC staff provided. He was told "Larry's basic premise is..." Another committee member expressed concerns about the inclusion of the Livable Communities Program[2] separately from the Enhancements Program (TEA). He was told "In this particular case, it is Larry's intent to go beyond just TEA." A few minutes later a third member asked about the priority ordering of kinds of projects. Once again the reply, "Larry's key concern is that we have to fight like cats and dogs to get every single operational thing done. He thinks we'll never make progress if we don't elevate the priority." And at the end of that meeting, when it seemed that the group had collaboratively worked out a modification of one of the proposals brought to them by staff, the response was "Let me talk to Larry." Language such as this clearly signaled that many things had already been decided outside of the collaborative context; the range of Partnership discretion was limited, and those limits had been set by top level MTC staff.

---

[2] The Transportation for Livable Communities Program was a program for encouraging more coordinated land use and transportation, involving particularly planning and even construction for transit based land use and other community projects. This is discussed in Chapter 16.

One of the most important limits proved to be MTC's insistence that operational or management projects in one way or another get a dedicated share of the federal money. As the above comment indicates, these projects were the particular interest of top MTC leadership, and all suggestions that might have jeopardized funding for these projects were deflected. At the initial meeting when the draft principles were presented, one committee member asked:

> I understand that the Commission is trying to assure some ability to make progress on each priority and not let any one preclude the other three. If so, why list them in order? Why not say, "Attain all"?

The response from MTC staff was:

> Practically, what happened in ISTEA was that operational stuff was always a battle, every single time. ...Unless we say "We are going to make progress", it won't get done. [rehab] is the big kahuna, the gorilla in the room... [if rehab] was first, operational wouldn't happen.

At the next meeting, a committee member made a plea for the overwhelming rehabilitation needs of the transportation system in his county. He was told by an MTC staff member:

> If I made rehab number 1, nothing else would get done. But the point of the federal program is to provide a funding source flexible enough to allow for things other sources can't provide. I think we have a responsibility to do that. If the Partnership wants to challenge that and make this a Section 9 rehab program, or a local streets and roads program, they can. But we won't make progress on a broad spectrum of needs.

As the development of the strategy progressed, MTC staff continued to take the lead in presenting detailed proposals to the Partnership committee. Two possible ways of allocating money were presented to the group. The scenarios were quite different conceptually, but each created an assured source of funding for TSM projects. Under the first scenario, virtually all money would be allocated to the counties on a population basis; but the counties would then be given spending targets for each of five categories of projects, including management. Under the second scenario, a percentage of the funds would be set aside to be allocated on a regionwide basis for community vitality and system operations and management projects. The former are projects that are generally unpopular with local transportation officials, but which had significant appeal in other segments of the community. The latter are the particular concern of MTC staff. A choice about funding such projects was an issue that effectively was not allowed on the table.

A critical feature these scenarios from the perspective of regionalism is that each was presented with a breakdown indicating how much money each county would receive. This precluded the possibility of discussing the strategies on the basis of their substantive merits absent considerations of who would gain under each. Moreover, no scenario was presented that did not involve a significant element of return to source. MTC undoubtedly considered this to be

politically necessary and knew that county officials would ask for county based data if it were not provided. But doing this in effect prejudged the question of regional versus local considerations by accepting county allocations as an inevitable way of approaching the process. The collaborative group was never allowed, let alone encouraged, to spend time exploring this key question. It is impossible to know whether they would have come to a new way of understanding regional needs if that had happened; but as it was, there was no opportunity to do so.

On the other hand, the discussions which did ensue were not totally parochial, and the scenario the group agreed upon was the one which created a regionally competitive pot of money for some programming. This was modeled on the structure which the Partnership had established under ISTEA, in which CMAQ funds were allocated on a regionwide basis, while the STP funds were allocated directly to the counties. One committee member laid out his thinking on the regional versus local issue this way:

> The essential issue is return-to-source versus need. Return-to-source is a numerical way of saying one person, one vote. The taxpayer has the expectation that he will get benefit proportionate to what he put in. But that has to be balanced off against need. Those two things were the driving force behind the original ISTEA. A certain portion return-to-source, a certain portion competitive. I'm still comfortable with that kind of concept.

A number of the group members quickly agreed to this formulation. Others, however, insisted on looking at the issue from a purely local perspective. One member's response to a request for "a pulse point between alternative A and alternative B" was "The local shares look bigger under A." And MTC staff continued to look at the matter through the lens of management or operational projects,

> B is simpler because the operational stuff would be regionally competitive. Hopefully, if you want to get stuff, you'll come up with good projects. The fear is that under A, it will be a struggle.

In the end, the group agreed to a structure for allocating federal funds that provided that 25% of the flexible dollars would be used to create a regionally competitive program to fund systems management and community vitality projects. The remaining 75% of the funds would be returned to the counties to be used to fund rehabilitation projects for local streets and roads and for transit.

Long after the Commission had approved this parallel federal strategy, the Partnership Board met to decide how projects would be selected within the 75% category[3]. In the course of that discussion, one member from an inner area county tried to raise the issue that had never been discussed: the desirability of return to source funding.

---

[3] This set of decisions will be detailed in the following section.

If we identify [the major roads in the region] as the regional top priority, why don't we decide how much regional money should go to it and not return funds to the counties first? That seems like putting the cart in front of the horse. The regional analysis and priority ought to be done before return to source.

This idea that regional needs should be given priority over return-to-source, i.e. over the principle of geographic equity, was met with considerable hostility by other partners. The practices MTC had established in allocating ISTEA funds on geographic basis had created a sense of entitlement and reinforced the sense that this was the only way to get agreement. One partner expressed it particularly clearly:

The proposal on the table represents a dramatic shift from where ISTEA was historically. ISTEA had an 85/115% minimum guarantee over the 6-year period. This proposal has only 64% guaranteed to come back to the counties. That is a dramatic shift. If you are going to take care of regional needs, you need to do it on the margins. If you go too far, there will be opposition and the place to go back to will be pure return-to-source. This is a major step, but we can't bite off too much without getting into too much political hot water.

This reaction from so many cut off the opportunity to discuss the concept of return-to-source and its role in achieving or thwarting the meeting of regional needs. No partner or MTC staff member made a move after that to examine this fundamental issue.

The Development of the Tiers as Project Selection Criteria

The second major issue that the Partnership had to grapple with was the process for choosing specific projects to be funded with the 75% of the flexible federal monies that was being returned to the counties. MTC staff had become dissatisfied with the multimodal scoring process and bluntly told committee members that a new approach would have to be developed. The group itself had not concluded that the multi-modal process would have to be jettisoned. On the contrary this was presented to them by MTC staff as a fait accompli. At the time members seemed puzzled and surprised at the staff position. The following exchange between an MTC staffer and a Finance Committee member early in the process shows that it was Dahms' decision, though his reason was unclear.

MTC Staff: The other thing that we need to think about are criteria. We will <u>not</u> be able to come up with one set of criteria for all of these [referring to different kinds of projects]. TEA won't work with the same criteria as an interchange.... This suggest that we may have to have a different approach.

Finance Member: Going through ISTEA principles, they're very similar. I don't see a whole lot of potential change. I see a very similar direction as in the past.

MTC: It may be. All I'm saying is that there are certain things here which would not have been picked up in the multi-modal process, like TEA, like community projects. We need to think about [systems management]. We need to give these things a fair shot.

Finance Member: There is no change. We're trying to promote and sustain what we have done in the past. There might not be a real reason to reinvent the wheel.

MTC: Let me give you one. Larry wants a shorter application.

The development of the new approach took the usual path for Partnership activity: MTC staff structured the questions to be discussed and drew together the data that staff considered to be relevant; the Partnership gave feedback. In this case, the process began with an MTC-generated inventory of rehabilitation needs for both local streets and roads and for transit and with a memo outlining the issues to be addressed. The committee's initial response was to ask a set of questions to help them understand the meaning of the data being presented to them.

As the conversation progressed, issues that MTC staff had not initially considered emerged from the group. One partner summarized a key set of questions that he believed needed to be dealt with:

Let me flag some questions. The first question is "How much control will MTC apply to the process as opposed to the CMAs?... To what extent is this going to be regionally controlled or locally controlled?" Second, "will there be predetermination of how to do the split between modes?" It is very difficult to compare them. Third is the maintenance of effort issue, the degree to which jurisdictions have made a conscious effort to manage their system. Fourth is scoring. How do you envision this playing out?

The response of MTC staff indicated that some of these issues were on the table for discussion, but some had already been decided.

The mode split is an interesting question. One reason we wanted to do an inventory was to see where we were.... Maintenance of effort is appropriate for transit too. It's already on the table for the transit working group. The one thing that MTC is concerned about is that true system maintenance needs not be pushed aside to expand. If they are being dealt with with other funds, that needs to be considered... The scoring process will have to emerge with the Partnership. It won't be the same as last time. We will have to have some kind of ranking system, some consistency within the region. The fundamental point is that we don't want preservation of the existing system to be pushed aside for expansion. STIP [the state program] took care of that.... This is what this committee needs to do. Ask these questions and come up with answers.

293

Within the confines of what MTC was willing to allow on the table, the Partnership engaged in a productive discussion of regional needs and a discussion in which new intellectual capital was created, especially concerning what the region's most pressing needs were in the area of streets and roads. In this case, much of the initial work was done by the Fund Programming Working Group (FPWG).

MTC proposed creating a hierarchy of rehabilitation needs which would eventually become a basis for choosing among projects. Staff provided the categories of need for the group to discuss along with a county-by-county inventory of rehabilitation needs. The discussion was not framed in terms of specific projects nor in terms of winners and losers as the discussion of the formula described below was. Rather, it was framed in terms of more general principles such as the relative importance of arterials versus local streets and roads, the relative importance of pavement versus non-pavement needs, the relative importance of vehicles versus equipment for transit. Moreover, the assumption was that the chosen hierarchy of needs would apply across the region and that it would ensure that regional priorities were met in decision making about projects at the county level.

FPWG's consideration of this issue was relatively brief, but it was notable for its focus on what the region's most important needs were and not on which jurisdictions would benefit from which priority ordering. This was made easier by the fact that the subject did not imply distribution of funds to counties, but rather allocation of funds to projects within each county. Although there would inevitably be winners and losers to any selection scheme, the conversation did not by and large, revolve around that. It veered more in that direction when transit needs were under discussion than when road needs were because of the greater correlation of kind of need with transit operator. Thus, the winners and losers under various priority rankings of transit needs were clearer and therefore harder to ignore in a more general conversation. In the end, because of disagreement among transit operators, the group was unable to reach agreement regarding transit needs in the way that it was for streets and roads. For the latter, the group agreed upon what came to be called a prioritized matrix of needs; for the former, the matrix was at best tentative and split transit into two groups: rail and bus.

FPWG brought its two matrices of needs to the Finance Committee. An MTC staff member for the first time suggested that the matrices could serve as a new, simplified way of selecting projects, something that had been a major priority of MTC staff.

> This is intriguing. If we as a Partnership were able to come to a multi-modal version of this matrix, we might be able to simplify our scoring process a whole lot. You could develop a matrix for functional needs county by county. If we are able to mesh these, it could be an interesting way of giving us insights about how choices between transit and roads could be made. If we could do that, it might allow us to get our arms around the transit/roads balancing dilemma.

One committee member expressed skepticism:

> I can't see how you can combine these two [matrices] a priori, unless there is some method to discriminate finely between them. How do you discriminate between

bus, rail and roads' first priorities? That's more money than we have. So we must discriminate within categories.

The MTC staff member explained:

> There's more potential here than you think. The idea is not to eliminate choices. If you look just at Table 3, there's no way to make choices short of a 70 page application [this was required for scoring] The blend between transit and roads will vary by county. The matrix gives us a better sense about how to strike the balance. We're trying to deal with the streamlining element. Help paint a picture area by area of what the tradeoffs are. Within each box, are there alternative sources of funds to fund the needs? County by county. This is another prism to look through.

As the discussion unfolded, two things were noteworthy. First, it became clear that the group did not understand what MTC was proposing. Members were continually confusing the question of how projects would be chosen within counties (the point of the matrices) with the question of how money would be distributed across counties (the formula issue discussed below). Second, the discussion that did concern the matrices did not concentrate on the order of priorities that FPWG had developed, but rather on how the top priorities on the transit and road sides would be meshed. Thus the focus was on the longstanding cleavage between roads and transit and the distributional consequences of what MTC was proposing across modes.

In the end, the committee seemed to agree that the matrix approach "made sense". However, there was never any discussion about how it would relate to the previous scoring process. As the conversation ended, one member commented: "It seems like a reasonable concept to move forward and as a way to reduce paperwork. Hopefully it will reduce scoring." As we will discuss below, MTC staff eventually sought to have the matrix replace scoring, but this was not discussed.

The matrix idea was given further form in a follow up memo written by MTC staff after the meeting. Among other things, the memo states that,

> all #1 streets/roads and #1 transit needs would need to be addressed with a county's share...before investing in #2 needs" and that "If a county's share... were insufficient to address needs within a # category, the relative distribution of needs between streets/roads and transit gives a target against which to measure a reasonable allocation of resources.

Although the language of the memo suggests that these ideas emerged from the meeting discussion, in fact these ideas gave much more precise shape to what was a fairly amorphous concept at the meeting. Also noteworthy about the memo is the fact that MTC staff continued to discuss the matrix idea in conjunction with scoring, rather than instead of scoring. "An effective grouping could greatly reduce the complexity of multi-modal comparative scoring, thereby simplifying the process."

At the next FPWG meeting MTC staff stated that the matrix or, as it came to be called, "tier", concept would actually replace the old multi-modal scoring process. At one point a committee member asked "Will we be dealing with the length of the application?" The answer came from a higher level MTC staff member than those who usually attended the FPWG meetings "That's why we have this." The questioner replied "But that won't give us a score." The staff member's response was:

> We can group projects of relative merit. We can avoid having to score everything... We're trying to vastly simplify the multimodal process... It is fundamentally very different from last time. If we can make it work, the driving reason is simplicity. Everyone hated the long form. We're at the conceptual phase right now ... we're trying a different way of setting priorities... It may be a very different decision making system than project by project scoring.

What is significant here for the issue of collaboration is that the decision to have this "fundamentally different process" was neither arrived at by the collaborative group, nor even presented as an issue for discussion by MTC staff. It was presented as a decision that had been made. This was particularly notable as of course the scoring methodology was something the partners had created and that had become central to their work over the previous six years. While it is true there were some complaints about the growing length of the form, Partners as a group had not proposed to eliminate scoring.

At the next Finance Committee meeting an MTC staff member explained:

> What we want to accomplish [at the Partnership Board meeting] is a conceptual buy off on the new tiered structure of the inventory. We don't have to get through all of the details. We believe that a simplified tiered approach can work. We want to present that to the Board. ... The Partnership Board does not have to agree with these categories. We just want buy in on the concept. We believe tiering makes sense.

This same staff member went on to explain what MTC wanted from Finance Committee members: "... what I'm asking about today....is there a fatal flaw with the [tier] approach? " And, in spite of the significance of the issue, there was pressure from the chair to move things along and end discussion. "The purpose of the Partnership meeting is to get agreement on the approach. Can we wrap it up? There is another significant issue on the agenda." Thus, without ever actually discussing it or deciding, the Partnership de facto scrapped the multi-modal scoring criteria.

If the enthusiasm that MTC staff showed for the tier concept had been widely shared by the Partners, the brevity of consideration of even so significant a change might be understandable. The Partners did not share this enthusiasm, however. A number of comments by committee members suggest that many combined skepticism with resignation about the inevitability of the new approach. One member said, almost in passing "We've heard what [the MTC staff member] said, but what I still want to know is how will we get from theory to what we will actually do?"

Another commented at a later meeting, also almost as an aside, "So instead of complicated scoring, we'll have complicated screening." At a later meeting a third asked:

> Thinking about how long it is going to take us to make this new system work, what was wrong with the outcomes of the original scoring process? What would be wrong with using the multi-modal scoring process? This new process looks like it is going to be fairly cumbersome too.

And at that same meeting, still another partner, concerned about criteria asked:

> The matrix concept takes us a long way. But how will we know if it has been successful? What will we use for measurement? Whether it is distributed under the parameters that we are recommending? How will we know before we commit to this that it is better than what we had before?... I'd be interested in seeing potential distributions under the concept. Do they meet the goal of system preservation from a regional perspective?

These fundamental questions, some of them explicitly raising regional concerns, were left hanging at these meetings and were not addressed later.

One key question about the tier approach was how the two matrices of need, one for transit and one for roads, would be merged. The answer to this question would determine the balance between transit and road projects that would be funded from TEA-21 flexible funds. Since neither FPWG nor the Finance Committee had ever engaged in a conversation about need in anything but a mode-specific way, merging of the two matrices was treated as an almost mechanical process based on the unstated assumption that the top priority for each mode was an equally high priority for the region. The metaphor that was often used was one of apples and oranges that could not be compared. The assumption had an obvious political value. It also had the virtue of confining fights about priorities to a given mode rather than across modes. But at base the assumption that the highest priority road projects were, by definition, as important as the highest priority transit projects is a particularistic assumption and not one based on thinking about the needs of the region. It also was not based on discovering whether the counties actually did agree that their top transit needs were equivalent to their top road needs.

Also striking about the decision making around this issue was the partners' clear expectation that in the end it would be MTC staff who would make the decision. At a meeting relatively late in the process, one partner commented "We need to think about how the tiering will be applied in each county. The question is, does the county make the decision between funding transit and roadway?" The answer he was given by another committee member was "They haven't unfolded that yet." The sentiment of the group on this issue was summed up as being "MTC would look at the spirit of the system. They would look at the entire program.... Otherwise they would let the CMAs [the county agencies] decide within tiers." This person ended the summary by saying "We'll see if MTC will agree."

Modifying the Tiers

As the tier concept unfolded, county officials became aware that it might well result in some of their constituent jurisdictions receiving no money from the 75% pot, either because they had no roads in the highest priority tier or because they were already maintaining those roads and therefore had no outstanding rehabilitation needs. This was a highly problematic outcome in the eyes of many county officials since it could result, in the words of one, in "a revolt from local government." This led to proposals to modify the tiers. In this case the Partnership did behave in a collaborative manner, and significantly altered the framework proposed by MTC to create one giving greater flexibility in the use of the tiers.

At first, MTC staff resisted most suggestions that the tiers should be changed to allow for spreading federal largesse more broadly. MTC staff members and a few committee members (largely those not representing county agencies that have to deal with local government) discussed regional need, while most committee members took the more parochial focus of their constituent jurisdictions. For example, one county representative commented that as presented, the tier structure meant that jurisdictions doing a good job of maintaining their roads would be "penalized." MTC staff responded that meeting the greatest needs within the county should not be viewed as a penalty. "You're trying to make the case that if someone has no needs, they should still get money." This staff member went on, "The driving thing is need. The reason why something is in need is not relevant." This more regional focus was supported by another committee member. "We can't lose sight of the overall objective. The objective is rehabilitating the system." Then another county representative returned to the parochial view. "But jurisdictions will say "We spent our own money and look at how we're being rewarded.'"

Partners continued to press for greater flexibility for themselves, always in particularistic terms. At the next Finance Committee meeting, one county representative explained:

> I need some kind of safety valve. We're going back through our program and trying to look at equity within the county. We have some cities with extensive capital improvement programs. If their pavement management system is there, it is equity that they get ISTEA money. These cities have maintained their streets.

Another put the issue this way:

> I have three cities smaller than 5,000. Two have no MTS [tier 1] roads. Under the previous program, I had guarantee money. I have some cities so small that they will be killed.

The matter came to a head at a meeting of the Board, where the tier concept was presented, and partners pressed the issue of flexibility very aggressively[4].

---

[4] Partnership board June 26, 1998

I want to put the issue of the tiers on the table. I thought we had agreed at Finance at least on the streets and roads side that ... while there will be regional guidance, the county would follow that guidance but make the determination about moving down through the tiers based on the needs of the county.

We have cities that have maintained their system. Are they going to be completely shut out?

Can't you move down within the list?

I have two cities who have long term capital programs. In the allocation of funds, if they have a worthwhile capital rehab and capital expansion projects, I want to get them money for capital expansion.

There has to be some flexibility for local decision makers.

We could set a lower percentage to tier 1, for example we could say that at a minimum you must spend 70% on tier 1. That would increase the flexibility in the county.

This issue is very important to us. Counties must be allowed to adjust.... We need broad guidelines, but the process cannot mandate.

The process needs to be flexible. Within the county, we need the opportunity to reward every jurisdiction and every operator.

In the face of pressure from so many partners, staff modified their opposition to modification of the tiers and agreed to work with the Partnership on building more flexibility into the tier structure. The matter was referred to the FPWG to develop a proposal. After much discussion, FPWG agreed on a proposal that preserved the basic concept of four tiers hierarchically arrayed in terms of the priority of projects within each tier, but which at the same time allowed counties to fund a limited number of projects in lower tiers even if some projects in higher tiers remained unfunded. Each tier was assigned either a minimum (for the top tier) or maximum percent of the total money available to the county in order to ensure that these regionally agreed priorities were not gutted.

In an interesting development that seemed to contradict their earlier stance, MTC staff modified this proposal to provide even more flexibility to the counties. This proposal involved combining the first two tiers and requiring that 80% of all spending has to come from projects in those two tiers. This proposal marked a further erosion of the idea that regional priorities should guide project selection by counties, though MTC staff reserved the right to "do a reasonableness check."

From the perspective of collaboration, the modification of the tier concept is largely a positive story. Over the course of discussing the idea, Partners came to understand its

consequences, and worked to recraft it in a way that would prevent the problems expected. They learned and refined their ideas and the strategy. This is one case where neither the initiative nor the leadership came from MTC; it was truly the work of the collaborative group.

The story looks quite different, however, from the perspective of regionalism. Looked at through this lens, what the Partners did was to take a set of principles for choosing projects that had been designed to ensure that the region's highest priority needs were reflected in each county and modified it in the interests of particularism. In effect, they sought to extend the particularistic concept of return to source down to even smaller jurisdictional levels - cities, not counties - and thus further limit any possible consideration of regional needs.

Deciding on a Distributional Formula

The question of how to distribute the 75% of the money that was to be returned to the counties proved to be the most contentious issue in this story. San Francisco raised the issue with the Commission, challenging the assumption that a formula based solely on population would be used, as had been the case under ISTEA. San Francisco maintained that population was not an adequate reflection of need since it did not take account, among other things, age of infrastructure or use of it infrastructure by people who do not reside in the county. In raising this challenge, San Francisco was challenging the fundamental idea of equity that had pervaded much of the Partnership deliberations–that equity meant the return of funds to the place where the revenues had been generated. San Francisco's position was that the appropriate conception of equity for these purposes should be based on need. As a result of San Francisco's efforts, the Commission resolution adopting the parallel federal strategy left open the basis on which the 75% would be distributed.

The issue was then brought to the Partnership Finance Committee for discussion. Fellow partners were unsympathetic to San Francisco's point of view, in the end only grudgingly accepting the need to examine other options. Partners made it clear that positions had been staked out, and they considered it extremely unlikely that those positions would change. One committee member spoke for many when he commented, "I'm assuming that unless there is a fundamental reason to change, the equity formula will not change from population."

Conversation in the Finance Committee about the formula was often heated and polarized, and rarely reflected a desire to understand and forge common ground. Partners in this context seemed more interested in winning. The following excerpt from committee debate at one meeting gives the flavor of much of the discussion, which basically involved an unwillingness even to open up the question:

> A formula strictly based on population gives the wrong message to counties. We shouldn't greatly change the distribution, but we should find some way to recognize that transit contributes to revenue generation.

> This is federal gas tax money. Transit does not contribute.

If we are going to move away from population, we will need a very good reason. I'm not saying don't come up with options, but we need to recognize that without a strong reason, population is a given.

Let me add something. There are a whole set of FTA [transit] funds that are not on the table. I've got public works directors saying "We don't get FTA money, yet transit has a chance for ISTEA." Let's not push this too far, or we'll have a war of us versus them.

We have to agree that every change creates winners and losers. But the fact is that we can navigate. We may make a change so that everyone wins in the region as a whole, not just each fiefdom.

We'd all love to do that, but we report to the fiefdoms.

The question is, "What is equity?"

It's not based on need.

There are many different ways you can slice it.

These funds are on the margin. We can't deal with the big policy issues. The reality is it won't sell politically if we create major winners and losers compared to population.

The fact that there was no shared understanding of the concepts of need or equity after six years of working as a collaborative partnership is itself indicative of the weakness of this process. Typically in deeply collaborative processes over time some mutual understanding and sympathy that we have labeled social capital, develops among the participants. This social capital in turn facilitates the development of intellectual capital, i.e. shared understanding of the issues involved (although not necessarily agreement as to how the issues should be solved). The reluctance by others to even address San Francisco's concerns suggests a lack of social capital within the Partnership. The absence of any shared understanding of key concepts such as need or equity indicates the lack of intellectual capital.

MTC staff concluded that the best way to deal with the formula issue was by holding a full day workshop led by a professional facilitator. The workshop would be attended by members of the Board. As one staff member explained

"The issue is big enough, fundamental enough, that it needs a focus, it needs the involvement of lots of interests. It's not a technical question, it's not a math exercise. It is something much more fundamental."

The Finance Committee did take an active role in structuring the discussion at the workshop, but the structure that was used almost guaranteed an adversarial debate. After much discussion the group decided to ask members to come up with proposals for the distribution formula and identify the pros and cons of what they were proposing. These would then be packaged as the set of options for the workshop to consider. This may have been the only feasible way of proceeding, given the limited time the group had. However, by jumping to a discussion of specific formulas with specific allocational outcomes for individual jurisdictions, the group made it almost impossible to have a discussion of principles or ideas that might have led to new understanding of what equity meant in this context or that would have led to creative alternatives. Inevitably, the conversation revolved around winners and losers, and this did not encourage learning and the development of new ways of understanding the problem by the group[5].

Materials prepared by MTC staff did little to steer the group away from its disposition to discuss the formula issue in terms of the geographic impact of different conceptions of equity. They also did little to steer the group away from its disposition to define the issue as whether something should replace a population- based formula, rather than discuss in more general terms what equity might mean. In a framework prepared for Finance Committee discussion of the formula, MTC staff posed what they regarded as the relevant questions:

- What return to source formulas has MTC applied in the past?
- How much of a deviation from past practice would a <u>non</u> county population based formula represent for STP/CMAQ funds? Who would the "winners and losers" be?
- How should we determine "fairness" and "equity" <u>in relation to the allocation of STP and CMAQ funds, specifically?</u>

Finance asked the Fund Programming Working Group to do some initial work on the equity issue. However, staff allocated only twenty minutes for discussion of this matter by the FPWG. And the conversation was structured in a way that discouraged serious consideration of the basic questions at stake. The group's agenda packet, prepared by MTC staff, recommended that the group "focus on the 'Pros' and 'Cons' of the existing population-based equity measure." At the meeting, MTC staff handed out a chart outlining six possible factors that might be included in a formula and the percent share of each of those factors (e.g. population, road miles, employment) that each county had. Thus county representatives were spared even having to do their own calculations to determine which factors would be most advantageous to them.

The conversation that ensued involved fine tuning the data staff had used to calculate the various factors in the table. That discussion produced some modifications in measurement techniques, but little or nothing in terms of any collective understanding or agreement on the meaning of equity. Efforts to steer the conversation in a different, more substantive direction

---

[5] This framework is the opposite of interest based negotiation as outlined by Roger Fisher and William Ury in *Getting To Yes,* Boston: Houghton Miflin, 1981.

were rebuffed, either by MTC staff or by other members of the group. Thus, when a committee member pointed out "We haven't discussed how to use these factors", the reply was "That's for the Finance Committee." When San Francisco's representative suggested that population density be added as a factor, a member from one of the more rural counties retorted, "Then I want to add open space." The member from San Francisco responded "The idea is not just to get San Francisco more money. The idea is what is the message we're sending?" No one took up the implicit offer to discuss that message.

The Finance Committee meeting that followed provided more of the same sort of discussion. Several members responded to San Francisco's proposal to add population density as a factor in the formula by requesting data on the geographic distribution of funds dedicated to use by transit, presumably to demonstrate that San Francisco got more than its "fair" share of those funds. One member argued that "[If San Francisco] wants density, I want net in-commute" to which a third member responded "What about net cross-commute?" Several members were quite frank about what they saw the whole debate as being about. As one summed things up, "Let's get real. We're all going to vote on what's in our self interest. It's not worth spending a lot of time on."

The committee eventually decided to request that those proposing alternative formulas submit them as proposals, including an analysis of their pros and cons. These proposals were presented at the next committee meeting for discussion. In the end, five proposals were submitted. They were presented to committee members in the form of five tables that showed what percent of the money each county would get under each formula and listing the pros and cons submitted for each. Once again, winners and losers were literally staring people in the face.

As was the case at previous meetings, conversation initially concentrated on the meaning of the county-by-county numbers in each table and on how the numbers were derived. Some members of the group did try to explore the implications of using various factors, particularly jobs/housing balance and the ratio of jobs in the county to employed residents in the county. Others, however, resisted a more substantive discussion. One member, for example, seemed to be expressing some concern about the jobs/housing variable, but when another member responded to the substantive issues, he retreated to technical questions.

> ...that also points out the problem with this. San Francisco is geographically small. It will have to import a lot of people.

> No, it's a matter of how they did land use. We shouldn't reward that land use pattern. (Presumably because the city had too many jobs relative to residents.)

> My issue wasn't to get into whether they're right or wrong but whether the calculation is done right.

A similar dynamic arose concerning the jobs/employed residents variable. Attempts to raise substantive issues were met with partner responses on technical ones.

Just because you have balance doesn't mean you have a transportation panacea.
All of your population could be going out and all the jobs could be coming in.
What is the meaning of these numbers?

It's a surrogate. And it was the best surrogate I could get for how many residents
are employed in the county.

And, once again, many group members were frank that their interest was really in winners and losers. In response to questions about the specific derivation of some of the numbers, an MTC staff member suggested "One thing to do is to make a leap of faith and just present the relative share differences." A committee member responded "That's what everyone's going to want to know anyway." A few minutes later, an MTC staff member made it clear how difficult it was for staff to escape that mind set. While first saying that the facilitator at the Board meeting should frame the issue as "What would make more sense in the context of the other things we are doing? Why would it make sense and what benefit would it have for the region? Not only is this better for me?" the same staff member went on to say, "But we need to be clear about what we gain by moving away from the baseline. The numbers must be clear. So we can look if the relative rankings change."

There were also several hints at the meeting that at least two of the proposals had been put on the table for purely strategic reasons rather than in the interest of collaboratively solving a shared problem. In response to a suggestion that the committee eliminate several proposals in order to simplify the choice presented to the Board, the author of one of the formulas replied,

I will argue against slimming down. This is a complex issue. I don't want to make
it so simple that the complexity disappears. It also leaves the field to the entity
that first came up with the idea of changing the formula, and I don't want to do
that.

In another case, questions were raised about how the calculations were done to determine county share under a proposal, with the suggestion that the county that originated the formula might not fare as well under it as the table suggested. When the author of that formula was asked whether he would argue in favor of it at the Board meeting, the response was "We'll look to see if there is a flaw in the calculations."

As the meeting neared a close, the reluctance to truly the discuss the issue of equity was apparent. One member suggested that the Board meeting start with some sort of straw poll. "If there are 30 people and 28 support population, we go home." The only opposition to this view came from an MTC staff member who argued weakly, not for the desirability of discussion, but merely for giving San Francisco a hearing. "We spent a lot of time on this. This didn't come out of thin air. It came out of a legitimate concern. We need to let everyone hear what everyone thinks."

The idea of a facilitated workshop for the Board might have been a start for developing shared understanding on the difficult and divisive issue of the distribution formula. However, by the time the meeting was finally held, MTC staff had added several items to the agenda, and the

discussion of equity was relegated to a mere hour. San Francisco protested this, and the time was extended to two hours, but that was barely enough time to scratch the surface in a group of over thirty participants. Thus, an opportunity to develop the kind of shared understanding the Partnership would need to reach regional agreement was passed up in favor of a more adversarial resolution of the issue with clear winners and losers.

As the Partners gathered for the workshop, the idea of the straw poll, and the lack of willingness to truly address the issue of equity was still clearly in the air. Just before the meeting began, one partner approached another and said "Your job is to kill this formula thing right away." The second partner replied "I promised [the Board member from San Francisco] I'd let her make her pitch." The first partner reluctantly conceded "Okay. Ten minutes and then a straw poll." Further evidence of the lack of serious interest in addressing the equity issue comes from the fact that several key Partners left the workshop at the lunch break, i.e. after they had ensured that the new tier method would allow them flexibility in programming, but before the issue of the distributional formula was scheduled for discussion.

Given the nature and tone of the discussion that had come before, it would have been very surprising if the Partnership Board meeting had truly grappled with the fundamental issues of equity and the needs of the region that the formula issue raised. By and large, positions had been staked out based on local political needs and not on regional transportation needs. Debate at the meeting focused on defending those positions. Typical was the comment made by one partner early on in the discussion,

> The issue is politically fractious. Anything that creates winners and losers is problematic. Population is the historic basis for allocating state funds. It is highly correlated with gas usage. From my standpoint, this is de facto the base. It would take a lot to move me away from it.

Some partners did try to challenge this framing of the issue.

> If we truly are a partnership, we ought to look for ways to avoid winners and losers. What is the process we are going to use? Number 4 is the worst option for San Francisco. Ought I not be concerned about that? But it is good for [another] county. Is this what partners do? The question is how we will reach consensus. We can stay with the status quo and postpone the real discussion. Or we can say, my county does better with option 4 so too bad.

> It's too bad that you didn't hand out the charts without the numbers on it so we could discuss options in terms of how they might get the best regional solution. It's too late now. The numbers are here. But as an exercise, let's pretend that we don't have the numbers. We should ask "What is the impact aside from funding? What are we trying to achieve? Are we trying to help the biggest numbers? The worst congestion?" ... Let's think regionally a bit. ... If we are a regional planning agency, we should think about the region.

However, for the majority of people in the room, local political logic was the most important way to think about the decision.

> ... it is important to remember that the tax is generated locally by people at the pump. Politically people look at it as I put money in at the gas tax, why don't I get it back? Speaking for [my county] I expect to get something appropriate back. We have needs relevant to our county. They may not compete in terms of cost effectiveness with the needs of a San Francisco or [another county], but all politics is local. I buy my gas near my house.

> There is a lot of public saliency here. We need to think about what kind of argument we can make to the public we serve. The public has a short attention span. We can explain population. It is historic. It has worked in the past. It will be a tough sell to do otherwise.

At one point in the meeting there appeared to be some willingness to slightly modify the formula by adding employment as a factor, though weighted less than population. The facilitator explained the logic of this idea.

> "That would signal, it would send a message that there was a policy adjustment. It's subtle but it might bring us together. It would give a sense of recognition of factors of concern."

The proposal in the end failed, however, due to two quite different factors. First, those pushing for an alteration in the formula were unwilling to water down the percentage weight given to employment.

> I want to get back to what makes good policy sense. I don't want to cook the numbers. ... We should set this on the basis of policy. If people don't agree that destination is important, then go to population. Let's not play with the numbers until everybody is warm and fuzzy.

> Second, a number of participants insisted that the issue of the distribution formula be joined to the issue of the formula to be used to allocate costs among counties for multi-county projects, an issue that had been highly contentious in the past. These partners, as well as some key MTC staff members argued that the two formulas needed to be the same. This proposal, however, in effect placed a whole new set of complex issues on the table that could not be adequately discussed, let alone resolved, in the short time available.

> In the end, a vote was taken with the predictable result that a population-based formula was adopted. A number of Partners were clearly disturbed both at this outcome, and at the parochial cast of the discussion that preceded it.

I wish still that the conversation was centered around policy and not centered around percents. We didn't need to come here to discuss that. If that was all we were doing, we could have stayed in our offices. We all have calculators in our offices.

Another expressed similar sentiments.

We continue to be parochial. We can't pretend we're a regional body if we say we can't go back and tell our constituents we didn't vote for the option that is best for the region. And we're all doing that. We're not a partnership, we're a forum. We've got to discuss concerns about what is best for the region. We're speaking the words, but we're not walking the talk. We have to start trusting each other.

But in the end, the logic of political particularism prevailed over the logic of regional need.

The whole process creates winners and losers. I can't go to my board and say we had a theoretical discussion, and I gave up 10% of your money. If I'm going to give up something, I need to get something.

Moreover, the logic of political particularism prevailed at least in part because staff at the regional agency itself had a limited vision of the value of the collaborative process and what it could achieve and thus were unwilling to push for a different level of discourse. In response to the criticisms quoted above, a high level member of the MTC staff replied,

You're taking a winning situation and making it look like you're losing. The Partnership has worked well for a long time. Others have come into the region and marveled at it. As far as I'm concerned, there was consensus. The issue was raised. Fairness or equity is what at the end of the day we can agree to. We had the opportunity to have the discussion. The fact is that you didn't want to change. I call that consensus.

Conclusion

The Partnership's efforts to implement TEA 21 were characterized neither by a consistent process of collaboration, nor by the pursuit of regionalism. To be sure, there were elements of collaboration in the decision making processes we have detailed, and there were efforts by some players to put the interests of the region at the center of the decision making. Overall, however, decision making concerning the implementation of TEA 21 in the San Francisco Bay Area was driven much more by MTC staff than by the Partnership, and the outcomes of those decisions made at best modest inroads in the dominant tendency toward particularism.

We believe that several factors contributed to this outcome. First, MTC had its own organizational interests to protect through TEA-21, in particular securing funding for the systems management programs it operates. History had shown that the Partners, left to their own devices,

would place a relatively low priority on these programs. Thus, MTC staff had a clear incentive to structure the decision making process in a way that would ensure that these programs received flexible federal funds. In so doing, however, MTC staff inevitably put major limits on the scope of collaborative decision making.

Second is the lack of social and intellectual capital that the Partners had amassed even after six years of working together. They had little sense of being interdependent parts of a region and little interest in approaching the question of how to use the new federal funds from a regional perspective. Instead they treated the process of devising an implementation strategy as one of dividing a pie, not of solving regional problems. This is probably not surprising given the facts that state funds were largely allocated on a formula basis to the counties and, perhaps even more importantly, that the original ISTEA program had been structured in the Bay Area to provide formula based allocations to the counties. In the absence of prior discussions of such things as the meaning of equity and the meaning of regional needs, it was hard to do much more than slice the pie in the way it had always been sliced.

Moreover, MTC itself had done little to create needed intellectual capital among the Partners. When MTC staff think regionally, it is often more in political than intellectual terms. They see their role in part as managing a fractious political environment; meeting the demands of diverse constituencies is a central part of that role. The need for the parallel federal strategy, for example, was often expressed in terms of the political exigencies of getting the state funding program passed in the face of major opposition to highway expansion from environmental and transit interests. Thus, what is good for the region becomes defined de facto as keeping everybody happy. From this perspective, raising fundamental issues about the nature of the region or proposing significant changes to the status quo is highly undesirable. The political logic behind the return to source paradigm was clear: it is an easily explicable allocational principle in which everyone gets a share, and a predictable share. It is not an allocational principle, however, that looks seriously at the distribution of need within the region.

CHAPTER 17

PRESSURE FROM THE PUBLIC:
ENVIRONMENT, LAND USE AND TRANSIT

During the period 1997-1999, MTC faced growing opposition from representatives of the environmental, social equity and transit communities, who publicly challenged MTC's policies and, implicitly, the Partnership's decisions. Much of this opposition was based not only on substantive differences about the content and purpose of the RTP, but also on different ideas both about the criteria for a good plan and the public participation process itself. In effect a social movement had formed that challenged MTC's combination of political and technical planning. This movement used data more for advocacy than for detached analysis. It focused on pushing for its vision of a compact Bay Area, where transit use was predominant and greenfields remained open. This movement was sufficiently effective to interfere with the staff's normal way of working with the Commission by developing for the first time in our observation an effective challenge to the Partnership and staff's agreements. Collaboration was only rarely used as a planning method for working with these stakeholders during this period, and it was primarily among the members of the Advisory Council, who also worked collaboratively to a limited degree with staff and Commissioners.

A Restive Public

Although most of the challenge to MTC discussed below was based in advocacy organizations, these organizations were able to feed off growing unhappiness among the Bay Area public about the state of transportation in the region. This unhappiness is clearly seen in opinion polls taken at the time. One set of polls was conducted by MTC itself as part of an effort to assess the prospects for a regional gas tax. The findings were consistent with newspaper polls and editorials during the previous year or two, but ran counter in many ways to the assumptions on which the Partnership had been operating and to the implicit priorities they were setting. The baseline poll taken in 1997 showed that the top 10 preferred regional transportation projects included the universal transit ticket, transit service for the elderly, seismic retrofit of overpasses, expanding bus and rail transit, installing road reflectors and median barriers, converting diesel buses to cleaner fuels, maintaining roads, increasing security on transit and replacing older buses and rail cars.[1] Most of these were regarded as top priority by 70% or more of the respondents. Notably no highway expansion projects appeared on this top ten list, though when the poll was broken down by county, such projects did make it into the top five in some places. Presumably this is due to the fact that the vast majority of the Bay Area population is in the urban core, rather than in the more rural or suburban communities, where highway expansion tended to be favored.

Focus groups showed that traffic congestion was widely viewed as a major problem in the Bay Area, and that voters wanted solutions. If they thought traffic congestion could be reduced,

---

[1] Memorandum to CMA Association from Steve Heminger, MTC, entitled Baseline Track 2 Poll, and dated October 28, 1997.

they would be willing to support a two to five cent increase in the gas tax. Notably, the respondents were not interested in a guarantee that 95% of the tax dollar would be spent in their own counties. This was in sharp contrast to the assumption that CMA directors, public works directors and elected officials make that they should "bring home the bacon" in the form of projects for their counties as reflected in the debates outlined in Chapters 15 and 16 among the partners on return-to-source funding formulas. The public wanted instead for "*someone* to have a comprehensive regional transportation plan which prioritizes transportation improvements that are important regionally..." They wanted government entities to cooperate with one another so the money would not be wasted. They expressed concern that they did not want to see important regional projects ending at county lines. Voters, consultants found, were quite cynical about how their tax money was being spent. They wanted accountability, but were acutely aware of what they perceived as broken promises. They wanted to be assured that there would be enough money for projects they supported, rather than told later there was not. Their main resistance to a larger gasoline tax was that they did not trust government to spend the money wisely.

The report indicates that the respondents could get beyond this lack of trust only when they chose their own preferred projects from a list. The consultant's principal conclusion was that "the success of any gas tax depends on the overall appeal of the projects included." [2] Finally few of the respondents had heard of MTC, while others felt they would need to know more about it to agree to let them spend the funds. Curiously the consultants did not draw conclusions from the findings, at least in their report, on the importance the public placed on having a comprehensive transportation plan, on providing evidence that problems would be solved, on identifying regional priorities, or providing an effective method of accountability. Instead the consultants' conclusions focused on identifying project preferences, which, as the poll suggested, varied by county and might well not have "overall appeal" to supermajorities in all counties.

Results of the three outreach workshops conducted in different parts of the Bay Area in Spring of 1998 to review possible ideas for the RTP were largely consistent with these findings, though these were not scientifically designed studies, but reports on public meetings with largely self-selected audiences. The groups in all workshops placed top priority on expanding rail and bus service, with more than 80% of the audiences agreeing they would support a gas tax for this purpose. Their other top preferences in all workshops included road maintenance and a universal transit ticket.

Finally a poll commissioned by the Bay Area Council [3] in late 1998 showed that residents regarded transportation as the most important problem for the region, as they had for four of the previous eight years. Consistently with the other polls, 82% wanted to expand public transit, whereas a much lower percentage (58%) supported increasing freeway capacity. Respondents were not, however, supportive of raising local taxes to pay for the improvements they wanted. The poll apparently did not ask about gasoline taxes or other state taxes that might be raised.

---

[2] Memorandum from Jan Mathews, Jim Moore and Max Besler to Steve Heminger, entitled Metropolitan Transportation Commission Focus Groups-Bay Area, November 3-20, 1997, and dated December 11, 1997.

[3] Reported in the Bay Area Monitor, January/February 1999, p. 2.

Social and Environmental Justice

During this period the Bay Area Transportation Choices Forum (later known as the Transportation Land Use Coalition) was formed, which was to have considerable impact on MTC. This group was a broad coalition of interest groups and nonprofit organizations. Its board included members from public agencies such as ABAG and EPA, The League of Women Voters, environmental interests such as the Environmental Defense Fund, unions, transit advocacy groups, affordable housing, and social justice advocacy groups. Its function in its early stages was largely to monitor MTC's work and to push for more open public debate on a wider range of alternatives in regional transportation policy, as well as to identify and push for particular policies such as more transit funding and transportation policy that encourages more compact growth. It is some indication of the level of concern among leading regional players about transportation decision making at that time that this watchdog group was funded by such respected regional foundations as William and Flora Hewlett and Irvine. This funding assured that group had professional staff to build and maintain the coalition, develop expertise and move beyond what individual interests had been able to do. The Choices Forum was in some ways similar to RAFT and built on that beginning, but it was broader based and less militant in its approach, involving more conservative sectors of the environmental community. The Forum allowed various groups to discuss issues among themselves and to develop positions. To help focus this set of interests into a politically effective organization it broadened its objectives to "help expand public participation in regional and county-level transportation and land use decisions..." with the goal of grating a "socially just and sustainable region."[4] This group focused the emerging social movement of people frustrated with the course of development of the region and what they viewed as the consequences of the form of transportation planning done by MTC. In April 1998 Carl Anthony, leader of Urban Habitat, a nonprofit organization focused on environmental and social justice, along with 26 other organizational cosigners, most of them in the Forum, and 13 individuals, wrote a letter to Dahms raising their serious concern that the forthcoming 1998 RTP would not be responsive to a variety of environmental and equity issues.[5] The signers were widely representative of mainstream environmental organizations, including some which were members of the Advisory Council. The list included the Sierra Club and the Greenbelt Alliance, along with organizations interested in alternatives to the automobile, from The Gray Panthers to bicycle coalitions and toxic coalitions, as well as Sustainable San Francisco. Individual signers included one BART Board director, a director of AC Transit and others from a variety of leading community-based organizations. The group was not representative of business interests, but neither was it a fringe or narrow group. Some of its leaders, most notably Anthony, were widely known and respected in the region by players representing a full range of viewpoints.

Anthony's letter said, first, that air quality standards were not being met and that they were urging EPA to take action to declare the area in nonattainment (EPA did so in June of 1998). The letter cites the trend of increasing VMT in the region as an indicator that air quality

---

[4] Quote from the web site www.transcoalition.org/forum/aboutforum.html .

[5] Letter dated April 17, 1998.

was going to get worse. It compared the Bay Area situation to Los Angeles, where the Bus Riders Union "prevailed against the transit authority for failure to provide equal service for bus riders as opposed to suburban commuters using a civil rights suit." This suit and data showing that the poor were not receiving their fair share of the benefits of transportation investments eventually forced changes in the region's transportation investment pattern. The letter argued that the situation was similar in the Bay Area, with new investments in highway expansions not assisting people of color and low income in improving their accessibility. The threat that one or more of the signing organizations might bring a similar suit against MTC did not have to be stated. The letter urged several actions. It said MTC should analyze which income levels and neighborhoods would benefit from its $88 billion in funding. If the numbers were like Los Angeles, they should reprioritize. The letter asked for a new and more detailed report on assisted transit services to assure they meet federal standards. Finally the letter called for improving accessibility to transit for vulnerable populations--the poor, the elderly, the disabled, the carless, the young, and people of color.

Dahms' reply took the stance that Anthony and his cosigners were mistaken.[6] First he said, air quality was actually getting better not worse, and he offered data to support the claim. Second he said the analogy to the Los Angeles case was not apt because MTC does not operate transit services or make decisions about schedules and levels of service, while Los Angeles' MTA does. In addition MTA has sales tax revenue at its disposal to be directed as it chooses, whereas MTC does not have nearly so much money under its control. Moreover the 1998 RTIP, Dahms said, is the only place where there is a majority of highway expansion projects, but this is not representative of regional spending overall. He did not accept any of Anthony's recommended actions. The letter said MTC was planning to study the effect of the RTP on access to employment for selected low income areas (as required by TEA-21). Dahms indicated that he saw no immediate reason to revise MTC's report on Title VI, as Anthony's letter had requested. On Anthony's third suggestion, Dahms suggested that the signatories to Anthony's letter join MTC in what it was already doing on improving accessibility to work for transit dependent people. He listed such things as supporting the regional gas tax and the TLC program and various paratransit activities. The letter did not propose discussion or exploration of why they had such different views. Rather it seemed to be trying to close the discussion by using authoritative statements and asserting MTC's decision-making prerogative.

For the Advisory Council the letter did not do the trick. Staff repeated a number of Dahms' points in the meeting, then indicated it would be hard to define equity. One staff member said MTC wanted to look at several issues, including inner city, low income, and the effect of construction on minority and low income communities. He said they were planning to model whether investments do in fact improve the access of disadvantaged communities and to bring this to the Minority Citizens Advisory Council. He presented this as something MTC would do, not as something they were planning to discuss with the letter signers. The staff member seemed to want to placate or reassure the Council that MTC was going to take equity into account and to defuse the conflict.

---

[6] Letter to Carl Anthony, dated May 7, 1998.

At this point Councilmember Sayer of the Greenbelt Alliance interrupted him to ask when the MCAC meeting would be and to find out exactly what would be brought to that meeting. Another Council member asked about the comparison of neighborhoods, as she could see that a major difference between what staff and Anthony proposed was that Anthony's approach would look systematically across the region to compare benefits, whereas MTC's approach would only check if the investments they do make in some low income areas are beneficial or harmful. Staff said the numbers would be only averages and they would conceal neighborhood differences. Sayer asserted that MTC could provide leadership on these issues even though it did not directly control a lot of the funding. He then asked whether the proposed analysis would deal with all the regional funding and whether it would be comparable to the Southern California analysis in looking at the whole region rather just at a few parts.   A detailed discussion ensued over exactly what would be contained in the analysis as Council members tried to grapple with the technical issues so they could form their opinions. Dahms said they should not expect too much of a modeling exercise. His tone was one of someone with more experience explaining to others the realities of analysis. His comment brought this lively discussion of the concepts to an end.

Sayer then asked Dahms if the commissioners had addressed the equity letter. Dahms indicated they had not discussed the letter, though they did get copies. Council member Abelson brought Dahms back to the question she asked earlier about whether it is feasible to channel highway dollars to certain kinds of projects.   Dahms' reply was to say MTC had to do a balancing act and he used as an example the Rte 4 Bypass project, which had been causing controversy.

> If I leave it out of the RTP, business and political interests will oppose the plan. If I put it in, environmentalist such as Jim Sayer and Ken Ryan (Sierra Club representative on the Council) will oppose it....But how do we balance that with the fact that state law says we have to put it in if it is in the county plan? [7]

This statement roused Ken Ryan into responding,

> The interests have jelled into agreement that more information is needed about the alternatives that are possible with the best information available, as opposed to being limited to hearing about what is assumed politically feasible.

Ryan's tone was not friendly. He contended also that state law gives MTC the opportunity to say that Contra Costa is out of line in their plan.

 To this Dahms retorted,

> We are listening to you more than you to us. Why don't we back away from prior commitments? Because they are mostly sustaining the transportation system we already have....Only 3 or 4 projects are in contention, so we should get together on

---

[7] The guidelines actually required only addressing county plans in the RTP rather than required county plans determine the RTP.

the 90 percent that we agree on. At outreach meetings the dominant question is, interestingly: where is the land use planning? People talk about land use controls that MTC does not have. We've given up arguing about something God or ABAG tells us about that we can't do.

Before the meeting ended the Council spent a lot of time clarifying what had been agreed on, rather than letting the meeting end ambiguously, as so many Partnership meetings did, and making sure MTC was going to be responsive to the Committee's concerns. Chair Galante then said that she wanted to confirm that MTC would do an analysis, as the Anthony letter suggested, of the impact on low income communities. Staff answered that they would do an analysis focusing on access to jobs. She asked "Jim [Sayer]: is that what you're asking for? Is MTC saying 'yes, we'll do this analysis'?" But Sayer said that he did not know if it was comparable to what Carl Anthony wanted.
 The July 1998 joint meeting of the Advisory Council and Commission on various aspects of the RTP was a lively discussion that engaged the Commissioners in ways that were unusual in our observation. Public comment was interspersed in the discussion, often from well informed and sophisticated representatives of advocacy groups. They were discussing issues and not forced to make decisions about many matters on a long agenda. Commissioner King commented that as a result of the discussion she was getting excited about trying to accomplish something–"more excited than I have been since I thought we could build a bridge."[8]
One of the themes of the discussion was "disconnects." One public speaker said that his city wanted to build transit oriented development, but did not because they thought that they would not have the transit to serve it. At the same time MTC was saying the city's zoning was inadequate for transit so they would have to stick with roads. This comment suggested that a collaborative dialogue might help to make this connection and identify a mutual gain.   Chair Spering spoke of his 12 years on the Commission and how he had heard this same discussion over and over. He spoke of a disconnect between what the public wanted and what was happening.
Other comments suggested that a different process and set of criteria should be used for making decisions. A member of the public spoke for example of the regional alternative scenarios that had been used in Portland Oregon and how conducive these had been to a high quality public discussion. Finally a representative of Urban Habitat said they appreciated the social equity analysis that MTC had done as a start in response to the letter of Carl Anthony and others that had been sent to MTC that spring. He expressed hope this analysis could be improved and that it would become routine for all RTP's in the future.
The overall meeting was one where interesting topics were raised and explored, where learning was going on, in contrast to many other meetings we observed where discussion was desultory or even confrontational.

---

[8] This was an ironic reference to the failure up to that time to agree on a plan for a new Bay Bridge. King chaired the MTC committee charged with doing this.

Smart Growth Proposal

Another initiative that was to change some of the working arrangements and attempt to implement MTC's land use policy came from outside the Advisory Council, the Partnership or MTC itself. Transportation Land Use Coalition Director, Stuart Cohen, put together a concept paper (Cohen 1998) arguing that the institutional and policy framework for transportation investment was assuring continuing patterns of sprawl and gridlock. He proposed a smart growth initiative for the Bay Area, modeled in part on an initiative in Portland Oregon. It would involve funding a planning process that would produce alternative growth and transportation scenarios. He unveiled this proposal in a press conference held in June two days before the release of the draft 1998 RTP. This led to substantial television and other media coverage of the joint meeting of the Council and Commission to discuss the draft. It meant that Commissioners and Council members were discussing smart growth in front of TV cameras, which normally do not cover their meetings. Mary King, influential Alameda County Supervisor and member of the Commission, championed Cohen's idea. Money was available through TEA- 21 for grants to local governments to develop such proposals. Cohen wanted the Bay Area to apply for such a grant. In that July meeting Commissioners agreed and directed MTC staff to work with ABAG, the Air District, the Sierra Club, the Surface Transportation Policy Project, the Choices Forum and the Greenbelt Alliance to develop a proposal for a $1 million smart growth grant from TEA-21.

This chain of events was unusual in that an initiative that was agreed to came from outside rather than inside MTC or the Partnership and in that MTC joined with other public agencies *and* interest groups to prepare a grant proposal. The working group had 8 or 9 meetings and developed an initial proposal which was formally agreed to by ABAG, MTC, and the Air District in October and submitted in early November. The basic idea was to mobilize local leadership around smart growth ideas, educate them and develop an inventory of incentives and tools for achieving a different form of growth–less sprawling, more compact and more transit friendly. This preliminary proposal was selected from a substantial national pool in the winter of 1999 as a semifinalist and a more detailed proposal was submitted by the three agencies to the U.S. Department of Transportation in March of 1999. Though it was not funded, a second proposal was submitted in the following round.

In the meantime members of the boards of ABAG, BAAQMD, BCDC, the Regional Water Quality Control Board and MTC began meeting to see how the regional agencies could work together with local governments to "foster more effective land use planning."[9] Their goals were to get land use changes and an incentive program supported by local governments and to develop a set of smart growth projections to guide implementation policies for the regional agencies and the development of the RTP and other plans. This group would coordinate with a voluntary long running effort involving leading business, social equity and environmental interests in the region known as the Bay Area Alliance for Sustainable Development. The basic workplan was to convene regional leadership in a collaborative dialogue and to get public input through a series of workshops designed to develop ideas about how to implement smart growth

---

[9] Memorandum dated July 19, 2000 by Kate Breen to the Partnership Planning and Operations Committee.

principles.[10]It would also involve preparing and analyzing alternative growth scenarios, as some observers noted was done in Portland Oregon. Finally the regional agencies would choose which set of projects to adopt and pursue legislation, policies, and incentives to achieve the selected future scenario. This effort at the present writing is in too early a stage to assess, but it is intriguing that this initiative for regionalism came from the largely elected officials who serve on the boards of these agencies rather than from the staff. This is also intriguing because it is those officials whom one would expect to want to maintain the project based, pork barrel approach, which is likely to be threatened by this proposal. It is also intriguing because it represents a nontraditional model of planning–a collaborative approach. Public input is seen, not as feedback on proposals, but as providing brainstorming and ideas at the early stages. Moreover the proposed use of scenarios is the most effective way for doing collaborative planning when new solutions are sought, according to our research (Innes & Booher 1999).

Funding the Transit Capital Shortfall

In June of 1998 Stuart Cohen was still searching for a good issue, something where the Transportation Land Use Coalition could have a visible success. They had lost both in the effort to get the RTP to consider land use and the effort to institutionalize the use of Vehicle Miles Traveled as a performance measure (See Chapter 18). Without much hope of success, he nonetheless pushed forward on another issue. The Partnership had proposed to fund 75% of the transit capital shortfall that was anticipated in the following 20-year period. Cohen was indignant. He contended they were using $10 billion for highways and only proposing 1.1 billion for transit capital needs[11]. The additional amount needed to fully fund the transit capital requirements–about $375 million-- was not in his view all that large compared to the total budget of $88 billion over 20 years. Cohen went to the Partnership with a proposal that they fund 100% of this shortfall in the RTP. An observer told us some of the Partners actually giggled and said, in effect, "Dude, we already have a deal." When Cohen took the matter to Commissioners, however, they took it more seriously than the Partners, as did some MTC staff.

The Coalition got 40 groups to sign a letter supporting full funding for the transit capital shortfall. When the RTP workshops were held in scattered places around the Bay Area, Cohen contended 50% of the audience was made up of supporters of this funding. As one high level MTC staff member noted, "these organizations know how to fill a room. And it is remarkable how important filling a room turns out to be. The developers are not very good at that." This achievement was particularly remarkable because the four workshops were held in parts of the Bay Area far from the Oakland and San Francisco headquarters of many of the organizations and far from their inner city supporters. At least two of the locations were not readily accessible by

---

[10] This term is used for a broad array of practices and concepts, mostly involving compact growth, emphasizing infill rather than development at the suburban edge, encouraging greater density and improving the viability of transit through development patterns.

[11] MTC disputes this characterization, saying that transit was already funded to the tune of $11.7 billion, which was 97% of the need. The focus of the debate was, they said, over the remaining 3%. This puzzling difference seems to be related to how the total funding is calculated.

public transportation.[12] Organizers in Berkeley, who supported more public transit, were furious when they heard they had to get people to Dublin, a wealthy community many miles east across the hills. Nonetheless, for this event they organized an automobile convoy to bring those without cars to the meeting. It turned out that seventy-five participants showed up for the Dublin workshop from low income parts of Oakland and Berkeley. And the Coalition alerted the press so there was television coverage. As Cohen said, "Suddenly 100% funding became a viable issue."

To help push this proposal through the Work Program Committee in their October meeting, Cohen called a press conference two days ahead of time, at which five elected officials from around the region joined to say they all supported 100% transit capital funding. While this was only a small number of people and not the most powerful individuals in the region, it was enough to garner press coverage and to assure there would be public attention at the October 9, 1998 WPC meeting. Sixty five people from the Coalition attended that three-hour meeting. Their proposal was that the funding for the transit capital shortfall be found by eliminating six highway projects which were of relatively low priority in their counties or which were controversial. They included the controversial Hayward Bypass, which would make it easier to drive to Hayward and beyond from eastern Alameda and Contra Costa counties. This project was strongly opposed by environmentalists.

Dahms spoke to WPC as soon as staff had finished their presentation on the proposed RTP, emphasizing that the local projects were those put forward by the counties and agreed on by the Partnership and MTC. He noted that regional projects had also been put forward. He made clear that he regarded the total package as a commitment to the Partnership, and that he was not going to back down from support of it. On the other hand he commended Stuart Cohen and the Coalition for not just complaining and criticizing, but actually figuring out how to get the funding and putting a real alternative on the table. He offered a second alternative of not fully funding maintenance and said the Commission would have to decide. He said it was a good discussion to have. Bob McCleary of the Contra Costa County CMA later spoke against the funding proposal for the transit capital shortfall and in support of the staff proposal, but agreed the Coalition had "played by the rules" in coming up with an alternative funding plan specifying projects to delete.

There then followed a long list of public commenters, most of whom spoke either against the RTP as recommended by staff, or for funding the transit capital shortfall. Those who spoke for the staff proposal included McCleary, whose county was a significant beneficiary of the highway funding, along with several interests which had a particular stake in highway construction, including the Cement Promotion Council and a union representing construction workers. Several speakers, including staff of several local legislators, spoke in favor of particular controversial projects, like the Rte 4 extension and freeway widening in Contra Costa. They argued that it was not fair that people in these areas had such difficult commutes and also that they needed economic development to help create a better jobs/housing balance. The arguments

---

[12] They were held in Petaluma in the far north of the Bay Area, in South San Francisco outside the city limits, and not accessible by BART, in San Jose in the south, and Dublin in the eastern, upper income part of Contra Costa County.

the proponents of the RTP made were all particularistic in the sense they were promoting their self interest, speaking in terms of what was fair to them, or they were supporting the negotiated package of projects on the ground that this was an obligation to their partners (and not incidentally therefore to themselves). The arguments they were *not* making were about the welfare of the region or the efficiency and comparative benefit of the project or plan in the context of limited funding. They were speaking from the context of the political influence model.

Jim Sayer, led off for the Coalition. He said that the six projects they proposed for defunding were all either environmentally unsound, already funded or not locally supported. (The latter point was confirmed by a speaker from Sebastopol who indicated one of the projects in question had been withdrawn from the county's list for sales tax funding). Sayer and other environmentalists claimed the Hayward bypass would cause sprawl.

Air quality was also a big issue. EPA's air quality director spoke against the staff RTP proposal and in favor of the Coalition's on the grounds that the staff proposal would cause more sprawl and more driving. He said the EIR was not adequate because it did not offer real alternatives.[13] Officials from the State Air Resources Board and the BAAQMD joined the chorus against the RTP, pointing out that the Bay Area was a nonattainment area in air quality and that the plan was doing nothing to help, but would instead probably make air quality worse. One speaker noted that he had been part of a meeting that included MTC staff not long before, to discuss the air quality issues and the MTC staff member had said "I don't know what I am supposed to say here." Another air quality agency member leaned over to him and said "Anything but that." This speaker claimed that this comment was "emblematic" of MTC's concern with air quality. He said he showed the RTP to Ellen Garvey, Executive Director of BAAQMD (and member of the Partnership) and her reaction was that the word "air" was not in it. These speakers stressed the importance of MTC showing commitment to remedial action in order to comply with the law and argued the RTP did not show that. Other speakers spoke from an environmentalist perspective against what they said were sprawl-inducing investments. Speakers representing bicyclists argued that not enough attention was given to bicycle and pedestrian issues.

The majority of speakers, however, represented those interested in transit and they spoke often in heartwrenching terms about their personal problems and needs for transit. There was a homeless woman who claimed to have lost her job because of AC Transit cuts and unreliable service. A man with a brain tumor spoke of how he could not drive because he was a danger to others. A woman from a poor neighborhood in Oakland said the bus stops were unsafe. A man who could not afford car insurance said his whole family depended on AC Transit and that his family had to wait at bus stops without shelter and seating. Some who favored the highway projects criticized transit proponents for arriving in cars, but that just afforded the proponents fuel for their contention that transit service was inadequate. Then a woman representing a range of low income groups addressed the group in ringing tones about the importance of transit, asking everyone to stand up who supported transit, insisting that commissioners and Dahms should stand as well. She promised to come to the Commission meeting to thank the WPC if they voted to

---

[13] In the response to comments on the EIR (Metropolitan Transportation Commission October 1998) MTC noted that other alternatives were not feasible and did not have to be considered.

support the transit funding. If they did not support it she promised equally forcefully to pack the audience as they had at the RTP public hearing in suburban Dublin and to bring with them TV cameras, as they had then. The tape reflects the hubbub in the audience and among the commissioners in response to this dramatic speech and the loud applause of audience members. The whole scene reflected the organizing ability of the Coalition and its members as well as the reality that many people were angry and frustrated. It was a drama unusual in Commission committee meetings.

The WPC was clearly moved by this testimony. While they decided not to take on the decisions about which specific projects should be cut, they agreed unanimously that counties would not be allowed to have capital deficits for transit. It would be up to each county to show how they would assure that they had sufficient funding for transit capital shortfalls. Even though Sharon Brown, an MTC commissioner from Contra Costa County, addressed the WPC trying to get them to kill this proposal, none of the WPC was swayed. They agreed that the RTP would have to be changed.

Coalition members had managed to get both the moral high ground and the attention of the press, while at the same time reflecting a point of view that polls showed was widely shared among the public. It was a clear victory for the groups involved and the first time in our study we had seen an outside group publicly and successfully challenge MTC staff and get commissioners to turn down a staff recommendation. When the matter came back to the Partners they seemed to be shocked. "But we had an agreement," some said. In the meantime the Air Board reinforced the Coalition proposal by saying that, due to air quality problems, MTC would have to do the full funding of transit. While the legality of this ruling was in question, the presumption was increasingly that full funding would be expected.

These events seem to have had a substantial effect on Dahms, who, in recognition of the new power of the advocacy groups and staff's lessening ability to bring a solid agreement to the Commission. On this he said later during a Partnership meeting that he anticipated having to use a new model of working with the Commission.

> When we started in 1992, the Partnership was working on a consensus-based model where we would send what we worked out here for approval. Now new players are involved and they don't have a place at our table. So I think we are heading for a new policy model for major decisions a new paradigm, a policy options model where we send this to the Commission and they get to choose.

When the WPC's recommendation to fully fund the transit shortfall came before the full Commission on October 28th there was a rerun of many of the speakers and speeches. The woman who had threatened to pack the meeting with her low income constituents, came instead with a thank you card from a thousand people and another speech, amidst clapping and chants, urging the Commission adopt the WPC recommendations. The representatives of state, regional and federal air quality agencies were particularly adamant that MTC was not in conformity with air quality requirements and that the plan was going to make things worse. They were concerned about MTC backing off from TCM's (transportation control measures) and one referred to "stonewalling from MTC." They talked about the potential need to "go to dispute resolution."

319

Commissioners DeSaulnier and King noted that they served a dual role as members of the BAAQMD board and they would sit down and talk with Dahms about what could be done. Environmental agency staff and environmentalists claimed that the EIR on the RTP was inadequate because it did not examine alternatives.[14]

The commentary in this meeting gave some real insights into the disconnect among Bay Area transportation planners and transportation advocates about what makes a good transportation plan and planning process. A Caltrans District 4 representative said that Caltrans very much supports what they called MTC's "bottoms up" planning, contending

> MTC has raised the democratization of planning to an art form. There is an opportunity for every faction to participate in the plans, through the Partnership and the CMA's. The ideas for transportation percolate up through the political process in counties to the Commission. One thing I want to emphasize is the need to preserve that planning process and keep it in place. I commend MTC for a good, balanced report with something for everyone. It is the result of a lengthy collaborative process. It is rich in opportunities for transit.

He was speaking very eloquently for the political model of planning in his reference to factions, and his commendation of the plan for having "something for everyone." He spoke of a collaborative process, but was not seemingly referring to collaboration in the sense we use it in this study, but rather to reaching agreement on a package. He saw democracy as equivalent to allowing projects to percolate up from public works departments at the local level through the standard political process. He went on to say,

> I want to encourage the Commission to also defend the highway improvements for three reasons. The voters have approved these in local sales tax measures; so many of the projects have taken years to develop; and local communities have land use plans established in reliance on these investments. If we did not go forward with these plans it would betray the faith those communities put into us.

This sentiment too is an important element of the political planning model. People make commitments and promises. Promises have to be kept. The issue is not whether the projects are good ones or will solve the transportation problem. The issue is keeping the faith. Caltrans was clearly part of the political agreements that MTC had established. Certainly what this representative said was reflective of the practices in state and federal transportation agencies for decades. From this perspective MTC's practice of letting the local agencies propose projects was indeed a democratic process.

By contrast one Coalition member spoke equally eloquently against the very aspects of the plan that the Caltrans representative praised.

---

[14] The reply that MTC had made to this comment on the Draft EIR was that it was not required to look at infeasible alternatives.

This RTP is nothing more than a set of CMA wish lists, stapled together. There are no reasonable alternatives considered in the EIR. If this is all the planning this region can do it is pretty sad.

He was clearly looking for the RTP to be a planning document in a different sense --choosing the investments that would best meet goals and solve problems. Jim Sayer called attention to a very different idea of democracy and participation from that enunciated by the Caltrans representative. Sayer praised the fact that there was "the most diverse crowd of people here that I have ever seen at a Commission meeting." He said it was an indicator of the outreach that had been done and that it was important to keep this kind of discussion going. He was trying to emphasize that broad involvement of grass roots groups was an important value and not something to view as a problem. By his example he was in some sense modeling that civility could characterize this participation.

In the end the Commission voted to support the WPC recommendation to fully fund the transit capital shortfall. They did not however agree to eliminate the 6 projects proposed for deletion by the Coalition. They instead turned it back to MTC staff to do this, using the methods for finding money outlined by WPC, including not only designating projects for deletion, but also increasing transit efficiency and productivity and reducing the amount designated for projects.

The question arose of how responsibility for the $375 million shortfall would be divided up. Chair Beall of Santa Clara County, noted that it would not be right to penalize counties which had already done well on funding transit capital by making them pay for other counties' needs. Elihu Harris, Mayor of Oakland objecting to this view, pointed out that there are regional projects and regional needs to be considered. "BART to SFO–that was a good regional project. You need not to be myopic about regional needs." These commissioners were of course each speaking in a self interested way-- wealthy Santa Clara County had invested a lot in transit capital, while AC Transit in Harris' Alameda County had a substantial unfunded need despite its investments. Nonetheless each was speaking with a very different implicit model and value system about planning. Beall represented the view that players or jurisdictions had entitlements and could be regarded as independent, whereas Harris spoke from a regional perspective. Beall commended Dave Tannehill of MTC staff for preparing a truly "readable and valuable" document in terms that make clear Beall was coming from the "something for everyone" or political approach to planning.   "If you read it," Beall said, "you can tell if you are helped or not."   He commended Tannehill as well for his outreach work around the region. Tannehill for his part seemed to be one of the staffers who operated quite capably in both political and technical styles of planning.

When Commissioners tried to pin Dahms down about the procedures for finding these funds and making the allocation of the deficit by county, Dahms said first "We will of course consult the CMA's" and later he said "We will refer this to the CMA's" He indicated that staff had already begun discussions with Santa Clara, which was going to have funding of its own for some projects since their sales tax had been upheld by the courts. He indicated that they would

try to be fair in allocating the deficit. As Commissioners began to leave, calls came up from the room for a vote, and these questions were left unanswered.[15]

The Environmental Impact Report

Under the California Environmental Quality Act the Environmental Impact Report (EIR) provides another opportunity for public participation in decision making. The EIR done for the proposed RTP, the comments on it, and the replies offered by MTC to these comments shed additional light on MTC's relationship with its critics and illuminate in part why these critics became increasingly vocal (Metropolitan Transportation Commission October 1998; Metropolitan Transportation Commission March 1999).

The EIR process, however, allows for only a limited kind of participation. It is an example of the one way method of public participation characteristic of the technical bureaucratic approach. A sponsoring agency evaluates the impacts of a proposal and compares it to alternatives, and others can comment in public hearings and in written form. The sponsoring agency is required to reply and to look for mitigations for negative impacts. Then the legislative body responsible has to decide if the report is an adequate account of the impacts and, if there are negative impacts, has to decide whether overriding considerations justify overlooking impacts that cannot be mitigated. It is designed for public review of projects, but it is only focused on the narrow environmental issues laid out in the law so comments on unrelated issues do not have to be responded to. The comments from agencies with legal authority to affect the project get more serious responses than comments from others. Thus, in essence, the bureaucrats put forward their proposal. Comments are received. No interaction or multiway public discussion takes place, and the public agency often responds defensively, denying most claims and criticisms. The public has almost no recourse, other than electing new officials.

The commentators whose critiques were actively responded to by MTC during the EIR process included the BAAQMD and EPA, which both had substantial regulatory power. Even so, MTC's response did not involve making significant changes to the plan. The response to the Air District's critical letter was to change some of the text and to explain the analyses in detail. U.S. EPA complained that the alternatives considered were too similar and that they all had adverse impacts, including some not described in the EIR. EPA gave detailed and specific critiques on each environmental topic from wetlands to growth and air quality. MTC replied that they were using alternatives that were feasible and financially realistic. They did not accept the critiques as appropriate on the environmental issues.

Many comments concerned the impact of the plan on growth. On this matter MTC pointedly agreed with the comment from Sonoma County that "the connection between land use and transportation and the related issue of growth inducement is highly debatable. There is no agreement in the planning profession or among academics on a clear relationship between the two." This was a rather disingenuous statement. Although it cannot be readily quantified, nor

---

[15] In the end the amended RTP (Metropolitan Transportation Commission May 1999), contained both controversial highway projects, the Hayward Bypass and Route 4 improvements. Funding was found in a variety of other ways for the transit capital shortfall.

indeed can it be proven in a scientific sense because one can never figure out what would have happened without the highways or new commuter rail, the preponderance of professional and academic opinion has been for many years that there is a relationship. Nonetheless the point of view that no one knows if there is a relationship between land use and transportation permeates MTC's comments. For example in its response to the East Bay Regional Park District's comment that MTC should be implementing its commitment to integrated land use and transportation MTC disclaimed responsibility because no regional agencies with this power existed. The Transportation Solutions Defense and Education Fund, noted a contradiction in the plan, asserting on the one hand that development may be affected by transportation investment and on the other that it was not affected. To this MTC responded by simply asserting that the investments would not change either the amount or location of development as predicted by ABAG. ABAG develops its predictions in great part on the basis of city's plans and past growth rate, which in turn are accepted and used by MTC and CMA's as the criteria for investment. The circularity of the process was not noted.

Overall, the tone of MTC's response to the EIR comments does not suggest any real effort to accommodate the concerns of the commentors–only to defend the plan as given. Perhaps a collaborative discussion might have produced a different result, but this one seemed to encourage polarization. It certainly did nothing to bring the parties together. But then EIR's are not designed for collaboration.

In spring of 1999 MTC prepared a Supplemental EIR for the revised RTP.[16] This EIR process too appeared to be a rather proforma exercise. It certainly did not look at some of the alternatives that critics had been proposing, such as highly transit based program. In a memorandum to the WPC, staff wrote that they recognized that the RTP had significant potential adverse impacts in 10 environmental areas, including air quality, noise, energy, land use, population and housing, water resources. They said these could not be mitigated, but that the mobility and person hours of travel improvements constituted significant overriding considerations. The memo explained that MTC analyzed four alternatives to the proposed RTP for the EIR. These included the required No Project alternative, the Maintenance and Operations alternative, the RTP plus local sales tax alternative and the RTP plus regional gas tax alternative. They concluded the No Project alternative would not achieve the RTP objectives and would have worse effects on transportation and air quality than proceeding with the proposed plan. The alternative that would shift of funding to maintenance and operations would have the same or fewer environmental impacts, but would not necessarily work. Capacity increases might not succeed and it would do least to "address the long-range vision of adopted county transportation plans and transit operator short range Transit Plans." The last two alternatives required additional funding which was not available and so were deemed to be infeasible. Overall MTC concluded all four alternatives were infeasible and less desirable than the proposed project.

---

[16] Agenda item 3c for WPC meeting of May 1999. "Preparation and Approval of the EIR for the 1998 Regional Transportation Plan, MTC resolution No. 3167" May 14, 1999.

The Bay Area Transportation Blueprint

In January 1999 MTC began to develop the Bay Area Transportation Blueprint for the 21st Century, in an echo of the decade-earlier legislation. This was to be in parallel to the RTP and designed, in the words of one high level staffer, as a way to "capture people's imagination in a way that the corridors and Tracks 1 and 2 never did." The Blueprint was also designed to deal with the "frustration for our Commission and our constituents" that the RTP provided a budget "only big enough to sustain the existing transportation system and make marginal improvements. It is not sufficient to serve the expected growth of the region or make a noticeable dent in congestion"(Metropolitan Transportation Commission May 2000). The RTP had to be fiscally constrained to actual anticipated revenues. Given the committed projects, which amounted to $82 billion, there was only a relatively modest amount of $6 billion over 20 years that the RTP could include for new initiatives.

The process for developing the Blueprint seemed to proceed along the lines of the political planning approach. Partner agencies were involved, but not the Partnership as a group. The process began in January 1999 with an analysis of rail, ferry and the rapid bus/high occupancy vehicle systems. Then MTC compiled a preliminary list of "candidate projects" drawing from the RTP, as well as from master plans they had developed on rail, ferry, and bus. In addition they got "input from the county congestion management agencies and regional transit agencies" through "stakeholder outreach" with these agencies and by meeting with the technical staff of some of them. This list drew on MTC's corridor management plans, Track 2, system management projects, seismic preparedness, bicycle and pedestrian facilities, TLC proposals, county transportation plans, sales tax measures and other local plans. It was considerably less transparent how things got into the list than it was for the RTP. The criteria for selection are not explained in the original *Project Notebook*, a compilation of profiles of all the candidate projects, organized by corridor and designed for stakeholder and public outreach.(Metropolitan Transportation Commission October 1999).

The resulting Blueprint was a sort of shadow plan, designed to respond to "constituents" (rather than for example the general public as the Coalition might have asked or to respond to environmental requirements). Like the RTP, it was a package of projects stapled together. It did not frame regional vision, establish a set of priorities, nor define problems that it was intended to solve. The Blueprint continued to use the corridor idea, but like the RTP, it was focused on projects, each discussed independently in terms of its benefits. It was not framed by a regional vision. Essentially the Blueprint was a wish list for projects not included in the RTP covering a wide range of interests–or more accurately--"constituents". One can speculate that staff saw it as a way to garner broader support, after the difficult experience of winning approval for the RTP three months earlier. MTC was also being subjected to substantial public criticism because of worsening congestion. The Blueprint might give the public a sense that they were working toward improving that. The Blueprint however was made up of projects that lacked funding and that would only be done if new money could be raised through an increase in the sales tax or gas tax, neither of which seemed very likely.

A series of thick multicolor documents was prepared and widely distributed. The *Project Notebook* was followed by a *Public Outreach Notebook* (Metropolitan Transportation

Commission April 2000) which contains materials presented to the public and summaries of the comments from public outreach meetings, a public opinion poll and a poll of elected officials about their preferences. Nothing decisive emerged from this effort, which seemed as much public relations as a true attempt to pare down the list of projects. Opinions were simply listed and it was unclear what was widely shared or whether any agreement was reached. Outreach meetings were conducted by county and tended to focus on projects in the county rather than on the region broadly, judging by the materials. This largely political approach to participation and project selection, was then followed by a more technical *Evaluation Report* (Metropolitan Transportation Commission, June 2000) which purports to evaluate some Blueprint projects and three "packages," each of which represents a different modal approach to public transit. It looks at such indicators as changes in travel times afforded by Blueprint projects, changes in transit use, changes in vehicle trips, costs and cost effectiveness. While the methods and modeling are not fully described and some of the charts are not very clear, Figure 15, which ranks projects by new daily transit riders, suggests very distinctly that improvements to CalTrain would garner the most new riders, followed by Santa Clara County Rapid Bus and BART to San Jose. Rapid bus projects show up as least costly. This idea of evaluating different proposals for funding on an efficiency basis was unusual in our observation, seemingly evidence of the technical planners playing a stronger role.

Toward the end of 1999 Governor Davis made it clear that he was going to make a proposal for transportation across the state. MTC staff were able to draw projects from the Blueprint and negotiate with the Governor about what would go in his proposal. His proposed list of projects for state funding ended up including a number of things MTC staff favored, including a rapid bus system in the South Bay. But others besides MTC staff also negotiated with the Governor on behalf of their own jurisdictions. One of these was the Mayor of San Jose and accordingly, the Governor included some funding for the costly extension of BART to San Jose. This proposal would not have been agreed to by the Partnership. The counties which had shouldered the additional BART sales tax for years believed that they had been promised eventual BART service years earlier when BART had been set up and they felt strongly that this promise should be met before service was extended to areas such as San Jose and Santa Clara County which had not been paying the BART tax during the previous 20 years.

The Governor's package was a classic political example of a something for everyone program, and the existence of the Blueprint allowed MTC to move quickly to get projects for the region included in his proposal. On the other hand there was complaining from some of the partners that the negotiations with the Governor were done without consulting the Partnership. At this writing, the overall utility of the *Blueprint* remains to be seen and, in particular, whether it will serve as a document to raise funds or as simply a way to create the appearance of action.

The Certification Review

In early June 1999 MTC underwent a Planning Certification Review by the FHWA and FTA. A review every three years is a requirement of TEA 21, as it had been under ISTEA. Field personnel from these federal agencies came to MTC and spent two days meeting with staff, representatives from Caltrans, local transit operators, local transportation agencies and the

BAAQMD as well as hearing substantial public testimony from community advocates for the transportation disadvantaged. The review focused on a wide range of topics including the organization and management of MTC's planning process--the RTP and TIP--public involvement, systems management, project selection, financial management and environmental impacts, as well as their consideration of environmental justice and Title VI requirements for social equity.   This review brought out an unusual amount of criticism from the public groups which filled the hearing room. Many local transportation agencies and public officials on the other hand spoke in largely supportive terms, even though some had their disagreements with MTC privately, or even not so privately.

Other commentary was reflective of the growing chorus of criticism MTC had been getting in other arenas. An AC Transit director spoke strongly about the need for "the expansion, enhancement and increased use of transit services" as the FTA law requires. She noted the importance of not only environmental quality and energy efficiency but also social equity. Her comments indicated that she felt there was injustice in MTC's allocations.

> In fact, one can argue that the poor, many of whom do not have cars, and the young, the old, and the disabled, who are often unable to drive, have the greatest needs, and that access for them should be a primary regional concern. Yet, MTC's regional planning process has never provided any but the most cursory analysis of the impacts of investments in terms of social equity. Planning is focused on highways and rail. As a result, bus transportation, the primary means of access to jobs, education, and other destinations for inner city dwellers, receives a disproportionately small proportion of the regional funding pie. For example, in the 9-county MTC region, AC Transit carries 14% of total daily transit trips, but receives less than 7% of the region's capital funds.   By contrast, one rail system that carries 1-1/2% of the region's daily passenger trips receives from MTC over 10% of the region's capital funding! Due, in part, to the inequitable distribution of available funding, bus transit ridership in the Bay Area has declined for many years and is forecast in the EIR for MTC's Regional Transportation Plan to continue the decline.

She decried MTC's recent requirements to raise AC bus fares according to the cost of living.

> There is no acknowledgment that many bus patrons' incomes don't keep pace with the cost of living. There is no acknowledgment that increased fares mean decreased ridership. There is no acknowledgment that there may be compelling human reasons for keeping fares low. We know, for instance, that in some parts of the AC Transit district, school attendance declines at the end of each month because the children's families can't afford the bus fare.

These remarks suggested that the speaker had the impression MTC had not even considered these issues. Perhaps MTC had, but they had not done so through a transparent or collaborative

process that resulted in this AC Transit Board member understanding, let alone accepting, the reasons for their actions.

The board member added another grievance,

> Further, MTC does not acknowledge that in the interest of increasing transit usage, efficiency and cost-effectiveness need to be rewarded. The transit-riding public should reap the rewards, in the form of lower fares, of cost-effective transit. AC Transit, for example, is extremely cost-effective: its capital costs per passenger trip are the lowest among all transit operators in the region, and its operating costs are lower than 3/4 of all the transit operators in the region. Requiring AC Transit to raise its fares in tandem with the least cost-effective operators is indefensible.

Joyce Roy, a spokesperson for the statewide League of Women Voters provided a detailed statement, examining MTC's performance in terms of specific legal requirements. She too agreed that MTC was not doing enough to expand transit, and not doing enough to assure full use of the existing transportation facilities. Her statements are particularly clear expressions of what many others were saying at the time.

> MTC has embarked on a course of duplicating existing conventional rail lines with BART without supporting cost-effectiveness analysis....Recently, the lack of a commitment to the preservation of the Transbay Terminal as a hub for regional bus services and the intended downtown San Francisco heavy rail terminal demonstrated a lack of regional stewardship for existing facilities.

She suggested that MTC was not playing an adequate role as regional broker among agencies.

> The commission has not taken a leadership role in closing some of the regional transit gaps. For example, after commissioning a study of alternatives for the Fremont-South Bay Corridor, little has been done to implement a cost-effective closure to the major transit disconnect between Fremont and San Jose. To bridge the gaps and broker cooperation between agencies would seem to be a primary role for a regional authority like MTC.

Roy objected to the lack of consideration of cost effectiveness or land use and to the fact that the RTP did not offer real alternatives. She voiced what few of the partners would say publically though a number did say privately.

> The RTP carried forward questionable projects such as dead-end freeways from the '60s without analysis of their relative value to the region.

The lack of attention to the sprawl-inducing effects of transportation investment was a major issue from her perspective, and she appeared to feel that staff were not operating in good faith on this issue.

MTC staff repeatedly contend that land use decisions are matters of local discretion over which they have no control in justifying the lack of consideration of land use effects of the transportation investments they elect to facilitate. Although the Commission has adopted a policy of scoring for projects such that they must have appropriate land use designations around proposed transportation investments, the policy is not pursued.

Roy was well aware of MTC's political success but saw that as part of the problem.

The agency prides itself on garnering as much transportation money as possible for the region without addressing whether the investments are creating a development pattern that is efficiently connected. For example, there was no analysis of the land use effects of extending BART to the edge of the region (Bay Point) and surrounding it with free parking.

From the League's perspective the RTP was just a list of projects and not the sort of plan the region should have.

The citizens of the nine-county Bay Area look to the Metropolitan Transportation Commission to develop a long-range regional transportation plan from the perspective of the region as a whole and allocate funding in a way to implement that perspective. However the Regional Transportation Plan is simply a list of projects submitted by the nine county Congestion Management Agencies (CMA) with allocation of funds dictated by return to source. Under this approach, it is clear from the conclusions of the EIR for the RTP that implementation of the plan would increase congestion by 250% by the year 2000!

Roy did not accept MTC's view that these issues were beyond their responsibility but argued,

Rather than taking responsibility for creating a regional transportation plan, the agency regularly communicates to the public its lack of power to plan and refers the public to transit agencies and to county Congestion Management Agencies if they have negative comments on the Regional Transportation Plan. MTC responds to requests for more cost-effective allocation of funds by indicating that only a small fraction of transportation funds is discretionary. The agency has not attempted to illuminate ways in which funding restrictions cause funds to flow to projects that induce sprawl.

She also contended that the agency had not done the analysis needed to show the role of central cities in the region and of transit in these cities.

The agency has not quantified the role of central cities as transit hubs utilized by residents of other jurisdictions to support more cost-effective allocation of transit funding. As a result, the most heavily utilized bus systems of San Francisco and the East Bay have been underfunded and are not serving as attractive amenities in the areas that do have more compact development.

Roy's statement also faulted MTC for demonstrating inadequate concern for the environment.

San Francisco Bay Area recently fell out of compliance with national air quality standards. One of the strategies for maintaining air quality was to expand transit use. MTC has responded to the problem by seeking to remove transportation control measures from the air quality plan. There is a predictable result from maintaining acceptable commute times by car over much longer distances while transit service languishes: the declining transit share and rising pollution we have experienced. It is unacceptable for MTC to respond to the problem by seeking deletion of transportation control measures from the air quality plan.

The statement then went on to criticize the effectiveness of MTC's public involvement process, though Roy believed the public information effort was good.

MTC has produced some excellent tools for educating the public including the *Citizens' Guide to MTC*, the recently published funding guide called *Moving Costs,* and *Transactions*, a monthly publication. They maintain an attractive and informative web site. The commission meetings are open to the public and comments are welcome. However, the public has little effect on decision making for the following reasons: 1) The major funding allocation decisions are made by the Bay Area Partnership (a consortium of 31 local, state and federal transportation agencies) 2)The public is brought in too late to affect decisions. Input is invited after the fact--after the RTP is produced. Only its formal adoption by the Commission remains; 3) Meaningful public input is limited because the public is given a laundry list of projects rather than a set of alternatives with cost/benefit analysis and identification of effects on land use and air quality. Despite excellent publications going to the public, the public is not truly involved in the planning process.

The statement however complimented MTC on its new initiative on welfare to work.

In a more positive vein, the League commends MTC's moving into areas of social policy by joining with social service agencies, Private Industry Councils, job training and education providers, in response to welfare reform legislation. Transportation access was not originally considered in planning for welfare-to-work, but MTC has responded to the need with county-by-county

329

assistance to identify transportation-related barriers for the CalWORKS population and develop workable solutions for overcoming those barriers. Planning funds have been designated to develop county transportation plans for CalWORKS programs.

Professor Sherman Lewis of California State University at Hayward, who has focused substantial energy in the last decade on challenging MTC, wrote a long and detailed letter. Lewis reflects the social movement approach to planning, forcefully representing an anti-sprawl, pro-transit perspective. Lewis had served as Chair of Sierra Club California and an elected BART Director and was at the time Chair of the Hayward Area Planning Association and Vice-President of Citizens for Alternative Transportation Solutions and a participant in the Regional Alliance for Transit. He founded the Transportation Defense and Education Fund and was at the time its Secretary. His comments and recommendations ranged widely across many aspects of MTC's work, and they were for most part highly critical. He objected to the planning process for a start, claiming it was too political.

> The MTC planning process is agency-driven, not planning-driven. The dominant agencies are the bigger cities, Caltrans, and BART, which pursue politically defined goals that are often not cost-effective. MTC considers only projects sponsored by agencies, and does not analyze the region's needs from a clean slate perspective. ...Excellence of technical capacity is used only to forward political agendas. .... MTC's planning failures are obscured by the strength of its alliances to its preferred agencies, by the failure of the media to report intelligently on transportation and land use issues, and by the political weakness of citizen advocates of reform.....MTC has been a political success and a planning disaster; and the San Francisco Bay Region continues to become more auto-dependent and to waste huge sums on freeways and cost-ineffective transit.

Lewis complained of "a blatantly biased patronage analysis" and offered as an example a detailed comparison between CalTrain and BART as ways of getting to San Francisco International Airport (SFO). Lewis who was a BART director at the time, contended that "MTC's conclusion, that BART was faster to the airport, has always been accepted and has always been false, and is one of the many pieces of evidence showing political bias toward BART." He pointed to what he called a "bait-and-switch Alternatives Analysis." In this example he presented a strongly anti BART-SFO argument, claiming the analysis was inadequate and the procedures inappropriate.

> The BART extension to the airport won approval from FTA based on an Alternatives Analysis that defined the project as a BART extension to a terminal on the west side of 101, where there would be parking and an inter-modal station connecting with CalTrain and an airport people mover. This set of projects had service characteristics and costs that allowed a high but acceptable cost per new rider. The 'Fully Funded Grant Alternative'.... however, funded a different BART

project that went to a new destination, Millbrae, that crossed 101, and which cut off CalTrain's transfer to the people mover. This new project was considerably more expensive ... and only one-half or one-third of the trains will go to the airport. It also involved higher costs from surcharges and reduced ridership from CalTrain transfers to the people mover, especially important because CalTrain serves the major source of riders, who are from the airport all the way south to San Jose. ...The gains and losses based on new costs and travel times were never studied, and all concern for cost per new rider disappeared. MTC pursued political advocacy for a project that could not stand the light of day if studied properly. As a result, the Bay Area will get, at a cost originally estimated at $1.167 billion, now $1.513 billion, a 30 percent increase, zero improvement in transit travel time from SFO to San Francisco and no impact on traffic on 101.

His letter cited the lawsuit that the Sierra Club and Citizens for a Better Environment had won against MTC a few years earlier on the grounds it had not adequately studied the impacts of highway expansion on air quality. He complained of MTC supporting "new freeways paralleling BART" and drawing away ridership, citing the Hayward Bypass as an example and arguing they had not studied it properly because MTC had decided for political reasons to support it. He spoke of "social justice issues related to loss of low and moderate income housing to new freeways. MTC has only recently begun to think about social justice issues and has made some small but interesting first steps." He criticized the "lack of meaningful alternatives in the RTP process.... MTC generally lets self-interested agencies promote their projects and fails to act to correct problems in its own studies."

Lewis contended that MTC was unresponsive to public participation and did not examine tradeoffs.

MTC holds hearings without hearing. MTC has been good about holding hearings around the Bay for the public to weigh in. Frequently such testimony is uninformed, simplistic, and scattered. However, people support one clear theme all over the region, and across time: we want transit, not freeways. While this position may be naive and hide a wish that others would use transit, it is nevertheless what the public says. Portland's Metro went to great length to help the public understand trade-offs in order to make responsible balanced choices. MTC has never done this.

Lewis also criticized MTC's basic planning assumptions.

MTC has never really planned for short-distance non-motorized travel supported by land use. Its planning looks at corridors, which are all long distance trips, mostly by car, some by transit. Shorter bus, walk, and bike trips do not show up on its radar. In fact, walk and bike trips are not modeled, only "person trips," which are all motorized. MTC cannot perceive these shorter trips unless it looks at

331

centers as well as corridors. MTC needs to look at travel within centers where land use densities, mixed uses and many other factors support shorter trips.

He was unsympathetic to MTC's view that it cannot control land use or influence travel demand in other ways and expressed the view that it is a smokescreen to hide other issues.

MTC points to its lack of power to control land use in order to divert attention from the fact that it chooses to support transportation investments that subsidize sprawl. MTC points to its lack of power to implement cash-out or to increase the gas tax in order to deflect awareness that it could plan travel demand based on the more reasonable demand level that would occur if pricing were reformed. MTC points to lack of operating funds as a reason not to support transit capital projects in order to avoid scrutiny of its support for highway capital projects despite the lack of maintenance funds for roads.

Lewis' tone is unusually antagonistic, but he was voicing more directly and clearly the criticisms many others were making indirectly or in private conversation with us. His sense that MTC's technical work could not be trusted because of biases in the assumptions was not unique. Whether his concerns were accurate is not the point here. What is important is that somehow MTC did not have the trust of a number of well informed players whose views differed from MTC.

Urban Ecology, an activist environmental organization working on local issues, also wrote challenging MTC's unwillingness to model land use impacts and criticizing MTC for what spokesperson Rachel Peterson said was uncritical use of ABAG's land use projections. She envisioned a more dynamic modeling process that would allow for evolving assumptions, alternative scenarios and feedback from the changes in the community rather than simply projecting out from fixed assumptions.

To create a set of informed choices, Urban Ecology and other public interest groups have asked MTC to model an alternative, more compact, land use scenario when preparing its Regional Transportation Plan, Major Investment Studies, and other plans. MTC's current source of land use, job, and population projections, the Association of Bay Area Governments, simply compiles the existing plans of local jurisdictions and projects them twenty years into the future.   As a result, these projections frequently contain excessively high estimates of future growth in fringe suburban areas. Further, they do not take into account the potential for changes in regional land use patterns that result from changes in public opinion or alternative regional infrastructure investment strategies. The projections do not predict a change in patterns based on new incentives for compact development or transit-oriented development. Innovative land use policies are being put into practice in cities and towns around the region, but MTC's current modeling, planning, and investment system does not reward them.

Peterson wanted alternatives to be considered that employed different land use assumptions and alternative regional infrastructure investment policies because

> Without viewing such alternatives, it is impossible for the public or decision-makers to make an informed decision -- and predictably, the status quo is the only option readily apparent for directing the region's transportation funds.

A letter from another commentator, a Sierra Club member, MIT Ph.D., and former director of Transportation in Berkeley, complained of unresponsive staff and public hearings where,

> Commissioners often leave the room, read the paper, or talk among themselves during public testimony. How often would you bother to contribute if you were routinely brushed off in this manner?

His letter adds,

> MTC is often out of touch with the public. Two examples: the Devil's Slide by-pass and the Bay Bridge. In each case citizens, including myself', testified against the project pushed by MTC and Caltrans at meeting after meeting. Nothing changed. Eventually we went to the voters with ballot initiatives. San Mateo County voters overwhelmingly opposed the MTC-Caltrans project for Devil's Slide. In the case of the Bay Bridge, voters in San Francisco, Oakland, Berkeley, and Emeryville, representing the majority of citizens affected, overwhelmingly supported our argument (that a new span should make provision for rail to meet future capacity needs)

> There is an aura at MTC that "staff knows best." Why assume that staff is without bias? Or that their bias reflects what is best for the region? We believe that staff selectively slants information furnished to Commissioners, to elected officials, and to the media. Why, for example, did Commissioners never ask staff to explore retrofitting the Bay Bridge east span rather than building a new one of identical capacity? Both would withstand a maximum credible earthquake. According to Caltrans numbers, retrofit would cost $600 million less to build; life cycle costs would also be less. Did staff preempt this important policy choice? What is their agenda in spending so much money to accomplish so little?

These and similar comments made by others reflect a high level of distrust of MTC among some of the community leadership around the region. There were complaints about "bare bones minutes" that did not let people know what had really happened in meetings. Others commented on what they viewed as "stonewalling." Whether MTC actually had the best answer by some standard is not the issue here. What is important is that a lot of people–those outside the process–did not respect MTC's decisions and did not feel they could track the reasons for the

decisions. They seemed to regard MTC as not only being wrong in some important ways, but also as having an attitude problem. These commentators, like many at the RTP hearings, felt aggrieved, not listened to and not respected. This set of feelings spilled over into a public negative attitude toward MTC among considerable segments of the public.

When the Planning Certification Report was issued in late July 2000,[17] more than a year after the review was completed, FTA and FHWA certified MTC's planning process for three years. However the review found several problems serious enough to require corrective action and a follow-up review in eight months. First MTC was required to review and evaluate its public involvement process for "effectiveness in providing full and open access for all." The report says MTC "must make a concerted effort to involve the public, especially those underserved by existing transportation, in its process of social equity analysis, including the development of performance criteria and subsequent evaluation." The report also says "MTC should consider additional or innovative public involvement techniques that will build on the high level of existing public interest in the region's transportation programs." The report notes that "During the planning certification process, some members of the public indicated that they feel frustrated with their encounters with MTC. In particular they feel that their efforts frequently go unnoticed or are underappreciated."

 The report then, speaking from what seems to be the technical/bureaucratic planning mode, proposes MTC consider three types of innovations to "build on the high level of public interest." These include ways of relaying transportation information to the public in "an understandable and timely format," providing information on how public comments and agency responses "are included in the record so that other members of the public can access" comments and responses, and hosting public events such as "regional transportation fairs that have the potential to captivate the public." However, given that some of the social movement players as represented by those quoted above want to have an impact on decisions, such innovations seem unlikely to satisfy their complaints. The report also recommends that MTC should consider ending its practice of having a separate Minority Citizens Committee, but rather assure diversity in all of its committees.

The report, speaking more in the terms of the collaborative planning model, then makes the argument that a

> proactive, open and responsive transportation planning process encourages broad
> based public involvement... and helps to ensure that adequate consideration is
> given to the land use, social, economic, energy and environmental effects of
> transportation investment decisions. The public involvement process provides a
> mechanism by which the complex linkages and tradeoffs between transportation
> and other community needs and values can be identified and discussed by those
> individuals and groups affected by transportation plans and programs. The public

---

[17] Transportation Planning Certification Review for the San Francisco, Oakland, San Jose Metropolitan Areas, U.S. Department of Transportation, Federal Highway Administration and Federal Transit Administration, Washington D.C. July 26 2000.

includes residents, representatives of business, civic and interest/advocacy groups, motor carriers and the general public.

The report commends MTC's "effective use" of advisory committees, public information campaigns, public meetings, workshops, and hearings, as well as several publications for public information. It also contends that the public has opportunities to be involved in project level activities through environmental review, corridor studies and community enhancement projects. However the report asks MTC to have all these activities reviewed and it notes that MTC has said it would "select a qualified firm or team to conduct an assessment" of its varied public involvement activities.

The certification review also assessed MTC's compliance with Title VI of the Civil Rights Act of 1964, requiring nondiscrimination in transportation planning and programs and Executive Order 12898 of 1994, which requires all federal agencies to conduct reviews of existing programs to identify and address disproportionately high and adverse environmental effects in minority and low income communities. The report notes, in what seems an unenthusiastic tone, compared to other comments, that MTC "has made efforts to assess the equity of transportation program benefits." MTC did analyze accessibility to jobs in 38 disadvantaged neighborhoods (as part of the response to the Welfare to Work laws) but found that transit accessibility was already higher in those neighborhoods than the rest of the region. The report notes other areas however with many car-less households. Though the report did not highlight this point, MTC has not done a comparative analysis to see how much of its funding benefits high income versus low income populations or some of the other kinds of studies that would seem obvious responses to this mandate.

On environmental issues, the report encourages MTC and its other partners to reevaluate the criteria used in selecting CMAQ projects. It particularly recommends that priority be given to the transportation control measures in accord with the expectations of environmental agencies which had criticized MTC for reducing or eliminating these from its air quality plan. It commends MTC for its land-use transportation policy statement and its TLC program, but encourages MTC to continue to "investigate and exploit opportunities leading to better integration of transportation and land use planning." It encourages them to continue working on smart growth. Ironically perhaps, the reviewers commend MTC for the very activities that were initiated or pushed hard by outside interests and by Commissioners rather than primarily by staff.

Legislation Directed at MTC

Another new phenomenon began to show up by 1999, driven in great part by the frustration of many interests with their inability to influence regional transportation policy or plans and the growing public anger about worsening transportation problems. After a series of hearings of a special legislative committee on Bay Area transportation, several bills were introduced by local legislators and directed at influencing, controlling or critiquing MTC. Although none passed in 2000, these bills gained considerable support and were a further sign of the ferment surrounding MTC.

The first bill, SB 1995, essentially required that a system of performance measurement be set up in the region to guide an integrated transportation system management program for congestion reduction. The legislation as introduced required MTC to contract with the Institute of Transportation Studies (ITS) at the University of California Berkeley to develop performance measurement criteria. It required the Commission to establish goals and measurable objectives for the plan including, but not limited to "Safety and security; reliability; operations and maintenance of the core road and core transit system; access to work and non work opportunities; environment, air quality and energy consumption; land use and quality of life; cost-effectiveness, customer satisfaction." It also required ITS to develop a baseline measure of congestion. Not surprisingly MTC was not happy with this proposal, though Senator Perata's staff had worked with them trying find a mutually agreeable approach prior to the bill's introduction. MTC took the official position on the bill of "support and seek amendments," or more bluntly in the words of one respondent "Support if gutted." The amendments they proposed[18] included making the Commission responsible for selecting the transportation corridors and baseline congestion measurement, deleting the entire list of specific criteria for the measures, and changing ITS' responsibility from developing the measures to developing the "options" for measures.

Although the struggle over this bill can be seen in part as a way of trying to get more control over MTC and better performance on desired criteria, it also reflects some of the differences in planning models. Performance measurement as a tool comes from a combination of the technical and collaborative models. The idea behind the legislation is that the region needs to develop shared goals and to measure progress toward them with the aid of technical planning methods. Those who seek to engage stakeholders in a collaborative way typically seek performance measures as the focus for their attention because it provides an alternative for evaluating plans and progress other than "Is there something for me?" The bill also reflects the presence of the social movement model of planning in that several of the criteria are widely supported by critics of MTC, including access, cost effectiveness, and land use. The use of any of these criteria would interfere with the dominant political model of planning.

At the same time SB 1995 was being considered some of the same stakeholders who had influenced the bill were participating in the Bay Area Transportation Dialogue, a collaborative group of stakeholders representing leading regional business and environmental organizations. They were seeking a way to change Bay Area transportation policy to reduce sprawl, congestion and environmental consequences. After about three months of meeting the group produced a proposal, which it presented to the Governor for a program of performance measurement for transportation. Their letter[19] proposed that the goals be customer satisfaction, transparency of process and feedback, outcome based information, dialogue about how to improve, involvement of stakeholders in selecting goals, and regular public reporting. Although the group envisioned

---

[18] Memorandum to the MTC Legislation Committee, from the Executive Director, March 1, 2000.

[19] Letter to Governor Gray Davis, dated March 13, 2000, titled Transportation Congestion Relief Proposals, signed by David Booher and Victor Weisser, California Council for Environmental and Economic Balance, Michael Cameron, Ecoventures; Sunne McPeak, Bay Area Council; Tom Graff and Dan Kirshner, Environmental Defense; Carl Guardino, Silicon Valley Manufacturing Group, Jerry Meral Planning and Conservation League.

starting a collaborative dialogue on performance measurement, they suggested that efficiency and equity, and environmental quality were all crucial elements; that evaluation of past investments should be part of the effort; that transportation investment should link to compact development, land use, housing, economic development and environmental quality and that the measures had to be useful to decision makers and the public. (See Chapter 18 for more discussion of debates over performance measurement)

Two other bills introduced during this same period notably emphasized the need for MTC to move beyond its traditional decision making patterns toward collaboration. SB 2017 required MTC to work collaboratively with ABAG to identify barriers to achieving a balance of jobs and housing, develop a report that "describes these basic policies to support linkage between land use decisions and transportation planning or funding" in the Bay Area, and make recommendations on the use of incentives and disincentives to enforce the policy. AB 1648 took on MTC even more directly, proposing an evaluation of the agency to be completed by ITS (then amended to read University of California). This evaluation would include a review of the voting membership of the Commission to determine how well it represents transit operators, local governments, and other transportation agencies and groups, as well as how well it reflects proportional representations of population by jurisdiction. It proposed to examine the Commission's priorities and criteria for programming and distribution of federal funds since the enactment of TEA 21. It requested an analysis of the impact of the Commission's decisions on land use and social equity, including outreach to and impacts on minority and low income populations. The University was required to conduct open and inclusive outreach to stakeholders in the region including transit operator, cities, counties, community groups, labor, environmental organizations and so on. This bill which passed, but was vetoed by the governor on budgetary grounds, read like a response to the list of criticisms of MTC and its processes by the critics. The issues reflected the themes that emerge throughout this report.

Challenges in the Courts

Some of the critics in late 2000 filed a sixty day notice of intent to sue MTC, AC Transit and Muni. The purpose was to "challenge the failure of MTC and the transit operators to implement mandatory transportation control measures as required under California's State Implementation Plan, which constitutes a continuing violation of an emissions standard or limitation under the Clean Air Act."[20] The letter contends that MTC's strategies have contributed to increased congestion, decreased transit and mobility, sprawl, and poor air quality. It argues that the 1982 State Implementation Plan developed by MTC, ABAG, and BAAQMD was not fully implemented by MTC. In particular the letter contends that two transportation control measures (TCMs) in that plan should be implemented to meet federal air quality standards. TCM 2, according to the letter, obligates MTC to ensure a 15% ridership increase over 1982 levels by

---

[20] Letter addressed to Lawrence Dahms, MTC; Richard Fernandez, AC Transit; and Michael Burns, San Francisco Muni from Deborah Reames, Attorney for Bayview Community Advocates, Communities for a Better Environment, the Latino Issues Forum, The Sierra Club, the Transportation Solutions and Defense Education Fund, and the Urban Habitat program, November 15, 2000.

1987 by assuring transit operators developed plans that would accomplish this. The letter argues that none of the actions were taken and that transit use in 2000 was 4% below that in 1982. TCM 21 is a second measure the letter contends was unimplemented. This 1990 measure was "designed to promote better coordination of regional transit efforts to enhance the case, affordability and efficiency of transit use." In particular the letter says that free bus to BART transfers and the implementation of two for the price of one fares during off peak hours were not implemented. The group proposes to ask the Court to require MTC to fund these measures.

While this particular lawsuit has not at this writing been filed a related one has been filed by these same plaintiffs but against the U.S. Environmental Protection Agency on the grounds that the air quality attainment plan adopted by MTC, ABAG and BAAQMD is inadequate. They cite the fact that the national ozone standard was exceeded 28 times since the plan was adopted in 1999. They note that EPA had not taken action to approve or disapprove the plan. The plaintiffs request that EPA be required to take final action on the plan.[21] This appears to be a first step in the effort to change MTC's practices, though whether it will lead to a lawsuit against MTC remains to be seen.

Comment

The difficulties caused by conflicting models of planning and decision making at MTC had become starkly evident by the late 1990s. MTC's reliance on the political and technical models rather than on sustained collaborative dialogue and cooperation with outside interests seemed to strengthen the social movement that dogged it. Polarization increased, and the battle opened on more and more fronts. The political model was not very helpful because the dissatisfied stakeholders could not be coopted with projects; they wanted different priorities and principles to be used in MTC decision making. Responding to these critics was not something that could be done at the margin. It would require fundamental change in how decision making was conducted and it would mean neglecting loyal constituencies for the benefit of new, less reliable and probably less powerful supporters. But these outside interests have made it clear that they will not go away and that they will pursue a variety of avenues to achieve their goals. Thus it seems likely that MTC will have to find more ways to collaborate with more kinds of interests or lawsuits or legislation will force them to do so.

---

[21] Complaint filed by Deborah Reames, Laura L. Hoehn, Alan Ramo, Helen Kang, Richard Drury, Marc Chytilo for Bayview Hunters Point Community Advocates, Communities for a Better Environment, Latino Issues Forum, Sierra Club, Transportation Solutions Defense and Education Fund and Urban Habitat Program, January 8, 2001. Suit brought under Section 304(a) of the Clean Air Act, 42 U.S.C section 7604 (a).

CHAPTER 18

PERFORMANCE MEASUREMENT: A CONTESTED IDEA

<u>**What is Performance Measurement?**</u>

There is much talk these days about performance measures among those pressing for reform in government and for more accountable and responsive public policy. Yet there is not widespread agreement on or understanding of what performance measurement is or how it should be done. One major view is that it is about accountability of an agency to its specific mandate. Is it producing what it is supposed to? Is it meeting some standard? If measures show that it is not, the agencies may be subjected to new requirements to meet, may be reorganized or heads may even roll. A second view is that the purpose of performance measures are yardsticks to measure results and overall quality of service and to assess investment options. Another related, but more expansive, view is that performance measurement is about how a region or community is performing overall on broad criteria of interest to people in the region. As such it is not necessarily focused on a particular agency because many factors and players are involved in creating the outcomes, often in complex ways that are hard to disentangle. The purpose of this type of measure is to help a community tell whether the direction it is moving is what they want and whether it is moving fast enough. If it is not, they then would try to diagnose the problem using these and other measures, as well as a variety of other kinds of information. Having done such an analysis, the next step is to decide what kinds of changes should be made and by whom.

The first view fits best with a view of the world and the agencies as working rather like machines that can be fixed to produce what they are supposed to. The standards are measures of what the agency is supposed to produce. This view assumes that goals are clear, that someone or agency is responsible for what does or does not happen, and that if the staff are smart enough and the program well enough designed it can produce what is wanted. The second view is a sort of hybrid between the first and third. The third view really represents a very different paradigm for public policy and fits with a view of the world as a complex adaptive, evolving system (Waldrop 1992) and with a collaborative approach to decision making where many methods and interests are trying to cooperatively move in a desired direction. No one agency or player can ordinarily be blamed for problems, but all have to participate in developing strategy and appropriate actions. In the first view it is appropriate to have experts design the measures, and to have the agencies approve them to assure they fit with the agency's mandate. In the latter view the measures have to be designed collaboratively by those with a stake in the region to assure they reflect shared objectives.

<u>**Performance Measurement at MTC**</u>

Performance measurement was one of the most contested topics between MTC staff and both the Partners and the Advisory Council. MTC resisted getting involved in almost any form of performance measurement, while both partners and the interest groups wanted performance measures. A major reason for the differences seemed to be that MTC staff held to the first view of

measures as standards for controlling an agency while the others saw their purposes as broader and potentially useful rather than threatening (unless of course the measures were going to be used against them by MTC). Differing goals for transportation decision making undoubtedly also played a part as did legal mandates–CMA's were required to develop performance measures, but MTC was not. In addition there would be risk for MTC in developing and debating performance measures because this would expose the differences in objectives and visions for the region that lay just under the surface in the Partnership. MTC staff were typically eager to keep conflict from erupting and potentially breaking apart the consensual agreements that allowed them to present a united front. The idea of performance measurement moreover runs counter to the notion of project based planning or allocation of funds on a player by player basis. If performance measures became decision criteria, then they could be threatening to the political model of planning. The staff who were operating from a technical planning perspective appeared to regard defining measures as a task to be done by experts and were clearly uncomfortable with the idea of partners or Advisory Council members participating in any other way than giving feedback. Both those coming from a social movement approach and from a collaborative approach however, tended to favor the idea of performance measures. Overall the sometimes heated discussions around this topic reveal not only these differences but also a great deal about the relationships of the Partnership and MTC and outside interests and MTC. They also reveal a much about how MTC saw its overall mission and its role and responsibility with regard to regional issues as well as about its degree of openness to change.

Performance measurement remains on the front burner in 2000. Though state legislation requiring MTC to set up a system of performance measures failed to pass, it is virtually certain that the issue will reemerge. Performance measurement has become a watchword of the reinventing government movement, and many of those who want transportation planning to change in the Bay Area have decided to focus on this. MTC, in recognition of this, did give a small contract in late 2000 to the University of California's Institute for Transportation Studies to develop some ideas on performance measurement.

Performance Measures for System Management

The first effort to institute performance measures at MTC that we have identified was one initiated by MTC in early 1994. The agency had applied for and received an FHWA grant to identify new intermodal performance measures for long range planning. MTC hired a consultant, David Jones, to develop recommendations for intermodal performance measures in collaboration with staff. Jones took as his starting place the question "What mix of street, highway, transit and terminal improvements would make the most cost-effective contribution to Bay Area Mobility?" He defined performance measures as

> Yardsticks that transportation agencies use to measure their operating results and
> to assess investment options....a yardstick with which to measure the overall

quality of service that the transportation system is providing to commuters and shippers.[1]

Jones said that the objective of his analysis was to identify performance measures consistent with the intermodal emphasis of ISTEA, noting that most measures in use are specific to one mode or one agency's mission. He was looking at the overall performance of the system as a whole. He contended that the measures proposed in his report were "appropriate for tracking mobility trends and the contribution that proposed projects would make to metropolitan mobility."

Jones did three case studies to help him design his proposed measures. In one he used census data over time and showed that while congestion increased from 1980 to 1990, mobility did not decline because most people had relatively short commutes, because of an increase in mass transit use to the urban core and because of the movement of jobs to the suburbs. His conclusions from the first case were that "congestion is not a particularly telling measure of mobility"; that "accessibility and sustained movement at moderate speeds are more important than uncongested freeway operation to the ease and convenience of commuting in a multicentered region;" and that "travel time is a better measure of system performance than travel speed." [2] The second case study focused on freight, looking at how two major trucking companies optimized their operations to provide service in the face of congestion. His conclusions from this study were that for freight, 24-hour and especially off peak travel was critical to efficient operations; that "day to day reliability" was the most important attribute for efficient operations. The third case study looked at transit usage in the Bay Area, noting that destinations in just three cities, San Francisco, Oakland and Berkeley accounted for 79 percent of the commute trips by transit and that transit's principal contribution to mobility was to provide access to central city jobs and prevent a widening peak hour commute from degrading the efficiency of goods movement. He noted that most new growth was occurring in the suburbs where only tiny percentage of workers used transit and concluded that transit's value for urban mobility would depend on its "maintaining its contribution to urban mobility while improving its fit with suburban needs." He went further to conclude that transit could not work where parking was free. He suggested that different transit performance measures should be designed for each market, urban, suburban, corridor and local. [3]

Jones then proposed a set of 9 performance measures. These included door to door travel times for work trips by auto and by transit; walking distances and wait times for transit, street and highway operating speeds during the shoulder of the peak; an audit of local zoning, parking and traffic enforcement policies, day to day variation in journey times and running times; completed trips and shipments per vehicle hour of travel time; injury accidents per 100,000 person trips by all

---

[1] Jones, op cit. p. 1

[2] Ibid. p. 3.

[3] Ibid. p. 6.

means of transportation; and a survey of residents focusing on such system performance dimensions as affordability, scheduling convenience, and mobility options for the carless.[4]

While staff in the following year or two did refer to this report, there was not in our observation or reading of the minutes, much discussion of these ideas or their implications. The report was reviewed by SOM, 3 PC, the RTCC and submitted to FHWA. The partners did not seem to engage in this topic. MTC did not to implement any of these measures during our study period, though it did single out one measure in 1997–door to door travel time-- as one they would like to implement. What follows illuminates some of the reasons for MTC's reluctance to move forward on performance and suggests the reasons others were pushing for it.

Performance Measures and the Partners

Performance measurement naturally linked into the Planning and Operations Committee's mission, which had subsumed the SOM Committee's work and added long range planning. Members tended to raise big issues about Track 2 projects and seek to establish explicit criteria for their selection–though this effort was not very successful. The discussion over performance measurement was to bring partners and staff into sharp disagreement and, ultimately, stalemate over who should be developing and designing measures for what purposes.

The discussion started when MTC placed the issue of performance measurement on the agenda of the March 1997 meeting of the POC. Staff presented the topic, referring back to the work of SOM and David Jones. They made clear that the key issue to them was getting real time data and developing a user or customer focus. They had selected a part of Jones report to emphasize, perhaps because in this period MTC was undergoing a good deal of public criticism.

> Staff: Jones was hired by MTC to explore performance measures. His conclusion was that many measures don't have a user focus. MTC has taken that work and developed it in a way we can use. Perhaps in a state of the system report, perhaps in conjunction with the RTP. What are the users experiencing on the road and on transit? In the agenda packet is a description of where we are now. We'd like to continue with this work. The key issue is getting real time data. Many CMAs are exploring alternative performance measures. The CMA Association compiled what's now being used. We've included that in the packet for your information. Are there any questions on this?

The first partner reaction was suspicion because he did not know the purpose of the measures.

> Partner A (from transit): I would like a little clarity on where the performance measure work will go. It's clear from what you say that it will be used descriptively. The data that are available will be structured so that we can state "Yes, we're better off than 5 years ago" But beyond that, will there be any use?

---

[4] Ibid. p. 9.

Will it be useful as a tool for managers? For someone looking at corridors? It is not clear to me where you're going with this.

The staff response did not clarify much.

Staff: The initial work will be a state of the system report. We don't know yet if we can get real time data. Our first step is finding out if we can even capture the data we need. if we can, we'll use it in a state of the system report to document changes in travel time. Initially we'll use it as information....*This is not intended to guide decisions*.   Perhaps it can be used on the corridor level. I would like to see it in Track 2 work, perhaps in an MIS. What is the user experiencing? We're not proposing standards of any kind.

The partner was not impressed with the response. Description without a purpose, especially if required expensive data gathering methods did not seem like a useful exercise to him, though he was interested in management uses.

Partner A: My main concern is the cost of the effort relative to what you hope to achieve. If the goal is descriptive, to get a feel if we are better or worse off, I question whether this is worth the cost. Look at Jones' analysis of Census data. It gives average travel time. The information is out there at a macro level. Do we need to spend a lot of time on performance measures? But if they are going to be used as a management tool, that's different.

CMA directors had to do performance measurement themselves and wanted to coordinate among themselves and with MTC. They also wanted measures that would be useful for management of the system as well as for discussion with elected officials about the results of their work.

Partner B (CMA): One thing driving this is a dying federal requirement. And the CMAs are required to design measures to guide their capital improvement measures. We've been trying to get a group of measures that are interchangeable, though at the moment it doesn't seem that we're headed in that direction.

A second partner made clear his interest in performance measures was driven by the demands of decision makers and funders.

Partner C (CMA): Let me respond to A. As a CMA manager, when we initially did LOS (Level of Service), LOS was a management tool. When the new legislation for the CMAs required performance measures, we perhaps went overboard and adopted ten of them. If our ballot measure is successful, we need to look at a third generation of projects after the 1984 and 1996 projects. .... We widened [one highway], we built [another highway]. The third generation will look principally at the management of that roadway system. I suddenly have new

343

interest in performance measures. When elected officials ask: How do you know [one highway] interchange is more important than [another highway] interchange, I need to be able to give them an answer. The same is true for transit. Suddenly, we have a new interest in performance measures. The business community is saying: You want us to help raise money, how do we know we're getting value for our money?

Some of the other partners agreed and wanted the measures to relate to future decisions. They also wanted to make sure their effort was worth their time and energy.

Partner A: There's an obvious link between investment decisions and performance. I'd like to see a clear goal statement so we can evaluate how much participation to put into this project.

Staff did not however regard performance measurement as a criterion for investments. They had already gone through an elaborate process to create much of the Track 2 project list by other means.   They seemed to be coming from a perspective which is quite common in technical planning–"gather the data and then figure out what it means and what you might do with it."

Staff: Whether this ultimately leads to investment decisions, I don't know. It is not our intent for it to right now. Our charge is: Jones has some interesting ideas. How practical are they? How can we translate them into real life? At this point all we can commit to is let's see if we can gather the data. The Commission is not willing to commit now to linking this to investment decisions.

Partners were more focused, however, on agreeing on a purpose ahead of time.

Partner D (transit): Clearly we're in a difficult area here, but a very important one. Performance measures should have a focus, rather than just meet federal requirements. What do we want out of it? Better information on capital investments and focus on investments in operational improvements. If we can measure things, we can go back to Track 2 and prioritize changes. Many things in the package are interesting. The purpose should be to make better capital decisions, set new priorities. Focus on operational improvements that are short term needs. You always hear from [one county], for example, the complaint that the HOV lanes are empty. When you document that they are carrying twice as many people as the mixed lanes, you get a better understanding of the operation of the system.

Staff persisted in the idea that they were really looking for data mainly out of curiosity and that what they needed was real time data (though Jones had not insisted on this in his report.)

Staff: I'm struck by the different views of the world that get brought from the planning and operations perspectives. From the operations perspective, MTC is looking at getting real time data. We think that there are realistic ways of getting data. There are also things we can do as soon as we get the data. Partner A raised a good question. Is it worth it? But from an operations perspective, we think we can get data in some corridors.

Partner E (transit): We have real time data on our system, use of our system in various corridors. I would like to make sure that those data are recognized.

Then staff acknowledges the measures would be used for some sort of decisions–presumably operations decisions.

Staff: System managers collect lots of data. You all make decisions based on those data. A lot of this is a question of scale. What we're talking about is the high end of the scale of regional planing by a regional agency. We'll focus on door to door, not just once you're on BART.

Partners clearly wanted to pursue the analysis of performance measures themselves, especially CMA directors. They also wanted the work the partners had already done to be integrated into this and they wanted their own expertise to be recognized and incorporated.

Partner F (CMA): One thing that hasn't been mentioned is the work of the Data Integration Task Force. One key finding from that group is the need for a unified set of performance measures that the CMAs would collect and agree to and that MTC would then use to monitor the MTS. One thing this committee could do is to look at the table of measures being collected and decide which measures are worthwhile. See if we can come to a consensus about which ones count. All of this came out of the Data Integration Task Force.

Partner C: I second F's idea. We have professionals at our CMA. We'd like to get a regional consensus about what's best. We need some consistency within the region. I get questions from my commissioners about why other counties are doing things differently from us.

Partner B: What we have now is different people collecting different bits and the bits don't line up.

Staff seem to see the logic in this.

Staff: What could we bring back to the committee that would move that forward? How can we keep the ball rolling?

345

Partner C: I'm not a technical type, but I find it interesting that you've added freight. We don't do that, but I realize that movement of freight is an important issue.   In order to recognize that we don't all collect the same thing, let's have a meeting about various methodologies. Try to understand what measures are out there and try to determine why certain ones are better. I have no problem changing ours if I learn that they're not the best. When I look and see who's not using ours, I think that maybe they're not the best.

Partner G (CMA): When we did ours, our goal was: "Don't collect new data." The measures we adopted were the ones where information was available on a regular basis. We put to the side those for which information was not available.

Partner C: Do we have technical professionals, one from transit, one from a CMA, one from highway, one from the region, who could go over the matrix and make recommendations about which ones are best?

But staff were not looking for a common system of measurement for all, unlike the partners. Staff took the partners' suggestions as implying that MTC was supposed to tell agencies what measures to use, rather than simply suggesting collaborative discussion, joint learning, and voluntary cooperation. The latter planning model was seemingly not very familiar to this staff member, who seems to have an implicit top down approach in mind.

Staff: Our feeling is that everybody is collecting measures that presumably make sense to them. We at the region wouldn't tell BART what to use. We're trying to capture what else we could do from the regional level. That's true door to door measures. We don't want to usurp what everyone else is collecting.

Partners however seemed to want a performance measurement system that would be used for accountability not only for themselves but for MTC and a common set of criteria for assessment of investments.

Partner C: If BART and AC are collecting different data and they're not compatible and I couldn't sort it out as a CMA manager, I'd be troubled. If the regional agency is trying to decide on how to allocate money, they'd better be able to tell elected officials where it makes more sense to invest. If you have five applicants for $500 million, you'd better be able to understand the measures each is using. As the one who reports to elected officials, I would like to be able to say "We're going with [a transit operator] because they move x number of people." To do that, you need the same measures for everyone.

Partner F: I agree. We need to be able to decide where it makes the most sense to invest. The measures need to be as much together as possible.

Partner B: One problem is that we're talking about something without much history. The measures we have work for spot interchanges. But people haven't used an overall measuring system. At this point, rather than belabor this, let's send this back someplace, work on it and then send it back to the full committee. We had a Data Integration Task Force.

Staff: It's gone.

Partner F: It's reconstitutable isn't it?

Staff: What are we sending them?

Partner F: This mess of stuff. Where are they (the measures) the same? Where are they different? You're going to be modeling all of this anyway.

Staff: No we are not. We want real time data.

Partner F: The only way you're going to get real time data is with a system that is not completed yet.

Staff: Boston used vehicle probes.

Partner F: You're talking about stuff that doesn't exist in the Bay Area. You're going to have to model it.

Staff: We want to explore new measures that are not now collected.

No easy resolution appeared, so staff proposed to bring this back to the committee the next month, telling the group, "We'll discuss how we intend to proceed to collect door to door travel time. We'll also discuss how we intend to use it, for example, in corridor studies." Partners were not so ready to let the issue go back to staff at this point. They wanted action and they were not particularly interested in door to door travel time.

Partner C: We promised we wouldn't belabor things, but, let me throw this on the table. Next month, let's have a working lunch after our meeting with highway and transit folks there to go over these measures and discuss them. When I go to elected officials and say "Our model tells us" they don't want to hear us. But they love LOS and they trust LOS. I'd like to have a discussion as a manager to learn of measures out there that elected officials can learn to trust. City council members think that they understand LOS. We need someone here next month from CalTrans too.

Partner D: It might be helpful if someone does a breakdown of categories. You're talking door to door travel, I'm talking system capacity.

Staff: We attempted to do that. We don't have the staff to do much more.

Partner C: I understand that. It may mean that we as CMAs need to do it.

Finally a partner challenged MTC's proposed door to door travel time, contending it was not that useful.

Partner F: The only measure you (staff) are talking about is door-to-door travel time. CMAs are looking at many different things.

Staff: We wouldn't propose that you change what you are doing. But perhaps you could add door to door travel time. Build on David Jones' work.

Partner F: What you're talking about is directed at the consumer only. We can use door to door travel time as managers, but we have to chop it down much more finely to use it. Door to door travel only indirectly looks at things like density and the jobs/housing balance. Some CMAs are looking at direct measures of these things.

Staff (reminding partners of MTC goals): These are mobility measures, not accessibility or environmental measures.

Partner F (persisting): We don't want ten separate systems. That's the way we're headed now. I like C's idea.

Partners brought the issue back to the idea of reconstituting the Data Integration Task Force, which had worked with the Modeling Coordination Committee and others to survey and develop a compendium of data sources. Partners had found the Task Force report quite valuable, judging by the discussion when it was presented earlier.

Partner I (Transit): E talked about the Data Integration Task Force. I've worked with AC transit on some measures. In some cases they are arbitrary. I don't know if it is as flexible in the CMAs. Why don't we survey the CMAs about why they didn't accept the recommendations of the Data Integration Task Force?

Partner E: The task force mainly observed that there were different measures in different corridors and documented this. MTC wanted consistent measures to manage the MTS. We set a goal of consistent measures collected at the CMA level. We didn't philosophize about why one measure should be picked. We got no feedback from MTC about which measures they preferred. I'd love a set of

consistent performance measures. We could at least have those. They would mean something to elected officials. CMAs could also do additional measures if they wanted.

Staff persisted in focusing on door to door travel time and on the role of the Partnership as giving "feedback."

Staff: Could we charge the CMAs to give us feedback on our focus on door to door travel times?

Partner H: In our county we elected to do some door to door travel times in some corridors. This year we are doing five pairs of residential and business areas.

Staff: Let's put this on for next month. I would like to get feedback on the issue of door to door travel time. The suggestion is that this would be a measure of consistency among the CMAs.

 At the next meeting (April 24, 1997), the POC Chair opened the discussion of performance measures.

Chair: Now on performance measures. I am even more alarmed now. There are three sets under development, county, MTC and the (unintelligible-Caltrans?) I don't think there should be a gazillion measures.

Staff: Let me put it another way. You need to have your own performance measures for your purposes. We want to have system measures. We are just exploring right now, trying to see what data we could get and find out if there is some available or what we might collect.

Chair: Let me say I would not want MTC to tell us what you want us to use.

Staff goes back to Jones' report.

Staff: As a segue, starting with the work of David Jones, our approach at this point is to develop real time travel time data, at a regional scale, for a state of system report. We need to develop the data, maybe with some technology fixes around, or we could use traditional diaries or explorer cars, we might do one segment as a test. I think this is exploration. I think the discussion last month was about some melding of CMA and MTC measures. That is worth exploring but I don't want to bog down this group. Maybe we should set up a task force, because you will quickly find yourself in a morass about data collection issues. I enclosed in the packet a 1995 report of Valerie Kneipper. I will stop there and see what is the interest of the group to move this forward.

Partners continue to try to determine the purpose of the measures.

Partner J: Are we trying to determine how the system is operating now or trying to see how it would be with some investments? The question is what is the purpose of the measures?

Staff: We are trying to see how it is operating now.

Partner J: I think depending on the answer to that question we respond in different ways. We did travel time and we did origin destination (OD) pairs. We realize it may not be statistically significant, but to do the base line and do it from the user perspective, our board could relate to these OD pairs, (which said for example "from here to there by bus it took 20 minutes, by car it took 10") This was helpful giving a tool to decide whether to pay more attention to transit. But it is not cheap to do.

Partner C: I feel responsible for getting this on the agenda for my own selfish reasons. In my county we are moving to a third generation agenda. We have two performance measures I am suspicious of. What you put here (in the packet) that says we are not providing customer satisfaction is important information for me . We had successful ballot measures and we are having an economic boom. We are being asked to tell the board right now what we can do. Where are the specific congestion points? We have so much congestion that we cannot keep 10 minute headways. We need to do something like J's origin and destination thing. We also need to deal with issues where the people who originate in other counties are not local voters. We now have a business community saying we are concerned about the 11% and growing employees from outside the county. This is where I need to do the OD studies and do them the same way as J. My board goes bananas if this is not consistent with other measures.. I have a countywide plan about to be circulated, and I have to do a nexus study on it. Now also I have to do a plan on what projects we have to do in the next 10 years, and I feel as if my measures are not good. If there are some people willing to serve on a task force to get consistency, that would be great though it is is selfish.

Partner's C's protestations were a bit disingenuous. He was making every effort to appear self effacing or at least to go through the motions, while also insisting to staff very politely on getting consistent performance measures. There was a lot of interest and support around the table for what he was saying. At least half the 20 or so people at the POC meeting signed up at the end of the meeting to be part of a task force on performance measurement.

Partner E: In addition to your selfish needs, the Data Integration Task Force looked at this and said "wouldn't it be nice if we all collected the same information?" I would like to see how the performance measures line up. I would

like to see system performance measures. I would like to see CMS and MTS measures line up. Do we really want door to door travel time to go down, or should it go up? We have to be careful because there is a different objective there. We have a great sound bite for the papers, with the transportation index being reported.

Partner K: I hate to give away my age, but I remember back in the early 80's [laughter] TRB (The Transportation Research Board) did a massive nationwide effort, with level of service and different indicators. They looked at every facility type. The only thing they did not really address was a systemwide index.

Staff: There is no doubt reams of data.

Partner J: I think it is really important we have an array of performance measures, so at the end we know how the system is working instead of just one part. I think a task force is good and we would participate.

Chair: I think we are thinking of reviving the Data Integration Task Force. Who is interested?

Staff persisted in focusing on door to door travel time.

Staff: I am concerned about the charge (to the Task Force). We want to do door to door travel time. I am not sure if we can do it by corridor, or real time. I am not sure if the counties are asking us to do this. I am concerned we (MTC) have different needs from the counties. They don't have to come together.

This comment seemed to translate as "I don't want to negotiate with you over my measures or spend my time on yours." Partners however wanted a forum for themselves to discuss the measures.

Partner C (speaking very patiently and carefully): I have no quarrel with your doing that. Your measures are fine and appropriate. But what you provide is a forum for us to meet and make sure what we are doing is compatible. We ought to, for CMA's, have 3 or 4 measures for transit, or roadways. You are the neutral facilitators to keep us from going astray.

Staff (relenting): Ok. You may think we are more expert than we are however.

At this point the Committee began to decide who would be on the task force and what its charge would be. This was something that partners very much wanted to take control of in ways that they had not chosen to do with other topics on their agenda. It was not easy, however.

351

Chair: J, C, someone from BART, I, and myself will be on this committee. We need a straight out transit person.

Partner J: It would be useful if we have the same definition of measures in all the cities.

Chair: The charge of this group is to look at performance measures if they are not the same in counties but at least use the same methods.

Partner A: Do we also want to address issue of data collection and data sampling?

Chair: You would look at info you can get from others

Partner A: It goes beyond that. You don't want MTC to say everything is great in the corridor, in conflict with CMA data that are more detailed.

Partner C: You need a written mission. But the other thing that is important is that these objectives are conflicting, and we need to decide if we want them to go up or down. We cannot avoid air quality.

Staff were still not comfortable with discussing the purposes or decisions that measures might be used for.

Staff: We (MTC) are in our minds doing baby steps. We are not setting standards, but saying whether we should look at the system. We have yet to say this is going to be used for a specific decision on our part.

Partner C: I am not saying this, but usually you know if it is good to go up or down before you develop a measure.

Chair (getting a bit testy in tone, making his points with emphasis): The CMAs may have to push you along on this point as we by statute have to do this.

Staff: We are not stopping you.

The Chair became visibly irritated at this point and increasingly firm in his statements.

Staff (a higher-level staff member had joined the group): There are two issues. One is performance from a customer perspective. The other is what you can do to improve your measures to meet your requirements.

Staff: We don't want to have (these objectives) bog each other down.

Chair: But we do want them to dovetail and not have to make big shifts in five years. And we can't take so long (to do this). We have to do it now.

The committee agreed to set up a Performance Measures Task Force which would meet just after the next POC meeting in May. About 10 POC committee members signed up.

After this April meeting we asked one of the partners who played a prominent role in this discussion why partners and staff seemed to be struggling so much over this issue. We wondered if it was a substantive question about what the goals should be or a more procedural question, say about who controls the measures. He replied in a way that suggested there was not a lot of trust among Partners of MTC.

I don't really know what MTC is trying to do. But everyone gets worried that it is going to be used against them. If the measure goes up do they get rewarded with money? Or if it is good does that mean they get nothing? They don't know what MTC is up to, but they are very uncomfortable.

There was to be only one meeting of the Performance Measures Task Force, and no conclusion was reached. The group began with disagreement about the charge between staff and partners. The meeting was informal and conversational with members chiming in rapidly and responding to one another, unlike the more formal setting of the POC meetings.

Partner F: My understanding was that we were looking at what was out there, and wanted to avoid having multiple sets of things with different measures so we cannot have comparison or commonality across CMA's.

Staff: Is that a problem?

Partner F: Yeah, it is a real problem.

Task Force Chair: Ok, so it is about consistency and points of commonality. I think we need to talk about what is the purpose of the performance measures and what are we measuring.

Staff (changing the subject): Of course we have performance measures up the wazoo. David Jones told us about these. We want to measure variability in door to door travel time. How do you collect it on real time basis?

Partner F: I hate to say this but this is not the only kind you have. You have arterial based measures.

Staff: We have whole other sets, in the EIR's for the MTS for example. One of the questions is what we want to fix. You have measures that make sense to you, but I don't know if consistency is important.

Partner I: I would like to look at the few that are there.

Chair: Are there performance measures we are using that would be relevant for MTC to use, so they are doing double duty?

Partner F: Absolutely. Do you want to spend the money on doing something slightly different from what your neighbor does?

Chair: Do we want to spend money on something when we have other things (that will do as well)?

Staff continued to resist coordinating measures across counties.

Staff: If we are looking at door to door travel time I don't know how it makes sense to do by county.

Partner F: Suppose you find out about travel time from Solano to Sunnyvale and you find it is increasing, but you want to be able to put the pieces together? You need to find out where is your problem.

Staff: We have not even explored this.

Chair (turning to the Staff member): So you are saying you want to do travel time?

Staff: That is a spinoff of David Jones work.[5] This is consumer-based measure.

Chair: So how are you doing it?

Staff: We are down three staff now, but we would take the issue on if in near term we use real time data, using time diaries. This is an augmentation of many other measures. It would be interesting to forecast travel time with some pairs. We don't have a staff person or grant or anything beyond this.

Chair: We were concerned (in my county) if we waited till we can go for money for the ultimate thing to do we would not do it for a long time, so we decided to just start, with five travel pairs. We cannot do more now. Some of our staff are doing travel diaries for anecdotal diaries. You have to bite the bullet and start and not wait for TOS. No time will ever be perfect.

A Partner pointed out that there are issues on which people in the community need measures.

---

[5] That work included several other measures that staff are not pushing in this discussion.

Partner I: Travel pairs allows for using transit. We get calls from realtors, business people on this. They call us about how long it takes to get to our county from San Mateo, but we have no idea, only inside our county.

The discussion increasingly became more collaborative showed some evidence of partners and staff learning from one another's experience and generating some ideas and even moving toward some common understanding.

Chair: Is there any agreement that these are some core performance measures we will look at?

Staff: Jones' work was protesting the look at travel by segments, and supporting the need to look at consumers. We have not had that discussion per se, but some CMA's may want to look at it.

Partner F: We cannot model it or project it, or say in future what it will be like.

Partner I: We don't do that. It is real time.

Staff: As the HOV lanes come on line it would be interesting to measure travel time Fairfield and Oakland.

Partner E: We have travel time on I-80 from Carquinez Bridge to the county line.

Partner I: Is this something MTC will be interested in? That will limit what we want to do.

Staff: We don't know what technology we should use or the cost. That will be the responsibility of a new staff person. Perhaps we will start with one corridor and expand over time. Find out if we can measure it. Is it a diary or put components on employees. Our management would want to see the proposal.

Partner I: We cannot do GPS (a satellite based positioning method) for transit, like on highway?

Staff: They could put the equipment in their pocket (when traveling on transit) Maybe we should bring a person on board and use this task force as a sounding board for our efforts. Maybe there are points of commonality allowing us to piggyback on the counties. Maybe it is ignorance but I just don't see it.

Partner K: On the state of mobility of region, it is the bottlenecks–it gives something people understand very easily.

Partner I: We want the user oriented measures. We want to see what you (other partners) are doing. A lot of the county is bringing trips to us.

Staff (still struggling with how this might work given MTC's original plans): This (pointing to some handouts) tells something about what MTC focus is. We have no staff resources at the moment. Maybe when the new staff member comes on board, maybe he would be a sounding board on what corridors do we measure and when? You could help us decide what information you want, say on information outside the county line. The problem is we have nothing to give you to react to.

The partners were impatient with staff's time line. They had decisions to make every day.

Partner K: This seems so long-reaching. And a long time to wait. You are dreaming ahead and we are thinking of near future.

Staff: I don't see that, assuming we get someone on board and we have the technology, I don't think it would take so long. I think we would start to generate interesting information on a short term basis.

Partner K: I am talking about the information *policy makers* need on a short term basis.

Partner F: You cannot with real time data tell policy makers, "We think this will be worse in future."

At this point one of the partners chided staff,

Partner E: I will put this as gently as possible. I think it is a copout to say we will only collect data we can model. You are then down to practically nothing. I think of the public relations person from MIG (a consulting firm). They don't care what you can model, but they put together something like the Caltrans report, and it is useful and makes an impression. The question is whether the measures are useful You may be able to project, if not model.

Cost, too, was an issue for the Partners.

Partner F: For me it is a matter of expense, I cannot afford to go out and do this (measure performance) annually. I don't have the budget.

Partner C: Our budget is bigger, by a lot, and our report is $50,000.

The Chair brings the conversation back to the staff member's repeated point, "Staff is suggesting a task force is premature without the new staff person." But partners were resistant to this, arguing they could do it themselves.

Partner F: What could be done is there could be an updated list of performance measures.

Staff: I don't even have staff to do that.

Partner F: Send it to me. I will do it.

Partner I: We already do annual monitoring. We have two sets of performance measures in our CMP. We recently changed some.

Chair: Just get people to tell us what they have changed.

Partner F: I would like a common format so you can compare.

Chair: It is fine with me to wait on this.

Staff: We are putting the announcement out now. Then the person will have to come up to speed.

But partners are not ready to let the conversation end. They still have ideas they want to discuss.

Partner E: Is this going to be put to sleep?

Partner F: I want to ask everyone to send me what you are using, two measures if you have them.

Partner E: I would take issue with the customer categorization, driven by what Jones wrote. We have measures which we think customers would be interested in, but it is not there because Jones did not write it down.

Partner F: We use peak-to-all-day ratios.

Partner E: That is good if you don't have much congestion.

Partner I: People want to see HOV lane usage. We have people counting cars.

Staff: What David Jones wanted was door to door travel time. There might be other measures. The point is to get rid of segment based measures.

Partner E: What would be interesting would be door to door travel time Antioch to SF, compared to what developers say.

357

Partner I: If you did 10 OD pairs it would get as much press as this measure (door to door travel time).

Staff: I was not sensitive to the fact that realtors want to know. (But he is not taking notes of the discussion).

Partner E: If someone calls me and asks how the system is doing, I ...(shrugs quizzically)

Chair: People want to know how long congestion lasts and can I count on 3-hour congestion every day?

Staff: It is like the invisible hand, redistributing people.

Partner F: What you find is not that travel time is so useful, but that travel budget is pretty constant. Maybe you just do not go some places.

In the end the Chair said, "So we are all in agreement we are premature and it will mature at a later point? We will in the meantime send stuff to Partner F." While it was not clear to our observer that everyone was in agreement that this was premature, it was clear that partners were worn down by the discussion and their inability to make any headway with the staff. If MTC was not willing to sponsor the meeting it would be hard to proceed. It had in some ways been an interesting discussion, as partners shared information and ideas and as the differences in objectives and interests between MTC staff and partners became more distinct. The Task Force did not to our knowledge meet again, as other events caught up with the committee in the form of new legislation to deal with. Partner F soon left his job and the Partnership. Even without these factors, however we were left with the impression that MTC would not encourage or initiate further Partnership meetings on this issue.

The Advisory Council Takes on Performance Measurement

In March 1998 differences between members of the Advisory Council and MTC began to emerge around performance measurement. Again these differences reflected not only different views about the objectives of transportation planning but also different views of the planning process and how it should work. Essentially Advisory Council members came mostly from social movements and the MTC staff were either technical in their orientation or political. The Advisory Council members were eager to open up for discussion some of the big issues, whereas staff were not. The issue of performance measurement became the battleground.

 After a staff presentation on the proposed 1998 RTP to the Council-- a highly abbreviated and rapid fire effort to "cover" the status, process, and main issues as staff saw them--Council member Jim Sayer, speaking in part for the Transportation Choices Forum (by then renamed the Transportation and Land Use Coalition), proposed that MTC use three performance measures for the RTP.   He said there should be no increase in Vehicle Miles Traveled (VMT), no decrease in

transit share of trips, and no decrease in share of trips taken by nonmotorized transportation as a result of the RTP. The idea of using VMT as a performance measure was a long standing issue that had divided staff and many CMA directors from some environmental advocates and that had emerged in the RTP Task Force discussions in 1996 (Chapter 13). Environmental groups had often proposed the use of this measure as a way of evaluating the regional transportation system, arguing that a reduction in this indicator would show that more people were taking transit or car pooling and that land use patterns were making it easier to get access to work or other activities without driving.

A lengthy discussion in the Council revealed divergent views about performance measures between Dahms and members of the Council. A Council member asked whether MTC would use VMT as a performance measure. The staff responded evasively.

> Staff: We do an air quality conformity analysis. VMT is an input to that.

In response to discussion of other possible new measures other than the ones he had suggested in his presentation, the staff member hit MTC's basic theme about how they should decide on measures and made clear they did not expect to develop measures that would push them in new directions.

> Staff: In traditional performance measures, we have to look at what we are traditionally doing. There is a infinite set of ways to measure performance. It is a question of focusing on what we are responsible for rather than other things.

The focus of discussion turned to accessibility, an objective which interest groups had talked about but which MTC had not discussed much, and which was not included in the presentation.

> Member A: I am particularly interested in accessibility–whether people can actually get where they want to go. And in the five MTC goals none of them seem to deal directly with that. The only one that seemed close was maybe equity. We are going to have a lot of people fall off welfare. Are they going to be able to get to jobs? Can a senior citizen get to the library? ...this does not seem to be talked about in this at all. I don't know how you are going to measure it. You could start by asking people.

> Staff: You have raised the question–of there should be a measure of how people can get to jobs.

> Member B: It is broader than that. It is how well people can get to wherever they need to go. Sometimes jobs or the grocery store, sometimes for health care. Where does the ease of getting to a variety of places show up in your measures?

> Member A: Yeah. Where do *people* come into it?

Staff: I think accessibility is an aspect, I agree with equity. There are just a lot of dimensions. It is hard to capture. (Seeming to think out loud.) Perhaps we focus on particular groups of people getting to particular places, such as health centers, such as shopping, or employment. There are different ways to measure that. We have talked about equity as sustaining the system, which is about how people-- especially in the urban core– about maintaining a system that gets people from A to B.

Member B: It seems mobility is the overall goal that would encompass that.

Staff: You have to measure from point A to point B.

Member A: But if you cannot get there at all..?

Member C: Actually, some people are beginning to think of it the other way around. Access is your main goal. For too long people have focused on the system that is going to get you there, often the motorized system, and they could wake up to the fact that it is possible to walk to a grocery store.

Member C at this point changed the subject and began handing out a memo that he had brought to the meeting, proposing some new performance measures (though he called them standards).

Member C: I want to circulate this to everyone. These are several performance standards I would like everyone at the Council to review. There are several here that were put together by the Transportation Land use Coalition that I mentioned at our meeting two months ago. One is to look at VMT/per capita, not the total number. Another is to see if we can keep steady the overall share of transit in the Bay area at a minimum, and the third is how do we maintain or increase the share of nonmotorized travel?

Confusion about measures and standards began to emerge and it was not clear everyone was talking about the same thing.

Member D (addressing staff): If I could ask a question? You have been talking about performance measures. That is like measuring what happened from 1994 to 98, given these goals? I just want to be clear that what you are suggesting is --

Staff (interrupting): A standard?

Member D: Yes.

Staff: A standard is an adoption of a numerical, quantitative measure that says a certain decision may or may not happen if a certain standard is not met.

The conversation returned to VMT, which a number of Council members favored as a performance measure.

Member F: When looking at travel time (one of the measures staff had been citing as what MTC was interested in) for the individual traveler, sometimes that can be helpful, but when you look across the country there is a pretty strong correlation between air quality and VMT–although that has been changed somewhat by technology. Also when you look at what has happened on our roadways with regard to congestion–especially since we have not been making massive investments–you see more congestion *with* more VMT. You also see it even on weekends now as people have to spread out the time when they do things. That is why we zeroed in on VMT because there does seem to be a relationship among these things. If we are really serious about these five goals, then maybe we need to find a way to get a grip on VMT if we really care about mobility and impact on the environment.

But staff responded that VMT going up might be a good sign.[6]

Staff: Just taking mobility, an aspect that could be argued is that as VMT rises there is more mobility, with more people traveling. The other aspect of VMT is there are a lot of things driving VMT that may or may not be under the purview of a transportation system. I mean sociological impacts, spouses going back to work, demographics. Not to say a standard may or may not be worth espousing, but I think a standard for one particular measure may not apply to others. VMT may not be, in terms of an environmental standard, one you would want to see rising. But in terms of a mobility measure, a rising VMT reflects more mobility. But if you establish a standard, what does that mean? Everyone would have to travel the same distance? You see it could lead you in different directions, once you establish a standard.

A Council member took issue with this statement.

Member B: I would never in a million years correlate mobility and distance traveled. To me mobility has to do with access. So for example, how you measure these things is another question, though I think there are indicators. Are services readily available? You could look at shopping facilities, health care and jobs, and if

---

[6] It should be noted that simply to select a measure of performance does not imply that one or another direction of movement is desirable, only that the variable is important and that it gives the community feedback on what is happening.

they are accessible in a community. San Francisco is the most accessible place in our area and you can get there without a car. One could argue people have greater mobility there.

Staff: That is true

Member B: Whereas if you get out to Eastern Contra Costa County, which I hear a lot about, people are stranded out there. The people out there are going to rack up all the miles, using those as two extreme examples.

Staff seemed to be concerned about the different objectives and conditions of different counties and the implications for the agreement and working relationships they had established among the players that accommodated these differences. A standard could interfere with that.

Staff: The point is when you develop a standard it can lead in different directions. San Francisco I think access is a critical issue. (vaguely) Access is probably a critical issue elsewhere.

Member B: Everywhere actually [with a laugh].

Staff then went back to VMT and why it would not be good measure,

Staff: Growth is occurring in ways at the moment that would tend to cause VMT to rise to some extent.

At this point in the discussion Larry Dahms took over the floor. He spoke for perhaps 10 minutes, quite slowly, with a lot of searching for words and hesitations, seeming to think out loud. He seemed to be searching for as many reasons as he could to convince the group not to push forward on the measures they had proposed.

Dahms: If I had my druthers, neither of you would have brought this subject up. The data base for measures that we might be ultimately able to agree upon is weak. I think it is essentially a data base that has been created on the basis of what people think they can measure versus what ought to be measured. We sort of started off in the wrong place and we have inherited decades of that. In the mid part of the staff presentation he recited off about 10 different measures. On a scale of 1 to 10 of how good are the data is that supports them? They are all in the range of 2- 5 maybe.

He quickly came back to VMT and why he did not want to see it used, mainly because he saw it as something that would hold MTC responsible for activity he contended they could not control.

I also want to go back to some points staff made. One has to do with conflicting goals. I agree if you are going try to do performance measures, then you ought to be headed towards a goal. If we are going to have 5 objectives in our plan, then we ought to have some goals. And if we could measure those goals from year to year and see how we are doing that would be good, especially if it measures what we *do*. It is kind of hard to isolate because we don't exist in a vacuum. But you do have conflicting goals, the way this Bay Area now exists and the way it is growing, say that our standards should be fewer VMT per capita, and the likelihood is it is going to be more VMT per capita *irrespective of what MTC does* because the growth is out there in suburbia where people are driving more per capita, as opposed to in San Francisco where they are driving less per capita.

His perspective was clearly to focus on what he viewed his agency as mandated to do and not on larger societal goals.

Admittedly we would like to have less VMT per capita, but you gotta think about it, do you adopt a goal you cannot achieve? That you don't have the control to achieve? So one point is what do we control, are we in a position we could somehow achieve VMT per capita? If Congress said we are going to slap on a $2 gasoline tax per gallon, may be there would be enough force there so this would be a goal that could be achieved, but does MTC have enough control?

And then there are the conflicting goals. Driving down VMT would help us with our air quality analysis, so from that point of view VMT is bad. But given the way the travel and the way the growth is taking place in this community, the VMT per capita may be seen as a good from the point of view of families being able to get to work, families on welfare, multiple worker households going in different directions, living in Danville, how are they going to get there? It gets down to for MTC do we view this in terms of what we can control or what we wish for in terms of society?

He also seems to have made the assumption that MTC could have no influence on development patterns.

....So I would say it would be easy to adopt goals that say less VMT per capita, higher market share for transit. Lets take market share for transit, if the growth is in suburbia, you are going to have less market share for transit. If our whole discretionary share of funds is required just to maintain the transit we have, where do we find the additional funds just so we could have a higher transit market share? And why would we even do it if we are spending it out in exurbia where you get less people on a bus than in car pools?

Perhaps realizing how strong his rejection of the Council's ideas was he added,

I am not trying to discourage anything, I am simply saying that this is something we have thought about a lot. This is something we could have a whole workshop on alone. Do we have these goals? Do we attach them to standards? Where do we get the data? And find out whether we really achieved it or not anyway? I think it is useful for you to prod us anyway, but if we want to take it seriously and we want to be honest about it, do we deal with what we control?

The Council member who had introduced the performance measures argued that MTC should consider doing some different things because of the consequences of the current pattern of investment. He did not agree that MTC had no impact on growth patterns.

Member C: There is a need to look at how some of the things we are doing may facilitate growth in suburbia. There is a desire and hope there will be an investment in that area to allow people to drive. But there are efforts underway around the country (to do this in different ways) I would be curious to see how much MTC has reviewed those.

But I would also like to ask if staff could come back and say what are the implications of adopting those three goals–some of the things you have already laid out, Larry–because I think we could talk more about transit share. Some have talked about how to improve transit performance on existing rail lines. There are some people who won't take BART from Richmond to SF because the trains are too packed. So there are ways to think about improving this by taking money for example from Warm Springs. ...So that would be my request if we could come back in May and spend the whole meeting on the RTP. (very deferentially) Would that be ok?

Member B: That would be a good idea.

Chair: Any comment on your ability to do that?

Dahms expressed reluctance.

Dahms: I am not sure how much more we can do to tell you the truth. I don't know an answer to this. The basic purpose is that I want to be honest about what we are trying to do. It is easy to adopt a goal that says lets have a higher transit share. And by the time you find out we did not make it I will have been retired and it won't matter to me. But if you are concerned about really making progress you want to tie these goals together to what you can control so.. And probably what you think you can measure. I am not trying to discourage what I think you legitimately bring to the table....

But Council members persisted.

Member B: If this is the major document for the next however many years, maybe we should focus on that in the next meeting. And if you have information on what other regions have done or if you have other information on this that you could supply so we could have a further discussion?

Member C (politely): Is it possible, Larry, to just prepare a memo that talks about the pros and cons of these measures?

Dahms: We will try to be responsive.

Member C (persisting): Can you address these three though?

Dahms: Yes.

The Council pursued the RTP issues as planned in the next meeting in May of 1998, to a larger public audience than normal, made up of a number of environmental and transit organizations' representatives. Hein had responded to the proposed performance measures with a letter to the Council in their agenda packet, asserting MTC's prerogative as decision maker and assuming that what the Council was asking for was standards rather than merely measures.

Although MTC regularly calculates and publishes these measures to inform decision makers and the public...we do not propose elevating these measures to standards.

The memo then argues that standards set up expectations and that these expectations cannot be achieved with the authority that has been given to MTC. It argues that county transportation plans are required by state law to be the basis for the RTP (implicitly suggesting that MTC would not be legally permitted to implement a policy that ran counter to one or more counties land policies, by for example rewarding counties whose land policies produced compact growth).   The memo says that the

amount and location of new housing and jobs are driven by market forces and by local development plans and not by MTC. Similarly the price of gasoline is not determined by MTC. The operation of transit systems is managed by local districts....And while MTC has considerable fund allocation authority, these funds are often legislatively constrained by purpose and return to source formulas.

The letter contends that, rather than focus on unachievable or merely symbolic standards where MTC cannot influence the results, MTC was using its influence to promote public transportation and the urban core by preserving the existing transportation system, including transit and road maintenance. The letter gives the impression it was intended to put the matter to rest. Nothing about it suggested further discussion would be useful. The letter was little discussed in the May meeting, presumably because another compelling issue was also on the table that day. Nonetheless

365

this performance measures/standards issue was to keep reemerging during the year both in the Council and Partnership.

The other compelling issue was environmental justice. Carl Anthony Director of Urban Habitat, a San Francisco non profit, along with 26 other cosigners, most representing organizations, had sent a letter to MTC in April 1998 contending that the 1998 RTP was not responsive to a variety of equity and environmental issues. While much of the discussion around this letter during the Council's May meeting is covered in Chapter 17, that dialogue also came back to performance measures when Advisory Council member C asked Dahms if the MTC commissioners had been informed of the debate on performance measures. Dahms replied by arguing against the Transportation Land Use Coalition's idea of merging standards into the RTP because MTC would not have accountability for a fiscally constrained plan because the RTP would become an advocacy document. He said it would mean pretending to control things and it would run counter to the ISTEA idea of realistic plans. Advocacy efforts should be outside the plan he argued. He then switched to pointing out how successful MTC had been in advocacy in Sacramento.

A Council member representing the MCAC later in the discussion asked a staff member how he would incorporate the analysis measures with advocacy. The staff member said that he wasn't sure he understood the question, but that, for example, maintenance analysis certainly leads to advocacy, by telling MTC what it needs to maintain the system. He said that indicators tell MTC what it needs to do, and can lead into RTP by saying that it is necessary to advocate for funding in a particular area.

Another Council member, representing the Sierra Club, then said:

"What I'm hearing is that there will be some decision in the final document of the general parameters by which results will be measured, how measures are expected to perform?"

Staff replied this would be in the EIR (rather than the RTP). Council Member C then indicated that the MTC response to his letter (on performance standards) was disappointing, as it talked about what is realistic, but did not even address transportation share or trip share. He said that these standards would hopefully be included in the draft RTP that was to be published. Member C asked whether there could be a joint meeting with commissioners on the RTP early, before it was released. Dahms suggested July as the scheduled RTP release was July 10. "You'd be the first to review it." Finally Member C said that his other request was that there not be a time squeeze in meeting with the commissioners. Dahms: "what do you want? Is 2 hours enough?" Member C and the Chair responded "Sure."

The Council meeting was then opened to comments from the public. Rachel Peterson from Urban Ecology said that the discussion was very helpful, and the most interaction she had ever heard between MTC (staff) and the public. She asked whether it was possible to arrive at a decision with the commissioners that investments will be prioritized and scored according to their impact on VMT. She said that this would be a compromise with the idea of a vision that some people want. An Advisory Council Member then talked about the disjointed transportation problem, and said that it is necessary to discuss how to create a well-functioning system. In response to Peterson's comment, Dahms said that she needed to think about how her vision was defined,

especially when thinking about choosing a *single* measure such as VMT. He talked about how MTC evaluated the impact of impositions on state agencies. Dahms said that the most common criticism of MTC is that it is too pragmatic, and does not get out of constraints to have a vision, to overcome the disjointed system problem. He said:

> How do we move to the next plateau? I don't know, we need your help. I probably sound too defensive, and we need your help in forming a vision, but we need to ask for a vision that has a prayer of making a dent.

This was a intriguing interchange as the group was indeed trying to move to the next plateau and the issues they raised were clearly of concern to Dahms. But they seemed to be speaking different languages. The group agreed with staff that at a joint meeting in July with the Commission the Council would discuss the 1998 draft RTP, including addressing the issues of performance measures, RTP equity, and review of committed projects.

When the Council met jointly with the Commission in July of 1998, one focus of the discussion was performance measures. Participants continued to reflect a confusion over the idea, rather loosely using different terms interchangeably such as standards, measures, or goals. MTC staff continued to resist the idea that they should use any measures of variables over which they did not have control, and they seemed to assume any measures would become standards against which they would be evaluated. They resisted particularly VMT as something they could not control and noted that different counties had different needs some of which would not be served by using VMT. Advisory Council member Adib Kanafani, Director of the University of California, Berkeley's Institute of Transportation Studies, at that point carefully explained that a measure was not equal to a standard and that to use a performance measure like VMT did not mean you were required to reduce VMT nor that one policy would have to be used for all counties. He said it might be quite reasonable however, to ask that plans be assessed and compared on how they affect VMT and favor plans that increase it the least. This was the first time these important distinctions had been made in the discussion.

Dahms replied that he looked at measures as a target with mobility in the center as the goal, with the RTP in the next ring and then a ring of second order issues where the RTP has some effect, such as environment, and a ring of third order issues on which they have no responsibility such as international trade. This got a laugh. A member of the public spoke in response to this saying that this formulation was as if a captain of a ship that was on fire said they could not put the fire out because they did not have the authority. He insisted that the region was in a crisis and it was up to MTC to do its part to alleviate this. Stuart Cohen of the Transportation Land Use Coalition commented at the end of the meeting that this sort of discussion was one of the things they were looking for in putting the issue of performance measurement on the table. Though it was inconclusive, it did bring out issues that otherwise would have remained unexpressed and perhaps unrecognized.

Conclusions and Comments

What emerges loud and clear from MTC's part in the discussions over performance measurement is that they were resistant to any measure that would address issues over which they did not have control. Moreover they assumed that measures would become standards–that by officially adopting any performance measure they would be expected to meet some level of performance, even though many other factors would affect it. They were focused on real time data on door to door travel time, though that was expensive and probably would not be implemented for some years.

The subtext of this discussion, the part that no one said but which the rest of our story makes clear was there, was that performance measures would probably call into question the legitimacy of MTC's hands off policy with regard to land use patterns. That in turn would threaten key players in the suburban counties, particularly Contra Costa, which played a powerful role in the Partnership. The measures outside interests wanted would almost certainly suggest the advisability of increasing investment in transit at the expense of the highway interests. It would almost certainly mean upsetting the geographic equity criterion in favor of greater investment in the older and denser parts of the region. Staff who came to the discussion bringing primarily a technical perspective, they appeared to feel that they or experts they chose were the appropriate ones to define the measures, and they did not appear willing to engage with the partners or the Council members in genuine dialogue over measures. Rather they focused on the one measure they were planning to develop, making the point over and over that the issue was not open for discussion. Their interest appeared to be curiosity rather than anything instrumental which made the partners both suspicious and skeptical of the value of the measure. Those who came to the table with a more political perspective undoubtedly recognized that the use of performance measures was an alternative to the traditional approach of satisfying the leadership and the public by providing projects. If they bought into such measures MTC would have to develop criteria for investments based on the degree to which an action or project could improve the measure. It could well be that powerful players might not be funded at all under such a system. Staff kept insisting in the discussion with partners that the measures were not to be used for decisions. It was a discussion that seemed to go very much at cross purposes.

Staff insistence on the door to door travel time as a customer based measure seemed a bit disingenuous. Though it would reflect the driving or transit experience of the people in the region, this was a measure over which MTC actually had little control in the long run because, as Jones noted, people adjust where they live and work to the traffic conditions. They tend to keep to a fairly steady travel budget in terms of time. MTC staff had repeatedly said during the period of our study that they did not control and did not want to influence the land use decisions. While this travel time measure would perhaps show short term change as a new lane is opened on a freeway or a new segment, or as construction slows people down, in the long run it is very stable and it would be unlikely to reflect negatively on MTC. It would also allow the agency to claim that a customer focus. There were however many other measures proposed in Jones' paper (many of them much less expensive) which staff did not mention, though they continuously referring to the paper and Jones' expertise. Staff persisted despite the skepticism and even open opposition they had from the partners.

In this situation by contrast, the Partners wanted to be collaborative in a way that responded to the original mandate of the Partnership. They wanted to jointly discuss and decide on performance measures they could all use and that MTC would use as well. They had reasons as operators of systems and as players accountable to their own elected boards to want performance measures. Indeed some of the board members and other players important to the partners expected some form of performance measurement. MTC on the other hand was not directly responsible for operating much, other than some small programs like call boxes and presumably felt less need for performance measures.

The Advisory Council's interest in such measures is almost certainly attributable to its make up of individuals who represented social movements as non profit directors or as advocates for the environment or social equity. For them the only real way to get a handle on what was going on at MTC or to have prayer of urging them in another direction was if performance measures were developed and implemented, particularly on topics of interest to them. They could not effectively penetrate the project based decision making that dominated MTC, except by complaining about specific projects they did not like. That was likely to fail because of the powers lined up behind projects. The mode in which Council members worked best was one where they could articulate a vision that went beyond simply the allocation of funds to agencies and where they could tell whether there was progress toward the vision. For them performance measures were essential to their advocacy work.

The consequences of these dialogues (or lack of real dialogues) are probably considerable. MTC staff were adamant, basically refusing to even discuss measures they did not like and insisting that they were entitled to make the decisions. Essentially they stonewalled on this topic. MTC had the power to do so, but in the process they did create substantial ill will that will almost certainly come back to haunt them. Their attitude has, however, a reasonable basis in the expectation that any measure they develop might be used against them. This is the norm in a bureaucratic environment. The discussion shows how difficult it is to change this bureaucratic mentality and move to a measurement system that is both forward looking and not punitive.

Perhaps an even more significant issue is that in these discussions MTC created the impression it was not open to thinking differently about its mission, nor even to thinking about the broader social consequences of its positions and actions. Such rigidity is dangerous to an agency, especially at the turn of the millenium, in a period when rapid change of many kinds is the norm. An agency that is not open to input, nor to imagining new ways of doing things is one that will not be innovative and that cannot help its community to be adaptive to the changes in society. It may even be an agency that cannot survive. Dialogue on an equal basis with informed and diverse stakeholders can be the most powerful source of organizational learning and adaptation (Innes & Booher Forthcomingd). Dialogue around performance measures can help generate societal agreement on where a the stakeholders in a region want to go. Dialogue around how to improve the showing on the measures can generate creative diagnoses and actions (Innes & Booher 2000g). Such dialogue can also generate support for the agency and its policies, if the agency is responsive.

SECTION IV
ANALYSIS AND CONCLUSIONS

CHAPTER 19

MTC AND THE PARTNERSHIP: HOW THINGS WORKED

To understand how and why collaboration and regionalism worked or did not at MTC several features and practices in the agency and Partnership need to be highlighted. The leadership structure of MTC is one factor. A second is the nature of the staff and their working styles, and a third is the way Partnership meetings were run and managed by staff and partners. Insights into these aspects of this complex set of relationships and processes are also important to helping us see how each of the conflicting planning models was at work in the agency.

Leadership and Control

MTC Staff and the Commission

The talents of the staff, the leadership of Dahms, and the practical difficulties of Commissioners in developing expertise and detailed knowledge in this complex policy arena *de facto* give the MTC bureaucracy substantial autonomy and discretion. Although MTC staff, most often in the person of Dahms, report to the Commission, which meets monthly, commissioners are busy elected officials for whom MTC is only one of many responsibilities in addition to their local office and often in addition to jobs they hold outside of government. Though Commission committees review most important decisions and set official policy, inevitably few commissioners can develop substantial expertise, particularly in the current era of term limits where Commissioner longevity is increasingly rare . Moreover, as the preceding chapters have demonstrated, many transportation issues are highly technical and most involve federal and state guidelines and regulations that are difficult to interpret at best, and far too detailed for most people other than specialists to master.

MTC is a complex agency engaged in many activities, and commissioners cannot be aware of all that goes on, given their many responsibilities and limited time in MTC meetings.   It appears that Dahms has substantial discretion about what he chooses to present to the Commission, on what he asks them to take formal positions, or about what he chooses to inform them. We heard, however, no complaint about his choices from commissioners–clearly after so many years as an effective leader of MTC Dahms has had to become very savvy about what to present to commissioners and how to work with them. On the other hand it is unlikely that commissioners would have expressed negative views to us, despite our promises of confidentiality. Elected officials we have found are almost invariably cautious in what they say, assuming that it may become public.

Meetings of the Commission are typically brief and uneventful, simply ratifying decisions made by their committees. Commissioners most often do not challenge staff reports and proposals, even in committees, although they may have discussion on some aspects of them. Discussion occurs primarily in the committee meetings; meetings of the full Commission are often quite brief. Although the committees go into more depth in their discussion than the full commission and tackle some issues substantively, even these cannot really hope to tackle in

significant ways many of the problems and tasks on which MTC works. When local agencies or citizens come to Commissioners ahead of time with an issue it may result in Commissioners challenging staff. However, during the period of our study there were only a few occasions when Commissioners publically challenged staff recommendations on the issues we studied, requested staff to prepare specific additional materials, or raised important questions that staff had not addressed.

One person we spoke with described the relationship between MTC staff and commissioners this way.

> I have had the opportunity to talk to people on the Commission about controversial issues. The question I've always gotten from commissioners is "What does staff think? You've got to convince staff first." The staff holds such incredible power over the commissioners. They are the only ones who brief the commissioners, even though they represent cities and counties. To the degree that they have trust in the MTC staff, they will not stray. They will not dare stray. The majority of the commissioners are so ignorant that they are afraid of being embarrassed by staff.

Another respondent discussing the relationship between staff and commissioners referred to a particular commission meeting when the STIP was adopted.

> There were a lot of environmentalists there. But there was one individual from Marin or Sonoma who went to the podium and said "You are MTC. You have lots of power. Don't you want to make decisions? Why are you letting staff make decisions?" There was silence. No Commissioner said "This is what I've done."

In addition to limits on time and expertise, an additional reason commissioners may be reluctant to challenge staff is fear of adverse consequences from doing so. Our research indicates that despite the explicit scoring procedures and other criteria for funding allocation, there have always remained areas where MTC staff have some discretion in allocating funds in, for example, parceling out high ranking projects among funding pots before the replacement of scoring . It seems likely that commissioners would be reluctant to challenge Dahms if they thought such conflict might disadvantage their constituents in the competition for project funding. Such executive discretion makes the possibility of retribution real, whether or not it is exercised, and more than one respondent indicated that s/he believed partners and commissioners were concerned about just such a reaction from MTC. As one described it, "The commissioners don't want dissension because they are afraid of being embarrassed. Many of them want higher office. They are also afraid of retribution."

From one perspective, the frequent deference commissioners show to staff reflects high quality staff work as they anticipate commissioners' potential concerns or as they have worked through the conflicts among the commissioners, county and local agencies, and other players before putting proposals for project funding or other things before the Commission. In this regard the Partnership may have played a significant role, in that we were told by a number of

respondents that after the Partnership was established, it was less common for disputes to come to the Commission. However, few commissioners we interviewed had much awareness of the Partnership or its activities. In the Work Program Committee of the Commission (now the Planning and Operations Committee), the Partnership showed up in background materials as just one of many staff tasks. Partnership involvement or discussion of many policy issues and tasks is not obvious from these written materials, nor is the Partnership a matter of discussion in the meetings.

From another perspective, however, Commission deference to staff means that Commissioners as a group are not openly addressing debates or conflicts. Instead these are presumably dealt with behind the scenes, perhaps without commissioner involvement. It also means that the public, including ourselves, is not privy to many of the choices or the reasoning that may lie behind the decisions. Moreover, MTC staff often seem careful to safeguard their power and relative autonomy by limiting their proposals to things they assume will be acceptable to commissioners in order to maintain their confidence and support. Staff, for example, have assumed that they cannot challenge the geographic equity approach and that if they take on any land use linked criteria for project selection they would be in political trouble. This has meant that some controversial issues remained undiscussed.

Overall the Commission and the staff seemed to have a symbiotic relationship. From the perspective of one high level staffer, "the existence of the Commission provides us a buffer". The Commission makes the formal decisions and thus protects the bureaucrats from political criticism. The Commission also provides, according to this staff member, legitimacy for what MTC does. MTC's careful staff work provides the commissioners an opportunity to support projects and programs that will enjoy political support in commissioners' districts and which will meet federal and state criteria for funding. MTC staff can only maintain its discretionary capability by being careful to maintain trust from the Commission, so they try to avoid doing things that will create controversies that come to the attention of the Commission. The Commissioners appreciate having things brought to them which they do not have to worry about.

MTC Staff and the Partnership

MTC appeared during our study to be very much under the control of Executive Director Dahms and Deputy Director Hein (who retired in early 1999). Since both were at MTC for over 20 years, it is not surprising that the organization bore their stamp. Although they do consult regularly with a few top staffers, the major, and sometimes minor, decisions seem to be made by them, at times in the face of disagreement from more junior staff. Although in the period just after passage of ISTEA, one respondent noted that there were one or two staff who could challenge Dahms successfully, by 1998 such challenges were reportedly uncommon. Dahms and/or Hein appeared to take a close interest in all that happened within the organization. In meetings with the Partnership committees, when the members proposed something significantly different from the staff recommendation, we observed even relatively high level staff often told the committee that they would have to check the idea with the "front office". Other staff and former staff have told us that at times the memos or materials they prepared for the Commission or Partnership were sent back to them from the "front office" for revision, even on matters that did

not seem of great importance. Two outspoken critics among the partners described the situation this way:

> Partner A: It is a management style that is very paternalistic, that has not changed in two decades. What worked 15 years ago, they still think will work. But I don't think it's working. The problem goes all the way through the staff. There is confusion at the staff level when we try to carry on a dialogue with them. There is such a need for top control that the latitude isn't there even for a senior person to negotiate with us. Power has not been delegated. I have a sense of the latitude that I have in my job and those working for me have the same sense. With MTC staff, I don't have that sense. It means they lose effectiveness of so many good people. So when we sit down to deal in good faith, the people we're talking to haven't been delegated to deal with us. So it takes an enormous amount of time and patience to work to an agreement because everything has to go through the top.

> Partner B: It also takes a willingness to capitulate to a bureaucracy that is rigid. They always retreat into the front office. "I'm going to bring this back to Bill." They have no idea what the outcome will be. It's "Let me see what the oracle says." The only way to bypass this is to have a strong enough political agenda to go to the front office directly and cut a deal with the front office, which the front office loves because they love to cut deals. But it shortcuts their own organization. You have 100 people working there, but all the process is second guessed at the front office. What does that say to the people working at MTC about the worth of their own work?

MTC appeared to be a hierarchical organization in terms of power, albeit a flat hierarchy without many layers, where professional staff worked in separate arenas fairly independently, reporting to the executive office through one or two levels. With largely professional staff, and many complex and innovative tasks to be done, this cannot be a bureaucracy that runs by rigid rules and regulations. It is rather one that seems to operate by staff absorbing the culture and the tacit or explicit messages of the management. According to one respondent, a staff person who does not function as the front office wants can be "sent to Siberia." Another close observer of MTC told us Dahms was like a "father figure in the organization," benevolent and paternalistic in some respects, and in other respects a strict disciplinarian, keeping staff in line. Two low level former staffers spoke of the control exercised by the front office over the rather small matters they had worked on. They told us this told us in strictest confidence, indicating that they feared they would never get other jobs if it was known what they had said. The image we have gotten is of an organization with power concentrated at the top, but also of one which was very much an expression of the personality and attitudes of its Executive Director and Deputy Director.

Though partners seldom publically challenged MTC staff or Dahms in major ways, it did happen occasionally. A partner would have to feel very strongly however and be quite sure he or she was right because the reaction could be quite disagreeable. Lower level staff might well be

supportive but they would not have said so openly. One partner told us in recounting one such instance,

> My objection was met with disparaging remarks by Larry. Which was unusual because Larry doesn't usually say much at Commission meetings....On the way back from the meeting, I ran into three MTC staffers who said that they supported us and that we were doing a real service by bringing the issue up. This wasn't a few days later, or by e-mail. This was instant feedback, right there in the Metro Center, that the staff supported us.

Another partner commented about the way he felt that the management style of the "Front Office" interfered with the partnership activities.

> It has to do with the way Larry is managing the organization and the way he manages his politics. He, Bill and Steve Heminger have this tacit way of working. Larry does not want public dissension other than from the enviros, whom he can dismiss. He doesn't want it at the committee level or at the Commission level. He is very risk averse. It means that if it's not fixed, it's not going forward. But out of the other side of his mouth, he's talking about an open decision making process. He's using the Partnership as a cover for an open process.

These comments offered a vivid illustration of how the political influence model of planning can be tacitly at odds with the collaborative one.

Dahms's power, credibility and influence with the Commissioners, staff, and outside players was significantly enhanced by the important role he played in representing MTC at the national and state level in transportation policy, legislation, and funding debates. He spent a considerable proportion of his time away from MTC working within networks of national and statewide relationships to encourage the development of new transportation policies and legislation. He was in the forefront of advocating for new state and national legislation, and he had well developed relationships with such key players as Quentin Kopp, who was long time head of the state Senate Transportation Committee, along with various members of the House and Senate. A substantial effort in MTC as well as in the Partnership was devoted to tracking and discussing legislation, and staff often worked on preparing legislation or responses to legislative proposals. MTC had its own lobbyist, and Dahms himself testified about legislation. Staff generally respected Dahms' political savvy and recognized the importance of his keeping, not only Commissioners' respect, but also the respect of key political actors in Sacramento and Washington. MTC's success in these legislative arenas provided the rationale for Commissioners as well as Partners to trust his judgment and to defer to it in many cases.

The other side of this political networking effort is that Dahms had to cooperate with legislators or other powerful people to get what he wants for MTC and in the process, at times, to support legislation or other initiatives that may not be ideal for MTC or the region in some respects. One staff member indicated to us for example that MTC was forced to support SB 45,

despite its anti-regional bias, giving funds to counties by formula, because MTC wanted legislative support for a regional gas tax.

Dahms often reminded the Partners of the importance of his being able to speak for a consensus among regional players so that he could bring more resources to the area and have more political impact on legislation. This reminder often comes across as a practical matter, not as a call to discuss in depth and come to a deep agreement on principles and practices that all can support, but rather as an implicit warning. "If you don't go along with what we are proposing you will be responsible for losing resources for the region." His approach appeared very much to fit the political influence planning model.

Dahms' role in managing MTC's broader political environment meant that he took on the role of intermediary between the region and federal and state agencies, presumably as part of this presentation of a united front. One incident in particular illustrates this. We saw it first as a tense interchange with Dahms at a Partnership meeting. A partner elaborated later on what had happened.

> A project sponsor came into my office and said "My project is being held up by FTA." The FTA regional administrator had been coming to meetings so I knew him. I asked him to come to the next Partnership meeting to try to clear the problem up. It turned out that it was a problem that lots of operators were having. It was the emergency reserve fleet plan. A bogus issue was holding people up. I called FTA and got the run around. So I wrote a memo to the regional FTA administrator explaining the problem. I invoked the spirit of the Partnership and asked him to please send someone to the next meeting to explain how the process could be expedited.

> I was at a conference and I came back the day of the meeting. I was stopped at the door by Dave Murray who was a light shade of pale. Larry was furious. We were usurping MTC's role in communicating with federal agencies. Imagine. Here's a partnership. I realize that they (MTC) are the body that we advise. But at a staff level there was resentment that there was such good communication among the partners that we were leveraging them out of the loop. In the end, this, and things like it were what motivated me to reduce my involvement in the Partnership . It was a lot of charade. I was just trying to move the process forward.

A number of our respondents believed that Dahms operated by making deals with individual partners, at least some of the time. When we tried to find out for example more about why there was so little effort in the Partnership to accommodate San Francisco's concerns regarding the return to source allocation formula for TEA 21 funding (Chapter 16), we discovered that partners were convinced that deals were already made behind the scenes. One respondent told us flatly,

We heard that the deal was cut with Contra Costa. 25% was all that he could claim for the region. Contra Costa wouldn't stand for less than 75% return to source. Santa Clara and Alameda fell in. That deal was cut at the time the STIP was approved.

Another said, "Isn't it interesting that MTC is not in a position to mediate this? It tells volumes about the regional planning agency as a whole." One cannot mediate if one has separate arrangements with each player.

In general partners seemed to regard MTC as in charge regardless of their ostensible role as a partner. Moreover there was a strong view among most partners that it was the staff that controlled things. One partner told us,

I think MTC still has problems giving it up. The higher up you go, the easier it is to recognize that the Partnership has been good for them as well as for the rest of us...The further down the ladder you go, I think there is still more of the "Why do we bother with this?" MTC historically has been terribly, terribly, terribly staff driven. Now that you have this overlaying committee structure to respond to as well, there are still problems with the staff driven approach. The staff just sort of goes off and does its own thing and comes back and says "Here it is". And gets a little miffed sometimes when they get a response otherwise.

One partner however took a different view. Although she acknowledged MTC's significant control of Partnership activities she regarded this approach as a benefit and nothing to blame MTC for. When we asked her if she agreed with those who thought MTC was taking too much responsibility in the Partnership she said, vehemently,

I disagree with that. You cannot take--no one can take what I am not willing to give up. What I think MTC has done is stepped in where there has been a void of leadership from those of us running transit and agencies.

This partner was however strongly in favor of the partners taking on more responsibility and leadership. She exhorted them to do so, but was ultimately not able to find the time to do a lot herself after the first year or two.

During meetings staff had defacto control according to more than one partner.

In the process, when something needed to be done, an MTC staffer would jump up and say "We'll do it." So, when information needed to be developed, it was done by MTC staff. It was done using the might of MTC staff to paper over whatever concerns you might have. How can I compete with Larry's 100-person force to come up with a write up? To counter something? By staffing the Partnership, Larry controls it. Any objection that is made is ridiculed as superficial or not researched enough.

Although information was typically shared by staff with partners ahead of meetings, sometime on controversial issues this did not happen. One example was in the RTP task force (Chap. 13) when staff made changes to the questions developed by the task force and distributed them to 3PC directly. A partner recounted another case where his county's funding was directly at stake and he thought there would be an open discussion.

> I was appalled by the staff presentation and by the apparent approval around the table. I thought, it looks like the fix is in. [Another partner] was also there We wanted more discussion on the topic. They listened, the staff kept trying to get consensus, but they couldn't because we said "No." It was only 3 or 4 days until the Commission meeting. I asked for a copy of the report before it went to the Commission. I didn't get it. When I finally did get it, it was not correct. I called MTC and said the report represented a consensus that does not exist. I got the run around. I was told there was nothing that could be done because the report had already been sent. I asked for a correction. It took going up through the ranks.... I had to go to Larry to get the correction made. But even at the Commission meeting, when the item was presented, Larry still had not reported the changed information to the Commission. It wasn't until one of our Commissioners literally grabbed the microphone that Larry remembered to present the correction. It was really brinkmanship on his part. It was the only issue on the table. How could he forget?

One partner argued that MTC was resisting giving a greater role to the Partnership, because of its long history.

> I think there's been resistance, I think there's been resistance. ... Perhaps it's about the way people see themselves in a particular role. The MTC has been the regional planning agency for so long in the Bay Area, the established place where all of the decisions are made, where the big bucks are divvied up and where the plans are put together. And also an agency with just an admirable record of professionalism and effectiveness. An agency that could get things done, maximize the amount of money that we get.

He attributed some of this resistance also to staff skepticism about process.

> To some extent I think that it shouldn't be surprising if some people on staff after being subjected to a lot of long meetings with the Partnership and a lot of transportation therapy, come to the question "How come we were able to do these things before without the Partnership? What's the value added? Why do we need to be doing all of this processing with everybody? It shouldn't be as a punishment for having failed because the agency never failed. So why are we doing it?" I think that that's clearly on some peoples' minds.

He also suggested that the fact that MTC did the staffing meant defacto they had control. Indeed this may have been why they wanted to do the staffing.

> The other thing that I've experienced is that there is an amount of control that comes from staffing what you're doing. I would liken the Partnership to a nonprofit..... The rule in the nonprofit is: he who does the work controls it. In a similar vein, if you worry about the agenda, and you worry about who's going to attend, and you worry about calling people in advance and making sure that different points of view are going to be at the meeting and are going to be heard, you're basically controlling the process to a large extent. It's not a negative thing, but it's a power thing. You can shape the outcome. If you let the Partner members sleep at the table, then it will be fairly uneventful. There's a risk that at the end somebody will wake up and disagree, but generally that doesn't happen. On the other side, if you let them do all the work, do you have enough control over it? After all, they're just an advisory body. There's an extraordinary level of commitment, I think, on Larry's part that the Partnership make some decisions but we've also had occasions where there's been intervention.

The same partner however did say that Dahms had given the partners some extraordinary power. He certainly did not see this as a black and white issue.

> It's clearly a work in progress, and we're all feeling our way through this. Larry has done some extraordinary things in terms of opening up that picture. I think, on the correct assumption that when you distribute power you get more power. Because what you get is people that agree with your agenda and are helping you carry it out, so you don't have to do it all yourself. So now he has instead a staff of 100, he's got a staff of 300. They're surrogates for staff but it doesn't matter as long as you can get your agenda accomplished. In the process of this feeling our way through things there's been some back and forth and there's been some intervention from MTC staff when they have felt something wasn't going the way it should be going.

The Staff

MTC staff were well educated, mostly with advanced degrees from major universities, typically in engineering, planning, economics or some combination. They were intelligent and savvy and, for the most part, well respected and personally appreciated by the Partners, according to our interviews. MTC staff were not very different from many of the Partner representatives who appeared at the meetings. They typically had similar professional training; their age range and professional status was similar; the majority were male though two women were promoted in late 2000 to Deputy Director positions; some attended school together; and some eventually moved from beginning jobs at MTC out to more responsible positions in Partner agencies.

MTC staffed Partnership and Commission committees, and they were responsible for a variety of planning and analytic tasks. A staff member whose responsibility was to track and monitor project funding and completion, for example, also served the Fund Programming Subcommittee, while another whose job was preparing the RTP served the 3PC and later the Planning and Operations Committee. Some did modeling or analysis, while others spent more time interacting with transportation providers. They prepared memos and reports and studies for internal use, committee use, and for the state or federal agencies. The work of staffing the committees was substantial. The packets of material were routinely thick and detailed, with carefully crafted cover memos. The packets staff prepared were lengthy and detailed, difficult for us as researchers to absorb and presumably for some partners as well. Before presentations staff usually had framed the issues and prepared detailed handouts. There was rarely a place for people to suggest what they might have had in mind, especially if their ideas were still in a preliminary and undeveloped form. The amount of background material could in itself be a deterrent to discussion–especially since participants had typically not all read the materials. One partner said "MTC staffs everything to death."

Dahms complained over the years about the amount of staff time needed to manage all these committees and about the way this workload drains MTC resources. Although Dahms frequently called for more participation by Partners in staffing, such efforts were seldom successful. In the rare instances where a committee tried to do its own staff work, as they did with the RTP task force in 1996 (see Chapter 13), there were clashes with MTC staff, and the work done by Partners was greatly transformed by MTC staff once it took over. Other times when Partners managed their own committees, the work seemed to have little impact on what MTC ended up doing. A lot of information was needed to do almost anything in MTC, much of it technical and much of it information to which partners did not have access. More to the point perhaps, the staff had a sense of direction and usually specific ideas about what must be done. In our observation they typically did not welcome proposals which differed significantly from what had been decided in house.

Staff differed among themselves in their style of working and communicating and seemingly as well in their support of the participation of the partners. One partner reviewed the key staff members for us and the degree to which each seems to support the idea of the partnership and collaborative methods.

> (Staff member A) just has not bought in, will not buy in and probably will never buy in (to a collaborative approach) I think that's a function of his personality. He'd make a good sergeant major. Staff member B is really laid back He's really interested in the technicalities. That's where his interest is, that's where his expertise is, that's where he's spent his career and he's good at it. If you go back to (Staff member C and D) you've got two there that I don't think are committed. They see the Partnership as another group they need to respond to rather than lets work together. So they want to retain control. (E) seems really committed. (F) seems about half committed. G is I think fairly committed. H I'm not sure about. Some times yes, sometimes no, hard for me to tell. I think J thinks it's a good idea but I'm not 100% convinced that's he's completely comfortable with how it's

working out. K, I just can't tell. He strikes me as the ultimate bureaucratic survivor. I get a feeling a lot of times none of this means a whole lot to him one way or the other. Whether he thinks the Partnership is a good idea, I can't tell you. I think A would feel happier if it disappeared. C has spent so much time over the years dealing with so many influence groups, I'm not sure he doesn't perceive the Partnership in some ways as just another influence group. He pays attention to them, he responds but I'm not 100% sure that he thinks of it as a partnership. I think maybe he thinks it's one more group he needs to respond to.

Some staff were highly analytical and technocratic, likely to speak as if they knew there are correct answers and that they, with their stores of data and models, were the most likely to find them. These staff members seemed to have the perspective that partners could give them information about attitudes in their agencies and problems in their geographic areas and they could offer specific proposals for projects out in the counties or among transit agencies. As technical staff these individuals could then input these partner preferences into their models. These staff seem to operate according to an implicit model of technical planning.

Not surprisingly most staff, especially these technically oriented ones, appeared to regard the committees as being there to provide them "feedback" on their regular work. One sometimes gets a sense from listening to certain staff that MTC has a mandate to do particular work for certain well defined purposes and that staff are being generous to listen to others' opinions. At times they may express frustration or annoyance about Partners' opinions either publically or privately.

Other staff seemed to be trying to be genuinely open to partners' views, but gave off double messages. For example in presenting a major set of proposals to the Partnership a staff member started off by saying,

> We want to make this interactive so I hope you will interrupt. If you don't stop and ask me questions, I will ask you questions... We tried to frame the issues in the handouts. We want to get feedback from you if we framed the issues correctly.

The idea that people have to interrupt in order to say something seems a bit intimidating. Presumably one needs a very good excuse to interrupt, and not surprisingly few people did so, except for points of information. The presenter in this case, as in many others, seemed to envision "interaction" as taking one of two forms–questions and answers, or "feedback," which will say whether the issues are framed correctly. Any comments a listener might make would have to be critical almost by definition, and most people are unwilling to criticize unless it is very important to them. People usually do not want to use their political capital unnecessarily to challenge things. (There are exceptions of course. There was one partner for example who almost invariably to came up with criticisms, skepticism and questions on almost any proposal.)

In another example a senior staff member put three broad "choices" to the Partnership and responded to their comments by saying,

> These are only three bullets and what you say could be put after them. We can fix
> what we have got, or use funds to get all the way around the Bay, or say LA's got
> it right, we will have six billion for HOV's in the sky.

The message seemed to be that he was not going to have his categories or framing changed. Nor was he going to encourage people to make choices he did not agree with.

By contrast other staff were more adept at multi-way dialogue and seemed genuinely interested in finding out what the partners had to say.   Some seemed to welcome broad-ranging discussion and were more likely to take the view that an idea could emerge from the Partnership that might not only provide important information about transportation needs or practical administrative issues, but might also be an acceptable or even good solution. Even these more collaborative staff, however, typically were guarded in their public comments and often reminded participants of the boundaries on the discussion and about MTC prerogatives and responsibilities. Perhaps needless to say, staff in this second category tended to be more liked and trusted by partners than those who used purely technical approaches, and less likely, in our observation, to reach impasses with the partners. At times Dahms seemed to be in a collaborative camp and at times not to be. In some meetings of the Partnership he stressed how important it was for the group to come up with its own solutions and how empowered they were. At other times he would deflect a partner's idea or change the subject in a way which put an end to the issue. Sometimes it appeared that potential ideas and open discussions may have threatened the quiet behind-the-scenes arrangements and been discouraged for that reason. Or they may simply have been discouraged because such discussion could make staff work much more onerous if they constantly have to respond to new ideas.

 Some staff played an active role in the committees, including occasionally acting as de facto chair, facilitator or even participant with strong positions, while others simply prepared documents and remained quiet unless they were making a presentation or being asked questions. It did not appear to our observers that staff were given any common guidance on how to work with the committees. Dahms or Hein sometimes attended Partnership committee meetings. When they did, they participated more as one of the Partners, albeit a somewhat unequal Partner, expressing the "MTC" view. Often it seemed that they headed off partners from some direction they seemed interested in going, warning or discouraging them. They typically did this in such a way that even when several partners disagreed with them, they did not have an open conflict.

It was rare however for staff to operate as they do in some highly collaborative consensus building efforts we have studied (Innes, et al. 1994), where the group takes the lead and asks staff for the analyses they want rather than passively accepting what is put in front of them. In these few cases staff carefully abstained from taking positions, though they warned committee members of problems or made suggestions.

The reality is that the MTC staff serve both the Partnership committees and the agency and that their employer is MTC. They cannot be fully responsive to the Partnership committees insofar as these may want to deviate from policy that staff or the Commission has committed to. Staff seemed to come into meetings, particularly after 1997, increasingly prepared to dig into a position and convince the Partnership rather than to come in with a problem to be addressed and no prior preference about the solution.

The complicating and often confusing factors in trying to make sense of the role of the staff in relation to the Partnership are first, that in MTC and the Partnership the language of collaboration and empowerment is mixed in with the language of conventional public involvement – e.g., collaboration ideas are blended with the notion that what is really needed is "feedback" on staff plans. More confusing is the status of the Partnership itself, which has never been unambiguously defined as an equal partnership among participants. It has not been clear whether the Partnership exists to advise the staff, to develop its own autonomous positions, to innovate and solve problems, to truly collaborate and develop joint solutions, or simply to get the players on board with a common program and achieve sufficient agreement so that MTC can go to the state or federal government and speak without dissenting voices. Complicating the story is the reality that each of the Partners has direct access to one or more commissioners and that the commissioners can override the staff. When MTC wanted to keep more dollars for regional activities out of SB 45 funds than the partners wanted, partners made the implicit threat that they would go individually to commissioners to challenge that proposal and perhaps even testify or get others to make statements at the Commission meetings. So, in some ways the staff have power over partners and yet in other ways they do not.

Most of the staff appear far more comfortable with analytical and technical roles than political ones, and they operate predominately in the technical bureaucratic mode. Few staff are placed in a position to face external political challenges. Therese McMillan and Dave Murray, staff responsible for finance who went to state level hearings, handled occasional public appearances and questioning. But Steve Heminger, the staff member with responsibility for legislative affairs and public relations during the period of the study, and Deputy Director after Hein's retirement, along with Dahms and Hein, did almost all the public appearances and press interviews. This situation is not atypical in public planning agencies, where the political and technical tasks are assigned to different staff. It does however create some divergence between political and technical judgments among staff. While MTC did ground its policies in respected technical work, political judgments from time to time were seen by some staff to override what the more technical staff believed was correct, creating some tension in the organization. On the other hand the staff with the more political orientation saw pitfalls and issues the technical analysts either did not see or were not interested in.

Meeting Management

The results of our earlier research and the literature and practice of collaborative planing and consensus building all suggest that meeting management is a crucial factor in determining the degree to which participants achieve agreements that they are prepared to implement. Therefore we paid close attention to the conduct of meetings in the Partnership.

Chairing and Agenda Preparation

At the beginning Dahms chaired the Partnership Board meeting. Dahms withdrew from chairing the Board on advice of Tom Larsen, former FHWA chief who served as a consultant to MTC in the early years of the Partnership. After extensive interviews with partners, Larsen

advised it would be better for Dahms not to play that role, but instead to give partners more sense of ownership by letting them chair. After that partners took turns chairing Board meetings, and the meetings themselves were held in different venues, hosted by different partners. This approach had the advantage that no partner would seem to dominate. De facto it also meant that no partner was to take major responsibility for the Board, as a permanent chair might. MTC thus, ironically, remained the dominant partner.

Committees chairs were usually selected by partners, often after staff worked to identify willing and appropriate candidates. Each committee meeting was preceded by a detailed agenda, which, chairs told us, staff put together in consultation with them, though this was not always the case. When we asked one chair how his relationship with staff worked he said,

> Fairly well (some guardedness in his voice). There are times [an MTC staff member] runs out ahead and expects me to follow and I do have some problems with that...Last month for example, I didn't get a draft agenda to look at and scribble my own notes on and say "how about if we do this instead of this?" Instead this thing just sort of popped out. Fortunately it didn't have anything on it I was terribly concerned about but nonetheless. "Hey don't cut me out like that. I'm likely to get a little pissy about things like that." That sort of thing.

Another partner tried to do his own agendas and get partners to do some of the work between meetings because he said , "You need to own your decisions. You can't own them if all of the work is done by MTC staff." A third added, "Then he started doing the minutes because he couldn't trust MTC."

For the most part it appeared however that chairs did not exert significant control or initiative in preparing the agendas. Reading these agendas, one gets the impression they largely represent lists of items to meet the staff's bureaucratic and procedural obligations rather than a set of topics likely to generate constructive discussion in the committee. At times committee members might demand discussion on a particular issue, only to find that it was not on the agenda or that the time to discuss it was greatly limited. For example after repeated and hostile discussion of the proposal to distribute TEA-21 funds by population formula, the Finance Committee stated their desire to devote a whole Partnership Board meeting to this. When the meeting was actually held, many other things were on the agenda and only an hour or so remained for this crucial discussion. Although some partners thought that this was more than enough time since they were quite content with the existing formula, others sought to explore alternative ways of allocating funds and an hour was far from enough time to find a consensual solution through dialogue. Our other research suggests it might take weeks of meetings or at least several intensive days for such a conflictual issue to be adequately resolved. It probably would require the help of a facilitator and demand the exploration of alternatives that were never placed on the table in the Partnership.

One exception to this pattern was the Advisory Council, which successfully took substantial charge of its own agenda, deciding to focus on land use. They became very insistent by spring of 1998 about the topics they wished to discuss and how much time they wanted in which to do it. They requested a memorandum from MTC in response to the letter from Carl

Anthony on environmental justice and insisted that plenty of time be allocated for discussion. Another time they insisted on getting from MTC a statement about the potential use of VMT as a performance indicator, documenting MTC's position against it. Like the Partnership committees, they met resistance from Dahms and other staffers, but they persisted. Unlike the members of the Partnership who were dependent on MTC for some of their funds, members of the Advisory Council had little to lose by challenging MTC and everything to gain if they were successful.

Another exception to this pattern of meeting management was that the agendas for the Board were, after 1994, put together by a Steering Committee. This group of partners and staff talked through the agendas and procedures for running Partnership Board meetings and retreats. In our observation these meetings were very much staff-led, however, with Partners reacting to and adjusting the proposals.

A third exception was the small, informal subcommittee and working group meetings set up to do particular tasks, where the agenda might be decided by the group itself, or by the chair. These included the RTP task force in 1996. These groups were not subject to the state open meetings law and did not have to have agendas published ahead of time. They tended to be informal and collaborative in the sense that all members could speak and propose ideas when they occurred to them. It was less likely they would be preceded by substantial packets of information and lengthy lists of obligatory presentations and more likely that the partners themselves prepared handouts or meeting materials.

One partner commented about the difficulty with MTC playing a lead role in meeting management.

> That leads to the ambiguity about the role of MTC in the Partnership. That's why I insisted on having a facilitator at the meeting. MTC is a stakeholder. They have taken a position. They reluctantly agreed to the facilitator.

Conduct of Meetings

There was considerable variation in the way meetings were actually run, depending on the size of the group, the personal style of the chair, and whether a professional facilitator was used. The typical Partnership committee meeting was a sort of hybrid between a conventional formal committee meeting and a consensus building model.[1] Items laid out in the information packet were taken up one by one for "reaction" or feedback to staff. Systematic efforts were rarely made to hear from everyone nor to organize or focus the discussion. Participants made their points in whatever order they occurred to them, whether they were asking questions or making comments. The committees did not make motions or vote – the Board even made a formal decision at one point they would not use voting. The apparent idea was to get consensus, or more precisely, to give people a chance to object to a proposal and then to take this lack of objection as consensus. One or two chairs we observed made it a point to check on the meaning and thrust of comments to assure there was clarity. They stopped to state what they understood to be the points being agreed to in the group before ending discussion of a topic. More often however, discussion

---

[1] For more on this model, see (Susskind, et al. 1999).

seemed unfocused and confusing, tapering off or being cut off for lack of time rather than ending with a clear conclusion. Normally most Partnership meetings ended with neither formal, written agreements nor with specific action agendas –though again the Advisory Council was an exception.

This pattern is unlike professionally facilitated consensus building meetings, where ongoing records are kept of the ideas and issues so that they can either be resolved during the meeting or addressed later, where discussion is focused on one point at a time until clarity is reached about disagreements and agreements, and where agreements and decisions are carefully stated and recorded. In moving away from parliamentary procedure, the Partnership lost the clarity of decision making and focus offered by making motions and voting, without substituting an alternative way to assure such clarity. In Partnership meetings differing opinions were often glossed over. Those disagreeing often backed down for no clearly expressed reason. Staff were then able to return the following month with a conclusion or proposal that gave a spin on the discussion that fit MTC's preferences. Occasionally Partners challenged such staff reports or minutes. In the early years there was sometimes discussion of minutes when some members thought they did not represent the discussion accurately. Today however, perhaps because of these disagreements, minutes have become so sketchy and offer so little of the substance of the discussion, much less of the conclusions, that their accuracy can no longer disputed. In the absence of formal motions and votes, such minutes leave much ambiguity about what was agreed to. This allows considerable discretion to staff to interpret the discussion as they see fit.

Chairs were rarely neutral. They were Partners with agencies to represent. Most chairs at one time or another took fairly strong positions, at times pushing for the interests of their organization or for some issue they regarded as important. Some chairs assumed a more neutral role than others and were more likely to reflect back the important points made by different people, as would a professional facilitator. Those same chairs also were more likely to make sure that everyone around the table had been invited to speak and that unclear data or concepts were explained. To our knowledge, only one of the regular participants, Sharon Banks of AC Transit, (whom we never observed as chair) had formal training in group process and facilitation. Although the number of women in this study was relatively small, a number of women served as committee chairs and it was the researchers' impression that women were more likely than men to take a more facilitator type of role and more likely to seek a deeper consensus than to search for ready closure. This was the case among both Partners and staff. Several leading women participants opined to us, without being asked, that this pattern was indeed related to gender differences in communication styles.

Typically discussions in regular committee meetings were desultory, with perhaps two or three Partners taking an active role in commenting, though there were a number of meetings involving intense, even confrontational, discussion, particularly on matters having to do with funding. The Partnership in general however seemed to shy away from confrontation. But even where confrontation was unlikely, the Partnership committees did not often sink their teeth into the substance of discussions. One partner said,

> Have you ever gone to a Partnership meeting? ...I kind of wonder what they're talking about half the time. They seem very boring. It doesn't seem like any real substance gets debated or talked about or anything.

Few of our respondents, in contrast to many of our other case studies of collaborative policy making, told us they attended the meetings because they were interesting or because they learned things.

Attendance at meetings varied considerably among the committees. Committees where the meetings were dull and did not result in decisions or involve meaty discussions or new learning, not surprisingly typically had poor attendance. SOM for example seldom made significant decisions, and members spent a lot of time listening to technical presentations that did not interest them. As a result, there were often less than a dozen people in attendance, of whom several were MTC staff. Although FPWG and 3PC meetings were often dull and disjointed as well, at least from the observer's perspective, participants told us they continued to attend because they wanted to protect their interests. The discussions of funding allocations could have direct impact on them. In contrast, members of the Modeling Coordination Committee reported that they derived substantial satisfaction from attendance and felt they learned a good deal that was useful to them–though they did not do much in the way of brainstorming or idea generation. Attendance at those meeting tended to be relatively high.

A number of factors worked against a deep investment by the partners in the Partnership process. One was the fact that, as some partners complained to us, meetings skirted around the most difficult and important issues and that, in doing so, they failed to build the level of collaboration and trust that was needed. Certainly the reality is that the Partnership did not address systematically a number of matters that partners privately noted to us were important and controversial, like the BART SFO issue, the Transbay Terminal or the CalTrain downtown extension. All of these issues hovered around the outside of the Partnership, as part of the context. The players were acutely aware of these issues but unwilling to bring them up for the most part. The issue of land use and MTC's responsibility to try to assure a compact pattern of growth was another example. Though this was a matter on which there was much underlying controversy, it was one which was virtually never brought up in Partnership meetings. One likely explanation for this reticence and the reality that MTC did not place these issues on the agenda of the Partnership is that they would have been sufficiently controversial that it could have broken apart the somewhat fragile "consensus," or at least the working agreements the group had developed.

A second factor was that discussions at meetings were rarely structured in a way that was conducive to group learning. Partners were virtually always engaged whenever funding formulas was on the agenda, but the discussion tended to focus on the zero sum aspect of these formulas and thus partners inevitably had to look out for their agencies' interests first and foremost. Partners did not typically discuss in any depth what the implications for the region would be of various funding options, for example, of a policy only to allow funding for transit rehabilitation and not for expansion. Such discussion would probably have been interesting and engaging for the partners and would have opened up the possibility for mutual learning by taking people away

from the immediate self interest of their agency. We have found in other cases that such discussions contribute to keeping players at the table.

Occasionally a committee did manage to have a freewheeling discussion. For example one began around how to "sell" the regional gas tax idea. In this discussion Partners began to brainstorm and feed off of each other's ideas, while putting forward what was important to them. They got beyond the reactive model of merely giving staff "feedback." In this discussion partners also got beyond their parochial interests, demonstrating that this is not impossible when the discussion is sufficiently exploratory.

> Staff A: We want to get away from a just a list of projects. We are looking for ideas.

> Partner A: There are two different questions. What do we think are the proper issues and what do we think we should sell to the public?

> Staff A: (not quite getting away from wanting to control the discussion and limit it to what they put forward) We don't want to get into the nitty gritty of how to sell it, but want to know if these themes are simple enough. We want feedback on these.

> Staff B: This needs to stand out from the local sales taxes.

> Partner B: I cannot help trying to integrate the two questions (what we want and what we can sell). I think these themes are boring and the people will fall asleep. It looks like an infusion of funds into daily operations and would be hard to sell.

> Partner C: I would give a resounding yes to a regional theme. We have a regional air quality problem; we have a connected economy. The question is how do we spend the money on what we need, not on what we think we can sell?

> Partner D: I also support a regional theme.

> Partner E: It has to be concrete and specific in how it affects people's lives. I would not dream of putting this in front of the voters unless it were new, a solution to the problems that the voters are having.

> Partner B: I want to reiterate the smaller classroom size thing–people really understand that. (NB: a statewide ballot initiative had just passed supporting smaller class size) I think if all $6 billion went to transit–if none of it went to single occupancy vehicle lanes, you would have a better chance of getting the gas tax approved.

(Curiously this partner was one whose county was notoriously uninterested in transit.)

Staff: What about community vitality as a theme?

 Partner B: Community vitality–people will ask what that means.

Partner E: Maybe the theme is not something in planning terms, maybe it is more a man on the moon, where you talk about a performance goal, like getting 10 or 20% of people who travel into transit within 20 years.

Partner C: I like that theme. That performance idea works.

Partner F: (from a highway oriented county) I am reminded of the adage that all politics is local...you cannot appeal to the voters this way...you have to do something they can relate to...appealing to what is local may be in direct conflict with the right regional theme...the dichotomy we are dealing with is that very local visceral reaction and what's the right thing to do... and we're dealing with the fact that gasoline is woefully, drastically underpriced...We know that, the public's perception is diametrically opposed to that...and we have given veto power to 33 and 1/3 % of the voters....it may be a choice between taking the high road and going with the theme and program they know is right, and going with what will sell. Maybe in the long term we can make the public understand....

He seemed to be unwilling to say bluntly lets go with something that is not accurate because it will sell the tax. But Partner C. argues, "I would rather be right and lose than guess what the voters might go for."

What seems to have happened in this discussion is that the participants were no longer speaking in their stakeholder role but as individual professionals. This enabled them to consider options their agency might not choose on the basis of its immediate mission. Although they did not get to a specific proposal, they had an interesting discussion which generated some new thinking, allowed people to put their values on the table, and to have a cooperative interchange. It even got some players to speak for positions they normally would not because of their constituency's interest or their agency's formal position. This seems to have occurred because the topic was one that partners had both an interest in and some first hand knowledge of and because the staff members came in with a somewhat open mind and without thinking they knew the answers. Staff also presumably knew they would have to have the active support of the Partners to pass the gas tax initiative in the region.

This type of discussion however was rare. A senior staff person put an end to the discussion, using humor, perhaps to distract from the fact that he was closing the matter.

We have reached the point where we should move on. I have thought, though, that if we ever got to the point where [Partner F] said MTC was right, that's where we should stop. (laughter)

389

But Partner C. was not willing to stop and instead posed the idea of putting the proposed themes for the gas tax to voters as advisory.

> Staff: These can be themes based on the six projects in each county so you could play to the hunger of the public to go where the money is.

> Partner D: To be professionally responsible you just cannot make the maintenance deficit larger. (Arguing against new construction)

At this point a senior staff member made a mocking remark which called attention to Partner D's idealism and political naivete. This in effect stopped the conversation, which was threatening to move the Partnership away from the project-based model to an approach to funding based on principles of regionalism.

In another example a meeting was held to address a difficult issue on which there was intense disagreement in the Partnership and Partners recounted their disappointment about the brainstorming model that was used in that meeting.

> Partner E: [A staff member and a partner] gave out the idea of brainstorming about the Partnership meeting. I said we needed as a committee to do groundwork to make sure that we wouldn't have a railroad job. It turned out to be fully manipulated. At the brainstorming session, people gave ideas and everyone was shot down. So, people stopped coming up with ideas.

> Partner F: They kept saying, "Staff will bring it back."

> Partner H: This is organization theory 101. Who would conceive of calling this brainstorming?! It's the fascist approach to brainstorming. It was not a serious effort. It was a totally manipulated process.

A similar thing happened at a meeting on the RTP. Partners began proposing ideas for Track 2, but Dahms threw a damper on what he saw as speculative discussion, saying partners should not discuss these ideas in public unless they were prepared to stand up and support them later. "We took a lot of heat in MTC for things we did that you supported here but not there" Then he told a story about something MTC recommended and then got "fried" by local officials. "Remember there is a political world out there and we need you to sell it. Anything that is proposed will meet resistance from someone."   Perhaps needless to say, further speculation was at that point derailed.

Our previous research on consensus building discussion processes (Innes & Booher 1999b) concludes that creativity and scenario-building go together in these processes and that participants have to feel free to piece together new approaches through a kind of bricolage which in turn they then may be able to "sell" to their constituents. It is difficult to get people to take the chance of speculating however and they need lots of encouragement. At MTC they got very little**.**

Retreats and Ad Hoc Groups

Partnership retreats were managed differently from routine committee meetings. These were usually two-day, overnight meetings away from the center of things, and they gave time for informal talk, meals, and hikes, helping create the sort of camaraderie that in other cases has been found essential to building the social capital and trust for successful consensus building. These meetings, more often than not, were aided by a facilitator who made sure that discussions and points were recorded and organized on large paper sheets and that results were fed back to the larger group in written form later on. Meetings focused on open ended questions and did not involve routine reporting or "feedback" to staff. Unlike ordinary committee meetings, retreats typically involved the Partners themselves – the agency general managers -- rather than their staff. These people could speak more confidently for their agencies, but they also seemed to be more comfortable in speaking directly to the issues than some of their staff. As general managers they tended to be more accustomed to leadership roles. These retreats, at least by comparison to the committee meetings, were lively and well attended. Retreats were not organized around decisions that had to be made, but rather on issues for the future. In this respect they were more like the consensus building, policy dialogue processes we have observed elsewhere, though the retreats tended to be less clearly focused on specific tasks than those dialogues. The discussions in the small working groups organized in the retreats were lively and often intense, and participants seemed to enjoy them. The participants seemed not to hesitate to express their opinions in these meetings, though it should be noted that usually nothing specific was on the table–that is, they were not taking particular positions about matters that would affect their agencies directly.

In these retreats staff played a significant role. Typically Dahms would give introductory remarks emphasizing what the Partnership had accomplished and how important it was. Then staff would fully participate in the groups, often playing the role of warning and trying to set limits on the discussion. In one retreat we observed, staff insisted on being the recorders of small group discussion over objections of the facilitator and, when the discussion was complete, staff insisted on doing the write up of the results, again in opposition to the strong advice of the facilitator. In our observation at least some of these writeups did not fully capture the discussion, emphasizing more the points of concern to staff and less some of the points of concern to participants. Though participants were able later to review the writeups, substantial time had passed and memories faded a bit. This was an example of how MTC staff continued to exercise authority or control even in these more open-ended and collaborative efforts.

At times it seemed as if there were dangerous areas where staff did not want participants to go in their discussion. One group for example wanted to discuss leadership in the region and what was the Partners' role. The MTC staff member in the group discouraged this insisting that Partners could not be leaders in certain areas where MTC had the legal responsibility. When participants wanted to discuss developing regional vision, staff seemed particularly uncomfortable, and one confided in us that he thought it was just a smokescreen for getting into the land use issue, which clearly MTC staff did not want to do.

Typically these retreats did not propose specific actions, but rather general directions for the Partnership. As we look back over the records of years of retreats, however, it is difficult to discern what the product of these discussions has been. Occasionally something proposed at a

retreat was implemented, like the Partnership reorganization in 1997, but it seemed that idea was already in the works at MTC and the retreat merely became the place for announcing it or getting "buy-in". Even when there were follow up groups to discuss emergent proposals, most ideas spawned in the retreats just seemed to lapse.

A third type of meeting that operated quite differently from either regular committee meetings or retreats was the ad hoc task force, small subcommittee or working group. These included the RTP Task Forces, the Steering Committee and the Ad Hoc Multimodal Priority Setting Committee. These each had a specific task and purpose on which to focus and none were burdened with lengthy reports and presentations from MTC staff. Even where they had a chair, typically the chair played a less controlling role in a discussion. The discussion tended to be both more speculative about things that might be done and more substantive about the issues and problems surrounding a proposal. The smaller size of these groups was conducive to more participation in discussion by all members and offered more opportunity to work through issues and differences. It was deemed that the open meetings law did not apply to these meetings, so formal agendas were not required. This allowed discussion to proceed in a more spontaneous way. Nonetheless these meetings tended, much more than ordinary committee meetings, to focus on problem solving and sticking to an issue until it was actually resolved. In these ad hoc groups, one was much more likely to hear differences, even significant and serious ones, expressed and to hear emotion and intensity in the discussion than in the formal committees, where there seemed to be more self censoring.

Comments

There were many obstacles to the Partnership being a truly collaborative effort. MTC is a powerful agency, substantially more so than any of the individual partner agencies. True collaboration requires some degree of equality among partners, if not outside the dialogue, at least inside it. But the habit of MTC staff of reminding partners of MTC's powers and the constraints on partners inevitably hindered open discussion. The most effective collaborative processes tend to be quite innovative because ideas are generated in the group that are often not generated through other means. But this is contingent on the group being able to challenge the status quo and not being highly bounded in what they can discuss or how. Collaborative groups tend to require their own staff whom they can control. It is only such staff who are truly trusted, but, even more to the point, such staff can be asked to prepare information in forms the group wants and can see their job as helping the group to produce results. At the Partnership the staff's job is to help MTC produce results and only to help the Partnership insofar as it serves that purpose. Moreover few of the Partners or staff had either training or guidance about how to manage or participate effectively in a collaborative group. Some staff may indeed have had a predilection against such efforts as technically unsound and likely to waste considerable time, if not actually to come up with inappropriate strategies.

True collaboration is a risky activity for those who have power. It requires allowing things to take their course and to have confidence in the likely wisdom of a well informed group to produce appropriate solutions. Once a group comes up with a strategy it is politically and practically difficult to change it. Thus MTC is not unusual in its efforts to contain and control

what the Partnership and its other committees did. But these efforts often placed MTC and the Partnership in opposition rather than collaboration and reduced the trust and joint knowledge that could potentially be built to help assure that results would be acceptable to all players.

CHAPTER 20

OUTCOMES:
SUCCESSES, FAILURES, AND MIXED RESULTS

In the years after the passage of ISTEA, MTC had a number of successes in terms of our criteria of creating genuinely regional responses to transportation issues and building agreement, coordination and understanding across jurisdictions and agencies. The Partnership played a considerable part in many of these successes. Some things MTC and the Partnership tried, on the other hand, just did not work. Some of these have been terminated. Others the staff and partners continue to struggle with. And in some key matters conflicts and differences have surfaced and remain unresolved. The Partnership has played a part in both the successes and the problems, as have external conditions like legislative actions, the growing economy, the housing shortage, and an increasingly mobilized set of interest groups. In this chapter we will review and discuss these successes and challenges and in the following chapter we will offer our explanations and hypotheses to account for these outcomes. In the final chapter we will suggest policies that could be followed by federal and state governments as well as MTC and that we believe would lead to more regional successes in the longer run.

<u>Successes</u>

Project Selection and Fund Obligation

The most clearcut success–the one to which most partners and MTC would almost certainly agree–was that partners and MTC agreed upon and implemented criteria and procedures for selecting projects for funding and for assuring that the region as whole was able to obligate most, if not all, the annual funding available to it. The criteria for screening and scoring projects were collaboratively developed among the partners and the staff in the Ad Hoc Multimodal Priority Setting Committee and later in the Fund Programming Subcommittee. The scoring criteria were not only reflective of ISTEA's principles, but they also reflected some agreement across the counties and transit agencies on what kinds of projects were more acceptable from a regional perspective than others. These included weighting of such things as expansion versus maintenance or looking at the number of people that would benefit from a given project. The scoring helped coordinate across the 100 or more jurisdictions in the region which had to be aware of and apply scoring criteria in their own selection process. The scoring process also allowed the partners to have a united front on projects, so they were less likely to bring issues to the Commission around which projects should be funded. It seems to have produced an overall reduction in conflict. One partner told us,

> MTC wanted to use the CMA structure as a go-between between the local
> jurisdictions and the regional body. The CMAs would be like a mini MTC for a
> county. So they used that to get us to put together not only planning priorities,
> but funding priorities, in our counties and get all those kinks worked out before we

elevated them to the regional level for regional debate. The effect was, we (our county) had our ducks in a row. We had our priorities set before it became a regional issue. So at the MTC level we didn't have for example, two of our cities fighting about the importance of such and such a project. .... This hadn't been the case in the past.

He felt that the scoring process also helped coordinate within his county,

> when ...there's development in one jurisdiction that affects another jurisdiction. Usually there's all only in the CEQA process where you notify. We had a forum where these folks could get together and actually sit down and talk about the issues among their peers. So, the interest in solving problems that was cross-jurisdictional–they were very interested in doing that.

Anecdotal evidence and the opinion of key partners and staff suggest that the scoring reduced the number of low quality projects, or projects whose main value was to provide a favor to some well placed public official. A partner on the scoring subcommittee told us,

> We're noticing that project sponsors are tailoring the kinds of projects they put forward to the criteria now. So, projects are scoring ... higher than they did at first. It's a carrot and stick kind of thing. When you award points for including bicycle and pedestrian elements in a straight roadway project it does better than if you just do a roadway project. So our public works directors are out there saying "Well, I really need to pave Elm Street, that's the highest priority for my residents in the city. But, you know, paving Elm St. is going to get me 30 points at most out of 100. But if I put bike lanes on Elm St. and I synchronize the signals along Elm St. and I put in curb cuts for wheel chair users, I get 75 points." ...I think that's one of the great successes of this priority setting process is that we been able to, instead of being top down saying "You shall do this" we say "You do whatever you want but here's what you're going to get points for."

> I think that the fund programs that have come out of FPS and the Partnership have been good ones. In other words, the list of projects, that we eventually fund. We've had a good mix of the kinds of projects that everyone thought we should have going in. So I think that's a success.

Another partner from a different part of the region echoed this sentiment more strongly saying the scoring criteria had changed projects that get submitted,

> clearly–for the better. We're now seeing projects that are more multi-modal in nature. We're seeing projects that are operationally oriented. "Let's time these signals, let's stripe this, let's do this because it's cheap." You're seeing better transit projects as well. Instead of "Let's pump in all this new service" it's "No, no,

let's repair the stuff and keep the service we have now. Let's be reasonable about this." So yes, clearly you're seeing a change in the kind of projects you're getting. Hell, since we started the scoring procedure ...you could say there's been a HUGE change. All that money used to go to overlaying roads in the counties.... You're seeing transit projects, you're seeing signal coordination projects, you're seeing ped/bike projects that you never saw before.

Another partner who was deeply involved in the scoring expressed a different view.

 I think that for the most part the projects have been the same. But I don't think that the intent of the scoring process was to change the projects that were generated, it was to score them better. This isn't a cattle call. It's basically, we trying to sort out how to deal with the needs, which are always three or four times more than the available resources. It isn't like we have people coming out of the woodwork with new projects. There was enough innovation before, it just wasn't getting funded.

The funding decisions are definitely better as a result of the scoring criteria. The jury is still out on how long it takes to get through the process. It's also complicated by the fact that we don't have enough money. We don't have nearly as much money as we used to have when the scoring process got started, so it's very hard to judge. But I do think the scoring criteria are a success.... We're light years ahead in terms of at least considering these issues than the rest of the country. These issues include: The level playing field for funding transit projects along side roadway projects; The ability to incorporate pedestrian or bicycle issues or disabled issues; The ability to look at things like land use, in terms of support of the environment of the transportation investment.

Partners argued that the new process had more regional oversight and more participation and made the whole decision process more transparent and accountable, as well as gave more control to the localities.

People have been asking themselves "Have we spent too much time on this?" My theory is go back and try to measure the kind of time we used to spend cutting deals at the last minute to try to make everybody happy. The only difference was that those deals were being cut between MTC and the different parties and now they're being put on the table. They're more open. we have more discussion about what goes on. I think you've just traded the up front work for the back room work that got done at the last minute. So we have more of a process - more organized, more systematic, I think potentially more successful over the long run. But it's over the long run.

Another was more specific about the backroom deals.

It (the choice of projects) wasn't a participatory process in some instances (before scoring) I think...San Jose would take the apportionment to the county and buy it from all the cities at 75 cents on the dollar. San Jose had the match and the bigger projects. They dealt with all the federal and state requirements. Then they washed the money for the other cities and gave the cities 75 cents on the dollar to do whatever they wanted to do without any oversight. That's good and that's fine but ISTEA brought to us this mandate to do comprehensive, cross-jurisdictional planning and not spend money willy nilly on what your immediate political needs are, but to actually think in a broader scope and in a longer term. So that's why all these rules from ISTEA say that all players must be at the table, you must adopt your program in a public, open forum, no laundering money, no formula distribution of funds. You really have to go through a meaningful priority setting process, have criteria. That's what we've done in this region. Develop this amazing mass of criteria for project selection. And it stopped the laundering of money which on one hand made cities feel like they'd lost control over what they were able to do with their funds.

The scoring process also provided a forum for discussion as one partner noted.

But it also gave us a way to sit down and say "Okay. What's really important in this county? Where can we divert these resources? Where can we put these resources to have the best impact?" It still is a political process, as everything is. But, we have all the public works directors and all the planning directors sitting around a table talking about these kinds of issues, in a way they never did before. It was a different way of doing things. They weren't used to doing things out in the open. I shouldn't say it that way. That makes them sound like cigar smoking politicians. That's not the case. But they were used to a process where the money flowed through the City of San Jose and they got to do their pot hole projects and their street widenings--all of that without really any oversight. The county wide transportation plan was the purview of the county and the transit district board. It had nothing to do with the cities. They weren't bought into it. But now, they're into it because they own the process.

This forum also helped to create trust among partners and between partners and MTC because all played equal parts in the discussion.

Even though, for example, I may be at the table even though my city is not involved in this discussion, if I understand how it's going and I have a hand in solving the problem, then when it's my turn I know I'll be treated in the same way. It's an equity thing. I think it fostered a level of trust among the cities that maybe didn't exist before.

This scoring methodology also provided a rallying point for partners, who were proud of what they had accomplished. It was something that held them together and gave them a sense that they could accomplish something by working together. They were proud.

> It worked, the Partnership has worked, the relationships have worked and the understanding and the forum within the region has improved dramatically. But what's happened is that there's been less infighting or fighting before the Commission itself. By the time it gets to the Commission, we've resolved 99% of the issues.

> To me a classic case - it's always easy to divide up a growing pie but we're in a constrained time and we're redividing up a diminished pie. And it works. We all sat down with this last go round with the State Transportation Improvement Program with a diminished pie and 9 counties reached consensus. You could never have done that before in this whole process. That was Larry's Partnership working on top of the CMA process that created something at the local level. We are resolving conflicts. We are putting together programs and we are making difficult decisions in a reduced time of programming. This is what we have been best at in the Partnership.

There were some conflicts along the way where partners wanted a bigger role, but these were resolved.

> What happened after that first scoring process is that analysis went into the MTC. I riled against the black box syndrome. We went through this whole elaborate process, it went into MTC, it came out the score and we were left to ponder it. I said 'I want in that black box." There were a couple of MTC staff people who were helpful in convincing Larry and Bill to open up that process. It took many days of my staff's time. But I made the commitment. I banged on the table and said "I want to see what goes in that black box."...Perhaps it does need to be reduced and fine tuned. But the process now, the screening and scoring methodology is all inclusive. Those who submit through the CMAs know what's going in.

> So I think it's a more open process. Is it too cumbersome? Probably. Does it need to be reevaluated? Probably. But I don't want to go back to the black box approach nor do I want to drop screening and scoring. Because I think you get better projects. Especially when we are going to go into constrained times. Every dollar counts.

This partner thought projects were better in part for the same reasons as the others cited but also he said,

The Public Works Director always comes in and he harrumphs and harrumphs because he comes in with a minimally defined project and he says it would be good. We say "Joe, how will it be good?" and he says "Well, it would be good." And we don't get the kind of information and finally he provides the information and his projects don't score.

He told us that on balance his job was now easier as a practical matter because of the scoring process.

I now can look at all the aspects of the projects on a piece of paper. They have to fill out these applications. You look at all of this stuff. You look at average daily traffic and you look at all aspects of the operating system and where it fits in the system on paper, I can make an initial judgment. I may have to do a field trip eventually, but now I can sit there and I don't have to pick up the phone 26 times and say "What about this? What about that?" It's all there in front of me. If it's not there, then I can call up the guy and say "Hey. You've left page 6 blank. Why?"

From a political perspective it made his job as a bureaucrat easier as well because, "Projects are chosen based on merit now."

Another partner looked back over the whole process and found the long term result to be very positive.

There were some bumps along the way. There were some unhappy campers. But for the most part, we realized "Hey. It's funny what happened. We sat at the table. We all built this process. We all had a stake in it. When it came time to approve it, we really couldn't criticize it all that much. There was some criticism by people who weren't at the table. But that first round I think impressed upon all of us that this is the benefit of being at the table. We're here making the decisions. We're actually not making the decisions. We're advising MTC on its decisions. But, we as professionals, the people in the trenches, who deal with these issues on a daily basis, actually have a hand in setting the rules. So, damn, we'd better make the rules work. We'd better make them rational, we'd better make them equitable. It's a buy in thing. That's the element of the Partnership that is the success I think. We're all in there having a hand in creating these things. By the time they get to the Commission for approval we're pretty much happy with them.

A secondary effect of the scoring and of the trust built in the Partnership was that once proposed projects were scored and ranked around the region on a common scale, it was possible to reallocate funds on a short term basis among counties, when for one reason or another a project was stalled. The agreements that led to this also depended on the building of trust that built up not only through the scoring process, but also in other activities of the Partnership. It also depended on an elaborate project monitoring process guided by staff, but really only possible with

the cooperation of partners providing information rapidly. Because proposed projects had already been scored and ranked a delayed project could be replaced quickly by another which was ready to go. When the money appeared there would not have to be complex, politicized, and time consuming negotiations. One partner who found this regional cooperation to be an important result of the Partnership, cited his own actions,

> This county was the first one to give up on an STP project before the deadline. We gave the money back saying "We can't do it. Give it to somebody else." And we did that enough in advance that somebody actually could use the money for something else. We did that because we couldn't do the project and didn't want to keep saying "Oh, we'll make it, we'll make it, we'll make it." Five years ago...I wouldn't have given it up. Under the old process I would just have sold the money to somebody else. I literally gave it up. No financial advantage to my county whatsoever. Because if I kept hanging on to it and kept saying "oh, we can do it, we can do it, we can do it" eventually, the money would have been lost to the Bay Area. So I suppose I was forced into it. So at least there's the opportunity to get SOME benefit for SOME residents of the county SOME time, SOME place.

This reaction was not unique to this partner. We observed meetings where a partner would explain that a project they were doing was not going to be ready to use the funding and where they agreed to return the allocation to MTC to allocate to another county. Of course their allocation would be made up later, but all had agreed that it was to the benefit of the region to maximize their total funding in any given year.

Staff seemed to be of two minds about the scoring however. While some believed it was an important collaborative decision, helping to improve the projects and make them more likely to meet regional standards, others found it cumbersome. The scoring required substantial paper work, not only for project sponsors but also for MTC staff. After the first year, partners played a part, not only in the design, but also in the application of the scores to individual projects, presumably lessening the discretion of staff. More than one senior staff member complained that the scoring did not enable certain kinds of projects, particularly smaller and inner city projects to be highly ranked. This difference also may reflect a difference between those who believe in the technical model of planning and those who believe in the collaborative one. A partner told us,

> See, I think (he names a staff member) was one of the people in MTC that was watching this Partnership process develop these multimodal criteria and was not happy with it because we were making the decisions.... There was a group of people within MTC who didn't appreciate it. And still don't. One of the MTC staffers even said to me that we shouldn't be doing this multimodal process. MTC staff should be doing it because they're objective.

This partner's view of scoring in 1996 was

I think the process for funding this time got very big. The application and the whole funding process. I don't consider it a failure but it needs to be reworked to get back to a little simpler process.

Another partner who was generally favorable also had some concerns.

The scoring has gone off track. Yes, absolutely. But that's our fault. We did it to ourselves... we got projects that some, not all, that are of questionable value. It sometimes may be that all the bells and whistles are not the real issue. Somehow, I can't tell you exactly how until I get into it, but somehow project definition of what it's going to do at heart and core has been skipped.

While MTC ultimately abolished the scoring, we found little evidence that it was a failure from the perspective of partners, nor that its flaws could not have been remedied.

Finally the staff contended that one of the successes of this period was to put an end to the practices of the Interstate era where most of the regional funds could be used on just one major project. Instead the new procedures they established assured that more and smaller projects were completed. This meant not only that many problems might be addressed that otherwise would not but it also meant that more different players would be beneficiaries of transportation funding. This in turn could help secure wider spread political capital that could help to reinforce MTC's role in the region.

Arterial Operations Committee

This committee, which was originally a stand alone group later assigned to the SOM, was successful in that several things were accomplished. It helped create agreement on signal timing in neighboring cities and resolved conflicts among cities and among cities and Caltrans, particularly over ramp metering and the models that Caltrans used. This group involved not the partners but operational people from the cities, public works directors and the like, who understood and had a stake in the problems of arterial operations. It had a simple task and it had control of it. It contrasted in this respect from SOM. One SOM committee member explained the need to have the right people at the table as a reason to incorporate this committee.

One of the reasons we've taken the Arterials Operations Improvement Advisory Committee under the fold is that it contains the cities and counties who actually own and operate parts of the system. I think that's of major import. You need those people.... those are the people that actually own and operate the system. And right now those people aren't (at SOM)

Modeling Coordination Subcommittee

From our perspective the Modeling Coordination Subcommittee was also successful in its modest way. The people who came got what they wanted, which was to keep MTC from

demanding that they build and operate very expensive and complex models in the name of consistency. They agreed as a group to a strategy for gradually building a consistent modeling methodology. In addition the members learned a lot about new modeling developments and techniques, about what Caltrans and MTC were doing as well as about the other counties' work. They produced some agreements on other programs and funding they would seek for data projects. They appeared to enjoy the meetings, by comparison with many of the other partnership meetings and generally spoke favorably of the experience.

Speaking of the genesis of the MCS one partner told us,

> The CMA Association found itself for whatever reason in a position of having to flex some muscle vis a vis MTC over an issue involving travel demand modeling. I don't want to characterize it as a terribly antagonistic thing, because it wasn't. It was certainly a situation where we were not in agreement regionally on what needed to happen.
>
> A good part of it was the flavor of the relationship to MTC. I think that the people who were dealing with modeling on a day to day basis were frustrated in not being able to self determine a little bit more. In fact that issue became very central to the whole CMA Association discussions and then to the Partnership. The idea that we ought to be able to find ways that everybody can be at the table and then we can sort things out, figure things out together so that the relationship with each other and with the regional agency is a more egalitarian one, more of an honor system where we know what is expected and we know what the standards are that are going to be used to measure the product that is expected and so we can pretty much anticipate whether we're going to pass or fail before we make application for whatever it is. In that case it was a modeling issue.

He elaborated further,

> As you know, models don't determine anything but they can certainly inform some of the policy decisions that get made about which project gets funded and which project doesn't. Particularly in long range planning exercises. There was a bunch of that going on at the time, four or five years ago, and people getting a little frustrated that they weren't coming to a closure or schedules weren't right or whatever it was in terms of the modeling methodologies and assumptions that were made about what land use growth was going to happen here or there.
>
> What happened was that that committee came to develop some kind of compromise for how we were going to sort things out simply by sitting down and looking at what the problem was and what was reasonable to expect and what time frame we could deal with and so forth. MTC found some money that we could put into a little study of coordination. Part of the technique was actually to, again, my conviction, put things on the table, all of them, and then admit which ones we

couldn't, we didn't have the capability to deal with. But at least know that we had an inventory of things that were not right and needed to be righted at some point so that then we could get past that major skeleton in the closet and concentrate on things we could actually get done.

Another partner, representing a small county explained the committee's value,

> To my county I think it has been really valuable. Without the weight of the committee I think sooner rather than later we'd have to go to an all demographic model. That's a quarter of a million dollars we don't have to spend. ....That's been the major value to us. Saved us some money and some grief. Without that I'm sure MTC would have said "Okay. Everybody's model has to match ours exactly." And the standards just don't say that. We're going to get to a coordinated model eventually, but it's going to be a nice long time. And by then maybe even MTC's model will be worth something up here.

A transit operator felt strongly this was a successful committee.

> The Modeling Coordination Committee has worked really well. It has brought the modelers in the Bay Area together to talk about modeling. And just to have the people sitting around the table talking about issues so they get to know each other is a real positive step. And I think ....the quality of modeling is improved, the understanding of modeling has improved and I think that's been very positive.

Another partner, a CMA director, contended the committee was of value to the region in that

> The committee has now come out with a plan that say this is where we should go with modeling Bay Area-wide. We should have a Bay Area-wide coordinated data base. We should head towards GIS. And all of those things I think are valuable for any type of planning or analysis purposes. So we've got that out there. We've got a vision: this is where we want to go. I think that's very valuable. That's for the future.

He also noted that the group process helped people to understand in what ways the model was more or less adequate.

> For the immediate term it's got buy-in that MTC should not be the be-all and end-all of modeling in the Bay Area. That their answer isn't any more God-given than anybody else's. I think that everybody would recognize that they're the premiere modeling group. But I think everybody also now recognizes that the emperor's clothes aren't quite as nice as he pretends they are. We know that the MTC model has problems with transfers in and out of the Bay Area. We know that MTC's model doesn't calibrate well for traffic across the Carquinez and Benicia bridges. ...

I think we also know that MTC has been trying to avoid that in some ways. One of the things they've been going through at the last couple of meetings has been looking at the MTC model versus one of the others.

Also however there was the opportunity to compare the outputs of different models and see which were more accurate.

One of the things they haven't been presenting is here's MTC's model's volume, here's this model's volume. What they haven't been showing as well is what's the real volume. And I think they haven't been doing that on purpose. Because I know in some locations the local model is much much closer to the real volume than MTC. And the committee has been saying "No, we can't do an analysis based on this. We have to see yours, theirs and what's real." And that's happened twice now. We've asked for yours, theirs and what's real. All we see is yours and theirs. So the rule can't be everybody has to be just like MTC when MTC's is more wrong than the other one.

This respondent did note,

There's cleavages among CMAs. Some of it is technical expertise. Some of it is "my model is more whiz bang than your model." Some of it is "I don't think your model is adequate." ... My model isn't as whiz bang as some others. In fact, my model is undoubtedly the most basic. But I don't need whiz bang stuff nor would it be of any help here.

His purpose in being involved was similar to that of the one or two other nontechnical people who came regularly to these meetings.

I had a particular agenda. To make sure that it didn't say "everybody has to meet these requirements." What it says now is that if you're over 500,000 (population) you have to meet these requirements. If you're under 500,000 you have to meet these and you may meet those. That's a real different set. We're 12 times smaller than the largest county in the Bay Area.

When we asked this partner what he thought were the biggest achievements of the group his reply was,

Clearly the vision. This is where we want to go with modeling in the Bay Area. Eventually we get to a set of interconnected coordinated models that all say the same thing more or less....No matter what you do your model's going to be wrong. Your projection's going to be wrong. Given that, are we better off having a dozen answers that are different, one of which is likely to be right or are we better off having one answer which is sure to be wrong? I don't know. but I can agree with

404

the vision and why we should do that... And I think it heads us in a direction we can all agree on.

Another felt that the committee served a valuable purpose in educating players.

> The modelers, God bless them, it's not their fault. Their stuff is misused all the time. That's the problem with the modeling. I think that one of the benefits of the modeling subcommittee is the fact that people kind of have a better understanding of what models can be used for and what's positive about them, what's negative about them, and what works. I think more people have that understanding based on that committee than they did before.   I don't think that technical information is an obstacle for MTC. It's more how you think about things. It's more how you think about questions than how you calculate. You need a good model, but you also need to understand what the model is for and how to use it. Most people don't. Most people hide behind models rather than really understanding what they're all about.

This group's successes were of several kinds. Learning occurred among the participants; participants who came in to protect their interests felt they were able to do so; the process of agreeing what to do was collegial and respectful in our observation and it resulted in a flexible strategy accommodating the situation of both small and large counties and providing for gradual change that would be manageable; and the group developed some shared long term vision, not only for coordinated models but a number of other data related projects.

Spinoff Partnerships

One of the most positive outcomes of MTC's and the Partnership process was that new relationships were built, not only among Partners and MTC, but also between partners. These relationships have undoubtedly had many consequences we have not been able to trace, as partners now find it easier to contact one another over large and small issues where they have common interests. These contacts can lead to other agreements and working relationships on projects that are not in front of MTC. For example, AC Transit's general manager was able to work with BART's general manager to establish a joint paratransit program as a result of the working relationships they had built at the Partnership. It is very unlikely this would have happened without these relationships because of the historic ill will between AC's and BART's elected boards of directors. This pattern, as one of our respondents noted, went back decades to a point where no living person remembered its origins. But the personal and professional working relationship of the two general managers allowed a new start for solving this joint problem of meeting the requirements of the Americans with Disabilities Act.

A second example of a partnership that emerged as second order effect of the Partnership was the agreement between Solano and Contra Costa Counties over the seismic improvements needed for two major bridges joining the two counties. MTC staff helped to create the venue and

encourage the communications. In the end an amicable agreement was found for a difficult and ongoing problem.

Freight Advisory Committee

This committee appears also to have been a modest success. Stakeholders from the private sector had not played much role in MTC policy making before this committee was set up, and certainly freight had not been included. This committee, while it did not take on ambitious tasks, seems to have served a useful purpose in engaging freight providers with staff and each other. Staff learned more about some of the practical problems that face the freight industry. The committee explored a number of these and came up with solutions that are being implemented. One of the most important of these was the "weigh-in-motion" program, which permits trucks with electronic tags to be weighed as they drive. This spares them lengthy waits at weigh stations and saves the shippers substantial money and time. The group also focused on the need for places to park trucks off the freeway so they could avoid travel at peak times or permit drivers places to stop for other purposes. In general this group seems to have done some useful learning and idea generation and it has had an impact on how MTC staff saw the issues of freight in their planning processes.

Transportation for Livable Communities (TLC)

The TLC program emerged as part of the Advisory's Council's focus on how to address the question of linking transportation and land use. The Council spent much of its time learning about the obstacles to development around transit stations and other reasons why transportation and land use are not well coordinated. They wanted to develop a program that would make a difference. The idea for this program seemed to have originated with staff as a response not only to the Council's interest, but also as a response to the pressure from external groups and some of the commissioners for a proactive approach. The TLC idea was a way of providing funding for projects that would help improve the linkage of land use and transportation without imposing new regulations or telling localities what kinds of land use they should use. This program allowed creativity and new ideas to emerge at the local level, by providing funding for small scale projects, typically quite different from the projects that emerge from public works departments, more focused on mixed use development, streetscapes and the like.

This program was the result of a cooperative working relationship between MTC staff and the Council and useful collaborative dialogue that involved a lot of learning. The Council pushed on the issue and became knowledgeable and made clear they wanted something to happen. The staff developed the core idea for a program meeting these concerns to some degree. The Council continued to push for this and support it and played a key role in developing the criteria for projects and supporting the program to the Commission and then worked with staff and partners to apply the criteria. It was a joint problem solving effort that resulted in a program that has become popular among the communities and which has produced a number of innovative projects which seem likely to assist in meeting objectives of creating more transit friendly land use and other ways of encouraging alternatives to auto travel.

Political Capital

MTC has long been able to muster substantial political capital at both state and federal levels. They are viewed as having their act together, and they come to the political arena with unanimity or near unanimity in the region about what they want. This in turn makes them more likely to get their requests and to maximize the funding the Bay Area gets. This political capital was largely enhanced by the work of the Partnership. The hashing out of disputes and the criteria for projects at the Partnership led to agreements which typically carried over to the Commission and which staff could take forward to the legislature, to the governor, or to the California Transportation Commission. Dahms himself seemed to have substantial political capital that he could use to push for legislation. He had worked with many players over the years and been able to provide funding for projects that key players were interested in. The geographic equity or return-to-source formula that MTC used for much of their funding helped to keep the players all on board and assure a united front on the important issues of funding. In general the relationships they built were useful for many collective purposes where a united front was of value. One partner cited an example,

> Caltrans was cutting back funding for RIDES at one point. It was going to go out of business. The Partnership came together and lobbied the state and worked out a deal and kept some of that funding coming. I don't know the details of how it worked. I think that was a successful story. When there's an issue around which several of us can coalesce and really bring some influence to bear, it's worked really well.

This effort to build and maintain political capital was increasingly successful over the early years of the Partnership, but in the later period the political capital seemed to be eroding. Partners and vocal interests went to Congress to fight against BART SFO. Post TEA 21 funding allocation processes not only pitted partners against MTC, but also pitted many partners against San Francisco. A lawsuit threatens MTC's plans. The increasingly vocal environmental and transit community in general has reduced MTC's ability to speak with one voice for the region.

Failures

A few of the efforts that were put together at MTC since ISTEA have been generally regarded as failures. There is nothing wrong with failures because in any innovative program there will, and even should, be some experiments that don't work. If not, it means there has not been enough experimentation. The real failure would be to continue failing activities or not to learn from them. We outline here a few so that we can compare these to the more successful activities and identify some of the features that differentiate failures from successes, in the hope of providing lessons for the future.

The Blue Ribbon Advisory Council (BRAC)

This group, which was set up as advisory to the Partnership in its first year, never agreed to an agenda or mission. They started early on with disagreements among themselves. Judging by the minutes, they seldom agreed on actions, or even clarified their own disagreements or the next matters they wanted to discuss. Their discussions seemed poorly focused, their tasks unclear. Their members were quite different from one another, with some who were advocates and saw themselves as representatives for interests and others who were on the committee as experts, and others who were simply there because they were respected individuals. Their responsibility as participants was not clear to them, nor agreed upon among themselves. Were they there to advocate or to look for the best policy in the public interest? Meetings were infrequent, bimonthly, with about 2 hours for discussing a long list of things. There was no facilitator to help them deal with conflicts and make sure conversation was constructive. The discussions they had seemingly did not have an impact on the Partnership, and members did not perceive how they might be influencing MTC. Members quickly ceased attending. A few outspoken representatives of environmental interests remained, and others moved into the empty places at the table. The conversation became more confrontational. Staff clearly did not like this, and it was a relatively easy matter to get the Partnership to agree to abolish the group.

The BRAC can be seen in contrast to the later Advisory Council which developed its own agenda or at least decided for itself that it wanted to focus on transportation and land use. It had strong chairs who made sure that each meeting resulted in decisions or next steps and topics for the next meeting. Its members were surer of their role as stakeholder representatives, speaking for an interest. They developed a common mission and task and conducted constructive discussion among themselves. While they were assertive in insisting on information they wanted or meetings they proposed with the Commission, for the most part AC meetings remained civil, or at least civil enough so even senior staff could respond, albeit in some cases reluctantly. Matters were not all resolved by any means, but the AC, unlike the BRAC, did produce some ideas, did continue to engage members and did follow through on what it proposed. It managed to maintain a generally positive working relationship with MTC staff, while not giving up what they believed in.

JUMP Start

JUMP Start was ended without mourning after several years. This program was one which MTC staff developed and "gave" to the Partnership. The idea was that certain projects would be listed as JUMP Start projects, and the Partnership would have special ownership of them. Its purposes from the staff perspective were pretty clear. It was to give visibility to the Partnership and to give the impression that the Partnership was effective in assuring implementation of these projects. In order to do this projects were selected, at first by the staff, which were almost certainly going to happen anyway. At most the publicity surrounding them as Jumpstart projects was maybe going to help them move a little faster toward completion. The idea was largely a public relations concept. The partners, however, never quite accepted this. They accepted Jump Start but wanted to have a role that they could understand–perhaps to help

projects along in some way or find regional projects that needed some coordination. One partner said,

> One thing that frustrated me when I was more involved was the JUMP Start program. It seemed to me that what they did is they picked a lot of very simple projects for JUMP Start and any time anyone suggested a project that might be hard and that might fail and that might really require some work between the different jurisdictions, they didn't pursue it. You know and they always came up with an excuse, "well, its not funded, or it's not this....

Ultimately there was really no role for the Partnership in JUMP Start. They heard endless reports on projects, discussed them and offered ideas but they were constantly dissatisfied. This was not something they could really do anything about. After some years of frustration among partners, the staff proposed ending the program. To our knowledge no one objected.

Systems Operation and Management Committee (SOM)

The SOM Committee, despite the agreed on importance of its primary task, to develop a management strategy for the region's transportation system, never really worked. It never drew much interest from the partners and it never agreed on how to do system management, nor even on how to define it. Consultants did a number of tasks, developing ideas for performance measures and ITS projects, but the committee members never seemed to engage in this. Even transit agencies, which presumably have a substantial stake in reducing congestion and improving their reliability and on time performance, did not often attend these meetings.

One of SOM's chairs told us,

> That is such an important committee, but even I could not attend to that committee. ... It goes back to the immediacy vs long term. If we fix the some issues we will reduce operating cost over long term. It would affect transit agencies like mine a lot, but I did not have the people, the resources, to assign to SOM. SOM carried on without transit. Those of us who are rubber tire, who are affected by what happens to freeway ramps etc should have been at every meeting and we were not. And I was chair of SOM for a year and I could hardly get to the meetings.

This respondent continued in explaining why transit could not readily participate, much less show the leadership that was needed.

> I think it is intrinsic to transit. What happens for us is we don't have enough people assigned to long range planning. BART probably does a better job than any other transit agency. They plan for the long range and they do it very well. I don't know of any other transit property that devotes the resources BART does to long range planning.

Another committee chair told us about his vision for SOM.

> First, we need more people and more interest. In the end, it would be nice if it was to do what the title says it is to do: operations and management on a system wide level.   If you had a regional management program- here's how major arterials should be managed. Here's how specific arterials should be managed. Here's some tactics to use on those. This is the kind of thing we should do with freeways. Here's the kind of things we should do with transit. You shouldn't have BART and AC competing in the same corridor. But because of turf issues you can't get folks to agree to those kinds of changes. BART and AC both should not cross the bridge and stop at the same locations. That seems like a no brainer.

When we asked how the changes he wanted could be accomplished, he said,

> I'm not sure we're not down the road to eventually making that happen.... You sit down at the same table, look at the same person and talk to them Even if you don't agree with them after 4 or 5 times you get to recognize that there may be a reasonable human being across the table from you . Maybe we can make an agreement. I think we're headed down that road. I don't see it happening tomorrow. A lot of it depends on the personnel remaining stable and the milieu in which they work remaining stable.

His view was that the wrong people were at the table.

> Another trouble with SOM is that under the Partnership structure you can't get some of the key people because they are at a lower level. They're cities, they're counties, the owners of big chunks of the system.. The only owners of chunks of the system that we have at the table are the transit operators and Caltrans. Nobody else there owns or operates part of the system. It's because the cities and counties are not Partners themselves that you can't get some of the key people.

   Most of the partners were not experts in system management. They did not routinely think about such things as signal timing, ramp metering, or traffic flow nor did they know much about how to accomplish these things. Most partners had little directly at stake in the committee's work, as they did in the work of committees that allocated funding. While it is certainly arguable that all partners had something at stake in making the transportation system work more efficiently, at doing more with the same funding, and at clearing up congestion, these benefits are vague and elusive. It is not clear what actual benefit will accrue to any individual partner. These are not benefits partners can go to their constituencies and claim credit for the way they can if they come home with funding for visible projects for their counties or agencies. Rather system management is a collective good which would require all to participate in creating. But even without participating one might benefit if it was done so there was a substantial problem of motivation.
   Another partner, a transit operator said,

I was more involved in SOM (than 3PC), and I really thought that was an important committee, because I thought that operations should encompass capital planning, actual operational planning, land use planning that would help manage demand and time sensitive issues and funding priorities, like variable tolls and things like that. They should all come together in a unified strategy on how you operate the system. So that was kind of my thinking going into the SOM Committee. But what happened was that Committee usually got sort of stuck... certain issues were assigned to it and this system operations plan was developed, or metropolitan operational system or something. A study was done and that was just a total fiasco. They couldn't get it off the ground at all.

And it was funny to see. It went from this regional way of operating the Bay Area, looking at issues that David Jones...would talk about, like "There's certain choke points for getting into the Bay Area and how do we manage the people coming in and out the Bay Area and how do we manage investments in our transportation and stuff?" All of these kinds of policy kinds of issues that really should be grappled with. It went from that to, okay, "How do we get five cities along the 880 corridor to work together to implement ramp metering?" Which is a very important thing, but it went from this kind of major system study to a very focused kind of a implementing and operating.

His diagnosis was that,

It had to do with a lack of staff resources being put into this. They kind of thought they wanted to do it, but then they didn't dedicate the kind of resources and energy to that particular project that would have been needed to in order to get such an ambitious project off the ground.

But he also noted that staff behavior and messages from the committee interact.

It's a two edged kind of a thing. The Committee, they're the ones who sort of say what kind of staff you get, the staff sort of motivates the Committee, so, you know, it goes both ways. ... I think one of the major problems is ..that there's not much interest in really doing planning, you know, system planning and really grappling with these kind of tough issues. There isn't a lot of interest in doing these kind of innovative kind of programs... It's hard work and you have a lot of other problems coming up....

He thought it would be necessary for MTC to take more leadership on system management if it were going to happen.

No one(among transit operators) has time to really think about how you do projects. I think MTC should therefore take a strong leadership role, kind of saying, "We're going to do this, we want to do it, we got to do it, you guys got to

411

participate!" But they don't. ... I think in an ideal world they would do some more of these kinds of studies. And they did do this system operational study which started off really good, but it never went anywhere. And I think it's because they didn't really have the energy to make it go anywhere. They were dedicating a lot of energy to this scoring process, that was important, and Larry dedicated a lot of energy to the JUMP Start projects... I thought the SOM Committee, had a very interesting charge. There's only so much energy that staff people from other organizations can put into something, and if doesn't seem to be going anywhere, they don't.

But he did think that with the right charge that partners could have taken on some of the leadership.

Resources are expandable. I mean, if there's something really interesting going on that I want to participate in and I see it's going to benefit my agency and benefit transportation in general in the Bay Area, I'll do it, but if I don't, I've got other things that I can be doing. I think a lot of outside staff resources went into this scoring. There was a ton of time spent on that by a lot of people and I think they feel it was worth it because they understood the scoring, their agencies were well represented and their agencies did well in the process because of that.

By the end, in 1996, the committee had had a series of chairs and only a handful of people were attending meetings. When the staff and Partnership agreed to abolish SOM and transfer some of its tasks to a new Planning and Operations Committee (POC), there was no argument. The new idea was to create a committee which had not only operations responsibilities, but also responsibility for broad planning. It would hopefully give a context to the systems work that was missing from the earlier committee. The Partnership had learned from the SOM experience, and the POC was better attended primarily because of the planning and allocation work they did. The regional systems issues continued to languish however, pushed off the table by more immediate issues.

Mixed Results

Many other activities of the Partnership had mixed results in terms of the criteria we posed. They were successful in some ways, contributed to regional problem solving or learning, engaged players with one another, but at the same time fell short of what many hoped for them.

Involvement of Transit

Prior to the Partnership, transit decision makers had an entirely separate set of relationships with MTC and each other. They had no formal, and not much informal, relationship or opportunity to work with those who built roads or other infrastructure. CMA's were supposed to be dealing with multimodal concerns, but many transit agencies viewed CMA's as not representing their

interests. ISTEA was designed to encourage flexible multimodal transportation planning and MTC set up as part of the Partnership multimodal committees starting with AHMS and including the FPS and SOM and 3PC. These committees did succeed in bringing representatives of some major transit agencies to the table with CMA directors and others on a regular basis. Some transit agencies, most notably BART, but also AC Transit, GGBHTD, and others were often in evidence. They never made the level of commitment or became as deeply engaged as the CMA's did, but at least a conversation began. Some suspicion remained by transit of the CMA's and by CMA's of the commitment of transit agencies to the Partnership. Still some agency directors clearly told us they trusted the Partnership to represent their interests.

As we tried to understand this skepticism and limited involvement of most transit partners, one CMA director told us,

> It seems to me that transit has always tried to stay out of it as much as it possibly could. "We want our own this, we want our own that. We don't want you folks coming and talking about what the RTCC does. The RTCC does what it needs to do." But nonetheless we want to come to this and dip into this. Transit's got a big chip on its shoulder. Maybe rightfully, maybe not, but that's the way I perceive it.

Another CMA director said, "I don't know that they've ever determined that there's anything of value in it for them." A transit general manager said he did not participate,

> Because of the work we do....When you are talking about balancing budgets and somebody threatening a bomb on the line yesterday--it goes on and on. CMA's don't have operational responsibilities. We just have constant crises. We have constant immediate problems to solve and the Partnership is really about looking ahead and solving long term problems.

> I know that is very important. I know that if we could spend the time focusing on what we know would be the issues in 2010 it would be time well spent.. But what happened is the crisis always preempts.... We are all thinly staffed. I think BART may be the only one with a Deputy General Manager. And Dorothy is the one who goes to the Partnership.

A "chip" on the shoulder was the cause for one CMA director gave for transit folks not being willing to give up their separate modal committees and work uniquely within the Partnership.

> Things haven't moved as quickly as I could have hoped. For instance, I still see the transit folks standing outside. The RTCC is not integrated into the Partnership and I think it should be. Hell, the RTCC doesn't even have all the transit operators on board. It's basically the big boys.

> They've got that chip on their shoulder. "Oh, we're just going to be slaughtered by the roads folks. The roads folks are always out to take all the money. The roads

413

folks are bad." And of course the roads folks' lament is "Oh, the damn transit folks are always whining and complaining. they're always after us for more money." That dichotomy should not exist.

While this partner saw progress he said it was,

> slow, but some. We still don't have any of the small transit folks coming. That drives me nuts....some never show up for anything. BART now shows up for almost everything. I think that's progress.

He did note that transit coordination got more public attention than freeway coordination and contended that MTC had been pushed to do the transit coordination bill, SB 1474, which had angered some transit operators.

> They get beat over the head every few weeks about the transit operators (Lack of coordination). It's a reasonable complaint. It's also an equally reasonable complaint that there's no signal coordination among jurisdictions. You've got roadways that operate like they're fiefdoms even though they run to the other to the other to other. People don't notice the lack of continuity of arterial operations as much. They're just not as attuned to that. But if you try to get on a SamTrans bus in San Francisco and find you can't get off until you're in San Mateo county, people notice that one real quickly.

Though one powerful partner was very angry at MTC about 1474, others did not apparently share his view. One transit general manager told us,

> I would say that it has some twists and turns to it in its interpretation that could affect transit operators. I have to say that MTC is handling it equitably and cautiously and … legislation like that takes on a life of its own and its interpreted based on agendas. For my agency which is the largest transit operator and provides most of the regional connections throughout the County, we have a very strong sense that ... it is very beneficial that our system works together as a system.

> When we asked in 1996 what was the progress made in bringing transit in one CMA director said,

> Mainly in terms of cutting up the money so far. They've seen an opportunity to get cut in, so they come. Frankly, I think that's the way everybody starting coming. They saw an opportunity to cut a piece of the pie. Now let's see if we can take the next step.

BART now shows up for almost everything. I think that's progress. What that's allowed us when you're at the table is to understand their issues and problems better. So the animosity of all of us against BART has mellowed somewhat.

A transit partner gave another view, suggesting that she did not feel particularly able to influence the Partnership, but at least saw it as building relationships and learning.

But I have seen over time that being at the table and having … just getting your story out and being available does mean that you have a better opportunity of making your case if you're at the table. I can't say that I saw it as something that would be detrimental if one didn't go. But I saw it as a potential for building some bridges and keeping up with what's going on and having an opportunity to voice my opinion when necessary.

But clearly transit operators thought they had an uphill battle with the CMA's.

Congestion management agencies? That's their full-time…that's their life (coordinating with MTC). They're a lot like MTC in structure so I think there's a lot of…comfort level between MTC and the structure of congestion management agencies. Looking at it as sort of an umbrella, I (MTC) can just talk to the congestion management agency and then they can go talk to all those pesky transit operators that create problems. They're not nice, neat little packages.

When we asked one transit general manager what his relationship was with the CMA, he said, "Cautiously collaborative. [pause] Very cautiously." A further question about how they depended on each other elicited the following.

We pay most of their salaries and we would like them to advocate for our projects. We want to see them looking at ways of developing funding sources, like the half-cent sales tax, moving in that direction, and providing us with some assistance in terms of making sure we know about funding opportunities that are coming up and so forth.... I wouldn't say that we depend on them for funding. We would like their assistance in developing ways of deciding … well, facilitating … we would like them to facilitate the coordination between the cities in a positive way. Not in an adversarial way and not with an agenda to create a situation where … CMAs right now are voluntary, they don't really have a lot to do, quite frankly, so there's a tendency to want to participate in a bigger venue.

When we asked whether the creation of the Partnership changed this agency's relationship with the CMA, the response showed that he felt it leveled the playing field.

Actually, I'm very happy that the Partnership exists because if I do go to the meetings and I show up, I have as much influence, and as much to say, at least on

415

the surface, I don't know what goes on behind the scenes.... That's an important reason to go. If you have some credibility and you've been around for a long time and you've been a good Partner and you've played fair, then you can come. The fact that you're small, if you have 50 buses instead of 500, it makes a difference in terms of the weight you carry, but, nonetheless, there's an opportunity to make sure that things aren't going too much …

I think it could be detrimental to the transit operators if there wasn't a Partnership. The fact that everybody has to get around the table and give their opinion openly, and take a position or make a … otherwise everything is happening in an isolated way.

Another partner thought that dialogue and cooperation among transit agencies had increased "Mostly because of the Partnership bringing staff level people together." But he felt it was only marginal improvement for his agency. "What coordination has been done? Where's the (universal) ticket? Where's the one fare?"

Another partner indicated that the CMAs were hearing things at the Partnership that they otherwise would not be "And that's very helpful to us. They're smart people. They know what makes sense and what doesn't."

We asked about attendance at RTCC, and one operator said,

Not only do I go to RTCC, but I also go to the Finance, sometimes I even go to the scoring reviews. So I know more about what's going on behind the scenes because I participate from the bottom up, or I used to. I'm saying the reason that RTCC is not a dynamic … really … is because maybe there aren't a lot of controversial issues, or if there are, they're not being discussed there, they're being discussed in other venues and it's not a roll-up-your-sleeves … kind of figure out problems (type of committee). The problems are resolved already by the time you get to RTCC and you know it because you've probably heard the same reports in the legislative committee or at the Partnership or someplace else. The information isn't new, it's not controversial, it's very neatly packaged.

A transit operator told us that the Partnership was useful to her agency, given that she came from a low population county where there would not be much money. "But I think the Partnership, for those that participated, provided an opportunity to develop criteria and a process that would insure that it wasn't too out of balance."

Three years after passage of SB 1474 and many years after MTC's early mandate, transit coordination remains a challenge for MTC, with the public still perceiving lack of coordination of schedules and routes among different transit operators and Translink, the universal ticket only began the design phase for the equipment in 1999, with demonstration projects only scheduled for 2001. There have been problems with getting BART to buy in to the idea and link it to their own old automated ticket technology and with equipment and procedures bus and light rail companies have objected to. Both of these are tasks that necessarily involve each of the transit agencies

making significant adjustments that they are typically unwilling to make. What MTC did on transit coordination, according to their own staff report,[1] was to work on a computerized trip planning system for public access, paratransit, facilitation of conferences, and a regional transportation marketing plan. Some of the new initiatives staff recommended in May 2000 may have more promise for coordination, including an analysis of the transit network to identify gaps and need transfer points, duplicative service and the potential for new routes and the creation of a rapid bus transit system.

The bottom line is that some rapprochement and some reduction in hostility and increase in understanding among transit agencies and others seems to have occurred as a result of the Partnership and of some of the committees MTC established. They were able to talk among themselves more and start to build bridges to the CMA"s. The process has been very slow however and the battle in 1998 over the funding the transit capital shortfall (see Chapter 16) was one indicator that the Partnership had not really fully bought into transit's issues. They were prepared to fully fund the highways and roads in the 20-year period, but it took outside pressure for them to agree to fully fund transit needs, though the amount was relatively small in comparison to the total. While transit did agree in 1997 to join forces with the Partnership committees and not maintain separate committees any longer, the CMA's and transit agencies still appear to have considerable limits on their ability to trust and work together. MTC still has a way to go to get successful cooperation among the transit agencies on matters with which the public is concerned.

Participation

MTC engaged in a variety of activities designed to test public opinion and appears to have met the basic requirements of the laws on public involvement with hearings and public workshops and most meetings open to the public. They have become very scientific in their methods of gathering public opinion through regular polls, getting the public to identify the issues they are concerned about and the projects they favor. While the BRAC was a failed effort at involving public members in a productive way in MTC decisions, the Advisory Council was a more successful one, where members stayed at the table, had constructive discussions, worked productively with MTC staff and collectively produced and implemented cooperatively with MTC an innovative program of projects designed to improve the transportation land use connection in communities. The other committees, the Minority and Elderly and Disabled Committees, which had been long standing before ISTEA, did not in our observation seem to be important to what happened. We seldom heard that they were influential. The use of such committees separated these representatives from the decision makers. The Partnership itself was successful at engaging to some degree most of the key transportation providers around the region and provided an opportunity for them to express their views on a good many MTC activities and even to shape those activities and outcomes. The Freight Advisory Council seemed to provide some genuine opportunity for participation by those involved in cargo transport and it seems to have had an impact on some policies. By contrast, BRAC partly failed because participants did not feel they

---

[1] Memo to Commission Planning and Operations Committee from Deputy Executive Director, on Transit Coordination (SB 1474) Implementation Plan, May 3, 2000.

were really able to participate without clear tasks or with what they felt was real access to decisions.

The Partnership committees successfully engaged providers, but not interest groups. The scientific polling and focus groups did test public opinion, but did not engage the public interactively in the discussions of what to do. The discussion was not one which permitted all public concerns on the table, but rather one which defined carefully what was a legitimate topic of conversation. This did not include some of the topics most on the public's mind and such concerns of interest groups as addressing the problem of congestion regionwide, creating a universal ticket and coordinated transit system, and ways to increase transit use Certain interests such as environmental justice and social equity seemed not to have a voice, either formally or informally other than in the limited activities of the Advisory Council. The business community was mainly represented by construction and later some affordable housing interests in MTC's committees, though business had a tremendous stake in assuring that goods and people could move throughout the region. Indeed the regional economy depended heavily on the adequacy of the transportation system.

The biggest indication that there was a problem in participation was the fact that during the time of our study outside interest groups became increasingly mobilized and focused on challenging MTC's policies. They formed into a social movement which built on the environmental advocacy of the late 1980's and early 90's which had challenged such MTC decisions as plans to build HOV lanes on I-80. During our study it was greatly broadened to include others with an interest particularly in getting MTC to integrate land use considerations into their plans and to allocate more funding to transit. This, like all movements involved the creation of a vision to motivate and mobilize followers--in this case a vision of a compact city with citizens taking public transit where they want to go. The emergence of this group was important as an indicator of the effectiveness (or lack of it) of MTC public involvement program. Perhaps even more telling was that mainstream, major regional foundations chose to support this social movement, suggesting that they also had the impression MTC was not representing the interests they should.

Another indicator of the limitations of MTC's public involvement program was that the *San Francisco Chronicle* and KQED FM sponsored, organized and ran some heavily attended public forums on the issues that MTC was addressing. MTC typically sent a representative to speak for MTC, but did not organize such visible public discussions themselves. As the traffic problems mounted in the late 1990's and newspaper articles proliferated about the challenges of commuting, the difficulties of finding housing accessible to jobs and the difficulties of travel from the inner city to the jobs in suburban areas, the implication often was that MTC was at fault. While MTC spokespeople asserted that these matters were beyond their control, there were not many prominent community leaders, other than those involved with MTC who spoke out publically in defense of MTC. During MTC's required federal recertification process in 1999, the criticism was extensive and ranged across a number of interests, claiming there was not sufficient participation. U.S. DOT only agreed to recertify MTC's planning process if they undertook substantial change and improvement in their engagement, particularly of the interest group communities and the disadvantaged constituencies.

The 1996 RTP Task Force

This group could be regarded in some respects as a success and others as a failure. It was successful in that it generated freewheeling discussion among partners and developed some "out of the box" thinking about how to develop a long range regional transportation plan that met regional criteria and addressed regional issues. The discussion was substantive and collaborative, and a good deal of learning went on among the participants. Moreover the discussion produced agreement among partners representing very different perspectives, and the discussion was mostly not parochial. Often the dialogue actually focused on regionalism and the public interest rather than on how to serve each parochial interest. The strategy the Task Force proposed of using questions to guide the various planning steps was a way of avoiding the idea of starting with a regional vision, which did not seem practical to most participants, while making an incremental movement away from a project-based approach. This was an effort to make people think differently than they had been and to allow the necessary incremental choices to be made over the following 20 years, in a way that was informed by raising certain questions and attempting to answer them as each phase of the process unfolded. This could have been more flexible than formal criteria, allocation principles or a specific regional vision. In the rapidly changing world of the early 21st century, the development of heuristics that could guide future actions in an adaptive way was highly creative and potentially valuable. It also offered considerable promise as a new way of thinking that could perhaps find a way around the perennial dilemma of doing long range planning in a financially constrained project oriented context. It represented a tentative step toward a new paradigm.

The staff however strongly objected to the question approach. They did not understand it, which of course was not surprising as it was a preliminary and only a partially baked idea. They wanted to know how the questions would be used exactly and when, and how these would fit into their standard operating procedures. The Task Force wanted to change those standard operating procedures and the staff did not. They kept trying to interpret the idea and to fit it into their ordinary practice. They were understandably less willing than the partners to launch into a whole new way of doing things or even to contemplate doing so. After all they had a tried and true method and MTC would be facing the most risk. While they were willing to make incremental changes like planning by corridor instead of by project, this idea of using questions was far afield from normal practice, especially for these primarily technical/bureaucratic style analysts. We also were told that the Front Office was unhappy with the committee's direction. One can assume it was important to them to be able to have stable agreements and things that partners could count on in the future as opposed to the indeterminacy involved in questions. Who could predict the outcome of using such questions?

Looking in more detail at the partners' analysis of what happened, one partner thought the EPA involvement was a major reason for the difficulties with this task force. He reflected a common theme among partners that outsiders should not be involved in Partnership discussions. He also seemed to reflect a preference for the technical model of planning, where technicians advise on predetermined goals. This clearly was not the view of the EPA representatives who tended to reflect views within the environmental community and the social movement model of

planning, where a vision is the guide. This conflict of planning models is evident in the comments of one CMA partner:

> The last (RTP task force meeting) was just a riot. Horrible. That's because of the people from EPA. See the people from the EPA, the environmental community are on this task force. I think they're an obstacle because what we're trying to do is come up with a recommendation from the staff side of things. Very process oriented. We aren't talking about the larger issues that I think MTC needs to deal with in their larger outreach. We have a task force that's set up to do very specific things, and that is how do we figure out what projects go in to the financially constrained plan. It's a technical exercise. It has nothing to do with setting the goals of the RTP, even though we have had that discussion about the goals. We don't want to change the goals. We're trying to interpret them and see what they mean. At that meeting, I just felt the EPA staff there were a barrier to what we were trying to do because they had a bigger picture goal. Which wasn't incorrect, this just wasn't the right place. It was a hindrance.

Another partner expressed a similar view of the Task Force, emphasizing from another perspective why EPA's questions were problematic in that group.

> I think the one who's going to come out holding the short stick on that is EPA. Clearly all of his environmental questions are going to go out the door. Whether they recognize this or not, in a lot of ways, EPA is the 800 pound gorilla at the table. Potentially the most powerful regional agency in the Bay Area is the Air District. If they wanted to, they could write the rules prohibiting single family houses. So you say, they don't have land use control. Well, sure they don't - technically. And they've done that before, not for housing but for large industrial developments. Air Districts have that kind of power. The EPA has it as well if they care to exercise it. Hell to pay to do so.

Another partner's perspective was that the fact that MTC staffed the Task Force was an explanation for the problems. In particular he cited the fact that staff have things they have to do which determine how they see and do things.

> What happens when you staff something...it sets up a dynamic that by definition is a power dynamic because you wrote something, you understand it, you are committed to what you wrote because of staffing excellence, because you don't write shoddy stuff. That's typically what happens with MTC. They do very good work. They have a sense of urgency about what needs to be done. They have a sense of urgency about how it needs to be done and when it needs to be finished. There are deadlines, there are minimum guidelines and levels for how the product needs to be put together, particularly for something as important as the RTP. So

you wind up with one or two, or however many, staffers who have a very strongly held opinion or sense of how things should be done.

Typically that works if there isn't a competing view that has been developed and analyzed and staffed. In the case of the Task Force, there actually was. Now, it doesn't mean that in the end, it may be more of an issue of format than anything else. It may be an issue of really getting down to what the important things are in that discussion and not necessarily the way they are presented.

He related the challenge of the Task Force to the perennial problem at MTC of getting agreement on regional projects.

For example, very early on, out of a sense of "we've got to get something done", MTC came up with the idea that we were going to be looking at corridors. When I started attending the RTP Task Force in its previous incarnation, the issue I was pushing was "how are we going to do tradeoffs between projects in different counties?" In other words, the issues that are now beginning to surface at the Partnership about "this is a regional project. It means you can't any longer say 'it's your problem because it's in your county' it becomes our problem." The moment it becomes "our problem" then we've got to figure how we're going to pay for it. It's no longer going to be necessarily population formula or some other makeshift way of making a decision, we're going to have to really roll up our sleeves and figure out how to solve it. And it's going to cost us some money.

So, when we started that debate, MTC interpreted, or whoever was staffing, interpreted there was an imperative to come up with "How we are going to do these trades? How are we going to trade off between counties and between modes?" So far we've had a kind of a entitlement or allowance for transit and for roads and so forth. In an effort to establish some kind of peace, you had to fragment the pie into whatever was going to make people comfortable. All of a sudden, if we're talking about in any way upsetting that paradigm, (with the questions) then, "How *are* we going to do it?" The instinctive reaction from MTC is "Okay, let's put together a system." And the system is these corridors. Now, I can pose the question again, "How are we going to trade between corridors?"

This partner understood that there is a real tension between the long term and creative and the short term and practical.

Perhaps the dichotomy is between something that's very high level conceptual and something that's very easily implementable tomorrow. Then the issue is, everybody recognizes that you have to have something that's implementable tomorrow, but we don't want to lose sight of the ultimate goal....In the end, I think that everybody has a sense, and in fact we heard a statement from Bill Hein at the end of the last meeting of 3PC, "Sure, we clearly

421

have in mind that we want to do this as a long range thing and include more than Track 2 and so forth" but it isn't necessarily conveyed in such a strong way that one really can perceive it that way. I think in the end, it boils down to, "he who gets to do the staffing, puts on the flavor that they can bring to it."

When we asked one partner around the time of the major conflicts in the Task Force what his view was, he said,

> I was scared for a moment at the last meeting... To me the problem was probably stemming from some kind of frustration at the staff level. That's why I insist that there needs to be more staffing coming from outside of MTC. Because I think if I had been in the shoes of the staffer who did the work on this, and then you get criticized and so forth, it's very easy to get defensive. But it's exactly the wrong mix if you want the meeting to be successful, getting past an issue of trust. Defensiveness is not the right thing. But these things happen.

Interestingly this partner had no issue with the outcome, only with the process when consultation was not done.

> I think what was interesting about that meeting was that the outcome was correct. I believe in process. I think the reaction of the group was not so much to say "MTC, you're a bad guy" or (he names two partners), you're the bad guy." It was to say "Wait a minute. We said we were going to consult about this. That we were going to massage this information and bring it back to 3PC when we had agreed that it was in good shape and that step was bypassed. So let's go do it." ... in the end, you can't really bypass the process if you're going to maintain a sense of trust.

The RTP Task Force failed not only because of the bitter differences that surfaced between the partners and the staff, but even more because of the failure of civility and the lack of constructive dialogue about the differences between staff and partners. While the partners adopted the concept of using questions, albeit substantially modified questions from the Task Force's original version, we found no evidence that staff or anyone ever used these. They were quietly buried. The partners to our knowledge did not bring the issue up again, partly because many other urgent matters came to their table shortly afterwards. However it was also our sense that this "coming to brink" as one partner put it, discouraged partners from taking such intellectual or creative initiatives thereafter.

Intellectual Capital

The forum provided by the Partnership and the Advisory Council, along with some of the other committees like the Freight Advisory Council, provided the opportunity for participants to learn and to build relationships with each other and with the staff who potentially controlled their funding. They learned about at the most basic level, the complex rules and regulations of federal

and state funding. They learned something about each other's interests and needs and about the conditions and transportation problems each faced. In the words of one partner the success was in "the cooperation, information sharing." In the Modeling Coordination Subcommittee participants learned about the models others were using and became more sophisticated about their own work. They heard directly from Caltrans or MTC about how their models were built and what their implications were. They learned where data was available and learned about new methods. They had the opportunity to influence the decisions on how coordination would be done, which was very important to them as modeling was potentially an expensive activity. The solution they came up with allowed flexibility within some guidelines so that small counties could do what they could afford and gradual changes could be made.

> One partner when asked why he participated so extensively in the Partnership said,

> What it has given me, I think, I'm probably more knowledgeable than I would have been otherwise. Which helps. The Board tends to trust me on technical matters. They don't even question me on them anymore.

The shortcoming was that this learning did not transfer to the people who did not attend and was mostly shared only among the technical staff of agencies and not among the managers.

This bimonthly meeting of the key technical people in each agency was also a missed opportunity for the Partnership to build joint intellectual capital about the data and analyses which they could fully trust. But the managers and partners in other meetings seldom, if ever, delegated an information or technical issue to this group for their expert advice. Instead the Partnership relied almost entirely on the technical work of MTC staff. The staff were good technically and had the time to devote to analyses, models and so on. As a result the Partnership really lacked shared intellectual capital on many issues because they did not spend time understanding the data or getting briefings from their own experts. Partners quietly accepted staff analyses, but did not necessarily buy into them. At times they were skeptical, but they did not have the skills, expertise, or time to challenge them. In an ostensibly collaborative process this is a real limitation, because one of the primary ways a group develops a common perspective is through what is called joint fact finding (Susskind, et al. 1999). The group supervises the gathering and analysis of facts, critiques and challenges what is produced, brings in their own alternatives and ultimately if the process is well done will agree on key information that becomes important glue holding the group together and giving them a common sense of purpose.

In practice partners did try to look at the technical issues when something was put on the table, but their ability to do this was limited by time constraints, if nothing else. The first idea on the table has an advantage.

> Nothing gets accepted automatically. What happens is that there's enough smart people at the table, we all can sit down and tell you what's wrong and do it very well. And in fact, poke holes in somebody else's idea and try to make it better. But there's an unspoken agreement that when somebody brings a solution to the table, all of us with our technical heads, scrutinize the solution and find the problems with

it and find the advantages with it, there comes a moment when you either come up with a better idea, or then that's the only idea that's on the table. If you can't come up with a better idea, then we settle for the idea that we have, provided that there is a clear sense that that idea has been developed and that there has been enough thought that has gone into it. That's a very subjective judgment that gets made by a group.

Of course some participants are more technically equal than others and thus have more influence.

It's really unlikely that you'll have a group where everyone will be technically competent at the same level. So I think certain people take the lead in a discussion either because they're more interested in it or it affects them more directly than somebody else or they want to put a point forward. Not everybody is an expert in modeling, not everybody is an expert in financing. I've seen many times, some people take a back seat to the ones who seem to be more confident or conversant in a topic.

On the other hand the inclusion of technical people with management types sometimes produced some real learning that had practical implications for the technicians. This partner continued,

But that is interesting because it gets balanced by the fact that maturity plays into this stuff to. So after a long technical discussion, you can have somebody who has a very commonsensical approach to the whole thing get up and say "From my perspective, or from the perspective of the common person who doesn't know the technical side this is what I see." That sometimes is very disarming. It brings a back a level of reality to what's going on at the table. That's very important too. I certainly appreciate it. ... Sooner or later my boss will ask the same question or an elected official will ask the same question and we'll be dumbfounded. We have to have an answer for the intuitive, or counter intuitive issues.

One partner argued that a good balance had not been achieved between the technical and political and that created a lack of transparency.

I think the best way of putting it is that a marriage of the technical and the political has produced quite an abortion. We have a lot of technical information that we need to use in what we do, but we have to do that in a politicized context. Our task as policy makers is to make the best fit between the technical and the political. We need to bring them together. But there should be a recognizable pattern. it should be a process that you can replicate. It should be as open a process as it can be.

The degree of staff control of the analysis was something that came in for a lot of criticism among partners.

> One thing ...about the process that kind of has bothered me at times. It's like a nonprofit. If you do the work, you have a good chance at controlling it. There are many situations where, if you do staff work in advance, because of the technical nature of the problem or because of the multiple variables that are involved, it's likely that you will be the most advanced person at the table in terms of understanding that topic.

He gave a more specific example to show how hard it was for the partners to really challenge, much less negotiate, around the numbers to assure they felt they were accurate.

> Say you've developed a formula for calculating the air quality impact of some project. You bring it to the table and people for some reason don't like it because you've used a coefficient that unacceptable for some reason. You can say "If you don't like this, you propose something else." The bottom line is, sure, people can propose something else, but they'll probably have to go back and do at least the same amount of work you've done or more to come up with an answer.

He saw the issue of MTC doing all the staffing as a question of power and that puts the partners in an awkward situation where they can neither challenge nor accept the information.

> That's where the issue of staffing comes up. Because information is power. If something is staffed to yield a solution - let me put it very simply. If MTC has staffed a problem, the question arises when you discuss the results of that staffing, the recommendation that is being made, do we have the right as a Partnership to say "No, we don't like that. Go staff it a different way now and come back so we'll have two different ideas on the table." Is it really reasonable to expect that the MPO that we are advisory to would spend twice the amount of staff time? Because what we're doing then is second guessing their technical judgment, their value judgments on things, their policy objectives and so on. That creates friction. That's just happened, for example, with the RTP task force.

Overall the Partnership did develop some shared intellectual capital that helped make coordination and collaboration possible. But they did not develop nearly as much as would be needed in the long run. This was primarily because MTC staff and consultants did most of the information development, so the technical issues were not well understood around the table. Even though many partners had technical staff, these staff were not part of the discussion. In addition, as will be discussed below, the Partnership did not develop intellectual capital around the central issue of the Partnership–how to develop regional solutions to regional problems and how to develop a regional plan that would respond to these. They did not have the discussions that would be needed to understand many aspects of the regions' economy, housing markets, employment

patterns. Nor did they have the sort of discussions which would allow partners to see how their interests were interdependent with one another. They did not develop the intellectual capital that would help them to define a shared regional future and the part each had in this.

Regionalism

As we try to assess the degree to which the Partnership and the associated MTC committees achieved a regional approach or perspective since ISTEA, the answer is mixed, though on balance the non regional or parochial results outweigh the regional ones. In important ways the agreement on the scoring criteria was a reflection of a sense of regionalism. The participants agreed on criteria that met regionally shared objectives. They did not look at those criteria entirely as issues around how much money they would each get. They agreed to criteria that might not benefit their counties, in part in the interest of having an agreed on way to decide and because there was benefit to agreement and moving forward. The work of some of the successful committees had an important regional component. In the Modeling Coordination Subcommittee the group came to understand the differing modeling concerns of different counties and developed guidelines that all could use. The agreements on obligating funds in a flexible way to assure that regional funding was not lost, was also a sign of regionalism.

But many other efforts to create a regional approach failed, and others were never really tried. No definition of a regional project was ever agreed on, despite repeated discussions over the years. Parochialism reigned in the discussions over new formulas and project funding under both SB 45 and TEA 21. None of the discussion was about regional problem solving or applying limited funds to the projects where the most regional payoff could be obtained. Virtually all of the discussion was about who would get what. And partners were willing to ignore the concerns of San Francisco, Muni and AC Transit, even though these were major partners responsible for a very large proportion of all travel in the area. Partners disdained their arguments around need or their role as regional transportation providers, to simply talk about what was fair to themselves as individual partners. They did not look at the question as one of what would be best for the people of the region as a whole or for the welfare of the region as an economy. Indeed there was little if any collective effort at regional problem solving–where for example, the issue of congestion was addressed or brainstorming done about the best strategies to alleviate congestion. The effort to develop regional system management, which might have addressed congestion, also was never productive. Few seemed to understand what regional system management might mean, much less to be really concerned about it. The staff were frustrated by this. Only a handful of partners seemed to care. Partners were much more drawn to the issues of fund allocation.

The Partnership never came up with a regional vision. They even argued over whether there should be a vision. Certainly any vision would alter the status quo and the geographic formulas for allocation. Discussion of this would perhaps open Pandora's box, out of which would come the latent conflicts the status quo allowed them to avoid. A vision might require more funding for transit or challenge the idea not to use land use criteria for transportation investment decisions. The RTP as a result was little more than a stapled set of projects, most of them meeting the scoring criteria, but many of them from the old pipeline of projects, which did not all meet the criteria. There was little sense of direction or effort at problem solving in the group. There was

ultimately, judging by both interviews and observation, not much sense among the partners that they shared in a regional responsibility or in the consequences of not addressing regional problems such as job housing balance, economic development, land use patterns and environmental impacts (other than as required by law) or the needs of the disadvantaged, carless and others. These would be things you would expect if a truly regional consensus had been developed.

One partner gave his view of why regionalism of this sort had not developed, "It's right in with they don't want to do planning... Planning is too uncertain." Another, explaining the appeal of technical planning model added,

> The result is there is a lot of uncertainty. In my experience, 95% of the time, when you have a project, at the last minute someone says "Didn't you think about X?" It throws you off completely, like with the Bridge. The refuge a planner can take is to become a programmer. Work in the labyrinth of rules where the general public doesn't dare to tread. Transportation finance is the most complicated area of state and federal law. And there's no one printing a guidebook to it because they don't want to. They don't want to make it accessible. It's a guild. Something the public can't end run you on.

Another partner reinforced this view of the dangers of planning from MTC's view.

> Planning gets to values and priorities. it's messy. There are basic conflicts that have to be resolved. But if you don't do planning and go directly to programming, you spend a lot of time programming. You get confused because there is no planning vision you can go back to. The formula issue would be easier to deal with if we had a set of goals and a vision.

Another said, "The RTP is so generic, you can't pin anything down in it. Value judgments weren't talked about in the planning stage."

Another partner, commenting on the RTP Task Force, reflected on the issues around regionalism. He said there were different visions at work.

> Some members of the task force are perhaps in a different plane than I am completely. I may not have the idealistic goals of (he names one member) and the urban core and all of that, but what I do have is the commitment that this region needs to work. We're going to do it under more constrained times. ...

> There was a first effort at this and it failed. The first effort, the people who were leading it don't have the vision thing. We had several meetings and we'd go around in circles....I tend to keep my horizons pushed out there; and I also tend to look, whether it's transit or roadway, as a system. ... Our citizens don't care whether they live in one city or another. They just want to get in a car and get from here to here. Or they want to get on a train and go from there to there. We owe it to look at the system when we build it and operate it. That's the (my) vision thing. Others have a

view of the urban core and what it needs to look like. Some are very big on urban limit lines.

Another partner explained why sometimes, as with the scoring criteria, partners agreed to things that did not necessarily advantage their jurisdictions.

I don't think anybody has a sense that they have a majority. I think that's a very political process. It's like democracy at work. I think it's rare, the occasion when you sit at the table and you know that people are going to support you 100% on anything in these committees. The region is diverse enough that you have to really have something of merit that you put on the table. It can't just be sour grapes or entire parochialism because it gets called for what it is immediately or very soon. You can't be too intransigent because you don't get a majority by being intransigent....

Attitudes of some partners at least seemed to change, by their own accounts toward more regional thinking. When we asked, "Do you think you yourself tend to think more regionally?" the response was,

I'm going to say "Yes"but cognitive dissonance again. The Partnership says you're supposed to think regionally. I like the Partnership, I'm spending a lot of time there, ergo, I've bought into their spiel hook, line and sinker so of course I would say the answer is yes.

Another partner argued that her goal for the Partnership was

...a better process for decision making in the region. A process that's less fragmented and less parochial. A process where the decisions that really need to be made about the future of the region, are made collectively. We spend too much time chasing the bucks. There's sort of a rat race and not able to focus on what really matters, the really important big picture things that the region needs. I think it's extraordinary that we are sitting down now.... to talk about these big projects that we talked about today when they've all been on the table for at least 10 years one way or another. Now they're coming to a head because of construction schedules but, gee, we could have thought about these things a long time ago. We were busy putting out other fires. That's the kind of product that I think the Partnership ought to be involved with at all times, the things that are truly regional, the things that will have a major effect on the face of the region in the next 20 years.

Another bemoaned the lack of support for one of the major, most heavily used transit providers.

(This agency) was talking about stopping service after midnight. How does this region allow such a major operator to shut down night owl service? It is a lifeline. Unheard

428

of! In a metro area like this, that there is a disconnect after BART shuts down. I consider that is a regional issue and it is really like less than $2 million and not that you are looking for a handout, but why wasn't that a regional project?

Creating a Forum and Acceptable Process

To some extent the Partnership created a forum for types of discussion and learning that would not have taken place before or taken place in a much more limited way. To some extent it also provided a process that was more transparent and explicit than before. One partner thought attitudes in the region were changing because people for the first time had a chance to have a genuine multiway discussion.

> I've seen it changing because...some people think that's there's power in the numbers, in the ability to deal with the regional agency...There's a more fundamental reason also why people are interested in at least taking part in these sorts of conversations. It's because these conversations didn't take place anywhere before the Partnership. Yes, you had the Commission meetings, MTC. But that's not a place where you have an open discussion with staff. That's a ceremonial occasion where elected officials have to make decisions. Same is true for all the other boards. So where in the world do you do this? You get together for a conference once a year maybe to talk about these things. Or you pick up the phone and you call your buddy here or there who you happen to like. But that's not the full picture. I think one of the reasons people are still coming to the Partnership is that it's given them a forum to talk about things that are on their mind and to hear other people talk about things that they wouldn't have had the time to think about.

One of the more urban oriented partners at the center of the RTP Task Force, said this forum allowed partners to connect with others and to give each other a hearing.

> We've found echo in a number of very unlikely Partners. So, as the region matures and some of the other cities, particularly the bigger cities are finding some of the same problems we have, we're beginning to see that there is interest in that stuff. ...For instance, when we were discussing 1474 (the transit coordination bill) if everybody had ignored (the main objector) and actively campaigned for the passage of this bill and if he didn't feel satisfied that his objections had been fairly listened to, then I think you begin to have a real problem. Now I would bet that he believes that the *Partnership* listened to his objections. I don't think he believes that MTC listened to his objections. Which is okay because he had a fair hearing at the forum.

When we asked whether this partner thought other partners really tried to give people fair hearings, the response was,

Yes. ...By the very fact of sitting down and meeting. Everybody has somebody they think is a real lunatic. In a group that big, with that many people in it, there's going to be somebody someplace that thinks somebody is a lunatic. Undoubtedly someone out there thinks I'm a lunatic. There's a couple of people I think are lunatics. But there's enough other people that think they're reasonable human beings that they get a fair hearing. Once that stops happening, I think the diffusion becomes a problem. ... Frankly it's taken some of the heat off MTC's back as well. I think they were hoping for that.

Another partner argued that merely the existence of the forum and regular opportunities to sit around the table made a difference. He said there was,

Less friction among the locals and because of that, less friction between the locals and MTC. ....Just sitting across the table from someone three or four or times, eventually, if they are reasonable human beings, you get to believe that they are. If nothing else, this has forced a lot of people to sit across the table from each other. Not only at the Partnership level, but at the county level as well. Let's face it, MTC is turning a lot to the CMAs to say "What does your county think?" I think it works better in some counties than others but it works everywhere.

Many respondents went further than saying that the Partnership was a useful forum and contended that the Partnership helped reduce conflict. One partner explained, giving an example:

The conflict resolution process that we have established along the way has really worked...The Partnership itself as a forum. Caltrans was cutting back funding for RIDES at one point. It was going to go out of business. The Partnership came together and lobbied the state and worked out a deal and kept some of that funding coming. I don't know the details of how it worked. I think that was a successful story. When there's an issue around which several of us can coalesce and really bring some influence to bear, it's worked really well.

The example suggests conflict resolution goes hand in hand with building influence and political capital.

The conflict resolution efforts also applied to partners' relationship with MTC.

I think that when MTC is not going to be happy with something, staff lets us know through the Partnership and we try to work it out. "We're not going to be able to support x." So, we know that there's the ability to go to MTC (Commission) with a Partnership recommendation and a staff recommendation, but we don't want to do that because that sets up the elected officials for conflict, and that's not what we're about. We try to work that conflict out before it goes to the Commission.

A staff person put it this way,

One thing that has been helpful is at a personal level. There is a level of trust that has never been there before.... I was involved myself in the last year or two on for example trying to set up the "weigh in motion " program for I 880. It involved many players...Along the way an MTC message got miscommunicated so at a meeting people heard that we were going to hold hostage some money. They told us we were not acting like a partner. Everyone got their frustrations out instead of what they would have done, say call Lockyer (The Senate leader), who would call Dahms. We resolved it and moved on. We could not have done this without the Partnership because we have built a level of trust. We can say "we have had it up to here with you dragging your feet." Otherwise it would have been third hand with people cutting a deal. Instead, we have a knockdown dragout fight and move beyond it.

They did not always get full consensus, but often they got agreement, even with some who were unenthusiastic.

We don't vote on things per se. But you don't get consensus from intransigence. Many times we've gone with things where one person was dissenting but the rest of the people come to a place of comfort with the compromise position. That's always been the case. I think it's a sort of common sense thing. I don't really know why people arrive at consensus other than the things I've described - respect for the intuitiveness of it, respect for the technical merit of it, respect for the fact that somebody has done some work on it.

Though the Partnership process did not include outside stakeholders and interest groups directly, one partner contended that Partners tried to anticipate their concerns.

There have been meetings where folks have said "that will never get past the environmental community." Or, "God, the Santa Clara Manufacturing Association really can't tolerate this." It gets nixed. The environmental community has more power to say no than yes. The business community has more power to say yes than no. The business community often approaches things as "If we get this then it means more jobs and money in your community." The environmentalists often approach things as "If you do this, the environment goes to hell." So I think they have different outlooks.

Another partner expressed his view of conflict,

I don't believe in confrontation, I never have. Sometimes it happens, but I don't believe in badgering your spouse into doing what you want because then, even if you can do it, then you live with a loser. There's a whole very complex dynamic of respect, even trust, gets lost when you accept that kind of a status quo.

431

When we asked whether he thought MTC had truly accepted the partners as its spouse, this partner replied,

> I think that the jury is still out. My general sense is that there is more of a commitment at the top than there is at the bottom, just based on who gets to do the work. That's kind of a cynical view. It's also really based on, I frankly think that Larry has a vision for how this is a worthy experiment and I'm not sure how many of the staffers actually share that. But it wouldn't be all that surprising if people didn't. He has a different perspective from managing an agency this large, for so long.

We asked another partner who was very supportive of the Partnership why he felt that way, he argued that having people get to know him helped him make his case.

> I think I am able to get more out of it for my county than otherwise. Because I have substituted frequency for volume. They see my face often enough, they hear me often enough, I hope enough of them think I'm reasonable enough that when I say something that says "This adversely and unfairly affects my group", then they listen to me. And most of the time I couch it in terms of it's not just going to hurt my county, it's going to hurt other similar counties as a group.

He also felt that it helped maximize resources for the Bay Area.

> The other reason is that I think we end with more, literally. You're more likely to give somebody something who you know than somebody you don't. The last reason is more global. I think it does have some benefits for the Bay Area. In two ways. I described earlier, the friction is less, the decision are better. I still think that stands. The other thing is I think it's made the Bay Area more attractive on a national scale. Some corridors are looked to as a model. And you often want to spend money on a model. I suppose too much of a Democrat to say a rising tide raises all boats but it looks like I'm going to have to.

> Overall discussion often became quite civil in the Partnership, even when considerable funding was at stake.

> There was a long discussion on that because people don't want to see their projects shortchanged in terms of score by some other intangible that they don't have access to in their community. But it's been a very civilized exchange, where the reasons for why and reasons for why not have been put on the table and there's been compromise.

In his view,

The first thing that creates civility is the sense that people are being honest and that people are being fair. You get that sense when you see being people treated the same way consistently, over a period of time. You don't build it overnight. You don't sign it into a declaration of anything. You have to do it for a long period of time so that when the chair sits at the table and says "We're going to deal with this problem this way today," everybody knows that we're going to deal with this problem this way today because that's his best judgment that this is the way we're going to get it resolved, not because it suits his own particular agenda.

I think that people appreciate honesty, they appreciate openness - the sense that there is no hidden agenda. They also, quite frankly, this is something I discovered lately, I find rather interesting - people appreciate good staff work. People who can bring a technical solution to the table that makes sense are appreciated, and respected.

We wondered whether all this conflict resolution in the Partnership had weakened the Commission's role, and one of the longest term partners responded this way,

I think the conflict resolution has been taken away from in front of the Commission, and we work with the Commissioners. I recently gave my Commissioners a heads up and said "if we don't resolve this issue with the MTC staff in the next week or two, I need to come brief you and tell you that you're going to have to stomp around and throw your provincial vote around." (The conflict) hasn't all gone away. It's greatly reduced, but there are still from time to time some issues and problems. But I would hope that if we've reduced the amount of conflict, that they're using this opportunity to move to new frontiers on regionalism etc.

When there's less conflict, then you can move to get more things accomplished. We've reached this point where things are better, much better. They are working. What we just did on the STIP process. It worked. We had in a matter of three weeks consensus in our county about what to do with the STIP stuff. Unheard of.

Corridors

Partners were not particularly happy with the corridor model of planning for the RTP which staff initiated. This idea was that 16 corridors centered around freeway segments and cutting across county lines in some cases would be the unit of analysis and building blocks for the RTP. From what we could understand the rationale was that the issues considered would be bigger than those for a single project, and more manageable technically than if they tried to do analyses for the whole region at once. This approach allowed MTC staff and consultants to go out to different parts of the region and find out what projects community leaders were particularly

interested and to get more informed feedback from them than perhaps they could on a regionwide approach.

In practice the corridor approach perpetuated project based planning and thus only moved very slightly in the direction of regionalism. Indeed several partners objected in a Partnership meeting when this approach was first explained. They wanted to be able to have some say about corridors that were not in their counties, corridors which did affect their workers or residents. They tried to press this point unsuccessfully.

Two partners told us in a conversation that the corridor approach was,

Another failed attempt ... The idea of corridors. I had written a 200 page masters thesis demonstrating that it was the wrong approach. We're too diverse for that.

It might work in a much smaller region where there are only highways, but not here.

So I objected. I said, "How about brainstorming about other ways of going at it.?" Staff couldn't understand what I was talking about. At every meeting they just continued to expand on the corridor approach. By the time we got done arguing, the method was set. This staff person was the only one with full time to think about it.

People just gave up. It made no sense to keep fighting it.

By late 1999 staff had decided that Track 2 corridor planning was unsuccessful as a mode of developing the long term RTP. While on the one hand it did get some attention to projects that were not uniquely developed by county agencies and helped focus attention on a somewhat bigger picture, on the other, the approach did not, according to staff, really capture the attention and public imagination that it was intended to. Partners never seemed particularly engaged in the discussion over the corridors. This was perhaps exactly because the projects were not uniquely assigned to particular partners and perhaps also because there was little substantive discussion over what the problems were in each corridor in Partnership meetings. The scale was too big for counties and too small for regional vision or problem solving. Track 2 was, however ,a way to build on the project-based approach while changing the geographic scale. By 2000 staff produced a Bay Area Transportation Blueprint instead, in the form of a graphically interesting report identifying the key projects it was proposing. This Blueprint was prepared using some, but not all, projects developed by the Partnership. It was used to get projects on the new governor's agenda. Governor Davis had let the word out that he would be proposing a series of projects in a state transportation plan so staff mobilized quickly to put together a professional looking package. There was some protest from partners at being bypassed and because their priorities were not used. The Blueprint remained however, squarely in the political influence model of decision making, just as did the governor's approach.

Unresolved Issues

On a number of other regional transportation matters conflict continues and issues remained unresolved. Some of these are matters where some thought MTC could have convened the players and developed some solutions. The Bay Bridge issue was finally resolved as of late 2000, though without the Partnership and only after years of conflict and paralysis. Some other issues, such as the question of whether land use choices of cities should be linked to MTC's transportation investment decisions, never really were discussed and certainly not explored in any depth in the Partnership or elsewhere in the public meetings of MTC. The problem that CalTrain is not linked to BART and stops some distance from downtown is still an open issue but again it is not something that was put to the Partnership, nor to another form of group that might have been able to resolve it or decide whether or not to give priority to finding the funding for this. As one partner said,

> We don't talk about the thorny problems....Here is a prime example. Transbay Terminal is a big issue, semipolitical. There has been a lawsuit against the Mayor of San Francisco by AC Transit. But lets say before all that got to this ugly turn, the Partnership had a forum or talked or gave suggestions or options. What could we do to meet everyone's interests. But see I am the only one who thinks like this. I am the only one who has the collaborative kind of problem solving model in my head.

Another thorny problem that was never put on the table for discussion was the sanctity of the pipeline of already agreed on projects, some dating back many years. Two partners told us they were quite angry about this, though they understood the political issue.

> The RTP is $80 billion worth of projects that are set. That's a mind boggling number. Then there is $4 billion that we can play with. Is that rigid or not?

> It is the arrogance of saying that it is the status quo we want to support.

> It's really more complicated than that. Big transportation projects take a long time to roll out - often ten years. You do need the political will to stay with agreements that are made. But it is still counterintuitive that the numbers should be 80 and 4. In the last 5 years we should have had a retreat organized by Larry saying "Let's look at this. We're doing something wrong."

Probably no unresolved issue was more difficult than the question of whether MTC should set its investment policies in some way that rewards types of land use that are more compact or transit friendly or other policies that might have these effects. Partners were divided on this. Staff officially opposed this idea. Commissioners seemed more interested in this idea than staff. One partner told us,

Some of us would like to get MTC into the land use business. MTC and Larry says "Oh, I'm not going to get into that." But I think indirectly you can use transportation infrastructure to get to land use. I'm a firm believer that if you strategically place or don't place your capital investments you get a certain kind of land use. So if you keep a funnel at 580 and 205 or 101 into south county, you de facto do land use planning. If you open up the center urban core or if you open up the Bay on this side of the hills, and you build the kind of infrastructure where you do infill and densification, I think the placement of transportation dollars can do that.

This partner thought the reason that Dahms did not want to do this was rooted in his earlier experience.

I think he went through some land use discussions before, pre Bay Vision 2020 and got tromped on by ABAG and others. Got it again in Bay Vision 2020. There was a fair number of us that thought the whole process ought to be collapsed into a larger MTC and I think he got bloodied on that and he doesn't want to touch it.

One of the more eager proponents of MTC having a land use policy responded to our questions about the origin of the land use policy in 1996 in the Commission.

Yeah! Great, huh?! Good, let the Commissioners do it. Staff doesn't have a clue. And they publish this book, fine. [*Moving Toward More Community Oriented Transportation Strategies*] But it's a compilation of stuff, a lot of which has already been done in California. It's not giving points for good land use to the scoring of projects. It's not saying we're going to take a look at a BART extension out to the cow pastures.

The land use policy they set up is a step in the right direction, but it's a wimpy first step compared to what's going on in the rest of the country.... It would tear apart a lot of things staff worked hard to keep together. Land use is a very hard complicated issue. I think there's a recognition that we can't continue to grow like we've been growing, but they don't want to be out front on this.

He elaborated further on the resistance clarifying that the topic really was never seriously discussed. It was just off the table in part because of MTC staff and those from other agencies. He did not think the Commission was the obstacle.

What's interesting is that the resistance that you get from staff level people, not at MTC only, but at other agencies...A lot of people are reluctant to even bring it up and start talking about it. I think because they feel like it will be very hard to get through their city councils and things like that. And to me it's a little bit sad in a sense that a lot of people have sort of bought in that there's never going to be anything done for land use. "It can't happen. It's too complicated. It's a local

436

decision and the town leaders don't want to go that way." Rather than trying to educate them and sort of move them in the direction. And they are very negative about land use. I mean they're even negative about saying things. And that's what was so interesting ....MTC never wanted to do anything about' land use and then the Commissioners said "We want you to do something." I mean if the Commissioners are leading you, it's good, it's what they're supposed to do, but it's very rare for commissioners on a body like MTC, which is sort of like a second level or third level of their concerns, (to do something like this). I mean they're a supervisor or a city council person first. For them to say, "we want you to go take on land use" is kind of surprising.

Certainly if the land use issue had come to the table it would have opened a whole set of questions, about formulas for example or about the relative mix of transit and highway funding and it could move away from the project based approach to one of a vision for the region. But the people inside the Partnership largely lacked such vision, which was more likely to be found among the interest groups.

Another unresolved issue concerned formulas and the nature of equity. While it is true that a decision was made to allocate the TEA-21 funding by population formulas, San Francisco remained bitterly opposed and felt it was unfair. Other partners felt San Francisco was unreasonable. Still others were ambivalent and might have preferred a different formula, but chose not to rock the boat. Two partners talked about how difficult it was to get need considered as a legitimate part of a formula.

Once the brainstorming was out of the way, (a staff member) got all caught up in the inventory of need. I had asked "How do we connect these priorities with the distribution formula?"

You look at need. Who needs what and who's getting what. ...

But the allocation was by population not need so, as one partner said,

AC is going begging but the region has a surplus. Why do we have a surplus? Because (county A) has $1 billion surplus for a system nobody uses. They have a mickey mouse system. We pointed that out to them (MTC) They said "Don't worry, (County A) will come up with a way to spend the money." So County A will siphon off a billion dollar surplus just so we can't get it.

He tried to get staff to focus on need in the Finance Committee discussion.

We talked to staff. We said that we weren't afraid of putting all funding sources on the table when we do the inventory of need. She did the inventory of need and brought it to the Finance Committee. But instead of relating it to allocation, she

created the four boxes.. I asked how it relates to the allocation formula and she said "That's separate." I said "I give up." It's a level of denial that's unbelievable.

The nub is that any scenario requires San Francisco to gain a little and Contra Costa to lose. That's the reason I can't get any movement at all. it's not that much money. It's the principle. The reaction was so vociferous and nasty that we said "Whoa. This matters." It's about shaping policy for the region. We want a better alignment between programming and the RTP.

Other Effects

The Partnership and the processes set up by MTC after ISTEA changed the way decisions were made and made it more difficult to operate in the political influence model. One partner told us,

There's a lot of peer pressure involved in the CMAs and the Partnership. Peer pressure is what it is. Good peer pressure. You have to be fair, equitable, reasonable and open to do good planning rather than make back room deals. When you do only back room deals, you're not serving the public purpose. Before the Partnership, a lot of disjointed stuff happened. There was no plan.

Another said he had seen changes since the Partnership was set up, particularly in the sense that people felt decisions were fairer as a result and that there was more openness.

In the process, yes. In the decisions, how can you tell? You can't run that kind of experiment unless you have a parallel universe someplace. Do I think it's had some effect? I'd like to say "Yes," but I couldn't prove that to you and I'm not sure I'd want to try because I'm too close to it.

One of the things I can clearly say is that there has been a change in attitude. There's been a change in perception. there's a sense at least in the Partnership that things are more fair and more equitable and more open. I think there's a sense in some counties that things are running more smoothly. You probably get better information on that from the bigger counties. But my sense is that the CMAs and the Partnership, but particularly the CMAs are working like a funnel or a buffer or however you want to put it. Instead of going in and pounding on MTC you now have a group that speaks both county-speak and MTC-speak and can bat either side. I think that's helped.

Another argued that the Partnership,

had changed what the staff presents to the Commission and because of that it's changed the Commission's decisions. Another thing it's done is it now keeps

probably 90% of the arguments from getting to the Commission level. Some of them still get there. It now keeps most of those from going up to the Commission. I think that's real good. If the staffs (of agencies) can come to an agreement that they could all buy off on, then what you've essentially got is an arbitrated agreement without the involvement of the electeds. When the electeds come down, they usually tend to come down on one side or the other because there's two firm positions coming to you. Now we have the option and have used it of coming up with a consensus decision. The bottom line though is that it makes the Commission more staff driven than ever. But point to me a piece of government that isn't. As things get more and more complex, that's just a natural outgrowth I think.

Another argued that the Partnership had become more assertive over time, but that they had not separated more from MTC but become more closely interlinked.

Have they separated more? No. I think that's the interesting thing about it. It's kind of this mating ritual. There's a lot of picking and scratching but the termination is to mate. I see it as part of the process. I think it's rather extraordinary but I see it as part of the process. Just being locked up in a room so often together has actually created a sense that we can work together that did not exist before to the same extent.

Also it had increased the diversity of participants who really played a part and created some sense of shared issues.

I think that before this organization was in place, the ability of an individual jurisdiction or agency to get their transportation projects done depended on the personal relationship of one or two people in the agency to whoever they had as a contact here at MTC and to some extent Caltrans, CTC, but mostly MTC to see to it that things would get done. I think that picture has changed. It's still very much dependent on human interaction, personal relationships but it's much more diversified. Now you can sit down with your neighbor and talk about "This is happening to me. Is it happening to you as well?" There's a lot more opportunity to have that kind of discussion and to come up with an observation that everybody can hear, that everybody has an opportunity to agree with, and that generates change.

The modeling thing was a good example. People started preparing notes and realizing that we were having a similar problem. ...Another example would be in the fund programming process, we discovered... we could make common cause with.. other older cities over issues related to how well or badly our projects scored. We found, for example that we were having a heck of time with things like pedestrian projects. They were a square peg in a round hole. You could never fit them anywhere, but we weren't alone any more. There were other people having the

same problem. And out of that came a more complex scoring application than probably anybody would want. But the point is that there has been a serious attempt, and I think a successful attempt, at addressing a problem that is recognized as a common problem.

This partner supported Dahms' vision of spinoff partnerships.

In fact, that is, to me a good sign of success. One of the things that Larry and, I think, Tom Larson, who has been advising the Partnership on and off ... had advanced was the notion that the Partnership should spawn perhaps smaller associations, subgroups of people who had common interests. That the Bay Area is too diverse, there's too much multiplicity of interests and goals, that you couldn't necessarily have everybody all the time at the table dealing with the same thing and being totally happy. And at the same time you couldn't impose a subregional issue on everybody else because they wouldn't care.

The idea would be that there would be a moment when spontaneously you and I would sit down and talk about this one particular issue because in our jurisdictions that makes sense. It wouldn't have to generated by the Partnership as an official activity, but it would spontaneously happen. In which case, all the Partnership was doing was raising the level of comfort and the level of familiarity between people to enough of a stage that you could have that kind of an interchange without it being an official thing. I wouldn't have to write you a memo saying "I have the following problem and therefore so and so". I could just approach you and find some responsiveness and have a structure within the Partnership to bring that problem to as an initiative of ours.

Overall Assessments

Many of these same issues described by the individual partners emerged in the various self evaluations the Partnership Board did over the years. The Board appreciated their diversity and ability to talk about issues and felt trust had increased. They had developed a process to work together and to share information. Parochialism, they thought in the early years, was somewhat diminished. But they also recognized they did not have full participation of all partners, especially transit, and they felt they needed to take more leadership. They felt they should have a more substantive regional plan and at least coordinate among corridors. Some wanted to increase stakeholder involvement. They worried that the cooperation they had might only be due to money and could fall apart without that. Some thought it was beneficial to have MTC facilitate the Partnership, and others worried whether the agenda, especially in committees, was too influenced by MTC's issues and goals. They were very critical of the results on system management. They wanted to have an assessment of performance/results to find out if the Partnership was achieving its objectives. In one partner's view in 1997,

The Partnership needs a revival---A recommitment to each other, ... Let me tell you what the Partnership was on its way to doing. Establishing faces with names. You knew people from other agencies but you really did not know what they thought, what their philosophy was, how they saw their agency interacting with yours or anybody else. The Partnership was invaluable for that--for helping us in getting to meet each other. As a result of those first couple of years you could pick up the phone when an issue came up and say "Help me or do you have any ideas?" I don't think we went to the next level of treating the Partnership as a brain trust, think tank for problem solving for all of us. So what happened is when each of us got into own crises, no one stepped forward. The Partnership did not step forward as a resource to help think the problem through for you.

This partner believed that the talents of the partners should be put to better use.

My expectation is when you put a group of geniuses in a room that you get multiple genius solutions....if you look around the table there is a phenomenal amount of talent, and energy and power and we never harnessed it. I think we slipped into mundaneness, routineness and that will kill genius any time.

Another partner when asked in 1996 for whether he had disappointments with the Partnership said, "Haven't had any yet." But he went on to say that his criterion for the future had to do with whether MTC could accept the results of the Partnership work.

The role is to facilitate it happening. To work and to foster the consensus building and accept what comes out of that. That last one is the hardest one - to accept what comes out of that. To date I'm proud of what they've done. There's been a lot of surrender by the MTC staff.

Another was less enthusiastic about the achievements of the Partnership.

You think about it and you think, "what can the Partnership take credit for?" and the only thing you can come up with is the scoring criteria. Great! That is exactly the kind of stuff...which will never be printed in the newspaper because, who cares? I don't care about that when I'm sitting in traffic. You know what can you point to that's on the ground? And that was a brilliant idea for this JUMP Start, it's important to have these projects we can point to, "We've done this, we've done that. Then they got these projects that are like the freeway service patrol. (rolls his eyes) I mean, don't get me wrong, that helps out a lot, but, it's kind of like, okay, you spent how much time trying to figure out how to get that implemented? It makes critics of government it just gives them something to salivate over, I think. I mean, it's sort of like, "We needed to think about doing this?" That's crazy! And so, to MTC's credit, at least they said, "okay, we're going to try to solve a problem that exists."

441

A partner when asked the value of the Partnership responded,

> What does the Partnership do? What do they do?! Not a hell of a lot.... Someone told me when I was looking for a job when I first finished school and I talked about MTC and they said, why would you want to work there? It's just an accounting agency." And in a sense it is. It just sort of allocates money to people. I hasn't really accomplished a great deal more than that. Scoring is handing out money. It's planning how to hand out money. Now, admittedly, that's a big job. But, is it a model of a good regional agency? No.

When we asked why the Partnership was not taking the lead on issues they cared about, his comment suggested that the Partnership had missed some opportunities.

> Well, you see the thing is, how would the Partnership actually do anything? I mean, basically it's got to be MTC staff. They've got to do the staff work, they've got to do the heavy lifting to get anything done. So naturally, the Partnership takes the MTC issues and deals with them. I would submit that there's plenty of MTC issues that the Partnership could get involved with. This transit coordination ... This Translink (universal ticket) for example.

The trouble was that meetings were routine and not creative, according to some respondents.

> This is not rocket science. You go to those meetings, the most important thing about those meetings was all the agencies were looking out for themselves.....The fact is, they got broad participation so what came out was okay. It wasn't all highway people that were there. It wasn't all transit people who were there. No one probably thinks they got a fair deal, but they probably did. But it wasn't new thinking or anything, it was just basically, "how do we come up with a way of funding the different projects, and everybody kind of saying, "I think it's worth five points to have an HOV facility," " I think it's worth six and blah, blah, blah, blah", back and forth and back and forth. So anyway, they dealt with it. They got it done. When you started thinking about an idea like, "Well, how do we manage the system? Do we have gateways?" ... "How about in the urban areas if we only invest in transit and any roadway improvements we put in an urban area is solely for freight delivery or off-peak service?" Those are important issues. Those are the kind of things that I think are really interesting and that we should be focusing on if we want to go forward into the 21st Century.

Conclusion

The scoring was a clear success from the partner's point of view for a variety of reasons: they felt it created greater transparency in the process; it helped them negotiate with players in their own counties and eliminate bad projects; it helped create trust among themselves and trust of

MTC; and most of all, it built their skills at collaboration and gave them a sense of empowerment and ownership of the process. The screening and scoring process more than anything else kept Partners at the table, not just to protect their own interests, but also because they felt responsible for implementing what they had done. This process built social capital among the partners. It gave them hope they could accomplish more in other arenas. On the other hand, from MTC's point of view the scoring was not such a success perhaps because it reduced their discretion. The difference in views seems very much linked to the difference between the collaborative model of planning and the political one.

MTC staff continued to maintain their political capital and perhaps even build it during this time, with the aid of the Partners who stood behind funding decisions and seldom went around staff to the Commission. On the other hand, others not included in the Partnership began to make inroads in this political capital as they challenged MTC in various arenas. Shared intellectual capital was largely not built among the Partners, as they relied so heavily on staff initiatives and staff analyses, though the Advisory Council did become educated among themselves and developed some common understandings with staff. This helped to create the innovative TLC program. Modeling Coordination Subcommittee members did build some shared intellectual capital.

The committees that had real operational tasks worked in some cases and not in others. Members of the Modeling Coordination Subcommittee cited the vision they created, and the coordination. They all learned a good deal and were closely involved in discussion with the consultants and they completed their mission. The Arterial Operations Committee seemed to work well as it had members who were both motivated and skilled in the tasks it had to accomplish. This contrasted with SOM, which had neither a clearly doable task nor members who were interested and qualified in the operations arena. JUMP Start was never a program the partners felt they owned or could have an impact on in the way they did with the scoring. It was more of a public relations task and partners never were very interested in that aspect.

The RTP Task Force was a case where the partners tried to take some initiative and leadership and to move MTC away from the largely technical bureaucratic or political approach to decision making. Partners wanted a more open ended process that would produce direction, and challenge some of the assumptions embedded in the way things had been done until then. In this respect it was parallel to the debates over performance measurement. The Advisory Council wanted performance measures that would go beyond what MTC felt was within its control or mandate in order to look at the big picture or set direction. Similarly the partners wanted to discuss performance measures, coordinating their own and potentially influencing those MTC chose. But in these examples MTC stymied these efforts deliberately or simply because they did not understand them. Clearly again these were cases of of the open-ended collaborative dialogue approach to planning coming up against the technical and bureaucratic need to work with limited variables and see their operation as a closed sort of machine which they would keep working. The performance measurement approach could also interfere with the political approach which depends on projects rather than performance.

Overall the Partnership did become a sounding board for MTC staff and it did create some new initiatives, particularly in the small committees. It has created working relationships among some partners though it has not fully integrated the transit partners, who remain somewhat distrustful of the CMA's. The Partnership however is not the collaborative planning process it

started out to be, and as a group it has not been used to address many of the controversial issues that dog the region. It seems to be just a tool that staff use as they see fit for selected purposes, including development and approval of the RTP and the allocation of much of the funding on an annual basis. Some of the small committees continue to do useful work. The Advisory Council has provided two way access in a formal setting for key stakeholder interests, MTC staff, and some times commissioners, though their role has been quite limited. It has not forestalled the growing pressure from outside stakeholders, including some represented on the Council.

MTC's experiment in collaboration has, like most experiments, produced a mixed bag of outcomes. In some respects it produced new regional cooperation and valuable forums for deliberation, along with joint learning and joint gains for the region. In other respects it seems actually to have crystalized new parochialism and mutual distrust among MTC, partners and interest groups. While some achievements, like the multimodal scoring, have been admired around the country for their innovative way of developing and applying regional criteria to project choice, such innovations are less common today, and scoring itself is no longer in use. The RTP remains basically little more than a list of proposed projects, much to the disappointment of those who wanted it to represent a regional vision and set a direction. Transportation congestion is mounting in the Bay Area, and these projects do not offer the promise of reducing that even in 20 years. A number of important regional transportation issues remain unresolved or as controversial today as ever, and neither the Partnership nor the Commission tried to resolve these. Some players in MTC and the Partnership have expressed disappointment with the evolution of MTC's work recent years, and a strong set of outside interests is focusing on trying to produce change in MTC's transportation planning process and priorities. How MTC and the transportation decision making processes will evolve in the future remains uncertain. What seems likely however is that MTC will change in the coming years.

CHAPTER 21

EXPLAINING THE OUTCOMES

This account of MTC and the Bay Area Partnership leaves many questions unanswered. Why were some agreements reached while other things remained controversial? What made some efforts successful while others clearly faltered? Why was the regional plan a package of projects rather than a reflection of a vision for the region or a regional approach to solving transportation problems? Why did the Partnership or MTC not come up with a regional transportation management strategy even though Dahms was so committed to this? Why were they never able to agree on even a definition of regional projects? Why did MTC abolish the multi-modal scoring criteria even though the Partners felt it was a success? Why did public opposition and criticism of MTC mount so steadily during 1997 to 1999? And why didn't MTC head this criticism off more effectively? Why was the issue that was uppermost in public opinion, namely congestion, not put squarely on the Partnership table for discussion and problem solving? Why was the issue of land use so rarely even discussed by the Partnership–indeed why was it seemingly taboo as a topic, despite the fact that a number of partners wanted land use to be an explicit part of MTC's policies? Why did partners stay at the table even though meetings were often dull and they seemed to have less and less impact on MTC policy? Why did the group not develop enough social and intellectual capital to make members more willing and able to work together on regional problems than they were after 6 years?

Unfortunately, failure of innovation is much more common than success. Was there reason to think that the Bay Area Partnership had more promise than was realized? We believe that this was not a case doomed to fail from the outset, and thus we can learn much from it.

Common Explanations

The explanations for the outcomes of MTC's processes are nearly as complex as the story of how they came to be. Publicly there seems to be more blame being cast on MTC than credit. The achievements of the Partnership and the other groups MTC set up have gotten less attention than the problems and controversies, perhaps because the results did not meet the high expectations many had. Everyone in Bay Area transportation politics seems to have his or her own pet explanation and favorite scapegoat for what they see as inadequate progress in solving the region's transportation problems. MTC detractors tend to blame the staff and commissioners for the things they disagree with and attribute to them far more autonomy and power than they have. Others blame the CMA directors for lack of interest in regional outcomes and poor relationships with transit agencies. Still others see BART as too rich and powerful for others' good. Most often observers think the problem is simply about the substantive and political differences around policy. Some people, they argue, just want to build highways and favor sprawl and other people really believe in compact development. Others argue it is all about ideology or all about power.

These kinds of explanations beg the more practical question of how the problems arose and what can be done to produce different kinds of results–particularly to produce results that are

better directed to addressing regional issues and more satisfactory to the public. Thus we believe it is important to understand the context and incentive structures that have produced what we find today and to see how MTC's particular practices played a part in the outcomes. It is only through such analyses that we can propose changes, or derive lessons that may help transportation planning in this and other regions. Ultimately the beliefs and interests of different players may be less important in explaining the conflicts around key issues than are the institutional structures and processes. And it is only through examining structures and processes that we can draw out possible lessons not only for transportation policy making, but also for other infrastructure and resource management planning or similar policy tasks where the problems are complex, controversial and not well understood and where many players can influence the outcomes.

Overview of Argument

Our explanation of the outcomes of the partnership process is three-pronged. First, we believe that much of what happened and continues to happen in regional transportation planning is a product of external forces and factors, such as state and federal laws and guidelines, the political culture of transportation decision making over decades, historical commitments (and attitudes toward them), and long established practices and relationships among transportation providers and funders. These include, for example, the project-based approach to funding, geographical return-to-source funding formulas and extensive regulatory requirements making players dependent on experts and bureaucrats.

Second, we believe that looking at the planning models that different players are using can help account for many of the outcomes. The technical, political, social movement and collaborative approaches to planning each have their appropriate roles and each works best in different kinds of situations. By the same token each planning approach can be put into practice in situations for which it is not well suited. Moreover, the simultaneous existence of multiple models can interfere with the effectiveness of any one. MTC's emphasis on the political influence model certainly accounts for their success in bringing funding to the Bay Area and in getting legislation passed. On the other hand this emphasis does not work well when there is a perceived problem like transit coordination or regional congestion that transcends each of the players and requires their cooperation for solution. The social movement model is appropriate for interests which are excluded, but the insistence of planners in this mode on their particular vision may have to give way if they join in a collaborative planning. Collaboration has its role when many interests and types of knowledge are needed to solve a joint problem. It is essential when there is no agreement on objectives nor clear understanding of how to solve a complex problem. However, it can be too time consuming to use in situations where decisions must be made quickly. Technical planning has an important role in decisions where cost effectiveness or traffic projections or other more technical questions such as the best location for roadside call boxes are at issue. Yet it is inadequate when the underlying decision requires resolving goal conflict among the participants.

The diversity and interdependence of the interests with a stake in the issue and the degree of controversy surrounding the question also affects the appropriateness of each of these planning models. Given the diversity of interests and their interdependence in the functioning of the overall transportation system, it was our hypothesis at the outset that the collaborative model would be

best suited to many of the more complex and controversial planning tasks, particularly where new ideas were needed to solve problems. Yet too often players relied on their favorite model, regardless of its suitability for the task. Moreover, not all the professionals in this process shared the concerns we had in our study–not all were looking for collaboration or regional problem solving as we were.

Many of the conflicts we observed in the planning process and the failures to resolve them in a satisfactory way can be understood as the result of disagreements among those who subscribe primarily to different models of planning. Those who see planning as basically a political task of satisfying constituents are puzzled by those seeking common ground through collaboration. They may regard technical planners as politically naive and disregard their analyses or try to shape them to have the results they want. By the same token the technical bureaucratic planners can be equally frustrated with the social movement planners who use data in an openly advocacy way and with their more political supervisors, who sometimes seem to ignore the facts. Social movement planners tend to suspect that the technical and the political planners do not care about good outcomes. Collaborative planners tend to believe that the only good outcome is one that everyone arrives at jointly through thorough discussion and incorporation of interests, whereas the others may think that idea is nonsense.

 Since these planning approaches are often taken for granted by participants, they are often unaware of the degree to which these are a source of conflict, even where there may be a lot of commonality among players in what they think the transportation system should ultimately look like. This conflict is aggravated by the fact that each planning model supposes, not only a different idea of a good outcome and of how to get to that outcome, but also of what the nature and role of public involvement should be and when it should happen, and what kind of information should be used and how. Each of these issues frequently generated controversy or distrust among the participants coming from different perspectives in our story.

In our observation-- the success stories--the cases where regional approaches were developed, where new ideas emerged, where partnerships and enduring relationships were built, were almost invariably in the most collaborative planning efforts. Where mistrust was generated, and agreements were shallow or not achieved, it was where there may have been the appearance or perhaps rhetoric of collaboration, but the reality of technical and/or political control, when neither of these models was appropriate for the task.

The collaborative model, however, has the least support and the least understanding among the players in transportation. MTC has had a long history of a tight, though uneasy, partnership between the technical and political approaches and it is difficult to change, even with the best of intentions among players. If something has worked for a long time, few agencies are willing to change it for another approach that presents new risks and unknowns. But the reality is that MTC is in transition as the collaborative and social movement planning models seem to be playing a greater part–and may indeed have a growing role as the uncertainties around MTC continue to increase.

The third form of explanation we offer for the outcomes we found is in the actual workings of MTC, the Partnership, and the various committees and decision making processes. We have tried in this story to contrast the more productive with the less productive processes. In particular, our intensive observation over time has allowed us to analyze the degree to which

447

different processes were genuinely collaborative and why they were or were not, at the same time as we were identifying the outcomes of the processes. Since we believe that the degree of collaboration is an important explanatory factor in these outcomes, particularly in the success or failure of regionalism, we have done a detailed assessment of collaboration at MTC. This appears in the next chapter.

External Factors

In spite of the encouragement that ISTEA provided for collaborative and regionally based decision making, MTC operated in an environment that in fact posed some formidable obstacles towards moving in such a direction. Here we focus on two major sets of such obstacles: the historically complex and mode specific legal structure of transportation finance and the highly fragmented local political structure.

The Legal Structure of Transportation Finance

Transportation projects are funded through an extremely complex system of federal, state and local fund sources, many of which are dedicated to particular modes, and even particular kinds of projects within those modes. In 2000 MTC estimated that 70% of transportation funds in the Bay Area came from local sources, 16% from federal programs and 14% from the state.[1] MTC lists 21 different federal funding categories, 9 state funding categories and 21 local ones.

At least three things should be noted about these simple facts. First the overwhelming share of transportation funds is locally generated, largely from local sales tax increments and transit fares. Federal and state funds are only a small part of the total transportation funding picture. Local governments typically take the position that locally generated funds should be locally controlled. This, however has helped to create a mind set in which local transportation officials are used to thinking parochially, rather than regionally, and are used to exercising considerable autonomy in their transportation decision making. It was often difficult for them to shift the nature of their thinking when federal or state funds were at issue.

Second, mastering the requirements and limitations on the use of each of these different fund sources is a major job for anyone. This in turn puts a premium on technical expertise in the transportation planning process and often results in a larger role for technical planning approaches than might otherwise be the case. Technical/bureaucratic planners have to explain the rules, run models and develop supporting data, and others depend on them for this. Those without such expertise, most notably representatives of the public but also, from our observation, many transportation professionals, often found it difficult to participate in a meaningful way in aspects of the discussion. Conversations about general principles or objectives for transportation planning or funding could easily get sidetracked into conversations about what was and was not possible for a given fund source. Other participants were dependent on the explanations of the technical

---

[1] Metropolitan Transportation Commission, "Moving Costs: A Transportation Funding Guide for the San Francisco Bay Area," Spring 2000 p.1.

planners and were often limited in their ability to offer alternative ways of proceeding or thinking about problems.

Third, even after significant changes in both the federal and state transportation regimes aimed at increasing flexibility of funding, many fund sources remained mode-specific. The federal government continued to have separate funding pots for fixed guideway systems, bus improvements, new rail starts, paratransit, transportation enhancement activities (e.g. historic preservation, bus shelters, landscaping, bicycle/pedestrian facilities), access to jobs/reverse commute, clean fuel bus program, railroad/highway grade crossings, highway bridge replacement and rehabilitation, and ferries, along with the large, flexible fund sources - the Surface Transportation Program (STP) and the Congestion Mitigation and Air Quality Improvement Program (CMAQ). In addition, Congress (as well as the state) regularly insert earmarked monies for particular projects into transportation appropriations.[2] The state also continues to have some fund sources earmarked for transit, some for roads, and some for bicycles, alongside the large, discretionary program. Thus, mode-specific discourse continues not only to have legitimacy but to be necessary. The transition from such discourse to exploring needs of the region, irrespective of mode, has not been made for the most part. Moreover the complexity and diversity of funding sources has made efforts at "big picture" planning all the more difficult since needs often do not mesh easily with fund sources. No one actor controls all the sources of funds, which come not only from federal and state sources, sometimes through MTC, but also from county and city funds, as well as from transit operators fare box recovery.

These obstacles embedded in the current regime of transportation finance have deep roots. Historically the state of California has had separate pots of money for congestion relief (mostly highway expansion and commuter rail) and transit. The federal government has had separate pots of money for transit, the interstate highway system, state highways, secondary roads and non-highway urban transportation projects. Moreover, under the old Federal Aid Urban program (FAU), monies for local road projects were sent directly to local governments in large urbanized areas, in California to counties. Counties became accustomed to making decisions about how to spend their money on their own without discussion from neighboring counties. Thus, patterns of mode-specific thinking and localism are deeply rooted in the transportation culture and are not easy to overcome.

Seemingly even more difficult to overcome than this local orientation is the return-to-source culture, in which local decision makers believe they are entitled to transportation funds (and control of those funds) purely because the funds have been generated from taxes paid in the county. In this culture, the term "equity" refers to geographic equity, i.e. money should be allocated on the basis of where it comes from, not necessarily where it is most needed, nor where it would do the most good for the regional system or even for the residents of the county. This culture has been nourished by state law. Many of the old state transportation programs were subject to what was called the county minimum requirement. This provision guaranteed that 70% of the funds be sent to counties using a formula based 75% on population and 25% on state highway miles in the county. When the state transportation funding regime was changed in late 1997 with the passage of SB 45, the concept of return-to-source was not only preserved, but

---

[2] ibid.

extended. County minimums became county shares and the funds for the entire Regional Improvement Program were allocated to counties on the basis of the formula.

State law also reinforced the culture of return-to-source as part of the implementation of the federal ISTEA program. SB 1435, passed in 1992 to bring state law into conformance with the new federal legislation, included a provision governing the distribution to counties of the new federal Surface Transportation Program (STP) funds. This provision required that each county receive at least 110% of the monies it had received during 1990-91 under the old Federal Aid Urban and Federal Aid Secondary (FAS) programs (which had been distributed on a population basis). The bill also included provisions that allowed for the adjustment of that figure for population changes in the county and that allowed the 110% figure to be achieved on the basis of a five-year average. This scheme did not govern all of the STP funds since the appropriation for that program was considerably larger than what had been appropriated in 1990-91 for the FAU and FAS programs. Nonetheless, the state reintroduced a county-based distribution scheme for the remainder of STP funds, although this had not been included in the federal law.

The Partnership then took a further step that reinforced both the culture of return-to-source and the culture of county "ownership" of funds. For the Bay Area, all STP funds were split into two categories: 50% to a county guarantee (STP-G) category and 50% to a discretionary category (STP-D). Counties could program STP-G funds on their own with the only regional oversight coming in ensuring that the expenditures met the requirements of ISTEA. Thus, a significant portion of a federal program that had emphasized regional decision making was converted into a program that distributed funds on an old style geographic basis.

Having become accustomed to the idea that federal as well as state funds would be distributed on a return-to-source basis, it is probably not surprising that when TEA 21 became law, the Partnership once again sought ways to convert a program that distributed money to regions as a whole into one that distributed money to counties on a formula basis. As described in Chapter 16, the Partnership decided to distribute 75% of the flexible TEA 21 funds on a population based, return-to-source formula. Thus, we see a culture that had originated in state and federal legislation of an earlier period continued and even extended through new state legislation and through the practice at MTC. The idea of "geographic equity" so permeated thinking about transportation funding that the needs of the region as a whole were not up for discussion. Instead the focus was mostly on the "rights" of the localities to funding and autonomous decision making.

The political influence model has been very much the norm in transportation planning for decades, not just in the Bay Area, but across the U.S. Even the most recent federal transportation legislation, TEA 21 contained in it billions of dollars for special projects that were placed in there to satisfy special interests and which were not necessarily in the priority list of the metropolitan planning organizations. In California the governor in mid 2000, in a prosperous economy, announced a long list of transportation projects for which he would provide special funding out of budget surpluses. These projects were selected by the governor and his staff after one on one consultation with interests and representatives of different jurisdictions and MPO's around the state. They were not selected through a state planning process, nor an analytic procedure, nor public discussion. Many of them were popular projects, and the proposal was met with

considerable public support. Yet these actions reinforced the project-based approach that is so deeply embedded in the transportation planning culture.

The Fragmented Local Political Structure

The obstacles to collaborative, regionally oriented decision making created by the legal structure of transportation finance are reinforced by the highly fragmented political structure that is typical of metropolitan America and that is particularly problematic in the Bay Area. The problem, in essence, is that the geographic area that is a transportation "basin", similar to an air or water basin, is divided into a large number of independent political units, each governed by its own set of elected officials and each jealous of its own prerogatives. The San Francisco Bay Area with its nine counties, 100 cities and 28 independent transit agencies, is one of the most fragmented, but such fragmentation of metropolitan regions is nearly ubiquitous in the United States. The result is powerful centrifugal political forces that impel regions towards localism, with only weak regional voices to counteract them.

Although it was created to be a regional institution, MTC is governed by a Commission dominated by local elected officials. Of the 19 members of the board, 14 are local elected officials (either county supervisors or city council members). These local elected officials almost always start their service on the MTC board heavily focused on local concerns. With the spread of term limits on elected office, few serve MTC long enough to develop a more regional vision, much less the regional expertise to support it. The Partnership Board is composed primarily of the executive directors of the county CMA's and the general managers of the major transit operators. The CMA directors report to boards of local elected officials and most of the transit agencies are governed by their own elected boards. Members of these boards, in turn, are generally elected on a district basis which tends to create even greater localism in their orientation. Thus, the geographically fragmented nature of the political institutions in the Bay Area extends to the workings of the regional body, undermining its ability to act in a truly regional fashion. This geographic fragmentation both reinforces, and is in part a cause of, the localism encouraged by the legal structure of funding.

A second face of fragmentation is functional. With each transit operator governed separately, and in many cases governed separately from general purpose government, political institutional structures work against looking at transportation issues in a non-mode specific fashion. The general manager of AC Transit, for example, (the agency that runs the bus system in western Alameda and Contra Costa counties) is accountable to an elected board whose sole responsibility is that one agency. Board members, in turn, are held electorally accountable solely for the performance of that one bus system. The roads those buses run on are the responsibility of a separate set of political entities (the cities and counties in the area as well as the state) and BART is governed by yet another political entity, its own elected board.   This institutional pattern too, of course, both reinforces and is in part a cause of, fragmenting incentives created by the structure of funding. Together the functional fragmentation embedded in the political structure of the region and the persistence of mode specific and project specific funding work against thinking about solving regional transportation problems as opposed to funding local transportation projects.

In theory, the county level CMAs should provide a locus for looking across modes at least in a limited geographic area since most requests for funding from flexible fund sources must be funneled through the CMA. In practice, however, many (though not all) CMAs appear to have relatively poor relations with the transit operators in their county. This is no doubt due at least in part to the separation of transit from general purpose government in these counties (the best relations appear to be where this separation does not exist). Also contributing to the situation is the influence of local public works directors on local transportation policy. These local officials have little to no responsibility for transit and are a major source of expertise about transportation policy for county decision makers as well as the sponsors for many transportation projects. Moreover, at least some of these public works directors, along with others with particular interest in road and highway projects, resent the fact that dedicated sources of funding for transit project persist while transit can also lay claim to newly flexible state and federal funds from which they had previously been excluded. Once again, then, we see incentives derived from the political structural context join those derived from the legal context of transportation finance, to discourage both collaboration and more comprehensive looks at transportation problems.

The Four Planning Styles

Four different approaches to planning coexist uncomfortably today in Bay Area transportation planning, as we discussed in Chapter 1 (See Fig 21-1). We believe that many players operate with one of these as an ideal type that generally guides what they do and what they think is right, though no individual is likely to offer a pure example of a particular style and many move from one approach to another at different times (Howe 1992; Howe & Kaufman 1979). Moreover particular planning activities tend to be framed by one or another model. What is important for our analysis is first, that each model is best suited to a different kind of planning task and second that each model implies a different idea about what makes a good regional plan, about what sort of information is needed and about the appropriate purposes and methods of public participation. Some of the individuals involved in Bay Area transportation planning use primarily one or another planning model; some of the planning processes involve primarily one or another; often individuals slip into one model and then another in different situations; and sometimes different people in one process operate with different and conflicting approaches among themselves. The rules of the game are no longer shared as they might once have been. This creates confusion and ill will and makes developing agreement difficult. It also frequently the case that an inappropriate planning model is used.

This situation is a reflection of the reality that not only is MTC an organization in the midst of transition and experimentation in a turbulent environment, but also that planning itself as a professional field is in a similar transition. The older models of practice are less successful than they once were as society becomes more fragmented and as there is less agreement on values and more conflict among interests and jurisdictions. At the same time the problems have become more complex to solve and interdependencies have become greater. In this process not only are both the technical and political approaches under fire and less effective than they once were, but also the social movement approach is growing in significance while more experimentation is going on with collaborative approaches.

Each planning style comes associated not only with long tradition, routine practices and habits of individuals, and institutionalized procedures that reinforce it. Moreover those who practice in particular ways typically have strongly felt norms and values associated with their approach. It is not just that they plan this way because this is how they have learned to operate, but also because they believe it is the right way to do things. It fits with their view of the world and the social and political order. The political influence approach for example reflects a belief in the legitimacy of political decision making and of elected officials as decision makers. The technical approach typically reflects a belief in the possibility and importance of providing neutral and unbiased information to those who make decisions. The social movement planners believe in the rightness of their vision. Accordingly, many of them subordinate means to their ends, and they tend not to believe in the neutrality of information. The collaborative approach may simply be initiated as the only practical solution to intractable problems, but often reflects a deep belief in its proponents that what is right to do is what an informed, inclusive, and empowered set of stakeholders work out through discussion. The point is that practitioners operating in each of these approaches, for the most part, sincerely believe in the moral correctness of what they do, though often they may regard each other as cynical or naive or even badly intentioned.

Figure 21-1 **Four Models of Planning and Policy Making**

Diversity

	low	high
low	Technical Bureaucratic *Convincing*	Political Influence *Co-opting*
high	Social Movement *Converting*	Collaborative *Co-evolving*

Interdependence of Interests

Adapted from "Planning Institutions in the Network Society: Theory for Collaborative Planning" by Judith Innes and David Booher in Revival of Strategic Spatial Planning, eds. Willem Salet and Andreas Faludi, Royal Netherlands Academy of Sciences, Amsterdam.

The Technical Bureaucratic Style

Much of what goes on at MTC could be described as the technical/bureaucratic style of planning. Many of the staff spend much of their time doing quantitative analyses, analyzing project proposals to see how they fit criteria for various funding categories, and preparing materials to meet federal or state reporting requirements. These staff, when they interact with committees, fall back on MTC's five objectives as defining their mandate and the range of what they can discuss or work on. If the committee members want to do something inconsistent with these objectives staff will typically not consider it. For example access is not an official goal of MTC, but mobility is, and those who want access or certain kinds of land use that would improve access to be part of the purpose of a transportation program found that their views fell on deaf ears among some staff. This is of course entirely appropriate for a planner who sees his or her job as providing technical information and helping to implement the policies that have been laid down for the agency by legislative bodies like the Commission, the State legislature or Congress.[3] It is not up to them to challenge or question goals or program requirements. It is up to them to provide the best possible information to make sure that decisions are made properly and to propose the best ways to meet these goals. They must follow the leadership of those above them in the bureaucracy who speak for the legislative mandate. This technical model of planning requires the individual planner to set aside his/her personal preferences or views of what makes a good region to carry out the mandate of the law, and do so in an unbiased way, playing no favorites and letting the analysis go where it may. For these planners, public opinion is an input to their analyses, though typically of only marginal relevance. They seek "feedback" on the proposals they develop (along with the more political planners) through a combination of focus groups, polls and discussions with Partnership committees. This feedback provides them data for modifying or fine tuning the proposals, but ultimately their responsibility is to the mandate of the legislation and to doing things with proper data to support them. The feedback may or may not therefore make a difference to what they end up proposing.

As a practical matter, technical planners at MTC end up spending a substantial proportion of their time in understanding regulations and interpreting and applying them in a way they believe is fair and consistent. The requirements they must meet in terms of documentation can absorb a tremendous amount of energy. Instead of being able to spend much time on what the rational model of planning would have them do–namely assess all the alternatives in the light of the data and objectives, they end up focusing on rules, documentation and data. From this perspective a good regional plan is one that meets all the requirements of legislation, is consistent with MTC goals, and has all the backup data needed. It is not up to these planners to develop new objectives or new ways of thinking about the region. They are people who recommend on implementing policy and not political actors. Because of the enormous complexity of rules of funding pots and constant changes in the laws and funding opportunities, it is essential for a transportation agency to have a substantial number of such planners.

The technical approach works well when there are unitary or shared goals, and the technical planners can do what they do best, which is to provide the appropriate analyses for a

---

[3] TEA 21 did include access as one of its goals but this change will take time to affect the agency.

decision among relatively limited choices along a single dimension. For example in transportation planning, a technical approach is well suited to traffic signal timing, at least if all communities on the route share a goal of increasing throughput. It could be a problem however if some interests want traffic to slow in their areas and others want it to speed up. A technical/bureaucratic approach works well if the question is what routes would most benefit from additional buses or what is the most cost effective way to move people from one point to another. This approach is less good if there are interests who want money spent on highways and others who want the money spent on transit and there is no common goal such as maximizing individual movement for everyone equally. The technical analysts do not have in their toolkit a way of dealing with conflicting goals. These have to be dealt with in some other arena by some other process before the technical planners can deal with them. Nor do technical/bureaucratic planners have a way of dealing with a new goal that comes from the bottom up. Nor do their analytic tools offer much of value when the technology for solving the problem is unknown. The technical approach is not good at dealing with the regional system overall because so many variables are involved, as well as so many objectives. No model or analytic technique can encompass these, much less measure them in the first place. It is not surprising that using the technical approach did not resolve conflicts.

The technical approach has served MTC and the region very well by assuring that projects meet guidelines and that documentation is provided. It has almost certainly helped assure that the region could get all the funding it was entitled to as well as to get special grants. This in turn has helped assure that these issues have seldom been significant obstacles to getting funding. Indeed the quality of the technical work has significantly enhanced MTC's reputation and helped assure that it is well respected in Sacramento and Washington.

On the other hand too much reliance on the technical approach has interfered with success in a number of other arenas. It contributed to the conflict around the RTP Task Force and the questions partners wanted to use, in great part because staff did not see how this could fit into their technical planning model. The technical approach at times has turned off both partners and interest groups from participation partly because the information these planners provide is so overwhelming and often too technical for others to understand. Agendas and memos seldom focused on the core issues that a committee might want to get their teeth into discussing.   Instead they required committees to give feedback or approve complex proposals where the policy issues, if any, were buried. The neutrality of the technical approach gave the public the sense they were not being heard, and they suspected nothing was changed because of their input, as the certification review noted. This impression in turn helped foster ill will against the agency, despite its public hearings and outreach activities. The technical approach dominated the SOM committee meetings, which were largely staff and consultant driven. The idea of operations management did not become a meaningful idea to people on the committee, who passively accepted the consultant reports and staff advice but never engaged with the issues. In general too much reliance on the technical approach stifles creativity and prevents people from speaking their minds, because this approach, at least as practiced at MTC, tended to assume that goals cannot be changed. The more technical planners also were clearly uncomfortable when topics involved too much uncertainty and complexity we would argue because their tools were not useful in such situations. The open ended nature of the questions was very troubling for them. They were looking for a set of steps to follow, while the partners wanted to start down a path of discourse and see where it led. The corridor

approach to the RTP was a good approach for the technical planners as it reduced the regional system into manageable and analyzable chunks, but it did not work for the partners or the public, who experienced the region as a much larger phenomenon. While technical/ bureaucratic planning inevitably had to play a large role, as discussed earlier because of the requirements associated with the legislation, the technical perspective dominated Partnership deliberations more, in our view, than was necessary to fulfill these requirements.

MTC applied the technical model in an inappropriate way a number of times. For example staff contention that the MIS for Route 4 in Contra Costa County would serve the needs of finding out the land use impacts did not in any way satisfy those who did not share the goal of simply providing for the infrastructure the county wanted, regardless of its impact on development patterns. Using a technical model when there are conflicting goals does not solve problems and often only angers proponents of an alternative view. Similarly the discussion over performance measurement was mostly treated by staff as a technical and bureaucratic issue, when in fact it was a question of sorting out and identifying measures that would reflect goals that were not in MTC's list. It was a debate explicitly about values. Dahms' comment on VMT as a measure expressed these diverging paradigms well, when he said "It gets down to for MTC is do we view this in terms of what we can control or what we wish for in terms of society?" In a machine like world technical experts can control things, but in a complex evolving system, as we would argue the transportation system is, the best one can do is try to steer things. Performance measures such as VMT can be a tool for doing that. MTC's model of public participation is mostly that associated with the technical/bureaucratic style. It involved "feedback" on proposals, looking for, at most, changes at the margin, and polls, focus groups and other such research methods. These did not however satisfy the players who wanted to be involved in the choices. None of these participation methods are designed to get broad based input for setting priorities and direction or vision. It is not surprising a social movement formed to fill the vacuum of vision and to demand a place at the table.

The Political Influence Model

In practice the technical bureaucratic approach has to work in tandem with some other planning approach which defines the goals, deals with conflicting objectives of players, and provides the sense of direction for the agency. There are few transportation planning tasks that do not involve diverse interests and players with differing goals. In MTC the most common partnership is between the technical planners and those working in the political influence model. In the latter model the planner–who is often not a trained professional planner, but rather an agency head or elected official, sees as the primary planning task as satisfying the key players and getting the regional and state political support needed to implement a plan. Typically in this model the idea is to design the plan with projects that will offer something to each powerful player. These can be packaged to create a plan that all will support. Often these projects are chosen through horsetrading or other deal making. They may be allocated by a formula, as has been done at MTC and by the state. Counties come in with their project proposals to be funded by their guaranteed money. One can require that projects meet criteria, but this basic approach to planning does not have an independent way of saying what is a good regional plan or program other than that a plan

is good if the key players all support it. MTC Chair Beall particularly commended the RTP document because he said you look at the plan and "you can tell if you are helped or not."   Many players at one time or another worked in the political influence model–including Commissioners, high level MTC staff, many CMA directors, and other interest groups that were direct beneficiaries of MTC investment decisions, like construction unions. Some of these players at other times operated in a more technical approach as well, as CMA directors for example tried to package a high scoring set of projects for MTC consideration.

In the political influence model the information that is needed is about who are the key players and what they need or want. But it is also important for the political influence model to have good supporting data so the deals and arrangements cannot be challenged, and projects can all be regarded as legitimate reflections of public purpose and appropriate for the legislation to support. This is where the partnership with the technical/bureaucratic planners was important to the political planners. It is also where the technical and political approaches coexist uneasily. At times those with their eye on getting a coalition together may want to control the language of reports and the analyses to make sure it will not offend anyone in the coalition or raise any red flags. The technical analysts typically feel strongly that they are and should be neutral and provide the best information they know how to. They were not happy at MTC when their memos were changed or when they were told to redo the numbers because the results were not right. There is evidence from many studies that such planners feel resentful about "politics" interfering with choosing the right answer. By the same token the more political participants often viewed some of the technical planners as naive and unable to deal with the big picture. Political influence planners simply do not view the world as one where there are technically "right" answers. They do not believe the analysts have captured the issues in their analysis. In their view what should be done is contingent on what is possible and what is possible is what the powerful players want to get behind. Political planners need discretion to make the system work and they do not want the technical planners limiting this.

We observed evidence of this tension in the many carefully crafted, bland memos that left out the points that might cause controversy. We heard complaints from members of the public and some partners about the so called "summary minutes" that left out most issues of substance that occurred in the meeting, including any differences of opinion or resolution of those differences. Land use issues seldom surfaced in MTC staff reports (except for the Advisory Council) though some of the technical staff undoubtedly believed that some transportation problems could only be solved by rewarding and encouraging different types of land use. If land use were to be introduced into the political mix the uneasy coalition of inner city and outer suburb and rural players might well break apart. For that reason in our view, land use became not simply a controversial topic, but taboo as a discussion topic among partners and staff. It could not even be discussed, much less analyzed as an alternative for addressing the transportation issue, despite the public pressure to do so. Only the TLC program managed to break the taboo, because it fit nicely into the political influence model, extending the influence to new constituencies by providing new types of projects to new types of players.

In the political influence style much is done quietly, one on one with beneficiaries. This sort of negotiations is not something one conducts in public, not because there is necessarily anything wrong or illegal, but simply because they are particularistic. The cry could arise that

457

common criteria should be used for all or that some were getting special favors. The scoring criteria were a way to make the allocation consistent across all players and to make them transparent and agreed on. Nonetheless even with these criteria, projects had to be allocated to funding pots and evaluations made of priorities and other factors. While staff recommendations were made to Partnership committees and the Commission (where they were usually adopted), the way staff arrived at these choices was not so transparent. Although the scoring criteria reduced the discretion for MTC to choose projects to be funded, it did not eliminate it. Discretion is important to the political influence model because it is only by doing favors or providing benefits that players offer support to the provider. While the formula approach was an alternative way of making sure everyone got something and therefore would support the package, there was clearly a desire of top MTC staff to have more discretion. There were projects they felt should be funded, though they did not meet the criteria–in particular some inner city, smaller projects. This discretion allowed top MTC staff to have a kind of power. What they could give they could also take away. During the incident around the formulas for TEA 21 discussed in Chapter 15, many of the CMA directors assumed that a deal had been made with San Francisco, probably because deals had been made with them. These deals appeared to be the reason even those CMA's which would have benefitted from using an employment-based formula did not side with San Francisco on the issue.

The political influence model depends on creating loyalties and coalitions. This loyalty is not necessarily deep or long lived, nor are the coalitions, as they depend on tit for tat arrangements which rely on a continuing supply of benefits and on continuing loyalty. This could all evaporate if another deal looked better to the players. The evidence is moreover that this approach sows mistrust, along with temporary loyalty. Since people do not know why one project or another was funded, they don't know how long their projects or they themselves will be in favor. They suspect others of getting unfair advantages or doing special deals. The political influence approach is not only not collaborative, it undermines trust and the potential for collaboration by coopting individual players one by one. These practices, we believe, have substantially interfered with the building of social capital among the partners in the way that it has been built in other regional and state planning processes that we have observed in other policy arenas (Innes, et al.1994; Innes & Booher 2000).

The partnership between the technical and political approaches typically leaves some interests and the broader public out of the effort. The technical work is too complex for even the most sophisticated outsider to understand, even if he or she had full access to all the analysis. This puts considerable power or control in the hands of the technicians, should they know how to or wish to use it. They don't necessarily use the feedback they get if it does not seem pertinent. The political planners may set up blue ribbon committees like BRAC to extend the political influence to high status elites, who will in turn support the agency, perhaps in return for some benefits or access for themselves. These planners may consult with particular interest groups who are powerful supporters of the agency. In MTC's case for example some of our respondents told us that those in the highway construction industry, unions and business already had a relationship with MTC prior to the establishment of the Advisory Council, whereas few of the environmental or social equity groups did, and they continued to have a special relationship. Otherwise the political influence model is one where broad public participation or participation by players who are not transportation providers or potential recipients of funds has no real place. This largely explains

why MTC did not choose to have mixed stakeholder groups to help plan the RTP. Because MTC and the Partnership developed the scoring criteria and delegated the choice of projects largely through the county guarantees and later the population formula with TEA 21, MTC itself did not have to worry about public participation in project choice. That was done through standard public involvement procedures at the local and county levels. MTC could confine itself to public workshops and Commission hearings. And they could define when and where the meetings would take place, holding meetings on the RTP in 1998 in four locations around the Bay Area, all distant from the discontented core of Alameda County and San Francisco. Some locations were not accessible by public transit presumably we would argue because in this planning model the views of the politically powerless and poor are not particularly significant but their critiques could have been bad public relations.

There has been a symbiotic relationship between CMA's and MTC which was important because of the political influence model. The CMA's did not have a lot to do–though some executive directors also did other transportation work as part of other agencies. But the job of CMA director was really just to distribute sales tax money. MTC gave them the additional job of managing and distributing funds according to criteria they set up and of collecting proposals and helping them to become eligible through revising the projects to meet criteria. CMA's had roles in the scoring and programming. They had the role of representing their counties at MTC through the Partnership. MTC were able in turn to point to the CMA's in the Partnership as legitimizing and demonstrating that they had a multicounty partnership. CMA's had much more to do and more role in their counties as a result. BART and MTC also had a symbiotic relationship in which both were helped by mutual support. BART was a multicounty transit agency that required assistance from MTC to get its funding and projects done. While we would not contend MTC inappropriately favored BART (that is for others to judge) some transit operators perceived it that way and some BART projects were bitterly opposed by partners outside the Partnership, like BART SFO. BART projects were extraordinarily expensive, but they mostly received at least public support from MTC. BART was powerful, had substantial public support, funds of its own and effective lobbying capabilities. This perception of a special relationship led to dissatisfaction with MTC by players who wanted more support for other transit agencies.

The political influence model has been very much responsible for getting the virtually unanimous support of counties and transportation providers throughout the region for the RTP and the annual funding package throughout much of the time since ISTEA was passed. This unanimity helped assure support of the legislators in Sacramento and Washington when it was needed. It helped hold together transportation providers in a diverse region. The geographic equity formulas and the practices of returning funds to source undoubtedly reduced conflict that could have emerged in the early stages of ISTEA if everything had been up for grabs. It allowed the counties and others to rely on MTC and not to feel that they had to go independently to the legislature during much of this time. The political influence model thus dealt well with a relatively wide diversity of interests, so long as those interests were ones that the planners or officials could provide with projects or other tangible benefits.

The political influence model has however been a cause of some of the most important problems in the transportation planning process. It has interfered in substantial ways with fulfilling the potential for regional planning, and has produced some products that were unsuccessful. For

example the BRAC was designed as a blue ribbon committee, more as way to get the support of leaders and elites than it was as a way of getting public input or involvement in the planning process. As its members discovered they had no substantive role they drifted away. Unlike the partners they had no projects or funding they were looking for to keep them at the table so this political model was not very interesting to them. JUMP Start too was conceived as a program in the political tradition. The idea staff had was to have project successes for which the Partnership could take credit. It was hoped this would help generate a sense of solidarity because these players could see projects were really getting built. But partners turned out not to be interested in this exercise. They wanted to have an impact on the projects if they were going to spend time on the program, but that was not the idea. Partners may have played the political game themselves to get their own projects, but JUMP Start was not their political game or anything they could benefit directly from, nor was it an engaging use of their time.

The screening and scoring approach was an evolution from the political model, which was quite clever. It allowed the continuance of a project-based approach, which is so central to the political model, while allowing the joint development of criteria. This allowed projects to fit ISTEA requirements without requiring MTC to get involved in the enforcement activities in a way that could undermine their political capital. In other words it got buyin from the group to the project choices ahead of time. On the other hand, over time it interfered with the political influence approach because it limited staff discretion over project choice. This is almost certainly the reason that MTC abolished the scoring process in 1998.

Ironically too the emphasis on project by project decision making and on county allocations made it difficult, if not impossible, for the Partnership to think about regional problems or strategies to solve them.   While the political approach would not normally be concerned with this substantive task because the goal is to get political support for a package, this approach did turn out to be counterproductive in other ways even for the more political planners. First of all they could not generate interest in regional system management. There was no time spent in the Partnership trying to understand the dynamics of the region–SOM discussions seemed more like an exercise in planning theory, according to one participant, than the development of system management. MTC saw system management in great part as a set of projects, some of which they themselves operated–intelligent transportation systems projects, highway call boxes, carpooling program and so on. So when the dedicated money for these projects was folded into other state funds, not surprisingly the partners viewed MTC's projects as just one set that should not be privileged. Indeed they did not think MTC was necessarily even a legitimate recipient of project money. They thought MTC should have to go through the same review process they did and show their projects were good ones.

Nor did they see any special reason to privilege projects because they were in some sense regional. They saw these projects as just reducing funds counties could get for local projects. There was neither analysis for the most part nor understanding of how the projects might affect players in different parts of the region. For example RIDES, the carpool program, came in for criticism from counties which said they had few users. The idea that the program might reduce traffic on the roads and thus help everyone was not part of the discussion. The discussion was focused on parochial desires to maximize the funds and projects each player brought into his/her

county or agency. In other words the political model runs up against a wall when it tries to address regional issues. It simply does not have the concepts or practices to do so.

The political model is also lacking because it does not offer a way to work with interests who are not looking for direct benefits or resources, but who want changes in policy direction. This can cause frustration, as is evidenced in the creation of the Transportation Land Use Coalition and the growing movement to challenge MTC. Nor does the political model allow work with interests who are not powerful. There is not much point in working with such players. MTC a number of times simply told such players they were wrong and moved on. While they did have the political capital to accomplish all they wanted, over time this sort of reaction can drain away the legitimacy from an agency and fuel as it has done here, challenges of various kinds, including lawsuits and the critical aspects of the certification report. Moreover in the political model loyalty is critical and public criticism is taboo. Players are supposed to hang together, whether they like or agree with each other or not. The lawsuits that environmentalists have brought from time to time have meant that they could not be trusted by MTC even long after the suit was settled. It meant that some interests would never really be included, not only because they did not want any benefits, but also because they had broken the tacit code of behavior. In the political model you always try to work privately and do not air dirty linen.

Finally while the political model is very good at dealing with a substantial diversity of interests other than the powerless or those who don't want specific benefits, what it does not do well is allow the interests to work together to discover shared interests and new opportunities that would only be possible by cooperating. It does not allow the development of reciprocity across the players. On the contrary this model, with its "geographic equity" allocation, led to mutual suspicion and provided no basis for supporting any regional project that was not first and foremost proposed and supported by one of the partners. If the value of the project was indeed substantial, but divided or shared among partners and no one partner found it valuable enough to use some of its allocation, the project was not going to occur. MTC struggled, for the most part in vain, to get the partners to support activities that only had regional justification. They failed even to agree on a definition of a regional project. When partners wanted to talk among themselves about performance measures and learn from each other, and potentially develop common measures, MTC stopped the effort. It discouraged or did not follow up on the brainstorming discussions of the retreats for the most part, though they were beginning to build a common sense of purpose. Ultimately the lack of a method within the political model for collaborative discussion among the beneficiaries has stood in the way of developing any regional sense of direction and of developing innovative strategies to deal with the difficult problems MTC has faced. The transit coordination task, and the universal transit ticket are cases in point, along with Transbay Terminal dispute, where MTC chose to work quietly with the players and where the issues remain as unresolved today as 8 years ago.

Using political influence to solve regional problems just does not work. The political model has been very dominant at MTC however.   Our conversations with top staff after they reviewed the draft of this study confirmed this conclusion.   One told us he did not like the label "political influence" model and thought it should be called "the government model," presumably because this is the normal way of doing things. He felt our focus on collaboration was "overdone" and asserted that staff had played a role in many things in the Bay area that had not come formally

before the Partnership or even been publicized.   He spoke of the agencies as MTC's "constituents." He contended MTC had given certain agencies more than "their share" and thus should not be faulted for not giving them enough. He blamed other counties or agencies for making demands on the system when they had not provided their share in the past. His thinking was not about needs or problem solving, but about the players the agency had to work with, whether they were playing by the rules, and what the balance sheet looked like for these agencies. This thinking of course interfered with working with environmental groups and others in the social movement model, who not only did not know the rules, they could not play by them as they were not at the table. At one point the Coalition did manage to work out where to get funding and staff and CMA's complimented them on playing by the rules. At other times when environmental groups sued MTC in the past, they were breaking the rules and could not be trusted for many years.[4] MTC staff leadership regarded as a major success the fact that the region's money went into many smaller projects rather than, as in the past, one or two large ones. The political model works best when the benefits are divisible and can be spread at least to the key players.

The Social Movement Model

The technical and political models excluded some interests, along with the general public, at least the general public in its regional form (as opposed to local). There was no evident way for players like the environmental justice interests, the transit riders, or most environmental groups to play a part, other than by showing up at public meetings. At such meetings they would have to put on a large display of numbers and a well coordinated strategy to have even a modest impact on carefully packaged deals with powerful players behind them. They would have to become highly informed to be on an equal conversational footing with technical staff, who in any case tended to put credence only in their own analyses. Even when the Advisory Council was set up, that only partially solved the problem as the Council was just advisory, and its agenda was limited, as was its time and the knowledge it could develop. The partnership of the technical and political simply does not allow room for emergent interests not considered in the legislation, nor does it share enough power or knowledge with those interests to allow them to have an impact. It is out of such a situation that the social movement model of planning is often born. Interests organize in order to have an impact, try to create a movement and a vision that will capture enough public attention and thus power to get them a place at the table, or at least to be able to stop or redirect some policy through litigation or other means.

The social movement approach has strengths in pulling together interests and articulating a vision. While this movement has not yet succeeded in getting MTC to share their vision, they have created much more clarity in for the public and themselves about what they saw as being at stake and they have won some small battles. As a result this movement not only has developed transportation policy ideas that are playing a role in the discussion but it has also become something of a political force as it managed to get the Commission to override the

---

[4] In collaborative groups it is normal for some stakeholders to be suing or challenging others in outside arenas. They often have to do so to maintain their power position and the threat of alternative action to have something to offer in the group as well as to have a fallback position if the collaborative process fails.

recommendation of staff against fully funding the transit capital shortfall in the 1998 RTP. While this was not a great deal of funding in relation to the total, it was a symbolic victory likely to change how Bay Area transportation planning works in the future. The TLC program also owes a debt to this movement, which pushed MTC to focus on enhancing transit usage and other alternatives to automobile through land use. The movement has had some success in getting MTC to begin a cooperative effort on smart growth with other public agencies, which is continuing today, even though federal funding was not obtained.   It has linked together environmental, social equity, and transit rider interests by helping them to understand through internal discussions where their common or linked interests lie. The players in the Coalition were very aware of the interdependencies of their interests–how for example transit depended on compact land use, and social equity depended on healthy inner city transit as well as transit to the suburban employment centers. Environmental groups believed that air quality, open space protection, habitat conservation all were closely linked to compact development, which in turn would be more feasible were transit better developed. The understanding they developed of these interdependencies allowed them to develop a coordinated set of proposals.

There were interdependencies which the partners, by contrast, operating in a more political mode, did not explore among themselves. As a result the social movement could be more innovative and have a stronger coalition among themselves than the politically expedient coalition of the Partnership. Though Santa Clara County is dependent on housing provided by Alameda and Contra Costa Counties and these two counties are dependent on the economic growth provided by Santa Clara, for example, the implications of this interdependence for the transportation system and for a mutually beneficial investment pattern were not discussed in Partnership meetings in our observation. Nor did partners try to work out cooperative solutions to joint problems–or even see joint problems for the most part.   Indeed each county seemed to keep its own counsel and push for projects internally chosen. Partners sometimes understood the interdependencies among themselves, but there was little occasion at Partnership meetings to discuss them or explore them in the way the social movement planners often did among themselves. Often it appeared that partners did not understand their interdependencies at all, as when they challenged San Francisco's need for more funding. They seemed not to recognize its role in providing transportation services, employment, or entertainment for many residents of other partners' counties. In general partners did not see San Francisco or the other large cities as having a special role in the region. They mostly seemed not to understand the basic principles that would be laid out in an introductory course on the structure and function of cities and regions. Accordingly they seldom developed deep agreement on substantive matters and were never tightly linked together in a joint effort.

The downside of the social movement approach is that in the process of mobilizing around a positive vision it also to some degree mobilizes around the idea of an enemy, in this case MTC. Fighting a shared enemy is a tried and true organizing approach. Often to make such a movement successful it is important to see those who disagree as somehow bad, not concerned with the public interest, bending to the powerful interests, linked into a sinister old boy network. This of course makes working with these other players difficult. In a social movement, it is also important for many members to be true believers in their vision, rather than pragmatic negotiators or technical analysts. Many of the leaders of course are more sophisticated than this and did not hold such views, but the movement itself seems to have encouraged this sort of polarization more

broadly across the region. Without a forum where they could be at the table, some of the members of the movement over time have resorted to lawsuits or threats of lawsuits, which have in some cases been successful, but at the same time closed the door to positive interactions and conversations with MTC staff leadership. On the other hand such tactics are often necessary to make these players credible participants in any policy discussion.

There is also a conflict between the social movement approach and the other planning models in that a social movement has a very specific vision, which does not necessarily conform to what the legislation or the traditional practices have been. Indeed the practice at MTC has been to avoid even discussing a vision. As our research showed, all efforts to develop a vision were discouraged by staff or simply not followed up.

This polarization was also encouraged by the fact that the Partnership and Commission still had little place for the views of this social movement, nor for the leadership of this Coalition, though one or two members served on the Advisory Council. There continued to be a struggle taking place largely outside the MTC processes in the media and in protests at public hearings. The group was capable of changing the passive dynamic of public involvement as usual at MTC. When MTC held a series of meetings about the 1998 RTP in some locations not served by transit, the group was able to organize to fill the meeting rooms with their advocates, who lacked cars, by organizing vans and other ways to bring the poor and disabled out to a distant, wealthy suburban community. The problem was also a conflict between different ideas of public participation. The social movement model does not require additional public participation, as the organizations are open to all joiners. What social movement planners want from public processes is not just to come to hearings and protest, but to actually have a place at the table as they perceive other interests do and to be able to push for their vision.

The Collaborative Model

Some of the players involved in transportation planning in the Bay Area, seemed genuinely to want to plan collaboratively, to develop ideas jointly with the other players and to develop a common agenda and purpose. Some of the processes we observed were quite collaborative, though these were in the minority. In collaborative dialogue participants listened to and took seriously each other's views, searching for common ground. They operated with a more authentic and spontaneous dialogue than one finds in more formal meetings with detailed agendas and they focus on a task they can accomplish. One could tell when the dialogue was collaborative because participants seemed to be engaged and learning. Even when they disagreed, they tried to find ways to accommodate each other's perspectives. While the more political players set up collaborative dialogues like those in the early stages of the Partnership, which was launched with strong words about building consensus, some staff indicated they regarded collaboration as just one tool in a grab bag of methods for getting things accomplished. Planners and other players who are invested in the collaborative model tend to think the best answers are those achieved through consensus building among differing players, and believe things are more likely to be implemented if there is deep agreement. They may believe in the power of putting many heads together to solve a difficult problem and taking on challenging tasks because collaboration can provide ideas. One of the most collaborative partners said,

464

My expectation is when you put a group of geniuses in a room that you get multiple genius solutions.... if you look around the table there is a phenomenal amount of talent, and energy and power and we never harnessed it. I think we slipped into mundaneness, routineness, and that will kill genius any time.

Collaborative players may also believe it is morally right or fair to collaborate and allow all the players and interests to have a genuine voice and to do things in an explicit and transparent way. It may be that this is simply the way they prefer to interact. Even those who are not especially collaborative tend to want to have a voice and transparency of decisions.

In our observation it was in the most collaborative efforts where regionalism emerged and where social and intellectual capital were built which could be the basis for future work. Collaborative processes in this story include the Ad Hoc Multimodal Scoring Committee, the 1995-96 RTP Task Force, to some degree the Advisory Council, the Partnership retreats, some aspects of the Modeling Coordination Subcommittee, the Arterial Operations Committee, and several small, ad hoc committees focused on specific tasks, like transportation demand management. In some cases the Partnership committees interacted collaboratively, though they were typically more formal and more limited in discussion by long agendas. In each of these collaborative efforts, many voices were heard and taken seriously and a group effort was made to address each concern.

Looking back over the story we find that new ideas, regional as opposed to parochial actions, and cooperation among jurisdictions came most often from these comparatively collaborative dialogues. Moreover it was only in such dialogues that interest or even real discussion of regional vision or objectives emerged. As people talked they began to conclude they needed a shared sense of direction for many of their tasks and some began to discuss what this might be–particularly at the Partnership retreats. This is not surprising as the very act of listening often helps participants identify shared interests with others. The next step is very often to begin to see one's individual welfare as contingent on the region's welfare and to begin to build the social capital that will allow the trust to develop which can lead to real cooperation. The literature of group process shows that innovation comes often from well managed group discussion, as does the literature on consensus building (Susskind, et al. 1999; Johnson & Johnson 1997).

Collaborative approaches have the advantage of at least potentially dealing with both diversity and interdependence among interests as none of the other planning approaches does. Many interests can be involved and the discussion allows them the chance to discover their interdependencies and develop new identities as players in a regional system. It allows them to develop intellectual as well as social capital as they all come to share understandings of each others' interests and situations. The collaborative view of information differs from that in the other three planning models, in that what counts is only the facts and analyses that all understand and trust. Advocacy information is not used, nor is there a passive acceptance of even the most respectable and seemingly unbiased source of technical data. The participants must understand and trust the information and be able to get their questions about it answered to their satisfaction before the information will make a difference to the group (Innes 1998). This can put collaborative groups at odds with the technical planners, who tend to feel their methods are unbiased and that those who are asking questions are less qualified than themselves.

465

This sort of interaction occurred in the RTP Task Force discussion on what information would be appropriate for doing the plan, which represented very much a clash of the collaborative and technical planning models. In this discussion technical planners dismissed the idea of gathering information from the transit agencies as likely to be inaccurate, even though the group proposed that the data would be carefully scrutinized.   A similar conflict of collaborative and technical models occurred in the Advisory Council discussion of performance measures. Performance measures are most meaningful in relation to a collaborative planning model because they provide feedback to a group on how the system they are interested in is doing so they as a group may decide on a different course of action or direction for themselves and others. This idea was clearly behind the comments of proponents in that discussion, but from the technical/bureaucratic perspective, the only use for performance measures was to control what they do and possibly blame them for things they could not control. Thus the two sides were talking about entirely different purposes for measures and inevitably proposing different measures. From a political perspective this sort of information was not particularly relevant and at worst had the potential to undermine the focus on what powerful players wanted.

A collaborative group also comes into conflict with those operating in all the other planning modes because participants tend to go "outside the box" in their thinking, as they did in the RTP Task Force. This can be unsettling for others and at odds with long time practices and assumptions of both the technical staff of bureaucracies, the political influence players looking for discretion as well as for the social movement participants who already know the right answers. A collaborative group also conflicts with the technical staff because they want to control their own information. At MTC staff kept firm control of the data and analyses and were not often responsive to information requests from groups.   Indeed this control of information was one of the greatest obstacles to implementing the collaborative model at MTC.

The collaborative model also has a view of public involvement quite different from the technical and political versions. In this model, at least in its ideal form, any interest that has a legitimate stake and something to offer others as well as something to gain (Innes & Booher Forthcoming) and any interest that can stop action should have a place at the table.   This model has little in it to address the broader more unorganized public. At times moreover, it is necessary to have meetings that are closed to the public because of the delicacy of negotiations. This can be a problem when public agencies are at the table and the meetings are controlled by open meetings laws. However, typically, collaborative groups are simply informal working groups and whatever they propose has to be approved through the normal public processes, legislative hearings and votes etc. The collaborative idea of involvement of stakeholder interests brings to the table people who may not have direct tangible interests like the agencies do in the allocation of funds and people who may very much be opposed to the status quo. This is an awkward, if not antithetical, view to the perspective of the political model. In the technical model there is greater comfort with contained public involvement, scientific polls, formal hearings or workshops on prespecified topics, within prespecified frameworks and formats. But in collaborative processes everything is up for grabs, often including the purpose of the program. Collaborative groups may well, and often did in our observation, challenge MTC's objectives and goals.

Finally while the collaborative group has some similarities to the social movement approach, which is often internally collaborative, the conflict comes with social movement planning

in that a genuinely collaborative group has to develop its own a shared vision that is more inclusive than that of the movement. Those who come into it with a vision, have to let go of that until all the interests and opportunities and problems have been explored. The collaborative group by definition contains interests which are different and broader than the social movement and which may not be at all comfortable with these interests.

Choosing a Planning Model

Because individuals tend to be so invested in their own paradigms of planning and policy making and because rules, guidelines, traditions, and practices tend to lock in particular approaches, professionals tend not to realize they are choosing among planning approaches. Each style however has an appropriate role, and they can to some extent coexist, if these roles are understood. The technical bureaucratic approach is appropriate for tasks where the goals are clearly defined and the technology for accomplishing the tasks is known. Many federal and state programs virtually force this planning style to take over. It is not however the best model for dealing with multiple interests, with alternative visions, nor with finding innovative solutions to intractable problems.   The political influence style works well where there is general agreement that funding should be divided up among certain players for the tasks they want to do. It does not work where there is a need for joint problem solving, or cooperation among players. It does not work when neither the bureaucracy nor the political officials know how to solve a problem on which the public demands action. It also does not work well where a new vision is demanded. A vision is likely to interfere with aggregating the interests because some of them will not share the vision that the leader puts together. The social movement approach is good for bringing new interests into a process and giving them the voice to be heard, the power to get people to listen, and the ideas to challenge the status quo. It is good for mobilizing new players and engaging them. It is good for coming up with new visions. It can however end up at odds with the bureaucracy or political influence planners when the vision seems to threaten the status quo or their institutionalized practices and relationships. Within the social movement approach there is little opportunity for reconciliation with the other models because of the differences with regard to information and because the movement itself is unlikely to be swayed by specific projects or benefits. What they want is to achieve their vision.

The collaborative style is most called for where there are diverse interests which are interdependent and where a problem they all care about is defying solution. It works best when there is a need for creativity. It is slow and cumbersome at times and it can cause more turmoil rather than less, especially in its early stages. Sometimes there are no stakeholders to represent important interests. Sometimes a great deal of education is needed to create the necessary equality among stakeholders for authentic dialogue or to create the possibility for the group to make informed decisions. Sometimes there is no forum for this dialogue. While many of these things can be taken care of, collaborative dialogue uses a great deal of time and energy and can only be used effectively where the stakeholders can understand themselves as interdependent, recognize that each has something to offer, and realize that they cannot meet their goals with independent action.

Even when MTC used the collaborative approach, it typically did so only partially. What was called collaboration often turned out not to be in practice. The implementation of the collaborative model at MTC is the subject of the next chapter, which lays out where and why MTC's collaborative efforts often did not succeed and suggests how these could be improved to be more effective in the future.

Comment

External factors like political fragmentation, localism, state and federal practices of formula funding allocation to jurisdictions, multiple complex funding pots with different purposes, heavy modeling and data reporting requirements, and pork barrel approaches to funding major projects by the state and federal government jointly work against regionalism and regional problem solving. These factors encourage parochial thinking and project by project actions rather than strategic approaches to shared regional problems. They discourage cooperation, coordination and the kind of innovation that can only be achieved by collaboration across jurisdictions. They offer very little opportunity to link projects to regional scale problems.

These factors also help to perpetuate, and even strengthen, the political influence approach to regional transportation decision making because they define the transportation planning game in these terms. They also require heavy inputs from technical planners because of the complexity of the regulations and analytic requirements. Many of these data requirements are largely arbitrary and in our observation do little or nothing to shed light on what is the best way to solve a regional transportation issue or even how well a given strategy does in relation to the goals. They are largely ritualistic requirements which employ lots of technical planners, but do not seem to have much to do with the actual choice of the projects. Indeed it is hard to see how they could have such an effect. They are window dressing and at best reassure the bureaucrats at the state and federal levels that projects are not entirely inappropriate. At worst these requirements drain away energy and attention from the kinds of analyses that could be done to actually decide on the best ways to address a region's problems.

These external factors have therefore, as a second order effect, encouraged the creation and growth of social movement planning. The technical requirements and the ingroup allocation of funding among transportation providers excludes many interests, particularly in the Bay Area social equity and environmental interests. The presence of two or three agencies in the Partnership that are environmental regulators has not been enough to change these practices nor satisfy these agencies, which are very much outnumbered. Moreover the centrality of the technical staff and the obscurity of the analyses they must do contributes to a kind of mystification around transportation planning that makes it very difficult for outsiders (and even insiders) to penetrate or feel confident enough of themselves to make substantive comments in public settings. These factors have led to frustration among proponents of a different vision than MTC has -a vision of compact growth–and they have joined together and been funded so that they now are able to become a political force. They are also the only groups (with a few quiet exceptions among the partners) who are representing regionalism, asking for a regional vision and regional problem solving. Though there has been some constructive discussion between these groups and MTC, still they are not in any way equal participants in the discussion and a polarization remains.

Very few external factors actually encourage collaboration, despite some generic language in ISTEA and TEA 21. Indeed most of the legal requirements and the institutional setting and practice discourage collaborative dialogue and searching for common ground. This is unfortunate because in our observation such collaborative dialogues often produced genuinely regional thinking and innovation, which did not emerge from ordinary meetings or technical bureaucratic planning. The collaborative planning model is called for when the interests are diverse and highly interdependent and when the technology and objectives are uncertain or in conflict. In these conditions the collaborative approach is the only one that has the potential of making a dent in the most significant transportation problems of the region. And these are the conditions that characterize much of Bay Area transportation planning.

CHAPTER 22

THE COLLABORATIVE PLANNING MODEL AT MTC

In Bay Area transportation the conditions are ripe for the collaborative planning approach. Many interests have a stake, including not only transportation providers, but also builders, business, environmental groups, bus riders, the disabled, social equity groups, and the 100 cities and 9 counties, as well as regulatory and funding agencies, and the broader public. There is a tremendous diversity of stakeholders, each of which has different needs and concerns, and many of which have been at odds for years. None are in a position to achieve their objectives working alone. All would benefit to some degree if people in the region could have more mobility and access, though each other immediate concerns. Transportation problems are moreover, not soluble in simple or obvious ways because transportation is so closely linked together with land use, the state of the economy, the availability of housing, state federal and local regulations of many kinds, levels and sources of funding, availability of other resources and so on. The participants are many, and the problem is complex, constantly evolving and requiring action on many fronts simultaneously, including, but not limited to, the provision of transportation services. The situation is one where adaptiveness, flexibility, and multiple sources of real time information are essential. Collaborative approaches are most useful under those conditions (Innes & Booher 1999a; Innes & Booher Forthcoming).

Many processes are sometimes labeled consensus processes or collaborative dialogues, when in fact they offer only lip service to these ideas. We use as a comparison an ideal type model of collaborative planning of which we have found an approximation in other cases where positive results and regional agreements were achieved (Innes et al, 1994; Innes & Connick, 1999). This model builds on the theory of alternative dispute resolution and the ideas of the influential book *Getting to Yes* (Fisher & Ury 1981) with its view of interest-based negotiation. It draws on theories of communicative rationality, drawn from Habermas (Habermas 1981), who outline the conditions for authentic dialogue and for getting past the assumptions of the status quo. The model of policy making through consensus building outlined in the *Consensus Building Handbook* (Susskind, et al. 1999) offers the clearest standard against which we assess the degree to which the processes were actually collaborative or consensus building. Our own work on evaluating consensus building (Innes & Booher 1999a; Innes1999) offers a checklist of outcomes that can emerge from successful processes and a series of process characteristics that we have found to be associated with success in other cases. This literature and our own prior research offer us a handle to allow us to assess the degree to which MTC efforts were collaborative and to identify specific ways in which they fell short of that. This in turn allows us to develop proposals for how the processes could be redesigned for greater collaboration.

Successful Collaborative Planning

For collaborative planning to be a success in producing results like feasible action strategies, a shared mission or vision, cooperative and reciprocal relationships, social and intellectual capital and innovative solutions to problems, the process must have certain

characteristics that are well documented in literature and practice. Just getting people together to talk is not enough (Susskind, et al. 1999; Innes & Booher 1999a; Innes, et al. 1994; Ostrom 1990; Connick Forthcoming) While no process can completely fulfill all these ideal characteristics, the closer it comes to meeting these criteria the more likely it is to be successful on one or more dimensions. Figure 22-1 lists these in simple form.

First, successful collaborative planning must bring together the key stakeholders and interests insofar as possible. The group needs the information that can be provided by each stakeholder to develop a workable solution. Missing stakeholders can prevent the implementation of whatever is agreed to by others. Missing stakeholders can mean that the group's decisions are not regarded as legitimate. Collaborative planning must also involve specific tasks that the stakeholders are both interested in and capable of doing which allow them to see results of their work. It must be something where there can be at least some common purpose for the group to hold them together and keep them attending. The only way to assure the existence of this kind of mesh between stakeholders, purpose, and task is for the group to be self organizing. That is, the group needs to decide on its own tasks, its own mission, the information it needs, and even its own membership. Remarkably such groups in our research, ultimately choose to be inclusive because they realize they need the full range of stakeholders to inform their discussions, assure they have legitimacy for their proposals and to make sure that no one later tries to sabotage the effort.[1]

Collaboration requires authentic dialogue, something that is infrequently found in public meetings, especially those involving conflicting interests, which may be otherwise engaged in intense competition or even conflict. This typically means that meetings have to be facilitated, rather than simply chaired in the traditional manner. It means that: all members must be heard by all others; that all interests must be clearly laid on the table; that everyone must feel that it is safe to express their views honestly; that all members must be representatives of interests for which they legitimately speak; that all comments are comprehensible to everyone and questions can be asked to assure there is mutual understanding. Collaborative planning also requires that the members of the group understand and agree on a common set of information about each other and about the problem. Often this means they have to develop their own information in the form that makes sense for their questions. They may want to challenge the assumptions used in conventional analyses or ask that new parameters be used in the models. They have to be able to roughly understand the information and agree that it represents a reality they can share. In some sense they must socially construct the information that they use. If not they do not use it.

Collaborative dialogue cannot be organized around the positions people bring to the table (like whether they are for compact growth or believe that local control of land use is paramount) because typically people are intransigent about their positions, which they develop often without full knowledge of the options. Instead collaborative dialogue is organized around how different possible actions may help each player meet his underlying interest (Fisher & Ury 1981). Rather than a local government insisting on no interference with local land use plans, the representatives would, for example, identify the interests of their constituencies and the discussion would focus

---

[1] Some stakeholders may choose not to participate of course if they feel they can better meet their interests outside the process by independently, for example going to the courts or to Congress.

Figure 22-1	CHARACTERISTICS OF SUCCESSFUL COLLABORATIVE PLANNING

▸ **Includes representatives of all relevant different interests**

▸ **Is driven by a purpose and task that are real, practical, and shared by the group**

▸ **Is self organizing**

▸ **Involves authentic dialogue: sincere, legitimate, accurate, and comprehensible**

▸ **Requires listening and understanding of all interests**

▸ **Engages participants, keeping them at the table, interested and learning**

▸ **Adapts and incorporates high quality information**

▸ **Encourages challenges to assumptions and status quo**

▸ **Seeks consensus, but only after fully exploring the issues and interests and making significant efforts to to find creative responses to differences**.

in how to satisfy these more fundamental concerns –such as being able to get to work in a timely way or to afford housing somewhere near work.

Discussion proceeds in successful collaborative dialogue not only by participants' offering information of different kinds about their interests, about the problem and about the constraints or opportunities, but even more importantly through collective scenario building and speculation on what would be the consequences of various actions. This mode of discussion, which did happen at MTC from time to time, is in contrast to the usual meeting where everyone listens to a report, asks a few questions and agrees or disagrees. It is more flexible and open ended and allows people to think "out of the box." The potential for creative thinking is one of the most important reasons to do collaborative dialogue. Moreover successful collaborative planning works in great part because it is interesting to the participants. They not only want to stay at the table, but also they want to listen to each other and make their own contributions. This engagement means they are learning and developing new ideas. People enjoy learning, and this personal satisfaction is often the most powerful reason they stay involved in a long term collaborative process.

This learning involves participants' coming to understand the interdependence of the different stakeholders and the reciprocal relationships they can build among themselves, not by the tradeoffs of traditional political logrolling, but rather by discovering that each can offer something valuable to others, without necessarily losing anything important to themselves. They can discover that cooperation can lead to enlarging the pie rather than simply dividing it.

While some think of collaborative planning as a way of finding the lowest common denominator and therefore doing only the most conventional, risk free things, the reality is quite the opposite. Genuine collaborative planning takes place among players in competition with each other, who see that they cannot accomplish their goals alone. While there may be some simple things that the group can quickly discover to serve everyone's interest, the more important and creative actions come as a result of the participants' challenging the status quo and taking no assumptions for granted. Processes that unduly limit this opportunity are not only less likely to find the solutions that will satisfy many competing players, they often end up stuck in old and unproductive patterns–patterns that caused the problems to begin with. This is why it is particularly important for collaborative processes to be self organizing. The agencies and other representatives can say to them "This is the law. This is a strategy that has worked (or failed in the past)" but the group has to decide for itself whether to take this law or this history as an absolute constraint on what they can consider. Laws can be changed. Even culture and institutions can be changed if there is sufficient motivation and capacity. A group, after discussion, might decide something cannot be changed after all, but in the meantime the discourse often opens up a whole vista of new ideas.

Finally collaborative dialogue requires that decisions or agreements must be explicitly arrived at by consensus or near consensus only after heroic efforts have been made to try to meet the interests of all. Majority vote typically leaves a dissatisfied minority and probably means that problems have not really been solved. Increasingly as a practical matter a majority cannot impose its will successfully on others in contemporary political environment. Moreover it cannot operate by a false consensus–using peer pressure or fear to prevent naysayers from speaking out. In that case it will fail to deeply resolve the issues or reach the most effective results. A collaborative process cannot arbitrarily stop after a certain amount of time and force a decision, as is done in

voting methods. A decision has to be reached voluntarily by the participants. Sometimes it may be that the group decides to move forward with less than a 100%–say 80 or 90% agreement with stakeholders from all the key areas represented in the affirmative group. One cannot allow a tyranny of a small minority any more than the tyranny of a majority. Often in such cases, those who do not get the results they want are satisfied at least that they were heard and that the other players tried to hard to accommodate their concerns. This in itself reduces long term conflict and ill will and reduces the impression that so many expressed in MTC Planning Certification review that they were not heard.

Hearing and accounting for as many views as possible is important because a good decision will be one that creatively accommodates a wide range of interests, while developing a strategy that will serve the whole. The very effort to hear and address different interests inevitably pushes the discourse to the system level because it is typically only at that level that differences can be resolved. In a system where interests are diverse and interdependent, the stakeholders soon learn that their individual welfare is contingent on the welfare of the system as a whole. But it takes considerable time for a group to discover these interdependencies and to understand sufficiently how the larger system works in order to find strategies that will simultaneously benefit themselves and the larger system in which they share. This means that there are no shortcuts. Typically it means many hours of structured and focused discussion over a period of months or even years.

If a collaborative process follows these general principles, research shows that they can, if external conditions permit, result in highly valued outcomes, which are listed in Figure 22-2.

 The agreements produced by collaborative dialogues are more likely to be well informed, durable, and implementable than decisions reached other ways. Even if there is not a formal agreement emerging from a dialogue, usually the process moves players forward so there is no longer stalemate. Often a collaborative process produces agreements and action without as much time and energy as a more conflictual one with lawsuits, or even a bureaucratic process, where often the results of their routine decision making are challenged, turn out to be infeasible, or lack political support.

Collaborative processes can produce creative ideas and innovations, in part because group processes which have genuine dialogue around a task or problem tend to generate new ideas (Johnson & Johnson 1997), but also because the effort to address simultaneously so many differing interests requires out of the box thinking and looking at a whole system instead of just its separate parts. Collaborative planning, because it engages stakeholders in dialogue can lead to learning and change among stakeholders. The new knowledge and attitudes can in turn mean that the players see each other and the problem differently and do different things in practice, even if they have not made an agreement. In the process of collaboration players build new working relationships which help further the collaborative process itself, and foster other collaboration and communication outside the process. During the process of collaborating players develop information and analyses that they can agree on. In turn this reduces the range of conflict so people can focus on the issues rather than argue over data. Effects on people in the process can ripple outward as they transfer their learning and attitudes to others they work with on related topics.

Figure 22-2   OUTCOMES FROM GENUINELY COLLABORATIVE PROCESSES
▶   **High quality agreements**.
▶   **Feasible proposals** .
▶   **An end to stalemate.**
▶   **A higher ratio of benefits to costs than other decision methods**.
▶   **Creative ideas and innovations**
▶   **Learning and change among stakeholders**.
▶   **New personal and working relationships**.
▶   **Agreed on information and analyses**
▶   **Learning shared beyond the immediate group**.
▶   **Second order effects, including changes in behaviors and actions, spinoff partnerships and collaborative activities, new practices or institutions**.
▶   **Flexible and networked institutions and practices**
▶   **Continuing learning and change**
▶   **Outcomes regarded as just**
▶   **Outcomes regarded as serving the common good or public interest**
▶   **Outcomes contributing to the sustainability of natural and social systems**

Second order effects of collaborative processes are typically little recognized, though they can be even more important than the direct effects. Not only are people's knowledge and ideas affected as ideas flow through the networks of people in the process, but new partnerships start on related issues, new practices of dialogue and joint problem solving can become the norm. Players can become more likely to include competitors in their discussions instead of retreating into technical rules or creating a social movement that is not inclusionary. In general they can create flexible, networked relationships that become part of the daily life and work of many players, and they can start a learning process which continues for players even when not engaged in the original effort. They can create a system of distributed intelligence as individual players become better equipped to make good decisions for themselves and in the process help create an intelligent learning system that is more adaptive than the purely bureaucratic or political system. If the process has been genuinely inclusive, involved authentic dialogue and sought consensus only after working to accommodate differing interests its results can be regarded as just, serving the common good (Innes 1996). In addition once you have an intelligent system with many players or agents, working in an informed and networked way as they go about their business you are more likely to have a sustainable system overall (Innes & Booher 1999b).

A paper that Dahms praised highly[2] (Helton 1992) which outlined what it takes to make partnerships work and what they can accomplish offered views largely consistent with ours. Helton cited reasons to build a partnership that are similar to the reasons for collaboration that we offer: to do something you cannot do on your own; to take advantage of each other's strengths; and to manage the services produced. In transportation, Helton argues, a partnership must build "effective working relationships between the providers and the users of the system," or in other words, the stakeholders. He says that a partnership is very different from the transactional model, which appears to be similar to the political influence model we outlined in the previous chapter, where people stay loyal as long as they get benefits. A partnership should seek mutual benefits of working together including "process improvement and the ability of the partnership to pool expertise and product and process knowledge in a way that allows the partnership to innovate and ultimately to translate these innovations into products or services." They should be able to do "risk sharing, or pooling of risk to increase the willingness to take risk." They should create a positive working environment and reduce the level of conflict, which in turn should improve productivity and innovation. Trust, according to Helton, is an important indicator of predisposition in favor of partnership, and the ability to sustain a partnership translates into a sense of trust between members.

Helton argues also that "one of the critical success factors for effective execution of a Partnership in action is the extent of knowledge shared between members of the partnership. An indepth understanding of key roles of players is vital to the effective working partnership. Also of importance is the shared knowledge of the environment, the culture and the work process." Thus he also targets in different words, shared intellectual capital and understanding of each others' interests. He contends that it is important for partners each to have unique strengths and build on the synergy. A Partnership won't work if one partner is weak or if the partners do not want to take advantage of each other's unique strengths. This too parallels the argument that collaboration

---

[2] February 1993 Partnership Board meeting.

works with diverse interdependent players who have the opportunity to develop mutual reciprocity.

Collaboration and Democracy

Collaborative policy making, can, however, raise issues of democratic accountability. If policies are arrived at not by elected officials but through the use of consensus building processes in stakeholder groups, is accountability undermined? Do such groups diffuse responsibility to the point that it is difficult to ascertain who can be held accountable for a decision? To be sure, in the end, legislators or other political officials usually must act in order to implement the agreements these groups reach. However, the social, intellectual and political capital successful groups amass can make it very difficult for elected officials to exercise a truly independent role.

We believe that an assessment of these issues requires both a realistic evaluation of the nature of accountability present in the current system and some change in the way we think about accountability. In brief, we believe that the status quo presents its own serious accountability problems. We discuss this specifically in terms of MTC but the situation we describe is in fact quite common. We further believe that collaborative decision making offers the potential of achieving some democratic values associated with accountability.

At first blush, accountability relations at MTC are quite straightforward: decisions are made by the MTC Commission which is composed almost exclusively of elected officials. These officials are then presumably held accountable through traditional electoral mechanisms. A number of obstacles, however, exist to truly achieving such accountability. First, commissioners are not elected directly to the MTC; they serve as representatives of county Boards of Supervisors, county Conferences of Mayors, and in one case, of another regional agency. The complex governmental arrangements within the Bay Area, moreover, mean that for most members, MTC is but one of many regional bodies on which they serve. Work on MTC is usually a small and not highly visible part of many members' jobs; as a result electoral accountability may often work more in theory than in practice. Some commissioners describe themselves as being held accountable by their fellow elected officials, but rarely by their constituents. Furthermore, because work on MTC is such a small part of most of their jobs, and because transportation is such a technically complex policy arena, many commissioners rely heavily on the generally highly regarded MTC staff for direction. Their role is typically to approve recommendations that staff bring to them and little more. Thus, on most issues, the true decision makers are the appointed MTC staff. Given constraints of time and expertise, it is not realistic to expect very part time members of regional bodies to give detailed and ongoing policy guidance. Given the fragmentation of power in metropolitan America, it is highly unlikely that many such bodies can create the consensus across local jurisdictions and across functional agencies needed to proceed in a coordinated fashion on complex policy issues. Yet these realities mean that the accountability that exists in theory may in practice be extremely weak.

Given that the reality is one where accountability is already problematic, we believe that it makes sense to think about how collaborative decision making processes might contribute to accountability in terms of the component values accountability is designed to achieve. We propose considering two such values: majoritarianism and equality of access to decision making.

One reason we may seek accountability is to ensure that the principle of majority rule in the end governs public decision making. Consensus building groups almost by definition can pose a challenge to the achievement of this value. As discussed above they operate on the principle of super majorities. Votes are rarely taken and decisions rarely made without the agreement of all or virtually all parties at the table. In this way, the essential interests of all participants are protected but majority action can be blocked by the strongly held views of minorities.

From the perspective of equality of access to decision making, however, the picture is quite different. Collaborative groups hold the potential for significantly broadening the number of views brought to bear on a problem. As many have noted, professional views are rarely monolithic in complex policy arenas, yet staff from a single agency can easily develop a characteristic pattern of thinking. By bringing together staff from multiple agencies along with representatives of interest groups, a greater diversity of perspectives, considerations and information can be introduced into policy making. In theory, a single staff group could collect all these views through processes of one-on-one consultation, but in practice, that diversity is difficult to achieve as information is processed through the filter of another person rather than expressed face to face. By routinizing and regularizing the participation of staff from multiple organizations, equality of access for diverse interests and policy perspectives to decision making may be improved.

When functioning well, consensus building groups can increase equality of access to decision making in a second, more important way - by creating a social process in which joint interests can be discovered. Without such a process of discovery, these interests may not be given voice at all since often participants are either unaware of these commonalities or have no vehicle for expressing them. This is particularly true in inter-jurisdictional contexts where regional interests have no institutional representative; yet such interests clearly exist. Once discovered, consensus building groups can facilitate not only to giving voice to these interests, but also to creating an institutional framework in which they can be achieved.

In the end, it is in this last way that consensus building groups have the potential to make their greatest contribution to the structure of accountability in our political system. Where regional political capacity is lacking, one cannot assume that the status quo reflects popular desires. Collaborative processes can fill those political voids and create the possibility for government to achieve collective ends that might otherwise be unattainable.

MTC's Implementation of Collaborative Planning

If we look at the criteria for successful collaboration outlined above we can see that some of them were met in some MTC processes on some occasions, but that in no processes were all criteria met. In some very few criteria were met. In many mixed signals were given about what sort of process was wanted because of a number of factors: the coexisting planning models that were in use simultaneously by different players; fears by MTC of losing control of the process; normal resistance to change one finds in any organization, and inexperience of all the participants with collaborative dialogues and knowledge of what it takes to make them work.

The Partnership and a number of other groups and committees set up by MTC were ostensibly designed to be collaborative. The Partnership was, it seems based on the rhetoric at the

outset, intended to be collaborative and work as a genuine partnership. Why would MTC set up a collaborative process and not let it work collaboratively after all? Why would they not include genuinely regional stakeholders other than some regional regulatory agencies? Why did MTC's various committees fall so far short of some of the achievements that have been observed in other collaborative decision processes?

Control vs Self Organization

One explanation is that the major impediment to the Partnership becoming a truly collaborative body was the unwillingness of many top level MTC staff to relinquish or even share control to the Partnership. The Partnership was neither created to fill a power vacuum, nor came into being as a result of a drumbeat of local pressure. It was largely the idea of MTC staff and was created to help that staff do its job. For the Partnership to be successful as a collaborative group, staff would have to cede responsibility to the group and let it self organize, decide on its agenda and then staff would have to take seriously its conclusions. It is hard for any agency to let go of control and MTC was not being forced to do so. MTC did cede some control to the Partnership in the early stages of developing and implementing scoring in part because they did need to get agreement on how to implement ISTEA. But as time passed they seem to have thought better of this idea. Although in theory MTC was just one of many equal partners, it had the most to lose by truly changing the way transportation decisions were made. It was not a neutral player whose interests coincided with those of the Partnership, but rather the dominant player in transportation decision making, whose status and authority would inevitably change in unknown ways if decision making were to be truly collaborative.

Relinquishing control to the Partnership would be a risky proposition for MTC staff for other reasons as well. With or without the Partnership, MTC staff had obligations in terms of transportation planning and programming. State and federal laws had to complied with, money had to be disbursed. With or without the Partnership, MTC staff had to negotiate the complex organizational and political environment of transportation policy, ensuring that they did not get too far away from their Commission, which had final decision making authority. Furthermore, MTC had its own organizational interests to protect--in particular to secure funding for the systems management programs it operated. It had its own sense of the best way to proceed for the region. Finally, many Partners provided ample evidence that they did not necessarily share MTC's goals and objectives.

Under these circumstances, it is not surprising that MTC staff retained tight control of the reins of Partnership discussions. Staff are likely to have understood that if they drove the process along a relatively narrow path by preparing materials, making proposals, setting agendas, and setting the parameters of what was acceptable, the outcome would be one that would enable them to continue doing their jobs and meeting their responsibilities as they perceived them. For the Partnership to be truly collaborative, MTC staff would have to let go, but they had little incentive to do so. To alter those incentives would have required an unambiguous message from the very top of the organization to staff that there was a willingness to go in the direction that groups chose, assuming it was consistent with MTC's mandate. But that message was never sent as top level leadership continued working in their tried and true political influence model.

One can also wonder why, given the growing stridency and numbers of the environmental and social equity interests MTC would not find a way to incorporate them more fundamentally into decision making, They kept such interests confined to a separate advisory group that was perhaps collaborative internally, but not collaborative with the partners. The most likely explanation for this is that introducing those interests into decision making directly affecting investment decisions would undermine the working of the political influence approach. The interest groups were not awaiting projects and could not be coopted into support of the program in the same way the transportation providers could be. There certainly were things these groups wanted, but these did not include projects that could be offered at the margin without taking much from anyone else. Instead these groups wanted a whole new direction for policy, which might well call into question already agreed on projects. Moreover some of these interests had made MTC leadership angry by bringing lawsuits. This made it very difficult for staff to trust such groups. Finally it was certain that these interests would try to put on the table issues that would undermine the political influence strategy.   The issues of compact land use, performance measures for public consumption and to give the public more of a handle on policy and of transit capital funding all were threatening to the status quo.

Another reason for the limited success of collaboration at MTC is that the players mostly did not know how to implement a collaborative process, even those with the sincerest of intentions of doing so. Collaboration is difficult and unfamiliar to most of the players in the transportation arena including staff, partners and the outside interests. They did not have training nor get professional assistance, except on a few occasions, in SOM and some Partnership retreats.

Stakeholders

The Partnership included stakeholders representing counties and transit agencies and environmental agencies. They were all providers or regulators. No service users were included, nor were related interests with a stake in the transportation system, such as environmental organizations–except insofar as BAAQMD or EPA represents environmental concerns– and no business or housing interests or social equity interests such as inner city poor and transit dependent. Some of these other stakeholders were included in the BRAC and/or the Advisory Council, but they were not at the table with the providers, so neither could learn about each others' perspective. Some were represented on the Elderly and Disabled Advisory Committee and the Minority Advisory Committee. But these representatives were not in direct discussion with the providers or others. Indeed the Certification Review report argued that they should be more integrated into other committees. Moreover these committees were less engaged in the actual decisions about how money would be spent and more simply advisory. De facto they did little that made a difference to MTC policy that we can detect. It makes sense that MTC wanted to include only providers in the Partnership because these were the players they already had to work with, and that they knew more or less how to work with. They were the players who had benefits to gain, as the dollars would be divided among them.

The AHMS, which developed the scoring, lacked local city representation, environmentalists, or business, and the results of the scoring show the effect. There were no spokesmen, for example, for adding a significant weighting for land use. The Partnership did not

directly include the local governments. Although the CMA directors ostensibly could represent them, and MTC staff seem to have hoped that they would do so. But it turned out that in practice they were not able to speak legitimately and knowledgeably for the local governments in their jurisdictions. Not only did the local governments differ among themselves within one county, they had land use jurisdiction. The CMA director's disclaimed any capacity to speak for land use issues. This was to mean important stakeholders with information and power to affect the transportation system and the demands on that system were not involved in the decision making about that system.

Purpose and Task

The task for the Partnership was never clear. Indeed looking back it is hard to find a way to describe what their role was in relation to MTC staff or Commission, and what specific tasks they were responsible for because there were so many different versions. A list of tasks was set out for the Partnership early on in their mission statement, but most of these the group never did. Indeed these seemed more like tasks to help the staff in what they had to do, or tasks to provide political backing and support for MTC than tasks for the partners. Clearly this ambiguity had its effect as some partners were disappointed in what was done and not done, while others were relatively content. Partners never really bought into some of their tasks at all.

Some of the committees, especially the smaller ones did however have clearcut tasks that they did buy into. The MCS was set up to develop a coordinated system of modeling. The people at the table all cared about this task, as they were the modelers themselves, or they were deeply interested in making sure they did not have to be involved in costly and unnecessary changes to their modeling work. While most of them were not highly sophisticated modelers, they knew enough to participate and discuss and engage in this committee. Indeed this practical and somewhat limited purpose helped make this committee successful. (It is worth noting however that this committee was not originally set up by MTC but self organized by the CMA's.) The AHMS and later versions of this committee designing and redesigning the scoring and discussing the programming were also committees which had a clear purpose and participants who were both knowledgeable and motivated to do this task. This combination is always critical to getting a collaborative process to work. Other committees and task forces with simple tasks did well also, including the Arterial Operations, the Transportation Demand Management task force.

On the other hand the task of the SOM was never very clear. Even MTC staff were not sure how to define regional system management and the people at the table were not the ones with the knowledge or the motivation to solve the system management problem. Committee members were passive recipients of the consultant's ideas and never engaged in developing their own ideas of the task, much less the joint problem solving that might have produced some innovative strategy. They did not feel invested in the JUMP Start program as there was no real task for them to do other than claim credit for projects that were going to happen anyway. These general managers or their staffs simply were not public relations people. They were interested in results on the ground and interested in having something to show for their efforts. They seemed to want to turn JUMP Start into a program where they could help move the projects along, but that was not possible. They began not to attend this committee.

The BRAC had a similar problem with an ambiguous mission and a set of people with different sorts of abilities and interests. They never really found a task they could do that would be accepted by MTC and be of interest to most of them. They all had different ideas about the task and never really sorted through and made a decision about these. Many participants stopped attending. Most of them were not that interested in the task that Dahms wanted them to do, namely to provide public support for MTC's policies. The Advisory Council, on the other hand was made up of individuals who largely understood themselves as representing stakeholders and therefore understood their task better. While they were not given any clearer mission by staff, they themselves developed some tasks that they were interested in and capable of working on–in particular trying to find a feasible way to engage MTC in helping improve the land use transportation connection. In this they were quite successful though they did not achieve all they wanted. They were successful because they focused on a manageable task that would be politically acceptable.

Self Organization

The committees that were self organizing tended to be more successful than those that were not. Thus the Advisory Council took over much of its own agenda, and they accomplished pretty well the task they chose. Though they had not selected their own members, they did bring in people to talk to them about the issues they did not know well. The Partnership was partially self organizing, especially in the early years, choosing tasks and defining work groups, but in the later years they were less so. Staff more and more controlled the agendas. Though some committee chairs felt they could change things, few did. Staff made up huge packets mostly on topics they chose rather than what the committees requested. They had the Partnership committees review things they had developed rather than, for the most part, to ask committees to be involved in first stage brainstorming or setting direction. This in effect meant there was little time left in meetings to work on tasks of partners' choosing. And sometimes when partners expressed a desire to discuss something and allocate plenty of time on the agenda for it–like performance measurement, alternative allocation formulas or visioning, there was somehow never much time, if any, to discuss the topic. As many of our respondents noted, those who staff the Partnership ultimately control it. And staff had to respond to MTC leadership as their employer, whatever their own predilections. MTC could and did assert its prerogative to limit discussion and issues on the Partnership table to those it was willing to have them discuss. It also asserted its rights as the partner "holding the bag" to decide what was a good idea and what was not. While there were challenges at times to the staff in the early years of the Partnership, these were less and less common in our observation, with the exception of the debate over allocation of TEA- 21 funds. The Partnership retreats, which were planned by a joint committee of staff and partners, did have some focus that the partners chose. There seldom seemed to be follow up on the tasks partners said in those retreats that they wanted to do. The small groups at the retreats and small working groups like the RTP task force tended to be self organizing almost by definition and in the case of the task force did its own staff work. Often however staff would assert that things had to be done a certain way, or that deadlines required action on urgent or other bureaucratic matters, so even these opportunities for self organization often evaporated.

Without self organization a group lacks ownership of what comes out of the discussion and can disavow it. Moreover without a task that was clear and of value to participants, and without control over the agendas, general managers were discouraged from attending some committees. These are busy people who only want to participate in such efforts when they can make a difference on something that matters to them. There were many occasions moreover where a creative idea was stifled by staff pouring cold water on it or saying it could not be done. The RTP task force idea of using questions was one case in point. Other cases were where the partners asked for the opportunity to develop more regional vision. The JUMP Start program was not designed by partners and staff resisted their efforts to redesign it to be more meaningful to themselves. The Executive Director appeared to maintain control of the processes, even the collaborative ones. He seemed to regard collaboration as just one tool available to him which he could choose to use or not. He also seems to have carefully selected the membership of the Partnership as well as the advisory groups. As one partner told us,

> Larry felt he should do some things directly through the Commission, others through the Partnership and others through special committees–it is always he making the decision of how to do it and who should be involved. He wants to cherry pick stakeholders.

Authentic Dialogue

Authentic dialogue was rare in our observation and most often found in very small, informal working groups among people who knew each other well and who had a shared task in which they were interested. In those meetings everyone spoke with what seemed to be sincerity, they made sure they understood each other, and they sought information to assess their ideas. The RTP Task Force was a case in point just as, judging by the minutes, was the original committee that designed the scoring. The RTP Task Force did something that sometimes happens in creative collaborative dialogues–they spent their time speculating on how various scenarios would work instead of arguing over the pros and cons of a particular proposal (Innes & Booher 1999b). Advisory Council members spoke from their own experience and invited others to meet with them and tell of their experiences.

In the regular partnership committee meetings something quite different typically happened. These were relatively formal situations. They were consensus-based in the trivial sense that votes were not taken and conclusions or outputs were usually declared consensual, but without affirmative agreement by all members. They did not use standard parliamentary procedure, where topics only get discussed when motions or amendments to motions are on the table . Instead these meetings were in a sort of hybrid style, where a topic on the agenda would be explained by a staff person, the floor would be thrown open to the group and group members would chime in, typically with questions, occasionally with suggestions. Very seldom was there a challenge to item or how it was framed, as authentic dialogue would require–that sort of confrontation seemed out of place in these meetings. Indeed, it seemed as if the only way for a participant to make any comment that did not accept the framework offered by staff would be confrontational.

There never was a process in our observation like what there is in formal consensus building processes where everyone has the opportunity to speak about their interest, the problems they face and what they hope to gain out of solving whatever problem is on the table. Nor was there the opportunity for joint problem solving or brainstorming. Instead meetings were organized with a proposal almost always on the table to start things off. The only way to discuss it was to challenge it and the proposal typically framed people's thinking and diverted their attention from alternatives. This helped of course to keep matters under comparative control by staff, but it also prevented innovative thinking on the committee. It also meant that there was no moment in most formal Partnership meetings when participants could, without being unpleasant, say what they thought if their view was significantly different from what was in front of them. Indeed in the few instances when partners challenged staff proposals, as they did around the distribution of TEA-21 funds, the whole meeting was quite disagreeable. Partners had to use their political capital to make the challenge and be confident that others would support them. Those who did not get support backed down fairly quickly, but they went away deeply resentful of the whole process because they did not feel their ideas were given genuine consideration. This sort of dynamic has long term effects on the solidarity of any group.

Moreover the Partnership committees seldom requested specific information from staff or revisions to the information staff provided, as would normally occur in an authentic collaborative dialogue. In such dialogues people pursue a topic until they find they need information to illuminate their differences or understand particular aspects of the issues. They typically need new and specially tailored information (Innes 1998). Rather than develop an interactive process between technical staff and stakeholders around information needs, MTC staff tried to anticipate what the committee might want (or perhaps they did not care what the committee wanted in some cases), often inundating them with information peripherally related to the committee members' interests. The information was too overwhelming for members to want more. In this process staff defined de facto what would be discussed and not discussed, understood and not understood. They also ensured, whether intentionally or not, that committee members did not buy into the information they provided, nor have much capacity to use it on their own.

Committee chairs acted, for the most part, conventionally rather than as facilitators, recognizing people who chose to speak, in no particular order. They did not usually go around the room to get the opinions of those who had not chosen to speak. They did not usually ask people to clarify if their comments or reasons for their views were unclear. There was little interaction at all of this sort, except between partners and staff. In general chairs did not try to keep the conversation focused. The groups talked vaguely around various proposals and then chairs called a halt to the discussion, often at the behest of staff and certainly with a limited time frame in mind. They did not necessarily reach closure or an explicit sense of what, if anything, had been agreed to. Staff would bring proposals back the following week with their own spin on what had been decided, sometimes even when nothing was explicitly agreed to. Partners were often surprised or dissatisfied with these staff followups, though they seldom complained publicly at the meetings as they did in interviews and at some public hearings.

The result of this lack of authentic dialogue was that people did not say what they were thinking–for example when the scoring system was pronounced dead by staff, no one said anything in the meeting, though partners were dismayed and puzzled by it. There seemed to be a

culture of fear of MTC among partners. This was presumably reinforced by the use of the political model of policy making, where individual partners had quiet arrangements with MTC about things they wanted. To create conflict would be a risk that was probably not worthwhile. Partners did not end up trusting each other on some basic issues, not surprisingly because they were not often speaking sincerely about their feelings.

Gender Differences and Collaborative Dialogue

An interesting exception to this pattern was that when women chaired the meetings, they were more likely to try to hear everyone's point of view and more likely to try to reach closure on what had been decided in a consensual and explicit way. This was true across the handful of women who were involved in leadership activities among partners or staff. This was not simply our impression, but the women called our attention to the phenomenon because they had noticed it themselves. They felt they were more collaborative in their approach and complained that some men simply chaired the meeting to promote their own interest or perspective. Several of our female respondents independently contended that the women were more collaborative in their style. For example one transit agency representative told us, when she was complaining about the kinds of process used at the Partnership,

> Yeah. I talk to them (MTC) all the time about what is the process we are using. How are we going to get from point A to point B. Frankly I think a lot of this is women....It is a difference in the way women see the world. I know that I see the world differently. I am thrust into a world of men in transit and for most of them I think some would say "oh gosh here she goes again, with this process stuff or this other kind of stuff. This touchy feely stuff." But it is real hard stuff. It is the way you manage a company. It is the way you run an operation. It is who we are. I just completed negotiations with (a union) using a collaborative bargaining process that was non adversarial. Guess who is the head of that union--another woman. (This) it is based on the Harvard Institute *Getting to Yes* model and it has taken me 6 ½ years to get the agency in a place where they could embrace that concept. So they would not throw bricks at each other during negotiation. We would do problem solving. We would bring our interests and not our positions to the table. And I do not think it is a coincidence that I am able to do that when there are all women leaders of the unions...So when we are in the room together we are all women.

The Advisory Council (also chaired by women) was one example where there was a fair amount of authentic dialogue. They defined their tasks, spent time brainstorming on how to do them and in gathering and developing shared knowledge on the obstacles to transit based land use. They requested information to help them understand the issues and they made sure to end the meeting with specific plans for what would occur at the next meeting and what would be done in between. There was a much more comfortable sense in these meetings that participants could and did say more of what was on their minds. This may of course have been in part because they

had nothing to lose in the way of projects or funding as partners may have had. It was also presumably because the participants in the Advisory Council were typically leaders of non profit organizations, unions or business organizations and they had experience with such meetings and trying to make sure there were results.

If there is anything to the hypothesis that women are more collaborative (and there is certainly research to show that men and women employ different communication styles (Tannen 1990), then the comparative lack of women could also be a factor in the comparative lack of collaborative dialogue. It should be noted that there were several men as well whose approach was comparatively collaborative and supportive of authentic dialogue, but they were very much in the minority in this male-dominated process.

Intellectual Capital

The creation of shared intellectual capital is critical to the success of collaborative policy making. This is the part of authentic dialogue where statements must be accurate and viewed as accurate if you are to have meaningful discussion and action. Two kinds of shared knowledge are critical: knowledge of each other and knowledge of the problem. The first is knowledge about what the other stakeholders' interests are, what kinds of outcomes would be beneficial to them, and importantly what are the problems and conditions they face individually. This kind of knowledge is an essential underpinning to a productive collaborative conversation. Professional facilitators normally devote early meetings to helping participants learn about each other's interests. With this kind of understanding it is possible for participants to develop empathy for one another, even while disagreeing. They can understand the problem from each other's perspective and often, to their surprise, realize that the other's position is quite reasonable, given their situation. Sometimes this discussion can lead to the discovery that meeting each other's interests is not only possible, but that doing so can ultimately save resources or produce a new more effective strategy for everyone. This understanding of interests and conditions allows the participants to find common ground and joint action that can produce results that could not come from individual action. For example two people bidding up the price of oranges as they compete to purchase a shipment might, if they talked about their interests, discover that one bidder wants the oranges for juice and the other for the peel. They would learn that they need not compete over the oranges, but could join together to buy them at a lower price and share them. Thus discussion that starts with everyone in predetermined positions can never be as productive as discussion beginning with everyone putting interests on the table. Moreover the discussion of interests then legitimizes each player and gives them a chance to feel they are being heard and makes them more likely to speak up as their interests are affected, instead of just keeping quiet because they don't feel comfortable speaking or because it would be too hard to begin from scratch to explain their perspective.

To our knowledge no systematic effort to get each participant in MTC's process to explain the interests he or she represents ever occurred. It was perhaps assumed that the group members would just know these interests, but typically formal discussion of interests leads to surprises among a group, as well as to understanding. If it ever happened in the early years (and the minutes do not indicate it did) it certainly did not happen with regard to individual

controversies. Most of the CMA directors for example thought that San Francisco's effort to go to an employment-based formula was just a ploy to get more money rather than a sincere expression of their perception of their challenges and role in providing transportation for the region. They showed their contempt or lack of knowledge by offering their own rather silly formulas which would benefit them. This interaction was an indication that they had never come to understand San Francisco's situation, their resources and tax base, and the demand on them to provide transit service for the thousands of commuters who don't pay San Francisco taxes but do live in other counties. There was no discussion then or at other times of the questions of need in different counties and what each had as resources, demands and expenses and limitations on their alternatives. There was no sympathy for others and thus no way to resolve the differences.

Similarly transit agencies and CMAs, criticized each other in our interviews, but there was no systematic discussion of the transit agencies' interests in the meetings. Transit agencies seldom had the opportunity to say "these are our problems and here is how we feel CMA's do not respond to us." Such a discussion would have meant that CMA's could hear these views and provide their own perspective and the reasons for their actions or inactions with regard to transit agencies. It would have meant also that CMA's and the Partnership as a whole would have understood more clearly that the many transit agencies differed substantially among themselves each with its own unique mission, resources and demand, or lack of it, for their services. Some agencies get much of the operations and maintenance funding from local governments and serve large numbers of people, and others serve only small numbers and with plenty of state or federal funding and little local money. Some serve mostly the middle class, and other serve the poor in significant numbers. Some serve as feeders to BART, but in other counties the light rail or bus has to do far more than serve BART, while BART itself is at peak capacity. These kinds of issues were not discussed in a context where questions could be asked and mutual understanding developed. The result was that mistrust continued and opportunities for sharing the orange were not identified. Indeed two examples, transit coordination, and Translink the universal ticket, failed for years in great part because the agencies did not learn how or why it would be in their interest to make the necessary changes for these programs.

Similarly the Bay Bridge Design Task Force did not have all the stakeholders because the Navy was excluded, as were some environmentalists. San Francisco was represented, not by the Mayor but by a commissioner who did not necessarily represent him. While Oakland's mayor at the time was there he had a different view from the Mayor elect. No one represented the bicyclists, those who wanted rail service or other public interests. The interests of these stakeholders were not to our knowledge explored. A year or two later those interests emerged and stalled the process.

The second kind of intellectual capital in a collaborative process is about the problem itself, about the facts, conditions and processes at work in the region. Participants in MTC's processes did not learn about how the region's economy worked, how the housing and jobs relationships worked, nor what role transportation had in the economy. They did not learn about how each county played a part in the region's economy, nor how they were interdependent. They did not learn about what the relationship was between transportation demand or services and infrastructure and land development patterns, nor did they discuss how these may affect one another. The trouble for particpants was that without discussion around these facts, without joint fact finding and the

487

opportunity to define the knowledge they needed or to question and get modifications in the analyses, the staff defined the meaning and implications of the issues. The interconnections among them were never things the partners came to understand. Staff could produce all the facts they wanted, but these might well not move the partners nor convince them of anything. Staff information was usually not in a form that was meaningful for what individual partners cared about (other than information on how much funding they would get). The data and facts that are jointly developed or socially constructed in the group were the ones that made a difference to what players thought and how they acted. For example participants in SANDAG's (San Diego Association of Governments) collaborative effort to develop a growth management strategy came to realize they could not charge all the costs of new infrastructure to developers because much of the population growth was from natural increase and family formation. This was an important revelation and as the participants came to understand and believe the data, they also changed their minds about what had to be done (Gruber 1994).

One effect of this failure to develop intellectual capital about the region was that the Partnership did not develop a regional mission or vision. Without understanding the region they could not do so. Each partner could only claim to understand his own agency or county. If the Partnership had taken on the task of coming up with its own mission and purpose, it almost certainly would have been something regional because the region was what they shared. They would have learned how each player had a role in the region and was impacted in various ways by its problems. They would have, as many collaborative groups have done in other cases, agreed on the regional problems needing solution. They would have required and demanded information that they could all trust and understand to do this. They would have required information about the problems in the region including traffic congestion, economic growth, housing shortages, commute patterns and trends in all of these– and they would have seen themselves as appropriately focusing on trying to solve these. The regional vision, problem solving and intellectual capital all go together and all are jointly produced in practice.

The reasons for this failure to develop intellectual capital are in part structural and a result of time honored procedures and practices and in part can be understood as a conflict between planning models. It is only in the collaborative model that shared intellectual capital is important. In the technical model, technicians develop the knowledge and others are supposed to trust it because it is unbiased and high quality. In the political model shared intellectual capital about the region or other players is not important. Each player proposes something he or she wants and works with the agency to decide what they will get. They don't have to know about each other nor about the regional problems. In the social movement model, many participants are focused around the vision and the information is often seen as subsidiary or primarily for advocacy.

Because the staff were capable and produced a lot of information, much of which they had to produce anyway to meet state and federal reporting requirements, that somehow seemed to fill the space for information.   But inevitably the partners did not trust information produced by MTC if they thought their interests and MTC's differed–as they certainly did with regard to regional projects. There were many data intensive activities done by the staff such as preparing the Major Investment Studies. These might have been studies that could have helped in learning all around, but they were not done with participation of the Partnership. The effort by members of the Advisory Council to get information through a case study on the land use impacts of the Route 4

improvements in Contra Costa County were rebuffed by staff, who insisted that the MIS would serve this purpose. In our observation neither the Partnership nor the members of the Council paid attention to the MIS.

MTC produces vast amounts of analysis and data, of which very little influences policy and even less of which influences the Partnership or the Commission. Much of the data is simply required by law and MTC must go through the motions. The production of the data is not linked into the collaborative decision making for the most part, because it does not bear directly on issues that the Partnership or Commission care about and in any case does not have meaning to them. (Innes 1998). Decisions were much less driven by data than by the political allocation system. Much of the data was more like decoration attached to the decisions, after the fact. In this respect MTC is no different from many, if not most, public agencies.

In order to build trust around information in a group one way is to have staff who are hired and paid by the group. Another way, if that is not possible, is to have stakeholders' own experts involved in the production and design of analyses. They might also review, discuss or ask questions about critical data to assure themselves of its accuracy, lack of bias, and relevance to their stakeholders concerns. In many collaborative processes, especially those where there is not a neutral staff or funding for special studies at the behest of the group, a technical advisory committee is created to review and recommend analyses and studies. Typically this committee has technical experts representing the major stakeholders, so each can speak for the stakeholders' interest in the group and can report back to the stakeholder about his or her conclusions. In this regard the Modeling Coordination Subcommittee represented a missed opportunity. The top technical staff of each county sat at this table regularly, but they focused on only the task of the modeling coordination and a few related issues. Their deliberations were seldom reported on to the other committees, and, more to the point, the other committees did not refer issues to them for review. The MCS was almost entirely separate from the rest of the Partnership and had only limited over lapping membership. The partners were not interested in what the MCS was doing, and it never seemed to occur to the partners to take advantage of this potential consensus building group of their technical staff to help them sort out problems among partners.

The partners were also unable to develop adequate intellectual capital about many problems because they were missing so many stakeholders. Without business, social equity, housing, and environmental interests around the table, and without local governments the partners could not learn about the consequences on many other dimensions than those with which they were immediately concerned. They could not understand how these players understood the issues and integrate that into their collective thinking. They could not anticipate the practical and political problems that would emerge as the RTP came out in 1998.

All in all, the lack of shared intellectual capital was one of the biggest obstacles to regionalism in the Partnership. Partners could not develop meaningful definitions of regional projects, not just because they were focused on making sure their own piece of the pie was as large as possible, but as much because they did not know how regional projects might benefit them or their constituency. They did not think about regional problems and how they might be solved. They did not know how to think about what was regional because they did not have a shared understanding of the region nor of their mission as a Partnership in relation to the region. They had no basis for defining a regional project, much less motivation for spending money on such a thing.

They could not say what regional system management was, much less what should be the purpose of it or how it could work. The SOM committee had consultants, but never the opportunity for partners to develop their own take on this issues, much less their own ideas about what would be a useful direction for them to go with it. They had not come to understand the ways in which they were interdependent, the way for example the welfare of Contra Costa residents depended not just on BART but also on Muni, the way Santa Clara businesses depended on transportation to housing in Alameda and Contra Costa, or the way the economy depended on freight movement and port activities. Individuals understood some of these things but the group as a whole did not.

The fact that they were not building shared intellectual capital in the group but rather passively or partially accepting the information provided them, contributed to the fact that the meetings were typically not very engaging. Partners told us they came to meetings to protect their interests and find out what MTC was doing. Except for the MCS members, they did not often tell us that they came to learn. Yet we have found in many other collaborative processes that the primary thing that keeps individuals at the table over time is not looking after their interests, but the fact that the process itself is interesting and stimulating and that they learn a great deal and get satisfaction from that. While they still need an instrumental professional purpose, personal satisfaction is an important part of why they come. The Partnership retreats certainly reflected this idea–as the first part was typically devoted to providing some valuable inside information on new legislative developments and possible networking opportunities with important leadership from Sacramento or Washington. The second part involved small working groups doing brainstorming and problem solving. These clearly were more interesting and engaging than other meetings and general managers typically attended these. The problem was that the intellectual capital they began to build was not normally consolidated and fed back into the process, and the learning effort ended with the meeting.

Challenges to Assumptions

In the Partnership committees challenges to assumptions were rare and typically met with either resistance by other players or MTC, or both, or simply ruled out. The meetings and the agendas were set up to work within the existing order of things or the requirements of funding. Sometimes staff would simply call some idea out of order, asserting MTC prerogative. When some partners wanted to rethink the project pipeline and consider the possibility of opening up all these projects to consideration for funding instead of assuming that the vast majority of the funding was already spoken for, this idea was never even discussed. It was assumed that adherence to old commitments was what held the Partnership together–and perhaps it was under the political model–commitments must be kept. Yet so long as only marginal new funding was available and in some years funding cuts were made, there could be no question of trying to target projects to regional problem solving or areas of greatest need or to respond to changing population and travel patterns. Some wanted to challenge the BART-SFO project, but that did not appear on the table. Yet it involved many millions in regional money that would come from other projects. There was no explicit discussion of whether this would be the best use of funds. But then such a discussion would be impossible, given that there was no regional mission identified other than the rather vague

and self contradictory list of official MTC goals. Setting priorities any other way besides spreading funds to loyal constituencies was not an option.

Many other assumptions were never challenged, including who should be at the Partnership table–partners and MTC all accepted the idea that it should just be providers, an ingroup. The partners seldom questioned the idea that they were focused on projects instead of looking at the big picture. When a few brave souls questioned this in early years, it was not explored or discussed. Outside interest groups clamoring to be at that table would certainly have questioned even more assumptions. Indeed it is the diversity of stakeholders at a table that results in questions about the status quo. For example the issue of whether transportation investments by the regional agency should be assessed in the light of their effects on sprawl or second order effects on transportation demand never made it to the table of the Partnership, though interest groups were vocal on this issue.   Nor was the assumption challenged in the Partnership that "geographic equity" was the right distribution principle for most funding.

Some assumptions were questioned with varying degrees of success and some were actually discussed. Often they were dismissed or simply not pursued. The fact that the transit capital shortfall was not to be funded was questioned by outsiders, who forced it on the Commission. The idea that MTC should continue to pursue certain regional projects even when dedicated funding for them was no longer available was questioned.   The assumption that the right way to design a regional transportation plan was to work by corridors was questioned in the Partnership, but in the end the questioning seemed to make no difference. The RTP Task Force idea of using questions about projects and activities to develop qualitative information to guide the development of the plan was a challenge to business as usual. Staff did agree reluctantly to the questions, but it did not turn out that they actually used them. The Advisory Council pushed hard to have broad performance measurement of the transportation system including using VMT, which MTC adamantly insisted was not appropriate.

Not permitting challenge to assumptions meant that there was less opportunity to come up with creative solutions than otherwise. If a group is boxed in by regulations, routine practices, vested interests, fixed expectations, and historical decisions made at times when conditions and funding was different, then the group cannot come up with the new ideas that could get past seemingly intractable differences and obstacles to solving a problem. Moreover if participants in a group cannot challenge assumptions, their participation is not very interesting for them. There is not a lot of point to coming to meetings if the job is to rubber stamp proposals or just to modify them somewhat. The excitement and opportunity to have an impact is what motivates participants in collaborative processes. Without the ability to challenge the status quo there is little reason for high level participants to attend.

Seeking Consensus after Full Exploration of Issues

With few challenges to assumptions, many stakeholders not at the table, little self organization or intellectual capital, and little authentic dialogue there were already many obstacles to consensus or an agreement that could be seen as representing a wide spectrum of interests. But because the meetings ended so ambiguously and because meetings did not allow much time to explore and try to deeply resolve controversial issues, they seldom met the criteria for authentic

consensus. Consensus was assumed by staff when there was no objection, and sometimes even when there was. It was seldom decided explicitly whether anything was agreed or what it was that was decided. Most chairs did not trouble to check with everyone nor to clarify just what they were wanted or what they thought they were agreeing to as they moved on to the next topic in a meeting. In any case inadequate time was allotted to get the sort of agreement that goes beyond the superficial to a deeper and more meaningful consensus. Time was always too little and agendas too long, and deadlines, often created by state and federal agencies, interfered with the amount of discussion that was needed.

Collaborative Planning as the Umbrella

In many respects the collaborative approach is compatible with important elements of the other three models, though for these to be linked under a collaborative umbrella would require a different mindset for the proponents of each approach. Although on a small scale collaboration and consensus building has always been done informally in many planning situations, the sort of collaboration that can provide that integration among planning models is relatively new and it depends on the process coming close to meeting the criteria laid out in this chapter. When this type of collaborative model is in place and successful at reaching agreements and shared sense of direction, several things happen which offer the advantages of each of the models. First these groups typically demand high quality data and information, and they pay attention to information they have requested and understand and trust. The collaborative model requires a substantial role for the technical planner, but this role is not the detached experts going off and doing the analyses they choose to do, using the variables they choose. Instead the technical planner in the collaborative mode has to work closely with the group to provide information of a kind and in a form that helps the group with its task. They must continue to be as neutral and accurate in what they do as before–perhaps even more so because of the scrutiny their analyses will get by people from differing interests.

Second, political capital is built in the collaborative, as in the political influence model. That is the participants, insofar as they can come to agreement on actions and develop some common understanding of the planning problems and strategies, and some common heuristics for their own actions, develop shared political capital (Innes & Booher Forthcominga). They can jointly have an impact on decision makers, when players such as environmentalists and the business community go together to the governor or legislature to support a proposal. The difference from the political influence model is that the political coalition built on collaborative dialogue tends to be deeper and less contingent on a continuing supply of projects, less likely to come apart when these material benefits are not immediately forthcoming. This is because the coalition does not depend on such specific benefits, but rather on a continuing set of expectations about outcomes and on the perception of reciprocity and potential joint gain of working together over time.

Third the collaborative model can accommodate the social movement approach so long as the representatives of the social movement can back off the positions they have to take to build their movement and the enmity they must foster to maintain it. Typically many environmental organizations have been reluctant to move forward with consensus building, fearing that the environment loses and also perhaps unable to operate in a nonconflictual mode after decades of

jousting with enemies. Many participants in social movements however do join in collaborative processes. The vision they bring and the clear articulation of their interests and issues can be a real contribution to the group so long as they are willing to imagine acceptable alternatives to their original vision. Often in any case it is necessary for a set of interests to consolidate into a social movement so that they can be participate effectively in a collaborative dialogue. Since everyone involved in such a dialogue must have something not only to gain but something also to offer others, the movement can offer otherwise powerless groups a genuine place at the table. This in itself is a benefit to the quality of outcomes that require diversity of voices and knowledge.

Comment

In short MTC, despite a certain amount of lip service to collaboration, did much more to discourage and prevent it than to support it. Some of the staff actions may have been the result of their not understanding how to set up a successful collaborative process, and many of these actions were undoubtedly undertaken because of fears that the collaborative processes would interfere with their meeting deadlines and fulfilling legal obligations of the agency. But many of the obstacles to collaboration were the result of the dominance of the political and technical models of planning at MTC and concerns about loss of control. It is hard to collaborate around data where technical staff believe they are already doing high quality analysis and where they see limited roles for public participation. Similarly collaborative methods undermine the political influence strategy by permitting new ideas to be developed and new sources of power as groups find shared interests. Moreover it brings into the process unpredictable stakeholders who may be ideological, determined to have a certain type of outcome and who fail to respond to project based benefits. On the other hand it is our view that the advantages of all three planning models can be achieved under an umbrella of collaboration, though doing so will require rethinking of the procedures and objectives of transportation planning and development of new practices. New practices and objectives are however what is needed today in Bay Area transportation.

CHAPTER 23

CONCLUSIONS AND RECOMMENDATIONS

<u>A Failure of Regionalism</u>

Genuinely regional plans and strategies for system management have not, for the most part, emerged from MTC's processes. Although some regional agreements have been made, these agreements consist to a great extent of packages of projects, each of which serves a parochial interest and where the package itself is not more than the sum of its parts. Moreover players in different parts of the region and significant environmental and social equity stakeholders disagree strongly with many of these proposed investments, contending the priorities and distribution of funding are flawed. MTC has achieved for many years peace, if not satisfaction, among the players by this method of packaging projects, but today this peace no longer exists. A significant group of external stakeholders is engaged in continuous battles, if not a war with MTC, the most recent attack in a lawsuit contending MTC has not responded to Clean Air Act requirements and has allowed the air quality to deteriorate. As these external attacks continue, the seeming unanimity of the partners is breaking down as some partners work with these outside stakeholders to better get their interests met.

<u>Collaborative Planning Produces Regionalism</u>

Our central conclusion is that collaborative policy making processes, directly engaging a range of stakeholders in authentic dialogue were more likely to produce regional thinking and regional strategy than other planning approaches. They were also more likely to get the players on board with a strategy. This conclusion is parallelled in some of our research on water policy (Connick Forthcoming) and on growth and environmental management (Innes, et al. 1994). Collaborative dialogue was however more the exception than the rule at MTC, particularly after 1996. Three other models of planning tended to crowd out the efforts at genuine dialogue and collaboration. In particular at MTC the technical bureaucratic and political models of planning tended to jointly dominate decision making in a rather uneasy alliance. In practice this meant that the political approach of making sure key players all got something they wanted worked in tandem with the technical approach as many staff devoted time to analyses, modelling, and documentation of projects to meet state and federal requirements. This combination, along with the dominance of funding pots that allocated by geographic formula or to specific types of projects meant that MTC's focus was around projects and fund programming. This approach was in conflict with the social movement that developed to pressure MTC, seeking a regional vision and strategies coherent with it. In the committee meetings which were comparatively collaborative with open ended discussions (rather than the more formalistic meetings with controlled agendas and limited time) time and again the wish for regional leadership and regional problem solving or regional vision surfaced, but it never got very far outside these groups.

Some of the results of this pattern of decision making included the growth of the social movement challenging MTC, a negative assessment of MTC's public involvement procedures by

494

the U.S. Department of Transportation, and an RTP that was basically a package of projects rather than, as some wished, a strategy for regional transportation problem solving or an implementation of a vision. It was a plan in the sense that it represented a commitment to complete certain projects, a plan quite consistent with the political model, but it was not consistent with the other models of planning. Although each of the projects had technical analysis supporting it, these analyses usually did not follow the so called "rational technical" approach to planning or policy making, taught in most professional schools. That is they did not normally involve considering alternatives to see which would best meet goals, evaluating alternatives through cost effectiveness analyses or other objective methods, and selecting the best alternative on the basis of clearly defined and measured criteria. The one exception we observed was that in 2000, after the RTP was submitted, MTC staff did produce a cost effectiveness analysis of transportation alternatives for future funding. However, from the social movement perspective it was not a plan because it did not outline a vision, much less commit to a strategy, that would implement a vision. From the collaborative perspective it was not a plan either because it did not try to put its many pieces together in a coherent way to solve a regional problem. Moreover it sidestepped the issue of the transportation land use connection for the most part in its investment choices, which from both the collaborative and social movement perspectives meant that the plan would not solve the fundamental problem that was generating the traffic problems.

Reasons For the Failure of Regionalism

We have identified a number of reasons for the crowding out of collaborative decision making and for what we see as a failure of regionalism, many of which, though not all, are beyond the authority or capacity of MTC to change. State funding formulas, allocating resources by county, interfere with regional problem solving. Federal and state funding pots with complex requirements mean that technical staff have to play a dominant role in deciding what can be funded and that the arcane and complex criteria and procedures are not transparent for many of the partners, much less for nongovernmental interests. Those who press for regionalism are typically the interest groups and environmental agencies and they have substantial difficulty penetrating the requirements, the analysis and the criteria , much less coming up with a viable alternative proposal. The culture and mindset of transportation policy making from the highest level in the White House to the Governor in Sacramento, through MTC and down to the counties and cities, is, not to mince words, a pork barrel culture. The time honored practice at all these levels of government has been to give out money, project by project, to key players and to do so regardless of plans, priorities, or problem solving objectives. These projects are usually cloaked in technical justifications and objectives of solving transportation problems, but these projects may not be the highest priority to actually solving these problems. They may not have been developed in the first place in response to analytically identified needs or to widely desired improvements among stakeholders and the public. ISTEA did not really change this culture in our observation though it made it possible for some portion of transportation money to be given out in some other way than by formula or pork barrel. However it was still assumed at MTC that key players, in this case counties, would continue to have their share of the projects they wanted even if it meant, as one partner complained, chrome-plating the highways in a county with little need.

MTC probably could have fought this tendency more than it did. The scoring for example was a partial move away from the pure pork barrel model, as it involved regional agreement on criteria without players' knowing exactly who would benefit, but even the scoring system maintained the project focus and the strategy of funding everyone. In this context regional planning or policy making in the senses described above is difficult, if not impossible.

Other problems too were important. The pork barrel model virtually dictated that there would be a long pipeline of projects because once a promise is made in the political influence model of planning, it must be kept. If not the whole system comes apart. And at MTC this pipeline was sacred. The few who challenged it and suggested there could be better projects today than those agreed on 10 or more years ago, were either ignored or told this question was out of bounds. And presumably no individual player wanted to risk losing what had been promised to their agency. Since interest groups did not have projects promised to them, they were much more likely publicly to challenge this pipeline, though seldom with much effect.

Land use too was a taboo topic. Land use issues in general in the U.S., and California is no exception, tend to have a sacred quality. A man's home is his castle after all and local government is the keeper of this castle. Local governments jealously guard their prerogative as land use planner and regulator--though the reality is indeed that they have increasingly less control over their own land use, as state tax laws force them to seek otherwise undesirable land uses like traffic generating big box retail, or large lot zoning with all their effects on generating auto travel. This is not a topic for reasoned discussion in our observation at MTC nor in other regional policy making efforts we have observed around water or growth management. No one wants to touch land use in these regional discussions, even though leaving it out of the equation is highly problematic for genuine transportation problem solving.

An equally important factor is the reality in the Bay Area of more than 100 city governments, 9 counties and numerous Special District governments managing major transit systems, water supply, parks and any number of other things that are interrelated with transportation. There is no real way for these governments to come to agreement on much of anything. ABAG, the region's Council of Government, has little regulatory authority and it has opted out of any strong role in regional problem solving, becoming mostly a technical information agency. It is governed by a general assembly of local governments, and the agency cannot afford to alienate its membership. ABAG's assembly tends to support policies that are the lowest common denominator rather anything requiring major change or challenge to existing practices, much less anything that might benefit one kind of jurisdiction at the expense of another. MTC has a stronger regional role than ABAG because of its status as MPO and its ability to allocate funds, but as it is separate from the COG, it can disclaim any responsibility for land use patterns or even for incorporating concerns about land use patterns in its investment decisions. Each agency has its own separate governing structure and activities and cooperation between them has been limited to a few specific initiatives.

Ultimately one of the biggest obstacles to regionalism is that the players in transportation and in land use do not understand their interdependence, much less have any way to deal with it constructively. Local governments may recognize that land use decisions in neighboring communities affect their economies and quality of life, but they do not have the forums or arenas in which to discuss this among themselves, nor much idea of or interest in how other

communities are affected by what they do. They have thus no opportunity to learn and develop a more sophisticated understanding of the causes and consequences of what each of them is doing, much less to make tradeoffs or agreements among themselves, or with regional agencies. Similarly the partners at MTC seldom had any dialogue about how their individual transportation investments would affect other partners. Partners did have to make their investments according to regionally developed criteria in the early years through scoring and they did transfer money to other partners when a project was not going to be ready to go in time to obligate the funds.

What the Partnership did not do however was to figure out how to use the total package of regional funds in the most cost effective way to solve shared and agreed on regional problems nor to move toward a vision for the region or a set of performance objectives for the transportation system. They did not spend time trying to identify such problems, much less on how each partner could be part of the solution and benefit from a deployment of funds focused on problem solving. They did not try to come up with a shared vision for the region, despite calls for this from some partners. MTC staff did not encourage or follow up on such requests. One can guess they were reluctant to do so because staff anticipated that any sort of vision would be controversial, and they knew the compact growth, high transit scenario, which was already controversial, would be put on the table. Nor did partners and staff really understand for the most part that the partners, the recipients of funds were in some sense interdependent with the other stakeholders. It has become more clear however that projects will not necessarily go forward as planned without the support of these players. Partners and MTC have not yet learned fully how the knowledge of these external players can also be critical to developing successful projects and programs. The principal exception to this was in the collaborative development of the TLC program in the Advisory Council in which these stakeholders played a creative part.

In short the cards are stacked against regionalism and collaboration in transportation decision making in the U.S., in California and in the Bay Area. Nonetheless we do believe that there are actions by various levels of government and MTC that could be taken to begin to change the situation. A series of political and institutional obstacles will have to be addressed, however, if there is to be genuine change. Other kinds of programs, incentives and approaches can also be instituted to change the practices and culture over time that now dominate the transportation arena. We believe that these changes would for the most part be welcomed by the broader public. We recognize that few of them will be easy to institute but we believe that a better solution to the challenges of regional transportation decision making will demand such change. We suggest that no one change alone will work but that a combination is what is needed and that these changes can be made incrementally.

Diagnosis

The flexibility of TEA-21 and ISTEA is not enough to assure that states or regions will actually try to diagnose their regional transportation problems, establish meaningful objectives, or design actions to solve these problems. While it did provide some opportunities for allocating differently by mode, the pork barrel culture still dominates at all levels. This means that project based decision making dominates and that formula or other allocation by individual players continues to be the norm. Requirements for preparing plans, stating objectives or documenting

the impacts of project do nothing to change this situation. Agencies can produce the paperwork and still choose do much the same sort of allocation they always did to the powerful players or to all players through some formula. Such requirements do not demand thinking through issues, developing and applying priorities, or getting regional agreement on actions.   They are much more likely to put funding moreover into specific construction projects or funding of particular transit agencies than they are to develop larger strategies or to do less visible activities which do not have immediate beneficiaries, like system management or information technology deployment. This is understandable because in the present situation the norm is that agencies and political officials are persuaded that they need to bring home projects to show they are doing their jobs. There is little other alternative to this way of measuring their success at the present time and with this approach there is no incentive at all for any agency or jurisdiction to support, much less donate, some of "their" funds to a regional valuably project in located in some other part of the region. While federal and state requirements do include extensive public involvement procedures, these procedures have not been enough to assure actual involvement in agenda setting, visioning or problem solving with the public or representatives of many interests. While there are many reasons one might put forward for getting such involvement, for our present purposes the principal reason is that the public and many of the outside stakeholders, who are not direct recipients of funding, are typically the main spokespersons for a regional perspective in our observation. Without them at the table, parochialism is apt to rule the day.

Recommendations

This story tells us among other things that in transportation, no one is charge, no agency or player even feels empowered to try to solve the transportation problems about which the public cares most, like congestion, use of transit, ready access to the activities and services needed by the public around a region. The bad news is that no state or regional superagency could be designed to produce the results that the public wants and that the state's economy needs. Power, knowledge and the capacity to act are too dispersed among too many players for a command and control system to work. The good news is that a network has begun to form linking the transportation providers, the regulators and even the interests and users of the system. In the present era of rapid change, dispersed power and conflicting values, the way to get things done is to create, improve and manage networks (Booher & Innes Forthcoming; Kickert, et al. 1997). If these networks allow information to flow well enough, if they are built on the interdependence of the participants and the reciprocal benefits they can offer each other, and if they are inclusive enough, these networks can be the source of evolution, innovation and constructive change in the transportation policy system (Innes & Booher Forthcoming). This kind of networked, collaborative policy making strategy has been very productive already in California water policy (Connick Forthcoming) and in a variety of other arenas (Innes, et al. 1994). The message is that the traditional institutional forms and models of planning no longer are working and that the state and regions need to take the first steps toward what will in the long term be fundamental change in governance and policy making. Exactly the form it will ultimately take we cannot yet see, but the following changes in transportation policy making will help move the system away from the current dilemmas.

498

Performance Driven Governance

Transportation policy making cannot produce the outcomes the public wants unless it is driven by these in the first place. It cannot be about problem solving unless the problems are defined. It cannot serve the public unless it is *designed* to do so. The following are steps we recommend to move toward this end.

1. **Require, as a condition of state funding, that each region develop a set of performance measures**. Many polls and focus groups show that the public demands more accountable government and is only willing to raise revenues and support government if they can see results. Performance measures offer one way to show results that is an alternative to just building projects. Moreover the introduction of such measures will set in motion a series of changes in what is done, who is involved and the criteria by which decisions are made, moving we believe toward much more effective and responsive transportation decision making.

   a. **The measures must be developed collaboratively with not only the local and regional agencies, but also the stakeholders** representing the full range of user interests, including for example transit riders, environmental interests, social equity groups, business, development, and housing interests.

   b. **No more than 3 measures should be created for each topic area** to avoid information overload, and assure public attention to the measures.

   c. These **measures should focus on the performance of the region rather than an agency**, and address not only transportation, but also issues that are closely linked to transportation including the economy, social equity, housing availability, and air quality.

   d. **The measures must be reported on regularly to the public**. Each public agency must explain in its plans and in public presentations just how what it is proposing to do will contribute to improvement in the measures.

   e. **New funding programs should be created that will reward agencies and jurisdictions for improvement in the measures**.

   f. **At least two years should be allowed for each region to develop a set of measures** that can be supported by as wide agreement and understanding as possible.

2. **All levels of government need to start moving away from project-based transportation planning**. The focus on projects drives out a focus on regional improvement or even improved user satisfaction with the system. The projects themselves

become the goal of the decision process, regardless of their impact or their cost effectiveness. Strategies for this include:

a.   **Reduce the number of earmarked projects** given out by the executive or legislative branch at all levels of government and reduce the total amount of funding going to such earmarked projects.

b.   **Increase funding that rewards problem solving and improvement in performance** measures.

c.   **Assist elected officials in using improvement on performance measures as an alternative way of showing what they have accomplished**. The public cares about commute times, congestion and transit performance, not about projects per se in their city or elsewhere.

3.   **Reduce (and ultimately eliminate) the use of formula based allocation of funding, such as return to source or other entitlement concepts**. These formulas allocations drive out regional collaboration and regional problem solving. They encourage a focus on parochial issues. They ensure that investments are not deployed cost effectively in terms of a region's needs. They leave as orphans the projects that could help many parts of a region and provide synergy and mutual benefit but which do not provide sufficient benefit to an individual jurisdiction for funding. Formula based funding makes genuine strategic decision making for a region impossible.

a.   **Start no new programs which use formula allocation**.

b.   **Reduce the amount of funding designated for formula based programs in favor of increased funding for programs that assist regions in improving their performance** and that can be allocated on a competitive basis to strategies that best meet merit based criteria.

c.   **Forbid the allocation of non formula funds by formulas or guaranteed amounts to jurisdictions**, whether it is formally adopted by an agency or is simply an informal practice.

Policy Making Through Collaborative Dialogue

Collaborative policy making in our observation in this and other cases is the most likely of the planning models to produce regional vision and purpose, innovation. Its use is likely to produce outcomes that will achieve a higher degree of satisfaction among more of the public than other approaches where the problem is controversial, complex, and uncertain. This is especially the case where collaborative groups involve diverse stakeholders and the players who make things happen or interfere with action and where participants all have a strong incentive to reach

agreements and move forward. Collaborative policy making is a way of building networks and social, political and intellectual capital that can last well beyond any individual policy discussion. At the present time the system presents many obstacles to such dialogue and little incentive to do it, though many players are clearly ready and eager to engage in this.

1.   All levels of government should **send a message through example as well as in new legislation on transportation that genuine collaborative dialogue among the players and interests should be used for complex and controversial decisions**.

   a.   **Provide funding for facilitation, training, staffing and management of such processes**.

   b.   **Encourage and model civil discourse and authentic dialogue at all levels of government**, particularly dialogue cutting across agencies, jurisdictions and the public and private sectors.

   c.   **Reward decisions that are collaboratively arrived at through offering special funding and permitting negotiated regulations.** The state could withhold funding for plans unless a wide degree of agreement among stakeholders can be demonstrated and unless those stakeholders have been involved from the first stages of planning. Alternatively additional incentive funding could be offered for such decisions. Where stakeholders agree a region might be able to establish its own regulatory regime on such matters as air quality management strategies. Special funding pots could be created for the development of a region's strategy for smart growth or congestion relief so long as it is collaboratively arrived at. Regions which use such collaborative processes could be funded to implement recommendations that emerge from these processes.

2.   **Move away from project and formula based decision making** (as discussed above) as these prevent meaningful collaborative decision making.

3.   **Encourage and assist in the creation of forums, arenas and courts in which this type of collaborative dialogue around policy decisions can be made**.   A major obstacle to such dialogues is that there is no occasion or venue for many of the players or jurisdictions to speak to one another or try to resolve regional issues. They have little opportunity to develop the shared meaning that comes in forums, negotiate the agreements that come in arenas, nor to resolve the residual issues or settle the disputes that require some type of court to give the choices legitimacy and finality.

   a.   **Create a demonstration program for one or more regions to experiment with develop such venues**, beginning to work on their issues. The state or regions should disseminate information widely about these experiments. For example a region might create a forum for interest groups and agencies to work on funding

priorities, or an arena for local governments to deal with the linkages of transportation and land use across their communities rather than suffer from beggar thy neighbor policies.

b. **Reward regions that successfully develop forums, arenas and courts and decide and resolve issues through them**. These rewards could be financial. They could be in the form of relaxing regulations or loosening up the requirements on funding pots where the region can show they have alternative strategies. They could be in the form of providing assistance in staffing and facilitating the dialogues in these arenas. This could be in the form of delaying action or funding in regions where no forums and arenas have been set up and no good faith effort has been made to incorporate stakeholders or to find mutually satisfactory decisions.[1]

c. **Reward regions that are most inclusive of stakeholders. Create disincentives for excluding key interests at the table by giving them voices in other arenas** and the ability to appeal a decision in which they were not included. These interests bring knowledge and legitimacy to decisions and when they can find common purpose it will be about improving the region they all share. Such processes are widely regarded as fair which is an important factor in reaching agreement.

d. **Accept that collaborative processes must be self organizing, defining their own tasks, timelines and outputs**. If they turn out to be ineffective, then they will adapt or new processes will be set up. It will not work for state or regional agencies to define exactly how they should be organized nor what their output should be. The regulatory and bureaucratic models are incompatible with the effectiveness of these processes so they cannot be regulated or their tasks prespecified.

Encourage Innovation

Innovative strategy is very much needed today in transportation as the old ways of doing things are not working to produce the results that the public wants. Innovation is difficult because in government typically neither individuals nor bureaucratic agencies are rewarded for new ideas or suggestions for change. Instead they take risks in offering these. Such ideas are likely to be met with opposition if only because they suggest that past efforts have failed.

---

[1] No collaborative process is likely to satisfy every stakeholder and there are often holdouts who feel they can do better pressing their cases through the courts or the legislature. But some processes are clearly more effective in listening to players and developing creative solutions to joint problems. To the degree that legislatures and courts send the message that they prefer collaborative solutions, those holdouts will make a greater effort to find ways they can get at least some of what they want through joint action.

1. **Implement collaborative processes because getting agreement among diverse players virtually demands innovation**. A well managed group dialogue encourages the development of joint learning and out of the box thinking.

    a. **Create funding programs that reward innovation around critical problems** such as linking land use and transportation, smart growth, regional congestion management. These should be programs that allow new kinds of players to be involved, focus on problem solving and are competitive on merit. This can be at any level of government. An example is MTC's Transportation for Livable Communities program.

    b. **Reduce the amount of paperwork and documentation required for funding**. This encourages the bureaucratic and technical control of agencies and actions and discourages new ideas from bubbling up. Identify the bare minimum of documentation needed on projects and allow the regions or other providers to offer documentation that is tailor made to their project.

    c. **Fund strategies and programs by using criteria linked to performance measures** rather than to type of project or mode.

Improving the Efficiency and Adaptiveness of the Transportation System

Managing better the resources and the overall transportation system can potentially save billions of dollars in California in travel time alone.[2] In addition relatively low cost operational changes for which the technology now is in place can potentially double the capacity of the highway system during peak hours without billions more in costly highway widening[3]. Such system management can dramatically increase public satisfaction by increasing the reliability of transportation modes. Information technology has been developed to do many of the key elements of system management like ramp metering in relation to congestion levels, reporting on travel time to travelers before they set out so they can decide on their routes, or notifying the Highway Patrol of incidents before they can cause major backups.

However as our case illustrates, this type of system management is not being done at anything like the level that it could be. There are many reasons for this missed opportunity. System management is hard to understand or appreciate for the public and for many of the transportation providers. Its value has not been fully demonstrated because it has only been

---

[2] Varaiya (Varaiya 2001) has done a case study of the major freeways in the Los Angeles area over a one week period using monitoring devices to measure traffic and delay. His study estimates that the loss in costs of time to travelers of delays due to congestion on these freeways alone would amount to almost $1 billion over a year.

[3] Varaiya's work shows that a system of ramp metering on congested freeways coupled with traffic sensing devices and real time information about the traffic flow on other parts of the freeway would allow twice as much volume to flow on existing freeways (Previn Varaiya, personal communication. See also the Performance Measurement System website where other articles by Varaiya are available. http://transacct.EECS.berkeley.edu).

partially implemented. Even agencies like MTC and sophisticated consultants are not readily able to outline what system management entails because there is so little experience with it. Spending money on new capital projects is more appealing to providers and elected officials than spending it on the operational tasks of system management. There may not be an agency empowered to do system management, given the reality that many players must cooperate with it to make it successful. There may be no agency with an incentive to do regional system management. The obstacle is not technology, because far more technology exists to measure and influence system performance than most regions are using. For example we know how to measure congestion levels and traffic flow all over a region on a real time basis and have the technology in place to do so (Variaya 2001).The major obstacles to making better use of our existing transportation infrastructure include 1) lack of understanding of what system management means and what its tools are, 2) the almost exclusive focus on projects in transportation decision making; 3) the reality that in most regions no major player has the incentive, resources, or authority to do system management without cooperation of many other players; and 4) the fact that system management does not get political attention.

1.   We contend the solution is **for regions, with participation of the relevant state and federal agencies to develop and use three linked sets of indicators**. These indicators will become part of the information flowing among the network of players at all levels and in all sectors, who will then be able to act in a more informed way. As these players respond to this knowledge they will collectively make the regional transportation system more adaptive and quickly responsive. They will make the overall system more intelligent and more likely to be able to solve its problems and respond to opportunities just as an ecological system does (Innes & Booher 2000e).

   a.   **Performance Measures**. Performance measures, as described above, point in the socially desired direction and provide information to players and the public on the degree to which things are going well or need redirection. They don't provide the answers, but they provide a focus for identifying, analyzing and solving problems. All such measures should be comprehensible to the public and meaningful in terms of public concerns. One measure might be satisfaction with the transportation system by residents and businesses.

   b.   **Diagnostic Indicators**. These are measures of how each of the sectors and agencies is doing in producing the outputs and customer satisfaction that is wanted and called for by the broader societal performance measures. These measures are not to reward and punish the agencies, but to help them, along with their clientele and governing boards, to diagnose when something is not working as expected and to assist them in developing management or other changes to improve their efficiency and effectiveness. Such measures could include, for example, transit ridership or on-time completion of projects.

c. **Rapid feedback indicators**. The third type of measure is for the individuals in a region to use in making smarter decisions for themselves about where, when and how to travel. As they do so this helps optimize the use of the transportation infrastructure and reduces the air quality problems that are the result of congestion. These can be thought of as rapid feedback indicators that work in real time to affect decisions of individuals, businesses and organizations. The technology is ready to implement for many such indicators. For example it has long been possible to give drivers information at highway ramps or on their computers in their homes or cars about travel time to various destinations. This can allow them to defer their trips to less congested times, or change routes or modes and, as a result, save their own time while improving the capacity of the network. Pricing can be set up to charge drivers for driving on particular routes and this too can be changed to respond to congestion levels.

2. **Agencies, individuals and organizations need to be educated on how system management can work, what its benefits can be and what the tools are that can do this**. This can involve workshops, conferences, and explanatory materials made available to both transportation providers and other regional players, who may be more likely than some agencies to seek this type of system management.

3. **Regions including all these players should be rewarded for doing system management in a meaningful way and improving the usage of their resources**. Regions that do not do this should be financially penalized. Funding should not be released for new projects for example where systems are congested but working well below capacity because of their lack system management.

4. **Ultimately system management requires not only indicators and data, but also forums, arenas and courts in which to discuss and react to the measures, collaborative dialogue** that is inclusive of those players who have an impact on the system or a stake in its effective working. Only in this case will a collective motivation and collective intelligence respond in an effective way to changing demands on the system and emerging opportunities for improving its performance for everyone.

APPENDICES

1.   First, I'd just like to know a little bit about your background
        a.   Educational background?
        b.   How long at (your agency)?
        c.   What did you do before that?

2.   Can you tell me about your involvement with the Partnership?
        a.   How long have you been involved with the Partnership?
        b.   What kind of activities do you work on?
        c.   Approximately what % of your time do you spend on Partnership work?
        d.   How important is work with the Partnership to you?
        e.   How important is work with Partnership to your agency?
        f.   Why do you devote as much time as you do to Partnership work?
        g.   What do you hope to accomplish through your work with the Partnership?

3.   What do you see as the major successes of the Partnership? What does it seem to do well?
        a.   What do you think the keys to success have been?
        b.   Do you think that the Partnership has been evolving as an institution? Has it changed over its life?

4.   What about the scoring criteria?
        a.   Have the scoring criteria been helpful to what you do?
        b.   How do the criteria affect your work?
        c.   How significant do you think these criteria are?
        d.   Have they changed the kinds of projects that are funded?
        e.   The kinds of projects that get submitted?

5. What have your disappointments been in regard to the Partnership?
        a.   Are there things that you hoped it would have accomplished that it hasn't?
        b.   What do you see as the biggest obstacles to success?

6. What do you see as the role of MTC in the process?
        a.   What's their purpose?
        b.   What about the role of MTC staff? Have you been generally satisfied with the role they play vis-à-vis the Partnership?

7.   I'm trying to get a sense of the different interests and perspectives represented among the Partners. I was wondering if you could talk about that a little bit.

8.   I'd like to get your views on the (whatever committee the person is on) and what's been happening there.
      a.   How important is this committee? What is its value?
      b.   What are its difficulties and challenges?

9.   We're also interested in the role of the transit operators in this process.
      a.   With exception of BART and sometimes Golden Gate they seem to be largely absent. Do you think this is a problem?

10.   We are also interested in other players not at the table. Unlike some of the groups we've looked at, the Partnership has little if any participation form the business or the environmental communities. From what I can see, the environmentalists seem to be wanting in.
      a.   Do have a sense of why they're so on the outside?
      b.   Do you think it's a problem? Or is this ok?

11.   I'd now like to step back and ask you more generally about changes you've seen in transportation policy making since the passage of ISTEA and the creation of the Partnership.
      a.   What changes have you seen? Has the Partnership made a difference in terms of how transportation policy is made in the Bay Area?
      b.   Do you feel that the counties have more control over transportation decision making? Less control? Why?
      c.   Have relations between MTC, CalTrans and the counties changed since the passage of ISTEA? How?
      d.   What about the role of local jurisdictions, has that changed?
      e.   Are there things that you hoped would change but haven't?
      f.   If so, do you have a sense of why they haven't changed?

12.   I'm also interested in the relationship between the Partnership and the Commission.
      a.   Has the creation of the Partnership changed the role of the Commission?
      b.   Has it changed the role of MTC staff?
      c.   How does your Board feel about the Partnership?
      d.   Do you think your work with the Partnership has given you more or less freedom vis a vis your Board?

13.   Do you see any evidence that people working on transportation in the Bay Area are beginning to think more regionally, more cooperatively, in terms of transportation policy?
      a.   What does it mean to have a regional perspective?
      b.   Can you give us some examples?
      c.   What do you think has produced this change in thinking?

APPENDIX 2
CHRONOLOGY OF EVENTS

1950-1970

1951   Bay Area Rapid Transit (BART) Commission established

1957   Bay Area Rapid Transit District established.

1961   Association of Bay Area Governments (ABAG) formed.

1963   Federal Aid Highway Act requires comprehensive, cooperative coordinated regional transportation planning (The 3 C's).

1963   Bay Area Transportation Study Commission (BATSC) set up by the Legislature.

1966   ABAG is designated the official Bay Area Council of Government (COG).

1969   BATSC issues its report recommending construction of a set of highway networks and favoring rail over bus, as well as proposing multipurpose regional government.

1970-1980

1970   The U.S. Department of Transportation gives the Urban Mass Transit Administration (UMTA) authority to certify that regional planning processes meet federal requirements and to permit metropolitan regions to receive transportation funds.

1970   UMTA refuses to certify ABAG for receiving transportation funds. Requires a stronger regional organization.

1970   MTC enabling legislation is passed.

1971   MTC is first convened.

1971   State Transit Development Act is passed, giving MTC some non earmarked funding.

1972   Half cent sales tax enacted to support construction of BART.

1969 - 1973   A series of measures creating multipurpose regional government in the Bay Area were considered by the legislature. Final one was narrowly defeated in 1973.

1973   MTC produces its first Regional Transportation Plan (RTP), involving both coordinated transit and highway construction.

1974   National Mass Transportation Assistance Act passes. MTC is officially designated the region's Metropolitan Planning Organization (MPO).

1975   Regional Transit Association forms to challenge MTC.

1977   Larry Dahms appointed MTC Executive Director and William Hein Deputy Director.

1977   AB 1107 passes, making permanent a half cent sales tax to fund BART construction and giving MTC authority to allocate 25% of the revenue between BART, Muni and AC Transit for service improvements. Requirements for funding included achieving a 33% farebox recovery and maintaining membership in MTC's Transit Operators Coordination Council (TOCC).

1978   Additional Bay Area transit agencies join TOCC.

1978   Passage of Proposition 13 limiting the ability of governments to raise taxes without a 2/3 vote.

1979   MTC wins right to reallocate BART sales tax money, modifying farebox recovery requirements which AC Transit and Muni had not been able to meet.

1980-1990

1981   MTC receives control of the surplus BART sales tax revenues generated by gasoline price increases.

1982   MTC is designated recipient of Section 9 funds for transit capital improvement and operations in San Francisco, Oakland and San Jose.

1988   Tolls are raised on transbay bridges and a portion of revenues designated to improve transit. MTC controls the allocation of these revenues.

1988   MTC adopts Resolution 1876 supporting a set of rail extension projects, including BART extensions into the San Francisco Airport, to West Pittsburg and Dublin/Pleasanton in Contra Costa and Warm Springs in southern Alameda county. It also included light rail in Santa Clara's Tasman corridor, and eastward into San Jose as well as extension of the Peninsula CalTrain system into the heart of downtown San Francisco and rail extensions of San Francisco's Muni.

1989   Lawsuit filed by Sierra Club and Communities for a Better Environment (CBE) against MTC and Caltrans, alleging that highway widening and high occupancy vehicle lanes on I-80 had not been studied for their effect on air quality.

1989 and

1990   Blueprint for the 21st Century, a package of transportation bills passed the state legislature adding to the amounts and flexibility of funds available to MTC. It was designed to add $18.5 billion in revenues by increasing the gasoline tax, the weight fees for trucks, sales tax from fuel, and from general obligation bonds. It established programs including Flexible Congestion Relief (FCR) for capacity expansion, Transit Capital Improvements (TCI), and Transportation Systems Management (TSM) for projects increasing the person trips without increasing highway capacity. Three billion of the funds were to go to counties on a formula using population and road mile data. It also provided for counties to create Congestion Management agencies (CMA's) to prepare Congestion Management Plans and allocate county Blueprint revenues.

1989-1991   A blue ribbon committee known as BayVision 2020 was established by MTC, ABAG, and the Greenbelt Alliance to develop a regional strategy for growth management.

1991

November   ISTEA is enacted and signed into law. The law provided for flexible funding across modes, greater regional responsibility for decisions, fiscally constrained planning and provides new funding categories including Congestion Mitigation and Air Quality Improvement Program (CMAQ) and Transportation Enhancements (TEA) for nontransportation spending for mitigation.

Bay Area is declared nonattainment area by standards of the Clean Air Act

1992

The BayVision Action Coalition, a spinoff of BayVision 2020, recommends merging ABAG, the Bay Area Air Quality Management District (BAAQMD) and MTC into a superagency. Legislation to this effect fails, as the ABAG General Assembly does not support it.

January   First Meeting of the Bay Area Partnership

Winter   Ad Hoc Multimodal Priorities Task Force is established by MTC staff to advise them on criteria and procedures for allocating flexible funding. Membership includes technical staff from various counties and modal agencies.

Winter	The Freight Advisory Council is established, made up of private sector interests. It is advisory to the Commission.
Winter	RTA and TOCC are merged into the new Regional Transit Coordinating Council, which is established as advisory to MTC and kept separate from the Partnership.
July	First meeting of the Blue Ribbon Advisory Council (BRAC), the public involvement committee of the Partnership.

1993

February	Partnership committees organized. Ad Hoc Multimodal Priorities Task Force becomes the Planning and Programming Committee (3PC). A Systems Operation and Management Committee (SOM) is formed, along with a Legislative Committee. Committees first meet in May 1993. The concept of Track 2 is developed for identification of long range projects like those in 1876, for which funding is not yet available,

1994

Steering Committee established for the Partnership

MTC produces first post ISTEA Regional Transportation Plan (RTP)

State transportation funding declines as the California economy stagnates. Federal Highway Trust fund moneys are withheld to help balance the budget. Transportation dollars are greatly below expectations. MTC must plan for cuts.

December	BRAC is abolished by staff and Steering Committee. Agreed to by Partnership

1995

April	Bay Area is declared attainment area according the Clean Air Act standards.
July	Advisory Council is set up as a citizen advisory committee to the Commission.
September	First meeting of the Advisory Council
September 28	California Supreme Court decision in *Santa Clara County Local Transportation Authority vs. Guardino* concludes the County's sales tax for transportation is invalid because it is a special tax under Proposition 62, requiring 2/3 popular vote. Declares Proposition 62 constitutional.

Decision casts doubt on the ability of any county to raise taxes for transportation. Affects MTC and Partnership deliberations by reducing probable available funds.

November. RTP task force appointed by 3PC to work on long range 1998 plan.

Outreach and focus group meetings for Track 2 begin.

1996

Summer   MTC Transportation Land Use Connection policy written and adopted.

RTP task force of Partners develops questions as a new way of developing the RTP. Staff and partners come into open conflict.

MTC adopts corridor focus for RTP

November   Santa Clara places two step measure on ballot, one for a general tax and the other an advisory that funding is to be spent on transportation. Both measures pass with majority vote.

1997

January   SB 1474, the transit coordination bill, goes into effect, giving MTC additional powers.

January   Reorganization of MTC staff and of Partnership. Consolidation of finance activities on staff. End of RTCC as MTC committee and consolidation with Partnership committees. Creation of POC and Finance Committees to the Partnership.

MTC sets up Task Force of Commissioners to decide on Bay Bridge design.

MTC budgets $150,000 for planning grants and technical assistance for transportation/land use activities at the local level for the 1997-98 fiscal year.

The Transportation Land Use Coalition is established, as Transportation Choices Forum

Santa Clara transportation funding in doubt due to legal challenges to two step measure.

Fall   BART strike.

October   SB 45 becomes law. California Transportation Commission now has power only to approve or disapprove the entire package of an MPO's transportation investment plan. Collapses some special purpose money into

block grants and returns funding by formula to counties. Sets off major debate and power struggle between MTC and the Partnership.

1998

January	Higher tolls on the bridges and substantial new funding for which MTC is responsible.
January	Transportation for Livable Communities program is formally launched with $220,000 in grants for planning.
June	Transportation Efficiency Act for the 21st Century, becomes law. More money for transportation, including for BART SFO and a variety of other specific projects

The Partnership debates the allocation formula for the federal parallel funding strategy with TEA-21 funds. San Francisco loses the battle.

June	Alameda Measure B, a sales tax for transportation projects, fails to win 2/3 popular vote. This would have funded both transit and highway spending and extensions for BART to Warm Springs and Oakland Airport. Environmentalists did not support it, nor did transit advocates.
June	California Supreme Court upholds Santa Clara County's two-step sales tax vote/ advisory measure. Santa Clara can count on substantial new transportation funding.
June	A design for a new Bay Bridge is selected by the Commission, amidst public criticism and opposition of mayors Brown on both sides of the Bay.
June	EPA again declares the Bay Area a nonattainment area.
July	Draft 1998 RTP released.
July	Transportation Land Use Coalition challenges the RTP's failure to fully fund the transit capital needs.

Draft and Final Environmental Impact Report on the 1998 RTP are issued.

October	Amended RTP supported by the Commission after noisy public hearings and extensive testimony by transit and environmental advocates. Coalition proposes elimination of 6 highway projects to pay for fully funding the transit capital shortfall. Staff agrees to find ways to fully fund the $375 million shortfall, working with counties.

October	RAFT sends notice to MTC it plans to sue over the RTP.

1999

Disagreements continue over Bay Bridge Design. More studies done.

$9.5 million allocated from existing sources for construction of TLC projects and continued planning of new projects.

May	Amended 1998 RTP is published.
June	Planning Certification review of MTC is conducted by FTA and FWHA site visit.
October	Bay Area Transportation Blueprint for the 21st Century. First Project Notebook issued.

2000

Winter	Outreach on the Blueprint around the region.

MTC proposes $18 million for two years of the Transportation for Livable Communities program. Proposals continue to increase for this popular program.

June	Evaluation Report on the Blueprint is distributed, along with Revised Project Notebook
July	MTC receives official federal certification of its planning process by FTA and FHWA but is required to improve its public involvement procedures and selection of CMAQ projects among other things
Fall	Plans for new Bay Bridge segment get underway.
November	Six environmental and social advocacy groups file notice of intent to sue MTC, AC Transit, and Muni for a failure to fund two transportation control measures in their 1982 SIP to implement Clean Air Act obligations. These measures were designed to increase transit ridership and transit coordination.

A consultant report is produced on ways MTC can improve its public involvement process.

December	Executive Director Dahms announces his retirement. Deputy Director Heminger is elevated to Executive Director. Terese MacMillan and Ann Flemer become Deputy Directors.

2001

January   The six advocacy groups file suit to compel the U.S. EPA to disapprove the Bay Area SIP.

Hearings are held on the consultant report on public involvement.

APPENDIX 3
GLOSSARY OF ACRONYMS

3PC	Partnership Plans and Programs Committee
3C	Continuing, comprehensive and Cooperative–a requirement of the Federal Highway Act of 1962 for transportation planning.
AB	Assembly Bill
ABAG	Association of Bay Area Governments
AC Transit	Alameda Contra Costa Transit
ADA	Americans with Disabilities Act
BAAQMD	Bay Area Air Quality Management District
BART	Bay Area Rapid Transit
BATSC	Bay Area Transportation Study Commission
BCDC	San Francisco Bay Conservation and Development Commission
BRAC	Blue Ribbon Advisory Council
CAAA	Clean Air Act Amendments
Caltrans	Calfornia Department of Transportation
CMA	Congestion Management Agency
CMAQ	Congestion Mitigation and Air Quality Improvement Program
CMP	Congestion Management Plan
CMS	Congestion Management System
COG	Council of Governments
CTC	California Transportation Commission
DOT	U.S. Department of Transportation
EPA	U.S. Environmental Protection Agency
EIR	Environmental Impact Report
FAU	Federal Aid Urban
FAP	Federal Aid Primary
FAS	Federal aid Secondary
FCR	Flexible Congestion Relief program

FHWA	Federal Highway Administration
FTA	Federal Transit Administration
GGBHTD	Golden Gate Bridge, Highway and Transit District
HOV	High Occupancy Vehicle
HUD	U.S. Department of Housing and Urban Development
ISTEA	Intermodal Surface Transportation Efficiency Act
ITS	Intelligent Transportation Systems
JPA	Joint Powers Agreement
MIS	Major Investment Study
MPO	Metropolitan Planning Organization
MTC	Metropolitan Transportation Commission
MTS	Metropolitan Transportation System
NHS	National Highway System
POC	Planning and Operations Committee (Partnership)
RIDES	A regional carpooling program
RTA	Regional Transit Association
RTAC	Regional Technical Advisory Committee (MTC)
RTCC	Regional Transit Coordinating Council
RTIP	Regional Transportation Improvement Program
RTP	Regional Transportation Plan
SIP	State Implementation Plan (For Clean Air)
SB	Senate Bill
SFO	San Francisco Airport
SOM	Systems Operation and Management Committee (Partnership)
STIP	State Transportation Improvement Program
STP	Surface Transportation Program
STPP	Surface Transportation Policy Project
TCI	Transit Capital Improvement Program
TCM	Transportation Control Measure

TDA	Transportation Development Act
TDM	Transportation Demand Management
TEA	Transportation Enhancement Activities
TEA-21	Transportation Equity Act for the 21st Century
TIP	Transportation Improvement Program
TLC	Transportation for Livable Communities Program
TOCC	Transit Operators Coordinating Council
TSM	Transportation Systems Mangement
UMTA	Urban Mass Transit Administration (Later FTA)
VMT	Vehicle Miles Traveled
WPC	Work Program Committee (MTC)

30		**Maintain/sustain the Metropolitan Transportation System MTS**
	20	**Management Systems based Rehabilitation/Replacements** Transit capital replacements/rehabilitations based on Short Range Transit Plan (SRTP)
	30	Normal replacement period for different classes of transit assets
	20-30	Transit capital rehabilitations that prolong the useful life of the asset.
	2-30	Road Projects based on Pavement, Bridge or other Management Systems
	5-20	**Rehabilitation/Replacements NOT based on Management Systems** Transit capital replacement/rehabilitation NOT based on Short Range Transit Plan.
	1-20	Normal pavement rehabilitation cycles will be determined for the for projects not on the MTS, but of benefit to the MTS.
	1-20	Maintain existing publicly owned pedestrian and bicycle facilities.

	30	**Seismic retrofit** Whole projects is for seismic retrofit purposed and is included in Tier 1.
	20	Whole project is for seismic retrofit, but is in lower Tiers of Caltrans list.
	10	Seismic retrofit is included as part of a larger project.

	0-10	Project is for rehabilitation or replacement to prevent unacceptable breakdowns in the MTS.
30		**Improve efficiency and effectiveness of MTS**
		Safety and Security/Transit Security

	0-20	Multimodal projects may score under more than one mode, but a project's safety impacte is caped at 20 points.
	0-20	Transit projects
	0-20	Pedestrian and bicycle projects
		Congestion Relief Multimodal projects may score under more than one mode, but a project's congestion impact is capped at 20 points.
	0-20	High impact: 16-20 points - Must be on or significantly benefit the MTS
	0-20	Pedestrian and bicycle projects High impact: 16-20 points — Must be on or significantly benefit the MTS
	0-10	Cost effective - and life cycle costs
	0-20	Projects which improve freight movement
	0-30	Intermodal freight facilities
15		**System expansion** System expansion projects will first be evaluated as to whether or not they meet demand. Current demand will be given a higher priority than projected demand. Then, points will be assigned up to a maximum of 15 points to different project types according to mode. Projects with multimodal aspects as the primary mode of the project.
	0-15	Road Projects
	0-15	Transit Projects
	0-15	Intermodal freight facilities expansion
	0-15	Bicycle/pedestrain commuter expansion

	0-15	Corridor preservation
25		**External Impacts** Projects which will produce an **improvement in Air quality** over the life cycle of the project.

	5	Adopted federal Transportation Control Measures (TCMs) required to bring the MTC region into compliance with the federal Clean Air Act. Projects with demonstratale air quality improvement impact based... up to a cap of 20 points for TCM inclusion.

	0-20	Most effective TCMs (Group 1)
	0-15	Highly effective TCMs (Group2)
	0-10	Moderatley effective TCMs (Group 3)
	0-5	Marginally effective TCMs (Group 4)
	0-10	Supports **land use** plans and goals/strategies consistent with the Regional Transportation Plan. Promotes increased land use density around transit sations Promotes more efficient land use patterns Reduces auto dependence
	0-10	**Energy conservation/modal shift**
	0-20	**Americans with Disability ACT (ADA) enhancements**
	0-15	**Enhancements activities, as defined by ISTEA, beyond required mitigations**

| | NEG | **Negative Impacts** of transportation projects on mobility, particularly across modes, was discussed at length, but no consensus on how to measure such impact, and whether negative impacts were only significant of non-single occupant vehicle projects was reached. This category is included here without quantification to put project sponsors on notice that such negative consequences will be considered, if a methodology can be designed, in future programming cycles. |
| | PTS | |

100	**TOTAL POINTS**

The Transportation/Land Use Connection

A Statement by the Metropolitan Transportation Commission

The Metropolitan Transportation Commission (MTC) is committed to making transportation decisions that contribute to the health and vitality of the full range of neighborhoods and communities that constitute the San Francisco Bay Area. ❖ Transportation is one part of the complex equation that makes up our community vitality and the Commission wishes to encourage local decision-makers to consider the role that it plays in developing plans for community development. The challenge for MTC and our partners in local government is to make transportation and development mutually supportive and to exploit opportunities for transportation investment that will improve our quality of life. ❖ MTC is a regional transportation agency whose primary function is to set regional transportation priorities. MTC recognizes and respects the fact that land use and community development decisions in the Bay Area are the result of approximately 100 locally elected councils and boards reconciling economic and environmental forces with the concerns and aspirations of its citizens. Community development challenges are as diverse as the people themselves. ❖ In order to bring transportation investments into closer harmony with community development, MTC, in concert with others, successfully sought flexibility in the use of federal transportation funding through the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA). We now are more able to direct transportation funds to meet community objectives. However, we need the help of local government sponsors to identify these opportunities.

Before

The pictures below are of the Fruitvale BART Station site in Oakland, CA before project construction.

524

In that interest, the Commission encourages community plans that:

1. Enable residents to use a range of travel modes, including transit, walking and biking, to access jobs, shopping, recreation and other daily needs.

2. Provide that the streets, transit, pedestrian and bicycle ways are part of a system of integrated routes.

3. Provide for development of housing and regional activity centers that are accessible to the regional transit network.

4. Provide for a diversity of development and other community-oriented transportation strategies designed to limit the extent to which it is necessary to travel from one community to another to access basic necessities of living.

5. Provide for the design of streets and other transportation facilities and amenities that are integrated into the overall community design and are conducive to a sense of community identity and pride.

To advance the above objectives, the Commission will:

- Join with our regional partners, in particular the Association of Bay Area Governments (ABAG), Bay Conservation and Development Commission (BCDC) and the Bay Area Air Quality Management District (BAAQMD), Congestion Management Agencies, local government and other interested groups in refining and pursuing the Commission objectives.

- Publish this information guide to help local governments move toward more community-oriented transportation strategies in the Bay Area.

- Sponsor a series of community meetings to stimulate interest and cooperation and to identify new opportunities.

- Continue to give priority to sustaining the investment in the urban core by:
  - supporting transit that serves the urban core
  - giving priority to maintenance and operation of the existing system.

- Encourage implementation of the Commission's approach to new development and redevelopment as outlined by the five objectives above by:
  - giving weight in project scoring to transportation proposals that support one or more of the five development objectives defined by M T C
  - identifying community development sponsors and encouraging their participation by exercising flexibility in project funding analogous to the way the Enhancements program engaged a broader array of constituents and project proposals.

- Continue its advocacy for flexible use of transportation funds to community objectives.

525

APPENDIX 6

LIST OF FIGURES

BIBLIOGRAPHY

Adler, Sy. "Infrastructure Politics: The Dynamics of Crossing San Francisco Bay." *The Public Historian* 10, no. 4 (Fall 1988): 19-41.

———. "Why BART but No LART? The Political Economy of Rail Rapid Transit Planning in the Los Angeles and San Francisco Metropolitan Areas, 1945-57." *Planning Perspectives* 2 (1987): 149-74.

Adler, Sy, and Sheldon Edner, M. "Technological Change in Urban Transport Organizations." *Public Productivity Review* XII, no. 2 (Winter 1988): 151-63.

Andrews, James H. "Metro Power." *Planning Practice*, June 1996, 8-12.

Appleyard, Bruce. "The Bay Area Transportation Study Commission." Photocopy. Department of Civil Engineering, University of California, Berkeley CA, 1986.

———. "The Bay Area Transportation Study Commission," 2 December 1996.

Banfield, Edward C. *Political Influence: A New Theory of Urban Politics*. New York: Free Press, 1961.

———. *Political Influence: A New Theory of Urban Politics*. New York: Free Press, 1961.

Banks, James Houston. "Political Influence in Transportation Planning: The San Francisco Bay Area Metropolitan Transportation Commision Regional Transportation Plan." Ph. D. diss., University of California, Berkeley, 1977.

Bay Area Partnership. "Metropolitan Transportation Commission." <http://www.mtc.dst.ca.us/projects/partnership/partner.htm>.

Bay Area Transportation Study Commission. *Bay Area Transportation Report*. Berkeley CA: Bay Area Transportation Study Commission, 1969.

Bernstein, Scott. "Imagining Equity: Using ISTEA and the Clean Air Act." *Environment and Development*, December 1993, 1-4.

Boarnet, Marlon G. "Road Infrastructure, Economic Productivity, and the Need for Highway Finance Reform." *Public Works Management & Policy* 3, no. 4 (April 1999): 289-303.

Booher, David E., and Judith E. Innes. "Network Power in Collaborative Planning." *Journal of Planning Education and Research* (Forthcoming).

Boyd, David S., and Amy G. Gronlund. "The Ithaca Model: A Practical Experience in Community-Based Planning." *Transportation Research Record* 1499 (1995): 6 pages.

Brooks, Lea. "ISTEA Brings New Players to the Table: Air Quality Advocates Have More Active Role." *California County*, January/ February 1994, 7-8.

Brown, Jeffrey, et al. *The Future of California Highway Finance*. Berkeley, CA: California Policy Research Center, 1999. CPRC Report.

California Department of Transportation. *1998 California Transportation Plan*. Sacramento, CA: California Department of Transportation, 1998.

Carlson, Daniel, and Don Billen. *Transportation Corridor Management*. University of Washington: Institute of Public Policy and Management/ Graduate School of Public Affairs, 1996.

Chisholm, Donald William. *Coordination Without Hierarchy: Informal Structures in Multi-Organizational Systems*. Berkeley CA: University of California Press, 1989.

Christensen, Karen S. "Coping with Uncertainty in Planning." *Journal of the American Planning Association* 51, no. 1 (1985): 63-73.

Cohen, Stuart. "Smart Growth for the Bay Area," 1998.

Connick, Sarah, and Judith E. Innes. "Outcomes of Collaborative Water Policy Making Applying Complexity Thinking to Evaluation." Presented at the Conference on Evaluating Environmental and Public Policy Dispute Resolution Programs and Policies. Washington, D.C.: Syracuse University, March 8-9, 2001, 2001.

Corless, James <jcorless@transact.org>. "Beyond Gridlock." Surface Transportation Policy Project. <http://www.transact.org/ca/gridlock/ack.html>. May 2000.

Davis, Stanley, and Christopher Meyer. *Blur: The Speed of Change in the Connected Economy*. Reading MA: Addison Wesley, 1998.

Deakin, Elizabeth. "Development at Transit Stations: The Challenges." Presented at the Dinner Seminar Series. Berkeley, CA, March 18, 1997.

Deakin, Elizabeth, and Todd Goldman. "Transportation Planning for the 21st Century." City and Regional Planning, University of California, Berkeley CA, 2000.

Dempsey, Paul Stephen, Andrew Goetz, and Carl Larson. *Metropolitan Planning Organizations: An Assessment of the Planning Process*. A Report to Congress. Denver CO: University of Denver Intermodal Transportation Institute and the National Center for Intermodal Transportation, March 2000. Www.Du.Edu/Transportation.

Denno, Neal. "ISTEA's Innovative Funding: Something Old, New, and Borrowed." *Transportation Quarterly* 48, no. 3 (Summer 1994): 275-85.

Denzin, Norman K., and Yvonna S. Lincoln, editors. *Handbook of Qualitative Research*. Edited by Norman K. Denzin and Yvonna S. Lincoln. Thousand Oaks CA: Sage, 1994.

Dittmar, Hank. "A Broader Context for Transportation Planning." *Journal of American Planning Association* 61, no. 1 (Winter 1995 1995): 7-13.

DuPraw, Marcelle E., and William R. Potapchuk. "ISTEA Relevant Strategies of Collaboration From Transportation and Other Policy Arenas." 915 - 15th Street, N.W., Suite 600, Washington, D.C. 20005 (202) 783-2961, November 30 1993.

Dutton, William, and Kenneth Kraemer. *Modeling as Negotiating: The Political Dynamics of Computer Models in the Policy Process*. Norwood NJ: Ablex Publishing, 1984.

Earle, Geoff. "Guide to Transportation." *Governing*, February 1998, 51-57.

Epstein, Edward. "S.F. Mayor Wants Caltrain to Transbay Terminal." *San Francisco Chronicle* (San Francisco CA), December 22, 1998 1998, A 22.

Erin Hallisey. "Contra Costa's Angry Drivers." *San Francisco Chronicle* (San Francisco CA), Nov 25 1996, A: 1, 10.

Ewing, Reid. *Transportation and Land Use Innovations: When You Can't Pave Your Way Out of Congestion*. Chicago: Planners Press, 1997.

Fairbank, et al. *Metroplotian Transportation Commission (MTC) Regional Transportation Plan (RTP) Focus Groups*. San Francisco, CA 94105: Fairbank, Maslin, Maullin; Associates.

Fisher, Roger, and William Ury. *Getting to Yes: Negotiating Agreement Without Giving In*. Boston: Houghton Mifflin, 1981.

Francois, Francis B. "Perspectives on the ISTEA Vision." Presented at the 1993 ITE International Conference. Orlando, Florida, 15 March, 1993.

Francois, Monica I. "Opportunities and Realities Under ISTEA." Presented at the Transportation Research Board. Washington, D.C., January 7-11, 1996, 1996.

Gage, Robert W and McDowell, Bruce D. "ISTEA and the Role of MPOs in the New Transportation Environment: A Midterm Assessment." *Publius: The Journal of Federalism* 25, no. 3 (Summer 1995): 133-54.

Garreau, Joel. *Edge City: Life on the New Frontier*. New York: Doubleday, 1991.

Geertz, Clifford. *Interpretation of Cultures: Selected Essays*. New York: Basic Books, 1973.

Griswold, Belinda. "Tunnel Vision." *Bay Guardian* (San Francisco), November 1997, 17-23.

Gruber, Judith. *Coordinating Growth Management Through Consensus-Building: Incentives and the Generation of Social, Intellectual, and Political Capital*. Working Paper #617. Institute of Urban and Regional Development: University of California at Berkeley, 1994.

Gruber, Judith E., and Michael Neuman. "San Diego Regional Growth Management Strategy." In *Coordinating Growth and Environmental Management Through Consensus Building*, edited by Judith Innes, et al., 91-113. Berkeley, CA: California Policy Seminar, University of California, 1994.

Hank Dittmar. "TEA21 "More Than a Free Refill"." *Service Transportation Policy Progress* 8, no. 4 (June 1998): 20.

Helton, Jack D. "Discussion Paper on Intermodal Partnerships." Presented at the Transportation Research Board and Intermodal Planning Issues Conference, 2-4/December, 1992.

Hill, Elizabeth G. "After the Transportation Blueprint: Developing and Funding an Efficient Transportation System." *An LAO Report*, March 5 1998, 1-16.

———. "What the New Federal Act Means for California." *An LAO Report*, August 26 1998, 12 pages.

Hill, Mary C., Department of City and Regional Planning, University of California, Berkeley. "Performance Measures for California Transportation System Users and Investors." Performance Measures for California Transportation System Users and Investors, 1-14. Sacramento, CA: California Department of Transportation, Transportation System Information Program, October 6-7, 1997.

Holmes, Henry. "Special Issue: Transportation & Social Justice." *Race, Poverty & the Environment* VI, no. 1 (Fall 1995): 52.

Hoover, Julie. "Post-Intermodel Surface Transportation Efficiency Act Public Involvement." *Transportation Research Record*, 48-52.

Horan, Thomas A., Hank Dittmar, and Daniel R. Jordan. "ISTEA and the New Era in Transportation Policy: Sustainable Communities from a Federal Initiative." In *Toward Sustainable Communities: Transition and Transformations in Environmental Policy*, edited by Daniel A. Mazmanian and Michael Kraft, 217-45. Cambridge MA: The MIT Press, 1999.

Howe, Elizabeth. "Professional Roles and the Public Interest in Planning." *Journal of Planning Literature* 6, no. 3 (1992): 230-48.

Howe, Elizabeth, and Jerry Kaufman. "The Ethics of Contemporary American Planners." *Journal of the American Planning Association (JAPA)* 45 (1979): 243-55.

Innes, Judith E. "Effects of Data Requirements on Planning: Case Studies of Environmental Impact Assessments and Community Development Block Grants." *Computers, Environment and Urban Systems* 12 (1988): 77-88.

———. "Information in Communicative Planning." *Journal of the American Planning Association* 64, no. 1 (Winter 1998): 52-63.

———. *Knowledge and Public Policy: The Search for Meaningful Indicators*. New Brunswick: Transaction Books, 1990.

———. "Planning Through Consensus Building: A New View of the Comprehensive Planning Ideal." *Journal of the American Planning Association* 62, no. 4 (Autumn 1996): 460-72.

Innes, Judith E., and David E. Booher. "Collaborative Dialogue as a Policy Making Strategy." In *Theory, Policy and Society*, edited by Maarten Hajer, Forthcoming.

———. "Consensus Building and Complex Adaptive Systems: A Framework for Evaluating Collaborative Planning." *Journal of the American Planning Association* 65, no. 4 (1999a): 412-23.

———. "Consensus Building as Role Playing and Bricolage: Toward a Theory of Collaborative Planning." *Journal of the American Planning Association* 65, no. 1 (Winter 1999b): 9-26.

———. "Indicators for Sustainable Communities: A Strategy Building on Complexity Theory and Distributed Intelligence." *Planning Theory and Practice* 1, no. 2 (2000a): 173-86.

———. "Metropolitan Development as a Complex System: A New Approach to Sustainability." *Economic Development Quarterly* 13, no. 2 (May 1999c): 141-56.

———. "Planning Institutions in the Network Society: Theory for Collaborative Planning," edited by Willem Salet and Andreas Faludi, 175-89. Amsterdam: Elsevier/Oxford, 2000.

Innes, Judith E., and Sarah Connick. "San Francisco Estuary Project." In *The Consensus Building Handbook: A Comprehensive Guide to Reaching Agreement*, edited by Lawrence Susskind, Sarah McKearnon, and Jennifer Thomas Larmer. Thousand Oaks CA: Sage Publications, 1999.

Innes, Judith E., et al. *Coordinating Growth and Environmental Management Through Consensus Building*. University of California, Berkeley: California Policy Seminar, 1994. CPS Report: A Policy Research Program Report.

Ismart, Dane. "State Management Systems." *TR News* 173 (July-August 1994 1994): 2-4.

John Wildermuth. "Long Haul to the American Dream." *San Francisco Chronicle* (San Francisco CA), March 18 1997, A: 1, 6.

Johnson, David W., and Frank P. Johnson. *Joining Together: Group Theory and Group Skills*. 6th ed. Boston: Allyn and Bacon, 1997.

Jones, David W. *Intermodal Performance Measures for the Bay Area Transportation System: Summary Report, Discussion Draft*. Metropolitan Transportation Commission. Oakland CA, 1995.

———. *Urban Transit Policy: An Economic and Political History*. Englewood Cliffs NJ: Prentice-Hall, Inc, 1985.

Jones, David W., Robert Taggart, and Edith Dorosin. *The Metropolitan Transportation Commission: An Innovative Experiment in Incremental Planning; A Cautious Experiment in Regionalism*. Stanford Transportation Research Program and Center for Interdisciplinary Research. Stanford CA: Stanford University, 1974.

Jurgen Habrmas. *The Theory of Communicative Action: Reason and the Rationalization of Society*. Translated by Thomas McCarthy. Boston, MA: Beacon Press, 1981.

Kahn, Brenda, and Ellen Griffin. "MTC Set to Tap New, Flexible ISTEA Funds." *Transit California*, November 1992, 25-26.

Kauffman, Stuart. *At Home in the Universe: The Search for the Laws of Complexity*. London: Viking, 1995.

Kelman, Steven. "Adversary and Cooperationist Institutions for Conflict Resolution in Public Policy Making." *Journal of Public Policy Analysis and Management* 11, no. 2 (Spring 1992): 178-206.

Kickert, Walter J.M., Erik-Hans Klijn, and Joop F.M. Koppenjan. *Managing Complex Networks: Strategies for the Public Sector*. London: Sage Publications, 1997.

Landis, John, and Robert Cervero. "BART and Urban Development." *ACCESS: Reseearch at the University of California Transportation Center* 14 (Spring 1999).

Lee, Richard W., and Linda Wilshusen. "Congestion Management in California After Two Years." Presented at the Transportation Research Board. Washington, DC, January, 1994.

Legislative Analyst's Office. *After the Transportation Blueprint: Developing and Funding an Efficient Transportation System*. Sacramento, CA: State Of California, Legislative Analyst's Office, 1998.

———. *California Travels "Financing Our Transportation."* 925 L Street Suite 1000, Sacramento CA 95814: Legislative Analyst's Office, 2000.

———. *Governor's Traffic Relief Plan "Issues to Consider."* Sacramento CA: State of California, Legislative Analyst's Office, 2000.

———. *What the New Federal Act Means for California: Transportation Equity Act for the 21st Century*. Sacramento, CA: Legilative Anaylist's Office, 1998.

Lewis, Sherman. "Land Use Transportation: Envisioning Regional Sustainability." *Transport Policy* 5 (1998): 147-61.

Lewis, Paul G., and Mary Sprague. *Federal Transportation Policy and the Role of Metropolitan Planning Organizations in California*. San Francisco, CA: Public Policy Institute of California, 1997.

Lewis, Paul, and Mary Sprague. *Federal Transportation Policy and the Role of Metropolitan Planning*. San Francisco: Public Policy Institute of California, 1997.

Lewis, Sherman L., III. *Land Use and Transportation: Envisioning Regional Sustainability*. Pergamon, 1998. Transport Policy 5.

Lockwood, Stephen C. "Public-Private Partnerships in U.S. Highway Finance: ISTEA and Beyond." *Transportation Quarterly* 49, no. 1 (Winter 1995): 5-26.

Maltester, Jack. "State of the Association Message." Berkeley CA: Institute of Governmental Studies, University of California, 1970.

Martin, Bill. "ABAG Cool on Regional Agency Plan." *Oakland Tribune*, 18 May 1973.

McCready, Ronald D. "Toward Identifying A Project Selection Process and Criteria for ISTEA Funding in the Central Puget Sound Region." Presented at the Conference on Transportation Planning, Programming and Finance. Seatte, Washington, July 19, 1992.

Metropolitan Transportation Comission. *Transportation Equity Act for the 21st Century (TEA21)*. Oakland, CA: Metroplotian Transportation Commission, 1998.

Metropolitan Transportation Commission. *1998 Regional Transportation Plan for the San Francisco Bay Area*. Draft. Oakland CA: Metropolitan Transportation Commission, August 1998.

———. *1998 Regional Transportation Plan for the San Francisco Bay Area*. Final. Oakland CA: Metropolitan Transportation Commission, May 1999.

———. *1998 Regional Transportation Plan: Final Environmental Impact Report: Addendum Response to Comments*. Oakland CA: Metropolitan Transportation Commission, October 1998. State Clearinghouse No. 98042015.

———. *25 Years Later: A Look Back as We Move Ahead*. Report of discussion by former Commissioners. Oakland CA: Metropolitan Transportation Commission, 1996.

———. *An Assessment of Metropolitan Transportation Commission Public Involvement Procedures Including Appropriate Title VI Policies and Procedures. Draft*. Oakland, CA: Metropolitan Transportation Commission, 2000.

———. *Bay Area Transportation Blueprint for the 21st Century*. Oakland CA: Metropolitan Transportation Commission, 2000.

———. *Bay Area Transportation Blueprint for the 21st Century: Evaluation Report*. Oakland CA: Metropolitan Transportation Commission, June 2000.

———. *Bay Area Transportation Blueprint for the 21st Century: Project Notebook of Candidate Projects*. Oakland CA: Metropolitan Transportation Commission, October 1999.

———. *Bay Area Transportation Blueprint for the 21st Century: Project Notebook of Candidate Projects*. Revised. Oakland CA: Metropolitan Transportation Commission, June 2000.

———. *Bay Area Transportation Blueprint for the 21st Century: Public Outreach Notebook*. Oakland CA: Metropolitan Transportation Commission, April 2000.

———. *Citizens Guide to the Metropolitan Transportation Commission*. Oakland CA: Metropolitan Transportation Commission, 1995.

———. *Draft Supplemental Environmental Impact Report on Proposed Amendments to the 1998 Regional Transportation Plan*. Oakland CA: Metropolitan Transportation Commission, March 1999. State Clearinghouse No 99012061.

———. "How a Project Gets Funded:Typical Stages in the Development and Funding of Transportation Projects." *Citizen's Guide to the Metropolitan Transportation Commission*, October 1995.

———. *Moving Costs: A Transportation Funding Guide for the San Francisco Bay Area*. Joseph P. Bort MetroCenter, 101 Eighth Street, Oakland, CA 94607-4700: Metropolitan Transportation Commission, 1999.

———. *Moving Toward More Community-Oriented Transportation Strategies for the San Francisco Bay Area*. The Transportation/Land Use Connection. Joseph P. Bort MetroCenter, 101 Eighth Street, Oakland, CA 94607-4700: Metropolitan Transportation Commission, 1996. Community-Oriented Transportation Strategies December.

———. *Revenue Sources for Transit Support*. Oakland CA: Metropolitan Transportation Commission, 1976.

———. *TEA21 Meeting the Challenge*. 101 Eighth Street Oakland, CA 94607: Metropolitan Transportation Commission, 2000.

Morshed, M. Mehdi. "Changing Policy to Match Changed Reality in California." *Progress* VIII, no. 3 (April 1998): 3,6.

Office of Policy - Federal Transit Administration. *Working Together on Transportation Planning*. An FTA Policy Paper. 400 Seventh Street, S. W., Washington, D. C. 20590: U.S. Department of Transportation, 1995. Working Together on Transporation Planning May.

Ostrom, Elinor. *Governing the Commons: The Evolution of Institutions for Collective Action*. Cambridge, MA: Cambridge University Press, 1990.

Perelman, Mark. "The Metropolitan Transportation Commission." Political Science Department, University of California, Berkeley.

———. "The Metropolitan Transportation Commission." Xerox. Institute for Governmental Studies, University of California, Berkeley, 1985.

Planners Network. "Special Focus: Transportation Planning." *Planners Network* 125 (September/October 1997): 24.

Plous, F.K., Jr. "Refreshing ISTEA." *Planning*, February 1993, 9-12.

Program for Community Problem Solving. *Making Public Involvement Programs Work "Benchmarking in Metropolitan Planning Organizations and Other Transportation Planning Agenies."* Washington DC: Program for Community Problem Solving, May 1996.

Rothblatt, Donald N. "Comparative Study of Statewide Transportation Planning Under ISTEA." Presented at the Association of Collegiate Schools of Planning Conference. Fort Lauderdale, Florida, November, 1997.

Rothblatt, Donald N., and Steven B. Colman. "Comparative Study of Statewide Transportation Planning Under ISTEA." Presented at the Association of Collegiate Schools of Planning. Fort Lauderdale, FL, November, 1997.

Sarah Connick. "The Use of Collaborative Processes in the Making of Califonia Water Policy." Ph. D. diss., Environmental Sciences, Policy and Management, University of California, Berkeley, forthcoming.

Scott, Mel. *The San Francisco Bay Area*. Berkeley: University of California Press, 1985.

Shipnuck, Les, and Daniel Feshbach. "Bay Area Council: Regional Powerhouse." *Pacific Research and World Empire Telegram*, November-December 1972.

Shufon, John J., et al. "Developing and Implementing the ISTEA Management Systems: New York's Approach." Prerpint of Paper No. 94 0811 presented at the Transportation Research Board. Washington, D.C., 9-13, January, 1994.

Silicon Valley Manufacturing Group. *Mobility for the New Millennium: A Regional Analysis for Regional Action*. San Jose, CA: Silicon Valley Manufacturing Group, 1999.

Smerk, George M. *The Federal Role in Urban Mass Transit*. Bloomington, Indiana: Indiana University Press, 1991.

Snyder, Mary Catherine. "Maine's Sensible Transportation Policy." *The Surface Transportation Policy Project Bulletin* III, no. 6 (June 1993): 5-6.

State of California Legislative Analyst's Office. *Governor's Traffi Congestion Relief Plan : Issues to Consider*. Sacramento California: State of California, 2000.

Surface Transportation Policy Project. *The ISTEA and the NHS: One Step Forward, Two Steps Back*, 15. Culver City, CA: Alderaron, Inc., 1994.

Susskind, Lawrence, McKearnon, and Jennifer Thomas-Larmer, editors. *The Consensus Building Handbook: A Comprehensive Guide to Reaching Agreement*. Edited by Lawrence Susskind, McKearnon, and Jennifer Thomas-Larmer. Thousand Oaks CA: Sage Publications, 1999.

Tannen, Deborah. *You Just Don't Understand: Women and Men in Conversation*. New York: William Morrow, 1990.

Tauxe, Caroline S. "Marginalizing Public Participation in Local Planning." *Journal of American Planning Association* 61, no. 4 (Autumn 1995): 471-81.

Taylor, Brian D. "Unjust Equity: An Examination of California's Transportation Development Act." *Transportation Research Record* 1297 (1991): 85-92.

U.S. Department of Transportation. *Flexible Funding Opportunities for Transportation Investments*. U.S. Department of Transportation, 1996.

Vlae Kershner. "Automobile Still Reigns in Bay Area." *San Francisco Chronicle* (San Francisco CA), June 24 1996, A: 1, 6.

Waldrop, M. Mitchell. *Complexity: The Emerging Science at the Edge of Chaos.* Touchtone Books, Simon and Schuster, 1992.

Walter J. M. Kickert, Erik-Hans Klijn, and Joop F. M. Koppenjan. *Managing Complex Networks: Strategies for the Public Sector*. London: Sage Publications, 1997.

Williams, Kristine M. "ISTEA: New Directions for Transportation." *Land Use Law*, July 1993, 3-9.

Wilson, Pete, Governor. Executive Summary/ Discussion Draft of "1998 California Transportation Plan, Statewide Goods Movement Strategy," 1-5, i-xii, 1998.

Wilson, Richard. "What Can Theories of Communicative Rationality Offer Transportation Planning?" Presented at the 41st Annual Conference Association of Collegiate Schools of Planning. Chicago, IL, October, 1999.

Wormser, Lisa. "Enhancements: Getting Up to Speed." *Planning*, September 1995, 10-14.

———. "Two for TEA." *Planning*, August 1998, 10-13.

Younger, Kristina E., and David G. Murray. "Developing a Method of Multimodal Priority Setting for Transportation Projects in the San Francisco Bay Area in Response to the Opportunities in the ISTEA." Oakland, CA, 5/10 1992.