

**ASSOCIATION OF BAY AREA GOVERNMENTS
EXECUTIVE BOARD**

RESOLUTION NO. 11-15

ABAG STATEMENT TO THE METROPOLITAN TRANSPORTATION COMMISSION

WHEREAS, pursuant to section IV.D of the Bylaws of the Association of Bay Area Governments (ABAG), The cities and counties of the Bay area created ABAG as a joint powers agency with regional planning powers, including regional land use planning; and

WHEREAS, the State Legislature has also conferred specific regional land use planning powers on ABAG through the enactment of statutes such as SB 375, and

WHEREAS, the statute creating the Metropolitan Transportation Commission (MTC) (a) requires it to provide comprehensive regional transportation planning for the Bay area, (b) does not grant MTC any land use planning powers and (c) explicitly states that the Commission shall consider plans prepared and adopted by ABAG; and

WHEREAS, SB 375 allocates to ABAG the power to prepare all land use planning elements of the Sustainable Communities Strategy (SCS) and its quadrennial updates; and

WHEREAS, SB 375 allocates to MTC the power to prepare all transportation planning elements of SCS and its quadrennial updates; and

WHEREAS, SB 375 requires that the regional transportation plan (RTP) for the Bay area include the SCS and the quadrennial updates prepared by both ABAG and MTC in accordance with the statutory scheme described above; and

WHEREAS, ABAG and MTC staff have been working on the current quadrennial update to the SCS (PBA 2040); and

WHEREAS, MTC has been using pass-through State and Federal public monies to fund both its and ABAG's work on PBA 2040; and

WHEREAS, on June 25, 2014 MTC unanimously approved the Revised Funding Agreement Framework which specifically states that MTC will provide access to such funds through FY 2020-21, including funding for ABAG's work on PBA 2040, and its quadrennial updates; and

WHEREAS, the cities and counties of the Bay Area are engaged with ABAG on preparation of the quadrennial Plan Bay Area update in 2017 and have an immediate and direct interest in assuring that the ABAG studies underlying the SCS, PBA and

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other planning documents are accurate, reasonable, timely and consistent with local objectives and goals; and

WHEREAS, proposals by MTC that deviate from the Revised Funding Agreement Framework by no longer supporting the necessary ABAG planning staff to prepare the SCS and PBA 2040 and, in fact, transferring ABAG planners to MTC, unnecessarily impede staff and governing boards of both ABAG and MTC from the work each needs to perform; and

WHEREAS, so long as ABAG is able and willing to carry out its work on PBA 2040, MTC should not defund ABAG because by doing so, MTC makes it impossible for ABAG to provide the long term regional land use plan, which will impact MTC's ability to adopt a legally compliant RTP and puts at risk the region's State and Federal transportation funding.

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NOW, THEREFORE, BE IT RESOLVED that the Executive Board of the Association of Bay Area Governments states to the Metropolitan Transportation Commission:

- A. ABAG has regional land use planning and research staff capable of carrying out all the responsibilities assigned to ABAG under SB 375.
- B. ABAG staff has been directed to carry out the responsibilities assigned to ABAG under SB 375, including preparation of Plan Bay Area 2040.
- C. ABAG's planning and research staff belongs with the Council of Governments, which is ABAG.
- D. MTC should restore funding to ABAG for FY 2015-16 in the full amount set forth in the Revised Funding Agreement Framework as approved by MTC at its June 25, 2014 meeting, but without qualifications.
- E. So long as ABAG is able and willing to carry out its responsibilities under SB 375, MTC should continue funding ABAG for such work provided there are available State and Federal pass-through funds, and by providing ABAG with sufficient assurances that such funding will not be unilaterally terminated in the future.
- F. ABAG and MTC should immediately begin an open and transparent discussion on restructuring the relationship, including merger.

The foregoing was adopted by the Executive Board this 13th day of October, 2015.

Julie Pierce
President

Certification of Executive Board Approval

I, the undersigned, the appointed and qualified Secretary-Treasurer of the Association of Bay Area Governments (Association), do hereby certify that the foregoing resolution was adopted by the Administrative Committee of the Association at a duly called meeting held on the 13th day of October, 2015.

Ezra Rapport
Secretary-Treasurer

Approved as To Legal Form

Kenneth K. Moy
Legal Counsel