

Susan Kirsch

January 12, 2015

Metropolitan Transportation Commission
Attn: Public Information Office
Joseph P. Bort Metro Center
101 8th Street
Oakland, CA 94608-4700

Dear MTC:

Thank you for compiling a Public Participation Plan Re: Plan Bay Area 2017 and inviting public comment.

Hundreds of us endured the manipulative public process that lead up to the unpopular adoption of PBA 2013 and we are eager to improve the process. With that goal, my comments and suggestions on the public participation plan follow.

First, I'll name the core concern. The PPP process looks set up as an end run around our democratic and representative process. It engages the public in a way where they have no real political power, nor do the majority of citizens have direct voting access to a representative. For example in Marin, our MTC representative is elected by 20% of the population, leaving 80% of us with no direct access to a decision-maker. Yet MTC proposes far-reaching decisions with significant fiscal impacts.

This is a deeply flawed process. The only potential I see is that it could be used as a model to obtain public opinion, which is fed to our *elected* representatives. When the link between decision-makers and elected representation is broken, democracy is threatened.

1. The Public Meeting **Metropolitan Transportation Commission** (MTC) held on October 8, 2014 and the Preliminary Draft released on November 7, 2014, 45-day comment period fell during Thanksgiving, the Christmas Holiday, and New Year's, which raises questions about the sincerity of the process.
2. "*Involvement*" is not the same as a legal right to vote for representatives, ballot measures, or to agree to be taxed.
3. Regarding the Guiding Principles and five Strategies, the plan fails to convey that public comment will actually be taken into account, seriously considered, and used to help shape decisions.

4. MTC's 27-member Policy Advisory Council is out of alignment with our representative government and its democratic process. There is no public accountability. PAC's are Policy ADVISORY groups. These advisory groups do not have legal political power.
5. Commission and Committee Meetings. The 5 standing committees (Legislation, Administration, Planning, Program & Allocations, and Operations) demonstrate how the public is even further removed from decision making. Solution: At a minimum, name the members of the committees and provide the committee meeting schedule.

Even more appropriate, these committees need to be terminated, agency advocacy prohibited and regional agencies absorbed into the State executive branch agencies and into our counties. If not, we lose a time-honored system of checks and balances of a three branch government system. This is the only way to maintain the needed separation of powers. If we decide to redraw our jurisdictions (County boundaries) we will likely need a constitutional amendment. Regional government is a hybrid government composed of all levels of government in a one branch system based on specific government services, for example transportation.

6. Public Meetings, Workshops and Forums. Provide the elected representatives with upcoming agenda items and provide links to relevant information. Explore mass media alternatives for the elected representatives to communicate effectively with their constituents.
7. Public Participation Techniques, demonstrated at the October 8, 2014 meeting are not trusted. Rather than using techniques that fulfill the staff agenda, but not meet the needs of the public, find ways to bridge the gap between staff and public through genuine processes, discussion, and meaningful problem solving. Consider resources from the Kettering Foundation.
8. Public Participations Procedures for the RTP and TIP. The charts on pages 23, 28, 29, and 30 demonstrate the complexity of these processes and the challenges faced by the MTC Policy Council, staff, and the public. Solution: The success of these procedures will depend on many factors of clarity, but consider: 1) The goals; 2) Alternative strategies to reach the goals; 3) Criteria by which the strategies are assessed; 4) Short and long-range impact of reaching the goals; 5) Timeline; 6) Budget; 7) Evaluation with milestones and benchmarks; 8) The roles and responsibilities of individuals or groups; 9) Schedules to monitor, assess, report, and correct.

Use the axiom: *A picture is worth a 1,000 words.* Use more diagrams. In contrast to the Milestones 2014-2017 map on page 30, print diagrams in a readable format and font size.

9. Appendix A: Public Participation Plan for Plan Bay Area: You have a problem that individually engulfs the 9 counties of the Bay Area and collectively impacts the MTC Planning Committee and the Joint Policy Committee. It is a core problem of trust and credibility. Some would go so far as to say you have a problem of poorly disguised greed (Contra Cost Times editorial: *MTC should fire its prima donna director, 12/27/24*) and self-serving decision-making propelling you toward a goal of creating the regional governance structure you formerly referred to as *One Bay Area*. Your plans for the opulent Bay Area Headquarters Authority contribute to how MTC is poorly viewed by the general public.

10. Public Participation Goals for Plan Bay Area. These are excellent goals and have broad based support. The current strategies to achieve these goals, however, are measured in terms that are substantially meaningless, such as producing user-friendly videos, holding meetings in all 9 counties, and logging 100% of written correspondence. This leaves a great challenge and room for significant improvement.

Many individuals, citizen, homeowner, and community groups are eager contribute to improving the process. We invite you to call on us to make this a truly collaborative process that contributes to long-term sustainability, safety, prosperity and wellbeing for the entire Bay Area.

Best wishes,

Susan Kirsch

Cc: Steve Kinsey, MTC Representative, Marin County Board of Supervisors

Kate Sears

Katie Rice

Damon Connolly

Judy Arnold

Marc Levine, State Assemblymember, 10th District

Mike McGuire, State Senator, District 2

Jared Huffman, Senator, U.S. Congress

“I apprehend no danger to our country from a foreign foe. Our destruction, should it come at all, will be from another quarter. From the inattention of the people to the concerns of their government, from their carelessness and negligence, I must confess that I do apprehend some danger.

I fear that they may place too implicit a confidence in their public servants, and fail properly to scrutinize their conduct; that in this way they may be made the dupes of designing men, and become the instruments of their own undoing. Make them intelligent, and they will be vigilant; give them the means of detecting the wrong, and they will apply the remedy.”

— Daniel Webster