

January 12, 2015

via email to [info@mtc.ca.gov](mailto:info@mtc.ca.gov)

Public Participation Plan Comments  
Metropolitan Transportation Commission (MTC)  
101 Eighth Street  
Oakland, CA 94607

re: Comments on Draft 2015 Public Participation Plan (“PPP”) for the San Francisco Bay Area and Public Participation Plan for the 2017 Update to Plan Bay Area (PBA)

Dear MTC Commissioners:

This letter submits comments regarding the proposed Draft 2015 Public Participation Plan for the San Francisco Bay Area (PPP) and its Appendix A, the proposed Public Participation Plan for the 2017 Update to Plan Bay Area (PBA). Both are improvements from previous similar documents, but additional changes should be made before the document is submitted for approval to the Legislation Committee and the Commission.

#### Compliments

MTC staff has made some noticeable improvements to its effort to encourage and accept meaningful input from members of the public. This behavior should continue to be expanded and learned from. Progress has been made in providing substantive responses to substantive comments, rather than merely “Comment noted,” and these necessary enhancements in the public engagement process should be grown likewise.

In particular, it is noteworthy that MTC staff, after repeated urging, have been fairly conscientious in this document to avoid the term “citizen” (or its plural), when what is really meant is person(s), people, individual(s), community, or similar more inclusive terms. Specifically, please note that Title VI does not require citizenship for its protections, and numerous non-citizens have strong interests in, or reliance on, their rights to public transit and other transportation issues and services. Before bringing the document back for approval, MTC staff should conduct a further review to eliminate the existing uses of “citizen” in the document except when it is used as a direct quote from other sources. As one example, the description of the Policy Advisory Council on page 7 references “citizen advisors” – is this now a requirement for appointment?

This is also to recognize and urge that a second comment period may well be needed to allow the public to respond collectively to MTC staff’s preliminary recommendations for the PPP update. Given comments by others, as well as those below, a further iteration should be conducted, and indeed, there appears

to be adequate time to allow this additional involvement and enhancement of understanding the process.

It is important to have an Evaluation of each iteration of the Regional Public Participation Plan. It would be helpful to identify more quantitative evaluation criteria as part of the PPP so that the public can be advised and provide input on how we will all know if-or-when “success” has been achieved; most of the proposed “metrics” are qualitative and difficult to measure. But it would be more useful and indeed honest to do so as part of this introduction to the next Plan update, to record and disclose areas where the public identifies needs for improvement. Also, an up-to-date Evaluation should be made available for public review and comment as to how the 2010 PPP has addressed the public’s goals. The lack of such analysis is one of several reasons that identify the need for a second “round” of public comment opportunity for the current draft PPP document.

A key element in the development of the 2013 RTP/SCS was the new publicly noticeable partnership between MTC and ABAG, which was generally quite constructive substantively as well as respectful of public input. Both staffs seemed to learn considerably from working with each other, as well as their increased involvement with the public. Hopefully this partnership will continue to be built upon. But the absence of information regarding ABAG’s statutory and other anticipated roles leading up to the 2017 document is stark, and requires further explanation, as well as commitment by ABAG. The draft PPP is being released by and is due to be adopted by MTC alone – why is no action listed by ABAG?

The availability and archiving of audiocasts of MTC standing committee meetings and other key public events and MTC-ABAG jointly sponsored meetings (including the Policy Advisory Committee, Joint Policy Committee, and Regional Advisory Working Group) is laudable and much appreciated. But why are not similar events conducted “solely” by ABAG similarly available (e.g., the Regional Planning Committee), when they share the same venue and have access to the same technology?

#### Concerns

The draft document makes statements about MTC’s commitment to open and transparent meetings and processes. But in numerous places, significant qualifiers appear on these public rights (e.g., “ample” or “reasonable” opportunities). In order to truly have “meaningful” public participation and involvement in regional planning, there needs to be more evidence than perfunctory statements that “MTC staff makes every effort” regarding meeting minutes, or to explain why outcomes do not correspond to views expressed. The document needs to document why and how staff actions or analysis are changed by public input.

It seems inappropriate for MTC staff to pre-judge the relative “value” to individuals on how they can or should benefit from addressing various steps in the planning process (e.g., “there is comparatively less value for public to participate in the TIP,” page 19). The timing of when RTP projects make it into the TIP is indeed a significant public issue for those who rely on, or are affected by, identified projects.

As noted above, the statutory requirement whereby SB 375 assigns joint responsibility for Plan Bay Area to MTC and ABAG makes the absence of commitments by ABAG as to what they will be doing in these processes quite noteworthy. The document, or at least at a minimum Appendix A, should be a joint document, mutually and formally agreed to by both agencies.

I have observed that there is a disconnect between several of the representations in the document and actual experience. In practice, MTC staff adheres to the least applicable minimums required by the Ralph M. Brown Act and other “open meeting” provisions – unfortunately, far too many discussion opportunities are closed to the public under various (and often unnecessary or inappropriate) claims of exemptions. If MTC truly want to present itself as a bastion of open transparent meaningful public engagement, it should change its policies and practices so that the great majority of meetings are open and available to the public. As one example, the last paragraph on page 7 states that “MTC facilitate policy and technical discussion through numerous ad hoc working groups” – the PPP should identify what these are, how decisions are made as to whether public access will be allowed, and if not, why. When MTC or its staff “coordinates” with “counterpart agencies in adjacent regions,” how is the public notified and invited? If not, why not? Further, how will MTC (and ABAG) go beyond the bare minimums of the California Environmental Quality Act (CEQA) in providing useful information to both the public and decision-makers regarding the next Plan Bay Area.

Multiple places in the draft document reference “Resolution 3757” – it (and any other resolutions and policies related to public communications) should be available and searchable on the MTC website.

The description of Executive Orders on pages 4-5 only addresses such actions at the federal level – similar such pronouncements have been made at the State level, notably by the current and immediate past Governors relating to Greenhouse Gas reductions. The document should be revised to include State-level Executive Orders.

There are multiple other references in the draft document where explanations should be expanded in order to be useful to the interested public. As examples, where is a list of “newspapers of general circulation” in each county to which MTC meeting notices are provided, or a list of the “numerous newspapers” where public hearing notices are sent? What is the list of “local media” as a “technique”

(page 16)? How does a “database of local government officials and staff” connect to “targeted mailings to keep the public updated” (page 10)? If an individual member of the public is included in MTC’s database, how do they know how they or their areas of interest are identified? When “major initiatives and events” are announced “if appropriate” by email, who decides “appropriateness” for the public, and how?

MTC’s Plan for communications with and services for Limited English Proficiency (LEP) Populations is identified on page 17 as a “technique for involving low income communities and communities of color” – please explain the intended connection between income & race with language. Further, the “techniques” of polls, surveys and focus groups do not identify how persons with languages other than English are included.

ABAG’s Regional Planning Committee (RPC) is described briefly in the draft PPP for Plan Bay Area (Appendix A, page 22) but they do not appear to be assigned a role for any of the “key milestones” outlined, even though they have already had significant discussions on matters such as Priority Development Areas and Priority Conservation Areas. Nor is any successor to the Regional Equity Working Group (REWG) identified for any role for the 2017 PBA update, even for the Title VI and Environmental Justice Analysis. Please correct these omissions.

In addition, a comprehensive list of “unresolved” topics and issues, and requests for further information was developed throughout the course of the 2011-to-2013 REWG. When and how will responses to these information requests be available?

The identification in the draft PBA PPP of the link relating to Legal Settlements from the 2013 PBA can be useful, but at a minimum, the page on “Legal Documents” should be improved by adding dates of materials reported. How will the interested public be informed when updates and additions to this site are posted?

As with previous comments regarding Evaluation of these draft PPPs, it is also crucial that an Evaluation and Monitoring report be provided regarding implementation and performance of the 2013 PBA, as input to the 2017 process. Both the public and elected decision-makers should know what the region has actually achieved as work is started on the next RTP. If the new “Vital Signs” initiative is intended to fill this role, it should be more clearly described; if this is not the intent, how will the information be made available?

What is the purpose of “Attachment B” (Roles & responsibilities) for the draft PPP for Plan Bay Area? It appears to currently be an outline that needs to be filled in – if so, when will it be completed?

Thank you very much for your consideration. I look forward to your responses. If you have any questions, I can be contacted at

Sincerely,

A handwritten signature in cursive script that reads "Patrisha Piras". The signature is written in black ink and is positioned above the printed name.

Patrisha Piras