

## Memorandum



<b>CITY COUNCIL ACTION REQUEST</b>			
<b>Department(s):</b>  Transportation	<b>Date:</b>  March 3, 2021	<b>Coordination:</b>  CAO	<b>Dept. Approval:</b> /s/ John Ristow  <b>CMO Approval:</b>  3/11/2021
<b>SUBJECT:</b> AB 1091 (Berman). Santa Clara Valley Transportation Authority: Board of Directors			
<b>RECOMMENDED POSITION:</b> Oppose			
<b>RECOMMENDED ACTION:</b>			
<ol style="list-style-type: none"> <li>1. Adopt a position of oppose for AB 1091 (Berman).</li> <li>2. Recommend this item be agendized for the March 23, 2021 City Council Meeting so that the City’s Legislative Representative can advocate the City’s oppose position for AB 1091.</li> </ol>			
<b>BILL SYNOPSIS:</b>			
<p>Currently the governance of the Santa Clara Valley Transportation Authority (VTA) resides in a twelve-member Board of Directors. Only elected officials can serve as members of the board for a period of two years, including members of the County Board of Supervisors, City Council, and Mayors of cities in the County. Per existing law, the VTA Board consists of two representatives of the County; five representatives of the City of San José who shall be City Council members, or the Mayor; and five representatives who shall be selected City Council members or Mayors of cities in the County, other than the City of San José.</p> <p>This bill would reduce the size of the VTA Board from twelve to nine members, increase the terms of office to 4 years, and prevent elected officials from serving on the VTA Board. The VTA Board would be comprised of professional members nominated by the corresponding authorities: One resident of each county supervisorial district nominated by the Supervisor and confirmed by the Board of Supervisors, for a total of five representatives; two residents of the City of San José, nominated by the Mayor and confirmed by the City Council; and two residents of the cities in the County other than the City of San José.</p> <p>AB 1091 does not take into account the Board Governance Enhancement Process that has been advancing in the VTA since 2019, when the ad-hoc Board Enhancement Committee (BEC) was established, and an independent consulting firm was selected to review and evaluate a broad range of board governance practices. Recommendations currently under review by the VTA include modifications to the term of leadership positions, and several recommendations to improve Board engagement and effectiveness. AB 1091 would disrupt the Board Governance Enhancement process already underway.</p>			
<b>IMPACTS TO CITY OF SAN JOSE:</b>			
<p>AB 1091 would guarantee only 2 seats for the City of San José on the VTA Board and significantly decrease San José’s representation and appointment authority in the VTA.</p>			

Per population and VTA ridership share, San José is already underrepresented in the current VTA board. More than half of the County’s population resides in the City of San José, and the City has by far the highest share of riders of the VTA system. 69% of the total ridership on the VTA system (bus and rail) is in San José. By comparison, the ridership share in other cities in the county is between 0% and 6% as illustrated in Table 1.

**Table 1. VTA Ridership by City**

City	Annual Boardings ("Ridership")	Percent of Total
SAN JOSE	16,794,863	69%
SANTA CLARA	1,458,897	6%
SUNNYVALE	1,455,448	6%
MILPITAS	1,033,492	4%
MOUNTAIN VIEW	887,522	4%
PALO ALTO	687,092	3%
CAMPBELL	602,280	2%
CUPERTINO	593,126	2%
LOS ALTOS	275,885	1%
GILROY	254,673	1%
MORGAN HILL	165,510	1%
SARATOGA	72,010	0%
LOS GATOS	45,260	0%
LOS ALTOS HILLS	43,199	0%
MONTE SERENO	268	0%

Source: VTA projection of 2020 ridership based on February 2020 data and pre-pandemic ridership patterns.

San José also has the highest concentrations of communities of concern in the County, and significant clusters of vulnerable and transit dependent communities served by the VTA. A VTA Board that underrepresents its riders and most vulnerable residents can result in limited investment in already underserved and/or low-income communities. San José already has an infrastructure backlog of about \$1.8 billion, including transportation infrastructure priorities. Diminishing the proportionate representation of San José on the VTA Board will ultimately result in unequal outcomes of transportation infrastructure investments for the City and County. City staff will continue to review information about the share of the roadway system in San José under the purview of the VTA and report additional findings to City Council.

If approved, AB 1091 would also prevent elected officials from serving on the VTA Board in an attempt to further professionalize the governing body. However, the VTA Board already relies in well-established technical, professional, and community advisory expert working groups, including the Technical Advisory Committee (TAC), and the Citizen’s Advisory Committee (CAC). Furthermore, VTA already has strong professional support on its staff. A Board comprised by elected officials bestows higher accountability directly to the people on the VTA governing body.

**POLICY ALIGNMENT:**

AB 1091 aligns with the City’s Legislative Guiding Principle to “protect and increase funding to deliver city services, build infrastructure and serve the San José community.” Furthermore, AB 1091 aligns with the City’s transportation funding policy position to “preserve and pursue transportation funding from federal,

state, regional, and local sources that help maintain, improve and expand transportation systems and mobility in San José [...] and oppose legislation that would threaten San José transportation investments.”

**SUPPORTERS/OPPONENTS:**

None on file to date.

**STATUS OF BILL:**

Pending referral. May be heard in Committee March 21, 2021.

**FOR QUESTIONS CONTACT:** Ramses Madou, Department of Transportation, at [ramses.madou@sanjoseca.gov](mailto:ramses.madou@sanjoseca.gov) or 408-535-3850