

Measure A: How SANDAG undermines transit, environmental, and social goals.

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Nearly a third of all counties in California are proposing a sales tax increase to fund transportation on this November's ballot. But one stands out with organized opposition from an unprecedented coalition of labor, environmental and community groups. It is perhaps the only transportation measure where both political parties, and the main newspaper opposes it.

Why? In one word, SANDAG.

The San Diego Association of Governments (or SANDAG) is a unique super-governmental agency with unparalleled power over a single county with over three million residents. It spent almost \$670 million of taxpayer funds last year.^[i] It collects a tax of half-cents on every dollar of taxable sales in the entire county. And it remains an enigma to most San Diegans.

So let me explain. In the context of sales tax measures, SANDAG wears two hats: the Congestion Management Agency (CMA), and the Regional Transportation Planning Agency (RTPA). CMA is a state-legislatively created local transportation authority, responsible for the funding and administration of transportation improvement programs within their jurisdiction. They often have a local sales tax authority within a county, such as Los Angeles MTA (Measure M), Contra Costa Transportation Authority (Measure X), and the Sacramento Transportation Authority (Measure B). Most CMAs are elected, or created by voters, or closely tied to the City/County government. However, San Diego voters did not approve either the creation of SANDAG, or the qualifications and composition of its board.

The RTPA is a state-mandated agency tasked with the long-term Regional Transportation Plan (RTP), as well as the Regional Transportation Improvement Plan, the five-year programming of state and federal transportation funds. The RTPA in Los Angeles is called the Southern California Association of Governments, the one in the Bay Area is called the Metropolitan Transportation Commission, and the one in Sacramento is called the Sacramento Area Council of Governments. Under the Sustainable Communities Strategy Law, SB 375, enacted in 2008, RTPAs throughout California are required to incorporate a "Sustainable Communities Strategy" in each region's RTP to align regional transportation, housing, and land use plans to reduce the amount of vehicle miles traveled to attain the regional greenhouse gas emission goals. To make things more complicated, RTPAs are oftentimes the federally designated Metropolitan Planning Organizations that receive Federal Highway Administration and Federal Transit Agency funds and distribute them within the metro region. The City of San Diego, for example, receives its federal transportation funds through SANDAG.

There is a check-and-balance, division of power, or a financial tug-of-war, however one views it, forged into the CMA-RTPA structure at the regional level.^[ii] However, since this structure in San Diego is unitary, SANDAG has the authority to direct a larger share of transportation funding, and wields extraordinary power over the region's growth, than do most other large regional transportation agencies in the state.^[iii] This has its own advantages in directing transportation spending, but with power comes responsibility.

This is why **SANDAG's ballot measure is more deterministic of San Diego's transportation future than any other ballot measure** for any other county in the state.

Now, those who care about investment into public transportation might be inclined to overlook this obscure super-agency proposing the tax; to focus instead on the projects funded by this measure. With shrinking contribution from federal and state funds, there is a compelling case for raising local dollars for infrastructure that funds our needs for roads, highways, bridges, green space, bike-paths and transit. Indeed, this measure touches everyone.

But I caution against separating the super-agency powers, the regional plan and transit funding. All three are inextricably linked. Here are three reasons why this is cause for concern:

- **Measure A rewards an agency with a questionable transit history.**

Most San Diegans do not know what SANDAG is, or where it is located, and even if they did, it's public meeting rooms do not have the capacity to fit more than 50 people. But it is the single-most important super-agency for funding and construction of transit in the region.^[iv]

It was not always this way. The Blue Line trolley (Downtown-South) and the Orange Line (Downtown-East) were originally built by the Metropolitan Transit District Board, which was created in 1975 as a transit development entity. Under the leadership of Sen. Jim Mills, **San Diego became the first U.S. city in modern times to create a light-rail system** in 1981, after it built the line from downtown to San Ysidro within 30 months. However, not much has been built since the mid-1980s.

Through state legislation in 2003, SANDAG received the super-agency authority to fund and build our regional transit system. **Over a decade later, and after collecting billions in tax dollars, the transit system still does not work for most San Diegans.** Less than three percent of commuters use transit, and a typical job is only **accessible to 28 percent** of



San Diegans by transit within 90 minutes of commute. Since the transit system forms the backbone to support all other non-auto modes, such as walking and biking, they have all been languishing regionally. Meanwhile three-quarters of San Diegans drive alone, a share that has been creeping up gradually, further congesting freeways[v] under SANDAG’s super-agency tenure.

Means of Transportation to Work in San Diego (for workers 16 and over)

	1990	2000	2014
Drove Alone	70.9%	73.9%	76.0%
Carpool	13.8%	13.0%	8.6%
Public Transportation	3.2%	3.4%	2.7%
Walk	4.5%	3.4%	2.9%
Bicycle	0.9%	0.6%	0.8%
Taxicab, motorcycle, other	1.8%	1.4%	1.4%
Worked at home	5.0%	4.4%	7.5%

Source: US Census

Means of Transportation to Work in San Diego (for workers 16 and over)

In 2007, then Attorney-General Jerry Brown asked SANDAG not to ignore transit in its regional planning, and to address the traffic pollution impacts on global warming. After repeated warnings, in 2011, Attorney-General Kamala Harris sued SANDAG for adopting a plan that was inconsistent with state law. The **trial court ruled** that SANDAG’s plan “perverts the regional planning function of SANDAG, ignores the purse string control SANDAG has over TransNet funds, and more importantly conflicts with Govt. Code section 65080(b)(2)(B).” SANDAG appealed the court decision. In 2014, in a published opinion, the Court of Appeals in the fourth appellate district in the state of California upheld the Superior Court ruling. Here are some excerpts from the **published majority opinion of the appellate court**:

- “We, therefore, conclude SANDAG *prejudicially abused its discretion* by omitting from the EIR an analysis of the transportation plan’s consistency with the state climate policy, reflected in the Executive Order, of continual greenhouse gas emissions reductions.”
- “In this case, the EIR’s discussion of project alternatives is deficient because it does not discuss an alternative which could significantly reduce total vehicle miles traveled. Although Alternatives 3a and 3b are labeled “transit emphasis” alternatives, the labeling is a misnomer. These alternatives mainly advance certain rapid bus projects, but leave the planned rail and trolley projects largely unchanged. In addition, these alternatives do not provide any new transit projects or significant service increases. In fact, the “*transit emphasis*” alternatives include fewer transit projects than some of the other non-“transit-emphasis” alternatives.” (*emphasis added*)

Instead of reversing course, and reconciling its denial of long-term climate goals, SANDAG executives and board-members decided to double down. They continued wasting taxpayer dollars by appealing the court decision to the Supreme Court. Despite the state’s Attorney General opining that “**SANDAG failed to meet its obligation**,” they approved a new RTP once again last year, mislabeling it a “transit” alternative that kept the same projects but with a **statistical stretch** to justify it. Many meetings and months later, SANDAG’s “Our Way or the Highway” approach led to an impasse with the environment-labor-community coalition. It is no surprise then, that most environmental organizations, like **Sierra Club**, **BikeSD**, and **Climate Action Campaign**, whose future funding is not contingent on it, are opposed to Measure A.

Measure A uses transit as a ‘Trojan Horse’.

Most transit-riders have never heard of SANDAG. That is because, even though it controls the funding for building and operating transit, SANDAG does not run any buses, trolleys or trains. Although local transit agencies (like MTS and NCTD) are the ones providing transit services, as was mentioned earlier, they lost the control of funding and construction management of transit projects to SANDAG in 2003. Contrast this with Los Angeles Metro, which is going to directly control the operations and construction of light rail under Measure M in Los Angeles.

But despite its transit mandate, SANDAG continues to operate within the “Car is King” culture. Today, I wager that the top executives of SANDAG, and most board-members do not use transit to get to work. In fact, it is common for the public to hear rebukes and snide remarks about the future of transit and global warming made from the dais at SANDAG board meetings. Contrast this with San Francisco MTA, where all board-members are **required to ride transit** at least once a week. In my multiple conversations with SANDAG board-members, they do not think it is practical to set an ambitious goal with regard to shifting the regional mode share of transit in the foreseeable future. This deeply-held skepticism about the future of transit is reflected in **SANDAG’s disregard of non-auto priorities within the City of San Diego’s Climate Action Plan.**

Low-income communities are the most **impacted by pollution** from SANDAG’s plans and projects. This is why Measure A is opposed by transit advocates in low-income communities, such as **Environmental Health Coalition** and Mid-City Consumer Action Network and City Heights Community Development Corporation. Contrast this with Los Angeles, where the **opposition** came not from how much transit there is, but how fast it gets built.

So if this “Car is King” super-agency is proposing a “42% Transit” measure, it does not pass the smell test. Especially since it has a demonstrated history of **marketing auto-centric plans** as if they had a transit-emphasis. The deception of this statistic lies in the fact that this sales tax is only a small sliver, less than a tenth, of almost \$200 billion in transportation spending over the next 40 years. So it can exaggerate the transit spending, as if the entire transportation focus in the future was going to be about transit, but given SANDAG’s history, 42% of 10% is probably the end of the road for transit. Moreover, the funding figures include transit operations, so the construction/capital outlays for a dysfunctional transit system are eclipsed by the operating subsidies required for running it over 40 years. This is why there is no regional leadership (such as **L.A.’s Mayor Garcetti**) that actually has a track-record of building multiple transit lines.

The “Purple Line” is an example of the Trojan Horse in the priority list. Unlike freeways, its timing is conditional upon receiving full federal funding, a condition that took almost three decades for the Mid-Coast Trolley to meet. The funding excuse is often a function of political will, and shows a lack of institutional urgency for building a functional transit system. There has been no serious planning effort initiated on the Purple Line, since the time of Mayor Dick Murphy over a decade ago.

San Diego taxpayers are currently paying a half-cent sales tax to SANDAG, called TransNet, which generates over a quarter billion dollars every year. The bonding of future sales tax revenue for non-transit projects cuts into our regional capacity to bond for a large-scale transit-first system. **If the bonding capacity of both TransNet and Measure A is consumed, we will be left with no other local option to build world-class transit.** This is because a sales tax is the only regional self-funding mechanism for transit, under state law. The political and economic capacity for our hard-working San Diego families to absorb another regressive sales tax may reach a tipping point. In all fairness, whether one thinks this is the best we can do or not, it is far better to go back to the drawing board and come up with a funding measure that considers the future of the region’s transportation choices, and creates better social outcomes.

• Measure A is not designed for better social outcomes

SANDAG's noncommittal plan is not designed to improve any quality of life measure with verifiable outcomes; it is intended to keep building roads and transit lines incrementally, and to throw in some environmental mitigation for the damage they caused along the way. It does not reduce pollution, and it definitely **does not reduce traffic congestion**. It does not provide guarantees for local jobs into skilled and trained construction careers (like L.A. and many other transportation agencies in the state). It does not increase the relative share of commuters that are walking, biking, or taking transit to work. And it does not ensure smart growth that would protect our forests and farmlands.

This is why building and construction trades, hotel workers, teachers, service employees and nurses, **all oppose Measure A**.

Most of the claims SANDAG makes on these issues are rhetorical, with little enforceability. Having watched SANDAG board-meetings for over a decade, I believe that the majority of the board cannot agree on even one of these social outcomes. **Their voting structure does not represent the majority will of San Diego's population**. A blogger SD-YIMBY has observed that a **change to status quo is impossible**. This super-agency is dominated by an ever-increasing^[vi] (nevertheless smart and well-meaning) bunch of engineers^[vii] who crunch **socially-agnostic** input-output models, and no matter what the question, come up with the universal truism – that we need more money.

That is why this measure lacks accountability – **it is intentionally designed to feed a leviathan that has done little to prove its partnership with the communities it purports to serve**.

My friends that support Measure A will agree with me that we have gridlocked on these three major intersections: first, that SANDAG will keep fighting the state on long-term climate goals; second, that SANDAG does not expect a significant shift in commute share towards transit in this decade or the next; and lastly, that any major social commitment by SANDAG is impossible under the current board structure.

40 years is too long a time to live in a gridlock. We need a change in institutional direction before we accelerate forward. This is why, **I oppose Measure A**.

^[i] Total expenditures for the year ended June 30, 2015; pg. 36-37. (Source: 2015 Comprehensive Annual Financial Report, San Diego Association of Governments.)

^[ii] Besides SANDAG, only Council of Fresno County Governments (Fresno COG) and Kern Council of Governments (Kern COG) have a fused structure that combines the RTPA and the CMA into a single agency. However, even with this fusion, it is unlikely that they exert control over the transit system funding like SANDAG.

^[iii] According to an assessment by the state's Legislative Analyst's Office in 2006, of the \$1 billion in transportation funding flowing through the San Diego region in 2005, SANDAG had the authority to direct about a third. The rest of the funding flowing through the region was directed by Caltrans, the transit operators, or by federal designation to specific projects.

^[iv] According to the Legislative Analyst's Office, SANDAG is now responsible for the design, engineering, and construction of transit and rail projects. Additionally, SANDAG is now the claimant and grantee for certain transit funding and has the authority to review and approve transit operators'