

Power and Accountability in Transit Governance

By Margaret Okuzumi

"Democracy is not a spectator sport." But what happens when you get into the game and participate, only to find that the rules have been rigged against you?

Such is the dilemma of transit activists in Santa Clara County, California. The basic principles for creating a government that works are violated at the Santa Clara Valley Transportation Authority (VTA). Good faith efforts by activists to impact the agency's decisions have been derailed by a fundamentally flawed structure.

VTA has an annual operating budget of over \$300 million and a capital budget of several billion dollars over a 30-year period. In the face of this huge resource, VTA is the least cost-effective transit agency in the country. Fares continue to increase while services are cut. The agency's top priority is extending BART to San Jose, and VTA has agreed to let BART put a lien on monies that are currently used to pay for about a third of the county's bus services, in order to operate the proposed BART line.

If your community does not currently have a public transit agency but is in the process of forming one, take note. Special districts like transit agencies, especially multi-jurisdictional ones, are trickier to set up in an accountable fashion than, say, a city council in a new city.

While individual personalities do matter in government, structure matters more. Well-meaning elected officials cannot overcome a broken system. A governing structure that distributes power equitably in the community is much more likely to produce policy decisions that uphold the community's best interests than one that concentrates power in just a few hands.

Fiscal Oversight

Previously in Santa Clara County, independent county oversight of a portion of transit agency funds

resulted in the detection and prevention of accounting irregularities in the construction of large capital projects. It also provided community activists with leverage when the VTA nearly reneged on a promise to increase transit service. We were able to appeal to the independent board of supervisors who had control of the money approved by voters, and they forced VTA to adhere to its promises. Unfortunately, we will soon lose this oversight because of a recent ballot measure that passes control over sales tax funds directly to the transit agency.

Checks and balances reduce the possibility of corruption. A mechanism that provides for an independent responsible body to monitor expenses is desirable to guard against the abuse of public funds.

Fair Representation

There are 15 cities in the county, but only four cities get to vote on matters before the VTA board at any one time. San Jose controls five of the 12 voting seats on a "permanent" basis, while the other smaller cities are forced to rotate the remaining seats among themselves every two years, putting them at a huge disadvantage in terms of tenure and power on the board.

Each of the 15 cities should be given a vote on the board as the first step toward fair representation, and all board members should have the possibility of serving equivalent-length, four-year terms.

Protection of Minority Interests

A structure that allows a single interest or a single city to control the board through strategic appoint-

ments can produce decisions that hurt the community as a whole. Such is the case at VTA, where the city of San Jose controls five of the 12 seats, and under the influence of a strong

mayor, votes as a block. As a result, the outcome of the votes for the whole county is often dictated by the mayor of San Jose, who only needs two other board members to agree with San Jose's position.

In the case of Santa Clara County, the city of San Jose comprises about 53 percent of the population and arguably, should have majority control. However, VTA is responsible for making decisions that impact all 15 cities in the county.

A way to protect the interests of smaller cities is to give them each a vote as described above, and then require that every vote on major issues must pass by both a majority of votes weighted by population and by a majority of unweighted votes. In this more equitable scenario, nothing would pass without the assent of representatives from the large population of San Jose, but San Jose would have to obtain the consent of at least seven other cities in the county—in order to establish major transportation policies involving funds for the whole region.

Community Stakeholders

The practice in neighboring San Mateo County is to thoroughly deliberate proposals in constituent-advised committees (comprised of members appointed by the public and labor, business, and community groups) and to require committee recommendations before the proposals are brought before the governing board for a vote. This process of deliberation can take months, but has facilitated the development of consensus within the county, which last year resulted in a 75 percent voter approval for the renewal of Measure A—a 25-year, half-cent county



sales tax earmarked for transportation spending. Elected officials hold these committees in such high regard that last year they voted to adopt a committee recommendation that went counter to staff recommendations.

At VTA, the advisory committees are weak and not representative of the whole community. The work of the committees is further undermined by the power imbalance on the board, which compels staff to be responsive to a single controlling interest over the interests of the community as a whole.

Effective Governance, a Step at a Time

Even with all structural elements in place and functioning well, external environmental and cultural factors can create problems for an agency. However, fixing internal structural elements that are within the control of a single agency is easier to do and can go a long way toward facilitating effective governance.

Reform is not easy. In this case, the structure of the agency is codified in the state public utilities code and requires state legislation to change. Once, a state senator did introduce a spot bill to reform the structure of the VTA, but did not pursue it when it became apparent that there was no community consensus on how the reformed structure should look.

Our society has not yet perfected this thing called democracy. Where our institutions have not been designed to share power in an equitable fashion, it is not enough to work within the system. To retain our sanity, it can be helpful to analyze how our institutions are broken, and to work for reform of these structural obstacles, so that we may ultimately be successful in creating a society that is equitable and just. ■

Photo: VTA light rail,
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Margaret Okuzumi is the executive director of BayRail Alliance. Additional information about creating effective transit boards can be obtained from her white paper posted at http://bayrailalliance.org/vta_proposal.pdf.

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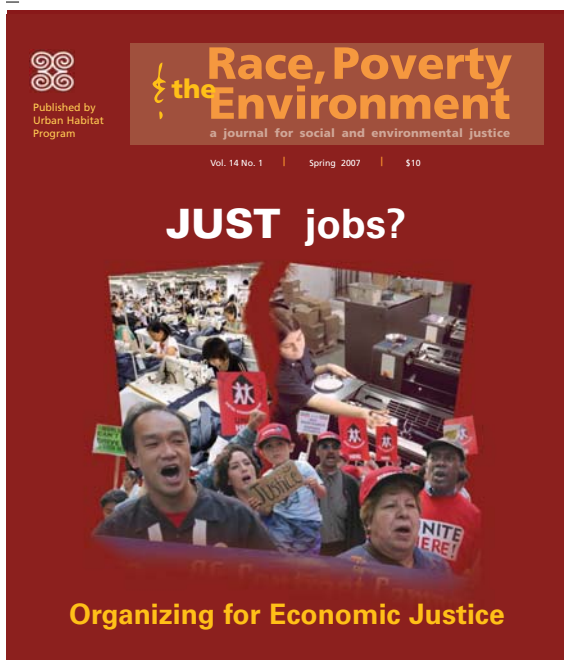
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