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Regional Transit Authorities: Legal Structure and Governance Models

Prepared by Holmes & Associates LLC for the Association of Central Oklahoma Governments Regional Transit Authority Task Force

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The purpose of this white paper is to provide an overview of the legal structure and governance models of select regional transit authorities to the Regional Transit Authority Task Force (Task Force) of the Association of Central Oklahoma Governments (ACOG). The Task Force, established through a 2015 Memorandum of Understanding among six Central Oklahoma municipalities, has been charged with defining and creating a Regional Transit Authority (RTA) in Central Oklahoma. The Task Force desires to create a new geo-political structure of the Central Oklahoma RTA which best fits the political landscape of Central Oklahoma and the six Central Oklahoma municipalities which have united to create a regional transit system. This report is intended to provide information helpful to the Task Force as it designs a regional structure that best suits the Central Oklahoma region.

This report is organized in three sections. The first section provides context for the governance review in this report including a general history of transit governance, the governance requirements of the Federal Transit Administration (FTA) predicate to qualifying for discretionary grant funding, the legal framework for regional transit in Central Oklahoma, and a summary of objectives and concerns of Task Force members. The second part of this report describes the research approach and presents case studies in transit governance from six metropolitan regions: Dallas/Fort Worth, Phoenix, Portland, San Diego, Salt Lake City, and Detroit. In each case, the research focuses on identifying successes and challenges with respect to achieving effective governance of a regional network and highlights those elements of regional governance that are unique to the region. The final part of this report offers general observations gleaned from the case studies to guide the Task Force as it works to establish a governance structure for the region that will be effective and durable.

I. CONTEXT

History of Transit Governance

In the early 20th century, private companies designed and operated rail and bus service in many regions across the country. Transit ridership grew steadily from the 1890s through the 1920s but started to decline during the Great Depression due to increased unemployment, bankruptcy of transit systems, and the introduction of the automobile. By the mid-1960s, ridership had dropped from an all-time high of 28 billion to about 6 billion one-way passenger trips, which resulted in the public sector absorbing the private companies when transit operations proved to be unprofitable.[1] This absorption was necessary to continue transit services in metropolitan regions generally to transport workers to jobs.

Over the next several decades, most regions and their transit networks expanded to accommodate larger geographic areas and a growing population. During this period each metropolitan area developed a different structure for governing its transit system based on political and historical anomalies in their region.[2] In part due to the legacy of municipal competition and in part due to jurisdictional boundaries, in many regions multiple entities are involved with transit operations and governance. The San Francisco Bay Area, for example, has 26 independent operators providing transit services in the seven-county region. Generally, however, public entities were created or adapted to provide regional-level oversight for multiple transit operators. In some regions, regional organizations provide oversight of capital improvements with operations performed by multiple transit agencies; in other regions, multiple transit agencies largely oversee their own construction and operations with the regional organization providing planning and coordination activities in the area. The framework for transit operations also varies from region to region. Some regions have one primary transit operator for all transit modes while others have third parties providing some segment of the transit service.

In short, there is no one method for organizing and governing regional transit. The uniqueness of each region makes it difficult to define and promote a uniform set of best practices for transit governance given historic and institutional differences between regions and given that not all lessons are transferable or replicable from region to region. There is one truth, however, that is evident from a review of peer regions that must be considered when establishing and launching a new RTA: *Transit is inherently a regional operation*. An effective governance structure for transit therefore needs to address the fact that most bus and rail lines do not terminate—and should not terminate—at a city or county border. Unlike many government services that operate mostly within a jurisdictional boundary (such as garbage removal and fire protection), the purpose of transit is to move passengers efficiently throughout a metropolitan economy. Like other regional services, transit can be more effective when it is planned, organized, and operated with a regional perspective. When transit service is fragmented, or not connected seamlessly, the result can be sub-optimal transit service across the region. This, in turn, can have a negative effect on the ability to attract funding for the transportation system as a whole.

While there are political and practical variances in every region, some regions have been more effective in the delivery of service from a regional platform. By examining regional transit authority formation and historical governance practices from peer regions, one can isolate strategies that have been effective in a particular region and make a reasoned decision about whether similar tactics would have application to the political landscape of Central Oklahoma.

Building Institutional Capacity

A primary purpose in forming a regional transit authority is to establish the institutional capacity necessary to qualify for discretionary federal grant funds to support capital investments. Institutional capacity refers to the capacity of a transit authority to plan and manage the deployment of funds efficiently and effectively. A technical requirement to qualify for federal discretionary funding, institutional capacity is monitored by the FTA at the time of grant-making and every three years thereafter as part of its triennial review process. In the creation and development of a regional transit authority, it is necessary to strategically foster a robust institutional capacity, not only to qualify for federal discretionary grants, but to plan, finance, design, and build transit infrastructure and services.[3]

Discretionary transit funding in the United States is extremely limited. As such, qualifying for federal funding is a highly competitive process. To be most competitive when vying for federal funds, a transit authority must be able to show that the entire region is aligned in support of the regional transportation plan and that it is capable of turning each dollar into the highest value in relation to the plan. With this in mind, it is important to establish the structures, organizational mechanisms, and processes that demonstrate the capacity to be an effective partner in oversight, planning, budgeting, and spending federal funds, such as:

- A board that fully understands and is loyal to the values set forth in a regional transportation plan and that can act without a conflict of interest according to a clear, fair, and efficient decision process;
- A CEO with the ability to set a vision to meet the identified transit needs and the foresight to set a framework for the future, establishing mobility plans that guide long-range transit planning; and
- A professional staff with the technical and legal expertise to plan and manage the use of federal funds according to federal program requirements.

Framework for Establishing a Regional Transit Authority for Central Oklahoma

In May 2014, the Oklahoma legislature amended Title 68, Oklahoma Statutes §1370.7 governing regional transportation authorities.[4] The Regional Economic Development and Transportation Authorities Act allows any combination of cities, towns, and counties, or their agencies (collectively "members"), to jointly create a regional transit district for the purpose of planning, financing, construction, maintenance, and operation of transportation within the boundaries of such regional district.[5] The legislation further provides that the governing boards of the members creating the regional authority shall (1) determine the makeup of the board, (2) establish the number of directors, (3) set the duties of the directors, (4) fix terms of service of the directors, and (5) appoint the board members.[6] The legislation authorizes the regional authority to levy a sales tax not to exceed two percent (2%) of all sales or services in the regional district provided that the tax is first approved by a majority of voters within the boundaries of the regional district.[7]

The following year, six Central Oklahoma municipalities[8] executed a Memorandum of Understanding which established the Task Force to continue efforts initiated by the Regional Transit Dialogue Steering Committee (RTD) and, among other things, determine the geographic boundaries, form of governance (including how to structure the relationship with existing transit systems)[9], and board representation on the RTA.

RTA Task Force Member Concerns and Objectives

During the period October 4-6, 2017, Task Force members were interviewed to determine RTA objectives and concerns for each constituency group. Following is a table which summarizes the key objectives and concerns for each group which need to be considered in the creation of the RTA:

ENTITY/REPRESENTATIVE(S)	OBJECTIVES	CONCERNS
Del City • Ken Bartlett, Councilmember	• Supports the street car on Reno alignment • RTA will be good for economic development	• How to pay for system; must be equitable • Importance of each member having a voice and no one member exerting too much control
Edmond • Elizabeth Waner – Councilmember • Harry Fenton – Project Engineer • Randy Entz – City Planner	• Edmond to be included in regional plan • Efficiency and brand recognition • One seat ride from Edmond to Norman	
Midwest City • Matt Dukes, Mayor • Guy Henson, City Manager	• Redevelopment tool to help community • Enhanced bus service – internal circulator - to serve Tinker AFB • Bus service to be funded with RTA funds • Further connect base to community (BRAC) • Rail to connect to OKC • Interested in TOD	• Division and allocation of resources • Need to coordinate timing of availability of sales tax (window for increase around 2023-2024 when 4/10 expires) • Do not support having elected officials or city staff on RTA board • Could support ½ cent depending on benefits
Moore City • Brooks Mitchell – City Manager	• Supportive of CR mode • Need bus connections to rail stops – last mile city solution • Identify specific site locations so city can preserve sites • Prefer ad valorem tax to pay for rail corridor or open up ad valorem tax for public safety	• Other funding priorities; not real b/c no funding source for transit • Not interested in regional bus/express bus • Funding is main concern • 9% is the ceiling of sales tax that can be levied
Norman • Lynne Miller – Mayor • Cindy Rosenthal – Former Mayor	• Like weighted voting (majority plus regional) as an approach to equity issues	• Concerned about losing control over funding flows to bus system

• Rachael Butler – Former Councilmember • Kris Glenn – CART • Marion Hutchinson – OnTrac	• If at-large candidates, must have unanimous vote to appoint • Want to build on strong city/university partnership	• Need guarantees about funding flows going forward – equity issues • Do not support having city, county or state staff or elected officials as board members
Oklahoma City • Meg Salyer - Councilmember • Jim Couch – City Manager • Jason Ferbrache – EMBARK	• Reorganize, increase numbers of COTPA board • Need structure that will take care of bus, BRT, streetcar, CR, and new streetcar, bike share, and boats • Funding may dictate structure	• ½ cent sales tax - not politically practical • Due to funding constraints may need to start with rail segments and leave bus enhancements for later
Greater Oklahoma City Chamber • Derek Sparks, Government Relations	• Interested in contributing to regionalism • Interested in doing campaign advocacy on behalf of member cities	• Needs to remain a local/regional effort

II. CASE STUDIES

Research Approach

To better understand attributes of effective regional governance, we reviewed regional transit authority formation and governance best practices from peer regions using information published on agency websites and other public sources, as well as data collected from select interviews of key personnel. The six case study regions detailed in this report were selected from a larger group of 10 candidate regions following a preliminary review that considered several qualitative and quantitative criteria, including regional population, transit modes, complexity, and use of strategies to effectuate regionalism. The regions that were ultimately selected are Dallas/Fort Worth, Phoenix metropolitan area, Tri-County Metropolitan Area of Portland, San Diego County, Salt Lake City metropolitan area, and the Southeast Michigan region (Detroit).

Each of these regions offers a distinct example for transit governance. In the Dallas area, for example, the provision of transit service is split between a regional authority which provides all bus and light rail service, and a third-party operator that provides commuter rail service between Dallas and Fort Worth. The Phoenix metropolitan area is governed by an umbrella organization that provides a unified *public brand* and oversees two distinct legal entities

– one for light rail and one for all other modes of transit. The Portland area has a unique governance structure to manage its streetcar system in coordination with TriMet, the regional transit authority. Within the San Diego Area, a regional organization is responsible for all capital investments and multiple agencies operate the transit systems. In Salt Lake City, the regional transit authority operates and maintains all transit modes. The Detroit model provides an example of the steps one region has recently taken to transition from multiple independent transit operators to a regional structure with authority to coordinate existing transit operations.

Transit systems in each of these regions have been shaped by a unique history and by different institutional arrangements, but together they weave a story of transit governance that can provide useful lessons for Central Oklahoma.

Dallas Area Rapid Transit

Overview

Dallas Area Rapid Transit (DART), a regional transit agency authorized under Chapter 452 of the Texas Transportation Code, was created by voters and funded with a one-cent local sales tax on August 13, 1983.[10] DART was created as a regional replacement for the Dallas Transit System (DTS) - a publicly owned mass transit service operated by the city of Dallas from 1964 to 1988. DTS resulted from a consolidation of various privately owned transit companies and streetcar lines.

History

Fifteen area cities first joined the system when it began transit services in 1984. In 1985, two of the member cities held elections to pull out of DART, though the measures failed. A loss of confidence in DART management after voters declined to support DART's measure to incur long term debt in 1988 led to seven more pullout votes, two of which were successful. DART's enabling legislation provides that any city adjoining Dallas may join the agency. In addition, any city that adjoins a DART member city becomes eligible to join.[11]

Funding

Member cities fund DART with a one-cent local sales tax. This levy prevents some cities from joining due to Texas laws that cap the total sales tax that may be charged.

Service Area

The service area currently consists of 13 cities: Addison, Carrollton, Cockrell Hill, Dallas, Farmers Branch, Garland, Glenn Heights, Highland Park, Irving, Plano, Richardson, Rowlett, and University Park.[12] The cities that are served by DART have changed over time, particularly following a failed referendum when multiple cities held votes to withdrew from DART in 1989.[13] DART operates "closed door" service through those communities that have opted-out of the district without stopping to allow for passengers to embark or disembark.

Description of Service

Since its first rail line opened in 1996, the DART light rail network has grown to 93 miles, making it the longest light rail system in the country.[14] The DART system-wide ridership reached 67.2 million passenger trips in FY 2016. DART service includes rail, bus, paratransit, HOV lanes, and ride share services.

The Dallas area receives commuter rail services to DFW International Airport and Fort Worth via the Trinity Railway Express (TRE) commuter rail line which is operated under an interlocal agreement between Dallas and Fort Worth. DART operates two street car lines under contract to the Dallas Arts District (the M-line Trolley which links the downtown Dallas Arts District with the shops, galleries and bistros of Uptown) and the city of Dallas (the Dallas Streetcar which is a 2.4-mile line that provides access for commuters in Oak Cliff to rail connections at Union Station). The North Central Texas Council of Governments (NCTCOG) plays a significant role in planning and coordinating within the 16-county region, and is one of the largest MPOs in the country, encompassing 12 counties that make up most of the Dallas/Fort Worth region.

Governing Board

DART is governed by a 15-member board appointed by the member jurisdictions or combination of member jurisdictions within the service area of DART based on population. In an attempt to balance the funding/population associated with regional governance, DART's enabling statute establishes limitations to the appointment process as shown in the side bar.[15]

Voting Protocols

Sixty-five percent of the members of the Board constitutes a quorum for the purpose of conducting its business. Each member of the Board is entitled to one vote. Actions may be taken by the Board upon the affirmative vote of a majority vote of the members present at a meeting at which a quorum is present; provided, however that the following actions require a two-third vote of the number of appointed members of the Board:

1) issuing debt
2) pledging assets of the authority
3) effecting a major service change
4) approving the budget
5) an agreement with any municipality in the district for the distribution of the authority's revenues

Governance Challenges

The Dallas/Fort Worth region is unique and challenging from a transit governance perspective in large part because of its relatively unconstrained and rapid growth. DART's service area does not cover the majority of the region and most of the region's projected population growth is expected to take place on the edges of the geographic region. Moreover, as cities have withdrawn from the district, the resulting "swiss cheese" geography has led to challenging service delivery. In addition, a state law restriction that caps the total sales tax that may be charged prevents some new cities from joining the district.

DART APPOINTMENT PROCESS

- Board members must be resident citizens and registered voters within the service area.
- An elected officer of the state or a political subdivision of the state may serve on the Board without compensation.
- No single member jurisdiction can appoint more than sixty-five (65%) of the members of the Board.
- Any combination of cities may aggregate their population to be entitled to one member on the Board.
- A city entitled to one or more members that has a population that would entitle it to a fraction of another member may aggregate its population with another city to appoint another member.
- The Board is restructured every five years or when a member jurisdiction withdraws from or joins the district.
- The principal municipality must make its appointments to the board so that at least one of the appointees is designated to represent the interests of the transportation disadvantaged.
- A municipality making more than one appointment must select persons who accurately reflect the racial and ethnic composition of the municipality.

Valley Metro Regional Public Transit Authority - Phoenix

Overview

The Valley Metro Regional Public Transportation Authority (Valley Metro) is the *unified public brand* of the transit systems operating in and around the Phoenix metropolitan area. Within the Valley Metro umbrella, oversight is divided between Valley Metro RPTA (RPTA) (responsible for all bus operations) and Valley Metro Rail (METRO) (responsible for light rail operations). Most services are separately funded and operated by individual cities and suburbs in the greater Phoenix region. These cities have agreed to participate in Valley Metro as a unifying brand name to streamline service and reduce confusion among riders. Valley Metro operates a customer service, marketing, and long-range transit planning operation from headquarters in downtown Phoenix which is shared among all Valley Metro member cities.[16]

History

The RPTA was formed in 1985 as the result of Phoenix-area voters approving a one-half percent sales tax increase for expansion of the local freeway system and for expansion of mass transit.[17] The RPTA was then chartered under the laws of the state of Arizona. At the time, almost all transit service in the Phoenix area was operated by Phoenix Transit System, with a few other bus services such as in Mesa (Mesa Sunrunner) and Scottsdale (Scottsdale Connection).[18] As an integrated regional transit service, Valley Metro did not begin operations under its own brand identity until 1993 when the RPTA board of directors chose a unifying name, logo, and color scheme. At that time, Phoenix Transit System and Mesa Sunrunner were rebranded as Valley Metro and began operating several new routes under the RPTA brand.[19]

In the late 1990's, Valley Metro began to pursue funding for rail transit projects from the FTA. Based on feedback Valley Metro received from FTA, it determined that to become more competitive for FTA discretionary funds it needed an entity focused on rail delivery that could demonstrate the institutional capacity necessary to manage and administer an FTA grant.[20] Toward that end, METRO was established as a nonprofit public corporation in 2002. In 2012, the staff of the RPTA and METRO were unified under the Valley Metro organization.

Service Area

The RPTA oversees bus service to areas of the following member agencies: Avondale, Buckeye, Chandler, El Mirage, Gilbert, Glendale, Goodyear, Maricopa County, Mesa, Peoria, Phoenix, Scottsdale, Surprise, Tempe, Tolleson and Wickenburg. The METRO rail system operates the region's 66-mile high-capacity transit system in the member cities of Phoenix, Tempe, Mesa, Glendale, and Chandler.[21]

Description of Service

Valley Metro is responsible for the planning and operations of a regional bus system and the development and operations of the region's high-capacity transit system. The high-capacity transit system currently includes 26 miles of light rail. Seven high-capacity extensions are in development to create a 66-mile regional rail system by 2034.

Funding

The history and development of regional transit services in Maricopa County and Valley Metro are tied closely to a series of successful and unsuccessful funding initiatives. Following the successful 1985 tax initiative, the RPTA went back to Maricopa County voters in 1989 with a transit funding proposal – known as Val Trans – which included significantly expanded bus service and 103 miles of elevated, automated rail. This regional proposal was defeated as was a subsequent regional transit proposal in 1994. On the heels of the failed regional initiatives, however, Valley Metro member cities and counties passed sales tax initiatives that provide funding at various amounts and at different times.[22] In addition, public transportation in Maricopa County benefits from funds supplied by Arizona Lottery revenues. Beginning in September 2011, the lottery funds translate to about $16.2 million per year for Maricopa cities and towns. Significant elements of a timeline related to local funding are shown in the side bar.

Governing Board

Valley Metro is governed by two Boards of Directors. The RPTA board consists of 16 public agencies (15 cities and Maricopa County) that set regional policy direction for all modes of transit except light rail. The METRO board consists of five cities that set the policy direction for the light rail/high-capacity transit program.[23] Member agencies are represented by an elected official who is appointed by their Mayor, Councilmembers or Board of Supervisors. Each member city appoints a representative to the RPTA board of directors and each city participating in light rail appoints a representative to the METRO board.

Voting Protocols

Board voting is unique to each of the two boards. The RPTA board is a one person, one vote with all votes equal. However, any member of the board can request a weighted vote on a specific subject. In the case of a weighted vote on the RPTA board, each vote carries the weighting of their portion of the population within the RPTA's boundaries. The city of Phoenix can only have 50% of the weighting as a maximum even though their population exceeds that. This was a hotly debated topic which consumed the better part of two years.[24] The member cities proposed that Phoenix be limited to 49% and the city of Phoenix requested they receive 51% of the vote. The

HISTORY OF LOCAL FUNDING

- 1985 Maricopa County voters approved a ½ cent sales tax to fund freeway construction with $5 million per year for regional transit service expansion.
- 1988 Scottsdale voters passed a transportation tax that allowed funding for transit and transportation projects.
- 1996 Tempe residents passed a ½ cent sales tax dedicated for transit expansion including light rail.
- 1998 Mesa residents passed a ½ cent sales tax which dedicated a small portion for transit with the remainder going to parks, recreation, police, and fire.
- 2000 Phoenix residents passed a 4/10 sales tax for transit including light rail.
- 2001 Glendale residents passed a ½ cent sales tax for transit and other transportation improvements.
- 2004 Maricopa County residents extended the ½ cent county-wide sales tax originally authorized in 1985 with 1/3 of the tax revenues dedicated to transit including light rail.
- 2005 City of Peoria voters approved a 3/10 cent sales tax increase dedicated to transportation projects.
- 2015 City of Phoenix voters approved a 7/10 cent sales tax increase dedicated to funding expanded bus service, light rail expansion and street improvements.

compromise was 50%. The least a member city can have represent is 4% of the vote regardless of their population.[25]

The METRO board uses a weighted vote process on each and every vote. Each member's vote is weighted by the length in miles of rail that they have within its city. The city of Phoenix can only have 40% of the weighting as a maximum even though their rail mileage exceeds that.[26]

Governance Challenges

Among the most challenging aspects of regional cooperation is how to share costs and benefits – especially direct financial costs and benefits. In the case of Valley Metro, the sharing of costs and benefits is complicated by the fact that several of the municipal member agencies both operate their own local service and contribute to the regional system. Thus, Valley Metro has been challenged to balance benefits achieved locally and those benefits achieved by collaboration regionally.[27] In addition, RPTA board members - who are also elected officials in their individual jurisdictions - can face difficult conflicts of interest when their opinions may diverge depending on whether they are sitting on the regional transit board or their local municipal council.[28]

Valley Metro has also suffered because member agencies have not always fully embraced the regional transit system. As discussed, local bus systems existed before regional transit services were added; thus, in many ways the regional network functions as an overlay service. In addition, in some cases, local systems and municipalities have been reluctant to transition responsibility. For instance, the city of Phoenix has been and continues to be the designated recipient for FTA funds. This arrangement reflects the city's longstanding position as the largest transit operator in the region and successful administrator of the program.[29] From an organizational perspective, however, this fact contributed to questions surrounding the institutional capacity of Valley Metro and resulted in the creation of a separate entity for the rail network to strengthen the region's ability to be competitive in receiving federal discretionary funds.

Finally, one of Valley Metro's challenges has been having a single agency with two policy boards that sometimes make conflicting recommendations. In response to this, the two Valley Metro boards created a subcommittee with equal representation from each board to review conflicts as they arise and consider the action and recommend a solution.[30] The subcommittee does not have final authority to solve the conflict but creates a system to review and consider the problem from the perspective of both entities, and ideally find a reasonable solution that is acceptable to both parties.

Tri-County Metropolitan Transportation District of Oregon and the City of Portland Streetcar

Overview

The Tri-County Metropolitan Transportation District of Oregon (TriMet) operates buses and light rail in the Portland area. It also operates a commuter rail service that connects the four cities of Beaverton, Tigard, Tualatin, and Wilsonville.[31] The agency was formed in 1969 after the Oregon Legislature passed House Bill 1808 allowing the creation of transit districts and providing them with the power to raise revenue through a payroll tax. TriMet's formation was, in part, an attempt to save transit in the Portland region at a time when Rose City Transit, the primary provider of transit, was facing bankruptcy and had threatened to cut all service. Shortly after the agency formed, the TriMet Board of Directors adopted a payroll tax to fund operations as Oregon has no sales tax which is the most common funding mechanism for transit agencies in other states.[32]

In 2001, the city of Portland pioneered the country's first modern streetcar system, bringing back a way to move easily around the city and a tool to build new neighborhoods. When the streetcar began, it was 4.8 miles of track and one line connecting Portland State University with Northwest Portland. Today, the streetcar routes encompass 16 miles and have spurred the development of 17,000 new housing units, one quarter of which is affordable housing.[33] The streetcar system is owned by the city of Portland and managed by Portland Streetcar Incorporated (PSI), a non-profit public benefit corporation whose board of directors' report to the city's Bureau of Transportation.[34] TriMet provides operators for and maintains the streetcar that serves downtown Portland and nearby locations.

History

In 2001, Portland, Oregon became the first city in North America in more than 50 years to open a new streetcar system served by modern vehicles. It was the grass roots efforts of local businesses in the city's Pearl District that shaped development of the Portland streetcar. The intent of the business owners was to bring transit to the area as a way toward re-vitalization.[35] Together with the city, business owners began to work on studies and the collection of funding to kick start a streetcar project. Ultimately the city of Portland formed a local improvement district capable of taxing local business to fund a starter streetcar line. By creating a unified coalition and generating some initial funding, the project was able to attract enough federal funding to close the gap for this initial line.

The new Portland system was intended to influence property development in the corridors served by increasing density while attracting residents interested in relatively car-free living.[36] The streetcar is considered to have been very successful in this regard. According to the economic consulting firm ECONorthwest, $4.5 billion in market value has been developed in the streetcar corridor with new development comprising 28% of the total market value in the corridor.[37]

Service Area

The streetcar began service in 2001 with a 2.4-mile alignment (4.8-miles round trip) from Portland State University to NW 23rd Avenue. Now, after 16 years, 5 extensions, and over 55 million riders, the streetcar operates three lines around 16-miles of track in Portland's Central City.

Description of Service

The streetcar runs three lines almost entirely on streets and without any separation from other traffic on most sections. All lines operate at 15-20-minute frequencies with 7-10-minute frequency through the Central Business District, Portland State University and the northern South Waterfront District where two lines overlap.[38]

Funding

Funding for the streetcar comes from city parking revenue, fares, TriMet, and a local improvement district tax that assesses a special property tax on property owners near the line. Another source of funding for the streetcar is sponsorships of vehicles and stops.[39] Brochures and ticket sales can also be sponsored.[40] The federal government contributed $75 million in funding to the eastside line in 2009, and another $20 million of funding came from Oregon Lottery-backed bonds.[41]

Governing Board

Governance of the streetcar is shared among the city of Portland which owns, operates, and is financially responsible for the system; PSI, a nonprofit corporation which has administrative responsibilities for scheduling, fares, promotion, sponsorships, customer relations, and streetcar best practices; and TriMet which provides trained operators and mechanics, operational expertise, as well as some funding.[42] In addition, the Portland city commissioner appoints members to the Portland Streetcar Citizen Advisory Committee to offer advice on project planning, design, and operations. In 2013, TriMet and the city of Portland clarified their respective roles and responsibilities in a Streetcar Master Agreement,[43] agreeing, among other things, to change the FTA designated recipient from the city of Portland to TriMet.[44] More information on the Master Agreement is noted in the side bar.

Governance Challenges

A 2014 audit of the Portland streetcar found deficiencies in essential elements of an effective performance management system: the reporting and measurement of results.[45] The audit found discrepancies in reported on-time performance and that estimated ridership numbers were inflated.[46] Critics have linked these performance management deficiencies to the "blurred governance of Portland's streetcar system," noting the comingled authority of the city of Portland, TriMet, and PSI.[47]

STREETCAR MASTER AGREEMENT

In recognition of the city of Portland's and TriMet's joint responsibilities, a new structure was put in place to help coordinate decisions for current service and any possible future streetcar lines. Most fundamentally, the parties agreed that no future streetcar projects would be pursued without the concurrence of both parties, and any future decisions about TriMet and city shares for streetcar operations funding would be tied to ridership and consistency with TriMet and city financial planning and budget processes.

The Master Agreement:

- Creates a Permanent Executive Group as a consensus-based, decision-making entity to advise the city and TriMet.
- Creates a Streetcar Planning Group to develop issues and analyses to a sufficient level to allow well-informed and efficient decision-making related the streetcar.
- Clarifies that for streetcar-related FTA grants, funds, and other FTA-required activities, TriMet will act as the grantee with the city acting as the sub-recipient.

San Diego Association of Governments (SANDAG)

Overview

SANDAG is the preeminent transportation agency in the San Diego region with planning authority stemming from the multiple roles that SANDAG plays under federal, state, and local law. Federal law designates SANDAG as a MPO and state law designates it as a Regional Transportation Planning Agency. SANDAG is also responsible for regional transit planning and capital project development functions of two metropolitan transit-operating agencies – the San Diego Metropolitan Transit System (MTS) and North County Transit District (NCTD). SANDAG's primary functions are to provide a public forum for regional decision making, build consensus regarding regional policies, and allocate transportation funding consistent with this consensus.[48]

History

The origins of SANDAG date back to 1966 when local governments created the Comprehensive Planning Organization (CPO) as a long-range planning department within the San Diego County government under a state authorized joint powers agreement.[49] A subcomponent of the county, CPO was to address long-range transportation and other regional planning issues. In 1980, CPO changed its name to SANDAG. Also during this time period, voters passed Proposition A – the local one half-cent transportation sales tax measure; an advisory measure calling for creation of a Regional Planning and Growth Management Board; and TransNet – the $3.3 billion program starts for highways, transit, local roads, and bicycles.[50]

In 2002 and 2003, after studies on alternative regional governance structures failed to achieve widespread consensus, the legislature enacted two measures that provided for changes to the San Diego region's governance structure. Together, Chapter 743, Statutes of 2002 (SB 1703) and Chapter 508, Statutes of 2003 (AB 361), increased the authority and responsibility of SANDAG by:

- Consolidating within SANDAG the regional transit planning and capital project development functions of two metropolitan transit-operating agencies.
- Directing SANDAG to develop a regional comprehensive plan and use the agency's significant authority over regional transportation funds to further the goals of the plan.
- Modifying the structure and voting procedures of SANDAG to (1) increase the authority of larger cities in the region and (2) designate a committee structure including a committee with broad responsibility for transportation oversight.[51]

In 2004, voters extended the *TransNet* sales tax program for 40 years to generate $14 billion to help fund highway, transit, and local street improvements.[52] At the same time, the Independent Taxpayer Oversight Committee was formed in accordance with the *TransNet* ordinance to monitor the expenditure of TransNet funds to ensure transparency and accountability.[53]

Service Area

The service area for SANDAG is the San Diego Region which includes the region's 18 cities and the county of San Diego.

Description of Service

SANDAG does not itself operate any transit service. Rather, it serves as the forum for regional decision-making for transportation, land use, and regional growth among other things. SANDAG builds consensus; makes strategic plans; obtains and allocates resources; plans, engineers, and builds public transportation projects; and provides information on a broad range of topics pertinent to the region's quality of life. SANDAG assumed responsibility for the planning and capital project development functions of MTS and NCTD in 2003.[54] Once construction is complete, SANDAG turns the operations and maintenance of the specific transportation systems to others. For instance, MTS operates and maintains the bus and rail services within the greater San Diego area, and its northern counterpart, NCTD, operates and maintains the bus and rail system within the north county area. Amtrak operates the Coaster commuter rail line within the SANDAG area.

Funding

Of the $1.1 billion in transportation funding flowing through the San Diego region in 2005, SANDAG has the authority to direct about one-third. State law has also designated SANDAG as the San Diego County Regional Transportation Commission to administer the half-cent county sales tax known as TransNet. The county adopted the first TransNet measure in 1987, which funded various transportation projects with an additional half-cent local sales tax. In 2004, the sales tax was extended for 40 years (this extension is also called TransNet). These roles and others give SANDAG various responsibilities related to transportation in the region, including creating the region's transportation plans and deciding how transportation funding will be used.[55]

Governing Board

SANDAG is governed by a 15-member board of directors selected from mayors, councilmembers, and county supervisors from the region's local governments.[56] Supplementing these voting members are advisory representatives from Imperial County, the U.S. Department of Defense, Caltrans, San Diego Unified Port District, Metropolitan Transit System, North County Transit District, San Diego County Water Authority, Southern California Tribal Chairmen's Association, and Mexico. Policy Advisory Committees assist the board of directors in carrying out the agency's work program. The board of directors is assisted by a professional staff of planners, engineers, and research specialists.

Monthly board of directors and policy advisory committee meetings provide the public forums for making decisions on regional matters. Citizens and community representatives are involved in the planning and approval process by participating in committees, workshops, and public hearings.

Voting Protocols

Until recently, for the SANDAG board to act on any item required a majority vote of the members present on the basis of one vote per agency *as well as* a weighted vote pursuant to a specified process. California State Assembly Bill 805, approved by the Governor on October 11, 2017, adjusts both membership and voting rights to provide that official acts of the board require the affirmative vote of the majority of the members of the board present.[57] After a vote of the members is taken, a weighted vote may be called by the members of any two jurisdictions. The weighted vote procedure is apportioned according to the procedure set forth in the side bar.

Governance Challenges

Although SANDAG's membership is geographically diverse with representatives from cities across the county, because its members are elected officials the governance structure is not one that automatically fosters a regional perspective on issues. While the decision making and voting requirements necessitate a consensus approach to transportation issues, this consensus need not always represent a true regional perspective on issues. This is because the local officials that make up the SANDAG board are directly answerable only to their local constituents and governing boards. As a result, while SANDAG's stated intention is to establish plans and choose projects based on their regional benefit, its members may at times be driven more by local concerns.[58]

SANDAG has put mechanisms in place to account for regional needs in its planning approach and funding decisions including voting protocols already discussed. In addition, SANDAG selects projects for funding based not just on traditional measures such as congestion relief and cost effectiveness, but also using regional criteria including smart growth components, effects on housing, and environmental issues.[59]

VOTING PROTOCALS TO ENCOURAGE CONSENSUS

As a result of the governance structure and voting mechanism of SANDAG, strong consensus is needed for projects that are undertaken and policies endorsed.

- All actions of the board must be approved by a majority of the tally and, upon the call of the members of any two member jurisdictions, the weighted votes.
- The tally vote is compiled by counting the votes of each city and the county (except that the City of San Diego gets two votes).
- In the case of the weighted vote, the County of San Diego and each city shall, in total, exercise 100 votes to be apportioned annually based on population, except in the case of the City of San Diego. Each of the four representatives of the City of San Diego shall exercise 12½ weighted votes, for a total of 50 votes.
- Approval under the weighted vote procedure requires the vote of the representatives of not less than three jurisdictions representing not less than 51 percent of the total weighted vote to supersede the original action of the board.
- When a weighted vote is taken on any item that requires more than a majority vote of the board, it also requires the supermajority percentage of the weighted vote.

Utah Transit Authority (UTA)

Overview

The Utah Transit Authority (UTA) was incorporated on March 3, 1970 under authority of the Utah Public Transit District Act of 1969 for the purpose of providing a public mass transportation system for Utah communities. UTA provides service throughout the Wasatch Front of Utah, which includes the metropolitan areas of Ogden, Park City, Provo, Salt Lake City and Tooele. The state's largest public transportation provider, UTA serves more than 80 percent of the state's population in seven counties and 77 municipalities, covering 1,400 square miles.

History

In 1969, the Utah State Legislature passed the Utah Public Transit District Act, which allows individual communities to address transportation needs by forming local transit districts. UTA was subsequently founded on March 3, 1970 when three cities voted to form a transit district. Service was extended over time to other cities and counties and today, the UTA's service area is over 1,400 square miles and covers seven counties.

UTA saw rapid expansion through the mid-1970s and 1980s and concentrated on streamlining the bus service and connecting the east and west sides of the Salt Lake Valley. In the early 1990s, population growth and accompanying congestion led to the study of the feasibility of light rail in the Salt Lake Valley. A 1993 initiative to use tax revenues to purchase an underutilized rail corridor for potential light rail use was rejected by Salt Lake County voters. Nonetheless, UTA moved forward and was able to make the purchase using other available funds. Light rail became operational in 1999 and now includes three lines with the newest line providing rail service from downtown Salt Lake City to the Salt Lake International Airport that opened in 2013.[60] In 2002, UTA concluded the historic acquisition of 185 miles of rail corridor from Union Pacific Railroad – the largest freight-to-transit transfer of right of way ever concluded in a single transaction. The right of way purchase enabled the construction of a commuter rail line with service from Ogden to Salt Lake City opening in 2008; service was expanded south from Salt Lake City to Provo in 2012. Additionally, the 2-mile streetcar running through Salt Lake City's Sugar House district and South Salt Lake went into service in 2013.[61]

Service Area

UTA's service area lies in the region commonly referred to as the Wasatch Front. The service area extends from the Wasatch Mountains on the east to the Great Salt Lake on the west, is approximately 100 miles long and 30 miles wide, and consists of an area of approximately 1,400 square miles that covers all or portions of seven (7) principal counties. The total population within the seven principal counties is approximately 2,400,000 which represents approximately 82% of the state's total population.

Description of Service

UTA operates and maintains all of its fixed route buses, express buses, ski buses, paratransit vehicles, bus rapid transit vehicles, light rail cars, streetcars, and commuter rail cars.

Funding

UTA's primary funding source is sales tax revenues generated in the communities that are a part of UTA's service district. The sales tax varies from county to county between 1 cent and 1 ¼ cent. Sales tax accounts for approximately 70 percent of UTA's funding; federal funds 13 percent; and fare box recovery 11 percent.[62]

Governing Board

UTA is a special service district overseen by a 16-member board of trustees of 15-voting and 1-nonvoting members.[63] Eleven of the board members are appointed according to the process outlined in the side bar.[64] The remaining voting members are appointed by the Governor of Utah, the President of the State Senate, the Speaker of the State House of Representatives, and the State Transportation Commission.

Voting Protocols

A majority of all voting members constitutes a quorum for transacting business. An affirmative vote of a majority of a quorum is sufficient to carry any order, resolution, ordinance, or proposition before the board except the adoption of a budget which requires an affirmative vote of all voting members.[65]

Governance Challenges

In exchange for an increase in the transit sales tax, UTA promised voters in 2006 to open multiple new rail lines for operation by 2015. UTA kept this promise with the opening of four light rail lines and a commuter rail extension in 2013 – two years ahead of schedule and $300 million under budget. These new projects brought the Wasatch Front's rail transit system to 140 miles.[66] For the first time, UTA accepted state funds so it could meet this aggressive construction schedule and surrendered some if its independence in return. Thereafter, the state assumed appointing authority for four UTA board members. In 2017, the legislature appointed an interim task force to study ways of exerting more state control over UTA.[67] The task force did not pass out of study any of the three options for either an outright or partial state takeover of UTA. It did, however, agree to require confirmation of all board member appointments by the Senate, including appointments made by local government appointing authorities, and to further study how to increase state oversight of the agency.[68]

BOARD APPOINTMENT PROCESS

- If a population of a county is at least 750,000, the county executive with the consent of the legislative body appoints one voting member.
- If a municipality's population is at least 160,000, the city executive with the consent of the legislative body appoints one voting member.
- After subtracting the number of members appointed by a county or city, the board apportions the remaining voting members to each county within the district using an average of:
  (1) the proportion of population residing within each county, rounded to the nearest 1/11 of the total transit district population; and
  (2) the proportion of transit sales tax collected within each county, rounded to the nearest 1/11 of the total cumulative transit sales tax collected for the transit district.

Regional Transit Authority of Southeast Michigan (Detroit)

Overview

The Regional Transit Authority of Southeast Michigan (RTA) was created by the Michigan Legislature through Public Act No. 387 of 2012. For the first time, the Legislature included a provision allowing for such a regional transit authority to fund itself. The purpose of the RTA is to plan for and coordinate public transportation in the four-county southeast region, including the city of Detroit, and to deliver rapid transit in the region. It is the entity through which transit providers must apply for state and federal funds, and through which those funds are allocated to providers. The RTA is also responsible for developing a Regional Master Transit Plan to guide present and future service and is authorized to put funding questions on the ballot for public vote.[69]

History

The RTA has its beginnings in the Metropolitan Transportation Authorities Act of 1967.[70] A provision of the act specifically created the Southeastern Michigan Transportation Authority (SEMTA), to service a seven-county area in Southeastern Michigan but provided the authority with no additional means to levy taxes or fees to fund the operations for the transit providers it had acquired. In 1988, SEMTA was renamed the Suburban Mobility Authority for Regional Transportation (SMART) and restructured to reduce the service area from seven counties to three and exclude the city of Detroit.[71] SMART began operation on January 17, 1989. At the same time, regional leaders representing the three-county area and Detroit filed articles of incorporation to form the Regional Transit Coordinating Council (RTCC) to continue limited coordination and development of services between Detroit Department of Transportation (DDOT) and SMART.[72]

Notwithstanding coordination efforts of the three-county area, as regional leaders pursued the region's first streetcar they were told by US Transportation Secretary Ray LaHood that support for federal funding was dependent on the creation of a truly regional transit authority for the Detroit region. The Michigan Legislature authorized the RTA in 2012. Shortly thereafter US Transportation Secretary Ray LaHood withdrew his objection to funding and announced that the Detroit streetcar would receive 25 million.[73] The QLINE, a 3.3-mile circulating streetcar, opened to the public in May, 2017 as a public-private partnership among area businesses and local, state and federal governments.[74]

In addition to satisfying the institutional capacity requirement to qualify for federal funds, the RTA was formed to provide oversight and coordination responsibilities for the existing transit operation of DDOT, SMART, the Ann Arbor Area Transportation Authority (AAATA), and the Detroit Transportation Corporation (DTC). RTA also developed a plan to vastly improve transit in the region to include bus rapid transit routes, new traditional bus routes (cross-county connectors and rush hour express service), commuter rail between Detroit and Ann Arbor, more on-demand and paratransit services, and other transit improvements. The plan, which would have assessed a property tax in four Southeast Michigan counties, was put to a vote in 2016 and narrowly defeated because of an overwhelming rejection by voters in a single county.[75]

Service Area

The RTA coordinates service in the Southeast Michigan region provided by four area transit providers: AAATA, DDOT, DTC, and SMART. It does not itself operate any transit system at this time.

Funding

The RTA receives state appropriations of $250,000 annually and is authorized to levy property tax and motor vehicle registration fees subject to voter approval.[76]

Governing Board

The RTA is governed by a board consisting of ten members, nine of which are voting members, appointed as follows: two members are appointed by county executive of the county with the 2nd largest population; two members are appointed by county executive of county with 3rd largest population; two members are appointed by county executive of county with 4th largest population; two members are appointed by the county executive of largest population; one member is appointed by the mayor of the city within the largest county.[77] The Governor's appointee serves as chair, without a vote.

The Regional Transit Authority Act satisfies many elements of effective governance as determined by a recent study of the Mineta National Transit Research Consortium (see side bar).[78] To be eligible for appointment, a board member must be a resident of and registered elector in the appointing authority; must have substantial business, financial, or professional experience relevant to the operation of a corporation or public transportation system; and must pledge to discharge duties of position in a nonpartisan manner, in good faith, in the best interests of the state, and with the degree of diligence, care, and skill that an ordinarily prudent person would exercise under similar circumstances in a like position.[79] Employees of the county or city appointing the board member and currently serving elected officers of the state or a political subdivision of the state are not eligible for board service.[80]

Voting Protocols

A majority of the voting members of the board constitutes a quorum for the transaction of business. Board members must be present to vote – no proxy vote is allowed for any board member. In most cases, board action is effective when approved by a vote of a majority of all voting members.[81] The board is granted the authority, with a 7/9 supermajority of the voting members, to: determine the rate of and place on the ballot

QUALITIES OF EFFECTIVE GOVERNANCE STRUCTURE OF RTA

According to a recent study by the Mineta Research Consortium, factors that enable effective governance of transit systems include:

- Board members that have special skill sets such as financial expertise, legal skills, accounting experience, business backgrounds, and transit experience.
- A board that is composed of persons independent from the municipalities that serve the region to enhance the regional, rather than parochial focus of the board.
- Board members that are representative of the entire region covered by the transit district.
- Board members that are diverse in terms of gender, race, and ethnic background to reflect the community served.
- A board with ultimate responsibility for the financial performance of the transit system.

a levy of an assessment for the funding of transit services and operations; determine the rate of and place on the ballot a vehicle registration tax for the funding of transit services and operations; determine to acquire existing street railways; and determine to acquire, construct, or operate planned commuter rail services in the region.[82] The board is granted the authority, with unanimous consent, to acquire a public transit provider in the region and to place on the ballot a question of assuming liability or paying legacy costs of an acquired public transportation provider.

Governance Challenges

A variety of factors have hindered efforts to develop effective regional transit in the Detroit area for many years. The Mineta National Transit Research Consortium undertook a study of the elements of governance needed to create a reliable, efficient, and affordable regional transportation system to service the Detroit metropolitan area. The resulting report of *Factors that Inhibit and Enable Effective Development of Sustainable Regional Transit in Southeastern Michigan* found that the 2012 RTA legislation largely satisfied the elements necessary to achieve successful governance concluding:

> Analysis of the best elements of successful governance in the four [peer] areas observed concludes that the governance provisions contained in the RTA enabling-legislation go a long way to achieving an effective governance structure. The Act, which includes provisions for qualifications, regional representation, appropriate size and clear delineation of responsibilities, achieves its purpose. While the RTA does not, at this time, actually operate any systems, it should provide a model for the systems operating under its jurisdiction. Detroit Department of Transportation (DDOT) would benefit greatly from oversight from a diverse and qualified fiduciary board representative of the Detroit community with special skill sets to contribute to the governance process. This can be accomplished, of course, if DDOT is "spun off" to an independent authority, or to the Detroit Transportation Corporation (DTC), which owns and operates the Detroit People Mover. DDOT should then amend its articles of incorporation to diversify its board, which now is composed of five City of Detroit employees and one Suburban Mobility Authority for Regional Transportation (SMART) designee. The goal would be for the combined DDOT and DTC to provide business, financial and leadership skills and backgrounds, either indirectly or through a board of directors comprised of unaffiliated persons. With regard to the other transit authorities under the umbrella of the RTA in the region, including specifically SMART, it is not recommended that their structure be revised or their board representation materially modified. It is recommended that those agencies should strive to achieve representation on their own boards with independent persons with the qualifications and skills as outlined in the RTA enabling-legislation.[83]

III. Conclusion

Although this report gives examples of six general models of governance drawn from the case studies, those models can be adapted in an almost infinite number of ways. Because each urban region has a unique combination of political institutions, history, current transit agency governance, and special transit needs, models that have worked well in one location may need to be adapted significantly if they are to work in another region. While recognizing that each region is unique, this report concludes with five general observations that may aid the Task Force as it works to establish a governance structure for the region that will be effective and durable.

1. *Getting to Regionalism*

An effective governance structure must address the fact that most bus and rail lines do not end, and should not end, at a city or county border. Like other regional networks, transit can be more effective when it is planned, organized, and operated with a regional perspective. Regionalism can be fostered by ensuring regional representation on the board, adopting voting protocols that encourage consensus, and establishing decision making parameters using regional criteria.

2. *Follow the Money*

Care must be taken to create a structure that will meet FTA's institutional capacity requirement for qualifying for federal discretionary grant funds. It is important to establish the structures, organizational mechanisms, and processes that demonstrate the capacity to be an effective partner in oversight, planning, budgeting, and spending of federal discretionary funds. Transit authorities that are able to demonstrate a common regional vision and regional support for major projects are respected by federal funding agencies.

3. *Board Representation is Critical*

Board representation and selection are critical. To be most effective, protocols should ensure that: (1) board representation reflects the entire geographic distribution of the region both in scope and diversity; (2) board representation is equitably balanced to account for both population and funding; (3) board members have the skills necessary to provide effective oversight of the system; (4) board members have sufficient independence to enhance the regional focus of the board; and (5) board members are accountable for the financial performance and quality of the service of the transit system.

4. *Arrangements with Existing Transit Operators must be Clearly Delineated*

The new regional authority should manage the relationships with established transit providers in a manner that is clear and equitable. The case studies reveal differing approaches to this issue with some (such as Valley Metro) choosing to continue operating local service even though it made it difficult to determine the costs associated with benefits achieved locally and those achieved by collaboration regionally. Others (such as TriMet) initially elected to keep the new service separate from the regional authority only to realize that the separation created confusion among the public and the parties about the respective roles and responsibilities. The confusion was substantially reduced after the parties made their understanding explicit in an agreement setting clear parameters to coordinate decisions for current and new service.

5. *Set District Boundaries with Care*

District boundaries should be set with an eye toward the region's projected population growth so that the service area will be able to absorb future anticipated growth. In addition, setting boundaries in a manner that avoids the "swiss cheese" effect of cities coming in and out of the district is preferred. If it is not possible to avoid breaks in continuity, thought should be given at the outset as to how service will be delivered under such circumstances.

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