



METROPOLITAN
TRANSPORTATION
COMMISSION

Agenda Item 4b

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Memorandum

TO: Legislation Committee

DATE: April 6, 2012

FR: Executive Director

W. I. 1131

RE: ACA 23 (Perea): Local Special Taxes for Transportation: 55% Approval

Background

Assembly Constitutional Amendment 23 by Assembly Member Perea of Fresno changes the voter-approval requirement for special transportation taxes proposed by a local government from two-thirds to 55 percent — the same vote threshold required for educational bonds since voters approved a special allowance for them in 2000.

Discussion

Since the California Supreme Court ruling in *Santa Clara County Local Transportation Authority v. Guardino* in 1995, transportation agencies have been subject to a two-thirds voter approval requirement whenever they seek to increase or extend a special transportation tax. While seven of the region's counties have managed to achieve this level of support with regard to the transportation sales taxes, and BART and AC Transit have managed to enact parcel taxes to support their systems, the two-thirds vote has eluded Napa and Solano counties on several occasions and certainly lowers the prospects for new transportation taxes in *any* Bay Area county. In the case of Solano County, 60 percent of voters supported the sales tax proposal in 2002 and another 64 percent in 2004. In the case of Napa County, 52 percent of voters supported its 2006 bid for a sales tax.

While the chance that ACA 23 would be approved by the Legislature is low (since the bill requires two-thirds approval from each house), we recommend endorsing it as a means of keeping the issue of voter approval in the political spotlight. Proposition 26, passed by the voters in 2010, expanded the scope of the two-thirds vote even further, capturing virtually all revenue increases, including future motor vehicle registration fee increases. ACA 23 would not only ease the challenge for Napa and Solano counties, it would also raise the chances that MTC could win support for a regional gas tax under the authority we've had for 15 years but have had little opportunity to exercise given the current two-thirds voter-approval requirement. To demonstrate our support for increased funding levels for transportation, which can be greatly facilitated by restoring the old-fashioned concept of "majority rule", we recommend a support position on ACA 23.

Recommendation: Support

Known Positions

Support

California Transit Association
City of Wasco
Kern Council of Governments (sponsor)
Merced County Association of Governments
Santa Clara Valley Transportation Authority (VTA)

Oppose

None on file



Steve Heminger