



Reply to: Alice Fredericks  
Chair, Legislative Committee  
MCCMC Tiburon Town Hall  
1505 Tiburon Blvd  
Tiburon, CA 94920

September 24, 2018

The Honorable Edmund G. Brown  
Governor, State of California  
State Capitol, First Floor  
Sacramento, CA 95814  
VIA Email: [Leg.Unit@gov.ca.gov](mailto:Leg.Unit@gov.ca.gov)

**RE: AB 2923 (Chiu) San Francisco Bay Area Rapid Transit: TOD  
Request for Veto**

Dear Governor Brown,

The Marin County Council of Mayors and Councilmembers urges you to veto AB 2923 (Chiu). The bill would give a transportation agency, San Francisco Bay Area Rapid Transit (BART), land use authority for projects on BART owned land within one-half mile of an existing or planned BART station. While the cities and towns of Marin are not directly affected by this bill, the precedent it sets threatens local accountability for land use actions that impact the citizens we all serve. Further, AB 2923 overrides the constitutionally bestowed land use authority of local cities, saddles cities with all costs of the unfunded planning mandate, precludes community engagement, and sets a dangerous statewide precedent – all without reasonable justification.

AB 2923 authorizes BART to regulate density, height and parking of projects on land owned by the transit agency and requires the affected local government to conform their land use planning to BART's TOD plan. The bill potentially requires a costly planning process in affected cities to achieve that conformity and removes decision making from the local governments closest to the people who are affected. As proposed, AB 2923 denies the citizens we serve the meaningful participation that makes local government trustworthy and accountable.

Government transparency and accountability is best served by decision making that occurs at the level closest to the people impacted. Please don't sign this bill without clear evidence of a defined problem that merits such intrusive intervention and overreaching precedent.

Respectfully,

Alice Fredericks, Chair  
Legislative Committee  
Marin County Council of Mayors and Councilmembers

cc: The Honorable David Chiu, California State Assembly, District 17  
Graciela Castillo-Krings, Deputy Legislative Secretary, Office of Governor Brown ([Leg.Unit@gov.ca.gov](mailto:Leg.Unit@gov.ca.gov))  
Your Regional Public Affairs Manager  
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