



DATE: February 12, 2018

TO: Transportation Authority of Marin Board of Commissioners

FROM: Dianne Steinhauser, Executive Director
Bill Whitney, Principal Project Delivery Manager

SUBJECT: North-South Greenway Gap Closure Project – Request the Metropolitan Transportation Commission (MTC) Allocate Funding to the San Rafael Multi-Use Path via TAM- (Action)
- Agenda Item No.7

RECOMMENDATION:

Staff is recommending the Board:

- (1) Approve a Resolution authorizing the Executive Director to submit a request to MTC to allocate \$2.95M in Regional Measure 2 toll bridge funds for use by TAM to - be directed to the City of San Rafael to construct the Multi-Use Path from Second Street to Andersen Drive.
- (2) Update the Initial Project Report to reflect funds are being re-directed form the Southern Segment of the North/South Greenway in Corte Madera/ Larkspur to the San Rafael Multi-Use Path
- (3) Authorize the Executive Director to negotiate and execute a funding agreement up to \$2.95M with the City San Rafael, under several conditions as outlined below. If grant funds are realized between this time and when the funds are spent, this amount will be reduced accordingly.
- (4) Prioritize the southern segment in applying for future grant opportunities:

BACKGROUND:

Closing the gaps in the non-motorized transportation network has been a priority for Marin for many years now, in particular the north-south spine known as the Greenway. In the 2004 ½ cent Transportation Sales Tax Expenditure Plan passed by voters as Measure A, the public approved the inclusion of a multi-use path (MUP) in the US 101 HOV Gap Closure in San Rafael over Puerto Suello Hill. The public approval of the 2004 Regional Measure 2 toll increase included rehabilitation of the collapsed Cal Park Hill Tunnel and creation of a new pathway next to the SMART rail line through the tunnel. That same Regional Measure 2 also substantially funded the extension of the MUP over Sir Francis Drake Blvd with the Central Marin Ferry Connection Bridge. Funds redirected by MTC at TAM’s request created a funding stream for creating a new widen MUP over Corte Madera Creek to the south. The desire to extend the series of MUP’s to connect to the existing paths at Old Redwood Highway and Wornum Drive continues as we incrementally close each gap in the network. We are now presented with an opportunity to extend the Cal Park MUP to the north to serve the downtown San Rafael area and Bettini Transit Center.

Greenway

The North South Greenway Gap Closure Project will create a new multi-use path connecting the existing paths at the intersection of Old Redwood Highway and Wornum Drive with the bike/ pedestrian bridge

recently completed over Sir Francis Drake Boulevard. The overall scope of work includes two distinct segments of new path, a northern segment and a southern segment. The northern segment includes widening of the Caltrans northbound off-ramp structure over Corte Madera Creek to create a new multi-use path, and extending the path south along Old Redwood Highway to the existing Greenbrae Pedestrian Overcrossing. TAM is the implementing agency for the design of the northern segment. The southern segment is in the environmental phase and crosses multiple jurisdictions and entities, including the City of Larkspur, the Town of Corte Madera, the County of Marin, and SMART. The County of Marin has agreed to be the implementing agency on behalf of TAM for the environmental phase of the southern segment.

Staff and the consulting team have been developing the project's northern segment design-based input from project stakeholders. We have worked closely with Caltrans and followed their directions in the project development process, as the facility is almost entirely on their highway structure. We have also worked closely with the City of Larkspur to ensure our common goals are achieved.

San Rafael Multi-Use Path – Second to Andersen

The Sonoma Marin Area Rail Transit District (SMART) is moving forward with its Larkspur Extension project, which will extend the rail service from downtown San Rafael to Larkspur Landing. SMART has completed its 30% design and has started construction. The construction phase of the Larkspur Extension is anticipated to be complete by the end of 2018 with rail testing to follow. SMART's Larkspur Extension project does not include a multi-use pathway (MUP) parallel to the rail line.

In November 2016 TAM awarded \$250,000 in One Bay Area Grant (OBAG 2) funding for this project to advance the environmental and design phase of the MUP. MTC has also provided \$1M to advance this MUP. The environmental determination was approved by the City of San Rafael in December 2017, and the design is nearing completion including approval of regulatory agency permits. No construction funds have been identified to advance the project which is estimated to cost \$4.5M.

DISCUSSION/ANALYSIS:

The City of San Rafael is the sponsoring agency for the Multi Use Path from 2nd to Anderson. They have been closely coordinating with SMART. TAM has been monitoring the City and SMART discussions to incorporate the construction of the MUP from Second Street to Andersen Drive into SMART's design/build contract currently underway. TAM is also aware that in order for the MUP to be included into the SMART construction phase the funds are needed no later than end of March 2018 as to not delay the SMART extension. Delaying the construction of the MUP until after rail service has begun will likely add significant costs to the project and may jeopardize delivery altogether making this recommended action that much more necessary at this time.

It is a difficult decision for TAM to recommend re-directing funds from the Southern Segment, a project that has been under consideration for many years now; however, when you consider such factors as project readiness, cost of delay, public support and the need to close a critical gap in the non-motorized network, re-directing available funds to a more ready-to-go project may be in our best interest to address the community's mobility needs.

TAM remains committed to fully funding the North South Greenway - Southern Segment in Corte Madera /Larkspur. The project will continue through its current phase of Environmental Clearance will take another 1-2 years. Funds are left in the project to cover those costs.

The near-term cash flow demand for the Multi-Use Pathway in San Rafael is a temporary re-allocation of current Regional Measure 2 funds. The funds sent to the Multi-Use Pathway from 2nd to Anderson will allow its construction to occur at the same time as the rail construction, saving 1 \$millions in cost for that pathway.

TAM staff will seek funds from Regional Measure 3, if passed in June 2018 by the voters of the Bay Area, as one source for backfilling the Southern Segment project. The funds for the Bay Trail/ Safe Routes to Transit Category in the RM3 legislation are considered a good source to backfill funds for the Southern Segment. Voters will have a chance to address regional congestion with the approval of RM3, with major roadway and transit projects slated to benefit Marin. TAM will be weighing in on Marin County priorities for the Bay Trail/ Safe Routes to Transit Program. TAM staff recommends the Board consider adopting the Southern Segment as a high priority for requesting Bay Trail/Safe Route to Transit funding under RM3.

TAM staff also recommends the pursuit of other grants to either fund the North/South Greenway Southern Segment, address shortfalls in the Northern Segment, or complete the funding package for the 2nd to Anderson Multi-Use path. To that extent, TAM staff will seek grant funding in any applicable grant program, included but not limited to the Active Transportation Program (ATP FY 19/20); the Bay Area Air Quality Management District Bicycle Facilities Grant Program for future construction years; and other grant opportunities as they come forward. It should be noted TAM staff recently submitted an application for the Northern Segment into the Local Partnership Program in the amount of \$2M, as concurred with by the Board. We expect to be notified of the status in May 2018.

As noted below in the Fiscal Consideration section of this report, transferring of the available RM2 funds does not provide a full funding plan for the San Rafael MUP. Staff has reached out to City and County officials to request their financial participation to close this funding gap. Both parties have agreed in concept. It is also possible private funds be added to the funding plan, but at this time we are unsure of the timing of when these private funds may become available. Staff is making the issue of closing the funding gap a condition of executing the Agreement with San Rafael prior to transfer of funds.

Staff is also recommending the transfer of funds be conditioned to limit TAM funds in the amount of \$2.95M and no additional funds will be provided by TAM. If the project does not proceed as plan in parallel with the SMART extension the RM2 funds will be returned to the Greenway Project. The Agreement will also condition the return of any savings should they be realized.

In summary, staff is recommending the follow conditions be included if the Board approves recommending MTC transfer \$2.95M of RM2 funds from the Southern Segment of the Greenway to the San Rafael MUP.

- City shall work with the County and/or secure private funds to close the estimated funding gap in the amount of \$490,000.
- City agrees to use all other funding source first before using RM2 funds.
- City shall complete project with no additional funds from TAM.
- If project is not delivered concurrent with the SMART's extension to Larkspur the funds will be returned to TAM.
- City agrees to return any RM2 savings to TAM to be directed to the Greenway.

Northern Segment Projected Shortfall

The northern segment is nearing completion of the final design and is seeking permits from resource agencies. Using the current construction cost estimate recently completed for the 95% submittal to Caltrans staff is projecting a \$3.5M funding shortfall that exceeds the existing programmed amount. In addition to capital cost increases, increases in both design and construction support, the permit conditions currently proposed by resource agencies far exceed what was originally estimated. Staff is in discussion with Caltrans and resource

agency staff to reduce the conditions, if possible, and therefor reduce the identified shortfall. As mentioned above staff will pursue all available grant funding opportunities that may reduce the estimated shortfall. As we get closer to the construction phase later this summer the Board will be updated on the funding picture and take action required to proceed with construction.

FISCAL CONSIDERATION:

A financial plan has been developed to assess the needs of the San Rafael MUP, completion and construction of the North-South Greenway – Northern Segment, and the desire to complete the Southern Segment’s preliminary- engineering phase and environmental determination.

The Funding Plan is as follows:

Greenway – Southern Segment

- (\$ 7,950,000) Programmed RM2 Funding
- \$1,500,000 Previously Allocated Funds for Environmental
- \$2,950,000 Re-direct Funds to San Rafael MUP
- \$3,500,000 Projected Northern Segment Shortfall (No Board action on this item is requested at this time)

The environmental phase will be completed for the southern segment. Additional future funding will be pursued to backfill the southern segment funds that are diverted by this action as well as addressing the projected shortfall of the northern segment. If RM2 funds are not needed to complete the San Rafael MUP or to close the estimated shortfall of the northern segment then they will be returned to the southern segment.

San Rafael Multi-Use Path

- \$ 4,500,000 Total Capital Cost (Estimate provided by City of San Rafael)
- \$ 502,000 TAM provided Local Partnership Program (SB1) funds
- \$ 550,000 MTC previously allocated remaining funds (OBAG)
- \$ 2,950,000 Re-directed Funds from the Southern Segment (RM2)
- \$ 498,000 By others (San Rafael, County, Private)

NOTE: TAM provided funds for the cost of the environmental approval of the San Rafael MUP - totaling \$250,000. MTC provided \$1,000,000 for the MUP, of which San Rafael utilized \$450,000 for design, leaving \$550,000 to apply to the construction of the pathway.

NEXT STEPS:

- Coordinate seeking approval of MTC RM2 funding for the 2nd to Anderson MUP
- Execute Agreement between TAM and the City of San Rafael, with conditions as noted
- Seek funds for backfilling the North /South Greenway Project funding plan.

ATTACHMENTS: Allocation Request Resolution

TAM RESOLUTION NO. 2018-xx

**RM2 Implementing Agency Resolution of Project Compliance
Allocation Request: Project No. 11.5**

Project Title: North South Greenway Gap Closure Project

Whereas, SB 916 (Chapter 715, Statutes 2004), commonly referred as Regional Measure 2, identified projects eligible to receive funding under the Regional Traffic Relief Plan; and

Whereas, the Metropolitan Transportation Commission (MTC) is responsible for funding projects eligible for Regional Measure 2 funds, pursuant to Streets and Highways Code Section 30914(c) and (d); and

Whereas, MTC has established a process whereby eligible transportation project sponsors may submit allocation requests for Regional Measure 2 funding; and

Whereas, allocations to MTC must be submitted consistent with procedures and conditions as outlined in Regional Measure 2 Policy and Procedures; and

Whereas, Transportation Authority of Marin is an eligible sponsor of transportation project(s) in Regional Measure 2, Regional Traffic Relief Plan funds; and

Whereas, the North South Greenway Gap Closure Project eligible for consideration in the Regional Traffic Relief Plan of Regional Measure 2, as identified in California Streets and Highways Code Section 30914(c) or (d); and

Whereas, the Regional Measure 2 allocation request, attached hereto in the Initial Project Report and incorporated herein as though set forth at length, lists the project, purpose, schedule, budget, expenditure and cash flow plan for which Transportation Authority of Marin is requesting that MTC allocate Regional Measure 2 funds; and

Resolved, that on March 2, 2004, the Marin County Board of Supervisors created the Transportation Authority of Marin by Resolution No. 2004-21, pursuant to Section 180050 of the California Public Utilities Code ("PUC"). As required by California PUC Section 180051(a) and California Government Code Section 65089(a), a majority of City and Town Councils of Marin County, representing a majority of the incorporated population of Marin, have concurred on the membership of the Transportation Authority of Marin and designated the Transportation Authority of Marin as the Congestion Management Agency for Marin County.

Resolved, that Transportation Authority of Marin, and its agents shall comply with the provisions of the Metropolitan Transportation Commission's Regional Measure 2 Policy Guidance (MTC Resolution No. 3636); and be it further

Resolved, that Transportation Authority of Marin certifies that the project is consistent with the Regional Transportation Plan (RTP).

Resolved, that the year of funding for any design, right-of-way and/or construction phases has taken into consideration the time necessary to obtain environmental clearance and permitting approval for the project.

Resolved, that the Regional Measure 2 phase or northern segment of the North/South Greenway Gap Closure Project is fully funded from the project No. 11.5 budget, and results in an operable and useable segment.

Resolved, that Transportation Authority of Marin approves the Updated Initial Project Report, attached to this resolution; and be it further

Resolved, that Transportation Authority of Marin approves the cash flow plan, attached to this resolution; and be it further

Resolved, that Transportation Authority of Marin has reviewed the project needs and has adequate staffing resources to deliver and complete the project within the schedule set forth in the updated Initial Project Report, attached to this resolution; and be it further

Resolved, that Transportation Authority of Marin is an eligible sponsor of projects in the Regional Measure 2 Regional Traffic Relief Plan, Capital Program, in accordance with California Streets and Highways Code 30914(c); and be it further

Resolved, that Transportation Authority of Marin is authorized to submit an application for Regional Measure 2 funds for the North South Greenway Gap Closure Project (11.5) in accordance with California Streets and Highways Code 30914(c); and be it further

Resolved, that Transportation Authority of Marin certifies that the projects and purposes for which RM2 funds are being requested is in compliance with the requirements of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), and with the State Environmental Impact Report Guidelines (14 California Code of Regulations Section 15000 et seq.) and if relevant the National Environmental Policy Act (NEPA), 42 USC Section 4-1 et. Seq. and the applicable regulations thereunder; and be it further

Resolved, that there is no legal impediment to Transportation Authority of Marin making allocation requests for Regional Measure 2 funds; and be it further

Resolved, that there is no pending or threatened litigation which might in any way adversely affect the proposed project, or the ability of Transportation Authority of Marin to deliver such project; and be it further

Resolved, that Transportation Authority of Marin indemnifies and holds harmless MTC, its Commissioners, representatives, agents, and employees from and against all claims, injury, suits, demands, liability, losses, damages, and expenses, whether direct or indirect (including any and all costs and expenses in connection therewith), incurred by reason of any act or failure to act of Transportation Authority of Marin, its officers, employees or agents, or subcontractors or any of them in connection with its performance of services under this allocation of RM2 funds. In addition to any other remedy authorized by law, so much of the funding due under this allocation of RM2 funds as shall reasonably be considered necessary by MTC may be retained until disposition has been made of any claim for damages, and be it further

Resolved, that Transportation Authority of Marin shall, if any revenues or profits from any non-governmental use of property (or project) that those revenues or profits shall be used exclusively for the public transportation services for which the project was initially approved,

either for capital improvements or maintenance and operational costs, otherwise the Metropolitan Transportation Commission is entitled to a proportionate share equal to MTC's percentage participation in the projects(s); and be it further

Resolved, that Transportation Authority of Marin shall post on both ends of the construction site(s) at least two signs visible to the public stating that the Project is funded with Regional Measure 2 Toll Revenues; and be it further

Resolved, that Transportation Authority of Marin authorizes its Executive Director to execute and submit an allocation request for work projected to be in FY 17/18 and/or FY18/19, to fund the Construction Phase of the San Rafael Multi-Use Path, in the amount of \$2,950,000 for the purposes and amounts included in the Initial Project Report attached to this resolution; and be it further,

Resolved, that Transportation Authority of Marin authorizes its Executive Director to execute a funding agreement with the City of San Rafael in the amount of \$2,950,000 to fund the construction of a multi-use path extending the existing Cal Park Hill Multi-Use Path from Andersen Drive north to Second Street along the SMART alignment, and be it further,

Resolved, that Transportation Authority of Marin authorizes its Executive Director to seek future funds to close the pedestrian and bicycle gap from the northern segment south to the existing paths at the Wornum Drive and Old Redwood Highway Intersection, and be it further,

Resolved that the Executive Director is hereby delegated the authority to make non-substantive changes or minor amendments to the IPR as deemed appropriate, and be it further,

Resolved, that a copy of this resolution shall be transmitted to MTC in conjunction with the filing of the Transportation Authority of Marin application referenced herein.

PASSED AND ADOPTED at a special meeting of the Transportation Authority of Marin held on the 12th day of February 2018, by the following vote:

AYES: Commissioners:
NOES: Commissioners:
ABSENT: Commissioners:

Stephanie Moulton-Peters, Chair
Transportation Authority of Marin

ATTEST:

Dianne Steinhauser
Executive Director