



MEETING OF THE
TRANSPORTATION AUTHORITY OF MARIN
EXECUTIVE COMMITTEE
Funding, Programs & Legislation
October 14, 2019
2:00 p.m.

TAM CONFERENCE ROOM
900 FIFTH AVENUE
SAN RAFAEL, CALIFORNIA

MEETING MINUTES

Members Present: Judy Arnold, County of Marin Board of Supervisors, Committee Chair
P. Beach Kuhl, Ross Town Council
Eric Lucan, Novato City Council
Katie Rice, County of Marin Board of Supervisors
Stephanie Moulton-Peters, Mill Valley City Council

Members Absent: None

Commissioners Present: Alice Fredericks, Tiburon Town Council
David Kunhardt, Corte Madera Town Council

Staff Members Present: Anne Richman, Executive Director
Bill Whitney, Principal Project Delivery Manager
Dan Cherrier, Principal Project Delivery Manager
David Chan, Manager of Programming & Legislation
Derek McGill, Planning Manager
Helga Cotter, Senior Accountant
Li Zhang, Deputy Executive Director/Chief Financial Officer
Molly Graham, Public Outreach Coordinator
Nick Nguyen, Principal Project Delivery Manager
Scott McDonald, Senior Transportation Planner

Chair Arnold called the meeting to order at 2:05 p.m.

1. Chair's Report (Discussion)

Chair Arnold welcomed Executive Director (ED) Anne Richman to TAM and to her first Executive Committee meeting.

2. Commissioner Comments (Discussion)

There were none.

Agenda Item 4 was taken out of order.

4. Open Time for Public Expression

Cindy Winter, resident of Larkspur, commented on the increasing prevalence of e-bikes which was the topic of her Marin Voice op-ed article in the Marin Independent Journal on October 7, titled, *Electric Bicycles Will Be Threat*

To Pedestrians On Paths, in which she cautioned that the speed of e-bikes may prove a hazard on multi-use paths. She suggested that it may be time to consider separated paths for pedestrian and adult bikers when approving new multi-modal projects in the future.

3. Executive Director's Report (Discussion)

ED Richman stated she was pleased to be part of TAM and to participate in her first Executive Committee meeting. She reported that the moveable barrier is being placed on the westbound upper deck of the Richmond-San Rafael Bridge and that the ribbon cutting celebration is in the planning stages for mid-November. She noted that the feasibility study for installing a bike barrier on the westbound Sir Francis Drake Boulevard flyover from I-580 continues and that staff expects to provide a full report to the TAM Board in November on the implementation strategy and potential funding action. ED Richman commented on a groundbreaking celebration she participated in for the final segment of the Marin-Sonoma Narrows (MSN) project in Sonoma County, and she added that TAM is awaiting release of Regional Measure (RM) 3 funds to complete the last portion of the MSN project in Marin. ED Richman reviewed numerous outreach events in which TAM participated over the past month. She finalized her report by noting that the Executive Committee meetings scheduled for November 11 and December 9 were cancelled but that a meeting of the full TAM Board may be convened on December 9, if necessary.

5. Approval of Minutes from June 10, 2019 (Action)

Commissioner Lucan moved to approve the Minutes of June 10, 2019 which was seconded by Commissioner Kuhl. The motion was unanimously approved.

6. State Legislation Update (Discussion)

Gus Khouri, TAM's legislation consultant, presented this discussion item and also welcomed ED Richman. Mr. Khouri referred everyone to an updated matrix of bills that was distributed at the outset of the meeting and explained that it was updated due to the October 13 deadline for the Governor to sign or veto legislation. Prior to discussing the document, however, he provided information as to the latest activity in the State's Capitol. He noted that David Kim was recently sworn in as the new Secretary of the California State Transportation Agency (CalSTA), that Toks Omishakin was appointed as the new director of the California Department of Transportation (Caltrans) as well as two appointments to the California Transportation Commission (CTC): Tamika Butler and Hilary Norton. He noted that a vacancy will be created when Commissioner Jim Ghielmetti's term expires in December 2019.

Mr. Khouri discussed the executive order issued on October 1 by the Governor in an attempt to leverage up to \$5 billion in transportation funds for investments in public transportation and active transportation programs in order to meet the state's greenhouse gas emission reduction goal. Secretary Kim made assurances that money will not be diverted, but certain programs that have the flexibility to allow for a greater investment in such a project, may receive more funding than originally allocated and he cited the State Transportation Improvement Program (STIP) as an example.

Mr. Khouri then started the review of the updated Bill Matrix, particularly those bills that were most pertinent to Marin.

AB 1487 was signed by the Governor. Mr. Khouri stated that this bill establishes the San Francisco Bay Regional Housing Finance Act which will enable the Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG) to finance affordable housing in the region, should a revenue measure be approved by local voters.

SB 5, vetoed by the Governor, would have established the Local-State Sustainable Investment Incentive Program by allocating Educational Revenue Augmentation Fund (ERAF) property tax revenues to local entities for mixed development projects.

SB 127, vetoed by the Governor, would have incorporated bike/ped safety projects into the State Highway Operation and Protection Program (SHOPP).

SB 277, vetoed by the Governor, would have provided TAM with a higher proportional share of formulaic funding from the Local Partnership Program (LPP).

SB 330, signed by the Governor, established the Housing Crisis Act of 2019 which aims to reduce barriers to construct affordable housing by prohibiting a local jurisdiction from downzoning or placing a moratorium to avoid creating more affordable housing or mixed-use projects. He noted that this bill will sunset on January 1, 2025.

Regarding SB 330, Commissioner Rice asked where, within the state, does this bill anticipate opportunity or is it meant more to be a deterrent. She also asked if this bill addresses situations where development rights are extinguished because a conservation easement has been placed on a property.

Mr. Khouri noted that the bill is very broad and has intent language in the statewide policy but since the author is from the Bay Area, he stated that he believed this region would be targeted. He added that the only exemption allowed by this bill is if a conservation area was approved by voters prior to 2005.

Responding to a follow-up question by Commissioner Rice who asked if the bill was trying to be preventive or promotive, Mr. Khouri indicated that the bill does both. He stated that it will not allow for commercial development where housing could be created.

Commissioner Rice noted that the County's Transfer of Development Rights (TDR) may assist in covering the conservation piece of this bill's mandate.

Mr. Khouri stated that housing is an area to which this body will be paying close attention in the future.

Chair Arnold opened the item to public comment.

Commissioner Kunhardt asked for a copy of the Governor's Executive Order and then asked the committee membership for thoughts on how Marin might better comply with the goal to reduce greenhouse gas emissions.

Mr. Khouri indicated he could make a copy of the executive order available to the board.

In response to the commissioner's question on reducing greenhouse gas emissions, ED Richman stated that TAM has a number of programs and planning efforts which she believes would be beneficial to examine through this lens to assess what is being done already, as well as gaps that could be filled.

7. Program Transportation Sales Tax (Measure AA) Funds to Fourth Cycle Safe Pathway Projects (Action)

David Chan, Manager of Programming and Legislation, presented this item which asked the Committee to 1) recommend that the TAM Board program Measure AA funds in the amount of \$4,461,000 to 13 large projects and \$700,000 to 14 small projects from the Fourth Cycle Safe Pathways to Schools Call for Projects as shown in the staff report and; 2) recommend that the TAM Board allow excess funds from the small project pool to be moved to help fund a project in the large project pool.

He reviewed the three elements of the Safe Routes to School Program: Education and Promotion, Crossing Guard Program, and Safe Pathways Projects and noted that the Safe Pathways Projects element is comprised of capital projects that make physical improvements to enhance the safety of walking and biking school trips. He reported on the three prior cycles of programming which funded 53 projects for a total of \$7.4 million. He added that all but 5 of the 53 have been built and that the remaining 5 projects are in various stages of implementation.

Mr. Chan stated that he participated in a briefing with members of the Marin Public Works Association (MPWA) on the parameters of the program. After that discussion, TAM and MPWA agreed to a maximum funding amount of \$400,000 per large project and \$50,000 per small project with no match requirement. He noted, however, that MPWA was advised that providing a local match would make a project more attractive. He stated that the fourth cycle call for projects was issued in June 2019 and that by the deadline of August 16, TAM had received 29 applications of which 15 were for large projects and 14 for small projects from various local agencies. He added that the cities of Belvedere and Novato did not submit applications during this cycle.

Mr. Chan reviewed the process undertaken to evaluate the applications including the makeup of the evaluation committee, the evaluation criteria, definition of the large and small projects, the large project funding options and the staff recommendation.

Mr. Chan discussed the evaluation criteria for large projects, which he stated must come from a Safe Routes Plan that has been reviewed by the Safe Routes Task Force. He explained that after Parisi Transportation Consultants confirmed the applications met the prerequisite condition, the applications were then evaluated by an evaluation committee under the selected evaluation criteria.

Mr. Chan went on to discuss the 14 small project applications, noting that more money is available than requested. He confirmed that the evaluation committee has recommended funding small applications and moving the excess amount of \$200,000 to help fund a large project application.

Mr. Chan explained three funding options the evaluation committee considered for the 15 large projects that were ranked. He stated that the evaluation committee recommended the third funding option, which would fund the first prioritized project from each applicant, although this method would require an additional year's revenue. Mr. Chan discussed the reasons the applications merited funding support, and he explained that the preferred funding option would support projects that are geographically diverse and prioritized by the local agencies. He noted that the other two funding options considered would either deprive smaller jurisdictions of funding or would place some of the financial burden on jurisdictions, which was not favored by the MPWA.

Mr. Chan explained the Measure AA projections are conservative and that sufficient funds are anticipated in the program years to cover the difference.

Mr. Chan reported on feedback from the MPWA, which culminated in support for Option 3. He stated that the Town of Corte Madera offered its support for Option 3 under the condition that \$50,000 would be awarded to its second prioritized large project. He explained that the Town's High Canal Pathway project was ranked high by the evaluation committee and that the Town could provide a trail in lieu of a paved pathway that would benefit the community if they were awarded \$50,000. Mr. Chan confirmed that staff concurs with the recommendation.

Mr. Chan concluded his report by stating that with one exception, the projects have reasonable funding plans and could be completed with the funds requested. He explained that the City of San Rafael would not have sufficient funds even with the award of this funding to complete the West Francisco Blvd. multi-use path. Mr. Chan noted that TAM would need work out a reimbursement schedule with each of the applicants under Option 3 to ensure

there is sufficient cash. He confirmed that public works directors understand and support a reimbursement schedule for their projects.

Bill Guerin, City of San Rafael Public Works Director, confirmed that Phase 1 of the West Francisco Blvd. multi-use path has been completed, and that Phase 2 of the project is expected to cost \$2.9 million. He explained that this funding from TAM would increase the total funds available to \$2.2 million. Mr. Guerin then discussed how the City plans to close the funding shortfall, including cost-cutting methods and use of excess contingency funds from Phase 1 of the project. He stated that the City hope to put the project out to bid in January 2020 with a full funding plan.

Commissioner Rice discussed her concern that some school communities have a stronger Safe Routes to Schools taskforce than others, which could result in communities with fewer resources not benefiting from the program. Mr. Chan acknowledged that some taskforces are better organized than others and the committee included geographical equity in its deliberations to counteract those communities where taskforce participation is greater.

Commissioner Rice and Mr. Chan discussed the two projects that were not slated for funding under Option 3. Mr. Chan explained that TAM made it clear to MPWA at the beginning of the process that funding was limited, and that each applicant might be awarded funds for a single large project. He confirmed that the two unfunded projects were second on a list of priorities submitted by two different agencies, albeit both ranked higher than some first prioritized projects submitted by other agencies.

Responding to a question from Commissioner Moulton-Peters, Mr. Chan confirmed that Corte Madera's two prioritized projects ranked high amongst all the projects.

In response to Commissioner Moulton-Peters, Mr. Guerin confirmed that the City's request for \$400,000 is essential to the successful completion of the multi-use path project.

Commissioner Kunhardt and Mr. Chan discussed Corte Madera's second prioritized project. Commissioner Kunhardt thought that the \$50,000 in funding related to a path linking the Larkspur-Corte Madera bike path to Hart Street, and Mr. Chan confirmed that the grant would enable Corte Madera to close the gap on funding for the High Canal Pathway.

Commissioner Moulton-Peters moved to approve Option 3, the recommended funding option for the Fourth Cycle Safe Pathway Call for Projects, including the requested \$50,000 to the Town of Corte Madera to complete the High Canal Pathway Project, which was seconded by Commissioner Lucan. The motion was unanimously approved.

8. Adopt the Programming of FY19/20 and FY20/21 TFCA and TDA Article 3 Funds (Action)

Scott McDonald, Senior Transportation Planner, presented this item which asked the Committee to recommend that the TAM Board adopt the funding priorities as recommended in the staff report for the programming of FY19/20 and FY20/21 TFCA and TDA Article 3 funds. Note the amounts programmed for FY20/21 are based on estimated revenues and therefore final allocations will be adjusted based on the actual amounts received.

Mr. McDonald stated that the agency put out a call for projects in June 2019 concurrently with the call for projects discussed by Mr. Chan related to the Fourth Cycle Safe Pathway projects. He confirmed that 6 applications were received from 5 applicants. Mr. McDonald explained that the agency has moved to a 2-year programming cycle from an annual cycle because \$700,000 annually in funding was insufficient to satisfy sponsors. He stated that, as a result, there is a total of roughly \$1.4 million available in funding through this call for projects which includes \$832,000 in TFCA Funds (\$416,000 confirmed for FY19/20 and \$416,000 estimated for FY20/21) and \$568,000 in TDA 3 Funds (\$308,000 confirmed for FY19/20 and \$260,000 estimated in FY20/21). Mr. McDonald explained

that the amount of TFCA formula funding remains fairly static because it is based on a vehicle registration fee for the Bay Area and that TAM staff is in communication with BAAQMD staff to identify other funding opportunities that Marin agencies can compete for as well.

Mr. McDonald explained that the remaining funds from the call for project include TDA 3 Funds based on statewide sales tax collected, from which TAM received \$308,000 for FY19/20 and that data provided by MTC estimates an amount of \$260,000 will be collected in FY20/21.

Mr. McDonald discussed the 2 projects that were eligible for TFCA funding: The Corte Madera Casa Buena Complete Streets Improvements Project and the Novato Blvd. Multi-use Path Project.

Mr. McDonald discussed 3 projects that were not eligible for the TFCA funds but were eligible for TDA funds as path maintenance projects. He noted that City of San Rafael's multi-use path project from Francisco Blvd. West to Rice Street has already received a grant from BAAQMD's competitive bike facilities program, which makes the project ineligible to receive TFCA formula funds.

Mr. McDonald continued his discussions on the applications, which included one from Town of Corte Madera to add a southbound bike lane along Casa Buena Drive; a Class 3 facility going northbound, and an application for maintenance of a Class 1 pathway that runs parallel to The Village Shopping Center on Redwood Highway. He also discussed applications from the County of Marin for maintenance of the southbound section of the Mill Valley-Sausalito Multi-Use Path; the City of Novato to replace an existing trail near San Marin High School with a Class 1 multi-use path; the City of San Rafael to complete the Francisco Blvd West Multi-Use Pathway from 2nd to Rice, and an application from the City of Tiburon for the maintenance of its old rail trail.

Mr. McDonald discussed the panel that evaluated the applications, which included staff from City of Larkspur, Town of San Anselmo, City of Sausalito and TAM, who considered the applications based on the core criteria explained in the staff report. He explained that the panel's recommendation was forwarded to TAM's Bicycle and Pedestrian Advisory Committee (BPAC) and the MPWA for review. The recommendation, based on ranking, was to allocate \$416,000 of TFCA funds to Town of Corte Madera's Casa Buena Complete Streets projects and \$416,000 to City of Novato for its multi-use path project. Mr. McDonald confirmed the recommendation to award both fiscal year's TDA 3 funds to San Rafael's Multi-Use Pathway and he confirmed that staff concurs with the recommendations.

No one from the public came forward to speak.

Commissioner Moulton-Peters thanked staff for combining two years of funding that enable TAM's ability to provide funds to much needed improvements sooner.

Commissioner Rice moved to adopt the Programming of FY19/20 and FY20/21 TFCA and TDA Article 3 Funds with priorities listed in the staff report with a typo noted by staff in the footnote of Attachment D would be revised as the recommendation was brought to the full TAM Board, which was seconded by Commissioner Kuhl. The motion carried unanimously.

The meeting was adjourned at 3:05 p.m.