



**DATE:** February 8, 2021

**TO:** Transportation Authority of Marin Administration, Projects & Planning Executive Committee

**FROM:** Anne Richman, Executive Director *Anne Richman*  
David Chan, Manager of Programming and Legislation

**SUBJECT:** TAM Response to 2019-2020 Marin County Civil Grand Jury Report on “Roadblocks to Safer Evacuation in Marin” (Action), Agenda Item No. 6

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## **RECOMMENDATION**

Review and refer the response to the Marin County Civil Grand Jury Report on “Roadblocks to Safer Evacuation in Marin” as shown in Attachment C to the TAM Board for acceptance.

## **BACKGROUND**

On December 14, 2020, the 2019-2020 Marin County Civil Grand Jury released its Report on “Roadblocks to Safer Evacuation in Marin.” Local municipalities, County of Marin, and TAM and Marin Wildfire Prevention Authority (MWPA) Board of Directors are required to respond to the findings and recommendations in the Report. A copy of the Grand Jury Report is enclosed as Attachment A.

## **DISCUSSION**

The Grand Jury Report discusses the 2020 fire season in California that included five of the six largest wildfires in the state’s history. Wildfires raged throughout the state and Marin residents were not immune from wildfire threats. Marin residents were particularly wary of the Woodward Fire in the Point Reyes National Seashore that could have forced evacuation at a moment’s notice.

While evacuation never materialized, the Grand Jury Report asked the question whether Marin residents can evacuate safely if ordered. The Grand Jury Report discusses the need for a comprehensive countywide evacuation plan and suggests agencies that can contribute to the effort. The Grand Jury Report discusses infrastructure choke points at key corridors that are impediments to safe evacuation. Certain locally enacted policies and infrastructure improvements were considered remedies to infrastructure choke points. Lastly, the Report examines jurisdictional responsibilities of the different agencies that would be needed to successfully implement infrastructure improvements and promulgate safety policies, including specific roles and responsibilities for TAM.

The Grand Jury Report recognizes the enormity of the recommended tasks needed to effectuate a Countywide Evacuation Plan. The Grand Jury Report also recognizes evacuation routes may pose conflicts with existing policies for these routes. For example, a route deemed as a suitable evacuation route may also be a route that

has been troubled with safety concerns for students, pedestrians, and bicyclists. These safety concerns are usually addressed by slowing vehicle speed and/or reducing capacity of the roadway with infrastructure modifications that may conflict with evacuation goals.

The Grand Jury Report concludes with nine findings and five recommendations for specific Marin agencies to address. TAM is required to respond to the following findings and recommendations: F1, F2, F6-F9, and R4. TAM staff has conducted a thorough review of the report and provided responses to these findings and recommendations (Attachment C).

The main issue for TAM's response is whether to consider evacuation as a criterion for funding programs. While TAM could consider this in some cases, staff believes that it is unlikely to be appropriate for all funding sources, and additionally could raise policy issues if/where in conflict with other goals. This is further described in the attached draft response. It should also be noted that TAM staff have already been working collaboratively with the new MWPA in providing technical information and input for their efforts, and we plan to continue doing so.

Agencies required to respond to Grand Jury reports generally have no more than 90 days to issue a response, and the response deadline for this Grand Jury Report is March 14, 2021.

#### **FISCAL CONSIDERATION**

There are no fiscal impacts associated with the recommended response.

#### **NEXT STEPS**

Upon acceptance by the TAM Board, TAM staff will respond by transmitting Attachments B and C to the Marin Civil Grand Jury before the deadline of March 14, 2021.

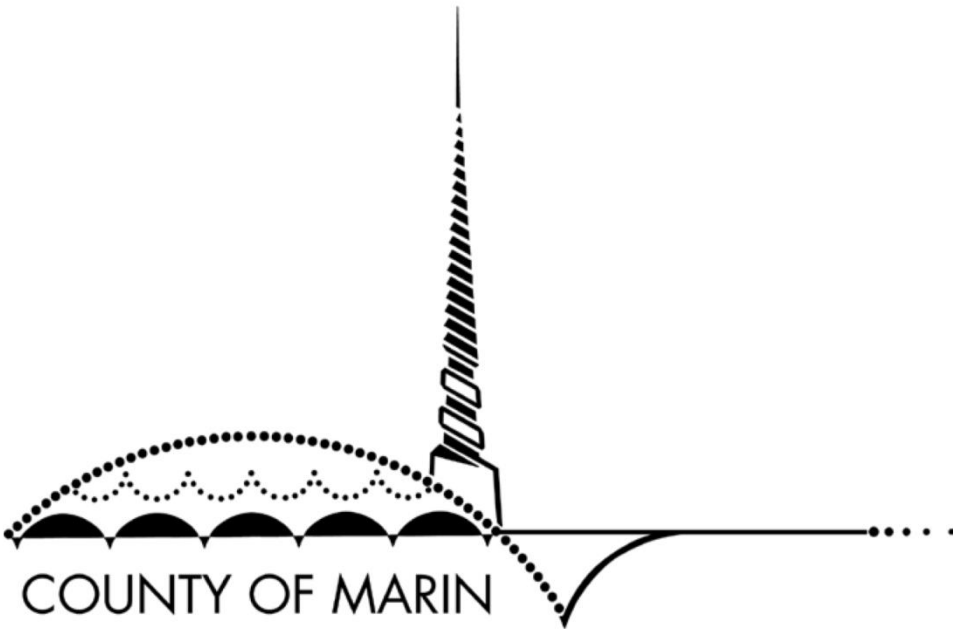
#### **ATTACHMENTS:**

Attachment A – Roadblocks to Safer Evacuation in Marin Report  
Attachment B – Cover Letter to Grand Jury  
Attachment C – TAM's Draft Response to the Grand Jury Report

2019–2020 MARIN COUNTY CIVIL GRAND JURY

# Roadblocks to Safer Evacuation in Marin

December 14, 2020



A Note about the Coronavirus Pandemic

The 2019–2020 Marin County Civil Grand Jury is issuing its reports during the unprecedented conditions of the COVID-19 pandemic. We are well aware that Marin County is in crisis and that critical public health concerns, operational difficulties, and financial challenges throughout the county have a greater claim to government attention right now than the important issues raised by this Grand Jury.

We are confident that, in due course, Marin will come through this crisis as strong as ever.

## Roadblocks to Safer Evacuation in Marin

### SUMMARY

California's 2020 fire season got off to an early start in mid-August with dry lightning that sparked five of the six largest wildfires in the state's history.<sup>1</sup> As of the end of September, nearly four million acres had burned, 22 major wildfires were still active, and 30 people were dead.<sup>2</sup>

As fires burned throughout the San Francisco Bay Area, anxious Marin residents sheltered from heavy smoke and kept a wary eye on the Woodward Fire in the Point Reyes National Seashore, hoping they would not be forced to evacuate at a moment's notice. People worried whether it would be possible to evacuate safely. The Grand Jury chose to investigate this question. Specifically, the jury sought to determine whether Marin's evacuation needs are considered adequately when government entities plan and build improvements to roads and traffic infrastructure.

Funding for transportation-related infrastructure projects is complicated, involving agencies at the local, county, regional, state, and federal levels. The rules and regulations governing these funding sources were largely developed before wildfire was the threat it has become in recent years and before the citizenry was fully aware of the urgent need to be able to evacuate quickly and safely. For instance, the Transportation Authority of Marin was chartered at a time when traffic congestion was high on Marin's priority list and wildfire evacuation was a remote concern. Times have changed.

Today, there is considerable uncertainty about who has the ultimate responsibility for building the transportation infrastructure capable of evacuating Marin residents safely in a rapidly evolving emergency. The Transportation Authority of Marin has not been willing to include evacuation as a criterion when funding roadway projects. The recently created Marin Wildfire Prevention Authority has neither the authority nor the funds to address the infrastructure needs. In fact, the county, towns, and cities have responsibility for public safety, but they have not prioritized evacuation needs when funding public works projects.

The Grand Jury recommends the following:

- Marin's county, town, and city governing bodies should include evacuation needs among their criteria for evaluating and recommending public works projects, and that they call on the Transportation Authority of Marin to do the same
- Marin's county, town, and city governing bodies should address evacuation infrastructure needs as they update their general plans

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<sup>1</sup> Michael McGough, "5 of the 6 Largest California Wildfires in History Started in the Last 6 Weeks," *Sacramento Bee*, September 22, 2020, <https://www.sacbee.com/article245917915.html>.

<sup>2</sup> Phil Helsel, "Deadly Fires in California have claimed at least 30 lives this year," NBC News, September 30, 2020, <https://www.nbcnews.com/news/us-news/deadly-fires-california-have-claimed-least-30-lives-year-n1241632>.

- The Transportation Authority of Marin should formally establish evacuation as one of its criteria for consideration when planning and funding traffic projects
- The Marin Wildfire Prevention Authority should invite a Transportation Authority of Marin representative to become an at-large, nonvoting member of its Advisory/Technical Committee to support program development, funding, and implementation of improvements to evacuation routes

## APPROACH

The Grand Jury interviewed officials of the Transportation Authority of Marin (TAM) and the Marin Wildfire Prevention Authority (MWPA), as well as county supervisors, city and town council members, city managers, public works directors, fire and police officials, agency legal counsel, and staff of the Marin County Office of Emergency Services. The Grand Jury reviewed TAM's charter as well as its response to a previous Grand Jury wildfire report that called on TAM to assume some responsibility for evacuation planning. In addition, it reviewed the authorizing documents of the MWPA, attended public meetings, and examined county and municipal general plans.

The Grand Jury investigation focused exclusively on evacuation as it relates to planning, funding, and implementing public works projects on our roads.

## BACKGROUND

Marin County has made progress in addressing the threat of wildfire with the formation and funding of the MWPA that was recommended by the 2018–19 Marin County Civil Grand Jury. With the leadership of fire officials and FIRESafe Marin, county residents are establishing certified Firewise neighborhoods focused on vegetation management and hardening homes against the risk of fire. The MWPA is getting off to a good start with several important initiatives, including inspection, vegetation management, public education, establishment of refuge centers, signage, planning, and mapping.

Planning to safely evacuate a community is complex and includes the need to consider public works projects for making rapid evacuation possible along Marin's narrow and congested roads. The September 2020 Glass Fire forced the sudden evacuation of 68,000 Sonoma County residents and resulted in gridlock on a major route.<sup>3</sup> During the 2018 Camp Fire in Paradise, flames raced at a rate of more than one football field every three seconds.<sup>4</sup> In that fire, eight people perished in their cars trying to escape.

In Marin, evacuation needs are not routinely included in the criteria used by county and municipal public works departments or TAM to prioritize and finance traffic projects. When it comes to planning and funding public works projects, the primary considerations are the safety

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<sup>3</sup> Lori A. Carter, Kevin Fixler, Guy Kovner, et al., "Live Updates: More Fire Evacuation Orders Issued for East Santa Rosa," Santa Rosa Press Democrat, September 28, 2020, <https://www.pressdemocrat.com/article/news/live-updates-more-fire-evacuation-orders-issued-for-east-santa-rosa/amp/>.

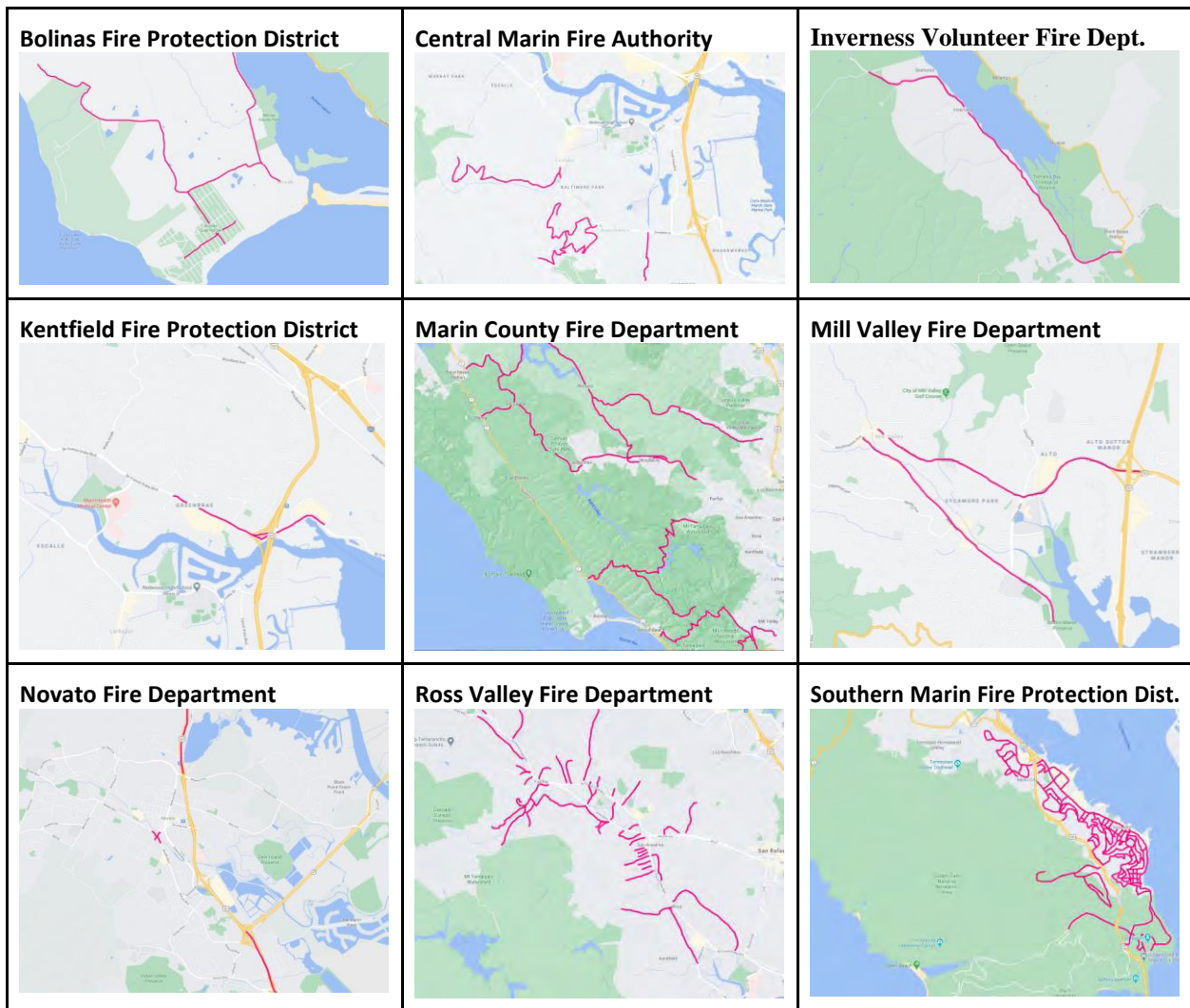
<sup>4</sup> Judson Jones, "One of California Wildfires Grew So Fast It Burned the Equivalent of a Football Field Every Second," CNN, November 10, 2018, <https://www.cnn.com/2018/11/09/us/california-wildfires-superlatives-wcx/index.html>.

of pedestrians, bicyclists, and drivers as well as smooth, efficient traffic flow and congestion management. In numerous jurisdictions, evacuation needs do not make the list of approved criteria that are evaluated when deciding on a project. As one official put it, evacuation is “not on the radar.”

### Traffic Congestion and Evacuation Challenges

Marin’s unique geography creates exceptional challenges for transportation planners across the county. The 2018–2019 Marin County Civil Grand Jury presented an extensive list of choke points identified by Marin’s fire districts.<sup>5</sup> Some of these are illustrated in Figure 1.

Figure 1. Choke Points Identified by Fire Districts in 2019



<sup>5</sup> Marin County Civil Grand Jury, *Wildfire Preparedness: A New Approach*, Appendix C, April 25, 2019, <https://www.marincounty.org/-/media/files/departments/gj/reports-responses/2018-19/wildfire-preparedness--a-new-approach.pdf?la=en>.



Road narrowing at eastbound East Blithedale Avenue approaching Highway 101. (Photo by Spencer Sias)

The problem is compounded when evacuation routes cross multiple jurisdictions where no single agency has authority to make improvements along the entire route. These problems are illustrated at several locations in Marin.

For example, Mill Valley's Miller Avenue and Blithedale Avenue are the primary evacuation routes for more than 15,000 people, almost all of whom live in a fire-prone wildland-urban interface area. Normal traffic there is consistently backed up at three key choke points: the intersection of Camino Alto and East Blithedale, the Highway 101 interchange at Blithedale, and the heavily gridlocked intersection on Shoreline Highway (Highway 1) at Tam Junction. Evacuation to refuge centers near Highway 101 will almost certainly not be possible for many Mill Valley residents. Two of the three choke points that affect Mill Valley lie outside its city limits. To address this problem, multi-jurisdictional cooperation among TAM, Mill Valley, Marin County, and Caltrans will be needed.

The two primary emergency exits from San Anselmo and Fairfax are Sir Francis Drake Boulevard and Red Hill Avenue, which pass through many choke points across multiple jurisdictions, including Ross, San Rafael, Larkspur, County of Marin, and the Caltrans interchanges at Highway 101.

Similar choke points exist in Sleepy Hollow, where the Butterfield Road escape route runs across the jurisdictions of unincorporated Marin County and San Anselmo. Santa Venetia's escape route on San Pedro Road crosses unincorporated Marin County, San Rafael, and the Caltrans interchange at Highway 101. Evacuation along Novato Boulevard involves the City of Novato and the county.

In addition to the choke points on major arterial routes, natural and constructed obstacles on Marin's narrow hillside and feeder roads impede safe evacuation.



## DISCUSSION

Planning for safe wildfire evacuation is complicated. It requires multi-agency cooperation to address a multitude of tasks by many different departments and administrators under the direction of Marin's elected officials. These tasks are performed by county and municipal public works, fire, and law enforcement agencies; the Marin County Office of Emergency Services; and the Marin Wildfire Prevention Authority; as well as by regional, state and federal agencies.

Current thinking among most of the county's public safety officials is that residents needing to evacuate should get into their cars, drive down to valley floors, and then go to mapped refuge centers. If necessary, evacuees can then move onto highways and out of the county. Refuge centers are typically large parking lots, playing fields at schools and community centers, and shopping malls. Putting aside the question of whether the designated refuge centers are large enough to accommodate all the evacuees from heavily populated areas, the paths to reach these refuge centers could be impassable. In the long run, it will be essential to move traffic through known choke points in order to ensure public safety in a swiftly moving emergency requiring mass evacuation with little or no warning.

Fire professionals tell residents that they will be safe in their cars on pavement en route to valley floors or designated refuge centers.<sup>6</sup> They stress that residents should evacuate as soon as they are warned to avoid congestion and panic. However, fires often strike suddenly and create the need to move thousands of cars immediately with little or no warning.

While Marin's agencies are implementing many aspects of evacuation planning, they are not considering infrastructure improvements such as the removal of impediments or the widening of roads for evacuees and emergency vehicles. In interviews with the Grand Jury, many officials expressed reluctance to take on these specific evacuation infrastructure challenges because of the enormous costs, potential litigation, environmental complexities, neighborhood resistance, and lack of authority. Furthermore, it is not clear who has responsibility for addressing this critical need. Nevertheless, the dire consequences of failing to address this challenge could result in a catastrophe that far outweighs the cost of improving our roads to support mass evacuation.

### Political Confusion

Marin has political as well as physical impediments to safe evacuation.

At present, it is not clear who has the political authority for all of the many aspects of planning and implementing evacuations. In fact, no single governmental entity has the authority or has accepted responsibility for overseeing and executing all of these tasks.

In interviews with the Grand Jury, public officials often expressed the belief that some other agency had the responsibility for evacuation. For example, some public works directors and city managers believe that fire and law enforcement are in charge of evacuation and involved in its planning. Transportation officials said that the county's Office of Emergency Services is in

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<sup>6</sup> FIRESafe Marin, "Wildfire Evacuation Guide," accessed November 5, 2020, [https://firesafemarin.org/index.php?option=com\\_content&view=article&id=100&Itemid=614](https://firesafemarin.org/index.php?option=com_content&view=article&id=100&Itemid=614).

charge. However, when asked, officials from the Office of Emergency Services and law enforcement responded that they focus on evacuation only during active emergencies.

The Grand Jury heard from several elected officials that they anticipate that the new wildfire authority will take care of evacuation planning. To add to the muddle, there was often confusion over what planning for evacuation actually entails. No one had a complete grasp of all of the interconnected components, whether it is educating the public, cutting back vegetation, improving mapping and signage, designating refuge centers, executing evacuation during emergencies, or actually building and improving the infrastructure to support a mass evacuation.

After completing its investigation, the Grand Jury believes that the ultimate responsibility for road improvements and establishing safe evacuation routes lies with our elected officials, specifically the Marin County Board of Supervisors as well as Marin's town and city councilmembers. For a fully functional evacuation infrastructure, these officials must execute their local policies and decisions through their public works, fire, and law enforcement departments and agencies while also coordinating with one another across jurisdictions. They must also reach out to the state and federal transportation agencies to seek funds. All of this work will require the support of the Transportation Authority of Marin and the new Marin Wildfire Prevention Authority. No jurisdiction or agency can do this entirely by itself.

### County, Towns, and Cities

It is up to the county and municipalities to propose and build the public works infrastructure needed to support evacuation as well as emergency access by fire equipment and first responders. It is critical that they remediate traffic choke points and improve key narrow roads within their boundaries. They also must look beyond their borders at cross-jurisdictional evacuation routes that will be needed to accommodate mass evacuations.

While jurisdictions may have the resources for small projects, they will need to coordinate with one another and regional, state, and federal transportation agencies to obtain the funding required for larger local and cross-jurisdictional projects. Major public works projects can involve enormous expense, generate litigation, and take years to accomplish. However, the Grand Jury believes that even small projects that address evacuation can make a big difference over time.

Elected officials through their local public works departments are responsible for building and maintaining a safe road infrastructure for the public, whether they are in automobiles, on bikes, or on foot. Safe, smooth, and efficient traffic flow on an everyday basis is their prime consideration. Evacuation has not been one of the criteria in planning road projects but given the effects of climate change and the rising risk of fire, it cannot be ignored.

Public works decisions are often made in response to demands from local residents who lobby for specific improvements in their neighborhoods. The Grand Jury heard from a number of public works directors that they respond to appeals from parents in regard to pedestrian safety. There have not been similar appeals from the public for evacuation-related improvements.

The responsibilities of each public works department end at its jurisdictional boundaries. While there has been some informal coordination between cities, there is no formal plan for coordinating traffic flow across cross-jurisdictional evacuation routes.

Each jurisdiction has its own challenges and priorities, and the solutions to those challenges may conflict with evacuation concerns. In some cases, individual jurisdictions have chosen to address local demands for quieter, slower streets by narrowing major routes within their cities.

Mill Valley is a good example of trying to balance evacuation with safe traffic flow, aesthetics, and other competing requirements. In 2017, Miller Avenue was re-stripped to narrow the road from four lanes to two lanes in order to add a bike lane and needed parking in the downtown area. In 2019, after evacuation concerns were expressed, the city amended the plan to prohibit parking on Miller Avenue on “red flag” days when fire danger is high. This compromise is a recognition of the need to be able to evacuate large numbers of vehicles out of the city in an emergency.

Individual governing bodies of the cities, towns, and the county should direct their departments of public works to add evacuation as an important criterion to be considered as part of their normal planning process. This does not need to be an onerous addition. A simple item on a checklist should be included with a short explanation of how evacuation would be impacted.

The county and municipal elected officials have the ultimate responsibility for evacuation and public roadways, and they can also strongly influence the policies and decisions of the Transportation Authority of Marin. TAM is a resource and the primary source of funding for transportation infrastructure projects in the county. Its board is composed solely of a councilmember from every town and city as well as all five members of the county’s board of supervisors. Unless the county, towns, and cities prioritize infrastructure work to improve evacuation, this work will not happen.

As part of fulfilling their responsibility for evacuation safety, Marin’s board of supervisors and municipal councils should each pass a resolution requesting TAM establish a policy to examine the impact on evacuation of every road project presented to it for funding.

## County and Municipal General Plans

County and municipal general plans lay out each jurisdiction’s vision for long-term development, including its traffic infrastructure. General plans are required by state law, and the law requires that general plans include evacuation as a component of their safety element. Specifically, it states that “the safety element . . . shall also address evacuation routes . . . and minimum road widths and clearances around structures, as those items relate to identified fire and geologic hazards.”<sup>7</sup>

In addition, the 2015 Governor’s Office of Planning and Research’s *Fire Hazard Planning* guide recommends that general plans include evacuations.<sup>8</sup> Specifically, the guidelines call for:

- Designating and maintaining safe emergency evacuation routes on publicly maintained roads for all communities and assets at risk

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<sup>7</sup> California Government Code 65302(g), [https://leginfo.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=65302.&lawCode=GOV](https://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=65302.&lawCode=GOV).

<sup>8</sup> Governor’s Office of Planning and Research, *Fire Hazard Planning*, May 2015, p. 21, [Fire Hazard Planning: General Plan Technical Advice Series](#).

- Identifying potential circulation improvements necessary to avoid unacceptable community risks

The Grand Jury reviewed the general plans of the county and the municipalities and found that evacuation is not adequately addressed. As of October 2020, only Belvedere, Mill Valley, and Novato had included evacuation in their general plans, although several other jurisdictions are in the process of making some changes.

California state law also mandates that general plans be updated on a regular basis. These plan updates provide government officials the opportunity to consider evacuation when making decisions involving land use, development, and infrastructure. Given the dangers illustrated by the 2020 wildfire season, the Grand Jury believes that the county, cities, and towns should amend their general plans to explicitly address evacuation issues. Specifically, they should identify the roads within their jurisdictions that create unacceptable community risks and plan to improve them as soon as possible.

The Transportation Authority of Marin

In its *Wildfire Preparedness: A New Approach* report, the 2018–19 Marin County Civil Grand Jury made four recommendations calling on the Transportation Authority of Marin to participate in planning, prioritizing, and funding evacuation projects.<sup>9</sup> TAM responded to that Grand Jury report by stating that “TAM is a funding agency and does not set local policy.”<sup>10</sup> During subsequent interviews, the 2019–2020 Grand Jury heard TAM officials continue to deny that the agency has any role or responsibility for considering evacuation needs in its transportation projects. However, the current Grand Jury believes that the TAM board can and should ensure that evacuation considerations are integrated as a criterion into the planning and funding of all transportation projects.

TAM is ideally positioned to help address the county’s evacuation infrastructure needs. It is the only entity in Marin with countywide authority over transportation projects. It is also the primary agency through which Marin’s major transportation projects are developed and funded. Its board is broadly representative of Marin’s jurisdictions, and therefore it can support large cross-jurisdictional projects along Marin’s major evacuation routes. By coordinating grant applications for multi-jurisdictional and countywide evacuation infrastructure projects, TAM can strengthen Marin’s chances of obtaining regional, state, and federal funds.

TAM was established as Marin’s official congestion management agency<sup>11</sup> and is the major source of funding for many Marin transportation projects, both small and large. It provides funding for roads, bikeways, sidewalks, and pathways. It also supports local transit services and school safety programs. TAM gets funding from local sales taxes and a local vehicle registration fee, as well as from regional, state, and federal grants.

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<sup>9</sup> Marin County Civil Grand Jury, *Wildfire Preparedness: A New Approach*, p. 24.

<sup>10</sup> Transportation Authority of Marin, “Response to Grand Jury Report “Wildfire Preparedness - A New Approach,” June 27, 2019, <https://www.marincounty.org/-/media/files/departments/gj/reports-responses/2018-19/responses/wildfire-preparedness-a-new-approach/wildfire--tam.pdf?la=en>.

<sup>11</sup> Transportation Authority of Marin, “Overview,” accessed November 5, 2020, <https://www.tam.ca.gov/overview/>.

In 2018, Marin’s voters approved Measure AA, a ½-cent sales tax to support local transportation projects. This tax is expected to generate up to \$273 million that could be used to improve local roads over the next 30 years.<sup>12</sup> This money is prescribed for many purposes, but one such purpose is to make investments to address congestion and improve “traffic flow” on local streets and road corridors. Of the \$273 million, TAM estimates that \$7.2 million will be available annually for maintenance of Marin’s local transportation infrastructure, including roads, bike paths and walking paths. The measure also makes an additional \$1.9 million available on an annual basis to reduce congestion on Highway 101 and adjacent roadways.

Local spending in these areas could help to alleviate impediments to safe evacuation. The money could also be used as matching funds to obtain larger regional, state, and federal grants. This can be accomplished within the Measure AA framework approved by Marin’s voters, and it would be in keeping with the vital public interest in having safe evacuation routes.

The Grand Jury’s review indicates that TAM has the discretion as well as financial resources to address unanticipated events under existing rules. For example, TAM recently made Quick Build Grants to towns and cities to close streets to traffic so restaurants could provide outdoor dining during the COVID-19 pandemic.<sup>13</sup>

TAM does not need to amend its charter or amend the expenditure plan for AA funds in order to consider evacuation routes in its funding algorithms. The TAM board is not prohibited from establishing a policy that every project submitted for funding must consider the impact of the project on mass evacuation. TAM’s board can also direct its staff to work with the county and municipalities to ensure that every project proposal includes consideration of the impact on Marin’s evacuation infrastructure.

TAM could be more effective if it works directly with the new Marin Wildfire Prevention Authority to help identify and fund evacuation infrastructure projects. TAM has traffic models and an extensive set of data that could be extremely useful for evacuation planning.<sup>14</sup>

#### The Marin Wildfire Prevention Authority

The Marin Wildfire Prevention Authority is a new, countywide agency dedicated to all aspects of wildfire prevention and preparation. It is the first agency of its kind in the state and represents a pioneering effort in fire prevention. When it was being formed, the MWPA was presented as the agency that would address Marin’s wildfire prevention, evacuation infrastructure, and planning needs.

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<sup>12</sup> Transportation Authority of Marin, *2018 Final Expenditure Plan*, p.9, accessed October 15, 2020, [https://2b0kd44aw6tb3js4ja3jprp6-wpengine.netdna-ssl.com/wp-content/uploads/2018/07/TAM\\_2018FinalExpenditurePlan\\_062918.pdf](https://2b0kd44aw6tb3js4ja3jprp6-wpengine.netdna-ssl.com/wp-content/uploads/2018/07/TAM_2018FinalExpenditurePlan_062918.pdf).

<sup>13</sup> Will Houston, “Marin Grant Program Offers Virus Aid for Outdoor Commerce,” *Marin Independent Journal*, July 12, 2020, <https://www.marinij.com/2020/07/12/marin-grant-program-offers-virus-aid-for-outdoor-commerce/>.

<sup>14</sup> Transportation Authority of Marin, *Travel Demand Model & Traffic Monitoring*, accessed October 3, 2020, <https://www.tam.ca.gov/planning/travel-demand-model-traffic-monitoring/>.

The Measure C initiative placed on the ballot to fund the MWPA specifically stated:

Marin Wildfire Prevention Measure. To support coordinated wildfire prevention including early detection, warning and alerts; reducing vegetation; ensuring defensible space around homes, neighborhoods and critical infrastructure; and **improving disaster evacuation routes/procedures**; shall the Marin Wildfire Prevention Measure, levying up to 10¢ per building square foot tax (\$75 per multifamily unit or as described in the full measure) for ten years, providing \$19,300,000 annually, with annual inflation adjustments, independent citizen oversight/audits, and low-income senior exemptions, be adopted?<sup>15</sup>

In addition, the campaign literature promoting Measure C to fund MWPA explicitly promised to address evacuation infrastructure. The image below shows a Measure C campaign flyer describing in the second bullet point that a yes vote on Measure C will “improve evacuation routes and infrastructure for quicker, safer evacuations.”

**DON'T PLAY WITH FIRE:  
IT'S NOT WORTH THE RISK**

**LOCAL LEADERS AGREE — VOTE YES ON C**  
League of Women Voters of Marin County  
Coalition of Sensible Taxpayers (COST)  
Marin Independent Journal  
Marin County Fire Chief's Association  
FIRESafe MARIN  
Marin Association of REALTORS®  
Marin Conservation League  
Conservation Corps North Bay  
North Bay Leadership Council  
Jared Huffman, US Congressman  
Mike McGuire, CA State Senator  
Judy Arnold, Marin County Board of Supervisors  
Damon Connolly, Marin County Board of Supervisors  
Katie Rice, Marin County Board of Supervisors  
Dennis Rodoni, Marin County Board of Supervisors  
Kate Sears, Marin County Board of Supervisors  
James Andrews, Mayor, Town of Corte Madera  
Denise Athas, Mayor, City of Novato  
Elizabeth Brekhus, Mayor, Town of Ross  
Renee Goddard, Mayor, Town of Fairfax  
Ford Greene, Mayor, Town of San Anselmo  
Gary Phillips, Mayor, City of San Rafael  
Catherine Way, Mayor, City of Larkspur  
Jim Wickham, Mayor, City of Mill Valley  
*\*Partial list. Titles for identification purposes only.*

We teach our children not to play with fire and now it's our turn to follow this commonsense advice. With longer, hotter and drier fire seasons combined with Marin's abundant natural vegetation that could fuel a wildfire, we've been fortunate to date. Destructive and fatal wildfires in Sonoma, Paradise and elsewhere have taught us that we must be proactive. Voting Yes on C — the Marin Wildfire Prevention Measure — will help protect Marin from the very real threat of wildfire.

**VOTE YES ON MEASURE C TO:**

- Improve emergency alert and fire warning systems
- Improve evacuation routes and infrastructure for quicker, safer evacuations
- Reduce hazardous vegetation using environmentally-responsible practices
- Expand defensible space and fire safety inspections
- Protect roads, bridges, power and communication lines, schools and police and fire stations
- Provide support for seniors, low-income homeowners and people with disabilities needing assistance to keep their homes fire resistant
- Expand neighborhood wildfire safety and preparedness programs

**STRICT FISCAL ACCOUNTABILITY:**

- All funds must be spent locally for wildfire prevention and preparedness only
- By law, no funds can be taken by the State
- An independent citizens' oversight committee ensures funds are spent properly
- Low-income senior citizens are eligible for an exemption from the cost
- Administrative costs are strictly capped at no more than 6% so funds go directly to wildfire prevention

**YES ON C FOR WILDFIRE SAFETY**

**VOTE YES ON C TO PROTECT MARIN FROM WILDFIRE**

Ad paid for by Committee for Wildfire Safety — Yes on C, committee major funding from Christian Larsen FPPC# 1422676.

Yes4WildfireSafety.org  
/Yes4WildfireSafety

Measure C campaign flyer promising, among other statements, that a yes vote would “improve evacuation routes and infrastructure for quicker, safer evacuations.”

<sup>15</sup> Marin County Registrar of Voters, “March 3, 2020 - Measure C,” emphasis added, <https://www.marincounty.org/depts/rv/election-info/election-schedule/page-data/tabs-collection/2020/march-3/measure/measure-c-tab>.

Marin voters approved the ballot initiative with a 71 percent majority.

The Grand Jury is concerned that Marin’s public may have a false sense of security regarding evacuation routes, thinking that all issues relating to the matter will be handled by the new government agency. Local officials told the Grand Jury that citizens are not calling on them to improve evacuation routes in current or future infrastructure projects. They are not demanding action on the inevitable, and possibly lethal, road congestion that will occur in the event of a mass evacuation.

From its interviews and investigation, the Grand Jury confirmed that not only the public, but others, including some government officials, expect that evacuation improvements will fall under the purview of the MWPA. FIRESafe Marin, a nonprofit organization formed by Marin County’s fire chiefs, produced and distributed a fact sheet about the new agency and described one of its tasks as “improving evacuation routes and infrastructure to enhance traffic flow and promote safe evacuation.”<sup>16</sup> Seeming to further support this assumption, the MWPA website states that one of its roles is to “improve disaster evacuation routes for organized evacuation.”<sup>17</sup> Despite these assertions, the MWPA does not plan to actually make infrastructure improvements.

The MWPA is funding major vegetation management projects, creating evacuation maps, applying for and giving grants, providing defensible space evaluations, and planning many other important tasks. However, it should be clearly understood that the MWPA does not have the political authority to initiate the public works projects to build safe mass evacuation routes, nor does it have sufficient financial resources to fund them.

The MWPA is composed of 17 different jurisdictions. Rather than giving the MWPA top-down authority, its formation agreement requires that all its actions are to be achieved through cooperation among its constituent jurisdictions. It cannot impose a requirement for major infrastructure work on the county or any individual jurisdiction. Political authority remains with the towns, cities, and county.

Although the tax for the MWPA is expected to raise approximately \$19.3 million per year, this amount of money is not enough to cover the cost of any major roadway improvement. The MWPA is planning to fund and execute other evacuation-related projects. For instance, it has allocated \$1 million for a traffic study of evacuation routes. This traffic study could be the blueprint for planning future roadway improvements; but beyond this, the agency will not be responsible for executing or funding such work.

It would make sense for the MWPA and the Transportation Authority of Marin to coordinate this infrastructure planning work with the towns, cities, and county. To facilitate this coordination, the MWPA should invite a TAM representative to become an at-large, nonvoting member of its Advisory/Technical Committee.

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<sup>16</sup> FIRESafe Marin, “Local Wildfire Prevention & Mitigation Initiative,” accessed October 4, 2020, [https://www.firesafemarin.org/images/articles/mwpa/JPA\\_FactSheet\\_Final.pdf](https://www.firesafemarin.org/images/articles/mwpa/JPA_FactSheet_Final.pdf).

<sup>17</sup> Marin Wildfire Prevention Authority, “About Us,” accessed October 17, 2020, <https://www.marinwildfire.org/about-us>.

## CONCLUSION

Planning, executing, and building for evacuation is an enormous, complex, expensive, and time-consuming task that can only be achieved one step at a time. As a start, to meet the need for safer evacuation, Marin's officials and agencies should consider evacuation impacts whenever they are planning a new roadway improvement project. Success in this endeavor will require dedicated attention by our elected leaders and cooperation across and within Marin's jurisdictions as well as the Transportation Authority of Marin and the Marin Wildfire Prevention Authority. With recognition of the progress made so far and in view of the extensive work that remains to be done, the Grand Jury is recommending the next steps needed to build for evacuation.

## FINDINGS

- F1. No single agency or jurisdiction is taking responsibility and authority for building infrastructure for safe evacuation routes across jurisdictions in Marin County.
- F2. There is confusion in the county as to who has ultimate responsibility and authority for ensuring that Marin has safe evacuation routes.
- F3. Marin County Board of Supervisors and town and city councils have the responsibility for safe evacuation routing, and they have not sufficiently considered evacuation as a criterion when approving improvements to roads and traffic infrastructure in their jurisdictions.
- F4. County and municipal administrators, public works, and traffic engineers have not adequately considered mass evacuation as a criterion for planning and funding traffic infrastructure improvements.
- F5. Most Marin jurisdictions have not yet included urgently needed evacuation plans in their general plans as required by state law and as recommended by the Governor's Office of Planning and Research.
- F6. As Marin's designated "congestion management agency," the Transportation Authority of Marin, is best positioned to coordinate and support the funding of public works projects for improving evacuation routes, including cross-jurisdictional evacuation routes.
- F7. Contrary to its previous responses to the Grand Jury, the Transportation Authority of Marin is not precluded or constrained from incorporating evacuation planning needs as a criterion in its infrastructure projects.
- F8. The Transportation Authority of Marin's decision-making process is inadequate unless it includes evacuation as a criterion when funding improvements.
- F9. The Marin Wildfire Prevention Authority's Advisory/Technical Committee would benefit from having the expertise of the Transportation Authority of Marin to advise on evacuation infrastructure needs.



## RECOMMENDATIONS

- R1. Within 180 days of the date of this report, the governing boards of the County of Marin and its cities and towns should direct their respective planning and public works departments to include evacuation needs among their criteria for evaluating and recommending public works projects.
- R2. Within 180 days of the date of this report, the governing boards of the County of Marin and its cities and towns should adopt resolutions calling on the Transportation Authority of Marin to include evacuation needs among the criteria it considers when planning and funding public works projects.
- R3. In calendar year 2021, the County of Marin and its cities and towns should update the safety elements of their general plans to include evacuation planning.
- R4. Within 120 days of the date of this report, the Transportation Authority of Marin should establish a criterion requiring that evacuation impacts be examined and stated when planning and funding infrastructure projects.
- R5. Within 120 days of the date of this report, the Marin Wildfire Prevention Authority should invite a Transportation Authority of Marin representative to become an at-large, nonvoting member of its Advisory/Technical Committee to support program development, funding, and implementation of improvements in evacuation routes.

## REQUEST FOR RESPONSES

According to the California Penal Code, agencies required to respond to Grand Jury reports generally have no more than 90 days to issue a response. It is not within the Grand Jury's power to waive or extend these deadlines, and to the Grand Jury's knowledge, the Judicial Council of California has not done so. But we recognize that the deadlines may be burdensome given current conditions caused by the COVID-19 pandemic.

Whether the deadlines are extended or not, it is our expectation that Marin's public agencies will eventually be able to return to normal operations and will respond to this report. In the meantime, however, public health and safety issues are of paramount importance and other matters might need to wait.

Pursuant to Penal Code Section 933.05, the Grand Jury requests responses as shown below. Where a recommendation is addressed to multiple respondents, each respondent should respond solely on its own behalf without regard to how other respondents may respond.

Pursuant to Penal Code Section 933.05, the Grand Jury requests responses from the following governing bodies:

- County of Marin Board of Supervisors (F1–F5, R1–R3)
- Belvedere City Council (F1–F5, R1–R3)
- Corte Madera Town Council (F1–F5, R1–R3)
- Fairfax Town Council (F1–F5, R1–R3)
- Larkspur City Council (F1–F5, R1–R3)
- Mill Valley City Council (F1–F5, R1–R3)
- Novato City Council (F1–F5, R1–R3)
- Ross Town Council (F1–F5, R1–R3)
- San Anselmo Town Council (F1–F5, R1–R3)
- San Rafael City Council (F1–5, R1–R3)
- Sausalito City Council (F1–F5, R1–R3)
- Tiburon Town Council (F1–F5, R1–R3)
- Transportation Authority of Marin Board of Directors (F1, F2, F6–F9, R4)
- Marin Wildfire Prevention Authority Board of Directors (F1, F2, F9, R5)

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted in accordance with Penal Code Section 933(c) and subject to the notice, agenda and open meeting requirements of the Brown Act.

Note: At the time this report was prepared information was available at the websites listed.

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury. The California State Legislature has stated that it intends the provisions of Penal Code Section 929 prohibiting disclosure of witness identities to encourage full candor in testimony in Grand Jury investigations by protecting the privacy and confidentiality of those who participate in any Civil Grand Jury investigation.



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**Tiburon**  
Alice Fredericks

**County of Marin**  
Damon Connolly  
Katie Rice  
Stephanie Moulton-Peters  
Dennis Rodoni  
Judy Arnold

February 26, 2021

The Honorable Judge Andrew Sweet  
Marin County Superior Court  
P.O. Box 4988  
San Rafael, CA 94913-4988

Ms. Lucy Dilworth, Foreperson  
Marin County Civil Grand Jury  
3501 Civic Center Drive, Room #275  
San Rafael, CA 94903

SUBJECT: Response to Marin County Civil Grand Jury Report on “Roadblocks to Safer Evacuation in Marin”

Dear Judge Sweet and Ms. Dilworth:

On February 25, 2021, the Transportation Authority of Marin (TAM) Board of Commissioners reviewed and approved TAM’s response to the Marin County Civil Grand Jury Report on “Roadblocks to Safer Evacuation in Marin.” Attached is TAM’s response for your review and acceptance.

Please contact TAM’s Executive Director, Anne Richman, at arichman@tam.ca.gov or 415-226-0820 if you have any questions about TAM’s response.

Sincerely

Eric Lucan  
Chairperson, TAM Board of Commissioners

Attachment: TAM Response to Grand Jury Report

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**TAM RESPONSE TO GRAND JURY REPORT**

**Report Title:** Roadblocks to Safer Evacuation in Marin

**Report Date:** December 14, 2020

**Agenda Date:** February 25, 2021

**Response by:** Transportation Authority of Marin (TAM)

**FINDINGS**

- F1. No single agency or jurisdiction is taking responsibility and authority for building infrastructure for safe evacuation routes across jurisdictions in Marin County.**

**Response:** Partially agree.

There is currently no single agency or jurisdiction with the broad-based authority for building infrastructure across multi-jurisdictions in Marin County. Operating, maintaining, and improving infrastructure are the responsibilities of the individual jurisdiction, including all liabilities and associated risks. Generally, when an agency seeks to implement infrastructure improvements beyond its boundary, the implementing agency enters into a cooperative agreement with neighboring agency or agencies specific to the project. To date, TAM is not aware of any agency in Marin County that would transfer responsibility and authority of its assets to an outside agency.

- F2. There is confusion in the county as to who has ultimate responsibility and authority for ensuring that Marin has safe evacuation routes.**

**Response:** Partially disagree.

It is TAM staff's understanding that the newly formed Marin Wildfire Prevention Authority (MWPA) is in the process of developing evacuation plans county-wide, including an assessment of evacuation routes. This work is being planned in cooperation with a range of partners including emergency responders, local jurisdictions, Caltrans, CHP, and TAM. In the event of an emergency, emergency response agencies (police, fire) would have authority over an evacuation. These responsibilities seem clear. Additionally, each local municipality has designated evacuation routes and is responsible for the development of safety elements in its general plan, and local hazard mitigation plan that identify risks, and mitigations to these risks. Recent state legislation, AB 747, requires that local jurisdictions without existing adopted local hazard mitigation plans to identify evacuation routes and their capacity, safety, and viability under a range of emergency scenarios before January 2, 2022. Each local municipality is aware of the requirements and responsibility to coordinate with neighboring municipalities in joint efforts.

- F6. As Marin's designated "congestion management agency," the Transportation Authority of Marin, is best positioned to coordinate and support the funding of public works projects for improving evacuation routes, including cross-jurisdictional evacuation routes.**

**Response:** Disagree.

TAM provides various funding to jurisdictions for local public works (transportation) projects but does not have the authority to define the scope of a project. Local municipalities control their assets and coordinate with adjacent jurisdictions when improving their infrastructure. Transportation

projects often include a variety of funding sources and TAM's funds may only be one of many sources. Additionally, TAM is not involved in the development of local hazard mitigation plans, general plan safety elements, and in identifying the wide range of risks from natural hazards, nor appropriate mitigations to these risks. To the extent that TAM can serve as a resource to support local transportation improvements that might be feasible and desired by a local jurisdiction, TAM can consider how it might do so.

TAM's largest source of funding is from the Measure AA Expenditure Plan that was approved by Marin voters in 2018, authorizing TAM to collect a 1/2 cent sales tax for transportation improvements. The Measure AA Expenditure Plan is divided into categories and sub-categories of funding for specific projects and programs.

Of the funds collected, 95.5% of the funds either goes directly to transit agencies and municipalities by formulas or for programs enumerated in the Expenditure Plan.

Out of the 95.5% noted, 77% of the funds are distributed to transit agencies and municipalities by formula annually - 55% to transit and 22% to municipalities for local streets and roads maintenance. Note that the transit funds are typically used primarily for operations rather than for capital projects. TAM could encourage transit agencies and municipalities to consider evacuation goals with the use of Measure AA funds but the ultimate decisions rest with governing boards of each agency. The other 18.5% in this formula is allocated to programs managed by TAM but has no reasonable nexus to evacuation efforts, with 10.5% to the Safe Routes to School Program that promote safe walking and bicycling to schools and the Crossing Guard Program that covers the costs of deploying crossing guards at key intersections. The Safe Pathway Program receives 4% of the Measure AA funds for infrastructure projects that encourage students to walk or bike to schools by making safety infrastructure improvements to key school corridors. These safety improvements are typically antithesis to evacuation goals because they are designed to reduce vehicular speed and capacity. Another 3.5% is reserve for improvements to Highway 101 and 0.5% for implementing commute alternatives and trip reduction strategies.

The remaining 4.5% (local interchanges, sea level rise mitigation projects, and operational improvements to local streets and roads through innovative technology) that TAM manages may present opportunities whereby evacuation goals may be used as criteria in project evaluation along with other criteria mandated by the Measure AA Expenditure Plan.

TAM also receives state and federal funds for transportation projects in the County. State and federal funds come with specific requirements and are often designated for use on specific projects. When allowed, TAM could consider evacuation as a criterion in project evaluation for those funds.

- F7. Contrary to its previous responses to the Grand Jury, the Transportation Authority of Marin is not precluded or constrained from incorporating evacuation planning needs as a criterion in its infrastructure projects.**

**Response:** Partially disagree.

TAM manages the distribution of a variety of local, state, and federal funds that have specific criteria in infrastructure project evaluation or may be designated for specific projects. When opportunities are permissible to include evaluation criterion in the project evaluation, TAM will consider doing so.

- F8. The Transportation Authority of Marin's decision-making process is inadequate unless it includes evacuation as a criterion when funding improvements.**

**Response:** Disagree.

As noted above, TAM manages a variety of other local, state, and federal funds. TAM is required to evaluate projects in accordance with criteria set forth by each funding source. The evaluation criteria vary from source to source. TAM is legally and contractually obligated to follow the criteria established by each funding source. Where permissible and not inconsistent to the funding sources, TAM can include evacuation goals in project evaluation along with goals set forth by funds sources.

- F9. The Marin Wildfire Prevention Authority's Advisory/Technical Committee would benefit from having the expertise of the Transportation Authority of Marin to advise on evacuation infrastructure needs.**

**Response:** Agree.

TAM's representation on MWPA's Advisory/Technical Committee would be beneficial to support evacuation planning. TAM staff have been working cooperatively with MWPA on several efforts already, including providing administrative and technical information as MWPA ramps up their new agency and work. TAM will continue to coordinate with MWPA to support their efforts.

## RECOMMENDATION

- R4. Within 120 days of the date of this report, the Transportation Authority of Marin should establish a criterion requiring that evacuation impacts be examined and stated when planning and funding infrastructure projects.**

**Response:** Partially disagree.

Where allowed, TAM can consider establishing criterion to examine evacuation impacts based on the requirements and eligible activities of each funding source at the time funding becomes available. Establishing funding criteria in advance of understanding the requirements of any particular funding source is not feasible or appropriate.

Additionally, staff and the TAM Board would need to carefully consider the nuanced appropriateness of such a requirement in each case, including any potential policy or operational conflicts (or co-benefits). An example of this is the potential conflict between the goal of making streets wider to carry more cars to accommodate the event of an evacuation, and the also important goal of reducing vehicle miles travelled and emissions by making streets more friendly for bikes and pedestrians which often occurs by taking space from auto lanes for pathways or crossings. Additionally, TAM would want to include recognition that emergency responders would have ultimate authority in the event of an emergency, and not impinge on that authority. In some cases, operational improvements may be more appropriate than infrastructure improvements. Finally, TAM also recognizes that local agencies have the authority and are responsible for advancing transportation projects within their jurisdictions in accordance with local plans and policies and are required to balance the many needs of their communities.

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