

TRANSPORTATION AUTHORITY OF MARIN  
BOARD OF COMMISSIONERS MEETING

SEPTEMBER 22, 2022

6:00 P.M.

Zoom

<https://us02web.zoom.us/j/88155449529?pwd=eS9NOTJUMm9kT1ITekZZNXF0QXRVdz09>

Webinar ID: 881 5544 9529

Passcode: 389590

As allowed by Governor Newsom's Executive Order N-15-21 and Assembly Bill 361, until further notice the TAM Board meetings will not be providing an in-person meeting location for the public to attend because state and local officials are recommending measures to promote social distancing. The Board will meet via Zoom and members of the public are encouraged to participate remotely as described below. Note: this meeting will not be webcast on Granicus.

**How to watch the live meeting using the Zoom link:**

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**How to provide comment on agenda items:**

- Before the meeting: email your comments to [jdoucette@tam.ca.gov](mailto:jdoucette@tam.ca.gov). Please email your comments no later than 5:00 P.M. Wednesday, September 21, 2022, to facilitate timely distribution to Board members. Please include the agenda item number you are addressing and your name and address. Your comments will be forwarded to the TAM Board members and will be placed into the public record.

- During the meeting (only): Your meeting-related comments may be sent to [info@tam.ca.gov](mailto:info@tam.ca.gov). During the meeting, your comments will be read (3 minutes limit per comment) when the specific agenda item is considered by the Board. Your comment will also become part of the public record. (In order to ensure staff receives your comment during the meeting, it is recommended that you send your comment early in the meeting.

- During the meeting (only): If watching this meeting online, click on the "raise hand" feature in the webinar controls. This will notify TAM staff that you would like to comment. If participating by phone, "raise hand" on Zoom by pressing \*9 and wait to be called on by the Chair or the Clerk to speak. Ensure that you are in a quiet environment with no background noise. You will be notified that your device has been unmuted when it is your turn to speak. You may be notified prior to your allotted time being over. Your comments will also become part of the public record.

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**Belvedere**  
James Campbell

**Corte Madera**  
Charles Lee

**Fairfax**  
Chance Cutrano

**Larkspur**  
Dan Hillmer

**Mill Valley**  
Urban Carmel

**Novato**  
Eric Lucan

**Ross**  
P. Beach Kuhl

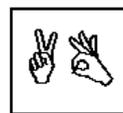
**San Anselmo**  
Brian Colbert

**San Rafael**  
Kate Colin

**Sausalito**  
Susan Cleveland-Knowles

**Tiburon**  
Alice Fredericks

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



Late agenda material can be inspected in TAM's office between the hours of 8:00 a.m. and 5:00 p.m.  
The TAM Office is located at 900 Fifth Avenue, Suite, 100, San Rafael.

The meeting facilities are accessible to persons with disabilities. Requests for special accommodations (assisted listening device, sign language interpreters, etc.) should be directed to Jennifer Doucette, 415-226-0820 or email: [jdoucette@tam.ca.gov](mailto:jdoucette@tam.ca.gov) no later than 5 days before the meeting date.

## AGENDA

1. Adopt TAM Resolution No. 2022-14 in Compliance with AB 361 (Action) – **Attachment**
2. Chair’s Report (Discussion)
3. Commissioner Matters Not on the Agenda (Discussion)
4. Commissioner Reports (Discussion)
  - a. MTC Report – Commissioner Connolly
  - b. Marin Transit Report – Commissioner Colbert
  - c. SMART Report – Commissioner Lucan
5. Executive Director’s Report (Discussion)
6. Open time for public expression, up to three minutes per speaker, on items not on the Board of Commissioners’ Agenda. (While members of the public are welcome to address the Board, under the Brown Act, Board members may not deliberate or take action on items not on the agenda, and generally may only listen.)
7. CONSENT CALENDAR (Action) – **Attachments**
  - a. Approve TAM Board Meeting Minutes July 28, 2022
  - b. Approve Contract Extension with Moss, Levy, Hartzheim, LLP for Compliance Audit Services
  - c. Review and Acceptance of the Semi-Annual Project Status Report
  - d. TAM Response to Grand Jury Report on Affordable Housing
  - e. Approval of Extension of Interagency Agreements with Larkspur-Corte Madera and Kentfield School Districts for Crossing Guard Services
8. Nomination Recommendations for the One Bay Area Grant Program Cycle 3 (Action) – **Attachment**
9. Alternative Fuels Program Update and Outreach Activities (Discussion) – **Attachment**
10. Marin-Sonoma Bike Share Pilot Program Update (Discussion) – **Attachment**



**DATE:** September 22, 2022

**TO:** Transportation Authority of Marin Board of Commissioners

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

**SUBJECT:** Adopt TAM Resolution No. 2022-14 in Compliance with AB 361 (Action), Agenda Item No. 1

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## **RECOMMENDATION**

The Board adopts TAM Resolution No. 2022-14 as shown in Attachment A and allows all TAM public meetings subject to the Ralph M. Brown Act to be conducted remotely for the next 30 days in compliance with Assembly Bill (AB) 361 and Government Code Section 54953(e)(2), in order to ensure the health and safety of the public while providing access to public meetings.

## **BACKGROUND**

On March 4, 2020, Governor Newsom declared a State of Emergency to help the State prepare for a broader spread of COVID-19. In response to the COVID-19 pandemic, on March 17, 2020, Governor Newsom issued Executive Order N-29-20, which suspended certain provisions of the Ralph M. Brown Act in order to allow local legislative bodies to conduct meetings electronically without a physical meeting place. Executive Order N-29-20 expired on September 30, 2021.

## **DISCUSSION**

On September 16, 2021, Governor Newsom signed AB 361, which became effective immediately upon approval. AB 361 provides local government bodies that are subject to the Ralph M. Brown Act the ability to continue to use video and/or teleconferencing through December 31, 2023 under certain conditions, including when state or local officials have recommended social distancing during a proclaimed state of emergency.

On September 22, 2021, Director Benita McLarin of Marin Health & Human Services issued a letter (Attachment B) to the County Board of Supervisors recommending that the County continue to use social distancing to enhance safety at public meetings. Director McLarin noted that safety measures can include using video/teleconferencing for public meetings and spacing at in-person meetings so that individuals from different households are not sitting next to each other. Director McLarin has not issued a new letter since September 22, 2021 and the recommendation remains in effect.

While the state proclamation of emergency remains in place, TAM Resolution No. 2022-14 would provide TAM with the option to use video and/or teleconferencing for all public meetings held by the Board, Executive Committees, and Citizens' Oversight Committee (COC) before TAM Resolution No. 2022-14 expires 30 days from the date of approval, which is October 22, 2022.

AB 361 restricts public agencies from passing such a resolution for more than 30 days at a time. The TAM Board will need to pass a new resolution when an existing resolution expires to continue remote meetings.

## **FISCAL IMPACTS**

There are no direct fiscal impacts with the adoption of TAM Resolution No. 2022-14.

## **NEXT STEPS**

All public meetings are expected to be held remotely for the duration allowed by TAM Resolution No. 2022-14. Staff will continue to monitor local health and safety requirements and practices. If needed, staff will request the Board to adopt another resolution to further authorize remote meetings when TAM Resolution No. 2022-14 expires on October 22, 2022.

## **ATTACHMENTS**

Attachment A – TAM Resolution No. 2022-14

Attachment B – Marin Health and Human Services Letter, dated September 22, 2021

**TAM RESOLUTION NO. 2022-14****RESOLUTION OF THE TRANSPORTATION AUTHORITY OF MARIN (TAM) MAKING FINDINGS THAT THE PROCLAIMED STATE OF EMERGENCY CONTINUES TO IMPACT THE ABILITY TO MEET SAFELY IN PERSON AND DECLARING THAT TAM WILL CONTINUE TO MEET REMOTELY IN ORDER TO ENSURE THE HEALTH AND SAFETY OF THE PUBLIC**

**WHEREAS**, TAM is committed to preserving and nurturing public access and participation in meetings of the Board of Commissioners, TAM Executive Committees, and Citizens' Oversight Committee (COC); and

**WHEREAS**, all meetings of TAM's legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch TAM's legislative bodies conduct their business; and

**WHEREAS**, the Brown Act, Government Code Section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code Section 54953(b)(3), subject to the existence of certain conditions; and

**WHEREAS**, on March 4, 2020, Governor Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State prepare for a broader spread of COVID-19; and

**WHEREAS**, on March 17, 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20, which suspended certain provisions of the Ralph M. Brown Act in order to allow local legislative bodies to conduct meetings electronically without a physical meeting place; and

**WHEREAS**, as a result of Executive Order N-29-20, staff set up Zoom teleconference meetings for all Board of Commissioners, TAM Executive Committee and COC meetings; and

**WHEREAS**, on June 11, 2021, Governor Newsom issued Executive Order N-08-21, which specified that Executive Order N-29-20 would remain in effect through September 30, 2021, at which point it would expire; and

**WHEREAS**, since the issuance of Executive Order N-08-21, the COVID-19 variants have emerged, causing a spike in COVID-19 cases throughout the state; and

**WHEREAS**, the Governor's proclaimed State of Emergency remains in effect, and State and local officials, including the Marin County Director of Health and Human Services, the California Department of Public Health, and the Department of Industrial Relations, have imposed or recommended measures to promote social distancing; and

**WHEREAS**, on September 16, 2021, the Governor signed Assembly Bill (AB) 361 into law, as urgency legislation that goes into effect on October 1, 2021, amending Government Code Section 54953 of the Brown Act to allow legislative bodies to continue to meet remotely during a proclaimed state of emergency, provided certain conditions are met and certain findings are made; and

**WHEREAS**, the continued local rates of transmission of the virus and variants causing COVID-19 are such that the Director of Health & Human Services has recommended that the County continue to emphasize social distancing in order to minimize the potential spread of COVID-19 during indoor, public meetings; and

**WHEREAS**, TAM cannot maintain adequate safe social distance among members of the public, Board and Committee members, and staff in their respective meeting locations; and

**WHEREAS**, because of the rise in cases due to new variants of COVID-19, TAM is concerned about the health and safety of attendees, the TAM Board of Commissioners desires to take the actions necessary to comply with AB 361 and to continue to hold its Board and Committee meetings remotely.

**NOW, THEREFORE, THE TAM BOARD RESOLVES AS FOLLOWS:**

1. TAM has reconsidered the circumstances of the State of Emergency, and finds that:
  - a. The factors triggering the State of Emergency continue to directly impact the ability of the members of the TAM Board of Commissioners and staff, and members of the public to meet safely in person; and
  - b. State and local officials continue to recommend measures to promote social distancing.
2. TAM will continue to conduct public meetings remotely for the next 30 days in compliance with AB 361 and Government Code Section 54953(e)(2), in order to ensure the health and safety of the public while providing access to all public meetings.
3. TAM will reconsider the circumstances of the State of Emergency and revisit the need to conduct meetings remotely within 30 days of the adoption of this Resolution.

REGULARLY PASSED AND ADOPTED this 22nd day of September 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Stephanie Moulton-Peters, Chair  
Transportation Authority of Marin

ATTEST:

\_\_\_\_\_  
Jennifer Doucette  
Clerk of the Board



DEPARTMENT OF  
HEALTH AND HUMAN SERVICES

Promoting and protecting health, well-being, self-sufficiency, and safety of all in Marin County.



Benita McLarin, FACHE  
DIRECTOR

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September 22, 2021

Dennis Rodoni  
President, Board of Supervisors  
3501 Civic Center Drive, 3<sup>rd</sup> Floor  
San Rafael, CA 94903

Re: Public Meetings/Social Distancing

Dear President Rodoni:

On September 20, 2021, Governor Newsom signed AB 361. The legislation provides that local agencies may continue to hold certain public meetings via video/tele-conference as they have done during the Covid-19 emergency. The legislation allows such meetings to continue during a proclaimed state of emergency if state or local officials have recommended measures to promote social distancing.

Local government meetings are indoor meetings that are sometimes crowded, involve many different and unfamiliar households, and can last many hours. Given those circumstances, I recommend a continued emphasis on social distancing measures as much as possible to make public meetings as safe as possible. These measures can include using video/tele-conferencing when it meets community needs and spacing at in-person meetings so that individuals from different households are not sitting next to each other. I will notify you if this recommendation changes while the Governor's state of emergency for COVID-19 remains in place.

Respectfully,

Benita McLarin  
Director, Health & Human Services

cc: Matthew H. Hymel, CAO  
Brian E. Washington, County Counsel

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MEETING OF THE  
TRANSPORTATION AUTHORITY OF MARIN

JULY 28, 2022  
6:00 PM

**Virtual Meeting**

**MEETING MINUTES**

**Members Present:**

- Alice Fredericks, Tiburon Town Council
- Chance Cutrano, Fairfax Town Council
- Damon Connolly, Marin County Board of Supervisors
- Daniel Hillmer, Larkspur City Council
- Dennis Rodoni, Marin County Board of Supervisors
- Eric Lucan, Novato City Council, TAM Chair Pro-Tempore
- Judy Arnold, Marin County Board of Supervisors
- James Campbell, Belvedere City Council
- Kate Colin, San Rafael City Council
- Katie Rice, Marin County Board of Supervisors
- Susan Cleveland-Knowles, Sausalito City Council
- Urban Carmel, Mill Valley City Council

**Members Absent:**

- Beach Kuhl, Ross Town Council
- Brian Colbert, San Anselmo Town Council, TAM Vice-Chair
- Charles Lee, Corte Madera Town Council
- Stephanie Moulton-Peters, Marin County Board of Supervisors, TAM Chair

**Staff Members Present:**

- Anne Richman, Executive Director
- Bill Whitney, Principal Project Delivery Manager
- Dan Cherrier, Director of Project Delivery
- David Chan, Director of Programming and Legislation
- Derek McGill, Director of Planning
- Emily Tong, Senior Accountant
- Grace Zhuang, Accounting & Administrative Specialist
- Jennifer Doucette, Executive Assistant/Clerk of the Board
- Li Zhang, Deputy Executive Director/Chief Financial Officer
- Molly Graham, Public Outreach Coordinator
- Scott McDonald, Principal Transportation Planner

*Executive Director (ED) Anne Richman welcomed everyone to the meeting at 6:01 p.m. and explained that due to the absence of both the Chair and Vice-Chair, the first order of business was to nominate and elect a Chair Pro-Tempore for the July 28 TAM Board meeting.*

**1. Nominate and Elect Chair Pro Tempore for the July 28, 2022 Board of Commissioners Meeting (Action)**

Commissioner Fredericks nominated Commissioner Lucan to serve as Chair Pro-Tempore (Pro-Tem) for the July 28 TAM Board Meeting, which was seconded by Commissioner Arnold. A roll call vote was conducted, and the nomination was approved unanimously.

Chair Pro-Tem Lucan asked Executive Assistant/Clerk of the Board Jennifer Doucette to conduct a roll call to ensure a quorum. A quorum of the Board was confirmed and detailed information about how the public may participate was provided.

**2. Adopt TAM Resolution No. 2022-08 in Compliance with AB 361 (Action)**

Chair Pro-Tem Lucan explained that this action item would allow Board and Committee meetings to continue to be held virtually. Chair Pro-Tem Lucan asked if any members of the public wished to speak or had sent an e-comment, and hearing none, asked for a motion.

Commissioner Cleveland-Knowles moved to adopt TAM Resolution No. 2022-08 for compliance with AB 361, which was seconded by Commissioner Rice. A roll call vote was conducted, and the motion was unanimously approved.

**3. Chair's Report (Discussion)**

Chair Pro-Tem Lucan congratulated TAM staff on the North-South Greenway Project ribbon cutting ceremony and the groundbreaking for the final segment of the Marin Sonoma Narrows (MSN).

**4. Commissioner Matters Not on the Agenda (Discussion)**

None.

**5. Commissioner Reports (Discussion)**

*Item 5b was taken out of order.*

b. Marin Transit Report – Commissioner Rice on behalf of Commissioner Colbert

Commissioner Rice reported that Marin Transit (MT) continues to maintain a steady core of riders using the local transit service. Recent reports show that ridership is at 80% of pre-pandemic levels, with MT having the greatest percentage of ridership recovery among all Bay Area transit operators.

Commissioner Rice also reported that students and youth 18 and under can ride MT local fixed route service county-wide this summer for free. The free fare offering is effective from June 12 through August 14, 2022 and is limited to MT local bus service, not Golden Gate Transit routes.

Commissioner Rice further reported that MT offered free local transit rides county-wide on all MT fixed route services during the County Fair, which helped ease traffic congestion around the fairgrounds. In addition, this Fall, MT will be evaluating all of the promotional fare campaigns and pilots it has implemented over the past year.

*Item 5c was taken out of order.*

c. SMART Report – Commissioner Lucan

Commissioner Lucan reported that the Sonoma Marin Rail Area Transit (SMART) ridership continues to increase; and that additional service to the ferry for Giants games had good ridership results. Commissioner Lucan also reported that the SMART Board discussed the pilot program for the first-last mile connection to the Sonoma County Airport; and the response to the Sonoma County Grand Jury Report.

*Item 6 was taken out of order.*

**6. Executive Director's Report (Discussion)**

ED Richman reported on the ribbon cutting ceremony for the opening of the North-South Greenway and the groundbreaking ceremony for the final Marin-Sonoma Narrows (MSN) segment.

ED Richman also reported on the East Blithedale Rehabilitation Project; funding for State Route (SR) 37 and Southern Marin flood projects; Senate Bill (SB) 1 for Local Streets and Roads funding; and California Department of Transportation's (Caltrans') release of the draft environmental document for the US 101/Tamalpais Drive Overcrossing.

Lastly, ED Richman called attention to recent and upcoming TAM public outreach meetings and confirmed no TAM Executive Committee and Board meetings in August.

In response to Commissioner Carmel, ED Richman explained that the excise tax component of SB 1 is a fixed amount but that the funds generated from the sales tax component of SB 1 increase with the price of gasoline; and Commissioner Lucan explained that SMART remains optimistic with respect to a return to pre-pandemic levels in ridership.

Commissioner Rice expressed her support of improving the US 101/Tamalpais Drive Overcrossing and inquired about the nexus between Caltrans' project and the TAM Interchange Study.

*Item 5a was taken out of order.*

## **5. Commissioner Reports (Discussion)**

### **a. MTC Report – Commissioner Connolly**

Commissioner Connolly reported that the Transit Oriented Communities (TOC) policy and resolution were to come to the Metropolitan Transportation Commission (MTC) in July for approval, but the Planning Committee deferred the TOC policy until September. There has been a lot of feedback on this policy, and how it fits in with the housing element updates currently underway, and how transit services will be taken into consideration.

Commissioner Connolly also reported on the June 30 field meeting with Congressmen Huffman and Thompson, Supervisor David Rabbitt, SMART General Manager (GM) Eddy Cummins, representatives of resource agencies and others, to observe and discuss the challenges and opportunities posed by SR 37, as a major environmental project and a key transportation project. Commissioner Connolly noted the value of considering aspects of the landscape, such as the current alignment of the SMART tracks in Sonoma County, and how the current rail line veers north-south through marshland, and whether that can be realigned in parallel to a new SR 37 alignment to better protect the environment. Lastly, Commissioner Connolly expressed his commitment in both the short and long term to the 4-county partnership among Marin, Sonoma, Napa and Solano.

## **7. Open Time for Public Expression**

Chair Pro-Tem Lucan asked if any members of the public wished to speak or had sent an e-comment.

Sausalito Taxi representative and Larkspur resident Kevin Carroll inquired about the public outreach and timing for the southern segment (Old Redwood Highway) of the North-South Greenway Gap Closure Project.

Marin County Bicycle Coalition (MCBC) Policy and Planning Director Warren Wells expressed his appreciation for the completion of the northern segment of the North-South Greenway Project over the Corte Madera Creek, and the new bike lanes on East Blithedale. Mr. Wells also highlighted Caltrans' project to improve the US 101/Tamalpais Drive Overcrossing.

Corte Madera resident Chris Tufts thanked TAM for the completion of the northern segment of the North-South Greenway Project over the Corte Madera Creek and inquired about additional phases.

ED Richman explained that TAM staff and the City of Larkspur will be conducting public outreach for the southern segment (Old Redwood Highway) of the North-South Greenway Gap Closure Project.

**8. CONSENT CALENDAR (Action)**

- a. Approve TAM Board Meeting Minutes June 23, 2022
- b. Accept the Canal Neighborhood Community Based Transportation Plan
- c. Award of Contract for Crossing Guard Program Data Collection
- d. Award of Contract for Street Smarts Banner Installation

Commissioner Cutrano made a motion to approve the Consent Calendar, which was seconded by Commissioner Colin. Chair Pro-Tem Lucan opened the item to public comment and hearing none, a roll call vote was conducted, and the motion passed unanimously.

Commissioner Colin also expressed her appreciation for the Canal Neighborhood Community Based Transportation Plan (CBTP).

**9. Adopt Position on 2022 State Legislative Bills and Hear Overview on the FY 2022-23 State Budget (Action)**

Chair Pro-Tem Lucan welcomed Gus Khouri, TAM's Legislative Advocate with Khouri Consulting, to present this item, which recommends that the TAM Board adopts a support position on Senate Bill (SB) 307 of the 2022 State Legislative bills.

Mr. Khouri reported on the current Legislative schedule; and provided an overview of the State Budget, highlighting funds for high-speed rail, transit, and the Active Transportation Program (ATP), as well as funds to address sea level rise and flooding on SR 37 and US 101 in Southern Marin.

Mr. Khouri also reported that SMART received a Transit and Intercity Rail Capital Program (TIRCP) award for approximately \$25 million for zero-emission buses, passenger amenities for Petaluma Transit, and the Petaluma North Train Station.

Chair Pro-Tem Lucan commented that the TIRCP funding award was shared with other Sonoma County transit agencies.

Mr. Khouri further reported on the status of Assembly Bills (AB) 1178, 1944, 2237, 2438, 2622; and SB 1217 and 307.

Chair Pro-Tem Lucan asked if any members of the public wished to speak or had sent in an e-comment, and hearing none asked for a motion.

Commissioner Hillmer moved to adopt a support position on SB 307, which was seconded by Commissioner Rice. A roll call vote was conducted, and the motion was approved unanimously.

**10. Approve the Draft Implementation Plan for the Highway 101 Interchange and Approaching Roadway Study (Action)**

ED Richman introduced TAM Principal Project Delivery Manager Bill Whitney to present this item, which recommends that the TAM Board reviews and approves the Draft Implementation Plan for the Highway 101 Interchange and Approaching Roadway Study. This item was reviewed at the Administration, Projects & Planning (AP&P) Executive Committee on July 11 and referred to the TAM Board for adoption.

Mr. Whitney provided an overview of the Study, and introduced project consultants Kim Franchi of HNTB, and David Parisi and Bri Adams of Parisi Transportation Consulting.

Mr. Franchi provided an update on the project status, including concept evaluation and preliminary recommendations; and long-term (LT) and near-term (NT) project concepts.

Ms. Adams provided an overview of the concepts evaluation based on weighted goals, including details on the total weighted scores and costs of each interchange.

Mr. Parisi provided an overview of the prioritization and implementation approach, recommending prioritizing the interchanges at Blithedale Avenue/Tiburon Blvd. (LT), Freitas Parkway/Civic Center (LT), and Alameda Del Prado/Nave Drive (NT) for planning and phased implementation.

Mr. Franchi stated that funding is available to move the three proposed concepts to the project development phase. He discussed opportunities for developing the concepts for the remaining nine interchanges and noted that local jurisdictions and Caltrans could choose to develop any of the concepts or incorporate some elements into other projects. Mr. Franchi also discussed the timeline for developing a LT concept and noted that NT improvements could be developed outside Caltrans' development process.

Mr. Franchi also noted the expanded project overview and content on the TAM website, including reports on the existing conditions of the interchanges; survey results; and the ability of the public to provide feedback and comments on the website. Lastly, Mr. Franchi discussed other public outreach efforts, including newsletter and email distribution, and social media outlets.

In response to Commissioner Cutrano, Mr. Whitney explained that the Study documentation may be used by local agencies to seek grants and funding to further develop or implement interchange improvements in their jurisdictions.

In response to Commissioner Cleveland-Knowles, ED Richman explained that Caltrans' project to address flooding in Southern Marin is separate from the proposed improvements identified for the interchange located at Donahue Street/Bridgeway in Sausalito.

In response to Commissioner Carmel, Mr. Whitney explained that the proposed timeline is consistent with the Caltrans process. ED Richman explained that the revenue from Measure AA was intended to fund the project development and that additional funding will be needed to fund the capital construction. ED Richman further explained that the improvements were conceptualized with contemporary elements and scope, focusing on bicycle and pedestrian access, safety improvements, and correcting design features, which may position them well for competitive funding programs.

In response to Commissioner Rodoni, Mr. Whitney explained that components of Caltrans' Project Initiation Document (PID) for the US 101/Tamalpais Overcrossing were incorporated into the Study for the Tamalpais Drive/Paradise Drive interchange; and that the Town of Corte Madera and other local agencies may be seeking additional funding sources.

In response to Commissioner Colin, Mr. Parisi explained that during the Study there was direct communication with Caltrans regarding the various projects located near and around the Manuel T. Freitas Parkway/Civic Center Drive interchange, as well as the other eleven interchanges. ED Richman noted that TAM staff is in regular communication with the San Rafael Department of Public Works and would be available to assist in sharing information with other City of San Rafael staff.

Chair Pro-Tem Lucan asked if any members of the public wished to speak or had sent in an e-comment, and hearing none, asked for a motion.

Commissioner Arnold moved to approve the Draft Implementation Plan for the Highway 101 Interchange and Approaching Roadway Study, which was seconded by Commissioner Fredericks. A roll call vote was conducted, and the motion was approved unanimously.

*The meeting was adjourned at 7:30 p.m.*

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**DATE:** September 22, 2022

**TO:** Transportation Authority of Marin Board of Commissioners

**FROM:** Anne Richman, Executive Director *Anne Richman*  
Li Zhang, Deputy Executive Director/Chief Financial Officer

**SUBJECT:** Approve Contract Extension with Moss, Levy, Hartzheim, LLP for Compliance Audit Services (Action), Agenda Item No. 7b

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### **RECOMMENDATION**

Staff recommends that the Board approves the contract extension with Moss, Levy, Hartzheim, LLP to cover the 2022 and 2023 Measure A/AA Transportation Sales Tax Compliance Audit Cycles, for a cost not to exceed \$3,500 per audit. The extended contract will end on December 31, 2023, or when the 2023 compliance audit reports are accepted by the TAM Board, whichever is later.

### **BACKGROUND/DISCUSSION**

The Expenditure Plans for Measure A, the original ½-Cent Transportation Sales Tax approved by the voters in 2004, and for Measure AA, renewal of the Measure A approved by the voters in 2018, provide TAM with the authority to audit all Measure A/AA fund recipients for their use of the sales tax proceeds. Independent compliance audits are explicitly permitted under the terms and conditions of TAM's funding agreements/contracts with all Measure A/AA ½-Cent Transportation Sales Tax funding recipients. The TAM Board adopted the original Measure A Compliance Audit Policy at its October 28, 2010 Board meeting and the implementation of the Policy started in 2011, with the audit of Measure A ½-Cent Sales Tax expenditures which occurred in or prior to FY2010-11.

TAM entered into contract with Moss, Levy, Hartzheim, LLP in August 2019 for the 2019, 2020, and 2021 Compliance Audit Cycles in August 2019. As allowed by the original contract, staff now recommends the extension of the contract to cover the 2022 and 2023 Compliance Audit Cycles.

### **FISCAL CONSIDERATION**

The proposed cost per audit is not to exceed \$3,500 for the 2022 and 2023 Compliance Audit Cycles. The budget needed for the 2022 cycle is already included in the FY2022-23 TAM Annual Budget.

### **NEXT STEPS**

Upon Board approval, staff will work with Moss, Levy, Hartzheim, LLP to finalize the two-year contract extension.

### **ATTACHMENTS**

None.

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**DATE:** September 22, 2022

**TO:** Transportation Authority of Marin Board of Commissioners

**FROM:** Anne Richman, Executive Director *Anne Richman*  
Project and Planning Delivery Teams

**SUBJECT:** Review and Acceptance of the Semi-Annual Project Status Report (Action), Agenda Item No. 7c

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## RECOMMENDATION

The Board reviews and accepts the September 2022 TAM Project Status Report. At its September 12, 2022 meeting, the Administration, Projects and Planning (AP&P) Executive Committee reviewed the Semi-Annual Project Status Report (covering January through September, 2022) and voted unanimously to refer it to the Board for acceptance.

## BACKGROUND

In order to provide up to date funding and expenditure information that can help the Board and the general public understand the overall status of the suite of projects that TAM manages, these project updates are presented approximately every six months. The intent of these updates is to provide the Board with a broad overview of projects directly managed by TAM, and to update and identify potential issues that may require future Board actions. As projects progress, they will require specific Board deliberations and actions, such as consultant contract amendments or acceptance of work products.

## DISCUSSION/ANALYSIS

### Project Status Report Highlights:

The Project Status Report covers key on-going projects that are active and those that are in the active planning phase.

**Active Projects** covers all projects that are in environmental, design or construction phases. These projects are well defined and, in most cases, fully funded. This report includes three active projects: (1) US 101 Marin-Sonoma Narrows – B7 and B8; (2) North-South Greenway Gap Closure Project – North Segment; and (3) Improve Bellam Boulevard off-ramp from Northbound US 101.

**Planning Projects** covers emerging high-priority projects for which TAM is studying various options. These projects will most likely become active projects in the foreseeable future. The report includes three projects in the planning phase: (1) Northbound US 101 to Eastbound Interstate 580 and Local Road Improvements; (2) State Route 37; and (3) Studies of twelve Highway 101 Interchanges and Approaching Roadways. One additional emerging Project concerning Marin City flooding was discussed during the presentation to the AP&P Executive Committee and will be included in future reports should a definable project emerge.

Included for reference, Attachment B is the presentation provided at the September 12 AP&P Executive Committee meeting.

**FISCAL IMPACTS**

Not applicable.

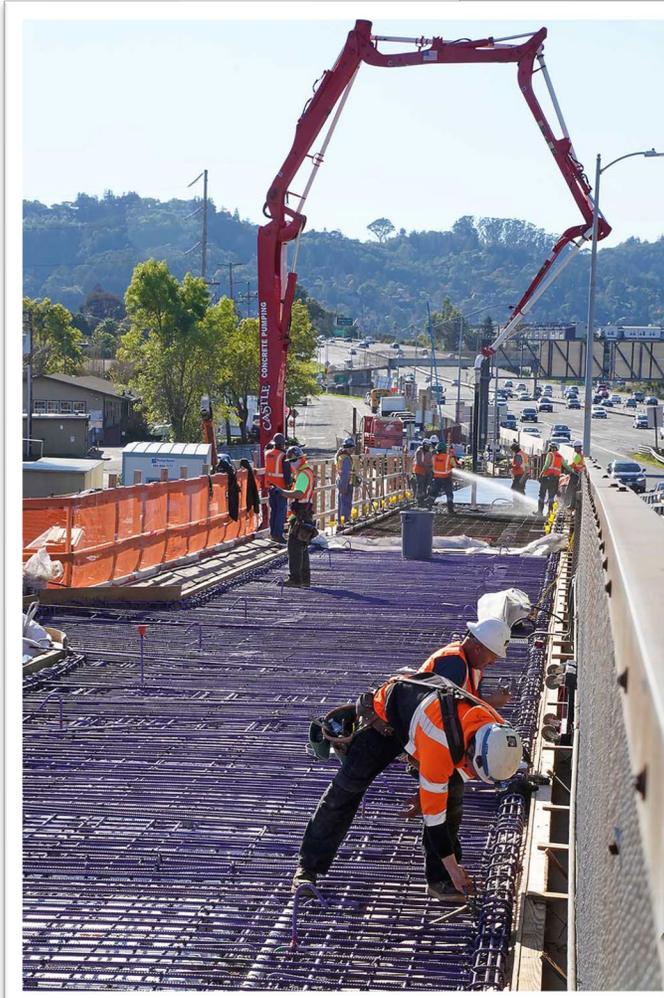
**NEXT STEPS**

The next Project Status Report update will be provided in early 2023.

**ATTACHMENTS**

Attachment A – September 2022 TAM Project Status Report

Attachment B – Presentation from September 12 AP&P Executive Committee Meeting



# Transportation Authority of Marin

## Project Status Report *September 2022*

**Project Status Report****September 2022****ON-GOING PROJECTS****A. PROJECTS – ACTIVE**

|  |   |
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| US 101 Marin-Sonoma Narrows Overview .....                       | 1 |
| US 101 Marin-Sonoma Narrows – B7 and B8 .....                    | 2 |
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| North-South Greenway Gap Closure Project – Southern Segment..... | 6 |
| Improve Bellam Boulevard Off-Ramp from Northbound US 101 .....   | 8 |

**B. PROJECTS - PLANNING PHASE**

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| Northbound US 101 to Eastbound I-580 and Local Road Access Improvements ..... | 10 |
| State Route 37 .....  | 12 |
| Studies for Twelve Highway 101 Interchanges and Approaching Roadway.....      | 14 |
| Marin County US 101 Part Time Transit Lane Study .....                        | 16 |
| Alternative Fuel Program .....  | 18 |

**C. OTHER**

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**Project Status Report - Active**

**September 2022**

**Project: US 101 Marin-Sonoma Narrows Overview**

**Partners** Caltrans, Sonoma County Transportation Authority and Transportation Authority of Marin  
**Jurisdiction(s)** Novato, Petaluma

**Scope**

Widening of approximately 17 miles of US 101 from four to six lanes by adding HOV lanes in each direction; improving public transit and access to SMART rail network; installing continuous Class I and Class II bikeways between Novato and Petaluma; and constructing new interchanges and frontage roads to remove unsafe access from private properties and local roads.

Project will be completed through a series of phases based on operational priority and funding availability. As of 2022, all mainline HOV segments between Petaluma and Novato have been built or are under construction.

**Status**

- The HOV lanes between North Novato to Olompali (MSN B7) commenced construction in July 2022.
- Construction is complete for the Highway 101 San Antonio Creek bridge and curve correction (Segment B3), as well as from the Marin-Sonoma County line to McKenzie Drive in Sonoma County (MSN B2-P2).
- Various non-mainline projects are still outstanding and will require funding.

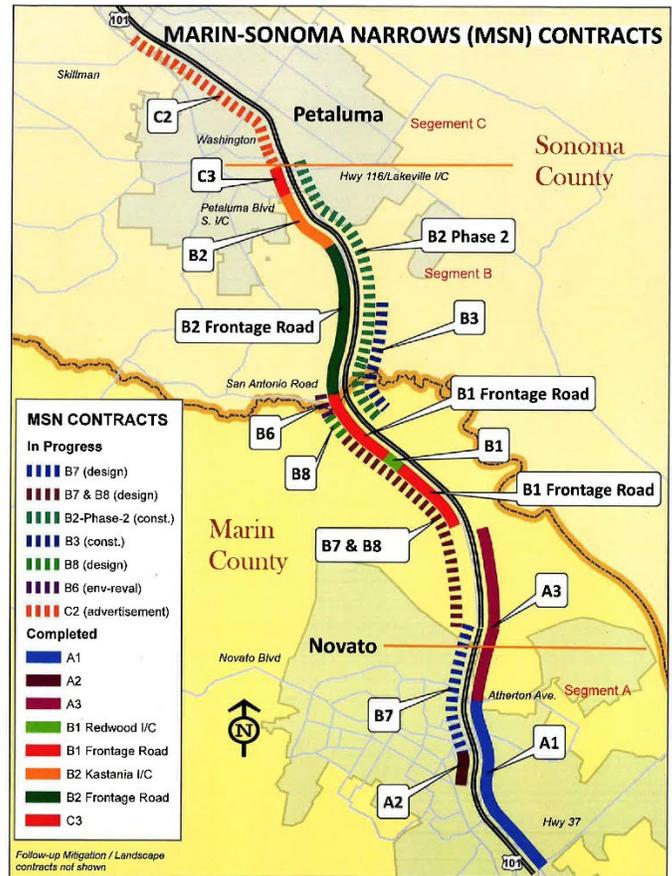
**Issues/Areas of Concern**

The MSN B7 project is fully funded with assistance from SB1 SCCP and MTC federal discretionary fund sources. The accompanying MSN B8 utility relocation project will likely encounter ROW acquisition challenges that will delay the project. Minor vegetation restoration projects and a local San Antonio Road bridge reconstruction project (MSN B6) still remain as part of the overall MSN corridor work.

**MARIN-SONOMA NARROWS STATISTICS**

Project length.....17 miles  
 Avg. daily traffic – 2017.....153,000 vehicles  
 Avg. daily truck traffic – 2013.....6,200 trucks  
 Marin/Sonoma total populations.....258,000/495,000  
 Vehicle hours of delay (at less than 35 mph).....978,400  
 Funds programmed for MSN.....~\$720,819,000

Funds needed to complete MSN.....~ \$29,500,000



**Major Phase Status**

|   |             |
|---|-------------|
| A1  | Completed   |
| A2  | Completed   |
| A3  | Completed   |
| B1 Phase I                                | Completed   |
| B7 (Formerly B1-Phase II; See Fact Sheet) | In Progress |
| B2 Phase I                                | Completed   |
| B2 Phase II                               | Completed   |
| B3  | Completed   |
| B8 (Formerly A4 & B5; See Fact Sheet)     | In Progress |
| B6  | In Progress |
| C1  | Completed   |
| C2  | In Progress |
| C3  | Completed   |

**Project Status Report - Active****September 2022****Project: US 101 Marin-Sonoma Narrows – B7 and B8****Partners** Caltrans, Sonoma County Transportation Authority and Transportation Authority of Marin**Jurisdiction(s)** Novato**Scope**

Construct a southbound HOV lane from 0.3 mile south of the Marin/Sonoma County line to just south of Franklin Avenue Overhead, and a northbound HOV lane from 1.7 miles north of Atherton Avenue Overcrossing to 0.3 mile south of the Marin/Sonoma County line, improving mobility for public transit and access to SMART rail system. Project includes bridge widening, interchange modifications (Redwood Landfill Interchange), completing all HOV lanes in the NB and SB directions, standardizing shoulders, Class II bike lane construction and correcting the roadway horizontal alignment and vertical profile, along with relocating remaining utilities.

**Status**

The project design is currently fully funded with local and federal funds, with HOV Lane design (MSN B7) completed in December 2020. Competitive SB1 Solutions for Congested Corridor Program (SCCP) funding was awarded to the B7 project, and MTC federal discretionary funds were approved in May 2021 to complete the full funding plan for B7 project. Construction bid opening was in February 2022, and construction commenced in July. The MSN B8 design is on-going.

**Issues/Areas of Concern**

- The project is an aggregate of three MSN projects, formerly called the B1 Phase II, A4 and B5 projects. Due to the potential lengthy process with right-of-way (ROW) acquisition, the project was split into two concurrent paths: (1) design and construction of the HOV lanes (MSN B7) and (2) ROW acquisition and utility relocation (MSN B8).
- As construction for the MSN B7 commences, construction challenges and change orders must be managed effectively.
- The B8 project will likely face significant challenges with ROW acquisition and delay since some of the ROW needed is now occupied by a solar panel farm.

**Updates from Previous Report**

- B7 (HOV Lanes) commenced construction in July.
- MSN B8 utility relocation design is on-going with draft 100% plans completed.

- RM3 litigation elevated to the State Supreme Court and is pending outcome.

**Schedule**

|                            |           |
|----------------------------|-----------|
| Planning                   | N/A       |
| Environmental Clearance    | 2009      |
| Design                     | 2019-2020 |
| Right of Way and Utilities | 2018-2023 |
| Construction               | 2022-2025 |

**Estimated Cost by Project Phase**

|                            |                      |
|----------------------------|----------------------|
| Planning                   | N/A                  |
| Environmental Clearance    | N/A                  |
| Design                     | \$8,300,000          |
| Right of Way and Utilities | 11,100,000           |
| Construction               | 123,100,000          |
| <b>TOTAL</b>               | <b>\$142,500,000</b> |

**Funding by Source**

|                                    |                      |
|------------------------------------|----------------------|
| STIP Right of Way Excess Fund      | \$4,550,000          |
| SB1-LPP                            | 500,000              |
| Measure AA Sales Tax               | 6,905,000            |
| STP                                | 2,000,000            |
| SB1-SCCP                           | 40,118,000           |
| RM3, MTC Fed Discretionary & Other | 88,427,000           |
| <b>TOTAL</b>                       | <b>\$142,500,000</b> |

**Project Status Report - Active****September 2022****Project: US 101 Marin- Sonoma Narrows – B7 and B8****Contracts and Agreements Managed by TAM**

| <b>Contract or Agreement No.</b> | <b>Amend No.</b> | <b>Open/ Closed</b> | <b>Agency/Consultant</b> | <b>Description</b>                      | <b>Appropriated Amount</b> | <b>Funding Source</b> | <b>Billed to Date</b> | <b>Percent Billed</b> |
|----------------------------------|------------------|---------------------|--------------------------|---|----------------------------|-----------------------|-----------------------|-----------------------|
| C-FY18-12                        | 7                | Open                | BKF Engineers            | Design and Support Engineering Services | \$8,215,256                | STIP ROW Fund & STP   | \$6,426,218           | 78%                   |
|                                  |                  |                     |                          | TOTAL                                   | \$8,215,256                |                       | \$6,426,218           | 78%                   |

**Project Status Report - Active****September 2022****Project: North-South Greenway Gap Closure Project – Northern Segment****Partners** TAM, MTC, Caltrans and the City of Larkspur**Jurisdiction(s)** Caltrans and the City of Larkspur**Scope**

The Northern Segment of the North-South Greenway Gap Closure Project will close a key gap in the local and regional non-motorized transportation network between the Central Marin Ferry Connector bridge over Sir Francis Drake Boulevard and the pedestrian overcrossing of US 101 on Old Redwood Highway.

**Status**

- A Ribbon cutting ceremony was hosted by TAM and Caltrans to celebrate the opening of the path over Corte Madera Creek in July 2022.
- Final design is nearly complete for the portion of the project on Old Redwood Highway.
- Obtaining Caltrans permits and funding approval.

**Issues/Areas of Concern**

- Staff is assessing the funding plan to complete the Corte Madera Creek Crossing and Old Redwood Highway Path continuing south. A future funding request may be brought forward to the Board to address the projected shortfall in the construction and construction support phases for the Old Redwood Highway Path and the Corte Madera Creek Crossing.

**Updates from Previous Report**

- Construction completed for bridge over creek.
- Financial expenditure information updated.
- Final close-out procedures for construction of the bridge/pathway crossing Corte Madera Creek continues.

**Schedule**

|                            |             |
|----------------------------|-------------|
| Planning                   | Complete    |
| Environmental Clearance    | Complete    |
| Design                     | In Progress |
| Right of Way and Utilities | In Progress |
| Construction               | 2021-2023   |

**Estimated Cost by Project Phase**

|                            |                     |
|----------------------------|---------------------|
| Planning                   | -                   |
| Environmental Clearance    | \$1,100,000         |
| Design                     | 3,785,000           |
| Right of Way and Utilities | -                   |
| Construction               | 16,367,699          |
| <b>TOTAL</b>               | <b>\$21,252,699</b> |

**Funding by Source**

|                            |                     |
|----------------------------|---------------------|
| RM2                        | \$17,075,000        |
| CMAQ (Old Redwood Highway) | 1,120,000           |
| Measure A Interest Funds   | 1,000,000           |
| SB1 LPP Incentive          | 1,500,000           |
| TDA                        | 274,062             |
| BAAQMD TFCA                | 283,637             |
| <b>TOTAL</b>               | <b>\$21,252,699</b> |

**Project Status Report - Active****September 2022****Project: North-South Greenway Gap Closure Project – Northern Segment****Contracts and Agreements Managed by TAM**

| <b>Contract or Agreement No.</b>    | <b>Amend No.</b> | <b>Open/ Closed</b> | <b>Agency/Consultant</b> | <b>Description</b>   | <b>Appropriated Amount</b> | <b>Funding Source</b>         | <b>Billed to Date</b> | <b>Percent Billed</b> |
|-------------------------------------|------------------|---------------------|--------------------------|--|----------------------------|-------------------------------|-----------------------|-----------------------|
| C-FY15-08                           | 9                | Open                | Moffatt & Nichol         | Environmental, Plans, Specifications and Estimates, Construction Administration (PAED, PS&E) (CON Support) | \$4,450,000                | RM2, Measure AA               | \$3,986,253.75        | 90%                   |
| Cooperative Agreement with Caltrans | 1                | Open                | Caltrans                 | Construction and Construction Support  | \$13,200,233               | RM2<br>TDA<br>TFCA<br>SB1 LPP | \$13,059,429          | 98%                   |
|                                     |                  |                     |                          | TOTAL  | \$17,650,233               |                               | \$17,045,682.75       | 97%                   |

**Project Status Report - Active**

**September 2022**

**Project: North-South Greenway Gap Closure Project – Southern Segment (Larkspur & Corte Madera Segment)**

**Partners** MTC, SMART, the City of Larkspur and the Town of Corte Madera

**Jurisdiction(s)** Larkspur, Corte Madera

**Scope**

The Southern Segment of the North-South Greenway Gap Closure Project will close a key gap in the local and regional non-motorized transportation network between the southern terminus of the Northern Segment through a private easement (not yet secured) then along the Sonoma Marin Area Rail Transit (SMART) right-of-way south to Wornum Drive to connect to existing multi-use paths. The Gap Closure Project is being delivered in two segments, the Northern Segment and the Southern Segment. (Southern Segment shown in the adjacent graphic as red alignment.)

**Status**

- The use of the SMART right-of-way has been secured.
- The County of Marin Department of Public Works has agreed to be the implementing agency for the initial alternative’s alignment analysis and environmental analysis. TAM is the project sponsor.

**Issues/Areas of Concern**

- The Southern Segment requires acquisition of private right-of-way by means of easement.
- Subject to resolving the funding constraints project delivery for the Southern Segment has been suspended.

**Updates from Previous Report**

- No updates to report



**Schedule**

|                            |           |
|----------------------------|-----------|
| Planning                   | Completed |
| Environmental Clearance    | TBD       |
| Design                     | TBD       |
| Right of Way and Utilities | TBD       |
| Construction               | TBD       |

**Estimated Cost by Project Phase**

|                            |                    |
|----------------------------|--------------------|
| Planning                   | -                  |
| Environmental Clearance    | \$700,000          |
| Design                     | TBD                |
| Right of Way and Utilities | 850,000            |
| Construction               | TBD                |
| <b>TOTAL</b>               | <b>\$1,550,000</b> |

**Funding by Source**

|              |                    |
|--------------|--------------------|
| RM2          | \$1,550,000        |
| <b>TOTAL</b> | <b>\$1,550,000</b> |

**Project Status Report – Active****September 2022****Project: North-South Greenway Gap Closure Project – Southern Segment****Contracts and Agreements Managed by TAM**

| <b>Contract or Agreement No.</b> | <b>Amend No.</b> | <b>Open/Closed</b> | <b>Agency/Consultant</b>           | <b>Description</b>                 | <b>Appropriated Amount</b> | <b>Funding Source</b> | <b>Billed to Date</b> | <b>Percent Billed</b> |
|----------------------------------|------------------|--------------------|------------------------------------|------------------------------------|----------------------------|-----------------------|-----------------------|-----------------------|
| A-FY14-22                        |                  | Open               | Marin County, Dept of Public Works | Project Management                 | \$1,350,000*               | RM2                   | \$446,015             | 33%                   |
| A-FY14-21                        |                  | Closed             | SMART                              | Boundary Survey and Title Research | \$75,000                   | RM2                   | \$52,652              | 100%                  |
| A-FY18-18                        |                  | Closed             | SMART                              | Right-of-Way                       | \$850,000                  | RM2                   | \$850,000             | 100%                  |
|                                  |                  |                    |                                    | TOTAL                              | \$2,275,000                |                       | \$1,348,667           | 59%                   |

\*A portion of this allocation re-directed to another project.

**Project Status Report - Active****September 2022****Project: Improve Bellam Boulevard Off-Ramp from Northbound US 101****Partners** Caltrans, Transportation Authority of Marin, and City of San Rafael**Jurisdiction(s)** Caltrans and City of San Rafael**Scope**

Improve the Bellam Boulevard off ramp from US 101 by widening the two lanes immediately past the gore point. Traffic making a left turn at Bellam will be directed to the left lane, while traffic heading to I-580 or turning right on Bellam will stay in the right lane. An extra lane will be added near Bellam to reduce the lane changes required to make a right on Bellam if exiting from eastbound I-580.

**Status**

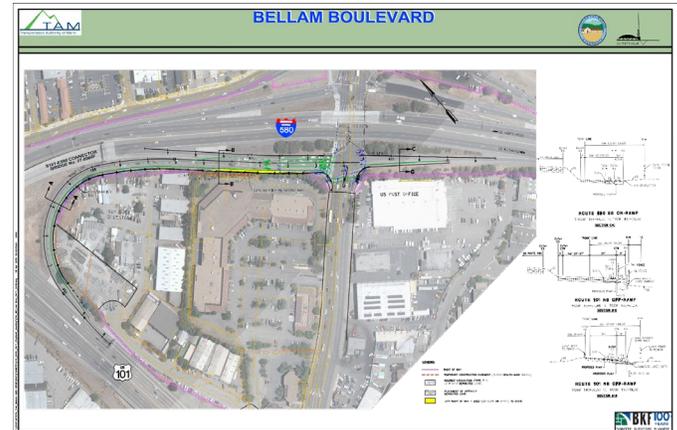
The CEQA document was recorded on August 15, 2018. Design approval from Caltrans is expected in Fall 2022. The Right of Way Agreement will be negotiated immediately following approval. The County of Marin has indicated that due to staffing shortages they may not be able to manage the construction. The Project has required a redesign and is short of funds to complete.

**Issues/Area of Concern**

The design changes along with the transfer of funds from this project to the Sir Francis Drake Flyover have left a funding shortfall of approximately \$3 to \$3.5 million. The Right of Way agreement with Marin Square has expired and will require new negotiations. Tree removal must occur during August to January. The Local Partnership Funds must be allocated by early 2023

**Updates from Previous Report**

Staff is evaluating options to close the shortfall, including potential state or federal competitive funding programs.

**Schedule**

|                                |                    |
|--------------------------------|--------------------|
| Planning                       | Complete           |
| Environmental Clearance        | Complete           |
| Design                         | Complete Fall 2022 |
| Right of Way and Utilities     | Fall 2022          |
| Construction (pending funding) | Begin Aug 2023     |

**Estimated Cost by Project Phase**

|                            |                    |
|----------------------------|--------------------|
| Planning                   | \$30,000           |
| Environmental Clearance    | 90,000             |
| Design                     | 1,250,000          |
| Right of Way and Utilities | 700,000            |
| Construction               | 6,100,000          |
| <b>TOTAL</b>               | <b>\$8,170,000</b> |

**Funding By Source**

|                            |                    |
|----------------------------|--------------------|
| Measure A and AA Sales Tax | \$3,450,000        |
| Local Partnership Program  | 1,737,000          |
| <b>TOTAL</b>               | <b>\$5,187,000</b> |

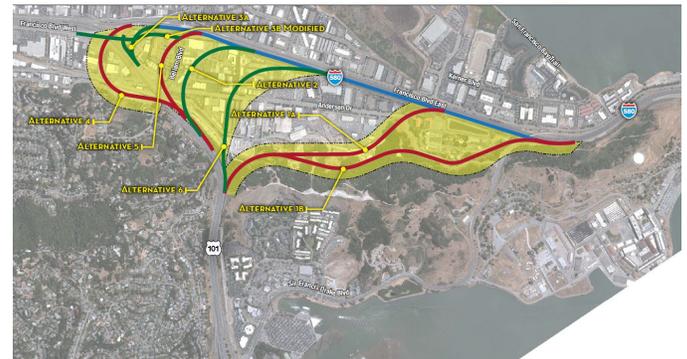
**Project Status Report – Active****September 2022****Project: Improve Bellam Boulevard Off-Ramp from Northbound US 101****Contracts and Agreements Managed by TAM**

| <b>Contract or Agreement No.</b> | <b>Amend No.</b> | <b>Open/ Closed</b> | <b>Agency/Consultant</b> | <b>Description</b>  | <b>Appropriated Amount</b> | <b>Funding Source</b>  | <b>Billed to Date</b> | <b>Percent Billed</b> |
|----------------------------------|------------------|---------------------|--------------------------|---|----------------------------|------------------------|-----------------------|-----------------------|
| C-FY17-02                        | 3                | Open                | BKF Engineers            | Complete design services including environmental.                   | \$1,176,325                | Measure A/AA Sales Tax | \$918,932             | 78%                   |
| A-FY19-17                        |                  | Closed              | County of Marin          | Agreement to manage construction including construction management* | \$4,000,000*               | Measure A Sales Tax    | \$63,888              | 2%                    |
|                                  |                  |                     |                          | TOTAL   | \$5,176,325                |                        | \$982,820             | 20%                   |

\*This agreement has expired.

**Project Status Report – Planning Phase****September 2022****Project: Northbound US 101 to Eastbound I-580 and Local Road Access Improvements****Partners** Caltrans, Metropolitan Transportation Commission, Transportation Authority of Marin, City of San Rafael and City of Larkspur**Jurisdiction(s)** Caltrans and City of San Rafael**Scope**

Improve access from northbound US 101 to eastbound I-580 accessing the Richmond-San Rafael Bridge for travel eastbound toward Contra Costa County. Improve local circulation on Sir Francis Drake and Bellam Boulevards. The eastbound approach to the RSR Bridge is one of only two toll bridges in the Bay Area accessed by low speed local roads with traffic signals resulting in traffic delays on local roads and US 101.

**Status**

The draft Project Study Report (PSR) has been submitted to Caltrans and the first round of comments received.

**Issues/Area of Concern**

- Significant comments from Caltrans regarding: ramp metering, sea level rise, VMT, and design exceptions.
- Additional funding likely needed for construction.
- RM3 funds still in litigation.

**Updates from Previous Report**

- Numerous meetings with Caltrans to discuss PSR comments.
- Need to resolve major comments prior to resubmittal of next review cycle of the PSR.

**Schedule**

|                            |      |
|----------------------------|------|
| Planning                   | 2020 |
| Environmental Clearance    | 2026 |
| Design                     | 2028 |
| Right of Way and Utilities | 2030 |
| Construction               | 2032 |

**Estimated Cost by Project Phase**

|                                       |                    |
|---------------------------------------|--------------------|
| Planning                              | \$1,750,000        |
| Environmental Clearance               | 3,500,000          |
| Design                                | 9,000,000          |
| Right of Way and Utilities            | 8-30 M             |
| Construction (depends on alternative) | 170-270 M          |
| <b>TOTAL</b>                          | <b>\$192-315 M</b> |

**Funding by Source**

|                      |                      |
|----------------------|----------------------|
| RM3                  | \$135,000,000        |
| Measure A Sales Tax  | 100,000              |
| Measure AA Sales Tax | 16,500,000           |
| <b>TOTAL</b>         | <b>\$151,600,000</b> |

**Project Status Report – Active****September 2022****Project: Northbound US 101 to Eastbound I-580 Direct Connector****Contracts and Agreements Managed by TAM**

| <b>Contract or Agreement No.</b> | <b>Amend No.</b> | <b>Open/ Closed</b> | <b>Agency/Consultant</b>                            | <b>Description</b>  | <b>Appropriated Amount</b> | <b>Funding Source</b> | <b>Billed to Date</b> | <b>Percent Billed</b> |
|----------------------------------|------------------|---------------------|---|---|----------------------------|-----------------------|-----------------------|-----------------------|
| C-FY12-09                        | 1                | Closed              | CSW/Stuber-Stroeh Engineering Group (Task Order 32) | Develop Alternatives, Cost Estimates, Graphic Rendering, Environmental Evaluation | \$102,000                  | Measure A Sales Tax   | \$102,000             | 100%                  |
| C-FY20-01                        | 1                | Open                | Kimley-Horn & Associates, Inc.                      | Project Approval and Environmental Document (PAED)                                | \$6,500,000                | Measure AA Sales Tax  | \$2,364,295           | 36%                   |
| C-FY20-02                        |                  | Open                | Fremier Enterprises Inc.                            | Project Management  | \$400,000                  | Measure AA Sales Tax  | \$187,046             | 47%                   |
|                                  |                  |                     |   | TOTAL   | \$7,002,000                |                       | \$2,653,341           | 38%                   |

**Project Status Report – Planning Phase****September 2022****Project: State Route 37****Partners** Caltrans, Metropolitan Transportation Commission, and Transportation Authority of Marin, Sonoma, Napa and Solano Counties**Jurisdiction(s)** Marin County**Scope**

State Route 37 is a key transportation corridor stretching from US 101 in Marin County to Interstate 80 in Solano County. Evaluation of the corridor has been assigned to a policy committee comprised of transportation authorities from Marin, Sonoma, Solano and Napa counties to address sea level rise, traffic congestion, transit options and recreational activities.

**Status**

MTC funded and completed a Corridor Plan in June 2018, prioritizing congestion relief in Segment B in Solano and Sonoma Counties. Segment A consists of Marin and portions of Sonoma County. Segment C is located in Solano County.

There are currently three key concurrent projects on the corridor: (1) Segment B interim improvements to relieve congestion led by MTC, (2) Segment A flood reduction project led by Caltrans and (3) Corridor-wide Planning-Environmental Linkage (PEL) study led by Caltrans.

**Issues/Area of Concern**

A segment of the four-lane freeway, between US 101 and Atherton Avenue in Novato, had been closed due to the flooding of Novato Creek in January and February 2017, as well as in February 2019. Heavy congestion occurs in Segment B, where there is one lane in each direction. Since the corridor is 21-miles long, spanning four counties, the solutions to making the corridor resilient and reliable for the traveling public are complex and very costly.

**Updates from Previous Report**

MTC completed a Design Alternative Assessment (DAA) study for Segment A, which will help define various alternatives for the year 2100 ultimate project. The work will support, in parts, Caltrans' on-going environmental clearance (PA/ED) effort of interim projects in Segment A, as well as the corridor-wide PEL study. The Segment A PA/ED is anticipated to be completed by end of 2022 or early 2023; with new state funding (\$20 million) being allocated to begin design work.

MTC and Caltrans released the draft environmental document for the interim congestion relief project in

Segment B on January 14, 2022, and comments are still being addressed since opposition to the project has been expressed. MTC still targets completion of the PA/ED effort by the end of 2022 and start of construction by 2024.

Caltrans continues to work on a corridor-wide PEL study from US 101 to I-80 to document a preliminary consultation process with the regulatory agencies of all key issues present in the corridor to streamline future environmental clearance of the ultimate project. It anticipates completion by late Fall 2022.

**Schedule – Segment A**

|                            |      |
|----------------------------|------|
| Planning                   | 2018 |
| Environmental Clearance    | 2022 |
| Design                     | TBD  |
| Right of Way and Utilities | TBD  |
| Construction               | TBD  |

**Estimated Cost by Project Phase – Segment A**

|                            |                     |
|----------------------------|---------------------|
| Planning                   | TBD                 |
| Environmental              | \$10,000,000        |
| Design                     | \$20,000,000        |
| Right of Way and Utilities | TBD                 |
| Construction               | TBD                 |
| <b>TOTAL</b>               | <b>\$30,000,000</b> |

**Funding by Source – Segment A**

|                |                     |
|----------------|---------------------|
| City/County    | \$169,765           |
| Caltrans SHOPP | \$10,000,000        |
| State Earmark  | \$20,000,000        |
| <b>TOTAL</b>   | <b>\$30,169,765</b> |

**Project Status Report – Planning Phase****September 2022****Project: State Route 37****Contracts and Agreements Managed by TAM**

| <b>Contract or Agreement No.</b> | <b>Amend No.</b> | <b>Open/Closed</b> | <b>Agency/Consultant</b>                            | <b>Description</b>                     | <b>Appropriated Amount</b> | <b>Funding Source</b> | <b>Billed to Date</b> | <b>Percent Billed</b> |
|----------------------------------|------------------|--------------------|---|--|----------------------------|-----------------------|-----------------------|-----------------------|
| A-FY16-10                        |                  | Closed             | Solano Transportation Authority                     | Design Alternatives                    | \$40,000                   | City/County           | \$40,000              | 100%                  |
| C-FY17-16                        | 1                | Closed             | CSW/Stuber-Stroeh Engineering Group (Task Order 11) | Segment A - Improvement Concept Study  | \$88,000                   | City/County           | \$85,922              | 97%                   |
| A-FY19-10                        |                  | Closed             | NVTA, STA, SCTA and TAM                             | SR37 Travel Behavior Feasibility Study | \$11,765                   | City/County           | \$11,765              | 100%                  |
| A-FY19-07                        |                  | Closed             | County of Marin                                     | SR37 Adaptation Study                  | \$30,000                   | City/County           | \$30,000              | 100%                  |
|                                  |                  |                    |   | TOTAL                                  | \$169,765                  |                       | \$167,687             | 98%                   |

**Project Status Report – Planning Phase****September 2022****Project: Studies for Twelve Highway 101 Interchanges and Approaching Roadways****Partners** Caltrans, Marin County, Marin’s Cities, Marin Transit, Golden Gate Transit**Jurisdiction(s)** Marin County**Scope**

The Measure AA Expenditure Plan includes a category that provides funding for studies of interchanges on Highway 101. The Studies will be used to consider multi-modal improvements to Highway 101 interchanges and freeway access routes to reduce congestion, improve connectivity and local traffic flow, and identify flooding impacts throughout the county.

These studies and funding will be used as “seed money” to attract regional, state and federal grants for planning, public outreach, and to develop the scope of improvements needed for all users of the interchange.

**Status**

The studies are being developed to outline existing conditions, define constraints, and present opportunities for potential improvements to the interchanges and local roadways. Based on the findings in the studies, both short-term and long-term improvement concepts were developed with input from local agencies, public survey results and the TAM Executive Committee.

**Issues/Area of Concern**

None

**Updates from Previous Report**

- An extensive evaluation methodology was developed to assess benefits of the proposed improvements and to quantify how well they meet the goals and objectives established for the interchange program.
- An implementation and prioritization plan was prepared and the recommendations were approved by the Board to advance three Interchanges into the next phase of development using Caltrans procedures.

**Schedule**

|                            |           |
|----------------------------|-----------|
| Planning                   | 2020-2022 |
| Environmental Clearance    | TBD       |
| Design                     | TBD       |
| Right of Way and Utilities | TBD       |
| Construction               | TBD       |

**Estimated Cost by Project Phase**

|                            |                    |
|----------------------------|--------------------|
| Planning                   | \$1,875,000        |
| Environmental              | TBD                |
| Design                     | TBD                |
| Right of Way and Utilities | TBD                |
| Construction               | TBD                |
| <b>TOTAL</b>               | <b>\$1,875,000</b> |

**Funding by Source**

|                      |                    |
|----------------------|--------------------|
| Measure AA Sales Tax | \$1,875,000        |
| <b>TOTAL</b>         | <b>\$1,875,000</b> |

**Project Status Report – Planning Phase****September 2022****Project: Studies for Twelve US 101 Interchanges and Approaching Roadways****Contracts and Agreements Managed by TAM**

| <b>Contract or Agreement No.</b> | <b>Amend No.</b> | <b>Open/Closed</b> | <b>Agency/Consultant</b> | <b>Description</b>                | <b>Appropriated Amount</b> | <b>Funding Source</b>   | <b>Billed to Date</b> | <b>Percent Billed</b> |
|----------------------------------|------------------|--------------------|--------------------------|-----------------------------------|----------------------------|-------------------------|-----------------------|-----------------------|
| C-FY20-09                        |                  | Open               | HNTB Corporation         | Professional Engineering Services | \$1,875,000                | Measure AA<br>Sales Tax | \$1,779,400           | 94%                   |
|                                  |                  |                    |                          | TOTAL                             | \$1,875,000                |                         | \$1,779,400           | 94%                   |

**Project Status Report – Planning Phase****September 2022**

|                        |  |
|------------------------|--|
| <b>Project:</b>        | <b>Marin County US 101 Part-Time Transit Lane Study</b>                    |
| <b>Partners</b>        | Caltrans, Marin County, Marin's Cities, Marin Transit, Golden Gate Transit |
| <b>Jurisdiction(s)</b> | Marin County   |

**Scope**

This project would provide part-time bus operations on the shoulder of southbound US 101 in Marin County between Novato and San Rafael. Bus on Shoulder is a proven concept to improve transit reliability and speed according to FHWA guidance, and a TAM feasibility study identified benefits to both Golden Gate Transit and Marin Transit Services. The conceptual design would allow for the operation of Transit buses in existing auxiliary lanes, on/off ramps, and shoulder lane with minor modifications to the striping and lane widths on the highway.

**Status**

TAM has completed a feasibility study and concept design, cost estimates and operational plans for the project among other items in October 2021. TAM is seeking funding for future phases.

**Issues/Area of Concern**

Performance measurements would be required for any pilot project, these would include safety measures, CHP enforcement, and other concerns raised during the feasibility study. Potential legislation is also being sought to clarify vehicle code and enforcement concerns.

**Updates from Previous Report**

The Feasibility study has been completed.

Staff is looking into various funding opportunities for project development and implementation.

**Schedule**

|                            |      |
|----------------------------|------|
| Planning                   | 2021 |
| Environmental Clearance    | TBD  |
| Design                     | TBD  |
| Right of Way and Utilities | TBD  |
| Construction               | TBD  |

**Estimated Cost by Project Phase**

|                            |                    |
|----------------------------|--------------------|
| Planning                   | N/A                |
| Environmental              | \$800,000          |
| Design                     | \$1,200,000        |
| Right of Way and Utilities | TBD                |
| Construction               | \$5,000,000        |
| <b>TOTAL (FY \$2019)</b>   | <b>\$7,000,000</b> |

**Funding by Source**

|                         |                  |
|-------------------------|------------------|
| Caltrans Planning Grant | \$308,000        |
| <b>TOTAL</b>            | <b>\$308,000</b> |

**Project Status Report – Planning Phase****September 2022****Project: Marin County US 101 Part-Time Transit Lane Study****Contracts and Agreements Managed by TAM**

| <b>Contract or Agreement No.</b> | <b>Amend No.</b> | <b>Open/ Closed</b> | <b>Agency/Consultant</b>         | <b>Description</b> | <b>Appropriated Amount</b> | <b>Funding Source</b> | <b>Billed to Date</b> | <b>Percent Billed</b> |
|----------------------------------|------------------|---------------------|----------------------------------|--------------------|----------------------------|-----------------------|-----------------------|-----------------------|
| C-FY20-07                        |                  | Closed              | Kimley-Horn and Associates, Inc. | Planning Services  | \$308,000                  | Caltrans Grant        | \$308,000             | 100%                  |
|                                  |                  |                     |                                  | TOTAL              | \$308,000                  |                       | \$308,000             | 100%                  |

**Project Status Report – Planning Phase****September 2022**

|                        |                                 |
|------------------------|---------------------------------|
| <b>Project:</b>        | <b>Alternative Fuel Program</b> |
| <b>Partners</b>        | Public Agencies                 |
| <b>Jurisdiction(s)</b> | Marin County                    |

**Scope**

The Alternative Fuel Program supports the development of alternative fuel infrastructure (such as electric vehicle charging stations) and public agency fleet replacement needs. The program also supports technical assistance, education and outreach of the benefits of alternative fuel vehicles.

**Status**

Ongoing. Delivery of EV fleet vehicles and EV charging stations are underway. Staff have been working with Marin Climate and Energy Partnership to develop a county-wide EV Acceleration Strategy, the draft of which was released in August and is expected to be finalized in Spring 2023.

**Issues/Area of Concern**

None at this time.

**Updates from Previous Report**

Work is underway in delivering various components of the Alternative Fuel Program.

In September 2021, funding was provided to all local jurisdictions to support various EV outreach programs, which were completed throughout FY2021-22. TAM program outreach is under development with a focus on equity. Letter of interest process completed in Spring and will inform future program development. Coordination is ongoing with MTC and the State on related EV initiatives.



**Project Status Report – Planning Phase****September 2022****Project: Alternative Fuel Program****Contracts and Agreements Managed by TAM**

| <b>Contract or Agreement No.</b> | <b>Amend No.</b> | <b>Open/Closed</b> | <b>Agency/Consultant</b>               | <b>Description</b>                 | <b>Appropriated Amount</b> | <b>Funding Source</b> | <b>Billed to Date</b> | <b>Percent Billed</b> |
|----------------------------------|------------------|--------------------|--|------------------------------------|----------------------------|-----------------------|-----------------------|-----------------------|
| N/A                              |                  | Open               | Novato, Central Marin Police Authority | EV Fleet Rebate Program            | N/A                        | Measure B VRF         | \$7,000               | N/A                   |
| N/A                              |                  | Open               | Novato, Ross                           | EV Charging Station Rebate Program | N/A                        | Measure B VRF         | \$39,572              | N/A                   |
| C-FY22-03                        |                  | Open               | Reach Strategies                       | Outreach and Technical Assistance  | \$300,000                  | Measure B VRF         | \$94,389              | 31%                   |
| Various                          |                  | Open               | Marin Jurisdictions                    | Local Outreach support             | \$54,000                   | Measure B VRF         | \$26,970              | 50%                   |
|                                  |                  |                    |  | TOTAL                              | \$354,000                  |                       | \$167,931             |                       |

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**PROJECT PHASE DEFINITIONS**

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**Planning** – Complete project studies to define general project parameters.

**Environmental Clearance** – Completion of and approval of environmental studies and/or reports. Environmental analysis assesses the potential impacts a project may have on the natural and/or built environment.

**Design** – Engineer and design project leading to the preparation of plans, specifications and construction estimates. Resource agency permits are obtained in the final design stage in preparation to advertise the project for construction bidding.

**Right of Way and Utilities** – Establish cost and obtain ownership/passage through a given area for the benefit of project completion. Establish utilities needed for the project and relocation if necessary. Right-of-way certification required if using federal funds or if the project is on state highway system.

**Construction** – Includes actual construction, construction management and construction related design. Actual construction close-out duration may go for years after scheduled completion date shown.

**Project Management** – Project or construction management and oversight support of projects to carry out elements of construction. Project management is provided by in-house agency staff and consultants. Typically includes construction materials testing for contract compliance.

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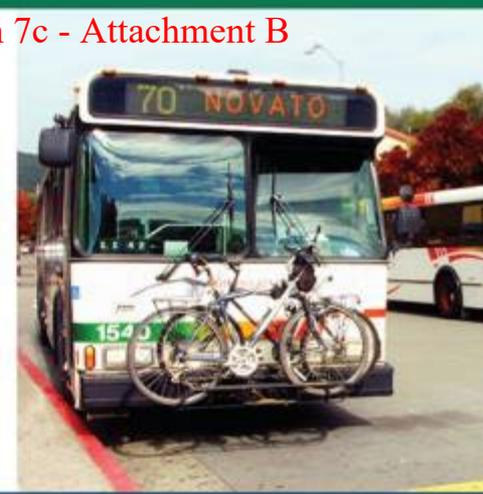
**ACRONYMS AND ABBREVIATIONS**


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|          |   |
|----------|---|
| ABAG     | Association of Bay Area Governments                       |
| ATP      | Active Transportation Program                             |
| BAIFA    | Bay Area Infrastructure Financing Authority               |
| BAAQMD   | Bay Area Air Quality Management District                  |
| Caltrans | California Department of Transportation                   |
| CEQA     | California Environmental Quality Act                      |
| CMAQ     | Congestion Mitigation and Air Quality Improvement Program |
| CMP      | Congestion Management Program                             |
| CO-OP    | Cooperative Agreement                                     |
| CTC      | California Transportation Commission                      |
| DPW      | Department of Public Works                                |
| EEMP     | Environmental Enhancement and Mitigation                  |
| EIR      | Environmental Impact Report                               |
| EIS      | Environmental Impact Study                                |
| ENV MITG | Environmental Mitigation                                  |
| EV       | Electric Vehicles   |
| FHWA     | Federal Highway Administration                            |
| FTA      | Federal Transit Administration                            |
| GGT      | Golden Gate Transit                                       |
| GGBHTD   | Golden Gate Bridge Highway and Transportation District    |
| HOT Lane | High Occupancy Toll Lane                                  |
| HOV Lane | High Occupancy Vehicle Lane                               |
| ITIP     | Interregional Transportation Improvement Program          |
| ITS      | Intelligent Transportation Systems                        |
| JARC     | Job Access and Reverse Commute Program                    |
| LOS      | Level of Service  |
| MCBC     | Marin County Bicycle Coalition                            |
| MPO      | Metropolitan Planning Organization                        |
| MPWA     | Marin Public Works Association                            |
| MT       | Marin Transit   |
| MTC      | Metropolitan Transportation Commission                    |

**ACRONYMS AND ABBREVIATIONS**

|            |   |
|------------|---|
| MTS        | Metropolitan Transportation System  |
| NEPA       | National Environmental Policy Act   |
| NOP        | Notice of Preparation   |
| NTPP       | Non-motorized Transportation Pilot Program  |
| OBAG       | One Bay Area Grant  |
| PA&ED      | Project Approval & Environmental Document   |
| PCA        | Priority Conservation Area  |
| PCI        | Pavement Condition Index  |
| PDA        | Priority Development Area   |
| PS&E       | Plans, Specifications and Engineers Estimates                                     |
| PSR        | Project Study Report  |
| RHNA       | Regional Housing Needs Allocation   |
| RM 2       | Regional Measure 2  |
| ROW        | Right of Way  |
| ROW CAP    | Right of Way Capital  |
| RTIP       | Regional Transportation Improvement Plan  |
| RTP        | Regional Transportation Plan  |
| SAFETEA-LU | Safe Accountable Flexible Efficient Transportation Equity Act: A Legacy for Users |
| SCS        | Sustainable Communities Strategy  |
| SLPP       | State Local Partnership Program   |
| SMART      | Sonoma Marin Area Rail Transit  |
| SR2S       | Safe Routes to School   |
| STA        | State Transit Assistance  |
| STIP       | State Transportation Improvement Program  |
| STIP-IIP   | Interregional Transportation Improvement Program                                  |
| STIP-RIP   | Regional Transportation Improvement Program                                       |
| STP        | Surface Transportation Program  |
| TBD        | To Be Determined  |
| TCRP       | Traffic Congestion Relief Program   |
| TEA-21     | Transportation Equity Act for the 21 <sup>st</sup> Century                        |
| TIP        | Federal Transportation Improvement Program  |
| VRF        | Vehicle Registration Fee  |



# TAM Semi-Annual Project Update

Administration, Projects and Planning  
Executive Committee

September 12, 2022

For Inclusion in Board Packet for September 22  
TAM Board Meeting

# TAM Project Update

1. Marin Sonoma Narrows
2. State Route 37
3. North-South Greenway Gap Closure
4. Highway 101 Interchange Studies
5. Northbound US 101 to Eastbound I-580 and Local Road Access Improvements
6. Bellam Blvd Off-Ramp from US 101
7. US 101 & Marin City Flood Mitigation Coordination

# US 101 – Marin Sonoma Narrows B7 & B8

## Current Phase:

Construction (B7) & Final Design (B8)

## Update from Prior Report:

- MSN B7 construction contract was awarded in April 2022, and work began in July.
- MSN B8 (utility relocation and Class 2 bike lane addition on San Antonio Rd) is in final design.

## Issues:

- During construction of the MSN B7 project, field challenges and change orders must be managed effectively.
- MSN B8 right-of-way (ROW) acquisition will be very challenging.

## Upcoming Activities:

- Continued construction of B7
- Identify ROW needs and budget; and complete the design package for B8.



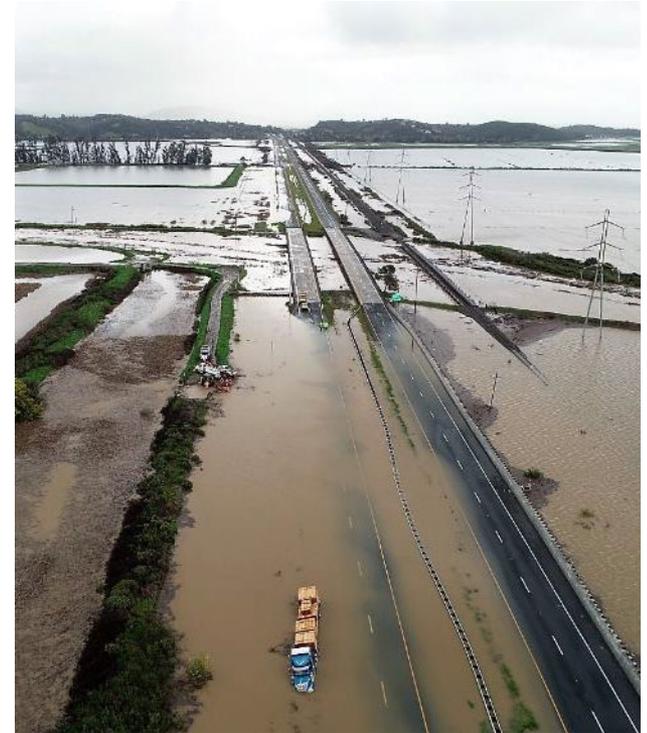
# State Route 37

## Current Phase:

Planning and Environmental Clearance

## Update from Prior Report:

- Segment A, Marin/Sonoma – MTC Design Alternative Assessment is complete. Caltrans is preparing a draft environmental document for flood reduction project.
- Segment B, Sears Point to Mare Island Improvement project - MTC/Caltrans released draft environmental document (DED) for public review, working with stakeholders and regulatory agencies on comments & feedback.
- Corridor-wide – Caltrans conducting PEL Study, targeting a Fall 2022 completion.
- SMART issued white paper regarding future rail service in corridor.
- Funding:
  - \$20 million state earmark for Marin Segment A secured for TAM and Caltrans to proceed to design when ready
  - MTC applied for IIJA funds for segment B and Ultimate project
  - Caltrans D4 and MTC endorsement for upcoming state SB1 competitive funds
  - MTC received \$1.5M federal funds for project acceleration/ innovative delivery development
  - SB 1050 tolling bill did not advance in Legislature



# State Route 37, cont.

## • Issues:

- Environmental aspects of Segment B project under discussion
- Need for funding for environmental work for Ultimate project
- Need for funding for construction of any of the segments
- Policy Committee had robust discussion of many of these issues and activities at their Sept. 1 meeting

## • Upcoming Activities:

- PEL public meeting scheduled for Sept 14 (Caltrans host)
- Ongoing discussions regarding Segment B
- Transit planning for corridor (near-term, related to Segment B)
- Administration of state earmark for Segment A and advancement of environmental document
- Finalize PEL, coordinate with Segment A
- Integration of SMART into project team
- Pursuit of funding



# North/South Greenway Gap Closure

## Current Phase:

Design and Construction

## Update from Prior Report:

- A ribbon cutting ceremony was hosted by TAM and Caltrans to celebrate the opening of the path over Corte Madera Creek.

## Issues:

- Staff is assessing the funding plan and has identified a potential shortfall. A future funding request may be necessary for construction and construct support.

## Upcoming Activities:

- The Old Redwood Highway path continuing south to the Pedestrian Overcrossing is underway with design, permitting and project approvals.



# Highway 101 Interchange Studies

## Current Phase:

Study of 12 Interchanges and approaching roadways

## Update from Prior Report:

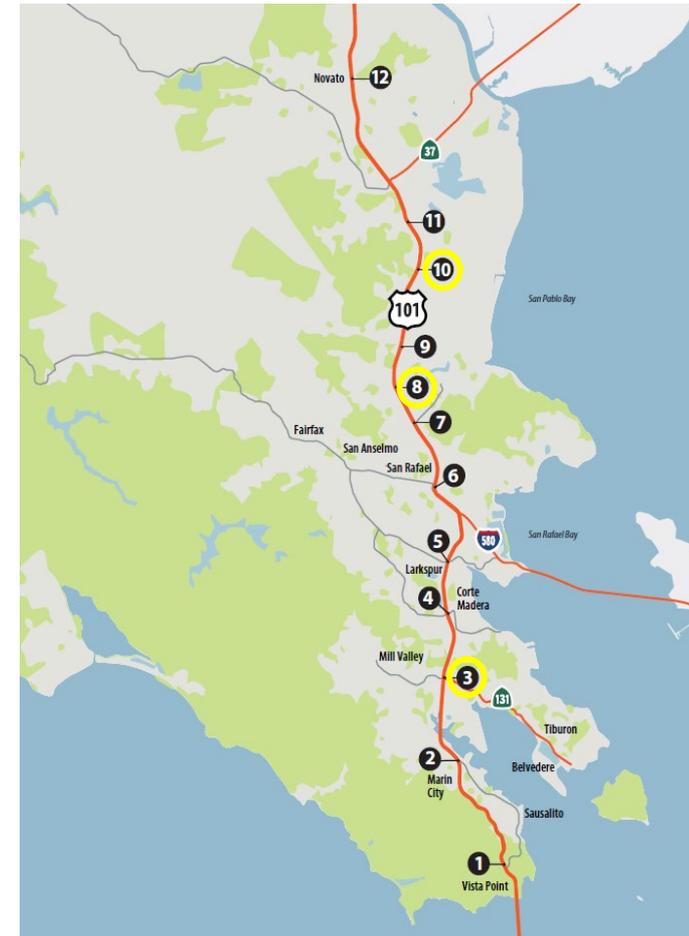
- Using an extensive evaluation matrix both the short-term and long-term improvement concepts for each interchange were assessed and prioritized. The recommended implementation plan was approved by the Board.

## Issues:

- None

## Upcoming Activities:

- Kickoff the next phase of study development using the Caltrans Project Initiation Document (PID) procedures
- Three Interchanges were selected for PID development
- Develop scope and cost for consultant support



# NB 101 to EB 580 and Local Road Access Improvements

## Current Phase:

Planning

## Update From Prior Report:

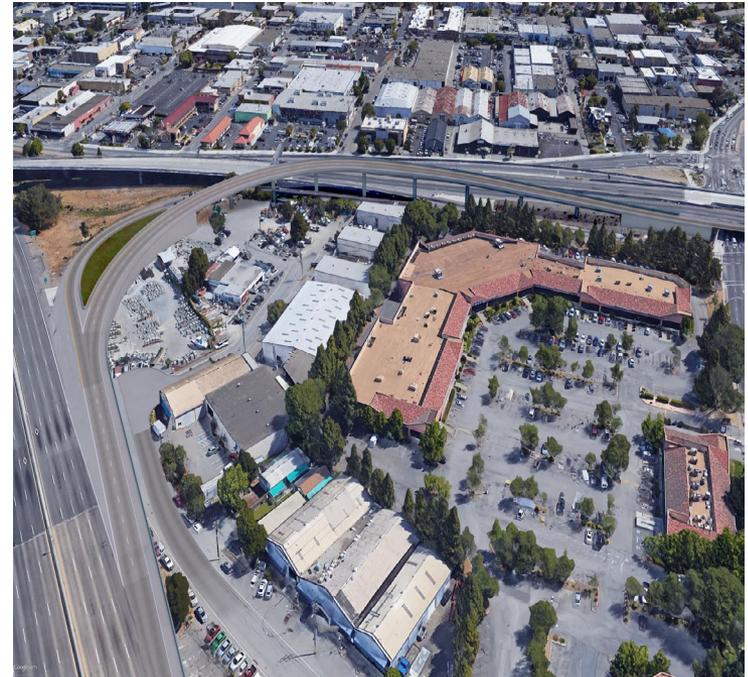
- Project Study Report Comments received from Caltrans
- Comments received on MOU
- Completed Feasibility Study for a proposed complimentary interchange along I-580

## Issues:

- Caltrans approval of non-standard features
- Caltrans comments on VMT, Sea Level Rise and ramp metering
- Funding shortfall for construction

## Upcoming Activities:

- Meetings with Caltrans on PSR comments
- Bring MOU to TAM Board for consideration



# Bellam Boulevard Off-Ramp Improvements

## Current Phase:

Design

## Update From Prior Report:

- Redesign complete
- Design exception safety analysis complete
- Close to Caltrans approval

## Issues:

- Over \$3M budget shortfall
- Tight construction window due to tree removal

## Upcoming Activities:

- Funding applications under consideration
- Right of Way negotiation
- Determine agency for construction administration



# US 101 & Marin City Flood Mitigation Coordination

## Current Phase:

Planning

## Update from Prior Report:

- New project monitoring
- Recent \$10M State Earmark

## Issues:

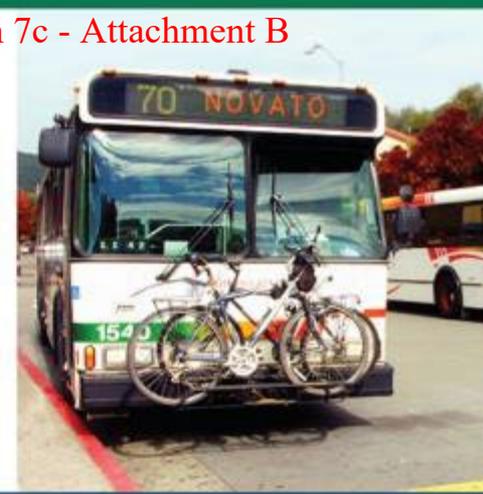
- US 101 in southern Marin and the surrounding areas of Marin City and the Manzanita Park & Ride lot experiencing flood events due to a combination of roadway settlement, sea level rise, higher King tides, and maintenance challenges, sometimes closing off access to these areas.

## Upcoming Activities:

- Staff is actively engaged with Caltrans and County of Marin to prioritize improvement projects and identify funding plan. Community outreach to follow.



Photo courtesy of Pacific Sun



# Questions and Discussion

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**DATE:** September 22, 2022

**TO:** Transportation Authority of Marin Board of Commissioners

**FROM:** Anne Richman, Executive Director *Anne Richman*  
Derek McGill, Director of Planning

**SUBJECT:** TAM Response to Grand Jury Report on Affordable Housing (Action), Agenda Item No. 7d

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## RECOMMENDATION

The Board accepts the Administration, Projects and Planning (AP&P) Executive Committee's recommendation to approve TAM's response to the Marin Civil Grand Jury Report "Affordable Housing: Time for Collaboration in Marin" and submit the response to the Marin Civil Grand Jury.

## BACKGROUND

On June 24, 2022, TAM was invited to respond to a Marin County Civil Grand Jury Report "Affordable Housing: Time for Collaboration in Marin". The report proposes to create a regional organization, or empower an existing authority, to coordinate and facilitate affordable and workforce housing policy on a countywide basis.

TAM was initially invited to respond by August 23, but staff has requested and received an extension to respond by September 22, 2022, which is the same deadline as the other agencies have. On the other hand, staff has also confirmed that an "invitation" to respond is the same as a formal requirement to respond.

TAM was requested to respond to ten (10) Grand Jury findings and the single recommendation of the report. TAM's responses, shown in Attachment B, will be submitted to the Grand Jury once approved by the Board.

## DISCUSSION/ANALYSIS

The Grand Jury Report highlights the issue of the lack of affordable housing in Marin County, amidst local jurisdictions actively updating draft housing elements to incorporate new legislative and Regional Housing Needs Allocation (RHNA) requirements for each jurisdiction. Final housing elements are due to the California Department of Housing and Community Development (HCD) by January 31, 2023 and need to reflect the plan for jurisdictions to meet the housing totals.

The Grand Jury Report recommends that "Marin County Board of Supervisors and Marin's city and town councils should jointly create a regional authority or empower an existing authority such as the Transportation Authority of Marin, to coordinate affordable and workforce housing policy on a countywide basis." The model for this entity is based on previous Countywide Planning Agency (CWPA) Joint Powers Agreements (JPA) between the County and local jurisdictions, and subsequently assumed by TAM in its creation in 2004. This JPA is presumed to have expired in 2011.

Additionally, in 2006, a memo to the TAM Board from Supervisor McGlashan recommended a committee of TAM be convened to reevaluate the CWPA and coordinate countywide on a range of planning topics, including housing. No action was taken at that time. Since then, Senate Bill (SB) 375, passed in 2007, has required continued coordination between TAM and local jurisdictions on land use topics, including affordable housing, and TAM convened a Sustainable Community Strategy (SCS) ad-hoc Committee to explore transportation and land use connections further. This Committee was specific to the Plan Bay Area regional plan under development at that time and has since been disbanded. In recent years, the cities/towns and the County CDA have formed a Housing Working Group (in addition to ongoing meetings of the Planning Directors), and TAM staff participate in those discussions. These efforts have advanced collaboration on housing efforts amongst jurisdictions in the county.

Staff generally agrees with the Grand Jury report that coordination on countywide planning efforts would be beneficial, and encourages these efforts amongst the collaborative of cities, towns, County and transit agencies. Where collaborative efforts require a formal governance structure, staff is willing to evaluate whether TAM as a transportation sales tax authority is an appropriate entity for consideration. Where local jurisdictions need support to address or plan for countywide transportation topics, TAM is also supportive of these efforts. However, TAM would need additional resources in order to lead countywide planning efforts beyond the scope of current transportation topics, and would need to understand legal, governance, financial and technical issues in much more depth. It may also be a role that could be appropriately filled by another existing, or a new, agency. Regardless of who does it, this would be a significant undertaking and one that would succeed best if also supported by our partner local transportation agencies and the jurisdictions responsible for land use planning.

The AP&P Executive Committee reviewed and discussed staff's response and asked clarifying questions on formal governance structure, existing working group arrangements, funding and incentives for affordable housing, and other regional and countywide governance structures that exist. Jillian Zieger from the Marin County Community Development Agency and TAM staff responded to inquiries and noted that some collaboration is already happening at the staff level, and that there are opportunities for further collaboration in the County, including coordinated housing trusts and consistent inclusionary policies among Marin jurisdictions that can help address affordable housing development in the County. Staff also confirmed that formal organization and roles and responsibilities of any future agency would be subject to further discussion.

## **FISCAL CONSIDERATION**

There are no fiscal impacts associated with submitting the recommended response. There could be significant financial implications if TAM were to study or eventually take on the duties recommended by the report.

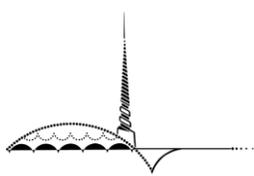
## **NEXT STEPS**

Staff will submit the response to the Grand Jury upon Board approval.

## **ATTACHMENTS**

Attachment A – Grand Jury Report

Attachment B – TAM's Response to Grand Jury Report



## 2021–2022 MARIN COUNTY CIVIL GRAND JURY

# AFFORDABLE HOUSING: TIME FOR COLLABORATION IN MARIN

June 24, 2022

## SUMMARY

Lack of affordable housing is a problem throughout Marin County. The housing shortfall, characterized by the county as a “crisis,” was addressed in a 2016-2017 Marin County Civil Grand Jury report that called on the county, cities, and towns of Marin to work collaboratively on affordable housing issues. The recommendation was rejected, and the county has continued to fail to create sufficient affordable and workforce housing for Marin’s low to median income earners.

Since that report was issued, the State of California has passed significant legislation intended to increase the affordable housing stock in the state. Simultaneously, the state has drastically increased the amount of housing that counties, cities, and towns are required to build. Failure to meet these housing allotments will trigger mechanisms of this new state legislation that will limit local control over housing and allow for construction that would otherwise not comply with local development laws.

Increasing the stock of affordable housing is a goal widely supported by elected officials throughout Marin County but losing local control over development is not. The task ahead for the county and municipalities of Marin is to build more affordable housing while retaining local control. Achieving these goals will require increased countywide cooperation at the highest levels of government.

Since at least 1973, the county and its cities and towns have acknowledged the benefits of a countywide approach to affordable and workforce housing issues with several different agreements for collaboration. Currently, however, the approach to housing policy in Marin is fragmented. No single agency is tasked with the coordination and implementation of solutions to affordable housing issues that affect the entire county. It is time to renew a collaborative, countywide approach for affordable and workforce housing in Marin.

The 2021-2022 Marin County Civil Grand Jury recommends that the County of Marin and its cities and towns jointly create a regional organization, or empower an existing authority, to coordinate and facilitate affordable and workforce housing policy on a countywide basis.

## APPROACH

In its investigation into affordable housing issues, the Marin County Civil Grand Jury conducted interviews with elected officials and staff members from Marin County, local cities and towns, and neighboring counties. The Grand Jury consulted experts on affordable housing issues, executives of both nonprofit and for profit housing developers, and individuals from local housing advocacy groups. The Grand Jury also reviewed past civil grand jury reports, past Marin County planning documents and proposals, academic studies, government reports and

documents, and news articles on a broad range of affordable housing issues. Finally, the Grand Jury inspected potential affordable housing building sites located in the county.

## **BACKGROUND**

Marin's lack of affordable housing is a countywide problem. The Marin County Civil Grand Jury 2017 report *Overcoming Barriers to Housing Affordability* identified key issues that must be addressed if Marin County's housing crisis is to be solved.<sup>1</sup> Among these issues was the fact that the county and each of the 11 municipalities have their own approaches for managing growth and housing development. The jury expressly stated: "The County should create and fund the position of Regional Housing Coordinator. The Coordinator's responsibilities should include: working with funding sources and developers, identifying underutilized properties, working with jurisdictions to create specific plans, and creating a countywide civic mediation program for all civic project community dialogues."<sup>2</sup> The 2017 Grand Jury concluded that Marin County needed regional coordination in order to facilitate the development of more affordable housing.

Although the 2017 Grand Jury's recommendation for the creation of a Regional Housing Coordinator position was rejected, the need for greater countywide cooperation remains relevant and more necessary today than ever. Marin County needs more affordable and workforce housing. Countywide cooperation is a critical element in making that happen. While the county, cities, and towns do not build housing themselves, they must work together to address state requirements and remove barriers to getting affordable and workforce housing built. In the five years since the last grand jury report, insufficient progress has been made to address the affordable and workforce housing needs of Marin County.

## **DISCUSSION**

### **Marin's Need For More Affordable and Workforce Housing**

Affordable housing, often subsidized, is housing made available for residents with incomes at or below 80 percent of the area's median income. Workforce housing, also known as middle-income or moderate-income housing, is housing for residents typically earning less than 120 percent of the area's median income. This category often includes first responders, teachers, and government employees, as well as healthcare, construction, and retail workers.

The community benefits when people are able to live where they work. Affordable and workforce housing reduces traffic congestion and improves air quality by cutting commute times. In some cases, it even shifts commuters out of their cars and into other transit options. Currently, only about 45 percent of Marin County government employees live in the county, and of even greater concern, less than 25 percent of new county government hires live in the county. According to the most recent, pre-pandemic statistics available, approximately 68,000 workers commute into Marin County from other counties, and an estimated 16,000 of them travel more than 100 miles daily.<sup>3</sup>

<sup>1</sup> Marin Civil Grand Jury, *2016-2017 Overcoming Barriers to Housing Affordability*, April 12, 2017.

<https://www.marincounty.org/-/media/files/departments/gj/reports-responses/2016/overcoming-barriers-to-housing-affordability.pdf?la=en>

<sup>2</sup> Marin Civil Grand Jury, *2016-2017 Overcoming Barriers to Housing Affordability*, p.20.

<sup>3</sup> Marin Environmental Housing Collaborative (MEHC). "Focus: Where does Marin's workforce live?"

<https://marinmehc.org/focus-where-does-marins-workforce-live/#:~:text=Roughly%2035%2C000%20in%2Dcommuters%20travel,from%20their%20jobs%20in%20Marin.>

Local governments are struggling to fill positions required to provide necessary public services. Businesses are also finding it difficult to attract workers in many sectors, ranging from retail to hospitality to building trades. If these workers become residents, they would purchase goods and services locally. This would increase local sales and property taxes and other revenue for local governments.

### **Regional Housing Needs Allocation**

California's affordable housing requirements have their roots in the Housing Element Act of 1969.<sup>4</sup> The act mandated that all California counties, cities, and towns must plan for future housing needs. Using the mandated Housing Element and Regional Housing Needs Allocation (RHNA), the California Department of Housing and Community Development determines the number of homes to be built across the state. These mandated housing requirements are then allocated to each region and local jurisdiction throughout the state.

For the San Francisco Bay region, the Association of Bay Area Governments (ABAG) operates as the "regional planning agency."<sup>5</sup> ABAG assigns a share of the Bay Area's new housing to be built in each county, city, and town in the region, including Marin and each of its municipalities.<sup>6</sup> These mandates, however, have failed to provide sufficient housing in Marin County and in nearly all areas of California.

Currently, Marin County and its municipalities are planning for RHNA cycle 6, an eight-year period that begins in January 2023 and runs through 2031. By January 2023, Marin County and all its cities and towns must adopt their Housing Elements and identify potential building sites to satisfy their RHNA allocations for cycle 6. Compared to the current cycle 5, which ends in 2022, the new allocations have greatly increased. The cycle 5 allotment for unincorporated Marin is 185 units but increases to 3,569 for cycle 6. The aggregate numbers for the county and all municipalities are 2,298 for cycle 5 but increase to 14,405 for cycle 6. Few of Marin's jurisdictions expect to achieve their cycle 6 allotments. Indeed, even the significantly smaller allotments for cycle 5 may prove beyond the reach of most jurisdictions.

### **New Statewide Housing Legislation**

*SB 35 will retain local control for those cities that are producing their share of housing, but create a more streamlined path for housing creation in those cities that are blocking housing or ignoring their responsibility to build.* -State Senator Scott Weiner, author of Senate Bill 35<sup>7</sup>

Since the 2017 Grand Jury report, the state has become more assertive in its efforts to address the statewide housing shortage by adopting legislation intended to expand housing construction. The most consequential component of this legislation is Senate Bill 35 (SB 35).<sup>8</sup> Under its provisions, eligible development projects can take advantage of a streamlined, ministerial approval process.

<sup>4</sup> Cal. Gov. C. §65583,

[https://leginfo.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=GOV&sectionNum=65583](https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV&sectionNum=65583)

<sup>5</sup> Association of Bay Area Governments, History, 2022, <https://abag.ca.gov/about-abag/what-we-do/history>

<sup>6</sup> Association of Bay Area Governments, RHNA - Regional Housing Needs Allocation, 2022,

<https://abag.ca.gov/our-work/housing/rhna-regional-housing-needs-allocation>

<sup>7</sup> California State Senator Wiener, Press Release, January 23, 2017. <https://sd11.senate.ca.gov/news/20170123-senator-wiener-releases-details-sb-35-%E2%80%93-housing-accountability-and-affordability-act>

<sup>8</sup> Senate Bill No.35, September 29, 2017.

[https://leginfo.ca.gov/faces/billTextClient.xhtml?bill\\_id=201720180SB35](https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB35)

While SB 35 construction projects would remain subject to certain objective zoning standards, they would not be subject to the California Environmental Quality Act and may not be subject to local parking requirements. Proposed developments that qualify for streamlining will be able to move through the local project approval process far more quickly and local governments will be restricted in their ability to reject or control such projects.

The provisions of SB 35 are triggered by either of two things: first, failure to complete annual housing element progress reports; or second, failure to issue enough building permits to satisfy a jurisdiction's allocations by income category. For example, unincorporated Marin County has not issued the required number of building permits during the current cycle and is therefore subject to SB 35. The Marin County Board of Supervisors recently adopted a county ordinance to implement the provisions of SB 35 on an interim basis until permanent regulations are adopted as part of the county's Housing Element to be updated early next year. To date, at least one project has been approved under SB 35's streamlined procedures – a five-story, 74-unit apartment complex in Marin City approved in December 2020. Other projects are on the drawing board.<sup>9</sup>

While increasing the stock of affordable housing is a laudable goal supported by most, SB 35 is controversial and opposed by many mainly because it threatens local control. The task is to build more affordable housing while retaining local control. The Grand Jury suggests a countywide, cooperative approach as the most effective means of meeting Marin's need for more affordable housing.

### **Benefits of a Countywide Approach**

The current approach to housing in Marin is fragmented among the county and its municipalities. No single agency is tasked with the coordination and facilitation of solutions to housing related issues that affect the entire county. In order to realize the long sought-after benefits of increased affordable housing stock, local governments should re-examine the potential benefits of countywide collaboration.

Because the county and all of its municipalities face similar housing challenges, they can benefit from collaboration. Benefits from a countywide approach include:

- Cooperation and planning on a countywide basis
- Consideration of environmental issues that may cross jurisdictions
- Collaboration on housing element updates
- Collaboration with nonprofits and housing experts
- Coordination with state and regional agencies
- Delivery of more cost-effective services through consolidation
- Retention of local control over housing development
- Sharing expertise and resources needed to access funds for affordable housing development.

For example, some of the larger jurisdictions have staff with expertise in organizing community outreach programs to secure local support for achieving statutorily mandated affordable housing

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<sup>9</sup> Halstead, Richard, "Marin City housing complex gets fast-track approval", *Marin Independent Journal*, December 5, 2020. <https://www.marinij.com/2020/12/05/marin-city-housing-complex-gets-fast-track-approval/>

goals. Smaller jurisdictions may lack these resources. Those functions could be consolidated in a countywide authority, with resultant cost sharing and increased efficiency.

### **Funding of Affordable Housing**

Perhaps the most important benefit of a countywide approach to affordable housing is the ability to pool the expertise and resources needed to access funding. With the high costs of land and construction in Marin, it is nearly impossible to build affordable housing without subsidies. A countywide approach would help jurisdictions navigate the complex landscape of accessing these subsidies.

Cities and counties do not build housing, developers do. Most developers typically build market-rate housing because it is more profitable. The risk of losing money is greater with lower cost units where the profit margin is smaller. As a result, almost all of the new affordable housing is built by specialized nonprofit organizations such as Eden Housing, EAH Housing, Homeward Bound, and Marin Community Housing – each of which have built housing projects in Marin. These organizations use grants and tax benefits to augment project funding, and often collaborate in these projects with other nonprofits. A good example of such a partnership is between Eden Housing and Vivalon to build affordable senior housing in San Rafael.

Under current requirements in most jurisdictions, larger housing developments must reserve a percentage of their units for low- and moderate-income housing.<sup>10</sup> This requirement often makes the developments relatively unprofitable, and many developers seek to avoid this requirement through payment of an “in lieu” fee. In theory, the funds from this fee can be used to subsidize other low-income housing, but in practice this does not always occur. There is no countywide policy with respect to in lieu fees and this is an area where countywide coordination could be beneficial.

Another area where countywide cooperation would be beneficial relates to subsidies for affordable housing. Currently, there is no central repository of information on affordable housing subsidies in the county. Such a resource could help developers find subsidies for affordable housing. Financial support for affordable housing in Marin may include:

- The State Permanent Local Housing Allocation
- The County Affordable Housing Fund
- Local banks meeting Community Investment Act requirements
- Community Development Block Grants
- The Marin Community Foundation
- Low income housing tax benefits for joint venture partners
- Government land donations for affordable housing.

The state recently allocated \$7 billion for housing-related programs. There are other sources of funds for affordable housing, such as low-cost loans from financial institutions that are pass-throughs from the Federal Home Loan Bank of San Francisco’s Community Investment Fund. These low-cost loans are not widely known or used in Marin. Other funding sources such as special taxes or bonds could also provide the subsidies necessary to support affordable housing.

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<sup>10</sup> Cal. Gov. C. §65915(b)(1),

[https://leginfo.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=65915&lawCode=GOV](https://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=65915&lawCode=GOV)

## **Approaches to Countywide Coordination**

Once the advantages of a countywide approach to Marin's housing issues are recognized, the question becomes what is the best vehicle or mechanism to implement that approach. Several options are available.

### **Joint Powers Authorities (JPAs)**

A widely used mechanism for intergovernmental cooperation is a joint powers authority, or JPA. The statutory authority for such a power sharing relationship is the Joint Exercise of Powers Act.<sup>11</sup> The scope of such shared powers can be extremely broad: "two or more public agencies by agreement may jointly exercise any power common to the contracting parties" to achieve a shared goal.<sup>12</sup> A countywide affordable housing JPA could perform a number of functions and exercise powers delegated to it by its various members, including site selection for satisfying RHNA allotments, land use planning, coordination of development for affordable housing, issuing bonds, and applying for funding grants, to name just a few.

Two of the most important advantages of JPAs are ease of formation and flexibility. JPAs are the only type of government entity formed by mutual agreement. JPAs have a proven track record. ABAG itself is a 107 member JPA for the nine-county San Francisco Bay Area. Over 1800 JPAs have been formed in California, including 19 in Marin County. Among these is the Marin General Services Authority, a JPA consisting of Marin County and each of the county's municipalities. JPAs promote intergovernmental cooperation without requiring member agencies to surrender their local autonomy.

### **Subregions**

The Association of Bay Area Governments allows for the creation of subregions, which are ad hoc joint powers authorities formed by two or more local jurisdictions to locally administer ABAG's regional allocation of housing process. While Marin did not form a subregion for the current RHNA cycle, the concept was discussed at meetings of elected officials and county and municipal planners. This option will not be available again until planning begins for 2031-2039.

### **Other Successful Approaches**

Other counties in the Bay Area have adopted programs of cooperation to deal with the housing needs of their various communities. Marin could draw from the experiences of these other counties.

Most prominently, San Mateo County contends with housing issues through a program called 21 Elements.<sup>13</sup> The 21 Elements program has gained national recognition for the level of cooperation among the County of San Mateo and all twenty cities in the county. Significant benefits of this program include collaboration on housing element updates, shared research, joint work on best practices, collaboration with nonprofits and housing experts, and coordination with agencies like ABAG and the California Housing and Community Development Department. Utilizing the services of one central consultancy, San Mateo has been able to focus attention on

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<sup>11</sup> Cal. Gov. C. §6500,

[https://leginfo.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=GOV&sectionNum=6500](https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV&sectionNum=6500).

<sup>12</sup> Cal. Gov. C. §6502,

[https://leginfo.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=GOV&sectionNum=6502](https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV&sectionNum=6502).

<sup>13</sup> 21 Elements (San Mateo County), <http://www.21elements.com>

the important factors that will give the participants the best chances for successfully navigating the mandates of new housing legislation. These include establishing enough land zoned for housing to meet requirements, accessing funding with non-profits and others, respecting local control, and understanding the importance and availability of the subsidies necessary for affordable housing.

Solano County has addressed its housing challenges through a countywide organization known as the Solano City County Coordinating Council or CCCC.<sup>14</sup> This group consists of the county board of supervisors and representatives from each municipality. This council was created to deal with, among other issues, the housing needs of the entire county and coordinate all matters related to ABAG requirements. Importantly, it has enabled planners from the county and each municipality to share data and resources. This allows Solano County to link land use with infrastructure and integrate affordable housing throughout the community.

### **A Model for Marin - History and Future of a Countywide Approach**

Regardless of the specific mechanism utilized, Marin must establish a strong culture of inter-jurisdictional collaboration to address housing needs beyond basic planning issues. Today there is no effective way for the county, cities, and towns to come together to address housing issues of countywide significance, or for the public to add their voices. Such collaboration would allow agencies to work together to find solutions that each jurisdiction could not find alone.

The county and municipalities acknowledge the value of cooperation and are coordinating at a staff level to discuss policy and best practices related to affordable housing. This is a positive step but falls short of the cooperation necessary to address the current housing crisis. Marin needs to collaborate at the highest elected and staff levels to leverage its ability to secure funding and other benefits for affordable housing.

During this investigation, the Grand Jury heard that the county, cities, and towns of Marin have resisted working together on housing policy. However, this investigation also revealed that there is new and increasing support for countywide collaboration on housing issues. Moreover, there are notable examples of successful collaboration from the past.

Joint powers authorities have previously been used for countywide housing planning in Marin. The Marin Countywide Plan of 1973 was created by a JPA consisting of the county and its municipalities. In 1993, the Countywide Planning Agency, another JPA consisting of the county and its municipalities, was formed. Its duties included implementing countywide performance standards for housing.

The 1993 Countywide Planning Agency was also charged with congestion management and transportation planning. These functions were subsequently assumed by the Transportation Authority of Marin (TAM) in 2004. TAM's focus remains on transportation and not housing. In 2004, the county also considered a plan to expand the Countywide Planning Agency's functions to include developing standards for housing, coordinating with local jurisdictions, and reviewing and commenting on major housing projects. That plan was not implemented and the Countywide Planning Agency expired in 2011. Housing has continued to be without an effective mechanism for countywide coordination.

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<sup>14</sup> CCCC (Solano County), [https://www.solanocounty.com/depts/bos/city\\_county\\_coordinating\\_council/default.asp](https://www.solanocounty.com/depts/bos/city_county_coordinating_council/default.asp)

**Proposal to Revive A Missed Opportunity**

The effort to implement a countywide approach to housing in Marin continued in 2006. The late Marin County Supervisor Charles McGlashan headed a special committee of TAM to reevaluate the mission, goals, and priorities of the Countywide Planning Agency. The committee concluded that it was important to maintain countywide planning for housing: “The committee supports the functional continuation of the CWPA and preliminarily recommends the creation of a committee of TAM to assume the CWPA’s role, to be called the City County Planning Committee (CCPC),”<sup>15</sup>

The statement of purpose for the new City County Planning Committee was to provide a public forum to collaborate on housing, transportation, land use, and sustainability issues. The committee would evaluate and monitor the cumulative impacts of planned developments as well as share ideas, resources, and best practices. It would also be able to pursue grants and other funding opportunities for affordable housing.

The City County Planning Committee was intended to be a committee of TAM and governed by the Brown Act, which requires open public meetings.<sup>16</sup> This committee would have consisted of elected leaders of the county, cities, and towns. The priorities of the proposed CCPC included the following:

- Pursue grants and other funding opportunities for eligible projects and other planning efforts
- Coordinate housing element updates to maximize efficient use of affordable housing efforts
- Negotiate with the Association of Bay Area Governments to achieve affordable housing goals
- Identify and assist in the planning of affordable housing in mixed use sites with the city-centered corridor
- Collaborate with Sonoma County on transportation and land use issues
- Improve coordination among the county, towns, and cities general plans
- Evaluate and monitor the cumulative impact of planning and development
- Share ideas, information, resources, and best practices.

At the May 26, 2006 TAM board meeting where this proposal was considered, a wide range of stakeholders weighed in, including representatives of the county, cities, and towns, housing advocates and environmental groups, as well as the general public. There was consensus that cooperation would be beneficial and the issues were of utmost importance. Nonetheless, the proposal was ultimately shelved because of concerns that it would divert staff and resources from TAM’s main objectives and because of a lack of the necessary resolve to make it happen. This was a critical missed opportunity.

Since 2006, Marin has not made any significant effort to address the housing crisis on a countywide basis, nor has it moved to take advantage of the natural link between housing and

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<sup>15</sup> See Appendix A, Marin County Supervisor McGlashan memo to the executive committee of the Transportation Authority of Marin, May 10, 2006.

<sup>16</sup> Cal. Gov. C. §§54950 - 54963 (1961), [https://leginfo.ca.gov/faces/codes\\_displayText.xhtml?lawCode=GOV&division=2.can&title=5.&part=1.&chapter=9.&article=](https://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=GOV&division=2.can&title=5.&part=1.&chapter=9.&article=)

transportation. Marin has failed to explore the significant benefits of regional cooperation on housing accomplished by other counties. The resulting fragmented approach has contributed to Marin's current housing crisis.

Despite the numerous missed opportunities cited above, Marin-wide cooperation is still achievable and the vehicles used and proposed in the past are still viable. As stated in the proposal to establish the City County Planning Committee in 2006:

“The CCPC provides an opportunity for elected officials, planning staff, and members of the public to assemble under one venue to not only develop and find solutions to issues of concern, but to engage in creating a place that fulfills Marin residents' vision for the region as a whole.”<sup>17</sup>

Marin could realize this vision by creating a regional authority to coordinate and facilitate affordable housing policy on a countywide basis, or by tasking an existing authority, such as the Transportation Authority of Marin, with these duties. This can be accomplished by reviving the City County Planning Committee proposal or by the creation of a regional authority by the county and the city and town councils.

The new housing landscape described in this report should galvanize Marin's leaders to pursue effective countywide housing cooperation. Marin cannot afford to miss this opportunity again.

## **FINDINGS**

- F1. Marin County lacks sufficient affordable and workforce housing.
- F2. Increasingly, individuals who work in Marin County cannot afford to live in the county, many of whom must commute from outside the county.
- F3. Recent California laws provide new incentives for local governments to collaborate in developing affordable housing.
- F4. The Regional Housing Needs Allocation allotments are widely viewed as unachievable for the county and many Marin municipalities.
- F5. Failure to achieve Regional Housing Needs Allocation allotments will trigger loss of local control over housing development.
- F6. There is new and increasing support and willingness to cooperate among elected officials for building affordable housing in Marin.
- F7. A countywide approach to housing development would enhance Marin's ability to meet affordable and workforce housing needs.
- F8. Large affordable housing developments in Marin require subsidies to be financially feasible.
- F9. Organizations with expertise and access to subsidies and other funding sources are successfully building new affordable and workforce housing developments in Marin.
- F10. A countywide approach to housing development would enhance Marin's ability to secure funding for affordable and workforce housing.

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<sup>17</sup> See Appendix A, p.4.

**RECOMMENDATIONS**

- R1. No later than December 31, 2022, the Marin County Board of Supervisors and Marin's city and town councils should jointly create a regional authority, or empower an existing authority such as the Transportation Authority of Marin, to coordinate affordable and workforce housing policy on a countywide basis.

**REQUEST FOR RESPONSES**

Pursuant to Penal Code section 933.05, the grand jury requests responses as follows:

From the following governing bodies:

- City of Belvedere (F1-F10, R1)
- City of Larkspur (F1-F10, R1)
- City of Mill Valley (F1-F10, R1)
- City of Novato (F1-F10, R1)
- City of San Rafael (F1-F10, R1)
- City of Sausalito (F1-F10, R1)
- Marin County Board of Supervisors (F1-F10, R1)
- Town of Corte Madera (F1-F10, R1)
- Town of Fairfax (F1-F10, R1)
- Town of Ross (F1-F10, R1)
- Town of San Anselmo (F1-F10, R1)
- Town of Tiburon (F1-F10, R1)

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.

**INVITATION FOR RESPONSES**

The grand jury invites responses from the following governing body:

- Transportation Authority of Marin (F1-F10, R1)

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.

## **APPENDIX A: Supervisor Charles McGlashan Memo to the Executive Committee of The Transportation Authority of Marin, May 10th, 2006**



May 10, 2006

TO: Executive Committee

FROM: Charles McGlashan, Supervisor

RE: Discussion of the TAM Countywide Planning Agency Special Committee, Agenda Item 5

Dear Commissioners:

### **Executive Summary**

In November 2005 the Special Committee of the Transportation Authority of Marin (Committee) was established to reevaluate the mission, goals, and priorities of the Countywide Planning Agency (CWPA). The CWPA has not functioned as an agency since the Congestion Management Agency functions were designated to TAM in 2004. The Committee supports the functional continuation of the CWPA and preliminarily recommends the creation of a committee of TAM to assume the CWPA's role, to be called the City County Planning Committee (CCPC).

#### Draft Statement of Purpose:

The purpose of the CCPC is to provide a public forum on mutually agreed upon issues among elected representatives from the cities, towns, and the County to:

- Collaborate on housing, transportation, land use, and sustainability issues.
- Evaluate and monitor the cumulative impacts of planning and development.
- Provide a forum for sharing ideas, information, resources, and best approaches.
- Pursue funding opportunities for planning efforts on topics of mutual interest

#### Key Recommendations

In terms of the form and function, the Committee recommends that the CCPC should:

- Convene as a committee of TAM
- Consist of membership by elected leaders of all towns, cities, and the County
- Initially meet up to three times a year
- Encourage formal membership from the TAM representative
- Follow Brown Act protocol
- Staff by Marin County Community Development Agency
- Provide an annual progress report
- Bring action items to a TAM regular meeting

**Executive Committee Item 5 Page 2 of 6 May 10, 2006****Background**

Multi-jurisdictional planning in Marin has traditionally been handled on a joint basis among its towns, cities and the County. One example was the City County Planning Council-established in the late 1960's to oversee the development of Marin's first Countywide Plan. This was followed by the Residential Development Review Board (RDRB), which was established in 1976 to consider development proposals within the Richardson Bay area, including Belvedere, Mill Valley, Sausalito, Tiburon, and portions of unincorporated Marin. The RDRB reviewed development proposals within this planning area by rating projects in categories such as Open Space, Environmental Impacts, Utilities and Public Services, and Project Facilities and Design. The RDRB was followed by the Countywide Plan Review Committee in 1983, which was formed to update the 1974 Countywide Plan.

The CWPA was created on October 16, 1990 when eleven cities and the Board of Supervisors adopted the Joint Powers Agreement to implement countywide performance standards for traffic, housing, water and sewer facilities, and environmental protection to ensure that residential growth did not exceed local water, sewer, and transportation capacities. Another reason was to support a countywide effort to adopt a transportation sales tax. In 1993 the JPA was amended to designate the CWPA as the agency responsible for developing, adopting, and annually updating the countywide Congestion Management Program required by the passage of Proposition 111 in June 1990.

Because attempts at passing a proposed transportation sales tax measure failed, funding for the CWPA never materialized. Nonetheless, for several years the CWPA served as the Congestion Management Agency (CMA) with limited staffing from the Community Development Agency. The CWPA continued to review general plans, general plan amendments, and other planning issues of interest to all jurisdictions. However, the primary function of the CWPA remained that of the CMA. When TAM was established in 2004, the congestion management duties were assigned to TAM, leaving the functions of the CWPA in flux. The CWPA has not been staffed the past two years.

**Special Committee of the Transportation Authority of Marin**

A Special Committee of the Transportation Authority of Marin (Committee) was formed in November 2005 to discuss the mission, goals, priorities, and form and function of the CWPA. The Committee, which has met semi-monthly through March 2006, consists of members from TAM, city and town council members and senior staff, along with representatives from a wide range of local and community organizations including:

- Chair, Charles McGlashan, Marin County Board of Supervisors
- Susan Adams, Marin County Board of Supervisors
- Amy Belser, City of Sausalito
- Sue Beittel, League of Women Voters
- Dave Coury, Housing Council
- Don Dickenson, Marin County Planning Commission
- Carole Dillon-Knutson, City of Novato
- Kristin Drumm, Planner, County of Marin
- John Eells, League of Women Voters
- Pat Eklund, City of Novato
- Alice Fredericks, Town of Tiburon
- Alex Hinds, Marin County Community Development Director

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- Linda Jackson, Principal Planner, City of San Rafael
- Margaret Jones, League of Women Voters
- Joan Lundstrom, City of Larkspur
- Marjorie Macris, Environmental Housing Collaborative
- Ed Mainland, Sustainable Novato and Sustainable Marin
- Karen Nygren, Sierra Club Marin Group
- Roger Roberts, Marin Conservation League
- Michele Rodriguez, Principal Planner, County of Marin Voters
- Annette Rose, Environmental Housing Collaborative
- Bob and Sue Spofford, Sustainable San Rafael
- Lew Tremaine, Town of Fairfax
- Patsy White, Marin Economic Commission

The Committee agreed early in the process that it was important to provide a forum among elected leaders and the community to foster dialogue and learning, but not create local mandates, wrest planning control from local jurisdictions, or create another layer of review. The recommended City County Planning Committee (CCPC) would provide recommendations only.

The Committee determined it was important to learn about the history of the CWPA in order to better understand its successes and challenges. Mark Reisenfeld, former Marin County Administrator and Planning Director, Carol Williams, former Marin County Assistant Planning Director, and Bob Pendoley, Corte Madera Assistant Town Manager and former San Rafael Planning Director, were invited to a Committee meeting to provide background information on the CWPA and insight on its successes and challenges. The Committee also reviewed and discussed the activities provided by Marin's various JPAs in order to ensure that the CCPC avoids providing duplicate services.

A key concern for the Committee was to seek input and buy in from city and town elected officials and senior planning staff. CDA staff attended a monthly meeting of the Marin Planning Directors in February 2006 while Charles McGlashan, Committee Chair, attended the April 2006 Marin County Council of Mayors and Councilmembers (MCCMC) meeting to provide status reports on the Committee's work and obtain feedback. The Committee members have also been providing regular updates to the TAM Executive Committee and Board throughout the process. The feedback from these meetings have been discussed and reviewed by the Committee and incorporated into the final recommendations.

Throughout the process, the Committee conducted several brainstorming sessions to identify possible value-added outcomes and potential responsibilities for the CCPC. A thorough list of possible program outcomes was initially created, resulting in the City County Planning Committee Prioritization Table. This table was further refined and condensed, from which four outcomes arose as a top priority and are expressed in the statement of purpose, including:

- Collaborate on housing, transportation, land use, and sustainability issues Evaluate and monitor the cumulative impacts of planning and development
- Provide a forum for the sharing of ideas, information, resources, and best approaches for Marin, and
- Pursue funding opportunities for planning efforts on topics of mutual interest.

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While a number of important outcomes were discussed, the Committee decided the CCPC should initially focus on the outcomes defined in the statement of purpose. With limited funding and staffing resources, the consensus was for the CCPC to start small, build trust and teamwork, and grow as successes are achieved. Moreover, the Committee acknowledges that other issues may arise that the CCPC may desire to address. The attached Prioritization Table could be a useful reference to guide decision-makers, but by no means is intended to limit the priorities of the CCPC.

**Why Establish the City County Planning Committee?**

Historically there has been a strong culture of inter-jurisdictional collaboration and communication at both elected and staff levels that focused on a broad spectrum of topics beyond typical planning issues. Today there is not a similar venue for the cities, towns, and the County to come together to discuss planning issues of mutual inter-city and countywide significance, or for the public to address representatives of all the jurisdictions on these issues. While there are several JPAs that convene staff and elected leaders, there is no current venue at which elected leaders can discuss land use, cumulative impacts from our individual decisions, nor the nexus between land use and transportation policy. Meanwhile, transportation, housing, and traffic congestion issues continue to challenge Marin's local jurisdictions.

A forum like the CCPC could enable all of Marin's jurisdictions to find solutions on issues affecting them. A recent, successful past example of countywide collaboration on planning related issues was the Housing Workbook and Housing Element process. The Workbook is a "kit of parts" collaboratively developed and available to each jurisdiction to use as appropriate to prepare their individual Housing Element based on their own needs, size, and resources.

The CCPC provides an opportunity for elected officials, planning staff, and members of the public to assemble under one venue to not only develop and find solutions to issues of concern, but to engage in creating a place that fulfills Marin residents' vision for the region as a whole.

**Draft Statement of Purpose**

The Committee developed a draft statement of purpose for the CCPC that includes key recommendations on the proposed committee's form and function and four priority areas it should focus on in the short term. The purpose of the CCPC is to provide a public forum on mutually agreed upon issues among elected representatives from the cities, towns, and the County to:

- Collaborate on housing, transportation, land use, and sustainability issues,
- Evaluate and monitor the cumulative impacts of planning and development
- Provide a forum for the sharing of ideas, information, resources, and best approaches for Marin, and
- Pursue funding opportunities for planning efforts on topics of mutual interest.

**Key Recommendations**

The Committee preliminarily recommends that, based on the highest priorities and funding limitations, the City County Planning Committee (CCPC) initially meet three times a year as a committee of TAM. It is further recommended that an annual progress report be presented at a meeting of the full TAM Board and forwarded to the city and town managers and planning

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directors of participating cities and towns. The CCPC Chair at each TAM Board meeting will also offer regular monthly committee reports. In terms of the form and function, the Committee recommends that the CCPC should:

- Convene as a committee of TAM and be known as the "City County Planning Committee (CCPC)
- Solicit active membership and participation by the elected leaders of all the towns, cities, and the County
- Encourage formal membership from the TAM member, their alternate, or another designee appointed by the town or city council (or senior planning staff).
- Initially meet up to three times a year. Additional meetings may be considered only if supplementary funding or grants are provided
- Be open to all interested members of the public
- Follow Brown Act protocol so all TAM members or their alternates can attend.
- Initially be funded through in-kind staff support for meeting preparation, content development, data collection and research, and presentations for up to three meetings per year, along with the preparation and presentation of an annual progress report to the TAM Board.
- Pursue grants for applicable projects.
- Provide minutes to all TAM members, city and town managers, planning directors, and designated members of the CCPC.
- Provide an annual progress report to TAM, city and town managers and planning directors, along with periodic updates, and
- Bring action items to a TAM regular meeting if a vote or formal recommendation is needed,

Initially, the Marin County Community Development Agency (CDA) will provide in-kind staff support for meeting preparation, content development, data collection, research, and presentations for up to three committee meetings per year, along with the preparation and presentation of an annual progress report to the TAM Board. The progress reports will also be distributed to the city and town managers and planning directors of each local jurisdiction and agency.

**Priorities of the CCPC**

Priorities of the CCPC include the following:

**1. Collaborative Planning: Housing, Transportation, Land Use, and Sustainability.**

Coordinate housing element updates in order to maximize efficient use of affordable housing resources.

- Negotiate with the Association of Bay Area Governments to achieve affordable housing goals.
- Identify and assist in the planning of affordable housing in mixed use sites within the City Centered Corridor.
- Pursue grant funding for eligible projects.
- Collaborate with Sonoma County on transportation and land use issues, and discuss impacts on Highway 101, and
- Improve coordination among the 12 city, town, and County general plans.

**2. Evaluate and Monitor the Cumulative Impacts of Planning and Development.**

- Evaluate and monitor the countywide cumulative impacts of planning and development on:

**Executive Committee Item 5 Page 6 of 6 May 10, 2006**

- Housing needs
  - Economic vitality
  - Social equity
  - Traffic congestion
  - The environment
- Conduct an analysis of the countywide cumulative impacts of commercial buildout on housing, transportation, and the public infrastructure.
  - Identify indicators and benchmarks to track cumulative land use decisions, and
  - Evaluate carrying capacity and ultimate buildout to achieve a reduced ecological footprint in Marin.

**3. Sharing of Ideas, Information, Resources, and Best Approaches for Marin**

- Review model ordinances and programs.
- Encourage consistent standards and regulations where feasible and desired.
- Promote more efficient resource use to reduce Marin's ecological footprint, and
- Establish a system for the prioritization and ranking of issues.

**4. Pursue funding opportunities for planning efforts on topics of mutual interest****Next Steps**

The draft statement of purpose will be revised based on comments received at the Executive Committee meetings and will be taken to the May 25, 2006 TAM Board for comments and input.

Staff is in the process of reviewing the existing CWPA JPA to determine its status. Pending this outcome and input received from the TAM Board, the Committee Chair and CDA staff may need to either modify or potentially dissolve the JPA document to reflect the new form and function of the CCPC. This outcome will be brought to TAM for consideration at the September 2006 TAM Board meeting. The first meeting of the CCPC is preliminarily scheduled for fall 2006.

**Recommendation:**

Staff recommends:

1. Review and discuss establishing the proposed City County Planning Committee



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**Belvedere**  
James Campbell

**Corte Madera**  
Charles Lee

**Fairfax**  
Chance Cutrano

**Larkspur**  
Dan Hillmer

**Mill Valley**  
Urban Carmel

**Novato**  
Eric Lucan

**Ross**  
P. Beach Kuhl

**San Anselmo**  
Brian Colbert

**San Rafael**  
Kate Colin

**Sausalito**  
Susan Cleveland-Knowles

**Tiburon**  
Alice Fredericks

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

September 22, 2022

The Honorable Judge James T. Chou  
Marin County Superior Court  
P.O. Box 4988  
San Rafael, CA 94913-4988

Ms. Deborah Haase, 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 “Affordable Housing: Time for Collaboration in Marin”

Dear Judge Chou and Foreperson Haase,

On September 22, 2022, the Transportation Authority of Marin (TAM) Board of Commissioners reviewed and approved TAM’s response to the Marin County Civil Grand Jury Report on “Affordable Housing: Time for Collaboration in Marin”. Attached is TAM’s response for your review and record.

TAM appreciates the Grand Jury’s focus on affordable housing and collaborative planning in Marin. Please contact TAM’s Executive Director, Anne Richman, at [arichman@tam.ca.gov](mailto:arichman@tam.ca.gov) or 415-226-0820 if you have any questions about TAM’s response.

Sincerely,

Stephanie Moulton-Peters  
Chairperson, TAM Board of Commissioners

*Attachment: TAM’s Response to Grand Jury Report*

**RESPONSE TO GRAND JURY REPORT FINDINGS AND RECOMMENDATIONS**

**REPORT TITLE:** "AFFORDABLE HOUSING: TIME FOR COLLABORATION IN MARIN"  
**REPORT DATE:** June 24, 2022  
**RESPONSE BY:** Transportation Authority of Marin (TAM) Board of Commissioners

**GRAND JURY FINDINGS**

- The TAM Board agrees with the findings numbered: **F1, F2, F3, F5, F7, F8, F9, and F10**
- The TAM Board partially agrees with the finding numbered: **F4 and F6**

**GRAND JURY RECOMMENDATIONS**

- The TAM Board suggests that Grand Jury Report Recommendation **R1** not be implemented because it is not feasible within the time frame suggested and without additional staff and funding resources.

Date: \_\_\_\_\_ Signed: \_\_\_\_\_  
TAM Board Chair

TAM Response to Grand Jury Report Findings and Recommendations  
“Affordable Housing: Time for Collaboration in Marin” (June 24, 2022)

**RESPONSE TO GRAND JURY FINDINGS**

**F1.** Marin County lacks sufficient affordable and workforce housing.

Response: Agree.

**F2.** Increasingly, individuals who work in Marin County cannot afford to live in the county, many of whom must commute from outside the county.

Response: Agree.

**F3.** Recent California laws provide new incentives for local governments to collaborate in developing affordable housing.

Response: Agree.

**F4.** The Regional Housing Needs Allocation allotments are widely viewed as unachievable for the county and many Marin municipalities.

Response: Partially Agree.

The Regional Housing Needs Allocation (RHNA) serves as a means of identifying sites for housing and housing elements required to demonstrate accommodation of the estimated housing need. Draft housing elements released this summer appear to be on track for meeting RHNA targets, indicating that RHNA estimates can be met, some without rezoning. However, whether this amount of housing can be built within the eight-year timeframe will depend on many factors outside of the control of local jurisdictions, including owner interest, financing and market forces.

**F5.** Failure to achieve Regional Housing Needs Allocation allotments will trigger loss of local control over housing development.

Response: Agree.

**F6.** There is new and increasing support and willingness to cooperate among elected officials for building affordable housing in Marin.

Response: Partially Agree.

As referenced in the Grand Jury Report, in the past there has been willingness to cooperate on affordable housing and other topics amongst elected officials as evidenced by the TAM memo from Supervisor McGlashan.

**F7.** A countywide approach to housing development would enhance Marin’s ability to meet affordable and workforce housing needs.

Response: Agree.

Marin County collaborates and coordinates housing programs with the towns and cities in a number of areas, as discussed further in the response to Recommendation R1 below.

TAM Response to Grand Jury Report Findings and Recommendations  
 “Affordable Housing: Time for Collaboration in Marin” (June 24, 2022)

**F8.** Large affordable housing developments in Marin require subsidies to be financially feasible.

Response: Agree.

Regardless of size, all affordable housing developments require subsidies. In fact, smaller developments often are more expensive, more difficult to fund, and cost more per unit than larger developments.

**F9.** Organizations with expertise and access to subsidies and other funding sources are successfully building new affordable and workforce housing developments in Marin.

Response: Agree.

**F10.** A countywide approach to housing development would enhance Marin’s ability to secure funding for affordable and workforce housing.

Response: Agree.

## **RESPONSE TO GRAND JURY RECOMMENDATIONS**

The Marin County Civil Grand Jury recommends the following:

**R1.** No later than December 31, 2022, the Marin County Board of Supervisors and Marin’s city and town councils should jointly create a regional authority or empower an existing authority such as the Transportation Authority of Marin, to coordinate affordable and workforce housing policy on a countywide basis.

**This recommendation will not be implemented because it is not currently feasible.**

TAM agrees that more collaboration on housing policy and funding would be beneficial and may result in more affordable housing in our communities. TAM currently participates in Marin County’s Regional Housing working group, organized in 2019 by the County of Marin to encourage interjurisdictional collaboration on housing issues and solutions, with a specific focus on responding to new state legislation to streamline housing developments. The working group established common goals and coordinated on housing legislation, planning, production, and preservation of existing affordable units. While much work has been done to date, and additional opportunities are being developed, additional collaboration and/or more formal arrangements in the future may advance these goals further.

However, forming a new or empowering an existing Joint Powers Authority (JPA) or governance structure would take a significant investment of time and funding, and requires willing partners. Doing so by December 31, 2022 is not a realistic timeline, particularly given that each Marin jurisdiction is currently striving to meet statutory deadlines to submit its housing element by January 31, 2023.

In the long term, TAM would be willing to explore (in partnership with our local jurisdictions) if TAM’s current governance structure is appropriate to address the ongoing need for coordination on affordable housing. Such exploration would need to consider aspects including but not limited to legal issues, governance structure, technical expertise, and resource availability. It is also worth noting that TAM is founded as a sales tax authority and congestion management agency, which have specific legislative definitions. Further, TAM currently does not have the technical expertise nor funding to address affordable housing coordination. In addition, other solutions may also emerge for consideration, such as formal agreements among jurisdictions, sub-regional collaboration, shared funding and resources, or other arrangements.

TAM Response to Grand Jury Report Findings and Recommendations  
“Affordable Housing: Time for Collaboration in Marin” (June 24, 2022)

In any case, TAM will continue to work collaboratively with our member agencies to support planning for transportation related topics, such as affordable housing, and participate in regional collaboration on these issues under the current countywide effort and remain open-minded for any feasible solution that's supported by all local jurisdictions.

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**DATE:** September 22, 2022

**TO:** Transportation Authority of Marin Board of Commissioners

**FROM:** Anne Richman, Executive Director *Anne Richman*  
Dan Cherrier, Director of Project Delivery

**SUBJECT:** Approval of Extension of Interagency Agreements with Larkspur-Corte Madera and Kentfield School Districts for Crossing Guard Services (Action), Agenda Item No. 7e

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## RECOMMENDATION

The TAM Board authorizes the Executive Director to:

1. Enter into Amendment 6 of Interagency Agreement A-FY17-02 with Larkspur-Corte Madera School District for reimbursement of one crossing guard for the 2022/2023 school year. The not to exceed amount will be increased by \$20,000 to \$127,000, and the termination date will be extended to July 31, 2023.
2. Enter into Amendment 7 of Interagency Agreement A-FY 15/16-001 (FA) with Kentfield School District for reimbursement of one crossing guard for the 2022/2023 school year. The not to exceed amount will be increased by \$20,000 to \$85,000, and the termination date will be extended to July 31, 2023.

## BACKGROUND

The TAM Crossing Guard Program provides trained crossing guards for critical intersections throughout Marin County. As stipulated in the original Transportation Sales Tax (Measure A) Expenditure Plan, the Program provides trained crossing guards by contracting with a professional company that specializes in crossing guard programs. Under contract, All City Management Services (ACMS) currently provides trained crossing guards under the general supervision of TAM staff. The 2022/2023 school year is the 17th year during which crossing guards have been funded by the TAM Crossing Guard Program.

The TAM Crossing Guard Program received a significant boost by the passage of Measure AA, the 30-year extension of Measure A, in the November 2018 election. With the increase funding level, the TAM Crossing Guard Program can now fund 96 guards annually.

## DISCUSSION/ANALYSIS

In addition to funding the 96 top-ranked locations, the TAM Crossing Guard Program includes provisions for local agencies, schools, or school districts to arrange for crossing guard services to be provided through the TAM contract at locations below the funding cutoff by reimbursing TAM for the cost of the services.

The current cost for a crossing guard is approximately \$20,000 for a regular school year. Reimbursed guards are provided to our partners without mark-up. TAM staff treats these sites the same as TAM-funded sites in terms of program management and provides identical oversight including site audits.

Currently, two guard locations are funded in this manner, one by the Larkspur-Corte Madera School District (at Paradise Drive/Seawolf Passage), and one by the Kentfield School District (at Sir Francis Drake Boulevard and Wolfe Grade). The crossing guard at Sir Francis Drake and Wolfe Grade is in addition to the TAM funded guard at the same intersection. The School District believes this site requires two guards due to the extensive number of vehicles turning right on red at both ends of the North-South crosswalk.

### **FISCAL CONSIDERATION**

The two guard locations are reimbursed 100% by the Larkspur-Corte Madera and Kentfield School Districts. This action has no impact on the FY2022-23 TAM Annual Budget.

### **NEXT STEPS**

Upon Board approval, execute amendments to existing agreements.

### **ATTACHMENTS**

None.



**DATE:** September 22, 2022

**TO:** Transportation Authority of Marin Board of Commissioners

**FROM:** Anne Richman, Executive Director *Anne Richman*  
David Chan, Director of Programming and Legislation  
Scott McDonald, Principal Transportation Planner

**SUBJECT:** Nomination Recommendations for the One Bay Area Grant Program Cycle 3 (Action), Agenda Item No. 8

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## RECOMMENDATION

The TAM Board adopts the nomination and contingency nomination recommendations for One Bay Area Grant Cycle 3 (OBAG 3) funding, as shown in Attachments C and D. The TAM Board also adopts project conditions on PDA studies and transit coordination requirements for applicable projects selected for funding.

On September 12, 2022, the Funding, Programs & Legislation (FP&L) Executive Committee reviewed the recommendations for OBAG 3 funding and adopted a motion to support the nominations and contingency nominations, as shown in Attachments C and D, and forward them to the TAM Board for approval.

## BACKGROUND

The Metropolitan Transportation Commission (MTC) created the OBAG Cycle 1 (OBAG 1) Program in 2012 to distribute funds from Federal Surface Transportation Acts. OBAG 1 covered the five-year period from FY 12/13 to FY 16/17. TAM programmed funds from OBAG 1 to eligible projects in November 2012. OBAG 1 was the first effort by MTC to integrate the region's federal transportation program with California's required Sustainable Communities Strategy (SCS) to encourage land-use and housing policies that support the production of housing with transportation investments.

In November 2015, MTC adopted guidelines for federal funding distribution from OBAG Cycle 2 (OBAG 2) that covers the five-year period from FY 17/18 to FY 21/22. OBAG 2 continued MTC's integration of federal surface transportation programs with the state mandated land-use and housing strategy and prioritized transportation investments on climate protection. OBAG 2 also used Regional Housing Needs Allocation (RHNA) numbers as one of the calculation factors to determine each county's share of funding. TAM programmed funds from OBAG 2 to eligible projects in September 2016.

With OBAG 2 expiring, MTC adopted policies and guidelines in March 2022 for OBAG 3 to distribute federal transportation funds from the Infrastructure Investment and Jobs Act (IIJA), commonly referred to as the Bipartisan Infrastructure Law (BIL). OBAG 3 funds will be programmed for a four-year period from FY 22/23 to FY 25/26.

## DISCUSSION

OBAG 3 is a continuation of OBAG 1 and 2 with new considerations and policies to address contemporary concerns and priorities with transportation investments. In particular, OBAG 3 emphasizes projects and programs that improve safety, spur economic development, support Equity Priority Communities, and help the Bay Area meet climate change and air quality improvement goals.

### **OBAG 3 Funds Available and Marin's Share**

Over the four-year OBAG 3 period, \$757 million in federal programming capacity is estimated to be available for the MTC region. Additional federal funding from IJA may become available later for MTC to augment OBAG 3 and will require further approval from the MTC Commission. Of the initial \$757 million available in OBAG 3, MTC has adopted a funding split of 50.5%, or \$382 million, for the Regional Program to be administered by MTC and 49.5%, or \$375 million, for the County and Local Programs to be largely administered by County Transportation Agencies (CTAs).

Of the \$375 million for the County and Local Programs, \$35 million has been set aside for CTA Planning Activities, as has been customary with prior federal authorization cycles. TAM will receive the minimum amount for small counties of \$3.45 million for CTA Planning Activities over the four-year period. After the set-aside for CTA Planning Activities, \$340 million remains for projects and programs in the County and Local Programs.

For OBAG 3, MTC expects to have a larger role in selecting projects for the County and Local Programs due to feedback from the Federal Highway Administration (FHWA). Each county is provided with a nomination target, and each county is to conduct a call for projects. However, the counties are then to submit their project nominations to MTC, which will compile a list of recommended projects for the entire region to be approved by the MTC Commission. MTC has indicated that OBAG 3 nomination targets do not commit or imply a guaranteed share of funding to any individual CTA, but MTC will attempt to select projects based on the targeted amount for each CTA as close as possible. Therefore, some CTAs may receive more funds than their targets while others may receive less.

MTC has established a nomination target of 120% of the available funds that CTAs may submit in nominations. The 120% nomination target of \$340 million in available funds is \$408 million. Each CTA's nomination target is calculated as a percent share of the overall nomination total of \$408 million, using the population, housing production, and planned growth as factors. Based on these factors, Marin's nomination target for the County and Local Program funds is 2.8%, which amounts to \$9.6 million, and a 120% nomination target of \$11.5 million.

### **Local Criteria**

As required by OBAG 3 Guidelines, CTAs are to adopt County and Local Criteria along with MTC required criteria for application evaluation. Attachment A is TAM's Local Criteria for the OBAG 3 County and Local Program Call for Projects, adopted by the TAM Board on May 26, 2022 and approved by MTC staff on June 16, 2022.

The adopted Local Criteria provides more details on the nomination target and the funding adjustment for the Countywide Transportation Plan (CTP), also discussed below. It also discusses the proposed review committee makeup, eligible sponsors and projects, screening and prioritization criteria, sponsor requirements, and schedule.

### **Funding Adjustment for CTP**

On May 26, 2022, the TAM Board also adopted an adjustment to the nomination target of \$11.5 million by setting aside \$400,000 for allowable planning activities under the Growth Framework Implementation Category of OBAG 3. TAM will be developing a CTP with the set-aside funds in accordance with MTC guidance. Therefore, TAM will submit project nominations totaling an adjusted 120% amount of approximately \$11.1 million in nominations to MTC, with a target amount of \$9.2 million.

### **County and Local Program Call for Projects**

TAM issued a Call for Projects for County and Local Programs on May 31, 2022. Applications were due to TAM on July 27, 2022.

The table below summarizes the critical milestones for OBAG 3.

| <b>Milestone</b>   | <b>Date</b>           |
|--|-----------------------|
| TAM Board approved Local Criteria                                    | May 26, 2022          |
| TAM issued OBAG 3 Call for Projects                                  | May 31, 2022          |
| Applications due to TAM  | July 27, 2022         |
| Review Committee evaluated applications and prioritized funding      | August/September 2022 |
| BPAC reviewed applications   | August 29, 2022       |
| FP&L Executive Committee recommends nominations for submittal to MTC | September 12, 2022    |
| TAM Board adopts application nomination for submittal to MTC         | September 22, 2022    |
| Project nominations due to MTC                                       | September 30, 2022    |
| All requisite documentation and compliance requirements due to MTC   | October 31, 2022      |
| MTC adopts final project selection for funding                       | January 2023          |

### **Applications Received**

By the deadline of July 27, 2022, TAM received 17 applications from nine applicants. TAM had submitted an application for funding for the Street Smarts program in case funding was available, but subsequently withdrew its Street Smarts application when it was clear that the applications received far exceeded the amount of funding available. Attachment B is a summary of the remaining 16 applications received, including description, project cost, project type, and requested amount for each application.

### **Application Screening**

MTC requires all applications to be initially screened for three requirements before the applications are eligible for funding evaluation. The screening criteria are:

- eligibility with federal and regional requirements;
- alignment with relevant federal and regional plans and policies, such as Plan Bay Area 2050; and
- ability to obligate OBAG 3 funds no later than January 31, 2027.

Staff reviewed each application in accordance with the screening criteria and determined that all applications have met the requirements.

### **Priority Development Area (PDA)**

MTC has established a minimum requirement for each CTA to program OBAG 3 funds to projects located within or connected to a PDA. The minimum requirement varies by County in accordance with population. For Marin County, OBAG 3 guidelines require that at least 50% of funds must be programmed to projects in a PDA. The eligible PDAs in Marin include:

- Downtown San Rafael
- Unincorporated Highway 101 Corridor
- Southeast San Rafael
- Northgate

### **Review Committee**

A Review Committee was formed to review applications for prioritization up to the nomination target. The Review Committee consisted of TAM staff, Sarah Jones, Assistant Director for the Marin Community Development Agency, and David Eshoo, Engineer for the Tiburon Public Works Department. Neither Marin County nor the Town of Tiburon submitted an OBAG 3 application.

The Review Committee reviewed the applications in accordance with the adopted Local Criteria and developed a ranking for the 16 applications received. A nomination recommendation with recommended funding amounts were developed based on the Review Committee’s evaluation as summarized below and shown in detail in Attachment C.

| <b>Sponsor</b> | <b>Project</b>   | <b>Review Committee Ranking</b> | <b>Review Committee Recommended Funding</b> |
|----------------|--|---------------------------------|---|
| San Rafael     | Canal Active Transportation Improvements               | 1                               | \$4,123,054                                 |
| San Rafael     | Canal Area PDA Study                                   | 2                               | \$796,770                                   |
| Marin Transit  | Transit Corridor Improvements                          | 3                               | \$1,600,000                                 |
| Sausalito      | Bridgeway Bike Project - Princess Street to Richardson | 4                               | \$504,600                                   |
| San Rafael     | Northgate Area PDA Study                               | 4                               | \$796,770                                   |
| San Rafael     | Second and Fourth Street Intersection Improvements     | 6                               | \$3,051,000                                 |
| SMART          | SMART Pathway (Hannah Ranch Road to Rowland)           | 7                               | \$1,000,000                                 |
| <b>Total</b>   |  |                                 | <b>\$11,872,194</b>                         |

**Bicycle Pedestrian Advisory Committee (BPAC)**

The TAM BPAC convened on August 29, 2022 to review the applications received for OBAG 3. Applicants were invited to the meeting to address questions and offer comments on their applications. The BPAC considered the preliminary staff recommendations, in which funding nominations were based on rankings developed through the Review Committee in accordance with the required criteria and deliberated on the merits of the recommended applications. The BPAC concurred with staff recommendations that among the nominations, the five recommended capital project applications shown below merited funding at their requested amounts.

However, the BPAC expressed a difference in opinion regarding the two recommended PDA Study requests (SE San Rafael Canal PDA and Northgate PDA) from San Rafael. While the BPAC concurred that the two PDA Study requests merited funding, the BPAC recommended nominating the two PDA Study requests at reduced amounts by \$250,000 each in order to support another capital project with the difference of \$500,000.

The BPAC selected the Hilarita Avenue Eastside component of Mill Valley’s Pedestrian Gap Closure Project as the sixth capital project for funding. The BPAC also recommended that planning studies are ranked below capital projects. The BPAC adopted recommendations as shown in the below table.

| <b>Sponsor</b> | <b>Project</b>   | <b>BPAC Ranking</b> | <b>BPAC Recommended Funding</b> |
|----------------|--|---------------------|---------------------------------|
| San Rafael     | Canal Active Transportation Improvements                 | 1                   | \$4,123,054                     |
| Marin Transit  | Transit Corridor Improvements                            | 2                   | \$1,600,000                     |
| Sausalito      | Bridgeway Bike Project - Princess Street to Richardson   | 3                   | \$504,600                       |
| San Rafael     | Second and Fourth Street Intersection Improvements       | 4                   | \$3,051,000                     |
| SMART          | SMART Pathway (Hannah Ranch Road to Rowland)             | 5                   | \$1,000,000                     |
| Mill Valley    | Pedestrian Gap Closure - Hilarita Ave Eastside Component | 6                   | \$500,000                       |
| San Rafael     | Canal Area PDA Study                                     | 7                   | \$546,770                       |
| San Rafael     | Northgate Area PDA Study                                 | 7                   | \$546,770                       |
| <b>Total</b>   |  |                     | <b>\$11,872,194</b>             |

The BPAC merit-based review was particularly helpful in that it reaffirmed the first five capital project applications on the preliminary staff recommendations (based on the Evaluation Committee rankings). Staff will consider the input provided by BPAC when soliciting project applications for other upcoming funding opportunities.

### **Staff Recommendations**

Staff considered the Review Committee's rankings along with the BPAC's recommendations, which were nearly identical with the exception of the funding variations for the PDA studies and the inclusion of the Hilarita Avenue Eastside component from Mill Valley's Pedestrian Gap Closure Project. Staff and the BPAC often align on programming priorities and staff considered the BPAC's priorities for OBAG 3. However, based on input from MTC staff and the requirements of the OBAG 3 local criteria, staff believes that the PDA studies would be prioritized among MTC's selection and are identified regional priorities in accordance with the OBAG 3 framework.

Furthermore, MTC's guidelines included very specific criteria for project selection that the TAM Selection Committee sought to adhere to and which resulted in the staff recommendations. The criteria included preference for projects that are located in or serve PDAs or Equity Priority Communities (EPCs), projects in alignment with regional facilities such as the Bay Trail, and projects that support transit access. Neither the regional nor the local guidelines specified a preference for capital over planning projects.

Staff also considered the BPAC's recommended reduced funding amounts for the two PDA studies. Since the reduced recommended amounts for the PDA studies would not allow San Rafael to adequately develop the two PDA studies as intended, staff recommends the funding level for the studies remains as requested.

Staff is not opposed to funding more capital projects. In fact, the projects that were not recommended for OBAG 3 are strong candidates for the upcoming TDA/TFCA Call for Projects in the Spring of 2023, as well as future ATP and Measure AA Safe Pathway cycles. Funding opportunities for PDA studies are also expected in Spring 2023, with OBAG funding and Regional Early Action Program (REAP) 2.0 funding. However, this pot of funding is expected to be oversubscribed, and there would be risk in these plans not receiving any funding if not advanced through the current County and Local Program funding recommendation.

Based on these reasons, staff is recommending the Board support the nomination recommendations as shown in Attachment C.

BPAC members were informed of staff's final recommendations and invited to participate at the TAM Board meeting to offer comments.

### **Contingency Nomination**

As indicated in the Note column in Attachment C, San Rafael's Canal Active Transportation Improvement Project is a candidate for ATP funds (along with several other projects in the County). The California Transportation Commission (CTC) staff's recommendation for ATP state funding is scheduled to be released on October 21, 2022. Staff is cautiously optimistic that San Rafael's Canal Active Transportation Improvement Project has a legitimate chance of being selected for ATP funding.

Because of the close timing of the ATP announcements, staff is also recommending the adoption of a contingency list of nominations as shown in Attachment D. In this scenario, if San Rafael's Canal Active Transportation Improvement Project is selected for state ATP funding, then TAM would include Corte Madera's Paradise Drive Project and Marin Transit's Green Facility Improvement Project in the list of recommended funded applications for MTC's consideration. MTC staff has indicated flexibility to allow for this approach by TAM and other counties in similar positions with respect to ATP funding.

### **Other Funding Conditions**

MTC may require all PDA planning studies to include certain elements, such as outreach, design guidelines, and specific plan adoption to ensure PDA plans are addressing regional housing and transportation goals. Staff has consulted with MTC on the possibility of nominating PDA planning studies to avoid the omissions of any required elements. MTC will communicate those elements to CTAs and may condition the nominated PDA planning studies on complying with MTC requirements if they are not already included in their applications.

Additionally, while reviewing applications received, staff noted that at least one application did not indicate that they had already sought to coordinate their project design with the local transit providers, a step which is required under the newly updated MTC Complete Streets Checklist. Since the checklist was revised during the OBAG 3 Call for Projects period and not in advance, MTC is not strictly holding agencies accountable for compliance at this time. However, TAM staff recommends that the Sausalito Bridgeway Bike Lane – Princess Street to Richardson project, nominated for funding by TAM, should enact this transit coordination step early in the project development process if funded by MTC. This condition is reflected in the note for this project in Attachment C. Staff urges all project sponsors to carefully consider the new checklist in project development and take appropriate steps to meet the requirements including early coordination with transit operators.

### **FISCAL IMPACTS**

TAM will assist recipients with inputting OBAG 3 funds in the federal database, but recipients will be required to obligate federal funds directly through Caltrans Local Assistance. The programming of OBAG 3 funds to recipients in Attachment C does not pose any potential fiscal impacts to TAM.

### **NEXT STEPS**

Upon TAM Board adoption, TAM will communicate both the nominations and contingency nominations to MTC and work with applicants on complying with OBAG 3 requirements if their applications are selected by MTC for funding. TAM staff will continue to update the TAM Board and project applicants on the MTC selection process as it progresses. TAM will also work directly with MTC regarding obligation of the county planning funds including funds for a future CTP.

### **ATTACHMENTS**

- Attachment A – Adopted Local Criteria for the OBAG 3 County and Local Programs
- Attachment B – OBAG 3 Application Descriptions
- Attachment C – OBAG 3 Nomination Recommendations
- Attachment D – OBAG 3 Contingency Nomination Recommendations
- Attachment E – PowerPoint Presentation

**One Bay Area Grant Cycle 3 (OBAG 3)  
Transportation Authority of Marin Local Criteria  
(adopted May 26, 2022)**

**Call for Projects**

TAM will issue a Call for Projects with OBAG 3 funds upon approval of the OBAG 3 Local Criteria by the TAM Board.

**Marin Nomination Target**

MTC has established a nomination target of \$11,544,000 for TAM, which represents the allowable 120% of the available funds for Marin (the 100% amount is approximately \$9.6 million). The nomination target will be adjusted for allowable planning activities by \$400,000. See **Local Planning Set Aside** section below. The adjusted nomination target is \$11,144,000. Based on nominations received, TAM will submit project nominations totaling a maximum of \$11,144,000 in funding requests to MTC, upon receiving TAM Board approval. Per MTC Guidelines, the nomination target does not imply or guarantee amounts for Marin projects.

**Local Planning Set Aside**

TAM intends to develop a Countywide Transportation Plan (CTP) in accordance with MTC guidance. The CTP is expected to articulate a long-range vision for the county and shorter-term actions that advance these goals. As a performance-based plan, the CTP is expected to identify transportation issues and needs, including existing and future conditions, set goals and performance measures, and develop potential policy and investment alternatives for consideration. TAM will set aside \$400,000 from the nomination target to complete this effort as allowed by OBAG 3 Policies under the Growth Framework Implementation Category (see **Eligible Projects for Funding** section below).

**Eligible Sponsors**

Eligible sponsors in Marin County include cities, counties, transit agencies, federally-recognized Tribal governments, and TAM.

**OBAG 3 Review Committee**

The OBAG 3 Review Committee will evaluate projects submitted and develop a recommended list of prioritized projects for funding up to the adjusted nomination target for TAM Board approval.

The OBAG 3 Review Committee will comprise TAM staff members and invited members from other public agencies. Invitations will be extended to a representative of the Marin Public Works Association (MPWA) and a community development director whose agencies did not apply for funds, and a staff member of the County's Office of Education or a school district, or a staff member from the County's Office of Equity, as available. TAM staff will strive to find a balanced committee representing a variety of perspectives and generally familiar with the types of capital projects expected in the OBAG program.

**Project Applications Screening**

TAM will solicit project applications and conduct an initial screening of projects. TAM will incorporate the following criteria in screening projects:

- Eligibility: Potential sponsors and applications are screened for eligibility with federal and regional requirements.
- Alignment: Projects are evaluated for alignment with relevant federal and regional plans and policies. All projects must be consistent with Plan Bay Area 2050.
- Deliverability: Applicants and projects are screened for potential deliverability issues, deprioritizing or excluding projects as needed based on risk. TAM will ensure that project sponsors have sufficient agency capacity and technical expertise to complete projects in accordance with MTC's Regional Project Delivery Policy and can meet OBAG 3 deadlines. Project sponsors must be able to obligate OBAG 3 funds no later than January 31, 2027.

### **Priority Development Area (PDA) Minimum Investments**

TAM will submit project nominations from PDAs that amount to 50% or more of the total funding request.

To be credited towards each county's PDA minimum investment threshold, a project must be located within or connected to a PDA or be within one mile of a PDA boundary. Projects that are not physically located within one mile of a PDA but have a clear and direct connection to PDA implementation, such as transit maintenance facility improvements, may also be credited towards the PDA minimum investment thresholds. Determinations for such projects will be provided by MTC staff on a case-by-case basis.

Projects which consist of countywide programs or activities, including funds dedicated to CTA planning and programming, are given partial credit towards each county's minimum investment threshold calculations.

### **Evaluation Criteria**

To prioritize projects that align with regional plans and policies, TAM must give additional weight to projects that:

1. Are located in PDAs or Transit-Rich Areas (TRAs), or identified in locally adopted plans for PDAs;
2. Are located in jurisdictions with affordable housing protection, preservation, and production strategies, including an emphasis on community stabilization and anti-displacement policies with demonstrated effectiveness;
3. Invest in historically underserved communities, including projects prioritized in a Community-Based Transportation Plan (CBTP) or projects located within Equity Priority Communities with demonstrated community support;
4. Demonstrate public support from communities disproportionately impacted by past discriminatory practices, including redlining, racial covenants, urban renewal, and highway construction that divided low-income and communities of color are prioritized over projects without these attributes;
5. Address federal performance management requirements by supporting regional performance goals for roadway safety, asset management, environmental sustainability, or system performance;
6. Implement multiple Plan Bay Area 2050 strategies;
7. Demonstrate consistency with other regional plans and policies, including the Regional Safety/Vision Zero policy, Equity Platform, Regional Active Transportation Plan, Transit Oriented Communities (TOC) policy update, and the Blue Ribbon Transit Transformation Action Plan;
8. Are considered of countywide or regional significance;

9. Are located in multiple jurisdictions with evidence of support from each jurisdiction (a single project delivery sponsor is required);
10. Contribute a higher share of local funds than the requisite local match for federal funds, for project nominations that are not in disadvantaged communities; projects located in disadvantaged communities need only contribute the required local match;
11. Promote or enhance multi-modal access; and
12. Address safety improvements.

Evaluation criteria must be approved by both MTC staff and the TAM Board prior to the release of the Call for Projects.

### **County Nominations**

After completing initial project screening and evaluations, TAM will present the recommended project nominations to the TAM Board for approval as required by MTC's guidelines. Following Board approval, TAM will submit prioritized project nominations and required documentation to MTC by September 30, 2022.

On a case-by-case basis, as determined by MTC staff, TAM may submit a draft prioritized nomination list by September 30, 2022 and submit the TAM Board approved nomination list and required documentation by October 31, 2022.

MTC will select final projects for funding based on project nominations received from TAM.

### **Eligible Projects for Funding**

Eligible projects for funding by category include the following:

- **Growth Framework Implementation**
  - Local PDA Planning grants (in addition to those funded through the Regional Program)
  - Local planning grants for other new PBA 2050 Growth Geographies
- **Climate, Conservation, and Resilience**
  - Transportation demand management programs
  - Mobility Hub planning and implementation
  - Parking reduction and curb management programs
  - Car share and bike share capital projects
  - Plans and projects to assist in the preservation and enhancement of open space, natural resource and agricultural lands, and critical habitats (may require non-federal funds)
  - Bicycle and pedestrian access to open space and parklands
  - Regional Advance Mitigation Planning (RAMP) planning activities and implementation (may require non-federal funds)
- **Complete Streets and Community Choice**
  - Bicycle and pedestrian improvements and programs
  - SRTS projects and programs
  - Safety projects, local road safety plans (LRSP), and Vision Zero planning activities
  - Complete streets and sustainable streets improvements
  - Streetscape projects to encourage biking, walking, and transit use

- Example project elements include bulb outs, sidewalk widening, crosswalk enhancements, audible signal modification, mid-block crossing and signals, new striping for bicycle lanes and road diets, pedestrian street lighting, medians, pedestrian refuges, wayfinding signage, tree grates, bollards, permanent bicycle racks, signal modification for bicycle detection, street trees, raised planters, planters, costs associated with on-site storm water management, permeable paving, and pedestrian-scaled street furniture including bus shelters, benches, magazine racks, and garbage and recycling bins.
- Local streets and roads preservation projects on the federal-aid system. Projects should be based on a needs analysis from the jurisdiction's Pavement Management Program:
  - Pavement rehabilitation projects must be consistent with segments recommended for treatment within the programming cycle by the jurisdiction's PMP. Preventive maintenance projects with a PCI rating of 70 or above are eligible only if the jurisdiction's PMP demonstrates that the preventive maintenance strategy is a cost-effective method of extending the service life of the pavement.
  - Eligible non-pavement activities include rehabilitation or replacement of existing features on the roadway facility, such as bridge structures, storm drains, National Pollutant Discharge Elimination System (NPDES), curbs, gutters, culverts, medians, guardrails, safety features, signals, signage, sidewalks, ramps, complete streets elements, and features that bring the facility to current standards.
- Rural road improvements on the federal aid system.
- Projects and programs prioritized in CBTPs and PB processes, which may include any of the above project types and project elements, as well as a variety of transit capital improvements.
- Community-based transportation plans or participatory budgeting processes in Equity Priority Communities (in addition to CBTP and PB processes administered through the Regional Programs)
- **Multimodal Systems Operations and Performance**
  - Transit capital improvements, including vehicles for new or expanded service
  - Transit station improvements such as plazas, station access improvements, bicycle parking, and replacement parking or parking management for Transit Oriented Development (TOD)
  - Local actions to advance implementation of the Transit Transformation Action Plan
  - Cost-effective, technology-driven active operational management strategies for local arterials and highways (for highways, when used to augment state or federal funds and developed/implemented in coordination with MTC)
  - Mobility management and coordination projects that meet the specific needs of seniors and individuals with disabilities and enhance transportation access for populations beyond those served by one agency or organization within a community. Examples include the integration and coordination of services for individuals with disabilities, seniors, and low-income individuals; individualized travel training and trip planning activities; development and operation of one-stop transportation traveler call centers to coordinate transportation information on all travel modes and to manage eligibility requirements and arrangements for customers among supporting programs; and the operation of transportation brokerages to coordinate providers, funding agencies, and passengers.

### **Ineligible Projects**

Projects and programs that are not eligible for funding include air quality non-exempt projects, new roadways, roadway extensions, right of way acquisition for future expansion, operations, and routine maintenance.

**OBAG 3 Schedule**

| <b>Milestone</b>  | <b>Date</b>            |
|---|------------------------|
| TAM Board approves Local Criteria                                     | May 26, 2022           |
| TAM issues OBAG 3 Call for Projects                                   | May 31, 2022, no later |
| Applications due to TAM   | July 27, 2022          |
| Review Committee evaluates applications and prioritizes funding       | August/September 2022  |
| FP&L Executive Committee recommends applications for submittal to MTC | September 12, 2022     |
| TAM Board adopts applications for submittal to MTC                    | September 22, 2022     |
| Project nominations due to MTC  | September 30, 2022     |
| All requisite documentation and compliance requirements due to MTC    | October 31, 2022       |
| MTC adopts final project selection for funding                        | January 2023           |

**Sponsor Requirements for Cities and Counties**

These requirements apply to cities and counties and do not apply to sponsors with no general plan or land use authority, such as TAM or transit agencies under a Joint Powers Agreement (JPA) or special district. Cities and counties must meet the following requirements to receive program funding:

- Have a general plan housing element adopted and certified by the California Department of Housing and Community Development (HCD) for the 2023-31 Regional Housing Needs Allocation (RHNA) cycle by December 31, 2023, and maintain certification throughout the OBAG 3 program period;
- Submit Housing Element Annual Reports to HCD each year by the April 1 deadline throughout the OBAG 3 program period;
- Adopt a resolution self-certifying compliance with state housing laws related to surplus lands, accessory dwelling units, and density bonuses by December 31, 2023;
- Maintain ongoing compliance with the Housing Accountability Act (as determined by MTC staff) throughout the OBAG 3 program period;
- Adopt a Local Roadway Safety Plan (LRSP) or equivalent safety plan, as defined by the California Highway Safety Improvement Program (HSIP) guidelines, by December 31, 2023;
- Maintain a certified Pavement Management Program (StreetSaver® or equivalent), updated as prescribed by MTC staff;
- Fully participate in statewide local streets and road needs assessment surveys (including any assigned funding contribution); and
- Provide traffic count data to MTC to support FHWA's Highway Performance Monitoring System (HPMS) on an annual basis, or as directed by MTC staff.

**Sponsor Requirements for All Recipients**

All recipients of OBAG 3 funding, including public agencies without land use authority as well as federally-recognized Tribal governments, are required to:

- Comply with MTC's Complete Streets Policy, and its successor, including the requirement to complete a Complete Streets Checklist for each project applying for OBAG 3 funding; and
- Comply with MTC's Regional Project Delivery Policy (MTC Resolution No. 3606), including identification of a staff position to serve as the single point of contact (SPOC) for the implementation of all FHWA-administered funds within that agency. The person in this position must have sufficient knowledge and expertise in the federal-aid delivery process to coordinate issues and questions that may arise from project inception to project close-out.

## Project Requirements

For each project, sponsors must provide the following:

- A Complete Streets Checklist for each distinct project location using the Complete Streets web application (located at <https://completestreets.mtc.ca.gov/>). TAM must make checklists available to the Bicycle and Pedestrian Advisory Committee (BPAC) for review prior to project nomination. For projects that have already submitted a Complete Streets checklist for prior cycles of regional discretionary funding, sponsors may be required to complete an updated checklist or complete a second checklist review with their BPAC, as determined on a case-by-case basis by MTC staff.
- For projects eligible for Congestion Mitigation and Air Quality (CMAQ) funds, the inputs necessary to assess the emissions benefits and cost-effectiveness of air quality improvements resulting from project implementation. Air quality calculation input forms are provided by project type on the OBAG 3 webpage (available at [www.mtc.ca.gov/obag3](http://www.mtc.ca.gov/obag3)) under “Partner Agency Resources.”
- All projects selected by MTC for funding must provide a Resolution of Local Support, approved by the sponsor’s governing body (template resolutions are available at <https://mtc.ca.gov/funding/federal-funding/federal-highway-administration-grants/one-bayarea-grant-obag-3>).
- All projects selected by MTC for funding must submit a project application, through MTC’s Fund Management System (FMS), including a copy of the approved Resolution of Local Support.

| OBAG 3 Project Applications Received |               |  |                    |                    |                  |                    |
|--------------------------------------|---------------|--|--------------------|--------------------|------------------|--------------------|
| No.                                  | Sponsor       | Project Name and Description   | Project Type       | Total Project Cost | Amount Requested | Phase(s) Requested |
| 1                                    | Corte Madera  | <b>Paradise Drive</b> - Bicycle and pedestrian facilities along Paradise Drive between Westward Drive and 950' east of Robin Drive.  | Bike/Ped           | \$3,125,000        | \$2,187,500      | PE, CON            |
| 2                                    | Marin Transit | <b>Green Facility Improvements</b> - Renovate and improve two recently purchased transit facilities at 3000-3020 Kerner Blvd, San Rafael, Marin County, CA and 600 Rush Landing Road, Novato.  | Transit Capital    | \$2,400,000        | \$1,920,000      | PE, CON            |
| 3                                    | Marin Transit | <b>Transit Corridor Improvements</b> - Evaluate and make improvements to high ridership transit corridors that include enhanced passenger information, upgraded amenities at bus stops, and transit priority improvements with target corridors to include 4th Street, San Rafael; Lincoln Ave, San Rafael; and South Novato Blvd, Novato.   | Transit Operations | \$2,000,000        | \$1,600,000      | PE, CON            |
| 4                                    | Mill Valley   | <b>Pedestrian Gap Closure Project</b> - Design and construct four key sidewalk gap closure locations and one Class III bicycle facility along one of the project segments at: 1) Elm Avenue (westside), 2) Hilarita Avenue (eastside), 3) Throckmorton Avenue (northside), and 4) Kipling Drive (westside).  | Bike/Ped           | \$2,102,890        | \$1,861,689      | PE, CON            |
| 5                                    | Novato        | <b>Grant Avenue Bridge Rehabilitation and Complete Streets</b> - Rehabilitate the existing vehicle bridge on Grant Avenue over Novato Creek, adding complete streets elements, and improving pedestrian and bicycle access along this major corridor into downtown Novato.   | Bridge/Bike/Ped    | \$6,160,000        | \$4,575,000      | CON                |
| 6                                    | Novato        | <b>San Marin High School Area Multimodal Access Project</b> - Install enhancements at the intersection of Novato Boulevard/San Marin Drive-Sutro Avenue, the intersection of Sutro Avenue/Michele Circle, and segment of Sutro Avenue from Novato Boulevard to Michele Circle. Project includes modifying striping of the intersection to better channelize vehicles and bicycles, adding a crosswalk across the Sutro Avenue approach, constructing new curb extensions to reduce pedestrian crossing distances, providing accessible curb ramps, and adding enhanced green bike lane markings. In addition, a Class I multi-use path would be constructed along the west side of Sutro Avenue and a new crosswalk would be installed across Sutro Avenue at the uncontrolled crossing at Michele Circle. | Bike/Ped           | \$2,445,000        | \$2,108,000      | PE, CON            |
| 7                                    | Ross          | <b>Laurel Grove Safe Pathways Project Phase III</b> - Construct a dedicated asphalt pedestrian pathway and protective berm from the limits of the proposed Phase II at Canyon Road South to the Town Limits at Makin Grade.  | Bike/Ped           | \$1,105,000        | \$500,000        | CON                |

|    |            |   |                         |             |             |          |
|----|------------|---|-------------------------|-------------|-------------|----------|
| 8  | San Rafael | <b>Northgate Area PDA Study</b> - Develop a Specific/Precise Plan for the North San Rafael/Northgate Priority Development Area (PDA), covering over 100 acres within the Northgate area of North San Rafael including the Civic Center SMART commuter train station.  | Planning Study          | \$900,000   | \$796,770   | Planning |
| 9  | San Rafael | <b>Canal Area PDA Study</b> - Develop a Specific/Precise Plan for the Southeast San Rafael/Canal Priority Development Area (PDA), covering a large geographic area that contains the highest concentration of mixed uses and intensity of development, including the highest density of rental housing in Marin County. The Canal neighborhood is identified as an Equity Priority Community (EPC) as its residents are primarily low-income immigrants.  | Planning Study          | \$900,000   | \$796,770   | Planning |
| 10 | San Rafael | <b>Second and Fourth Street Intersection Improvements</b> - Improve access to the non-conventional multi-legged intersection at the City's westerly gateway where two major arterial roadways meet a frontage road and residential streets. The intersection is difficult to navigate by motorists, bicyclists, and pedestrians. This project reconfigures the intersection and improves the traffic signal to extend the Cross Marin Bikeway while improving access and safety for pedestrians. These intersection enhancements are complementary to the Third Street improvement project, which includes a Class IV cycletrack along Second Street that is currently under construction.                        | LSR/Bike/Ped            | \$4,367,000 | \$3,051,000 | CON      |
| 11 | San Rafael | <b>San Rafael/Canal Active Transportation Improvements</b> - Design and construct a number of pedestrian, bicycle, and transit enhancements in the Canal neighborhood. Pedestrian enhancements include curb ramp upgrades, sidewalk gap closures, corridor lighting improvements, and uncontrolled crosswalk enhancements on 19 streets and pathways. Bicycle improvements would construct bicycle boulevard treatments along three key streets in the neighborhood's bicycle network and add secure bicycle parking at a popular neighborhood park. Transit improvements would add transit shelter enhancements at 5 high-ridership stops and would construct a new transit stop along a high-use transit route. | Bike/Ped/Transit Access | \$5,153,818 | \$4,123,054 | PE, CON  |
| 12 | Sausalito  | <b>Bridgeway Bike Lane Project - Princess Street to Richardson</b> - Remove the center lane between Princess Street and Richardson Ave. and install dedicated bike lanes on either side of the roadway. Where width allows a dedicated class 4 bike lane north bound will be added. The project also includes road repairs and the installation of a new cross walk, Rapid Flashing Beacon and curb ramps at the Richardson/Bridgeway intersection.   | Bike/Ped                | \$637,214   | \$504,600   | CON      |
| 13 | Sausalito  | <b>Bridgeway Improvements - Napa to San Carlos Ave.</b> - Resurface Bridgeway Blvd, install safety improvements between Napa Street and San Carlos, and the install a round about at Napa Street.   | LSR                     | \$3,751,000 | \$3,320,400 | PE, CON  |

|    |           |  |              |                     |                     |     |
|----|-----------|--|--------------|---------------------|---------------------|-----|
| 14 | Sausalito | <b>Coloma Street Sidewalk Improvement Project</b> - Install new sidewalk along the north side of Coloma Street adjacent to the Martin Luther King Campus from Bridgeway to Olima. The work includes sidewalk minor retaining walls, a mid block crossing with a RRFB, roadway improvements, striping and improvements to support safe pedestrian access.   | Ped          | \$988,901           | \$475,613           | CON |
| 15 | Sausalito | <b>Bridgeway Signal Improvements at Easterby</b> - Remove and replace an older signal system at the intersection of Bridgeway Blvd. and Easterby Street, Spring Street at Marinship which are all within several hundred feet of each other. The project includes but is not limited to replacement of signal poles, signal heads, installation of video detection, improvements to the cross walks and ramps. | LSR          | \$1,026,591         | \$908,841           | CON |
| 16 | SMART     | <b>SMART Pathway-Great Redwood Trail – Novato (Hannah Ranch Road to Rowland)</b> - Construct 0.4 miles of Class 1 non-motorized pathway within and along the publicly owned railroad right-of-way between Hannah Ranch Road and Rowland Boulevard South, connecting to Class 1 pathway to the south and creating bicycle-pedestrian access where none currently exists.  | Bike/Ped     | \$2,259,272         | \$1,000,000         | CON |
|    |           |  | <b>Total</b> | <b>\$39,621,686</b> | <b>\$29,994,827</b> |     |

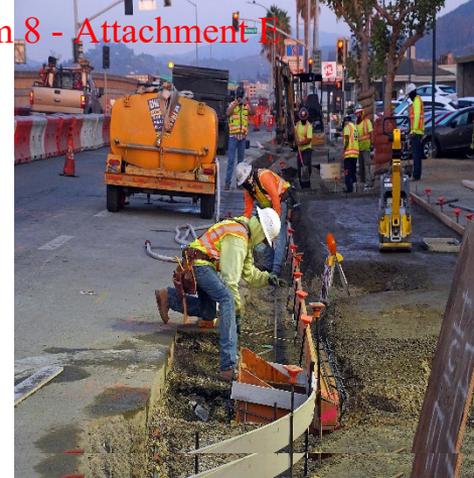
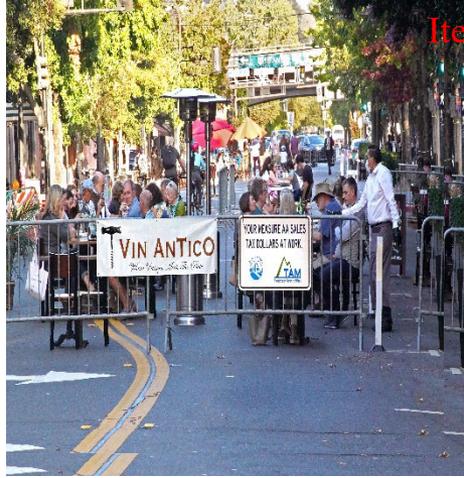
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| OBAG 3 Project Applications - Recommendations for Nomination |               |   |         |                          |                     |                    |                            |                    |   |
|--|---------------|---|---------|--------------------------|---------------------|--------------------|----------------------------|--------------------|---|
| No.  | Sponsor       | Project   | PDA     | Review Committee Ranking | Amount Requested    | Phase(s) Requested | Recommended Funding Amount |                    | Note  |
|  |               |   |         |                          |                     |                    | PDA                        | Non-PDA            |   |
| 11   | San Rafael    | San Rafael/Canal Active Transportation Improvements                       | Yes     | 1                        | \$4,123,054         | PE, CON            | \$4,123,054                |                    | ATP candidate   |
| 9  | San Rafael    | Canal Area PDA Study  | Yes     | 2                        | \$796,770           | Planning           | \$796,770                  |                    | Inquired with MTC for consideration for Regional OBAG 3 PDA Planning Program  |
| 3  | Marin Transit | Transit Corridor Improvements   | Partial | 3                        | \$1,600,000         | PE, CON            | \$800,000                  | \$800,000          |   |
| 12   | Sausalito     | Bridgeway Bike Lane Project - Princess Street to Richardson               |         | 4                        | \$504,600           | CON                |                            | \$504,600          | Include condition to coordinate with transit on design  |
| 8  | San Rafael    | Northgate Area PDA Study  | Yes     | 4                        | \$796,770           | Planning           | \$796,770                  |                    | Inquired with MTC for consideration for Regional OBAG 3 PDA Planning Program  |
| 10   | San Rafael    | Second and Fourth Street Intersection Improvements                        | Yes     | 6                        | \$3,051,000         | CON                | \$3,051,000                |                    |   |
| 16   | SMART         | SMART Pathway-Great Redwood Trail – Novato (Hannah Ranch Road to Rowland) |         | 6                        | \$1,000,000         | CON                |                            | \$1,000,000        |   |
| 1  | Corte Madera  | Paradise Drive  |         | 8                        | \$2,187,500         | PE, CON            |                            |                    | \$263K for PE   |
| 2  | Marin Transit | Green Facility Improvements   | Partial | 9                        | \$1,920,000         | PE, CON            |                            |                    |   |
| 14   | Sausalito     | Coloma Street Sidewalk Improvement Project                                |         | 10                       | \$475,613           | CON                |                            |                    | ATP candidate   |
| 5  | Novato        | Grant Avenue Bridge Rehabilitation and Complete Streets                   |         | 11                       | \$4,575,000         | CON                |                            |                    |   |
| 13   | Sausalito     | Bridgeway Improvements - Napa to San Carlos Ave                           |         | 12                       | \$3,320,400         | PE, CON            |                            |                    |   |
| 6  | Novato        | San Marin High School Area Multimodal Access Project                      |         | 13                       | \$2,108,000         | PE, CON            |                            |                    |   |
| 4  | Mill Valley   | Pedestrian Gap Closure Project  |         | 14                       | \$1,861,689         | PE, CON            |                            |                    |   |
| 7  | Ross          | Laurel Grove Safe Pathways Project Phase II                               |         | 14                       | \$500,000           | CON                |                            |                    |   |
| 15   | Sausalito     | Bridgeway Signal Improvements at Easterby                                 |         | 16                       | \$908,841           | CON                |                            |                    | ATP candidate   |
| <b>Total</b>   |               |   |         |                          | <b>\$29,729,237</b> |                    | <b>\$9,567,594</b>         | <b>\$2,304,600</b> | 81% in PDA and 19% in non-PDA   |
| <b>Total Nomination from PDA and non-PDA</b>                 |               |   |         |                          |                     |                    | <b>\$11,872,194</b>        |                    | The Total Nomination and Nomination Target amounts do not include the \$400,000 approved by the TAM Board on May 26, 2022 for a Countywide Transportation Plan (CTP), which was previously submitted to MTC |
| <b>Nomination Target</b>                                     |               |   |         |                          |                     |                    | <b>\$11,144,000</b>        |                    |   |
| <b>difference</b>  |               |   |         |                          |                     |                    | <b>-\$728,194</b>          |                    |   |

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| OBAG 3 Project Applications - Contingency Recommendations for Nomination |               |   |         |                          |                  |                     |                            |                    |   |                               |
|--|---------------|---|---------|--------------------------|------------------|---------------------|----------------------------|--------------------|---|-------------------------------|
| No.  | Sponsor       | Project   | PDA     | Review Committee Ranking | Amount Requested | Phase(s) Requested  | Recommended Funding Amount |                    | Note  |                               |
|  |               |   |         |                          |                  |                     | PDA                        | Non-PDA            |   |                               |
| 11   | San Rafael    | San Rafael/Canal Active Transportation Improvements                       | Yes     | 1                        | \$4,123,054      | PE, CON             |                            |                    | If funded by ATP, recommended OBAG 3 funds would be programmed to Corte Madera's Paradise Drive and Marin Transit's Green Transit Facility  |                               |
| 9  | San Rafael    | Canal Area PDA Study  | Yes     | 2                        | \$796,770        | Planning            | \$796,770                  |                    | Inquired with MTC for consideration for Regional OBAG 3 PDA Planning Program  |                               |
| 3  | Marin Transit | Transit Corridor Improvements   | Partial | 3                        | \$1,600,000      | PE, CON             | \$800,000                  | \$800,000          |   |                               |
| 12   | Sausalito     | Bridgeway Bike Lane Project - Princess Street to Richardson               |         | 4                        | \$504,600        | CON                 |                            | \$504,600          | Include condition to coordinate with transit on design  |                               |
| 8  | San Rafael    | Northgate Area PDA Study  | Yes     | 4                        | \$796,770        | Planning            | \$796,770                  |                    | Inquired with MTC for consideration for Regional OBAG 3 PDA Planning Program  |                               |
| 10   | San Rafael    | Second and Fourth Street Intersection Improvements                        | Yes     | 6                        | \$3,051,000      | CON                 | \$3,051,000                |                    |   |                               |
| 16   | SMART         | SMART Pathway-Great Redwood Trail – Novato (Hannah Ranch Road to Rowland) |         | 6                        | \$1,000,000      | CON                 |                            | \$1,000,000        |   |                               |
| 1  | Corte Madera  | Paradise Drive  |         | 8                        | \$2,187,500      | PE, CON             |                            | \$2,187,500        | \$263K for PE   |                               |
| 2  | Marin Transit | Green Facility Improvements   | Partial | 9                        | \$1,920,000      | PE, CON             | \$960,000                  | \$960,000          |   |                               |
| 14   | Sausalito     | Coloma Street Sidewalk Improvement Project                                |         | 10                       | \$475,613        | CON                 |                            |                    | ATP candidate   |                               |
| 5  | Novato        | Grant Avenue Bridge Rehabilitation and Complete Streets                   |         | 11                       | \$4,575,000      | CON                 |                            |                    |   |                               |
| 13   | Sausalito     | Bridgeway Improvements - Napa to San Carlos Ave                           |         | 12                       | \$3,320,400      | PE, CON             |                            |                    |   |                               |
| 6  | Novato        | San Marin High School Area Multimodal Access Project                      |         | 13                       | \$2,108,000      | PE, CON             |                            |                    |   |                               |
| 4  | Mill Valley   | Pedestrian Gap Closure Project  |         | 14                       | \$1,861,689      | PE, CON             |                            |                    |   |                               |
| 7  | Ross          | Laurel Grove Safe Pathways Project Phase III                              |         | 14                       | \$500,000        | CON                 |                            |                    |   |                               |
| 15   | Sausalito     | Bridgeway Signal Improvements at Easterby                                 |         | 16                       | \$908,841        | CON                 |                            |                    | ATP candidate   |                               |
|  |               |   |         |                          | <b>Total</b>     | <b>\$29,729,237</b> |                            | <b>\$6,404,540</b> | <b>\$5,452,100</b>  | 54% in PDA and 46% in non-PDA |
| <b>Total Nomination from PDA and non-PDA</b>                             |               |   |         |                          |                  |                     | <b>\$11,856,640</b>        |                    | The Total Nomination and Nomination Target amounts do not include the \$400,000 approved by the TAM Board on May 26, 2022 for a Countywide Transportation Plan (CTP), which was previously submitted to MTC |                               |
| <b>Nomination Target difference</b>                                      |               |   |         |                          |                  |                     | <b>\$11,144,000</b>        |                    |   |                               |
|  |               |   |         |                          |                  |                     | <b>-\$712,640</b>          |                    |   |                               |

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# Transportation Authority of Marin

## TAM Board of Commissioners One Bay Area Grant Program Cycle 3 (OBAG 3) Project Nomination Recommendations

September 22, 2022

# OBAG Cycle 3 Background

- One Bay Area Grant (OBAG) Program – MTC's program to distribute federal transportation funding (STP/CMAQ funds) to projects and programs
- OBAG is currently in the third cycle of funding (Cycle 3)
- Cycle 3 includes 4 years of funding: FY 22/23 to FY 25/26

## Background (cont.)

- OBAG 3 includes \$757 million total in federal STP/CMAQ funds
- Additional federal funding from Infrastructure Investment and Jobs Act (IIJA) may become available later for MTC to augment OBAG 3 and will require further approval from the MTC Commission
- MTC set asides a portion of funds for regional and county programs under OBAG
- MTC has proposed 50.5% Regional and 49.5% County
  - Most Regional Programs TBD including Priority Conservation Area (PCA) Program

## MTC OBAG 3 Policies

- Project Selection Process:
  - TAM issues Call for Projects
  - MTC selects projects for funding
- Projects must be consistent with Plan Bay Area 2050
- Minimum Grant Size – \$250,000, may be less on a case-by-case basis, but no less than \$150,000

## MTC Policy: Priority Development Areas (PDA)

- PDA minimum investments for Marin County – a project must be located within or connected to a PDA
- At least 50% of funds must be programmed in PDAs
  - Downtown San Rafael
  - Unincorporated Highway 101 Corridor
  - Southeast San Rafael
  - Northgate

# Nomination Targets

- Factors in Formula:
  - Population 50%
  - Housing Production 30% - county's share of regional housing production during the current and previous RHNA cycles
  - Planned Growth 20% - county's share of regional housing allocations through the 2023-31 RHNA cycle
- Marin's Target (2.8%) - \$9.6 million
- Nomination Target - 120% of available amount of \$9.6 million is approximately \$11.5 million

## Adjustment to Nomination Targets

- On May 26, 2022, the TAM Board adopted an adjustment to the nomination target of \$11.5 million by setting aside \$400,000 for developing a Countywide Transportation Plan (CTP)
- TAM will submit project nominations totaling an adjusted amount of approximately \$11.1 million in funding requests to MTC
- MTC is anticipated to select final applications for funding in the approximate amount of \$9.2 million after factoring in the adjustment for the CTP

# Call for Projects

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- TAM issued a Call for Projects for County and Local Programs on May 31, 2022
- Applications were due to TAM on July 27, 2022
- TAM initially received 17 applications from nine applicants, requesting \$29.8 million
- TAM's Street Smarts application was subsequently withdrawn, leaving 16 applications from eight applicants

# OBAG 3 Schedule

- Remaining Milestones:
  - Nominations approved by TAM Board – September 22, 2022
  - Nominations due to MTC – September 30, 2022
  - All required documentation due – October 31, 2022
  - MTC adopts selected projects – January 2023

# Application Screening

- MTC requires all applications to be initially screened for three requirements before the applications are eligible for funding evaluation:
  - Eligibility with federal and regional requirements;
  - Alignment with relevant federal and regional plans and policies, such as Plan Bay Area 2050; and
  - Ability to obligate OBAG 3 funds no later than January 31, 2027.
- Staff reviewed each application in accordance with the screening criteria and determined that all applications have met the requirements.

# Application Evaluation

- Review Committee:
  - TAM Staff
  - Sarah Jones, Assistant Director for the Marin Community Development Agency
  - David Eshoo, Engineer for the Tiburon Public Works Department
- Applications were reviewed in accordance with 12 criteria that were adopted by the TAM Board on May 26, 2022
- The applications were scored by the Review Committee and the ranking for all applications can be seen in Nomination Recommendations (Next slide, and Attachment C)

# Staff Recommendations

- Staff recommends the ranking and funding amounts developed by the Review Committee that includes 5 capital projects and 2 PDA studies, as shown below.
- PDA minimum investment requirement met (81%)

| Sponsor       | Project  | Review Committee Ranking | Review Committee Recommended Funding |
|---------------|--|--------------------------|--------------------------------------|
| San Rafael    | Canal Active Transportation Improvements               | 1                        | \$4,123,054                          |
| San Rafael    | Canal Area PDA Study                                   | 2                        | \$796,770                            |
| Marin Transit | Transit Corridor Improvements                          | 3                        | \$1,600,000                          |
| Sausalito     | Bridgeway Bike Project - Princess Street to Richardson | 4                        | \$504,600                            |
| San Rafael    | Northgate Area PDA Study                               | 4                        | \$796,770                            |
| San Rafael    | Second and Fourth Street Intersection Improvements     | 6                        | \$3,051,000                          |
| SMART         | SMART Pathway (Hannah Ranch Road to Rowland)           | 7                        | \$1,000,000                          |
|               |  | <b>Total</b>             | <b>\$11,872,194</b>                  |

# Bicycle Pedestrian Advisory Committee (BPAC) Input

- The TAM BPAC convened on August 29, 2022, to review the OBAG 3 applications
- Applicants were invited to the meeting to address questions and offer comments on their applications
- The BPAC concurred with staff recommendations that among the nominations, the five recommended capital project applications merited funding at their requested amounts
  - San Rafael – Canal Active Transportation Improvements
  - Marin Transit – Transit Corridor Improvements
  - Sausalito – Bridgeway Bike Project-Princess to Richardson
  - San Rafael – 2<sup>nd</sup> and 4<sup>th</sup> Street Intersection Improvements
  - SMART – SMART Pathway-Hannah Ranch to Rowland
- The BPAC further recommended nominating the two PDA Study requests at reduced amounts by \$250,000 each in order to support another capital project (Mill Valley's Project) with the difference of \$500,000

## BPAC Input (cont.)

- The BPAC recommendations include 6 capital projects and 2 PDA Studies
- The BPAC also recommended that planning studies are ranked below capital projects

| Sponsor       | Project  | BPAC Ranking | BPAC Recommended Funding |
|---------------|--|--------------|--------------------------|
| San Rafael    | Canal Active Transportation Improvements                 | 1            | \$4,123,054              |
| Marin Transit | Transit Corridor Improvements                            | 2            | \$1,600,000              |
| Sausalito     | Bridgeway Bike Project - Princess Street to Richardson   | 3            | \$504,600                |
| San Rafael    | Second and Fourth Street Intersection Improvements       | 4            | \$3,051,000              |
| SMART         | SMART Pathway (Hannah Ranch Road to Rowland)             | 5            | \$1,000,000              |
| Mill Valley   | Pedestrian Gap Closure - Hilarita Ave Eastside Component | 6            | \$500,000                |
| San Rafael    | Canal Area PDA Study                                     | 7            | \$546,770                |
| San Rafael    | Northgate Area PDA Study                                 | 7            | \$546,770                |
| <b>Total</b>  |  |              | <b>\$11,872,194</b>      |

# Staff Recommendations

- Staff and the BPAC often align on programming priorities and staff considered the BPAC's priorities for OBAG 3
- However, PDA studies would likely be prioritized among MTC's selection and are identified as regional priorities in accordance with the OBAG 3 framework
- MTC's guidelines included very specific criteria for project selection that the TAM Review Committee sought to adhere to, and which resulted in the staff recommendations
- Reduced recommended amounts for the PDA studies would not allow San Rafael to adequately develop the two PDA studies as intended
- Neither the regional nor the local guidelines specified a preference for capital over planning projects
- Many projects that were not recommended for OBAG 3 are strong candidates for the upcoming TDA/TFCA Call for Projects in the Spring of 2023, as well as future ATP and Measure AA Safe Pathway cycles

# Contingency Nomination Recommendations

- San Rafael's Canal Active Transportation Improvement Project is also a candidate for ATP funds (along with several other projects in the County)
- CTC staff's recommendation for ATP state funding is scheduled to be released on October 21, 2022
- Staff recommending the adoption of a contingency list of nominations as shown in Attachment D
  - If San Rafael's Canal Active Transportation Improvement Project (\$4.12 M) is selected for state ATP funding, then TAM would:
    - Remove that project from OBAG nomination, and
    - Instead include Corte Madera's Paradise Drive Project (\$2.18 M) and Marin Transit's Green Facility Improvement Project (\$1.92 M) for MTC's consideration
  - PDA minimum investment requirement would still be met (54%)

# Project Conditions

- PDA Studies:
  - MTC may require all PDA planning studies to include certain elements, such as outreach, design guidelines, and specific plan adoption to ensure PDA plans are addressing regional housing and transportation goals
  - MTC will communicate those elements to CTAs and may condition the nominated PDA planning studies on complying with MTC requirements if they are not already included in their applications
- Transit Coordination:
  - Applicants are required to coordinate their project design with the local transit providers under the newly updated MTC Complete Streets Checklist
  - Staff will direct Sausalito to coordinate with transit providers for the Bridgeway Bike Lane – Princess Street to Richardson project early in project development process if funded by MTC

# Sponsor Requirements

- Have a general plan housing element adopted and certified by California Department of Housing and Community Development (HCD)
- Submit Housing Element Annual Report to HCD
- Adopt a Resolution self-certifying compliance with state housing laws (surplus lands, accessory dwelling units, and density bonuses)
- Maintain ongoing compliance with Housing Accountability (prohibits a local agency from disapproving a housing development project for low to moderate income households or an emergency shelter)
- Adopt a Local Roadway Safety Plan (LRSP) or equivalent
- Maintain a certified Pavement Management Program
- Participate in statewide local streets and roads needs assessment surveys
- Provide traffic count data to MTC to support FHWA's Highway Performance Monitoring System (HPMS)
- The above requirements do not apply to CTAs and transit agencies
- Complete Streets Policy
- Complete Streets Checklist – sponsors will be required to enter projects on MTC's website for local BPAC to review
- If selected:
  - Resolution of Local Support
  - MTC's FMS – TIP
  - Provide Requisite Local Match Funds – 11.47%

# FP&L Executive Committee Review

- On September 12, 2022, the FP&L Executive Committee reviewed recommendations provided by staff and the BPAC
- The FP&L Executive Committee voted unanimously to support staff's recommended nominations and contingency nominations, as shown in Attachments C and D

# TAM Board Action Requested

- The Board adopts staff's recommended nominations and contingency nominations, as shown in Attachments C and D, and the project conditions on PDA studies and transit coordination requirements

## Next Steps

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- Upon TAM Board adoption, staff will communicate both the nominations and contingency nominations to MTC
- Work with applicants on complying with OBAG 3 requirements if their applications are selected by MTC for funding
- Staff will also work directly with MTC regarding obligation of the County planning funds including funds for a future CTP
- Staff will continue to update the TAM Board and project applicants on the MTC selection process as it progresses

# Questions and Feedback

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Thank you!



**DATE:** September 22, 2022

**TO:** Transportation Authority of Marin Board of Commissioners

**FROM:** Anne Richman, Executive Director *Anne Richman*  
Derek McGill, Director of Planning

**SUBJECT:** Alternative Fuels Program Update and Outreach Activities (Discussion), Agenda Item No. 9

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## RECOMMENDATION

Discussion item only.

## BACKGROUND

With the passage of Measure B, the \$10 Vehicle Registration Fee (VRF), in 2010, TAM developed an Alternative Fuels Program as designated in Element 3, Reduce Congestion and Pollution, of the VRF Expenditure Plan. The Alternative Fuels Program provides funding for three main areas:

- Public Property Electric Vehicle (EV) Charging Infrastructure
- Public Agency EV Fleet Conversion
- Public Outreach/Technical Assistance

Since the October 2020 Alternative Fuels program update, TAM staff have continued to deliver rebates, outreach and technical assistance initiatives, including the following:

- Development of a Countywide EV Acceleration Strategy with Marin Climate and Energy Partnership (MCEP) to support local climate action plan implementation (this effort was funded by TAM in the amount of \$54,000)
- Conduct a Letter of Interest process for the “next wave” of public agency EV investments
- Developed a draft outreach plan with an approach for advancing equity to meet program goals
- Completed short-term, local jurisdiction led outreach efforts
- Ongoing delivery of the EV Fleet and EV Charging Stations rebates

Additional information is below.

## DISCUSSION/ANALYSIS

Over the last fiscal year, EV adoption has continued to rise with record sales recorded in Marin and statewide. Additionally, private vendors have continued to increase the installation of Level 3 DC Fast Chargers (DCFC), with over 105 DCFC now installed in Marin County. TAM’s Alternative Fuels Program continues to address public agency charging installations and fleet needs, and advance public agency EV charging installations in the County, with 315 connectors installed and an additional 78 rebates planned.

Public agency EV fleet rebates have remained steady as the pace of fleet replacement in the County is relatively flat. New for this year is the increased interest in police fleet conversion, with growing rebate reservations for undercover, or non-pursuit police vehicles. Staff is also closely monitoring the state Clean Vehicle Rebate Program (CVRP) and will be considering changes to the TAM EV Fleet Rebate Program as the state programs continue to shift.

#### *EV Project Concept Solicitation*

To continue to promote TAM's EV Rebate Programs and understand the needs of public agencies in the County further, in April 2022, TAM conducted an EV Project Concept solicitation, requesting public agencies to submit their concepts for EV projects. TAM received over 53 EV project concepts from approximately 20 public agencies (see Attachment C). To help review these submittals, staff convened a Steering Committee with staff from BAAQMD, MCE, and the Metropolitan Transportation Commission (MTC) to help guide the process and identify opportunities to move concepts into the "next wave" of EV projects in the County. TAM has been working with sponsors to apply for existing EV Rebates where appropriate and will continue to advance concepts to the implementation phase.

#### *MCEP Countywide EV Acceleration Strategy*

Over the course of 2021 and 2022, TAM staff has worked with local jurisdictions through MCEP to develop a Countywide EV Acceleration Strategy. In August 2022, the draft Strategy was released for public review and comment. A copy of the Strategy is available here: <https://marinclimate.org/wp-content/uploads/2022/08/Marin-Countywide-EV-Acceleration-Strategy-Pubic-Review-Draft-08-04-22.pdf>.

The Strategy will provide a framework of actions to support Climate Action Plan (CAP) goals and accelerate the transition to lower emission vehicles. The Strategy is expected to be presented to town committees and councils for adoption in 2023, along with a workplan of identified actions each jurisdiction would commit to taking to support meeting its respective EV adoption goals.

#### *Alternative Fuels Program Outreach Activities*

In 2021, TAM retained Reach Strategies, Inc. to develop an outreach plan and conduct outreach activities to support the TAM Alternative Fuels Program. Goals for this effort have been updated and include:

- Accelerate EV connector installations on public property in Marin County
- Accelerate EV fleet investments in public agency fleets
- Improve consumer awareness of programs that support and enhance equitable access to EVs and EV Infrastructure

Reach Strategies has been supporting current outreach efforts, including the EV Project concept solicitation to ensure broad participation from Marin's public agencies, as well as conducting research on equity focused EV efforts, and developing an outreach plan for the next 2-4 years of outreach.

The draft outreach plan contains:

- Ongoing updates to marketing materials, including updates to TAM's EV toolkits for public agencies, development of local example case studies, and the TAM website.
- Regular tracking of EV metrics including sales, registration and EV charging stations and other relevant data.
- Live Online Events, with up to three events planned annually. Initial plans identify one online event for school districts, one Police and Fire Department specific event, and one additional specific focus subject presentation, potentially equity focused.
- One EV Expo, or E-Mobility Technology showcase focused on public agency fleet opportunities. This public event would showcase and provide ride & drive opportunities of various fleet vehicles with speaker presentations on the fleet perspective of transportation electrification including expert guidance and actionable insights to attendees from public agencies and others that manage fleets. TAM would seek sponsorships/partnerships with other agencies to help offset the costs, increase the audience participation, and plan this event as a regional event.

- Equity focused outreach. The largest effort of the outreach plan is to support community-led conversations on zero-emission transportation solutions. Staff has conducted extensive research on how equity is currently being addressed in the EV space and is currently developing an EV charging scenario to assess opportunities and potential roles and responsibilities. Outreach for this effort will begin with partner discussions to identify potential strategies for each Equity Priority Community (EPC) in the County, and to support identification of agency roles and responsibilities along with potential Community Based Organizations (CBO) or local partners to help facilitate a community driven vision for electrification.

In addition to the outreach efforts solicited through TAM contractors, last year, staff also executed outreach agreements with 11 jurisdictions, to support local climate action plan implementation. These jurisdictions elected to enter into contract with local EV non-profit Ride and Drive Clean (an initiative of Cool the Earth) to support consumer adoption. This outreach engaged local jurisdiction staff, sustainability committees, and members of the public to advance local jurisdictions EV adoption goals. Relatedly, the County of Marin will be putting forth a recommendation for a local consumer focused EV outreach program in its upcoming efforts.

Staff will continue to seek opportunities to support local jurisdictions and community groups where these efforts can align with program initiatives. These opportunities include upcoming National Drive Electric Week events, where TAM staff will be sponsoring a Ride and Drive Clean/Cool the Earth event at the Bon Air Shopping center on Saturday September 24th.

#### *Upcoming Opportunities*

In September 2022, MTC's Planning committee discussed upcoming opportunities for the regional Climate Initiatives Program, including approximately \$65 million in funding for EVs. TAM staff have been working closely with MTC on opportunities to advance Marin's needs as articulated in the Project Concepts received by TAM. Staff have also been monitoring the development of Caltrans and the California Energy Commission's National Electric Vehicle Infrastructure (NEVI) Program, including a draft plan for providing EV charging equipment along the national highway system. The NEVI program is designed to provide funding for private vendors to install DCFC equipment along highway corridors. Finally, the recent Inflation Reduction Act is also likely to be an upcoming source of funding for electrification of transportation, and staff will continue to monitor opportunities for Marin County.

#### **FISCAL IMPACTS**

Revenues for this program have been assigned from Measure B Element 3.3 funding and the current budget of \$345,000 is anticipated to be sufficient to conduct all the work items for FY2022-23.

#### **NEXT STEPS**

Based on work done to date, staff will be exploring a number of new initiatives over the coming year, including:

- Adoption of the MCEP Countywide EV Acceleration Strategy by local jurisdictions in Winter/Spring of 2023.
- Explore project delivery options streamlining. Staff will continue to work with local jurisdictions to explore whether a coordinated grant or a single contractor can be retained to design, seek funding, build, operate and maintain EV charging stations across Marin County jurisdictions.
- Advance 3-5 pilot concepts for upcoming grants. Staff has begun meeting with jurisdiction staff on project concepts to assess potential concept advancement and determine partnership opportunities.
- Conduct Outreach efforts including live online events, an EV Expo, and equity focused outreach.

- Revisit Public Agency EV Fleet Program Rebates to move away from program linkage to the state Clean Vehicle Rebate Project (CVRP) and streamline rebate applications for public agencies to encourage fleet rebate usage. Staff will also explore opportunities to support fleet transition planning through increased EV rebates and technical support for agencies that have adopted or intend to adopt fleet transition plans.
- Continue to monitor outside funding opportunities and develop/support local applications.
- Staff will revise program budget for future fiscal years from a fixed \$345,000 budget (reflecting previous Board direction) to reflect a needs-based budgeting approach.

## **ATTACHMENTS**

Attachment A – Program Budget

Attachment B – Program Frequently Asked Questions

Attachment C – Summary of EV Concepts

Attachment D – Staff Presentation

**Attachment A: TAM Alternative Fuels Program Budget****Information** *Five Year Alternative Fuels Program Revenues and*

| <i>Expenditures</i>             | <b>FY 18/19</b> | <b>FY 19/20</b> | <b>FY 20/21</b> | <b>FY 21/22</b> | <b>FY 22/23</b> |
|---------------------------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| Measure B Element 3.3 Alt Fuels | 435,000         | 345,000         | 488,522*        | 345,000         | 345,000         |
| Budget Total Expenditures       | 222,196         | 210,627         | 317,361         | 171,163         | -               |
| Carryover for 3.3               | 212,804         | 134,373         | 27,639          | -               | -               |
| <i>Program Reserves</i>         | <i>212,804</i>  | <i>347,177</i>  | <i>374,816</i>  | <i>203,653</i>  | <i>TBD</i>      |

\*Only the new program budget of \$345,000 was used for carryover calculation.

*FY 21/22 Alternative Fuels Program Expenses*

|  |                |
|--|----------------|
| EV Fleet Rebates   | 7,000          |
| EVSE Rebates   | 39,573         |
| EV Outreach Efforts  | 83,920         |
| Countywide EV Readiness Plan (\$54,000 Committed)          | 13,700         |
| Local Jurisdiction Funding Agreements (\$54,000 Committed) | 26,970         |
| <b>Program Total</b>                                       | <b>171,163</b> |

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**Attachment B: TAM Alternative Fuels Program Frequently Asked Questions (FAQ)****What Electric Vehicle (EV) rebates does TAM offer?**

TAM offers Marin County public agencies EV Connector (charger) and EV Fleet rebates.

**Does TAM install EV connectors?**

TAM works with public agency site hosts to build out the EV connector infrastructure in Marin County. Local jurisdictions or other eligible public agencies such as special districts are responsible for project development and EV connector installations. TAM supports public agencies with technical assistance to identify potential locations, support site planning, rebate applications, and the whole suite of contracting and project development.

**Does TAM provide funding for EV Connectors at Commercial or Retail properties?**

TAM does not use local transportation funds on chargers at private commercial or retail properties. The EV charging market has expanded over the last few years, and significant private investment is occurring in this space in Marin County.

**Does TAM provide funding for EV Connectors at Multi-Unit Family properties?**

TAM does not use local transportation funds to provide rebates for privately-owned multi-unit family properties. Agencies like MCE and the Bay Area Air Quality Management District (BAAQMD), among others, may provide rebates for multi-unit properties, and can administer programs to existing customers.

**Does TAM provide funding for EV Connectors at Community Centers?**

Yes, TAM will provide funding for libraries, town halls, and other public agency properties in the County. Public agencies wanting to install EV connectors at these locations should contact TAM staff to apply for rebates.

**Does TAM provide funding for Level 3 or DC Fast Chargers (DCFC)?**

TAM's EV Connector Rebate program focuses on Level 2 charging. Level 3 or DCFC charger availability is growing widely due to an established private market. Additionally, Level 3 chargers are costly and would limit the capacity of TAM's program to deliver benefits to the community. Local public agencies that have plans for medium or heavy-duty fleet conversions are expected to need DCFC charging, and TAM will consider potential pilot programs for public agencies wanting to explore the next wave of technology.

**Does TAM provide rebates for consumer EV purchases?**

Currently, TAM only provides funding for chargers within public properties in Marin County, including many areas accessible to the public. TAM also provides funding for public agencies to convert their fleet of vehicles. TAM does not provide rebates for consumer EV purchases. Consumers who wish to purchase an EV may be eligible to receive rebates and tax credits through other sources, and more information can be found here: <https://evcharging.enelx.com/resources/federal-and-state-electric-vehicle-incentives>.

**How does TAM address equity in the Alternative Fuels Program?**

TAM conducts community-based transportation plans, a grassroots effort working with designated communities to identify and improve mobility options. This collaborative planning process involves residents and community-based organizations that serve them. TAM is currently in development of an equity-based outreach program to support the Alternative Fuels program.

**What can TAM do to make the application easier for local jurisdictions?**

TAM continually works to ensure our program is responsive to local agency needs while maintaining fiscal responsibility in using taxpayer funds. TAM's rebate applications are consistently cited by local agencies as one of the easiest rebates available. For public agencies utilizing MCE rebates, TAM and MCE have a single joint application for both agencies.

## EV Concept Solicitation - Summary of Responses

| Category                        | Agency  | Quantity                          |
|---------------------------------|---|-----------------------------------|
| EVSEs                           | Corte Madera, Larkspur, Tiburon, San Anselmo, Sausalito, Fairfax, Marin Transit, Novato Fire, North Marin Water District, Central Marin Police Authority, Ross Valley Sanitary District, Mill Valley, Kentfield Schools, Mark Day, Branson, San Rafael, Sausalito Marin City School District, TAM | 121-145 ports at 30 locations     |
| Solar Chargers                  | San Anselmo, Fairfax, San Rafael  | Approximately 11-13 Charge Ports  |
| DCFCs                           | Marin Transit, Fairfax  | 16 from MTCD, 1 from Jurisdiction |
| Microgrid/Vehicle to Facility   | Fairfax, Novato, San Rafael   | 4 requests                        |
| Curbside Charging               | San Anselmo   | 2                                 |
| Universal Charging              | Corte Madera (Shopping Centers)   | TBD                               |
| Passenger Vehicles              | North Marin Water District, Ross Valley Sanitary District, Novato Fire, Mill Valley, San Rafael   | TBD                               |
| Pickup Trucks                   | San Anselmo, Fairfax, MMWD, San Rafael  | 4 vehicles                        |
| Police Vehicles                 | Fairfax, Central Marin Police Authority, Novato   | TBD                               |
| Yellow School E-Buses           | Sausalito Marin City School District  | TBD                               |
| Employer shuttles               | Novato  | 3 vehicles                        |
| Street Sweepers                 | Fairfax, San Rafael   | 2                                 |
| E-Bike/Shared Mobility Programs | TAM, San Anselmo/Fairfax  | TBD                               |
| Small Equipment Replacement     | Novato  | 1                                 |

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# TAM Alternative Fuels Program Update

## Transportation Authority of Marin

Board of Commissioners Meeting

September 22, 2022

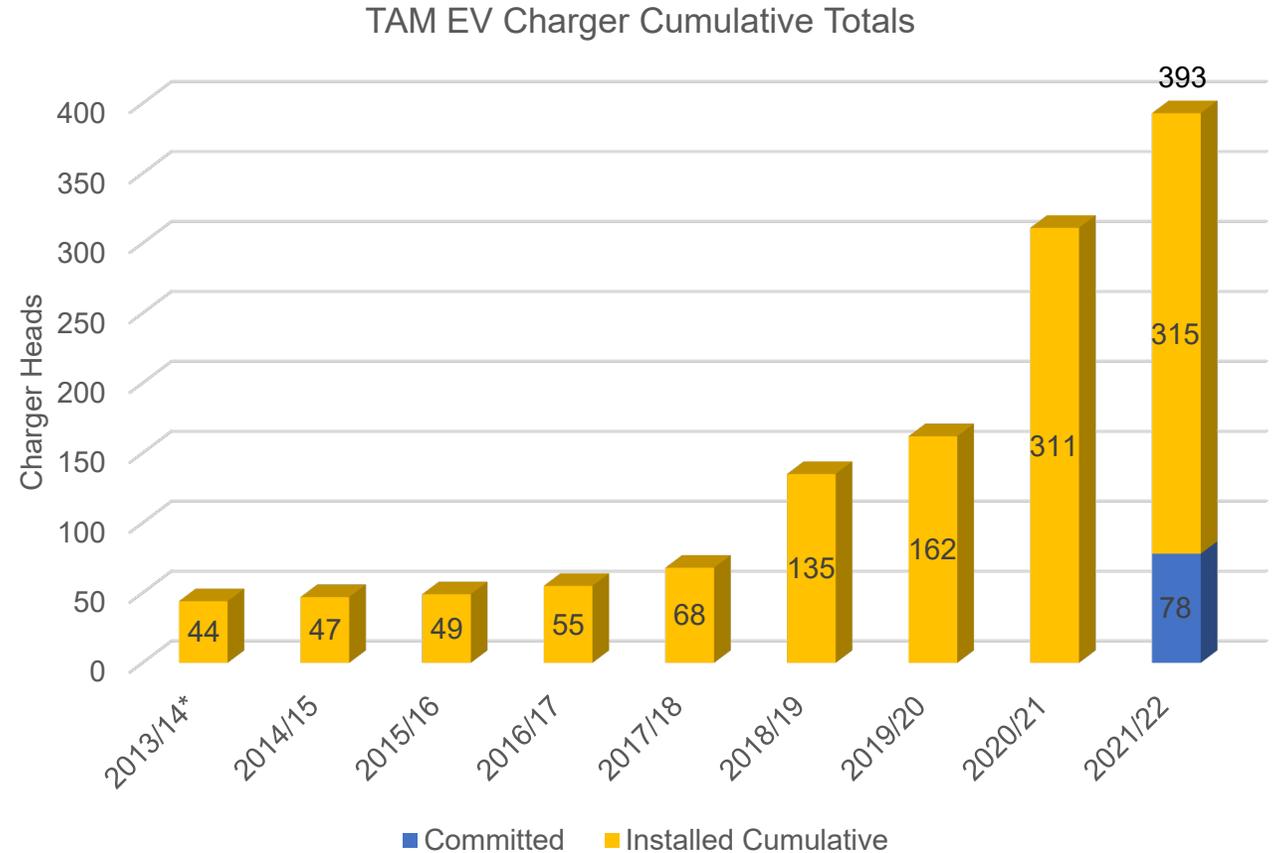
# Summary of Existing Program

- EV Charger Rebate
  - Up to \$6,000 per head available from TAM/Marin Clean Energy
  - Funds applicable to any project costs
- EV Fleet Rebate
  - Matches Clean Vehicle Rebate Project (CVRP)
  - Expanded to include E-Bikes, Utility carts, etc.
- Pilot Provision
  - Funded Zero Emission Buses (ZEBs)
  - Solar charging pilots conducted
- Outreach Support
  - Technical Assistance to public agencies
  - Support for outreach & events



# Element 3.3 – Investments to Date

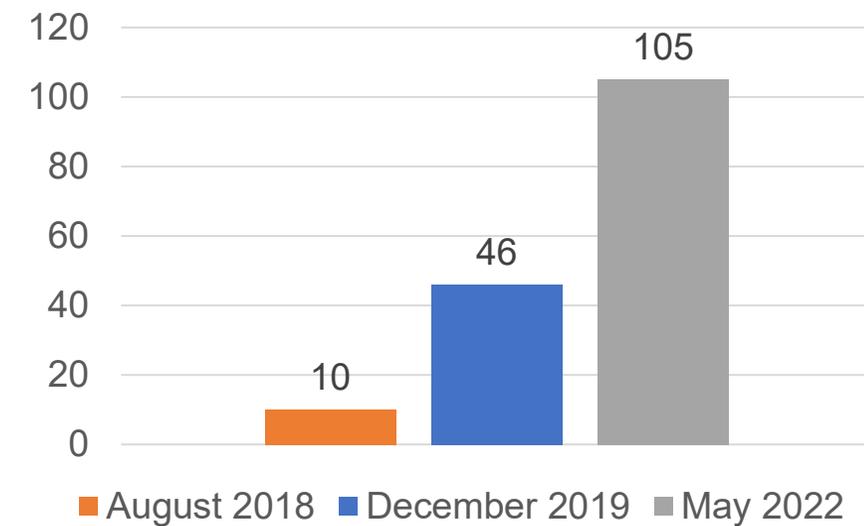
- EV Chargers
  - 393 EV charger rebates
  - 1 Solar Charging Installation
- EV Fleets
  - 36 EV fleet rebates
  - 2 Zero Emission Buses
- EV Outreach & Technical Studies
  - Multiple Ride and Drives
  - EV Siting Studies
  - E-bike Study
  - Parking Lot Study
  - EV Toolkit(s)
  - MCEP Countywide EV Readiness Plan
  - Local Jurisdiction Outreach Funding
  - EV Public Agency Concept Solicitation Process



# Regional, State and Federal Updates

- IIJA – Caltrans/CEC National Electric Vehicle Infrastructure Plan (Draft)
  - \$5B in IIJA, \$384M under formula funds for NEVI
  - Additional \$2.5B in competitive funds outside of NEVI (nationwide)
  - Corridor approach, partnering with private companies to deliver charging equipment
  - In a recent change, US 101 Corridor and Highway 1 are not considered “built out”
  - Staff will continue to monitor for future contractor selection and DCFC installations
- Recent passage of the Inflation Reduction Act
- MTC Funding and Letter of Interest Process
  - MTC served on TAM EV Project Concept Solicitation Panel in April
  - In June, MTC released a regional effort replicating our process
  - MTC expecting \$65M in regional funding for EVs
  - TAM is coordinating closely on this opportunity with MTC

Marin County DCFC Growth by Private Market



Source: Plugshare.com; Compiled by TAM Staff

# Current Challenges and Opportunities

- Challenges of current program:
  - TAM & Jurisdiction staffing and capacity
  - Addressing Multi-Family Housing needs
  - Addressing equity in EV adoption
  - EV Charger Ownership & Liability issues with new project delivery models
  - O&M of EV Chargers
  - Growing web of complex funding programs
- Opportunities for Program:
  - New Funding Sources
  - Positioning TAM as a leader with Regional Partners
  - Growing vehicle availability and consumer awareness/adoption
  - Partnerships with MCE as they enter fleet market
  - Shared services approaches

# Public Agency EV Project Concept Solicitation



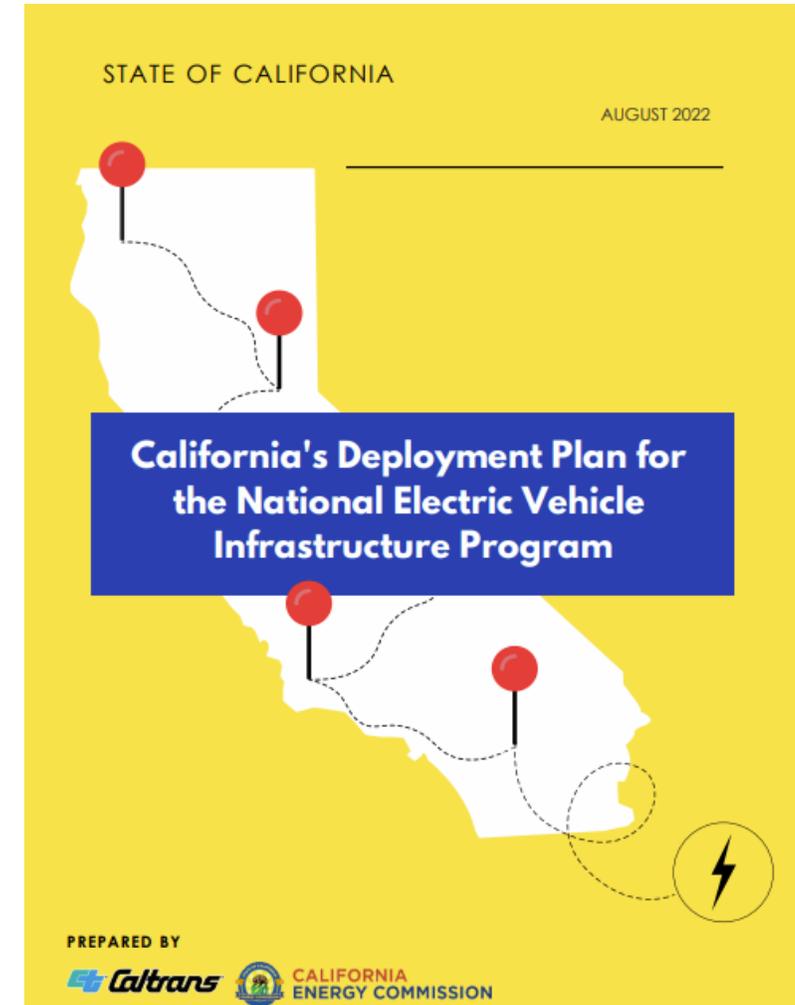
- Help local public agencies prepare to successfully compete for upcoming funding for the next wave of Zero-Emission and Near-Zero Emission Fleets and Innovative Electric Vehicle Charging solutions
- Identify Potential Projects for upcoming regional, state, and federal funding sources aimed at supporting the transition to Zero Emission Vehicles
- Support TAM to develop future programs and efforts, including identification of potential pipeline of projects

# What Concepts Were Submitted?

- 53 concepts submitted
  - 20 public agencies
  - 2 private schools
  - 3 vendors
- Water, Police, Transit, Sanitary, and School Districts, plus local jurisdictions
- Mix of locations for charging installations, corp yards, offices, community centers
- Mostly small projects with commercially ready technology proposed
- NPS, County of Marin and GGBHTD coordination occurring and informing this process
- Charging Concepts included:
  - 121-145 EVSEs at 30 locations
  - Solar Chargers
  - 16 DCFCs for Transit Operations (1 from Jurisdictions)
  - 4 Microgrid/Building Resiliency Projects
  - Curbside Chargers
- Fleet Concepts included:
  - Electric Pickup Trucks
  - Police Vehicles
  - Yellow School E-Buses
  - Employer Shuttles
  - Street Sweepers
  - Small Equipment Replacement

# TAM Concept Submittals

- Staff submitted three concepts for consideration:
  - E-Bike Storage near MUF/Community Locations
    - Bike locker grants have appeared in the past, opportunity in the future for BAAQMD grants?
  - EVSEs in Equity Priority Communities as a “reach” goal (~100-500 EVSEs)
    - Consultant developing what deployments might look like
  - West Marin/Highway 1 EVSE deployments ( ~25-50 EVSEs)
    - NEVI/NPS may advance this opportunity
    - TAM will continue to coordinate



# Additional Findings – Barriers and Tech Support



- Barriers identified include:
  - Electrical upgrades (supply of electricity, space requirements)
  - Vehicle availability and slow fleet turnover
  - Complex web of Funding Programs (CARB, CEC, BAAQMD)
  - Technically Complex Delivery Process/Staff Learning Curve
- Technical Support Request to develop concepts:
  - School and Fire Districts
  - Larger or innovative jurisdictional requests
    - i.e., microgrids and Curbside Charging
  - Entities with vendor support didn't request technical support

# Review Process to Date

- TAM convened Steering Committee with MCE, MTC, BAAQMD and TAM staff
  - Support for moving near-term projects into existing programs where feasible.
- Questions for steering committee
  - How to advance small EVSEs projects at multiple locations?
  - How to support transition of Police and Truck fleets?
  - How to seed fleet transition planning?
  - Supporting Conduit to vendors? Vendor workshop/learning sessions?
  - How to advance pilots?
- TAM staff (with Potential Partner Agencies) has reached out to near-term project sponsors, to define concept projects and offer technical assistance.



# How to Move Forward

TAM can lead some areas; Strong partnership from local agencies needed to advance most concepts

| Opportunities  | Description  | Potential TAM Role               | Partners/Lead Agencies                                   | Timeframe   |
|--|--|----------------------------------|--|-------------|
| Technical Assistance/<br>Outreach                                  | Vendor Workshops, EV Expos   | Lead                             | Private Vendors  | Near to Mid |
| Challenge Program  | TAM request Local Agencies to commit to specific amounts of Chargers/Sites/Vehicles  | Lead                             | Local Agencies, MCE, BAAQMD                              | Near to Mid |
| Collective Delivery Model/<br>Project Delivery Contracting Options | Potential joint procurements or grant applications, Potential RFP to Plan, Design, Build, Operate & Maintain EVSEs                   | Partner/<br>Support              | Local Agencies, MCE, BAAQMD, MTC                         | Near to Mid |
| EV Fleet Transition Planning                                       | EV Fleet Transition Plan Development   | Partner/<br>Support              | Local Agencies, MCE, MTC                                 | Mid to Long |
| Advance 3-5 pilots   | Yellow School Bus, Streetlight Charging, Street Sweepers, Solar Charging, microgrid projects, electric shared mobility, TAM Concepts | Partner/<br>Support/<br>Convener | Local Agencies, MGSA, School Districts, MCE, BAAQMD, MTC | Mid to Long |

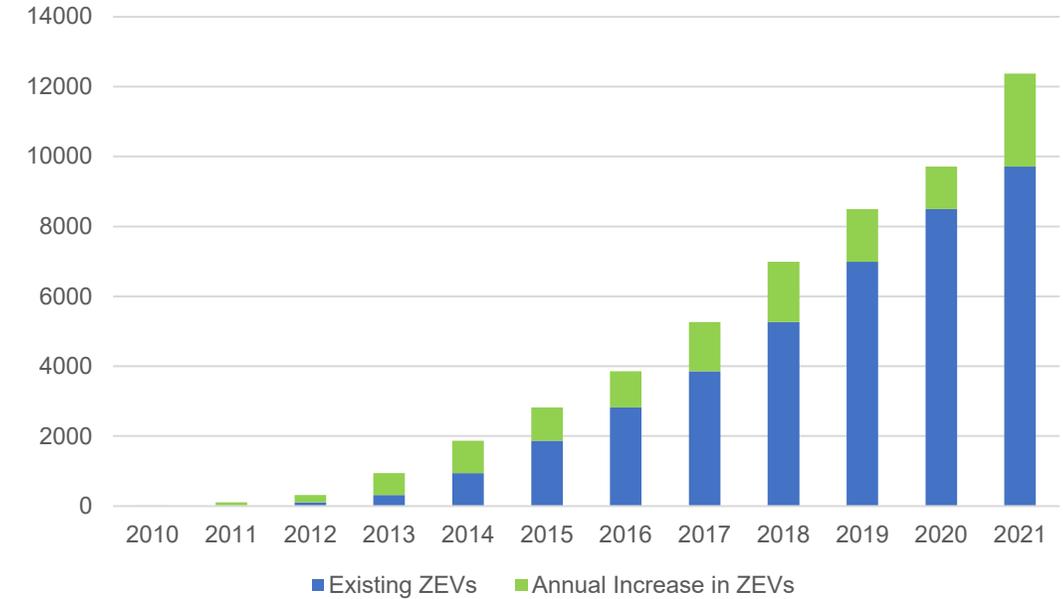
# Next Steps

- Gathering examples of innovative project pilots
  - Solar charging EVSEs
  - Vehicle to Facility/Vehicle to Grid
  - Curbside Charging
- Exploring potential EPC charging locations
  - MUF, Commercial, Public ROW locations
- Potential Challenge program
  - Request Cities to identify Sites/Chargers/Fleet Vehicles for Transition
- Explore collective delivery models/Project Delivery Streamlining Options
  - Coordinated grant application (BAAQMD Charge!/MTC Grant)
  - Potential RFP for Design/Build/Operate/Maintain Contractor
- Advance 3-5 pilots based on EV Concept Solicitation process
  - Grants expected in 2023



# Countywide EV Acceleration Strategy

- October 2020, TAM Board authorized \$54K in funding to MCEP for EV Readiness Plan, now called Countywide EV Acceleration strategy
  - MCEP subcommittee formed
  - Guiding Principles developed
  - Outreach conducted to stakeholders (jurisdictions' staff, community leaders, nonprofits, State agencies) to understand barriers and challenges to widespread EV adoption
  - Reviewed other agencies' plans and guidance from regional and State agencies
- Draft released in August
- Local Jurisdictions encouraged to identify and prioritize specific actions identified in plan
- TAM Board & City Council Presentations in Fall to Winter



- 9,709 ZEVs in Marin at the end of 2021

## Barriers To Adoption

|                                 |   |
|---------------------------------|---|
| <b>Vehicle Technology</b>       | <ul style="list-style-type: none"> <li>• EV range</li> <li>• Battery degradation</li> <li>• Lack of diversity in vehicle types</li> <li>• Lack of vehicle availability</li> </ul>   |
| <b>Charging</b>                 | <ul style="list-style-type: none"> <li>• Lack of publicly accessible charging locations</li> <li>• Cost to install (panels, transformers, loads)</li> <li>• Lack of wayfinding signage</li> <li>• Difficult to retrofit existing multi-family buildings</li> <li>• Cost and parking conflicts for multi-family buildings</li> <li>• Reliability of public chargers</li> </ul> |
| <b>Economics</b>                | <ul style="list-style-type: none"> <li>• Higher initial purchase or lease price of EVs</li> <li>• Complicated incentives (vehicles and chargers)</li> <li>• Cost of subscription, maintenance, electricity, etc. (public chargers)</li> </ul>   |
| <b>Perceptions and Behavior</b> | <ul style="list-style-type: none"> <li>• Misinformation about EV models, range, charging, etc.</li> <li>• Resistance to change/fear</li> <li>• Lack of dealership knowledge / interest</li> <li>• Lack of consumer knowledge</li> </ul>   |

# Countywide EV Acceleration Strategy – Actions

- 35 actions in four areas
  - Expectation that jurisdictions identify and prioritize specific actions for implementation
  - Sample Workplan provided in the appendix for this purpose
- Focus Areas:
  - Conduct Robust Community Outreach and Education (4 actions)
  - Support and Advocate for Policy and Funding that Accelerates EV Adoption (5 actions)
  - Accelerate Public Charging Infrastructure (15 actions)
  - Increase Municipal Fleet Electrification (11 actions)

# Local Jurisdiction Outreach Efforts & Recap

- In September 2021, TAM provided \$4,500 in funding to all 12 local jurisdictions for short-term EV Outreach.
- Local Climate Action Plans typically identified community engagement and outreach to support EV adoption.
- To date, 11 jurisdictions have executed agreements with TAM; invoices are coming in now
- March – May 2022:
  - Cool the Earth, rebranded as Ride and Drive Clean conducted 5 online events, 4 in-person events.
  - Activation of volunteers and support for EV adoption from staff, sustainability commissions
- In Spring 2022, County of Marin released RFP for \$300K for 2 years of EV Consumer Outreach.
  - Contract is expected in Fall 2022, and TAM will continue to coordinate with this effort

# TAM Outreach Plan Approach

- **Evolving Program Goals**
  - Accelerate EV charging installations on public property in Marin County
  - Accelerate EV fleet investments in public agency fleets
  - Improve consumer awareness of programs that support and enhance equitable access to EVs and EV Infrastructure
- **Identify Target Audiences**
  - Includes School, Water, Sanitary Districts Emergency Response/ Fire & Police Departments & Others
- **Identify Key Challenges**
  - Exploratory discussions with Agencies completed
  - Build on LOI barriers
- **Focus on Equity and building on TAM strengths**
  - TAM as Convenor, Facilitator, and technical experts

# Outreach Plan – Addressing Equity

- Conducted Equity research in EV space
- Initial Workshop with local agencies to identify:
  - Potential strategies, roles of each agency
  - Identify potential CBO Partners
- Start with EV Charging Opportunities
  - Build an understanding/approach
  - Potential School based deployments of EVSEs/Targeted MUF outreach
  - Where other E-Mobility solutions should be prioritized
- Support community-led conversations related to prospects for bringing E-Mobility to their areas
- Addresses short term opportunities, and develops larger vision for EPCs



# Draft Outreach Plan Tactics

- In addition to Equity focused Program, TAM outreach Plan Includes
- Develop Marketing materials:
  - As needed updates to TAM toolkits for public agencies
  - Development of local successes as example case studies
  - Updates to TAM website & Online Materials
- Data Tracking
  - Regular tracking of EV metrics including sales, registration and EVSEs and other relevant data.
- Live Online Events
  - 3x annual events planned
  - Focused online event for school districts, Police and Fire Department specific event, and one TBD potentially equity
- EV Expo/ E-Mobility Technology showcase for Public Agencies
  - showcase various fleet vehicles with speaker presentations on the fleet perspective of transportation electrification
  - sponsorships/partnerships with other agencies to help offset the costs,
  - position event as a regional leadership opportunity
  - Public welcomed and Private Fleet invited too

# FY 21/22 to FY 22/23 Program Budget

## *FY21/22 Budget Highlights*

- Expenditures remain under budget \$171,163
- Rebates and invoices continue to lag behind project closeouts
- MCEP EV readiness plan ~\$13,170, significant budget remaining
- Local Jurisdiction outreach support ~\$26,970 invoiced, \$54,000 Allocated
- Technical Assistance – Outreach plan development, equity research and LOI Process ~\$83,920
- EVSE and Fleet Rebates ~\$47,000

## *Budget For FY 22/23 and future years*

- \$345K Budget carried forward based on previous Board direction
- Moving forward, staff will revise budget based on program need

# Summary – Proposed FY2022-23 AFEV Program

- Program has been successful so far, needs are evolving
- Proposed major program elements for FY2022-23
  1. Request every local jurisdiction to accept Countywide EV Acceleration Plan
  2. Continue Rebates for public chargers and fleet vehicles (with revisions to fleet rebate program)
  3. Explore development of EV Fleet Transition Plans with MCE (and as part of fleet rebate program)
  4. Explore a potential Challenge Program for Local Agencies
    - Request to commit to Specific Number of Installations and Fleet Purchases
    - Supports Coordinated grant efforts/Pipeline of projects identification
  5. Advance 3-5 pilots based on EV Concept Solicitation process
  6. Explore collective delivery model/Project Delivery Contracting Options
  7. Finalize outreach plan and conduct program outreach

# Questions & Discussion

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Thank you!

Derek McGill

TAM Director of Planning

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**DATE:** September 22, 2022

**TO:** Transportation Authority of Marin Board of Commissioners

**FROM:** Anne Richman, Executive Director *Anne Richman*  
Scott McDonald, Principal Transportation Planner

**SUBJECT:** Marin-Sonoma Bike Share Pilot Program Update (Discussion), Agenda Item No. 10

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## **RECOMMENDATION**

No action is needed. This is a discussion item only.

## **BACKGROUND**

In July 2018, TAM and the Sonoma County Transportation Authority (SCTA) signed a cooperative agreement for joint implementation of a Bike Share Pilot Program after receiving an \$826,000 grant award from the Metropolitan Transportation Commission (MTC). The funding was to provide an opportunity to connect bike share with the Sonoma Marin Area Rail Transit (SMART) corridor in Sonoma and Marin counties with SCTA being the lead fiscal agent. Following a competitive procurement process, in February 2020, SCTA approved a contract with Bolt Mobility (formerly Gotcha Mobility) for a scope of work including planning, launch, and operations of a three-year, 300 e-bike, pilot program.

In 2021, TAM, SCTA, Bolt Mobility, SMART, Golden Gate Bridge Highway & Transportation District (GGBHTD), Santa Rosa, Rohnert Park, Cotati, Petaluma, Novato, San Rafael, and Larkspur signed a Coordination Agreement establishing roles and responsibilities of the agencies and the operators. TAM and SCTA convened monthly working group meetings with all participating agencies to develop the program details, including public surveys, technical review of site options, and coordination of station permitting.

In June 2022, as the Program launch was in the final stage of planning, Bolt Mobility ceased communications with TAM and all other agencies involved in the Program. Staff received subsequent news about the company discontinuing operations and terminating its other pilot programs. On August 19, SCTA sent a letter to formally terminate the contract (based on guidance from TAM and SCTA legal counsels), with a sixty-day cure period. If the cure terms are not met, the contract would terminate in mid-October. The termination of the agreement with Bolt Mobility will effectively terminate the Coordination Agreement with all participating agencies, as well. The working group staff has been notified of this action, and SCTA staff presented an update of the bike share program to the SCTA Board on September 12, 2022.

## **DISCUSSION/ANALYSIS**

The grant funding for the Program comes from MTC with in-kind staff time contribution from SCTA and TAM for the local match. No funding from the grant has been spent to date. Therefore, based on discussions with MTC, there is a significant amount of flexibility to rescope the Program. Considerations moving forward include the timing of a new procurement process, whether a modified scope might be more viable, and whether to consider alternative programs other than bike share that also advance goals of reducing vehicle miles traveled and making first/last mile transit connections.

Staff plans to work closely with the TAM Board, SCTA, MTC, and the local agency partners involved in the bike share program to determine future options for collaborating on a regional program. Staff is also in communication with the City of Richmond, which launched a bike share program with Bolt Mobility in June 2021 through a grant from MTC, and with other vendors interested in providing service in Sonoma and Marin counties.

#### State of the Bike Share/Micromobility Industry

Like all forms of transit and transportation, the Covid-19 pandemic had a huge impact on micromobility trips and micromobility companies. In 2021, there was a marked recovery with the number of some systems and trips in North America surpassing 2019 levels. Monthly micromobility trips started to surpass 2019 ridership around the middle of 2021. In 2021, there were an estimated 205 bikeshare systems and 191 e-scooter systems across 298 cities in North America.<sup>1</sup>

However, despite reports of growth, ongoing supply chain issues and increasing operating costs have caused industry layoffs and ongoing market instability in 2022. MTC is monitoring some of these issues and will keep TAM and SCTA apprised as more information is reported.

#### **FISCAL CONSIDERATION**

The grant funding for the Program comes from MTC with in-kind staff time contribution from SCTA and TAM for the local match. No funding from the grant has been spent to date.

#### **NEXT STEPS**

Staff will continue to explore options and will return to the Board at a later time for further discussion or for the approval of a new recommendation.

#### **ATTACHMENTS**

Attachment A – Bike Share Pilot Program Staff Presentation



# Bike Share Pilot Program Update

TAM Board of Commissioners

September 22, 2022

# Program Overview

- Grant from MTC for \$826,000 for bike share program connecting to SMART in Marin and Sonoma counties
- Joint Program TAM and Sonoma (SCTA) oversight – with SCTA as funding/contract administrator for grant
- Contract with Bolt Mobility for system with 300+ bicycles in 7 cities along the SMART Corridor
- Coordination Agreement with TAM, SCTA, Bolt Mobility, SMART, GGBHTD, Santa Rosa, Rohnert Park, Cotati, Petaluma, Novato, San Rafael, Larkspur
- Working Group with Coordination Agreement parties and monthly meetings
- No funding from grant has been spent to date



# Contractor Scope of Work Summary

- 3-year pilot program
- Deployment of 300+ e-bikes
- Hiring local staff, warehousing facilities, and call center
- Service area and parking hub planning
- Outreach, marketing and public relations
- Safety program, including free or discounted helmets for members
- Pricing and memberships: Pay as you go, Monthly, Student/Military, Bulk purchase, Equity program
- Provide and maintain hardware, equipment, software, app, website, and data reporting
- System rebalancing and maintenance



# Summary of Program Activities

- February 2020 – Contract awarded to Gotcha Mobility
- 2020-2022 – Program development, including:
  - Development of Coordination Agreement with all participating agencies to establish roles and responsibilities, and permit system operations
  - Establish user pricing and memberships
  - Site planning and initial permit requests
  - Draft marketing plan and materials
- Bolt Mobility (Contract reassigned from Gotcha)
- Some pandemic-related delays

gotcha  
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COMING SOON

**SONOMA/MARIN COUNTIES**

The e-bikes you've been waiting for are coming soon to **Sonoma/Marin Counties, CA!** This e-bike share system will be a great way to get around in a sustainable way for your city...and your wallet.

USE PROMO CODE  
**BOLTCODE**  
FOR # FREE UNLOCKS

This program is brought to you in partnership by:

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# Bolt Mobility Operations Shutdown July 2022

- Bolt's team stopped responding to emails in June 2022
- TAM & SCTA notified working group of challenges and began legal review of options to terminate the contract
- News Reports in July 2022 began to discuss the company shutting down operations
- Bolt Mobility issued statement about ceasing operations in August 2022
- SCTA issued notice to Bolt Mobility to terminate contract for cause with 60-day cure period on August 19, 2022

# Activity Since July 2022

- SCTA and TAM Board items regarding contract termination
- SCTA/TAM began discussions with MTC to explore options for use of grant funding
- City of Richmond set up a new contract with Charleston Mobility, a group formed by former Gotcha Team
- Vendors interested in taking on the program have contacted SCTA/TAM

# Considerations for Next Steps

- Micromobility industry has been struggling due to a slow return to office work, supply chain issues, etc.
- Potential options:
  - Consider a revised scope with more flexibility in terms of bike/e-bikes/scooters, geographic areas, number of micromobility vehicles, duration of pilot
  - Consider waiting for industry stability
  - Consider alternative program that still moves toward the goal of VMT/GHG reductions, for example: e-bike library/short-term rentals, e-bike fleet subsidies, etc.

# Bay Area Bikeshare Update



TAM Board of Commissioners  
September 22, 2022

# Bay Area Bikeshare Programs



## Richmond (Gotcha/Bolt)

- System launched for 1 year (of a 3-year pilot), saw high theft and vandalism
- Bolt ceased operations July 2022
- City approved temporary stop gap contract in August 2022



## Fremont (HOPR):

- HOPR removed fleet (scooters and regular bikes) due to theft/vandalism issues not making it profitable to operate.
- City and HOPR remain on good terms.



## Bay Wheels (Lyft):

- System operates in San Francisco, San Jose and the East Bay (Oakland, Berkeley and Emeryville)
- System has seen high theft and vandalism during pandemic



## Bay Wheels Bikeshare System



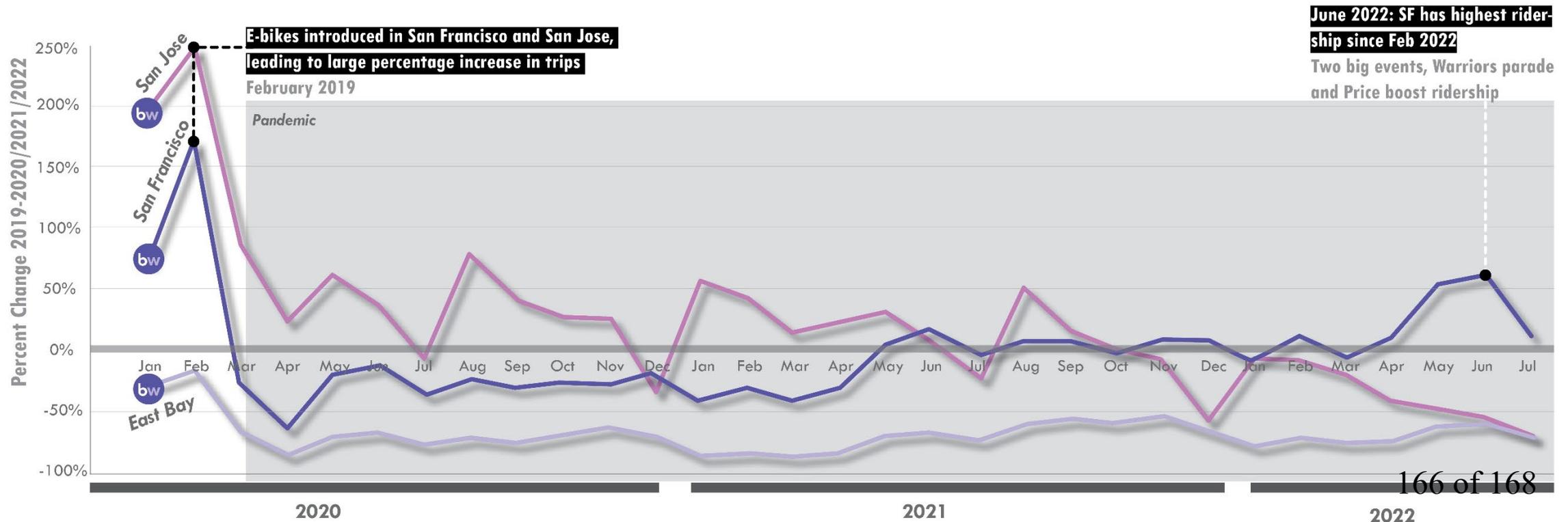
# Bay Wheels Ridership Compared to 2019

Bay Wheels system operates in essentially three subsystems: San Francisco is the anchor with ~90% of trips in July 2022

2020: Systemwide ridership down **-15%**, but East Bay ridership **down -64%** compared to 2019

2021: Systemwide ridership down **-20%**, but East Bay ridership **down -73%** compared to 2019

## Percent Change versus same month in 2019



# Next Steps

- Completion of 60-day “cure” period
- Consider framework for potential next generation program, along with partners and stakeholders
- Continue monitoring state of the industry
- Continue to explore options and return to the Board in the future for further discussion or to approve a recommendation

# Questions and Feedback

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Thank you!