



MEETING OF THE  
TRANSPORTATION AUTHORITY OF MARIN  
CITIZENS' OVERSIGHT COMMITTEE

July 18, 2022

5:00 p.m.

Virtual and In-Person Meeting

**Zoom Link:**

<https://us02web.zoom.us/j/89798286408?pwd=cXRhb0Y0QXJPL0pVZCt3SjVtTy8xdz09>

**Webinar ID: 897 9828 6408**

**Passcode: 071822**

**MEETING MINUTES**

Members Present: Peter Pelham, Major Marin Employers (Chairperson)  
Kevin Hagerty, League of Women Voters (Vice-Chairperson)  
Debbie Alley, Southern Marin Planning Area  
Jeffrey Olson, Central Marin Planning Area  
Charley Vogt, Northern Marin Planning Area  
Vince O'Brien, Bicycle & Pedestrian Groups  
Paul Roye, Ross Valley Planning Area  
Scott Tye, West Marin Planning Area  
Kate Powers, Environmental Organizations  
Allan Bortel, Marin County Paratransit Coordinating Council  
Zack Macdonald School Districts  
Kingston Cole, Taxpayer Groups

Alternates Present: Susannah Saunders, Ross Valley Planning area  
Kay Noguchi, League of Women Voters  
Nancy Okada, Environmental Organizations  
James Schmidt, Taxpayer Groups

Consultant Present: Bonnie Nelson

Staff Members Present: Anne Richman, Executive Director  
Li Zhang, Deputy Executive Director/Chief Financial Officer  
Bill Whitney, Principal Project Delivery Manager  
Dan Cherrier, Principal Project Delivery Manager  
David Chan, Director of Programming and Legislation  
Derek McGill, Director of Planning  
Jennifer Doucette, Executive Assistant/Clerk of the Board  
Molly Graham, Public Outreach Coordinator  
Scott McDonald, Senior Transportation Planner

Chairperson Peter Pelham called the Citizens' Oversight Committee (COC) meeting to order at 5:01 p.m.

**1. Introductions and Welcome**

Chairperson Pelham asked Jennifer Doucette, Executive Assistant/Clerk of the Board, to conduct the roll call. Ms. Doucette did so and confirmed that a quorum was present. Ms. Doucette stated the meeting order rules and instructions for the public to provide comments.

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

No public expression was received.

## **3. Review and Approval of June 20, 2022 Meeting Minutes (Action)**

Deputy Executive Director/Chief Financial Officer (DED/CFO) Li Zhang clarified the style of the minutes in response to Member Debbie Alley.

In response to Member Kate Powers, Ms. Zhang confirmed the recordings of the COC meetings are available upon request.

Member Scott Tye moved to approve the June 20, 2022 Meeting Minutes. Vice-Chairperson Kevin Hagerty seconded the motion, and the Minutes were approved unanimously.

## **4. Measure B Expenditure Plan Review (Discussion)**

Executive Director (ED) Richman started the staff presentation and confirmed that the COC would be asked to review and provide feedback on recommended revisions to the Measure B Expenditure Plan (EP) during this meeting.

ED Richman provided a summary of the process including the May 9 COC meeting with introduction and overview of the process and timeline, and June 20 meeting with funding recipients/program managers presentations by elements. She confirmed that questions submitted to staff following the June 20 meeting were sent to the funding recipients/program managers and a list of the questions along with answers have been included in the packet.

ED Richman confirmed that staff was requesting feedback on potential changes from the members during this meeting and would continue the public outreach process. She stated that according to the current schedule, the COC is expected to vote to on the final staff recommended changes to the EP at the September meeting, which staff would then present to the TAM Board for review and approval.

ED Richman explained the differences between the Measure B EP and Strategic Plan (SP), with the EP staying on a high level to maintain flexibility and the SP being used to address specific project/program implementation plans as well as performance measures. She confirmed a few of the comments from the COC, such as performance measure metrics will be addressed in the SP development process once the amended EP is approved by the TAM Board.

Bonnie Nelson, Consultant hired to facilitate the discussion, confirmed that the funds available from Measure B are limited, remain flat due to the fact that is a fixed fee, and that the need is always much greater. She summarized the process up to date: reaffirmed general process, heard from funding recipients and asked follow-up questions, developed basic understanding of funds, and began discussion of possible changes in funding elements. Ms. Nelson stated that based on the feedback received tonight, and any other feedback received from the public and various stakeholders, including the local jurisdictions and Marin Transit, staff will draft a final proposal for consideration at the September meeting. She noted that an October COC meeting could be scheduled if the members could not reach a consensus at the September meeting.

Ms. Nelson restated what ED Richman reported which was that the EP should identify eligibility for funding, the distribution of funds, general reporting requirements and a timeline for review, and remain sufficiently flexible to allow amendments to meet the overall goals of the EP. In response to Member Tye, Ms. Nelson stated that the SP, was the more appropriate document to stipulate performance measures and reporting requirements for each of the elements.

Ms. Nelson reminded the COC briefly about what is funded under each funding element. and provided an overview of the members' feedback from the June 20 meeting: the need to confirm that the funds are being used to benefit fee payers; members appeared to favor the prioritization of programs that could leverage other funding; innovative ideas and pilot programs should be encouraged, particularly where a small amount of funding would make a significant

difference; program managers should report on measurable performance results; cost-effectiveness and benefits targets for programs should be considered; interim review of the EP if desired; the need to increase funding for non-motorized transportation to include storm water and flooding issues, and increase the funding share for certain program, especially for senior mobility under Element 2 and electrical vehicle (EV) infrastructure needs under Element 3.

ED Richman introduced the current staff proposal for review and discussion, which is no changes to the funding percentage distribution in the EP, but converting the formula-based Local Streets and Roads (LS&R) Maintenance Program, Element 1.1, to a competitive-based program that focus on bike/pedestrian/safety improvement that could potential benefit all users. ED Richman discussed the increase in funding to LS&R from Measure AA that was passed in 2018 and the state's Road Repair and Accountability Act (SB1) of 2017, and she noted that annual funding available has increased from \$10 million to over \$29 million since Measure B was passed. ED Richman also stated that Measure B provides less than 3% of the total annual funding for the LS&R Maintenance Program currently and that a competitive program for similar projects to Safe Pathways would be more visible and could encourage more strategic improvements and investments in the County. She confirmed the jurisdictions would still receive funding, but it would not be automatically based on formula rather than by project through a competitive process.

In response to Vice-Chair Hagerty, Director of Programming and Legislation David Chan confirmed that funding from SB1 could be used for repaving of the roads, and that he would need to research to confirm if funds could be used for routine maintenance, such as clearing trash and removing weeds.

Member Powers and ED Richman discussed the distribution of funds for Element 1.1 if they were switched to a competitive-based program. ED Richman stated that the funds would no longer be distributed by formula and that jurisdictions would be asked to submit projects for evaluation and approval based on a competitive process.

ED Richman clarified the term "safe pathways" in response to Member Charley Vogt, which she stated is a general term that relates to improving pathways. ED Richman noted that TAM has a Safe Pathways Program under Measure AA; that staff would issue call for projects, a evaluation committee would review and make recommendations based on applications, and TAM Board would approve the final project selection recommended. ED Richman stated that it is possible for a pathways project related to the Highway 101 and Approaching Roadway Study to be eligible for funding through Element 1.1, although she noted that some of the improvements are likely to be in the Caltrans right-of-way and would not meet the local improvements funding criteria.

Member Alley noted that a Class 1 pathway provides a protected multi-use path for bikers and pedestrians and separates users from the vehicular traffic, which make it safer for all, including the drivers.

In response to Alternate Kay Noguchi, ED Richman stated that the proposed changes have been forwarded to Kevin McGowan, Director of Public Works, City of Sausalito, and R.J. Suokko, Director of Public Works, Town of Corte Madera and Chair of the MPWA (Marin Public Works Association) for feedback. ED Richman stated that staff has not received any responses from the Marin Public Works Association at this time point.

Member Kingston Cole discussed his concern that small towns in West Marin would have inadequate resources to prepare applications for the competitive bid process. ED Richman stated that the County of Marin would apply on behalf of the smaller towns in West Marin and that TAM has received applications from small jurisdictions in the past.

Deputy Executive Director/Chief Financial Officer (DED/CFO) Li Zhang discussed a potential solution to guarantee funds for small jurisdictions. She also noted that TAM has retained consultants in the past to assist small jurisdictions in various grant application process.

In response to Vice-Chair Hagerty, ED Richman stated that the funds would be provided for capital projects and not for planning studies.

In response to Alternate Nancy Okada, ED Richman confirmed that the EP currently allows the funds under Element 1.1 to be used for roadway maintenance, and that the proposal is to shift funding to a program that focuses on improving or providing safer routes for bicyclists and pedestrians. ED Richman confirmed that local jurisdictions

have access to more substantial sources of funding for LS&R maintenance since the passage of Measure B, such as SB1, Measure AA and other local dedicated funds, and that Measure B funds currently contribute 3% of total funding. Alternate Okada stated that she would not favor the change and ED Richman confirmed that the proposal is still under discussion. She added that demand for safe pathway projects is greater than the funds available.

ED Richman discussed funding for the maintenance of eligible bike and pedestrian pathways under Element 1.2. She stated that there is no funding percentage change recommended to the Element but staff proposes to allow the TAM Board the discretion to use carry-over funds available under the current EP, and whenever the carry-over funds exceed \$250,000 under the amended EP for any countywide pathway planning, construction or maintenance projects. In response to Chairperson Pelham, ED Richman stated that sometimes when jurisdictions accumulate these funds, they don't expend them fully for various reasons. Mr. Chan noted the jurisdictions are required to contribute 50% and get reimbursed 50% of the funds.

In response to Member Cole, ED Richman stated that staff is proposing the TAM Board be given the discretion to direct funding the balance under Element 1.2 when it exceeds \$250,000, to high priority projects with countywide benefits.

Member Powers asked if the excess funds could be used for emergency road repair needs. In response, ED Richman stated that the funds are set aside for routine maintenance of eligible multi-use pathways, and it is not envisaged they would be used for emergency repairs. ED Richman stated that staff contacts jurisdictions that have unspent funds and DED/CFO Zhang noted that the allocated funds are relatively small and provided on a reimbursement basis.

In response to Member Jeff Olson, ED Richman stated that staff will provide a list of pathways that have received funding.

ED Richman discussed staff's proposal to maintain the 35% funding level for Improved Transit for Seniors & People with Disabilities under Element 2. ED Richman confirmed the agency's continued support for funding but that an increase to 45% as requested by Marin Transit staff is not favored because funding for another high priority in a different category would need to be reduced.

ED Richman discussed staff's proposal to maintain the 25% funding allocation for Reduced Congestion & Pollution under Element 3 relating to the three programs: Crossing Guard/Street Smarts; Commute Alternatives Program; and Alternative Fuel Promotion. ED Richman noted that there have been discussions on defining the funding percentages for each program, which staff is not recommending because the amount is relatively small and maintaining the flexibility among the programs within the element will allow programs to be delivered timely and cost-effectively.

ED Richman discussed possible amendments to the SP, which could include requirements for fund leveraging; carry-over funds and periodic reporting on the EP process every 5 years. Member Tye suggested that fund leveraging should be a requirement.

ED Richman summarized the proposed changes to the EP: converting the formula-based program to a competitive-based program for safe pathway projects under Element 1.1; allowing the TAM Board discretion to use accumulated carry-over funds above \$250,000 to address countywide bike/pedestrian pathway priorities under Element 1.2; and no changes are recommended for Elements 2 and 3 of the EP. ED Richman also confirmed that items such as performance metric and reporting requirement will be addressed through the SP development process.

ED Richman noted that staff will continue outreach and cooperation efforts with MPWA and the Marin Manager's Association (MMA)), Marin Transit and the public through various channels.

Member Vogt discussed EV charging station funding from the Infrastructure Investment and Jobs Act (IIJA) and asked if the agency would consider matching funds or grant opportunities for charging stations. Member Vogt also suggested that funding for Element 1.1 is decreased by 15% from 35% to 20% and funding for Element 1.2 is increased by 15% to 20% so they are a 50/50 percent match.

Member Sue Saunders noted that the funding from the IIJA is for Level 3 charging stations and that TAM should continue to support Level 2 charging stations, which she thought was more equitable, and she noted that there are insufficient charging stations at multi-use dwellings.

***The Committee recessed for a 10-minute break and reconvened with all members present as indicated.***

Alternate Okada discussed her concern that delivery truck companies are not paying towards road improvements. In response, ED Richman stated that TAM is not authorized to impose additional fees or taxes, and that TAM is authorized to collect the \$10 VRF by state statute. Mr. Chan noted that registration fees are higher for heavy duty vehicles.

Member Tye expressed his concern that the statute requires the \$10 Vehicle Registration Fee (VRF) to benefit those that are paying the fee and his belief that spending Measure B funds on pathway maintenance improvements does not benefit vehicle owners.

In response to Member Tye's question relating to the need of the VRF to benefit vehicle owners, ED Richman stated that there is a legal requirement for a nexus to exist between the fee payers and the expenditure of the funds. She confirmed that the requirement has been examined and that County Counsel will review the draft EP. Mr. Chan confirmed that other jurisdictions in the state also use the VRF for projects related to pathway maintenance.

Ms. Nelson confirmed with Ms. Doucette that no members of the public wished to speak or had submitted a comment by e-mail.

Ms. Nelson summarized the comments and concerns raised regarding the proposed changes to Element 1.1 and impacts to smaller jurisdictions with limited resources if the program became competitive; the effects of not providing funding to improve roadways but to fund pathway improvements; clarification requested on the paths that receive funding; how the IIJA will allocate funds for new charging stations along highways, and the continuing need to fund charging stations in other locations.

Member Vogt suggested that a funding compromise could be reached by increasing funding for pathway maintenance from 5% to 20% and decreasing funding for LS&R from 35% to 20%. Ms. Nelson noted that the 5% funding allocation is for pathway routine maintenance, and that the category could be broadened if funding is increased. Mr. Chan stated that each of the two categories would receive approximately \$425,000 annually if funding for Element 1.1 and 1.2 is divided equally.

In response to Chairperson Pelham, Ms. Nelson summarized the discussion that part of the funds will continue to be allocated by formula and another part by competitive funds.

DED/CFO Zhang reported on the concerns expressed by the Town Managers of Ross, San Anselmo and Corte Madera, and the City Manager of San Rafael. She stated that the Town of Ross receives approximately \$7,000 annually for LS&R based on the current formula, which would not have a significant impact on Ross. She also stated that the funds would be used more effectively; would continue to be distributed to local jurisdictions and would provide more flexibility in how they could be expended under staff's proposal.

Member Powers suggested that the EP is reviewed after 8 years and not 10 years.

In response to Member Allan Bortel, Ms. Nelson stated that staff is not proposing to move funds to Element 1 from other elements but confirmed that moving funds from one element to another is not prohibited. Member Bortel expressed his desire to increase funding for seniors and people with disabilities from 35% to 45% under Element 2 to support the increasing senior population. He suggested that funds from LS&R could be allocated to transit because other funding sources for streets and roads have increased significantly since Measure B was passed. Member Bortel also discussed his support for providing more funding for EV charging stations.

Vice-Chairperson Hagerty asked staff to elaborate on the concerns expressed by town and city managers relating to the proposed changes to Element 1, and he suggested reducing funding for Element 1 and increasing funding for Element 2 incrementally. Ms. Nelson explained that the proposal would be too complex for a relatively small amount of funding.

Member Cole expressed his tentative support of staff's recommendations but would like more feedback on the concerns expressed by town and city managers.

Member Powers suggested that funding from the Crossing Guard program under Element 3 be transferred to the transit category under Element 2 because the program receives significant funding from Measure AA.

Chairperson Pelham stated that he trusted staff to determine the efficiency of the programs and the funding needs.

ED Richman noted that the Crossing Guard program is allocated a share of funding in Element 3, to fund about 8 additional guards annually, and that removing the amount would necessitate a reduction in the number of crossing guards. Ms. Nelson stated that a reduction in guards would be noticed by members of the public and Member Bortel stated that he would support Member Powers' suggestion.

Ms. Nelson summarized the discussions: There is support for staff's proposals, but concern remains about whether LS&R funding should be entirely allocated by a competitive process or a portion should be distributed by formula; interest in moving funds from the LS&R or the Crossing Guard program to fund senior transportation programs; interest in requiring an earlier review of the EP at 8-year intervals; interest in more funding for EV and recognition that funding distribution might need to be revised in the future.

ED Richman stated that staff will review the members' comments and seek more feedback from partner agencies who benefit from TAM funding for further discussion at the next COC meeting.

Member Tye asked staff if they would provide feedback from partner agencies before the packets for the next COC meeting are mailed.

Vice-Chairperson Hagerty and Ms. Nelson discussed the options if consensus could not be reached among all COC members. Ms. Nelson stated that the aim is to find a compromise that all the members would not oppose, and she acknowledged that some members may not support the final staff proposal. She thanked the members for their support and respect towards each other's opinion during the discussions.

ED Richman administered the Oath of Office to Mr. James Schmidt, who was appointed by the TAM Board as the alternate to the Taxpayer Groups.

## **5. TAM Staff Report (Information)**

ED Richman presented a brief staff report. ED Richman reported on the ribbon-cutting ceremony to celebrate the opening of the section of the North-South Greenway Multi-use Path over Corte Madera Creek. She stated that the Director of the Department of Transportation (Caltrans), Tony Tavares, was present at the event and addressed the attendees. ED Richman also reported that the ground-breaking ceremony for the construction of the final segment of the Marin-Sonoma Narrows (MSN) between Novato and the Marin-Sonoma County line, is scheduled for Thursday, July 21, at 11 a.m. and all COC members are invited to attend.

ED Richman reported that TAM was awarded \$30 million by the State, of which \$20 million is for the Marin section of SR37, which is currently undergoing an Environmental Impact Report (EIR) process, and \$10 million is for flood control projects in Southern Marin in the area of Marin City.

ED Richman also reported on the San Rafael Canal Neighborhood Community-Based Transportation Plan (CBTP) update, which was developed by the City of San Rafael and identifies transportation challenges and potential solutions.

ED Richman noted that the original CBTP was published in 2006 and that the Plan has been approved by the City of San Rafael and will be reviewed by the TAM Board at the July 28 meeting.

ED Richman discussed Caltrans' plans to improve the Tamalpais Overcrossing over Highway 101 at Corte Madera and noted that the EIR on the project has been released for public comment through August 22. Finally, ED Richman reported on a Comprehensive Multi-Modal Corridor Plan (CMPC) for Highway 101 in Marin and Sonoma by Caltrans. ED Richman stated that a survey is available on the Caltrans website and a virtual webinar meeting is scheduled for July 21 from 5:30 p.m. – 6:30 p.m. ED Richman stated that the Plan will identify challenges and potential solutions for travel modes along Highway 101.

In response to Member Bortel, ED Richman stated that the State Supreme Court has not made a decision on Regional Measure (RM) 3 yet.

**7. Committee Member Hot Items Report (Discussion)**

Member Tye reported that Siemens is investing \$450 million in charging stations in the United States.

**8. Discussion of Next Meeting Date and Recommended Items for the Agenda**

The next meeting was tentatively scheduled for Monday, September 19, 2022.

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

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