



DATE: October 24, 2022

TO: Transportation Authority of Marin Citizens' Oversight Committee

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

SUBJECT: Measure B Expenditure Plan Review (Action), Agenda Item No. 4

RECOMMENDATION

Staff recommends that the Citizens' Oversight Committee (COC) supports the proposed amendments as shown in Attachment A and refers them to the TAM Board for review and release for the 45-day public comment period.

BACKGROUND

In March 2022, the TAM Board approved the Measure B Expenditure Plan Review schedule and timeline, which was presented to the COC initially at its March 2022 meeting. Staff then presented additional information to the COC at the May, June, and July 2022 meetings in advance of preparing proposed amendments for the COC to support in October. The COC also received presentations by sponsors currently receiving Measure B funding, public comments, as well as questions and discussion throughout the process.

The COC has taken on a significant role in the Measure B review process while considering new funding requests and potential changes, with the opportunity to present an advisory recommendation to the TAM Board. Based on the attached proposal shown in Attachment A, TAM staff will continue to develop details pertaining to the draft Amended Measure B Expenditure Plan for the review of the TAM Board. The Board will then commence a formal 45-day public comment period no later than January 2023, with adoption of the amended plan by March 2023.

DISCUSSION

Updated Proposal:

In July 2022, staff presented a proposal to convert the Element 1.1 (Maintain Local Streets and Roads) from a formula-based program to a competitive program where funds would be awarded on a competitive basis for projects that provide a benefit for bicyclists and pedestrians. Since that time, the Marin Public Works Association (MPWA) members have encouraged TAM to reconsider the proposal and maintain a formula-based program, which would still provide funds using the existing percentages to the cities, town, and County of Marin, with the requirement that all funds need to be used for specific bike/pedestrian pathways and safety improvement projects. TAM would establish project criteria, and the local jurisdictions would nominate projects within their available funding to establish a five-year list of projects to be delivered. TAM is

discussing with MPWA the details of this alternative proposal pertaining to Element 1,1, which is outlined within Attachment A. There have been no changes to the recommended amendments to the other elements since July, which are also outlined in Attachment A.

The current staff proposal will not fundamentally change the Measure B Expenditure Plan funding elements or percentages. The sole changes are within Element 1 (1.1 and 1.2) which will modify the process and requirements for distribution of funds within the existing element.

Legal Review

The Measure B Expenditure Plan states the following on page 19:

The spending priorities outlined in this Plan will be reviewed and the Plan will be amended and republished as necessary at least every 10 years. Amendments to the Plan will be approved by a two-thirds vote of the TAM Board.

A question was raised by a member of MPWA on whether Senate Bill (SB) 83 that enabled Marin's Vehicle Registration Fee (VRF) permits a revised Measure B Expenditure Plan to be approved by the TAM Board when the original Measure B Expenditure Plan was approved by Marin voters.

The question was presented to Marin County Counsel for review. Marin County Counsel affirmed that the TAM Board has the authority to approve a revised Measure B Expenditure Plan through a public process. Marin County Counsel reasoned that the Measure B ballot and the accompanying Expenditure Plan, originally approved by the voters, expressly stated that the Expenditure Plan could be amended, set forth the process regarding how it would be amended, and put voters on notice of the possibility that the Expenditure Plan would be revisited periodically for amendments.

Staff will share the legal opinion with MPWA to avoid ongoing uncertainty on this particular issue.

Language to Allow Future COC Membership Change

The current 12-member COC membership structure was originally set in the 2004 Measure A ½-cent Sale Tax Expenditure Plan. However, the voices of communities in Marin have been evolving. To make sure the COC membership structure can be reviewed and changed timely to reflect the needs of the various communities, especially those who are underserved, staff recommends amending language into the Measure B Expenditure Plan to allow the Board the authority to review and adjust the COC membership structure when necessary. More specifically, the TAM's Equity Statement and Action Plan is under review and development. As part of this process, staff would like to recommend the TAM Board to review the current COC membership structure with the potential to add one or more new seats to address the needs and voices of the Equity Priority Communities in Marin.

FISCAL IMPACTS

Any changes approved to the Measure B Expenditure Pan would go into effect as of July 1, 2023.

NEXT STEPS

Staff will continue to seek input from MPWA regarding the project selection under Element 1.1 and work with MPWA to finalize the project selection criteria and process over the next few months. The final project list will be included in the 2023 Measure B Strategic Plan.

After the COC's review and confirmation, the amended Measure B Expenditure Plan will be presented to the TAM Board for review and release for a formal 45-day public comment period no later than January 2023, with adoption of the amended Plan by March 2023.

ATTACHMENTS

Attachment A: Summary of Proposed Amendments
Attachment B: PowerPoint Presentation

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Measure B Expenditure Plan – Summary of Proposed Amendments
October 24, 2022

Element 1.1 – Maintain Local Streets & Roads:

- Maintain the current 35% funding share
- Funds to be distributed to eligible local agencies based on population (50%) and lane miles (50%) shares.
- Only the Cities, Towns, and County of Marin are eligible recipients of funds from Element 1.1.
- Eligible local agencies submit eligible bicycle, pedestrian, and safety improvement projects to TAM for allocations based on five years of estimated fund collection. Project criteria to be developed by TAM in coordination with local jurisdictions.
- TAM will confirm the approved project list at the start of the five-year period.
- Timing of the availability of funds in the five-year period will be determined by TAM based on project readiness and cash availability.
- Estimated 5 Years of Revenue by Jurisdiction for Element 1.1 is shown below; adjustments to reflect actual revenue received during the 5-year period may be necessary, TAM will work with jurisdictions to ensure no negative impact on project schedule/delivery if any adjustments are needed.

Jurisdiction	5-Year Revenue
Belvedere	\$37,358
Corte Madera	\$140,721
Fairfax	\$105,174
Larkspur	\$150,912
Mill Valley	\$216,048
Novato	\$690,262
Ross	\$40,016
San Anselmo	\$169,409
San Rafael	\$746,755
Sausalito	\$105,678
Tiburon	\$132,788
County	\$1,289,879
<i>Total</i>	\$3,825,000

Element 1.2 – Maintain Class 1 Pathways:

- Maintain the current 5% funding share
- The TAM Board has the discretion to redirect carryovers at the sunset of the current expenditure plan (expected June 30, 2023) to any countywide pathway planning, maintenance or construction needs.
- To ensure future pathway maintenance funds are timely and effectively used, allow the TAM Board the discretion to redirect carryovers to any countywide pathway planning, maintenance or construction needs whenever the carryover exceeds \$250,000 under the amended Expenditure Plan.

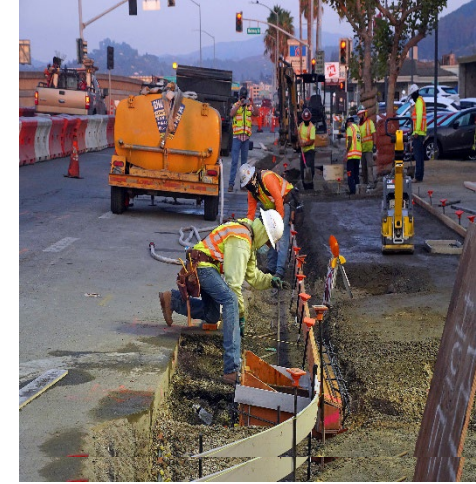
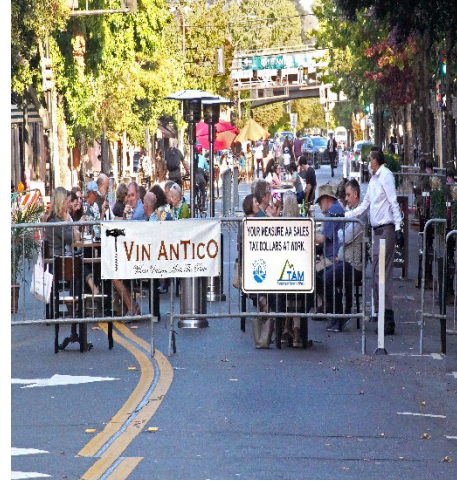
Element 2 – Improve Transit for Seniors & People with Disabilities:

- Maintain the current 35% funding share
- No changes recommended

Element 3 – Reduce Congestion & Pollution:

- Maintain the current 25% funding share
- No funding split recommendation for the sub-elements to maintain flexibility but address specific project/program funding needs in the Strategic Plan.

Applicable metrics for each element will be integrated in the development of the Measure B Strategic Plan.



Item 4 - Attachment B

Measure B Vehicle Registration Fee Expenditure Plan 10 Year Review

Transportation Authority of Marin

Citizens' Oversight Committee

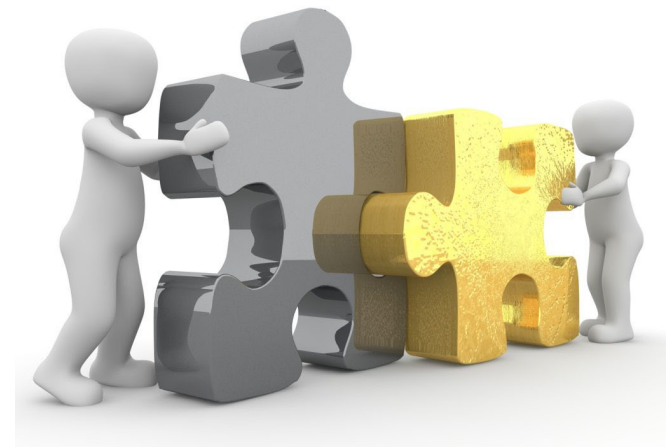
October 24, 2022

Review Timeline and Process



Accomplishments to Date

- Reviewed existing Expenditure Plan
- Heard from fund recipients and staff
- Asked questions of both staff and fund recipients
- Reviewed initial staff proposal and provided input
- Received public input



Current Expenditure Plan Overview

EXISTING EP	
Element	Share
1.1 – Maintain Local Streets (Formula)	35%
1.2 – Maintain Class 1 Pathways (Formula)	5%
2 – Improve Transit for Seniors & People with Disabilities	35%
3 – Reduce Congestion & Pollution	25%
3.1 - School Crossing Guards & Steet Smarts	
3.2 - Commute Alternatives	
3.3 - Alternative Fuel Infrastructure & Promotion	
Total	100%

Current Staff Proposal – Element 1.1

Element 1.1 – Maintain Local Streets & Roads:

- Maintain the current 35% funding share
- Funds will be distributed to jurisdictions based on the current 50% lane miles/50% population formula
- Jurisdictions to identify projects for bike/ped/safety improvements, in accordance with TAM-developed criteria
- 5-years worth of funds will be made available for allocation to provide certainty and help with timely delivery of projects.
- TAM will confirm the approved project list at the start of the five-year period.
- Timing of the availability of funds in the five-year period will be determined by TAM based on project readiness and cash availability.



Current Staff Proposal – Element 1.1

- Estimated 5 Years of Revenue by Jurisdiction for Element 1.1
- Expected Benefits:
 - Helps achieve goals of mobility and safety
 - Helps TAM as countywide agency strengthen countywide network
 - Funds discrete projects
 - Provides funding for projects that are not a good fit for state and federal funds

Jurisdiction	Estimated 5-Year Revenue
Belvedere	\$37,358
Corte Madera	\$140,721
Fairfax	\$105,174
Larkspur	\$150,912
Mill Valley	\$216,048
Novato	\$690,262
Ross	\$40,016
San Anselmo	\$169,409
San Rafael	\$746,755
Sausalito	\$105,678
Tiburon	\$132,788
County	\$1,289,879
Total	\$3,825,000

Staff Proposal – Element 1.2

Element 1.2 – Maintain Class 1 Pathways:

- Maintain the current 5% funding share
- Allow TAM Board the discretion to redirect carryover funds at the transition of the current expenditure plan (expected June 30, 2023) to any countywide pathway planning, maintenance or construction needs
- To ensure future pathway maintenance funds are timely and effectively used, allow the TAM Board the discretion to redirect carryovers to any countywide pathway planning, maintenance or construction needs whenever the carryover exceeds \$250,000 under an amended Expenditure Plan

Staff Proposal – Element 2

Element 2 – Improve Transit for Seniors & People with Disabilities:

- Maintain the current 35% funding share
- No changes recommended

Consideration/Discussion

- Recognize that senior mobility is a very high priority with Marin voters, want to continue the support of the programs but cannot increase the funding at the expense of other high priorities.

Staff Proposal - Element 3

Element 3 – Reduce Congestion & Pollution:

- Maintain the current 25% funding share
- No funding split recommendation in order to maintain flexibility, but can address specific project/program funding needs in the Strategic Plan

Consideration/Discussion

- Maintaining flexibility in the EP as currently constituted would best support the overall goal and provide helpful flexibility.
- The following considerations were reviewed, to conclude that maintaining the current Element 3 structure was most beneficial:
 - Crossing Guard/Street Smarts - loss of funds would result in loss of guards
 - Commute Alternatives Program - primarily Measure B funded
 - Alternative Fuel Promotion – currently entirely Measure B funded

Staff Proposal – Other Items

Staff recommends addressing the following COC recommendations/comments during the Strategic Plan process, which will be developed once the Amended Expenditure Plan is finalized:

- Performance metric requirements
- Periodic reporting on program/project progress and achievement
- Promote fund leveraging
- Define usage of carryover funds in Elements 1.2 and 3
- Periodic reporting on EP progress; staff recommends this rather than requiring a review of the EP earlier than every 10 years, in order to allow time to see effects of investments and to promote both stability and innovation in programs

Staff Proposal – Other Items

- Voices of communities in Marin have been evolving.
- Adding language into the Measure B Expenditure Plan to allow the Board the authority to review and adjust the COC membership structure when necessary
- The language will allow the TAM Board to review the current COC membership structure with the potential to add one or more new seats to address the needs and voices of the Equity Priority Communities in Marin as part of TAM’s Equity Statement and Action Plan review and development process



Actions Needed Tonight

- Review revised staff proposal
- Receive any additional public input
- Build consensus as a Committee on the staff proposal and make the recommendation to the TAM Board for review and release for the 45-day public comment period

Questions and Feedback

Thank you!

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