



MEETING OF THE
TRANSPORTATION AUTHORITY OF MARIN
CITIZENS' OVERSIGHT COMMITTEE

October 24, 2022

5:00 p.m.

Virtual and In-Person Meeting

Zoom Link:

<https://us02web.zoom.us/j/83771996786?pwd=NldTdnlqQ1cyOEZQWkV3aGNuL1RWQT09>

Webinar ID: 837 7199 6786

Passcode: 102422

MEETING MINUTES

Members Present: 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
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
Nancy Okada, Environmental Organizations
Kay Noguchi, League of Women Voters
James Schmidt, Taxpayer Groups

Consultant Present: Bonnie Nelson

Staff Members Present: Anne Richman, Executive Director
Li Zhang, Deputy Executive Director/Chief Financial Officer
Dan Cherrier, Principal Project Delivery Manager
David Chan, Director of Programming and Legislation
Grace Zhuang, Accounting and Administration Specialist
Jennifer Doucette, Executive Assistant/Clerk of the Board
Molly Graham, Public Outreach Coordinator
Scott McDonald, Principal Transportation Planner

Vice-Chairperson Kevin Hagerty called the Citizens' Oversight Committee (COC) meeting to order at 5:04 p.m.

1. Introductions and Welcome

Vice-Chairperson Hagerty asked Grace Zhuang, Accounting and Payroll Specialist, to conduct the roll call. Ms. Zhuang did so and confirmed that a quorum was present. Ms. Zhuang 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 July 18, 2022 Meeting Minutes (Action)

Member Kingston Cole moved to approve the July 18, 2022 Meeting Minutes. Member Charley Vogt seconded the motion, and the Minutes were unanimously approved.

4. Measure B Expenditure Plan Review (Discussion)

Bonnie Nelson, Consultant hired to facilitate the discussion, introduced the report and provided an overview of the previous discussions on the Measure B Expenditure Plan (EP), which included presentations from current funding recipients that receive the funds for various projects and programs, questions, and discussions on potential changes and improvements. Ms. Nelson also provided an overview of tonight's discussions, which would include a presentation by Executive Director (ED) Anne Richman. The review of the EP should conclude with a consensus vote to support staff's recommendations and any final proposed changes would be made by the TAM Board, which should adopt an updated EP after a 45-day public comment period.

ED Anne Richman thanked the members for their review and discussion of the proposed changes to the EP. She confirmed discussions on the EP update began at the March 21 COC meeting with a schedule of the review process. An overview of the current funding levels was provided at the May 16 meeting and the members provided feedback; the recipients of Measure B funds provided presentations at the June 20 meeting on how the funds were used, and staff presented an initial proposal at the July 18 COC meeting. ED Richman stated that staff has since met with funding recipients and has refined the proposal for the COC's final review and support. She confirmed that staff anticipates the TAM Board approving the recommended amendments to the EP by the March 2023 meeting, and any changes would go into effect July 1, 2023, at the start of the new fiscal year.

In response to Alternate Kay Noguchi, ED Richman stated that FPL is the Funding, Programs & Legislation Executive Committee, which will review the proposed changes to the EP prior to review by the TAM Board.

ED Richman stated that the members have reviewed, provided input and heard from the public throughout the process. She noted that the fee generates approximately \$2.3 million per year, and that the Measure AA sales tax currently generates about \$34 million annually. ED Richman provided a brief overview of the funding categories under the EP: 35% of the revenue funds for Element 1.1, Maintain Local Streets by formula; 5% of the revenue funds Element 1.2, Maintain Class 1 Pathways by formula; 35% of the revenue funds Element 2, Improve Transit for Seniors & People with Disabilities; and 25% of the revenue funds three programs under Element 3, Reduce Congestion & Pollution, including Element 3.1 - School Crossing Guards & Street Smarts; Element 3.2 - Commute Alternatives; Element 3.3 - Alternative Fuel Infrastructure & Promotion.

ED Richman discussed the staff proposal, which focused mainly on changes to Element 1.1, and some changes to Element 1.2. ED Richman stated that a prior proposal recommended converting the distribution of the funding under Element 1.1, currently a formula based on 50% population/50% lane miles to the local jurisdictions, to a competitive program for bicycle and pedestrian improvement projects. Following discussions with the COC, Marin Managers Association (MMA), and Marin Public Works Directors (MPWA), staff worked with MPWA and came up with a compromise, which was endorsed by the MPWA at its October 20 meeting.

ED Richman stated that the current proposal for Element 1.1 is to maintain the 35% funding share, with an amount to each jurisdiction under the current formula; that the jurisdictions would identify projects for bicycle and pedestrian safety improvements, and TAM would allocate 5 years' worth of funds to each jurisdiction for the projects identified. ED Richman stated that the TAM Board would approve the project list. She noted that the proposal would benefit TAM by helping to achieve the agency's goals to promote mobility, safety and active transportation; it supports TAM's role as a countywide transportation agency; and provides funding for projects that might not be a good fit for state or federal funds.

ED Richman discussed the proposed changes to Element 1.2, which provides approximately \$100,000 for pathway maintenance annually. Staff is proposing that the TAM Board is given the discretion to redirect the carryover funds to any countywide pathway, planning or maintenance project upon sunset of the current EP, and in the future, to allow the Board to disburse carryover funds exceeding \$250,000 to similar projects, while encouraging recipients to use the funds before they are redistributed.

ED Richman discussed the proposal to maintain the 35% funding level for the transit programs under Element 2 and noted that an increase in funding would result in a decrease in funding for other priorities. She also stated that staff is proposing to maintain the 25% funding share for programs under Element 3 and continue to allow flexibility to allocate funds to where they are most needed by not specifying the percentage shares for the three programs under Element 3. ED Richman noted that a reduction in funding would result in fewer crossing guards and that the Commute Alternative and Alternative Fuels Programs rely on Measure B funds.

ED Richman stated that COC members have expressed interest in performance measures, reporting and fund leveraging, which staff is recommending are addressed during the Strategic Plan (SP) process. Staff also recommends providing the COC members with regular updates, rather than undertaking a complete review of the EP more frequently than 10 years. She reminded the members there is language in the EP that allows for it to be reviewed earlier than 10 years should it be considered necessary.

ED Richman discussed a proposal to allow the TAM Board the potential to create one or more new positions on the COC to address the needs of equity priority communities in Marin.

ED Richman asked the members and the public to provide comments on the proposed changes to the EP. She expressed a desire to reach consensus on the proposed changes and for the COC to make a recommendation to the TAM Board.

Member Debbie Alley discussed her support for establishing metrics to determine the success of programs and for the COC's periodic review of the SP. In response to Member Alley, ED Richman stated that the SP is reviewed and updated every 2 years, which would provide the members an opportunity to review the programs and recommend adjustments. Member Alley suggested an annual review and Li Zhang, Deputy Executive Director/Chief Financial Officer (DED/CFO), stated that most funding recipients, such as Marin Transit, provide updates on an annual basis.

Member Vogt commended staff for their considerable effort in reaching a compromise with the recipients of Element 1.1 funds and confirmed his support for staff's proposal. In response to Member Vogt, ED Richman clarified the distribution of funds under Element 1.1, which would be for the total of the 5-year period. Member Vogt stated his full support of the recommendation to create a new position on the committee that represents diversity.

In response to Vice-Chair Hagerty, ED Richman acknowledged that it would be difficult to meet the cash flow needs of the total \$3.8 million under Element 1.1 if all the recipients requested their cash in the first year. She stated that it is envisaged the funding requests would be submitted intermittently. DED/CFO Zhang noted that TAM typically works with the funding recipients on an agreed cash reimbursement schedule during the development of the funding agreement with the hope that no project would be delayed simply because of cash availability.

Member Kate Powers expressed her appreciation to staff and Ms. Nelson for guiding the members through the EP update process. In response to Member Powers, Director of Programming and Legislation David Chan clarified the funding table for Class 1 Bicycle and Pedestrian Pathways. He stated that the amount of funding is determined by the length of the pathway and that two more pathways are anticipated to be added to the list. As such, the amount of funding for each pathway will be changed.

Member Powers expressed concern that reviewing the EP every 10 years might be inadequate to meet the demands of climate change and the effects of electric vehicle (EV) legislation. In response, ED Richman stated that EP review can be triggered by reasons such as large-scale changes affecting transportation priorities, or by Senate Bill 83, the legislation enabling the fee. She added that the TAM Board, staff and the COC could review the EP sooner than 10 years should it be considered necessary. In response to Member Powers' request for examples of metrics that could be used to determine the success of a program, ED Richman noted that Marin Transit presents ridership numbers, costs per rider and trip length averages at its annual presentation to the COC, and TAM records the number of EV charger installations in the County. DED/CFO Zhang reminded the members that the COC can review and provide feedback on most of the issues as part of the SP update and during the project/program annual reports.

In response to Member Jeff Olson, DED/CFO Zhang explained that pathway maintenance funding is based on reimbursement and that the total amount available for a specific pathway may not be spent fully depending on the actual maintenance needs. Member Olson requested a map showing the paths that receive funding.

In response to Member Allan Bortel, Mr. Chan stated that the TAM Board has defined eligible costs as routine maintenance, such as cleaning, graffiti removal and garbage collection; and that it does not include resurfacing or structural repairs, which are considered major maintenance.

Alternate Susannah Saunders expressed her support for creating a more diverse COC and she asked staff to clarify the funding amounts for the three sub-categories for Element 3. ED Richman confirmed that staff is not recommending a specific percentage for each of the three sub-categories in order to allow flexibility that enables the programs to be delivered in the most cost-effective way. Staff also recommend that any carryovers are addressed through the SP and through the budget process, which has been the practice for the past 10 years.

Vice-Chair Hagerty asked if any members of the public wished to speak or had sent in an e-comment.

Marin County Bicycle Coalition (MCBC) representative Tarrell Kullaway asked if the COC will continue to meet after tonight's meeting. Ms. Kullaway expressed concern that the member representing bicyclists and pedestrians has not been attending COC meetings. Ms. Kullaway also spoke on behalf of Warren Wells of MCBC, who expressed concern that under Element 1.1, funding dedicated to bicycle and safety projects might also be spent on general safety projects that would not benefit the bicycle and walking community. She asked that the language be changed to ensure funding is only spent on bicycle and pedestrian improvements.

In response, ED Richman stated that the COC is an ongoing committee and meets on a regular basis, usually every other month, and that additional meetings have been scheduled to review and discuss changes to the Measure B EP. She also noted that the representative for bicyclists and pedestrians has attended meetings regularly during the EP process and was not available tonight. ED Richman explained that MPWA reviewed draft criteria for Element 1.1, which is primarily focused on bicycle and pedestrian improvements/safety.

WTB-TAM Director Matthew Hartzell requested the list of pathways that receive maintenance funding under the current Measure B EP is released to the public. Mr. Hartzell commended the addition of the Corte Madera Creek and East Francisco path to the list of pathways that receive maintenance funding under Element 1.2, and he asked if the pathway in Novato at the State Route (SR) 37 interchange could be added. Mr. Hartzell also requested that Element 1.2 receives a 1% increase in funding to 6%, which would represent a 20% relative increase, compared to a 1% decrease, a relative decrease of 3%, for a funding element that receives 35% of Measure B funds.

In response, ED Richman stated that the pathway list will be added to the TAM website and that pathways owned by the Sonoma Marin Area Rail Transit (SMART) are not eligible to receive funding under the Measure B EP. DED/CFO Zhang stated that in the EP, pathway maintenance funds could only be expended on paths that have been constructed since January 2008. Mr. Hartzell added that the pathway at the SR 37 interchange was likely built by Caltrans in the 1970s and is not a SMART pathway.

Mr. Wells asked if older pathways would be eligible for funding under Element 1.1. In response, ED Richman stated that the intention of Element 1.1 is to provide funding support to maintain newer pathways, rather than funding maintenance for older pathways constructed before 2008. DED/CFO Zhang added that the maintenance of effort, which intends to prevent the use of the funds to cover the shortfall or supplant other funds being used for projects/program prior to the approval of a new funding measure, was taken into consideration during the EP development process, which is why the EP specifies only pathways constructed after 2008 are eligible.

DED/CFO Zhang read a letter from Nancy Whelan, General Manager of Marin Transit, sharing her appreciation for TAM and the COC's continued support of the programs under Element 2, and her team's support of the final staff recommendation.

Member Vogt moved to approve staff's recommendation that the COC supports the proposed amendments to the Measure B EP, as shown in Attachment A, and refers them to the TAM Board for review and release of the 45-day public comment period. Member Cole seconded the motion, which was approved unanimously.

Vice-Chair Hagerty and ED Richman expressed appreciation for the COC and Ms. Nelson's facilitation of the Measure B EP review process over many months, which has been an excellent collaborative effort.

5. Formation of the FY2021-2022 COC/2022 TAM Annual Report Development Subcommittee and Approval of the Draft Development Schedule (Action)

Public Outreach Coordinator Molly Graham presented the staff report, which recommends the COC form a subcommittee to guide staff with the development process of the FY2021-22 COC/2022 TAM Annual Report and adopt the report development schedule.

Ms. Graham stated that staff anticipated the first meeting of the subcommittee to take place in November 2022. She noted that last year's subcommittee members were acknowledged for their effort on the back cover of the FY2020-21 COC/TAM Annual Report. She also noted that the project map and the timelines which provided an overall snapshot of what TAM has accomplished over the years, will be updated and included in the new report.

Ms. Zhang stated that staff is seeking five members for the subcommittee and that Member Bortel has agreed to serve on the subcommittee. Vice-Chairperson Hagerty and Member Cole, and Alternate Kay Noguchi and Alternate Saunders also volunteered to join the subcommittee.

Member Scott Tye commented on the continued improvements made to the Annual Report over time and he suggested the report adds information on how readers can obtain more hard copies.

Member Powers moved to appoint Vice-Chairperson Hagerty, Members Bortel and Cole, Alternates Noguchi and Saunders, to the FY2021-22 COC/2022 TAM Annual Report Development Subcommittee and approve the development timeline. Member Vogt seconded the motion, which was approved unanimously.

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

6. TAM Staff Report (Information)

ED Richman presented the staff report. ED Richman provided an update on the Marin Commutes Program, which was relaunched on October 1, 2022, with a new rewards program. The program provides incentives to those living or working in Marin to choose a method of transport other than single-car usage. Users can sign up for the program on the Marincommutes.org website to track their commutes and receive rewards.

ED Richman reported on a new rollout for the Street Smarts Program, "Eyes Up Marin", which includes new banners, yard signs and advertisements on buses, to promote safe behavior by all road users. ED Richman stated that TAM operates the program in conjunction with Safe Routes to School (SR2S) and the Crossing Guard Program, and the program is funded by Measure B. She added that the location of the banners was determined by crash and other traffic data.

ED Richman also reported on the following: "Walk, Bike and Roll to School Day" on October 12, which included participation by some of the TAM Board members and staff; additional training and safety programs that will be offered by SR2S in response to safety issues related to teenagers using electric bikes; staff's preparation of a progress report on the North-South Greenway and Cross-Marin Bikeway corridors to determine what work has been done and the gaps that still need closing; a presentation at the October 17 San Rafael Town Council meeting by the Golden Gate Bridge Highway and Transportation District (GGBHTD), which provided an update on the Transit Center Relocation Draft Environmental Impact Report (EIR). ED Richman stated that the Final EIR should be released soon, with a 30-day public comment period.

ED Richman also reported on a public meeting hosted by California Department of Transportation (Caltrans) on September 14 on the SR 37 Planning and Environmental Linkages (PEL) Study. The PEL discussion focused on a list of alternatives that would be carried forward to an EIR, and the study is anticipated to be completed by the end of the year. She also provided an update on the Marin-Sonoma Narrows (MSN) B7 construction project, which began in July 2022, and includes bridge widening and changing the alignment of some sections of the highway.

ED Richman reported on the community meetings and events staff has attended recently. She encouraged the members to contact staff if the organizations they represent would like a presentation on TAM projects/programs.

ED Richman and Member Bortel discussed the possible effects of inflation on the contract for the MSN project.

In response to Member Alley on the number of Marincommutes.org website users, Principal Transportation Planner Scott McDonald stated that approximately 900 commuters have signed up to the Marin Commutes Reward Program. He stated that growth is anticipated as the incentive program is ongoing, and that approximately 250 new users have been recorded in the last 30 days. Mr. McDonald discussed the incentives, which include the earning of gift cards from national retailers by using accumulated points and additional gift card drawings to encourage people to log trips.

In response to Alternate James Schmidt, ED Richman stated that she could ask GGBHTD staff if there is likely to be a direct impact on the location of the new transit station if SMART failed to extend its sales tax measure. Vice-Chair Hagerty stated that he had attended the SMART presentation at the San Rafael City Council meeting; that SMART's sales tax measure is effective through 2029; that the project should be completed by 2027; and that the historical elements of the Whistlestop building would be moved if the site is chosen for the new transit center.

In response to Alternate Nancy Okada, Vice-Chair Hagerty stated that it was reported at the San Rafael City Council Meeting there might be an opportunity for housing development on the current site of the bus transit building.

7. Committee Member Hot Items Report (Discussion)

Member Tye reported that transit operators in the cities and County of Los Angeles are addressing the effects of temperature increases caused by climate change on unsheltered bus stops. He also requested an update from Marin Transit staff at a future meeting and commented on a Sausalito pedestrian fatality caused by an e-bike rider. Member Tye discussed the problem with enforcing e-bike speed limits and suggested speed indicators could be used on bike paths. Finally, Member Tye discussed the urgent need to address sea-level rise with partner agencies.

ED Richman noted that staff will be providing a sea-level rise presentation to the TAM Board at the October 27 meeting.

Member Vogt commented on TAM's fiscal responsibility, which he stated TAM and the COC take very seriously and conservatively, in response to reports of the major construction delay and significant cost-overruns for the Golden Gate Bridge Suicide Barrier project. Member Vogt also commented on the MarinScope Community Newspapers, and he noted that there is a special edition on the Marin Rotary Club activities and Rotary Day of Service regarding EVs.

Member Powers discussed her support for a Main Transit presentation and noted that she has not been able to provide a report on the Marin Transit Board Meetings for many months partly because of the length of the Measure B discussions. She would support a 2022 report from Marin Transit General Manager Nany Whelan if she is available at the next meeting. Member Powers also reported that she nearly collided with two teenagers who were riding an e-bike without helmets and lighting, and she requested a presentation on TAM's Vision Zero program.

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

The next meeting was scheduled for Monday, November 21, 2022. Items for review will be the Draft 2022 Measure A/AA Sales Tax Compliance Audit Report and TAM's FY2021-22 Annual Comprehensive Financial Report (ACFR).

The meeting was adjourned at 6:45 p.m.