



# TRANSPORTATION AUTHORITY OF MARIN BOARD OF COMMISSIONERS MEETING

JANUARY 26, 2023

6:00 P.M.

## Zoom

<https://us02web.zoom.us/j/88155449529?pwd=eS9NOTJUMm9kT1ITekZZNXF0QXRvdz09>

Webinar ID: 881 5544 9529

Passcode: 389590

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### Belvedere

Nancy Kemnitzer

### Corte Madera

Pat Ravasio

### Fairfax

Chance Cutrano

### Larkspur

Kevin Carroll

### Mill Valley

Urban Carmel

### Novato

TBD

### Ross

P. Beach Kuhl

### San Anselmo

Brian Colbert

### San Rafael

Kate Colin

### Sausalito

Melissa Blaustein

### Tiburon

Alice Fredericks

### County of Marin

Mary Sackett  
Katie Rice  
Stephanie Moulton-Peters  
Dennis Rodoni  
Eric Lucan

As allowed by Assembly Bill 361, until further notice, the TAM Board will not be providing an in-person meeting location for the public to attend. 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:

<https://us02web.zoom.us/j/88155449529?pwd=eS9NOTJUMm9kT1ITekZZNXF0QXRvdz09>

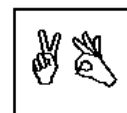
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**Teleconference:** Members of the public wishing to participate via teleconference, can do so by dialing in to the following number at 6:00 PM on the day of the meeting: **+1 669 900 6833**; Access Code: 881 5544 9529; Password: 389590

### How to provide comment on agenda items:

- Before the meeting: Please email your comments to [jdoucette@tam.ca.gov](mailto:jdoucette@tam.ca.gov), no later than 5:00 p.m. Wednesday, January 25, 2023, 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: Your meeting-related comments may be sent to [info@tam.ca.gov](mailto:info@tam.ca.gov), and 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.
- 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" by pressing \*9 and wait to be called upon by the Chair or the Clerk to speak. You will be asked to unmute your device when it is your turn to speak. Your comments will also become part of the public record.



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. 2023-02 in Compliance with AB 361 (Action) – **Attachment**
2. Annual Selection of TAM Chair and Vice-Chair (Action) – **Attachment**
3. Chair's Report (Discussion)
4. Commissioner Matters Not on the Agenda (Discussion)
5. Commissioner Reports (Discussion)
  - a. MTC Report – Executive Director Richman
  - b. Marin Transit Report – Commissioner Rice
  - c. SMART Report – Commissioner Lucan
6. Executive Director's Report (Discussion)
7. 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.)
8. CONSENT CALENDAR (Action) – **Attachments**
  - a. Approve TAM Board Meeting Minutes December 15, 2022
  - b. Review and Accept the FY2022-23 Second Quarter Financial Report
  - c. Funding Agreements with the California Department of Transportation and County of Marin for Marin City Flood Mitigation Projects
9. Adoption of Amended Measure B Expenditure Plan
  - a. Public Hearing on the Draft Amended Measure B Expenditure Plan – **Attachment**
  - b. Adoption of Amended Measure B Expenditure Plan (Action) – **Attachment**
10. Adopt the 2023 Legislative Platform (Action) – **Attachment**
11. De-Program and Re-Program Cycle 3 Local Partnership Program Formula Funds (Action) – **Attachment**
12. MTC's Funding Recommendations for OBAG & ATP Projects (Discussion) – **Attachment**



**DATE:** January 26, 2023

**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. 2023-02 in Compliance with AB 361 (Action), Agenda Item No. 1

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## RECOMMENDATION

The Board adopts TAM Resolution No. 2023-02 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. 2023-02 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. 2023-02 expires 30 days from the date of approval, which is February 25, 2023.

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. 2023-02.

### **NEXT STEPS**

All public meetings are expected to be held remotely for the duration allowed by TAM Resolution No. 2023-02. 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. 2023-02 expires on February 25, 2023. Given the anticipated expiration of the State of Emergency effective February 28, 2023, TAM staff will work with the Board Chair and Vice-Chair to transition back to in-person or hybrid meetings in accordance with that date and will keep the Board and public apprised of the implementation plan.

### **ATTACHMENTS**

Attachment A – TAM Resolution No. 2023-02

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

**TAM RESOLUTION NO. 2023-02****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 26th day of January 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Stephanie Moulton-Peters, Chair  
Transportation Authority of Marin

ATTEST:

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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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[www.marincounty.org/hhs](http://www.marincounty.org/hhs)

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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**DATE:** January 26, 2023

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

**FROM:** Anne Richman, Executive Director *Anne Richman*

**SUBJECT:** Annual Selection of TAM Chair and Vice-Chair (Action), Agenda Item No. 2

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## **RECOMMENDATION**

The TAM Board nominates and elects a Chair and Vice-Chair following the Executive Director's issuance of Oaths of Office to new Board members and any other preceding action items on the agenda.

## **BACKGROUND**

### Selection of a Chair and Vice-Chair

Pursuant to Section 104.1(a) of the Administrative Code, the TAM Board is required to elect a Chair and Vice-Chair in January of each year.

## **DISCUSSION**

None.

## **FISCAL IMPACTS**

None.

## **NEXT STEPS**

None.

## **ATTACHMENTS**

None.

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MEETING OF THE  
TRANSPORTATION AUTHORITY OF MARIN  
BOARD OF COMMISSIONERS

DECEMBER 15, 2022  
6:00 PM

**Virtual Meeting**

**MEETING MINUTES**

Members Present: Alice Fredericks, Tiburon Town Council  
Brian Colbert, San Anselmo Town Council, TAM Vice-Chair  
Chance Cutrano, Fairfax Town Council  
Charles Lee, Corte Madera Town Council  
Dennis Rodoni, Marin County Board of Supervisors  
Eric Lucan, Novato City Council  
Judy Arnold, Marin County Board of Supervisors  
Kevin Haroff, Larkspur City Council  
Maribeth Bushey, San Rafael City Council  
Mary Sackett, Marin County Board of Supervisors  
Melissa Blaustein, Sausalito City Council  
Nancy Kemnitzer, Belvedere City Council  
Stephanie Moulton-Peters, Marin County Board of Supervisors, TAM Chair  
Urban Carmel, Mill Valley City Council

Members Absent: Beach Kuhl, Ross Town Council  
Katie Rice, Marin County Board of Supervisors

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 and Payroll 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

*Chair Moulton-Peters called the meeting to order at 6:01 p.m.*

Chair Moulton-Peters welcomed everyone to the meeting and 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.

Executive Director (ED) Anne Richman issued oaths of office to Mary Sackett, representing Marin County Board of Supervisors – District 1, and Melissa Blaustein, representing the City of Sausalito.

**1. Adopt TAM Resolution No. 2022-18 in Compliance with AB 361 (Action)**

Commissioner Lucan moved to adopt TAM Resolution No. 2022-18 for compliance with AB 361, which was seconded by Commissioner Blaustein. A roll call vote was conducted, and the motion passed unanimously.

## 2. Chair's Report

### a. Outgoing Commissioner Recognition (Discussion)

Chair Moulton-Peters read commendations for outgoing Commissioners Arnold, Campbell, Cleveland-Knowles, Connolly, and Hillmer; and thanked them all for their dedication and service on the TAM Board.

Marin County Bicycle Coalition (MCBC) Policy and Planning Director Warren Wells expressed his gratitude for the outgoing commissioners' service and congratulated the newly appointed commissioners.

### b. Appointments to the TAM Executive Committees (Action)

ED Richman explained that vacancies exist on TAM's Executive Committees due to representatives stepping down from office. Per TAM's Administrative Code, "Membership to each Committee shall be as recommended by the TAM Board Chair and approved by a majority of the full TAM Board."

Chair Moulton-Peters recommended appointing Commissioner Cutrano, representing the Town of Fairfax, and Commissioner Colin, representing the City of San Rafael, to the Administration, Projects & Planning (AP&P) Executive Committee; and Commissioner Sackett, representing Marin County Board of Supervisors – District 1, and Commissioner Carmel, representing the City of Mill Valley, to the Funding, Programming and Legislation (FP&L) Executive Committee. In addition, Commissioners Fredericks and Kuhl would switch their current respective assignments: Commissioner Fredericks to FP&L and Commissioner Kuhl to AP&P.

Commissioner Arnold moved to approve appointments to the TAM Executive Committees, which was seconded by Commissioner Bushey. A roll call vote was conducted, and the motion passed unanimously.

Chair Moulton-Peters also reported on All Our Children United, the new community mural installed at the Highway 101 underpass connecting Sausalito and Marin City. The 200-foot mural features more than 500 stenciled handprints of local children on background colors that capture a sunrise to sunset color spectrum.

The mural represents the culmination of two years of planning, fundraising, and coordination with Caltrans and the County of Marin by a steering committee of local organizations that includes Marin City Performing Stars, Arts Plus Foundation, the Sausalito Foundation, and Sausalito Beautiful.

## 3. Commissioner Matters Not on the Agenda (Discussion)

None.

## 4. Commissioner Reports (Discussion)

### a. MTC Report – Executive Director Anne Richman

*ED Richman will provide the MTC report until a new appointment is made by the Marin County Council of Mayors & Councilmembers (MCCMC).*

ED Richman reported that in November, the Metropolitan Transportation Commission (MTC) adopted the Countywide Transportation Plan (CTP) Guidelines; the Bay Area Toll Authority (BATA) Oversight Committee heard an update on the Richmond San Rafael Bridge projects, including the UC Berkeley Phase 1 report findings and the status of the Forward projects; and MTC staff presented an update on implementation of Plan Bay Area, since adoption last year.

ED Richman also reported that in December, MTC staff presented a look ahead to the upcoming “Plan Bay Area 2050 Plus,” the next update to Plan Bay Area, which will include a “Connected Network Plan” – a long range vision for transit.

ED Richman further reported that the November 2022 election delivered some significant wins for MTC/Association of Bay Area Governments (ABAG) priorities, including several measures at the local level to sustain and increase resources for transportation and affordable housing; and that MTC staff will seek Commission approval for its Advocacy Program for 2023, which attempts to maximize transportation funds for the Bay Area and focuses on strategies to avert the transit operating fiscal cliff and rebuild ridership.

Lastly, ED Richman reported that MTC staff presented a look ahead at its Climate Initiatives funding program, including sub-programs for parking management, mobility hubs, and electrification.

**b. Marin Transit Report – Commissioner Colbert**

Commissioner Colbert reported that Marin Transit (MT) ridership is at 85% of pre-pandemic levels and continues to have one of the highest percentages of ridership recovery among all Bay Area transit operators; and that MT completed the installation of four electric bus charging stations, which are anticipated to be in full service by March 2023.

Commissioner Colbert also reported that based on positive assessment results of the Muir Woods shuttle relocation to the Larkspur Landing Ferry Terminal, this stop will continue to be used for weekend and holiday service through June 30, 2023 and will then be reevaluated.

Lastly, Commissioner Colbert reported that MT recently updated its Short-Range Transit Plan (SRTP), as required every two years. Under MTC’s financial projections, MT would face service cuts of 45% to 60% in the next two years, however, under MT’s projected revenues and expenditures, MT will continue to maintain service levels for the next five years. Future uncertainties with regard to the economy and costs, including labor, make longer term financial projections challenging.

**c. SMART Report – Commissioner Lucan**

Commissioner Lucan reported that the Sonoma Marin Area Rail Transit (SMART) is at 78% of pre-pandemic ridership; the SMART Board introduced changes to the guidelines for the Citizens Oversight Committee, including an allowance for new members, a call for applications will be released soon; and that Santa Claus was sighted on the SMART train during the successful Annual Toy Drive held on December 3rd.

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

ED Richman reported that a recent collaboration between the Safe Routes to Schools Program (SR2S), Mike's Bikes, and the Novato Unified School District (NUSD) resulted in free bike helmets for students at three Novato elementary schools: Loma Verde, Lu Sutton, and Lynwood.

ED Richman also reported that the Golden Gate Bridge, Highway, and Transportation District (GGBHTD) recently released the Final Environmental Impact Report (FEIR) for the relocation of the San Rafael Transit Center. The FEIR will be considered for approval on December 15 at the GGBHTD Transportation Committee Meeting, and on December 16 at the GGBHTD Board of Directors Meeting.

Lastly, ED Richman called attention to this month’s Caltrans report; and recent and upcoming TAM public outreach meetings.

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

Chair Moulton-Peters asked if any members of the public wished to speak or had sent an e-comment.

Tiburon resident and TAM Citizens' Oversight Committee (COC) member Allan Bortel inquired about the timeline and site for the San Rafael Transit Center Relocation project. ED Richman explained that the preferred alternative in the FEIR is to relocate the transit center across the street, near the former Vivalon building; and that the schedule is dependent on funding, including Regional Measure (RM) 3, which is currently in litigation. With the finalization of the FEIR, GGBHTD will move forward with the design and right-of-way phases of the project.

## **7. CONSENT CALENDAR (Action)**

- a. Approve TAM Board Meeting Minutes October 27, 2022
- b. Acceptance of Revisions to the TAM Financial Management and Accounting Procedures
- c. Approval of Revisions to the TAM Human Resources Policies and Procedures
- d. State Legislative Consultant Contract Extension
- e. Authorize Contract Amendment with Moffatt & Nichol for the North/South Greenway – Northern Segment
- f. Amendment to the Resilient State Route 37 Program Memorandum of Understanding (MOU) to Add the Sonoma Marin Area Rail Transit (SMART) District as a Party to Cooperatively Implement Mutual Corridor Responsibilities
- g. Approval of Scope Revision of San Anselmo's Innovation Program Funding
- h. Review and Acceptance of the 2022 Measure A/AA Compliance Audit Results
- i. Adopt Update to the Programming of FY21/22 TDA Article 3 Funds
- j. Acceptance of the Draft FY2021-22 TAM Annual Comprehensive Financial Report

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

Commissioner Arnold expressed her support for adding SMART as a party to the Resilient State Route 37 Program Memorandum of Understanding (MOU), so all partner agencies can work cooperatively to implement the projects.

## **8. Measure B Expenditure Plan Ten-Year Review and Recommended Amendments (Action)**

ED Richman introduced COC Chair Peter Pelham who explained the role of the TAM COC in the amendment process for the Measure B Expenditure Plan; and reported that the proposed changes continue to support the original projects and programs funded by Measure B with additional focus on bicycle and pedestrian improvements and increased autonomy for local jurisdictions.

ED Richman presented this item, which recommends that the Board reviews the Draft Amended Measure B Expenditure Plan and opens a 45-day public comment period. ED Richman reported that the Funding, Programs & Legislation (FP&L) Executive Committee reviewed the process and proposed amendments at its November 14, 2022 meeting, provided feedback and voted unanimously to refer the amendments to the full Board for review and for release for a 45-day public comment period.

ED Richman provided background information for the Measure B Expenditure Plan; an overview of the current Expenditure Plan; summary of Measure B investments over the past 10 years; steps and processes in policy and program development; and outlined the review timeline and process.

ED Richman also provided an overview of the COC's role in the Measure B Expenditure Plan review, including feedback from the COC, current funding recipients and other stakeholders.

ED Richman further provided an outline of the recommended changes for Element 1.1 and Element 1.2, and the proposal of maintaining current funding share and eligibilities for Element 2 and Element 3.

ED Richman provided an overview of the recommendation to add language into the Measure B Expenditure Plan to allow the Board the authority to review the current COC membership structure with the potential to add one or more new seats to address the needs and voices of Equity Priority Communities (EPCs). Membership review would be part of TAM's Equity Statement and Action Plan review and development process.

ED Richman also provided an overview of the recommendation to address metrics and performance reporting during the Strategic Plan process, which will be developed once the Amended Expenditure Plan is finalized.

Lastly, ED Richman reported that the Marin Public Works Association (MPWA), the COC, and the FP&L Executive Committee unanimously supported the staff proposal; summarized the recommended action and next steps; and that upon completing a review, Marin County Counsel had three non-substantive comments that will be incorporated into the Amended Expenditure Plan document.

In response to Commissioner Lucan, ED Richman explained that the 50% lane miles/50% population formula currently used for the distribution of the local streets and roads fund is updated every two years through the Strategic Plan process.

In response to Chair Moulton-Peters, ED Richman explained that the Element 1.2 funds are allocated annually and are limited to ongoing maintenance of Class I pathways.

Chair Moulton-Peters asked if any members of the public wished to speak or had sent an e-comment.

Mr. Wells thanked TAM staff and the COC for their work on the Measure B review process and expressed support for the focus of the Element 1.1 funding on active transportation. Mr. Wells also commented that Element 1.2 funds are limited to pathways built after the passage of the original Measure B Expenditure Plan.

San Anselmo resident and Senior Adviser to the MTC Citizens' Advisory Council Veda Florez expressed concern that the Expenditure Plan does not expand funding for senior transit services. Ms. Florez expressed support for the expansion of the COC membership to address language barriers and suggested changing the name of the COC to the Community Oversight Committee.

Chair Moulton-Peters commented that perhaps a reevaluation of the eligibility requirements for Element 1.2 funding may be warranted to include older pathways.

Vice-Chair Colbert expressed support of the Amended Measure B Expenditure Plan and thanked ED Richman and TAM staff for their efforts.

In response to Commissioner Cutrano, ED Richman explained that if significant comments are received during the 45-day public comment period that resulted in major changes, TAM staff would come back to the Board with an updated Expenditure Plan.

Commissioner Carmel moved to release the Draft Amended Measure B Expenditure Plan for a 45-day public comment period, which was seconded by Commissioner Cutrano. A roll call vote was conducted, and the motion passed unanimously.

**9. Receive State Route 37 (SR 37) Corridor Planning and Project Update Presentation**  
(Discussion)

ED Richman introduced Principal Project Delivery Manager Nick Nguyen, along with a team of Caltrans and MTC staff, to present this item for discussion.

MTC Deputy Executive Director Andrew Fremier provided an overview of the SR 37 corridor, including geographical map details and phased implementation.

Tammy Massengale, Caltrans Headquarters Coordinator Bay Area District 4, provided an overview of the Planning and Environmental Linkages (PEL) Study for SR 37, including addressing sea level rise (SLR), alignment options, evaluation criteria, preferred alternative and conceptual design, and implementation plan. Ms. Massengale reported that the Study was completed on December 15, 2022 and will be available to the public on December 19, 2022.

Caltrans Regional Project Manager Ahmed Rahid provided an overview of the US 101 to Atherton Avenue Flood Reduction Project, including project location, vicinity map, alternatives, funding and schedule.

Mr. Fremier provided an overview of the Sears Point to Mare Island Improvement Project, including the purpose and need, project alternatives under consideration, costs, and user benefits. Mr. Fremier also reported on the draft transit and rideshare implementation plan; public access improvement opportunities; phased adaption strategies; partnering with resource agencies; and project timeline.

In response to Vice-Chair Colbert, Mr. Fremier explained that feedback from Congressman Huffman included the need to coordinate with SMART, which has now been added as a party to the Cooperatively Implement Mutual Corridor Responsibilities in the Resilient SR 37 Program MOU; and to continue to build trust with the environmental community to advance the investments in resiliency.

In response to Commissioner Cutrano, Mr. Fremier explained that a congestion management strategy will be developed for the construction of the interim and ultimate projects and communicated to the public through the public communications team.

In response to Commissioner Lucan, Mr. Fremier explained that the causeway design will need to be coordinated with any new SMART corridor design and take geometry restrictions and connections to public and private access points into account. Mr. Fremier also explained that MTC, Caltrans and the other partner agencies are committed to as minimum of a footprint as possible while still providing safe operations for Caltrans maintenance staff and the California Highway Patrol.

In response to Chair Moulton-Peters, Mr. Fremier explained that the resource agencies are proposing improved design elements to restore the strip marsh and that widening the bridge at Tolay Creek improves this integral tidal flow area, which allows for increased investment in resiliency options that the resource agencies are planning as a component of the Baylands scope of work. Mr. Fremier also explained that the proposed moveable barrier option requires the least amount of bay fill and stays within the current footprint of SR 37. Ms. Massengale explained that logical termini and independent utility were assessed when identifying the eight project sections in the PEL Study. If funds are available, some sections could be combined into a larger project. Lastly, Mr. Fremier explained that in terms of proposed construction staging, traffic could remain on the existing alignment while a parallel east-bound viaduct is constructed, then traffic would move to the viaduct while a new west-bound viaduct is constructed.

Chair Moulton-Peters asked if any members of the public wished to speak or had sent an e-comment.

North Bay Leadership Council (NBLC) President/CEO Cynthia Murray commented on the importance of the SR 37 corridor to both the environmental and economic resiliency of the area; and expressed support for the interim and ultimate projects.



Mr. Wells expressed his support of the mitigation measures, including the Bay Trail gap closure near Sears Point; public transit service; the inclusion of a multi-use path in the ultimate project design; and the needs-based toll to address greenhouse gas (GHG) emissions. Mr. Wells also commented that buses used for transit service should have at least a 3-bike capacity.

Ms. Florez commented on the need for coordination with SMART and Pacific Gas & Electric (PG&E) during the design and construction phases of these projects; and suggested widening the eligibility requirements for needs-based toll reduction.

#### **10. Countywide Transportation Plan (Discussion)**

ED Richman introduced this item and explained that this is a preliminary preview for the forthcoming countywide transportation planning effort and that TAM staff will return to the Board with a more in-depth report in 2023.

Director of Planning Derek McGill presented this item for discussion, which included an overview of the development of the Countywide Transportation Plan (CTP), including building a community vision; planning for mobility; new and emerging challenges; historical planning efforts; plan elements; potential outcomes; current planning efforts; schedule; and support from local jurisdictions and transit partners.

In response to Commissioner Cutrano, Mr. McGill explained that an ad-hoc committee within the TAM Board will be created to assist in the plan development process.

Chair Moulton-Peters asked if any members of the public wished to speak or had submitted a comment by e-mail, and hearing none, closed this item.

*The meeting was adjourned at 8:28 p.m.*

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**DATE:** January 26, 2023

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

**FROM:** Anne Richman, Executive Director *Anne Richman*  
Finance and Administration Team

**SUBJECT:** Review and Accept the FY2022-23 Second Quarter Financial Report (Action),  
Agenda Item No. 8b

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## **RECOMMENDATION**

Staff recommends that the TAM Board reviews and accepts the FY2022-23 Second Quarter Financial Report.

## **BACKGROUND**

This report, along with all accompanying attachments, provides a summary of the financial activities for the period ending December 31, 2022, and covers TAM's revenue and expenditure activities from July 1, 2022 to December 31, 2022. Revenues and expenditures are presented on a cash basis for the period covered.

## **DISCUSSION/ANALYSIS**

### Revenue Highlights:

As of December 31, 2022, the total ½-Cent Transportation Sales Tax cash disbursements received from the California Department of Tax and Fee Administration (CDTFA) for the six-month period from July to December 2022 was \$17.96 million, which is 4% more than the total disbursements for the same period of FY2021-22.

As of December 31, 2022, TAM has received a total of \$1.19 million in Measure B \$10 Vehicle Registration Fee cash disbursements from the Department of Motor Vehicles (DMV) for the six-month period from July to December 2022, which is 2% more than the cash disbursement received during the July to December period last year.

TAM also received \$427.541K in interest revenue for the second quarter of FY2022-23, which includes \$422,812 from its investments in CalTRUST (Investments Trust of California), and \$4,728 from its cash in the checking and money market accounts with Bank of Marin.

### Expenditure Highlights:

Total expenditures through the second quarter of the year are about \$7.2 million. Please note all expenditures are reported on a cash basis and there are delays due to time needed by vendors to prepare and submit payment requests for work conducted in the first quarter of the year.

### Budget Amendments:

There are no budget amendments included in the FY2022-23 Second Quarter Financial Report. However, with the execution of the various funding agreements related to the Marin City Flood Mitigation Projects, the TAM FY2022-23 Annual Budget will be amended over the next couple of months to reflect the expected revenue distribution of \$10 million and the expected current fiscal year expenditure amount of \$3 million.

Investment with CalTRUST:

Attachment 7 of the staff report provides principal and interest earning details for each of the CalTRUST funds in which TAM invests. As of December 31, 2022, interest earning from all funds totaled \$422,812, unrealized loss was \$1,491,338 which is mostly from the agency's investment in the Medium-Term Fund due to the current financial market turmoil. Staff is closely monitoring the agency's cash flow needs and currently is not expecting any need to sell those funds in the near future. TAM also invested an additional \$11.1 million in the CalTRUST Liquidity Fund since project/program spending/expenditure reimbursement requests are usually much slower than budgeted the first half of the fiscal year.

**FISCAL CONSIDERATION**

None.

**NEXT STEPS**

The Third Quarter Financial Report for FY2022-23 will be provided for review and acceptance in April 2023.

**ATTACHMENTS**

- Attachment 1 FY2022-23 Budget to Actual Comparison as of 12/31/2022
- Attachment 2 Summary of FY2022-23 Budget Amendments as of 12/31/2022
- Attachment 3 FY2022-23 Revenue and Expenditure Report as of 12/31/2022 – Measure A Sales Tax Detail
- Attachment 4 FY2022-23 Revenue and Expenditure Report as of 12/31/2022 – Measure AA Sales Tax Detail
- Attachment 5 5.1: Monthly Measure A/AA Sales Tax Disbursement Comparison  
5.2: Annual Measure A/AA Sales Tax Actual Vs. Budget Comparison
- Attachment 6 FY2022 and FY2023 Monthly Measure B VRF Disbursement Comparison
- Attachment 7 CalTRUST Investment Monthly Interest Income by Fund
- Attachment 8 8.1: FY2022-23 Budget Revenue Overview by Funding Source  
8.2: FY2022-23 Budget Expenditure Overview by Category
- Attachment 9 Transportation Acronyms

**Attachment I: FY2022-23 Budget to Actual Comparison as of 12/31/22**

<b>Budget Line Items</b>	<b>Annual Budget</b>	<b>Actual 12/31/22</b>	<b>\$ Difference</b>	<b>Actual as % of Budget</b>
<b><u>Beginning Fund Balance</u></b>	<b><u>43,615,300</u></b>	<b><u>43,615,300</u></b>		
<b>REVENUES</b>				
Measure A/AA Sales Tax	34,850,000	17,966,002	(16,883,998)	51.55%
Measure B Vehicle Registration Fee Revenue	2,300,000	1,191,068	(1,108,932)	51.79%
Cities/Towns and County CMA Fee	550,000	550,000	-	100.00%
Interest Revenue	250,000	427,541	177,541	171.02%
MTC STP/CMAQ Planning & OBAG Grant Funds	1,228,121	149,284	(1,078,837)	12.16%
MTC Regional Measure 2 Fund	1,518,390	-	(1,518,390)	0.00%
State STIP PPM Fund	100,005	-	(100,005)	0.00%
Federal STP Fund	10,000	5,000	(5,000)	50.00%
Caltrans Safe Roads Marin Grant	72,000	-	(72,000)	0.00%
Realized Highway 101 ROW Excess Fund	225,000	20,259	(204,741)	9.00%
Marin Transportation For Clean Air Funding	350,000	175,098	(174,902)	50.03%
Regional TFCA Competitive Grants	63,727	19,577	(44,150)	30.72%
<b><u>Total Revenue Available</u></b>	<b><u>41,517,244</u></b>	<b><u>20,503,829</u></b>	<b><u>(21,013,415)</u></b>	<b><u>49.39%</u></b>
<b>EXPENDITURES</b>				
<b>Administration</b>				
Salaries & Benefits	2,979,000	1,306,809	1,672,191	43.87%
Agency-Wide Classification Study	25,000	-	25,000	0.00%
Office Lease	245,000	138,306	106,694	56.45%
Agency IT Related Equipment Upgrade	40,000	-	40,000	0.00%
Equipment Purchase/Lease	10,000	1,301	8,699	13.01%
Telephone/Internet/Web Hosting Services	25,000	10,437	14,563	41.75%
Office Supplies & Small Miscellaneous Items	31,000	14,403	16,597	46.46%
Insurance	15,000	14,682	318	97.88%
Financial Audit	23,000	-	23,000	0.00%
Legal Services	35,000	186	34,814	0.53%
Document/Video/Marketing Material Production	50,000	12,482	37,518	24.96%
Memberships	34,500	35,421	(921)	102.67%
Travel/Meetings/Conferences	31,500	5,129	26,371	16.28%
Professional Development	5,000	3,220	1,780	64.40%
Human Resources/Board Support	20,000	1,034	18,966	5.17%
Information Technology Support	45,000	10,640	34,360	23.64%
Annual Support & Upgrade of Financial System	10,000	-	10,000	0.00%
<b><u>Subtotal, Administration</u></b>	<b><u>3,624,000</u></b>	<b><u>1,554,050</u></b>	<b><u>2,069,950</u></b>	<b><u>42.88%</u></b>

**Attachment I: FY2022-23 Budget to Actual Comparison as of 12/31/22**

<b>Budget Line Items</b>	<b>Annual Budget</b>	<b>Actual 12/31/22</b>	<b>\$ Difference</b>	<b>Actual as % of Budget</b>
<b>Professional Services</b>				
Bellam Blvd 101 Off-ramp Improvements - Design & ROW	700,000	34,259	665,741	4.89%
Travel Model Maintenance & Update	100,000	-	100,000	0.00%
Traffic Monitoring, Reporting & Travel Model Data Requests	75,000	22,342	52,658	29.79%
Project Management Oversight	140,000	13,822	126,178	9.87%
State Legislative Assistance	46,200	19,250	26,950	41.67%
Financial Advisor/Sales Tax Audit Services	10,000	12,689	(2,689)	126.89%
Measure A/AA Sales Tax Compliance Audit	20,000	19,194	806	95.97%
N/S Greenway - Construction Design Support	250,000	34,365	215,635	13.75%
Public Outreach Service Support	40,000	5,745	34,255	14.36%
Vision Plan Update/Countywide Transportation Plan	150,000	-	150,000	0.00%
Safe Roads Marin - HSIP Caltrans	72,000	-	72,000	0.00%
Equity Framework	50,000	-	50,000	0.00%
Consulting Pool	10,000	6,758	3,242	67.58%
<b>Subtotal, Professional Services</b>	<b>1,663,200</b>	<b>168,424</b>	<b>1,494,776</b>	<b>10.13%</b>
<b>Measure A Sales Tax Programs/Projects</b>				
<u>Strategy 1 - Transit</u>	<u>2,445,230</u>	<u>1,119,410</u>	<u>1,325,820</u>	<u>45.78%</u>
<i>Substrategy 1.1 - Local Bus Transit Service</i>	<i>680,000</i>	<i>680,000</i>	<i>-</i>	<i>100.00%</i>
<i>Substrategy 1.2 - Rural Bus Transit System</i>	<i>55,080</i>	<i>55,080</i>	<i>-</i>	<i>100.00%</i>
<i>Substrategy 1.3 - Special Needs Transit Services</i>	<i>165,410</i>	<i>165,410</i>	<i>-</i>	<i>100.00%</i>
<i>Substrategy 1.4 - Bus Transit Facilities</i>	<i>1,544,740</i>	<i>218,920</i>	<i>1,325,820</i>	<i>14.17%</i>
<u>Strategy 3 - Local Transportation Infrastructure</u>	<u>406,545</u>	<u>-</u>	<u>406,545</u>	<u>0.00%</u>
<i>Substrategy 3.1 - Major Roads</i>	<i>163,105</i>	<i>-</i>	<i>163,105</i>	<i>0.00%</i>
<i>Substrategy 3.2 - Local Streets and Roads</i>	<i>243,440</i>	<i>-</i>	<i>243,440</i>	<i>0.00%</i>
<u>Strategy 4 - Safer Access to Schools.</u>	<u>537,870</u>	<u>-</u>	<u>537,870</u>	<u>0.00%</u>
<i>Substrategy 4.1 - Safe Routes to Schools</i>	<i>60,690</i>	<i>-</i>	<i>60,690</i>	<i>0.00%</i>
<i>Substrategy 4.2 - Crossing Guards</i>	<i>77,180</i>	<i>-</i>	<i>77,180</i>	<i>0.00%</i>
<i>Substrategy 4.3 - Safe Pathways to School</i>				
<i>Safe Pathway Capital Projects</i>	<i>400,000</i>	<i>-</i>	<i>400,000</i>	<i>0.00%</i>
<b>Subtotal, Measure A Programs</b>	<b>3,389,645</b>	<b>1,119,410</b>	<b>2,270,235</b>	<b>33.02%</b>

## Attachment I: FY2022-23 Budget to Actual Comparison as of 12/31/22

Budget Line Items	Annual Budget	Actual 12/31/22	\$ Difference	Actual as % of Budget
<b>Measure AA Sales Tax Programs/Projects</b>				
Major Road Set-Aside	5,000,000	-	5,000,000	0.00%
<u>Category 1 - Reduce Congestion</u>	<u>4,200,000</u>	<u>1,414,691</u>	<u>2,785,309</u>	<u>33.68%</u>
Category 1.1 - Completion of Marin-Sonoma Narrows				
MSN B7/B8 Design/ROW/Utility Work	1,400,000	1,200,569	199,431	85.75%
MSN B7/B8 Construction Design Support	400,000	-	400,000	0.00%
Category 1.2 - Match for Completion of 101/580 Direct Connector				
580/101 Direct Connector Project PID & PAED	1,100,000	105,679	994,321	9.61%
Category 1.3 - Enhance Interchanges	1,200,000	108,443	1,091,557	9.04%
Category 1.4 - Transportation Demand Management	100,000	-	100,000	0.00%
<u>Category 2 - Local Transportation Infrastructure</u>	<u>7,988,432</u>	<u>368,323</u>	<u>7,620,109</u>	<u>4.61%</u>
Category 2.1 - Local Roads	6,773,432	-	6,773,432	0.00%
Category 2.2 - Large Safe Pathways Capital Projects	1,000,000	368,323	631,677	36.83%
Category 2.3 - Sea Level Rise	100,000	-	100,000	0.00%
Category 2.4 - Innovative Technology	115,000	-	115,000	0.00%
<u>Category 3 - Safer Access to Schools</u>	<u>3,170,000</u>	<u>920,665</u>	<u>2,249,335</u>	<u>29.04%</u>
Category 3.1 - Safe Routes to Schools	970,000	379,856	590,144	39.16%
Category 3.2 - Crossing Guards	1,950,000	539,054	1,410,946	27.64%
Category 3.3 - Small Safe Pathways Capital Projects	250,000	1,755	248,245	0.70%
<u>Category 4 - Transit</u>	<u>14,643,464</u>	<u>961,521</u>	<u>13,681,943</u>	<u>6.57%</u>
Category 4.1 - Local Bus Transit Service	6,000,000	303,276	5,696,724	5.05%
Category 4.2 - Rural Bus Transit System	1,131,141	477,981	653,160	42.26%
Category 4.3 - Special Needs Transit Services	4,159,467	73,719	4,085,748	1.77%
Category 4.4 - School Transit Service	1,600,000	106,545	1,493,455	6.66%
Category 4.5 - Bus Transit Facilities	1,628,357	-	1,628,357	0.00%
Category 4.6 - Expand Access to Transit	124,499	-	124,499	0.00%
<b>Subtotal, Measure AA Programs</b>	<b>35,001,896</b>	<b>3,665,200</b>	<b>31,336,696</b>	<b>10.47%</b>
<b>Measure B VRF Programs</b>				
<u>Element 1 - Maintain Local Streets &amp; Pathways</u>	<u>2,357,095</u>	<u>-</u>	<u>2,357,095</u>	<u>0.00%</u>
Element 1.1 - Local Streets and Roads	2,257,095	-	2,257,095	0.00%
Element 1.2 - Bike/Ped Pathways	100,000	-	100,000	0.00%
<u>Element 2 - Seniors &amp; Disabled Mobility</u>	<u>950,000</u>	<u>307,604</u>	<u>642,396</u>	<u>32.38%</u>
Element 2.1 - Mobility Management Programs	100,000	38,911	61,089	38.91%
Element 2.2 - Paratransit & Low Income Scholarships	190,000	35,468	154,532	18.67%
Element 2.3 - Paratransit Plus	360,000	211,183	148,817	58.66%
Element 2.4 - Volunteer Drive & Gap Grant	300,000	22,042	277,958	7.35%
<u>Element 3 - Reduce Congestion &amp; Pollution</u>	<u>875,000</u>	<u>323,923</u>	<u>551,077</u>	<u>37.02%</u>
Element 3.1 - Safe Routes to School/Street Smart Program	175,000	100,000	75,000	57.14%
Element 3.2 - Commute Alternative Programs	350,000	131,988	218,012	37.71%
Element 3.3 - Alternative Fuel Vehicle Program	350,000	91,935	258,065	26.27%
<b>Subtotal, Measure B Programs</b>	<b>4,182,095</b>	<b>631,528</b>	<b>3,550,567</b>	<b>15.10%</b>

**Attachment I: FY2022-23 Budget to Actual Comparison as of 12/31/22**

<b>Budget Line Items</b>	<b>Annual Budget</b>	<b>Actual 12/31/22</b>	<b>\$ Difference</b>	<b>Actual as % of Budget</b>
<b>Interagency Agreements</b>				
Caltrans - N/S Greenway (Northern Segment) Construction	1,500,000	-	1,500,000	0.00%
Larkspur N/S Greenway (ORH)- Construction support	150,000	-	150,000	0.00%
San Anselmo - Hub Reconfiguration Phase I Study	9,000	-	9,000	0.00%
Caltrans - MSN B8 PS&E/ROW Support & Capital	225,000	74,856	150,144	33.27%
Larkspur - North-South Greenway Construction Management	200,000	-	200,000	0.00%
Various Agencies - Bike/Ped Path Maintenance	100,000	-	100,000	0.00%
Marin Transit - Bus Facility Lease or Purchase Contribution	1,100,000	-	1,100,000	0.00%
Marin County - Drake/Cole Improvement Project	68,000	-	68,000	0.00%
Caltrans - 580/101 Direct Connector PID	120,000	7,016	112,984	5.85%
Caltrans & Other - MSN B7 PS&E/ROW Support & Capital	450,000	3,208	446,792	0.71%
Caltrans - MSN B7 Construction Capital & Support	1,026,000	-	1,026,000	0.00%
<b>Subtotal, Interagency Agreements</b>	<b>4,948,000</b>	<b>85,080</b>	<b>4,862,920</b>	<b>1.72%</b>
<b>TFCA Programs/Projects Expenditures</b>				
North/South Greenway Construction	28,364	-	28,364	0.00%
TFCA - Reimbursement of Various Capital Projects	394,000	-	394,000	0.00%
<b>Subtotal, TFCA Programs/Projects</b>	<b>422,364</b>	<b>-</b>	<b>422,364</b>	<b>0.00%</b>
<b>Total Expenditures</b>	<b>53,231,200</b>	<b>7,223,692</b>	<b>46,007,507</b>	<b>13.57%</b>
<b>Net Change in Fund Balance</b>	<b>(11,713,956)</b>	<b>13,280,136</b>		
<b>Ending Fund Balance</b>	<b>31,901,344</b>	<b>56,895,436</b>		

Please note the budget to actual comparisons are presented on a cash basis and revenues collected and expenditures paid may not reflected the actual collection and work during the period.



**Attachment 2: Summary of FY2022-23 Budget Amendments as of 12/31/22**

***No budget amendments for the first two quarters.***

### Attachment 3: FY2022-23 Revenue and Expenditure Report as of 12/31/22 – Measure A

Budget Line	Interest	5% Reserve	1% Admin	4% Program	S - 1.1 Local Bus	S - 1.2 Rural Bus	S - 1.3 Para.	S - 1.4 Cap. Imp.
<b>REVENUE</b>								
FY2022 Accrual Balance	4,122,059	4,021,844	56,750	11,749	166,231	1,920	5,752	1,439,115
FY2023 Revenue	34,616	-	(88)	(367)	(3,485)	(282)	(847)	(566)
<b>EXPENSES</b>								
<b>ADMINISTRATION</b>								
Salaries & Benefits			21,337					
<b>PROFESSIONAL SERVICES</b>								
N/S Greenway - Construction Design Support	25,885							
<b>MEASURE A SALES TAX PROGRAMS/PROJECTS</b>								
Strategy 1 - Transit		1,010,820						108,590
Strategy 3 - Streets & Roads								
Strategy 4- Safe Routes								
Total Expenses	25,885	1,010,820	21,337	-	-	-	-	108,590
<b>BALANCE</b>	4,130,791	3,011,024	35,325	11,382	162,746	1,638	4,905	1,329,959

The FY2023 Revenue excludes July and Aug 2022 cash disbursements, which were included in the FY2022 Accrual Balance.

**Attachment 3: FY2022-23 Revenue and Expenditure Report as of 12/31/22 – Measure A**

Budget Line	S - 3.1 Major Roads	S - 3.2 Local Roads	S - 4.1 SR2S	S- 4.2 C. Guards	S - 4.3 Pathways	Total
<b>REVENUE</b>						
FY2022 Accrual Balance	11,009	386,153	3,058	4,678	(297,066)	9,933,252
FY2023 Revenue	(1,248)	(1,248)	(311)	(396)	(330)	25,449
<b>EXPENSES</b>						
<b>ADMINISTRATION</b>						
Salaries & Benefits						21,337
<b>PROFESSIONAL SERVICES</b>						-
N/S Greenway - Construction Design Support						25,885
<b>MEASURE A SALES TAX PROGRAMS/PROJECTS</b>						-
Strategy 1 - Transit						1,119,410
Strategy 3 - Streets & Roads						-
Strategy 4- Safe Routes						-
Total Expenses	-	-	-	-	-	1,166,633
<b>BALANCE</b>	9,761	384,905	2,747	4,282	(297,396)	8,792,068

## Attachment 4: FY2022-23 Revenue and Expenditure Report as of 12/31/22 – Measure AA

Budget Line	Interest	Major Road Set Aside	5% Reserve	1% Adm	4% PM	Category DM	Cat 1.1 MSN	Cat 1.2 101/580	Cat 1.3 Intrchns	Cat 1.4 TDM	Cat 2.1 Local Roads	Cat 2.2 Large SP Projects	Cat 2.3 Sea Level Rise	Cat 2.4 Innovative Tech
<b>REVENUE</b>														
FY2022 Accrual Balance	(289,614)	(100,643)	3,426,114	685,078	740,499		(1,972,966)	(1,222,918)	521,507	402,109	6,991,490	946,932	825,981	290,389
FY2023 Revenue	105,388	783,332	589,744	117,948	471,795	225,000	133,195	177,594	266,390	44,399	2,128,464	290,245	96,748	48,375
<b>EXPENSES</b>														
<b>ADMINISTRATION</b>														
Salaries & Benefits		29,582		62,619	399,810	251,789								
Agency-Wide Classification Study														
Office Lease					138,306									
Agency IT Related Equipment Upgrade														
Equipment Purchase/Lease					1,301									
Telephone/Internet/Web Hosting Services					10,437									
Office Supplies & Small Miscellaneous Items					13,647									
Insurance					14,682									
Financial Audit														
Legal Services					62									
Production					12,482									
Memberships					12,921									
Travel/Meetings/Conferences					4,881		73							
Professional Development					3,220									
Human Resources/Board Support					1,034									
Information Technology Support					10,640									
Annual Support & Upgrade of Financial System														
<b>PROFESSIONAL SERVICES</b>														
Bellam Blvd 101 Off Ramp Improvements - Design & ROW		34,259												
N/S Greenway - PS&E/Environmental/Construction Design Support														
Project Management Oversight						235								
Financial Advisor/Sales Tax Audit Services					12,689									
Measure A/AA Sales Tax Compliance Audit					19,194									
N/S Greenway - Construction Design Support														
Public Outreach Service Support														
Consultant Pool					6,758									
<b>MEASURE AA SALES TAX PROGRAMS/PROJECTS</b>														
Major Road Set-Aside														
Category 1 - Reduce Congestion							1,200,569	105,679	108,443					
Category 2 - Local Transportation Infrastructure												368,323		
Category 3 - Safer Access to Schools														
Category 4 - Transit														
<b>INTERAGENCY AGREEMENTS</b>														
Various Agencies - Bike/Ped Path Maintenance														
Marin Transit - Bus Facility Lease or Purchase Contribution														
Marin County - Drake/Cole Improvement Project														
Caltrans - 580/101 Direct Connector PID								7,016						
Caltrans & Other - MSN B7 PS&E/ROW Support & Capital														
Caltrans - MSN B7 Construction Capital & Support														
Total Expenses	-	63,841	-	62,619	662,065	252,023	1,200,642	112,695	108,443	-	-	368,323	-	-
<b>BALANCE</b>	(184,226)	618,848	4,015,858	740,408	550,229	(27,023)	(3,040,414)	(1,158,018)	679,454	446,508	9,119,954	868,854	922,729	338,764

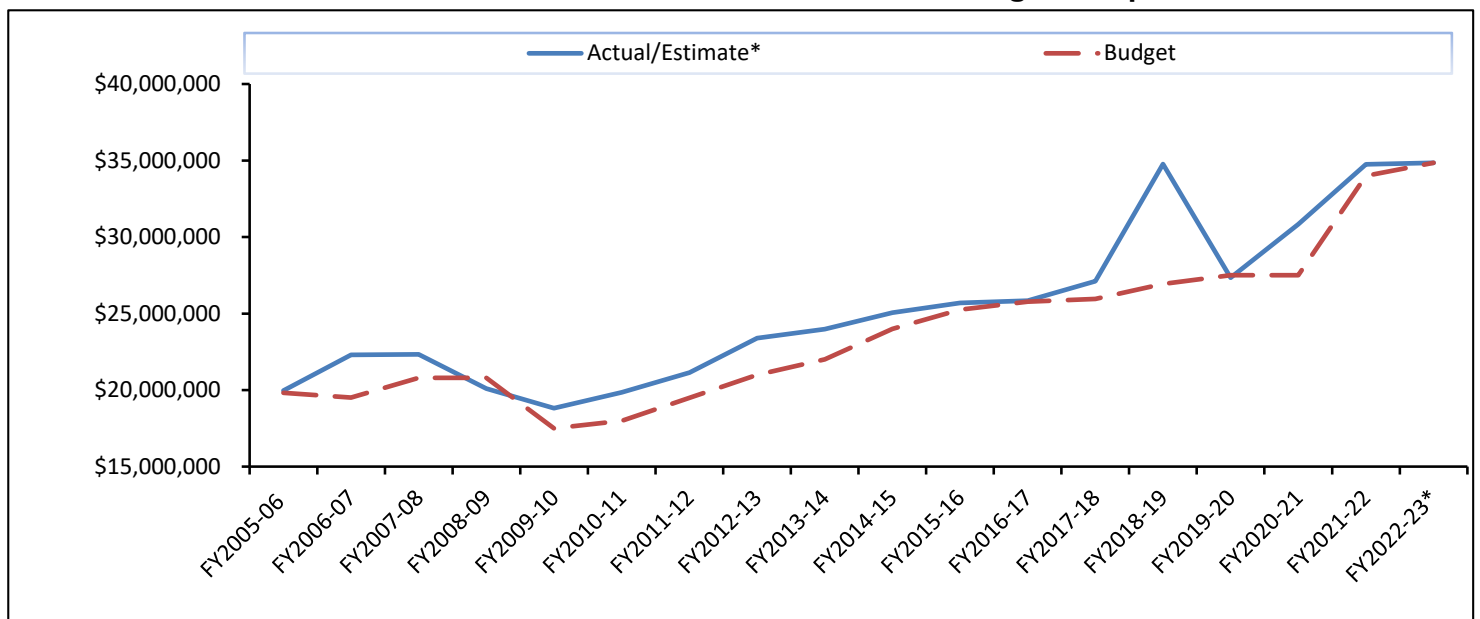
The FY2023 Revenue excludes July and Aug 2022 cash disbursements, which were included in the FY2022 Accrual Balance.

## Attachment 4: FY2022-23 Revenue and Expenditure Report as of 12/31/22 – Measure AA

Budget Line	Cat 3.1 SR2S	Cat 3.2 Crossing Guards	Cat 3.3 Small SP Projects	Cat 4.1 Local Transit	Cat 4.2 Rural Transit	Cat 4.3 Special Needs	Cat 4.4 School Transit	Cat 4.5 Transit Facilities	Cat 4.6 Transit Access	Total
<b>REVENUE</b>										
FY2022 Accrual Balance	1,693,277	1,941,795	260,152	10,397,840	288,005	1,489,533	1,117,473	504,172	239,369	29,175,574
FY2023 Revenue	318,759	637,520	91,074	3,224,581	293,144	928,289	488,573	390,858	48,858	11,900,273
<b>EXPENSES</b>										
<b>ADMINISTRATION</b>										
Salaries & Benefits										743,799
Agency-Wide Classification Study										-
Office Lease										138,306
Agency IT Related Equipment Upgrade										-
Equipment Purchase/Lease										1,301
Telephone/Internet/Web Hosting Services										10,437
Office Supplies & Small Miscellaneous Items										13,647
Insurance										14,682
Financial Audit										-
Legal Services										62
Production										12,482
Memberships										12,921
Travel/Meetings/Conferences										4,954
Professional Development										3,220
Human Resources/Board Support										1,034
Information Technology Support										10,640
Annual Support & Upgrade of Financial System										-
<b>PROFESSIONAL SERVICES</b>										-
Bellam Blvd 101 Off Ramp Improvements - Design										34,259
N/S Greenway - PS&E/Environmental/Construction Design Support										-
Project Management Oversight										235
Financial Advisor/Sales Tax Audit Services										12,689
Measure A/AA Sales Tax Compliance Audit										19,194
N/S Greenway - Construction Design Support										-
Public Outreach Service Support										-
Consultant Pool										6,758
<b>MEASURE AA SALES TAX PROGRAMS/PROJECTS</b>										-
Major Road Set-Aside										-
Category 1 - Reduce Congestion										1,414,691
Category 2 - Local Transportation Infrastructure										368,323
Category 3 - Safer Access to Schools	379,856	528,710	1,755							910,320
Category 4 - Transit				303,276	477,981	73,719	106,545			961,521
<b>INTERAGENCY AGREEMENTS</b>										-
Various Agencies - Bike/Ped Path Maintenance										-
Marin Transit - Bus Facility Lease or Purchase Contribution										-
Marin County - Drake/Cole Improvement Project										-
Caltrans - 580/101 Direct Connector PID										7,016
Caltrans & Other - MSN B7 PS&E/ROW Support & Capital										-
Caltrans - MSN B7 Construction Capital & Support										-
Total Expenses	379,856	528,710	1,755	303,276	477,981	73,719	106,545	-	-	4,702,492
<b>BALANCE</b>	1,632,180	2,050,605	349,472	13,319,145	103,168	2,344,103	1,499,501	895,030	288,227	36,373,356

**Attachment 5.1: FY2022 and FY2023 Monthly Measure A/AA Sales Tax Disbursement Comparison***(Cash Disbursement from July to June)*

		<b>FY2022</b>	<b>FY2023</b>	<b>\$ Difference</b>	<b>% Difference</b>
<b>Actuals</b>	<b>July</b>	3,060,294	3,064,770	4,475	0.15%
	<b>August</b>	3,136,938	3,115,515	(21,422)	-0.68%
	<b>September</b>	2,593,609	2,789,732	196,123	7.56%
	<b>October</b>	3,003,354	2,787,367	(215,988)	-7.19%
	<b>November</b>	2,885,919	3,433,472	547,554	18.97%
	<b>December</b>	2,580,827	2,775,146	194,319	7.53%
<b>Actual / Budget</b>	<b>January</b>	2,601,176		(2,601,176)	-100.00%
	<b>February</b>	4,068,704		(4,068,704)	-100.00%
	<b>March</b>	2,331,782		(2,331,782)	-100.00%
	<b>April</b>	2,291,983		(2,291,983)	-100.00%
	<b>May</b>	3,606,477		(3,606,477)	-100.00%
	<b>June</b>	2,610,277		(2,610,277)	-100.00%
	<b>July - December</b>	<b>17,260,941</b>	<b>17,966,002</b>	<b>705,061</b>	<b>4.08%</b>
	<b>Annual Disbursement</b>	<b>34,771,340</b>			
	<b>FY2023 Annual Budget</b>		<b>34,850,000</b>		

**Attachment 5.2 Measure A/AA Sales Tax Actual Vs. Budget Comparison**

# Attachment 6: FY2022 and FY2023 Monthly Measure B VRF Disbursement Comparison

(Cash Disbursement from July to June)

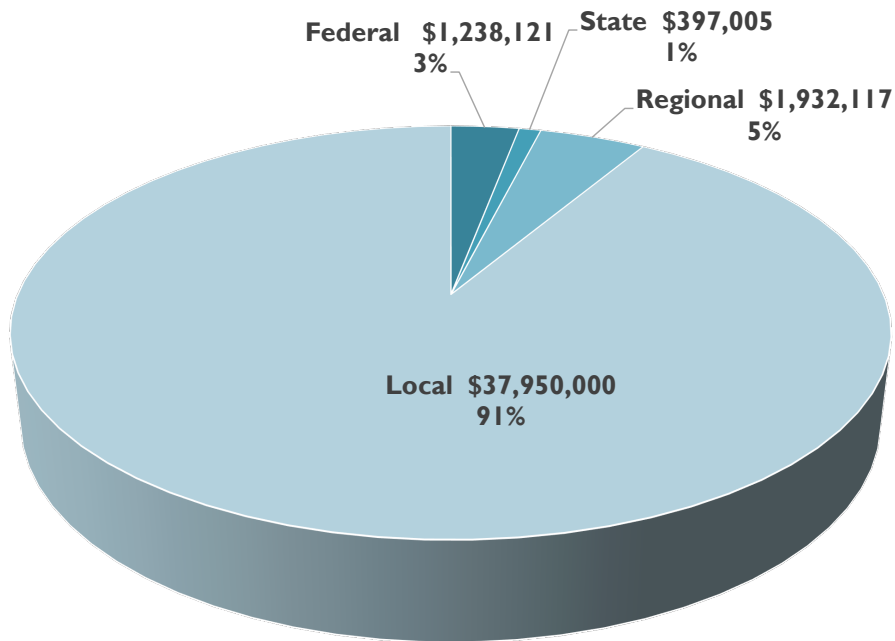
		<b>FY2022</b>	<b>FY2023</b>	<b>\$ Difference</b>	<b>% Difference</b>
<b>Actual</b>	<b>July</b>	191,151	196,187	5,036	2.63%
	<b>August</b>	209,086	199,555	(9,532)	-4.56%
	<b>September</b>	189,937	196,934	6,997	3.68%
	<b>October</b>	202,293	212,908	10,615	5.25%
	<b>November</b>	197,478	186,032	(11,445)	-5.80%
	<b>December</b>	174,814	199,452	24,638	14.09%
<b>Actual / Budget</b>	<b>January</b>	183,190		(183,190)	-100.00%
	<b>February</b>	206,589		(206,589)	-100.00%
	<b>March</b>	194,601		(194,601)	-100.00%
	<b>April</b>	183,146		(183,146)	-100.00%
	<b>May</b>	203,565		(203,565)	-100.00%
	<b>June</b>	179,738		(179,738)	-100.00%
	<b>July - December</b>	<b>1,164,759</b>	<b>1,191,068</b>	<b>26,309</b>	<b>2.26%</b>
	<b>Annual Disbursement</b>	<b>2,315,587</b>			
	<b>FY2023 Annual Budget</b>		<b>2,300,000</b>		

**Attachment 7: CalTRUST Investment Monthly Interest Income by Fund**  
**(July - December 2022)**

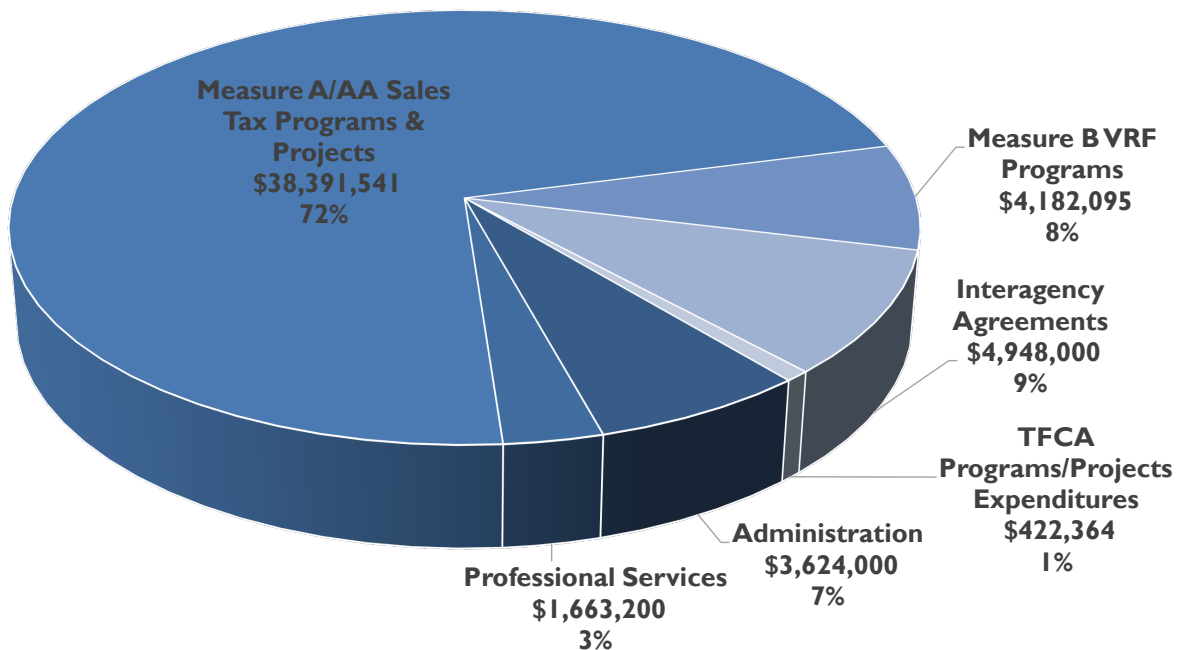
	<b>Short Term</b>	<b>Medium Term</b>	<b>Liquidity*</b>	<b>Total</b>
<b>Initial Principal Investment</b>	\$ 1,808,530	\$ 44,297,339	\$ -	\$ 46,105,869
<b>Prior Reinvested Interest Revenue</b>	\$ 123,009	\$ 3,714,131	\$ 659,369	\$ 4,496,509
<b>Prior Reinvestment of Interest to Liquidity Fund</b>	\$ (47,707)	\$ (1,490,021)	\$ 1,537,728	\$ -
<b>Prior Realized Gain/(Loss)</b>	\$ 5,599	\$ 77,449	\$ -	\$ 83,048
<b>Prior Redemption</b>	\$ (938,351)	\$ (4,000,000)	\$ (2,001,728)	\$ (6,940,079)
<b>Realized Gain/(Loss) - 12/31/22 YTD</b>	\$ -	\$ -	\$ -	\$ -
<b>FY2022-23 Monthly Interest Income</b>				
<b>July-22</b>	\$ 1,103	\$ 43,576	\$ 234	\$ 44,913
<b>August-22</b>	\$ 1,597	\$ 56,920	\$ 490	\$ 59,007
<b>September-22</b>	\$ 1,753	\$ 62,020	\$ 603	\$ 64,377
<b>October-22</b>	\$ 2,072	\$ 69,675	\$ 904	\$ 72,651
<b>November-22</b>	\$ 2,174	\$ 77,297	\$ 1,318	\$ 80,789
<b>December-22</b>	\$ 2,358	\$ 82,319	\$ 16,400	\$ 101,076
<b>Total Thru 2nd Quarter</b>	\$ 11,058	\$ 391,808	\$ 19,947	\$ 422,812
<b>Reinvestment of Interest to Liquidity Fund</b>	\$ (11,058)	\$ (391,808)	\$ 402,865	
<b>Redemption - 12/31/22 YTD</b>	\$ -	\$ -	\$ -	\$ -
<b>Unrealized Gain/(Loss) - 12/31/2022 Cumulative</b>	\$ (3,783)	\$ (1,487,555)	\$ -	\$ (1,491,338)
<b>December 2022 Investment Purchase</b>			\$ 11,100,000	\$ 11,100,000
<b>Market Value - 12/31/2022</b>	\$ 947,297	\$ 41,111,343	\$ 11,718,182	\$ 53,776,822

Note: Starting December 1, 2018, interests earned in the short-term and medium-term funds are reinvested in the liquidity fund for potential immediate agency cash needs with no principal risk.



**Attachment 8.1: FY2022-23 Budget Revenue Overview by Funding Source****Attachment 8.2: FY2022-23 Budget Expenditure Overview by Category**

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**Attachment 9: Transportation Acronyms**

<b>Acronym</b>	<b>Full Term</b>
ABAG	Association of Bay Area Governments
ADA	Americans with Disabilities Act
BAAQMD	Bay Area Air Quality Management District
BATA	Bay Area Toll Authority
BART	Bay Area Rapid Transit
BCDC	Bay Conservation and Development Commission
BPAC	Bicycle / Pedestrian Advisory Committee
BRT	Bus Rapid Transit
BTAA	Bicycle Transportation Account
Caltrans	California Department of Transportation
CEQA	California Environmental Quality Act
CIP	Capital Investment Program
CMA	Congestion Management Agency
CMAQ	Congestion Mitigation and Air Quality
CMFC	Central Marin Ferry Connection
CMP	Congestion Management Program
CO-OP	Cooperative Agreement
CTC	California Transportation Commission
DPW	Department of Public Works
EIR	Environmental Impact Report
EV	Electric Vehicle
FASTER	Freedom, Affordability, Speed, Transparency, Equity, Reliability
FHWA	Federal Highway Administration
FTA	Federal Transit Administration
FY	Fiscal Year
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
LATIP	Local Area Transportation Improvement 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

**Attachment 9: Transportation Acronyms**

<b>Acronym</b>	<b>Full Term</b>
MTS	Metropolitan Transportation System
Neg Dec	Negative Declaration
NEPA	National Environmental Policy Act
NOP	Notice of Preparation
NTPP	Non-motorized Transportation Pilot Program
OBAG	One Bay Area Grant
PAED	Project Approval and Environmental Document
PCA	Priority Conservation Area
PCI	Pavement Condition Index
PDA	Priority Development Area
PS&E	Plans, Specifications and Engineers Estimate
PSR	Project Study Report
RHNA	Regional Housing Needs Allocation
RM2	Regional Measure 2 (Bridge Toll)
RTIP	Regional Transportation Improvement Program
RTP	Regional Transportation Plan
SCS	Sustainable Communities Strategy
SLPP	State-Local Partnership Program
SMART	Sonoma Marin Area Rail Transit
SR	State Route
SR2S/SRTS	Safe Routes to Schools
STA	State Transit Assistance
STIP	State Transportation Improvement Program
STP	Surface Transportation Program
TCM	Transportation Control Measures
TCRP	Transportation Congestion Relief Program
TDA	Transportation Development Act
TDM	Transportation Demand Management
TFCA	Transportation Fund for Clean Air
TIP	Federal Transportation Improvement Program
TLC	Transportation for Livable Communities
TMP	Traffic Management Plan
TMS	Transportation Management System
TNC	Transportation Network Company
TOD	Transit-Oriented Development
TOS	Transportation Operations Systems
VMT	Vehicle Miles Traveled
VRF	Vehicle Registration Fee

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**DATE:** January 26, 2023

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

**FROM:** Anne Richman, Executive Director *Anne Richman*  
Nicholas Nguyen, Principal Project Delivery Manager

**SUBJECT:** Funding Agreements with the California Department of Transportation and County of Marin for Marin City Flood Mitigation Projects (Action), Agenda Item No. 8c

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## RECOMMENDATION

Staff recommends that the TAM Board:

1. Adopt a resolution authorizing the Executive Director to negotiate and enter into a cooperative agreement, fund transfer agreement, funding agreement and necessary amendments with the California Department of Transportation (Caltrans) and the County of Marin to secure \$10 million in earmarked state general funds and distribute funds to Marin City flood mitigation projects, and
2. Amend the TAM FY2022-23 Annual Budget to reflect the expected revenue distribution of \$10 million and the expected current fiscal year expenditure amount of \$3 million.

The Administration, Projects and Planning (AP&P) Executive Committee considered this item at its January 9, 2023 meeting and voted unanimously to refer it to the full Board for review and approval.

## BACKGROUND

The Marin City area of unincorporated Marin County has experienced tidal, seasonal and storm-related flooding over the past decades. However, recent flooding events have been exacerbated by sea-level rise resulting in more intense flooding and cutting off access to and from parts of southern Marin County and Marin City areas, in addition to creating road hazards along the adjacent US-101 highway.

Identified as a priority in the 2015 Community Based Transportation Plan (CBTP) for Marin City, a flood mitigation study was embarked upon by the County of Marin Department of Public Works (DPW) with a \$211,000 funding contribution from TAM. The scope of the work grew to encompass the development of solutions and the study was completed in 2017. Buoyed by the findings of the study and urgency to implement fixes for the community, DPW applied for Federal Emergency Management Agency (FEMA) grant funding to design and construct a suite of projects to relieve flooding in the area and was awarded \$4 million in 2020. An additional request by DPW to increase the award to \$10 million to complete more projects is currently being evaluated by FEMA.

Ongoing efforts to secure state and local funds to accomplish more work has resulted in a \$10 million state general fund earmark from Senator Mike McGuire, and TAM was named as the agency to administer and distribute the earmark. If DPW is successful in increasing its FEMA grant funding to the requested amount, a total of \$20 million would be available to invest in resolving flooding issues along US-101 from the Richardson Bay Bridge to Marin City.

## DISCUSSION/ANALYSIS

As a result of the funding influx, an agency partnership consisting of TAM, Caltrans and the County of Marin has been formed to review the suite of improvement projects developed by DPW and Caltrans, assign roles and responsibilities, and allocate funds. The Marin City Community Services District (CSD) is a community partner within this coordinated effort and has been active in defining problems and vetting the solutions. TAM has the primary role of administering the state general fund earmark and collectively vetting the projects with the other partners.

Five separate projects (AA, A, B, C and D) have been identified to directly help mitigate flooding in the Marin City area with the following allocation preliminarily anticipated for the federal FEMA and state earmark funds, totaling close to \$17 million (see table below). Other local funds will supplement the total project costs.

<b>Project</b>	<b>FEMA</b>	<b>State Earmark</b>
AA – Temporary Pumping	-	\$1.2 Million (Capital + Operation & Maintenance)
A – Permanent Pump and Upsize Storm Drain from Donahue to Pond	\$8.5 Million (Capital + Support)	-
B – Permanent Floodwall	\$1.5 Million (Capital + Support)	-
C – Dredge Marin City Pond	-	\$2.5 Million (Capital + Support)
D – Secondary Culvert Across US-101	-	\$3 Million (Environment Approval)
<b>Total</b>	<b>\$10 Million</b>	<b>\$6.7 Million</b>

Under the current partnership proposal, DPW-FEMA funds would be allocated to projects A and B for a total of \$10 million and the state earmark funds would be allocated to projects AA, C and D for a total of \$6.7 million. The above allocation table may evolve as the projects are further refined. The remainder of the state earmark funds will be reserved for additional Caltrans improvement work and planning within the general vicinity, including the Manzanita Park and Ride parking lot, as well as a reservation of \$500,000 for TAM project coordination and grant management over the duration of this multi-year effort.

TAM will need to negotiate and enter into a cooperative agreement and a fund transfer agreement with Caltrans, and a funding agreement with the County of Marin, plus necessary amendments, to secure earmarked state general funds and distribute the funds accordingly. Staff requests that the TAM Board authorizes the Executive Director to do so and to also increase the total expenditure of the FY2022-23 Annual Budget by \$3 million to cover potential project expenditures in the current fiscal year. Future year expenditures will be addressed in those annual budgets.

With the anticipation that a fund transfer agreement can be executed with the state by the spring of this year and the disbursement of the \$10 million in earmark funds will follow shortly, staff also requests that the TAM Board increase the total revenue for the FY2022-23 Annual Budget by \$10 million to reflect the advance payment.

## FISCAL CONSIDERATION

The project effort that is likely attainable within the remainder of FY2022-23 is estimated to cost \$3 million. These funds will be available once TAM secures the \$10 million fund disbursement from the state with the execution of a fund transfer agreement. The TAM FY2022-23 Annual Budget will be amended to reflect the expected revenue distribution of \$10 million and the expected expenditure amount of \$3 million once more details about the expected expenditure are determined.

## **NEXT STEPS**

Staff will negotiate and enter into a cooperative agreement, fund transfer agreement, and funding agreement with Caltrans and the County of Marin to secure earmarked state general funds and distribute the funds. Staff will also continue the partnership effort to monitor and advance the projects.

## **ATTACHMENTS**

Attachment A – Resolution Authorizing TAM to Enter into a Cooperative Agreement, Fund Transfer Agreement, and Funding Agreement

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**TAM RESOLUTION NO. 2023-01**

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE TRANSPORTATION AUTHORITY OF MARIN AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO A COOPERATIVE AGREEMENT, FUND TRANSFER AGREEMENT, AND FUNDING AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION AND THE COUNTY OF MARIN ASSOCIATED WITH SOUTHERN MARIN AND MARIN CITY FLOOD MITIGATION PROJECTS**

WHEREAS, The Transportation Authority of Marin (TAM) has been a partner with the California Department of Transportation (Caltrans) and the County of Marin (Partners) to implement regional highway and transportation improvement projects in Marin County; and,

WHEREAS, TAM has been designated to receive a \$10 million state general fund earmark to administer and distribute to Partners to implement southern Marin and Marin City flood mitigation projects; and

WHEREAS, TAM must enter into a Fund Transfer Agreement with Caltrans to secure the state general fund earmark; and,

WHEREAS, Partners are authorized to enter into a Cooperative Agreement for improvements to the state highway system (SHS) per the California Streets and Highways Code sections 114 and 130; and,

WHEREAS, Southern Marin and Marin City flood mitigation projects will be conducted by Caltrans and the County of Marin; and,

WHEREAS, In order for TAM to participate in the implementation of work on the state highway system or county roads, the Partners must enter into a Cooperative Agreement and Funding Agreement to define the work and establish the responsibilities and financial contributions of each partner; and,

WHEREAS, TAM staff will negotiate a Fund Transfer Agreement, Cooperative Agreement and Funding Agreement with fair terms to all parties that protects the interests of TAM; and,

WHEREAS, County Counsel will review the agreements and note any issue of concern; now, therefore, be it

RESOLVED, That the Executive Director is hereby authorized to negotiate and enter into a Cooperative Agreement, Fund Transfer Agreement, Funding Agreement and necessary amendments with Caltrans and the County of Marin to implement southern Marin and Marin City flood mitigation projects.

PASSED AND ADOPTED at a regular meeting of the Transportation Authority of Marin held on the 26<sup>th</sup> day of January, 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Stephanie Moulton-Peters, Chair  
Transportation Authority of Marin

ATTEST:

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Jennifer Doucette  
Clerk of the Board



**DATE:** January 26, 2023

**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:** Public Hearing on the Draft Amended Measure B Expenditure Plan, Agenda Item No. 9a

---

## **RECOMMENDATION**

The Board conducts a public hearing and receives public input on the Draft Amended Measure B Expenditure Plan.

## **BACKGROUND**

Per the original voter-approved Measure B Expenditure Plan, a 45-day public comment period and a public hearing are required as part of the approval of the Amended Measure B Expenditure Plan. The Draft Amended Measure B Expenditure Plan was reviewed and released by the TAM Board for the required 45-day public comment period at its December 15, 2022 meeting.

Details of the Draft Amended Measure B Expenditure Plan are presented under Item 9b of the meeting packet.

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**DATE:** January 26, 2023

**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:** Adoption of Amended Measure B Expenditure Plan (Action), Agenda Item No. 9b

---

## RECOMMENDATION

The TAM Board reviews and adopts the Amended Measure B Expenditure Plan on the condition that no substantive changes are required upon completion of the 45-day public comment on January 29, 2023.

Public comments received after January 26, 2023, but before the end of the public comment period that result in minor revisions will be incorporated into the final adopted Amended Measure B Expenditure Plan. Comments that require substantive changes will necessitate the return of the Amended Measure B Expenditure Plan to the TAM Board for additional approvals.

## BACKGROUND

In 2010, the TAM Board authorized the development of the \$10 Vehicle Registration Fee Expenditure Plan, which was presented to Marin voters in November 2010 as Measure B and passed with a 63% approval rate, establishing a \$10 fee collected on motor vehicles registered within the County.

Measure B was approved with no sunset date; however, it included the provision that the Measure B Expenditure Plan will be reviewed at least every ten years, and any amendments would need to be approved by the TAM Board following a 45-day public comment period. The first Measure B Expenditure Plan review was originally scheduled for adoption no later than April 1, 2021. Due to the COVID-19 pandemic, in November 2020, the TAM Board extended the time and directed staff to commence a public hearing no later than January 2023 with adoption of the amended plan by March 2023.

The TAM Board reviewed the Draft Amended Measure B Expenditure Plan as shown in Attachment B and authorized the release of a 45-day public comment period on December 15, 2022. Immediately following the opening of the comment period, TAM staff formally notified the local jurisdictions and Marin Transit again of the opportunity to provide comments. All previously received public comment letters were provided at the December 15, 2022 Board meeting and only one comment letter was received since December 15, 2022, provided as Attachment C, from Marin Transit.

## **DISCUSSION/ANALYSIS**

The Measure B Expenditure Plan Review process has been conducted since March 2022 through the TAM Citizens' Oversight Committee (COC) meetings, with additional stakeholder outreach and engagement. The Expenditure Plan review has been publicized through the TAM website, the monthly TAM Traveler newsletter, social media, the TAM Executive Director's Report, and through other TAM committees.

After extensive review and thorough consideration of various options via productive discussions with the COC and various stakeholder groups, including the Marin Public Works Association (MPWA), the Draft Amended Measure B Expenditure Plan includes modest changes reflected under Element 1 below. No changes are proposed for Elements 2 or 3.

### **Element 1.1 Summary of Changes**

The current 35% funding share would be maintained through a formula-based program, which would provide funds using the existing distribution formula (50% population and 50% lane miles) to the cities, towns, and County of Marin, with the requirement that all funds would be used for specific bike/pedestrian and safety improvement projects that benefit bicycle and pedestrian travel. TAM would establish project criteria, and the local jurisdictions would nominate projects within their available funding amounts to establish a five-year list of projects to be delivered. TAM would approve the project list.

### **Element 1.2 Summary of Changes**

The current 5% funding share would be maintained, however providing the TAM Board discretion to redirect carryovers (currently approximately \$300,000) 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, staff also proposes adding a provision to allow the TAM Board the discretion to redirect future carryovers to any countywide pathway planning, maintenance or construction needs whenever the carryover exceeds \$250,000 under the Amended Measure B Expenditure Plan.

Other than the changes to carryover fund provisions, staff is not recommending any other changes to this element and funds would continue to be made available annually to eligible pathways for maintenance, consistent with the current process.

### **Language to Allow Future COC Membership Change**

The current 12-member COC membership structure was originally established in the 2004 Measure A Transportation Sales Tax Expenditure Plan. To make sure the COC membership structure can be reviewed and changed timely to reflect the evolving needs of various communities, especially those who are underserved, staff recommends amending language in the Measure B Expenditure Plan to allow the Board the authority to review and adjust the COC membership structure when necessary. More specifically, TAM's Equity Statement and Action Plan are under review and development. As part of this process, staff plans to ask the COC to provide input and make any recommendations to the TAM Board regarding the current COC membership structure, with the potential to add one or more new seats to address the needs and voices of Equity Priority Communities in Marin.

## **FISCAL CONSIDERATION**

There are no immediate fiscal impacts associated with the review and adoption of the Amended Measure B Expenditure Plan. After the Amended Measure B Expenditure Plan is adopted, a Measure B Strategic Plan will be developed to address all fiscal impacts. Approved amendments will go into effect on July 1, 2023.

## **NEXT STEPS**

Public comments received after the January 26, 2023 TAM Board Meeting but before the end of the 45-day public comment period that result in minor revisions will be incorporated into the final adopted Amended Measure B Expenditure Plan. Comments that require substantive changes will necessitate the return of the Amended Measure B Expenditure Plan to the TAM Board for additional review and final approval.

The Adopted Measure B Expenditure Plan will be posted on TAM's website and communicated to local agencies and stakeholders.

## **ATTACHMENTS**

Attachment A – Staff PowerPoint Presentation  
Attachment B – Draft Amended Measure B Expenditure Plan  
Attachment C – Marin Transit Comment Letter dated January 11, 2023

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# Measure B Expenditure Plan Ten-Year Review and Recommended Amendments

Transportation Authority of Marin  
Board of Commissioners

January 26, 2023

# Measure B Expenditure Plan

- Measure B was approved by 63% of the Marin voters in 2010 establishing a \$10 vehicle registration fee on motor vehicles registered within the County
- Generates approximately \$2.3 million/year
- The Measure B Expenditure Plan directs the TAM Board to review the spending priorities in the Expenditure Plan at least every 10 years and amend as necessary



# Current Expenditure Plan Overview

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 Fuels Infrastructure & Promotion	
Total	100%

# Recommendations: Element 1.1

## Element 1.1 – Maintain Local Streets & Roads

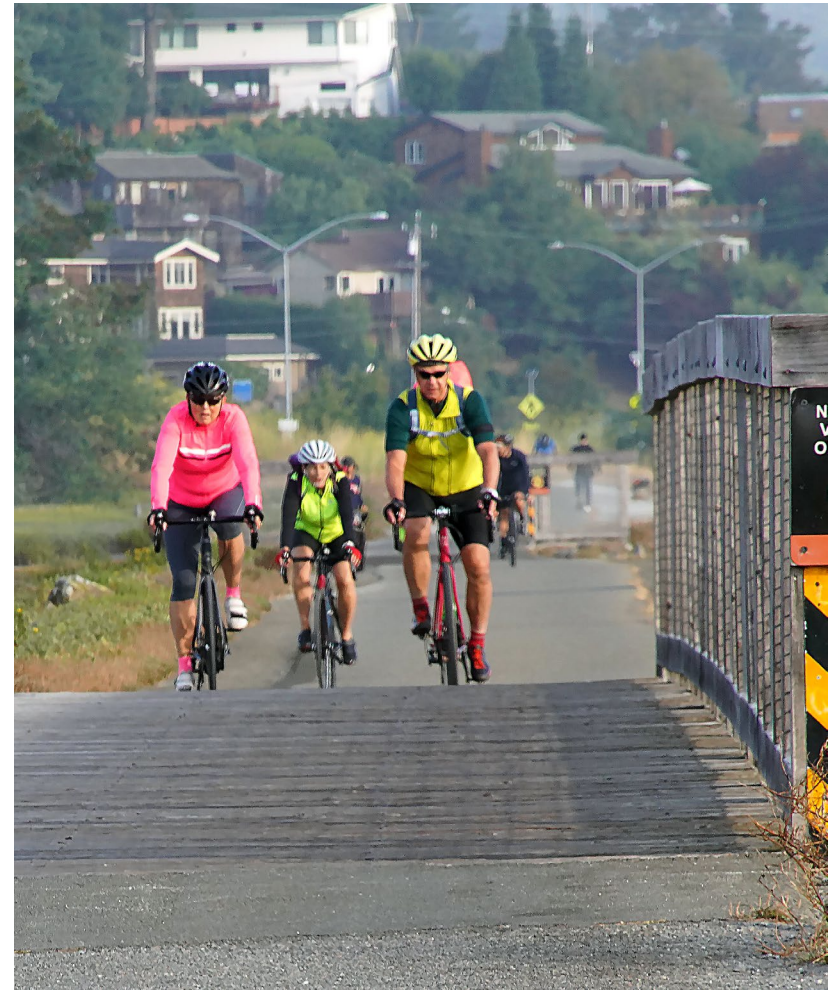
- Maintain the current 35% funding share
- Funds distributed to jurisdictions based on the current 50% lane miles/50% population formula
- Jurisdictions to identify projects for bike/ped/safety improvements, in accordance with TAM-developed criteria
- 5-years' worth of funds will be made available for 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 will be determined by TAM based on project readiness and cash availability

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
<b>Total</b>	<b>\$3,825,000</b>



# Recommendations: Element 1.1 (cont.)

- 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



# Recommendations: 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
  - Approx. \$300,000 available
- 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

# Recommendations: Element 2 & Element 3

## 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 in order to maintain flexibility and support overall goals, but can address in the Strategic Plan

# Recommendations: COC Membership

- Recommend adding language to allow the Board to review the current COC membership structure, with potential to add one or more new seats to address needs and voices of Equity Priority Communities
- Membership review would be part of TAM's Equity Statement and Action Plan review and development process





# Recommendations: Metrics & Reporting

Based on suggestions from the COC, staff recommends addressing the following during the Strategic Plan process:

- Performance metric requirements
- Periodic reporting on program/project progress and achievement
- Promote fund leveraging
- Define use 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

# Board Action and Next Steps

- January 26, 2023: TAM Board adopts the Amended Plan pending the close of the public comment period
- January 29, 2023: Public comment period closes
- Spring 2023: Staff works with fund recipients and Board regarding Element 1.1 project list
- Spring 2023: Strategic Plan development
- July 1, 2023: Changes go into effect

# Questions?

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Thank you!

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# MARIN COUNTY VEHICLE REGISTRATION FEE EXPENDITURE PLAN



Original Approved August 2010

Amended January 2023

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# Acknowledgements

The Transportation Authority of Marin (TAM) staff would like to thank the TAM Board of Commissioners and the Citizens' Oversight Committee (COC) members for their contributions, assistance, and advice in developing the amended Expenditure Plan for Marin County's \$10 Vehicle Registration Fee (VRF).

## Board of Commissioners:

**Stephanie Moulton-Peters**, *Chair, County of Marin District 3 Supervisor*  
**Brian Colbert**, *Vice-Chair, Town of San Anselmo*  
**Nancy Kemnitzer**, *City of Belvedere*  
**Pat Ravasio**, *Town of Corte Madera*  
**Chance Cutrano**, *Town of Fairfax*  
**Kevin Carroll**, *City of Larkspur*  
**Urban Carmel**, *City of Mill Valley*  
**Vacant**, *City of Novato*  
**P. Beach Kuhl**, *Town of Ross*  
**Kate Colin**, *City of San Rafael*  
**Melissa Blaustein**, *City of Sausalito*  
**Alice Fredericks**, *Town of Tiburon*  
**Mary Sackett**, *County of Marin District 1 Supervisor*  
**Katie Rice**, *County of Marin District 2 Supervisor*  
**Dennis Rodoni**, *County of Marin District 4 Supervisor*  
**Eric Lucan**, *County of Marin District 5 Supervisor*

## TAM COC

**Peter Pelham**, *Chairperson, Major Marin Employers*  
**Kevin Hagerty**, *Vice-Chair, League of Women Voters of Marin County*  
**Jeffrey Olson**, *Central Marin Planning Area*  
**Charley Vogt**, *Northern Marin Planning Area*  
**Paul Royce**, *Ross Valley Planning Area*  
**Debbie Alley**, *Southern Marin Planning Area*  
**Scott Tye**, *West Marin Planning Area*  
**Vince O'Brien**, *Bicyclist and Pedestrian Groups*  
**Allan Bortel**, *Marin County Paratransit Coordinating Council*  
**Kate Powers**, *Environmental Organizations*  
**Zack Macdonald**, *School Districts*  
**Kingston Cole**, *Taxpayer Group*

**Marin County Vehicle Registration Fee Expenditure Plan**TRANSPORTATION AUTHORITY OF MARIN

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# Introduction

## What is a VRF and How Does it Work?

Senate Bill (SB) 83 (Hancock) was signed into law by the Governor on October 11, 2009. The law authorizes a countywide transportation planning agency, TAM, to propose an annual VRF of up to \$10 on motor vehicles registered within the county. The revenue generated by the VRF would be returned to the county to be spent on specified transportation programs and projects. SB 83 also sets a number of conditions on the fee:

- Fees may only be used to pay for programs and projects that bear a relationship or benefit to the owners of motor vehicles paying the fee and are consistent with a regional transportation plan.
- The countywide transportation planning agency must adopt a specified VRF expenditure plan and must make a finding of fact that the programs and projects have a relationship or benefit to the persons who pay the fee.
- Local administrative costs are limited to no more than 5 percent of the fees collected.

SB 83 identifies specific goals for the use of the VRF, including reducing congestion and the impacts of pollution related to motor vehicles. The fees collected shall be used to fund projects and programs that will meet those goals, either by improving the operation of existing transportation infrastructure or by providing alternatives to driving.

## What is the Purpose of this Plan?

The Measure B VRF Expenditure Plan (Plan) guides the expenditure of the funds generated by the \$10 VRF, approved by a majority of voters in the November 2010 election and amended by the TAM Board in January 2023. The goal of this Plan is to support transportation investments in a way that sustains the County's transportation network and reduces traffic congestion and vehicle-related pollution. Measure B is a key part of an overall strategy to develop a balanced transportation network of all types – automobile, transit, bicycle, walking and specialized transportation services. The VRF revenue is being used to fund programs/projects that:

- Make bicycle, pedestrian, and safety improvements to local streets, roads, and multi-use pathways in Marin County, including neighborhood and residential priority locations.
- Make public transportation easier to use and more efficient, particularly for the senior and disabled population in Marin County.
- Make it easier to get to work or school, whether by driving, using public transportation, bicycling, or walking.
- Result in the reduction of pollution from cars and trucks, by reducing the need to drive and encouraging the use of alternative travel modes and alternative fuels vehicles.

## **Marin County Vehicle Registration Fee Expenditure Plan**

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The Plan has the following specific conditions:

- All of the money raised by the VRF would be used exclusively for transportation projects and programs in Marin County.
- Funds cannot be taken by the State once approved for Marin County.
- There must be a relationship or benefit between the projects or programs in the Plan to the owners of motor vehicles paying the fee.
- Revenue raised will help to fund projects in Marin County that increase safety for motorists, pedestrians, and bicyclists.
- Revenue raised will be used to improve mobility options and reduce congestion for those who live in Marin County.
- VRF revenue will establish a reliable source of funding to fund critical and essential local transportation projects and programs.

## **What are the Goals of the Marin County VRF?**

In addition to the VRF Program, TAM manages the ½-Cent Transportation Sales Tax Program, Measure A/AA, for Marin County. TAM is also responsible for programming transportation funding from a variety of local, regional, state, and federal sources, and is in a unique position to magnify the impact of this revenue source through leveraging of other transportation funding sources that change over time. TAM has been managing the VRF funds in a cost-effective manner in response to substantial changes in other transportation funding sources.

The Plan is designed to address some important goals established by the TAM Board:

- Reduce greenhouse gas (GHG) emissions and vehicle miles traveled (VMT), while supporting healthy living;
- Satisfy SB 83's requirement that the usage of the fee has a relationship to, or benefits, the fee payers;
- Select projects that are part of an approved plan and have a strong history of community input;
- Improve mobility options and reduce congestion;
- Benefit local residents;
- Enable TAM and other agencies to leverage transportation funds coming from state and federal sources;
- Be cost effective;
- Ensure that benefits are easily measurable and quantifiable.

**Marin County Vehicle Registration Fee Expenditure Plan**

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**How Much Revenue Will this Plan Generate?**

The \$10 annual fee on each vehicle registered in the County generates approximately \$2.3 million annually. TAM takes 5 percent off the top for administrative and general project and program support.

It should be noted that this is a fixed fee per vehicle and does not index with inflation. Fee revenues will increase only if the number of registered vehicles in the County increases. During the first 10 years of the fee, annual revenue fell slightly over the decade. The Plan presumes that the number of vehicles registered in Marin will remain flat over the next 10 years. The success of this Amended Expenditure Plan continues to be dependent not only on the revenue generated by this fee, but also by leveraging from other funding sources that multiplies the impact of each new dollar invested.

**Plan Development**

This Amended Expenditure Plan is the result of an extensive public engagement process that included numerous meetings with local governmental agencies, stakeholder organizations and the COC.

Public input was solicited throughout the development process via the TAM Board and Committee structure. The COC, which also provides oversight to the Measure A/AA ½-Cent Transportation Sales Tax revenues and expenditures, is made up of individuals representing a diverse range of interests within the County and has assumed the same role for the VRF, reporting directly to the public, and producing an annual report regarding the revenues and expenditures of the Fee.

This Amended Expenditure Plan is expected to remain in effect for up to 10 years, with annual reporting on the use of the funds. If necessary, the TAM Board has the discretion to amend the plan whenever appropriate.

**Marin County Vehicle Registration Fee Expenditure Plan**

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## Plan Summary

The Plan includes three elements that work together to reduce congestion, improve safety, and reduce the environmental impacts from vehicle trips. The three elements are:

- Enhance and maintain Bicycle, Pedestrian, and Safety Improvements on Local Network;
- Improve Transit for Seniors and Persons with Disabilities;
- Reduce Congestion and Pollution.

Figure 1 summarizes the Amended Expenditure Plan for the VRF in Marin County. Each program element is described in more detail in the sections that follow.

**Marin County Vehicle Registration Fee Expenditure Plan**

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**Figure 1 Summary of Expenditure Plan**

Estimated Annual \$	Expenditure Element 1	Description of Element	How Will Funds be Spent?	Relationship to Fee Payer
35% (\$721,000)	1a. Bicycle, Pedestrian, and Safety Improvements on Local Network	<p>Funds will be used for bicycle, pedestrian, and safety improvements on Marin County's transportation network, thereby improving multimodal performance and safety. Eligible activities include:</p> <ul style="list-style-type: none"> <li>• Safety improvements that benefit bicycle and pedestrian travel</li> <li>• Emergency repair on sidewalks and pathways</li> <li>• Bicycle facilities, pathways and access improvements</li> <li>• Crosswalk and accessibility enhancements</li> <li>• Maintenance and improvement of Class I (exclusively) bicycle and pedestrian pathways, including new facilities</li> </ul>	<ul style="list-style-type: none"> <li>• 35% of funds to be returned to eligible local agencies based on population (50%) and lane miles (50%).</li> <li>• Local agencies submit eligible bicycle, pedestrian, and safety improvement projects for allocations based on five years of estimated fund collection.</li> <li>• 5% of funds exclusively dedicated to Class I bike/pedestrian path maintenance. Distribution based on share of Class I pathway miles constructed after 1/1/08; except use of certain carryover funds to be determined by the TAM Board.</li> <li>• Only the Cities, Towns, and County of Marin are eligible recipients of funds from Element 1.</li> </ul>	Fee payers benefit from having roadways safely maintained and operating efficiently and from improved bicycle/pedestrian access, and safety and efficiency for all users.
5% (\$103,000)	1b. Maintain Class I Bike/Ped Pathways			Well-maintained pathways encourage walking and bicycling, thereby reducing congestion and pollution.

**Marin County Vehicle Registration Fee Expenditure Plan**

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Estimated Annual \$	Expenditure Element 2	Description of Element	How Will Funds be Spent?	Relationship to Fee Payer
35 % (\$721,000)	2. Improve Transit for Seniors and People with Disabilities	<p>Eligible activities include:</p> <ul style="list-style-type: none"> <li>Implementing a Mobility Management Program that identifies and implements mobility options for Seniors and Persons with Disabilities</li> <li>Support and enhance paratransit and other related local services</li> <li>Implement a "Paratransit Plus" program to serve older seniors who may not qualify for service under the Americans with Disabilities Act</li> <li>Implement other innovative programs to provide mobility to seniors as an alternative to driving</li> </ul>	Marin Transit will receive and prioritize funds working with its Mobility Management Consortium of service providers and stakeholders.	Fee payers benefit from reduced trips by "at-risk" drivers, fewer local vehicle trips, and safety improvements. Fee payers benefit from increased alternatives to driving, reduced dependence on friends and family for mobility, and increased options as drivers prepare to "retire" from driving.

**Marin County Vehicle Registration Fee Expenditure Plan**

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Estimated Annual \$	Expenditure Element 3	Description of Element	How Will Funds be Spent?	Relationship to Fee Payer
25% (\$515,000)	3. Reduce Congestion and Pollution	<p>Eligible activities are limited to 3 core strategies and programs:</p> <ul style="list-style-type: none"> <li>• School Safety and Congestion Reduction: <ul style="list-style-type: none"> <li>○ Maintain the School Crossing Guard program</li> <li>○ Provide matching funds for Safe Routes to Schools programs</li> <li>○ Enhance/expand programs designed to reduce congestion and improve safety around schools including Street Smarts and other related programs</li> </ul> </li> <li>• Local Marin County Commute Alternatives: Enhance/expand existing alternative programs in Marin County designed to reduce single occupancy commuting, including: <ul style="list-style-type: none"> <li>○ Carpool and vanpool information and incentive programs</li> <li>○ Emergency Ride Home</li> <li>○ Transit information and promotion</li> <li>○ Transportation Demand Management programs</li> <li>○ Support efforts to bring trip reduction programs to Marin County</li> </ul> </li> <li>• Alternative Fuels Infrastructure and Promotion: Support the development of alternative fuels infrastructure (such as electric vehicle charging stations) and education programs; support alternative fuels vehicle programs.</li> </ul>	<p>TAM will be responsible for distributing school safety funds to sustain or grow existing programs. Beneficiaries of these funds will include the County, local jurisdictions, and school districts.</p> <p>TAM will administer the Commute Alternatives program.</p> <p>TAM will assign funds for alternative fuels programs, as a match to other fund sources, or through competitive grant programs. TAM will administer alternative fuels educational programs in cooperation with stakeholders, such as the Marin Climate and Energy Partnership.</p>	<p>Fee payers benefit from reduced school trips by car, a large traffic congestion and pollution generator in Marin. Improved crossings at schools reduce collisions and improve safety for motorists, pedestrians, and bicyclists.</p> <p>Fee payers benefit from commute programs which reduce trips, congestion, and pollution related to commute travel, the single largest source of congestion in the County. Programs reduce costs, provide flexibility, improve the environment, and improve worker health and productivity.</p> <p>Alternative Fuels programs will benefit fee payers by providing lower driving costs, while reducing pollutants associated with gasoline powered vehicles. Reduced emissions will benefit the fee payer by improving air quality, especially on congested roadways and at intersections.</p>

**Marin County Vehicle Registration Fee Expenditure Plan**

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**Element 1 – Enhance Bicycle, Pedestrian, and Safety Improvements on Local Network**

Element 1		
Enhance Bicycle, Pedestrian, and Safety Improvements on Local Network Maintain Class I Bicycle/Pedestrian Pathways		
	%	Est. 10-year revenue
<b>What can local streets and pathways maintenance funds be used for?</b>		
<ul style="list-style-type: none"> <li>Safety improvements on all modes that benefit bicycle and pedestrian travel</li> <li>Bicycle, pedestrian, and accessibility enhancements, including bicycle and pedestrian access improvements to transit</li> <li>Intersection control, pavement, and drainage improvements for bicyclists and pedestrians</li> <li>Emergency repairs on damaged sidewalks and pathways</li> <li>Maintenance and improvement of Class I (exclusively) bicycle and pedestrian pathways, including new facilities</li> </ul>	40%	\$8.24 M
<b>How will the funds be spent?</b>		
<ul style="list-style-type: none"> <li>TAM will distribute 35% of available funds to the Cities, Towns and County of Marin based on a formula which combines population (50%) and lane miles (50%), to support bicycle, pedestrian, and safety infrastructure projects. Funding priorities will be determined based on project selection criteria set by TAM and supported by Marin Public Works Association (MPWA). Only the Cities, Towns, and County of Marin are eligible recipients of funds from Element 1. Estimated funds collected over a five-year period will be allocated to eligible projects.</li> </ul>	35%	\$7.21 M
<ul style="list-style-type: none"> <li>Funding for Class I pathway maintenance will be distributed by TAM annually to the agencies and jurisdictions who own, operate, or maintain eligible Class I pathways in Marin County. The distribution of funds will be based on a publicly available published inventory, adopted by TAM, of pathways constructed after January 1, 2008. This inventory will be updated every two (2) years to account for newly constructed Class I facilities throughout Marin County. In no case will funds allocated to an agency or jurisdiction exceed their actual expenses for Class I pathway maintenance.</li> <li>The TAM Board has the discretion to redirect carryovers at the sunset of the original Expenditure Plan (expected June 30, 2023) to any countywide pathway planning, maintenance or construction needs.</li> <li>To ensure future pathway maintenance funds are timely and effectively used, the TAM Board has 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.</li> <li>Class I maintenance funds will be made available only to municipalities that have adopted a Complete Streets policy.<sup>1</sup></li> </ul>	5%	\$1.03 M



**Marin County Vehicle Registration Fee Expenditure Plan**

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***Summary of expenditure element:*****1a. Bicycle, Pedestrian, and Safety Improvements on Local Network**

This amended expenditure plan element would allocate 35 percent of the funds available through the VRF to the local jurisdictions in Marin, for the purposes of improving bicycle, pedestrian, and safety conditions on local and residential streets and pathways. Only the Cities, Towns, and County of Marin are eligible recipients of funds from Element 1. Projects are expected to include improvements in the following general categories:

- Bike, pedestrian, and safety improvement elements as part of a local or major street project that can be easily identified
- Safety improvements for all modes
- Pedestrian crosswalk and accessibility enhancements
- Design and construction of new pathways
- Access improvements to transit for pedestrians and bicyclists

Based on the 5-year projections for VRF revenue and the current funding formula, Figure 2 shows the amount of revenue each jurisdiction can expect over a five-year period.

**Figure 2 Estimated 5-Year Revenue by Jurisdiction**

<b>Marin County</b>	<b>5-Year Revenue</b>
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
<b>Total</b>	<b>\$3,825,000</b>

**Marin County Vehicle Registration Fee Expenditure Plan**

## TRANSPORTATION AUTHORITY OF MARIN

Funds generated by the VRF cannot be expected to solve all pathway project needs on their own. However, combined with other local and state sources, the VRF provides a stable base of revenue that can be used for high priorities, as well as leveraging or matching other sources for planned projects, thereby increasing the federal and state revenues coming to Marin County.

Eligible local agencies submit eligible bicycle, pedestrian, and safety improvement projects to TAM for allocations based on five years of estimated fund collection. The TAM Board will approve projects and allocate funds 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.

**1b. Maintain and Improve Class I Bicycle/Pedestrian Pathways**

The Amended Expenditure Plan dedicates five (5) percent of funding in this element to be distributed to local agencies and jurisdictions in Marin County exclusively for the maintenance of Class I bicycle and pedestrian pathways. These pathways are generally characterized as exclusive bicycle, pedestrian and multi-use pathways separated from streets and roads. Marin County benefits from an integrated network of off-road pathways, and the funds will provide basic resources to the local jurisdictions that are responsible for managing this vital resource.

Funding for Class I pathway maintenance will be distributed by TAM annually to the agencies and jurisdictions who own, operate, or maintain eligible Class I pathways in Marin County. The distribution of funds will be based on a publicly available published inventory, adopted by TAM, of pathways constructed after January 1, 2008. This inventory will be updated every two (2) years to account for newly constructed Class I facilities throughout Marin County. In no case will funds allocated to an agency or jurisdiction exceed their actual expenses for Class I pathway maintenance.

The TAM Board has the discretion to redirect carryover funds at the sunset of the original expenditure plan (June 30, 2023) to any countywide pathway planning, maintenance or construction needs. To ensure future pathway maintenance funds are timely and effectively used, the TAM Board also has 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.

Finally, this funding will be made available only to local jurisdictions that have adopted a Complete Streets policy either by a directive of the Public Works Department, Council Resolution, within the Bicycle and Pedestrian Master Plan, or within the Transportation Element of the General Plan.<sup>1</sup>

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<sup>1</sup> AB 1358 (Leno), the "Complete Streets Act of 2008," requires that all municipalities incorporate Complete Streets provisions in the Transportation Element of their General Plans beginning in 2011.

**Marin County Vehicle Registration Fee Expenditure Plan**

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**Element 2 – Improve Transit for Seniors and Persons with Disabilities**

Element 2		
Improve Transit for Seniors and Persons with Disabilities		
	%	Est. 10-year revenue
<b>What can these transit funds be used for?</b>		
<ul style="list-style-type: none"> <li>• Manage the Mobility Management Program that identifies and implements mobility options for Seniors and Persons with Disabilities</li> <li>• Support and enhance paratransit and other local services focused on this population</li> <li>• Manage the “Paratransit Plus” program to serve older seniors who may not qualify for service under the Americans with Disabilities Act</li> <li>• Implement other innovative programs to provide mobility to seniors as an alternative to driving</li> </ul>	35%	\$7.64 M
<b>How will the funds be spent?</b>		
TAM will distribute these funds to Marin Transit. Marin Transit will report on the usage and effectiveness of these funds with an annual report presented to the TAM Board in a publicly noticed meeting.		

**Summary of expenditure element:**

Reflecting national trends, the older adult population in Marin is increasing rapidly. Marin Department of Health and Human Services cited that as of 2021 approximately 28 percent of Marin County residents are over the age of 60. This trend continues well into the foreseeable future, only slowing after 2030. Not only is the size of the senior population expected to grow rapidly, but the most rapid growth is expected to occur in the oldest age groups (85+), which have the most severe mobility challenges.

Funds in this category will be distributed to Marin Transit for use on Mobility Management programs and enhancements to the specialized transportation system for people with disabilities (sometimes called paratransit) to include older adults regardless of disability status. One of the most profound limitations to the current system, implemented under the requirements of the Americans with Disabilities Act, is that services are limited to persons who are unable to use a fixed route bus due to a physical or cognitive disability. Because many seniors are reluctant to describe themselves as “disabled,” they either do not apply for services, or may not understand the benefits of the program to their situation. By removing that stigma and broadening the range of services being offered to seniors and persons with disabilities, this program will ensure that individuals can be matched to the services that will best meet their needs. This will reduce the need for at-risk seniors to continue driving and will also reduce the burden on caregivers and family members who are often tied to their own cars to provide transportation for a loved one.

**Marin County Vehicle Registration Fee Expenditure Plan**

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**Element 3 – Reduce Congestion and Pollution****Element 3****Reduce Congestion and Pollution**

	<b>%</b>	<b>Est. 10-year revenue</b>
<b>What can congestion and pollution reduction funds be used for?</b>		
<p>Eligible activities are limited to 3 core sub-elements:</p> <ul style="list-style-type: none"> <li>• School Safety and Congestion Reduction: <ul style="list-style-type: none"> <li>○ Maintain the School Crossing Guard program</li> <li>○ Provide matching funds for Safe Routes to Schools programs</li> <li>○ Enhance/expand programs designed to reduce congestion and improve safety around schools including Street Smarts and related programs</li> </ul> </li> <li>• Local Marin County Commute Alternatives: Enhance/expand existing alternative programs in Marin County designed to reduce single occupancy commuting, including: <ul style="list-style-type: none"> <li>○ Carpool and vanpool information and incentive programs</li> <li>○ Emergency Ride Home</li> <li>○ Transit information and promotion</li> <li>○ Transportation Demand Management programs</li> <li>○ Support efforts to bring trip reduction programs to Marin County</li> </ul> </li> <li>• Alternative Fuels Infrastructure and Promotion: Support the development of alternative fuels infrastructure (such as electric vehicle fueling stations) and education programs; support alternative fuels vehicle programs.</li> </ul>	25%	\$5.15 M
<b>How will the funds be spent?</b>		
<p>TAM will be responsible for distributing school safety funds to sustain or grow existing programs.</p> <p>TAM will administer the Commute Alternatives program.</p> <p>All transit programs will be coordinated through Marin Transit</p> <p>TAM will assign funds for alternative fuels programs, as a match to other fund sources or through competitive grant programs. TAM will manage alternative fuels program education in collaboration with stakeholders such as the Marin Climate and Energy Partnership.</p> <p>The distribution of funds among the three eligible sub-elements will be determined every two years based on program expenditure needs and other grant opportunities.</p>		

**Summary of expenditure element:**

The allocation of funds among the three eligible sub-elements will be determined every two years based on program expenditure needs and grant opportunities. The goal is to be flexible and maximize the value of these funds by targeting matching grant opportunities, pilot programs and other timely opportunities for leveraging revenue.

**Marin County Vehicle Registration Fee Expenditure Plan**

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School related congestion has long been recognized in Marin County as one of the most significant contributors to localized congestion. In Marin, TAM and its member jurisdictions have successfully leveraged local sales tax dollars, along with other state and federal funding sources, to reduce the impact of localized congestion through its nationally recognized Safe Routes to School programs, including Street Smarts, Crossing Guard, and other school commute programs.

School Safety and Congestion Reduction funds are designed to support and enhance existing efforts. The VRF revenue will make it possible to maintain the current number of crossing guards. In addition, VRF revenue could be used to maintain and expand school commute programs, which encourage the use of alternative modes to travel to school. Funds in this element would be leveraged with Measure AA sales tax funds, along with other grants that may be made available to TAM for Safe Routes to Schools programs.

The Commute Alternatives Program is designed to reduce congestion and the impact of vehicle travel on the environment by enhancing and increasing the utilization and effectiveness of existing and proven commute programs in Marin County. These locally based programs are designed to offer alternatives for single occupant vehicle commutes to jobs in Marin County by offering information and incentives to vanpool, carpool, and providing emergency ride home programs. The Commute Alternatives Program enables TAM to work specifically with Marin employers and employees to design locally customized commute alternatives that will make it easier for employees to try alternative travel modes.

The Alternative Fuels Program is the final eligible expenditure for this element. Implementing methods to reduce GHG and other motor vehicle emissions is a growing requirement in California and funding sources are emerging to support this effort. Often a limited amount of local matching funds can be leveraged to obtain sizable levels of funding for projects and programs for reducing pollutants that are affecting the climate and public health. Revenue is needed to provide matching funds for grants related to clean air infrastructure, such as electric vehicle charging stations. The goal of the Alternative Fuels program is to coordinate, support and enhance Marin's development of these strategies, while leveraging existing and future funding streams. This type of leveraging will ensure that funds are focused on proven programs with measurable results.

**Marin County Vehicle Registration Fee Expenditure Plan**

TRANSPORTATION AUTHORITY OF MARIN

## Required Findings

The statute requires that the ballot measure resolution, adopted by a countywide transportation agency, contain a finding of fact that the projects and programs to be funded by the fee increase have a relationship or benefit to the persons who will be paying the fee, and the projects and programs are consistent with the regional transportation plan. Below is a summary of the benefits and relationship of this fee to the fee payer.

### Benefits and Relationship of Fee to the Fee Payer

The Plan includes three elements. Since this Fee is levied on motorized vehicles, by extension, the fee payer is predominately the driver of the vehicle. Each element benefits the fee payer as follows:

- **Enhance Bicycle, Pedestrian, and Safety Improvements to Local Streets and Pathways:** Fee payers benefit from having roadways safely maintained and operating efficiently. Programs that improve local roads and pathways benefit all users by improving roadway conditions, offering alternatives to driving, and identifying and mitigating safety and congestion problems.
- **Improve Transit for Seniors and Persons with Disabilities:** Fee payers benefit from the provision of effective alternatives to driving for older adults and persons with disabilities who may be at-risk drivers and/or require the services of friends and family members for their mobility. The provision of effective transportation services for seniors and persons with disabilities will also benefit fee payers who would like to drive less or stop driving as they get older by providing alternatives to driving.
- **Reduce Congestion and Pollution:** Fee payers benefit from reduction in automobile dependent, single passenger trips to schools through reduced corridor level and site-related congestion. Reductions in single student vehicle travel further reduce air pollution and vehicle related impacts on the environment. Secondary benefits may include removing barriers for parents to use alternatives to single occupant travel to work by relieving them of the need to pick up or drop off students as part of their commute trip.

Fee payers benefit from the development and promotion of efficient and effective tools to help employers and employees take advantage of alternatives to single occupant vehicle travel to work. Reducing single occupant vehicle trips during commute times could have a profound effect on both congestion and the negative impacts of automobiles on the environment. Additional programs that support emerging "green" transportation technologies, such as alternative fuels vehicles, can reduce air pollution.

Fee payers benefit from support for alternative fuels programs, such as electric vehicle infrastructure. The need to transition to more fuel-efficient vehicles, such as electric vehicles, can only occur with the implementation and maintenance of charging stations. Electric vehicles can reduce air pollution, as well as municipal fleet costs, business costs, and local fee-payer costs, while allowing the maximum flexibility to travel.

**Marin County Vehicle Registration Fee Expenditure Plan**

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TRANSPORTATION AUTHORITY OF MARIN

**Consistency with the Regional Transportation Plan**

The Plan is consistent with the Metropolitan Transportation Commission's (MTC's) Regional Transportation Plan ("*Plan Bay Area 2050*") and performance objectives outlined in the Plan.

**Compliance with California Environmental Quality Act**

Environmental review of the Plan is not required under the rationale stated in *Sustainable Transportation Advocates of Santa Barbara v. Santa Barbara County Association of Governments* (2009) 179 Cal.App.4th 113. None of the programs in the Expenditure Plan rises to the level of specification that would create a project under the California Environmental Quality Act (CEQA). Many of the programs would be categorized as exempt. If a project to be funded by one of the Programs listed in this Expenditure Plan requires an analysis under CEQA, an independent project level CEQA analysis will be completed prior to implementation of the project. No fund allocations for implementing the improvement will be made until the requisite analysis has been completed.

**Governing Board and Organizational Structure****Agency Responsible for Administering Proceeds of Fee**

TAM will collect and administer the VRF in accordance with the Plan.

**Annual Budget and Reporting**

The Annual Budget, adopted by TAM's Board of Commissioners each year, will project the expected fee revenue, other anticipated funds and planned expenditures for administration and programs. In addition, TAM will prepare an Annual Report which will be made available to the public and will summarize revenues collected and distributed each year. Before adopting the Annual Report, comments from the public will be invited at a publicly noticed regular meeting of the TAM Board.

**Marin County Vehicle Registration Fee Expenditure Plan**TRANSPORTATION AUTHORITY OF MARIN

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**Use of Proceeds**

The proceeds of the fees governed by this ordinance shall be used solely for the programs and purposes set forth in the Plan and for the administration thereof. Indirect costs of the programs as defined in federal Office of Management and Budget (OMB) Circular A-87 shall not be allowed as eligible expenditures of these fee proceeds. The Transportation Authority of Marin will administer the proceeds of the VRF to implement the expenditure elements described in the Amended Expenditure Plan. Pursuant to California Government Code section 65089.20, not more than five percent of the fees shall be used for local administrative costs associated with the programs and projects.

It is the intent of the Amended Expenditure Plan that revenues provided from the VRF be used to supplement existing revenues being used for transportation improvements and programs. Each project sponsor receiving VRF funds pursuant to the Amended Expenditure Plan shall meet this requirement. TAM reserves the right to conduct compliance audits on the use of the funds to ensure the funds are not used to supplant existing transportation funding.

Pursuant to California Vehicle Code section 9250.4, the initial setup and programming costs identified by the Department of Motor Vehicles (DMV) to collect the Fee upon registration or renewal of registration of a motor vehicle shall be paid by TAM from the Fee. Any payments that TAM will advance to the DMV prior to the collection of the Fee proceeds shall be repaid off the top of the initial proceeds collected, with no restriction on the funds. The costs deducted pursuant to this paragraph shall not be counted against the five percent administrative cost limit specified in California Government Code section 65089.20(d). Following implementation, annual costs incurred by the Department of Motor Vehicles associated with the collection of the fee shall be taken off the top of the fees collected with the remainder transmitted to the Transportation Authority of Marin.

**Duration of Fee**

The Fee will be imposed annually unless repealed. 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.

**Severability**

If any provision of this Plan or the application thereof to any person or circumstance is held invalid, the remainder of this Plan and the application thereof to other persons or circumstances shall not be affected. If an expenditure element, or portion of an element, of this Plan is found to be invalid, the previously allocated funds to said element will be distributed to the remaining elements on a pro-rata share basis.

**Amendments to the Plan**

Amendments to the Plan shall be approved by a two-thirds vote of the TAM Board. All jurisdictions within the County, along with the public, will be given a minimum 45-day notice and opportunity to comment on any proposed Plan amendment prior to its adoption. Any amendments will be heard at a noticed public hearing prior to TAM Board consideration.



**Marin County Vehicle Registration Fee Expenditure Plan**

TRANSPORTATION AUTHORITY OF MARIN

**Option to Bond**

The Agency administering the Fee will have the authority to bond for the purposes of expediting the delivery of projects and programs within the Amended Expenditure Plan elements. The bonds, along with any issuance costs, will be paid with the proceeds of the Fee. The costs associated with bonding will be borne only by those elements in the Plan utilizing the bond proceeds. The costs and risks associated with bonding will be presented in TAM's Annual Budget and will be subject to public comment before approving a bond sale.

**Citizens' Oversight Committee**

The COC, created by the TAM Board with the assistance of the League of Women Voters of Marin County to provide oversight for the ½-Cent Transportation Sales Tax (Measure A/AA), provides oversight of the VRF, as well. The COC reports directly to the public and will be responsible for reviewing all revenues and expenditures related to the Fee. The responsibilities of the COC are:

- Must hold public meetings to inform Marin County residents how funds collected from the Fee are being spent. The Meetings will be open to the public and must be held in compliance with the Brown Act, California's open meeting law. Information announcing the meetings must be well publicized and posted in advance.
- Must publish information on the use of the Fee in an annual report. This report can be included as part of the annual report currently published by the COC related to the ½-Cent Transportation Sales Tax. Copies of the annual reports must be made widely available to the public at large.

To accurately represent the voices of the communities in Marin, especially to timely address the needs and voices of the Equity Priority Communities (EPCs), the TAM Board has the authority to review and amend the COC membership structure when necessary.

**Implementation**

This Plan is guided by principles that ensure the revenue generated by the VRF is spent in the most efficient and effective manner possible, consistent with the desires of the voters of Marin County. The principles outlined in this section provide the flexibility needed to address issues that may arise during the life of the Plan. The specific operations of the Authority are further addressed in its Administrative Code.

1. TAM is charged with a fiduciary duty in administering the VRF proceeds in accordance with the applicable laws and this Plan.
2. All meetings of the TAM Board of Commissioners will be conducted in public according to State law, through publicly noticed meetings. TAM's Annual Budget, including the budget for the use of these funds, will be prepared for public scrutiny. TAM will select and allocate funds to specific projects or programs from each element in the Plan.
3. Under no circumstances may the proceeds of the VRF be applied to any purpose other than for transportation improvements benefiting the fee payers in Marin County. The funds may not be used for any transportation projects or programs other than those specified in this Plan, without an amendment of the Plan.

**Marin County Vehicle Registration Fee Expenditure Plan**

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## TRANSPORTATION AUTHORITY OF MARIN

4. Actual revenues may be higher or lower than expected in this Plan due to changes in receipts and/or changes in the number of vehicles registered in Marin County. Because the Plan is based on percentage distributions, dollar values in this Plan are estimates only. Actual revenues will be programmed over the life of the Plan based on the percentage distributions identified in the Plan. Distribution of bicycle/pedestrian pathway maintenance funds will be revised when a new pathway becomes eligible.
5. TAM will prepare and adopt a Measure B Strategic Plan, which will identify the priorities for projects, annual funding available for each element, and timing of allocations. The Measure B Strategic Plan reconciles the timing of expected revenues with the schedule for when those revenues are needed in order for sponsors to deliver projects and services. The Measure B Strategic Plan will also include implementation guidelines for recipients to comply with requirements, including metrics and reporting. The Measure B Strategic Plan and subsequent updates must be approved by the TAM Board, following a noticed public hearing on the draft Measure B Strategic Plan and a 45-day public comment period. The Measure B Strategic Plan will be updated every other year as needed.
6. Funds may be accumulated by TAM over a period of time to pay for larger and longer-term programs or projects. The TAM Board has the discretion to use the interest revenue generated by the fee proceeds to fund any transportation project or program that is described in the Plan.
7. If applicable, projects funded with the proceeds of the VRF will be required to complete appropriate CEQA clearance and other necessary environmental review, completed under the sole responsibility of the recipient of the funds.
8. New cities, towns or other entities that come into existence in Marin County after this Fee is authorized by voters could be considered as eligible recipients of funds through a Plan amendment.



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January 11, 2023

Anne Richman  
Executive Director, Transportation Authority of Marin  
900 Fifth Avenue, Suite 100  
San Rafael, CA 94901

Re: Measure B Expenditure Plan Review

Dear Anne:

**board of directors**

katie rice  
president  
supervisor district 2

brian colbert  
vice president  
town of san anselmo

eric lucan  
2nd vice president  
supervisor district 5

mary sackett  
director  
supervisor district 1

stephanie moulton-peters  
director  
supervisor district 3

dennis rodoni  
director  
supervisor district 4

maribeth bushey  
director  
city of san rafael

fred cassisa  
alternate  
town of corte madera

I am writing to support the TAM recommendation to amend the Measure B program. Measure B is an important source of funds for Marin Transit's programs for seniors and people with disabilities. Marin Transit leverages Measure B funds with other state, local and federal funds to provide a comprehensive program of mobility services to our most vulnerable residents. Marin County's population of older adults and people with disabilities is growing and the need for mobility services continues to grow.

The TAM staff and the Citizen's Oversight Committee (COC) recently considered amendments to the Measure B Expenditure Plan as a part of TAM's required review every 10 years. Marin Transit was provided an opportunity to present the current and future funding needs for transit for seniors and people with disabilities to the COC. While those needs are outpacing the current 35% of Measure B funding available, we understand that increasing the share of Measure B funds for this purpose competes with other Measure B funding needs. We appreciate that TAM carefully evaluated all needs and provided an open and transparent process for reviewing the program. We hope there will be other funding opportunities for our growing programs in the future and that COC and TAM will continue to take these needs into account.

On behalf of Marin Transit staff, I support the staff recommendation that retains the 35% funding share for our mobility programs. Thank you and the COC members for your efforts to update the Measure B Expenditure Plan.

Sincerely,

Nancy Whelan  
General Manager

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**DATE:** January 26, 2023

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

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

**SUBJECT:** Adopt the 2023 Legislative Platform (Action), Agenda Item No. 10

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## RECOMMENDATION

The TAM Board reviews and adopts the proposed 2023 Legislative Platform as shown in Attachment A.

On January 9, 2023, the Funding, Programs & Legislation (FP&L) Executive Committee reviewed, suggested additional language, and voted unanimously to refer the proposed 2023 Legislative Platform with suggested changes to the Board for review and adoption.

## BACKGROUND

At the beginning of each year, with the support of Khouri Consulting, TAM's Legislation Consultant, staff develops, and the TAM Board adopts, a Legislative Platform to guide policy decisions and communicate TAM's goals and the County's transportation needs to the Legislature and other agencies, such as the Metropolitan Transportation Commission (MTC) and the Self-Help Counties Coalition (SHCC).

The platform is used to guide communications on critical legislation and policies that impact how TAM achieves its goals and funding needs during the year. Staff and Khouri Consulting will bring recommendations on pending legislation to the TAM Board for review during the Legislative Session.

To further Marin's transportation interests, TAM has historically worked in concert with other agencies and associations in developing a unified message. TAM's past legislative advocacy and successes have usually been accomplished by working collaboratively with the North Bay Counties, Bay Area County Transportation Agencies (BACTA), SHCC, Regional Transportation Planning Agencies (RTPAs), and MTC. TAM will continue this practice to seek partners with common interests in supporting or opposing pertinent legislation and policies in 2023.

## DISCUSSION/ANALYSIS

During the height of the pandemic, State Legislators were dissuaded from introducing too many bills because hearings and public participation were limited. On October 17, 2022, Governor Gavin Newsom announced that the COVID-19 State of Emergency will end on February 28, 2023. It is uncertain if the ending of the State of Emergency will result in an increase in the introduction of bills. Staff and Khouri Consulting will be monitoring the introduction of all bills and policies relevant to TAM for 2023.

## **Proposed 2023 Legislative Platform**

Staff has developed the annual Legislative Platform to address ongoing and emerging transportation issues anticipated for 2023. The proposed 2023 Legislative Platform is included as Attachment A. A redlined version of the proposed 2023 Legislative Platform is included as Attachment B to show changes from the 2022 Platform. Attachment C is the adopted 2022 Legislative Platform.

The proposed 2023 Legislative Platform captures relevant ongoing policy elements that TAM adopted in prior years' platforms and adds potential new issues that staff anticipates being relevant in 2023. Staff and Khouri Consulting also reviewed MTC's and the County of Marin's 2023 Legislation Programs to avoid unwarranted contradictory proposals.

The proposed 2023 Legislative Platform recognizes the importance of state funding and suggests diligent efforts to enhance funding opportunities for Marin's transportation projects/programs. In addition to state funding, new funding opportunities have emerged from the passage of the federal Infrastructure Investment and Jobs Act (IIJA). TAM will continue to monitor all proposals on the distribution of IIJA funds to maximize funding opportunities for projects/programs in Marin.

While transportation funding policies continue to remain a focal point, the proposed 2023 Legislative Platform addresses other key areas of interest to TAM, including, but not limited to, the following:

- support legislation and regional efforts to encourage the state to provide resources to transit agencies in dealing with the impacts from the pandemic, including decline in ridership;
- support legislation that mitigates climate change and promotes resilience;
- support legislation that encourages multi-modal transportation options that emphasize active transportation, zero emission vehicles, and public transit;
- support legislation that provides resources and incentives for electric vehicle usage and infrastructure; including support for transit operators transitioning bus, ferry, and rail fleets to zero emission vehicles;
- support legislation that allows transit buses to use highway shoulders where feasible; and
- support legislation that allows more opportunities and simplifies the existing rules for virtual public meetings after the end of the State of Emergency.

On January 9, 2023, the FP&L Executive Committee suggested the State and Federal Funding sections to explicitly include "Marin Transit facilities" as an emphasis for targeted funding. Attachments A and B include the request by the FP&L Executive Committee.

## **2023 State Legislative Session**

The 2023 Legislative Session is the first year of a two-year session. Any bill that is introduced in the first year that does not pass is eligible to continue through the legislative process in the second year without needing to be re-introduced.

The deadline to introduce legislative bills for the 2023 State Legislative Session is February 17, 2023. Staff and Khouri Consulting anticipate returning to the Board in March to highlight relevant bills for monitoring and taking positions consistent with the adopted 2023 Legislative Platform. Notable dates for the 2023 Legislative Session are shown in the table below.

Legislature reconvenes	January 4, 2023
Deadline for Governor to submit proposed FY2023-24 State Budget	January 10, 2023
Last day for bills to be introduced	February 17, 2023
Deadline to propose changes to State Budget, referred to as "May Revise"	May 14, 2023
Deadline for Legislature to pass State Budget	June 15, 2023
Last day for the Legislature to pass bills	September 14, 2023
Last day for the Governor to sign or veto bills	October 14, 2023
Statutes take effect, except emergency items that take effect upon signing	January 1, 2024

As noted in the above milestones, the Governor submitted a budget proposal to the Legislature on January 10, 2023. Attachment D is Khouri Consulting's initial summary of the proposed FY2023-24 State Budget, particularly with issues involving transportation. Mr. Khouri will provide more details on the proposed State Budget at the January TAM Board meeting.

### **FISCAL CONSIDERATION**

There are no immediate fiscal impacts with the adoption of the 2023 Legislative Platform.

### **NEXT STEPS**

Upon the TAM Board's approval, staff will communicate TAM's 2023 Legislative Platform to our partners, review proposed 2023 legislative bills, and present relevant legislative bills to the TAM Board for action.

### **ATTACHMENTS**

Attachment A – Proposed 2023 Legislative Platform  
Attachment B – Proposed 2023 Legislative Platform redlined version  
Attachment C – Adopted 2022 Legislative Platform  
Attachment D – Khouri Consulting State Legislative Update

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## ATTACHMENT A

## Proposed TAM 2023 Legislative Platform

Issue and Background Information	Goals	Strategies
<p><b>I. Acquiring State Funding for TAM's Priority Projects</b></p> <p>In 2017, the legislature enacted SB 1 (Beall), Chapter 5, statutes of 2017, which provides \$5.2 billion in annual revenues to fund traffic congestion relief, highway rehabilitation and safety, local streets and roads repair, and multi-modal options through investments into public transportation, commuter and intercity rail, and bicycle and pedestrian programs. Applications were due to the California Transportation Commission(CTC) in December of 2022 for the SB 1 Cycle 3 competitive programs. Program adoption is scheduled for June 2023. The CTC adopted \$1.35 billion in funding for Cycle 6 of the Active Transportation Program in December. Of that amount, \$1.049 billion was one-time money approved in the FY2022-23 State Budget (AB 180).</p> <p>On November 15, 2021, President Biden signed the Infrastructure Investment and Jobs Act of 2021 (IIJA P.I. 117-58), which provides \$1.2 trillion in investments through 2026 for federal-aid highways, transit, highway safety, among other items. California is estimated to receive a guaranteed formulaic distribution of \$40 billion over the next five years. Discussion continues regarding the distribution of funding.</p> <p>On September 23, 2020, Governor Newsom issued Executive Order N-76-20, which prohibits the sale of gasoline-powered passenger vehicles by 2035 and promotes zero-emission vehicles for future mobility needs. Given that transportation is predominantly funded through the gas tax, a successor funding mechanism will eventually be needed.</p>	<p>A. Aggressively pursue funds through the State Budget, California Transportation Commission allocation process or any other state sources.</p> <p>B. Ensure predictability and stability of transportation revenue should the state move away from diesel or gasoline powered vehicles and the gas tax.</p>	<p><b>1. TAM will remain diligent in competing for additional state funds, including California's share of federal funds, to support countywide priorities, with an emphasis on addressing safety, congestion, and mobility on State Route 37 and the 580/101 connector, as well as rehabilitating roads and bridges, such as the Richmond-San Rafael Bridge and Bellam Boulevard Off-Ramp Project. This includes supporting efforts to increase the appropriation authority/programming capacity for the SB 1 competitive programs.</b></p> <p><b>2. TAM supports a revenue-neutral conversion from the gas tax to a source that ensures equity in revenue collection that does not disadvantage those that must drive further to job centers.</b></p> <p><b>3. In partnership with local transit operators and jurisdictions, TAM will monitor and support appropriate efforts to encourage and provide resources for transportation to maintain a state of good repair, implement operational improvements, enhance connections to transit, advance equitable mobility, and enhance the safety and extent of the bicycle and pedestrian networks.</b></p> <p><b>4. TAM supports a streamlined application process for state funds so that the process does not disadvantage smaller agencies with scarce resources to limit or avoid entirely the need to retain costly consultants in preparing applications.</b></p>
<p><b>II. Addressing Mobility and Meeting State Climate Change Mandates</b></p> <p>The CTC, California Air Resources Board, and California</p>	<p>A. Monitor activities regarding greenhouse gas emission reduction, local land use</p>	<p><b>1. TAM will support efforts to secure resources to expand infrastructure and incentives, such as rebates and tax credits particularly for low-income individuals and families, for electric vehicle conversion by minimizing concerns over range, cost, and</b></p>

Issue and Background Information	Goals	Strategies
<p>Department of Housing and Community Development are required to convene twice a year to coordinate transportation policies, with a focus on reducing vehicle miles traveled and greenhouse gas emissions. Concurrently, the legislature continues to work on providing resources to develop additional affordable housing and assess job creation opportunities to help mitigate vehicle miles traveled to reduce greenhouse gas emissions.</p> <p>On September 20, 2019, Governor Newsom issued Executive Order N-19-19, directing the California State Transportation Agency to leverage \$5 billion in state funding to encourage mode shift with an emphasis on reducing greenhouse gases and vehicles miles traveled. Regional transportation planning agencies face greater challenges in addressing mobility and congestion management while accounting for local land use planning and complying with state mandates to reduce greenhouse gas emissions and vehicle miles traveled.</p> <p>Given the unique geography of Marin County, local land use development patterns, and the regional travel patterns, opportunities for reducing vehicle miles traveled can be challenging. The prospects for reducing greenhouse gas emissions can also be realized through investments made to improve the availability of charging station infrastructure and availability of converting from gas-powered to electric passenger vehicles, where feasible.</p>	<p>development patterns and the impact on vehicle miles traveled.</p> <p>B. Support state funding to expand infrastructure and incentives for conversion to electric vehicles to reduce greenhouse gas emissions.</p> <p>C. Support climate resilience policies and funding opportunities.</p>	<p><b>infrastructure. An evaluation of the cost of increased usage of electricity, as well as availability should be considered.</b></p> <p><b>2. TAM will work with the Self-Help Counties Coalition, the California Association of Councils of Governments, and other partners, to develop additional revenue sources at the state, regional and local level to support the planning required by SB 375, and making transit-oriented development more viable, where feasible. This includes supporting MTC's efforts to advocate for SB 375 reform to incentivize near-term, real-world progress on GHG emission reduction over the current approach, which places too great an emphasis on long-term modeling, and seek changes to provide greater alignment, rather than competition between regional and state GHG reduction strategies.</b></p> <p><b>3. TAM will monitor upcoming funding opportunities for land use and transportation planning integration to support and advocate for Marin PDAs and major transit stops to integrate housing and transportation to reduce VMT.</b></p> <p><b>4. TAM will monitor upcoming funding opportunities and programs for zero emission vehicles, including charging infrastructure. This includes working with local jurisdictions to support climate action plan goals and mobility goals, including MTC's effort to seek up to \$1.25 billion for zero-emission vehicle investments in the FY2023-24 budget, consistent with the level identified in AB 211 (2022), part of the multiyear climate commitment in the FY2022-23 budget. Ensure zero-emission transit vehicles and infrastructure are eligible uses of the public transit funds, including supporting funds to help transit operators transition bus, ferry, and rail fleets to zero emission vehicles.</b></p> <p><b>5. TAM will continue to seek to modify the definition of disadvantaged communities so that resources can be used in underprivileged communities within the County but also provide a regional benefit.</b></p>

Issue and Background Information	Goals	Strategies
		<p><b>6. TAM will continue to work with organizations such as the California League of Cities, California State Association of Counties, and Self-Help Counties Coalition, among others, to pursue funding from Cap-and-Trade revenues or other means to help comply with the statewide mandate to reduce GHG emissions. This includes supporting operational improvements such as telecommuting, vanpools, shipping more freight via rail, and promoting opportunities to generate revenue for providing multi-modal options, including bus and ferry service. TAM will also work with these groups to understand the impact of any new requirements on local, voter-approved transportation measures.</b></p> <p><b>7. TAM will support efforts to extend the Cap-and-Trade program beyond 2030 and efforts to mitigate climate change and support adaptation to climate-related impacts, including wildfire risk and infrastructure that would assist in adaptation to sea-level rise, such as wetlands restoration, levee construction or other resilience measures to mitigate against threats to the local transportation network, particularly major arterials, or evacuation routes.</b></p>
<p><b>III. Leveraging Regional Partnerships</b></p> <p>Even with the availability of state resources, regional coordination and funding is needed to expedite project delivery to improve air quality, mobility and maintain system integrity. TAM will educate our delegation and state funding partners, such as the California State Transportation Agency, CTC, Caltrans, and the Newsom Administration, about the Bay Area's transportation network and mobility needs.</p>	<p>A. Coordinate with MTC and Bay Area County Transportation Agencies to protect and acquire resources to address transportation infrastructure and mobility needs.</p>	<p><b>1. TAM will coordinate with MTC to position Marin projects for competitive state and federal grant funding opportunities.</b></p> <p><b>2. MTC intends on collaborating with Caltrans and the four North Bay Counties (Marin, Napa, Solano, Sonoma) to seek approval for tolls on State Route 37 to help fund congestion relief and sea level rise/flood prevention projects on the route. TAM will work with stakeholders to ensure that the potential legislation supports Marin's priorities of addressing segments within the County.</b></p> <p><b>3. TAM will support the California Transit Association's (CTA's) effort to pursue statewide legislation to allow for transit buses to use shoulders along routes such as Highway 101.</b></p> <p><b>4. TAM will advocate for the expansion of cost-savings provisions for MTC and the Bay Area Toll Authority (BATA) that were incorporated into the FY2020-21 State Budget with respect to local agencies to reduce BATA administrative costs and free up funding</b></p>

Issue and Background Information	Goals	Strategies
		for key bridge maintenance and increased capacity to support counties with bridge toll revenues.
<p><b>IV. Enhancing Multi-Modal Options</b></p> <p>The COVID-19 pandemic and the shift to working from home has exacerbated transit ridership challenges. AB 149 (Committee on Budget), Chapter 81, Statutes of 2021, provides statutory relief in meeting farebox recovery requirements for receiving State Transit Assistance (STA), Low Carbon Transit Operations Program (LCTOP), and State of Good Repair funds, through fiscal year 22-23. It suspends Transportation Development Act (TDA) and STA penalties for this duration. The bill also adds a list of new exemptions from the farebox recovery calculation, including on-demand service and micro transit service beyond fixed-route service, costs for security, ticketing services, pensions, planning for improvements in transit operations, integration with other operators and agencies, transitioning to zero-emission operations, and for compliance with state and federal mandates. Legislation will be needed to extend relief for transit operators to maintain and expand existing services.</p> <p>The recent cycles of the State’s Active Transportation Program (ATP) have left many viable applications unfunded due to the lack of funds. Cycle 6 provided one-time funding of \$1.3 billion. In addressing climate changes, broad based support for more funding for active transportation and safety improvements on existing roadways (i.e., “complete streets”) have been advocated by various organizations.</p>	<p>A. Support potential changes to the Transportation Development Act to assist local public transportation with funding eligibility.</p> <p>B. Seek funding to maintain transit operations.</p> <p>C. Pursue opportunities to expand active transportation network and improve bicycle and pedestrian safety.</p>	<p><b>1. TAM will support legislation that creates flexibility for public transportation funding programs to maintain service. This includes supporting an on-going funding augmentation for transit operations.</b></p> <p><b>2. TAM will support efforts by Marin Transit and Golden Gate Bridge, Highway and Transportation District to acquire funds from Cap and Trade and Transit and Intercity Rail Capital Program for operations and capital needs for bus, rail and bicycle and pedestrian programs, ferries, and transit hubs, such as the San Rafael Transit Center, Marin Transit facilities, and Bus on Shoulder Project.</b></p> <p><b>3. TAM will also continue to advocate for a permanent augmentation to the Active Transportation Program, and any other funding made available to enhance bicycle and pedestrian safety and infrastructure to encourage mode shift, which includes use of e-bikes, as well as support to implement Vision Zero to eliminate fatalities. TAM will actively pursue funds for non-motorized transportation applications that were not funded by ATP or OBAG 3.</b></p> <p><b>4. TAM supports recommendations made by the Blue-Ribbon Transit Recovery Task Force and will assist local transit agencies in seeking funding opportunities to implement those recommendations applicable to Marin.</b></p> <p><b>5. TAM will participate in a regional effort to pursue a unified statewide advocacy strategy for new ongoing (multi-year) state funding to address transit operators’ fiscal impacts from the pandemic, as well as other improvements needed to attract riders back to transit.</b></p>

Issue and Background Information	Goals	Strategies
<p><b>V. Seeking Efficiencies</b></p>	<p>A. Support efforts to streamline and expedite project delivery.</p> <p>B. Support flexibility for local agencies to conduct virtual public meetings.</p>	<p><b>1. TAM will support efforts to streamline the permitting process, delivery methods or additional administrative steps necessary to deliver projects in a timely and cost-effective manner.</b></p> <p><b>2. TAM will monitor and engage in legislation, in coordination with other local agency associations and regional agencies, related to modifying AB 2449 (Rubio), which updates the Ralph M. Brown Act (Brown Act) to incorporate some of the increased flexibility in relation to remote participation in meetings without a declared State of Emergency. AB 2449 limits virtual participation for no more than 20% of a local agency's board meetings and requires a quorum to meet in a singular physical location within the jurisdiction of a board. TAM will advocate for language that allows board members to participate remotely more frequently, as long as the public is afforded the same opportunity.</b></p>
<p><b>VI. Pursuing Federal Opportunities</b></p> <p>The Fixing America's Surface Transportation (FAST) Act was enacted in 2015 and authorized federal surface transportation programs for highways, highway safety and transit. It expired September 30, 2020; however, a one-year extension was approved to provide certainty to states and local governments under the strain of the COVID-19 pandemic.</p> <p>In 2019, the Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule proposed to amend existing Corporate Average Fuel Economy (CAFE) and tailpipe carbon dioxide emissions standards for passenger cars and light trucks and to establish new standards covering model years 2021 through 2026. The Trump Administration threatened to revoke California's Clean Air Act waiver, devising its own emissions standards.</p> <p>On November 15, 2021, President Biden signed the Infrastructure Investment and Jobs Act of 2021 (IIJA P.L. 117-58), which provides \$1.2 trillion in investments through 2026 for federal-aid highways, transit, highway safety, among other items. California is estimated to receive a guaranteed formulaic distribution of funding over the next five years as</p>	<p>A. Seek federal funding to support priority projects/programs at TAM and for our partner agencies.</p> <p>B. Support climate resilience policies.</p>	<p><b>1. TAM will work with our regional and national partners to implement the IIJA to achieving goals related to infrastructure condition, safety, mobility, and air quality. TAM will monitor funds from IIJA that are distributed to the Bay Area in an equitable manner to CTAs and transit agencies. TAM will also seek new resources to support climate adaptation and the deployment of new transportation technology to address the Bay Area's mobility challenges.</b></p> <p><b>2. TAM also supports examining revenue solutions for the Highway Trust Fund that keeps up with inflation.</b></p> <p><b>3. TAM will continue to advocate that federal transportation programs fund and advance the following priorities:</b></p> <p><b>a. Highway 101 Multi-Modal Corridor Projects.</b> TAM will <u>support</u> the Sonoma Marin Area Rail Transit's (SMART's) efforts to seek or maintain funding for its project, including extension north to Cloverdale, completion of the multi-use pathway, and potential extension east to the Capital Corridor near Interstate 80. <u>Support</u> efforts to construct a new Bettini San Rafael Transit Center to ensure safe and efficient multimodal operations for SMART, bus operations, pedestrians, and motor vehicles. <u>Support</u> other emerging multi-modal</p>

Issue and Background Information	Goals	Strategies
<p>follows: \$25.3 billion for federal-aid highways (60/40 split between state and local agencies); \$9.45 billion to improve public transportation; \$4.2 billion for bridge repair and seismic retrofits; and \$384 million for expanding the electric vehicle charging network.</p>		<p>improvements along the corridor.</p> <p><b>b. Nonmotorized Transportation/ATP.</b> <u>Seek</u> funds dedicated to nonmotorized transportation projects and programs, including Safe Routes to Schools.</p> <p><b>c. State Highway 37.</b> <u>Support</u> funding for sea level rise adaptation/resilience projects for the State Route 37 Project including Segment A in Marin County.</p> <p><b>d. Transit Funding.</b> <u>Support</u> maintaining or increasing funding for transit operations and capital programs, including immediate pandemic-related relief funding and transit facilities for Marin Transit.</p> <p><b>4. TAM will advocate for mitigating climate change and will support adaptation to protect transportation infrastructure from climate-related impacts, including wildfire risk and sea-level rise.</b></p> <p><b>5. TAM will monitor litigation and any potential actions pertaining to SAFE rule enactment and compliance.</b></p> <p><b>6. TAM will support an extension of federal tax credits for zero emission vehicles. Federal law provides a credit for qualified plug-in electric drive motor vehicles including passenger vehicles and light trucks.</b></p> <p><b>7. While the United States District Court granted a Stay Order to allow transit funds to continue to flow to California and prevents the Department of Labor from using PEPRA to slow or stop the execution of FTA grants to transit agencies, TAM supports a permanent resolution that does not compel rescission of grant funds to ensure predictability for transit agencies.</b></p>

## ATTACHMENT B

## Proposed TAM 2023~~2~~ Legislative Platform

Issue and Background Information	Goals	Strategies
<p><b>I. Acquiring State Funding for TAM's Priority Projects</b></p> <p>In 2017, the legislature enacted SB 1 (Beall), Chapter 5, statutes of 2017, which provides \$5.2 billion in annual revenues to fund traffic congestion relief, highway rehabilitation and safety, local streets and roads repair, and multi-modal options through investments into public transportation, commuter and intercity rail, and bicycle and pedestrian programs. <del>In 2020, TAM was successful in acquiring \$40 million for the completion of the Marin-Sonoma Narrows. Applications were due to the California Transportation Commission (CTC) in December of 2022 with adopt guidelines in the Fall of 2022, with applications being due in the Winter for the SB 1 Cycle 3 competitive programs. Program adoption is scheduled for June 2023. The CTC adopted \$1.35 billion in funding for Cycle 6 of the Active Transportation Program in December. Of that amount, \$1.049 billion was one-time money approved in the FY 2022-23 State Budget (AB 180). Additionally, the State General Fund is projected to have a \$31.2 billion surplus for FY 22-23. There is also a \$4.5 billion carryover of resources from FY 21-22.</del></p> <p><u>On November 15, 2021, President Biden signed the Infrastructure Investment and Jobs Act of 2021 (IIJA P.L. 117-58), which provides \$1.2 trillion in investments through 2026 for federal-aid highways, transit, highway safety, among other items. California is estimated to receive a guaranteed formulaic distribution of \$40 billion over the next five years as follows: \$25.3 billion for federal aid highways (60/40 split between state and local agencies); \$9.45 billion to improve public transportation; \$4.2 billion for bridge repair and seismic retrofits; and \$384 million for expanding the electric vehicle charging network. Discussion continues regarding the distribution of funding.</u></p>	<p>A. Aggressively pursue funds through the State Budget, California Transportation Commission allocation process or any other state sources.</p> <p>B. Ensure predictability and stability of transportation revenue should the state move away from diesel or gasoline powered vehicles and the gas tax.</p>	<p><b>1. TAM will remain diligent in competing for additional state funds, including California's share of federal funds <del>that need to be implemented, for to support</del> countywide priorities, with an emphasis on addressing safety, congestion, and mobility on State Route 37 and the 580/101 connector, as well as rehabilitating roads and bridges, such as the Richmond-San Rafael Bridge <u>and Bellam Boulevard Off-Ramp Project</u>. This includes supporting efforts to increase the appropriation authority/programming capacity for the SB 1 competitive programs.</b></p> <p><b>2. TAM supports a revenue-neutral conversion from the gas tax to a source that ensures equity in revenue collection that does not disadvantage those that must drive further to job centers.</b></p> <p><b>3. In partnership with local transit operators and jurisdictions, TAM will monitor and support appropriate efforts to encourage and provide resources for <u>"seamless" transportation to maintain a state of good repair, implement operational improvements, enhance connections to transit, advance equitable mobility, and enhance the safety and extent of the bicycle and pedestrian networks.</u></b></p> <p><b><del>4. Participate in a unified Bay Area strategy to advocate for equitable shares of the surplus funds for Northern California and protects the interests of smaller counties and smaller transit agencies. Advocate that the majority of the surplus funds be used to augment existing funding sources, such as STA, ATP, STIP, and other sources with established distribution formulas or statewide competitive structure and oppose using the STIP as the mechanism for distributing public transit funding, particularly when STA distribution mechanism is readily available. Moreover, funds distributed through STIP would require additional steps through the California Transportation Commission (CTC) that is avoided by STA that provides funding directly to transit agencies based readily accepted transit formula.</del></b></p> <p><b>45. TAM supports a streamlined application process for state funds</b></p>

Issue and Background Information	Goals	Strategies
<p>On September 23, 2020, Governor Newsom issued Executive Order N-76-20, which prohibits the sale of gasoline-powered passenger vehicles by 2035 and promotes zero-emission vehicles for future mobility needs. Given that transportation is predominantly funded through the gas tax, a successor funding mechanism will eventually be needed.</p>		<p>so that the process does not disadvantage smaller agencies with scarce resources to limit or avoid entirely the need to retain costly consultants in preparing applications.</p>
<p><b>II. Addressing Mobility and Meeting State Climate Change Mandates</b></p> <p>The <del>California Transportation Commission</del>CTC, California Air Resources Board, and California Department of Housing and Community Development are required to convene twice a year to coordinate transportation policies, with a focus on reducing vehicle miles traveled and greenhouse gas emissions. Concurrently, the legislature continues to work on providing resources to develop additional affordable housing and assess job creation opportunities to help mitigate vehicle miles traveled to reduce greenhouse gas emissions.</p> <p>On September 20, 2019, Governor Newsom issued Executive Order N-19-19, directing the California State Transportation Agency to leverage \$5 billion in state funding to encourage mode shift with an emphasis on reducing greenhouse gases and vehicles miles traveled. Regional transportation planning agencies face greater challenges in addressing mobility and congestion management while accounting for local land use planning and complying with state mandates to reduce greenhouse gas emissions and vehicle miles traveled.</p> <p>Given the unique geography of Marin County, local land use development patterns, and the regional travel patterns, opportunities for reducing vehicle miles traveled can be challenging. The prospects for reducing greenhouse gas emissions can also be realized through investments made to improve the availability of charging station infrastructure and availability of converting from gas-powered to electric passenger vehicles, where feasible.</p>	<p>A. Monitor activities regarding greenhouse gas emission reduction, local land use development patterns and the impact on vehicle miles traveled.</p> <p>B. Support state funding to expand infrastructure and incentives for conversion to electric vehicles to reduce greenhouse gas emissions.</p> <p>C. Support climate resilience policies and funding opportunities.</p>	<p><b>1. TAM will support efforts to secure resources to expand infrastructure and incentives, such as rebates and tax credits particularly for low-income individuals and families, for electric vehicle conversion by minimizing concerns over range, cost, and infrastructure. An evaluation of the cost of increased usage of electricity, as well as availability should be considered.</b></p> <p><b>2. TAM will work with the Self-Help Counties Coalition, the California Association of Councils of Governments, and other partners, to develop additional revenue sources at the state, regional and local level to support the planning required by SB 375, and making transit-oriented development more viable, where feasible. <u>This includes supporting MTC's efforts to advocate for SB 375 reform to incentivize near-term, real-world progress on GHG emission reduction over the current approach, which places too great an emphasis on long-term modeling, and seek changes to provide greater alignment, rather than competition between regional and state GHG reduction strategies.</u></b></p> <p><b>3. TAM will monitor upcoming funding opportunities for land use and transportation planning integration to support and advocate for Marin PDA's and major transit stops to integrate housing and transportation to reduce VMT.</b></p> <p><b>4. TAM will monitor upcoming funding opportunities and programs for zero emission vehicles, including charging infrastructure. This includes working with local jurisdictions to support climate action plan goals and mobility goals, <u>including MTC's effort to seek up to \$1.25 billion for zero-emission vehicle investments in the FY 2023-24 budget, consistent with the level identified in AB 211 (2022), part of the multiyear climate</u></b></p>



Issue and Background Information	Goals	Strategies
		<p><u>commitment in the FY 2022-23 budget. Ensure zero-emission transit vehicles and infrastructure are eligible uses of the public transit funds, including supporting funds to help transit operators transition bus, ferry, and rail fleets to zero emission vehicles.</u></p> <p>5. TAM will <del>also continue to</del> seek to modify the definition of disadvantaged communities so that resources can be used in underprivileged communities within the <u>C</u>ounty but also provide a regional benefit.</p> <p>6. TAM will <u>continue also to</u> work with organizations such as the California League of Cities, California State Association of Counties, and Self-Help Counties Coalition, among others, to pursue funding from Cap-and-Trade revenues or other means to help comply with the statewide mandate to reduce <u>GHG</u> <del>greenhouse gas</del> emissions. This includes supporting operational improvements such as telecommuting, vanpools, shipping more freight via rail, and promoting opportunities to generate revenue for providing multi-modal options, including bus and ferry service. TAM will also work with these groups to understand the impact of any new requirements on local, voter-approved transportation measures.</p> <p>7. TAM will support <u>efforts to extend the Cap-and-Trade program beyond 2030 and efforts to mitigate climate change and support adaptation to climate-related impacts, including wildfire risk and infrastructure that would assist in adaptation to sea-level rise, such as wetlands restoration, levee construction or other resilience measures to mitigate against threats to the local transportation network, particularly major arterials, or evacuation routes.</u></p>
<p><b>III. Leveraging Regional Partnerships</b></p> <p>Even with the availability of state resources, regional coordination and funding is needed to expedite project delivery to improve air quality, mobility and maintain system integrity. TAM will educate our delegation and state funding partners, such as the California State Transportation Agency,</p>	<p>A. Coordinate with MTC and Bay Area <del>Congestion Management</del><u>County Transportation</u> Agencies to protect and acquire resources to</p>	<p>1. TAM will coordinate with MTC to position Marin projects for <u>competitive state and federal grant funding opportunities</u><del>from new federal infrastructure or stimulus bills that may be proposed.</del></p> <p><del>2. TAM will monitor conversations and legislation regarding the potential development of a regional ballot measure to address congestion and mobility options in the Bay Area (similar to prior</del></p>

Issue and Background Information	Goals	Strategies
<p><del>California Transportation Commission</del>CTC, Caltrans, and the Newsom Administration, about the Bay Area's transportation network and mobility needs.</p>	<p>address transportation infrastructure and mobility needs.</p>	<p><del>“FASTER” effort). TAM will collaborate with stakeholders to ensure that county priorities are reflected in a prospective expenditure plan should a proposal move forward. If the regional transportation measure is connected to a regional housing measure, TAM will advocate for a "return to source" formula for the transportation funds to avoid being disadvantaged to Marin. Without a county guarantee based on an acceptable formula, larger counties tend to dominate in housing discussions with density, development, transit linkage, and other criteria that smaller countries cannot compete with.</del></p> <p><u>23.</u> MTC intends on collaborating with Caltrans and the four North Bay Counties (Marin, Napa, Solano, Sonoma) to seek <del>legislation approval for to authorize</del> tolls on State Route 37 to help fund congestion relief and sea level rise/flood prevention projects on the route. TAM will work with stakeholders to ensure that the potential legislation supports Marin's priorities of addressing segments within the <u>Ce</u>ounty. <del>TAM supports the using BAIFA as the tolling authority but the BAIFA commissioner membership would need to expand beyond counties with express lanes.</del></p> <p><u>34.</u> TAM will support the California Transit Association's (CTA's) effort to pursue statewide legislation to allow for transit buses to use shoulders along routes such as Highway 101.</p> <p><u>45.</u> TAM will advocate for the expansion of cost-savings provisions for MTC and the Bay Area Toll Authority (BATA) that were incorporated into the FY 2020-21 State Budget with respect to local agencies to reduce BATA administrative costs and free up funding for key bridge maintenance and increased capacity to support counties with bridge toll revenues.</p>
<p><b>IV. Enhancing Multi-Modal Options</b></p> <p><del>The Transportation Development Act dedicates a statewide 1/4-cent sales tax for each county for local transportation purposes. That 1/4-cent sales tax, known as the Local Transportation Fund, generates over \$1.7 billion annually, primarily for public transit. Some operators statewide have</del></p>	<p>A. Support potential changes to the Transportation Development Act to assist local public transportation with funding eligibility.</p>	<p><u>1.</u> TAM will support legislation that creates flexibility <u>for public transportation funding programs within the Transportation Development Act to allow public transportation systems access to locally generated revenues to maintain existing service. This includes supporting an on-going funding augmentation for transit operations.</u></p>

Issue and Background Information	Goals	Strategies
<p><del>had difficulty in meeting the farebox recovery ratio requirements (20% for urban operators) that are necessary to qualify to use funds for operational purposes.</del> The COVID-19 pandemic and the shift to working from home has exacerbated transit ridership challenges. AB 149 (Committee on Budget), Chapter 81, Statutes of 2021, provides statutory relief in meeting farebox recovery requirements for receiving State Transit Assistance (STA), Low Carbon Transit Operations Program (LCTOP), and State of Good Repair funds, through fiscal year 22-23. It suspends Transportation Development Act (TDA) and STA penalties for this duration. The bill also adds a list of new exemptions from the farebox recovery calculation, including on-demand service and micro transit service beyond fixed-route service, costs for security, ticketing services, pensions, planning for improvements in transit operations, integration with other operators and agencies, transitioning to zero-emission operations, and for compliance with state and federal mandates. <u>Legislation will be needed to extend relief for transit operators to maintain and expand existing services.</u></p> <p>The recent cycles of the State's Active Transportation Program (ATP) have left many viable applications unfunded due to the lack of funds. <u>Cycle 6 provided one-time funding of \$1.3 billion.</u> In addressing climate changes, broad based support for more funding for active transportation and safety improvements on existing roadways (i.e., "complete streets") have been advocated by various organizations.</p>	<p>B. Seek funding to maintain transit operations.</p> <p>C. Pursue opportunities to expand active transportation network and improve bicycle and pedestrian safety.</p>	<p><b>2. TAM will support efforts by Marin Transit and Golden Gate Bridge, Highway and Transportation District to acquire funds from Cap and Trade and Transit and Intercity Rail Capital Program for operations and capital needs for bus, rail and bicycle and pedestrian programs, ferries, and transit hubs, such as the San Rafael Transit Center, <u>Marin Transit facilities, and Bus on Shoulder Project.</u></b></p> <p><del><b>3. In partnership with the region's transit operators and the CTA, support efforts to seek state and federal assistance to provide emergency transit operating funding to prevent mass layoffs and major reductions in transit service.</b></del></p> <p><b><u>34. TAM will also continue to pursue advocate for a permanent augmentation to revenue made available through the Active Transportation Programs, and any other funding made available to enhance bicycle and pedestrian safety and infrastructure to encourage mode shift, which includes use of e-bikes, as well as support to implement Vision Zero to eliminate fatalities. TAM will actively pursue funds for non-motorized transportation applications that were not funded by ATP or OBAG 3. TAM also advocates the priority to fund the backlog of high scoring applications from previous cycles with additional funding before funding new applications.</u></b></p> <p><del><b>45. TAM will monitor legislation emerging from supports recommendations made by the Blue-Ribbon Transit Recovery Task Force and will assist local transit agencies in seeking funding opportunities to implement those recommendations applicable to Marin.</b></del></p> <p><b><u>5. TAM will participate in a regional effort to pursue a unified statewide advocacy strategy for new ongoing (multi-year) state funding to address transit operators' fiscal impacts from the pandemic, as well as other improvements needed to attract riders back to transit.</u></b></p>

Issue and Background Information	Goals	Strategies
<p><b>V. Seeking Efficiencies</b></p>	<p>A. Support efforts to streamline and expedite project delivery</p> <p>B. Support flexibility for local agencies to conduct virtual public meetings</p>	<p>1. TAM will support efforts to streamline the permitting process, delivery methods or additional administrative steps necessary to deliver projects in a timely and cost-effective manner.</p> <p>2. TAM will monitor and engage in legislation, in coordination with other local agency associations and regional agencies, related to modifying AB 2449<del>361</del> (RubioRivas), which updates the Ralph M. Brown Act (Brown Act) to incorporate some of the increased flexibility in relation to remote participation in meetings <u>without a declared Sstate of Eemergency. AB 2449-however limits virtual participation for no more than 20% of a local agency's board meetings and require a quorum to meet in a singular physical location within the jurisdiction of a board. TAM will advocate for language that allows board members to participate remotely more frequently, as long as the public afforded the same opportunity.</u><del>The intent of further amending statute is to allow for flexibility to continue meeting remotely through the duration of a declared state of emergency, rather than renewing the ability to meet virtually every 30 days, as is currently required.</del></p>
<p><b>VI. Pursuing Federal Opportunities</b></p> <p>The Fixing America's Surface Transportation (FAST) Act was enacted in 2015 and authorized federal surface transportation programs for highways, highway safety and transit. It expired September 30, 2020; however, a one-year extension was approved to provide certainty to states and local governments under the strain of the COVID-19 pandemic.</p> <p>In 2019, the Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule proposed to amend existing Corporate Average Fuel Economy (CAFE) and tailpipe carbon dioxide emissions standards for passenger cars and light trucks and to establish new standards covering model years 2021 through 2026. The Trump Administration threatened to revoke California's Clean Air Act waiver, devising its own emissions standards.</p> <p>On November 15, 2021, President Biden signed the</p>	<p>A. Support federal efforts to approve stimulus funding for <del>multi-modal priority projects, and continuation/reauthoriz</del> <u>ation of traditional federal transportation programs</u> <u>Seek federal funding to support priority projects/programs at TAM and for our partner agencies.</u></p> <p>B. Support climate resilience policies</p>	<p>1. TAM will work with our regional and national partners to implement the IIJA, <del>and support a long-term, fully funded transportation authorization that supports states and regions in to achieving national goals related to infrastructure condition, safety, mobility, and air quality. Ensure that the next authorization bill retains discretion for MTC to invest funds in ways that further our region's goals to improve equity, respond to a changing climate, and advance multi-modal options.</del> TAM will monitor funds from IIJA <del>to the Bay Area that</del> <u>are distributed to the Bay Area in an equitable manner</u> to CTAs and transit agencies. TAM <u>will</u> also seek new resources to support climate adaptation and the deployment of new transportation technology to address the Bay Area's mobility challenges.</p> <p>2. TAM also supports examining revenue solutions for the Highway Trust Fund that keeps up with inflation.</p> <p>3. TAM will continue to advocate that federal transportation</p>

Issue and Background Information	Goals	Strategies
<p>Infrastructure Investment and Jobs Act of 2021 (IIJA P.I. 117-58), which provides \$1.2 trillion in investments through 2026 for federal-aid highways, transit, highway safety, among other items. California is estimated to receive a guaranteed formulaic distribution of funding over the next five years as follows: \$25.3 billion for federal-aid highways (60/40 split between state and local agencies); \$9.45 billion to improve public transportation; \$4.2 billion for bridge repair and seismic retrofits; and \$384 million for expanding the electric vehicle charging network. <del>Legislation will be introduced to distribute funding.</del></p>		<p><b>programs fund and advance the following priorities:</b></p> <p><b>a. Highway 101 Multi-Modal Corridor Projects.</b> TAM will <u>support</u> the Sonoma Marin Area Rail Transit's (SMART's) efforts to seek or maintain funding for its project, including extension north to Cloverdale, <u>completion of the multi-use pathway</u>, and potential extension east to the Capital Corridor near Interstate 80. <u>Support</u> efforts to construct a new Bettini San Rafael Transit Center to ensure safe and efficient multimodal operations for SMART, bus operations, pedestrians, and motor vehicles. Support other emerging multi-modal improvements along the corridor.</p> <p><b>b. Nonmotorized Transportation/ATP <del>Petive Transportation</del> Program.</b> <u>Seek</u> funds dedicated to nonmotorized transportation projects and programs, including Safe Routes to Schools.</p> <p><b>c. State Highway 37.</b> <u>Support</u> funding for sea level rise adaptation/resilience projects for the State Route 37 Project including Segment A in Marin County.</p> <p><b>d. Transit Funding.</b> <u>Support</u> maintaining or increasing funding for transit operations and capital programs, including immediate pandemic-related relief funding and <u>transit facilities for Marin Transit</u>.</p> <p><b>4. TAM will advocate for mitigating climate change and will support adaptation to protect transportation infrastructure from climate-related impacts, including wildfire risk and sea-level rise.</b></p> <p><b>5. TAM will monitor litigation and any potential actions pertaining to SAFE rule enactment and compliance.</b></p> <p><b>6. TAM will support an extension of federal tax credits for zero emission vehicles. Federal law provides a credit for qualified plug-in electric drive motor vehicles including passenger vehicles and light trucks. <del>Congress is currently considering a \$12,500 zero-emission vehicle tax credit.</del></b></p> <p><b>7. While the United States District Court granted a Stay Order to</b></p>

Issue and Background Information	Goals	Strategies
		<b>allow transit funds to continue to flow to California and prevents the Department of Labor from using <u>the Public Employees' Pension Reform Act (PEPRA)</u> to slow or stop the execution of <u>Federal Transit Administration (FTA)</u> grants to transit agencies, TAM supports a permanent resolution that does not <del>compel</del> <u>recission</u> <del>recission</del> <u>compel recission</u> of grant funds to ensure predictability for transit agencies.</b>

## TAM 2022 Legislative Platform

(Adopted January 27, 2022)

Issue and Background Information	Goals	Strategies
<p><b>I. Acquiring State Funding for TAM's Priority Projects</b></p> <p>In 2017, the legislature enacted SB 1 (Beall), Chapter 5, Statutes of 2017, which provides \$5.2 billion in annual revenues to fund traffic congestion relief, highway rehabilitation and safety, local streets and roads repair, and multi-modal options through investments into public transportation, commuter and intercity rail, and bicycle and pedestrian programs.</p> <p>In 2020, TAM was successful in acquiring \$40 million for the completion of the Marin-Sonoma Narrows. The California Transportation Commission (CTC) will adopt guidelines in the Summer of 2022, with applications being due in the Winter of 2022 for the SB 1 Cycle 3 competitive programs. Additionally, the State General Fund is projected to have a \$31.2 billion surplus for FY 22-23. There is also a \$4.5 billion carryover of resources from FY 21-22.</p> <p>On September 23, 2020, Governor Newsom issued Executive Order N-76-20, which prohibits the sale of gasoline-powered passenger vehicles by 2035, promotes zero-emission vehicles for future mobility needs. Given that transportation is predominantly funded through the gas tax, a successor funding mechanism will eventually be needed.</p>	<p>A. Aggressively pursue funds through the State Budget, CTC allocation process or any other state sources.</p> <p>B. Ensure predictability and stability of transportation revenue should the State move away from diesel or gasoline powered vehicles and gas tax as the primary source.</p>	<p><b>1. TAM will remain diligent in competing for additional state funds, including California's share of federal funds, for countywide priorities, with an emphasis on addressing safety, congestion, and mobility, improvements on State Route 37 and the 101/580 connector, as well as rehabilitating roads and bridges, such as the Richmond-San Rafael Bridge. This includes supporting efforts to increase the appropriation authority/programming capacity for the SB 1 competitive programs.</b></p> <p><b>2. TAM supports a revenue-neutral conversion from the gas tax to a source that ensures equity in revenue collection that does not disadvantage those who must drive further to job centers.</b></p> <p><b>3. TAM will monitor and support appropriate efforts to encourage and provide resources for "seamless" transportation that enhances connections to transit, advances equitable mobility, and enhances the safety and extent of the bicycle and pedestrian networks.</b></p> <p><b>4. TAM will participate in a unified Bay Area strategy to advocate for equitable shares of the surplus funds for Northern California and protect the interests of smaller counties and smaller transit agencies. Advocate that the majority of the surplus funds be used to augment existing funding sources, such as State Transit Assistance (STA), Active Transportation Program (ATP), State Transportation Improvement Program (STIP), and other sources with established distribution formula or statewide competitive structure. Oppose using the STIP as the mechanism for distributing public transit funding, particularly when STA distribution mechanism is readily available. Moreover, funds distributed through STIP would require additional steps through the CTC that is avoided by STA.</b></p> <p><b>5. TAM supports a streamlined application process for state funds so that the process does not disadvantage smaller agencies with scarce resources to limit or avoid entirely the need to retain consultants in preparing applications.</b></p>

Issue and Background Information	Goals	Strategies
<p><b>II. Addressing Mobility and Meeting State Climate Change Mandates</b></p> <p>The CTC, California Air Resources Board (CARB), and California Department of Housing and Community Development (HCD) are required to convene twice a year to coordinate transportation policies, with a focus on reducing vehicle miles traveled (VMT) and greenhouse gas (GHG) emissions. Concurrently, the legislature continues to work on providing resources to develop additional affordable housing and assess job creation opportunities to help mitigate VMT to reduce GHG emissions.</p> <p>On September 20, 2019, Governor Newsom issued Executive Order N-19-19, directing the California State Transportation Agency (CalSTA) to leverage \$5 billion in state funding to encourage mode shift with an emphasis on reducing GHG and VMT. Regional transportation planning agencies face greater challenges in addressing mobility and congestion management while accounting for local land use planning and complying with state mandates to reduce GHG emissions and VMT.</p> <p>Given the unique geography of Marin County, local land use development patterns, and the regional travel patterns, opportunities for reducing vehicle miles traveled can be challenging. The prospects for reducing GHG emissions can be realized through investments made to improve the availability of charging station infrastructure and the conversion from gas-powered to electric vehicles, where feasible.</p>	<p>A. Monitor activities regarding GHG emission reduction, local land use development patterns and the impact on VMT.</p> <p>B. Support state funding to expand infrastructure and incentives for conversion to electric vehicles to reduce GHG emissions.</p> <p>C. Support climate resilience policies and funding opportunities.</p>	<p><b>1. TAM will support efforts to secure resources to expand infrastructure and incentives, such as rebates and tax credits particularly for low-income individuals and families, for electric vehicle conversion by minimizing concerns over range, cost, and infrastructure. An evaluation of the cost of increased usage of electricity, as well as availability should be considered.</b></p> <p><b>2. TAM will work with the Self-Help Counties Coalition (SHCC), the California Association of Councils of Governments (CALCOG), and other partners, to develop additional revenue sources at the state, regional and local level to support the planning required by SB 375, and making transit-oriented development more viable, where feasible for Marin Priority Development Areas (PDAs) and major transit stops.</b></p> <p><b>3. TAM will monitor upcoming funding opportunities and programs for zero emission vehicles, including charging infrastructure. This includes working with local jurisdictions to support climate action plan goals and mobility goals.</b></p> <p><b>4. TAM will seek to modify the definition of disadvantaged communities so that resources can be used in underprivileged communities within the county but also provide a regional benefit.</b></p> <p><b>5. TAM will work with organizations such as the California League of Cities (CLC), California State Association of Counties (CSAC), and SHCC, among others, to pursue funding from Cap-and-Trade revenues or other means to help comply with the statewide mandate to reduce GHG emissions. This includes supporting operational improvements such as telecommuting, vanpools, shipping more freight via rail, and promoting opportunities to generate revenue for providing multi-modal options, including bus and ferry service. TAM will also work with these groups to understand the impact of any new requirements on local, voter-approved transportation measures.</b></p>



Issue and Background Information	Goals	Strategies
		<p><b>6. TAM will support efforts to mitigate climate change and support adaptation to climate-related impacts, including wildfire risk and infrastructure that would assist in adaptation to sea level rise, such as wetlands restoration, levee construction or other resilience measures to mitigate against threats to the local transportation network, particularly major arterials, or evacuation routes.</b></p>
<p><b>III. Leveraging Regional Partnerships</b></p> <p>Even with the availability of state resources, regional coordination and funding is needed to expedite project delivery to improve air quality, mobility and maintain system integrity. TAM will educate our delegation and state funding partners, such as the CalSTA, CTC, Caltrans, and the Newsom Administration, about the Bay Area's transportation network and mobility needs.</p>	<p>A. Coordinate with the Metropolitan Transportation Commission (MTC) and other Bay Area County Transportation Agencies (BACTA) to protect and acquire resources to address transportation infrastructure and mobility needs.</p>	<p><b>1. TAM will coordinate with MTC to position Marin projects/programs for funding from the new Infrastructure Investment and Jobs Act (IIJA) and other potential new bills.</b></p> <p><b>2. TAM will monitor conversations and legislation regarding the potential development of a regional ballot measure to address congestion and mobility options in the Bay Area (similar to prior "FASTER" effort). TAM will collaborate with stakeholders to ensure that county priorities are reflected in a prospective expenditure plan should a proposal move forward. If the regional transportation measure is connected to a regional housing measure, TAM will advocate for a "return to source" formula for the transportation funds. Without a county guarantee based on an acceptable formula, larger counties tend to dominate in housing discussions with density, development, transit linkage, and other criteria that smaller countries cannot compete with.</b></p> <p><b>3. MTC intends on collaborating with Caltrans and the four North Bay Counties (Marin, Napa, Solano, Sonoma) to seek legislation to authorize tolls on State Route 37 to help fund congestion relief and sea level rise/flood prevention projects on the route. TAM will work with stakeholders to ensure that the potential legislation supports Marin's priorities of addressing segments within the county. TAM supports using the Bay Area Infrastructure Financing Authority (BAIFA) as the tolling authority, but the BAIFA commissioner membership would need to expand beyond counties with express lanes.</b></p> <p><b>4. TAM will support the California Transit Association's (CTA's) effort to pursue statewide legislation to allow for transit buses to use shoulders along routes such as Highway 101.</b></p>

Issue and Background Information	Goals	Strategies
		<p><b>5. TAM will advocate for the expansion of cost-savings provisions for MTC and the Bay Area Toll Authority (BATA) that were incorporated into the FY 2020-21 State Budget with respect to local agencies to reduce BATA administrative costs and free up funding for key bridge maintenance and increased capacity to support counties with bridge toll revenues.</b></p>
<p><b>IV. Enhancing Multi-Modal Options</b></p> <p>The Transportation Development Act (TDA) dedicates a statewide ¼-cent sales tax for each county for local transportation purposes. That ¼-cent sales tax, known as the Local Transportation Fund (LTF), generates over \$1.7 billion annually, primarily for public transit. Some operators statewide have had difficulty in meeting the farebox recovery ratio requirements (20% for urban operators) that are necessary to qualify to use funds for operational purposes. The COVID-19 pandemic and the shift to remote work have exacerbated ridership challenges. AB 149 (Committee on Budget), Chapter 81, Statutes of 2021, provides statutory relief in meeting farebox recovery requirements for receiving STA, Low Carbon Transit Operations Program (LCTOP), and State of Good Repair funds, through FY 22-23. It suspends TDA and STA penalties for this duration. The bill also adds a list of new exemptions from the farebox recovery calculation. However, transit agencies are facing ongoing funding challenges, particularly with funding for operations and maintenance.</p> <p>The recent cycles of the State’s ATP have left many viable applications unfunded due to the lack of funds. In addressing climate changes, broad based support for more funding for active transportation and safety improvements on existing roadways (i.e., “complete streets”) have been advocated by various organizations.</p>	<p>A. Support potential changes to TDA to assist local public transportation with funding eligibility.</p> <p>B. Seek funding to maintain transit operations.</p> <p>C. Pursue opportunities to expand active transportation network and improve bicycle and pedestrian safety.</p>	<p><b>1. TAM will support legislation that creates flexibility within TDA to allow public transportation systems access to locally generated revenues to maintain existing service.</b></p> <p><b>2. TAM will support efforts by Marin Transit, Golden Gate Bridge, Highway and Transportation District (GGBHTD), and SMART to acquire funds from Cap-and-Trade and Transit and Intercity Rail Capital Program (TIRCP) for operations and capital needs for bus, rail and bicycle and pedestrian programs, ferries, and transit hubs, such as the new San Rafael Transit Center.</b></p> <p><b>3. In partnership with the region’s transit operators and the CTA, support efforts to seek state and federal assistance to provide emergency transit operating funding to prevent mass layoffs and major reductions in transit service.</b></p> <p><b>4. TAM will continue to pursue revenue made available through ATP, and any other funding made available to enhance bicycle and pedestrian safety and infrastructure to encourage mode shift, which includes use of e-bikes, as well as support to implement Vision Zero to eliminate fatalities. TAM will advocate the priority to fund the backlog of high-scoring applications from the previous cycle with additional funding while balancing the need to fund high-priority new applications.</b></p> <p><b>5. TAM will monitor legislation emerging from recommendations made by MTC’s Blue-Ribbon Transit Recovery Task Force and assist local transit agencies in seeking funding opportunities to implement those recommendations applicable to Marin.</b></p>

Issue and Background Information	Goals	Strategies
<p><b>V. Seeking Efficiencies</b></p>	<p>A. Support efforts to streamline and expedite project delivery.</p> <p>B. Support flexibility for local agencies to conduct virtual public meetings.</p>	<p><b>1. TAM will support efforts to streamline the permitting process, delivery methods or administrative steps necessary to deliver projects in a timely and cost-effective manner.</b></p> <p><b>2. TAM will monitor and engage in legislation, in coordination with other local agency associations and regional agencies, related to modifying AB 361 (Rivas), which updates the Ralph M. Brown Act (Brown Act) to incorporate some of the increased flexibility in relation to remote participation in public meetings. The intent of further amending the statute is to allow for flexibility to continue meeting remotely through the duration of a declared state of emergency, rather than renewing the ability to meet virtually every 30 days, as is currently required.</b></p>
<p><b>VI. Pursuing Federal Opportunities</b></p> <p>The Fixing America’s Surface Transportation (FAST) Act was enacted in 2015 and authorized federal surface transportation programs for highways, highway safety and transit. It expired September 30, 2020; however, a one-year extension was approved to provide certainty to states and local governments under the strain of the COVID-19 pandemic.</p> <p>On November 15, 2021, President Biden signed IIJA, which provides \$1.2 trillion in investments through 2026 for federal-aid highways, transit, and highway safety, among other items. California is estimated to receive a guaranteed formulaic distribution of funding over the next five years as follows: \$25.3 billion for federal-aid highways (60/40 split between state and local agencies); \$9.45 billion to improve public transportation; \$4.2 billion for bridge repair and seismic retrofits; and \$384 million for expanding the electric vehicle charging network. Legislation may need to be introduced to distribute the IIJA funding.</p>	<p>A. Support federal efforts to approve stimulus funding for multi-modal priority projects, and annual appropriations for the authorized federal transportation programs.</p> <p>B. Support climate resilience policies.</p>	<p><b>1. TAM will work with our regional and national partners to implement IIJA. TAM will monitor and ensure funds from IIJA to the Bay Area are distributed equitably to CTAs and transit agencies. As competitive programs develop, TAM will evaluate and apply for funds as appropriate.</b></p> <p><b>2. TAM also supports examining revenue solutions for the Highway Trust Fund that keep up with inflation.</b></p> <p><b>3. TAM will continue to advocate that federal transportation programs fund and advance the following priorities:</b></p> <p><b>a. Highway 101 Multi-Modal Corridor Projects.</b> TAM will support the Sonoma Marin Area Rail Transit’s (SMART’s) efforts to seek or maintain funding for its system, including extension north to Cloverdale, and potential extension east to the Capital Corridor near Interstate 80. Support efforts to construct a new San Rafael Transit Center to ensure safe and efficient multimodal operations for SMART, bus operations, pedestrians, and motor vehicles. Support other emerging multi-modal improvements along the corridor.</p> <p><b>b. Nonmotorized Transportation/ATP.</b> Seek funds dedicated to nonmotorized transportation projects and programs, including Safe Routes to Schools.</p>

Issue and Background Information	Goals	Strategies
		<p><b>c. State Highway 37.</b> Support funding for sea level rise adaptation/resilience projects for the State Route 37 Project including Segment A in Marin County.</p> <p><b>d. Transit Funding.</b> Support maintaining or increasing funding for transit operations and capital programs, including immediate pandemic-related relief funding.</p> <p><b>4. TAM will advocate for mitigating climate change and will support adaptation to protect transportation infrastructure from climate-related impacts, including wildfire risk and sea level rise at the federal level.</b></p> <p><b>5. TAM will support an extension of federal tax credits for zero emission vehicles. Federal law provides a credit for qualified plug-in electric drive motor vehicles including passenger vehicles and light trucks. Congress is currently considering a \$12,500 zero-emission vehicle tax credit.</b></p> <p><b>6. While the United States District Court granted a Stay Order to allow transit funds to continue to flow to California and prevents the Department of Labor from using PEPPRA to slow or stop the execution of FTA grants to transit agencies, TAM supports a permanent resolution that does not compel rescission of grant funds to ensure predictability for transit agencies.</b></p>



January 10, 2023

TO: Board Members, Transportation Authority of Marin

FROM: Gus Khouri, President  
Khouri Consulting LLC

**RE: STATE LEGISLATIVE UPDATE – GOVERNOR’S FY2023-24 STATE BUDGET**

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On January 10, Governor Newsom released his proposed FY2023-24 State Budget. The proposed FY2023-24 State Budget, which contains \$223.6 billion in General Fund spending (\$297 billion with special funds), is projected to have a deficit of \$22.5 billion. This is a sharp turn from the past few years with surpluses in the FY2022-23 State Budget (\$97.5 billion) and the FY2021-22 State Budget (\$76 billion), which were predominantly used for one-time expenditures rather than long-term obligations.

Despite the projected deficit, the Governor is not predicting a recession. The proposed FY2023-24 State Budget has a \$35.6 billion reserve to help address the shortfall to prevent deep cuts. This includes \$22.4 billion from the Proposition 2 Rainy-Day Fund; \$900 million from the Safety Net reserve; \$8.5 billion from the Public School System Stabilization Account; and \$3.8 billion from the state’s operating reserve. The Rainy-Day Fund is at its constitutional maximum (10 percent of General Fund revenues), and a total of \$951 million must be dedicated to infrastructure investments in FY2023-24.

### **Funding For Climate Change**

The 2021 and 2022 Budget Acts allocated approximately \$54 billion over five years to advance the state’s climate agenda. The Budget maintains 89% of these investments (roughly \$48 billion) and continues to prioritize equity and investments in populations facing disproportionate harm from pollution and the climate crisis. Given the projected decline in General Fund revenues, the Budget includes reductions across several climate programs, partially offset by shifts to other fund sources. Additionally, the state will pursue additional federal funding through the Inflation Reduction Act and the Infrastructure Investment and Jobs Act. Most of the climate reductions are included in the trigger, so if there is sufficient General Fund in January 2024, these reductions will be restored.

The Budget sustains a multi-year commitment of \$44 billion in state funds for various statewide infrastructure investments. This includes funding to accelerate the transition to zero-emission vehicles, modernize the state’s transportation system, promote energy innovation and reliability, provide greater access to broadband connectivity, advance the state’s housing goals, reduce wildfire risk to communities, and support drought resiliency and response.

The 2021 and 2022 Budget Acts committed \$10 billion over five years in investments to the state’s ZEV agenda—ranging from cleaning up drayage trucks and school buses to accelerating equitable electrification of passenger vehicles—coupled with infrastructure and incentives for in-state manufacturing. Below is a list of where adjustments are being made.

## Significant Budget Adjustments

- **Equitable Zero-Emission Vehicles and Infrastructure** — A \$745 million General Fund reduction partially offset by a shift of \$535 million to the Greenhouse Gas Reduction Fund. This maintains approximately \$2.1 billion (91 percent) for programs that expand affordable and convenient ZEV infrastructure access in low-income neighborhoods.
- **Heavy-Duty Zero-Emission Vehicles and Supporting Infrastructure** — A \$1.5 billion General Fund reduction partially offset by a shift of \$839 million to the Greenhouse Gas Reduction Fund. This maintains approximately \$5.3 billion (89 percent) for programs supporting drayage, transit, school buses, port ZEVs, and infrastructure.
- **Zero-Emission Mobility** — A \$184 million General Fund reduction partially offset by a shift of \$25 million to the Greenhouse Gas Reduction Fund. This maintains approximately \$180 million (53 percent) for sustainable community-based transportation equity projects that increase access to zero-emission mobility in low-income communities.
- **Emerging Opportunities and Federal Programs** — A reduction of \$133 million General Fund, which is partially offset by a shift of \$40 million to the Greenhouse Gas Reduction Fund. This maintains approximately \$1.3 billion (93 percent) to invest in demonstration and pilot projects in high carbon-emitting sectors, such as maritime, aviation, rail, and other off-road applications, as well as support for hydrogen infrastructure and vehicle grid integration at scale.

## Impacts on Transportation

With the Congressional passage of the Infrastructure Investment and Jobs Act (IIJA) in November of 2021, California will receive more than \$40 billion of new formula-based transportation funding over the next five years and billions of dollars in additional funding from new competitive grants.

The 2022 Budget Act included \$13.8 billion for transportation programs and projects aligned with the state's climate goals. Given the projected decline in General Fund revenues for FY2023-24, the January Budget includes \$2.7 billion in General Fund reductions, partially mitigated by an additional \$500 million from state transportation funds, to maintain \$11.6 billion (84 percent) of these investments. Below is a list of where adjustments are being made.

## Significant Budget Adjustments

- **Transit Intercity Rail Capital Program** — A planned funding reduction in 2023 and 2024 from \$2 billion annually to \$1 billion in FY2023-24 and \$500 million each in FY2024-25 and FY2025-26. These funds are set to be allocated proportionally, by region, based on population. This maintains approximately \$5.7 billion (74 percent) of the original \$7.7 billion planned additional funds for local transit capital infrastructure projects. This reduction will be restored if there is sufficient General Fund revenue in January 2024.
- **Active Transportation Program** — A reduction of \$500 million in General Fund revenues, with \$300 million of the decline being restored from State Highway Account funds, for a net decrease of \$200 million. This will allow the program to sustain all the programming capacity approved in the 2023 programming cycle. This maintains approximately \$850 million (81 percent) of the original \$1.05 billion of additional funds for projects that increase the proportion of trips accomplished by walking or biking and increase the safety and mobility of non-motorized users.

**Significant Budget Adjustments (continued)**

- **Climate Adaptation Program** — A shift of \$200 million General Fund with \$200 million State Highway Account funding, leaving unaffected the project funding that supports climate resiliency and reduces infrastructure risk.
- **Safety Grade Separations** — A delay of \$350 million of funding originally planned to be available in FY2023-24, which will be made available in FY2025-26. Given the multi-year nature of these projects, this shift should not significantly impact the ability to deliver the same number of originally planned projects that improve safety for people walking, biking, and driving at rail crossings.

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**DATE:** January 26, 2023

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

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

**SUBJECT:** De-Program and Re-Program Cycle 3 Local Partnership Program Formula Funds (Action), Agenda Item No. 11

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## RECOMMENDATION

The TAM Board reviews and approves deprogramming \$1.756 million in Local Partnership Program (LPP) Formula funds from the Bellam Boulevard Off-Ramp Project and re-programming \$1.1 million to Larkspur's Old Redwood Highway Multi-Use Pathway and \$656,000 to San Rafael's Grand Avenue Class IV Cycle Track Project in order to meet state program requirements and deadlines.

On January 9, 2023, the Funding, Programs & Legislation (FP&L) Executive Committee reviewed the recommendations for LPP funding, supported staff's recommendations, and voted unanimously to refer the item to the TAM Board for approval. The Committee also discussed the North South Greenway as a whole and requested staff return with further analysis; a study is in progress and staff expects to be able to provide additional information this Spring.

## BACKGROUND

LPP is one of the transportation funding programs created by the Road Repair and Accountability Act of 2017, Senate Bill 1 (SB1). LPP rewards counties, cities, districts, and regional transportation agencies with voter-approved fees or taxes solely dedicated to transportation improvements. LPP is divided into two programs of funding – a Formulaic Program in which a specific amount of funding is set aside by formula for eligible recipients, and a Competitive Program whereby agencies compete for statewide funds. Both Programs of LPP are administered by the California Transportation Commission (CTC). Only the Formulaic Program will be discussed for the purpose of this memo.

TAM is an eligible recipient of the SB1 LPP Formula funds because of the voter approved Measure A/AA Transportation Sales Tax and \$10 Measure B Vehicle Registration Fee. Whereas, the towns, cities, and County receive annual Local Street and Road (LSR) funding from SB1, TAM receives LPP Formula funds from SB1.

LPP Cycle 3 includes Formula funds that can be programmed in FY2020-21, FY2021-22, and FY2022-23. TAM received \$1.756 million in LPP Formula funds in Cycle 3. The funds must be programmed and allocated by the CTC no later than June 30, 2023. The funds must also be applied to projects that can exhibit a one-to-one match of non-CTC approved funds.

It should be noted that while Cycle 3 included three fiscal years of funding, moving forward, each cycle will include only two fiscal years of funding.

## DISCUSSION/ANALYSIS

On May 28, 2020, the TAM Board approved the programming of \$1.756 million in LPP Formula funds to the Bellam Boulevard Off-Ramp Project. However, staff delayed submitting the request for the CTC to program and allocate the funds due to a requirement that sponsors must enter into a construction contract six months after CTC approval. Staff determined that it would be prudent to postpone seeking the programming and allocation until the Bellam Boulevard Off-Ramp Project can be certified by the California Department of Transportation (Caltrans) for construction, which is still pending.

As the June 30, 2023 deadline approaches, it has become clear that the Bellam Boulevard Off-Ramp Project will not be able to meet the six-month construction contract requirement because of the following:

- longer than expected Caltrans review;
- unexpected site conditions requiring redesigning effort;
- change in construction contract administrator;
- Measure AA funds originally programmed to Bellam Boulevard Off-Ramp were redirected to the Sir Francis Drake widening Project and the I-580/Sir Francis Drake Flyover bike path; and
- rising construction cost estimates are creating a funding shortfall preventing the project to proceed to construction.

Therefore, rather than risk losing the LPP Formula funds due to missing the state's deadlines, staff is recommending the TAM Board approve the deprogramming of the \$1.756 million from the Bellam Boulevard Off-Ramp Project and reprogram the funds to two eligible projects: \$1.1 million to Larkspur's Old Redwood Highway Multi-Use Pathway, and \$656,000 to San Rafael's Grand Avenue Class IV Cycle Track Project.

The challenges of reprogramming LPP Formula funds near expiration are:

- all pre-construction phases are complete or substantially complete;
- expiring LLP Formula funds can only be programmed to the construction phase;
- project can reasonably enter into a construction contract six months after CTC approval; and
- sponsor has the requisite one-to-one match of non-CTC approved funds.

Staff evaluated projects known to be in the construction phase that can reasonably meet LPP requirements, including projects that were submitted to other funding sources, such as the One Bay Area Grant (OBAG) Cycle 3, Active Transportation Program (ATP), and other SB1 programs.

In consultation with sponsors, staff has determined that Larkspur's Old Redwood Highway Multi-Use Pathway and San Rafael's Grand Avenue Class IV Cycle Track Project can reasonably comply with all LPP requirements.

### Larkspur's Old Redwood Highway Multi-Use Pathway

The North/South Greenway Gap Closure Project in Central Marin (Northern Segment) is being implemented in two segments. The segment that entails the Pathway over Corte Madera Creek was recently completed and opened for public use. The remaining segment is Larkspur's Old Redwood Highway Multi-Use Pathway that continues from the Pathway over Corte Madera Creek to the Pedestrian Overcrossing (POC).

Design for the Old Redwood Highway Multi-Use Pathway is near completion. The total cost of the project is estimated at \$3.1 million with the construction phase of the project estimated at \$2.35 million. This project has secured \$1.25 million from various sources for the construction phase. The programming of \$1.1 million in LPP Formula funds will close the funding gap and allow the project to commence with construction.

#### San Rafael's Grand Avenue Class IV Cycle Track Project

The Grand Avenue Class IV Cycle Track Project implements a two-way protected bikeway (Class IV) and new sidewalk on the east side of Grand Avenue from Second Street to Fourth Street in San Rafael. It is a critical trail extension project on the San Francisco Bay Trail. This project would provide a safer and separated bicycle connection for residents and visitors of East San Rafael to the downtown business district and the San Rafael Transit Center. The project will be ready to start construction in early Fall 2023.

San Rafael is in the process of conducting value engineering to close the gap between the Grand Avenue Class IV Cycle Track Project engineering estimate and available construction funding. The construction phase of the Grand Avenue Class IV Cycle Track Project is funded based on an engineering estimate of \$1,200,000 but costs are expected to be higher.

Staff is proposing to program \$656,000 in LPP Formula funds to San Rafael's Grand Avenue Class IV Cycle Track Project in exchange for \$575,000 in Measure AA funds that are currently programmed to the project. San Rafael would commit the \$575,000 in Measure AA funds to the surface components of the Bellam Boulevard Off-Ramp Project. The surface components of the Bellam Boulevard Off-Ramp Project are located in San Rafael so the Measure AA funds would remain with San Rafael.

#### Bellam Boulevard Off-Ramp Project

As reported above, the construction phase of the Bellam Boulevard Off-Ramp Project is not fully funded and the deprogramming of Cycle 3 LPP Formula funds will leave the project with a larger funding shortfall.

Staff proposes to defray some of the shortfall by programming LPP Formula funds from Cycle 4 to the Bellam Boulevard Off-Ramp Project. TAM is scheduled to receive \$1.164 million in LPP Formula funds from Cycle 4 and the funds can be programmed in FY2023-24 and FY2024-25. The later programming dates will allow the Bellam Boulevard Off-Ramp Project to resolve some of the issues that had caused the delay and pursue additional funds to complete the construction phase.

Furthermore, San Rafael would commit \$575,000 in Measure AA funds to the Bellam project based on a funding exchange noted above. The total from the Cycle 4 LPP funds and San Rafael's commitment of Measure AA funds amount to \$1.739 million, which would make the Bellam project nearly whole from the deprogramming of \$1.756 million in Cycle 3 LPP funds.

### **FISCAL CONSIDERATION**

Cycle 3 LLP Formula funds for the Bellam Boulevard Off-Ramp Project will be removed from TAM's Annual Budget. LLP Formula funds will be programmed directly to Larkspur and San Rafael and will have no direct impacts to TAM's Annual Budget.

## **NEXT STEPS**

Staff will work with Larkspur and San Rafael to develop LPP Formula funding applications for submittal to CTC for approval. Staff will also work with San Rafael to memorialize San Rafael's commitment to program \$575,000 in Measure AA funds for the Bellam Boulevard Off-Ramp Project. Staff will continue to work with Caltrans to advance the Bellam project, and when the LPP Cycle 4 Formula funds become available and when the Bellam project is ready, staff will prepare the necessary CTC programming requests.

## **ATTACHMENT**

Attachment A – PowerPoint Presentation

Attachment B – Public Comment – WTB-TAM Letter dated, January 7, 2023



# Cycle 3 Local Partnership Program Formula Funds

Transportation Authority of Marin  
Board of Commissioners  
January 26, 2023

# Background

- Local Partnership Program (LPP) was created by Senate Bill (SB) 1 to reward agencies with voter-approved fees or taxes solely dedicated to transportation improvements
- LPP is administered by the CTC and divided into two programs – a Formulaic Program and a Competitive Program
- TAM is an eligible recipient because of the voter approved Measure A/AA and Measure B
- LPP Formulaic Program includes requirements and deadlines set by CTC





# Prior Programming Action

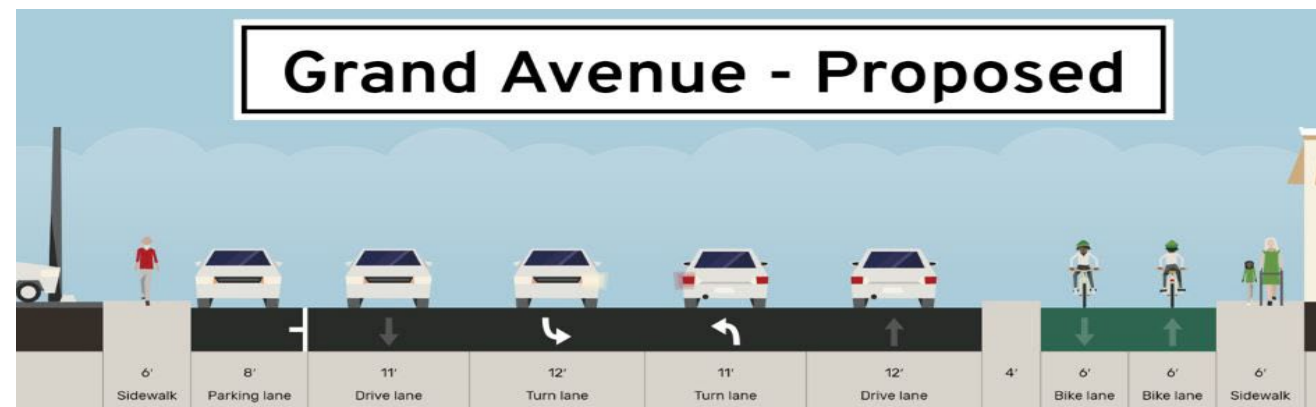
- On May 28, 2020, the TAM Board approved programming \$1.756 million in LPP Formula funds to the Bellam Boulevard Off-Ramp Project
- Submitting the request for the CTC to program and allocate the funds has been delayed for various reasons



*Bellam Boulevard Off-Ramp Improvements*

# Proposal to Reprogram Funds

- Rather than risk losing the LPP Formula funds due to missing the state's deadlines (June 30, 2023), staff recommends:
  - Deprogramming \$1.756 million from the Bellam Boulevard Off-Ramp Project
  - Reprogramming the available funds to two eligible projects:
    - \$1.1 million to Larkspur's Old Redwood Highway Multi-Use Pathway, and
    - \$656,000 to San Rafael's Grand Avenue Class IV Cycle Track Project
    - In exchange, San Rafael would commit \$575,000 in Measure AA funds to the surface components of the Bellam Boulevard Off-Ramp Project

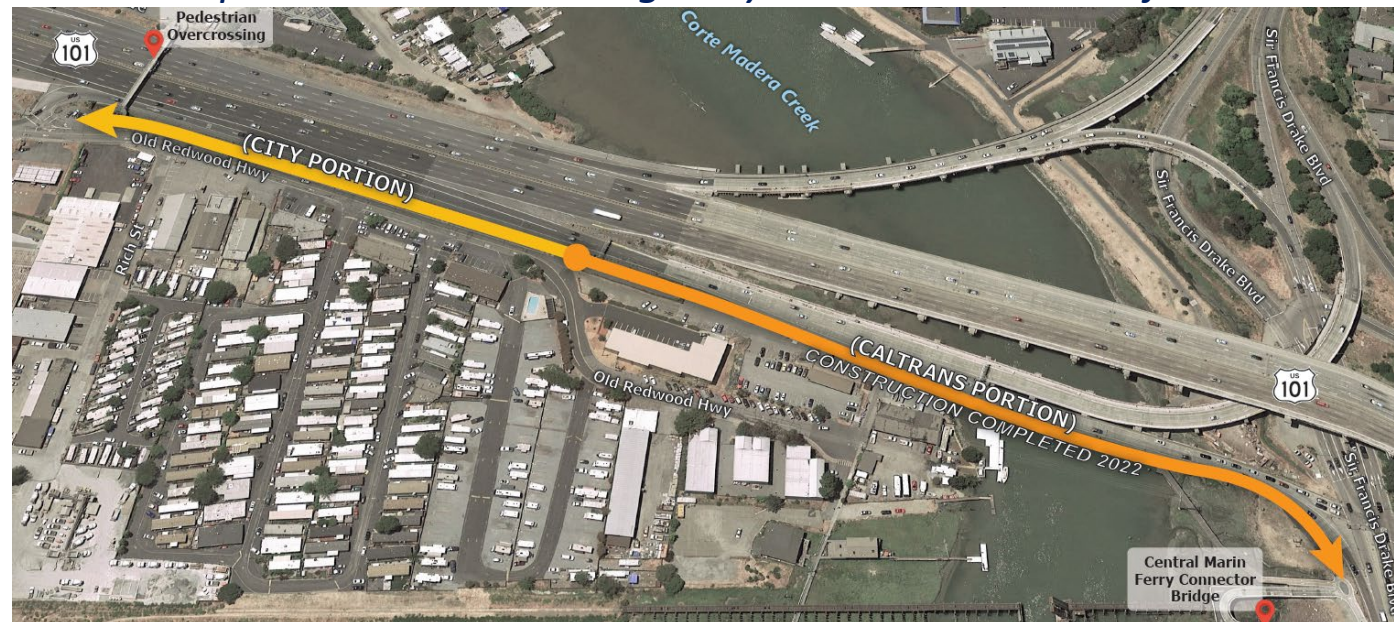




# Considerations in Programming Funds

- Staff evaluated projects that can reasonably meet LPP requirements, including projects submitted to other funding sources, and selected:
  - Larkspur's Old Redwood Highway Multi-Use Pathway
  - San Rafael's Grand Avenue Class IV Cycle Track Project

## Larkspur's Old Redwood Highway Multi-Use Path Project



# Bellam Boulevard Off-Ramp Project

- Staff proposes to defray some of the shortfall by programming \$1.164 million in LPP Formula funds from Cycle 4 to the Bellam Boulevard Off-Ramp Project
- Total from LPP Cycle 4 and San Rafael's commitment of Measure AA funds amount to \$1.739 million, which would make the Bellam project nearly whole from the deprogramming of \$1.756 million in Cycle 3 LPP funds

# Summary of Programming

Project	LPP Cycle 3 – Prior Programming	LPP Cycle 3 – Proposed Programming	LPP Cycle 4 – Anticipated Programming	San Rafael's Measure AA Commitment	Total
Bellam	\$1.756 M	-\$1.756 M	\$1.164 M	\$0.575 M	\$1.739 M
Larkspur Old Redwood Highway		\$1.1 M			\$1.1 M
San Rafael Grand Ave		\$0.656 M*			\$0.656 M

*\*In exchange for \$575,000 for the Bellam Project*

# FP&L Executive Committee

- On January 9, 2023, the FP&L Executive Committee voted to refer the recommendation to the full Board for approval
- The FP&L Executive Committee also requested that staff further analyze the North-South Greenway, study is in progress

# Next Steps

- Upon approval from the TAM Board, staff will:
  - Work with Larkspur and San Rafael to develop LPP Formula funding applications for submittal to CTC.
  - Work with San Rafael to memorialize San Rafael's commitment to program \$575,000 in Measure AA funds for the Bellam Boulevard Off-Ramp Project.
  - Prepare CTC programming request for LPP Cycle 4 Formula funds when the Bellam project is ready to commence construction.

# Questions and Feedback

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Thank you!





January 7, 2023

Commissioners  
Funding, Programs & Legislation Executive Committee  
Transportation Authority of Marin  
900 Fifth Avenue, Suite 100  
San Rafael, CA 94901

RE: North – South Greenway Gap Closure Project — Southern Segment

Dear Commissioners,

Thank you for your commitment to getting people out of their cars and onto Marin's multi-modal transportation network to meet their day-to-day mobility needs. We have the efforts of TAM and our local and regional agencies to thank for the continued expansion and optimization of this essential network.

This past year, that network took a big step forward with the completion of the North – South Greenway Gap Closure Project — Northern Segment, i.e. the new multi-use path crossing of Corte Madera Creek between Old Redwood Highway in Larkspur and East Sir Francis Drake Boulevard in Greenbrae.

Now that the Northern Segment is complete, it is time for TAM to turn its attention to the North – South Greenway Gap Closure Project — Southern Segment, i.e. the planned 0.6-mile segment via the Northwestern Pacific Railroad right-of-way between the recently-completed Northern Segment and the existing North – South Greenway multi-use path at the intersection of Wornum Drive and Old Redwood Highway (see Figure 1).

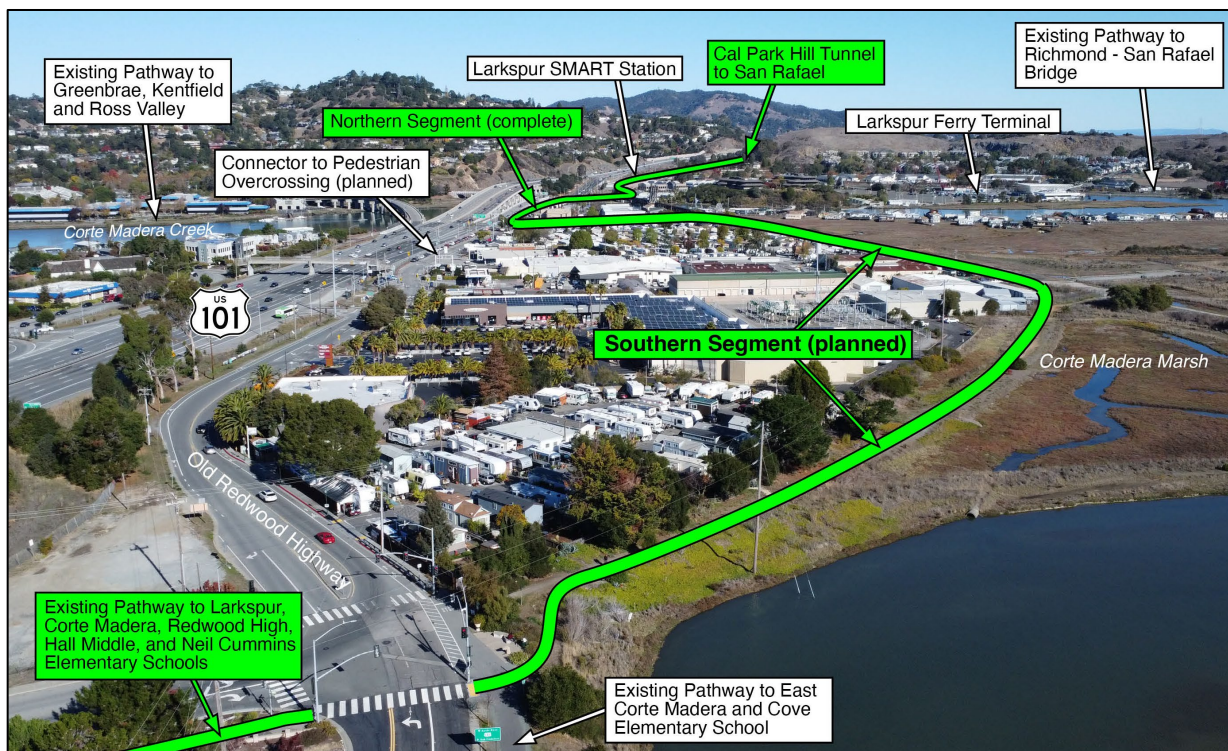


Figure 1: Location of the North – South Greenway Gap Closure Project – Southern Segment



In the recent past, at least one public figure has made misleading statements suggesting that the Southern Segment of the North – South Greenway Gap Closure Project is the pathway planned in Larkspur’s Old Redwood Highway Multi-Use Path Project (i.e. the subject of Item 7 on the Jan. 9, 2023 meeting agenda of the FPL Executive Committee). It is important that the factual record is set straight. The pathway planned in the Old Redwood Highway Multi-Use Path Project will connect the Pedestrian Overcrossing to the North – South Greenway, but it is not a segment of the North – South Greenway itself. Nor does not constitute the Southern Segment of the North – South Greenway Gap Closure Project and at no point has it ever been identified as such in any plan, study, or public process.

At least one public figure has also suggested that the Southern Segment is the unfunded project to extend the Old Redwood Highway multi-use path south of the Pedestrian Overcrossing to Wornum Drive. Again, this is not the Southern Segment of the North - South Greenway Gap Closure Project. The aforementioned unfunded Old Redwood Highway project would route cyclists and pedestrians through the Highway 101/Lucky Drive interchange. The North – South Greenway is intended to be an all-ages-and-abilities facility. To suggest routing the Greenway through a freeway interchange is incongruous with the vision and values of the North – South Greenway and does nothing to support TAM’s goals of increasing multi-modal access and modal share.

The routing of the North – South Greenway Gap Closure Project – Southern Segment along the Northwestern Pacific Railroad right-of-way is a settled matter with a long history of planning, design, and political support. On the following page are links (internet connection required) to more than a dozen project planning documents, resolutions of support, and bicycle and pedestrian master plans, all of which confirm that the Southern Segment alignment follows the railroad right-of-way, not Old Redwood Highway.

We request you to pay particular attention to the six resolutions of support in the links below, which clearly express the preference of the TAM Board of Commissioners, Larkspur City Councilmembers, Corte Madera Town Councilmembers, Tamalpais Union High School District Board of Trustees, and Larkspur – Corte Madera School District Board of Trustees for the Southern Segment alignment along the railroad right-of-way.

We urge you as a member of the Funding, Programs & Legislation Committee to do everything in your power to expedite the completion of the North – South Greenway Gap Closure Project — Southern Segment by funding the planning and engineering work necessary to bring this project to shovel-ready status (i.e. 30% engineering, environmental permits, and environmental clearances). Only then can this project compete for regional, state, and federal grants to pay for the project’s construction.

WTB-TAM recommends that the Transportation Authority of Marin form a coalition with Caltrans, the County of Marin, the City of Larkspur, the Town of Corte Madera, the Golden Gate Bridge, Highway, and Transportation District, and SMART to advance this project to shovel-ready status in 2023. At present, the two most important multi-modal facilities in Central Marin are the Larkspur Ferry Terminal and the Larkspur SMART station. Unfortunately, there is at present no all-ages-and-abilities route for potential transit riders to reach these facilities from the core areas of either Larkspur or Corte Madera by bicycle or foot.

The North – South Greenway Gap Closure Project — Southern Segment along the railroad right-of-way will remedy that problem and connect the two sides of Corte Madera Creek, as well as the two sides of Highway 101, with a safe, separated, and user-friendly pathway connection. The Southern Segment will also provide a much-needed Safe Route to School for students who live in Marin RV Park and Golden Gate Trailer Park to ride their bikes safely to Neil Cummins Elementary School, Hall Middle School, and Redwood High School.

Thank you for your attention to this important matter. We hope that you will take definitive action as soon as possible to bring the dream of a multi-modal transportation network that benefits all Marin County residents,





visitors, and workers one step closer to reality. Please do not hesitate to contact WTB-TAM with any questions or concerns. We are at your complete disposal.

Yours in sustainable transportation,

Patrick Seidler  
President, WTB-TAM  
(415) 827-6120

Matthew Hartzell  
Director of Planning, WTB-TAM  
(415) 860-6635

### Project Planning Documents

- [County of Marin: North – South Greenway Gap Closure Project Southern Segment First Public Workshop \(Oct. 2017\)](#)
- [Environmental Constraints Study \(Mar. 2015\)](#)
- [Central Marin Ferry Connection Feasibility Memorandum \(Sep. 2007\)](#)

### Resolutions of Support

- [Larkspur City Council Resolution No. 23-14 \(Apr. 2014\)](#)
- [Tamalpais Union High School District Resolution No. 13 \(May 2013\)](#)
- [Corte Madera Town Council Resolution No. 11-2013 \(Jun. 2013\)](#)
- [Larkspur - Corte Madera School District Resolution No. 13-22 \(Jun. 2013\)](#)
- [Larkspur City Council Resolution No. 69-13 \(Aug. 2013\)](#)
- [Transportation Authority of Marin Resolution No. 2013-14 \(Sep. 2013\)](#)

### Bicycle and Pedestrian Master Plans

- [Marin County Unincorporated Area Bike/Pedestrian Master Plan \(2018\)](#)
- [Larkspur Bicycle and Pedestrian Master Plan \(2017\)](#)
- [Corte Madera Bicycle and Pedestrian Master Plan \(2016\)](#)
- [North – South Bikeway Feasibility Study \(1994\)](#)  
Segment 10: Long-term recommendation - Pathway on NWP right-of-way and Creek crossing next to trestle (pages 48 – 50)



- [Marin County Bicycle Plan \(1974\)](#)

Route No. 1: "The Redwood Route" runs along the railroad right-of-way from San Rafael through Corte Madera and Larkspur (pages 30-31)



**DATE:** January 26, 2023

**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:** MTC's Funding Recommendations for OBAG & ATP Projects (Discussion),  
Agenda Item No. 12

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## RECOMMENDATION

Discussion item only.

## BACKGROUND

The Metropolitan Transportation Commission (MTC) administers two critical transportation funding programs for which MTC staff recommendations were announced on January 4, 2023 – the One Bay Area Grant Program Cycle 3 (OBAG 3) and Regional Active Transportation Program Cycle 6 (ATP 6).

The OBAG 3 program is created 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 FY2022-23 to FY2025-26. OBAG 3 is a continuation of OBAG 1 and 2, based on an 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.

There are two components of ATP 6: a competitive statewide program administered by the California Transportation Commission (CTC), and a regional component administered by MTC. ATP 6 covers a four-year period from FY2023-24 to FY2026-27. Approximately \$1 billion was made available in the statewide component and \$143 million in MTC's regional component. Both the state and regional components of ATP funding are to encourage increased use of active modes of transportation, such as biking and walking.

## DISCUSSION/ANALYSIS

MTC staff released OBAG 3 and Regional ATP 6 project recommendations on January 4, 2023, as part of the MTC Programming & Allocations Committee packet. Subsequently, the recommendations were unanimously approved at the Programming & Allocations Committee on January 11, 2023 and are slated to be presented for adoption at the full MTC Commission meeting on January 25, 2023.

The following project funding has been recommended for pending awards, for a total of roughly \$20 million in combined OBAG 3 and Regional ATP 6 funds, shown in additional detail in Attachment A and discussed below.

### **OBAG 3 Program Pending Awards**

After the adoption of OBAG 3 Local Criteria by the TAM Board on May 26, 2022, TAM released a Call for Projects with federal OBAG 3 funds that emphasized 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. Based on applications submitted to TAM in July 2022, in September 2022 the TAM Board approved project nominations that were submitted to MTC for consideration in October 2022.

For the OBAG 3 project selection process, TAM was provided a funding target of \$9.6 million and a 120% nomination target of \$11.5 million for Marin. The following nominated projects/studies are recommended by MTC staff to receive the amounts shown below totaling \$10.2 million:

- San Rafael Canal Area PDA Study (\$797,000)
- Marin Transit Corridor Improvements (\$1,600,000)
- Sausalito Bridgeway Bike Lane Project - Princess Street to Richardson (\$505,000)
- San Rafael Northgate Area PDA Study (\$797,000)
- San Rafael Second and Fourth Street Intersection Improvements (\$3,051,000)
- SMART Pathway-Great Redwood Trail – Novato Hannah Ranch Road to Rowland (\$1,000,000)
- Corte Madera Paradise Drive (\$2,056,000)
- CTA Planning – Countywide Transportation Plan (\$400,000)

Note that all of Marin's nominated projects are being recommended funding from OBAG 3, with the exception of the San Rafael Canal Neighborhood Active Transportation Enhancements Project, which was submitted under both OBAG 3 and ATP 6 and is being recommended for funding from ATP 6 as shown below. This allowed MTC capacity to recommend OBAG 3 funding for the Corte Madera Paradise Drive project with OBAG funding, which was on TAM's OBAG 3 contingency list.

### **ATP 6 Regional Program Pending Awards**

The statewide component of ATP 6 is highly competitive and Marin projects did not receive any funding awards from the program, which were announced by the CTC staff in October 2022. However, the following Marin projects are recommended for funding from MTC's regional ATP component, with amounts shown below totaling \$9,548,000:

- Corte Madera - Central Marin Regional Pathways Gap Closure Project (\$1,500,000)
- San Rafael - San Rafael Canal Crossing Project (\$3,925,000)
- San Rafael - Canal Neighborhood Active Transportation Enhancements Project (\$4,123,000)

Only one Marin project submitted to the Regional ATP 6 program was not recommended for funding, which was the Mill Valley Safe Routes to Schools Pedestrian Gap Closure Project because it scored below the funding cut-off. Sausalito also submitted two projects to the state for ATP 6 funding but did not submit them to MTC for regional funding. Three projects recommended for funding represent the most Marin projects funded in one cycle.

The full MTC rankings and staff reports for both programs are available here: <https://mtc.legistar.com/LegislationDetail.aspx?ID=5983469&GUID=379FFEE5-2A73-4C45-AC54-686696DC8C9D>.

TAM staff has contacted local jurisdictions to share the announcements and will help support them as recommendations are approved by the MTC Commission to meet program requirements.

### **FISCAL CONSIDERATION**

Funds programmed to local jurisdictions have no direct fiscal impacts to TAM's annual budgets. Local jurisdictions will be required to obligate OBAG 3 funds through Caltrans Local Assistance and Regional ATP 6 funds through the CTC.

The funds programmed to TAM's Countywide Transportation Plan will be provided by MTC through a funding agreement. These funds have been anticipated and included in the TAM FY2022-23 Annual Budget.

### **NEXT STEPS**

TAM staff will work with local jurisdictions and MTC to ensure projects awarded funding are submitted among the region's projects in the Transportation Improvement Program (TIP) and to meet program requirements.

### **ATTACHMENTS**

Attachment A – Staff PowerPoint Presentation

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# OBAG & ATP Project Recommendations

Transportation Authority of Marin  
Board of Commissioners  
January 26, 2023

# One Bay Area Grant Program (OBAG) Cycle 3 Recommendations

- TAM funding target: \$9.6 million for Marin
- TAM 120% nomination target: \$11.5 million
- TAM Board approved project submittals in September
- On January 4, 2023, MTC staff announced OBAG3 funding recommendations:
  - Included eight projects/studies submitted by TAM
  - The Marin projects/studies total \$10.2 million



# Regional Active Transportation Program (ATP) Cycle 6 Recommendations

- The Regional Cycle 6 ATP Regional Program, administered by MTC for the Bay Area, included \$143 million available for programming
- MTC Staff recommendations announced January 4, 2023
- Three Marin projects were recommended for funding
- The recommended Marin projects total \$9,548,000

# OBAG & ATP Project Recommendations

Sponsor	Project	Recommended Funding	
		OBAG Cycle 3	ATP Cycle 6
Corte Madera	Central Marin Regional Pathways Gap Closure Project		\$1,500,000
Corte Madera	Paradise Drive	\$2,056,000	
Marin Transit	Transit Corridor Improvements	\$1,600,000	
San Rafael	Canal Neighborhood Active Transportation Enhancements Project		\$4,123,000
San Rafael	SE San Rafael/Canal Area PDA Study	\$797,000	
San Rafael	San Rafael Canal Crossing Project		\$3,925,000
San Rafael	North San Rafael/Northgate Area PDA Study	\$797,000	
San Rafael	Second and Fourth Street Intersection Improvements	\$3,051,000	
Sausalito	Bridgeway Bike Lane Project - Princess Street to Richardson	\$505,000	
SMART	SMART Pathway: Great Redwood Trail – Novato	\$1,000,000	
TAM	CTA Planning - Countywide Transportation Plan	\$400,000	
Recommended		\$10,206,000	\$9,548,000
Combined Total		\$19,754,000	

# Questions and Feedback

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Thank you!