



MEETING OF THE
TRANSPORTATION AUTHORITY OF MARIN
BOARD OF COMMISSIONERS

JANUARY 26, 2023
6:00 PM

Virtual Meeting

MEETING MINUTES

Members Present: Alice Fredericks, Tiburon Town Council
Beach Kuhl, Ross Town Council
Brian Colbert, San Anselmo Town Council, TAM Vice-Chair
Chance Cutrano, Fairfax Town Council
Dennis Rodoni, Marin County Board of Supervisors
Eric Lucan, Marin County Board of Supervisors
Kate Colin, San Rafael City Council
Katie Rice, Marin County Board of Supervisors
Kevin Carroll, Larkspur City Council
Mary Sackett, Marin County Board of Supervisors
Melissa Blaustein, Sausalito City Council
Nancy Kemnitzer, Belvedere City Council
Pat Eklund, Novato City Council
Pat Ravasio, Corte Madera Town Council
Stephanie Moulton-Peters, Marin County Board of Supervisors, TAM Chair
Urban Carmel, Mill Valley City Council

Members Absent: None

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
Mikaela Hiatt, Associate Transportation Planner
Molly Graham, Public Outreach Coordinator
Nick Nguyen, Principal Project Delivery Manager
Scott McDonald, Principal Transportation Planner

Chair Moulton-Peters called the meeting to order at 6:02 p.m.

Chair Moulton-Peters welcomed everyone to the meeting and Executive Director (ED) Anne Richman issued oaths of office to Kevin Carroll as the new Commissioner representing the City of Larkspur and Pat Ravasio as the new Commissioner representing the Town of Corte Madera.

Chair Moulton-Peters 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.

1. Adopt TAM Resolution No. 2023-02 in Compliance with AB 361 (Action)

Commissioner Rodoni moved to adopt TAM Resolution No. 2023-02 for compliance with AB 361, which was seconded by Commissioner Lucan. A roll call vote was conducted, and the motion passed unanimously.

2. Annual Selection of TAM Chair and Vice-Chair (Action)

On the matter of the annual selection of the TAM Chair and Vice-Chair, Commissioner Colin nominated and moved Vice-Chair Colbert for the position of Chair, and Commissioner Lucan for the position of Vice-Chair, which was seconded by Commissioner Carmel. A roll call vote was conducted, and the motion passed unanimously.

Chair Moulton-Peters congratulated Vice-Chair Colbert and transferred to him the duties of the Chair.

Chair Colbert thanked Commissioner Moulton-Peters for her service as the TAM Board Chair and expressed his gratitude for the time and support provided by ED Richman and TAM staff.

3. Chair's Report

Chair Colbert announced the appointment of Commissioner Stephanie Moulton-Peters to the State Route (SR) 37 Policy Committee and confirmed that Commissioner Lucan will continue as a SR 37 Policy Committee member in his new position as County Supervisor. He noted that there is still one vacancy for Marin, which will be filled at a later date.

Chair Colbert also announced that Commissioners Colin, Colbert, Lucan, and Carmel will serve on the Safe Routes to Schools (SR2S) Ad-Hoc Committee; and Commissioners Colbert, Cutrano, Lucan, and Rodoni will serve on the Alternative Fuels & Electric Vehicle (AFEV) Ad-Hoc Committee. Other ad-hoc committee membership updates may be announced in the coming months.

4. Commissioner Matters Not on the Agenda (Discussion)

Commissioner Carmel reported that the City of Mill Valley drafted an ordinance to address electric bike (e-bike) safety. Commissioner Carmel explained that the ordinance sets safety parameters for the usage of e-bikes and seeks to educate users; and commented that a countywide adoption of a similar ordinance would create consistent guidelines across neighboring jurisdictions.

5. Commissioner Reports (Discussion)

a. MTC Report – ED Richman

ED Richman will continue to provide the MTC report until a new appointment is made by the Marin County Board of Supervisors.

ED Richman reported that the Metropolitan Transportation Commission (MTC) nominating committee announced the nominations of current MTC Chair Alfredo Pedroza and current MTC Vice-Chair Nick Josefowitz for additional two-year terms in their respective roles. The vote will occur in February 2023 after the anticipated announcement of an interim or final successor to fill the role vacated by ED Therese McMillan upon her retirement at the end of January 2023.

ED Richman also reported that MTC sister agency the Bay Area Housing Finance Authority (BAHFA) was created in 2019 with the same governing board as MTC. BAHFA is preparing for the possibility of a regional housing bond for affordable housing and will develop an outreach plan to local elected officials this year and finalize the BAHFA Business Plan. MTC staff is also beginning preliminary work toward a future regional transportation ballot measure. This would likely not be proposed in the same election as the regional housing ballot measure – housing will be given priority over transportation. MTC staff proposed returning later this spring with information from a poll and proposed goals for a regional transportation ballot measure for discussion.

ED Richman further reported that MTC provided a list of Bay Area transportation earmarks that were incorporated into the final federal appropriations bill. The largest Bay Area earmark was \$10 million for Caltrain electrification. Two earmarks were identified for Marin-related agencies: \$1.8 million for the design of the Sonoma-Marin Area Rail Transit (SMART) extension to Healdsburg; and \$2 million for the MCE (formerly Marin Clean Energy) electric charger program expansion. MTC also approved funding agreements with the California Department of Transportation (Caltrans) and the Sonoma County Transportation Authority (SCTA) to advance the SR 37 Sears Point to Mare Island Improvement Project.

ED Richman reported that MTC approved the staff recommendations for Cycle 3 of the One Bay Area Grant (OBAG) county program, and the regional Active Transportation Program (ATP). These two programs totaled \$483 million for projects throughout the Bay Area, and almost \$20 million for Marin.

Lastly, ED Richman reported that MTC staff provided an overview of the Regional Network Manager Framework, a proposal to better integrate certain aspects of transit across multiple Bay Area transit operators. The proposal will focus on six key areas and would create a new MTC Committee structure to support and guide the work. The framework is expected to return to MTC for consideration of approval in February.

b. Marin Transit Report – Commissioner Rice

Commissioner Rice reported that Marin Transit (MT) ridership is at 85% of pre-pandemic levels, encompassing approximately 4,000 trips per day.

Commissioner Rice also reported that MT piloted three fare promotions over the past year-and-a-half and recently evaluated each of them to determine if they should be continued in the future. Based on the evaluation results, free fares for youth during the summer will be continued in 2023. This program allows youth ages 5 to 18 to ride MT buses for free for eight weeks during the summer by showing a student identification or proof of age. The intent is to encourage higher youth ridership during the summer when ridership tends to be lower. A second fare promotion offered three free monthly transit passes to families of low-income students. While the evaluation results indicate that the program may have attracted new riders, it did require significant staff time to administer. MT staff is exploring options for offering a similar promotion, including refinements to streamline program administration. Overall, the evaluation found that the fare programs had a larger impact on equity than ridership. MT staff will also conduct a comprehensive fare evaluation this year in anticipation of changes to the Clipper Card that will allow more options for fare types and discounts.

Lastly, Commissioner Rice reported that MT is considering changes to route alignments and schedules with the overall goal of improving service reliability. The planned changes would go into effect in June 2023. Due to labor shortages, the number of missed trips has increased over the past few months, and traffic volumes have returned to pre-COVID levels, further impacting on-time performance. Additionally, changes in the Golden Gate Transit regional bus service have created the need for improvements in local bus service. The proposed service changes are intended to address these issues. Further details on the service changes will be presented at the February 6 MT Board meeting.

c. SMART Report – Commissioner Lucan

Commissioner Lucan reported that the recent update on Regional Measure (RM) 3 was well received by SMART; and that Supervisor Mary Sackett and Larkspur Mayor Gabe Paulsen have been appointed to the SMART Board.

Commissioner Lucan also reported that ridership continues to approach pre-pandemic levels; and that the SMART Board approved a design contract for the Petaluma North station.

6. Executive Director's Report (Discussion)

ED Richman reported that the California Supreme Court's action to dismiss and remand the RM 3 legal challenge is anticipated to clear the way for funding for projects and programs receiving RM 3 funds; Marin Commutes has launched a New Year Commute Challenge; the SR 37 Planning and Environmental Linkages Study (PEL) is now available; and that Caltrans announced the 2023-2024 Sustainable Transportation Planning Grant Application Guide and Call for Applications.

ED Richman also reported that the Federal Highway Administration (FHWA) awarded \$400 million to the Golden Gate Bridge, Highway and Transportation District (District) for the Golden Gate Bridge seismic retrofit; and that the Departments of Energy, Transportation, Housing and Urban Development, and the Environmental Protection Agency have developed a U.S. National Blueprint for Transportation Decarbonization.

Lastly, ED Richman introduced TAM's new Associate Transportation Planner Mikaela Hiatt who will be supporting the Planning team in the areas of Sea Level Rise, Equity, and Alternative Fuels/EVs; and called attention to this month's Caltrans report.

Commissioner Sackett commented that she will be participating in the New Year Commute Challenge and encouraged all Commissioners to join her.

7. Open Time for Public Expression

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

Marin County Bicycle Coalition (MCBC) Policy and Planning Director Warren Wells welcomed the new Commissioners and congratulated TAM staff on the OBAG 3 and Regional ATP Cycle 6 recommendations. Mr. Wells commented that MCBC is in the process of developing an e-bike safety curriculum; and expressed concern that a prohibition on e-bike passengers may not be lawful. Lastly, Mr. Wells expressed concern about recent accidents involving bicyclists and automobiles and commented on the important role TAM plays in providing a safe transportation system throughout the County.

WTB-TAM Director of Planning Matthew Hartzell welcomed the new Commissioners and expressed support for the reprogramming of funds to Larkspur's Old Redwood Highway Multi-Use Pathway. Mr. Hartzell also commented that the southern segment of the North-South Greenway Gap Closure project may be eligible for a competitive grant program for Bay Trail projects that will be funded through RM 3.

8. CONSENT CALENDAR (Action)

- 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

Commissioner Cutrano made the motion to approve the Consent Calendar, which was seconded by Commissioner Colin. Chair Colbert opened the item to public comment and hearing none, a roll call vote was conducted. Item 8a passed with 14 ayes and 2 abstentions: Commissioners Blaustein, Carmel, Colbert, Colin, Cutrano, Fredericks, Kemnitzer, Kuhl, Lucan, Moulton-Peters, Ravasio, Rice, Rodoni, and Sackett voted aye, and Commissioners Carroll and Eklund abstained. Items 8b and 8c passed unanimously.

9. Adoption of Amended Measure B Expenditure Plan

a. Public Hearing on the Draft Amended Measure B Expenditure Plan

Cool the Earth Board Chair Lawrie Mott commented that funds from Measure B Element 3.3 could be used by local jurisdictions as funding matches for state and federal funding programs for electric vehicle (EV) infrastructure.

b. Adoption of Amended Measure B Expenditure Plan (Action)

ED Richman presented this item, which recommends that the TAM Board reviews and adopts the Amended Measure B Expenditure Plan on the condition that no additional comments that require substantive changes come in between January 26 and January 29, the completion of the 45-day public comment.

ED Richman reported that the review process started in March 2022, with meetings at the TAM Board, the Funding, Programs & Legislation (FP&L) Executive Committee and the Citizens' Oversight Committee (COC), as well as public outreach and extensive discussions with local jurisdictions and MT. A detailed staff report was provided at the December 2022 Board meeting, including background on the Measure B Expenditure Plan, revenues, the review process and feedback received; and the Board approved opening a 45-day public review period. TAM received three comment letters, which have been sent to the Board and posted on the TAM website.

ED Richman provided background information for the Measure B Expenditure Plan; an overview of the current Expenditure Plan; and 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 also 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 a component of TAM's Equity Statement and Action Plan review and development process.

ED Richman further 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 adopted; and lastly, ED Richman outlined the Board action and next steps.

Commissioner Blaustein thanked ED Richman and TAM staff for the extensive time and effort provided throughout the review process and inquired about updates to the Board in lieu of shortening the 10-year review requirement.

In response to Commissioner Eklund, ED Richman explained that the sub-elements of Element 3 do not have a fixed percentage funding share. ED Richman also explained that in addition to the funds in Element 3.1, the Crossing Guard program also receives funds through Measure AA. ED Richman added that TAM staff is conducting the periodic review and analysis of crossing guard locations, which will be presented to the TAM Board in the spring.

In response to Commissioner Rice, ED Richman explained that the language in the Expenditure Plan specifies a review at least every 10 years, and that should significant events or changes occur, the TAM Board has the ability to review and amend the Plan more frequently.

ED Richman further explained that the recommendation to not set funding shares or carryover restrictions for the sub-elements of Element 3 through the Expenditure Plan process allows the Board the discretion to direct those funding amounts through the Budget or Strategic Plan processes. This recommendation allows for flexibility as the needs of each sub-element change over time.

Chair Colbert expressed support for a transportation workshop for the Board to assess TAM's role in the EV funding landscape.

In response to Commissioner Moulton-Peters, ED Richman explained that the annual revenue from Measure B is approximately \$2.3 million. Commissioner Moulton-Peters expressed support for maintaining flexibility within the Measure B Expenditure Plan.

Commissioner Cutrano commented that in addition to reviewing and directing funds in any given year through the budget process, the Board will also receive element/sub-element updates from TAM staff.

Commissioner Rodoni expressed concern about the process of adopting the Amended Measure B Expenditure Plan before the close of the public-comment period on January 29, 2023, and inquired if it would be appropriate to move this item to a future Board meeting.

ED Richman explained that it is the Board's discretion as to whether or not to take action this evening; and cautioned that moving this item to the spring will delay the start of the Strategic Plan process and the development of the list of projects covered in Element 1.1.

In response to Chair Colbert, ED Richman explained that TAM staff presented the proposed process and time line for the review of the Measure B Expenditure Plan to the TAM Board in March 2022; and held public meetings through the COC in May, June, July and October of 2023. TAM staff returned to the FP&L Executive Committee in November 2022, and the TAM Board in December 2022. Throughout the process, TAM staff worked with the Marin Public Works Association (MPWA) and transit staff; sent formal letters to all city and town managers and MT informing them of the opening of the public-comment period; conducted public outreach; and provided up-to-date information on the TAM website.

Commissioner Lucan inquired if it would be appropriate to move this item to the February consent calendar. ED Richman explained that it might be unusual for this item to be on consent but that perhaps it could be placed on the regular agenda with an abbreviated staff memo.

Commissioner Eklund expressed concern about taking an action before the close of the public-comment period and expressed support for moving this item to the February Board meeting.

In response to Commissioner Fredericks, ED Richman explained that the development of the Strategic Plan and potential project list for Element 1.1 will need to wait until the adoption of the Amended Measure B Expenditure Plan.

Chair Colbert expressed support for moving this item to the consent calendar in February.

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

Mr. Wells thanked TAM staff and expressed support for the proposed amendments.

Ms. Mott expressed support for the Board to wait until the close of the public-comment period before taking action.

Commissioner Colin expressed support for a conditional adoption of the Amended Measure B Expenditure Plan tonight, whereby public comments received after this meeting, 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; and that TAM staff will return the Amended Measure B Expenditure Plan to the TAM Board for additional approvals if comments that require substantive changes are received before the end of the public comment period.

Commissioner Carroll expressed concern about taking action before the close of the public-comment period.

Commissioner Fredericks expressed support for a conditional adoption of the Amended Measure B Expenditure Plan tonight, as outlined by Commissioner Colin.

Commissioner Cutrano expressed support for a conditional adoption of the Amended Measure B Expenditure Plan tonight, as outlined by Commissioner Colin.

Commissioner Eklund moved to place this item on the consent calendar in February, unless substantive comments are received before the end of the public-comment period, whereby this item would become a regular agenda item for discussion and action, and accepted Commissioner Moulton-Peters' modification of the motion to authorize TAM staff to proceed with planning, which was seconded by Commissioner Rice. A roll call vote was conducted, and the motion passed unanimously.

10. Adopt the 2023 Legislative Platform (Action)

ED Richman introduced Legislation Consultant Gus Khouri of Khouri Consulting to present the proposed 2023 State Legislative Platform, which was reviewed by the FP&L Executive Committee at its January 9 meeting and referred to the TAM Board for approval.

Mr. Khouri reported on Governor Newsom's budget proposal for FY2023-24, which reflects a funding shortfall after historic surplus amounts in prior budget years. Mr. Khouri also reported that because the transportation sector mostly relies on revenue generated by the gas tax and vehicle registration fees, it is often insulated from general fund budget deficits.

Mr. Khouri reported on TAM's proposed 2023 State Legislative Platform, highlighting goals including acquiring state funding for TAM's priority projects; addressing mobility and meeting state climate change mandates; leveraging regional partnerships; enhancing multi-modal options; seeking efficiencies; and pursuing federal opportunities.

In response to Commissioner Lucan, Mr. Khouri indicated that SMART can be added as a named transit agency under section 4.2 of the 2023 State Legislative Platform.

In response to Commissioner Eklund, Mr. Khouri explained that after the adoption of the Legislative Platform, TAM staff will return to the Board as bills of interest are introduced throughout the Spring and into the Summer, to discuss and take action on positions, which would be the appropriate time to discuss Assembly Bill (AB) 99.

In response to Commissioner Ravasio's inquiry regarding a carbon tax, Mr. Khouri explained that there has been discussion within the Legislature of expanding the cap and trade program beyond 2030, and the possibility of using the 40% discretionary cap and trade revenue to augment programs such as the Active Transportation Program (ATP).

Chair Colbert asked if any members of the public wished to speak or had sent an e-comment, and hearing none, asked for further Commissioner comments.

Commissioner Cutrano expressed support for the inclusion of language in the platform to monitor upcoming funding opportunities for land use and transportation planning integration.

Commissioner Fredericks moved to adopt the 2023 State Legislative Platform, with the addition of SMART as a named agency in section 4.2, which was seconded by Commissioner Lucan. A roll call vote was conducted, and the motion passed unanimously.

11. De-Program and Re-Program Cycle 3 Local Partnership Program Formula Funds (Action)

Director of Legislation and Programming David Chan presented this item, which recommends that 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 reprogramming \$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.

Mr. Chan provided an overview of the Senate Bill (SB) 1 LPP funding, including background and prior programming action. Mr. Chan also reported on the current proposal to reprogram funds, including project consideration and funding details for the Bellam Boulevard Off-Ramp Project, Larkspur's Old Redwood Highway Multi-Use Pathway, and San Rafael's Grand Avenue Class IV Cycle Track Project.

Mr. Chan further reported that the FP&L Executive Committee reviewed the recommendations for LPP funding at its January 9 meeting, supported staff's recommendations, and voted unanimously to refer the item to the TAM Board for approval.

Lastly, Mr. Chan reported that TAM staff will provide an update on the entirety of the North-South Greenway Gap Closure Project in Spring 2023; and outlined the next steps upon approval from the TAM Board.

In response to Commissioner Carroll, City of Larkspur Public Works Director Julian Skinner explained that the Old Redwood Highway Multi-Use Pathway is the second and final phase of the northern segment of the North-South Greenway, and that the planning and public outreach process occurred approximately 5-7 years ago. Mr. Skinner also explained that the construction of the final phase of the northern segment could not be started until the first phase of the segment over the Corte Madera Creek was completed, which recently occurred. Mr. Skinner further explained that the scope of work for the Old Redwood Highway Multi-Use Pathway project was finalized when the federal funds were awarded.

Commissioner Carroll commented on the importance of community public outreach.

Chair Colbert asked if any members of the public wished to speak or had submitted a comment by e-mail, and hearing none, asked for further Commissioner comments.

Commissioner Colin expressed her support for the reprogramming of funds in order to keep transportation funding within the County and keep project timelines on track.

Commissioner Carmel moved to approve the deprogramming of \$1.756 million LPP Formula funds from the Bellam Boulevard Off-Ramp Project and the reprogramming \$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, which was seconded by Commissioner Colin. A roll call vote was conducted, and the motion passed unanimously.

12. MTC's Funding Recommendations for OBAG & ATP Projects (Discussion)

ED Richman reported that at its January 25 meeting, MTC unanimously approved the One Bay Area Grant Cycle 3 (OBAG 3) and Regional ATP Cycle 6 recommendations, which combined, total approximately \$20 million in funding to 11 projects throughout Marin County.

ED Richman also reported that the City of San Rafael's Southeast (SE) San Rafael/Canal Area Priority Development Area (PDA) Study was the top-ranked OBAG project in the region; and that the SE San Rafael/Canal Area PDA Study, Marin Transit's Transit Corridor Improvements, and North San Rafael/Northgate Area PDA Study were among the top 10 ranked in the region.

Lastly, ED Richman reported that TAM staff will continue to work with partners to seek funding for priority projects.

Chair Colbert asked if any members of the public wished to speak or had submitted a comment by e-mail, and hearing none, asked for further Commissioner comments.

Commissioner Colin thanked staff for the excellent work and engagement with the departments of public works throughout the application process; and commented that these studies and projects will directly benefit underserved communities.

Chair Colbert commended staff for the great work that serves as a tangible advancement towards equity.

The meeting was adjourned at 8:09 p.m.

Approved February 23, 2023