



MARIN COUNTY VEHICLE REGISTRATION FEE EXPENDITURE PLAN



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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.

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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 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.

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 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.

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.

Figure 1 Summary of Expenditure Plan

Estimated Annual \$	Expenditure Element 1	Description of Element	How Will Funds be Spent?	Relationship to Fee Payer
<p>35% (\$721,000)</p> <p>5% (\$103,000)</p>	<p>1a. Bicycle, Pedestrian, and Safety Improvements on Local Network</p> <p>1b. Maintain Class I Bike/Ped Pathways</p>	<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"> • Safety improvements that benefit bicycle and pedestrian travel • Emergency repair on sidewalks and pathways • Bicycle facilities, pathways and access improvements • Crosswalk and accessibility enhancements • Maintenance and improvement of Class I (exclusively) bicycle and pedestrian pathways, including new facilities 	<ul style="list-style-type: none"> • 35% of funds to be returned to eligible local agencies based on population (50%) and lane miles (50%). • Local agencies submit eligible bicycle, pedestrian, and safety improvement projects for allocations based on five years of estimated fund collection. • 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. • Only the Cities, Towns, and County of Marin are eligible recipients of funds from Element 1. 	<p>Fee payers benefit from having roadways safely maintained and operating efficiently and from improved bicycle/pedestrian access, and safety and efficiency for all users.</p> <p>Well-maintained pathways encourage walking and bicycling, thereby reducing congestion and pollution.</p>

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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"> • Implementing a Mobility Management Program that identifies and implements mobility options for Seniors and Persons with Disabilities • Support and enhance paratransit and other related local services • Implement a “Paratransit Plus” program to serve older seniors who may not qualify for service under the Americans with Disabilities Act • Implement other innovative programs to provide mobility to seniors as an alternative to driving 	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.

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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"> • School Safety and Congestion Reduction: <ul style="list-style-type: none"> ○ Maintain the School Crossing Guard program ○ Provide matching funds for Safe Routes to Schools programs ○ Enhance/expand programs designed to reduce congestion and improve safety around schools including Street Smarts and other related programs • 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"> ○ Carpool and vanpool information and incentive programs ○ Emergency Ride Home ○ Transit information and promotion ○ Transportation Demand Management programs ○ Support efforts to bring trip reduction programs to Marin County • 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. 	<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>

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		
	%	<i>Est. 10-year revenue</i>
What can local streets and pathways maintenance funds be used for?		
<ul style="list-style-type: none"> Safety improvements on all modes that benefit bicycle and pedestrian travel Bicycle, pedestrian, and accessibility enhancements, including bicycle and pedestrian access improvements to transit Intersection control, pavement, and drainage improvements for bicyclists and pedestrians Emergency repairs on damaged sidewalks and pathways Maintenance and improvement of Class I (exclusively) bicycle and pedestrian pathways, including new facilities 	40%	\$8.24 M
How will the funds be spent?		
<ul style="list-style-type: none"> 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. 	35%	\$7.21 M
<ul style="list-style-type: none"> 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 carryovers at the sunset of the original 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, 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. Class I maintenance funds will be made available only to municipalities that have adopted a Complete Streets policy.¹ 	5%	\$1.03 M

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

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

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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.¹

¹ 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.

Element 2 – Improve Transit for Seniors and Persons with Disabilities

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

Element 3 – Reduce Congestion and Pollution

Element 3		
Reduce Congestion and Pollution		
	%	Est. 10-year revenue
What can congestion and pollution reduction funds be used for?		
<p>Eligible activities are limited to 3 core sub-elements:</p> <ul style="list-style-type: none"> • School Safety and Congestion Reduction: <ul style="list-style-type: none"> ○ Maintain the School Crossing Guard program ○ Provide matching funds for Safe Routes to Schools programs ○ Enhance/expand programs designed to reduce congestion and improve safety around schools including Street Smarts and related programs • 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"> ○ Carpool and vanpool information and incentive programs ○ Emergency Ride Home ○ Transit information and promotion ○ Transportation Demand Management programs ○ Support efforts to bring trip reduction programs to Marin County • 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. 	25%	\$5.15 M
How will the funds be spent?		
<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.

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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.

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.

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.

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.

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 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.

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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 30-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.