

MEETING OF THE
TRANSPORTATION AUTHORITY OF MARIN
TAM

THURSDAY, JULY 24, 2008
7:00 PM

ROOM 330
MARIN COUNTY CIVIC CENTER
3501 CIVIC CENTER DRIVE
SAN RAFAEL, CALIFORNIA

MEETING MINUTES

Members Present: Steve Kinsey, Chair, Marin County Board of Supervisors
Al Boro, Vice Chair, City of San Rafael
Susan Adams, Marin County Board of Supervisors
Paul Albritton, Sausalito City Council
Judy Arnold, Marin County Board of Supervisors
Peter Breen, San Anselmo Town Council
Hal Brown, Marin County Board of Supervisors
Alexandra Cock, Corte Madera Town Council
Thomas Cromwell, Belvedere City Council
Carole Dillon-Knutson, Novato City Council
Alice Fredericks, Tiburon Town Council
Joan Lundstrom, Larkspur City Council
Charles McGlashan, Marin County Board of Supervisors
Stephanie Moulton-Peters, Mill Valley City Council
Michael Skall, Ross Town Council

Members Absent: Mary Ann Maggiore, Fairfax Town Council

Staff Members Present: Dianne Steinhauser, TAM Executive Director
Bill Gamlen, TAM Project Delivery Manager
Bill Whitney, TAM Project Delivery Manager
Dan Cherrier, TAM Project Delivery manager
David Chan, TAM Programming Manager
Eric Schatmeier, TAM Planning Manager

Chair Kinsey called the Transportation Authority of Marin Meeting to order at 7:07 p.m.

1. Chair's Report

Chair Kinsey reported that yesterday the Metropolitan Transportation Commission (MTC) adopted the funding principles for the Regional Transportation Plan (RTP) for the Bay Area. The draft plan must be a fiscally constrained plan so the funding plan is a very important component. Chair Kinsey noted that the Commission did not adopt the final plan, but the principles that will allow for the California Environmental Quality Act (CEQA) review and development of the draft plan. Final action on the plan will be taken early next year. Chair Kinsey noted that one of the adopted principles will provide as much as \$6 billion to the region over time in HOT Lane revenues region wide. TAM should expect the implementation of High-Occupancy Toll (HOT) lanes region wide, including Marin and Sonoma on

Hwy 101 in the next 25 years. The revenue generated will allow the entire system to be built out more quickly and allow approved projects to move forward faster as well. MTC also committed to a funding program that would potentially increase future Transportation for Livable Communities (TLC) funding to \$60 million per year. Chair Kinsey reported that MTC is making a concerted effort to develop criteria that will reward cost-effective development around transit. The TLC funding will likely be focused on the priority areas identified by the Association of Bay Area Governments (ABAG), MTC, the Bay Area Air Quality Management District, and the San Francisco Bay Conservation and Development Commission (BCDC). As a result of this effort, land use is becoming more connected to transportation funding.

MTC made significant commitments to bicycle-pedestrian funding, both for a regional bicycle and pedestrian system and also for Safe Routes to Schools (SR2S) to develop a regional program of SR2S and Safe Routes to Transit. Chair Kinsey noted that with its Measure A commitments, TAM is well-positioned to leverage its investments and compete well in this area. Chair Kinsey reported that the staff recommendation to commit funds to shortfalls for state highway maintenance was not adopted due to concerns that this could set a dangerous precedent. MTC instead indicated a preference to work with Caltrans to develop a statewide bond program to finance this on an as-needed basis.

The Marin-Sonoma Narrows project was on a list of committed projects being targeted for reconsideration under the climate change review. MTC decided that projects that are substantially through the planning and environmental phases and have substantial secured funding will remain in the RTP.

Commissioner Breen asked whether the tolling conversation had any impact on the Doyle Drive issue. Chair Kinsey responded that it did not have a specific impact on Doyle Drive. Chair Kinsey noted that Doyle Drive was also listed as a project to be reviewed in the light of climate change, but that there are other reasons for the commission to pay attention to the needs of Doyle Drive. Chair Kinsey reported that there was no effort to remove MTC's commitment to finding a funding plan for Doyle Drive. The San Francisco County Transportation Authority and MTC continue to work in close collaboration with the Golden Gate Bridge District to better understand the true costs, the funding shortfalls, and some funding mechanisms that could be used to fund Doyle Drive while retaining the Urban Partnership funding allotted by the federal government. The Federal Highway Administration has exerted itself as well, questioning the congestion pricing element of the plan and offering alternatives for how to proceed without losing the \$160 million in funding.

Chair Kinsey noted that the Consent Calendar contains several significant items and emphasized that these are not being glossed over. Rather, they are well-managed projects with the support of an oversight committee as well as a technical advisory committee (TAC). All items were also reviewed by the Executive Committee. Chair Kinsey highlighted the benefits of TAM's self-help program created through Measure A, protecting Marin highway projects such as the Gap Closure, garnering national visibility through the efforts of Safe Routes, and providing opportunities to maintain and slowly improve local transit. Chair Kinsey urged all present to recognize the importance of local funding.

2. Commissioner Matters not on the Agenda

None.

3. Executive Director's Report

Executive Director Steinhauser presented the final version of the Annual Report, noting that staff will be distributing it to local jurisdictions and schools and thanking the Board for its input. Executive Director Steinhauser announced that speaker cards will be used for timed public comment on Item 6, the SMART item. The Board will not meet in August and the Executive Committee is tentatively scheduled to meet on the third Monday of September. Executive Director Steinhauser will be on vacation from July 28 through August 19. In the case of an emergency, Executive Director Steinhauser is still available by phone or Denise Merleno will be available.

Gus Khouri provided a legislative update, reporting that the State budget is at a standstill. The Budget Conference Committee concluded their business 2 weeks ago, with Democrats introducing a revenue enhancement package totaling approximately \$8 billion and the Republican caucus objecting on the basis of not wanting to raise taxes. Mr. Khouri reported that the suspension of Proposition 42 has been proposed, adding to a potential \$2.8 billion loss in transportation funding. Mr. Khouri noted that the current budget proposals will disproportionately affect transportation. Senator Perata's office is devising a formula to allocate Proposition 1B State Local Transportation Partnership funding and will design the Partnership program to give an advantage to self-help counties. Mr. Khouri reported that high-speed rail is still on the ballot and if approved by voters, this \$9.95 billion bond will begin its first segments. However, since this is a \$40 billion project, it will eventually be necessary to address the funding shortfall. Mr. Khouri also provided an update on AB 2558, a greenhouse gas mitigation fee authored by Assemblymember Feuer. As requested by the TAM Board, staff is working hard to ensure a return-to-source provision. Mr. Khouri noted that SB1507, which would have prevented highway construction near schools and was opposed by the TAM Board, failed passage in the Assembly Transportation Committee.

Commissioner Adams asked whether the high-speed rail initiative identifies any funding sources for paying back the bond, expressing concern at the accumulation of debt. Mr. Khouri responded that no specific sources have been identified, noting that the Governor is interested in private investment. Executive Director Steinhauser mentioned that for other borrowings, such as the suspension of Prop 42, borrowed funds must be repaid with interest. Contrastingly, the loss of spillover in the baseline State Transit Assistance (STA) funding will not be repaid. Therefore, only a portion of the \$2.8 billion in lost transportation funding will eventually be recovered. Mr. Khouri noted that even if it is repaid with interest, project costs will have increased and contracts will have been impacted.

Commissioner McGlashan noted that SB445 includes sufficient safeguards for return-to-source and asked why there is still concern over this. Mr. Khouri clarified that SB445 failed and that the current bill, Assemblymember Feuer's AB2558, grants MTC broad authority to collect the fees with no return-to-source. Commissioner McGlashan commented that with a return-to-source guarantee, the TAM Board should support this bill. Executive Director Steinhauser clarified that staff sent a letter to this effect, specifying the Board's previous recommendation of a 90% return-to-source guarantee.

Executive Director Steinhauser reported that the East Blithedale ramp is expected to open to traffic in September 2008, and that staff will be working with Commissioner McGlashan's office to plan the celebration. Work continues on the 580-101 project and the final environmental document for the Marin-Sonoma Narrows project. Executive Director Steinhauser also noted that staff will meet with the contractor tomorrow to ensure that the carpool lane will open in December as expected.

3a. URGENCY ITEM: Reallocation of Measure A Funds to Gap Closure Project

Chair Kinsey asked for a motion to add the urgency item to the agenda, noting that the funds in question will be needed before the Transportation Authority has its next meeting in September. Commissioner Adams moved, Commissioner Arnold seconded. Motion passed unanimously.

Executive Director Steinhauser briefly explained the funding request, noting that the funds in question are not new funds; they were previously approved by the Board for allocation to the Gap Closure project. When the project bids were low, and staff worked out with Caltrans a holding of the money until the Board approved returning it to the project. Bill Gamlen reported that approval of this item would put \$1 million of this held Measure A funding back into the project. Mr. Gamlen noted that the Gap Closure project has experienced some difficulties and a number of changes, such as weather delays and differing site conditions, resulting in a need for additional funding. He reported that at the last Board meeting, the Board approved returning \$1.128 million to the project, noting that Caltrans is also working to return about \$1.1 million in federal and state funds to the project. Mr. Gamlen reported that as work will progress rapidly during the summer, staff requests the funds at this time.

Chair Kinsey asked for a motion to approve. Commissioner McGlashan moved, Commissioner Adams seconded. Motion passed unanimously.

4. Commissioner Reports

a. Executive Committee

Chair Kinsey reported that the committee met and reviewed several items, including the final draft of the SMART Working Group report. Chair Kinsey encouraged other commissioners and the public to join the Executive Committee for meetings at its new location in the San Rafael Corporate Center.

Commissioner Brown stepped out of the room at approximately 7:35 p.m.

b. Marin-Sonoma Narrows Policy Advisory Group

Chair Kinsey reported that the group will not meet again until immediately before the final environmental document is released. Executive Director Steinhauser clarified that the release is scheduled for the end of October, with a public comment period to follow. The document will be presented to the Policy Advisory Group around October or November. Chair Kinsey clarified that upon completion of that document, the Board still will look at design revisions.

c. SMART

Commissioner Boro reported that the SMART Board met on July 16, noting that the SMART sales tax measure will be on the ballot this November. There was significant public support at the meeting along with some opposition. Commissioner McGlashan reported that the SMART Board conveyed its appreciation for TAM's analysis of the expenditure plan, noting that as a result, SMART is much better prepared for this election than it was in 2006. SMART will not compete with TAM for funding, and will set some provisions for its negotiations with the North Coast Rail Authority (NCRA). Commissioner McGlashan noted that the operating committee will be initiating this dialogue with NCRA.

5. Consent Calendar

Chair Kinsey reminded the public of the use of speaker cards at tonight's meeting. He thanked staff for managing the speakers this evening.

Chair Kinsey noted that the Consent Calendar includes the Central and Southern Marin Transit Study, a significant part of TAM's approach to addressing climate change.

The Consent Calendar included the following:

- a. Approval of TAM Minutes of June 26, 2008
- b. Conflict of Interest Designations
- c. Allocation of Measure A Funds to Marin Transit for Strategy 1
- d. Allocation of \$2,478,066 in Measure A Funds to Cities, Towns, and Marin County for Local Roads and Related Infrastructure Projects in Strategy 3.2 of the Measure A Strategic Plan for FY 08/09
- e. Investment Policy Annual Review
- f. Central/Southern Marin Transit Study
- g. TAM's Transportation Demand Management (TDM) Program
 1. Vanpool Incentive Program
 2. Emergency Ride Home Program

Commissioner Dillon-Knutson moved, Commissioner Lundstrom seconded. Motion passed unanimously.

6. TAM's Position on the SMART Rail Proposal for the November 2008 Marin County General Election Ballot

Chair Kinsey announced that Executive Director Steinhauser would make a brief presentation of the work done to date by the SMART Working Group of TAM, after which Lillian Hames and her team would make a presentation. Following this, the item will be open for public comment, beginning with a statement from Congresswoman Lynn Woolsey and a statement from Assemblymember Jared Huffman.

Executive Director Steinhauser reported that the Working Group assessed the available information on the rail proposal, intending to fully inform TAM of any outstanding issues affecting TAM's roles and responsibilities, and also to report to both the TAM and SMART Boards on the availability of information. The June Working Group Final Report addressed the effort of the Working Group and recommendations to SMART. Executive Director Steinhauser highlighted the ways in which the Working Group's recommendations have been addressed by SMART. An outstanding issue remaining from June, and addressed in the Working Group's June report, was the financial analysis. In response to the TAM staff's detailed analysis of SMART's bonding, SMART's plan has been revised. TAM concluded that the financial strategy is feasible, but Executive Director Steinhauser

noted that SMART is encouraged to monitor Marin and Sonoma county sales tax and the potentially volatile bond market.

Lillian Hames, General Manager of SMART, gave a PowerPoint presentation summarizing the benefits of SMART and updates on the ballot measure and the proposed ¼ cent sales tax. Ms. Hames noted adjustments that have been made at TAM's request. Ms. Hames also provided a status update on the funding plan review and supplemental Environmental Impact Report (EIR). She reported on the expected impacts of weekend service and highlighted vehicle types, noting potential issues related to freight.

Commissioner Brown returned to the meeting at approximately 8:05 p.m.

John Nemeth of SMART gave a presentation on Quiet Zones, noting that they can be implemented only by local jurisdictions. He highlighted supplemental safety measures for crossings. Funding is included for Quiet Zone implementation.

Commissioner Arnold asked whether a Federal Railroad Administration (FRA) waiver would be necessary to run the light diesel multiple units (DMUs) with strict time separation or whether the FRA will authorize the use of positive train control. Ms. Hames clarified that, if authorized, positive train control would make the use of light DMU much more flexible. A waiver would be necessary in order to run the light DMUs. Commissioner Arnold asked whether the midday train could be run with freight running at night, and Ms. Hames clarified that although this is theoretically possible, due to economic reasons, freight is unlikely to run at night.

Commissioner McGlashan asked whether the heavy DMU could be used for midday, with light DMU at other times. Ms. Hames noted that different maintenance facilities and spare parts would then be necessary.

Commissioner Dillon-Knutson asked for an update on local funding for Quiet Zones, and Ms. Hames clarified that the funding plans do not incorporate any local funds, only funding from SMART's funding plan.

Commissioner Fredericks asked whether the NCRA could run freight trains at night. Ms. Hames confirmed that this is possible but unlikely due to the type of hauling.

Chair Kinsey opened the public comment session. Anita Franzi read a statement of support from Congresswoman Woolsey, highlighting the Bay Area's commitment to reducing greenhouse gases, mitigating high gas prices, and protecting the environment. Congresswoman Woolsey praised SMART as a reliable, environmentally friendly public transportation system, citing the expected congestion relief on Highway 101 as well as the bicycle and pedestrian trail. Congresswoman Woolsey stated that she had supported SMART funding in Congress and that she will also be supporting it with her vote in November.

Chair Kinsey read a statement of support from Assemblymember Huffman. Assemblymember Huffman expressed support for SMART's rail, trail and shuttle system as a way to relieve congestion on Highway 101, reduce our dependence on cars, and protect the environment. Assemblymember Huffman urged the Board to support SMART as a way to address the long-term needs of the region, county, and planet.

The Chair opened this item for further public comment.

Bob Brown of Novato encouraged the Board to endorse SMART as a transportation alternative in the face of rising gas prices. The bicycle path would also make bicycle commuting a real possibility in Marin. SMART will help local governments comply with AB32 by taking cars off the road and providing the opportunity to focus land use around the train stations. In addition, government employees will have the option to switch to transit. San Rafael's recent greenhouse gas inventory indicated that 40% of the city's greenhouse gas emissions are due to employee commutes. Since many city employees live in Sonoma, this is a real opportunity to reduce emissions in San Rafael. Mr. Brown also commented that no viable alternative to SMART has been proposed, and noted that buses, subject to the same traffic as cars, are not a solution to traffic on Highway 101. Mr. Brown urged the Board not to repeat the mistake of saying no to SMART as they did with BART 40 years ago.

Don Wilhelm of Novato urged the Board not to endorse SMART as a tool for congestion relief as it will only reduce peak period traffic on Highway 101 between Novato and the Civic Center by 1%. The SMART EIR says that SMART will save only 11,000 barrels of oil per year. Since one barrel of oil yields 19.6 gallons of gas, and one gallon of gas produces 20 lbs of CO₂, SMART will not significantly change greenhouse gas emissions, especially when compared to AB32's requirement of a 25% reduction by 2020. Mr. Wilhelm expressed support for HOT lanes, which will cost \$3.7 billion and generate \$6.1 billion in funds for transportation infrastructure and operations. SMART costs \$1 billion and does not generate revenue for other purposes. Mr. Wilhelm asked that the Board hold off on supporting SMART and wait for other alternatives.

Marge Macris, Co-Chair of the Marin SMART Campaign, commented that the argument for spending money on buses instead of on SMART is a false dichotomy because the public must do everything it can to address traffic problems. SMART has public support and ridership will increase as gas prices continue to rise and people learn how to use the system. With the addition of weekend service and the use of light DMUs, this plan has significantly improved since 2006. SMART will take 1.4 million car trips off of Highway 101, thereby reducing greenhouse gases by 31 million pounds per year. Ms. Macris urged the Board to take immediate action, as waiting will only result in increased costs. SMART is the right thing to do for Marin's environment and economy, and Marin County residents look to the Board to take the lead in moving this project forward.

David Beach of San Anselmo expressed support for SMART, specifically regarding the availability of transportation fuels. Mr. Beach strongly recommended that residents of Marin view an informative presentation on peak oil concerns in Marin County, given by Andre Angelantoni on June 17. Additionally, Mr. Beach announced that the Association for the Study of Peak Oil (ASPO) USA will hold its annual meeting in Sacramento in September.

Grace Hughes, former President and CEO of Marin Airporter, commented that SMART's plan is fundamentally flawed because it has not identified a market large enough to justify the money and infrastructure needed for this project. SMART will not take cars off of Highway 101 in numbers large enough to impact either congestion or the environment. Additionally, train stops will not be accessible for many residents and employees in Marin. The use of shuttle buses as currently proposed will be costly, inefficient and difficult to schedule. Ms. Hughes stated that the support cited by polls, op-eds and other publications is based on assumptions and desires rather than facts, and urged the Board not to support SMART.

David Schonbrunn of TRANSDEF commented that the views of the previous speaker represent only Marin, and Sonoma County has twice the population of Marin. Mr. Schonbrunn stated that supporters of SMART acknowledge that the automobile is insufficient and recognize the importance of transit in

the North Bay, while people who oppose SMART are satisfied with the status quo and are reluctant to accept change.

Joseph Shirado of Corte Madera commented that while SMART will not solve all of the transportation issues in the county, it represents a good start. Once the train is running, the most important issue will be accommodating all of the people that want to ride it. Mr. Shirado noted that the Los Angeles Metrolink is very crowded, and commented that the public will respond very positively to SMART.

Mike Arnold commented that \$1.4 billion is too expensive for a transit system that delivers minimal benefits. Marin Transit District buses have an annual ridership of about 3.2 million riders, most of whom are Marin residents, while SMART train ridership is predicted to peak at 300,000 Marin riders. Therefore, Marin would pay 1/3 the cost of the train and receive less than its share of the benefits. These projected riders may be former bus riders and therefore not represent cars taken off of the highway. SMART removes too few cars from the highway to have a significant impact on congestion on Highway 101, and SMART's own numbers indicate that greenhouse gases will only be reduced by two tenths of one percent. SMART will carry only 240 passengers on 7 morning trains into Marin, and studies indicate that ridership will decrease over 20 years because, following the completion of the Marin-Sonoma Narrows project, residents will return to driving. In addition, studies show that only 40 to 50 people per day will use the trains to connect to ferries. Mr. Arnold stated that SMART will impact Marin County programs, and Marin County should concern itself with issues like oak disease and fire protection before using county funds for an expensive project that yields few benefits.

Deb Hubsmith, Marin County Bicycle Coalition (MCBC) Advocacy Director, commented that MCBC supports SMART as a transportation alternative that benefits the environment and the economy. The report accepted by the Board last month indicated that the SMART expenditure plan is sound. The current cost is the lowest that SMART will ever have, and SMART will not compete with any funding for Marin buses and transit. Light rail cars can be used, weekend service will be provided, and there will be funding for quiet zones. Additionally, the project will provide full funding for a bicycle and pedestrian pathway that will serve up to 10,000 people on the weekends. SMART represents the only way to control the freight operating agreement. The commute between Marin and Sonoma is one of the fastest growing commutes in the Bay Area, and riders of the train will reach their destination in half the time. Ms. Hubsmith stated that it is time to think globally and act locally and approve SMART. A recent poll showed that 77% of voters in Marin and Sonoma support SMART. Ms. Hubsmith urged the Board to support SMART tonight.

Cindy Winter, MCBC member, commented that due to high gas prices, the county is now at a tipping point for cycling. Many new cyclists are now supporters of SMART. Europeans have successfully combined rail and cycling, and Marin should be able to do this as well. Ms. Winter commented that Marin should be proactive about addressing congestion and global warming.

Marla Fields of Novato expressed appreciation for the hard work of the TAM Working Group. Ms. Fields commented that although opponents of SMART have intentionally confused the issue, TAM is now aware that the revenue assumptions used by SMART are realizable and conservative. The NCRA does not need SMART to pass in order to run its freight trains; in fact, the presence of SMART will help manage freight for residents north of Highway 37. SMART's two-car trains pass through an intersection in about 40 seconds – about the same time it takes a pedestrian to cross the street. There has never been a project in Marin that met with this level of scrutiny. The EIR concluded that SMART is "the environmentally superior alternative." Ridership was originally projected with the price of gas at only \$1.60 per gallon. Cars and buses on Highway 101 experience huge delays, and the current expansion of 101 is projected to save commuters only eight minutes. Additionally, under AB32,

companies will be charged for failing to reduce their employees' commute emissions and this cost will soon be passed off onto customers. SMART can help relieve traffic congestion, because a small reduction in a congested area can have a significant impact on traffic. SMART will give 10,000 Marin students going to Santa Rosa Junior College and the College of Marin the option to commute by rail, saving thousands of dollars in gas annually. Employees at all of Marin's major job and retail centers will have access to work by train and shuttle. Many businesses and retail shops will encourage the use of SMART by offering incentives, to avoid being charged under AB32. Ms. Fields urged the Board not to wait any longer and to support SMART today.

David Porter of Novato commented that he commutes to San Rafael, and would like to ride his bicycle to the SMART station, take the rail to San Rafael, and then ride his bicycle to work. Mr. Porter applauded the TAM Board and the working group for their work on SMART, praising the TAM Board for judging on the basis of understanding rather than political expediency. By endorsing the sales tax measure, the Board will show Marin voters that it supports developing an integrated transit system with rail as the backbone. A county striving to be at the forefront of sustainability must also be at the forefront of sustainable modes of transportation. A smooth, relatively flat trail will encourage bicycle commuting, while a train bypassing traffic will encourage people to get out of their cars. Mr. Porter urged the Board to signal that Marin is ready to take the next step toward a sustainable future by endorsing SMART.

Peter Krasnoff of Larkspur commended the Board on thoroughly vetting the economics of the SMART alternatives. Mr. Krasnoff commented that SMART is not only an investment; it is a piece of infrastructure and can therefore also contribute to Marin's quality of life. SMART will attract more potential employees to San Rafael. Additionally, the bicycle infrastructure will make it easier for people to choose alternative transportation. Mr. Krasnoff commented that SMART is a chance to enhance the local quality of life, and Marin should not pass up this opportunity.

Jerry Peters of Novato introduced himself as a former planning commissioner for the City of Novato as well as the former president of the Board of Directors for the Chamber of Commerce. Mr. Peters commented that the Board of Directors consistently voted for SMART over the last decade. Mr. Peters stated that he currently works for a large law firm between the railroad tracks and the freeway, and that 60% of the firm's employees commute from Sonoma County. The firm has experienced a high rate of turnover due to this commute, with carpool incentives and bus solutions generating little interest. However, surveys and meetings indicate high interest in the train. Mr. Peters urged the Board to vote in support of SMART.

Marcello Fonio, resident of and employee in San Rafael, expressed support for the bicycle path but commented that the SMART train is impractical and does not yield significant benefits. Solutions for the potential noise problem are not guaranteed. The sound of the train running on the rails will create noise that will be audible throughout northern Marin County. The majority of SMART's 2006 support came from Mill Valley, Tiburon and southern Marin County, places that do not have access to the train. Mr. Fonio also expressed doubt about other aspects of SMART, such as commuting from Santa Rosa to San Francisco. Mr. Fonio stated that SMART is an impractical solution and does not represent the modern solution Marin needs.

Hobart Bartshire of Fairfax commented that SMART represents the public transit element being blackmailed by the freight operation. Mr. Bartshire commented that since his coworkers do not take the bus to work at Smith Ranch Road, they would not take SMART, which would require them to bus from the nearest stop. Similarly, SMART does not stop near Kaiser in San Rafael. Mr. Bartshire stated that SMART does not serve Marin well and urged the Board not to support it.

Merith Weisman of San Rafael commented that she commutes to Sonoma State for work, and she will use the train. SMART will also help the economy by helping people to shop locally. Ms. Weisman stated that she and others have tried to organize carpools and take the bus and it has not worked, but that SMART will work for them. Ms. Weisman commented that if SMART fails, she will have to move. SMART will remove 5300 car trips per day, reducing gas use by over one million gallons per year and cutting carbon emissions by 31 million pounds per year. Ms. Weisman urged the Board to support SMART as an investment in Marin's future transportation infrastructure.

Joy Dahlgren of San Rafael commented that while three different consultants have projected SMART ridership to peak at approximately 5000 trips per day by 2025, Golden Gate Transit carries six times as many passengers, Santa Rosa Transit carries twice as many, and Sonoma County Transit carries almost the same number of passengers. It is therefore unreasonable to believe that SMART will become the backbone of transit. SMART came into being completely outside of the established transportation planning process, and was not judged on the same basis as other projects. With its small ridership, SMART's cost per passenger per trip will be over \$50 over the course of 20 years. If every household in Marin County replaced one of their incandescent bulbs with a compact fluorescent lightbulb, they would save twice as much greenhouse gases as would be saved by SMART. Ms. Dahlgren stated that TAM did not have a part in creating SMART and probably would not have brought it forward, and it is not appropriate for TAM to advocate it now. Ms. Dahlgren praised TAM for providing the public with information on SMART and urged the Board to remain neutral as it did in 2006.

Andy Peri of Fairfax commented that SMART offers an alternative that no other proposal out there can provide, by removing commuters from the Highway 101 corridor. The public should think less about SMART's shortcomings and focus on future generations of riders, the pressures of future gas prices, and the expenses that people will have to pay out of pocket to pay for gasoline with no alternative. SMART offers another way to reduce our carbon diets. The MCBC is particularly excited by the bicycle pedestrian pathway that will follow the 70 miles of train route, offering a zero carbon alternative as well as health benefits. Mr. Peri urged the Board to vote in support of SMART, providing transportation choice and promoting fiscal responsibility by making good use of public assets.

Mark Birnbaum of Novato commented that many people would commute to work in San Rafael by bicycle if it were safer and easier. SMART is the right thing to do environmentally, and urged the Board to note that cities all over the world are switching to rail for mass transit needs, and in most cases are attracting more riders than originally predicted. Years ago, the peninsula's Caltrain was thought dead, but now it is standing room only. BART is also carrying many more riders than ever expected.

Patricia Leeds of Corte Madera encouraged the Board to support SMART. She commented that she has traveled to many cities where train travel works beautifully. She, so far, has not heard of a good alternative. Traffic in Marin will continue to worsen no matter how many lanes are built on the freeway, and Marin has been inundated with cars and smog. Homes in San Rafael and trees in Mill Valley have been removed to make way for more cars on the freeway. Air quality is worsening, commuters are becoming increasingly isolated traveling alone in gas-guzzling cars, and this is not a healthy way to live. People who use public transportation as part of their daily routine are less stressed and are glad not to be looking for parking. Ms. Leeds stated that she is not anti-car; she sees the need for cars on trips that require multiple stops or the transporting of heavy items. Ms. Leeds commented that the sound of the train whistle and the tracks will be calming, and asked the Board to look at the future of Marin and Sonoma and support SMART.

Kay Karchevski of San Rafael commented that transportation is the source of 61-62% of greenhouse gas emissions in Marin County. SMART will provide 70 miles of train and a north-south bike pathway, giving people ways to go around congestion on Highway 101. The number of cars in Marin has increased at a faster rate than population in recent years, and more options are needed. The SMART train uses quiet, clean, modern technology. The pathway, buses, ridesharing, carsharing, and other kinds of transportation will all work together. SMART will allow cyclists to bring bicycles onto public transit with greater ease than buses. Salt Lake City's TRAX train serves a similar demographic to Marin's. It started running in 1999 and the projected ridership for 2020 was 20,000 riders. In 2006, they had 50,000 riders. Ms. Karchevski asked the Board to be optimistic rather than pessimistic and endorse SMART tonight.

Jan O'Brien of Corte Madera commented that she used bicycles and trains to travel everywhere in Europe, and would like to do so where she lives, now, in Marin County.

Elisabeth Cook of Corte Madera commented that if the train is built, riders will come. SMART could transport local children to their sports games, eliminating many car trips. Ms. Cook assured the Board that people would use the train.

Allan Bortel of Tiburon introduced himself as the Vice Chair of the Commission on Aging as well as Chair of the Housing and Transportation Committee. Mr. Bortel commented that the Commission has not taken a position on this issue and he speaks only for himself. Mr. Bortel stated that the demographics of our county indicate an increasing need for caregivers, many of whom will commute from Sonoma County and the East Bay. SMART will bring them to Marin, a county that will be moving from 16% to over 30% over age 65 by the year 2030. As the result of a political move made in Sacramento a few years ago, there is no stop at St. Vincent's in Marinwood, but the Larkspur area at the terminus of SMART is an enormous center of retired older citizens. Belvedere, Tiburon and Mill Valley also have thousands more seniors aging in place. It will be essential to bring the caregiver community down to Marin, and SMART will fill this unmet need. In the world of transit, \$1 billion is not much, and SMART already owns the right-of-way. Mr. Bortel expressed regret that, in order to save \$60 million, the project is now set to open SMART in 2014 instead of 2012, despite the fact that this amount represents only 6% of the entire cost. Mr. Bortel urged the public and the Board to visit the railroad museum in Sacramento to get a feel for modern trains.

Karen Nygren commented that she is driven by facts rather than hopes. Although SMART is credited for 70 miles of bicycle path, the section of path going through the Marin-Sonoma Narrows will actually be built along Highway 101 through the Marin-Sonoma Narrows project and is not part of SMART. \$1.6 billion, including debt service, is a lot of money. SMART will not be running for at least five to six years, and ridership is constrained due to the train's own scheduling limitations. SMART has said that the train could possibly be double-decked, but has made no investigation into whether a double-deck train would fit through a tunnel or under the bridges. The High-Occupancy Vehicle (HOV) lanes on Highway 101 through San Rafael will provide congestion relief in December, only one month after the SMART vote. Ms. Nygren urged the Board to remain neutral and let the public decide after hearing the facts.

Barry Buckley of Novato resident commented that he has heard that 800 employees of the Marin Civic Center live in Sonoma County. Under AB32, employers must transport these employees to Marin with the least amount of environmental degradation possible. Attorney General Jerry Brown recently used AB32 to sue San Bernardino County over urban sprawl, citing Marin as a county successfully combating sprawl. Mr. Buckley asked whether Attorney General Brown could sue Marin if SMART fails. A blogger on the Marin Independent Journal website recently pointed out that at \$4.55, the bus

fare from San Rafael to San Francisco is less than the bridge toll. Proposition A funds are precluded from investments in rail. Mr. Buckley stated that he had spoken to a county shuttle driver that makes 13 round trips per day between the downtown San Rafael Transit Center and the state unemployment office, primarily serving the homeless population. He has concluded that SMART will not adversely affect Golden Gate Transit. The Golden Gate Bridge District has been the biggest proponent of SMART. A TAM Board member has called SMART "taxation without representation" because Sonoma's representation on what would become the SMART Authority would outweigh Marin's based on their larger population.

Valerie Taylor of San Rafael requested that the Board endorse SMART. Ms. Taylor commented that she would take SMART to the ferry and ferry into San Francisco every day. Ms. Taylor commented that she works in transportation, with much of her work in rural areas, and hears a lot about how people are constrained by gas prices. People are forced to decide between their places of residence, food, medical care and whether or not they can buy gas. The price of gas will continue to rise. Due to the price of gas, there has been a 15% national increase in public transit ridership, and this will continue to rise. Ms. Taylor asked the Board to send a signal of its leadership to the great majority of Marin citizens that support SMART by endorsing this measure tonight.

Seeing no further commentors, Chair Kinsey closed the public hearing.

Commissioner McGlashan moved the endorsement of the SMART ballot measure. The Commissioner commented that his predecessor on the Board of Supervisors, who fought to construct the Civic Center building in the 60's, paid for her vision with her job. It is always easy to poke holes in a new idea, spinning numbers as some of SMART's opponents have by omitting the bicycle ridership figures on that 70-mile long path. This country desperately needs vision, and needs people like the Board to be leaders. The Commissioner expressed appreciation for having been involved in this process, which provided deeper and more careful analysis than anything he has experienced before. SMART brings an incredibly exciting vision as a beautiful piece of infrastructure that improves quality of life, especially for an aging population. Commissioner McGlashan expressed hope that the Board will take a position supporting this and asked for help from anyone in the county who cares about this issue. The Commissioner commented that it is urgent that this measure be passed this November, as there is very little time left to accomplish this affordably.

Commissioner Boro seconded the motion. The Commissioner commented that trains work all over the country and all over the world, citing the trains in Los Angeles and the Altamont Commuter Express (ACE) Train, which started with one dedicated train and now has three. The Commissioner also rejected the argument that people will refuse to transfer, citing the thousands of people that routinely take multiple modes of public transportation in New Jersey and New York. There is a lot of work being done to protect the Highway 101 corridor, and Marin is fortunate to be able to use this public asset for commuter rail without having to buy land or condemn property. It does not make sense to let the land lie unused. SMART is for the common good – the concept of Marin paying to benefit Sonoma is equivalent to citizens without children voting to benefit schools. SMART will directly benefit Marin by providing transportation to Sonoma and relieving congestion by taking Sonoma residents off of the highway. SMART will also provide a viable option for travel from San Francisco to the wine country, reducing traffic created by visitors. With 40-second crossings, trains will cause only minimal traffic disruption. The Commissioner commented that Atherton, Palo Alto, Menlo Park, and Woodside operate smoothly in the presence of trains, and property values there remain high. SMART represents a bright future for transportation in Marin County, and in ten years no viable alternatives have been presented. The Commissioner urged the Board to endorse SMART.

Commissioner Albritton commented that SMART is a very complex issue, and expressed appreciation for the comments heard tonight and the presentation given to the Sausalito City Council by Lillian Hames and Executive Director Steinhauser. The Commissioner reported that the Sausalito City Council deliberated the issue thoroughly and instructed him to vote in favor of this endorsement. The Commissioner expressed support for buses and SMART as alternatives to cars. The 2035 plan for MTC allocates hundreds of billions of dollars of Marin's transportation funding to highway projects. If the region can spend \$1 billion on Doyle Drive or \$800 to \$900 million on the Marin-Sonoma Narrows project, \$450 million plus operating costs for SMART is a good investment in alternative transportation. The investment in a quarter-cent sales tax for SMART does not preclude other investments, and Marin should invest in many alternatives to the car, including bicycle, bus, and ferry. The Commissioner reiterated that the Sausalito City Council examined this issue very closely and came up with the decision to support SMART.

Commissioner Breen commented that it is ironic that the Board voted to allocate \$11 million to Marin Transit District for buses as an alternative transit mode, when it is common knowledge that many of the buses are very sparsely populated. While the Board supported this without scrutinizing routes or any other details, it is unsure of its position on SMART. The Commissioner commented that SMART has been unreasonably scrutinized, stating that Marin needs transit and must move forward.

Commissioner Arnold commented that TAM should not be taking a position on SMART, noting that she was not asked whether it should be on the agenda. The Commissioner noted that Novato is the only city in Marin faced with having up to 32 freight trains run past its houses. SMART may not be able to use light DMUs, as their use is contingent upon an FRA waiver and permission from the California Public Utilities Commission (PUC). Novato filed a lawsuit against the NCRA, with the Board of Supervisors joining as an amicus. While the NCRA has said it will conduct no activity above Willits, it is currently negotiating through its operator NWP to open a deep-water port with the Humboldt Bay Port Authority. This would result in much more freight coming through the region. Goldman-Sachs has reported that the ports at Long Beach and Oakland are near capacity and there is a strong need to increase handling capacity for Pacific Rim goods. The Commissioner expressed disagreement with the assertion that SMART will be able to control the NCRA. As a former member of the NCRA Board, Commissioner Arnold commented that if SMART fails to pass, the NCRA will not run because they are almost bankrupt. The Commissioner read an email from a constituent stating that supporters of SMART are those who will not experience the direct impact of freight train noise. The Commissioner stated that SMART has done a disservice to Marin and to Novato by passively stating in their supplemental EIR that freight will be largely inconsequential. SMART should have pressured the NCRA into revealing all of their plans in a complete EIR so that the public could have commented, extracted mitigations, and proceeded in an atmosphere of full disclosure. The Commissioner commented that in a *Marin Voice* column in March 2008, she asked SMART to take a stand against the resumption of freight service until a full EIR was complete, and received no response. As a representative from Novato, the Commissioner stated that she will vote no on endorsing SMART but supports letting the voters decide the issue. The Commissioner expressed her commitment to ensuring the establishment of quiet zones and environmentally sensitive freight trains if the measure passes. If SMART does not pass, the Commissioner promised to work on better and more inclusive forms of transit, noting that Personal Rapid Transit (PRT) will exhibit a demonstration project next year in Monterey. The Commissioner also committed to working with Marin's representatives in Washington and Sacramento to change the legislation allowing NCRA to run despite its near-bankrupt state, and to encourage cleaner, faster uses of the right-of-way.

Commissioner Dillon-Knutson thanked Lillian Hames and her staff as well as Executive Director Steinhauser for clearing up many issues for the Novato City Council. The Commissioner stated that

her city council suggested that she abstain, as they would like additional information on the issue. The Commissioner noted that as a SMART Board member, she made the motion to put SMART on the ballot. The Novato City Council felt that it is very important to allow the public to vote on SMART in the next election.

Commissioner Lundstrom commented that the Larkspur City Council did not direct her actions in this vote. The question before the Board is whether sufficient information is available to the public, and whether there are any outstanding issues affecting TAM. The Larkspur City Council will take a vote separately later this fall on whether or not to support SMART. The Commissioner commended the SMART and TAM staff for informing the Board, hosting workshops, and attending meetings. The TAM staff has provided thoughtful information and independent oversight. The Commissioner expressed concern that the sales tax will provide insufficient funding and that the shortfall will lead to future competition for TAM funds. Using past averages to project construction costs may be unreliable in an increasingly uncertain economic environment, and due to state and national debt, outside help may be unavailable for any cost overruns. The financial markets affecting bonding are extremely uncertain, and projected ridership is low, with only 2500 one-way riders over 70 miles of track. The Commissioner stated that she will vote no on this proposal.

Commissioner Fredericks thanked both SMART and TAM staff for appearing before the Tiburon Town Council, which voted to support the SMART ballot measure. As southern Marin residents, the residents of Tiburon do feel that SMART affects them, though not in the immediate ways that will impact some of the cities and towns closer to the rail. The Commissioner noted that she has reservations on this issue and encourages a commitment to resolving the local Marin issues, including future southern Marin access. The Commissioner commented that she recently visited her son in Santa Barbara at his residence near a railroad track and found that although the trains did wake her up, she was immediately able to go back to sleep. The Commissioner also noted that her son and his roommates slept through the noise, but reiterated the importance of resolving these issues with the communities that will bear these impacts. The Commissioner commented that although she has heard that the deep-water port is not likely to happen, even with a deep-water port, it may be better to put freight on the tracks rather than on the highway. This is a question for the community to resolve through the ballot. SMART's value lies not only in the benefits listed in the EIR, but in the long-term benefits of how it fits into the multi-modal vision to solve congestion, and the Commissioner will support the SMART measure.

Commissioner Cromwell stated that the majority of tonight's testimony has been in favor of SMART, because everyone understands that the 101 corridor is rapidly approaching a breaking point in terms of congestion and it is not going to improve. This county needs alternatives, and while SMART may not be the perfect alternative, it is a beginning. As other alternatives become available, they should be implemented as well. The Commissioner expressed his personal support of SMART, and stated that no body is better positioned than TAM to take a positive stand on SMART. The Commissioner urged the Board to lead the effort to pass the SMART measure.

Commissioner Adams expressed appreciation for SMART's language protecting TAM and Marin Transit funding. The Commissioner confirmed Commissioner Arnold's comments regarding Humboldt Bay, as her brother has been actively working on this issue. The Commissioner stated that she will abstain from taking a personal vote on this issue tonight and let the voters decide, as there is now plenty of information available.

Chair Kinsey thanked Commissioner Adams, acknowledging her efforts with the working group. Chair Kinsey thanked SMART for including in their expenditure plan, at Commissioner Adams' behest, the

language protecting TAM. Chair Kinsey commented that regardless of Commissioner Adams' vote tonight, her contribution has been felt.

Commissioner Moulton-Peters commented that while the Mill Valley City Council has not taken a formal position on this issue, the majority of the councilmembers have endorsed SMART. SMART would provide a transportation alternative for those working in southern Marin. The Commissioner noted that as a former resident of Palo Alto, she commuted to San Francisco by bicycle, train and bus. She lived 15 blocks from the train station and the noise levels were acceptable. The Commissioner stated that she supports SMART, as a chance for Marin and Sonoma residents to enjoy the same benefits and comforts that rail transit provides to citizens in the rest of the Bay Area.

Commissioner Skall thanked TAM and SMART for attending the Ross Town Council meeting, and stated that he has been instructed to abstain, as Ross has not had sufficient time to review the issue.

Chair Kinsey welcomed Commissioner Cock to the meeting.

Commissioner Breen commented that the deep-water port would mean that if the freight containers are not on a train, they will be transported on trucks down Highway 101. Commissioner Arnold clarified that the freight containers can only be transported by rail.

Chair Kinsey thanked everyone that has been involved in this work, acknowledging Executive Director Steinhauser for providing the TAM Board with a better understanding of the issue. Although the speakers opposed to the measure have made it clear that SMART will not solve all our problems with congestion on Hwy. 101, SMART will provide an alternative for those who choose to use it. SMART is especially important for County of Marin workers, which has 800 employees commuting from north of Novato. SMART does not exclude other projects. On the peninsula, Caltrain and SamTrans work in tandem. The Marin-Sonoma Narrows project and the new HOV lane will make the bus system more efficient. The premium for the rail system here is due to the low-density lifestyle Marin has enjoyed in the past. A fixed-route transit system will create opportunities for land use in support of transit in ways that a bus system will not. Chair Kinsey expressed agreement with Commissioner Cromwell's statement that supporting SMART is TAM's responsibility. The Board included rail in its vision in 2004 and has been discussing returning the issue to TAM's agenda following its silence on the 2006 measure, so it should be no surprise to see this on the agenda tonight. The investment is a fundamental piece of the transportation system. The role of a planning and financing agency like TAM is to have a point of view and provide leadership. Chair Kinsey expressed support for the endorsement of SMART and asked Executive Director Steinhauser to read the roll call for voting on the motion.

Executive Director Steinhauser read the Board roll for the question of TAM's position regarding the SMART rail proposal on the November 2008 Marin County general election ballot. Voting was as follows:

Commissioner Adams: Abstain
Commissioner Albritton: Yes
Commissioner Arnold: No
Commissioner Boro: Yes
Commissioner Breen: Yes
Commissioner Brown: No
Commissioner Cock: Yes
Commissioner Cromwell: Yes
Commissioner Dillon-Knutson: Abstain

Commissioner Fredericks: Yes
Chair Kinsey: Yes
Commissioner Lundstrom: No
Commissioner Maggiore and alternate: Absent
Commissioner McGlashan: Yes
Commissioner Moulton-Peters: Yes
Commissioner Skall: Abstain

Motion passes with a vote of 9 Yes, 3 No, and 3 Abstentions.

7. Open Time for Items Not on the Agenda

None.

By Order of Chair Kinsey, the TAM meeting adjourned at 10:10 p.m.

DRAFT