



MEETING OF THE
TRANSPORTATION AUTHORITY OF MARIN
EXECUTIVE COMMITTEE

September 14, 2009
2:00 p.m.

TRANSPORTATION AUTHORITY OF MARIN
TAM ROOM on LOBBY LEVEL
750 LINDARO STREET
SAN RAFAEL, CALIFORNIA

MEETING MINUTES

Members Present: Steve Kinsey, Chair
Alice Fredericks, Town of Tiburon
Peter Breen, Town of San Anselmo
Madeline Kellner, City of Novato
Charles McGlashan, Marin County Board of Supervisors
Joan Lundstrom, City of Larkspur

Commissioner Members Absent: Albert Boro, City of San Rafael

Staff Members Present: Dianne Steinhauser, Executive Director
Bill Whitney, Project Delivery Manager
Dan Cherrier, Project Delivery Manager
David Chan, Programming Manager
Li Zhang, Finance/Administration Manager
Karita Zimmerman, Planning Manager
Denise Merleno, Recording Secretary

Chair Kinsey called the meeting to order at 2:05 p.m.

1. Chair's Report (Discussion)

Chair Kinsey welcomed everyone back after a brief summer break, and deferred any additional discussion to the agenda items.

2. Commissioner Comments (Discussion)

None.

3. Executive Director's Report (Discussion)

Executive Director (ED) Dianne Steinhauser reported on the following items: Bay Bridge work, AB744 (Torrico), TAM's I-580/101 project, status of the Gap Closure project, TAM's year-end financial audit, TAM's 2008 Annual Report, Caltrans review of PSR's, the Greenbrae Corridor Improvement project scoping meeting, upcoming Focus on the Future conference, a reception for former commissioner Amy Belser, and staff training.

ED Steinhauser reported that she obtained a pass to observe the work being done on the Bay Bridge during the move over the Labor Day Weekend. She recounted several stories of individual effort that were heroic in achieving the goal of opening the bridge on time.

Regarding AB744 (Torrico), the Metropolitan Transportation Commission's (MTC) legislation authorizing the creation of High-Occupancy Toll (HOT) lanes in the Bay Area, she reported that the bill was pulled and is headed for the second of a two-year legislation session. There were issues regarding who would perform and manage the engineering (state or non-state) as well as a number of environmental groups raising concerns over air quality goals.

On the I-580/101 connector project, she said that the bids for this project were supposed to open in August but were delayed due to recently passed legislation which requires state-funded contracts to apply an award credit to a prime contractor who uses veteran-owned enterprises.

Dan Cherrier noted that the new project schedule has Caltrans opening bids on September 30. The award and approval process will take approximately 8 weeks to complete and it will be another 2 weeks for the contractor to mobilize. If everything remains on schedule, work should begin around Christmas.

Chair Kinsey reported that he has spoken with Vice-Chair Boro and TAM staff about the idea of creating a mural-ready surface on the underpass as opposed to the current design which uses a fluted surface.

Mr. Cherrier acknowledged staff are pursuing this option, and added that, with this option, there would be a reduction in cost of \$5-6,000. Any mural work would need to be funded on top of any savings.

ED Steinhauser reported on the status of the Gap Closure project. She said that the east sound wall is over half complete, the bike path is paved for the most part and work is ongoing to relocate the SMART tracks. The project schedule has changed with completion now anticipated for February 2010. Regarding the open graded asphalt paving of the highway, she stated that the work is scheduled to occur from September 28 through October 12th and will occur at night. The work on the SMART line is scheduled to be completed in the November/December time frame.

Li Zhang provided an update on the status of TAM's financial audit currently underway. She reported that work on the FY 2008/2009 audit began at the end of June. TAM's auditing firm, Moss, Levy and Hartzheim LLP, conducted their interim field work at TAM's office during the week of July 22 and returned last week for the year-end closing. Staff received a draft report from the auditor yesterday who is recommending that staff prioritize for the upcoming year the task of conducting a compliance audit for Measure A funds. Ms. Zhang concluded by saying that she expects to have the report for the TAM Board's review and acceptance at the October meeting.

ED Steinhauser reported that the 2008 TAM Annual Report is being distributed to various public entities and groups and has been posted on the TAM website.

ED Steinhauser stated that Caltrans continues to be funded by the State to do project initiation documents known as "PSRs." In June 2009, Caltrans stopped reviewing these documents when generated by local agencies, such as the PSR required for the Greenbrae/Twin Cities Corridor, because there was an effort to eliminate funds from the State budget. Meanwhile, the Self-Help Counties, the 19 counties with transportation sales taxes, came forward with its lobbying team and asked the state to give Caltrans enough funding to continue to develop or review PSR documents; this resulted in the funding for this being placed in the state budget. At the request of the legislature,

Caltrans has initiated a review process of the PSR process. She added that she and Bill Whitney are on state-wide subcommittees working on ways to streamline the PSR process.

Regarding the Greenbrae Corridor Improvement project, she said that staff is working with Caltrans to finalize a date for a scoping meeting. This is a formal process for projects starting environmental review under CEQA and NEPA. The anticipated date for this public meeting is September 29 from 5:30 to 8:30 pm at the Redwood High School cafeteria; note that formal notice will be issued by the end of the week.

Mr. Whitney added that he will be providing an update on the project to the Corte Madera Council next Tuesday and the Larkspur Council meeting next Wednesday.

ED Steinhauser told the group that she will be attending the Focus on the Future Conference, a Self-Help Counties event, in southern California in early October.

She reminded the group that a reception honoring the former TAM/CMA Commissioner representing Sausalito, Amy Belser, is set for 6:00 pm on September 24 just prior to the TAM Board meeting. She encouraged all to attend.

She finalized her report by informing the Committee that TAM staff has completed sexual harassment training and that staff has a "zero tolerance attitude" for any type of harassment.

The Chair opened the item to public comment.

Karen Nygren asked what format the Greenbrae scoping session would take on.

Mr. Whitney said that the first part of the meeting will be a workshop and the second part will be a formal scoping meeting which entails completing speaker cards prior to commenting. He added that a court reporter will be present.

Ms. Nygren thanked Mr. Whitney and then asked a question on a different topic. She noted that the TAM Board did not meet in August and it was at that time that Caltrans issued the Environmental Impact Report (EIR) for the Marin Sonoma Narrows (MSN) project. She said she was surprised that staff did not have a formal report regarding the environmental document on the agenda. She asked if TAM had sent comments on the final document.

In response to Ms. Nygren's question, ED Steinhauser said that the final environmental document for MSN is both a CEQA and NEPA approval document. The approval under CEQA was approved in late July and posted in the state clearing house on July 31. The EIR has a 30 day period where any legal challenges should be filed. One challenge was filed by TRANSDEF, the Transportation Solutions Defense Fund, against Caltrans and the Federal Highway Administration – California division. TAM and the Sonoma County Transportation Authority (SCTA) are named as parties of interest. The second lawsuit was filed on water issues associated with the EIR allowing or promoting an expansion of water transmission from Sonoma County to Marin County. TAM and SCTA have stated role in that suit. Caltrans is the defendant on both suits, and TAM is scheduled to coordinate with them regarding their activity. County Counsel is familiar with both suits and is working closely with staff on information as it becomes available.

The EIS was signed by FHWA, and a comment period is provided on the FHWA's intended Record of Decision, or ROD. The Federal Register allows a comment period which started some time in the first week of August. The comment period ended on September 8. There are a number of comment letters

on the document and staff would be happy to give a summary of comments at the upcoming board meeting. Regarding the TRANSDEF suit, the two critical issues as described by plaintiff are that there was not a sufficient alternative to highway expansion as examined by the document, specifically transit, and the second issue was that there was insufficient assessment of the impact of global warming, specifically increases in Vehicle Miles Travelled, or VMT, nor mitigation developed, associated with those impacts.

In response to Commissioner McGlashan who asked if TAM filed comments on either document, ED Steinhauser replied that TAM did not.

On a different topic, the Chair asked staff to consider an appropriate time for this group to discuss TAM's legislative program.

The Executive Director said that the contract with TAM's current legislative analyst, Shaw/Yoder, expires in December. She added that it has been extended the maximum number of times allowable under the contract and so she would welcome a review of how business has been conducted as well as the Committee's recommendations for any necessary change in order to prepare the RFP.

The Chair then asked the Executive Director to speak about the decision made by the Marin Community Foundation (MCF) to provide funding to TAM.

ED Steinhauser advised the group that staff signed an agreement in early August to accept a \$175,000/year grant from MCF for three years for TAM's Safe Routes to School (SR2S) program. It will cover two efforts: 1) expand the education piece into junior high for teens; and 2) provide funding for the SchoolPool ride matching program.

4. Approval of Minutes from July 13, 2009 (Action)

Commissioner Kellner motioned to approve the July 13, 2009 draft minutes which was seconded by Commissioner Lundstrom. The motion was approved by unanimous vote.

5. Hwy 101 Gap Closure Update (Discussion)

ED Steinhauser reported that this item was discussed in Item 3 - Executive Director's Report.

6. Overview of Congestion Management Program Update (Discussion)

Karita Zimmerman and Joe Story, TAM consultant for the update of the CMP, presented their report which recommended that the Executive Committee 1) comment on and/or recommend any changes to the draft CMP Update; and 2) forward to the full TAM Board for approval.

Chair Kinsey asked Mr. Story if he is aware of any movement in the region to legislatively modify this program.

Mr. Story noted that he has worked with a number of CMAs in the Bay Area and has mentioned to their Planning Directors of the wide-felt interest in reforming the CMP program but none has taken steps to have their lobbyist agendize the matter for discussion in Sacramento. However, he believes that

grappling with the requirements of SB375 will come quickly and it may be that the CMP becomes the vehicle that reflects other initiatives in that regard.

The Chair said he believes it is worth putting this issue before the CMA directors to see if they would support bringing the matter to MTC to try to get legislation passed to make this a more useful document.

The Chair opened the item to public comment.

Karen Nygren suggested engaging the assistance of either Assemblyman Huffman or Senator Leno to push for changing the compliance requirement of this document.

Chair Kinsey thanked staff and Mr. Story for their work on this document and asked staff to place this item on the consent portion of the agenda for the TAM Board meeting later this month.

Commissioner Breen motioned to recommend to the full TAM Board to approve the draft Congestion Management Program Update which was seconded by Commissioner Fredericks. The motion was approved by unanimous vote.

7. Traffic and Revenue Study Scope (Action)

Mr. Dan Cherrier and Mr. Chris Metzger, consultant to TAM, presented this item which asked the Executive Committee to forward to the TAM Board the recommendation to award a contract for a Traffic and Revenue Study on Highway 101 to Parsons Brinkerhoff for a not to exceed amount of \$245,000. Additionally, the contract will be in a Task Order format with an initial amount of \$175,000 with further Task Orders to be issued as necessary for expanded public outreach and traffic studies. The study shall proceed assuming no new lanes will be added in Marin County except as planned for the Marin-Sonoma Narrows.

Commissioner Lundstrom asked for clarification as to the form the survey would take.

Mr. Metzger said that he believes a website survey would garner the most participation.

Mr. Cherrier added that a member of the consultant team is a firm that specializes in outreach and staff will be seeking advice from them as to how to word the questions to get the best informational responses.

Commissioner Breen noted that, unlike southern California, Marin does not have many parallel routes due to its geographical limitations. This makes it difficult for users to choose another way to travel through Marin. Who would use the lane is important information to have.

Mr. Cherrier agreed with the Commissioner's comment and said that an origin and destination study became a requirement when the issue of impact on local roads was added, based on comments made by the Executive Committee.

Commissioner Kellner suggested that electronic surveys do not provide statistically significant good samples. She recommended that either phone or written surveys would extract better data.

Mr. Cherrier stated that staff will take the comments made and will talk with the consultant for a final recommendation.

The Chair suggested that the primary investment of this study is to give TAM the availability to be informed advocates on this topic but he questions the shelf life of this work.

Mr. Metzger replied that this study projects 35 years forward and that TAM should be able to use it as credible for the next five years.

The Chair then commented on his concern that this information may become obsolete given that AB 744 is on a slower track now.

Mr. Metzger stated that he believes that five years is a solid time frame from a modeling standpoint. From a regional perspective and what other counties are doing, there is still momentum on this issue because everyone needs to study how to manage lanes and how to generate more revenue. He suggested that this body can either delay studying this topic until Hwy 101 no longer functions or it can use this window of time to study what will happen in the future.

The Chair said that \$250,000 is more than what TAM wanted to spend for this study, but that the results will provide valuable information as to the options. The study will be funded with money earmarked for the MSN which, if not expended on MSN related matters, cannot be moved to another project.

Responding to a question from Chair Kinsey who asked if the firm hired to conduct the study for TAM, Parsons Brinckerhoff (PB), is doing any HOT-related work for the region, ED Steinhauser stated that she is not aware of any work they are doing for MTC at this time. They have experience in the region evaluating HOT lanes.

The Chair opened the item to public comment.

Karen Nygren suggested that the mixed-use lanes will be subjected to increased congestion if HOT lanes are implemented and that there is no discussion regarding what the greenhouse gas effects will be in the mixed flow lanes. She was pleased to learn that studying the impact on local roads will be added. She added that the study is not going to address income levels which will prove to be an issue in Marin County.

Mr. Metzger replied that one of the main reasons for doing the study is to learn how the mixed flow lanes will be affected. Regarding her comment about studying income levels, he said that TAM has socioeconomic data but believes it is premature to review it at this time.

Commissioner Kellner motioned to forward this item to the full TAM Board - the recommendation to award a contract for a Traffic and Revenue Study to Parsons Brinckerhoff for a not to exceed amount of \$245,000. Additionally, the contract is to be in a Task Order format with an initial amount of \$175,000 with further Task Orders to be issued as necessary for expanded public outreach and traffic studies. The study shall proceed assuming no new lanes will be added in Marin County except as planned for the Marin-Sonoma Narrows. The motion was seconded by Commissioner Lundstrom. The motion was approved by unanimous vote.

In response to staff's request for direction on where to place it on the board agenda, the Chair directed that the item should not be placed on the consent portion as he would like to engage the board in a discussion on the item.

8. MTC Programming of Federal Funds (Action)

David Chan presented this item and requested that the Executive Committee forward to the full TAM Board the recommendation to assure that Marin can receive funding from all program elements, assure funds are decided upon locally and regional equity is achieved and assure that any land-use related funds take into consideration the uniqueness of Marin.

The Executive Director said that this topic is part of an active conversation amongst the CMAs regarding what MTC will do with the next round of federal funding under the new transportation act. MTC is debating policy regarding how to divide the funding that will come to the region. Staff seeks a clear understanding, when representing TAM at the regional discussions.

Chair Kinsey remarked that he is the chair of MTC's Programming and Allocations Committee and that his group expects to bifurcate their decision making and deal with the ARRA backfill funds in October and the balance of the STP/CMAQ funds in November. A working group will be created with representation from BAAQMD, MTC and other groups to be more specific regarding climate change initiatives that will be pursued and funded.

The Chair thanked Mr. Chan for his report and commented that there will be time at a future Executive Committee to discuss this matter and make decisions. However, he pointed out what he considers to be key issues for TAM which included: 1) the importance of local streets and roads relative to the other options; 2) reduced funding that MTC staff is recommending for climate change proposals versus what was proposed in the RTP five months ago; 3) issue of PDAs and the realization that slow growing communities like Marin will not be the beneficiary of land use funding pots. As TAM's representative to MTC, the Chair noted that he has been pushing to prioritize PDAs with the understanding that it will mean less money for Marin. However, he believes that the communities that are taking on the issue of larger growth and land-use do merit that money.

The Executive Director commented that SCTA invited ABAG to tour their area for potential PDAs and that she would like to conduct a similar effort here in Marin to identify eligible opportunities.

Commissioner Lundstrom stated that she would like to discuss with ABAG the area around the Larkspur train station.

The Chair said that the actual density requirements are halved in the vicinity of ferry terminals so there is the ability to negotiate for different density areas.

Commissioner Breen suggested arguing for in-fill PDAs within Marin.

Action on this item was deferred to a future meeting.

9. State Legislation (Action)

David Chan presented this item which requested the Executive Committee be updated on recent bill activity, Note TAM positions on various bills were consistent with TAM's 2009 Legislative Platform.

ED Steinhauser commented that AB744 (Torrico) has become a two-year bill; SCTA's AB881 establishes themselves as the greenhouse gas management entity for Sonoma County and it is on the

Governor's desk for approval; SB205 (Hancock) has been put on hold for this year; and SB406 (Desaulnier) is still alive. Lastly, she commented that there is a HOT lane bill in Southern California that is moving forward successfully.

No action was taken on this item.

10. Consideration of Request for Information on Doyle Drive (Action)

ED Steinhauser presented this item which requested that the Executive Committee provide input on how best to have these issues addressed.

A brief discussion ensued with all in agreement that the Board would prefer a presentation on this topic at a future TAM meeting. Staff agreed to make the appropriate arrangements.

11. Recommend the Allocation of Matching Funds for MTC Station Planning Grant to San Rafael (Action)

ED Steinhauser presented this item which requested that the Executive Committee forward this item to the full TAM Board with the recommendation to allocate up to \$15,000 non federal CMA planning funds for a TAM match to MTC Station Area Planning Grants for San Rafael.

Commissioner McGlashan motioned to forward this item to the full TAM Board with the recommendation to allocate up to \$15,000 non federal CMA planning funds for a TAM match to MTC Station Area Planning Grants for San Rafael which was seconded by Commissioner Lundstrom. The motion was approved by unanimous vote.

The Chair directed staff to place this item on the consent portion of the Board agenda.

12. Open Time for Items Not on the Agenda

Seeing no others wishing to speak, the meeting was adjourned at 4:10 p.m.