

MEETING OF THE
TRANSPORTATION AUTHORITY OF MARIN
TAM

SEPTEMBER 24, 2009
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
Judy Arnold, Marin County Board of Supervisors
Hal Brown, Marin County Board of Supervisors
Alexandra Cock, Town of Corte Madera
Sandra Donnell, Belvedere City Council
Alice Fredericks, Tiburon Town Council
Madeline Kellner, City of Novato
Joan Lundstrom, Larkspur City Council
Charles McGlashan, Marin County Board of Supervisors
Stephanie Moulton-Peters, Mill Valley City Council
Michael Skall, Ross Town Council
Lew Tremaine, Town of Fairfax
Herb Weiner, Sausalito City Council

Members Absent:

Peter Breen, San Anselmo Town Council

Staff Members Present

Dianne Steinhauer, TAM Executive Director
David Chan, TAM Manager of Programming and Legislation
Dan Cherrier, TAM Project Delivery Manager
Bill Whitney, TAM Project Delivery Manager
Li Zhang, TAM Manager of Finance and Administration
Karita Zimmerman, TAM Planning Manager
Denise Merleno, Recording Secretary

1. Convene in Open Session

Chair Kinsey called the Transportation Authority of Marin Meeting to order at 7:00 p.m. After confirming a quorum was present, the meeting adjourned to a Closed Session.

2. Convene in Closed Session

*Conference with Legal Counsel – Existing Litigation
California Government Code section 54956.9(a). Name of Case: Transportation Solutions
Defense and Education Fund vs. Caltrans et al*

3. Reconvene in Open Session

The meeting reconvened at 7:43 p.m. with all members present as indicated. Chair Kinsey reported on the Closed Session, noting there was nothing to report out and given that, there will be nothing to discuss under Item 13 on this agenda.

He also noted that Item 8C will be pulled from the Consent Calendar for separate action later in the agenda when the city planner from the City of San Rafael will be available to answer questions relating to the item.

4. Chair's Report (Discussion)

Chair Kinsey reported that the first cycle of the next authorization of the federal transportation bill (approximately \$1.2 billion over the next three year period) is being planned by the Metropolitan Transportation Committee (MTC). He acknowledged there are competing interests, including climate change issues and local road conditions, and that MTC postponed their decision until November. He indicated he would bring more information through the Executive Committee on the issues under consideration. He also noted that an extension of the original funding is likely; although there is difference of opinion among lawmakers in Washington as to how long of an extension will be given.

Chair Kinsey went on to say that the Joint Policy Committee (MTC, ABAG, BCDC, BAAQMD) has been charged with coming together to develop strategies for sustainable communities (SB 375), including a discussion on the role of congestion management agencies in the process.

Chair Kinsey also commented on recent significant bicycle accidents in the county, highlighting the challenge of finding better ways to share the road. He expressed sympathy to those involved.

5. Commissioner Matters not on the Agenda (Discussion)

Responding to Commissioner Kellner who asked if the Executive Director planned to comment on the op-ed piece published in the Marin Independent Journal today regarding the Greenbrae/twin Cities Corridor, Executive Director Steinhauser said that she would comment.

6. Executive Director's Report – EDR (Discussion)

Executive Director Dianne Steinhauser directed the board's attention to the supplemental packet which included the Executive Director's Report. She mentioned the likelihood that congressional appropriations will continue at the same level as this year, and said it will be some time before there will be another transportation bill. She pointed out the CDC grant opportunity that TAM will be considering along with Health & Human Services and the Marin County Bicycle Coalition.

ED Steinhauser reported that the bid process has begun for the I-580 to Hwy 101 Connector project. Bids will open at the end of September.

She continued her report by describing the finalization of the Marin Sonoma Narrows EIS and EIR. She pointed out that there were two legal challenges filed under CEQA against the EIR. Under NEPA, there was an allowance for comments to the EIS. Caltrans provided a partial summary of the comment letters

received by the Federal Highway Administration regarding the pending NEPA approval of the Narrows; copies of the letters will eventually be posted on the website.

ED Steinhauser announced an open house meeting on Tuesday, September 29th, regarding the Greenbrae Twin Cities Corridor and an op-ed piece published in today's issue of the Marin IJ. She noted that staff will prepare a response which should help to address misinformation regarding impacts on local streets and roads asserted in today's article.

She finalized her report by showing appreciation for the reception held honoring Commissioner Belser and acknowledged what a privilege it has been to work with her over the years.

7. Commissioner Reports

a. Executive Committee

Commissioner Fredericks reported on two items that were discussed at the Executive Committee meeting of September 14 and placed on the consent calendar for this meeting. Note Item 8c is being withdrawn from the consent calendar for additional questions.

Agenda Item 8c: Recommend the Allocation of Matching Funds for MTC Station Area Planning Grant to San Rafael

MTC and ABAG are funding station area planning grants specifically for the SMART corridor. The City of San Rafael submitted two grant applications for their Downtown and Civic Center SMART station. San Rafael has identified a total planning budget of \$774,500 for both station areas. The grant requires a non-federal funding match of 20% which can come from relevant transit providers, the city, and the CMA. San Rafael has coordinated closely with SMART, Marin Transit, Golden Gate Transit, County of Marin and TAM. San Rafael has requested that TAM contribute \$15,000 in matching funds toward the sum of the two planning efforts, an amount which is appropriate given the other participating agency matches.

Funding for TAM's contribution to the San Rafael Station Area Planning Grant would be taken from MTC TPLUS, Transportation Land Use Program, funds, suitable for this purpose. However, the match would be directly drawn from another local source which is not federal. Staff would replace the match drawn from local funds with TPLUS funds.

The Executive Committee recommends that the TAM Board approve the allocation of up to \$15,000 from MTC TPLUS funds for a TAM match to MTC Station Area Planning Grants for San Rafael.

Agenda Item 8h: Overview of Congestion Management Program Update

Consistent with requirements of state law, TAM staff and its consultant, DKS Associates has completed a draft of the 2009 Update to the Marin County Congestion Management Program (CMP). The CMP reports on the status of 24 highway and local arterial segments in Marin; none are reported as deficient from a statutory standpoint. The update includes a reporting of transit and non-motorized transportation systems and TAM's capital improvement program. The CMP also highlights a number of elements TAM should consider pursuing as part of Marin's climate action efforts. Subject to Board approval, the 2009 CMP Update will be submitted to MTC to complete the bi-annual requirement for the Regional Transportation Plan.

Note - the CMP submitted to the Board tonight includes edits to the text describing Marin Transit operations. These corrections are highlighted and do not reflect changes to TAM or Marin Transit policies.

The Executive Committee recommends that the TAM Board adopt the 2009 Congestion Management Update for submission to MTC.

b. SMART

Commissioner McGlashan reported that the SMART board had authorized several contracts for design elements of the project and accepted the civil projects methodology, totaling about \$20 million; marking a major milestone for the project.

Chair Kinsey noted that ED Steinhauser wanted to speak on one more topic as part of the Executive Director's Report. She announced that there will be a TAM climate action workshop on Saturday, November 7th, with the location to be announced. She noted that the focus of the workshop will be a review of what is happening regionally and locally and how TAM can participate.

8. Consent Calendar (Action)

- a. Approval of Minutes from July 23, 2009 Meeting**
- b. Appointments to TAM's Advisory Committees**
- c. Allocation of Matching Funds for MTC Station Area Planning Grant to San Rafael**
- d. PBS&J Contract Amendment Adjustment for Work on I-580/101 Project**
- e. increase in Contract for AAA Flag and Banner**
- f. HDR Contract Amendment**
- g. Funding Agreement with Lagunitas School District**
- h. Approve 2009 Congestion Management Program Update**
- i. Associate Project Delivery Manager, Limited Term Extension**
- j. Transfer of Two Crossing Guard Locations**

Note: Item 8C was pulled from the Consent Calendar for further discussion.

Commissioner Arnold moved approval of the Consent Calendar, minus Item 8C. Commissioner Tremaine seconded the motion, and it carried unanimously.

9. a. Caltrans Report – Jit Pandher/Doanh Nguyen (Discussion)

In the absence of a Caltrans representative, the item was postponed.

b. Highway 101 Update – Connie Fremier (Discussion)

Connie Fremier reported on pavement repair work on Highway 101, as well as noting that work on the east-side sound-absorbing sound wall has been postponed until after the pavement repairs are completed. She indicated that the estimated project completion is estimated as February 2010.

Chair Kinsey commented on the noise reduction from the change in pavement as well as the benefit from the warmer weather allowing for the repairs to be done.

Chair Kinsey opened public comment on the item.

Scott Stokes provided the Board with samples of the material being used for the sound wall, noting it is porous and crumbles. He expressed concern that it will be a maintenance problem in the long run and that the proposed landscaping plan of hanging ivy over the walls will also hamper maintenance. He agreed that the new pavement has helped reduced noise, but he noted that there is some rattling from the surface materials. He expressed concern about the need for grinding the pavement and whether that will reduce its effectiveness. Mr. Stokes also commented on the traffic backup and the potentially dangerous merge on the Puerto Suello hill just before the Lincoln exit. He questioned the effectiveness of HOV lanes and asked what the Board is going to do to restore balance in the traffic in the central San Rafael area.

Seeing no further speakers, Chair Kinsey closed public comment on the item.

10. Legislative Update – Shaw/Yoder – (Discussion)

Gus Khouri reported on the most recent budget approved by Governor Schwarzenegger, as well as the projected budget deficit. He also noted that the governor is not acting yet on bills approved by the assembly or the senate; the deadline for such action is 30 days after the session ends (October 11th). The governor is linking approval to a deal that may be struck on items related to water and prison reform. He briefly discussed the State Tax Commission, a 14-member body established by the Governor through executive order, to analyze the state's anticipated revenues and spending, as well as proposed changes to the state income tax system, sales tax, excise tax, and a new pollution tax. The commission's purpose is not to provide budget solutions but, instead, to mitigate against volatility and provide more stability and predictability in funding. Andrew Antwih of Shaw Yoder reviewed pending legislation and unfinished business, including pension reform, prison reform, education stimulus funds, water issues, Proposition 1A securitization and other finance issues, and redevelopment tax increment funding.

Commissioner Adams asked what service businesses might be taxed if a service tax is implemented. Mr. Khouri said it would most likely affect business across the board, although the Commission has not fully decided the extent of the tax, especially concerning holding companies.

Chair Kinsey thanked them for the report.

11. Adoption of HOT Land Study Scope - (Action)

ED Steinhauser presented this item which recommended that the TAM Board support the TAM Executive Committee recommendation to award a contract for a Traffic and Revenue Study to Parsons Brinkerhoff for a not to exceed amount of \$245,000. The funds are to be directed from a 2007 Federal Earmark for the Marin Sonoma Narrows. 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.

She noted that AB 744 Torrico, which would have authorized the MTC to institute a HOT lane network Bay area-wide, was stalled in the Senate Appropriations Committee and never sent to the governor's desk. She indicated that should have no affect on what TAM is trying to do with the scope of the traffic and revenue study for Highway 101. She acknowledged that there will likely continue to be congestion on the 101 corridor, even with TAM's efforts with the Gap Closure project. She introduced Chris Metzger, a consultant to TAM, and Dan Cherrier, TAM Project Delivery Manager to present the final recommendations for the scope.

Mr. Metzger reviewed the process and gave an overview of the study as a potential part of the countywide network management – including consideration of the use of managed lanes. He also discussed the eleven basic tasks of the study, initial concerns expressed by TAM and the public, study goals, traffic projections, preliminary geometrics/cost, public outreach, the proposed approach of the study and recommended actions for today.

Commissioner Cock asked a question about the intended method of outreach, and Mr. Metzger explained there will be focus groups that can go deeper into the concept than a broad public discussion would allow. Other innovative methods of outreach, such as a blog, or web-surveying, will be considered.

Commissioner Tremaine asked why a toll road was being considered and whether anyone would actually pay for it. ED Steinhauser replied that the effort was meant to look for a way to provide more capacity on the freeway, along with considering ways to fund additional improvements. The effort was also being done to see if there is a viable way to maximize the investment already made, over \$200 million for the 5 mile Gap Closure. She also noted that MTC and Caltrans were encouraging a discussion of different HOT Lane implementation strategies, and staff felt it was important to do the study in order to answer the questions more completely and accurately for the TAM board and the public.

Commissioner Adams asked about the baseline evaluation, confirming it would be done once the HOV lanes were completed and the configuration is finalized. She also asked whether there will be specific analysis of the capacity of the HOV lanes in terms of the baseline miles per hour. She noted that some areas of the HOV lanes are not moving as fast since school started. ED Steinhauser confirmed that the analysis would be specific and that the designation of a HOT lane would be dependent on maintaining free-flowing traffic. She acknowledged that HOT lanes would not be possible in every instance along the Hwy 101 corridor. Commissioner Adams commented on "traffic jumpers" coming back into the Marinwood community.

Commissioner Boro reported on a conference he attended sponsored by the International Bridge Tunnel and Tolling Authority, and concepts related to congestion pricing, open tolling, and a user tax based on vehicle miles traveled. He mentioned the significance of this policy change, and expressed concern that someone or some agency needs to take the lead in establishing policies to deal with these issues. He saw this as a context in which to frame the questions in the study.

Commissioner Arnold asked about the reference in the staff report to recent Board actions related to the traffic and revenue study, and whether the issues listed would be included in the proposed study. ED Steinhauser responded that the "no HOT option" would be included, the bus-on-shoulder option would not be, the affordability of pricing options for Marin residents would not be, and revenues staying within the County would no doubt be a recommendation. She indicated that Sonoma County has agreed to coordinate, but is not willing to contribute financially for the study.

Commissioner Adams commented on statements in the report that southern California is dealing with over-utilization of the HOV lanes rather than empty lanes, and a similar forecast being made by the MTC for Bay Area HOV lanes. She expressed concern that if carpool and bus transportation is delayed when the HOV lanes are instituted, it will defeat the purpose altogether. She thought that moving as many people through the corridor as quickly as possible should be a major focus of the study.

Chair Kinsey opened public comment on the item.

Karen Nygren said she thought the study was a good idea, if only to accommodate MTC's desire to move HOT Lanes forward. She was concerned, however, that there is a lot of emphasis on HOT or HOV lanes benefiting the area and reduce greenhouse gases, etc. She thought there should be more consideration of the impacts on the remaining lanes of traffic, as well as an evaluation of the negatives of the HOT or HOV lanes. She also noted that the Sierra Club Marin Group is not supportive of this at all.

David Schonbrunn, TRANSDEF, noted that on a recent evening trip to Petaluma he observed very few carpools in the carpool lane, which he believes represents a massive failure on the part of TAM to celebrate the gap closure project and encourage greater carpooling. He also commented on his impressions of the work of Parsons Brinckerhoff, stating he has no confidence in their work product.

Scott Stokes suggested the study be expanded to include consideration of an auxiliary lane southbound over Puerto Suello Hill to expedite getting on and off the freeway there. He noted that the biggest issue with congestion is the merging of vehicles.

Seeing no further speakers, Chair Kinsey closed public comment on the issue.

Chair Kinsey stated that he saw a major purpose of the study as preparing the Board to participate in discussions of regional traffic issues, including traffic in the mixed flow lanes and on local roads as well as the HOT or HOV lanes. He agreed with Commissioner Boro that this is part of a much larger debate regarding how to fund transportation improvements, including the concept of consumer pricing. He indicated he thought this is an appropriate study for the Board to undertake.

Commissioner Kellner moved to approve awarding the Traffic and Revenue Study to Parsons Brinckerhoff, for a not to exceed amount of \$245,000, with \$175,000 allocated for the first phase of the study. Commissioner Lundstrom seconded the motion. The motion passed unanimously.

12. Marin Community Foundation Grant for Safe Routes to School Program; Parisi Associates Contract Amendment

ED Steinhauser presented this item which recommended that the TAM Board authorize the Executive Director to exercise an amendment to the current Safe Routes to School contract between TAM and David Parisi & Associates, based on the MCF grant made to TAM totaling \$175,000. The SchoolPool and Teen Education work scope is not to exceed \$158,000, of which \$143,000 comes from the Marin Community Foundation Grant and \$15,000 comes from available Measure A Strategy 4.1 funds.

She reported that the Marin Community Foundation has authorized a grant for \$175,000 to enable the Board to expand the Safe Routes to School Program to include SchoolPool carpooling program as well as the Teen Education program. She explained that the contract with Parisi Associates needs to be

amended to allow inclusion of the additional services. The remaining grant funds will go towards the purchase of computer software to manage the program.

Commissioner Lundstrom asked when the program will be up and running for the schools, and the process for schools to apply to participate. ED Steinhauser said the hope is to have it in place by November at the latest. Mr. Parisi discussed the outreach process, noting that the web-based program will be private and secure.

Commissioner Tremaine asked how the number of trips will be measured, to prove to the Foundation that the program is effective. Mr. Parisi explained the metrics that will be used to evaluate – looking at how many students convert from using a single-occupancy vehicle as well as consideration of metric tons of CO2 that are saved. He discussed the GPS data that the software will incorporate for the calculations.

Chair Kinsey opened public comment on the item.

Karen Nygren expressed her excitement at the benefits afforded by the program, as well as discussing the outreach available using new technology, such as Facebook, that can be used to coordinate with environmental clubs at the high school level.

Seeing no further speakers, Chair Kinsey closed public comment on the item.

Chair Kinsey indicated that he would like to see a letter of appreciation for the bequest sent to the Foundation, as well as an invitation to the climate change workshop. He also acknowledged Richard Schorske in the audience, who has been helpful in guiding the Marin Community Foundation's climate change program.

Commissioner Lundstrom moved for approval of the staff recommendation, with addition of the letter proposed by Chair Kinsey. Commissioner Tremaine seconded, and the motion passed unanimously.

Commissioners Arnold and Brown left the meeting at 9:05 p.m.

8c. Allocation of Matching Funds for MTC Station Area Planning Grant to San Rafael

ED Steinhauser presented the staff report which requested the TAM Board to authorize the allocation of up to \$15,000 from other local funds as a swap to MTC TPLUS funds for a TAM match to MTC SMART Station Area Planning Grants for San Rafael. She discussed details of the grants offered, agencies partnering with San Rafael and TAM, and the amount of the funds being requested from TAM. Chair Kinsey noted that Linda Jackson from the Planning Department of the City of San Rafael was present to answer questions from the Board.

Chair Kinsey requested that Commissioner Adams present her questions at the outset since she requested this item to be pulled from the Consent Calendar. Commissioner Adams asked for more information about the specific areas around the transit centers that have been identified for housing development. Ms. Jackson stated strongly that this study will not investigate the use of the county's civic center properties for housing. She further clarified the properties west and north of the civic centers station that would be more suitable for housing than the current uses as mini-storage facilities. The area is already zoned for housing in San Rafael's General Plan. She indicated that the study would be to analyze whether the appropriate number and type of units are being considered.

Commissioner Adams asked whether there will be 5500 new units of housing, or does that number include some already existing units. Ms. Jackson explained that the MTC grant application set a threshold of 2200 units around a rail station, in this case SMART's Civic Center station site, and using the City's new General Plan, 5500 is the zoning capacity in the ½ mile radius around the two stations. She reviewed the numbers planned for in the General Plan. She confirmed that the number is projected future growth, and it does not include current units.

Commissioner Adams asked how the parking study associated with the grant application will compare to the county's parking study. Ms. Jackson confirmed that the parking study for the county facilities will help with the grant application's parking study, but the grant parking study will look at what is occurring on both the east and west side of the tracks.

Commissioner McGlashan noted that, at the last SMART Board meeting, the concept of using a workshop approach to SMART station design rather than planning by committee was raised. He recommended the city get in contact with the SMART staff well in advance of planning meetings. Ms. Jackson expressed appreciation for the fact that various agencies are now communicating better about these issues than in the past.

Commissioner Skall left the meeting at 9:18 p.m.

Chair Kinsey opened public comment on the item.

Karen Nygren was very concerned about the total number of new units being considered, which is almost as many as the total of some small cities in the region. She questioned whether the SMART program is going to be more growth-inducing, contrary to what was originally anticipated.

Seeing no further speakers, Chair Kinsey closed public comment on the item.

Commissioner Boro recommended that Ms. Jackson clarify, again, the reason why 5500 was considered the housing capacity for the area. He also asked about co-sponsors of the application. He noted that SMART had originally stated it would not ask any city to increase its density because of SMART, and he noted that the density given in the application is no greater than what is currently allowed under the city's General Plan. He further clarified that future growth needs to be smart growth, such as near transit stations.

Ms. Jackson reiterated emphatically that there is no plan or intention to increase the number of San Rafael's housing units; in fact, to do so would require a revision of the General Plan, and there would be no community support. She mentioned the names of the agencies partnering together for the grant application: SMART, Golden Gate Bridge District, Marin Transit, Marin County, San Rafael Redevelopment Agency, city of San Rafael, and hopefully TAM. She also listed supporters of the application: Friends of SMART, League of Women Voters, Sustainable San Rafael, Marin Center for Independent Living, Northgate Mall, North San Rafael Coalition of Residents, and the Canal Alliance.

Chair Kinsey noted that in making these grants, MTC recognizes the importance of the planning process in developing the SMART stations. He also commented on the reality that the patterns of land-use planning used for the Bay Area in the past are no longer doable. He was appreciative that MTC has put forward the funding to enable the SMART stations to be planned and built in a well-thought manner.

Commissioner Tremaine moved for approval of the staff recommendation to allocate up to \$15,000 from other local funds as a swap to MTC TPLUS funds for a TAM match to MTC Station Area Planning Grants for San Rafael. Commissioner Donnell seconded the motion, and it passed unanimously.

13. Marin Sonoma Narrows Legal Action

Chair Kinsey reiterated the statement he made when the Commission reconvened from the closed session and said that there was nothing to report out and given that, there was nothing to discuss under this item on the agenda.

14. Open time for Items not on the Agenda

Deb Hubsmith, Marin County Bicycle Coalition, noted that Senator Boxer and Senator Kerry are expected to drop the climate bill in the Senate next Wednesday. She discussed the need for the government to provide transportation funding, since transportation represents 30% of greenhouse gas emissions. She also mentioned a state Assembly bill, the Complete Streets Act, which was signed by the governor, and requires cities to demonstrate in their General Plan updates assurance that all roads serve all modes of transportation; and she discussed the coordination needed

Ms. Hubsmith also commented on regional issues related to MTC programming funds for the first three years of the federal transportation bill, and potential performance-based standards. She questioned why MTC is planning for three years when it is not clear yet whether there will be an extension of the bill, nor how long the bill will be extended. She commended Chair Kinsey for his efforts at the MTC Commission level to promote balance in the spending of MTC funds, and she asked each agency represented to ask MTC to address issues of importance to Marin County residents. Finally, she announced International Walk to School Day on Wednesday, October 7th.

David Schonbrunn, TRANSDEF, expressed support for Chair Kinsey's comments regarding station planning. He also discussed the basis of TRANSDEF's lawsuit against Caltrans, noting that the recently adopted Marin Countywide Plan Transportation Element and the focus on increasing vehicle miles traveled and widening roads to do so is an obsolete model. He urged the Board to support TRANSDEF's efforts to require jurisdictions to consider and analyze climate change impacts in evaluating planning and transportation projects.

Richard Schorske, Marin Climate and Energy Partnership, expressed appreciation for the work done to schedule TAM's workshop to acknowledge greenhouse gas emission impacts and TAM's efforts to analyze and minimize those impacts. He briefly discussed the potential to increase electric vehicles in the area and the need for adequate infrastructure. He also commented on state AB 118, under which the state is going to authorize funding for \$100 million for infrastructure for alternative fuels, which means the November workshop will be especially good timing.

By order of Chair Kinsey, the TAM meeting adjourned at 9:45 p.m.

Approved on:
