



MEETING OF THE  
TRANSPORTATION AUTHORITY OF MARIN  
EXECUTIVE COMMITTEE

October 12, 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  
Albert Boro, City of San Rafael  
Alice Fredericks, Town of Tiburon  
Peter Breen, Town of San Anselmo  
Madeline Kellner, City of Novato  
Charles McGlashan, Marin County Board of Supervisors

Commissioner Members Absent: Joan Lundstrom, City of Larkspur

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 2:10 p.m.*

**1. Chair's Report (Discussion)**

No report.

**2. Commissioner Comments (Discussion)**

Commissioner Breen asked the Executive Director to provide an update on the crossing guard program.

Commissioner Fredericks asked whether this committee would be receiving the results of a survey that was to be conducted on the school-related traffic for each Marin city and town. ED Steinhauser said that staff is finishing up a couple surveys associated with the Safe Routes to School program and will present the results to this group in November.

**3. Executive Director's Report (Discussion)**

Executive Director (ED) Dianne Steinhauser reported on the following items: TAM's November 7<sup>th</sup>

Climate Change workshop, ARRA funding, TAM's year-end audit, Hwy 101 Greenbrae/ Twin Cities Corridor Improvement Project scoping meeting, Self-Help Counties Coalition annual conference, crossing guards, and a coalition effort for a constitutional amendment to protect local funds

MTC, in assigning ARRA funds to the counties, adopted policy whereby bid savings are allowed to stay within the County. All Marin jurisdictions participated in this stimulus program except Sausalito, Belvedere and Ross because they had no projects to move forward. Sausalito and Ross have now come forward with projects that could move forward. As a result, staff is reviewing these projects for eligibility and will bring a final recommendation to the TAM Board later this month.

An audit was recently completed covering TAM's financial activities in FY2008/09. There were no significant findings. As mandated by TAM's Expenditure Plan, the draft audit report will be presented to the Citizen's Oversight Committee on October 19 for their review and presentation to the TAM Board thereafter.

TAM had a successful, well-attended scoping meeting for the Hwy 101 Greenbrae/ Twin Cities Corridor Improvement Project on September 29. There is a lot of interest in this project from both the local governing bodies as well as the residents and retail merchants in that area. Staff will continue to meet with the local jurisdictions and, at their request, will go before the Larkspur and Corte Madera councils at one of their early November meetings. After the local jurisdictions have made comments, staff will bring this item to the TAM Board, likely in November, to make a final recommendation as to what should be included in the environmental documents.

The Executive Director reported that she attended a Self-Help County Coalition Annual Conference in southern California last week. The Self-Help Coalition consists of all 19 transportation sales tax counties from around the state. She was nominated for the position of Treasurer and accepted.

Regarding the crossing guard program, she reminded everyone that, earlier in the summer, TAM entered into a contract with American Guard Services (AGS) to administer this program. Staff believes that AGS hired approximately 70-75% of the guards that were in place under the previous contract with All Cities Management Services, ACMS. AGS is doing reasonably well at placing guards daily at the assigned positions. To date, it appears that they have not dropped to the non-performance levels seen with the previous provider. Staff has been contacted by some of the guards to voice complaints and is working with AGS to resolve matters. She also requested that the committee forward any questions/concerns to her directly.

Commissioner McGlashan noted that he like the new uniforms and that they look more professional.

ED Steinhauser reported that the agenda for TAM's Climate Change workshop taking place on Saturday, November 7<sup>th</sup> is being finalized. She is excited that the commissioners will be able to attend this event which will take place at the Health and Wellness Center in San Rafael.

She spoke on the Hwy 101/I-580 connector project and said that bids were opened later than planned due to the need to recirculate the bid documents to ensure that new state requirements for disadvantaged veteran-owned business enterprises (DVBE) were met. The low bidder was Ghilotti Construction in Santa Rosa whose bid was 20% under the engineer's estimate leaving \$2.3 million in e funds remaining. There were 11 bidders and bids submitted by the three top bidders were all within a few hundred thousand dollars of each other. Current policy is for funds to remain with the project to determine if additional funds are needed during construction.

The Chair asked that the Executive Director speak to the Supreme Court action regarding state transit assistance funding.

She reported that the Court elected not to hear an appeal by the state's Administration on a ruling that stated that the sales tax revenue meant to go to transit cannot be redirected to anything other than for transportation/transit purposes.

The Chair said he spoke with David Rzepinski, the General Manager for Marin Transit, who acknowledged the good news but added that the funding won't come in the 2009/2010 or 2010/2011 year. Instead it will come back in later years.

ED Steinhauser added that while the transportation agencies will receive funding, whether it is from gas tax, or STA, the administration may attempt not to pay out the funds until the end of the fiscal year.

She finalized her report by stating that the League of California Cities, the California Alliance for Jobs and the California Transit Association intend to put together a constitutional amendment effort for the November 2010 ballot to keep local funds from being raided. The current team may be interested in conducting a pilot outreach event to test the knowledge and interest in such an amendment. The Executive Director has offered Marin as a place for a pilot and that the MCCMC may be a good forum for this.

Karen Nygren asked for an update on the Marin Sonoma Narrows (MSN) Record of Decision.

ED Steinhauser stated that the Record of Decision has not been finalized yet, that Caltrans received many comments on the documents, which they are still reviewing. Caltrans reports that they are "getting close" to finalizing it. She added that the project's final design and right of way are on hold until the completion of the ROD.

#### **4. Approval of Minutes from September 14, 2009 (Action)**

Commissioner Kellner motioned to approve the September 14, 2009 draft minutes which was seconded by Commissioner Breen. The motion was approved by unanimous vote.

#### **5. Hwy 101 Gap Closure Update (Discussion)**

Connie Fremier, project manager, reported that the paving work has been completed with the exception of a small amount of shoulders and ramp work. With the rainy weather pattern this week, it is unclear whether final striping this week will be possible. Work on the east soundwall cannot begin, again, until the striping is done and k-rail put back in place. This will occur, likely, next week. Work continues on the bike path by Los Ranchitos, relocation of the SMART track, and final work on the lighting and landscaping for the bike path. February 2010 continues to be the expected completion date.

The Chair asked about the unfinished status of the southbound soundwall at the northern end.

Ms. Fremier said she suspects that, due to the tight working space, the contractor temporarily stopped work on the soundwall in order to complete build-out of the retaining wall for the bike path, which is in the same work zone.

In response to the Chair who asked if staff is confident that the contractor will comply with the February completion date, Ms. Fremier responded that the contractor hopes to finish sooner providing the weather cooperates. She added that the critical activity that is weather dependent is the retaining wall along Los Ranchitos.

Commissioner Breen remarked that he has witnessed a traffic backup from the Lincoln ramp onto the freeway.

Ms. Fremier said that an auxiliary lane between North San Pedro and Lincoln will be constructed and that the weaving in that area could be causing the back up. This will be alleviated once the aux lane is opened.

## **6. Legislative Contract Scope & Process (Action)**

ED Steinhauser and David Chan presented this item which requested that the Committee discuss and comment on TAM's state level government advocacy needs, provide input to staff on scope revisions, and determine Commissioner participation in the selection process.

Responding to a question from Chair Kinsey to ask for confirmation that the budget for this contract is \$35,000/year, ED Steinhauser responded affirmatively and added that the full amount is expended each year.

Commissioner Boro asked if TAM is obligated to go to bid or if the agency may "sole source" this contract.

The Executive Director stated that it depends on the fund source used to pay for this service. She added that TAM follows the County of Marin's policy on sole-sourcing.

Li Zhang, Finance Manager, informed the group that if the TAM Board believes there is sufficient justification and advantage that would result in a more cost effective completion of the necessary work, sole source contracts can be awarded regardless of the dollar amount. The legislative contract is paid for with the city/county contributions from the local jurisdictions in Marin and is TAM's most flexible fund source.

Commissioner Boro said that he raised this issue because there will be a start-up curve if a new legislative team is brought in. He then expressed his overall satisfaction with the performance of the current firm.

Commissioner Kellner suggested that there will continue to be uncertainty with budget issues over the next couple of years and that TAM should concentrate on being part of any coalition that could give TAM, as one of the smaller CMAs, more "clout." She asked if the current firm could be a good source to provide information as to what is going on in other agencies

Commissioner Breen agreed that coalition building will be crucial in the next few years.

Chair Kinsey advised that in a previous discussion with ED Steinhauser, he raised the suggestion that the money budgeted for the legislative firm might be combined with the money budgeted for TAM's public information coordinator position, currently vacant, to create a position which could assume duties for both areas. He added that he does not believe that the agency is ready to pursue this path yet.

Consequently, he would support continuing to hire outside legislative support. He mentioned that sole source selection for legislative support has occurred both at the County and at MTC. He said that he would like to sharpen the scope of services for this contract and then negotiate directly with the firm of Shaw Yoder Antwih to continue working with TAM.

He opened the item to public comment.

Karen Nygren asked if climate issues should be included as part of the scope of services for the contract.

The Chair agreed with Ms. Nygren that it should be included.

The Executive Director thanked the Committee for their comments regarding the scope of this contract and advised that she will initiate a discussion with Shaw/Yoder/Antwih and then ask a small group of commissioners to meet with the firm.

The Chair agreed with that and asked that staff prepare a write up for Commissioner Fredericks to present at the next board meeting so that the entire commission will be able to comment.

She confirmed with the committee that their recommendation would be to proceed with considering extending the existing contract after negotiating the additional scope of work.

Commissioner Boro asked if TAM has federal representation.

Executive Director Steinhauser stated that TAM does not, but that she has a good working relationship with Dan Eilerman at the county and that he looks out for TAM through the County's federal analyst.

Commissioner Boro noted that he raised this issue because much of the funding that TAM receives flows through MTC and that TAM doesn't have a lot of control as to the amount received. He said that he wonders if there are other funds available that this agency could pursue and that the consideration should be given as to what could be accomplished at the federal level.

The Chair stated that a wrap-around level of consideration is created as a result of the county, the Golden Gate Bridge District, and SMART all using the same federal lobbyist. So the question may be whether to augment that information by obtaining the services of a firm that is uniquely different from that lobbyist. However, he believes that for day-to-day items, the current federal lobbyist provides good representation.

The Committee forwarded their recommendations to the full TAM Board.

## **7. FY2009-10 First Quarterly Financial Report (Discussion)**

Li Zhang presented this information item and provided highlights.

Regarding revenue, Ms. Zhang reported that sales tax for Marin County for the second quarter has decreased by more than 15%. While this is not good news, Marin fared better than other counties in the Bay Area who have seen declines in the range of 20-30 percent. Staff, in creating the 2009/2010 budget, reduced expected Measure A revenue amounts from \$20.8 to \$19.5 million. The reduced number may need to be revised to \$19 million if the economy does not pick up. She added that staff will return to this committee in January to provide an update and address any needed budget changes.

Regarding the four strategies in Measure A, ED Steinhauser gave a brief summary of impacts of the declining revenues. She advised that Strategy 4 – Safer Access to Schools – will not be affected by the reduced revenue. Under Strategy 3 – Local Transportation Infrastructure – TAM makes payments in arrears in this category. Staff will pay out of this fund based on what it receives. Under Strategy 2 – Hwy 101 Gap Closure – she noted that TAM made a commitment to Caltrans to fund \$25 million out of sales tax measure and will be able to meet that obligation. Strategy 1 – Transit – is the area that will be impacted most. She stated that staff is working closely with Marin Transit to ensure that they are aware of the reduced funding amounts, so they can manage any changes in revenue.. Staff is trying to assist MT with some possible fund swaps. She concluded that she does not believe that TAM budget adjustments are necessary at this point in time.

Ms. Zhang commented that additional annual revenue from MTC is forthcoming for planning in the amount of \$375,000 as well as \$150,000 for T-PLUS activities. However, due to delay of the reauthorization act, MTC is not able yet to make reimbursements.

She noted that TAM has received all the city/county annual contributions which total \$430,000.

Regarding expenditures, Ms. Zhang highlighted the salary and the office lease line items and stated that these items appear to be over budget by 25% but the reason is because these items were prepaid for the month of October.

The Chair thanked Ms. Zhang for her report.

## **8. MTC Programming of Federal Funds (Action)**

David Chan presented this item which requested that the Committee recommend to the full TAM Board to 1) Encourage local planning staff to apply for Priority Development Area (PDA) designation to ensure eligibility for certain funds; 2) Work with MTC staff to allow TAM along with the other less urbanized CMAs to propose a funding process that supports transportation planning and capital projects in less dense suburban areas; 3) Encourage MTC to establish funding criteria that allows TAM to receive funding from all program elements, respecting equity within the Bay Area region; 4) Advocate policies that allow TAM as the CMA, to the greatest extent possible, to manage funds and distribute them to Marin's local jurisdictions, specifically TLC, Bicycle and Pedestrian, and Safe Routes to Schools funds at the local level; and 5) Advocate that enough time be given to allow TAM to develop a suitable plan for funding eligible projects in Marin, after MTC adopts policy.

ED Steinhauser advised this item is being presented to the committee because TAM is commenting on MTC policies as part of the Congestion Management Agencies' Association. How federal funds are spent along with who manages those funds are the critical issues. She mentioned the Safe Routes to Schools program as an example. The CMA's are advocating for funds to be managed locally since it is difficult for small counties like Marin to compete against the more urban counties in many of the categories of funding. Additionally, staff is concerned that MTC may adopt a strategy in November and then ask for a program of projects to be presented soon after without allowing for enough preparation time to create a process locally.

Chair Kinsey, speaking as an MTC commissioner and looking at this issue from a regional perspective, stated that MTC is emphasizing the importance of PDAs and ensuring that transportation investments be weighted to the communities that are taking the predominance of jobs and housing. Given that, he stated that he is not as inclined to push for an equity share of this funding. He added, though, that he

believes there are pieces of the PDA program that could be modified so that Marin could benefit. On the issue of density, the challenge that the region is facing is such that it may prove difficult if not impossible to reach the intended goals if it continues using the same suburban footprint of 10-15 units per acre. He asked staff to provide him more information as to the concern over the timing issue so that he can address it at the MTC level.

Commissioner Breen stated that he would like to be the recipient of PDA funding but not if it means increasing the level of density in his jurisdiction.

ED Steinhauser noted that Marin's biggest constraint in qualifying for more PDAs is the lack of frequent transit access which, as defined by ABAG, is 20-minute bus transit headways, or similar rail service. Marin is finding it difficult to maintain 30-minute headways for most bus routes, particularly with the decline in transit funding.

The Chair said it may be possible to convince MTC to consider a graduated move in that direction, and increase that headway requirement as the economy recovers and development occurs.

Commissioner Fredericks asked if an idea mentioned in a previous conversation where the concept of collective development that is transit oriented and sets a standard for wise land use might be acceptable to qualify as a PDA.

The Chair stated that it is his opinion that the land requirement of 100 acres should further discussed but that reducing density levels would dilute the cost effectiveness of the investment.

Commissioner McGlashan stated that there may be another concept which should be articulated when focusing on the issue of climate change which is that Marin plays a key role in providing recreational spaces for the entire Bay Area. Access to priority conservation areas and the need for Marin, Sonoma and Napa counties to provide access to these areas without the use of single-occupancy vehicles may be a relevant point that should be raised. If Marin is to remain a low density area and receive low-density types of disbursements of funds, it should not be forgotten that Marin is an attractive nuisance relative to greenhouse gas emissions caused by recreational trips.

Regarding a question from Commissioner Boro related to balancing tourism with traffic congestion, ED Steinhauser stated that there's been a lot of discussion about the ability to expand the federal programs for parklands but there has not been much progress along that line since the issues of VMT and CO2 are focused on commute traffic.

Commissioner McGlashan commented that the rubber wheel tourist service idea which came out of the trolley study is one example of economic vitality without cars. He would like to consider the idea of establishing a southern Marin welcome center and connect it with the Muir Woods Shuttle.

Ms. Zimmerman clarified for the group that ABAG is accepting applications for PDA's on a rolling basis. She stated that a PDA needs to be a minimum of 100 acres in area, which includes both existing and planned housing. She added that there is no density requirement associated with qualifying for a PDA. The only requirement is the plan to build more housing. For an application to be considered, the local jurisdiction could use existing units and planned zoning for future housing which is more than likely already built into most general plans. However, higher density projects may win out when the evaluation process begins.

ED Steinhauser suggested that the best thing to do would be to discover existing zoning that already qualifies along with looking at opportunities. She added that TAM's climate workshop might be a good venue to discuss the enhanced coordination role in identifying more PDA's.

The Chair agreed with the executive director and encouraged council members who are also TAM commissioners to publicize the upcoming workshop at their council meetings and encourage them to attend.

The Chair opened the item to public comment.

Responding to a question from Karen Nygren who asked for the location of the PDA in the unincorporated area of Marin, ED Steinhauser said that it is in the Marinwood and Bret Harte areas and she believes that those applications may be available on-line at the ABAG website.

Ms. Nygren noted that one of the attachments in the agenda packet indicated that ramp metering would be implemented in Marin and she questioned the benefit of this or if the funding could be used elsewhere.

ED Steinhauser stated that this freeway performance tool is not being considered for Marin in the near future and that staff would be reporting back on this in the coming months.

The Committee forwarded their discussion and comments to the full TAM Board.

#### **9. Open Time for Items Not on the Agenda**

None.

*Seeing no others wishing to speak, the meeting was adjourned at 3:45 p.m.*