

MEETING OF THE  
TRANSPORTATION AUTHORITY OF MARIN  
TAM

OCTOBER 22, 2009  
7:00 PM

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

**MEETING MINUTES**

Members Present:

Al Boro, Vice Chair, City of San Rafael  
Susan Adams, Marin County Board of Supervisors  
Judy Arnold, Marin County Board of Supervisors  
Peter Breen, San Anselmo Town Council  
Alice Fredericks, Tiburon Town Council  
Pat Eklund, Alternate, City of Novato  
Joan Lundstrom, Larkspur City Council  
Michael Skall, Ross Town Council  
Lew Tremaine, Town of Fairfax  
Sandra Donnell, Belvedere City Council

Members Absent

Steve Kinsey, Chair, Marin County Board of Supervisors  
Hal Brown, Marin County Board of Supervisors  
Madeline Kellner, City of Novato  
Herb Weiner, Sausalito City Council  
Stephanie Moulton-Peters, Mill Valley City Council  
Charles McGlashan, Marin County Board of Supervisors  
Alexandra Cock, Town of Corte Madera

Staff Members Present

Dianne Steinhauser, 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's Report**

Vice Chair Boro called the Transportation Authority of Marin Meeting to order at 7:00 p.m. He reported that Chair Kinsey was at another meeting in West Marin this evening, but sends his regards.

**2. Commissioner Matters not on the Agenda (Discussion)**

Alternate Pat Eklund, City of Novato, reported that the City Council and City Manager had sent letters to Caltrans regarding building a soundwall along Hwy 101 in Novato as part of the Marin-Sonoma Narrows project, with no response being received. She asked if Executive Director Steinhauser could discuss in her report when a response could be expected. Vice Chair Boro asked ED Steinhauser, and she agreed to discuss the issue during her report.

Item 4 taken out of order.

**4. Commissioner Reports**

**a. Executive Committee – Commissioner Fredericks**

**Agenda Item 5b – Legislative Contract Scope and Process**

The current 3-year legislative contract with Shaw Yoder, Inc. will expire on November 30, 2009. Staff sought input from the Executive Committee on whether the original contract scope is adequate to address TAM's current needs regarding state level legislative analysis and advocacy.

The Executive Committee commented that the existing scope is generally adequate; the Executive Committee emphasized that a new provision should be added whereby the consultant can demonstrate the ability to coalesce with other agencies to effectively further TAM's influence and positions on State legislation. The Executive Committee then discussed the representation provided by Shaw Yoder over the last three years and expressed satisfaction at the quality of work exhibited. The Executive Committee further noted that Shaw Yoder is uniquely qualified to represent TAM because it has intimate knowledge on Marin County's transportation needs, a close and direct relationship with the California Transit Association that is beneficial to our transit constituents, and the likely ability to coalesce with other similar agencies to advance TAM's state legislative interests more effectively than as a sole agency. Based on these reasons, the Executive Committee recommended that the Board consider authorizing the Executive Committee members to directly negotiate with Shaw Yoder to continue providing state legislative advocacy to TAM.

**The Executive Committee recommends that the TAM Board consider negotiating directly with Shaw/Yoder to continue providing state legislative advocacy to TAM**

**Agenda Item 5e: MTC Programming of Federal Funds**

SAFETEA expired on September 30, 2009 and a new surface transportation act is expected to continue the effort of SAFETEA. Since FY 2003/04, MTC has programmed all of its expected SAFETEA apportionment over three two-year cycles, totaling \$951 million. With the expiration date for SAFETEA fast approaching, MTC staff had presented to the Partnership Board an overall proposal to guide upcoming programming decisions for the new Federal Act.

While a fund estimate has not been made available, MTC estimates that approximately \$1.1 billion to \$1.4 billion in new federal funds will be available to the Bay Area region from this new Federal Act.

MTC staff has recommended that the funds be divided in two cycles: the first cycle covering the first three fiscal years and the second cycle covering the last three fiscal years. MTC staff is requesting the Commission to adopt only the first three-year period of funding in order to give the region the opportunity to revisit the final three years of programming, allowing at that time a consideration of new developments in revenue and individual program issues.

**The Executive Committee recommends that the TAM Board 1) Encourage local planning staff to apply for PDA designation to ensure eligibility in the funding award process as it stands, 2) Work with MTC staff to allow TAM along with the other less urbanized CMAs to propose a smaller area size for PDAs that supports transportation planning and capital projects in smaller suburban jurisdictions; 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.**

### **3. Executive Director's Report – EDR (Discussion)**

Executive Director Dianne Steinhauser commented on TAM's upcoming climate change workshop, planned for November 7<sup>th</sup>. She also reported on the environmental process for the Greenbrae/Twin Cities Corridor, and the open house held on September 29<sup>th</sup>. She discussed the comment process, with comment cards available on the TAM website, and she noted that there would be further discussion at the November TAM Board meeting.

ED Steinhauser highlighted sections of the report regarding the crossing guard program, a recent Caltrans workshop on transit sustainability, and an update on the bid process for widening of the I-580 connector to northbound 101.

Regarding Commissioner Eklund's question about the lack of response from Caltrans regarding building a soundwall, she noted that Caltrans and FHWA considered all comments on the draft record of Decision, ROD. Once Caltrans has made its decision, it will issue a Record of Decision and they may not communicate directly with Novato. She indicated that TAM will continue to advocate for Novato regarding their concerns about the soundwall being included.

Commissioner Eklund noted that Novato is willing to help, however possible, to resolve the issue.

### **4. b. SMART**

Vice-Chair Boro reported that SMART met yesterday and approved several contracts including one to finalize the design of the rail line and the bike/ped line. Also approved was a contract to begin working on the design and specifications for the passenger cars and another contract was approved for station planning.

Commissioner Arnold reported that one of the Marin appointees to the NCRA did a financial analysis of the NCRA and NWP going forward which Commissioner Arnold presented at the meeting. She added that she would make a copy of that report available to any interested party.

Commissioner Boro, responding to a question from Commissioner Lundstrom who asked if the Larkspur City Council will be notified when the station planning begins, stated that all cities will be involved. He added that the intent is to have some continuity in design of all the stations but not necessarily the exact same design.

## **5. Consent Calendar (Action)**

- a. Approval of Minutes of September 24, 2009 Meeting**
- b. Legislative Contract Scope and Process**
- c. Programming of Cost Savings from the ARRA Program**
  
- e. MTC Programming of Federal Funds**

Commissioner Adams made corrections to the September 2009 minutes, which she also submitted in writing. Commissioner Breen noted he was marked absent at the September meeting, but was actually present. (NOTE: In a subsequent conversation with Commissioner Breen after the meeting, it was agreed that he was present during the Board's closed session but did not attend the open meeting. )

Vice Chair Boro indicated that Item 5d would be pulled so that a substitute letter can be considered.

Commissioner Adams moved approval of the Consent Calendar as amended, minus Item 5d. Commissioner Arnold seconded the motion, and it carried unanimously.

### **d. Letter to Senator Boxer urging Dedicated Allowances to Transportation in Climate Change Legislation**

ED Steinhauser reviewed changes proposed for the letter. She noted that the second to the last paragraph was changed to reflect a request for funding generated from future carbon emissions cap and trade system be specifically dedicated to transportation at representative levels.

Commissioner Adams asked if there was interest to have TAM request for a provision for the funding to be allocated at the local or regional level, rather than it all being allocated to the state for final distribution. ED Steinhauser indicated that this change could be made as well.

Commissioner Eklund\_ moved approval of Item 5d. Commissioner Breen seconded the motion, and it carried unanimously.

## **6. Caltrans Report**

ED Steinhauser briefly reviewed the EIR process for the Marin-Sonoma Narrows project and plans for an update to the TAM Board regarding recommended design changes in response to concerns about the size of the project footprint. She also reported that the southbound auxiliary lane between the North San Pedro onramp and the Lincoln offramp has been opened for the Hwy 101 Gap Closure, although it is not known yet what how much the congestion will be lessened. She also noted the paving work has been completed. She indicated that work is continuing on the SMART track relocation, the final details on the bike path, and the soundwall along the east side. She also noted that TAM is working closely with Caltrans on the Greenbrae/Twin Cities environmental document, and she reported on a signal problem that recently developed when Caltrans was paving Tiburon Blvd. from the 101 interchange

east. Caltrans has provided a temporary fix to the problem and will be completing a permanent solution to the problem within the next two weeks.

Scott Stokes, a citizen from San Rafael, noted that there has been no congestion improvement on Hwy 101 southbound during the past month. He acknowledged that the new paving improvements have resulted in a quieter ride, and the striping job was nicely done, but there was already an accident (with ambulances needed) in the new auxiliary lane at the top of Puerto Suello Hill. He expressed dissatisfaction with the appearance of the new sound wall, as well as disappointment that the congestion has not improved even though so much money has been spent.

## **7. Legislative Update – Shaw/Yoder/Antwih**

Joshua Shaw gave a brief overview of the legislature's activities over the last month, noting this is an unusual year since it is still in session. He reviewed negotiations between the legislature and the governor related to a proposed water deal.

Gus Khouri gave additional information about transportation issues – Proposition 42 funding, excise tax payments, a limited number of bills signed by the governor (AB672 that gives assurance that local jurisdictions will be paid back transportation funds currently being held by the state and AB83 that authorizes a CMA to ask the voters for a \$10 per vehicle license fee to pay for congestion mitigation services), and an update on the work of the state tax commission.

Mr. Shaw further updated the Board about anticipated legislative issues for 2010, especially a proposed ballot measure for November 2010, asking the voters to decide whether the California constitution should be amended to require the state to return transportation, redevelopment and other funds allocated to the local jurisdictions. He also discussed pending litigation to get a court ruling on the legality of the state's "borrowing" of transit funds in the first place.

In response to questions from the Board, Mr. Shaw clarified the process for AB83, and confirming that only a 50% plus 1 simple majority of votes would be necessary for up to the \$10 vehicle fee to pass. Commissioner Adams asked how the funds could be used, and Mr. Khouri said he thought they covered a broad range of transportation-related projects. Mr. Shaw added that there should be a nexus to congestion mitigation. Commissioner Adams also asked if the funds could be used for operating costs, and Mr. Shaw confirmed they could.

Commissioner Adams expressed skepticism that further legislation would be any more effective in preventing the state from taking funding from the local jurisdictions; and voter approval was limited. She also asked whether the projected deficit of \$7-8 billion included the \$3 billion of IHHS funds just returned by the state. Mr. Shaw indicated that the projected deficit is \$7 billion for 2010 and \$8 billion for 2011, and it does include the IHHS funds.

Commissioner Arnold asked about the makeup of the Committee on the 21<sup>st</sup> Century. Mr. Khouri said it was a mix of 14 appointees and elected officials.

## **8. Marin Transit Quarterly Update**

Amy Van Doren, Marin Transit Planning Manager, presented the report, including information on the four stimulus grant projects, proposition 1B funding and bid status of the paratransit service providers, a Caltrans planning grant to do a needs assessment in Novato, and an overview of the schedule of meetings for the proposed service reduction plan.

Commissioner Fredericks asked about the routes listed on the public hearing notices regarding the proposed service reductions. Ms. Van Doren confirmed that all the routes would be discussed at all the hearings. She also discussed the performance criteria used to determine which routes were chosen for reductions.

Commissioner Tremaine asked whether service to Fairfax was being reduced. Ms. Van Doren said that it was not being reduced and then explained that the Route 29 was being extended to provide service to Fairfax and will replace Route 23. In response to further questions, she confirmed there will be direct service from Fairfax to the College of Marin, as well as direct service from Fairfax to San Rafael. Vice Chair Boro suggested that Ms. Van Doren review the changes more completely with Commissioner Tremaine after the meeting.

Vice-Chair Boro thanked Ms. Van Doren for her report.

## **9. Presentation on Doyle Drive Project**

ED Steinhauser introduced Lee Saage, Deputy Director of Capital Projects for the San Francisco County Transportation Authority and Gene Gonzalo, Caltrans Project Manager for District 4, to respond to issues related to the Doyle Drive Reconstruction project, specifically, whether or not traffic impacted by Doyle Drive will back up into Marin, and whether drivers will be encouraged to reroute to the Richmond/San Rafael bridge at a time when the 580/101 connector has been reduced to one lane, whether traffic increase on Sir Francis Drake Blvd. will occur and how this impact is being addressed, and whether Marin bus service to the city will be impacted.

Mr. Saage introduced his team in attendance to assist in the presentation. He stressed that connections from the Golden Gate Bridge to Doyle Drive and Park Presidio will remain open throughout the reconstruction process, other than over two 3-day weekends. He also discussed the background of the project, construction sequencing, transportation management, long-term ramp closure traffic analysis and detours, transportation management during construction, and communication during construction.

Commissioner Adams asked whether Merchant and Lincoln will remain open during the construction time. Mr. Saage said Merchant will remain open as well as the main portion of Lincoln Boulevard, from 25<sup>th</sup> Avenue to Merchant. He also confirmed that the freeway onramp will be open as well. Commissioner Adams asked, and Mr. Saage confirmed that the statistic showing 83% of peak period traffic is between San Francisco, Marin and Sonoma counties referred to traffic in both directions. Commissioner Adams asked about the funding sources and Mr. Saage explained that there are 17 different funding sources for this project including a total of \$5 million from Marin and Sonoma Counties. He also commented on efforts to keep the costs minimal, noting that it will cost less than a straight replacement of the existing roadway.

Commissioner Eklund asked if any of the lanes would be HOV lanes, and Mr. Saage said there would not be since none of the existing lanes are, although the outside lanes are slightly wider and could easily be converted to HOV lanes in the future. Commissioner Eklund suggested extensive outreach be conducted to bus riders and bus drivers. Mr. Saage said the outreach to bus drivers has already begun, but additional outreach to the riders was a good idea as well. Commissioner Eklund noted that many of the bus riders are concerned about the impacts on their commute. Mr. Saage indicated they would monitor the situation closely.

Vice Chair Boro noted that the Presidio is just completing a study on those who use the Presidio as a thoroughfare. He asked if there is any plan to shut it down during construction. Mr. Saage said the Presidio planned the traffic study to precede the Doyle Drive construction to avoid any conflict between the two.

Vice Chair Boro asked if there was any anticipated delay on Lombard Street from the Doyle Drive project. Mr. Saage said, if anything, Lombard Street will have less traffic during the Doyle Drive construction.

ED Steinhauser asked about the impact on traffic on the Richmond San Rafael bridge, specifically because of the Caltrans projects on 580 that will limit capacity. Mr. Saage said preliminary analysis shows no impact. ED Steinhauser asked about outreach to recreational traffic users. Mr. Saage acknowledged that traffic patterns on the weekends are different and unpredictable. He recognized such outreach was a good idea and that they would look into it further.

The Vice-Chair opened the item to public comment.

Karen Nygren asked if the presentation would be available on the web; Mr. Saage said both the project website and the TAM website should have copies. Ms. Nygren asked whether the anticipated sea-level rise from global warming has been considered in the design of the project. Mr. Saage noted this is the first major highway infrastructure project in California that has established a project-specific sustainability program since all the materials from the existing Doyle Drive will be recycled. He also indicated that the projected sea-level rise has been factored into the design.

Don Wilhelm asked about the height of the wall by the tunnel and composition of the materials, noting that graffiti could be an issue. Mr. Saage discussed the extensive design process for the wall which will be 30 feet tall, the plan to use materials that are graffiti-resistant and takes into consideration the historic features of the Presidio.

The Vice Chair thanked Mr. Saage and his team for their presentation.

#### **10. FY2009-10 First Quarterly Financial Report**

Finance Manager Li Zhang presented the staff report which recommended that the TAM Board accept the FY2008-09 Financial and Single Audit Report. There were no questions or comments from the Board or the public regarding the item.

Commissioner Eklund moved to accept the report. Commissioner Lundstrom seconded the motion, and it passed unanimously.

#### **11. Acceptance of TAM FY2008-09 Financial and Single Audit Reports**

##### **a. FY 2008-09 Financial Audit Result**

##### **b. FY 2008-09 Single Audit Result**

Finance Manager Li Zhang introduced the item, and then turned it over to Derek Rampone, project manager of the audit team from Moss, Levy & Hartzheim, LLP. Mr. Rampone reviewed the reports, including any areas of concern from the audit team. There were no questions or comments from the Board or the public regarding the item.

Commissioner Arnold moved to accept the report. Commissioner Breen seconded the motion, and it passed unanimously.

Vice Chair Boro thanked Mr. Rampone for his report.

**12. Request for Additional Funding for Street Smarts from the Non-motorized Transportation Pilot Program**

Vice Chair Boro explained why the item was added to the agenda, noting that since it was after the agenda was posted and after the 72-hour time requirement, it would require a motion to add it to the agenda now.

Commissioner Tremaine motioned to add the item to the agenda.

Commissioner Adams asked what was the urgency that necessitated it be considered now, rather than at the next meeting. She questioned what the urgency was regarding a sign program. ED Steinhauser explained that staff learned late last week from the County Public Works staff that in November, they would be bringing to the Board of Supervisors a status report and recommendation for expending additional federal funds from the Non-motorized Transportation Pilot Program. Additional funds had been received by the County from a Congressional appropriation for this year. She explained that this information came after the TAM Board packet was mailed, and staff was concerned they would not be putting the request for NTPP funds to sustain and expand the Street Smarts program before the Board of Supervisors in a timely manner for their decision process. . . With the next TAM meeting not occurring until the end of November, staff felt it best that a letter be written notifying the Board of Supervisors that TAM would like to be considered to receive some of those federal funds.

Commissioner Adams questioned whether action by the TAM Board was necessary, since the legislative platform allows for staff to apply for any available funding sources. ED Steinhauser responded that the legislative platform provision applies primary to state funds and policy; this funding is not in that category.

Commissioner Eklund moved to add the item to the agenda. Commissioner Fredericks seconded the motion. The motion passed, with Commissioner Adams and Commissioner Arnold voting in opposition.

TAM staff presented the item briefly again for consideration, emphasizing that this was a request for funds. Commissioner Arnold explained that she opposed this item because she understands that County Counsel will be providing direction on the legality of this program to the Board of Supervisors at one of their upcoming meetings.

Commissioner Eklund moved to approve the request letter. Commissioner Tremaine seconded the motion. The motion passed, with Commissioner Adams and Commissioner Arnold voting against making the request. .

**12. Open time for Items not on the Agenda**

No speakers came forward.

ED Steinhauser noted that the next meeting would be November 19, with an Executive Committee meeting on November 9<sup>th</sup>. She also mentioned that the agenda for the November meeting is very full.

By order of Vice Chair Boro, the TAM meeting adjourned at 9:14 p.m.

Approved on:

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DRAFT