



MEETING OF THE  
TRANSPORTATION AUTHORITY OF MARIN  
TAM

THURSDAY, FEBRUARY 26, 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  
Peter Breen, San Anselmo Town Council  
Joan Lundstrom, Larkspur City Council  
Alexandra Cock, Corte Madera Town Council  
Larry Bragman, Fairfax Town Council - Alternate  
Charles McGlashan, Marin County Board of Supervisors  
Herb Weiner, Sausalito City Council, Alternate  
Madeline R. Kellner, Novato City Council  
Alice Fredericks, Tiburon Town Council

Members Absent: Stephanie Moulton-Peters, Mill Valley City Council  
Sandra Donnell, Belvedere City Council  
Michael Skall, Ross Town Council  
Judy Arnold, Marin County Board of Supervisors  
Hal Brown, Marin County Board of Supervisors

Staff Members Present: Dianne Steinhauser, TAM Executive Director  
Bill Gamlen, TAM Project Delivery Manager  
Bill Whitney, TAM Project Delivery Manager  
David Chan, TAM Programming Manager  
Denise Merleno, Recording Secretary  
Li Zhang, TAM Manager of Finance and Administration

*Chair Kinsey called the Transportation Authority of Marin Meeting to order at 7:15 p.m.*

**1. Chair's Report**

Chair Kinsey began his report by stating that the TAM climate action workshop planning ad-hoc committee met for the first time immediately prior to the beginning of the TAM Board meeting. This group has been tasked with setting the agenda for the upcoming workshop which will focus on TAM's role in the future of climate change. The group decided to delay the workshop originally scheduled for early April in order to allow more planning time. The new date for this workshop will be some time in May. He stated that this will be an interactive opportunity that will last for approximately a half day, and professionals specializing in the areas that TAM wants to focus on will be invited to participate.

The Chair reported that the Executive Committee meeting scheduled for March 9 will be rescheduled to March 16.

He spoke about the federal stimulus package and acknowledged the extensive work conducted by staff from Marin's cities and towns in order to capture this funding. He said that the \$14 million coming to Marin, as reported by the Marin Independent Journal, will benefit local street and road projects as well as significant funding derived via formula intended for transit operators. Approximately \$9.4 million will be directed to the Golden Gate Bridge District. One way this money could be spent is on the acquisition of a new ferry but discussions are ongoing and no decisions have been made.

He reported that most of the money allocated yesterday by MTC was for existing infrastructure and existing transit operators. There was a limited amount of money identified for expansion projects. The Oakland airport connector was approved but with a number of conditions that may not be able to be met by June, a timeline criterion specified in this funding program. Another expansion project was the Transbay Terminal, intended to become the Grand Central Station of the West, serving high speed rail that will be built. It was decided that MTC would seek these funds under the high speed rail program rather than via the federal economic stimulus package.

He stated that also as part of MTC's economic stimulus funding approval yesterday, three of the counties in the North Bay will receive funding for safety projects- Napa, Sonoma, and Solano. Mr. Steve Heminger, the Executive Director of the Metropolitan Transportation Commission (MTC), issued a kind of promissory note to TAM, committing to fund approximately half of the current shortfall on the Hwy 101 Gap Closure Project over Puerto Suello Hill. He acknowledged both Mr. Heminger and ED Steinhauser for their efforts on this matter.

He noted that the rebuilding of Doyle Drive was resolved in December 2008, and that TAM made a financial contribution towards that project. The stimulus funding package could provide up to \$100 million for that rebuilding, with this money coming to the project through advocacy at the federal level rather than from money that will be coming specifically to the Bay Area or the state. He acknowledged MTC's work for providing the strong framework for positioning the Bay Area to benefit as much as possible from this package.

The Chair finalized his report by noting that he was a featured speaker at an event sponsored by Sustainable Novato last night. He commended the organizers for putting together a well-run, stimulating event where transportation, housing, land-use and public health elements were considered.

## **2. Commissioner Matters not on the Agenda**

Commissioner Fredericks offered a suggestion for TAM's consideration at the next board meeting, a letter of support to the Governor supporting the defunding of the current planned San Quentin death row expansion at the proposed site. Additionally, this letter would support Assemblyman Huffman's proposal to study building a deep-water ferry site for the Bay Area.

In response to a question from the Chair who asked if she would agree to have the TAM Executive Committee review a first draft of this letter, Commissioner Fredericks agreed to this proposal.

### 3. Executive Director's Report

The Executive Director reported on: the American Reinvestment Recovery Act (ARRA) and highlighted items that appear in her written report.

ED Steinhauser advised the Board that she's incurred a knee injury and she will keep the Chair apprised should surgery be necessary. She recognized the excellent efforts of her staff in addressing the demands of the ongoing projects and workload.

Regarding the economic stimulus package effort, she noted that in lieu of distributing the many documents staff has received on the ARRA, they are instead listed in the Executive Director's Report. The list and documents themselves are posted on TAM's website.

Bill Whitney provided an update on the local streets and roads element of the package. He noted that staff has worked closely with staff from MTC, Caltrans, and the local agencies to identify shovel ready projects that would meet requirements for the use of federal monies. He reviewed the list of timelines which comprise the progress checklist that the local cities/towns must follow to remain in compliance for this funding. He finalized his report by noting that TAM staff will be providing progress updates at future TAM meetings. All of Marin's projects are currently meeting expected schedules.

*Commissioner Larry Bragman joined the meeting at 7:30 p.m.*

Chair Kinsey asked if all these projects will be required to complete the reasonable accommodations checklist and Mr. Whitney's response was that all agencies have already complied with this item.

ED Steinhauser highlighted additional topics included in her Report including:

- the loss of State Transit Assistance (STA) funding and how that will impact Marin's transit operators as well as TAM's Lifeline Program;
- the ongoing implementation of SB375 by the Regional Technical Advisory Committee under the California Air Resources Board;
- the March 2 deadline for comments to MTC's Regional Transportation Plan;
- the Highway 101 Greenbrae/Twin Cities Corridor Informational Open House on March 24;

Regarding the I-580 to Hwy 101 Connector project she stated that TAM received a letter from Caltrans Director Will Kempton indicating that, along with all other ready to go CMIA projects that are awaiting Prop 1B funds, the state has determined that this Prop 1B project would be suspended for the time being. As the permanent project could be delayed, staff have been working with Caltrans to determine interim solutions to the congestion. Caltrans is willing to discuss temporarily restriping the westbound I-580 to northbound Hwy 101 connector to allow for two lanes in order to relieve congestion. She cautioned that this would be an expensive short-term fix, upwards of \$50-100,000 if repaving is warranted. The work can only be done once the northbound carpool lane is open.

David Schonbrunn pointed out that it was reported on the TV news that Marin and San Rafael ranked as the most congested area in the state in a recent report.

Scott Stokes said that he was pleased to see that the 580 to 101 restriping be done as soon as possible. However, he suggested that the two lanes should be configured so that one lane will be for I-580 and the other lane will be for users from Kerner Blvd. He suggests white line striping between these two lanes so that no merges are involved which will reduce the chance of accidents.

The Chair announced that the annual performance evaluation of the Executive Director will occur in a special Executive Committee meeting (following the scheduled Executive Committee meeting) March 16.

#### **4. Commissioner Reports**

##### **a. Executive Committee**

The Chair noted that this Committee met on February 9 to discuss a number of items including the RTP tradeoffs which will be discussed later in this meeting.

##### **b. Marin-Sonoma Narrows Policy Advisory Group**

The PAG did not meet but the ad-hoc committee met on February 9 with the project team to review the conceptual design issues related to the San Antonio creek crossing at the county line. The group also saw a video presentation of what it might look like when the project is built. Two conceptual approaches were shown; one showed the HOV lanes as contiguous and the other showed them separated horizontally and vertically to relieve some of the visual expanse of the roadway. No recommendations were made. Further discussion of this will occur with the TAM Board. He added that TAM is still waiting for the Record of Decision (ROD) from Caltrans for the Narrows corridor, which is now scheduled for May 2009. He said that the ROD is an important piece of the puzzle since other project efforts such as Right-of-Way purchases can not be considered until environmental approval is received. .

##### **c. SMART**

Commissioner Boro reported that SMART's Operating Committee is travelling to Portland to ride heavy rail and to San Diego next Monday to ride light rail. These efforts will help determine the type of car SMART should purchase.

Commissioner McGlashan added that all 6 vendors that met with SMART previously build light cars but that 3 of the 6 are willing to build a heavy rail car that would be compliant with FRA guidelines.

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

- a. Approval of TAM Minutes of January 29, 2009
- b. Allocation of Measure A Funds to SFD Blvd. Rehabilitation Project
- c. Appoint David Rzepinski to the Technical Advisory Committee

Commissioner Breen moved to approve the Consent Calendar and Commissioner Lundstrom seconded. Motion passed unanimously.

## **6. Executive Committee**

### **a. Regional Transportation Plan (RTP) Tradeoffs (Action)**

Commissioner Fredericks presented this item which noted that the Executive Committee examined options for including three remaining priority projects into MTC's current draft Regional Transportation Plan, T-2035. Staff had been working with MTC staff to make sure all of TAM's transportation priority needs are included in the RTP. But three projects were left out.

The Executive Committee accepted staff's recommendation that future improvements at Lucas Valley Road and Hwy 101 be included in RTP funding entries for the region's Freeway Performance Initiative and Marin's Local Arterial improvements.

The Executive Committee also accepted staff's recommendation that Bicycle and Pedestrian path maintenance be included in the RTP showing TAM's dedicated funds for this purpose.

The Executive Committee made a requested change that funds be specifically listed for the signalization of the East Sir Francis Drake Boulevard / Andersen Drive intersection. This signal project has been a priority of Golden Gate Transit, the bike community, and the City of San Rafael. Three million dollars was identified in funding that could be moved to fully fund this intersection signalization. TAM staff is working with MTC staff to make that change and MTC is willing to include it in the final RTP.

Note staff is also working with MTC to make sure that the Marin Transit District is included in the final RTP Project Notebook listed with Bay Area transit operators.

The Executive Committee recommended approval of this staff recommendation.

Commissioner McGlashan motioned to direct staff to adjust the discretionary funds in the RTP to include other projects currently not listed as indicated above; if necessary, staff shall prepare a comment letter to MTC no later than the March 2nd deadline for comments to the RTP planning document and/or work with MTC staff regarding inclusion of these projects and funding as noted which was seconded by Commissioner Boro. Motion passed unanimously.

David Schonbrunn said that he believes that there are serious line of sight issues at Andersen Drive because both approaches are on curves. . He would like to see TAM commit to a public viewing of any designs prior to entering into a contract for this work.

ED Steinhauser said that she would be glad to accommodate this request.

## **7. Caltrans Report (Discussion)**

The Executive Director noted that the Caltrans report had been included in the agenda packet and that Jit Pandher was available to answer any questions.

Mr. Pandher reported that the southbound HOV lane on Hwy 101 opened on January 31st and that the project is on schedule to open the northbound HOV lane at the end of April.

He stated that, as requested by a number of residents in Novato, Dan McElhinny, Caltrans Chief Deputy District Director, has authorized additional noise studies for an area along Hwy 101 in Novato to determine if a soundwall is warranted. Mr. Pandher hopes to provide the Board with the results of those studies at the next TAM Board meeting.

The Chair complimented Caltrans' staff for the level of response to the Novato residents who have sent e-mails to the Chair on this request. He also thanked Bill Gamlen for acting as a liaison between Caltrans and the community.

Chair Kinsey asked Mr. Pandher to explain what the constraints are to finalizing the Record of Decision on the MSN. Mr. Pandher said that Caltrans is waiting on a biological opinion from the U.S. Fish and Wildlife Service. That information will be incorporated into the final document which will be sent back to that agency for a final check. Then the document must undergo a 30-day review period.

In response to the Chair's asking if Caltrans has had any recent conversation with Fish and Wildlife to determine that they are approaching the point of rendering an opinion, Mr. Pandher said that Caltrans Deputy District Director Jim Richards is working directly with Fish and Wildlife since comments made by TAM and Caltrans have not been addressed after the draft opinion on the biological assessment was issued.

Jim Schmidt commented that the RTP includes an item on auxiliary lanes and bus on shoulder treatment with a line item amount of \$5 million. He urged the Board to advocate for an increased amount of funding for this item since these lanes are necessary to keep busses on schedule.

Scott Stokes stated that he has noticed that the sound absorbing blocks are being mounted on the soundwalls and that they are a light gray color. He suggested having them formed with the pigment inside the blocks to match the color they are being painted so that graffiti will not be so apparent. He said that the blocks are being covered completely with mortar which will make it difficult to replace them in the future.

## **8. Legislative Update (Discussion)**

Gus Khouri, TAM's Legislative Analyst, provided a brief report on the state budget.

The Governor signed the budget package on February 20. It includes \$13 billion in taxes and \$22 billion in cuts and \$6 billion in borrowing to provide \$42 billion worth of solutions to solve the deficit that is expected to grow significantly by June 30, 2010. The legislature will place five items on a special election ballot in May asking voters to consider deferring Prop 98 payments, diverting revenue from Prop 63 which is allocated to mental health programs, deferring revenue for Health & Human Services under Prop 10, modernizing the state lottery in order to realize \$6 billion dollars, adopting an open primary, and authority to change legislative salaries if future budgets are delivered in a tardy fashion. The last item that will appear on this ballot will be a spending cap which is linked to the revenue increases. If this cap is approved by the voters, the revenue increases will continue for five years; if it fails, revenue increases will continue for only two years.

In the area of transportation, Prop 42 was protected in the budget with the exception of the portion intended for transit. There will be a 0.5% increase in the vehicle license fee which should generate \$2 billion. Three billion dollars of revenue intended for transit will be diverted with no promise of repayment. There is language that would eliminate transit funding through 2013 which would leave

transit to rely on sales tax and TDA monies. However, some legislators have promised that they will make efforts to help transit. Assemblyman Huffman has introduced a constitutional amendment which would lower the vote threshold for local tax measures and for bonds as well in order for local agencies to provide for the needs for their constituents.

ED Steinhauser stated that the testimony of Caltrans Director Will Kempton in front of hearings of the Assembly and the Senate Transportation Committees earlier this week on the American Recovery and Reinvestment Act of 2009 (ARRA) is a very good summary of this Act and noted that it has been posted on the TAM website.

Since the biggest impact of this budget will affect transit, the Executive Director invited Marin Transit General Manager David Rzepinski to attend this meeting to respond to the transit funding reduction and answer questions.

The Chair welcomed Mr. Rzepinski and asked him to speak after board members took the opportunity to ask questions of Mr. Khouri.

The Chair asked for clarification that the action taken by the legislature not only revised the 2008/09 budget but also adopted the 2009/10 budget for the state, and Mr. Khouri answered in the affirmative.

The Chair then asked Mr. Khouri to elaborate a bit on the potential bill that would take stimulus funds coming to the state and direct them to the region.

Mr. Khouri said that TAM will receive funds from the State's share of stimulus funds, but what has yet to be determined is whether these funds will come to TAM through the STIP process or another process brought about through legislation that would favor the regions. The STIP process tends to move slower and would constrain the locals' abilities to complete shovel-ready projects given the deadlines imposed by the ARRA. Director Kempton wants to see funding go to the SHOPP (the State Highway Operation and Protection Program) for maintenance and rehab of the current state highway system, whereas the regions would like to see a larger percentage of funds coming to them. So the interest is in using the most expeditious formula that would allow the state to use those funds and not lose them to another state.

ED Steinhauser added that as of this moment, there will be additional ARRA money forthcoming and that if it follows current statute, it will come through the STIP and the county would likely get a share of this additional funding as well as identified TE funds. If the legislation passes, that money and the TE money will go to MTC in a pool and MTC may make funding available by share to all of the counties. The state will retain some ARRA money for the SHOPP in either scenario.

The Chair opened this item to public comment.

Deb Hubsmith said that she attended the hearing in Sacramento on Monday and she understands that there seems to be a movement toward directing 62.5% of the money to the regions with the state retaining 37.5%. Caltrans, the Department of Finance, and the California Transportation Commission support this division. What is still undetermined is how to spend that 37.5% - \$964 million. The CTC wants at least \$500 million to go to the SHOPP with the balance to be applied to Prop 1b projects. Some are concerned about this split since there are \$1.5 billion in SHOPP needs and that the Prop 1b issue is a "systematic issue" which needs to be dealt with in the amount of \$2.2 billion. She attended as part of a coalition of environmental, smart growth advocates who are pushing for this money to go towards rehabilitation of projects and to solve the Prop 1b issues independently. Additionally, they

support rehab money to go to Complete Streets projects and are urging the state to find a way to utilize the TE funds for bike/ped projects.

General Manager David Rzepinski of the Marin Transit District then addressed the Board. Mr. Rzepinski said that MTD is in better shape than most other transit agencies in the state since some are cutting as much as 30% into their current service program and will implement these cuts as early as next month. MTD is slated to receive some of the economic stimulus funding to procure vehicles. Additionally, the MTD board approved a budget strategy for 2009/10 which approves some budget cuts, programmatic cut backs, and strategies that assume that MTD may not receive STA funding. The bad news is that in September 2008, the state did cut MTD's share of revenue by approximately \$400,000. While surviving for this year, presently, his agency needs to consider the suspension of that STA money for the next four to five years which amounts to over a \$1 million loss in revenue for MTD.

Mr. Rzepinski said that he committed to his board to have a goal of preserving existing service for Marin residents with no fare increases. He said that he will be able to keep this promise through this fiscal year and for FY2009/10. However, it will be challenging. Going forward will prove more difficult to maintain this path.

The Chair thanked Mr. Rzepinski for his report.

*Chair Kinsey stepped out of the meeting at 8:20 p.m.*

## **9. Hwy 101 Update**

### **a. Gap Closure Update (Discussion)**

Connie Preston reported that the northbound HOV lane will be opening in April and Linden Lane will open in June. The Gap Closure Project is scheduled for completion in late summer or early fall of this year. A milestone celebration is scheduled for April 27 once the northbound lane is open. Remaining work on the project includes completion of the bike path, retrofitting the east sound wall, relocating the SMART tracks, and final paving overlay with open-grated asphalt concrete. She finalized her report by reminding the Board that staff is posting weekly and monthly updates on the TAM website.

### **b. Authorization for Additional Funding – US101 Puerto Suello Hill Gap Closure Project (Action)**

Bill Gamlen stated that the recommendation for this action item has changed and that the new recommendation is listed on page 13 of the supplemental packet that was distributed at the beginning of the meeting. He said that the Puerto Suello Hill, Segment 4 of the Gap Closure project, focuses on specific elements such as the 1.5 mile-long multi-use paths, sound-absorbing sound walls, and relocating a significant length of SMART rail tracks. Workers on this part of the project have encountered several challenges which required all of the \$4.6 million in bid savings to be returned to the project and Caltrans has contributed \$1.3 million through a process called G-12 funding. The project team now estimates that an additional \$4.1 million is needed to complete the project. The overruns are due to unexpected technical challenges including significantly longer piles that were required along the rail alignment; hazardous waste found, and drainage system problems. The project got off to a late start and migratory nesting birds delayed the work. TAM staff has been meeting monthly with CT staff on these overruns. In the early fall, \$1.3 million was needed, but by December it grew to \$4 million.

Staff has actively pursued funding from the economic stimulus package to fund this shortfall. In January, Chair Kinsey and Cynthia Murray of the North Bay Leadership Council sent letters to the District requesting funding from the federal stimulus package. Since then, staff has been working with MTC to secure this funding. MTC staff have committed to at least \$2 million in stimulus money. It is not clear whether this funding will come to TAM via regional funding or through STIP funding.

Staff is recommending that the Board: 1) authorize the Executive Director to pursue the economic stimulus funding in the following order: state, regional, and then local; and 2) authorize the Executive Director to enter into a cooperative agreement amendment, if needed, to move this funding into the project.

Commissioner Adams said that part of the ad-hoc committee's discussion was over change orders, rising costs, whose responsibility it was for the changes needed and how those costs are disbursed. She asked staff to address the progress being made on these items to ensure that TAM is not the only agency paying the costs for items that may not be its responsibility.

ED Steinhauser said that Caltrans, as the project manager, negotiates directly with Ghilotti Bros, the contractor, on change orders. TAM staff has been kept apprised of these discussions. Regarding the state's responsibility for changes to the project; staff takes the approach that TAM's intent under the sales tax was to include unique features into the project but, also, to fund the carpool lane. To date, staff has not looked to place blame on any one entity over another for causing this shortfall. Staff is investigating whether TAM's consultant was responsible for any changes due to errors or omissions regarding their design. Staff will report back on that matter. The bottom line is that the state has no money to put into this project and they have made that clear. Staff does not want to make the county solely responsible for covering the additional costs through its STIP share. The stimulus funding mentioned earlier will allow staff to capture either stimulus funds coming to the state or the region rather than only local funds.

Commissioner McGlashan motioned to 1) authorize the Executive Director to pursue the economic stimulus funding in the following order: state, regional, and then local; and 2) authorize the Executive Director to enter into a cooperative agreement amendment, if needed, to move this funding into the project which was seconded by Commissioner Fredericks. The vote was unanimous.

Commissioner Lundstrom asked if there is a point in time where work on the project could be halted if funding is not identified.

Mr. Gamlen said that the project continues to move forward and staff believes that there is enough time to work on funding the shortfall through stimulus money but it must occur by April to keep things moving.

Commissioner Adams asked if TAM has the right to review proposed change orders before these changes are implemented and ED Steinhauser replied that TAM staff has been reviewing them from the beginning and will continue to do so.

Commissioner Boro said that he thinks that there are lessons which TAM needs to take away from this project and one is that overruns total approximately \$11 million for this project and he wants to make sure that TAM does not experience a similar scenario when the MSN project begins.

Deb Hubsmith of the Marin County Bicycle Coalition (MCBC) acknowledged that this is a serious situation and the importance of moving quickly towards solving this shortfall. She said that MCBC would support working to get state transportation enhancements (TE) money for this project provided it uses all those funds for the bike/ped pathway on this project, but urged the Board not to pursue the TE money intended for the regional and local levels.

Jim Schmidt said he believes that a cost/benefit analysis needs to be conducted and suggested that this project must be completed in order to help the thousands of motorists who use this highway daily. As such, he suggested that serious consideration should be given to deferring certain elements to a later date so that the roadway may be completed. An example he cited was deferring the work on the SMART rail tracks since it is not going to be ready to run until 2014.

Chair Kinsey rejoined the meeting at 8:40 p.m.

David Schonbrunn suggested that in the absence of money from other sources, TAM should consider the funding set aside for the MSN project.

#### **10. Award 2009 Contract for Congestion Management Plan (CMP) Update (Action)**

ED Steinhauser presented this item which requested the Board to: 1) authorize the Executive Director to execute a professional services agreement with DKS Associates for an update to the 2007 Congestion Management Plan; 2) as part of TAM's ongoing congestion management program, authorize staff to utilize remaining funds to explore options for expanding TAM's data gathering, modeling, and reporting protocols to include multi-modal aspects of travel behavior with the best source for accomplishing this work to be determined by staff and reported back to the TAM Board. Total expenditures shall not exceed the available \$65,000 without prior approval of the TAM Board.

She said that she believes the CMP planning process could change in future years in accordance with the multimodal modeling expectations coming through via the climate change initiatives and legislation. As a result, staff is recommending doing a lean update to the previous plan produced in 2007 and return to the Board with recommendations on how TAM can address some of these multimodal expectations. Staff received four excellent teams submitting proposals and plans to talk with them further on the best way to move towards the new models. She concluded her report by stating that taking this approach will meet the requirements of the CMP legislation. Staff will come back to the Board over the next six months as to how staff recommends moving forward in the future.

Commissioner McGlashan said that while he understands that this document is a legal requirement of the state, he finds it difficult to authorize spending \$65,000 for it as he believes that it doesn't add much value in terms of TAM's plan and vision for the network that this agency is trying to build. Further, he expressed his frustration with having to comply with this mandate, spending money when it would better serve Marin to spend it on local transportation needs.

ED Steinhauser said that staff will be spending significantly less than \$65,000 on this plan. Additionally, staff plans to do the absolute minimal amount required by law. She plans to take the remainder of this \$65,000 and spend it building a frame of options for making this process more useful in the future. She cannot commit to a specific dollar amount it will take to meet the basic requirements of a CMP update, but she will make sure that staff spends only what is necessary.

Responding to a question from Commissioner Cock about tabling this item until we know the cost of the update, ED Steinhauser said that TAM is on a tight timeframe for accomplishing this task and she would prefer not to defer to a later time but would agree to if that is the wish of the Board.

Commissioner Adams commented that her understanding of the recommendation for this item is to help with priority setting and decision making when looking at projects and ED Steinhauser agreed with the Commissioner's statement.

Commissioner Breen said that for the first time in many years, he feels comfortable supporting this recommendation since he can see how the expanded process discussed could benefit TAM on a local level.

Commissioner Kellner agreed with the Commissioners Adams and Breen and believes that modifying the existing plan, then working towards improving the process is a good idea.

The Chair opened this item to public comment.

Jim Schmidt suggested that it is an ill-conceived proposal and that the update could be done for \$3-5,000 and that he would sign on to do the update at that price. He said that TAM staff could do it for a maximum cost of \$5,000. The remainder of funds would put TAM in a better position to answer more useful questions. He added that TAM's current travel modeling is extremely old and no longer state of the art.

Don Wilhelm stated that the program be set up so that a separate quote is received for the congestion management work. The other points listed in the staff report should be handled in a separate contract. He said that regarding SB375, he understand that part of that procedure will be to do enhanced modeling in order to comply with its requirements. He suggests that staff obtain a minimum quote to do the standard congestion management plan, and then determine how to interface with the work that will be done on a state level as part of SB375.

David Schonbrunn expressed his disappointment with the recommendation since he remembers that when the last CMP was completed the Board agreed to create an integrated plan that would pull together everything the Authority has been working on.

The Chair asked the Executive Director to address how by approving the recommendation the Board could gain the confidence that TAM will not be spending a lot of money on a document that it gets little use from and that TAM is moving closer to a multi-modal program.

ED Steinhauser said she would sit down with the CMP consultant to discuss these issues and would report back to the Executive Committee at its meeting of March 16 on a list of costs. She said that she does need authorization to begin those negotiations. With the remaining funds, she will describe what additional work elements could be conducted. She noted that no actual multi-modal modeling will take place since TAM does not have the model, tools or staff to do this. However, she would like to outline the steps that need to be taken to get to that point. TAM needs technical expansion on how to get to where it wants to go.

The Chair asked if reflected in the list of costs would be a line item showing cost for the state mandated portion of the CMP-related work and ED Steinhauser responded affirmatively.

Regarding a comment made by a member of the public who suggested that TAM staff take advantage of work that is being done on a regional level to make modeling changes, Chair Kinsey asked the Executive Director to confirm that TAM's consultant would not be duplicating any of that work and that it is necessary rather than relying on the regional agency to create the model which TAM would then apply locally.

ED Steinhauser responded that part of the vision for future work that TAM would undertake would be individual corridor level analysis, detailed and taking multiple modes into consideration, work which MTC does not do. She added that TAM does some of that now, but not to the level that TAM needs to, in order to model person trips and multimodal choices.

*Commissioner Adams stepped out of the meeting at 9:00 PM.*

Chair Kinsey said that he supports the motion and encouraged the rest of the Commission to do so with the Executive Director returning to the Executive Committee with a breakdown on how staff will use the funds prior to signing a contract.

Commissioner Fredericks moved to approve staff's recommendation which was seconded by Commissioner Lundstrom. Motion passed 9-1 with Commissioner McGlashan opposing and Commissioner Adams absent when the vote was taken.

*Commissioner Adams returned to the meeting at 9:05 PM.*

*Commissioner McGlashan left the meeting at 9:05 PM.*

#### **11. High-Occupancy Toll (HOT) Lane Development – Additional Studies Requested (Action)**

ED Steinhauser began her presentation by noting that this presentation is in part a reflection of where the region is going and how TAM can stay ahead of the discussion. She introduced Chris Metzger, a TAM consultant, who presented a PowerPoint that highlighted:

- MTC's Three-Phased Approach to its study of HOT Lanes
- Reasons for Considering a HOT Network
- U.S. Models of HOT Lanes
- Reasons to Consider a Regional HOT Network
- HOT Network Principles
- Bay Area HOT Network Study Corridors and those in Development
- HOT Lane Design Approach – Full Feature vs. Rapid Delivery
- Access Models of HOT Lanes – Transition Areas, Merge Areas, and Continuous Access
- Next Steps – Regional Network
- Stand Alone vs. Regional Enterprise Financing Methodologies
- Potential Management Structure
- Next Steps – Marin County

Chair Kinsey remarked that MTC is moving in this direction as indicated in the RTP, and he asked Mr. Metzger to explain to the Board how TAM can choose to participate or to opt out relative to a regional program.

Mr. Metzger said that the CMA will be the key implementing partner, – not MTC.

The Chair reiterated that it is important to understand that even if the region is buying into this as a concept and sets up a program for financing, TAM does not have to participate. He added that, at this point, he doesn't believe that the Board has received adequate information to evaluate in order to make any decisions.

ED Steinhauser said that staff budgeted for studying this concept and has identified federal funds that could be used for that effort.

Commissioner Adams stated that she was glad to hear that TAM can take its time to study the concept and that the public needs to be involved as well. She would like to see the pros and cons addressed and would like to see the concept of a "No HOT" approach included in order to consider the full range of options that are available. She is concerned that any legislation that is being proposed should exclude Hwy 101 until TAM has the opportunity to weigh in. She would like the transit agencies to be able to weigh in and express how they would be impacted. She would like to see the bus on shoulder concept investigated. How is pricing set in a county where residents can afford to pay more? How do users get charged? What happens if the lane clogs up with people willing to pay thus slowing down busses and carpoolers? Finally, she wants to be assured that monies generated in Marin's corridor remain in the county.

Commissioner Lundstrom said that mixed messages are being sent since the HOV lanes are still in the process of being completed. She would not like to see staff time being spent on this study when they are struggling to get the Gap Closure project done. She would like to see this study proceed very slowly and would like to emphasize that it is conceptual in nature.

Commissioner Bragman stated that the idea of creating a segregated system of travel on a publicly financed highway which then is used by those who are willing to pay for it is repugnant. He added that he does not want to see TAM endorse it.

Commissioner Boro reiterated what he said in an earlier Executive Committee meeting which was that, should TAM move forward with the HOT lane concept, any revenue generated from it should remain in the county. Referring to the idea of instituting a HOT lane in the MSN, he asked if Sonoma County will participate or when studying HOT lanes there, will TAM pay for the piece that goes into Sonoma County?

ED Steinhauser said that she seeks board members' support in coordinating with Sonoma County as to what they would be willing to support. TAM staff wants to study the MSN through Marin and would like to study the land bridge between Atherton Avenue in Novato and Rte. 116 in Petaluma, at a minimum, as it presents opportunities for a HOT facility. Staff has spoken briefly with Sonoma but further coordination is needed. She noted that this recommendation looks at implementation through Marin County and a good portion of the MSN.

Commissioner Boro said that the emphasis from the IJ article on HOT lanes was on raising money. Additionally, he said that TAM is struggling to complete the HOV lanes and at the same time getting ready to ask people to pay money to use it. Consequently, he sees no need to rush to move forward at this point.

ED Steinhauser said that she, too, sees no reason to rush into action; rather she wants to keep the Board informed of all discussions that are taking place in order to allow for informed decision making.

In response to a question from Commissioner Breen about the cost to keep abreast of discussions and decisions being made, ED Steinhauser referred to the staff report and said that \$300,000 has been budgeted for conducting additional analysis if necessary but she estimates \$100-150,000 to be a more accurate range in concert with MTC's efforts.

Commissioner Breen said that he disagrees with the idea of trying to keep up with the latest "fads" given the difficult economic times but added that he does not want this Board to fall behind in terms of knowing what revenue generating and congestion relieving options are available.

Commissioner Fredericks asked if the studies will show the possibility that those motorists who are willing to pay the toll will exceed the capacity of the lane.

Mr. Metzger said that part of the study is to analyze sensitivity of the ridership as to how much motorists are willing to pay for this service. The study would look at how much revenue can be generated if maximum capacity is reached. If this occurs and measures must be taken to reduce demand, by raising tolls, the question arises if this facility is even useful.

Commissioner Fredericks asked if it is possible to make predictions prior to making the commitment to implementation as to how long this would be a useful tool until the increased usage of the lane inhibits its functioning in the manner that is intended.

Mr. Metzger responded affirmatively that long range forecasting is included as part of the study.

ED Steinhauser said that the recommendation before the board tonight is to authorize staff to study specific local data rather than the regional data as issued by MTC. Additionally, staff would include the public participation as part of this process.

Commissioner Cock expressed that she understand the need to study this but that that she does not believe that this is a good fit for Marin.

The Chair stated that he is undecided as to whether HOT lanes are appropriate for Marin County but that he supports moving forward with the study. He said that HOT lanes could become a tool which would expedite the delivery of infrastructure in the form of helping to finance the building and completion of HOV lanes. Additionally, the revenue generated could be used to benefit public transit service. Regarding the notion that HOT lanes would only be used by the affluent, the Chair said that studies have illustrated that the reliability of knowing how long it takes to get from one point to another is of benefit to people of all incomes. He finalized his comments by saying that he believes that it is important for TAM to study this in order to make a meaningful decision.

The Chair opened the item to public comment.

Craig Yates said that MTC's three advisory groups do not agree with the idea of implementing HOT lanes particularly given the current economic crisis. He also suggested giving the money intended for this study to Marin Transit given their recent cutbacks in funding. He said that the only possibility that he sees that could sway these advisory groups into supporting HOT lanes is if there was a guarantee that 100% of the revenue generated would go to transit.

Karen Nygren said that at the TAM meeting last month, she stated that Sierra Club Marin Group discussed the concept and is officially opposed to HOT lanes. Speaking on her own behalf, she said

that, in addition to what staff was recommending, the detriments should also be considered. She offered five points: 1) Hwy 101 is used as a main street not a freeway; 2) How will Marin residents feel about paying to use the HOT lane while still paying Measure A taxes which paid for the HOV lane construction; 3) If the HOT Lane concept is implemented, how will the mixed flow hot lanes be affected given that the definition of a carpool will most likely change from 2 to 3 riders; 4) Is implementation of HOT lanes an environmental justice issue? and 5) How will excess capacity in the HOT lane impact the flow of traffic for busses?

David Schonbrunn said that he believes this idea is the latest version of selling highways. He believes that the main conclusion that will come from the upcoming TAM climate workshop will be the need to reduce driving. However, the point of HOT lanes encourages driving and he believes that MTC is heading in the wrong direction in this era of climate change.

Jim Schmidt said that he believes this concept is being driven by MTC who has two objectives-the first objective to generate revenue and the second is to make the system work better. He questions, however, the speed with which MTC is moving given the unknown, unintended consequences and the fact that alternatives to implementing a HOT system are not being analyzed in conjunction with this study.

The Chair said that he appreciates the natural reluctance to participate in this type of a program and that he will represent TAM's interests during MTC meetings. He said that he believes that the most significant thing he can do is to ensure that the local CMAs retain the authority for this decision. He added that he is supporting this recommendation in order to gather all the data necessary to making the best decision for Marin County.

Commissioner Fredericks motioned to approve Staff's recommendation: 1) to authorize staff to proceed with further studies of traffic and revenue impacts related to the implementation of HOT Lanes in Marin County; 2) that the studies will include a differentiation between a system throughout southern and central Marin and a system that includes the Marin Sonoma Narrows; and 3) that staff shall present results along with a recommended plan regarding how to capture public input on this issue which was seconded by Commissioner Lundstrom. The motion passed 6-3 with Commissioners Boro, Bragman, and Weiner opposing.

## **12. Open time for items not on the agenda**

None.

*By Order of Chair Kinsey, the TAM meeting adjourned at 10:20 p.m.*

Approved on:

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Dianne Steinhauser