

MEETING OF THE
TRANSPORTATION AUTHORITY OF MARIN
EXECUTIVE COMMITTEE

February 9, 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. Marin County Board of Supervisors
Al Boro, City of San Rafael
Alice Fredericks, Town of Tiburon
Peter Breen, Town of San Anselmo
Charles McGlashan, Marin County Board of Supervisors
Joan Lundstrom, City of Larkspur
Madeline Kellner, City of Novato

Commissioner Members Absent: None

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

Chair Kinsey called the meeting to order at 2:15 p.m.

1. Chair's Report (Discussion)

Chair Kinsey reported that he and Executive Director Steinhauser are moving forward on an ad-hoc committee structure for the TAM climate action planning workshop which is tentatively scheduled for April 4. He reported that the Department of Transportation (Caltrans) has arrived at a final decision regarding public access on the Richmond-San Rafael Bridge and has stated clearly that they will not support public access on it. At the Chair's invitation, Will Kempton, the director of Caltrans, will attend a TAM meeting in the future for a discussion on transportation related issues in Marin County. The Chair, in conjunction with the commission and staff, will compile a list of ideas for this discussion. One such item will be the topic of the I-580 merge for those coming off the Richmond Bridge onto Hwy 101. He noted that the ability exists to reconfigure the shoulders to allow for a dual merge. He would like to see this idea implemented while the I-580 project receives its funding and gets underway. There is a similar situation on eastbound Sir Francis Drake Blvd. to the Richmond Bridge where the lane could be allowed to extend onto the bridge. Currently, the lane is required to merge into the mixed flow lanes. He believes that this could be done at little cost and would have a positive impact on users. This change is dependent on meeting the safety standards and would be subject to approval by Caltrans.

2. Commissioner Comments (Discussion)

None.

3. Executive Director's Report (Discussion)

ED Steinhauser presented the following items in her Executive Director's Report:

She distributed a copy of a memo from the Metropolitan Transportation Commission (MTC) dated February 6 which is to be considered by the MTC Commission later this week. The memo discusses a recommended strategy for how the Bay Area share of the federal economic stimulus funds will be programmed and spent. She noted that the funds are coming to the Bay Area, in part, as transit funds and, in part, as highway, street and road funds. MTC, along with the other MPO's around the state (Metropolitan Planning Organizations) receives a sub-allocated amount of approximately 45% of the funds coming to the state. The remainder of the state funding share comes to Caltrans, but the memo was directed to the share intended for the Bay Area. The Bay Area may receive some of the funding directed to Caltrans, but this has yet to be determined. She referred the group to the summary part of the memo which displays the distribution of the sub-allocated funds.

The Bay Area is expected to receive funds in the range of \$320-500 million for transit, \$140-200 million for highways, and local streets and roads. MTC has decided that the majority of these funds should be expended on transit or road rehabilitation projects. With the exception of a couple of "off the top" projects, the funding is distributed by formula to either the transit or local road categories. MTC has recommended funding, off the top, for two transit projects: the Oakland Airport Connector and the Transbay Terminal Project. As to road projects, MTC has recommended funding, off the top, for a safety project on Vasco Road, HOT lane projects on I-580 in Alameda and I-880/SR 237 Santa Clara, and Freeway Performance Initiatives (FPI) projects. Funding these road projects would reduce the balance of local road money to between \$97-157 million. This reduction in local roads was not well received by those who were in attendance on February 6 because it was not clarified why the HOT lane and Freeway Performance Initiatives projects were selected over local street and road funding. MTC's explanation was simply that they are interested in strategically placing themselves for growth in the region and placing money in both the HOT and FPI categories would allow them to do that. As a result, TAM could receive less than the \$5.5 million it came to expect from the original amount of \$140 million. That \$5.5 million could be reduced to \$3.8 million. She advised that she will keep the Commission informed on this turn of events.

In response to Commissioner Lundstrom's question on whether the \$3.8 million is a "done deal", the Chair said that the MTC Commission will make a decision at its meeting later this month.

The Chair agreed, at Commissioner Lundstrom's suggestion to forward a request to MTC from the TAM Board stating that there is a limited amount of funding coming to Marin and, as a result, more consideration is warranted for Marin's projects which are "ready to go" prior to the MTC Commission creating special projects.

Commissioner Breen reminded everyone that, while he would like TAM to receive as much stimulus money as possible, this funding is new found money and will allow the local agencies to work on projects where previously funding was lacking.

The Chair opened this item to public comment.

Jim Schmidt referenced \$19 million proposed for smart highway elements and asked if the I-580 connector project is included in that program.

ED Steinhauser said that she is unsure of the disposition of the \$19 million and will be working further with MTC to clarify what projects will be included.

The second item the Executive Director raised was regarding the second letter from Will Kempton received last week which stated that Caltrans may no longer be able to reimburse local agencies for their costs on bond-funded projects beginning the week of February 9 unless the state budget impasse is resolved by February 13; as a result the projects may be suspended. TAM's I-580 connector is on this list and staff is going to wait to see if the project can be advertised which is scheduled to occur in March. There are two other small projects - traffic light synchronization on Sir Francis Drake managed by the county and a Caltrans SHOPP project for traffic detection on Hwy 101 and I- 580 – which could be suspended as well.

The Chair suggested to staff, with consensus from the Committee, that there is no need to provide copies of all the documentation centered on the stimulus package while concrete decisions and numbers have yet to be made. Rather, providing e-links to the various documents would better serve the Commissioners.

The Executive Director responded that she would provide summary information by way of the Executive Director's Report (EDR) and will minimize the amount of information.

The Chair made the following announcements: 1) Item 8 on Climate Action will be continued to a future meeting; and 2) ED Steinhauser's annual performance review will be moved to March.

Commissioner Boro asked staff to provide copies, in advance, of information collected from the local DPW directors so that the appropriate commissioner can discuss with their staff, if necessary, prior to a TAM meeting.

Commissioner Breen suggested that it might be useful for TAM staff, when meeting with a DPW director, to advise him to communicate the outcome of that meeting with the appropriate TAM Commissioner prior to the next TAM meeting.

The Executive Director agreed to both of these requests.

4. Approval of Minutes from January 12, 2009 (Action)

Commissioner McGlashan motioned to approve the January 12, 2009 draft minutes which was seconded by Commissioner Boro. The motion was approved by unanimous vote.

5. Hwy 101 Gap Closure Update (Discussion)

Connie Fremier reported that Segment 3, through Central San Rafael is complete with the exception of a few punch list items. Project acceptance is expected in February.

Segment 4, the Puerto Suello Hill project, has seen the opening of the southbound HOV lane with travel time savings being upwards of half the time to get from point a to b. Focus has shifted to opening the

northbound HOV lane some time in April. Overall, the project should be completed in late summer/early fall. Linden Lane should be completed in May/June as the bridges are now being built.

Chair Kinsey asked Ms. Fremier to clarify if there are funds remaining from the Segment 3 portion of the project and if not, provide the factors surrounding the depletion of these remaining funds.

Ms. Fremier said that, early on, it was estimated that there would be excess funding in the range of \$500,000-\$1,000,000. However, it was whittled away by costs involved with final paving, overruns on the AC items, and additional drainage elements. The books are being finalized on that segment and staff is hoping to see an unused balance of \$200,000 which could be applied to Segment 4.

The Chair expressed his disappointment on that issue but said that his bigger concern is how the decisions were made on these issues which cost additional monies and who made these decisions. He wanted assurance that TAM staff and its consultant team were given the opportunity to analyze each element and the proposed corrective action to ensure that it was the best value for the money.

Ms. Fremier stated that it was her belief that the work performed was, in fact, needed for the project.

Commissioner Lundstrom asked that the nature of cost overruns need to be summarized for the Executive Committee, the Board, and the public. She acknowledged that there are always a certain amount of surprises when embarking on projects but that a fundamental explanation needs to become part of the record.

ED Steinhauser noted that staff and its consultants are part of the construction team and that questions are and have been raised, questions regarding the best use of funds. However, the project is managed by Caltrans (CT), not TAM, so CT listens to staff's recommendations and then make, as they see it, the best decision for the project.

Regarding communication between staff, Caltrans, and the public on the progress of Segment 4, ED Steinhauser said that changes need to be made. She cited how CT announced in October that the HOV lane would open in November. In November, they said it would be open in late December or early January. A couple of weeks ago, CT announced it would open in March. On February 1 the southbound HOV lane was opened. As a result, staff will meet with CT in a focused workshop tomorrow to get a handle on how information is driven and shared with the public, so that the above mishaps will not occur again.

Regarding funding for Segment 4, the Executive Director reported that there is a remaining funding shortfall. This shortfall has changed on a month-to-month basis beginning last summer. Staff has consistently reported to the Board, on a timely basis, all information received on this matter. As of today, the project is approximately \$4.1 million short of funds. The state has suggested several avenues to obtain this funding. The project features yet to be completed are the SMART rail relocation, certain elements of the bike path, certain elements of the soundwalls, as well as the final lift of open graded asphalt pavement on the freeway. Staff has been discussing the matter with CT who this week recommended several strategies to get the money and keep the project moving along. Staff is of the understanding that the project has cash to support itself but at some point in the next couple of months the money will run out and work will stop. The difficulty that staff is running into is that there are very few funding sources that could provide the \$4.1 million needed. Typically, this funding would be obtained from the STIP, but TAM is already overprogrammed in the STIP by \$26 million dollars which was designated for the Marin-Sonoma Narrows project to leverage \$125 million in bond funds. CT suggested using local money, local road money obtained from the federal economic stimulus package,

or MTC's federal economic stimulus funds for the region. Staff is not keen on following up on any of those suggestions and asked for guidance from the Executive Committee.

The Chair agreed with the Executive Director's characterization of the situation. He stated that TAM has contributed to this shortfall, and that there have been unforeseen situations that arose in the field. There has been a significant responsibility that CT has for the inordinate amount of cost overruns on this project that extend well beyond industry standards. He added that TAM has put a significant additional amount of money into the project including meeting the full responsibility for the cooperative agreement. He asked the committee to direct ED Steinhauser to take this message to CT and to call on commissioners to support this message. Additionally, she should deliver the message that CT needs to partner with TAM to locate the additional funding needed.

ED Steinhauser said that for the record, TAM contributed four years of regional bike/ped money, three years of TDA Article 3 money, two to three years of Transportation Funds for Clean Air money, all available Measure A interest funding (at the time the project was advertised) and the full \$25 million from Measure A. She stated that TAM needs to send the message that it has done its part and that CT needs to come up with a proactive approach and work with TAM to address this shortfall issue.

Responding to a question from Commissioner Breen who asked if staff maintained a log of the design concerns and costs and that they are attributable to Caltrans rather than TAM, the Chair said that until now, the project has been a partnership between TAM and Caltrans. However, TAM has been left with the burden of paying for the cost overruns.

ED Steinhauser said that staff will proceed with a conversation with Caltrans and report back to the full TAM Board.

The Chair acknowledged that, overall, Caltrans and TAM do partner well and it is in everyone's best interest to have a good working relationship. He added that good partnering involves both parties working together in facing all challenges.

The Chair opened the item for public comment.

Karen Nygren, a member of the public, suggested that TAM look for more funding than just the current shortfall of \$4.1 million in the event that additional cost overruns occur.

6. HOT Lane Development Status (Discussion)

The Executive Director introduced Chris Metzger, a consultant to TAM, who co-presented this item with a PowerPoint which covered:

- High Occupancy Toll (HOT) Lane studies conducted by MTC
- What are HOT lanes?
- Why a HOT Network?
- HOT Lane Models throughout the US
- Why a regional HOT Network should be considered
- Current Status of this concept
- HOT Network Principles
- Corridor-based Travel Corridors
- Bay Area HOT Network

- HOT Lane Design Approach
- Geometric Design Focus Ingress/Egress Options
- Limited Access Models
- Explore Continuous Access
- Next Steps – Regional Network
- Next Steps – Marin County

Mr. Metzger confirmed the Chair's comment that a HOT system envisioned on the Hwy 101 in Marin would terminate at the Richardson Bay rather than the Golden Gate Bridge.

In response to a question from Karen Nygren as to why there aren't any HOT lanes in the East Bay between the Oakland Airport and the maze, ED Steinhauser said it is because there are no HOV lanes in that area that are fundable as listed in the RTP.

Responding to a comment made by Ms. Nygren about establishing a HOT lane in the Marin Sonoma Narrows (MSN), ED Steinhauser stated that an HOV lane is being planned through the MSN. Also, MTC is planning to adopt a HOT lane network in the RTP which includes the Hwy 101 corridor in Marin and Sonoma. TAM may comment, by March 2, on that inclusion in the RTP. However, this does not automatically build the lane, but it will include funding for TAM to convert the HOV lane to a HOT lane. MTC's Phase 2 HOT lane study looked at using existing shoulder widths to avoid incurring extensive costs to convert existing HOV's to HOT's. How this applies to the MSN corridor is a level of detail which staff would need to analyze in terms of cost, what would be allowed by Caltrans, and what revenue could be generated through the conversion.

ED Steinhauser asked the Committee to consider the principles outlined in the staff memo and authorize staff to move forward with scoping and additional study work, in partnership with MTC, to investigate if a cost-effective trial is feasible. She added that funds for this work have been identified in TAM's budget, coming from an earmark received from the Federal Highway Administration for the Marin-Sonoma Narrows, in part, for the very purpose of studying these options.

Commissioner Breen asked if a study has been conducted to see if HOT lanes have increased the total numbers of cars on the roadways, causing increased emissions.

Mr. Metzger said that he was not aware of any such study but added that the HOT lane network is one of MTC's goals to address the air quality issues.

Jim Schmidt, a member of the public, stated that there is strong evidence that price is a demand inflator on the roadway.

Commissioner McGlashan suggested that if cars are displaced by moving from the free lanes into the HOT lane, a greater capacity would be created in the free lanes which could create more traffic.

ED Steinhauser said that the same idea was raised in the 1960's when the concept of an HOV lane was raised. The HOV and the HOT concepts were created to address congestion relief during commute hours and the consensus is that the motorists will not choose to make their casual trips during the commute hours simply because of increased roadway capacity.

She added that the other aspect, in terms of pricing and usage, is the balancing between the attractiveness of the lane, the benefit to the user, and the "free lanes." An attractive travel time must

be maintained, so pricing must be formulated so that fewer motorists use it to maintain a certain level of congestion in the corridor.

Commissioner Boro suggested that along with this concept comes the creation of an optional tolling authority and added that he would have a difficult time supporting this study if there are no guarantees made that the tolls collected will remain in this county. He said that he views Hwy 101 in Central Marin differently from the highway as it extends into the Marin-Sonoma Narrows (MSN). He expressed concern, also, about how the public would perceive TAM wanting to impose a toll on the HOV lane after having spent so much money to build it only to have the tolls go elsewhere in the region.

ED Steinhauser agreed with the previous comments and added that the HOT lane concept is being considered as a financing mechanism for the MSN.

The Chair clarified how the process of distributing of HOT tolls is conducted in this region by stating that Marin County is considered to be a "donee" county. If TAM demands that tolls generated from HOT lanes remain in this county, then "donor" counties, including Alameda and Contra Costa, may decide they are no longer willing to share a portion of their toll revenues with Marin.

Commissioner Lundstrom suggested that TAM frame this concept carefully since the HOV lane is almost completed and now we're considering asking the public to pay for the right to use it. She added that she finds it difficult to envision a HOT lane between the Richardson Bay Bridge through southern and central Marin given the topography and the ingress and egress space required. She visualizes that the area where the MSN portion of Hwy 101 is located would be better suited for this idea.

Commissioner McGlashan suggested that TAM consider redirecting the entire focus of this concept to the MSN since additional revenue is required to build this project.

ED Steinhauser said that the analyses done thus far on more robust freeways, such as US 101 in Santa Clara County, show that they deliver a limited amount of funds which have been dedicated to transit and administration of the lane. The general understanding associated with this concept is that HOT lanes do not generate a large enough sum of money that, in Marin's case, would close the funding shortfall on the MSN. However, she thinks that additional study could provide a better indication of this factor.

The Chair noted that comments made by Commissioners Lundstrom and McGlashan suggest that revenue estimates should be broken down for the various MSN segments during the modeling process.

Commissioner Breen stated that it is poor timing to consider tolling the highway given the current economic situation. He believes that he would support ongoing studies at the staff level, but that it should be kept at the staff level for the time being.

Chair Kinsey said that TAM staff is attempting to piggyback onto investments that the region is making to get more information, but that he, too, questions the results of an MTC poll that implies that 34% of the public support HOT while another 30+% would probably support it. More recent polling in the North Bay showed support barely breaking into the double digit percentage bracket.

He added that, regarding the draft principles listed in the staff memo, staff should take a cautionary approach to demanding that the revenue collected in Marin to stay in Marin, since Marin is the beneficiary of HOT tolls collected in counties elsewhere in the region. He said that a principle around creating the delivery date of a facility should be considered. Lastly, he suggested that TAM may want to

establish a point of view around the configuration of any HOT lane implemented in the county; adding that he is not interested in a transition area configuration.

ED Steinhauser said that this topic was agendaized in order to provide some assurances as to what staff sees as regional policy principles and what TAM may want to consider for Marin. She added that staff wanted to make the board aware of this concept and the level to which it is being studied. More importantly, she said that staff wanted to frame the principles in the event that TAM decides to give this concept serious thought in the future, these principles would provide assurance as to what would be taken into consideration. She said that staff would like authorization to move forward with some additional investigation of this idea.

The Chair said that the region is looking at HOT for the purpose of creating additional revenue in transportation funding and creating a system and management tool. He added that TAM has the opportunity to augment the study to get more information. He noted that at a recent Marin Transit District (MTD) meeting, one of the directors asked for a presentation on the HOT Program. The Chair suggested that MTD's General Manager, David Rzepinski, may want to invite ED Steinhauser or a staff member from MTC to make a presentation on this topic. Further, if this should occur, the presentation should have a transit focus, such as the transit benefits HOT has produced around the country.

In response to a question from Jim Schmidt about regional revenue sharing, ED Steinhauser said that discussion is ongoing. MTC is discussing the regional management approach with the congestion management agencies to see if there is a benefit to regional financing and collection. Staff's understanding of the general policy principle is that revenue will be spent to benefit users in that corridor. However, Marin could benefit from some of this revenue to build out the system sooner rather than later since Marin is one of the last counties without such a system in place. She added that the RTP may mention this idea and could be elaborated on in the final document.

Mr. Schmidt commented that he does not believe that MTC has done an adequate job of selling this concept to the public.

The Chair responded by stating that all current paradigms are vulnerable to change and that MTC identified this as a potential model to generate revenue without which there is insufficient funds to build the HOV Lane system.

Mr. Schmidt asked if staff is considering active traffic management by way of dynamic speed control and variable lane widths.

Mr. Metzger responded that these ideas are being tested on I-80.

Ms. Nygren said that she would only consider supporting the idea of a HOT lane along the MSN if Caltrans guaranteed that the HOV lane would be a design exception. Then, speaking on behalf of the Marin Sierra Club, she noted that the highway expansion has already been paid for by the public through Measure A taxes and that they should not be asked to pay for it a second time in order to use it. She also stated that some members of the public may be excluded from using it based on their inability to pay to access the HOT lane. Based on this, the Sierra Club does not support HOT lanes in Marin.

ED Steinhauser said that TAM staff will meet with staff from the SCTA to discuss the possibility of studying HOT lanes in the MSN as, currently, they do not find this concept palatable. She is interested in bring them on as a "partner" since residents from both counties would end up using the system.

Mr. Schmidt asked the Committee to consider conducting “serious” technical analyses to obtain a strong basis of understanding of the “what ifs.” Additionally, an operational analysis on the corridor could reveal other ways to optimize the use of the highway.

The Chair said that he would work with staff on how to best present this to the full TAM Board later in the month.

7. Regional Transportation Plan Tradeoff (Action)

ED Steinhauser began this item by reminding the Committee that in early 2008, the TAM Board adopted a series of projects for inclusion in the “financially constrained” element of the RTP. The RTP represents a gross depiction of revenue over a 25-year period and allows an agency to spend public revenue on any item listed in the RTP, so the goal of the RTP is to be inclusive as possible to any need met by any fund source that comes along, but it does not guarantee funding.

She referred the group to page 20 of the agenda packet which contained a list of all Marin projects recommended by TAM that have been included in the draft RTP. She added that there are a few items that were not included in that list but were included in the regional program section listed on page 21 of the agenda packet.

She named three specific projects as well as a number of vision projects which do not appear in the RTP. Staff considers the vision projects as longer-range improvements which should be considered in the next RTP. However, she is asking for reconsideration of the three financially-constrained projects that were not included. Those projects are:

1. Marin 21306 Improve the U.S. 101/ Lucas Valley Road interchange (initial phase)
2. Marin 230422 Signalize the Andersen/ Sir Francis Drake intersection
3. Provide routine maintenance to existing bike/pedestrian paths

1. Marin 21306 Improve the U.S. 101/ Lucas Valley Road interchange (initial phase)

This project was originally tied in with pending development of the northwest quadrant of that interchange. The cost of this at approximately \$29 million was based on having to buy land to improve the southbound on/off ramps. After consulting with the City of San Rafael, City Staff and TAM staff agreed that this project is not as high a priority as other locations in San Rafael, so staff will not recommend this project for a line-item inclusion in the RTP. However, this project could be considered in the future under reference no. 230549 – local arterial improvement implementation should it rise to a higher priority level. It could also be funded by the regional project entry for Freeway Performance Initiative projects, as this effort is likely to include on-and-off-ramp improvements.

2. Marin 230422 Signalize the Andersen/ Sir Francis Drake (SFD) intersection

A study of this intersection was conducted by MTC and the Bridge District in 1999 and since that time motor and bike traffic has increased significantly. MTC’s concern about including this as a stand-alone project relates to available funding and whether it would trigger remodeling for either operations or air testing. In response to the latter concern, MTC determined that no remodeling in the RTP would be necessary for air quality conformity purposes. She suggested that it could be listed as a stand-alone

project or included in a current entry – reference no. 230549 – local arterial improvement implementation.

Chair Kinsey said that he considers this intersection extremely dangerous and suggested replacing reference no. 21030 – Improve US 101/I-580 interchange and construct a direct connector – with the Andersen project.

ED Steinhauser recommended that the 580 connector retain some seed funds as MTC has this identified in their Freeway Performance Initiative work for the Hwy 101 corridor and encouraged TAM staff to include something for it. Since it would not cost \$11.5 million to do project approval and environmental document work for that connector project,, she believes that staff could find \$3 million from there to then be able to list the Drake/Andersen project. As the Northbound 101 to Eastbound connector project could provide future relief to Sir Francis Drake Blvd., she does not want to eliminate ref. no. 21030 but could cut the cost allowing her to list the Drake/Andersen as a stand-alone, independent project.

The Committee agreed with this approach.

3. Provide routine maintenance to existing bike/pedestrian paths

ED Steinhauser said that MTC is willing to list a candidate that alludes to the Measure A sales tax interest funding that TAM staff has identified for routine maintenance in its detailed bike path maintenance study. MTC will show the existing local funds in order to have a presence in the document.

The Chair opened the item to public comment.

Karen Nygren asked why Marin County was not named in reference no. 21017 relating to a transit operating and capital improvement program for small transit operators.

The Chair advised that Marin County falls under the umbrella of GGBH&T as does Marin Transit.

Commissioner McGlashan motioned to recommend to the full TAM Board staff's recommendations which was seconded by Commissioner Breen. The motion was approved by unanimous vote.

8. San Rafael's Climate Action Efforts (Discussion) – Bob Brown, City of San Rafael

This item was continued to a future meeting.

9. Open Time for Items Not on the Agenda

None.

Seeing no others wishing to speak, the meeting was adjourned at 5:05 p.m.