



MEETING OF THE  
TRANSPORTATION AUTHORITY OF MARIN  
TAM

THURSDAY, MARCH 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  
Hal Brown, Marin County Board of Supervisors  
Barbara Thornton, San Anselmo Town Council (Alternate)  
Joan Lundstrom, Larkspur City Council  
Alexandra Cock, Corte Madera Town Council  
Larry Bragman, Fairfax Town Council (Alternate)  
Charles McGlashan, Marin County Board of Supervisors  
Madeline R. Kellner, Novato City Council  
Judy Arnold, Marin County Board of Supervisors  
Michael Skall, Ross Town Council  
Sandra Donnell, Belvedere City Council

Members Absent: Stephanie Moulton-Peters, Mill Valley City Council  
Peter Breen, San Anselmo Town Council  
Amy Belser, Sausalito City Council  
Alice Fredericks, Tiburon Town Council  
Mary Ann Maggiore, Fairfax Town Council

Staff Members Present: Dianne Steinhauser, TAM Executive Director  
Bill Gamlen, TAM Project Delivery Manager  
Bill Whitney, TAM Associate Project Delivery Manager  
Dan Cherrier, TAM Associate 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 7:10 p.m.*

**1. Chair's Report**

Chair Kinsey reported that in addition to monies received via the American Recovery and Reinvestment Act (ARRA) for local road projects, the state will receive an allocation which it will be suballocating to the regions. At the regional level, Marin County had the only ready-to-go project under the Transportation Enhancements Funds, and as a result, the Marin Hwy 101 Gap Closure project will receive \$2.1 million. He thanked Executive Director Steinhauser for her efforts on this task.

He also stated that, via the partnership that the Golden Gate Bridge District (GGBD) and Marin Transit (MT) have, MT will receive approximately \$866,000 of the \$9.6 million ARRA funds going to the GGBD. He finalized his report by stating that there is a continuing effort to allow for the temporary use

of two lanes to gain access to Hwy. 101 from I-580. He thanked Dan Cherrier for working with Caltrans to affect this change. The Chair had a conversation with Mr. Bijan Sartipi, Director of Caltrans District 4 on this matter. It was agreed that this area will be under review for the first two weeks after the northbound HOV lane opens. This temporary change will be allowed provided there continues to be a backup in the merge area during those first two weeks.

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

None.

## **3. Executive Director's Report**

The Executive Director reported on the: American Reinvestment & Recovery Act (ARRA), Sale of Bonds by the State of California, California Air Resources Board (CARB), Highway 101 Greenbrae/Twin Cities Corridor Workshop, Transportation Funds for Clean Air Call for Projects, and TAM Committee Term Expirations

### American Reinvestment & Recovery Act (ARRA)

ED Steinhauser reported that Marin County is slated to receive another tranch of funding, in addition to the \$4.8 million that has already been allocated, as part of the economic stimulus package. The state will take a portion of its share of the ARRA money and distribute it to the other metropolitan planning agencies. This region's agency, the Metropolitan Transportation Commission (MTC) will receive \$160 million to distribute to the counties within its region. These funds must be obligated by July 2 so ready-to-go projects will be the likely recipients of this money. She added that MTC could fund TAM's I580 Connector Project, originally scheduled for funding under Proposition 1B, with this federal money and that MTC would still receive the Prop 1B funding once that money becomes available.

She noted that there is a \$4.1 million shortfall in funding for the Gap Closure and confirmed that, if approved by MTC at its April meeting, the Gap Closure Project will receive \$2.1 million in Transportation Enhancement (TE) Funds to finish the bike/ped portion of the project. Staff will be attending the CTC meeting in April to seek the remainder of the shortfall, \$2 mil from Marin's STIP share, in order to complete the project.

Bill Whitney provided an update on the delivery of ARRA projects by the local agencies. He stated that the Cities of Mill Valley and Larkspur have received National Environmental Policy Act (NEPA) clearance. The remaining agencies must comply with this requirement by the April 30 deadline. The next step will be to submit the final Plans, Specifications and Estimates (PS&E) to Caltrans for approval.

### Sale of Bonds by the State of California

On Monday, the State sold \$6.5 billion worth of bonds, \$2 billion more than was expected. Another large sale is expected in either June or July. With all of the state's cash needs, it is uncertain what amount will be available for transportation.

### The California Air Resources Board (CARB)

CARB's Regional Targets Advisory Committee continues with its implementation of SB375. The task of finding a way to capture the transportation and passenger trip portion of SB375 is just beginning. Initial steps include coming up with a list of key questions regarding modeling and understanding travel patterns that affect behavior. The Joint Policy Committee (JPC), a joint effort of the Bay Area's regional agencies (MTC, ABAG, BCDC, and the BAAQMD) is also tackling this issue. She suggested that, with all of the discussion that is occurring, it may be appropriate to conduct a public workshop prior to a TAM meeting so representatives from ABAG and CARB can provide an update on their efforts to address SB 375.

### Highway 101 Greenbrae/Twin Cities Corridor Workshop

ED Steinhauser reported that approximately 70 stakeholders attended the workshop at Redwood High School on 3/24 for the Highway 101 Greenbrae/Twin Cities Corridor Project. She thanked Commissioners Cock and Lundstrom for speaking at this event.

### Transportation Funds for Clean Air Call for Projects

A call for projects has been issued for TFCA funds in Marin with \$900,000 of available funding. Efforts will focus on funding some of the projects that lost their funding when TDA Article 3 funds were applied to the Gap Closure Project.

### Committee Term Expirations

A Call for Applications has been distributed for a number of seats on TAM's committees that are set to expire on May 31.

ED Steinhauser also reported that STIP funding has been identified for landscaping the corridor on the Gap Closure project and that staff is interested in working cooperatively with Caltrans to manage the design of the landscaping. She said that she would bring this idea forward at the Executive Committee level but wants to proceed with moving the management of that over to TAM.

She finalized her report by stating that she has been requested by the Marin Climate Energy Partnership to co-sponsor an electric vehicle workshop in the latter part of April. She asked guidance from the Board whether it was appropriate for TAM to partner in this effort.

Seeing no opposition, the Chair approved of TAM staff's involvement in this workshop.

The Chair opened this item to public comment.

Karen Nygren suggested that the Environmental Forum has conducted a similar workshop and may be interested in partnering in this effort.

Regarding the ARRA, Deb Hubsmith stated that she has been involved at the state level. She said that there is a total of \$77 million available statewide for transportation enhancements and that Caltrans is retaining \$28 million. She suggested that there is a good chance that Marin may be able to get a portion of the \$28 million for the Gap Closure project, especially if TAM states that it will partner with the Marin Conservation Corp on the project. She added that Caltrans is not planning on issuing a call for projects for this \$28 million. Rather they are going to apply it to existing projects that meet the eligibility requirements for TE funding of which the Gap project is one.

Ms. Hubsmith added that it is her hope and asked for clarification whether the \$398,000 TE share that Marin is to receive will be used to resurface the Mill Valley/Sausalito pathway originally approved for TDA Article 3 funding. Subsequent to that approval, that funding was reallocated to fund a portion of the Gap Closure funding shortfall.

The Chair asked the Executive Director to clarify whether that type of maintenance project is eligible for TE funding.

ED Steinhauser replied that it is TAM's understanding, in reviewing the TE guidance regarding eligibility, that maintenance projects are generally not eligible. She added that in speaking with staff at Parks and Open Space, there are certain feature enhancements that would be eligible such as lighting and benches. However, Parks and Open Space is mainly interested in the actual asphalt maintenance aspects. However, TDA Article 3 funds will be available again in July or August and TAM staff will make every effort to bring the previously approved projects back in for funding.

The Chair stated that he would like to see the Mill Valley/Sausalito path funded as soon as possible.

Commissioner Adams returned to the topic of the electric vehicle workshop and said that she thinks there are a number of ways that TAM might be able to partner with the Marin Clean Energy Partnership and cited one example of assisting MCEP in locating funding to establish electric vehicle plug-in stations.

ED Steinhauser said that staff is interested in exploring ways to participating in this type of activity.

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

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

The Chair stated that this Committee met on March 16 and discussed a number of state legislation items as well as a letter to the Governor requesting the de-funding of the San Quentin Prison Expansion and to express support for Assemblyman Huffman's efforts to develop a deep-water ferry port at this location. Additionally, the Committee saw a presentation on the Short-Range Transit Plan as well as discussion on HOT Lanes. All of these items will be discussed this evening.

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

Commissioner Arnold noted that the Marin contingent to this group met on March 16 and that TAM staff is continuing to explore options to reduce the footprint on this project and will report back to this group at a later date.

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

Commissioner McGlashan provided a brief report on a trip he made to Portland, Oregon and to San Diego to ride different types of rail cars, including a Colorado rail car heavy diesel motorized unit. In San Diego, he tested diesel multiple units as well, including the Coaster and the Sprinter which is a light DMU technology. He also received briefings on station design. His Board expects to receive a detailed briefing from their vehicle selection team to assist them in deciding which type of car to select.

He added that he just returned from Washington D.C. where he met with officials in search of support during the authorization of MAP-21.

Chair Kinsey raised the issue that the Highway 101 Greenbrae/Twin Cities Corridor Sub-committee met with TAM staff to discuss the Central Marin Ferry Connection Project which is the extension of the bike/ped facility beyond the SMART station on the south side of the CalPark tunnel. He suggested to the TAM Commissioners who also sit on the SMART Board that it may be prudent to consider integrating CMFC capital improvements with the SMART station activity.

Commissioner Lundstrom added that by coordinating these projects, the work at the Larkspur station would not wait until the tracks/train are running. Rather, there would be an opportunity for coordinated one-time construction.

Commissioner Boro suggested that the SMART Chair work closely with both Executive Directors due to the stringent timeline for upcoming work.

The Chair opened the item to public comment.

David Schonbrunn asked for an update on the multiple-agency planning study that was to center around the ferry terminal.

Deb Hubsmith said that the Marin County Bicycle Coalition (MCBC), too, has been encouraging coordination on the CMFC project. The county allocated \$2 million to TAM to do the study, design, preliminary engineering and the environmental review of the first phase of this project. She encouraged TAM to bring a presentation to this board to update.

Walter Strakosch of the Friends of SMART said that his organization set up a committee to study the Larkspur ferry station and plans to present their ideas to SMART. He added that he is looking forward to the establishment of SMART's Citizens' Advisory Committee.

ED Steinhauser stated that a coordination meeting with various agencies did take place and that it is time to schedule another meeting with this group.

The Chair asked TAM's Executive Director to report back to the board on the coordinating effort.

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

- a. Approval of TAM Minutes of February 26, 2009
- b. Appointments to the Technical Advisory Committee

Commissioner Arnold moved to approve the Consent Calendar and Commissioner McGlashan seconded. Motion passed unanimously.

## **6. Executive Committee (Action)**

- a. State Legislation

This item recommended that the TAM Board adopt the following: 2009 State Legislative Platform, recommended positions on the attached 2009 State Legislative Bills, and a letter to be sent to the Governor on STA funds.

Gus Khouri and Andrew Antwih of Shaw Yoder, TAM's Legislative Analysis consultant, were present to answer any questions.

Commissioner Adams referred to an item in the platform (page 24, no. 8) on implementing HOT lanes language and suggested that language be added which advocates for the local decision makers having the authority to approve or reject such implementation. Additionally, she suggested replacing "MTC" with "Joint Policy Authorities" in the legislative platform item that speaks about working collaboratively with MTC to implement the requirements under SB375 (page 26, no. 4). Lastly, she suggested that TAM refrain from taking a position on AB744 – Torrico, or that the Board should take an oppose position until such time as TAM resolves the issue of having the authority over implementation.

Chair Kinsey stated that staff prepared a letter to Caltrans which will be discussed later under Agenda Item 12 that addresses TAM's concern about local support prior to proceeding.

*Commissioner Brown stepped out of the meeting at 8:00 pm*

Mr. Khouri stated that there continues to be an opportunity to present comments on this bill, AB 744 Torrico, as it will not be heard in committee until the latter part of April. He added Shaw/Yoder will convey any concerns this Board has on this bill.

Commissioner Adams recommended that the Board should oppose AB744 unless amended rather than "watch or monitor" as stated in the staff report.

The Chair opened this item for public comment.

David Schonbrunn referred to an item on SB375 in TAM's Draft Legislative Platform (page 26 no. 6) as "classic government gobbledygook" and that he would be opposed to it if this item suggests disregarding the current goals to prevent global warming. He requested clarification and/or elimination of this item.

Mr. Khouri said that this point is not an attempt to compromise our air quality goals or greenhouse gas emission standards. The cleanup legislation planned is a way to better define the legislation.

*Commissioner Brown returned to the meeting at 8:05 p.m.*

ED Steinhauser added that the reference to participation is an assumption that the TAM Board will want staff to focus on how this bill evolves particularly since implementation is going to be challenging on a technical level. There is no presupposition that TAM reject the original intent.

The Chair suggested amending the item to read, "Participate in development of follow-up legislation to SB375 (Steinberg).

Referring to comments made by Commissioner Adams, the Chair clarified that the Torrico Bill is a spot bill. It is difficult to oppose a bill that is absent language which is why "monitor and seek amendment" is the best way to ensure the ability to raise the issue of providing local agencies the authority to choose whether or not to implement a HOT system.

Mr. Khouri concurred with the Chair's comments.

Mr. Antwih added that any language currently associated with this bill is "intent" in nature, and that once bill language is developed, Assemblyman Torrico will present it in committee in order to move forward. At that point, Shaw/Yoder will bring the bill back to the TAM Board for comment.

The Chair suggested to Commissioner Adams that language could be modified on this HOT item (page 24, item 8) to read, "seek local CMA support prior to implementation" which would satisfy her concern.

Commissioner Boro said that he supports Commission Adams concern on AB744 and that he has seen spot bills transformed into fully formed bills and approved "overnight".

Responding to a question from Commissioner Brown who asked if other jurisdictions have expressed similar concerns regarding AB744, ED Steinhauser said that this bill is being discussed heavily throughout the counties in the Bay Area.

The Chair said that, while other counties are concerned about how the revenues would flow, he is not aware of other counties, except for Contra Costa, who have actively raised a concern about the system.

The Chair asked for the following changes to the document: 1) page 24, item 8 add language, "...and seek local CMA support prior to implementation"; 2) page 26, item 4 add language, "Work collaboratively with the Metropolitan Transportation Commission and the other regional agencies involved in the Joint Policy Committee in implementing the requirements prescribed under SB 375" and 3) page 26, item 6 shorten the item to read, "Participate in development of follow-up legislation to SB375 (Steinberg)."

Commissioner Adams motioned to approve: 1) adopt the 2009 State Legislative Platform incorporating the changes suggested by the Chair 2) recommended positions on the attached 2009 State Legislative Bills, and 3) sending the attached letter to the Governor on STA funds. The motion was seconded by Commissioner McGlashan. Motion passed unanimously.

b. Request Cessation of the San Quentin Prison Expansion, and Express Support for a Deep-Water Ferry Terminal

The Chair reviewed the content of the letter and advised that it would be consistent with what the Board of Supervisors has been pursuing for some time.

The Chair opened the item to public comment.

Karen Nygren said that she believes that it's appropriate for the Board of Supervisors to send a letter in support of a new deep water ferry water port but inappropriate for TAM to do so. She cited the distance as too for those using other modes of transportation to be useful.

David Schonbrunn stated that he supports the letter.

Lionel Gambill stated that an alternative to expanding San Quentin Prison would be to repeal the death penalty. He said that he is concerned that there be a good connection from the SMART train to the ferry. He passed along his written comments to the Executive Director.

Michael Rex expressed his support for sending the letter and believes that the current ferry terminal was situated in the wrong location.

Walter Strakosch also supported sending the letter.

Regarding changing San Quentin, Commissioner Bragman said that it is one of the only major prisons that provides families and prisoner's attorney's an urban setting in which to meet. The current trend is to place them in remote country locations which creates problems for prison administration as well as the prisoners' families. The disconnect between prisoners and their families is a source of profound social discord. He believes that changing the prison would be tantamount to selling a precious public asset, and as such, he will vote against supporting the letter.

Commissioner Brown motioned to approve forwarding a letter to Governor Schwarzenegger requesting cessation of the San Quentin Prison Expansion, and expressing support for a deep-water ferry terminal which was seconded by Commissioner Lundstrom. Motion passed 12-1 with Commissioner Bragman opposing.

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

### **a. General Report of Caltrans Activity**

Board members and the public were referred to a written report of activity in the Board packet . No oral report was given.

## **8. Hwy 101 Update (Discussion)**

Bill Gamlen reported that the focus of the construction team is to open the northbound HOV lane which will occur, likely, at the end of April. Work is finishing up in the median. Regarding the Transportation Demand Management Program (TDM), Mr. Gamlen reported that the Vanpool Incentive Program began in February. One vanpool application has been finalized and another six are being processed. TAM is launching an ad campaign, "101 Ways to Green Your Trip" which will focus on the HOV lane openings. Bus panels with five different messages will be placed on approximately 20 GGT busses. This campaign is scheduled to begin on April 1 and run through May.

ED Steinhauser expressed her appreciation to GGT for donating the use of their busses toward this effort.

Responding to a question from Commissioner Boro regarding timeline for re-opening Linden Lane, Mr. Gamlen said that he believes it will occur in May or June but is dependent on the completion of the bridges.

Responding to a concern made by Commissioner Cock as to the deteriorating pavement on Hwy 101 in the Central San Rafael area, Mr. Gamlen said that he would investigate it although final paving has yet to be completed.

Kingston Cole of the Lincoln Hill Neighborhood Association said that the residents in that area would like to have peace restored in that area and asked for timeline specifics regarding the completion of this project.

The Chair said that Caltrans is responsible for the construction and they have revised their estimate a number of times. He added that staff believes the work should be completed by next fall..

Scott Stokes expressed his concern for the lack of an auxiliary lane but that his latest concern is the quality of the sound absorbing panels which appear to be easily defaced.

David Schonbrunn raised the issue of hours of operation for the HOV lane and said that he predicts it will be underutilized.

Karen Nygren agreed with a previous speaker that sections of the soundwall have been scored out due to its composition. She requested that staff look into the matter.

Commissioner Boro asked staff to evaluate the responses that were heard this evening in terms of quality and effectiveness of the soundwalls.

The Chair closed this item by stating that TAM worked closely with the resident association in the Lincoln Hill area and spent an additional \$3 million to invest in the latest soundwall technology as evaluated by Caltrans. He added that he is looking forward to staff reporting, at a future meeting, on the comments raised tonight.

*Commissioner Cock left the meeting at 9:00 p.m.*

## **9. Draft 2009 Short-Range Transit Plan Update for Marin Transit (Discussion)**

Marin Transit General Manager David Rzepinski and Transit Planning Manager Amy Van Doren gave a PowerPoint presentation highlighting Marin Transit's update to their Short Range Transit Plan:

- Ridership demographics
- Matching service type and standards to demand:
  - Big bus fixed route service
  - Rural transit service
  - Small bus fixed route service
  - Paratransit
  - Supplemental school service
  - Seasonal Muir Woods Shuttle
- Transit Service in Novato
- Transit Service in Central Marin
- Transit Service in Southern Marin
- Reflects local responsibility for local service
- Paratransit service principles
- Going beyond the ADA mandate
- Capital priorities
- Near Term Transit District Activities

Commissioner McGlashan said he would like to see a comment placed in the SRTP that states if funding does re-materialize in the future, MTD will bring back the local initiative grant program. He also acknowledged MT staff for their efforts.

Mr. Rzepinski agreed to this. He also acknowledged MT Senior Planning Manager Lauren Gradia for authoring the SRTP.

ED Steinhauser stated that the TAM Board is required to adopt the SRTP after the MT adopts it, so this item will be returning to the TAM Board likely in May.

The Chair opened this item to public comment.

Jim Schmidt commended MT staff for the quality of the report. He stated that the MT statistics show that this is a needed service for those who have no other means of transportation. He added that transit will not be a significant factor in reducing greenhouse gas emissions given the small percentage of trips that MT carries daily.

Karen Nygren said that this is one of the better reports that she has read. She commended MT staff for the quality of the work. She asked that the purchase of hybrid busses be made a priority by MT.

Michael Rex commended MT for increasing their ridership by 24% and for the new fare boxes. He suggested that, due to lack of funds, a call be placed to all architectural firms to select an unattractive, outdated bus stop and, on a gratis basis, set about the task of updating it. A contest would be held and a vote taken for the best bus stop. He said that it could be a fun venture and help out the county at the same time.

#### **10. Central/Southern Marin Transit Study (Discussion)**

ED Steinhauser stated that TAM held a workshop on this topic prior to the board meeting to capture comments on the recommended list of improvements made to date. She welcomed Jean Hart and David McCrossan, TAM consultants on this project who presented this discussion item and stated that the purpose of tonight's workshop was to seek input from the public on the preliminary list of transportation improvements and the criteria that should be considered in the final prioritization of the improvements.

*Commissioner Brown left the meeting at 9:35 p.m.*

*Michael Skall left the meeting at 9:45 p.m.*

Commissioner Lundstrom said that one component not listed in the multimodal green hubs or key transit investment components is safe pedestrian connections to the bus stop.

Mr. McCrossan said that this matter will be addressed in the follow-up work

Commissioner Donnell stated that she is concerned about the busy streets at the Tiburon Wye and asked that consideration be given to the possible increase in congestion in this area with each of the alternatives that this study is presenting.

Commissioner McGlashan addressed concerns expressed in an e-mail from Commissioner Moulton-Peters who was not able to attend this meeting. She suggests installing a number of mini multi-modal green hubs in Mill Valley and scaling back on the single multi modal green hub near Hwy 101.

The Chair opened this item to public comment.

Michael Rex focused his comments on the streetcar study. He thanked Commissioner McGlashan and the elected officials from Mill Valley and Sausalito for their enthusiasm in this study. He also thanked the consultants for HDR and commended them on the extensiveness of their report given the fee they received for this work. He suggested that the study results should not be considered the determining factor whether streetcars are feasible in Marin and added that HDR was not able to do an in-depth analysis of potential ridership given the limited area analyzed based on the funding available

for this study. He believes that HDR came to the study with the bias that streetcars can only work in high-density urban areas. He asked that a couple items be clarified before the draft report is finalized: 1) clarify single rail vs. double track; 2) clarify the number of cars needed; and 3) change the name, "green hubs" to "neighborhood hubs" or "mini hubs." He finalized his comments by suggesting that the question be changed from, "If we can do this" to "How can we do this."

Valerie Taylor raised two points: 1) Larkspur Landing sees 2000 drivers every day parking to take the ferry, and she was pleased to see the suggestion of charging for parking. Those revenues could provide a sustainable funding source for shuttle systems; 2) Establish a "welcome service" in Marin City rather than in Sausalito since Marin City is where tourists transfer to go to Muir Woods and West Marin.

ED Steinhauser stated that this report has been vetted with MT and GGT staff who assisted in shaping this document and plan on accepting this report. She added that, due to the late hour, she would like to bring this item back to the Executive Committee in April for additional discussion.

The Chair agreed and thanked Ms. Hart and Mr. McCrossan for their report as well as the public for their comments.

#### **11. Proposed Measure A Revenue Estimate for the FY2009-10 Budget Development (Action)**

Li Zhang presented this item which recommended that the TAM Board: 1) recognize that no mid-year budget adjustment will be necessary for the FY2008-09 Measure A revenue; and 2) adopt the \$20 million Measure A revenue estimate proposed for the development of the TAM FY2009-10 Annual Budget and Strategic Plan Update. Note that this \$20 million estimate is 4.24% lower than the current year's estimate of Measure A transportation sales tax funding. TAM staff believe that TAM will collect up to the estimated amount this year, but no more.

Commissioner Arnold motioned to accept staff's recommendations as written which was seconded by Commissioner Lundstrom. Motion carried unanimously.

#### **12. High-Occupancy Toll (HOT) Lane Update (Action)**

The Chair distributed a copy of the letter from MTC Executive Director Steve Heminger to ED Steinhauser on the topic of HOT Lanes. The letter raised two points germane to this item: 1) "...CMA staff would recommend the timing and phasing of HOT construction and other improvements in the corridor subject to concurrence by each affected CMA board as well as ultimate approval by the MTC commission, acting in its role as the Bay Area Toll Authority" and 2) "The U.S. 101 North Bay corridor is one of only two HOT corridors in the region that we estimate will be unable to cover these costs without additional financial assistance."

The Chair introduced Mr. Andrew Fremier, Executive Director of the Bay Area Toll Authority (BATA) who began his report by stating that collaboration between BATA and the local jurisdictions will take place throughout this process. Regarding the spot bill, AB744 Torrico, he stated that there will be a significant overhaul to the existing language, and to that end, he has met with the local CMAs to develop legislative principles that address concerns on HOT lanes. He acknowledged that Contra Costa County has voiced strong opposition to the HOT concept while Alameda, Santa Clara, and Solano Counties have been very supportive and assisted in developing the principles. He offered to return to TAM to further discuss this topic in any forum that the Board feels is appropriate. He said that this concept will not be implemented quickly; rather it will be implemented in phases. He finalized

his report by stating that there is still work to be done in the areas of governance and the design parameters.

The Chair asked Mr. Fremier to comment on the Caltrans Express Lane Business Plan as it relates to the express lanes.

Mr. Fremier stated that BATA as well as other agencies presented their concerns to Caltrans and were assured that those concerns would be addressed in a final document. He said that some of the governance structure identified in the draft plan is consistent with what has been discussed. Additionally, there are design assumptions that are unacceptable. He said that he shares the concerns of this Board and will look closely at the next draft.

Commissioner Adams stated that even though this is intended to be a collaborative effort, she asked who will have the ultimate decision regarding whether or not to implement? Additionally, she believes that there needs to be a larger discussion with public input.

Mr. Fremier responded that the working group comprised of staff from MTC, BATA, Caltrans, CHP, and the individual CMAs are in discussion to produce a recommended corridor improvement plan. That plan once vetted through the working group will go back to the individual CMAs and then to BATA for final approval.

Responding to Commissioner Adams who asked what happens if an individual CMA decides it is not interested in implementing a HOT system, Mr. Fremier said that Caltrans is the owner/operator of the freeway system and would have the ultimate say.

Commissioner Lundstrom made a motion to send letters as described in the recommended action, which was seconded by Commissioner Arnold.

Commissioner Boro prefaced his comment by stating that he respects Mr. Fremier but that his report is a complete disconnect from information presented in the Caltrans Business Plan. The commissioner added that he is concerned that this is a policy shift. He is interested in knowing what our legislative representatives in this area think about the plan.

Commissioner McGlashan provided his support for sending the letters and agrees that it will have massive impact on the residents of Marin County. He asked ED Steinhauser if the board should continue considering funding such an analysis.

ED Steinhauser said that the study this board approved looks at technical and cost effective viability but it will also bring back a public participation plan. She added that an RFP will be finalized next week. She added that the assumption is that the revenues generated will help build the HOV network in the Marin Sonoma Narrows which currently has a \$400 million. Knowing that a HOT lane in Marin will not generate that kind of revenue, staff is turning to the region in the context of a network to help build the system. She concluded by saying that she does not believe that it is a useless exercise to analyze the feasibility of HOT lanes in Marin.

Commissioner Arnold suggested that she would like to change some text in the letter and for that reason the Board should consider refraining from voting on sending the letter until there is a chance to refine the language.

Commissioner Bragman stated that he cannot reconcile implementing a HOT lane that has been built with taxpayers' money. It is tantamount to privatizing what was built with taxpayers' money.

ED Steinhauser said that a new Caltrans Business Plan is scheduled to be issued on Monday which will allow for a two-week comment period. She requested that, in the event that time constraints become an issue, the Board would authorize staff to submit the letter with the suggested improvements to the Executive Committee and that the Executive Committee be authorized to send the letter.

The Chair said that he did not feel that the Executive Committee is the appropriate venue for this letter.

Commissioner Adams agreed with sending the letter but requested that the text "TAM shares the authors concern in delivering the best product with minimal delays at a fair price; however' be deleted. The rest of that sentence would remain in the letter.

Commissioner Lundstrom agreed to accept the revision.

The Chair opened the item to public comment.

Jim Schmidt agreed with Commissioner Boro's comment that this concept is a policy shift. He suggested that there are other ways to obtain funding for the MSN. He raised the issue of social equity, greenhouse gasses and the lack of public input on the matter.

The Chair reiterated the revised motion to provide the letter to Caltrans incorporating the change made by Commissioner Adams and to direct staff to work with MTC/BATA on the issue by continuing to express the concern about the loss of the local role in decision making about how these corridors are implemented. Motion passed 9-1 with Commissioner Arnold opposing.

### **13. Economic Stimulus Plan Report (Discussion)**

The Chair noted that this item was addressed and discussed during Item 6a – State Legislation.

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

*By Order of Chair Kinsey, the TAM meeting adjourned at 10:52 p.m.*

Approved on:

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