



MEETING OF THE
TRANSPORTATION AUTHORITY OF MARIN
EXECUTIVE COMMITTEE
Funding, Programs & Legislation
March 8, 2021
2:00 p.m.

Virtual Meeting

MEETING MINUTES

Members Present: Beach Kuhl, Ross Town Council
Eric Lucan, Novato City Council, Committee Chair
Judy Arnold, County of Marin Board of Supervisors
Katie Rice, County of Marin Board of Supervisors
Susan Cleveland-Knowles, Sausalito City Council

Members Absent: None

Staff Members Present: Anne Richman, Executive Director
David Chan, Manager of Programming and Legislation
Denise Merleno, Executive Assistant
Derek McGill, Planning Manager
Helga Cotter, Senior Accountant
Li Zhang, Deputy Executive Director/Chief Financial Officer
Scott McDonald, Senior Transportation Planner

Chair Lucan called the meeting to order at 2:05 p.m.

1. Chair's Report (Discussion)

Chair Lucan welcomed everyone to the virtual meeting as allowed by Governor Newsom's Executive Order N-29-20. Ms. Merleno conducted a roll call, reported that there was a quorum of the Committee, and she provided instructions on how members of the public may participate in the meeting.

2. Commissioner Comments (Discussion)

None.

3. Executive Director's Report (Discussion)

Executive Director (ED) Anne Richman highlighted items in her report including: the appointment of Dina El-Tawansy as the Director of Caltrans District 4; a public meeting hosted by the City of San Rafael for the Third Street Rehabilitation Project on March 24; a Town Hall hosted by State Senator Mike McGuire on April 15 about State Route 37; the March 19 deadline to take the Marin-Sonoma Bike Share Pilot Program Survey; and the impending release of a survey on March 17 associated with TAM's Interchange study.

4. Open Time for Public Expression

Chair Lucan asked if any member of the public wished to speak or had submitted a comment by e-mail, and hearing of none, he closed this item.

5. Approval of Meeting Minutes from February 8, 2021 (Action)

Commissioner Arnold moved to approve the Minutes of February 8, 2021 which was seconded by Commissioner Kuhl. A roll call vote was conducted, and the motion was unanimously approved.

6. Adopt Positions on 2021 State Legislative Bills (Action)

Chair Lucan disclosed that among the bills that were to be discussed were two on electric bike rebates and since he is an officer of a bicycle company, he asked staff to provide an overview on legislative activity at the state level and then he would recuse himself for the part of the discussion focused on the two e-bike bills. A vote would be taken on the e-bike bills and then he would return to participate in the vote on the balance of the bills.

ED Richman introduced Gus Khouri, Khouri Consulting, who presented this item which asked the Committee to review positions on 2021 State Legislative bills, as shown in the staff report, and refer them to the TAM Board for adoption.

Mr. Khouri provided an update on relevant activity and information from State agencies, including the reduction in fuel consumption due to the pandemic shelter in place order and the effect that will have on funding local streets and roads, the State Highway Operations and Protection Program (SHOPP), and the State Transportation Improvement Program (STIP). He also reviewed the draft Climate Action Plan for Transportation Infrastructure (CAPTI) which is focused on reducing greenhouse gas emissions.

Commissioner Rice asked when decisions are made relative to SB1 allocations and what funding cycle and projects/work plans would be impacted by any changes from CAPTI.

Mr. Khouri noted that the Solutions for Congested Corridors, Active Transportation Program, Local Partnership Program, and the Trade Corridor Enhancement Program would be impacted, that SB1 Cycle 2 was approved last December, and that Cycle 3 funding would be considered in approximately 18 months.

Commissioner Rice asked about the possibility of partnering with a small county similar to Marin to be more competitive for a state award.

ED Richman stated that TAM is a member of the Self-Help Counties Coalition (SHCC) and is working with the group, comprised of 25 California counties who have passed a sales tax similar to Measure AA and may be drafting a comment letter to express its balanced position on the CAPTI program. She added that staff will be seeking guidance from the board on TAM's input for this letter if timing allows.

Commissioner Cleveland-Knowles asked ED Richman to clarify the timing of the letter that the SHCC would be forwarding to the State and when TAM commissioners would be providing their input.

ED Richman stated that staff will ask the board for input as soon as the SHCC letter is drafted which could be in time for the March 25 board meeting. She noted that the public comment period ends in mid-April but that the California State Transportation Agency (CalSTA) has received requests for an extension of that deadline.

Chair Lucan recused himself from the discussion on the two e-bike bills and asked Commissioner Arnold to preside over that portion of the item.

Chair Lucan stepped away from the virtual dais.

Mr. Khouri reviewed AB 117 (Beorner Horvath) which would establish, implement, and administer an Electric Bicycle Rebate Pilot Project, and a federal bill which was awaiting introduction (Panetta, Blumenauer), which would create a federal tax credit for e-bikes. He noted that staff is recommending a “support” position on both bills.

Commissioner Rice spoke about AB 117 and asked about eligibility criteria for receiving a rebate, particularly using an equity lens. Mr. Khouri stated that there is none in place, but future amendments could change that.

Mr. Khouri noted that there was still time to request an amendment to the bill to have it address whether the rebate includes disadvantaged communities. TAM could take a “support if amended” position.

Commissioner Rice questioned whether providing rebates without eligibility requirements would be a good use of funds since buyers may use them more for recreation than to replace carbon-emitting vehicles.

Commissioner Cleveland-Knowles expressed her desire for a “support” position with the added encouragement to reach out to low-income communities and adding a programmatic aspect to reduce vehicle miles traveled.

Commissioner Kuhl agreed with the other commissioners and stated that there is no point to supporting this bill if it is not directed toward the appropriate recipients. He added that the bill, in its current form, does not accomplish that, and as such, he questioned whether TAM should support this bill until more information proves that it is worthy of TAM’s support.

Commissioner Rice suggested that additional research should be conducted on the bill after which TAM can decide on a support position.

The Committee agreed to change the position to one of “Watch” while Mr. Khouri explores with the bill’s author TAM’s sentiment to support it if language is included to place a focus on the inclusion of disadvantaged communities.

Mr. Khouri clarified with the committee that a similar position could be taken with the, yet unnamed, federal bill.

Commissioner Rice made a motion to adopt a “watch” position on reviewed AB 117 (Beorner Horvath) and on the pending federal bill (Panetta, Blumenauer) which was seconded by Commissioner Kuhl.

Chair Arnold opened this item to public comment.

Warren Wells of the Marin County Bicycle Coalition stated that MCBC supports the funds from these two bills to go to low-income communities but noted that research from the University of California at Davis, showed that 35-50 percent of e-bike trips would have been made by car if e-bikes had not been available. He cautioned that the more means testing that is done on a program, the less likely more people will be able to take advantage of the program.

A roll call vote was conducted, and the motion passed unanimously.

Chair Lucan returned to the virtual dais.

Mr. Khouri reviewed the balance of the bills in the staff report for which an action by the committee was requested, including support for AB 43 (Friedman), AB 361 (Rivas, Robert) and SB 551 (Stern), and an oppose position for SB 542 (Limón) and SB 771 (Becker).

Commissioner Cleveland-Knowles stated that an “oppose unless amended” position would be more appropriate for SB 771 (Becker). On AB 361 (Rivas, Robert), she suggested that continuing to allow some of the smaller public meetings to be held virtually would create efficiencies for many public officials and would help reduce greenhouse gas emissions.

Commissioner Arnold agreed with Commissioner Cleveland-Knowles regarding allowing flexibility in the Brown Act to allow for some public meetings to be held virtually.

Commissioner Rice expressed her support for more expansion in latitude relative to virtual meetings. She commented that she believes that virtual meetings allow for more public participation since one is not required to physically go to the meeting location.

Mr. Khouri suggested that, based on committee members’ comments, a “support if amended” position may be more appropriate for AB 361 which was agreed upon by the committee members.

Mr. Khouri confirmed the committee’s amended recommendation:

AB 43 (Friedman): Support

SB 551 (Stern): Support

SB 542 (Limón): Oppose

SB 771 (Becker): Oppose unless amended (Reinstitute the state reimbursement for lost local revenues)

AB 361 (Rivas, Robert): Support if amended (Broaden the applicability of the statutory authority on compliance with the Brown Act).

Chair Lucan opened the item to public comment, and hearing none, closed the item to public comment.

Commissioner Kuhl made a motion to support AB 43 (Friedman) and SB 551 (Stern); oppose SB 542 (Limón); an “oppose unless amended” position on SB 771 (Becker) with amendment to reinstitute the state reimbursement for lost local revenues; and a “support if amended” position on AB 361 (Rivas, Robert) with amendment to broaden the applicability of the statutory authority on compliance with the Brown Act. The motion was seconded by Commissioner Cleveland-Knowles. A roll call was conducted, and the motion passed unanimously.

7. MTC Safe and Seamless Mobility Quick-Strike Program (Action)

ED Richman introduced Programming and Legislation Manager, David Chan, who presented this item which asked the Committee to review staff funding recommendations to forward to MTC for the MTC Safe and Seamless Mobility Quick-Strike (“Quick-Strike”) Program, as shown in the staff report, and refer it to the TAM Board for adoption.

Mr. Chan reviewed the background of this program, the issuance of a Call for Projects; the list of applications that were received; TAM’s application for the Street Smarts Project, TAM’s evaluation process of the projects for further submission to MTC; the need for a project to be shovel ready in order to be considered; the applications that were

not considered for advancement to MTC; the project list ranked into two tiers; staff's recommendation to submit projects from both tiers to MTC for consideration; and next steps in the process.

Commissioner Rice asked about project scoring and specifically why two of the projects received a lower rating and were placed in the Tier Two category which Mr. Chan reviewed and stated that they did not meet the criteria set by MTC. Additionally, he clarified how projects were rated for the connectivity criterion.

Commissioner Rice commented that she would prefer to remove the Street Smarts application from the list as she found the Corte Madera and Larkspur infrastructure projects on the list to be more worthy of receiving funding.

Commissioner Cleveland-Knowles spoke about the Sausalito Bridgeway Bike Lane Project that did not rank high enough to be placed in one of the two tiers. She suggested that it is a regional project for connectivity purposes, and she asked as well if more technical assistance could be provided to the cities and towns.

Mr. Chan agreed as to the project's value but stated that it did not rank because it had not begun the pre-construction phase. As a result, it would be unlikely to deliver the project within the short timeframe associated with this funding requirement.

Commissioner Arnold asked Mr. Chan to clarify how the recommendation for SMART Pathways to San Rafael project was made. Mr. Chan explained that SMART is working in coordination with the City of San Rafael on this project and that, if awarded, SMART would consider transferring the grant to FTA which will increase the speed with which the project is delivered. However, due to the price tag and funding shortfall that would exist even if it received the award, it was placed into the Tier 2 category.

Commissioner Rice asked if staff believed there was value in submitting a project that is unlikely to receive an award in order to better understand how to package it, in the future, for new grant applications. Mr. Chan stated that MTC suggested an agency streamline its applications so that the ask is no more than three times the amount it could be awarded.

Chair Lucan asked about the number of options that staff intends to recommend to the full board. ED Richman stated that she believes that a single recommendation would be best, but that staff would follow the committee's guidance.

Chair Lucan asked if the projects would be submitted in the tiered fashion or grouped together. ED Richman replied that staff's intention would be to submit one group of projects but, internally, would keep the tiered status in the event that MTC requested a prioritized list.

ED Richman spoke on the Street Smarts Project noting that the application focuses on updating the program's messaging and on replacing the materials produced and displayed about the county which are in very poor condition after having been reused for a number of years. She believes that it is appropriate to have a one-time revenue source, via the Quick Strike program to cover such expenses.

Chair Lucan opened this item to public comment.

Kevin McGowan, Director of Public Works for the City of Sausalito, thanked TAM staff for their assistance with the application for the bike project and was disappointed that the project did not receive a higher rank. He requested that TAM continue to consider this regional project for other funding that may become available.

Commissioner Kuhl made a motion to recommend that the TAM Board approve both Tier 1 and Tier 2 projects for submission to MTC for the MTC Safe and Seamless Mobility Quick-Strike Program, but without identifying the

application's assigned tier unless requested by MTC. The motion was seconded by Commissioner Arnold. A roll call vote was conducted, and the motion was unanimously approved.

The meeting was adjourned at 3:35 p.m.

Approved April 12, 2021