

TRANSPORTATION AUTHORITY OF MARIN MEASURE B	
B MEASURE B: To help reduce traffic congestion, maintain roads, improve safety, and reduce air pollution by: maintaining local and residential streets and pathways; funding transportation options for seniors and disabled persons; funding local pothole repair; providing school crossing guards and providing safe access to schools; and, reducing commute trip congestion and supporting a cleaner environment; shall Marin County voters authorize a \$10 fee on the registration of vehicles, with citizen's oversight, to be spent entirely within Marin County?	YES
	NO

**COUNTY COUNSEL'S IMPARTIAL ANALYSIS
OF MEASURE B**

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MARIN COUNTY TRANSPORTATION
IMPROVEMENT MEASURE B**

This Measure has been placed on the ballot by the Transportation Authority of Marin.

If approved by a majority of the voters, Measure B would authorize an increase of ten dollars (\$10) in the motor vehicle registration fees for all vehicles registered in Marin County for the exclusive purpose of funding local transportation projects and programs that have a relationship or benefit to the persons who will be paying the fee.

Measure B states that the fee would help reduce traffic congestion, maintain roads, improve safety, and reduce air pollution by: maintaining local and residential streets and pathways; funding transportation options for seniors and disabled persons; funding local pothole repair; providing school crossing guards and providing safe access to schools; and, reducing commute trip congestion and supporting a cleaner environment. The fee would be spent entirely within Marin County, and oversight of all revenues and expenditures related to the fee will be provided by the existing Citizens Oversight Committee of the Transportation Authority of Marin.

s/PATRICK K. FAULKNER
County Counsel

ARGUMENT IN FAVOR OF MEASURE B

You can take a positive step this November to help maintain local streets and roads, reduce traffic congestion, improve safety, promote climate protection, and provide for Marin County's long-term transportation future by **VOTING YES on Measure B.**

Measure B authorizes stable local funding for essential transportation improvements in Marin County ONLY – this is funding that the State can't take away.

Measure B will:

- Help fix potholes and maintain local streets, roads, and pathways
- Make public transportation easier to use for senior citizens and disabled residents
- Reduce local traffic congestion
- Make it safer to get to work or school, whether driving, using public transportation, bicycling, or walking
- Reduce pollution from cars and trucks, and encourage the use of alternative fuel vehicles

The cost is modest. Measure B authorizes a \$10 fee on vehicles registered in Marin County.

Fix roads - Improve safety. Measure B provides funds to fix potholes and improve safety on neighborhood streets for ALL users: drivers, transit riders, cyclists, pedestrians.

Relieve traffic. Marin County's network of streets and roads is significantly congested. Measure B increases transportation options for everyone: seniors, youth and disabled residents, while taking vehicles off local streets and roads.

Reduce Pollution. Measure B provides funds for alternative fuel vehicles and school and employer programs that support bicycle, pedestrian, and carpooling modes of transportation.

Taxpayer protections are REQUIRED. An independent Citizens' Oversight Committee, annual financial audits, a written Expenditure Plan, and a 5% cap on administrative costs are MANDATORY to ensure funds are spent properly. ALL Measure B funds must be spent entirely on Marin County transportation improvements.

Environmental, business, labor, education, transit and senior advocates, plus citizens throughout Marin County urge your support.

Invest in a safer, healthier, more efficient, convenient transportation future for Marin County.

VOTE YES on Measure B.

- s/MARGY ELLER
President, League of Women Voters of Marin County
- s/ALLAN BORTEL
Chair, Marin County Commission on Aging
- s/KIKI LA PORTA
President, Sustainable Marin
- s/MARY JANE BURKE
Marin County Superintendent of Schools
- s/JOE O'HEHIR
Chief Executive Officer, Whistlestop

**NO ARGUMENT AGAINST MEASURE B
WAS FILED.**

FULL TEXT OF MEASURE B

MARIN COUNTY TRANSPORTATION IMPROVEMENT MEASURE

A MEASURE PROVIDING FOR TRANSPORTATION IMPROVEMENTS IN MARIN COUNTY THROUGH A TEN DOLLAR VEHICLE REGISTRATION FEE

Section 1. Title

This Measure shall be known as the "Marin County Transportation Improvement Measure." If passed, the entity implementing the Measure will be the Transportation Authority of Marin, acting as the designated Marin County Congestion Management Agency (hereafter the "Authority").

Section 2. Period of Fee

This Measure is intended to govern the imposition and collection in Marin County of a ten dollar fee for transportation-related programs and projects that provide a benefit to or otherwise have a relationship with the persons who will be paying the fee. The new fee authorized by this Measure shall be imposed on each annual motor-vehicle registration or renewal of registration occurring on or after six months following the November 2, 2010 election (hereafter the "Vehicle Registration Fee") at which the Measure has been approved by the voters, unless terminated by the voters of Marin County.

Section 3. Purpose

This Measure authorizes a ten dollar fee to be imposed in perpetuity for transportation-related projects and programs in Marin County that provide a benefit to or otherwise have a relationship with the persons who will be paying the fee and that are consistent with an expenditure plan allocating revenue to said projects and programs and the regional transportation plan adopted pursuant to California Government Code section 65080. The Authority has adopted an Expenditure Plan allocating the revenue from the fee to transportation-related programs and projects that provide a benefit to or have a relationship with the persons who pay the fee, which Expenditure Plan Summary is attached hereto and incorporated herein by this reference as though fully set forth herein.

The purposes of this Measure are further as follows:

- a. To authorize a ten dollar increase in motor vehicle registration, to be imposed in perpetuity, in accordance with California Government Code section 65089.20.
- b. To improve, construct, maintain and operate certain transportation projects and programs as identified in the Expenditure Plan adopted by the Authority, and as that Plan may be amended from time to time pursuant to applicable law. These Expenditure Plan programs and projects include but are not limited to those that have the following purposes:

1. Providing matching funds for funding made available from other sources.
2. Creating or sustaining congestion mitigation programs and projects, as they are defined in California Government Code section 65089.20(c)(2)(A).
3. Creating or sustaining pollution mitigation programs and projects, as they are defined in California Government Code section 65089.20(c)(2)(B).

Section 4. Contract with Department of Motor Vehicles

The Authority shall contract with the Department of Motor Vehicles to collect and remit to the Authority the fee imposed pursuant to California Government Code section 65089.20 upon the registration or renewal of registration of a motor vehicle registered in the County, except those vehicles that are expressly exempted under this code from the payment of registration fees, pursuant to California Vehicle Code section 9250.

Section 5. Use of Proceeds

- a. The proceeds of the fees governed by this Measure shall be used solely for the programs and purposes set forth in the Expenditure Plan and for the administration thereof.
- b. The Authority will administer the proceeds of the fee to carry out the purposes described in the Expenditure Plan. All projects must comply with the Expenditure Plan and provide a benefit to or otherwise have a relationship with the persons paying the fee.
- c. Pursuant to California Government Code section 65089.20, not more than five percent of the fees shall be used for administrative costs associated with the programs and projects.
- d. Pursuant to California Vehicle Code section 9250.4, the initial setup and programming costs identified by the Department of Motor Vehicles to collect the fee upon registration or renewal of registration of a motor vehicle shall be advanced by the Authority and repaid from the fee. Any such contract payment shall be repaid, with no restriction on the funds, to the Authority as part of the initial revenue available for distribution. The costs deducted pursuant to this paragraph shall not be counted against the five percent administrative cost limit specified in California Government Code section 65089.20(d).
- e. The costs of placing the Measure authorizing imposition of the fee on the ballot as advanced by the Authority, including payments to the County Registrar of Voters and payments for the printing of the portions of the ballot pamphlet relating to the Vehicle Registration Fee, may be paid or repaid from the proceeds of the fee. At the discretion of the Authority, these costs may be amortized over a period of years.

Section 6. No Use Outside Marin County

The proceeds of the fees imposed by this Measure shall be spent only inside the limits of Marin County. None of the proceeds, outside of the costs incurred by the Department of Motor Vehicles to collect the fee shall be available to or taken by the State of California.

Section 7. Amendments

Amendments to the Expenditure Plan shall be approved by a two-thirds vote of the Authority's Board. All relevant jurisdictions within the County will be given a minimum of 45 days notice and opportunity to comment on any proposed Expenditure Plan amendment prior to its adoption. Any amended Expenditure Plan shall provide funding only for projects that provide a benefit to or otherwise have a relationship with the persons paying the fee.

Section 8. Bonding Authority

The Authority shall be authorized to issue bonds or other financial instruments for the purposes of implementing the Expenditure Plan. The bonds will be paid from the Vehicle Registration Fee proceeds generated pursuant to this Measure. The costs associated with bonding will be borne only by the projects and programs included in the Expenditure Plan. The costs associated with bonding will be borne only by those elements in the Expenditure Plan utilizing the bond proceeds. Such costs of issuance will be subject to public comment before approving any bond sale.

Section 9. Severability

If any part of this Measure or the application thereof to any person or circumstance is held invalid, the remainder of the Measure and the application of such part to other persons or circumstances shall not be affected. If any proposed expenditure based on this Measure or the Expenditure Plan is held invalid, those funds shall be redistributed proportionately to other expenditures in accordance with the Expenditure Plan.

Section 10. Effective Date

This Measure shall take effect immediately upon closing of the polls in Marin County on the day of the election at which the Measure is adopted by a majority of the electors voting. Notwithstanding this effective date, the first collection of a Vehicle Registration Fee for registration of a new vehicle will not take place until six months following the effective date, pursuant to Government Code section 65089.20. Also, pursuant to Government Code section 65089.20, with respect to a renewal of registration, no Vehicle Registration Fee shall be collected if the date for renewal is prior to expiration of that six month period.

Introduction to Measure B

This Measure, placed by the Transportation Authority of Marin (TAM), pursuant to California Government Code section 65089.20, authorizes a ten (\$10) dollar increase in motor vehicle registration fees for all vehicles registered in Marin County, for the exclusive purpose of funding local transportation projects and programs. If approved by a majority of the voters of Marin County, TAM will collect and administer the Vehicle Registration Fee (Fee) in accordance with an Expenditure Plan (Plan), summarized below. This measure is consistent with Senate Bill 83, which became law on October 11, 2009, enabling the countywide transportation planning agency (TAM), to propose an annual vehicle registration fee (VRF) of up to \$10. As required by SB 83, the revenue generated by the new VRF would be returned to the County to be spent exclusively on local transportation programs and projects within Marin County. The fee further meets the requirements of SB 83:

- Fees may only be used to pay for programs and projects that bear a relationship or benefit to the owners of motor vehicles paying the fee and are consistent with a regional transportation plan.
- Local administrative costs are limited to no more than 5 percent of the fees collected.

Measure B Expenditure Plan Elements

The funds collected by the proposed Vehicle Registration Fee will be allocated according to the requirements of the “Marin County Vehicle Registration Fee Expenditure Plan¹”. The Plan will be reviewed and amended every ten years in a public process described in this document. The initial plan includes three elements, described briefly below and in Figure 1, which follows:

- **Element 1 – Maintain Local Streets and Pathways (40% of net revenue):**
 - o 1a – Maintain Local Streets: Funds will be used to maintain and improve Marin County’s local streets for motorists, pedestrians, bicyclists, and transit users, thereby improving roadway performance and safety. Funds will be distributed to cities, towns and the County of Marin according to a formula based on population (fifty percent) and lane miles (fifty percent). The formula will be reviewed and updated every two (2) years. (35% of net revenue)
 - o 1b – Maintain Class I Bicycle / Pedestrian Pathways: Funding for Class I pathway maintenance will be distributed by TAM annually to the agencies and jurisdictions who own, operate, or maintain eligible Class I pathways in Marin County. The distribution of funds will be based on a publicly available, published inventory, adopted by TAM, of pathways constructed after January 1, 2008. This inventory will be updated every two (2) years to account for newly constructed Class I facilities throughout Marin County. In no case will funds allocated to an agency or jurisdiction exceed their actual expenses for Class I pathway maintenance. (5% of net revenue)
- **Element 2 – Improve Transit for Seniors and People with Disabilities (35% of net revenue):**
 - o Funds will be distributed to Marin Transit for use on Mobility Management programs and enhancements to the specialized transportation system for people with disabilities (called paratransit or Whistle Stop Wheels) to include older adults regardless of disability status. (35% of net revenue)
- **Element 3 – Reduce Congestion and Pollution (25% of net revenue):**
 - o These funds will be allocated to three strategies, expanding and leveraging programs managed by TAM: Expenditures in this element total 25% of net revenue and include:
 - o School Safety and Congestion Reduction including an enhancement of the School Crossing Guard program,

¹ The complete Expenditure Plan, titled “Marin County Vehicle Registration Fee Expenditure Plan,” can be reviewed at www.tam.ca.gov

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- o Local Marin County Commute Alternatives, including programs that are designed to increase the use of carpools, vanpools, transit and bike and walk commutes to work.
- o Alternative Fuel Vehicles, Infrastructure and Promotion, including infrastructure for electric vehicles.

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Figure 1. Summary of TAM VRF Expenditure Plan

Estimated Annual \$	Expenditure Element	Description of Element	How Will Funds be Spent?	Relationship to Fee Payer
35% (\$721,000)	1a. Maintain Local Streets	Funds will be used to maintain and improve Marin County’s local streets for motorists, pedestrians, bicyclists, and transit users, thereby improving roadway performance and safety. Eligible activities include: <ul style="list-style-type: none"> Road maintenance, rehabilitation and congestion relief on local and residential streets. New facilities are also eligible for maintenance funds. Safety improvements for all modes Emergency pothole repair on residential streets, sidewalks and pathways Crosswalk and accessibility enhancements Intersection control, pavement, and drainage improvements Streetscape improvements to better manage stormwater runoff Maintenance and improvement of Class I (exclusively) bicycle and pedestrian pathways, including new facilities. 	<ul style="list-style-type: none"> 35% of funds according to formula based on population (50%) and lane miles (50%) 5% of funds exclusively dedicated to Class I bike/pedestrian path maintenance. Distribution based on share of Class I pathway miles constructed after 1/1/08. Priorities determined by local agencies and jurisdictions working in concert with local residents and councils 	Fee payers benefit from having roadways safely maintained and operating efficiently. Improved crossings and intersection performance improves safety and efficiency for users. Improved pavement conditions reduce vehicle maintenance costs. Well-maintained pathways encourage walking and bicycling, thereby reducing congestion and pollution.
5% (\$103,000)	1b. Maintain Class I Bike/Ped Pathways			
35 % (\$721,000)	2. Improve Transit for Seniors and People with Disabilities	Eligible activities include: <ul style="list-style-type: none"> Implementing a Mobility Management Program that identifies and implements mobility options for Seniors and Persons with Disabilities Support and enhance paratransit (e.g. Whistlestop Wheels) and other local services Create a “Paratransit Plus” program to serve older seniors who may not qualify for service under the Americans With Disabilities Act Implement other innovative programs to provide mobility to seniors as an alternative to driving 	Marin Transit will receive and prioritize funds working with their Mobility Management Consortium of service providers and stakeholders.	Fee payers benefit from reduced trips by "at risk" drivers, reducing local vehicle trips and improving safety. Fee payers benefit from increased options to driving, reduced dependence on friends and family for mobility, and increased options as drivers prepare to "retire" from driving.

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Estimated Annual \$	Expenditure Element	Description of Element	How Will Funds be Spent?	Relationship to Fee Payer
25% (\$515,000)	3. Reduce Congestion and Pollution	<p>Eligible activities are limited to 3 core strategies and programs:</p> <ul style="list-style-type: none"> • School Safety and Congestion Reduction: <ul style="list-style-type: none"> ○ Maintain and expand the School Crossing Guard program ○ Provide matching funds for Safe Routes to Schools programs ○ Enhance/expand programs designed to reduce congestion and improve safety around schools including Street Smarts and School Pool programs • Local Marin County Commute Alternatives: Enhance/expand existing alternative programs in Marin County designed to reduce single occupancy commuting, including: <ul style="list-style-type: none"> ○ Carpool and vanpool information and incentive programs, ○ Emergency Ride Home, and ○ Transit information and promotion ○ Driving management programs such as telecommuting ○ Support efforts to bring a carsharing program to Marin County • Alternative Fuel Infrastructure and Promotion: Support the development of alternative fuel infrastructure (such as electric vehicle fueling stations) and education programs; support alternative fuel vehicle programs. 	<p>TAM will be responsible for distributing school safety funds to sustain or grow existing programs. Beneficiaries of these funds will include the County, local jurisdictions, and school districts.</p> <p>TAM will administer the Commute Alternatives program as part of its existing Commute Alternatives program.</p> <p>TAM will assign funds for alternative fuels programs as a match to other fund sources, or through competitive grant programs. TAM will administer alternative fuel educational programs in cooperation with stakeholders, such as the Marin Climate and Energy Partnership.</p>	<p>Fee payers benefit from reduced school trips by car, a large traffic congestion and pollution generator in Marin. Improved crossings at schools reduce collisions and improve safety for motorists, pedestrians, and bicyclists.</p> <p>Fee payers benefit from commute programs which reduce trips, congestion, and pollution related to commute travel, the single largest source of congestion in the County. Programs reduce costs, provide flexibility, improve the environment, and improve worker health and productivity.</p> <p>Alternative Fuel programs will benefit fee payers by providing lower cost alternatives to the cost of driving, while reducing pollutants associated with gasoline powered vehicles. Reduced emissions will benefit the fee payer by improving air quality, especially on congested roadways and at intersections.</p>

Key Provisions and Conditions of Measure B

Consistency with the Regional Transportation Plan

The Expenditure Plan is consistent with the Metropolitan Transportation Commission's Regional Transportation Plan ("*Transportation 2035 Plan*") and performance objectives outlined in the Regional Transportation Plan. Details which support these findings are included in a separate document, "Marin County Summary of VRF Findings of Benefit."

Agency Responsible for Administering Proceeds of Fee

The Transportation Authority of Marin ("TAM"), pursuant to California Government Code section 65089.20, shall place a majority vote ballot measure before the voters to authorize a ten (\$10) dollar increase in motor vehicle registration fees for all vehicles registered in Marin County. If so approved, TAM will collect and administer the Vehicle Registration Fee (Fee) in accordance with the Expenditure Plan (Plan).

Annual Budget and Reporting

The Annual Budget, adopted by TAM's elected Board of Commissioners each year, will project the expected fee revenue, other anticipated funds and planned expenditures for administration and programs. In addition, TAM will prepare an Annual Report which will be made available to the public and will summarize revenues collected and distributed each year. Before adopting the Annual Report, comments from the public will be invited at a publicly noticed regular meeting of the TAM Board.

Use of Proceeds

The proceeds of the fees governed by this ordinance shall be used solely for the programs and purposes set forth in the Expenditure Plan and for the administration thereof. Indirect costs of programs as defined in federal Office of Management and Budget Circular A-87 shall not be allowed as eligible expenditures of these fee proceeds. Pursuant to California Government Code section 65089.20, not more than five (5) percent of the fees shall be used for local administrative costs associated with the programs and projects.

Pursuant to California Vehicle Code section 9250.4, the initial setup and programming costs identified by the Department of Motor Vehicles (DMV) to collect the Fee upon registration or renewal of registration of a motor vehicle shall be paid by TAM from the Fee. Any payments that TAM will advance to the Department of Motor Vehicles (DMV) prior to the collection of the Fee proceeds shall be repaid off the top of the initial proceeds collected, with no restriction on the funds. The costs deducted pursuant to this paragraph shall not be counted against the five percent administrative cost limit specified in California Government Code section 65089.20(d). Following implementation, annual costs incurred by the Department of Motor Vehicles, associated with the collection of the fee shall be taken off the top of the fees collected with the remainder transmitted to the Transportation Authority of Marin.

Duration of Fee

The Fee, if so approved, would be imposed annually, in perpetuity, unless repealed. The spending priorities outlined in this Plan will be reviewed and the Plan will be amended and republished as necessary at least every 10 years. Amendments to the Plan will be approved by a two-thirds vote of the TAM board.

Severability

If any provision of this Plan or the application thereof to any person or circumstance is held invalid, the remainder of this Plan and the application thereof to other persons or circumstances shall not be affected. If an expenditure element, or portion of an element, of this Plan is found to be invalid, the previously allocated funds to said element will be distributed to the remaining elements on a pro-rata share basis.

Amendments to the Plan

Amendments to the Plan shall be approved by a two-thirds vote of the TAM Board. All jurisdictions within the County, along with the public, will be given a minimum of forty-five (45) days notice and opportunity to comment on any proposed Plan amendment prior to its adoption. Any amendments will be heard at a noticed public hearing prior to TAM Board consideration.

Citizens' Oversight Committee

The existing Citizens' Oversight Committee (COC), created by the TAM Board with the assistance of the League of Women Voters to provide oversight for the half-cent transportation sales tax (Measure A), will provide oversight of the vehicle registration fee. The COC reports directly to the public and will be responsible for reviewing all revenues and expenditures related to the Fee.

The COC must hold public meetings to inform Marin County residents how funds collected from the Fee are being spent. The Meetings will be open to the public and must be held in compliance with the Brown Act, California's open meeting law. The Committee must also publish information on the use of the Fee in an annual report. This report will be included as part of the annual report currently published by the COC related to the half-cent transportation sales tax. Copies of these documents must be made widely available to the public at large.

Members of the COC will be private citizens who are neither elected officials of any government nor public employees from any agency that either oversees or benefits from the proceeds of the Vehicle Registration Fee. Membership will be restricted to individuals who live in Marin County. Membership is restricted to individuals without personal economic interest in any of TAM's projects. A single Citizens' Oversight Committee will oversee both the Measure A half-cent sales tax and the Vehicle Registration Fee. Membership in the COC is outlined in Appendix A.

Implementation of Measure B

1. The Transportation Authority of Marin (TAM) is charged with a fiduciary duty in administering the Vehicle Registration Fee proceeds in accordance with the applicable laws and the Expenditure Plan adopted by TAM.
2. All meetings of TAM will be conducted in public according to State law, through publicly noticed meetings. The annual budget of the Authority, including the budget for the use of these funds, will be prepared for public scrutiny. TAM will select and allocate funds to specific projects or programs from each element in the Expenditure Plan.
3. Under no circumstances may the proceeds of this Vehicle Registration Fee be applied to any purpose other than for transportation improvements benefitting Marin County. The funds may not be used for any transportation projects or programs other than those specified in this Plan without an amendment of the Expenditure Plan.
4. This Plan shall take effect at the close of the polls on the day of election, at which time the proposition is adopted by a majority of the electors voting on the measure.
5. Actual revenues may be higher or lower than expected in this Plan due to changes in receipts and/or changes in the number of vehicles registered in Marin County. Because the Expenditure Plan is based on percentage distributions, dollar values in this Plan are estimates only. Actual revenues will be programmed over the life of the Plan based on the percentage distributions identified in the Plan. Formulas used to allocate local road maintenance and pathway maintenance funds will be revised every 2 years, consistent with the local infrastructure distribution of Measure A transportation sales tax funds as outlined in TAM's Strategic Plan.
6. If applicable, projects funded with the proceeds of the Vehicle Registration Fee will be required to complete appropriate California Environmental Quality Act (CEQA) clearance and other necessary environmental review, completed under the sole authority of the recipient of the funds.

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7. New cities, towns or other entities that come into existence in Marin County after this Fee is authorized by voters could be considered as eligible recipients of funds through a Plan amendment.