From: Gavin Feiger <gavin@keeptahoeblue.org>
Sent: 7/21/2026 1:20:19 PM
To: Public Comment <PublicComment@trpa.gov>
Cc: DarcieGoodman-Collins <Darcie@keeptahoeblue.org>; jesse@keeptahoeblue.org <jesse@keeptahoeblue.org>;
Subject: KTB Comments on TRPA_Agenda Item 7D-VMT
Attachments: image001.png , KTB Comments on TRPA_Agenda Item 7D-VMT 2026.07.21.pdf

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Hello Maja and Governing Board,

Please see our comments attached.

Gavin Feiger
Policy Director, Keep Tahoe Blue
Subscribe | Instagram | Facebook | LinkedIn | Donate
2877 Lake Tahoe Boulevard, South Lake Tahoe, CA 96150 | 530.541.5388 ext.205 | keeptahoeblue.org

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July 21, 2026

Tahoe Regional Planning Agency
Governing Board and staff
128 Market St., Stateline, NV, 89410

Submitted via email

RE: Agenda Item No. 7.D — 2026 Transportation and Sustainable Communities Performance and Recommendations Report

Governing Board Chair, Members, and TRPA Staff,

The League to Save Lake Tahoe (Keep Tahoe Blue) appreciates the opportunity to provide comments on Agenda Item No. 7.D, the 2026 Transportation and Sustainable Communities Performance and Recommendations Report. Keep Tahoe Blue is dedicated to protecting and restoring the environmental health, sustainability, and scenic beauty of the Lake Tahoe Basin. In connection with our mission, we support transportation solutions for Tahoe and advocate for the implementation of projects and policies in regional land use and transportation planning documents that reduce dependence on the private automobile, including the Bi-State Compact, the Regional Plan, and the Regional Transportation Plan/Sustainable Communities Strategy (RTP). This agenda item is especially important because it addresses the adaptive management framework adopted in 2021 to achieve and maintain Transportation and Sustainable Communities Threshold Standard 1, including the DP 5.4 transportation funding milestones and the DP 5.6 response if those milestones are not attained.[1]

Keep Tahoe Blue strongly supports the region's progress on transportation funding, including the momentum generated by the 7-7-7 framework. We have consistently celebrated and helped advance transportation investments, including microtransit, transit operations, active transportation, and regional project funding. But celebrating progress is not the same as finding that the adopted DP 5.4(B) milestone has been met. The fundamental question before the Board is whether the funding now identified is ongoing, regional, dedicated to transportation, and reasonably expected to meet the needs set forth in the RTP. Based on the record before the Board, the answer is no.[2]

Keep Tahoe Blue respectfully urges the Tahoe Regional Planning Agency (TRPA) Governing Board to take a formal action or motion on Agenda Item No. 7.D. The Staff Report states that no motion is required or recommended and that no further action is warranted at this time. However, the same item is agendized for possible action and asks the Governing Board to review a Report that includes an assessment of DP 5.4 funding milestones. The Staff Report also describes the 2024 Regional Revenue Milestone in DP 5.4(B) as requiring an ongoing regional funding source or sources dedicated to transportation for the Tahoe Region that is reasonably expected to meet the needs set forth in the Regional Transportation Plan and commence implementation no later than December 31, 2023.[3]

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[1]League to Save Lake Tahoe comments on the VMT Threshold Update (April 28, 2021) and the 2026 TRPA Agenda Item No. 7.D staff report; see also prior League comments describing the League mission and VMT threshold framework.
[2]League comments to TRPA regarding Transportation and Sustainable Communities Threshold Standard 1, Dec. 12, 2023; League comments to TRPA Governing Board, Mar. 22, 2024
[3]TRPA, Agenda Item No. 7.D, 2026 Transportation and Sustainable Communities Performance and Recommendations Report, Staff Report, July 15, 2026.

Keep Tahoe Blue's long-standing position and the purpose of the DP 5.4/DP 5.6 framework

Keep Tahoe Blue supported the 2021 Vehicle Miles Travelled (VMT) Threshold Update because it created a careful balance between flexibility and accountability. At the time, we specifically supported the VMT per capita metric, the advisory body, project-level screening, mitigation fee updates, and critically - automatic triggers and responses. We explained in 2021 that automatic triggers and responses reduce uncertainty and create policies and plans that are more resilient to changes in leadership, politics, and the economy. We also supported the added specificity of the regional revenue source, because the 2024 revenue target and automatic response required the source to raise at least the amount identified in the RTP, ensuring that enough money would be raised to implement the projects and programs needed to achieve the VMT per capita reduction target.[4]

Keep Tahoe Blue's position has been consistent since adoption of the VMT package. Full implementation of the RTP is the foundation for achieving the VMT per capita reduction required by TSC-1. The funding milestone was not included as a paper exercise; it was included as an environmental backstop to prevent environmental backsliding. If the region did not secure an ongoing funding source sufficient to implement the RTP at the level needed to reduce VMT, the safeguard was intended to prevent additional unmitigated VMT from being added to an already stressed transportation system until that funding commenced.[5]

This funding safeguard was developed not simply to improve transportation performance, but to protect Lake Tahoe's environment. Vehicle travel contributes to lake clarity loss through fine sediment generated by roads and paved surfaces, atmospheric deposition of nitrogen and other pollutants from vehicle emissions, and stormwater runoff associated with transportation infrastructure. The RTP is the Basin's primary strategy for reducing these impacts by reducing dependence on the private automobile and lowering VMT over time.

In December 2023, Keep Tahoe Blue urged TRPA to recognize that DP 5.4(B) had not been met because the region had secured important project-level and one-time funding, but not the ongoing sustainable transportation funding required by the Regional Plan. We emphasized then that the 7-7-7 framework was progress worth building on, but that project-level planning dollars and earmarks did not satisfy the adopted requirement for an ongoing regional funding source. In March 2024, Keep Tahoe Blue again explained that despite funding successes, the region had fallen short of the "ongoing" requirement, which is essential in the region's ability to fund and implement the RTP over time.[6]

The Governing Board must make the milestone finding

The Staff Report reaches the incorrect conclusion that "DP 5.2 does not require formal action by the Governing Board unless the Governing Board does not accept one or more of the Report's recommendations and instead chooses to adopt alternative measures."[7] The Staff Report then uses this flawed logic to claim that the adaptive management response provided in Policy DP 5.6 is not triggered because "[t]he Advisory Committee's Report did not find that the DP 5.4(B) milestone was not attained." *Id*. at p. 5. This interpretation of the Regional Plan, which relies on a double negative and non-action by the TRPA Board to make a critical decision about VMT compliance measures, contravenes the Bi-State Compact and implementing law.

[4]League to Save Lake Tahoe comments on VMT package for RPIC and Governing Board, Apr. 28, 2021.
[5]League comments to TRPA, Dec. 12, 2023, intent of the funding trigger and no-net unmitigated VMT safeguard.
[6]League comments to TRPA, Dec. 12, 2023; League comments to TRPA Governing Board, Mar. 22, 2024.
[7] Staff Report, Agenda Item No. 7.D, p. 3

Regional Plan Goal DP-5 sets forth an important and mandatory directive that "TRPA *shall use* a series of milestones" along with adaptive management to achieve and maintain threshold TSC 1. One such milestone is establishing a long-term funding source to achieve VMT reduction goals as set forth in DP 5.4(B). As Staff notes, DP 5.1 and 5.2 establish an Advisory Committee to provide guidance on these issues and to prepare a report for TRPA that "include[s] an assessment of status relative to the milestones identified in DP-5.4 and DP-5.5." However, the Regional Plan does not give the Technical Advisory Committee (TAC) the power to determine whether any adopted milestones have been met, nor could it. The Bi-State Compact stipulates that it is TRPA's responsibility to achieve and maintain the thresholds and make any required findings.[8] Furthermore, "[t]he Tahoe Regional Planning Agency shall interpret and administer its plans, ordinances, rules and regulations in accordance with the provision of [the] compact."[9]

The Compact explicitly requires an affirmative vote of the TRPA Board to take any action on a matter before it.[10] The Board thus cannot adopt the recommendations in the Advisory Committee Report by non-action. The Compact expressly provides that, if the number of "votes [required] in favor of such action are not cast, *an action of rejection shall be deemed to have been taken*."[11] Therefore, if no action is taken by the Board on Item No. 7D before the 90 day review period expires, the TAC Report's recommendations will be deemed rejected, and the Board will be compelled to issue the written explanation to the Advisory Committee required by DP 5.2. Furthermore, the supplemental compliance measures set for the in Policy DP 5.6 would "automatically go into effect."[12]

Notably, the original 1969 Compact contained Article VI(k), which expressly provided that whenever TRPA was required to review or approve any proposal, if it did not act within the required timeframe, the proposal would be deemed approved. However, the Legislature changed this rule in the 1980 amendments to the Compact to state that if the required votes are not cast, *rejection* is deemed to have occurred instead. This overt change reflects a deliberate choice by Congress to strengthen TRPA's environmental protection mandate and ensure that all Governing Board decisions are made through affirmative, recorded votes.

The Compact also provides that all TRPA Governing Board meetings shall be subject to the Open Meeting laws of California or Nevada, whichever is stricter.[13] Those laws also require that affirmative votes be cast by governing bodies and that substantive decisions cannot be reached by inaction; any action reached by silent acquiescence would not be subject to the public scrutiny the Compact and state open meeting laws require. Here, TRPA Staff appear to acknowledge that a substantive finding is required regarding the funding milestone but reach the incorrect conclusion that such a finding can be reached by the failure of the TRPA Board to object to the Advisory Committee's assessment transmitted in its Report.

When TRPA votes, as it must, on whether the DP 5.4 funding milestone has been met, it must find that the milestone *has not* been met. The Advisory Committee Report provides the totals for three years of funding data, but fails to provide substantial evidence that a sustainable funding source that is reasonably expected to meet the VMT reduction milestones established in in the Policy has been established. As noted in the Advisory Committee meeting, the funding received to date has been for individual projects. There is no evidence of a commitment to ongoing funding, as required by the Policy.

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[8] Bi-State Compact, Article I(b)
[9] Bi-State Compact, Article I(c)
[10] Bi-State Compact, Article III(g)
[11] Bi-State Compact, Article III(g) (emphasis added).
[12] Staff Report, Agenda Item No. 7.D, p. 3
[13] Bi-State Compact, Article III(D)

Indeed, the California Legislature refused to adopt or officially endorse the 7-7-7 plan. The Governing Board should therefore find that the funding milestone has not been met and thus the supplemental compliance measures established in DP 5.6 will be triggered and remain in place until an on-going, sustainable funding source has been identified and has commenced.

DP 5.4(A) and DP 5.4(B) should be evaluated separately

Keep Tahoe Blue agrees that the 7-7-7 strategy is a meaningful regional framework and a genuine step toward meeting the intent of DP 5.4(A). The framework was developed through the Bi-State Consultation on Transportation and was designed as a shared-sector approach in which federal, state, and local/private partners each seek approximately $7 million per year for high-priority transportation projects, for a total of approximately $21 million annually. The Staff Report and Advisory Committee materials describe DP 5.4(A) as fulfilled, albeit after the December 31, 2021 timeframe. Keep Tahoe Blue does not object to recognizing that the region developed a funding framework that can satisfy the proposal-development component of DP 5.4(A), even if that occurred after the stated deadline.[14]

But DP 5.4(B) imposes a different and higher standard. It does not ask whether a proposal or framework exists; it asks whether an ongoing regional funding source or sources dedicated to transportation for the Tahoe Region, reasonably expected to meet the needs set forth in the RTP, commenced implementation by December 31, 2023. The Advisory Committee Report concludes that the 7-7-7 framework constitutes such an ongoing source, and that implementation commenced on time. Keep Tahoe Blue disagrees. The record shows funding progress and commitments by sector, but it does not show the durable, ongoing, reasonably expected revenue source that DP 5.4(B) requires.[15]

The 7-7-7 strategy is best understood as a funding framework and political commitment to pursue annual investments, not as an adopted, enforceable, ongoing regional revenue source. The 2022 Lake Tahoe Transportation Action Plan itself describes the framework as partners seeking $7 million per year from each sector and identifies potential revenue sources such as congestion or parking fees, local taxes, state appropriations, grant programs, and federal support. That language reflects a strategy for pursuit and coordination, not an established funding source with durability and predictability. This is demonstrated by the lack of implementation on the Lake Tahoe Transportation Action Plan created by the Bi-State Committee to prioritize the expected 7-7-7 revenues.[16]

This distinction matters. In earlier materials, TRPA staff described the need for new sustainable regional transportation revenue, explaining that the RTP included an average annual minimum target for ongoing new regional funding and that the region needed funding flexible enough to leverage other sectors and support transit operations and maintenance.

[14] TRPA Agenda Item No. 7.D Staff Report; TRPA/TSC1 briefing materials describing the 7-7-7 framework and Bi-State Consultation.
[15]TRPA 2026 Transportation and Sustainable Communities Performance and Recommendations Report, Appendix .
[16]Lake Tahoe Transportation Action Plan and October 23, 2023 Briefing Paper “Transportation and Sustainable Communities Threshold Adaptive Management Process.”

The TAC did not decide, and was not chartered to decide, the DP 5.4(B) milestone

The role of the Transportation Performance Technical Advisory Committee (TPTAC) is important, but limited. The Transportation Performance Technical Advisory Committee Charter says the TPTAC is charged with compiling and analyzing transportation data and providing recommendations to the Governing Boards of TRPA and Tahoe Metropolitan Planning Organization (TMPO) for accelerating attainment of RTP/Sustainable Communities Strategy (SCS) goals. It identifies objectives including developing transportation metrics, providing guidance on program, policy, and project modifications, preparing and transmitting performance reports, and preparing adaptive management responses if the region is not reaching VMT milestones. It does not assign the TPTAC responsibility to make final legal findings on whether the DP 5.4(B) funding milestone has been met.[17]
The Charter further states that the TRPA Governing Board is responsible for approval of the TPTAC Charter and is the final approval entity for each Transportation Performance Report. It also states that the Governing Board shall review the report's recommendations within 90 days and provide written justification if it does not accept recommendations and adopts alternative measures. That structure reinforces the point: the TPTAC provides technical review and recommendations; the Governing Board remains the responsible decision-making body.[18]

Keep Tahoe Blue's notes from the May 8, 2026 TPTAC meeting are consistent with this concern. Those notes reflect that the funding milestone update came to the committee because of the committee's role in evaluating metrics and assessing status of adopted milestones, and that the discussion described the December 2021 funding-plan deadline, the December 31, 2023 deadline, and staff's view that funding had been met or exceeded in 2023, 2024, and 2025. But the notes do not show that TPTAC members were asked to make the final legal determination that DP 5.4(B) had been attained or that DP 5.6 would not be triggered.

That distinction is substantive, not procedural. Keep Tahoe Blue advocated for the advisory body because adaptive management requires technical review, monitoring, and public accountability. We did not support creation of the advisory body as a substitute for Governing Board findings on funding milestones or as a way for a technical committee report to become the final word on whether the Regional Plan's environmental safeguard applies. To reiterate: the TAC can review milestones under DP 5.2, but TRPA must make any required finding under DP 5.6; the TAC is not the decision-making body for whether the funding milestone has been met.

It was not represented to TAC members that the Appendix would be the final word on milestone funding issues and would/could automatically determine whether the adaptive management response in DP 5.6 would or would not go into effect. Keep Tahoe Blue staff, as participant in the TAC on May 8, did not understand the gravity of the report and funding buried in it. In fact, before transitioning for funding to *recommendations* the TAC discussed the funding milestones going to the GB, committees, etc. next.

[17]Transportation Performance Technical Advisory Committee Charter, Goal and Objectives; Responsibilities.
[18]Transportation Performance Technical Advisory Committee Charter, Responsibilities section.

Why 7-7-7 is progress but not ongoing funding

Keep Tahoe Blue does not want these comments to be read as criticism of the 7-7-7 strategy. The opposite is true. The 7-7-7 strategy has helped focus the region, state and federal partners, and local jurisdictions on the scale of Tahoe's transportation funding need. It has helped bring new money to Tahoe and has supported meaningful projects. Keep Tahoe Blue has played a role in that progress through advocacy, coalition work, and direct involvement in microtransit and other transportation solutions.

The problem is that DP 5.4(B) requires ongoing funding. The 7-7-7 framework relies on a mix of grants, earmarks, appropriations, local funding decisions, private contributions, and project-specific commitments. Many of those sources are valuable, but they are not the same as a durable ongoing regional revenue source. The 2021 and 2022 sustainable transportation funding materials repeatedly emphasized the need for "new sustainable regional transportation funding," including funding that is fungible, predictable, basin-wide where possible, and capable of supporting transit operations and maintenance. The current record does not demonstrate that such a source has been established.

The Board can and should acknowledge the success of DP 5.4(A) and the success of the 7-7-7 strategy while still finding that DP 5.4(B) has not been met. That is the legally and environmentally honest outcome. It also preserves pressure on all sectors to move from project-by-project commitments toward a more durable funding solution, especially for transit operations, regional services, and recreation-access projects that are essential to reducing VMT but difficult to fund through traditional capital-focused sources.

The Board should preserve the connection between funding and land use policy

The connection between transportation funding and land use policy is not incidental; it is the heart of the VMT threshold framework, and thresholds are the heart of TRPA's mandate to protect the Lake Tahoe Basin. Keep Tahoe Blue has repeatedly emphasized that funding is essential to implementing the RTP, which in turn is essential to achieving and maintaining the TSC-1 VMT per capita threshold. In March 2024, Keep Tahoe Blue urged the Board not to decouple the funding milestones from land use policy and explained that maintaining the connection has been a proven tactic to provide and maintain pressure for sectors to commit to ongoing funding.[19]

Decoupling the milestone from the adaptive response would undermine the bargain that allowed Keep Tahoe Blue to support the 2021 package. The League accepted a per capita VMT standard instead of the prior absolute VMT cap and accepted a staged adaptive framework because the package included enforceable milestones and meaningful responses. The Board should not now treat those responses as optional or avoid them through inaction.[20]

This is not merely a debate about transportation finance. The reason TRPA adopted a VMT threshold and linked it to transportation funding is because vehicle travel has real environmental consequences for Lake Tahoe. Meaningful reductions in VMT help reduce pollutant deposition, roadway-generated fine sediment, and other transportation-related impacts that degrade water quality and clarity. The funding milestone therefore serves as a critical environmental safeguard designed to ensure that transportation impacts are mitigated as the region grows.

[19]League comments to TRPA Governing Board, Mar. 22, 2024.
[20]League comments to TRPA, Dec. 12, 2023; League comments on VMT package, Apr. 28, 2021.

TRPA's top mandate is to protect Lake Tahoe's environment. The VMT threshold is an environmental backstop to ensure that plans, policies, and projects approved by TRPA do not increase transportation impacts faster than the region can mitigate them. If TRPA concludes that key funding milestones can be deemed met through informal strategies and project-level funding without a formal Board finding and without an ongoing funding source, it risks weakening both the threshold system and public trust in adaptive management.[21]

Requested actions

Keep Tahoe Blue has advocated for most of these since 2023:

1. Take formal action on Agenda Item No. 7.D rather than allowing the Report's recommendations and milestone assessment to be accepted by inaction.
2. Find that DP 5.4(A) was fulfilled after the deadline through development of the 7-7-7 framework, but that DP 5.4(B) has not been attained because the record does not demonstrate an ongoing regional funding source or sources dedicated to transportation that are reasonably expected to meet the needs set forth in the RTP and that commenced by December 31, 2023.
3. Acknowledge that the supplemental compliance measures in DP 5.6 are triggered and will remain in effect until an ongoing, sustainable transportation funding source has been identified and commenced, unless and until the Regional Plan is formally amended through the appropriate public process.
4. Direct staff, the Transportation Committee, and the appropriate advisory body to develop a clear, public, and durable path for defining "ongoing" funding, tracking actual transportation revenues by source and use, distinguishing one-time/project-level dollars from ongoing commitments, and reporting progress to the Governing Board on a regular schedule.
5. Preserve the connection between funding and land use policy so transportation investment continues to reduce VMT, protect Lake Tahoe's clarity, support multimodal access, and avoid adding new unmitigated VMT before the region has the funding tools needed to implement the RTP.

Conclusion

Keep Tahoe Blue appreciates TRPA staff, the TPTAC members, local jurisdictions, transportation providers, and state and federal partners who have worked to advance the 7-7-7 strategy and bring more transportation investment to Lake Tahoe. That work is meaningful and should continue. But the Board should not conflate progress with attainment of the adopted DP 5.4(B) milestone. The Regional Plan requires more than a funding framework and a set of project commitments. It requires an ongoing regional funding source or sources reasonably expected to meet the transportation needs identified in the RTP.

The 2021 VMT package was negotiated in good faith to create an adaptive management system that would be clear, accountable, and protective of Lake Tahoe. The funding milestone and DP 5.6 response were not loopholes or aspirations; they were safeguards. Keep Tahoe Blue asks the Governing Board to honor that agreement, make the required finding, and use this moment to recommit the Tahoe partnership to sustainable transportation funding and meaningful VMT reduction.[22]

[21]League comments to TRPA Governing Board, Mar. 22, 2024; League comments to TRPA, Dec. 12, 2023.
[22]League comments to TRPA, Dec. 12, 2023; League comments to TRPA Governing Board, Mar. 22, 2024;

Thank you again for your work on one of Tahoe's most impactful and persistent environmental challenges. We look forward to continuing to work with TRPA, TPTAC, local jurisdictions, transportation providers, and state and federal partners to secure ongoing transportation funding, implement the Regional Transportation Plan, and protect Lake Tahoe's renowned clarity for generations to come.[23]

Sincerely,

Gavin Feiger
Policy Director
on behalf of the League to Save Lake Tahoe (Keep Tahoe Blue)

League comments on VMT package, Apr. 28, 2021.
[23]League to Save Lake Tahoe comments on VMT Threshold Update and Project-Level Assessment, Mar. 23, 2021; League comments on VMT package, Apr. 28, 2021.