

From: Ellie <tahoellie@yahoo.com>
Sent: 3/26/2024 9:16:19 AM
To: Public Comment <PublicComment@trpa.gov>
Subject: Public Comment TRPA March 27, 2024 Governing Board Meeting
Attachments: [GB 3-27-24 DP 5.4.pdf](#)

Please accept this public comment for the TRPA Governing Board Meeting 3-27-2024
Thank you, Ellie Waller

PUBLIC HEARINGS

A. Possible findings and direction regarding Regional Plan Action Page 203

Goals and Policies (DP-5) that guide adaptive management towards Transportation and Sustainable Communities Threshold Standard 1 (TSC1), including possible direction to amend the revenue milestone (DP-5.4.B)

(Staff: Dan Segan)

Tahoe Regional Planning Agency March 27, 2024 Governing Board meeting
Ellie Waller Public Comment for the Record DP-5.4.B Possible Amendment

Today's Agenda item: VI. PUBLIC HEARINGS


A. Possible findings and direction regarding Regional Plan Action Page 203 Goals and Policies (DP-5) that guide adaptive management towards Transportation and Sustainable Communities Threshold Standard 1 (TSC1), including possible direction to amend the revenue milestone (DP-5.4.B) Staff: Dan Segan

Today, you must ask yourselves, in all certainty, what are the consequences of not meeting DP 5 goals. Adaptive Management strategy failed, in my opinion. To continue to use adaptive management as a crutch is unacceptable. Knowing future legislation is required, and not something that can be accomplished in a timely manner is yet another issue that must be addressed.

Betting on the come line that both Nevada and California can come to agreement to a basin-wide fee is not realistic either. Simply changing the terminology to VMT mitigation fee is not transparent to the public at-large. Much like Tourism Business Improvement Districts calling this a fee, it's more like a tax in my opinion. Be reminded, even though small taxes (fee), as touted by the jurisdictions, they add up for the locals as well as the targeted tourists visiting the Tahoe Basin. Discussion for another time.

<https://www.trpa.gov/wp-content/uploads/March-27-Governing-Board-Packet.pdf>

Starting on Page 203 of your packet

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STAFF REPORT

Date: March 20, 2024

To: TRPA Governing Board

From: TRPA Staff

Subject: Transportation and Sustainable Communities Threshold Standard 1

Summary:

At the January 2024 Governing Board meeting the Board reaffirmed its commitment to closing the funding gap of the 2020 Regional Transportation Plan (RTP) and reducing VMT per capita to meet the goal of the Transportation and Sustainable Communities 1 (TSC1) Threshold Standard. The Board also expressed concern about the adaptive management framework for addressing the funding gap. Staff consulted with partners in reviewing the full adaptive management framework for TSC1 and found the vast majority of the framework to be sound. In keeping with the adaptive management approach, Staff recommends the Board provide the following direction to Staff.

Required Motions:

To implement the direction the Board should make the following motions:

1. A motion to direct the Agency to continue to support the implementation of the "7-7-7" framework while working with local, regional, state, and federal partners to refine the overall funding approach and establish appropriate milestones.
2. A motion to direct continued engagement with the Transportation Performance Technical Advisory Committee and programmatic experts to adaptively manage the policy framework to address concerns raised by stakeholders and the Board, including a review of the project impact assessment process and exemption of public service projects.

For the motions to pass, an affirmative vote from four Board members from each State is required.

Background:

In April of 2021, TRPA adopted TSC1, aligning the vision of the RTP and Regional Plan to reduce reliance on the automobile, reduce greenhouse gas emissions, and increase mobility through modes other than the automobile. Concurrent with the adoption of the threshold standard, an adaptive management framework was adopted as goal DP-5 in the Regional Plan, with six implementing policies. Both the threshold standard and the adaptive management framework were the result of extensive negotiations between a variety of stakeholders. That adaptive management framework contains three key elements,

In April 2021 TRPA adopted TSC1. What has changed since then ? A discussion must ensue. Example: The lack of acknowledgment by the TRPA on basin wide vacation Home Rental impacts is unacceptable.

1) independent technical advice, 2) milestones for progress, and 3) management responses if the milestones are not met. That framework contains milestones for VMT per capita reduction and the funding of the RTP to support VMT reduction through transportation policy.

In January of 2024, the Board reviewed implementation progress and expressed numerous concerns related to the funding element of the adaptive management framework (DP-5.4, DP-5.6). The concerns expressed related to ambiguity in the standard, feasibility of the timelines, and potential impacts of the land-use policies.

DP-5.2 THE TECHNICAL ADVISORY BODY WILL PREPARE AND TRANSMIT A PERFORMANCE AND RECOMMENDATIONS REPORT TO THE GOVERNING BOARD EVERY FOUR YEARS.

DP-5.3 THE TECHNICAL ADVISORY BODY WILL PREPARE AND TRANSMIT A REGIONAL TRANSPORTATION PLAN SUSTAINABLE COMMUNITY STRATEGY ANALYSIS AND RECOMMENDATIONS REPORT.

Staff and partners engaged in a review of the adaptive management framework after the January meeting, with a focus on the policies related to the funding strategy. The review reaffirmed the framework as a whole but identified numerous opportunities for improvement.

GOAL DP-5

TRPA SHALL USE A SERIES OF MILESTONES TO ADAPTIVELY MANAGE REGIONAL LAND USE AND THE TRANSPORTATION SYSTEM TO ACHIEVE AND MAINTAIN TRANSPORTATION AND SUSTAINABLE COMMUNITIES THRESHOLD STANDARD 1.

A full review of the policies and implementation progress is included below. All six policies were adopted under Goal DP-5. The policies collectively reaffirm the commitment to adaptive management to reduce VMT per capita to attain the threshold standard.

The first policy, DP-5.1, calls for the convening of a technical advisory body to provide independent guidance on policies to promote the attainment of the threshold standard. That technical body, the

DP-5.1 A TECHNICAL ADVISORY BODY WITH EXPERTISE IN TRANSPORTATION, LAND USE PLANNING, AND IMPLEMENTATION SHALL PROVIDE GUIDANCE ON PROGRAM MODIFICATIONS NECESSARY TO ATTAIN AND MAINTAIN TRANSPORTATION AND SUSTAINABLE COMMUNITIES THRESHOLD STANDARD 1 (TSC 1).

Transportation Performance and Technical Advisory Committee was appointed by the Board in March of 2022. The Committee met multiple times in 2022 and developed its charter, which the Board approved in September of 2022.

The next two policies, DP-5.2 and DP-5.3, establish the reporting requirements of the technical advisory body. The reporting structure provides the technical advisory body with the framework to make data-driven policy recommendations to the Board to accelerate threshold attainment. In March of 2023, the technical advisory body submitted a draft reporting framework to the Governing Board, outlining the metrics it would use to assess the performance of the transportation system. The advisory body began

Strategies and reports are only as good as the ability to fund and implement. Re-writing plans, doing additional analysis has not achieved the desired goals in threshold attainment. Changing VMT to per capita has not made a difference, in my opinion. Relying on an unreliable transportation system must be acknowledged. Expecting tourists and locals to get out of the cars is changing a behavior that cannot be quantified. Free transportation isn't free.

reviewing data relative to the performance metrics at its meeting in January of 2024 and is on track to complete its evaluation and provide guidance to the Governing Board in the second quarter of this year, consistent with DP-5.3.

The fourth adaptive management policy addresses the regional revenue funding gap of the constrained list of the RTP. The RTP estimated that an additional \$486 million would be needed to implement the projects on the constrained project list, equivalent to an additional \$20 million annually for 20 years starting in the 2026 fiscal year. The RTP refers to this as “Regional” revenue in the funding chapter because it is forecasted revenue that does not yet have an identified source (e.g., federal, state, local, or private sector). The first of the two policies, DP-5.4, identified the importance of coalescing around a proposal for addressing the gap in forecasted transportation funding.

The Bi-State Consultation on Transportation reached a consensus to pursue a funding approach modeled after the Lake Tahoe Environmental Improvement Program (EIP), dubbed the “7-7-7” strategy. The strategy was endorsed by the Bi-State Consultation on Transportation and presented to the delegates from each state at the 2022 Lake Tahoe Summit (Summit). After the 2022 Summit, the Nevada State Legislature endorsed the strategy, as did Placer County and the City of South Lake Tahoe.

Under the “7-7-7” framework, federal, state, and local/private partners would each seek an additional \$7 million per year, for high-priority, regionally significant transportation projects, totaling \$21 million annually. Partners responded to the urgent call to fund the RTP and secured an additional \$23 million for FY2023. This milestone exceeds the funding target for “7-7-7” for the year and arrives three years earlier than anticipated by the 2020 RTP.

DP-5.4 SCHEDULE OF MILESTONES TO OBTAIN A REGIONAL FUNDING SOURCE FOR TRANSPORTATION PROJECTS AND PROGRAMS.

A. 2022 Regional Revenue Milestone - By December 31, 2021, a proposal for dedicated sources of transportation funding for Tahoe, endorsed and supported by the Bi-State Transportation Consultation, shall be submitted to the Nevada and California legislatures.

B. 2024 Regional Revenue Milestone - An ongoing regional funding source or sources dedicated to transportation for the Tahoe Region that is reasonably expected to meet the needs set forth for it in the Regional Transportation Plan, shall commence implementation no later than December 31, 2023.

While “7-7-7” addressed the future funding gap for the RTP, the difference in the funding approach of DP-5.4-A relative to partner expectations and the ambiguity in DP-5.4-B as to the terms “ongoing,” “reasonably expected,” and “commence implementation” complicates the assessment relative to DP-5.4-B. The “7-7-7” framework references a suite of “potential revenue sources” to close the regional funding gap of the 2020 RTP. The sources include both those that would generally be considered

Many of these goals and policies are expressly written with wiggle room built in, in my opinion. You must ask yourselves, at what expense to the environment, public health and safety etc.?

The 7-7-7 strategy framework as stated is “potential revenue sources”. POTENTIAL !

The standard of significance for residential, tourist accommodation, and public service uses is “15% below existing sub-regional average VMT.” The level ensures that new large projects will be more efficient than the existing development pattern and thus contribute to lowering VMT per capita. If DP-5.4.B is found not to be achieved, the standard of significance is changed to “no-net unmitigated VMT.” In discussions around the achievement of the funding milestone, there has been significant debate about the effect this change would have on projects within the region. Forecasting that impact is non-trivial because it requires a suite of assumptions around applicant behavior and market dynamics. Were the measure in place today an applicant potentially subject to the “no-net unmitigated VMT” could choose to; a) reduce project size, b) take their project elsewhere, or c) become a greater advocate for transportation funding in Tahoe.

The Board raised further questions about which projects should be impacted by the standard of significance change, and if public safety or other public service projects (e.g. daycare facilities or government offices) should be included. The broader question posed relates to which land use policies best support per capita VMT reduction and overall implementation of the Regional Plan. Would it impede the concentration of the development within town centers and other low VMT areas, thereby slowing the implementation of the Regional Plan or promoting sprawl? Is the change designed solely to motivate action and drive funding results, or should the change be designed to promote the attainment of the overall policy goal of VMT per capita reduction even in the absence of additional funding?

The questions get at the heart of the design of the adaptive management measure and whether the measure should be broad-based and impact many projects or be more targeted at a limited number of projects. In approaching the technical review of the interaction between land use and transportation policy, the focus should be on the identification of land use policy alternatives that promote threshold standard attainment in both good and bad funding environments. That review should also consider the first three years of implementation of the new transportation project impact assessment. To facilitate this review, staff further recommends continued engagement with partners and technical experts to address concerns related to program implementation and specifically how they relate to transportation project impact assessment and screening processes.

Contact Information:

For questions regarding this agenda item, please contact Dan Segal, Chief Science and Policy Advisor, at 775-589-5233, or dsegan@trpa.gov.

To submit a written public comment, email publiccomment@trpa.gov with the appropriate agenda item in the subject line. Written comments received by 4 p.m. the day before a scheduled public meeting will be distributed and posted to the TRPA website before the meeting begins. TRPA does not guarantee written comments received after 4 p.m. the day before a meeting will be distributed and posted in time for the meeting.

The January 2024 Governing Board discussion made clear that there is no one solution and that the complexities of obtaining sustainable funding sources can take years. The Regional Transportation Plan update on the horizon is just that “a plan”. Implementation of goals has not been achieved.

January 2024 Governing Board meeting discussion.

Ms. Leumer asked whether there is explicit language requiring the board to make the finding regarding the trigger.

Mr. Marshall said no. The language is passive, stating that the supplemental compliance measures automatically go into effect if it is found that the goal has not been met. However, the specific entity responsible for making this finding is not explicitly mentioned in the language. He suggested that some element of the TRPA could interpret and make that finding

Mr. Settlemeyer expressed concerns about hard and fast rules, suggesting they could lead to unintended consequences such as potential loss of funding for other projects. He highlighted examples like the aquatic invasive species building and a parking lot that serves as a mobility hub, emphasizing the importance of considering broader project goals. He is concerned about the potential detrimental impact of Option 2's uncertainty on negotiations for additional funds. He worried that business partners might be reluctant to engage in discussions due to apprehensions about a trigger being applied. Considering the progress made in meeting funding goals, he leaned towards Option 3, emphasizing the need to continue striving for the funding objective outlined in the letter signed by his predecessor Mr. Lawrence with Secretary Crowfoot.

Mr. Hoenigman had concerns about not meeting the spirit of the agreement for a long-term sustainable funding source. He highlighted the changing nature of local governments and administrations, emphasizing the need for a stable funding solution. He there is a risk of allowing projects with unmitigated VMT to proceed if funding dries up, leading to increased VMT. He stressed the importance of working towards a replacement for base and entry funding, capturing

money from various sources of VMT. He expressed reluctance to trigger the measure but considered a delay if commitments from legislatures could be secured. He suggested updates to language, specifically clarifying affordable and workforce housing definitions. He proposed exempting public safety projects and recommended making these updates regardless of the decision. He acknowledged the commitment made with partners and emphasized the need to honor it.

Ms. Aldean said that the Nevada Legislature only meets every two years, and the next session is in 2025. Two months is not sufficient time to achieve anything significant. She suggested considering a longer timeframe, perhaps not two years, but more than two months, to allow for a reasonable and realistic approach.

Ms. Regan suggested a friendly amendment to Option 3, proposing a reconsideration period through the fall of 2024, specifically from September to December. She mentioned ongoing work with the oversight committee, which will continue throughout the year, providing an opportunity to pursue recommendations for legislation. This timeframe, within a year, was presented as a compromise between the two-year extension and the shorter two-month period.

Ms. Diss asked about the agency's authority to implement an ongoing source of funding independently. She expressed uncertainty about whether the agency could initiate such funding on its own, given historical considerations and the understanding that TRPA might not be the entity implementing an ongoing regional revenue source. She mentioned that the policy was drafted with the expectation that the implementation would involve sources within the basin or legislative bodies. She asked for clarification on TRPA's legal ability to implement such fees and the allocation of responsibilities among entities.

Mr. Marshall said that the feasibility analysis, conducted as part of the One Tahoe initiative and supplementary analysis, explored the legal ability to implement fees. He noted that TRPA has the authority to adopt mitigation fees but highlighted the compact's allocation, indicating that TTD is usually looked to for fees related to the operation of a transit service. The distinction between mitigation fees and revenue generation fees was also mentioned, the revenue generation fees

might not fall within TRPA's set of authorities.

Ms. Williamson suggested considering all three options. She emphasized the importance of recognizing that some partners negotiated the agreement, and there is a shared sentiment that the negotiated terms may not have been met. She proposed changing the term "goal" to "requirement" and updating the definition of development projects. According to her suggestion, development projects going forward should have no net unmitigated VMT, with exemptions for public work projects, achievable and affordable housing, and other projects meeting TRPA's thresholds. The emphasis would be on not meeting the trigger, continuing to seek funding, and avoiding delays for priority projects.

Ms. Gustafson said she served about five years on the bi-state commissions. As the North Shore representative, she felt that they were very clear when they couldn't do a basin entry fee the 7-7-7 was agreed to by all of the partners. She understands that the League and the Attorney General's office weren't at the table but were being told what was going on but doesn't feel that was an agreement. Secretary Crowfoot said he couldn't obligate to the future and doesn't know future budgets but would do everything in his power as did Director Crowell. As a local, she went out and sold this to her community. She has a number of partners that feel betrayed and maybe with her for saying pass the Tourism Business Improvement District (TBID), we have to do our share to keep redeveloping our town centers. The TBID is not painless to get passed. She wants to find a balance that honors that commitment and encourages that commitment to be spread throughout the basin. Because we don't have the authority as an agency to pass this self-perpetuating fund. We've been told by the state that the one we all thought we could, the state of California and Nevada won't support. Don't kill the good progress that we've made and consider that as well as the partners on the trigger. Can we send staff back or reconvene the bi-state if that's what we need. It's going to take time and we're going to need a measurable

milepost that shows that maybe both parties can agree as long as we're continuing and building, while we're getting there. Maybe that is an approach that finds truth in both perspectives.

Mr. Rice concurred with Mr. Settelmeyer and Ms. Hill, expressing concern about the challenges

and changes expected in the next two years, including a new legislature and potential shifts in board seats. He preferred Option 3, believing it would provide the necessary time to secure funding from the legislature and county.

Ms. Laine agreed with the sentiments shared by previous speakers and leaned toward Options 2 or 3. She highlighted the reliance on the initially proposed basin user entry fee and the subsequent shift to the 7-7-7 agreement. She emphasized the challenge of obtaining ongoing funding quickly and mentioned the importance of allowing some time for the South Shore Transit Management Authority's efforts. She acknowledged the League's concerns about ongoing funding and the trigger but stressed the need for a reasonable approach to achieve the intended goals.

Mr. Bass expressed a perspective focused on the core mission of TRPA, which is to protect Lake Tahoe. He emphasized the need to fulfill the commitment made in 2021 to raise \$20 million for ongoing dedicated funding to mitigate VMTs, particularly through transit projects. He highlighted the decrease in fixed-route services and ridership in the South Shore over the past three years, suggesting the importance of achieving the intended goals. He viewed the trigger as a tool to pressure developers to contribute to funding and to maintain credibility. He emphasized the need to balance development with TRPA's mission of environmental protection.

Ms. Leumer expressed agreement with Mr. Bass' points, emphasizing that aiming for no net VMT can be a beneficial goal without necessarily halting development. She suggested starting with triggering the requirement and then revisiting it later if necessary. Additionally, she asked for clarification on why the 7-7-7 proposal, intended to substitute for regional revenue, did not come to the board for approval at the time.

Ms. Regan said that the focus was primarily on moving forward to generate revenue, leveraging various sources, and that there was a sense of excitement and positive momentum. She also mentioned the transitional period within the agency, including changes on the board and in leadership.

Ms. Faustinos said she didn't realize the proposal wasn't explicitly discussed, assuming it was the premise they were working under. She supported Mr. Hoenigman's recommendation for a path forward, emphasizing the need to acknowledge the unmet goal, recognize the support received,

and find a way to progress in the future.

Ms. Gustafson asked if it was accurate to say that, due to difficulties in reaching a reasonable resolution with partners, the issue was brought to the board two months after the fact.

Ms. Regan said Ms. Gustafson's understanding was correct. She also added that the board had endorsed the proposal in June 2022, as they were heading to the Nevada legislature for a resolution, though it wasn't a formal vote.

Ms. Aldean acknowledged the progress made and emphasized the importance of flexibility. As Ms. Laine said, there was a certain degree of reliance on the feasibility of basin entry fee and still feels the basin entry fee is the ultimate solution. She'd like more information on the background

on whether or not this was a voter initiative that amended the constitution, but it was done by the legislature. The basin entry fee could be reframed as a VMT mitigation fee. She was opposed to completely removing the basin entry fee as an option, considering it a heavy lift but essential. There's the undeniable impact of VMT and questioned the exclusion of certain housing types. She raised concerns about the trigger acting as a moratorium and advocated for compromise, strategic decision-making, and involving staff in further discussions to address uncertainties and questions raised during the meeting today. She acknowledged the potential need for additional exemptions, particularly for public safety reasons, and stressed the importance of honoring commitments. We need to find a realistic and sensible path forward, suggesting that a hard and fast decision may not be suitable at the moment.

Ms. Gustafson said that the board should not approve any further projects until they have had meetings with partners, both business and environmental. She suggested forming a language agreement through a mini bi-state approach, looking at measurable milestones to ensure progress and avoid regression. She expressed concern about the Attorney General's office's mention of a self-perpetuating fund, emphasizing the need for legislative authority and urging partners to lobby state legislatures for support. She suggested taking possibly 30 or 60 days to lay out milestones for legislative actions and budgets while signaling to the community that projects won't be approved until there's agreement with partners on the funding source. It's important to identify a replacement for the original funding source and calls for collaboration to determine a

viable solution.

Ms. Conrad-Saydah said that waiting until the end of June to gain clarity on California's state commitment is manageable. She questions the de facto implementation of the net-zero VMT during the proposed waiting period.

Ms. Gustafson said she doesn't think that anyone here believes that we're going to have an answer in 30 or 60 days or even in two years to get sustainable self-perpetuated funding. Then we can go to measurable milestones to hold all partners accountable for additional commitments toward solving the issue. She expressed concern about pulling the trigger, it stops everything.

Ms. Conrad-Saydah asked if Option 2 would be the approach. We'd update these policies to not necessarily reflect a change in funding strategy but reflect the challenges in funding strategy and commitment to a partnership approach for closing funding gaps.

Ms. Aldean said that the funding objective has not been met and suggested updating goals and policies in DP-5.4.B to address the need for additional information as requested in the meeting. And to further refine the funding strategy by July 1, 2025, to meet the 7-7-7 funding objectives by establishing specific and measurable goalposts to assess progress over time. This provides flexibility to adapt to a changing environment.

Ms. Williamson asked Ms. Aldean if she wanted to include the suggestion of not approving any projects until a certain date in the definition they are discussing as Ms. Gustafson suggested.

Ms. Gustafson expressed her intention to provide support to Mr. Bass' concerns and addresses the perception that there might be an attempt to push projects through before negotiations take place. She emphasizes the need to continue negotiating in good faith.

Ms. Aldean said we can add that no project will be processed by the Agency that doesn't meet the net zero goals Ms. Gustafson said she doesn't see that list of projects and doesn't know if she can wait until

July.

Ms. Aldean said it should exclude public safety projects, affordable housing, and single-family.

Ms. Conrad-Saydah said take out the 7-7-7 because we did acknowledge that it is not sufficient. It should say "To achieve Regional Transportation Plan funding goals. It will probably go behind 7-7-7 given inflation and cost of construction.

Ms. Aldean said the 7-7-7 funding objectives could include a VMT mitigation fee as part of a basin entry fee.

Ms. Conrad-Saydah said it's more that the \$21 million may be insufficient. We want to say Regional Transportation Plan funding objectives, one third times three.

Ms. Aldean asked how much is the Regional Transportation Plan funding objective? Because those may change over time.

Mr. Bass said at one point they were talking about a zonal entry fee and that would be perpetual sustainable local funding source. The 7-7-7 is great and it's done great things, but it isn't getting to the dedicated transit funding source that truly reduces VMTs and we need to redefine what that is. The 7-7-7 did accomplish some good things but it hasn't got us sustainable dedicated long term transit funding. It's what we need to do to reduce VMTs. The Regional Transportation Plan and the overall does it, but this \$21 million didn't reduce too many VMTs. The microtransit absolutely but that's a small portion of the funding.

Ms. Gustafson said the answer on the zonal also takes legislation. The states have to agree to the zonal.

Mr. Bass said that's something where we should keep the pressure on.

Ms. Aldean said by eliminating the reference to the 7-7-7 plan and say that our objective is to achieve our VMT reduction funding objectives. And that could be a myriad of things by establishing specific and measurable goal posts to access our progress over time. She's still concerned about the legislative aspect of this. Goal DP-5.6.A says that no net unmitigated VMT except for deed restricted affordable and or workforce housing. That doesn't include single-family homes.

Mr. Marshall said single-family homes would screen out. So, they wouldn't get to the place of whether or not the standard of significance would apply.

Ms. Aldean said then it would be just restricted to affordable and workforce housing, but we need to clarify that definition as suggested on the record. We need to take into consideration public safety projects.

Ms. Laine said instead of trying to wordsmith the entire thing right here, could it be direction to staff to come back within 60 days with this worked out?

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before that get to reduce their VMT. And those credits depending on how long they take may expire. It will be us prognosticating what we think is coming but will try to give you a range of what we think is coming.

Ms. Diss said they way Ms. Gustafson initially laid it out, at first my understanding was that we wouldn't take action on whatever our definition of development projects until we have heard back from staff and taken action on that, not until from now until July 1, 2025, correct?

Ms. Gustafson said that's correct. She doesn't want someone to think that if we waited 60 days because we're going to have to have numerous meetings with our partners and state officials to say what's reasonable, what was agreed to, etc.

Ms. Diss said my understanding is that it would be 30 to 60 days, they wouldn't approve whatever we decide to be the definition of a certain kinds of projects in good faith.

Mr. Marshall said what we're trying to get at is that we won't bring forward either staff or board for approval of a project that would be affected by the trigger. If it would otherwise shift down to no net, we would wait on that one for 30 or 60 days. There are not any that we are aware of that are ready for decision within that time period anyway but can't say that definitively.

Mr. Hester said also with some proposals on how to change that definition.

Mr. Settelmeyer asked for more clarification on that motion of the discussion of the one third, one third, one third versus the concept of 7-7-7. He's concerned because if you're asking for an exact dollar amount, that's insanity. If you're asking for everyone to give exactly one-third from each of those contingents, he's very concerned because that's less achievable than 7-7-7. Versus the concept we have met the objective this year of \$21 million. It's the discussion of buckets. He is concerned about the concept of putting a moratorium in effect. Because by saying that we're

not going to deal with ones that would come up that might affect the trigger, which we don't theoretically have at this point in time, you're stymieing the potential of projects that are out there that are thinking of coming forward that could have incredible environmental gain to this community, and that is of concern.

Mr. Bass said it's not about stymieing the projects; you're saying that three years ago we said we're going to get to this VMT reduction and we're going to do it through this Regional Transportation Plan. We need the funding to do it and we haven't fulfilled that funding. We haven't created those mitigations from the transportation plan. Therefore, since we've got to this three-year mark, the projects must do that. It doesn't mean a forever thing, it's a great point of motivation for us all to go and get it done and is the reason why it was in the policy. Recently, in Beverly Hills they stopped every building permit because they will not comply with the state housing laws. It's a great motivating factor and has begun to work at least here on the California side to start getting more funding. He wants to ensure that in this 60 to 90 day window whatever it is that we are stopping and doing what we said we're going to do until we have a new policy.

Mr. Hoenigman said if we are pushing this off that there needs to be a little penance paid as well. He's heard it suggested that maybe projects don't screen out, and we should think about that from the League. Single-family homes do but any smaller projects perhaps have to go through something more rigorous. He personally liked the idea that Ms. Williamson brought up of judging the overall environmental impact of a project. And if it is something that's really great for the lake that maybe it can go through in this interim period. The intent of all of this is to help the lake

overall. If we're kicking the can down the field, then there's has to be some makeup for that. We've got to acknowledge that we missed it and dig a little deeper as payback for that. The League has suggested not screening out smaller projects. He doesn't know enough to say how feasible that is. That's one thing that's been put out there as a way that we can make delay not impact the lake.

Ms. Aldean said we need to look at the people we are penalizing who had nothing to do with our inability to meet our funding goals.

Ms. Gustafson said we're not going to achieve something as self-perpetuated ongoing funding

source without all our partners at the table, working hard together with the strategy. We need enough time for staff to meet with all those partners and representatives from both states to see what we can come back with before we determine any action on triggers. Maybe we just needed to elevate it to the board sooner because we know staff have been trying to do that. You've heard how divisive this could be between both states, the private sector, locals, and the states. Ms. Regan said what we can commit ourselves to doing is we can bring you an update as part of my executive director's report next month if we're not quite fully ready for another full presentation. A full presentation within two months, summarizing the direction that we've heard with some suggested language changes. In the meantime, we need to consult with all the partners. The level of project that we'd be talking about is something that would be on the docket for the board. There are no big projects to come before the Governing Board in the next couple of months that we're aware of.

From: Gavin Feiger <gavin@keptahoeblue.org>
Sent: 3/22/2024 1:59:48 PM
To: Public Comment <PublicComment@trpa.gov>; Cindy Gustafson <cindygustafson@placer.ca.gov>; Hayley Williamson <hayley.a.williamson@gmail.com>; Ashley Conrad-Saydah <ashleyc@alumni.princeton.edu>; Vince Hoenigman <vhoenigman@yahoo.com>; Brooke Laine <BOSFive@edcgov.us>; Meghan Hays <Meghan.hays9@gmail.com>; Cody Bass <cbass@cityofslt.us>; Francisco Aguilar <cisco@sos.nv.gov>; Alexis Hill <AHill@washoeconomy.us>; Wesley Rice <wrice@douglasnv.us>; Belinda Faustinos <belindafastinos@gmail.com>; Shelly Aldean <shellyaldean@gmail.com>; Jessica Diss <jdiss.trpa@gmail.com>; Alexandra Leumer <TRPALeumer@yahoo.com>; James Settelmeyer <JSettelmeyer@dcnr.nv.gov>
Cc: Darcie Goodman-Collins <Darcie@keptahoeblue.org>; jesse@keptahoeblue.org <jesse@keptahoeblue.org>; Julie Regan <jregan@trpa.gov>; John Marshall <jmarshall@trpa.gov>; Dan Segan <dseگان@trpa.gov>;
Subject: VMT comments for next Wednesday
Attachments: [image001.png](#), [LTSLT Comments on VMT threshold for TRPA GB on 2024.03.27.pdf](#)

Good afternoon Governing Board,

Please find our comments, including a proposal for Regional Plan amendments, attached.

The League asks that the Governing Board adopt the attached proposal as the next steps for implementing the VMT threshold to protect Lake Tahoe from VMT exceedance while allowing for sustainable and environmentally beneficial development. Most importantly, we urge the board not to decouple the funding milestones from land use policy. Furthermore, we are committed to continuing and increasing our efforts to identify and secure regional ongoing funding.

Gavin Feiger

Policy Director, League to Save Lake Tahoe

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March 22, 2024

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

RE: Transportation and Sustainable Communities Threshold Standard 1

Governing Board Chair Gustafson, Members and TRPA Staff:

The League to Save Lake Tahoe (League) appreciates the opportunity to provide further comments on implementation of the Vehicle Miles Traveled (VMT) Threshold standard (Transportation and Sustainable Communities Threshold Standard 1). We are grateful for the extensive time TRPA staff and board members have taken to work with us through the challenges implementing the VMT threshold. Although we were not able to come forward to this board in alignment with the staff recommendation, we are hopeful that a board decision will address our biggest concerns detailed below.

The League asks that the Governing Board adopt the attached proposal as the next steps for implementing the VMT threshold to protect Lake Tahoe from VMT exceedance while allowing for sustainable and environmentally beneficial development. Most importantly, we urge the board not to decouple the funding milestones from land use policy.

These comments include a proposal to adjust the VMT threshold standard to address questions and concerns from the Board while preserving the intent. This proposal with redlined amendments to the current threshold is included as an addendum.

Context and History. The foundation of the updated threshold is based on reducing VMT per capita from a baseline through implementation of the Regional Transportation Plan (RTP). Securing “ongoing regional funding source or sources dedicated to transportation” the Basin will mitigate impacts from existing VMT and additional VMT from future projects. An environmental safeguard, negotiated and unanimously approved by the Board in 2021, was written to be automatic if the funding milestone was not achieved by December 31, 2023. This was negotiated in good faith over the course of nearly two years between several stakeholders, namely the League and the California Attorney General's office after the original VMT threshold was exceeded as a compromise. The environmental safeguard agreed upon by all interested parties to address the original VMT exceedance is to prevent adding new VMTs to the environment while TRPA and other entities find ongoing funding to implement the RTP. The safeguard is a no-net unmitigated VMT standard for projects excluding affordable or single family housing which shall go into effect until funding is achieved.

Funding. Despite the funding successes of 2023, we have clearly fallen short of the target stipulated in the VMT Threshold specific to the “ongoing” requirement which is essential to having certainty in our ability to fund and implement the RTP to the level necessary to offset impacts over time. The formal commitment by Nevada, Placer County, the City of South Lake Tahoe, and the informal buy-in from partners such as the League to this framework, shows that the threat of this trigger has been working.

Environmental thresholds. TRPA's top mandate is to protect the environment, and this is an opportunity to stand up for the Lake. The VMT threshold is an important backstop to ensure that plans, policies, and projects that TRPA approves do not negatively impact the environment. Thresholds provide an integral and measurable lens in which to approve or reject projects in order to protect the environment and must be upheld. Strong policies have been created and implemented to achieve and maintain thresholds. Watering down TRPA's mandated thresholds is incongruent with TRPA's mandate and the thousands of hours of staff and board time to date.

The League is committed to continuing to advocate with the Tahoe partnership for sustainable funding around transportation at the federal and state levels- our collaborative efforts will be vital to ensuring success and to participating in the adaptive management aspect of this threshold

Sincerely,

A handwritten signature in black ink, appearing to read 'Darcie Collins', with a long horizontal flourish extending to the right.

Darcie Collins, PhD
Chief Executive Officer
on behalf of the League to Save Lake Tahoe

Addendum: League Recommendation

Through extensive conversations with TRPA staff, board members and other stakeholders over the last 8 months, and in response to direction from the Governing Board on January 24, 2024, the League has taken into account current pressures in developing the following recommendations to amend the carefully negotiated VMT threshold and associated milestones and management.

The board-adopted goals in Regional Plan Goal DP-5 detail a series of milestones to adaptively manage regional land use and the transportation system to achieve and maintain the Transportation and Sustainable Communities Threshold Standard 1 (TSC-1). Regional Plan Policies DP-5.4 and 5.6 outline a process for assessing progress towards funding milestones and adaptive management responses to be implemented after results. Although the League still strongly believes that TRPA must comply with these carefully and exhaustively negotiated milestones, we understand there are questions and challenges (many valid) with these management responses that need to be addressed. The set of recommended changes below aim to address these concerns as we understand them.

We are recommending the below suggested amendments to the funding milestones based on conversations and concerns brought up by TRPA staff and board members. **It is crucial to keep a connection between funding and policy for two reasons:**

1. This has been a proven tactic thus far to provide and maintain pressure for sectors to commit to finding ongoing funding, and
2. After revisiting the threshold update terms over the past 60 days with partners, no other solution has been identified that has a better or more elegant connection between the agreed upon approach to achieving the VMT threshold standard (implementing the Regional Transportation Plan by funding the annual gap) as well as a safeguard to ensure no new VMT is added to the system while we secure funding.

We hope that TRPA agrees that the League's recommendations, an outcome from collaborative conversations with TRPA staff and board, are reasonable and achievable. We are committed to working together to ensure the health and sustainability of the Tahoe Basin, its residents, and Lake Tahoe's renowned clarity, which we all enjoy.

DP 5.4 B: 2024 Regional Revenue Milestone- An ongoing regional funding source or sources dedicated to transportation for the Tahoe Region that is reasonably expected to meet the needs set forth for it in the Regional Transportation Plan, shall commence implementation no later than December 31, 2023.

Suggested amendments: 2024 Regional Revenue Milestone- An ongoing regional **Funding Strategy that identifies** source or sources dedicated to transportation for the Tahoe Region that is reasonably expected to meet the needs set forth for it in the Regional Transportation Plan, shall **commence implementation be presented by July 2024. The Funding Strategy will be defined, including: funding plan, project prioritization, and accounting (definition of "ongoing.")**

The plan shall commence implementation and meet milestones identified below no later than December 31, 2024.

In addition to the Milestones outlined in DP-5.5 add these funding milestones: two aligned with the California budget cycle and Nevada legislative session, and the third aligned with the RTP fiscal year and 2026 funding timeline.

- Milestone 1: Achieve 51% of the ongoing funding needed identified in the RTP (the “Sustainable Funding Initiative” revenue target in the 2020 RTP).(Feb 3-June, 3 2025)
 - Response if not achieved: DP-5.6 adaptive management response as amended (see below)
 - *NOTE: the League estimates that we currently have around 1/3rd (+/- 33%) ongoing funding secured as of today*
- Milestone 2: Achieve 67% of the ongoing funding needed identified in the RTP (the “Sustainable Funding Initiative” revenue target in the 2020 RTP).
 - Response if not achieved: DP-5.6 adaptive management response as amended (see below)
- Milestone 3: October (RTP FY) 2026: Achieve 100% of the ongoing funding needed identified in the RTP (the “Sustainable Funding Initiative” revenue target in the 2020 RTP); OR achieve 100% of funding gap identified in the RTP on a 4-year rolling average, even if the individual sources are not ongoing.
 - Response if not achieved: DP-5.6 adaptive management response as amended (see below)

DP- 5.6 Adaptive Management Responses to be Implemented After a results Assessment

A. 2024 Regional Revenue Milestone- if the milestones established in DP- 5.4 B is not attained, the standards of significance for all land uses in Code of Ordinance Table 652..3-1 shall be no-net unmitigated VMT, except for deed restricted affordable and/or workforce housing. This measure will remain in effect until the funding sources described in DP-5.4.B commences.

Suggested amendments:

A. 2024 Regional Revenue Milestone- if the milestones established in DP- 5.4 B is not attained, the standards of significance for all land uses in Code of Ordinance Table 65.2.3-1 shall be no-net unmitigated VMT, except for deed restricted affordable and/or workforce housing **and for public safety projects****. This measure will remain in effect until the funding sources described in DP-5.4.B commences.

**** needs to be defined by the Transportation Planning committee and/or the Technical Advisory Body and adopted by the Governing Board.**

We also recommend that the Transportation Planning committee and/or the Technical Advisory Body detailed in DP-5.1 shall convene immediately to work on the following priorities:

- Define “ongoing”
- Meet two months prior to milestones to find if that milestone has been met and prepare to make a recommendation to the Governing Board to adopt finding. i.e. in the case of the above amendments, the Body would meet (May 22, 2024) to assess if we have achieved 51% of ongoing funding need
- As detailed in DP- 5.3 the Technical Advisory Body will meet to review implementation and effectiveness in the second quarter of 2024 and recommend changes.

- Include one land use change to reduce per capita VMT by limiting development rights conversions to affordable housing, which has lower VMT per capita. Commercial Floor Area (CFA) development rights conversions can only go to bonus units, not to any other uses.

From: Marja Ambler <mambler@trpa.gov>
Sent: 3/21/2024 10:03:55 AM
To: Public Comment <PublicComment@trpa.gov>
Subject: FW: From Steve Teshara - Comment related to 3/27 Governing Board Item VI.A
Attachments: [3-20LetterCAAGBonta.docx](#), [image001.jpg](#)

Marja Ambler
Executive Assistant
775-589-5287



From: Steve Teshara <steveteshara@gmail.com>
Sent: Thursday, March 21, 2024 6:19 AM
To: Marja Ambler <mambler@trpa.gov>
Subject: From Steve Teshara - Comment related to 3/27 Governing Board Item VI.A

Good morning Marja: Please provide the attached Business and Community Leader letter to California Attorney General Rob Bonta related to Governing Board item VI.A. on the Board's March 27th agenda.

Thank you.
Steve Teshara
Owner/Principal
Sustainable Community Advocates
Director, Government Relations
Tahoe Chamber

Sustainable Community Advocates

March 20, 2024

Mr. Rob Bonta
Attorney General
Department of Justice
State of California
1300 I Street
Sacramento, CA 95814-2919

Re: Communication from Business and Community Leaders at Lake Tahoe

Dear Attorney General Bonta:

I have been asked by a group of business and community leaders from throughout the region to invite you to meet with us here at Lake Tahoe at your earliest opportunity. We want to have a candid conversation about a comment made by one of your representatives toward the end of the February 28, 2024 Tahoe Regional Planning Agency Governing Board meeting.

The comment we refer to was made by Ms. Amanda Johnson during a TRPA staff report under item VIII 2) "Update on Transportation and Sustainable Communities Threshold Standard 1 (and associated VMT Regional Plan Policies)." We understand Ms. Johnson was speaking on behalf of Ms. Sophie Wenzlau, also of your office.

The comment was that your office believes transportation funding needs to come from "a self-perpetuating source from visitors but cannot be a 'basin entry fee' to meet the intent of the (TRPA no-net) VMT trigger policy."

The original intent of the "VMT trigger" and related funding language was set by members of the **Bi-State Transportation Consultation** at a time when a basin entry fee was seen as feasible (reference: *"One Tahoe: A transportation funding initiative"* (January 2021) prepared for the Tahoe Transportation District.

Following adoption of the VMT trigger by the TRPA Board, the governors of both California and Nevada made it clear they did not support a Lake Tahoe Basin entry fee. Tahoe partners then pivoted to a shared funding strategy called "7-7-7" where each sector (federal, state, local/private) would invest \$7 million in additional transportation funding per year.

Local public and private partners at Tahoe have stepped up to the challenge of sustainable, on-going funding. Other sectors, including the State of California and the federal government delivered millions in new transportation dollars, however, these funds were not from on-going sources.

Some specific examples our local public/private efforts:

- The business community in North Lake Tahoe formed a Tourism Business Improvement District (North Tahoe Community Alliance) that generates more than \$5 million annually for transportation projects. As a public partner, Placer County also provides significant financial support for transit and multi-modal projects from its Transient Occupancy Tax (TOT) resources. Also, on the North Shore and within the North Lake Tahoe-Truckee Resort Triangle, Washoe County (Nevada) and the Town of Truckee contribute local public dollars to transit services that are regionally connected to Lake Tahoe.
- The South Shore's new on-demand Lake Link micro-transit service continues to receive funding from local public (TOT) and private sources, with an annual budget of \$2.2 million and growing, allowing its service area to expand in both California and Nevada. The new Tahoe Blue Event Center anticipates generating \$350,000 in this, its first year of operation, with a projected annual contribution of between \$500,000 and \$600,000 over the next several years. The center's contribution comes from a \$4 per event ticket sold surcharge, \$3 dollars of which goes directly to Lake Link operations. Douglas County (Nevada) also annually contributes TOT funds to Lake Link.
- Building on the success of Lake Link, the South Shore business community is looking to explore a transit business improvement district. Such a process, as perhaps you understand, will take some 18 months to complete and involves an election. This would be in addition to, or an overlay on, the existing South Lake Tahoe Tourism Business Improvement District which is already a modest but important Lake Link contributor.
- Private sector support for regional transit connectivity. Palisades Tahoe and Alpine Meadows established a business improvement district in 2018 to fund the Mountaineer microtransit service that connects the two ski areas and the communities of Olympic Valley and Alpine Meadows during winter ski season. Funding for the service comes from a 1.5% assessment on lodging and 1.5% on daily ski tickets as well as multi-day ski lift ticket packages. Mountaineer connects with the Tahoe Truckee Area Regional Transit fixed route buses (TART) and with the TART Connect Microtransit service. Mountaineer's current budget is about \$1 million annually and the service expects to carry some 100,000 riders this ski season.
- Employee Van Pool Programs. Both the Truckee North Tahoe Transportation Management Association (TNT/TMA) and South Shore Transportation Management

Association (SS/TMA) have launched employee van pool programs in partnership with Commute with Enterprise, a private sector company. These programs provide Tahoe area employees with an alternative to the use of private vehicles to get to and from work, particularly valuable to those who commute into Tahoe from outside the Basin.

In summary, Lake Tahoe's private sector and local governments have and continue to hold up our end of the 7-7-7 commitment to establish local sustainable sources of funding for transportation. Frankly, we are concerned that your representative seemed unaware of our efforts. Our request for an in-person meeting with you here at Tahoe is based on our desire to directly acquaint you with our work as a more effective way of communicating with you and your office.

We are certain you're familiar with the fact that visitor taxes from lodging properties and sales taxes are some of the only sources local jurisdictions have to raise funding to help support local services. In California, the state delegates this authority to local governments. For your office to now say that the "self-perpetuating" source must come from visitors is very troubling when local government and private sector sources are the only on-going new funding sources to date. It would set a very troubling precedent if the State now wants to control or direct how local taxes are levied on visitors, in this case, to cover a State commitment.

Those extending this invitation for dialogue with you include the leaders of chambers of commerce and other locally-based business groups, along with tourism and destination management organizations. You can reach us using my contact information, below.

Tourism is at the heart of Tahoe's \$5 billion dollar a year economy and supports thousands of jobs. Without a sustainable and vibrant tourism economy, Tahoe's communities, the jobs and businesses supported by tourism, and the existing environmental protections funded by tourism will each suffer. Perhaps we will hear from you how the position articulated at the February 28th Governing Board meeting squares with one of the missions of your office to "Encourage Economic Prosperity" and your commitment to the Tahoe Regional Planning Compact, an agreement involving not just California, but the State of Nevada and the federal government.

We look forward to hearing directly from you that you will accept our invitation to meet here at Tahoe for a tour and conversation with local leaders.

Thank you in advance for your consideration.

Respectfully submitted,

Steve Teshara
Owner/Principal
Sustainable Community Advocates
Director, Government Relations
Tahoe Chamber
Email: steveteshara@gmail.com
Cell: 775-450-5559

cc: Ms. Cindy Gustafson, Chair
Ms. Hayley Williamson, Vice Chair
Tahoe Regional Planning Agency Governing Board

Ms. Nicole Rinke, Office of the California Attorney General
Ms. Sophie Wenzlau, Office of the California Attorney General