

MEMORANDUM OF UNDERSTANDING BETWEEN
TAHOE REGIONAL PLANNING AGENCY AND
NEVADA DEPARTMENT OF TRANSPORTATION

This Memorandum of Understanding is entered into this 24th day of SEPTEMBER, 1990, by and between the TAHOE REGIONAL PLANNING AGENCY (TRPA), through its Executive Director as authorized by its Governing Board, and the NEVADA DEPARTMENT OF TRANSPORTATION (NDOT) by and through its designated representative.

All activities described in this Memorandum of Understanding (MOU) are in accordance with the Regional Plan package of TRPA as adopted by Ordinance No. 87-9, as amended. It is understood that all activities undertaken by NDOT pursuant to this MOU shall comply with applicable Best Management Practices (BMPs), the Design Review Guidelines, and all other provisions of the TRPA Code of Ordinances, except for procedural provisions replaced by this MOU.

I. EXEMPT ACTIVITIES

The following NDOT activities, in addition to those activities exempt pursuant to Section 4.2 of the TRPA Code, are not subject to review and approval by TRPA, provided that they do not result in the creation of additional land coverage or relocation of land coverage.

A. Streets, Roads, and Highways

1. Pavement restriping or remarking.
2. Correction of slick pavement.
3. Paved shoulder grooving.
4. Replacement of existing safety or protective devices, including; fencing, guardrails, barriers, energy attenuators, guide posts, markers, safety cables, ladders, light standards, hoists, traffic signals and controllers, provided replacement devices/materials are similar in size, coloration, and design to the existing protective devices.
5. Asphalt/concrete blankets with less than \$25,000 in material costs, and patches on existing paved surfaces, including minor digouts of up to 7 cubic yards.
6. Repainting of bridges and other highway appurtenances.
7. Crack seals on existing pavement.

B. Water Quality Control Facilities

1. Culvert cleaning utilizing a hydro-jet vacuum system with no direct discharge of materials to the atmosphere, and provided spoils are removed to an agreed upon temporary disposal site, and are subsequently removed from the Tahoe Basin.
2. Cleaning and repairing drainage facilities provided the toe of adjacent slopes or cutbanks are not disturbed.
3. Repair and maintenance of existing asphalt/concrete roadside gutters or drainage facilities.
4. Earthslide, avalanche debris, or embankment slipout removal and stabilization, provided spoil material is removed to TRPA approved disposal sites.

C. Snow Removal Activities

1. Snow removal from roadway or highway surfaces either by use of a rotary plow, plowing snow to the edge of the paved surface, or plowing to the center of the roadway for removal to existing snow disposal sites.

D. Sidewalks, Pedestrian Facilities, and Bicycle Trails

1. Replacement of existing sidewalks, pedestrian facilities and bicycle trails.
2. Striping and marking of bicycle trails.
3. Handicapped accessibility improvement projects, including; curb cuts and wheelchair ramps.

E. Signs

1. Installation of roadside warning signs related to construction/maintenance activities or needed for safety purposes, provided signs are removed within 10 business days following completion of the activities, or within 10 business days of the removal of the safety hazard.

F. Miscellaneous Activities

1. Monitoring of highway or roadway traffic, including the placement of portable traffic counting equipment or weighing devices.
2. Placement of traffic detection devices in the pavement of a highway or roadway for the operation of traffic control signals or for traffic monitoring.

II. QUALIFIED EXEMPT ACTIVITIES

The following NDOT activities are not subject to TRPA review or approval provided NDOT certifies, on a form provided by TRPA, that the activity does not result in the creation of additional coverage or relocation of coverage, or an increase in vehicle trips in excess of that otherwise exempt pursuant to Subsection 4.3.B of the Code, and is in conformance with the applicable provisions of the TRPA Code. The statement shall be filed with TRPA at least 5 business days before the activity commences, or in the event of an emergency, within 3 business days after the date of the emergency.

The following activities are in addition to those activities deemed qualified exempt pursuant to Section 4.3 of the Code.

A. Streets, Roads, and Highways

1. Chip seals and fog seals of the existing pavement, provided that BMPs are in place that include dust control measures which will effectively reduce the amount of entrained dust to insignificant levels.
2. Reconstruction, resurfacing or overlaying of existing pavement.
3. Replacing existing bridge rails, provided there is no increase in height, and there is no deterioration of scenic views.
4. Maintenance or repair of existing bridge structures, provided there is no change in the width or length of the existing structure.

B. Water Quality Control Facilities

1. Shoulder grading, provided the toe of adjacent embankments, slopes, or cutbanks are not disturbed, and spoil material is removed to TRPA approved temporary disposal sites and subsequently removed to outside the Tahoe Basin.
2. Embankment repair, provided the activity occurs during the grading season (May 1, to October 15) and the repaired site is stabilized either during the repair activity or within 72 hours of the repair to prevent further erosion.

C. Signs

1. Alteration of existing signs or placement of additional signs, provided NDOT determines they are needed for safety reasons.

III. LANE CLOSURES

Lane or highway closures for exempt or qualified exempt activities are limited to the minimum amount of time needed to complete the activity and do not occur during holidays or holiday weekends.

IV. LOSS OF EXEMPTION

NDOT acknowledges that any exempt or qualified exempt activity set forth herein may be designated a project requiring TRPA review if the Executive Director of TRPA determines that, because of cumulative impacts or unusual circumstances, the activity may have a substantial effect on the land, air, water, space, or any other natural resource in the Region.

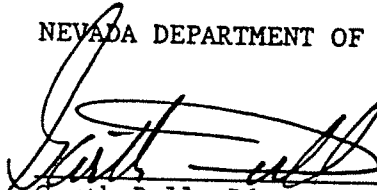
V. AMENDMENT

This Memorandum of Understanding may be amended by written agreement of both parties.

VI. TERMINATION

This Memorandum of Understanding may be terminated by either party upon sixty (60) days written notice.

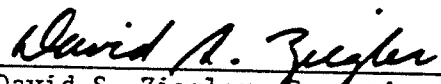
NEVADA DEPARTMENT OF TRANSPORTATION



Garth Dull, Director

Date: Sept. 24, 1990

TAHOE REGIONAL PLANNING AGENCY



David S. Ziegler, Executive Director

Date: Sept. 4, 1990

Approved as to Form:



Jeffrey Blanck, Agency Counsel