

MEMORANDUM

Date: April 21, 2016

To: TRPA Hearings Officer

From: Shannon Friedman, Senior Planner

Subject: Truck Escape Ramp Replacement on State Route 431,
TRPA File Number ERSP2015-1545, TRPA Project Number 560-201-00

Requested Action: Hearings Officer action on the proposed project and a mitigated finding of no significant effect.

Staff Recommendation: Staff recommends approval of the project based on this staff summary and the evidence in the record. The recommended conditions of approval are in the draft permit (Attachment A).

Project Description/Background: The Nevada Department of Transportation (NDOT) is proposing to replace the existing truck escape ramp (ramp) on State Route 431. The existing ramp has a history of underperforming and is deemed unsafe for truck drivers that need to use it. The new ramp will utilize more modern technology called a DRAGNET vehicle arrestor system and an advanced warning system. The new ramp will be safer for drivers and will cause less damage to trucks.

Site Description: The project is located within the NDOT right-of-way on State Route 431 just east of the State Route 28 junction, in Washoe County, Nevada. The new ramp will be in the same location as the existing ramp.

Issues/Concerns: The TRPA Code of Ordinances requires Hearings Officer approval for special uses, including changes expansions or intensifications of existing uses. The Truck Escape Ramp is considered part of a transportation route which is a special use in the Incline Village #4/Ponderosa Plan Area Statement.

Regional Plan Compliance: The project complies with all requirements of the TRPA Goals and Policies, Plan Area Statements, and Code of Ordinances, including all required findings.

Required Findings: The following is a list of the required findings as set forth in Chapters 4 and 21 of the TRPA Code. Following each finding, Agency staff has indicated if there is sufficient evidence contained in the record to make the applicable findings or has briefly summarized the evidence on which the finding can be made.

1. Chapter 4 – Required Findings:

- (a) The project is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and maps, the Code and other TRPA plans and programs.

There is no evidence in the file or record showing that the proposed project will have an adverse effect on the Land Use, Transportation, Conservation, Recreation, Scenic Quality, Public Service and Facilities, or Implementation sub-elements of the Regional Plan. The proposed project involves the modification of an allowed special use and is consistent with the Land Use Element of the Regional Plan. Based on the findings provided on the Initial Environmental Checklist and the Article V (g) Findings Checklist, there is sufficient evidence in the project file to make this finding.

- (b) The project will not cause the environmental threshold carrying capacities to be exceeded.

TRPA staff has completed the Initial Environmental Checklist and Article V (g) Findings in accordance with Section 4.4. of the TRPA Code of Ordinances. All responses indicate compliance with the environmental threshold carrying capacities. All significant environmental impacts were identified and staff has concluded that the project will not have a significant effect on the environment with included mitigation measures. A copy of the completed V(g) checklist and IEC will be made available at the Hearings Officer hearing and at TRPA.

- (c) Wherever federal, state or local air and water quality standards applicable for the Region, whichever are strictest, must be attained and maintained pursuant to Article V (g) of the TPRA Compact, the project meets or exceeds such standards.

All potential effects are temporary and shall be mitigated through temporary and permanent Best Management Practices. The applicant will meet or exceed all federal, state, or local water quality standards which will be demonstrated through approval and/or permissions provided by all agencies with jurisdiction over the project and project area. Upon completion of construction, the projects will have no impact upon water quality standards.

2. Chapter 21 – Special Use Findings:

- (a) The project, to which the use pertains, is of such a nature, scale, density, intensity and type to be an appropriate use for the parcel on which, and surrounding area in which, it will be located.

The proposed project replaces an outdated, unsafe existing truck escape ramp with a more modern, safer truck escape ramp. All improvements will be located within the NDOT right-of-way. The project is an appropriate, permissible use within the Incline Village #4/Ponderosa Plan Area Statement.

- (b) The project to which the use pertains, will not be injurious or disturbing to the health, safety, enjoyment of property, or general welfare of persons or property in the neighborhood, or general welfare of the region, and the applicant has taken reasonable steps to protect against any such injury and to protect the land, water, and air resources of both the applicant's property and that of surrounding property owners.

The proposed project benefits public health and safety by replacing an outdated, unsafe truck escape ramp with a more modern, safer truck escape ramp. Traffic Control will be in place during construction to ensure safety for the traveling public. NDOT has taken reasonable steps to protect against potential injury, and to protect the land, water, and air resources.

- (c) The project, to which the use pertains, will not change the character of the neighborhood detrimentally affect or alter the purpose of the applicable planning area statement, community plan and specific or master plan, as the case may be.

The project will not change the character of the neighborhood nor the adjacent properties. The proposed project will not detrimentally affect the purpose of the Incline Village #4/Ponderosa Plan Area Statement.

Required Actions: Agency staff recommends that the Hearings Officer approve the project by making the following motions and findings based on this staff summary and the evidence contained in the record:

- I. Approve the findings contained in this staff summary, and a mitigated finding of no significant environmental effect.
- II. Approve the project, based on the staff summary, subject to the conditions contained in the attached Draft TRPA permit.

Contact Information: If you have any questions, please contact Shannon Friedman, Senior Planner, at sfriedman@trpa.org or (775) 589-5205.

Attachments:

- A. Draft Permit

Attachment A

Draft Permit



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DRAFT PERMIT

PROJECT DESCRIPTION: Transportation Route/ Truck Escape Ramp

TRPA PROJECT NUMBER: 560-201-00

FILE #: ERSP2015-1545

PERMITTEE(S): Nevada Department of Transportation **COUNTY/LOCATION:** Washoe/State Route 431

Having made the findings required by Agency ordinances and rules, TRPA approved the project on April 14, 2016, subject to the standard conditions of approval attached hereto (Attachment Q) and the special conditions found in this permit.

This permit shall expire on April 14, 2019 without further notice unless the construction has commenced prior to this date and diligently pursued thereafter. Diligent pursuit is defined as completion of the project within the approved construction schedule. The expiration date shall not be extended unless the project is determined by TRPA to be the subject of legal action which delayed or rendered impossible the diligent pursuit of the permit.

NO DEMOLITION, TREE REMOVAL, CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL:

- (1) TRPA RECEIVES A COPY OF THIS PERMIT UPON WHICH THE PERMITTEE(S) HAS ACKNOWLEDGED RECEIPT OF THE PERMIT AND ACCEPTANCE OF THE CONTENTS OF THE PERMIT;
- (2) ALL PRE-CONSTRUCTION CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA'S ACKNOWLEDGEMENT OF THIS PERMIT;
- (3) A TRPA PRE-GRADING INSPECTION HAS BEEN CONDUCTED WITH THE PROPERTY OWNER AND/OR THE CONTRACTOR.

TRPA Executive Director/Designee

Date

PERMITTEE'S ACCEPTANCE: I have read the permit and the conditions of approval and understand and accept them. I also understand that I am responsible for compliance with all the conditions of the permit and am responsible for my agents' and employees' compliance with the permit conditions. I also understand that if the property is sold, I remain liable for the permit conditions until or unless the new owner acknowledges the transfer of the permit and notifies TRPA in writing of such acceptance. I also understand that certain mitigation fees associated with this permit are non-refundable once paid to TRPA. I understand that it is my sole responsibility to obtain any and all required approvals from any other state, local or federal agencies that may have jurisdiction over this project whether or not they are listed in this permit.

Signature of Permittee(s) _____ Date _____

PERMIT CONTINUED ON NEXT PAGE

TRPA PROJECT NUMBER 560-201-00
FILE NO. ERSP2015-1545

Security Posted: N/A

Excess Coverage Mitigation Fee (1): Amount \$ _____ Paid _____ Receipt No. _____

Notes:

(1) Amount to be determined. See Special Condition 2.B, below

Required plans determined to be in conformance with approval: Date: _____

TRPA ACKNOWLEDGEMENT: The permittee has complied with all pre-construction conditions of approval as of this date:

TRPA Executive Director/Designee

Date

SPECIAL CONDITIONS

1. This permit specifically authorizes replacement of the truck escape ramp on State Route 431. The current ramp has a history of underperforming and will be replaced with a ramp with a DRAGENET vehicle arrestor system and advanced warning system making it safer for the driver. Other elements being installed include a field building to house electronic equipment, an electronic heating system, Intelligent Transportation Systems and drainage improvements. The truck escape ramp is located off of State Route 431 in Washoe County, Nevada.
2. Prior to permit acknowledgement, the following conditions of approval must be satisfied.
 - A. Permittee shall submit three sets of final plans for review and approval.
 - B. Submit a coverage table indicating the amount of excess coverage within the project area created as a result of the project. Excess coverage shall be mitigated in accordance with chapter 30 of the TRPA Code of Ordinances. NDOT may either remove coverage within Hydrologic Transfer Area 1 (Incline Village) or paying an excess coverage mitigation fee.

To calculate the amount of excess coverage to be removed, use the following formula:

Estimated project construction cost multiplied by the fee percentage (as identified in Table 30.6.1-2 of Subsection 30.6.1.C.3. of the TRPA Code of Ordinances) divided by the mitigation factor of 8. If you choose this option, please revise your final site plans and land coverage calculations to account for the permanent coverage removal.

An excess land coverage mitigation fee may be paid in lieu of permanently retiring land coverage. The excess coverage mitigation fee shall be calculated as follows:

Coverage reduction square footage (as determined by formula above) multiplied by the coverage mitigation cost fee of \$20.00 for projects within Hydrologic Transfer Area 1. Please provide a construction cost estimate by your licensed contractor, architect or engineer. In no case shall the mitigation fee be less than \$200.00.

3. Prior to the first pre-grade inspection submit a construction schedule to TRPA.
4. The Standard Conditions of Approval listed in Attachment Q shall apply to this permit.
5. This approval is based on the permittee's representation that all plans and information contained in the subject application are true and correct. Should any information or representation submitted in connection with the project application be incorrect or untrue, TRPA may rescind this approval, or take other appropriate action.
6. The permittee shall be responsible for ensuring that all temporary BMPs are constructed as directed by the TRPA Inspector and are maintained during all phases of the proposed project.
7. All permanent BMPs shall be maintained as part of this approval. Verification of their function will be a requirement to finalize the project.
8. Any modifications to the TRPA approved plans shall be submitted to TRPA for review and approval.
9. If there is conflicting information between the NDOT Special Provisions and the special conditions in this Permit, the special conditions in the TRPA Permit shall take precedence.
10. If during grading, any historical, pre-historical, or paleontological materials appearing to be fifty years or older are discovered, which have not been accounted for previously pursuant to Section 29.2, grading shall cease and TRPA shall be notified immediately.
11. All above ground facilities, new or currently existing, including but not limited to guardrails, guardrail posts, the back of signs, electrical boxes, etc. shall be colored Brown Federal Standard 595. If an alternative color is proposed a sample shall be submitted to TRPA and approved prior to installation.
12. The color of rock or concrete visible from State Route 431 shall be approved by TRPA prior to placement. The rock riprap shall blend in with the native rock along the roadway. Riprap should be keyed into and around the existing bedrock and vegetation.
13. The barrier rail and retaining wall shall have an aesthetic treatment including color and texture. A test panel shall be approved by TRPA prior to full implementation of the treatment.

14. All excavated materials shall be hauled away from the site to a legally acceptable location. No fills, or re-contouring, other than backfill for the cut-retaining structures, shall be allowed.
15. All waste resulting from the saw-cutting of pavement shall be removed using a vacuum (or other TRPA approved method) during the cutting process or immediately thereafter. Discharge of waste material to surface drainage features is prohibited and constitutes a violation of this permit.
16. Any trees to be removed shall be shown on the approved drawings. All other trees within areas of construction not shown to be removed shall be retained and protected from damage during construction. In no case shall any additional trees be removed without the written approval of the TRPA.
17. Any normal construction activities creating noise in excess to the TRPA noise standards shall be considered exempt from said standards provided all such work is conducted between the hours of 8:00 A.M. and 6:30 P.M.
18. The discharge of petroleum products, construction waste and litter (including sawdust), or earthen materials to the surface waters of the Lake Tahoe Region is prohibited. All surplus construction waste materials shall be removed from the project site and disposed of at approved points of disposal.
19. NDOT shall request a final inspection from TRPA once the project is complete.
20. To the maximum extent allowable by law, the Permittee agrees to indemnify, defend, and hold harmless TRPA, its Governing Board, its Planning Commission, its agents, and its employees (collectively, TRPA) from and against any and all suits, losses, damages, injuries, liabilities, and claims by any person (a) for any injury (including death) or damage to person or property or (b) to set aside, attack, void, modify, amend, or annul any actions of TRPA. The foregoing indemnity obligation applies, without limitation, to any and all suits, losses, damages, injuries, liabilities, and claims by any person from any cause whatsoever arising out of or in connection with either directly or indirectly, and in whole or in part (1) the processing, conditioning, issuance, or implementation of this permit; (2) any failure to comply with all applicable laws and regulations; or (3) the design, installation, or operation of any improvements, regardless of whether the actions or omissions are alleged to be caused by TRPA or Permittee.

Included within the Permittee's indemnity obligation set forth herein, the Permittee agrees to pay all fees of TRPA's attorneys and all other costs and expenses of defenses as they are incurred, including reimbursement of TRPA as necessary for any and all costs and/or fees incurred by TRPA for actions arising directly or indirectly from issuance or implementation of this permit. Permittee shall also pay all costs, including attorneys' fees, incurred by TRPA to enforce this indemnification agreement. If any judgment is rendered against TRPA in any action subject to this indemnification, the Permittee shall, at its expense, satisfy and discharge the same.

END OF PERMIT



**TAHOE
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MITIGATED FINDING OF NO SIGNIFICANT EFFECT

PROJECT DESCRIPTION: Transportation Route / Truck Escape Ramp

TRPA PROJECT NUMBER: 560-201-00

FILE #: ERSP2015-1545

PERMITTEE(S): Nevada Department of Transportation

COUNTY/LOCATION: Washoe/State Route 431

Staff Analysis: In accordance with Article IV of the Tahoe Regional Planning Compact, as amended, and Section 6.3 of the TRPA Rules and Regulations of Practice and Procedure, the TRPA staff has reviewed the information submitted with the subject project. On the basis of this initial environmental evaluation, Agency staff has found that the subject project will not have a significant effect on the environment.

Determination: Based on the above-stated finding, the subject project is conditionally exempt from the requirement to prepare an Environmental Impact Statement. The conditions of this exemption are the conditions of permit approval.

TRPA Chairman or Executive Director

Date