

## Scott Carey

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**From:** Will Irwin <will.irwin@journalistmail.ch>  
**Sent:** Wednesday, November 2, 2022 9:09 PM  
**To:** Scott Carey  
**Subject:** 11/3 NTRPA GB Meeting ~ Public Comment Item # 2  
**Attachments:** APN 029-181-019,20,21&10.png; 029-401-009.pdf; 029-40\_0000.jpg; 029-401-008&009.tif; Leshar Communications Inc v City of Walnut Creek, 52 Cal.3d 531 (1990).pdf; Scenic\_Roadway\_Units.pdf; ScenicRoadwayPts.pdf; SCENIC-CORRIDORS.pdf; Scenic\_Res\_82\_Roadways—Pioneer Trail.pdf; Scenic\_Recreation\_Areas\_25-37-HV.pdf; Lake Tahoe Bicycle and Pedestrian Plan.pdf; Collison.pdf; The National Scenic Byways Program.pdf; 23 U.S.C. § 103 -- National Highway System.pdf; 23 U.S.C. § 139 -- Efficient environmental reviews for project decisionmaking.pdf; 23 U.S.C. § 162 -- National scenic byways program.pdf; 23 U.S.C. § 168 -- Integration of planning and environmental review.pdf; 23 U.S.C. § 319 -- Landscaping and scenic enhancement.pdf; Cal.Pub.Res.Code § 21084 -- List of exempt classes of projects projects damaging scenic resources.pdf

**WARNING** - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

NTRPA Governing Board:

### **Sitting an ugly "indoor recreation center" next to our lake commons would violate our outdoor values!**

Stop developing our [scenic parkways](#). The below lot on the [3800 block of Pioneer Trail](#) was once a [running path](#) and functional dog park, but now has gaudy duplexes which are over-packed with pricey vehicles that completely obstruct the sidewalk. The driveways also have had a profoundly [dangerous impact](#) on the adjacent highway, by functionally altering [the design speed](#) which has resulted in **several near accidents** in the last few months alone.



It is lost on nobody that this parcel is directly across [Pioneer Trail](#) from [property owned by](#) former Mayor [Jason Collin](#) (CA. Const. Art. II Sec 3(b); G.C. §§ 6252(c)&(e), 6253, 6253.10(a), 6253.1(d)(3), 27201, 27203; R&T §§ 602, 1254, 1602; Proc. C. § 1859; *cf.* NRS §§ 239.010, 250.130). Degrading the [scenic](#) value of the corridor across the street in hopes of causing the TRPA to give-up and allow him to redevelop his parcels, was a material conflict-of-interest. [Kevin Fabino](#), [Courtney Weiche](#), and [Candace H. Stowel](#) should have been **publicly fired**. Our City Planning Manager John Hitchcock is [married](#) to TRPA Principle Planning officer Jeanne M. McNamara who holds a conflicting oversight job! [Debbie McIntyre](#) whose brainchild was allowing the City to construct 1,400 VHR's as a means to fund the budget should have been very publicly **FIRE**D as well.

One whole reason for **Measure T** was to stop the reckless development and put locals into existing houses that should never have been allowed to have been developed as VHRs. The general plan is a binding charter for future development ([Leshar Communications, Inc. v. City of Walnut Creek](#), 52 Cal.3d 531 (CA. Supreme Court, 1990); *E.g.*, G.C. §§ [65454](#), [65455](#), [65860](#)). These [scenic parkways](#) are for the benefit of us all as well as the millions who visit Tahoe each year, and are also critical for expanding adequate [multi-modal transit](#). There are already rampant compatibility issues with walkers, runners, [lime scooters](#), and [road cycles](#), which have a [speed spread](#) of 25 miles per hour! This dictates multi-lane multi-modal paths to accommodate and partition them all by [speed bracket](#) and reduce the rapid increase in bike-pedestrian collisions—which are occurring in foreseeable accord to the [Solomon Curve](#). This solution is impossible once these parkways are developed. The City should be acquiring [this land](#) for long-term parkway conversion which solves both [scenic](#) and [transportation](#) issues

rather than myopically approving fast construction permits for your developer cronies which make both matters worse.

Thank You...

Will Irwin

# California

## The National Scenic Byways Program

The National Scenic Byways Program, established by Congress in 1991, recognizes historic, scenic and culturally important roads. The California Scenic Highway Program, established by state legislature in 1963 under the [Streets and Highways Code Section 260](#), seeks to protect and enhance California's natural beauty and scenic resources. The law enables the California State Legislature to determine which state routes are eligible for designation as a scenic highway, and the California Department of Transportation (Caltrans) works alongside local governments to adopt the scenic designation. California's diverse geography encourages tourism in a wide variety of communities, helping strengthen local economies and showcasing the state's natural and historic appeal.

### Key points:

- California boasts 7 National Scenic Byways and 55 State Scenic Byways.
- According to the National Park Service, Death Valley National Park, home to Death Valley Scenic Byway, generated [\\$108.1 million](#) for the local economy in 2016.
- The Tioga Road/ Big Oak Flat Road runs through Yosemite National Park, and according to the NPS, visitor spending supported 6,666 jobs and contributed [\\$589,343,700](#) toward local communities.
- The Silver Strand Highway and San Diego-Coronado Bridge runs along the Southern-most tip of the county; tourism in San Diego alone employs over 194,000 people with visitor spending reaching [\\$11.5 billion](#) annually.



Photo credit: Yosemite NP

*Tenaya Lake is one of the many iconic destinations along Tioga Road/Big Oak Flat Road.*



### Map Key:

The numbers following each byway name below match with the respective byway's numbered location on the map.

Asterisk denotes an All-American Road.



## Scenic Byways in California

### **National Scenic Byways in California:**

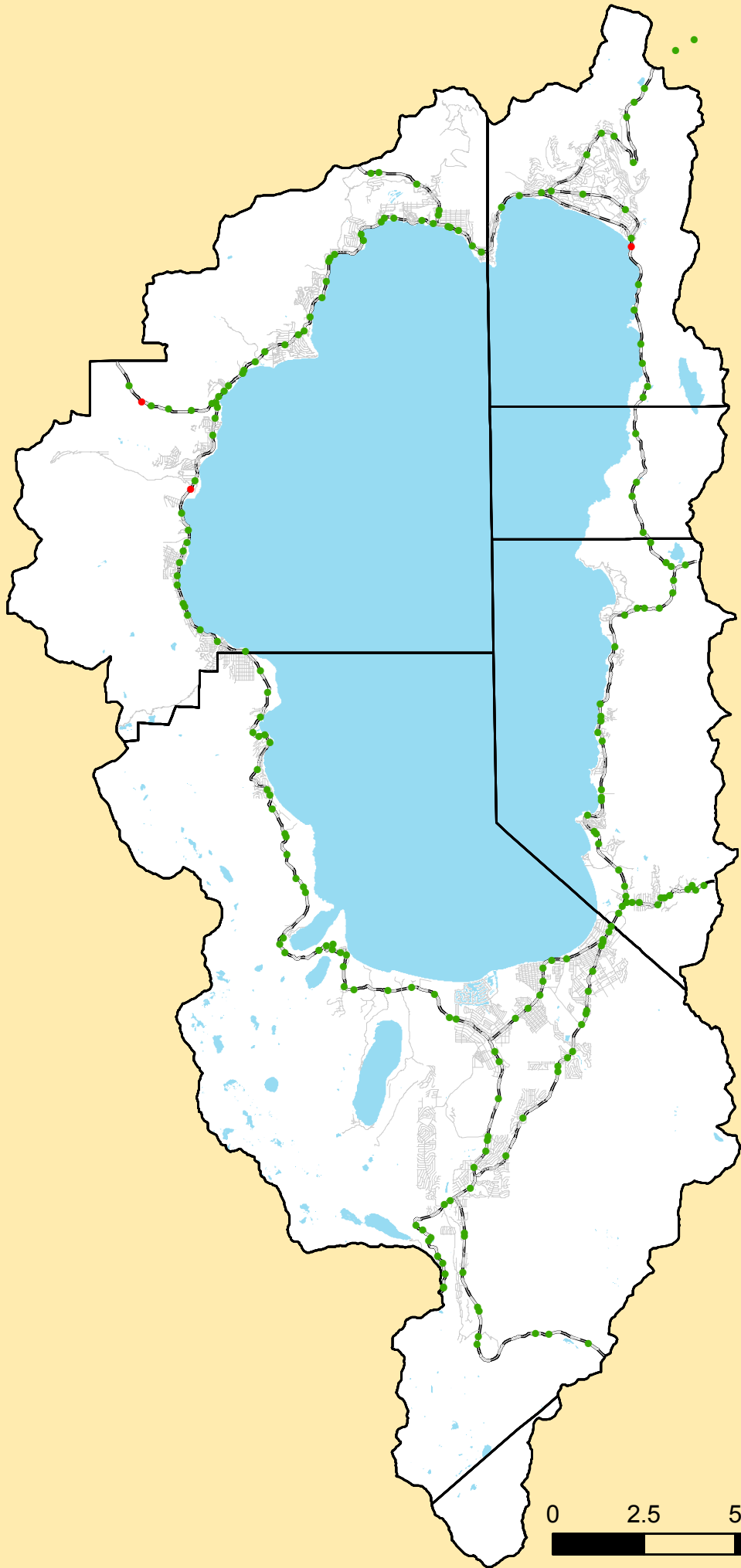
[Arroyo Seco Historic Parkway - Route 110](#) (1)  
[Big Sur Coast Highway - Route 1](#) (2)\*  
[Death Valley Scenic Byway - Route 190](#) (3)  
[Ebbetts Pass Highway](#) (4)  
[San Luis Obispo North Coast Scenic Byway - Route 1](#) (5)\*  
[Tioga Road/Big Oak Flat Road](#) (6)  
[Volcanic Legacy Scenic Byway](#) (7)\*

### **State Scenic Byways in California:**

[Ancient Bristlecone Scenic Byway](#) (8)  
[Angeles Crest Scenic Byway](#) (9)  
[Anza-Borrego Desert State Park Road](#) (10)  
[Barrel Springs Back Country Byway](#) (11)  
[Bigfoot Scenic Byway](#) (12)  
[Bradshaw Trail](#) (13)  
[Buckhorn Back Country Byway](#) (14)  
[Cabrillo Freeway](#) (15)  
[Cabrillo Highway/Route 1](#) (16)

[Carson Pass Highway \(Route 88\)](#) (17)  
[Chimney Peak Back Country Byway](#) (18)  
[Emigrant Trail](#) (19)  
[Father Junipero Serra Freeway](#) (20)  
[Feather River Scenic Byway](#) (21)  
[Jacinto Reyes Scenic Byway](#) (22)  
[Kings Canyon Scenic Byway](#) (23)  
[Lassen Scenic Byway](#) (24)  
[Lee Vining Canyon Scenic Byway](#) (25)  
[MacArthur Freeway](#) (26)  
[Modoc Volcanic Scenic Byway](#) (27)  
[Pacheco Pass Road](#) (28)  
[Palms to Pines Scenic Byway](#) (29)  
[Parker Dam Road](#) (30)  
[Rim of the World Scenic Byway](#) (31)  
[River Road](#) (32)  
[Redwood Highway](#) (33)  
[Riverside Freeway](#) (34)  
[Route 24](#) (35)  
[Route 50](#) (36)  
[Route 68](#) (37)  
[Route 89](#) (38)  
[Route 116](#) (39)  
[Route 125](#) (40)  
[Route 140](#) (41)

[Route 156](#) (42)  
[Route 395](#) (43)  
[Route 680](#) (44)  
[Saline Valley Road Back Country Byway](#) (45)  
[San Marcos Pass Road](#) (46)  
[Saratoga-Los Gatos Road](#) (47)  
[Shasta Dam Boulevard](#) (48)  
[Sierra Heritage Scenic Byway](#) (49)  
[Sierra Vista Scenic Byway](#) (50)  
[Silver Strand Highway and San Diego-Coronado Bridge](#) (51)  
[Skyline Boulevard](#) (52)  
[Smith River Scenic Byway](#) (53)  
[State of Jefferson Scenic Byway](#) (54)  
[Sunrise Scenic Byway](#) (55)  
[Topanga Canyon State Scenic Highway](#) (56)  
[Trinity Scenic Byway](#) (57)  
[Trinity Heritage Scenic Byway](#) (58)  
[Twentynine Palms Highway](#) (59)  
[Valley of the Moon Highway](#) (60)  
[West Side Freeway](#) (61)  
[Yuba-Donner Scenic Byway](#) (62)



0 2.5 5 10 Miles



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## *SCENIC CORRIDORS, RECREATION AREAS & BIKEWAYS*

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### **Scenic Corridors**

Lake Tahoe  
Pioneer Trail  
State Route 28

State Route 89  
State Route 207  
State Route 267

State Route 431  
U.S. Highway 50

### **Scenic Recreation Areas**

Agatam Beach  
Baldwin Beach Taylor Creek  
Burnt Cedar Beach  
Camp Richardson  
Cave Rock  
D.L. Bliss State Park  
Diamond Peak  
Eagle Falls Picnic Area  
Eagle Point Campground  
El Dorado Beach and Campground  
Fallen Leaf Lake Campground  
Granlibakken Ski Resort

Heavenly Valley Ski Resort  
Hidden Beach  
Incline Beach  
Kaspian Recreation Area  
Kings Beach State Park  
Kiva Picnic Area/Tallac Historic Site  
Lake Forest Beach  
Lake Forest Campground/Boat Ramp  
Meeks Bay Campground  
Meeks Bay Resort  
Moon Dunes Beach  
Nevada Beach

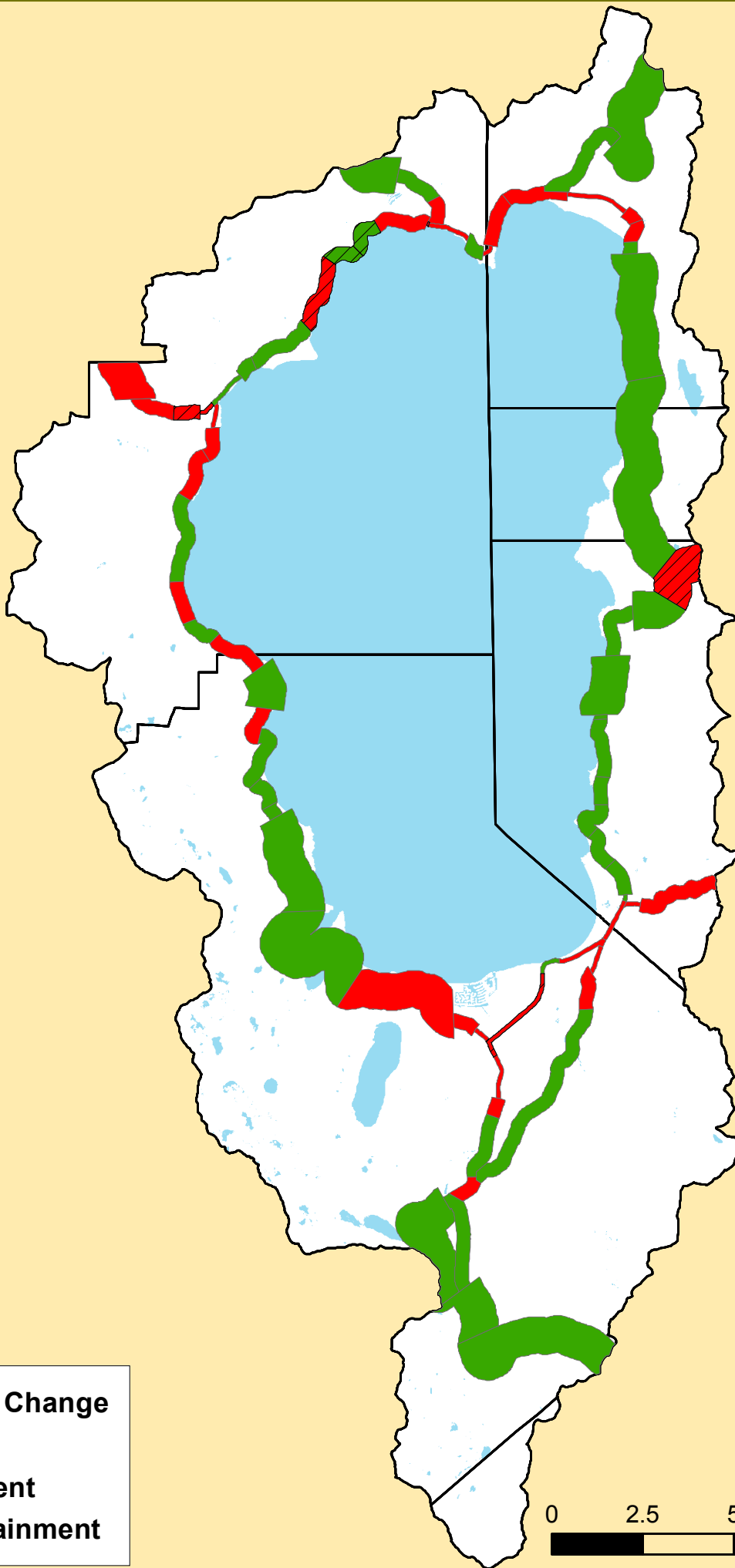
Patton Beach  
Pope Beach  
Reagan Beach  
Sand Harbor  
Ski Homewood/Tahoe Ski Bowl  
Sugar Pine Point State Park  
Tahoe City Commons Beach  
Tahoe State Recreation Area  
Vikingsholm, Emerald Bay Picnic Area  
William Kent Beach & Campground  
Zephyr Cove




### **Bikeway Segments**

Al Tahoe Boulevard  
City of SLT Recreation Area  
City of SLT to Tallac Creek  
Sunnyside to Timberland

Tahoe City to Dollar Point  
Tahoe City to River Ranch  
Tahoe Pines to Tahoma  
Tahoe Tavern

Tahoe Valley Route  
Tahoe Valley to SLT City Limits  
Timberland to Tahoe Pines



-  **Positive Change**
- Status**
-  **Attainment**
-  **Non-Attainment**

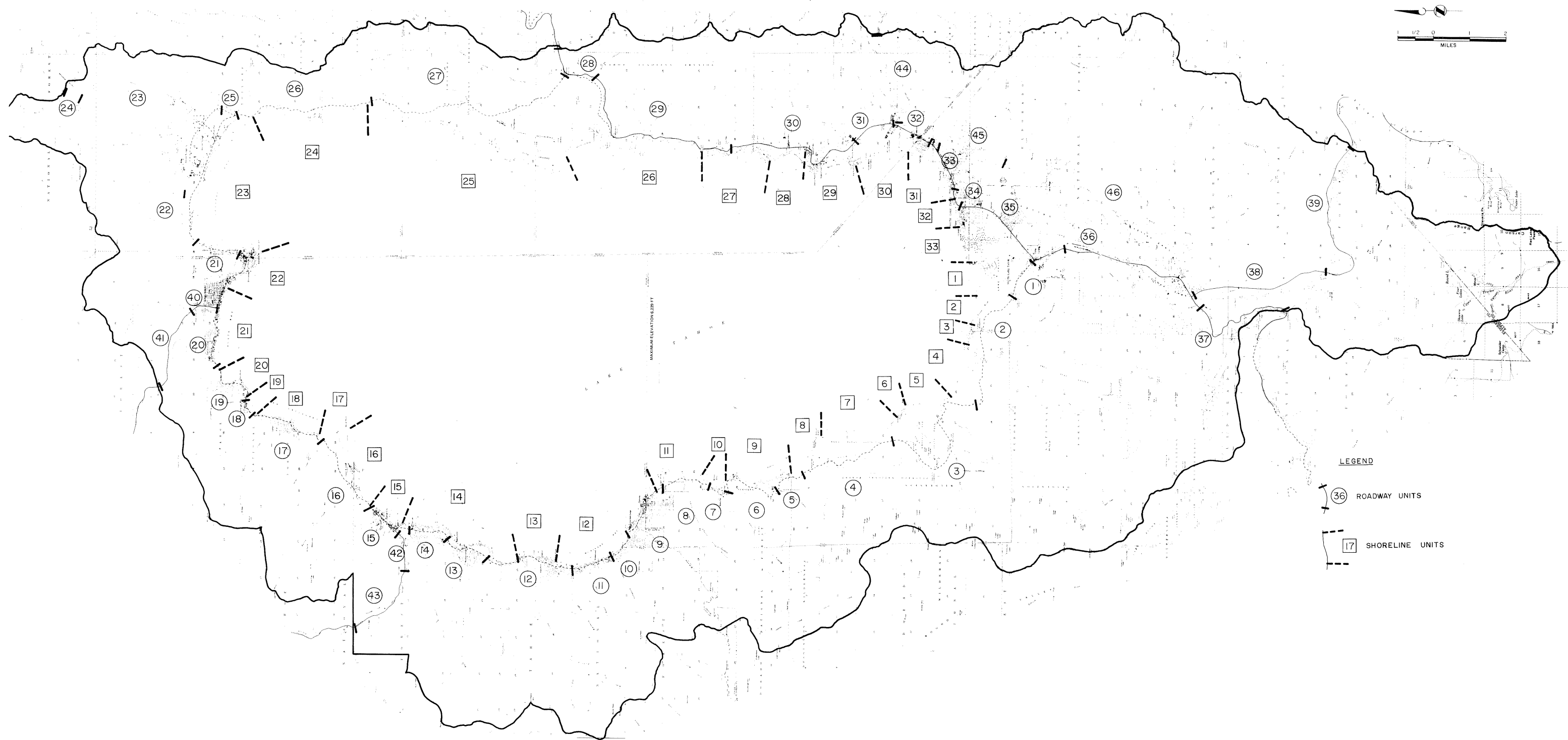




A detailed topographic map of the Lake Tahoe Basin, showing the lake's shoreline, surrounding mountains, and a grid of elevation contours. The map is oriented with North at the top. In the upper right corner, there is a north arrow and a scale bar labeled "MILES" with markings for 1/2, 0, 1, and 2. The title "LAKE TAHOE BASIN SCENIC RESOURCE INVENTORY" is printed in large, bold, black capital letters across the center of the map. Below the title, on the left side, is the text "Prepared by Wagstaff and Brady for the Tahoe Regional Planning Agency".

# **LAKE TAHOE BASIN SCENIC RESOURCE INVENTORY**

**Prepared by Wagstaff and Brady  
for the Tahoe Regional Planning Agency**



**Figure 1. ROADWAY AND SHORELINE UNIT LOCATIONS**

# SCENIC RESOURCES INVENTORY·TAHOE ENVIRONMENTAL STUDY

## ROADWAY UNIT INVENTORY

### Introduction

The Lake Tahoe Basin major roadways were surveyed in February, March and May of 1982 for scenic resources, a component of the Tahoe Regional Planning Agency's Environmental Thresholds Study. Scenic resources within each unit were mapped, photographed and described in narrative text.

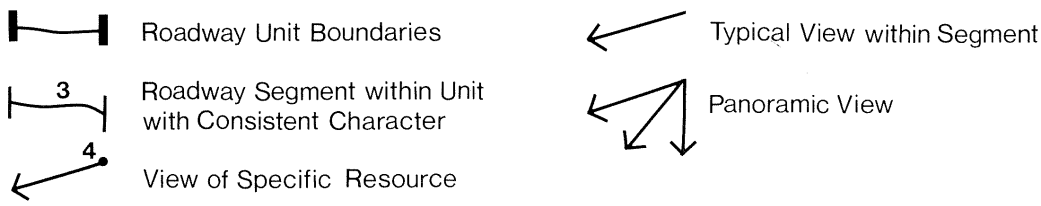
The following routes were surveyed:

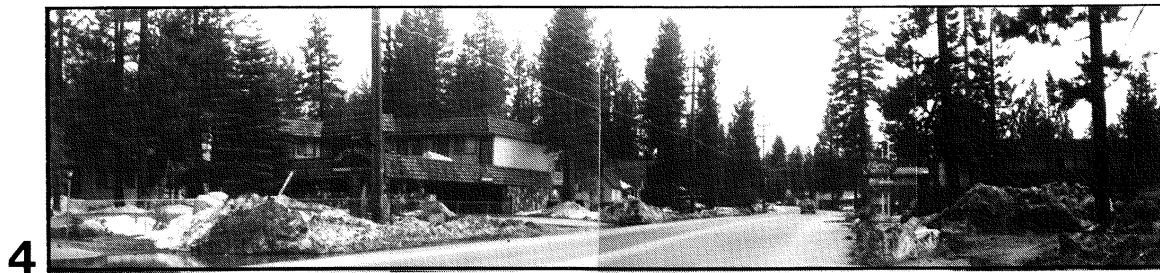
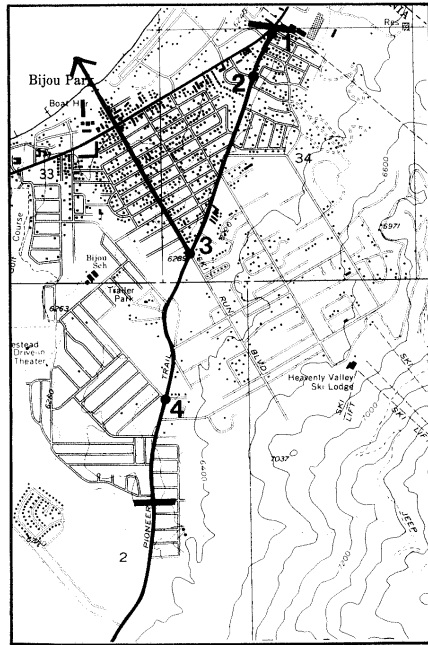
- Route 50, from Echo Summit to Spooner Junction
- Kingsbury Grade, from Route 50 to Tramway Drive
- Route 28, from Spooner Junction to Tahoe City
- Route 89, from Lake Tahoe Boulevard to Route 50
- Mt. Rose Highway, from Route 28 to basin boundary
- Route 267 from Route 28 to basin boundary
- Pioneer Trail

Resource subcomponents identified, mapped and photographed include 1) views from major entry points into the basin; 2) views from roadways of natural landscapes; 3) views from roadway to the lake; and 4) major visual features, such as rock formations, topographical features, beaches, streams and special vegetation patterns or areas.

The survey was conducted in both directions around the lake. Travel routes were inventoried by road units identified in the 1971 U.S. Forest Service Scenic Analysis of Travel Routes. Three units were added for a total of 46 roadway units. The narrative is structured in order of landscape components which would be seen in a counter-clockwise drive around the lake. The summaries identify scenic resources by unit number and resource number, and are keyed to mapped resources. In some cases, two units are described and mapped together.

### ROADWAY MAPS LEGEND





### Roadway Unit 45. Pioneer Trail, North

From Highway 50 southward for almost 2 miles, Pioneer Trail follows the foot of the mountainsides enclosing South Lake Tahoe. The road crosses flattish terrain, with most views of foreground only, limited by development and pine forest. The first section is densely developed, with commercial buildings (mostly motels) near Highway 50, and some apartment buildings. Limited views of the mountains in mid-ground and of the Heavenly Valley ski area are obtained. The casinos are visible to northbound travellers only at the end of Pioneer Trail. The lake is glimpsed briefly at an intersection. At the southern end of the unit, single-family homes and retention of more pine forest creates a lower density, suburban environment.

### Roadway Unit 45. Pioneer Trail, North Summary

#### Views of lake

- 45-3. 0.9 mi. from north end of unit. Vista of lake in middleground down road leading to Boat Harbour; brief view, cluttered by utilities and road signs. Scenic quality: moderate  
Rating: 2

#### Views of natural landscape

- 45-2. 0.9 mi. Foreground views of commercial development, housing, and pine trees, with occasional glimpses of mountainsides to the southeast. Scenic quality: low  
Rating: 1
- 45-4. 0.3 mi. Foreground views of low density housing and trailer park and pine forest with occasional views of mountains to the east in middleground. Scenic quality: low  
Rating: 1

#### Visual features

- 45-1. At north end of unit. Middleground view of high-rise casinos. Scenic quality: moderate  
Rating: 2

Overall unit scenic quality: low  
Rating: 1

## ROADWAY UNIT 45. PIONEER TRAIL, NORTH.



Roadway Unit 46. Pioneer Trail, South

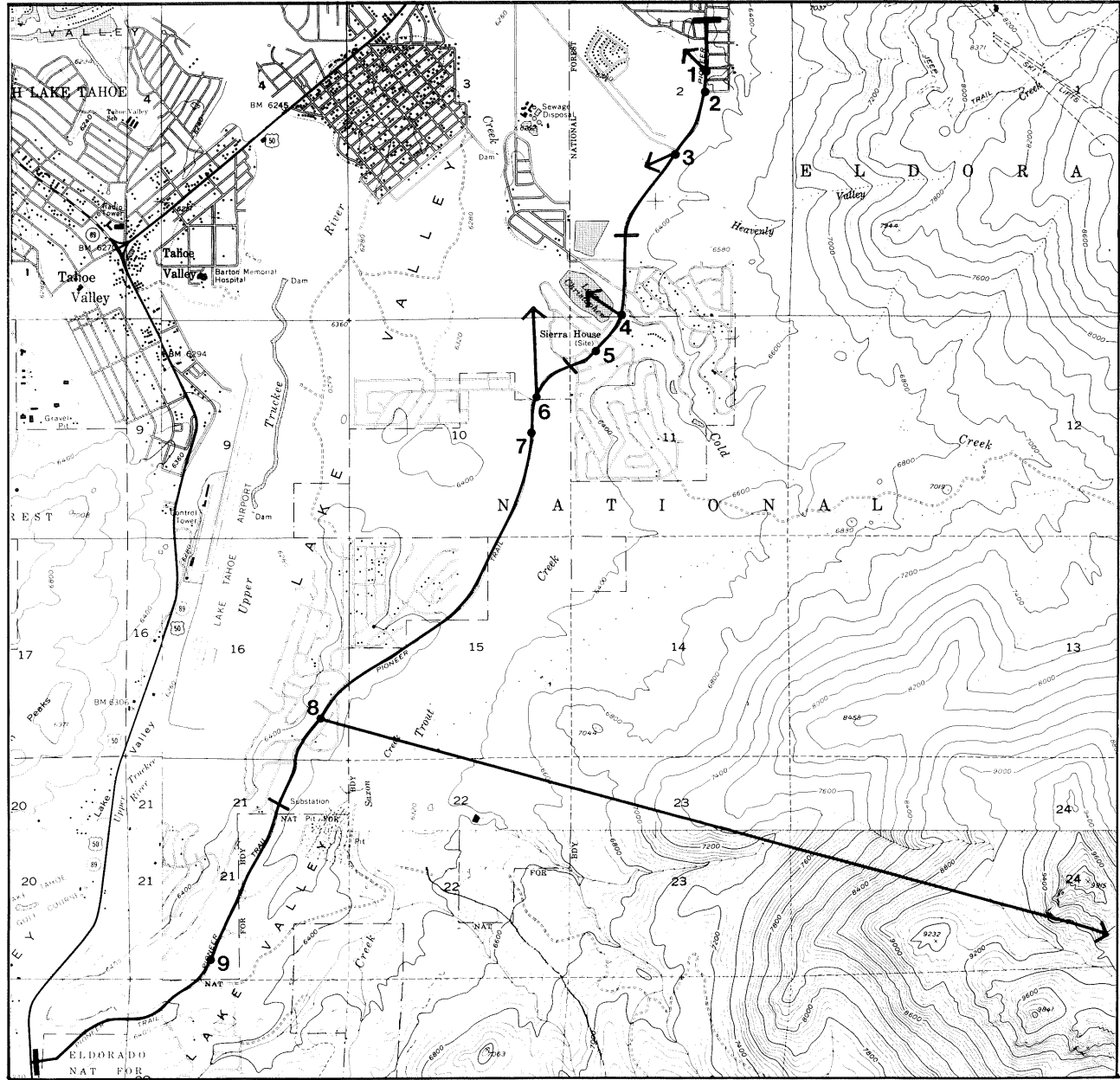
This is a long stretch of road through predominantly natural landscape, in which the road rises and falls gently with rolling topography, finally rejoining Highway 50 at Meyers.

At the northern end, suburban development gives way to considerable stretches of undisturbed landscape, gently sloping and forested. Variety is imparted by views of meadows and water features in foreground, two nodes of residential development, and middleground and background views of mountains on both sides of the road. Observer position and outward views vary as the road alternately dips into creek valleys and ascends low ridges.

Roadway Unit 46. Pioneer Trail, South, Summary

Views of natural landscape

- 46-2. 1.2 mi. Predominantly natural landscape, canopied and enclosed by pine forest, with fleeting glimpses of mountains to west, east, and north, and of meadows west of the road.  
Scenic quality: moderate  
Rating: 2

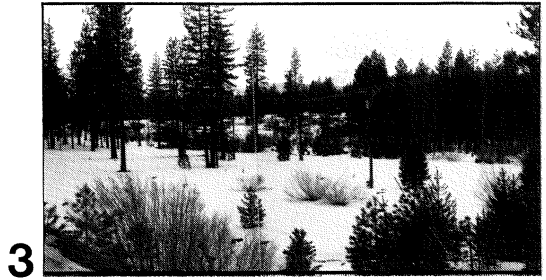
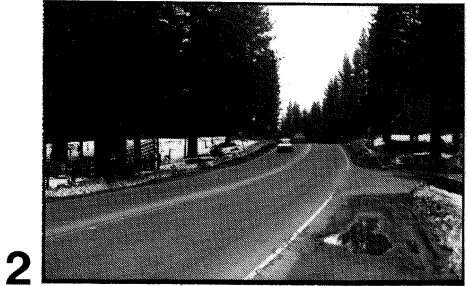
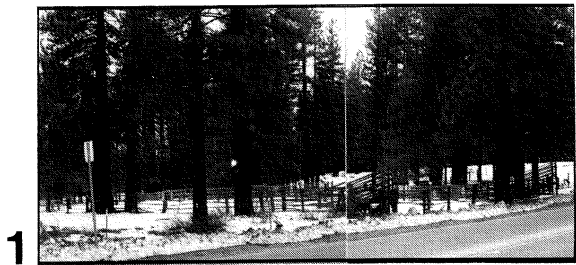


- 46-5. 0.4 mi. Suburban development (housing and school) dominates foreground views, but attractively situated round shores of a reservoir enclosed by forest; some middleground views of mountains.  
Scenic quality: moderate  
Rating: 2
- 46-7. 2.5 mi. Elevated road position provides long-distance views of mountains on both sides as vistas through trees; some development and utilities evident.  
Scenic quality: high  
Rating: 3
- 46-9. 1.6 mi. Foreground views of thick forest from roadway with inferior observer position; some single-family homes at low density.  
Scenic quality: moderate  
Rating: 2

Visual features

- 46-1. 2.1 mi. from north end. Roadside corral under pine trees, with attractive backdrop of meadow and forest.  
Scenic quality: high  
Rating: 3
- 46-3. 2.7 mi. from north end. Overlook of open area with mountains near Echo Summit beyond; view marred by utility poles.  
Scenic quality: moderate  
Rating: 2
- 46-4. 3.5 mi. from north end. Lake or reservoir provides distinctive foreground views with water's edge and diverse vegetation.  
Scenic quality: high  
Rating: 3
- 46-6. 3.7 mi. from north end. Focal view down Trout Creek, along meadows enclosed by forest; visible housing is well sited at forest edge.  
Scenic quality: high  
Rating: 3
- 46-8. 5.8 mi. from north end. Freel Peak forms distinctive summit in a panorama of mountains to the east in far middleground.  
Scenic quality: high  
Rating: 3

Overall unit scenic quality: moderate  
Rating: 2



ROADWAY UNIT 46. PIONEER TRAIL, NORTH.

### 37. HEAVENLY VALLEY

The Heavenly Valley ski resort is located on the south shore of the lake just south of the city limits of South Lake Tahoe. The resort is privately owned and operated, although the ski slopes are located on national forest lands.

Entry to the recreation area is from Wildwood Avenue into a large plane of parking that spreads out on two levels at the foot of the mountain. The slopes rise steeply to the southeast and are lightly covered with conifer forest. A good deal of the rocky slope is revealed between the trees. There are two main vertical swaths up the hill that have been cleared. The vegetation in the lower portion of these areas is very sparse, consisting primarily of grasses. The upper portion is almost completely unvegetated, revealing the light-colored rocky soil. To the east of the ski area the hillside becomes more distinctive, revealing a much more rugged terrain marked with rocky outcroppings. Toward the bottom of this slope four or five houses have been built. The main lodge, which is located at the foot of the ski slope on the western side of the parking area, is a long, low, boxy building partially set into the hillside. Extending from the east end of the lodge all the way across the foot of the slope is a concrete block retaining wall topped with a cyclone fence. This wall, which averages about 10 feet in height, separates the ski area from the parking area. Another structure is situated at the east end of the parking lot. This shed-roofed structure houses the tram which takes visitors up to the lodge at the top of the slopes.

The north side of the resort is bordered by conifer forest. Several structures are visible, although they are partially concealed by the trees. At the northeast corner of the property a multi-story structure stands out boldly because of the absence of trees between it and the recreation area. To the west, the topography slopes away enough to make the range of mountains visible over the top of the trees.

#### Heavenly Valley--Components

##### Views from the Recreation Area

- 37-1. View from west end of parking lot (Photos #12-15).  
Rating: 9 Unity 3; Vividness 2; Variety 2; Intactness 2.
- 37-2. View from east end of parking lot (Photos #30-37).  
Rating: 12 Unity 3; Vividness 4; Variety 3; Intactness 2.
- 37-3. View from tram area (Photos #19-24).  
Rating: 12 Unity 3; Vividness 4; Variety 3; Intactness 2.

##### Natural Features of Heavenly Valley

- 37-4. Ski slope (Photos #3, 18-22, 33).  
Rating: 12 Unity 3; Vividness 4; Variety 3; Intactness 2.

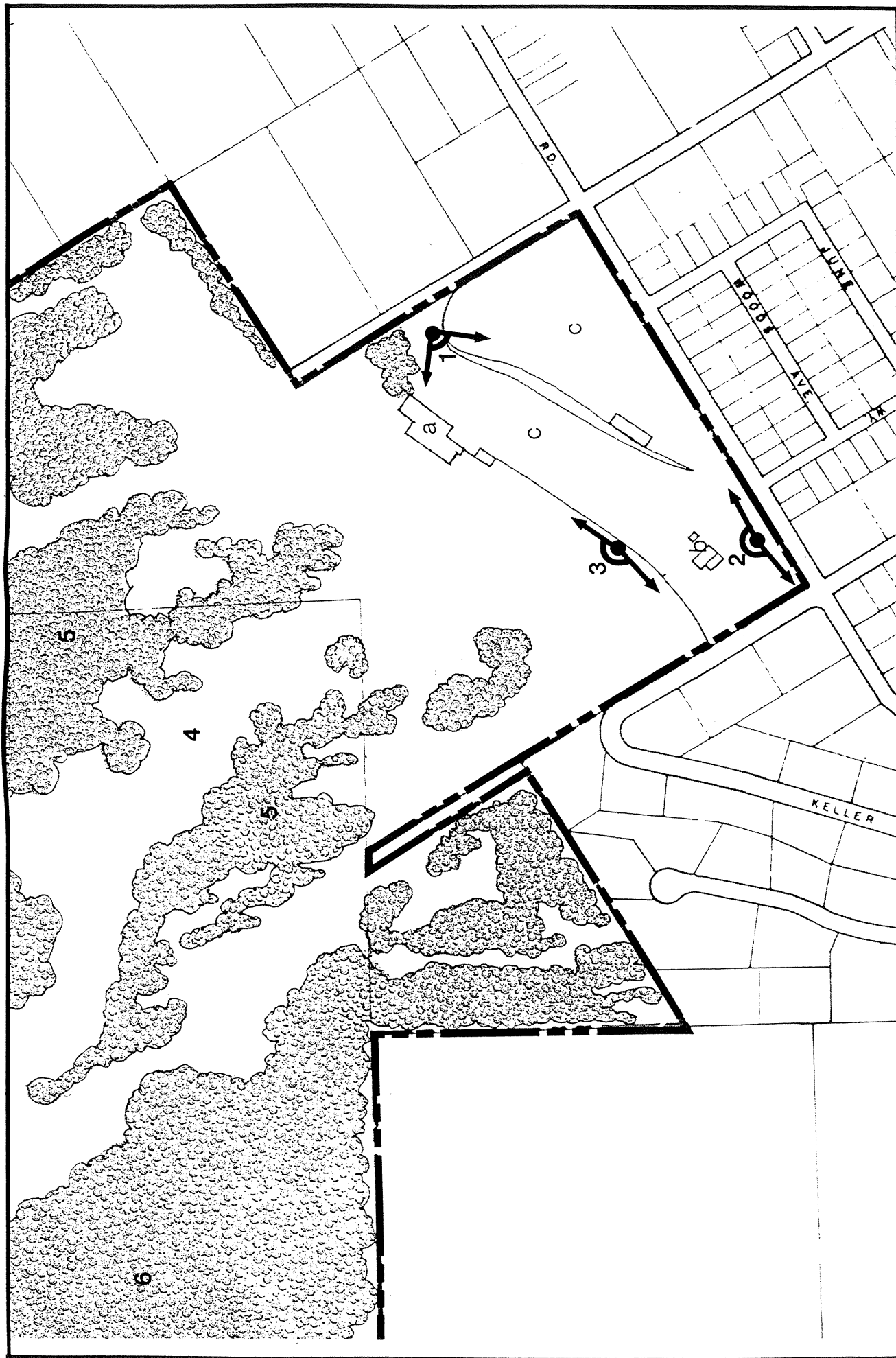
- 37-5. Conifer forest (Photos #32, 33, 34).  
Rating: 11 Unity 2; Vividness 3; Variety 3; Intactness 3.
- 37-6. Rocky hillside east of the ski slopes (Photos #16, 23, 24, 35, 36).  
Rating: 14 Unity 3; Vividness 4; Variety 3; Intactness 4.

Man-Made Features of Heavenly Valley

- 37-a. Main lodge (Photos #12, 13, 37).  
Rating: 9 Coherence 2; Condition 3; Compatibility 2; Design Quality 2.
- 37-b. Tram terminal (Photos #14, 25, 28).  
Rating: 12 Coherence 2; Condition 4; Compatibility 3; Design Quality 3.
- 37-c. Parking area (Photos #13, 14, 15, 27, 28, 30, 31).  
Rating: 8 Coherence 2; Condition 2; Compatibility 2; Design Quality 2.

Summary:

Heavenly Valley is the largest of the ski areas in the basin and has scenic qualities and problems that correspond to its size and its volume of visitor traffic. The mountain slopes are higher and more distinctive than in the other areas; however, the heavy use of these slopes has left them very worn looking. The lodge and parking areas lack positive scenic qualities and appear to have been designed solely with functional criteria. The distant view of the mountains to the west adds a scenic dimension that is unique for ski areas in the basin.



NORTH

SCALE: 1"=400'

Figure 37a Scenic Resources  
HEAVENLY VALLEY





Elements That Contribute to the Scenic Quality Heavenly Valley

- A. The verticality of the steep mountain slopes.
- B. The conifer forest which surrounds the resort area.
- C. The rocky outcrops on the hillside east of the ski slopes.
- D. The view of Mt. Tallac and other mountain peaks to the west.

Elements That Detract from the Scenic Quality of Heavenly Valley

- A. The cleared ski slopes are very worn looking from intensive use and because of the difficulty of vegetating the rocky slopes. The ski runs are very linear and do not blend well with the natural vegetative and topographic patterns. The resulting visual impression is that the mountain has been scarred.
- B. The ski lodge is a very large plain structure that has very few qualities worthy of note. Its size, absence of quality, and central location make it a visually prominent feature that detracts from its surroundings.
- C. The concrete block wall across the foot of the slope creates a physical and visual barrier between the parking area and the ski slopes. It makes the viewer more aware of the separation of the built environment and the natural landscape.
- D. The houses on the hillside east of the ski slopes are not well concealed by the sparse tree cover, and they compete with the natural features (i.e., the rocky hillside) for the viewer's attention.
- E. The multi-story visitor residential building east of the parking area stands out boldly because of the absence of forest cover between it and the recreation area and because of the metal fascia which reflects the sunlight.
- F. The large expanse of paved parking area is visually dominant whether empty or full, because of its size and lack of any mitigating measures. The embankment that separates the upper lot from the lower lot is poorly maintained and unattractive (e.g., asphalt paving is breaking along edges and existing vegetation looks weedy).

Recommendations for Preserving the Scenic Quality of Heavenly Valley

- A. Rocky hillside to the northeast of the ski area

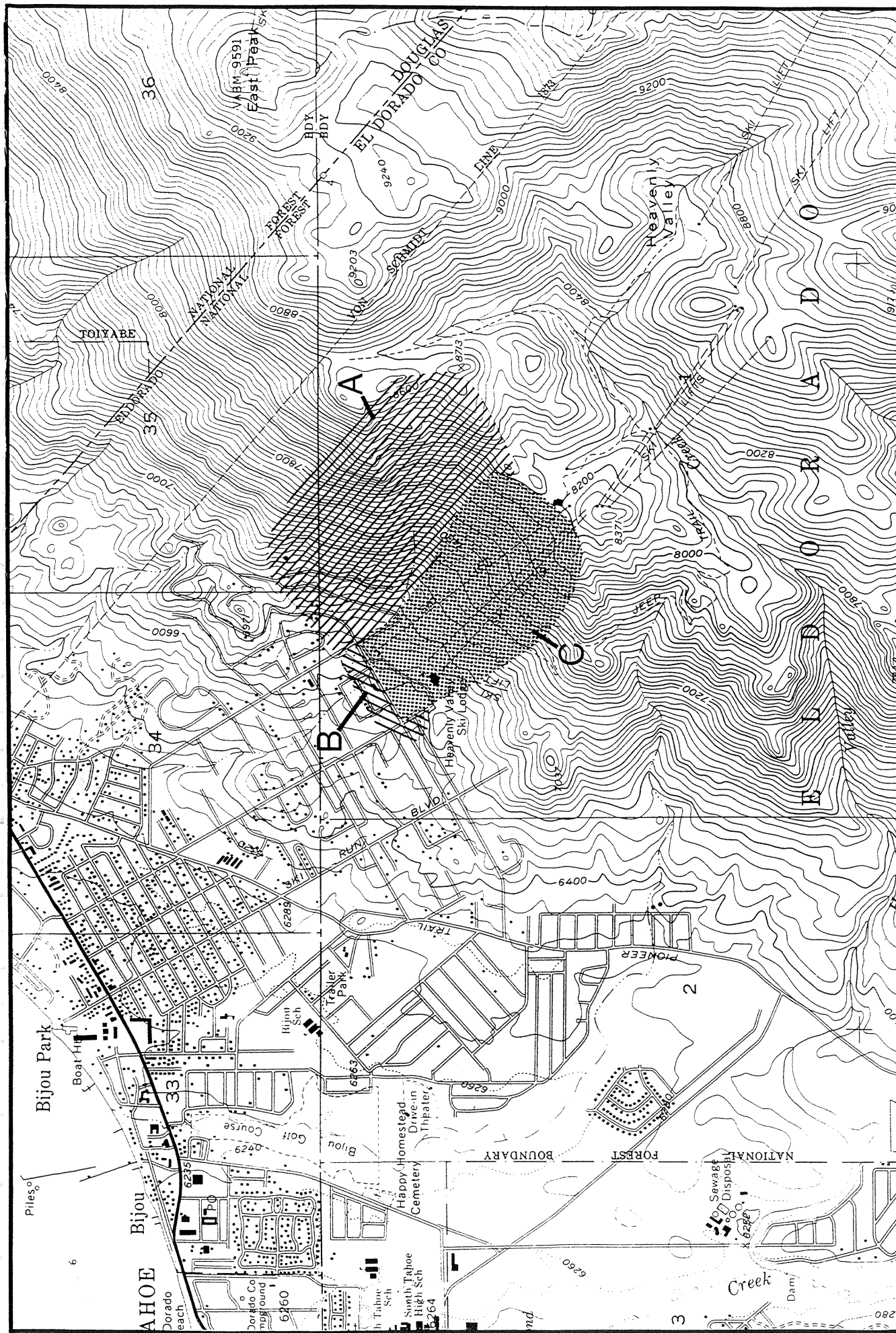
The rocky outcroppings and sparse forest cover on the hill contribute greatly to the overall quality of the recreation area. Maintaining the natural condition of this hill is important since the appearance of the adjoining ski slope has been so altered. Because the tree cover is sparse, further development would be difficult to conceal, and it is recommended that it be sited in such a manner that it is not visible from the ski area. (Photos #16, 23, 24, 35, 36)

B. Forested areas bordering the resort to the northwest

1. New development should be visually screened from the recreation area. Structures should be sited so that existing trees are preserved as a visual screen.
2. Structures should not be permitted to exceed the height of the existing tree cover.
3. Use of reflective materials should be restricted and use of materials which blend into the surrounding landscape encouraged. Hues should fall within a range of natural colors that complements rather than contrasts with the existing vegetation and earth tones. Color values should be equal to or darker than those of surrounding colors. The recommendations should apply to all visible surfaces of structures including roofs, siding, fences, etc. (Photos #15, 27, 28, 30)

C. Heavenly Valley

1. The denuded area of the ski slope should be revegetated. This is particularly important along the lower portions of the slope that are highly visible from the lodge. (Photos #3, 17, 18, 20, 21, 32, 33)
2. Methods for improving the appearance of the lodge should be investigated. Rehabilitation of the structure should aim at introducing a sense of quality to the building's appearance in terms of design and the level of craftsmanship. In addition to alterations in the building's appearance, landscaping should be introduced along the front to mitigate the transition between the parking area and the structure, and to reintroduce some natural elements into this stark man-made landscape. (Photos #12, 13, 37)
3. A redesign of the parking area to decrease its apparent size and its visual impact should be considered. The lot should be divided into smaller areas separated by landscaped islands. This would help decrease the number of automobiles visible at any one time and would reintroduce some natural elements into the landscape area. The embankment between the upper and lower lots should be heavily landscaped to provide a buffer between the two areas and to control erosion. Landscaping should be introduced along the length of the concrete block wall to soften its hard, barren appearance and to mitigate the abrupt change in elevation. (Photos #10, 13-15, 27, 28, 30, 31)



NORTH ↑

Figure 37b Visually Sensitive Areas

# HEAVENLY VALLEY

SCALE: 1"=2000'





52 Cal.3d 531

Supreme Court of California,  
In Bank.

LESHER COMMUNICATIONS, INC.,  
et al., Plaintiffs and Respondents,  
v.  
CITY OF WALNUT CREEK,  
Defendant and Appellant.

No. S012604.

|  
Dec. 31, 1990.

### Synopsis

Petition for writ of mandate and complaint for declaratory judgment were filed, challenging validity of municipal "Traffic Control Initiative" establishing building moratorium to combat traffic congestion. The Superior Court, Contra Costa County, No. 282115, [Richard Patsey, J.](#), granted peremptory writ, and city appealed. The Court of Appeal, [262 Cal.Rptr. 337](#), affirmed. Review was granted, superseding the opinion of the Court of Appeal. The Supreme Court, [Eagleson, J.](#), held that: (1) initiative was not offered as, and could not be construed as, amendment to city's general plan, and (2) since initiative was inconsistent with plan in effect when initiative was adopted, the measure was invalid.

Reversed and remanded with directions.

[Mosk, J.](#), filed dissenting opinion.

West Headnotes (9)

[1] **Zoning and Planning** 🔑 Change to plan itself, in general

"Traffic Control Initiative" establishing building moratorium to combat traffic congestion was not offered as, and could not be construed as, an amendment to city's general plan; initiative did not identify existing provision of general plan that was to be amended or state that it was an addition to the plan. [West's Ann.Cal.Gov.Code § 65356.1](#) (Repealed); [West's Ann.Cal.Elec.Code](#)

§§ 3500 et seq., 4000; [West's Ann.Cal. Const. Art. 2, § 11](#).

[16 Cases that cite this headnote](#)

[2] **Statutes** 🔑 Construction and operation of initiated statutes

Although initiative power must be construed liberally to promote the democratic process, when utilized to enact statutes, those statutes are subject to same constitutional limitations and rules of construction as other statutes.

[8 Cases that cite this headnote](#)

[3] **Zoning and Planning** 🔑 Conformity of regulations to comprehensive or general plan

Zoning ordinance that is inconsistent with general plan is invalid when passed.

[20 Cases that cite this headnote](#)

[4] **Election Law** 🔑 Post-election challenges or review

Wherever possible, court must construe initiative measure to ensure its validity.

[1 Cases that cite this headnote](#)

[5] **Election Law** 🔑 Post-election challenges or review

Absent ambiguity, court presumes that voters intend meaning apparent on face of initiative measure.

[18 Cases that cite this headnote](#)

[6] **Constitutional Law** 🔑 Judicial rewriting or revision

Court may not add to statute or rewrite it to conform to assumed intent that is not apparent in its language.

[14 Cases that cite this headnote](#)

[7] **Zoning and Planning** 🔑 Concurrent or Conflicting Regulations; Preemption

**Zoning and Planning** 🔑 Conformity of regulations to comprehensive or general plan

Zoning ordinance that conflicts with general plan is invalid at time it is passed; court does not invalidate the ordinance, rather, it is preemptive effect of controlling state statute which invalidates ordinance. [West's Ann.Cal.Gov.Code § 65000 et seq.](#)

[22 Cases that cite this headnote](#)

**[8] Zoning and Planning** 🔑 Change of conditions; future developments

Amendment to invalid statute may itself constitute valid enactment operative from its effective date, but neither such amendment nor amendment of general plan revives invalid zoning ordinance. [West's Ann.Cal.Gov.Code § 9611.](#)

[29 Cases that cite this headnote](#)

**[9] Zoning and Planning** 🔑 Fire and traffic hazards**Zoning and Planning** 🔑 Moratorium regulations

Municipal "Traffic Control Initiative" establishing building moratorium to combat traffic congestion was inconsistent with city's general plan which expressly recognized that anticipated development would lead to traffic congestion which residents would have to accept, and this inconsistency invalidated ordinance ab initio, and city's newly adopted general plan incorporating the initiative did not save the initiative. [West's Ann.Cal.Gov.Code § 65860\(c\).](#)

[12 Cases that cite this headnote](#)

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**Opinion**

EAGLESON, Justice.

We are asked to decide whether an initiative measure limiting municipal growth which conflicts with a city's general plan amends that plan, and, if it is not an amendment, whether it is invalid. As we explain below, we conclude that the initiative measure in dispute is not a general plan amendment, and state law which requires that zoning ordinances conform to the general plan invalidates newly enacted zoning ordinances that do not conform to an existing general plan.

**\*\*319 I**

The Planning and Zoning Law of the State of [California \(Gov.Code, § 65000 et seq.\)](#)<sup>1</sup> mandates the adoption of a general plan by every city and every county in this state (§ 65300),<sup>2</sup> provides that its adoption is a legislative act, and authorizes review by petition for writ of mandate pursuant to [section 1085 of the Code of Civil Procedure](#). (§ 65301.5.)

A general plan must set out a statement of the city's development policies and objectives, and include specific elements among which are land use and **\*536** circulation elements. (§ 65302, subds. (a) & (b).)<sup>3</sup> Once the city has adopted a general plan, all zoning ordinances must be consistent with that plan, and to be consistent must be "compatible with the objectives, policies, general land uses,

and programs specified in such a plan.” (§ 65860, subd. (a) (ii).)

As of November 5, 1985, the date on which Measure H, the initiative ordinance in issue here, was adopted, the general plan of the City of Walnut Creek (Walnut Creek or the city) was growth oriented. It had as an objective, accommodation of “that portion of the projected population growth of Contra Costa County and the Bay Region which reasonably can be accommodated in Walnut Creek.” It also provided for land use that would expand residential areas with densities both compatible with existing \*\*\*3 development and responsive to the need for additional housing; expand the city's central commercial district; enhance the city's position as a subregional administrative and professional office center, and as a subregional retail shopping center; and provide for expansion of existing office, research and limited development employment center. The general plan anticipated, indeed acknowledged in its transportation plan, that: “ ‘Commute-hour congestion experienced along Ygnacio [Valley Road], Treat [Boulevard], [Freeway] I–680, and other roadways *will continue to increase as new development occurs*. Although some minor improvements can be made to these roadways, *drivers will have to adjust to an increased level of congestion*.’ (Italics added.)”

Measure H, designated in its title as a “Traffic Control Initiative,” creates a building moratorium triggered by traffic congestion on the same roadways, providing inter alia:

“No buildings or structures shall be built in the City of Walnut Creek unless (1) the AM and PM Peak Hour Volume to Capacity Ratio of all intersections on Ygnacio Valley Road and all intersections within the Core Area along Main Street, Broadway, California Blvd., Mt. Diablo Blvd., Civic Drive and Parkside Drive is .85 or less, and (2) the traffic generated by the proposed building or structure when such traffic is added to the existing \*537 and expected traffic volumes, will not increase the AM or PM Peak Hour Volume to Capacity Ratio at any of those intersections above .85.”

Plaintiffs challenged the validity of Measure H by petition for writ of mandate and complaint for declaratory relief, asserting \*\*\*320 in their first cause of action (1) that Measure H was a land use ordinance which operated as a zoning ordinance and was inconsistent with the city's general plan, and (2) that the general plan itself was invalid.<sup>4</sup> They alleged, and Walnut Creek admitted in its answer, that peak hour traffic volume at some of the designated intersections already

exceeded the .85–volume–to–capacity threshold at which the moratorium took effect, and for that reason the city had already imposed a moratorium on the construction of buildings and structures other than those explicitly exempted by Measure H and those already under construction on its effective date.

Pursuant to stipulation, this count and the sixth count, seeking declaratory relief on that basis, were severed and tried on evidence submitted through declarations and matters of which the court could take judicial notice.<sup>5</sup> After trial the court directed issuance of a peremptory writ of mandate commanding Walnut Creek to void Measure H and to cease enforcing it, ruling that Measure H was invalid because it conflicted with the general plan goals and policy of growth and expansion of commercial and residential development.

\*\*\*4 The trial court concluded that Measure H was not an amendment of the general plan, observing that it was not described as such in the ballot \*538 measure, the analysis of the city attorney, or any of the arguments in favor of or in opposition to the measure. Further support for that conclusion was found in the detailed scope and the self-executing nature of Measure H, features not common to general plan provisions which are the basis for future development to be implemented by additional detailed measures. The court found it unnecessary to determine if Measure H was a zoning ordinance, because the effect of inconsistency with the general plan was the same regardless of whether Measure H was a zoning ordinance or a measure other than a general plan amendment affecting land use.

The peremptory writ was granted on February 23, 1987. Walnut Creek appealed, arguing that Measure H was consistent with the city's general plan because it was compatible with the progrowth policies expressed in the plan, and promoted other policies expressed in the general plan. The city argued in the alternative that even if Measure H was inconsistent with the general plan, it was valid as an amendment of the general plan.

The Court of Appeal rejected Walnut Creek's argument that Measure H was consistent with the general plan,<sup>6</sup> but held that the initiative must be construed as an amendment to the general plan.

\*\*321 While the appeal was pending, Walnut Creek amended the general plan in an effort to incorporate Measure H and to eliminate the inconsistencies identified by the trial

court. The Court of Appeal concluded that possible mootness did not preclude consideration of the issues raised by the city. Because a conclusion that Measure H itself amended the general plan might trigger the statutory prohibition of legislative amendment of an initiative measure (see [Elec.Code, § 4013](#)) and cast doubt on the validity of the subsequent legislative amendment of the plan, this court agrees.

## II

### GENERAL PLAN AMENDMENT

The Planning and Zoning Law provides for adoption or amendment ([§ 65356.1](#)) of a general plan, following notice and at least one hearing, by resolution of the local planning commission ([§ 65352](#)) and endorsement reflecting its approval by resolution of the legislative body. ([§§ 65353, 65357](#).) The legislative body's approval must also follow at least one noticed [\\*539](#) public hearing. ([§ 65355](#).) Nevertheless, because adoption of a general plan is a legislative act, the people's reserved power of referendum ([art. II, § 11](#)) has been held to be applicable ([Yost v. Thomas](#) (1984) 36 Cal.3d 561, 570–571, 205 Cal.Rptr. 801, 685 P.2d 1152) and both the initiative and referendum powers have been held applicable to zoning ordinances ([Arnel Development Co. v. City of Costa Mesa](#) (1980) 28 Cal.3d 511, 516–517, 169 Cal.Rptr. 904, 620 P.2d 565; [Friedman v. City of Fairfax](#) (1978) 81 Cal.App.3d 667, 672, fn. 5, 146 Cal.Rptr. 687) notwithstanding similar procedural requirements which apply to the legislative body.

[1] This court has never considered whether a general plan may be adopted or amended by initiative. Several amici curiae argue that, because compliance with the numerous substantive provisions of the Planning and Zoning Law can be achieved only by a legislative body, that law preempts the local initiative power.<sup>7</sup> We [\\*\\*\\*5](#) need not address that issue here because we conclude that Measure H was not offered as, and may not be construed as, a general plan amendment.

The Court of Appeal recognized that the courts must resolve all doubts in favor of the people's exercise of the initiative power and uphold the validity of an initiative wherever it is possible to do so. (See [Associated Home Builders etc., Inc. v. City of Livermore](#) (1976) 18 Cal.3d 582, 591, 135 Cal.Rptr. 41, 557 P.2d 473.) It found no significance in the fact that

Measure H was not described in its title or in other ballot measures as an amendment to the general plan, but agreed with the trial court that the specificity and self-executing nature of Measure H resembled a zoning ordinance rather than a general plan provision. The court then considered whether those features would have rendered Measure H invalid as part of a general plan, concluding that notwithstanding the purpose of [\\*540](#) the general plan as a “constitution” for future development, a specific and self-executing provision would be permissible in a general plan.

The Court of Appeal recognized inconsistencies between Measure H and other [\\*\\*322](#) provisions of the general plan, but reasoned that the inconsistencies could be remedied by setting aside the internally inconsistent element. The judiciary, it held, could require legislative correction of the inconsistencies because section 65754, subdivision (a), requires local government to bring a general plan into compliance with the law when a court determines that an element is internally inconsistent.

Finally, the Court of Appeal considered the omission of any statement in Measure H advising the voters that the initiative would amend the general plan. That was not fatal, the court held, because “the profound duty of the courts to ‘jealously guard’ the initiative process, the will of the Walnut Creek voters cannot be thwarted based on such a hypertechnicality.”

We need not consider whether the Court of Appeal was correct in its conclusion that the courts may compel legislative action to eliminate internal inconsistencies in a general plan when the inconsistency is created by an amendment to an existing, valid plan. This question need not be addressed because we disagree with that court's characterization of the absence of advice to the voters that Measure H would amend the general plan as a hypertechnicality.

[2] “Although the initiative power must be construed liberally to promote the democratic process [citation] when utilized to enact statutes, those statutes are subject to the same constitutional limitations and rules of construction as are other statutes.” ([Legislature v. Deukmejian](#) (1983) 34 Cal.3d 658, 675, 194 Cal.Rptr. 781, 669 P.2d 17.) The same is true when a local initiative is at issue.

[3] We cannot at once accept the function of a general plan as a “constitution,” or perhaps more accurately a charter for future development, and the proposition that it can be amended without notice to the electorate that such amendment



is the purpose of an initiative.<sup>8</sup> Implied amendments or \*541 repeals by implication are disfavored \*\*\*6 in any case (*Flores v. Workmen's Comp. Appeals Bd.* (1974) 11 Cal.3d 171, 176, 113 Cal.Rptr. 217, 520 P.2d 1033), and the doctrine may not be applied here. The Planning and Zoning Law itself precludes consideration of a zoning ordinance which conflicts with a general plan as a pro tanto repeal or implied amendment of the general plan. The general plan stands. A zoning ordinance that is inconsistent with the general plan is invalid when passed (*deBottari v. City Council* (1985) 171 Cal.App.3d 1204, 1212, 217 Cal.Rptr. 790; *Sierra Club v. Board of Supervisors* (1981) 126 Cal.App.3d 698, 704, 179 Cal.Rptr. 261) and one that was originally consistent but has become inconsistent must be brought into conformity with the general plan. (§ 65860.) The Planning and Zoning Law does not contemplate that general plans will be amended to conform to zoning ordinances. The tail does not wag the dog. The general plan is the charter to which the ordinance must conform.

Therefore, we necessarily reject Walnut Creek's suggestion that an intent to amend the general plan may be inferred from the very inconsistencies which under the Planning and Zoning Law invalidate the ordinance.

We also reject Walnut Creek's argument that because Measure H could function as a general plan amendment by setting out objectives, principles and standards for future development, thereby serving a general planning function, it may be considered such. Measure H, on its face, regulates land use. As such it resembles a zoning ordinance, not simply a statement of policy to govern future regulations. It does not identify an existing provision of the general plan that is to be amended by adoption \*\*323 of the measure, or state that it is an addition to the plan. Absent some basis in the title, the ballot summary, or elsewhere in the ballot materials to support a conclusion that the voters both understood that the purpose of Measure H was to amend the Walnut Creek general plan and that they intended to do so, Measure H cannot be deemed a general plan amendment.

Whether adopted by the legislative body or the electorate, an ordinance that is not understood by that body as a general plan amendment does not become such retroactively by judicial fiat. Indulging in a presumption that, by the enactment of what appears to be a zoning ordinance, the voters intend to amend a general plan, would violate the clear legislative intent underlying the Planning and Zoning Law. "Unrestricted amendments of the general plan to conform to zoning changes

would destroy the general plan as a tool for the comprehensive development of the community as a whole." (*deBottari v. City Council, supra*, 171 Cal.App.3d 1204, 1212, 217 Cal.Rptr. 790.)

The dispositive question, therefore, is whether a basis exists for concluding that the voters of Walnut Creek intended to amend the general plan by \*542 adopting Measure H. Since we cannot presume the existence of such intent, it must be found, if it exists, in the ballot measure itself or the explanatory material in the ballot pamphlet.

Notice of the purpose of a local initiative should be given in the title and ballot summary. Article II, section 11, reserved the local initiative power, but in so doing specifies that the power is to be exercised "under procedures that the Legislature shall provide." The constitutional provision has been implemented in division 5 of the Elections Code, commencing with section 4000. The statutory provisions repeatedly emphasize the importance of notice to the voters of the purpose of an initiative ordinance. The "Notice of Intent to Circulate Petition" must include a statement of purpose. (Elec.Code, § 4002.) The statement of purpose must be included in the published and posted notices of intent to circulate. (Elec.Code, § 4003.) The city attorney must prepare a ballot title and summary of the proposed measure expressing its purpose. (Elec.Code, § 4002.5.)

Similar provisions apply to statutory initiatives. (Elec.Code, §§ 3501, 3503, 3507.) Their purpose, like that of the predecessor requirements of the Constitution and the Political Code (see \*\*\*7 *Vandeleur v. Jordan* (1938) 12 Cal.2d 71, 82 P.2d 455), is to inform the voters "in order to protect the electorate from imposition" by disclosing "the chief purpose and points of the proposed measure." (*Epperson v. Jordan* (1938) 12 Cal.2d 61, 70, 82 P.2d 445.)<sup>9</sup>

Adequate notice is crucial in this context if the purpose of the Planning and Zoning Law is to be achieved by creating and maintaining a general plan that is an "integrated, internally consistent and compatible statement of policies" (§ 65300.5) and a "basic land use charter governing the direction of future land use" in the city. (*City of Santa Ana v. City of Garden Grove* (1979) 100 Cal.App.3d 521, 532, 160 Cal.Rptr. 907. See also, *Wallace v. Zinman* (1927) 200 Cal. 585, 593, 254 P. 946: "If an amendment of the constitution were intended, [former section 1 of article IV] requires steps to be taken that will apprise the voters thereof so that they may intelligently judge of the fitness of such measure as a constituent part of



the organic law.”) As the Court of Appeal recognized, far from becoming part of an “integrated, internally consistent \*543 and compatible statement of policies,” the addition of Measure H to the Walnut Creek general plan would have created impermissible inconsistencies in that plan.<sup>10</sup>

**\*\*324** The title and ballot summary *are* relevant to construction of Measure H since they did *not* inform the voters that the purpose and effect of Measure H would be amendment of the general plan. Measure H imposed a building moratorium, a matter that is properly the subject of a zoning ordinance. (*Associated Home Builders etc., Inc. v. City of Livermore, supra*, 18 Cal.3d 582, 135 Cal.Rptr. 41, 557 P.2d 473.) Its provisions gave no notice to the voters that the measure was anything more than an ordinance limiting development. The title, “Traffic Control Initiative,” was even less informative than the text of the measure since “traffic control” was nothing more than a potential by-product of the building moratorium for which the measure actually provided.

The analysis of Measure H prepared by the city attorney informed the voters that “existing law” permitted construction consistent with the general plan, zoning ordinance and building code, and that Measure H would change “existing law” by prohibiting construction under the specified circumstances. The analysis therefore informed the voters only that the adoption of Measure H would change the existing law that permitted construction consistent with the general plan, not that it would amend the general plan itself.

[4] [5] [6] We agree with the Court of Appeal that the court must, wherever possible, construe an initiative measure to ensure its validity. Basic to all statutory construction, however, is ascertaining and implementing the intent of the adopting body. (Code Civ.Proc., § 1859; *Taxpayers to Limit Campaign Spending v. Fair Pol. Practices Com.* (1990) 51 Cal.3d 744, 764, 274 Cal.Rptr. 787, 799 P.2d 1220; *Select Base Materials v. Board of Equal.* (1959) 51 Cal.2d 640, 645, 335 P.2d 672.) Absent ambiguity, we presume that the voters intend the meaning apparent on the face of an initiative measure (*Burger v. Employees' Retirement System* (1951) 101 Cal.App.2d 700, 226 P.2d 38) and the court may not add to the statute or rewrite it to conform to an assumed intent that is not apparent in its language. **\*\*\*8** (*People v. One 1950 Ford V-8 Coupe* (1951) 36 Cal.2d 471, 224 P.2d 677.)

**\*544** No basis exists for believing that the voters viewed Measure H as anything other than an ordinance in the nature

of a zoning ordinance. Therefore, assuming, but not deciding, that the voters may amend a general plan by initiative, Measure H cannot be deemed a general plan amendment.

### III

#### REMEDY FOR INCONSISTENCIES

Both the trial court and the Court of Appeal concluded that Measure H is inconsistent with the general plan in effect when Measure H was passed because that general plan was growth oriented and anticipated continued development of housing, commercial and administrative/professional uses. The plan expressly recognized that the anticipated development would lead to traffic congestion which the residents would have to accept. Walnut Creek does not dispute this characterization of the general plan.

The city argued below that Measure H was consistent with other provisions of the general plan. Before this court it argues only that consistency should be determined by comparison with its newly adopted general plan incorporating Measure H, and that, in any event, a compliance decree rather than invalidation of Measure H is the appropriate remedy when the inconsistencies involve policy. Neither argument has merit in light of our conclusion that Measure H is an ordinance in the nature of a zoning ordinance.

[7] A zoning ordinance that conflicts with a general plan is invalid at the time it is passed. (*deBottari v. City Council, supra*, **\*\*325** 171 Cal.App.3d 1204, 1212, 217 Cal.Rptr. 790; *Sierra Club v. Board of Supervisors, supra*, 126 Cal.App.3d 698, 704, 179 Cal.Rptr. 261.) The court does not invalidate the ordinance. It does no more than determine the existence of the conflict. It is the preemptive effect of the controlling state statute, the Planning and Zoning Law, which invalidates the ordinance.

A void statute or ordinance cannot be given effect. This self-evident proposition is necessary if a governmental entity and its citizens are to know how to govern their affairs. Thus, persons who seek to develop their land are entitled to know what the applicable law is at the time they apply for a building permit. City officials must be able to act pursuant to the law, and courts must be able to ascertain a law's validity and to enforce it. The validity of the ordinance under which permits are granted, or pursuant to which development is regulated,

may not turn on possible future action by the legislative body or electorate.

**\*545** [8] An amendment to an invalid statute may itself constitute a valid enactment operative from its effective date (see *Brown v. Superior Court* (1982) 33 Cal.3d 242, 252, 188 Cal.Rptr. 425, 655 P.2d 1260; *County of Los Angeles v. Jones* (1936) 6 Cal.2d 695, 708, 59 P.2d 489), but neither such amendment nor an amendment of the general plan revives an invalid zoning ordinance. (Cf. Gov.Code, § 9611; *Corning Hospital Dist. v. Superior Court* (1962) 57 Cal.2d 488, 494, 20 Cal.Rptr. 621, 370 P.2d 325 [revival after temporary suspension of law].)

[9] Amendments to the Walnut Creek general plan approved subsequent to the enactment of Measure H cannot save the initiative as a zoning ordinance. Only the general plan in effect at the time the ordinance is adopted is relevant in determining inconsistency. Since Measure H was inconsistent with the plan in effect when Measure H was adopted, the measure is invalid.<sup>11</sup>

Walnut Creek's suggestion, that it is not necessary that an inconsistent zoning ordinance or land use regulation be invalidated, **\*\*\*9** is based on the statutory authorization in subdivision (b) of section 65860 for actions "to enforce compliance" with the mandate of subdivision (a) of that section that zoning ordinances be consistent with the general plan. The argument rests in part on subdivision (c), which provides: "[i]n the event that a zoning ordinance becomes inconsistent with a general plan by reason of amendment to such a plan, or to any element of such a plan, such zoning ordinance shall be amended within a reasonable time so that it is consistent with the general plan as amended." (§ 65860, subd. (c).)

In *Building Industry Assn. v. Superior Court* (1989) 211 Cal.App.3d 277, 297, 259 Cal.Rptr. 325, the Court of Appeal stated in dictum that application of section 65860 to a municipal ordinance limiting growth by a numerical formula, an ordinance which was inconsistent with the city's general plan, could result in a compliance decree rather than a finding of invalidity. The court distinguished *Sierra Club v. Board of Supervisors*, *supra*, 126 Cal.App.3d 698, 179 Cal.Rptr. 261, as involving an internally inconsistent general plan with which no zoning ordinance could be consistent.

We do not agree. Subdivision (c) of section 65860 does not permit a court to rescue a zoning ordinance that is

invalid *ab initio*. As its language makes **\*546** clear, the subdivision applies only to zoning ordinances which were valid when enacted, but are not consistent with a subsequently enacted or amended general plan. It mandates that such ordinances be conformed to the new general plan, but does not permit adoption of ordinances which are inconsistent with the general plan. The obvious purpose of subdivision (c) is to ensure an orderly process of bringing the regulatory law into conformity with a new or amended **\*\*326** general plan, not to permit development that is inconsistent with that plan.

We also reject the suggestion that by authorizing suits to enforce compliance with the consistency requirement of subdivision (a) of section 65860, subdivision (b) creates a procedure by which ordinances forbidden by subdivision (a) may be validated. Subdivision (a) provides in its entirety: "County or city zoning ordinances shall be consistent with the general plan of the county or a city by January 1, 1974. A zoning ordinance shall be consistent with a city or county general plan only if: [¶] (i) The city or county has officially adopted such a plan, and [¶] (ii) The various land uses authorized by the ordinance are compatible with the objectives, policies, general land uses, and programs specified in such a plan."

Again, it is apparent that the legislative purpose underlying subdivision (b) of section 65860 is to permit actions to compel local governments to bring their existing zoning ordinances into conformity with their general plan, not to validate ordinances that were inconsistent with the general plan when adopted.<sup>12</sup>

The construction proposed by Walnut Creek is at odds with the Legislature's concern that general plans provide "a comprehensive, long-term general plan for the physical development" of a city (§ 65300), a plan whose mandatory elements may be amended no more frequently than four times a year. (§ 65358.) Conforming a general plan to an inconsistent growth-control ordinance might also be inconsistent with the legislative policy that each city and each county provide in the general plan for its appropriate share of the regional need for housing. (§ 65302.8.) Under that section, amendment of a general plan to limit the number of housing units to be built annually must be accompanied by findings that justify reduction of housing opportunities in the region. This requirement may not be avoided **\*547** by the adoption **\*\*\*10** of a growth control ordinance through the initiative process. A city may not adopt ordinances and regulations which conflict with the state Planning and Zoning Law. (Art.

XI, § 7; *Hurst v. City of Burlingame* (1929) 207 Cal. 134, 140, 277 P. 308, overruled on other grounds in *Associated Home Builders etc., Inc. v. City of Livermore*, *supra*, 18 Cal.3d 582, 596, 135 Cal.Rptr. 41, 557 P.2d 473.) To the extent that *Building Industry Assn. v. Superior Court*, *supra*, 211 Cal.App.3d 277, 259 Cal.Rptr. 325, suggests otherwise, it is disapproved.

The trial court properly ordered issuance of a writ of mandate to compel invalidation of Measure H.

The judgment of the Court of Appeal is reversed. The matter is remanded to the Court of Appeal with directions to modify the judgment of the trial court to order dismissal of the fourth and fifth causes of action and to affirm the judgment as amended.

LUCAS, C.J., and BROUSSARD, PANELLI, KENNARD and ARABIAN, JJ., concur.

MOSK, Justice, dissenting.  
I dissent.

In my view, this case is moot because it is undisputed that in August 1989 defendant City of Walnut Creek amended its general plan, to bring it either substantially (as acknowledged by plaintiffs) or entirely (as claimed by defendant) into conformity with Measure H, the 1985 ordinance challenged in this case. Plaintiffs, assertedly barred from expanding certain facilities by Measure H, have filed yet another suit, apparently to challenge the 1989 general plan as amended. The majority's decision today cannot address that pending suit, the outcome of which will be virtually unaffected \*\*327 by the majority's holding. We should therefore dismiss this appeal.<sup>1</sup>

I.

“[J]udicial decisionmaking is best conducted in the context of an actual set of facts so that the issues will be framed with sufficient definiteness to \*548 enable the court to make a decree *finally disposing* of the controversy.” (*Pacific Legal Foundation v. California Coastal Com.* (1982) 33 Cal.3d 158, 170, 188 Cal.Rptr. 104, 655 P.2d 306, *italics added*.) It appears that this controversy will continue for years; the decision today will not and cannot put an end to it.<sup>2</sup> Hence, today the majority contravene the rule that we should strive whenever possible to bring matters to a legal conclusion, at most asking

the trial and appellate courts to grapple with the consequences of factual matters to be determined on remand.

Moreover, because the majority cannot afford plaintiffs any effective relief, the case should be dismissed for want of a live controversy. (See *Consol. etc. Corp. v. United A. etc. Workers* (1946) 27 Cal.2d 859, 863, 167 P.2d 725.) As I shall explain below, although the majority's rejection of an enactment plaintiffs oppose may provide them some moral support, their legal cause is not advanced by the majority's decision, which amounts to an impermissible advisory \*\*\*11 opinion.<sup>3</sup> (*People ex rel. Lynch v. Superior Court* (1970) 1 Cal.3d 910, 912, 83 Cal.Rptr. 670, 464 P.2d 126.)

*Sierra Club v. Board of Supervisors* (1981) 126 Cal.App.3d 698, 179 Cal.Rptr. 261 (hereafter *Sierra Club* ), which held that a change in a general plan mooted a consistency challenge, teaches us that dismissal as moot is the best course. The Sierra Club had challenged an ordinance that rezoned a parcel on the ground that it was inconsistent with the county's general plan. The trial court had found the ordinance consistent. In a parenthetical discussion, the Court of Appeal disagreed with that finding and commented that the ordinance thus was void *ab initio*. But it held that the case was moot because while the appeal was pending the county had adopted a new plan and map that cured the inconsistency. (*Id.* at p. 705, 179 Cal.Rptr. 261.)

Calling the mootness issue “troublesome indeed,” the Court of Appeal herein acknowledged that *Sierra Club* stood for a “rule that if disputed legislation is repealed during the pendency of an appeal concerning its validity, the appeal will be dismissed as moot.” Harmonizing *Sierra Club* with *deBottari v. City Council* (1985) 171 Cal.App.3d 1204, 217 Cal.Rptr. 790, the Court of Appeal distilled the following rule: “An inconsistent land \*549 use regulation is invalid at the time it is passed, but if the general plan is amended or a new general plan adopted to eliminate the inconsistency while an appeal is pending on that issue, the appeal will be dismissed as moot.” But, perhaps hoping its decision would be \*\*328 final, the Court of Appeal then retrenched, agreeing to decide the case because plaintiffs were already asserting “a host of reasons why the [1989] amendment is ‘illegal’ ..., the validity of the mooted event is in hot dispute, ... [and we] are already on the brink of appellate litigation ad infinitum in this case.”

Our grant of review dashed any such hopes that the Court of Appeal may have entertained, and has merely wasted judicial resources. Further legal battles are a foregone

conclusion given the collision between plaintiffs' interests, the voters' desires, and the city's acquiescence to those desires. We should have allowed the Court of Appeal decision to stand, thus letting the parties travel the same long road as will the majority's largely ineffectual decision: i.e., to a comprehensive challenge to the 1989 plan. There plaintiffs can present their views on why the 1989 amendment is illegal.<sup>4</sup> To permit a comprehensive challenge to the 1989 plan to proceed would have served judicial economy and the law of abstention handsomely. Instead, the majority arrive at a holding that will be relegated to a footnote in future decisions involving the validity of the 1989 plan.<sup>5</sup>

The majority declare that the [section 4013](#) issue justifies a decision at this time. (See maj. opn., *ante*, at p. 4 of [277 Cal.Rptr.](#), at p. 320 of [802 P.2d](#).) I am not persuaded. True, [section 4013](#) provides in part that, "No ordinance ... adopted by the voters ... shall be repealed or amended except by a vote of the people, unless provision is otherwise made in the original ordinance." But it is obvious that the drafters \*\*\*[12](#) intended to bar amendments that would thwart the voters' will. In this case, the general plan amendment—adopting wholesale the enactment that the voters favored—would be wholly consonant with the electorate's wishes.

## \*550 II.

The only arguably defensible alternative to dismissing the case would be to construe the 1989 general plan. But to do so would be premature, for this case is a pure consistency challenge, leaving critical constitutional and statutory issues for future consideration. Thus ripeness forbids us from engaging in such a construction.

[Building Industry Assn. v. City of Oxnard](#) (1985) 40 Cal.3d 1, 218 Cal.Rptr. 672, 706 P.2d 285, is instructive. There the plaintiff sought a declaration that an ordinance requiring builders to pay certain capital costs associated with urban growth was invalid. The trial court upheld the ordinance. The plaintiff appealed, and while the appeal was pending the defendant amended the ordinance. We wrote that when "injunctive relief against a legislative enactment is sought[,] the relevant provision for purposes of the appeal is the measure ... in effect at the time the appeal is decided. [Citations.] ... [¶] Plaintiff nevertheless urges us to determine the validity of the old ordinance for the benefit of developers who paid the fee pursuant to its terms and who might be entitled to a refund if it is invalid." (*Id.* at p. 3, 218 Cal.Rptr.

[672](#), 706 P.2d 285.) We refused: "Plaintiff is an association which merely sought to enjoin enforcement of the ordinance. No specific fee is at issue, and thus there is no aggrieved party with regard to the old ordinance." (*Ibid.*, fn. omitted.) The case at bar is also an action in equity in essence seeking injunctive relief via a writ of mandate, although the words "injunction" \*\*\*[329](#) or "injunctive relief" do not appear in the prayer for relief. And as in [Building Industry](#), "there is no aggrieved party with regard to the old ordinance." (*Ibid.*)

Other cases support the view that only the 1989 plan would be available for review if considerations of ripeness did not preclude evaluation of that plan. "It is settled law that the rights of the parties in an action in equity will be determined on the basis of the law as it exists at the time of the determination, rather than at the time the complaint was filed, and this rule applies to judgments on appeal as well as to judgments in the trial court." ([City of Whittier v. Walnut Properties, Inc.](#) (1983) 149 Cal.App.3d 633, 640, 197 Cal.Rptr. 127 [holding that reviewing court would decide validity of adult-bookstore regulatory ordinance to take effect by reason of decision on appeal, not the ordinance the trial court invalidated]; see also, for the general rule, [White v. Davis](#) (1975) 13 Cal.3d 757, 773 & fn. 8, 120 Cal.Rptr. 94, 533 P.2d 222 [new constitutional provision controlling on appeal because " 'Relief by injunction operates in futuro, and the right to it must be determined as of the date of decision by an appellate court.' "]). Thus, ordinarily a reviewing court must evaluate a denial of a building \*[551](#) permit on the basis of the law at the time of its decision. ([Selby Realty Co. v. City of San Buenaventura](#) (1973) 10 Cal.3d 110, 125–126, 109 Cal.Rptr. 799, 514 P.2d 111.)

## III.

I also regret the undemocratic tenor of today's decision, which runs athwart the will of the citizens of Walnut Creek. Tired of the then-existing general plan's willingness to tolerate ever worse traffic congestion, the voters enacted Measure H on November 5, 1985. Plaintiffs filed suit January 31, 1986, attacking Measure H as inconsistent with the existing general plan. The city apparently was reluctant to enforce the ordinance in full, for it acknowledges that in both 1986 and 1989 the city council asked the voters to weaken Measure H, without success. The city concedes that the voters' rejection of the latter attempt amounted to a popular reaffirmation of Measure H. Only then did the city council accede fully to the voters' desire to reduce congestion: it voted in August 1989



to incorporate wholly or in large part Measure \*\*\*13 H's provisions into the new general plan.

Thus, the Court of Appeal's holding that Measure H was a permissible amendment to the general plan vindicated the public interest. The majority's holding instead favors the apparent view of the city council, a five-member body, over the views that the electorate has expressed repeatedly. The holding flies in the face of the rule that our overreaching duty is to effectuate the intent of the lawmakers, who in the case of an initiative are the voters. (*Taxpayers to Limit Campaign Spending v. Fair Pol. Practices Com.* (1990) 51 Cal.3d 744, 771, 274 Cal.Rptr. 787, 799 P.2d 1220 (conc. and dis. opn. of Mosk, J.)) The majority acknowledge that we must resolve

all doubts in favor of the people's exercise of the initiative power. (Maj. opn., ante, at p. 5 of 277 Cal.Rptr., at p. 321 of 802 P.2d.) But they then resolve their doubts in a diametrically different direction.<sup>6</sup>

\*552 As mootness places the challenge to Measure H beyond our grasp and lack of ripeness stymies our ability to evaluate the 1989 plan, I would dismiss the appeal on abstention grounds.

#### All Citations

52 Cal.3d 531, 802 P.2d 317, 277 Cal.Rptr. 1

#### Footnotes

- 1 All statutory references are to the Government Code unless otherwise indicated. References to constitutional provisions are to the California Constitution.
- 2 Section 65300: "Each planning agency shall prepare and the legislative body of each county and city shall adopt a comprehensive long-term general plan for the physical development of the county or city, and of any land outside its boundaries which in the planning agency's judgment bears relation to its planning. Chartered cities shall adopt general plans which contain the mandatory elements specified in Section 65302."
- 3 The land use element must designate "the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space, including agriculture, natural resources, recreation, and enjoyment of scenic beauty, education, public buildings and grounds, solid and liquid waste disposal facilities, and other categories of public and private uses of land. The land use elements shall include a statement of the standards of population density and building intensity recommended for the various districts and other territory covered by the plan...." (§ 65302, subd. (a).) The circulation element must consist "of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals and other local public utilities and facilities, all correlated with the land use element of the plan." (§ 65302, subd. (b).)
- 4 In the remaining causes of action plaintiffs claimed that Measure H: (second cause of action) was arbitrary, capricious and violated due process; (third cause of action) was arbitrary, discriminatory and violated equal protection; (fourth cause of action) failed to comply with section 65863.6 in that it did not include findings addressing its impact on regional housing opportunities; and (fifth cause of action) failed to comply with [Public Resources Code section 21000 et seq.](#), the California Environmental Quality Act, in that an environmental impact report or negative declaration requirements had not been fulfilled.  
In the sixth and seventh causes of action plaintiffs sought a declaration that Measure H was, for those reasons, invalid and unenforceable on its face and as applied to applicants for new construction and projects approved but not yet under construction.  
The trial court sustained defendant's demurrer to the fourth and fifth causes of action. The second, third and seventh causes of action have been dismissed at plaintiffs' request.
- 5 The Court of Appeal questioned whether there could be an appealable judgment since no judgment had then been entered on the fourth and fifth causes of action, but concluded that the trial court had intended a complete disposition. Therefore, the Court of Appeal could amend the judgment appealed from to include the intended, but omitted, rulings. (See *Molien v. Kaiser Foundation Hospitals* (1980) 27 Cal.3d 916, 920–921, 933, 167 Cal.Rptr. 831, 616 P.2d 813; *Tenhet v. Boswell* (1976) 18 Cal.3d 150, 153–155, 161, 133 Cal.Rptr. 10, 554 P.2d 330.)  
The Court of Appeal judgment did not include an order amending the judgment of the trial court, however. Our disposition corrects this oversight.
- 6 Walnut Creek did not challenge this conclusion in its petition for review or brief on the merits in this court. Counsel acknowledged at oral argument before this court that the city no longer disputes the conclusion that Measure H is inconsistent with the general plan as it existed when Measure H was adopted.

- 7 Amici curiae Building Industry Association of Southern California, Inc., and ARVIDA/JMB Partners note, in particular, section 65358, which provides that the “legislative body” may amend all or part of a general plan when deemed to be in the public interest, a power that might be limited by the restriction on repeal or amendment of local initiatives by legislative bodies. ([Elec.Code, § 4013.](#))
- They also note that the Planning and Zoning Law now requires the body preparing a general plan to consider regional and statewide concerns, by mandating that counties as well as cities adopt general plans (§ 65300); by requiring consultation with other affected jurisdictions (§§ 65352, 65919.5); by imposing responsibility to cooperate with other local governments in addressing housing needs (§ 65580, subd. (e)), which is declared to be a matter of “vital statewide importance” (§ 65580, subd. (a)); and in implementing housing elements directed to the state housing goal (§ 65581, subd. (d)), and which make provision for the local share of regional housing needs (§§ 65583, subd. (a), 65584).
- Administrative regulations require that adoption or amendment of a general plan be done in compliance with the California Environmental Quality Act. ([Cal.Code Regs. tit. 14, § 15206\(b\)\(1\).](#))
- 8 One not inconsequential impact of the enactment of a municipal initiative is the statutory requirement that any future amendment of the initiative ordinance be submitted to the voters for approval. ([Elec.Code, § 4013.](#)) As the Court of Appeal recognized, that statute may apply to limit the power to amend a general plan given the legislative body by section 65358. If so, an initiative amendment might impermissibly limit the authority and responsibility of the legislative body to periodically review and amend the general plan. (See § 65358; *Simpson v. Hite* (1950) 36 Cal.2d 125, 134, 222 P.2d 225; *L.I.F.E. Committee v. City of Lodi* (1989) 213 Cal.App.3d 1139, 1148–1149, 262 Cal.Rptr. 166.)
- 9 Notice of purpose is routinely included in both statewide and local initiative measures which use strikeout type to designate deletions, italics to designate additions, and/or state, for example, “\_\_\_\_\_ is added to,” “\_\_\_\_\_ is repealed,” or “\_\_\_\_\_ is amended, to read \_\_\_\_\_.” (See, e.g., Ballot Pamp., Proposed Amends. to Cal. Const. with arguments to voters, Gen.Elec. (Nov. 6, 1990) *passim*; S.F. Voter Information Pamp. (Nov. 6, 1990) pp. 126, 142, 152.)
- 10 Walnut Creek argues that incorporation of Measure H into the general plan is the only “remedy” that complies with the Planning and Zoning Law and preserves the right of initiative. Exercise of the local initiative power, like the legislative power, is subject to constitutional and statutory limitation, however. (*Legislature v. Deukmejian, supra*, 34 Cal.3d 658, 674, 194 Cal.Rptr. 781, 669 P.2d 17; *Wallace v. Zinman, supra*, 200 Cal. 585, 593–595, 254 P. 946.) Enforcing compliance with those overriding limitations on the exercise of the power in no way denies the right of initiative.
- 11 The necessity for this rule would be more readily apparent had this litigation arisen in the context of a petition for mandate to compel issuance of a building permit. The courts could not postpone deciding the validity of a newly adopted zoning ordinance which precluded issuance of the permit, but conflicted with the general plan, until such indefinite future time that the city might act to conform its general plan to the ordinance.
- 12 Section 65754 is to the same effect. It provides that if the court finds inconsistencies in a general plan, the city must amend the general plan to bring it into conformity with the requirements of the Planning and Zoning Law. After that, it must make its zoning ordinances consistent with the amended plan.
- The legislative body may not, however, consistent with [Elections Code section 4013](#), amend an initiative zoning ordinance to make it consistent with a general plan if the Planning and Zoning Law does not have preemptive effect.
- 1 The city correctly argued before us that this case is moot. Similar views were expressed by numerous amici curiae, including the cities of Belvedere, Benicia, Chico, Cloverdale, Colma, Commerce, Corte Madera, Cotati, Danville, Delano, Dunsmuir, El Cajon, Half Moon Bay, Hayward, Healdsburg, Indio, Industry, Livermore, Lompoc, Los Altos, Maricopa, Martinez, McFarland, Merced, Milpitas, Modesto, Monrovia, Monterey, Morgan Hill, Nevada City, Oceanside, Oroville, Oxnard, Pacifica, Palm Desert, Palm Springs, Paradise, Paris, Pasadena, Pleasant Hill, Pleasanton, Rancho Mirage, Rialto, Riverside, Roseville, San Carlos, San Diego, San Juan Bautista, San Leandro, San Luis Obispo, San Rafael, Santa Barbara, Santa Paula, Saratoga, Seaside, Sonoma, Tehachapi, Turlock, Vacaville, Vallejo, Ventura, Watsonville, Woodside, the counties of Mariposa, Mono, and Plumas, and the City and County of San Francisco.
- 2 Plaintiffs concede this point when they argue that we “can leave to subsequent litigation, as did the court of appeal, the separate question whether the Measure H amendment to the new [1989] General Plan was valid.” But they err in suggesting that the subsequent litigation necessarily involves a separate question. As I shall show, the entire matter can and should be resolved in a challenge to the 1989 plan.
- 3 Plaintiffs’ victory is Pyrrhic because the effect of our decision is to confirm provisionally the 1989 plan’s validity: [Election Code section 4013](#) (hereafter [section 4013](#)) is no longer a procedural bar to the new plan, and hence that plan will have to be evaluated on its merits if, as seems likely, a challenge to it reaches the appellate courts.
- 4 Of course the inevitable appeal from the 1989 plan will now lack one item—whether [section 4013](#) made the 1989 general plan invalid. (See maj. opn., *ante*, at p. 4 of [277 Cal.Rptr.](#), at p. 320 of [802 P.2d.](#)) But that is a trifle—it is the constitutional



and statutory validity of the policies and plans underlying Measure H and the 1989 plan that will be at issue no matter what the court decides today.

5 There are exceptions to the mootness doctrine, but none applies. As this case is relatively fact-specific, it does not “resolve an issue of continuing public interest that is likely to recur in other cases [citations]....” (*Daly v. Superior Court* (1977) 19 Cal.3d 132, 141, 137 Cal.Rptr. 14, 560 P.2d 1193.) Nor is this dispute “capable of repetition, yet evading review” (*Roe v. Wade* (1973) 410 U.S. 113, 125, 93 S.Ct. 705, 713, 35 L.Ed.2d 147). Rather, review seems to come to this case all too easily, and the parties face the Sisyphean labor of several future appeals.

6 The complaint declares that “City and its citizens will substantially gain from this cause” and that plaintiffs “seek to enforce important public rights and confer significant and widespread benefits ... on the general public....” While, as I have explained, today's decision confers no meaningful benefit on anyone, the quoted language in the complaint and the nature of the judgment raise the specter that plaintiffs could conceivably seek reimbursement for their attorney fees under a private attorney general theory. (See *Code Civ.Proc.*, § 1021.5.) Understandable resistance by the city will generate still more purposeless litigation.

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# LAKE TAHOE REGION BICYCLE AND PEDESTRIAN PLAN

2010



ESTABLISHING THE FOUNDATION FOR  
A WORLD-CLASS BICYCLE AND  
PEDESTRIAN COMMUNITY AT LAKE TAHOE





**FHWA Credit/Disclaimer:**

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Lake Tahoe Bicycle and Pedestrian Plan  
August 2010

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# TABLE OF CONTENTS

## SECTIONS


<b>SECTION 1: INTRODUCTION</b>	<b>6</b>
Study Area	8
Agency Roles and Responsibilities	9
Citizen and Community Input	10
Consistency with Other Plans	12
Bikeway Classifications	14
User Groups	16
How to Use this Plan	18
 <b>SECTION 2: BENEFITS OF BICYCLING AND WALKING</b>	 <b>22</b>
Environmental Benefits	23
Economic Impacts	24
Health Impacts	26
 <b>SECTION 3: BENCHMARKS AND PROGRESS</b>	 <b>28</b>
New Facilities	29
New Policies	30
Cascade to Rubicon Bay Bikeway Study	31
Benchmarks and Monitoring	32
 <b>SECTION 4: INFRASTRUCTURE AND PROGRAMS</b>	 <b>34</b>
Bicycling	35
Walking	37
Regional and Multi-Modal Connections	40
Safety and Outreach	42
Maintenance	44
Collision Analysis	47
 <b>SECTION 5: ANALYSIS OF DEMAND/BICYCLE TRAIL USER MODEL</b>	 <b>52</b>
Population and Employment Trends	53
Bicycle and Pedestrian Travel Demand	54
 <b>SECTION 6: GOALS, POLICIES AND ACTIONS</b>	 <b>60</b>
 <b>SECTION 7: PROPOSED NETWORK</b>	 <b>74</b>
Proposed Shared-Use Paths, Bicycle Lanes, Bicycle Routes, and Sidewalks	75
Maps and Project Lists	76
Prioritized Project List	77

<b>SECTION 8: COST AND FUNDING ANALYSIS</b>	<b>80</b>
Cost Estimates	81
Funding Strategy	82
<b>SECTION 9: IMPLEMENTATION</b>	<b>84</b>
Project Implementation	85
Federal Funding Process	86
TRPA Project Review Process	87
<b>SECTION 10: USEFUL LINKS</b>	<b>88</b>
<b>DEFINITIONS AND ACRONYMS</b>	<b>90</b>
<b>REFERENCES</b>	<b>94</b>
<b>APPENDICES</b>	
Appendix A. Design and Maintenance Recommendations	
Appendix B. Maps and Project Lists	
Appendix C. Utility Providers	
Appendix D. Roadway Information for Nevada Facilities	
Appendix E. Funding Memorandum	
Appendix F. Tahoe Bike Trail User Model	
Appendix G. Environmental Findings	
Web Appendices	
Available at: <a href="http://www.tahoempo.org">www.tahoempo.org</a>	
Appendix H. Comments on Draft BPP	
Appendix I. Maintenance Memo	
Appendix J. Crosswalk Memo	
Appendix K. Use Estimation	
Appendix L. Consistency Review	

Dan Thrift Photography



# SECTION I: INTRODUCTION



*Let's bike and walk! Lake Tahoe's quiet forests, expansive meadows and sunny beaches invite and attract all types of outdoor enthusiasts. Lake Tahoe is a favorite playground for not only the 54,000 Basin residents, but also visitors from central California, Nevada and around the world. The Tahoe Regional Planning Agency (TRPA) and the Tahoe Metropolitan Planning Organization (TMPO) seek to improve bicycling and walking Region-wide in order to protect this beautiful natural environment, provide multiple mobility options, and maintain healthy communities.*

Lake Tahoe communities have identified biking and walking opportunities as critical components of a well-rounded transportation system. A strong bicycle and pedestrian network draws people out of their cars, boosting the economy, improving air quality, and creating attractive, healthy communities. Connected bicycle paths, sidewalks, and transit can provide the backbone of a people-oriented transportation system that supports neighborhoods, commercial districts, and recreation areas. This connected transportation system that centers on non-motorized travel will also help Lake Tahoe meet TRPA environmental thresholds and greenhouse gas reduction targets.

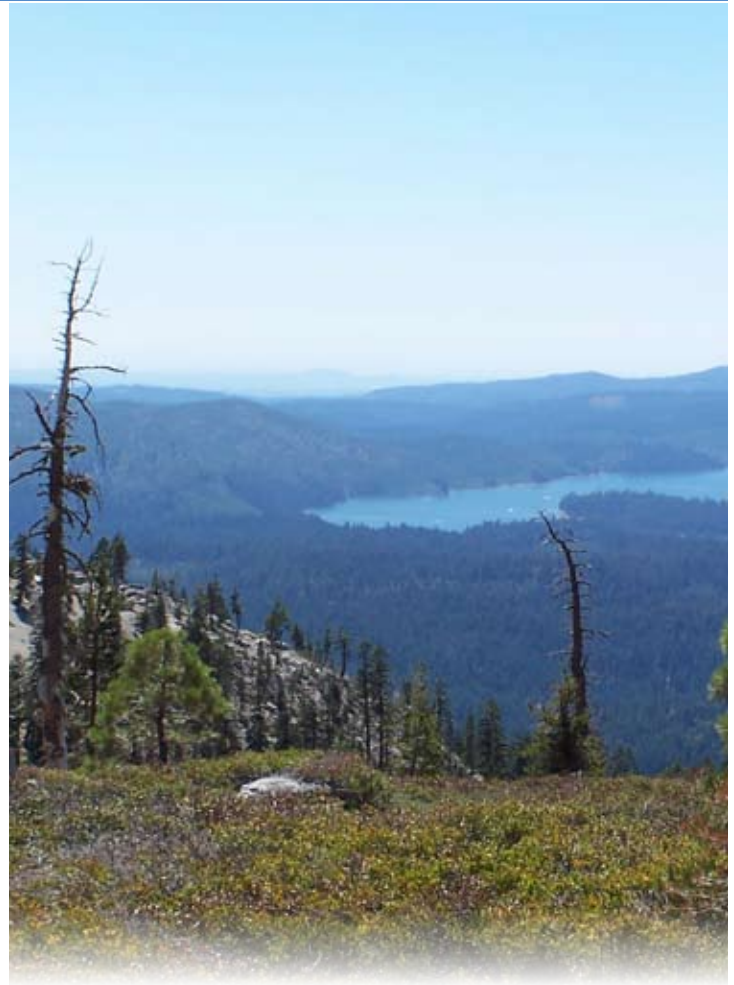
Ultimately, Lake Tahoe communities envision an efficient and attractive bicycle and pedestrian network that encircles the Lake, providing complete connections between people and places.

The Lake Tahoe Bicycle and Pedestrian Plan (BPP) presents a guide for planning, constructing, and maintaining a regional bicycle and pedestrian network and support facilities and programs. The network includes on-street bicycle lanes and bicycle routes, and off-street paths and sidewalks. The BPP includes maps and prioritized project lists for the bicycle and pedestrian network, and lays out policies for local governing bodies and transportation agencies. Finally, to help ensure implementation, the BPP identifies potential funding sources and specifies recommended designs to encourage consistency and safety Region-wide.

The BPP serves as the Bicycle and Pedestrian element to both the TMPO Regional Transportation Plan (*Mobility 2030*), and the TRPA Transportation Plan (part of the TRPA Regional Plan). The TMPO is the federally-designated metropolitan planning organization for the Tahoe Region, and is responsible for transportation planning and distribution of federal transportation funding.

## STUDY AREA

The study area of the BPP includes the Lake Tahoe Basin, which straddles the California-Nevada border and lies between the Sierra Nevada Crest and the Carson Range (Figure 1, next page). Approximately two-thirds of the Basin is in California and one-third is in Nevada. In total, the Basin watershed contains 501 square miles with the Lake representing almost 200 square miles. The Basin includes the incorporated area of the City of South Lake Tahoe, CA, portions of El Dorado and Placer Counties, CA, portions of Douglas and Washoe Counties, NV, and the rural area of Carson City, NV.



Population and employment centers are clustered around the urbanized communities highlighted on Figure 1. Other nearby areas with significant populations include the Carson Valley, NV (25 miles), Reno, NV (37 miles), and Truckee, CA (15 miles).

Most of the area can be characterized as rolling to mountainous terrain with limited areas of level terrain along the north and south shores of the Lake. Approximately 85% of land in the Basin is publicly owned and managed by the US Forest Service and other state agencies.



TRPA Study Area

Figure 1: Study Area



## AGENCY ROLES AND RESPONSIBILITIES

Implementation of the BPP is a multi-agency effort, and the BPP fulfills multiple agency requirements. As a TMPO document, the BPP is incorporated by reference into the TMPO Regional Transportation Plan, *Mobility 2030*, and meets federal requirements for bicycle and pedestrian planning. The BPP is also part of the TRPA Regional Plan. Projects listed in the BPP are eligible for federal, state, and local grants. To apply for these grants, in most cases local jurisdictions will need to formally adopt the BPP.

The primary responsibility for construction and maintenance of the bicycle and pedestrian network lies with local jurisdictions, including counties, the City of South Lake Tahoe, public utility districts, state transportation agencies, regional transportation districts and public lands agencies. Private developers also play an important role in implementation of the network by constructing and maintaining segments that cross their property. The Goals and Policies (page 60) and Prioritized Project List (page 77) are intended to assist and guide in project implementation.

The TRPA's primary implementation role is in carrying out the Goals and Policies, including writing supportive code. The TRPA will have an active role in the implementation of certain policies, such as working with project developers to accommodate bicyclists and pedestrians. Other policies direct the TRPA to collaborate with local jurisdictions and agencies, for instance in identifying and obtaining funding for projects. Finally, there are many instances where the TRPA will have an advisory role,

by encouraging local agencies to increase walkability and bikeability through better signage, increased maintenance, or public outreach.

The BPP may be updated annually if there are sufficient technical changes.



Photo: Tara Pielaet

## CITIZEN AND COMMUNITY INPUT

The TRPA/TMPO held multiple meetings to solicit input on the BPP update. At three preliminary meetings, local planners, advocates and agency staff identified additions to the BPP that would strengthen their ability to provide for biking and walking needs. Staff also facilitated open houses with the public to review draft Goals and Policies, proposed project lists, and prioritization criteria.

Jurisdictions and stakeholders suggested the following additions to the BPP:

- Prioritize projects Region-wide so that Basin agencies can work together to construct projects that complement the existing network.
- Increase the focus on maintenance of existing facilities.
- Highlight the benefits of biking and walking to the environment, economy, and public health.
- Improve the TRPA's ability to require concurrent construction of bicycle and pedestrian facilities with new development, roadway and other capital projects.
- Provide consistent design guidance, particularly where there is flexibility in national or state standards.
- Update regularly the proposed project list and the status of high-priority projects.

The public indicated that bicycle and pedestrian planning should be prioritized as follows:

1. Path and lane construction and connectivity
2. Path, lane and sidewalk maintenance
3. Safety and education
4. Programs and events

They also indicated the following prioritization for project construction:

1. Fixes gap in existing network
2. Destination connectivity
3. Safety
4. Multi-modal connectivity
5. Predicted use
6. Environmental Impact
7. Cost/Benefit
8. Funding availability

The TRPA/TMPO meeting dates and locations were as follows:

- Jurisdiction and Stakeholder Meeting, Tahoe City, CA, October 2005
- Jurisdiction Meeting, Incline Village, NV, November 2008
- Lake Tahoe Bicycle Coalition (LTBC) Meeting, Stateline, NV, February 2009
- South Shore Public Open House, South Lake Tahoe, CA, October 2009
- North Shore Public Open House, Tahoe City, CA, October 2009
- Jurisdiction and Stakeholder Meeting, Stateline, NV, February 2010

In addition, TRPA/TMPO staff attended the meetings of multiple local groups to request input on the BPP. The list of contacts and detailed input from the public and the local agencies are presented in Appendix H.





## CONSISTENCY WITH OTHER PLANS

In order to ensure consistency with other planning efforts, a large number of documents were reviewed and incorporated into the BPP. A complete list is included in Appendix L, Consistency Review. Several of particular note are summarized here.

The *Tahoe Regional Planning Compact* states that the goal of transportation planning shall be:

- a) To reduce dependency on the automobile by making more effective use of existing transportation modes and of public transit to move people and goods within the region
- b) To reduce to the extent feasible air pollution which is caused by motor vehicles

In addition, Article I(b) of the Compact established TRPA's responsibility to set environmental threshold carrying capacities. The environmental thresholds were adopted in 1982, by TRPA Resolution 82-11. The thresholds cover various environmental components of the Tahoe Region, including air and water quality standards that are linked to transportation.

The *TRPA* and the *TMPO Regional Transportation Plan, Mobility 2030* contain general transportation goals and policies, many of which relate to biking and walking. The goals and policies of *Mobility 2030* serve as the basis for the goals and policies of the BPP. The Goals, Policies, and Actions section of the BPP is also consistent with the Goals and Policies of the Regional Plan.

*Lake Tahoe Community Plans* are part of the TRPA Regional Plan and outline bicycle and pedestrian policies and projects for specific neighborhoods in the Tahoe Region.

*The California Bicycle Transportation Act (BTA)*. As California's Department of Transportation, Caltrans is the agency responsible for implementing bicycle and pedestrian facilities. Caltrans funds local facilities through its Bicycle Transportation Account (BTA). The BTA requires applicants to have adopted or updated a bicycle plan within the past five years. The adopted bicycle plan must comply with CA Streets and Highways Code Section 891.2, and include the eleven elements listed below. California cities and counties, with adoption of the BPP, will be eligible to receive BTA funding.

### Elements for BTA eligibility:

- Estimated number of existing and future bicycle commuters;
- Land use and settlement patterns;
- Existing and proposed bikeways;
- Existing and proposed bicycle parking facilities;
- Existing and proposed multi-modal connections;
- Existing and proposed facilities for changing and storing clothes and equipment;
- Bicycle safety and education programs;
- Citizen and community participation;
- Consistency with transportation, air quality, and energy plans;
- Project descriptions and priority listings;
- Past expenditures and future financial needs.

***California Highway Design Manual, Chapter 1000: Bikeway Planning and Design, Fifth Edition***, California Department of Transportation (Caltrans), July 1, 1995 and the ***American Association of State Highway and Transportation Officials (AASHTO) Guides for the Development of Bicycle Facilities (1999) and Pedestrian Facilities (2004)*** identify specific design standards for bicycle and pedestrian accommodation, both off-street and on-street. They also provide classification systems for different types of bikeways (see page 15). Appendix A, Design and Maintenance Recommendations, is consistent with both Chapter 1000 and the AASHTO Guides.

The Nevada Department of Transportation (NDOT) plans for bicycling and walking in Nevada. NDOT's ***Nevada Bicycle Transportation Plan (2005)***, recommends that local agencies adhere to the AASHTO bicycle facility design standards.

***The Federal Manual on Uniform Traffic Control Devices (MUTCD), 2009 Edition*** and the ***California MUTCD, 2010 Edition*** define the standards used by road managers to install and maintain traffic control devices on all public streets, highways, bikeways, and private roads open to public traffic. The Federal MUTCD is published by the Federal Highway Administration (FHWA), and the California MUTCD is published by Caltrans. Caltrans must officially adopt into the California MUTCD any new standards from updates to the Federal MUTCD. The Federal MUTCD was updated in December 2009, and Caltrans has until January 15, 2012 to adopt the newest standards. Appendix A, Design and Maintenance Recommendations



is consistent with both the Federal MUTCD and the California MUTCD.

Finally, ***Local Jurisdiction Plans and Local Agency Plans***, including general plans and transportation plans, contain project lists and policies that relate to bicycle and pedestrian planning in specific communities in the Basin. While most Basin jurisdictions refer to the BPP for their bicycle and pedestrian project lists, each has their own set of policies that relate to the promotion of bicycling and walking for transportation and recreation purposes. Some plans, such as the City of South Lake Tahoe General Plan or the North Lake Tahoe Resort Association Infrastructure and Transportation Integrated Work Plan include project lists or maps that have been incorporated into the BPP.

# BIKEWAY CLASSIFICATIONS



**Class I/Bike Route**



**Class II/Bike Route**



**Class III/Bike Route**

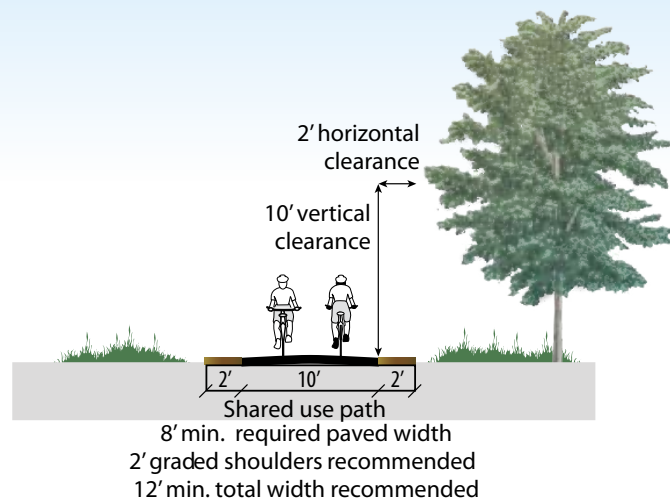
*Caltrans Chapter 1000* and the *AASHTO Guide for the Development of Bicycle Facilities (1999)* provide for three distinct types of bikeway classifications as generally described below and depicted in Figure 2 on the following page. The Class I, Class II, and Class III types are unique to California, while the State of Nevada classifies bicycle facilities as Shared-Use Path, Bicycle Lane, and Signed Shared Roadway (previously Bike Route).

**For consistency with other regional documents and past practices, the BPP refers to facilities as follows:**

- Class I/Shared-Use Path - Provides a completely separated right-of-way for the exclusive use of bicycles and pedestrians with cross-flow from vehicles minimized.
- Class II/Bike Lane - Provides a striped lane for one-way bicycle travel on a street or highway.
- Class III/Bike Route - Provides for shared use with bicycle or motor vehicle traffic, typically on lower volume roadways.

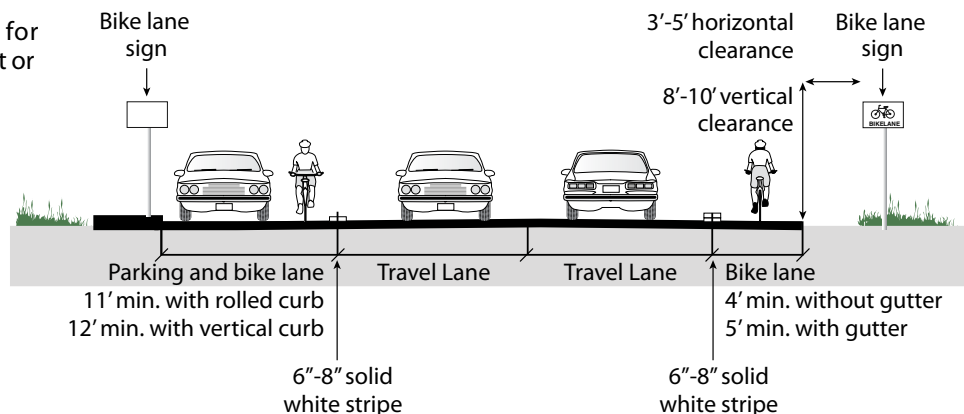
### Shared Use Path (Class I)

Provides a completely separated right of way for the exclusive use of bicycles and pedestrians with crossflow minimized.



### Bike Lane (Class II)

Provides a striped lane for one-way bike travel on a street or highway.



### Signed Shared Roadway (Class III/Bike Route)

Provides for shared use with pedestrian or motor vehicle traffic, typically on lower volume roadways.

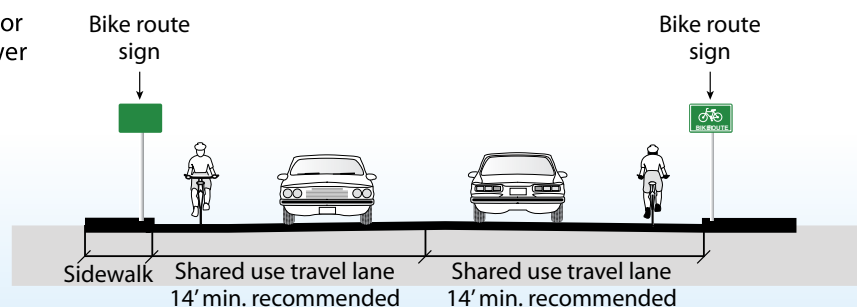


Figure 2. Bikeway Classifications



## USER GROUPS

One of the major challenges of planning bicycle and pedestrian facilities at Lake Tahoe is providing for the needs of different user groups. The diverse population of visitors and residents at Lake Tahoe guarantees a wide variety of preferences for facility types, including bicycle lanes and shared use paths. Both must be provided in order to meet the TRPA and TMPO goals of improving mobility and reducing environmental impacts.

The following description of user groups is adapted from the SR-89 Cascade to Rubicon Bay Bikeway Study (2003). These descriptions are generalizations, and the average user may have characteristics of more than one group. Rollerbladers and skateboarders are not addressed explicitly but could fall into any of the categories described here. The BPP does not address mountain bikers, hikers, and equestrians, who generally use the unpaved trail system, managed by the U.S. Forest Service. More information on the unpaved trail system can be found on maps available through the Lake Tahoe Basin Management Unit and local outdoor retailers.



### Casual Users

This group includes families with young children, tourists or others out for a recreational ride or stroll and seeking a relaxed trip with attractive scenery. Casual cyclists generally prefer riding off-street on shared-use paths. They are typically not comfortable riding in traffic, and will avoid riding on busy streets, riding on the sidewalk if necessary. Tourists, often on rental bicycles, may ride more slowly than others due to their interest in the scenery and lack of familiarity with local routes. Tourists are not as adept as local riders at navigating confusing routes or traffic situations, thus clear signage is helpful. Bike routes that extend through low-traffic residential streets are

generally acceptable for casual cyclists, even if not the most direct route between destinations.

Casual users may drive to a bike path, seeking designated parking areas or parking along the side of the road. Recreational destinations are important attractions for casual users.



### Commuter and Utilitarian Cyclists

Commuters and utilitarian cyclists are those who use their bicycles to ride to work or school or to complete small errands such as shopping or visiting friends. They prefer on-road routes or separated shared-use paths, depending upon the age and ability of the rider. These cyclists are usually looking for direct routes between their neighborhoods and shopping and employment areas, although they may deviate a significant



distance for a route that is perceived to be safer. Commuter and utilitarian cyclists can often access their destinations along neighborhood streets, and designation of cross-town bicycle routes is a low-cost way to quickly provide good access for many riders. A large portion of this group is made up of “choice” riders who will decide whether or not to ride based on the availability of safe routes. The average cycling trip to work is 2.13 miles (National Household Travel Survey (NHTS) (2001-2002)).



## **Commuter and Utilitarian Pedestrians**

Similar to their cycling counterparts, commuting and utilitarian pedestrians (this includes wheelchair users) are those who walk to work or school or errands. This user group generally needs sidewalks and paths that are separated from traffic and cleared of snow in the winter. They may also be comfortable walking on quiet, neighborhood streets. Many pedestrians are accessing transit. Paved, cleared continuous paths leading from neighborhoods to transit stops are vital for encouraging transit use and for providing safety for passengers getting on and off buses. Pedestrian commuting and walking trips generally range from about 0.25 miles to 1.5 miles in length (NHTS).



## **Road Cyclists**

Road cyclists are those who use bicycling for intensive recreational purposes or exercise. Roadways are the type of facility that best accommodates their desire for higher speeds, longer distances, and fewer conflicts with other recreational users. Typical trip distances for the road cyclist can range from 20 to over 100 miles. While the average road cyclist would likely prefer to ride on roads with little or no traffic, they are generally comfortable riding in traffic if necessary. To this end, a road cyclist will tend to ride in a manner similar to a motor vehicle (e.g. riding in the vehicle lane when approaching traffic signals or making left turns) and in those cases may be referred to as “vehicular cyclists.” Many of the scenic roadways around and entering Lake Tahoe provide ideal terrain for road cyclists. Improvements such as widening, adding bicycle lanes, and placing “Share the Road” signs can enhance the experience and encourage more riders to visit Lake Tahoe.

## How To Use This Plan

The BPP is a handbook for multiple stakeholders. Various users will find different sections useful. The following text clarifies terminology used throughout the document and highlights each section of the BPP.

### Terminology

Much of the text in this Plan refers to the bicycle and pedestrian “network” or bicycle and pedestrian “facilities.” For the purposes of this document the “network” includes shared-use paths, bicycle lanes, bike routes, wide shoulders, and sidewalks. “Facilities” includes the network as well as other support facilities such as bicycle storage racks, lockers, crossing treatments and street markings. Shared-use paths may be referred to as “paths” or “trails.” For more details on terminology, see the Definitions and Acronyms section, page 90.

### Section 2. Benefits of Bicycling and Walking

Useful to those wishing to make the case for biking and walking in Lake Tahoe, whether to support a project, event, or overall culture shift.

### Section 3. Benchmarks and Progress

Highlights progress and accomplishments made since the 2003 plan and sets new benchmarks for the current BPP.

### Section 4. Infrastructure and Programs

Describes existing bicycle and pedestrian facilities and programs, and highlights needed improvements to promote safe biking and walking.

## OVERVIEW OF PLAN

### Section 1: Introduction

### Section 2: Benefits of Bicycling and Walking

### Section 3: Benchmarks and Progress

### Section 4: Infrastructure and Programs

### Section 5: Analysis of Demand/ Bicycle Trail User Model

### Section 6: Goals, Policies, and Actions

### Section 7: Proposed Network

### Section 8: Cost and Funding Analysis

### Section 9: Implementation

### Section 10: Useful Links

### Definitions and Acronyms

### References

### Appendix A, Design and Maintenance Recommendations

### Appendix B, Maps and Project Lists

### Other Appendices

## **Section 5. Analysis of Demand/Bicycle Trail User Model**

Estimates existing and future demand for the bicycle and pedestrian network using the Tahoe Bicycle Trail User Model. The model, developed specifically for the Lake Tahoe Region, will be used to help estimate the impacts of biking and walking Region-wide for the Regional Plan update. It can also be used to estimate biking and walking on individual path segments. Jurisdictions, departments of transportation, funders, and other long-term bicycle planners will find the model useful for estimating potential use of planned paths.

## **Section 6. Goals, Policies, and Actions**

Sets the policy framework for decisions relating to biking and walking in the Lake Tahoe Region, incorporating the recommendations in the Infrastructure and Programs section. Local jurisdictions, departments of transportation, transit agencies, and TRPA environmental review staff will find Policies and Actions here that relate to their activities. This section also houses a Bicycle and Pedestrian Accommodation Policy (similar to “Complete Streets”).

## **Section 7. Proposed Network**

Includes the complete list and map of the bicycle and pedestrian network proposed in the Region, which includes recommendations made in the Infrastructure and Programs section. It also includes a shorter, prioritized list of projects.

## **Section 8. Cost and Funding Analysis**

Includes a summary of costs and projected revenue sources for priority projects. This section also lists potential grant sources for construction of bicycle and pedestrian facilities, maintenance, and outreach.

## **Section 9. Implementation**

Graphically depicts who is responsible for bicycle paths that are on the ground and how bicycle paths progress from planning to implementation in the Tahoe Region. It also depicts how projects are incorporated into the TMPO Regional Transportation Plan (*Mobility 2030*) and the Environmental Improvement Program (EIP). The multi-billion dollar EIP encompasses hundreds of projects designed to restore Lake Tahoe’s clarity and environment. This section will be helpful for agencies who want to make sure that their projects are lined up for as much funding and support as possible.

## **Section 10. Useful Links**

Highlights web links to other organizations and documents.

## **Definitions and Acronyms**

Includes a list of definitions for transportation terms and acronyms.

## **References**

Lists references cited throughout the BPP.

## **Appendix A: Design and Maintenance Recommendations**

Identifies preferred designs for best accommodating bicyclists and pedestrians in roadway projects, new and existing development, and on bicycle facilities. This section will be especially useful to local jurisdictions, private developers building new commercial, multi-family, or tourist accommodation projects, and TRPA project review staff. All project implementers will want to refer to this section for consistency Region-wide, and to provide the amenities and features most commonly requested by the public that are approved in federal and state design manuals.

## **Appendix B: Maps and Project Lists**

All maps and project lists are presented near the end of the document for easy reference and comparison.

### **Other BPP Appendices:**

- C. Utility Providers
- D. Roadway Information for Nevada Facilities
- E. Funding Memo
- F. Bike Trail User Model
- G. Environmental Findings



### **Web Appendices:** **[www.tahoempowerment.org](http://www.tahoempowerment.org)**

- H. Comments on Draft BPP
- I. Maintenance Memo
- J. Crosswalk Memo
- K. Use Estimation
- L. Consistency Review



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## SECTION 2: BENEFITS OF BICYCLING AND WALKING



*Bicycling and walking can provide multiple benefits to Lake Tahoe communities, including reducing air pollution, meeting greenhouse gas reduction targets, improving the local economy, and improving public health. Beyond the tangible benefits, biking and walking are pleasurable, relaxing outdoor activities that residents and visitors to Lake Tahoe seek out and enjoy. Biking and walking are critical for meeting the TRPA Compact goals of attaining environmental thresholds and reducing dependency on the private automobile.*

How do we quantify the benefits of bicycling and walking? How do we evaluate the benefits versus the costs of building facilities? To answer these questions at a general level, the TRPA/TMPO compiled data from Tahoe surveys and research from other areas. Major findings include:

- The built-out bicycle and pedestrian network is estimated to reduce Vehicle Miles Traveled (VMT), a TRPA air quality threshold indicator, by 8,500 miles on a peak summer day.
- Overnight and day visitors who visit Lake Tahoe primarily for cycling purposes are estimated to bring between \$6 and \$23 million in local direct expenditures annually to Lake Tahoe communities. This compares favorably to an average of \$3 million per year (over the last 10 years) spent on construction of the existing network.
- Neighborhood design, including the proximity of transportation systems, parks, and paths, is related to physical activity levels. Changing the built environment, such as introducing traffic calming, paths, and bicycle infrastructure increases levels of physical activity in the community.

The following pages describe in more detail the variety of benefits, as well as some of the costs associated with shared-use paths and bicycle and pedestrian-friendly communities.

## ENVIRONMENTAL BENEFITS

Shared-use paths can have impacts on multiple environmental threshold areas, including air quality, water quality, soils, wildlife, and recreation. The overall impact appears to be either positive or neutral on each of these threshold areas.

Vehicle Miles Traveled (VMT) is a TRPA **air quality** threshold indicator. VMT is linked to emission of nitrogen oxides, particulate matter, hydrocarbons, and greenhouse gas. Shared-use paths can both reduce VMT (as people shift from their cars to biking and walking) and contribute to VMT (as some may elect to drive to a path as a recreation amenity). To quantify potential impacts, LSC Consultants, with assistance from Alta Planning and Design, developed a Tahoe Bicycle Trail User Model that accounts for both the vehicle trip generation and reduction attributable to bicycle facilities. Estimates from the model indicate that if the full network were constructed, biking and walking trips would reduce VMT by approximately 8,500 miles on a peak summer day. This translates into a reduction of approximately 1,400 metric tons per year of carbon dioxide, a key greenhouse gas (U.S. Environmental Protection Agency). Lake Tahoe paths with greater proximity to population centers and popular destinations have the greatest potential to reduce VMT. Scenic paths far from population centers with unlimited parking are less likely to reduce vehicle trips, and in some cases may increase them (TMPO).

The Lake Tahoe Total Maximum Daily Load (TMDL), a program of research dedicated to identifying the primary sources of **water quality** degradation in Lake Tahoe, did not find that shared-use paths have a significant positive or negative impact on water quality. While paths in sensitive areas can impact stream environment zones (SEZ), and must be mitigated to allow ecosystem function to continue, these paths are not associated with the same runoff impacts as roadways due to the lack of road sanding



or heavy vehicle use. While shared-use paths can reduce VMT and hence atmospheric deposition, the primary strategies of the TMDL are currently focused on treatment of roadway runoff, advanced vacuum sweeping techniques and application of alternative roadway abrasives. The strategies do not focus on construction of paths. Over time, shared-use paths and bicycle lanes may positively affect water quality by reducing the need for impervious surfaces such as additional vehicle lanes or parking spaces.

Shared-use paths have a positive impact on the TRPA **recreation** threshold. Paths often provide excellent non-auto access to Lake Tahoe's recreation destinations, in addition to serving as recreation attractions. Even though biking or walking on a path sometimes involves a car trip, biking or walking as a recreation activity is generally considered to impact environmental thresholds less than other recreation activities such as boating, jetskiing, driving around the Lake, or off-roading.

Paths can have adverse impacts on **wildlife** and **sensitive plant species**, and are not permitted in wildlife protection areas or buffer zones, unless proven mitigation measures are implemented.

## ECONOMIC IMPACTS

Bicycle paths provide many economic benefits including increased property values, direct expenditures at local businesses, employment opportunities, and personal savings from reduced vehicle use. Bicycle paths can increase the draw of the Region, encouraging visitors to extend their stay and spend more money. Surveys show that Lake Tahoe bicycle paths and bicycling events, such as America's Most Beautiful Bike Ride (AMBBR), an event with over 3,500 registered riders, attract users with relatively high disposable income.

### Specific survey findings from the Lake Tahoe Bicycle Coalition and the TRPA indicate:

- Over 52 percent of Lake Tahoe path users have annual income levels of over \$100,000, and 65 percent have a college degree or higher.

- Fifty-six percent of AMBBR survey respondents have incomes over \$100,000, and 75 percent have at least a college degree.
- Twenty-seven percent of AMBBR respondents spent more than \$2,500 on the purchase of their bicycle.

Many areas have conducted studies to understand the extent of **direct expenditures** related to bicycling on state and local economies. In 1999, the Maine Department of Transportation estimated that direct spending by bicycle tourists in Maine totaled \$36.3 million. The Colorado Department of Transportation found the total economic benefit from bicycling to the State of Colorado to exceed \$1 billion annually. The Mineral Wells to Weatherford Rail-Trail near Dallas, Texas, was estimated to generate local revenues of \$2 million annually in 1999 (Rails-to-Trails Conservancy).

**Lake Tahoe visitor direct expenditures** related to bicycle paths can be calculated from local data. Tahoe-specific studies show the average daily expenditure for visitors is approximately



Photo: Ty Polastri

\$124 per day (TMPO; Lake Tahoe Visitors Authority (LTVA); North Lake Tahoe Resort Association (NLTRA); TRPA/Tahoe Coalition of Recreation Providers (TCORP)). This is probably a high estimate, as it is not broken down by visitor activity while in the Region. For a low estimate, the research in Maine, which has many similar characteristics to Lake Tahoe, found an average daily expenditure of approximately \$30 for visitors who participated in partial day bicycle trips. Tahoe bike path surveys show that approximately 30 percent of path users come to Lake Tahoe primarily for cycling purposes, or approximately 188,800 people annually (TRPA/TCORP; TMPO). Multiplying these by the estimated expenditure yields a low estimate of \$6 million per year and a high estimate of \$23 million per year directly related to bicycling and bicycle paths in Lake Tahoe.

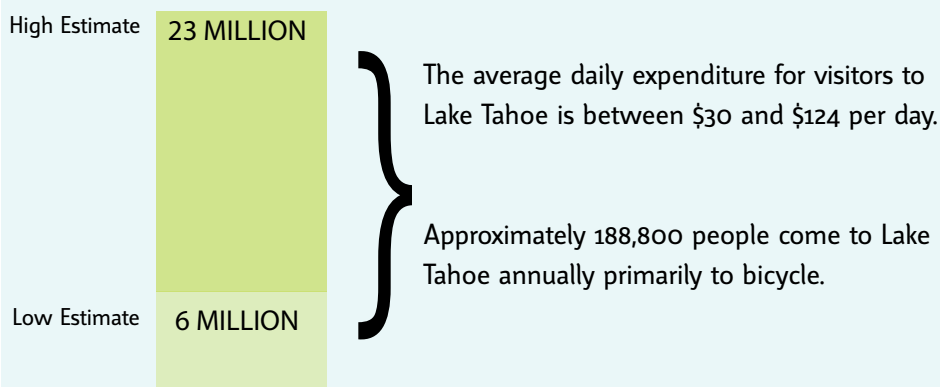
Visitors are attracted to regions that offer a variety of activities, and the opportunity to bicycle or walk can play an important role in enticing visitors. A study conducted by the LTVA in 2008 stated that length of stay is “probably the most important factor to influence the economic impacts on the Tahoe Region...” Expanding bicycling and walking opportunities could encourage people to extend their stay.

Approximately 13% of visitors surveyed in a North Carolina Northern Outer Banks study stated that their visit duration was longer by an average of three to four days due to the excellent bicycling opportunities (Lawrie).

**Property value** is another source of economic benefit to the Tahoe Region related to bicycle paths. Multiple studies show increases in property values based on proximity to a bicycle path or greenway. A 1998 study of property values along the Mountain Bay Trail in Brown County, Wisconsin showed that lots adjacent to the trail sold faster and for an average of 9 percent more than similar property not located next to the trail (Rails-to-Trails Conservancy). Several other studies also show a range of increases in property values and faster sales times for houses in proximity to trails and greenways (Los Angeles County Metropolitan Transportation Authority).

There are **other economic benefits** of bicycling and walking that are not so easily quantified, such as job creation and savings from fuel consumption, car payments, car maintenance, and car storage. Savings from these sources can free up discretionary income and allow both residents and visitors to spend more in Lake Tahoe communities.

## Bicycle Dollars Spent Annually in Lake Tahoe



Estimated direct expenditures range between \$6 and \$23 million per year directly related to bicycling and bicycle paths in Lake Tahoe.

Source: TMPO



## HEALTH IMPACTS

In recent years, public health professionals and urban planners have become increasingly aware that the impacts of motor vehicles on public health extend far beyond the negative effects of air pollution that include asthma and other respiratory diseases. Reliance on the automobile has led to lack of physical activity, which in turn has been linked with cardiovascular disease, thromboembolic stroke, hypertension, type 2 diabetes, and osteoporosis (Haskell). During the past 20 years there has been a dramatic increase in obesity in California and Nevada as well as the United States as a whole. In 2008, California's obesity rate was approximately 22 percent, compared to less than 10 percent in 1990. Nevada's obesity rate was approximately 27 percent in 2008 compared to approximately 17 percent in 1999 (1990 data was not available for Nevada) (Centers for Disease Control and Prevention (CDC)).

The Centers for Disease Control/American College of Sports Medicine recommended in 2007 that all healthy adults aged 18 to 65 years need moderate-intensity physical activity at least three days each week (CDC). Community design, including the provision of bicycle paths, influences the ability of local residents to attain these levels of exercise through their daily activities, such as commuting to work or school, or taking a recreational walk.

In addition to individual health benefits, physical activity provides fiscal savings by reducing health care costs and lost days of work.



- Annual per capita health cost savings from physical activity have been found to vary between \$19 and \$1,175, with a median value of \$128.
- Multiplying the \$128 median value of annual per capita health cost savings by the population of Lake Tahoe communities yields over \$7 million of health care cost savings annually.





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## SECTION 3: BENCHMARKS AND PROGRESS



*The 2003 Bicycle and Pedestrian Master Plan was the launching point for major improvements to the bicycle and pedestrian network, as well as the catalyst for strengthening policy language. The 2003 Plan also set several ambitious benchmarks. This section charts the Region's progress toward those benchmarks and describes new strategies for meeting bicycle and pedestrian goals.*

## NEW FACILITIES

The 2003 plan envisioned 60 additional miles of bicycle and pedestrian facilities by 2008, and 174 additional miles of bicycle and pedestrian facilities by 2023. As a measure of success, between 2003 and 2010 approximately 13 miles of the proposed network were built (Table 1). In addition, another 19 miles, mostly of bicycle lanes, are currently in construction or scheduled to be within the year, bringing the total to 31 miles. (See the “status” column in Table 18, Proposed Bicycle and Pedestrian Project List, Appendix B.) These miles of bikeway fill important gaps in the network.

## NEW POLICIES

Since 2003, several new policies have been implemented at TRPA to help facilitate concurrent construction of facilities in new and re-development and roadway projects. In the past, although projects were listed in the Bicycle and Pedestrian Plan, they



were sometimes overlooked by developers and project reviewers. While many new projects did include the proposed bicycle and pedestrian components, such as the Sierra Shores development in South Lake Tahoe, and the Caltrans water quality improvements in the North Shore, a few projects invested significant capital into improvements without providing for the bicycle facilities called out in the BPP.

Facility Name	Responsible Agency	Miles
Sawmill 1A Shared-Use Path (2007)	El Dorado County	1.2
Sawmill 1B Shared-Use Path (2008)	El Dorado County	0.3
15th Street Bike Path and Bridge (2003)	City of South Lake Tahoe	0.3
15th Street Bike Lanes (2008)	City of South Lake Tahoe	0.3
Lyons Avenue (2006)	City of South Lake Tahoe	0.3
Ski Run Blvd Shared-Use Path - 2004	City of South Lake Tahoe	1
South Lake Tahoe Ballfields Shared-Use Path (2003)	City of South Lake Tahoe	0.5
(2007)	City of South Lake Tahoe	0.3
Lakeside Trail Shared-Use Path - Phases IB, IIA, IIB, III, IV (2004-2007)	TCPUD	0.4
SR 28 through Incline Sidewalk 2006	Washoe County/IVGID	2.1
Country Club Sidewalk (Incline Village)	Washoe County/IVGID	0.5
Incline Way Sidewalk (Incline Village)	Washoe County/IVGID	0.1
Tanager Sidewalks (Incline Village)	Washoe County/IVGID	0.2
College Way Bike Lanes (Incline Village)	Washoe County/IVGID	0.4
Kings Beach to North Stateline Bike Lanes (2009)	Caltrans	0.9
SR 89 Emerald Bay Road Bicycle Route	Caltrans	3.6
USFS Tallac Historic Site Trail	USFS	0.6
<b>Total</b>		<b>13</b>

**Table 1. Facilities constructed since adoption of 2003 Bicycle and Pedestrian Master Plan**

To address this problem, TRPA staff incorporated a bicycle and pedestrian checklist into its project application process, and created an interactive, online map: <http://gis.trpa.org:82/BIKEMAP>. By visiting this site, project applicants can determine the proximity of their project to proposed and existing facilities and include them into their plans at the earliest stage. In addition, TRPA staff has held multiple meetings with Caltrans and NDOT planners, designers, and engineers to discuss the need for bicycle and pedestrian accommodation. Building on this, the 2010 BPP includes policy language on accommodation of bicyclists and pedestrians (“Complete Streets” language) that is anticipated to be adopted into the TRPA Code of Ordinances with the Regional Plan update. On-going meetings with Caltrans and NDOT are also called for as part of this BPP.

**Notable accomplishments in the period from 2003 to 2010 include:**

- Completion of the first phases of the Sawmill Bike Path in Meyers, which will eventually connect the existing Pat Lowe Memorial Trail to the South Tahoe “Y”
- Over three miles of new sidewalk in the Incline Village Commercial Area
- New bicycle lanes in the Incline Village and Kings Beach areas
- Shared-use paths on both sides of Ski Run Boulevard in South Lake Tahoe
- Missing links on the Lakeside Bike Trail in Tahoe City
- City of South Lake Tahoe allocation of \$25,000 towards community bicycle racks
- Completion of the 15th Street Bike Trail in the City of South Lake Tahoe
- Sixty thousand copies of the Lake Tahoe Bicycle Trail Map distributed
- Bicycle and pedestrian checklists in TRPA project applications, plus on-line, interactive map of proposed bicycle and pedestrian network
- Recognition of the City of South Lake Tahoe as a bronze-level League of American Bicyclists (LAB) Bicycle-Friendly Community 2006, 2008
- Recognition of North Lake Tahoe-Truckee Resort Triangle with “Honorable Mention” by LAB Bicycle Friendly Community Program.



## CASCADE TO RUBICON BAY BIKEWAY STUDY

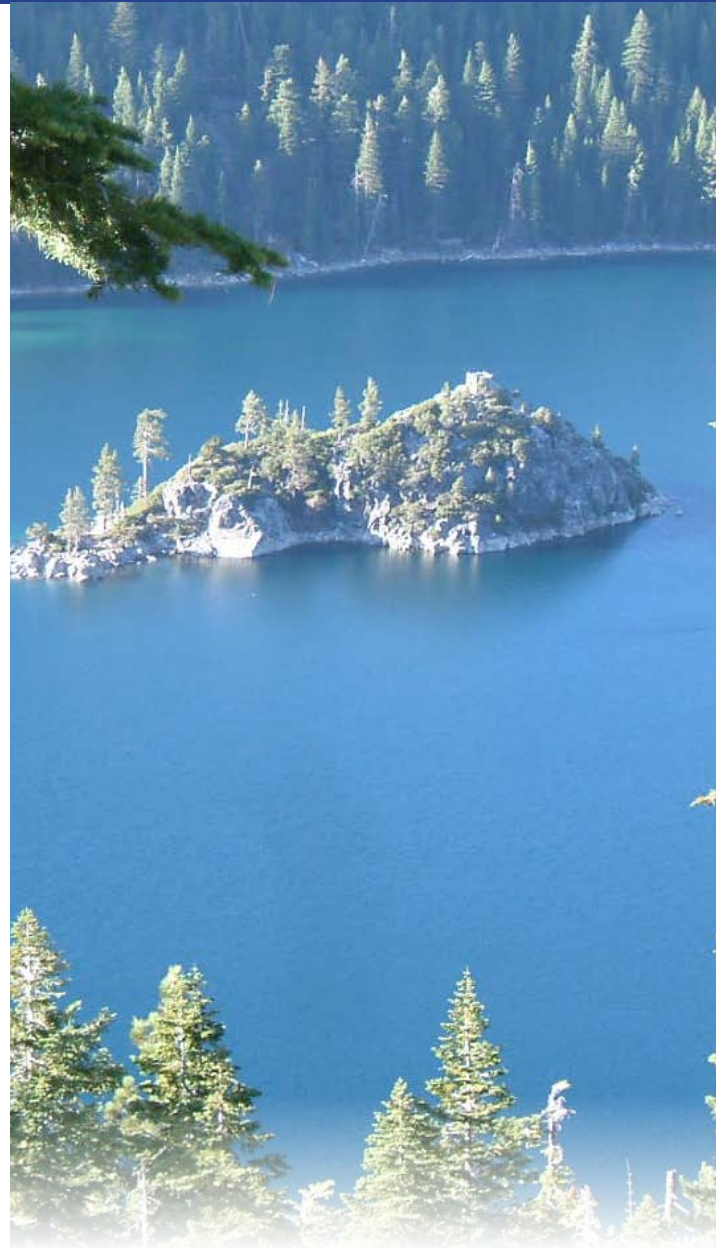
Another important plan published concurrently with the 2003 Bicycle and Pedestrian Master Plan is the Caltrans State Route 89—Cascade to Rubicon Bay Bikeway Study. This plan researched several ways to improve bicycle access along the severely constrained section of roadway around Emerald Bay.

### **There were three major recommendations from this study:**

- Widen the highway from 2 to 4 feet where feasible. Divert riders onto a combination of on-street neighborhood routes and new Class I/ Shared-Use Paths where topography allows.
- Facilitate a bicycle ferry from Camp Richardson to Meek's Bay.
- Expand existing transit to better serve bicyclists around the Emerald Bay Area.

Improvements to transit have occurred around the Emerald Bay Area, implementing some of the goals of the SR-89 study. During the summer, there is now hourly service from both Tahoe City and South Lake Tahoe to Emerald Bay by trolley with bicycle racks.

While this section of roadway remains one of the most difficult sections of the round-the-lake bikeway to complete, feasible improvements have been identified and are included in the BPP. Some lower cost improvements, such as routing bicyclists through the Rubicon neighborhood on a Class III/Bike Route could happen in a short timeframe.



*Improvements to transit  
have occurred around the  
Emerald Bay area.*



## BENCHMARKS AND MONITORING

Setting benchmarks and monitoring progress helps track the effectiveness of plans, projects, and programs. The TRPA runs a robust monitoring program to track progress toward the benchmarks listed below.

In 1999, the Federal Highway Administration (FHWA) and the National Highway Traffic Safety Administration established two goals pertaining to bicyclists and pedestrians: 1) to improve safety and 2) to increase use by the year 2022. Specifically, the national goals were to reduce the number of bicycle and pedestrian injuries and fatalities by 10 percent and increase the number of trips made by biking and walking to 15 percent. The goals of the 2010 BPP mirror the broader performance measures of the Federal Highway Administration, while establishing specific benchmarks attainable for a 20-year horizon.

In order to track progress, the 2010 BPP sets the following performance benchmarks:

- Benchmark 1:** Double the percentage of commuters who bicycle or walk to work from 3.8 percent of all employed residents to 7.6 percent of all employed residents per U.S. Census data by 2023.
- Benchmark 2:** Increase the percentage of residents and visitors who bicycle and walk to commercial and recreation destinations from 16 to 25 percent in the summer, and from 13 to 20 percent in the winter by 2023. By 2030, increase to 30 percent in the summer and 25 percent in the winter.
- Benchmark 3:** Implement 20 percent (approximately 45 miles) of all recommended facility improvements within five years (by 2015).
- Benchmark 4:** Implement 40 percent (approximately 90 miles) of all recommended facility improvements within ten years (by 2020).
- Benchmark 5:** Decrease the bicycle and pedestrian accident rate.

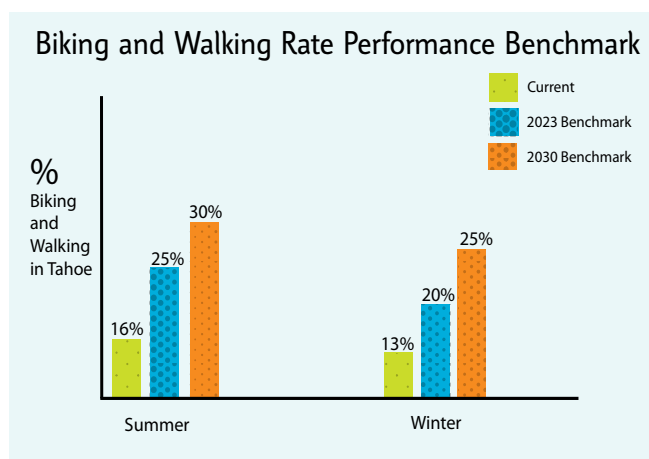
Section 6, Goals, Policies, and Actions on page 60 is the strategy to achieve these benchmarks. The actions specified in Section 6 are the new, near-term activities that will move the Region closer to meeting the benchmarks set here.

The first two benchmarks address the percentage of trips made by biking and walking, which is a good measure of air quality improvement and the success of the BPP. Almost all of the goals, policies, and actions in Section 6 relate to achieving these two benchmarks. Benchmark 1 is measured through U.S. Census journey-to-work data, and will be evaluated when the next U.S. Census is available, anticipated near the end of 2010. Although “journey-to-work” data only

captures resident trip patterns, it is an extremely useful measurement because it is easily comparable to other regions. Current journey-to-work data are shown in Table 9 on page 54.

Since visitor travel is not captured by Census journey-to-work data, TRPA developed performance measures and associated monitoring protocols that capture the biking and walking rates of both residents and visitors. These studies focused on travel to commercial and recreation destinations. In the 2006/2008 studies, the percentage of people who bicycled to commercial or recreation areas in the summertime was 4 percent, and the percentage who walked was 12 percent. In the winter, the percentage who bicycled was 1 percent and the percentage who walked was 12 percent. These surveys are conducted every four years. Benchmark 2 is related to these performance measures.

Completion of the pedestrian and bicycle network and improvement of pedestrian crossings, as called for in Goal 1 are crucial to achieving the non-auto mode shares specified in Benchmarks 1 and 2. Benchmarks 3 and 4 are direct measures of on-the-ground network completion.



Benchmark 5 relates to pedestrian and bicyclist safety. As with the goal of increasing the mileage of on-the-ground facilities, reducing the number of pedestrian and bicycle-related collisions also contributes to shifting more people out of their cars. This benchmark should be tracked by comparing the rate of pedestrian and bicycle-related collisions in relation to overall collisions. The rate of collisions was not tracked in past documents, so a comparison cannot be made at this time, however the current rate is about 1%. Goals 1 and 2 and associated policies help achieve Benchmark 5.

## BPP GOALS

### GOAL 1:

**A complete bicycle and pedestrian network that provides convenient access to basin destinations and destinations outside the Basin.**

### GOAL 2:

**To raise awareness of the bicycle and pedestrian network and encourage safe and increased bicycling and walking**

### GOAL 3:

**To provide environmental, economic, and social benefits to the Region through increased bicycling and walking.**

## SECTION 4: INFRASTRUCTURE AND PROGRAMS



*This section describes the status of bicycle and pedestrian facilities in the Region as of 2010, as well as support facilities and programs. The discussion focuses on connectivity and gaps in the network, safety issues, and multi-modal connections, and includes recommendations for future improvements.*

Existing facilities include shared-use paths, bicycle lanes, bicycle routes, and sidewalks. Table 2 (page 36) breaks out the mileage of existing bicycle and pedestrian facilities by jurisdiction. See Appendix B, Figure 8 for a map displaying the existing bicycle and pedestrian facilities within the Lake Tahoe Basin and Table 17, Existing Bicycle and Pedestrian Network, for a list of these projects.

## BICYCLING

The infrastructure that supports bicycling in the Region includes shared-use paths, bicycle lanes and routes, and end-of-trip support facilities such as bicycle parking and showers.

### Shared-Use Paths

Existing shared-use paths are concentrated in the north shore communities of Tahoe City, CA and Incline Village, NV and the south shore community of South Lake Tahoe, CA. Over 13 miles of nearly continuous Class I/Shared-Use Path stretches from the mid-point of Tahoe's west shore at Sugar Pine Point State Park through Tahoe City and north to Squaw Valley. There are other segments of 1 to 5 mile-long paths scattered throughout Stateline, NV, Meyers, CA, El Dorado County, CA, and Kings Beach, CA.

Major gaps in the network are along the east shore of Lake Tahoe, around Emerald Bay and Homewood on the west shore, between Tahoe City and Kings Beach, Crystal Bay and Incline Village, and Meyers, CA and South Lake Tahoe, including connections to both the South Tahoe "Y" and Stateline. There are also localized gaps. There are two gaps in South Lake Tahoe's otherwise continuous network. One is a section along the Lake from El Dorado



Beach to Ski Run Blvd, and the other is a section along Harrison Avenue, a short street near U.S. Highway 50 fronting several blocks of businesses. (See Figure 8, Existing Bicycle and Pedestrian Network Map in Appendix B.)

There are also missing links in the Lakeside Trail in Tahoe City, and at Homewood, on the west shore. These gaps in otherwise continuous paths are the highest priority for completion. Next in priority are extensions to existing paths that begin to complete the round-the-lake network, such as Phase 1 of the Nevada Stateline-to-Stateline Bikeway (see Chapter 7, Proposed Network, page 74)

### Bicycle Lanes and Bicycle Routes

South Lake Tahoe, El Dorado County and Incline Village are the communities with significant bicycle lanes and routes. South Lake Tahoe and Meyers have bicycle lanes on six of the eleven major



connectors or arterials. All of these bicycle lanes feed directly into cross-town corridors by connecting to either shared-use paths or signed, stenciled bicycle routes. An 8-mile, continuous bicycle lane is located along Pioneer Trail in the South Shore. Three and a half miles of continuous bicycle lane along State Route 28 connect Incline Village from end to end. Two bicycle lane and shoulder projects, on State Route 28 from Dollar Hill to Kings Beach in the North Shore, and on State Route 89 from Meyers to the El Dorado/Alpine County line in the South Shore are under construction at the time of printing of the BPP.

South Lake Tahoe uses bicycle routes as important connections in cross-town corridors. With the exception of the two significant gaps mentioned on the previous page, a combined system of shared-use paths and bicycle routes connects the South Tahoe “Y” to Stateline on both the east and west sides of U.S. Highway 50. South Lake Tahoe has recently undertaken an effort to add a “sharrow” stencil to its on-street routes. The on-street route system could be further enhanced by adding directional signage to U.S. Highway 50 alerting riders that an alternative route exists.

## Bicycle Parking and Showers

End-of-trip infrastructure such as bicycle racks, bicycle lockers and showers also promote bicy-



South Lake Tahoe “sharrow”

cling by increasing its security and convenience. In the Lake Tahoe Region, almost all schools, libraries, transit stations, and recreation centers have some form of bicycle rack. Some government buildings, office buildings, retail centers, public spaces and parks have designated bicycle parking. “Bike to Work, School, Play” riders who participated in an end-of-event survey in 2009 reported that 22 out of the 26 different work locations represented had adequate bicycle parking for employees. Thirteen out of the 26 employers had showers available for employees.

The City of South Lake Tahoe, working in collaboration with the Lake Tahoe Bicycle Coalition initiated a new program in 2010 distributing bicycle racks to public centers and businesses.

Jurisdiction	Class I Path	Class II Bike Lane (1)	Class III Bike Route	Sidewalk	Total
El Dorado County, CA	9	7	4	0	20
City of South Lake Tahoe	8	8	9	4	29
Placer County, CA	14	2	2	1	19
Douglas County, NV	2	0.1	1	1	5
Washoe County, NV	10	4	7	6	26
Carson City, NV	0	0	0	0	0
<b>Total</b>	<b>43</b>	<b>21</b>	<b>22</b>	<b>12</b>	<b>99</b>

Note 1: Miles of roadway with Bike Lanes. For maintenance purposes, this figure should be doubled since bicycle lanes are on both sides of the roadway.

Table 2. Miles of existing bicycle and pedestrian facilities



All commercial, tourist, recreation and residential centers should have short-term bicycle parking, such as inverted “U” racks. Bicycle lockers should be considered in locations where bicyclists may need to leave their bicycle for several hours, such as at a transit center. Until recently, TRPA only required the installation of secure bicycle parking for employers with more than 100 employees (TRPA Code of Ordinances, Chapter 97). However, bicycle storage is now required as part of all new developments. Project applicants and TRPA project review staff should refer to Appendix A, Design and Maintenance Recommendations for specifics on amount and type of bicycle storage required.

## WALKING

A safe and comfortable walking environment is vital to the success of tourist-centered communities. At some point, virtually all travelers become pedestrians, walking from their parked car to a storefront, stepping off a bus, or strolling from their accommodations to the Lake. Planning for pedestrian safety and convenience requires integrating pedestrian needs into street design and building design from the earliest stages. In addition to sidewalks and paths, slow vehicle speeds, convenient and safe crossings, and mixed land-uses also support walking.

### Sidewalks

Pedestrians use both sidewalks and shared-use paths for walking. The provision and maintenance of sidewalks is not consistent among the communities in Lake Tahoe. Both Tahoe City and Incline Village have emphasized construction and maintenance of their sidewalk network in providing an attractive frontage and access to businesses and recreation areas along major travel routes. Significant gaps in the sidewalk network are most noticeable in South Lake



**Inverted “U” bicycle parking at Heavenly Village in South Lake Tahoe.**

Tahoe and Kings Beach. Both of these communities have high volumes of pedestrians, many of whom access transit along the main highway. Most sidewalks along U.S. Highway 50 in South Lake Tahoe are planned to be constructed by 2012 through a Caltrans water quality project. The sidewalks in Kings Beach are planned to be constructed through an upcoming commercial core improvement project.

### Crossing Protection

There are few marked crossings at unsignalized crossing points in the Lake Tahoe Region, particularly along the state highways. In recent years, the trend has been removal of marked crosswalks by roadway agencies due to concerns that traditional crosswalk markings do not afford enough protection for pedestrians on busy roadways. Exceptions include a flashing beacon on the West Shore Trail at the crossing of Sequoia Avenue and State Route 89 in Sunnyside, and crosswalks in the downtown areas of Tahoe City, Kings Beach, North Stateline and other limited locations. Crosswalks have been maintained on some residential streets and lower volume streets, particularly near schools.

While the current high traffic volumes and speeds on most major roadways in the Lake Tahoe Region may mean that traditional crosswalks (two painted

lines) are not appropriate, removing crosswalks altogether discourages walking and biking and does not meet the goals of pedestrian and bicycle-friendly communities. There are a variety of crossing treatments that can be considered during project design to enhance safety and walkability for pedestrians, depending on vehicle speeds and volumes.

**Advance stop bars** are placed 30 to 50 feet in front of the crosswalk and are generally accompanied by a “yield here to pedestrians” sign. The main purpose of advance stop bars is to provide a better line of sight between the pedestrian and an approaching driver whose view may be partially blocked by another car that has already stopped at the crosswalk.

**In-roadway warning signs** are placed in the roadway, between travel lanes to alert drivers to the presence of a crosswalk. The purpose of these signs is to remind drivers of the state law to yield or stop for pedestrians in the crosswalk. These signs have been used successfully in Tahoe City during the summer.



**In-roadway warning sign.**

Finally, **flashing beacons** may be used to alert drivers to crossing pedestrians. Some flashing beacons are designed to flash only when activated by a pedestrian, while others flash constantly. Pedestrian-activated flashing beacons have

a much higher vehicle compliance rate than constantly-flashing beacons. The “Sequoia



### **The “HAWK” Pedestrian Crossing**

Crossing” of SR 89 by the West Shore Trail south of Tahoe City is a good example of a flashing beacon activated by a pedestrian or cyclist.

HAWK (High-intensity activated crosswalk) beacons are an innovative new form of pedestrian signal, which have been used extensively in Tucson, Arizona. The HAWK signal displays a solid red phase to drivers while pedestrians see a “Walk” phase. The signal then changes to a flashing “Don’t Walk” phase for pedestrians and a flashing red phase for vehicle traffic so that vehicles may proceed if the crosswalk is clear. Evaluations of HAWK beacons on both 4-lane and 6-lane roadways report a driver yielding rate exceeding 95 percent (Fitzpatrick). HAWK signals are approved for use in Nevada but not yet in California.

A detailed discussion of crossing treatments and some traffic calming measures appropriate for different locations in Lake Tahoe is included in Appendix A, Design and Maintenance Recommendations.

In addition to physical improvements, **education** can increase the effectiveness of existing crossings. Some communities have undertaken crosswalk enforcement operations in coordination with local police departments to educate drivers on pedestrians’ right to cross

the road. In Las Cruces, New Mexico, local police officers dressed as superheroes attempted to cross at marked crosswalks to draw attention to the need for vehicles to stop at crosswalks.

## Street Design

Other treatments can be applied to streets and highways to increase walkability, particularly in urban centers or areas with high pedestrian volumes. In some cases, treatments may physically slow traffic, for instance with speed humps. In other cases, road design, including narrower roadways, street trees or pedestrian refuge islands naturally signals drivers to drive more slowly in order to safely navigate the roadway.

**Pedestrian refuge islands** can be installed in the middle of multi-lane roadways at intersections or mid-block locations. They reduce pedestrian exposure to motor vehicles, allow pedestrians to consider traffic coming from one direction at a time and provide a place for slower pedestrians to rest or wait. These island can also include paver stones or vegetation to aesthetically break up large expanses of asphalt.

**Street trees and furniture** can increase appeal for pedestrians as well as slowing vehicle speeds by effectively reducing driver sight-distance. Street trees and furniture also provide a buffer between vehicles and pedestrians by cutting down on noise and increasing the feeling of safety.

**Road diets** are becoming popular in locations where roadways have been designed much wider than is necessary for existing or anticipated traffic. Particularly on 4-lane roadways without a center turn-lane, where average daily traffic is less than 15,000 cars per day, there are opportunities for re-design. In such cases, incorporating a center turn-



*Photo: Norm Dettlaff,  
Las Cruces Sun-News (N.M.).*

**Crosswalk enforcement operation in Las Cruces, New Mexico.**



**Street trees and furniture increase appeal.**

lane, and converting width from an outside lane to wider sidewalks, pedestrian refuge islands, bicycle lanes, and other features increases safety and mobility for all users. Placer County is planning this type of re-design in the community of Kings Beach.



## Land Use Design

Finally, land use design plays perhaps the most important role in creating walkable and bikeable communities. A mix of residential, retail and other commercial uses increases the population living within walking distance of their destinations. The opportunity to live and stay in downtown areas decreases the need for housing in outlying areas, and ultimately will be one of the greatest factors in reducing long-distance commuting by vehicle.

The preferred alternative proposed for the update of the 20-year TRPA Regional Plan envisions a shift of this type in the location and form of new and re-development. This alternative proposes walkable, mixed-use nodal centers, with incentives to shift existing development out of sensitive, outlying areas. A focus on “Complete Streets” and safe access for users of all modes of transportation will provide a means for people to travel safely to their destinations without the need to rely on an automobile.

## REGIONAL AND MULTI-MODAL CONNECTIONS

Full connectivity between populated areas and major attractions, both inside and outside the Region, is important if the bicycle and pedestrian network is to adequately serve residents and visitors. Visitors who wish to enjoy Lake Tahoe by bicycle or foot may wish to arrive in the Region without their car. Once here, in order to travel between communities at the Lake, they require good connections via regional bikeways and transit. The extent of



existing regional and multi-modal connections is discussed below, and a map of major trip attractors, generators and transit connections is shown in Figure 9 (Major Trip Attractors and Generators, Appendix B).

## Regional Connections

Because Lake Tahoe communities are relatively small, most of the existing bicycle and pedestrian network is focused on connecting communities to recreation areas and providing strong internal connections. Some regional bicycle travel, however, occurs between communities in the Lake Tahoe Region and areas outside the Region such as Truckee, CA, Reno, NV, Gardnerville/Minden, NV, and Carson City, NV. California State Routes (SR) 89 and 267 provide direct access to and from Truckee. There is a shared-use path along SR 89 from Tahoe City to Squaw Valley Ski Resort. Bicycle lanes or wide shoulders are planned for the near future along both of these roadways, and a bicycle path paralleling SR 267 will eventually connect Kings Beach to Northstar Resort and the Martis Valley. Placer County and the Town of Truckee have expressed interest in completing a shared-use path connecting Squaw Valley to the Truckee Legacy Trail Network, and are

also working with Caltrans on a bicycle and pedestrian tunnel in Truckee to improve connections between Tahoe City and Truckee.

U.S. Highway 50 and Nevada State Routes 207 and 431 provide connections to and from Carson City, Gardnerville/Minden, and Reno. State Route 431 is currently signed as a bicycle route. A possible future connection between Stateline, NV and the Gardnerville/Minden area could be made via an existing dirt trail along the old Pony Express trail in Douglas County to a planned paved, shared-use path on the Carson Valley side.

Bicyclists were observed along each of the routes listed above during summer field visits, with the highest concentration of bicyclists on the shared-use path along SR 89 between Truckee and Tahoe City.

## Multi-Modal Connections

Multi-modal connections in the Region are important when barriers to continuous bicycle and pedestrian travel exist. In the Lake Tahoe Region, these barriers include topography, distance or lack of continuous bicycle and pedestrian facilities. Transit service is provided by several publicly-operated transit systems, tourist-oriented trolley services, and privately-operated shuttle systems and taxi services. On the South Shore, a consortium of public and private transit providers, including El Dorado County, the City of South Lake Tahoe, Douglas County, Heavenly Resort, and several casinos operate BlueGO, a coordinated transit system. Service on the north shore is operated by Placer County, with funding from Washoe County Regional Transportation Commission to serve the Nevada portion of the North Shore. This service is known as the Tahoe Area Regional Transit (TART) system.



In addition to fixed-route systems, BlueGO provides flex route and demand-response service to Douglas County and El Dorado County, including the City of South Lake Tahoe. Specific transit stops and service areas are displayed in Figure 9, Appendix B. All BlueGO and TART buses are equipped with bicycle racks.

Transit service to communities outside of the Region is relatively good, with service provided by BlueGO from the South Shore to Carson City and the Minden/Gardnerville area; South Tahoe Express between the South Shore and Reno, NV; North Lake Tahoe Express between North Shore, Truckee, and Reno; and by Amtrak to Sacramento and train connections to other major destinations throughout California. Both Amtrak and BlueGO provide carrying capacity for bicycles on these inter-regional connections.



## SAFETY AND OUTREACH

Safety is a major concern for users of the bicycle and pedestrian network. People often cite their perceptions about safety as the reason they do not bicycle or walk more often. Given the potential for serious injuries involving accidents with motor vehicles, this concern is understood. In addition to the physical improvements described on the previous pages, such as enhanced crossing treatments and traffic calming, safety education for both children and adults is an important component of a comprehensive plan. Existing bicycle and pedestrian safety programs in the Lake Tahoe Region are summarized in Table 3 on the following page.

As indicated in Table 3, law enforcement agencies in the Region are actively involved with student education through bicycle rodeos or other events. These events are particularly useful in demonstrating how bicyclists and pedestrians are to use the roadway system safely.

Beyond safety education, outreach programs that encourage biking and walking are a vital part of Lake Tahoe's planning effort. Many individuals wish to ride or walk more often, but lack information on bicycle routes, basic bicycle maintenance, and ways to incorporate riding into their commute to work. Outreach and events put on



by local agencies and organizations can make bicycling and walking fun activities and can be useful ways to disseminate important tips.

Local agencies and advocacy groups have put significant effort into providing a well-publicized and popular “Bike to Work, School, and Play Challenge” each year, attracting over 700 participants in 2009, many of whom were students. Two schools in South Lake Tahoe have started bicycle clubs, and the South Lake Tahoe police, California Highway Patrol, and El Dorado County Sheriff's departments continue to hold their “Bicycle Rodeo” event for kids annually. In addition, the Lake Tahoe Bicycle Coalition distributes a popular Lake Tahoe Bike Trail Map.

*Bike to Work, School, and Play Week attracted over 700 participants in 2009, many of whom were students.*

Agency	Contact Number	Programs Offered
CHP - South Lake Tahoe Area	(530) 577-1001	Bicycle Rodeos late May / early June - Skills Instruction - Free Bicycle Inspection and Repair - Helmet Program
CHP - North Tahoe Area	(530) 582-7570	Pedestrian Safety Education Program "When in Doubt Don't Step Out" Works in conjunction with schools to conduct bike safety programs
Nevada Highway Patrol	(775) 684-4808	No programs currently offered
Placer County Sheriff - Kings Beach Area	(530) 581-6369	No programs currently offered due to budget constraints
Placer County Sheriff - Tahoe City Area	(530) 581-6300	No programs currently offered
Tahoe City Public Utility District	(530) 583-3796	Annual Bike Derby at Rideout Community Center North Tahoe/Truckee Bicycle Map
El Dorado County Sheriff - South Lake Tahoe Area	(530) 573-3000	Work in conjunction with CHP and Kiwanis to conduct bicycle education programs
Washoe County - Incline Village Constable's Office	(775) 832-4103	Annual Bicycle Rodeo (June) - Skills Instruction - Free Helmet Program - Challenge Course
Washoe County School District	(775) 348-0200	Safe Routes to School Program
Douglas County Sheriff	(775) 586-7250	No programs currently offered in Lake Tahoe
City/County of Carson City	(775) 887-2020	No programs currently offered in Lake Tahoe
South Lake Tahoe Police Department	(530) 542-6100	South Tahoe Middle School Police Activities League (PAL) Bike Club Work in conjunction with CHP and El Dorado County Sheriff's Department to conduct bicycle rodeos
Tahoe Truckee School District	(530) 541-2850	No District program offered -Up to individual sites to coordinate programs
State of Nevada	(775) 888-RIDE	Bicycle and Pedestrian Program - Safe Routes to School Program - Safety Education Office of Traffic Safety -Ped/Bike education programs and grants Lake Tahoe/Nevada State Park -Mountain Bike Safety Patrol Nevada Bicycle Advisory Board -Education Outreach Nevada Department of Transportation -Bicycle/Pedestrian program and outreach
State of California	(916) 653-2750	Bicycle and Pedestrian Programs -Interactive videos to schools -"From A to Z by Bike" book hand-outs
Lake Tahoe Community College	(530) 541-4660	Mountain biking and road riding courses
Lake Tahoe Unified School District	(530) 541-2850	No District program offered -PAL Bike Club at South Tahoe Middle School: Bike safety, bike maintenance, bike rides -Bobcat Outdoor Club at Bijou Community School: Bike skills & safety, bike maintenance, bike rides
Douglas County School District	(775) 782-5134	No District program offered - Up to individual sites to coordinate programs
Tahoe Regional Planning Agency	<a href="http://www.tahoempo.org">www.tahoempo.org</a>	Lake Tahoe Bike Challenge
Lake Tahoe Bicycle Coalition	<a href="http://www.tahoebike.org">www.tahoebike.org</a>	Bike Week/Bike Month Bike Film Fest Bicycle Awards Lake Tahoe Bike Trail Map

**Table 3. Bicycle and pedestrian safety and outreach program summary**

## MAINTENANCE

Local agencies in the Tahoe Region have made a significant investment in the construction of pedestrian and bicycle facilities, providing valuable recreational and transportation benefits to local residents and visitors. The TRPA/TMPO has found through public input and discussions with local agencies that Tahoe area shared-use paths and sidewalks are sometimes not maintained at a high enough standard to meet user needs. Major maintenance issues in Lake Tahoe include lack of consistent snow removal from sidewalks and paths during the winter months, forcing users into the street, and insufficient long-term sidewalk and bicycle facility maintenance, such as crack repair and re-striping.

Basin agencies have successfully addressed facility maintenance in some locations, using a variety of strategies. The following highlights the obstacles agencies face, the costs of maintenance, and ideas from Lake Tahoe and other areas that could be considered when developing long-term maintenance strategies.

### Obstacles to Proper Maintenance

Based on input from Lake Tahoe public agencies, there are three main obstacles to success-

ful shared-use path and sidewalk maintenance programs in the Lake Tahoe Region.

- Lack of dedicated funding
- Lack of proper equipment
- Confusion or conflicts regarding responsibilities

The first and most common issue is a lack of dedicated funding. Grants are typically not available for maintenance activities, but are available for construction of new facilities. Second, proper equipment or appropriately trained personnel may not be available. For example, shared-use paths require narrow snow-blowers for snow removal, but jurisdictions may not own these machines, or the machines may not be capable of removing the heavily-packed snow pushed on to paths by snow-plows. Third, there may be confusion or conflicts between different parties regarding whose responsibility it is to maintain sidewalks and shared-use paths. In most cases in Lake Tahoe, where there is no business improvement district or other type of assessment district, maintenance of sidewalks falls to the private property owner. Jurisdictions are responsible for enforcing this private maintenance role, but they may lack the funding or political will to effectively do so.



Photo: Ty Polastri

## Maintenance Costs

Costs for maintaining paths vary widely, based on the level of maintenance provided by an agency. Annual per-mile costs of path maintenance range from a low of \$1,050 for basic maintenance of a path in the City of South Lake Tahoe to a high of \$14,000 per mile for landscaping, snow removal and path maintenance in the Ski Run Business Improvement District. Table 4 summarizes the costs for maintaining facilities in selected areas of the Tahoe Region, based on conversations with members of each agency.

Agency	Costs	Notes
City of South Lake Tahoe	\$1,050 per mile per year for basic maintenance of Class I paths	No snow removal.
Ski Run BID (City of South Lake Tahoe)	\$14,000 per mile per year to maintain landscaping and Class I path \$4,500 per mile for slurry seal	Includes snow removal.
Tahoe City Public Utility District	\$11,000 per mile per year to maintain, repair, restripe and plow (once) paths	Annually, \$5,000 to \$6,000 is spent for snow removal and \$25,000 to \$30,000 for repairing cracks on the entire path system
North Tahoe Public Utility District	\$8,000 per mile per year to maintain trail and blow snow	

**Table 4: Costs of maintaining paths and sidewalks in the Tahoe Region (2008)**

## Strategies for Improving Maintenance

Many formulas can work to improve sidewalk and path maintenance. Successful models in Lake Tahoe and other regions seek to minimize costs overall, and to plan in a source of maintenance funding before paths are constructed. Maintenance funding should cover short and long-term costs, including snow removal, crack repair, sweeping and striping, and maintenance of adjacent infiltration devices.

### MINIMIZE COSTS BY CONSOLIDATING MAINTENANCE RESPONSIBILITIES.

Private property owners and jurisdictions can reduce expenditures by entering into cooperative maintenance agreements. Cooperative maintenance agreements allow for a single entity, such as the local public agency or a private contractor, to carry out snow removal and other maintenance. This can reduce the cost and time associated with individual property owners setting up separate maintenance contracts or doing the work themselves. The agreements also ensure that an entity with adequate staff, equipment and experience carries out the work. The Ski Run Business Improvement District in South Lake Tahoe is an example of this. Another way to consolidate maintenance responsibility is for private property owners to have the option to transfer responsibility to the local public agency. The City of Madison, WI, incentivizes this through a program whereby private property owners are charged only 50 percent of the cost to do repairs and snow removal if they allow the City to conduct the work. In other communities, such as Mammoth Lakes, CA, Davis, CA and Vail, CO, the Public Works Department is responsible for maintaining sidewalks and paths. Jurisdictions can also pool funds to cost-share special equipment purchases.

### PURSUE INNOVATIVE FUNDING SOURCES FOR ON-GOING AND LONG-TERM MAINTENANCE THAT IS LINKED TO THE MILEAGE OF THE FACILITIES.

Maintenance of paths and sidewalks is one of many community needs that must compete for scarce funds. Dedicated funding sources for maintenance can help address this. South Shore's Measure S--a property tax assessment passed in 2000 for construction and maintenance of recreation facilities--set aside \$5,000 per year per mile for maintenance of 25 miles of planned shared-use paths in the City of South Lake Tahoe and El Dorado County. The two jurisdictions are able to use this funding as a local match when pursuing grant funds for path construction. Vail, CO, applies a 1 percent Real Estate Transfer tax to all real estate transactions, a portion of which is allocated to path maintenance. When establishing a funding mechanism to provide for sidewalk and path maintenance, it should be structured to reflect the average lifespan of sidewalks and paths, and allow for increases in inflation and the mileage of the facilities.

Permitting and granting agencies such as the TRPA, the CTC, and the North Lake Tahoe Resort Association (NLTRA), can assist this process by being diligent in requiring projects to show adequate maintenance funding as part of grant and permit applications and by assisting implementers to identify additional sources of maintenance funding. TRPA could also consider incentivizing maintenance of facilities by tying maintenance to its annual building allocation system.

For additional details on existing maintenance challenges and recommendations, please see Appendix I (Maintenance Memo, [www.tahoempower.org](http://www.tahoempower.org)).



## COLLISION ANALYSIS

Perceptions of safety directly influence the choice to bike or walk. Poor sight distances, crime or threats from motor vehicles may cause people to switch away from biking or walking. Overall, both accident and crime rates are low in Lake Tahoe compared to other areas. However, hazards to bicyclists and pedestrians do exist. Examples include:

- Areas where sidewalks are discontinuous or uncleared of snow, forcing pedestrians and wheelchair users into the street
- Where sight distances for crossing are poor, due to parked cars, signs, or roadway curvature
- Areas where shared-use paths or sidewalks cross multiple driveways and sidestreets

The BPP analyzes accident data and provides information on safety improvements.



## Accident Data

LSC Transportation Consultants conducted an extensive analysis on pedestrian and bicycle collisions with vehicles between 2003 to 2007. A few improvements have been made since 2007, however the data from this period is still considered current. Table 5 shows the total accidents by regional jurisdiction. Table 6 on the following page shows accident rates at specific Basin locations. The data only includes accidents involving a motor vehicle.

Jurisdiction	Total Accidents (1)	Pedestrian	Bicycle	Injury (2)	Fatal
El Dorado County, CA	19	7	12	18	1
City of South Lake Tahoe, CA	155	67	88	157	3
Placer County, CA	77	33	44	72	7
Carson City, NV	0	0	0	0	0
Douglas County, NV	5	5	0	2	0
Washoe County, NV	7	6	1	0	4
<b>Total</b>	<b>263</b>	<b>118</b>	<b>145</b>	<b>249</b>	<b>15</b>
Note 1: Accident rates are not available at the time of printing the BPP, however in the future, accident rates, rather than total accidents, should be reported. Accident rates take into account bicycle and pedestrian collisions in comparison to the amount of overall activity by bicyclists, pedestrians, and motor vehicles.					
Note 2: The sum of injuries and fatalities may be higher than total accidents because sometimes the number of people in the party was greater than 1.					
Source: Reported accidents according to the California Statewide Integrated Traffic Records System (SWITRS) and Nevada Highway Patrol.					

**Table 5. Lake Tahoe Region bicycle and pedestrian accident summary 2003-2007**

As Table 6 indicates, there were 29 locations with two or more accidents in the six year period. The most significant “hot spot” was the U.S. 50/Friday Avenue intersection, which has since been improved with a full intersection signal. Other intersections with relatively high accident rates include SR 28 and Fox Street, Bear Street, Coon Street and Grove Street on the North Shore, and U.S. 50 and Stateline and Park Avenue on the South Shore. It should also be noted that only one of the 29 high accident intersections is not on the state highway system.

Location (1)	# Accidents			Annual Average Daily Traffic (AADT), 2002-2007 (2)	Accident Rate per Average Daily Traffic
	Bicycle	Pedestrian	Total		
Pioneer Trail & Wildwood (unsignalized)	2	0	2	n/a	n/a
SR 28 & Fox Street (unsignalized)	0	4	4	14883	0.027%
SR 28 & Grove Street (unsignalized)	2	1	3	11733	0.026%
US 50 & Friday Ave (new signal)	1	7	8	33667	0.024%
US 50 & Stateline (signal)	0	7	7	33667	0.021%
SR 28 & Bear Street (unsignalized)	0	3	3	14883	0.020%
SR 28 & Coon Street (signal)	1	2	3	14883	0.020%
SR 28 & SR 267 (signal)	2	1	3	18100	0.017%
US 50 & Park Avenue (signal)	4	1	5	33667	0.015%
US 50 & Pioneer Trail (East) (signal)	4	1	5	33667	0.015%
US 50 & Blue Lake (unsignalized)	1	4	5	33833	0.015%
SR 28 & Southwood Blvd (signal)	0	2	2	13758	0.015%
SR 89 & Fountain (unsignalized)	2	0	2	14767	0.014%
SR 28 & Beaver Street (unsignalized)	0	2	2	14883	0.013%
US 50 & Edgewood Circle (unsignalized)	3	0	3	32116	0.009%
US 50 & Glorene (unsignalized)	1	2	3	33583	0.009%
US 50 & Herbert (unsignalized)	3	0	3	33833	0.009%
US 50 & Sierra (signal)	2	1	3	33833	0.009%
US 50 & 4H Camp Road (unsignalized)	2	0	2	23317	0.009%
US 50 & Kingsbury Grade (signal)	0	2	2	23317	0.009%
US 50 & Lake Tahoe Blvd (signal)	1	1	2	33583	0.006%
US 50 & Midway (unsignalized)	2	0	2	33667	0.006%
US 50 & 3rd Street (signal)	1	1	2	33833	0.006%
US 50 & Al Tahoe Blvd (signal)	2	0	2	33833	0.006%
US 50 & Lyons (signal)	1	1	2	33833	0.006%
US 50 & Ski Run (signal)	1	1	2	33833	0.006%
US 50 & Tahoe Keys (signal)	1	1	2	33833	0.006%
US 50 & Tallac (signal)	0	2	2	33833	0.006%
US 50 & Truckee Drive (unsignalized)	1	1	2	33833	0.006%
Note1: Locations with more than one recorded bicycle or pedestrian accident, including accidents within 100 ftt of intersection					
Note 2: Annual Average Daily Traffic Count taken from nearest intersection with available data. See "August Traffic Volumes", <a href="http://www.tiims.org">www.tiims.org</a> .					
Source: California Statewide Integrated Traffic Records System, and NDOT					

**Table 6. High accident locations in the Tahoe Region**

Other data of interest include the type of location where accidents happen. As shown in Table 7, the majority of accidents occurred at unsignalized locations, or at mid-block crossings without a Class I/Shared-Use Path crossing. Only 17 percent of total accidents occurred at signalized intersections.

Location Type	Pedestrian			Bicycle			Total	
	Number	Percent		Number	Percent		Number	Percent
Public Street Intersection Unsignalized	51	52%		64	46%		115	49%
Public Street Intersection Signalized	16	16%		25	18%		41	17%
Midblock Location Without Class I/Shared-Use Path	27	28%		49	35%		76	32%
Midblock Location With Class I/Shared-Use Path	1	1%		1	1%		2	1%
Public Street Intersection Signalized With Trail Crossing	3	3%		0	0%		3	1%
<b>Total</b>	<b>98</b>	<b>100%</b>		<b>139</b>	<b>100%</b>		<b>237</b>	<b>100%</b>
Note: Intersection accidents include all accidents within 100 feet								
Source: California Statewide Integrated Traffic Records System, and NDOT								

**Table 7. Accident location type**

Since this data was collected, two marked shared-use path crossings have not been re-painted along the SR 89 West Shore Trail due to safety concerns. These locations could be good candidates for the installation of enhanced crossing treatments. It will be important to note any change in collision rates at these locations in the next update of the BPP if these crossings are not re-marked or otherwise enhanced.

Safety issues can be addressed in multiple ways. Intersections can be improved through enhanced pedestrian treatments. Another solution includes increasing driver, bicyclist and pedestrian awareness. Several states have incorporated bicycle and pedestrian safety into their driving tests. At Lake Tahoe, possible education activities, in addition to those shown in Table 3 on page 43 could include bicycle safety classes through Parks and Recreation Departments or Barton Health Extension. Bicycle rental and retail shops can distribute safety information and maps and encourage safe riding. In addition, police need to enforce traffic laws for drivers, bicyclists and pedestrians, creating a safe atmosphere for all.





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## SECTION 5: ANALYSIS OF DEMAND / BIKE TRAIL USER MODEL



*Actual use of the bicycle and pedestrian network is perhaps the most important indicator of the quality of the system, although biking and walking rates are also closely tied to land use, population density, and visitation. A quality biking and walking network to support surrounding land uses is critical to achieving increased biking and walking levels. This section analyzes both existing use and future demand for the system.*

## POPULATION AND EMPLOYMENT TRENDS

The following discussion contains estimates and forecasts of existing and future population and employment levels that can be used to determine trends and how they affect demand for bicycle and pedestrian facilities.

### Existing Population and Employment

According to the 2000 census, the Region had an estimated total population of approximately 60,000 and an estimated total employment level of about 49,500. Table 8 shows updated population estimates by County based on the Tahoe Transportation Model.

### Future Resident Population, Visitor Population, and Employment

According to the U.S. Census Bureau, the resident population of the Region increased by approximately 7,000 between 1990 and 2000. While the 2010 census data is not yet available, indicators such as school enrollment, gaming employment and traffic volumes indicate that population in the Tahoe Region has de-

clined since 2000 (*Mobility 2030*). With the current recession (2009-2010) and a shift away from gaming as a primary economic driver, accurately estimating population and employment levels for the coming decade is difficult. A major focus of the TRPA Regional Plan Update, and of planning in general in Lake Tahoe, is on how to re-make the Region into a thriving residential and tourist attraction. Improved bicycle and pedestrian facilities play a strong role in this shift. “Smart growth” principles that support bikeable and walkable communities are central in this planning effort.

As part of the TRPA Regional Plan Update, several alternative planning scenarios are under study. The population, employment and travel estimates associated with these scenarios will be analyzed in 2010 and 2011.

Future growth and changes in population and employment are important to bicycle and pedestrian planning for two reasons. First, new developments often require upgrades to existing roadways, which may create an opportunity to construct new bicycle and pedestrian facilities. Second, changes in land-use patterns can make bicycling or walking more convenient.

Jurisdiction	Population	Percent of Total
City of South Lake Tahoe	22854	42%
El Dorado County (Tahoe portion)	9484	17%
Placer County (Tahoe portion)	8874	16%
Washoe County (Tahoe portion)	7765	14%
Douglas County (Tahoe portion)	5370	10%
<b>Total:</b>	<b>54347</b>	<b>100%</b>
Note: From population synthesizer in the Tahoe Transportation model based on Census 2000 population		

**Table 8. Tahoe Region population, 2005 Census.**

## BICYCLE AND PEDESTRIAN TRAVEL DEMAND

Bicycle and pedestrian trips are not easily measured or projected for an entire region without extensive data collection efforts. While data is still somewhat limited, the TRPA has recently undertaken a monitoring program and development of a Bicycle Trail User Model. Both of these efforts increase understanding of current use of the bicycle and pedestrian network, and also help project future use as more links are completed. Available data includes the 2000 Census, user surveys and user counts, and Basin-wide mode share surveys.

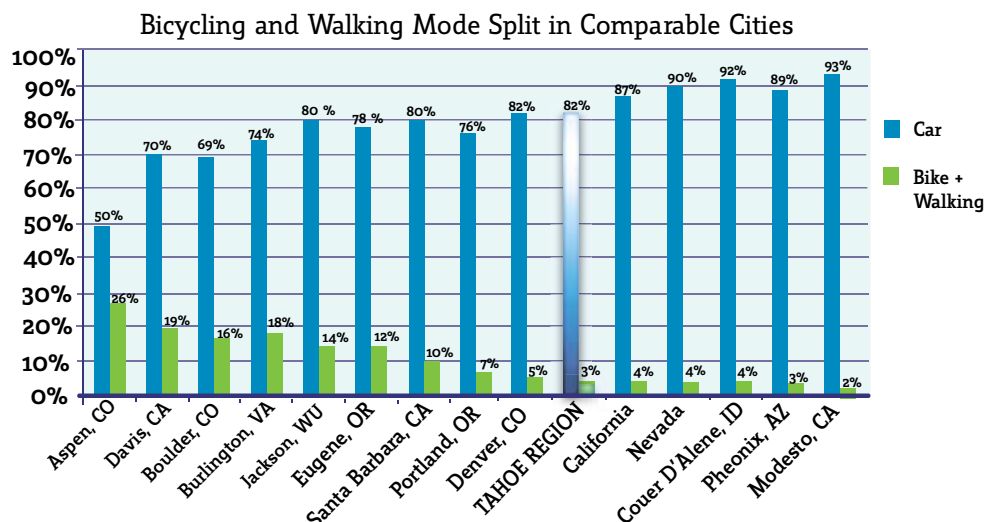
Mode	Percent of Work Trips
Drive Alone	77%
Carpool	12%
Transit	2%
Bicycle or Walked	3%
Worked at Home	4%
Other	2%
<b>Total</b>	<b>100%</b>

Source: 2000 Census Journey-to-Work

**Table 9: Existing journey-to-work mode split summary for the Lake Tahoe Region**

## Existing Demand

A common term used in describing demand for bicycle and pedestrian facilities is “mode share” or “mode split.” Mode split refers to the percentage of people who choose to take different forms of transportation including walking, bicycling, public transit, or driving. From the 2000 Census, mode split information is available for the journey-to-work trip. Table 9 presents this information for the Lake Tahoe Region. As shown in Table 9, bicycle and pedestrian trips represent approximately 3 percent of home-based work trips for Lake Tahoe residents. These numbers are fairly consistent with mode splits across California and Nevada. However, many other tourist-based mountain resort areas have higher bicycle and walking rates, as shown in Figure 3 below.



**Figure 3. Bicycling and walking journey-to-work comparison among other regions and cities (2000 census)**



As mentioned in the Benchmarks and Progress section, journey-to-work data does not tell the whole story for Lake Tahoe. According to local surveys, over 70 percent of visitors participate in walking activities while almost 40 percent bicycle on paved paths. TRPA mode split surveys of both residents and visitors show overall biking and walking rates to recreation and commercial areas to be about 13 percent in winter and 16 percent in summer.

Another way of understanding existing usage is to review user counts. While user counts can fluctuate annually based on external factors such as visitation, economy, or weather, they are still a useful tool for identifying popularity of the bicycle and pedestrian network. Combined with written user surveys, the TRPA/TMPO has begun to establish a body of knowledge on how and why people use the bikeways

and sidewalks in Lake Tahoe.

Usage on the monitored facilities ranges from a low of around 200 passes per day on an on-street bicycle route to over 1,000 passes per day on popular shared-use paths. A sidewalk near Stateline, NV, attracts over 5,000 pedestrians on a busy summer day. A sum of the existing usage on all monitored facilities yields over 16,000 users per day.

Table 10 on the following page shows per day usage estimates by facility based on 2007 and 2009 TRPA/TCORP surveys and counts. Note that the totals are for Class I/Shared-Use Paths only. The counts need to be repeated in the coming years as part of TRPA's on-going monitoring effort.

Facility	Location	Facility Type	Estimated Peak Summer Daily Use (7AM to 7PM) on Facility										Daily Bicyclists on Adjacent Street	Total Daily Bicyclists in Corridor	Total Peak Hour Facility Use
			Bicyclists					Walker/Other							
			Total	Total	Resident: Bike to Trail	Visitor: Bike to Trail	Drive to Trail	Total	Resident: Walk to Trail	Visitor: Walk to Trail	Drive to Trail				
North Shore Trail	State Recreation Area, E. of Lighthouse Center Lake Forest, at N. End of Lake Forest Rd.	Class I	606	377	186	146	45	229	113	89	28	51	428	91	
North Shore Trail															
North Shore Trail		Class I	546	366	211	83	72	180	104	41	35	50	416	79	
West Shore Trail	64 Acres, S Boundary, Kaspian, at Restrooms	Class I	916	797	142	241	415	118	21	36	62	16	813	147	
West Shore Trail	64 Acres, Near Bike Bridge	Class I	792	640	344	181	114	152	82	43	27	14	654	106	
Truckee River Trail	US 50 150 feet east of Lakeview, on the bike path	Class I	1,246	1,000	172	258	570	246	42	63	140	16	1,016	219	
El Dorado Beach	Camp Richardson	Class I	693	541	303	202	36	152	85	57	10	--	--	120	
Camp Richardson	Resort sign Northwest corner of Elks Point Road/U.S. 50	Class I	1,685	1,260	383	401	476	425	129	135	161	--	--	273	
Elks Point Road	In front of Incline Beach	Class I	357	171	71	71	28	186	78	78	31	--	--	49	
Incline Lakeshore Path	At TV Rec Area at National Ave./SR28	Class I	1,856	364	184	46	133	1,492	756	189	547	--	--	253	
National Ave.	At Santa Fe Drive in Meyers (Sawmill Bike Path)	None	231	--	--	--	--	--	--	--	--	231	--	0	
US 50 (1)	Behind McDonalds	Class I	70	56	15	30	11	14	4	8	2	46	102	12	
Helen Avenue Trail	Near South Y	Class I	183	117	--	--	--	66	--	--	--	--	--	16	
Pioneer Trail	Trout Creek	Class II	293	161	--	--	--	132	--	--	--	0	161	26	
Pioneer Trail	State line S. of US 50	Class II	611	70	--	--	--	541	--	--	--	300	370	61	
SR 89	Cafe	Class III	205	205	--	--	--	0	--	--	--	0	205	205	
US 50	West of State line	Sidewalk	5,952	238	--	--	--	5,714	--	--	--	80	318	910	
US 50	S. of Airport	None	--	--	--	--	--	--	--	--	--	27	27	--	
Total Existing Tahoe Region Class I Facilities			8,950	5,690	2,055	1,694	1,941	3,260	1,443	753	1,064	--	--	--	

Source: Table A in Appendix B of the Impacts Memorandum, based in turn on MOST RECENT surveys and counts conducted by TCOPE, TCRPD and TRPA.

Note 1: Counts on the Sawmill Bike Path were conducted before the trail was officially open to the public. Note 2: Daily figures for many locations are estimates based upon limited available hourly counts, as shown in Table A of Appendix B of the Impacts Memorandum.

Source: Table A in Appendix B of the Impacts Memorandum, based in turn on MOST RECENT surveys and counts conducted by TCOBP, TCOBUD and TRPA.  
Note 1: Counts on the Sawmill Bike Path were conducted before the trail was officially open to the public. Note 2: Daily figures for many locations are estimates based upon limited available hourly counts, as shown in Table A of Appendix B of the Impacts Memorandum.

**Table 10. Estimated bike trail, lane, route, and sidewalk use on existing facilities**

## Future Demand/ Bicycle Trail User Model

Future bicycle and pedestrian trips will depend on a number of factors such as demographics, availability of well-connected facilities, and location, density, and type of future land development. For many years the TRPA has maintained a transportation model that estimates future vehicle trips based on different land use scenarios. The model does not estimate changes in bicycling and walking, however. Bicycling and walking are increasingly part of the solution to reduce greenhouse gas emissions, improve mobility, and create more community-oriented places. The ability to estimate the number of trips that will occur via these modes is also becoming more important. A few general models exist to predict bicycle path use, but most rely on journey-to-work data, and none are geared toward the unique tourist environment of Lake Tahoe. To inform both the TRPA Regional Plan and the BPP, a simple model was created that can predict both regional bicycling and walking rates and expected use on individual facilities in the Lake Tahoe Region.<sup>1</sup>

Using the Tahoe Bicycle Trail User Model, TRPA/TMPO estimated future daily and annual use for a complete regional network, assuming high quality, well-maintained Class I/Shared-Use Paths on all major corridors in the Tahoe Region (Figure 4, next page). This yielded approximately 40,000 trips on the entire network on a peak summer day (2.5 percent of all trips), and almost 6 million annual trips assuming no winter path maintenance. The estimated 40,000 daily trips represent a four-fold increase over current bicycling and walking rates on Class I/Shared-Use Paths.<sup>2</sup> Assuming the same rates of



commuting that were reported in the 2007 TRPA/TCORP surveys, approximately 40 percent (16,000) of these daily trips would be for commute purposes.

<sup>1</sup>For more details on how to use the Tahoe Bicycle Trail User Model, and for the interactive model itself, please see Appendix F. You may link to the interactive model documents from the Tahoe Metropolitan Planning Organization website, <http://www.tahoemp.org>.

<sup>2</sup>Current rates are probably higher than the 9,000 mentioned in Table 10 on the previous page, since not all existing paths were monitored.



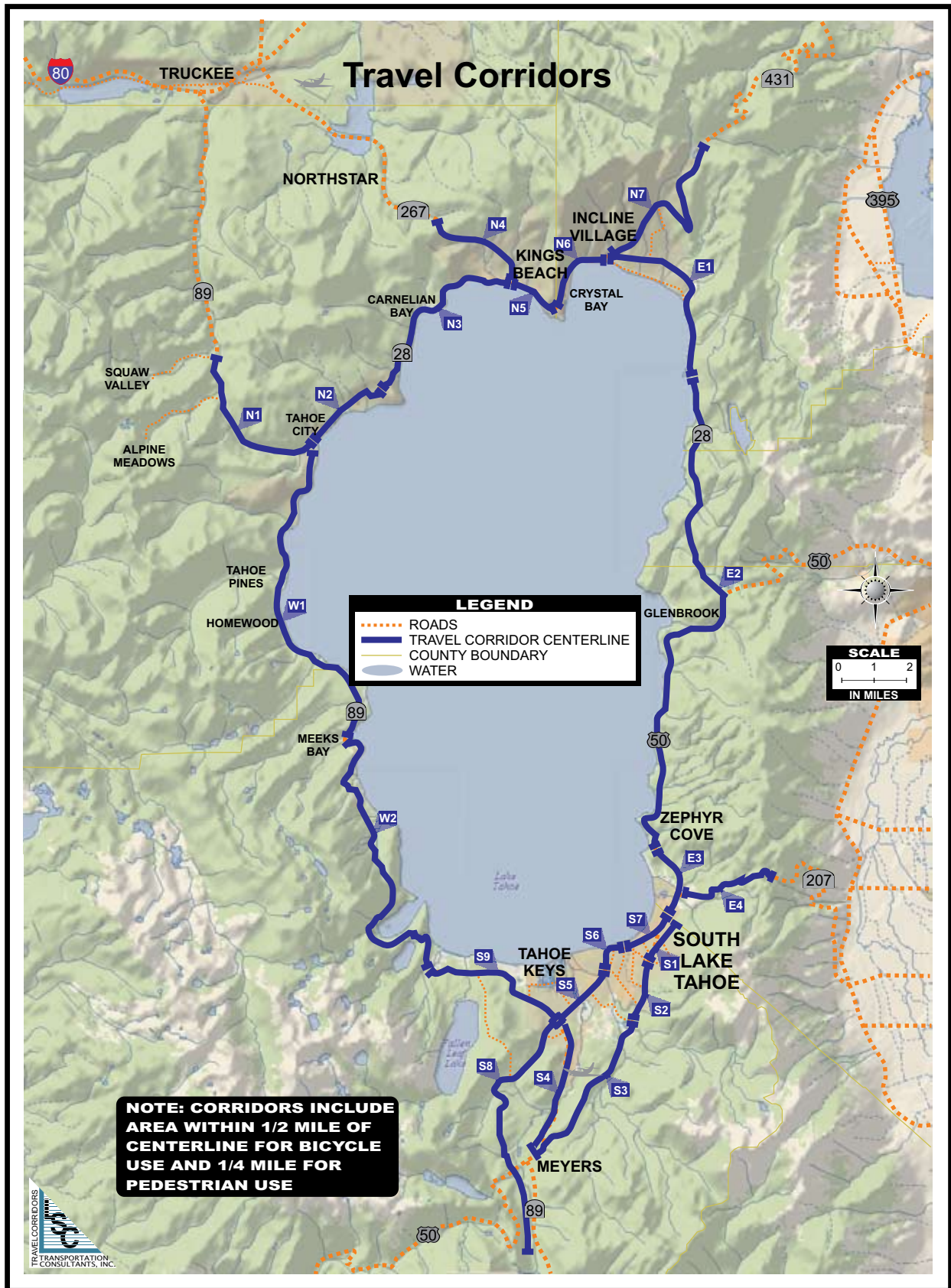


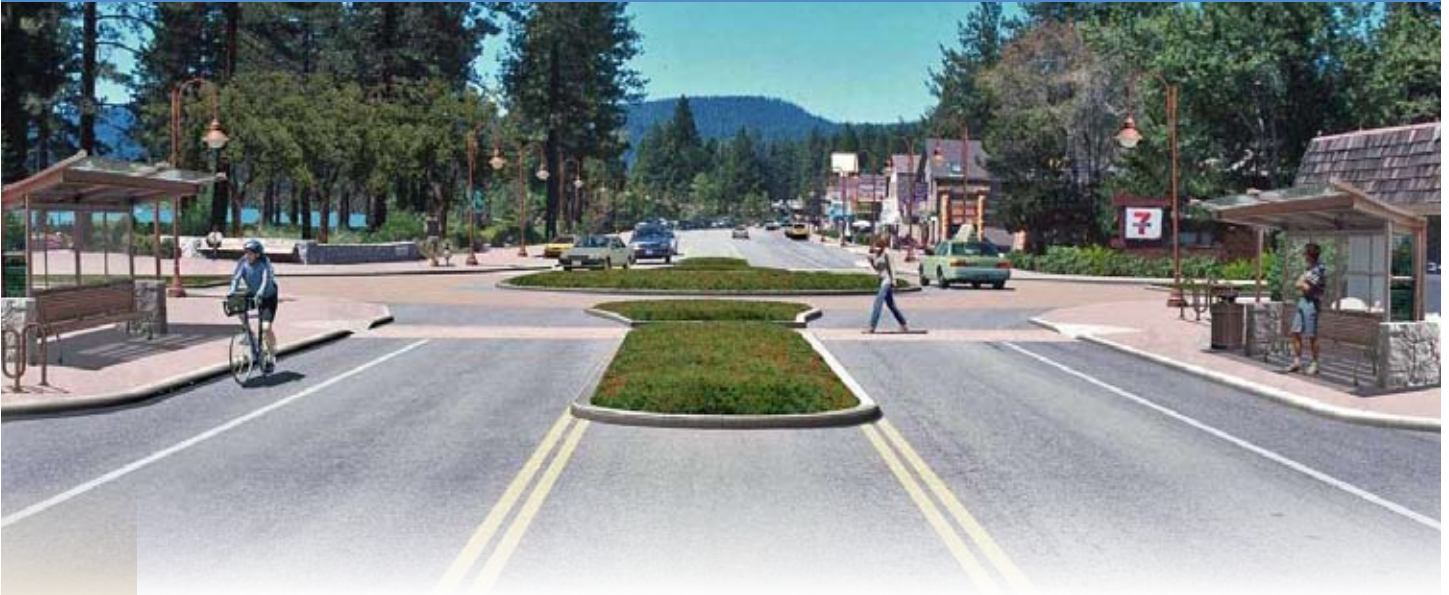
Figure 4. Bicycle Trail User Model corridors





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## SECTION 6: GOALS, POLICIES AND ACTIONS



*The goals, policies, and actions of the BPP are intended to provide specific direction on how the Tahoe Regional Planning Agency, the Tahoe Metropolitan Planning Organization, and other local, state, regional, and federal agencies and organizations can improve bicycling and walking in Lake Tahoe.*

## THREE MAJOR GOALS OF THIS PLAN

- GOAL 1:** Complete a bicycle and pedestrian network that provides convenient access to Basin destinations and destinations outside the basin
- GOAL 2:** Raise awareness of the bicycle and pedestrian network and encourage safe and increased bicycling and walking
- GOAL 3:** Provide environmental, economic, and social benefits to the Region through increased bicycling and walking.

## THE GOALS, POLICIES, AND ACTIONS IN THIS BICYCLE AND PEDESTRIAN PLAN FOLLOW THESE GUIDELINES:

**Goals** are a statement of a target, an ambition, or an end state toward which the TRPA and other agencies and organizations are working.

**Policies** provide direction for the TRPA and other agencies on how to meet the goals. The policies often describe critical activities in which local agencies are already engaged as part of their day-to-day work.

**Actions** are specific tasks that TRPA or other agencies will or could do to implement the goals and policies in the BPP. In some cases, actions refer to a one-time plan or project (such as the adoption of a change to the TRPA's code); in others, the action is on-going and will occur over a period of years. The actions specified here are generally new actions that should be undertaken to meet the benchmarks specified in the BPP.

Each goal is followed by several focused goals, which express various aspects of the goal in more detail. Each focused goal is accompanied by policies.

The goals of the Lake Tahoe Bicycle and Pedestrian Plan expand on the more general transportation goals of the Tahoe Regional Planning Compact (Public Law 96-551), the TRPA Regional Plan, and the TMPO Regional Transportation Plan, *Mobility 2030*. *Mobility 2030* identifies the following overarching vision for the future of transportation in the Tahoe Region:

## TRANSPORTATION VISION

An innovative multi-modal transportation system is in place that gives priority to viable alternatives to the private automobile, appeals to users and serves mobility needs, while improving the environmental and socioeconomic health of the Basin.

The role of the BPP is to provide the goals, policies and actions necessary to support the bicycling and walking aspect of this Region-wide vision. Several of the BPP goals, policies, or actions were derived from *Mobility 2030*, and these are indicated with “M2030.”

Once the BPP is approved by the TRPA, the policies in this section will become part of the Regional Plan. These policies will be implemented through the Code of Ordinances.

Several policies and actions refer to recommendations or requirements that may vary with circumstances. An example is the amount of bicycle storage--such as racks or lockers--recommended with new development. In these cases, readers are referred to another section or appendix (such as Appendix A, Design and Maintenance Recommendations).

While many actions are currently underway or will be underway soon, not all actions are listed. The BPP highlights the highest priority actions.

Finally, the goals, policies and actions listed on the following pages are intended to help the TRPA and other agencies address the 5 “E’s” promoted by the League of American Bicyclists in its “Bicycle-Friendly Communities” initiative.

The 5 “E’s” represent a comprehensive approach to bicycle and pedestrian planning.

### **Engineering**

### **The 5 E’s**

Goal 1: Complete a bicycle and pedestrian network that provides convenient access to Basin destinations and destinations outside the Basin.

### **Encouragement Education Enforcement**

Goal 2: Raise awareness of the bicycle and pedestrian network and encourage safe and increased bicycling and walking

### **Evaluation**

Goal 3: Provide environmental, economic, and social benefits to the Region through increased bicycling and walking.





## GOAL 1: COMPLETE A BICYCLE AND PEDESTRIAN NETWORK THAT PROVIDES CONVENIENT ACCESS TO BASIN DESTINATIONS AND DESTINATIONS OUTSIDE THE BASIN

### FOCUSED GOAL: A COMPLETE BICYCLE AND PEDESTRIAN NETWORK

Construct, upgrade, and maintain a complete regional network of bicycle and pedestrian facilities that connects communities and destinations. (M2030)

#### Policies

- 1.1 To the extent possible, accommodate all users, encompassing a wide range of abilities and travel objectives, by the bicycle and pedestrian network.
- 1.2 Encourage the adoption of the Lake Tahoe Bicycle and Pedestrian Plan by local agencies and work collaboratively to achieve implementation. (M2030)
- 1.3 All hard-surface bicycle and pedestrian facilities should conform to the most recent design standards adopted by Caltrans and the Nevada Department of Transportation (NDOT), except where unique standards have been established by TRPA in consideration of environmental conditions and regional consistency.
- 1.4 Prioritize constructing pedestrian and bicycle facilities in urbanized areas of the Region, facilities that increase connectivity of the bicycle network, and facilities that can be constructed concurrently with other projects. (M2030) (See Table 19, Prioritization Criteria, in Appendix B.)
- 1.5 Projects should go forward, regardless of where they are on the priority list, when an opportunity or eminent loss of an opportunity makes implementation favorable or necessary.
- 1.6 The bicycle and pedestrian network shall conform to the requirements of the Americans with Disabilities Act (ADA).

- 1.7 Design shared-use paths to support emergency vehicle access where possible.
- 1.8 Actively pursue funding for priority projects and programs.
- 1.9 To facilitate cost savings, coordinate project construction with the needs of utility providers, particularly water suppliers and communications providers. (Note: For a list of water suppliers, refer to Appendix C)
- 1.10 Pursue “experimental status” for unique designs from the Federal Highway Administration where adherence to published standards is not feasible, or where different standards would provide safety, economic, environmental, or social benefits.

### **FOCUSED GOAL: BICYCLIST AND PEDESTRIAN ACCOMMODATION**

Create and maintain bikeable, walkable communities through existing and new development. (M2030)

#### **Policies**

- 1.11 Include pedestrian and bicycle access equal to or greater than private vehicle access as a feature of new development and redevelopment projects proposed in proximity to major bicycle and pedestrian routes. (M2030)
- 1.12 Incorporate segments of the bicycle and pedestrian network into new and redeveloped commercial, tourist, multi-family, public service and recreation projects consistent with the Lake Tahoe Region Bicycle and Pedestrian Plan. Implementation of the facilities will be through construction, easements, or in-lieu fees as appropriate to the scale of development. (M2030)
- 1.13 Increase bicycle and pedestrian support facilities, such as sidewalks, bicycle racks, bicycle lockers, and bike-share programs at commercial and tourist centers, recreational areas, transit centers, lodging properties, and government buildings. (M2030) (See the Design and Maintenance Recommendations)
- 1.14 In addition to those bicycle and pedestrian facilities shown in the BPP, consider shared-use paths and sidewalks where a connection to the existing network is needed to provide improved safety or convenience.
- 1.15 Accommodate bicyclists and pedestrians as described in the Lake Tahoe Bicycle and Pedestrian Plan in all roadway improvement projects. Include specialized pedestrian crossing treatments, traffic calming, and bicycle-activated signals as appropriate to the scale of the project. (M2030) (See the Design and Maintenance Recommendations)



1.16 Construct, upgrade, and maintain pedestrian and Class II bicycle facilities (bike lanes) meeting AASHTO standards where feasible along major travel routes when the edge of roadway<sup>1</sup> is altered or improved. Where bicycle lanes are not feasible due to environmental or land ownership constraints, provide as much shoulder area as possible for safe bicycle passage.

<sup>1</sup> *curbline*

1.17 Implement a “Lake Tahoe Scenic Bike Loop” with the widest possible shoulder on the Lake side of the highways circling Lake Tahoe where bicycle lanes are not feasible or have not yet been constructed. (See the Design and Maintenance Recommendations)

1.18 Where shared-use paths intersect with driveways or roadways, give priority to bicyclists in accordance with the Manual on Uniform Traffic Control Devices (MUTCD). (M2030)

1.19 Consider innovative shared roadway treatments (e.g. off-peak only parking/bike lanes that can be used for vehicles during peak flows, sharrows, etc.) in constrained areas where roadway is limited.

## **FOCUSED GOAL: TRANSIT INTEGRATION**

Integrate the transit, bicycle and pedestrian networks to provide seamless transitions and stimulate both increased transit ridership and increased use of the bicycle and pedestrian network. (M2030)

## **Policies**

1.20 Provide secure bicycle storage on all transit vehicles and at all major transit stops and stations.

1.21 Maximize bicycle carrying capacity on new transit vehicles using best available technology. (M2030)

1.22 Prioritize sidewalk improvements that provide pedestrian access to transit stops  
(See Table 19, Prioritization Criteria, in Appendix B.)

## **FOCUSED GOAL: MAINTENANCE**

Maintain the bicycle and pedestrian network to a high standard that encourages ridership and improves the safety of all users. (M2030) (See Design and Maintenance Recommendations section)

### **Policies**

- 1.23 Where feasible, maintain the year-round use and condition of identified sidewalks and bike facilities. (M2030) (Note: See Figure 12, Shared-Use Path and Sidewalk Maintenance Map, in Appendix B).
- 1.24 Pursue innovative funding that covers the costs of on-going and long-term maintenance and that increases as the mileage of facilities to be maintained increases. (See Appendix I, Maintenance Memo)
- 1.25 Require a maintenance plan before issuing a permit or funding for any bicycle and pedestrian facilities. The maintenance plan shall specify a strategy for long and short-term funding for the life of the project.
- 1.26 Up to 25 percent of a Air Quality Mitigation Funds may be set aside for operations and maintenance of completed or future EIP projects, including EIP bicycle path projects.
- 1.27 Consider creative funding mechanisms for bicycle path and sidewalk maintenance. Examples include, but are not limited to: non-profit maintenance partnerships, bicycle registration programs, renting conduit under shared-use paths to utility companies, or forming business improvement districts (See Appendix I, Maintenance Memo)
- 1.28 Encourage jurisdictions and private property owners to minimize maintenance costs by consolidating maintenance responsibilities. (See Appendix I, Maintenance Memo)
- 1.29 Design and construct all portions of the bicycle and pedestrian network to reduce long-term maintenance costs and encourage efficient operation. (see Design and Maintenance Recommendations)
- 1.30 Maintain and upgrade infiltration devices along paths as appropriate over time.
- 1.31 Encourage jurisdictions and roadway agencies to snow-clear, sweep, and stripe bicycle routes where needed before major cycling events.



## 5-YEAR SUPPORTIVE ACTIONS FOR GOAL 1

The following actions should be pursued within a 5-year time frame to support Goal 1. The actions are organized by responsible party.

### TRPA/TMPO ACTIONS:

- Collaborate with local agencies and organizations to implement the BPP, focusing on high priority projects. Facilitate workshops to highlight new BPP elements.
- Incorporate priority BPP projects into the Regional Transportation Plan (RTP), the Environmental Improvement Program (EIP), the TMPO Transportation Improvement Program (TIP), and the Statewide Transportation Improvement Program (STIP).
- Update the TRPA Code of Ordinances to provide detailed specifications on bicycle and pedestrian accommodation in new and re-development and roadway projects.
- Incorporate Appendix A, Design and Maintenance Recommendations, Appendix B, Maps and Project Lists, and Goal 1 and associated policies into TRPA project review.
- Conduct annual training with TRPA permit review staff and Memorandum of Understanding (MOU) partners on how to incorporate the BPP into development project design.
- Support research on the impact of raised boardwalks on vegetation and SEZ function, with a goal of reducing coverage mitigation requirements for boardwalks if they are shown to have reduced impacts compared to hard coverage.
- Meet with NDOT, Caltrans and local jurisdictions to develop plans to incorporate striping and regular maintenance of bicycle lanes and wide shoulders into all roadway improvement projects, including routine maintenance.



## STATE AND LOCAL JURISDICTION ACTIONS

To meet Goal 1, state and local jurisdictions could consider undertaking the following actions:

- Identify specific locations in need of pedestrian crossing improvements and determine appropriate crossing treatment. Include specific crossing improvement locations as projects on the “proposed project list.”
- Maintain an up-to-date inventory of the condition of sidewalks and paths to facilitate budgeting for future repair work and to prioritize improvements. (Local jurisdictions)
- Consider ordinances that address snow storage on bicycle paths, such as specifying a “use period” when bicycle paths must be cleared of snow. (Local jurisdictions)
- Work with property owners responsible for sidewalk maintenance to establish a plan of action for restoration and on-going maintenance of sidewalks. (Local jurisdictions)
- Enforce sidewalk maintenance by responsible property owners. Where enforcement is not possible, develop voluntary maintenance programs with positive publicity for participants. (Local jurisdictions)



## GOAL 2: RAISE AWARENESS OF THE BICYCLE AND PEDESTRIAN NETWORK AND ENCOURAGE SAFE AND INCREASED BICYCLING AND WALKING.

### FOCUSED GOAL: EDUCATION AND OUTREACH

Cultivate enthusiasm for bicycling and walking at Lake Tahoe and awareness of the bicycle and pedestrian network through education, outreach, and signage. (M2030)

### Policies

- 2.1 Encourage and support all Basin communities to seek recognition as League of American Bicyclists' "Bicycle Friendly Communities."
- 2.2 Provide clear and consistent signage to help bicyclists identify the best routes to reach their destination safely, quickly, and easily.
- 2.3 Use signage and traffic control devices consistent with the Manual on Uniform Traffic Control Devices (MUTCD) and those established by federal, state, and local standards to ensure a high level of safety for bicyclists, pedestrians, and motorists.
- 2.4 Promote National "Bike to Work" and International "Walk to School" days and other events to encourage biking and walking. (TRPA, local jurisdictions, local advocacy groups)

### FOCUSED GOAL: ENFORCEMENT

Encourage safe bicycling and walking through enforcement of traffic and parking violations.

### Policies

- 2.5 Encourage all state and local law enforcement agencies to cite drivers, cyclists, and pedestrians who create unsafe and unlawful cycling and walking conditions.
- 2.6 Encourage all state and local law enforcement agencies to enforce parking restrictions at recreation destinations, especially where nearby bicycle or pedestrian facilities provide a convenient alternative to driving.

## 5-YEAR SUPPORTIVE ACTIONS FOR FOCUSED GOAL 2

The following actions should be pursued within a 5-year time frame to support Goal 2. The actions are organized by responsible party.

### TRPA/MULTIPLE ENTITY ACTIONS:

- Develop a Region-wide bike route numbering or naming system consistent with local wayfinding signage and the U.S. Bicycle Route System that directs cyclists onto the best possible route for bicycle travel to their destination. Consider naming routes after historic Washoe Tribe routes where information is available. (TRPA, local jurisdictions)
- Meet with local school officials to develop safe routes to schools programs. Help apply for funding where needed. (TRPA, TMPO, CA & NV Safe Routes to Schools Coordinators, LTBC, local jurisdictions, health departments, others)
- Convene a multi-agency group that meets with local law enforcement and district attorneys to provide training updates on applicable bicycle and pedestrian laws, determine what enforcement actions will be supported, and encourage increased enforcement that supports BPP goals. (TRPA)
- Develop employer incentive programs to encourage biking and walking to work. (TRPA)
- Conduct public workshops on “Complete Streets” and new strategies for land use and transportation integration.



- Continue and expand the current bicycle education program for school children. Coordinate efforts by the California Highway Patrol, Nevada Highway Patrol, the state DOTs and local law enforcement agencies with Safe Routes to School and Bike Week activities. (Local schools, law enforcement, DOTs, LTBC)
- Continue and expand adult bicycle education programs through the local colleges, parks and recreation departments or other local agency departments that teach adults how to ride defensively. (Bicycle advocacy groups, local parks and recreation departments, adult educational institutions)
- Include bicycle and pedestrian safety information as part of visitor packages offered through the visitor centers, hotels, resorts, and bicycle rental shops. (TRPA, LTBC, chambers of commerce)
- Support distribution and updating of Lake Tahoe Bike Trail Maps. (TRPA, local jurisdictions)
- Conduct outreach to minority and non-English speaking communities about safe bicycling and walking practices. (TRPA, local jurisdictions, LTBC)

## LOCAL JURISDICTION ACTIONS

To meet Goal 2, local jurisdictions could consider undertaking the following action:

- Integrate bicycle route numbering or naming system into wayfinding signage plans.





## GOAL 3: PROVIDE ENVIRONMENTAL, ECONOMIC, AND SOCIAL BENEFITS TO THE REGION THROUGH INCREASED BICYCLING AND WALKING.

### FOCUSED GOAL: REDUCED ENVIRONMENTAL IMPACTS

Reduce vehicle miles traveled (VMT), emissions, erosion, runoff, and other environmental impacts through careful implementation of the bicycle and pedestrian network.

#### Policies

- 3.1 Minimize roadway capacity or parking facilities where they can be effectively replaced by transit, bicycling and/or walking facilities.
- 3.2 Seek partnerships and opportunities for environmental restoration in conjunction with BPP facility implementation.
- 3.3 Include design features, landscaping, signage, or barriers on shared-use paths through sensitive environmental areas to discourage pets and humans from leaving the path.
- 3.4 Incorporate Best Management Practices (BMPs) into bicycle and pedestrian facility design to filter all sheet flow associated with project improvements.

### FOCUSED GOAL: EVALUATION

Attain bicycle and pedestrian goals and environmental thresholds through performance measures consistent with the Regional Transportation Plan and the Regional Plan for the Lake Tahoe Basin.

- 3.5 Conduct biannual monitoring of the bicycle and pedestrian network to track use levels over time. This data will be provided to local operational authorities to aid in prioritizing construction, maintenance and enforcement.
- 3.6 Develop measures for tracking bicycling and walking impacts on local economies. (M2030)
- 3.7 Track bicycle and pedestrian accident rates and identify high-priority locations for safety improvements with each update of the BPP.

## 5-YEAR SUPPORTIVE ACTIONS FOR GOAL 3

The following actions should be pursued within a 5-year time frame to support Goal 3. The actions are organized by responsible party.

### TRPA/TMPO ACTIONS:

- Conduct non-auto mode share surveys every four years to determine the change in bicycling and walking as a portion of total mode split Region-wide. (TRPA)
- Report on the results of the monitoring program with every update of the BPP, and through the biannual TMPO Transportation Monitoring Report. (TRPA)
- Evaluate monitoring and act on results to further advance the policies contained herein, up to and including amending the BPP, as appropriate.
- Update project maps and lists every 2 years. Provide an annual progress report to interested groups, such as the Lake Tahoe Bicycle Coalition or TRPA/TMPO Governing Board.
- Update the entire BPP every 5 years, emphasizing improvements called for in survey/monitoring reports.
- Assist employers in meeting requirements associated with TRPA Code Chapter 97 “Employer-Based Trip Reduction Program.”

### LOCAL JURISDICTION ACTIONS (ON-GOING)

To meet Goal 3, local jurisdictions could consider undertaking the following actions:

- Provide plastic doggie-bags at strategic locations along popular paths to encourage path users to pick up after their pets.
- Provide for trash receptacles and associated trash collection along paths.

## SECTION 7: PROPOSED NETWORK



*This section describes the proposed bicycle and pedestrian network for the Region, including paths, lanes, routes and sidewalks. This network was developed based on previous planning efforts and direct input from the public and interested agencies and groups.*

*All proposed alignments identified in the BPP are conceptual, with only the beginning and the end of the proposed path being project specific. As projects go into detailed planning and design, more precise alignments will be developed. For more information on how projects progress from a line on the map to a constructed facility on the ground, see Section 9, Implementation, page 84.*

## PROPOSED SHARED-USE PATHS, BICYCLE LANES, BICYCLE ROUTES, AND SIDEWALKS

Recognizing the needs of different bicycling user groups, the proposed network focuses on providing both a strong off-street network of shared-use paths and sidewalks as well as on-street bicycle lanes on all major highways and collectors. Where bicycle lanes cannot be constructed due to topographic constraints, shoulder widening and signage are called for.

New signed bicycle routes are included on the project list, particularly in South Lake Tahoe. Bicycle routes can be implemented quickly and easily. With good directional signage, these routes can provide an excellent network, particularly for bicycle commuters.

New sidewalks are called for in all Lake Tahoe communities, but particularly in South Lake Tahoe and Kings Beach. Figure 11, Existing and Proposed Bicycle and Pedestrian Network, in Appendix B shows proposed sidewalks where sidewalks are currently missing or in extremely poor condition.





## MAPS AND PROJECT LISTS

The combined existing and proposed bicycle and pedestrian network map is shown in Figure 11, in Appendix B. Table 18, also in Appendix B, shows the full list of proposed projects, including project mileage and project costs. The proposed network includes a total of 162 miles of new bicycle and pedestrian shared-use paths, bicycle lanes, bicycle routes, and sidewalks, and 80 miles of non-standard facilities (Table 11). A breakout of proposed mileage by jurisdiction is shown in Table 11, below.

To facilitate timely construction of the network, the complete project list and map show all currently planned projects. While it is highly unlikely that these projects will all be constructed within the next twenty years, including them on the list highlights where important linkages are needed, and makes projects eligible for funding should an opportunity arise to construct. The proposed network includes all Environmental Improvement Program (EIP) bicycle and pedestrian projects. However, not all of the proposed projects in the BPP are EIP projects.

All projects on the BPP proposed list underwent an initial screening process. Projects that are included on the proposed list are determined to be important links in the network and feasible to construct. See Table 12, below, for the screening criteria. Projects that were proposed but that were screened out are listed on the "Proposed Projects, Screened Out" list (Table 21, Appendix B).

Jurisdiction	Class I Path	Class II Bike Lane	Class III Bike Route	Sidewalk	Other (1)	Total
El Dorado County, CA	22	9	14	0	39	84
City of South Lake Tahoe	8	10	8	7	0.1	33
Placer County, CA	16	15	1	4	28	62
Douglas County, NV	14	1	1	2	15	34
Washoe County, NV	12	12	0	6	10	40
Carson City, NV	4	0	0	0	5	9
<b>Total</b>	<b>76</b>	<b>47</b>	<b>24</b>	<b>20</b>	<b>98</b>	<b>262</b>

Note 1: Includes shoulder widening, path upgrades, and Bicycle Ferry

**Table 11. Length of Proposed Network by Class**

For a project to be included in the "proposed project list" of the Bicycle and Pedestrian Plan, at least one of the following must be true:		
Number	Criteria	Explanation
1	Needed because of high existing or predicted use and does not duplicate another route	Existing or predicted use to be verified using the TRPA Bicycle and Pedestrian Use Models. The threshold for "high" use is 100 or more users on any day (roughly 8 users per hour). Of the corridors monitored in the Tahoe Basin, the 20% with the lowest usage had under 100 riders per day.
2	Planning or design already started	
3	Can be built concurrently with another project	
4	Provides safe route to school	A safe route to school may be a route identified in a school's "Safe Routes to School" plan, or, in the absence of a plan, any route within a 1-mile radius of a school.
5	Fills a gap in existing network	Does the project connect two facilities that were not linked before? Does the project fix a section that deterred pedestrians and bicyclists from using another, complete path, for example due to lack of maintenance? Does the project upgrade a section that was not built to current design standards?
And all of the following must be true:		
6	There is reasonable belief that right-of-way (ROW) acquisition is possible	
7	Environmental impacts can be mitigated	
8	Design can meet Federal, State, and/or Tahoe-specific design standards	As specified in the "Design Guidelines" section of the BPP, AASHTO, MUTCD, and the California Highway Design Manual.

**Table 12. Screening Criteria**



## PRIORITIZED PROJECT LIST

The BPP includes a limited prioritized project list, in addition to the full list of projects. While the prioritized list is by no means cast in stone, it should serve as a general guide for local jurisdictions, TRPA/TMPO staff, granting agencies, and local advocacy groups as to which projects best serve the stated needs of local communities. Recognizing funding limitations, it is not mandated to build the paths in the BPP by a certain date, nor in the order in which they appear on the list. In fact, there are certain instances when projects that are not high on the prioritized list should be constructed ahead of those that are:

- When an opportunity, such as a road widening or re-paving, makes implementation favorable
- When an eminent loss of an opportunity, such as the sale of a right-of-way, makes implementation necessary
- When resolution of a major obstacle, such as access to flood channel right-of-way, makes implementation necessary

The prioritization process was developed over time with input from the local jurisdictions and the public. TRPA/TMPO developed a set of prioritization criteria and asked public workshop attendees to weight these criteria at two public workshops. These weights, with some adjustments, were applied to eight prioritization criteria for each individual project. TRPA staff and the local jurisdictions then scored each project and sorted by highest score. The public's weighting can be seen in Appendix H, Comments on Draft BPP, on the TMPO website at [www.tahoempopo.org](http://www.tahoempopo.org).

Since jurisdictions are likely to work simultaneously on projects that are at different stages of development, the TRPA/TMPO split projects into two categories:

- “Planning-Level”--projects that have not undergone any level of planning to date
- “Design-Level”--projects for which some level of planning has already been started.

The prioritized list includes the top six-eight projects from each of the jurisdictions around the Lake: Douglas County, South Lake Tahoe, El Dorado County, TCPUD, NTPUD, and Washoe County. Projects on the prioritized list are incorporated by reference into the RTP, which makes them eligible to move onto the annual Federal Transportation Improvement Program (FTIP) list.

Criteria for prioritizing proposed projects:

- **Closing gaps** – Closing gaps between existing facilities improves functionality of the existing network.
- **Estimated Use and Cost/Benefit** -- High-priority bicycle and pedestrian facilities should reflect use levels that are commensurate with the level of investment required for construction and maintenance. Predicted use levels were based on the Bicycle Trail User Model (Appendix F). For a full explanation of how predicted use was developed for project prioritization, see Appendix K, Use Estimation ([www.tahoempopo.org](http://www.tahoempopo.org)).
- **Improves network** – Proposed facilities should not closely parallel existing facilities, unless they are providing for a different user group.

- **Multi-modal connectivity** – New facilities should support transit and walking modes.
- **Safety** - The network should provide the highest level of safety possible while eliminating major safety concerns such as narrow roadways. Projects that can address a location where accidents have occurred receive higher points.
- **Connectivity** - The network should provide connections to major activity centers, multi-modal transfer locations, and to routes that provide access to neighboring counties. This is captured through the “Estimated Use” criterion.
- **Environmental Impact** – While environmental impacts must be mitigatable for projects to pass the initial screening, projects that are in more sensitive areas will face more challenges. Projects that cross more than 5 percent of stream environment zones, are within a wildlife habitat buffer, or have other known environmental issues receive negative points.
- **Timeline (design-level projects only)** – Projects which are further along in the planning and design process receive higher scores, recognizing the investment in time and resources.
- **Regional Equality** – The network should provide balanced access from all portions of the Region’s population centers for both commuting and recreation routes.

Table 19 in Appendix B shows the detailed prioritization criteria and weights. Table 20 in Appendix B shows the scored, prioritized project lists.



*Photo: Ty Polastri*



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## SECTION 8: COST AND FUNDING ANALYSIS



*Implementation of the proposed bicycle and pedestrian network will require funding from local, state, and federal sources and coordination with multiple agencies. To facilitate funding efforts, this section presents conceptual construction cost estimates for the proposed network.*



## COST ESTIMATES

Table 14, below contains a unit cost summary for the construction of bicycle and pedestrian facilities in the Region. These cost estimates are based on actual costs experienced in the Region and similar communities in California and Nevada. However, they should be used only to develop conceptual construction cost estimates. More detailed estimates should be developed after preliminary engineering as individual projects advance to implementation.

The total cost of the network is higher than that expected for bicycle facilities in communities with level terrain. Higher unit cost estimates were used given the unique topographic characteristics and environmental constraints of the Region.

A summary of the network costs by jurisdiction and type of facility is presented in Table 15 on the following page. Conceptual construction cost estimates for individual routes are contained in Table 17, Proposed Bicycle and Pedestrian Project List in Appendix B. Conceptual construction costs for Lake Tahoe's proposed network were based on the highest unit costs for Class II/Bike Lane facilities, the moderate unit costs for Class I/Shared-Use Path, and the low unit costs for Class III/Bike Route facilities. This approach results in unit costs for Class II/Bike Lanes that include some roadway widening. Additionally, certain unit costs were adjusted based on known project costs.

Facility Type	Estimated Cost per Mile
<b>Class III/Bike Route</b>	
signing only	\$5,000
signing plus minor road improvements	\$40,000
signing plus moderate roadway improvement	\$150,000
signing plus major roadway improvement	\$300,000
<b>Class II/Bike Lane</b>	
signing and striping only	\$5,000
signing and striping plus minor roadway improvement	\$50,000
signing and striping plus moderate roadway improvement	\$300,000
signing and striping plus major roadway improvement	\$500,000
<b>Class I/Shared Use Path</b>	
construct asphalt path on graded right of way with drainage and new sub-base	\$1,000,000
construct asphalt path on un-graded right of way with drainage and new sub-base	\$2,000,000
construct asphalt path with some boardwalking and/or bridges	\$4,000,000
<b>Sidewalk</b>	
Five-foot wide sidewalk	\$1,000,000

**Table 14. Conceptual unit cost estimates for bikeway construction**



Jurisdiction (Lake Tahoe portion)	Class I/Shared Use Path	Class II/Bike Lane	Class III/Bike Route	Sidewalk	Other (1)	Total
El Dorado County, CA	\$50,196,100	\$6,098,109	\$69,694	\$0	\$42,372,584	\$98,736,487
City of South Lake Tahoe, CA	\$19,064,561	\$35,898,343	\$476,519	\$38,344,179	\$200,000	\$93,983,601
Placer County, CA	\$36,186,317	\$3,375,957	\$4,201	\$10,240,513	\$16,734,677	\$66,541,665
Douglas County, CA	\$50,038,538	\$641,922	\$3,240	\$11,845,721	\$15,604,125	\$78,133,546
Washoe County, CA	\$43,600,894	\$8,851,323	\$0	\$10,797,488	\$5,966,526	\$69,216,232
Carson City, NV	\$16,014,259	\$0	\$0	\$0	\$0	\$16,014,259
<b>Total</b>	<b>\$215,100,670</b>	<b>\$54,865,653</b>	<b>\$553,653</b>	<b>\$71,227,902</b>	<b>\$80,877,912</b>	<b>\$422,625,790</b>

Note 1: Includes shoulder widening, path upgrades, and Bicycle Ferry

**Table 15. Total cost of proposed network by jurisdiction**

Table 15 shows a total cost for constructing the proposed network of approximately \$423 million. This total consists of approximately \$163 million for new facilities in Nevada and approximately \$259 million for new facilities in California.

The Tahoe Scenic Bike Loop was assigned the cost of a Class III/Bicycle Route in places where there is currently no facility. This is most likely the first step in creation of the route. In places where there is already a Class III/Bicycle Route, or where the responsible agency is already planning a Class II/Bike Lane, the bicycle lane cost was assigned.

## FUNDING STRATEGY

Much of the existing bicycle and pedestrian network was constructed by local agencies. With an approximate total length of 98 miles, the existing network represents a substantial investment. To add approximately 95 miles of high priority facilities to this network will require an investment close to \$200 million, which equates to an annual cost of \$10 million per year over 20 years in constant 2009 dollars (Table 20, Prioritized Project List, in Appendix B).

Although some of the proposed network will be constructed as part of future development and roadway projects, a substantial portion of the total cost will rely on public funding. Descriptions of and links to known available funding sources, including state bond funding, federal planning grants, and smaller grants such as the California Bicycle Transportation Account and the National Scenic Byways Program, are provided in Appendix E, Funding Memo.

Reasonably foreseeable revenue sources are identified in Table 16, on the following page. All priority projects which are to be carried over from the BPP to the RTP must have an identified reasonably foreseeable revenue source.

The following options should be considered by the Region for fulfilling the funding commitment necessary to complete and maintain the proposed network:

- Prepare joint applications with other local and regional agencies for competitive funding programs at the state and federal levels
- Use existing funding sources as matching funds for state and federal funding
- Include bicycle and pedestrian projects in local traffic impact/mitigation fee programs
- Include proposed bikeways as part of roadway projects involving widening, overlays, or other improvements.

Local jurisdictions should also take advantage of private contributions, if appropriate, in developing the proposed network. This could include a variety of resources such as volunteer labor during construction, or monetary donations towards specific improvements.

Local Sources	Assumptions	Type	2010-2012	2013-2017	2018-2022	2023-2030
North Lake Tahoe Resort Association Transient Occupancy Tax	Approximately 1/3 of total	planning, cons	\$3,000,000	\$7,000,000	\$7,000,000	\$10,000,000
Tahoe-Douglas Transportation District Transient Occupancy Tax			\$30,000	\$50,000	\$50,000	\$50,000
Washoe County Regional Transportation Commission	\$50K per year		\$150,000	\$250,000	\$250,000	\$400,000
TRPA Air Quality Mitigation Fund	\$250K per year during recession, increasing to \$500K/year then to \$750K/year in later years		\$750,000	\$2,500,000	\$3,750,000	\$6,000,000
Placer County Development Fees	\$50K per year during recession, increasing to \$100K/year		\$150,000	\$500,000	\$500,000	\$800,000
Other Local Sources	\$855K/year		\$2,565,000	\$4,275,000	\$4,275,000	\$6,840,000
<b>State Sources</b>	<b>Assumptions</b>		<b>2010-2012</b>	<b>2013-2017</b>	<b>2018-2022</b>	<b>2023-2030</b>
California Tahoe Conservancy		planning, cons	\$3,227,000	\$4,000,000	\$4,000,000	\$8,000,000
Nevada Bond Sales (Question 1)		planning, cons	\$4,000,000			
State Transportation Improvement Program (STIP)	50% of allocation	construction	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000
California Bicycle Transportation Account			\$250,000	\$500,000	\$500,000	\$800,000
Recreational Trails Program	\$200,000 every two years		\$200,000	\$400,000	\$600,000	\$400,000
Safe Routes to Schools			\$50,000	\$150,000	\$150,000	\$200,000
Transportation Planning Grant program	\$200,000 every two years		\$200,000	\$400,000	\$400,000	\$800,000
Other State Sources	\$500K/year		\$1,500,000	\$2,500,000	\$2,500,000	\$4,000,000
<b>Federal Sources</b>	<b>Assumptions</b>		<b>2010-2012</b>	<b>2013-2017</b>	<b>2018-2022</b>	<b>2023-2030</b>
Federal Lands Highway Program (1/2 percent)			\$2,500,000	\$2,500,000	\$2,500,000	\$2,500,000
Congestion Mitigation and Air Quality Program (CMAQ)	60% for bike/ped		\$744,000	\$1,500,000	\$1,500,000	\$1,500,000
Regional Surface Transportation Program	60% for bike/ped		\$650,000	\$1,320,000	\$1,320,000	\$1,320,000
National Scenic Byways Program		planning, cons	\$400,000	\$1,000,000	\$400,000	\$1,000,000
Transportation, Community, and System Preservation (TCSP)			\$50,000	\$100,000	\$100,000	\$200,000
Alternative Transportation in Parks and Public Lands (ATPPL)			\$0	\$250,000	\$250,000	\$250,000
Transportation Enhancement (TE)			\$200,000	\$200,000	\$200,000	\$200,000
Other Federal Sources	\$500K/year		\$1,500,000	\$2,500,000	\$2,500,000	\$4,000,000
<b>Private or Concurrent Sources</b>						
Caltrans			\$12,000,000	\$12,000,000	\$12,000,000	\$12,000,000
Other Private or Concurrent Sources	\$550K/year		\$1,650,000	\$2,750,000	\$2,750,000	\$4,400,000
<b>Total</b>			<b>\$36,766,000</b>	<b>\$47,645,000</b>	<b>\$48,495,000</b>	<b>\$66,660,000</b>
<b>Total to 2030</b>						<b>\$199,566,000</b>

Note: Not all revenue sources can be used for all projects.

Table 16: Bicycle and pedestrian facility funding sources for the Lake Tahoe Region

## SECTION 9: IMPLEMENTATION



*The previous sections have described the process for identifying needed bicycle and pedestrian improvements, and have highlighted the conceptual alignments of new facilities. Physical implementation of projects is the next step, and can face significant obstacles. These obstacles include securing funding and right-of-way, working with property owners to come to agreement on route alignment and property acquisition, and meeting environmental standards and other permitting requirements. In Lake Tahoe, the mountain topography and complicated regulatory environment can make implementation of projects difficult.*

*The following pages describe the basic steps needed to implement projects in Lake Tahoe. The other sections in the BPP offer some strategies for overcoming obstacles, such as funding.*

## PROJECT IMPLEMENTATION

The primary responsible implementing entities for the bicycle and pedestrian facilities in Lake Tahoe are the local jurisdictions and other special districts. This includes the City of South Lake Tahoe, El Dorado County, Placer County, Douglas County, Carson City, Washoe County, California State Parks, Nevada Division of State Parks, United States Forest Service, Tahoe City Public Utility District and North Tahoe Public Utility District. The California Tahoe Conservancy (CTC), while administering major funding sources, is not typically a project implementer. In the case of the South Tahoe Greenway, however, the CTC is implementing planning, design, and environmental review. Other project implementers include Caltrans, NDOT, and private developers, who may construct projects from the BPP concurrently with roadway improvements, new, or re-development.

The flow-chart in Figure 5, below shows how bicycle and pedestrian projects are implemented. Project implementers usually start by pursuing planning funds for high priority projects listed in the BPP. Next, they conduct initial feasibility,

design, property acquisition (where needed) and environmental review of the project, including necessary public outreach. During this time they also pursue funding for the construction of the project. After these steps are complete, the implementer submits the project to TRPA and other local agencies for the necessary permits. Once construction funds are secured, construction begins. After project completion, the implementing agency is responsible for maintaining the project over time, unless maintenance agreements have been made with other agencies.

Funding for different stages of project planning, construction, and maintenance are available from different sources. Planning funding is often available from federal and state sources, while construction funding is most often found from state sources, such as California and Nevada bond measures. Maintenance funding is almost never available from state and federal sources, and must be obtained at the local level, through local sales taxes, assessment districts, or other local sources. For more details on funding sources, see Appendix E, Funding Memorandum.

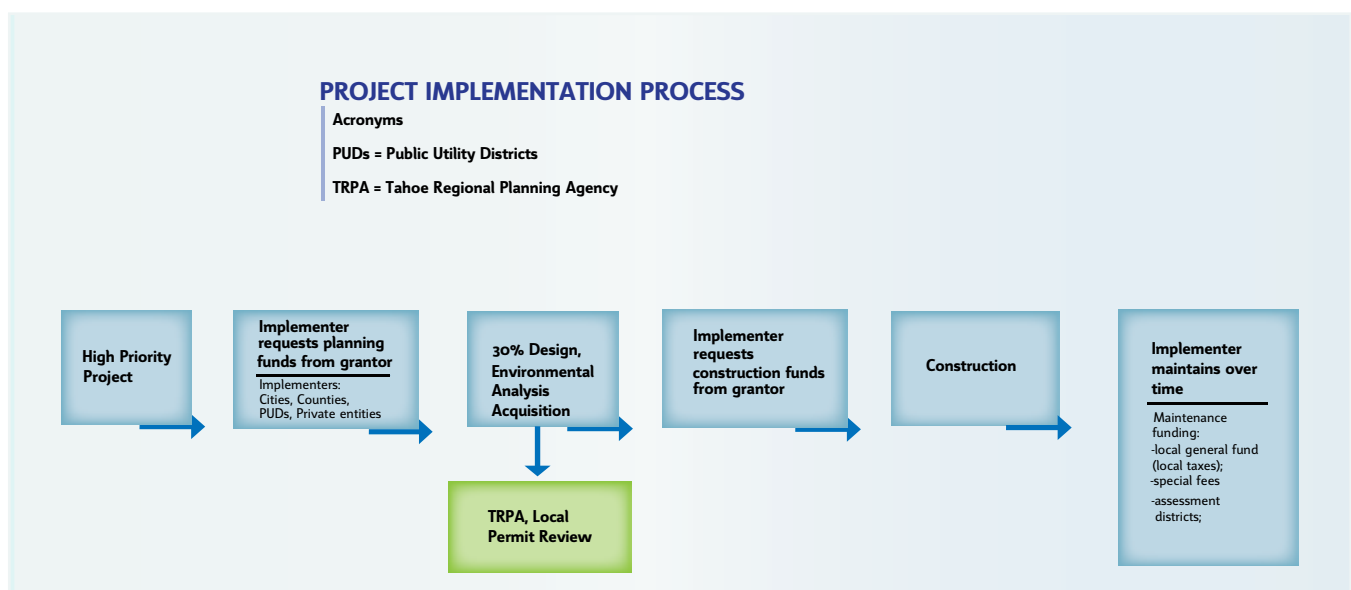


Figure 5.

## FEDERAL FUNDING PROCESS

Most grant sources require that bicycle and pedestrian projects be listed in an approved bicycle or pedestrian plan before they can be eligible for funding. This can be a stand-alone bicycle and pedestrian plan, or a bicycle and pedestrian element of a regional transportation plan. Some funding sources, particularly federal sources, also require that projects be listed in other plans, such as the Lake Tahoe Environmental Improvement Program (EIP), and the TMPO Regional Transportation Plan (*Mobility 2030*). The BPP priority project list will directly populate the RTP<sup>1</sup> and the EIP project lists. Amendments to the BPP priority project list will trigger amendments to the corresponding documents for consistency.

The RTP is a 20-year, financially-constrained document. Therefore, the RTP must show reasonably projected revenues for all projects. This rule of financial constraint helps planning and implementing agencies to be realistic about the sequencing and prioritization of projects, and can spur agencies to increase funding efforts. The RTP is updated every four years, but can be amended as needed.

Once a project has received federal funding, it is listed in the Federal Transportation Improvement Program (FTIP). This is the document that programs, or commits, specific funds to specific transportation projects. This commitment is particularly important for flexible funding sources, which can be used for multiple projects. The FTIP is the authorization to use federal funds, not to exceed the amount programmed. A project cannot commence use of federal funds unless it is listed in the FTIP. The FTIP is a four-year funding document, but it is updated every two years, and amended as needed. Figure 6, below shows the federal funding process.

<sup>1</sup>Projects from the BPP priority list that can show reasonably foreseeable funding will be transferred into the RTP.

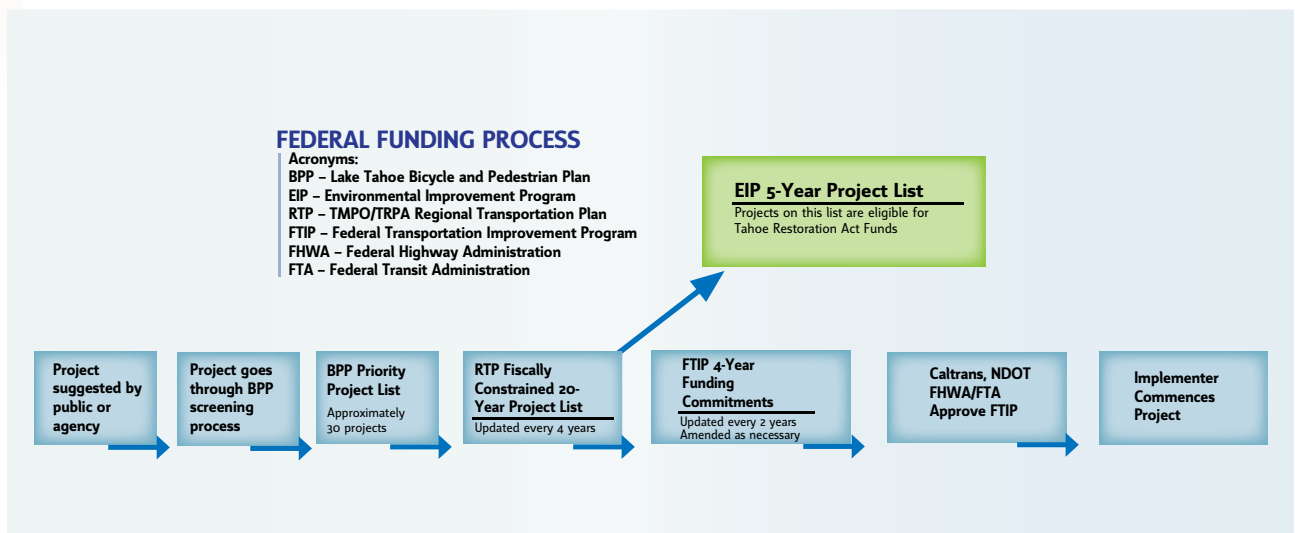


Figure 6.



# TRPA PROJECT REVIEW PROCESS

Part of the project implementation process includes project review for consistency with local and regional ordinances. The TRPA is responsible for ensuring that projects are consistent with the Regional Plan by reviewing them and issuing permits for construction. In addition, projects--particularly development projects--may need permits from local jurisdictions to ensure consistency with local policies and building codes.

Depending on the scale of the project, implementers complete between 30 and 90 percent design and the necessary environmental review as required by TRPA, California Environmental Quality Act (CEQA), and the National Environmental Protection Act (NEPA). Early coordination with permitting entities is recommended to identify potential issues in the preliminary design phase, preventing costly changes later. Figure 7 below illustrates this process. The process is similar for varying types of projects, including bicycle paths, new development, or roadway improvement projects. Some projects are exempt from project review because the activity is routine or has a minor impact. Road overlays often fall into this category. Once TRPA has received the project application, staff reviews the project for consistency with the Regional

Plan, including the BPP. In the case of new, re-development, or roadway improvement projects, staff reviews projects to ensure that they incorporate elements of the BPP, such as providing appropriate levels of bicycle parking, and constructing or maintaining proposed or existing facilities.

Depending on the scale of the project, staff may either approve the project, or take it to the Hearings Officer or Governing Board for approval. Requirements for when a project must go to the Hearings Officer or the Governing Board are explained in the TRPA Code of Ordinances, Chapter 4. Projects that go to the Hearings Officer or Governing Board require a public notice that includes notification of property owners within 300 feet of the project, as well as notice in local newspapers. Conditions may be imposed upon the project during the staff, Hearings Officer, or TRPA Governing Board review. Examples of these conditions include features to increase safety for bicyclists and pedestrians, or modifications to bicycle paths to ensure protection of the surrounding environment.

After approval of the project at the staff, Hearings Officer, or Governing Board level, a permit is issued and the project may begin construction. A more detailed summary of the project review process can be found in the TRPA Code of Ordinances, Chapter 4, Project Review and Exempt Activities.

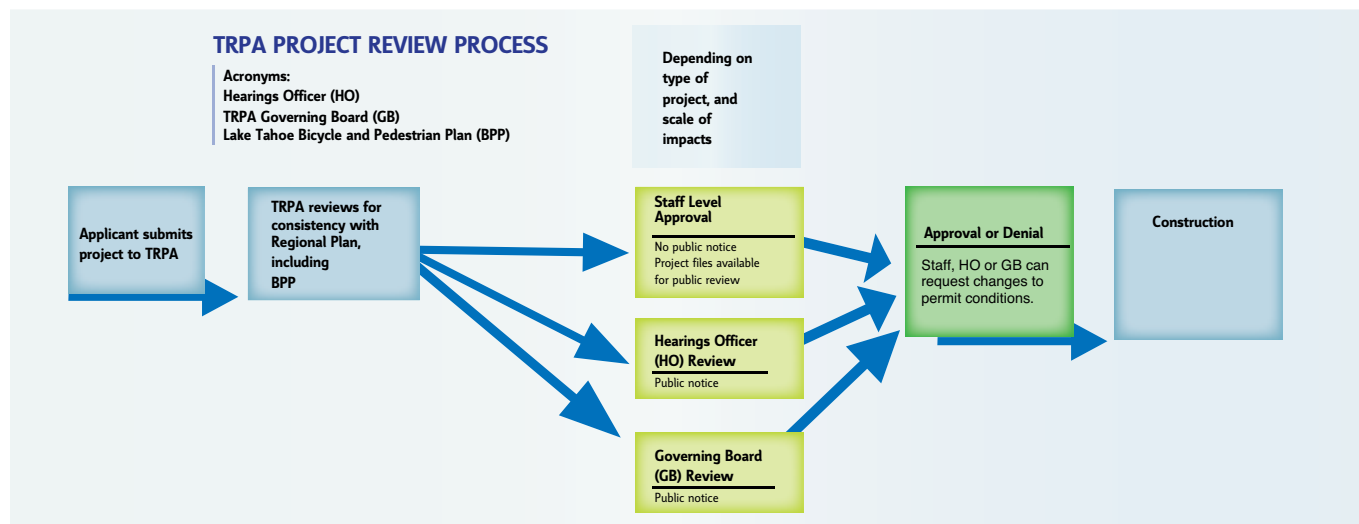
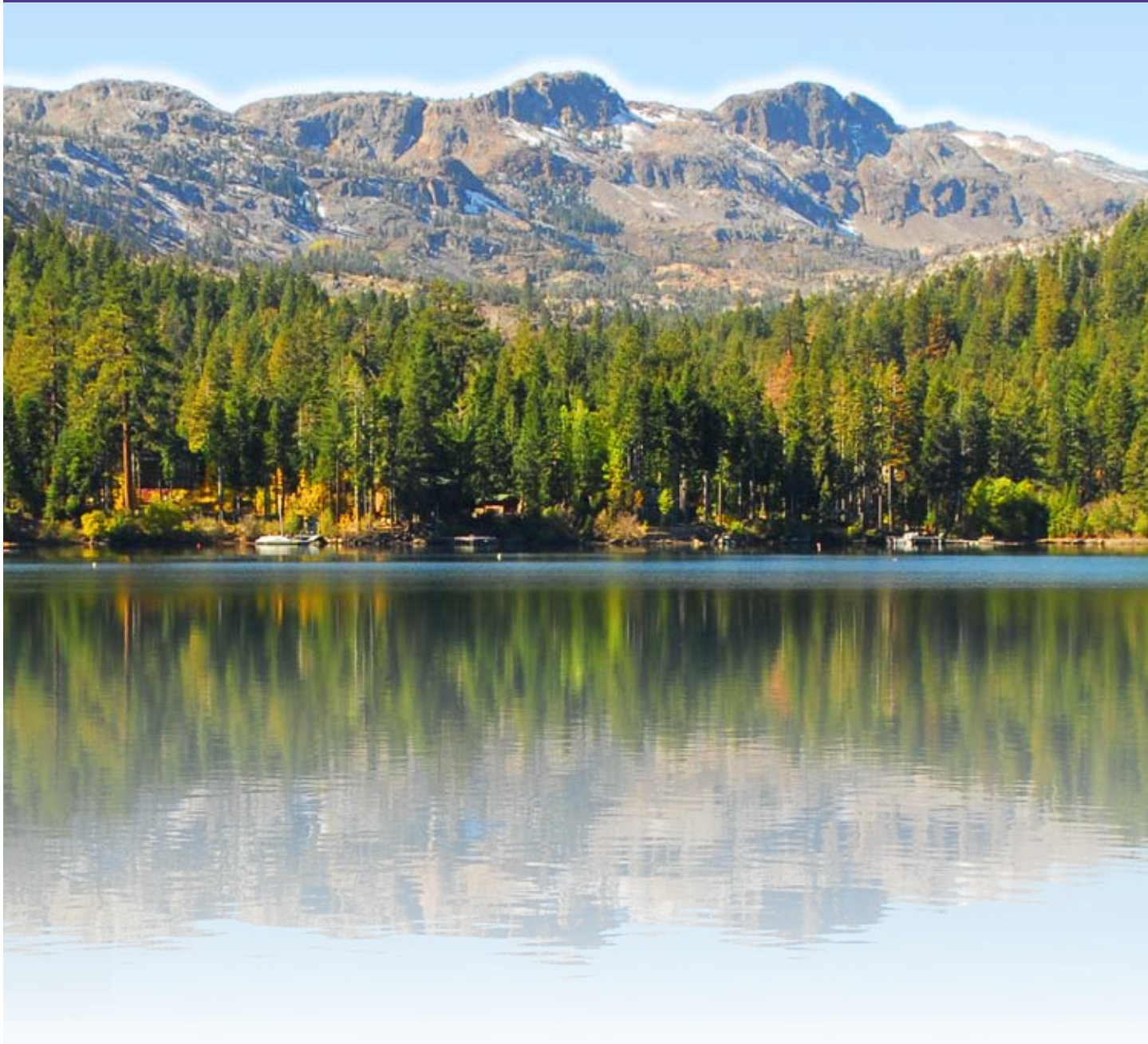


Figure 7.

## SECTION 10: USEFUL LINKS



*There are many other agencies and organizations, both within and outside of the Lake Tahoe Region that provide valuable resources regarding biking and walking. A few of them are listed here.*

## **Tahoe Metropolitan Planning Organization (TMPO)**

[www.tahoempo.org](http://www.tahoempo.org)

The TMPO website provides links to the websites for current projects in the planning phases around Lake Tahoe, including the South Tahoe Greenway, the North Tahoe Bike Trail, and the Nevada Stateline to Stateline Bikeway. There are also links to bicycle and pedestrian monitoring studies, as well as other transportation plans and studies. The TMPO website includes a link to an interactive GIS map of the bicycle and pedestrian network.

## **Lake Tahoe Region Bicycle and Pedestrian Plan**

[www.tahoempo.org/bikeplan\\_update.aspx?SelectedIndex=2](http://www.tahoempo.org/bikeplan_update.aspx?SelectedIndex=2)

Link to the on-line version and see up-to-date project lists and project status.

## **Interactive Bicycle Map**

[gis.trpa.org:82/BIKEMAP](http://gis.trpa.org:82/BIKEMAP)

The direct link to the interactive GIS map of existing and proposed bicycle and pedestrian facilities in Lake Tahoe.

## **Lake Tahoe Bicycle Trail User Model**

[www.tahoempo.org/bike\\_trail\\_model.aspx?SelectedIndex=2](http://www.tahoempo.org/bike_trail_model.aspx?SelectedIndex=2)

Download and use this model to estimate existing and future use of individual bicycle paths in Lake Tahoe, or the network as a whole.

## **Lake Tahoe Bicycle Coalition**

[www.tahoebike.org](http://www.tahoebike.org)

The Lake Tahoe Bicycle Coalition's website provides links to a printable map of the Region's bicycle network, local events, and ways to get involved in promoting bicycling in Lake Tahoe.

## **Tahoe Transportation District**

[www.tahoetransportation.org](http://www.tahoetransportation.org)

The Tahoe Transportation District is the lead agency for several regional projects, including the Nevada Stateline to Stateline Bikeway, the U.S. Highway 50 Stateline Core Project, and the Lake Tahoe Waterborne Ferry.

## **Lake Tahoe Water Trail**

[www.laketahoewatertrail.org](http://www.laketahoewatertrail.org)

The Lake Tahoe Water Trail provides an opportunity to plan a custom paddle trip around the 72-mile shoreline of Lake Tahoe.

## **US Forest Service Lake Tahoe Basin Management Unit (LTBMU)**

[www.fs.fed.us/r5/ltbmu](http://www.fs.fed.us/r5/ltbmu)

The LTBMU manages over 450 miles of unpaved trails for hikers, mountain bikers, and equestrians.

## DEFINITIONS AND ACRONYMS

**AASHTO** – American Association of State Highway and Transportation Officials

**ADA** – Americans with Disabilities Act

**ADT** – Average Daily Traffic

**AMBBR** – America’s Most Beautiful Bike Ride

**Bicycle and pedestrian network** – shared-use paths, bicycle lanes, bicycle routes, wide shoulders, and sidewalks.

**Bicycle and pedestrian facilities** – shared-use paths, bicycle lanes, bicycle routes, wide shoulders, and sidewalks plus all other bicycle and pedestrian support facilities such as bicycle storage racks, lockers, crossing treatments and street markings.

**Bikeway** – shared-use path, bicycle lane, bicycle route or wide shoulder.

**Bicycle storage** – bicycle racks, locker, or other location for safely and securely storing bicycles.

**BID** – Business Improvement District

**BPMP** – 2003 Lake Tahoe Bicycle and Pedestrian Master Plan

**BPP** – 2010 Lake Tahoe Region Bicycle and Pedestrian Plan

**BTA** – California Bicycle Transportation Act, California Bicycle Transportation Account

**CA MUTCD** – California Manual on Uniform Traffic Control Devices

**Caltrans** – California Department of Transportation

**CDC** – Centers for Disease Control and Prevention

**CEQA** – California Environmental Quality Act

**CFDs** – Community Facilities Maintenance Districts

**CHP** – California Highway Patrol

**Class I/Shared-Use Path** – Provides a completely separated right of way for the exclusive use of bicycles and pedestrians with cross-flow from vehicles minimized.

**Class II/Bike Lane** – Provides a striped lane for one-way bicycle travel on a street or highway.

**Class III/Bike Route** – Provides for shared use with bicycle or motor vehicle traffic on streets and highways.



**CTC** – California Tahoe Conservancy

**EIP** – Environmental Improvement Program

**Facilities** – shared-use paths, lanes, routes, sidewalks, bicycle storage, lockers, showers, crosswalks, street furniture, and other bicycle and pedestrian amenities.

**FHWA** – Federal Highway Administration

**FTIP** – Federal Transportation Improvement Program

**HAWK** – High-Intensity Activated Crosswalk

**Jurisdictions** – includes all agencies responsible for constructing and maintaining routes, including cities, counties, public utility districts, and the USDA Forest Service.

**LAB** – League of American Bicyclists

**Lake Tahoe Scenic Bike Loop** – envisioned to provide bicycle lanes meeting AASHTO standards on the highways encircling Lake Tahoe. Where lanes cannot be constructed, or until they can be constructed, the loop should provide 3-5 feet of shoulder on the lake side where possible.

**LTVA** – Lake Tahoe Visitors Authority

**LTBC** – Lake Tahoe Bicycle Coalition

**M2030** – Lake Tahoe Regional Transportation Plan, Mobility 2030 (TMPO Plan)

**Measure S** – a bond measure for the City of South Lake Tahoe and Lake Tahoe portion of El Dorado County that pays for a variety of maintenance activities, including maintenance of bike paths.

**Mobility 2030** – Lake Tahoe Regional Transportation Plan (TMPO Plan)

**Mode split or mode share** -- percentage of people who choose to take different forms of transportation, such as walking, bicycling, transit, or driving.

**MOU** – Memorandum of Understanding

**MUTCD** – National Manual on Uniform Traffic Control Devices

**NDOT** – Nevada Department of Transportation

**NEPA** – National Environmental Policy Act

**NHP** – Nevada Highway Patrol

**NHTS** – National Household Travel Survey

**NLTRA** – North Lake Tahoe Resort Association



**NTPUD** – North Tahoe Public Utility District

**PAL** – Police Activities League

**PBID** – Parcel and business improvement district

**Pedestrian** -- someone who travels by foot or by wheelchair

**PPP** – Public Participation Plan

**PUDs** – Public Utility Districts

**RET** – Real Estate Transfer Tax

**Routes** – shared-use paths, lanes, routes, and sidewalks.

**RTP** – Lake Tahoe Regional Transportation Plan (Mobility 2030)

**RTPA** – Regional Transportation Planning Agency

**RTTPC** – Resort Triangle Transportation Planning Coalition

**SAFETEA -LU** – Safe Accountable Flexible, Efficient Transportation Equity Act: A Legacy for Users (the Federal Transportation Bill)

**SEZ** – Stream environment zone

**Sharrow** – a street marking that can be used to indicate that bicyclists and vehicles share the road

**SLT** – South Lake Tahoe

**SNPLMA** – Southern Nevada Public Lands Management Act

**SSTMA** – South Shore Transportation Management Association

**STIP** – Statewide Transportation Improvement Program

**SWITRS** – California Statewide Integrated Traffic Records System

**TAC** – Lake Tahoe Bicycle and Pedestrian Plan Technical Advisory Committee

**TART** – Tahoe Area Regional Transit

**TCORP** – Tahoe Coalition of Recreation Providers

**TCPUD** – Tahoe City Public Utility District

**TIP** – Transportation Improvement Program

**TMPO** – Tahoe Metropolitan Planning Organization

**TNT-TMA** - Truckee North Tahoe Transportation Management Association

**TOT** – Transient Occupancy Tax

**TRPA** – Tahoe Regional Planning Agency

**TWSA** – Tahoe Water Suppliers Association

**VMT** – Vehicle Miles Travelled



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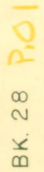
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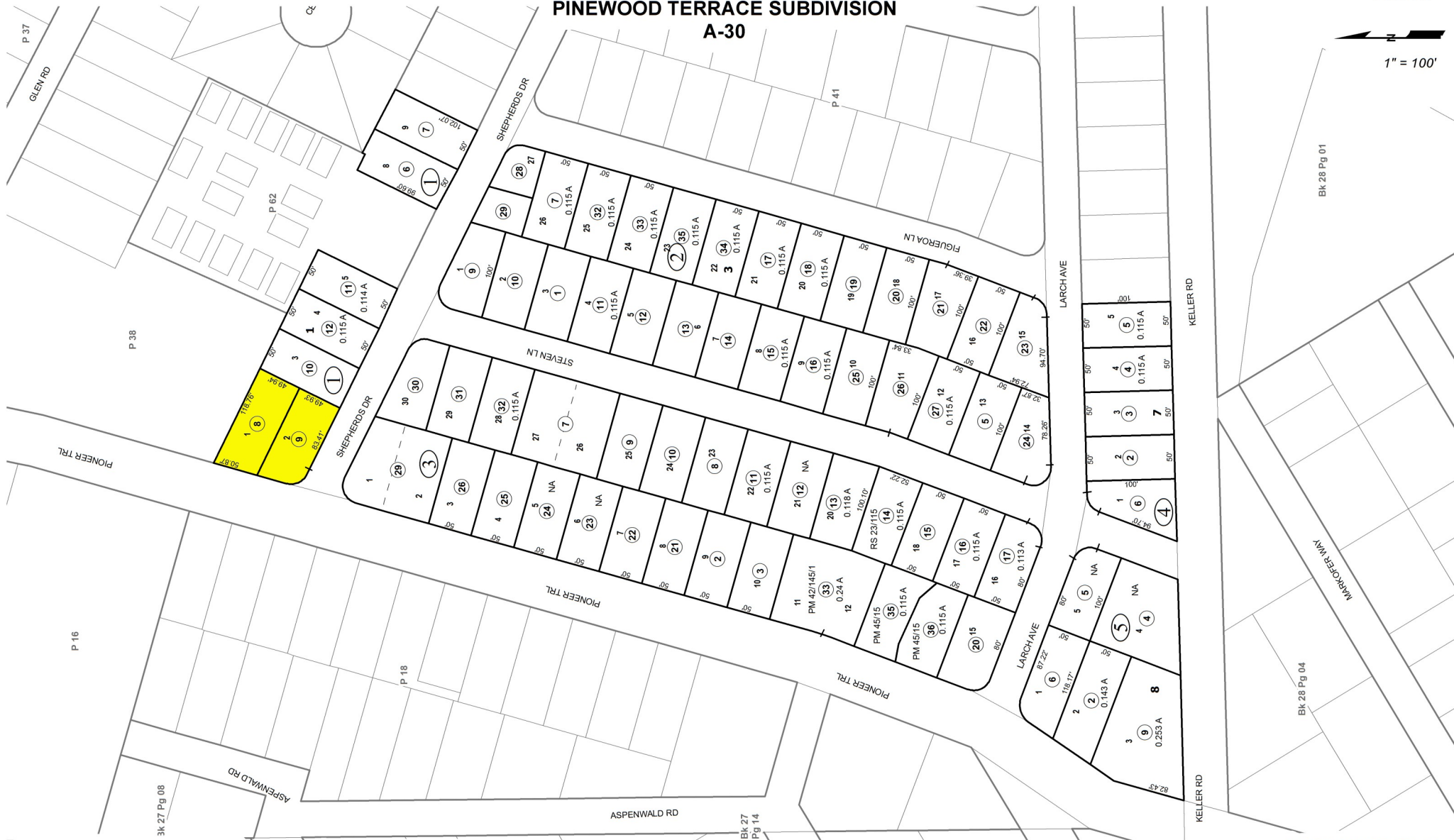
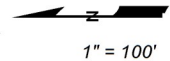






POR. N 1/2 SEC. 34, T.13N., R.18E., M.D.M  
 PINWOOD TERRACE SUBDIVISION  
 A-30

29:40



THIS MAP IS NOT A SURVEY, it is prepared by the El Dorado Co. Assessor's office for assessment purposes only. Area calculations and characteristics are not guaranteed. Users should verify items such as dimensions and acreage.

Acreages Are Estimates

Adjacent Map Pages Shown in Grey Text  
 Assessor's Block Numbers Shown in Ellipses  
 Assessor's Parcel Numbers Shown in Circles

Rev. Sep 15, 2014

Assessor's Map Bk. 029, Pg. 40  
 County of El Dorado, CA



## COLLISION ANALYSIS

Perceptions of safety directly influence the choice to bike or walk. Poor sight distances, crime or threats from motor vehicles may cause people to switch away from biking or walking. Overall, both accident and crime rates are low in Lake Tahoe compared to other areas. However, hazards to bicyclists and pedestrians do exist. Examples include:

- Areas where sidewalks are discontinuous or uncleared of snow, forcing pedestrians and wheelchair users into the street
- Where sight distances for crossing are poor, due to parked cars, signs, or roadway curvature
- Areas where shared-use paths or sidewalks cross multiple driveways and sidestreets

The BPP analyzes accident data and provides information on safety improvements.



West's Annotated California Codes  
Public Resources Code (Refs & Annos)  
Division 13. Environmental Quality (Refs & Annos)  
Chapter 2.6. General (Refs & Annos)

West's Ann.Cal.Pub.Res.Code § 21084

## § 21084. List of exempt classes of projects; projects damaging scenic resources

Effective: January 1, 2014

[Currentness](#)

<For Executive Order N-65-20 ([2019 CA EO 65-20](#)), which alters certain deadlines and requirements for grants, funding, and reimbursement claims, due to the COVID-19 pandemic, see Historical and Statutory Notes under Government Code § 1774.>

- (a) The guidelines prepared and adopted pursuant to [Section 21083](#) shall include a list of classes of projects that have been determined not to have a significant effect on the environment and that shall be exempt from this division. In adopting the guidelines, the Secretary of the Natural Resources Agency shall make a finding that the listed classes of projects referred to in this section do not have a significant effect on the environment.
- (b) A project's greenhouse gas emissions shall not, in and of themselves, be deemed to cause an exemption adopted pursuant to subdivision (a) to be inapplicable if the project complies with all applicable regulations or requirements adopted to implement statewide, regional, or local plans consistent with [Section 15183.5 of Title 14 of the California Code of Regulations](#).
- (c) A project that may result in damage to scenic resources, including, but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway designated as an official state scenic highway, pursuant to Article 2.5 (commencing with [Section 260](#)) of [Chapter 2 of Division 1 of the Streets and Highways Code](#), shall not be exempted from this division pursuant to subdivision (a). This subdivision does not apply to improvements as mitigation for a project for which a negative declaration has been approved or an environmental impact report has been certified.
- (d) A project located on a site that is included on any list compiled pursuant to [Section 65962.5 of the Government Code](#) shall not be exempted from this division pursuant to subdivision (a).
- (e) A project that may cause a substantial adverse change in the significance of a historical resource, as specified in [Section 21084.1](#), shall not be exempted from this division pursuant to subdivision (a).

### Credits

(Added by Stats.1972, c. 1154, p. 2272, § 2.3, eff. Dec. 5, 1972. Amended by Stats.1976, c. 1312, § 10.5; [Stats.1991, c. 1212 \(A.B.869\), § 2](#); [Stats.1992, c. 1075 \(A.B.2881\), § 7](#); [Stats.2011, c. 469 \(S.B.226\), § 5](#); [Stats.2012, c. 548 \(A.B.2669\), § 6](#); [Stats.2013, c. 76 \(A.B.383\), § 175](#).)



[Notes of Decisions \(238\)](#)

West's Ann. Cal. Pub. Res. Code § 21084, CA PUB RES § 21084

Current with urgency legislation through Ch. 18 of 2021 Reg.Sess

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End of Document

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Office of the Assessor

## Historical Property Information

Parcel Number: **029-401-09-100**

Property Address: **1007 SHEPHERDS DR**

Assessor's information is for assessment and tax purposes only and should not be relied upon for status of development or building purposes.

---

### Property Description:

Primary Use\*\*: **00, VACANT RES - UP TO 2.5 AC (1-3 UNITS ALLOWED)**

Subdivision Tract Number: **34**

Subdivision Tract Name:

APN Status: **00, Active**

Reference: **L 2 B 1**

Tax Rate Area: **002-002**

School District:

Last Appraisal Effective Date: **12/28/2010**

Last Appraisal Reason: **100% CHANGE IN OWNERSHIP**

MPR Card: **029-401-09**

\*\*The **USE** is only reviewed at the time of the last taxable event, and may not be a legal use

### Associated Maps for: **029-401-09-100**

Most Recent Plat: [Assessor's Plat 029-40](#)

Historical Plat: [Historical Plat 029-40](#)

Subdivision Maps: Pinewood Hts: A-032

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### 2020 - 2021 Taxable Property Values for: **029-401-09-100**

Property	Value
Land	\$56,294
<b>Land Total</b>	<b>\$56,294</b>
<b>Improvement Total</b>	<b>\$0</b>
<b>Personal property Total</b>	<b>\$0</b>
<b>Total Roll</b>	<b>\$56,294</b>
<b>(Exemptions Total)</b>	<b>\$0</b>

Net Roll	\$56,294
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Event List for: 029-401-09-100

Roll	Event Date	Bill Status	Event Status	Seq #	Event Type	Stmt. Status	ID	Tax Bill #	Value
2018	1/1/2018	Active	Annual Roll	1	Roll	Pending			\$56,294
2017	4/11/2017	Inactive Suppl	Not to be billed	1	Change in Ownership		<a href="#">0014267</a>		
2017	1/1/2017	Active	Annual Roll	1	Roll	Paid		018393	\$55,191
2016	4/11/2017	Inactive Suppl	Not to be billed	1	Change in Ownership		<a href="#">0014267</a>		
2016	1/1/2016	Active	Annual Roll	1	Roll	Paid		018393	\$54,109
2015	1/1/2015	Active	Annual Roll	1	Roll	Paid		018402	\$53,298
2014	1/1/2014	Active	Annual Roll	1	Roll	Paid		018440	\$52,255
2013	1/1/2013	Active	Annual Roll	1	Roll	Paid		018441	\$52,020
2012	1/1/2012	Active	Annual Roll	1	Roll	Paid		018443	\$51,000
2011	1/1/2011	Active	Annual Roll	1	Roll	Paid		018455	\$50,000
2010	12/28/2010	Active Suppl	Billed	1	Change in Ownership	Paid	<a href="#">0063563</a>	206489S	\$50,000
2010	1/1/2010	Active	Annual Roll	1	Roll	Paid		018455	\$16,723
2009	5/5/2009	Inactive Suppl	Not to be billed	1	Change in Ownership		<a href="#">0020329</a>		
2009	1/1/2009	Active	Annual Roll	1	Roll	Paid		018454	\$16,764
2008	5/5/2009	Inactive Suppl	Not to be billed	1	Change in Ownership		<a href="#">0020329</a>		
2008	1/1/2008	Active	Annual Roll	1	Roll	Paid		018451	\$16,436
2007	1/1/2007	Active	Annual Roll	1	Roll	Paid		018441	\$16,114
2006	1/1/2006	Active	Annual Roll	1	Roll	Paid		018406	\$15,799
2005	1/1/2005	Active	Annual Roll	1	Roll	Paid		018407	\$15,490
2004	1/1/2004	Active	Annual Roll	1	Roll	Paid		018389	\$15,187
2003	1/1/2003	Active	Annual Roll	1	Roll	Paid		018383	\$14,909
2002	1/1/2002	Active	Annual Roll	1	Roll	Paid		018381	\$14,617
2001	1/1/2001	Active	Annual Roll	1	Roll	Paid		018403	\$14,331

2000	1/1/2000	Active	Annual Roll	1	Roll	Paid		018435	\$14,050
1999	1/1/1999	Active	Annual Roll	1	Roll	Paid		018424	\$13,775
1998	1/1/1998	Active	Annual Roll	1	Roll	Paid		018478	\$13,525
1997	1/1/1997	Active	Annual Roll	1	Roll	Paid		018477	\$13,260
1996	10/1/1996	Inactive Suppl	Not to be billed	1	Change in Ownership		<a href="#">4779279</a>		
1996	3/1/1996	Active	Annual Roll	1	Roll	Paid		018503	\$13,000
1995	8/18/1995	Active Suppl	Billed	1	Change in Ownership	Refund	<a href="#">4524270</a>	204685R	\$13,000
1995	3/1/1995	Active	Annual Roll	1	Roll	Paid		018503	\$22,464
1994	3/1/1994	Active	Annual Roll	1	Roll	Not_Avl			\$22,200
1993	3/1/1993	Active	Annual Roll	1	Roll	Not_Avl			\$21,765
1992	3/1/1992	Active	Annual Roll	1	Roll	Not_Avl			\$21,339
1991	3/1/1991	Active	Annual Roll	1	Roll	Not_Avl			\$20,921
1990	3/1/1990	Active	Annual Roll	1	Roll	Pending			\$20,511
1989	3/1/1989	Active	Annual Roll	1	Roll	Pending			\$20,109
1988	3/1/1988	Active	Annual Roll	1	Roll	Pending			\$19,715

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Property Characteristics for: **029-401-09-100**

Property Characteristic	Description
Lot Width	50 ft
Square Foot Range	1 - 6,000 sqft
IPES Code	757
Topography	Level
Irregular Lot	Y
Ground Cover	Pine Trees
Water Source	Public Water Service
Sewer Service	Y
Natural Gas Service	Y
Site Usability	25

Living Area	5200 sqft
Access Type	County or City Road
Road Type	Asphalt
Book Category Number	2029
Corner Parcel	Y
Current Record Flag	Yes

---

Parcel Split Background for: **029-401-09-100**

**This Parcel Has No Split Background Records.**

---

Related Accounts for: **029-401-09-100**

**This Parcel Has No Related Accounts.**

---

Owner Change History for: **029-401-09-100**

**Recorded Document: 2017-0014267**

Record Change Date: 4/11/2017

Effective Owner Change Date: 4/11/2017

Preliminary Change of Ownership: **2017-0014267**

**Recorded Document: 2010-0063563**

Record Change Date: 12/28/2010

Effective Owner Change Date: 12/28/2010

Proposition 13 Appraisal: Yes

Value Change: 100%

Document Transfer Tax: \$55.00

Preliminary Change of Ownership: **2010-0063563**

**Recorded Document: 2009-0020329**

Record Change Date: 5/5/2009

Effective Owner Change Date: 5/5/2009

Preliminary Change of Ownership: **2009-0020329**



**Recorded Document: 1996-4779279**

Record Change Date: 10/1/1996

Effective Owner Change Date: 10/1/1996

Preliminary Change of Ownership: **1996-4779279**

**Recorded Document: 1995-4524270**

Record Change Date: 8/18/1995

Effective Owner Change Date: 8/18/1995

Proposition 13 Appraisal: Yes

Value Change: 100%

Document Transfer Tax: \$14.30

Preliminary Change of Ownership: **1995-4524270**

**Recorded Document:**

Recorder's Book and Page: 1806-118

Record Change Date: 9/26/1979

Effective Owner Change Date: 9/26/1979

Preliminary Change of Ownership: **1-1806118**

**Recorded Document:**

Recorder's Book and Page: 1206-200

Record Change Date: 7/10/1973

Effective Owner Change Date: 7/10/1973

Preliminary Change of Ownership: **1-1206200**

**Recorded Document:**

Recorder's Book and Page: 0690-658

Record Change Date: 5/7/1964

Effective Owner Change Date: 5/7/1964

Preliminary Change of Ownership: **1-0690658**

**Recorded Document:**

Recorder's Book and Page: 0063-562

Record Change Date: 12/28/2010

Effective Owner Change Date:

Preliminary Change of Ownership: **1-0063562**

**Recorded Document:**

Recorder's Book and Page: 0063-564

Record Change Date: 12/28/2010

Effective Owner Change Date:

Preliminary Change of Ownership: **1-0063564**

United States Code Annotated

Title 23. Highways (Refs & Annos)

Chapter 3. General Provisions (Refs & Annos)

23 U.S.C.A. § 319

§ 319. Landscaping and scenic enhancement

Currentness

**(a) Landscape and roadside development.**--The Secretary may approve as a part of the construction of Federal-aid highways the costs of landscape and roadside development, including acquisition and development of publicly owned and controlled rest and recreation areas and sanitary and other facilities reasonably necessary to accommodate the traveling public, and for acquisition of interests in and improvement of strips of land necessary for the restoration, preservation, and enhancement of scenic beauty (including the enhancement of habitat and forage for pollinators) adjacent to such highways.

**(b) Planting of wildflowers.**--

**(1) General rule.**--The Secretary shall require the planting of native wildflower seeds or seedlings, or both, as part of any landscaping project under this section. At least  $\frac{1}{4}$  of 1 percent of the funds expended for such landscaping project shall be used for such plantings.

**(2) Waiver.**--The requirements of this subsection may be waived by the Secretary if a State certifies that native wildflowers or seedlings cannot be grown satisfactorily or planting areas are limited or otherwise used for agricultural purposes.

**(3) Gifts.**--Nothing in this subsection shall be construed to prohibit the acceptance of native wildflower seeds or seedlings donated by civic organizations or other organizations and individuals to be used in landscaping projects.

**(c) Encouragement of pollinator habitat and forage development and protection on transportation rights-of-way.**--In carrying out any program administered by the Secretary under this title, the Secretary shall, in conjunction with willing States, as appropriate--

**(1)** encourage integrated vegetation management practices on roadsides and other transportation rights-of-way, including reduced mowing; and

**(2)** encourage the development of habitat and forage for Monarch butterflies, other native pollinators, and honey bees through plantings of native forbs and grasses, including noninvasive, native milkweed species that can serve as migratory way stations for butterflies and facilitate migrations of other pollinators.

CREDIT(S)

([Pub.L. 85-767](#), Aug. 27, 1958, 72 Stat. 916; [Pub.L. 89-285, Title III, § 301\(a\)](#), Oct. 22, 1965, 79 Stat. 1032; [Pub.L. 89-574, § 8\(b\)](#), Sept. 13, 1966, 80 Stat. 768; [Pub.L. 90-495, § 6\(f\)](#), Aug. 23, 1968, 82 Stat. 818; [Pub.L. 94-280, Title I, § 136\(a\)](#), May 5, 1976, 90 Stat. 442; [Pub.L. 100-17, Title I, § 130](#), Apr. 2, 1987, 101 Stat. 169; [Pub.L. 114-94, Div. A, Title I, § 1415\(a\)](#), Dec. 4, 2015, 129 Stat. 1421.)

23 U.S.C.A. § 319, 23 USCA § 319

Current through PL 117-11 with the exception of PL 116-283. Incorporation of changes from PL 116-283 are in progress. Some statute sections may be more current, see credits for details.

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United States Code Annotated

Title 23. Highways (Refs & Annos)

Chapter 1. Federal-Aid Highways (Refs & Annos)

23 U.S.C.A. § 168

§ 168. Integration of planning and environmental review

Currentness

**(a) Definitions.**--In this section, the following definitions apply:

**(1) Environmental review process.**--The term “environmental review process” has the meaning given the term in [section 139\(a\)](#).

**(2) Lead agency.**--The term “lead agency” has the meaning given the term in [section 139\(a\)](#).

**(3) Planning product.**--The term “planning product” means a decision, analysis, study, or other documented information that is the result of an evaluation or decisionmaking process carried out by a metropolitan planning organization or a State, as appropriate, during metropolitan or statewide transportation planning under [section 134](#) or [135](#), respectively.

**(4) Project.**--The term “project” has the meaning given the term in [section 139\(a\)](#).

**(5) Project sponsor.**--The term “project sponsor” has the meaning given the term in [section 139\(a\)](#).

**(6) Relevant agency.**--The term “relevant agency” means the agency with authority under subparagraph (A) or (B) of subsection (b)(1).

**(b) Adoption or incorporation by reference of planning products for use in NEPA proceedings.**--

**(1) In general.**--Subject to subsection (d) and to the maximum extent practicable and appropriate, the following agencies may adopt or incorporate by reference and use a planning product in proceedings relating to any class of action in the environmental review process of the project:

**(A)** The lead agency for a project, with respect to an environmental impact statement, environmental assessment, categorical exclusion, or other document prepared under the National Environmental Policy Act of 1969 ([42 U.S.C. 4321 et seq.](#)).

(B) The cooperating agency with responsibility under Federal law, with respect to the process for and completion of any environmental permit, approval, review, or study required for a project under any Federal law other than the National Environmental Policy Act of 1969 ([42 U.S.C. 4321 et seq.](#)), if consistent with that law.

**(2) Identification.**--If the relevant agency makes a determination to adopt or incorporate by reference and use a planning product, the relevant agency shall identify the agencies that participated in the development of the planning products.

**(3) Adoption or incorporation by reference of planning products.**--The relevant agency may--

(A) adopt or incorporate by reference an entire planning product under paragraph (1); or

(B) select portions of a planning project under paragraph (1) for adoption or incorporation by reference.

**(4) Timing.**--A determination under paragraph (1) with respect to the adoption or incorporation by reference of a planning product may--

(A) be made at the time the relevant agencies decide the appropriate scope of environmental review for the project; or

(B) occur later in the environmental review process, as appropriate.

**(c) Applicability.**--

**(1) Planning decisions.**--The relevant agency in the environmental review process may adopt or incorporate by reference decisions from a planning product, including--

(A) whether tolling, private financial assistance, or other special financial measures are necessary to implement the project;

(B) a decision with respect to general travel corridor or modal choice, including a decision to implement corridor or subarea study recommendations to advance different modal solutions as separate projects with independent utility;

(C) the purpose and the need for the proposed action;

(D) preliminary screening of alternatives and elimination of unreasonable alternatives;

(E) a basic description of the environmental setting;

(F) a decision with respect to methodologies for analysis; and



(G) an identification of programmatic level mitigation for potential impacts of a project, including a programmatic mitigation plan developed in accordance with [section 169](#), that the relevant agency determines are more effectively addressed on a national or regional scale, including--

(i) measures to avoid, minimize, and mitigate impacts at a national or regional scale of proposed transportation investments on environmental resources, including regional ecosystem and water resources; and

(ii) potential mitigation activities, locations, and investments.

**(2) Planning analyses.**--The relevant agency in the environmental review process may adopt or incorporate by reference analyses from a planning product, including--

(A) travel demands;

(B) regional development and growth;

(C) local land use, growth management, and development;

(D) population and employment;

(E) natural and built environmental conditions;

(F) environmental resources and environmentally sensitive areas;

(G) potential environmental effects, including the identification of resources of concern and potential direct, indirect, and cumulative effects on those resources; and

(H) mitigation needs for a proposed project, or for programmatic level mitigation, for potential effects that the lead agency determines are most effectively addressed at a regional or national program level.

**(d) Conditions.**--The relevant agency in the environmental review process may adopt or incorporate by reference a planning product under this section if the relevant agency determines, with the concurrence of the lead agency and, if the planning product is necessary for a cooperating agency to issue a permit, review, or approval for the project, with the concurrence of the cooperating agency, that the following conditions have been met:

(1) The planning product was developed through a planning process conducted pursuant to applicable Federal law.

- (2) The planning product was developed in consultation with appropriate Federal and State resource agencies and Indian tribes.
  - (3) The planning process included broad multidisciplinary consideration of systems-level or corridor-wide transportation needs and potential effects, including effects on the human and natural environment.
  - (4) The planning process included public notice that the planning products produced in the planning process may be adopted during a subsequent environmental review process in accordance with this section.
  - (5) During the environmental review process, the relevant agency has--
    - (A) made the planning documents available for public review and comment by members of the general public and Federal, State, local, and tribal governments that may have an interest in the proposed project;
    - (B) provided notice of the intention of the relevant agency to adopt or incorporate by reference the planning product; and
    - (C) considered any resulting comments.
  - (6) There is no significant new information or new circumstance that has a reasonable likelihood of affecting the continued validity or appropriateness of the planning product.
  - (7) The planning product has a rational basis and is based on reliable and reasonably current data and reasonable and scientifically acceptable methodologies.
  - (8) The planning product is documented in sufficient detail to support the decision or the results of the analysis and to meet requirements for use of the information in the environmental review process.
  - (9) The planning product is appropriate for adoption or incorporation by reference and use in the environmental review process for the project and is incorporated in accordance with, and is sufficient to meet the requirements of, the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and [section 1502.21 of title 40, Code of Federal Regulations](#) (as in effect on the date of enactment of the FAST Act).
  - (10) The planning product was approved within the 5-year period ending on the date on which the information is adopted or incorporated by reference.
- (e) Effect of adoption or incorporation by reference.**--Any planning product adopted or incorporated by reference by the relevant agency in accordance with this section may be--
- (1) incorporated directly into an environmental review process document or other environmental document; and

(2) relied on and used by other Federal agencies in carrying out reviews of the project.

**(f) Rules of construction.--**

**(1) In general.--**This section does not make the environmental review process applicable to the transportation planning process conducted under this title and chapter 53 of title 49.

**(2) Transportation planning activities.--**Initiation of the environmental review process as a part of, or concurrently with, transportation planning activities does not subject transportation plans and programs to the environmental review process.

**(3) Planning products.--**This section does not affect the use of planning products in the environmental review process pursuant to other authorities under any other provision of law or restrict the initiation of the environmental review process during planning.

**CREDIT(S)**

(Added [Pub.L. 112-141](#), Div. A, Title I, § 1310(a), July 6, 2012, 126 Stat. 540; amended [Pub.L. 114-94](#), Div. A, Title I, § 1305, Dec. 4, 2015, 129 Stat. 1386.)

23 U.S.C.A. § 168, 23 USCA § 168

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United States Code Annotated  
Title 23. Highways (Refs & Annos)  
Chapter 1. Federal-Aid Highways (Refs & Annos)

23 U.S.C.A. § 162

§ 162. National scenic byways program

Effective: June 6, 2008

[Currentness](#)

**(a) Designation of roads.--**

**(1) In general.**--The Secretary shall carry out a national scenic byways program that recognizes roads having outstanding scenic, historic, cultural, natural, recreational, and archaeological qualities by designating the roads as--

(A) National Scenic Byways;

(B) All-American Roads; or

(C) America's Byways.

**(2) Criteria.**--The Secretary shall designate roads to be recognized under the national scenic byways program in accordance with criteria developed by the Secretary.

**(3) Nomination.--**

**(A) In general.**--To be considered for a designation, a road must be nominated by a State, an Indian tribe, or a Federal land management agency and must first be designated as a State scenic byway, an Indian tribe scenic byway, or, in the case of a road on Federal land, as a Federal land management agency byway.

**(B) Nomination by indian tribes.**--An Indian tribe may nominate a road as a National Scenic Byway, an All-American Road, or one of America's Byways under paragraph (1) only if a Federal land management agency (other than the Bureau of Indian Affairs), a State, or a political subdivision of a State does not have--

(i) jurisdiction over the road; or

(ii) responsibility for managing the road.

**(C) Safety.**--An Indian tribe shall maintain the safety and quality of roads nominated by the Indian tribe under subparagraph (A).

**(4) Reciprocal notification.**--States, Indian tribes, and Federal land management agencies shall notify each other regarding nominations made under this subsection for roads that--

**(A)** are within the jurisdictional boundary of the State, Federal land management agency, or Indian tribe; or

**(B)** directly connect to roads for which the State, Federal land management agency, or Indian tribe is responsible.

**(b) Grants and technical assistance.**--

**(1) In general.**--The Secretary shall make grants and provide technical assistance to States and Indian tribes to--

**(A)** implement projects on highways designated as--

**(i)** National Scenic Byways;

**(ii)** All-American Roads;

**(iii)** America's Byways;

**(iv)** State scenic byways; or

**(v)** Indian tribe scenic byways; and

**(B)** plan, design, and develop a State or Indian tribe scenic byway program.

**(2) Priorities.**--In making grants, the Secretary shall give priority to--

**(A)** each eligible project that is associated with a highway that has been designated as a National Scenic Byway, All-American Road, or 1 of America's Byways and that is consistent with the corridor management plan for the byway;

**(B)** each eligible project along a State or Indian tribe scenic byway that is consistent with the corridor management plan for the byway, or is intended to foster the development of such a plan, and is carried out to make the byway eligible for designation as--



(i) a National Scenic Byway;

(ii) an All-American Road; or

(iii) 1 of America's Byways; and

(C) each eligible project that is associated with the development of a State or Indian tribe scenic byway program.

**(c) Eligible projects.**--The following are projects that are eligible for Federal assistance under this section:

(1) An activity related to the planning, design, or development of a State or Indian tribe scenic byway program.

(2) Development and implementation of a corridor management plan to maintain the scenic, historical, recreational, cultural, natural, and archaeological characteristics of a byway corridor while providing for accommodation of increased tourism and development of related amenities.

(3) Safety improvements to a State scenic byway, Indian tribe scenic byway, National Scenic Byway, All-American Road, or one of America's Byways to the extent that the improvements are necessary to accommodate increased traffic and changes in the types of vehicles using the highway as a result of the designation as a State scenic byway, Indian tribe scenic byway, National Scenic Byway, All-American Road, or one of America's Byways.

(4) Construction along a scenic byway of a facility for pedestrians and bicyclists, rest area, turnout, highway shoulder improvement, overlook, or interpretive facility.

(5) An improvement to a scenic byway that will enhance access to an area for the purpose of recreation, including water-related recreation.

(6) Protection of scenic, historical, recreational, cultural, natural, and archaeological resources in an area adjacent to a scenic byway.

(7) Development and provision of tourist information to the public, including interpretive information about a scenic byway.

(8) Development and implementation of a scenic byway marketing program.

**(d) Limitation.**--The Secretary shall not make a grant under this section for any project that would not protect the scenic, historical, recreational, cultural, natural, and archaeological integrity of a highway and adjacent areas.

**(e) Savings clause.**--The Secretary shall not withhold any grant or impose any requirement on a State or Indian tribe as a condition of providing a grant or technical assistance for any scenic byway unless the requirement is consistent with the authority provided in this chapter.

**(f) Federal share.**--The Federal share of the cost of carrying out a project under this section shall be 80 percent, except that, in the case of any scenic byway project along a public road that provides access to or within Federal or Indian land, a Federal land management agency may use funds authorized for use by the agency as the non-Federal share.

#### CREDIT(S)

(Added [Pub.L. 105-178, Title I, § 1219\(a\)](#), June 9, 1998, 112 Stat. 219; amended [Pub.L. 109-59, Title I, § 1802](#), Aug. 10, 2005, 119 Stat. 1456; [Pub.L. 110-244, Title I, § 101\(o\)](#), June 6, 2008, 122 Stat. 1576.)

23 U.S.C.A. § 162, 23 USCA § 162

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United States Code Annotated  
Title 23. Highways (Refs & Annos)  
Chapter 1. Federal-Aid Highways (Refs & Annos)

23 U.S.C.A. § 139

§ 139. Efficient environmental reviews for project decisionmaking

Currentness

(a) **Definitions.**--In this section, the following definitions apply:

(1) **Agency.**--The term “agency” means any agency, department, or other unit of Federal, State, local, or Indian tribal government.

(2) **Environmental impact statement.**--The term “environmental impact statement” means the detailed statement of environmental impacts required to be prepared under the National Environmental Policy Act of 1969 ([42 U.S.C. 4321 et seq.](#)).

(3) **Environmental review process.**--

(A) **In general.**--The term “environmental review process” means the process for preparing for a project an environmental impact statement, environmental assessment, categorical exclusion, or other document prepared under the National Environmental Policy Act of 1969 ([42 U.S.C. 4321 et seq.](#)).

(B) **Inclusions.**--The term “environmental review process” includes the process for and completion of any environmental permit, approval, review, or study required for a project under any Federal law other than the National Environmental Policy Act of 1969 ([42 U.S.C. 4321 et seq.](#)).

(4) **Lead agency.**--The term “lead agency” means the Department of Transportation and, if applicable, any State or local governmental entity serving as a joint lead agency pursuant to this section.

(5) **Multimodal project.**--The term “multimodal project” means a project that requires the approval of more than 1 Department of Transportation operating administration or secretarial office.

(6) **Project.**--

(A) **In general.**--The term “project” means any highway project, public transportation capital project, or multimodal project that, if implemented as proposed by the project sponsor, would require approval by any operating administration or secretarial office within the Department of Transportation.

**(B) Considerations.**--In determining whether a project is a project under subparagraph (A), the Secretary shall take into account, if known, any sources of Federal funding or financing identified by the project sponsor, including any discretionary grant, loan, and loan guarantee programs administered by the Department of Transportation.

**(7) Project sponsor.**--The term “project sponsor” means the agency or other entity, including any private or public-private entity, that seeks approval of the Secretary for a project.

**(8) State transportation department.**--The term “State transportation department” means any statewide agency of a State with responsibility for one or more modes of transportation.

**(b) Applicability.**--

**(1) In general.**--The project development procedures in this section are applicable to all projects for which an environmental impact statement is prepared under the National Environmental Policy Act of 1969 and may be applied, to the extent determined appropriate by the Secretary, to other projects for which an environmental document is prepared pursuant to such Act.

**(2) Flexibility.**--Any authorities granted in this section may be exercised, and any requirements established under this section may be satisfied, for a project, class of projects, or program of projects.

**(3) Programmatic compliance.**--

**(A) In general.**--The Secretary shall allow for the use of programmatic approaches to conduct environmental reviews that--

- (i)** eliminate repetitive discussions of the same issues;
- (ii)** focus on the actual issues ripe for analyses at each level of review; and
- (iii)** are consistent with--

**(I)** the National Environmental Policy Act of 1969 ([42 U.S.C. 4321 et seq.](#)); and

**(II)** other applicable laws.

**(B) Requirements.**--In carrying out subparagraph (A), the Secretary shall ensure that programmatic reviews--

- (i)** promote transparency, including the transparency of--

(I) the analyses and data used in the environmental reviews;

(II) the treatment of any deferred issues raised by agencies or the public; and

(III) the temporal and spatial scales to be used to analyze issues under subclauses (I) and (II);

(ii) use accurate and timely information, including through establishment of--

(I) criteria for determining the general duration of the usefulness of the review; and

(II) a timeline for updating an out-of-date review;

(iii) describe--

(I) the relationship between any programmatic analysis and future tiered analysis; and

(II) the role of the public in the creation of future tiered analysis;

(iv) are available to other relevant Federal and State agencies, Indian tribes, and the public; and

(v) provide notice and public comment opportunities consistent with applicable requirements.

**(c) Lead agencies.--**

**(1) Federal lead agency.--**

**(A) In general.--**The Department of Transportation, or an operating administration thereof designated by the Secretary, shall be the Federal lead agency in the environmental review process for a project.

**(B) Modal administration.--**If the project requires approval from more than 1 modal administration within the Department, the Secretary may designate a single modal administration to serve as the Federal lead agency for the Department in the environmental review process for the project.

**(2) Joint lead agencies.--**Nothing in this section precludes another agency from being a joint lead agency in accordance with regulations under the National Environmental Policy Act of 1969.



**(3) Project sponsor as joint lead agency.**--Any project sponsor that is a State or local governmental entity receiving funds under this title or chapter 53 of title 49 for the project shall serve as a joint lead agency with the Department for purposes of preparing any environmental document under the National Environmental Policy Act of 1969 and may prepare any such environmental document required in support of any action or approval by the Secretary if the Federal lead agency furnishes guidance in such preparation and independently evaluates such document and the document is approved and adopted by the Secretary prior to the Secretary taking any subsequent action or making any approval based on such document, whether or not the Secretary's action or approval results in Federal funding.

**(4) Ensuring compliance.**--The Secretary shall ensure that the project sponsor complies with all design and mitigation commitments made jointly by the Secretary and the project sponsor in any environmental document prepared by the project sponsor in accordance with this subsection and that such document is appropriately supplemented if project changes become necessary.

**(5) Adoption and use of documents.**--Any environmental document prepared in accordance with this subsection may be adopted or used by any Federal agency making any approval to the same extent that such Federal agency could adopt or use a document prepared by another Federal agency.

**(6) Roles and responsibility of lead agency.**--With respect to the environmental review process for any project, the lead agency shall have authority and responsibility--

**(A)** to take such actions as are necessary and proper, within the authority of the lead agency, to facilitate the expeditious resolution of the environmental review process for the project;

**(B)** to prepare or ensure that any required environmental impact statement or other document required to be completed under the National Environmental Policy Act of 1969 is completed in accordance with this section and applicable Federal law; and

**(C)** to consider and respond to comments received from participating agencies on matters within the special expertise or jurisdiction of those agencies.

**(d) Participating agencies.**--

**(1) In general.**--The lead agency shall be responsible for inviting and designating participating agencies in accordance with this subsection.

**(2) Invitation.**--Not later than 45 days after the date of publication of a notice of intent to prepare an environmental impact statement or the initiation of an environmental assessment, the lead agency shall identify any other Federal and non-Federal agencies that may have an interest in the project, and shall invite such agencies to become participating agencies in the environmental review process for the project. The invitation shall set a deadline for responses to be submitted. The deadline may be extended by the lead agency for good cause.

**(3) Federal participating agencies.**--Any Federal agency that is invited by the lead agency to participate in the environmental review process for a project shall be designated as a participating agency by the lead agency unless the invited agency informs the lead agency, in writing, by the deadline specified in the invitation that the invited agency--

(A) has no jurisdiction or authority with respect to the project;

(B) has no expertise or information relevant to the project; and

(C) does not intend to submit comments on the project.

**(4) Effect of designation.**--

(A) **Requirement.**--A participating agency shall comply with the requirements of this section.

(B) **Implication.**--Designation as a participating agency under this subsection shall not imply that the participating agency--

(i) supports a proposed project; or

(ii) has any jurisdiction over, or special expertise with respect to evaluation of, the project.

**(5) Cooperating agency.**--A participating agency may also be designated by a lead agency as a “cooperating agency” under the regulations contained in part 1500 of title 40, Code of Federal Regulations.

**(6) Designations for categories of projects.**--The Secretary may exercise the authorities granted under this subsection for a project, class of projects, or program of projects.

**(7) Concurrent reviews.**--Each participating agency and cooperating agency shall--

(A) carry out the obligations of that agency under other applicable law concurrently, and in conjunction, with the review required under the National Environmental Policy Act of 1969 ([42 U.S.C. 4321 et seq.](#)), unless doing so would impair the ability of the Federal agency to conduct needed analysis or otherwise carry out those obligations; and

(B) formulate and implement administrative, policy, and procedural mechanisms to enable the agency to ensure completion of the environmental review process in a timely, coordinated, and environmentally responsible manner.

**(8) Single NEPA document.**--

**(A) In general.**--Except as inconsistent with paragraph (7), to the maximum extent practicable and consistent with Federal law, all Federal permits and reviews for a project shall rely on a single environment document prepared under the National Environmental Policy Act of 1969 ([42 U.S.C. 4321 et seq.](#)) under the leadership of the lead agency.

**(B) Use of document.**--

**(i) In general.**--To the maximum extent practicable, the lead agency shall develop an environmental document sufficient to satisfy the requirements for any Federal approval or other Federal action required for the project, including permits issued by other Federal agencies.

**(ii) Cooperation of participating agencies.**--Other participating agencies shall cooperate with the lead agency and provide timely information to help the lead agency carry out this subparagraph.

**(C) Treatment as participating and cooperating agencies.**--A Federal agency required to make an approval or take an action for a project, as described in subparagraph (B), shall work with the lead agency for the project to ensure that the agency making the approval or taking the action is treated as being both a participating and cooperating agency for the project.

**(9) Participating agency responsibilities.**--An agency participating in the environmental review process under this section shall--

**(A)** provide comments, responses, studies, or methodologies on those areas within the special expertise or jurisdiction of the agency; and

**(B)** use the process to address any environmental issues of concern to the agency.

**(e) Project initiation.**--

**(1) In general.**--The project sponsor shall notify the Secretary of the type of work, termini, length and general location of the proposed project (including any additional information that the project sponsor considers to be important to initiate the process for the proposed project), together with a statement of any Federal approvals anticipated to be necessary for the proposed project, for the purpose of informing the Secretary that the environmental review process should be initiated.

**(2) Submission of documents.**--The project sponsor may satisfy the requirement under paragraph (1) by submitting to the Secretary any relevant documents containing the information described in that paragraph, including a draft notice for publication in the Federal Register announcing the preparation of an environmental review for the project.

**(3) Review of application.**--Not later than 45 days after the date on which the Secretary receives notification under paragraph (1), the Secretary shall provide to the project sponsor a written response that, as applicable--

(A) describes the determination of the Secretary--

(i) to initiate the environmental review process, including a timeline and an expected date for the publication in the Federal Register of the relevant notice of intent; or

(ii) to decline the application, including an explanation of the reasons for that decision; or

(B) requests additional information, and provides to the project sponsor an accounting regarding what documentation is necessary to initiate the environmental review process.

**(4) Request to designate a lead agency.--**

**(A) In general.--**Any project sponsor may submit to the Secretary a request to designate the operating administration or secretarial office within the Department of Transportation with the expertise on the proposed project to serve as the Federal lead agency for the project.

**(B) Secretarial action.--**

(i) **In general.--**If the Secretary receives a request under subparagraph (A), the Secretary shall respond to the request not later than 45 days after the date of receipt.

(ii) **Requirements.--**The response under clause (i) shall--

(I) approve the request;

(II) deny the request, with an explanation of the reasons for the denial; or

(III) require the submission of additional information.

(iii) **Additional information.--**If additional information is submitted in accordance with clause (ii)(III), the Secretary shall respond to the submission not later than 45 days after the date of receipt.

**(5) Environmental checklist.--**

**(A) Development.--**The lead agency for a project, in consultation with participating agencies, shall develop, as appropriate, a checklist to help project sponsors identify potential natural, cultural, and historic resources in the area of the project.

**(B) Purpose.--**The purposes of the checklist are--

- (i) to identify agencies and organizations that can provide information about natural, cultural, and historic resources;
- (ii) to develop the information needed to determine the range of alternatives; and
- (iii) to improve interagency collaboration to help expedite the permitting process for the lead agency and participating agencies.

**(f) Purpose and need; alternatives analysis.--**

**(1) Participation.--**As early as practicable during the environmental review process, the lead agency shall provide an opportunity for involvement by participating agencies and the public in defining the purpose and need for a project.

**(2) Definition.--**Following participation under paragraph (1), the lead agency shall define the project's purpose and need for purposes of any document which the lead agency is responsible for preparing for the project.

**(3) Objectives.--**The statement of purpose and need shall include a clear statement of the objectives that the proposed action is intended to achieve, which may include--

(A) achieving a transportation objective identified in an applicable statewide or metropolitan transportation plan;

(B) supporting land use, economic development, or growth objectives established in applicable Federal, State, local, or tribal plans; and

(C) serving national defense, national security, or other national objectives, as established in Federal laws, plans, or policies.

**(4) Alternatives analysis.--**

**(A) Participation.--**

**(i) In general.--**As early as practicable during the environmental review process, the lead agency shall provide an opportunity for involvement by participating agencies and the public in determining the range of alternatives to be considered for a project.

**(ii) Comments of participating agencies.--**To the maximum extent practicable and consistent with applicable law, each participating agency receiving an opportunity for involvement under clause (i) shall limit the comments of the agency to subject matter areas within the special expertise or jurisdiction of the agency.



**(iii) Effect of nonparticipation.**--A participating agency that declines to participate in the development of the purpose and need and range of alternatives for a project shall be required to comply with the schedule developed under subsection (g)(1)(B).

**(B) Range of alternatives.**--

**(i) Determination.**--Following participation under subparagraph (A), the lead agency shall determine the range of alternatives for consideration in any document which the lead agency is responsible for preparing for the project.

**(ii) Use.**--To the maximum extent practicable and consistent with Federal law, the range of alternatives determined for a project under clause (i) shall be used for all Federal environmental reviews and permit processes required for the project unless the alternatives must be modified--

**(I)** to address significant new information or circumstances, and the lead agency and participating agencies agree that the alternatives must be modified to address the new information or circumstances; or

**(II)** for the lead agency or a participating agency to fulfill the responsibilities of the agency under the National Environmental Policy Act of 1969 ([42 U.S.C. 4321 et seq.](#)) in a timely manner.

**(C) Methodologies.**--The lead agency also shall determine, in collaboration with participating agencies at appropriate times during the study process, the methodologies to be used and the level of detail required in the analysis of each alternative for a project.

**(D) Preferred alternative.**--At the discretion of the lead agency, the preferred alternative for a project, after being identified, may be developed to a higher level of detail than other alternatives in order to facilitate the development of mitigation measures or concurrent compliance with other applicable laws if the lead agency determines that the development of such higher level of detail will not prevent the lead agency from making an impartial decision as to whether to accept another alternative which is being considered in the environmental review process.

**(E) Reduction of duplication.**--

**(i) In general.**--In carrying out this paragraph, the lead agency shall reduce duplication, to the maximum extent practicable, between--

**(I)** the evaluation of alternatives under the National Environmental Policy Act of 1969 ([42 U.S.C. 4321 et seq.](#)); and

**(II)** the evaluation of alternatives in the metropolitan transportation planning process under [section 134](#) or an environmental review process carried out under State law (referred to in this subparagraph as a “State environmental review process”).

**(ii) Consideration of alternatives.**--The lead agency may eliminate from detailed consideration an alternative proposed in an environmental impact statement regarding a project if, as determined by the lead agency--

**(I)** the alternative was considered in a metropolitan planning process or a State environmental review process by a metropolitan planning organization or a State or local transportation agency, as applicable;

**(II)** the lead agency provided guidance to the metropolitan planning organization or State or local transportation agency, as applicable, regarding analysis of alternatives in the metropolitan planning process or State environmental review process, including guidance on the requirements of the National Environmental Policy Act of 1969 ([42 U.S.C. 4321 et seq.](#)) and any other Federal law necessary for approval of the project;

**(III)** the applicable metropolitan planning process or State environmental review process included an opportunity for public review and comment;

**(IV)** the applicable metropolitan planning organization or State or local transportation agency rejected the alternative after considering public comments;

**(V)** the Federal lead agency independently reviewed the alternative evaluation approved by the applicable metropolitan planning organization or State or local transportation agency; and

**(VI)** the Federal lead agency determined--

**(aa)** in consultation with Federal participating or cooperating agencies, that the alternative to be eliminated from consideration is not necessary for compliance with the National Environmental Policy Act of 1969 ([42 U.S.C. 4321 et seq.](#)); or

**(bb)** with the concurrence of Federal agencies with jurisdiction over a permit or approval required for a project, that the alternative to be eliminated from consideration is not necessary for any permit or approval under any other Federal law.

**(g) Coordination and scheduling.**--

**(1) Coordination plan.**--

**(A) In general.**--Not later than 90 days after the date of publication of a notice of intent to prepare an environmental impact statement or the initiation of an environmental assessment, the lead agency shall establish a plan for coordinating public and agency participation in and comment on the environmental review process for a project or category of projects. The coordination plan may be incorporated into a memorandum of understanding.

**(B) Schedule.**--

**(i) In general.**--The lead agency shall establish as part of such coordination plan, after consultation with and the concurrence of each participating agency for the project and with the State in which the project is located (and, if the State is not the project sponsor, with the project sponsor), a schedule for completion of the environmental review process for the project.

**(ii) Factors for consideration.**--In establishing the schedule, the lead agency shall consider factors such as--

**(I)** the responsibilities of participating agencies under applicable laws;

**(II)** resources available to the cooperating agencies;

**(III)** overall size and complexity of the project;

**(IV)** the overall schedule for and cost of the project; and

**(V)** the sensitivity of the natural and historic resources that could be affected by the project.

**(C) Consistency with other time periods.**--A schedule under subparagraph (B) shall be consistent with any other relevant time periods established under Federal law.

**(D) Modification.**--The lead agency may--

**(i)** lengthen a schedule established under subparagraph (B) for good cause; and

**(ii)** shorten a schedule only with the concurrence of the affected cooperating agencies.

**(E) Dissemination.**--A copy of a schedule under subparagraph (B), and of any modifications to the schedule, shall be--

**(i)** provided to all participating agencies and to the State transportation department of the State in which the project is located (and, if the State is not the project sponsor, to the project sponsor); and

**(ii)** made available to the public.

**(2) Comment deadlines.**--The lead agency shall establish the following deadlines for comment during the environmental review process for a project:

(A) For comments by agencies and the public on a draft environmental impact statement, a period of not more than 60 days after publication in the Federal Register of notice of the date of public availability of such document, unless--

(i) a different deadline is established by agreement of the lead agency, the project sponsor, and all participating agencies;  
or

(ii) the deadline is extended by the lead agency for good cause.

(B) For all other comment periods established by the lead agency for agency or public comments in the environmental review process, a period of no more than 30 days from availability of the materials on which comment is requested, unless--

(i) a different deadline is established by agreement of the lead agency, the project sponsor, and all participating agencies;  
or

(ii) the deadline is extended by the lead agency for good cause.

**(3) Deadlines for decisions under other laws.**--In any case in which a decision under any Federal law relating to a project (including the issuance or denial of a permit or license) is required to be made by the later of the date that is 180 days after the date on which the Secretary made all final decisions of the lead agency with respect to the project, or 180 days after the date on which an application was submitted for the permit or license, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives and publish on the Internet--

(A) as soon as practicable after the 180-day period, an initial notice of the failure of the Federal agency to make the decision; and

(B) every 60 days thereafter until such date as all decisions of the Federal agency relating to the project have been made by the Federal agency, an additional notice that describes the number of decisions of the Federal agency that remain outstanding as of the date of the additional notice.

**(4) Involvement of the public.**--Nothing in this subsection shall reduce any time period provided for public comment in the environmental review process under existing Federal law, including a regulation.

**(h) Issue identification and resolution.**--

**(1) Cooperation.**--The lead agency and the participating agencies shall work cooperatively in accordance with this section to identify and resolve issues that could delay completion of the environmental review process or could result in denial of any approvals required for the project under applicable laws.

**(2) Lead agency responsibilities.**--The lead agency shall make information available to the participating agencies as early as practicable in the environmental review process regarding the environmental and socioeconomic resources located within the project area and the general locations of the alternatives under consideration. Such information may be based on existing data sources, including geographic information systems mapping.

**(3) Participating agency responsibilities.**--Based on information received from the lead agency, participating agencies shall identify, as early as practicable, any issues of concern regarding the project's potential environmental or socioeconomic impacts. In this paragraph, issues of concern include any issues that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project.

**(4) Issue resolution.**--Any issue resolved by the lead agency with the concurrence of participating agencies may not be reconsidered unless significant new information or circumstances arise.

**(5) Interim decision on achieving accelerated decisionmaking.**--

**(A) In general.**--Not later than 30 days after the close of the public comment period on a draft environmental impact statement, the Secretary may convene a meeting with the project sponsor, lead agency, resource agencies, and any relevant State agencies to ensure that all parties are on schedule to meet deadlines for decisions to be made regarding the project.

**(B) Deadlines.**--The deadlines referred to in subparagraph (A) shall be those established under subsection (g), or any other deadlines established by the lead agency, in consultation with the project sponsor and other relevant agencies.

**(C) Failure to assure.**--If the relevant agencies cannot provide reasonable assurances that the deadlines described in subparagraph (B) will be met, the Secretary may initiate the issue resolution and referral process described under paragraph (6) before the completion of the record of decision.

**(6) Accelerated issue resolution and referral.**--

**(A) Agency issue resolution meeting.**--

**(i) In general.**--A Federal agency of jurisdiction, project sponsor, or the Governor of a State in which a project is located may request an issue resolution meeting to be conducted by the lead agency.

**(ii) Action by lead agency.**--The lead agency shall convene an issue resolution meeting under clause (i) with the relevant participating agencies and the project sponsor, including the Governor only if the meeting was requested by the Governor, to resolve issues that could--

**(I)** delay completion of the environmental review process; or

**(II)** result in denial of any approvals required for the project under applicable laws.



**(iii) Date.**--A meeting requested under this subparagraph shall be held by not later than 21 days after the date of receipt of the request for the meeting, unless the lead agency determines that there is good cause to extend the time for the meeting.

**(iv) Notification.**--On receipt of a request for a meeting under this subparagraph, the lead agency shall notify all relevant participating agencies of the request, including the issue to be resolved, and the date for the meeting.

**(v) Disputes.**--If a relevant participating agency with jurisdiction over an approval required for a project under applicable law determines that the relevant information necessary to resolve the issue has not been obtained and could not have been obtained within a reasonable time, but the lead agency disagrees, the resolution of the dispute shall be forwarded to the heads of the relevant agencies for resolution.

**(vi) Convention by lead agency.**--A lead agency may convene an issue resolution meeting under this subsection at any time without the request of the Federal agency of jurisdiction, project sponsor, or the Governor of a State.

**(B) Elevation of issue resolution.**--

**(i) In general.**--If issue resolution is not achieved by not later than 30 days after the date of a relevant meeting under subparagraph (A), the Secretary shall notify the lead agency, the heads of the relevant participating agencies, and the project sponsor (including the Governor only if the initial issue resolution meeting request came from the Governor) that an issue resolution meeting will be convened.

**(ii) Requirements.**--The Secretary shall identify the issues to be addressed at the meeting and convene the meeting not later than 30 days after the date of issuance of the notice.

**(C) Referral of issue resolution.**--

**(i) Referral to Council on Environmental Quality.**--

**(I) In general.**--If resolution is not achieved by not later than 30 days after the date of an issue resolution meeting under subparagraph (B), the Secretary shall refer the matter to the Council on Environmental Quality.

**(II) Meeting.**--Not later than 30 days after the date of receipt of a referral from the Secretary under subclause (I), the Council on Environmental Quality shall hold an issue resolution meeting with the lead agency, the heads of relevant participating agencies, and the project sponsor (including the Governor only if an initial request for an issue resolution meeting came from the Governor).

**(ii) Referral to the President.**--If a resolution is not achieved by not later than 30 days after the date of the meeting convened by the Council on Environmental Quality under clause (i)(II), the Secretary shall refer the matter directly to the President.

**(7) Financial penalty provisions.--**

**(A) In general.--**A Federal agency of jurisdiction over an approval required for a project under applicable laws shall complete any required approval on an expeditious basis using the shortest existing applicable process.

**(B) Failure to decide.--**

**(i) In general.--**If an agency described in subparagraph (A) fails to render a decision under any Federal law relating to a project that requires the preparation of an environmental impact statement or environmental assessment, including the issuance or denial of a permit, license, or other approval by the date described in clause (ii), an amount of funding equal to the amounts specified in subclause (I) or (II) shall be rescinded from the applicable office of the head of the agency, or equivalent office to which the authority for rendering the decision has been delegated by law by not later than 1 day after the applicable date under clause (ii), and once each week thereafter until a final decision is rendered, subject to subparagraph (C)--

**(I)** \$20,000 for any project for which an annual financial plan is required under [subsection \(h\)](#) or [\(i\) of section 106](#); or

**(II)** \$10,000 for any other project requiring preparation of an environmental assessment or environmental impact statement.

**(ii) Description of date.--**The date referred to in clause (i) is--

**(I)** the date that is 30 days after the date for rendering a decision as described in the project schedule established pursuant to subsection (g)(1)(B);

**(II)** if no schedule exists, the later of--

**(aa)** the date that is 180 days after the date on which an application for the permit, license, or approval is complete; and

**(bb)** the date that is 180 days after the date on which the Federal lead agency issues a decision on the project under the National Environmental Policy Act of 1969 ([42 U.S.C. 4321 et seq.](#)); or

**(III)** a modified date in accordance with subsection (g)(1)(D).

**(C) Limitations.--**

**(i) In general.--**No rescission of funds under subparagraph (B) relating to an individual project shall exceed, in any fiscal year, an amount equal to 2.5 percent of the funds made available for the applicable agency office.

**(ii) Failure to decide.**--The total amount rescinded in a fiscal year as a result of a failure by an agency to make a decision by an applicable deadline shall not exceed an amount equal to 7 percent of the funds made available for the applicable agency office for that fiscal year.

**(D) No fault of agency.**--A rescission of funds under this paragraph shall not be made if the lead agency for the project certifies that--

**(i)** the agency has not received necessary information or approvals from another entity, such as the project sponsor, in a manner that affects the ability of the agency to meet any requirements under State, local, or Federal law; or

**(ii)** significant new information or circumstances, including a major modification to an aspect of the project, requires additional analysis for the agency to make a decision on the project application.

**(E) Limitation.**--The Federal agency with jurisdiction for the decision from which funds are rescinded pursuant to this paragraph shall not reprogram funds to the office of the head of the agency, or equivalent office, to reimburse that office for the loss of the funds.

**(F) Audits.**--In any fiscal year in which any funds are rescinded from a Federal agency pursuant to this paragraph, the Inspector General of that agency shall--

**(i)** conduct an audit to assess compliance with the requirements of this paragraph; and

**(ii)** not later than 120 days after the end of the fiscal year during which the rescission occurred, submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the reasons why the transfers were levied, including allocations of resources.

**(G) Effect of paragraph.**--Nothing in this paragraph affects or limits the application of, or obligation to comply with, any Federal, State, local, or tribal law.

**(8) Expedient decisions and reviews.**--To ensure that Federal environmental decisions and reviews are expeditiously made--

**(A)** adequate resources made available under this title shall be devoted to ensuring that applicable environmental reviews under the National Environmental Policy Act of 1969 ([42 U.S.C. 4321 et seq.](#)) are completed on an expeditious basis and that the shortest existing applicable process under that Act is implemented; and

**(B)** the President shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate, not less frequently than once every 120 days after the date of enactment of the MAP-21, a report on the status and progress of the following projects and activities funded under this title with respect to compliance with applicable requirements under the National Environmental Policy Act of 1969 ([42 U.S.C. 4321 et seq.](#)):

(i) Projects and activities required to prepare an annual financial plan under [section 106\(i\)](#).

(ii) A sample of not less than 5 percent of the projects requiring preparation of an environmental impact statement or environmental assessment in each State.

**(i) Performance measurement.**--The Secretary shall establish a program to measure and report on progress toward improving and expediting the planning and environmental review process.

**(j) Assistance to affected State and Federal agencies.**--

**(1) In general.**--

**(A) Authority to provide funds.**--The Secretary may allow a public entity receiving financial assistance from the Department of Transportation under this title or chapter 53 of title 49 to provide funds to Federal agencies (including the Department), State agencies, and Indian tribes participating in the environmental review process for the project or program.

**(B) Use of funds.**--Funds referred to in subparagraph (A) may be provided only to support activities that directly and meaningfully contribute to expediting and improving permitting and review processes, including planning, approval, and consultation processes for the project or program.

**(2) Activities eligible for funding.**--Activities for which funds may be provided under paragraph (1) include transportation planning activities that precede the initiation of the environmental review process, activities directly related to the environmental review process, dedicated staffing, training of agency personnel, information gathering and mapping, and development of programmatic agreements.

**(3) Use of Federal lands highway funds.**--The Secretary may also use funds made available under [section 204](#) for a project for the purposes specified in this subsection with respect to the environmental review process for the project.

**(4) Amounts.**--Requests under paragraph (1) may be approved only for the additional amounts that the Secretary determines are necessary for the Federal agencies, State agencies, or Indian tribes participating in the environmental review process to meet the time limits for environmental review.

**(5) Condition.**--A request under paragraph (1) to expedite time limits for environmental review may be approved only if such time limits are less than the customary time necessary for such review.

**(6) Agreement.**--Prior to providing funds approved by the Secretary for dedicated staffing at an affected agency under paragraphs (1) and (2), the affected agency and the requesting public entity shall enter into an agreement that establishes the projects and priorities to be addressed by the use of the funds.

**(k) Judicial review and savings clause.--**

**(1) Judicial review.**--Except as set forth under subsection (l), nothing in this section shall affect the reviewability of any final Federal agency action in a court of the United States or in the court of any State.

**(2) Savings clause.**--Nothing in this section shall be construed as superseding, amending, or modifying the National Environmental Policy Act of 1969 or any other Federal environmental statute or affect the responsibility of any Federal officer to comply with or enforce any such statute.

**(3) Limitations.**--Nothing in this section shall preempt or interfere with--

(A) any practice of seeking, considering, or responding to public comment; or

(B) any power, jurisdiction, responsibility, or authority that a Federal, State, or local government agency, metropolitan planning organization, Indian tribe, or project sponsor has with respect to carrying out a project or any other provisions of law applicable to projects, plans, or programs.

**(l) Limitations on claims.--**

**(1) In general.**--Notwithstanding any other provision of law, a claim arising under Federal law seeking judicial review of a permit, license, or approval issued by a Federal agency for a highway or public transportation capital project shall be barred unless it is filed within 150 days after publication of a notice in the Federal Register announcing that the permit, license, or approval is final pursuant to the law under which the agency action is taken, unless a shorter time is specified in the Federal law pursuant to which judicial review is allowed. Nothing in this subsection shall create a right to judicial review or place any limit on filing a claim that a person has violated the terms of a permit, license, or approval.

**(2) New information.**--The Secretary shall consider new information received after the close of a comment period if the information satisfies the requirements for a supplemental environmental impact statement under [section 771.130 of title 23, Code of Federal Regulations](#). The preparation of a supplemental environmental impact statement when required shall be considered a separate final agency action and the deadline for filing a claim for judicial review of such action shall be 150 days after the date of publication of a notice in the Federal Register announcing such action.

**(m) Enhanced technical assistance and accelerated project completion.--**

**(1) Definition of covered project.**--In this subsection, the term “covered project” means a project--

(A) that has an ongoing environmental impact statement under the National Environmental Policy Act of 1969 ([42 U.S.C. 4321 et seq.](#)); and



(B) for which at least 2 years, beginning on the date on which a notice of intent is issued, have elapsed without the issuance of a record of decision.

**(2) Technical assistance.**--At the request of a project sponsor or the Governor of a State in which a project is located, the Secretary shall provide additional technical assistance to resolve for a covered project any outstanding issues and project delay, including by--

(A) providing additional staff, training, and expertise;

(B) facilitating interagency coordination;

(C) promoting more efficient collaboration; and

(D) supplying specialized onsite assistance.

**(3) Scope of work.**--

**(A) In general.**--In providing technical assistance for a covered project under this subsection, the Secretary shall establish a scope of work that describes the actions that the Secretary will take to resolve the outstanding issues and project delays, including establishing a schedule under subparagraph (B).

**(B) Schedule.**--

**(i) In general.**--The Secretary shall establish and meet a schedule for the completion of any permit, approval, review, or study, required for the covered project by the date that is not later than 4 years after the date on which a notice of intent for the covered project is issued.

**(ii) Inclusions.**--The schedule under clause (i) shall--

(I) comply with all applicable laws;

(II) require the concurrence of the Council on Environmental Quality and each participating agency for the project with the State in which the project is located or the project sponsor, as applicable; and

(III) reflect any new information that becomes available and any changes in circumstances that may result in new significant impacts that could affect the timeline for completion of any permit, approval, review, or study required for the covered project.

**(4) Consultation.**--In providing technical assistance for a covered project under this subsection, the Secretary shall consult, if appropriate, with resource and participating agencies on all methods available to resolve the outstanding issues and project delays for a covered project as expeditiously as possible.

**(5) Enforcement.**--

**(A) In general.**--All provisions of this section shall apply to this subsection, including the financial penalty provisions under subsection (h)(6).

**(B) Restriction.**--If the Secretary enforces this subsection under subsection (h)(6), the Secretary may use a date included in a schedule under paragraph (3)(B) that is created pursuant to and is in compliance with this subsection in lieu of the dates under subsection (h)(6)(B)(ii).

**(n) Accelerated decisionmaking in environmental reviews.**--

**(1) In general.**--In preparing a final environmental impact statement under the National Environmental Policy Act of 1969 ([42 U.S.C. 4321 et seq.](#)), if the lead agency modifies the statement in response to comments that are minor and are confined to factual corrections or explanations of why the comments do not warrant additional agency response, the lead agency may write on errata sheets attached to the statement instead of rewriting the draft statement, subject to the condition that the errata sheets--

**(A)** cite the sources, authorities, and reasons that support the position of the agency; and

**(B)** if appropriate, indicate the circumstances that would trigger agency reappraisal or further response.

**(2) Single document.**--To the maximum extent practicable, the lead agency shall expeditiously develop a single document that consists of a final environmental impact statement and a record of decision, unless--

**(A)** the final environmental impact statement makes substantial changes to the proposed action that are relevant to environmental or safety concerns; or

**(B)** there is a significant new circumstance or information relevant to environmental concerns that bears on the proposed action or the impacts of the proposed action.

**(o) Improving transparency in environmental reviews.**--

**(1) In general.**--Not later than 18 months after the date of enactment of this subsection, the Secretary shall--

**(A)** use the searchable Internet website maintained under section 41003(b) of the FAST Act--

(i) to make publicly available the status and progress of projects requiring an environmental assessment or an environmental impact statement with respect to compliance with applicable requirements of the National Environmental Policy Act of 1969 ([42 U.S.C. 4321 et seq.](#)) and any other Federal, State, or local approval required for those projects; and

(ii) to make publicly available the names of participating agencies not participating in the development of a project purpose and need and range of alternatives under subsection (f); and

(B) issue reporting standards to meet the requirements of subparagraph (A).

**(2) Federal, State, and local agency participation.--**

**(A) Federal agencies.--**A Federal agency participating in the environmental review or permitting process for a project shall provide to the Secretary information regarding the status and progress of the approval of the project for publication on the Internet website referred to in paragraph (1)(A), consistent with the standards established under paragraph (1)(B).

**(B) State and local agencies.--**The Secretary shall encourage State and local agencies participating in the environmental review permitting process for a project to provide information regarding the status and progress of the approval of the project for publication on the Internet website referred to in paragraph (1)(A).

**(3) States with delegated authority.--**A State with delegated authority for responsibilities under the National Environmental Policy Act of 1969 ([42 U.S.C. 4321 et seq.](#)) pursuant to [section 327](#) shall be responsible for supplying to the Secretary project development and compliance status for all applicable projects.

**CREDIT(S)**

(Added [Pub.L. 109-59, Title VI, § 6002\(a\)](#), Aug. 10, 2005, 119 Stat. 1857; amended [Pub.L. 112-141](#), Div. A, Title I, §§ 1305 to 1309, July 6, 2012, 126 Stat. 533; [Pub.L. 114-94](#), Div. A, Title I, § 1304(a) to (j)(1), Dec. 4, 2015, 129 Stat. 1378.)

**MEMORANDA OF PRESIDENT**

**PRESIDENTIAL MEMORANDUM**

<January 31, 2013, [78 F.R. 8351](#)>

**Delegation of a Reporting Authority**

Memorandum for the Secretary of Transportation

By the authority vested in me as President by the Constitution and the laws of the United States, including [section 301 of title 3, United States Code](#), I hereby delegate to you the functions and authority conferred upon the President by section 1306 of the Moving Ahead for Progress in the 21st Century Act (MAP-21), Public Law 112-141, to make the specified reports to the Congress.

You are authorized and directed to notify the appropriate congressional committees and publish this memorandum in the Federal Register.

Barack Obama

[Notes of Decisions \(1\)](#)

23 U.S.C.A. § 139, 23 USCA § 139

Current through PL 117-11 with the exception of PL 116-283. Incorporation of changes from PL 116-283 are in progress. Some statute sections may be more current, see credits for details.

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United States Code Annotated

Title 23. Highways (Refs & Annos)

Chapter 1. Federal-Aid Highways (Refs & Annos)

23 U.S.C.A. § 103

§ 103. National Highway System

Currentness

**(a) In general.**--For the purposes of this title, the Federal-aid system is the National Highway System, which includes the Interstate System.

**(b) National Highway System.**--

**(1) Description.**--The National Highway System consists of the highway routes and connections to transportation facilities that shall--

**(A)** serve major population centers, international border crossings, ports, airports, public transportation facilities, and other intermodal transportation facilities and other major travel destinations;

**(B)** meet national defense requirements; and

**(C)** serve interstate and interregional travel and commerce.

**(2) Components.**--The National Highway System described in paragraph (1) consists of the following:

**(A)** The National Highway System depicted on the map submitted by the Secretary of Transportation to Congress with the report entitled "Pulling Together: The National Highway System and its Connections to Major Intermodal Terminals" and dated May 24, 1996, and modifications approved by the Secretary before the date of enactment of the MAP-21.

**(B)** Other urban and rural principal arterial routes, and border crossings on those routes, that were not included on the National Highway System before the date of enactment of the MAP-21.

**(C)** Other connector highways (including toll facilities) that were not included in the National Highway System before the date of enactment of the MAP-21 but that provide motor vehicle access between arterial routes on the National Highway System and a major intermodal transportation facility.

**(D)** A strategic highway network that--



(i) consists of a network of highways that are important to the United States strategic defense policy, that provide defense access, continuity, and emergency capabilities for the movement of personnel, materials, and equipment in both peacetime and wartime, and that were not included on the National Highway System before the date of enactment of the MAP-21;

(ii) may include highways on or off the Interstate System; and

(iii) shall be designated by the Secretary, in consultation with appropriate Federal agencies and the States.

**(E) Major strategic highway network connectors that--**

(i) consist of highways that provide motor vehicle access between major military installations and highways that are part of the strategic highway network but were not included on the National Highway System before the date of enactment of the MAP-21; and

(ii) shall be designated by the Secretary, in consultation with appropriate Federal agencies and the States.

**(3) Modifications to NHS.--**

**(A) In general.--**The Secretary may make any modification to the National Highway System, including any modification consisting of a connector to a major intermodal terminal or the withdrawal of a road from that system, that is proposed by a State if the Secretary determines that the modification--

(i) meets the criteria established for the National Highway System under this title after the date of enactment of the MAP-21; and

(ii)(I) enhances the national transportation characteristics of the National Highway System; or

(II) in the case of the withdrawal of a road, is reasonable and appropriate.

**(B) Cooperation.--**

(i) **In general.--**In proposing a modification under this paragraph, a State shall cooperate with local and regional officials.

(ii) **Urbanized areas.--**In an urbanized area, the local officials shall act through the metropolitan planning organization designated for the area under [section 134](#).

**(c) Interstate System.--**

**(1) Description.--**

**(A) In general.--**The Dwight D. Eisenhower National System of Interstate and Defense Highways within the United States (including the District of Columbia and Puerto Rico) consists of highways designed, located, and selected in accordance with this paragraph.

**(B) Design.--**

**(i) In general.--**Except as provided in clause (ii), highways on the Interstate System shall be designed in accordance with the standards of [section 109\(b\)](#).

**(ii) Exception.--**Highways on the Interstate System in Alaska and Puerto Rico shall be designed in accordance with such geometric and construction standards as are adequate for current and probable future traffic demands and the needs of the locality of the highway.

**(C) Location.--**Highways on the Interstate System shall be located so as--

**(i)** to connect by routes, as direct as practicable, the principal metropolitan areas, cities, and industrial centers;

**(ii)** to serve the national defense; and

**(iii)** to the maximum extent practicable, to connect at suitable border points with routes of continental importance in Canada and Mexico.

**(D) Selection of routes.--**To the maximum extent practicable, each route of the Interstate System shall be selected by joint action of the State transportation departments of the State in which the route is located and the adjoining States, in cooperation with local and regional officials, and subject to the approval of the Secretary.

**(2) Maximum mileage.--**The mileage of highways on the Interstate System shall not exceed 43,000 miles, exclusive of designations under paragraph (4).

**(3) Modifications.--**The Secretary may approve or require modifications to the Interstate System in a manner consistent with the policies and procedures established under this subsection.

**(4) Interstate System designations.--**

**(A) Additions.--**If the Secretary determines that a highway on the National Highway System meets all standards of a highway on the Interstate System and that the highway is a logical addition or connection to the Interstate System, the

Secretary may, upon the affirmative recommendation of the State or States in which the highway is located, designate the highway as a route on the Interstate System.

**(B) Designations as future Interstate System routes.--**

**(i) In general.**--Subject to clauses (ii) through (vi), if the Secretary determines that a highway on the National Highway System would be a logical addition or connection to the Interstate System and would qualify for designation as a route on the Interstate System under subparagraph (A) if the highway met all standards of a highway on the Interstate System, the Secretary may, upon the affirmative recommendation of the State or States in which the highway is located, designate the highway as a future Interstate System route.

**(ii) Written agreement.**--A designation under clause (i) shall be made only upon the written agreement of each State described in that clause that the highway will be constructed to meet all standards of a highway on the Interstate System by not later than the date that is 25 years after the date of the agreement.

**(iii) Failure to complete construction.**--If a State described in clause (i) has not substantially completed the construction of a highway designated under this subparagraph by the date specified in clause (ii), the Secretary shall remove the designation of the highway as a future Interstate System route.

**(iv) Effect of removal.**--Removal of the designation of a highway under clause (iii) shall not preclude the Secretary from designating the highway as a route on the Interstate System under subparagraph (A) or under any other provision of law providing for addition to the Interstate System.

**(v) Retroactive effect.**--An agreement described in clause (ii) that is entered into before August 10, 2005, shall be deemed to include the 25-year time limitation described in that clause, regardless of any earlier construction completion date in the agreement.

**(vi) References.**--No law, rule, regulation, map, document, or other record of the United States, or of any State or political subdivision of a State, shall refer to any highway designated as a future Interstate System route under this subparagraph, and no such highway shall be signed or marked, as a highway on the Interstate System, until such time as the highway--

**(I)** is constructed to the geometric and construction standards for the Interstate System; and

**(II)** has been designated as a route on the Interstate System.

**(C) Financial responsibility.**--Except as provided in this title, the designation of a highway under this paragraph shall create no additional Federal financial responsibility with respect to the highway.

**(5) Exemption of Interstate System.--**

**(A) In general.**--Except as provided in subparagraph (B), the Interstate System shall not be considered to be a historic site under [section 303 of title 49](#) or [section 138](#) of this title, regardless of whether the Interstate System or portions or elements of the Interstate System are listed on, or eligible for listing on, the National Register of Historic Places.

**(B) Individual elements.**--Subject to subparagraph (C)--

(i) the Secretary shall determine, through the administrative process established for exempting the Interstate System from [section 306108 of title 54](#), those individual elements of the Interstate System that possess national or exceptional historic significance (such as a historic bridge or a highly significant engineering feature); and

(ii) those elements shall be considered to be historic sites under [section 303 of title 49](#) or [section 138](#) of this title, as applicable.

**(C) Construction, maintenance, restoration, and rehabilitation activities.**--Subparagraph (B) does not prohibit a State from carrying out construction, maintenance, preservation, restoration, or rehabilitation activities for a portion of the Interstate System referred to in subparagraph (B) upon compliance with [section 303 of title 49](#) or [section 138](#) of this title, as applicable, and [section 306108 of title 54](#).

#### CREDIT(S)

(Pub.L. 85-767, Aug. 27, 1958, 72 Stat. 887; Pub.L. 86-70, § 21(d)(1), June 25, 1959, 73 Stat. 145; Pub.L. 86-624, § 17(b), (c), July 12, 1960, 74 Stat. 415; Pub.L. 87-866, § 8(a), Oct. 23, 1962, 76 Stat. 1147; Pub.L. 90-238, Jan. 2, 1968, 81 Stat. 772; Pub.L. 90-495, §§ 14, 21, Aug. 23, 1968, 82 Stat. 822, 826; Pub.L. 91-605, Title I, §§ 106(b), 124, Dec. 31, 1970, 84 Stat. 1716, 1729; Pub.L. 93-87, Title I, §§ 109(a), 110(a), (b), 137, 148(a) to (c), (e), Aug. 13, 1973, 87 Stat. 255, 256, 268, 274; Pub.L. 93-643, § 125, Jan. 4, 1975, 88 Stat. 2290; Pub.L. 94-280, Title I, §§ 109, 110, 111(a), May 5, 1976, 90 Stat. 431, 433; Pub.L. 95-599, Title I, § 107(a), (b), (f)(1), Nov. 6, 1978, 92 Stat. 2694, 2695; Pub.L. 96-106, §§ 1, 2(a), (c), Nov. 9, 1979, 93 Stat. 796; Pub.L. 96-144, § 2, Dec. 13, 1979, 93 Stat. 1084; Pub.L. 97-424, Title I, §§ 107(a) to (c)(1), (d), (e), 108(f), Jan. 6, 1983, 96 Stat. 2101 to 2104; Pub.L. 100-17, Title I, § 103(b), (f)(1), Apr. 2, 1987, 101 Stat. 136, 141; Pub.L. 102-240, Title I, §§ 1006(a), (b), (d), 1011, Title III, § 3003(b), Dec. 18, 1991, 105 Stat. 1923, 1925, 1935, 2088; Pub.L. 103-272, § 5(f)(1), July 5, 1994, 108 Stat. 1374; Pub.L. 103-429, §§ 3(1), 7(a)(4)(B), Oct. 31, 1994, 108 Stat. 4377, 4389; Pub.L. 104-59, Title I, § 101, Title III, § 301(a), Nov. 28, 1995, 109 Stat. 569, 578; Pub.L. 104-287, § 2, Oct. 11, 1996, 110 Stat. 3388; Pub.L. 105-178, Title I, § 1106(b), June 9, 1998, 112 Stat. 131; Pub.L. 109-59, Title I, §§ 1106, 1118(b)(1), Title VI, §§ 6006(a)(1), 6007, Aug. 10, 2005, 119 Stat. 1166, 1181, 1872, 1873; Pub.L. 112-141, Div. A, Title I, § 1104(a), July 6, 2012, 126 Stat. 422; Pub.L. 113-287, § 5(f)(1), Dec. 19, 2014, 128 Stat. 3268; Pub.L. 114-94, Div. A, Title I, § 1122(e), Dec. 4, 2015, 129 Stat. 1369.)

#### Notes of Decisions (39)

23 U.S.C.A. § 103, 23 USCA § 103

Current through PL 117-11 with the exception of PL 116-283. Incorporation of changes from PL 116-283 are in progress. Some statute sections may be more current, see credits for details.