

## **SOUTH TAHOE GREENWAY SHARED-USE TRAIL PROJECT**

**Recommended Action:** Adopt Resolution 17-01-01 (Attachment 1) authorizing Conservancy staff to: 1) enter into a Memorandum of Understanding with the City of South Lake Tahoe and Lake Tahoe Community College to assign operations, maintenance, and land management responsibilities and define roles for future project implementation of the South Tahoe Greenway Shared-Use Trail; and 2) expend up to \$30,000 over five years in State Operations Funds for routine and interval maintenance of the South Tahoe Greenway Shared-Use Trail.

**Location:** El Dorado County and City of South Lake Tahoe between Sierra Boulevard and Van Sickle Bi-State Park, as more accurately depicted on the Project Location Map (Attachment 2).

**Fiscal Summary:** Up to \$30,000 over five years in State Operations Funds for routine and interval maintenance of the South Tahoe Greenway Shared-Use Trail.

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### **Overview**

#### **Description of Recommended Action**

In March 2016, the California Tahoe Conservancy Board (Board) authorized several items related to implementation of the South Tahoe Greenway Phase 1b and 2 Project (Project) including a land exchange and agreements with the City of South Lake Tahoe (City) and Lake Tahoe Community College (LTCC). Conservancy staff are now seeking authorization to move forward with a Memorandum of Understanding (MOU) with the City and LTCC to facilitate operations and maintenance of all existing and planned phases of the South Tahoe Greenway Shared-Use Trail (Greenway). The MOU also defines roles and responsibilities related to seeking funding for future phases and major repair or replacement of the Greenway.

The MOU will also formalize the partnership between the Conservancy, City, and LTCC to implement the Greenway. As described in the staff report for Agenda Item 6b, however, the City's commitment to the project is now uncertain.

This continued uncertainty will soon jeopardize funding for the project. To meet the deadlines for Public Works Board and California Transportation Commission review of the Project, each of the Project partners must approve and execute the land exchange, MOU, easement grant deeds, and operation and maintenance agreement by May 1, 2017. Conservancy staff will update the Board on the status of these agreements at the March Board meeting, and will be prepared to recommend to the Board reallocation of its \$1 million in matching funds and forfeit \$1.9 million in federal funding if the agreements are not finalized or scheduled to be completed by the May 1 deadline.

### **Summary of MOU**

The MOU:

- facilitates operations and maintenance of all existing and planned phases of the Greenway;
- defines roles and responsibilities for land management and for seeking funding for future phases and major repair or replacement of the Greenway;
- facilitates trail and land management efficiencies that enable effective long-term operation and maintenance of the Greenway;
- formalizes coordination efforts amongst the Conservancy, City, and LTCC;

Specifically the MOU:

- proposes that City crews perform routine and interval trail maintenance using funding from local Measures R and S (Measures R/S), which provide up to \$5,000 annually per mile of trail located in the City of South Lake Tahoe or El Dorado County. If additional funding is required beyond the amount covered by Measures R/S, the Conservancy would reimburse the City for costs incurred up to a specified amount. Conservancy staff are proposing authorization of \$30,000 over the first five years to meet this obligation for Phases 1a, 1b, and 2. Future Conservancy funding commitments will be determined based on experience gained from the initial five-year contract, length of future trail sections, and by working with the City to determine future maintenance needs;
- assigns responsibility for major repair and replacement costs to the Conservancy since the trail is a state-owned facility but would commit the

- City and LTCC to working collaboratively with the Conservancy to seek funding for major repair/replacement costs;
- identifies the Conservancy as responsible for seeking funding for future phases of the Greenway and commits the City and LTCC to supporting Conservancy efforts;
  - identifies management responsibilities for lands owned by the Conservancy, LTCC, or City that are located within the trail corridor or part of a land exchange related to the trail;
  - assigns the following maintenance responsibilities for areas outside of the trail corridor for parcels involved with the land exchange (“Site” numbers are identified in Land Exchange Map (Attachment 3)):
    - Sites 1 and 4: the Conservancy would be responsible for natural resource management and LTCC would be responsible for “people” management. LTCC would also retain the ability to use Site 1 for purposes consistent with its mission and Nordic ski trail operations;
    - Site 2: The City would be responsible for all aspects of land management;
    - Site 3: LTCC would be responsible for all aspects of land management.

This information is summarized in Attachment 4 (“MOU Framework”).

## **History**

The Greenway will be a 3.86 mile trail connection between the Tahoe Sierra (formerly “Sierra Tract”) neighborhood and Van Sickle Bi-State Park. The trail alignment generally follows the right-of-way (ROW) originally obtained by the California Department of Transportation (Caltrans) to build a bypass freeway.

The 3.86 mile Greenway is broken into construction segments, given limited funding and other issues associated with acquiring easements along certain segments of the trail. In 2011 and 2013, the Board authorized \$950,000 for preliminary plans and final design and construction of the first section of the Greenway (Phase 1a), as well as planning and acquisition for other phases. Phase 1a opened in October 2015, providing a 0.42-mile neighborhood connection between Glenwood Way and Herbert Avenue.

To extend the trail beyond Phase 1a, staff partnered with several local agencies and secured \$1,928,000 in Active Transportation Program (ATP) funding in 2015 for the Greenway Phase 1b & 2 Project which extends the trail to Sierra Boulevard. A summary of each partner agency’s benefits and contributions to the

Project can be found in Attachment 5. The \$4.3 million budget for this Project includes contributions from the following sources:

Federal Active Transportation Program Funding	\$ 1,928,000
California Tahoe Conservancy	\$ 1,300,000*
Lake Tahoe Community College	\$ 700,000
Tahoe Transportation District (CMAQ** funds)	<u>\$ 399,000</u>
	\$ 4,327,000

*\*Authorized in 2014 (\$1,100,000) and 2016 (\$200,000). Of this amount, \$1,000,000 is reserved as match funding for the ATP grant award.*

*\*\*CMAQ: Congestion Mitigation and Air Quality Funds*

In March 2016, the Board approved several items related to implementation of Phases 1b and 2. These actions included adoption of California Environmental Quality Act (CEQA) documents for a trail realignment of Phase 2 near Trout Creek to reduce disturbance in environmentally sensitive areas, provide a more direct trail connection, and facilitate partner funding. The Board also authorized an additional \$200,000 in California Tahoe Conservancy Funds to complete technical studies and coordinate with Department of General Services (DGS) and Caltrans as required by the ATP grant award. The Board also authorized staff to enter into land exchanges, easements, and other land tenure agreements for implementation, operation, and maintenance of the Project with partners.

To provide its \$700,000 contribution to the Project, the LTCC has determined that a portion of the trail must be located on its campus. As a result, the Conservancy, LTCC, and the City are proposing a land exchange to address this issue and to facilitate more efficient management of the trail. The MOU apportions management and maintenance responsibilities for the trail and the parcels involved in the land exchange.

Under the proposed exchange, the Conservancy would exchange Site 2 for Site 4 with the City, and then transfer Sites 3 and 4 to LTCC in return for Site 1. In addition, the City and LTCC would each retain the same or more coverage from the exchange. LTCC will retain the coverage from Site 1, and the City will gain additional coverage by exchanging both the land and coverage associated with Sites 2 and 4 with the Conservancy.

According to the updated appraisals of the sites involved with the land exchange, the value of the LTCC's land and coverage would increase by \$6,500, and the value of the City's land and coverage would increase by about \$420,000. The value of Conservancy land and coverage would drop by about \$426,500. See Attachment 6 for a summary of the appraisal information.

The Conservancy and City have worked collaboratively on the planning and design of the Greenway since 2002. More recently, the City has provided meaningful feedback on conceptual plans for the Phase 1b and 2 Project, issued a conditional Special Use Permit for the Project, and submitted a letter of support for the Conservancy's successful ATP application.

In June 2016, City and LTCC executive staff requested updated appraisals for each parcel involved in the land exchange that show the value of land and coverage on each Site. Conservancy staff worked with several agencies to obtain coverage information and maps necessary to update each appraisal. The Conservancy contracted with an appraiser and the updated appraisals were completed in November 2016.

City and Conservancy staff have historically collaborated on planning operations and maintenance for the Greenway, in light of the recent completion of Phase 1a. In fact, an operations and maintenance plan was to be considered at the January 2016 City Council meeting. At that time, the Conservancy Executive Director and City Manager agreed to pull the item from the agenda prior to the meeting in order to reassess the plan within the context of the entire Greenway trail.

The Conservancy has offered to resolve concerns about trail maintenance costs by proposing to reimburse the City for routine and interval maintenance costs beyond what is covered by Measures R/S. The proposed MOU will establish this relationship for the life of the MOU (twenty years). Based on estimates for trail maintenance costs as shown in Attachment 7, the Conservancy believes that providing up to \$30,000 over five years for maintenance costs beyond Measure R/S will be adequate to cover City costs during that period. The Conservancy and City will work collaboratively to determine the appropriate Conservancy funding commitment beyond the initial five years based on experience and length of future trail sections.

## **Financing**

Since 2002, the Conservancy has expended \$2,140,500 on a feasibility analysis, preliminary planning and design, initial permits, environmental review, and construction of Phase 1a. The Conservancy has authorized an additional \$1,300,000 for planning and construction of the Phase 1b and 2 Project.

Conservancy staff is requesting authorization to contribute up to \$30,000 over five years in State Operations Funds for reimbursement to the City for routine and interval maintenance of the Greenway. A five-year timeframe for this initial contract with the City will allow City and Conservancy staff to reevaluate funding needs in future years.

## **Authority**

### **Consistency with the Conservancy's Enabling Legislation**

The recommended action is consistent with the Conservancy's enabling legislation. Specifically, Government Code sections 66907.8 and 66907.9 authorize the Conservancy to exchange or transfer real property to local public agencies and to enter into land management agreements to fulfill its mission. In accordance with Government Code section 66906.8, the Conservancy is authorized to select and hire private consultants or contractors to achieve these purposes. Finally, Government Code section 66907.10 authorizes the Conservancy to improve and develop acquired lands for a variety of purposes.

### **Consistency with the Conservancy's Strategic Plan**

The recommended action is consistent with the Strategic Plan because the Greenway contributes to a more walkable and bike-friendly community (Strategy I.A). It also provides a quality recreation and public access facility that reduces traffic congestion (Strategy II.D.)

### **Consistency with the Conservancy's Program Guidelines**

The recommended action is consistent with the Conservancy's Public Recreation and Access Program Guidelines:

- 1) To “increase and enhance significant regional public access and public recreational opportunities” by establishing a shared-use trail in the core portion of the South Lake Tahoe bikeway network;
- 2) To “provide a range of public access opportunities to locations with regionally significant lakefront, riverfront, cultural/historical and natural characteristics,” by directly linking neighborhoods and tourist accommodations to services, schools and parks, and, through network connections, to beach facilities;
- 3) To “increase regional ... non-motorized transportation and recreation opportunities” by implementing the highest priority California project in the TRPA Bicycle and Pedestrian Master Plan, a priority project in the Regional Transportation Plan (RTP #22), and Environmental Improvement Program (EIP) project #03.01.02.0087; and
- 4) To “support environmental education, interpretation ... that promotes stewardship” through interpretive signage along the route.

### **Consistency with External Authorities**

The recommended action is consistent with the EIP because it facilitates the implementation of EIP project 03.01.02.0087. It also facilitates implementation of the Lake Tahoe Sustainable Communities Strategy and the Regional Transportation Plan.

### **Compliance with the California Environmental Quality Act (CEQA)**

On September 15, 2011, the Board adopted the South Tahoe Greenway Shared-Use Trail Mitigated Negative Declaration (MND) and Mitigation Monitoring Reporting Program. The Board also approved two additional project implementation phases under the 2011 MND: Greenway Phase 1a Project (June, 2013), and Greenway Phase 1 and 2 Project (May, 2014). On March 17, 2016, the Board adopted an MND Supplement that evaluated trail modifications and the proposed land exchange between the Conservancy, LTCC, and the City for the Greenway Phase 1b and 2 Project. All potential environmental effects of the current recommended action have been previously analyzed in the MND and MND Supplement.

### **List of Attachments:**

Attachment 1 – Resolution  
Attachment 2 – Project Location Map  
Attachment 3 – Land Exchange Map

Attachment 4 – MOU Framework  
Attachment 5 – Project Partners  
Attachment 6 – Updated Appraisal Summary  
Attachment 7 – Maintenance and Management Costs

**Conservancy Staff Contact:**

Chris Mertens

[chris.mertens@tahoe.ca.gov](mailto:chris.mertens@tahoe.ca.gov)