

California Tahoe Conservancy
Agenda Item 9b
May 9, 2014

**SOUTH TAHOE GREENWAY SHARED USE TRAIL, PHASES 1 AND 2
IMPLEMENTATION**

Summary: Staff recommends: 1) authorizing the Executive Director to enter into one or more memoranda of understanding or other agreements for a collaborative grant application for the South Tahoe Greenway Shared Use Trail; 2) authorizing the Executive Director to enter into or grant one or more special use permits, easements, or license agreements to secure access to the Greenway Phases 1 and 2 Project area; and 3) authorizing the expenditure of up to \$1,100,000 to facilitate the design and construction of the Greenway Phases 1 and 2 Project.

Location: Along the former U.S. Highway 50 (freeway) right-of-way between Sierra Boulevard and Ski Run Boulevard, within the City of South Lake Tahoe (Attachment 1), as more accurately described in Greenway Phases 1 and 2 Project Property Description (Attachment 2)

Fiscal Summary: Up to \$1,100,000 in Conservancy funding from Proposition 84 and Lake Tahoe Conservancy Account that will serve as match and reimbursable project expenditures under the 2014 Active Transportation Program grant

Recommended Action: Adopt Resolution 14-05-06 (Attachment 3).

Background

In September 2011, the Conservancy Board (Board) considered the South Tahoe Greenway Shared Use Trail Phases 1 and 2 Project (Greenway), adopted its Mitigated Negative Declaration, and approved the project. At that time, the Board also authorized up to \$50,000 for several tasks including a Department of General Services (DGS) preliminary plan cost estimate, pre-acquisition tasks for private property easements, and actions needed to secure a U.S. Forest Service Special Use Permit. Following the September 2011 Project approval, staff evaluated funding options and

developed a first-phase construction project for Board consideration. In June 2013, the Board authorized funding of up to \$893,100 for construction of Phase 1a, currently planned for implementation in 2015, and \$6,900 for actions needed to secure property access for other Greenway phases. As authorized, staff also drafted an on-going operations and maintenance agreement with the City of South Lake Tahoe relying on voter-approved Measure S funds. Consultations concerning this agreement are now underway.

As work on Phase 1a progressed, staff continued to research and track potential sources for outside funding that could continue momentum toward the complete Greenway implementation. The most promising source of funds identified is the new California Active Transportation Program (ATP). The ATP is a reimbursement grant program created in 2012 to encourage increased use of active modes of transportation such as biking and walking. The ATP consolidates State and Federal non-motorized project funding sources into a single program administered by Caltrans. The first round of grant applications is due May 21, 2014.

The Conservancy, the Tahoe Transportation District (TTD), and other applicants seek to partner on a Tahoe Region ATP application for bikeway projects. The TTD is a regional agency established by the Tahoe Regional Planning Agency (TRPA) Compact in 1980 to facilitate and implement safe, environmentally positive, multi-modal transportation plans, programs and projects for the Lake Tahoe Basin. In recent years, the TTD planned and implemented sections of the Stateline to Stateline bike trail component of the Lake Tahoe Bikeway. The ATP application will request: (1) remaining funds needed for the Sugar Pine to Meeks Bay extension of the West Shore Bike Trail and; (2) funding for West Shore Bike Trail elements of the State Route (SR) 89 realignment project around Fanny Bridge; and (3) final design and construction funds for completing Phases 1 and 2 of Greenway.

Project Description

1. Greenway Phases 1 and 2 Project

Phase 1a creates a shared-use trail between Herbert Avenue and the edge of the Bijou Meadow at Glenwood Way. The ATP proposal would complete the remainder of Phase 1 and all of Phase 2, including the trail connections between Sierra Boulevard to the south and Ski Run Boulevard to the north, as shown on Attachment 1. The proposed trail is a separated Class 1 or better bike path providing transportation and recreation access for a wide diversity of non-motorized users. Greenway Phases 1 and 2 Project incorporates roadway safety features, a new bike bridge over Trout Creek, and sections

of boardwalk to protect stream environment zones. The combination of the Greenway Phase 1a segment already approved and funded, with the remaining segments of Phases 1 and 2 proposed for ATP funding, creates a continuous bike path network in the core of South Lake Tahoe (Attachment 4). The network includes:

- direct connections from nearby neighborhoods to the significant community spaces at the Lake Tahoe Community College, Community Playfields, and Bijou Community Park;
- a loop system following U.S. Highway 50, Ski Run Boulevard, South Tahoe Greenway, and Al Tahoe Boulevard with only minor gaps; and
- connections to the larger community

Greenway Phases 1 and 2 Project features include:

Greenway Project Features	Board Approved: Phase 1a	ATP Application: Remaining Phases 1 and 2 Segments	Total
Total length	2,440 feet	8,615 feet	11,385 feet (2.16 miles)
Boardwalk	0 feet	850 feet	850 feet
New bridge	0	1	1

2. Securing Property Access

To fully implement Phases 1 and 2 should the ATP grant application be successful, additional property agreements beyond those approved by the Board in 2013 would be necessary. These include access agreements on public property and one easement on private property as follows (Attachment 5):

- STPUD - APN 025-061-18;
- City - APNs 025-061-26, 025-061-27, 025-041-20, and 027-323-17;
- City-owned bike trail easement on private parcels (the Aspens at South Lake affordable housing project)– APN 027-323-10 and 027-323-16;
- U.S. Forest Service - APN 027-331-03; and
- Private Property - APN 025-021-38.

For the public property, securing access rights will require defining the project details and project area involved, determining the suitable agreements for construction and long-term operation, and submitting any required fees and payments.

The Board approved pre-acquisition activities for needed easements on several private parcels in September 2011, and acquisitions for construction and permanent easements for two of three parcels in June 2013. To complete construction of Phase 1, the Conservancy will need to acquire construction and permanent easements on the remaining parcel. To address private owner concerns, staff proposes minor project modifications in the area to reduce the size of easement needed. The estimated costs for the resulting appraisal and easement modifications are noted in the budget, below.

3. Agreements with Tahoe Transportation District for Grant Application

The ATP specifically encourages applications that group smaller projects together to create a more substantial outcome. The TTD will serve as the applicant agency for all projects within the Tahoe regional application. The ATP requires all entities involved in an application to join in a MOU prior to submittal that establishes:

- intention to complete the project(s) if grant funding is awarded;
- responsibility for on-going operation and maintenance of the trail when completed; and
- identification of the source of available matching funds.

Should the application be successful and the ATP grant awarded, the TTD will accept the responsibility for grant management and will complete a Master Agreement with Caltrans that provides detail and direction concerning grant administration, project schedules and costs, construction requirements and other administrative details. TTD will in turn create a detailed agreement with the Conservancy and other applicants defined in the partnership to complete the Greenway segments funded by the grant. For the Greenway Phases 1 and 2 Project, the options for this partnership range from a simple administrative agreement related to invoicing and payment, to a more comprehensive partnership that enables TTD to implement the project on Conservancy land through property access allowances such as an easement or license agreement. A more comprehensive partnership may require future Conservancy Board action.

Project Budget

To date, the Conservancy Board has authorized \$2,362,000 for planning and preliminary design of the overall Greenway project, property access acquisitions, and final design and construction of Phase 1a. The total estimated budget proposed for the remainder of Phase 1 and Phase 2 for inclusion in the ATP grant application is \$7,200,000:

Budget Item

<i>Securing Property Access</i>	
Public Property Use Permits or Other Agreements	\$40,000
Private Property Easement Update (legal description, easement provisions, etc.)	20,000
Private Property Easement Acquisition (up to 2,151 sq. ft. permanent easement and 3,541 sq. ft. temporary easement for APN 025-021-38)	12,300
<i>Subtotal</i>	<u>\$72,300</u>
 <i>Final Plans and Construction</i>	
Complete Preliminary Plans and prepare DGS cost estimate	\$20,000
Architectural and Engineering Services (A&E) (Design, construction management, inspection)	1,050,000
Construction (including 20% contingency)	4,700,000
Other Costs (Permits, mitigation, etc.)	1,377,700
<i>Subtotal</i>	<u>\$7,147,700</u>
TOTAL	<u>\$7,200,000</u>

The budget for individual items may vary from those shown above, but total expenditures will not exceed \$7,200,000.

Several features of the ATP grant application with budget implications are:

- The ATP grant guidelines require a minimum local match of 11.47% and encourage match amounts above the minimum. The match amounts must be expended in the same project funding categories as the grant request. The \$574,400 Phase 1a construction funds approved by the Board in 2013, but not yet

expended, can provide a match for construction funds. Final match amounts may vary based on specific elements of the joint TTD and Conservancy application.

- The ATP is a reimbursement grant. Staff has identified \$1,100,000 in existing funding that can support the Conservancy’s contribution to match and reimbursable project expenditures of the grant. Should the grant be awarded to the Lake Tahoe’s bikeway grant proposal, the Conservancy’s project match and reimbursable project expenditures will feature prominently in developing implementation agreements with TTD and others.

Project Implementation

If the Board approves this request, the Conservancy Executive Director will sign the MOU; and Conservancy, TTD staff, and other joint applicants will submit the ATP grant application by May 21, 2014. Should the application be successful and grant funds awarded, Conservancy staff will work with TTD, DGS, or other entities to develop the necessary additional agreements and take the necessary steps to implement the Project. Should the grant be awarded, the anticipated schedule for major project milestones is:

Application for ATP grant	May 2014
Grant award	August 2014
Notice to Proceed for ATP grant	February 2015
Completion of final design for Project	March 2016
Final project approvals, including PWB	November 2016
Construction award	April 2017
Start construction for Project	July 2017
Complete Project construction	October 2018

Project Evaluation

The Greenway Phases 1 and 2 Project meet the four primary objectives of the Conservancy’s Public Recreation and Access Program:

- 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, local and bi-state parks, and, through network connections to beach facilities;

- 3) To “increase regional ... non-motorized transportation and recreation opportunities” consistent with TRPA’s Bicycle and Pedestrian Master Plan and the Environmental Improvement Program (EIP); and
- 4) To “support environmental education, interpretation ... that promotes stewardship through interpretive signage along the route.”

When complete, the Greenway will encourage non-auto transportation throughout South Lake Tahoe and help implement the City’s vision of a walkable, bikeable community for residents and recreation-destination visitors. The Greenway is a high priority Environmental Improvement Project (EIP Project #752) designed to improve the functionality of the South Lake Tahoe transportation system, reduce traffic congestion and vehicle miles traveled (VMT) with related reductions in air pollutants including greenhouse gas emissions. The Greenway is expected to contribute to attainment of environmental thresholds related to transportation and mobility, air quality, and recreation. The Greenway Phase 1 and 2 Project, including the Phase 1a component previously funded, makes substantial progress toward these important goals.

Consistency with the Conservancy’s Enabling Legislation

The Greenway Phases 1 and 2 Project is consistent with the Conservancy’s enabling legislation. Specifically, Government Code section 66907 authorizes the Conservancy to acquire real property or interests therein for the purposes of providing public access or public recreational facilities. Under Government Code section 66906.8, the Conservancy is authorized to select and hire private consultants or contractors to achieve these purposes. In addition, Government Code section 66907.10 authorizes the Conservancy to improve and develop acquired lands for a variety of purposes.

Compliance with the California Environmental Quality Act (CEQA)

The Conservancy, acting as the lead agency, prepared an Initial Study and Mitigated Negative Declaration (IS/MND) for the South Tahoe Greenway Shared Use Trail to comply with CEQA. The Board adopted the MND and Mitigation Monitoring Report on September 15, 2011 and a Notice of Determination (NOD) was filed with the State Clearinghouse pursuant to CEQA Guidelines (Cal. Code Regs., title 14, § 15000 et seq.), section 15075 on September 16, 2011 (Attachment 6). Copies of the IS/MND are retained, with the record of proceedings upon which the Board’s decision on this matter was based, at the Conservancy office, 1061 Third Street, South Lake Tahoe, CA 96150.

The Conservancy Board also evaluated Greenway Phase 1a Project at its June, 2013 meeting. At that time, the Board concluded that the IS/MND prepared in 2011

remained adequate for the Phase 1a Project and adopted it again on June 20, 2013, filing the required NOD with the State Clearinghouse on June 28, 2013. (Attachment 6)

For the present action, Staff has reviewed the IS/MND and believes the project analysis in the document remains adequate. Staff has determined that Greenway Phases 1 and 2 Project, as proposed, would not cause a significant effect on the environment. Since completion of the IS/MND, there is no new information, substantial changes to the proposed Greenway Phases 1 and 2 Project, or changes to the project implementation that would involve any new significant effects not analyzed in the IS/MND. As a result, no new mitigation measures are necessary to find that the Greenway Phases 1 and 2 Project, as mitigated, would have no significant environmental impacts. The mitigation measures are located in pages 1-4 of the findings section of the IS/MND.

Staff recommends the Board again review and consider the IS/MND and past comments received and make the findings as set forth in the resolution (Attachment 3), and authorize the Executive Officer to enter into the agreements to apply and, if awarded, implement the Greenway Phases 1 and 2 Project, including authorizing the expenditures outlined above. If the Board adopts the IS/MND and authorizes the actions described above, staff will file an NOD (Attachment 7) with the State Clearinghouse pursuant to CEQA Guidelines, section 15075.

List of Attachments:

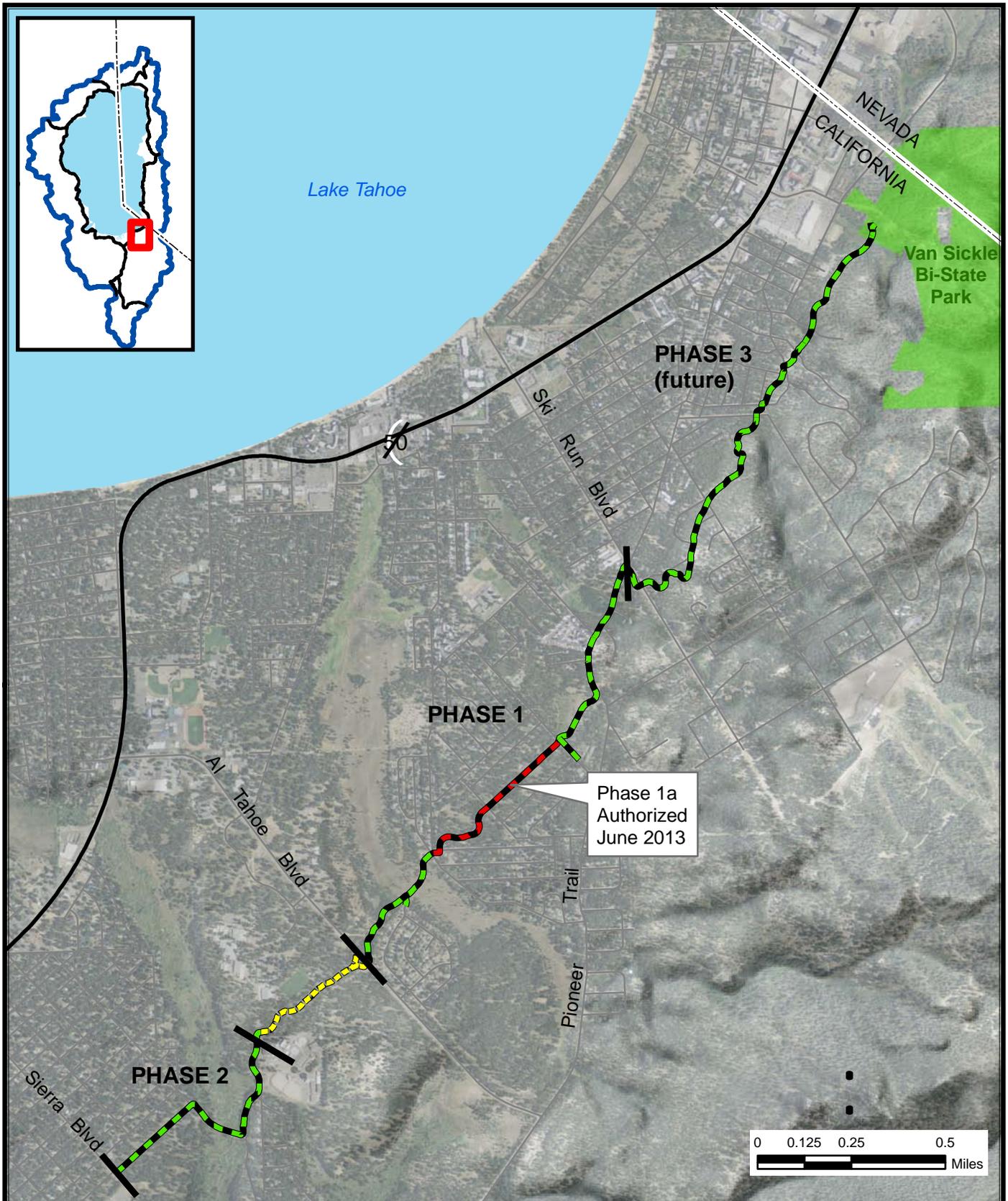
- Attachment 1 – Project Location Map
- Attachment 2 – Greenway Phases 1 and 2 Project Property Description
- Attachment 3 – Resolution 14-05-06
- Attachment 4 – Bike Network Elements
- Attachment 5 – Greenway Phases 1 and 2 Project Area Property Access Needs
- Attachment 6 – Initial Study, Mitigated Negative Declaration, and Notices of Determination, Filing Fee Receipt (on attached CD)
- Attachment 7 – Notice of Determination

Conservancy Staff Contact:

Sue Rae Irelan

Phone: (530) 525-9137
SueRae.Irelan@tahoe.ca.gov

ATTACHMENT 1
Project Location



- Existing Class I Trail
- South Tahoe Greenway Shared Use Trail

California Tahoe Conservancy
May 2014

Map for reference purposes only.
Sources: USDA NAIP; TRPA



ATTACHMENT 2

GREENWAY PHASES 1 AND 2 PROJECT AREA PROPERTY DESCRIPTION

The following El Dorado County Assessor Parcel Numbers (APNs) comprise the project area for the Greenway Phase 1 and 2 Project (excluding the Phase 1a project area previously funded for implementation):

Property Owner	APN	
California Tahoe Conservancy	025-462-06	025-462-19
	025-462-07	025-462-20
	025-462-08	025-462-21
	025-462-09	025-462-22
	025-462-10	025-462-23
	025-462-11	025-061-12
	025-462-12	025-041-13
	025-462-13	025-051-29
	025-462-14	025-405-06
	025-462-15	025-405-09
	025-462-16	025-510-85
	025-462-17	
	025-462-18	
City of South Lake Tahoe	025-061-26	025-041-20
	025-061-27	027-323-17
South Tahoe Public Utility District	025-061-18	
U.S. Forest Service	027-331-03	
City of South Lake Tahoe bike trail easement on Private	027-323-10	027-323-16
Private	025-021-77	025-282-38
	025-021-38	

ATTACHMENT 3

California Tahoe Conservancy

Resolution

14-05-06

Adopted: May 9, 2014

SOUTH TAHOE GREENWAY SHARED USE TRAIL PHASES 1 AND 2 IMPLEMENTATION

Staff recommends the California Tahoe Conservancy make the following finding based on the accompanying staff report pursuant to Public Resources Code section 21000 et seq.:

“The California Tahoe Conservancy (Conservancy), in its capacity as the lead agency, independently prepared the Initial Study and Final Mitigated Negative Declaration, Response to Comments, and the Mitigation Monitoring Report (MND) for the South Tahoe Greenway Shared Use Trail Project (Project). The Conservancy first considered and adopted the IS/MND on September 15, 2011 and again on June 20, 2013 prior to authorizing funding of the Phase 1a Project. In consideration of the Greenway Phases 1 and 2 Project, the Conservancy finds on the basis of the whole record before it that there is no substantial evidence that the Project, as mitigated, will have a significant effect on the environment. The Conservancy finds that since the completion of the MND, there is no new information, substantial changes to the proposed Project, or changes to implementation which would involve any new significant effects which were not previously analyzed. Furthermore, since the Conservancy’s preparation of the MND, there are no changes regarding the Project that would require new or different mitigation measures. The MND was completed in compliance with CEQA and reflects the Conservancy’s independent judgment and analysis. The Conservancy incorporates the mitigation measures described in the MND as a condition of Project approval. The Conservancy hereby adopts the Mitigated Negative Declaration and related Mitigation Monitoring Report and directs staff to file a Notice of Determination for the Project with the State Clearinghouse.”

Staff further recommends the California Tahoe Conservancy adopt the following resolution pursuant to Government Code sections 66906.8, 66907.9, and 66907.10.

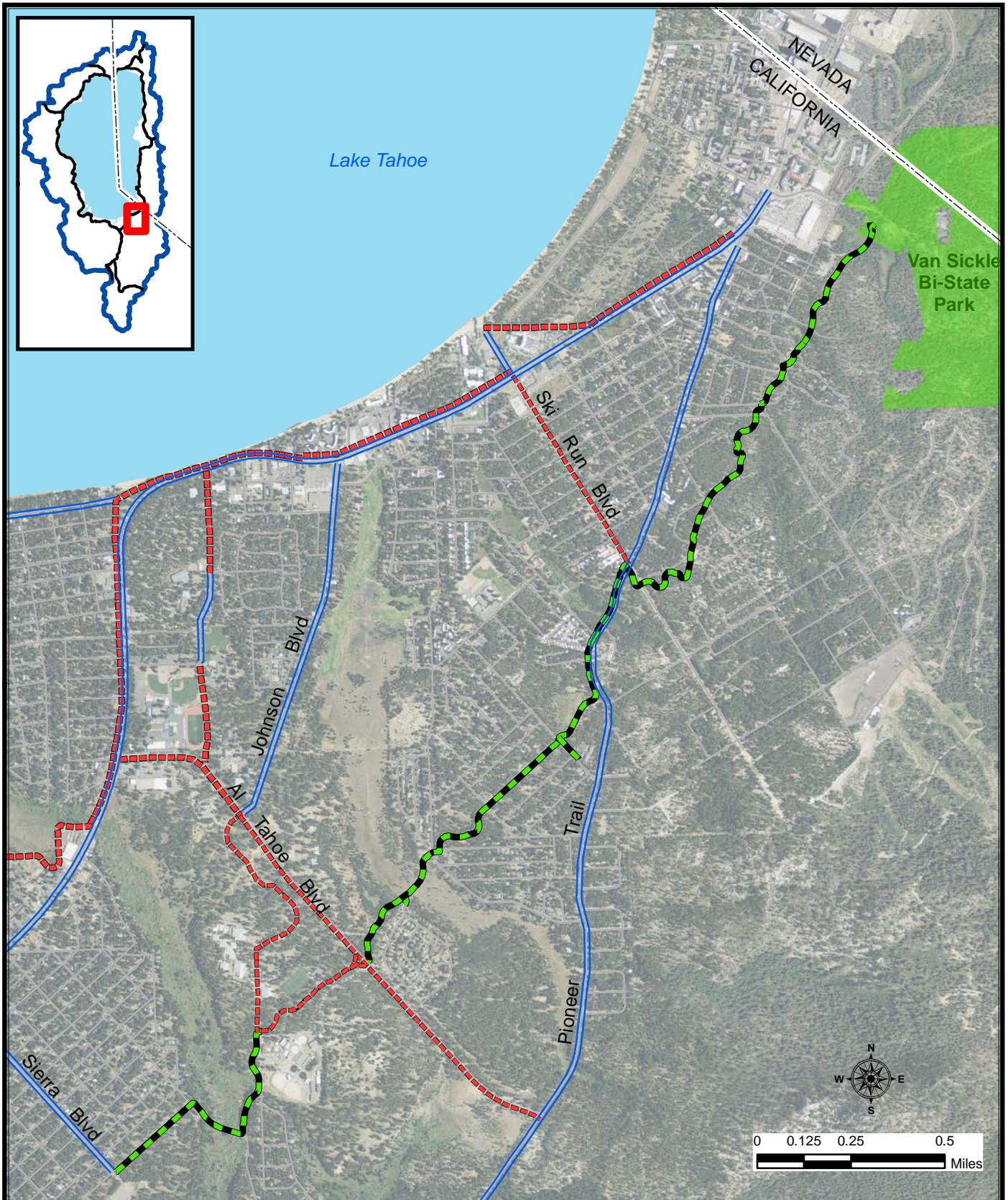
"The California Tahoe Conservancy hereby authorizes the Executive Director to enter into agreements as necessary to apply for and secure grant funding for the Greenway Phase 1 and 2 Project, secure rights necessary for access to the required project area, commits up to \$1,100,000 in state funds for match and reimbursement requirements through a 2014 Active Transportation Program grant should that grant be awarded and take all other necessary steps consistent with the accompanying staff recommendation."

I hereby certify that the foregoing is a true and correct copy of the resolution duly and regularly adopted by the California Tahoe Conservancy at a meeting thereof held on the 9th day of May 2014.

In WITNESS THEREOF, I have hereunto set my hand this 9th day of May 2014.

Patrick Wright
Executive Director

ATTACHMENT 4
Bike Trail Network



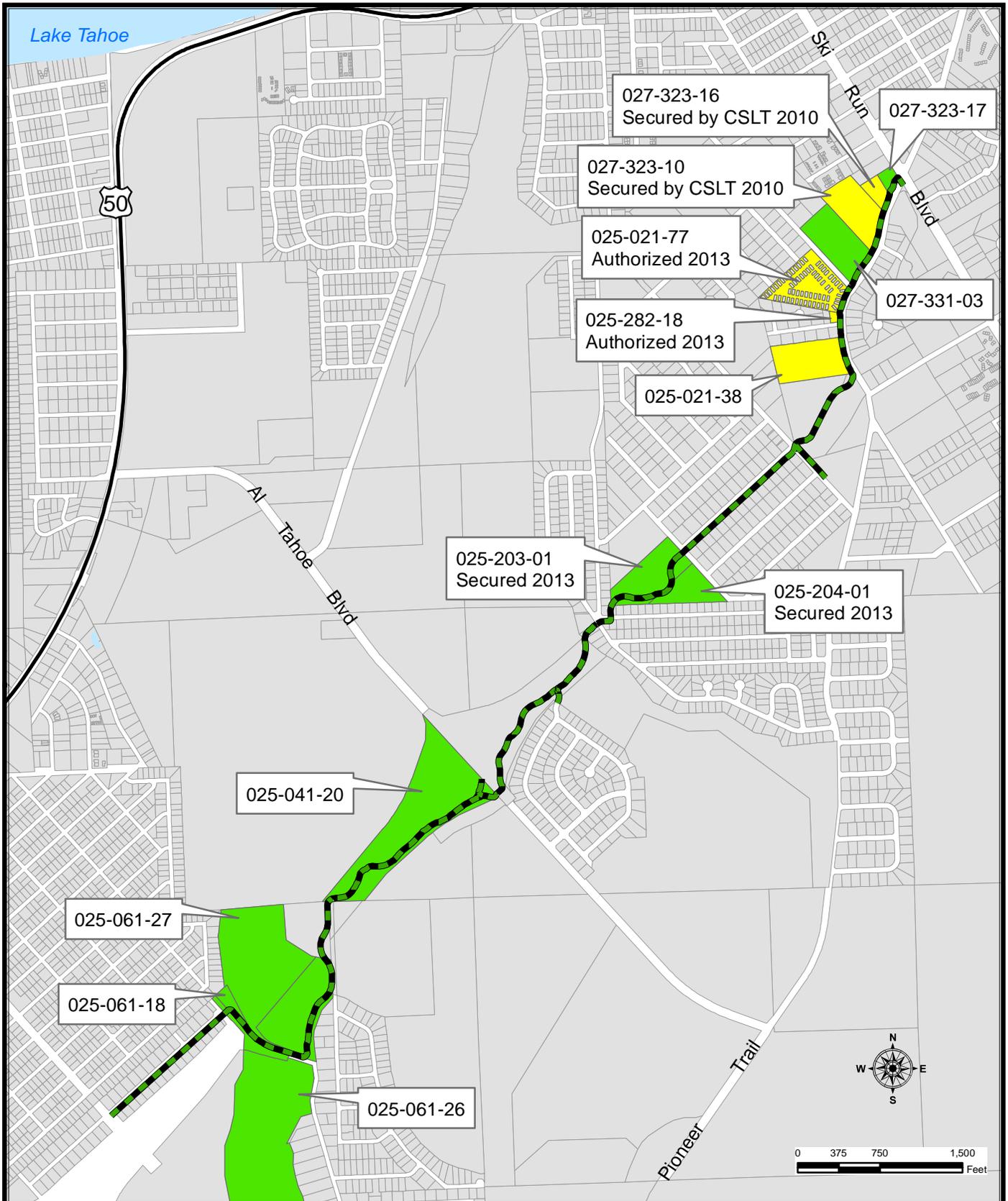
- Class I Existing or In Progress
- ==== Class 2 Existing or In Progress
- - - - South Tahoe Greenway Shared Use Trail

California Tahoe Conservancy
May 2014

Map for reference purposes only.
Sources: USDA NAIP; TRPA



ATTACHMENT 5
Greenway Phase 1 and 2 Property Access Needs



- Private Property Easements Needed
- Public Property Rights of Access Needed
- South Tahoe Greenway Shared Use Trail

California Tahoe Conservancy
May 2014

Map for reference purposes only.
Sources: TRPA; El Dorado County



ATTACHMENT 6

**SOUTH TAHOE GREENWAY SHARED USE TRAIL,
PHASES 1 AND 2 IMPLEMENTATION**

Initial Study
Mitigated Negative Declaration
2011 Notice of Determination
2013 Notice of Determination

Filing Fee Receipt

On attached CD

ATTACHMENT 7

NOTICE OF DETERMINATION

TO: Office of Planning and Research
1400 10th Street, Room 121
Sacramento, CA 95814

FROM: California Tahoe Conservancy
1061 Third Street
South Lake Tahoe, CA 96150

Subject:

Construction of 8,615 feet of bike trail

Project Title:

South Tahoe Greenway Shared Use Trail Phases 1b, 1c and 2 Implementation

State Clearinghouse Number:

2006112070

Contact Person:

Sue Rae Irelan

Telephone Number:

(530) 525-9137

Project Location:

Trail construction on Conservancy-owned and other public and private lands within the City of South Lake Tahoe and County of El Dorado, California, between Sierra Boulevard and Glenwood Way and between Herbert Avenue and Ski Run Boulevard that encompasses the following El Dorado County Assessor Parcel Numbers: 025-021-38 and -77; 025-041-13 and -20; 025-051-29; 025-061-12, -18, -26 and 27; 025-405-06 and -09; 025-282-38; 025-462-06 to -23; 025-510-85; 027-323-10, -16, and -17; and 027-331-03.

Project Description:

Construction of 8,615 feet of bike trail, including boardwalk and bridge segments, to AASHTO shared-use trail standards. This action includes: construction of a pedestrian bridge over Trout Creek, intersection safety improvements, limited tree removal, placement of interpretive and wayfinding signage, and restoration of wetland and stream environment zone disturbance related to existing redundant foot trails.

This is to advise that the Conservancy, acting as the lead agency, has approved the above described project on May 9, 2014 and has made the following determinations regarding the above described project:

1. The project will not have a significant effect on the environment.
2. A Mitigated Negative Declaration was adopted for the project pursuant to the provisions of CEQA.
3. Mitigation Measures were made a condition of the project approval by the Conservancy, and a mitigation monitoring report was adopted.
4. The Mitigated Negative Declaration may be examined at 1061 Third Street, South Lake Tahoe, CA 96150.

Fish and Wildlife Fees: A California Department of Fish and Wildlife Environmental Filing Fee was paid for this project. A copy of the receipt will be filed with this notice.

Date Received for Filing:

Patrick Wright
Executive Director