March 1, 2013

California Transportation Commission
1120 N Street Room 2221
Sacramento, CA 95814

Re: KBCCIP - Tab #71 and # 82

Dear Members of the Commission,

I moved to Kings Beach in 1979, started a few businesses over 34 years, owned a water utility company, served on the Board of the North Tahoe Public Utility District. We currently own and operate a storage facility in nearby Tahoe Vista which we developed after a 14 year permit process. My wife and I raised our children here, and we are disheartened seeing a great community become fractured and torn apart since about 2004 over this project. I have an MBA, and was asked to lead the Kings Beach Business and Citizens Alliance to retain the four lane highway, install sidewalks, bike lanes, and water quality improvements.

There are two items on the March 5, 2013 agenda (Tab #71 and #82) which request funding for a project in Placer County, Caltrans District 3, called the Kings Beach Commercial Core Improvement Project (KBCCIP). The project is located on State Route 28 on the North Shore of Lake Tahoe, a lake revered for its clarity and mountain vistas. Designated as one of only a few Outstanding National Resource Waters (ONRW) under the Clean Water Act it is a well recognized and prized "national treasure." This highway has regional significance as the sole roadway for the "movement of people and goods" between California and Nevada.

The current project description, "to enhance pedestrian/bicycle mobility and provide water quality improvements," omits the following two essential facts: 1) the project as proposed reduces SR28 from four through lanes (since 1964) down to two through lanes (constricted by two single-lane roundabouts), and 2) the alternative to retain the four lanes was described in a letter dated October 2, 2007 as "superior" by District 3 Director Jody Jones, as it would minimize congestion, improve pedestrian safety, enhance pedestrian/bicycle mobility, and provide water quality improvements.

In the same letter Jones writes, "The County will have the final decision of alternative selection." This was the beginning of what we too often observed, Caltrans' deference to Placer County and their grand redevelopment schemes from Auburn (County seat). We believe State Route 28 is a right of way (ROW) granted to all the people of the State of California and is the responsibility of Caltrans, not the supervisors of Placer County.

A Brief History

The first appearance of the KBCCIP as a programmed project for STIP funding occurred in 2006, and the project description included "widening the highway." Although project's approval was some years off,

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the project team's minutes show that description was deliberate "for funding purposes." Without any controversy the request of $3.754 million in STIP funding was approved by the Commission.

But what ensued at the local level, with Placer County and the Tahoe Regional Planning Agency (TRPA) was the most controversial process ever and a true test of Caltrans' responsibility for the State's highways in Lake Tahoe. That role continues to this day as we look to resolve a very complex issue.

In 2004 under new leadership the TRPA staff initiated a collaboration with local jurisdictions to update the 1987 Regional Plan with a "new urbanism" vision. The general economy was hot and Placer County's Redevelopment Agency revenues were rapidly climbing and feeding their redevelopment plans for Kings Beach and Tahoe City. SR28 was to be the centerpiece for a grand scheme of new resort developments as pedestrian oriented "villages" with boulevard like sidewalks. The model was based on South Lake Tahoe's redevelopment beginning in the 1990's, and the TRPA's new director was intent on spreading the vision to Kings Beach.

The slogan "reduce dependency on the automobile" was justified, they said, because it was a directive in the 1980 bi-state Compact (the law that authorized the TRPA's existence) transportation plan. This phrase, however, was taken out of context, and is the root of the controversy over the KBCCIP. The full sentence in Article 5 of the Compact under Transportation Plan reads,

> 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.

This sounds more consistent with Caltrans policy "to move people and goods" but the full language was not carried forward in the new TRPA vision. Instead, "new urbanism" principles applied to the "built environment" captured the new resort development vision regardless of the consequences to motorized vehicles and the environment. After all, vehicles were going to be replaced by pedestrians (Overriding Consideration #1).

The Tahoe Metropolitan Planning Organization (TMPO) is governed by the same Board of Directors as the TRPA (plus a US Forest Service representative), and adopted the same distortion of Compact directive in its Regional Transportation Plan. Transportation and land-use were beginning to merge in 2005. The KBCCIP was programmed for State and Federal funding with full knowledge that the lane reduction alternative was aligned with the new vision.

In an email from Placer County's Tahoe Manager (November 6, 2009) to the Placer County CEO, a description of how Joanne Marchetta (Executive Director of the TRPA) characterized the coming TRPA vote on the KBCCIP as "a referendum on the concepts staff supports for inclusion in the Regional Plan and believes a failure on KB would damage the Regional Plan update." (Overriding Consideration #2)

The KBCCIP impacts in the EIS/EIR were based on Placer County's conclusion that congestion would occur only 3 to 5 days per year depending on the direction of travel. The evidence obtained through a Public Records Act request from both Caltrans and Placer County show how the traffic analysis was manufactured after serious tweaks of the SIDRA model. Ultimately, the political agreement and deference to the Placer County by Caltrans' District 3 led to the feasible lane reduction alternative.

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However, you can tweak a model but you cannot alter the physics and practical realities of traffic counts and driver behavior.

Our group hired Roundabout and Traffic Engineering (RTE) a well known roundabout designer to perform a technical analysis of the proposed roundabout's design, by, using the more accurate RODEL model. It concluded the single-lane roundabouts were "designed to fail." And could back up their data with an 85% confidence level. SIDRA is limited to a 50% confidence level and cannot process real inputs such as pedestrian crossings. Caltrans claimed they can accept either SIDRA or RODEL and chose the less accurate analysis software. Placer County and the TRPA simply ignored the report's findings.

Ultimately, the controversy was "concepts" consistent with the RPU's vision over the practical reality that reducing SR28's capacity (with traffic counts about 24,000 vehicles per day during four months of seasonal peaks) will cause congestion similar to or worse than neighboring Tahoe City. Known for severe congestion during the summer, traffic counts in Tahoe City are actually less than in Kings Beach. SR28 in Tahoe City has more capacity than the proposed two through lanes in Kings Beach due to a continuous third left turn lane (unrestricted by single-lane roundabouts) that is periodically, in high demand times, converted to three through lanes.

Traffic congestion at Lake Tahoe is repeatedly the number one problem in surveys of visitors, tourists, and locals. The Resort Association has produced surveys with numbers as high as 80% who say traffic congestion is the most serious problem at Lake Tahoe.

In January 2010 the Tahoe Transportation District release a public outreach survey and asked various questions about the KBCCIP. Placer County officials were very upset at this inadvertent survey that showed the lack of support in the community for the lane reduction. (Overriding Consideration #3)

Most people trust that Caltrans will do the right thing to not fund the creation of congestion as proposed by Placer County. We believe there is a solution that only the Commission can direct staff to examine.

Caltrans ROW is only an Easement

Caltrans has no evidence of fee title to the 80' ROW through Kings Beach. The deeds of adjacent property owners show the SR28 ROW is designated for "roadway purposes." The four lanes are fully used and needed to prevent congestion, yet Caltrans is planning to relinquish part of the ROW after removing a travel lane to Placer County for pedestrian use. According to the Project Report for the KBCCIP approved by District 3 director on April 1, 2010,

> Upon completion of the proposed project the State will relinquish the excess portion of State right of way from the back of curb to the existing SR28 right of way line. Placer County will accept this relinquishment and assume responsibility for maintenance of this area.

How are two existing lanes of SR28, essential to the free flow of traffic considered "excess," subject to relinquishment, and to be converted into unnecessarily wide sidewalks. Is there evidence that the extra-wide sidewalks will displace two lanes of through traffic? Much of the vehicle use of SR28 is to access Incline Village, a town of 10,000 full time residents and a seasonal population of 30,000. SR28 through Kings Beach is the only access from Interstate 80 to Incline Village.

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The Problem of Financing

Placer County has had difficulty securing financing for this project. In the project funding statement dated July 21, 2009 Placer County claimed secured funding of $11,000,000 from the Placer County Redevelopment Agency. With the dissolution of RDAs (February 2012) in California this funding is likely not available. In an email from the California Department of Finance (DOF) an official states,

> As is indicated in the attached letter, Finance has disapproved $11.6 million in bond expenditures for the Kings Beach Commercial Core District. The disapproval is based on the fact that a contract requiring the expenditure of these funds was not in place prior to June 28, 2011.

Placer County also had shown ARRA - Tiger funds of $17,199,000 to complete the funding need in the 2009 statement and this request was recently denied by the FHWA. The SNPLMA funding is targeted by Federal law for water quality improvements and has nothing to do with the number of lanes on the highway.

Project Phasing Has Changed

When the project was approved by the TRPA and Placer County, Phase I was implementation of the Traffic Management Plan that would mitigate the congested traffic cutting through the residential neighborhood of Kings Beach. Phase II was the purchase and construction of additional parking lots to mitigate the parking spaces lost on SR28 (parking is prohibited on SR28 during the peak seasons). Then Phase III was the actual reduction of lanes and installation of the roundabouts.

Now the Phases have been altered significantly with Phase I as a shortened (by 1200 feet) "core of the core" project reducing the lanes and installing the roundabouts first. Then Placer County claims they will do the Traffic Management Plan and Parking Plan later as money becomes available.

The appearance is to just get the most irrevocable part of the project in first, then deal with all the mitigation measures and public backlash as it occurs. This is a recipe for failure. And the roadway is Caltrans' responsibility.

Other Failures from the Rush

Several other problems are brewing from Placer County's push to get something in the ground. The recent formation of a Business Assessment District was rushed through in a few months leaving numerous unanswered questions regarding liability, assessments from public lands, extent of snow removal along SR28, and is the BAD responsible for removing Caltrans' snow that is simply plowed to the sides. The parking plan is not complete, with many businesses unsure about their spaces and the location of replacement spaces. If parking is primarily relocated on the north side of SR28, how will this increase in pedestrian crossings impact traffic. The EIR/EIS did not account for any additional highway

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crossings from relocated parking spaces. How will Caltrans prevent the plows from piling snow onto the sidewalks? Placer County has not provided these answers to local businesses or the public in a reliable manner.

The Risk of Failure

Property and business owners have been told that Caltrans was only in an "oversight" position on this project. District 3 had stated the final decision of alternatives is up to Placer County. So what agency will be responsible for possible financial damages, possible injuries in the residential neighborhoods, or the cost of reversing the lane reduction when the public backlash from congestion is unbearable?

Lately Placer County officials have stated that it is a joint project, which would suggest Caltrans is stepping up to see this through completion and be responsible for the results. Is this what the Commission wants?

The visibility of this project will make its consequences known not only nationwide but internationally. The spotlight of the world will be watching to ensure protection of an Outstanding National Resource Water (ONRW) under the 1972 Clean Water Act. Your wisdom is needed.

I would like to present on March 5 a possible resolution to this project. I believe there is a way to move the project forward, without the all or nothing result, which does not produce a positive result for anyone. The economy has gone through a major reset, the Redevelopment Agencies are dissolved, and funding will continue to be tighter.

Kindly regards,

David McClure

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