

**TAHOE TRANSPORTATION DISTRICT
BUDGET FINANCE COMMITTEE MEETING MINUTES
March 12, 2021**

Committee Members in Attendance:

Lucia Maloney, Carson City, Chair
Cindy Gustafson, Placer County
Steve Teshara, SS-TMA

Others in Attendance:

Carl Hasty, Tahoe Transportation District
Joanie Schmitt, Tahoe Transportation District
George Fink, Tahoe Transportation District
Judi Allen, Tahoe Transportation District

I. PUBLIC INTEREST COMMENTS

No public interest comments were made.

II. RECOMMENDATION OF APPROVAL OF MINUTES OF FEBRUARY 12, 2021

Mr. Teshara made the motion to recommend approval of the minutes of February 12, 2021. Ms. Gustafson seconded the motion. The motion passed.

III. DISCUSSION ITEMS

(All Items for Possible Recommendation)

A. Review and Acceptance of the District's Financial Statement of Operations through December 31, 2020

Ms. Schmitt reviewed this item. Ms. Gustafson suggested a financial workshop, including a ten-year funding history, for the full Board.

Mr. Teshara made the motion to recommend acceptance of the District's Financial Statement of Operations through December 31, 2020. Ms. Gustafson seconded the motion. The motion passed unanimously.

B. Informational Update on Rate Structure Modifications, Signage, and Non-Compliance for the Park Tahoe Parking Management Program for Nevada State Route 28

Ms. Hughes reviewed this item. Mr. Teshara noted he liked the messaging and the pricing seems simpler. Ms. Maloney suggested removing the word 'per' on the messaging.

Informational only, no action was taken.

IV. PUBLIC INTEREST COMMENTS

No public interest comments were made.

V. ADJOURNMENT

**TAHOE TRANSPORTATION DISTRICT
BOARD MEETING MINUTES
March 12, 2021**

TTD Board Members in Attendance:

Cindy Gustafson, Placer County, Chair
Cody Bass, City of South Lake Tahoe
Brian Bigley, Member at Large
Mark Bruce, Tahoe Regional Planning Agency Appointee
Andy Chapman, TNT-TMA
Kyle Davis, Nevada Governor Appointee
Alexis Hill, Washoe County
Lucia Maloney, Carson City, Vice Chair
Sue Novasel, El Dorado County
Wesley Rice, Douglas County
Steve Teshara, SS-TMA
Sondra Rosenberg, NDOT
Alex Fong, Caltrans

TTD Board Members Absent:

California Governor Appointee - vacant

Others in Attendance:

Carl Hasty, Tahoe Transportation District
Joanie Schmitt, Tahoe Transportation District
George Fink, Tahoe Transportation District
Danielle Hughes, Tahoe Transportation District
DeDe Aspero, Tahoe Transportation District
Nick Haven, Tahoe Regional Planning Agency
Judi Allen, Tahoe Transportation District
Nira Doherty, Legal Counsel

I. TAHOE TRANSPORTATION DISTRICT CALL TO ORDER AND ROLL

A. Roll Call and Determination of Quorum

The meeting of the Tahoe Transportation District was called to order by Chair Gustafson at 9:31 a.m., via GoToWebinar. Roll call was taken and it was determined a quorum was in attendance for the TTD.

B. Approval of TTD Agenda of March 12, 2021

Motion/second by Ms. Hill/Ms. Novasel to approve the TTD agenda for today's meeting. The motion passed unanimously.

C. Approval of TTD/TTC Meeting Minutes for February 12, 2021

Motion/Second by Mr. Chapman/Mr. Teshara to approve the TTD and TTC minutes. The motion passed unanimously.

II. EMPLOYEE INTRODUCTIONS / SERVICE AWARDS

Mr. Fink introduced Gabor Visnovits, road supervisor and Macio White, bus operator and dispatcher.

III. PUBLIC INTEREST COMMENTS

No public interest comments were made.

IV. BUDGET FINANCE COMMITTEE REPORT

Ms. Maloney reported the committee reviewed the items and recommended the requested actions of the consent items.

V. TAHOE REGIONAL PLANNING AGENCY ADVISORY PLANNING COMMISSION APPOINTEE REPORT

Mr. Teshara reported the Advisory Planning Commission heard substantial updates from staff regarding the Vehicles Miles Traveled (VMT) thresholds, an update regarding the Regional Transportation Plan, and review of proposed VMT fee structure associated with the new thresholds

VI. TAHOE TRANSPORTATION DISTRICT (TTD) CONSENT ITEMS

- A. Review and Acceptance of the District's Financial Statement of Operations through December 31, 2020
- B. Informational Update on Rate Structure Modifications, Signage, and Non-Compliance for the Park Tahoe Parking Management Program for Nevada State Route 28
- C. Review and Acceptance of the Quarterly Transit Report for the Second Quarter of Fiscal Year 2021

Mr. Teshara motioned to approve Items A & C of the consent calendar and pull Item B, Ms. Novasel seconded the motion. The motion passed unanimously. Mr. Hasty reviewed Item B.

VII. TAHOE TRANSPORTATION DISTRICT (TTD) BUSINESS ITEMS

- A. Authorize the District Manager to Enter into a Purchase Agreement with Washoe County School District for the Property at 771 Southwood Boulevard, Incline Village, NV for Evaluation of a Mobility Hub Related to the Development of Tahoe's Transit System and Operations for Public Transit and Public Access to the Lake Tahoe Region

Mr. Hasty and Mr. Fink reviewed this item and gave a presentation.

Ms. Hill asked what are TRPA's requirements. Mr. Haven explained TRPA would require a project permit.

Ms. Hill asked if the Incline Village Citizens Advisory Board could participate in the process. Mr. Hasty responded affirmatively.

Ms. Hill also asked if funding was available for building the project. Mr. Hasty responded no, not at this time.

Mr. Davis asked if the Categorical Exclusion allows for not performing the environmental review process. Mr. Hasty responded no, an alternatives and environmental analysis is still required under NEPA and TRPA, however the CE allows the purchase of the property without an environmental analysis.

Mr. Davis asked about the Washoe County match funds. Ms. Hill said she is still looking into those.

Mr. Davis asked if any action taken regarding this item opens the District to legal exposure. Ms. Doherty responded no.

Mr. Bass asked if General Improvement District has any interest currently purchasing the property. Mr. Hasty does not believe so.

Mr. Teshara added if the site is not purchased, the District may lose the ability to use it for the East Shore Express parking. Mr. Teshara also asked if the site is purchased, but if it was determined not to use the site, would the demolition of the buildings still happen. Mr. Hasty expects the demolition would still occur in order to increase the property value and sell the property, as long as it doesn't change any of the other qualifying factors under FTA.

Mr. Chapman noted that other transit opportunities and enhancements are being looked at for the community and residents and visitors.

Ms. Rosenberg noted NDOT's grant process is a competitive process and the amount of funding can and does change from year to year.

Ms. Gustafson asked if the site is purchased, could it be exchanged for another site. Mr. Hasty replied the FTA has specific rules and procedures in place and that could be an option.

Public Comment:

Allyson Willoughby asked if the funds for demolition have been approved; how many times NDOT has funded a protective acquisition; if the District sells the property, FTA rules won't allow the District to keep the monies; and questioned that Incline Village is the only area being considered for a hub.

Carole Black stated more than ninety percent of the community responded in opposing the purchase of the property for a mobility hub; that it is a poor plan and unnecessary; that the District never obtained a special use permit for the East Shore Express; and not to move forward with the purchase.

Diane Heirshberg referenced her March 10 e-mail regarding having community involvement in the project planning.

Doug Flaherty stated the NEPA and CE determination process failed to provide adequate public notice and comment opportunities.

Aaron Katz stated he is against the proposal and that the use of WC funds are not to be used for this project.

Judith Miller stated she has been on the CAB for seven years and currently development applications are the only things the CAB can deal with. Suggested using eminent domain to get a suitable site

Kathie Julian stated she hasn't heard staff what the minimum acreage needed to reduce vehicle trips and what options are possible on the outskirts of the community for a hub and doesn't support the purchase of the property.

Rick Marshall stated he objects to the hub being developed at the school and the need for a community village area.

Sara Schmitz commented there is a complete lack of the trust in the community of the District's process; there are thousands who have stated their opposition of the project due to safety concerns; read a message from Indra Winquist; and the East Shore Express can use the new elementary school for parking.

Ronda Tycker thanked the District for bringing the community together and asked what does it take for the Board to vote against the purchase of the school.

Additional comments were received via e-mail and are attached to the minutes.

Mr. Hasty commented the grant for the purchase of the property has been awarded and the grant for the demolition is awaiting the decision of the property purchase; and that Ms. Hirschberg's request for records had been responded to. Ms. Doherty added that the documents were provided to Ms. Hirschberg, with the exception of those that are privileged under FOIA.

Ms. Rosenberg noted NDOT has not previously done protective acquisition with FTA funds, but have done protective acquisitions for highway projects and she will have to follow up regarding monies received if the site is sold by the District.

Mr. Bass asked about the legality of using the match funding from Washoe County. Ms. Doherty replied that it would be under the purview of the granting agency.

Ms. Maloney commented that all capital assets purchased with FTA funds have a federally defined useful life and until that life is used up, the FTA has an interest in that asset.

Ms. Hill stated this is a difficult decision, but an opportunity that probably won't happen again; this project is good for Incline Village, Crystal Bay, and Washoe County; that it gives options to develop something good for the community, including incorporating government services; and thanked the community for their time and input.

Mr. Davis asked if the Ad Hoc Committee would continue moving forward. Mr. Hasty stated absolutely, if it is what the Board wishes to continue.

Mr. Bruce commented the reason he will vote yes is to protect the funding that is at issue, that he has no predisposition to selecting the elementary school site for the project and suggested that Washoe County be a lead planning agency for the project.

Mr. Teshara stated he will support the action requested to protect the funding and that the process requires a site analysis and environmental analysis.

Mr. Bass stated he believes the purchase of the site will make it the preferred alternative and doesn't feel an equal review of all the sites will be possible. Ms. Doherty responded the future environmental analysis would prohibit the District from evaluating the financial feasibility of one site over another.

Ms. Hill stated the site analysis funding is tied to the property purchase.

Ms. Maloney stated she feels the purchase of the property is not needed at this time and will vote no.

Ms. Novasel stated there is an opportunity for the community to include their input in what it is used for and work together.

Mr. Chapman reiterated this is not a discussion of a site specific project and the opportunity to purchase this site and determine the best and highest use of the property and work with the community is very important.

Mr. Bigley stated the vetting process and planned development will be genuine and collaborative with the community representation and believes the community will be supported.

Mr. Rice stated he is thankful for taking a positive step and thinks this will benefit everyone in Incline Village.

Mr. Davis stated that moving forward it will be important to have meaningful input from the community in this process and trusts that during the process there will be a meaningful evaluation of alternatives and the decision will be made in an open and collaborative process.

Mr. Bass stated he would be voting no as he is concerned with the monies being tied up in the parcel.

Action Requested: For Possible Approval

Ms. Hill made the motion to authorize the District Manager to enter into a purchase agreement with the Washoe County School District for the property at 771 Southwood Boulevard, Incline Village once the following conditions are met – 1) TRPA programs the awarded NDOT funds in the FTIP; 2) Washoe County awards the necessary matching funds; 3) Legal Counsel reviews the agreement for federal compliance; and 4) the School District agrees to all terms and conditions. Mr. Teshara seconded the motion. The motion passed, with Mr. Bass and Ms. Maloney voting nay.

B. Update on Workplan Progress and Schedule to Collaboratively Develop Sustained Transportation Revenue Sources

Mr. Hasty and Mr. Haven reviewed this item. Mr. Teshara commented it is a good idea to pursue assistance through a consultant.

Action Requested: For Discussion and Possible Direction

C. Process for the Performance Evaluation of the District Manager for the Period of July 2019 through March 2021

Ms. Gustafson reviewed this item. Ms. Doherty clarified the process for the evaluation.

Action Requested: For Review and Discussion

VIII. DISTRICT MANAGER REPORT

Mr. Hasty had nothing further to report.

IX. BOARD, COMMISSION MEMBER AND STAFF COMMENTS

There were no other comments.

X. PUBLIC INTEREST COMMENTS

No public interest comments were made.

XI. CLOSED SESSION

Public Employee Performance Evaluation (Cal. Gov. Code § 54957, NRS § 241.030)

Title: (District Manager)

The Board may consider the following topics authorized pursuant to NRS § 241.030.

No action was taken.

XII. ADJOURNMENT

The meeting adjourned at 2:15 p.m.

Respectfully Submitted:

*Judi Allen
Executive Assistant
Clerk to the Board
Tahoe Transportation District*

(The above meeting was recorded, anyone wishing to listen to the aforementioned meeting, please contact Judi Allen, Clerk to the Board, (775) 589-5502.)

From: [Carl Hasty](#)
To: [Judi Allen](#)
Subject: Fwd: Rotary discussion
Date: Thursday, March 11, 2021 1:41:07 PM

Please share with the Board.

Thank you

----- Forwarded message -----

From: **Bruce Simonian** <brucesimonian@hotmail.com>
Date: Thu, Mar 11, 2021 at 11:21 AM
Subject: Rotary discussion
To: Carl Hasty <chasty@tahoetransportation.org>

Carl,

The Rotary Club of Tahoe-Incline appreciates your information updating us on the proposed transportation hub at the old Incline Elementary School and presenting other options. There is interest and support as the TTD navigates the processes and comes to a consensus that benefits the community. This is a basin wide issue that has been growing exponentially over the decades, with new steam due to COVID, and with reduced capacity at Sand Harbor. Our club, as a reflection of the community, will continue to remain engaged as the TTD moves forward, with not only this transportation plan, but with the next segment of the east shore path. Please feel free to use me as your conduit for more facts as they become available.

Thank you for your presentation and forthright answers.

Bruce

--

Carl Hasty
District Manager
Tahoe Transportation District
128 Market St Suite 3F Stateline, NV 89449
PO Box 499 Zephyr Cove, NV 89448
Office 775-589-5501
Cell 775-230-4469

Judi Allen

Subject: FW: TTD Town Hall Follow-up Reminder

From: Barbara Moniot <tahoebarb@gmail.com>

Sent: Sunday, March 7, 2021 8:03 AM

To: Judi Allen <jallen@tahoetransportation.org>

Subject: Re: TTD Town Hall Follow-up Reminder

I am opposed to the proposed TTD Transit Hub project located at the Old Incline Elementary School site. I understand this project will be a bus hub with 300+ parking spaces in the heart of our village to serve tourists wanting to access Sand Harbor and other East Shore venues.

I have lived in Incline Village for 42 years. There have been few enhancements made in our town during this time. I was involved in the Pathway 2007 community workshops which took place at the Chateau in 2005. It was an opportunity to share, learn, provide input and discuss improvements we wanted to see in our town.

Some of the issues discussed at the workshops were how much additional development would take place in Tahoe by the year 2027, what kind of growth is on the horizon, and how the lake's health and clarity will be preserved while maintaining quality of life for those who live and visit here.

Maintaining quality of life for those who live here does not mean taking a prime corner in our town, Southwood and Hwy 28, and turning it into a parking lot for tourists!!!

This proposed TTD Transit Hub is directly across the street from multi family apartments. These homes consist of many children playing outside and is a high risk area for accidents.

Another concern for this location is Southwood Blvd is one of our main streets in Incline Village.

"If you build it they will come." Well, the beautiful Tahoe East Shore Trail was built and obviously the planners never considered or cared where people would park! Did they really think the designated lots in front Tunnel Creek Cafe would be adequate? They should have asked locals that question. Instead, people have come and now they park in front of resident homes on the east end of Lakeshore and in the Mill Creek subdivision. which is where I live. Sand Harbor and the HWY 28 East Shore corridor have become a nightmare as we all experience trying to drive past there ALL summer long. And now the answer is to put a TRANSIT HUB for 300+ cars in our town. NO! Absolutely not. Has anyone taken into consideration the public safety concerns and also accessibility for our emergency responders. We have a gridlock!

We are a community which is already feeling the influx of new families on our streets. Please consider another location for the TTD Transit Hub. Thank you for your time.

Sincerely,

Barbara Moniot
143 Mayhew Circle
Incline Village, NV 89451

On Mar 1, 2021, at 5:23 PM, Judi Allen <jallen@tahoetransportation.org> wrote:

Hello,

From: [Karen Johnson](#)
To: jallen@tahoetransportation.org
Subject: Include my input for Agenda Item VII-1
Date: Thursday, March 11, 2021 1:30:06 PM

Hello - Please forward message to TTD Board Members

Please vote no on TTD purchase of Incline Bus Hub

- * The OES is an inappropriate use of this prime parcel in the middle of Incline Village
- * A local developer has made a higher offer to buy the parcel for a use the community approves
- * TTD's application for the FTA grant was based on erroneous information that can be corrected with a revised application to avoid legal repercussions (i.e., the use of the OES by TTD for the East Shore Express was never a legally permitted use. A "categorical exclusion" does not apply so that an Environmental Impact Statement will be required for a new hub on the site).
- * More than 1260 Incline residents have signed the change.org petition saying they are against a mobility hub at the OES.

Best,

Karen Johnson
707-696-4196

From: anne@rossmans.net
To: [Bob Lucey](#); [Vaughn Hartung](#); [Alexis Hill](#); [Kitty Jung](#); [Jeanne Herman](#); chasty@tahoetransportation.org; cgustafson@tahoetransportation.org; lmaloney@tahoetransportation.org; wrice@tahoetransportation.org; steshara@tahoetransportation.org; cbass@tahoetransportation.org; achapman@tahoetransportation.org; snovasel@tahoetransportation.org; mbruce@tahoetransportation.org; gfink@tahoetransportation.org; [Judi Allen](#)
Cc: [Papa Bear](#); [Mama Bear](#)
Subject: No Mobility Hub at OES, please!
Date: Wednesday, March 10, 2021 5:27:43 PM

Attention:

Washoe County Commissioners: Bob Lucey, Vaughan Hartung, Alexis Hill, Kitty Jung & Jeanne Herman

- and –

Washoe County TTD Board Members: Carl Hasty, Cindy Gustafason, Lucia Maloney, Wesley Rice, Steve Teshara, Alexis Hill, Cody Bass, Andi Chapman, Sue Novasel, Mark Bruce, George Fink & Judi Allen

Please accept this second email from us before finalizing the current proposal to locate a Mobility Hub on the old elementary school (OES) property. (Our first communication was emailed to Alexis Hill on 1-17-21.)

First, ***why has the TTD “invalidated” the 1,280+ signatures on the [change.org](#) petition?*** This is a legitimate petition which can be found on the [change.org](#) website by typing in the search bar: “transit hub at old elementary school” in order to read:

<https://www.change.org/search?q=transit%20hub%20at%20old%20elementary%20school>. Those of us who took the time to voice our resistance to this purchase deserve the courtesy of hearing ***who made this arbitrary decision, and why*** when we meet again on March 12th.

While we understand the value of a transit hub with the goal of moving visitors around the Lake efficiently and hopefully reducing individual cars, we are adamantly against using the OES for this purpose. The proposed location is part of a lower-income residential area which will compromise the peace and safety of the many families with younger children who live and work around there.

Per George Fink’s “TTD Memo: IV Transit Hub Approval Process” dated 1-19-21*, we were happy to read all eight possible sites will “be studied,

including a detailed alternatives analysis, before any project planning can begin in earnest.” ***Has this analysis been completed for the OES and/or the other seven sites? Does this analysis include a comprehensive traffic study including noise and air pollution, as well as an EPA review and approval by TRPA?*** This article also states there will be a Phase II, allowing more public town hall meetings in late March and mid-April “about the acquisition and site alternatives.” We look forward to participating in those!

* <https://ivcbmatters.com/ttd-memo-re-iv-transit-hub-approval-process/>

Yesterday, we learned there’s a higher offer for the OES property, proposing a mixed-use retail/residential area, along with a public park, an ice skating rink and even better, underground parking! This project proposal sounds a lot more appealing and suitable for this property.

Before moving forward with its purchase, we look forward to hearing the TTD Board and WC Commissioners ***articulate all of the data used to influence their current decision to focus on the OES***, especially because the article referenced above states there will be ***a TTD meeting on April 9th – one month from now - which “will include an update on funding decisions and obligation, procurement process for site alternatives analyses, and project concept development. Next phase levels will be brought to the TTD Board, along with the results of the site alternatives analyses.”***

We remain sure one of the other seven locations are viable alternatives and we appreciate you hearing our concerns,

-Glen & Anne Rossman, Incline Village residents

From: [Steven Johnson](#)
To: jallen@tahoetransportation.org
Subject: Plan to acquire the OES for a transit hub in Incline Village
Date: Thursday, March 11, 2021 1:47:25 PM

It is very disturbing to hear that your agency continues to pursue the purchase of the OES for a transit hub in Incline Village. It is clear by the well spoken and reasoned opposition that this is not a good idea for so many reasons, including safety, traffic, aesthetics, and so on. In fact the only reason your agency seems to continue to pursue this real estate is for financial reasons. This is not a justifiable rationale for such a major impact project.

Additionally, I have been informed that your agency is disregarding a petition signed by over 1200 Incline Village residents expressing their objections to converting the OES into a transit hub. I personally signed my name to this petition, and believe it to be rude and disrespectful to me and my fellow signers that you intend to disregard our desire to express our sincere and legitimate opinion. This is not a way to establish a positive working relationship with the citizens of our town. The petition is legitimate and should be regarded as the honest opinions of its signers.

Regards,

Steven Johnson
Incline Village, NV

From: [Linda Wilson](#)
To: jallen@tahoetransportation.org
Subject: Hub a bad idea
Date: Thursday, March 11, 2021 1:54:36 PM

to whom it may concern;

I understood that the goal was to reduce traffic at the Lake

I feel that brining people closer to the lake (into Incline Village) and then thinking they will get out of their cars and take a bus is not logical.

The hub in the middle of Incline will bring more cars into Incline and create traffic and parking nightmares for all.

People will already be close to the lake so if I was one of them I would just find a place to drop off my passengers and then go find a place to park

Why not try the bus idea away from the lake like Mt Rose or Truckee which would reduce the number of cars coming closer to the lake

Is the issue that you have secured federal funding and need to spend it within a certain amount of time? If that is the case spending it on a hub in Incline will not impact your goal of reducing traffic near the lake

Please make a logical decision not a government decision

NO HUB AT OLD GRADE SCHOOL LOCATION IN INCLINE

Thanks

Linda Wilson

989 Tahoe Blvd

Unit 87

Incline Village

Sent from my iPhone

From: [Carl Hasty](#)
To: [Judi Allen](#)
Subject: Fwd: Transportation HUB in downtown Incline Village
Date: Thursday, March 11, 2021 1:56:42 PM

Judi, here is another comment that I have received.

----- Forwarded message -----

From: **Cheri Kratka** <cakzinn@gmail.com>
Date: Wed, Mar 10, 2021 at 5:27 PM
Subject: Transportation HUB in downtown Incline Village
To: 723Burgundy Anne <anne.studabaker@723burgundy.com>, Brenda Kiesel <bbrinderson@yahoo.com>, Diane And Stan Becker Heirshberg <dbecker8891@gmail.com>, Jill Minkle <jeminkle@yahoo.com>, Jill Mulcahy <jill@snowhound.net>, Linda McDougall/Wilson <lwilmac@aol.com>, O'Connor Al <al.oconnor@723burgundy.com>, Patrick McBurnett <ktrick44@gmail.com>, Ronda Tycer <rondatycer@aol.com>, Sandy Burnell <sburnell55@gmail.com>, Yvette Oliver <yvetteoliver@hotmail.com>, chasty@tahoetransportation.org <chasty@tahoetransportation.org>, cindygustafson@placer.ca.gov <cindygustafson@placer.ca.gov>

Dear Carl and Cindy

I understood that the goal was to reduce traffic at the Lake

I feel that bringing people closer to the lake (into Incline Village) and then thinking they will get out of their cars and take a bus is not logical.

The hub in the middle of Incline will bring more cars into Incline and create traffic and parking nightmares for all.

People will already be close to the lake so if I was one of them I would just find a place to drop off my passengers and then go find a place to park

Why not try the bus idea away from the lake like Mt Rose or Truckee which would reduce the number of cars coming closer to the lake

Is the issue that you have secured federal funding and need to spend it within a certain amount of time? If that is the case spending it on a hub in Incline will not impact your goal of reducing traffic near the lake

Please make a logical decision not a government decision

NO HUB AT OLD GRADE SCHOOL LOCATION IN INCLINE

People listed on this email if you feel the same please respond all and tell Carl and Cindy to not go ahead with the current project.

Also feel free to add others to your response

Thanks

--

Carl Hasty
District Manager
Tahoe Transportation District

From: [Stephen Barney](#)
To: jallen@tahoetransportation.org
Subject: OES of Incline Village
Date: Thursday, March 11, 2021 1:57:11 PM

Board, TTD

Please count us among the hundreds if not thousands of Incline Village residents who have informed themselves fully about the OES purchase and oppose it. We don't want more traffic in a congested area. The benefit seems to be almost entirely for non-Incline residents.

Please vote against this ill-considered, perhaps illegal idea.

Thank you for your attention, Stephen and Cherry Barney, 667 Tumbleweed Circle, Incline Village

--

Stephen A. Barney
bar7ney@gmail.com
4605 S. Yosemite St., Unit 5
Denver, CO 80267
775/832-5058
or 910/603-0588

From: [Pamela Straley](#)
To: [Judi Allen](#)
Subject: Please include my input for Agenda Item VII-1
Date: Thursday, March 11, 2021 1:57:12 PM

To the TTD:

I have sent multiple emails and attended the online meetings concerning the TTD plan to purchase the Old Elementary School site from WCSD to be used as a "mobility hub." I have on every occasion voiced my opposition to the transfer of the OES site to the TTD and am one of the 1260 Incline residents who signed the petition against the same.

Incline does not need a "mobility hub." The OES site is inappropriate and the associated parking spaces would serve Sand Harbor, NOT Incline. All NEW "hubs" should be OUTSIDE the Tahoe Basin and connect to BUS STOPS in the Tahoe Basin, including in Incline. This would decrease the number of personal vehicles coming into the already overcrowded Basin where parking is limited, and local buses can move people around once they get here.

Also, a local developer has offered to pay more for the OES parcel for housing, which is what Incline Village needs and most residents would approve, especially if the housing is priced for workers.

Please DO NOT approve the purchase of the OES property for use as a "mobility hub."

Thank you,

pam straley
455 Jill Ct
Incline Village, 89451
775.831.4190

From: [Carl Hasty](#)
To: [Judi Allen](#)
Subject: Fwd: Transportation HUB in downtown Incline Village
Date: Thursday, March 11, 2021 1:57:38 PM

Another comment for the Board.

----- Forwarded message -----

From: **J Minkle** <jeminkle@yahoo.com>
Date: Wed, Mar 10, 2021 at 7:14 PM
Subject: Re: Transportation HUB in downtown Incline Village
To: Cheri Kratka <cakzinn@gmail.com>
Cc: <chasty@tahoetransportation.org>, <cindygustafson@placer.ca.gov>

Please no Hub in Incline. Over the past 1.5 years our tourist traffic due to the East shore trail has caused significant traffic and parking issues. Please don't bring more to our small community.

Jill Minkle
775-745-6600

Sent from my iPad

> On Mar 10, 2021, at 5:27 PM, Cheri Kratka <cakzinn@gmail.com> wrote:
>
> Dear Carl and Cindy
> I understood that the goal was to reduce traffic at the Lake
> I feel that brining people closer to the lake (into Incline Village) and then thinking they will get out of their cars and take a bus is not logical.
> The hub in the middle of Incline will bring more cars into Incline and create traffic and parking nightmares for all.
> People will already be close to the lake so if I was one of them I would just find a place to drop off my passengers and then go find a place to park
> Why not try the bus idea away from the lake like Mt Rose or Truckee which would reduce the number of cars coming closer to the lake
> Is the issue that you have secured federal funding and need to spend it within a certain amount of time? If that is the case spending it on a hub in Incline will not impact your goal of reducing traffic near the lake
> Please make a logical decision not a government decision
> NO HUB AT OLD GRADE SCHOOL LOCATION IN INCLINE
>
> People listed on this email if you feel the same please respond all and tell Carl and Cindy to not go ahead with the current project.
> Also feel free to add others to your response
>
> Thanks
>
>

From: [Carl Hasty](#)
To: [Judi Allen](#)
Subject: Fwd: Transportation Hub at Old Incline Elementary School
Date: Thursday, March 11, 2021 1:58:58 PM

Comment for the Board.

----- Forwarded message -----

From: **Julie Padelford-Jansen** <peahead61@comcast.net>
Date: Wed, Mar 10, 2021 at 8:18 PM
Subject: Transportation Hub at Old Incline Elementary School
To: <chasty@tahoetransportation.org>

Mr Hasty:

It is unbelievable and disgraceful to me the TTD Board and staff are ignoring 1200+ signatures from Incline residents opposed to a transportation hub at the old Incline Elementary School. The residents have spoken, TTD needs to listen. Putting the Transportation Hub in the middle of Incline in one of the most densely populated residential areas does not make sense and is plain stupidity.

Julie Padelford
Incline Resident

Sent from my iPad
JULIE PADELFORD
PEAHEAD61@comcast.net
954-347-4028

--

Carl Hasty
District Manager
Tahoe Transportation District
128 Market St Suite 3F Stateline, NV 89449
PO Box 499 Zephyr Cove, NV 89448
Office 775-589-5501
Cell 775-230-4469

From: [Carl Hasty](#)
To: [Judi Allen](#)
Subject: Fwd: No! to the School Hub in Incline Village
Date: Thursday, March 11, 2021 2:05:28 PM

A comment for the Board.

----- Forwarded message -----

From: Mike Erikson <merikson1@yahoo.com>
Date: Wed, Mar 10, 2021 at 11:34 AM
Subject: No! to the School Hub in Incline Village
To: chasty@tahoetransportation.org <chasty@tahoetransportation.org>, cindygustafson@placer.ca.gov <cindygustafson@placer.ca.gov>
Cc: Danielle Sieger <dsiegz@yahoo.com>

MAR 10, 2021 —

The Tahoe Transportation District's board and staff have indicated that they consider this petition to be invalid and will not take your signature into account when the TTD board votes this Friday to decide whether or not to purchase the school property for a transit hub.

Cindy and Carl -

My wife and I are long time residents and property owners of Incline Village (13 years) with two kids. Although I believe the old school needs a solution and needs to be demolished as it has been sitting for a long time, I do not believe a transportation hub is the right idea. I'm am personally pro-improvement and pro-business and I want to see Inclines "offerings" improved, but still this hub does not seem like the answer.

We've seen an enormous increase in tourists at the beaches over the last decade and at an even greater pace in the last few years. We've also seen added pressure with the recent crowds due to the pandemic. Trash for instance is out of control at the beaches and up at the meadows and I know so many locals are appalled at the lack of respect and concerned about this getting worse. This hub will only further the congestion and headaches the overcrowding has already caused in this small town. Our geography is not like South Lake Tahoe, for instance, that has room to grow and Incline Village's infrastructure can't handle something like this and doesn't need 1000's of people coming in by the busloads. Plus, we have seen NO effect on the amount cars and traffic on the West Shore *even with* transportation hubs. We'll only have many more people (from busses) and the same amount of cars if we do this... The only thing stopping a complete degradation of Incline Village is the fact that a limited amount of people can come and park and when that's full, we enforce the rules.

A beautiful destination like this will only continue to be beautiful (an an attraction) if we keep it from degraded faster than we can maintain it. At some point enough is enough. **This project is like opening the flood gates without preparing for its effect down-river first. This is not the solution.**

My vote is **NO on the Transportation Hub**. Please mind the petition ***that over 1250 people have already signed*** and stop this idea in its tracks.

Michael Erikson
415-425-3812

From: [Carl Hasty](#)
To: [Judi Allen](#)
Subject: Fwd: Incline Transportation Hub.
Date: Thursday, March 11, 2021 2:06:43 PM

A comment for the Board.

----- Forwarded message -----

From: **Steven Price** <pricese@aol.com>
Date: Wed, Mar 10, 2021 at 11:56 AM
Subject: Incline Transportation Hub.
To: <chasty@tahoetransportation.org>

Mr Hasty: Purchasing the school site before a traffic study is a sham. We all know it will be a traffic nightmare. You have not heard the end of Incline residents objections.

Sent from my iPhone

--

Carl Hasty
District Manager
Tahoe Transportation District
128 Market St Suite 3F Stateline, NV 89449
PO Box 499 Zephyr Cove, NV 89448
Office 775-589-5501
Cell 775-230-4469

From: [Julie Padelford-Jansen](#)
To: jallen@tahoetransportation.org
Subject: Include My Input for Agenda Item VII-1
Date: Thursday, March 11, 2021 2:08:31 PM

The OES is not the right property for a mobility hub
The local developers has made a higher offer on the OES for a development that the community supports.
90% of the Incline Residents input does not support a mobility hub at the OES.
Find a more suitable location. Preferably a site out of the Tahoe basin. South Reno, Old Reindeer Lodge or Spooner
are much more appropriate locations.

Julie Padelford-Jansen
Incline Resident

Sent from my iPad
JULIE PADELFFORD
PEAHEAD61@comcast.net
954-347-4028

From: [Carl Hasty](#)
To: [Judi Allen](#)
Subject: Fwd: Incline Village Elementary School
Date: Thursday, March 11, 2021 2:10:12 PM

A comment for the Board.

----- Forwarded message -----

From: **Mary Kleingartner** <mkleingartner@chaseinternational.com>
Date: Wed, Mar 10, 2021 at 12:00 PM
Subject: Incline Village Elementary School
To: <chasty@tahoetransportation.org>, <cindygustafson@placer.ca.gov>
Cc: Hill, Alexis <ahill@washoecounty.us>

Good afternoon,

I understand the petition we all signed is not considered valid so this email is my official objection to this purchase. I live less than a block from this sight. We do not need another eye sore in our neighborhood. It is unfortunate that our county commissioners have not stood up for or represented the voters and taxpayers in Incline Village. You are now well aware that the majority of Incline Village residents object to this- from the petition, public comment at meetings, social media and community members reaching out. Every step of your project will be met with opposition. Please explain why you are trying to force this on a community that does NOT want this???? Find another location near ponderosa ranch or utilize the empty ski area parking lots in the summer.

Respectfully

Mary Kleingartner

--

Carl Hasty
District Manager
Tahoe Transportation District
128 Market St Suite 3F Stateline, NV 89449
PO Box 499 Zephyr Cove, NV 89448
Office 775-589-5501
Cell 775-230-4469

From: [Carl Hasty](#)
To: [Judi Allen](#)
Subject: Fwd: Petition against the TTD Hub at the OES
Date: Thursday, March 11, 2021 2:11:58 PM

A comment for the Board.

----- Forwarded message -----

From: **Steven Johnson** <steviecj@aol.com>
Date: Wed, Mar 10, 2021 at 2:47 PM
Subject: Petition against the TTD Hub at the OES
To: <chasty@tahoetransportation.org>

Carl,

I have been informed that your agency is disregarding a petition signed by over 1200 Incline Village residents expressing their objections to converting the OES into a transit hub.

I personally signed my name to this petition, and believe it to be rude and disrespectful to me and my fellow signers that you intend to disregard our desire to express our sincere and legitimate opinion. This is not a way to establish a positive working relationship with the citizens of our town.

The petition is legitimate and should be regarded as the honest opinions of its signers.

Regards,

Steven Johnson

Incline Village, NV

--

Carl Hasty
District Manager
Tahoe Transportation District
128 Market St Suite 3F Stateline, NV 89449
PO Box 499 Zephyr Cove, NV 89448
Office 775-589-5501

From: mlkennedy1@charter.net
To: ["jallen@tahoetransportation.org"](mailto:jallen@tahoetransportation.org)
Subject: Include my input for Agenda Item VII-1
Date: Thursday, March 11, 2021 2:12:26 PM

To Whom It May Concern,

Please include my input regarding Agenda Item VII-1 on the Mobility Hub proposal:

The OES is an ***inappropriate use*** of this prime parcel in the middle of Incline Village.

I do not oppose a hub in a location that does not create more congestion and safety issues, especially within residential areas.

Thank you for your consideration,
Mary Lou Kennedy,
Incline Village full-time resident and homeowner

From: [Carl Hasty](#)
To: [Judi Allen](#)
Subject: Fwd: URGENT: Incline Elementary- OFFICIAL OBJECTION
Date: Thursday, March 11, 2021 2:16:01 PM

A comment for the Board.

----- Forwarded message -----

From: **Carole Madrid** <homes@inclinevillagenow.com>
Date: Wed, Mar 10, 2021 at 3:47 PM
Subject: Re:URGENT: Incline Elementary- OFFICIAL OBJECTION
To: <chasty@tahoetransportation.org>, <cindygustafson@placer.ca.gov>, <ahill@washoecounty.us>

As the petition signed may not be valid this email is my official objection to this purchase.

I have lived in Incline Village for over 35 years. Having this used as a transportation hub for the busses is unacceptable. Our county commissioners have not stood up for or represented the voters and taxpayers in Incline Village.

The majority of Incline Village residents object to this- from the petition, public comments at meetings, social media and community members reaching out. Every step of this project will be met with opposition. Why is this being forced on the Incline Village community that does NOT want this? Find another location. I will be the first person to sign any proposed litigation if this sale is not cancelled.

Best Regards,

Carole Bruno

--

Carl Hasty
District Manager
Tahoe Transportation District
128 Market St Suite 3F Stateline, NV 89449
PO Box 499 Zephyr Cove, NV 89448
Office 775-589-5501
Cell 775-230-4469

From: [Laurel King](#)
To: jallen@tahoetransportation.org
Subject: Include my input for Agenda Item VII-1
Date: Thursday, March 11, 2021 2:33:39 PM

Hi there,

The proposed transportation hub where the OES is located is totally inappropriate for that spot, It is across from many apartments where there are many parked cars and kids playing. I believe it is a dangerous place to put a transportation hub.

I have been a resident of Incline for 5 years.

Thanks for reading.

From: [Lenty Hagen](#)
To: [Judi Allen](#)
Subject: Re: Include my Input for Agenda Item VII-1
Date: Thursday, March 11, 2021 2:37:17 PM

To Tahoe Transportation Board,

On the agenda today (3/12/21), you will be voting on the purchase of the Old Elementary School. I oppose this purchase for several reasons listed below:

1. Incline Community wasn't properly notified of sale. There was intent to sell article in paper last December and then rushed townhalls to try to get as many residents aware of situation and ask questions with only one listening to Community members. These town halls represented only small portion of our Community and mostly English speaking. We as a Community are not being listened to especially as over 1200 have signed a petition against a Mobility Hub.
2. The OES is not a proper location for a hub . It is in the middle of Incline Village in a high density area across from an apartment complex with a lot of children. Also I believe it would cause a big backup at the light and more concerns for our local law enforcement.
3. Mobility Hub would create more cars not less. It should be put in a better location!

I do hope you will listen and oppose this purchase of OES for a Transportation Mobility Hub .

Sincerely,
Helenty E. Hagen
929 Northwood Blvd. #4
Incline Village, NV 89450

From: [Robyn Barnes](#)
To: jallen@tahoetransportation.org
Subject: Include my input for Agenda Item VII-1
Date: Thursday, March 11, 2021 2:37:43 PM

Please vote against TTD purchasing the old Incline Elementary School! Putting a transit hub in the middle of town and a residential neighborhood is the worst idea ever! Please save our town!

Robyn Barnes

From: [Shirley Roxburgh](#)
To: [Tahoe Transportation District](#)
Subject: Include my Input for Agenda Item VII-1
Date: Thursday, March 11, 2021 3:37:31 PM

Dear TTD Board Members,

It has come to my attention since my last comments against your purchase of the WCSD old Incline Village Elementary School site, WCSD has received a higher offer for the property. This obviously would benefit the WCSD and allay the fears and concerns of the community the residents of which are solidly against the use of the OES as a mobility hub.

Please vote AGAINST the purchase of the OES. A mobility hub in the center of Incline Village is totally inappropriate.

Thank you.

Shirley Roxburgh
965 Wedge Court
Incline Village, NV 89451

From: [Carole K. Anderson](#)
To: jallen@tahoetransportation.org
Subject: Incline Elementary School Site
Date: Thursday, March 11, 2021 3:44:28 PM

This hub is an outrageous, damaging use for one of the prime pieces land available in Incline Village. More than 1200 households have raised their voices in objection to this abuse of one of the county's and the state's treasures.

The use of the parking area for the shuttle bus has been illegal from the get go. TTD's application for the FTA grant was based on erroneous information that can be corrected with a revised application to avoid legal repercussions (i.e., the use of the OES by TTD for the East Shore Express was never a legally permitted use. A "categorical exclusion" does not apply so that an Environmental Impact Statement will be required for a new hub on the site).

Of equal importance as tax payers and residents is a private offer more generous than that of TTD would also put the land to higher best use. — and it would bring the land back onto the tax rolls in Washoe County.

Carole Anderson

Carole K. Anderson
455 Lakeshore Boulevard
Incline Village, NV 89451

Mobile: (775) 230 8276
Home: (775) 329 2134

From: [SamJake](#)
To: jallen@tahoetransportation.org
Subject: Include my input for VLL1
Date: Thursday, March 11, 2021 3:37:40 PM

I urge your NO vote for aquisition of the OES site for a Transit hub. I really hate to see tax dollars spent just because if you don't spend it, you will lose it! There are better offers for the site which will fit better for that location and will be funded by private equity !

Sam Jacobsen, 41 yr Incline resident

From: [Joyce BOCK](#)
To: jallen@tahoetransportation.org
Subject: Re: Include my opinion for item V11
Date: Thursday, March 11, 2021 2:46:29 PM

We in the village would like to see the old Elementary school be used for a development other than a bus hub. Please vote against a bus hub in the middle of our beautiful village. There is a better offer for more money please take that one.
Joyce Bock
1500 Tunnel Creek Rd.
Incline Village.

From: [Alexander Tsigdinos](#)
To: jallen@tahoetransportation.org
Subject: Include my input for Agenda Item VII-1
Date: Thursday, March 11, 2021 4:00:55 PM

TTD,

I am full-time and legal resident of Incline Village.

Per the online petition I previously signed along with 1,260 other residents, I disagree with location of the OES in a prime parcel in a residential area in the middle of Incline Village. The proposed purchase by a local developer -- indeed a higher offer -- is to develop the parcel for a use the community approves and would welcome.

I'm aware that TTD's application for the FTA grant was based on erroneous information that can be corrected with a revised application to avoid legal repercussions (i.e., the use of the OES by TTD for the East Shore Express was never a legally permitted use. A "categorical exclusion" does not apply so that an Environmental Impact Statement will be required for a new hub on the site).

Please take don't make the public input phase of this process a charade. There is a better offer with a better use for the old elementary school site. There are alternatives for the transit hub.

Alex Tsigdinos
1080 Oxen Rd.
Incline Village, NV

From: [June Baker](#)
To: jallen@tahoetransportation.org
Subject: Tahoe transportation board vote on OES
Date: Thursday, March 11, 2021 4:13:22 PM

It appears that a local developer has made an offer to purchase this parcel for \$2.8 million, \$500,000 over the price that WCSD offered TTD in December of last year, as reported in the Reno Gazette Journal. This developer has a plan on making this parcel truly the center of Incline Village similar to The Village at Northstar. There are more than 1260 Incline residents that have signed the change.org petition saying they are against making this a “mobility hub” at the OES.

So clearly this is NOT popular or wanted by so many in Incline Village.

June and Doug Baker
(Residents since 2000)

Sent from my iPad

From: [Cheryl Anderson](#)
To: [Judi Allen](#)
Subject: Include my objection to using the OES as a mobility hub to Agenda Item VII-1 for the 3/12 vote
Date: Thursday, March 11, 2021 4:04:14 PM

PLEASE VOTE NO ON THE USE OF THE OSE AS A MOBILITY HUB!

This proposed use would be a horrific mistake. Incline Village is not an appropriate site for a monstrous mobility hub in the middle of the Village. The traffic and congestion and damage and risks to our population and environment are too great for such a project to move forward.

The purchase of the OSE for development of a mixed-use project is by far superior.

Sincerely,

Cheryl Anderson
971 Dana Drive
Incline Village

****A year-round resident who loves the Village and the protection of our delicate environment.****

From: [Pamela Jo](#)
To: jallen@tahoetransportation.org
Subject: Include my OPPOSITION input for Agenda Item VII-1 - I AM A LONG-TIME RESIDENT
Date: Thursday, March 11, 2021 3:57:11 PM

I have lived here as a full-time, year-round resident in Incline Village for 30 years. The OES is an inappropriate use of this prime parcel which lies in the middle of Incline Village. The parcel is in a residential area, already a tight space for increased traffic and noise. The increased traffic not only affects that local area but the entire village of Incline. People can already see how increased population damages our environment and quality of living by simply observing the past five overly-crowded summers. There is road rage which we never experienced before. There is an inundation of litter at all the beaches. The two supermarkets and parking lots that we have were horridly overcrowded and had a hard time sustaining the new demand. This is not why we moved here!

TTD's application for the FTA grant was based on erroneous information that can be corrected with a revised application to avoid legal repercussions (i.e., the use of the OES by TTD for the East Shore Express - which also brings unwanted hoards of traffic on our beaches - was never a legally-permitted use. A "categorical exclusion" does not apply so that an Environmental Impact Statement will be required for a new hub on the site).

We recently discovered that a local developer made a higher offer to buy the parcel. This offer to build a mixed-use project is a little better than a transit hub, but this too would bring in hoards more traffic, noise and congestion. This whole project is being treated hastily and should be giving more consideration to the community's input as to *where* new projects should be considered.

More than 1260 Incline residents - including myself - have signed the change.org petition saying they are against a mobility hub at the OES. Why is this not taken seriously?

I STRONGLY OPPOSE the OES plan!

Pamela Hormiotis
Incline Village resident for 30 years
775-833-2066

From: [Diane Heirshberg](#)
To: [Judi Allen](#)
Subject: Board of Directors Meeting March 12, 2021 Public Comment and Request on Purchase of former Incline Village Elementary School, Item VII A
Date: Wednesday, March 10, 2021 10:17:34 AM
Attachments: [TTD Board 3.12.21.docx](#)
[FTA Categorical Exclusions.pdf](#)
[Guidance for Implementation of FTA's Categorical Exclusions.pdf](#)

Dear Ms. Allen,

I would respectfully request that you forward this public comment to each of the member of the Board of Directors of the Tahoe Transportation District in advance of the upcoming March 12, 2021 Board meeting and enter this as public comment in the official record.

I thank you in advance for your assistance.

Very truly yours,

Diane Becker, Local Incline Village Resident

March 10, 2021

Re: Board of Directors Meeting March 12, 2021 Public Comment and Request on Purchase of former Incline Village Elementary School, Item VII A

Dear Board of Directors of the Tahoe Transportation District,

I am writing this email to **request that if the Tahoe Transportation District ("TTD") Board of Directors votes to purchase the former Incline Village Elementary School site, that the TTD form a working group which will include at least one volunteer member of the Incline Village community who is a full-time resident, concerned about the well-being of our community, to be actively involved in the site selection, site evaluation, site studies and reports by professionals, and governmental applications related to the school site and alternative sites for a transportation hub in Incline Village.**

The Incline Village community has been told by representatives of both the TTD and Washoe County that the TTD must proceed to purchase the former school site because it has obtained a federal grant for the purchase of the site, which will be lost if the TTD does not close on the purchase of the site at this time, but that the TTD is not committed to the school site being the final selected site, and will review alternative sites. Appointing a community member(s) to be actively involved in the evaluation and selection of sites will allow for full transparency to the community on this project. (Please see item 7 below on how true local government/local community participation has worked.) The Incline Village community is concerned that the school site selection has been undertaken in secrecy in the past, and has consistently ignored community input. I do not say this lightly, and so I have compiled the facts which explain why the community is concerned about the good faith with which the school

site project will be approached in the future, so that you will seriously consider this request for true public participation throughout the site selection process.

1. The South Shore Shuttle's Continuing Failure to Obtain Required TRPA and Washoe County Permits. The TTD has received input from the community that we believe that the TTD's operation of the South Shore Shuttle summer bus service requires both TRPA and Washoe County permits, which the TTD never obtained. The input provided is that under TRPA Code of Ordinances Chapter 25, the South Shore Shuttle was a "New Use" when it began its 2011, and did not qualify as a "Previous Use" of the school bus service operated by the Incline Village School District, which ceased service in 2003. The New Use required a detailed submission to TRPA on its Commercial Project Application form, along with all necessary information and studies, which never occurred. Because the former school district moved from and stopped use of the site as a bus operation in 2003, and the TTD did not begin its summer season South Shore Shuttle until 2011, 96 months after the school bus service ceased. Therefore, the South Shore Shuttle fails to meet the criterion under "F" that the "Previous Use" ceased operating a maximum of 60 months prior to commencement of the South Shore Shuttle. By acting as if the Shuttle did not need a TRPA permit because it could rely on the school district's "Previous Use", this allowed the Shuttle to avoid the many reports, studies and analysis required under the TRPA permitting process. We assume that the TTD will make appropriate submissions to TRPA, and that it will apply to Washoe County for a Special Use Permit, and we ask that an Incline Village community representative be part of the process so that that representative can protect the community. I am especially concerned that the 500-600 residents who live across the street from the former school site, who will have their health and safety adversely impacted by the noise, pollution, traffic and vibration of the buses and autos travelling in and out of the parking lot across the street.

2. The TTD South Shore Shuttle Should Not Use the Former School Bus Use from 2003 and earlier to Avoid TRPA and Washoe County Permitting and Review. Ignoring community objections to the TTD starting in early 2020 that the South Shore Shuttle was operating without having gone through the TRPA permitting process or the Washoe County special use permitting process, the TTD through Mr. Hasty applied for and obtained its categorical exclusion from the Federal Transportation Administration (the "FTA") in a July 29, 2020 letter from the FTA which allowed it to proceed in the grant application process, without public outreach under 23 CFR 771.118(c)(6). I attach a full copy of 23 CFR 771.11 to this email and you can see that subsection (c)(6) is for a use that "does not result in a substantial change in the functional use of the property". I made a public records request to the TTD for a copy of TTD's application for its

categorical exclusion, but that request was denied for a number of reasons including the alleged threat of litigation (which I have not and do not threaten). I presume that the TTD's application to the FTA represented that the proposed transportation hub at the former school site will "not result in a substantial change in the functional use of the property" based on its allegedly legal use of the property for the South Shore Shuttle as a continuation of the prior school bus service. Had the TTD applied under (c)(9) for "construction of facilities for transportation use", that application would have required much more in the way of reports, studies and analysis, and information concerning the effect of the transportation facility upon the neighborhood, as clearly discussed in the Federal Transportation Administration Guidelines, a portion of which I have also attached. In other words, the unpermitted use by the TTD in the past has now been used to justify the categorical exclusion under 23 CFR 771.118(c)(6). This again allowed the TTD to skip applications, studies and investigations that TRPA, the FTA and other agencies set up to protect the members of the public who live in and around the former school site. Even the Federal Transportation Administration in its Guidelines recognizes that it desires to avoid the burden that a transportation facility can have on adjacent properties in terms of noise, vibration, etc. But the TTD avoided all of this by skipping over the permitting process in 2011 and again skipping public outreach processes in place to protect the public in 2020 when it applied for this grant.

3. The Single TTD Public Meeting Which Allowed Public Comment Showed the Overwhelming Community Objection to the School Site.

Another example of why the community would appreciate the opportunity to participate in the site evaluation and selection process is the recent "public" meetings. Four public meetings were scheduled with a 2-hour presentation made by the TTD and the County of all the reasons the community should support the site, and no member of the public was allowed to speak, or even to ask a question verbally. Two of the meetings were set during the work-day and two were set in the evening, presumably so that people could fit their schedules to be able to attend. Questions had to be sent in by email and text, but could not be asked verbally, and so the questions that were answered were screened in advance and the TTD answered the questions which it wanted to answer, and not all questions were answered. For example, key questions were not answered as to what tests and studies would be done on vibration, noise, traffic, pollution, the environment, the impacts on the 500 + residents living across the street from the site, or what will be done to control the hundreds and hundreds of extra cars that would come to the parking lot and find it full and drive around Incline waiting for cars to leave the lot and spaces to become available or else just parking all over our local streets. We want to know what protections our community will have in the process. These meetings were not well noticed or publicized

by the TTD, but there was sufficient time for our local community resources with some mailing lists to send notice of the meeting to their email lists. In response to my request to Commissioner Hill that there should be the ability for the public to give public input to the TTD, one 2-hour meeting was scheduled during the workday on Friday, March 5, with short notice given by the TTD of the meeting to the community. The community appreciated that Commissioner Hill was able to get us the one meeting, and we were thankful for that opportunity. Again, none of the people living adjacent to the project were emailed or mailed notice by the TTD, and there is no local newspaper or resource for publication of information other than. The TTD notified us that we could speak for 2 minutes and automatically cut off all comments at the 2-minute mark. While at the end of the meeting people were allowed to speak again, that opportunity was not announced at the beginning of the meeting and most people had made their public comment and left the meeting. I assume that the Board has been told that the public comments were almost all opposed to the use of the former school site, except for public comments by some transportation related agencies and the Incline Visitors Bureau (which Bureau represents the interests of increasing tourism and ease of tourism and does not speak for the community). To be clear, the sentiment was overwhelmingly against the school site as the selected site, but not against the idea of a transportation hub at an acceptable location.

4. Recall the TTD Board's Instructions at the November and December 2020 Meetings Which were Poorly Followed. I would remind you that at the November and December, 2020 TTD Board meetings, Mr. Hasty was told to look at other sites in Incline Village and also to set up public meetings. No public meetings were set up and instead, Mr. Hasty first tried to get Washoe County to commit its \$280,000 to the project by getting the matter put on a December agenda even though at the prior November Board meeting the Board was clear in telling him to hold off on the process, and then, when the matter was taken off calendar by the County, he tried to set a public meeting with one day prior notice to the media of the public meeting. He tried to set it on the evening of a previously scheduled regular IVGID Board meeting, and had not cleared the date with either former Commissioner Berkbighler or with the IVGID Board members (all of whom had prior commitments). Ultimately, when objections came in the meeting was taken off calendar. But no public meeting was then scheduled until the very end of February and beginning of March, 2021, immediately before the March 12 Board vote.

5. Take Notice of the Change.org Petition Showing Strong Community Objection to the School Site. A petition was circulated on [change.org](https://www.change.org) by a community resident in opposition to the school site. Within a few days 1200 local residents signed the petition stating opposition to the site. A [change.org](https://www.change.org) petition appeared after there were over 1500 signatures on

the first petition that stated it was in favor of the site by persons/entities unknown, and it had obtained less than a dozen signatures from local residents, last I heard. Apparently, the petition in opposition to the site incorrectly stated that the site would be used for a cell phone tower. The community has been advised that therefore the TTD does not find the petition with 1200 signatures valid because of the error and because they do not know who signed the petition.

6. Keep in Mind Mr. Hasty's Prior Actions Avoiding Community Input. I want to also remind you of the list of actions by Mr. Hasty ignoring the directions of former District 1 Commissioner Marsha Berkbigler who instructed him starting in writing in at least in March 2020 to begin having public meetings in Incline Village to gather public input on the school site. She expressed from the beginning that she did not believe that the school site was the appropriate site for the transportation hub. In my prior email dated November 11, 2020 I detailed the following acts which show a clear lack of concern for our community and show why we fear that this next process will occur in secrecy, to our detriment:

- a. Former Commissioner Berkbigler expressed opposition to a proposed project as described and stated in her April 24, 2020 email to Messrs. Hasty and Solaro: "The residents of IV/CB should have some say in how this area is used since they will be impacted by the negative impacts of the Project. Additionally, at least one and possibly two public fora must be done in IV/CB before a final plan is put together." (Keep in mind that No public meeting was held until the end of February, 2021, and that was held at the direction of the TTD Board from last November.) Additionally, Ms. Berkbigler further expressed "HOWEVER, it is simply not acceptable for the old school yard to be used as a staging area. This is in the middle of what is considered the "town center" in Incline, and the traffic in this area is very heavy. Additional construction traffic for a staging site there would be seriously detrimental to the community and create serious traffic and parking problems...it is necessary to go back to the drawing board to relocate the staging center to some place outside of IV/CB.... I will oppose any County funds going to this project and to the purchase of the school property if this plan is not changed."

- b. Mr. Hasty contacted Pete Todoroff, head of the Incline Village Crystal Bay Community Forum on September 3, 2020 stating that he wanted to join the Community Forum zoom call on September 4 and tell the people who attended about the proposed elementary school site project stating "as I know it is of great interest.". The Community Forum meeting occurs every other Friday, and the meeting had "shoulder season" attendance which is under 20 people. Mr. Hasty

told the small group in attendance about the project in less than a 5-minute presentation, and attendees expressed their many concerns about the project to Mr. Hasty, including asking him to look at several other proposed sites which had previously been identified to him, and he said he would look into them. Mr. Hasty said that he would be setting up public meetings in Incline to discuss local concerns and have open communication and that there would be plenty of time for the meetings and for discussing environmental concerns and transportation studies. Mr. Hasty never mentioned that the very next Monday he was proposing to the TTD Board to authorize him to purchase the former school site!

c. Mr. Hasty stated in his April 30, 2020 email in describing a mobility hub: “So, what is meant by the mobility hub? It means a user has pedestrian access, bike access, transit access and auto access to commercial, residential and recreations uses within the neighborhood and to the trail system. Beyond that a mobility hub can be designed to fit into the community or neighborhood that it is located.

Acquisition of a property is one process, developing a project concept with the community is another, and such a process will follow a successful property acquisition.” But still no meeting has been set up.

d. It is a standard requirement for the grant from the Federal Transportation Administration that there to be public outreach meetings before the funds are committed. I spoke with Guinevere Hodby of Multi-modal at NDOT (775-227-6025) on October 19, 2020 to object that the Title 6 process, namely the Policy of Public Notification, requires public meetings, outreach and education, and none have been held on this proposed acquisition with IVCB. Ms. Hobdy said that NDOT supports local agencies who apply for Federal Transportation Administration funds to check compliance with all guidelines, and in this case, Mr. Hasty had applied to the Federal Transportation Administration for a “categorical exclusion” from the standard procedures to be allowed to do things out of order, so that the TTD be allowed to purchase the property first, before any public input, because he said purchase was urgently required because “Washoe County said that they were getting rid of the property and it

would go to another purchaser”.

e. On August 11, 2020, local resident, Ronda Tycer wrote a lengthy email to Sara Schmitz, IVGID Trustee and Commissioner Berkbigler detailing the problems with and questions about the proposed site use and recommending several alternative sites. None of these alternative sites were seriously looked at by Mr. Hasty, who merely stated on one occasion to Commissioner Berkbigler that they were “not as good a financial deal as the school site”. In response to Commissioner Berkbigler’s sending Ms. Tycer’s email to Mr. Hasty, telling him that Ms. Tycer’s opinion is shared by Pete Toderoff and others in his group, Mr. Hasty replied “I do not expect a public process to be easy, but there are potential ideas that can come together for the site given some wherewithal and concerted effort.”

f. Commissioner Berkbigler has asked Mr. Hasty to hold public meetings in IVCB and tell us what he is proposing to do and why, and to work on outreach with us on our concerns on several occasions and he has utterly failed to do so.

g. Residents are concerned about what appear to be inaccurate representations to Washoe County in an email from Ms. Mullen, a TTD consultant, to Mr. Solaro in an email dated September 9, 2019. Ms. Mullen represented in a purported update that “Indra says that we will have IVGID support for transportation at this site.” Indra Winqest is the General Manager of IVGID, and has stated in an email dated October 27, 2020 when asked if this alleged representation by Ms. Mullen was accurate:

“Absolutely not. Om furious with Karen Mullen for stating that. I simply told her that Duffield was not interested in allowing use of his property and I would support a hub only in at the right location. She falsely represented what I said. To be clear, I am adamantly opposed to a transit hub at the old wcsd site. This is why I want to formally let TTD know. I already clarified this with Wayne...”

h. In July 2020, instead of following former Commissioner Berkbigler’s requests for Mr. Hasty to get Incline community input, he instead filed with the Federal Transportation Administration for a categorical exclusion to skip public outreach, which was granted in July, 2020, but never disclosed to the community.

7. **I have personally seen how successful transparency in government can be and how it can lead to the best decisions for the benefit of the public and for the government.** One recent example was the TRPA

Short Term Rental Neighborhood Compatibility Guidelines public process. The TRPA staff and TRPA Government Affairs Board met for many many months and took public input and modified the Compatibility Guidelines in response to concerns of the public. The final document was a compromise that all parties, the public and government, thought was a very good document. I and a large group of full time Incline Village residents attended virtually every hearing beginning at the second meeting, and the final document, if followed by a local government, will protect the neighborhoods around the Lake. The TRPA employee who leads the project did an excellent job of hearing the concerns and implementing them into a document that will allow for continued improvement of Short-Term Rental Ordinances around the Lake, when followed by local governments. In that case both TRPA and its Board listened to and cared about the local residents. The Committee included a public member who lived around the Lake (not Incline). The TRPA staff person, Brandy McMahon, received letters of thanks and compliments from many of us because, while she followed the directions of the TRPA Board to get the project done, she also listened to and prepared a document that addressed community concerns. While all community requests were not accommodated, the effort to understand and incorporate community concerns was clear to the community, appreciated and accepted. This transportation hub project of site evaluation and selection needs a similar community participation approach and leadership.

In summary, if the TTD does proceed with the purchase of the former school site, I urge you to allow a respected member of the local community, who is not in a "visitor related" business such as the Incline Village Visitors Bureau, to be involved to officially work with the TTD on the project, at no cost to the TTD. I would be pleased to provide the names and resumes of a number of community members who are well respected in the community, have the community interests at heart, and have significant academic and prior business credentials, who would be pleased to volunteer in this role.

I sincerely believe that there could be a mutually beneficial and acceptable compromise site identified in Incline Village .

I have included my telephone number as I am available to speak with any of you on any of the subjects in this letter.

Very truly yours,

Diane Becker, local Incline Village resident

805-290-2779

LII > Electronic Code of Federal Regulations (e-CFR) > Title 23 - Highways
> CHAPTER I - FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF
TRANSPORTATION
> SUBCHAPTER H - RIGHT-OF-WAY AND ENVIRONMENT
> PART 771 - ENVIRONMENTAL IMPACT AND RELATED PROCEDURES
> **§ 771.118 FTA categorical exclusions.**

23 CFR § 771.118 - FTA categorical exclusions.

CFR Table of Popular Names

§ 771.118 FTA categorical exclusions.

(a) CEs are actions that meet the definition contained in 40 CFR 1508.4, and, based on FTA's past experience with similar actions, do not involve significant environmental impacts. They are actions that: Do not induce significant impacts to planned growth or land use for the area; do not require the relocation of significant numbers of people; do not have a significant impact on any natural, cultural, recreational, historic or other resource; do not involve significant air, noise, or water quality impacts; do not have significant impacts on travel patterns; or do not otherwise, either individually or cumulatively, have any significant environmental impacts.

(b) Any action that normally would be classified as a CE but could involve unusual circumstances will require FTA, in cooperation with the applicant, to conduct appropriate environmental studies to determine if the CE classification is proper. Such unusual circumstances include:

- (1) Significant environmental impacts;
- (2) Substantial controversy on environmental grounds;
- (3) Significant impact on properties protected by Section 4(f) requirements or Section 106 of the National Historic Preservation Act; or

(4) Inconsistencies with any Federal, State, or local law, requirement or administrative determination relating to the environmental aspects of the action.

(c) Actions that FTA determines fall within the following categories of FTA CEs and that meet the criteria for CEs in the CEQ regulation (40 CFR 1508.4) and paragraph (a) of this section normally do not require any further NEPA approvals by FTA.

(1) Acquisition, installation, operation, evaluation, replacement, and improvement of discrete utilities and similar appurtenances (existing and new) within or adjacent to existing transportation right-of-way, such as: Utility poles, underground wiring, cables, and information systems; and power substations and utility transfer stations.

(2) Acquisition, construction, maintenance, rehabilitation, and improvement or limited expansion of stand-alone recreation, pedestrian, or bicycle facilities, such as: A multiuse pathway, lane, trail, or pedestrian bridge; and transit plaza amenities.

(3) Activities designed to mitigate environmental harm that cause no harm themselves or to maintain and enhance environmental quality and site aesthetics, and employ construction best management practices, such as: Noise mitigation activities; rehabilitation of public transportation buildings, structures, or facilities; retrofitting for energy or other resource conservation; and landscaping or re-vegetation.

(4) Planning and administrative activities that do not involve or lead directly to construction, such as: Training, technical assistance and research; promulgation of rules, regulations, directives, or program guidance; approval of project concepts; engineering; and operating assistance to transit authorities to continue existing service or increase service to meet routine demand.

(5) Activities, including repairs, replacements, and rehabilitations, designed to promote transportation safety, security, accessibility and effective communication within or adjacent to existing right-of-way, such as: The deployment of Intelligent Transportation Systems and components; installation and improvement of safety and communications equipment, including hazard elimination and mitigation; installation of passenger amenities and traffic signals; and retrofitting existing transportation vehicles, facilities or structures, or upgrading to current standards.

(6) Acquisition or transfer of an interest in real property that is not within or adjacent to recognized environmentally sensitive areas (e.g., wetlands, non-urban parks, wildlife management areas) and does not result in a substantial change in the functional use of the property or in substantial displacements, such as: Acquisition for scenic easements or historic sites for the purpose of preserving the site. This CE extends only to acquisitions and transfers that will not limit the evaluation of alternatives for future FTA-assisted projects that make use of the acquired or transferred property.

(7) Acquisition, installation, rehabilitation, replacement, and maintenance of vehicles or equipment, within or accommodated by existing facilities, that does not result in a change in functional use of the facilities, such as: equipment to be located within existing facilities and with no substantial off-site impacts; and vehicles, including buses, rail cars, trolley cars, ferry boats and people movers that can be accommodated by existing facilities or by new facilities that qualify for a categorical exclusion.

(8) Maintenance, rehabilitation, and reconstruction of facilities that occupy substantially the same geographic footprint and do not result in a change in functional use, such as: Improvements to bridges, tunnels, storage yards, buildings, stations, and terminals; construction of platform extensions, passing track, and retaining walls; and improvements to tracks and railbeds.

(9) Assembly or construction of facilities that is consistent with existing land use and zoning requirements (including floodplain regulations) and uses primarily land disturbed for transportation use, such as: Buildings and associated structures; bus transfer stations or intermodal centers; busways and streetcar lines or other transit investments within areas of the right-of-way occupied by the physical footprint of the existing facility or otherwise maintained or used for transportation operations; and parking facilities.

(10) Development of facilities for transit and non-transit purposes, located on, above, or adjacent to existing transit facilities, that are not part of a larger transportation project and do not substantially enlarge such facilities, such as: Police facilities, daycare facilities, public service facilities, amenities, and commercial, retail, and residential development.

(11) The following actions for transportation facilities damaged by an incident resulting in an emergency declared by the Governor of the State and concurred in by the Secretary, or a disaster or emergency declared by the President pursuant to the Robert T. Stafford Act (42 U.S.C. 5121):

(i) Emergency repairs under 49 U.S.C. 5324; and

(ii) The repair, reconstruction, restoration, retrofitting, or replacement of any road, highway, bridge, tunnel, or transit facility (such as a ferry dock or bus transfer station), including ancillary transportation facilities (such as pedestrian/bicycle paths and bike lanes), that is in operation or under construction when damaged and the action:

(A) Occurs within the existing right-of-way and in a manner that substantially conforms to the preexisting design, function, and location as the original (which may include upgrades to meet existing codes and standards as well as upgrades warranted to address conditions that have changed since the original construction); and

(B) Is commenced within a 2-year period beginning on the date of the declaration.

(12) Projects, as defined in 23 U.S.C. 101, that would take place entirely within the existing operational right-of-way. Existing operational right-of-way means all real property interests acquired for the construction, operation, or mitigation of a project. This area includes the features associated with the physical footprint of the project including but not limited to the roadway, bridges, interchanges, culverts, drainage, clear zone, traffic control signage, landscaping, and any rest areas with direct access to a controlled access highway. This also includes fixed guideways, mitigation areas, areas maintained or used for safety and security of a transportation facility, parking facilities with direct access to an existing transportation facility, transportation power substations, transportation venting structures, and transportation maintenance facilities.

(13) Federally funded projects:

(i) That receive less than \$5,000,000 (as adjusted annually by the Secretary to reflect any increases in the Consumer Price Index prepared by the Department of Labor, see www.fhwa.dot.gov or www.fta.dot.gov) of Federal funds; or

(ii) With a total estimated cost of not more than \$30,000,000 (as adjusted annually by the Secretary to reflect any increases in the Consumer Price Index prepared by the Department of Labor, see www.fhwa.dot.gov or www.fta.dot.gov) and Federal funds comprising less than 15 percent of the total estimated project cost.

(14) Bridge removal and bridge removal related activities, such as in-channel work, disposal of materials and debris in accordance with applicable regulations, and transportation facility realignment.

(15) Preventative maintenance, including safety treatments, to culverts and channels within and adjacent to transportation right-of-way to prevent damage to the transportation facility and adjoining property, plus any necessary channel work, such as restoring, replacing, reconstructing, and rehabilitating culverts and drainage pipes; and, expanding existing culverts and drainage pipes.

(16) Localized geotechnical and other investigations to provide information for preliminary design and for environmental analyses and permitting purposes, such as drilling test bores for soil sampling; archeological investigations for archeology resources assessment or similar survey; and wetland surveys.

(d) Additional actions that meet the criteria for a CE in the CEQ regulations (40 CFR 1508.4) and paragraph (a) of this section may be designated as CEs only after FTA approval. The applicant must submit documentation that demonstrates that the specific conditions or criteria for these CEs are satisfied and that significant environmental effects will not result. Examples of such actions include but are not limited to:

(1) Modernization of a highway by resurfacing, restoring, rehabilitating, or reconstructing shoulders or auxiliary lanes (e.g., lanes for parking, weaving, turning, climbing).

(2) Bridge replacement or the construction of grade separation to replace existing at-grade railroad crossings.

(3) Acquisition of land for hardship or protective purposes. Hardship and protective buying will be permitted only for a particular parcel or a limited number of parcels. These types of land acquisition qualify for a CE only where the acquisition will not limit the evaluation of alternatives, including shifts in alignment for planned construction projects, which may be required in the NEPA process. No project development on such land may proceed until the NEPA process has been completed.

(i) Hardship acquisition is early acquisition of property by the applicant at the property owner's request to alleviate particular hardship to the owner, in contrast to others, because of an inability to sell his property. This is justified when the property owner can document on the basis of health, safety or financial reasons that remaining in the property poses an undue hardship compared to others.

(ii) Protective acquisition is done to prevent imminent development of a parcel that may be needed for a proposed transportation corridor or site. Documentation must clearly demonstrate that development of the land

would preclude future transportation use and that such development is imminent. Advance acquisition is not permitted for the sole purpose of reducing the cost of property for a proposed project.

(4) Acquisition of right-of-way. No project development on the acquired right-of-way may proceed until the NEPA process for such project development, including the consideration of alternatives, has been completed.

(5) [Reserved]

(6) Facility modernization through construction or replacement of existing components.

(7) Minor transportation facility realignment for rail safety reasons, such as improving vertical and horizontal alignment of railroad crossings, and improving sight distance at railroad crossings.

(8) Modernization or minor expansions of transit structures and facilities outside existing right-of-way, such as bridges, stations, or rail yards.

(e) Any action qualifying as a CE under § 771.116 or § 771.117 may be approved by FTA when the applicable requirements of those sections have been met. FTA may consult with FHWA or FRA to ensure the CE is applicable to the proposed action.

(f) Where a pattern emerges of granting CE status for a particular type of action, FTA will initiate rulemaking proposing to add this type of action to the appropriate list of categorical exclusions in this section.

CFR Toolbox

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Guidance for Implementation of FTA's Categorical Exclusions (23 C.F.R. §771.118)

I. Introduction

The Federal Transit Administration (FTA) categorical exclusions (CEs), located at 23 CFR §771.118, are tailored specifically to transit projects and provide for a more straightforward and efficient environmental review process. With this guidance, FTA aims to assist FTA Regional staff and project sponsors in applying specific CEs to FTA projects. This guidance is not, however, intended to address National Environmental Policy Act (NEPA) compliance in general; questions about NEPA compliance on FTA projects should be directed to FTA Regional staff.

II. Background

Per the Council on Environmental Quality's (CEQ's) "Establishing, Applying, and Revising Categorical Exclusions under the National Environmental Policy Act" guidance (Dec. 2010), the CEs in 23 CFR section 771.118 are presented as general categories that include limitations, as appropriate, and provide an informative (but not exhaustive) list of examples. CEs added to section 771.118 pursuant to the Moving Ahead for Progress in the 21st Century Act (MAP-21) do not follow the same format because they were created pursuant to specific statutory criteria.

Section 771.118 is reserved exclusively for FTA actions; section 771.117 is reserved exclusively for Federal Highway Administration (FHWA) actions, and CEs listed in 23 CFR section 771.117 should no longer be used for FTA's actions on projects.

The contents of section 771.118 follow a similar format as FHWA section 771.117 by having a c-list (found at 23 CFR section 771.118(c)) and a d-list (found at 23 CFR section 771.118(d)) that include categorically excluded routine actions and those actions that require limited documentation, respectively. Section 771.118 is organized as follows: paragraph (a) describes and defines CE actions; paragraph (b) explains "unusual circumstances"; paragraph (c) contains FTA categorically excluded actions; paragraph (d) contains examples of actions that may be categorically excluded under section 771.118(d); and, paragraph (e) addresses the addition of new CEs in the future.

III. Applicability and Documentation

The list of CEs in section 771.118(c) focuses on actions most applicable to FTA. It is FTA's responsibility to determine whether the action described by the grant applicant ("applicant") falls within the CE category (i.e., the action meets all conditions listed in the CE), whether the action is impermissibly segmented from a larger project, and whether there are unusual circumstances (e.g., substantial controversy on environmental grounds, significant impact to properties protected by Section 4(f) of the US DOT Act or Section 106 of the National Historic Preservation Act) that would make a CE determination inappropriate.

Grant applicants should include sufficient information for FTA to make a CE determination. A description of the project in the grant application, as well as any maps or figures typically included with the application or as requested by the FTA Regional Office, will normally be sufficient for FTA to

determine whether the CE applies. This information submitted through the normal grant application process does not mean an action that otherwise meets the conditions for a CE under section 771.118(c) needs to be converted to a section 771.118(d) action. Given the nature of the CEs listed under section 771.118(c), documentation demonstrating compliance with environmental requirements other than NEPA, such as Section 106 of the National Historic Preservation Act ("Section 106"), or Section 7 of the Endangered Species Act, may be necessary for the processing of the grant. The required supporting documentation can be included with the grant in FTA's grant management software (i.e., TEAM), which is preferred, or kept in the FTA Regional Office's project files. Other applicable environmental requirements must be met regardless of the applicability of the CE under NEPA, but compliance with other environmental requirements does not elevate an action that otherwise is categorically excluded under section 771.118(c) to section 771.118(d). See Section VI for more information regarding "Consideration of Other Environmental Requirements."

Section 771.118(d), which is an open-ended categorical exclusion authority, lists example actions and requires documentation to verify the application of a CE is appropriate (i.e., the action meets the criteria established in Sections 771.118(a) and (b)). The list of examples is particularly helpful for those actions that do not meet the conditions of CEs found in section 771.118(c).

A CE must capture the entire proposed action, which includes all connected actions (see CEQ, "Final Guidance on Establishing, Applying, and Revising Categorical Exclusions under NEPA," 75 FR 75628, 75632, Dec. 6, 2010). The requirement that a project demonstrates independent utility, connects logical termini, and does not restrict consideration of alternatives reflects FTA's test for determining the full scope of a project for NEPA review purposes and avoiding impermissible segmentation. This does not prohibit the construction of a transportation facility in phases, so long as the project scope reviewed under NEPA meets the test described above. Typically, the documentation expectations described above will be sufficient to demonstrate impermissible segmentation is not occurring, but in some instances, additional information may be needed.

If an action could fall under multiple CEs listed at section 771.118(c) due to their broad nature and/or one or more of the examples under section 771.118(d), then choose the best option (i.e., the CE that most closely fits the proposed activities) for the particular project in consultation with the FTA Regional Office. Preventative maintenance is one such example. There are many different types of preventative maintenance, and different types might qualify under different CEs. The CEs at section 771.118(c)(4), (c)(7), (c)(8), and (c)(15), for example, might all apply to some aspects of preventative maintenance, but there are also other CEs (e.g., the MAP-21-based CEs) that could potentially apply as well. For example, a project to rehabilitate vehicles that will be accommodated by the existing facilities is best described under section 771.118(c)(7), and it would be better to use that particular CE in that case, even though the project also could be covered by section 771.118(c)(13). Ultimately, the selected CE must cover all aspects of the proposed project's scope, and the project description should include all project elements.

IV. Section 771.118(c)

Utility and Similar Appurtenance Action

(1) Acquisition, installation, operation, evaluation, replacement, and improvement of discrete utilities and similar appurtenances (existing and new) within or adjacent to existing transportation right-of-way, such as: utility poles, underground wiring, cables, and information systems; and power substations and utility transfer stations.

This CE applies to utility-related activities when limited in scope and within or directly adjacent to the property considered the traditional transportation right-of-way. "Discrete utilities" are those that are separate and independent from a larger transit project or other larger project, such as the modernization of an entire rail transit line that includes station expansions or station redesign for improved access.

The traditional transportation right-of-way will likely have been disturbed by prior installation of utilities, and activities occurring there would have little potential for significant environmental impact. This CE covers utility activities occurring within the boundaries of the right-of-way, and utility activities that may extend onto adjacent property, as well as utility-related activities (e.g., landscaping or re-vegetation) occurring within the boundaries of the right-of-way or on immediately adjacent property. Ownership of the utility is not a factor in determining the application of this CE, however. For example, a utility company may own an easement on the transportation right-of-way; an FTA utility action on the easement would require FTA NEPA approval, but if the utility company performs non-FTA-related work within its easement, no FTA NEPA approval is needed. This CE does not, however, relieve the project sponsor of giving notice to property owners where a new utility easement may be needed. If property rights are to be acquired for a utility project and the action complies with the conditions in this CE, it is still necessary to give the property owners notice early in the process, pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 ("Uniform Relocation Act").

Additional examples of activities that could be covered by this CE include: catenary and signal work, given that these activities are substantially similar to the listed examples; and, maintenance and rehabilitation activities, as the environmental impacts of these activities are likely the same or less than an "improvement."

Pedestrian or Bicycle Action

(2) Acquisition, construction, maintenance, rehabilitation, and improvement or limited expansion of stand-alone recreation, pedestrian, or bicycle facilities, such as: a multiuse pathway, lane, trail, or pedestrian bridge; and transit plaza amenities.

This CE covers the expansion of existing recreational, pedestrian, or bicycle facilities, as well as acquisition, construction, maintenance, rehabilitation, and improvements of stand-alone recreation, pedestrian, or bicycle facilities. This CE is not limited to recreational facilities. FTA uses the term "stand-alone" to mean a facility that is capable of operating independently. For example, facilities that are part

of a larger proposed project that has significant environmental impacts cannot be approved as a CE; the entire project would need to be evaluated with an environmental impact statement. "Transit plaza amenities" are those features of a facility that add to its desirability as viewed by the traveling public (e.g., wayfinding signs, bike lockers, ticket vending machines, benches, and landscaping).

FTA expects that actions occurring under this CE would have minor construction effects. FTA project sponsors usually construct these types of facilities in urbanized areas where sensitive habitat is not impacted. If sensitive habitat may be impacted, then that could be an unusual circumstance that would likely require FTA and the applicant to conduct appropriate environmental studies under section 771.118(b)(1) to determine whether the CE classification is proper.

Additional examples of activities that could be covered by this CE include ferry terminal passenger overhead loading structures because these structures are virtually synonymous with "pedestrian bridge."

Environmental Mitigation or Stewardship Activity

(3) Activities designed to mitigate environmental harm that cause no harm themselves or to maintain and enhance environmental quality and site aesthetics, and employ construction best management practices, such as: noise mitigation activities; rehabilitation of public transportation buildings, structures, or facilities; retrofitting for energy or other resource conservation; and landscaping or re-vegetation.

This CE covers environmental mitigation activities, as well as those activities that enhance environmental quality (sometimes referred to as "environmental stewardship" activities). The activities need to be eligible for FTA assistance; and therefore, would be limited by FTA's funding program requirements, in addition to the other conditions listed in the CE language (i.e., mitigate environmental harm and cause no harm themselves or maintain and enhance environmental quality and site aesthetics, and employ construction best management practices).

Additional examples of activities covered by this CE could include:

- Maintenance and rehabilitation of historic transportation facilities that may be adversely affected by the project;
- Replacement of in-water creosote-treated timber piles, berthing, and other structures, as this constitutes rehabilitation of public transportation buildings, structures, or facilities;
- Stormwater management activities designed to mitigate environmental harm;
- Roof replacement to the extent it fits within the CE's limitations; and,
- Rehabilitation of bridges and viaducts if they are considered public transportation structures.

Planning and Administrative Activity

(4) Planning and administrative activities which do not involve or lead directly to construction, such as: training, technical assistance and research; promulgation of rules, regulations, directives, or

program guidance; approval of project concepts; engineering; and operating assistance to transit authorities to continue existing service or increase service to meet routine demand.

This CE covers routine administrative, engineering, and analytical functions that do not have an environmental impact. These activities are often office-related and, while they may be frequent, are generally environmentally benign.

Note that geotechnical work has limited applicability under this CE. Some geotechnical work (such as the use of ground penetrating radar) could be approved under this CE as long as it does not involve construction or lead directly to construction. However, invasive work, such as soil borings or archeological test digs, would not be covered under this CE.

Action Promoting Safety, Security, Accessibility

(5) Activities, including repairs, replacements, and rehabilitations, designed to promote transportation safety, security, accessibility and effective communication within or adjacent to existing right-of-way, such as: the deployment of Intelligent Transportation Systems and components; installation and improvement of safety and communications equipment, including hazard elimination and mitigation; installation of passenger amenities and traffic signals; and retrofitting existing transportation vehicles, facilities or structures, or upgrading to current standards.

This CE applies to stand-alone projects, such as the installation of communications equipment along an existing line, and may not be an element impermissibly segmented from a larger project, such as construction of a new transit line that includes installation of communication equipment.

Additional examples of activities covered by this CE could include installation of fencing, signs, pavement markings, and small passenger shelters as these activities promote transportation safety, security, accessibility, and effective communication. This CE does not extend to all safety actions, however. For example, closing a railroad crossing for safety reasons would not be eligible for this CE.

Acquisition, Transfer of Real Property Interest

(6) Acquisition or transfer of an interest in real property that is not within or adjacent to recognized environmentally sensitive areas (e.g., wetlands, non-urban parks, wildlife management areas) and does not result in a substantial change in the functional use of the property or in substantial displacements, such as: acquisition for scenic easements or historic sites for the purpose of preserving the site. This CE extends only to acquisitions and transfers that will not limit the evaluation of alternatives for future FTA-assisted projects that make use of the acquired or transferred property.

This CE covers cases where the property is acquired and remains essentially unchanged from its previous use until NEPA is completed for the future FTA-assisted project that may make use of the property. Note that acquiring property pursuant to this CE must not limit the evaluation of alternatives

when the future FTA-assisted project is evaluated in the FTA environmental review process, which must allow for the possibility that the property will not be used for the project. The purchase must also comply with Uniform Relocation Act requirements and must be allowable as an exception to the general prohibition on property acquisition prior to a NEPA finding located at 23 CFR section 771.113.

FTA uses the phrase "Acquisition or transfer of an interest in real property" to mean the act of purchasing or otherwise acquiring a property right (e.g., absolute ownership, trackage right, easement, leasing, etc.). Note that similar CEs covering property acquisition in section 771.118(d)(3) and (d)(4) would allow property acquisition (real property for hardship or protective purposes or right-of-way, respectively) without these limitations but would require documentation under section 771.118(d) to demonstrate that the CE applies. The "functional use" qualifying criterion is included because any change in the functional use of the property, if FTA-assisted, would disqualify the use of this CE for the acquisition. The reference to "scenic easements or historic sites" (for preserving the site) provides examples of special cases where this CE might apply. Other examples could be the acquisition of right-of-way for later utility work or construction staging areas.

An activity not covered by this CE is disposal of property the transit agency owns, even if there is an FTA financial interest due to a past grant(s). This is not a FTA action for purposes of NEPA because FTA does not exercise sufficient control over these actions. Instead, disposition actions by transit agencies of their own property are governed by FTA rules (see Circular 5010.1D) that protect FTA's investment in transit.

For joint development projects funded with FTA grants, see section 771.118(c)(10).

Acquisition, Maintenance of Vehicles/Equipment

(7) Acquisition, installation, rehabilitation, replacement, and maintenance of vehicles or equipment, within or accommodated by existing facilities, that does not result in a change in functional use of the facilities, such as: equipment to be located within existing facilities and with no substantial off-site impacts; and vehicles, including buses, rail cars, trolley cars, ferry boats and people movers that can be accommodated by existing facilities or by new facilities that qualify for a categorical exclusion.

This CE focuses on activities associated with public transportation vehicles and equipment to improve operations and the transit riding experience. Installation of equipment under this CE would only be covered if it did not have substantial off-site impacts.

The phrase "located within existing facilities" means equipment located within a property that is already dedicated to a transportation function or within an existing building. FTA uses the phrase "that can be accommodated by existing facilities or by new facilities" to mean that the existing facilities have sufficient excess capacity to accommodate the vehicles, or, if the transit vehicles require new facilities, the new facilities also meet the requirements for the categorical exclusion. If the new facilities required by the new vehicles are part of a larger undertaking and require the use of either a CE under section

771.118(d), an environmental assessment (EA), or an environmental impact statement (EIS), the vehicle acquisition would be evaluated as part of that larger project.

Maintenance, Rehabilitation, Reconstruction of Facilities

(8) Maintenance, rehabilitation, and reconstruction of facilities that occupy substantially the same geographic footprint and do not result in a change in functional use, such as: improvements to bridges, tunnels, storage yards, buildings, stations, and terminals; construction of platform extensions, passing track, and retaining walls; and improvements to tracks and railbeds.

This CE covers maintenance, rehabilitation, and reconstruction of certain facilities as long as the facilities occupy substantially the same geographic footprint (all areas already affected by the direct impacts of the facility) and the functional use of the facility is unchanged. The original construction of the facility would have been previously evaluated under NEPA. Note an improvement to the facility is not a change in functional use. For example, when a transit center is rehabilitated under this CE, it may be improved by incorporating the latest communications and passenger information technologies. If the transit center's function is changed by converting it into a bus maintenance facility, then it would not qualify under this CE.

Additional examples of activities covered by this CE could include ferry terminals, transit infrastructure rehabilitation, and specific aspects of rehabilitation or reconstruction activities, such as renewal and/or component repair. An applicant and the FTA Regional Office should discuss the project and its class of action early in the environmental review/project development process.

Regarding pre-award authority, applicants may incur costs under pre-award authority for projects that clearly meet the criteria for this CE, however, if a project is subsequently found not to qualify as a CE, it will be ineligible for FTA assistance. Any grant applicant that is concerned that a project may not clearly qualify as a CE is strongly encouraged to contact FTA's Regional Office for assistance in determining the appropriate environmental review process and level of documentation necessary.

Assembly or Construction of Facilities

(9) Assembly or construction of facilities that is consistent with existing land use and zoning requirements (including floodplain regulations), and uses primarily land disturbed for transportation use, such as: buildings and associated structures; bus transfer stations or intermodal centers; busways and streetcar lines or other transit investments within areas of the right-of-way occupied by the physical footprint of the existing facility or otherwise maintained or used for transportation operations; and parking facilities.

This CE focuses on construction of facilities that is in keeping with existing land use and zoning requirements and primarily uses land disturbed for transportation uses. The phrase "uses primarily land previously disturbed for transportation use" does not prohibit a negligible amount of land in its natural state from being impacted by the proposed action. Thus, projects functionally similar to those listed

(such as electric trolleybus lines) and requiring minor right-of-way acquisition may still be covered by the CE as long as “unusual circumstances” would not result.

Busways, streetcar lines, and other transit investments have the potential to result in significant impacts (e.g., noise and vibration, Section 106). Thus, particular attention must be paid to the conditions found in this CE. Documentation is likely to be requested by the FTA Regional Office when pursuing a categorical exclusion for these larger investments in order to support the CE finding. An applicant and the FTA Regional Office should discuss the project and its class of action early in the environmental review/project development process.

Regarding pre-award authority, applicants may incur costs under pre-award authority for projects that clearly meet the criteria for this CE, however, if a project is subsequently found not to qualify for this CE, it will be ineligible for FTA assistance. Any grant applicant that is concerned that a project may not clearly qualify as a CE is strongly encouraged to contact FTA’s Regional Office for assistance in determining the appropriate environmental review process and level of documentation necessary.

Joint Development of Facilities

(10) Development of facilities for transit and non-transit purposes, located on, above, or adjacent to existing transit facilities, that are not part of a larger transportation project and do not substantially enlarge such facilities, such as: police facilities, daycare facilities, public service facilities, amenities, and commercial, retail, and residential development.

This CE applies to those activities taking place within or at a public transportation facility that do not substantially expand the footprint. Note, the CE is not limited to public service facilities and amenities, such as government offices, but also includes commercial, retail, and residential facilities. An applicant and the FTA Regional Office should discuss the project and its class of action early in the environmental review/project development process.

The development of these facilities must not adversely impact transit operations or safety. MAP-21 provided FTA with new authority for enforcing operating and safety constraints, but the environmental review process is not FTA’s mechanism for the enforcement. If the applicant has potential operations or safety issues, the applicant should contact the FTA Regional Office or the FTA Safety Office (located in Washington, D.C.).

Regarding pre-award authority, applicants may incur costs under pre-award authority for projects that clearly meet the criteria for this CE, however, if a project is subsequently found not to qualify as a CE, it will be ineligible for FTA assistance. Any grant applicant that is concerned that a project may not clearly qualify as a CE is strongly encouraged to contact FTA’s Regional Office for assistance in determining the appropriate environmental review process and level of documentation necessary.

For more information on Joint Development, see 72 FR 5788 for FTA’s Joint Development Guidance and http://www.fta.dot.gov/about_FTA_11011.html for Joint Development Frequently Asked Questions.

Emergency Recovery Actions

(11) The following actions for transportation facilities damaged by an incident resulting in an emergency declared by the Governor of the State and concurred in by the Secretary, or a disaster or emergency declared by the President pursuant to the Robert T. Stafford Act (42 U.S.C. 5121):

- (i) Emergency repairs under 49 U.S.C. 5324; and*
- (ii) The repair, reconstruction, restoration, retrofitting, or replacement of any road, highway, bridge, tunnel, or transit facility (such as a ferry dock or bus transfer station), including ancillary transportation facilities (such as pedestrian/bicycle paths and bike lanes), that is in operation or under construction when damaged and the action:*
 - (A) Occurs within the existing right-of-way and in a manner that substantially conforms to the preexisting design, function, and location as the original (which may include upgrades to meet existing codes and standards as well as upgrades warranted to address conditions that have changed since the original construction); and*
 - (B) Is commenced within a 2-year period beginning on the date of the declaration.*

This CE was created pursuant to MAP-21 and applies to emergency recovery actions. Paragraph (i) specifically covers activities under the Public Transportation Emergency Relief Program (49 U.S.C. section 5324) such as public transportation capital projects and operating assistance related to emergencies, including natural disasters.

Paragraph (ii) mostly tracks the language found in section 1315 of MAP-21, though the language was expanded to include public transportation facilities. Under paragraph (ii), the transit facilities are not limited to ferry docks or bus transfer stations, and the ancillary transportation facilities are not limited to pedestrian/bicycle paths or bike lanes. Rather, examples were provided in those two cases, but the list of examples is not exhaustive. The application of the CE is limited by the conditions specified in the text of the CE. For example, the recovery work would need to occur within existing right-of-way, substantially conform to the preexisting design, function, and location (though upgrades to current standards or codes may occur), and be commenced within two years of the declaration.

Action within Existing Operational Right-of-Way

(12) Projects, as defined in 23 U.S.C. 101, that would take place entirely within the existing operational right-of-way. Existing operational right-of-way refers to right-of-way that has been disturbed for an existing transportation facility or is maintained for a transportation purpose. This area includes the features associated with the physical footprint of the transportation facility (including the roadway, bridges, interchanges, culverts, drainage, fixed guideways, mitigation areas, etc.) and other areas maintained for transportation purposes such as clear zone, traffic control signage, landscaping, any rest areas with direct access to a controlled access highway, areas maintained for safety and security of a transportation facility, parking facilities with direct access to an existing transportation facility, transit power substations, transit venting structures, and transit

maintenance facilities. Portions of the right-of-way that have not been disturbed or that are not maintained for transportation purposes are not in the existing operational right-of-way.

This CE was created pursuant to MAP-21, and applies to actions taking place within existing operational right-of-way (ROW). FTA interprets the phrase “existing operational right-of-way” as the ROW “that has been disturbed for an existing transportation facility or is maintained for a transportation purpose.” A transportation facility must already exist at the time of the proposed project’s review when being considered for this CE. FTA may need to see evidence that the area was disturbed for a transportation facility if staff are not familiar with the area or are unable to make that determination using online mapping tools, etc. The term “transportation facility” refers to an existing surface transportation facility or structure, and includes bicycle and pedestrian facilities.

The phrase “maintained for a transportation purpose” includes areas that may not be traditionally considered a transportation facility but are maintained to serve a transportation purpose for an existing transportation facility such as clear zones and areas for safety and security of the transportation facility. A transportation facility that has fallen into disuse may require an assessment to determine if it is still being maintained for a transportation purpose and, therefore, qualifies as an operational right-of-way. Regarding the term “maintained,” applicants do not need to develop or engage in regular maintenance actions within these areas to ensure they become part of the existing operational right-of-way in the future. Natural methods of managing roadside vegetation, clear zones, and areas necessary for maintaining the safety and security of a transportation facility are covered. But “maintained” does not cover uneconomic remnants or excess right-of-way, or parcels that are acquired and held for a future transportation project.

When a proposed project would be located on property acquired for a future project but simply held in perpetuity with no associated transportation use, this CE does not apply; a transportation facility must already exist at the location where the proposed project will be built. Areas acquired and held as part of a transportation corridor for a future project would not constitute an existing operational right-of-way. Utility use and occupancy agreements, and other real property interests that are not maintained for existing transportation purposes would not be part of the existing operational right-of-way.

Public transportation facilities often have non-contiguous features that are part of a transportation system and are, therefore, part of the operational right-of-way. Examples include substations, including transit power substations, transit maintenance yards, transit venting structures, and parking facilities, which includes both surface lots and parking structures.

Mitigation sites, such as wooded areas mitigating impacts of highways on historic districts, noise walls, and buffer zones used for transportation safety purposes are part of the operational right-of-way. However, consideration of unusual circumstances and compliance with other environmental laws may trigger the need to identify substitute mitigation or compensatory measures, as appropriate (i.e., using mitigation areas for a new project may trigger other actions to meet the original mitigation commitments).

The final project must be entirely within the operational ROW, but the CE accounts for all connected actions. Temporary work taking place outside an operational right-of-way, including work under temporary easements, is covered by the CE as long as the work is necessary for the construction of the project and the final project is entirely within the existing operational ROW. As such, temporary easements and work are subject to review for any unusual circumstances. However, the CE does not apply to the construction of a permanent project within an area acquired through a temporary easement for the construction of past projects; temporary easements terminate once the original project is completed and, therefore, cannot be considered "existing" transportation facilities when a new project is being evaluated.

Applicants may incur costs under pre-award authority for projects that clearly meet the criteria for this CE; however, if a project is subsequently found not to qualify as a CE, it will be ineligible for FTA assistance. Any grant applicant that is concerned that a project may not clearly qualify as a CE is strongly encouraged to contact FTA's Regional Office for assistance in determining the appropriate environmental review process and level of documentation necessary.

Action with Limited Federal Funding

(13) Federally-funded projects:

(i) That receive less than \$5,000,000 (as adjusted annually by the Secretary to reflect any increases in the Consumer Price Index prepared by the Department of Labor, see www.fhwa.dot.gov or www.fta.dot.gov) of Federal funds; or

(ii) With a total estimated cost of not more than \$30,000,000 (as adjusted annually by the Secretary to reflect any increases in the Consumer Price Index prepared by the Department of Labor, see www.fhwa.dot.gov or www.fta.dot.gov) and Federal funds comprising less than 15 percent of the total estimated project cost.

This CE was created pursuant to MAP-21, Section 1317, and revised to be consistent with the Fixing America's Surface Transportation (FAST) Act, Section 1314. The action has to involve some level of Federal assistance in order to qualify for the CE. Projects not funded with Federal funds but requiring other forms of approvals from the Agencies do not qualify for this CE. Federal funding alone is not a reliable indicator of the significance of the environmental impacts associated with a project. The uniqueness of this CE (that is, a CE determination based on dollar thresholds instead of a particular scope or description of the action) makes the consideration of unusual circumstances particularly important. FTA must ensure that projects receiving Federal funds below the established thresholds are not processed as CEs when unusual circumstances warrant another level of NEPA review.

Because this CE is dependent on a funding threshold, it is important to obtain accurate cost estimates and to carefully evaluate whether application of this CE is appropriate, especially when a project's cost estimate is close to the established threshold. As of 2016, inflation updates are considered as part of the threshold figures. The 2016 threshold figures, adjusted for inflation, are \$5,179,656.40 under 771.118(c)(13)(i) and \$31,077,938.44 under 771.118(c)(13)(ii), and should be

considered when applying the limited Federal financial assistance CE to projects during the 2016 calendar year. The adjusted figures will be updated annually in January of subsequent years and posted on www.fta.dot.gov. If the amount of Federal funds increases for the project beyond the established threshold (including inflation updates), and if there is still an FTA action that needs to be taken when these changes occur, re-evaluation would be triggered. Prior to any request for further approvals or grants (including approval of project plans, specifications, or estimates), the applicant and FTA need to consult in order to determine whether the CE designation remains valid.

Applicants may incur costs under pre-award authority for projects that clearly meet the criteria for this CE; however, if a project is subsequently found not to qualify as a CE, it will be ineligible for FTA assistance. Any grant applicant that is concerned that a project may not clearly qualify as a CE is strongly encouraged to contact FTA's Regional Office for assistance in determining the appropriate environmental review process and level of documentation necessary.

Bridge Removal and Related Activities

(14) Bridge removal and bridge removal related activities, such as in-channel work, disposal of materials and debris in accordance with applicable regulations, and transportation facility realignment.

This CE addresses bridge removal, specifically, which is related to the example at section 771.118(d)(2) (bridge replacement or rail grade separation). Although a bridge is removed or temporarily taken out of service during a bridge replacement project, this CE covers actions that remove a bridge permanently and the resulting change to the associated transportation network. In addition to the bridge removal action itself, it is likely that the transportation facility to and from the bridge would need to be realigned, materials and debris would need to be disposed of in an approved manner per applicable regulations, and in-channel work performed to remove piers or reduce pier height for safer in-water navigation when conducting a complete bridge removal. Any in-water work, including whether to leave piers in place rather than remove them due to cost considerations or environmental considerations (e.g., avoidance of exposure in cases of contaminated sediments and other CWA considerations), is determined through discussions with stakeholders, permitting agencies, and project engineers.

Preventative Maintenance of Culverts/Channels

(15) Preventative maintenance, including safety treatments, to culverts and channels within and adjacent to transportation right-of-way to prevent damage to the transportation facility and adjoining property, plus any necessary channel work, such as restoring, replacing, reconstructing, and rehabilitating culverts and drainage pipes; and, expanding existing culverts and drainage pipes.

This CE is limited to culvert and channel maintenance within or adjacent to the transportation right-of-way in order to preserve the functionality of the culverts and channels; and to prevent damage to the transportation facility and adjoining property. The intent of this CE is to focus on rainwater conveyance

methods that can be useful in preventing future flooding at transit facilities; this CE does not extend to drainage facilities. If grantees would like to pursue stormwater management activities (including treatment) outside the scope of this CE, FTA recommends considering the use of the CEs at section 771.118(c)(3) or section 771.118(d).

Actions falling under this CE could be performed on an on-going, but as-needed basis to maintain the continued operation of the structure.

Geotechnical and Other Similar Investigations

(16) Localized geotechnical and other investigations to provide information for preliminary design and for environmental analyses and permitting purposes, such as drilling test bores for soil sampling; archeological investigations for archeology resources assessment or similar survey; and wetland surveys.

The focus of this CE is on geotechnical and other subsurface investigations that involve ground disturbance and inform preliminary engineering, environmental analyses, and permitting. Geotechnical and other investigations may be needed, for example, to determine the suitability of a location for a project but the project itself is not ripe for analysis. The CE applies when there is a Federal action involved or when Federal-aid is used for these preliminary study actions. It is not intended to federalize actions taken by the applicants in furtherance of their applications without the use of Federal funds.

V. Section 771.118(d)

Highway Modernization

(1) Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (e.g., parking, weaving, turning, climbing).

This has been a longstanding CE; it mirrors the language found at section 771.117(d)(1). The language of the example in section 771.118(d)(1) is written to cover the conversion of existing auxiliary lanes or shoulders to a transit purpose, not general purpose travel lanes, but it is only an example, and other similar projects could potentially be categorically excluded if a reasonable amount of documentation can show there is no potential for significant environmental impacts. Note, section 771.118(c)(9) can be used for busways, if the conditions in the CE language are met.

Bridge Replacement or Rail Grade Separation

(2) Bridge replacement or the construction of grade separation to replace existing at-grade railroad crossings.

This has also been a longstanding CE, though originally worded differently (see section 771.117(d)(3)). Under this CE, environmental documentation is required for bridge projects involving new construction or reconstruction of a bridge, or to replace existing at-grade railroad crossings (sec.

771.118(d)(2)). Documentation is required to demonstrate that the CE would apply and that no significant environmental impacts would result.

Note bridge rehabilitation and maintenance activities, which would have no anticipated significant environmental impacts, are covered by section 771.118(c)(8) and under normal circumstances do not require additional NEPA documentation.

Hardship or Protective Property Acquisition

(3) Acquisition of land for hardship or protective purposes. Hardship and protective buying will be permitted only for a particular parcel or a limited number of parcels. These types of land acquisition qualify for a CE only where the acquisition will not limit the evaluation of alternatives, including shifts in alignment for planned construction projects, which may be required in the NEPA process. No project development on such land may proceed until the NEPA process has been completed.

(i) Hardship acquisition is early acquisition of property by the applicant at the property owner's request to alleviate particular hardship to the owner, in contrast to others, because of an inability to sell his property. This is justified when the property owner can document on the basis of health, safety or financial reasons that remaining in the property poses an undue hardship compared to others.

(ii) Protective acquisition is done to prevent imminent development of a parcel which may be needed for a proposed transportation corridor or site. Documentation must clearly demonstrate that development of the land would preclude future transportation use and that such development is imminent. Advance acquisition is not permitted for the sole purpose of reducing the cost of property for a proposed project.

This has also been a longstanding CE; the language found here mirrors the language found at section 771.117(d)(12). Protective acquisitions may be based on economic reasons, as well as other reasons, such as precluding future transportation use and imminent development. Whether an applicant wants to pursue a hardship or protective property acquisition, FTA must evaluate whether the conditions are met.

Acquisition of Right-of-Way

(4) Acquisition of right-of-way. No project development on the acquired right-of-way may proceed until the NEPA process for such project development, including the consideration of alternatives, has been completed.

Pursuant to MAP-21, Section 20016 and the associated changes to 49 U.S.C. § 5323, section 771.118(d)(4) was expanded from early acquisition authority of railroad right-of-way to any right-of-way needed for a transit project (i.e., "railroad" was deleted). Despite the expansion to any right-of-way needed for a transit project, the conditions found in Sections 771.118(a) and (b) must be met in order to qualify for a CE.

(5) ReservedFacility Modernization*(6) Facility modernization through construction or replacement of existing components.*

Facility modernization projects that do not meet the conditions set forth in Sections 771.118(c)(5) or (c)(8) may be eligible for a CE, with documentation, under this example. An example of an action that may qualify for a CE under this example is when a bus maintenance facility is expanded to meet modern building codes and to include a bus washing facility, where the facility footprint itself is expanded. Under section 771.118(c)(8), a facility's functional use cannot change and it must occupy substantially the same geographic footprint, which means that only limited expansion of the footprint is permissible under the CE. Under section 771.118(d)(6), greater expansion of the facility footprint could potentially be categorically excluded with proper documentation, and the functional use of the facility can be modified.

Minor Facility Realignment for Rail Safety Purposes*(7) Minor transportation facility realignment for rail safety reasons, such as improving vertical and horizontal alignment of railroad crossings, and improving sight distance at railroad crossings.*

This CE example is for those transportation facility realignments needed in order to improve rail safety for the grantee and its operations, and the public. As noted in the language above, this example can cover vertical and horizontal alignment changes, and improving site distance at railroad crossings, but those are only examples and other similar realignment actions, in both scope and scale, could fall under section 771.118(d)(7).

Facility Modernization/Expansion Outside Existing ROW*(8) Modernization or minor expansions of transit structures and facilities outside existing right-of-way, such as bridges, stations, or rail yards.*

This CE example provides for modernizing or providing minor expansions of transit structures and facilities outside the existing right-of-way (activities occurring within the existing transportation right-of-way could fall under section 771.118 (c)(8) or (12)). This example provides greater flexibility than the example found at section 771.118(d)(6) by allowing modernization and minor expansions that clearly extend outside of the existing transportation right-of-way.

Other

As noted previously, section 771.118(d) provides a list of examples of the types of actions that can be categorically excluded with documentation. To accommodate the fact that this is an open-ended authority rather than an exhaustive list of activities eligible for the CE, TEAM contains an option to select "Other" under section 771.118(d). This box should be checked and completed (a) when processing an action as a CE not otherwise identified in section 771.118, or (b) when processing an action as a CE not

yet identified in TEAM (e.g., a final rule was published implementing a new CE(s), but TEAM has not be updated yet). Under scenario "a," appropriate documentation must be submitted to verify the actions meets the conditions for a CE. Under scenario "b," if the CE will fall under section 771.118(c), a notation of the CE number and a short project description will normally be sufficient documentation to satisfy NEPA.

VI. Special Considerations

Multimodal Projects

Multimodal projects containing both FHWA-funded and FTA-funded elements (such as the reconstruction of a highway lane within existing right-of-way for express bus service) may be processed as CEs under section 771.117 for FHWA and under section 771.118 for FTA, as appropriate.

Real Property Acquisition

Sections 771.118(d)(3), and (d)(4) cover the traditional early acquisitions available in the former version of this regulation (i.e., section 771.117), namely hardship and protective acquisitions in section 771.118(d)(3) and the acquisition of existing railroad right-of-way (ROW) in section 771.118(d)(4). Under section 771.118(c)(6), with certain conditions, early acquisition of ROW may be appropriate and categorically excluded even when the acquisition is not a protective, hardship, or railroad ROW acquisition. The early acquisitions covered by section 771.118(c)(6) do have some constraints, however, regarding the environmental context of the property. FTA chose to add the environmentally constrained acquisitions to the CE list in section 771.118(c), while retaining the protective and hardship acquisitions in section 771.118(d).

In addition, FTA retained but modified the CE in section 771.118(d) that addresses railroad ROW acquisition to reflect the change made to the statute (49 U.S.C. 5323(q)) by MAP-21, Section 20016 (i.e., deleted the word "railroad"). The "property acquisition" categories in sections 771.118(c) and (d) overlap in their coverage, but neither absorbs the other category of CE in its entirety. Thus, the multiple CEs available for property acquisition offer maximum flexibility.

One action not specifically mentioned above, but that may be categorically excluded, is the demolition of facilities where a structure creates an adverse condition if left standing, such as a potential fire safety hazard; the applicant should coordinate with the FTA Regional Office to determine whether to utilize a CE appropriate for actions involving demolition activities.

Consideration of Other Environmental Requirements

Although some projects may not trigger the need for public involvement and review in the NEPA process through the preparation of an EA or EIS, these projects may trigger procedural and consultation

requirements for other environmental laws, such as Section 106 of the National Historic Preservation Act, Section 4(f) of the US DOT Act, or Section 7 of the Endangered Species Act. The FTA Regional Office, in coordination with the applicant, will identify whether there needs to be information and documentation to meet the requirements of these other environmental laws. Projects that warrant additional review typically involve ground disturbance or construction activities. Maps, engineering diagrams, and photographs can aid in supplementing a grant description to identify whether these additional laws apply and can expedite the review of projects if they are reviewed early in the grant application process.

For Section 106, projects that have the possibility to cause effects on historic properties are required to go through the Section 106 process. As noted above, this tends to result on projects that involve construction. Common potential effects include changes to visual setting of historic buildings or districts from construction or modification of a facility, disturbance of archeological sites due to construction, or physical disturbance of historic buildings through modification of a historic transportation facility, including stations or bridges, or an adjacent historic property. Section 106 consultation is completed by the FTA Regional Office, in coordination with the applicant and the State Historic Preservation Officer.

Section 4(f) of the US DOT Act applies to projects funded by FTA (or other Federal transportation modes) and protects publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance, or land of an historic site of national, State, or local significance. If a project may "use" land from one of these protected properties (e.g., a bike path through a park), Section 4(f) compliance is required. For categorically excluded actions, Section 4(f) compliance is likely to involve a *de minimis* determination, which can be applied when there is no significant use of the protected property, but land is still needed. Public involvement in these cases can be handled through Board or City meetings that are publically announced and open to the public, or posting notices in the local newspaper or at the site. If a *de minimis* finding is not possible for the proposed action, then avoidance alternatives will need to be investigated through a full Section 4(f) evaluation under 23 CFR Part 774. The evaluation, depending on the environmental impacts that could result, may lead to a determination that a CE is not appropriate.

Section 7 of the Endangered Species Act compliance is required when there is a threatened or endangered species or habitat within the project area. To determine whether there are protected species or habitats in the project area, the applicant reviews the US Fish and Wildlife Service (FWS) website (<http://ecos.fws.gov/ipac>) (note, States may maintain their own databases, too). Section 7 is not generally a concern for categorically excluded projects, especially when the work is performed on previously disturbed land, though care should be given to projects that involve bridges, are near water or forested areas, or will involve previously undisturbed land. If coordination beyond the initial database search may be necessary, the applicant should contact the FTA Regional Office prior to any coordination/consultation with the FWS. Any coordination performed should be documented with the grant in the grant management software or kept in the FTA Regional Office project file.

Attachment 1: Comprehensive List of FTA Categorical Exclusions

C-list

- (1) Acquisition, installation, operation, evaluation, replacement, and improvement of discrete utilities and similar appurtenances (existing and new) within or adjacent to existing transportation right-of-way, such as: utility poles, underground wiring, cables, and information systems; and power substations and utility transfer stations.
- (2) Acquisition, construction, maintenance, rehabilitation, and improvement or limited expansion of stand-alone recreation, pedestrian, or bicycle facilities, such as: a multiuse pathway, lane, trail, or pedestrian bridge; and transit plaza amenities.
- (3) Activities designed to mitigate environmental harm that cause no harm themselves or to maintain and enhance environmental quality and site aesthetics, and employ construction best management practices, such as: noise mitigation activities; rehabilitation of public transportation buildings, structures, or facilities; retrofitting for energy or other resource conservation; and landscaping or re-vegetation.
- (4) Planning and administrative activities which do not involve or lead directly to construction, such as: training, technical assistance and research; promulgation of rules, regulations, directives, or program guidance; approval of project concepts; engineering; and operating assistance to transit authorities to continue existing service or increase service to meet routine demand.
- (5) Activities, including repairs, replacements, and rehabilitations, designed to promote transportation safety, security, accessibility and effective communication within or adjacent to existing right-of-way, such as: the deployment of Intelligent Transportation Systems and components; installation and improvement of safety and communications equipment, including hazard elimination and mitigation; installation of passenger amenities and traffic signals; and retrofitting existing transportation vehicles, facilities or structures, or upgrading to current standards.
- (6) Acquisition or transfer of an interest in real property that is not within or adjacent to recognized environmentally sensitive areas (e.g., wetlands, non-urban parks, wildlife management areas) and does not result in a substantial change in the functional use of the property or in substantial displacements, such as: acquisition for scenic easements or historic sites for the purpose of preserving the site. This CE extends only to acquisitions and transfers that will not limit the evaluation of alternatives for future FTA-assisted projects that make use of the acquired or transferred property.
- (7) Acquisition, installation, rehabilitation, replacement, and maintenance of vehicles or equipment, within or accommodated by existing facilities, that does not result in a change in functional use of the facilities, such as: equipment to be located within existing facilities and with no substantial off-site impacts; and vehicles, including buses, rail cars, trolley cars, ferry boats and people movers that can be accommodated by existing facilities or by new facilities that qualify for a categorical exclusion.
- (8) Maintenance, rehabilitation, and reconstruction of facilities that occupy substantially the same geographic footprint and do not result in a change in functional use, such as: improvements to bridges, tunnels, storage yards, buildings, stations, and terminals; construction of platform extensions, passing track, and retaining walls; and improvements to tracks and railbeds.
- (9) Assembly or construction of facilities that is consistent with existing land use and zoning requirements (including floodplain regulations) and uses primarily land disturbed for transportation use, such as: buildings and

associated structures; bus transfer stations or intermodal centers; busways and streetcar lines or other transit investments within areas of the right-of-way occupied by the physical footprint of the existing facility or otherwise maintained or used for transportation operations; and parking facilities.

(10) Development of facilities for transit and non-transit purposes, located on, above, or adjacent to existing transit facilities, that are not part of a larger transportation project and do not substantially enlarge such facilities, such as: police facilities, daycare facilities, public service facilities, amenities, and commercial, retail, and residential development.

(11) The following actions for transportation facilities damaged by an incident resulting in an emergency declared by the Governor of the State and concurred in by the Secretary, or a disaster or emergency declared by the President pursuant to the Robert T. Stafford Act (42 U.S.C. 5121):

(i) Emergency repairs under 49 U.S.C. 5324; and

(ii) The repair, reconstruction, restoration, retrofitting, or replacement of any road, highway, bridge, tunnel, or transit facility (such as a ferry dock or bus transfer station), including ancillary transportation facilities (such as pedestrian/bicycle paths and bike lanes), that is in operation or under construction when damaged and the action:

(A) Occurs within the existing right-of-way and in a manner that substantially conforms to the preexisting design, function, and location as the original (which may include upgrades to meet existing codes and standards as well as upgrades warranted to address conditions that have changed since the original construction); and

(B) Is commenced within a 2-year period beginning on the date of the declaration.

(12) Projects, as defined in 23 U.S.C. 101, that would take place entirely within the existing operational right-of-way. Existing operational right-of-way refers to right-of-way that has been disturbed for an existing transportation facility or is maintained for a transportation purpose. This area includes the features associated with the physical footprint of the transportation facility (including the roadway, bridges, interchanges, culverts, drainage, fixed guideways, mitigation areas, etc.) and other areas maintained for transportation purposes such as clear zone, traffic control signage, landscaping, any rest areas with direct access to a controlled access highway, areas maintained for safety and security of a transportation facility, parking facilities with direct access to an existing transportation facility, transit power substations, transit venting structures, and transit maintenance facilities. Portions of the right-of-way that have not been disturbed or that are not maintained for transportation purposes are not in the existing operational right-of-way.

(13) Federally-funded projects:

(i) That receive less than \$5,000,000 (as adjusted annually by the Secretary to reflect any increases in the Consumer Price Index prepared by the Department of Labor, see www.fhwa.dot.gov or www.fta.dot.gov) of Federal funds; or

(ii) With a total estimated cost of not more than \$30,000,000 (as adjusted annually by the Secretary to reflect any increases in the Consumer Price Index prepared by the Department of Labor, see www.fhwa.dot.gov or www.fta.dot.gov) and Federal funds comprising less than 15 percent of the total estimated project cost.

(14) Bridge removal and bridge removal related activities, such as in-channel work, disposal of materials and debris in accordance with applicable regulations, and transportation facility realignment.

(15) Preventative maintenance, including safety treatments, to culverts and channels within and adjacent to transportation right-of-way to prevent damage to the transportation facility and adjoining property, plus any necessary channel work, such as restoring, replacing, reconstructing, and rehabilitating culverts and drainage pipes; and, expanding existing culverts and drainage pipes.

(16) Localized geotechnical and other investigations to provide information for preliminary design and for environmental analyses and permitting purposes, such as drilling test bores for soil sampling; archeological investigations for archeology resources assessment or similar survey; and wetland surveys.

D-list

(1) Modernization of a highway by resurfacing, restoring, rehabilitating, or reconstructing shoulders or auxiliary lanes (e.g., lanes for parking, weaving, turning, climbing).

(2) Bridge replacement or the construction of grade separation to replace existing at-grade railroad crossings.

(3) Acquisition of land for hardship or protective purposes. Hardship and protective buying will be permitted only for a particular parcel or a limited number of parcels. These types of land acquisition qualify for a CE only where the acquisition will not limit the evaluation of alternatives, including shifts in alignment for planned construction projects, which may be required in the NEPA process. No project development on such land may proceed until the NEPA process has been completed.

(i) Hardship acquisition is early acquisition of property by the applicant at the property owner's request to alleviate particular hardship to the owner, in contrast to others, because of an inability to sell his property. This is justified when the property owner can document on the basis of health, safety or financial reasons that remaining in the property poses an undue hardship compared to others.

(ii) Protective acquisition is done to prevent imminent development of a parcel which may be needed for a proposed transportation corridor or site. Documentation must clearly demonstrate that development of the land would preclude future transportation use and that such development is imminent. Advance acquisition is not permitted for the sole purpose of reducing the cost of property for a proposed project.

(4) Acquisition of right-of-way. No project development on the acquired right-of-way may proceed until the NEPA process for such project development, including the consideration of alternatives, has been completed.

(5) [Reserved]

(6) Facility modernization through construction or replacement of existing components.

(7) Minor transportation facility realignment for rail safety reasons, such as improving vertical and horizontal alignment of railroad crossings, and improving sight distance at railroad crossings.

(8) Modernization or minor expansions of transit structures and facilities outside existing right-of-way, such as bridges, stations, or rail yards.

From: [Richard Miner](#)
To: jallen@tahoetransportation.org
Subject: Acquisition of the OES as a Mobility Hub
Date: Thursday, March 11, 2021 4:03:16 PM

Dear Mr. Kyle Davis,

I sent the following letter of concern to your colleague Mr. Bill Yeates and intended to copy you but can find no email address for you on the TTD web site. Hopefully it will get to you in advance of tomorrow's TTD Board meeting:

My name is Richard Miner and I'm writing you in what might appear to be a last minute appeal for intervention by the TRPA Board against a likely decision by the TTD Board tomorrow (March 11) to approve the request to purchase the Old Elementary School (OES) site in Incline Village for a transportation mobility hub. At the December 11 meeting of the TTD board both you and Mr. Kyle Davis spoke pointedly and with great understanding of the need for better coordination with and communication to the public with whom the TTD needs to partner in order to achieve the goals of the Regional Transportation Plan. I must say your statements were not only prescient, but also reassuring to hear, for we here in Incline Village and Crystal Bay on the Nevada side of the north end of the lake have long struggled with the indifference, if not outright hostility to the notion of being listened to by a host of non local public agencies who by their actions presume to know more about what we need and want than we do. I know you are no longer chair of the TTD BoD but still have that as one of your listed TRPA Board responsibilities.

That said, it will probably come as no surprise to you that there is nearly unanimous opposition to the TTD's plans for a "mobility hub" at the OES in Incline Village. From the time local residents first became aware of this possibility only as recently as April, 2020 throughout the five "public outreach" sessions conducted via online webinars in recent weeks, the incidence of expressed public support for this action by our careful tabulation is less than 5%. And in four out of five of those "town hall meetings" the public was only allowed to submit written questions which were then responded to by George Fink and Carl Hasty in many cases with recitations of how the TTD conducts its business and vague references to what is hoped for or will be investigated AFTER THE SCHOOL SITE HAS BEEN PURCHASED. Mr. Hasty repeatedly said that no environmental impact studies could be conducted until the TTD owned the site and no alternative sites had actually been investigated to date. This latter statement morphed over the next several webinars to suggestions that instead of one large hub many several smaller ones might be found to be more appropriate. And these are not the only instances of backtracking and obfuscation. It should be needless to say--but I will--that these frequent restatements by both Fink and Hasty have indicated to us that all the eggs are currently in the basket of the OES for a mobility hub in the heart of residential Incline Village and do not inspire confidence in the TTD's approach to this matter--at least not for us here on the north shore.

As an attorney at law with great experience in representing clients in public interest issues, and as a former member of the California Coastal Commission and the author of the seminal California Wildlife Protection Act of 1990 I am sure the following will be of special concern to you. Since we first learned of the TTD's interest in our OES we concerned residents have sought through various requests the documents which had been negotiated between the TTD and the various other parties to this transaction. In hindsight, we should immediately have

made public record requests and have now done so, but at the time we did not see the TTD nor the school district as adversaries. Almost all our requests have been rebuffed and as recently as in the past few months the legal counsel for the TTD refused to provide copies of the application to the FTA for funding as a categorical exemption (CE) under 23 CFR Part 771.118(c)(6) because that information was "confidential." The reasons this information is so critical to the TTD's acquisition of the OES site are several.

First of all we know that the TTD's use of the site as a transit hub for ferrying people to and from Sand Harbor State Park between 2011 and 2019 was obtained without going through the required permitting process. According to our legal advice the TTD should not have begun this use without first applying to the TRPA under a Commercial Project Application and also never applied to Washoe County for a Special Use Permit, taking the position that using the facility as a bus hub was a "continuation of a prior use", thus exempt from needing to apply. Without even going into how an elementary school with extensive playgrounds and a small parking lot for teachers can be considered "a public transportation hub" by any reasonable stretch of imagination, because the TTD's use of the OES began more than 60 months after the school was closed to any and all use, under TRPA Code of Ordinance, Chapter 65, Section F, a qualified previous use needs to occur within 60 months or a new application must be made for a NEW USE. That of course was never done, and the use of the OES even for its now previous incarnation as a parking lot for people desiring to be bussed to Sand Harbor has been itself an illegal use.

Second, it is apparent--although we have been denied the actual documents--that Mr. Carl Hasty (and/or others at the TTD) may well have applied to the Federal Transportation Agency (FTA) for a grant or grants for a categorical exclusion under 23 CFR Part 771.118(c)(6) using the same, untrue in our belief, logic that obtained from its previous presumably allowed or permitted use as a "seasonal transportation hub." We know at least some of this because one of the few documents we have been able to obtain is a copy of a letter from Raymond S. Tellis, Regional Administrator of the FTA to Mr. Dollarhide of the Nevada Department of Transportation dated July 29, 2020 appears to confirm that line of reasoning. If the previous use of the OES in Incline Village as a transportation hub was unpermitted and illegal, then its subsequent use as a continuation of such use should also be considered suspect or worse, and thus the FTA grant could well be revoked with all the problems that will result for the TTD, the Washoe County School District, the NDOT, et. al.

In your brief biography on the TRPA Board of Directors web page you are quoted as discussing the 2012 TRPA Regional Plan and saying that when implemented, the plan "...will provide for sustainable communities that meet the **economic and social needs of the people that live and work** in the Tahoe Basin (emphasis mine)." In all the belated public outreach meetings and the conversations we have had with TTD officials and others connected to this project both before the fateful December 11 TTD Board meeting and subsequently, over and over again the excuse has been made that Incline Village needs this "mobility hub" to serve the exploding tourist and visitor population which is seriously impacting the entire Lake Tahoe Basin. And yet when our year round residents object to what the TTD has done so far--the parking disaster at the new East Shore Trail is but one more example--and what they propose to do to honor that vision from 2012 we are stonewalled and ignored. For all the above reasons and because you and Mr. Davis were both so outspoken on December 11, 2020 about your concerns that the TTD staff was on the wrong track when it came to developing and advancing some of these projects, I am appealing to you both to do the right thing. Please call a moratorium to the OES mobility hub project here in Incline Village until the truth can be

known and the opinions and needs of our small community can be addressed.

Very Truly Yours,

Richard Miner

Past President of the Incline Village
& Crystal Bay Historical Society

From: [Mike Grabenstein](#)
To: jallen@tahoetransportation.org
Cc: rondatyce@aol.com
Subject: Hi - Include my input for Agenda Item VII-1
Date: Thursday, March 11, 2021 4:19:58 PM

Hi - Please do not move forward with the bus hub!

It's not in the best interest of our community. More than 1260 Incline residents have signed the [change.org](#) petition saying they are against a mobility hub at the OES. The OES is an inappropriate use of this prime parcel in the middle of Incline Village.

Thanks,
Michael Grabenstein

From: [Joe Shaefer](#)
To: jallen@tahoetransportation.org
Subject: Please include my input for Agenda Item VII-1
Date: Thursday, March 11, 2021 4:44:34 PM

TTD, I can think of not a single more *inappropriate* use of the OES property than a transit hub. It was a traffic nightmare as an elementary school. It is hard to fathom your possible use, which will result in as many as 100 times as many vehicles using the property at all hours of the day.

It seems someone at TTD may be motivated by the loss of the FTA grant if something is not rushed through, regardless of the post-purchase legal battles. I believe the grant was based on erroneous information. 30 years ago the Washoe County Assessor assured the Commissioners that some county residents could be mistreated without repercussion, which was also erroneous information. I hope TTD understands that, if the community wishes are steamrolled (90% of Incline residents oppose this decision at this location,) the community will have no choice but to respond as we have to that earlier mistake in judgment.

Cordially,
Joseph L. Shaefer
Brigadier General, USAF, Ret.

From: [Sherri](#)
To: jallen@tahoetransportation.org
Subject: Include my input for Agenda Item VII-1
Date: Thursday, March 11, 2021 4:44:03 PM

Vote NO on the TTD proposal. How you can consider placing a transportation hub at the OES site shows your lack of knowledge of Incline Village. It tells me that you don't care what the locals want in their community. You just want to shove it down our throats because you think you are able to do it.

What the local developer has proposed is what the locals have wanted for many years, and the developer has bid \$500K more than TTD. If you are really listening to the community, you will not go forward with the transportation hub proposal.

Sherri Kleinman
26 year resident

From: [Wayne Ford](#)
To: [Judi Allen](#)
Cc: [Ronda Tyce](#); [Diane Heirshberg](#); [DAG](#); [Alexis Hill](#)
Subject: Issue: OES Site in Incline Village
Date: Thursday, March 11, 2021 4:59:52 PM

Subject: My input needs to be part of the Agenda Item VII-1.

The TTD board has not gotten the kind of public comment it needs. A great deal of the population that will have the character of their neighborhood adversely affected have not been contacted on the Bus-hub proposed project on the school's property.

I have check with a community member that lives in the area that what I have stated in true. This mostly Hispanic population that are the back-bone of our community are being disenfranchised .

If they were asked: do you want across from where you live the following:

OPTION A.

CURRENT TTD PLAN; A bus-hub with a parking lot, where a fee is charged , to park some 200 or more tourists.

Do you want bus's coming and going on the street of Tanager that is always a parking nightmare.

Do you want your parking taken by a tourist that does not want to pay a fee. Realize that calling the police will not do any good for the parking is not on site and is first come first serve.

Do you want to hear all day the noise of more cars to the area. (hundreds)

Do you want to try and have your family walk through the many areas that will have people trying to get onto the site. In fact that is now a issue with the main intersection at Southwood and Highway. Now add hundreds of cars from tourists.

OPTION B.

SHOULD BE THE ONLY OPTION IF THE TTD WILL VOTE THIS PURCHASE DOWN; ADD A FEW BUS STOPS ON ORIOLE. OR A BUS TURN OFF LANE FOR A FEW FEET ON SCHOOL SIDE OF THE STREET ON SOUTHWOOD, AS PART OF THE PROJECT SUGGESTED BELOW.

A development similar to Village at Northstar. Mixed use retail/residential/ a public park and ice skating rink and underground parking.

A public park for kids that now have to try and get to the middle school or make their way to Preston field across the busy street of Southwood and then cross to Highway 28 , north side and walk some three blocks where there are no walking paths safe from the cars on 28.

I submit: If the TTD really asked these people who live in that area there

would be only one answer, the last option given, B. Anyone on the TTD board have the moral courage to ask? I know that Mr. Hasty does not.

Stop this project and vote to stop the purchase now.

Wayne Ford

From: johnrox@foreverrox.com
To: jallen@tahoetransportation.org
Cc: rondatyce@aol.com
Subject: No on Bus Hub
Date: Thursday, March 11, 2021 5:05:47 PM

Hi - Please do not move forward with the bus hub!

As a member of the incline village community for 21 years and a homeowner I believe this is not in the best interest of our community. More than 1260 Incline residents have signed the [change.org](https://www.change.org) petition saying they are against a mobility hub at the OES. The OES is an inappropriate use of this prime parcel in the middle of Incline Village.

Thanks,

John Roxburgh

Forever Rox Jewelry

930 Tahoe Blvd. Suite #203

Incline Village, NV 89451

775-831-4544

fax: 775-831-1655

From: [Ryan Kerrigan](#)
To: jallen@tahoetransportation.org
Cc: [Erin Kerrigan](#)
Subject: Include my input for Agenda Item VII-1
Date: Thursday, March 11, 2021 5:12:47 PM
Attachments: [image001.png](#)

Incline Village is in great need of modernized commercial space. The current developments are highly outdated and have NO competition, prompting no investment in the commercial real estate in Incline. Meanwhile the the permanent population of Incline has grown considerably in recent years. If there are commercial interests for this property, and at a higher valuation, the board needs to evaluate highest and best use for this site. There is no lack of “civic space” and underutilized public sector land; we need our precious remaining properties to be property developed for the residents of Incline Village. Note, more than 1260 Incline residents have signed the [change.org](#) petition saying they are against a mobility hub at the OES. Clearly, there are strong opinions throughout the community on this topic!

Sincerely,
Ryan Kerrigan
1169 Lakeshore Blvd
Incline Village, NV 89451

Ryan Kerrigan | Managing Director

ryan@kerriganadvisors.com
c. (949) 728-8849 o. (775) 993-3600
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From: [Cheri Kratka](#)
To: [Bill Booth](#); [Debbie Booth](#); [Jill Minkle](#); [Jill Mulcahy](#); [Kari Okamoto](#); [Linda McDougall/Wilson](#); [Mary Dauteuil](#); [Merrick Okamoto](#); [Rick. Patrick Ewing Jr](#) [McBurnett](#); [Ronda Tyce](#); [Sandy Burnell](#); [Yvette Oliver](#); jallen@tahoetransportation.org
Subject: OES is an inappropriate use of this prime parcel in the middle of Incline Village
Date: Thursday, March 11, 2021 5:50:17 PM

We, residents of Incline Village, KNOW that OES is an inappropriate use of this prime parcel in the middle of Incline Village for a transportation hub

We also know that a local developer has made a higher offer to buy the parcel for a use that the community approves

Furthermore we know that TTD's application for the FTA grant was based on erroneous information. The use of the OES by TTD for the East Shore Express was never a legal permitted use. A "categorical exclusion" does not apply so an Environmental Impact Statement will be required for a new Hub on this site and how is that going to be funded and handled.

Please vote against using the OES site for a transportation HUB

Friends

Please send your comments

Cheri Kratka

From: [George Kleinman](#)
To: jallen@tahoetransportation.org
Subject: Hub proposal
Date: Thursday, March 11, 2021 6:06:27 PM

I am against the transportation hub proposal:

- The OES is an inappropriate use of this prime parcel in the middle of Incline Village
- A local developer has made a higher offer to buy the parcel for a use the community approves
- TTD's application for the FTA grant was based on erroneous information that can be corrected with a revised application to avoid legal repercussions (i.e., the use of the OES by TTD for the East Shore Express was never a legally permitted use. A "categorical exclusion" does not apply so that an Environmental Impact Statement will be required for a new hub on the site).
- More than 1260 Incline residents have signed the change.org petition saying they are against a mobility hub at the OES.

George Kleinman
[Incline Village, Nevada 89450](#)

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From: [Collin Harris](#)
To: jallen@tahoetransportation.org
Subject: Include my input for Agenda Item VII-1
Date: Thursday, March 11, 2021 7:58:49 PM

I agree with all of the following and could not have said it better.

Sincerely,
Collin Harris
584 Pinto Ct, Incline Village, NV 89451
775-240-8370

- The OES is an inappropriate use of this prime parcel in the middle of Incline Village
- A local developer has made a higher offer to buy the parcel for a use the community approves
- TTD's application for the FTA grant was based on erroneous information that can be corrected with a revised application to avoid legal repercussions (i.e., the use of the OES by TTD for the East Shore Express was never a legally permitted use. A "categorical exclusion" does not apply so that an Environmental Impact Statement will be required for a new hub on the site).
- More than 1260 Incline residents have signed the [change.org](#) petition saying they are against a mobility hub at the OES.

https://www.change.org/co/p/tahoe-transportation-district-board-stop-a-transit-hub-at-the-old-elementary-school/promote/thank_you

From: [Yvette Oliver](#)
To: jallen@tahoetransportation.org
Subject: OES
Date: Thursday, March 11, 2021 8:43:35 PM

Please don't purchase the OES for a transportation hub. None of the Incline residents want it there. That is the worst location! There has to be a hundred better options.

Yvette

From: [Erin Kerrigan](#)
To: jallen@tahoetransportation.org
Subject: Incline School Site - for the Incline community not tourists!
Date: Thursday, March 11, 2021 9:33:27 PM
Attachments: [image001.png](#)

Incline Village is in great need of modernized commercial space. The current developments are highly outdated and have NO competition, prompting no investment in the commercial real estate in Incline. Meanwhile the permanent population of Incline has grown considerably in recent years. If there are commercial interests for this property, and at a higher valuation, the board needs to evaluate highest and best use for this site. There is no lack of "civic space" and underutilized public sector land; we need our precious remaining properties to be **property developed for the residents of Incline Village**. Note, more than 1260 Incline residents have signed the [change.org](#) petition saying they are against a mobility hub at the OES. Clearly, there are strong opinions throughout the community on this topic! Also, as population swells, there is a very clear need for more commercial space that is already not being met. Just go to the grocery stores, the parking lots are now packed, as an explosion of permanent residents utilize our limited commercial areas. It is critical that TTP take this into account. Any major development needs to put the residents first, not tourists!

Erin Kerrigan | Founder & Managing Director

erin@kerriganadvisors.com
c. (949) 439-6768 o. (775) 993-3600
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[Kerrigan Advisors Cited in the Wall Street Journal](#)

[Automotive News' Women of Influence](#)

[Kerrigan Advisors' CNBC Interview](#)

Hello, my name is Jamie Golden, I have been a resident of Incline Village for 49 years and attended Incline Elementary, Middle & High School. I have been selling real estate in Incline for the past 30 years and fortunate to be able to raise my family here, both of my daughters went through the Incline School system as well.

Myself along with countless local residents do not feel the purchase of the old Elementary School site for a mobility hub is the highest and best use for that property. It will only increase traffic congestion coming into Incline and the Tahoe Basin. I'm guessing 90% of summer visitors who are coming up from the surrounding areas (day visitors) are going to the Lake or hiking trails. Once they arrive at the old Elem School site, then what? All three beaches in Incline are private (deed restricted) and they will not be within walking distance to any hiking trails. Visitors will have no choice but to get on a bus in order to get to the East Shore for public access to the Lake and hiking trails, creating a "park & ride" situation. This is not a solution to the current traffic congestion issue.

My colleague who also grew up in Incline and very familiar with the old Elementary School site has submitted an offer to the Washoe County School District to purchase the old Elementary School site. The development plan would create something similar to the Village at NorthStar with underground parking, retail, ice skating rink, public park and residential. This would give Incline Village a town center which it desperately needs and spur re-development of the surrounding areas which has been long overdue.

Incline Village has been a wonderful community to us and we would love the opportunity to be able to give something back to our hometown.

Thank you.

From: [Pamela Tsigdinos](#)
To: jallen@tahoetransportation.org
Subject: Please Include my input for Agenda Item VII-1.
Date: Thursday, March 11, 2021 10:56:01 PM

I am writing to express my objection to the TTD application for the FTA grant.

It was based on erroneous information that can be corrected with a revised application to avoid legal repercussions. For instance, the use of the OES by TTD for the East Shore Express was never a legally permitted use. A "categorical exclusion" does not apply so that an Environmental Impact Statement will be required for a new hub on the site.

Furthermore, I was one of more than 1260 Incline residents who signed the [change.org](#) petition saying we are against a mobility hub at the OES. We have provided multiple suggestions for more environmentally sound and more appropriate mobility hub site alternatives in Washoe County.

Please do the right thing for Incline Village community and the Tahoe Basin and prioritize the health, safety and well-being of our residents over expediency and pressure for tourism revenue.

Pamela M. Tsigdinos
Full-time Incline Village Resident

Public Comment TTD BOD 3.11.2021, Agenda Item VII-1 Re Property Purchase for Proposed Incline Village Transit Hub

Submitted by Carole Black, Incline Village Resident

Joining > 90% of community responders, I oppose OES purchase for possible Incline Village Mobility Hub. There is no supporting positive rationale and myriad reasons why this is a poor plan:

- 1) Incline Village does not need a Mobility Hub. The central highway running through the village currently functions as a virtual transit hub with multiple bus stops providing connections to TART buses serving sites around the lake including the East Tahoe Trail. Current gaps in services for residents/overnight visitors include a shuttle service within the Village to connect homes to these bus stops and to the central commercial areas which has now being considered in new TRPA draft and a connection for overnight visitors to the Rte28 corridor areas easily provided by either extending the TART route or via envisioned Incline shuttle service.
- 2) Providing overflow parking for visitors from other areas to then be shuttled to the Rte 28 corridor is beyond the safe capacity of Incline's small area – this volume must be handled with parking outside the village, either near points of origin with shuttle directly to recreation destination or located at the recreation destination. Accommodating these extra vehicles in Incline will place residents and visitors at safety risk, imperil evacuation capability and, vs. point of origin intercept, increase VMT, VMT/occupant, GHS emission
- 3) OES is a particularly poor site choice based on its access and safety issues and is opposed by neighbors and the community at large. Further the WCSD needs \$ and has a better offer!
- 4) Despite TTD's failure to release actual documents, info obtained paints a picture of flawed Federal grant application with misrepresentations and documentation error as well as inaccurate statement to Washoe County at time of request for required local seed money.
- 5) Recent public input effort is appreciated but very late and lacking with access issues, lack of dialog or detail and most recently vague dismissal of overwhelmingly negative 1200+ survey response as "incorrect" by innuendo without rationale or discussion, an unimaginable response from a public agency to constituents!

So to summarize, this proposed property purchase is:

- **Unnecessary**, because the proposed use is not needed in Incline and added traffic/vehicles compared with other options will create untenable & dangerous congestion in the community
- **Unethical**, funded by Federal grant & county fund request supported with inaccurate information
- **Irresponsible**, putting the community particularly adjacent/nearby residents at increased risk
- **Fiscally indefensible**, when TTD \$8.5M project makes little practical sense, other options exist, & WCSD which needs the money can obtain better return on the open market
- **Environmentally unsound**, increasing pollutants more than alternative options

Apologies for my harsh words. I believe TTD BOD is well-intentioned but after several months' study, I don't know what else to say – **PLEASE DO NOT MOVE FORWARD WITH THIS PURCHASE!**

From: [kathie julian](#)
To: [Judi Allen](#)
Subject: IVCB Mobility Hub at OES site - Please Include my input for Agenda Item VII-1
Date: Friday, March 12, 2021 2:25:12 AM

Hi Judi:

Please Include my input below for Agenda Item VII-1 dealing with the IVCB Mobility Hub.

I am a long-term resident in Incline Village, and a voter. **After the four TTD presentations on the proposed Incline Village “mobility hub”, I remain convinced that the Old Elementary School (OES) site is not suitable for a tourist-oriented parking and transit hub.** While I support the concept of mobility hubs to ease visitor traffic in the Tahoe Basin, I do not support the TTD purchase of the OES site for a mobility hub. And once purchased, I do not believe that the TTD will seriously consider other sites for such a hub.

OES is poor location for transit hub. The OES site at Southwood and Hwy 28 is too congested with existing community traffic — both vehicle and pedestrian. Adding a parking lot for up to 175 vehicles as TTD has suggested, and a steady stream of visitor cars and buses during the summer season, will adversely impact hundreds of residents in adjacent apartment complexes. Summer tourist traffic parking at the OES site will also impair the larger community’s access to our post office and shops.

High-density residential area is an inappropriate site. TTD has said locating a hub in a high-density residential area is desirable as it will encourage these apartment dwellers to use public transit. This makes little sense. Bus shelters and stops already exist on Hwy 28 at various places to serve Incline commuters. These apartment dwellers steps away already have transit access along Hwy 28. They do not need a 175 space parking and transit hub catering to East Shore visitors at their doorstep. Let’s be real. The proposed mobility hub is targeted at visitors to Sand Harbor and East Shore attractions to help reduce Tahoe Basin vehicle trips by 20%. Given this TTD/TRPA objective, the proposed project is a tourist parking and transit project, not a commuter transport project. **Accordingly, the hub does not need to be located in a high-density residential area.**

Connect out of basin parking and transit hubs with East Shore attractions directly. TTD should first consider putting the necessary parking and bus transit hubs just outside the Basin — at Mt Rose Ski resort and Spooner Summit during the summer. Let’s encourage Reno and Carson City visitors to leave their vehicles and take public transport to Sand Harbor and East Shore attractions during the summer.

Specify minimum acreage needed and consider alternative Incline Village sites. The OES site is more than 6 acres. Parking for some 175 vehicles spaces and transit bays requires far less acreage. **TTD should specify the minimum acreage required for 175 spaces and bays, then look for a smaller site on Hwy 28 that will not adversely impact a high-density, low income residential area.** Sadly,

TTD has from the start has fixated on the OES site, despite considerable community opposition.

I urge the TTD to listen to Incline Village residents, including some **1200+ residents that have signed a petition in opposition to this particular OES site.**

Again, my opposition is to the OES site, not to properly sized and located mobility hub(s) elsewhere within or on the edge of Incline Village.

Regards

Kathie M. Julian
PO Box 5477
Incline Village, NV 89450
Cell: 1 (415) 646 5413
[E-mail: kathiejulian@gmail.com](mailto:kathiejulian@gmail.com)

From: [Katrina Van Gerpen](#)
To: rondatyce@aol.com; jallen@tahoetransportation.org
Subject: Please do not move forward with the bus hub
Date: Friday, March 12, 2021 7:14:31 AM

Good morning,

It's not in the best interest of our community. As you might consider there are many better uses of government funding to help the Tahoe Basin - parks, recreational space, low income housing, etc.

More than 1260 Incline residents have signed the [change.org](https://www.change.org) petition saying they are against a mobility hub at the OES. The OES is an inappropriate use of this prime parcel in the middle of Incline Village.

Thanks,
Katrina Van Gerpen

--

Katrina Van Gerpen
kvangerpen@gmail.com
617-271-7581

From: rondatycer@aol.com
To: jallen@tahoetransportation.org
Subject: Fwd: Please distribute to the TTD Board Members
Date: Thursday, March 11, 2021 4:00:26 PM
Attachments: [TTDListeningSession3-5-21.docx](#)
[TownHall#1-Q&ARecap.docx](#)
[TownHall#2-Q&ARecap.docx](#)
[TownHall#3-Q&ARecap2-25-21.docx](#)
[TownHall#4-Q&ARecap2-26-21.docx](#)

Sorry Judi,

Please send this. I attached the wrong recap of the Listening Session. Thanks. - Ronda

-----Original Message-----

From: rondatycer@aol.com
To: jallen@tahoetransportation.org <jallen@tahoetransportation.org>
Sent: Thu, Mar 11, 2021 3:55 pm
Subject: Please distribute to the TTD Board Members

To: TTD BOARD

Now that TTD staff have finished their required public input sessions, we would like to reiterate our request that Board members not proceed with the staff's request to approve purchase of the Old Incline Elementary School Property (OES) in Incline for a mobility hub.

I attach the recaps of the Question and Answer sessions of the four Town Halls, as well as the recap of the Listening Session. You can see for yourselves that the number of residents in favor of a mobility hub at the OES is miniscule.

Additionally, I include here the link to the change.org petition that gives you not only a count of the residents against the hub (over 1260), but also their comments. You'll notice once again that the comments are uniformly against the OES site as a hub.

https://www.change.org/co/p/tahoe-transportation-district-board-stop-a-transit-hub-at-the-old-elementary-school/promote/thank_you

On Tuesday we were informed that another offer had been made for the OES site to the Washoe County School District for use as a mixed-use development and community gathering place. For your edification, I include herewith the chatter on the Incline NextDoor forum. As you can see, the chatter is uniformly positive in favor of that use.

We cannot make ourselves more clear. We are united as a community against the use of the OES as a mobility hub.

Thank you for allowing public input to be officially registered by TTD. And thank you for making a decision based on this evidence that TTD staff should not go forward with plans to use the OES as a mobility hub.

Best regards,

Ronda Tycer
Incline Resident

[Sara Schmitz](#)

• [2 days ago](#)

[HIGHER offer - Old Elementary School property. https://mailchi.mp/a8cfd222adad/january2021-13359423](#)

Posted in [General](#) to Anyone

24 Comments

Share

[Dan We](#)

•

Mill Creek

So, I thought the school was on a fault line and couldn't be approved for new residential housing? Maybe that's just a story.....

2 days ago

[PAMELA MILLER](#)

•

Incline Village/Crystal Bay

FANTASTIC: Take down the old Village Center as well to expand the new village concept!

2 days ago

[Benjamin Ehly](#)

•

Incline Village/Crystal Bay

My thoughts exactly!!!

1 day ago

[Khal Pluckhan](#)

•

Incline Village/Crystal Bay

Thank you Sara, for keeping everyone in the know!

2 days ago

[Kimberly Siegel](#)

•

Incline Village/Crystal Bay

Much better use of space!

2 days ago

[Scott Johnson](#)

•

Tyrolian Village

How did we learn about this different offer and how can we confirm the details?

2 days ago

[Scott Johnson](#)

•

Tyrolian Village

[Sara Schmitz](#) is that how you discovered this? The details in the newsletter are pretty sparse so I just want to make sure this wasn't a rumor of some kind or wasn't based on an off handed comment about something that never had any real chance of success. And from what you know is this an offer that is actively competing with the TTD proposal, or is this something that was considered previously and dismissed?

2 days ago

[Sara Schmitz](#)

•

Incline Village/Crystal Bay

[Carolyn Kane](#) we share what we know. The details are in the actual offer and it isn't my place to share. I was specifically asked not to provide the contract. ... [See more](#)

2d

[Charlotte Croley](#)

•

Incline Village/Crystal Bay

Please then let the rest of know , Scott! Thanks!

23 hr ago

Add a reply...

[Susan Schwerd](#)

•

Incline Village/Crystal Bay

Finally something that is a plus for Incline residents!

2 days ago

[Sandy Griffin](#)

•

Incline Village/Crystal Bay

Thank you so much Sara for keeping us posted on this . . .

2 days ago

[Karen Ferrell](#)

•

Alpine View

Thanks Sara. Do you know if this "alternative offer" is from TTD? They have federal money that they need to spend before June.

2 days ago

[Sara Schmitz](#)

•

Incline Village/Crystal Bay

No it's from a private party.

2 days ago

[Yvette Oliver](#)

•

Lakeview

Thank you Sara. That would be so awesome!!! Everyone I have spoken with would love a Northstar like center. We would finally have a Village in Incline Village. It's hard not to... [See more](#)

2 days ago

[Benjamin Ehly](#)

•

Incline Village/Crystal Bay

I'm so happy to hear the news about retail, ice skating and subterranean parking at that sight. It's just what Incline Village needs. Thank you Sarah for the update.

1 day ago

[Sandy Griffin](#)

•

Incline Village/Crystal Bay

Ice skating would be a really fun thing to have here!

1 day ago

[Susan Parks](#)

-

Incline Village/Crystal Bay

Or hockey! Thank you to Sara for keepin

From: [Aaron Vanderpool](#)
To: [Judi Allen](#)
Subject: My comments for Agenda Item VII-1
Date: Friday, March 12, 2021 7:48:10 AM

Dear Tahoe Transportation District,

Please include these comments as part of your agenda today.

I live right next to the old Incline Elementary School. I urge you not to buy it. I have already seen your use of the property make my neighborhood worse. I have documented evidence of all of the following. Your proposal would increase Litter, Inequality, Confrontations and territorialism over street parking, Parking safety problems, Traffic congestion, Oil spills, Vehicle safety issues, Snow removal problems, Sidewalk problems, 24-hour NOISE pollution, Car alarms going off, Crime, Graffiti, Bass car systems, and Disrespectful tourists. We see increasing traffic (often from noisy vehicles and large trucks) trying to get around busy Tahoe Blvd. We take our lives into our hands pulling in and out of our driveway because of cars racing around. This project further congests a direct route from the fire department. I already live within a growing parking lot, and mark my words, any parking you make will not be enough to accommodate the situation here in a low-income area. There are trade-offs and anything you attempt will have negative consequences. Transient street parking creates more noise next to bedroom windows, same with speed control measures, enforcement is LACKING, and people do anything they can to get around fees. This project is 100% for tourists and not for residents. You need to focus on preventing cars from coming into the basin in the first place! Don't buy the old elementary. You face immense opposition and I too will fight it.

Sincerely,
Aaron Vanderpool
806 Oriole,
Incline Village, NV 89451

From: [Doug Flaherty](#)
To: jallen@tahoetransportation.org; info@tahoetransportation.org; [George Fink](#)
Cc: [Hill, Alexis](#)
Subject: Public Comment Agenda Item VII (A) TTD Board Meeting Notice of Improper NEPA Public Noticing - Old Incline Village School - FTA CE
Date: Friday, March 12, 2021 7:48:40 AM

To: TTD Board Members and TTD Staff

Public Comment Agenda Item VII(a), TTD Board Meeting March 12, 2021.

Re: Improper NEPA Required CE Public Noticing and Participation on the Part of the TTD and Nevada DOT.

Please make this written comment part of the minutes of your March 12, 2021 Board Meeting.

I believe that the Tahoe Transportation District (TTD) and the Nevada Department of Transportation (NDOT) erred in their National Environmental Policy Act (NEPA) Categorical Exclusion (CE) review, public participation and submitter process prior to and during preparation and submission of the relevant CE request to the FTA.

I hereby reference the July 29, 2020 FTA CE letter of approval to NDOT Mr. Graham Dollarhide, which in turn references the June 26, 2020 NDOT Letter to the US Federal Transit Administration (FTA) requesting an environmental determination for a protective acquisition of real property located at 771 Southwood Blvd. Incline Village, 6+ acres of the Old Incline Village Elementary School (OES).

A review of available documents appears to be void of documentation relating to adequate NEPA required regulatory public noticing and public participation and scoping during the OES purchase process as it relates to CE process environmental determination.

Therefore, with regard to the CE process on the part of the NDOT and TTD, connected with the preparation and submission of the OES NEPA CE process, the TTD and NDOT:

- Failed to provide adequate public notice and comment opportunities relating to and during the OES NEPA CE FTA submission and approval process
- Failed to promote transparency, including the transparency of the analyses and data used in the environmental review which led to the public being denied the opportunity to raise issues and concerns in association with an environmental

review under NEPA

- Failed to identify the role of the public in the creation of possible future tiered environmental analysis
- Failed to engage the public to aid in determining the type of environmental review document required, the scope of the document, the level of analysis, and related environmental requirements

Additionally records indicate that it appears that the FTA determination was made **based on only a single criteria** listed in Section 23 CFR 771.118, that of subsection (c)(6).

The FTA submission and approval process seems to be additionally flawed by not undertaking a NEPA CE public noticing and participation which would have allowed the public to address as to whether or not other potentially applicable CE consideration criteria also listed in 23 CFR 771.118 would be applicable as follows:

(c)(1), (c)(2), (c)(3), (c)(4), (c)(5), (c)(7), (c)(8), (c)(9), (c)(10), (c)(12), (c)(13), (c)(14), (c)(15), (c)(16)

Sincerely,
Doug Flaherty
Resident
Incline Village, NV
TahoeBlue365@gmail.com