

**MINUTES OF THE
SENATE COMMITTEE ON NATURAL RESOURCES**

**Eightieth Session
February 26, 2019**

The Senate Committee on Natural Resources was called to order by Chair Melanie Scheible at 4:00 p.m. on Tuesday, February 26, 2019, in Room 2144 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Melanie Scheible, Chair
Senator Chris Brooks, Vice Chair
Senator Dallas Harris
Senator Pete Goicoechea
Senator Ira Hansen

GUEST LEGISLATORS PRESENT:

Senator David R. Parks, Senatorial District No. 7

STAFF MEMBERS PRESENT:

Alysa Keller, Policy Analyst
Erin Sturdivant, Committee Counsel
Steve Woodbury, Committee Secretary

OTHERS PRESENT:

Julie Regan, Chief, External Affairs and Deputy Director, Tahoe Regional Planning Agency
Darcie Collins, Ph.D., Chief Executive Director, League to Save Lake Tahoe
Kyle Davis, League to Save Lake Tahoe
Steve Teshara, Chair, South Shore Transportation Management Association
Jaime Wright, Executive Director, Truckee North Tahoe Transportation Management Association

CHAIR SCHEIBLE:

I will open the hearing on Senate Bill (S.B.) 54.

SENATE BILL 54: Revises provisions governing the annual reporting requirements of the Tahoe Regional Planning Agency. (BDR 22-205)

JULIE REGAN (Chief, External Affairs and Deputy Director, Tahoe Regional Planning Agency):

This is an administrative bill to allow for adequate production time for the Tahoe Regional Planning Agency (TRPA) Annual Report. The current requirement to submit our annual audited financial statements and budget information is January 31, and we are respectfully asking the Committee to consider extending that to the end of February. This will better align with other reporting requirements we have related to the Annual Report and similar reports in the State of California.

SENATOR GOICOECHEA:

Does your fiscal year run from July 1 through June 31, with your report being 18 months out?

MS. REGAN:

Yes, and we draw information from our audited financial statements, which we typically receive in late December or early January of each year.

CHAIR SCHEIBLE:

Seeing no additional testimony, I will close the hearing on S.B. 54 and open the hearing on S.B. 136.

SENATE BILL 136: Revises the provisions of the Tahoe Regional Planning Compact. (BDR 22-736)

SENATOR DAVID R. PARKS (Senatorial District No. 7):

I serve on the Legislative Committee for the Review and Oversight of the TRPA and the Marlette Lake Water System. Existing law sets forth the Tahoe Regional Planning Compact (TRPC), an interstate agreement enacted by the United States Congress in 1969 between the states of California and Nevada, pursuant to which the bi-state TRPA regulates environmental and land use matters within the Lake Tahoe Basin (Basin).

The TRPC provides for the creation of the Tahoe Transportation District (TTD) as a special purpose district managed by a Board of Directors, which develops and implements transportation plans and programs for the Basin.

DARCIE COLLINS, PH.D. (Chief Executive Director, League to Save Lake Tahoe):
The League to Save Lake Tahoe (LSLT) has been working on transportation issues for decades, as has the entire community and region. This has long been a problem, and it continues to worsen. The visual presentation before you ([Exhibit C](#)) contains copyrighted content. The original, available upon request of the Research Library, identifies the challenges and how S.B. 136 will improve the region's ability to address them.

In 1969, Nevada and California entered into the TRPC. This was created to better manage and protect Lake Tahoe. As part of that Compact, the TRPA was created. Subsequently, amendments created the TTD. A Board of Directors manages the TTD and develops and implements transportation plans and programs for the Basin. The Board includes local representatives from each county in Lake Tahoe, the City of South Lake Tahoe, two transportation management agencies and an at-large representative from the private sector. Any changes to Article 9 of the TRPC, the component that created the TTD, require legislative action by both California and Nevada.

In 2018, California and Nevada successfully convened a bi-state working group to identify regional transportation challenges and funding shortfalls in the Basin. That two-year process successfully brought both states together and identified challenges, funding shortfalls and a handful of solutions, which were then prioritized. Now it is time for the TTD to implement those solutions, but they are doing so without state participation, which is vital to the process.

Congestion issues are not unique to Lake Tahoe, and traffic is a problem statewide, but in Lake Tahoe the situation is getting worse. Traffic issues related to getting to and around the Lake are coming to a head. News headlines have recently stated, "Stay at home please, says NHP," and "Traffic Nightmare" referring to the Basin.

Lake Tahoe is experiencing devastating impacts from this heavy traffic, particularly during weekends coinciding with weather events. This is causing significant environmental impacts to the Lake. Traffic congestion is bad for

visitors, locals, highway safety, air quality and lake quality and clarity. Making matters worse, there are limited transportation alternatives to personal vehicles.

Communities, working with the TTD, have been tackling these issues from many different angles, including the bi-state effort, which has brought many stakeholders together. Through this process, we have been implementing pilot projects and considering many strategies to address the issues.

One strategy is to consider the makeup of the TTD Board and make sure the district is given the resources and support it needs to be effective. The current Board does not benefit from an informed statewide perspective, even though there is external pressure coming from both states. The impacts are not just felt by local residents, but by visitors from both states and elsewhere. Additionally, there is no state oversight of the TTD budget. The bill before you aims to correct this administrative oversight.

Senate Bill 136 offers both Nevada and California a seat at the table, with a chance to provide guidance, expertise, coordination and oversight of the TTD. It will also provide a voice for the constituents of Lake Tahoe on transportation related issues. This bill will also allow for better coordination with the TRPA. Specifically, S.B. 136 would change the composition of the TTD Board by replacing certain positions with an appointee of the Governor of California, another chosen by the Governor of Nevada and a member of the governing body of the TRPA to ensure there is coordination between the TTD and the TRPA. Identical companion legislation is being contemplated in California.

The other proposed change in this bill is to rotate the Chair to bring the statute in line with current practice at the TRPA. A rotating two-year term has proven to be effective.

Opponents of this bill have pointed out the importance of private sector inclusion, and the LSLT is in complete agreement. The private sector must be a participant in finding solutions, and it is appropriate to have that representation on the Board. We are open to opportunities to make that participation as effective as possible. The status quo is not working, as evidenced by the continuing traffic problems at Lake Tahoe. The current makeup of the Board does not adequately engage the private sector as part of the solution. We are happy to explore other options to increase buy-in and participation.

KYLE DAVIS (League to Save Lake Tahoe):

What we have found through the bi-state consultation process, as well as our experience over the past four to five years looking into this issue, is that transportation and traffic issues in the Lake Tahoe Basin stretch beyond the boundaries of the Basin and affect residents as well as visitors. That is why it is important to bring statewide input into the TTD Board. Much of the traffic coming into the Basin is from Reno, Carson City, Sacramento and the Bay Area. It is important to have the two states at the table to find solutions. This is an important step to build public support for the agency and its programs and to secure needed investment, while keeping the Board at a manageable size. Funding these programs is a challenge, and it is important to have public support and confidence in the agency, so that they will be willing to invest the resources needed to carry out programs and address the issues.

SENATOR HARRIS:

The bill could be amended to require that the two governor appointed positions be from the private sector.

MR. DAVIS:

That is a good suggestion. We would need to consider how we would define "private sector" to be sure we include the voice of businesses that are impacted by these traffic problems.

SENATOR HARRIS:

Language could be developed to address that.

SENATOR BROOKS:

Regarding the implementation of the bill, would the Board changes take effect when the legislation is passed in both states? What is the status of this effort in California?

MR. DAVIS:

The bills in both states would need to be passed before the law goes into effect. If Nevada passes this bill, nothing would change until California's companion bill passed. California's effort is behind Nevada's, but since their legislature meets more frequently, it will be easy for them to catch up.

DR. COLLINS:

Once passed in Nevada, California will pass similar language. I know of no opposition to this effort there.

STEVE TESHARA (Chair, South Shore Transportation Management Association):

The South Shore Transportation Management Association (SSTMA) provides one of the private sector representatives that the proponents of this bill state is missing from the TTD Board. I have with me Jaime Wright with the Truckee North Tahoe Transportation Management Association (TNTTMA), which also provides a private sector representative on the TTD Board.

In 1997, the compact was changed by S.B. No. 24 of the 69th Session, and in California, S.B. 815. At that time, there was a desire to have private sector representation on the TTD Board, and those two bills made that happen by requiring the Transportation Management Association (TMA) from the South Shore and the TMA from the North Shore to appoint private sector representatives to serve on the Board. Over the 20 years since those measures were passed, the two TMAs have been providing private sector representation on the TTD Board of Directors.

We oppose S.B. 136 because as written, it eliminates those local, private sector representatives. It is not accurate to attribute the problems of traffic congestion in the Tahoe Basin to the TTD. One of the points made by the proponents of the bill is that there should be oversight of the money that comes to the TTD. Although both states contribute to the TRPA, neither contributes General Fund dollars to the TTD, so it is unclear what state oversight is needed.

It would be appropriate and important to have state representation on the TTD Board. Currently, the TTD is tackling the very difficult issue of what local money can be directed to support the transportation plans that have been adopted, including "One Tahoe", which is currently underway and due to be completed by the end of the calendar year. The private sector, as well as both states, will be asked to support whatever solution is identified, so it would make sense to have gubernatorial representation on the TTD Board. What does not make sense is to eliminate the current local private members to accomplish that. There are ex officio state representatives on the TTD Board provided by members of the Nevada Department of Transportation (NDOT) and the California Department of Transportation (Caltrans). Those positions could be replaced by voting members appointed by the two governors.

There are solutions. The idea suggested by Senator Harris is appreciated, and we would be interested in helping craft the language of a possible amendment, but in our view the amendment would need to maintain the private sector local seats that are provided by the TMAs.

You have been provided a description of the SSTMA ([Exhibit D](#)) and the TNTTMA ([Exhibit E](#)). Both of these entities are public-private partnerships and bring private sector representation to the TTD, among the many other things the TMAs do in the community.

There is a funding study currently underway. Because the TTD has no funding other than through discretionary grants, it is very difficult to fund the full range of transportation systems we know are necessary in the Lake Tahoe region.

JAIME WRIGHT (Executive Director, Truckee North Tahoe Transportation Management Association):

I am here today on behalf of the TNTTMA Board of Directors and the public and private members we represent to respectfully oppose S.B. 136 as written. While we have no objection to adding two gubernatorial representatives to the TTD Board, one from Nevada and one from California, we cannot support the elimination of the private sector representatives appointed by the two TMAs. The TNTTMA has geographical boundaries that encompass what is called the "Resort Triangle". The boundaries include Donner Summit, the Town of Truckee, Squaw Valley, Northstar, North Lake Tahoe, Tahoe's West Shore, Crystal Bay and Incline Village. The Resort Triangle consists of three counties and two states, in addition to a host of multijurisdictional partnerships.

The TNTTMA is a community-based organization representing a full spectrum of both private and public members actively in support of a multimodal transportation solution to improve mobility and provide other important local and regional benefits. The TNTTMA is governed by a 13-member Board representing local resorts: the Town of Truckee, Incline Village, Crystal Bay, Placer County, the regional transportation planning agencies and the small business community.

This unique public-private partnership combines the best qualities and abilities of business and government in a collaborative effort to facilitate problem-solving specific to transportation, air quality and related matters within the Resort Triangle. Our mobility infrastructure within the Resort Triangle is dependent on a

collaborative partnership between local jurisdictions and the private sector. With all of the access to North Lake Tahoe coming through partnering jurisdictions, public-private partnerships are necessary to develop, fund and implement transportation, transit and mobility projects within the region. Having a unified voice in this public-private partnership is vital to the Resort Triangle's mobility network. The TNTTMA represents this voice on the TTD Board, and we hope you will see the importance of maintaining that representation.

MR. TESHARA:

The two TMAs have excellent attendance records at TTD Board meetings, as well as Budget Finance Committee meetings, and they are often the reason there is a quorum. It is a responsibility the TMAs take seriously.

We do have one legal question for Legislative Counsel. As mentioned by the proponents of the bill, the TRPA Governing Board, which is a 15-member board, has a rotating chair every two years. I do not think that is currently defined in statute, but I will defer to Counsel. Section 1, Article IX, paragraph (d) of S.B. 136 requires that the Chair of the TTD Board must be elected every two years and cannot be re-elected unless every other member of the Board has already served. This Committee may wish to consider whether it is appropriate for the Legislature to dictate how a board selects its chair.

Senator Parks has been an honorable member of the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System. Typically, when there is a bill related to Lake Tahoe or the TRPA Compact, it is addressed in the interim when that Committee meets, and it is vetted, debated and discussed. That Committee then makes a recommendation to the Legislature when it convenes. Unfortunately, this bill did not go through that process. I have attended those meetings for many decades, and this bill should have been discussed by that Committee.

Our request to the Senate Committee on Natural Resources is that you support an amendment to retain the two TMA seats on the TTD Board. If the Committee directs us to work with the proponents of the bill to fashion something for your consideration, we would be willing to do that.

SENATOR BROOKS:

You and Ms. Wright have mentioned in your testimony that the TMAs provide private sector representation on the TTD Board. Can you please explain how that is so?

MR. TESHARA:

Both organizations select someone from the private sector to be their representative. Even though there are public-private partnerships in both organizations, the representatives we put forward are private sector representatives. For example, I am the current SSTMA representative. I am also the Chief Executive Officer of the Lake Tahoe South Shore Chamber of Commerce, and I am in touch with private sector people every day and can bring that perspective forward. Similarly, the representative from the TNTTMA is a private sector person.

SENATOR BROOKS:

The current statute requires that there must be a representative from the South Shore TMA and the North Shore TMA. Does that representative have to be part of those agencies, or can the TMAs appoint outside representatives to the TTD Board? Do both you and Ms. Wright work for the respective TMAs you are representing today, and are you also both the appointed TMA representatives to the TTD Board?

MS. WRIGHT:

Yes, the TNTTMA did appoint a member of the public to the TTD Board who served for a number of years. When that individual retired, the TNTTMA 13-member Board, which includes representation from each portion of the Resort Triangle, decided that the TNTTMA Executive Director, who understands the complex issues within each jurisdiction of the Resort Triangle, would be the best private sector representative on the TTD Board. The TNTTMA deals with a host of public and private entities, both inside and outside the Basin, as well as in the incorporated Town of Truckee. For example, this year we worked with private sector entities to develop a public-private partnership for a park-and-ride facility in Truckee. That is the kind of thing the TNTTMA does, working closely with small and large private sector businesses, as well as the public sector entities, to tackle the transportation issues we face.

SENATOR HANSEN:

Having met recently with the proponents of the bill, I am uncertain what the real problem is. I know we have challenges with increasing traffic volume. Is there something the TMAs have failed to do that a change in the makeup of the Board will solve? Also, the idea of rotating the chair is a good one. How long has the current chair been serving? What are the real issues here?

MR. TESHARA:

The TTDs have a history of chairs serving for an extended period of time, but they are elected every two years to do that. That is not the biggest concern we have with the bill. I am the current chair and have been for a number of years. The bigger concern is the private sector role on the board. There is not anything broken with the Board. We could benefit from having state representation, whether appointed by the governors or replacing the ex officio NDOT and Caltrans people with someone higher level at the state, because it is very clear that state funds are going to have to be brought to bear, and there should be representation on the Board to facilitate that. We do object to eliminating the local private sector representation currently on the Board.

SENATOR HANSEN:

If the Board composition was to change, what would be done to solve traffic issues at Lake Tahoe that is currently not being done?

MR. TESHARA:

Without money, nothing will change. The TTD is currently engaged in the "One Tahoe Funding Study", because with shrinking state and federal funds, most of the successful transportation jurisdictions and Regional Transportation Commissions are supported by local fees or taxes, which provide most of the funding used for transit and transportation projects. Lake Tahoe has no local taxes or fees. The only tax or fee revenue available to the TTD under current statute is from a sales tax, but with two states and six local jurisdictions, it is impractical and ineffective. The Board composition is not the problem; funding is the problem.

SENATOR HANSEN:

How many members of the Board are there?

MR. TESHARA:

The TTD Board has 9 voting members and 2 ex officio members for a total of 11.

SENATOR HANSEN:

You mentioned earlier there are times when it is difficult to get a quorum. It would be interesting to see who does not consistently show up. If there are people not doing their job, that might be a logical place to look at changing membership. Are all 11 members typically present at meetings, or are there times when members do not attend?

MR. TESHARA:

Most of the time a quorum is easily established with all or most of the members present. However, if it is close, it is often the TMAs that make the difference, because we never miss a meeting.

MS. WRIGHT:

For those in the Resort Triangle, it would be detrimental to remove the TNTTMA from the Board. Much of the work being done in the TTD is being done in the Basin. On the North Shore, a majority of the Resort Triangle is outside of the Basin. Two of our largest resorts, Squaw Valley and Northstar, are some of the biggest drivers of traffic, especially in winter. It takes our organization and our advocacy to ensure we are representing out-of-Basin entities like Truckee and the participating regional planning agencies in things like "One Tahoe".

SENATOR GOICOECHEA:

Can you review the memberships of the various boards?

MR. TESHARA:

There are 11 members on the TTD Board; 9 voting and 2 ex officio. There are 14 voting members on the TRPA Governing Board; 7 from each state. The TNTTMA has a 13-member Board.

SENATOR GOICOECHEA:

Regarding the changes to the TTD Board reflected in this bill, the proposed language in section 1, Article IX, paragraph (a), subparagraph (7) states that one member of the TTD Board is from the "governing body of the agency who must be appointed by a majority of the other members of the governing body". What is the agency referred to here?

MR. TESHARA:

The agency identified is the TRPA.

CHAIR SCHEIBLE:

Can you speak to the transportation authorities' commitment to conservation?

MR. TESHARA:

At Tahoe, everyone is committed to conservation. As organizations, the TMAs support the TRPA's Environmental Improvement Plan (EIP). In fact, the largest dollar item in the EIP has to do with transit and transportation projects. We are committed to the EIP, which means we are committed to all of the conservation projects, programs and initiatives that exist in the Tahoe Basin.

MR. DAVIS:

We are happy to work with all sides to find a solution to move forward. It is important to us that we have statewide input going forward and that we have a meaningful voice from the private sector.

CHAIR SCHEIBLE:

I will close the hearing on S.B. 136. Seeing no public comment, I will adjourn the meeting at 4:40 p.m.

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February 26, 2019
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RESPECTFULLY SUBMITTED:

Steve Woodbury,
Committee Secretary

APPROVED BY:

Senator Melanie Scheible, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	1		Agenda
	B	2		Attendance Roster
S.B. 136	C	7	Darcie Collins / League to Save Lake Tahoe	Presentation
S.B. 136	D	1	Steve Teshara / South Shore Transportation Management Association	Description of the South Shore Transportation Management Association
S.B. 136	E	1	Steve Teshara / South Shore Transportation Management Association	Description of the Truckee North Tahoe Transportation Management Association