

Opinion: South Lake Tahoe needs to say 'no' to loop road

Publisher's note: *The following letter was submitted to Lake Tahoe News by the author.*

Dear Mayor [Claire] Fortier and Council Members:

I am writing on behalf of Michael McKeen and business and property owners in South Lake Tahoe who oppose in its present form the project and the application by the Tahoe Transportation District for federal funds to construct the project commonly referred to as the Loop Road. The applicant agency has not done its job in resolving outstanding issues and concerns that I have highlighted below.

1. The project is ill conceived and not ready for funding because it does not have the support of those dozens of property owners who are most impacted by it;
2. The project will displace approximately 80 residential properties and 13 existing small businesses;
3. The project appears to displace dozens of lower-income and minority workers living in the path of the proposed road realignment who do not have many affordable housing options in the area;



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4. The project is bad for the city of South Lake Tahoe tax base and local economy in a city that already has an unemployment rate last reported over 17 percent where small businesses are struggling under a poor local economy and enormous bureaucratic and regulatory control in the Tahoe region;

5. The project will likely require the use of eminent domain to acquire all or a portion of the parcels needed because many owners are not in favor of selling yet there is no agency that has expressed its intent to use eminent domain to acquire the properties. TTD does not have the power of eminent domain. Caltrans will not use eminent domain, and the City Council of South Lake Tahoe, where the project is located, has not expressed its intent to use this extraordinary confiscatory process. I applaud the city for not doing so;

6. Eminent domain is a highly controversial tool that most residents of the city do not favor even if a California public agency chose to use it;

7. The project has not received environmental clearance under the California Environmental Quality Act (CEQA) and is arguably a premature grant application. TTD is proceeding independently as though the project has received all necessary approvals.

8. The project and application for grant funds to implement this incomplete project arguably places a cloud over title of the residential and commercial properties subject to acquisition. This could will discourage investment in the properties by property owners and reduce the likelihood that lenders will make loans available for improvements; and

9. The project arguably creates potential claims in inverse condemnation. Approving a project that does not have the support of owners of property to be acquired who cannot then get loans to improve or repair their properties could create

the case and argument of a "taking."

As you know from the petition in opposition that was submitted to you by Michael McKeen (a directly affected party), there is growing opposition to the project by the people of South Lake Tahoe who are most directly negatively impacted by the Project and by people living in the area.

The Tahoe Transportation District needs to do its homework and leg work with the people most impacted by this project and gain their support before seeking funding for it and attempting to implement it. Opponents do not see the project in its present rendition as a *fait accompli*.

I would argue as well that even if the project proponents overcame the objections of directly affected property owners, it will have a negative impact on existing business in South Lake Tahoe by dramatically shifting the shopping base to the Nevada side of Stateline. All of us have a high regard for our fine Nevada neighbors, but not to the extent of damaging the business base in South Lake Tahoe. The city of South Lake Tahoe needs to focus its attention and efforts on improving the economy and lives of the people living and working in South Lake Tahoe first.

I urge the City Council to oppose the Loop Road Project in its present rendition and support local business owners and residents who oppose it for the reasons stated above. I ask that the City Council place this matter on the agenda in the near future so that clear direction from the City Council is provided for all to see and hear in advance of the general election in November.

Thank you and best wishes,

Sincerely,

David Jinkens, retired South Lake Tahoe city manager and community advocate