



## Legislation Text

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**File #:** 19-0366, **Version:** 1

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Supervisor Novasel recommending the Board authorize the Chief Administrative Office and other appropriate staff to work with Assemblyman Bigelow to explore potential legislative changes that could mitigate some of the traffic challenges facing the Highway 50 Corridor between Placerville and the South Lake Tahoe Basin.

**FUNDING:** N/A

### **DISCUSSION / BACKGROUND**

The popularity of the Tahoe basin and its surroundings has increased as more people choose the area as either a residence or vacation destination. The result has been increased traffic congestion, particularly on the last day of holiday weekends, from drivers leaving the area. Add the uncontrollable impacts of poor weather, a closure of I-80, avalanche control, accidents and drivers parked illegally along Highway 50, and the advent of mapping apps such as Waze and Google Maps which direct drivers through neighborhoods to avoid backups on the highway, and the issue becomes compounded, making routine trips nearly impossible and adding between 4 and 6 hours to a trip from Tahoe to the Bay Area.

El Dorado County leaders have taken several steps to help ensure the safest and most expedient passage for emergency vehicles, residents and visitors. In the last three years, the County has taken the following actions to address this issue:

- After a particularly bad weekend in February 2016, Supervisor Novasel convened a conference call with 17 representatives from Caltrans, CHP, City of South Lake Tahoe Police Department, City of South Lake Tahoe Public Works, El Dorado County Sheriff's Office City of South Lake Tahoe's Mayor and City Manager, and others to determine what actions each jurisdiction took. The group considered the following possible solutions:
- *Discuss diverting Hwy 50 traffic to Carson Pass, Hwy 88 (Caltrans said this is not a feasible solution due to avalanche controls in 3-4 locations)*
- *Encourage all agencies to enlist more public relations, information outreach (agreed)*
- *During chain control conditions, post a CHP or someone at Sawmill to turn cars back without chains back, before they add to the congestion (CHP agreed if staff available, but would take patrol out of circulation for 6 hours, not advised)*
- *Caltrans to change digital signs to take Strawberry and Kyburz off, and keep Placerville and Pollock Pines travel times on (Deanna Shoopman, Caltrans, agrees)*
- *Caltrans can also put up an alternate message if agreed upon (with advanced agreement)*
- *Coordinate information, the message, for hotel check outs, discounts to stay over Sunday, late check outs, enjoy more activities, show travel times like-if you leave at 11 you get home at 9, if you leave at 6 you get home at 9 (contact LTVA, Lodging, Chambers, Ski Areas)*
- *Coordinate Caltrans messaging, Tweets, apps, to stay on Hwy 50 for safety and faster travel time*
- *Coordinate with LTVA to send out Caltrans travel time information*

- *Public agencies emphasize message, stay on 50*
  - *Caltrans emphasized Quick Maps on their website/Twitter/Facebook*
  - *Get the word out to Lodging properties about travel times, access Caltrans information*
  - *CHP flag vehicles through the light at Pioneer and Hwy 50 (CHP said possibly, but early in the day only, otherwise there are too many cars on 50 to help constructively move traffic)*
  - *Utilize however possible, county and city reader-board (CMS) signs at Industrial and Sawmill/Lake Tahoe Blvd, advise to stay on Hwy 50 for faster and safer (Moody)*
  - *County to look into weight limit signs to be posted on Lake Tahoe Blvd, at Sawmill (to prevent buses and oversized trucks travelling neighborhood roads, (Matt Moody)*
  - *Possible billboard with a proactive message, along Hwy 50 (not likely due to cost)*
  - *CHP and Caltrans will work together on a consistent message for the public*
  - *Sierra at Tahoe and Heavenly possibly coordinate consistent message on departure days (LTVA)*
- A follow-up meeting was held a week later and included Lake Valley Fire, City of South Lake Tahoe Police, Chamber of Commerce, and the Lake Tahoe Visitors' Authority.
  - Two public meetings were held in February 2017 and April 2017 to gather suggestions from residents. These meetings resulted in a County Traction Control Ordinance (to reduce accidents), a plan to review the winter of 2017-18.
  - EDC Department of Transportation developed and implemented a traffic mitigation pilot project comprised of detour signs and traffic barriers to encourage non-residents to travel in a specific direction, keeping them out of neighborhoods and on primary roads.

As of March 2018, this effort has been implemented (including the Martin Luther King Jr. Day weekend 2019) along Lake Tahoe Blvd encouraging motorized to use Sawmill Road as access to US50 instead of the heavily residentially populated North Upper Truckee Road. Results show an approximate 80% compliance rate.

- On behalf of the County and CHP, El Dorado County Counsel sent a letter to Waze June 5, 2018 requesting the application cease directing traffic onto residential streets and thereby avoiding the Agriculture Inspection Station, which is a misdemeanor. No response was received.
- On February 12, 2019, the Chief Administrative Officer and Chief Executive Officer of Barton Memorial Hospital sent a letter to Waze expressing public safety concerns as a result of their traffic applications routing traffic through residential neighborhoods. Waze responded stating their applications route traffic through all roads open to the public. (Copies of the letter to Waze as well as the response from Waze are attached.)
- Multiple agencies and jurisdictions have taken measures to alleviate the traffic in the Tahoe Basin, including social media notifications regarding the weather and backups, promotion of Caltrans' QuickMap real-time road condition website, urging visitors to stay longer/leave early; traffic barriers/detour signage; No Parking signs along Highway 50; changeable message signs and more; outreach and partnership with tourism agencies to message safe and proper

driving as well as alternate timing of arrivals and departures.

- Supervisor Novasel recently engaged Assemblyman Frank Bigelow’s office to discuss whether a state legislative solution may be accomplished to prohibit nonresidents from using public roads while allowing residents to use the same public roads. County Counsel has determined, based on the following case law, that such a prohibition is currently illegal.
  - In 68 Ops.Cal.Atty.Gen. 101, the Attorney General tackled the question of whether a city may authorize by ordinance controlled access to the public streets in a residential neighborhood. The proposal was to install card key gates at the entrance to 4 of the 5 streets in the neighborhood and a guard house in the middle of the 5th accompanied by a speed bump to slow traffic allowing the guard to record the license plate of the vehicles entering. The Attorney General had no difficulty finding that such controlled access to public streets was not permissible.
  - As the California Supreme Court stated ““The streets of a city belong to the people of the state, and every citizen of the state has a right to the use thereof, subject to legislative control ... The right of control over street traffic is an exercise of a part of the sovereign power of the state ...” (Ex parte Daniels (1920) 183 Cal. 636, 639, 192 P. 442.)<sup>3</sup> “The use of highways for purposes of travel and transportation is not a mere privilege, but a common and fundamental right, of which the public and individuals cannot rightfully be deprived ... [A]ll persons have an equal right to use them for purposes of travel by proper means, and with due regard for the corresponding rights of others.” (Escobedo v. State of California (1950) 35 Cal.2d 870, 875-876, 222 P.2d 14, quoting 25 Am.Jur., Highways, § 163, p. 457; italics added.) *Rumford v. City of Berkeley* (1982) 31 Cal.3d 545, 549-550 The *Rumford* court went on to state that the right to regulate traffic within a local agencies jurisdiction is limited to that authority granted to it by the state as set forth in the Vehicle Code sections 2110021116. *Rumford* at 126. In the *Rumford* case, the court struck down an attempt by a local agency to preserve city streets for local use only through the erection of various types of barriers.
  - In the case of *City of Lafayette v. County of Contra Costa* (1979) 91 Cal.App.3d 749 the "Lafayette City Council voted to close Happy Valley Road to through traffic except for drivers with an established need to use the Road. The City Council determined that this was the best way of promoting safe use of the Road while reducing the hazards caused by traffic greatly exceeding the Road's capacity. The partial closure was to be accomplished by installation of a ‘traffic diverter’ or automatic gate across the Road at a point within the City limits. Exempted drivers were to be furnished devices to open the gate.”
  - *City of Lafayette* at 752. After reciting the principle that all have a right to use public roads, the court stated "It thus appears, at least in the absence of legislative authority to the contrary, that a city may not restrict the right to travel upon one of its streets to its residents or to other “exempted drivers.” *City of Lafayette* at 754.