

Minutes of Nevada Department of Transportation
Board of Director's Meeting
February 11, 2013

Governor Brian Sandoval
Lieutenant Governor Brian Krolicki
Attorney General Catherine Cortez Masto
Controller Kim Wallin
Len Savage
Tom Fransway
Rudy Malfabon
Bill Hoffman
Dennis Gallagher

Sandoval: Oh, there she is. Madam Controller, can you hear me?

Wallin: Yes. I can hear you now, Governor. Thank you.

Sandoval: All right.

Wallin: Can you hear me?

Sandoval: Yes, very well. And, Madam Controller, I just advised the audience that we are going to move promptly through our Agenda as I understand that you have a commitment, and the Lieutenant Governor has a commitment before the State Senate at 11:00 a.m.

Wallin: That's correct, thanks.

Sandoval: We'll move on with Agenda Item No. 1 which is receive Director's Report. Mr. Malfabon.

Malfabon: Thank you, Governor, Board members. Just some comments from the last meeting. We thank you for your input on the State Highway Preservation Report. We did submit it to the legislature with a lot of amendments along the lines of the comments that the Board members had made. And we also finished the 2012 Facts and Figures book. There's a lot of useful information in that that also went to the legislature by February 1. We also delivered the AASHTO calendars to the Board members, so finally, that's one month gone, but hopefully you'll use it the rest of the year.

I wanted to report on a couple of things that happened recently. Obviously Meadowood Mall has been in the newspaper a lot lately. And what the

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contractor is currently shooting for is March, get the lanes back configured to the proper location on the freeway. Probably early spring still for some minor other remaining work to be finished, but primarily for the public, they'll notice that the speed limit will go back to the 65 mile per hour in a few weeks rather than taking months.

So the update on that also is that we received about a \$1.4 million claim and a request for 220 additional working days from the contractor on behalf of them and their subcontractor that did the drilling for the drilled shafts. Those are the foundations for the bridges that they constructed. So that's under review by NDOT right now. The resident engineer in the district will have a position that they'll present to us. They're the most informed on the project. They were there day to day, so they can look at the contractor's allegations. But in a nutshell, it has to do with the self-consolidating concrete. It's a type of concrete mix that was required by our specifications. The contractor is saying that if NDOT dictated material to be used and the process to construct those drilled shafts, then it's NDOT's responsibility, but obviously we have a different position.

And we'll look at -- the typical method of settling claims is to have a Claims Review Board which will be formed by Administrative Services. But the Claims Review Board is a three-member panel. So NDOT has a representative that's not directly involved with the project. HEC selects a member that's neutral. And we both have a member that is acceptable to -- a third member that's acceptable to both of us. So it's a neutral Board that hears both positions and makes a determination. It's non-binding. The contractor, if he doesn't agree to what the Board decides, could take it to court, or he could just go to court without even going to the Claims Review Board. Well, that's the update on Meadowood Mall.

Sandoval: One question, Mr. Malfabon. Is part of the timing of this project also includes the temperature, that there are some things that can't be completed now because of the cold?

Malfabon: Yeah, we usually don't like to do permanent striping when it's so cold. So, yes, they have certain temperatures for striping. The paving is just about completed. I don't think there's any more paving to be done. Maybe some patching here and there. But for the most part there are some temperature sensitive issues with some minor amount of work to be remaining. But we were told that by the end of March the lanes will be configured back to their normal location.

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The other unfortunate news is our pilot will be resigning effective February 15. So what we're looking at is to open up the class specifications for that position opening. Right now it's very specific to the type of airplane that we own, the Cessna, and we felt that if there's other business jets, you know, pilots that have experience on other -- flying other business jets, that that should be equivalent experience, so we're going to modify those (inaudible) through the Department of Human Resource Management -- Division of Human Resource Management and get that changed so that it casts a wider net for a pilot that's well qualified for our plane. But unfortunately we'll have a couple of months where we're out of commission again and have to use commercial flights.

To report on Project Neon, Governor and Board members, we did have the RFP for financial and legal services that was approved by the Board to go out on the street. We did the -- had presentations from the firms. On the financial side, Ernst & Young was the successful firm for financial advisory services on Neon. And on legal it's Nossaman who has been advising on the Pioneer Program, so they're familiar with the program. But it's a new financial advisor that I wanted to mention, Ernst & Young.

Another thing to report to the Board is we had a -- the Board recently approved a lot of sweepers for District 2, and one up at Lake Tahoe that were federally funded or grant funded in the case of the one at Tahoe. We were trying out sweeping by contract in District 2 on the freeways. And that sweeping contractor Clean Streets -- NDOT and Clean Streets came to the conclusion that we're going to let them out of that contract because they have some issues with -- with winter it's difficult to estimate the cost of -- or how much weather that we're going to receive. The snow and ice control by our maintenance forces leaves salt sand along the road. So we have to sand the road in order to make it safe for the public, but the sweeping contractor felt that it was a lot more than he could handle as far as the cost of sweeping up all that sand on the shoulders.

And there were some other requirements that he tried to comply with, but it was just a lot less cost -- or a lot less profitable for him than he considered. And we weren't getting the type of sweeping that we wanted to and we're at risk of getting fines for air quality. So we've determined that it's best for both parties to cancel that contract and self-perform it with maintenance forces, particularly since we'll be getting those new sweepers, we'll have reliable equipment too. And that concludes the Director's Report.

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- Sandoval: Any questions from Board members? All right. We'll move on to Agenda Item No. 2, which is public comment. Is there any member of the public here in Carson City that would like to provide comment to the Board? Southern Nevada, is there anyone who'd like to provide public comment? We'll move on to Agenda Item No. 3, approval of January 14, 2013 Nevada Department of Transportation Board of Director's Meeting Minutes. Have all the members had an opportunity to review the Minutes, and are there any changes?
- Fransway: Move to approve.
- Sandoval: We have a motion to approve by Member Fransway. Is there a second?
- Krolicki: I'll second.
- Sandoval: Second by the Lieutenant Governor. Any questions or discussion on the motion? All in favor, please say aye.
- Group: Aye.
- Sandoval: Opposed no? And one question, in Las Vegas, is Member Martin present?
- Wallin: No, he is not.
- Sandoval: All right. Motion passes unanimously. If we would mark Member Martin as absent. We'll move on to Agenda Item No. 4, approval of agreements over \$300,000. Mr. Sisco.
- Sisco: Thank you. Good morning.
- Sandoval: Good morning.
- Sisco: Turning to Item No. 4, Page 3 of 13. There are two items requesting the Board's approval this morning. Two contracts, Infotech Incorporated in the amount of \$422,800. That's part of our e-documents development that was legislatively approved and included in the last budget go-around. And then the second item is an amendment to our contract with our Zero Fatalities Program, an amendment in the amount of \$487,634.33. Any questions?
- Sandoval: My question on the second one is that we're consolidating with the Department of Public Safety Program, correct?
- Malfabon: I looked into that Governor. And what we're doing is getting our contract on the same timeframe as the other contract with the Department of Public

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Safety, Office of Traffic Safety. And what we're doing is actually adding more scope along the lines of what the original contract was, but getting it along the same timeframe. So it doesn't double up on the -- double dip into the contract. And also the other thing I found out was that we review the invoice that goes to Department of Public Safety, Office of Traffic Safety, so we can make sure that they're above board on their invoicing and that we're getting what we pay for.

Sandoval: And to give a little context to that, my question had been for the Director that if we were consolidating our efforts, shouldn't there be some savings, and that was -- the response is that we're actually expanding some of the responsibilities.

Malfabon: Yes. The scope is the same, but it just gets extended for a longer term to align with the other OTS contract.

Cortez Masto: Governor, I have a quick question.

Sandoval: Yes.

Cortez Masto: With respect to the public relations firm, are they a Nevada firm, do we know?

Malfabon: They have a Nevada office. I think that this firm was based out of Utah. And they have a local office in Nevada.

Cortez Masto: So at the termination of this contract, are we then going to then do another RFP, or how is that...

Malfabon: Yeah. It's a large contract, so we will do it...

Cortez Masto: At the end of this year you'll be coming back and going out for another RFP?

Malfabon: Yes, yes.

Cortez Masto: Okay.

Sandoval: And then would this -- this contract includes federal funds, so we won't -- that state law that allows for some preferences for Nevada contractors won't apply, correct?

Malfabon: No. We can't apply local preferences to federal contracts.

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- Sandoval: Any further questions from Board members?
- Wallin: Governor, this is Kim. I have a question. Scott, if you can tell me how the Link -- let's see. We paid Link last month 175,000, approved the contract, and it was also for the e-documents. How does this fit into this new contract that we're doing? And then I have another question on the second item. Do we have any performance measures attached to the payments here, you know, they're successes? Because I know we've got our fatalities going up, and so if we're doing all this advertising, I'd like to see that what we're doing is really making a difference. Or if we don't have performance measures, will we consider putting performance measures as part of the payment method in the next contract? Those are my questions.
- Sisco: Okay. On that one -- on the e-docs one, I'm going to go ahead and bring up...
- Malfabon: Yes. Madam Controller, this is Director Malfabon. On the e-docs, this is -- Infotech Incorporated is associated with AASHTO which is what a lot of the state DOTs use. And it's primarily for construction crews in doing the oversight of construction projects. They have to keep track of pay quantities and do documentation. And this would avoid any kind of errors that come from dual entry into our payment -- pay estimate system to the contractor payments. So it will be very efficient and avoid payment errors which from time to time happen, and we have to settle up. Either we overpay or underpay a contractor occasionally. And this will address that issue by feeding the information from the inspectors' documentation directly into the pay estimate system. And there will be a check. If something exceeds the plan quantities, there'll be a check that has to be done by management on that construction crew to ensure that that is indeed an accurate quantity that's exceeding the plan quantity.
- Wallin: Okay.
- Malfabon: Regarding the (inaudible) agreement, we didn't have performance measures tied to this specific contract that I'm aware of, but it's something that we can look at in the future. And it actually is in alignment with what the Federal Highway Administration wants to do. In implementing each state's Strategic Highway Safety Program, they want to look to see that your activities are really yielding results. So this is definitely one activity that's looking at changing the behavior of drivers. And we could look at for the

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future -- the RFP that goes out in the future after this one expires, we could look at performance measures to be added to that.

Wallin: Okay. Thank you.

Sisco: We would -- the Director's recommendation is that the Board approve those two requests.

Sandoval: One last question. Are we -- and I'm not sure where I was reading this, but some states are not in compliance with their safety programs. Are we in compliance in meeting all our requirements?

Malfabon: Yes, Governor. The one area that our Nevada Revised Statutes have to be amended, and we actually have it in our bill draft, is the open container law, which does not specifically exempt the driver of a limo or a taxicab. It was intended to be that way, but we made some minor changes to the language that will make it in compliance. And as a result of that review of the open container law in Nevada, the Highway Traffic Safety Administration told us we have to shift about \$7 million of funds from our regular project funds to safety, and we intend to use it on safety projects. So as far as the other areas where some other states had to address some statutes, we're actually in good shape in those other -- it usually has to do with impaired driving.

Sandoval: If there are no further questions, the Chair will accept a motion for approval of the agreements over \$300,000 as described Agenda Item No. 4.

Krolicki: I'll move for approval.

Sandoval: Lieutenant Governor has moved for approval. Is there a second?

Wallin: Second.

Sandoval: Second by Madam Controller. Any questions or discussion on the motion? All in favor, please say aye.

Group: Aye.

Sandoval: Motion passes unanimously. We will move on to Agenda Item No. 5. Mr. Sisco.

Sisco: Thank you, Governor. Starting on Page 4 of 11, this month we have 30, which is a fairly small month for us, informational items. Again, as we normally do, we met, went through them, nothing particular that we're going to call out to our attention, so we'll open it up to any questions, and

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try to get people up here for any questions or concerns any of you may have on any of them.

- Malfabon: And, Governor, I wanted to mention on number 18, that's with Southwest Gas to relocate the gas line along the first phase of Boulder City Bypass. It's a substantial contract, but we include it in here. Although it's a right-of-way agreement that normally doesn't come for your approval, we thought that it was a substantial amount of money and wanted to bring it to the Board's attention.
- Sandoval: Thank you. And I had a question with regard to Contract 26, which is John Wright Associates and the Falcon Capital issue.
- Sisco: Mr. Gallagher?
- Gallagher: Governor, members of the Board, for the record, Dennis Gallagher, Chief Counsel. This is a contract for the individual who will actually issue an appraisal for the water rights. The contract that was before the Board, I believe, last month, was for a water engineer to gather up some information and data that will be provided to this individual who ultimately will give the Board -- the Department and the Board his professional opinion as to the value of the water rights that were acquired in the Falcon matter.
- Sandoval: And speaking of the Falcon matter, do we have a final accounting yet for them?
- Gallagher: You should have it for next month, Governor. Last week the arbitrator issued what I hope is the last of his orders related to it.
- Sandoval: Me too. All right. I have no further questions. Board members, do you have questions with regard to the contracts contained in Agenda Item No. 5? Member Savage?
- Savage: Thank you, Governor. Just one item, Mr. Sisco. Contract Line Item No. 21 regarding increase to HDR Engineering's current contract of 1.6 million. I realize, if I remember correctly, the CMAR Project is still under the preconstruction phase with Q and D and HDR, and it caught me off guard as being an early increase, this so early in the project. If you could please explain.
- Sisco: Yeah, let me go ahead and bring up John Terry, Assistant Director over Engineering.

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- Terry: Yeah, and you're correct. It is still in the engineering phase of the project. They are the engineer that's doing the design. And I go to the notes on there, additional project meetings to attend the workshops and also develop additional bridge rehab plans. We added additional plans as a part of the bridge rehab. We call it the Carlin Tunnel Project, but really the bridges approaching the tunnel are a much bigger part of the project than actually the tunnels themselves. So they are the designer doing the bridge designs.
- Savage: So do the designers -- and this is something we can probably take up in the CWG meeting. Do the designers quantify the amount of meetings they attend?
- Terry: Yes. In other words, we make an assumption at the beginning when we set up a scope for a job of, you know, how many meetings, how much project management, in addition to how many plan sheets, how many other things we assume in the job. And if the job modifies significantly and more have to be added, that can be quantified because there was a number in the original contract.
- Savage: Okay. Thank you, Mr. Terry. Thank you, Governor.
- Sandoval: Any other questions from Board members?
- Wallin: Governor, I have some questions.
- Sandoval: Madam Controller, please proceed.
- Wallin: This is really hard. Item No. 23 for Harris Corporation for the radios. This project started in 2009, and now we're extending it to go to 2000 -- the end of '13, so basically four years. And one of the reasons they're talking about why they need additional time, can you explain to me what we mean by incomplete user inventories and if we think this will finally be done by the end of 2013?
- Nelson: Madam Controller, this is Rick Nelson, Assistant Director of Operations. This rebanding project, as you noted, started quite a while ago. And it's due in large part because of interference between the cell phone carriers and our 800 megahertz frequencies. Because of that interference, the cell phone carrier Sprint Nextel actually was mandated by the FCC to reband our radios, our 800 megahertz radios, away from the frequencies that the cell phone carrier was using. So what that meant was everyone that's on one of our -- one of the state 800 megahertz radios had to be physically

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refrequenced to a different set the frequencies, so that the inventory that we're talking about is not just Nevada DOT inventory, it's Highway Patrol inventory, Nevada Energy inventory, everyone that has an 800 megahertz radio. And so what's happened is we've got down towards the very tail end of this project. There are radios that are continuing to surface that need to be rebanded. And so that's the purpose of extending this contract to make sure that we pick up all of that inventory with all the agencies, all the entities that are on the 800 megahertz radio system. I'd also like to note that the entire cost of rebanding was born by Sprint Nextel. So all the costs that we incur are billed to Sprint to reimburse us for that.

Wallin: Excuse me, can you guys hear me? I can't hear Rick.

Sandoval: Oh, we can hear you Madam Controller. And I don't know if she -- I think she heard a word you said, Mr. Nelson.

Wallin: Well, I heard part of him. I heard part of him and then he faded out, but I still can't hear him.

Nelson: Okay. So...

Sandoval: Can you hear him?

Wallin: Yes, I can hear him now. Thank you.

Nelson: Okay.

Sandoval: Yeah, here we are talking about broadband.

Nelson: So the...

Wallin: Go ahead, Rick.

Nelson: So the purpose of this agreement is to go pick up and reband all the 800 megahertz radios that are on the state system, which include NDOT and Highway Patrol and Nevada Energy. And so as we get close to the end of this project, we're discovering there are some odds and ends radios out there that do need to be rebanded. And so the purpose of extending this is to allow for that rebanding to happen. Sprint Nextel is paying all the costs of this rebanding, so whatever costs we incur, we bill Sprint, and Sprint repays us.

Wallin: You're breaking up again.

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- Sandoval: Maybe it's Verizon.
- Wallin: No, you guys can hear me.
- Malfabon: I think the key, Madam Controller, was that Rick said that Sprint Nextel covers 100 percent of that -- reimburses NDOT for the expenses of this because of the need to move the frequency of the radio system.
- Wallin: Okay. Good. Thank you. And I have one other question, and hopefully that microphone won't cut out. Item No. 30 for the contractor Wood Rodgers, for the Tahoe Environmental Improvement. That contract started nine years ago in 2005, and we've been amending it, you know...
- Malfabon: Yes. We...
- Wallin: ...since then, and so it's been going...
- Malfabon: We definitely -- Madam Controller, in response, we definitely have given that direction to our technical staff to end this contract and put out a new RFP for services, not to just keep extending it as has happened in the past. This current one is just a time extension, but point taken on that, that this has been going on for years, and we need to stop doing contracts that way.
- Wallin: Thank you. That was my question, if you're finally go out to bid. Thank you. That's all my questions.
- Malfabon: Any additional questions? Otherwise, I will note, Governor, Board members, there were no contracts that were awarded during the time, and there are no settlements or other informational items.
- Sandoval: Board members, do you have any further questions with regard to Agenda Item No. 5? Member Fransway?
- Fransway: Just a follow-up on Madam Controller's concerns or comments on Item 23. Am I right then that the carrier will reimburse NDOT for the entire cost, or a portion of?
- Malfabon: For the entire cost.
- Fransway: Okay. Does that include the original agreement also?
- Malfabon: Does it, Rick?
- Nelson: Yes.

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- Malfabon: Yes.
- Fransway: Okay. So the entire 1.1 million will be reimbursed. And how long will that be after the project is completed?
- Malfabon: We submit for reimbursements as we get any costs in, and it's kind of a pay as you go. So any time we incur costs, we immediately -- so we've been getting reimbursed all the way along on this.
- Fransway: Okay. Thank you. Thanks, Governor.
- Sandoval: Anything further, Mr. Sisco?
- Sisco: Nope.
- Sandoval: Okay. We'll move on. Thank you. We will move on to Agenda Item No. 6, approval of Amendments and Administrative Modifications to the FFY 2012-2015 STIP.
- Malfabon: Thank you, Governor. Assistant Director for Planning, Tom Greco.
- Greco: Morning, Governor, Members. How is the mic working with the remote listeners?
- Wallin: I can hear you right now. Thank you.
- Greco: All right. Good news. Here we go. We're asking the Board's approval on two amendments and two modifications. And if we look at the Agenda item in the handout and turn to amendments, there are two that were generated by Washoe RTC. They both involve moving up the southeast connector to an earlier date and updating the air quality studies. And then Attachment B looks at two modifications out of RTC South. And the first one, modification 15 deals with an I-11 study, and the second one is amending the STIP, adding in the 3 million on Neon. And we discussed the legal and financial services earlier on. With that, any questions on any of the items?
- Sandoval: Questions from Board members with regard to Agenda Item No. 6? Anything further?
- Greco: Thank you so much.
- Sandoval: Thank you. If there are no questions, the Chair will accept a motion for approval of the amendments as described in Agenda Item No. 6

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Savage: So moved.

Sandoval: Motion by Member Savage. Is there a second?

Cortez Masto: Second the motion.

Sandoval: Second by the Attorney General. All those -- any questions or discussion on the motion? All those in favor, please say aye.

Group: Aye.

Sandoval: Opposed no? Motion passes unanimously. Agenda Item No. 7, approval of the Strategic Highway Safety Plan Annual Report.

Malfabon: Thank you, Governor. Chuck Reider who is our current Chief of the Safety Division, soon to be retiring.

Reider: What?

Malfabon: You told me first, Chuck. Is going to present this Strategic Highway Safety Plan Annual Report.

Reider: Good thing I showed up today.

Malfabon: He's kidding me.

Sandoval: I just want to know when the effective date is.

Reider: Thank you, Rudy. My name is Chuck Reider. I am the Chief Safety Engineer for NDOT and I want to talk to you today about traffic safety. I want to start with this slide because I'm going to be going -- I'm going to talk a lot of numbers and statistics, but Zero Fatalities is about personal responsibility and accountability. And I like this presentation because instead of one picture is worth a thousand words, here's a thousand pictures that are worth two words, zero fatalities. And it takes all of us, every time we get in our car, to get everybody home safely. So I just want to start with that and just keep that in mind.

Today I want to talk a little bit about the contributing factors to crashes and kind of give you a feel for what's that like. Talk about the annual report, this is our first annual report because we've formalized our performance measures, that's why it's -- this is the first year for that. I want to touch on Clark County on what's going on there in terms of crashes and the types of things that we're doing to address that. And then trends to consider. So

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here's some things to think about as we go forward. My hope is that by the end of my chat that I've talked a little about what Nevadans can do and how have we been effective, have we been effective in what we've been doing.

So I'm going to give you a quote from Peter Kissinger. He's the CEO of AAA Foundation. Changing driver behaviors is not rocket science, it's harder. Okay. And I'm going to give you an example why he might say something like that. And this is a Venn diagram and there's essentially three contributing factors to crashes. There's roadways, there are vehicles and there's drivers. And you can see, if I can get this going, drivers are the biggest contributor. And if you go -- I might have to take this if I can do that. So 57 percent of the time it's the driver alone that caused that fatal crash. And then, you know, these rings intertwine, so 27 percent of the time it's the roadway and the driver. That's our challenge. Our biggest challenge is driver behavior, and that's the hardest thing to try to correct.

There's actually a national project that I'm a part of as a panel member. It's \$40 million to get a better handle on what are drivers doing and reacting to the roadway. And they have almost 3,000 people with equipment in their vehicles monitoring what they're doing. There's your volunteers. And it's a six-year project. It's about halfway done. I'm really looking forward to seeing the information that comes out of that. It's really sort of an ambitious project.

So there's a lot of, well, we don't know exactly what's going on. The Strategic Plan, which this Board approved in 2011, and it's right here, and I would happily give you a copy if you don't have one, just let me know. We developed it in -- we revised it in 2010. This Board approved it in 2011. As you know, it's a framework on how Nevadan transportation professionals can improve traffic safety through the four Es, and from state, federal, local, all our partners. We're trying to get together. And the strategic plan concept is novel in the fact that we're trying to get rid of those stove pipes and we all acknowledge that engineering -- you remember that circle of engineering or roadway. We're just one piece of that puzzle, and we can't solve the problem. The engineers, as much as I'd like to say we could, we can't, and we acknowledge that.

When we looked at our data, we have five critical emphasis areas that you can see there. I want to show you from the report, first of all, if you look at, I guess, the graph or the chart on the right-hand side, the magnitude between these five emphasis areas. And you can see between '04 and '11 lane

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departures accounted for about 39 percent. They were a contributing factor you could say in 39 percent of the fatal crashes. And you could see through the five emphasis areas, their percentages. You also note that that's more than 100 percent because somebody might not be wearing their seatbelt and they run off the road and there's a fatal crash occurs. We can't really judge is it because they weren't wearing their seatbelt or because they ran off the road, so that crash is counted in both of those bars there.

Now, one of the interesting things is when you look over time -- so this is our five emphasis areas here. And when you look over time from 2004, there's been pretty good progress on four of the emphasis areas, particularly lane departures. But you also notice the pedestrians since about 2009 have been on the increase, and I think they increased again in 2012. So that is an area that we're looking at very carefully.

I brought this slide just to -- this is sort of the big picture, right. When we do our plan, I wanted to show you that the fatality line here is red. And you can see it goes up and down every year. And we don't want to do our planning based on what happens from year to year because it jumps around. It's sort of a moving target. We want to look at a five-year rolling average, and that's what this line is. It gives us sort of a better trend on what's happening. Here's our baseline in 2008, and so this is -- this is where we want -- this is our goal objectives for every year, and here's where we want - - you know, we want to be underneath that. And up until now, we're beneath that. That's good.

Serious injuries is up above. And we include serious injuries, because when you think of statistics and data, 373, for example, across a whole state for a year doesn't give you a lot of good information on where to invest your money. We need to see other data. Serious injuries help us focus those areas that we might -- locations I'm talking about, physical locations, that we might improve, and that helps us make those determinations.

In the document that you have, these are just details of that previous slide. And when you see the red and the blue, red is fatalities, blue is serious injuries. I just did a little summary to show that when you look at fatalities, our five-year rolling average is we're lower than our objectives, which is good. On serious injuries, we're higher in three of the five, but, in fact, we're still below our target for this last year.

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So the really -- the thing I like about the plan is that people working on the plan really came up with performance measures. I didn't ask them to do that. I said, "Well, would you like to?" And they said, "Yes, we do." And it took them a little while to sort out what the right performance measures are. So this is a work in progress when you read the document.

I want to move on to just illustrate just two of the strategies that are in that plan that we're working on. One of them is joining forces. And John Johansen from the Office of Traffic Safety probably has more information about it than I do, but what I can tell you is that Nevada is unique in the sense that a law enforcement officer can write a citation anywhere in the state. So that allows joining forces. So several law enforcement agencies can gather for one high visibility enforcement project or program. This is just illustrating that with the increase of enforcements, there seems to be some sort of correlation and reduction in fatalities. There's been more investment. Unfortunately investment has been receding. It came up a little bit, and I think the Office of Traffic Safety is concerned about that funding and keeping it strong. This has been a very successful, in my opinion, program, and we would very much like to see this continue.

I'm going to move on to giving you an engineering example, if I may. This is State Route 147 in the rural area obviously down in Las Vegas. There's the urban sort of boundary, you can see it right there. I chose this because we're working to implement the Highway Safety Manual. That is a brand new manual. It's a national document from AASHTO. It came out in 2010 with new methodology. So when we looked at this road, this length of roadway, there were 35 crashes over a 7-year period. But maybe that number doesn't sound too high, but the severity of the crashes that were occurring there concerned us, and the nature of the roadway in terms of users was changing. That was our -- what we were observing. So we wanted to see what can we do to improve the safety of this roadway. It's a rural roadway as you may be familiar with, and through our road safety auto program and some subsequent field reviews, we identified six improvements that we could do.

Now, the Highway Safety Manual comes into play because now, using their methodology, for the next 20 years we can estimate if we do nothing, there will be 90 crashes there. So if we do nothing, we can expect 90 crashes. If we do one of the alternatives, and this is one of the easiest ones, (inaudible) rumble strips, we'll reduce the crashes by about five. And if we widen the

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shoulders, we'd reduce them by about 19 or 20, which is very useful information. So now it helps us prioritize, well, maybe we want to do something rather than something else. But the other piece of the puzzle is how much it costs, right? So now, using this methodology we can choose between -- we have a menu of things that we can choose from, but we can also estimate the benefit in terms of crash reduction and then evaluate the cost and come up with the best mix for improving the safety of that roadway. So this is a project that's in process. I chose this particular route as sort of a pilot using this methodology.

So I'm going to move on if that's okay. I'm trying to get going here. I know you have a lot to do. I wanted to end this sort of the annual report portion with the Highway Safety Improvement Program which my office oversees. In 2005 we were receiving 5 million. 2006 Safety Loop introduced the strategic planning concept and increased our funding. They doubled it. And then with MAP-21 in 2012 or '13, they double it again. So I guess the federal government or the legislation recognizes that benefit. Obviously \$21 million isn't going to solve our problem, but I do appreciate the fact that there's more -- we have more resources to utilize.

When you ask about effectiveness, my office -- when we do a safety project, we look at before, you know, before we do the improvement, that helps us identify we need to improve the roadway. We do the improvement and then we collect three years of data after in terms of crashes, and then compare the before to the after. Well, what happened? Well, when you look at those years, we had 57 projects that totaled about \$9.4 million. And when we looked at the after condition, for example, there were 16 fewer fatal crashes after our 57 improvements over the course of years. There was 1200 fewer crashes in total. And if you look at it from an economic perspective, saving those 16 lives, that's equates to \$96 million. So we spent \$9.4 million and received, according to FHWA, using their estimate, we saw a benefit of \$96 million.

I want to move to Clark County because I know that's a concern for everybody here in the state. And I just picked this article. I'm sure there's easy to find articles about what's going on in Las Vegas. But compare that to Chicago -- it was also easy to see an article in this particular case for Chicago. They're experiencing the same concern as we are here in Las Vegas or in Nevada. And the article down below indicates that there was a seven percent increase nationally in fatalities as a result of traffic incidents.

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And Nevada is pretty much right along with that national trend, unfortunately.

I want to show you this -- so the blue line is our state fatalities from 2002 to 2012. And the 2012 number is not final, but that's a pretty good estimate. And the green line below is Clark County. And the thing that is on everybody's mind is that big jump from '11 to '12. Now, before I said, you know, those numbers move up and down, but that's a big jump. That's not just, you know, maybe a year-to-year anomaly. This is a big jump that concerns me and I think everybody. When you look at our state from 2011 to '12, we had 12 more fatalities. That's a five percent increase. In Clark County it was a 45 percent increase. So across the rest of the state there was actually a reduction of fatalities, a big jump in Clark County.

I could show you a map, a 2012 crash map, but I wanted it summarize that in 2012 there was 152 fatal crashes. Fifty-one of them were angle crashes, so think intersections, think running a red light or something like that. And then 72 were noncollision, which is sort of an anomaly. It means you didn't hit another car. You probably hit something. Something bad happened, but you didn't hit another car.

This is the crash map in the urban area for 2012. And I asked my staff to take a look from 2008 to '12. I said give me the broadest definition of intersection and count the crashes, the fatal crashes. There was 535. Only four intersections. Look at all those intersections. Only four intersections in that five-year period experienced three fatal crashes. And 26 only experienced 2. So what that tells you is that, you know, the fatal crashes occur at intersections very randomly or sporadically. You can't really plan that there's going to be a bunch over here. And if I show you 2001 crashes, those dots, they just change. And, again, if you're looking at fatal crashes and doing all your planning that way, you're trying to hit a moving target. And if I was to roll year to year, you'd see those dots just move just like that.

We're concerned about the pedestrians in Las Vegas. There was a 40 percent increase from '11 to '12, but there was also a 60 percent increase in motor vehicle occupants. And I would guess that half of those folks were not wearing seatbelts. Even though we have 94 percent when you look at the survey, oh, yeah, 94 percent of us buckle up, when you look at the fatal crashes, half of those folks aren't wearing their seatbelts.

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I just put this in to let you know that when it comes to pedestrian fatalities it's very, very typical the pedestrian is at fault. They're not crossing in an intersection, it's midblock sometimes, someplace. And when you look -- you guys know Las Vegas, and you know the wide streets, they're straight and go fast. So that is a big issue. And how do we find those folks? That's a big, big challenge. And how do we get the message to those folks that are doing those behaviors?

I put this slide up. I know we're short on time. I just want to let you know that we're working pretty hard on this. In my office we have ten infrastructure projects in Clark County for '12 and '13. There's ten projects that are statewide that impact Clark County. The City of Las Vegas worked on a left turn crash reduction program that was very successful. And the Office of Traffic Safety has many, many initiatives in the Las Vegas area. This is particularly for pedestrians.

So finally, here's a couple things to consider. One is when you look at the NITSA regions, so there's nine regions for the NITSA program, the national program, of the six states we're kind of looking 11 to 12. We're kind of in the middle. We're not the best, we're not the worst. We're kind of in the middle there. This is the slide that really intrigues me. And, remember, in the last few years fatalities nationally were going down very dramatically, and the safety committee was trying to figure out, well, what's the correlation, what changed. And we looked -- not me personally, but smarter people than me looked around and they looked at the correlations. And the one thing that really stuck out is when unemployment goes down, traffic fatalities go up. Now, this is 1949, right? This is 2006. And if you look at the blue against the red, there's a very strong, I guess, inverse correlation between the two.

Well, what does that mean? I asked my folks to look at Nevada's data, and we could go back to 2003, and essentially it's showing the same thing. And obviously during the big recession, that's right about there. The first thing that comes to mind is if you're unemployed you're driving less, right? So that's the correlation. That makes sense. But, in fact, that's not true because nationally when we looked at that, fatalities went down about 15 percent, the vehicle miles traveled reduced maybe 5 percent. Okay. And if you look at our Nevada data, here's VNT, here we are back up to where our peak was, and our fatalities haven't really followed that trend back up.

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So what's going on? The answer is, well, I don't know exactly. I wish I could tell you. But we're really looking at the possibilities of how do -- you know, our biggest challenge is the why. We know the how, and we know the what, and we know the who, but 45 percent fatality increase in Clark County, the population didn't grow 45 percent. I mean, the vehicle miles traveled didn't increase 45 percent. What changed to make that happen? And the answer is I can't tell you right now, but I'm going to look at it a little harder.

If I can end just very quickly, think of this instead of percentages as people. So there's 100 people that lost their lives. And we can just get that driver ring to the other side, we're down to 20, from 100 down to 20. If we can work on this problem right here and be successful with it, we could really go a long way to bring everybody home. And I'm a roadway guy, hey, you know, I want to get a roundabout at every intersection, grade separate all the railroad crossings, flatten all the slopes in Nevada, we can reduce that. Vehicles, now you can buy a vehicle that will reduce your speed. If you're coming up on a car too fast, it'll hit the brakes for you. And then, of course, there's the Google car and that'll be a big thing.

So where I'm going with this is that we can reduce those and we can get to zero fatalities. That's my talk for today. I appreciate your time. I know you're very busy, so that's what I had to share with you. Any questions, I'd be happy to answer them.

Sandoval: That was an excellent presentation, yeah. Do you also analyze whether the accident was attributable to distracted driving and speeding and break it out that way, and age?

Reider: Yeah. Yes. There's two ways I can answer that. We can look at the crash report, and that's typically how my office looks at the contributing factors, what happened. When it comes to distracted driving, that's a very difficult thing to wean out of the crash report because the form doesn't really have a good place to put that. And then the person who survives the crash, they aren't going to say, oh, yeah, I was texting. So you have to sort of infer it a different way. There's also -- for each fatal crash, there's -- the law enforcement have their fatal crash investigators and they go into much more detail about those specifics, and those types -- and the information in the fatal crash would be in the much larger report.

Sandoval: Any other questions from Board members? Member Fransway?

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- Fransway: Thank you. I concur that this is a very enlightening report.
- Reider: Thank you.
- Fransway: And in some ways encouraging, but we're not there yet, obviously. You mentioned a safety committee.
- Reider: Yes.
- Fransway: What's the makeup of that committee?
- Reider: Oh, thank you for asking that question. The report that is in your packet is intended -- there's an executive committee. It's the Nevada Executive Committee on Traffic Safety. There's 14 agencies, including NDOT, that are represented in that committee. They're the executive group that review what folks like myself, we're the worker bees, do in terms of the plan. So there's the executive committee that's reviewing the work. There's a technical working group that oversees the activities of the emphasis area teams, right? So it's sort of three tiers. There's the emphasis area teams, there's five emphasis areas, so there's five teams. They're doing their work that help came up with those performance measures. There's a working group that oversees those activities and kind of collates them and discusses what's going on. And then we report that back up to the executive group.
- Fransway: Okay. Are there any members of the public involved in this group?
- Reider: That's a good question. And I think not at this point. We have had private citizens on occasion attend, particularly either the C18 meetings or the Working Group meetings.
- Fransway: Okay. I respectfully submit that perhaps we may search out that and see if, in fact, maybe the public could have valuable input. And I'm talking specifically (inaudible), Governor, a Governor's Highway Safety Association. And my -- what really brought this on was, there's somewhere in your report, and I don't know where it is, but it targets young drivers ages 16 through 20. And they do have an impact, not always bad, but they do have an impact. And perhaps the Governor's Association would be a way for young people to be involved in the safety issues and driving in the State of Nevada.
- Reider: That's a good suggestion. I like that.

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- Fransway: That's the Governor's thing. And perhaps maybe there's someone on there now, Governor, that represents those age groups, but I certainly think that it may make sense to do something with younger drivers.
- Sandoval: And I will look into that, Mr. Fransway. I don't know if it's a Nevada specific board. It may be a national one. But perhaps I could ask staff to research that and see where Nevada stands, and if we have participated and if there's a potential for (inaudible).
- Reider: If I could, what I can say is that there is a good amount of public input at the grass roots level. So when I mention these committees, et cetera, those are mostly from agencies, but, you know, we reach down through the safe community partnerships say in Las Vegas, and there's many grass roots organizations where the general public are very involved. And those sort of -- that information kind of comes up to us and we use that information.
- Fransway: Okay. Thank you very much. It is the public that use the roads.
- Reider: Absolutely, yeah.
- Sandoval: All right. Any other questions? If there are none...
- Wallin: Governor, I just have a couple questions here. First question is, under the impaired driving, you comment about possibly mandating pending legislation that the ignition interlock would be required for repeat DUI offenders, so I wondering if that's something that might be proposed and what are the obstacles in proposing that. And then just a comment and observation. For our senior drivers, a lot of them will take a driver's course to go and keep their insurance rates down at a discount. I'm wondering if that might be something that we could do for, you know, working with insurance companies to have our drivers take it. Because I think a lot of people, they take the driver's test, they start getting into bad habits and they forget how they're supposed to drive, so it might be a way to reeducate the public. I mean, people don't know to do four-way stops. They think that if the light's yellow, they need to speed up and go. So that's just a suggestion. So if you can comment on the interlock law, that'd be great. Thank you.
- Reider: Thank you. That was Member Wallin I suspect. Great. Thank you for that question. You know, one thing that was very interesting about that, the last legislative session I was supporting the mandatory interlock, and then one of the judges from Carson City came up and said, well, you know, and he wouldn't say he was against it, but he wasn't like hugging it and saying this

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is a great idea, which illustrated to me that the groups I just talked to you about really needed to work more with the judicial and not have these sort of like surprises like, really, you know, you're sitting listening to testimony and go, oh, wow, I didn't know that.

So we did meet with that judge and specifically to ignition interlock. Their concern, and I'm speaking for him, is that it takes some of their leeway away. So they are really onboard with changing behavior, but when it's mandated that they must do it this way, in his opinion, that is not always the best way. It's just that, you know, if you mandate it, then it must be that way. Now, there is opposing discussion that if you look at states with mandatory ignition interlock it does show success. So the last legislation, that really motivated me to get more involved with the judicial folks, and we're working on that now. And maybe, John, is there -- do you know if there's a bill draft for a mandatory interlock?

Johansen: Not at this point. I haven't seen any language in the bill (inaudible).

Reider: Okay. All right. And that was really a learning experience for me two years ago. In regards to the second in insurance, I really don't have enough information to comment on that, except I'd like my rates lower too. I'll take a test.

Sandoval: Do you have any further questions, Madam Controller?

Wallin: No, I don't. But whoever answered the question on the interlock, I didn't hear them because they weren't talking into the microphone.

Reider: Is this better?

Wallin: Yeah.

Sandoval: I believe it was the gentleman...

Reider: Oh, I'm sorry. Yes, I apologize. John Johansen from the Office of Traffic Safety, you want to...

Johansen: On the response on the interlock, I do not know if there is a bill that will address the interlocks again this session. There are several bill draft requests that I just don't have the information on. So I can't answer that question whether or not there is a bill this session. Nobody's contacted our office anyway, let me put it that way.

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- Wallin: Okay. Thank you.
- Sandoval: If there are no further questions, the Chair will accept a motion for approval of the Strategic Highway Safety Plan Annual Report.
- Fransway: So moved, Governor.
- Sandoval: Motion by Member Fransway for approval. Is there a second?
- Krolicki: I'll second.
- Sandoval: Second by the Lieutenant Governor. Any questions on the motion? All in favor, please say aye.
- Group: Aye.
- Sandoval: Motion passes unanimously. Thank you very much.
- Reider: Thank you, Governor. I have one question. Am I still retired, Rudy?
- Malfabon: Not yet. It's whenever you're ready, Chuck. But we do wish you the best if you're not here for the next Board meeting, but I know you're getting close. But, really, thank you for your efforts in trying to drive down fatalities in the Nevada, and to you and your staff, it's a great report. Governor, the next Agenda item was Freeway Service Patrol Program, and Rick Nelson will give that update.
- Sandoval: Yeah, please proceed.
- Nelson: This is Rick Nelson, Assistant Director of Operations. Several months ago there were quite a few questions presented regarding Freeway Service Patrol and the benefit costs associated with our Freeway Service Patrol Program. So over the last few months we've been working very closely with Member Savage to try to answer the questions regarding the Freeway Service Patrol, what it's all about, what it really costs, what the objective of the Freeway Service Patrol is. I do have a PowerPoint prepared, but we're having a little bit of technical difficulty, so for the sake of brevity, I'm just going to click through some high points associated with the benefit cost study that we did prepare.
- You know, the important thing about the Freeway Service Patrol and the reason we have the Freeway Service Patrol is about congestion. Congestion costs time and it costs money. And, for example, Las Vegas in 2001 was ranked 31st in the nation with respect to congestion. That amounts to 27

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million person hours of delay. And what is that in real numbers? That's about \$532 every year for every commuter that's during the peak hour. So congestion really does have a significant impact on the motorists.

Now, in the material there's a little chart that talks about the causes of congestion. There are a lot of different things that cause congestion, but the two biggies are bottle necks, which represent almost 40 percent of all the congestion on the freeways, and traffic incidents, which amount to 25 percent.

So as we're going through our Operations Manual and trying to sort out how we best operate the freeway, when it comes to traffic incidents the Freeway Service Patrol is one of those key services that we can provide to get motorists that are stranded alongside the road, or if there's some crash or something that involves a lane, to get them moving faster. The faster we can get them moving, the smaller amount of delay the rest of the motorists on the system will experience. Now, there are some side benefits to this most certainly. For example, we provide a service to that individual to get them moving, help them get their tire changed quicker, help them make that happen in a much safer way. But the real reason that we're there is to help mitigate congestion.

In the material, there's two maps that were provided that show the limits of the Freeway Service Patrol, and one map for Las Vegas and one map for Reno. Now, one of the things that have come up during these last few months as we've been working with Member Savage and Madam Controller is the fact that we've seen anecdotally, I mean, we've seen with our own eyes that these Freeway Service Patrol vans are helping motorists beyond the limits that we defined in the contract. And that has happened over time as we interact with the Nevada Highway Patrol where we're working with them to provide this service and help them do their job.

One of the things though that is important to us when it comes to our cost responsibilities and the responsibilities of the contract are we've defined these limits and we're working with the Highway Patrol to make sure they understand we want the Freeway Service Patrol to be in areas where there is the greatest concentration of congestion. That's where the greatest bang for our buck occurs and it's where the greatest help for the motorist is. By concentrating in these high areas of congestion, we can keep our incidence counts up. We can help more people. We can mitigate the congestion in the core of the city. So that's taking place right now in cooperation with the

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Highway Patrol to make sure that everyone knows where the Freeway Service Patrol is supposed to operate.

So we launched into a benefit cost study. And as we went through this, looking at how to define benefits and costs, one of the key things to remember is these incidents tend to be random events. There isn't a person that says, okay, today at eight o'clock I'm going to break down at this interchange. So they do tend to be random events. So what that means is it's very difficult for us to physically measure the improvement in delay. You know, to do that you would have to say, okay, we're going to leave this person to change their own flat tire, and it takes them this long, and we're going to go help the next person, and we're able to shorten the delay.

So the way we do this -- the way we do this benefit cost is based on simulation. We've got -- there's very good simulation programs out there, and we can simulate the flow of traffic. What we did was we modeled our benefit cost study after a study that was done by the University of Maryland. They're really a national leader when it comes to freeway operations, and they're study is very current and it's very relevant. So we took our data, our incident data, and we put that into the University of Maryland's study and calculated the benefit cost based on the reduction of delay. I promised I wouldn't get into any math or calculus or any of that, but...

Sandoval: There's some pretty good formulas in here.

Nelson: But suffice it to say that on the chart that talks about the benefit cost analysis, you can actually, if you'd like, we can sit down with you and follow the chart through to its logical conclusion. But what we did -- I guess the important thing, because this is a simulated study, we took two boundary conditions that basically say with the Freeway Service Patrol we can make a 5 minute improvement in delay, or we can make a 15 minute improvement in delay, or a 25 minute improvement in delay. In other words, if someone's stopped, they're changing their tire, without the Freeway Service Patrol it would take them 30 minutes. We're saying, okay, in the worst case scenario for our Freeway Service Patrol, we're only going to improve his delay by 5 minutes, or we're going to get him moving in 25 minutes instead of 30.

If we take that and -- which is a very conservative position with respect to the Freeway Service Patrol, in Reno, we can achieve a 1.17 benefit cost, and in Las Vegas we can achieve a 2.78 benefit cost. And, again, that's

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assuming that the Freeway Service Patrol is just barely improving the delay. In reality, we believe it's more in the 15 minute range, which gives us an almost 4 benefit cost for Reno and an almost 10 benefit cost for Las Vegas. So based on the kinds of incidents that we see in Reno and Las Vegas, based on the kinds of delay improvements that we expect to see, the Freeway Service Patrol, in our opinion, is a very cost effective way to mitigate congestion due to those incidents that occur.

Now, what we propose to do as we're moving forward are two pilots. We plan to pilot a incident response vehicle in Las Vegas. These vehicles are much more robust. They're larger. They have more traffic control devices. They have more ability to treat incidents of a more significant nature, crashes, heavy vehicles and that sort of thing, so we don't have to wait for heavy wreckers and that sort of thing to show up.

And in Reno, we propose to self-perform our Freeway Service Patrol during the interim period between when the current contract expires and when a new vendor could become mobilized to take over that service. So we'll be able to, in a three month period or so, self-perform that activity in Reno, so we can get a feel for another option per se, to provide that service in house. Now, we don't have the personnel to do that in Las Vegas, or the equipment, because the program is so much bigger down south. But in Reno with two mechanics and two trucks, we believe we can provide the same level of service for the Freeway Service Patrol in Reno for that three-month period, again, between when the contract expires and when the next one will take over.

We've included a schedule for the Freeway Service Patrol, the schedule of tasks. The requests are out on the street. And we anticipate making an award for the next round of Freeway Service Patrol in May. So with that, I would happy to answer any questions that you might have.

Sandoval: Will you give a little more detail with regard to, what did you call it, the heavy capacity or what was that, more robust, yes, vehicles?

Nelson: The incident response vehicle, yes. The incident -- right now the Freeway Service Patrol are operating out of vans. And just because of the limited amount of space in the van, they can't carry traffic control devices, some signs to warn people approaching an incident. So these will be a much larger truck. They'll have push bumpers on them so we can actually move people off the road. If we need to, we can set up traffic control in advance

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of an incident. If there's an incident that's involving a lane, a lot of times, you know, it takes a while for our own maintenance forces to mobilize and come out to an incident. If we had that -- if we had those materials available to us on an incident response vehicle that's part of the Freeway Service Patrol, we can set up that traffic control much faster to get people moving through the incident a lot quicker.

Sandoval: What will be the distinction between it and when, for example, NHP arrives?

Nelson: Well, NHP has even more limited space to put their traffic control devices. You notice their little cones about maybe this big. We're interested in bringing out larger candlesticks, larger cones, just so we can set up some traffic control. One of the things that really impacts motorists, the gawking and so on, are the flashing lights. It does make things safe, but when it comes to moving people over, getting them out of the way, regular traffic control devices are a much better way to do that and they're much safer. So these devices would actually be on the incident response vehicle.

Sandoval: Have you consulted with the Department of Public Safety on how those two will interact?

Nelson: Yes. As a matter of fact, we've got a TIM Coalition established in Las Vegas, Traffic Incident Management Coalition that involves NDOT, Highway Patrol, the fire departments, metro, you know, all the agencies that are brought to bear during an incident on the freeways in Las Vegas. They meet with great regularity and we've actually discussed the use of the Freeway Service Patrol, the use of incident response vehicles with all the players down there.

Sandoval: Yeah, I just don't want DOT stacked on top of NHP stacked on top of the fire department stacked on top of perhaps an ambulance response.

Nelson: We don't want that either, and that's one of the things that works against us with respect to freeway operations during an incident. The more people you have out there, the more duplication that you have, the greater the incident becomes with respect to traffic delay. And that's sort of the prime reason for the TIM Coalition, is so everybody knows their role, we can assess an incident early on and only have those agencies respond that need to.

Sandoval: All right. Any other Board members have questions? Member Savage.

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Savage: Thank you, Governor. I'd like to first thank Mr. Nelson (inaudible) as well as other NDOT staff members for gathering and providing the local and national data information over the last few months on the FSPs. It's been very helpful and shall remain very informative as far as moving forward. We realize this can be a very delicate issue to the public and the Department of Safety. I know with other Agenda items prior, similar to the Zero Fatality Program, it might be worth looking into more communication with Department of Safety and looking at the different costs and how things are funded. Currently I believe DOT has funded 100 percent since 1998 in Las Vegas, and in 2002 in Reno. And since 2008 we've all been challenged with our economic downturn, and we realize safety is our number one goal, and shall remain our number one goal.

And with that being said, Governor, I believe that the pilot program for the north can be effective over time. I believe that other agencies must show support, and it should be developed to succeed and not fail. Whether or not mechanics are the correct human resource shall remain yet to be determined. So I have a few questions with that, Mr. Nelson. Were the discussions and considerations about other NDOT personnel other than mechanics discussed, and were there any other option for the in-house patrol?

Nelson: Member Savage, we focused in on the mechanic series within the personnel classifications because our current Freeway Service Patrol drivers are ASE certified. They understand, you know, basic repairs and that sort of thing. We wanted to mirror the Freeway Service Patrol as closely as we could. For us that comes out of the mechanic series. There might be some different grades within that series that make it more appropriate. We're going to put Mechanic 1s out there, the beginning level mechanics, so they have the same training that we require the Freeway Service Patrol to have.

One of the things that's important to us as we're doing these pilots and we're comparing a self-performed activity against a contracted out activity, is that we're using the same measuring stick to measure both sides. I think if we didn't hold our own pilot program to the same standards as the Freeway Service Patrol, we might be criticized for an unfair comparison.

Savage: So along those same lines, I believe that the Department of Safety is the first one to dispatch the Freeway Service Patrol. And my concern would be, again, possible public relations with DPS as well as the public, so I, again, would emphasize the communication with the Department of Safety and ensuring that the program succeeds internally will be supported by DPS.

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Nelson: Well, just a point of clarification. The Highway Patrol does not dispatch the Freeway Service Patrol. The Freeway Service Patrol is a roving patrol, so their mission is to be out there and be on the move through these congested areas so that they can come upon a vehicle before there's a recognition and a dispatch and a send. So now, there is communication between the Highway Patrol and the Freeway Service Patrol, but the principle method of operation is for that patrol to be out there patrolling a beat, if you will, to make sure that if they come upon anybody that they can respond to that incident right away.

Savage: So along the lines with the mechanics, as far as the mechanics being pulled from the service and repair equipment division, and I know our service and repair is -- the load is heavy because of the lack of new vehicles, and I want to ensure that we don't jeopardize safety for any of the DOT personnel as well. So I'm sure you've looked into that. And then on some of the materials that we've received over this past few months, I took interest in the fact that 40 percent of the FSPs are done by in-house DOT, 20 percent were done by other state agencies, and then the other 40 percent were done by private contractors. And I know Washington and Maryland all perform in-house services, so I believe we're on the right track. And I thank you, Governor, and thank you, Mr. Nelson.

Sandoval: Any other questions? Member Fransway.

Fransway: Thank you, Governor, and thank you, Mr. Nelson. I think you've partially answered the question I'm going to pose to you now. And until just now, I did not realize whether this service was dispatched or whether they had an ongoing patrol, and I think from what I heard from you it's both. Am I right?

Nelson: Member Fransway, that is correct. Again, but they're principle mode is to be out there on patrol.

Fransway: Okay. And do these operators and people on patrol, are they trained in EMS?

Nelson: I believe they -- Denise is shaking her head yes, so, yes, there are. They can provide basic first aid and that kind of a response.

Fransway: Okay. And are the vehicles marked? And if so -- I can't recall -- well, of course, I'm the rural guy, so I guess I've never seen one.

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- Nelson: Hit the first slide. This is how they're set up. They're very conspicuous with flashing lights, identifying themselves as a Freeway Service Patrol. All the Freeway Service Patrol drivers have an emblem, a uniform and a patch that identifies them, so when they're walking up on a stranded motorist, you know, we don't want to freak them out with somebody walking up to them. So we want the vans and their uniforms to be very conspicuous.
- Fransway: Thank you. Sounds like a still need to carry a spare tire.
- Nelson: I would encourage that, yes.
- Fransway: Thank you, Governor.
- Sandoval: Any further questions? So what's the next action, Mr. Nelson? I mean, I know we don't -- this is an informational item, but as you described, it's going to -- at least for Northern Nevada, it's going to be going out for an RFP.
- Nelson: The next action will be probably in March. We'll come to the Board requesting the last extension to the current contract in Las Vegas to tide us over until the award is made, which hopefully should come to the Board in May, to award Freeway Service Patrol to the next set of contractors.
- Sandoval: Thank you very much. We'll move on to the next Agenda item. And just for the benefit of the presenters, I think we're going to lose the Lieutenant Governor at quarter 'til. And, Madam Controller, how long do we have you?
- Wallin: Until quarter 'til.
- Sandoval: Okay. Please proceed with Agenda Item No. 9, which is the 2012 State of Nevada Transportation Facts and Figures Book.
- Greco: Thank you Governor. For the record, Tom Greco, Assistant Director of Planning. And briefly, the 2012 Facts and Figures Book, much like all of the other state DOTs offer an annual update of anything and everything that you would like to know about the agency. We started this in 1990. Our goal is that it's printed and distributed by the end of the year. We're a little late this year. I'd like to recognize Dale Lindsey in performance management did the lion's share of this work and research. What is new in this year's document is a summary and a survey. And we have delineated that the data that's in the book, even though it's labeled 2012, is actually

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June of '11 through June of '12. Where there was data available through the end of '12 we noted that. But generally speaking, it is a June to June database. And with that, thank you.

Sandoval: Thank you very much. And I, for one, and I'm sure the others may have a comment, it's very well done. It's just an excellent, excellent report that I spent a lot of time with, and very informative and a job well done.

Greco: And it is available on our website. We do distribute it to the legislature. And any and all interested, we can get you one of these.

Sandoval: Do any of the Board members have questions or comments with regard to the report? Thank you very much.

Greco: Thank you.

Sandoval: We'll move on to Agenda Item No. 10, briefing on the status of Boulder City Bypass, Phase 1.

Malfabon: Thank you, Governor. Our Project Manager, Tony Lorenzi, will give the Board an update on Boulder City Bypass, Phase 1 and some of the right-of-way issues that I had highlighted in the previous Director's Report. Take it away, Tony.

Lorenzi: Thank you, Governor, members of the Board. Tony Lorenzi, Senior Project Manager with the Department of Transportation. I'm sure most of you are somewhat familiar with the Boulder City Bypass Project, so I'll give you a brief status of where we are at now. For those of you that aren't familiar with it, a look at some of the major project elements, realigning a portion of U.S. 93 approximately three miles, a series of a new diamond interchange, half interchange, and a series of direct connector and braided ramps to get onto the 93 from the 95 and vice versa. Existing access will be perpetuated and we have a project website that is up to date with a lot of exhibits. We have the Environmental Impact Statement, the full document, and just a lot of other miscellaneous information that's useful on the website.

Some of the project benefits that we'll highlight here is the main one primarily the signal at the Railroad Pass Casino. We call that a half signal right now, meaning the traffic coming from Boulder City going towards Las Vegas is subject to stopping at a signal. However, the traffic going from Las Vegas to Boulder City does not have to stop. There's a high T intersection there. It has limited sight distance around a horizontal curve, so

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it's a dangerous intersection. And the primary safety improvement for the bypass is pulling the main line away from that casino and creating a much safer corridor for the traveling public.

We also improve truck operations through the corridor, local circulation and this completes the overall bypass. I know a lot of you -- you know, there's Phase 2 is also underway. Phase 1 and 2 project overview, let's see, Phase 1 is the green section here, approximately three miles. Phase 2 is about 12 miles here sweeping below Boulder City. Phase 2 is currently being studied as a future toll road per Senate Bill 506 by the RTC of Southern Nevada. Congress has identified this entire corridor as Interstate 11. Take a closer look at Phase 1. Phase 1 has been split into several packages for delivering. Package 1 is strictly right-of-way acquisitions. We were almost complete with those, pending three of the condemnation parcels that we're going to be talking about. But we had seven private parcel acquisitions, and we had some public land transfers from the BLM and the Bureau of Rec.

Package 2 was split into a 2A and a 2B. Now, Package 2 is this green frontage road that you see here. What we did with package 2A is we put out an environmental contract where we put up tortoise fencing around the perimeter and do all the plant salvaging in advance of getting out there and moving all the dirt for the grading with Package 2. This will help us if there are any tortoises. It's a protected species. If there are any tortoises that come in the site, they can shut down certain sections and not have the whole project being shut down as a whole. So it's a way to look ahead and prevent that from happening. So Package 2B will be the frontage road where the contractor will come in, bring it to the subgrade, they won't pave it yet, and that will prepare a utility corridor for all the utilities underground that will be there.

Package 3, as you can see, the black line work here, that's where we starting looking at the mainline paving and structures. And Package 4 is this reddish-brown line work, the other half of mainline as it ties into the 95. And we've identified this bridge, Package 5, as the railroad mainline bridge structure.

Now, here's a photo simulation looking from the Henderson area towards Boulder City out this way. Here's the Railroad Pass Casino. And here you can see the -- going from Las Vegas to Boulder City, the direct connect ramps there. This is the frontage road that we just talked about, the green line. And this slide here shows the amount of utilities that are in the area.

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There's literally a dozen utilities that have to be relocated, ranging anywhere from underground communications and fiber cable to the large overhead power lines. WAPA is acronym for the Western Area Power Administration. They are moving their towers as we speak right now, and there are, I think, five relocated towers and one new one. And they own most of the power lines that are coming out the dam itself. So there's a lot of utility coordination, a lot of utility construction that needs to take place.

A brief look at the schedule, I mentioned Package 1 is the right-of-way acquisitions. They were estimated at originally 20 to 30 million. Some of these are --we don't know what's going to happen with these settlements, but I believe Rudy briefed you on the last Board meeting. Okay. But we do have right-of-occupancy for all parcels, so we're not limited on any of our -- we can go in and do exactly what we need to do right now. Package 2A, that was awarded to Las Vegas Paving. They are out there right now putting up the fencing and doing the plant salvaging. We anticipate that being completed in mid-summer. And we are within a week or two away of advertising Package 2B. That's where they'll come in and do the rest -- the frontage road. There's a large retaining wall that will be done there, and the remainder of the utility relocations. And we're planning on that to pick up at the end of the summer right when Package 2A is completed.

Package 3 where I mentioned we'll do the mainline paving. That's where we really get into the construction of the project. \$46 to \$55 million range. Right now we've targeted that for delivery in 2015. And Package 4 would follow Package 3. We just don't have a date. It's not identified yet. And Package 5, I mentioned that is a bridge. That could go by itself after Package 4. It could also be constructed with Package 3, just depending on the situation, because it does fall within the Package 3 limits.

Over the last several years the bypass has gone through a series of changes. A lot of the changes were with the schedule. Here we list the reasons for some of these changes. Design modifications. In light of these recent condemnation suits that we are looking at, we looked at ways to refine the geometry to see if there's ways we can minimize the right-of-way acquisitions or eliminate some of those. We spent a few months on those with the roadway designers, and really, there's nothing we can do short of redesigning a large portion of it, which would be kind of redoing the Environmental Impact Statement and kind of starting over at square one moving a whole interchange and whatnot.

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So we could do some of the structural refinements, for instance, our Package 5 railroad bridge, that hit the mainline at a skew, so it made for a large span. Well, our designer -- we consulted out to a bridge designer, and they realigned the railroad tracks and allowed a shorter span so it cut the bridge in half from a \$6 million structure down to probably a \$3 million or less structure.

So we've looked at ways to save money. We've looked at ways to try and avoid some of these right-of-way acquisitions, but right now we're moving forward with the alignment the way it is. I mentioned the three parcel acquisitions. Well, I'll show you a figure of those in a second. And also the funding. Over the years, you know, NDOT has prior -- different projects with different priorities, and so trying to optimize when we can deliver this project versus several of the other projects, that's just -- we just look ahead and see when the best time is to deliver those. But Packages 3 and 4, at one point, those were together. We've split them apart, so we've split this into multiple packages to accommodate our funding needs.

I mentioned the three parcels currently in condemnation. The first one is Jericho Heights. This red rectangular area is the parcel as a whole. The blue portion -- the blue highlighted portion is the three acres that we require for our project. So we just need a small piece of that parcel. The appraisals came in at \$337,000. Now, that was just for the land value itself. And as Director Malfabon briefed you last Board meeting, the inverse claim could be in excess of 60 million. Yes. A little bit, yes. And we're working with the Attorney General and the outside counsel. It's just we -- this project has -- the large retaining wall that I mentioned, it's 28, 29 feet tall, 1,200 feet long. This retaining wall's sole purpose is to bring our project up to meet the needs of that development. So, you know, we'll get into that I guess in the litigation, but it just -- everything we've done with this project accommodates the future development of Jericho Heights. There were several meetings way back when with the developer before I had this project, but -- so we'll see where that goes.

Railroad Pass Casino, it's these squares here. And, again, we just need the blue portion here for our needs. It's about 16 acres, appraised at 2 million, and I believe right now the casino is saying with damages their appraisal is coming in at the \$12 million range. (Inaudible), this parcel here, as you can see, we are requiring about 60 percent of that parcel for an ease. That's the one where we really looked at, you know, truncating this frontage road to

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avoid going through this parcel. But, again, without realigning or without moving this entire interchange, there's really no way to avoid this. We could have lessened the acreage needed for the acquisition, but it wouldn't have done -- we would still be facing the same outcome. We may save a few hundred thousand dollars in right-of-way costs, acquisition costs, but it would cost more than that to make the design changes. So with that, I'll be happy to answer any questions.

Sandoval: I have a question. How do you balance these packages and the spending the money and the acquiring of the property against the likelihood of the funding of the toll road itself?

Lorenzi: Wow. Well, the funding of the toll road -- I hate to defer that, but we've been kind of -- I've been working with the RTC closely throughout this whole thing, and then we just did a public meeting down in Boulder City. Their analysis so far has shown that the toll would pay for maybe a fourth of Phase 2 of the bypass. You know, we'll see what the legislators have to say, but how we balance it, I'm not sure how to answer that.

Malfabon: Definitely, Governor, we would look at the other -- the later phases which are more costly for Phase 1, which is NDOT's project, and look at stretching those out. Particularly since we feel that the large exposure on the inverse condemnation case for Jericho Heights, we probably won't get that through the judicial system for about a year, and we really want to see what -- that's the highest exposure to us, and we want to see what the outcome is from that.

Sandoval: And I think, you know, it begs the comment, I mean, obviously, we don't want to spend a bunch of money on these packages and then not have the road built and essentially have our own road to nowhere. So I think it's important that you keep the Board apprised of what the progress is. I mean, I want to compliment you on all the work and all the planning on this, but as I said, it's a careful balance because we have limited resources and we're looking at Neon as well, and we want to make sure that we put the money where it should go.

Lorenzi: Definitely. And, you know, from what the attorneys are saying, I mean, whether or not this project goes forward now, never or slow, that Jericho Heights the outcome is going to be the same. But this Phase 1 of the bypass can be a benefit, a standalone, and have, you know, even if Phase 2 was not built for years to come, there will still be a large benefit of Phase 1.

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Malfabon: The other thing to note, Governor, is that we are using federal funds which were set aside, so earmarked for the project for this utility relocation and initial phases that we've gone out to construction with. We think that's it's good to use up that money now before Congress could take action to rescind that.

Another point to make is that what the I-11 designation in MAP-21, we feel that the efforts that NDOT undertakes are not wasted, that eventually this will be a future interstate as Arizona's studying their portion on their side. They have a lot more work to do and a lot more years to go through to make that vision become reality. But on our side we feel that we've got our environmental document approved and these efforts will not go to waste.

Sandoval: Any other questions from Board members? Member Fransway.

Fransway: Thank you, Governor. And, Rudy, you kind of answered a question that I'm going to ask, and it is whether or not Congress has identified this project as part of I-11. I think I heard you say that.

Lorenzi: Yes, yes, they have.

Fransway: Okay. Is this the first endeavor for I-11?

Lorenzi: I'm not sure.

Malfabon: Well, the congressional action in MAP-21 was the first designation. There are two ways to designate a future interstate. One is through Federal Highway Administration action which puts a certain timeline on it. The congressional action doesn't come with that same restriction of you have to deliver that within so many years, which is a substantial amount of time, but still, we don't want to be under that constraint.

Fransway: Okay. So the concept of I-11 obviously must be a thought around the country now.

Malfabon: Yeah, it's supported by Congress. When they approved MAP-21, they designated.

Fransway: Okay. And ultimately that's going to be our interstate from border to border, from Mexico to Canada.

Lorenzi: Yeah, that's part of the CANAMEX truck corridor, yes.

Fransway: Okay. Thank you. Thank you, Governor.

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- Sandoval: Any further questions?
- Wallin: Governor, I have a question. Rudy, have you done a -- or have we done a cost benefit study on the Boulder City Bypass (inaudible)? I know that in October I think we approved a contract to do some cost benefit studies and (inaudible) Project Neon and we had, but it was pretty old, and you were going to update that, but I was wondering if we've done one for Boulder City and how long ago that was.
- Malfabon: Yes. The benefit cost study was done several years ago. I don't know if it's been updated, Tony. But it is a major project. We're required by the legislature to do benefit cost analysis on major projects.
- Lorenzi: Yes. We just finished our financial plan for the FHWA, and we're going to be making annual updates to that, so we do have a current plan.
- Wallin: Can we get a copy of that, please?
- Lorenzi: Yes.
- Wallin: Thank you.
- Sandoval: Thank you very much. Great presentation.
- Lorenzi: Thank you.
- Malfabon: Thank you, Governor.
- Sandoval: All right. We'll move on to old business, but, Mr. Director...
- Malfabon: We'll be quick on this item.
- Sandoval: ... I'd ask that you take Agenda Item 11E first, the briefing on Project Neon.
- Malfabon: Sure. It's along the lines of the update. What we're going to do for Board briefings is quarterly we'll have an actual document in the report that gives you an update. But in this month's briefing, it's just what I indicated, the selection of Ernst & Young and Nossaman as the financial and legal advisors respectively. That's all that's occurred. And those advisors will negotiate a contract with them within the next month, get them onboard and start getting that advice that's critical to advancing the public-private partnership availability payment concept on this project. Eventually, Governor, on Project Neon, we will also have a public meeting after we get more along the way on that concept for delivery.

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As far as the other items, Governor, 11A is just additional information that gives you an explanation of lease to hold agreements for right-of-way. That's where we pay the person that has vacant lease property to hold it vacant so that they don't get a new tenant in and then we have to move them out of the way. So a little bit more information for you. We have the standing report on outside counsel costs on open matters. And one thing to note is that we are spreading out the legal outside counsel work available on Project Neon and Boulder City Bypass to try to get more legal firms involved in it. But we all -- we have them work together so that definitely the efforts that we've seen from outside counsel, Laura Fitzsimmons, have really helped to educate the department on how to approach these projects that require right-of-way. And I appreciate, Madam Attorney General, the staff in Las Vegas has been very, very reliable and really coming up to speed on a lot of cases and they're doing great work.

The Monthly Litigation Report is also provided. And Dennis Gallagher is here so answer any questions that you may have on the Monthly Litigation Report. Seeing none. The fatality report is provided for 2012. That's the annual report and, as Chuck Rider showed you, a lot of the statistics unfortunately went up in Clark County, but we are working through our Strategic Highway Safety Plan implementation to drive those numbers down through our Zero Fatalities Program. And that concludes the old business. Governor, next month we should have that final tally on the I-580 including all the legal issues and any claim issues that we settled.

Sandoval: Thank you. Questions from Board members?

Fransway: Thank you, Governor. My question is on the Monthly Litigation Report, and I'm noticing where Chapman is -- it looks like they've garnered \$4,592,000 according to what I'm looking at. And my -- I assume that most of this is relative to Neon condemnation issues?

Gallagher: Yes. Or related inverse claims from the property owners.

Fransway: Okay.

Gallagher: There's a couple cases, non-Neon related. The Cactus Interchange down in Clark County, but I believe all the others are Project Neon.

Fransway: Okay. As we seek federal revenue for this project, will these costs be eligible for federal funding as part of the construction?

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- Malfabon: Member Fransway, in response, we've asked the Federal Highway Administration Division Office on that point, and they said provided that we program the funds up front, they would be eligible. So that's what we're try to do on -- when we realized that we have to hire outside counsel, we believe that those should be considered part of the right-of-way costs, acquisition costs. So we just have to program appropriately so the FHWA will approve that programming and then will reimburse us.
- Fransway: Okay. I know we'll be on top of that.
- Malfabon: But there is a limit, though, that if we have a limit on a project and we program all the funds to it, there's just only so much money available from the feds for a project. So if we're programming right-of-way costs and construction costs, eventually we use up all the federal funds available as we've always done as a state in order to maximize the use of federal funds.
- Fransway: Okay. And are these costs that are reflected in our report, have they been paid or are they outstanding or both?
- Malfabon: Some of these are outstanding.
- Fransway: Okay. Thank you, Governor.
- Sandoval: In this one, the last Chapman Law Firm that has NDOT versus Laura Fitzsimmons, that's just the contract with her, correct?
- Gallagher: Yes, Governor.
- Sandoval: Not sure why it's listed that way.
- Gallagher: It should not have been.
- Sandoval: Okay.
- Malfabon: She has given us a lot of strong advice, but...
- Sandoval: Any other questions from Board members? All right. Thank you.
- Wallin: Governor, this is Kim. I just have a follow-up question. I think it was the November Board meeting, or maybe it was October, I had asked Cole to get us a chart, when we settled that one piece of property in Las Vegas that basically doubled in value in a year, and I said can you go back to tell us what you had estimated the cost was going to be to settle it back then, just so

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we can get a comfort level that our projections on these right-of-ways are going to come in with what we're estimating.

Malfabon: We'll follow up on that, Madam Controller, as old business item next month.

Wallin: Thank you.

Sandoval: All right. Agenda Item No. 12, public comment. Is there any member of the public here in Carson City that would like to provide comment to the Board?

Malfabon: Governor, I wanted to mention something that I was remiss in last month when we had the list of NDOT retirees. And thank you and the Board members for taking the photographs with those that were present. But I forgot to mention some other retirees, and if I just could take just a minute to mention some that retired. Randall Murphy was an Engineer Technician in Materials who retired recently. Lori Bellis was an Environmental. Dave Titzel was an Assistant District Engineer in Reno that covered maintenance. Glenn Folkers was an Engineering Tech on Crew 901 in Las Vegas, a construction crew. Kent Sears was a Manager 1. He was the Traffic Engineer in Las Vegas, recently retired in December. Bill Bowman actually ran the permit office up here in right-of-way. So they did a lot of coordination with the permits that come in from the districts, and he retired recently. John Dunt, Maintenance Worker 4 in Carson Maintenance. Elaine Martin, who was really helpful for me throughout my career at NDOT. She was a Management Analyst in Accounting, and very frank and just -- she was very...

Sandoval: We always appreciate that.

Malfabon: ...didn't pull any punches. But she also would tell me, you know, what her thoughts were. But she was very helpful on closing out some of these issues with local agencies and our agreements with them and billings. Sharon Turner was involved in construction administration in Las Vegas, did a lot of work on picking up the projects. Mike Musgrove is another friend of mine, acquaintance from years past when I worked in Vegas. He was an Assistant Resident Engineer that work in Elko for over the last decade, and wish him well. Parviz Noori I mentioned went to work for the Federal Highway Administration after he retired from us, so he's over in North Dakota. He was working in the Materials Division before he retired.

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Lawrence Gordon is a Maintenance Worker 3 in Las Vegas. And John Marden who had, I think, over 40 years, worked in Winnemucca. We wish him well. I know he gave many years of service to the department and did a lot of good work in traffic and permitting there in Winnemucca, utility coordination.

Sandoval: Well, if you would convey the Board's appreciation for their service to the state, I would appreciate that.

Malfabon: Thank you, Governor, I will.

Sandoval: Thank you. Is there anyone present in Las Vegas that would like to provide comment to the Board?

Larkin Thomason: There is no one here, Governor.

Sandoval: Thank you very much. All right. Then we'll move on to Agenda Item No. 13. Is there a motion for adjournment?

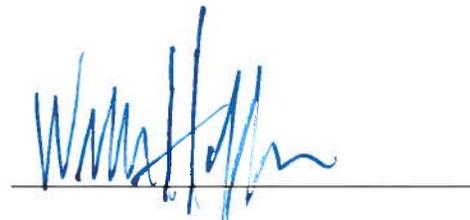
Cortez Masto: Move for adjournment.

Savage: Second.

Sandoval: We have a motion by the Attorney General for adjournment, second by Member Savage. All in favor, please say aye.

Group: Aye.

Sandoval: Motion passes. Thank you, ladies and gentlemen.



Secretary to the Board



Preparer of Minutes