



Department of Transportation
Board of Directors
Notice of Public Meeting
1263 South Stewart Street
Third Floor Conference Room
Carson City, Nevada
June 2, 2014 – 9:15 a.m.

NOTE: In accordance with provisions of NRS 241.015(3)(b)(2), prior to the commencement of the meeting, the Board of Directors will receive information from counsel regarding potential or existing litigation, involving a matter over which the Board of Directors has supervision, control, jurisdiction or advisory power and may involve deliberation toward a decision on the matter, or both. Any action taken on this matter will be taken at a duly noticed public meeting. This is not a public meeting and will not be open to the public.

AGENDA

1. Receive Director's Report – *Informational item only.*
2. Public Comment – limited to no more than three (3) minutes. The public may comment on Agenda items prior to action by submitting a request to speak to the Chairman before the Meeting begins. *Informational item only.*
3. May 12, 2014 Nevada Department of Transportation Board of Directors Meeting Minutes – *For possible action.*
4. Approval of Agreements over \$300,000 – *For possible action.*
5. Contracts, Agreements, and Settlements – *Informational item only.*
6. Condemnation Resolutions – *For possible action.*
 - a. Condemnation Resolution No. 444

SR 650; South McCarran Boulevard; RTC Washoe widening project, from Longley Lane to Greg Street; in the City of Reno and the City of Sparks; Washoe County, NV – 1 owner; 2 parcels
 - b. Condemnation Resolution No. 445

I-15 Freeway, from Desert Inn Road to the US-95/I-515 Interchange; Project NEON; in the City of Las Vegas; Clark County, NV – 2 owners; 2 parcels
7. Acceptance of Amendments and Administrative Modifications to the FFY 2014-2017 Statewide Transportation Improvement Program (STIP) and approval of changes to the 2014 NDOT Work Program – *For possible action.*
8. Briefing on Request for Proposal (RFP) for an Operational Audit of Nevada Department of Transportation – *For possible action.*
9. Briefing on the I-11 and Intermountain West Corridor Study – *For possible action.*
10. Presentation on Financial Comparison of Project NEON Delivery Options – *For possible action.*

11. Old Business
 - a. Report of Outside Counsel Costs on Open Matters – *Informational item only.*
 - b. Monthly Litigation Report – *Informational item only.*
 - c. Report on Settlement out of State Tort Fund – *Cooper vs. NDOT, et al., USDC 3:09-cv-00640-RCJ-VPC – Informational item only.*
 - d. Report on Condemnation Verdict in Jury Trial in the Matter of *State of Nevada, Dept. of Transportation vs. The Alexander Gendall and Lily Gendall Trust, et al. 8th JD Case A-12-666487 – Informational item only.*
 - e. Report on Approval of Settlement for a Direct Condemnation action in the Matter of *State of Nevada v. Ad America; (Cactus) 8th JD Case No. A-12-666482 – Informational item only.*
 - f. Quarterly Report on Freeway Service Patrol – *Informational item only.*
 - g. Fatality Report dated May 5, 2014 – *Informational item only.*

12. Public Comment – limited to no more than three (3) minutes. The public may comment on Agenda items prior to action by submitting a request to speak to the Chairman before the Meeting begins. *Informational item only.*

13. Adjournment – *For possible action.*

Notes:

- Items on the agenda may be taken out of order.
- The Board may combine two or more agenda items for consideration
- The Board may remove an item from the agenda or delay discussion relating to an item on the agenda at any time.
- Reasonable efforts will be made to assist and accommodate physically handicapped persons desiring to attend the meeting. Requests for auxiliary aids or services to assist individuals with disabilities or limited English proficiency should be made with as much advance notice as possible to the Department of Transportation at (775) 888-7440.
- This meeting is also expected to be available via video-conferencing, but is at least available via teleconferencing, at the Nevada Department of Transportation District One Office located at 123 East Washington, Las Vegas, Nevada in the Conference Room and at the District III Office located at 1951 Idaho Street, Elko, Nevada.
- Copies of non-confidential supporting materials provided to the Board are available upon request.
- Request for such supporting materials should be made to Holli Stocks at (775) 888-7440 or hstocks@dot.state.nv.us. Such supporting material is available at 1263 South Stewart Street, Carson City, Nevada 89712 and if available on-line, at www.nevadadot.com.

This agenda was posted at www.nevadadot.com and at the following locations:

Nevada Dept. of Transportation
1263 South Stewart Street
Carson City, Nevada

Nevada Dept. of Transportation
123 East Washington
Las Vegas, Nevada

Nevada Dept. of Transportation
310 Galletti Way
Sparks, Nevada

Nevada Dept. of Transportation
1951 Idaho Street
Elko, Nevada

Governor's Office
Capitol Building
Carson City, Nevada

Clark County
200 Lewis Street
Las Vegas, Nevada

Washoe County
75 Court Street
Reno, Nevada

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Governor Brian Sandoval
Lt. Governor Brian Krolicki
Controller Kim Wallin
Tom Skancke
Len Savage
Tom Fransway
Rudy Malfabon
Bill Hoffman
Dennis Gallagher

Sandoval: It's 9:00, so I'll call the Nevada Department of Transportation Meeting to order. As I said, Member Skancke is attending from Las Vegas. Member Fransway is participating telephonically. We'll begin with Agenda Item No. 1, which is the Director's Report. Director Malfabon, please proceed.

Malfabon: Good morning, Board members, Governor. I wanted to mention that I have to depart to catch a flight. At about 10:30 I have to depart, so the meeting will continue and Bill Hoffman will oversee it. I chair a national committee for highway traffic safety and our annual meeting is in Mobile, Alabama, which is having floods and thunderstorms. I'm looking forward to it.

First slide, please. I wanted to mention on April 29th, President Obama unveiled his four-year, \$302 billion proposal for reauthorization. There's \$199 billion for highways, but there are several new programs that see funding increases. For the highways portion, it's pretty much related to increases to keep up with inflation. And for the way that the President is proposing to address that gap in funding from the fuel tax revenue that the Feds take in is through corporate tax reform. That's \$150 billion, a substantial amount of money. I think that that's what assumed to be generated over 10 years, so you can see he's using that over this four-year period that he's proposing.

One thing that's gotten a lot of press was that the federal proposal to lift the ban on tolling existing interstates. A lot of states were being approached by the media about that lifting of that band. In Nevada, obviously, we haven't had a discussion at the Transportation Board about that issue, but there was a handful of states that were authorized to toll existing interstates as a pilot project. And what that means is if a state was going to look at something like a truck-only toll lane, building some new infrastructure and tolling on the existing interstate to pay that project off, then they could look into that. And it was to allow this for all the states, not to say that it would make sense

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for all of the states, but it would be an option that the President is proposing to lift that ban so that it's an option to states.

Next slide. This gives you an idea of the spending levels. I had mentioned \$199 billion for highways and the other programs, Federal Transit Administration, Federal Motor Carrier Safety Administration, the NHTSA is the Highway Traffic Safety Administration, FRA is rail. The TIGER Program sees substantial increases. Where we've got the \$600 million for this year, in fiscal year '14, you see that column for what is current levels, \$55 billion, but you see that substantially growing in the years, in this proposal, in '15 through '18.

Next slide, please. And, Governor, I wanted to mention that I did receive from AASHTO and from FHWA summaries of the GROW AMERICA Act. So we will e-mail those to the Board members today so you have all of this information in detail. And you'll notice in the AASHTO document that it's going to be more editorial comment about whether it's acceptable to the state DOTs, because there are significant policy changes that would possibly allow more money to be shifted to the MPOs, which are the RTCs in our state, then that would come from the money that the state currently controls. So that is a significant issue that AASHTO has addressed in that policy paper that you'll see.

Senator Boxer chairs the Environmental and Public Works Committee, and she hopes to present something this week, a draft of her portion. The Senate EPW Committee has jurisdiction over highways, so that \$199 billion is what she's going to address in the policy issues related to highways. I heard that it could be as soon as today, but hopefully this week the announcement will be made on her committee's proposal, and we'll share that information with the Board as soon as we receive it.

Next slide, please. Oh, and I mentioned on that last slide, there was \$18 billion of a gap on an annual basis to make up, and that's really going to be a challenge to address that. It could be a general fund transfer as what's been done in the past. Okay, next slide.

State Route 207, the full closure started and will end May 23rd. As we saw that there was some confusion for some folks traveling through that area, as much outreach as we conducted through our communication staff and Q&D's public outreach consultant, there was still a few people that were surprised by that. We had a lot of media coverage. We had a lot of announcements, a lot of public meetings about it, but still didn't capture everybody, unfortunately. The...

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Sandoval: Before you go on...

Malfabon: Yes.

Sandoval: ...the Lieutenant Governor has a comment.

Krolicki: Good morning, Director. I just want to say I believe that the 207 project has been extraordinarily well-handled. I was going to do this under public comment as a resident of the Stateline area. My family and the folks who we deal with everyday have nothing but kindness to say as to the -- especially the flaggers. I mean it's a very frustrating situation. Delays can be a half an hour. But they have the same flaggers at the same intersections every day, all day. There are personal relationships that are being offered, you know, meals at restaurants and things, but they've really done a marvelous job. I don't know if anyone is here from Q&D today, but between NDOT and Q&D, I just want to say a very, very difficult situation that...

Malfabon: Yes.

Krolicki: ...was a challenge to communicate to all has been well-received. And just that interaction just facilitates a lessening of tensions that would normally exist. So I say well done.

Malfabon: Thank you, Mr. Lieutenant Governor.

Krolicki: Thank you, Q&D.

Malfabon: And I'm sure that the project team appreciates those comments. Q&D worked really hard with their public outreach consultant, and we actually added some additional meetings. We did talk to our public information staff about getting some of those cards from their outreach consultant for those residents up there that didn't have that card and were surprised, if they showed up here that we could hand them one of those.

Krolicki: If I may. Some of the folks who are more challenged about having to take the detour over 50, the people who commute to work, they may live in the -- so the residents of the Kingsbury Grade and the Tahoe Basin, I believe for the most part, did receive the cards. Thank you. I used one yesterday going over the top. But the folks who have to commute to commercial offices sometimes, they're far more inconvenienced. And they do it every day. I don't go over Kingsbury every day, certainly. So if there's some way to perhaps provide more accommodation to those working commuters that would be great. But I'm sure you've got a system in place, but that's the only

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shortfall I've seen, but I don't know how you take care of that, except for word of mouth.

Malfabon: Thank you. I wanted to mention on the I-580 contract with Fisher, they did submit, recently, a request for additional compensation. A substantial amount, \$4.2 million. The district has rejected that. The areas that they had requested additional compensation for were scour protection at Galena Creek, impacts to the Portland cement concrete paving, or PCCP as we call it, operations due to the dowel baskets. The dowels are steel bars that transmit the load from the trucks and cars on the pavement joints. There was also other additional cost increases for the PCCP, the concrete paving, and something that's called crete testing, which is as concrete dries out you get deformation or it kind of moves a little bit. And that arch bridge that was a requirement that NDOT had for crete testing, so that we made sure that the mix design was enough to give us an idea of how much deformation would happen over time. And they had to do additional testing and they were asking for compensation for that.

The next step would be that we will -- since district has rejected it, it comes up to headquarters for consideration, because the contractor definitely won't accept that and just walk away. They'll exhaust every avenue available to consider this request. The details of the request will be discussed at the Construction Working Group meeting, so we'll keep everybody informed through that venue.

Sandoval: Yeah, and this is a bit of a surprise...

Malfabon: Yes.

Sandoval: ...because I thought we had discussion that this project was done. When they received their last payment, was there any kind of closure document there or did it leave an opening for a claim like this?

Malfabon: Typically, they have so much time to make any claim. I think that we received their letter in April, I believe. So it was just recently received and responded to.

Sandoval: But have they given any kind of heads-up that, you know, we're taking this last payment, but we still have some issues that need to be resolved?

Malfabon: I don't know if Rick Nelson has any insight whether they gave us a heads-up, Governor.

Nelson: Good morning, Governor. For the record, Rick Nelson, Assistant Director for Operations. This is one of those situations where they actually haven't

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received their last payment yet. Until such time as we go through the books and tally up all the books, that we'll actually make that final last payment, release their retention and that sort of thing. We've been working diligently to close out this project since before the construction was completed. We're probably about three-quarters of the way through, you know, all of the books and quantities and so on. We hope to have this project closed out in the next four or five months.

But it's not uncommon for contractors to submit these late claims. And one of the things we're working on, in the Construction Working Group, is to tighten up our specifications, put more emphasis on the notice and time frames for working these through because, unfortunately, this is probably more common that we care to see it happen.

Sandoval: But we opened it what, two years ago? It's been open for -- how long has the road been open?

Nelson: The...

Malfabon: About a year and a half.

Sandoval: Year and a half? And, you know, I don't want to even bring up the other litigation that has been associated with this, and now we're looking at this which could be -- so you're going to reject it and then it's going to go through that appellate process and then it's going to likely go to litigation. And so now we're looking at another few more years before this project is completely closed out.

Nelson: We try to get our facilities back open to traffic just as quickly as we can, as soon as construction will let us. Because the contract is open to traffic doesn't necessarily mean there aren't work items left to be completed on the project, so we didn't reach substantial completion until a period of time after it was opened to traffic.

Sandoval: But it doesn't sound like the issues that are challenging have anything to do with substantial completion.

Nelson: That is correct. That is correct.

Malfabon: Governor, we would have to get with the resident engineer to see if they had a heads-up from Fisher Industries about these four issues that they brought up in their request for compensation.

Sandoval: Yeah, and, you know, I can't speak for the other members of the Board, but this is a real sore spot for me because of the amount of litigation and the amount of money we've already paid out.

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Malfabon: Yes.

Sandoval: And there was the issue with the first contractor and now we've got an issue with the second contractor, the issue with the landowner, the issue with the water rights. All of that. And so it's kind of here we go again.

Malfabon: Yeah.

Sandoval: Member Savage.

Savage: Thank you, Governor and Mr. Malfabon and Mr. Nelson. I too am very, very disturbed that this is a last minute call from the contractor. I felt that the Department treated the contractor very fairly and with the time expired. You know, we had talked about the 10% retention at the Construction Working Group and I still believe that that would be a tool that we have to seriously consider in the future. I know it was turned down because of the legislature and everything, but I think it's something we really need to look at to protect the Department. And, again, I just want to voice my concern that this (inaudible) and everybody can move on and end up with a good relationship with the rest of the group, because I do feel the state treated it very fairly. Thank you.

Malfabon: Thank you. Continuing on with the report. County tours just started last week. I wanted to thank Controller Wallin for accompanying us to Nye and Esmeralda County. I also visited Lander County last week and Deputy Director Hoffman visited Humboldt County. So the county tour process is an annual process where we visit all the counties and some of the tribes around the state. It's part of an outreach where we hear what the transportation issues are for the local agencies; discuss what's happening on the federal level, what policies or programs are available to them. And the Federal Highway Administration is really pushing more of this direct connection between the state DOTs and the local agencies called a consultation process. So we get good feedback from the county commissioners and the folks that are in the audience at these county commission meetings. A very worthwhile process.

Next slide, please. I wanted to keep the Board informed of some recent settlements and verdicts. There was a former employee that was suing us, alleging discrimination. We had prevailed in the initial court case. She had filed with the Ninth Circuit Court of Appeals and this case was settled out of the Tort Claim Fund, so we won't request approval from the Board of Examiners. But the amount of the settlement was very minimal with details to follow to the Transportation Board.

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There was a right-of-way issue on Cactus Avenue Interchange that was approved by the Board of Examiners. We had offered an amount based on our appraisal, and there was a settlement reached for an additional \$65,000 from that initial amount deposited with the court. So, ultimately, with that additional \$65,000 that the Board of Examiners approved, the final amount for that property was \$542,000 approximately. And the details of that, for Ad America case on Cactus Avenue Interchange, will be presented to the Board in next month's packet.

Recently NDOT went to trial on a property called the Gendall property on Project NEON. Our amount of appraisal was about \$1.9 million and the other party was higher. During the trial, after the jury was deliberating, they offered a settlement that was higher than the jury verdict. So one thing that was interesting to us, though, that one of the concerns with -- we are very selective on what we take to trial. If we're far apart and there's no movement from the other party on a settlement that's acceptable to the State, then we go to trial. In this case, the jury made a comment, because we polled the jury afterwards, and they said, well, we really didn't believe the State's appraisal and we thought it was too low. We felt that the property owner's appraisal was too high. So, again, it's what we see often is the jury finds somewhere in between.

And because it was a jury verdict, it does not go to the Board of Examiners for approval, but the details of this case will be presented next month, as well, and with the jury verdict of \$3 million, the State does have to pay reasonable legal costs and also the interest from the date of valuation. So it's been a couple years, I think, from the date that it was valued.

Sandoval: So what's the all in on this one?

Malfabon: It's going to be about what they offered, and the amount higher is probably -- I think that they offered \$3.2, so it's going to be in that range, Governor.

Sandoval: So it's \$200,000 for interest and attorney's fees if the jury verdict was \$3 million?

Malfabon: That remains to be submitted to NDOT for review. That's typically the process. I don't know if you can respond to that, Dennis.

Gallagher: Yes. Governor, for the record, Dennis Gallagher, Counsel to the Board. The post-trial motions have just begun. They're entitled to certain costs and certain fees associated with it. They're going to be arguing for attorney's fees. We will dispute that. We don't believe that they're authorized under the law. We'll have a write-up for the Board next week and I will be getting

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NDOT management to review the potential should there -- there are appealable issues, and to review that and, of course, the landowner may appeal, too, in which case we'll find ourselves before the Supreme Court one way or the other.

Sandoval: What was the offer before it went to jury?

Gallagher: It was after all the evidence had been submitted...

Malfabon: What was (inaudible)?

Gallagher: ...the jury went out -- oh, the original offer. Well, the offer right before it went to the jury was about \$3.2. Prior to that the landowner had sought different amounts at different points in time. I believe their appraised value of the property was over \$4 million.

Sandoval: But if our offer was \$1.9 and their offer was \$3.2, and the jury came back with \$3 million, it's likely that once it's all said and done with attorney's fees and interest, that we're subject to a judge -- if the court awards it obviously, but if the court agrees with them, attorney's fees and interest will likely bring it over \$4 million, I would imagine.

Gallagher: Well, Governor, one of the arguments also that landowner's counsel is making is that the interest in these matters is compounded daily. Obviously, that is something that we contest and will continue to contest vigorously. And I'm sure that issue, ultimately, will be resolved by the State Supreme Court, too.

Sandoval: I guess the -- and maybe I'm not being clear, but it's a big number, I would imagine with interest and attorney's fees. A much bigger number.

Gallagher: It will be bigger. I believe it may come in somewhere, again, depending on how the court views the interest calculation. But their costs and interest could come in -- it'll come in at about \$3.2, \$3.3.

Sandoval: On a \$3 million jury verdict or is that \$3 million on top of the \$3 million?

Gallagher: No, that's on the \$3 million jury verdict.

Sandoval: So \$200,000 for fees and costs and interest?

Gallagher: Again, the interest calculation could be a huge one based upon, you know, the alleged date of taking. Compounding it annually versus compounding it daily, I would have to defer to Madam Controller for that calculation. But, yeah, that's a huge number.

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- Sandoval: Well, I guess what I'm saying is I'm trying to stop getting surprised by big numbers, and so it might be good just to kind of...
- Gallagher: Sure.
- Sandoval: ...let us know what might be coming in this case. And who tried the case for the State?
- Gallagher: The Attorney General's Office and the Chapman Law Firm.
- Sandoval: Mm-hmm. Okay.
- Malfabon: On the final item here; previously, we had discussed a parcel referred to as Jericho Heights on the Interstate 11 Boulder City Bypass project. There was the parcel that we hired Laura Fitzsimmons to help us out on as outside counsel, and have spent a lot of money on outside counsel and subject matter experts. But I wanted to report to the Board that the efforts paid off. We recently had a settlement conference. And this, as you recall, the owner's attorney said that this property -- from the date of taking and everything that occurred with what their position was that they were saying the State owed them \$60 million and they eventually offered a settlement of \$32 million. And the details will come. The settlement agreement has not been signed yet, Governor. We hope to sign it today or early this week and that will go to the Board of Examiners in June, but the amount that we settled at was substantially less than that. So I think the efforts of Ms. Fitzsimmons and the legal support group and the folks in Right-of-Way, everybody involved in this paid off dividends because the number will come out in the Board of Examiners request, but it was substantially lower than that \$32 million offer that we had received several months ago.
- Sandoval: And what was our initial appraisal for that piece of property?
- Malfabon: It was less than \$1 million.
- Sandoval: Yeah. Okay.
- Gallagher: Excuse me, Governor, if I may just follow upon that. This is an 82-acre parcel. NDOT had determined that approximately 3 acres was needed for the Boulder City Bypass. Condemnation resolution came before this Board, which authorized that we file the direct condemnation action, and at that point in time the landowner filed a 13-count counter claim alleging that the entire 82 acres had been taken by the State back in 2005. And thus their claim, at least in some of the initial pleadings, that they had been damaged over \$160 million plus, plus, plus. Later on, they came down and offered to settle for over \$30 million. And we continued to litigate it and as the

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Director pointed out, mediation was conducted last week before former Judge Stew Bell. And the parties, late Thursday evening, I think, about 10:30, reached a tentative settlement. It was somewhat complicated because in addition to the landowner there were banks that are based on the East Coast that were involved on the landowner's side, so it made the settlement discussion somewhat difficult. But hopefully we'll be presenting to the Board of Examiners a settlement as soon as we can to get this matter resolved.

Sandoval: Yeah. Will we get all 82 acres out of that deal?

Gallagher: No.

Sandoval: Okay. Well, I'll wait for the details to come.

Gallagher: Yes, sir.

Malfabon: Next slide, please. A little update on TIGER grant. We had submitted our application for \$20 million for Project NEON, as well as co-sponsoring with White Pine County where we'd taken on the Northern Nevada Railroad TIGER grant application. RTC of Southern Nevada, I gave you a report last month, but we had a change. RTC of Southern Nevada decided not to submit for I-11. They have another financing plan in mind using federal funds, and it's going to work out well for them in using up all their available federal funds for the STP local category, Surface Transportation Program category.

We issued nine letters of support partnered with ADOT on two applications; the I-15 Virgin River Gorge, which is important for folks traveling from Utah to Southern Nevada, and the environmental study for future I-11 in Arizona, which is important for that corridor from Mexico up to Nevada and through Nevada.

Next slide, please. An update on Project NEON. We provided individual briefings on the finance elements to the Board members. The right-of-way acquisition is continuing, and we have several cases that are in the possibility of reaching some settlements. I've seen the -- some of the numbers are getting closer, at least. So I think as we've taken some of these cases to court, Governor and Board members, that it's showing that we're willing to fight where we're far apart and they're being unreasonable in our opinion. But in some cases, where we're very close, I think that we'll be taking those settlements to the Board of Examiners. And some of these being commercial properties will be substantial, but we will -- as I've tried to do today, is keep you informed even before they get to that point once we reach a settlement.

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Our project team is going to Washington D.C. this week to interview with a TIFIA program administrator from the Federal Highway Administration. They'll discuss the TIFIA application for Project NEON and include the term sheets in the release of the RFP for the TIFIA program portion of the financing. In June, I will be presenting a follow up to the December 2013 IFC request when they approved the \$100 million -- basically the change to our budget to receive that revenue and expend it for Project NEON right-of-way. They asked that I come back and give a more detailed presentation on the financing model under the P3 delivery method. So we'll be preparing that presentation and delivering it in June to the IFC.

One-on-ones were held last week with the three P3 teams. They provided a lot of feedback and the project team received some guidance from the Director's Office on some of the questions raised in those one-on-ones. Our next Board meeting is three weeks away and two Board members are not going to be available, unfortunately. So we were considering requesting release of the request for proposals for the P3 procurement for Project NEON at that meeting. If it's the pleasure of the Board, we could delay that to July, when all Board members, I think, should be present. We'd have to confirm whether all Board members are present in July, but I know that two members are not available on June 2nd.

Sandoval: Madam Controller.

Wallin: Okay. I don't know where this should come up or not, but when we had our one-on-one meetings and stuff and we saw the difference between the traditional financing versus the P3 model and the present value between those two is getting a lot bigger. I would like to have a discussion on do we continue down the P3 route versus doing traditional financing at this point in time, because of the 11% increase in financing costs, which we still don't have the details on. So my preference would be to have that discussion at the June Board meeting and then we know what we're going to release in July.

Malfabon: That could be appropriate.

Sandoval: Actually, I think that's a great suggestion...

Malfabon: Very good.

Sandoval: ...so that we could do the finance piece at the June meeting and then have this item for discussion and consideration on the July meeting.

Malfabon: We'll do that. Thank you. Good suggestion. Next slide, please. An update on Interstate 11 Boulder City Bypass. Tetra Tech, our naturally occurring

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asbestos consultant, their plan, I believe, was approved by Volpe, who was working as the consultant to Federal Highway Administration. The RTC of Southern Nevada is going to be amending our interlocal agreement to add additional funds to NDOT to pay NDOT for Tetra Tech's testing, doing the air monitoring on phase two, which is the RTC's phase. So that will add additional expense to the Tetra Tech contract with NDOT, but it'll be paid from the proceeds that we receive from RTC.

- Sandoval: So that'll be on top of the \$460,000?
- Malfabon: Yes. But we'll receive from RTC the expense for the work that they're doing on phase two.
- Sandoval: And we're still scheduled to have that work completed by August?
- Malfabon: The testing, we should have the results in August. Their work continues as far as the assessment, but we should have the initial assessment done.
- Sandoval: But what's that mean? I mean, we've got to have this done by August. That's the bottom line, in order to stay on schedule.
- Malfabon: Governor, we are pushing Tetra Tech to do it as rapidly as possible. They also hired two labs so they could do the testing of the asbestos as rapidly as possible using two labs rather than just relying on one. So they're taking steps to try to accelerate the sampling and testing and analysis.
- Sandoval: But who's working for who? I guess -- I mean don't they know that there's a sense of urgency here to get this done?
- Malfabon: Yes, they do. And they will have their draft report in August. The final report was going to be September, but the draft report will be sufficient enough to know what we're facing out there, in August.
- Sandoval: Well, again, the whole time we've been talking about this August has been the target date, and now we're talking September.
- Malfabon: Well, their scope of work goes through September.
- Sandoval: You know, I don't know what else to say. I thought we had it clear that it needed to be done by August. I mean, as I said, this thing keeps sliding and I don't want it to happen. Mr. Hoffman.
- Hoffman: Governor, yeah, if I may. For the record, Bill Hoffman, Deputy Director. All the schedules that I've seen show substantial completion on analysis by Tetra Tech by August, the date that we, you know, confirmed before this Board. We're set and ready for that August date. So all the schedules I've

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seen show August. As Director Malfabon said, the scope of work does carry past September, but we'll know what we're facing in August. Actually, there's preliminary testing and analysis and results that'll come in starting next week, I believe, right, John? I mean they're testing...

Terry: Yes, (inaudible).

Hoffman: ...analyzing, they're pushing forward. The schedule is accelerated. We're going to meet the August date.

Sandoval: Okay. All right. Good. Thank you, Mr. Hoffman.

Hoffman: Sure.

Malfabon: Yes, I didn't explain that well enough. Sorry. And next month we will present the I-11 corridor study, that's the joint study with ADOT, for your direction to us on -- that issue has recently -- Washoe RTC had been working with Senator Heller's office about some language that was acceptable to put in the next reauthorization of the transportation bill. As far as getting it to the northern border and making that effort -- you know, basically making federal funding accessible to that, making it a priority for the federal government. So I believe that Lee Gibson, during the public comment period, will come up and address some of his Board's position on I-11 and their desires. However, we feel that through Brian McGinnis, Governor, your representative in Washington, D.C., we felt that we had language that was acceptable to NDOT and to ADOT.

We're fully aware that ADOT is looking to get their environmental -- as I mentioned during the TIGER grant update, they're trying to get their environmental studies funded through federal funding. So we worked with everybody to make sure that the language was acceptable that Senator Heller was offering for inclusion in the bill. But the important thing is that the Board will basically take action on this corridor study in June. We'll be requesting that action.

Sandoval: And does that corridor study decision include the determination between Highway 93 and Highway 95?

Malfabon: I believe it does. Is Sondra Rosenberg in the audience? No. I believe...

Larkin-Thomason: Governor?

Malfabon: ...that recommendation will be made.

Sandoval: Yes.

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Larkin-Thomason: Excuse me. Governor?

Sandoval: Yes.

Larkin-Thomason: For the record, this is Tracy Larkin-Thomason, Deputy Director in Southern Nevada, and I've been working closely with Sondra on this. There will be some recommendations of preferred alternatives that will be presented to you for your comment and consideration. And that will include, basically, the portions that are north of Las Vegas and the whole corridor, basically. So the recommendations with their recommended alternatives will be presented.

Sandoval: Okay. And will it...

Larkin-Thomason: It includes the 95 and 93, yes.

Sandoval: So will it be mature enough for the Board to make a decision with regard to 93 versus 95?

Larkin-Thomason: Yes, it will be -- in general, yes. But even if you were to choose one over the other there are still more studies that would need to be done before the environmental -- before going into a NEPA study, because even within the corridors they're broad. So, for instance, say you were coming up 95, and this is just a for instance, you could be coming up 95, hit 95A then go into the Reno area and up 395, or you could be going up 95 and then go straight up through Winnemucca and then up that way to the northern border. So there are different alternatives even within the general path.

Sandoval: Okay. Understood. There's starting to be a little bit of curiosity, I think would be the right word as to what the preferred route is going to be between 93 and 95. And I know we've talked about this, and one of the things that I wanted to get completed was I know there were a series of public meetings with the possibly or potentially affected communities. And we've been through all that piece of it, correct?

Larkin-Thomason: This is still a very high-level study, so even when you're looking into the area around Las Vegas there are three recommended alternatives in the Las Vegas area. And even if you were to look at those, within certain areas, it's not defined as we're actually going to go down this road to this road to this road. It means generally we're looking at a connection between here and here, A and B. The exact route is not defined, no.

Sandoval: No, and I understand that part, too, that there's some concern by the residents of Henderson given that potential route. There's the straight up the 95 route and there's the 215 route that goes through Clark County. Those

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three are the ones that I'm aware of. But I guess the big picture is either going through the Eastern Nevada on the 93 or the western route on the 95. Is that something that at least this Board is going to be able to weigh in on in the very near future?

Larkin-Thomason: Yes. And there's also one more large final public meeting that's coming up next week.

Sandoval: Okay. And that's something that I want to be completed is all of these public meetings so that all the individuals that are out there that could be affected will have a voice and input with regard to the final decision.

Larkin-Thomason: And that is happening, but please understand this is still a very high-level study, so that as you go into subsequent studies, and there will be recommendations on that, that is when you would get in and actually do the alternative analysis at a more local level, and that would have greater outreach to the local level.

Sandoval: Okay.

Malfabon: Thank you, Tracy. Next slide, please. So any other Board questions before we go on to public comment?

Sandoval: Let's see, just a comment, and I meant to mention this with regard to that IFC meeting in June. Please be sure that you've talked to the legislators before you go into that meeting so that it doesn't go like it did last time, because I think a lot of legislators would have appreciated having a little bit more time to chat about the financing, particularly on that \$100 million bond issue. And then last meeting I had talked about picking up the trash on I-80...

Malfabon: Yes, on the...

Sandoval: ...and it looks horrible. I just drove it and...

Malfabon: Unfortunately, Governor, when -- our staff in District 2 did clean up the trash after you made that comment last Board meeting, and then we had several weeks of just windy weather and it just -- you can go there the next day and there's trash blown in again, unfortunately.

Sandoval: Well, do we have that Adopt-a-Highway program? I thought we did with the groups that come in and clean that up.

Malfabon: We do have a Sponsor-a-Highway and Adopt-a-Highway programs both, but it's not a daily type of trash pickup.

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- Sandoval: No, and I appreciate that you got on it right away, but it just really puts out a bad impression when you drive through town and you see all the plastic and trash caught up under the bushes and on the side...
- Malfabon: Governor, they definitely will go and hit that section again on I-80.
- Sandoval: Okay. Other questions or comments from Board members? Madam Controller.
- Wallin: Rudy, this is just a follow-up. I know we've talked about it. I'm still waiting for the crash data from January of '14 on Highway 50 for the years 2003 and 2007. So I would really like to get them this week. I mean it shouldn't take five months to...
- Malfabon: I promise you that you will receive that this week. It shouldn't be that difficult and I know that Deputy Director Hoffman talked specifically to the safety staff to get that information to you.
- Wallin: Great. Thank you.
- Sandoval: Tom, did you have any questions or comments?
- Fransway: No. Thank you, Governor.
- Sandoval: Okay. Mr. Skancke?
- Skancke: I'm good, Governor. Thank you.
- Sandoval: Thank you. Mr. Lieutenant Governor.
- Krolicki: No. Having the example of the Governor take great risk at propelling himself in a driverless vehicle sponsored by Google, I was hoping to hear something about...
- Malfabon: Oh, yes.
- Krolicki: ...my journey tailgating in the platooning technique that Mr. Hoffman and I enjoyed and others. But, you know, that was to me going to be the highlight of this NDOT meeting, so I don't know.
- Malfabon: I'm sorry, Mr. Lieutenant Governor.
- Krolicki: The things we do for NDOT and the people of Nevada.
- Malfabon: It was very new technology platooning commercial vehicles, trucks on I-80. It was tried out on and exhibited between two interchanges on I-80. Thank you, Mr. Lieutenant Governor, for being present that day. As you stated,

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Mr. Hoffman represented the Department. I was on a county tour that day. But it is very promising technology and it's going to ultimately save lives, I think. This technology by the Peloton Company is -- these trucks can follow each other. They have fuel savings from drafting, one behind the other. And the thing is that you're seeing a lot more of this technology being put in passenger cars as well, so that it's better -- although it's concerning for drivers to kind of give up that type of control to a computer onboard in the car, the computer can make those decisions. And you're seeing these commercials now where it's warning the driver of something in their blind spot or braking automatically so that if somebody abruptly brakes in front of you.

The vehicles are getting more and more of this technology in them. I think that in the years to come you're going to see a lot of automobile manufacturers adopt this as a standard and not just -- you'll see it as an option initially, but it's such an important safety issue that it's going to, I think, nationally going to drive down fatalities as this technology is implemented in vehicles.

Krolicki: Governor, if I can just follow up. Thank you, but that's not what I was looking for, but I appreciate it. But on a serious note, this is about being able to save fuel in double digits; I mean 10, 11, 12% fuel savings for those vehicles that are platooning. It's also about safety. A computer can react far swifter than the best and most alert driver. But this really goes -- so we had NDOT was present, but we also had DMV, DPS, but importantly GOED. And I just think, Governor, you'd appreciate -- especially, you know, we've talked about the driverless technology that you've demonstrated very bravely. We've certainly talked about the unmanned aerial vehicle technology, and this platooning is in that same sector. So the opportunities, you know, currently Peloton is co-venturing and partnering with DRI and I think UNR and other places to further develop this technology, software and other kinds of things, this could be a future (inaudible). It just goes into the theme of really cutting edge transportation.

So we should be very proud that (inaudible) is working with different pieces of Nevada to prove it out and hopefully to commercialize it and we can all benefit from it.

Malfabon: Thank you. That concludes my Director's Report, Governor.

Sandoval: Thank you very much. Next item on the Agenda is Public Comment. Is there any public comment from Southern Nevada?

Skancke: No, there's no one here, Governor.

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Sandoval: All right. Two individuals signed in for public comment. Mr. Scott Hall.

Hall: Good morning, Mr. Governor and Board members. My name is Scott Hall. I'm with the Nevada Bicycle Coalition. And I know it's a serious morning already, but it is the beginning of Bike to Work Week and I hope everyone is out there on Social Media Monday taking a selfie and hashtagging it for Bike Nevada, #nevadabike.

We've been very supportive -- supported by Director Malfabon and the NDOT staff. He just pledged, at our Nevada Bike Summit, \$10 million for biking and walking. And we've already seen that the return on investment on bike and walking infrastructure is in the order of five to nine times. That's a 900% return for our bicycling network. This is allowing us, as you've seen in Vegas, Carson City, Reno, and even Elko, pushing more people out into the environment. I know we had a rough Saturday, but on Sunday Wingfield Park in Reno was literally crawling with people who were enjoying themselves, having a fun time and improving their community.

In Las Vegas, they already had the Elvis ride. Of course, that's a classic. Thanks, Tina. And shows that people really want to be part of the community riding if they feel safe. And safety is definitely one of the bigger issues and the fear of safety. So as we can put in more bike lanes, more green lanes, that shows people that there is a designated spot for bicyclists. They are transportation users and they are taxpayers.

We've already had quite a bit of activity with the Nevada Highway Patrol. They just did an enforcement education process on Old 395 through Pleasant Valley; that when I was growing up that was road rage central, and now it's a country lane with people riding their bikes. So I applaud NHP for doing that and I think Southern Nevada will be doing the similar thing.

When we look at investing, not just this \$10 million but all of our community assets into a bicycling network, the leaders are in Europe, Netherlands, and Denmark. They started in the early '70s and they put in a small amount, 2%, consistently year after year, and now they have a world-class bicycling network. Luckily, Nevada is small enough that we can do that in our urban areas and then connect through the rural areas. So I think that in 20, 30, 40 years, we'll all have perfect bicycling areas.

But in the meantime, we're competing with other states. UNR, UNLV are competing with other universities. Reno and Las Vegas are competing for tech startups. And they're all our friends from the Bay Area, from overseas, and they want to come to a community that supports their children, their

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elderly family members. And as we've seen with the issue with Tesla, they're going to be looking at Nevada, because we have a lot of resources. But we have to put out the welcome mat saying please come in. Our schools are great. Our bicycling is great. You'll enjoy it.

Finally, we had an unfortunate drop from number 20th in the country to number 30th in the latest league of American bicycling ranking. So our state needs to get back on the train to get lower and show that we're one of the best places to ride in the West Coast. And we're doing that as a coalition. We're working with all members of the community and we've even developed an iPhone and Android smart app that will produce data that we can use to help NDOT, to help the RTCs, and help all the cities track where bicyclists are actually riding. And Strava data is already being publicized right now, and the Oregon Department of Transportation has signed a contract with Strava for multiyear use of that data so that we can see where people are actually using our infrastructure, because we don't want to waste. We want to target where the benefit is the most.

So, again, please ride this one week. I know everyone can get a bike out of their garage, just like they did during the bridge ride on I-580, and we can have thousands more people out there having a good time. Thank you very much.

Sandoval: Mr. Hall, if I may ask one question.

Hall: Sure.

Sandoval: Is the measurement by which we dropped from 20 to 30 the number of miles of bike lanes? Is that...

Hall: That's included in the engineering part, but there's also the enforcement, the education, encouragement, and the evaluation. So we're strong on a couple of them. We've gotten threes, but we're still lacking and we have a few ones.

Sandoval: All right. Thank you. Thank you very much. Mr. Gibson.

Gibson: Good morning, Governor and members of the State Transportation Board. For the record, I'm Lee Gibson. I'm the executive director of the Regional Transportation Commission of Washoe County. And today what I want to do is bring you up to speed on just a few items related to RTC and NDOT interaction. And first and foremost, as Rudy mentioned, is I-11.

On April 18th of this year, my RTC passed a resolution supporting the I-11 corridor designation from Las Vegas to the Reno-Sparks area in Washoe

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County. The RTC of Washoe County believes there's a logical connection and nexus with those corridors that are under consideration in that study, and clearly believe that as you move forward in your deliberations on those corridors, looking at the facts that relate to how the two largest metropolitan areas can be connected is going to hopefully, clearly come out in your deliberations and decision.

I also want to thank Ryan McGinnis. Again, as Rudy mentioned, we were contacted by Senator Heller's office, but we also worked with the entire delegation. We did come to an agreement with some language working with Ryan McGinnis. The language specifically that will be offered for the Boxer bill, as I understand it today, is one that just recognizes the decision of the ongoing studies and the actions of this Board. So clearly as you move forward to the planning process and make refined decisions within the context of your corridor study, hopefully those will feed the federal legislative process. Our delegation will have those refined decisions as they move through, and hopefully a bill comes out of Congress that will benefit our entire state.

To change subjects slightly, Governor, I understand you've put in a request to take a tour of the southeast connector. I'd like to extend that invitation to the entire State Transportation Board. This is a project which we are very proud of at the RTC of Washoe County. As many of you who live in Northern Nevada may see every day, the bridge over the Truckee River is moving forward. In fact, I believe we're going to be opening that up later this summer. We're working very diligently with the Corps of Engineers on the 404 permit, hopefully getting ready to receive a decision on that permit here in June. This project is, we think, an exceptional project for our region. We'll be not only providing better mobility and connectivity between South Reno and Sparks, to the Sparks Boulevard I-80 area, we're also going to be restoring over 140 acres of wetlands and improving the quality of those wetlands. We're going to be dealing with and mitigating a mercury issue that's been out there for over 150 years as a result of the Comstock. And I think perhaps something I know Scott Hall knows a lot about, we'll be installing a five-and-a-half-mile multiuse path that's going to give pedestrians and bicyclists an opportunity to visit these wetlands and experience the restored environment.

So with that, Governor, for those of you who would be interested in a tour of the southeast connector, I'd suggest you contact Jeff Hale, Director of Engineering at the RTC of Washoe County, or Michael Moreno, the public affairs administrator. So with that, I'm done. Thank you very much.

Sandoval:

Thank you very much, Mr. Gibson. Lieutenant Governor.

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- Krolicki: And I'd be delighted to join that if the schedule's worked out. This isn't about I-11 or the new connector. I just want to say thank you, because I don't get you in this room very often. While we are on hold, the Reno-Tahoe Winter Games Coalition, you know, has done so much work over the years, but Lee and his group at RTC have been extraordinary in their assistance and helping put together the transportation plan for the Reno-Tahoe Winter Games Coalition, and I just want to say thank you.
- Gibson: You're welcome, Lieutenant Governor. And one thing I would like to mention, during the Reno-Tahoe discussion on the winter games, a lot of issues surfaced regarding the role of public transportation and economic development. The RTC of Washoe County has formed a blue ribbon committee to look at some of these questions and we'll be reporting some of those results back to you here at the Nevada DOT. Rudy and his staff have been a big supporter of the multimodal investments that the RTC has made. We'll continue to do so as we move forward. And I think this blue ribbon committee is going to really focus on policy areas where we can perhaps work better.
- I'm also remiss on the I-11 point. I do want to compliment your staff, Governor; the staff of the NDOT from Rudy on down to Sondra Rosenberg have been fantastic. The public outreach program has been excellent. Many of my Board members have participated in those stakeholder working groups. This includes Bonnie Weber, the chair of the RTC, along with Ron Smith, the representative from Sparks, as well as --I know other elected officials from Washoe County, including Marsha Berkbigler and Mayor Gino Martini have also participated. So everyone's been very positive about the work process that's been ongoing and we appreciate that opportunity.
- Sandoval: Thank you. Is there any other public comment from Carson City?
- Madole: Good morning, Governor, Board members. John Madole representing the Associated General Contractors in Reno. I was just going to suggest -- it's my understanding that you have accumulated some money in your ending fund balance. And if you were able to take, perhaps, half of that excess that you don't need, put it out. There's a lot of jobs that need to be done, a lot of construction workers are out of work. If you found \$50 million and you picked some of the jobs that need to be done, made the highways safer, you could put 1,400 people to work that could certainly use the work. Thank you.
- Sandoval: Thank you, Mr. Madole. Any other public comment? All right. We'll move to Agenda Item No. 3, the April 14, 2014 Meeting Minutes. Have the

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members had an opportunity to review the minutes and are there any changes?

Fransway: Governor?

Wallin: Go ahead and let Tom.

Sandoval: Member Fransway and then the Controller.

Fransway: Thank you, Governor. I refer you to Page 90, please.

Sandoval: Okay.

Fransway: Line 2, opposite my comment toward the bottom of the page should read, "Only member" and then "present today." The second line after "member" should read "Only member present today." And then also the third line should refer to action taken September 2007, instead of 2008. And then Page 95, middle paragraph, opposite my name, fourth sentence starting with "My problem" should read "why didn't you" instead of "why did you." And then on that same paragraph, Governor, the fourth line from the bottom of that paragraph should read "September of 2007" instead of "2008." That's the only suggested changes I have, Governor.

Sandoval: Okay. Thank you, Mr. Fransway. We'll go to the Controller.

Wallin: Thank you, Governor. Page -- well, yeah. Page 14 of the minutes. Okay. Yeah, I think it's Page 14. Oh, shoot. Oh, sorry, Page 15. Down there it's like one, two, three from the bottom where I'm talking where it says "inaudible." This is where, "And, Director, when would we be approving these projects if we're able to spend the excess funds in the highway fund." And I think that addresses John's comment that he made that we have excess funds, so just add "spend the excess funds in the highway fund on additional projects if we don't spend it for right-of-way."

Sandoval: Any other changes? I don't know if we can call them minutes anymore. Maybe we should call them the hours.

Wallin: The dates.

Sandoval: All right. In all seriousness... So with the changes suggested by Member Fransway and the Controller, the Chair will accept a motion for approval.

Wallin: Move to approve.

Sandoval: Controller has moved to approve. Is there a second?

Savage: Second.

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- Sandoval: Second by Member Savage. Any questions or discussion on the motion?
All in favor, please say aye.
- Group: Aye.
- Sandoval: Opposed no? The motion unanimously. We will move to Agenda Item No.
4, Approval of Contracts over \$5 million.
- Nellis: Governor...
- Malfabon: Thank you, Governor.
- Nellis: Oh, sorry.
- Malfabon: This will be presented by Robert Nellis, Assistant Director for
Administration.
- Nellis: Thank you, Director, Governor, members of the Board. There is one
resurfacing contract under Attachment A on Page 3 of 9 for the Board's
consideration. This project is on State Route 431 Mt. Rose Highway from
.11 miles east of the Mt. Rose Summit to US 395. There were three bids
and the Director recommends awarding the contract to Granite Construction
Company in the amount of \$10,293,293. Just some data on the project; the
length of the project is 16 miles. It'll take 180 working days to complete.
The estimated completion is by summer 2015. And portions of the project
were last paved in 1992 and 2004. Does the Board have any questions on
this item?
- Sandoval: You're anticipating all our questions. That's good.
- Nellis: That's right, sir.
- Sandoval: Madam Controller, did you have a question?
- Wallin: It's just a comment. It said that the BRAT assessment was attached and I
don't have it in the electronic format, and I don't know if those who get
paper have it there or not. I always like to look at that, especially since this
is 81% of the engineer's estimate, so I can kind of understand why.
- Nellis: Madam Controller, I believe we can forward that electronically to you.
- Wallin: All right. Thank you.
- Nellis: Thank you.

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- Sandoval: Board members, any other questions with regard to Contract No. 3558 with Granite Construction Company? If there are none, the Chair will accept a motion for approval.
- Krolicki: Move to approve.
- Sandoval: Lieutenant Governor has moved to approve. Is there a second?
- Wallin: Second.
- Sandoval: Second by Madam Controller. Any questions or discussion on the motion? All in favor say aye.
- Group: Aye.
- Sandoval: Opposed no? The motion passes unanimously. Does that complete Agenda Item No. 4?
- Malfabon: Yes, Governor, it does.
- Sandoval: Let's move on to Agenda Item No. 5.
- Nellis: Governor, there are four agreements under Attachment A on Page 3 of 22 for the Board's consideration. The first item is an amendment for eminent domain in the amount of \$275,000. The second is for \$289,911 for a CMAR preconstruction services for the pedestrian bridge escalator replacement project located in the Tropicana/Las Vegas Boulevard south intersection. And then Item No. 3 is for \$1,149,708 and that's to prepare the I-15 Tropicana Interchange feasibility study report. And finally, Agenda Item No. 4 is the third amendment requesting to increase authority by \$800,000 for ongoing eminent domain litigation for the Boulder City Bypass project. Does the Board have any questions for the Department regarding any of these items?
- Sandoval: Questions from Board members? Madam Controller, then the Lieutenant Governor.
- Wallin: Okay. Thank you, Governor. Just a couple things here on the pedestrian bridge escalator replacement. There was a piece in there that said that you guys were going to look to get LVCVA approval because they would be helping to fund some of this, but if not we would use state funds. Can you tell me where we're at with that?
- Nellis: Sure. I'll have Assistant Director John Terry answer that.

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- Terry: Again, Assistant Director for Engineering, John Terry. Actually, probably shouldn't word it that way. We already have that approval and have an executed agreement with the LVCVA on this project.
- Wallin: Okay. All right. It wasn't clear. Thank you. I have one more thing here. On the increase in Laura Fitzsimmons' contract of the \$800,000, and based on the comment that Director Malfabon made earlier today about, you know, additional settlements in Project NEON, I would like to know if we could have a closed Board session just to have Ms. Fitzsimmons come in and tell us where we're at with Project NEON and the right-of-way and what's going on. Can we do that, Mr. Gallagher?
- Gallagher: For the record, Dennis Gallagher, Counsel to the Board. Of course, we can arrange that.
- Wallin: Because I just -- you know, because we keep adding on to the legal costs so that's more money.
- Gallagher: Sure.
- Wallin: So I'd like to know what's going on.
- Gallagher: I would point out to the Board that this item was placed on the Agenda prior to the mediation last week, and while assuming the settlement is finally reached and executed, this dollar amount will not be reached in this contract or maybe a small portion of it. But this figure was to include the multi-week trial that was set for this summer in this particular matter.
- Wallin: Okay.
- Gallagher: And similarly, while I don't wish to jinx it, Item No. 1 is kind of in the same position. We're very close to a settlement with Railroad Pass Casino. I would anticipate, if we are able to get it signed off by all the parties, that this dollar amount may just be touched just a little bit.
- Wallin: Okay. But I would like to have a meeting with the Board to kind of get Ms. Fitzsimmons' update on where we're at with the right-of-way, if that'd be possible.
- Sandoval: Perhaps we could schedule it before the regularly scheduled meeting so that we don't have to inconvenience everybody...
- Wallin: Okay.
- Sandoval: ...by coming in and out.

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- Wallin: Yeah. Okay. Thank you.
- Malfabon: And, Governor, would (inaudible)...
- Fransway: Governor, if I may.
- Sandoval: Okay. One moment, Tom. The Director has a comment then the Lieutenant Governor. Do you still have a question? Okay. After the Director makes his comment then we'll have your question.
- Malfabon: What I was going to say is that if possible, if some of the Board members are not able to travel but can participate on phone, I would recommend that. We would provide any kind of slide presentations to them ahead of time so that they can look at the materials and with the amount of vacations and travel of all the Board members, I'd like to get them all there for that discussion with Ms. Fitzsimmons, by any means possible. I think that it is timely to have that conversation about the right-of-way on Project NEON.
- Sandoval: Tom, go ahead, please.
- Fransway: Okay. My question was in relation to what Madam Controller said. I agree whole heartedly that we need to have a discussion with Laura Fitzsimmons. But my question is why -- I would prefer to have that in open session. Why could we not do that?
- Malfabon: I would recommend against that because the concern would be that she's giving us legal advice, and in a public setting it's going to tip our hand of our legal strategy to the lawyers for the property owners.
- Fransway: Okay. I understand.
- Skanche: Governor?
- Sandoval: Member Skanche.
- Skanche: Thank you, Governor. For all of you that are down in Las Vegas, there are actually billboards in the I-15 and 95 corridor that eminent domain lawyers have put up -- they're probably \$20,000 or \$30,000 a month for these billboards -- suggesting to the public and landowners that they call these particular law firms. And one billboard says, "Is NDOT illegally taking your land? Call our law firm." There's another that basically says, "If you want to make millions from the Department of Transportation, give our law firm a call." So I think it's wise for us to be proactive in this effort, because there are lawyers in the Las Vegas community that are being very proactive. And I would support a closed session with Ms. Fitzsimmons to have a discussion where we go from here. This is going to be an expensive

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proposition to defend ourselves and be proactive, but I think we need to be proactive.

I did have a question regarding Item No. 3, since I brought this up at the last meeting. Can you give me an idea of what the CA group is going to be doing to prepare a feasibility study? Can someone share with me what that means "to prepare for feasibility study"?

Terry: Assistant for Engineering, John Terry. I mean, they are doing the feasibility study. I was going to come up here and take credit for -- you asked for some improvements at Tropicana, and within a month we had this going, But we had this ongoing for a long time, getting ready for this. Tropicana has a lot of issues. I mean they are going to study what's the best thing -- probably the result of the study is what's the best thing to bring into the NEPA process to actually do what improvements at that interchange. The feasibility study will entail what to do with the very old Tropicana Bridge over I-15, because we'll have considerations for how we could widen I-15 under there, to what to do with Tropicana at Industrial Road, and what to do with the Flyover Bridge if we reconstruct the interchange. So it is a comprehensive feasibility study of what to do at that interchange.

Skanccke: When will that report, John, be done? Do we know?

Terry: I would say it'll be a six to nine-month process.

Skanccke: Okay. And is this an on-call contract or did this contract go out for a bid?

Terry: It went out for a solicitation and they were successful on an individual solicitation.

Skanccke: Great. Thank you so much. Thank you, Governor.

Sandoval: Any other questions with regard to this Agenda item?

Fransway: Governor?

Sandoval: Yes, Member Fransway.

Fransway: Thank you, Governor. Item No. 2, please. Could someone possibly explain the discrepancy between the \$260,000 described on Page 7 and 9, which include a \$20,000 contingency, and the actual request of \$289,911 in the same line item?

Malfabon: I can...

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- Fransway: I also see an additional \$30,000 of reserve funds for Whiting-Turner to use at -- it seems to be their own discretion. The way I read it, the actual cost is \$319,911, which is some \$60,000 more than what's described on Page 9.
- Terry: Again, John Terry, Assistant Director for Engineering. I mean we prepare this memo that's included. It is the negotiation summary with the contractor. It is prepared pre-final execution of the agreement. Some of the discrepancies were resolved so that we could execute the final agreement. And in terms of the \$30,000, we chose not to put that in this agreement at this time, and if we do have to do this risk management services, we would add it because we didn't have it defined. So I guess my best explanation is they do their best with the negotiation summary to summarize how we got to this point, but the actual agreement is in the actual amount that's asking to be approved, and some of those things get worked out in the final execution of the agreement.
- Fransway: Okay. So it's kind of standby of whether or not the \$30,000 is going to be needed?
- Terry: Because they didn't have all the data of what risk management they may use as a part of the process, it was chosen not to put in the agreement now. And if we choose to do so later, we will amend to do so, but we simply did not have the information together in the right format to add it to the agreement at this time and we may not use it.
- Fransway: Okay. Thank you.
- Sandoval: Any other questions from Board members on Agenda Item No. 5? If there are none, the Chair will accept a motion for approval of Contracts 1, 2, 3, and 4 as described in Agenda Item No. 5.
- Wallin: Move to approve.
- Sandoval: Controller has moved for approval. Is there a second?
- Krolicki: Second.
- Sandoval: Second by the Lieutenant Governor. Any questions or discussion on the motion? All in favor say aye.
- Group: Aye.
- Sandoval: Opposed no? Motion passes unanimously. We will move on to Agenda Item No. 6, Contracts, Agreements, and Settlements.

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- Nellis: Thank you, Governor. Again for the record, Robert Nellis, Assistant Director for Administration. There are two contracts under Attachment A found on Page 4 of 9 for the Board's information. The first project is to construct two 60-inch drill shafts and perform Osterberg load cell testing in Clark County. There were two bids and the Director awarded the contract on April 10, 2014, to Aggregate Industries SWR, Incorporated, in the amount of \$545,000. The second project is for street sweeping in Clark County. This is a two-year contract and there were six bids. The Director awarded the contract on April 8, 2014, to CleanStreet in the amount of \$435,335.20. Does the Board have any questions for the Department regarding either of these items?
- Sandoval: No. Please proceed.
- Nellis: Thank you, Governor. Under Attachment B there are 41 executed agreements down on Pages 6 through 9 for the Board's information. Items 1 through 6 are acquisitions and cooperative agreements. Items 7 through 13 are one event and facility agreements, and then Items 14 through 23 are interlocal agreements and leases. And then finally Items 24 through 41 are property sales and agreements for services. Does the Board have any questions on any of these 41 items?
- Sandoval: Questions from Board members? Madam Controller.
- Wallin: This is just something that I would like to see, and this would be true for Project NEON and for I-11. On, let's see, Items 34 and 41, we have expert witnesses for the Jericho Heights. What I would like to see is when we do these settlements, you know, like the one that we were just talking about for the \$3 million or it might be \$3.2. But how much other money did we spend to get, you know, when we do the final settlement, kind of keep a running total to see what we're spending, because we get little bits and pieces here and there. So I'd like to kind of have that as a follow-up item, additional information so we can kind of see that.
- Malfabon: We can do that, Madam Controller.
- Wallin: Thank you.
- Sandoval: Any other questions or comments?
- Fransway: Governor, 39 please. Governor, my question is, are we drilling a new well here?
- Malfabon: This is a replacement well at Cosgrave rest area, so it is a new well.

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Fransway: Okay. Obviously, it wouldn't have been possible to revamp the existing well or deepen it?

Malfabon: We have...

Fransway: It seems like...

Malfabon: Member Fransway, we have...

Fransway: Go ahead.

Malfabon: ...we have a responder. Anita Bush, our Chief of Maintenance and Assets Management will respond to that question.

Bush: Thanks, Rudy, Governor...

Fransway: Thank you.

Bush: ...members of the Board. The Cosgrave well, it was contaminated. The log casing was broken and we couldn't really insulate it in any way, shape, or form. So we have to protect -- we have to cap the existing well and drill a new well. But I think the casing was...

Fransway: Okay. So the bottom line is it's necessitated because of contamination?

Bush: Yes.

Fransway: Okay. Thank you. Sorry that had to happen.

Bush: He's on the phone, right?

Sandoval: Okay. Yeah. Does that satisfy you, Member Fransway?

Fransway: Yes.

Sandoval: All right. Thank you.

Bush: Okay. Thank you.

Sandoval: Any other questions from Board members on this Agenda item? Does that complete your comments?

Nellis: Yes, Governor. That completes the items under Agenda Item No. 6.

Sandoval: All right. Thank you very much. We'll move on to Agenda Item No. 7, Direct Sale.

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- Malfabon: Thank you, Governor. Agenda Item 7 is for direct sale of the property located along the portion of US 95 between North Decatur Boulevard and North Valley View Road. As some of these items have been brought to you previously, they're remnant parcels left when we bought the houses next to US 95 for the widening project. There were these remnant pieces of land, and the adjacent property owners are willing to purchase them from NDOT. If there are any questions about Item No. 7 or Item No. 8, Paul Saucedo, Chief of Right-of-Way Division is here to respond to those.
- Sandoval: Why don't we cover No. 8, as well, if you would.
- Malfabon: Okay. This is in a similar area, North Decatur Boulevard and North Valley View Road along US 95. And both parcels are approximately the same valuation for the appraisal, very minimal amount but they really have no value as independent parcels.
- Sandoval: Any questions from Board members with regard to the direct sales described in Agenda Item 7 and 8? If there are none, the Chair will accept a motion for approval.
- Skanccke: So moved.
- Krolicki: Second.
- Sandoval: Member Skanccke has moved for approval of Agenda Items 7 and 8. The Lieutenant Governor has seconded the motion. Any questions or discussion? All in favor say aye.
- Group: Aye.
- Sandoval: Opposed no? Motion passes unanimously. We will move on to Agenda Item No. 9.
- Malfabon: Thank you, Governor. And I really appreciate the effort that District Engineer Kevin Lee put into this request. He volunteered to present the item to the Board. In working with the three districts across the state that have maintenance and construction oversight responsibilities, they did a lot of work to identify what are the worst units in our fleet that need to be replaced, and also worked with the Headquarters Divisions that use primarily light fleet vehicles to incorporate the light fleet and the heavy fleet request into one request for both years of the current biennium.

Unfortunately, I have to leave, but I just wanted to mention that we did look very critically at what vehicle maintenance costs were, look at the average maintenance cost for some of these vehicles for upkeep, and try to get the worst of the worst identified here. And the other thing is that you'll notice a

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discrepancy between the \$5 million a year that's approved in our biennial budget for equipment. We have been using \$1.5 million for another program called the Rebuild Program. So we take some of those units such as depicted in that slide there on the title sheet. To rebuild those ones that are good -- that are basically not that bad of shape if we rebuilt it, replaced the engine, the drive train that we would have a good unit. We repaint them.

And that program has been successful to reduce some of the cost so that we don't have to spend a lot of money in acquiring new vehicles. So Kevin is going to present this item and, unfortunately, I have to depart to catch my flight. But, again, any questions I'm sure that Kevin is able to respond to those. He did a lot of effort and worked with Tracy and with me on researching this with the Equipment Division, and thank you for the Board's consideration of this request.

Sandoval: Thank you, Mr. Director. Fly safe.

Malfabon: Thank you.

Lee: Governor and Board, I'm Kevin Lee. I'm the district engineer for District 3. This item is to request Transportation Board approval to replace fleet vehicles and sweepers. The NRS states the Department shall not purchase any equipment when it exceeds \$50,000 unless the purchase is first approved by the Transportation Board. NDOT has deferred replacement of the majority of vehicles since 2008. In 2012 and '13, the Department requested and received Board approval to replace selected light-duty fleet vehicles. There is a need now to replace additional fleet.

The total purchase of these vehicles is \$3.5 million for fiscal year 2014 and 2015. And we're requesting for both fiscal years at this time and will order the FY 15 equipment after July 1st. Replacement of equipment was included and approved in the biennial budget. As Rudy mentioned, NDOT is using \$1.5 million a year to rebuild equipment and the remaining \$3.5 per year is being requested as lease replacements.

The replacement criteria for fleet vehicles is shown in Attachment 2 and is based on age or mileage. And sometimes that's hours, not necessarily odometer. The replacement we are requesting meet age or mileage and in some cases both criteria have been met. There is one unit that is unreliable on the list and is showing a high maintenance cost. NDOT has 80 classes of equipment within the fleet; 22 of these classes of equipment are included in the potential replacement. Just to give the Board a better idea of some of these classes, let me hit through a few pictures.

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You have sedans. You have SUVs. You have three-quarter ton pickups, vans, half-ton pickups, survey units or crew-cabs. Class 11 is probably the most versatile in the utility trucks. Then you have aerial lifts, crane trucks, lube trucks, compactor trucks. The 11E is another big one that we end up using, the dump trucks, garbage trucks. We have service trucks; then we get into the Class 12 single-axle dump trucks. Class 13. Class 15 is all-wheel drive dump trucks or plows. Then you have the brooms, the self-propelled just road brooms and then you have the pick-up brooms, water trucks, mowers, and the last one is skid steer that's on the replacement list.

The proposed list of vehicles for replacement are shown in Attachment 3, in addition to vehicle information and the request for replacement class, maintenance cost captured by our equipment maintenance systems are shown. There has been some updates, as shown in the yellow highlighted columns. The average unit month column inadvertently did not include 2013 and has been updated, and hopefully you guys have the additional handouts.

Units get on these lists from a combination of input from the crews, the equipment shops, maintenance cost usage, and the overall conditions. Sometimes that is trying to estimate which unit might fail over other units, which is very difficult. Each list includes additional units in orange, or it may have printed out in red, that if we have cost savings realized then we'll be looking at these units to be replaced. Only if there's cost savings. Additionally, on the District 1 list, 3107 was replaced, Unit 567. On the District 2 list, the class average on the Class 11C has been updated. I think it was off by a factor of 10. And then as well, the class average on the Class 15 was updated and some mileage is on two units on your list was also updated on 2673 and Unit 1220.

On the District 3 list, Unit No. 543s odometer was updated. And then there's three lists of Carson divisions, as well as construction crews. And on Page 2, Unit 1445 was duplicated, so one of those will come off. And just to give you an idea, in reviewing the percentage of units within the Department that meet the replacement criteria, and this is just for the 1s, 1As, the 3s that I showed on the pictures, up to the 13s. Didn't include the 15s or the water trucks. 59% of our units meet replacement criteria. If we replaced those units that are on this list, it would drop that down to just under 50%.

Part of the NRS stated previously requires an analysis of equipment over \$50,000. Out of the Class 10 and 11s, there's approximately 17 of the 42 units that could cost over the \$50,000, and the classes in the 13, 15, 24, 25, and the 24A will all be over the \$50,000. And keeping in mind that the

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Class 15, the 25, and the 54A may not be replaced if we don't realize some cost savings in those numbers.

So the cost analyses is shown in Attachment 4. Overall, these analyses indicate it is more cost effective to purchase these units than to lease or contract out. Leasing of these types of units are available through a finance ownership contract. So, basically, we would have to purchase the units and pay interest. One type that was out there was a three-year contract, which is approximately a 3% interest, and that was in the Class 11s, the smaller units. The bigger units, it typically is a seven-year contract at 2.2% interest. If we were able to find equipment that we could traditionally lease, we would not be allowed to modify the equipment, drill holes in to install radios, flashers -- those kind of items -- boxes. We couldn't put the decals and some other stuff on them. And any questions?

Sandoval: Thank you. That was very thorough. Do you know how does our replacement criteria compare to the private sector?

Lee: I do not know that answer. Sorry, Governor.

Sandoval: No, and I just remember a while ago when we were looking at equipment there was some type of comment that perhaps some of the private sector entities were getting a lot more mileage than we are out of ours. And when you talk about that replacement criteria, what is that criteria? Is it just a number when it hits this amount of mileage or when it gets a certain amount of cost of maintenance per year? What's the math behind that?

Lee: Typically, you start looking at it when it gets to an age or that mileage, but as there is one unit on this list which for over the last four years, when you start putting \$10,000 a year into it, you start having to ask yourself is it really effective to keep this piece of equipment.

Sandoval: Yeah. No, and I get that part of it. But there's not an instance where, say, we've got a vehicle that's been here for 15 years, it's got 160,000 on it, but it's running great, but it's hit that number so we're going to replace it.

Lee: Not where we're at today.

Sandoval: Okay.

Lee: I mean we have so many units that meet the replacement criteria. At times, we're just trying to figure out, like I said before, okay, is this one going to fail tomorrow or is this one going to fail tomorrow.

Sandoval: Yeah. No, and that's, I guess, where I'm going is we're getting every bit out of each...

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- Lee: Yes.
- Sandoval: ...piece of equipment that we can. And then is there a market for those? When you say we're going to replace them, what happens to the fleet after that?
- Lee: There is a market for some, but like I know a couple units in my area right now, the engine's blown. So by the time they get into State Purchasing for auction, I'm just not sure how much we're going to get out of them compared to a running unit.
- Sandoval: So, in other words, it just goes to salvage and...
- Lee: Correct.
- Sandoval: ...somebody scraps it for parts or what have you.
- Lee: I mean if it's still running at a decent rate, it might be. There's a couple others on this list that are CNG vehicles. And if I understand it right, if somebody was to put that back into use as a CNG they'd have to recertify the tank at almost \$5,000.
- Sandoval: Yeah.
- Lee: So...
- Sandoval: So the Lieutenant Governor was just saying this one vehicle with 283,000 would make a nice Nevada II vehicle. Other questions from Board members? Member Savage.
- Fransway: Governor, it's Tom.
- Sandoval: Okay. Let me go to Member Savage and then you, Tom.
- Savage: Thank you, Governor. I don't have any questions. I just want to compliment you, Mr. Lee, for a very thorough presentation, cost benefit analysis. It was very clear in the write-up over the weekend. And the only question I would have, and it's probably a State Purchasing. Does the State Purchasing or does NDOT have the ability, since it was evenly distributed amongst the districts, to purchase those vehicles or that equipment within the district?
- Lee: Kevin Lee, District Engineer. If I understand it right, we have to go through State Purchasing, and there is on the State Purchasing website, I'm going to say already bid out or numbers of vehicles that are in there. The only thing that I didn't really see in there was like the larger classes, like the Class 13

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or dump trucks. But if you are in light fleet, one-tons, half-tons, all that stuff is currently on State Purchasing's website. So most of them are local vendors, but none -- to answer your question, there is really none in there for, say, Elko. It's mostly Las Vegas and Reno vendors.

- Savage: Okay. Just thought I'd ask. Thank you, Governor. Thank you, Mr. Lee.
- Sandoval: Member Fransway.
- Fransway: Thank you, Governor. And to Kevin Lee, thank you, Kevin, for spending the time to do this for the Board. I appreciate it. I have a question relative to the cooperative spirit. And I'm wondering if there is an opportunity for a retired piece of equipment from NDOT to go to a local government to see if perhaps they have a use for it and maybe could make a trade for striping or something like that.
- Lee: Kevin Lee, District Engineer. I'm not sure if I can answer that one 100%. I know we have in the past worked through State Purchasing and counties and cities and other agencies have worked through that process, but I'd have to get with Equipment Division on what that process is.
- Hoffman: I can answer that, I mean a little bit, I guess. From what I understand, State Purchasing owns the auction, so the equipment then goes back to State Purchasing and then we're pretty much out of the loop so we can't go sell a piece of equipment to a local agency. I think they would have all the benefits that anyone else would in terms of being able to bid on or try to auction a piece of equipment from State Purchasing. That's the way I understand that it works, but Kevin and I will research that and make sure that what we said today is accurate.
- Sandoval: Well, and it maybe just that we need to make the local governments aware that the auction is coming up, because I would imagine you could get some of these vehicles that are pretty de minimis value. And if they knew that it was available they could get that inventory or if you could provide the local governments with an inventory of what's going to be available, they may seek it out.
- Hoffman: That's a good idea. Okay. We'll check into that.
- Sandoval: Yeah. Madam Controller.
- Wallin: Yeah. Let me kind of follow up on that. When I was on one of the county tours in White Pine, I remember there was some piece of equipment that was going to be surplused. And White Pine said we don't understand why we have to go all the way to Reno to get the piece of equipment when it's

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here. So why are we shipping it there and then bringing back? So, you know, it'd be nice if we could kind of work with Purchasing and kind of maybe do things a little differently and help the local communities a little bit, because I think that that's a big problem, too. They're like by the time we ship it to Reno, we don't want it because it cost us more to get it back there.

Sandoval: No, and that's valid and said we've just got to cut through this...

Wallin: Red tape.

Sandoval: So, you know, Mr. Lee, if you could explore that or...

Lee: I will, definitely.

Sandoval: ...whoever is responsible for that to chat with Purchasing to see if there's a way to maybe do that, because for some of those smaller counties that could be a big difference for them.

Hoffman: All right. We'll do that.

Wallin: And, you know, to follow up in Member Savage about do we buy from local vendors and stuff. I just wonder if there's not a way that you can't look to see if there's a vendor in Elko or some of the local communities and see if you can buy it for less and then go to Purchasing to say, hey, can we work out something here; because I think it's important and I know that in our office we have found that we can find things cheaper than what the contracts are, and then we go to Purchasing and we buy it for the cheaper price.

Lee: This is Kevin Lee, District Engineer again. We could always approach the locals and see if they want to contact State Purchasing, because we've had to do this actually recently on a propane bid that no local vendors were actually on the list, so we had to approach them to get them on the list.

Sandoval: I think that's the point is just making them aware, and they don't know, and once they're aware they can participate. So just a little more communication. I know there's nothing pejorative in that, it's just taking that extra step. Any other questions with regard to Agenda -- I guess we need to approve your equipment purchase, correct?

Lee: Yes, please.

Sandoval: It's a big day. Okay. Any other questions with regard to Agenda Item No. 9? If there are none, the Chair will accept a motion for approval of Agenda Item No. 9.

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- Wallin: Move to approve.
- Fransway: So moved.
- Sandoval: Okay. Madam Controller has moved. Member Fransway has seconded the motion. Any questions or discussion? All in favor say aye.
- Group: Aye.
- Sandoval: Opposed no? The motion passes unanimously. We will move on to Agenda Item No. 10, Tow Plows.
- Hoffman: Thank you, Governor. Kevin, don't go too far away. So again, kudos to Mr. Kevin Lee. He also prepared this Board memo and the presentation for the tow plows. So as soon as Kevin's ready, I will turn it over to Mr. Lee.
- Lee: Again, Kevin Lee, District Engineer for District 3. Governor and Board members, this item is to request Board approval for two tow plows with granular spreaders. The tow plows were submitted as new equipment as part of the last biennial budget and was approved for the fiscal year 2015 budget. This differs from the previous Agenda since those were replacement equipment.
- This just gives some examples of what we're running in our current fleet. You have the typical plow in the front and then one next to it on the right would be ones with what we call wing plows. And then we have two tow plows in the state right now; one in my region and one in the Reno area. The tow plow is towed like a normal trailer; two steering axles that swing the trailer into position and in-cab controls steer the rear axles, the sander, and controls the up and down movement of the blade. Using the tow plow allows for the same vehicle to plow approximately 24 to 25 feet of roadway.
- Some of the current uses that are out there; multilane urban and multilane rural. I know that we've only used ours in multilane rural, at this point, but we have thought about trying to use it in some of our multilane urban settings as well.
- Sandoval: Maybe this is the time to ask this, because unfortunately you probably didn't get a lot of use out of them this season because of the drought. But...
- Lee: Right. This season we did not, but in the first season we actually did quite a bit of usage on them.
- Sandoval: Because I vaguely recall that this was an Agenda item. And, again, I don't remember if it was a year or two years. And I was curious, are they working

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out as you thought, because this was a new piece of equipment for the Department?

Lee: They are working out, and probably the best way to put it is this UDOT quote. "It's a radical new approach in increasing our plow capacity without adding additional vehicles, and it has proven that in the area that we used it." What we have found is I'm going to say the traveling public is a little intimidated, so they stay back, but it actually has helped us because it allows our operators to do the work that they need to do. And we actually found -- I don't want to say it's a benefit, but we didn't really realize this. But without the traveling public trying to pass us and do the stuff that they do, I guess we have helped do reducing of slide-offs. We had an NHP meeting after not this winter season but the previous winter season, and our law enforcement partners mentioned to us that they -- in the area that we are primarily using this between Carlin and Elko, they saw a reduction of slide-offs.

Now, I mean we're just going to guess that -- or we're presuming that is because we're actually plowing both lanes at the same time and those, I'm going to say, lane shifting or passing movements, these, I'm going to say, drivers that didn't want to take a little more time, they ended up on the side of the road instead of getting to their destination. So that was not really a benefit they were looking for or saw at the beginning of this, but our NHP brought that to our attention and we're happy to take credit for it.

Let's see, the estimated tow plow costs approximately \$100,000. The estimated savings of \$34 per hour after 200 hours of use. Of course, this year we didn't get that, but hopefully if we get back to a normal year we'll be back into those numbers. The cost analysis is included in Attachment 2 and, like I said, includes a negative number, which is a cost savings after that number of hours of usage.

Overall, it's been very cost effective to purchase these, and based on our comparison, it's definitely better than leasing or contracting out. Again, attached in Attachment 3 it shows a finance ownership contract from the last time we were here at the Board. And we did some investigating and they would also do that again with the updated numbers and the interest rates, which have changed. And any questions?

Sandoval: Well, not only does it save money, but it would seem that their life expectancy would be much greater, given there's no engine on those things.

Lee: We were estimating that they would last about 20 years.

Sandoval: Mm-hmm.

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- Lee: I mean, others have been estimate between 20 and 30 years, so we were sort of guessing at the low end.
- Sandoval: And where will you deploy the new ones?
- Lee: I'd hate to speak for Reno, but in our area we're thinking about going between Elko and Wells. And if we do get the new Class 13 that we're looking at with more horsepower, we'll be utilizing them on the summits as well, when available. What we did find out in our first year is the horsepower trucks were running. We actually upped one of them to the 425 horsepower. And when you're pulling, I'm going to say, Emigrant Pass or Lamoille Summit, you get down to about 25 miles an hour, and that probably isn't what we want to be doing, taking up both lanes, so...
- Sandoval: Questions from Board members? All right. Very well done. I mean I can see why people wouldn't get close, because it's pretty intimidating looking and it somewhat looks like it's starting to pull, you know...
- Krolicki: It doesn't look it's a controlled thing.
- Sandoval: Yeah.
- Lee: I mean, I guess there is one thing that I didn't mention, is we adapted this tow plow to our joystick controls. We are the very first Department of Transportation to actually do that instead of the two-lever controls. What benefit that has with us is there's a stow button. If our operator needs to get that unit back behind him as quickly as possible, he just hits the stow button and it automatically does it itself. So that's our Parker IQAN system that's in our trucks. Other states have gone to the double lever and they actually have to do both levers, trying to bring it in and trying to drive at the same time.
- Sandoval: Hmm. All right. Any other questions with regard to Agenda Item No. 10?
- Skanske: Governor...
- Sandoval: Yes.
- Skanske: ...Tom Skanske.
- Sandoval: Yes.
- Skanske: Thank you, Governor. Kevin, is there a manufacturer or is there a distributor or a retailer in the state of Nevada that produces this equipment?

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- Lee: I know there is vendors that are working with Viking, but I don't know if they're actually right here in the state of Nevada. But there is -- it's sort of a patented product right now. And I probably should say this; they're actually working on one that can go both directions, but unlikely that we'll see it in our fleet at least at this point in time. So to try to answer your question, I don't believe there's an actual Nevada vendor at this time, but by the time we're done there might be.
- Skanccke: Okay. Thank you. And I'm going to support this item just on the hopes that if we buy them we'll get some additional snow. And so, Governor, I'd be happy to make a motion for approval. I think this is a great way of saving money, as well as keeping our roads safe.
- Sandoval: Thank you. Member Skanccke has moved for approval of Agenda Item No. 10. Is there a second?
- Krolicki: And as a man who spends a lot of time in the snow, I will second.
- Sandoval: Second by the Lieutenant Governor. Questions or discussion on the motion? All in favor say aye.
- Group: Aye.
- Sandoval: All right. Motion passed unanimously. We'll move on to Agenda Item No. 11, our spreaders.
- Hoffman: Thank you, Governor. No fancy presentations for this one, but we will stay on the topic of efficient snow and ice removal. So Item No. 11 is for the approval of equipment purchases in excess of \$50,000. That applies to these special spreaders. And I'm sure you've heard the term win-win. This is win-win-win in this case. So this special equipment that's attached to the back of these snow plows are approved, or at least approved as one of those mitigation measures by Department of Environmental Protection for reducing contaminants, i.e., sand and salt from reaching Lake Tahoe.
- So -- and this was a grant. We actually put in an application through the Department of Environmental Protection and did receive a grant in the amount of \$100,000. There's a 50% state funds match that's required for that grant, so what we're seeking today is the approval of two of these spreaders. One essentially will be paid for with federal funds and the other state funds. But to continue, this also goes along ways in helping with efficiency. So if you've ever been fertilizing your lawn and you can't quite control the fertilizer hitting your sidewalk and, you know, you get the rust color, this spreader setup actually helps you better control where you're spreading the salt and sand. So that analogy, fertilizer spreading to salt and

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sand with bounce and scatter. There's a lot of waste in material -- or we try to limit that, but there is a fair amount of waste when we're actually spreading materials on the roadway.

These new types of spreaders will go a long ways in helping us control where we're actually placing material. That'll help with snow and ice control, efficiency in that regard, plus, you know, keep the material closer to where we want it so that it actually does what it's supposed to do, is help with snow and ice.

Sandoval: Questions from Board members? I'd imagine that'll help us because we have that ongoing EPA enforcement action, and I would think that would show some good faith effort on the State's part with regard to that.

Hoffman: Yes, Governor. Yes, it will. And we've entered into an agreement with the Nevada Department of Environmental Protection on their total maximum daily load reduction. This is a huge initiative around Lake Tahoe to reduce contaminants entering the lake, and this will go a very long ways in helping us do that.

Sandoval: All right. Thank you. Any other questions? If there are none, Chair will accept a motion for approval of the equipment purchase for spreaders as described in Agenda Item No. 11.

Krolicki: I will move for approval, sir.

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

Wallin: Second.

Sandoval: Second by the Controller. Questions or discussion? All in favor say aye.

Group: Aye.

Sandoval: Motion passes unanimously. We will move on to Agenda Item No. 12, Briefing on Federal Funding Cliff.

Hoffman: Thank you, Governor. So as Director Malfabon mentioned in his Director's Report, last month at the Transportation Board meeting, NDOT staff has put a strategic plan together regarding the federal fiscal cliff with a list of prioritized projects that we're seeking input and approval of you all, the Transportation Board. So what we've done is we have Robert Nellis, Assistant Director for Administration and John Terry, Assistant Director for Engineering that would like to run through the presentation, walk you through the strategy that we used to come up with the prioritized list of

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projects that we're going to seek approval on and forward to our delegation in Washington, D.C. So, Robert, please.

Nellis:

Thank you. For the record, Robert Nellis, Assistant Director for Administration. As a reminder, based on previous briefings, federal funding will run out by September 30th, and Congress must either extend MAP-21 or reauthorize a new transportation bill before that date in order to continue funding so that the state can receive its federal funds. Just last Wednesday, the U.S. Transportation Secretary, Anthony Foxx, informed the states that payments to states could slow by August if Congress does not take action. And not only do they need to reauthorize a new transportation bill, but also in order to continue current levels of funding, they need to authorize approximately \$18 billion more per year in additional federal funding. That's across all states.

I believe you may recall this chart that Director Malfabon presented. I believe it was two Transportation Board's ago, where it showed the total Federal Highway Trust Fund available for obligation of about \$40 billion per year between 2009 and 2014. Now, if there's no new federal funds authorized, no new bill, that effectively falls in 2015 to zero. So there would really be no new federal funds that we could obligate towards new projects. Once we drop off that cliff, however, from 2016 through 2023, you can see there's about \$31.4 billion, which is about 71% of what we were used to receiving nationwide that's available in federal aid to the states.

So what's this mean for Nevada? Before the end of fiscal year 2014, we expect to receive \$325 million total in federal aid. As far as current projects that are projected, we expect and need, on a very conservative level, \$320 million. And that's assuming that Congress authorizes new funding. Now, if that goes to zero then we would not be receiving that \$320 million. If we do go over this cliff in fiscal year 2016, we would anticipate that we'd receive approximately \$229 million in federal aid. That's assuming there's no new authorizations. And that's what would be available for us to obligate towards new projects.

So we looked at what are our options and to address this potential cliff, we looked at state-funded projects, whether we could cut some of those, curb usage of consultants, implement a hiring freeze, so no new filling of positions, delay in limiting or even cancelling future state contributions to local projects, reducing future equipment purchases after -- and I assure you, Governor, there's no intent to put this on the Agenda (inaudible).

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- Sandoval: I was just thinking that. I was just thinking that that we just finished approving all this equipment. I guess Mr. Lee is really happy, because it got under the wire, but...
- Lee: It was not an attempt to sneak that in, but that was equipment that was needed since 2008. This is future equipment purchases that we'd have to defer. And then potentially reducing travel, and then the final one is reducing the 2015 capital program, which is what Assistant Director John Terry will go into more detail of what that would look like if we had to implement that. The last option of reducing the capital program by far has greater impact than all the previous bullets combined.
- Sandoval: Yeah. And as you go on in your presentation, the Controller brought it up and Mr. Madole brought it up, but we have a little healthier highway fund now. But how does that all mix into future planning in terms of anticipating what's going to happen and prudence with the dollars that we have?
- Nellis: Thank you, Governor, for the question. That's actually the next slide, and my last slide that I was hoping to cover with you before we get into John Terry's portion of the presentation. Is that you can see in beginning in fiscal year 2015, we have an estimated highway balance approaching \$190 million. And that's the blue line for fiscal year 2015. Now, one potential plan would be if we put every available dollar towards our capital program, in the green line, for fiscal year 2015 and reduce our Highway Fund balance to \$90 million per year moving forward, and you can see that from 2016 through 2020. Then we could still put out, just with state funds, approximately \$100 million of projects in fiscal year 2015 to address this cliff. And then moving forward, once there's federal funds that are available again to obligate towards new projects, that's the red line in 2016 through 2020. Once we add what's available in federal funds to what we have available in state funds, you can see we'd have a total capital program in the low \$300 million range moving forward from 2016 through 2020.
- Sandoval: Is NEON in that box?
- Nellis: Yes, sir. In fact, the impact of Project NEON could be seen -- when you get to fiscal year 2019, that's when the availability payments would start kicking in, and then in fiscal year 2020, that's when you'd start seeing the final acceptance payment, that \$200 million bond that would start kicking in at that point. That's why you see that reduction there. And then at this point, Assistant Director John Terry will discuss potential project impacts to other projects.

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Terry: Once again, John Terry, Assistant Director for Engineering. And really, we spend the vast majority of our federal funds on projects. And so some of these other measures aren't going to change too much the federal cliff. So what we're going to see later is based on some of these assumptions, but no federal obligation in 2015. That's kind of what AASHTO was saying it's going to mean. Kind of the simple way to say that is they're spending more than 18 1/2 cents. They're going to have to go to 18 1/2 cents. They've obligated too much money. They have to obligate zero so they can get back to that, and then moving forward it's based upon just getting 18 1/2 cents and not overspending that amount.

Sandoval: I'm sorry, I didn't understand...

Terry: Okay.

Sandoval: ...what you just said.

Terry: For every year that they've been spending -- the federal government has been obligating more than the 18 1/2 cents in gas tax that they've been collecting, and that's why we have a certain level. The federal government works in a way that you obligate money, so we obligate money in every year and then you spend out. So in order to get back to only spending what they're collecting and to get back above zero, they have to obligate nothing in 2015. We'd still receive reimbursement, so we'd pay our contractors with federal money. You know, they'd come to us and we'd reimburse the things that had already been obligated. We couldn't obligate anything new, thus the huge impact to projects. All federally funded categories would be impacted. That's been our assumption. That's what AASHTO said to assume; that all the categories would be -- you know, there would be no safety money. There would be no STP statewide. There would be no national highway projects. There would be -- no categories would get any obligation authority in '15.

It would be, as well, a huge impact to local agencies. They would get none of their federal money in 2015. It'd be a huge impact on them and our plan doesn't show the impacts to their projects, but it is significant. And then there would also be no new federal programming for right-of-way or engineering, just like there would be no new federal programming for construction. So we'd pay, you know, ongoing consultants for NEON ongoing consultants, but we couldn't obligate any new engineering or right-of-way in the year 2015, as well.

The next one, please. This is only the first sheet. In our Board packet was every sheet. This is just the capacity projects. So what we did is we took

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our current plan; we said, okay, if we didn't get any money in '15, but we did do the \$100 million that Assistant Director Nellis talked about. So we're going to spend an extra \$100 million in 2015 in state funds in addition to what we'd already spent on projects on state funds. But even with that, we went through our entire program and said what projects would have to change. And these sheets, and there's numerous of them in there, this is just the capacity one. There's one for our 3R program and on our other things that we use federal programs for. And we just said this project would have to move two years or this project would have to move outside the five-year horizon or, in other words, beyond 2018. So we had a lot of projects we were going to deliver, planned out the next five years. Almost all of them moved because of this issue. We go to the next one.

Sandoval: Let me ask one question. Will you go to the other...

Terry: Okay.

Sandoval: ...slide. How did you decide who was off and who was on?

Terry: Okay. There was a few basic rules. Things like Boulder City Bypass that had lots of other things committed. In other words, not just federal money, but lots of local money, lots of other things and it was a high priority. We kept that. That was a basic rule. And capacity projects, if we already had huge commitments that we had to already do that we were locked in. Otherwise almost every capacity project moved out. Then when you got to like 3Rs and things like that, we have actually a 3R list. All we did is instead of 1 through 20, we've already done projects 1 through 8. If it was 9, 10, 11 we did them in priorities of where they were listed on our 3R list and moved them out. There were just sometimes slight adjustments because we might be able to fund a \$20 million but not a \$40 million project. But we kept it real simple and just moved them out based upon their priorities. Our other systems like bridge also have similar-type priority lists.

So next one again. So funding levels return in 2016, but at about a 70% level. So, well, we're really not recommending reduction in staff, it's this one year and then a 70%. And let's be honest, all of us hope it doesn't go on into 2016 and beyond. But in case it does, that is the plan, because we've got to have projects ready. Our other big concern is the way Congress has worked in the past. We go right up against this limit or beyond this limit and then all of a sudden they pass a bill, perhaps even a bill at a higher level and say why haven't you spent it yet. So we've still got to get projects ready to go.

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We will reduce or eliminate consultants. We couldn't obligate new consultant funds with federal money in the first year anyway, and we would hold noncritical engineering positions vacant if necessary. So that's kind of how we're dealing with it in house, but the vast majority of this is the projects. Next.

So there's the commitments. We've got to do I-11 Boulder City Bypass. That would be with an influx of state funds to replace the federal portion, and we're going to do part of that \$100 million he talked about. Most of NEON is either already been obligated or we won't have big construction availability payments for the next five years, but we'd have to continue to pay with some of the in-house stuff. Pretty much all other federal aid projects are subject to some sort delay. Next.

So we're seeking approval from the Board...

Sandoval: Mr. Terry, I'm sorry.

Terry: Go ahead.

Sandoval: Why don't we go back again. Just a little more detail on NEON. So we have this uncertainty between now and whether Congress asks, but we're going to have NEON on our Agenda...

Terry: Okay.

Sandoval: ...to make some decisions.

Terry: I'll try to...

Sandoval: Is there (inaudible)?

Terry: Okay. Ongoing engineering...

Sandoval: Mm-hmm.

Terry: ...ongoing consultants, ongoing in-house staff, we already programmed that, okay, so we'll continue to pay that with federal money. A lot of that's state already, but some of it federal money because that's already been obligated. Wouldn't be able to obligate any new expenditures in 2015, but we don't see many, because we're talking about an availability payment model where we're not expending money. Right-of-way we've already sold a bond for, so we would pay for the right-of-way with the bond issuance. So I'm not saying there won't be any NDOT funds impacted by this issue, but it's mitigated by the structure of the way it's done. We weren't planning on obligating significant federal funds in fiscal year '15.

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- Sandoval: Thank you.
- Terry: Okay. So we're seeking approval of the Board to release the list of projects. What we proposed to do last month and we're coming to you this month is we want to send to our congressional delegation, and others, the huge impact this has to the state of Nevada, and what the impacts are. And the next slide is -- and maybe I'll just quickly read it. "The current federal highway bill, MAP-21, is scheduled to expire in September..."
- Sandoval: You don't have to read that, Mr. Terry.
- Terry: Okay. This is what we are essentially saying in the letter that we're going to say to Congress, and others, that we see a big impact and a lot of our projects would be impacted. And we're looking for the Board's approval or maybe their direction on where to go with this.
- Sandoval: Yeah. No, and thank you. And what is the deadline? And at least from my observation with other deadlines for Congress, it comes right up to the wire. So what is that date or finish line?
- Terry: There are two deadlines.
- Sandoval: Okay.
- Terry: There's one deadline is MAP-21 has to be reauthorized or there is no -- we can't move forward. That is September 30th. The other softer deadline, which everybody is tracking, is when the Highway Fund goes below zero. In other words, it goes negative. And I'm not sure if it's below negative or below if the federal government has some minimum amount they have to keep in their account like we keep our Highway Fund balance. But essentially, the Highway Fund goes broke and we get different things over the wire almost every week of projections of when that's happened, and the latest I've heard is August, and if anybody else has better information. So those are the two real deadlines. They have to reauthorize -- they can't really authorize payments beyond a certain point if it goes negative.
- Sandoval: And then on this August deadline, does there need to be some type of congressional action to avoid them going negative -- or it going negative?
- Terry: I think so. And I'm very concerned about -- just this last week, I believe, Transportation Secretary sent out a notice, something about once we go negative we won't be able to make payments. Now, that's different than what we presented to you here. We presented to you here that we cannot obligate future projects, but that they're going to continue to make payments on things we've already obligated.

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If you read between the lines in some of the latest news articles and statements from the Transportation Secretary, he uses the words "not make payments." And that's not based on the assumptions and the guidance we've been given from AASHTO of what's going to happen. So I think this presentation addresses not reobligating MAP-21 by September 30th, but maybe doesn't completely address the issue of if the Highway Fund balance goes negative. And more has to be done on that issue.

Sandoval: So I don't know the congressional calendar, but aren't they in recess in August?

Terry: I have no idea.

Sandoval: So here it is May 12th, and I'm not sure when the date is that they go into recess, but whatever action would need to be taken would need to be taken prior to that recess.

Terry: I believe that's correct.

Sandoval: Mm-hmm. So...

Skancke: Governor?

Sandoval: Yes, Member Skancke.

Skancke: So the legislative calendar -- thank you. The legislative calendar for this year, this would have to pass almost by June 30th. Congress would have to take some action. There are only a few legislative days left in this calendar year before we get into the election. And so this would have to be done by June 30th. If the federal government dips below -- Tracy and I were just talking -- \$3 or \$4 billion then they have to take a different set of actions. They legally can't go into the negatives because they're precluded from doing that.

So the trust fund is in trouble. I don't think Congress is going to let this die before fall. They will likely -- there's a history here of putting this right up to a deadline. But this is where states are going to have to be very proactive in how they list their projects and determine which projects they're going to do. And I think from Nevada's point of view we should just prepared that the federal government, going forward, is not likely going to be a partner in these situation, not to be doom and gloom. But there's no predictability in the actions that are taken by Congress as it relates to transportation infrastructure funding. And the trust fund is in trouble. And I think we should take this report seriously and have a long conversation about which

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projects are funded and not get ourselves obligated too far out into the future, because the program is very unpredictable.

Sandoval: Thank you. And...

Skancke: Thank you.

Sandoval: ..this letter has the sense of urgency that we've just discussed?

Terry: Yes, Governor. We believe it's timely. I mean the Board has asked us to have a plan. We think we have a plan. We don't like the plan. We don't think it's a very good plan. We think, you know, they need to get us a new bill, but we're thinking this shows our sense of urgency and sort of reflects the impacts to the state of not having a bill.

Sandoval: Madam Controller.

Wallin: This letter here, it's addressing MAP-21, but we're not talking about, hey, you need to do something by June 30th; because what I'm hearing is that they won't be able to send money out. That's what I'm hearing. So I almost think, Governor, we should have something in there that not only addresses MAP-21, but to ensure that the Highway Fund does not go broke before the end of the year. I think that that should be added to it. I just...

Sandoval: Mr. Terry.

Terry: And, again, we started this presentation and made it based upon, you know, if the bill were to expire and the AASHTO guidance of not having the ability to program in 2015, and then at reduced levels thereon. Like I say, some of the articles in the last, literally, week or so have indicated that they may not make payments. And it is a related and significant issue that we kind of, when we made this presentation, weren't ready to deal with. And I don't know if anybody else has anything else to add to that, but I agree. We've got to maybe mention that issue. And we weren't quite prepared for that because we hadn't seen anything from the federal government saying they may not make payments.

Nellis: Governor, members of the Board, Robert Nellis, Assistant Director for Administration. We may face a situation where we need to be prepared perhaps for a temporary bridge where if we don't receive federal funds or cannot obligate new funds, say, after June 30th, there may be a three-month period where we need to bridge that gap. So there could be a hybrid of what we talked about here, where if there are no new federal funds that are available and they don't authorize a new bill, we may have to be prepared to use our own state funds to bridge that three-month gap.

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- Sandoval: We've been through this already as a state through the sequester, and as long as that -- we have to plan for all the contingencies here. And that's, like I said, the Highway Fund, I know we're doing a little better, but given this time period I just want to make sure that we're not spending something out now when we could use it later.
- Krolicki: Governor, if I may. Two points. One is I'm sure Wall Street has noticed this situation and it's a big number. I would imagine there is some kind of municipal commercial paper short-term bridge financings that would potentially be available for something like this. It's just something to look at. You know, if the cash isn't here I think it's a pretty good security, it's 90 days, and I'm sure that product is out there. It's just a matter of the cost and I get that. But if it's short-term, it's not a general obligation anyway, it's just another technique. I would ask Director's office to look at that.
- And in the letter, Governor, that is in front of us, with all due respect to the Director, who has weight with our congressional delegation, if this is something the Board is considering today, and we are, I would suspect that coming from the Board itself would be a more momentous letter than just the Director, when the delegation receives it.
- Fransway: Governor?
- Sandoval: Member Fransway.
- Fransway: Thank you, Governor. I'm sure I'm not the only one that's nervous about the future. I want to compliment our NDOT staff for being proactive in what will be a very lean year in 2015. It's been mentioned that we may have to supplement some federal funding with our own funding. I want to make sure that that's reimbursable. And the 2015 attempt to, I guess, right the ship, what if that continues into 2016? I think that we have a serious issue with federal funding and with state funding also. And I just think that we should continue to do everything that we can to expect the worst and hope for the best throughout the next several years.
- Sandoval: Thank you, Member Fransway. Mr. Terry, any concluding remarks?
- Terry: I guess we did make this for possible Board action. And I guess what I'm hearing from the Board is you may want to change the wording, which we may have expected. You may want to make it from the Board. I'm not sure what the Board's pleasure is moving forward, you know, in terms of an action item.
- Sandoval: Well, I don't want to speak for all the Board, but I can see that the preference would be that the letter come from the Board, and that it also

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include language with regard to the urgency of the balance of the Highway Fund.

Wallin: I agree.

Krolicki: Yes.

Sandoval: So I think everyone has said they agree. Member Skancke, does that meet with your approval, that plan?

Skancke: Yes, Governor. And my only other suggestion would be that -- I would suggest that we approve the plan that's presented and that we have our NDOT folks give us an update every month on where we are so that we can make educated, fiscally responsible decisions. This is going to be a moving target for the next several months. And I think at a couple of meetings ago I just wanted to remind our NDOT folks that -- and I just asked Tracy, but I just want to put this on the record; that I asked that we look at all of the vehicles that we are not capturing, so electric and hybrid vehicles, to see what that impact is on the trust fund so that we can, as a state, look at opportunities going forward of what the state's going to need.

As I said earlier, I'm just not certain that the federal government can be relied upon going forward for predictability or certainty in how we plan our transportation program. And so I think we've got to look at every opportunity available to us. So if you'd like a motion for approving the plan and the letter in the format, I'd be happy to entertain that for you, Governor, with the caveat that this is an item on our Agenda until the federal government solves this problem.

Sandoval: It sounds like a motion to me, Member Skancke. But just for purposes of a clear record, will you make that motion in a formal way?

Skancke: Yes, please. So, Governor, I would move that we accept the staff recommendation for how we move forward with the federal funding cliff; that the letter that is sent to the delegation come from the Transportation Board, and that we have monthly updates and have the ability to make necessary adjustments to the program going forward.

Sandoval: And also that as part of that letter that it will include a reference to the urgency of the status of the Highway Fund.

Skancke: Yes, sorry. Yes.

Sandoval: Or information status, I should say.

Skancke: Yes, I would include that. I apologize, I forgot. Thank you.

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- Sandoval: You've heard the motion. Is there a second?
- Wallin: Second.
- Sandoval: Second by Madam Controller. Questions or discussion on the motion? All in favor say aye.
- Group: Aye.
- Sandoval: Motion passes unanimously. And, Mr. Terry, I want to thank you and everyone involved in putting this together. It's not an enjoyable exercise. But, again, in terms of being able to plan in the best way we can, you know, it's a necessary effort. And, you know, as I look at this letter it really, amongst so many other things, concerns me about losing 6,000 jobs as a result of this. And I think that perhaps should be bolded in the letter. All right. Any other comments with regard to this Agenda item? We'll move on to Agenda Item No. 13, Old Business.
- Hoffman: Thank you, Governor. So Item 13-A is a report on outside counsel costs. You can find that in Attachment A. So if there are any questions.
- Sandoval: And I don't want to make more work, but I'm just curious how much money we're spending in legal fees compared to, say, 5 years ago and 10 years ago. It just seems like -- and maybe it's part of those billboards that Member Skancke talked about, but it just seems to escalate. And it's not through the fault of the Department. But I'm just curious how much that takes of our budget now versus what it did before.
- Gallagher: Governor, I'm not sure those records are available, but I will check and if they are I'll provide whatever comparative analysis I can.
- Sandoval: Yeah, and I don't want you spending a whole bunch of time on it, but just that curiosity.
- Hoffman: And then, Governor, Item 13-B is the monthly litigation report, and that can be found under Attachment B. I'd be happy to entertain any questions that you have there.
- Sandoval: Why don't you go ahead and move on. I don't hear any questions.
- Hoffman: Okay. Item 13-C is our fatality and fatal crash report. That's under Attachment C. So based on the data that you see before you, the number of fatal crashes is down by approximately 15%, you know, compared to 2013 numbers. The number of fatalities is down by about 14% compared to this time last year. Really, the most striking part of the report, at least from my humble opinion, is the decrease in fatalities in Clark County, which are

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down almost 37%. However, the disturbing thing, one death is too many. That's obvious.

But we had fatalities in small rural counties, so if you look through that chart in the center of the page, you will see fatalities in Churchill County, Eureka, Humboldt, Lander, and other rural counties where we didn't have fatalities this time last year. So pedestrian fatalities are down 13% compared to this time last year. And, unfortunately, motorcycle fatalities are up about 29%.

Sandoval: And thank you, Mr. Hoffman.

Hoffman: Sure.

Sandoval: Questions or discussion with regard to Agenda Item No. 13? We'll move to Agenda Item 14, Public Comment. Is there any member of the public here in Carson City that would like to provide comment to the Board? Is there any member of the public in Las Vegas that would like to provide comment to the Board?

Skanche: There is not, Governor.

Sandoval: We'll move to Agenda Item 15, Adjournment. Is there a motion to adjourn?

Wallin: So moved.

Sandoval: Madam Controller has moved. Is there a second?

Krolicki: Second.

Sandoval: Second by the Lieutenant Governor. Questions or discussion? All in favor say aye.

Group: Aye.

Sandoval: Meeting is adjourned. Thank you, ladies and gentlemen.

Secretary to the Board

Preparer of Minutes



1263 South Stewart Street
Carson City, Nevada 89712
Phone: (775) 888-7440
Fax: (775) 888-7201

MEMORANDUM

May 23, 2014

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, Director
SUBJECT: June 2, 2014 Transportation Board of Directors Meeting
Item #4: Approval of Agreements Over \$300,000 - For Possible Action

Summary:

The purpose of this item is to provide the Board a list of agreements over \$300,000 for discussion and approval following the process approved at the July 11, 2011 Transportation Board meeting. This list consists of any design build contracts and all agreements (and amendments) for non-construction matters, such as consultants, service providers, etc. that obligate total funds of over \$300,000, during the period from April 22, 2014 to May 12, 2014.

Background:

The Department contracts for services relating to the development, construction, operation and maintenance of the State's multi-modal transportation system. The attached agreements constitute all new agreements, new task orders on existing agreements, and all amendments which take the total agreement above \$300,000 during the period from April 22, 2014 to May 12, 2014.

Analysis:

These agreements have been prepared following the Code of Federal Regulations, Nevada Revised Statutes, Nevada Administrative Code, State Administrative Manual, and/or Department policies and procedures. They represent the necessary support services needed to deliver the State of Nevada's multi-modal transportation system.

List of Attachments:

- A) State of Nevada Department of Transportation Agreements for Approval, April 22, 2014 to May 12, 2014.

Recommendation for Board Action:

Approval of all agreements listed on Attachment A.

Prepared by: Administrative Services Division

Attachment

A

**State of Nevada Department of Transportation
Agreements for Approval
April 22, 2014 to May 12, 2014**

Line No	Agreement No	Amend No	Contractor	Purpose	Fed	Original Agreement Amount	Amendment Amount	Payable Amount	Receivable Amount	Start Date	End Date	Amend Date	Agree Type	Notes
1	29411	01	CA GROUP, INC.	SR 160 WIDENING PROJECT PHASE 1	Y	2,079,000.00	1,013,000.00	3,092,000.00	-	11/14/2011	12/31/2016	6/2/2014	Service Provider	AMD 1 06-02-14: INCREASE AUTHORITY BY \$1,013,000.00 TO A TOTAL OF \$3,092,000.00, AND EXTEND TERMINATION DATE FROM 12-31-14 TO 12-31-16 TO COMPLETE TECHNICAL SUPPORT AND FINAL DESIGN OF PROJECT. 11-14-11: TO COMPLETE ENVIRONMENTAL PHASE (NEPA) AND PRELIMINARY ENGINEERING DESIGN ON STATE ROUTE 160 FROM STATE ROUTE 159 TO 1.24 MILES WEST OF MOUNTAIN SPRINGS; COST OF \$2,079,000.00, CLARK COUNTY. NV B/L#: NV20081407877-R

Line Item 1

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION

MEMORANDUM

3/19/2014

TO: 1. Felicia Denney, Budget Section
2. Norfa Lanuza, Project Accounting *N. Lanuza*
3. Rudy Malfabon, P.E., Director

Project Manager to send Budget scope change form to increase project budget NL.

FROM: *LR* Lynnette Russell, P.E., Assistant Chief of Project Management.

SUBJECT: Request Approval to Amend: and Obtain Budget Approval for Agreement P294-11-015 Amendment 1 for The completion of technical support for the delivery of the SR 160 widening project for C.A. Group Inc.

Due to the need to proceed with the engineering design of the State Route 160 project in Clark County, Nevada, the Project Management Division has contracted with the above referenced firm for services and would like to request approval to amend agreement P294-11-015.

The amended scope of services will be to provide engineering services to complete the Final Design for Design-Bid Build delivery of the SR 160 widening project.

The estimated additional cost for the services are \$1,013,000.00, *95% Federal* ~~100%~~ State funding for Fiscal Year 2014, Project Identification EA 73395. *50% STATE*

Approval of this memo by the Budget Section of the Financial Management Division indicates funding authority is available for Budget Category 06, Object 814D, Organization C015. The A04 Financial Data Warehouse, Budget by Organization Report Number NBDM30 must be attached. Actual availability of funds and the monitoring of actual expenditures must be determined by the Division Head/District Engineer. Return this memo to the originator for inclusion in the project.

Approval of this memo by the Director's Office authorizes the request to solicit services.

Approved:

Donna Speltz 4/17/14
Budget Section

Approved:

Project Accounting

Approved:

Rudy Malfabon
Director

Requires Board Presentation

Requires IT Review

prior to or w/ amendment being presented for Board Approval

Comments:

Federally Funded project use federal funds not state funds

Can these expenses be reimbursable in FFY 15 if programmed appropriately? Project is needed for safety and to reduce fatalities on SR 160. m

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION

MEMORANDUM

March 18, 2014

TO: John Terry, P.E., Assistant Director

FROM:  Lynnette Russell, P.E., Project Manager

SUBJECT: Negotiation Summary for Amendment 1 to Agreement P249-11-015 SR 160
Widening Project

Several negotiation discussions were held via telephone between C. A. GROUP and Subconsultant CH2MHill team members, Jim Caviola and Ken Gilbreth, and Lynnette Russell, Eric Yount and Ronald Seigel of the Nevada Department of Transportation (DEPARTMENT).

The DBE goal for this agreement has been established at five percent (5%).

The scope of services that are to be provided by C. A. GROUP, INC. was reaffirmed by both parties at the outset as follows;

CA Group, Inc. (hereinafter CONSULTANT) will advance the preliminary design of the SR-160 Phase 1 (the PROJECT) to final completion (in stages of, Intermediate Submittal Design, QA Submittal, PS&E Submittal and Doc Date Plans Submittal). This Scope of Services is predicated upon the Preliminary 30% Design. The limits of Phase 1 of the agreement will be along SR160, using the "P1" alignment, from station 410+97.84 to 703+52.57 (MP limits approximately CL11.04 to CL16.58).

The following schedule was agreed to by both parties:

Complete scope of work to prepare Doc Date Plans Submittal within 7 months of notice to proceed

Key personnel dedicated to this project are as follows:

James Caviola, Project Manager

The DEPARTMENT's original estimate was approximately \$1,000,000 including direct labor (4000 man-hours of work by the C. A. Group, Inc.), overhead rate of 109.35%, a 10% fee, and direct expenses at \$500,000 (including sub-consultant expenses).

The C. A. Group, Inc.'s original estimate was \$1,176,500, including direct labor (3856 man-hours of work by the C. A. Group, Inc.), overhead rate of 109.39%, a 10% fee, and direct expenses at \$681,252 (including sub-consultant expenses).

The overhead rate of 109.39% was provided by the Internal Audit Division.

The negotiations originally yielded the following:

A total project cost of \$887,500, including direct labor (3857 man-hours of work by the C. A. Group, Inc.), overhead rate of 109.39%, a 10% fee, and direct expenses at \$392,299 (including sub-consultant expenses).

After initial negotiations the DEPARTMENT requested additional scope to provide additional landscape and aesthetics elements.

Final negotiations yielded the following:

1. There will be 4427 total man-hours allotted to prepare Doc Date Plans Submittal throughout the course of this agreement at a direct labor cost of \$250,706, including a prorated amount for anticipated raises, which will take effect over the term of the agreement.
2. Based upon the direct labor costs and an overhead rate of 109.39%, the overhead amount will be \$274,247.
3. A fee of 10% was agreed to by both parties, and will be \$52,495 for this agreement based upon direct labor costs and an overhead rate of 109.39%.
4. The total amendment amount is \$1,013,000 with direct expenses at \$435,571 (including sub-consultant expenses).

Reviewed and Approved:


Assistant Director



1263 South Stewart Street
Carson City, Nevada 89712
Phone: (775) 888-7440
Fax: (775) 888-7201

MEMORANDUM

May 23, 2014

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, Director
SUBJECT: June 2, 2014 Transportation Board of Directors Meeting
Item #5: Contracts, Agreements, and Settlements – Informational Item Only

Summary:

The purpose of this item is to inform the Board of the following:

- Construction contracts under \$5,000,000 awarded April 22, 2014 to May 12, 2014
- Agreements under \$300,000 executed April 22, 2014 to May 12, 2014
- Settlements entered into by the Department which were presented for approval to the Board of Examiners April 22, 2014 to May 12, 2014

Any emergency agreements authorized by statute will be presented here as an informational item.

Background:

Pursuant to NRS 408.131(5), the Transportation Board has authority to “[e]xecute or approve all instruments and documents in the name of the State or Department necessary to carry out the provisions of the chapter”. Additionally, the Director may execute all contracts necessary to carry out the provisions of Chapter 408 of NRS with the approval of the board, except those construction contracts that must be executed by the chairman of the board. Other contracts or agreements not related to the construction, reconstruction, improvement and maintenance of highways must be presented to and approved by the Board of Examiners. This item is intended to inform the Board of various matters relating to the Department of Transportation but which do not require any formal action by the Board.

The Department contracts for services relating to the construction, operation and maintenance of the State’s multi-modal transportation system. Contracts listed in this item are all low-bid per statute and executed by the Governor in his capacity as Board Chairman. The projects are part of the STIP document approved by the Board. In addition, the Department negotiates settlements with contractors, property owners, and other parties to resolve disputes. These proposed settlements are presented to the Board of Examiners, with the support and advisement of the Attorney General’s Office, for approval. Other matters included in this item would be any emergency agreements entered into by the Department during the reporting period.

The attached construction contracts, agreements and settlements constitute all that were awarded for construction from April 22, 2014 to May 12, 2014 and agreements executed by the Department from April 22, 2014 to May 12, 2014. There were three settlements during the reporting period.

Analysis:

These contracts have been executed following the Code of Federal Regulations, Nevada Revised Statutes, Nevada Administrative Code, State Administrative Manual, and/or Department policies and procedures.

List of Attachments:

- A) State of Nevada Department of Transportation Contracts Awarded - Informational, April 22, 2014 to May 12, 2014
- B) State of Nevada Department of Transportation Executed Agreements - Informational, April 22, 2014 to May 12, 2014
- C) State of Nevada Department of Transportation Settlements - Informational, April 22, 2014 to May 12, 2014

Recommendation for Board Action: Informational item only

Prepared by: Administrative Services Division

Attachment

A

**STATE OF NEVADA DEPARTMENT OF TRANSPORTATION
CONTRACTS AWARDED - INFORMATIONAL
April 22, 2014 to May 12, 2014**

1. March 13, 2014 at 2:00 p.m. the following bids were opened and read related to Contract No. 3565, Project Nos. SP-000M(201), US 95 MP NY 72.00-103.63; SR 318 MP LN 0.00-30.00; SR 321 MP LN 0.00-5.12; SR 376 MP NY 54.00-81.75; AR NY44 MP NY 0.00-19.58. The project is a chip seal of the existing roadway, Lincoln and Nye Counties.

Intermountain Slurry Seal, Inc.....	\$4,114,893.06
Sierra Nevada Construction, Inc.	\$4,139,007.00
Graham Contractors, Inc.....	\$5,047,329.78

The Director awarded the contract April 29, 2014, to Intermountain Slurry Seal, Inc. in the amount of \$4,114,893.06. Upon receipt of an approval bond from the contractor, the state will enter into contract with the firm.

Engineer's Estimate: \$3,366,715.33

2. April 3, 2014 at 1:30 p.m. the following bids were opened and read related to Contract No. 3560, Project Nos. SI-0318(014), SR 318 from the Junction of US 93 to the Junction of US 6. The project is to install enhanced milepost markers and centerline/shoulder rumble strips where currently not installed, Lincoln, Nye, and White pine Counties.

MKD Construction, Inc.....	\$426,000.00
Diversified Striping Systems.	\$565,565.56

The Director awarded the contract May 6, 2014, to MKD Construction, Inc. in the amount of \$426,000.00. Upon receipt of an approval bond from the contractor, the state will enter into contract with the firm.

Engineer's Estimate: \$408,791.67

3. March 6, 2014 at 1:30 p.m. the following bids were opened and read related to Contract No. 3562, Project Nos. SPSR-0229(005), SR 229. The project is to install 2 inch coldmix on existing roadway, special detector sensor probe, and sensor with transverse rumble strips, Elko County.

Granite Construction Company.....	\$2,886,886.00
Road and Highway Builders LLC	\$3,000,000.00
Staker Parson Companies	\$3,304,156.32
Sierra Nevada Construction, Inc.	\$3,344,007.00
Remington Construction Company LLC	\$3,666,666.00
Q & D Construction, Inc.	\$3,755,000.00

The Director awarded the contract April 22, 2014, to Granite Construction Company in the amount of \$2,886,886.00. Upon receipt of an approval bond from the contractor, the state will enter into contract with the firm.

Engineer's Estimate: \$2,122,058.98

4. March 13, 2014 at 1:30 p.m. the following bids were opened and read related to Contract No. 3563, Project Nos. SP-000M(200), US 50 MP WP 3.00-25.32; US 93 MP WP 0.00-11.00; SR 140 MP HU 56.09-74.00; SR 278 MP EU 0.00-20.23; SR 292 MP HU 65.58-68.52; SR 294 MP HU 0.00-8.00; SR 305 MP LA 51.70-69.35. The project is a chip seal on the existing roadway, Eureka, Humboldt, Lander, and White pine Counties.

Sierra Nevada Construction, Inc.	\$4,824,007.00
Road and Highway Builders, LLC	\$5,555,555.00
Intermountain Slurry Seal, Inc.....	\$5,833,292.53

The Director awarded the contract May 6, 2014, to Sierra Nevada Construction, Inc. in the amount of \$4,824,007.00. Upon receipt of an approval bond from the contractor, the state will enter into contract with the firm.

Engineer's Estimate: \$4,855,763.30

5. April 3, 2014 at 2:00 p.m. the following bid was opened and read related to Contract No. 3568, Project Nos. SPI-080-1(073), I 80 at 4th, Rock, and Pyramid Interchanges. The project is to upgrade signal systems, Washoe County.

Titan Electrical Contracting, Inc.	\$214,246.00
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The Director awarded the contract April 25, 2014, to Titan Electrical Contracting, Inc. in the amount of \$214,246.00. Upon receipt of an approval bond from the contractor, the state will enter into contract with the firm.

Engineer's Estimate: \$250,663.67

6. March 20, 2014 at 1:30 p.m. the following bids were opened and read related to Contract No. 3567, Project Nos. SI-0032(135), multiple Intersections in District 1 (City of Las Vegas). The project is Package II, Signal System, the systematic replacement of five sections P/P heads utilizing flashing yellow, Clark County.

Acme Electric.....	\$605,969.00
Fast-Trac Electric (Nev-Cal Investors, Inc.)	\$616,909.00

The Director awarded the contract April 25, 2014, to Acme Electric in the amount of \$605,969.00. Upon receipt of an approval bond from the contractor, the state will enter into contract with the firm.

Engineer's Estimate: \$798,740.54

Attachment B

State of Nevada Department of Transportation
Executed Agreements - Informational
April 22, 2014 to May 12, 2014

Line No	Agreement No	Amend No	Contractor	Purpose	Fed	Original Agreement Amount	Amendment Amount	Payable Amount	Receivable Amount	Start Date	End Date	Amend Date	Agree Type	Notes
1	12109	03	CITY OF LAS VEGAS	ITS IMPROVEMENTS RANCHO	Y	5,754,000.00	-	5,754,000.00	274,000.00	5/21/2009	7/31/2016	4/29/2014	Cooperative	AMD 3 04-29-14: EXTEND TERMINATION DATE FROM 06-30-14 TO 07-31-16 TO CONTINUE SERVICE, AND CHANGE ELIGIBLE FUNDING SOURCES. AMD 2 06-12-12: EXTEND TERMINATION DATE FROM 06-30-12 TO 06-30-14 TO CONTINUE SERVICES. AMD 1 06-30-10: EXTEND TERMINATION DATE FROM 06-30-10 TO 06-30-12 TO CONTINUE SERVICES. 05-21-09: OVERSIGHT OF STEWARDSHIP AGREEMENT FOR THE ITS IMPROVEMENT OF RANCHO DRIVE, CLARK COUNTY. NV B/L#: EXEMPT
2	12014	00	DESERT RESEARCH INSTITUTE	TRAFFIC PREDICTION STUDY	Y	119,225.00	-	119,225.00	-	5/5/2014	9/30/2015	-	Interlocal	05-05-14: TO CONDUCT A RESEARCH PROJECT TITLED: "TRAFFIC PREDICTION, RESPONSE AND MANAGEMENT THROUGH DATA MINING AND DATA STREAM PROCESSING", STATEWIDE. NV B/L#: NV19831014800
3	13313	01	NEVADA TAHOE CONSERVATION DISTRICT	NEPA/DESIGN WQ/EC TAHOE	N	200,000.00	-	200,000.00	-	6/16/2013	6/30/2015	5/9/2014	Interlocal	AMD 1 05-09-14: EXTEND TERMINATION DATE FROM 06-30-14 TO 06-30-15 DUE TO FUNDING DELAYS. 06-17-13: PROVIDE FUNDING FOR MASTER PLANNING, NEPA, AND DESIGN SERVICES FOR WATER QUALITY/ EROSION CONTROL PROJECT AT LAKE TAHOE, DOUGLAS COUNTY. NV B/L#: EXEMPT
4	16014	00	46.8 ACRE INVESTORS, LLC	PERMANENT EASEMENT FOR UTILITY REPLACEMENT	Y	1,500.00	-	1,500.00	-	4/22/2014	3/31/2020	-	Acquisition	04-28-14: PERMANENT EASEMENT AND RIGHT-OF-WAY FOR A REPLACEMENT UTILITY EASEMENT, CLARK COUNTY. NV B/L#: 20091346585
5	19314	00	HECTOR ROJAS	TEMP ESMT S-650-WA-021.225	N	4,100.00	-	4,100.00	-	5/7/2014	4/30/2016	-	Acquisition	05-08-14: TEMPORARY EASEMENT FOR CONSTRUCTION ON MCCARRAN PROJECT, S-650-WA-021.225, WASHOE COUNTY. NV B/L#: EXEMPT
6	18514	00	NV ENERGY	RELOCATE UTILITIES ON I-80	Y	7,523.00	-	7,523.00	6,523.00	5/2/2014	4/30/2019	-	Facility	05-06-04: RELOCATE EXISTING UTILITY FACILITIES AT I-80 WEST TO EAST BATTLE MOUNTAIN INTERCHANGE, HUMBOLDT AND LANDER COUNTIES. NV B/L#: NV19831015840
7	13014	00	TAHOE TRANSPORTATION DISTRICT	5303 GRANT FUNDING	Y	500,000.00	-	500,000.00	-	4/22/2014	10/31/2015	-	Grantee	04-22-14: 5303 FTA GRANT FUNDING FOR PUBLIC TRANSPORTATION PROGRAM, CARSON CITY, DOUGLAS, AND WASHOE COUNTIES. NV B/L#: EXEMPT
8	08214	00	VIAWEST	LAS VEGAS 2 DATA CENTER	N	22,010.00	-	22,010.00	-	4/28/2014	4/30/2018	-	Lease	04-28-14: SECURE THE RIGHT TO LOCATE AND OPERATE COMMUNICATIONS EQUIPMENT AT THE LAS VEGAS 2 DATA CENTER, STATEWIDE. NV B/L#: NV20001217030
9	16714	00	T G SHEPPARD	CREW OFFICE 910	N	2,400.00	-	-	2,400.00	4/29/2014	5/30/2015	-	Lease	4-29-14: LEASE OF OFFICES FOR CREW 910, HUMBOLDT COUNTY. NV B/L#: NV19951040409
10	19114	00	LEON REGINATTO	MONTGOMERY #1	N	2,400.00	-	-	2,400.00	5/6/2014	3/31/2018	-	Lease	05-06-14: LEASE OF MONTGOMERY MAINTENANCE STATION HOUSE #1, MINERAL COUNTY. NV B/L#: EXEMPT
11	09914	00	VIRGINIA & TRUCKEE RAILROAD	GIVE 1500 GALS. OF OIL TO V&T	N	-	-	-	-	4/15/2014	6/30/2014	-	Property Transfer	04-15-14: THE DEPARTMENT TO GIVE 1500 GALLONS OF HEATING OIL IT CANNOT USE TO V&T RAILROAD, CARSON CITY. NV B/L#: NV1972100353

12	11514	00	ABS SYSTEMS, INC.	INSPECT DELTA CONTROL BUILDING	N	51,760.00	-	51,760.00	-	4/29/2014	10/31/2018	-	Service Provider	04-29-14: INSPECTION AND SYSTEM SUPPORT OF THE DELTA CONTROL BUILDING AUTOMATION SYSTEM AT THE TRAFFIC MANAGEMENT CENTER (TMC), NECESSARY FOR THE SAFETY OF THE BUILDING OCCUPANTS AND THE VISITING GENERAL PUBLIC, CLARK COUNTY. NV B/L#: NV20031357903-S
13	13714	00	AEC REPROGRAPHICS, INC	PLOTTER REPAIR SERVICES	N	10,000.00	-	10,000.00	-	4/28/2014	4/30/2016	-	Service Provider	04-28-14: PLOTTER REPAIR SERVICES, CARSON CITY. NV B/L#: NV20121075738-S
14	15914	00	CUSHMAN & WAKEFIELD OF NV INC	LOCH LOMOND WAY APPRAISALS	Y	30,000.00	-	30,000.00	-	4/2/2014	8/31/2014	-	Service Provider	04-02-14: APPRAISAL FOR 15 SINGLE-FAMILY RESIDENCES ON LOCH LOMOND WAY IN LAS VEGAS, CLARK COUNTY. NV B/L#: NV2001148467-S
15	32611	01	ATKINS NORTH AMERICA INC	I-80 CORRIDOR MASTER PLAN	Y	1,699,378.00	100,000.00	1,799,378.00	-	4/5/2012	8/31/2014	4/29/2014	Service Provider	AMD 1 04-29-14: EXTEND TERMINATION DATE FROM 04-30-14 TO 08-31-14, AND INCREASE AUTHORITY BY \$100,000.00 FROM \$1,699,378.00 TO \$1,799,378.00 DUE TO AN INCREASE IN THE SCOPE OF WORK OF TASKS 6 AND 7: OPERATIONAL ASSESSMENT OF THE I-80/I-580/US 395 INTERCHANGE USING THE 2003 WASHOE COUNTY FREEWAY CORRIDOR STUDY LIMITS. 04-05-12: I-80 CORRIDOR SYSTEM MASTER PLAN FOR THE CORRIDOR FROM SAN FRANCISCO, CALIFORNIA TO CHEYENNE, WYOMING. WASHOE, STOREY, LYON, CHURCHILL, PERSHING, HUMBOLDT, LANDER, EUREKA AND ELKO COUNTIES. NV B/L#: NV19981347315-R
16	03114	00	KIMLEY-HORN ASSOCIATES	RESEARCH STRATEGIC PLAN	Y	49,993.03	-	49,993.03	-	5/7/2014	11/30/2014	-	Service Provider	05-07-14: DEVELOP A TEN-YEAR STRATEGIC PLAN FOR THE DEPARTMENT THAT CAN BE LEVERAGED TO IMPLEMENT THE NEEDED INNOVATION THROUGH RESEARCH AND DEVELOPMENT PROCESSES AND METHODS, STATEWIDE. NV B/L#: NV19911015458-R
17	05314	00	LANDAUER INC	RADIATION EXPOSURE MONITORING	N	22,084.80	-	22,084.80	-	5/1/2014	7/15/2018	-	Service Provider	05-01-14: PROVIDE RADIATION EXPOSURE MONITORING DETECTION SERVICES, STATEWIDE. NV B/L#: NV20141203138-Q
18	14711	02	STANTEC CONSULTING INC.	LANDSCAPE ARCHITECTURE FOR MOANA INTERCHANGE	Y	79,998.00	-	93,698.00	-	3/9/2012	6/30/2015	4/29/2014	Service Provider	AMD 2 04-29-14: EXTEND TERMINATION DATE FROM 05-01-14 TO 06-30-15 IN ORDER TO CONTINUE MONITORING TEST PLOTS. AMD 1 10-19-12: INCREASE AUTHORITY \$13,700.00 FROM \$79,998.00 TO \$93,698.00 DUE TO THE NEED FOR ADDITIONAL SOIL TESTING AND TEST PLOT MONITORING DURING THE CONSTRUCTION PHASE. 03-09-12: LANDSCAPE ARCHITECTURE DESIGN AND CONSTRUCTION SUPPORT SERVICES FOR THE I-580 AT MOANA INTERCHANGE, WASHOE COUNTY. NV B/L#: NV20101021081-R
19	16214	00	ROYAL PANE	ELKO OFFICE CLEANING	N	38,136.00	-	38,316.00	-	4/24/2014	12/31/2016	-	Service Provider	4-24-14: Q3-011-14 TO PROVIDE JANITORIAL SERVICES FOR DEPARTMENT OFFICES, ELKO COUNTY. NV B/L#: NV2010425610-Q

20	19811	02	JACOBS	ENVIRONMENTAL PHASE - USA PKWY	N	2,317,804.15	23,112.50	2,340,916.65	-	8/31/2011	4/30/2015	5/9/2014	Service Provider	AMD 2 05-09-14: INCREASE AUTHORITY BY \$23,112.50 FROM \$2,317,804.15 TO \$2,340,916.65, AND EXTEND TERMINATION DATE FROM 09-30-14 TO 04-30-15 DUE TO AN INCREASE IN THE SCOPE OF WORK FOR RIGHT OF WAY COST ESTIMATING ACTIVITIES. AMD 1 08-29-13: EXTEND TERMINATION DATE FROM 09-30-13 TO 09-30-14 TO INCREASE SCHEDULE REQUIRED TO COMPLETE SCOPE OF WORK. 08-31-11: ENVIRONMENTAL PHASE FOR USA PARKWAY SR 439 FROM US 50 TO I-80, LYON AND STOREY COUNTIES. NV B/L#: NV20081035082-R
21	22012	02	DOMBRIAL	JANITORIAL SERVICES	N	68,428.00	37,367.60	180,530.80	-	6/1/2012	11/30/2014	4/24/2014	Service Provider	AMD 2 04-24-14: EXTEND TERMINATION DATE FROM 05-31-14 TO 11-30-14 AND INCREASE AUTHORITY BY \$37,367.60 FROM \$143,163.20 TO \$180,530.80 TO ALLOW TIME TO CREATE AND PROCURE A COMPREHENSIVE AGREEMENT BASED ON A FULL YEAR OF NORMAL ACTIVITY AND USAGE. AMD 1 05-20-13: EXTEND TERMINATION DATE FROM 05-31-13 TO 05-31-14 AND INCREASE AUTHORITY BY \$74,735.20 FROM \$68,428.00 TO \$143,163.20 FOR ANOTHER YEAR OF SERVICE. 06-01-12: JANITORIAL SERVICES AT THE SOUTHERN NEVADA VISITORS CENTER, Q1-031-12, CLARK COUNTY. NV B/L#: NV19991275505-Q
22	39513	00	ATKINS NORTH AMERICA	ICE SERVICES FOR 16 ESCALATORS	N	209,976.64	-	209,976.64	-	4/29/2014	12/31/2017	-	Service Provider	04-29-14: PROVIDE SERVICES AS AN INDEPENDENT COST ESTIMATOR TO ASSIST IN THE DEVELOPMENT OF A TRANSPORTATION IMPROVEMENT PROJECT INCLUDING PEDESTRIAN BRIDGES, ELEVATORS, AND SIXTEEN ESCALATORS ON TROPICANA AND LAS VEGAS BOULEVARD, CLARK COUNTY. NV B/L#: NV19981347315-R
23	45313	02	LAS VEGAS PAVING	ASPHALT DIKE PROTECTOR	N	229,000.00	9,950.00	238,950.00	-	10/7/2013	9/30/2014	4/24/2014	Service Provider	AMD 2 04-24-14: INCREASE AUTHORITY \$9,950.00 FROM \$229,000.00 TO \$238,950.00 TO COMPLETE PAYMENT FOR QUANTITY OVERRUNS ON PROJECT. AMD 1 03-24-14: EXTEND TERMINATION DATE FROM 03-31-14 TO 9-30-14 TO ALLOW TIME TO RECONCILE PAYMENT. 10-07-13: ASPHALT SHOULDER DIKE EMBANKMENT PROTECTOR INSTALL I-15 ATMP 42.88 AND 53.65, Q1-001-14, CLARK COUNTY. NV B/L#: NV19581000650-Q
24	57413	01	HOSS DISPOSAL	TRASH REMOVAL	N	15,000.00	-	15,000.00	-	11/20/2013	6/30/2016	5/6/2014	Service Provider	AMD 1 05-06-14: EXTEND TERMINATION DATE FROM 06-30-15 TO 06-30-16 TO CONTINUE TRASH REMOVAL SERVICES. 11-20-13: PROVIDE TRASH REMOVAL AT BEOWAWE REST AREA AND EMIGRANT TRUCK STOP ON I-80, Q3-005-14, EUREKA COUNTY. NV B/L#: NV19781002233-Q

Attachment C

**State of Nevada Department of Transportation
Settlements - Informational
April 22, 2014 to May 12, 2014**

Line No	Type	Second Party	Settlement Amount	Notes
1	DIRECT CONDEMNATION	AD AMERICA, INC.	65,000.00	DIRECT CONDEMNATION ACTION SETTLEMENT TO ACQUIRE APPROXIMATELY 0.45 ACRES OF REAL PROPERTY GENERALLY LOCATED ON THE NORTHEAST CORNER OF CACTUS AVENUE AND I-15 IN LAS VEGAS FOR THE I-15/CACTUS INTERCHANGE PROJECT. TOTAL AMOUNT PAID TO LANDOWNER INCLUDING SETTLEMENT IS \$542,293.02.
2	STATE TORT FUND SETTLEMENT	COOPER	5,000.00	SETTLEMENT FOR THE ISSUE OF WHETHER THE PLAINTIFF WAS DENIED TRAINING FOR 4 MONTHS. RELATED TO A LAWSUIT FOR SEXUAL HARASSMENT, DISCRIMINATION AND RETALIATION BASED ON EVENTS IN 2007 (A JURY FOUND IN FAVOR OF THE DEPARTMENT IN THE HARASSMENT CASE).
3	CONDEMNATION VERDICT IN JURY TRIAL	THE ALEXANDER GENDALL AND LILY GENDALL TRUST, CARMIC, INC.	\$3,000,000 plus interest & expenses	EMINENT DOMAIN CASE TO ACQUIRE APPROXIMATELY 1 ACRE OF REAL PROPERTY LOCATED AT 307 WEST CHARLESTON BLVD, LAS VEGAS, FORMERLY OPERATED AS THE CHARLESTON ANTIQUE MALL, FOR PROJECT NEON.

Line Item 1

OFFICE OF THE ATTORNEY GENERAL

TRANSPORTATION DIVISION
1263 South Stewart Street
Carson City, Nevada 89712
Telephone (775) 888-7420
Fax (775) 888-7309

CATHERINE CORTEZ MASTO
Attorney General

KEITH G. MUNRO
Assistant Attorney General



DENNIS V. GALLAGHER
Chief Deputy Attorney General

MEMORANDUM

DATE: May 2, 2014

TO: Board of Directors
Nevada Department of Transportation

FROM: Dennis Gallagher, Chief Deputy Attorney General / Chief Counsel

SUBJECT: Informational Item – Approval of Settlement for a Direct Condemnation action in the Matter of *State of Nevada v. Ad America*; (Cactus) 8th JD Case No. A-12-666482

A handwritten signature in black ink, appearing to read "D. Gallagher", written over the "FROM:" line of the memorandum.

At their April 8, 2014 meeting, the Board of Examiners approved the settlement in the amount of \$65,000.00 to be paid from NDOT funds to resolve a direct condemnation claim.

Attached is the March 4, 2014 memorandum to the Board of Examiners from Director, Rudy Malfabon, Senior Deputy Attorney General, Karissa Neff, and myself to the Board of Examiners setting forth a summary of the settlement.



STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL
555 East Washington Avenue, Suite 3900
Las Vegas, Nevada 89101

CATHERINE CORTEZ MASTO
Attorney General

KEITH G. MUNRO
Assistant Attorney General

GREGORY M. SMITH
Chief of Staff

MEMORANDUM

DATE: March 4, 2014

TO: Board of Examiners
Governor Brian Sandoval
Attorney General Catherine Cortez Masto
Secretary of State Ross Miller

FROM: Rudy Malfabon, Director, Nevada Department of Transportation
Karissa D. Neff, Senior Deputy Attorney General **KDN**
Dennis Gallagher, Chief Deputy Attorney General

SUBJECT: Proposed settlement for a direct condemnation action captioned *State of Nevada, on relation of its Department of Transportation ("NDOT") v. Ad America, Inc. et al.*, Clark County District Court Case No. A-12-666482-C for real property generally located on the northeast corner of Cactus and the I-15 in Las Vegas, Nevada

SUMMARY

NDOT requests settlement approval in the additional amount of \$65,000.00 to resolve a direct condemnation action to acquire real property generally located on the northeast corner of Cactus and the I-15 in Las Vegas, NV for the I-15 /Cactus interchange project. NDOT has already deposited a total of \$477,293.02 (the "Deposit") with the Clerk of Court, comprised of the total amount of NDOT's appraised value of the Property during litigation plus accrued interest through December 31, 2013. The landowner would be compensated by the Deposit plus \$65,000.00, bringing the total amount paid to the landowner to \$542,293.02.

FACTUAL BACKGROUND

This case is a direct condemnation action that NDOT filed on August 8, 2012 to acquire portions of real property from former Clark County Assessor's parcel 177-29-801-026 (the "Property") for the I-15 /Cactus interchange project ("Project") in Clark County, Nevada. The Property is generally located on the northeast corner of Cactus and the I-15 in Las Vegas, Nevada and is approximately 2.13 gross acres. Specifically, NDOT sought to acquire approximately .45 acres of the Property in fee, certain permanent easements, and temporary easements as more particularly described in Plaintiff's Amended Verified Complaint in Eminent Domain. The Property is undeveloped land and has a billboard located on the portion of the fee acquisition that was initially owned by Ad America. The condemnation action was to condemn only the real estate aspects of the Property; not the business aspects associated with the billboard. NDOT intends to relocate the billboard if possible.

At the time NDOT filed its Complaint, the property was owned by Ad America. During the litigation (in approximately December of 2012), the first lienholder (a group of investors) (hereinafter the "Investors") foreclosed on the Property and became the owner of record. The billboard was taken down in May of 2013 to accommodate construction of the Project. After the Property was foreclosed upon, both Ad America and the Investors claimed ownership of the billboard. The Investors filed a declaratory relief action to obtain ownership of all billboard rights.

The Investors were initially represented by attorney Jim Morgan in Reno, Nevada. In addition, the Investors hired the Law Offices of John J. Gezelin also located in Reno. He was retained just a few weeks before the discovery cut off.

The Law Offices of Brian C. Padgett initially represented Ad America but withdrew in April of 2013. Ad America never retained new counsel as required by the court rules to continue participating in the lawsuit. As a result, the Court granted NDOT's motion and entered an order striking Ad America's answer. Default paperwork is now filed with the court and is awaiting the court's approval and formal entry into the record.

Also, the initial landowner, Ad America, filed an inverse condemnation action involving this same property in a lawsuit titled *Ad America, Inc. v. State of Nevada, on relation of its Department of Transportation*, Clark County District Court Case No. A631520 prior to NDOT filing its direct condemnation action. Ultimately this inverse action was dismissed without prejudice. It is unlikely that Ad America will refile this action.

All other parties who do have or have claimed an interest in the property at issue have either been defaulted for failure to appear in the action or have formally disclaimed any interest in the just compensation award.

COMPENSATION

During litigation, NDOT hired Tim Morse to value the real estate acquisitions. Mr. Morse valued the property at \$5.50 per square foot and didn't find any severance

damages. He valued the acquisitions at \$470,000.00. Accordingly, during litigation NDOT increased the amount of the Deposit from \$360,000.00 to \$477,293.02 (which includes accrued interest through the end of December 2013).

The Investors did not hire Mr. Gezelin until after the deadline to disclose an appraisal and identify an expert had passed and near the discovery cut-off. As a result, they did not produce an appraisal or identify an appraiser as an expert witness to testify at trial. Rather, they stated that they intended to use NDOT's negotiation appraisal against NDOT to prove damages in excess of Morse's appraisal.

NDOT's pre-litigation negotiation appraisal was done by David Yerke and reviewed by Phillip Ware. Mr. Yerke's appraisal included severance damages and access damages (Morse's appraisal did not). Severance damages occur when the remainder of the real property (the part of the property not taken) sustains monetary damages due to the acquisition. These damages are measured by the difference in fair market value of the property in its condition before the acquisition and the fair market value of the real property in its condition after the acquisition. The Investors claim that they are entitled to at least \$41,544.00 in severance damages due to change in access to the Property. This amount is the difference between the value of the Property in the before condition when it supposedly had valid, direct access from Cactus Avenue and the difference in the value of the Property in the after condition when it will not have direct access off of Cactus Avenue due to the Project. On top of this, the Investors rely on NDOT's experts reports regarding engineering and access issues and claim that the cost to develop the Property will have increased in the after condition, suggesting that they are also entitled to compensation for these damages. NDOT has hired experts to refute both contentions.

Access damages occur when the acquisition and/or related project substantially impairs access to and from the property. Again, the Investors rely on the Yerke appraisal claiming they are entitled to access damages because access to and from the Property directly via Cactus Avenue will no longer exist once the Project is completed due to the need to elevate Cactus Avenue by the Property to construct the Cactus Interchange. Relying on the Yerke appraisal, the Investors claim that it will cost \$126,000.00 to provide access to the Property. Accordingly, they claim they are entitled to \$126,000.00 in addition to severance damages in the amount of \$41,544.00.

The Investors also claim they are entitled to \$6.50 per square foot for the acquisition (as opposed to Morse's \$5.50 per square foot) arguing that the comparable sales that Mr. Morse used prior to the date of value were from when the market was deeper in recession. They also disagree with Morse and argue that the permanent easement acquisitions should be valued at 75 percent of the fee value as opposed to 25 percent and 50 percent because the easement left very little utility to the area.

Based on the foregoing, the Investors initially demanded an additional \$275,000.00. They then submitted a revised offer requesting a total of \$565,000.00, \$95,000.00 above Morse's appraisal. The Investors eventually offered to settle the condemnation action for \$65,000.00 above the Deposit, the amount of the settlement currently before the Board of Examiners for approval.

The Investors also state that in the event they are not able to reach a settlement with NDOT in the above amount, they intend to re-open discovery and continue litigating the case through their new attorney. This means they would likely obtain their own litigation appraisal and identify their own appraiser as an expert witness and perhaps other expert witnesses. In all likelihood the Court would permit them to do so. Doing so would increase their chances of obtaining a more favorable outcome at trial by potentially being compensated a higher amount- i.e. having the jury award severance and access damages.

NDOT would also have to pay for the Investor's reasonable litigation costs, including expert witness fees per statute and per the PISTOL Amendment contained in Section 22, Article 1 of the Nevada Constitution. These costs would likely reach and quite possibly exceed \$75,000.00 if the case proceeds through discovery and to trial. The Investors would be compensated the costs of hiring their own experts and deposing NDOT's five experts, creating exhibits, and so forth.

On top of that, NDOT will incur its own attorneys' fees and costs in preparing and trying this case. These fees and costs will likely exceed \$150,000.00 given the number of experts involved. Five experts were retained by NDOT to defend this case. These experts were necessary to defend this case as it was initially brought as an inverse condemnation lawsuit by Ad America. NDOT's experts were retained to testify on issues related to engineering, access and billboard relocation, development of the Property, real property valuation, and billboard valuation. NDOT estimates that its expert witness fees alone will reach in excess of \$65,000.00 for further consultation, deposition preparation, trial preparation, and trial testimony. In total, it will cost NDOT at least \$225,000.00 to litigate this case through trial, including its own attorneys' fees and costs and costs due to the landowner under PISTOL.

Trial was scheduled for February 18th but has been rescheduled for a five week stack beginning on June 23, 2014.

SUBROGATION/OFFSET

The total amount of the Deposit with the Court (\$477,293.02) was paid using federal funds. The additional settlement of \$65,000.00 will be submitted for federal reimbursement to the Federal Highway Administration ("FHWA"). NDOT will likely receive federal reimbursement towards the additional settlement amount of \$65,000.00 because good cause exists and the request will be justified in writing. If the FHWA reimburses NDOT, it will likely be for 95 percent of the settlement (\$61,750.00).

RECOMMENDATION

NDOT has considered the benefits of settlement and has made the decision that the settlement is reasonable, prudent, and in the public interest. NDOT requests authority to settle the condemnation action for \$65,000.00 above the Deposit (\$477,293.02), bringing the total of any potential settlement to \$542,293.02.

BOARD OF EXAMINERS
March 4, 2014

If the Board approves the settlement, NDOT intends to enter into a settlement agreement and/or stipulated order with the Investors to resolve the direct condemnation action in full for the said amount, inclusive of all attorneys' fees and costs.

Line Item 2

OFFICE OF THE ATTORNEY GENERAL

TRANSPORTATION DIVISION
1263 South Stewart Street
Carson City, Nevada 89712
Telephone (775) 888-7420
Fax (775) 888-7309

CATHERINE CORTEZ MASTO
Attorney General

KEITH G. MUNRO
Assistant Attorney General



DENNIS V. GALLAGHER
Chief Deputy Attorney General

MEMORANDUM

DATE: May 2, 2014

TO: Board of Directors
Nevada Department of Transportation

FROM: Dennis Gallagher, Chief Deputy Attorney General / Chief Counsel

SUBJECT: Informational Item – Settlement out of State Tort Fund
Cooper vs. NDOT, et al., USDC 3:09-cv-00640-RCJ-VPC

On April 23, 2014 the above referenced lawsuit was settled through negotiation with the State paying \$5,000.00. The case presented the risk of potential exposure in the amount of \$120,000.00 to the Department excluding attorneys' fees and costs of litigation. This settlement was approved by the Nevada Tort Claims Manager, Nancy Katafias.

Plaintiff sued for sexual harassment and discrimination, and retaliation, based on events that occurred in 2007. A jury found in favor of the Department on all counts. On appeal, the Ninth Circuit Court of Appeals held that an issue dismissed by the trial judge (whether Plaintiff was denied training for a four month period of time) should have been decided by the jury, and remanded the case for a hearing on that minor issue.

Line Item 3

OFFICE OF THE ATTORNEY GENERAL

TRANSPORTATION DIVISION
1263 South Stewart Street
Carson City, Nevada 89712
Telephone (775) 888-7420
Fax (775) 888-7309

CATHERINE CORTEZ MASTO
Attorney General

KEITH G. MUNRO
Assistant Attorney General



DENNIS V. GALLAGHER
Chief Deputy Attorney General

MEMORANDUM

DATE: May 5, 2014

TO: Board of Directors
Nevada Department of Transportation

FROM: Dennis Gallagher, Chief Deputy Attorney General / Chief Counsel

SUBJECT: Informational Item – Condemnation Verdict in Jury Trial
in the Matter of State of Nevada, Dept. of Transportation vs. The Alexander Gendall and Lily Gendall Trust, et al. 8th JD Case A-12-666487

On April 28, 2014, a verdict was entered in the eminent domain matter *State of Nevada, Dept. of Transportation vs. The Alexander Gendall and Lily Gendall Trust, Carmic, Inc., et al.* The jury reached an opinion that just compensation for the subject property is \$3,000,000. The property, located at 307 West Charleston Boulevard, is approximately one acre in size and was formerly improved with a commercial building where Carmic, Inc. operated the Charleston Antique Mall. Pre-judgment interest and certain costs/expenses will be added to the \$3,000,000 verdict, in an amount that has not yet been determined by the Court. The final just compensation award is to be paid from NDOT funds, a portion or all of which may be subject to Federal reimbursement. This land acquisition is part of the widening and reconstruction of the I-15 Freeway, from Desert Inn Road north to the US-95/I-515 Interchange in Las Vegas, Nevada, also known as Project Neon.



1263 South Stewart Street
Carson City, Nevada 89712
Phone: (775) 888-7440
Fax: (775) 888-7313

MEMORANDUM

May 23, 2014

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, P.E., Director
SUBJECT: June 2, 2014 Transportation Board of Directors Meeting
Item # 6a: Action Item: Condemnation Resolution No. 444
S R 650; South McCarran Boulevard; RTC Washoe widening project, from Longley Lane to Greg Street; in the City of Reno and the City of Sparks; Washoe County.
1 Owner, 2 Parcels – For possible action

Summary:

The department is acquiring property and property rights for the widening and reconstruction of South McCarran Boulevard, from Longley Lane to Greg Street, in the City of Reno and the City of Sparks, Washoe County. The department is seeking the Board's approval of a condemnation action for the unresolved acquisition as described below.

Background:

Stanford Crossing, LLC - The negotiation is unresolved for the acquisition from Stanford Crossing, LLC. It is necessary to acquire a fee parcel containing 910 square feet and a temporary grading and irrigation repair easement, containing 2,316 square feet, for a two-year period from the 28,913 square foot (0.664 acre) Industrial-zoned holding. The property is improved with a 5,149 square foot commercial strip center, miscellaneous landscaping and an asphalt-paved parking lot. **The parcels in question, which are located at the northwest corner of the intersection of Stanford Way and South McCarran Boulevard, in the City of Sparks, are highlighted in green on the right-of-way plans that are part of the Condemnation Resolution (Attachment 2).** The State's total offer of \$29,852.00 for the two parcels was presented by letter to a representative of the property owner on October 23, 2013. The offer consisted of \$11,830.00 for the fee land acquisition (at \$13.00 per square foot), \$12,000.00 for miscellaneous landscaping and paving improvements and \$6,022.00 for the temporary easement (which is a 10% per year return on the \$13.00 per square foot fee land value for a period of two years). The representative of the property owner informed the State's agent that the property had gone into court-supervised receivership due to a bankruptcy proceeding. The agent was given the contact information for the receiver and an additional copy of the offer letter was mailed to the receiver on November 5, 2013. Since the property owner of record has lost possession of the property and is unable to be contacted, the Department is requesting this condemnation resolution to meet construction deadlines.

Analysis:

A condemnation resolution is requested so that the Department can certify the right-of-way to meet the project schedule. Prior to construction all environmental testing, demolition and utility relocations must be accomplished. Pursuant to Chapter 241 of the Nevada Revised Statutes, the required notices regarding this open meeting have been served.

Recommendation for Board Action:

Board approval of this resolution of condemnation is respectfully requested.

List of Attachments:

1. Location maps
2. Condemnation Resolution No. 444 with Right-of-Way plans
3. Section 408.503 of the Nevada Revised Statutes
4. Section 241.034 of the Nevada Revised Statutes

Prepared by:

Paul Saucedo, Chief R/W Agent

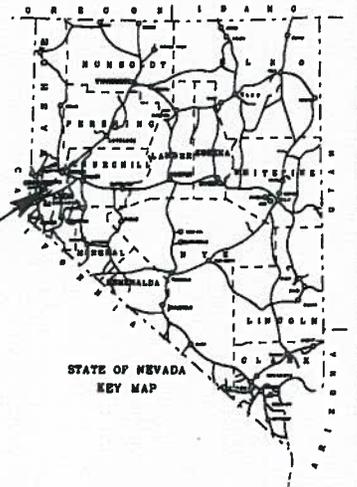
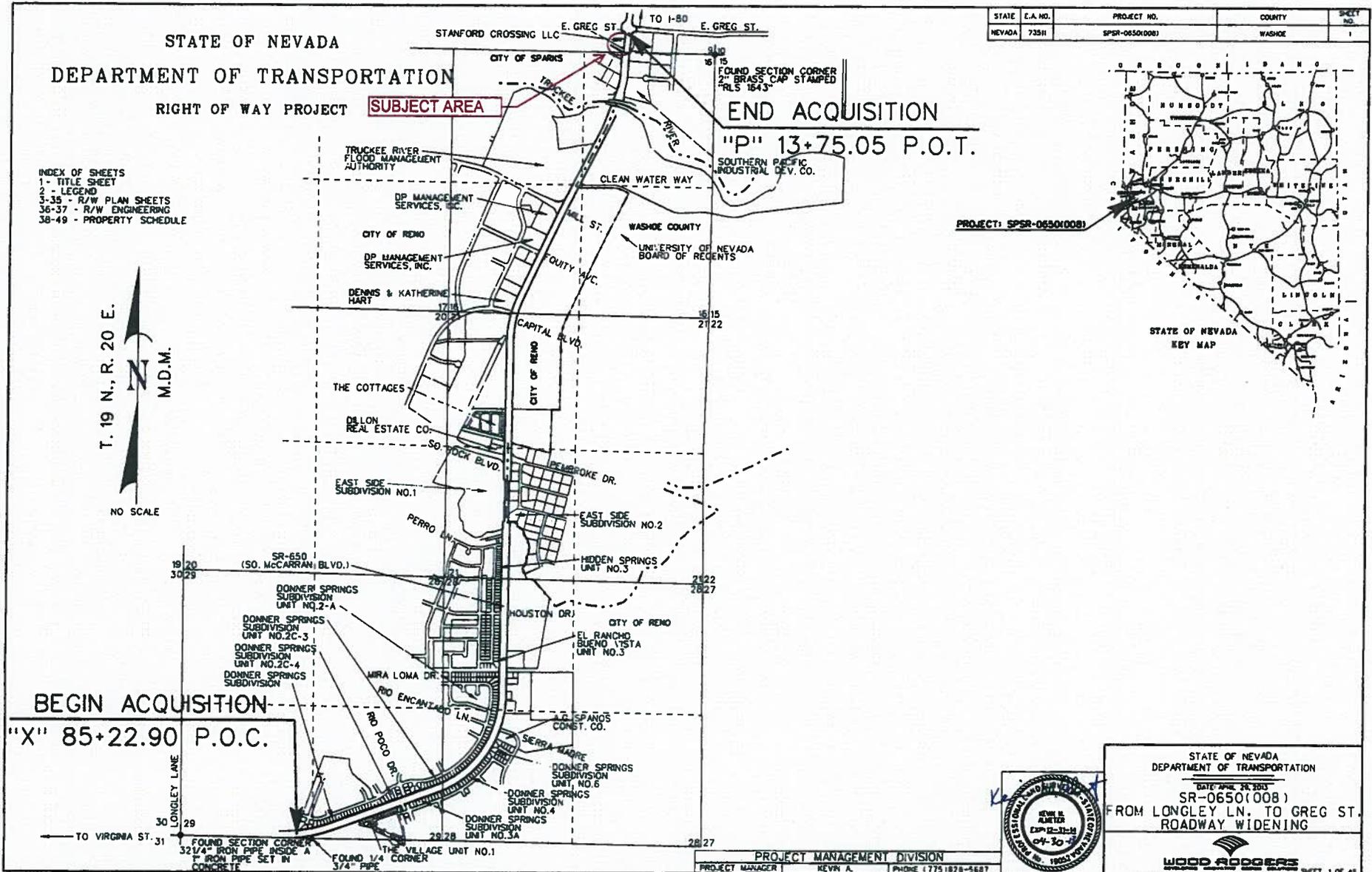
STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY PROJECT **SUBJECT AREA**

STATE	E.A. NO.	PROJECT NO.	COUNTY	SHEET NO.
NEVADA	735H	SPSR-0650(008)	WASHOE	1

INDEX OF SHEETS
1 - TITLE SHEET
2 - LEGEND
3-35 - R/W PLAN SHEETS
36-37 - R/W ENGINEERING
38-49 - PROPERTY SCHEDULE



END ACQUISITION
"P" 13+75.05 P.O.T.



PROJECT: SPSR-0650(008)

BEGIN ACQUISITION
"X" 85+22.90 P.O.C.



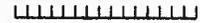
STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION
DATE APR. 26, 2003
SR-0650(008)
FROM LONGLEY LN. TO GREG ST.
ROADWAY WIDENING

WOOD RODGERS
ENGINEERS ARCHITECTS PLANNERS

PROJECT MANAGEMENT DIVISION
PROJECT MANAGER KEVIN A. ALMETER PHONE 1775.1878-4687

STATE	E.A. NO.	PROJECT NO.	COUNTY	SHEET NO.
NEVADA	73511	SPSR-055010081	WASHOE	2

LEGEND OF RIGHT-OF-WAY SYMBOLS



CONTROL OF ACCESS WITH FENCE OR BARRIER



CONTROL OF ACCESS WITHOUT FENCE OR BARRIER

R/W

RIGHT-OF-WAY



LOCATION AT WHICH ACCESS TO THE
FREEWAY IS PERMITTED BY THE STATE



SUBDIVISION BOUNDARY



INDIAN RESERVATION BOUNDARY



PROPERTY LINE

O.H.W.M.

ORDINARY HIGH WATER MARK

PE

PERMANENT EASEMENT

TE

TEMPORARY EASEMENT

REM.

REMAINDER

P.O.B.

POINT OF BEGINNING

P.O.T.

POINT ON TANGENT

P.O.C.

POINT ON CURVE

P.T.

POINT OF TANGENCY

P.C.

POINT OF CURVE

℄

CENTERLINE



STATE LINE



COUNTY LINE



CITY OR TOWN LIMITS



NATIONAL FOREST BOUNDARY



SECTION LINE



1/4 SECTION LINE



1/16 SECTION LINE



1/64 SECTION LINE



SECTION CORNER

FOUND



UNFOUND

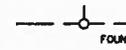


CLOSING SECTION CORNER

FOUND

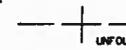


UNFOUND

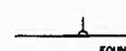


1/4 SECTION CORNER

FOUND

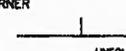


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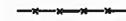


CLOSING 1/4 SECTION CORNER

FOUND



UNFOUND



FENCE LINE



CATTLE GUARD

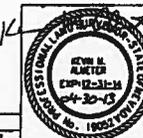


POWER AND TELEPHONE POLES



POLE WITH ANCHOR

PROJECT MANAGEMENT DIVISION
PROJECT MANAGER KEVIN A. PHONE (775) 828-5687



STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION
DATE: APRIL 29, 2013

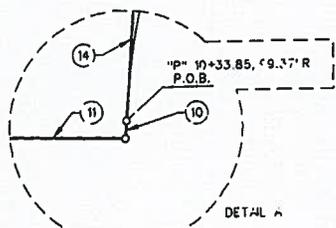
LEGEND

WOOD RODGERS
ENGINEERS ARCHITECTS PLANNERS

SHEET 2 OF 11

STATE	E.A. NO.	PROJECT NO.	COUNTY	SHEET NO.
NEVADA	73511	SPSR-06500001	WAGHOE	34

PARCEL NO. PREFIX: S-650-WA-



CURVE DATA:
 R = 17' 4" 10"
 L = 925.00'
 L = 287.13'

CURVE DATA:
 R = 15' 05" 04"
 L = 1,070.00'
 L = 281.70'

NE 1/4 SEC. 16-5E 1/4 SEC. 9
 T. 19N., R. 20E.
 M.D.M.

PARCEL H
 (RS 1221)

PARCEL G
 (RS 1221)

SEE SHEET 37 FOR METES & BOUNDS

PROJECT MANAGEMENT DIVISION
 PROJECT MANAGER KEVIN A. PHONE (775) 828-5687



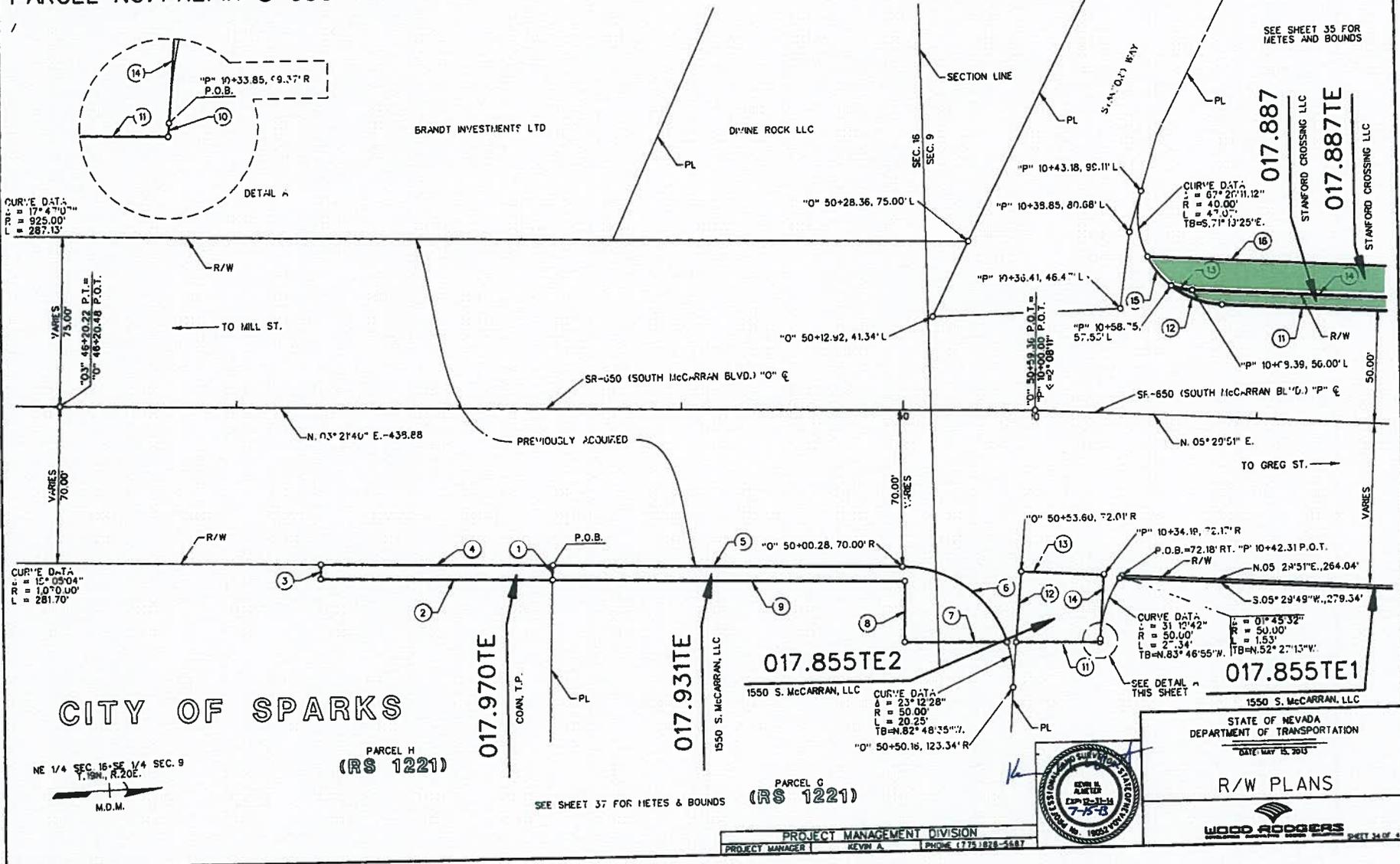
STATE OF NEVADA
 DEPARTMENT OF TRANSPORTATION
 DATE: MAY 15, 2013

R/W PLANS



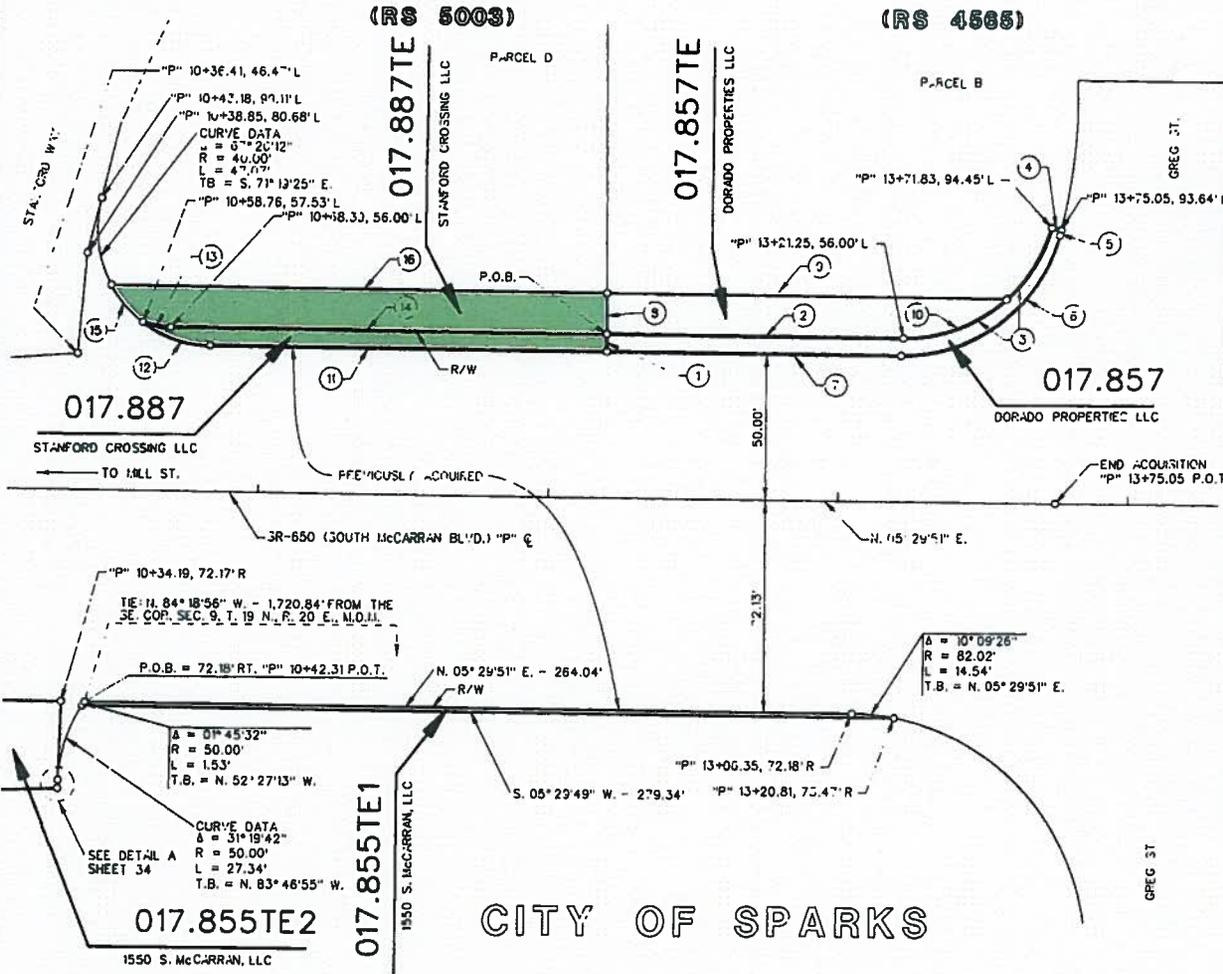
SHEET 34 OF 48

SEE SHEET 35 FOR METES AND BOUNDS



PARCEL NO. PREFIX: S-650-WA-

STATE	E.A. NO.	PROJECT NO.	COUNTY	SHEET NO.
NEVADA	73511	JPSR-07300081	HASHOE	35



017.887	
P.O.B. = 56.00' LT. "P" 12+18.92 P.O.T. TIE: N. 78° 52' 26" W. - 1,857.97' FROM THE SE. COR. SEC. 9, T. 19 N., R. 20 E., M.D.M.	
1	S. 85° 38' 41" E. - 6.00'
11	S. 05° 29' 51" W. - 136.92'
12	Δ = 35° 44' 33" R = 40.00' L = 24.95' T.B. = S. 05° 29' 51" W.
13	Δ = 18° 05' 58" R = 31.00' L = 9.73' T.B. = N. 23° 35' 40" E.
14	N. 05° 29' 51" E. - 150.53'

017.887TE	
P.O.B. = 56.00' LT. "P" 12+18.92 P.O.T. TIE: N. 78° 52' 26" W. - 1,857.97' FROM THE SE. COR. SEC. 9, T. 19 N., R. 20 E., M.D.M.	
14	S. 05° 29' 51" W. - 150.53'
13	Δ = 18° 05' 58" R = 31.00' L = 9.73' T.B. = S. 05° 29' 51" W.
15	Δ = 24° 15' 27" R = 40.00' L = 16.94' T.B. = S. 41° 14' 24" W.
16	N. 05° 29' 51" E. - 171.16'
8	S. 85° 38' 41" E. - 14.00'

017.857	
P.O.B. = 56.00' LT. "P" 12+18.92 P.O.T. TIE: N. 78° 52' 26" W. - 1,857.97' FROM THE SE. COR. SEC. 9, T. 19 N., R. 20 E., M.D.M.	
2	N. 05° 29' 51" E. - 102.33'
3	Δ = 74° 29' 18" R = 52.50' L = 68.25' T.B. = N. 05° 29' 51" E.
4	N. 10° 38' 26" E. - 3.32'
5	Δ = 60° 34' 59" R = 177.16' L = 1.80' T.B. = S. 70° 40' 59" E.
6	Δ = 75° 35' 51" R = 55.77' L = 73.59' T.B. = S. 70° 06' 03" E.
7	S. 05° 29' 51" W. - 101.55'
1	N. 85° 38' 41" W. - 6.00'

017.857TE	
P.O.B. = 56.00' LT. "P" 12+18.92 P.O.T. TIE: N. 78° 52' 26" W. - 1,857.97' FROM THE SE. COR. SEC. 9, T. 19 N., R. 20 E., M.D.M.	
6	N. 85° 38' 41" W. - 14.00'
9	N. 05° 29' 51" E. - 138.30'
10	Δ = 42° 50' 00" R = 52.50' L = 39.25' T.B. = S. 37° 20' 08" E.
2	S. 05° 29' 51" W. - 102.33'

CITY OF SPARKS



STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION
DATE: MAY 5, 2011

R/W PLANS



PROJECT MANAGEMENT DIVISION
PROJECT MANAGER KEVIN A. PHONE (775) 828-5687

SHEET 35 OF 41

PARCEL NO. PREFIX: S-850-WA-

PROPERTY SCHEDULE

ALL AREAS ARE SHOWN IN SQUARE FEET, UNLESS OTHERWISE INDICATED

STATE	E.A. NO.	PROJECT NO.	COUNTY	SHEET NO.
NEVADA	73511	SPR-0650(008)	WASHOE	36

STATE OF NEVADA DEPT OF TRANSPORTATION

PARCEL NO.	GRANTOR	GROSS AREA	PREV. ACQU.	NET AREA	R/V AREA	ACQUISITION RECORDING DATA				SURPLUS LAND DATA		REM. RT.	REM. LT.	REMARKS
						BK.	PG.	TYPE	DATE	AREA	DATE			
017.855TE1	1550 S. McCARRAN, LLC	353		353										GRADING TO EXISTING & IRRIGATION REPAIR
017.855TE2	1550 S. McCARRAN, LLC	1,151		1,151										RECONSTRUCT DRIVEWAY
017.857	DORADO PROPERTIES LLC	963		963	963									
017.857TE	DORADO PROPERTIES LLC	1,778		1,778										GRADING TO EXISTING & IRRIGATION REPAIR
017.887	STANFORD CROSSING LLC	910		910	910									
017.887TE	STANFORD CROSSING LLC	2,316		2,316										GRADING TO EXISTING & IRRIGATION REPAIR
017.931TE	1550 S. McCARRAN, LLC	2,139		2,139										GRADING TO EXISTING
017.970TE	COAN, T.P.	677		677										GRADING TO EXISTING
018.118PE	NEVADA STATE LANDS	17,994		17,994										PERMANENT EASEMENT FOR BRIDGES
018.143PE	BOARD OF REGENTS UNIVERSITY OF NEVADA SYSTEM	6,166		6,166										SLOPE EASEMENT FOR MULTIPURPOSE PATH
018.309TE	TRUCKEE RIVER FLOOD MANAGEMENT AUTHORITY	12,141		12,141										RETURN WATER DITCH AND FENCE
018.309PE	TRUCKEE RIVER FLOOD MANAGEMENT AUTHORITY	14,794		14,794										SLOPE EASEMENT
018.701TE	HIDDEN VALLEY TECH CENTER LLC	7,399		7,399										GRADING TO EXISTING & IRRIGATION REPAIR
018.964TE	SKI CAT HOLDINGS LLC	2,921		2,921										GRADING TO EXISTING & IRRIGATION REPAIR
019.387TE	THE COTTAGES OF RENO HOA	243		243										SOUNDWALL CONSTRUCTION
019.400TE	ROSS FAMILY TRUST	200		200										SOUNDWALL CONSTRUCTION
019.408TE	EVANS, H.E.	200		200										SOUNDWALL CONSTRUCTION
019.416TE	JONAS, Z.	200		200										SOUNDWALL CONSTRUCTION
019.423TE	HAWES-JONES, N. & C.	200		200										SOUNDWALL CONSTRUCTION
019.431TE	RODS, E.L. ET AL	200		200										SOUNDWALL CONSTRUCTION



STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION
DATE: MAY 15, 2015
PROPERTY SCHEDULE
WOOD RODGERS
REGISTERED PROFESSIONAL ENGINEER
SHEET 36 OF 48

PROJECT MANAGEMENT DIVISION
PROJECT MANAGER: KEVIN A. RODGERS PHONE: 1775-1928-5687

RESOLUTION OF THE BOARD OF DIRECTORS OF THE DEPARTMENT OF TRANSPORTATION AUTHORIZING ACQUISITION BY CONDEMNATION OF PROPERTY FOR THE WIDENING AND RECONSTRUCTION OF SOUTH MCCARRAN BOULEVARD, FROM LONGLEY LANE TO GREG STREET, IN THE CITY OF RENO AND THE CITY OF SPARKS, WASHOE COUNTY, NEVADA.

CONDEMNATION RESOLUTION NO. 444

WHEREAS, the Department of Transportation of the State of Nevada (hereinafter the "Department") is empowered by chapter 408 of the Nevada Revised Statutes to acquire real property, interests therein, and improvements located thereon for the construction and maintenance of highways; and

WHEREAS, the Department has determined that the public interest and necessity require the acquisition, reconstruction, and completion of a public improvement, namely the widening and reconstruction of South McCarran Boulevard from Longley Lane to Greg Street, in the City of Reno and the City of Sparks, Washoe County, State of Nevada and that the real property hereinafter described is necessary for said public improvement; and

WHEREAS, on March 18, 2011, the Department entered into a Cooperative Agreement with the Regional Transportation Commission of Washoe County (hereinafter the "Cooperative Agreement") whereby the Department will acquire the real property and real property interests necessary for said public improvement; and

WHEREAS, the right-of-way plans are attached hereto and incorporated herein depicting the parcels described herein; and

WHEREAS, as provided in the Cooperative Agreement, a construction contract for said project will be entered into by the Regional Transportation Commission of Washoe County, and the real property hereinafter described will be needed for said project; and

WHEREAS, pursuant to section 408.503 of the Nevada Revised Statutes, the Department shall not commence any legal action in eminent domain until the Board of Directors of the Department adopts a resolution declaring that the public interest and necessity require the highway improvement and that the property described is necessary for such improvement.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Department, pursuant to section 408.503 of the Nevada Revised Statutes:

That the public interest and necessity require the acquisition, construction, reconstruction, improvement, maintenance or completion of a public improvement, namely a public highway; and that the real property hereinafter described is necessary for said public improvement; and

That the proposed construction of said public highway improvement on and along an alignment heretofore approved is planned and located in a manner which will be the most compatible with the greatest public good and the least private injury.

BE IT FURTHER RESOLVED THAT the Department be and is hereby authorized and directed:

To acquire in the name of and in behalf of the State of Nevada, in fee simple absolute, unless a lesser estate is hereinafter described, the following described real property and interests therein by the exercise of the power of eminent domain in accordance with the provisions of chapters 37 and 408 of the Nevada Revised Statutes;

To commence and prosecute, if necessary, in the name of the State of Nevada, condemnation proceedings in the proper court to condemn said real property and interests therein; and

To make application to said court for an order permitting the Department to take possession and use of said real property as may be necessary for construction of said public highway improvement, and to pledge the public faith and credit of the State of Nevada as security for such entry or, should the Department deem such advisable, to deposit with the Clerk of such court, in lieu of such pledge, a sum equal to the value of the premises sought to be condemned as appraised by the Department, and to acquire the following real property:

PARCEL NOS. S-650-WA-017.887 and S-650-WA-017.887TE, owned by STANFORD CROSSING, LLC, a Nevada limited liability company

Said real property situate, lying and being in the City of Sparks, County of Washoe, State of Nevada, being a portion of the Southeast One-Quarter (SE ¼) of Section Nine (9), Township Nineteen (19) North, Range Twenty (20) East, M.D.M., and more particularly described as being a portion of Parcel D as shown on Record of Survey Map No. 5003 recorded on January 16, 2008, as File No. 3612114, in the Official Records of Washoe County, Nevada, and more fully described by metes and bounds as follows, to wit:

PARCEL NO. S-650-WA-017.887 to be acquired fee simple

COMMENCING at the corner common to Sections 9, 10, 15, 16, said section corner being a found 2 inch brass cap monument, stamped "RLS 1643", shown on the Official Map To Offer for Dedication "Glendale Ave., Greg St., Kleppe Lane, Kresge Lane, Tarner Dr., Tarner Ct., Overmyer Rd., Purina Way, Packer Way, and Watson Way to the City of Sparks, Nevada", recorded as Dedication Tract Map No. 1576 on June 3, 1976, as File No. 411080, in said Official Records; thence departing said corner, North 78°52'26" West a distance of 1857.97 feet to a point on the northerly line of said Parcel D, also being the POINT OF BEGINNING, said point of beginning described as being on the left or westerly right-of-way line of SR-650 (South McCarran Boulevard), 56.00 left of

and at right angles to Highway Engineer's Station "P" 12+18.92 P.O.T.; thence along said northerly line, South 85°38'41" East a distance of 6.00 feet to a point on the former westerly right-of-way line of said SR-650; thence along said former westerly right-of-way line, South 05°29'51" West a distance of 136.92 feet to the beginning of a tangent curve; thence continuing along said former westerly right-of-way line, 24.95 feet along the arc of a 40.00 foot radius curve to the right through a central angle of 35°44'33" to the beginning of a non-tangent curve; thence departing said former westerly right-of-way line and along said westerly right-of-way line, from a tangent which bears North 23°35'49" East, 9.79 feet along the arc of a 31.00 foot radius curve to the left through a central angle of 18°05'58"; thence continuing along said westerly right-of-way line, North 05°29'51" East a distance of 150.53 feet to the point of beginning; said parcel contains an area of 910 square feet of land, more or less.

PARCEL NO. S-650-WA-017.887TE to be acquired as a temporary easement for grading and irrigation repair purposes for a two year period commencing on the date of occupancy

COMMENCING at the corner common to Sections 9, 10, 15, 16, said section corner being a found 2 inch brass cap monument, stamped "RLS 1643", shown on the Official Map To Offer for Dedication "Glendale Ave., Greg St., Kleppe Lane, Kresge Lane, Tarner Dr., Tarner Ct., Overmyer Rd., Purina Way, Packer Way, and Watson Way to the City of Sparks, Nevada", recorded as Dedication Tract Map No. 1576 on June 3, 1976, as File No. 411080, in said Official Records; thence departing said corner, North 78°52'26" West a distance of 1857.97 feet to a point on the northerly line of said Parcel D, also being the POINT OF BEGINNING, said point of beginning described as being on the left or westerly right-of-way line of SR-650 (South McCarran Boulevard), 56.00 left of and at right angles to Highway Engineer's Station "P" 12+18.92 P.O.T.; thence departing said northerly line along said westerly right-of-way line the following 3 courses:

1. South 05°29'51" West a distance of 150.53 feet to the beginning of a tangent curve;

2. 9.79 feet along the arc of a 31.00 foot radius curve to the right through a central angle of 18°05'58" to the beginning of a non-tangent curve;
3. From a tangent which bears South 41°14'24" West, 16.94 feet along the arc of a 40.00 foot radius curve to the right through a central angle of 24°15'27";

thence departing said westerly right-of-way line, North 05°29'51" East a distance of 171.16 feet to said northerly line; thence along said northerly line, South 85°38'41" East a distance of 14.00 feet to the point of beginning; said parcel contains an area of 2,316 square feet of land, more or less.

The Basis of Bearing for these descriptions is the NEVADA STATE PLANE COORDINATE SYSTEM, NAD 83/94 DATUM, West Zone as determined by the State of Nevada, Department of Transportation.

BE IT FURTHER RESOLVED that the Director, Deputy Director, and Chief Counsel of the Department have the power to enter into any stipulations or file any necessary pleadings in any condemnation proceeding and to bind the Department of Transportation in the completion of this project.

Adopted this _____ day of June, 2014.

ON BEHALF OF
STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION
BOARD OF DIRECTORS

Secretary to the Board
William H. Hoffman

Chairman – Brian Sandoval
Governor

APPROVED AS TO LEGALITY
AND FORM

Dennis Gallagher, Chief Counsel
Department of Transportation

NRS 408.503 Eminent domain: Resolution by Board; precedence over other legal actions.

1. The Department shall not commence any legal action in eminent domain until the Board adopts a resolution declaring that the public interest and necessity require the acquisition, construction, reconstruction, improvement or completion by the State, acting through the Department, of the highway improvement for which the real property, interests therein or improvements thereon are required, and that the real property, interests therein or improvements thereon described in the resolution are necessary for such improvement.

2. The resolution of the Board is conclusive evidence:

(a) Of the public necessity of such proposed public improvement.

(b) That such real property, interests therein or improvements thereon are necessary therefor.

(c) That such proposed public improvement is planned or located in a manner that will be most compatible with the greatest public good and the least private injury.

3. All legal actions in all courts brought under the provisions of this chapter to enforce the right of eminent domain take precedence over all other causes and actions not involving the public interest, to the end that all such actions, hearings and trials thereon must be quickly heard and determined.

(Added to NRS by 1957, 691; A 1960, 392; 1987, 1810; 1989, 1306)

ATTACHMENT 3

NRS 241.034 Meeting to consider administrative action against person or acquisition of real property by exercise of power of eminent domain: Written notice required; exception.

1. Except as otherwise provided in subsection 3:
 - (a) A public body shall not consider at a meeting whether to:
 - (1) Take administrative action against a person; or
 - (2) Acquire real property owned by a person by the exercise of the power of eminent domain,
 - ↪ unless the public body has given written notice to that person of the time and place of the meeting.
 - (b) The written notice required pursuant to paragraph (a) must be:
 - (1) Delivered personally to that person at least 5 working days before the meeting; or
 - (2) Sent by certified mail to the last known address of that person at least 21 working days before the meeting.
 - ↪ A public body must receive proof of service of the written notice provided to a person pursuant to this section before the public body may consider a matter set forth in paragraph (a) relating to that person at a meeting.
 2. The written notice provided in this section is in addition to the notice of the meeting provided pursuant to NRS 241.020.
 3. The written notice otherwise required pursuant to this section is not required if:
 - (a) The public body provided written notice to the person pursuant to NRS 241.033 before holding a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of the person; and
 - (b) The written notice provided pursuant to NRS 241.033 included the informational statement described in paragraph (b) of subsection 2 of that section.
 4. For the purposes of this section, real property shall be deemed to be owned only by the natural person or entity listed in the records of the county in which the real property is located to whom or which tax bills concerning the real property are sent.
- (Added to NRS by 2001, 1835; A 2001 Special Session, 155; 2005, 2247)

ATTACHMENT 4



1263 South Stewart Street
Carson City, Nevada 89712
Phone: (775) 888-7440
Fax: (775) 888-7313

MEMORANDUM

May 23, 2014

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, P.E., Director
SUBJECT: June 2, 2014 Transportation Board of Directors Meeting
Item # 6b: Action Item: Condemnation Resolution No. 445
I-15 Freeway, from Desert Inn Road to the US-95/I-515
Interchange; Project NEON; in the City of Las Vegas; Clark County.
2 Owners, 2 Parcels – For possible action

Summary:

The department is acquiring property and property rights for the widening and reconstruction of the I-15 Freeway, from Desert Inn Road to the US-95/I-515 Interchange, in the City of Las Vegas, Clark County. These properties are for Phase 1 of project NEON. The department is seeking the Board's approval of condemnation action for the unresolved acquisition as described below.

Background:

John Sharples and Bonnie Sharples - The negotiation is unresolved for the acquisition from John Sharples and Bonnie Sharples. It is necessary to acquire a fee parcel containing 501 square feet and a temporary sign construction easement for a three-year period, which contains 260 square feet, from a 29,602 square foot (0.68 acre) Industrial District-zoned parcel. The parcel is improved with two office/warehouse buildings totaling 4,824 square feet and miscellaneous paving and fencing. **The parcels in question, which are located on the east side of Western Avenue, approximately 450 feet south of its intersection with Wall Street, in the City of Las Vegas, are highlighted in red on the right-of-way plans that are part of the Condemnation Resolution (Attachment 2).** The State's initial offer of \$7,390.00 was made on October 11, 2012. Due to the passage of time, a revised total offer of \$7,598.00 for the parcels was made on November 6, 2013. The offer consisted of \$5,770.00 for the fee simple land (at approximately \$11.50 per square foot), \$1,000.00 for miscellaneous site improvements and \$828.00 for the temporary easement (which is a 10% per year return on the \$11.50 per square foot fee land value for a period of three years discounted to a present value). The owners are concerned about the accessibility to the property by trucks after the project is constructed, but have made no counteroffer. Negotiations are now at an impasse. The department is continuing to work towards settlement, but is requesting this condemnation resolution to meet construction deadlines.

Analysis:

A condemnation resolution is requested so that the Department can certify the right-of-way to the Federal Highway Administration to meet the project schedule. Prior to construction all environmental testing, demolition and utility relocations must be accomplished. Pursuant to Chapter 241 of the Nevada Revised Statutes, the required notices regarding this open meeting have been served.

Recommendation for Board Action:

Board approval of this resolution of condemnation is respectfully requested.

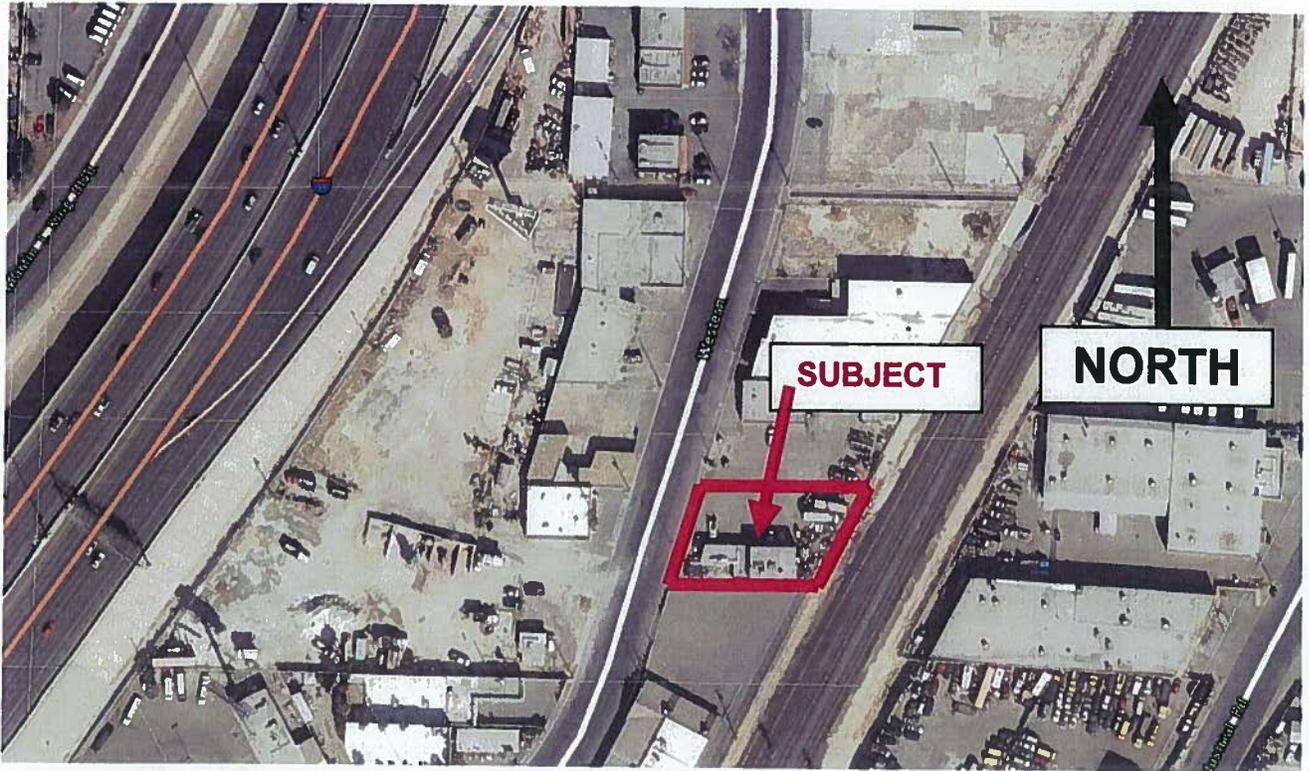
List of Attachments:

1. Location map
2. Condemnation Resolution No. 445 with Right-of-Way plans
3. Section 408.503 of the Nevada Revised Statutes
4. Section 241.034 of the Nevada Revised Statutes

Prepared by:

Paul Saucedo, Chief R/W Agent

LOCATION MAP



CONDEMNATION RESOLUTION NO. 445

DESCRIPTION: I-15 FREEWAY, FROM DESERT INN ROAD TO THE US-95/I-515 INTERCHANGE; PROJECT NEON; IN THE CITY OF LAS VEGAS; CLARK COUNTY, NV

PARCEL NUMBER PREFIX: I-015+CL-

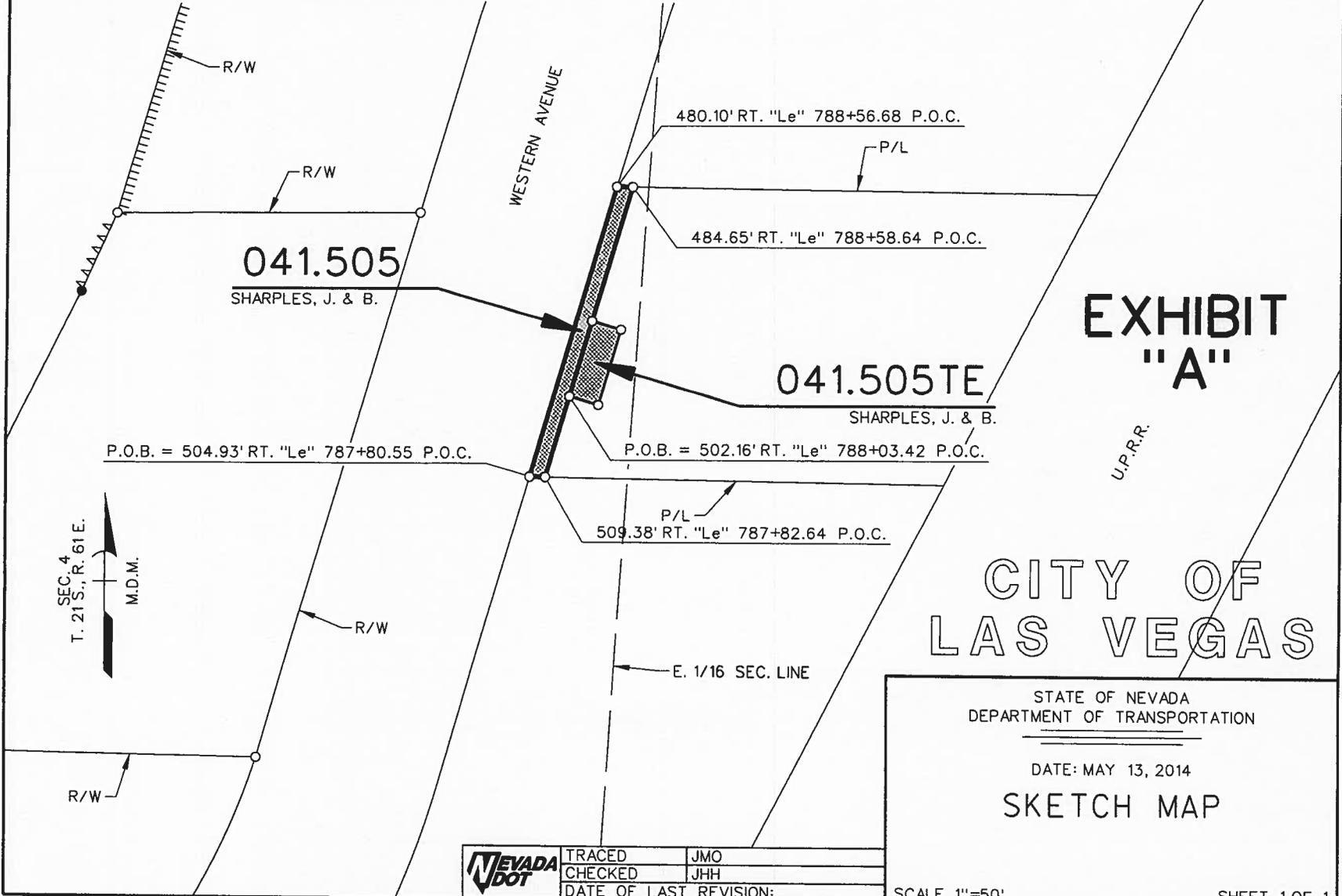


EXHIBIT "A"

CITY OF LAS VEGAS

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION

DATE: MAY 13, 2014

SKETCH MAP

NEVADA DOT	TRACED	JMO
	CHECKED	JHH
	DATE OF LAST REVISION:	

SCALE 1"=50'

SHEET 1 OF 1

RESOLUTION OF THE BOARD OF DIRECTORS OF THE DEPARTMENT OF TRANSPORTATION AUTHORIZING ACQUISITION BY CONDEMNATION OF PROPERTY FOR THE WIDENING AND RECONSTRUCTION OF THE I-15 FREEWAY, FROM DESERT INN ROAD NORTH TO THE U.S. 95/I-515 INTERCHANGE, IN THE CITY OF LAS VEGAS, CLARK COUNTY, NEVADA.

CONDEMNATION RESOLUTION NO. 445

WHEREAS, the Department of Transportation of the State of Nevada (hereinafter the "Department") is empowered by chapter 408 of the Nevada Revised Statutes to acquire real property, interests therein, and improvements located thereon for the construction and maintenance of highways; and

WHEREAS, the Department has determined that the public interest and necessity require the acquisition, reconstruction, and completion by the State of Nevada, acting by and through the Department, of a public improvement, namely the widening and reconstruction of the I-15 Freeway, from Desert Inn Road north to the U.S. 95/I-515 Interchange, in the City of Las Vegas, Clark County, State of Nevada and that the real property hereinafter described is necessary for said public improvement; and

WHEREAS, the right-of-way plans are attached hereto and incorporated herein depicting the parcel described herein; and

WHEREAS, the Department plans to obligate federal-aid funds for this project, and let a construction contract for said project, and the real property hereinafter described will be needed for said freeway project; and

WHEREAS, pursuant to section 408.503 of the Nevada Revised Statutes, the Department shall not commence any legal action in eminent domain until the Board of Directors of the Department adopts a resolution declaring that the public interest and necessity require the highway improvement and that the property described is necessary for such improvement.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Department, pursuant to section 408.503 of the Nevada Revised Statutes:

That the public interest and necessity require the acquisition, construction, reconstruction, improvement, maintenance or completion by the State of Nevada, acting through the Department, of a public improvement, namely a freeway; and that the real property hereinafter described is necessary for said public improvement; and

That the proposed construction of said public highway improvement on and along an alignment heretofore approved is planned and located in a manner which will be the most compatible with the greatest public good and the least private injury.

BE IT FURTHER RESOLVED THAT the Department be and is hereby authorized and directed:

To acquire in the name of and in behalf of the State of Nevada, in fee simple absolute, unless a lesser estate is hereinafter described, the following described real property and interests therein by the exercise of the power of eminent domain in accordance with the provisions of chapters 37 and 408 of the Nevada Revised Statutes;

To commence and prosecute, if necessary, in the name of the State of Nevada, condemnation proceedings in the proper court to condemn said real property and interests therein; and

To make application to said court for an order permitting the Department to take possession and use of said real property as may be necessary for construction of said public highway improvement, and to pledge the public faith and credit of the State of Nevada as security for such entry or, should the Department deem such advisable, to deposit with the Clerk of such court, in lieu of such pledge, a sum equal to the value of

the premises sought to be condemned as appraised by the Department, and to acquire the following real property:

PARCEL NOS. I-015-CL-041.505 and I-015-CL-041.505TE owned by JOHN SHARPLES AND BONNIE SHARPLES, husband and wife as joint tenants

Said real property situate, lying and being in the City of Las Vegas, County of Clark, State of Nevada, and more particularly described as being a portion of the NE 1/4 of Section 4, T. 21 S., R. 61 E., M.D.M., and more fully described by metes and bounds as follows, to wit:

PARCEL NO. I-015-CL-041.505 to be acquired fee simple

COMMENCING at the east quarter corner of said Section 4, shown and delineated as a "Set Brass Cap PLS 5094 in Well Monument" on that certain RECORD OF SURVEY FOR CITY OF LAS VEGAS, filed for record as Book No. 960110, Instrument No. 01279, on January 10, 1996, File 80, Page 46 of Surveys, Official Records, Clark County, Nevada; thence N 44°50'24" W. a distance of 1,765.82 feet to the POINT OF BEGINNING; said point of beginning described as being on the easterly right-of-way line of Western Avenue, 504.93 feet right of and measured radially from Highway Engineer's Station "Le" 787+80.55 P.O.C.; thence N. 16°24'39" E., along the former easterly right-of-way line of said Western Avenue, a distance of 100.08 feet; thence along said easterly right-of-way line the following three (3) courses and distances:

- 1) S. 89°03'30" E. - 5.19 feet;
- 2) S. 16°24'39" W. - 100.08 feet;
- 3) N. 89°03'30" W. - 5.19 feet to the point of beginning; said parcel contains an area of 501 square feet (0.01 of an acre).

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PARCEL NO. I-015-CL-041.505TE to be acquired as a temporary easement for sign construction purposes for a three-year period commencing on the date of occupancy

COMMENCING at the east quarter corner of said Section 4, shown and delineated as a "Set Brass Cap PLS 5094 in Well Monument" on that certain RECORD OF SURVEY FOR CITY OF LAS VEGAS, filed for record as Book No. 960110, Instrument No. 01279, on January 10, 1996, File 80, Page 46 of Surveys, Official Records, Clark County, Nevada; thence N. 43°56'34" W. a distance of 1,775.59 feet to the POINT OF BEGINNING; said point of beginning described as being on the easterly right-of-way line of Western Avenue, 502.16 feet right of and measured radially from Highway Engineer's Station "Le" 788+03.42 P.O.C.; thence N. 16°24'39" E., along said easterly right-of-way line, a distance of 26.00 feet; thence departing said right-of-way line, the following three (3) courses and distances:

- 1) S. 73°35'58" E. - 10.00 feet;
- 2) S. 16°24'39" W. - 26.00 feet;
- 3) N. 73°35'58" W. - 10.00 feet to the point of beginning; said parcel contains an area of 260 square feet (0.01 of an acre).

The Basis of Bearing for these descriptions is the NEVADA STATE PLANE COORDINATE SYSTEM, NAD 83/94 DATUM, East Zone, as determined by the State of Nevada, Department of Transportation.

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BE IT FURTHER RESOLVED that the Director, Deputy Director, and Chief Counsel of the Department have the power to enter into any stipulations or file any necessary pleadings in any condemnation proceeding and to bind the Department of Transportation in the completion of this project.

Adopted this _____ day of June, 2014.

ON BEHALF OF
STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION
BOARD OF DIRECTORS

Secretary to the Board
William H. Hoffman

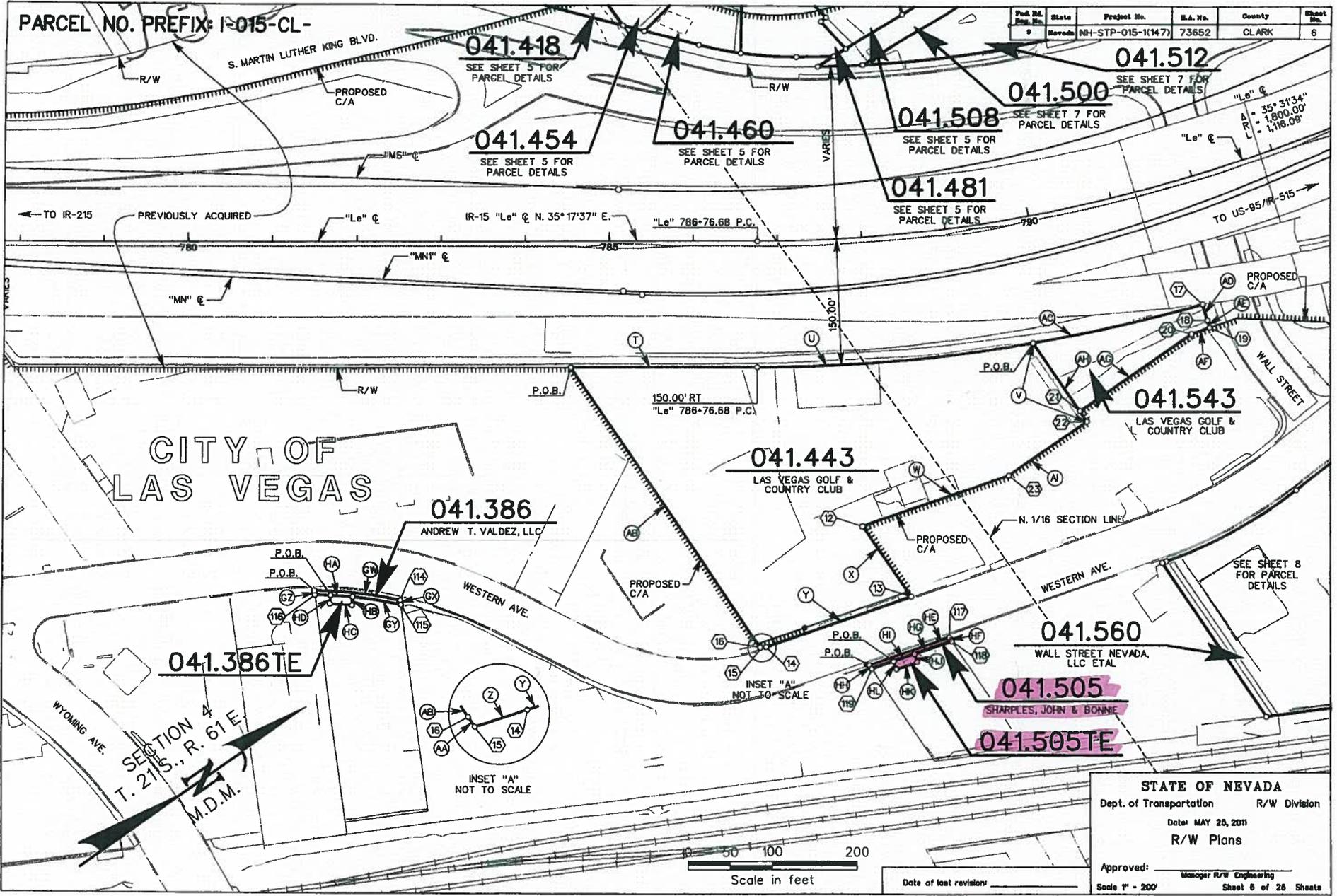
Chairman – Brian Sandoval
Governor

APPROVED AS TO LEGALITY
AND FORM

Dennis Gallagher, Chief Counsel
Department of Transportation

PARCEL NO. PREFIX: 1-015-CL-

Proj. No.	State	Project No.	S.A. No.	County	Sheet No.
9	Nevada	NH-STP-015-1(147)	73652	CLARK	6



TRACED:
CHECKED:

SECTION 4
T. 21 S., R. 61 E.
M.D.M.

0 50 100 200
Scale in feet

Date of last revision:

STATE OF NEVADA
 Dept. of Transportation R/W Division
 Date: MAY 25, 2011
 R/W Plans

Approved: _____
 Manager R/W Engineering
 Scale 1" = 200' Sheet 6 of 25 Sheets

NRS 408.503 Eminent domain: Resolution by Board; precedence over other legal actions.

1. The Department shall not commence any legal action in eminent domain until the Board adopts a resolution declaring that the public interest and necessity require the acquisition, construction, reconstruction, improvement or completion by the State, acting through the Department, of the highway improvement for which the real property, interests therein or improvements thereon are required, and that the real property, interests therein or improvements thereon described in the resolution are necessary for such improvement.

2. The resolution of the Board is conclusive evidence:

(a) Of the public necessity of such proposed public improvement.

(b) That such real property, interests therein or improvements thereon are necessary therefor.

(c) That such proposed public improvement is planned or located in a manner that will be most compatible with the greatest public good and the least private injury.

3. All legal actions in all courts brought under the provisions of this chapter to enforce the right of eminent domain take precedence over all other causes and actions not involving the public interest, to the end that all such actions, hearings and trials thereon must be quickly heard and determined.

(Added to NRS by 1957, 691; A 1960, 392; 1987, 1810; 1989, 1306)

ATTACHMENT 3

NRS 241.034 Meeting to consider administrative action against person or acquisition of real property by exercise of power of eminent domain: Written notice required; exception.

1. Except as otherwise provided in subsection 3:
 - (a) A public body shall not consider at a meeting whether to:
 - (1) Take administrative action against a person; or
 - (2) Acquire real property owned by a person by the exercise of the power of eminent domain,
 - ↪ unless the public body has given written notice to that person of the time and place of the meeting.
 - (b) The written notice required pursuant to paragraph (a) must be:
 - (1) Delivered personally to that person at least 5 working days before the meeting; or
 - (2) Sent by certified mail to the last known address of that person at least 21 working days before the meeting.
 - ↪ A public body must receive proof of service of the written notice provided to a person pursuant to this section before the public body may consider a matter set forth in paragraph (a) relating to that person at a meeting.
 2. The written notice provided in this section is in addition to the notice of the meeting provided pursuant to NRS 241.020.
 3. The written notice otherwise required pursuant to this section is not required if:
 - (a) The public body provided written notice to the person pursuant to NRS 241.033 before holding a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of the person; and
 - (b) The written notice provided pursuant to NRS 241.033 included the informational statement described in paragraph (b) of subsection 2 of that section.
 4. For the purposes of this section, real property shall be deemed to be owned only by the natural person or entity listed in the records of the county in which the real property is located to whom or which tax bills concerning the real property are sent.
- (Added to NRS by 2001, 1835; A 2001 Special Session, 155; 2005, 2247)

ATTACHMENT 4



1263 South Stewart Street
Carson City, Nevada 89712
Phone: (775) 888-7440
Fax: (775) 888-7201

MEMORANDUM

May 22, 2014

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, P.E., Director
SUBJECT: June 2, 2014 Transportation Board of Directors Meeting
ITEM #7: Acceptance of Amendments and Administrative Modifications to the FFY 2014-2017 Statewide Transportation Improvement Program (STIP) and approval of changes to the 2014 NDOT Work Program For Possible Action.

Summary:

Amendments and Administrative Modifications are made to the STIP throughout the year in order to facilitate project changes. At the November 13, 2013 State Transportation Board of Directors Meeting, the FY 2014 – 2017 Statewide Transportation Improvement Program (STIP) was accepted as a part of the FY 2014-2023 Transportation Systems Projects (TSP).

NDOT staff work closely with the local Metropolitan Planning Organizations (MPO's) and local governments to facilitate these project changes.

Quarterly Amendments and Administrative Modifications to the 2014-2017 STIP were last presented to the Board at the March 10, 2014 meeting

Attachment "A" lists Amendments and other state program project changes to the 2014 STIP during the last quarter.

NDOT is requesting the State Transportation Board's acceptance of these changes as summarized in Attachment "A".

Attachment "B" lists Administrative Modifications and other state program project changes to the 2014 STIP during the last quarter.

NDOT is requesting the State Transportation Board's acceptance of these changes as summarized in Attachment "B".

Background:

NDOT staff works continuously with federal and regional agencies, local governments, and planning boards to develop the *Transportation System Projects (TSP)* notebook. The 2014-2023 document contains the:

Statewide Transportation Improvement Program (STIP), FY 2014-2017
Work Program (WP), FY 2014
Short Range Element (SRE), FY 2015-2016
Long Range Element (LRE), FY 2017-2023

Attachment “A” details Amendments to projects which have occurred since March 10, 2014 and includes actions taken in the RTCWA, RTCSNV, CAMPO, and TMPO Transportation Improvement Plans (TIP). This attachment also includes Amendments to the STIP for projects in areas outside of the MPO boundaries which have taken place since March 10.

Amendments are triggered when action is taken to a project that changes funding amounts greater than \$5 million or greater than 20% of the project cost as approved in the STIP. They are also triggered by changing limits or scope of the project. This action can take 2-3 months to process. For a full list of STP process details please see page 16 of the STIP process in the TSP document.

Attachment “B” details Administrative Modifications to projects which have occurred since March 10, 2014 and includes actions taken in the RTCWA, RTCSNV, CAMPO, and TMPO Transportation Improvement Plans (TIP). This also includes Administrative Modifications to the STIP for projects in areas outside of the MPO boundaries which have taken place since March 10, 2014.

Administrative Modifications are triggered when action is taken to a project that changes a funding category or a project is moved between fiscal years. This action can take 1-2 weeks to process. For a full list of STP details please see page 15 of the STIP process in the TSP document.

Analysis:

The attached listing of Amendments and Administrative Modifications to projects are those transacted by the MPOs and NDOT that occurred since March 10, 2014.

Recommendation for Board Action:

Acceptance of the Amendments and Administrative Modifications to the FY 2014 – 2017 Statewide Transportation Improvement Program (STIP).

List of Attachments:

- A. List of Amendments
- B. List of Administrative Modifications

Prepared by:

Jason Van Havel, Acting Chief, Transportation & Multimodal Planning Division

Project Amendments List (3/10/2014 – Current)

RTC of Southern Nevada

Amendment No. 5: This action makes the following changes to the following projects:

RTP Project #6031 (CL20120055): Delete project and funds - US 93 from 6M N of the jct of FRCCL07 to the CL/LN County Line/Shoulder widening and slope flattening (Const).

- Delete \$15,010,000 Highway Safety Improvement Program (HSIP) funds in FFY14
- Delete \$790,000 State Match in FFY14

RTP Project #6033 (CL20120055): Add and adjust funds - SR 147, Lake Mead Blvd from EUL of North Las Vegas to Northern Boundary of LMNRA change FFY14 funding.

- Add the High Risk Rural Road (HRRR) funds in the amount of \$1,425,000 in FFY14
- Reduce Highway Safety Improvement Program (HSIP) funds from \$6,175,000 to \$5,035,000 in FFY14
- Increase State Matching funds from \$325,000 to \$350,000 in FFY14

RTP Project #6034 (CL20130117): Delete project and funds - SR 147 E. Lake Mead from Civic Center to Pecos Rd/Signal Modifications, median island work, pedestrian improvements.

- Delete the Highway Safety Improvement Program (HSIP) funds in the amount \$4,000,000 in FFY14
- Delete the State Matching funds in the amount of \$200,000 in FFY14

RTP Project #926 (CL200704): Modify funds – Clark County-215 Northern Beltway at US 95, Construct interchange (Package 1): Facilitate major movements (north to east, west to south, & east to south).

- Add the National Highway Performance Program (NHPP) in the amount of \$28,500,000 in FFY15
- Add the STP Statewide funds in the amount of \$9,500,000 in FFY15
- Add the State Matching funds in the amount of \$2,000,000 in FFY15

Amendment No. 5: This action adds the following projects:

RTP Project #6039: National Summer Transportation Institute Program at UNLV / Exposing 9th-12th grade high school students to careers in transportation (other).

- Add the M490, Skills Training (FHWA Grant) funds in the amount of \$48,000 in FFY14

RTP Project #6040 (CL20140025): Eastern Ave. at various locations/install Cantilevers – Signal Project.

- Add the Rail Hwy Crossing and Rail Hwy Protect (RR) funds in the amount of \$166,250 RR in FFY14
- Add the State Matching funds in the amount of \$8,750 in FFY14

RTP Project #6041 (CL20140026): Green Valley Parkway at various locations / install Cantilevers – Signal Project.

- Add Rail Hwy Crossing and Rail Hwy Protect (RR) funds in the amount \$171,000 RR in FFY14
- Add the State Matching funds in the amount of \$9,000 in FFY14

RTP Project #6042 (CL20140027): Las Vegas at multiple intersections (package 2) / Signal System Modifications.

- Add the Highway Safety Improvement Program (HSIP) in the amount of \$1,662,500 in FFY14
- Add the State Matching funds in the amount of \$87,500 in FFY14

RTP Project #6043 (CL20140028): North Las Vegas at multiple intersections (package 2) / Signal System Modifications.

- Add the Highway Safety Improvement Program (HSIP) in the amount of \$831,250 in FFY14
- Add the State Matching funds in the amount of \$43,750 in FFY14

RTP Project #6044 (CL20140029): Stephanie St at various locations / install Cantilevers – Signal Project.

- Add the Rail Hwy Crossing and Rail Hwy Protect (RR) funds in the amount \$175,750 in FFY14
- Add the State Matching funds in the amount of \$9,250 in FFY14

RTP Project #6045 (CL20140030): Warm Springs at various locations / install Cantilevers – Signal Project.

- Add the Rail Hwy Crossing and Rail Hwy Protect (RR) funds in the amount \$175,750 in FY14
- Add the State Matching funds in the amount of \$9,250 in FFY14

RTP Project #6046: Wyoming Ave at RR crossing / Safety Improvements to include 2 Quad gates, new crossing surface and circuitry.

- Add the Rail Hwy Crossing and Rail Hwy Protect (RR) funds in the amount \$1,330,000 RR in FFY14
- Add the State Matching funds in the amount of \$70,000 in FFY14

Amendment No. 5A: This action makes the following changes to the following projects:

RTP Project #4467 - US 93 (Boulder City Bypass Phase 2 Future I-11): Modify funds and project description to include advance construction.

- Modify Project Description:
 - o Construct 4 land freeway (PE & CON) (Project Cost = \$300M Total; \$250M STP; \$50M FTI. Advance Construct repayment programmed to 2021(anticipated)).
- Modify FFY14 funding as follows:
 - o Decrease Fuel Tax Indexing (FTI) to \$50,000,000

- o Increase STP Clark County to \$44,655,248
- o Add Fuel Tax Indexing Advance Construct at \$205,344,752
- Modify FFY15 funding as follows:
 - o Decrease Fuel Tax Indexing (FTI) to \$0
 - o Increase STP Clark County to \$30,983,236
 - o Add Fuel Tax Indexing Advance Construct at -\$30,983,236
- Modify FFY16 funding as follows:
 - o Decrease Fuel Tax Indexing (FTI) to \$0
 - o Increase STP Clark County to \$30,983,236
 - o Add Fuel Tax Indexing Advance Construct at -\$30,983,236

RTP Project #5098 – Eastern Ave. from Warm Springs Rd. to Desert Inn Rd.: Delete project and funds.

- Delete STP Clark County in FFY16 totaling \$6,250,000

Note: This project will be funded with Fuel Tax Indexing Funds

RTP Project #5097 – Maryland Parkway from Russell Rd. to Twain Ave.: Delete project and funds.

- Delete STP Clark County in FFY16 totaling \$4,500,000

Note: This project will be funded with Fuel Tax Indexing Funds

RTP Project #5029 – Alta Dr. from Rancho Dr. to Main St.: Delete project and funds.

- Delete STP Clark County in FFY13 totaling \$1,300,000 and in FFY16 totaling \$400,000
- Delete Local Funds in FFY13 totaling \$63,157, in FFY14 totaling \$142,106, and in FFY2015 totaling \$21,053

Note: This project will be funded with Fuel Tax Indexing Funds

RTP Project #5022 – Martin Luther King Blvd./Industrial Rd. Connector from Oakey Blvd. to Alta Dr.: Modify project funds.

- Delete STP Clark County in FFY16 totaling \$20,000,000
- Add Fuel Tax Indexing in FFY16 totaling \$20,000,000

RTP Project #5081 – Oakey Blvd. from Rainbow Blvd. to Industrial Rd: Modify project funds.

- Delete STP Clark County in FFY14 totaling \$1,500,000
- Add Fuel Tax Indexing in FFY14 totaling \$1,500,000

RTP Project #5062 – 3rd St. from Fremont St. to Charleston Blvd.: Modify project funds.

- Delete STP Clark County in FFY14 totaling \$2,850,000 and in FFY15 totaling \$150,000
- Add Fuel Tax Indexing in FFY14 totaling \$2,850,000 and in FFY15 totaling \$150,000

RTP Project #60007 – I-15 Frontage Roads Planning Study: Delete project and funds.

- Delete STP Clark County in FFY14 totaling \$200,000

Note: This project will be funded with Fuel Tax Indexing Funds

RTP Project #5032 – Las Vegas Blvd. North from Lake Mead Blvd. to Carey Ave.: Modify project funds.

- Delete STP Clark County in FFY16 totaling \$10,000,000
- Add Fuel Tax Indexing in FFY16 totaling \$10,000,000

RTP Project #1581 – Cheyenne Ave. at Commerce St: Delete project and funds.

- Delete STP Clark County in FFY14 totaling \$255,000

Note: This project will be funded with Fuel Tax Indexing Funds

RTP Project #2050 – RTC Transit Fleet Compressed Natural Gas Buses: Modify project funds.

- Add CMAQ in FFY14 totaling \$11,440,000

RTP Project #5063 – Boulder Highway Trail: Modify project description and funds

- Modify project description
 - Boulder Highway Trail with bus turnouts at Equestrian Dr.
- Modify FFY 14 Funding
 - Add CMAQ funding totaling \$500,000

Amendment No. 5A: This action adds the following projects:

RTP Project #TBD – City of Henderson Street and Trail Sweepers.

- Description: Purchase 2 PM10 street sweepers and 1 PM10 trail sweeper
- Location: City of Henderson
- Add CMAQ in FFY14 totaling \$500,000
- Add local match in FFY14 totaling \$26,316

RTP Project #TBD – Signal Coordination for Emergency Responders:

- Description: Wireless communication and signal pre-emption for emergency vehicles
- Location: City of Henderson
- Add CMAQ in FFY totaling \$550,000
- Add local match in FFY totaling 28,947

Washoe County RTC

(NO AMENDMENTS MADE)

Carson Area MPO

(NO AMENDMENTS MADE)

Tahoe MPO

Amendment No. 9: This action modifies project DO20100024, *SR207 Kingsbury Grade Project*, by modifying funding to the following amounts STP Areas<5000 to \$5,280,323. This action also includes the following funding sources and amounts:

SB5 \$1,052,631

STP Statewide \$3,000,000

State Gas Tax to \$4,700,691

State Match to \$540,000

This project has a total increase from \$8,000,000 to \$16,573,645.

Statewide/Rural

Amendment No. 1: This Amendment is an action to add the Recreational Trails Group Category list, totaling \$1,515,214.

List of Administrative Modifications (3/10/2014 – Current)

RTC of Southern Nevada

Administrative Modification No. 6: Makes the following changes:

Modify RTP Project #4025 (CL200901) fund amount: I-15 at Starr, construct interchange (PE, RW).

FFY 2014: SAFETEA-LU: Add \$2,982,149

FFY 2014: Public Lands Hwy: Delete \$1,187,500

Other funds unchanged.

Modify RTP Project #509 (CL200835) funding and description: Description is modified from

“CC 215 Northern Beltway at I-15/Upgrade to system-to-system & widen to 6 lanes” to “Clark

County 215 Northern Beltway at I-15/Upgrade to system-to-system & widen to 6 lanes (NV040 & NV066).”

FFY 2014: SAFETEA-LU High Priority: Decrease funding from \$11,121,143 to \$5,790,652

Modify RTP Project #3002 (CL2006108) funding and description: Description is modified

from “Laughlin from Needles Hwy to Bullhead City AZ / Construct new Colorado River bridge

& related road work” to “Laughlin from Needles Hwy to Bullhead City AZ / Construct new

Colorado River bridge & related road work (NV047, NV070, NV078).”

FFY 2016: SAFETEA-LU: Increase funding from \$14,248,580 to \$18,550,041

FFY 2016: State Matching Funds: Delete \$749,925

Administrative Modification No. 7: Makes the following changes:

Modify RTP Project #5076 (NDOT ID, CL20130036): Paradise Rd & Swenson St, from Tropicana Ave to Desert Inn Rd, ITS fiber, optic interconnect

Move \$378,000 CMAQ for design and construction from FY 2014 to FY 2015

Modify RTP Project #2710 (NDOT ID, CL20090249): Tropicana Ave from CC-215 Western Beltway to Rainbow Blvd, ITS communications & signal timing infrastructure

Delete FY 2013 CMAQ funds in the amount of \$186,300

Reduce CMAQ funds in FY 2014 from \$1,676,700 to \$95,000

Add \$1,768,000 CMAQ funds to FY 2015

Attachment B

Modify RTP Project #5081 (NDOT ID, CL20130035): Oakey Blvd from Rainbow Blvd to Industrial Rd, Install bicycle lanes, overlay pavement, restripe, & add new median islands
Move \$700,000 CMAQ funds from FY 2014 to FY2015

Modify RTP Project #1579 (NDOT ID, CL200902): Rainbow Blvd from Westcliff Dr to 600' s/o Sahara Ave, Dedicated transit/bike lane, widen sidewalks, & intersection improvements along Rainbow Blvd at Sahara Ave, Alta Dr.
Move \$3,675,000 CMAQ funds from FY 2014 to FY 2015
Reduce FY 2015 CMAQ funds from \$3,500,000 to \$2,700,000 and move these funds to FY 2016

Modify RTP Project #2716 (NDOT ID, CL20090247): Charleston Blvd at Lamb Blvd., Intersection improvements
Delete \$2,468,427 CMAQ funds from FY2014
Add \$4,000,000 CMAQ funds in FY2015

Modify RTP Project #2776 (NDOT ID, CL20100189): Buffalo Dr from Charleston Blvd to Sahara Ave, Intersection improvements & bus turnouts
Move \$1,224,410 CMAQ funds from FY 2014 to FY 2016

Modify RTP Project #2771 (NDOT ID, CL20100203): Cheyenne Ave from at Civic Center Dr., Intersection improvements
Change CMAQ funds in FY2014 from \$1,674,183 to \$250,000
Add CMAQ funds in FY2015 in the amount of \$1,639,500
Add CMAQ funds in FY 2016 in the amount of \$671,200

Modify RTP Project #2709 (NDOT ID, CL200834): Durango Dr, from: CC-215 Southern Beltway, to: Desert Inn Rd, Signal interconnects & timing infrastructure
Reduce FY 2014 CMAQ funds from \$144,276 to \$95,000
Increase FY 2015 CMAQ funds from \$1,300,000 to \$1,349,276

Modify RTP Project #5083 (NDOT ID, CL20130031): Las Vegas Blvd/Main St/St Louis St., Intersection improvements
Move \$300,000 CMAQ funds from FY 2014 to FY 2016

Modify RTP Project #2795 (NDOT ID, CL20130127): E. Charleston from Boulder Highway to Nellis, Bus turnouts (5 locations)
Move \$500,000 CMAQ funds from FY 2014 to FY 2016

Modify RTP Project #1590 (NDOT ID, CL20120107): Las Vegas Region
Electric Vehicle & Supply Equipment Program: Purchase (8) Series plug-in electric vehicles & charging station equipment for internal DAQ (campus fleet) purposes
In the project description, change the number of equipment to purchase from 4 to 8

Attachment B

Modify RTP Project #5074 (NDOT ID, CL20130028): Eastern Ave from: Flamingo Rd to Sahara Ave, ITS fiber optic interconnect
Move CMAQ funds \$145,000 from FY 2014 to FY 2015

Modify RTP Project #2715 (NDOT ID, CL20090251): Valley View Blvd, at Russell Rd, Intersection improvements
Move CMAQ funds \$204,000 from FY 2014 to FY 2015

Modify RTP Project #2760, (NDOT ID, CL20100180): Warm Springs Rd from: Las Vegas Blvd to: Pecos Rd, ITS fiber optic installation
Decrease CMAQ funds from \$2,443,303 to \$1,757,500 in FY 2013
Increase CMAQ funds from \$950,000 to \$1,919,589 in FY 2014

Modify RTP Project #2761, (NDOT ID, CL20100181): Las Vegas Blvd from: Pyle Ave to: Russell Rd,
ITS fiber optic installation
Decrease CMAQ funds from \$3,010,876 to \$1,757,500 in FY 2013
Increase CMAQ funds from \$950,000 to \$1,919,589 in FY 2014

Modify RTP Project #5079, (NDOT ID, CL20130030): I-515 at Charleston Blvd, Diverging Diamond Improvements: Construct diverging diamond interchange
Move CMAQ funds \$700,000 from FY 2014 to FY 2015

Modify RTP Project #2773, (NDOT ID, CL20100195): Nellis Blvd & Eastern Ave from Charleston Blvd to Owens Ave, Bus turnouts (12 locations)
Move CMAQ funds \$1,194,272 from FY 2014 to FY 2015

Modify RTP Project # 5080 (NDOT ID, CL20130027): install bicycle racks & lockers
Add CMAQ funds in the amount of \$500,000 in FY 2016

Modify RTP Project #2787 (NDOT ID, CL20110121): Charleston Blvd from: I-15 to: Hualapai Way, Construct (25) bus turnouts
Increase CMAQ funds from \$800,000 to \$1,500,000 in FY 2016

Modify RTP Project # 2780, (NDOT ID, CL20100193): Various locations, Intersection improvements on Charleston Blvd at Torrey Pines Dr; Buffalo Dr at Vegas Dr; & Lake Mead Blvd at Jones Blvd
Move CMAQ funds \$847,711 from FY 2014 to FY 2016

Modify RTP Project #2718 (NDOT ID, CL20090248): Cheyenne Ave, at Martin Luther King Blvd, Intersection improvements
Reduce CMAQ funds from \$500,000 to \$250,000 in FY 2014
Add CMAQ funds in the amount of \$346,500 to FY 2015
Add CMAQ funds in the amount of \$148,500 to FY 2016

Attachment B

Modify RTP Project #2796 (NDOT ID, CL20130070): North 5th St & Cheyenne Ave,
Intersection improvements

Remove CMAQ funds \$350,000 from FY 2013

Increase CMAQ funds from \$150,000 to \$350,000 in FY 2014

Add CMAQ funds in the amount of \$150,000 to FY 2015

Modify RTP Project #5093 (NDOT ID, CL20130038): Southern Nevada, Transit operating
support

Reduce CMAQ funds from \$1,000,000 to \$0 in FY 2015

Reduce CMAQ funds from \$1,000,000 to \$500,000 in FY 2016

Modify RTP Project #2777 (NDOT ID, CL20100204): Las Vegas Region various locations,
Bike lane & pedestrian improvements

Reduce CMAQ funds from \$2,000,000 to \$1,500,000 in FY 2016

Modify RTP Project #2050 (NDOT ID, CL2006103): RTC Transit Fleet, Acquire (75) CNG
buses for fixed-route bus replacement program

Remove CMAQ funds in FY 2015 in the amount of \$500,000

Remove CMAQ funds in FY 2016 in the amount of \$1,000,000

Modify RTP Project #6014 (NDOT ID, CL20130145): Searchlight Cottonwood Cove Rd
Multi-Use Trail, Construct approximately 4000' of ADA accessible multi-use trail along
Cottonwood Cove Road from U.S. 95 to Michael Wendell Way to increase bicycle/pedestrian
safety and enhance multi-modal access to Harry Reid Elementary School.

Reduce Transportation Alternatives funds in FY 2014 from \$503,500 to \$71,250, and
move the balance in the amount of \$432,250 to FY 2015

Reduce Local funds in FY 2014 from \$26,500 to \$3,750, and move the balance in the
amount of \$22,750 to FY 2015.

Modify RTP Project #6015 (NDOT ID, CL20130140): Pedestrian Bridge on Pebble at 215
Beltway, Pedestrian Bridge over Pebble Road to increase pedestrian and bicycle safety on the I-
215 East Beltway Trail.

Move \$118,750 Transportation Alternatives Funds from FY 2015 to FY 2014

Move \$6,250 local funds from FY 2015 to FY 2014

Move \$807,500 Transportation Alternatives Funds from FY 2016 to FY 2015

Reduce FY 2016 local funds from \$48,750 to \$42,500 and move the funds to FY 2015

Add the remaining balance of local funds from FY 2016 in the amount of \$6,250 to FY
2014

Attachment B

Modify RTP Project #6016 (NDOT ID, CL20130141): Pedestrian Bridge over Union Pacific Railroad at Erie Ave, Pedestrian bridge over the Union Pacific Railroad (UPRR) at Erie Avenue to increase multi-modal mobility and provide non-motorized access to schools, parks, trails and retail destinations.

Reduce Transportation Alternatives funds from \$185,000 to \$90,000 in FY 2014, and move the balance in the amount of \$95,000 to FY 2015

Move \$800,000 Transportation Alternatives funds from FY 2015 to FY 2016

Add \$60,000 local funds to FY 2014

Reduce local funds from \$315,000 to \$5,000 in FY 2015

Add \$250,000 local funds to FY 2016

Modify RTP Project # 221 (NDOT ID #, CL200483): I-215 Southern Beltway/Airport Connector (Phase 2) at Airport Connector, Upgrade interchange.

Increase the Fuel Tax Funds in FY 2014 from \$13,500,000 to \$19,500,000

Remove State Matching funds in the amount of \$1,750,000 in FY 2014

Increase STP Statewide funds in FY 2014 from \$9,500,000 to \$10,000,000

Washoe County RTC

(NO ADMINISTRATIVE MODIFICATIONS MADE)

Carson Area MPO

(NO ADMINISTRATIVE MODIFICATIONS MADE)

Tahoe MPO

(NO ADMINISTRATIVE MODIFICATIONS MADE)

Statewide/Rural

Administrative Modification No. 1: This action moved DO20120012 (Widen US 395, Construct Center Turn Lane and Acceleration/Deceleration for Right Turns at the Indian Colony) from FY2015 to FY2014 and modify the funding source from NHPP to HSIP in the amount of \$1,200,000.



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MEMORANDUM

May 21, 2014

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, Director
SUBJECT: June 2, 2014 Transportation Board of Directors Meeting
ITEM #8: Briefing on Request for Proposal (RFP) for an Operational Audit of Nevada Department of Transportation – *For Possible Action*

Summary:

NDOT Director Malfabon has identified areas to conduct an operational audit which will be accomplished through an auditing firm hired by the Department. The proposed areas will be presented to the Board for consideration and direction. The Department seeks Board approval to allow development and issuance of a Request for Proposals (RFP) to procure the auditing services. The estimated budget is being developed and is subject to the scope of work approved.

Background:

The Department is subject to audits from various federal and state agencies. Among them are the Federal Highway Administration (FHWA) program assessments and process reviews, Federal Transit Administration (FTA) audits, Department of Administration audits, and Legislative Counsel Bureau (LCB) audits.

The Director has identified operational areas to conduct an audit with the goal of improving efficiency, effectiveness and establishing confidence that policies and procedures are being followed. Also, an operational audit can identify some areas where process improvement can be considered.

The Department of Administration, Division of Internal Audits, has established an excellent self-assessment tool, including recommended monitoring and evaluation guidance. This tool will be used to establish the recommended level of effort required for the audit which will be managed by the Director with assistance from NDOT Internal Audit and Accounting Divisions.

Analysis:

The Director identified several areas for consideration and the following areas are recommended to be reviewed using an outside auditor:

PROCUREMENT CARDS; PURCHASING AND EXPENDITURES; INTERNAL CONTROLS MONITORING

These items will be reviewed separately but are related. For the timely procurement of equipment, supplies and materials, the Department relies on a combination of purchases made through State Purchasing, Department stockrooms and equipment shops. Many purchases are

made with procurement cards issued to Department employees with the proper level of purchasing authority. Procurement policies for the Department are outlined in Transportation Policy (TP) 1-3-2, Purchasing and TP 1-1-4, Authorized Signatures. Preliminary areas identified for the auditor to investigate are:

- Confirm that procurement cards are being used per current policies and procedures
- Review the appropriateness of levels of purchasing authority in the Districts, Equipment Division, and selected HQ Divisions
- Confirm that proper internal controls have been established and are being followed.
- In areas where staffing is very limited, confirm that responsibilities are properly distributed
- Review and comment on proposed process improvements currently being considered by the Department (for example, using DocuSign software to create digital documents with electronic signatures; developing an improved reporting system to managers with several direct reports)

EQUIPMENT REBUILD PROGRAM

Due to limited funding for replacement of heavy equipment, the Department has elected to rebuild some heavy equipment by replacing the drive train and refurbishing. This program has only been in effect about 5 years, which is a relatively short period of time compared to the expected service life of the equipment. However, the Director would like an independent assessment of the effectiveness of this program.

- Investigate the utilization and reliability of rebuilt equipment.
- Work with Equipment Division and the Districts to identify gaps in the rebuild program that should be addressed. For instance, Districts identified and Equipment Division took appropriate action to address electrical systems in rebuilt vehicles.
- Produce an assessment of the effectiveness of using in-house mechanics versus outsourcing the rebuild program.

There are other areas that were considered, but it was determined that it would be more efficient and effective to audit these areas internally. These areas are as follows:

- Interlocal Agreements – Investigate improvements to the interlocal agreement process to minimize the time to draft, review and process interlocal agreements; review the current close-out process and provide recommendations to streamline the process
- Management and Administration of Maintenance Contracts – Identify if the responsibility for management of maintenance service contracts is assigned to the appropriate level of staff; identify if additional training is required to ensure proper management of these contracts.
- Overtime – Assess if proper procedures are established and are being followed consistently to ensure the appropriate use of overtime; ensure pre-approval procedures are being followed.
- State Vehicle Usage – Assess if measures are in place to ensure the proper use of state equipment; verify that processes are in place for following up on reports of improper use

- Facilities – Confirm that building systems are maintained at recommended schedules; assess reliability of the Department’s aging fueling system and the impact of down time on Department operations (and other agencies that rely on Department fueling stations).

List of Attachments:

None

Recommendation for Board Action:

It is recommended that the Board allow development and issuance of a Request for Proposals (RFP) to procure auditing services for the areas identified.

Prepared by:

Rudy Malfabon, Director



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MEMORANDUM

Date: May 22, 2014

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, Director
SUBJECT: June 2, 2014 Transportation Board of Directors Meeting
Item #9: Briefing on I-11 and the Intermountain West Corridor Study – For Possible Action

Summary:

The I-11 & Intermountain West Corridor Study is a two year coordinated effort between the Nevada and Arizona Departments of Transportation, in cooperation with the RTC of Southern Nevada, Maricopa Association of Governments, Federal Highway Administration, and Federal Railroad Administration. The study is evaluating the designated future I-11 between Phoenix, AZ and Las Vegas, NV, as well as potential connections north and south of that corridor.

The purpose of this briefing is to present initial findings and discuss future actions. Staff will also present information on I-11 related amendments to the transportation bill currently being considered in the U.S. Senate. With respect to the I-11 and Intermountain West Corridor Study, a public meeting will be conducted in Las Vegas on June 25, 2014, with a public comment period commencing immediately afterward and closing on July 11, 2014. On August 11, 2014, the final findings will be presented to the Board for formal action.

Background:

Many efforts, dating back at least to the early 1990's, have shown a desire and need for robust, efficient North-South corridors for North American trade. In 1995, the CANAMEX Corridor was designated by Congress as a High Priority Corridor. The corridor is defined as I-19 from Nogales to Tucson, I-10 from Tucson to Phoenix, US 93 in the vicinity of Phoenix to Las Vegas, and I-15 from Las Vegas to Canada. The only portion of the CANAMEX Corridor that is not an interstate is US 93 between Phoenix and Las Vegas. However, this portion was designated as future I-11 in the passage of MAP-21. Several other high priority corridors are designated in the intermountain west that include connections between Nevada and the Pacific Northwest and/or Canada.

The Arizona and Nevada Departments of Transportation felt it was critical to study the proposed I-11 in conjunction with potential north-south connections between Mexico and Canada and have embarked on a two-year study to look at need, opportunities and constraints, including a Planning and Environmental Linkages effort to prepare portions of the Corridor for future environmental analysis.

The I-11 corridor has been identified by the Governors of Nevada and Arizona as a top priority and its importance has been highlighted by the over 2,000 stakeholders who have been engaged in the process. This study has included an extensive stakeholder outreach effort,

including more than 25 Stakeholder Partners meetings, updates to Councils, Commissions, and professional organizations, and three rounds of public information and input. .

Attachments:

- a. Corridor Vision Summary
- b. Corridor Justification Summary
- c. List of Documents and Corresponding Links Available on the Website i11study.com

Recommendation for Board Action:

For possible action.

Prepared by:

Sondra Rosenberg, Federal Programs Manager



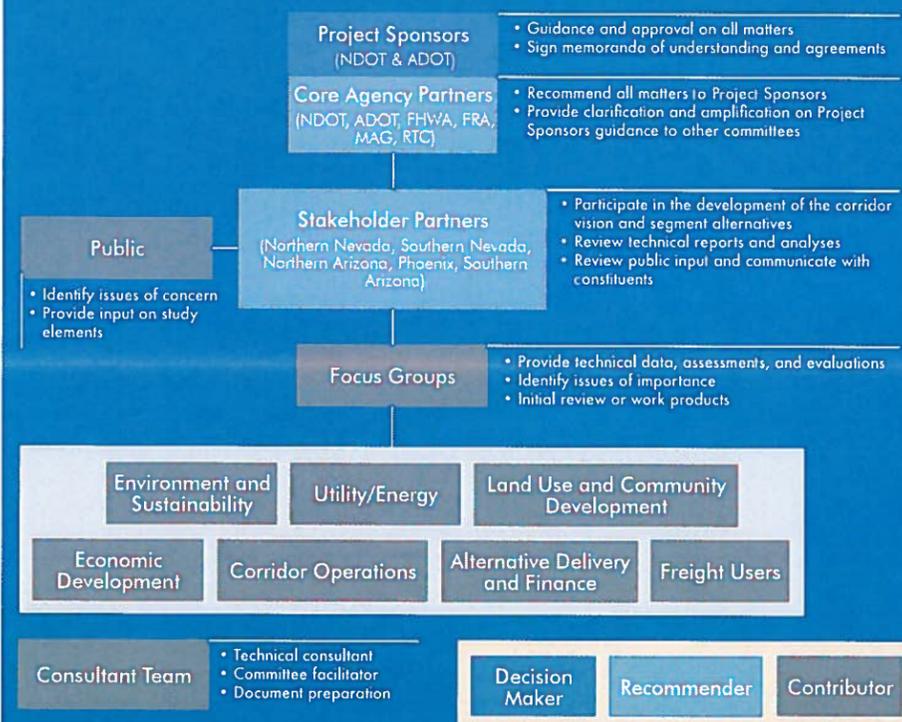
Study Partners and Stakeholder Involvement Opportunities

The I-11 & Intermountain West Corridor Study is a high priority for NDOT and ADOT, who have pooled their resources and are jointly managing this study. The metropolitan planning organizations in the greater Las Vegas and Phoenix areas (Regional Transportation Commission of Southern Nevada and Maricopa Association of Governments), the Federal Highway Administration, and the Federal Railroad Administration are actively involved in the study, and together with the sponsoring agencies of NDOT and ADOT form the Core Agency Partners.

All interested public agencies, non-profit organizations, and private interest groups are invited to participate in a Stakeholder Partners group that will be asked to provide data and other input, and to share their opinions and ideas on decision points throughout the process.

In addition, Focus Groups will be formed with subject matter experts from the Core Agency Partners and Stakeholder Partners. These groups will be asked to provide data and input into specific topics, and to make recommendations for the Study Team to consider.

The Public will have opportunities to learn about the study and share their opinions via public meetings and a project website.

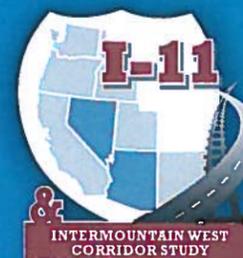


Preliminary Corridor Vision

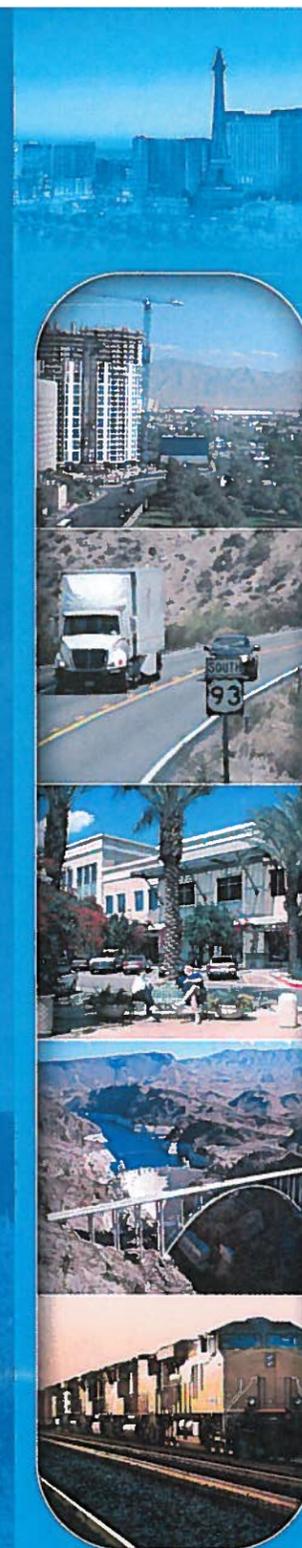
By comparison with the Eastern United States, the West has seen little addition of Interstate routes since the Interstate Highway System was established in 1956. Population and employment growth in the West has generally outpaced growth in Eastern states, and the demand for travel along the Western Interstate corridors has grown. Specifically, the Intermountain West is confronted with a rapidly growing population, expanding global trade, and aging transportation infrastructure that is reaching capacity. Therefore, the solutions must be innovative, cost-effective, and most importantly, confront our 21st century transportation needs.

Serving the nation's north-south transportation needs from Mexico to Canada, the proposed Intermountain West Corridor will provide a vital connection between Phoenix and Las Vegas, two large metropolitan areas not currently connected by an Interstate highway. It is also envisioned to promote possible freight linkages between the new and expanding ports in Mexico and Canada, existing U.S. West Coast ports, and future inland ports and commerce centers crucial to distributing goods across North America. These linkages could stimulate the development of new crossroads, spurring community and economic development opportunities spanning the entire corridor. Effective inclusion of infrastructure elements that form the building blocks for growth and expansion – power, telecommunication, freight rail, and potentially passenger rail – could serve as the foundation of a stronger and more diversified economy for the Intermountain West.

Early in this study process, stakeholder input will be actively sought after to determine a universal mission for the project, as well as a series of values, goals, and objectives. Moving forward, decisions will support these goals and objectives, and be made in a manner that is inclusive of community values and input.



CORRIDOR VISION



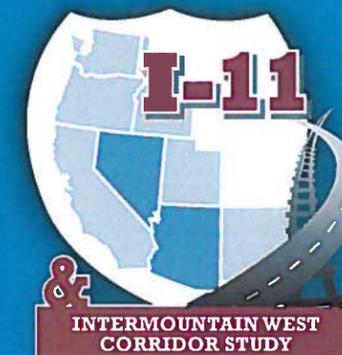
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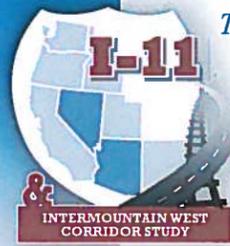
www.i11study.com



CORRIDOR VISION SUMMARY



October 16, 2012



The Arizona and Nevada Departments of Transportation are working together on the two-year Interstate 11 (I-11) and Intermountain West Corridor Study (Corridor) that includes detailed corridor planning of a possible high priority interstate link between

Phoenix and Las Vegas (the I-11 portion), and high-level visioning for potentially extending the corridor north to Canada and south to Mexico. Congress recognized the importance of the portion of the corridor between Phoenix and Las Vegas and designated it as future I-11 in the recent transportation authorization bill, Moving Ahead for Progress in the 21st Century Act (MAP-21).

A Visionary Transportation Corridor

I-11 is intended to be a new high-capacity, multimodal transportation facility connecting the metropolitan areas of Las Vegas and Phoenix. If extended north of Las Vegas and south of Phoenix, this corridor has the potential to become a major multimodal north-south transcontinental corridor through the Intermountain West. The Corridor would connect major cities, existing and future trade hubs, existing and future domestic and international deep-water ports, intersecting Interstate highways, and railroads. The corridor is proposed to include an upgraded highway facility, but could be paired with rail and other major infrastructure components—such as energy and telecommunications—to serve the nation’s needs from Mexico to Canada. There are a number of potential benefits, including:

- **Connecting communities**, major trade hubs, existing and future domestic and international deepwater ports, and intersecting transcontinental roadways and railroad corridors.
- **Enhancing the economic vitality** of communities connected and served by the corridor.
- **Improving safety and travel time reliability** for the movement of people and goods throughout the Intermountain West.
- **Providing relief** for congested north-south corridors in the Western United States, such as I-5 and I-15.
- **Enhancing commercial opportunities** by linking trade between Canada, Mexico and the Intermountain West.
- **Increasing the global competitiveness** of the region.

The Vision Began Years Ago...

The concept of an access controlled, high capacity transportation facility connecting Phoenix and Las Vegas (with connections further north and south) has been around for decades, initiated with the CANAMEX corridor discussions in 1991. An approach for comprehensive corridor implementation was furthered by the Maricopa Association of Governments as a bypass route around the western and southern edges of metropolitan Phoenix, and further conceptualized through statewide planning efforts by ADOT to extend outside the state of Arizona. Nevada has been an equal partner with Arizona since the early 1990s, planning for a regional corridor with improved access between Las Vegas and Phoenix and a potential northern extension to Reno – creating a better connected Intermountain West with greater economic opportunities. Both states have already implemented various planning, design, and construction projects for potential corridor components, with the most notable being the completion of the Hoover Dam Bypass and Mike O’Callaghan – Pat Tillman Memorial Bridge.

Developing a new north-south trade corridor through Nevada and Arizona could supplement the existing system and relieve freight congestion on I-5, one of only two (including I-15) continuous north-south Mexico-to-Canada interstate routes west of Texas. The CANAMEX corridor, established under the North American Free Trade Agreement, has been designated as such a parallel route, spanning the Western U.S. between Mexico and Canada through the states of Arizona, Nevada, Utah, Idaho, and Montana. However, this corridor is composed of a myriad of existing Interstate corridors and state highways, and is not a continuous route due to a gap in the designation between I-10 and US 93. Implementation of the Corridor can fill this gap – allowing significant commerce, tourism and international trade opportunities across the Western U.S.

Study Area

For study purposes the Corridor is divided into five segments—three high priority segments between (and including) the Las Vegas and Phoenix metropolitan areas, and two high-level visioning segments for possible future extensions from Las Vegas to Canada, and from Phoenix to Mexico.

Study Approach

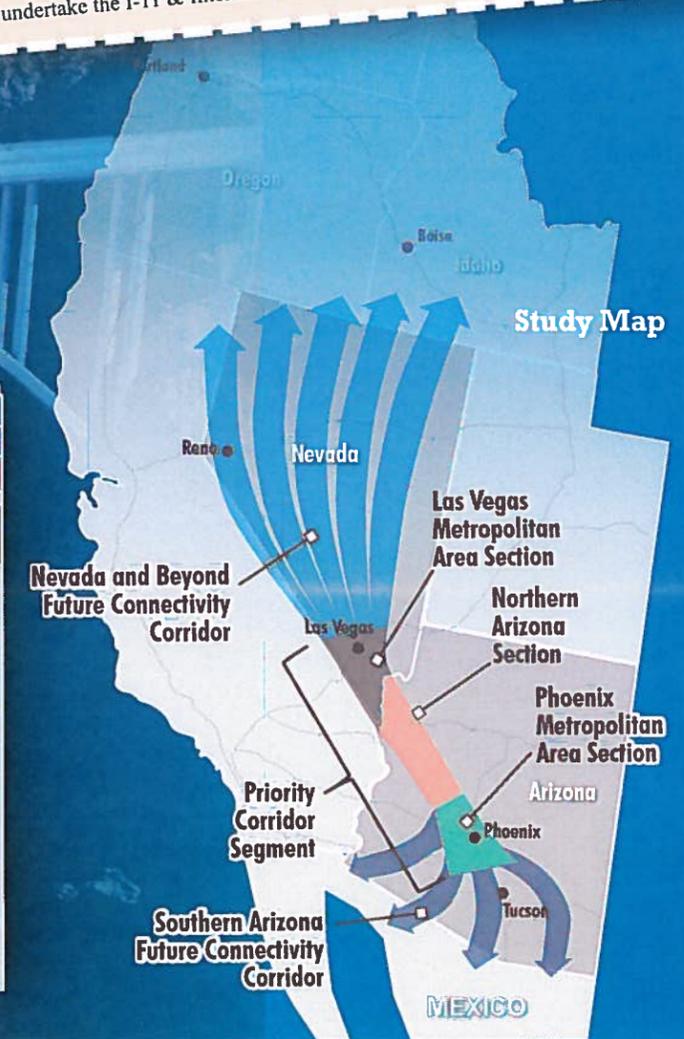
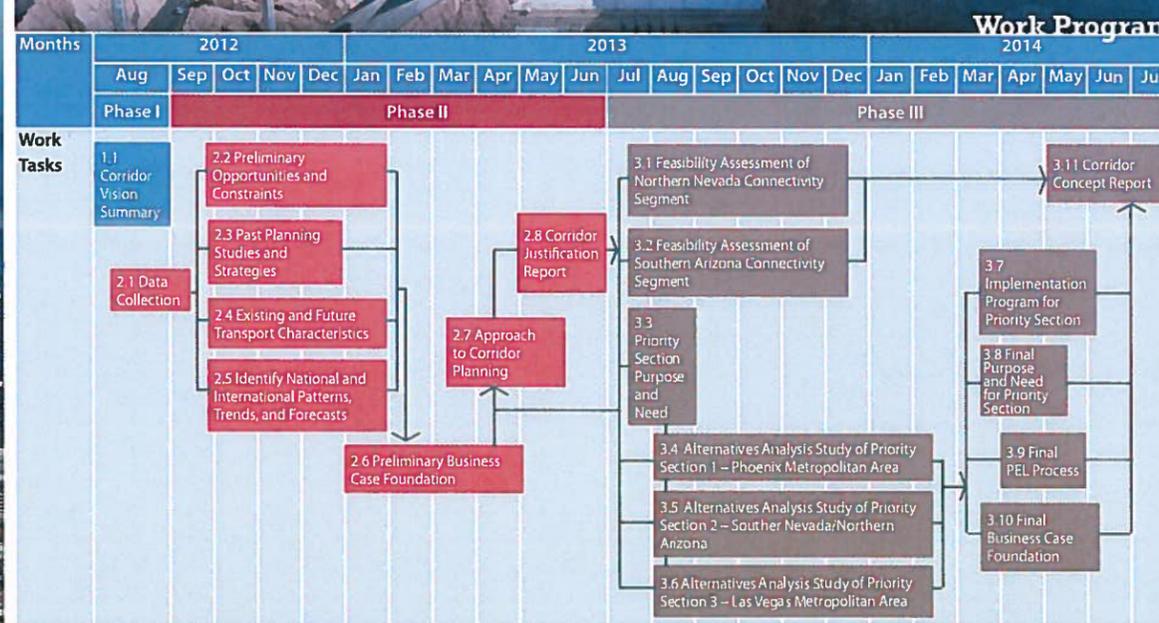
This Corridor Vision Summary is part of the first phase of the study and establishes the basis for the project.

The second phase will include the Corridor Justification Report, in which the preliminary purpose and need for the Corridor will be developed, existing and future conditions reviewed, and the economic context for the Corridor established. One unique element of this project is the development of a Corridor Business Case to help determine the benefits and costs of the proposed corridor, and to identify possible funding scenarios and planning options for bringing it to fruition.

The third phase, Corridor Concept Development, will lead to the project’s recommendations. Alternatives will be developed and evaluated for the separate corridor segments, the corridor’s final purpose and need will be developed, the business case finalized, and implementation requirements outlined.

Purpose of the Corridor Vision Summary

The Corridor Vision Summary documents the previous planning efforts for the proposed I-11 corridor and its anticipated purpose, function, role, and value in the multimodal transportation network of the Western U.S. It also introduces the study process, public communication program, and a work plan developed to undertake the I-11 & Intermountain West Corridor Study.





NAFTA has helped America compete for Manufacturing Jobs in Border Regions

Across America, strong cross-border trade linkages under NAFTA have served to buffer the effects of the recent recession, while strengthening domestic economic activity. Recently, National Public Radio presented a story on the current state of the Mexican auto industry—which has shown strong growth under NAFTA. They also described the benefits for America, illustrating the importance of economic integration—facilitated by high-quality transportation links—in realizing the full promise of NAFTA:

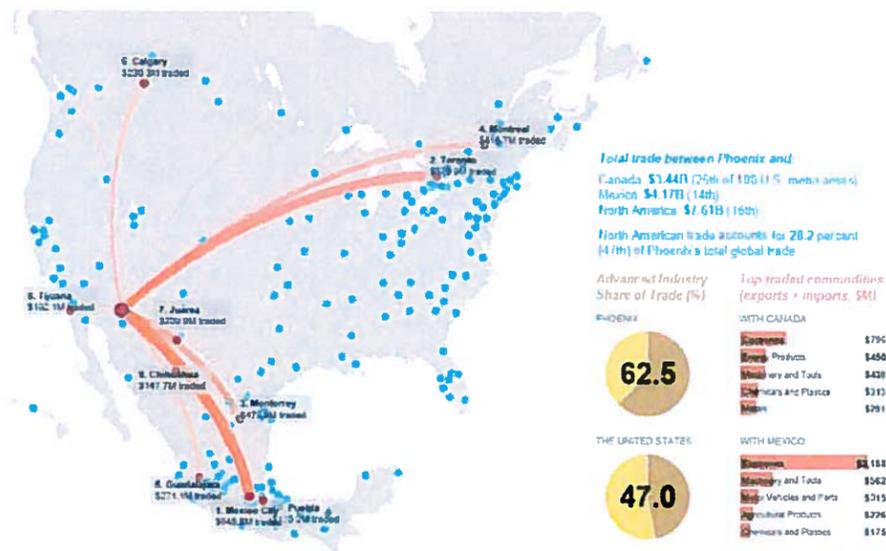
“Economist Luis de la Calle, who helped negotiate the free trade agreement 20 years ago, says without Mexico’s auto industry and growing supply chain of auto parts factories, the U.S. auto industry would have shrunk even more. He says Mexico and its lower wages gives the U.S. its competitive advantage over Asian imports.”

The Role of Transportation Corridors in Catalyzing Regional Economic Growth

High quality transportation corridors play a key role in stimulating economic activity throughout North America—especially in proximity to international trade flows. For instance, all along the corridors that link booming West Coast ports (Los Angeles, Long Beach, Oakland, and Seattle) to cargo destinations, development has sprung up to support the resultant goods movement. Domestic trade has subsequently located on these established trade corridors to take advantage of the critical mass of low-cost facilities. Texas land ports of entry with Mexico provide another strong example. Significant infrastructure investment to enhance capacity and reduce delays has resulted in trade flows to and from Mexico approximately 10 times greater than those between Arizona and Mexico. The I-11 corridor has the potential to attract similar trade and economic activity to Arizona and Nevada.

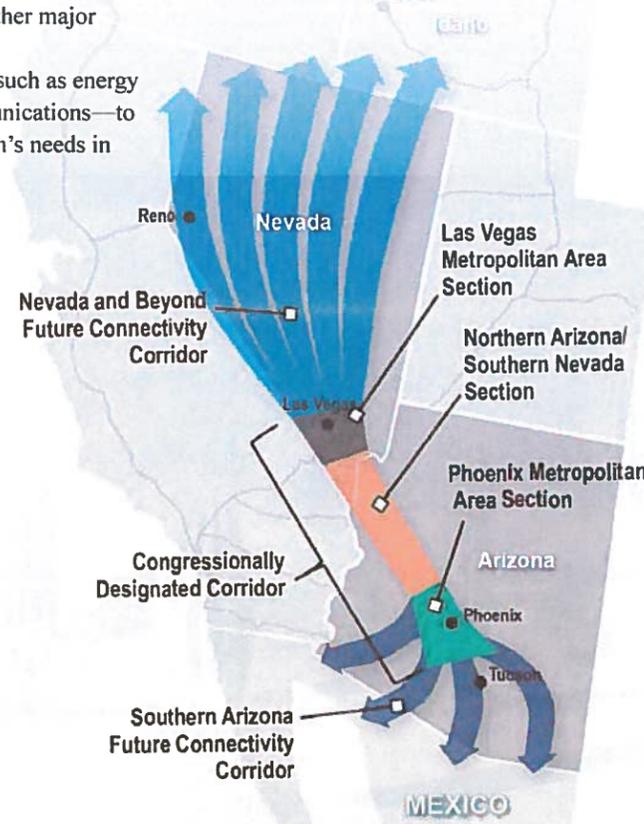
A Visionary Transportation Corridor

To explore the role of a potential I-11 corridor, the Arizona and Nevada Departments of Transportation are working together on the 2-year I-11 and Intermountain West Corridor Study. It will include detailed corridor planning of a possible Interstate link between Phoenix and Las Vegas (the I-11 portion), as well as high-level visioning for potential future extensions of the Corridor north to Canada and south to Mexico. Through the recent transportation authorization bill, (MAP-21) Congress recognized the importance of the portion of the Corridor between Phoenix and Las Vegas and designated it as future I-11, intended to be a new high-capacity, multimodal transportation facility connecting the two cities. Extended, it has the potential to become a major multimodal north-south transcontinental Corridor through the Intermountain West, connecting cities, trade hubs, ports, intersecting highways, and railroads. The Corridor is proposed to include an upgraded highway, but could be paired with rail and other major infrastructure components—such as energy and telecommunications—to serve the nation’s needs in the West.



Twenty years after the enactment of the North America Free Trade Agreement, advanced manufacturing sectors extend their supply chains across the United States, Mexico, and Canada, anchored by metropolitan hubs in all three countries.

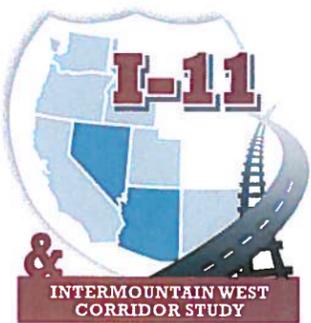
Source: Brookings, November 7, 2013



CORRIDOR JUSTIFICATION SUMMARY



January 2014



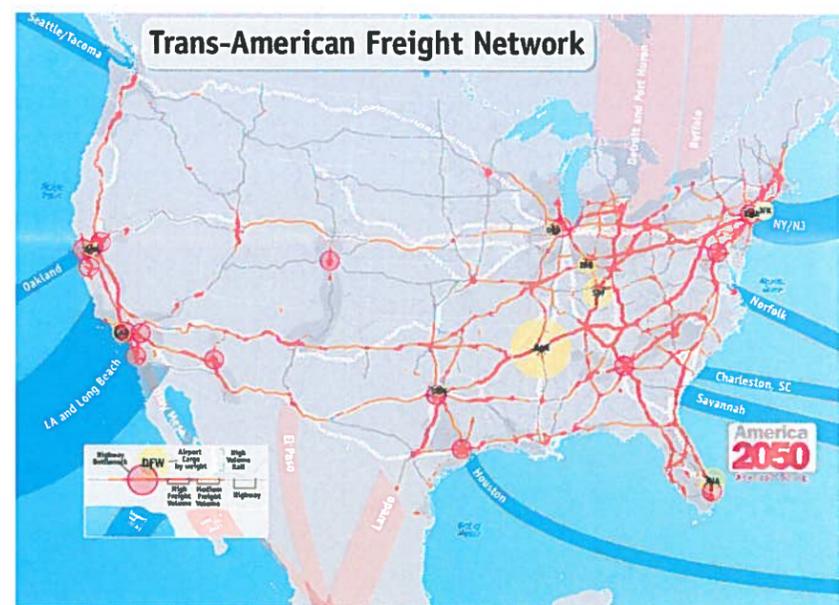
Why the Corridor Is Needed

Utilizing the new opportunities provided by NAFTA, border regions across America have experienced strong

economic benefits over the past two decades. In the Intermountain West region, lacking strong cross-border surface transportation connectivity, this activity has been notably muted. The I-11 corridor offers the opportunity to realize the full promise of cross-border economic integration for Arizona and Nevada. Congress has designated I-11 as a future Interstate between Phoenix and Las Vegas. Recent studies indicate that sustained transportation investment in the region, particularly for north-south corridors, will be required. The I-11 and Intermountain West Corridor ably address this need as summarized below.

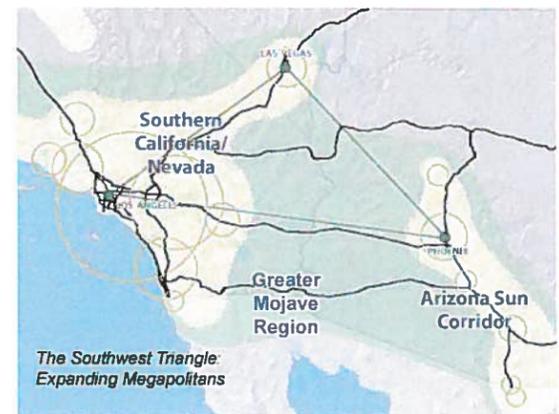
Enable Economic Development

Transportation is a key enabler of economic development. As an example, in recent years, major infrastructure investments were made to increase capacity and reduce delays at Texas land ports of entry with Mexico. As a result, Mexican trade flows with Texas are approximately 10 times those with Arizona and Mexico.



Integrate the Economies of the Southwest Triangle Megaregion

Economic integration within the Southwest Triangle megaregion (Southern California, Sun Corridor, and Las Vegas) will require continuing investment in transportation. This megaregion, (particularly Phoenix and Las Vegas) is poorly served by surface transportation relative to comparable U.S. cities.



Capitalize on Mexico's Growing Role in North American Manufacturing and Trade

The increasing role of Mexico in North American manufacturing and trade has the potential to add substantial economic growth and transportation demand to north-south transportation corridors in the region. This activity will be attracted to regions with availability of high-quality transportation facilities.

Support Economic Development Initiatives of Arizona and Nevada

The states of Nevada and Arizona both have economic development initiatives, focused on aerospace, life sciences, and other high-value manufacturing, which rely on high quality transportation corridors for movement of products and people. Their success will depend on continuing transportation investment to maintain competitiveness.

Prevent Congestion from Crippling Economic Competitiveness

Present growth trends suggest a significant increase in the region's highways reaching unacceptable levels of congestion, threatening economic competitiveness.

Future Economic Scenarios: Transportation Needs and Opportunities

In order to better understand the implications of the I-11 corridor for the Intermountain West, the project team developed and analyzed four scenarios, each of which reflected likely components of the economic future of the region:

- Baseline Scenario:** reflects a continuation of recent background growth and current trends in the region without major structural changes
- Growth in Asia-Pacific Trade:** based on continued growth of trade with Asia that has characterized West Coast U.S. trade in recent decades
- Trade with Mexico Expands (Nearshoring):** continued strong growth in current movement of manufactured goods production (much of which was previously in Asia) to Mexico
- State Economic Development Plans are Fully Realized:** assumes that Arizona and Nevada are able to realize their major economic development goals.

Key Indicators Corresponding to Each Scenario

Under all future scenarios, the Intermountain West will experience significant sustained economic growth if additional infrastructure is implemented, and an increase in congestion without additional infrastructure.

Key Observations and Next Steps

Under the entire range of study scenarios, the Intermountain West will experience significant economic growth accompanied by growth in travel demand. The I-11 and Intermountain West Corridor will be needed to accommodate this increased demand, in order to prevent gridlock (which has the potential to thwart projected growth). Analysis also suggests that the region may also have the opportunity to enjoy significant incremental economic growth related to important trends in regional and national trade through strategic enabling investments in regional transportation infrastructure.

In recent years, the trend to "nearshoring" of manufacturing—and the corresponding increase in trade with Mexico—has emerged as a strong and growing structural feature of U.S. commerce. In the Intermountain West, this is being facilitated through a variety of binational initiatives to improve the Arizona/Sonora border-crossing efficiency and capacity. The balance of the work of this study will explore the nature and scale of these effects, the potential role of the Intermountain West corridor, and the scope of the infrastructure investment needed to realize this opportunity.

List of Documents and Corresponding Links Available under the Project Documents tab on the Website i11study.com:

Phase I Corridor Vision

[Corridor Vision Summary](#) (3 MB. For best results, print on 11"X17" paper, double-sided, and fold in thirds)

[Public Involvement Report for Phases 1 and 2](#) (25 MB) NEW

[Fact Sheet](#) (2 MB)

[Frequently Asked Questions \(FAQs\)](#) (0.3 MB)

[Timeline of Key Decisions Leading to this Study](#)

[Work Program and Schedule](#)

[Public Involvement Plan](#) (1 MB)

Phase II Corridor Justification

[Corridor Justification Report – Summary Trifold](#) (5.6 MB)

[Corridor Justification Report](#) (21 MB)

[Existing Natural and Built Environment Technical Memorandum](#) (55 MB)

[Resource Materials \(Preliminary Identification of Relevant Ongoing and Past Plans, Studies, and Other Documents\)](#)

Phase III Corridor Concept

[Level 1 Evaluation Results Summary](#) (18 MB, 201 pages)

[Draft Level 2 Evaluation Results Summary](#) (15 MB, 254 pages)

[Implementation Program Draft Report](#) (6 MB, 96 pages – password: review)



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MEMORANDUM

May 21, 2014

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, Director
SUBJECT: June 2, 2014 Transportation Board of Directors Meeting
ITEM #10: Presentation on Financial Comparison of Project NEON Delivery Options –
For Possible Action

Summary:

This item is a follow up discussion of Project NEON from previous Board Meetings held on the following dates:

- June 25, 2012
- November 6, 2012
- April 8, 2013
- June 10, 2013
- October 14, 2013
- January 13, 2014
- April 14, 2014

The following is an update on the financial impact of the Public Private Partnership (P3) for Project NEON comparing the Design-Build-Finance-Operate-Maintain (DBFOM) hybrid model to the Design-Build-Bond (DBB) option.

Background:

The purpose of this agenda item is to provide an update on Project NEON costs and financial model with an updated comparison to the DBB option. In June 2013, costs for the NEON P3 were presented along with a comparison to the DBB option. In April 2014, updated Project NEON costs were presented that outlined the project cost increases to the project costs since June 2013.

Analysis:

Schedule

Discussion of the Project NEON financials will take place at the June 2, 2014 Transportation Board meeting. The final RFP for the Project NEON P3 is scheduled to be released in July 2014, subject to Board approval at the July 7, 2014 Transportation Board Meeting.

Major Milestones for Project NEON P3:

July 7, 2014 – Final Draft RFP Approval by Transportation Board
July 2014 – Release of Final RFP to the Shortlisted Proposers
January 2015 – Technical Proposals Due
February 2015 – Financial Proposals Due
February – Notification of Preferred Proposer
April 2015 – Anticipated Commercial Close
June 2015 – Anticipated Financial Close

Project Improvements Since June 2013

In June 2013, a comparison of the hybrid P3 model to the DBB model was presented with approval to proceed with the hybrid P3. In April 2014, additional costs to the project and impacts to the hybrid P3 model were presented. This presentation will again make the comparison of the NEON hybrid P3 model to the DBB model with the updated costs to allow open discussion of the financial impacts of the P3 project compared to the DBB model. Included in the presentation will be the impacts to the project financials from the lessons learned from the recent sale of the \$100 million ROW bond and the opportunity to sculpt the bond repayments to a higher degree than originally projected. Previously, bond repayments were made on a relatively straight line basis.

List of Attachments:

All attachments are CONFIDENTIAL and will only be distributed to Board Members.

Recommendation for Board Action:

For possible action.

Prepared by:

John M. Terry, P.E., Assistant Director, Engineering



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MEMORANDUM

May 22, 2014

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, Director
SUBJECT: June 2, 2014 Transportation Board of Directors Meeting
Item #11: Old Business

Summary:

This item is to provide follow up and ongoing information brought up at previous Board Meetings.

Analysis:

- a. Report of Outside Counsel Costs on Open Matters - *Informational item only.*
Please see Attachment A.
- b. Monthly Litigation Report - *Informational item only.*
Please see Attachment B.
- c. Report on Settlement out of State Tort Fund – *Cooper vs. NDOT, et al., USDC 3:09-cv-00640-RCJ-VPC – Informational item only.*
Please see Attachment C.
- d. Report on Condemnation Verdict in Jury Trial in the Matter of *State of Nevada, Dept. of Transportation vs. The Alexander Gendall and Lily Gendall Trust, et al.* 8th JD Case A-12-666487 – *Informational item only.*
Please see Attachment D.
- e. Report on Approval of Settlement for a Direct Condemnation action in the Matter of *State of Nevada v. Ad America; (Cactus)* 8th JD Case No. A-12-666482 – *Informational item only.*
Please see Attachment E.
- f. Quarterly Report on Freeway Service Patrol – *Informational item only.*
Please see Attachment F.
- g. Fatality Report dated May 5, 2014 – *Informational item only.*
Please see Attachment G.

List of Attachments:

- a. Report of Outside Counsel Costs on Open Matters - *Informational item only.*
- b. Monthly Litigation Report - *Informational item only.*
- c. Report on Settlement out of State Tort Fund – *Cooper vs. NDOT, et al., USDC 3:09-cv-00640-RCJ-VPC – Informational item only.*
- d. Report on Condemnation Verdict in Jury Trial in the Matter of *State of Nevada, Dept. of Transportation vs. The Alexander Gendall and Lily Gendall Trust, et al.* 8th JD Case A-12-666487 – *Informational item only.*
- e. Report on Approval of Settlement for a Direct Condemnation action in the Matter of *State of Nevada v. Ad America; (Cactus)* 8th JD Case No. A-12-666482 – *Informational item only.*
- f. Quarterly Report on Freeway Service Patrol – *Informational item only.*
- g. Fatality Report dated May 5, 2014 – *Informational item only.*

Recommendation for Board Action:

Informational item only.

OPEN NDOT - OUTSIDE COUNSEL CONTRACTS AS OF MAY 20, 2014						
Vendor	Case/Project Name	Contract Period	Contract and Amendment Date	Contract and Amendment Amount	Total Contract Authority	Contract Authority Remaining
Nossaman, LLP	Project Neon Legal and Financial Planning NDOT Agmt No. P014-13-015	3/11/13 - 3/11/15 Amendment #1	3/11/2013 1/14/2014	\$ 1,400,000.00		
				\$ 2,000,000.00		
				\$ 3,400,000.00		
				\$ 3,400,000.00	\$ 3,400,000.00	\$ 1,770,782.26
Snell & Wilmer, LLP	Peek Construction vs. NDOT 1st JD 120C 00030 1B Contract # 3407 (Wells Wildlife Crossing) NDOT Agmt No. P082-12-004	3/1/2012 - 6/30/14 Amendment #1	3/1/2012 9/12/13	\$150,000.00 20,000.00		
					\$ 170,000.00	\$ 35,701.93
Snell & Wilmer, LLP	Peek Construction vs. NDOT 1st JD 120C 00032 1B Contract # 3377 (Kingsbury Grade) NDOT Agmt No. P083-12-004	3/1/2012 - 3/30/2015 Amendment #1 Amendment #2 Amendment #3	3/1/2012 2/18/13 9/12/13 1/17/14	\$150,000.00 \$75,000.00 \$70,000.00 825,000.00		
				\$ 1,120,000.00	\$ 1,120,000.00	\$ 567,308.29
Snell & Wilmer, LLP	Construction Claims Williams Brother, Inc. Contract # 3392 (Various in Las Vegas) NDOT Agmt No. P084-12-004	3/1/2012 - 6/30/14	3/1/2012	\$ 5,500.00		
					\$ 5,500.00	\$ 688.30
Chapman Law Firm	NDOT vs. Carrie Sanders 8th JD - A-12-664693-C Project Neon - Las Vegas NDOT Agmt No. P192-12-004	6/12/12 - 6/12/15	6/12/2012	\$ 541,800.00		
					\$ 541,800.00	\$ 402,851.71
Chapman Law Firm	NDOT vs. Gendall 8th JD - A-12-666487-C Project Neon - Las Vegas NDOT Agmt No. P325-12-004	6/12/12 - 6/12/14	6/12/2012	\$ 541,800.00		
					\$ 541,800.00	\$ 240,090.57
Chapman Law Firm	NDOT vs. Roberts 1981 Decedents Trust 8th JD - 12-665880-C Project Neon - Las Vegas NDOT Agmt No. P452-12-004	10/23/12 - 10/12/14	10/23/2012	\$ 475,725.00		
					\$ 475,725.00	\$ 437,375.81
Chapman Law Firm	NDOT vs. Catello Family Trust 8th JD - A-12-671920-C Project Neon - Las Vegas NDOT Agmt No. P476-12-004	11/16/12 - 11/30/15	11/16/2012	\$ 449,575.00		
					\$ 449,575.00	\$ 435,030.96
Chapman Law Firm	NDOT vs. MLK-ALTA 8th JD - A-12-658642-C Project Neon - Las Vegas NDOT Agmt No. P508-12-004	1/14/13 - 1/14/15	1/14/2013	\$ 455,525.00		
					\$ 455,525.00	\$ 314,986.74
Chapman Law Firm	NDOT vs. Highland Partnership 1980 8th JD - Project Neon - Las Vegas NDOT Agmt No. P507-12-004	1/14/13 - 1/14/15	1/14/2013	\$ 449,575.00		
					\$ 449,575.00	\$ 423,204.43
Chapman Law Firm	NDOT vs. Highland 2000-I, LLC 8th JD - A-12-671915-C Project Neon - Las Vegas NDOT Agmt No. P501-12-004	1/14/13 - 1/14/15	1/14/2013	\$ 449,575.00		
					\$ 449,575.00	\$ 140,528.54

OPEN NDOT - OUTSIDE COUNSEL CONTRACTS AS OF MAY 20, 2014						
Vendor	Case/Project Name	Contract Period	Contract and Amendment Date	Contract and Amendment Amount	Total Contract Authority	Contract Authority Remaining
Laura FitzSimmons, Esq.	Condemnation Litigation Consultation NDOT Agmt No. P510-12-004	12/16/12 - 12/30/14	12/16/2012	\$ 300,000.00	\$ 1,900,000.00	\$ 800,226.58
		Amendment #1	8/12/2013	\$ 850,000.00		
		Amendment #2	1/22/2014	\$ 750,000.00		
		Amendment #3	5/12/2014	\$ 800,000.00		
				\$ 1,900,000.00		
Lemons, Grundy, Eisenberg	NDOT vs. Ad America (Appeal) 8th JD - A-11-640157-C Project Neon - Las Vegas NDOT Agmt No. P037-13-004	1/22/13 - 1/22/15	1/22/2013	\$205,250.00	\$ 205,250.00	\$ 87,562.02
Sylvester & Polednak, Ltd.	NDOT vs. Wykoff 8th JD - A-12-656578-C Warms Springs Project - Las Vegas NDOT Agmt No. P071-13-004	2/27/13 - 2/27/15	2/27/2013	\$275,000.00	\$ 275,000.00	\$ 89,588.97
Sylvester & Polednak, Ltd.	NDOT vs. Railroad Pass 8th JD - A-12-665330-C Boulder City Bypass Project NDOT Agmt No. P072-13-004	2/27/13 - 2/27/15	2/27/2013	\$ 275,000.00	\$ 550,000.00	\$ 233,014.45
		Amendment #1	5/12/2014	\$ 275,000.00		
Sylvester & Polednak, Ltd.	NDOT vs. K & L Dirt 8th JD - A-12-666050-C Boulder City Bypass Project NDOT Agmt No. P073-13-004	2/27/13 - 2/27/15	2/27/2013	\$ 275,000.00	\$ 275,000.00	\$ 233,014.45
Sylvester & Polednak, Ltd.	NDOT vs. I-15 & Cactus Cactus Project - Las Vegas 8th JD - A-12-664403-C NDOT Agmt No. P074-13-004	2/27/13 - 2/27/15	2/27/2013	\$ 200,000.00	\$ 200,000.00	\$ 180,209.81
Sylvester & Polednak, Ltd.	JYTYJK, LLC dba Wireless Toyz vs. NDOT 8th JD A-13-681291-C Project Neon - Las Vegas NDOT Agmt No. P127-13-004	4/19/13 - 2/28/13	4/19/2013	\$ 175,000.00	\$ 175,000.00	\$ 154,371.77
Watt, Tieder, Hoffar & Fitzgerald	Pacific Coast Steel vs. NDOT K3292 - I-580 2nd JD CV12-02093 NDOT Agmt No. P160-13-004	4/30/13 - 4/30/15	4/30/2013	\$ 275,000.00	\$ 275,000.00	\$ 60,176.66
Sylvester & Polednak	Fitzhouse Enterprises (acquired title as Westcare) 8th JD - A-13-660564-C Project Neon - Las Vegas NDOT Agmt No. P201-13-004	5/31/13 - 5/31/15	5/31/2013	\$ 290,000.00	\$ 290,000.00	\$ 200,559.34

OPEN NDOT - OUTSIDE COUNSEL CONTRACTS AS OF MAY 20, 2014						
Vendor	Case/Project Name	Contract Period	Contract and Amendment Date	Contract and Amendment Amount	Total Contract Authority	Contract Authority Remaining
Chapman Law Firm	54 B LLC vs. Clark County & NDOT 8th JD - A-12-674009 NDOT Agmt No. P217-13-004	6/6/13 - 11/30/15	6/6/2013	\$ 250,000.00	\$ 250,000.00	\$ 211,335.98
Snell & Wilmer	Meadow Valley Public Records Request K3399 NDOT Agmt No. P273-13-004	7/18/13 - 7/30/14	7/18/2013	\$30,000.00	\$ 30,000.00	\$ 16,371.70
Kemp, Jones, Coulthard	Nassiri vs. NDOT 8th JD A672841 NDOT Agmt No. P290-13-004	7/17/13 - 6/30/15	7/17/2013	\$ 280,000.00	\$ 280,000.00	\$ 215,895.33
Chapman Law Firm	Ad America vs. NDOT (Project Neon) 8th JD A640157 NDOT Agmt No. P291-13-004	7/25/13 - 7/30/15	7/25/2013	\$ 200,000.00	\$ 450,000.00	\$ 217,979.34
	Amendment #1	4/28/2014	\$ 250,000.00			
Chapman Law Firm	Ad America vs. NDOT (Cactus Direct and Inverse) 8th JD A-10-631520-C & A-12666482-C NDOT Agmt No. P292-13-004	7/25/13 - 7/30/15	7/25/2013	\$ 250,000.00	\$ 250,000.00	\$ 195,283.49
Chapman Law Firm	Ad America vs. NDOT (South Point) 8th JD A-11-653502-C NDOT Agmt No. P293-13-004	7/25/13 - 7/30/15	7/25/2013	\$ 70,000.00	\$ 70,000.00	\$ 33,512.93
Kemp, Jones & Coulthard	NDOT vs. City of Los Angeles 8th JD A-13-687717-C Boulder City Bypass Project NDOT Agmt No. P405-13-004	9/1/13 - 9/30/15	9/1/2013	\$ 250,000.00	\$ 250,000.00	\$ 215,895.33
Sylvester & Polednak	NDOT vs. Smith Family Trust 8th JD A-13-687895-C Project Neon NDOT Agmt No. P465-13-004	9/7/13 - 9/30/15	9/7/2013	\$ 280,000.00	\$ 280,000.00	\$ 270,301.29
Chapman Law Firm	NDOT vs. LGC, 231, LLC 8th JD NDOT Agmt No. P561-13-004	12/20/13 - 12/15/15	12/20/2013	\$ 453,650.00	\$ 453,650.00	\$ 435,831.56
Laura FitzSimmons, Esq.	Risk Management Analysis for Project NEON	1/13/14 - 12/13/17	1/13/2014	\$ 900,000.00	\$ 900,000.00	\$ 451,662.18
Armstrong Teasdale, LLP	Legal Support for utility matters relating to Project Neon and Boulder City Bypass	5/14/14 - 5/30/16	5/14/2014	\$ 250,000.00	\$ 250,000.00	\$ 250,000.00
* BH Consulting Agreement	<i>Management assistance, policy recommendations, negotiation support and advice regarding NEXTEL and Re-channeling of NDOT's 800 Mhz frequencies.</i>	6/30/12 - 6/30/16	6/30/2012	\$ 77,750.00	\$ 77,750.00	\$ 76,340.00

* Pass Through - Federally mandated 800 MHz rebanding project fully reimbursed by Sprint Nextel.

Monthly Litigation Report to the Nevada Department of Transportation - May 20, 2014				
Case Name	Nature of Case	Outside Counsel to Date		
		Fees	Costs	Total
Condemnations				
NDOT vs. AD America, Inc. (Cactus - Direct)	Eminent domain - I-15 Cactus	\$ 151,309.26	\$ 27,732.45	\$ 179,041.71
NDOT vs. Bawcon	Eminent domain - Elko			
NDOT vs. Catello Family Trust, Carmine V.	Eminent domain - Project Neon	\$ 13,108.25	\$ 1,435.79	\$ 14,544.04
NDOT vs. City of Los Angeles, et al.	Eminent domain - Boulder City Bypass	\$ 31,491.50	\$ 2,613.17	\$ 34,104.67
NDOT vs. Fitzhouse/Westcare	Eminent domain - Project Neon	\$ 57,175.00	\$ 32,265.66	\$ 89,440.66
NDOT vs. Gendall Trust	Eminent domain - Project Neon	\$ 265,372.55	\$ 36,336.88	\$ 301,709.43
NDOT vs. Highland Partnership 1980, LLC	Eminent domain - Project Neon	\$ 22,702.50	\$ 3,668.07	\$ 26,370.57
NDOT vs. Highland 2000-I, LLC	Eminent domain - Project Neon	\$ 259,972.61	\$ 49,073.85	\$ 309,046.46
NDOT vs. I-15 and Cactus, LLC	Eminent domain - I-15 Cactus	\$ 18,400.00	\$ 1,390.19	\$ 19,790.19
NDOT vs. Jenkins, Carrie, aka Carrie Sanders	Eminent domain - Project Neon	\$ 111,924.00	\$ 27,024.29	\$ 138,948.29
NDOT vs. Jericho Heights, LLC	Eminent domain - Boulder City Bypass	\$ 849,800.00	\$ 1,049,973.42	\$ 1,899,773.42
NDOT vs. K & L Dirt Company, LLC	Eminent domain - Boulder City Bypass	\$ 58,425.00	\$ 11,564.01	\$ 69,989.01
NDOT vs. KP & TP, LLC, Roohani, Khusrow	Eminent domain - I-15 and Warm Springs			
NDOT vs. MLK-ALTA	Eminent domain - Project Neon	\$ 116,935.00	\$ 23,603.26	\$ 140,538.26
NDOT vs. Railroad Pass Investment Group	Eminent domain - Boulder City Bypass	\$ 138,950.00	\$ 178,035.55	\$ 316,985.55
NDOT vs. Smith Family Trust, et al	Eminent domain - Project Neon	\$ 8,375.00	\$ 1,323.71	\$ 9,698.71
NDOT vs. Union Pacific Railroad Co.	Eminent domain - Reconn. of SR 317			
NDOT vs. Wykoff Newberg Corporation	Eminent domain - I-15 and Warm Springs	\$ 158,125.78	\$ 27,285.25	\$ 185,411.03
Nevada Power Company vs. Westcare, NDOT - 8	Public utility seeks permanent easement			
Inverse Condemnations				
54 B LLC	Inverse condemnation	\$ 30,584.03	\$ 8,079.99	\$ 38,664.02
AD America, Inc. vs. NDOT (NEON)	Inverse condemnation - Project Neon	\$ 447,494.05	\$ 104,525.51	\$ 552,019.56
First Presbyterian Church of LV vs. NDOT	Inverse condemnation - Project Neon			
JYTYJK, LLC dba Wireless Toyz vs. NDOT	Inverse condemnation - Project Neon	\$ 18,255.25	\$ 2,372.98	\$ 20,628.23
Nassiri, Fred vs. NDOT	Inverse condemnation	\$ 122,592.68	\$ 3,025.72	\$ 125,618.40
P8 Arden, LLC vs. NDOT	Inverse condemnation - Blue Diamond Road			
Robarts 1981 Decedents Trust vs. NDOT	Inverse Condemnation - Project Neon	\$ 36,396.08	\$ 1,953.11	\$ 38,349.19
Cases Removed from Last Report:				
None				

Monthly Litigation Report to the Nevada Department of Transportation - May 20, 2014				
Case Name	Nature of Case	Outside Counsel to Date		
		Fees	Costs	Total
Torts				
Antonio, James S. vs. NDOT	Plaintiff alleges negligence causing personal injury			
Ariza, Ana, et al. vs. Wulfenstein, NDOT	Plaintiff alleges wrongful death			
Deming, Jerry Lee vs. Manha, Granite, NDOT	Plaintiff alleges negligence causing personal injury			
Discount Tire Company vs. NDOT; Fisher	Plaintiff alleges negligence and personal injury			
Francois, John A. vs. NDOT	Plaintiff alleges negligence and personal injury			
Harper, Kenneth J. vs. NDOT	Plaintiff alleges negligence/wrongful death			
Harris Farm, Inc. vs. NDOT	Plaintiff alleges negligence and personal injury			
Jorgenson & Koka, LLP	Plaintiff alleges negligence causing property damage			
Lopez, Jewelee Marie vs. NDOT	Plaintiff alleges negligence and personal injury			
Marshall, Charles vs. State, NDOT	State awarded costs. Appeal of arbitration pending.			
Mullen, Janet vs. NDOT	Plaintiff alleges personal injury			
NDOT vs. Tamietti	NDOT seeks injunct. relief to prevent closing access			
Oneal, Brenda vs. NDOT	Plaintiff alleges negligence causing personal injury			
Windrum, Richard & Michelle vs. NDOT	Plaintiff alleges negligence and personal injury			
Zito, Adam vs. NDOT	Plaintiff alleges negligence and property damage			
Contract Disputes				
Peek Construction vs. State, NDOT	Plaintiff alleges delays on Contract 3377, SR 207	\$ 499,511.50	\$ 53,180.21	\$ 552,691.71
Peek Construction vs. State, NDOT	Plaintiff alleges delays on Contract 3407, US-93	\$ 130,043.00	\$ 4,255.07	\$ 134,298.07
Personnel Matters				
Akinola, Ayodele vs. State, NDOT	Plaintiff alleges 14th Amendment - discrimination			
Lau, Stan vs. State, NDOT	Nevada Supreme Court affirmed summary judgment and award of attorney fees and costs; attempting to collect fees and costs			
Cases Removed from Last Report:				
* Castro, Steve vs. NDOT	Plaintiff alleges negligence causing personal injury			
* Cooper, Jennifer vs. State, NDOT	Plaintiff appeals trial verdict of alleged discrimination			
** Hettinger, Travis vs. State Employees	Plaintiff alleges wrongful termination			
* Lopez, Jewelee Marie vs. NDOT	Plaintiff alleges negligence and personal injury			
** Rodriguez and Martinez-Grazo vs. NDOT	Plaintiff alleges negligence causing property damage			
* Slegers, Gloria vs. NDOT	Plaintiff alleges negligence and personal injury			

- * = Settled
** = Dismissed

OFFICE OF THE ATTORNEY GENERAL

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CATHERINE CORTEZ MASTO
Attorney General

KEITH G. MUNRO
Assistant Attorney General



DENNIS V. GALLAGHER
Chief Deputy Attorney General

MEMORANDUM

DATE: May 2, 2014

TO: Board of Directors
Nevada Department of Transportation

FROM: Dennis Gallagher, Chief Deputy Attorney General / Chief Counsel

SUBJECT: Informational Item – Settlement out of State Tort Fund
Cooper vs. NDOT, et al., USDC 3:09-cv-00640-RCJ-VPC

On April 23, 2014 the above referenced lawsuit was settled through negotiation with the State paying \$5,000.00. The case presented the risk of potential exposure in the amount of \$120,000.00 to the Department excluding attorneys' fees and costs of litigation. This settlement was approved by the Nevada Tort Claims Manager, Nancy Katafias.

Plaintiff sued for sexual harassment and discrimination, and retaliation, based on events that occurred in 2007. A jury found in favor of the Department on all counts. On appeal, the Ninth Circuit Court of Appeals held that an issue dismissed by the trial judge (whether Plaintiff was denied training for a four month period of time) should have been decided by the jury, and remanded the case for a hearing on that minor issue.

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DENNIS V. GALLAGHER
Chief Deputy Attorney General

MEMORANDUM

DATE: May 2, 2014

TO: Board of Directors
Nevada Department of Transportation

FROM: Dennis Gallagher, Chief Deputy Attorney General / Chief Counsel

SUBJECT: Informational Item – Settlement out of State Tort Fund
Cooper vs. NDOT, et al., USDC 3:09-cv-00640-RCJ-VPC

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Attorney General

KEITH G. MUNRO
Assistant Attorney General



DENNIS V. GALLAGHER
Chief Deputy Attorney General

MEMORANDUM

DATE: May 5, 2014

TO: Board of Directors
Nevada Department of Transportation

FROM: Dennis Gallagher, Chief Deputy Attorney General / Chief Counsel

SUBJECT: Informational Item – Condemnation Verdict in Jury Trial
in the Matter of State of Nevada, Dept. of Transportation vs. The Alexander Gendall and Lily Gendall Trust, et al. 8th JD Case A-12-666487

On April 28, 2014, a verdict was entered in the eminent domain matter *State of Nevada, Dept. of Transportation vs. The Alexander Gendall and Lily Gendall Trust, Carmic, Inc., et al.* The jury reached an opinion that just compensation for the subject property is \$3,000,000. The property, located at 307 West Charleston Boulevard, is approximately one acre in size and was formerly improved with a commercial building where Carmic, Inc. operated the Charleston Antique Mall. Pre-judgment interest and certain costs/expenses will be added to the \$3,000,000 verdict, in an amount that has not yet been determined by the Court. The final just compensation award is to be paid from NDOT funds, a portion or all of which may be subject to Federal reimbursement. This land acquisition is part of the widening and reconstruction of the I-15 Freeway, from Desert Inn Road north to the US-95/I-515 Interchange in Las Vegas, Nevada, also known as Project Neon.

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Attorney General

KEITH G. MUNRO
Assistant Attorney General



DENNIS V. GALLAGHER
Chief Deputy Attorney General

MEMORANDUM

DATE: May 2, 2014
TO: Board of Directors
Nevada Department of Transportation
FROM: Dennis Gallagher, Chief Deputy Attorney General / Chief Counsel
SUBJECT: Informational Item – Approval of Settlement for a Direct Condemnation action in the Matter of *State of Nevada v. Ad America*; (Cactus) 8th JD Case No. A-12-666482

A handwritten signature in black ink, appearing to read "D. Gallagher", is written over the "FROM:" line of the memorandum.

At their April 8, 2014 meeting, the Board of Examiners approved the settlement in the amount of \$65,000.00 to be paid from NDOT funds to resolve a direct condemnation claim.

Attached is the March 4, 2014 memorandum to the Board of Examiners from Director, Rudy Malfabon, Senior Deputy Attorney General, Karissa Neff, and myself to the Board of Examiners setting forth a summary of the settlement.



STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL
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Las Vegas, Nevada 89101

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Attorney General

KEITH G. MUNRO
Assistant Attorney General

GREGORY M. SMITH
Chief of Staff

MEMORANDUM

DATE: March 4, 2014

TO: Board of Examiners
Governor Brian Sandoval
Attorney General Catherine Cortez Masto
Secretary of State Ross Miller

FROM: Rudy Malfabon, Director, Nevada Department of Transportation
Karissa D. Neff, Senior Deputy Attorney General **KDN**
Dennis Gallagher, Chief Deputy Attorney General

SUBJECT: Proposed settlement for a direct condemnation action captioned *State of Nevada, on relation of its Department of Transportation ("NDOT") v. Ad America, Inc. et al.*, Clark County District Court Case No. A-12-666482-C for real property generally located on the northeast corner of Cactus and the I-15 in Las Vegas, Nevada

SUMMARY

NDOT requests settlement approval in the additional amount of \$65,000.00 to resolve a direct condemnation action to acquire real property generally located on the northeast corner of Cactus and the I-15 in Las Vegas, NV for the I-15 /Cactus interchange project. NDOT has already deposited a total of \$477,293.02 (the "Deposit") with the Clerk of Court, comprised of the total amount of NDOT's appraised value of the Property during litigation plus accrued interest through December 31, 2013. The landowner would be compensated by the Deposit plus \$65,000.00, bringing the total amount paid to the landowner to \$542,293.02.

FACTUAL BACKGROUND

This case is a direct condemnation action that NDOT filed on August 8, 2012 to acquire portions of real property from former Clark County Assessor's parcel 177-29-801-026 (the "Property") for the I-15 /Cactus interchange project ("Project") in Clark County, Nevada. The Property is generally located on the northeast corner of Cactus and the I-15 in Las Vegas, Nevada and is approximately 2.13 gross acres. Specifically, NDOT sought to acquire approximately .45 acres of the Property in fee, certain permanent easements, and temporary easements as more particularly described in Plaintiff's Amended Verified Complaint in Eminent Domain. The Property is undeveloped land and has a billboard located on the portion of the fee acquisition that was initially owned by Ad America. The condemnation action was to condemn only the real estate aspects of the Property; not the business aspects associated with the billboard. NDOT intends to relocate the billboard if possible.

At the time NDOT filed its Complaint, the property was owned by Ad America. During the litigation (in approximately December of 2012), the first lienholder (a group of investors) (hereinafter the "Investors") foreclosed on the Property and became the owner of record. The billboard was taken down in May of 2013 to accommodate construction of the Project. After the Property was foreclosed upon, both Ad America and the Investors claimed ownership of the billboard. The Investors filed a declaratory relief action to obtain ownership of all billboard rights.

The Investors were initially represented by attorney Jim Morgan in Reno, Nevada. In addition, the Investors hired the Law Offices of John J. Gezelin also located in Reno. He was retained just a few weeks before the discovery cut off.

The Law Offices of Brian C. Padgett initially represented Ad America but withdrew in April of 2013. Ad America never retained new counsel as required by the court rules to continue participating in the lawsuit. As a result, the Court granted NDOT's motion and entered an order striking Ad America's answer. Default paperwork is now filed with the court and is awaiting the court's approval and formal entry into the record.

Also, the initial landowner, Ad America, filed an inverse condemnation action involving this same property in a lawsuit titled *Ad America, Inc. v. State of Nevada, on relation of its Department of Transportation*, Clark County District Court Case No. A631520 prior to NDOT filing its direct condemnation action. Ultimately this inverse action was dismissed without prejudice. It is unlikely that Ad America will refile this action.

All other parties who do have or have claimed an interest in the property at issue have either been defaulted for failure to appear in the action or have formally disclaimed any interest in the just compensation award.

COMPENSATION

During litigation, NDOT hired Tim Morse to value the real estate acquisitions. Mr. Morse valued the property at \$5.50 per square foot and didn't find any severance

damages. He valued the acquisitions at \$470,000.00. Accordingly, during litigation NDOT increased the amount of the Deposit from \$360,000.00 to \$477,293.02 (which includes accrued interest through the end of December 2013).

The Investors did not hire Mr. Gezelin until after the deadline to disclose an appraisal and identify an expert had passed and near the discovery cut-off. As a result, they did not produce an appraisal or identify an appraiser as an expert witness to testify at trial. Rather, they stated that they intended to use NDOT's negotiation appraisal against NDOT to prove damages in excess of Morse's appraisal.

NDOT's pre-litigation negotiation appraisal was done by David Yerke and reviewed by Phillip Ware. Mr. Yerke's appraisal included severance damages and access damages (Morse's appraisal did not). Severance damages occur when the remainder of the real property (the part of the property not taken) sustains monetary damages due to the acquisition. These damages are measured by the difference in fair market value of the property in its condition before the acquisition and the fair market value of the real property in its condition after the acquisition. The Investors claim that they are entitled to at least \$41,544.00 in severance damages due to change in access to the Property. This amount is the difference between the value of the Property in the before condition when it supposedly had valid, direct access from Cactus Avenue and the difference in the value of the Property in the after condition when it will not have direct access off of Cactus Avenue due to the Project. On top of this, the Investors rely on NDOT's experts reports regarding engineering and access issues and claim that the cost to develop the Property will have increased in the after condition, suggesting that they are also entitled to compensation for these damages. NDOT has hired experts to refute both contentions.

Access damages occur when the acquisition and/or related project substantially impairs access to and from the property. Again, the Investors rely on the Yerke appraisal claiming they are entitled to access damages because access to and from the Property directly via Cactus Avenue will no longer exist once the Project is completed due to the need to elevate Cactus Avenue by the Property to construct the Cactus Interchange. Relying on the Yerke appraisal, the Investors claim that it will cost \$126,000.00 to provide access to the Property. Accordingly, they claim they are entitled to \$126,000.00 in addition to severance damages in the amount of \$41,544.00.

The Investors also claim they are entitled to \$6.50 per square foot for the acquisition (as opposed to Morse's \$5.50 per square foot) arguing that the comparable sales that Mr. Morse used prior to the date of value were from when the market was deeper in recession. They also disagree with Morse and argue that the permanent easement acquisitions should be valued at 75 percent of the fee value as opposed to 25 percent and 50 percent because the easement left very little utility to the area.

Based on the foregoing, the Investors initially demanded an additional \$275,000.00. They then submitted a revised offer requesting a total of \$565,000.00, \$95,000.00 above Morse's appraisal. The Investors eventually offered to settle the condemnation action for \$65,000.00 above the Deposit, the amount of the settlement currently before the Board of Examiners for approval.

The Investors also state that in the event they are not able to reach a settlement with NDOT in the above amount, they intend to re-open discovery and continue litigating the case through their new attorney. This means they would likely obtain their own litigation appraisal and identify their own appraiser as an expert witness and perhaps other expert witnesses. In all likelihood the Court would permit them to do so. Doing so would increase their chances of obtaining a more favorable outcome at trial by potentially being compensated a higher amount- i.e. having the jury award severance and access damages.

NDOT would also have to pay for the Investor's reasonable litigation costs, including expert witness fees per statute and per the PISTOL Amendment contained in Section 22, Article 1 of the Nevada Constitution. These costs would likely reach and quite possibly exceed \$75,000.00 if the case proceeds through discovery and to trial. The Investors would be compensated the costs of hiring their own experts and deposing NDOT's five experts, creating exhibits, and so forth.

On top of that, NDOT will incur its own attorneys' fees and costs in preparing and trying this case. These fees and costs will likely exceed \$150,000.00 given the number of experts involved. Five experts were retained by NDOT to defend this case. These experts were necessary to defend this case as it was initially brought as an inverse condemnation lawsuit by Ad America. NDOT's experts were retained to testify on issues related to engineering, access and billboard relocation, development of the Property, real property valuation, and billboard valuation. NDOT estimates that its expert witness fees alone will reach in excess of \$65,000.00 for further consultation, deposition preparation, trial preparation, and trial testimony. In total, it will cost NDOT at least \$225,000.00 to litigate this case through trial, including its own attorneys' fees and costs and costs due to the landowner under PISTOL.

Trial was scheduled for February 18th but has been rescheduled for a five week stack beginning on June 23, 2014.

SUBROGATION/OFFSET

The total amount of the Deposit with the Court (\$477,293.02) was paid using federal funds. The additional settlement of \$65,000.00 will be submitted for federal reimbursement to the Federal Highway Administration ("FHWA"). NDOT will likely receive federal reimbursement towards the additional settlement amount of \$65,000.00 because good cause exists and the request will be justified in writing. If the FHWA reimburses NDOT, it will likely be for 95 percent of the settlement (\$61,750.00).

RECOMMENDATION

NDOT has considered the benefits of settlement and has made the decision that the settlement is reasonable, prudent, and in the public interest. NDOT requests authority to settle the condemnation action for \$65,000.00 above the Deposit (\$477,293.02), bringing the total of any potential settlement to \$542,293.02.

If the Board approves the settlement, NDOT intends to enter into a settlement agreement and/or stipulated order with the Investors to resolve the direct condemnation action in full for the said amount, inclusive of all attorneys' fees and costs.

FREEWAY SERVICE PATROL

Jan 1 – Mar 31, 2014, 2nd Quarter, FY 2014
Traffic Operations Division



This document provides the second quarterly report for the Freeway Service Patrol (FSP) program under the contract with United Towing, effective October 1, 2013 through September 30, 2017. The tables below reflect the program's performance for the quarter. The following is a summary of the program's progress:

- The Las Vegas FSP/IRV tables show a significant increase in mitigations per vehicle hours for the month of March due to program routes being adjusted to meet shifting congestion demands. The hours of operation remained unchanged.
- Las Vegas FSP numbers are significantly higher than IRV for the month of March due to the additional support FSP provided for the NASCAR event.
- The Reno FSP table is showing low mitigations per vehicle hour in January due to a decrease in traffic congestion that month; no changes in routes and/or hours of operation occurred in February and March as congestion returned to previous levels.
- Both the Las Vegas and Reno programs are exceeding the minimum Disadvantage Business Enterprise (DBE) goal of 3%.

The performance of the program is currently being measured and analyzed by the mitigations per vehicle hour (MPVH) of each route. As our data set for the current FSP program substantiates, trend information and service refinement goals will be established and provided.

Program benefit-cost ratios are also planned for the future. The ratios provided for the prior freeway service patrol contract were developed using predictive research data compiled from other states. Traffic Operations is now receiving traffic incident and clearance data from the Las Vegas Area for multiple time periods. After this data has been compiled and verified, it will then be combined with the same Nevada specific user costs approved to evaluate NDOT construction projects to provide an additional performance measure for this service. For validation purposes and industry comparison, the current and prior FSP contracts will be evaluated using both methods. A summary report of the findings will be made available to the board in conjunction with the upcoming inclusion of this new measure.

Las Vegas FSP	14-Jan	14-Feb	14-Mar
Total Mitigations	1323	1185	1491
Vehicle Hours	2124	1920	2086
Cost	\$130,626	\$118,080	\$128,289
Mitigations Per Veh Hr	0.62	0.62	0.71
Cost Per Mitigations	\$98.73	\$99.65	\$86.04

Reno-Sparks FSP	14-Jan	14-Feb	14-Mar
Total Mitigations	275	298	307
Vehicle Hours	409.25	361	378.25
Cost	\$26,601	\$23,465	\$24,586
Mitigations Per Veh Hr	0.67	0.83	0.81
Cost Per Mitigations	\$96.73	\$78.74	\$80.09

Las Vegas IRV	14-Jan	14-Feb	14-Mar
Total Mitigations	355	309	367
Vehicle Hours	707	640	672
Cost	\$48,783	\$44,160	\$46,368
Mitigations Per Veh Hr	0.5	0.48	0.55
Cost Per Mitigations	\$137.42	\$142.91	\$126.34

Reno-Sparks DBE Goal	14-Jan	14-Feb	14-Mar
Total Expenditures	\$26,601	\$23,465	\$24,586
DBE Participation	\$5,667	\$5,617	TBD
DBE Percentage	21.30%	23.94%	TBD

Las Vegas DBE Goal	14-Jan	14-Feb	14-Mar
Total Expenditures	\$179,409	\$162,240	\$174,657
DBE Participation	\$15,053	\$10,057	TBD
DBE Percentage	8.39%	6.20%	TBD

5/5/2014

TO: PUBLIC SAFETY, DIRECTOR NDOT, HIGHWAY SAFETY COORDINATOR,
NDOT TRAFFIC ENGINEERING, FHWA, LVMPD, RENO PD.

FROM: THE OFFICE OF TRAFFIC SAFETY, FATAL ANALYSIS REPORTING SYSTEM (FARS)

SUBJECT: FATAL CRASHES AND FATALITIES BY COUNTY, PERSON TYPE, DAY, MONTH, YEAR AND PERCENT CHANGE.

	CURRENT		SAME DATE LAST YEAR			# CHANGE	
	Yesterday	Fatals	Yesterday	Crashes	Fatals	Crashes	Fatals
5/4/2014	1	1	5/4/2013	1	2	0	-1
MONTH	1	1	MONTH	1	2	0	-1
YEAR	74	80	YEAR	88	94	-14	-14

CRASH AND FATAL COMPARISON BETWEEN 2013 AND 2014, AS OF CURRENT DATE.

COUNTY	2013 Crashes	2014 Crashes	% CHANGE	2013 Fatalites	2014 Fatalities	% Change	2013 Alcohol Crashes	2014 Alcohol Crashes	% Change	2013 Alcohol Fatalities	2014 Alcohol Fatalities	% Change
CARSON	3	1	-66.67%	3	2	-33.33%	1	0	-100.00%	1	0	-100.00%
CHURCHILL	0	1	100.00%	0	1	100.00%	0	0	0.00%	0	0	0.00%
CLARK	67	43	-35.82%	73	46	-36.99%	23	9	-60.87%	24	10	-58.33%
DOUGLAS	1	1	0.00%	1	1	0.00%	1	0	-100.00%	1	0	-100.00%
ELKO	0	2	200.00%	0	2	200.00%	0	1	100.00%	0	1	100.00%
ESMERALDA	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%
EUREKA	0	1	100.00%	0	1	100.00%	0	1	100.00%	0	1	100.00%
HUMBOLDT	0	4	400.00%	0	4	400.00%	0	0	0.00%	0	0	0.00%
LANDER	0	3	300.00%	0	3	300.00%	0	2	200.00%	0	2	200.00%
LINCOLN	3	0	-100.00%	3	0	-100.00%	2	0	-100.00%	2	0	-100.00%
LYON	0	5	500.00%	0	6	600.00%	0	2	200.00%	0	2	200.00%
MINERAL	1	0	-100.00%	1	0	-100.00%	1	0	-100.00%	1	0	-100.00%
NYE	4	1	-75.00%	4	1	-75.00%	1	0	-100.00%	1	0	-100.00%
PERSHING	1	0	-100.00%	1	0	-100.00%	0	0	0.00%	0	0	0.00%
STOREY	0	1	100.00%	0	1	100.00%	0	0	0.00%	0	0	0.00%
WASHOE	8	11	37.50%	8	12	50.00%	3	1	-66.67%	3	2	-33.33%
WHITE PINE	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%
YTD	88	74	-15.91%	94	80	-14.89%	32	16	-50.00%	33	18	-45.45%
TOTAL 13	246	----	-69.9%	267	----	-70.0%	56	----	-71.43%	63	----	-71.43%

2013 AND 2014 ALCOHOL CRASHES AND FATALITIES ARE BASED ON VERY PRELIMINARY DATA.

COMPARISON OF FATALITIES BY PERSON TYPE BETWEEN 2013 AND 2014, AS OF CURRENT DATE.

COUNTY	2013 Vehicle Occupants	2014 Vehicle Occupants	% Change	2013 Peds	2014 Peds	% Change	2013 Motor-Cyclist	2014 Motor-Cyclist	% Change	2013 Bike	2014 Bike	% Change	2013 Other moped,sc ooter,atv	2014 Other moped,sc ooter,atv
CARSON	1	0	-100.00%	2	0	-100.00%	0	2	200.00%	0	0	0.00%	0	0
CHURCHILL	0	1	100.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0
CLARK	42	17	-59.52%	19	14	-26.32%	10	12	20.00%	2	0	-100.00%	0	3
DOUGLAS	1	1	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0
ELKO	0	2	200.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0
ESMERALDA	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0
EUREKA	0	1	100.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0
HUMBOLDT	0	4	400.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0
LANDER	0	2	200.00%	0	1	100.00%	0	0	0.00%	0	0	0.00%	0	0
LINCOLN	3	0	-100.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0
LYON	0	3	300.00%	0	2	200.00%	0	1	100.00%	0	0	0.00%	0	0
MINERAL	1	0	-100.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0
NYE	1	1	0.00%	1	0	-100.00%	2	0	-100.00%	0	0	0.00%	0	0
PERSHING	1	0	-100.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0
STOREY	0	0	0.00%	0	0	0.00%	0	1	100.00%	0	0	0.00%	0	0
WASHOE	4	6	50.00%	1	4	300.00%	3	2	-33.33%	0	0	0.00%	0	0
WHITE PINE	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0
YTD	54	38	-29.63%	23	21	-8.70%	15	18	20.00%	2	0	-100.00%	0	3
TOTAL 13	132	----	-71.21%	70	----	-70.00%	53	----	-66.04%	7	----	-100.00%	5	----

Total 2013 267