



Department of Transportation
Board of Directors
Notice of Public Meeting
1263 South Stewart Street
Third Floor Conference Room
Carson City, Nevada
February 12, 2018 – 9:30 a.m.

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. Consideration of Appointment of Lieutenant Governor Mark Hutchison to serve as State Transportation Board Vice Chairman – *For possible action.*
4. Consideration of Approval of the January 8, 2017 Nevada Department of Transportation Board of Directors Meeting Minutes – *For possible action.*
5. Public hearing to act upon a regulation converting a temporary regulation to a permanent regulation in the matter concerning road relinquishments by and between the Nevada Department of Transportation and local governmental entities – *For possible action.*
Time Certain Agenda Item: 10:00 a.m.
6. Approval of Agreements over \$300,000 (See Attachment A) – *For possible action.*
7. Contracts, Agreements, and Settlements – Pursuant to NRS 408.131 the Board may delegate authority to the Director which the Director may exercise pursuant to NRS 408.205. These items and matters have been delegated to the Director by the Board by resolutions in April 1990 and July 2011. *Informational item only.*
8. Condemnation Resolution No. 463 – *For possible action*

SR 593, Tropicana Avenue, from Dean Martin Drive to Boulder Highway, ADA Improvements, Phase 2; in an unincorporated area of Clark County, NV
1 owner; 2 parcels
9. Old Business
 - a. Report of Outside Counsel Costs on Open Matters – *Informational item only.*
 - b. Monthly Litigation Report – *Informational item only.*
 - c. Fatality Report dated January 5, 2018 – *Informational item only.*
10. Public Comment – limited to no more than three (3) minutes. *Informational item only.*
11. 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.nv.gov. 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



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

MEMORANDUM

January 29, 2018

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, Director
SUBJECT: February 12, 2018 Transportation Board of Directors Meeting
ITEM #3: Appointment of Lieutenant Governor Mark Hutchison to serve as State Transportation Board Vice Chairman – *For Possible Action*

Summary:

The purpose of this item is to recommend that the State Transportation Board of Directors appoint Lieutenant Governor Mark Hutchison to serve as Vice Chairman of the Transportation Board for the term of one year pursuant to Nevada Revised Statute 408.106(4).

Background:

Pursuant to NRS 408.106(4), "The governor shall serve as chairman of the board and the members of the board shall elect annually a vice chairman".

Historically, the Lieutenant Governor has served as the Vice Chairman of the Transportation Board.

Analysis:

The Lieutenant Governor serving as the Vice Chairman of the Transportation Board has worked well in past meetings. Per the statute, this action is being taken formally to comply with NRS 408.106(4).

Recommendation for Board Action:

It is recommended that the Board appoint Lieutenant Governor Mark Hutchison to serve as Vice Chairman of the Transportation Board.

List of Attachments:

None

Prepared by:

Rudy Malfabon, P.E., Director

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Governor Brian Sandoval
Controller Ron Knecht
Frank Martin
Virginia Valentine
Len Savage
BJ AlMBERG
Rudy Malfabon
Lou Holland

Sandoval: Good morning, ladies and gentlemen. I will call the Department of Transportation Board of Directors Meeting to order. First, I'll wish everybody a happy new year. We're excited to be here.

Rudy, I'm going to steal a little bit of your thunder and I'm going to introduce Virginia Valentine, who is our newest Member of the Transportation Board. I'm very honored and privileged that you've accepted this appointment. I think you're going to be a fabulous addition to the Board. I look forward to having the benefit of your experience and insights and even in your current capacity with regard to the Gaming Industry and its intersection with Transportation. So, Virginia, welcome aboard. I'm not sure if you have any comments, you'd like to make.

Valentine: Well, I'd just like to say, thank you Governor, for appointing me to this Board as a recovering civil engineer, it's a great honor to be here. Engineering is, of course, my first love, but I don't think there's anything more important right now to the continued success, at both ends of the State, than providing strong infrastructure as we continue to grow the economy and a little bit of recovery still going on and so, I am really excited to be here. I hope it's going to be a really exciting time for the Transportation Board and the Transportation in general, infrastructure in the State, so thank you again.

Sandoval: You're very welcome. We are in a transportation renaissance and really proud of the work of the Department, as well as this Board in what we've been able to accomplish. So, Rudy, from there, we'll go to Agenda Item No. 1, which is to receive the Directors Report.

Malfabon: Thank you Governor and happy new year everybody. I wanted to mention that Lou Holland is filling in for Dennis Gallagher. Dennis will be joining us during

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the meeting. Also want to welcome Sondra Rosenberg back. She came back with the smallest intern Nevada Department of Transportation has ever had. Her son Zander so, congratulations and welcome back.

Also, congratulations Governor, you couldn't have said it any better, we're excited to have Virginia Valentine as a Transportation Board Member. I'll reach out to her to provide a more detailed briefing, but I did provide a briefing to her members, back in late November last year. Definitely well qualified and she's a consummate professional. I've known her for years and we're looking forward to working with her.

Go ahead and skip that one.

A little on the federal front. Congress kind of kicked the can for another month until January 19th for the Continuing Resolution, which is the short-term extension of the—since they don't have an appropriated budget yet for FY '18. It didn't include or didn't address any additional spending for defense or emergency relief funding for the hurricane, so there was no associated rescission of federal funds or spending authority to USDOT. So, we'll have to be watchful of what they pass before it expires again on January 19th. I think that hopefully it will go the rest of the federal fiscal year, but one of the things that's a concern to us is that there are, you know, a slight 2% increase each year to the FAST Act spending levels that were anticipated. We're not getting that increase, as they keep on doing these extensions.

The Trump Administration, President Trump had a little get together this weekend to talk about policy with the leadership in Congress. No details yet on the infrastructure plan, we just hear that details are coming this month. I know that Secretary Chao will be attending the Consumer Electronic Show (CES) in Las Vegas this week. Hopefully more information comes out because right now, a lot of people are just waiting for details.

We did provide some information to our delegation about refunding of bonds. I know that Las Vegas Convention and Visitors Authority had an opportunity to refund some of their bonds that they sold in order for NDOT to widen I-15 near the airport and the resort corridor a few years back. John Terry was the Project Manager of that project years ago and they saw the opportunity before the door closed for the tax exemption being removed for refunding of bonds. It's

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something that NDOT has done. Basically it's like, refinancing your house to save money over the term of the loan. We're waiting for details on all the things—I think the Private Activity Bonds issue with the linkage to public/private partnerships, P3s, I think that was still available, but more details to come on the final version of the tax bill that was reconciled.

Another thing that we heard from Federal Highway Administration was concern about the patent issues with the Rapid Rectangular Flashing Beacons. These are very efficient and effective devices to install on our roads and local roads for pedestrian safety projects. You see them here in Carson City and throughout Las Vegas and Reno where there's—it calls attention from the drivers that pedestrians pushed the button and activated that—that signal, that flasher, so that they can stop at the crosswalk. The concern is when there's sole-source issues or federal eligibility issues for repayment. I think that we want to go forward with installing these devices wherever we can. We'll get to the bottom of any kind of patent issues and whether there's restrictions on usage of these but I think they're very effective and we'll want to continue using those.

Good news on—Nevada traffic fatalities dropped over 7% in 2017. What we're hoping is that this trend continues. We reached a peak in 2016 and hopefully we'll further address our goals towards zero fatalities. Working with our partners in law enforcement, educators, emergency responders; definitely a success story with our partners in dealing with alcohol impairment. Nearly 43% down from the previous year, 38 lives saved, just from that focus on reducing impairment on our roads.

Unfortunately we do have our work cut out for us on the pedestrian fatalities issue. It increased 20% from the previous year in 2016. We are doing more to install infrastructure and also the education front, doing those sidewalk decals, working around some specific areas, whether it's schools, universities, where there's a lot of pedestrian traffic. Obviously the resort corridor has a lot of pedestrian traffic.

So, we're going to work tirelessly with our partners to address and focus on pedestrian safety and keep this trend going in the coming years.

Governor, you've touted a lot of the success in your term as Governor for Nevada. I know we're in the last year of your term, but I was very proud to hear you

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providing the keynote at the Council of State Government, CSG. You've been a National Chair before of this Association, but since we hosted it in Las Vegas, Nevada hosted it, Kevin Atkinson, our State Senator is the National Chair and I'm on a Committee that deals with infrastructure for CSG. I was very proud to hear some of the success stories and how Nevada has turned around the new Nevada economy and the efforts that you've made in the last few sessions of the legislature to improve education and our economic diversification in Nevada.

I attended a roundtable on the use of technology called Nevada Leads the Way. We had a lot of other private companies; Uber, Audi, Tesla, for instance, as well as other states that are dealing with these transportation technology issues. I had a good conversation, good presentation about what we're doing here in our State and also, learned about what other states are doing as far as that.

It leads into the next slide which is, National Governor's Association. Governor, you're the Chair of the NGA this year and you've identified your theme is ahead of the curve, innovation Governors for this next weeks' conference in Las Vegas. It coincides with the CES show. It will be a great opportunity to tie technology and the folks that are attending CES, showcasing their innovative technologies, their products, their vehicles. It's an exciting time in transportation and just in general with implementation of technology and the efficiencies you can gain through that.

Some of the things that you've identified that we have to look at is, we want to support technological innovation, modernize policy and protect systems from cyber threats. We want to have discussions amongst the states that attend the NGA event this week and have some bullet points and what are some action items we want to do as states to advance this agenda. We're looking forward to participating in that with our counterparts from Colorado, Arizona, Michigan and Ohio. A lot of those folks have confirmed, as well as other states, that they're going to be present at that. So, we'll have some counterparts from State DOTs present too to have—be involved in this discussion. Looking forward to it.

The Eagle has landed is the quote that I heard a lot for this 800 pound sculpture. It's eight feet tall. It's at the southern end of the Carson Freeway. A lot of folks were asking, when is it going to be placed on that pedestal that looks like a tree? Finally, we addressed all the—the contractor addressed the structural design issues. One of the things is, there's two different types of metal. I think the

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aluminum that the eagle is made out of comes in contact with steel. So, you could have dissimilar metals that can cause corrosion. So, they had to do some engineering on that to protect it from corrosion. Make sure that it was stable in the wind. It looks beautiful. Have gotten a lot of compliments from drivers who have expressed their appreciation for the aesthetics of that sculpture on the southern end of the Carson Freeway.

We had the public meeting December 12th to show Ames Design for the Garnet Interchange and the widening of the US-93 there by the Apex Industrial Park. One of the things I wanted to mention, Tracy Larkin-Thomason and I met with City of North Las Vegas Mayor John Lee and the Public Works Director and the Head of Economic Development and Business Development for North Las Vegas. He has an interest in the development of this Apex Industrial Center. So, one of the things we talked about—the Mayor really thanked us for going forward with the project but we talked about that orange line that says “Frontage Road”, 2.1 miles there, there’s a lot of vacant land next to that and given that we have access standards for spacing of driveways along that stretch, we just wanted to talk about, where are the best places to anticipate driveways. There’s different owners of different parcels. Some owners have adjacent parcels that they own. So, we just wanted to make sure that we’re looking forward to the future and not impeding any future development. It was a good conversation and more to come on access along that frontage road that we’re going to be building with our project through Ames’ design-build contract.

Project NEON is going to have a public information meeting January 24th in Las Vegas. We will be calling the—just to use another sports analogy, the home stretch of, we’ve got about a year and a half of work on Project NEON to finish it up. A lot of impacts anticipated on I-15, we will have some lane closures to reconstruct it. We’re going to brand that The Main Event, and have the media team—I think who have been doing an excellent job on communication and outreach on this project—to develop some materials for the Main Event to get more emphasis and focus from the public, from the folks that commute and drive through that stretch of I-15 and what to expect in the coming months and this year as we enter the home stretch of this project and successful completion.

You’ll be happy with this one, Governor. John Terry did his work. As I mentioned before, he—before he retires, Clark County Board of Commissioners

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approved the transfer agreement for the pedestrian bridges last month. The project manager informed us today that he did receive the signed agreement Friday, so he's sending that through agreement services, for routing, for final signatures but we're very pleased to transfer this to the County. They'll take it over. We negotiated all the details and we're looking forward to that transfer. The County manages a lot of those pedestrian bridges all throughout the resort corridor, as you know.

We completed a project in North Las Vegas, \$17.3 million about four and a half miles of repaving. Also, this is on North Las Vegas Boulevard, it's a stretch that has the max-bus, from RTC, operates along that and it's a high-capacity bus, heavy loads. So, we put in concrete bus lanes on the bus portion of the pavement. We redid the median islands. You can see the nice aesthetics in the medial islands with some of those metal sculptures. Then, mid-block crossings and flashing beacons for pedestrian safety. Made ADA improvements on the sidewalk along this stretch. So, it's a very successful project. We're really proud of the way it turned out.

Wanted to give the Board an update on the Nevada Shared Radio System. This is the procurement for the next generation system of our radios that maintenance uses, as well as law enforcement throughout the State. We had to request some additional information. We responded to questions from the proposers and their final responses are due for this addendum are due January 19th. Then we'll do the technical review, get those scores and then after those scores are established, then we open up the confidential price information and combine technical score, with price, to get the final score and a recommendation to this Board. I just wanted to keep you informed of what the revised schedule is.

The LCB requested that we do a public hearing. I know that Governor and the Board Members, you recall approving the regulations for what we call, Digital Outdoor Advertising, electronic billboards is another term they're called. We sent it to LCB. They did their tweaking with it and they asked us to do another public hearing for it before they are formally adopted. We have to go through this next—this other step. We did announce this public hearing in December, so we could have it in February and then wrap this all up. I don't think that I've heard of any kind of concerns from either party; from Scenic Nevada or from the Outdoor Advertisers' Representatives. So, hopefully we're good to go. This is

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just something that LCB requested to make sure that we're following all required procedures.

Recent settlements, there's one this week at the Board of Examiners that will be presented. Just \$65,000 additional money, it's associated with a property that we required for construction of the Cactus Interchange, which was constructed a couple of years ago on I-15.

We also have some good news on the issue last month, you awarded a contract for about \$8.8 million to Q and D, it's near Winnemucca for grind and overlay of I-80. RHB had a bid protest and they decided to take it to court to request an injunction for award of that project. They were denied by the court. So that's good news, that project is going forward.

And, I just wanted to—we started with a welcome and we're ending with a fair well. John Terry has served us for five years as Assistant Director for Operations. He's worked throughout the Department but most recently as Chief Engineer and as Assistant Director for Engineering. We wish him well. I know he lives here locally in Carson City and hopefully he'll come back for a photo opportunity. He's been very much a right-hand to me in overseeing the engineering divisions at the department. Getting out some major projects, you know, Project NEON we just discussed. We're looking forward to the completion of that project. I just wanted to just say from the bottom of my heart, thanks John, for your service to Nevada Department of Transportation and also to the State of Nevada. We both have worked together for an engineering consultant and also worked in Las Vegas for several years before we both came up here to Carson City to lead the Department and I wanted to say thanks. [applause]

We will give him a formal going away gift later, but we're deciding whether it's golf or skiing. Probably skiing right now.

Any questions from the Board Members, I can respond.

Sandoval: All right, thank you Rudy. Let me start where you ended. I also wanted to congratulate John and thank him for his service to the State of Nevada. There's no doubt in my mind that the State is a better place because of his efforts. I personally wanted to let you know, John, how much I've always appreciated your candid and informed responses to some pretty tough questions from the Board. In

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this day and age, that's what we need is straight shooting and you've always provided that.

I'll have some more words when you come back for the formal recognition, but I've said it before, you have a future at the Department of State, in terms of resolving that escalator issue. I think they could use you in Washington.

In any event, but I really do mean that. This is something that had been dealt with for many, many years and you were able to bring some closure to that. So, I personally want to thank you for that as well. Again, appreciate your service to the State of Nevada and hopeful that you'll take some time to ski or golf or the other things that you enjoy because it's very well deserved.

Rudy, another comment that I wanted to make was on New Years Eve, I had the opportunity to spend time with the Sherriff and walk the strip and go to the command post. A very important component of the safety was NDOT. There were NDOT trucks parked in very strategic locations with regard to providing safety to the public and it really made me proud to see our big trucks out there and the NDOT employees being a really important component to making sure that close to 400,000 visitors were safe. I really, again, appreciate that.

Malfabon: Thank you Governor.

Sandoval: Finally, for me, I think you said it but I know we all recall when we had those Scenic Nevada as well as the sign companies there that they had stated on the record that they were agreed and that there wasn't going to be any [inaudible] at the adoption of those regulations at the LCB. It sounds like, from your comments, that they both kept their word and that we're going to move forward in a way that there isn't any further conflict or controversy.

Malfabon: Correct, Governor. I think it's just a procedural issue that LCB asked us to formally hold this public hearing.

Sandoval: All right, thank you. I have no further questions or comments. Do any of the other Board Members have questions or comments? Anything from Northern Nevada?

Savage: Yes, Governor, very quickly again, I would like to sincerely thank John Terry. I'm very, very happy for him and his family, but it's a sad day for the

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Department. I mean, it's very heartfelt like Rudy and the Governor had mentioned. The vast knowledge, the sincerity, the loyalty, the dedication, we're going to miss you John. I wish you all the best and come back any time. We may be calling. Thank you, John. That's all I have, thank you Governor.

Sandoval: Thank you Member Savage. Any other questions or comments for the Director with regard to Agenda Item No. 1? Mr. Controller.

Knecht: Thank you Governor. I'll be really brief. You and Mr. Savage said it so well, John Terry, thanks a whole lot. We appreciate it and god speed.

Sandoval: Thank you Mr. Controller. If there are no further questions or comments, we'll move to Agenda Item No. 2, Public Comment. Is there any member of the public present here in Las Vegas that would like to provide comment to the Board? I hear and see none. Is there anyone present in Carson City that would like to provide public comment to the Board?

Malfabon: None here Governor.

Sandoval: All right. Thank you. Then we'll move to Agenda Item No. 3, and he's not here, so with regard to the Appointment of the Lieutenant Governor, to serve as the State Transportation Board Vice Chairman. It would be my preference to have the Lieutenant Governor present when we make that decision. Is there any objection from any of the Board Members—obviously, we're going to do it, I would think, but I just think it's appropriate for the Lieutenant Governor to be present. I know he would like to provide some comments with regard to his appointment. So, any objection from any of the Board Members, to continuing this to our next regularly scheduled meeting?

Savage: No Governor.

Sandoval: All right, thank you. Let's move to Agenda Item No. 4, which is the approval of the December 11, 2017 Board Meeting Minutes. Have the Members had an opportunity to review the minutes and are there any changes?

Martin: Governor, although I wasn't at the December Meeting, I did read the Meeting Minutes and one thing that struck me very heavily was the segment in there where Rudy and some of the staff was talking about the financial planning for the major

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projects coming up. Meaning the Spaghetti Bowl in Reno and some of the other things that's on the plate over the course of the next three to four years.

It was really refreshing to hear the plan that they had and how they were going to execute it and where the funds were going to come from and it was more than refreshing, it was reassuring that we're looking forward to the future of the State of Nevada, which is something that Rudy, you and your staff are to be congratulated about. I was amazed at the thought and the planning that you'd put into this thing. So, thank you very much for that. It's a much different scenario than we've seen in the beginning of Project NEON.

Malfabon: Thank you Member Martin.

Sandoval: Any other questions or comments with regard to the Meeting Minutes? If there are none, the Chair will accept a motion for approval of the December 11, 2017 Board Meeting Minutes. I'm going to need a Motion from up North because Member Martin and Virginia Valentine are going to have to abstain.

Knecht: So moved.

Almberg: So moved.

Sandoval: I'll give that to the Controller. The Controller has moved for approval, is there a second?

Almberg: Second.

Sandoval: Second by Member Almberg. Any questions or comments on the motion? All in favor, say aye. [ayes around] Opposed, no? That motion passes and if you would please mark Members Valentine and Martin as having abstained.

We'll move to Agenda Item No. 5 which is the Approval of Agreements Over \$300,000.

Nellis: Thank you Governor. Members of the Board, this is Robert Nellis, Assistant Director for Administration. There are four agreements under Agenda Item No. 5 on Page 3 of 38 for the Board's consideration.

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Line Item No. 1 is with Diversified Consulting Services for augmentation of Crew 903 for the Garnet Interchange Design-Build. This is in the amount of \$3.7 million.

Line Item No. 2 is with Diversified Consulting Services for augmentation of Crew 920, for multiple projects, in the amount of \$712,381.

Line Item No. 3 is with Kleinfelder, for a geo-technical forensic study in the amount of \$495,692.

Lastly, Item No. 4 is amendment number one with Wood Rodgers for the Statewide Long-Range Transportation Plan. This is to increase authority and extend the termination date to cover additional scope of services that requires extensive public outreach.

With that Governor, that concludes Agenda Item No. 5, does the Board have any questions for us regarding any of these agreements?

Sandoval: Thank you Mr. Nellis. I have no questions. Questions from Board Members?

Martin: I have—I have only one. On the Line Item 1 and 2, was there any subcontractors listed? I didn't see it in the write-up—or, sub-consultants I should say. Were there any sub-consultants involved in one of those contracts?

Kaiser: Yes, Member Martin, there were sub-consultants involved in those contracts.

Martin: Do we know who?

Kaiser: I can have somebody come up and answer your questions on that.

Martin: Thank you.

Kaiser: I have Mike with DCS here, he's the owner of DCS. He'll be able to answer the questions in regards to the sub-consultants.

Martin: Thank you.

Glock: Good morning. Mike Glock for the record with Diversified Consulting Services. The first item there for the augmentation of Crew 903, we had [inaudible], as a subconsultant. I'd have to look at the documentation, but I believe we had

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another one as well, Four Leaf was our—was another one on that particular agreement.

The second one, the augmentation of Crew 920—

Kaiser: Mike, I've got that information.

Glock: DCS did not have any—

Kaiser: You did not have any subconsultants—

Glock: --we did not have a subconsultant on that one, no. Anything else?

Sandoval: Any questions, Frank?

Martin: No sir. Thank you.

Sandoval: Thank you.

Glock: All right.

Sandoval: Any other questions from Board Members with regard to Agenda Item No. 5?

Almberg: I've got a couple questions, Governor.

Sandoval: Please proceed.

Almberg: Thank you. Let me get my stuff together here. On Line Item No. 3 with our Kleinfelder and Cheyenne Avenue. When you come back in here and you read some of this information, when the consultants came together, the consultant came in at \$1.4 million. NDOT had a cost of those services at \$200,000.

Obviously, there's some major difference in what we believe the scope of work is and then we final settled at \$400,000. Can we get some explanation of the difference in the scope of work of what they may have wanted in which we did not need?

Malfabon: I'm not sure who would respond to that one. That was—oh, okay. We'll have the geo-tech representative from the lab.

Griswold: Mike Griswold, Chief Geo-Tech for NDOT. Probably answer that question by starting off with you know, these services are for a forensic investigation. We've

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got a lot of damage to our roadway. We've enacted a lot of repairs over the years. We continue to see suffering and damage in those areas.

When we put together our scope, we put together what we thought might be appropriate to go out and do a—a continuing investigation. When we put out the RFP, there was no defined scope in that RFP because we really wanted a consultant to come back to us with some new ideas and some new ways of thinking and help us better define what the issues are on that roadway.

So yes, Kleinfelder came back at—started at \$1.4 million. Essentially, they were coming to us and saying, here are all the things that we can do to investigate this situation better. From that we had multiple negotiations and pared it back down to something that we thought was reasonable and would give us the information that we were really looking for.

Yes, it is higher than our original estimate, but that was just kind of our internal, taking a stab at—at what we thought might be reasonable investigation. We've negotiated it down to what we think now is a very reasonable forensic investigation.

Almberg: Thank you. I think that was well answered and very good negotiations went on there because it sounds like they came with everything on the table and we basically sat and worked through it and figured out, hey we don't need this, this and this and come to a viable agreement of what may be needed for this project.

One last question that I have there is, I just wanted to make sure that this is a regional problem of that area and not just a problem in our right-of-way where it could be pointed to its utilities or something else that's causing our problem, but is it a regional problem for the area?

Griswold: We selected Kleinfelder, partially based on their forensic work that they're doing for other businesses in that locality. They've got a lot of intimate knowledge on distress in that area. Yes, there are adjacent properties that are showing signs of distress, as well as our roadway. To our knowledge, all of those adjacent properties are very near the distress areas that we have. It's a very complex geology out there, faults, subsidence, fractures, very expansive clays, collapsible soils. You know, very complicated issue but yes, there are—I wouldn't say it's a regional problem, but it expands out beyond our right-of-way.

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Almberg: Okay, that's all I got for this item, No. 3, so thank you.

Savage: I have a question on that same item. Very quickly, Mr. Griswold, how old is that road?

Griswold: I don't have—I do understand that I believe in 1988, it was widened to four-lanes. I don't know how old the roadway is previous to that.

Savage: I'm sorry, with the recent work that NDOT has done, how recent of work did we do on that roadway?

Griswold: We've had—I've got some information here, hang on just a moment. So, some of the history—in 2004, there was a mill and overlay, as well as repairing, there was subsidence of the roadway at that time. There were efforts to relevel the roadway, just with paving. In June 2009, we had another construction project, it was also mill and overlay but it did a much more extensive repair of continuing subsidence. Then there have been several emergency projects in 2015 and 2016, specifically, to repair continuing settlement and damage to the roadway.

Savage: Thank you and is most of that engineering been outside the Department or has that been inside the Department?

Griswold: Engineering has been inside the Department.

Savage: Okay, thank you Mr. Griswold, sorry to interrupt you BJ.

Martin: One more, Member Almberg, I own property and have owned property in that area and it is an issue on both sides of Cheyenne, both north and south from west of Martin Luther—East of Martin Luther King all the way down to Rancho.

One of the later ones that Mr. Griswold was talking about, repairs, happened from basically [inaudible] west to Rancho. That segment of the road seems to have been stabilized pretty good. From Simmons, where I own property, going back east to Martin Luther King, that segment of road and the properties surrounding that segment of road continue to experience bad, bad geological issues. I mean, buildings settling, highways—that roadway—I just drove Martin Luther King last week and—I'm sorry, drove Cheyenne last week and west of Martin Luther King, there's got to be a sag in the road that's anywhere from 12 to 18 inches deep and it's just one big, long sag. It's pretty amazing what the dirt is doing in that area.

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I'm happy to see that they're, NDOT is going to do something about it and get some sound geological information to back up the repairs.

Almberg: Thank you for that Frank, I just wanted to verify that it wasn't just our right-of-way, that it was an area that was outside of our right-of-way and just caused by some utilities or something else going on within our facilities. Thank you for that.

Sandoval: BJ, did you have any other questions on any of the other contracts?

Almberg: I've got a couple of quick comments on Line Item No. 4. If I can go over a few of those, that'd be great.

Sandoval: Please proceed.

Almberg: Okay, thank you Governor. In reading the scope of services, Attachment A, which is Page 31 of 38, it's talking about two phases—well, there's three phases, a future phase three, but Phase 1, Phase 2. From reading all the information in here, it appears that this amendment is majority for additional study for routes of I-11.

I don't have a problem with that, obviously it's something we need to work through and lots of work going on right there. One thing I do want to comment on though, as in general from the One Nevada Plan and what they are reviewing with this besides just the I-11 is—I want to make sure that we look at some long-term things. This is probably going to throw a real curve ball out in the equation here.

For a long-term view is not—I have no issues with going to I-11, exactly what we're doing, we still need to proceed down that path. As a long-term thing, has anybody ever looked at the continuation of I-70, as it ends in Utah, carrying that across the State?

Since this is a long-term plan, I'm just throwing this out there for long-term to think about.

Rosenberg: For the record, Sondra Rosenberg, Assistant Director for Planning. That topic actually did come up during our initial I-11 and Intermountain West Corridor Study. Certainly, there's some major topographical challenges with that route. However, this is a long-range plan and we'd be happy to include that. I'm not sure in terms of scope and fee how much detailed work we can do on it, but it's

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certainly a consideration for the future of the State. We'd be happy to include that as we look at those future scenarios.

Almberg: I'm glad to hear that it was even brought up. That it is something that has been consider, you know, how deeply it's gone into is not a concern, but at least it's out there. I do believe it's something that should be looked at and see if maybe one day it is something feasible that does need to happen.

Rosenberg: Being a—I've done a little research on the interstate naming conventions and being that it's a multiple of 10, it's technically supposed to go all the way across the country. That's why it did come up. It does stop in the middle of Utah. So, we'd have to work with our partners to the east of us, and there are certainly valid reasons why it did stop there, but it's probably worth saying, you know, are those reasons still valid. Is this something that makes sense for a future corridor.

Almberg: That's it for me, Governor, thank you.

Sandoval: Thank you Member Almberg. Do Board Members have any further questions with regard to Agenda Item No. 5?

Savage: Yes.

Sandoval: Member Savage.

Savage: Thank you Governor. Just a couple of comments regarding Line Item 1 and 2, with DCS augmentation. I see that there are four proposers on the first Line Item and only two proposers on the second item. I know DCS has brought many years of good value to the Department.

In Line Item 2, they did reduce their original estimate over \$100,000. I appreciate that and the value they've done in the past. Very diligent. Very timely and very cost efficient. My question is on the unsuccessful proposers, have they been debriefed on these RFPs?

Kaiser: Reid Kaiser, Assistant Director for Operations. When we do select DCS, the unsuccessful proposers are given the opportunity to meet with NDOT and be debriefed. Whether that has happened or not, I can't answer that, but I know they are given that opportunity.

Savage: I'd be interested to know if you find that out Reid, thank you very much.

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Kaiser: Sure.

Savage: That's all I have Governor, thank you.

Sandoval: Thank you. Any other questions or comments? Mr. Nellis, any further presentation?

Nellis: No Governor, that concludes Agenda Item No. 5.

Sandoval: If there are no further questions or comments with regard to Agenda Item No. 5, is there a motion to approve the agreements contained therein?

Martin: So moved.

Sandoval: Member Martin has moved for approval, is there a second?

Valentine: Second.

Savage: Second.

Sandoval: Second by Member Valentine. Any questions or discussion on the motion? I hear none, all those in favor say aye. [ayes around] Those opposed say no. That motion passes unanimously. We'll move to Agenda Item No. 6, Contracts, Agreements and Settlements. Mr. Nellis.

Nellis: Thank you Governor. There are two attachments that can be found under Agenda Item No. 6 for the Board's information and no settlements this month.

The first project is located at the Department of Transportation, Headquarters, administration Building for elevator improvements. The Director awarded the contract to Thyssenkrupp Elevator Corporation in the amount of \$585,226.93.

The second project is located on I-15 from north of the Apex Interchange to north of the Logandale/Overton Interchange in Clark County to install ITS infrastructure such as signs, TV cameras, DMS signs and underpass lighting. There were five bids and the Director awarded the contract to Andersen Horne and Excavation in the amount of \$2,340,107.10.

Does the Board have any questions for us regarding these contracts before we turn to Attachment B?

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Sandoval: Any questions or comments from Board Members?

Knecht: One here Governor.

Sandoval: I'm sorry I didn't see you, Mr. Controller, please proceed.

Knecht: Thank you. Mr. Nellis, what are we going to get for \$585,000 in the way of elevator improvements in this building? I took the elevator this morning and it was not super-fast, but it was serviceable.

Nellis: Mr. Controller, for the record, Robert Nellis. I thought you might be the one to ask the question on this sir. The elevators are the original elevators that were installed in the building in the 1960s. They've become antiquated, unreliable and it's hard to find replacement parts, so it becomes more expensive to just keep repairing these older elevators. Now we're going to modernize them. They'll be more energy efficient and we shouldn't have the problems that we've had in the past.

Knecht: Thank you.

Sandoval: Any other questions on the contracts? Mr. Nellis, please continue.

Nellis: Thank you Governor. There are 43 executed agreements under Attachment B that can be found on Pages 8 and 9 for the Board's information. Items No. 1-9 are Acquisitions and Appraisals. 10-20 are Cooperative Agreement and Facility Agreements. 21-25 are Grants and Interlocal Agreements. 26-30 are Leases and Right-of-Way Access Agreements. Lastly, Items 31-43 are Service Providers.

With that, Governor, that concludes this Agenda Item, does the Board have any questions for us regarding any of these agreements?

Sandoval: All right, thank you Mr. Nellis. My favorite subject, Contracts 24 and 25. And, I guess, Ms. Rosenberg, you are over those, are those important and meaningful research projects for the Department?

Rosenberg: Yes. I'll give you a little more information on Item No. 24 and then turn it over to Mr. Kaiser for 25. 24 really gets at this performance management that we're trying to improve throughout the Department, both because of federal requirements, as well as just operating our system more efficiently.

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Although NDOT doesn't actually own or operate signals, we have a great partnership with the local entities in the urban areas and we are responsible for performance of the whole system not just the freeways. So, that includes signalized arterials.

What this does is, this is actually something new nationwide and we think we'll be an example for the country is looking at how do we measure signal performance? Currently we measure performance of arterials based on delay and things like that but don't actually measure how those signals are performing. We can look at signal timing and adjust those but this is taking a different approach of saying, how do we measure how those—that system is performing.

UNR is generally on the cutting-edge of signal timing and those types of efforts. We got a lot of support from our local urban areas to do this kind of research. We thought it was worthwhile in funding.

Sandoval: Ms. Rosenberg, why does it take so long? Why does it take three years to do that?

Rosenberg: That is an excellent question. I don't have a good answer for that at the moment. We will certainly talk with our researchers and see if we can accelerate that schedule. I don't have a good answer right now.

Sandoval: I just—and I'm uninformed, but it's just with the improvements with technology, it seems like technology may out—by the time we study this and figure it out, we may have something new and the findings would be obsolete. So, I just want to make sure—

Rosenberg: Right, that's an excellent point and we will talk with our researchers about that concern and see what we can do to accelerate and make sure those technological advances are being considered as part of this research.

Sandoval: Thank you. Mr. Kaiser.

Kaiser: Governor, Reid Kaiser, Assistant Director for Operations. A couple of years ago, we had similar research where we looked at the connection between the columns and the bridge structure. That research dealt with the axial forces or the up and down forces, the vertical forces. This research deals with the lateral forces, at the

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connection, where the column ties into the bridge structure and how the drill shafts will react, like say during an earthquake, with the lateral enforces.

Sandoval: Did we make use of those former findings from that previous research?

Kaiser: I'll see if Mr. Griswold can answer that question, but I'm sure we did.

Terry: This is John Terry, Assistant Director, if I can add on the structures—

Kaiser: John will answer that.

Terry: I will point out that drilled shafts are kind of our most common foundation type that we use both in Northern and Southern Nevada, although we're trying to go away from them some. And, with the change in the bridge analysis to the LRFD which is a newer bridge design criteria from AASHTO that we are finding that lateral loading of our piles is becoming the controlling factor of our bridge designs. So, we really could benefit from this research if we find that we can address the lateral loads better and probably save money on our foundation designs.

Sandoval: Thank you. I know I've said it over and over again, but there's no benefit to research if we don't act on it. I just want to ensure that we're doing meaningful research that the Department is going to take advantage of in future projects. Those are all the questions I have, Board Members, any other questions with regards to Agreements? Mr. Controller.

Knecht: Thank you Governor. On Item 31, the E-Discovery System, we're augmenting the original agreement and extending it from—augmenting it by \$52,000 from \$263,000 to \$316,000 and extending the time to 2019. Would you all remind me, somebody remind me of what the E-Discovery System is and what it does?

Malfabon: It's the—when we're dealing with eminent domain cases, which require a lot of legal documents and the opposing counsel will ask for documents, so it keeps track. It's a record management system, allows us to relatively quickly search this huge database of documents and get the request of documents to the opposing counsel as requested. It helps us to manage our documents better and do a quick search and manage the documents.

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Knecht: So, the only change in scope here is that we're just lengthening the time, right? We're not changing anything that they do in maintaining the E-Discovery System for us?

Malfabon: That's correct.

Knecht: Thank you.

Sandoval: Thank you Mr. Controller. Any other questions from Board Members with regard to Agreements? Mr. Nellis, any further presentation?

Nellis: No, Governor, that concludes this Agenda Item. Just a quick note for Member Savage's question on the previous Agenda Item, the unsuccessful proposers were briefed on the two previous Agenda Items.

Savage: Thank you Mr. Nellis.

Sandoval: All right, this is an informational item. If there are no further questions or comments, we'll move on to Agenda Item No. 7, Resolution of Abandonment.

Malfabon: Thank you Governor. This is associated with a property at the Railroad Pass Casino. As you may recall, we negotiated with the previous owner of that casino, to acquire some of their property and their easements associated with the I-11 Project that NDOT calls Phase 1 that we're building.

The owner of the property has—they sold the property to a new owner. We've been working with them diligently throughout the construction of I-11 and that portion. They asked if—they want to do some improvements there for better truck parking, better—just some improvements to their land. Part of the negotiations for the eminent domain case, where we would give them some of our property once our contractor, Fisher Sand and Gravel didn't need it anymore. Once they were basically getting to the end of I-11 construction of Phase 1.

Also wanted to report that February 1st, we're going to open the northbound lanes from Silverline Road to Foothill Drive, in this area. And then, March 1st, we're opening the Interchange at Railroad Pass. Mid-April, we should complete all of the NDOT project with the access to the US-95 Interchange, from I-11. The new realignment to I-11.

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As Fisher is building the project, we're opening up some portions and we feel that it's safe to accelerate the relinquishment of this property so the owner of the Railroad Pass Casino can do their improvements. That's what the backstory is for this.

We're asking basically to get Board approval so that when Fisher gives us the word that they no longer need the property or any temporary easements for construction, that we can abandon our interest in the property and then Railroad Pass Casino can build on it.

So, that's what the request is here, is to abandon this property that was part of the negotiated settlement with the Railroad Pass Casino for acquisition of property and easements associated with I-11.

Sandoval: Thank you Rudy. It does beg one question for me. Do we have an estimated value of that piece of property?

Malfabon: I'm sure that we do. We typically do appraisals, Governor. Ruth Borrelli is not available today but I don't know, John Terry, if you know roughly. We can get that information, but we do appraisals whenever we do these negotiations or at least have generally an idea of what the property is worth, including easements.

Terry: John Terry, Assistant Director. In this case, while we may have the value of that property, it was part of the whole agreement that we acquire the property from them and then this would be relinquished back to them at the end. It's kind of all melded in with the whole appraisal that was approved quite a while ago. We will check but I'm not sure if we have an appraisal of simply this remainder standalone. I imagine we do, but it really was part of the whole agreement of how much we paid them for their property, knowing that we would relinquish back this portion. We can look it up and get you that answer.

Sandoval: No, I understand. Thank you, Mr. Terry. I get that it's likely baked in. It was more out of curiosity than anything else. My next question really doesn't have anything to do with this resolution of abandonment, but as I looked at this agenda item, it reminded me of a historical issue associated with the project and airborne asbestos, or the lack thereof. I know there was a lot of money spent on testing for that and I would appreciate—it doesn't even have to be part of the agenda, but just an update on how that came out with regard to that testing. We did spend a

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significant amount of money with regard to that. It's my recollection that there were no findings of any danger to the public.

Terry: Again, John Terry, Assistant Director for Engineering. We have continued to monitor the asbestos situation through the complete construction of both Phase 1 and Phase 2 of Boulder City. While we have confirmed there is a presence, it's a very low level of naturally occurring asbestos and I would say the results have come in below our original report and expectations for the project. We have continued to monitor it and the monitoring stations are still up. Yes, we have found no danger, yet we are continuing to monitor it as we continue with the project and yes, I will agree, we have spent a substantial amount of money on investigating naturally occurring asbestos on this project.

Sandoval: Thank you Mr. Terry. Finally, Rudy, with regard to the resolution, are there—before I take a motion to adopt it, are there any changes to it?

Malfabon: None that I'm aware of, Governor.

Sandoval: Okay. Board Members, anyone else have any questions or comments with regard to Agenda Item No. 7? If there are none, the Chair will accept a motion to Approve the Resolution of Abandonment of a portion of State Highway Right-of-Way as presented in Agenda Item No. 7.

Savage: Moved to approve.

Sandoval: Member Savage has moved to approve, is there a second?

Martin: Second.

Almberg: Second.

Sandoval: Second by Member Martin, any questions or discussion on the motion? I hear none, all those in favor say aye. [ayes around] Those opposed, say no. That motion passes unanimously. We'll move to Agenda Item No. 8, Approval of the Formal Amendments and Administrative Amendments to the FFY 2018-21 STIP. Who is presenting on that?

Rosenberg: I will take that one. Sondra Rosenberg, Assistant Director for Planning. This is our standard quarterly update with amendments and modifications. There's quite a lot in this one but it's primarily because of the timing of us adopting a STIP

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versus changes made in Southern Nevada. We weren't quite on the same page. So, a lot of that is just incorporating those. Also, when we do a major update, sometimes things get lost and it's making sure that all of those projects that should be in this STIP are in there, in the right place and that the right amount, the right year, all of that. There's really nothing significant in this one. We do have staff here to present or answer any questions if there are any detailed questions about the project changes in that item.

Sandoval: Thank you Ms. Rosenberg. Questions or comments from Board Members with regard to Agenda Item No. 8? Mr. Controller.

Knecht: Thank you Governor and there may be nothing significant here but at Page 11, we've got over \$100 million in the increased cost of Project NEON. So, just for the record, could you explain why that is? From \$10.5 million to \$112.5 million.

Rosenberg: I'm on the wrong page, hang on just a second. I believe what that is, is the—the bonding, the bond repayment, so it's not an increase in the project cost itself, it's sort of where the money is coming from and going to.

Knecht: Okay. And, back at Page 6, we've got Nellis Boulevard Roadway Reconstruction, which is unrelated to Mr. Nellis and it goes from \$2 million to \$15 million. Can you provide some explanation on that?

Rosenberg: Joseph, can you take that one? This is when I use the maternity leave excuse.

Spencer: For the record, Joseph Spencer, NDOT STIP Manager. This is what I like to call a Joe error. I was originally given paperwork that this project was \$2 million and I missed that it was actually \$15 million and not \$2 million, so updated accordingly.

Knecht: You said a doe error?

Spencer: Joe error.

Knecht: Joe, oh.

Spencer: My error.

Rosenberg: That's Joe.

Knecht: I thought you were going to say D'OH, like Homer does.

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Spencer: We can do that as well, if you would like, Mr. Controller.

Rosenberg: It's a Joe-D'OH error.

Spencer: It was my error.

Knecht: Thank you.

Sandoval: That's what we call a perfect mistake. All right. Any further questions with regard to Agenda Item No. 8? If there are none, the Chair will accept a motion for approval of the formal administrative amendments to the FFY 2018-2021 STIP.

Martin: So moved.

Almberg: So moved.

Sandoval: I'll give that one to Mr. Almberg. Mr. Almberg has moved for approval. Member Martin has seconded the motion. Any questions or discussion on the motion? I hear none, all in favor say aye. [ayes around] Those opposed say no. That motion passes unanimously. We'll move to Agenda Item No. 9, Old Business. Director Malfabon.

Malfabon: Thank you Governor. Under Old Business, we have a report, a status report for Agile Assets which is our Enterprise Asset Management System. Although it's more than bridges and pavement, it's also the storm water which is critical. By our consent decree with USEPA, we're going to manage our assets associated with drainage infrastructure and flood control, using this system. It just gives you a status of where we are. We're on track to implement it by the end of the year.

We also have the report of Outside Counsel Costs on Open Matters and Monthly Litigation Report. Lou Holland will do his best to answer any questions from the Board. Lieutenant Governor is not here, usually he does have the questions, Lou, so you—

Then, the Fatality Report. As I mentioned it's good news comparison to 2016. 2017 numbers are down. I wanted to clarify that there was an adjustment as Department of Public Safety does their check of the data, they do have at the end of the year, they typically have some adjustments to fatalities. Included in Attachment D, changed a little bit by three. In Clark County there was a motor

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vehicle driver and a motorcycle driver, they had to adjust upwards and Pershing County there was an additional pedestrian. Sometimes this is due to the quality of the data. Sometimes it's due because of unfortunately the person that was injured might succumb to their injuries and not recover. So, they have to adjust their data for the previous year.

If there are any questions, we can answer those.

Sandoval: Thank you, Director Malfabon. Member Martin.

Martin: Yes, on the Nassiri v. NDOT, I think it was two months ago that we had prevailed in Supreme Court, is that coming to a settlement or coming to an end soon, so we can see it disappear off of this list?

Malfabon: I believe so. Dennis Gallagher has more information but we prevailed, I think that we have the ability to recoup some of the legal costs. We're in discussions with the Nassiri Counsel. I think he has a new Counsel. About recouping some of our costs and hopefully—they're looking at putting this thing to rest as well, but we're still discussing. Hopefully we're all done with the legal costs though associated with any appeals. Hopefully, as I said, Member Martin, Dennis Gallagher will have more information next month in response to that, that's the best that I know about Nassiri.

Martin: Okay, thank you.

Sandoval: Board Members, any more questions with regard to Agenda Item No. 9? We'll move to Agenda Item No. 10, is there anyone present in Las Vegas that would like to provide public comment to the Board? I hear and see none. Is there anyone present in Carson City that would like to provide public comment to the Board?

Malfabon: None here, Governor.

Sandoval: All right, thank you. Agenda Item No. 11, Adjournment. Is there a motion to adjourn?

Valentine: So moved.

Sandoval: Member Valentine has moved to adjourn, is there a second?

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Martin: Second.

Sandoval: Second by Member Martin. All in favor say aye. [ayes around] All right, this meeting is adjourned. May everybody have a happy and blessed 2018. Thank you very much.

Secretary to Board

Preparer of Minutes

DRAFT



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MEMORANDUM

February 8, 2018

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, Director
SUBJECT: February 12, 2018 Transportation Board of Directors Meeting
Item # 5: An Amendment to NAC 410.350 to amend the requirements for Commercial Electronic Variable Message Signs (CEVMS) including trivision signs and digital billboard signs pursuant to Assembly Bill No. 305 (2013 Session)

Amendment to NAC 410.350 – For board approval

Summary:

Approval is requested from the Department of Transportation Board of Directors to amend the requirements for Commercial Electronic Variable Message Signs (CEVMS) including trivision signs and digital billboard signs pursuant to Assembly Bill No. 305 (2013 Session) as shown on the attached regulation identified as Exhibit "A".

Background:

An amendment to Nevada Administrative Code (NAC) 410.350 was proposed during the 77th Legislative Session to add a definition for "Commercial electronic variable message signs" and to prescribe regulations governing the issuance of permits and to specify the operational requirements for these signs. The proposed amendment includes content, operating and monitoring systems to address the displays in the event of a malfunction, and the brightness of billboards as ambient light conditions change.

The State Legislature created Nevada Revised Statutes (NRS) Chapter 410, Beautification of Highways, to establish a statutory basis for the regulation and control of off-premise outdoor advertising and junkyards to be consistent with the Federal Highway Beautification Act. NRS Chapter 410 provided authority for the promulgation of NAC Chapter 410, which provides further clarification concerning the policies and rules in the management of permits for off-premise outdoor advertising signs and junkyards. State law and federal regulation require a permit for any junkyard or off-premise advertising sign (billboard) that is located within 660 feet of any Interstate and the Primary Highway System which is readable from the main travel way. The regulation includes all Interstates, US routes, and some state routes.

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Since the enactment of the Highway Beautification Act, billboard signs have been strictly regulated in the use of lighting and movement. Signs were not allowed to use intermittent, flashing or moving lights. However, as technology has evolved, the FHWA regulations were modified to insure compliance with the Beautification Act.

In compliance with federal regulations and the NAC, CEVMS are now signs allowed adjacent to the controlled highway facilities. CEVMS include any sign that has a changeable message including trivision signs and digital billboards. While digital billboards fall into the CEVMS category when they were first introduced, the Department had concern that the digital technology behind these signs might not comply with the Federal Highway Beautification Act.

Because several other states shared similar concerns, the FHWA provided a Guidance Memorandum dated September 25, 2007. That memorandum advised that CEVMS did not violate a prohibition on intermittent, flashing or moving lights and that issuing permits for those types of signs would be consistent with the Highway Beautification Act. After the FHWA issued that memorandum, the Department started issuing permits for digital billboards.

The FHWA guidance memo was challenged in the State of Arizona, and the Arizona Court of Appeals found inconsistency with Arizona state law as well as some of the technology used in CEVMS. That decision resulted in the State of Arizona passing legislation to formally recognize CEVMS in its state law. The ruling in Arizona caused the billboard industry to seek new legislation in Nevada. The passing of Assembly Bill No. 305 (2013 Session) formally recognized CEVMS and thereby insured consistency with federal regulations.

Analysis:

NAC 410.350 must be amended to account for the new digital technology being used by today's CEVMS and to provide consistency with the NRS. There is no anticipated negative economic effect to the billboard industry or the public as a result of the adoption of this amendment.

List of Attachments:

1. Revised Proposed Regulation of the Board of Directors or the Department of Transportation
2. Notice of Intent to Act Upon a Regulation
3. Assembly Bill No. 305
4. Agreement between the Federal Highway Administration and the Department executed March 5, 1999.
5. NAC 410.350
6. NRS 410.400

Recommendation for Board Action:

Approval of the amendment to NAC 410.350 needed to amend the requirements for Commercial Electronic Variable Message Signs (CEVMS) including trivision signs and digital billboard signs pursuant to Assembly Bill No. 305.

Prepared by: Ruth Borrelli, Chief Right-of-Way Agent

Rb/dtc/aa

**REVISED PROPOSED REGULATION OF
THE BOARD OF DIRECTORS OF
THE DEPARTMENT OF TRANSPORTATION**

LCB File No. R153-16

September 28, 2017

EXPLANATION – Matter in *italics* is new; matter in brackets [omitted material] is material to be omitted.

AUTHORITY: §1, NRS 410.400.

A REGULATION relating to outdoor advertising signs; revising provisions governing certain off-premise outdoor advertising signs; setting forth requirements for certain commercial electronic variable message signs in urban areas; revising the fee for amending a permit to authorize modification of certain signs; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Board of Directors of the Department of Transportation to prescribe regulations specifying the operational requirements for commercial electronic variable message signs, which include digital billboards and trivision signs. (NRS 410.400) Existing regulations authorize such signs in urban areas if the signs meet certain conditions such as not causing glare on the roadway and not containing flashing, intermittent or moving lights. (NAC 410.350) This regulation also requires such signs to: (1) comply with applicable federal regulations; and (2) not emit odors, smoke or sound. A digital billboard must comply with certain requirements for the operating system and use technology that adjusts the brightness or luminance of the sign to ensure that certain brightness limitations are met during nighttime hours. A trivision sign must comply with certain display times and change intervals. The Department may allow certain existing signs to be converted to or from commercial electronic variable message signs if certain conditions are met and the owner of the sign pays a permit modification fee. Finally, if a commercial electronic variable message sign does not meet the requirements for such a sign, the owner has 60 days from receipt of a notice to remedy the violation or remove the sign. The Department may remove the sign at the owner's expense if the violation is not remedied within 60 days.

ATTACHMENT 1

Existing law requires the Board to prescribe regulations governing the issuance of permits for commercial electronic variable message signs. The Department is authorized to assess a reasonable annual fee for each permit issued for such signs to recover the administrative costs incurred by the Department in issuing such permits and for the inspection and surveillance of the signs. (NRS 410.400) Existing regulations impose a new permit fee of \$150 for the modification of an existing sign to a commercial electronic variable message sign. (NAC 410.350) This regulation revises the permit modification fee to \$800.

Section 1. NAC 410.350 is hereby amended to read as follows:

410.350 1. Signs, *including, without limitation, commercial electronic variable message signs*, must not be ~~placed with~~ *erected or maintained in such a way that* illumination ~~that~~ *of the sign* interferes with the effectiveness of or obscures any official traffic sign, device or signal. ~~Signs~~ *Except as otherwise provided in subsection 9, signs* must not include or be illuminated by flashing, intermittent or moving lights, except any parts necessary to give public service information such as the time, date, temperature, weather or similar information ~~Signs~~, *and* must not cause beams or rays of light to be directed at the traveled way if the light is of such intensity or brilliance ~~for is likely to be mistaken for a warning or danger signal or~~ *as* to cause glare or impair the vision of ~~any~~ *the driver of any motor vehicle* or to interfere with any driver's operation of a motor vehicle. Illumination or lights for signs must not resemble or simulate any lights used to control traffic ~~or other lights used to provide a warning or danger signal~~.

2. A commercial electronic variable message sign ~~, including, without limitation, a trivision sign,~~ may be approved as an off-premise outdoor advertising sign in an urban area if the sign ~~does~~ :

(a) Does not ~~{contain flashing, intermittent or moving lights, does not cause a glare on}~~ interfere with any driver's operation of a motor vehicle in the right-of-way of the roadway .

~~{and the following conditions are met:~~

~~—(a) An existing sign may be modified or updated if the sign conforms}~~

(b) Conforms with established criteria relating to zoning, size, lighting and spacing.

~~{(b) A message on a trivision sign may have a minimum display time of 6 seconds and a maximum change interval of 3 seconds.~~

~~—(c) A trivision sign must contain a mechanism that will stop the sign in one position if a malfunction occurs.~~

~~—(d) If a sign is installed that does not comply with the provisions of this subsection, the owner of the sign shall correct the violation or remove the sign at the owner's expense.~~

~~—(e) Prior approval from the Department is required to modify existing signs to include the commercial electronic variable message sign, and a new permit fee of \$150 will be charged.}~~

(c) Complies with all applicable provisions of 23 U.S.C. § 131 and any regulations adopted pursuant to those provisions.

(d) Does not intentionally emit odors, smoke or sound except those odors or sounds which are by their nature a part of the operation or display of such a sign.

(e) Meets the applicable requirements of this section.

3. A commercial electronic variable message sign which is a digital billboard must:

(a) Contain static messages which do not:

(1) Move or create the appearance or illusion of movement during the display of each static message; or

(2) Include lights which vary in intensity for each static message or which flash.

(b) Be operated with sufficient safeguards and monitoring in place to prevent the sign and its operating system, including, without limitation, software, hardware, networks and infrastructure, from being accessed, used or misused by unauthorized persons.

(c) Ensure that each transition from one static message to the next appears instantaneous to the human eye.

(d) Have a minimum display time for each static message of:

(1) In a county whose population is less than 700,000, not less than 8 seconds.

(2) In a county whose population is 700,000 or more, not less than 6 seconds.

(e) Except as otherwise provided in subsection 5, use technology that automatically adjusts the brightness or luminance of the lighting of the digital billboard display to ensure that during nighttime such lighting does not exceed a brightness level of 0.3 foot-candle above ambient light, when measured as required pursuant to subsection 4.

(f) In the event of a malfunction that violates or may violate the provisions of this section, until the malfunction has been corrected, be:

(1) Turned off;

(2) Set to display a full black image; or

(3) Frozen on an authorized image,

↳ by the owner of the digital billboard.

4. Except as otherwise provided in subsection 5, compliance with the brightness levels pursuant to paragraph (e) of subsection 3 must be measured:

(a) Not less than 30 minutes after sunset and not less than 30 minutes before sunrise; and

(b) With a foot-candle meter used within the following distance parameters relative to the size of the face of the digital billboard:

<u>Size of sign face</u>	<u>Distance of measurement</u>
Not more than 300 square feet.....	150 feet
More than 300 but not more than 385 square feet.....	200 feet
More than 385 but not more than 680 square feet.....	250 feet
More than 680 but not more than 1,200 square feet	350 feet

5. A digital billboard which exceeds the nighttime brightness level specified in paragraph (e) of subsection 3 as measured in foot-candles pursuant to subsection 4 must not exceed:

(a) In a county whose population is less than 700,000, a nighttime luminance of 250 nits;

or

(b) In a county whose population is 700,000 or more, a nighttime luminance of 350 nits.

↳ Compliance with the maximum luminance levels required by this subsection must be measured not less than 30 minutes after sunset and not less than 30 minutes before sunrise with a luminance meter or a nit gun that can read to the accuracy of 5 nits.

6. A commercial electronic variable message sign which is a trivision sign must:

(a) Have a change interval of not more than 3 seconds and:

(1) In a county whose population is less than 700,000, have a minimum display time for each static message of not less than 8 seconds; or

(2) In a county whose population is 700,000 or more, have a minimum display time for each static message of not less than 6 seconds.

(b) Contain a mechanism which stops the sign in a stationary position in the case of a malfunction.

7. The Department may allow a permit for an existing sign to be modified to authorize the conversion of a sign which is not a commercial electronic variable message sign to a commercial electronic variable message sign or the conversion of a sign which is a commercial electronic variable message sign to a sign which is not a commercial electronic variable message sign if:

- (a) The sign meets the applicable requirements of NRS and this chapter.**
- (b) A permit modification fee of \$800 is paid to the Department.**
- (c) The sign has been approved by the relevant local government or is a nonconforming sign under local law but has been granted grandfathered conforming status by the relevant local government, and the conversion has been approved by the relevant local government, if applicable.**

8. If a commercial electronic variable message sign is installed or modified pursuant to this section and the electronic variable message display portion of the sign does not comply with the requirements of this section, the owner of the sign, not more than 60 days after receipt of written notice by the Department, must correct any violations or remove the electronic variable message display portion of the sign at the expense of the owner. After 60 days, if the owner has not corrected the violations or removed the sign, the Department may remove the electronic variable message display portion of the sign at the expense of the owner. The owner of a commercial electronic variable message sign from which the electronic

variable message display portion of the sign has been removed pursuant to this subsection may continue to operate all other portions of the sign.

9. A digital billboard that meets the requirements of this section shall be deemed not to:

- (a) Include or be illuminated by flashing, intermittent or moving lights; and*
- (b) Cause glare.*

10. As used in this section:

(a) "Change interval" means the amount of time required for a trivision sign to transition from one static message to the next static message.

(b) "Commercial electronic variable message sign" has the meaning ascribed to it in NRS 410.400. The term does not include a sign located within a roadway right-of-way that:

(1) Functions as a traffic control device; and

(2) Is described or identified in the Manual on Uniform Traffic Control Devices, as adopted by reference in NAC 408.411.

(c) "Digital billboard" means a type of off-premise commercial electronic variable message sign which:

(1) May be internally or externally illuminated; and

(2) Uses digital message technology capable of changing the static message or copy on the sign electronically.

(d) "Flashing, intermittent or moving lights" includes, without limitation, any object which simulates or creates the effect of flashing, intermittent or moving lights, including, without limitation, reflective discs or slats, both stationary or moveable, which reflect light.

(e) "Foot-candle" means a unit of illuminance or illumination equivalent to the illumination produced by a source of one candela at a distance of one foot and equal to one lumen per square foot.

(f) "Glare" means a visual condition in which there is excessive contrast or an inappropriate distribution of light sources which limit the ability of a person to distinguish details and objects.

(g) "Luminance" means the quantitative measure of brightness of a light source or an illuminated surface.

(h) "Nit" means a unit of measurement of luminance equal to one candela per square meter.

(i) "Nit gun" means a device which measures the amount of light emanating from a specific light source in nits.

(j) "Trivision sign" means a type of off-premise commercial electronic variable message sign on which the static message or copy on the sign may be changed mechanically or electronically by movement or rotation of panels or slats, including, without limitation, through the use of remote control.

NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Hearing for the Amendment of Regulations of the Nevada Department of Transportation

The Nevada Department of Transportation is proposing the amendment of regulations pertaining to Chapter 410 of the Nevada Administrative Code. A public meeting will be held at the **Nevada Department of Transportation District II Headquarters, Third Floor Conference Room 302, 1263 S. Stewart St. Carson City, NV, commencing at 9:30 a.m. on Monday, February 12, 2018.** The purpose of the hearing is to receive comments from all interested persons regarding the Amendment of regulations that pertain to chapter 410 of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. The proposed amendment to Regulation NAC 410.350 is needed to amend the requirements for Commercial Electronic Variable Message Signs (CEVMS) including trivision signs and digital billboard signs. This proposed amendment was prompted by the passage of Assembly Bill No. 305 during the 77th Legislative Session which amended NRS 410.400 to add a definition for “commercial electronic variable message signs” and to prescribe regulations governing the issuance of permits and to specify the operational requirements for these signs.

2. The proposed amendment includes content, movement, and appearance during static displays, display time and change intervals on trivision signs, operating and monitoring systems to address the displays in the event of a malfunction, and brightness of billboards as ambient light conditions change.

3. Billboard Industry: (a) There is no anticipated immediate negative economic effect to the billboard industry. There could be an immediate positive economic effect, however, when static billboards are converted to digital billboards. (b) There is no anticipated long-term negative economic effect to the billboard industry. There could be a long-term positive economic effect, when static billboards are converted to digital billboards.

Public: (a) There will be no immediate negative economic effect to the public as a result of the adoption of this regulation. There will be no immediate positive economic effect to the public as a result of the adoption of this regulation. (b) There will be no long-term negative economic effect to the public as a result of the adoption of this regulation.

4. The costs associated with agency enforcement will be approximately \$18,000 per year. Current staff will be utilized to inspect the subject billboards for daytime and nighttime brightness levels of permitted CEVM billboards. There will be equipment costs associated with the purchase and maintenance of light measurement devices. This cost is estimated to be \$4,000 to \$6,000 per unit per district for an estimated cost of \$18,000 per year.

5. There is overlap of this proposed regulation under local governmental agency codes. The follow City and Counties have regulations pertaining to outdoor advertising signs:

(a) The City of Reno, Chapter 18.16, Article II of it Land Development codes.

(b) Washoe County Code (WCC), Chapter 110 (Development Code) Article 505.30 regulates Electronic Message Display (EMD) signs and 110.505.64 regulates billboards.

(c) Clark County Chapter 30.72

(d) City of Henderson, Chapter 19.8

6. The State is tasked, by the Federal Highway Administration, to regulate Outdoor Advertising signs under the Federal Highway Beautification Act (23 U.S.C. 131). The federal regulation pertaining to this is 23 Code of Federal Regulation Chapter 1, Subpart G.

7. The State Legislature created NRS Chapter 410 Beautification of Highways, which established a statutory basis for the regulation and control of Off-premise Outdoor Advertising and Junkyards. With

the creation of NRS Chapter 410, Nevada was consistent with the Federal Highway Beautification Act. These statutes provided a basis for NAC Chapter 410.

8. It is proposed that the permit application fee for the conversion of a billboard from a static display to a digital display be raised from \$200 to \$800.

Persons wishing to comment upon the proposed action of the Nevada Department of Transportation may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form, to Ruth Borrelli, Chief Right-of-Way Agent, Nevada Department of Transportation, 1263 S. Stewart Street, Carson City, NV 89712 or by emailing at rborrelli@dot.nv.gov. Written submissions must be received by the Nevada Department of Transportation on or before January 31, 2018. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Nevada Department of Transportation may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be Amended will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be Amended will be available www.nevadadot.com/doing-business/public-involvement-information and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. : A copy of the notice and proposed regulations has also been placed on the Nevada Department of Transportation's website at www.nevadadot.com. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us> Copies of this notice and the proposed regulation will also be mailed to members of the public upon request.

A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations:

Additional copies of this notice and the proposed regulations to be amended will be available at:

Nevada Department of Transportation
1263 S. Stewart St.
Carson City, NV 89712

Nevada Department of Transportation
District III Office
1951 Idaho St
Elko, NV 89801

Nevada Department of Transportation
District I Office
123 E. Washington Ave.
Las Vegas, NV 89125

Nevada Department of Transportation
Winnemucca Maintenance Station
725 West 4th St.
Winnemucca, NV 89446

Nevada Department of Transportation
Tonopah Maintenance Station
805 Erie Main
Tonopah, NV 89049

Nevada Department of Transportation
Ely Maintenance Station
401 Ave. "F"
Ely, NV 89301

Nevada Department of Transportation
District II Office
310 Galletti Way
Sparks, NV 89431

Clark County Courthouse
200 S. Third St.
Las Vegas, NV 89155

Washoe County Courthouse
75 Court St.
Reno, NV 89520

Grant Sawyer State Office Building
555 E. Washington Ave.
Las Vegas, NV 89101

Public comment may be limited to three minutes per person at the discretion of the Department's spokesperson.

ASSEMBLY BILL NO. 305—ASSEMBLYMEN HORNE
AND CARRILLO (BY REQUEST)

MARCH 15, 2013

Referred to Committee on Transportation

SUMMARY—Revises provisions relating to highways.
(BDR 35-1030)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to outdoor advertising; revising provisions relating to the promulgation of regulations by the Board of Directors of the Department of Transportation specifying the operational requirements for certain signs; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law, the Board of Directors of the Department of Transportation
2 is required to prescribe regulations governing the issuance of permits for
3 advertising signs, displays or devices and the inspection and surveillance of such
4 signs, displays or devices. (NRS 410.400) This bill requires the Board to prescribe
5 regulations specifying the operational requirements for signs known as commercial
6 electronic variable message signs which conform to any regulations promulgated
7 by the Secretary of the United States Department of Transportation.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 410.400 is hereby amended to read as follows:
2 410.400 1. The Board shall prescribe:
3 (a) ~~Regulations~~ *Except as otherwise provided in paragraph*
4 *(b), regulations* governing the issuance of permits for advertising
5 signs, displays or devices and for the inspection and surveillance of
6 advertising signs, displays or devices; ~~and~~
7 (b) *Regulations specifying the operational requirements for*
8 *commercial electronic variable message signs which conform to*



* A B 3 0 5 R 1 *

1 *any national standards promulgated by the Secretary of*
2 *Transportation pursuant to 23 U.S.C. § 131; and*

3 (c) Such other regulations as it deems necessary to implement
4 the provisions of NRS 410.220 to 410.410, inclusive.

5 2. The Department shall assess a reasonable annual fee for each
6 permit issued to recover administrative costs incurred by the
7 Department in the issuance of the permits, and the inspection and
8 surveillance of advertising signs, displays or devices.

9 3. No fee may be collected for any authorized directional sign,
10 display or device, or for authorized signs, displays or devices
11 erected by chambers of commerce, civic organizations or local
12 governments, advertising exclusively any city, town or geographic
13 area.

14 4. No fee may be collected for any temporary sign, display or
15 device advertising for or against a candidate, political party or ballot
16 question in an election if the sign, display or device is:

17 (a) Erected not more than 60 days before a primary election and
18 concerns a candidate, party or question for that primary or the
19 ensuing general election; and

20 (b) Removed within 30 days after:

21 (1) The primary election if the candidate, party or question is
22 not to be voted on at the ensuing general election.

23 (2) The general election in any other case.

24 ↪ The Department may summarily remove any temporary political
25 sign for which no fee has been paid if the sign is erected before or
26 remains after the times prescribed.

27 5. All fees collected pursuant to this section must be deposited
28 with the State Treasurer for credit to the State Highway Fund.

29 6. *As used in this section, "commercial electronic variable*
30 *message sign" means a self-luminous or externally illuminated*
31 *advertising sign which contains only static messages or copy*
32 *which may be changed electronically.*

33 **Sec. 2.** This act becomes effective upon passage and approval
34 for the purpose of adopting regulations and on January 1, 2014, for
35 all other purposes.



NAC 410.350 Sign construction: Illumination; commercial electronic variable message signs. (NRS 410.400)

1. Signs must not be placed with illumination that interferes with the effectiveness of or obscures any official traffic sign, device or signal. Signs must not include or be illuminated by flashing, intermittent or moving lights, except any parts necessary to give public service information such as the time, date, temperature, weather or similar information. Signs must not cause beams or rays of light to be directed at the traveled way if the light is of such intensity or brilliance or is likely to be mistaken for a warning or danger signal or to cause glare or impair the vision of any driver, or to interfere with any driver's operation of a motor vehicle. Illumination or lights for signs must not resemble or simulate any lights used to control traffic.

2. A commercial electronic variable message sign, including, without limitation, a trivision sign, may be approved as an off-premise outdoor advertising sign in an urban area if the sign does not contain flashing, intermittent or moving lights, does not cause a glare on the roadway and the following conditions are met:

(a) An existing sign may be modified or updated if the sign conforms with established criteria relating to zoning, size, lighting and spacing.

(b) A message on a trivision sign may have a minimum display time of 6 seconds and a maximum change interval of 3 seconds.

(c) A trivision sign must contain a mechanism that will stop the sign in one position if a malfunction occurs.

(d) If a sign is installed that does not comply with the provisions of this subsection, the owner of the sign shall correct the violation or remove the sign at the owner's expense.

(e) Prior approval from the Department is required to modify existing signs to include the commercial electronic variable message sign, and a new permit fee of \$150 will be charged.

[Dep't of Highways, Outdoor Advertising Control Manual p. 11, eff. 1-28-77]—(NAC A by Dep't of Transportation by R058-97, 12-11-98)

NRS 410.400 Regulations; fee for permit; no fee for certain signs; disposition of fees.

1. The Board shall prescribe:

(a) Except as otherwise provided in paragraph (b), regulations governing the issuance of permits for advertising signs, displays or devices and for the inspection and surveillance of advertising signs, displays or devices;

(b) Regulations specifying the operational requirements for commercial electronic variable message signs which conform to any national standards promulgated by the Secretary of Transportation pursuant to 23 U.S.C. § 131; and

(c) Such other regulations as it deems necessary to implement the provisions of [NRS 410.220](#) to [410.410](#), inclusive.

2. The Department shall assess a reasonable annual fee for each permit issued to recover administrative costs incurred by the Department in the issuance of the permits, and the inspection and surveillance of advertising signs, displays or devices.

3. No fee may be collected for any authorized directional sign, display or device, or for authorized signs, displays or devices erected by chambers of commerce, civic organizations or local governments, advertising exclusively any city, town or geographic area.

4. No fee may be collected for any temporary sign, display or device advertising for or against a candidate, political party or ballot question in an election if the sign, display or device is:

(a) Erected not more than 60 days before a primary election and concerns a candidate, party or question for that primary or the ensuing general election; and

(b) Removed within 30 days after:

(1) The primary election if the candidate, party or question is not to be voted on at the ensuing general election.

(2) The general election in any other case.

È The Department may summarily remove any temporary political sign for which no fee has been paid if the sign is erected before or remains after the times prescribed.

5. All fees collected pursuant to this section must be deposited with the State Treasurer for credit to the State Highway Fund.

6. As used in this section, "commercial electronic variable message sign" means a self-luminous or externally illuminated advertising sign which contains only static messages or copy which may be changed electronically.

(Added to NRS by [1971, 1329](#); A [1979, 436](#); [1981, 708](#); [1989, 1312](#); [2013, 567](#))

AGREEMENT

STATE OF NEVADA

**FOR CARRYING OUT NATIONAL POLICY RELATIVE TO CONTROL OF OUTDOOR
ADVERTISING IN AREAS ADJACENT TO THE NATIONAL SYSTEM OF INTERSTATE AND
DEFENSE HIGHWAYS AND THE FEDERAL-AID PRIMARY SYSTEM**

THIS AGREEMENT made and entered into this 27th day of October 1998 by and between the United States of America represented by the Secretary of Transportation acting by and through the Federal Highway Administrator, hereinafter referred to as the "Administrator", and the State of Nevada, acting by and through its Board of Directors of Department of Transportation, hereinafter referred to as the "State".

WITNESSETH

WHEREAS, Congress has declared that Outdoor Advertising in areas adjacent to the Interstate and Federal-aid primary systems should be controlled in order to protect the public investment in such highways, to promote the safety and recreational value of public travel and to preserve natural beauty; and

WHEREAS, Section 131(d) of Title 23, United States Code, authorizes the Secretary of Transportation to enter into agreements with the several States to determine the size, lighting and spacing of signs, displays, and devices, consistent with customary use, which may be erected and maintained within 660 feet of the nearest edge of the right-of-way within areas adjacent to the Interstate and Federal-aid Primary Systems which are zoned industrial or commercial under authority of State law or in unzoned commercial or industrial areas, also to be determined by agreement; and

WHEREAS, the purpose of said agreement is to promote the reasonable, orderly, and effective display of outdoor advertising while remaining consistent with the national policy to protect the public investment in the Interstate and Federal-aid primary highways, to promote the safety and recreational value of public travel and to preserve natural beauty; and

WHEREAS, Section 131(b) of Title 23, United States Code, provides that Federal-aid highway funds apportioned on or after January 1, 1968, to any State which the Secretary determines has not made provision for effective control of the erection and maintenance along the Interstate System and the Primary System of outdoor advertising signs, displays, and devices which are within six hundred sixty feet of the nearest edge of the right-of-way and visible from the main traveled way of the system, shall be reduced by amounts equal to 10 per centum of the amounts which would otherwise be apportioned to such State under Section 104 of Title 23, United States Code, until such time as such State shall provide for such effective control; and

WHEREAS, the State of Nevada desires to implement and carry out the provisions of Section 131 of Title 23, United States Code, and the national policy in order to remain eligible to receive the full amount of all Federal-aid highway funds to be apportioned to such State on or after January 1, 1968, under Section 104 of Title 23, United States Code; and

ATTACHMENT 4

NOW, THEREFORE, the parties hereto do mutually agree as follows:

SECTION I.

1. Definitions

A. Act means Section 131 of Title 23, United States Code (1965) commonly referred to as Title I of the Highway Beautification Act of 1965.

B. Commercial or industrial activities for purposes of unzoned commercial or industrial areas mean those activities generally recognized as commercial or industrial by zoning authorities in this State, except that none of the following activities shall be considered commercial or industrial:

1. Outdoor advertising structures.
2. Agricultural, forestry, ranching, grazing, farming, and related activities, including, but not limited to, wayside fresh produce stands.
3. Transient or temporary activities.
4. Activities not visible from the main traveled way.
5. Activities more than 660 feet from the nearest edge of the right-of-way
6. Activities conducted in a building principally used as a residence.
7. Railroad tracks and minor sidings.

C. Zoned commercial or industrial areas mean those areas which are zoned for business, industry, commerce, or trade pursuant to a State or local zoning ordinance or regulation.

D. Unzoned commercial or industrial areas mean those areas which are not zoned by State or local law, regulation, or ordinance, and on which there is located one or more permanent structures devoted to a commercial or industrial activity or on which a commercial or industrial activity is actually conducted, whether or not a permanent structure is located thereon, and the area along the highway extending 600 feet from and beyond the edge of such activity. In addition, lands on the opposite side of the highway to the extent of the same dimensions will be considered as an unzoned commercial or industrial area provided those lands on such opposite side are not deemed scenic or as having aesthetic value. In the event the area on the opposite side of the highway is deemed scenic, then only the side of the highway having a commercial activity located thereon will be said to be unzoned commercial or industrial for the purpose of this Agreement.

All measurements shall be from the outer edges of the regularly used buildings, parking lots, storage or processing, and landscaped areas of the commercial or industrial activities, not from the property lines of the activities, and shall be along or parallel to the edge of pavement of the highway.

E. National System of Interstate and Defense Highways and Interstate System means the system presently defined in and designated pursuant to subsection (d) of Section 103 of Title 23, United States Code.

F. Federal-aid primary highway means any highway within that portion of the State highway system as designated, or as may hereafter be so designated by the State, which has been approved by the Secretary of Transportation pursuant to subsection (b) of Section 103 of Title 23, United States Code.

G. Traveled way means the portion of a roadway for the movement of vehicles, exclusive of shoulders.

H. Main-traveled way means the traveled way of a highway on which through traffic is carried. In the case of a divided highway, the traveled way of each of the separate roadways for traffic in opposition is a main-traveled way. It does not include such facilities as frontage roads, turning roadways, or parking areas.

I. Sign means any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended, used to advertise or inform, any part of the advertising or information contents which is visible from any place on the main-traveled way of the Interstate or Federal-aid Primary Highway Systems.

J. Erect means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish, but it shall not include any of the foregoing activities when performed as an incident to the change of advertising message or normal maintenance or repair of a sign structure.

K. Maintain means to allow to exist.

L. Safety rest area means an area or site established and maintained within or adjacent to the highway right-of-way by or under public supervision or control, for the convenience of the traveling public.

M. Visible means that the advertising copy or informative contents are capable of being seen without visual aid by a person of normal visual acuity.

SECTION II. SCOPE OF AGREEMENT

This Agreement shall apply to the following areas:

A. All zoned and unzoned commercial and industrial areas within 660 feet of the nearest edge of the right-of-way of all portions of the Interstate and Primary Systems within the State of Nevada in which outdoor advertising signs may be visible from the main-traveled way of either or both of said systems.

SECTION III. STATE CONTROL

The State hereby agrees that, in all areas within the scope of this agreement, the State shall effectively control, or cause to be controlled, the erection and maintenance of outdoor advertising signs, displays, and devices erected subsequent to the effective date of this agreement other than those advertising the sale or lease of the property on which they are located, or activities conducted thereon, in accordance with the following criteria:

A. In zoned commercial and industrial areas, the State may notify the Administrator as notice of effective control that there has been established within such areas regulations which are enforced with respect to the size, lighting, and spacing of outdoor advertising signs consistent with the intent of the Highway Beautification Act of 1965 and with customary use. In such areas, the size, lighting, and spacing requirements set forth below shall not apply.

B. In all other zoned and unzoned commercial and industrial areas, the criteria set forth below shall apply.

Size of Signs

1. The maximum area for any one sign shall be 1,200 square feet with a maximum height of 30 feet and maximum length of 60 feet, inclusive of any border and trim but excluding the base or apron, supports, and other structural members.

2. The area shall be measured by the smallest square, rectangle, triangle, circle, or combination thereof which will encompass the entire sign.

3. The maximum size limitations shall apply to each side of a sign structure; and signs may be placed back-to-back, side-by-side, or in V-type construction with not more than two displays to each facing, and such sign structure shall be considered as one sign.

Spacing of Signs

1. Interstate and Federal-aid Primary Highways

a. Signs may not be located in such a manner as to obscure, or otherwise physically interfere with the effectiveness of an official traffic sign, signal, or device, obstruct or physically interfere with the driver's view of approaching, merging, or intersecting traffic.

2. Interstate Highways and Freeways on the Federal-aid Primary System

a. No two structures shall be spaced less than 500 feet apart.

b. Outside of urbanized area boundaries, as defined by 23 U.S.C. 101(a), no structure may be located adjacent to or within 500 feet of an interchange, intersection at grade, or safety rest area. Said 500 feet to be measured along the Interstate or freeway from the beginning or ending of pavement widening at the exit from or entrance to the main-traveled way.

3. Nonfreeway Federal-aid Primary Highways

a. Outside of incorporated villages and cities, no two structures shall be spaced less than 300 feet apart.

b. Within incorporated villages and cities, no two structures shall be spaced less than 100 feet apart.

4. The above spacing-between-structures provisions do not apply to structures separated by buildings or other obstructions in such a manner that only one sign facing located within the above spacing distances is visible from the highway at any one time.

5. Explanatory Notes

a. Official and "on-premise" signs, as defined in section 131(c) of Title 23, United States Code, and structures that are not lawfully maintained shall not be counted nor shall measurements be made from them for purposes of determining compliance with spacing requirements.

b. The minimum distance between structures shall be measured along the nearest edge of the pavement between points directly opposite the signs along each side of the highway and shall apply only to structures located on the same side of the highway.

Lighting

Signs shall not be placed with illumination that interferes with the effectiveness of, or obscures any official traffic sign, device or signal; shall not include or be illuminated by flashing, intermittent or moving lights (except that part necessary to give public service information such a time, date, temperature, weather or similar information) and shall not cause beams or rays of light to be directed at the traveled way if such light is of such intensity or brilliance or is likely to be mistaken for a warning or danger signal as to cause glare or impair the vision of any driver, or to interfere with any driver's operation of a motor vehicle.

At any time that a bona fide county or local zoning authority adopts regulations which include the size, lighting, and spacing of outdoor advertising, the State may so notify the Administrator and control of outdoor advertising in the commercial or industrial zones within the geographical jurisdiction of said authority will transfer to subsection A of this section.

Application to Existing Signs

The standards and criteria set forth in this Section III shall apply to signs erected in zoned and unzoned commercial and industrial areas on or after April 27, 1971. Signs lawfully erected in zoned and unzoned commercial and industrial areas prior to April 27, 1971, will be considered to be conforming to the standards and criteria and will not be required to be removed if they are in conformity with the laws relating to such signs enacted by the Nevada Legislature and in effect at that time.

SECTION IV. INTERPRETATION

The provisions contained herein shall constitute the standards for effective control of signs, displays, and devices within the scope of this agreement.

The State and local political subdivisions thereof shall have full authority respectively, to zone areas for commercial or industrial purposes, and the acts of the State or local political subdivisions in this regard will be accepted for the purpose of this agreement. Whenever a bona fide state, county, or local zoning authority has made a determination of customary use, such determination will be accepted in lieu of controls by agreement in the zoned commercial and industrial areas within the geographical jurisdiction of such authority. Nothing in this section shall apply to signs, displays and devices, advertising the sale or lease of, or advertising activities conducted on, the property on which they are located.

In the event the provisions of the Highway Beautification Act of 1965 are amended by subsequent action of Congress or the State legislation is amended, the parties reserve the right to renegotiate this agreement or to modify it to conform with any amendment.

Tourist-oriented signs will not be required to be removed until the Highway Beautification Commission, established by Public Law 91-605, December 31, 1970, under Section 123, has submitted its report.

SECTION V. EFFECTIVE DATE

This Agreement shall have an effective date of MAR 5 1999 ~~1998~~ and supersedes the previous Agreement entered into on January 21, 1972.

IN WITNESS WHEREOF the parties hereto have executed this Agreement the day and year first above written.

ATTEST:

BOARD OF DIRECTORS, STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION

Jeffrey Fontaine
Jeffrey Fontaine, Secretary to the Board

Bob Miller
Bob Miller, Chairman

Presented by:

Thomas E. Stephens
Thomas E. Stephens, Director
Nevada Department of Transportation

Lonnie Hammeigren
Lonnie Hammeigren, Member
Frankie Sue Del Papa
Frankie Sue Del Papa, Member

Approved as to Legality and Form:

Brian Hutchins
Brian Hutchins, Chief Deputy Attorney General
Nevada Department of Transportation

Darrel R. Daines
Darrel R. Daines, Member

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION

NOT PRESENT AT MEETING
James A. Thornton
James A. Thornton, Member

Kenneth R. Wykle
Kenneth R. Wykle
Federal Highway Administrator

Thomas G. Gust
Thomas G. Gust, Member

Rev. Caesar J. Caviglia
Rev. Caesar J. Caviglia, Member

NAC 410.350 Sign construction: Illumination; commercial electronic variable message signs. (NRS 410.400)

1. Signs must not be placed with illumination that interferes with the effectiveness of or obscures any official traffic sign, device or signal. Signs must not include or be illuminated by flashing, intermittent or moving lights, except any parts necessary to give public service information such as the time, date, temperature, weather or similar information. Signs must not cause beams or rays of light to be directed at the traveled way if the light is of such intensity or brilliance or is likely to be mistaken for a warning or danger signal or to cause glare or impair the vision of any driver, or to interfere with any driver's operation of a motor vehicle. Illumination or lights for signs must not resemble or simulate any lights used to control traffic.

2. A commercial electronic variable message sign, including, without limitation, a trivision sign, may be approved as an off-premise outdoor advertising sign in an urban area if the sign does not contain flashing, intermittent or moving lights, does not cause a glare on the roadway and the following conditions are met:

(a) An existing sign may be modified or updated if the sign conforms with established criteria relating to zoning, size, lighting and spacing.

(b) A message on a trivision sign may have a minimum display time of 6 seconds and a maximum change interval of 3 seconds.

(c) A trivision sign must contain a mechanism that will stop the sign in one position if a malfunction occurs.

(d) If a sign is installed that does not comply with the provisions of this subsection, the owner of the sign shall correct the violation or remove the sign at the owner's expense.

(e) Prior approval from the Department is required to modify existing signs to include the commercial electronic variable message sign, and a new permit fee of \$150 will be charged.

[Dep't of Highways, Outdoor Advertising Control Manual p. 11, eff. 1-28-77]—(NAC A by Dep't of Transportation by R058-97, 12-11-98)

NRS 410.400 Regulations; fee for permit; no fee for certain signs; disposition of fees.

1. The Board shall prescribe:

(a) Except as otherwise provided in paragraph (b), regulations governing the issuance of permits for advertising signs, displays or devices and for the inspection and surveillance of advertising signs, displays or devices;

(b) Regulations specifying the operational requirements for commercial electronic variable message signs which conform to any national standards promulgated by the Secretary of Transportation pursuant to 23 U.S.C. § 131; and

(c) Such other regulations as it deems necessary to implement the provisions of NRS 410.220 to 410.410, inclusive.

2. The Department shall assess a reasonable annual fee for each permit issued to recover administrative costs incurred by the Department in the issuance of the permits, and the inspection and surveillance of advertising signs, displays or devices.

3. No fee may be collected for any authorized directional sign, display or device, or for authorized signs, displays or devices erected by chambers of commerce, civic organizations or local governments, advertising exclusively any city, town or geographic area.

4. No fee may be collected for any temporary sign, display or device advertising for or against a candidate, political party or ballot question in an election if the sign, display or device is:

(a) Erected not more than 60 days before a primary election and concerns a candidate, party or question for that primary or the ensuing general election; and

(b) Removed within 30 days after:

(1) The primary election if the candidate, party or question is not to be voted on at the ensuing general election.

(2) The general election in any other case.

É The Department may summarily remove any temporary political sign for which no fee has been paid if the sign is erected before or remains after the times prescribed.

5. All fees collected pursuant to this section must be deposited with the State Treasurer for credit to the State Highway Fund.

6. As used in this section, "commercial electronic variable message sign" means a self-luminous or externally illuminated advertising sign which contains only static messages or copy which may be changed electronically.

(Added to NRS by 1971, 1329; A 1979, 436; 1981, 708; 1989, 1312; 2013, 567)



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

MEMORANDUM

February 02, 2018

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, Director
SUBJECT: February 12, 2018, Transportation Board of Directors Meeting
Item #6: 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 December 13, 2017, through January 16, 2018.

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 new agreements and amendments which take the total agreement above \$300,000 during the period from December 13, 2017, through January 16, 2018.

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, December 13, 2017, through January 16, 2018.

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
December 13, 2017 through January 16, 2018

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	Dept. Division	Dir. Office	Notes
1	02214	02	MOFFATT & NICHOL INFORMATION SYSTEMS, LLC	RAIL INVENTORY SYSTEM	Y	196,016.00	221,688.00	417,704.00	-	4-Jun-2014	31-Dec-2021	25-Dec-2017	Service Provider	Safety	Sondra	AMD 2 12-25-17: INCREASE AUTHORITY BY \$221,688.00 FROM \$196,016.00 TO \$417,704.00 AND EXTEND THE TERMINATION DATE FROM 12-31-18 TO 12-31-21, TO PROVIDE CONTINUED MAINTENANCE FOR RIMS, SCOPE OF SERVICES TO DEVELOP STATE ACTION PLAN, AND DEVELOP COST/BENEFIT METHODOLOGY FOR RAILWAY-HIGHWAY SAFETY PROGRAM. AMD 1 08-18-16: EXTENDED TERMINATION DATE FROM 12-31-16 TO 12-31-18 DUE TO ADDITIONAL OBLIGATIONS IMPOSED BY THE MAINTENANCE PORTION OF THE AGREEMENT. 06-04-14: IMPLEMENTATION OF RAIL INVENTORY MANAGEMENT SYSTEM AND FIELD APPLICATION FOR THE RAILROAD SAFETY PROGRAM IN SUPPORT OF THE NEVADA HIGHWAY SAFETY IMPROVEMENT PROGRAM, STATEWIDE. NV B/L#: NVF20131276067-R
2	09314	01	CLEAN HARBORS ENVIRONMENTAL	STATEWIDE HAZMAT PROGRAM	N	250,000.00	250,000.00	500,000.00	-	30-Jun-2014	30-Jun-2019	12-Feb-2018	Service Provider	Traffic Operations	Reid	AMD 1 02-12-18: INCREASE AUTHORITY BY \$250,000.00 FROM \$250,000.00 TO \$500,000.00 AND EXTEND TERMINATION DATE FROM 06-30-18 TO 06-30-19 DUE TO THE IMPLEMENTATION OF THE STORMWATER DIVISION IN 2015, NEW STORMWATER PROTOCOLS INCREASED PROGRAM ACTIVITY BY 70.46% AND INCREASED PROGRAM EXPENDITURES BY 108.33%. THIS WILL ALLOW ADEQUATE TIME TO COORDINATE WITH OTHER JURISDICTIONS AND DOT'S TO IDENTIFY BEST PRACTICES AND DEVELOP AN RFP FOR AN OPTIMIZED HAZMAT PROGRAM. 06-30-14: HAZMAT ASSESSMENT AND REMEDIATION SERVICES IN RESPONSE TO HAZARDOUS AND NON-HAZARDOUS SPILLS OR RELEASES WITHIN OR ADJACENT TO NDOT RIGHT-OF-WAY, STATEWIDE. NV B/L#: NVF20021375471-R
3	38217	00	CAMBRIDGE SYSTEMATICS, INC.	TRUCK PARKING IMPLEMENTATION PLAN	Y	499,988.00	-	499,988.00	-	12-Feb-2018	31-Dec-2021	-	Service Provider	Planning	Sondra	02-12-18: THE NEVADA STATE FREIGHT PLAN IDENTIFIED THE NEED FOR A FREIGHT TRUCK PARKING EXPANSION AND AN INTELLIGENT TRANSPORTATION SYSTEM (ITS) TO EXPAND, IMPROVE, AND INTEGRATE FREIGHT TRUCK PARKING AND COMMUNICATION SYSTEMS THAT RESPOND TO HOURS OF SERVICE REQUIREMENTS AND IMPROVE THE SAFETY, RELIABILITY, AND EFFICIENCY OF GOODS TRANSPORTED BY TRUCKS. THE PURPOSE OF THIS STUDY WOULD BE TO DETERMINE THE EXTENT OF TRUCK PARKING IN THE STATE AND IDENTIFY SOLUTIONS AND POTENTIAL SITES FOR NEW OR EXPANDED TRUCK PARKING FACILITIES TO MEET THE STATE'S DEMAND, STATEWIDE. NV B/L # NVF20101447739-R PROPOSERS: ATKINS AND CAMBRIDGE.
4	63817 D2 64717 D3	00 00	CME, INC. DCS	AUGMENTATION OF CREWS IN DISTRICTS 2 AND 3	Y	3,887,968.64	-	3,887,968.64	-	12-Feb-2018	31-Mar-2020	-	Service Provider	Construction	Reid	02-12-18: PROFESSIONAL AND TECHNICAL ENGINEERING SERVICES PROCURED UNDER RFP 577-17-040 TO AUGMENT THE DEPARTMENT'S CONSTRUCTION CREWS IN DISTRICTS 2 AND 3 WITH STAFF AND EQUIPMENT ON AN INTERMITTENT, AS-NEEDED BASIS TO ENSURE THAT THE CONSTRUCTION OF DEPARTMENT PROJECTS ARE ACCOMPLISHED IN CONFORMANCE WITH THE PLANS, SPECIFICATIONS, AND ALL OTHER CONTRACT DOCUMENTS. AUGMENTATION IS NECESSARY DUE TO THE NUMBER, SIZE, AND SCOPE OF PROJECTS ANTICIPATED TO BE UNDER CONSTRUCTION AND THE WORKLOAD OF THE DEPARTMENT'S CONSTRUCTION CREWS, STATEWIDE. CME NV B/L# NVD20091073153 - DCS NV B/L# NVD19901019853-R PROPOSERS: CME, DCS, AND LUMOS & ASSOC.

Line Item 1

022-14-816AMD2

Request to Solicit Services and Budget Approval (2A)
Amendments for time extensions (time only) do not require a form 2a

Initial Budget Request x Request for Amendment #: 2 Agreement #: P022-14-816

If Amendment, name of Company: Moffatt & Nichol Information Systems, DBA Tavla Solutions

Project ID #(s): 73816

Type of Services: Professional Services for Implementation of Rail Inventory Management System (RIMS)

Originated by: Brandon Henning Division: Safety Eng Date Originated: 12/18/2017

 Division Head/District Engineer: Ken Mammen

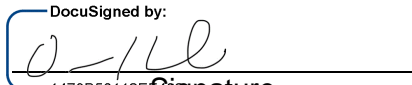
Budget Category #: 466006 Object #: 814P Organization #: C816

Estimated Cost: 221688.00 Type of Funding: Fed/State % of Fund: 95

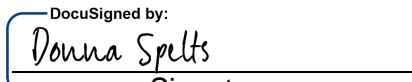
Funding Notes: State Fiscal Year(s): 2018

This is using Federal Railroad Safety funds to support Nevada's Railway-Highway Safety program. This is to increase funding to add additional maintenance years for the RIMS program and to incorporate a State Action Plan for the State of Nevada.

IT Review:


DocuSigned by:

1478B50112E8
Signature 12/18/2017
Date

Financial Management:

DocuSigned by:

8A78D93AD71
Signature 01/04/2018
Date

Approval of this form by the Financial Management Division, Budget Section, provides funding authority for the services described. Actual availability of funds and the monitoring of actual expenditures must be determined by the Division Head.


Project Accounting:

DocuSigned by:

22564E6A6F86
Signature 01/04/2018
Date

Director:

Requires Transportation Board Presentation

x Does not require Transportation Board presentation

DocuSigned by:

C4C7CE5CD580
Signature 01/04/2018
Date

Attachments:

Budget by Organization Report (Report No. NBDM30) attached here:



If Amendment, attach original Agreement here:



Any additional information to attach: Yes



Purpose of, and Justification for, Budget Request:

Increase funding to continue Traffic Safety Engineering's implementation of the Railway-Highway Safety program. This is to continue with the Railroad Inventory Management System (RIMS) with an additional 3 years of maintenance agreement. As part of the FAST Act, each state are to set up State Action plans. This amendment will also the assistance to implement a State Action plan to ensure that the railway-highway safety program is in compliance with the FAST Act. Another item that is requested for this amendment is a Benefit/cost methodology specifically for railroad projects. This will use our new hazard index to develop a benefit/cost ratio for Nevada to use for grant applications and will comply with Section 130 guidelines.

Scope of Services:

Three year Maintenance Agreement to continue the implementation of the RIMS program. Implement a Nevada State Highway-Railway Grade Crossing Action plan, required under the FAST Act. Develop supplement B/C analysis to NDOT new hazard index to be used for grant applications.

IT Comments:

No concerns from IT.

Financial Management Comments:

Approval of this project is based on Federal Funds being available for programming and funding is available within the identified budget.

Project Accounting Comments:

.

Director Comments:

N/A

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION

MEMORANDUM

January 26, 2018

TO: Sondra Rosenberg, Assistant Director

FROM: Brandon Henning, Project Manager

SUBJECT: Negotiation Summary for RFP P022-14-816 Professional Services for the Implementation of Rail Inventory Management System (RIMS)

Increase funding to continue Traffic Safety Engineering's implementation of the Railway-Highway Safety Program. This is to continue with the Railroad Inventory Management System (RIMS) with an additional 3 years of maintenance agreement. As part of the FAST Act, each state is required to set up State Action plans. This amendment will assist with the implementation of a State Action plan to ensure that the railway-highway safety program complies with the FAST Act. Another item that is requested for this amendment is a Benefit/Cost methodology specifically for railroad projects. This will use our new hazard index to develop a benefit/cost ratio for Nevada to use for grant applications and will comply with Section 130 guidelines.

The scope of services that are to be provided by the SERVICE PROVIDER was reaffirmed by both parties at the outset.

Professional Services for the Implementation of Rail Inventory Management System (RIMS). Develop an NDOT State Highway-Railway Grade Crossing Action Plan. Develop a Cost based Highway-Railway Grade Crossing Prioritization Model.

Key personnel dedicated to this project are as follows:

Ric Cruz, Director of Transportation Information Services, Moffatt & Nichol

The DEPARTMENT's original estimate was \$200,000.

The SERVICE PROVIDER's original estimate was \$196,016.

The negotiations yielded the following:

1. There will be an extension of the maintenance agreement for the use/implementation of the Railroad Inventory Management System at a cost of \$91,500.
2. Develop NDOT State Highway-Railway Grade Crossing Action Plan meeting the requirements established by the FAST Act and the Federal Railroad Administration at a cost of \$90,000.
3. Develop Cost Based Highway-Railway Grade Crossing Prioritization Model Supplement to the new NDOT Highway-Railway Grade Crossing Safety Hazard Index at a cost of \$30,000.
4. The total cost for this amendment including travel/lodging is \$221,688. With a total cost of the Agreement at \$417,704.

Reviewed and Approved:

DocuSigned by:

Sondra Rosenberg

NDOT
070-069
Rev 09/14

December 15, 2017

Nevada Department of Transportation
Railroad Safety Program Coordinator
1263 S. Stewart Street
Carson City, NV 89712

Attn: Brandon J. Henning, P.E.

**Subject: Nevada Department of Transportation – Moffatt & Nichol
Rail Inventory Management System (RIMS) and Field Application Renewal;
NDOT State Highway-Railway Grade Crossing Action Plan;
Cost Based Highway-Railway Grade Crossing Prioritization Model Supplement**

Dear Mr. Henning:

Moffatt & Nichol (M&N) is pleased to present our quote for the Nevada Department of Transportation (NDOT) - Moffatt & Nichol Rail Inventory Management System (RIMS) Electronic Information Hosting Contract. This quotation is based on our RIMS renewal discussion on December 6, 2017. Parts II and III have been added and detailed separately with the respective costs assigned. As a result of our discussions I am presenting the following:

- I. Nevada Department of Transportation (NDOT) - Moffatt & Nichol Rail Inventory Management System (RIMS), (Exhibit A)
- II. NDOT State Highway-Railway Grade Crossing Action Plan, (Exhibit B)
- III. Cost Based Highway-Railway Grade Crossing Prioritization Model Supplement, (Exhibit C)

M&N will host RIMS as a foundation for data collection, storage and basic analysis. It is a shared cloud system that utilizes modern web standards to effectively assist and support NDOT personnel in maintaining their highway-rail crossing inventory requirements. RIMS allows NDOT to develop and maintain data integrity, while meeting the 2008 Rail Safety Improvement Act (RSIA) and the 2015 FRA National Highway-Rail Crossing Inventory Ruling reporting requirements.

M&N RIMS will provide a web hosted solution to NDOT that assists in the development and implementation of their Rail-Highway Crossing Safety program by allowing NDOT to maintain a current and efficient crossing inventory database. The contract will be for a lump sum amount to include the support and maintenance of crossing inventory information and a three (3) year maintenance agreement for the Rail Inventory Management System as follows:

Part One: Three Year Maintenance Agreement @ \$30,500.00/yr. (Ex. A)	\$91,500.00
Part Two: NDOT State Highway-Railway Grade Crossing Action Plan (Ex. B)	\$90,000.00
Part Three: Cost Based Highway-Railway Grade Crossing Prioritization Model Supplement (Ex. C)	\$30,000.00

Direct Costs, 3 Years (Travel-air/ground, Lodging, Per Diem) (Ex. D)	\$10,188.00
Total Lump Sum Contract:	\$221,688.00

Per your request you will find the aforementioned documents. If you have any questions regarding this proposal or require further information, please feel free to call me at 919-781-4626.

Sincerely,

Ric Cruz
Director of Transportation Information Services
MOFFATT & NICHOL

cc: Tim Reid, PE
Encl: (As Stated)

Background and Purpose

A series of meetings, the last being on December 6, 2017, were held between personnel from the Nevada Department of Transportation (NDOT), Railroad Safety Section (the Department) and Moffatt & Nichol (M&N) representatives. M&N provides a web-based system, known as the Rail Inventory Management System (“RIMS”), as a mechanism for entering, maintaining, updating and transmitting information associated with the information gathering and reporting requirements of the 2008 Rail Safety Improvement Act (“RSIA”) and the 2015 FRA National Highway-Rail Crossing Inventory Ruling reporting requirements. This document will serve as documentation of the items discussed and the perspective scope of work as this project develops and to ensure that the Rail Section receives the high level of engineering safety application support services necessary to maintain a successful Crossing Safety Program.

Moffatt & Nichol developed the RIMS application to assist in managing State Rail Crossing Safety Programs. It is a comprehensive database used in the day to day operations of Crossing Safety Programs as foundation for data collection, storage and basic analysis. RIMS utilizes modern web standards to effectively assist crossing safety personnel in maintaining their rail-highway crossing inventory database. The passage of the 2008 Rail Safety Improvement Act (RSIA) and the 2015 FRA National Highway-Rail Crossing Inventory Ruling reporting requirements has tasked the states and railroads with a set of requirements that are currently not supported by existing database systems. Moffatt & Nichol’s RIMS provides a web hosted solution that assists in the development and implementation of Rail-Highway Crossing Safety programs by allowing crossing safety personnel to maintain a current and efficient crossing inventory database. This agreement will be a “service” solution based on the RIMS application hosting rail-highway crossing data, with a universal set of functions that assists in managing the respective crossing safety and inventory programs. RIMS comprehensive and direct solutions are synchronized with FRA’s and FHWA’s changing requirements. An annual maintenance contract incorporates these changes and other tasks into the construct of support operations.

The core of the agreement is the availability of the system. RIMS is designed to be available anywhere, at any time, from any device. Our application infrastructure design features multiple levels of redundancy at each level to reduce bottlenecks and provide fault tolerance. The servers are maintained in an enterprise class data center with multiple ISPs to ensure maximum availability. Being served over the public Internet means that security is a top priority and we take every step to stay on top of any issues or trending dangers.

With FRA submittal being a moving target, constant vigilance is required to ensure smooth operation. When FRA communication issues arise, our personnel will work out a solution with the FRA without requiring direct involvement from NDOT personnel. RIMS will be updated, under the agreement, should the FRA change rules, procedures, or data schemas. The RIMS application will be continually developed adding new features, performance enhancement, and adapting to new technologies. Up to 40 hours of supplemental development time is available for modifications or additions to NDOT features.

The subscription and maintenance period provides unlimited access to NDOT employees or their contractors. Once access to RIMS is provided to new users, WebEx training will be scheduled. New users will receive a thorough overview of RIMS capabilities and features. Yearly on-site training will also be available for new users or to cover changes to FRA requirements and highlight new RIMS features. Additional ad-hoc training will be provided as needed via WebEx. Customer support for FRA issues, RIMS use assistance, or QA/QC questions will be available via the RIMS help desk.

Tasks

The tasks to be performed within this assignment are those required and represented within the yearly (3 year total contract) maintenance service provided by MN through data support and access of the RIMS application.

Milestone #1: Year one RIMS Maintenance Agreement: Deliverable consists of providing hosted solution for Client Crossing Safety Data for one year starting 12/31/2018 through 12/31/2019. Specific tasks under Milestone 1 are as follows:

Task 1: Project Management

- Project coordination
- Project testing, evaluations, and implementation
- Collecting data
- Facilitating meetings
- Developing designs, reports and plans as necessary
- Establishing schedule and budget objectives
- Evaluating project progression to assure conformance with the project schedule and applicable client standards

Task 2: NDOT RIMS - Basic Features

- Mobile friendly Web application
 - Inventory data entry/maintenance/updates *
 - Query and generate railroad crossing inventory data/reports *
 - Customizable data query *
 - Intuitive data entry *
 - Comprehensive record history with user tracking *
 - Built-in data validation
 - Integrated photo upload and storage
 - Integrated document upload and storage
- Provide Quality Assurance/Quality Control (QA/QC) for FRA inventory database reporting fields
- Integral QA/QC process *
- Provide Geographic Information System (GIS) capabilities *
- GIS/Web map view
- GPS enabled geo-location
- Data Collection *
- Offline mode data checkout/update
- Allow the direct integration of GPS data.
- RIMS Training *
- New user training - RIMS update training

- Rating model support - FRA Accident Prediction Model included
- Customizable data export: shapefile, csv, kmz
- Printable FRA inventory forms
- FRA collision record querying
- FRA collision history
- Inter-organization collaboration tools
- Automated FRA data submittal *
- Updates to support FRA regulation changes *
- Updates to support FRA data transfer requirements *
- Provide NDOT with data transfer on demand at the discretion of user, data to be accessed and downloaded at any time. *
- MN/Tavla Solutions will provide periodic data updates per agreed upon schedules and formats.*
- Help Desk support
- Travel, Per Diem per GSA requirements
- Maintain established Security:
 - SSL/TLS Encryption
 - Email based user IDs
 - Non-expiring passwords
 - Automated password recovery
 - Role based permissions

Deliverables: A Highway-Railway Crossing Safety Inventory Database and application that contains all of the applications described above. *

Deliverables: Continual software upgrades that reflect the FRA Inventory and HSIP reporting requirements and updates from system deployment through the termination of the contract. *

Task 3: NDOT RIMS Customization

- Custom Data Fields *
- NDOT Rating Models - Provide Highway-Railway Hazard/Risk functions *
- Query Saving *
- Project Tracking *
- Diagnostic and Inspection Tracking *
- Sketching Tool *
 - Output Site Drawings- Allow site drawings to be updated in the field electronically and exported as a .PNG. *

Deliverables: Existing in place NDOT customization. *

Task 4: Subscription and Maintenance (Year One, Year Two, and Year Three)

- Continued access to and maintenance of all basic RIMS features and NDOT customizations *
- A system warranty from date of system acceptance for the remaining term of the contract *
- System will be modified as the FRA Inventory and HSIP reporting requirements change *
- Ongoing maintenance fees may be negotiated upon optional contract renewal *
- Provide hosted solution for NDOT Crossing Safety Data *
- Update data to FRA
- Maintain Services accessibility to NDOT data
- Secure NDOT access to RIMS
- Unlimited NDOT updates for NDOT highway/rail crossings
- RIMS maintenance/upgrades
- RIMS upgrades per FRA requirements
- Up to 40 hours of supplemental development time for NDOT features if needed
- Provide NDOT with data transfer on demand at the discretion of user, data to be accessed and downloaded at any time.
- MN/Tavla Solutions will provide periodic data updates per agreed upon schedules and formats.
- Continued training shall be provided for all software upgrades *
- One on-site visit per maintenance year
- Webinar training available with system upgrades and new feature implementation
- On line user guide

Deliverables: Continued access to and maintenance of all basic RIMS features and NDOT customizations.

Deliverables: Continual software upgrades that reflect the FRA Inventory and HSIP reporting requirements and updates from system deployment through the termination of the contract.

- Contract amount is for \$30,500.00/year, see Exhibit D for details. (Expenses not included in above dollars)

Milestone #2 and #3 will mirror the Tasks as outlined in Milestone #1 as they represents subsequent years of the RIMS application maintenance contract.

Background and Purpose

Development of State highway-railway grade crossing action plans (State action plans (SAP)) was initially required by Section 202 of the Rail Safety Improvement Act of 2008 (RSIA08), Public Law 110-432, Division A, for the 10 States identified with the highest number of highway-railway grade crossing collisions over a specific 3-year period (calendar years 2006, 2007, and 2008) as outlined in the statute. This requirement was later codified in 49 Code of Federal Regulations 234.11, and procedures for completing SAPs were determined through an official rulemaking process, which concluded on June 28, 2010.

The 10 States identified for compliance with the development of SAPs based on calendar years 2006 through 2008 crash data were Alabama, California, Florida, Georgia, Illinois, Indiana, Iowa, Louisiana, Ohio, and Texas. Each of these States was required to complete a SAP that:

- Identifies specific solutions for improving safety at crossings, including highway-railway grade crossing closures or grade separations.
- Focuses on crossings that have experienced multiple accidents or that were at high risk for such accidents.
- Covers a 5-year time period.

In completing this process to comply with RSIA08, the Federal Highway Administration (FHWA) and the Federal Railroad Administration (FRA) identified the potential value of other States developing SAPs to address highway-railway grade crossing safety issues.

National Transportation Safety Board Recommendation

The National Transportation Safety Board (NTSB) recommended that FHWA and FRA (Recommendations H-12-60 and H-12-61) develop a model grade crossing action plan that can be used as a resource document by all States interested in producing an action plan similar to those required for the 10 States in RSIA08. The NTSB recommendation suggested that a model plan would incorporate available information from USDOT and the American Association of State Highway and Transportation Officials (AASHTO), as well as best practices and lessons learned after 5 years of the SAPs following RSIA08 passage.

The Highway Safety Improvement Program (HSIP) administered by FHWA requires a data-driven strategic approach to improving highway safety on all public roads that focuses on performance. The Highway-Railway Crossings Program (Section 130) funds are set aside from the HSIP apportionment for the elimination of hazards and installation of protective device at public highway-railway crossings. In accordance with 23 United States Code (USC) 130(d), each State is required to conduct and systematically maintain a survey of all highways to identify those highway-railway grade crossings that may require separation, relocation, or protective devices and to establish and implement a schedule of projects for this purpose. At a minimum, this schedule is to provide signs for all public highway-railway crossings.

LEGISLATION REQUIRING ALL STATES TO DEVELOP A STATE ACTION PLAN

Section 11401 of the Fixing America's Surface Transportation (FAST) Act requires each State to develop a SAP. FRA will review and approve the new and updated SAPs. If FRA finds that a SAP is deficient, it will notify the State, which will have 60 days to update it. After the SAP is approved, FRA will publish the SAP on its website in accordance with the FAST Act.

Approach to State Action plan

The Division has been given the requirement to develop and present a SAP in accordance with FHWA and FRA requirements. Efforts have been made to support the Nevada Department of Transportation (Department) policy dedicated to using a data centric approach in their project prioritization processes. Based on the complexity of the data requirements the Rail Program Safety Section has been tasked in recent years to coordinate, manage, develop models and distribute information for the multiple branches of the Department. Dynamic funding requirements have introduced a varied approach to prioritization processes in Division Safety, Freight, and Passenger related projects. Multiple data sources within and outside the Department are essential to supporting various modeling tools designed to rate projects and implement required funding levels.

Likewise the dynamic funding environment requires the ability to analyze, develop, modify and validate the various models used within the Division. The Division SAP will reflect the culmination of these efforts as we address highway-railway grade crossing safety issues. The primary objective of this scope is to describe the deliverable for the development of a SAP outlining and applying best practices of existing plans and other noteworthy practices that could be used by State of Nevada Railroad Safety Program (NDOT), local agencies (e.g., cities, counties, towns, and tribal governments), and railroad companies. The outcome will be the submittal to the FHWA and FRA for approval and ultimately implementation.

The below reflects those items to be considered and included as part of the SAP.

Task 1: Project Management

- Project coordination
- Collecting data
- Organization of analysis teams
- Facilitating meetings
- Developing designs, reports and plans as necessary
- Establishing schedule and budget objectives
- Evaluating project progression to assure conformance with the project schedule

Task 2: State highway-railway grade crossing program review

- Areas of focus/Strategies
- Incident Data Analysis
 - Multi collision Crossings
 - High Risk crossings
 - Challenges
 - Trends
 - Goals
 - Metrics
- Engineering
 - Inventory
 - Safety and Coordination
 - Planning
 - Construction
 - Projects

- Goals
 - Metrics
- Enforcement/Engagement
 - Programs
 - Goals
 - Metrics
- Funding Sources
 - Federal
 - State
 - Local
 - Private

Task 3 Develop State Action Plan

- Collect and compile relevant information
- Develop plan
 - Outline Plan
 - Introduction
 - Background
 - Goals
 - Analysis
 - Plan
 - Major Themes/Special conditions
 - Reporting
 - Metrics
 - Education
 - Review
 - Summary

Task 4 Future Program Recommendations

- Planning
- Modeling
 - Corridor Approach
 - Goals
 - Metrics

Task 5: SAP submittal to FHWA

- Submittal Letter
- SAP
- Summary
- Review
- Acceptance and Implementation

Monthly Reports and/or Daily Logs

A detailed progress report is to be submitted to the NDOT Project Manager on a monthly basis for review. The progress report will include any outstanding and/or unresolved project related issues. The NDOT Project Manager may request a Bi-weekly log documenting conversations/discussions involving the project with outside agencies or units, including stating any outcomes of those discussions.

Schedule/Timeline

This project will require inputs from multiple sources within and outside the NDOT government. As such the project variables require an initial estimate of 12 to 16 weeks. In consideration of these variables the following are assumptions being made as part of the scoping process:

- NDOT personnel participation in all areas of development of plan
- NDOT finalized selected criteria for SAP focus (example: “multiple collisions”, etc.)
- Bi-weekly status meetings
- Identification and cooperation of additional stakeholders
- Contract amount is for \$90,000 (Expenses not included in above dollars)

Deliverables

The progress toward deliverables shall be documented in monthly reports provided with invoices and shall include:

- SAP progression
- Monthly problems
- Timeline updates
- All other relevant information for project completion

MILESTONE #4

Final deliverable will be the NDOT Rail Division’s State highway-railway grade crossing action plan.

- Submittal to FHWA
- Response to change requirements of the FHWA

Background

Assigning project prioritization:

Historically, NDOT has used a modified version of the New Hampshire hazard index formula for this purpose. However, NDOT feels that the results of this formula do not accurately reflect actual safety needs of many crossings throughout the state. One of the key criticisms of the current formula is that factors such as train and traffic volumes are weighted too heavily. As a result, many urban crossings with higher traffic volumes are prioritized over lower-volume rural crossings. NDOT has retained the services of SRF Consulting Group, Inc. to assist with the development of a revised hazard index model that will prioritize grade crossing safety improvements in a manner consistent with the NDOT's goals and strategies. (Development of Revised Grade Crossing Hazard Index Model, Final Report and Recommended Model, NDOT, July 2017).

Over the past decade the US Department of Transportation (USDOT) has been leading a significant change in the process of allocating grants for infrastructure projects, embedded in the Transportation Infrastructure Generating Economic Recovery (TIGER) and Fostering Advancements in Shipping and Transportation for the Long-term Achievement of National Efficiencies (FASTLANE) programs. Since 2009 USDOT has dedicated \$4.6 billion for seven rounds of TIGER and \$800 million in one round of FASTLANE to fund projects that have a significant impact on the nation, a region or a metropolitan area. A variety of project types have been awarded including ports, rail, roads, transit, bicycle paths and pedestrian walkways. The TIGER and FASTLANE programs have a well-defined benefit-cost framework which has been identified as an important decision driver in the most recent transportation authorization program, Fixing America's Surface Transportation Act or "FAST Act".

Most of the frameworks/models currently used for safety fund allocation have been developed under different circumstances for funding availability. However more recent research has shown how to identify and quantify the secondary impacts of safety improvements. By applying the current research to well established benefit cost analyses frameworks, such as the Federal Rail Administration's (FRA), and making minor modifications it is possible to align with USDOT's efforts by quantifying secondary impacts. Furthermore, at the time of their development, conventional frameworks/models were challenged by the availability/accessibility of data and computing power. The recent developments in data management have provided an opportunity to leverage data-driven approaches to improve the identification, prioritization and selection of safety projects. These developments can provide policymakers with the kind of information they need to communicate with the public and other government agencies about the benefits of investing in safety.

Overview of the Proposed Approach

Recent advances in data collection/management/distribution along with improvements in computational capabilities led to the improvement of the approach towards safety project identification, analysis and prioritization.

M&N's proposed approach is derived from the "Benefit-Cost Methodology for Highway-Railway Grade Crossing Safety Protocols as Applied to Transportation Infrastructure Project Prioritization Processes", Ali Z. Rezvani, PhD ; Matthew Peach, PE; Andrew Thomas, PE; Ricardo Cruz, Walter Kemmsies, PhD, on behalf of the NCDOT Rail Division, Published European Transport Conference, September 2014) (B/C method).

The B/C Method leverages the available data to create a simplified way of evaluating projects by monetizing the crash cost and using the monetized value through the project identification, evaluation and prioritization process, shown in Figure 1.

Figure 1: Proposed Project Identification, Evaluation and Selection Process



In the Development of Revised Grade Crossing Hazard Index Model, Final Report and Recommended Model, (July 2017), NDOT has developed and implemented the revised model, as shown below, and recommended for official adoption by the Nevada Department of Transportation for the purpose of prioritizing the funding of highway-rail grade crossing improvements throughout the state. (Development of Revised Grade Crossing Hazard Index Model, Final Report and Recommended Model, NDOT, July 2017).

Hazard Index =

$$\begin{aligned}
 & \sqrt{EI} && \text{(Base Value)} \\
 & \times \left(1.3^{\left(\frac{A+N}{3}\right)}\right) && \text{(Crash and Near Miss Factor)} \\
 & \times \left[\begin{array}{l} 4 \text{ Quad Gate or Gates with Medians} \rightarrow 0.15 \\ \text{Gates Only} \rightarrow 0.30 \\ \text{Flashing Lights or Passive} \rightarrow 1.00 \end{array} \right] && \text{(Protection Factor)} \\
 & \times \left[\begin{array}{l} 0 \text{ to } 15 \text{ mph} \rightarrow 0.50 \\ 20 \text{ to } 35 \text{ mph} \rightarrow 1.00 \\ 40 \text{ to } 65 \text{ mph} \rightarrow 1.50 \\ 70 \text{ mph and Above} \rightarrow 2.00 \end{array} \right] && \text{(Highway Speed Factor)} \\
 & \times \left[\begin{array}{l} 0 \text{ to } 59 \text{ mph} \rightarrow 1.00 \\ 60 \text{ mph and Above} \rightarrow 1.50 \end{array} \right] && \text{(Rail Speed Factor)} \\
 & \times \left[\begin{array}{l} 1 \text{ siding/other track} \rightarrow 1.25 \\ 2 \text{ siding/other tracks} \rightarrow 1.50 \\ 3 \text{ or more siding/other tracks} \rightarrow 2.00 \end{array} \right] && \text{(Track Configuration Factor)} \\
 & \times \left[\begin{array}{l} 0 \text{ to } 30 \text{ degrees} = 2.0 \\ 30 \text{ to } 60 \text{ degrees} = 1.5 \\ 60 \text{ to } 90 \text{ degrees} = 1.0 \end{array} \right] && \text{(Crossing Angle Factor)}
 \end{aligned}$$

EI (Exposure Index) = Average Daily Highway Traffic x Daily Train Volumes

A = Crashes within the past 5 years

N = Near Misses within the past 3 years

Cost of a Grade Crossing Crash

A recent review of literature provided in the National Cooperative Highway Research Program research categorizes the cost of a grade crossing crash in two groups of primary and secondary effect costs:

- Primary Effect Costs are direct, indirect, and intangible costs associated with property damage, injury, and fatal crashes (more visible at the time of the crash)
- Secondary Effect Costs are costs accrued to delayed travelers and cargo, and to parties beyond the immediate road and rail travelers and service operators (less visible at the time of the crash).

The expected crash cost at an at-grade crossing is calculated as shown below:

Equation 1: Expected Crash Cost of an At-Grade Crossing

$$Cost = P_c \times (C_{HzM} + P(FA|A) \times (C_{FTL} + CC_{FTL}) + P(IA|A) \times (C_{INJ} + CC_{INJ}) + (1 - P(FA|A) - P(IA|A)) \times C_{PDO})$$

(Benefit-Cost Methodology for Highway-Railway Grade Crossing Safety Protocols as Applied to Transportation Infrastructure Project Prioritization Processes), NCDOT Rail Division, July 2017

Combining of Two Approaches

Current approaches identify hazardous locations by focusing on mode specific rail/highway crossings, i.e. the resulting output of the NDOT Hazard Index model will identify the high-risk crossings but do not provide enough insight to compare a highway-rail grade crossing with highway intersections. Future models and evaluations of transportation modes will integrate data and promote an effective cross-mode approach for targeted capital investment impacting the entire transportation infrastructure. As competition for safety improvement funding increases, rail safety projects should compete with other transportation modes, consequently new metrics will be developed to ensure hazard levels derived from hazard models unique to the individual transportation modes are comparable to other modes, and directed by criteria to a specific funding source.

By combining the NDOT Hazard Index model with the B/C model during the project selection and prioritization process NDOT will comply with Section 130 guidelines while simultaneously aligning selected projects with other funding criteria i.e., HSIP, Tiger and FAST grant requirements.

Task 1: Project Management

- Project coordination
- Project testing, evaluations, and implementation
- Collecting data
- Facilitating meetings
- Developing designs, reports and plans as necessary
- Establishing schedule and budget objectives
- Evaluating project progression to assure conformance with the project schedule and applicable client standards

Task 2: Configuring of NDOT B/C Method into Project Selection Process

- Collect data
- NDOT Rail project selection process analysis
- Customize model
- Adjust model for evaluation of potential Closed Crossings
- Adjust model for evaluation of “Gates” as selected upgrade
- Testing
- Validation through NDOT and FHWA
- Presentation and approval to FHWA
- Implementation of model into process (recommendations and assistance)

Schedule/Timeline

This project will require inputs from multiple sources within and outside the NDOT government. As such the project variables require an initial estimate of 4 to 6 weeks. In consideration of these variables the following are assumptions being made as part of the scoping process:

- NCDOT personnel participation in all areas of development of plan
- Bi-weekly status meetings
- Identification and cooperation of additional stakeholders
- Contract amount for this deliverable is \$30,000.00

(Expenses not included in above dollars)

Deliverables

The progress toward deliverables shall be documented in monthly reports provided with invoices and shall include:

- NDOT B/C model progression
- Monthly problems
- Timeline updates
- All other relevant information for project completion

MILESTONE # 5

Final deliverable will be the NDOT Cost Based Highway-Railway Grade Crossing Prioritization Model Supplement

- 2018 list of rated B/C model crossing Closures
- 2018 list of rated B/C model crossings for upgrades to gates

Nevada Department of Transportation - Moffatt & Nichol		
Rail Inventory Management System (RIMS) and Field Application Renewal		
PAYMENT SCHEDULE		
Payment Milestone Description	Date	Amount
Milestone #1- Start 1st Year Maintenance	12/31/2018	\$30,500.00
Milestone #4 - NDOT State Highway-Railway Grade Crossing Action Plan	Based on Deliverable	\$90,000.00
Milestone #5 - Cost Based Highway-Railway Grade Crossing Prioritization Model Supplement	Based on Deliverable	\$30,000.00
Direct Costs (Travel-air/ground, Lodging, Per Diem)	Based on usage	\$6,556.00
Year one (1) total		\$157,056.00
Milestone #3 - Start 2nd Year Maintenance	12/31/2019	\$30,500.00
Direct Costs (Travel-air/ground, Lodging, Per Diem)	Based on usage	\$1,816.00
Year two (2) total		\$32,316.00
Milestone #4 - Start 3rd Year Maintenance	12/31/2020	\$30,500.00
Direct Costs (Travel-air/ground, Lodging, Per Diem)	Based on usage	\$1,816.00
Year three (3) total		\$32,316.00
Project Total		\$221,688.00
Note: Milestones and Direct Costs to be separate line item and will represent actual cost during billing cycle. Direct Cost estimates are fixed/not to exceed amounts shown		

Line Item 2

093-14-016Amd1

Request to Solicit Services and Budget Approval (2A)
Amendments for time extensions (time only) do not require a form 2a

Initial Budget Request x Request for Amendment #: 1 Agreement #: P093-14-016

If Amendment, name of Company: Clean Harbors Environmental

Project ID #(s): P093-14-016

Type of Services: Service Provider

Originated by: Juan Hernandez Division: Traffic Ops Date Originated: 11/29/2017

 Division Head/District Engineer: Denise Inda

Budget Category #: 466006 Object #: 814E Organization #: C016

Estimated Cost: \$250,000.00 Type of Funding: State % of Fund: 100

Funding Notes: State Fiscal Year(s): 2018-2019

State Fiscal Year (SFY):

SFY18: \$100,000.00

SFY19: \$150,000.00

Financial Management:

DocuSigned by:
Donna Spelts 11/30/2017
8A78D93AD71E514 Signature Date

Approval of this form by the Financial Management Division, Budget Section, provides funding authority for the services described. Actual availability of funds and the monitoring of actual expenditures must be determined by the Division Head.

Project Accounting:

DocuSigned by:
Norfa Lanuza 11/30/2017
3BAB63AE0205114 Signature Date

Director:

Requires Transportation Board Presentation

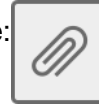
x Does not require Transportation Board presentation

DocuSigned by:
Rudy May 11/30/2017
C4C7CE5CD588114 Signature Date

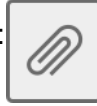
093-14-016Amd1

Attachments:

Budget by Organization Report (Report No. NBDM30) attached here:



If Amendment, attach original Agreement here:



Any additional information to attach: No

Purpose of, and Justification for, Budget Request:

We are requesting an amendment to extend this agreement through June 30, 2019, and add an additional \$250,000.00 to this agreement for a total of \$500,000.00. The agreement will also be charged to Cat 06 Object Code 814F to align with similar work in other areas of the department. Increased awareness of stormwater concerns resulted in a greater use of hazmat cleanup statewide, requiring additional funding. Prior to the termination date, Traffic Ops will complete an evaluation of best practices from other agencies and will seek input from the districts to develop an RFP for future services. See attached synopsis for greater detail.

Scope of Services:

The program provides emergency response on-call services statewide for contamination assessment and remediation services in response to hazardous spills or releases, any type of contaminant directly effecting a waterway, illicit disposals, or any related environmental concern within or adjacent to the department's right-of-way. Please refer to the attached agreement for the complete scope of work.

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION

MEMORANDUM

January 18, 2018

TO: Reid Kaiser, Assistant Director

FROM: Juan Hernandez, Project Manager

SUBJECT: Negotiation Summary for the Nevada Statewide Hazmat Program
RFP No. 093-14-016, Agreement No. P093-14-016, Amendment No. 1

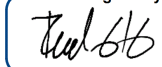
On May 8, 2014, a negotiation meeting for the Nevada Statewide Hazmat Program was held in Carson City between Clean Harbors Environmental and NDOT Traffic Operations. The scope of services provided by Clean Harbor Environmental effective June 30, 2014, through June 30, 2018, was reaffirmed by both parties at the outset.

The scope includes on-call services, statewide, for contamination assessment and remediation services in response to hazardous spills or releases, any type of contaminant directly effecting a water way, illegal dumping, or any related environmental concerns within or adjacent to the NDOT's right-of-way. This program is unique in that it allows NDOT Maintenance personnel to call for cleanup, which expedites the cleanup process and reduces driver delay. The responsible party is billed for these services and the department pays for cleanup only when the spiller cannot be identified.

The original negotiated amount for this agreement was \$250,000.00; however, with the implementation of the Stormwater division in 2015, new Stormwater protocols increased program activity by 70.46% and increased program expenditures by 108.33%. As part of Amendment No. 1, Traffic Operations is recommending extending the current agreement's termination date from June 30, 2018, to June 30, 2019, to allow adequate time to coordinate with other jurisdictions and DOT's to identify best practices and develop an RFP for an optimized hazmat program. The time extension and projected hazmat activity will increase the negotiated amount by \$250,000.00 to a new total of \$500,000.00.

In addition, to align the work from this program with other work within the department, Traffic Operations is also requesting to change the program's funding from Category 04 - Operational Funds, Object Code 7131 - Hazardous Waste Disposal to Category 06 - Capital Improvement Funds, Object Code 814F - Service Provider Environmental.

Reviewed and Approved:



Assistant Director

ATTACHMENT A - SCOPE OF WORK

The DEPARTMENT requires a SERVICE PROVIDER on an as-needed basis, statewide, for contamination assessment and remediation services in response to hazardous and non-hazardous spills or releases, any type of contaminant directly effecting a water way, illegal dumping, routine scheduled maintenance procedures, or any related environmental concerns within or adjacent to the DEPARTMENT's right-of-way. The cleanup, classification, packaging, removal, transportation, storage, waste disposal, documentation, and associated reporting shall be in compliance with all applicable local, state and federal laws, rules, and regulations to include but not be limited to 40 CFR 260 and 49 CFR 171.

For the purposes of this contract: (a) hazardous materials are solids, liquids, gases, or a combination of these states that pose a threat to public health, other living organisms, property, or the environment; (b) urban areas are defined as being within Sixty (60) miles from the I-15/I-515 Spaghetti Bowl in Las Vegas and the I-80/I-580 Spaghetti Bowl in Reno, all areas outside the urban areas are defined as rural; (c) preliminary action plans shall include the requisite methods to secure the site, identify, and contain the spilled or released material; and (d) remedial action plans shall include the requisite methods to: manage and dispose the spilled or released material; and restoring the site to pre-contaminated conditions in compliance with the Nevada Department of Transportation Standard Specifications for Road and Bridge Construction 2001 Version and the Standard Plans for Road and Bridge Construction 2010 English Version.

The SERVICE PROVIDER agrees to the following:

- a. On-call availability Twenty-Four (24) hours per day, Three Hundred Sixty-Five (365) days per year.
- b. For Urban Emergencies, when directed by the DEPARTMENT, the SERVICE PROVIDER shall respond immediately and have the necessary personnel, material, and equipment on-site within Two (2) hours to conduct contamination assessment activities and execute a preliminary action plan. Within Four (4) hours of initial notification, the SERVICE PROVIDER shall have the necessary personnel, material, and equipment on-site to execute a remedial action plan.
- c. For Rural Emergencies, when directed by the DEPARTMENT, the SERVICE PROVIDER shall respond immediately and have the necessary personnel, material, and equipment on-site within Four (4) hours to conduct contamination assessment activities and execute a preliminary action plan. Within Eight (8) hours of initial notification, the SERVICE PROVIDER shall have the necessary personnel, material, and equipment on-site to execute a remedial action plan.
- d. Non-Emergencies will be scheduled services requested by the DEPARTMENT.
- e. The SERVICE PROVIDER shall have the necessary qualifications, licensing, certifications, and experience to conduct site assessments, develop and implement preliminary action plans, remedial action plans, and perform source removal (with associated reporting) in accordance with all applicable local, state and federal ordinances, rules, regulations and laws.
- f. The SERVICE PROVIDER shall implement traffic control on an as needed basis. Traffic control devices shall conform to the requirements of the 2009 Manual on Uniform Traffic Control Devices and Nevada Department of Transportation Standard Plans for Road and Bridge Construction 2010 English Version.

- g. The SERVICE PROVIDER shall maintain, furnish, discuss, and defend records and reports covering each task assignment as required by the DEPARTMENT and relevant regulatory authority. The records and reports shall be of the type and form acceptable to the DEPARTMENT and relevant regulatory authority.
- h. Releases of reportable quantities of regulated materials shall be reported to the relevant regulatory authority within 24 hours. Subsequent remedial activities including extent of cleanup are subject to the approval from the DEPARTMENT and relevant regulatory authority.
- i. The DEPARTMENT shall guarantee payment for services inside Department right-of-way in the event the responsible party is not identified. In the event the responsible party is identified, the SERVICE PROVIDER shall be responsible for obtaining full payment from the responsible party.
- j. The SERVICE PROVIDER shall ensure one or more representatives are present at all Nevada Traffic Incident Management (TIM) Coalition meetings and any other meeting at the DEPARTMENT's request for the life of the contract.
- k. The SERVICE PROVIDER invoices shall include a timeline of events starting from receipt of notification through the remediation process. The events include, but are not limited to:
 - 1. Nevada Division of Environmental Protection (NDEP) complaint/spill report form number
 - 2. Notification date and time
 - 3. County, Route, and Mile Post
 - 4. Initial on-site arrival time and location
 - 5. Material spilled/released, quantity spilled/released, and hazardous classification
 - 6. If applicable, NDEP's no further action letter documenting regulatory approved cleanup
 - 7. DEPARTMENT's representative contact information
 - 8. If applicable, responsible party's contact information including company name, contact name, contact number, vehicle registration or license plate information, and insurance information
 - 9. List of charges per approved service fee schedule
 - 10. Remediation team on-site arrival time
 - 11. Incident completion date, time, and duration
 - 12. Shipping manifests, before and after pictures, and post cleanup report
 - 13. If applicable, law enforcement case number and contact information
- l. The SERVICE PROVIDER shall develop, provide, and maintain electronic monthly status reports summarizing all incidents and cumulative totals from the responsible party and the DEPARTMENT for the fiscal year. The SERVICE PROVIDER shall submit the reports for the life of the contract to the DEPARTMENT by the Seventh (7th) day following the end of every month and shall include, but not be limited to the following information:
 - 1. If applicable, NDEP complaint/spill report form number
 - 2. Date, Notification Time, Response Time, and Duration
 - 3. County, Route, and Mile Post
 - 4. Material and Quantity Spilled
 - 5. Hazardous Classification
 - 6. Department or Responsible Party Contact Information
 - 7. Invoice ID Number and Cost
 - 8. Remediation Method(s)

Line Item 3

382-17-802

Request to Solicit Services and Budget Approval (2A)
Amendments for time extensions (time only) do not require a form 2a

Initial Budget Request Request for Amendment #: Agreement #:

If Amendment, name of Company:

Project ID #(s): XS20170008

Type of Services: Truck Parking Implementation Plan Study

Originated by: Bill Thompson Division: Multimodal Date Originated: 5/25/2017

 Division Head/District Engineer: Mark Costa

Budget Category #: 06 Object #: 814U Organization #: C802

Estimated Cost: \$500,000 Type of Funding: Fed/State % of Fund: 95/5

Funding Notes: State Fiscal Year(s): 2018

National Highway Freight Program Funds have not been allocated for FY2018 yet. (Z460)

Financial Management:

DocuSigned by:
Donna Spelts 6/7/2017
8A78D93AD71E514 Signature Date

Approval of this form by the Financial Management Division, Budget Section, provides funding authority for the services described. Actual availability of funds and the monitoring of actual expenditures must be determined by the Division Head.

Project Accounting:

DocuSigned by:
Norfa Lanuza 6/13/2017
3BAB63AE0205114 Signature Date

Director:

Requires Transportation Board Presentation

Does not require Transportation Board presentation

DocuSigned by:
Rudy May 6/13/2017
C4C7CE5CD588114 Signature Date

382-17-802

Attachments:

Budget by Organization Report (Report No. NBDM30) attached here:



If Amendment, attach original Agreement here:

Any additional information to attach: No

Purpose of, and Justification for, Budget Request:

The Nevada State Freight Plan identified the need for a Freight Truck Parking Expansion and ITS Program with the goal to expand, improve, and integrate freight truck parking and communications systems that respond to hours of service requirements and improve the safety, reliability, and efficiency of goods movement by trucks. The purpose of this study would be to determine the extent of the truck problem in the state and identify solutions and potential sites for new or expanded truck parking facilities to meet the state’s demand. Due to the lack of specialized expertise and the amount of time we will be seeking a consultant (or consultant team) to identify the central role of the State of Nevada in advancing the development of a Truck Parking Implementation Plan.

Scope of Services:

This Plan is intended to provide real-time truck parking information on interstate and interregional highways of the State’s freight transportation system, ensure adequately spaced rest areas, and develop overnight full-service truck facilities at locations where there are shortages of truck parking – balanced within Nevada and neighboring states to meet demand. This will improve truck driver safety and reduce negative impacts on local communities. Task 1: Project Management / Scoping / Kickoff Meeting, Task 2: Coordination and Industry Outreach, Task 3: Data Collection, Task 4: Estimation of Demand and Capacity, Task 5: Issue Identification, Task 6: Draft Recommendations, Task 7: Final Report.

**STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION**

MEMORANDUM

December 20, 2017

TO: Sondra Rosenberg, Assistant Director

FROM: Bill Thompson, Project Manager

SUBJECT: Negotiation Summary for RFP 382-17-802, Nevada Truck Parking Implementation Plan

A negotiation meeting was held on a conference call on December 19, 2017, with Cambridge Systematics, Inc. Dan Andersen and Brian Stewart and Bill Thompson of the Nevada Department of Transportation (DEPARTMENT) in attendance.

The DBE goal for this agreement has been established at zero percent (0%).

The scope of services that are to be provided by the SERVICE PROVIDER was reaffirmed by both parties at the outset. See Attached:

The following schedule was agreed to by both parties:

Tasks		2018											2019	
Task	Meeting / Deliverable	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	
1. Project Management														
2. Stakeholder Outreach and Coordination														
	TPAC		▲			▲		▲		▲				
	FAC	▲								▲				
	WSFC & subcommittee	▲			▲				▲					
	Interviews		▲	▲	▲									
	Survey		▲	▲										
3. Data Collection	Tech Memo				★	★								
4. Needs Assessment	Tech Memo					★	★							
5. Recommendations	Tech Memo							★	★					
6. Implementation Plan	Tech Memo									★	★			
7. Final Report	Draft & Final Report											★	★	

Legend	
Meetings	▲
Draft Deliverable	★
Final Deliverable	★

Key personnel dedicated to this project are as follows:


Dan Andersen	Project Manager
Brian Stewart	Deputy Project Mgr.
Nick Vlahos	Principal in Charge and Sr Reviewer
David Willauer	Task Leader
Evan Enarson-Hering	Task Leader

The SERVICE PROVIDER's original estimate was \$601,752, including direct labor 2,308 man-hours of work by the SERVICE PROVIDER), overhead rate of 175%, a 10% fee, and direct expenses at \$173,444 (including sub-consultant expenses).

The negotiations yielded the following:

1. There will be 1,931 total man-hours allotted throughout the course of this agreement at a direct labor cost of \$107,948, 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 175%, the overhead amount will be \$188,909.
3. A fee of 10% was agreed to by both parties, and will be \$29,687 for this agreement based upon direct labor costs and an overhead rate of 175%.
4. The direct expenses agreed to total \$173,444 for sub-consultants, reproduction, communication, travel and per diem. There will be no direct compensation for computer time.
5. The cost of this scope was reduced by \$101,764. The total negotiated cost for this agreement, including direct labor, overhead, fee and direct expenses will now be \$499,988.

Reviewed and Approved:



Assistant Director

Estimate of Hours and Direct Expenses

Man Hours Agreement P382-17-802			
Task	NDOT	Service Provider (and Subs)	Agreed
1. Project Management		144	
2. Stakeholder Outreach and Coordination		382	
3. Data Collection		1,473	
4. Needs Assessment		284	
5. Recommendations		248	
6. Implementation Plan		361	
7. Final Report		276	
8.			
9.			
10.			
Totals		3,168	

Direct Expenses Agreement P382-17-802			
Item	NDOT	Service Provider (and Subs)	Agreed
1. Project Management		\$2,000	
2. Stakeholder Outreach and Coordination		\$11,800	
3. Data Collection		\$30,500	
4. Needs Assessment			
5. Recommendations			
6. Implementation Plan			
7. Final Report			
8.			
9.			
10.			
Totals		\$44,300.00	

Attachment A

Scope of Services

1.0 Task 1 – Project Management

The objective of Task 1 is to set an overall project management approach to successfully deliver the Nevada Truck Parking Implementation Plan.

Cambridge Systematics (CS) will proactively manage this project to ensure an open stream of communication between the CS team and NDOT's Project Manager. CS will hold monthly progress meetings with NDOT's Project Management Team (PMT)—by phone, and occasionally in person if scheduling allows—to discuss project status, new and outstanding issues, schedule adjustments, or other items as needed.

CS will develop a Project Management Plan detailing all components of the project including key tasks, a schedule with milestones, assumptions and deliverables, and roles and responsibilities.

In coordination with NDOT, the CS Team will schedule a kick-off meeting within 2 weeks of the notice to proceed. This kick-off meeting will include at a minimum: team introductions, project approach, schedule, reporting requirements, format for final deliverables, initial data requests, stakeholder list and communication protocols.

CS will prepare monthly invoices indicating progress and percent complete for each task, work anticipated for the next month, and any issues or needs.

NDOT will have 2 weeks to review draft deliverables of each Task in this scope of work. Edits and comments will be returned to CS in a single, consolidated document with edits in track changes or comments. As needed, CS may submit outlines or other preliminary documents for comment/discussion with the NDOT PMT. These will not be treated as formal deliverables.

Deliverables

- Project Management Plan
- Monthly progress reports and invoices
- Kick-off meeting agenda, presentation, and meeting summary

2.0 Task 2 –Stakeholder Outreach and Coordination

The purpose of this task is to engage key public and private stakeholders to better understand truck parking needs, obtain accurate information on supply and demand, develop solutions that have broad-base support for implementation. There are two main subtasks under this Task. The first is coordination with committees and NDOT management, the second is stakeholder outreach that will feed the data collection and evaluation tasks.

2.1 Stakeholder Coordination

To ensure coordination and appropriate guidance for this project, the CS team will facilitate meetings and briefings with the groups noted below.

2.1.1 *Truck Parking Advisory Committee (TPAC)*

CS will charter an advisory committee comprising of, at minimum: truck stop owners/operators, Nevada Trucking Association, Owner-Operators and Independent Drivers Association (OOIDA), trucking representatives or representatives from companies with a large truck fleet, County representatives, NDOT Right-of-Way, NDOT Traffic Operations, NDOT Commercial Vehicles, NDOT District Engineers, FAST, and the Nevada Highway Patrol. Neighboring state DOTs and other interested public and private stakeholders will be include as available and interested. This committee will meet up to four times during the project at key milestones and will be requested to provide technical guidance and possibly review some report sections or data based on individual expertise.

The meetings may be held alternately in the Las Vegas and Reno metropolitan areas, with a video or conference call link for those unable to attend in person. They will be facilitated and attended by the CS Project Manager, or a suitable substitute if needed, with additional CS staff participating via phone or webinar as needed.

2.1.2 *Freight Advisory Committee (FAC)*

The existing Nevada FAC will be briefed on project progress up to two times during the project. They may be asked to provide high-level guidance or comments on the project, but will not be expected to provide technical feedback. FAC meetings are held via video conference at NDOT facilities.

2.1.3 *Western States Freight Coalition (WSFC)*

A WSFC meeting will be held shortly after the kick-off meeting to gauge interest in multi-state parking collaboration. CS will facilitate up to two additional conference calls with those states interested in collaborating, to coordinate data collection, policy development, and implementation strategies.

CS efforts and analysis will not extend into other states—this task is primarily focused on multistate coordination. Any joint implementation strategies, such as preparing a joint INFRA or TIGER grant, are considered to be outside the scope of this contract.

2.1.4 *NDOT Planning Management Briefings*

The CS team understands the value of inreach and encourages NDOT Planning leadership to participate in any of the PMT meetings. In addition, CS will conduct up to two briefings to present project status and receive guidance that will ensure project acceptance.

2.2 Industry and Stakeholder Outreach

Industry and public sector outreach will be a critical component of this Plan. The CS Team will approach a number of groups using a variety of outreach techniques including:

2.2.1 *Online Survey*

An online survey directed at truck drivers and truck dispatch/operations personnel will be developed and administered. The survey will include general questions regarding truck driver needs and concerns, vehicle and trip information, parking preferences, and parking information retrieval preferences in addition to known issues specific to Nevada trucking operations and truck parking issues such as weather-related delays. This task will be led by the American Transportation Research Institute (ATRI).

2.2.2 *Interviews*

CS will lead up to 20 phone interviews (a limited number may be in-person as schedule allows) with:

- Public sector officials including FHWA/FMCSA, NDOT, economic development agencies, MPO/local municipalities located near key corridors. Interviews will target both urban and rural areas and will discuss general truck parking needs and issues, public perception, regulations, and land use opportunities and constraints.
- Private sector stakeholders including large shippers/receivers, trucking companies, and private parking providers. This information will be used to fill in gaps from the online survey and understand truck parking market trends and the potential for private investment. It will also explore the desire for electric vehicle charging infrastructure to support truck fleets. Information from some of these meetings may be summarized or combined to protect confidentiality.
- Las Vegas Convention and Visitors Authority and major convention service providers. Truck parking to support large conventions is a unique challenge for the Las Vegas region. Truck trips between temporary marshalling yards and the event location can generate thousands of trips over a short period. CS will work with these groups to understand the unique challenges and needs for these types of events and investigate locations for a permanent truck parking and freight staging area in the vicinity of major convention facilities. If needed, an on-site trip to examine potential locations will be scheduled.

2.2.3 *Coordination with On-going Research and Studies*

The CS Team will also rely on NDOT to provide information or schedule discussions with key staff or other consulting teams on on-going research that may impact the Nevada Truck Parking Implementation Plan. The “Investigation of Stakeholder Perspectives on the Efficacy of Commercial Vehicle Safety, and Size and Weight Regulation and Enforcement” study is one

known example. Other potential studies will be discussed at the kick-off meeting. Up to three coordination meetings are assumed.

Assumptions

- TPAC – Up to four meetings attended in person by the CS project manager, and others by phone if needed.
- FAC – Up to two meetings attended in person by the CS project manager, and others by phone if needed.
- WSFC – Up to three conference call meetings attended by the CS project manager and others if needed.
- NDOT Planning Management – Up to two meetings attended in person by the CS project manager, and others by phone if needed.
- Interviews – Up to 20 phone interviews (a limited number may be in-person as schedule allows)
- On-going research and studies – Up to three coordination meetings

Deliverables:

- Brief white paper describing the online survey distribution plans, data collection methodologies, quality assurance processes, and timeline. Results will be analyzed as part of Task 3.
- Final presentation material and summaries of interviews/meetings/briefings. Information will be compiled and aggregated as necessary to protect confidentiality

3.0 Task 3 – Data Collection

The objective of this task is to collect all of the data necessary to complete the Needs Assessment (Task 4) including truck parking supply and demand analysis, and issues identification. This task will compile, clean, and evaluate all of the data needed to conduct the Needs Assessment.

3.1 Literature review

The literature review will include an overview of the requirements for truck parking found in Jason's Law, relevant truck parking statutes or restrictions in federal or Nevada law, and a review of previously conducted truck parking studies around the U.S. with a focus on identifying any innovative approaches to siting, financing, or operating truck parking facilities. The review will also identify commonly used Intelligent Transportation Systems (ITS) that support truck parking and their strengths and weaknesses. Potential ITS solutions include systems to estimate truck parking availability (In-Pavement Systems, Video Systems, and Light/Laser Systems), communication

elements (Dynamic Message Signs, Smartphone App, Web-based), and reservation systems such as FHWA “SmartPark” and HoldingPen.com Automated Truck Parking.

3.2 Supporting Information Compilation

CS will compile and evaluate existing data to provide context and additional details about why trucks are traveling where they are and why they must make parking decisions. Examples of data that will be evaluated under this task include:

- Truck Volumes (current and projected) and existing truck counts
- Truck Bottleneck/Delay
- Truck-Involved Crashes (most recent prior 3 years)
- Citations issued for unauthorized parking and hours-of-service (HOS) violations.
- Highway closures greater than 2 hours (location, time, duration, cause). Closures on relevant routes in California that can create truck parking in Nevada (I-80, U.S. 395, U.S. 50) will also be included.
- Land use and employment data – for urban areas of the state, publicly available land use or zoning data, and employment data from the Nevada Department of Employment, Training and Rehabilitation (DETR), will be used to identify and locate businesses that induce truck trips. Manufacturing, industrial, and transportation and warehousing uses are the most critical. Intermodal facilities, rail yards, and other key transportation infrastructure will also be identified.

3.3 Primary Data Compilation

This subtask will be a joint effort between ATRI and Silver State Traffic to develop new, primary data.

3.3.1 *ATRI GPS Truck Dataset*

Truck origin/destination patterns and truck stop duration. This information will come from the ATRI’s truck GPS dataset. The analysis will examine truck parking patterns such as the number of trucks per hour of the day at top parking facilities in the state, percent of trucks that are stopping in Nevada versus passing through the state, and top origins and destinations in the state.

3.3.2 *Truck Parking Utilization*

To estimate the number of spaces utilized at each parking facility, the Team will collect parking utilization data from up to 20 representative locations using ATRI GPS data. The data will be augmented and validated by brief field interviews with truck drivers at designated truck stops, and vehicle classification counts provided by NDOT near the selected locations.

3.3.3 *Survey Data*

Information from the truck driver online survey (described in Task 2) and field interviews will be summarized and analyzed to highlight key trends and issues. This analysis will be led by ATRI.

Assumptions

- Supporting Information Compilation will come from publicly available data sources (NPMRDS, citation data provided by NHP, etc.) Data from proprietary sources will not be purchased.

Deliverables

- Draft and Final Technical Memorandum: Data

4.0 **Task 4 – Needs Assessment**

The objective of this task is to estimate the need for truck parking by comparing the demand to the available supply, and determining the gap and any issues.

4.1 **Truck Parking Demand Estimation**

Estimates for demand will be calculated to reflect the three general truck driver needs for end-of-HOS parking, described below.

1. **Last-Mile:** They are at an origin and destination and have to wait for access to the freight facility where they are loading or unloading, and the facility does not provide long-term parking for trucks. A special subset of this last-mile demand is truck parking associated with conventions within the Southern Nevada Resort Corridor.
2. **Long-Distance:** They are on a long-distance stretch of their trip, and need to find a parking location which maximizes their driving distance for the day but will not be full when they arrive.
3. **Incident/Event:** They are in the middle of their driving period but an incident in front of them has either closed or severely congested the highway, and their best option is to park and reset their HOS status.

Each of these types of needs requires a different analysis approach.

4.1.1 *Last-Mile*

With one exception described below, the demand for last-mile parking has not been noted as a concern in recent freight studies conducted in Nevada, however this will be validated through the industry outreach described in Task 2, and then evaluated accordingly.

The exception is within the Southern Nevada Resort Corridor, particularly with large conventions, which was evaluated in the Southern Nevada Goods Movement Corridor Study and will be

summarized in this Implementation Plan, and updated with discussions with the Las Vegas Convention and Visitors Authority and major convention service providers.

In addition, the CS team will conduct a field review of the Resort Corridor to identify possible locations where routine delivery trucks back-up onto the access roads leading to loading docks, due to congestion at the docks.

4.1.2 Long-Distance

To estimate parking demand for long-distance trips, the CS team will rely on the methodology described in the “Study of Adequacy of Commercial Truck Parking Facilities” (FHWA, 2002) as well as studies by the Pennsylvania State Transportation Advisory Committee “Truck Parking in Pennsylvania” (2007) and Virginia DOT “Virginia Truck Parking Study” (2015). These studies are focused on statewide, corridor-based parking demand.

4.1.3 Incident/Event

For incident/event parking demand, the CS team will rely on anecdotal evidence captured through stakeholder outreach with both industry and state emergency management agencies.

4.1.4 Current and Future Demand Estimates

Estimates from the above three categories will be combined to develop current demand estimates. High level estimates of future demand across these three categories will also be developed based on truck volume projections, economic development initiatives, and population growth projections.

4.2 Truck Parking Capacity

To calculate supply, the CS team will inventory existing truck parking facilities. This information will be collected from public sources such as NDOT’s “Commercial Truck Parking in Nevada” website, Allstays.com, smartphone applications such as TruckerPath, and supplemented by information gained through outreach/interviews and through analysis of ATRI truck GPS data. Truck parking amenities such as the presence of restrooms, showers, food, fuel, and internet service will be included in the inventory as data is available. To match with demand, parking supply will be summarized in travel corridors or segments (for long-distance parking).

4.3 Issues and Opportunities Identification

The gap between supply and demand will be calculated, and the issues and opportunities will be identified around at least five key topic areas related to truck parking that will influence the recommendations provided in Task 5.

4.3.1 *Asset Investment Backlog*

Once both demand and capacity are known, existing truck parking needs will be assessed. Future needs will be estimated based on future demand forecasts. Truck parking needs come from one of two reasons:

1. There is insufficient capacity to meet the demand; or
2. There is sufficient capacity, but the necessary amenities to support that demand are lacking.

Truck parking capacity assets are not uniform in amenities. Some are simply a lot or wide shoulder, perhaps a business that allows drivers with deliveries to park overnight. Other parking is part of a full-service truck driver facility, with fuel, food, and showers. Ownership of these assets also varies—most are privately owned though some are owned by public agencies.

CS will match parking needs against both capacity and appropriate amenity level, to better understand where gaps are in truck parking in the state, and what the investment backlog (from both private- and public-sector sources) is both overall and on a per-space basis.

4.3.2 *Summary of Truck Parking Issues and Opportunities*

Truck parking issues and opportunities will be assessed and described across at least five topic areas noted below.

- **Functionality:** How a site functions, its physical size, its location relative to major freight centers, and its amenities are major determinants of how a site is used by drivers.
- **Regulations:** The regulations governing trucking activity range from how many consecutive hours they drive to where and when they can park.
- **Partnerships/Coordination:** Opportunities may exist for public-private partnerships to provide the most effective means of addressing deficiencies in truck parking/staging capacity in the state.
- **Financing:** Innovative ways of financing such facilities may be required to make the provision of truck parking equitable for private operators while meeting the public goal of increased safety for both passenger and freight movement.
- **Future Plans:** Determining the future expansion plans for existing sites within those areas with high parking demand is critical in determining the need for additional capacity.

Deliverables

- Draft and Final Technical Memorandum: Needs Assessment

5.0 Task 5 – Recommendations

The objective of this task is take an asset management approach to translate truck parking backlog (the gap between identified supply and demand) into project concepts and recommendations for specific projects, actions and policies that will allow NDOT to conform with Jason's Law and provide safe and adequate truck parking to drivers in Nevada. Recommendations other states have employed can be grouped into the following categories:

- Additional truck parking capacity
 - Truck parking at abandoned rest areas
 - Weigh stations when not in active use
 - Abandoned facilities at interstate crossings or interchanges
 - Excess passenger car parking
 - Hotel/sports arena/convention centers for incident parking
- Additional truck parking amenities
- Information and Communications
 - New and emerging ITS solutions
 - Web presence
- Policy and Funding/Financing
 - Public-private partnership arrangements
 - Multistate coordination

The more promising strategies from the above list, and others identified through this process and with stakeholder input, will be developed and described, including planning level cost estimates as applicable. Specific projects will be prioritized using an approach consistent with the prioritization process used for the Nevada State Freight Plan, modified as appropriate by the process currently under development for the One Nevada Transportation Plan.

Deliverables

Draft and Final Technical Memorandum: Recommendations

6.0 Task 6 – Implementation Plan

CS will prepare a plan that will identify the actions needed to implement the recommendations, noting who is responsible, the partnerships needed, the funding sources that can be accessed, and the timing. The Fiscally Constrained Freight Investment Plan from the Nevada State Freight Plan will be updated, and recommendations will be folded into the One Nevada Transportation Plan as appropriate.

Strategies and projects recommended for early implementation within two years following completion of this Plan will be developed in sufficient planning-level detail that they can move quickly into preliminary design, environmental or policy review, or whatever the next immediate step may be. In particular, specific design guidelines for State owned facilities, a framework for public-private partnerships, and a value proposition for private investment will be developed as outlined below.

6.1 Site Design Guidelines for State Owned Facilities

The CS team will develop design guidelines and standards consistent with Jason’s Law for site development and access for commercial truck parking. Elements for consideration include requirements for ROW, minimum site distance, commercial driveway standards, marking standards, street lighting, site lighting, safety, ADA, pedestrian safety, and integration of Intelligent Transportation Systems (ITS) and signage.

6.2 Public-Private Partnership Framework Development

CS will develop a Public-Private Partnership (P3) Implementation Framework to help NDOT with policy analysis, planning, and procurement of private sector expertise for P3s for truck parking facilities. As part of this task CS will:

1. Identify existing NDOT capabilities, policies, and processes as it relates to:
 - P3 authorizing legislation and statutory frameworks;
 - P3 implementation regulatory frameworks; and
 - Agency-wide contracting processes for P3s as well as other forms of innovative contracting
2. Conduct a national scan of state DOTs or other public agencies that have used P3s for truck parking, public rest stops, and/or other small- to medium sized projects and identify one to three DOTs/agencies for an in-depth review of P3 policy and contracting structure.
 - The national scan will provide a general overview of existing authorizing legislation for P3s, existing procurement practices, and P3 organizational structures
 - The in-depth scan of up to three state DOTs will help CS define the characteristics of a successful P3 framework, including P3 policy, planning, procurement, and organizational structures

3. Review recent literature on P3s and best practices for P3 implementation through resources, such as:
 - Transportation Research Board (TRB)
 - USDOT and federal Highway Administration (FHWA) Publications
 - State DOT and other professional publications through Transport Research International Documentation (TRID)
 - American Society of Civil Engineers (ASCE)
4. Define major requirements for planning level P3 financial analysis
 - Review potential and existing financing mechanisms for P3 projects in the transportation sector.
 - Develop checklist of funding sources and financing mechanisms and devise a process for evaluating potential P3s for truck parking facilities.

The outcome of this task will result in identifying the components of a successful P3 implementation framework for truck parking, including the statutory requirements, governing procedures, project selection, project planning, P3 program organization, and P3 value propositions.

6.3 P3 Value Proposition

For this task CS will develop a planning level P3 value proposition for truck parking facilities that relies on the analysis provided through this Plan. Following the development of a framework for P3 implementation, this task will focus on NDOT capabilities and the market demand to align and attract private sector expertise for truck parking P3s. This task will leverage the industry outreach, supply-demand data analysis, and needs assessment in order to resonate existing parking needs in the state with private sector's financing capabilities and expertise for project planning, financing, design, construction, and operations. As part of this task CS will

- Summarize the parking needs assessment across the state
- Identify and evaluate options for NDOT's roles and responsibilities within a P3 arrangement, such as
 - Providing right-of-way
 - Pavement maintenance supports
 - Long-term facility operations and maintenance
 - Payment arrangements and authority over the facility
- Define performance criteria for truck parking facilities

- Truck parking availability
- Parking amenities

Deliverables

Draft and Final Technical Memorandum: Implementation Plan

2-4-page, glossy Value Proposition for Truck Parking in Nevada, suitable for distribution to potential P3 partners

7.0 Task 7 – Final Report

The objective of this task is to produce a concise, graphically rich, professional document of approximately 25-50 pages that incorporates key information, recommendations, and implementation plan developed during the project. The technical memoranda will serve as appendices to the report, and a brief (2-4 page) executive summary will be included at the beginning of the document appropriate for sharing with senior leadership at NDOT. A PowerPoint will also be prepared that NDOT staff can use for various briefings as needed.

Deliverables

Draft and Final Reports including an Executive Summary (2-4 pages)

Ten hardcopies of the Final Report

Briefing presentation

Schedule:

Tasks		2018											2019	
Task	Meeting / Deliverable	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	
1. Project Management														
2. Stakeholder Outreach and Coordination														
	TPAC		▲			▲		▲		▲				
	FAC	▲								▲				
	WSFC & subcommittee	▲			▲				▲					
	Interviews		▲	▲	▲									
	Survey		▲	▲										
3. Data Collection	Tech Memo						★	★						
4. Needs Assessment	Tech Memo						★	★						
5. Recommendations	Tech Memo								★	★				
6. Implementation Plan	Tech Memo										★	★		
7. Final Report	Draft & Final Report												★	★

Legend	
Meetings	▲
Draft Deliverable	★
Final Deliverable	★

Line Item 4

577-17-040

Request to Solicit Services and Budget Approval (2A)
Amendments for time extensions (time only) do not require a form 2a


Initial Budget Request Request for Amendment #: Agreement #:

If Amendment, name of Company:

Project ID #(s): n/a

Type of Services: Engineering Services - Construction Management

Originated by: Jessica Downing Division: Construction Date Originated: 10/16/2017

 Division Head/District Engineer: Sharon Foerschler

Budget Category #: 06 Object #: 814B Organization #: C040

Estimated Cost: \$3,887,968.64 Type of Funding: Fed/State % of Fund: 70%/30%

Funding Notes: State Fiscal Year(s): FY18-FY20

Please use # 577-17-040, as previously submitted
\$485,996.08 in FY18, \$1,943,984.32 in FY19, \$1,457,988.24 in FY20

Financial Management:

DocuSigned by:
Donna Spelts 10/16/2017
8A78D93AD716514 Signature Date

Approval of this form by the Financial Management Division, Budget Section, provides funding authority for the services described. Actual availability of funds and the monitoring of actual expenditures must be determined by the Division Head.

Project Accounting:

DocuSigned by:
Hua Riley 10/16/2017
22564E6A6F883F6 Signature Date

Director:

Requires Transportation Board Presentation

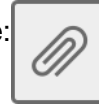
Does not require Transportation Board presentation

DocuSigned by:
Rudy May 10/17/2017
C4C7CE5CD588114 Signature Date

577-17-040

Attachments:

Budget by Organization Report (Report No. NBDM30) attached here:



If Amendment, attach original Agreement here:

Any additional information to attach: Yes



Purpose of, and Justification for, Budget Request:

As a result of the number, size, and scope of projects anticipated to be under construction and the workload of the Department's Construction Crews, the Construction Division is requesting approval to proceed with a solicitation to provide construction crews augmentation on an as-needed basis.

A separate agreement will be executed with a separate firm for each district.

Scope of Services:

The scope of services include providing professional and technical engineering services to augment DEPARTMENT Construction Crews district-wide in either NDOT District 1, 2 or 3 with staff and equipment on an intermittent as-needed basis with as little as one week notice through March 31, 2020 to ensure that the construction of DEPARTMENT projects are accomplished in conformance with the plans, specifications, and all other contract documents.

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION

MEMORANDUM

January 11, 2018

TO: Reid Kaiser, Assistant Director

FROM: Tonia Andree, Project Manager

SUBJECT: Negotiation Summary for RFP 577-17-040, Agreement 638-17-040 District II On-Call Program

A negotiation meeting was held at NDOT Headquarters in Carson City on January 11, 2018, with Martin Crew of Construction Materials Engineers, Inc., Stephen Lani and Tonia Andree of the Nevada Department of Transportation (DEPARTMENT), in attendance.

The DBE goal for this agreement has been established at zero percent (0%).

The scope of services that are to be provided by the SERVICE PROVIDER was reaffirmed by both parties at the outset.

The SERVICE PROVIDER will provide on-call augmentation of DEPARTMENT Construction Crews in District II, including professional and technical engineering services, to ensure that the construction of DEPARTMENT Projects are accomplished in conformance with the plans, specifications, and all other contract documents.

Each of the Service Providers will be called upon to provide qualified and experienced Inspectors (Level II, III, and IV), NAQTC or WAQTC Certified Testers, and Surveyors District-wide on an intermittent, as-needed basis with as little as one (1) weeks' notice through March 31, 2020. The Service Providers will also be required to furnish some ancillary equipment including, but not limited to, cell phones, trucks, safety equipment, and nuclear gauges. The timing and level of the staffing and equipment needs will be determined based upon district crew workload and project activities.

The following two (2) firms submitted proposals in response to RFP 577-17-040:

- Lumos & Associates
- Construction Materials Engineers, Inc.

The negotiations yielded the following:

1. On-call staff will be called out on an as-needed basis in accordance with the district's workload needs, and there is no guarantee of any specified amount of hours that any particular position will be utilized throughout the agreement period.
2. Construction Materials Engineers, Inc. will obtain approval from the Assistant District II Construction Engineer prior to assigning any personnel that were not represented in the original proposal to an NDOT Project.
3. Field testers, inspectors and surveyors will be billed on a "portal to portal" basis for each day or portion thereof worked, unless per diem using NDOT rates and rules is previously approved by the Assistant District II Construction Engineer.
4. Clarified that the loaded rates include vehicles, phones, computers, iPads, survey equipment, testing equipment, and PPE.
5. Construction Materials Engineers, Inc. has proposed the use of their Construction Services Supervisor at a lower rate than the Project Manager (or

Principal Engineer), to oversee the day-to-day logistics and coordination needed in providing staff as requested by NDOT.

6. It was agreed that the calculation used for the overtime rate should not include direct expenses. The hourly overtime rates were reduced accordingly.
7. Agreed the loaded rate for the 2-Man Survey Crew was high, based on historical data. The hourly loaded rate was reduced to an agreed upon amount.
8. The total amount of this agreement will not exceed \$1,629,369.00.

Reviewed and Approved:

DocuSigned by:



22887BD707CB4CD...
Reid Kaiser

Assistant Director

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION

MEMORANDUM

January 11, 2018

TO: Reid Kaiser, Assistant Director

FROM: Tonia Andree, Project Manager

SUBJECT: Negotiation Summary for RFP 577-17-040, Agreement P647-17-040
Construction Engineering Services for On-Call Crew Augmentation in District III

A preliminary negotiation meeting was held at NDOT Headquarters office in Carson City on January 10, 2018, with Michael Murphy of Diversified Consulting Services and Sharon Foerschler, Stephen Lani, Berhane Tesfagabr, and Tonia Andree of the Nevada Department of Transportation (NDOT) in attendance.

The DBE goal for this agreement has been established at zero percent (0%).

The scope of services that are to be provided by the SERVICE PROVIDER was reaffirmed by both parties at the outset.

The SERVICE PROVIDER will provide on-call augmentation of DEPARTMENT Construction Crews in District III, including professional and technical engineering services, to ensure that the construction of DEPARTMENT Projects are accomplished in conformance with the plans, specifications, and all other contract documents.

Each of the Service Providers will be called upon to provide qualified and experienced Inspectors (Level II, III, and IV), NAQTC or WAQTC Certified Testers, and Surveyors District-wide on an intermittent, as-needed basis with as little as one (1) weeks' notice through March 31, 2020. The Service Providers will also be required to furnish some ancillary equipment including, but not limited to, cell phones, trucks, safety equipment, and nuclear gauges. The timing and level of the staffing and equipment needs will be determined based upon district crew workload and project activities.

The following two (2) firms submitted proposals in response to RFP 577-17-040:

- Diversified Consulting Services
- Construction Materials Engineers, Inc.

Diversified Consulting Services is the prime consultant and has teamed up with the following sub-consultants:


- Konakis Engineering
- Quality Control Testing Services (QCTS)

The negotiations yielded the following:

1. On-call staff will be called out on an as-needed basis in accordance with the district's workload needs, and there is no guarantee of any specified amount of hours that any particular position will be utilized throughout the agreement period.
2. Diversified Consulting Services will obtain approval from the Assistant District III Construction Engineer prior to assigning any personnel that were not represented in the original proposal to an NDOT Project.

3. Field testers, inspectors and surveyors will be billed on a "portal to portal" basis for each day or portion thereof worked, unless per diem using NDOT rates and rules is previously approved by the Assistant District III Construction Engineer.
4. Clarified that the loaded rates include vehicles, phones, computers, iPads, survey equipment, testing equipment, and PPE.
5. Clarified the fee of \$500 for mobilization/demobilization nuclear gauges. This fee is limited to one billing per task order/project location.
6. A reduction in the loaded rates for the Level IV, III, and II Inspectors was agreed upon based on historical data and recent negotiations.
7. A reduction in all overtime rates was agreed upon. There was an error in the calculation used to determine overtime rates.
8. A reduction in the rates for the surveying staff was agreed upon.
9. The total amount of this agreement will not exceed \$1,297,453.25.

Reviewed and Approved:

DocuSigned by:

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Reid Kaiser Assistant Director

SCOPE OF SERVICES

The SERVICE PROVIDER shall provide professional and technical engineering services to augment DEPARTMENT Construction Crews District-wide in either District 1, 2 or 3 with staff and equipment on an intermittent as-needed basis with as little as one (1) weeks' notice through March 31, 2020, to ensure that the construction of DEPARTMENT projects is accomplished in conformance with the plans, specifications, and all other contract documents.

The staffing and equipment needs will vary throughout the augmentation period depending upon District-wide project activities and workloads of the construction crews assigned to the district. Selected proposers shall provide sufficient personnel who possess the experience, knowledge and character to adequately perform the duties and meet the needs of the district. It is expected at any time period during the agreement period the SERVICE PROVIDER may be called upon to provide a combination of the following staff on an as needed basis:

- Up to four (4) Inspectors Level IV
- Up to two (2) Inspectors Level III
- Up to two (2) Inspectors Level II
- Up to three (3) Testers
- Up to a two- (2-) person survey crew

Personnel Notes:

- The Principal Engineer as required who will act as the project manager. The Principal Engineer shall be limited to billing no more than eight (8) hours per month, unless prior approval is obtained from the DEPARTMENT. The Principal Engineer shall be certified by the Nevada State Board of Registered Professional Engineers and Land Surveyors, in accordance with Nevada Revised Statutes Chapter 625, as a licensed Civil Engineer.
- Successful Proposers shall provide all personnel assigned to this project any specialized training, certifications or equipment necessary to perform the assigned duties, including but not limited to, Preventing Storm Water Pollution from Construction Activities, testing, and inspection.
- All testing personnel must meet and be certified under American Concrete Institute (ACI) as Concrete Field Testing Technician - Grade I; certified under Nevada Alliance for Quality Transportation Construction (NAQTC) or certified under Western Alliance for Quality Transportation Construction (WAQTC).
- Personnel provided for testing and inspection must be approved by the DEPARTMENT prior to performance of work on this project.

Proposers shall also be capable of providing the following Project Equipment** as needed:

- Nuclear gauges
- Cell phones for field personnel
- Vehicles which shall be equipped with high intensity flashing yellow strobe lights
- Proposers shall provide all personnel assigned to projects the proper safety equipment, including but not limited to, soft caps, hard hats and vests meeting the current DEPARTMENT standards for Work Zone Apparel.
- Incidental equipment as may be required to successfully perform the services and

requirements for specific projects.

****Equipment Notes:**

- If nuclear gauges are required, SERVICE PROVIDER shall have current licenses as required by the appropriate regulatory agencies. Personnel who will operate or transport any nuclear density gauge shall have in their possession evidence of current certification pertaining to the nuclear density gauges under their control. Successful Proposers will be responsible to provide their own storage facility and transportation for nuclear density gauges.



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MEMORANDUM

February 02, 2018

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, Director
SUBJECT: February 12, 2018, Transportation Board of Directors Meeting
ITEM #7: Contracts, Agreements, and Settlements – Informational Item Only

Summary:

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

- Agreements under \$300,000 executed December 13, 2017, through January 16, 2018.
- Settlements entered into by the Department which were presented for approval to the Board of Examiners December 13, 2017, through January 16, 2018.

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 settlement and agreements constitute all that were awarded for construction from December 13, 2017, through January 16, 2018, and agreements executed by the Department from December 13, 2017, through January 16, 2018. There were no contracts awarded during the reporting period. There was one settlement 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 Executed Agreements – Informational, December 13, 2017, through January 16, 2018.
- B) State of Nevada Department of Transportation Settlements – Informational, December 13, 2017, through January 16, 2018.

Recommendation for Board Action: Informational item only

Prepared by: Administrative Services Division

Attachment

A

State of Nevada Department of Transportation
Executed Agreements - Informational
December 13, 2017 through January 16, 2018

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	Division	Dir. Office	Notes
1	05018	00	BOARD OF REGENTS OF THE NEVADA HIGHER EDUCATION, UNIVERISTY OF NEVADA, LAS VEGAS	PARCEL ACQUISITION	Y	744,468.00	-	744,468.00	-	08-Jan-2018	31-Jan-2020	-	Acquisition	Right-of-Way	John	01-08-18: ACQUISITION OF PARCEL 139-33-406-005 FOR 18.45 ACRES, FOR THE CONSTRUCTION OF PROJECT NEON LOCATED ON SHADOW LANE, CLARK COUNTY. NV B/L: EXEMPT
2	76517	00	BUTTONPOINT, LP	PERMANENT EASEMENT	Y	4,850.00	-	4,850.00	-	15-Dec-2017	31-Dec-2023	-	Acquisition	Right-of-Way	John	12-15-17: PERMANENT EASEMENT AND RIGHT-OF-WAY OF 4.83 ACRES FOR DRAINAGE OF THE HIGHWAY BRIDGE LOCATED ON THE NW 1/4 OF SW 1/4 OF SECTION 21, T. 36 N., R. 40 E., M.D.M., PARCEL 1, SOUTHEASTERLY OF EDEN VALLEY ROAD, HUMBOLDT COUNTY. NV B/L#NV19921006698
3	76017	00	ELIZABETH M JOHNSON	PARCEL ACQUISITION	N	4,800.00	-	4,800.00	-	12-Dec-2017	31-Dec-2020	-	Acquisition	Right-of-Way	John	12-12-17: ACQUISITION OF PARCEL U-050-LY-025.974 LOCATED NEAR ONYX STREET AND US 50, FOR THE WIDENING OF US 95A, LYON COUNTY. NV B/L: EXEMPT
4	77317	00	SILVER STRIKE CASINO, LLC	PARCEL ACQUISITION AND TEMPORARY EASEMENT	N	130,820.00	-	130,820.00	-	03-Jan-2018	01-Jan-2021	-	Acquisition	Right-of-Way	John	01-03-18: ACQUISITION OF PARCEL U-050-LY-029.215 AND TEMPORARY EASEMENT OF U-050-LY-029.215TE1 LOCATED ALONG GOLDFIELD STREET AND US 50, LYON COUNTY. NV B/L: NV20041157208
5	00118	00	SILVER STATE CLASSIC CHALLENGE	2018 NV OPEN ROAD CHALLENGE	N	-	-	-	14,500.00	10-Jan-2018	20-May-2018	-	Event	District 3	Tracy/Boyd	01-10-18: PERMIT TO CONDUCT AN OPEN ROAD RACE EVENT LOCATED ON SR 318 AND SR 490, WHITE PINE, LINCOLN, AND NYE COUNTIES. NV B/L#: NV19941074192
6	75717	00	CITY OF FERNLEY	ADA IMPROVEMENTS	N	-	-	-	13,800.00	12-Dec-2017	31-Dec-2023	-	Facility	Right-of-Way	John	12-12-17: LOWERING AND RAISING OF NINE VALVE COVERS AND SIX MANHOLE COVERS FOR ADA IMPROVEMENTS ON MAIN STREET FROM SILVERLACE BOULEVARD TO 400 FEET WEST OF 7TH STREET, LYON COUNTY. NV B/L: EXEMPT
7	77017	00	NV ENERGY	LINE EXTENSION	Y	140.26	-	140.26	-	20-Dec-2017	31-Dec-2025	-	Facility	Right-of-Way	John	12-20-17: LINE EXTENSION FOR ADDITIONAL HIGHWAY LIGHTING LOCATED ON US 50, LYON COUNTY. NV B/L#: NV19831015840
8	76317	00	NV ENERGY	DESIGN INITIATION AGREEMENT	N	-	-	-	-	15-Dec-2017	31-Dec-2025	-	Facility	Right-of-Way	John	12-15-17: NO COST DESIGN INITIATION AGREEMENT FOR A NEW ELECTRICAL SERVICE ORDER TO POWER THE PROPOSED LIGHTING AT I-80 AND THE CALIFORNIA STATELINE IN EAST VERDI, WASHOE COUNTY. NV B/L: NV19831015840
9	71517	00	NV ENERGY	COMMON USE AGREEMENT	Y	-	-	-	-	16-Oct-2017	30-Oct-2022	-	Facility	Right-of-Way	John	10-16-17: NO COST COMMON USE AGREEMENT FOR CONSTRUCTION AND TO EXTEND CURRENT ROADWAY FROM US 50 TO I-80, PARCEL S-439-LY-006.711PE, LYON COUNTY. NV B/L: NV19831015840
10	71617	00	NV ENERGY	COMMON USE AGREEMENT	Y	-	-	-	-	16-Oct-2017	30-Oct-2022	-	Facility	Right-of-Way	John	10-16-17: NO COST COMMON USE AGREEMENT FOR CONSTRUCTION AND TO EXTEND CURRENT ROADWAY FROM US 50 TO I-80, PARCEL S-439-LY-003.987PE, LYON COUNTY. NV B/L: NV19831015840
11	77117	00	OVERTON POWER DISTRICT NO. 5	LINE EXTENSION	N	8,428.69	-	8,428.69	-	20-Dec-2017	31-Dec-2025	-	Facility	Right-of-Way	John	12-20-17: LINE EXTENSION FOR ACCESS TO AN ELECTRICAL DISTRIBUTION OF NEW SERVICES LOCATED AT FAST H3 SITE #23, CLARK COUNTY. NV B/L#: EXEMPT
12	77217	00	OVERTON POWER DISTRICT NO. 5	LINE EXTENSION	N	13,580.36	-	13,580.36	-	20-Dec-2017	31-Dec-2025	-	Facility	Right-of-Way	John	12-20-17: LINE EXTENSION FOR ACCESS TO AN ELECTRICAL DISTRIBUTION OF NEW SERVICES LOCATED AT FAST H3 SITE #24, CLARK COUNTY. NV B/L#: EXEMPT
13	62817	00	PATRICK JACOBS	EMPLOYEE HOUSE LEASE	N	-	-	-	4,580.00	26-Dec-2017	31-Dec-2021	-	Lease	District 3	Tracy/Boyd	12-26-17: EMPLOYEE HOUSE LEASE OF #243 EMIGRANT MAINTENANCE STATION, EUREKA COUNTY. NV B/L#: EXEMPT
14	71717	00	G PEG II, LLC	MULTI-USE LICENSE	N	-	-	-	1,000.00	16-Oct-2017	31-Oct-2027	-	License	Right-of-Way	John	10-16-17: MULTI-USE LICENSE FOR PARCEL U-050-CC-013.184 LI1 LOCATED AT S. EDMONDS DRIVE AND FAIRVIEW DRIVE, CARSON CITY. NV B/L: NV20091292493
15	05318	00	QUICK QUACK DEVELOPMENT, LLC	LAND SALE	Y	-	-	-	1,260,000.00	05-Jan-2018	30-Jun-2018	-	Property Sale	Right-of-Way	John	01-05-18: LAND SALE OF PARCELS U-395-CC-007.230, U-395-CC-007.249, U-395-CC-007.250, U-395-CC-007.250B, AND U-395-CC-007.230XS1 LOCATED AT RETAIL COURT AND COLLEGE PARKWAY, CARSON CITY. NV B/L: EXEMPT
16	76817	00	2121, LLC	RIGHT-OF-WAY ACCESS	N	-	-	-	-	20-Dec-2017	31-Dec-2023	-	ROW Access	Right-of-Way	John	12-20-17: NO COST RIGHT-OF-WAY ACCESS TO RECONSTRUCT THE HIGHWAY AND DRIVEWAY APPROACH LOCATED IN A SEGMENT OF SR 593 TROPICANA AVENUE FROM DEAN MARTIN DRIVE TO BOULDER HIGHWAY, PARCEL 162-26-504-001, CLARK COUNTY. NV B/L#: NV20131490014
17	76117	00	DK SKYRIDGE, LLC	RIGHT-OF-WAY ACCESS	N	-	-	-	-	12-Dec-2017	31-Dec-2020	-	ROW Access	Right-of-Way	John	12-12-17: NO COST RIGHT-OF-WAY ACCESS TO RECONSTRUCT THE HIGHWAY AND DRIVEWAY APPROACH LOCATED IN A SEGMENT OF SR 593 TROPICANA AVENUE FROM DEAN MARTIN DRIVE TO BOULDER HIGHWAY, PARCEL 162-26-101-005, CLARK COUNTY. NV B/L: EXEMPT
18	76717	00	ESKAY PROPERTIES, LLC	RIGHT-OF-WAY ACCESS	N	-	-	-	-	20-Dec-2017	31-Dec-2023	-	ROW Access	Right-of-Way	John	12-20-17: NO COST RIGHT-OF-WAY ACCESS TO RECONSTRUCT THE HIGHWAY AND DRIVEWAY APPROACH LOCATED IN A SEGMENT OF SR 593 TROPICANA AVENUE FROM DEAN MARTIN DRIVE TO BOULDER HIGHWAY, PARCELS 161-19-403-007 AND 161-19-403-008, CLARK COUNTY. NV B/L: NV20111510560
19	77417	00	NSA PROPERTY HOLDINGS, LLC	RIGHT-OF-WAY ACCESS	N	-	-	-	-	03-Jan-2018	31-Dec-2020	-	ROW Access	Right-of-Way	John	01-03-18: NO COST RIGHT-OF-WAY ACCESS TO RECONSTRUCT THE HIGHWAY AND DRIVEWAY APPROACH LOCATED IN A SEGMENT OF SR 593 TROPICANA AVENUE FROM DEAN MARTIN DRIVE TO BOULDER HIGHWAY, PARCEL162-26-102-004, CLARK COUNTY. NV B/L: NV20161565036
20	76217	00	THOMAS & ELIZABETH KOZAL	RIGHT-OF-WAY ACCESS	N	-	-	-	-	12-Dec-2017	31-Dec-2020	-	ROW Access	Right-of-Way	John	12-12-17: NO COST RIGHT-OF-WAY ACCESS TO RECONSTRUCT THE HIGHWAY AND DRIVEWAY APPROACH LOCATED IN A SEGMENT OF SR 593 TROPICANA AVENUE FROM DEAN MARTIN DRIVE TO BOULDER HIGHWAY, PARCEL162-27-510-001, CLARK COUNTY. NV B/L: EXEMPT
21	76417	00	WOODY-MAC 105, LLC	RIGHT-OF-WAY ACCESS	N	-	-	-	-	15-Dec-2017	31-Dec-2020	-	ROW Access	Right-of-Way	John	12-15-17: NO COST RIGHT-OF-WAY ACCESS TO RECONSTRUCT THE HIGHWAY AND DRIVEWAY APPROACH LOCATED IN A SEGMENT OF SR 593 TROPICANA AVENUE FROM DEAN MARTIN DRIVE TO BOULDER HIGHWAY, PARCEL 162-24-404-008, CLARK COUNTY. NV B/L: NV20151537832

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	Division	Dir. Office	Notes
22	56617	00	D&B PROFESSIONAL CLEANING	JANITORIAL SERVICES	N	43,352.00	-	43,352.00	-	02-Jan-2018	31-Oct-2020	-	Service Provider	District 3	Tracy/Boyd	01-02-18: TO PROVIDE JANITORIAL SERVICES FOR THE PINE VALLEY REST AREA LOCATED ON SR 278, EUREKA COUNTY. NV B/L#: NVD20101094756-Q PROPOSERS: D&B PROFESSIONAL CLEANING, R&K SALES, 2 KLEAN 4 U, AND HIGH STANDARDS CLEANING
23	65316	02	FACILITIES MANAGEMENT, INC.	SPRUNG INSTALLATION AT ALAMO	N	84,200.00	-	84,200.00	-	05-Jul-2017	30-Jun-2018	14-Dec-2017	Service Provider	Architecture	Reid	AMD 2 12-14-17: NO COST AMENDMENT TO EXTEND TERMINATION DATE FROM 12-31-17 TO 06-30-18 DUE TO UNFORESEEN REQUIREMENTS FROM THE FIRE MARSHAL'S OFFICE. AMD 1 08-14-17: NO COST AMENDMENT TO EXTEND TERMINATION DATE FROM 09-30-17 TO 12-31-17 DUE TO UNFORSEEN REQUIREMENTS AND TO CORRECT ORIGINAL AGREEMENT ARTICLE IV, PARAGRAPH 2, FOR LANGUAGE CHANGE. 07-05-17: TO ERECT AND INSTALL THE SPRUNG STRUCTURE AT THE ALAMO MAINTENANCE STATION, LINCOLN COUNTY. NV B/L#: NVD20011331118-Q
24	63717	00	GARDNER ENGINEERING, INC.	REMOVE/REPLACE HEAT EXCHANGER	N	41,094.00	-	41,094.00	-	21-Dec-2017	30-Jun-2018	-	Service Provider	Buildings and Grounds	Robert	12-21-17: REMOVE AND REPLACE THE HEAT EXCHANGER LOCATED IN THE HEADQUARTERS CHILLER PLANT DUE TO LACK OF WATER FLOW AND INEFFICIENCY OF THE CURRENT UNIT, CARSON CITY. NV B/L#: NVD19751005065
25	56017	00	GARDNER ENGINEERING, INC.	PLUMBING REPLACEMENT	N	246,600.00	-	246,600.00	-	02-Jan-2018	31-Aug-2018	-	Service Provider	District 2	Tracy/Thor	01-02-18: REPLACE HOT WATER PLUMBING LOCATED AT THE DISTRICT 2 EQUIPMENT SHOPS, WASHOE COUNTY. NV B/L#: NVD19751005065-Q PROPOSER: GARDNER ENGINEERING, INC.
26	42715	02	H+K ARCHITECTS	ELKO PAINT BOOTH ARCHITECTURE	N	241,500.00	20,000.00	261,500.00	-	23-Jan-2017	31-Jul-2019	13-Dec-2017	Service Provider	Architecture	Reid	AMD 2 12-13-17: INCREASE AUTHORITY BY \$20,000 FROM \$241,500 TO \$261,500 FOR DESIGN CHANGES TO ARCHITECTURAL AND ENGINEERING SERVICES OF THE NEW PAINT BOOTH AT ELKO MAINTENANCE STATION. AMD 1 03-07-17: AMENDMENT OF LANGUAGE DUE TO TYPOGRAPHICAL ERROR IN ORIGINAL AGREEMENT. 01-23-17: ARCHITECTURAL AND ENGINEERING SERVICES FOR DESIGN OF NEW PAINT BOOTH AT ELKO MAINTENANCE STATION, ELKO. NV B/L#: NVD19941047730-R
27	33716	01	HULINGS ENTERPRISES	JANITORIAL SERVICES	N	67,200.00	6,622.02	73,822.02	-	08-Jun-2016	31-May-2019	01-Jan-2018	Service Provider	District 3	Tracy/Boyd	AMD 1 01-02-18: INCREASE AUTHORITY BY \$6,622.02 FROM \$67,200.00 TO \$73,822.02 DUE TO AN INCREASE IN THE NUMBER OF DAYS JANITORIAL SERVICES ARE NEEDED. 06-08-16: JANITORIAL AND MAINTENANCE SERVICES FOR THE SCHELLBOURNE REST AREA ON US 93 MP 92.54, WHITE PINE COUNTY. NV B/L#: NV20151244533-Q
28	62717	00	LAMBROSE BROWN, PLLC	AGENCY RISK MANAGEMENT INTERFACE MANUAL	N	20,000.00	-	20,000.00	-	02-Jan-2018	31-Dec-2019	-	Service Provider	Agency Risk Management	Rudy	01-02-18: PROVIDE SERVICES TO CREATE THE AGENCY RISK MANAGEMENT (ARM) INTERFACE MANUAL WITH NDOT'S RIGHT-OF-WAY AND LEGAL DIVISIONS, STATEWIDE. NV B/L#: NVP20131118430-S
29	58217	01	LAS VEGAS PAVING	RECONSTRUCTION SR 164	N	109,000.00	568.05	109,568.05	-	04-Dec-2017	31-Dec-2018	16-Jan-2018	Service Provider	District 1	Tracy/Mary	AMD 1 01-17-18: INCREASE AUTHORITY BY \$568.05 FROM \$109,000.00 TO \$109,568.05 DUE TO PLANTMIX SURFACING QUANTITY OVERRUN IN THE FIELD. 12-04-17: COLDMILL AND ASPHALT OVERLAY LOCATED ON I-15, CLARK COUNTY. NV B/L#: NVD19581000650-Q
30	59017	00	MKD CONSTRUCTION, INC.	ADA IMPROVEMENTS	N	229,324.51	-	229,324.51	-	13-Dec-2017	31-Dec-2018	-	Service Provider	Design	John	12-13-17: ADA IMPROVEMENTS ON SR 659, MCCARRAN BOULEVARD, WASHOE COUNTY. NV B/L#: NVD19991170548-Q PROPOSERS: MKD CONSTRUCTION, INC.
31	09817	01	NEESER CONSTRUCTION, INC.	MAINTENANCE STATION IMPROVEMENT	N	89,000.00	-	89,000.00	-	28-Apr-2017	30-Jun-2018	14-Dec-2017	Service Provider	Architecture	Reid	AMD 1 12-14-17: NO COST AMENDMENT TO EXTEND TERMINATION DATE FROM 12-31-17 TO 06-30-18 FOR THE COMPLETION OF THE OROVADA MAINTENANCE STATION IMPROVEMENTS. 04-28-17: CONSTRUCTION OF OROVADA MAINTENANCE STATION RESIDENTIAL IMPROVEMENTS, HUMBOLDT COUNTY. NV B/L#: NVD19851012821-Q
32	38717	00	NEVADA BARRICADE & SIGN	SIGN INSTALLATION	N	284,476.75	-	284,476.75	-	10-Jan-2018	31-Dec-2018	-	Service Provider	Traffic Operations	Reid	01-10-18: INSTALLATION OF STATE FURNISHED SIGNS AT VARIOUS STATE PARKS LOCATED IN DISTRICT 3, ELKO AND WHITE PINE COUNTY. NV B/L#: NVD20001224303-Q PROPOSERS: NEVADA BARRICADE & SIGN AND MKD CONSTRUCTION
33	36613	03	OVERLAND, PACIFIC & CUTLER	RIGHT-OF-WAY SERVICES FOR NEON	Y	5,972,283.80	-	5,972,283.80	-	15-Jan-2014	31-Dec-2018	18-Dec-2017	Service Provider	Right-of-way	John	AMD 3 12-18-17: NO COST AMENDMENT TO EXTEND TERMINATION DATE FROM 12-31-17 TO 12-31-18 TO ALLOW TIME FOR CONTINUATION OF ASSISTANCE FOR RELOCATEES, SUBMISSION OF FINAL RELOCATION CLAIMS, AND COMPILING PROJECT FILES FOR FINAL SUBMISSION. AMD 2 06-19-17: TO EXTEND TERMINATION DATE FROM 06-31-17 TO 12-31-17 TO ALLOW TIME FOR SUBMITTING FINAL RELOCATION CLAIMS AND COMPILING PROJECT FILES FOR FINAL SUBMISSION. AMD 1 12-13-16: TO EXTEND TERMINATION DATE FROM 12-31-16 TO 06-30-17 FOR THE RECONSTRUCTION OF SR 159, CHARLESTON BOULEVARD, INTERCHANGE. 01-15-14: PROJECT NEON RIGHT-OF-WAY SERVICES INCLUDING APPRAISAL, APPRAISAL REVIEW, ACQUISITION, RELOCATION, PROPERTY MANAGEMENT, AND RIGHT-OF-WAY ENGINEERING FOR PHASE P3, CLARK COUNTY. NV B/L#: NVF20041372512-R
34	01215	02	SLATER HANIFAN GROUP	CIVIL ENGINEERING SERVICES	Y	250,000.00	-	450,000.00	-	16-Dec-2014	31-Dec-2018	20-Dec-2017	Service Provider	Right-of-Way	John	AMD 2 12-20-17: NO COST AMENDMENT TO EXTEND TERMINATION DATE FROM 12-31-17 TO 12-31-18 FOR EXPERT WITNESS SERVICES. AMD 1 06-16-16: INCREASE AUTHORITY BY \$200,000.00, FROM \$250,000 TO \$450,000 AND EXTEND TERMINATION DATE FROM 12-31-16 TO 12-31-17 FOR CIVIL ENGINEERING AND EXPERT WITNESS SERVICES FOR CONDEMNATION ACTION. 12-16-14: CIVIL ENGINEERING SERVICES ARE NECESSARY FOR ACQUISITION OF PROPERTIES FOR PROJECT NEON, CLARK COUNTY. NV B/L#: NVD20031430130
35	76617	00	STEWART TITLE COMPANY	TITLE REPORT	N	1,500.00	-	1,500.00	-	20-Dec-2017	30-Mar-2018	-	Service Provider	Right-of-Way	John	12-20-17: TITLE REPORT FOR PARCEL 001-224-02, MP 61.794, WHITE PINE COUNTY. NV B/L: NVO20101732945

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	Division	Dir. Office	Notes
36	54313	01	THYSSENKRUPP ELEVATOR CORP	ELEVATOR SERVICES	N	20,640.00	-	46,280.00	-	02-Dec-2013	30-Sep-2018	14-Dec-2017	Service Provider	Buildings and Grounds	Robert	AMD 1 12-14-17: NO COST AMENDMENT TO EXTEND TERMINATION DATE FROM 12-31-17 TO 09-30-18 FOR CONTINUATION OF SERVICES THROUGH THE MODERNIZATION PROJECT. 01-26-16: ORIGINAL AGREEMENT EXPIRED 12-31-15. A NEW AGREEMENT STARTED UNDER AGREEMENT NO. P543-13-073 TO REACTIVATE ORIGINAL AGREEMENT AND INCREASE AUTHORITY BY \$20,640.00 FROM \$25,640.00 TO \$46,280.00 FOR THE CONTINUATION OF SERVICES. THE SERVICES WILL PROVIDE ANNUAL MAINTENANCE AND PERMITTING FOR HEADQUARTERS AND DISTRICT II ELEVATORS, WASHOE COUNTY AND CARSON CITY. NV B/L#: NVF19841018200-Q
37	14417	02	VALBRIDGE PROPERTY ADVISOR	APPRAISAL SERVICES	N	70,000.00	-	120,000.00	-	03-Apr-2017	30-Dec-2018	18-Dec-2017	Service Provider	Right-of-Way	John	AMD 2 12-18-17: NO COST AMENDMENT TO EXTEND TERMINATION DATE FROM 12-30-17 TO 12-30-18 TO COMPLETE THE APPRAISAL OF 21 PARCELS. AMD 1 10-18-17: INCREASE AUTHORITY BY \$50,000 FROM \$70,000.00 TO \$120,000.00 DUE TO INCLUSION OF ADDITIONAL PARCELS. 04-03-17: APPRAISAL SERVICES FOR 21 PARCELS LOCATED ALONG US 50 FROM CHAVES ROAD TO US 95A, LYON COUNTY. NV B/L#: NVD19971194996-Q
38	06013	04	VOLT DELTA RESOURCES, LLC	NEVADA'S NEXT GENERATION (NNG) 511 SYSTEM	N	1,920,000.00	-	3,840,000.00	-	05-Apr-2013	30-Apr-2021	03-Jan-2018	Service Provider	Traffic Operations	Reid	AMD 4 01-03-18: NO COST AMENDMENT TO PROVIDE ADDED ENHANCEMENTS THROUGH THE IMPLEMENTATION OF IMPROVEMENTS TO NVROADS.COM, THE 511 IVR, AND THE OPERATORS EVENT GUI (CRS) WEBSITE. THESE FEATURES HAVE BEEN IDENTIFIED AS VITAL TO THE USABILITY OF THE NNG511 SYSTEM AMD 3 04-21-17: INCREASE AUTHORITY BY \$1,920,000.00 FROM \$1,920,000.00 TO \$3,840,000.00, AND EXTEND THE TERMINATION DATE FROM 04-30-17 TO 04-30-21. AMD 2 08-05-14: MODIFY SCOPE OF WORK TO INCLUDE ENHANCEMENTS OF THE SYSTEM THROUGH NVROADS.COM. AMD 1 10-30-13: MODIFY SCOPE OF WORK TO INCLUDE IMPLEMENTATION OF A "CONDITIONS LAYER," WHICH HAS BEEN IDENTIFIED AS A VITAL USABILITY ENHANCEMENT. 03-12-13: OPERATE AND MAINTAIN NEVADA'S NEXT GENERATION 511 (NNG 511) TRAVELER INFORMATION SYSTEM, STATEWIDE. NV B/L#: NVD20041116361-R

Attachment B

State of Nevada Department of Transportation
Settlements - Informational
December 13, 2017, through January 16, 2018

Line No	Type	Second Party	Settlement Amount	Notes
1	SETTLEMENT OF EMINENT DOMAIN LAWSUIT	I-15 & CACTUS, LLC	815,000.00	THE SETTLEMENT PROVIDES FOR AN ADDITIONAL \$65,000 TO BRING THE SETTLEMENT TOTAL TO \$815,000 TO BE PAID TO I-15 & CACTUS, LLC FOR AN EMINENT DOMAIN ACTION. NDOT ACQUIRED 1.11 ACRES OF LAND FOR AN INTERCHANGE ALONG 1-15 AT CACTUS AVENUE IN LAS VEGAS.

Line Item 1



ADAM PAUL LAXALT
Attorney General

J. BRIN GIBSON
First Assistant Attorney General

NICHOLAS A. TRUTANICH
Chief of Staff

STATE OF NEVADA

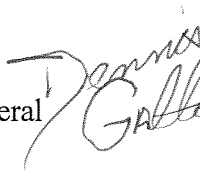
KETAN D. BHIRUD
General Counsel

OFFICE OF THE ATTORNEY GENERAL
Transportation Division
1263 South Stewart Street, Room 315
Carson City, Nevada 89712

MEMORANDUM

DATE: January 9, 2018

TO: Board of Directors
Nevada Department of Transportation

FROM: Dennis Gallagher, Chief Deputy Attorney General 

SUBJECT: Informational Item – Approval of Settlement in the matter of
State of Nevada vs. I-15 & Cactus, LLC, et al.
8th JD Case No. A-12-664403-C
Parcel Nos. I-015-CL-030.348
Project No. DE-STP-015-1(146)
E.A.: 73625
Settlement of an Eminent Domain Action

At their January 9, 2018 meeting, the Board of Examiners approved settlement in the amount of \$65,000.00 of additional funds to resolve the contested condemnation case referenced above which is part of an interchange along I-15 and Cactus Avenue in Las Vegas.

Attached is the December 4, 2017 memorandum to the Board of Examiners from Director Rudy Malfabon, Senior Deputy Attorney General, Janet Merrill, and myself setting forth a summary of the settlement.



1263 South Stewart Street
Carson City, Nevada 89712
Phone: (775) 888-7420
Fax: (775) 888-7309

MEMORANDUM

DATE: December 4, 2017

TO: Board of Examiners
Governor Brian Sandoval
Attorney General Adam Paul Laxalt
Secretary of State Barbara K. Cegavske

FROM: Rudy Malfabon, Director, Nevada Department of Transportation
Dennis Gallagher, Chief Deputy Attorney General
Janet Merrill, Senior Deputy Attorney General

SUBJECT: Proposed Settlement of an Eminent Domain Action
State of Nevada, ex rel. Department of Transportation
v. I-15 & Cactus, LLC, et al.
Eighth Judicial District Court Case No. A-12-664403-C

SUMMARY

The Nevada Department of Transportation ("NDOT") is requesting approval of an eminent domain settlement in the total amount of \$815,000. NDOT is acquiring 1.11 acres of land owned by I-15 & Cactus, LLC, for an interchange along I-15 at Cactus Avenue in Las Vegas. The roadway improvement is complete, and \$750,000 has already been deposited with the Court. NDOT's proposed settlement would require \$65,000 in "new money." The funds will be paid in exchange for entry of judgment and a final order of condemnation, resolving this eminent domain action in its entirety. The property will be acquired in fee simple, free and clear of all liens and future rights of reversion.

THE ACTION

In furtherance of the I-15/Cactus Interchange Project, NDOT filed an eminent domain action to acquire 1.11 acres (48,185 square feet) of vacant land owned by I-15 & Cactus, LLC ("Cactus"). In December 2014, Cactus filed a Chapter 7 bankruptcy petition, and the legal action was automatically stayed per 11 U.S.C. § 362. NDOT obtained stay relief in the bankruptcy court, to proceed to trial and toward a final judgment, against the property and the remaining defendants. Cactus's bankruptcy trustee indicated that Cactus will not participate any further in the case, but agreed to a settlement (in principal, and subject to final approval by the bankruptcy court) of \$15,000 in exchange for full release and waiver of all claims to compensation and rights in the property. Default was entered in the State Court action against Cactus on November 7, 2017.

The remaining defendants (Karen T. Mangione, Johanna L. Blake, Jeffrey L. Blake and Jamie B. Blake, collectively "Lender Defendants") are parties to the action by reason of their deed of trust against the subject property, and attendant security interest (approximately \$1,500,000) in the condemnation award. These defendants were

prepared to go to trial on the sole remaining issue of just compensation, but agreed to a settlement of \$800,000.

To secure its right of occupancy, NDOT deposited \$353,000 which has been withdrawn by the Lender Defendants. At that same time, the Court further required NDOT to post a bond for an additional \$397,000, pursuant to NRS 37.100. In lieu of a bond, NDOT actually deposited a separate check for \$397,000 (for a total deposit of \$750,000).

Prior to successful settlement negotiations, the case was set for jury trial on November 7, 2017. The stipulated and statutorily required date of value is July 6, 2012. Tami Campa is NDOT's expert appraiser in this case; her opinion of value is \$195,000. The Lender Defendants will rely upon the testimony of Cactus's former managing member, real estate broker Michael Longi, and his disclosed opinion of value of \$6,297,959.25.

POINTS THAT FAVOR SETTLEMENT

Evidentiary realities create uncertainty and a potential opportunity for the jury to award far more than the current settlement option. There is a large discrepancy between the parties' opinions of value (\$195,000 - \$6,400,000). Additionally, the State Court issued pretrial rulings which permit sales price evidence (\$1,800,000) and testimony by Michael Longi and his associated hearsay valuations. Depending on the ultimate jury award, pre-judgment interest could be over \$1,500,000, equaling total potential exposure of \$7,700,000.

If this settlement is approved, it will fully resolve the State Action, permit formal settlement in the bankruptcy court, eliminate accrued prejudgment interest and avoid additional fees and costs should either party determine that an appeal is warranted.

RECOMMENDATION

NDOT has considered the benefits of settlement and has made the decision that settlement is reasonable, prudent, and in the public interest. NDOT requests the authority to settle the action for a total amount of \$815,000 (\$65,000 in "new money"), resolving the action in its entirety as among all parties, inclusive of all attorney's fees, costs and interest. The property will be acquired in fee simple, free and clear of all liens and future rights of reversion.

FISCAL NOTE STATEMENT

NDOT will seek reimbursement from the Federal Highway Administration for the proposed settlement amount.



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

MEMORANDUM

January 30, 2018

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, P.E., Director
SUBJECT: February 12, 2018, Transportation Board of Directors Meeting
Item # 8: Action Item: Condemnation Resolution No. 463
SR593 Tropicana Ave from Dean Martin Dr. to Boulder Highway, ADA
Improvements, Phase 2; in an unincorporated area of Clark County, NV.
1 Owner, 2 Parcels – For possible action

Summary:

The Department is acquiring property rights for the SR593, Tropicana Ave., Mill and Overlay with ADA Improvements, Phase 2, Project in an unincorporated area of Clark County, Nevada (Canyon Park Apts. Inc. - Property). The Department is seeking the Board's approval of a condemnation action for the unresolved acquisitions as described below.

Background:

Canyon Park Apts. Inc. - The negotiation is unresolved for the acquisitions from Canyon Park Apts. Inc.. It is necessary to acquire a 92 square-foot permanent sidewalk construction and maintenance easement, and a 197 square-foot temporary construction easement, for a two-year period, to enable the construction of a new ADA improvement. This acquisition area is landscaped and is located at the southern part of the holding (Attachment 1).

The acquisitions in question, which lie along the north side of SR-593 - Tropicana Avenue and are located between Nellis Blvd. and Boulder Highway in an unincorporated area of Clark County, and are highlighted in red on the right-of-way plans that are part of the Condemnation Resolution (Attachment 2).

The Department has submitted an offer to the owner and is continuing to work towards settlement, however, the Department is requesting this condemnation resolution to meet construction deadlines because the owner has made no monetary counteroffer to the offer at this time.

Analysis:

A condemnation resolution is requested so that the Department can certify the right-of-way to the Federal Highway Administration, and file any necessary pleading in any condemnation proceeding, pursuant to NRS Chapter 241, all 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. 463 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:

Ruth Borrelli, Chief R/W Agent

LOCATION MAP



CONDEMNATION RESOLUTION No. 463

DESCRIPTION: SR 593 TROPICANA AVE

FROM DEAN MARTIN DRIVE TO BOULDER HWY. MP CL 0.01 TO 7.30

Mill and Overlay with areas of concentration and ADA improvements. Phase 2.

In Las Vegas, County of Clark, State of Nevada

ATTACHMENT 1

RESOLUTION OF THE BOARD OF DIRECTORS OF THE DEPARTMENT OF TRANSPORTATION AUTHORIZING ACQUISITION BY CONDEMNATION OF PROPERTY FOR THE CONSTRUCTION OF ADA SIDEWALK IMPROVEMENTS ON TROPICANA AVENUE (SR 593), FROM DEAN MARTIN DRIVE TO BOULDER HIGHWAY, IN AN UNINCORPORATED AREA OF CLARK COUNTY, NEVADA

CONDEMNATION RESOLUTION NO. 463

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, construction, and completion by the State of Nevada, acting by and through the Department, of a public improvement, namely the construction of ADA sidewalk improvements on Tropicana Avenue (SR 593), from Dean Martin Drive to Boulder Highway, in an unincorporated area of 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 parcels 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 highway 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 ADA sidewalk improvements; 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-593-CL-006.887PE and S-593-CL-006.887TE, owned by Canyon Park Apts., Inc., a Nevada Corporation

Said real property situate, lying and being in the County of Clark, State of Nevada, and more particularly described as being a portion of the SW 1/4 of Section 21, T. 21 S., R. 62 E., M.D.M., and more fully described by metes and bounds as follows:

PARCEL NO. S-593-CL-006.887PE to be acquired as a permanent easement for ADA sidewalk construction and maintenance.

COMMENCING at a .20' BRASS DISK IN MONUMENT
WELL STAMPED: "VTN T21S R62E S20 S21 S28 S29 PLS 11188",
accepted as the southwest corner of said Section 21, shown and
delineated as "SECTION CORNER 20/21/28/29 2 1/2" BRASS CAP
"P.L.S. 11188" on that certain AMENDED RECORD OF SURVEY
OF FILE 114, PAGE 03 OF SURVEYS FOR CLARK COUNTY
PUBLIC WORKS DUCK CREEK CHANNEL PROJECT,
Instrument No. 2301, Official Records Book No. 20020430, filed for
record on April 30, 2002, as File 122, Page 6 of Surveys, Clark

County, Nevada; thence N. 85°58'36" E., a distance of 1,322.22 feet, to the POINT OF BEGINNING; said point of beginning being on the left or northerly right-of-way line of SR-593 (Tropicana Avenue), 50.00 feet left of and at right angles to Highway Engineer's Station "L1" 113+25.77 P.O.T.; thence N. 1°51'23" W., a distance of 4.00 feet; thence N. 88°08'37" E., a distance of 23.10 feet; thence S. 01°51'23" E., a distance of 4.00 feet to said right-of-way line; thence S. 88°08'37" W., along said right-of-way line, a distance of 23.10 feet to the point of beginning; said parcel contains an area of 92 square feet.

PARCEL NO. S-593-CL-006.887TE to be acquired as a temporary construction easement for a two-year period commencing on the date of occupancy.

COMMENCING at a .20' BRASS DISK IN MONUMENT

WELL STAMPED: "VTN T21S R62E S20 S21 S28 S29 PLS 11188", accepted as the southwest corner of said Section 21, shown and delineated as "SECTION CORNER 20/21/28/29 2 1/2" BRASS CAP "P.L.S. 11188"" on that certain AMENDED RECORD OF SURVEY OF FILE 114, PAGE 03 OF SURVEYS FOR CLARK COUNTY PUBLIC WORKS DUCK CREEK CHANNEL PROJECT, Instrument No. 2301, Official Records Book No. 20020430, filed for record on April 30, 2002, as File 122, Page 6 of Surveys, Clark County, Nevada; thence N. 85°58'36" E., a distance of 1,322.22 feet, to the POINT OF BEGINNING; said point of beginning being on

the left or northerly right-of-way line of SR-593 (Tropicana Avenue),
50.00 feet left of and at right angles to Highway Engineer's Station
"L1" 113+25.77 P.O.T.; thence S. 88°08'37" W., a distance of 4.50
feet along said right-of-way line; thence the following three (3)
courses and distances:

- 1) N. 1°51'23" W. – 9.00 feet;
- 2) N. 88°08'37" E. – 32.10 feet;
- 3) S. 1°51'23" E. – 9.00 feet to said right-of-way line;

thence S. 88°08'37" W., along said right-of-way line a distance of
4.50 feet; thence along the following three (3) courses and
distances;

- 1) N. 1°51'53" W. – 4.00 feet;
- 2) S. 88°08'37" W. – 23.10 feet;
- 3) S. 1°51'23" E. – 4.00 feet to the point of beginning;

said parcel contains an area of 197 square feet.

The Basis of Bearing for this description 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 February, 2018.

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

Secretary to the Board
William H. Hoffman

Chairman – Brian Sandoval
Governor

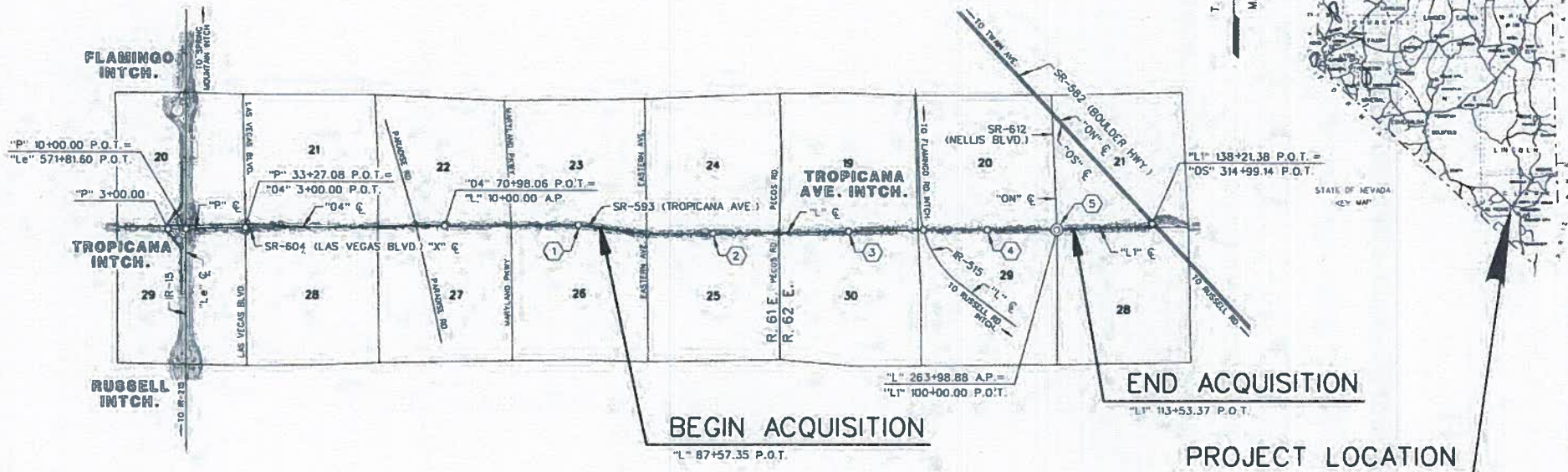
APPROVED AS TO LEGALITY
AND FORM

Dennis Gallagher, Chief Counsel
Department of Transportation

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION

RIGHT-OF-WAY PROJECT

STATE	E.A. NO.	PROJECT NO.	COUNTY	SHEET NO.
NEVADA	73879	SPSR-0593(003)	CLARK	1



MONUMENTS		
I.D.	LPN NO.	DESCRIPTION
①	875006L	FOUND 18" BRASS DISK IN MONUMENT WELL STAMPED "1994 1/4 T21S R61E S23/26 PLS 7004"
②	875026L	FOUND 20" BRASS DISK IN MONUMENT WELL STAMPED "VTN 1/4 T21S R61E 24/25 PLS 1188"
③	875037L	FOUND 20" BRASS DISK IN MONUMENT WELL STAMPED "VTN 1/4 T21S R62E 19/30 PLS 1188"
④	875038L	FOUND 20" BRASS DISK IN MONUMENT WELL STAMPED "VTN 1/4 T21S R62E 20/29 PLS 1188"
⑤	875033L	FOUND 20" BRASS DISK IN MONUMENT WELL STAMPED "VTN 1/4 T21S R62E S20 S21 S28 S29 PLS 1188"

STATE OF NEVADA CL-55
DEPARTMENT OF TRANSPORTATION

DATE: NOVEMBER 7, 2018

SR-593 TROPICANA AVENUE FROM
DEAN MARTIN DRIVE
TO SR-582 BOULDER HWY.

SCALE 1" = 4000'

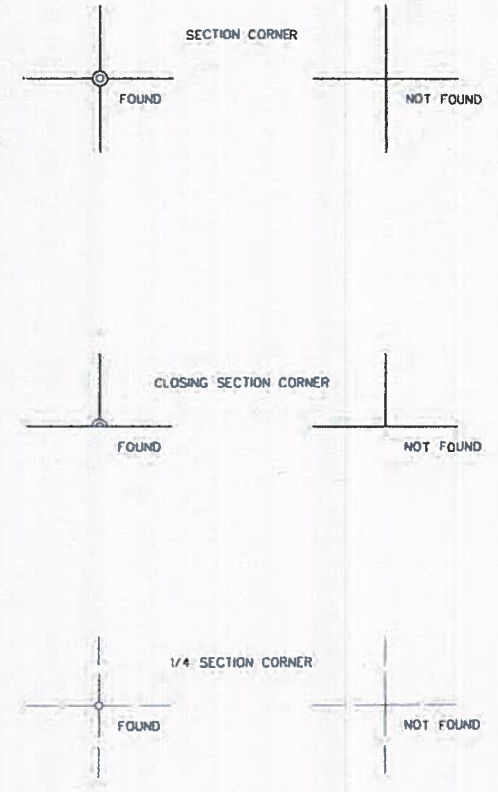
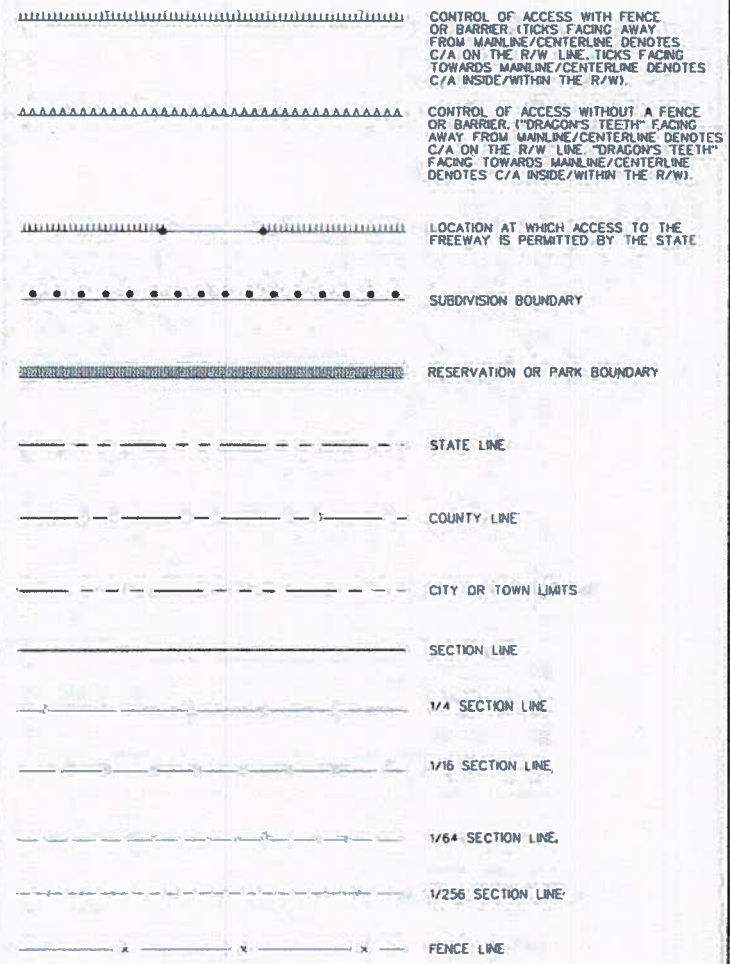
SHEET 1 OF 33

NEVADA DOT		R/W DIVISION	
TRACED	AKR/CJR/SCT	CHECKED	CJH
PHONE (775) 888-7470			

MAP ID NO. 27405
\\District N\73879\ 037_RightOfWay\DCM\Sheet01.dgn

LEGEND OF RIGHT-OF-WAY SYMBOLS

- C/A CONTROL OF ACCESS
- CL CENTERLINE
- CO COUNTY
- C/P PERMISSION TO CONSTRUCT
- Δ DELTA
- L ARC LENGTH
- LT LEFT
- P.C POINT OF CURVATURE
- P.C.C. POINT OF COMPOUND CURVATURE
- PE PERMANENT EASEMENT
- P/L PROPERTY LINE
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT ON CURVE
- P.O.E. POINT OF ENDING
- P.O.T. POINT ON TANGENT
- P.R.C. POINT OF REVERSE CURVATURE
- P.T. POINT OF TANGENCY
- R RADIUS
- REM. REMAINDER
- RT. RIGHT
- R/W RIGHT-OF-WAY
- TE TEMPORARY EASEMENT



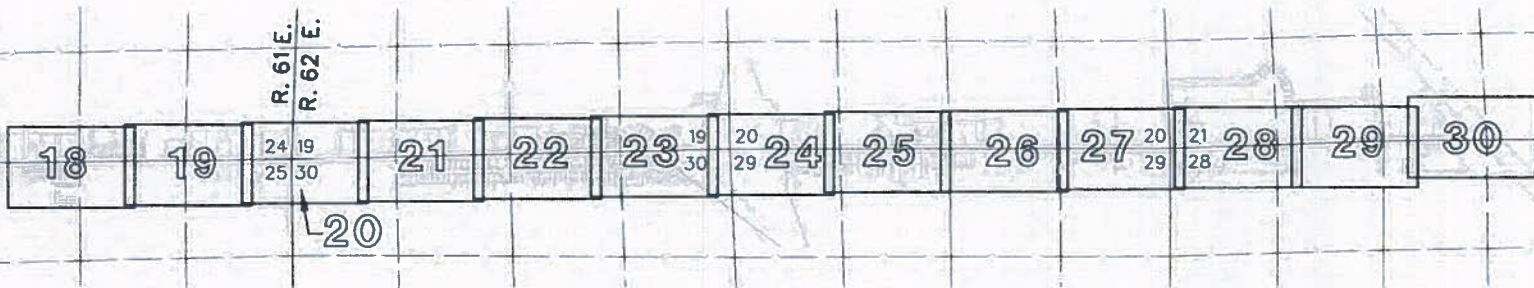
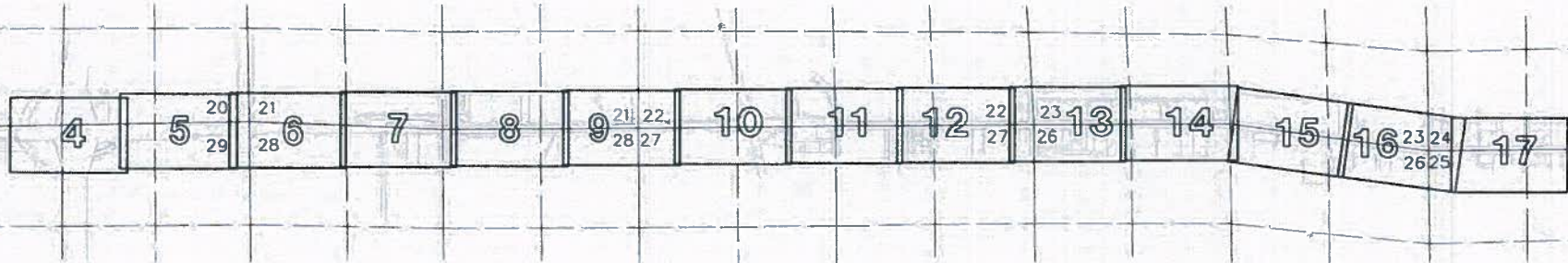
STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION

DATE: NOVEMBER 7, 2016

R/W PLANS

SHEET 2 OF 33

STATE	E.A. NO.	PROJECT NO.	COUNTY	SHEET NO.
NEVADA	73879	SPSR-0593(003)	CLARK	3



DATE OF LAST REVISION:	R/W DIVISION
TRACED	CJH/SCT/AKR
CHECKED	CJH
PHONE (775) 888-7470	

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION

CL-55

DATE: NOVEMBER 7, 2016

SHEET LAYOUT

APPROVED: *[Signature]*
MANAGER, R/W ENGINEERING

SCALE 1" = 1500'

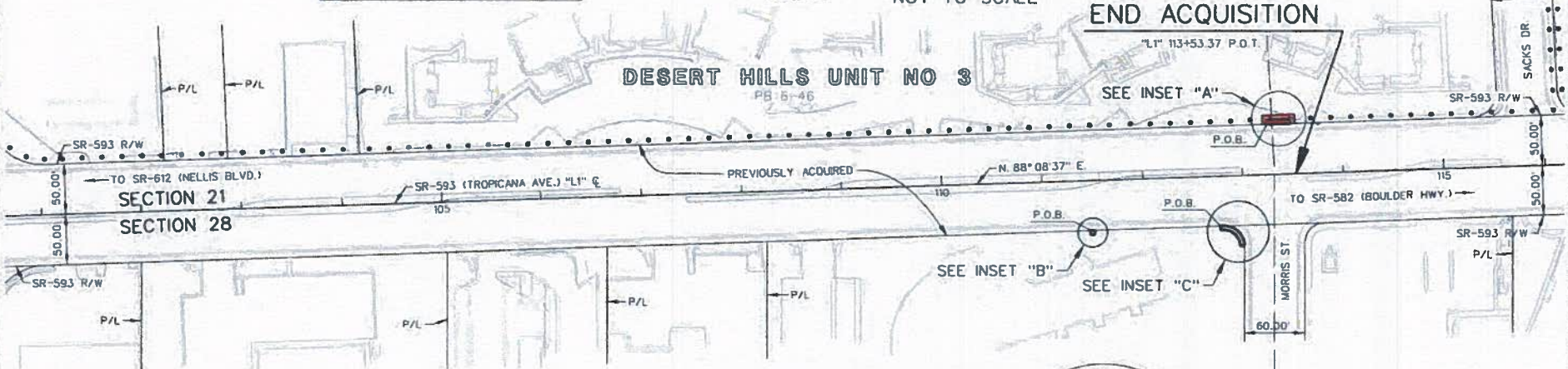
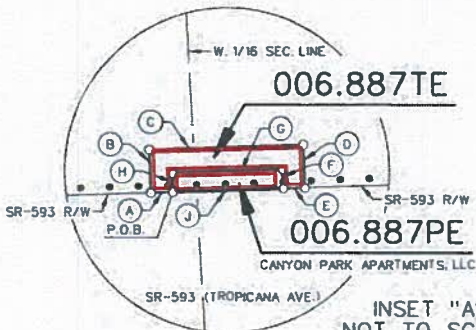
SHEET 3 OF 35

PARCEL NO. PREFIX: S-593-CL-

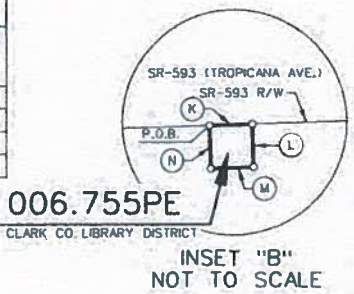
STATE	E.A. NO.	PROJECT NO.	COUNTY	SHEET NO.
NEVADA	73879	SPSR-0593(003)	CLARK	28

006.887PE	
P.O.B. = 50.00' LT. "L1" 113+25.77 P.O.T.	
TIE: N. 85° 58' 36" E. - 1,322.22' FROM THE SW COR. SEC. 21, T. 21 S., R. 62 E., M.D.M.	
H	N. 1° 51' 23" W. - 4.00'
G	N. 88° 08' 37" E. - 23.10'
F	S. 1° 51' 23" W. - 4.00'
J	S. 88° 08' 37" W. - 23.10'

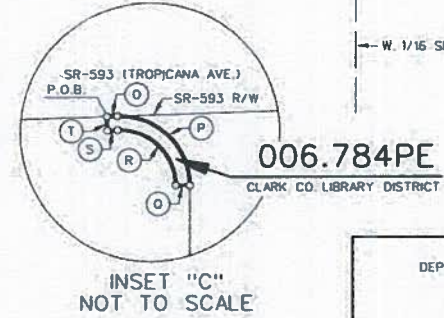
006.887TE	
P.O.B. = 50.00' LT. "L1" 113+25.77 P.O.T.	
TIE: N. 85° 58' 36" E. - 1,322.22' FROM THE SW COR. SEC. 21, T. 21 S., R. 62 E., M.D.M.	
A	S. 88° 08' 37" W. - 4.50'
B	N. 1° 51' 23" E. - 9.00'
C	N. 88° 08' 37" E. - 32.10'
D	S. 1° 51' 23" E. - 9.00'
E	S. 88° 08' 37" W. - 4.50'
F	N. 1° 51' 23" W. - 4.00'
G	S. 88° 08' 37" W. - 23.10'
H	S. 1° 51' 23" E. - 4.00'



006.755PE	
P.O.B. = 50.00' RT. "L1" 111+47.03 P.O.T.	
TIE: N. 89° 21' 37" E. - 1,148.12' FROM THE SW COR. SEC. 21, T. 21 S., R. 62 E., M.D.M.	
K	N. 88° 08' 37" E. - 4.00'
L	S. 1° 51' 23" E. - 4.00'
M	S. 88° 08' 37" W. - 4.00'
N	N. 1° 51' 23" W. - 4.00'



006.784PE	
P.O.B. = 50.00' RT. "L1" 112+76.77 P.O.T.	
TIE: S. 89° 36' 49" E. - 1,277.75' FROM THE SW COR. SEC. 21, T. 21 S., R. 62 E., M.D.M.	
O	N. 88° 08' 37" E. - 2.99'
P	Δ = 91° 51' 27"
P	R = 20.00'
P	L = 32.06'
Q	N. 89° 59' 56" W. - 4.00'
R	Δ = 91° 51' 27"
R	R = 16.00' L = 25.65'
R	T.B. = N. 0° 00' 04" E.
S	S. 88° 08' 37" W. - 2.99'
T	N. 1° 51' 23" W. - 4.00'



DATE OF LAST REVISION:	10/11/2016
R/W DIVISION	
TRACED	AKR/SCT
CHECKED	CJH
PHONE	(775) 888-7470

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION
CI-55

DATE: NOVEMBER 7, 2016

R/W PLANS

APPROVED: *[Signature]*
PROJECT MANAGER, R/W ENGINEERING

SCALE: 1" = 100'

SHEET 28 OF 33

PARCEL NO. PREFIX: S-593-CL-

PROPERTY SCHEDULE

ALL AREAS ARE SHOWN IN SQUARE FEET
UNLESS OTHERWISE NOTED

STATE OF NEVADA DEPT. OF TRANSPORTATION

PROJECT NO.

E. A. NO.

COUNTY

SHEET NO.

SPSR-0593(003)

73879

Clark

33

PARCEL NO.	GRANTOR	GROSS AREA OF ACQSN.	R/W AREA	EXCESS AREA	REMAINDER		ACQUISITION RECORDING DATA			SURPLUS LAND DATA			REMARKS	
					LT.	RT.	INST. OR DOC.	BK PG	DATE TYPE	AREA	INST. OR DOC.	BK PG		DATE TYPE
003 253	CHURCH LDS PRESIDING BISHOP	60												
003 253TE	CHURCH LDS PRESIDING BISHOP	194												TEMPORARY CONSTRUCTION EASEMENT
003 902PE	SAN REMO HOME OWNERS' ASSOCIATION	16												PERMANENT EASEMENT FOR CONSTRUCTION & MAINTENANCE
003 902TE	SAN REMO HOME OWNERS' ASSOCIATION	186												TEMPORARY CONSTRUCTION EASEMENT
005 019PE	ARGENT INVESTMENTS LLC	16												PERMANENT EASEMENT FOR CONSTRUCTION & MAINTENANCE
005 019TE	ARGENT INVESTMENTS LLC	99												TEMPORARY CONSTRUCTION EASEMENT
005 801PE	WEST SUN, LLC	278												PERMANENT EASEMENT FOR CONSTRUCTION & MAINTENANCE
005 801TE	WEST SUN, LLC	339												TEMPORARY CONSTRUCTION EASEMENT
005 896PE	LENCOO	61												PERMANENT EASEMENT FOR CONSTRUCTION & MAINTENANCE
005 896TE	LENCOO	226												TEMPORARY CONSTRUCTION EASEMENT
006 755PE	LAS VEGAS-CLARK COUNTY LIBRARY DISTRICT	16												PERMANENT EASEMENT FOR CONSTRUCTION & MAINTENANCE
006 784PE	LAS VEGAS-CLARK COUNTY LIBRARY DISTRICT	127												PERMANENT EASEMENT FOR CONSTRUCTION & MAINTENANCE
006 887PE	CANYON PARK APTS., INC	92												PERMANENT EASEMENT FOR CONSTRUCTION & MAINTENANCE
006 887TE	CANYON PARK APTS., INC	197												TEMPORARY CONSTRUCTION EASEMENT

CK'D BY
CJH

STATE OF NEVADA

DEPT. OF TRANSPORTATION

R/W DIVISION

DATE: November, 2016

R/W PLANS

DATE OF LAST REVISION: 03/23/17

SHEET 33 OF 33 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)



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

MEMORANDUM

January 31, 2018

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, Director
SUBJECT: February 12, 2018 Transportation Board of Directors Meeting
Item #9: 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. Fatality Report dated January 5, 2018- *Informational item only.*
Please see Attachment C.

List of Attachments:

- a. Report of Outside Counsel Costs on Open Matters - *Informational item only.*
- b. Monthly Litigation Report - *Informational item only.*
- c. Fatality Report dated January 5, 2018 - *Informational item only.*

Recommendation for Board Action:

Informational item only.

OPEN NDOT - OUTSIDE COUNSEL CONTRACTS AS OF JANUARY 19, 2018

	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 - 12/31/20	3/11/13	\$ 1,400,000.00	\$ 3,700,000.00	\$ 149,324.74
		Amendment #1	1/14/14	\$ 2,000,000.00		
		Amendment #2	12/15/15	\$ 300,000.00		
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 - 1/31/19	2/27/13	\$ 275,000.00	\$ 540,000.00	\$ 21,727.87
		Amendment #1	1/23/15	Extension of Time		
		Amendment #2	5/13/15	\$ 150,000.00		
		Amendment #3	6/24/16	\$ 65,000.00		
		Amendment #4	1/19/17	Extension of Time		
		Amendment #5	10/6/17	\$ 50,000.00		
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 - 2/28/19	2/27/13	\$ 200,000.00	\$ 295,000.00	\$ 32,408.83
		Amendment #1	2/17/15	Extension of Time		
		Amendment #2	10/6/17	\$ 95,000.00		
Kemp, Jones, Coulthard	Nassiri vs. NDOT 8th JD A672841 NDOT Agmt No. P290-13-004	7/17/13 - 2/28/19	7/17/13	\$ 280,000.00	\$ 1,230,000.00	\$ 32,412.91
		Amendment #1	2/12/15	\$ 475,000.00		
		Amendment #2	8/12/15	\$ 375,000.00		
		Amendment #3	1/17/17	\$ 100,000.00		
* Richard G. Campbell, Jr., Inc. Novation Agreement from Downey Brand, LLP	Legal Support for utility matters relating to Project Neon and Boulder City Bypass NDOT Agmt No. P210-14-004	5/14/14 - 5/31/18	5/14/14	\$ 250,000.00	\$ 250,000.00	\$ 245,570.00
Sylvester & Polednak	First Presbyterian Church Project Neon NDOT Agmt No. P327-14-004	7/17/14 - 7/31/18 Amendment #1	7/17/14 6/29/16	\$ 280,000.00 Extension of Time	\$ 280,000.00	\$ 206,697.55
** Lambrose Brown	Grant Properties Project Neon NDOT Agmt No. P717-16-004	11/30/16 - 11/30/18	11/30/16	\$ 240,313.56	\$ 240,313.56	\$ 240,313.56
*** Lambrose Brown	Sharples Project Neon NDOT Agmt No. P718-16-004	11/30/16 - 11/30/18	11/30/16	\$ 181,627.66	\$ 181,627.66	\$ 130,890.96

Contracts Closed Or Expired Since Last Report:

Vendor	Case/Project Name	Contract Period	Contract and Amendment Date	Contract and Amendment Amount	Total Contract Authority	Contract Authority Remaining
NONE						

* The firm of Richard G. Cambell, Jr., Inc. has entered into a novation agreement taking over from the prior firm of Downey Brand, LLP representing the Department in utility matters relating to condemnation.

** Schedule shows current open Lambrose Brown Agreement regarding Grant Properties. Expired previous agreement expended total of \$34,686.44

*** Schedule shows current open Lambrose Brown Agreement regarding Sharples. Expired previous agreement expended total of \$93,852.34.

Monthly Litigation Report to the Nevada Department of Transportation - January 19, 2018				
Case Name	Nature of Case	Outside Counsel to Date		
		Fees	Costs	Total
Condemnations				
NDOT vs. 1916 Highland Properties, Ltd.	Eminent domain - Project Neon	\$ -	\$ -	\$ -
NDOT vs. Ad America, Inc. (Neon-Silver Ave.)	Eminent domain - Project Neon	\$ -	\$ -	\$ -
NDOT vs. Danisi, Vincent, J. III	Eminent domain - Project Neon Administrative Action for Relocation Benefits	\$ -	\$ -	\$ -
NDOT vs. I-15 and Cactus, LLC	Eminent domain - I-15 Cactus	\$ 237,009.75	\$ 25,581.42	\$ 262,591.17
NDOT vs. Jackson, Darrell, et al.	Eminent domain - Project Neon	\$ -	\$ -	\$ -
* NDOT vs. Sharples, John; Sharples, Bonnie	Eminent domain - Project Neon - Appealed	\$ 76,734.00	\$ 17,905.04	\$ 94,639.04
NDOT vs. Tomahawk, LLC, et al.	Eminent domain - I-15 (Starr Interchange)	\$ -	\$ -	\$ -
NDOT vs. Wykoff Newberg Corporation	Eminent domain - I-15 and Warm Springs	\$ 454,743.64	\$ 63,528.49	\$ 518,272.13
		\$ 768,487.39	\$ 107,014.95	\$ 875,502.34
Inverse Condemnations				
FLP Holdings, LLC	Inverse condemnation	\$ -	\$ -	\$ -
Lagomarsino, Norma vs. NDOT	Inverse condemnation	\$ -	\$ -	\$ -
Nassiri, Fred vs. NDOT	Inverse condemnation	\$ 1,026,786.34	\$ 170,800.75	\$ 1,197,587.09
Stak 2 Holdings, LLC	Inverse condemnation			
Village Springs, LLC	Inverse condemnation	\$ -	\$ -	\$ -
		\$ 1,026,786.34	\$ 170,800.75	\$ 1,197,587.09
Cases Closed and Removed from Last Report:				
None				
New cases appear in red. No new cases this period.				
* These totals show the combined funds expended in closed Agreement P434-14-004 and current open Agreement P718-16-004.				

Monthly Litigation Report to the Nevada Department of Transportation - January 19, 2018				
Case Name	Nature of Case	Outside Counsel to Date		
		Fees	Costs	Total
Torts		\$ -	\$ -	\$ -
Abrego, Jose vs. NDOT	Plaintiff alleges negligence and personal injury			
Corbin, Kaleb vs. NDOT	Plaintiff alleges negligence and personal injury			
Ducoing, Holly Ann vs. NDOT; et al	Plaintiff alleges negligence and personal injury			
Discount Tire Company vs. NDOT; Fisher	Plaintiff alleges negligence and personal injury			
Hendrickson, Cynthia vs. NDOT	Plaintiff alleges negligence and personal injury			
Hitzemann, Darrell, et al. vs. Las Vegas Paving; NDOT	Plaintiff alleges negligence and personal injury			
King-Schmidt, Barbara vs. NDOT	Plaintiff alleges negligence and personal injury			
Liu, Hui vs. Clark County and NDOT	Plaintiff alleges negligence and wrongful death			
NDOT vs. Tamietti	NDOT seeks injunct. relief to prevent closing access			
Simpson, David W., et al vs. NDOT	Plaintiff alleges wrongful death			
Sloane, Miguel vs. NDOT	Plaintiff alleges negligence and personal injury			
Veza, Macy vs. Fedex Freight et al.; NDOT, et al.	Defendant third-party complaint alleging negligence			
Contract Disputes				
Road and Highway Builders vs. NDOT	Plaintiff alleges Contract #3699 awarded in error			
Miscellaneous				
Hawhee, William L. and Hawhee, Dianne P. vs. NDOT	Complaint for Quiet Title			
Laborer' International Union vs. Labor Commissioner, NDO	Petition for Judicial Review			
Dicus, Kurt v. Road & Highway Builders; NDOT	Petition for Judicial Review of Prevailing Wage			
Fultz, Merle v. Road & Highway Builders; NDOT	Petition for Judicial Review of Prevailing Wage			
Hall, Lewis v. Road & Highway Builders; NDOT	Petition for Judicial Review of Prevailing Wage			
Personnel Matters				
Akinola, Ayodele vs. State, NDOT	Personnel Matter			
Boice, Rocky vs. State, NDOT	Personnel Matter			
Cerini, Cheri vs. NDOT	Personnel Matter			
Cosio, Christine vs. NDOT	Personnel Matter			
Crawford, Kendrick, vs. State, NDOT	Personnel Matter			
Lorenzi, Anthony vs. State, NDOT	Personnel Matter			
Wells, Jonathan vs. State, NDOT	Personnel Matter			
Zenor, Chad T. vs. State, NDOT	Personnel Matter			
Cases Closed and Removed from Last Report:				
NONE				
New case appears in red. No new cases this period.				

Outside Counsel
Fees and Costs of Open Cases
as of January 19, 2018

<u>Category</u>	<u>Fees</u>	<u>Costs</u>	<u>Total</u>
Condemnation Litigation	\$ 768,487.39	\$ 107,014.95	\$ 875,502.34
Inverse Condemnation Litigation	\$ 1,026,786.34	\$ 170,800.75	\$ 1,197,587.09
Construction Litigation	0	0	0
Personnel Litigation	0	0	0
Tort Claim Litigation	0	0	0
	<u>\$ 1,795,273.73</u>	<u>\$ 277,815.70</u>	<u>\$ 2,073,089.43</u>

1/5/2018

TO: PUBLIC SAFETY, DIRECTOR NDOT, HIGHWAY SAFETY COORDINATOR,
NDOT TRAFFIC ENGINEERING, FHWA LAW ENFORCEMENT AGENCIES

FROM: THE OFFICE OF TRAFFIC SAFETY, FATAL ANALYSIS REPORTING SYSTEM (FARS)
PREPARED BY: JULIE GALLAGHER, FATAL ANALYST

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

	CURRENT		SAME DATE LAST YEAR			# CHANGE	
	Crashes	Fatals	Crashes	Fatals	Crashes	Fatals	
12/28/2017	1	1	12/29/2016	2	2	-1	-1
MONTH	21	23	MONTH	23	28	-2	-5
YEAR	287	305	YEAR	304	329	-17	-24

KNOWN CRASH AND FATAL COMPARISON BETWEEN 2016 AND 2017, AS OF CURRENT DATE.

COUNTY	2016 Crashes	2017 Crashes	% CHANGE	2016 Fatalities	2017 Fatalities	% Change	2016 Alcohol Crashes	2017 Alcohol Crashes	% Change	2016 Alcohol Fatalities	2017 Alcohol Fatalities	% Change
CARSON	7	4	-42.86%	7	4	-42.86%	1	0	-100.00%	1	0	-100.00%
CHURCHILL	8	6	-25.00%	8	6	-25.00%	2	1	-50.00%	2	1	-50.00%
CLARK	201	195	-2.99%	217	207	-4.61%	45	31	-31.11%	48	32	-33.33%
DOUGLAS	5	9	80.00%	5	11	120.00%	1	2	100.00%	1	3	200.00%
ELKO	7	8	14.29%	8	8	0.00%	0	0	0.00%	0	0	0.00%
ESMERALDA	1	3	200.00%	3	4	33.33%	0	0	0.00%	0	0	0.00%
EUREKA	1	0	-100.00%	1	0	-100.00%	0	0	0.00%	0	0	0.00%
HUMBOLDT	4	3	-25.00%	5	3	-40.00%	1	0	-100.00%	1	0	-100.00%
LANDER	3	2	-33.33%	3	2	-33.33%	1	1	0.00%	1	1	0.00%
LINCOLN	1	0	-100.00%	1	0	-100.00%	0	0	0.00%	0	0	0.00%
LYON	1	9	800.00%	1	9	800.00%	0	2	200.00%	0	2	200.00%
MINERAL	4	1	-75.00%	4	1	-75.00%	0	0	0.00%	0	0	0.00%
NYE	6	6	0.00%	6	7	16.67%	4	0	-100.00%	4	0	-100.00%
PERSHING	1	2	100.00%	1	2	100.00%	0	0	0.00%	0	0	0.00%
STOREY	2	0	-100.00%	2	0	-100.00%	2	0	-100.00%	2	0	-100.00%
WASHOE	45	37	-17.78%	50	39	-22.00%	19	6	-68.42%	24	7	-70.83%
WHITE PINE	7	2	-71.43%	7	2	-71.43%	1	1	0.00%	1	1	0.00%
YTD	304	287	-5.59%	329	305	-7.29%	77	44	-42.86%	85	47	-44.71%
TOTAL 16	304	---	-5.6%	329	---	-7.3%	---	---	#VALUE!	---	---	#VALUE!

2016 AND 2017 ALCOHOL CRASHES AND FATALITIES ARE BASED ON VERY PRELIMINARY DATA & ARE NOT COMPLETE YET.

KNOWN COMPARISON OF FATALITIES BY PERSON TYPE BETWEEN 2016 AND 2017, AS OF CURRENT DATE.

COUNTY	2016 Vehicle Occupants	2017 Vehicle Occupants	% Change	2017 Vehicle Unrestrained	2016 Peds	2017 Peds	% Change	2016 Motor-Cyclist	2017 Motor-Cyclist	% Change	2016 Bike	2017 Bike	% Change	2016 Other moped,atv	2017 Other moped,atv
CARSON	2	2	0.00%	2	4	1	-75.00%	1	1	0.00%	0	0	0.00%	0	0
CHURCHILL	3	3	0.00%	1	2	2	-66.67%	3	1	-66.67%	0	0	0.00%	0	0
CLARK	98	80	-18.37%	35	57	78	-36.84%	49	38	-22.45%	5	7	-40.00%	8	4
DOUGLAS	4	8	200.00%	3	0	2	200.00%	1	1	0.00%	0	0	0.00%	0	0
ELKO	5	6	20.00%	4	1	0	-100.00%	0	1	100.00%	0	0	0.00%	2	1
ESMERALDA	3	3	0.00%	0	0	1	100.00%	0	0	0.00%	0	0	0.00%	0	0
EUREKA	1	0	-100.00%	0	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0
HUMBOLDT	4	3	-25.00%	2	0	0	0.00%	1	0	-100.00%	0	0	0.00%	0	0
LANDER	3	2	-33.33%	2	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0
LINCOLN	1	0	-100.00%	0	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0
LYON	1	8	700.00%	5	0	0	0.00%	0	1	100.00%	0	0	0.00%	0	0
MINERAL	4	1	-75.00%	0	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0
NYE	6	4	-33.33%	3	0	2	200.00%	0	1	100.00%	0	0	0.00%	0	0
PERSHING	1	1	0.00%	1	0	1	100.00%	0	0	0.00%	0	0	0.00%	0	0
STOREY	1	0	-100.00%	0	0	0	0.00%	1	0	-100.00%	0	0	0.00%	0	0
WASHOE	25	20	-20.00%	5	15	12	-20.00%	8	5	-37.50%	1	2	100.00%	1	0
WHITE PINE	4	0	-100.00%	0	1	1	0.00%	1	1	0.00%	0	0	0.00%	1	0
YTD	166	141	-15.06%	63	80	100	25.00%	65	50	-23.08%	6	9	50.00%	12	5
TOTAL 16	166	---	-15.06%	---	80	---	25.00%	65	---	-23.08%	6	---	50.00%	12	---

PRELIMINARY DATA CONFIRMS 76 UNRESTRAINED FATALITIES FOR 2016
THIS DOES NOT CONTAIN UNKNOWN AND ALL FINAL REPORTS FOR 2016