

Transcript of Nevada Department of Transportation
Board of Directors Meeting
February 12, 2018

Governor Brian Sandoval
Controller Ron Knecht
Frank Martin
Virginia Valentine
Len Savage
BJ Almberg
Rudy Malfabon
Bill Hoffman
Dennis Gallagher

Sandoval: Good morning ladies and gentlemen, I will call the Nevada Department of Transportation Board of Directors Meeting to order. Pursuant to the agenda, I am going to take Agenda Item No. 5 first, it is set for a time certain for a 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 Government Entities.

Before I take testimony from Staff, I'd like to open up the public comment on Agenda Item No. 5 only. Is there anyone present who would like to provide public comment with regard to Agenda Item No. 5? Yes ma'am.

Wray: Good morning Governor. My name is Lori Wray and I'm here on behalf of Scenic Nevada. My understanding is, Item No. 5 is about the Digital Billboard Regulations, is that correct? Okay.

So, as you're probably aware, there were changes made to the Draft by the Legislative Council Bureau which went back and forth until all sides were in agreement. And those changes were incorporated and sent just last month to the Legislative Commission, which approved the digital billboard regulations without comment from anyone.

We hope you also agree and approve the regulations as presented today. On behalf of Scenic Nevada, we wanted to thank you again, Governor and Members of the Transportation Board, for insisting that all voices be heard on each aspect of these regulations. Without that, we wouldn't have the quality of the proposed regulations we have today or the consensus.

We also want to thank Louis Holland from the AG's Office and NDOT Director, Rudy Malfabon, who met with us and listened to our concerns and suggestions for

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digital billboard regulations. Especially want to thank Ruth Borelli, from NDOT staff, for her tireless efforts every step of the way to keep all of us in the loop and to get feedback as the changes were being made.

Thanks again to all involved and we hope you approve these regulations. Thank you.

Sandoval: Thank you Ms. Wray. Before I take any more testimony, I want to amend what I stated with regard to Agenda Item No. 5. I had an old version in my packet. Agenda Item No. 5 reads: an amendment to NAC 410.350 to amend the requirements for Commercial Electronic Variable Message Signs (CEVMS) including tri-vision signs and digital billboard signs pursuant to Assembly Bill No. 305 of the 2017th Session. My apologies for misreading that. Ms. Wray, thank you. Anyone else want to provide public comment on Agenda Item No. 5?

Hillerby: Thank you Governor. Michael Hillerby on behalf of Lamar Outdoor Advertising. I really just want to echo Ms. Wray's comments. Thank you and thank your staff, in particular, Ruth Borelli for all your patience and hard work on this. We appreciate your support, thank you.

Sandoval: Thank you Mr. Hillerby. Any further public comment from Carson City with regard to Agenda Item No. 5? Any public comment from Las Vegas, which we can't see?

Gomez: None in Las Vegas, Governor.

Sandoval: All right, thank you. I do want to complement those that provided public comment. I know this has been a long time in the making and I know that we had a prior meeting where I encouraged the groups to get together and really work this out and they've done that. This is the process that I always like to see happen, where the parties have an opportunity to work together and reach a mutually agreeable result. So, thank you for that.

Why don't we then move on to the staff presentation with regard to Agenda Item No. 5.

Malfabon: Governor, just wanted to mention that there—as was stated, the maybe clean-up items by the LCB Staff to consolidate some of what we had drafted into what they felt was a proper format for the legislation to be adopted. They also corrected the—their standard term for Clark County is to refer to it based on a population of—I can't remember the—

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Gallagher: Now, it's 700,000.

Malfabon: —is it—700,000. So, those were the changes. There were no significant changes as can be seen by the support from the advocates from both sides of the issue. It was—we don't have a formal presentation, but if there's any questions from the Board, Ruth Borelli is here to respond. I will also echo the praise for Ruth and also our—our DAG that was helpful for drafting these. If there's any questions, Ruth can field those.

Sandoval: Thank you Director Malfabon. I was saving my praise for staff once they finished. Ms. Borelli, do you have any comments that you'd like to make for the record please?

Borelli: Ruth Borelli, Chief Right-of-Way Agent, thank you Governor and the Board. I just had one correction on the agenda item that you read. It said, Bill No. 305 and it said, 2017 Session, that's incorrect. It was the 2013 Session. Thank you.

Sandoval: All right, thank you. Board Members, do any of you have any questions with regard to Agenda Item No. 5? Mr. Almberg?

Almberg: Thank you Governor. I'd just like to state that I recently purchased a piece of property that does have a billboard on it, you know, that is not the reason for the purchase of that property. It is recently closed and so, I do not believe that the independence of judgment of a reasonable person in my position would be affected by this and I intend to participate in this.

Sandoval: Thank you. Any other questions or comments from Board Members? And, Ms. Borelli and Ms. Holland, I don't see him out here, but again, my compliments to you for getting this done and doing it in such a way and being able to work with the parties and again, reach a day like we have today. I appreciate your time and effort.

Borelli: Thank you Governor.

Sandoval: If there are no further questions, with regard to Agenda Item No. 5—do I need to take any further public comment, Mr. Gallagher?

Gallagher: For the record, Dennis Gallagher. No additional public comment necessary for Item 5, however, you do have Item 2 coming up soon, so.

Sandoval: Yes. All right. So, without any other testimony, the Chair will accept a motion to approve an amendment to NAC 410.350 to amend the requirements for

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Commercial Electronic Variable Message Signs, (CEVMS), including tri-vision signs, digital billboard signs, pursuant to Assembly Bill 305 of the 2013 Session as presented in Agenda Item No. 5.

Martin: So moved.

Sandoval: Mr. Martin has moved for approval, is there a second.

Valentine: I second.

Savage: Second.

Sandoval: I'll give that one to Member Savage. 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.

All right, so we'll move back to Agenda Item No. 1, which is to receive the Director's Report, Director Malfabon, please proceed.

Malfabon: Thank you Governor. We'll start out with some great news. For the fifth year in a row, our bridges are ranked number one in the nation. This was based on an American Road and Transportation Builders Association report which relies on the Bridge Inventory Data on Bridge Conditions that we submit to USDOT annually.

In Nevada, only 1.6% of nearly 2,000 bridges are structurally deficient. The national average is 8.9% structurally deficient. I wanted to say, that's a term that is used by the Federal Highway Administration to describe the need to possibly have rehabilitation or potential replacement of a bridge. It doesn't mean that it's unsafe to cross over or under these bridges. That's the term that's been in place for many years and they've been considering some change to it because of that concern of what it could mean, but it is a—you know, we have a safe bridge, even if it's structurally deficient, it just means it needs some work on it. But great news for us.

Recently a budget was signed which funds the federal government through Friday, March 23rd. It also sets the stage for a two year spending bill that will boost federal spending by over \$300 billion. \$300 billion for defense and non-defense. It suspends the debt ceiling which is quite a challenge for Congress every time they have to raise the debt ceiling, so it suspends that for one year. Obviously, you've read in the media that the House—certain Members of the House have

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some concerns with fiscal policy and the deficit, but hopefully they'll work that out and pass ultimately a two-year spending bill by expiration on March 23rd.

Today the infrastructure plan details were released. We saw some emails from USDOT about some of those details and the Trump Administration, this week, releases its budget request to Congress. As you recall, last year they released a skinny budget, which Congress has the authority to establish the budget. So, they didn't adopt a lot of those principles that President Trump and the Administration had forwarded for consideration. Same process this year, they'll release a budget, but Congress really has the authority.

We have one of our newest member of NDOT there. Zander [laughter]

Hoffman: [inaudible] for the record.

Malfabon: So, some of the details that we just saw this morning—and we've been hearing about this from an early release of a draft, which has changed a little bit but as you saw, the President mentioned infrastructure in his State of the Union speech. \$200 billion of federal funds to spur \$1.5 trillion of infrastructure investments.

There's various programs—I did want to make the point that infrastructure includes, not only surface transportation but ports, airports, passenger rail, water and waste water, flood control, power, broadband. So, it's very broad. A lot of federal agencies will be involved in the distribution of these funds. So, hopefully there's that kind of coordination and collaboration between those agencies.

As far as the split of that \$200 billion. We see an incentives program, which I believe is going to be limited to that 20% federal/80% state, local or private funds. \$200 billion for transformative projects. The same amount for financing programs such as; current, TIFIA Program that loans federal funds to major projects.

There's also a Rural America Program. The interest is to address some of the rural needs. A lot of times, the urban areas are successful in getting these types of federal grants and federal funds. There's a recognition that we need to invest in rural America as well. Then a Capital Revolving Fund, \$10 million.

So, details to come but the other areas that the President has been strong on mentioning is the importance of streamlining environmental review and permitting. They're looking at the ability to divest any federal assets to state and local governments, or the private sector to manage it better and just eliminate

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regulatory barriers and also a workforce development element of this program for better job training, better skills for our emerging workforce.

Recently we met with our four Nevada Metropolitan Planning Organizations.

Sandoval: Excuse me Rudy, may I interrupt? Just before you leave that infrastructure proposal—have you been able to discern what that really means to Nevada? I mean it is realistic that we're going to be able to access any of that money given our current project schedule?

Malfabon: We hope so. I have to get some more details, Governor, because they just released that this morning and we want to dig into the details and listen in. I know that you're going to be participating in a conference call this Wednesday with the USDOT where they talk it over with the Governors. They're doing the same kind of outreach with DOTs, with conference calls; today and hopefully we'll be able to catch some of that information and make those determinations of where we're really poised to access some of those federal funds because between us and the RTCs in Nevada, we want to be able to get some of that funding. There's other agencies as well, that could access those funds, but we don't have a lot of details. I just saw some bullet points of the overview. So, more information as we digest that this week, we should be able to establish where we can access those funds and compete for it.

We did meet with the four MPOs, Carson area, Tahoe, RTC Washoe County and RTC of Southern Nevada to discuss federal policy issues. We each take our individual trips to visit our delegation; whether it's with the Chamber of Commerce or for us, we go to the AASHTO Washington Briefing at the end of this month. Secretary Chao will be providing a keynote address to that and I'm sure that the discussion will be about this infrastructure plan and what it means for the State DOTs and those various program areas.

Governor, you Chaired the National Governor's Association Ahead of the Curve Event. I just want to say, it was an amazing event to participate in as a member of our group, from Nevada. Just to learn and sit with our counterparts who, we made the point that we're always in competition but it's a friendly competition and we want to learn more and also share our experience from Nevada. We're going to be visiting Colorado DOT to talk about their RoadX Program, which is their Connected and Automated Vehicles Program. Learn more about how they do streamline procurement for those emerging technology areas.

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Having that dovetailed with CES was great. I mean, to be able to see some of those panels with the other Governors and to see the new technology on display there at CES was amazing.

We did learn one thing that we want to let our delegation know about, the need to protect the broadband safety spectrum. That was something that the Director of Michigan DOT mentioned that, a lot of states are concerned about this. When I was talking about the infrastructure plan, they talked about divesting some federal assets to the private sector or other public sectors either state or local. One of those areas we're concerned about is they not sell off this broadband safety spectrum because that's what the vehicle to vehicle or vehicle to infrastructure communications relies on. That was something we learned by attending that NGA event.

It's great, what these emerging technologies, they're often called disruptive, but they have a lot of potential, whether it's saving lives or making improvements to our transportation system, so we can move people around safely and quickly.

This weekend, Lieutenant Governor Hutchison—he was losing his voice and he was still participating in this Construction vs. Cancer Event. Our NDOT crews brought our snow plow from Mount Charleston there and as you can imagine, a lot of people in Vegas have never seen a snow plow. There was that one snow storm several years ago, but—and then Martin Harris also participated. What this is, it's a community partnership with American Cancer Society. With a lot of our mining companies and heavy construction companies, to showcase their equipment, even offer some of those survivors of pediatric cancer to actually operate the equipment. It's pretty cool.

One of our go-to contractors, Las Vegas Paving launched the event in partnership with the American Cancer Society and it was well attended. We appreciate those that were able to participate and show support. Great event and it raised some funds to fight cancer and research pediatric cancer.

I have several slides on this issue that's been in the news a lot lately. With horses, whether they're feral or a stray horse in the Virginia Range, I wanted to mention that specifically, but also—just before I get into the details of that area of the State, I wanted to mention that we have a—what we called a Pooled Fund Study where seven other states and the Ontario Ministry of Transportation along with NDOT are participating in studying the effectiveness of wildlife crossings.

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Now, when I mention wildlife, I'm talking horses, cattle, elk, deer, all types of different wildlife. We've done these maps that show collisions over that 2006-2015 period as part of that Pooled Fund Study. That's actually a research project that we're doing to look at wildlife crossing. So, that's a Pooled Fund Study and a research project are ongoing. The research project is specific to Nevada and looking at where we can cite some of those wildlife crossings.

This map shows you the horse related crashes all over the state. You can see some areas of 93, just south of Ely that are—they have a tremendous challenge with horse hits. US-6 as well as this area, or Virginia Range, also by Tonopah. It's quite a challenge and I'm going to get into some details. I wanted to mention that we've been looking at this issue of horses and in the context of wildlife hits all throughout the state.

One of the things that we've done is install fencing and wildlife crossings across various highways in the Virginia Range. The Virginia Range is from I-80 down to US-50, in that area of USA Parkway all the way out to the Dayton area. Mount House and out to Silver Springs.

One of the things we typically do is, go for the low hanging fruit first when we do projects. We're trying to meet this challenge of installing some fencing and we did install some fencing. The orange lines on that map to the right show that we—from the USA Parkway Project or a separate fencing project for US-50A to Fernley, we installed some fencing that keeps the horses out of those areas.

We have underpasses that we put on USA Parkway and one on US-50. You see the blue lines are what we anticipate issuing as a contract this year. It's in the fall, but that's some more fencing that's going to be done under the widening project. The reason that we didn't fence that sooner is that we're actually building a frontage road system to extend what we currently have on US-50. It didn't make sense to install the fence and then tear it down and then move it out to where the new right-of-way line is. I know that Ruth Borelli and her staff are acquiring all that property as we speak so that we can get that project out for bids on schedule this year.

Back to that one photo—show the horses on US-50 actually using the underpass, you can see Barrier Rail up top on the highway. They can be effective but it's—one of the issues is that we see these hits throughout the area and this is from 2010 to January 1, 2015. So, pretty much the 2010 to 2014 years and you can see

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the—by the color, there's been a fatal on US-50, kind of west of USA Parkway. There's been a lot of injury crashes and property damage crashes.

You can see that this is the most recent data, January 1, 2015 to September 1, 2017. Go ahead, DJ and toggle between the two maps. You can kind of see that significantly on 50A, the road to Fernley that that fencing project really reaped some dividends, its improving roadway safety. Because you don't see those crashes there anymore, but you still see a significant amount in the recent years, still on US-50. In fact, you see the fatality there on US-50. It's something that we know we have some work to do in that area, but we did what was the low hanging fruit first.

Some of the challenges that we're going to be looking at. The horses go where there's resources, the food and the water that they need to survive and typically those are available either from the river or from developed areas along the highway, US-50. There's definitely some challenges in fencing. I've driven through there recently and there's a lot of private property, a lot of developed areas. Some have fencing, some don't. Different types of fencing. There's terrain issues and land use. Just kind of has an effect on where we can place the fencing and have it be effective to keep the horses out.

One of the biggest challenges is the amount of streets and driveways that would basically be through the fenced area when we put fencing in and the horses can get into those areas. Even when we've installed cattle guards, they've gotten stuck—you know, some people think you can have lines painted or have cattle guards and horses are very smart animals and they can get stuck as they try to cross those cattle guards.

Sometimes when we have fencing, people that like to off-road will cut the fence to get access to some of that adjacent land outside of our right-of-way. Locks have been cut on our gates. It requires constant attention and maintenance by our District 2 Staff. They've done a great job, but it is a challenge to monitor the fencing and keep that closed where it's supposed to be closed.

One of the comments that's been made about street lights is, couldn't NDOT put in street lights along the entire length? There's a lot of intermittent development. In some cases, street lights—even with the recent crash with the Sherriff's Deputy from Lyon County; it occurred at, I think it was Enterprise Lane, an intersection there. If you watch the video of that crash, the driver had actually just passed an area that had street lights and it was just about 50 feet or so beyond that

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intersection. So, street lighting might not be as effective a counter measure as fencing will be to keep the horses out. We'll still have that challenge of those openings in the fence for cross-streets and driveways.

What we intend to do is obviously, meet with the first responders. Lyon County Sherriff has been very interested in this and wants to have a discussion with NDOT. NHP has definitely been involved with that. Department of Agriculture, Department of Wildlife. Various groups, definitely want to sit down with NDOT and we'll keep them informed of what we can do to address this issue.

We're going to have staff look at those gaps in the fencing where there is uncontrolled crossings and where horses can get into the right-of-way. It's really happening in those developed areas of Dayton, Mount House and Stagecoach. We'll develop a plan, find out what are the challenges as far as getting environmental approvals, any right-of-way acquisitions that we might need or even if it's a temporary construction easement to put the fencing in, any federal challenges there to get approvals.

It will be a combination of infrastructure and non-infrastructure that we can do. Non-infrastructure, I'll give you an example of that, could be that getting the responders set up. So, we have definitely a process that we use when say call Reno Roads, we'll dispatch our maintainer out there but there might be something where if somebody needs to cut a gate because a horse is within the right-of-way, we need to do that immediately if it's a public safety issue, rather than the response time for NDOT's maintenance worker to get out there and open the gate.

We're willing to do those types of things and coordinate with the first responders and I think that what we'll do, Governor and Board Members is have a more comprehensive presentation at a later date once we've developed that plan to address these populated areas along US-50. It will be more work to come on that and more communication with others. And, come back to the Board at a later date to present to you what we're doing out there.

Safety is very important to the Department. I wanted to mention a lot of safety projects that we have ongoing. Airport Road Traffic Signal at US-395, that is currently underway. The roundabout project at SR-88 and Centerville Lane, advertises for bids later this month. US-50 and Pike Street, there's some businesses there and a lot of pedestrian traffic there; we're going to improve the lighting and have better pedestrian safety infrastructure there at that location with the rapid rectangular flashers.

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Also, we just recently awarded the \$1.8 million Electric Avenue Traffic Signal on USA Parkway to Sierra Nevada Construction. That project is going to start work as soon as they order the poles and get the equipment in stock.

A lot has been happening with our project team on the Reno Spaghetti Bowl. They've been doing a lot of outreach, a lot of development. Trying to refine the options available for the project and get to the point where they can do some good cost estimating as best as they can at the high-level that they're at currently with the options available and the design. It's not really designed yet, obviously, but they're looking into how—what are the engineering issues, what are the environmental issues and communicating that throughout. You can see that there's been 93 individual stakeholder meetings done to date and definitely a lot of work to do still but we want to have that draft environmental impact statement done this year so that we can have it officially dealt with early next year and move on to the final EIS. They're also looking into what options we can package early to do something sooner rather than later on the Reno Spaghetti Bowl phases.

One of the things that they did look at is they looked at the different options to address the traffic issues in Reno by the interchange is the area by the Nugget constricts some of the traffic. They were looking at this overhang structure, so you have one bridge hanging over the other at the Nugget. They eliminated that idea for a traditional viaduct structure that would be similar to what you have now but would have the number of lanes that we need in that area. I just wanted to mention that major change recently.

Recently the Lieutenant Governor participated in the groundbreaking event. Thank you for Director Deputy Hoffman for covering that. That was at the same time we were meeting with the MPOs. So, Bill covered that for me. We're widening six-miles of US-95 and building and interchange. This project has over \$30 million of local funds for flood control and for construction of the interchange at Kyle Canyon Road. It's going to be a diverging diamond interchange. Similar to what you see in Reno at Moana Interchange.

The public information meeting is coming up to present to the public. Here's our traffic impacts. We've got to jockey traffic around while we build this important project. But, pretty cool event. They had—you can see the aesthetics in the lower right of that falcon, that metal sculpture. We had some folks from the Department of Wildlife there that were expert falconers that participated in the event. It was pretty cool.

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Sandoval: Excuse me Rudy, before you move on. The Controller has a question for you.

Malfabon: Yes.

Knecht: Thank you. Rudy, go back one page and tell us why the overhang structure concept was eliminated.

Malfabon: Primarily, they're looking at, if they can do it, achieve the same effect at a lower cost, they felt that they could build a viaduct within the envelope between the buildings that's available. I think that that's primarily just to save cost.

Knecht: Thank you.

Malfabon: Good question. We recently held the Tropicana Interchange public meeting for the environment clearance process, the NEPA process. You can see a mock up of what the interchange will do. If you look closely, the interchange doesn't look that much different from the—currently to the future. The future being on the right side. More has to do with the opening—if you see on the left side the existing—you can see how I-15 necks down underneath the bridge because there's some bridge columns that are constricting widening of I-15.

In the future, when we reconstruct the interchange, we can widen I-15. One of the other things that we can do is to have two lanes coming on from the frontage road system that—where you enter I-15 south of there, by Russell Road, between Russell and Trop.

You can see, there's still a lot of work to do. We're in the environmental process and preliminary engineering process. We still have to do a lot for design and right-of-way acquisition. The next slide shows you the mock-ups of the Harmon Avenue and Hacienda Avenue HOV ramps. The Hacienda one is in the vicinity—these are in the vicinity of the stadium. We're looking at how much right-of-way we'd need. You can see that you elevate the existing—the middle of I-15, elevate that up to the existing great separations, the bridges over I-15.

We're trying to see how much right-of-way. We have to kind of push the existing lanes out a little to accommodate that stuff built in the center of I-15. Hopefully we don't need a lot of right-of-way and we can—this could be some of the first work that we do on this Tropicana Interchange and Hacienda/Harmon project. It will not be constructed in time for the opening of the stadium in the fall of 2020, but we want to get this underway as soon as possible and still looking into that design of this project.

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Sandoval: Rudy, if I may, what you're doing there, will that be complimentary to what you have in mind for the stadium?

Malfabon: Yes Governor. What I anticipate is that we would have to request—similar to what we have on the HOV system on US-95 currently. There's certain hours of operation that are not peak hours that you can drive as a single occupant in a vehicle. You don't have to have a carpool to get in those lanes, when it's not the rush hour. In the same vein, with weekends, they're not—HOV systems are open, should be open to all users and we'll just get federal approval to have that accessible to all users so they can get to the stadium quicker.

Sandoval: Speaking of that, I think I saw an editorial in the Review Journal about the HOV—did you have any thoughts with regard to that?

Malfabon: Yes. It's—so, the editorial basically said, NDOT, why are you building the HOV lanes? They don't like HOV lanes on that editorial board. We get it and a lot of that is based on looking at the usage of our current system, which we've made the point that as we build Project NEON, you'll get the connectivity and the access to the backdoor of the resort corridor where the folks work; you'll have a direct access from the northwest on the HOV system on 95, all the way down I-15 to the resort corridor. That will make it more useful and we obviously want to see the volumes increase and we expect it to. As well as to serve Express Buses. There's some transit stations on Buffalo at Summerlin Parkway and further up the road on US-95 by Durango that will be able to have express transit for the workforce that works in the resort corridor.

We believe that once we have that connectivity, which was always missing, without Project NEON, that once you have that connection at the Spaghetti Bowl in Las Vegas, people will use it because they can get to where they need to go. Whereas, right now, you have to get off at Rancho and it's just a struggle to get from the center of 95 to the right side lanes at Rancho to exit. That's what we think is—wait, let us get Project NEON finished in a year and a half and you'll see the dramatic increase in volumes of people using that.

Sandoval: Did you have an opportunity to express what you just said before that editorial was written?

Malfabon: Not yet but we were kind of going to draft a letter in response to that. Sometimes you can't convince someone that has a strong opinion opposed to HOV lanes, but

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we feel that it's worthwhile to make those points in the public. So, we'll respond Governor.

Sandoval: Thank you.

Malfabon: Pretty cool aesthetics that are in this photo for I-11, Phase I Project. The theme, as been mentioned before is the construction of the Hoover Dam Bridge, by Boulder City there. The ramps at Railroad Pass should be open to traffic by the end of this week. The rest of the interchange, at 95 should open by March of 2018. Fisher Sand and Gravel has done a great job on that project. Las Vegas Paving is still working on the larger project, Phase 2, which is expected to be completed this fall so that you'll be able to take that entire route to the current crossing over the Colorado River at the bridge there by the Hoover Dam.

Great milestones being met on that project and really love the aesthetics with the concrete work and the sculptures that we were able to incorporate in that.

Sandoval: I keep interrupting but I had the opportunity to drive that and it looks spectacular. I really want to complement everybody that was involved in it. It truly is just a great project. Like you said, with that public art and it's so good, Rudy, as I drove the I-80 Corridor, I thought—you know, this will be a conversation for another day but there's this beautiful contemporary art on some of these newer road projects. It just seems as you go through I-80, there isn't a lot of that. We've got that old landscaping and the trash gets caught in it. Maybe that's a conversation for another day.

Malfabon: Yes Governor. There are some aesthetics that were put in by Granite on that design-build project, but it definitely is, as we kind of have really hit our stride with this landscape and aesthetics program, it definitely draws attention to the areas that don't have it as much.

Our team on Project NEON is doing a great job. They did the outreach event to explain the traffic impacts coming up this year as we head into the Main Event, to knock out congestion on I-15. A lot of impacts on downtown area and on the Spaghetti Bowl ramps coming up. There's going to be some weekend closures of US-95. We felt that doing those six marathon closures for—it's for bridge demolition and bridge construction. We want to protect the public, not have them traveling through a work zone when we're demolishing a bridge, obviously, or pouring concrete or setting girders. That's why we're doing the marathon closures.

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The team has done a great job of communicating in advance, those major closures. We've had some lane closures for the automated traffic management system and you can see on the left side, it kind of goes over the schedule of lane closures, inside or outside along I-15, as we install these structures. They're massive structures that span the directions of travel, northbound or southbound on I-15. You can see the benefits on the right side.

When you have a crash and you have the emergency responders there, you can start using these signs to get people over rather than putting out cones. You can reduce the speed limits on the fly, based on the amount of congestion and back-up due a crash and an event. We're really doing some great stuff with the RTC of Southern Nevada's FAST, the Freeway and Arterial System of Transportation folks that manage the devices for us on the freeways. Whether it's the cameras or these types of devices, eventually, once they're all installed and we can clear these a lot more rapidly than we used to in days past in partnership with FAST and also, NHP and ambulance companies and tow truck companies, they're really working with us to clear those incidents quicker. This system will really gain us some benefit too.

A little update, we're getting close on the selection of the Shared Radio System Contractor. The technical reviews were finished, I believe last week. So, they have their scores. Now they can open up the confidential price information, which was sealed, up to this point. They'll combine, I believe it's 70% technical and 30% price on this procurement. We'll make a recommendation to the Board, soon and then eventually we have to coordinate that with the Governor's Finance Office because as far as the State budgeting, it affects General Fund and Highway Fund. Primarily Highway Fund for this, since we're the lion's share between NHP and NDOT, as users of the system; but there's other users as well, for the State.

The Legislature, when we had this in our budget, we had a rough estimate of what we felt it would cost in the current biennium. They said, come back to a later Interim Finance Committee Meeting, once you actually get the price from the proposers. We'll present that eventually to them after we go through the Governor's Finance Office and pair that work program to add it to our budget for this current biennium.

In your packet, you'll see the background information for this recent settlement approved by the Board of Examiners in January. So, \$65,000 additional for—

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what was previously deposited with the Court for a property at the Cactus Interchange. We also, at the next month's BOE Meeting, we anticipate that they'll have this settlement with Tomahawk, LLC and we'll provide some further details in the next month about that settlement. It will be before the March Board of Examiners.

Quite a lengthy Director's update, but a lot of information just recently that was important to discuss. I'm willing to take any questions from the Board.

Sandoval: Thank you Director Malfabon. Any questions from Board Members with regards to the Director's Report? Any questions from Southern Nevada?

Martin: None here sir.

Sandoval: All right, thank you very much. Then we'll move to Agenda Item No. 2 which is Public Comment. Is there any member of the public present in Carson City that would like to provide comment to the Board?

Lake: Good morning Governor, Members of the Board. For the record, my name is Ray Lake. I'm Chairman of the North Valley Citizens Advisory Board and I sit on the Golden Valley Property Owners Association Board.

I was encouraged by the State of the Union address where I find the President also believes it shouldn't take 10 years to build a road. And, I heard this morning on the radio that there's supposed to be \$230 billion available for infrastructure. I hope that we can indeed get part of that and it looks like, we're on that path, I think that's very good.

I'm speaking today because we are having a cab meeting this evening and we'll be hearing three development projects. I have to put my glasses on, sorry. Among the three projects, we get 8,529 average trips per day per the traffic studies with 663 AM trips and 846 PM trips. That's happening now. These builders would like to start as soon as they can because houses in the North Valleys are selling as fast as they can build them.

It's not really responsible of us to add traffic to those roads, nor is it fair to the builders to keep them out of the market while it's available. The—I guess my point is that we should be hearing these projects and making decisions on them based on their merit, not really on whether the highway can accommodate them. I hope that we can get that moving as quickly as possible and perhaps take advantage of some of the upcoming opportunities. Thank you very much.

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Sandoval: Thank you Mr. Lake. Is there any other public comment from Carson City? I hear and see none. Any public comment from Las Vegas?

Martin: None here sir.

Sandoval: Thank you. Agenda Item No. 3, I'm going to defer. Unfortunately, the Lieutenant Governor was unable to attend today's meeting. If you would put that on our next regularly scheduled meeting.

Malfabon: We'll do that Governor.

Sandoval: Thank you. Agenda Item No. 4 which is the consideration of approval of the January 8, 2017 [sic] Department—Nevada Department of Transportation Board of Director's Meeting Minutes. Have the Members had an opportunity to review the minutes and are there any changes? If there are none, the Chair will accept a motion for approval.

Knecht: So moved.

Sandoval: The Controller has moved to approve Agenda Item No. 4, is there a second?

Almberg: Second.

Sandoval: Ms. Valentine, was that a second that I heard from you?

Valentine: Yes, yes sir.

Sandoval: All right. Second by Member Valentine. Any questions or discussion on the motion? I hear none. All in favor please say aye. [ayes around] Those opposed say no. That motion passes unanimously. We'll move on to Agenda Item No. 6 which is Approval of Agreements over \$300,000.

Nellis: Good morning, Governor and Members of the Board. For the record, Robert Nellis, Assistant Director for Administration. There are four agreements in your packet under Agenda Item No. 6 on Page 3 of 56 for the Board's consideration.

Beginning with Line Item #1, it's amendment number two with Moffatt & Nichol Information Systems in the amount of \$221,688. This is to increase authority and extend the termination date to provide continued maintenance for the rail inventory management system, scope of services to develop state action plan and develop cost of benefit methodology for the Railway/Highway Safety Program.

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Line Item #2 is amendment number one with Clean Harbors Environmental in the amount of \$250,000; also to increase authority and extend the termination date due to new storm water protocols. This will allow adequate time to coordinate with other jurisdictions and DOTs to identify best practices and develop an RFP for an optimized HAZMAT Program.

Line Item #3 with Cambridge Systematics in the amount of \$499,988. The purpose of this study is to determine the extent of the truck parking in the State and identify solutions and potential sites for new and expanded truck parking facilities to meet the State's demand.

Lastly, Item #4 is with CME and DCS in the amount of \$3,887,968.64. This is 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.

With that Governor, that concludes Agenda Item No. 6. Does the Board have any questions for us?

Sandoval: Thank you Mr. Nellis. Board Members, any questions with regard to Agenda Item No. 6?

Martin: On No. 4, Mr. Nellis, I read the paperwork, it says two firms, Loomis and Associates and CME submitted proposals, but I see DCS on the cover sheet. Why is that? Or am I looking at something incorrectly?

Nellis: I'm not 100% sure but I believe that it could be that we're bringing back, in April an amendment for this Item for District 1 because they weren't included at this time. They still have to go through their interviews on February 20th and they would be added to this as well. I'm not sure if that would be Loomis included at that time or not.

Kaiser: I'm not sure.

Malfabon: I could—it looks—Member Martin, it looks like, Loomis and CME submitted but CME was selected on the first one and then on the second one, DCS and CME submitted and DCS was selected on the second one.

Martin: Okay. So, I missed an agreement. My apologies Rudy.

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Sandoval: Board Members, any other questions with regard to Agenda Item No. 6? Mr. Almborg?

Almborg: I've got a couple of quick questions. On the Item No. 2, Clean Harbors. Going back and when I look in here it has time frames for both rural and urban spills or whatever they're going to help us with. The question is, does Clean Harbors have staff at different locations around here? Because some of these things, in these rural areas, I would—I'm in agreement with it, it's great, but it just seemed like it be very hard to be at a site four hours later over near where I live.

Kaiser: Denise Inda, Chief Traffic Operations Engineer runs this agreement out of her Division and she'll answer that question.

Inda: Good morning Governor and Members of the Board. As Reid said, Denise Inda, Chief Traffic Operations Engineer. That's an excellent question, Member Almborg and that's exactly why we put those time—those response time requirements in the agreement is, the purpose of this agreement is for quick clearance. If a road is closed because of some sort of incident or crash, there's a HAZMAT spill. The quicker we get that road open, the better it is for everyone and we want the company who is the successful bidder on the project to be able to respond quickly.

When we get an agreement with a company, they commit to making those response times. However they do it, you know, however they're able to do that, whether they contract with a local subcontract maybe with a local firm or they have staff spread out through the State—that's what we require them to do, is to be able to meet those response times.

In the big picture, four hours in a rural area isn't that quick, but it could be worse. We feel that's appropriate.

Almborg: I do feel it's appropriate, I just am thankful, just knowing where I live and being in that area, it'd be tough to get people within four hours of a call out there. I commend you on what you put together and I commend the company for committing to those timeframes. And so, I thought it was for the positive.

I got a couple more Governor. On Line Item 4, with our consultants supporting both District 2 and 3. One of the things I noticed in there, I did notice that DCS was working with—had a subconsultant from one of those areas. I do want to commend them for that. I think that is very good of them to reach out to their

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people that are locally there to be able to support them, so it probably makes it easier for them to assist in this contract and it's nice to see the people being used locally.

That's it for me, Governor.

Sandoval: Thank you Member Almberg. Any other Board Member questions with regard to Agenda Item No. 6? Mr. Nellis, any further presentation?

Nellis: No sir, that completes this item.

Sandoval: Thank you. If there are no further questions, the Chair will accept a motion for approval of agreements over \$300,000 as presented in Agenda Item No. 6.

[crosstalk]

Sandoval: Is there a motion from Southern Nevada?

Valentine: So moved.

Sandoval: Member Valentine has moved for approval of Agenda Item No. 6. Second by Member Savage.

Savage: Yes sir.

Sandoval: Okay. Second by Member Savage. Any questions or discussion on the motion? I hear none. All those in favor, please say aye. [ayes around] Those opposed say no. That motion passes unanimously. We'll move on to Agenda Item No. 7, Contracts, Agreements and Settlements. Mr. Nellis.

Nellis: Thank you Governor. There are two attachments under Agenda Item No. 7 for the Board's information. Beginning with Attachment A, there are 38 executed agreements. On Pages 4-6 are the Board's Information. Items 1-5 are Acquisitions and Event Agreements. 6-13 are Facility Agreements and a Lease. Items 14 and 15 are a License and a Property Sale. Lastly, Item 16-38 are Right-of-Way Access and Service Provider Agreements.

Does the Board have any questions for the Department regarding these Agreements before we turn to Settlements?

Sandoval: Thank you Mr. Nellis. Board Members, any questions with regard to the agreements? Mr. Almberg.

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Almberg: Thank you Governor. On No. 32, I just want to come back and express—looking at these signs, it is over in my District, in Elko and White Pine. Basically putting out some signs for these State Parks. When I first looked at it, I didn't realize there wasn't necessarily a ton of state parks, I kind of wanted to get an idea of how many signs would be going out there. Thank you Reid, for all of the information you provided me. It definitely answered my questions. When you come and look at it from a straight standpoint, putting up 12 signs is very expensive to do. We are even providing the signs to them. But when you actually see the full scope of the work that includes guard rails, all the things that go with it, it's understandable why those signs got to that there. But, my first impression was, it's very high. Then when I seen the whole scope of work, I appreciate what you got me Reid, so that's all I have to say.

Sandoval: Thank you Member Almberg and I'll follow up on this. This is something that I encouraged a while back. A lot of times when you drive our highways, you may drive by a state park and not even know that you did. This was a way to really bring to the attention of those that travel our roads that we do have those state parks to increase the visitation to them because they truly are gems. And to make people aware as they drive by that they're there. Rudy, I appreciate your following up on that and it just—as I said, we've invested a lot in our state parks through the last budget and seeing is believing and visiting is believing because once you go to the state parks, it's a remarkable experience. Again, thank you.

All right, Board Members, any further questions with regards to the agreements presented in Agenda Item No. 7? If there are none, let's move on to Settlement.

Nellis: Thank you Governor, Board Members. There is one settlement on Page 8 of 12 for the Board's Information. This 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 for 1.11 acres of land for an interchange lane, I-15 and Cactus Avenue in Las Vegas.

And with that Governor, that concludes this Agenda Item. Does the Board have any questions from Mr. Gallagher regarding this settlement?

Sandoval: Any questions for Mr. Gallagher with regard to the settlement presented in Agenda Item No. 7? Mr. Gallagher, anything you wanted to add?

Gallagher: No, Governor.

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Sandoval: All right. I don't hear any questions. That completes Agenda Item No. 7, correct Mr. Nellis?

Nellis: Yes.

Sandoval: All right. And this is an informational item so I won't be taking a motion on that. Let's move on to Agenda Item No. 8, which is a condemnation resolution. Director Malfabon.

Malfabon: Thank you Governor. This item is related to just keep the project on schedule. We don't anticipate that we're going to have to go to court in this case, but sometimes when there's a parcel with owners that are out of state, it's difficult to get the response from them. It's not a huge amount of money at stake here.

What we did on Tropicana Avenue is we noticed there was some pavement distress, so we repaved it about a year ago and in agreement with the Federal Highway Administration—they typically, when we repave a road, we have to go back in and do the Americans with Disabilities Act Improvements. They allowed us to come with a follow-on project to do the ADA wheelchair ramps. So, this condemnation resolution is associated with that and it keeps the contract on schedule for anticipated construction. You received some confidential information separately that gave you more detail on the offers to the owner. It's really just to keep the project on schedule and we don't anticipate actually going to court, unless they're non-responsive on our offers.

Sandoval: As you said, Rudy, the amount at stake is almost de minimis and the process is probably going to cost more than the amount involved. I know that we have to follow the process.

Malfabon: Yes.

Sandoval: All right. Board Members, any questions with regard to Agenda Item No. 8? Is there are none, the Chair will accept a motion to approve Condemnation Resolution #463, as presented in Agenda Item No. 8.

Martin: So moved.

Sandoval: Member Martin has moved for approval. Is there a second?

Almberg: Second.

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Sandoval: Second by Member Almberg. Any questions or discussion on the motion? Hearing 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: Governor and Board Members, we have the standing items, the Report of Outside Counsel Costs on Open Matters and the Monthly Litigation Report. And, unfortunately, we did not receive an updated Fatality Report, but it does present the information that we received in January that showed the downturn in Fatalities. With our projects, our safety projects I mentioned, we hope to see that the trend continues in 2018, as far as the downturn in our fatalities and serious injuries on our highways and streets.

We're able to answer any questions, to Dennis Gallagher on legal issues or on safety.

Martin: I have one.

Sandoval: Yes, Member Martin, please proceed.

Martin: Dennis, could you give us an—give me an update on where we are with the Nissiri thing. Are we just waiting documentation or—I know we got the Supreme Court settlement a month ago or so, has that moved along in getting it off our table? Or, where are we going with it?

Gallagher: For the record, Dennis Gallagher, Counsel to the Board. The Nissiri Case, in essence is over, with the exception that NDOT is seeking its cost in attorneys' fees in the matter. Those motions have been filed and one will be argued later this month and that will be the motion for cost. The motion for attorneys' fees will be argued shortly thereafter.

Martin: Okay, thank you.

Sandoval: Board Members, any other questions with regard to Agenda Item No. 9? I hear none. We'll move on to Agenda Item No. 10 which is Public Comment. Is there any member of the public in Carson City that would like to provide public comment to the Board? I hear and see none. Any public comment from Las Vegas?

Martin: None here sir.

Sandoval: Move to Agenda Item No. 11, is there a motion to adjourn?

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Knecht: So moved.

Sandoval: The Controller has moved.

Savage: Second.

Sandoval: Second by Member Savage. All in favor say aye. [ayes around] Those opposed say no. That motion passes unanimously. This meeting is adjourned. I think we've set a record.

Martin: Yes, you have. Thank you, sir.

Knecht: Yes, we did. Thank you.



Secretary to Board



Preparer of Minutes