

Transcript of Nevada Department of Transportation  
Board of Directors Meeting  
October 8, 2018

Governor Brian Sandoval  
Lt. Governor Mark Hutchison  
Virginia Valentine  
Len Savage  
BJ Almberg  
Rudy Malfabon  
Bill Hoffman  
Dennis Gallagher

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Sandoval: Good Morning, ladies and gentlemen. I will call Board of Directors Meeting for the Department of Transportation Meeting to order. Member Savage is very lonely up there. [laughter]

Savage: Good morning Governor, I did not get the memo. [laughter]

Sandoval: We miss you, we'd love to have you here. All right, why don't we commence with Agenda Item No. 1, which is presentation of retirement plaques to 25 plus year employees, Director Malfabon, please proceed.

Malfabon: Thank you, Governor. Good morning Board Members. We'll start out with the list of a few retirees. I know there is going to be a longer list in the months to come because I've seen a lot of recent retirements that are not on this list currently, but this is who we have retiring and a lot of them are from Vegas. I don't know if there's—there might be some in the audience but: Albie Wyrick was an Engineer Tech 4 on Las Vegas Crew 902, retired with 25 years of service. Lori Mayowski, the Admin. Assistant to their for right-of-way in Las Vegas, retired in July with 28 years of service. Rickey Felkins, Supervisor 2, Associate Engineer on Crew 915 there in Vegas, retired with 25 years of service. Don Twichell, Project Manager 1, Architecture here in Carson City. He retired recently with 27 years of service. And, Deb McCurdy, Management Analyst 3 in our IT Section, retired with 30 years of service in May.

So, we want to wish them all the best in this, as they go into retirement. Some of them might be working still but they've put in a lot of decades of service to NDOT and that we appreciate that commitment to public service. Governor, you might want to say a few words?

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Sandoval: Thank you, Director Malfabon. You know, as I listen to you, I just marvel at the years of service. I think the longer I have been here, the more appreciation I have for the hard work and dedication and commitment to the infrastructure for the State of Nevada, for the people of Nevada and allowing people to be able to move in a great and efficient way. And, keeping them safe. I mean, I think that's the most fundamental responsibility that we all have is to make sure that people get to work and get home and get to school in a safe way.

When you add up all those years of service and every single day bringing it to ensure, as I said, the safety of the people of this great state, I truly am appreciative for that type of commitment. I'm sure I speak for all the other Board Members when I say that there is a heartfelt thank you for the service of the individuals that you just named, so thank you Director Malfabon.

Malfabon: Thank you Governor. Were any of them present? Any of the retirees present up here in Carson?

Speaker: No.

Malfabon: Okay.

Sandoval: I wouldn't be either, so. [laughter]

Malfabon: You'd be out fishing.

Sandoval: That's right. Yeah.

Martin: So, we don't expect to see you in the January meeting. [laughter]

Sandoval: All right, anything else on Agenda Item No. 1?

Malfabon: That's it for Agenda Item No. 1, Governor.

Sandoval: All right. Then, let's move to Agenda Item No. 2, Presentation of Awards.

Malfabon: We have an award that was received recently, Dave Gaskin went to this conference to receive it on your behalf, Governor, but you were awarded National Public Official of the Year by the Water Environment Federation for your efforts in, kind of shepherding, giving us support for the Department on our consent decree, the work with our stormwater program, was very monumental. The USEPA really said that we raised the bar as far as state DOTs response to the

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audits that they conducted of all state DOTs. NDOT was unique in that we added a lot of staff with your support, Governor, through a major budget revision during the Legislative Session, added a lot of equipment.

Dave, I wanted you to kind of say a few words about the award.

Gaskin: Thank you, Rudy. The Public Official's Award is presented to an elected or appointed public official that has made a documented, significant contribution in the areas of clean water legislation, public policy, government service or another area of public prominence that resulted in improvements to the water environment. The award can be presented for public service at the local, state or federal level.

This year, the award goes to Governor Brian Sandoval of Nevada. This is from the Water Environment Federation as Governor Sandoval formed a Stormwater Division within the Nevada Department of Transportation to protect water resources. As Chair of the Western Governor's Association, he convened the 2015 Drought Forum to address existing and future drought conditions. Governor Sandoval also led the development of indirect [inaudible] reuse regulations, clearing the path for water resource recovery plans to demonstrate and implement indirect resource recovery in Nevada. Governor Sandoval has championed efforts to protect, preserve and grow water resources and water quality in Nevada and the Western US. He has also brought water and water issues to the attention of the people, policymakers and politicians throughout the country with this leadership.

And we have the award here. Governor, if you could stand. [laughter]

[applause]

Warner: Rick Warner, Washoe County is also former President of the Water Environment Federation. If we could get a picture of you somehow. [laughter]

Sandoval: Thank you. And if I may say a few things. It's—you know, I really do appreciate the award and the recognition but truly, you know, the thanks and the gratitude goes to the staff and Dave and everybody on your team and everybody at Water Resources, at the State.

One of the things that really early on made a big impression on me is what happened in Flint, Michigan. And, having watched some of the news and how that affected the youth in that state. Again, it gives you a better appreciation for

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when you turn that faucet on and how we take for granted that it's clean water, that is safe to drink. We've come a really long way. I'm not afraid to say that. We had some work to do here in Nevada, but we recognized [audio glitch] and I never wanted our state to be cast in that way, that we weren't concerned about the quality of our water. Again, it just goes back to me as the kid, a child, a young man, young woman, an adult, anybody, no matter where you live in the state, whether it be in Northern Nevada, Southern Nevada, rural areas, we have a—we being the Department of Transportation and the State have a fundamental responsibility to ensure clean water for the use of everybody.

So, this was a way that we could accomplish that. Dave, again, my thanks to you. You made a big professional move to come over to the Department of Transportation and head this Division. The individuals that joined your team, go out every day and have accomplished just monumental success in regard to the quality of water.

I'm sure, Rudy you recall and everybody here on the Board recalls where we were with the EPA. I mean, we were on the brink, literally on the brink looking at millions of dollars in fines. To take it from there to where we are today is just a great success story for this Department and for the people of Nevada. There was also a reference to the drought and we all recall, it hasn't been that long, two or three years ago, we received 5% of our normal precipitation. I have a memory like it happened yesterday of doing a press conference in the middle of Washoe Lake, 100 yards away from the boat ramp and it was bone dry. The position that the state was in with regard to water at the time and having to make some really important changes to our water laws, but also to make the residents understand the situation that we're in.

Thankfully, you know, two years later, we're in a different situation with regard to precipitation. I don't want to jinx this winter at all, but if I were standing in the same place, there would be 15 feet of water in Washoe Lake. That was another piece that really made an impression on me, that we really needed to adopt some policy to ensure that we have the best water law in the country and making it a model for the Western United States. I think we've done that but you put that altogether and there are so many unsung heroes that really, as I said, really deserve the credit and really put a lot of work in. I want to include Pam Robinson on my staff who really put a lot of time into this. And, as I said, the people at the Department and everywhere else.

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So, Dave, again, thank you for traveling there and accepting this award on my behalf. It truly is a win for this Department and for the State. So, thank you very much.

[applause]

Gaskin: As you said, it was a big team effort but we really couldn't have done it without your leadership, so thank you.

Sandoval: Thank you.

Malfabon: I wanted to also acknowledge Len Savage. You recently—your company, Savage and Sons, celebrated 125 years in business. What's your contract License Number, Len?

Savage: Number 10.

Malfabon: Number 10. 1-9 might not be around still, but I know #10 is. So, I just wanted to say a few words congratulating Len. I wasn't able to make the event in Reno. I was giving a presentation up at the Public Works Association Conference in Tahoe but wanted to congratulate you on that milestone Len.

Savage: Thank you, Rudy.

Sandoval: Rudy, if I may, and I saw Mr. Hoffman was there and there were a couple of individuals from the Department were there. Let's put this in perspective. This is the longest continuous contracting business in the history of Nevada. The history of Nevada. 125 years and we're still trying to find a company—you know, I got the State Researcher involved in archives and we're not aware of a longer continuous family-owned business in the State.

In any event, I think it really speaks to the integrity of the Savage family and their commitment to the people of this State. You think about that, five generations. Five generations, starting out in Virginia City and then moving to Reno and really building some of the most important projects in the history of the State. Buildings at the university, some of these newer buildings. The Switch building up in Northern Nevada. Even one of the buildings at the University, the Lincoln Hall, I think it was, right Len?

Savage: Yes.

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Sandoval: Yeah, I mean, that just—it's just remarkable. I said, I'm using the same adjectives, but you know, I had the privilege and honor of being able to say a few words at the event. I really want to compliment Len and his brother Pete and their father and grandfather and great-grandfather and their sons are involved in the business as well. So, it will go on. It really was a proud moment for the State. You know, Len, you have my admiration and deep respect for what you've accomplished and what you've done for the community and the State. Besides building that amazing business, but also serving the State as a Member of this Board, is really again, speaks to the character and integrity of the Savage family.

Finally, it was really nice to meet your mom and see how proud she was to see her sons and her grandsons be a part of the business as well. On behalf again, of the people of the State of Nevada, congratulations on such an amazing, amazing record of success.

Savage: Thank you Governor.

[applause]

Savage: Thank you Governor. It's a very humbling time in our lives and we're very grateful for all the employees, loyal employees. Amazing customers. The leadership here in the State of Nevada, with yourself the last eight years, because I remember 2011 quite well and very thankful with your leadership and the people of Nevada, the support of Nevada. Just been a proud moment. We're the fortunate generation being the sixth native Nevada generation, but fifth in the business and so proud because like I said at the event, it's not about the dollar, it's about the people. At the end of our lives, serving the people. The Department of Transportation is a pinnacle of that statement because we serve the people for the betterment for the State of Nevada. So, I thank everyone and thank you Governor and thank you Rudy.

Malfabon: I can move on to the next agenda item, Governor.

Sandoval: Yes. Please proceed to the Director's Report.

Malfabon: Okay. We'll get our slides up. [pause] Along the theme of good news with the stormwater program, we've met or exceeded all the deadlines and requirements contained in the consent decree with USEPA. We had no stipulated penalties incurred. So, met the schedule, met all the requirements. In July, the Nevada Division of Environmental Protection and USEPA concurred that we met all those

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requirements and approved termination of the CD. The Court ordered the termination on September 17<sup>th</sup>. So, well done to Dave Gaskin, Cliff Lawson, all the NDOT staff in the stormwater program. That includes the Districts, as well as the Headquarter staff that worked day in and day out on that program. Well done.

We recently opened up the Nipton Road. As you recall, we mentioned last month that we had an emergency contract to repair that flood damage from the monsoons that hit Southern Nevada during the summer. We also had an emergency repair of some damaged storm drain pipes up here on Kietzke Lane in Reno, awarded to Q&D Construction recently.

A lot of news to report on the Federal Update. Our Federal Highway Administration partners are not in attendance today because it's a federal holiday but I wanted to mention some updates to the Board. A lot of the Members of Congress are out campaigning for their midterm elections, but we expect that before December 7<sup>th</sup>, there will be an appropriations bill passed for transportation and housing. Those two areas are typically included in one appropriations bill. We know that the House and the Senate are not that far apart on their numbers for appropriation, so we expect that to occur before December 7<sup>th</sup> at the latest, during the lame duck session of Congress.

The FAA Reauthorization, five-year reauthorization was passed. That's important as we work with our rural airports, through our aviation group in Planning.

We also are working with a national advisory committee on tourism and travel infrastructure. Previously, Rossi Ralenkotter was on that group but since Steve Hill took his position at Las Vegas Convention and Visitors Authority, he takes that position on that Committee. So, we're working with identifying projects that could support tourism as it's a very important aspect of our economy here in Nevada. Even as we work to support the Governor's initiatives to diversify the economy, it's an important Committee and their work is going forward.

I mentioned that we're preparing a grant application for a rural bridge program that's looking at building. In other words, tying several bridges together into one contract and its focus is, as I said, on rural states. \$225 million is available nationally. We think that we have some good bridges to put together in that application for that grant. These are the bridges that we're looking at from the Structures Division point of view. The 515 Expressway, there in downtown Las

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- Valentine: Thank you. Director Malfabon, on the transfer between the County and NDOT, are there any discussions about transferring any part of the 515?
- Malfabon: No, Member Valentine. I think that we're looking at primarily the transfer of some of our state highways that are arterials, so a lot more of Sahara and Charleston and also the possibility of Boulder Highway as a transfer opportunity. We look at the Beltway, the County's completing work on the west portion there, where they recently realigned a section by Lone Mountain and they're finishing up the northern portion of the Beltway. As they continue completing that to interstate standards, to freeway standards, then we'll look at transfers for some of the local arterials but not specifically the 515.
- Valentine: After these transfers take place then, that also—what goes with the maintenance is also then the ownership and who controls the encroachment permits or—
- Malfabon: Exactly.
- Valentine: --anything else that goes with it?
- Malfabon: Yes.
- Valentine: Okay, thank you.
- Malfabon: I think, I believe in the interim, we are transferring the current responsibility, even while we have the maintenance only, until the final transfer is recorded in 18 months, but we are working with them on the permitting issues.
- Valentine: I also had a question about the settlement on the billboard at the Cactus Interchange.
- Malfabon: Yes.
- Valentine: The \$75,000 is because there was a total taking of the footprint of the billboard, or a relocation of it, or—what did that \$75,000 go for?
- Malfabon: What they said was, we affected the value of the property so it was an inverse condemnation case. We actually prevailed at the District Court, but we felt that if we reopened this or they appealed it, there was a risk to us financially. It was more or less a minimal cost for the billboard take that we did do. The billboard wasn't relocated but they said that basically, it affected the value. Dennis, you might want to be able to add any more to that.



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Gallagher: Good morning, Dennis Gallagher, Counsel for the Board. Member Valentine, the litigation had gone on for quite some time. The billboard owner, as the Director said, we prevailed at the lower court level. The billboard owner had appealed to the State Supreme Court. There were a number of decisions that went to the Transportation Department's favor but could easily have been overturned. So, the Department and the property owner decided to put an end to the litigation and it will be presented to the Board of Examiners tomorrow for settlement authority of \$75,000.

Valentine: But the sign is still there? The sign wasn't taken, they're just saying it got diminished value because of the Cactus Interchange, is that?

Gallagher: No, I believe the billboard was removed some years ago, this particular billboard.

Valentine: So, what, it was just the entitlements for a billboard that were harmed, is that?

Gallagher: Yes.

Valentine: Thank you.

Sandoval: Thank you, Member Valentine. Board Members, any further questions with regard to the Director's Report? There are none, we'll move on—

Malfabon: Governor?

Sandoval: Did you have something Rudy?

Malfabon: Yes, I wanted to add one thing I forgot to mention. We have some closures planned for State Route 28, for nighttime closures at the end of this month. That's where we're building that multiuse path but there will be some daytime single lane closures. I just wanted to mention that the contractor is proceeding with some additional work to set some bridge stacks on that project and we'll have the public notice out soon to let the public know about the full nighttime road closures on State Route 28 for that project. We're also anticipating that it's going to finish next year but the Tahoe Fund folks are trying to set up something, like a preview for some of the stakeholders at Lake Tahoe and hopefully Governor, you can and some of the Board Members can make that trip to State Route 28 and see the progress that they've made to date. Thank you.

Sandoval: Thank you Rudy. Truly, probably the nicest, most beautiful bike path in America. I mean, it—it's stunning. Yeah, so I look forward to that and really thankful for

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the contractor and NDOT working together. Too bad we couldn't get those bridges in time, but to get a project of this significance pretty much done within two years, it is going to provide a lot more safety for people up there, both the pedestrians, the cyclists and automobiles. If you take a walk on that and walk from Incline Village to Sand Harbor and there are cutouts for people, for benches, for people just to view, it really is something special and will be a model project for the Lake. It's exciting. I would really encourage as many Board Members as are able and willing to come to that, to do it. Thank you Rudy, for bringing that up.

All right, let's move on to Agenda Item No. 4, Public Comment. Is there any member of the public present in Las Vegas that would like to provide public comment to the Board? I hear and see no one. Is there anyone present in Carson City that would like to provide public comment to the Board.

Malfabon: There is—there is someone that wants to provide public comment. Please state your name for the record.

Price: Okay. I'm going to take a breath because I'm very nervous. My name is Judy Price and I'm really afraid to be here today. Governor and esteemed Board Members, I'm a third-generation Nevadan from Washoe Valley and today I'm probably going to give information after hearing what I just heard that is not going to be so pleasing, so please bear with me.

The Board Authority brings me here today. I'm afraid, as I told you, my intent is just to educate the general population about just some of the accounts that I had firsthand testimony to during my 10 years at NDOT. In 2014, I was assigned to a project that was a partnership between the UNLV and NDOT where \$850,000 to create, which was a great idea, an electronic repository to put our as-builts for utility data. The project failed because—excuse me, let me breathe for a minute please. Right-of-way engineering continues, I believe to this day to use pink and blue highlighters to highlight the public right-of-way limits. This is an archaic methodology, it needs to be updated. I volunteered back in the day to the Chief, I won't mention names today, directly to that chief and said, let me help in right-of-way engineering, spend my last two or three years as a state public servant, let me help get this electronic layer up and I was rejected.

Moving on, I just want to quickly talk about the US-50 project because it impacted people in the community. I totally witnessed an 84 year old man

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being—receiving excessive verbal treatment by a supervisor in right-of-way on a \$1,000 temporary construction easement need, while I saw excessive accountability from another coworker who was instructed to drive to Alhambra, California to deliver and accommodate that partner in the transaction on US-50.

There are hundreds of these type of activities going on as we speak today. There's somebody in a state agency that's been treated poorly. There's a manager sitting, an acting chief sitting, in this Department right now that has witnessed over a decade of, close to a decade of mistreatment. It's harmful and it hurts and it's negative to the taxpayer. That's the reason I'm here today. I'm trying to have courage.

Neglect, abuse, isolation, exclusion, retaliation, that's just commonplace language in the Right-of-Way Division. It's commonplace. I spent nine and a half years there, seven of it in Utilities. Any mischief—any mischief and I don't want to use the word manipulation because it's not a positive word, it's a negative connotation. I don't know people, I know people live in state employment, especially if you do not have a key to an office, in fear. You are retaliated against if you do not buy in to what I was personally experienced which was an off-campus invite to lunch where I was proceeded with an Assistant Chief who asked me, you will be promoted if you understand that there's right way, wrong way and NDOT way. I said, no, there isn't, and that was in the summer of 2016. I have it all documented, but that's for another day.

Sweeping people like me, Judy Price, the asset, you know, the assets of the public are monetary, but the most important asset is the people, me. The people in this room that know me dearly and know me deeply and there are people in this room that do know me deeply know my intent for today and know how fearful I am in this moment. I was a most valuable asset to the Utility Division, the most valuable asset to the Acquisition Division, because it's all about negotiations and I had 25 years of experience prior to hitting the Acquisition team.

Behavior is unsustainable and this leadership and the Board under the statutory authority is responsible. I'm here to help. I'm here to help, I want to help. I don't know what that looks like, but I am a 62 year old women who started as a state employee at 45 years old, after I had my own retirement income set up and I have never been so mistreated in a career in my life. Never.

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I believe we can change and I'm just quickly going to tell you that I've spent 18 minutes, it was 18 minutes that got me dismissed on March 12, 2018 because I refused to put 18 minutes back on my timecard. I did not want the taxpayer to pay that. I was sitting at my cubicle with approved leaving time wrapping a package for the mail and I was removed by the Chief, the Deputy Chief and that Supervisor. I spent three months on Admin Pay and they removed me June 15, 2018.

I'm ending on this, regardless, I'm standing here today and those that know me know this is true, I'm still holding on to that hope of those people that ran into me in the hall over nine and half years here and smiled at me, I've still got it. And I still have peace because I have integrity. It cost me everything to stand here today and I have nothing to gain, zero. I've never wanted more than anything else than to stand here today and ask the people and I'm going to mention one name, the people like Thor Dyson, who I didn't even do a project with me truly face-to-face in the nine and half years but I'll tell you what, when I needed something that needed to be done, all I had to do was put a call into Mr. Dyson and he respectfully brought you into his office and treated you like a human being.

Now, we need to change you guys, and I want to help so, it should matter to this Committee and it should matter, with all due respect, to you Governor Brian Sandoval. You're doing great work in our community and I'm so proud to be a third-generation Nevadan. We really need to help our people asset. Thank you.

Sandoval: Thank you Ms. Price, given that this is public comment, we can't say anything more but I definitely will have somebody follow-up with you.

Price: Thank you sir.

Sandoval: Thank you for your courage. Is there anyone else who would like to provide public comment to the Board?

Malfabon: No, Governor.

Sandoval: All right, thank you. We'll move on to Agenda Item No. 5, which is Approval of the September 10, 2018 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.

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- Sandoval: Mr. Nellis, any further presentation?
- Nellis: No Governor, that concludes Agenda Item No. 6.
- Sandoval: All right, thank you. If there are no further questions the Chair will accept a motion to approve Contracts 1 and 2 and to continue Contract #3 for consideration at a later date.
- Savage: So moved.
- Sandoval: Member Savage has moved for approval of Contracts 1 and 2 and to continue consideration of Contract #3 to a future date, is there a second?
- Martin: Second.
- Sandoval: Second by Member Martin. Any questions or discussion on the motion? If there are none, all in favor 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, Members of the Board. There are two attachments under Agenda Item No. 7 for the Board's information and no settlements this month. Beginning with Attachment A, there are two contracts and three emergency contracts that can be found on Pages 4 and 5 of your board packets.
- The first project is located on SR-361 at Petrified Wash in Mineral County. This is to replace a bridge. There were four bids and the Director awarded the contract to Road and Highway Builders in the amount of \$3,030,030.
- The second project is located on Stewart Street from Ninth Street to South Carson Street in Carson City. This is for pedestrian safety improvements. There were three bids and the Director awarded the contract to Sierra Nevada Construction in the amount of \$669,007.
- The third project is located on SR-164, Nipton Road in Clark County, for emergency repairs due to heavy flooding. There were two bids and the Director awarded the contract to Las Vegas Paving Corporation in the amount of \$3,450,000.

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The fourth item is an emergency project located on SR-156, Lee Canyon, in Clark County. The Director awarded the emergency contract to Aggregate Industries, in the amount of \$1,050,000.

Lastly, the fifth item is also an emergency project, located on SR-158, Deer Creek Road in Clark County. The Director awarded the contract to Aggregate Industries in the amount of \$200,000.

With that, does the Board have any questions regarding these six projects before we turn to Attachment B?

Sandoval: I hear no questions. Please proceed, Mr. Nellis.

Nellis: Thank you, Governor. There are 73 agreements under Attachment B on Pages 21 through 26 for the Board's information. Items 1-9 are an acquisition and facility agreements. 10-12 are grants and interlocal agreement. 13-24 are service providers and lastly, Items 25-73 are no cost agreements and amendments. With that, that concludes Agenda Item No. 7, does the Board have any questions regarding these informational agreements?

Sandoval: All right. Thank you, Mr. Nellis, on #12, the research for University of Nevada, Reno, it appears to be a supplement to research that was already begun. Was there any progress made on the initial research?

Mortensen: For the record, Cole Mortensen, Assistant Director of Engineering. Governor Sandoval, I did ask about this agreement this morning and that was not something that was mentioned, so I will follow-up on that. It's my understanding that this will be testing new column connections, developing design criteria, especially with regards to accelerated delivery. So, potentially utilizing details for precast columns, to try and help get our structures constructed in a more expedited manner.

Sandoval: Okay. So, you've heard me ask these questions before, I just want to ensure that it's useful research. I see that it doesn't need to be finished until 2020. Does it take that long?

Mortensen: I can certainly get back to you on that as well, but you know, one thing that hasn't actually been mentioned, Governor Sandoval, and I don't know if the Board is actually familiar with this or not, but with a lot of the research, many of those grad students actually come to work at NDOT after the fact. My brother and I are

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both examples of that. We were both actually grad students who were funded by NDOT research. Mine wasn't as glamorous as this one, but through that experience, you know, with my understanding of that, it takes some time to actually design the test specimens for these types of studies, to actually get them instrumented and get them up on the earthquake simulation tables or have the hydraulic rams that they use there at UNR test the specimens. In addition to that, then of course, you know, the research and the report has to be put together to follow up on that. So, I'm guessing that the dates here were just based on those timelines, but I will get back to you on that as well.

Sandoval: Thank you, Cole. Will you also find out how much the initial contract was?

Mortensen: Yes, I will. I'm hesitant on this one just because it doesn't look like an amendment, it looks like it's the initial contract, but I will look on that.

Sandoval: Yeah, it just—it says, this study will supplement another research product that is developing a new design and will provide detailed procedures for cast in place, etc. So, it looks to me as it's a supplement to one that has already been established, what I assume would be approved. So, I'm just curious if anything has been done on that and how much we approved for it.

Mortensen: I will find out on that Governor Sandoval.

Sandoval: Okay, thank you. I have no further questions. Board Members, any other questions with regard to the Agreements? Member Almberg?

Almberg: Governor, I just want to bring up on Agreement #49, that is with my parents. I just don't know if I need—I mean, this is only for—it's not, we don't have to approve it, I guess it's information only, but I just want to make everybody aware of that.

Sandoval: Yeah, these are for information only, but I do appreciate the disclosure. Board Members, any other questions with regard to the Agreements presented in Agenda Item No. 7? Member Savage, any questions?

Savage: No, Governor.

Sandoval: Thank you. Please proceed, Mr. Nellis.

Nellis: Governor, thank you, that does conclude Agenda Item No. 7.

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- Sandoval: All right. Board Members, any further questions or comments regarding Agenda Item No. 7. It is informational only. All right, no questions. Let's move on. Thank you Mr. Nellis. We'll move on to Agenda Item No. 8 which is resolution of relinquishment.
- Malfabon: Thank you, Governor. This is for requesting disposal of a portion of NDOT right-of-way, located along the southeasterly right-of-way of Carson River Road in Carson City. The Department acquired the property back in 1989, in fee. In June 30, 2009, the Department relinquished Carson River Road to Carson City, however, this specific parcel was inadvertently omitted from the relinquishment and we'd like to correct that by asking for Board approval of this disposal today.
- Sandoval: All right, thank you Rudy. Board Members, any questions on this agenda item? If there are none, the Chair will accept a motion to approve the resolution of relinquishment of State Highway Land, which is Attachment #2 in Agenda Item No. 8.
- Hutchison: Move to approve resolution.
- Sandoval: Lieutenant Governor has moved for approval. Is there a second?
- Almberg: Second.
- Sandoval: Second by Member Almberg. 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. Agenda Item No. 9, Briefing on Modifications to the Standard Details for Centerline and Shoulder Rumble Stripes.
- Malfabon: We have someone approaching to present this item, Governor.
- Mammen: Good morning Governor, Members of the Board. For the record, Ken Mammen, Chief Traffic Safety Engineer. I requested this to be moved to the November Board Meeting on a condition of the fact that a question came up Thursday and Friday that we couldn't answer. It's, in my mind, it's a very important question to answer before we move forward with these changes to our rumble stripes. So, I'd like to move this to the November Board Meeting, if you would do so please.
- Sandoval: Without any objection, we will continue this matter to the November 2018 Board Meeting. Thank you.
- Mammen: Thank you.



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Sandoval: All right. Agenda Item No. 10, Briefing on Strategic Highway Safety Plan Advisory Opinions.

Rosenberg: All right, that will be me. Sondra Rosenberg, Assistant Director for Planning. I am also currently the Chair of the Nevada Executive Committee on Traffic Safety, so I'm sort of wearing two hats for this presentation. I also have some support in the audience as well, which I'll introduce in a minute.

So, just a little bit of background on why this Committee exists and what its purpose is. It's really the Strategic Highway Safety Plan, which is a federal requirement, since SAFETEA-LU, it continues to be a requirement. It requires a multiagency plan with representatives from the four "Es." That's education, enforcement, engineering and emergency response. Sometimes you hear us say five Es, that includes everyone, that safety is everyone's responsibility.

It's a data driven process and it's focused on fatalities and serious injuries. The reason I mention that is that the NECTS is really the—the Nevada Executive Committee on Traffic Safety, it's kind of the overseeing body that approves that, that document, as well as all the work that goes into it. Currently, as I mentioned, I am the Chair of the NECTS, so I represent that group as well, as I'm a representative from the Nevada Department of Transportation, along with Rudy Malfabon.

In addition, I have with me today, the NECTS Vice-Chair, Amy Davey, from the Department of Public Safety and the Office of Traffic Safety Administrator. The SHSP Administrator is Ken Mammen, who you just heard from, who is the Chief of the Traffic Safety Division here. And the SHSP Facilitator, Mike Colby, from Kimley Horn. So, you see here the organization of NECTS and the Strategic Highway Safety Plan. There's a number of people that work on this, it's not just us executives setting up, you know, talking about what we can do. There's really, on the ground task forces that work to help us support the mission of reducing fatalities and serious injuries and there's a number of what we used to call critical emphasis areas, we still do, but now they're called taskforces as well. There's seven of them. Impaired Driving, Intersections, Lane Departures, Motorcycles, Occupant Protection, Pedestrians and Young Drivers. The reason those are identified is those are the patterns we're seeing with fatalities and serious injuries. Those are the areas we need to focus on and those are the taskforces we've created under the NECTS.

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Just a quick listing of the Members. I'm not going to list all of them but you can see that there's a number of interested parties that help us develop the plan, as well as develop recommendations for moving forward and partnerships in Traffic Safety. At our most recent meeting, we actually added some legislative members as well, a member from the State Assembly as well as the State Senate and expanded our metropolitan planning organization membership to include TRPA and CAMPO. It was previously just the larger urban areas. As you can see here, we take it very seriously. Everyone signs their agreement to be a member of the NECTS and they're represented agencies.

This figure here, I actually stole from Ms. Davey from OTS. It's really to show why we do this. The number of fatalities on Nevada roads is equivalent to a jumbo jet crashing and killing all onboard, every year. If that were to happen in the aviation industry, that would be unacceptable. We want to convey that message that the number of fatalities on our roadways is unacceptable. We need to do more about it. Nationally, it's really the equivalent of a jet falling out of the sky every week, again, acceptable. So, that's why we do what we do.

The advisory opinions are something that's put together by the taskforces and approved by the NECTS. Just to show some policy recommendations, potential legislative changes. It is data driven. Their official recommendations, they've been approved by the NECTS, they're available for information to interested parties, however, there's currently no official vehicle to develop the legislation. NECTS itself doesn't get BDRs. The member agencies that are part of the Executive Branch do go through that channel, but as an organization representing many diverse interests, there's no official law making body if you will. So, I wanted to be clear about that, these are, as I mentioned, advisory opinions.

So, each taskforce came up with one or more. So, I'm just going to briefly go through those here and they do constantly change as things are implemented and as data changes as well.

The Impaired Driving Prevention Taskforce has recommended formalizing the Impaired Driving Prevention Taskforce and the 24/7 Sobriety Program. So, some revisions would be needed to simplify the qualifications. I believe, if I understand it correctly, really we need to formalize that taskforce in order to help qualify for funding and to make it consistent across the state. We do have that program in place in certain areas, it is sort of optional, voluntary. Some Judges have really

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put this in place. It's been very effective, but it's not—it's not consistent throughout the State.

Similarly, another Impaired Driving Prevention Recommendation was to—so, let me back up a second. SB 259 last session did require interlocks for people convicted of DUI, however, there are still some exemptions that may be an issue for qualifying for federal funds. These bullets need some tweaking based on recent actions, so if there are questions about that, I'll probably defer to Ms. Davey, but hopefully we'll get through this.

Intersection Safety. The recommendation of that taskforce is to allow automated enforcement at intersections. That is because more than a quarter of crash fatalities and serious injuries occur at intersections and we think that cameras will help enforce people, you know, behaving per the law and not running red lights. We think that that can actually reduce fatal and serious injuries. That one has become a BDR through the Office of Traffic Safety and that's BDR 358, so we'll certainly be watching that through this Legislature.

Lane Departure Prevention. Enhancing the cell phone law to really be a distracted driving law. The City of Reno has done this. I don't know that we have any data yet from that. We'll certainly be watching what happens in that area, but really all distractions and danger, drivers, pedestrians and bystanders. At least 9% of all fatal crashes were distracted effected. The reporting on that is really self-reporting so we think that those are significantly under reported. Increasing deterrence of distracted driving is really needed. Just a side note, I was driving to work last week and I looked in my rearview mirror and the person behind me was flossing his teeth. So, not only is it a distraction, it was kind of—kind of disturbing for a number of reasons, but we all see it all the time. Not just the phones, but the eating, the putting on makeup, reading the newspaper, watching a movie, it's incredible the number of distractions that people are doing while operating a motor vehicle. So, we want to just strengthen that.

Motorcycle Safety. Revised NRS to add vehicle definitions that result in more two and three-wheeled motorcycle riders receiving training. My understanding about that is the definition for a three-wheeled motorized device is a tri-mobile and the definition in there or the requirements in there identify it more as like a car and it doesn't really address those that operate more like motorcycles. So, they're not required to have a motorcycle license, which means they're not taking training and the training we do offer is really motorcycle specific.

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So, what we're looking at here is better definitions of the different types of vehicles and that can be expanded to new vehicles that are showing up these days too, but really be specific about the different types of vehicles and the types of licensing required. And, mopeds is another issue that's kind of a gray area in terms of motor powered bicycle versus something more like a motorcycle. So, really cleaning up those definitions, appropriate licensing, appropriate training.

Occupant Protection. I know this is a controversial one but the data continues to show that unbelted passengers and drivers are really at an increased risk of fatalities. Upgrading to a primary seatbelt law we think could save lives. Unrestrained individuals are twice as likely to be killed or seriously injured in a crash. More than half of the fatality injured passengers in Nevada, between 2013 and 2017 were unbelted. We're one of 15 states without this law and we think making it a law would increase seatbelt usage and save lives. We do know there are other concerns about that law, but from a purely data driven safety perspective, that is what this committee is recommending.

Younger Drivers. So, this is our newest taskforce because we are concerned about the younger drivers and seeing the crash rates with the younger population. We've created that taskforce and they have a number of advisory opinions. They've been very, very active, probably our most active taskforce. Crashes are the top—oh, sorry, including the seatbelt usage in the graduated licensing systems and some other states do that, where if a younger driver in the graduated license program is cited for not wearing a seatbelt, they could potentially lose their license for a number of months. We don't currently have that in Nevada, but they are the—crashes are the top killer of 15-20 year olds and a number of—almost 50% of all younger drivers who died in a fatal crash were unrestrained.

Continuing on with the Younger Driver. Revising the graduated licensing systems to include three stages which would add an intermediate licensure prior to full licensure. That includes driving with restrictions. That would help us attain additional federal grant funding for younger driver programs.

Finally, revise the graduated licensing system to remove the age cap of 18. So, per NHTSA, there's evaluations that clearly show the benefit of a GDL, Graduated Driver's License. Many youth are waiting longer to get their licensing and bypassing that. So, instead of just saying, well I don't want to go through that GDL process, I'll just wait until I'm 18, putting it in for anyone getting a new

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license for the first time. That way they would have to go through several steps before they have that unrestricted license.

So, with that, that concludes my presentation and I'd be happy to take any questions. This is just informational so that this Board, which is actually the authorizing Board for this Committee is aware of what we're up to and the analysis and recommendations from that group. Thank you.

- Sandoval: Thank you Ms. Rosenberg. Great presentation. Very informative. Will you refresh my memory with regard to what the graduated driver's licensing program is? So, in other words, you know, if I have a daughter who is going to be 15 ½ soon, which is true, so she would be able to get her permit and in order to be eligible for a driver's license, she would have to have a specific number of hours that she has to drive that have to be recorded. If she waited until she was 18 in order to get that driver's license, does that mean she would bypass that entire process?
- Rosenberg: That is correct.
- Sandoval: Okay, no that's important to know. So, I think it's really important to have that type of training, prior to being eligible for getting a driver's license, but I just wanted to be clear on the record that that's true because it could be—I mean, that's a reality for a lot of people, that somebody who is 15 ½ or 16 will wait until after they're 18 in order to go get a driver's license. So, in other words, if I'm 18 years old in one day, the day or the day of my 18<sup>th</sup> birthday, I can walk into a DMV and take the written test and the driver's test without any prior requirements.
- Rosenberg: That is correct. As you mentioned, you would still have to pass those two tests, but that is correct. No required training, full license with no restrictions.
- Sandoval: Okay, thank you. Board Members, any other questions with regard to Agenda Item No. 10? Ms. Valentine.
- Valentine: I didn't see anything in here on—I live in a part of town where I see a lot of elderly drivers, I didn't see anything on here—is that not a problem, or there just weren't any recommendations or did I miss it?
- Rosenberg: That is an excellent question. At this point, there are no recommendations. It's certainly something that the Committee has been discussing, but generally the

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issues with the older drivers do fall into one of the other categories that we are looking at.

Valentine: Thank you.

Sandoval: Any other questions from Board Members?

Savage: I do, Governor.

Sandoval: Oh, I'm sorry, Member Savage, please proceed.

Savage: Thank you, Governor. And, Sondra, thank you for your presentation and thank you for chairing the NECTS. I think it's very valuable to this Department as well as to the State of Nevada, so thank you for your commitment. Just a comment. I know this gets the hair on the back of everybody's neck is the distracted driving. I know we're doing a lot as a state for the distracted driving but there's never enough. I think it's out of control. I think a lot of lives are lost. The statistics that are shown here, we could never do enough. It's a sad day because I think that we continue to strive to make it better, I know we will in some time, but I think the charge and the results are actually—I don't know if they're improving on distracted driving or not. I don't know if you can expand on that, at all, Sondra.

Rosenberg: Sure, I will try. That's a difficult one because we all see it. It's difficult to collect the data on it. It's very difficult to prove that someone was distracted, I mean, other than others witnesses, but how do you say whether that person was on their phone or combing their hair. So, we do think it's underreported and that's why we mentioned that.

So, it is a challenge, I believe the numbers that we do have are increasing. Maybe not with the cell phones but other types of distractions. That's a big concern for us. That's, you know, why we are mentioning that. It is—it would be a difficult thing to enforce, as well, again, you know, how do you prove that. It's something that we all see. It's something that we all know is an issue. It's something that we all know is causing fatalities and serious injuries. So, we look forward to these taskforces and NECTS and member entities working on some potential solutions for that. Certainly technology can help, but in the interim until—you know, until the whole system is automated, it's going to continue to be an issue. So, I don't have any good answers for you but it is something that concerns all of us and we're looking for solutions.

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- Savage: Right. And I appreciate, again, Sondra, your time and commitment for this NECTS. That's all I have at this time, Governor. Thank you.
- Sandoval: Thank you, Member Savage. I will say, on the newer iPhones, there's a setting that automatically senses that your driving, so you don't receive messages and it sends out a message to the person who sent you the text that says, I'm driving right now and not receiving notifications. I suppose you could encourage everyone who has an iPhone with that technology to utilize it.
- Any other questions or comments on Agenda Item No. 10?
- Almberg: I got a quick one Governor.
- Sandoval: Yeah. Excuse me, Member Almberg.
- Almberg: Sondra, can you go over one more, intersection safety. Is that a situation with the cameras, you currently don't get tickets if the cameras catch you, are they going to hand deliver it? What is that?
- Rosenberg: Currently automated enforcement, i.e., cameras at intersections is not allowed per NRS. So, we are requesting that that restriction be removed. The cameras that you see on intersections right now are traffic detection devices. So, similar to the loops and the road, it's really just to see whether or not there's cars at the intersection for signal timing, signal notification. They're not enforcement cameras.
- Almberg: All right. Thank you. I assumed that they were. I mean, I knew they did the traffic counts as well, but I also assumed that there was potentially some tickets involved.
- Rosenberg: Maybe I shouldn't have put that on the record, if people think that they're being watched.
- Sandoval: Well, they're being watched. [laughter]
- Almberg: That's all for me, Governor, thank you.
- Sandoval: All right, thank you Member Almberg. Any other questions or comments on Agenda Item No. 10? Ms. Rosenberg, thank you very much. A really important Committee, so thank you.

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- Rosenberg: Thank you. Again, I do want to acknowledge Ms. Amy Davey who is here with us from the Office of Traffic Safety as the Vice-Chair and the incoming Chair for next year and she has really been a really strong proponent. She not only sits on the larger committee but is on several taskforces and really continues to beat the drum on we should really care about this, this is a big issue, we need to do everything we can. So, thank you.
- Sandoval: All right, thank you very much. We'll move to Agenda Item No. 11, Old Business. Director Malfabon.
- Malfabon: Thank you, Governor. We have reports of Outside Counsel Costs on Open Matters and the Monthly Litigation Report, Items A and B of this Agenda Item 11. If there are any questions on those, Dennis Gallagher is able to field those.
- Sandoval: Thank you, Mr. Lieutenant Governor.
- Hutchison: Thank you. Mr. Gallagher, outside counsel contracts and the litigation report all look really, really good. My just one question that I have is, I noticed there's a new wrongful death case, [inaudible] educated us about what the facts are generally about that case and why NDOT was brought in on this matter?
- Gallagher: For the record, Dennis Gallagher, Counsel for the Board. Obviously, it's a wrongful death action. There is a dispute as to the site for this accident, whether or not it was an NDOT road or a Clark County Road. So, as we go through discovery, we'll resolve that issue and we'll either remain in the case, if it was an NDOT road or seek dismissal if it's a County Road. It's negligent roadway design and maintenance claim that led up to the fatality.
- Hutchison: Thank you, Governor.
- Sandoval: All right, thank you, Mr. Lieutenant Governor. Any further questions with regard to Agenda Item No. 11? There are none. We will move to—is there anything else you wanted to present, Rudy?
- Malfabon: Just wanted to also thank Amy Davey for her efforts at the Office of Traffic Safety, but also the members from NDOT that sit on those taskforces to try to improve safety, as you can see in Attachment C of Item 11, we still have quite a challenges ahead of us on reducing fatalities. Although we are installing new infrastructure to protect pedestrians as they can cross more safely in the urban areas, we're doing a lot of projects throughout the State, it's still quite a challenge



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and really, everybody is pitching in as much as they can and I appreciate their efforts on not only NECTS, but also those taskforces that look into safety issues, statewide. Thank you Governor.

Sandoval: Thank you, Director Malfabon. We'll move to Agenda Item No. 12, Public Comment. Is there any member of the public present in Las Vegas that would like to provide public comment to the Board. I hear and see no one. Is there anyone present in Carson City that would like to provide public comment to the Board?

Malfabon: No, Governor.

Sandoval: We'll move to Agenda Item No. 13, Adjournment. Is there a motion to adjourn?

Valentine: So moved.

Sandoval: Member Valentine has moved to adjourn. Is there a second?

Martin: Second.

Sandoval: Second by Member Martin, all in favor say aye. [ayes around] That motion passes unanimously. [audio cut]



Secretary to Board



Preparer of Minutes