

Nevada Department of Transportation

Board of Directors

Meeting Minutes

February 11, 2019
9:30 AM

Meeting Location: 1263 South Stewart Street
Third Floor Conference Room
Carson City NV 89712

Present: Governor Steve Sisolak, Lt. Governor Kate Marshall, Controller Catherine Byrne, Virginia Valentine, Len Savage, BJ AlMBERG, Frank Martin, Kristina Swallow, Bill Hoffman, Dennis Gallagher.

1. Welcome and Roll Call

Governor Sisolak called the meeting to order on Monday, February 11, 2019 at 9:30 AM. A roll call was conducted and a quorum was established. It was verified that the meeting was posted in compliance with the Nevada Opening Meeting Law.

2. Director's Report (Informational Item)

Director Swallow shared some good news, a legislative update, some project updates and some Federal Government items. The highlights were:

- NDOT received an award from Engineering News Records, the Owner of the Year for the Southwest Region; they were recognized for their efforts in taking on ambitious, large-scale projects, in particular the USA Parkway, I-11 and Project NEON.
- The federal government issued us \$8.1 million in grants to make needed repairs but this also includes reimbursement for work already completed, which doesn't always happen. So, \$4.8 of the \$8.1 million is going towards repairs that were already made on SR-158. Then the additional funding will go to work on Nipton Road, which was washed out by a rainstorm last year.
- The groundbreaking ceremony for phase 3C of US-95 was on January 22nd. In attendance was the Golden Knights Mascot, Chance and the de facto mascot, Bark Andre Fleury. Phase 3C includes three new ramps linking 95 to the 215 Beltway and will allow for a safer, more efficient commute.
- NDOT is introducing two bills this Legislation Session, but they are also tracking 25 transportation related pieces of legislation, 130 bill draft requests, and have submitted six fiscal notes on other bills. Sean Sever, NDOT's Communications Director will be the liaison to the Legislature. NDOT is working on making sure that they maintain the relationship that they've had over the last several sessions and grow it where appropriate.
- Reno Spaghetti Bowl Update: this EIS has been fast-tracked and is on target to finish the environmental impact study by this summer. Phase 1 of the construction for SBX, the Spaghetti Bowl Express, is in design-build procurement right now and expected to start construction in 2020.
- Reno/Tahoe Airport Direct Access Update: there's been some back and forth in terms of access to the airport with this project. NDOT's preferred alternative will retain the southbound I-580 direct connector ramp. There will be no more environmental impacts. The airport is planning on considering this preferred alternative on Thursday.

Lieutenant Governor Marshall asked about the issue of security, terrorism, and emergency events. She said she was concerned about the security issues of getting rid of one of the alternatives to entering and exiting the

freeway and where you have a school nearby. Director Swallow said she would provide answers to those concerns at a future meeting.

- US-50 Widening near Silver Springs Update: this 10-mile, \$50 million project is the final phase of widening to four-lanes between Carson City and Silver Springs. As part of this project, they will be adding a traffic roundabout that will replace the existing flashing traffic signal at US-50 and 95A. They will also be constructing eight frontage roads, tying local access roads into major intersections for safer turns to and from the highway. Adding enhanced lighting, drainage improvements and 14-miles of livestock fencing.
- NDOT just launched a pilot project to address wrong-way driving. This pilot program includes installing 20 wrong-way detection systems on US-395 ramps in Northern Nevada. They will use radar and closed circuit cameras to automatically detect the vehicles and create that alert system.
- Future high-speed rail system update: Brightline has submitted a 15% plan. The proposed alignment is within the I-15 median, with the last five to six miles on a viaduct as it enters into the urban Las Vegas area until it reaches its terminus, which is currently planned at the Southwest Quadrant of I-15 and Flamingo. Brightline has a very aggressive schedule; they're looking to break ground as soon as later this year with services starting in 2022.
- Federal government items: As part of the FAST Act that was approved a couple of years ago at the federal level, a new grant program was introduced, the INFRA Grants. Infrastructure for Rebuilding America. NDOT will be applying for three projects. The I-15/Tropicana interchange, which is needed to be updated, repaired and to really meet the needs of the traffic that we have today. Climbing lanes on US-93 between I-80 and Idaho Stateline. And, the I-80 widening from Vista to the USA Parkway.

Member Savage thanked Director Swallow and her staff at NDOT for the outstanding job they do, and Governor Sisolak echoed those comments.

3. Public Comment #1

Mr. Charles Kennedy from Stagecoach stated that there is one main transport in and out of Stagecoach and that's Highway 50. He believes the design through Stagecoach is unsafe as it stands and will not handle a flash flood or a 500-year flood. Additionally, the removal of the left-hand turn lane to go into the Stagecoach Market will result in a huge loss of business for the Stagecoach Market and Gas Station especially since a new gas station is being built down USA Parkway.

4. Appointment of Lieutenant Governor Kate Marshall to Serve as State Transportation Board Vice Chair (For Possible Action)

Governor Sisolak asked a legal question: was it necessary to have seconds on motions brought forward? Dennis Gallagher, Counsel for the Board, stated that historically, the Board has required seconds, but it's not in statute. The Governor said he didn't think they needed to have seconds on motions anymore.

Motion: Member Byrne made a motion to approve Lieutenant Governor Kate Marshall to serve as State Transportation Board Vice Chair. The motion passed unanimously.

5. Approval of the December 3, 2018 Nevada Department of Transportation Directors' Meeting Minutes (For Possible Action)

Governor Sisolak made a suggestion that future minutes have summaries only instead of the elaborate, detailed minutes of the past. Counselor Dennis Gallagher stated there is no requirement by law and the Board can choose whatever format suits their purposes best.

Member Martin said the minutes have been used as a follow-up for commitments that have been made to the staff and the Board for follow-up items and in that regard, beneficial. Member Almberg stated he was fine with summary minutes. The Governor said going forward, they should start summarizing.

Motion: Member Martin made a motion to approve the December 3, 2018 Nevada Department of Transportation Directors' Meeting Minutes. The motion passed unanimously, with Member Martin, Member Marshall, and Governor Sisolak abstaining.

6. Approval of Agreements Over \$300,000 (For Possible Action)

Mr. Robert Nellis, Assistant Director for Administration, gave an overview of some of the approval thresholds and how agenda items are typically presented. The Department is governed by NRS 408 and current contract authority that's been delegated to the Director is any construction contract of \$5 million and above is subject to approval by the Board, as well as any agreements of \$300,000 and above. Anything below those threshold amounts are informational items that are reported to the Board every month. Mr. Nellis then outlined the five agreements under Agenda Item #6:

- **Line Item No. 1** is for Independent Assurance Testers. This is Amendment #3 to increase authority by \$25,000 due to increased workload and unanticipated vacancies.
- **Line Item No. 2** in the amount of \$1,397,780 is a feasibility study for the Interstate 15 Corridor, to identify right of way needs, operational improvements and phasing options.
- **Line Item No. 3** in the amount of \$6 million, is Amendment #5 to increase authority and extend the termination date for the continuation of NEPA, final design services and to begin preliminary design and NEPA studies for the I-515 bridge replacement and downtown access project.
- **Line Item No. 4** in the amount of \$3,654,176 is to provide engineering services for US-395 North Valley, including geotechnical investigation, structural design, subsurface utility exploration, landscape and aesthetics and public outreach to alleviate congestion on US-395 and enhance safety.
- **Line Item No. 5** is a proof of concept study in the amount of \$309,581, to provide high accuracy, multimodal traffic trajectories, by collecting data from all road users to improve traffic safety.

Member Marshall asked for some clarification on Line Item No. 1 and Mr. Thor Dyson, Assistant Director of Operations, provided the following details: The \$25,000 increase on Line Item No. 1 is due to vacancies that NDOT has had for quite some time. Four out of six Independent Assurance Tester positions are vacant. The \$25,000 is needed for the vacancies that NDOT is struggling to fill.

Member Marshall had some math questions about Line Item No. 3. The original agreement amount does not add up to the payable amount when you add \$6 million to it. \$2.6 million, plus \$6 million, doesn't equal \$9.9 million.

Mr. Ryan Wheeler, Project Manager for the Nevada Department of Transportation provided some clarification. The original agreement had an amendment that increased that to \$3.092. There's a project that NDOT is pursuing in the downtown Las Vegas area called the Downtown Access Project. The original agreement allowed the Department to amend the agreement to pursue the delivery of the project. The additional \$6 million is to pursue project delivery of the project.

Mr. Wheeler went on to discuss the amendment of the I-515 Feasibility Study agreement with Jacobs Engineering Group to add an additional \$6 million to the agreement. NDOT is bringing this item before the Board in consideration to deliver a project which concept was born during the original agreement. The proposed project is called the Downtown Access Project.

The project is located on I-515, between the Downtown Las Vegas Spaghetti Bowl and the Las Vegas Boulevard. The project needs are to replace a portion of the viaduct structure, improve safety and operations along I-515, add an HOV interchange, half-interchange and improve access and connectivity to the downtown Las Vegas area. The elevated structure, or viaduct at I-515 is 1.6 miles in length and is split into two separate bridges, combined and measure 1.6 miles. The eastern bridge is the I-947 structure, was constructed in 1985, so it is 34 years old. It has 56 spans and is located between 4th Street and 20th Street. The western bridge is G-947 was constructed in 1968. It is 51 years old. It has 23 spans and is located between the UPRR crossing and 4th Street. It is a priority for NDOT to replace this structure in an appropriate timeframe. Repairs and rehabilitation costs for this bridge have been growing. From a traffic operations perspective, these two miles of I-515 operate poorly.

In the northbound direction there are competing, weaving interests between Las Vegas Boulevard and 4th Street onramps against the I-15 southbound off-ramp. This creates a bottleneck that causes congestion as far south as the Charleston Avenue interchange on nearly a daily basis.

For the I-515 southbound direction, the main cause for congestion is due to the I-15 southbound and northbound off-ramps. These ramps combine to one ramp prior to merging on the I-515 southbound. When they merge on to the I-515 southbound, they enter into what we refer as a trap lane or a lane that must exit and it goes to Casino Center exit. The I-15 southbound ramp is now backing up on to the I-15 mainline frequently and the I-15 northbound ramp is backing up on to the mainline periodically. These types of backups present a safety concern in the form of high-speed rear-end accidents.

The proposed project will provide a new viaduct bridge and a new HOV half-interchange to City Parkway. It will also provide ramp braiding which will relieve the congestion and safety concerns. The project will also provide three through lanes through the Spaghetti Bowl.

The details of the agreement include an increase of \$6 million from the \$3.902. It changes the expiration date to December 2021, to start performing the heavy lift. NDOT has already negotiated the first task order because this is a task order agreement, with Jacobs Engineering, at the tune of \$1.14 million to help us with preliminary design at NEPA. It leaves about \$4.86 million left so NDOT can perform additional tasks on an as needed basis and then they may pursue future amendments based on project delivery and construction support.

The NDOT team will be pursuing a NEPA designation, whether it's going to be categorical exclusion or environmental assessment. If it's a CE, it's about a three to six month timeframe. If it's an EA, it's 12 to eight months. The NDOT Environmental Group is hopeful that this will be a categorical exclusion. The team will come back to the Board in August with a refined project schedule along with refined project costs and also some options for construction and right-of-way funding, as well as project delivery options.

Member Savage asked Mr. Wheeler what Jacobs has billed the Department to this point? Mr. Wheeler replied there's \$3.094 million billed to date.

Member Almborg reminded everyone that they're currently issuing this first task order to get to the point where they will know whether they will have to do a categorical exclusion or an EA. He asked what was the likelihood that they'll be able to get away with a categorical exclusion?

Mr. Mortensen said they don't have any real major concerns that would lead them to believe that it's definitely going to need an environmental assessment. It's not near a residential neighborhood and the property is already disturbed. That helps alleviate a lot of the environmental concerns that are generally associated with the EA or an EIS.

Member Almborg said if they get a categorical exclusion, the remaining \$4.8 million that's left in the \$6 million adjustment will get them through the final design of the project. If they have to go through an EA, it will not get them through that process.

Member Almborg addressed the issue of the need for additional staff. The reason they have so much consultant work going on is because of the low wages of NDOT employees. They could possibly reduce some of the consultant fees in the future if somehow they could get wages up to where they could get more people wanting to come to work for NDOT directly.

The Governor asked when was the last time they did a Wage Comp Study with the private sector? Mr. Dyson said he believed it was in the late 90s. Governor Sisolak said if it's been 20 years, it's probably time to do another one. He asked staff to look into that.

Member Savage asked for clarification on the I-15 study. Were actual state funds being used? Mr. Mortensen said they are using state funds for that study and it's common for them to do that very early on in the process until they decide whether

or not they want to engage their federal partners in funding. Many final designs will still perform with state funds so that they don't tie it up with the federal requirements.

Motion: Member Martin made a motion to approve the five agreements over \$300,000 as detailed in the presentation and Board packet. The motion passed unanimously.

Governor Sisolak asked how did the thresholds get established on Item No. 6? Mr. Nellis replied they were established in 2011 and currently the lowest threshold for surrounding states is \$500,000. The Governor expressed his belief that the threshold should be increased so the staff will have more flexibility and much time will be saved. Director Swallow said they would work on a recommendation by the next Board Meeting.

7. Contracts, Agreements, and Settlements (Informational Item)

Mr. Nellis detailed the two attachments under Agenda Item No. 7. There were six projects under **Attachment A**.

The first project is located on SR-582, Boulder Highway in Clark County, to replace a deficient bridge structure. There were four bids and the Director awarded the contract to Fisher Sand & Gravel, in the amount of \$2,446,446.

The second project is located at US-95 and Mina from Sixth Street to Eleventh Street in Mineral County. This is to construct sidewalks and ADA curb ramps. There were four bids and the Director awarded the contract to V&C Construction in the amount of \$345,913.80.

The third project is located on SR-667 at Kietzke Lane from Mill Street to Galletti Way in Washoe County, to install a complete street design with pedestrian, bike and ADA improvements. There were four bids and the Director awarded the contract to Granite Construction Company in the amount of \$3,021,021.

The fourth project is located at the Tonopah Maintenance Station, Administration Building in Nye County. This is for a selective demolition, asbestos removal, rough carpentry, joint sealants, new doors and windows, finishes, specialties, mechanical and electrical. There were two bids and the Director awarded the contract to MGM Construction in the amount of \$1,423,669.

The fifth project is located on I-15 North at the Garnet Interchange to the Arizona state line in Clark County to install infrastructure technology services. There were three bids and the Director awarded the contract to Anderson Hoeram & Excavation in the amount of \$2,281,946.

The sixth item is an emergency project at the Reno, NDOT Reno Maintenance Yard in Washoe Valley for emergency repair to the southwest corner of NDOT's Sprung Structure due to extensive damage to the overhead door. The Director awarded the contract to Facility Management, Inc. in the amount of \$69,870.

There are 102 agreements under **Attachment B**, Items 1-5 are Acquisitions and Appraisals. Items 6-14 are Cooperative and Facility Agreements. 15-18 are Grant and Interlocal Agreements. 19-42 are Service Providers and lastly, Items 43-102 are no cost agreements and amendments to the Department.

Member Almberg asked about the sidewalks in the town of Gardnerville. They are having trouble with their permits and the price has just continued to escalate. What's going on? Mr. Mortensen said he would investigate that a little bit further and get back to the Board.

8. Resolution of Abandonment (For Possible Action)

An unidentified speaker spoke about disposal of a portion of NDOT right-of-way, a parcel of land along SR-756 (Centerville

Lane) in the Gardnerville Ranchos, County of Douglas. The Surplus Property Committee and several Divisions within the Department have reviewed the property rights and NDOT's current use and they've determined that it is no longer needed to maintain the current roadway.

Governor Sisolak asked how much did they pay for the parcel? The unidentified speaker said he would have to do some research to get that amount. The Governor asked how much are they selling it for? The unidentified speaker said they are not selling it; they're abandoning it in accordance with state law. The Governor said he could not support this until he gets some details on what's going on.

Mr. Dyson explained a lot of times a construction project will come through where they will need to have an easement to get in there and to build the facility. He said he would get back to the Board about this parcel. Governor Sisolak said he definitely wanted specifics on this particular abandonment, so until that time, they would postpone any action.

9. Equipment in Excess of \$50,000 (For Possible Action)

Mr. Darren Tedford, Chief Materials Engineer for NDOT, presented an overview of a device that helps measure the smoothness of a road. It's something critical to operation for accepting contracts, for measuring the condition of roads. It was legislatively approved and a step in the process of buying this equipment is getting the Board's approval. The specs have been developed and will be sent out for competitive bid. There were no questions or comments from the floor.

Motion: Member Savage made a motion to approve the purchase of the High Speed Profiling Device as detailed in the Board packet. The motion passed unanimously.

10. Hearing on Intent to Act Upon a Regulation for Proposed Regulations Pertaining to NAC 484D Over-Dimensional Vehicle Permitting and Restrictions (For Possible Action)

Governor Sisolak asked for public comments before the presentation of Item No. 10, and there were none.

Lynn Hoffman, Chief of Administrative Services, presented an overview. In accordance with statute, NRS 233B, public notice was posted on January 7 and the public comment period closed officially February 8, 2019 at 5:00 PM.

NAC 484D is the Equipment and Size, Weight and Load of Vehicles Regulations. The State of Nevada Legislature delegates authority to certain agencies to take action to establish regulations or to amend them. And that's in accordance with NRS 645C.210(2)(a). NDOT is defined as such an agency to take action and there's also the State of Nevada Administrative Rulemaking that defines in the manual how we are to conduct this activity. Two public workshops were conducted in May. Discussion roundtables occurred over the course of two years in 2017 and 2018.

The proposed amendments are in six sections:

Section 1: updated office hours and online permitting information.

Section 2: clarifies deposit agreement versus credit.

Section 3: offers the opportunity for electronic permits to be displayed on mobile devices.

Sections 4: adds safety survey language.

Section 5: harmonizes regulations with surrounding states.

Section 6: revises the requirement for pilot cars.

Should the Board decide to adopt the amendments, this is what will happen next: these changes will be submitted back to the LCB, the Legislative Council Bureau who will finalize them for the Secretary of State and present them to Governor Sisolak for his signature. Once that is finalized, they will publish the regulations and make those available.

Governor Sisolak asked who has to follow these regulations? Ms. Hoffman replied any of those who are subject to request and obtain a permit. So, that's for oversized, overweight vehicles, any member of the industry. So, those who are moving the loads, it'd be the companies or the governmental agencies themselves to obtain the permit.

Motion: Member Almberg made a motion to approve the regulation as proposed with the amendment and the redundancy eliminated as detailed in the Board packet. The motion passed unanimously.

11. 2019 AASHTO Washington Briefing (Informational Item)

Director Swallow prefaced her presentation by defining some acronyms: **AASHTO** is the American Association of State Highway Transportation Officials. **WASHTO** is the Western Association of State Highway Transportation Officials.

Director Swallow said she and several team members will be heading to Washington DC as part of AASHTO's Washington Briefing. While they are there, they will be discussing national transportation policy issues with other states and partner organizations. They will be listening to congressional leaders and meeting with congressional leaders on their concerns regarding transportation policy. They will hear from USDOT Secretary, Elaine Chao and other DOT leaders regarding federal transportation policy. They will be meeting with their delegation and be asking for their support of our INFA Grant Submittals.

There are five federal policy issues they will be discussing. They are looking at repealing the 2020 rescission. Whenever a federal transportation bill is passed, there's always a funding concern and a funding crisis and issue because they've not raised the Federal Gas Tax since 1993. In order to do that, what they generally do is, they put in a rescission at the last year of the bill. In this case, that would be 2020 and that could be an impact to Nevada of \$71 million. So, they will be asking for them to repeal the rescission.

They will also be asking them to authorize a long-term federal surface transportation bill. Nevada is currently governed by the FAST Act that is set to expire in 2020. They're asking them to start working on it now so there is no gap and no multiple short-term extensions.

They're asking for them to ensure a strong investment in multimodal transportation systems. The Federal Highway Trust Fund has not been increased since 1993 and the state is facing huge issues with that. They need to be looking at short-term and long-term extensions. Short-term extension would be to raise the Federal Fuel Tax. Long-term extension is looking into other things that are more mileage based and that encompasses the breadth of vehicles that we may be seeing in the future.

They will be asking them to reserve the 5.9 GHz Spectrum and not allow other groups to take it. The 5.9 GHz Spectrum is spectrum that's been reserved for transportation safety projects for decades, and now other groups want to get into the Spectrum.

Additionally, they'll be asking for them to provide flexibility in some of the formula funds for safety and freight. One of the things that happened during the FAST Act is that they limited the ability to use safety funds on non-infrastructure. So, what that means is, the state can no longer do training classes on seatbelt usage, on impaired driving and other types of safety efforts. So, they want to make sure we get that flexibility back. The other piece of this is they created a federally funded freight program which enables the state to use federal funds on freight routes. Unfortunately, as part of that, they limited the overall amount of rural freight corridors; any state can only have 150 miles. So, they're going to be asking that they reassess that limit on how many rural freight miles Nevada can have, to give the state more flexibility on rural freight funds.

And finally, they will be doing some highlights on priority projects and programs like One Nevada Plan, Innovation Office, Project NEON, I-11, the Spaghetti Bowl and the I-15/Tropicana Interchange.

12. Old Business

- a. Stormwater Program Quarterly Report
- b. Freeway Service Patrol Annual Report
- c. Report of Outside Counsel Costs on Open Matters
- d. Monthly Litigation Report
- e. Fatality Report Dated January 4, 2019

Governor Sisolak asked for a historical reference as it relates to old business items. Are these specific items that individual Directors brought up? Mr. Gallagher replied that yes, individual Board Members requested these various reports. The Governor asked if the reports had been provided to the individual board members that requested them previous to the meeting? Mr. Gallagher said they're part of the monthly package. The Governor suggested that going forward, if they could provide the information to the specific commissioner or director that asks for something, that would be helpful and expedite things.

Director Swallow said the five items on today's agenda are standing items that have been asked for "over time" and they've just remained on the agenda. She said team members were prepared to answer any questions about any of the items. There were no questions.

Member Savage gave a shout out to the Freeway Service Patrol, (Item B) who provides a huge benefit to the drivers on Nevada's roads and highways. Their response times and satisfaction ratings are excellent.

Member Martin echoed Member Savage's statement about Freeway Service Patrol and said their work has been nothing short of outstanding.

There was a brief discussion about the differences in statistics and percentages regarding Freeway Service Patrol in Reno vs. Las Vegas. The conclusion was that Reno and Las Vegas are different in many ways, especially when it comes to roads, traffic, and travel conditions.

13. Public Comment #2

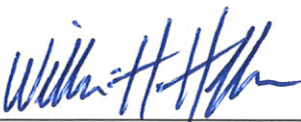
Lieutenant Governor Marshall thanked the Director for running such an "impressive" meeting. She asked Director Swallow that if they were applying for a grant to widen I-80 out by TRIC, could that grant be available for other ways of getting people out to TRIC using alternative modes of transportation such as light rail?

The Lieutenant Governor then asked for some follow-up on the first public comment about the left hand turn lane on I-50 for access to a service station. She wants to make sure that the transportation development that they're doing in that area doesn't favor one type of service station over another type of service station. She doesn't want something NDOT's doing to affect a business' livelihood in that way.

Director Swallow said they would get back to the Lieutenant Governor on I-80 and what they're looking at in terms of the planning and the INFRA Grant. They'll definitely circle with the gentleman and the Lieutenant Governor regarding the decision-making on that left turn. And finally, they'll get back to the Lieutenant Governor about the Reno Airport and security issues.

14. Adjournment (For Possible Action)

Motion: Lieutenant Governor Marshall made a motion to adjourn. The motion passed unanimously.



Secretary to the Board
William H. Hoffman