

Nevada Department of Transportation

Meeting Minutes

April 8, 2019
9:30 AM

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

Members Present: Governor Steve Sisolak, Chair, Lt. Governor Kate Marshall, Vice Chair, Controller Catherine Byrne, Virginia Valentine, Len Savage, BJ Almberg, *Member Frank Martin Absent.*

1. Welcome/Call to Order

Governor Sisolak called the meeting to order on Monday, April 8, 2019 at 9:30 AM. A roll call was conducted, and a **quorum was established.**

2. Receive Director's Report (Informational Item)

Director Swallow began the Director's Report with a quarterly safety update: in the first quarter of 2019, Nevada has experienced a 25% reduction in fatalities, compared to the previous year. Last year there were 80 fatalities at this point in the year and this year there are 60. But bicycle fatalities are up.

This week is National Work Zone Awareness Week, to bring attention to motorist and worker safety in construction areas and in work zones. Wednesday is Go Orange Day. Team members, members of the public and of course, Board Members, are encouraged to wear orange to show support.

Nevada Moves Day was a great success. Over 14,000 students across the state participated in over 63 schools. Kids and families learned about bicycle and pedestrian safety and started thinking about alternate ways to commute to school.

A couple of project updates. The first one is Project NEON. On April 2nd, they opened several of the I-15 and Charleston ramps and this will help make movement through that intersection and interchange much easier. So now, there's a single exit instead of the two they had before and at that northbound exit, drivers, when they hit Charleston will have a choice of turning left, turning right or going straight, either to Grand Central Parkway or to Alta Boulevard. So, they're improving access there and they're also providing a direct onramp from Charleston instead of having to go through the Iron Horse Loop. The project opening plans have changed somewhat since the artwork is delayed. On Monday, May 13th, at the start of Infrastructure Week, they will have a precedent announcing that the roads are open to use and then they'll have the showcase event later in July, once all of the work is truly complete.

State Route 160 is a significant effort that they're doing to improve access from Clark County into Nye County, Las Vegas to Pahrump. It's a \$59 million project. Six miles of widening, as well as 22 miles of rehabilitation of deteriorating pavement. They started work on the project late last summer and one of the most significant challenges right now to the motoring public is the blasting of the bedrock along the pass where they're having to widen the road. While they're doing this blasting, they've had temporary road closures of up to 120 minutes at a time. They're doing everything they can to notify the stakeholders through email, radio and TV, newspaper, and social media. There's still nine more months of the hard, hard work. Once it's finished, there will be the upgraded pavement, wider road, new signage, safer side slopes for turnouts, as well as new cattle guards and a wildlife undercrossing at Mile Marker 18.

Downtown Ely, CMAR. There are two contracts up for approval under Agenda Item 6. It's a CMAR project where they are going to be rebuilding US-50 and 93 through Downtown Ely. The project is a safety project and will enhance economic development, as well as aesthetics. Significant portion of the project is a flood control improvement addressing issues that are problematic for the transportation system, as well as a maintenance issue. They are bringing on a CMAR contractor to help reduce the risk and address cost concerns and possibly phasing of the overall project to make sure that the project can be done within the budget year-over-year. On January 11th, the Department issued a Request for Proposal for CMAR contractors and six firms responded. They interviewed the four shortlisted firms on March 7th and 8th and the Director approved the evaluation panel's recommendation to select Q&D Construction on March 11th and Federal Highway's issued concurrence on March 18th.

A brief legislative update. There are two bills the Department is tracking, AB 7 was passed by the Assembly. It is now in Senate Government Affairs. AB 22 was passed by Assembly Growth and Infrastructure and is now working its way to the floor. The budget closing is on May 14th.

After over 28 years with NDOT, Deputy Director Bill Hoffman has decided it's time to chase a dream and retire from NDOT. So, today is his last Board Meeting. He been a fabulous member of the team and they will miss him immensely. The Director thanked Mr. Hoffman for his dedication, as did the Governor.

3. Public Comment

There were ten private citizens who used the Public Comment part of the Agenda to comment on the Highway 50 project through Stagecoach. They came with a petition signed by 1500+ citizens. All ten people were vehemently against the proposed design. An overview of some of their comments follows:

Safety Concerns:

- Not enough proper exits through the eastside of Stagecoach for safe entrance or exit from many of the areas, especially emergency vehicles. You can't get a firetruck out of there in time to put out a house fire six miles away, because they've got to go down a frontage road.
- Highest density of people live in Stagecoach. If there's a wild fire, people won't make it because there are no back roads out.
- Design results in people making dangerous crossing and U-turns across freeway.
- An ambulance driving over a high-T or through a ditch could further endanger the patient and is preventable.
- If A-Trains are coming down the highway to fuel AJ's Market and they have to cross over the highway, turn on to frontage road and there's someone on that frontage road so that truck can't make that U-turn, that A-train is still sitting in the line of traffic. It's very dangerous. There needs to be a five-lane passage.

Residential Concerns:

- Design turns one residential street into a one exit route for five houses.
- Design limits fire trucks from reaching that whole housing development in time

Small Business Concerns:

- Current design does not give east and west access to business although NDOT said this would not happen.
- This project will put Stagecoach Market and Stagecoach Country Market out of business
- Stagecoach is the only fuel stop for 25 miles and if people going through can't get across the highway without turning on to a frontage road, it's going to close down business
- Used to be two entrances; now down to one-half
- Stagecoach's nine exits being cut off; cutting off the whole heart of the town
- Business owners and their employees' families will be devastated

Governor Sisolak thanked everyone for their heartfelt comments and then turned to Agenda Item 4.

4. Approval of the March 11, 2019 Nevada Department of Transportation Directors Meeting Minutes (For Possible Action)

Governor Sisolak announced that they were going to **eliminate the seconds on all motions** going forward. It's not part of statute, so seconds on motions are history.

Motion: Approve March 11, 2019 Nevada Department of Transportation Directors Meeting Minutes

By: Lieutenant Governor Marshall
Vote: Unanimous

5. Approval of Contracts over \$5,000,000 (For Possible Action)

Governor Sisolak thanked Director Swallow for providing disclosure forms; they are terrific. They really bring forward the information that he was most concerned about. Any conflicts that might exist, ownership that exists and any arms' length transactions as they relate to the degree of consanguinity of members.

Director Swallow reported that all the information was presented in the agenda item. They don't have additional information to present unless there are any questions. There were no questions.

Motion: Approve Contracts over \$5,000,000 as detailed in Agenda Item 5

By: Member Savage

Vote: Unanimous

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

Member Alberg said he provides engineering services to the City of Ely and because the City of Ely is a partner in this project, he will abstain from voting on this Agenda Item.

Member Savage asked why on page 35 of 39 when they originally came in at \$618,000, why did it end up being \$318,000?

Cole Mortensen, Assistant Director of Engineering, replied that in this case, the bid included some training hours that the Department did not approve, which brought the costs down.

Motion: Approve Agreements over \$300,000 as detailed in Agenda Item 6

By: Lieutenant Governor Marshall

Vote: Unanimous (with one Abstention)

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

Director Swallow said these items were delegated to the Director by the Board for action. She was prepared to answer any questions.

Member Alberg asked about the amendment with the Harris Corporation. Were there any protests or anything filed on this? Thor Dyson, Assistant Director of Operations, answered no.

Member Alberg said he wanted to commend all at NDOT for the tremendous amount of work that they did because this was a very tough contract to get in place. A lot of extra effort went in there to try to make sure there were no protests.

Governor Sisolak asked if there was there any discussion with the Las Vegas Metropolitan Police Department as it related to the Harris Radio Systems? Mr. Dyson responded yes.

The Governor asked if NDOT took precautions as it related to those issues that they had? Mr. Dyson said yes, they did.

Governor Sisolak asked Ms. Swallow if she was familiar with what the problems were? She said she was not familiar with what the problems were, but she would certainly ask, inquire and get comfortable and address it.

The Governor said it was a huge contract, \$50 million and they ended up replacing the entire system and had to basically eat the cost of the whole thing. So, he wanted to make sure that they didn't run into that again.

Mr. Dyson stated they went to great lengths to work with Las Vegas Metro. They have interoperability. They crossed every "T" and dotted every "I". They worked with the legal division very closely. That resulted in no protests of any kind and they feel confident they have a good system that will operate with not just in Northern Nevada, in the Reno area and the Elko

area and the difficult spots, but as well as Las Vegas, which is critical with Las Vegas Metro, because they know there are incidents down there and they're crucial.

The Governor asked if Harris had a representative at the meeting he could question?

Ms. Denise Inda, Chief Traffic Operations Engineer, said there were no Harris representatives at the meeting.

Governor Sisolak asked why they didn't bother to show up at the meeting when it's a \$55 million contract?

Ms. Inda explained this was just a small clarification of some of the language within the agreement, but no changes to the design of the radio system or the cost of the radio system. She apologized and said she assumed that it was not a big enough issue to make sure that Harris was at the meeting.

The Governor said no apologies were necessary from Ms. Inda; she was not getting the \$55 million. If they would've considered this a big contract, they would be here. One of the issues the Governor had is officers' lives were put in jeopardy when they couldn't communicate, and they were in live shootings and they couldn't get access. How was that problem resolved?

Ms. Inda said one of the major issues was when law enforcement was inside very large buildings, particularly casinos, that the reception for the radio system was not adequate. So, that was one of the issues why the Harris system did not function for Metro in the Las Vegas Area. As they developed their requirements and specs, they were very thoughtful and thorough and took into account those kinds of reception and connectivity needs.

Governor Sisolak said there were also dead spots in the entire valley that officers would get on live shootings going on and they couldn't get access to Dispatch. So, how is the Department going to get access?

Ms. Inda said they have been working with Harris and as part of the proposals to the RFP, both proposers provided coverage maps. The Department has a clear idea of the coverage and they are doing some infill sites. They're doing some revisions to ensure that they have adequate coverage statewide and actually improved coverage from what they have now with the existing system.

The Governor said he understood it might be improved, but his concern is if there's an emergency situation and they can't get in contact with Dispatch because the system doesn't work, it's a safety issue. He said he wasn't hearing how that got resolved.

Director Swallow asked if she could meet with the Governor after the Board Meeting to provide him some more information after they've had a chance to look back at the RFP and the communications they've had with Harris?

Governor Sisolak said yes. He added he was disappointed Harris was not at the meeting, even though they didn't demand that they be there. It was an absolute boondoggle with the Police Department in Las Vegas with Harris. Officers' lives were put in danger.

Member Valentine had a question about both Items 1 and 2. Why was there such a big difference between the estimates and the final bids?

Ms. Anita Bush, Chief Maintenance and Asset Management Engineer, started to explain Item 2. She said her designers did the estimate. They usually take the average cost and the historical bid prices and then they come up with the bid. Sometimes they increase the bid prices to kind of account for increasing an estimate for the smaller project because of the mobilization costs.

The Governor said the point was it came in at 30% under the engineer's estimate. The Board relies on the engineers' estimates and they're so far off, that's a problem.

Director Swallow said she would like to provide the Board with a history of their estimates. Overall, they come within 2% of the engineers' estimate versus the contractors. However, there are times and even in some of the items they've already approved today, where they're over or under but overall, the track record is much closer than what may be presented in any one particular project. If they would entertain it, she would love to provide some additional information before the next Board Meeting.

The Governor said that would be fine. He said he doesn't want a consolidated figure because it's the individual ones that tell the story. These are significant tax dollars that are at risk here.

Director Swallow said they'll do an analysis to provide historical data on a project-by-project basis as well as a sum total over time.

Member Valentine said she asked her questions because she was trying to get a sense of what's happening to construction costs in some of the recent bids. The engineers' estimate often do depart from the actual bids, so she was just wondering if there was something in a bigger sense that was going on in the construction industry that they should be aware of.

Lieutenant Governor Marshall said when she worked at the United States Department of Justice a significant part of her career was reviewing bid documents. She studied trends and analysis and thinks it would be helpful for the Board to have some background on that and to know the kind of struggles the Department deals with and the benefits they get from certain market distortions that can't be controlled.

8. Condemnation Resolution No. 471 (For Possible Action)

Director Swallow said they are requesting resolution of the Board, authorizing condemnation of property for the reconstruction of the I-15, Clark County 215 Northern Beltway Interchange, Phase IV of the I-15 North Corridor Project in the City of North Las Vegas. There are four parcels, two owners, each owning two of those parcels. This action will allow them to continue moving forward with the project while they continue to negotiate with the property owners of the properties. However, if for some reason they are unable to finalize negotiations with them, this also will allow the project to continue moving forward via the condemnation process. It's one step. It's not their current intent to condemn, but they do need to have the process in place so that they don't jeopardize our funding on this project.

Governor Sisolak said he is very much in support of willing buyer, willing seller, type negotiations. Who is doing the negotiation and outreach on this? Director Swallow said their Right-of-Way Agent, Jessica Biggin.

Ms. Biggin said they have consulted the Acquisitions Services out to Atkins and they are currently negotiating with the property owners.

The Governor asked what is the timeline of their negotiations?

Ms. Biggin said the first one, Educator's Land, will require them to go to court for a quiet title action to determine the legal ownership of that parcel. When the partners were deceased, they did leave interest to their heirs, but their heirs never perfected that right. So, the Department just needs to clear that up through the courts to make sure that they're dealing with the proper property owners. The only reason why they're asking for condemnation authority is for the project timeline.

Ms. Charlotte Gail Harris, a public citizen with an interest in the property, came to the podium to speak. She explained the 55-year history of the limited partnership her father started. The limited partners now are all deceased. Two of the partners donated their profits and proceeds to Bishop Gorman High School, through the Catholic Diocese. That amounts to 50% of the ownership. They are working with one of the heirs who is a real estate attorney in New Mexico. They are trying to settle out everything so that they can have a clear title. There was one condemnation for Range Road that now will be abandoned after the completion of this project. That runs through two of the two-acre parcels. They would like to know how they can acquire that because it's of no benefit to anyone else.

Governor Sisolak asked Director Swallow if they asking for a vacation of part of the property that was dedicated?

Director Swallow said it sounds like a previous action upon completion of the project may no longer be needed. So, it sounds like they would like to acquire, or have it vacated, but her office will work with Ms. Harris to get clarity on what they're concerned with and what they're asking for and move forward accordingly.

Governor Sisolak said to address the vacation issues and also if there's a right of reversion on any property that was acquired, however it was acquired, that that is included in any settlement discussions, purchase discussions.

Lieutenant Governor had concerns about moving forward with condemnation proceedings. It may be rushing Ms. Harris' group's ability to do what they need to do.

Director Swallow emphasized that time is of the essence in this case. If they don't move forward with a positive path forward on the condemnation/negotiations, they may jeopardize \$90 million in funding.

Ms. Harris said they don't need more time. She said to go ahead and condemn the property. Just leave it in the Department's hands until they get the clear title, so the Department can give it back to them after the project is completed.

The Governor said that was a great suggestion. They will be compensated for the highest and best use per the appraisal. He asked who was the AG representing NDOT on this project?

Mr. Gallagher, Attorney General, said this was a very unique factual situation where the partnership, which owned the property and is still the owner according to Clark County Records, dissolved in 1985. For the past 30 years, Ms. Harris and other descendants have been paying the taxes on it. They'll certainly need to get a quiet title from the court, but in order to meet NDOT's project time line, they'll need approval of the resolution. They'll file it. They'll deposit the appraised value with the Court and await a clear title.

Governor Sisolak said he appreciated the fact that it's moving along, but he was going to move ahead with the approval of the condemnation. He was also going to direct Mr. Gallagher today to contact both Atkins and Ms. Harris and make sure that this moves forward to perfect the title and clear the title. He told Ms. Harris they would be in contact with her, so they can begin moving this forward.

Motion: Approve Condemnation Resolution No. 471
By: Controller Byrne
Vote: Unanimous

9. Winter Equipment Purchase (For Possible Action)

Director Swallow said they are asking the Board to authorize procurement of six snow blowers, a replacement of six snow blowers and three plows in the Department's fleet for an estimated cost of \$8.7 million. This item, because it is outside of the budget cycle, requires approval by both the Board and the Interim Finance Committee. Typically, they would ask for approval by the Board before Interim Finance, but due to the timing of the need and the schedule of the Interim Finance Committee meeting only quarterly, they got their approval from Finance first last Thursday. They approved moving forward with the procurement. So, they are now asking for the Board to approve this procurement. If they get the approval today, they hope to have the equipment on the road later this year.

Governor Sisolak had a question about two big math errors he discovered on the Department's attachments. The calculations were not done correctly, and he had concerns about that. He said Board Members are relying on these figures to be accurate and when they're not multiplied correctly, it makes it difficult to make good decisions. Director Swallow said she would make sure this would not happen again going forward.

Motion: Authorize Purchase of Winter Equipment as detailed in Agenda Item 9
By: Member Savage

Vote: Unanimous

10. Old Business (For Possible Action)

Mr. Pedro Rodriguez, NDOT Senior Project Manager, gave an update on the I-80 East Project that was brought up at previous Board Meetings. Back in December, the Transportation Board rejected the unsolicited proposal for a P3 Partnership to do improvements on I-80 from Vista to USA Parkway due to high costs. The proposal proposed adding a lane in each direction on I-80 making each direction have three lanes. Department analysis showed that they could deliver it at \$300 to \$400 million less than what was being proposed.

NDOT's evaluation of the project was they expect NEPA to take approximately one to two years. They'd be shooting for a categorical exclusion. They estimate that design can take one to two years. Right-of-Way, they anticipate would be minimal with the use of retaining walls, but any right-of-way acquisitions can take up to two years. Construction is estimated to take approximately three and a half years and cost would be somewhere between \$300 to \$400 million. Scheduling would depend on the type of delivery method used for the project overall. Mr. Rodriguez provided different examples of scheduling and packages and how the project could be segmented.

Lieutenant Governor Marshall had concerns that transportation alternatives were not being considered, i.e. rail, autonomous vehicles, etc.

Ms. Sondra Rosenberg, Assistant Director for Planning, responded that in addition to the work that's going on, NDOT is leading a study looking at the five-county region surrounding the TRI Center for transit options. They also have a research project looking at the feasibility of a separated or additional lane for automated shuttles. Some sort of new technology, feasibility, for connecting that area as well.

Lieutenant Governor Marshall said the Union Workers for the Railroad would be absolutely willing to conduct a walkthrough of the rail ties up there on the TRIC property, what is and is not possible. They need to be thinking about other alternatives, rail alternatives, electric alternatives to transporting people rather than just using the highway.

Mr. Rodriguez went on to say they are near completion of the I-80 corridor study which evaluated which types of improvements they can look at along this stretch of corridor, inclusive of other routes, autonomous vehicle studies, rail studies—any type of improvements to help address this concern with getting the traffic out to the TRI Center. It was determined that their concentration needs to lie on improvements to I-80. For various reasons, from a benefit cost analysis, reason from a connectivity of communities' reasons, I-80 is the #1 improvement item.

Director Swallow said as they move forward with the project, it will be similar to Project NEON in that the Board will get regular updates.

Member Savage said time is of the essence. The Department has been very proactive and he's hoping that continues to be the case. They need to look at every option and continue their fiduciary responsibility. This needs to remain a priority in the North because of the businesses and the dollars and the stakeholders out at TRIC. They've invested millions and millions of dollars and they have to ensure that transportation is the best it can be.

Mr. Dale Keller with NDOT Project Management gave the report from southern Nevada. Some big changes are coming to the Las Vegas freeways in mid-May. The changes center around the new high occupancy vehicle or HOV system. As part of Project NEON, they are converting the existing I-15 express lanes to one general purpose lane and one HOV lane. They're constructing a direct connector ramp from the existing US-95 HOV lanes to the new HOV lanes on I-15. This will create 22 continuous miles of HOV network from US-95 and Ann Road, all the way down on I-15 at I-15 and Silverado Ranch Boulevard. There's a new HOV interchange and direct access to downtown with the NEON gateway. Later in June, there

will be another direct connect ramp on the north part of the valley at Elkhorn which provides direct access to the Centennial Hills Park and Ride.

The HOV system will operate 24 hours a day, seven days a week. RTC buses can travel inside the HOV lanes with passengers or without. Emergency vehicles, police cruisers, and motorcycles can use the HOV lanes. There's innovative technology that's incorporated into the system called the Active Traffic Management System or ATMS. It has the ability to dynamically manage congestion based on prevailing and predicted traffic conditions using high resolution, dynamic message signs over the freeway spaced every half a mile. They can actually open the HOV lanes to all general purposes to reduce congestion and get people moving through the system faster and sooner.

11. Public Comment

Deputy Director Hoffman thanked his colleagues and friends he had had the privilege of working with during his 28 years at NDOT. He said if he gets cut, he will bleed NDOT Blue. He pledged his support for Director Swallow and said her leadership and management skills are very, very high. He thanked everyone, and the Governor thanked him back.

Mr. Charles Kennedy asked a clarifying question about electric vehicles and HOV lanes. They are allowed if they have 2 or more passengers.

Ms. Vita Keller from Lyon County said she loves the proposal on the I-80. She commends the Department for trying to stay proactive, instead of reactive. She is very much in support of what options they can come up with.

Mr. Ray Lake from Washoe County said there is an incredible traffic problem out in the North Valleys and it's not going to get any better. There needs to be comprehensive solutions for the North Valleys, the Spaghetti Bowl and I-80.

Member Savage closed out the public comments by paying tribute to his friend and colleague, Bill Hoffman. The last several years, Mr. Hoffman was in the forefront and his composure, his professionalism, his engaging in the game for the betterment of the Department and the people of Nevada, was unmatched. His work and dedication were and are appreciated by everyone. They will miss him and wish him the best in the future.

Director Swallow announced the next meeting would be on May 13th at 9:30 AM. She and the Governor will be in Las Vegas.

12. Adjourn

Governor Sisolak adjourned the meeting.



Secretary to the Board