

Nevada Department of Transportation

Meeting Minutes

March 11, 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 and Call to Order

Governor Sisolak called the meeting to order on Monday, March 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. Presentation of Retirement Plaques to 25+ Year Employees (Informational Item)

Director Swallow read off the names of sixteen retirees with 25+ years of employment with the Department. She invited the attending retirees up to the podium for group photos. Governor Sisolak thanked the retirees for their dedicated years of service – almost 450 years between 14 people.

3. Director's Report (Informational Item)

Director Swallow shared the news from February. The highlights were:

Safety First: 2018 was a 10-year high for driver and pedestrian fatalities in Nevada. There was a 62% reduction in unrestrained fatalities, but that means that 35% of occupant fatalities were not belted at the time of the crash. In the last 10 years, there were over 600 pedestrian fatalities.

Congressional Briefings: Director Swallow attended the AASHTO meetings in Washington, D.C. in January. She and her group were able to meet with almost every one of the members of their delegation and were also able to meet with Representative Susie Lee's team member. They had great discussions about repealing the 2020 rescission, passing a long-term surface transportation bill that is fully funded, multimodal and flexible in safety and freight funding and asked for the INFRA Grants. It was a good visit. They learned a lot from their partner states and from their delegation and she's looking forward to working with them in this role going forward.

FebruBuried: February was a crazy weather month. NDOT logged more than 74,000 man-hours of snow removal in Districts 2 and 3, just in the month of February. They received also hundreds of compliments from the public including some from Nevada State Assembly Members, Danielle Monroe Moreno and John Allison. Beyond the snow, there were three consecutive days of 70 mile per hour winds. The winds resulted in more than 10 high-profile vehicles getting overturned and roadways being closed as a result of that. Even Las Vegas joined the snow party, with an epic snowfall February 21st and 22nd. There were some roadway closures, but very few in light of the severe conditions.

Construction News:

1. In Reno, Kietzke Lane will be resurfaced and restriped. The end result will be a truly multimodal corridor, with upgraded bike lanes and sidewalks for pedestrian traffic. Nearly three miles of SR-226 north of Elko will be repaved and a new culvert will be installed.
2. Project NEON, the largest public work the state has ever undertaken, is almost done, two months ahead of schedule and under budget. Ribbon cutting will be on May 16th.
3. US-50 is a \$55 million, 10-mile long safety project. The corridor will now include frontage roads, intersection lighting and drainage improvements. There will be 14-miles of new wildlife fencing and cattle guards. Alternating channelized High-T intersections at the County Roads will ensure access to all the local businesses while also making it safer for everyone traveling through the corridor.
4. The US-93 Climbing Lanes, Phase 1. NDOT completed a study that evaluated the 68 miles of US-93 for safety improvements and identified 13 locations for climbing lanes. Phase 1 is currently in design and will add truck climbing lanes in central locations along the route, northbound approximately five miles and southbound approximately two miles. There will be minimal environmental impact with this project and no additional right-of-way is needed. The preliminary estimate for Phase 1 is \$11.5 million and it's scheduled for construction in 2020.
5. Boulder Highway. Pedestrian safety upgrades along a 14-mile stretch of Boulder Highway in Clark County will be completed by summer. The six-month long project broke ground in January and will improve eight different areas, adding mid-block crosswalks with overhead rapid flashing beacons while making median enhancements and installing advanced pedestrian crossing warning signs and new crosswalks.
6. Nevada Moves Day is on March 20th. The purpose of this event is to provide children a safe opportunity to learn about bicycling and pedestrian safety to ultimately reduce congestion and improve environmental and community health. There are events scheduled throughout the state. The Director invited everyone to participate.
7. Legislative Update. AB7, which clarifies Transportation Board Authority, was heard in Assembly Government Affairs last week. AB 22 will be heard in Assembly Growth and Infrastructure on March 21st. The tentative budget hearing is on March 27th.
8. Good News. NDOT settled an inverse condemnation action that's been pending against them since 2005. NDOT will receive \$950,000 back to resolve the case.

4. Public Comment #1

None.

5. Approval of the January 31, 2019 Nevada Department of Transportation Directors Meeting Minutes (For Possible Action)

Motion: Lieutenant Governor Marshall made a motion to approve the January 31, 2019 Nevada Department of Transportation Board of Directors Meeting Minutes. Member Savage seconded the motion. The motion passed unanimously.

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

Director Swallow had two corrections: page 5, under the motion, change \$3 million to \$300,000. On page 7 correct spelling of WASHTO.

Motion: Lieutenant Governor Marshall made a motion to approve the February 11, 2019 Nevada Department of Transportation Board of Directors Meeting Minutes with corrections. Member Alberg seconded the motion. The motion passed unanimously.

Before moving on to the next agenda item, Governor Sisolak, Lieutenant Governor Marshall, and Controller Byrne all read general disclosures pursuant to NRS 281A.420(2)(a) and NRS 408.353.

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

Mr. Robert Nellis, Assistant Director for Administration, presented this agenda item. It is a resurfacing project located on US-50 and US-6 in White Pine County. There were three bids and the Director recommends award to Road and Highway Builders in the amount of \$8,640,640.

Motion: Member Savage made a motion to approve the Road and Highway Builders contract in the amount of \$8,640,640 for the resurfacing project located on US-50 and US-6 in White Pine County. Lieutenant Governor Marshall seconded the motion. The motion passed unanimously.

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

Mr. Nellis said there were five agreements under Agenda Item No. 8 for the Board's consideration. Attachment B in Board packet. Ownership interests in these companies is in the process of being collected and will be provided to the Board Members.

Member Savage had a question on Item No. 1, New Fields Mining. Are they a Nevada based company? Mr. Cole Mortensen, Assistant Director of Engineer, said he didn't know, but he would check.

Member Savage then had a question on Item No. 3 on Parsons Transportation. There was only one proposer and that was Parsons. Who is the current provider for this statewide traffic incident management? Mr. Thor Dyson, Assistant Director of Operations, said the current provider is Parsons at this time. Member Savage asked if they were doing a good job, and Mr. Dyson replied that yes, they were doing a good job.

Member Savage had a question on Item No. 5, with the CA Group. Will the private developer be reimbursing NDOT for the \$1.9 million they are investing? Mr. Mortensen replied that as part of the MOU with Brightline, Brightline will be reimbursing the Department for the costs associated with reviewing and commenting on their drawings and that coordination.

Member Savage asked another question on this same matter – how will this high-speed rail project affect the I-15 mobility and safety of the current interstate? Mr. Mortensen said part of the contract is actually hiring high-speed rail experts to evaluate the impact on I-15 so NDOT can work with Brightline to ensure that I-15 can be widened as necessary in the future.

Member Savage had one last question on the high-speed rail, the liability for NDOT. Will there be a performance and payment bond provided by the developer to ensure that where they conflict with NDOT bridges, runoff, storm water barriers, etc., to ensure that they don't impact the state's transportation and mobility? Mr. Mortensen replied that he would anticipate that that would be handled like a typical permit job and would have bonding. Those permits are generally reviewed and handled by NDOT engineers.

Mr. Nellis had an answer to Member Savage's question about New Fields. They are a foreign corporation, not a Nevada corporation. They have a Nevada business license.

Governor Sisolak asked if New Fields was employing Nevada people or were, they bringing an outside crew? Mr. Nellis said he couldn't answer that. Mr. Mortensen said it was his understanding they have four Nevada offices even though they're an international firm.

Member Alberg had a question back to No. 1, with the geotechnical investigation. Is New Fields Mining providing a geotechnical report and strictly a review of the plan and specifications or are they actually designing the plan and specifications as well? Mr. Mortensen replied he thought their role on this project will be the geotechnical exploration and providing the geotechnical information to the team and the remainder of the design is being done by NDOT staff.

Governor Sisolak asked if there were further questions or comments, and there were none. He asked for a motion.

Motion: Lieutenant Governor Marshall made a motion to approve the five agreements detailed in Agenda Item No. 8 (Attachment B). Member Savage seconded the motion. The motion passed unanimously.

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

Mr. Nellis said there were three attachments under Agenda Item No. 9 for the Board's information.

Attachment A is the contracts awarded. The first one is proposing to construct new sidewalks and ADA ramps on US-93 in Elko County. The second project is to replace and resurface a bridge on SR-226 in Elko County. There are 29 executed agreements under Attachment B. 16 agreements are on Pages 8 and 9 of 17. Item 17-29 are no-cost agreements and amendments on Page 10 of 17. Last, the one settlement under Attachment C was reported on by Director Swallow.

Lieutenant Governor Marshall had some questions on Attachment B with respect to Item No. 7. She wondered about the grant preparation part. Ms. Sondra Rosenberg, Assistant Director for Planning, replied that grant was for the INFRA Grant, one of the discretionary grants provided by the US Department of Transportation. NDOT doesn't have the expertise or the staff resources in-house to complete those. It's a pretty cumbersome application. It's fairly typical that the Department does consult for grant preparation on those.

The Lieutenant Governor said she wondered if any "global" analysis had been done on the grant writing process in general, including how the contracts are awarded and to whom. Ms. Rosenberg said they typically contract with those firms that are already working on the project. The reason there are separate agreements is that NDOT can't use federal funds to procure federal funds. In the future they hope to RFP to find firms who are experts in grant preparation so that they can have them available and then just issue task orders as the grant opportunities come up.

The Lieutenant Governor asked if there were in-house personnel to apply for federal grants? Ms. Rosenberg described the detailed requirements for the grant applications and said the Department just didn't have the resources or personnel to do that.

Lieutenant Governor Marshall asked a question with respect to CA Group. They're already working on the Tropicana/I-15. So now this federal grant money comes in, so are they just getting this extra money or are they doing something to get that money? Ms. Rosenberg said in their accounting for their costs and their time separately for when they're developing a project versus when they're developing the application. Because they're already working, they have the technical expertise and typically they will add someone as well who is a grant writer or a proposal writer.

Governor Sisolak asked how are these firms selected for the grant preparation? Ms. Rosenberg replied that because of the short timeframe, they usually look to see who is already working in that area or has previously because they have that technical expertise and they're able to turn it around a lot quicker. The Governor asked who makes that determination? Ms. Rosenberg replied that staff makes a recommendation to the Director. The Governor asked if the Department does an analysis about how successful the grant preparation folks are in terms of getting a grant? Ms. Rosenberg said they have not yet, but that's certainly something they can look into. The Governor asked why wouldn't the Department use the most successful people?

Director Swallow explained federal grants are few and far between and the Department is more successful when they have the information that they need in that grant application. There may be grant writers who might be more successful, but the Department is going to have to pay the consultant who is already doing the work to provide all of that technical information to the grant writer. They need to make sure that their consultants have qualified, capable, proven successful grant writers on their team, but make sure that they're leveraging the technical capability of the consultants.

Governor Sisolak again asked why would the Department be hiring grant writers that aren't the most successful? If they're not hiring the best, why are they hiring anybody? Director Swallow said they'll go back and do an analysis of overall, the grant applications that they've submitted versus been successful on. But the nature of the federal grant process is that regardless of the successful writing of it, there's politics involved, and a lot of other things involved that may or may not have to do with the grant writers themselves.

Member Savage said the Governor had an excellent point; he was looking for the batting average. He said the Department could look back at the last three years and take this up at the next Construction Working Group level.

Lieutenant Governor Marshall said if states like Nevada are more successful, then maybe they could try to understand whether that's an issue they need to take up with the federal delegation, whether that's something that they could be doing differently.

The Lieutenant Governor had a question about Item No. 9, Public Outreach. Could someone detail what the \$250,000 for public outreach entailed? Mr. Sean Sever, Communications Director, replied this is a fund for the Department when construction projects come down the line and they don't have outreach attached. For instance, sometimes a 3R project doesn't have outreach attached. The Department will add outreach to those projects. So, they're not going to use all the allocated money right off the bat. It's a fund to be used in case it's necessary and that's statewide. Whenever a project comes in, the Department likes to notify everybody in the neighborhood, draw a one-mile radius around that particular project area. NDOT likes to let them know before the projects happen; it's very important. Outreach makes the projects go a lot smoother.

Lieutenant Governor Marshall asked why are they hiring an outside firm to do that? Mr. Sever said there could be 50,000 people that are impacted by a particular project and NDOT doesn't have the resources and staff to hit all of these people at the same time themselves.

Member Savage said on most construction projects, it's paid dividends in the past, even though the Department had to expend the public outreach monies up front. It's really ensured the mobility and the safety and made the people aware. It really takes the Department off of defense.

Lieutenant Governor Marshall asked about Item No. 12 where it says, "Freight Plan." She asked if someone could come back to her at a later point and identify for her how often the Department does Freight Plans and whether each freight plan builds on the previous one. Maybe they need to take more global look at what might be the strategy behind redoing a freight plan and value-added. Director Swallow said she definitely circle back with the Lieutenant Governor on this topic.

Member Almberg had a comment on the fact that many questions came up about NDOT staffing and lack of staff to perform certain tasks. He said the Governor did a very positive thing last month when he requested to go back and look at the salaries that were being paid so that NDOT can get in-house staff to perform tasks now being outsourced.

Governor Sisolak had a question about Item No. 13, Probolsky Research for customer satisfaction surveys. Is that a Nevada firm? Mr. Sever responded it is not a Nevada firm. They did an RFP and that company won the RFP competition. The Governor said it is extremely important to him that they put Nevada people to work. These are Nevada taxpayer dollars that they're expending for a customer survey. So, they have to find Nevada

companies that are competitive and keep companies working and Nevada citizens working on these jobs. It's really, really important. When at all possible, they should use Nevada firms.

10. Resolution of Abandonment (For Possible Action)

Ms. Jessica Biggen, Chief Right-of-Way Agent, stated the Department is requesting for disposal of a portion of right-of-way along Centerville Lane. They currently have an easement interest in this right-of-way that they obtained from Douglas County at no-cost. They have thoroughly vetted this request and have determined that this parcel is no longer needed for maintenance or construction of the highway.

Motion: Lieutenant Governor Marshall made a motion to approve the Resolution of Abandonment as detailed in Agenda Item No. 10. Member Almberg seconded the motion. The motion passed unanimously.

11. Condemnation Resolution No. 470 (For Possible Action)

Ms. Biggen stated for this project, it was determined that they needed one permanent easement and two temporary construction easements from the Union Pacific Railroad to construct and maintain a ramp over the railroad. They made an offer to the Railroad on November 20, 2018. They have been unsuccessful to negotiate with the Railroad. So, in order to keep the project schedule, they're requesting condemnation authority with continued negotiations with the Railroad.

Motion: Member Savage made a motion to approve the Condemnation Resolution No. 470. Lieutenant Governor Marshall seconded the motion. The motion passed unanimously.

12. Public Comment #2

Mr. Ray Lake, Chairman of the North Valley Citizens Advisory Board in Washoe County, had some positive comments about NDOT's response to a concern he raised three years ago about traffic on 395. The staff at NDOT was very helpful and now they have some lane restriping at Clear Acre and McCarran that's alleviated some problems. He thanked the Department for their hard work and focus on their stakeholders.

13. Adjournment (For Possible Action)

Motion: Lieutenant Governor Marshall made a motion to adjourn. Member Almberg seconded the motion. The motion passed unanimously.



Secretary to the Board
William H. Hoffman