



Nevada Department of Transportation
Board of Directors • Meeting Minutes

August 19, 2019

9:30 A.M.

Meeting Location: 1263 South Stewart Street 123 East Washington Avenue
Third Floor Conference Room Building B
Carson City, Nevada 89712 Las Vegas, Nevada 89101

1. Welcome/Call to Order

Governor Sisolak called the meeting to order on Monday, August 19, 2019 at 9:30 A.M. A roll call was conducted, and a **quorum was established**.

2. Public Comment

None.

3. Approval of the June 17, 2019 Nevada Department of Transportation Board of Directors Meeting Minutes (For Possible Action)

There were no corrections or changes in the Minutes.

Motion: Approve the June 17, 2019 Nevada Department of Transportation Board of Directors Meeting Minutes

By: Lieutenant Governor Marshall

Vote: Passed unanimously

4. Receive Director's Report (Informational Item)

Director Swallow began her report with a fatality update. So far this year, unrestrained occupant fatalities are down by 40 percent, but there's been a 25 percent increase in bike fatalities (5 deaths so far.) The Director said they have focused safety campaigns that occur throughout the entire year, and the next one is scheduled August 25th until September 10th. The focus will be on reducing impaired driving, especially during the holiday weekend and the end of summer. NDOT plans these educational campaigns with as much flexibility as possible in trying to make sure that people understand that everyone needs to use the road safely and for the benefit of every driver out there.

Director Swallow moved on to the topic of the NDOT reorganization. The Department is reorganizing the three deputy directors around programs and how programs are delivered. There will be a deputy director responsible



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for planning and performance, not just setting out the plan, but measuring and monitoring the performance and adjusting the plan as needed to achieve the outcomes that are desired. There will be a deputy director responsible for project delivery and, finally, a deputy director responsible for operations and maintenance. They've assigned out the workflow a little bit better and, again, aligned it along programmatic lines within the organization. There will still be a deputy director who resides in the south. That just won't be their title, the Southern Deputy. They will have a title that is in line with what their programmatic function is for the organization. In this case, it is Operations and Maintenance. There will always be a deputy director in the south and they will be aligned programmatically.

The resident engineers, who are responsible for making sure the projects go smoothly when they go out to construction, are still staying within the districts and reporting through the districts as part of their job which is what they do currently.

The Department is planning to combine the Environmental and the Storm Water Divisions. They're very closely aligned, and there could be some benefits there with lining them up. Staff is lining up the programmatic lines and making sure that they achieve the efficiency and communications needed to get the program going even better than before.

The Director moved on to an update (previously requested by Member Savage) on the Nevada Pacific Parkway. The Nevada Pacific Parkway is a long, longstanding project. It started with a private developer building the existing roadway. They coordinated and entered into a contract with NDOT to first do the interchange, Phase 1, the new interchange, and then, ultimately, Phase 2.

It was a partnership agreement wherein the developer was conditioned to build Phase 3, the new roadway. Unfortunately, the developer did not follow through with that, the agreement was expiring, and there were no enforcement terms in the agreement. NDOT negotiated with that developer, as they were getting ready to sell. They have sold the property and NDOT negotiated that as a condition of the sale, they would give the Department \$2,000,000 that will be used for the intersection at US 50A and Nevada Pacific Parkway.

In addition, NDOT will be doing the signal and doing some pavement upgrades and maintenance on the existing roadway. The new developer will be responsible for building that final Phase 3 at such time as it is needed for development and for the access. NDOT will be doing that intersection at US 50, and then another one further down the road at River Ranch.



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The plan is to do those intersections next year to help improve the mobility and safety along US 50A. It was a long agreement. It was hard fought trying to figure out how best to benefit the Department, but also not inhibit the growth of the area as the sale happened. The Director said they were “between a rock and a hard place, and they shimmied out as best as they could.”

Member Savage thanked Director Swallow for the thorough, yet concise, report. He said he was “disgusted” that the developers didn’t follow through with their agreement. He said that moving forward, they don’t want to set a precedent. He wants to make sure all agreements are exposed to the Board for the betterment of the fiduciary responsibility to the people of Nevada. He said he was grateful for the new developer, the Mark IV Group, and he’s optimistic that this work will be done with their dollars because there were a lot of dollars spent that didn’t get done.

Governor Sisolak said he appreciated Member Savage’s comments, and then he shared his opinions. The Governor said he was very disappointed this happened, and part of the blame does come to them on their legal folks. He said he didn’t know how this got through and why it wasn’t more ironclad at the beginning that it would not fall to them. He said every time this has happened in his previous career it’s always “well these people aren’t here anymore, and those people aren’t here anymore” and ultimately the citizens end up paying.

It’s really, really unfortunate. The Department needs to button these things down and make sure that they’re not held out there and susceptible in the future because it’s not right; it’s just not right.

Director Swallow said she agreed 100%. She was shocked to find they didn’t have any real enforcement provisions in the agreement. She said they learned some important lessons on how those agreements need to be written in the future and the plan is to write them differently moving forward.

Director Swallow moved on to the topic of the Spaghetti Bowl Xpress. The Department is committed to delivering this project, although there will be a six- to eight-month delay before it’s completed. Late last year, the Department received two proposals on the design build contract, and both were far beyond Department engineering estimates. Staff felt that they needed to get those numbers further in line. After conversations with the two responsive proposers, they found that unless they were willing to significantly adjust the scope of the project, they weren’t going to get a change in their fee proposal. As a result, the Department decided to move forward with the design bid build contract, and they are actively working on the final design documents now. The project will be delivered through traditional bid-build process. Staff believes that doing this will reduce the items that those two proposers had included extra risk in. If they can reduce that risk, the numbers can come in closer to what the engineer estimate is. The first part of the project will be delivered early next year. That will



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be utilities and walls that will help facilitate getting everything out of the way so that when they can do the actual project, it will go much quicker and have less of an impact on the public. Ultimately, the final delivery, all done, should be late 2023.

Lieutenant Governor Marshall thanked the Director for the update. She said her office had been receiving many calls, and it was good to have this specific information to share. It's very important that the community in Reno understands that the Department is very serious about getting this done. Director Swallow reiterated the Department is committed to this project. They are moving forward, and the Board will be apprised if there are any changes or delays.

Director Swallow moved on to the topic of the HOV lanes in Las Vegas. The city of Las Vegas City Council voted to approve a resolution asking the Department to repeal the 24/7 enforcement and return to peak hour policy on those HOV lanes. The Department checked with their Federal partners and learned that in the development of the 24-hour policy and the development of the entire system, because they're all in the middle, they were conditioned upon the 24/7 operation. If they were to repeal the 24/7, it would threaten the NEPA approval of the Tropicana Interchange as well as possibly the exits at the Symphony Park. They want to make sure that they don't act too fast and threaten the overall systems' efficiencies and improvements. So, for now, the Department is leaving the HOV lanes as 24/7 while they gather data and monitor the system as a whole.

Director Swallow shared some happy Department news about the Star Interchange. This was a badly needed interchange between Cactus and St. Rose Parkway in the south part of the Las Vegas Valley. The Star Interchange is being finalized; the Department is buttoning it up right now. There will be a ribbon cutting on September 18th to celebrate this new access across the I-15 in the southern valley.

Director Swallow closed her remarks by acknowledging Member Savage for his long and noteworthy efforts serving the Board. The Director said Member Savage "always had very thoughtful questions and feedback for us as the Department worked to improve efficiencies and outcomes." She thanked him for his commitment to stay on until his replacement, but wanted to make sure he was personally thanked for his dedicated service.

The Director said Member Savage was a true "Transportation Champion" and he was presented with a commemorative coin bearing the Seal of Nevada and the NDOT logo.

Member Savage thanked the Director, the Governor, the Lieutenant Governor, and all the Departments. He then said, "The last eight years have been a great run. And I know the next many years ahead will be good as well for the state of Nevada and the Department of Transportation. As a fifth generation native Nevadan holding



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Contractor's License #10, it's been an incredible honor and privilege to have served for this Board of Directors and the State of Nevada's Department of Transportation the last eight years. I'm going to miss everyone, and I know the Department is very, very strong. With Governor Sisolak's administration, Director Swallow and the many good deputy directors and assistant directors that we have, we're in good hands, strong hands. I'll always be here, and as long as you need me, Governor, I'll continue to serve, but I'll know the next replacement will be better and stronger."

Governor Sisolak responded that nobody would be better and stronger, and he thanked Member Savage for agreeing to serve until his replacement was found.

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

Director Swallow said there were 12 agreements for approval. Discussion on particulars follows:

Mr. Mortensen clarified a line item error on line item 2 on the Negotiations Summary on Page 24 of 278. There was an error on line 1 from negotiations leading or yielding the following, the number should be \$1,459,644 instead of the \$1,385,546. With that number in there, the rest of the math works out. The agreement is correct itself. It was just an error in the negotiation summary.

Member Almberg had a request concerning Item 2. He stated he has made this request several times. He said on Page 24, they list the total number of man hours projected. Member Almberg would like to see a breakdown of those hours based on different tasks. Somewhere along the way they determined what those man-hours are, whether that's the engineers, project managers, or field technicians. Member Almberg wants just a very broad breakdown of hours of how that's being done in the field. It's a request that he would like to see in future Board books.

Member Almberg had a question on Number 4, having to do with Switch and some telecommunications stuff going out on USA Parkway. SB53 was passed two years ago in the Legislature, stating telecommunication equipment had to be installed with NDOT projects. Member Almberg's question was: how is NDOT going to deal with this down the road in the future because that is an additional budget burden on projects? What are they going to do in the future to account for that additional budget requirement? And then the other question is: NDOT is paying \$300,000 for Switch to install some improvements. What are those improvements and what do they do to benefit NDOT?

Ms. Denise Inda, Chief Traffic Operations Engineer at NDOT responded to the questions about Switch:



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SB53 was passed during the 2017 Legislative Session. It made a variety of revisions, but the ones that related to the Department were giving NDOT the authority to share and trade telecommunications facilities with telecom companies. NDOT modeled this after a very successful program that has been going on in Utah through the Utah Department of Transportation for over 20 years. Utah has been able to build a hugely significant extensive fiber communications network throughout their state in rural areas, in urban areas, at a very, very reduced cost because of this partnering and sharing of infrastructure with telecom firms. So, when NDOT built the new section of USA Parkway, they included fiber infrastructure, the conduits only, not fibers themselves.

The Department knew that that was an area that they want to connect fiber between I-80 and US 50, so added in the new section trenching and conduits adequate for NDOT's use, and then because SB53 was coming on, also added in four spare conduits, and built that in. Shortly after the contract being complete, NDOT entered into an agreement with Switch for use of one of those shared conduits, and NDOT assessed the value of that infrastructure based on construction costs and entered into an agreement for that amount.

That gets the connectivity from US 50 up to a certain point where the new road stops. Then, there's existing road that was already there between that connecting point and the Switch facility and so what this agreement did was Switch went in under an encroachment permit with the Department. They built infrastructure where there was zero infrastructure to connect it in so that they could get all the way to their facility.

The Department worked and negotiated with Switch and said, it is NDOT's intent and it is in NDOT's best interest to get connectivity all the way to I-80. While you're in there building your infrastructure that's permitted to you, would you consider a joint build, to build necessary infrastructure for NDOT and then NDOT will compensate you for the construction of that portion of work? They were agreeable, and that agreement went through. That's what this agreement is for is to reimburse Switch for the construction of facilities that will and do belong to NDOT that we can use for ourselves as well as for future trades.

There are a variety of telecom providers and other interested parties that the Department is working with and talking with to continue that infrastructure expansion and get the necessary connectivity that is needed.

Member Alberg said he was very supportive of the item and has been dedicated to getting broadband into some of the rural communities as a part of this bill. Member Alberg said he wants to make sure that the Department is long-term planning for this since NDOT is footing the cost for putting the telecommunication in. That does actually take budget money away from project completion and stuff on the surface that NDOT is normally looked at for roadway paving, sidewalks, et cetera. The Department needs to make sure that they



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basically plan for this down the road in the future because this, in a sense, was an unfunded mandate that Member Alberg supported.

Member Alberg had a question on Number 6, Waycare Technologies. Could someone expand on how this works exactly?

Director Swallow explained that Waycare is a company that they have been partnering with to help improve safety and efficiency and mobility along the major corridors in southern Nevada. Waycare uses AI and machine learning for predictive analytics to identify where a crash may occur and then in doing that, are able to pre-stage emergency response vehicles and have a quicker response. They've been able to reduce response times by up to 12 minutes, which is 12 minutes less of congestion and less opportunity for secondary collisions. Additionally, this will enable the Department to be more efficient and effective with freeway service patrol vehicles. It's really to improve efficiency and effectiveness in many aspects of NDOT's program. The Department is looking forward to broadening it and including northern Nevada as part of that because it is a very cost-effective way to reduce collisions, reduce congestion and keep everybody getting to where they need to be.

Member Alberg said he was completely on board with this innovative use of technology. Is there a way that they can carry this on to the rural highways? There are many close calls out on those highways. If there are ways that people can record close calls and maybe down the road in the future they can start to predict areas that are actually truly unsafe and they won't have to rely on crash data, but when all close calls or something show up in these areas, those places can be identified and looked at.

Member Savage had some questions/comments on Item 3 on Page 3 of 278 for the Kimley-Horn Associates and Parsons Transportation. On the second amendment, the No Cost Amendment, they extend the termination date from 9/30/19 to 9/30/21, no cost. But today, on August 19, 2019, there's an additional cost. Member Savage said, "it's good business to get the costs at the time of the extension of the amendment. So please be aware of that moving forward."

The second item is on this summary – it says no Federal funding, but on Page 46 of 278 in the packet under Agenda Item 3, it says it is federally funded. The documentation on Page 46 of 278 does say it's Federally funded, but on the Recap and Summary it says it is not. Could someone clarify that, please? Ms. Sondra Rosenberg, Assistant Director for Planning, responded. It is federally funded. What happened was the original agreement may have been state funds and then when the Department added this additional two years' worth of design services, they're using Federal funds for that.



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Member Savage said on Item 12 with the CA Group, it's the same situation. On Page 228 of 278 in Section 12, it says it is federally funded. On the summary, it says it is not federally funded. It is an I-15 project, so it's probably Federally funded. Which is it? Mr. Cole Mortensen, Assistant Director of Engineering, said he suspected that that was a typo in the summary sheet, and he'll get back to Member Savage on that one.

Governor Sisolak told Director Swallow that while he appreciated all the hard work put in getting the agreements together, typos and oversights "weren't going to cut it." He said it's really important that they get it right, and that is his expectation going forward. With that, he said he would accept a motion on Agenda Item 5.

Motion: Approve Agreements Over \$300,000 under Agenda Item Number 5

By: Member Savage

Vote: Passed unanimously

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

Governor Sisolak asked if Members had any questions on the information items under 6.

Member Savage asked about Attachment B, number 18, for the parcel acquisition of \$8,365,000. He wondered why this amount wasn't discussed directly to the Board rather than in the executed agreements?

Mr. Robert Nellis, Assistant Director for Administration, responded that right of way agreements are delegated under the informational items per the March 2014 Board approval. Member Savage said he understood the right of way agreements; he just thought the magnitude of the \$8.3 million would justify a discussion in front of the Board.

Governor Sisolak asked wasn't there an amount threshold?

Director Swallow explained that this acquisition was part of the Spaghetti Bowl Xpress Project and they are trying to get through that. Once the project is approved and they move forward, those right of way acquisitions needed are delegated, but they can revisit that and the overall matrix in terms of right of way acquisitions and other types of agreements.

The Governor asked do they delegate it in any amount, without restriction? Mr. Nellis responded that it is for any amount that is delegated informational only when it's concerning right of way associated with the project that has been approved.



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Governor Sisolak said he wants a threshold on that. He does not want to delay things, but he wants a threshold.

Director Swallow asked if the Department could do an analysis of the right of way acquisitions, they've done in the past three years so that the Governor would have an understanding of what the magnitudes of those are and the numbers? They could complete that in two weeks.

Mr. Nellis said according to the 2014 Board matrix that was approved for what should be delegated and what should be approved, the reason why it's delegated is because it has to follow the FHWA process that's defined under 23CRF, so these are defined through a Federal process. Mr. Nellis said he was sure that's what the Board's original thinking was, that there were checks and balance already in place there.

Governor Sisolak asked could that matrix be changed? Director Swallow said yes. The Governor said the matrix would definitely be changed; it was just a question of how low he's going to go on the change. The Director said she would get him that data in terms of the acquisitions they've done in the last three years so that he has an idea of what the impact of that might be.

7. Approval of the Director of the Nevada Department of Transportation's Delegated Authority (For Possible Action)

Director Swallow reported that the audit that was conducted last year indicated that they should revisit the delegated authority with the new administration, and that is the item up for consideration by the Board. The current thresholds are agreements up to \$300,000 and contracts up to \$5,000,000 have been delegated.

Governor Sisolak asked what are the proposals?

Director Swallow said they could consider doing nothing. There are two other proposals, but they can do any iteration of them. Option A is: annually the Board will approve the Annual Work Program. Any significant changes to that Annual Work Program will come back to the Board, but with the approval of the Annual Work Program, you will delegate those unless they are more than 20 percent above. The Department will proceed with those items that are in the Annual Work Program as delegated authority with the exception of those that come in at greater than 20 percent above the number in the program. And then any agreement not in the work program over \$1,000,000 or any contract not in the work program over \$15,000,000. With the Annual Work Program, the intent is that what you say goes, goes. If there are any significant changes to that throughout the year, it will come back for approval so that there aren't surprises that something changed. It will be very transparent.



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Option B is simply adjusting the current delegated authority from \$300,000 for agreements to \$1,000,000, contracts from \$5,000,000 to \$15,000,000. Option C is stay as is, and of course, there could be other options.

Governor Sisolak asked if there was Director input on any of the three options since it was a discussion item. Director Swallow said it was for discussion and action, but they could postpone action until the next Board meeting.

Governor Sisolak asked in the spirit of transparency, how could they take action when the Department didn't post the options? The Governor asked how this was listed on the agenda. If you don't post the options, you can't take action on the options.

Mr. Dennis Gallagher, Counsel to the Board, said the options weren't presented as a Board exhibit as part of the meeting materials, but is being presented at this meeting for the Board's consideration. The Board can certainly say they'd like more time to review this or they'd like some backup information.

The Governor asked how was somebody going to be able to come here and comment on these three options if they don't know what the three options are? He said he would prefer that they err on the side of more transparency, not less transparency. Someone might have a problem with \$15,000,000 in the annual deal, and they might have a very legitimate reason. And to take that action without giving them the opportunity to speak as it relates to that? The Governor thinks that is unfair.

He went on to say they would not be taking any action on this because he wants everything posted as part of the Agenda. They're posting all kinds of stuff that he doesn't think is really needed, but this is important, and to not have these three options on there so that members of the public or the industry can come forward and say this is too much or this isn't enough, is unfair to the public.

Member Savage said he agreed 1,000 percent. He didn't see any of the support documentation that he was looking for, and he believes at this time it's too early to make a change. He said he was glad the Governor was postponing this for further review and further discussion for future Board meetings. He thanked the Governor for the oversight.

Lieutenant Governor Marshall said it would be helpful to understand how they arrived at those numbers, and why they chose those numbers and what has happened since they had these old numbers. This would demonstrate how they're trying to build efficiency and not waste people's time but be fully transparent.



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The other thing the Lieutenant Governor suggested was putting as an option any other proposals in case the Board members come up with some intermingling of what the staff has. And then sometimes in Boards where you might have things listed and then if someone wants to take that out and have it specifically considered they can.

Member Almberg said he completely agreed with the Governor. It's hard to come in and make this type of decision without the backup material that is basically just being presented here. He said he thinks it may be too early to make this change along with the restructuring of the deputy directors, with going to a bi-monthly meeting, and increasing the authority. It takes the Board a step further away from the happenings and responsibilities to this Board. Member Almberg said he is not supportive of this change at this point in time.

Governor Sisolak closed out this Agenda item by saying they are going to get a lot more clarification and transparency on this. He wants everything as part of the background material so that the Board and the general public can know all the details.

8. Approval of the Fiscal Year 2020 NDOT Annual Work Program (For Possible Action)

Ms. Sondra Rosenberg, Assistant Director for Planning, presented the report on the 2020 Annual Work Program. The Annual Work Program is a listing of projects that NDOT plans on beginning in the Federal fiscal year or has a role in and includes anticipated costs. Generally, this includes the first year of the Statewide Transportation Improvement Program (STIP) plus state administered projects that are not required in the Federal document.

The Department kind of balances the Federal requirements as well as the state requirements in the online electronic STIP which has everything they're involved in. It's publicly available for use for searching at estip.nevadadot.com. The program has developed using a number of sources, performance metrics, and needs identification from the constituents. The Department also has a number of federally required and state required performance metrics that they are constantly tracking and reporting on.

In order to maintain performance, maintain assets, and improve safety conditions on the roadways, they get feedback on what projects need to be considered, what projects need to be accelerated and what projects can be delivered in a timely manner. And the funding identification shows what they can get ready with the resources available.

This annual work program is really the result of a much broader planning process that really begins with the One Nevada Transportation Plan. That was the long-range plan that was adopted at the end of last year. NDOT also



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works very closely with the Metropolitan Planning Organizations and the rural counties as well to identify the needs, identify the Federal allocations as well as the Federal performance metrics they have to track, and align them with Department goals to enhance safety, preserve infrastructure, optimize mobility, transform economies, foster sustainability and connect communities.

NDOT is in the process of implementing that statewide long-range plan, the One Nevada Plan that was adopted last year. That really sets the framework. They got broad consensus and buy-in on those goal areas. Now the Department needs to do the hard work to develop the process and the data to ensure a fully transparent and performance driven, data driven process.

On those Federal planning documents, the Metropolitan Planning Organizations, that's RTC Southern Nevada, RTC Washoe, Campo, Carson Area Metropolitan Planning Organization, and NTRPA in the Tahoe Basin, are all required to do a 20-year regional transportation plan that needs to be fiscally constrained and performance driven. NDOT is a part of that process because NDOT projects also need to be included in those metropolitan plans. That leads into a four-year fiscally constrained program of federally funded and regionally significant projects in those MPO areas. NDOT doesn't make the decisions alone in terms of what projects are delivered in those metropolitan areas. That's a coordinated process with those agencies. Those TIPS, those regional plans, for the four-year fiscally constrained, again federally funded, regionally significant projects, feed into NDOT's STIP. The Department cannot change those TIPS; they have to accept them as they are and include them in with the rest of the statewide projects.

There are state requirements in statute as well. The Department tries to align those very well because the general public may not understand the difference between the state requirements and the Federal requirements, so again there's a long-range plan, a short-range element which is aligned with the STIP, and then the annual work program, the current year, first year of the STIP plus the administered projects.

It's a continuous development process to develop and update the planning documents. It begins in the fall with county workshops. Department staff will go out to the rural counties, hold a workshop on our goals and priorities, hear feedback from them in terms of what their priorities are, work on project updates, and the MPO coordination process is ongoing. Staff meets with the MPO planners every month in what's called the PEG, Planning Executive Group, on not just projects, but process as well to make sure we are aligning our processes as much as possible. And then during the summer, staff conducts county tours. The Director or another member of leadership staff goes to the county commissions and presents the planned Annual Work Program. Staff then develops the work program and updates to the STIP. Staff come to this Board, and then if they're updating the STIP that also goes to FHWA.



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This year, staff is not updating the STIP because of the MPO process. The MPO staff is in the process of updating their TIPS as well as their RTP's and so if the Department submitted the state changes, they wouldn't be allowed to include those changes in the metropolitan areas, and so it would be an incomplete work program or STIP. So, the STIP that the Department has approved is years 19 through 22, and so they can still deliver those fiscal year 2020 projects.

And just again in the name of transparency staff did look at expenditures as well as revenues. They don't have all of the details on the revenues yet because they're working with the DMV to collect that information. What they have readily available is gallons of gas sold by county. The Department thinks that's a good indication of overall revenue percentages generated. And then staff also looked at expenditures, you know, money going out. The Annual Work Program, the STIP, that's based on an obligation basis, meaning you allocate the full amount in the first year. This is actual dollars spent in the various different counties throughout the last several years, almost 10 years. Those numbers fluctuate quite a bit because of stops and starts in various large projects.

Ms. Rosenberg said the requested action from the Board would be to approve the 2020 Annual Work Program.

Member Savage asked Ms. Rosenberg if there was anything the Board should have concerns about?

Ms. Rosenberg said she doesn't anticipate any concerns. The changes to the Spaghetti Bowl Xpress require moving the bulk of those funds from fiscal year 19 to fiscal year 20 for the major construction to begin. And then there are a number of projects in southern Nevada that they do anticipate beginning in 2020, so additional ramps for the US-95 NW Centennial Bowl Project, starting to acquire right of way for the Tropicana Project with construction beginning in the following fiscal year. There are some large I-15 overlay projects in southern Nevada as well, and then ongoing repayments of bonds. Those are the big dollar amount items. But there aren't any surprises because it's really a carrying forward those projects that were already in 2020 in the STIP that was approved last year, so it's really just moving the program forward a year.

The Governor asked if there were any more questions, and there were none. He said he would accept a motion.

Motion: Approve Fiscal Year 2020 NDOT Annual Work Program under Agenda Item Number 8

By: Lieutenant Governor Marshall

Vote: Passed unanimously



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9. Resolution of Abandonment (For Possible Action)

a) Disposal of a portion of NDOT right-of-way, a portion of Tuscarora Road in Carlin, County of Elko, State of Nevada (SUR 18-11)

Director Swallow reported this acquisition is no longer needed. It was initially acquired in 1921. The Department has no record of any expenditure for the easement and has deemed that it is no longer needed.

Motion: Approve Resolution of Abandonment under Agenda Item Number 9

By: Unidentified speaker

Vote: Passed unanimously

10. Direct Sale (For Possible Action)

a) Disposal of NDOT right-of-way, a parcel of land at the intersection of W. Washington Avenue and A Street near IR-15 in the City of Las Vegas, County of Clark, State of Nevada (SUR 18-04)

Director Swallow reported that Item 10 is Request for Action for the Direct Sale of a piece of land that was acquired from the city of Las Vegas in 1978. At no cost they relinquished the parcel to the Department. It has been leased for many years since that time, and the Department is proposing to sell the property to the lessee.

Governor Sisolak said he had an issue with this one. He asked why they were doing a direct sale and not auctioning this?

Ms. Jessica Biggin, Chief Right of Way Agent, said this is a direct sale because it's only valuable to the adjacent property owner who's currently leasing it. It's just a little strip of land, so under NRS they are allowed to do a direct sale in these instances, and they did have an appraisal done to determine the fair market value.

Governor Sisolak said it's the Department's opinion that it's only valuable to this one person, but competitors might feel otherwise. What is the downside to NDOT to do an auction? If there's no downside but there's a potential upside, why would the Department not choose the one that has a potential upside?

a) Disposal of NDOT right-of-way, a parcel of land at the intersection of W. Washington Avenue and A Street near IR-15 in the City of Las Vegas, County of Clark, State of Nevada (SUR 18-04)



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Ms. Biggin replied that it's just under Department rules and policy; they felt that it was only a benefit to the adjacent property owner.

Mr. Mortensen explained this 15-foot parcel is adjacent to the UPRR railroad tracks; it's next to the slope paving which means that there'd be no access to it from off Washington. It's really kind of landlocked by that property owner as well which would made it difficult for anybody else to use it for any other purpose.

The Governor said the fair market is determined by how much somebody is willing to pay for the parcel. It's clearly in the landowner's best interests because the landowner is going to pay the minimum appraised value for the price. The Governor said he doesn't like direct sales; he thinks they're unfair to the public. They're unfair to the state. More money potentially could be achieved, and there's no downside; there's no potential loss of revenue. So bottom line, he would like to hold this item for now.

11. CWG Update (Informational Item)

Director Swallow provided an overview on the Construction Working Group. This group was created seven years ago by the then Chairman of the Transportation Board, Governor Sandoval, to review and understand some of the Department's processes and procedures relating to highway construction and contract closeout. Over that time that they've been working with Department staff, they have advanced a lot of processes and procedures to make them more streamlined in order to deliver the program more effectively and close out contracts more effectively with our contractors.

Member Savage provided some background as to why the CWG was initially started. There was so much time being taken at the Board meetings that it was decided that three Board Directors would oversee construction and consultants, because the Department in construction and consultants spends a lot of the dollars. It was never an end run. It was a good platform for contractors and vendors to discuss projects with a couple of Board members, and then those Members reported back directly to the Board biannually in a full report. It was beneficial at the time and could be resurrected. It was a good platform for private industry, and it did keep staff accountable for their actions.

Member Alberg said many positive things have come out of the CWG. It helped streamline Board meetings and CWG Members got a lot of in-depth information in the process. Whether they still need to resurrect it right now is a decision that they can make. But in his opinion, CWG was valuable in many regards.



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Director Swallow said it may be more transparent if there's a question at the Board meeting and they need to do a deeper dive. She said she would be happy to provide that information back and provide the information directly either at the Board meeting or in briefings as needed.

Governor Sisolak said they could go ahead and try it and see what they come back with. But he wants it understood this is on a trial basis because he's detecting a resistance to some changes. The Governor said they are going to make changes, it's going to be more open, it's going to be more transparent, and they're going to find a way to get to the results.

12. Public Comment

There were several people who had comments:

Mr. Andrew Diss from the Gaming Industry offered comments on the Spaghetti Bowl. He said fixing the Spaghetti Bowl Project is imperative. The Spaghetti Bowl Project is the most important public infrastructure project in northern Nevada since the Spaghetti Bowl was originally built. There are some serious safety concerns this project will address. There are also economic concerns, given Reno's growth. Mr. Diss thanked Mr. Mortensen, Mr. Johnson, and their team for keeping everyone apprised of changes and project expectations.

Ms. Alexis Motarex representing the Nevada Chapter of Associated General Contractors asked for support from the NDOT Board to minimize any further delays in the delivery and completion of the Spaghetti Bowl Xpress as delays there will cause delays on other projects and all of which are critical to the economic vitality in northern Nevada. The Department needs to continue making the necessary and timely investments in the transportation infrastructure to ensure the safety of all drivers on Nevada roads and to continue to grow and thrive. Failure to address the capacities will not only lead to increased risk to drivers, but will have a detrimental impact on housing prices, growth, and economic diversification in northern Nevada.

Mr. Scott Fullerton representing Operating Engineers said the Spaghetti Bowl is vital to their members in their work. The money that their members earn is spent in northern Nevada. He and the members would appreciate no further delays in the Spaghetti Bowl project.

Ms. Amy Dewitt Smith, Executive Director of the Neighbor Network of Northern Nevada, shared some information about her nonprofit startup. They currently have a transit plan administered by the Community Transportation Association of America for all projects that they've been implementing since July 2018 with funding from the Administration for Community Living. The overarching desired outcome for this project is to



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increase civic engagement for people with disabilities as well as older adults and their family-care partners to really have a seat at the table and learn about ways they can participate in transportation planning. Some of their goals include the development of a statewide transportation association, the updating of the information highway, and peer-to-peer travel support. Ms. Smith closed by saying she hoped Board Members and the community as a whole would pair up with a “traveling expert” to either discuss experiences or share a ride.

Ms. Jocelyn Seeman, also with the Neighbor Network of Northern Nevada, explained the handouts summarized their extensive conversations with older adults and people with disabilities, the development of goals, and finally the development of possible solutions. She hoped Board Members would look over those materials.

Member Almberg took the opportunity to extend his thanks and appreciation to Member Savage and Member Martin. He said they both helped get him to get up to speed with the history and how the Board works and everything else. They have been, in his eyes, ideal Board members and have been a tremendous benefit to the citizens of the state. They are basically very good role models that Member Almberg tries to model himself after.

Governor Sisolak said he agreed with Member Almberg wholeheartedly. Both men have been tremendous and will continue to be for the foreseeable future until new Members are appointed. The Governor asked Director Swallow to please address the public comments about the Spaghetti Bowl delay in brief summary form, and she did so.

Director Swallow said what is causing the Spaghetti Bowl delay is the need to go out and do the full design documents and then go through the bidding procurement again. The Department did the design build. That was the procurement. If the Department had been able to negotiate with the design builder, they would have been starting their design in the next several months because the Department would have been awarding it this period.

They’re at least a little bit ahead in the design, but do have to negotiate and address all of the issues with any of the adjacent property owners, any of the easements, including the Union Pacific Railroad. All of these things the design builder would have needed to do and may have caused delay in their delivery as well, and that’s where the Department thinks the cost was in the proposal.

So, the Department rotated from that to the design bid build. NDOT’s doing the design, NDOT’s going to negotiate through these easements, right of way, and then bid it and that procurement also adds delay.



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Governor Sisolak reminded everyone they inherited this project, which is a great project for northern Nevada. It's a tremendous project, and the safety is important. The jobs are really important. The economic diversification is important to help people. But it's got to be done right and get done on time. The Governor said that he's been assured, that with this change, it's going to get the train back on the track with two engineers and, hopefully, move it forward so there are no further problems towards the end of the project.

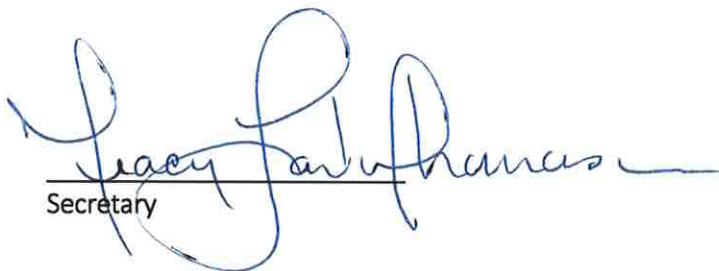
The Governor asked if there were more comments, and there were none. He said he would accept a motion to adjourn.

13. Adjournment (For Possible Action)

Motion: Adjourn

By: Lieutenant Governor Marshall

Vote: Unanimous



Secretary