



Nevada Department of Transportation

Board of Directors • Meeting Minutes

Monday, August 9, 2021

9:30 A.M.

Meeting Locations:

1263 South Stewart Street
Third Floor Conference Room
Carson City, Nevada 89712

123 East Washington Avenue
Building B
Las Vegas, Nevada 89101

1. Welcome/Call to Order/Roll Call

Governor Sisolak called the meeting to order on Monday, August 9, 2021. A roll call was conducted, and a quorum was established.

Present: Governor Steve Sisolak, Lt. Governor Kate Marshall, Controller Catherine Byrne, Member Virginia Valentine, Member Justin Kalb, Member Stephen Ascuaga.

2. Public Comment

There were no public comments regarding items on the agenda.

3. Consideration of Approval of the July 12, 2021 Nevada Department of Transportation Board of Directors Meeting Minutes. (For Possible Action)

Motion: Approve the July 12, 2021 Nevada Department of Transportation Board of Directors Meeting Minutes

By: Member Justin Kalb

Vote: Passed. Controller Catherine Byrne abstained.

4. Receive Director's Report (Informational Item)

Director Swallow reminded the Board that school has started in Nevada and reminded members that because many schools have not had significant in-person attendance since the beginning of the pandemic, the public needs to be cognizant of the presence of students near schools. Director Swallow informed the Board that some school locations in the state have roadside banners reminding drivers of the rules of driving in a school zone. Director Swallow encouraged the public to visit bicyclenevada.com for more information regarding school safety.



Nevada Department of Transportation

Board of Directors • Meeting Minutes

Monday, August 9, 2021

9:30 A.M.

Director Swallow informed the Board that she receives a weekly report regarding crashes and that just over the past weekend, seven people had lost their lives on the roads in the state. Director Swallow encouraged the public to use this as a reminder to continue to drive safely.

Director Swallow next discussed the natural emergencies that have occurred in the state over the past month, including fires in Northern Nevada and floods statewide. Director Swallow informed the Board that NDOT's highway maintenance team quickly set up closure points for the Tamarack Fire and repaired fire-ravaged wooden guardrail posts and beams in order to reopen 395 as quickly as was deemed safe. Director Swallow recognized the firefighters and other first responders who worked with NDOT in responding to the fire. Director Swallow next informed the Board that District 1 experienced significant flooding that impacted highways in Nye, Esmerelda, Mineral, and Clark Counties and praised the Las Vegas and Tonopah Maintenance teams for the response to the flooding. Director Swallow further explained that NHP (Nevada Highway Patrol) assisted in responding to road closures and update notifications for Las Vegas roads, and NDOT maintenance and administrative staff set up highway closure points in an effort to keep traveling public safe. Director Swallow described the landslide along US 93 as well as many slides in Lamoille Canyon and several state routes caused by heavy rain in the Elko area. Director Swallow informed the Board of reports of substantial damage to the Lamoille Canyon Scenic Highway, for which NDOT helps the forest service to keep roads open when possible. Director Swallow explained that NDOT crews are helping to make sure that anyone in the canyon is able to get out safely.

Director Swallow next discussed sustainable funding and informed the Board that NDOT launched its Advisory Working Group the previous month, which Member Virginia Valentine will chair. The second meeting was scheduled for the following day after the NDOT Transportation Board Meeting and would be the first substantial meeting, consisting of an all-day, in-person meeting divided between District 1 and the Carson City headquarters. Director Swallow indicated that for this study, the advisory group will offer funding recommendations amid the \$530 million annual state transportation funding shortfall. In addition to the members of the advisory group, Director Swallow informed the Board that a consulting team consisting of almost 30 members representing business, government, energy, the transportation sector, and labor, among others, will be working with the group to study the multimodal transportation needs of the state and recommend funding options that will provide long-term financial sustainability to include the state highway fund. The study and recommendations will take into account the needs for social and user equity as well as the imperative to reduce greenhouse gas emissions from the transportation sector. In addition, the role that land use and smart growth strategies can play in transportation costs, reduction of emissions, and improvement of



Nevada Department of Transportation

Board of Directors • Meeting Minutes

Monday, August 9, 2021

9:30 A.M.

system efficiency and equity will be studied. Director Swallow informed the Board that the final report is expected by December 31, 2022.

Director Swallow next informed the Board that the bipartisan senate negotiators reached an agreement on major issues in the \$1.2 trillion infrastructure bill and a procedural vote to advance the plan occurred the previous week. Director Swallow cautioned that there are still many more discussions and votes that need to occur, but if it were to be adopted in its current state, the bill would propose approximately a 25-percent increase in federal highway funding over the next five years. Director Swallow explained that based on the funding formula NDOT has seen thus far, a total of approximately \$2.5 billion will come to Nevada for highway apportionment problems in addition to another \$225 million specifically for bridge replacement and repairs and \$38 million for new ED infrastructure programs. This money would be in addition to any discretionary grants the state may receive.

Director Swallow informed the Board that 3,689 job years have been approved and supported through NDOT in 2021, not including the 72 proposed on this agenda. If approved, the total will be 3,761 job years supported by NDOT in 2021.

Director Swallow informed the Board of the death of NDOT team member Tony Illia. Mr. Illia started with NDOT in 2014 and served as its public information officer and primary spokesperson for Southern Nevada. Director Swallow explained that Mr. Illia had worked closely with hundreds of NDOT team members, members of the media, and local stakeholders to share important transportation updates and to represent NDOT positively in local media, interview, and community meetings. Director Swallow praised Mr. Illia's tireless work ethic and upbeat attitude, indicated that he was a team member who will be very much missed, and offered condolences to all grieving Mr. Illia's loss.

Director Swallow concluded her report with the announcement of the appointment of Sajid Sulharia as NDOT's new Assistant Director of Engineering. Mr. Sulharia will be overseeing all project delivery divisions, including Design, Project Management, Hydraulics, Structures, Location, Right-of-Way, and Construction. Director Swallow explained that Mr. Sulharia has been a member of NDOT for 18 years, has gone through the NDOT Rotational Engineering Program, has served in the hydraulics division, and managed the statewide bridge scour program prior to his role as project manager on the project management team, where he currently leads Phase 1 of the SBX Project in Reno. Mr. Sulharia has strong partnerships within the Nevada engineering industry, holds a BS in civil engineering from UNR, and is a registered P.E. in Nevada.



Nevada Department of Transportation

Board of Directors • Meeting Minutes

Monday, August 9, 2021

9:30 A.M.

Governor Sisolak informed the Board that the mudslides are anticipated to be severe on the side of the mountain due to the fires up north. Governor Sisolak also reiterated Director Swallow's point of this being a particularly difficult year in relation to school zones as many students have not physically been in school for almost two years and may not remember to use caution when walking to and from school. As such, Governor Sisolak reminded the public to be extra cautious this year in school zones.

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

Director Swallow indicated that there are five agreements for consideration under this agenda item. Item 5.1, HDR Engineering, is for an amendment to help with funding in-depth research into critically underrepresented communities in order to better ensure project communications are reaching these populations as well as tailored to their needs.

Motion: Approval of Agreements over \$300,000 5.1
By: Member Virginia Valentine
Vote: Passed unanimously

Director Swallow indicated that item 5.2 is for an amendment for CA Group to help provide consulting support during design and construction of the Tropicana Interchange Reconstruction Project. The amendment would extend the existing agreement to move from procurement through construction.

Lieutenant Governor Kate Marshall indicated her concern that the original agreement was approximately 7.7 and that the amendment will more than double this amount to 15.1. The Lieutenant Governor indicated her concern that these types of amendments do not allow the Board to provide proper perspective and insight and as such, the Board ends up approving them in step-by-step ways that ultimately cost significantly more money than originally anticipated.

Cole Mortensen explained that with a contract such as the one with CA Group, the overall cost is unknown up front. Mr. Mortensen indicated that CA Group began with the environmental process, and because the no-build alternative is still possible, NDOT wants to ensure available funding for that portion of the process. Mr. Mortensen said that after evaluation of different processes, the design-build methodology was chosen and at that time, an amendment was put in place to get through design-build procurement, and that this amendment



Nevada Department of Transportation

Board of Directors • Meeting Minutes

Monday, August 9, 2021

9:30 A.M.

was to continue with the next phase. Mr. Mortensen further explained the benefits of remaining with one consultant throughout.

Director Swallow informed the Board that this particular agreement was started before the existing members were part of the team, and assured the members that in future projects, NDOT will try to ensure the Board's understanding of possible paths moving forward and amendment opportunities. Director Swallow further indicated that this should be the last amendment and will take the project through construction.

Motion: Approval of Agreements over \$300,000 5.2
By: Member Virginia Valentine
Vote: Passed. Nay vote from Lieutenant Governor Marshall.

Director Swallow indicated that item 5.3 is an amendment for Lexicon Consulting to extend consulting support to assist NDOT's administration of its Federal Highway Title VI Program through Fiscal Year 2024.

Motion: Approval of Agreements over \$300,000 5.3
By: Member Justin Kalb
Vote: Passed unanimously

Director Swallow explained that Item 5.4 is an amendment for Horrocks Engineering to assist NDOT with public involvement consulting services and will extend the agreement on an on-call basis through 2022. Director Swallow explained that Horrocks Engineering primarily assists with communication on smaller projects, a new effort that was established within the last few years, when NDOT realized the challenges of communicating with adjacent communities.

Motion: Approval of Agreements over \$300,000 5.4
By: Member Justin Kalb
Vote: Passed unanimously

Director Swallow explained that Item 5.5 is for Creative Engineering and Consulting (CEEC) to augment the construction group performing testing, inspection, and administration of the ongoing contracts for the seismic retrofit and bridge rehabilitation of downtown Las Vegas viaducts and ramps.



Nevada Department of Transportation

Board of Directors • Meeting Minutes

Monday, August 9, 2021

9:30 A.M.

Motion: Approval of Agreements over \$300,000 5.5
By: Member Virginia Valentine
Vote: Passed unanimously

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

Pursuant to NRS 408.131, the board may delegate authority to the director, which a director may exercise pursuant to NRS 408.205. These items and matters have been delegated to the Director by the Board by resolutions in April 1990 and July 2011. Director Swallow.

Director Swallow informed this is an information item only.

There were no questions from members.

7. Consideration of Approval of Legislature-Approved Fiscal Year 2022 Procurement of New Equipment in Accordance with NRS 408.389 (For Possible Action)

Director Swallow informed the Board that the new equipment requested is eight new bucket loaders to be distributed throughout the districts.

Governor Sisolak explained that he has been assured that policies are in place to ensure that equipment will not be missed and not included in the legislative allocation again as has happened with this item.

Motion: Approval of Legislature-Approved Fiscal Year 2022 Procurement of New Equipment in Accordance with NRS 408.389
By: Member Virginia Valentine
Vote: Passed unanimously



Nevada Department of Transportation

Board of Directors • Meeting Minutes

Monday, August 9, 2021

9:30 A.M.

8. Receive information on the DRAFT Fiscal Year 2022 Annual Work Program and 2021-2024 Statewide Transportation Improvement Program (STIP) Update (For Information Only)

NDOT Assistant Director of Planning, Sondra Rosenberg, discussed the DRAFT 2022 Annual Work Program and the STIP update and amendment. Ms. Rosenberg informed the Board of the importance of reiterating the overall process and factors under consideration, including statewide goals, financial forecast, funding distribution, selection and implementation of projects, and measuring performance.

Ms. Rosenberg discussed how the One Nevada Transportation Plan and process had established six goals which included specific, weighted criteria. Ms. Rosenberg informed the Board that each project is scored on each criterion before cost is factored in to give a relative value for cost and ranking of each project. Ms. Rosenberg indicated that NDOT continually revises and enhances how these goal areas are measured and recently has added a measure for equity as well as enhanced the measure for greenhouse gas emissions. Ms. Rosenberg indicated that other factors are considered in harmonization, such as: project readiness; specific funding eligibility; performance targets; and geographic distribution. Based on the rankings and harmonization factors, NDOT establishes a listing of projects per year for the next and following three fiscal years. Ms. Rosenberg discussed the different elements of NDOT's program of projects, including the annual work program, which will come before the Board for approval in September. Ms. Rosenberg explained that in order to match the projected four years of projects that are federally, state, or regionally funded with NDOT's work program and STIP, a short-range element is used, which includes years 2 through 4. Ms. Rosenberg explained that the annual work program, the short-range element, and the long-range element include all the projects anticipated to be delivered, including everything from small district betterment projects to major federal, large projects. Ms. Rosenberg explained that the STIP does not include some of the smaller state deliver projects but does include locally delivered federal projects. Ms. Rosenberg informed the Board that all can be found on the E-STIP website through the NDOT website.

Ms. Rosenberg next discussed the anticipated distribution of projects that will be obligated the following year. Ms. Rosenberg indicated that there is a good balance between new construction projects and preservation projects. In addition, Ms. Rosenberg discussed the geographic distribution of projects and the anticipated percentage of funds allocated to each county throughout the state for NDOT's draft work program for FY'22. Ms. Rosenberg next indicated the programs that will span the entire four-years, explaining that these, too, are a mix of new construction and preservation.



Nevada Department of Transportation

Board of Directors • Meeting Minutes

Monday, August 9, 2021

9:30 A.M.

Ms. Rosenberg explained that annual obligation amounts will vary from year to year as projects start without a specific target distribution and discussed what factors into these obligation amounts for different locations, citing population size as one of these factors, as well as revenue generated in different areas of the state, and vehicle miles traveled. Ms. Rosenberg further discussed the role of federal funds in the obligation amounts, indicating that large metropolitan areas receive sub-allocation of federal funds as required by an authorization bill, and cited the Surface Transportation Block Grant as an example. Ms. Rosenberg informed the Board that these numbers do not include the additional amounts for COVID relief funding.

Ms. Rosenberg discussed CMAQ, Congestion Mitigation and Air Quality, and explained that those funds can only be spent in areas of non-attainment and maintenance for air quality. Currently only Clark and Washoe Counties are the only areas; therefore, NDOT voluntarily distributes those funds to RTC of Southern Nevada and RTC of Washoe. Southern Nevada receives 80 percent of those funds each year and Washoe receives 20 percent. Ms. Rosenberg explained that these monies are in addition to the distribution discussed previously and are not included in those distributions as these funds are delivered by local agencies. Therefore, these funds appear in the Regional TIP (Transportation Improvement Program) and are included in the STIP as they are approved.

Ms. Rosenberg informed the Board that NDOT anticipates both the STIP amendment, and the Annual Work Program will be available for public review and comment the following week for a minimum of seven days with the option to extend that time period if requested. Ms. Rosenberg concluded her presentation by informing the Board that the information would come before the Board the following month for approval.

Lieutenant Governor Kate Marshall questioned how NDOT anticipates incorporating potential ARPA funds, and would that funding affect NDOT's priorities.

Sondra Rosenberg explained that NDOT does not anticipate the funding to affect priorities, with the exception of new programs. Ms. Rosenberg indicated that NDOT will need to look at the eligibility requirements to see which existing projects and programs will be eligible for new programs in the bill. Otherwise, Ms. Rosenberg explained, the One Nevada process prioritizes NDOT's needs effectively. Ms. Rosenberg explained that the funding from the bill will change the number of projects NDOT can afford to fund each year, and as such, NDOT will reevaluate their listing of identified programs as well as identify needs using a data-driven process to look at things like safety, travel-time reliability, equity needs, and access to communities. Ms. Rosenberg explained that NDOT also works with all the counties in the state to identify their priorities, all of which go through the



Nevada Department of Transportation

Board of Directors • Meeting Minutes

Monday, August 9, 2021

9:30 A.M.

One Nevada process to prioritize and harmonize based on funding eligibility. Ms. Rosenberg explained that the existing process will continue in the hopes of being able to fund more projects each year.

Lieutenant Governor Kate Marshall asked how the federal money's emphasis on recovery and resiliency will impact NDOT's plans for the state.

Sondra Rosenberg explained that NDOT is continuously working on new criteria and working with other states on how to measure and invest. Ms. Rosenberg also credited NDOT's experts in different fields with helping to identify and factor in the variety of needs. Ms. Rosenberg explained that fostering sustainability is something which NDOT is studying, and that this includes specific criteria regarding resilience which NDOT can look at to perhaps enhance the scoring to make it worth more of the percentage. Ms. Rosenberg explained that NDOT is looking at multiple things, including resilience; environmental risk; connecting communities; equity; access to community destinations; multimodal access; and project connectivity. Ms. Rosenberg indicated that NDOT is beginning to map out the difference resources in terms of residents' locations to ensure adequate paths to those residents' destinations.

9. Public Comment

This public comment period is for any matter that is within the jurisdiction of the public body. No action may be taken upon a matter raised under public comment period unless the matter itself has been specifically included on an agenda as an action item. The Chair of the Board will impose a time limit of three (3) minutes.

Bill Wellman, Las Vegas Paving, expressed his concern at NDOT's disqualification of his company's bid for impermissible deviations. Mr. Wellman explained that these had been acknowledged with NDOT in one-on-one meetings and unique innovations had been discussed at length for the design building. Mr. Wellman indicated that the engineers his company uses are the same that NDOT has used and relied upon in past projects. Mr. Wellman indicated that once the company was notified of the inadmissible deviations, the company went back to the engineers upon whom NDOT has relied on in past projects and was assured that these innovations remained within the footprint of the right of way. Mr. Wellman next explained that the company had received notification from the department of the selected proposer, one whom Mr. Wellman explained was a very qualified organization. Mr. Wellman's concern lies with the fact that his company's proposal was likely going to save the state 30-plus million dollars, whereas the selected proposer was priced significantly higher and from a technical standpoint, barely meets acceptance. As such, Mr. Wellman indicated that if NDOT is not interested



Nevada Department of Transportation

Board of Directors • Meeting Minutes

Monday, August 9, 2021

9:30 A.M.

in innovations that can save money, then the design build process should not be used, and bid build would be the better option. Mr. Wellman indicated his concern that the process does allow for scoring without this qualification, indicating that his company spent \$1.5 million on this proposal and that perhaps the trend needs to be reevaluated.

10. Executive Session

Receive information from legal counsel regarding potential and existing litigation involving a matter over which the Transportation Board of Directors has supervision, control, jurisdiction, or advisory power and to deliberate toward a decision on the matter.

Governor Sisolak requested that Counsel go into executive session to discuss Mr. Wellman's comments, not to deliberate, but just to discuss.

Dennis Gallagher, Counsel for the Board, reminded the Board that discussion is permitted, but deliberation and action are not.

Governor Sisolak asked for clarification on how far over the potential engineer's estimate this project has gone.

Nick Johnson, NDOT Chief of Project Management, indicated that the last estimate was between \$260 and \$280 million. Initially the high end was anticipated to be around 225 or 230.

Governor Sisolak asked if the increase came as the result of material costs.

Nick Johnson confirmed that that was the case.

Governor Sisolak asked the NDOT team for their feedback on whether they felt the existing process works.

Director Swallow explained that the design build process is intended to ensure the best value for the project and cost is one of the considerations along with the innovations and the ability of the project to deliver the intended outcomes overall. Director Swallow explained that other things considered are construction schedule and impacts to the adjacent proper owners. Director Swallow further explained that in this case, the resorts on



Nevada Department of Transportation

Board of Directors • Meeting Minutes

Monday, August 9, 2021

9:30 A.M.

the corner are the several, high-end stakeholders and that also needs to be considered in order to determine the best value and for NDOT to be stewards of the state highway fund.

Governor Sisolak asked if the industry weighed in on the benefits of one design over another.

Director Swallow explained that they were unable to look at the direct proposals and further explained that proposals submitted through the design build are scored by NDOT's team, who looks at the innovations, a process that includes reviewing alternative technical concepts to ensure alignment with what the stakeholders had agreed to during the NEPA process in which they were closely involved. Director Swallow explained that when proposals are reviewed, they are reviewed in light of the agreements that stakeholders have made along the way. Director Swallow next informed the Board that the path forward on the project at this point includes NDOT announcing the notice of intent to award at the September Board meeting with a vote at the October Board meeting.

Governor Sisolak asked about the projected path at the state level.

Director Swallow indicated that a protest was filed approximately two weeks ago, NDOT has formally responded to the process, and now considers it closed.

There were no further comments from members of the Board.

11. Adjournment (For Possible Action)

Governor Sisolak adjourned the August 9, 2021 Nevada Department of Transportation Board of Directors Meeting.

for 

Jeff Lerud, Deputy Director
Secretary to the Board of Directors