



Nevada Department of Transportation

Board of Directors • Meeting Minutes

September 13, 2021

9:30 A.M.

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**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, September 13, 2021. A roll call was conducted, and a quorum was established.

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

Absent: Member Virginia Valentine

Governor Sisolak informed the Board that this would be Lieutenant Governor Kate Marshall's final meeting as a member of the Board as she will now be working with the White House.

Lieutenant Governor Kate Marshall thanked the Board and indicated the importance of the work the Board does in supporting the workforce.

**2. Public Comment**

Skip Daly, representing Laborers Union Local 169 voiced his opposition to the 2021 through 2024 Statewide Transportation Improvement Plan (STIP). Mr. Daly indicated that the proposed allocation proposal will negatively impact the 71 percent of state roads not located in Clark County. Mr. Daly stated that under 23 CFR 450.26 the STIP has to emphasize the preservation of existing transportation system. Mr. Daly further indicated that under this STIP there are five counties who are not scheduled for any funding for transportation projects and an additional six counties that will see only 1 percent of the funding, for a total of 11 out of 17 counties seeing only 6 percent of the total spending over the next four years. Mr. Daly explained that the request is for the Board to direct NDOT to reach out and get input from interested parties opposed this STIP.

Craig Madole, Nevada Chapter Associated General Contractors, requested that the Board direct NDOT staff to amend the STIP as five of the counties in the state would receive 0 percent of the funding from NDOT and six



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of the counties would receive only 1 percent of the funding. Mr. Madole pointed out that more than 7- percent of the state's lane miles exist in rural Nevada and should be subsidized by Clark County in order to improve the roadways and ensure that failing asphalt roads do not become gravel under the STIP.

Patrick "Pat" Sanderson, Northern Nevada resident, requested that the Board deny the STIP, indicating that the safety of the northern rurals is as important as that of the larger southern counties.

Scott Fullerton, Operating Engineers Local Union No. 3, indicated the Union's opposition to STIP and proposed that the state either stick with the one-year plan or submit a plan with a stipulation to amend the upcoming plan. Mr. Fullerton reiterated the fact that 70 percent of the maintained road highways and lane miles in the state lie outside of Clark County and need to be maintained for the safety of all residents in the state. Mr. Fullerton further explained that the roads in Clark County are receiving anywhere between a 25 to 50 percent discount per lane mile whereas the smaller counties are being forced to pay between two and three times what they pay in fuel taxes in order to maintain their roads. As a result, people appear to be filling up in the larger communities in order to travel across the state, and lane miles cannot be funded with only convenience stops. As such, Mr. Fullerton opined that the funds need to be distributed equally to ensure the safety of all residents in the state.

Director Kristina Swallow explained that NDOT received more than 700 public comments regarding agenda item 8 from the time the agenda was posted to 5:00 pm on the Friday prior to the meeting, all of which were distributed to Board members for review.

**3. Consideration of Approval of the August 9, 2021 Nevada Department of Transportation Board of Directors Meeting Minutes. (For Possible Action)**

**Motion:** Approval of the August 9, 2021 Nevada Department of Transportation Board of Directors Meeting Minutes  
**By:** Member Justin Kalb  
**Vote:** Passed unanimously



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#### 4. Receive Director's Report (Informational Item)

Director Kristina Swallow began the director's report with a discussion on safety. Director Swallow indicated that statewide fatalities are up 26 percent from the same time last year, at which time fatalities were up significantly from the previous year. Director Swallow further indicated that pedestrian fatalities have decreased year over year, but motorcyclist and bicyclist fatalities are up across Nevada year over year. Director Swallow indicated that the top causes of crashes are impairment, equaling approximately 58 percent of total fatal crashes, and speeding, equaling about 38 percent of total fatal crashes.

Director Swallow next provided an update to the Board on NDOT's response to the Caldor fire. Director Swallow reported that there are currently no Nevada closures in place, and mandatory evacuation orders in Douglas County have been fully removed and all NDOT team members have been removed from the closure locations as of the previous Saturday. Director Swallow recognized the NDOT team for going above and beyond in responding to the fire, supporting other emergency response partners, and keeping the highways safe for the traveling public. Director Swallow discussed the traffic control plan developed and formulated by NDOT that was utilized for the successful evacuation of the South Lake Tahoe community. NDOT implemented traffic control and equipment to keep the roads safe and help emergency response partners to limit traffic headed into the Tahoe basin. Director Swallow informed the Board that NHP and the National Guard helped in the screening of those attempting to enter the Lake Tahoe area, and along with District 1 and District 2 team members, 11 staff from the Carson City headquarters office joined in flagging and road closures. In addition, Director Swallow added, emergency management staff have been a constant fixture at the state emergency operations center, coordinating with California and other state emergency response partners, to make sure all involved have food and restroom facilities onsite. Director Swallow informed the Board that team members remained in standby mode at multiple locations through Saturday while residents were still on a warning in case a mandatory evacuation was issued. This included keeping equipment and personnel staged at various locations in the case of another road closure needing implementation.

Director Swallow next informed the Board of her plan to provide an update on the advancement of the Nevada Sustainable Transportation Funding Study, and further indicated that the work is still being done as part of the Advisory Working Group, the third meeting of which was scheduled for the day following this meeting. Director Swallow explained that at the last meeting, the AWG members received an overview of transportation revenue sources and uses in the state, which included presentations from all four MTOs, and that the next meeting will be a more in-depth discussion of transportation revenue in the state as well as in the nation. The AWG will



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receive a brief presentation on the impact of electrification as Nevada transitions to zero emissions vehicles with the intent of developing guiding principles for consideration of alternative funding sources. Director Swallow informed the Board that NDOT will keep them abreast of changes as they occur.

Director Swallow informed the Board that today's agenda includes a request for approval of an approximately \$1 million agreement to provide on-call trash and debris cleanup within NDOT rights of ways in multiple locations, many of which are ongoing as the result of the significant increase in encampments and rights of way. Director Swallow explained that NDOT's primary responsibility is to maintain public safety on roads and highways, and in recent years, that role has expanded to include ensuring unsheltered individuals located in the rights of way are not posing a public safety or health risk to themselves, drivers, the surrounding community, or the environment. Director Swallow indicated that NDOT routinely clears and cleans rights of way when unsheltered individuals or items impose a public safety issue and coordinate with local partners to offer housing and other solutions for those impacted. As encampments have increased during the pandemic, Director Swallow explained that cleanup efforts and associated costs have also increased, surpassing more than \$1 million in 2021 alone. In addition, staff have needed to be diverted from other critical parts of the program to help manage these efforts. Director Swallow indicated that NDOT is actively researching solutions with local partners to more effectively and efficiently manage these cleanup efforts but cautioned that as these encampments and costs are expected to increase in the future, longer-term solutions outside of the scope of NDOT's purview may need to be considered. Director Swallow thanked the local agency partners who are stepping in to help, but indicated that this is a problem that extends beyond just maintaining the rights of way.

Director Swallow informed the Board that NDOT has received \$33.8 million of additional obligation authority through the Federal Highway Administration's August redistribution process. Director Swallow explained that these funds are redistributed to states demonstrating projects that are ready to go and meet all the federal funding requirements, and to receive additional obligation limits, states must develop and provide a plan to their local federal highway division showing projects and available fund sources that could use the additional money. To qualify, NDOT demonstrated how it would fully utilize all federal transportation funds authorized in Nevada as well as demonstrated current projects which fit requirements for receiving additional federal funding redistribution. Director Swallow explained that NDOT must act quickly and obligate all of the funds by the end of the federal fiscal year at the end of September 30, and as such there is no time to add new projects, but will rather help with additional funding for projects that are already planned, such as the widening of I-15 north of Las Vegas and new I-80 truck-climbing lanes in Eureka County to name a few.



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Director Swallow concluded her report by sharing how NDOT is contributing to the economy. Director Swallow indicated that the agenda for this meeting includes contracts and agreements that would support 446 job years, pending approval, for a total of 4,207 job years supported through NDOT programs so far this year.

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

Director Swallow indicated that there is one contract for the Board's consideration. The low bidder was Las Vegas Paving Corporation for a 23-mile preservation project along I-15 that includes pavement preservation, bridge-depth preservation, drainage improvement, and some ITF.

**Motion:** Approval of Contracts over \$5,000,000  
**By:** Lieutenant Governor Kate Marshall  
**Vote:** Passed unanimously

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

Director Swallow indicated that there are four agreements for the Board's consideration. The first one is a new agreement with Parametrix to provide an update as required every five years for the state freight plan. The second agreement is with Honeycomb Consulting to extend a one-year agreement that provides consultant support related to the Title VI program through 2024. The third agreement is a new agreement with GrayMar Environmental Services to provide on-call trash and debris cleanup within NDOT rights of way in multiple locations across District 2 through December of 2022. The final agreement is an on-call consulting agreement with five consulting engineers: Parametrix; Kimley-Horn and Associates; Jacobs Engineering group; CA Group; and Atkins North America to provide on-call planning services with the department.

**Motion:** Approval of Agreements over \$300,000  
**By:** Member Stephen Ascuaga  
**Vote:** Passed unanimously



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**7. 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 informed this is an information item only.

There were no questions from members.

**8. Consideration of Approval of 2022 Annual Work Program and Acceptance of the 2021-2024 Statewide Transportation Improvement Program (STIP) Update**

Director Swallow explained that this item was presented at the August Board meeting, followed by a 10-day public comment period, during which NDOT did not receive comments. Director Swallow indicated the only the approval of the Annual Work Program is before the Board today as the STIP update is a quarterly update. Director Swallow indicated that the STIP will be updated next year at this time. Director Swallow reiterated that the STIP is in alignment with Board-adopted performance goals as well as the data-driven One Nevada plan, but NDOT will use the comments from the local community to adjust the STIP if needed.

Member Justin Kalb asked if the Board was approving only the one-year plan and then discussions will occur later for the four-year STIP?

Director Swallow answered that yes today is the approval of the Annual Work Program and the STIP will be approve this time next year.

Lieutenant Governor Kate Marshall explained that a lot of concern has been raised regarding the direction and intent of the STIP and opined that it would be prudent for the Board to provide some input so that the process next year will be in line with all the interests that must participate in that process.

Member Stephen Ascuaga indicated his support of Lieutenant Governor Marshall's comments.



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Governor Sisolak asked Director Swallow if the Board moves forward with approving the STIP, can input be accepted as it relates to adjusting or amending it in the next year.

Director Swallow indicated that only the Annual Work Program will be approved today and that suggestions and input on what the STIP should look like next year can be received.

Sondra Rosenberg, Assistant Director for Planning, reiterated that only the Annual Program is up for approval today and further indicated that NDOT has heard the comments and can provide additional information on the process and a number of other factors that factor in. Ms. Rosenberg indicated that the information is available on NDOT's website, but that NDOT is happy to do outreach and coordination with anyone interested.

Governor Sisolak indicated that the desire to get more information is not exclusive to those who are present and rather, is inclusive of everybody that might have input.

**Motion:** Approve the 2022 Annual Work Program and direct NDOT as they create the 2021 to 2024 STIP to specifically reach out to the parties that have expressed concern for the draft as presented, keeping the following factors in mind: no county left behind; balancing the needs of economic diversification with all of Nevada's residents; the requirement that existing roads be preserved, and federal dollars maximized.

**By:** Lieutenant Governor Kate Marshall

**Vote:** Passed unanimously

9. SUR 20-07 -- Disposal of a vacant parcel at IR-580 and Damonte Ranch Parkway, Reno, State of Nevada (For Possible Action)

Director Swallow indicated the Department recommends disposal of this parcel.

There were no questions from the members of the Board.

**Motion:** Approval of the Disposal of a vacant parcel at IR-580 and Damonte Ranch Parkway, Reno, State of Nevada

**By:** Member Justin Kalb

**Vote:** Passed unanimously



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10. SUR 20-08 -- Disposal of a vacant parcel at IR-580 and Damonte Ranch Parkway, Reno, State of Nevada (For Possible Action)

Director Swallow indicated the Department recommends disposal of this parcel.

There were no comments from the members of the Board.

**Motion:** Approval of the Disposal of parcel at IR-580 and Damonte Ranch Parkway, Reno, State of Nevada

**By:** Controller Catherine Byrne

**Vote:** Passed unanimously

11. SUR 19-22 -- Disposal of a vacant parcel along the northside of IR-80, between the Vine Street overpass and the Keystone Interchange, Reno, State of Nevada (For Possible Action)

Director Swallow indicated the Department recommends disposal of this parcel.

There were no comments from the members of the Board.

**Motion:** Approval of the Disposal of parcel along the northside of IR-80, between the Vine Street overpass and the Keystone Interchange, Reno, State of Nevada

**By:** Controller Catherine Byrne

**Vote:** Passed unanimously

12. ABD 18-33 -- Resolution of Abandonment of portions of land lying along US-95 and Durango Drive, in the City of Las Vegas, Clark County, State of Nevada (For Possible Action)

Director Swallow indicated the Department owns easement rights to this land and the underlying property owner has changed to a private developer. Director Swallow indicated that NDOT agrees that portions of the land can be relinquished.

There were not comments from the members of the Board.





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**Motion:** Approval of the Resolution of Abandonment of portions of land lying along US-95 and Durango Drive, in the City of Las Vegas, Clark County, State of Nevada  
**By:** Member Justin Kalb  
**Vote:** Passed unanimously

**13. Announcement of Apparent Best Value Proposer to Design and Build the I-15 Tropicana Interchange Project (Informational Item Only)**

Nick Johnson, Chief of Project Management, gave a brief presentation about NDOT's evaluation of the proposals. Mr. Johnson explained that NDOT started the procurement process about a year ago with a request for qualifications to the industry. Three proposers were shortlisted, and earlier in 2021, the final RFP was issued to all the proposers and the proposals were received in June. NDOT has evaluated and scored those proposals using a process that follows NRS, federal CFRs, and the Pioneer Program Manual. Mr. Johnson explained that the scoring for proposals is based on a 100-point scale, 60 points of which are given to price and 40 of which are given to the technical proposal. Mr. Johnson also discussed the evaluation process itself, indicating that a number of unbiased committees evaluate the technical proposals, come up with their findings, meet as a group, and come up with a consensus scoring for each of the proposals and criteria. The information is presented to the project selection committee, does their own evaluation, and then also comes up with a consensus score for the proposals. At that point the technical scores and the price score are combined by the procurement advisory team and only the scores, not the proposers' names or price, are presented to the selection official, Director Swallow. Once the recommendation is approved, the names of the proposers and prices are revealed.

Lieutenant Governor Kate Marshall asked how many individuals are on the technical committees.

Nick Johnson was not certain exactly how many but projected likely 20 to 30 staff with a project selection committee of only five to six.

Lieutenant Governor Kate Marshall asked if the RFP responses are provided to the committees blind as to the entity that has submitted the response.

Nick Johnson indicated that they are not as they see all the proposals and further indicated that there is not a way to screen that.



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Lieutenant Governor Kate Marshall asked if in the selection committee consensus evaluations there is an analysis of price at that time.

Nick Johnson responded that the committees do not ever see the price.

Lieutenant Governor Kate Marshall asked if non-NDOT employees are included in the evaluation committees.

Nick Johnson responded that the committees consist of department staff.

Nick Johnson continued, informing the Board that when a determination is made that a proposal does not meet the requirements or rules outlined in RFP, the proposal is no longer evaluated or scored, and the price is not opened or scored at all. Mr. Johnson announced that Kiewit Infrastructure West is the best value proposer for the Tropicana Design Build project. Mr. Johnson informed the Board that the next step will be that the team will finalize the contract with Kiewit, seek federal highway concurrence on the contract, and then bring the contract back before the Board in October to ratify the selection and approve the design build contract.

Member Justin Kalb asked how the criteria is defined for the build process and how the people involved in the bidding process are involved in that criteria. Mr. Kalb further inquired if there was ever the idea of setting up something like a town hall for contractors to get together and agree on criteria.

Nick Johnson explained that the criteria is developed per the project goals specifically for each project. Mr. Johnson further indicated that prior to the pandemic, full-day workshops were held with major contractors to go through this process and that this process worked well.

Lieutenant Governor Kate Marshall indicated her surprise that there is a significant difference in price between the first and second bidder, particularly because Ames, the second bidder, is a reputable entity in Nevada that has done design build projects in the past. Lieutenant Governor Marshall further indicated her concern that Kiewit does not have a contract with Teamsters Local 631 and that they have had subcontractor issues with the state in their last project whereas Ames has also provided very good experiences.

Nick Johnson acknowledged that Ames is a great company that has done a lot of fantastic work for the state and indicated that he is not able to disclose any further information due to confidentiality. Nick Johnson further indicated that the team had scored Kiewit highly.



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Chris Koenig, Kiewit, indicated that Kiewit has not had a contract with the Teamsters in over 20 years. He indicated that Kiewit has a different business model than competitors in that it does not own its own fleet of trucks, does not have an aggregate source, and doesn't do its own asphalt paving and as such subcontracts trucking out to local trucking firms that are all signatory with the Teamsters. He further indicated that Kiewit has been a union company for 137 years without likelihood of that changing.

Member Stephen Ascuaga commented that as a Board member, he trusts the process, particularly as he does not have the expertise that NDOT staff and professionals do when it comes to things like technical scoring. Mr. Ascuaga further indicated his support of the separation of technical and pricing as a key component and asked for confirmation that the disqualified company was no longer evaluated in terms of pricing or anything such as that.

Nick Johnson confirmed that this was correct.

#### 14. 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.

Governor Sisolak indicated that there are two groups in southern Nevada that are relating to the third proponent that was not considered and the design that the third proponent proposed.

Director Swallow explained that the one of which she is aware is just talking about the design overall and has nothing to do with the proposers.

Bill Wellman, Las Vegas Paving, indicated that this is not about qualifications of the contractors as Kiewit is a very highly respected, qualified contractor, as is Ames. Mr. Wellman explained that what he discussed last time, that was not seen, was the published engineer's estimates of \$224 million, which was raised from \$180 million because NDOT added a very significant amount of work in repaving I-15 from Tropicana to the 215 Interchange



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and all its ramps. Mr. Wellman indicated that Las Vegas Paving's proposal was \$228 million for the work. Mr. Wellman explained his feeling that his company had a unique design and that the subjectiveness of this process required it to be disqualified. Mr. Wellman indicated that this comes down to the spending of taxpayers' money. Mr. Wellman further indicated that being the local contractor, Las Vegas Paving knows the community, knows the industries surrounding the Tropicana Interchange, and has dealt with them.

Scott Kreeger, Senior Vice President of Development for Station Casinos, introduced the head of architecture and developing for Station Casinos and a consultant from Kimley-Horn. Mr. Kreeger explained that since the early 2000s, Station Casinos has assembled land that encompasses almost 100 acres overall with the intention of building a large, integrated resort on the site, a project that represents an opportunity to create thousands of construction jobs as well as permanent jobs as well as a new source of tax revenue for both the state and county. Mr. Kreeger discussed how critical the ingress/egress is to the success or failure of a project. Mr. Kreeger indicated that he has had several meetings with NDOT over the years and that this area continues to evolve. Mr. Kreeger further identified several critical concerns and requested additional time to study the concerns on this site before moving forward.

Michael Britt, the head of architecture and development for Station Casinos, provided the Board with a mitigation traffic plan and an overall site plan and explained that the area in question right now is a mixed use of warehouses, office space, and small buildings. He indicated his desire to have everyone on the Board aware of the plan for this property, which is to build a mega resort and explained that the most amount of planning time is spent on traffic flow into and out of the project. He further indicated his concern that right at that interchange, there will be constriction on how customers get in and out of the project. As such, he requested that the Board take into consideration working with NDOT to ensure that this project really will work with whom he believes to be the largest stakeholder on that corner.

Ken Ackeret, Kimley-Horn, discussed the consolidation risk magnitude of the project being a major traffic generator and explained that the challenge is that it takes years to bring forth a project like the Tropicana Interchange. Mr. Ackeret further indicated that southern Nevada faces the challenges of the dynamics, the traffic, variables that continually happen, and what is going on at the corner of Dean Martin, the connector road, and Tropicana, the interchange corridor. Mr. Ackeret discussed the need to get in a project like this, a major-dollar investment, the roadway, the connections, and the access in and about the interchange.



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Scott Kreeger indicated his excitement that there are improvements being considered around the site and indicated his desire to ensure that the improvements will help not only his site's development, but also the state's future plans. Mr. Kreeger pointed out that jobs and tax revenue are at stake for both Nevada and border states and expressed his desire to work with NDOT staff to look at some of the key ingress/egress points and traffic signalization in order to work together to improve the site to better suit the residents of Nevada.

Governor Sisolak asked there is a timeline by which Mr. Kreeger wanted this to begin.

Scott Kreeger indicated that the actual timeline of the project beginning has yet to be determined and is currently still in its pre-development stage.

Governor Sisolak added his concern regarding the impact on the businesses in the four corners in the proposed area by this decision and design. Governor Sisolak therefore asked that prior to the next meeting, that NDOT, the gentlemen who spoke, and the other property stakeholders meet as soon as possible to discuss the situation at hand to get some input that may allay their concerns or integrate those concerns into the design.

Director Swallow agreed that this was a feasible request. Director Swallow further expressed that the underlying have not been this direct about it as a full signal at Dean Martin would disrupt the NEPA document and would delay the project.

Governor Sisolak indicated that perhaps this could be resolved in the meetings he is proposing at his direction as Chair.

Governor Sisolak asked if there was any Public Comment.

Lieutenant Governor Kate Marshall thanked Director Swallow and the NDOT staff for all their work across the state and indicated that she has been very impressed with their efforts.

No other public comment.

**15. Executive Session**



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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. There was no executive session in this meeting.

**16. Adjournment (For Possible Action)**

Governor Sisolak adjourned the September 13, 2021 Nevada Department of Transportation Board Meeting.

DocuSigned by:

A handwritten signature in black ink that reads "Jeff Lerud".

Jeff Lerud, Deputy Director

Secretary to the Board of Directors