



Nevada Department of Transportation

Board of Directors • Meeting Minutes

October 11, 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, October 11, 2021. A roll call was conducted, and a quorum was established.

Present: Governor Steve Sisolak, Secretary of State Barbara Cegavske, Controller Catherine Byrne, Member Justin Kalb, Member Stephen Ascuaga, and Member Virginia Valentine.

2. Presentation of Retirement Plaques to 25+Year Employees

Director Swallow indicated that there is one retiree named Thomas Lightfoot who spent 30 years serving the State of Nevada and NDOT and retired as a traffic safety engineer.

3. Public Comment

There was no public comment.

4. Consideration of Approval of the September 13, 2021 Nevada Department of Transportation Board of Directors Meeting Minutes. (For Possible Action)

Motion: Approval of the September 13, 2021 Nevada Department of Transportation Board of Directors Meeting Minutes

By: Controller Catherine Byrne

Vote: Passed. Barbara Cegavske abstained.

5. Receive Director's Report (Informational Item)

Director Swallow began the director's report with a discussion on safety. Director Swallow reported that from January 1 through the end of September 2021, 289 people have lost their lives on Nevada roads and that there



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have been more fatalities since the beginning of October. This is 28 percent higher than last year and equal to approximately one death per day on average. Director Swallow further indicated that Nevada traffic fatalities through the end of the week preceding the meeting have surpassed the total year-end fatalities for calendar years 2010, 2011, 2012, 2013, and 2014. Director Swallow reported that impairment and speed continue to be the biggest factors and explained that in one 72-hour period in September, eight people in Southern Nevada lost their lives on Nevada roads, four of them within a four-hour timeframe. Impairment is suspected in a crash that left one man dead and his female passenger critically injured on September 27 in Las Vegas. Director Swallow informed the Board that this month, the partners at Zero Fatalities have rolled out their final campaign of 2021, a rideshare campaign focused on impaired driving. Director Swallow explained that in the campaign, Zero Fatalities juxtaposes the typical, enjoyable rideshare, like an Uber or Lyft, with a different type of rideshare where the impaired driver is in the backseat of a police car following an arrest for DUI. Director Swallow explained that through a robust, bilingual outreach plan, creative engagement and social media, statewide news and other tools, the campaign hopes to encourage drivers to always drive sober, plan ahead, and use a designated driver or rideshare when drinking.

Director Swallow next provided an update on the advisory working group for sustainable funding. Director Swallow reported that in the September meeting, an in-depth discussion took place around how other states are funding their transportation systems, as well as a detailed review of Nevada's revenue sources for its program. Director Swallow indicated that after discussion the state of transportation electrification in the nation as a whole, next came a discussion identifying transportation revenue principles to guide the evaluation and selection of sustainable funding mechanisms that would best suit Nevada. These guiding principles included concepts laid out in AB 413 that formed the group, including mobility for all, equity, and greenhouse gas emissions. Director Swallow further indicated that guidelines regarding revenue, diversification, efficiency, ease of compliance, near-term sufficiency, long-term viability, transparency, and flexibility were discussed. Director Swallow informed the Board that the group will meet again on November 9 and review how Nevada's current transportation taxes and fees perform against its guiding principles. In addition, the group will also review two transportation funding models as directed by the legislature: Utah's new road users' charge; a concept proposed by the National Resources Defense Council that would apply different per-mile rates based on a vehicle's miles per gallon. Director Swallow indicated that the group is optimistic that this study will help identify a path forward to ensure long-term viability of the state highway fund.

Director Swallow informed the Board that NDOT is continuing to track the Investing in Infrastructure and Jobs Act (IIJA), which was not passed by the end of the federal fiscal year on September 30. As a result, the highway



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fund and all the authorizing language lapsed for a day before a continuation of authorizing language was enacted through the end of October. Director Swallow indicated that the goals of IJA align with the state's goals of preserving infrastructure, environmental sustainability, inclusion of extensive support for electric vehicle charging networks, and bridge preservation. Director Swallow indicated that NDOT will continue to keep the Board up to date and will continue to work closely with federal legislators to ensure the passage of this bill or, at the very least, longer term extensions as it is difficult to deliver a five-year program on a 30-day extension.

Director Swallow next updated the Board on COVID-19 relief funding. Director Swallow reminded the Board that at the end of 2020, NDOT received \$70 million of the state's \$90 million allocation. As such, NDOT held onto that funding to ensure that all federal funding was obligated first, after which NDOT competed for August redistribution funding, and once that funding was received, NDOT was able to apply some of the COVID relief funding to ensure that Phase 3 of the I-15 North widening project from Speedway to Garnet was able to be delivered, a project with an estimated total cost of between \$71 and \$85 million, of which over \$48 million was funded by COVID relief money. Director Swallow further indicated that NDOT is being sure to leverage all other federal funding to maximize the program.

Director Swallow next discussed the winter weather beginning to arrive in Northern Nevada. NDOT is preparing to keep roads clear when the snow starts by hiring temporary maintenance workers to help with snowplow and anti-icing operations as well as highway emergency response and other duties. Director Swallow indicated that NDOT is accepting applications through Friday, October 15 for positions across the state. Director Swallow explained that NDOT generally begins annual winter preparation in the early fall by readying snowplows and other pieces of snow and ice equipment for use in snow removal across Nevada. Director Swallow also indicated that permanent highway maintenance positions are always available across the state, so interested individuals need not wait to apply for a winter maintenance job. Director Swallow indicated that NDOT maintenance professions perform nearly 100 different types of tasks, including snow, ice, and debris removal, roadway patching, sweeping slope enhancements, and more to help keep travelers on Nevada roadways safe and connected.

Director Swallow next provided an update on the impact of NDOT on the workforce in Nevada. Director Swallow indicated that this is typically done on a monthly basis and then closed out at the end of the federal fiscal year. In the fiscal year that ran from 10/2020 through 09/2021, NDOT supported a total of 4,207 job years. For FY '22, in this first agenda of the new fiscal year, nearly 4,000 job years will be supported if everything on today's agenda is approved.



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Controller Catherine Byrne asked if Uber, Lyft, taxis and other alternate transportation options for the impaired are up to a level where they can support the need, citing the possibility of a rideshare service taking an hour and a half to arrive.

Director Swallow indicated that she is not privy to the full staffing information of Uber and Lyft, but did indicate her personal experience of struggling to find a rideshare back in the spring, whereas this is no longer an issue at present. Director Swallow next discussed the importance of personal responsibility of planning ahead to ensure that a rideshare or cab will be available prior to imbibing, and if not, perhaps a designated driver or another sober friend/driver might be a better option. Director Swallow indicated that this is a part of the problem, but not the entire problem.

Controller Byrne concurred and asked about the public awareness and outreach to the public regarding the seriousness of this problem this year.

Director Swallow indicated that the Nevada Office of Traffic Safety has been doing campaigns throughout the year, and this is the campaign aimed for this fall. Director Swallow also discussed Nevada Office of Traffic Safety's Public Information Officer, Andrew Bennet, out in the media discussing the challenge of this particular issue this year.

Controller Byrne concurred that this issue does in many ways come back to individual responsibility and indicated her hope that these statistics improve towards the end of the year.

Governor Sisolak asked about the status of employee vaccination percentages and progress.

Director Swallow indicated that while NDOT's headquarters campus is at over 70 percent, the department is still continuing weekly testing where the threshold has not been reached, and is performing progressive discipline when there are team members out of compliance.

Governor Sisolak asked for a report at next month's meeting, indicating that he would like the state to serve as an example, especially if the private sector is expected to step up.



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

Director Swallow indicated that there are two agreements for the Board's approval. The first is for HDR Engineering to help NDOT with the design services for safety improvements along Sahara from Rainbow to I-15. Director Swallow explained that this is a project that has been extensively coordinated with the city of Las Vegas as well as with the county. The second is an amendment to an existing agreement with Geotechnical and Environmental Services, who currently provide construction support on projects in District 3, the northern part of the state. This amendment is for additional funds to help support the remainder of the 2021 as well as the 2022 construction season.

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

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.

8. ABD 20-05 -- Resolution of Abandonment of a portion of Material Site LN 02-05 lying along US-93 in Lincoln County, State of Nevada

Director Swallow explained that NDOT has an easement to mine gravel from this piece of land. The underlying property owner when the easement was achieved was the BLM, who has since sold that land to another private owner who has requested that NDOT relinquish its rights to those 10 acres out of 120.

Motion: Approval of ABD 20-05 – Resolution of Abandonment of a portion of Material Site LN 02-05 lying alone US-93 in Lincoln County, State of Nevada
By: Member Virginia Valentine



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Vote: Passed unanimously

9. ABD 20-09 -- Resolution of Abandonment of portions of highway right-of-way along SR-400 in Pershing County, State of Nevada (For Possible Action)

Director Swallow explained that NDOT had a right-of-way for their roadway of 200 feet on either side of the center line. The BLM has since sold the land to a private owner, who has requested that NDOT relinquish 70 feet on one side and 100 feet on the other for the owner to have better use of their property.

Motion: Approval of ABD 20-09 -- Resolution of Abandonment of portions of highway right-of-way along SR-400 in Pershing County, State of Nevada

By: Member Virginia Valentine

Vote: Passed unanimously

10. Resolutions of Relinquishment of Portions of SR-159 Charleston Boulevard, SR-582 Fremont Street, and SR-589 Sahara Avenue, in the city of Las Vegas, Clark County, State of Nevada (RT 15-01 A1 through RT 15-01 A7)

Director Swallow explained that this is a relinquishment to the city of Las Vegas of these three corridors, in exchange for which NDOT previously received Summerlin Parkway.

Multiple members of the Board thanked Director Swallow and her staff for their efficiency in briefing the members of the Board ahead of time on items of this nature, thus allowing the Board to move quickly through these items during meetings.

Governor Steve Sisolak wanted to thank Director Swallow for answering all his questions during his briefing and he appreciates having those questions answered efficiently.

Controller Catherine Byrne added that NDOT staff is very helpful at providing information.

Secretary of State Barbara Cegavske wanted to echo the sentiments of Governor Sisolak and thank the Director for getting her up to speed for this meeting.



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Motion: Approval of Resolutions of Relinquishment of Portions of SR-159 Charleston Boulevard, SR-582 Fremont Street, and SR-589 Sahara Avenue, in the city of Las Vegas, Clark County, State of Nevada (RT 15-01 A1 through RT 15-01 A7)

By: Controller Catherine Byrne

Vote: Passed unanimously

11. Review and Ratify the Selection of Kiewit Infrastructure West Co. as the Design-Builder for the I-15 Tropicana Interchange Project (NDOT Project #3855DB) and Approve the Design-Build Agreement for the I-15 Tropicana Interchange Project between NDOT and Kiewit Infrastructure West Co.

Nick Johnson, NDOT Project Management, provided the Board with a brief presentation on the review and ratification or selection of the design-build proposer and the approval of the design-build agreement for the I-15 Tropicana design-build interchange. Mr. Johnson reiterated that the selection process for this project follows NRS 408 and the Pioneer Program Guidelines. Additionally, as part of the process, a stipend of \$350,000 will be awarded to the unselected responsive proposer(s). Mr. Johnson reminded the Board that Kiewit Infrastructure West had the highest combined score of both the technical and price component, with agreement terms that closely mirror the technical provisions of the RFP, which has been updated to include all the proposal commitments that Kiewit had in the contract through Appendix 12. Mr. Johnson indicated that the contract price is a lump sum price of approximately \$305 million. Mr. Johnson explained that through Kiewit's design innovations and their alternative technical concepts, they're able to reduce many of the project impacts such as lane closures, business access during construction, utility impacts, as well as enhance the pedestrian movements both during construction and with design.

Nick Johnson indicated regarding construction and schedule, Kiewit achieves substantial completion in the fourth quarter of 2024, which is three months sooner than noted in the RFP, but more significantly, Kiewit was able to reduce 640 days' worth of lane closures cumulatively as compared to the allowable closures in the RFP, amounting to almost \$140 million of benefit and value given back to the traveling public with the reduction in closures. Mr. Johnson explained that Kiewit additionally proposed to build the active traffic management signs early in the project, which allows for management of traffic well in advance of the construction work zone. In addition, due to Kiewit's proactive approach to communication and public outreach, there were no surprises with the businesses, the key stakeholders, or the community in the surrounding area.



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Nick Johnson indicated that during procurement, the department and the Southern Nevada Buildings and Trades Union worked collaboratively to develop and execute the PLA, which all of the unions have signed, so the PLA is now ready to go. Mr. Johnson highlighted some of the benefits of the project including improvement of overall safety for all users on the road, including pedestrians, as well as a safer connection to the west side of I-15, and improved travel time and reliability through the corridor on Tropicana and on I-15. Mr. Johnson estimated approximately \$560 million of total benefit being given to the public as a result of this project along with 3,900 created job years and support of the current and future development of the resort corridor. Mr. Johnson concluded his presentation by reminding the Board of two items for possible action today, one being the ratification and selection of Kiewit Infrastructure West as the design-builder for the project, the other being the approval of the design-build agreement.

Public Comment for Item 11

Craig Madole, CEO of Nevada AGC, encouraged the Board to favorably consider staff's recommendation on this project. Mr. Madole further indicated that today's presentation is a culmination of many collaborative efforts between industry and NDOT. Mr. Madole further indicated that if this isn't awarded, he worries that the industry would not invest in the resources needed to participate in future design-build proposals.

Bill Wellman, Las Vegas Paving, reiterated his concerns about comparisons of the project, citing the best value and the good stewardship of taxpayer dollars. Mr. Wellman explained that engineers' estimates can be used for many things, but the primary one is the allocation of funding. As such, Mr. Wellman indicated that regardless of funding sources, it is erroneous to consider awarding a project 36 percent over the engineers' estimates, even if using COVID funds as a benefit from the state. Mr. Wellman explained that if this was a bid-build project, it would not be consistent, and indicated that in this particular process, other bids were received that were significantly less than the \$305 million submitted by Kiewit. Mr. Wellman indicated that rather than create 36 percent more jobs, this robs from the funding that other projects would have had. Mr. Wellman further opined that the reality is that in any business, private or public, spending \$80 million extra to save 50 is the direct line to insolvency. Mr. Wellman further expressed his concern that with few published exceptions, this project has been confidentially held and further indicated that if not for the ATCs being accepted, if this was comparison-based on the baseline technical concept that NDOT had, this proposal would be 47 percent over the engineer's estimate. Mr. Wellman challenged line items on the proposal, for example, item number 10 showing the elimination of the bridge structure for Dean Martin Drive, and item 11 minimizing the elevation of Tropicana Avenue, indicating that these have no values attached to them. In addition, Mr. Wellman indicated that the



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schedule is 29 days longer than that of the second proposer and 14 days shorter than what the DQ proposal was. Mr. Wellman also pointed out that schedule is insignificant compared to the cost savings to the taxpayer. Moreover, Mr. Wellman indicated that NDOT staff reported on a \$1.1 billion annual budget at the American Public Works Conference, a \$560 million-plus annual shortfall, plus \$90 million in rural shortfall, which Mr. Wellman opined can never be rectified if this kind of money continues to be erroneously spent. For all these reasons, Mr. Wellman encouraged the Board to protect the taxpayers' best interest and not award this project at such an over budget and egregious price.

Scott Kreeger, Senior Vice President of Development, Station Casinos, reminded the Board that 30 days earlier, Station Casinos had expressed great concerns regarding the traffic issues and design of the interchange. Mr. Kreeger referred to concerns expressed back in 2018, well before the NEPA process and indicated that in a meeting with Kiewit the previous week, it was identified that Station Casino's 2018 intended use recommendations were never considered in the NEPA process. Mr. Kreeger explained that Kiewit had been asked regarding solutions to any of Station Casinos' recommendations, to which Kiewit responded that they had never seen the documents before. As such, Mr. Kreeger expressed concern that it was represented to Station Casinos that both Kiewit and NDOT had spent a good deal of time doing engagement with the stakeholders, one of whom is Station Casinos. Mr. Kreeger indicated that Station Casinos would like to have a fair engagement of their concerns with some solutions tied to that engagement, and as such, would like to ask the Board to consider an additional 30 days to work with Kiewit and potentially reach solutions that can work for both sides and benefit the taxpayers.

Governor Sisolak asked Director Swallow for an explanation regarding why Station Casinos' documents submitted prior to NEPA had been disregarded.

Director Swallow explained her understanding that throughout the process, multiple site plans have been submitted by Stations Casinos, and that NDOT must use the RTC model. Director Swallow deferred to Nick Johnson for what was in place at the time of Station Casinos' submissions.

Governor Sisolak asked Nick Johnson if NDOT had considered the material from Station Casinos in 2018 and expressed his concern that Station Casinos is representing that they were not involved in the discussion and that their concerns weren't considered.



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Nick Johnson indicated that NDOT did have and considered the information and had met with Station Casinos multiple times. Mr. Johnson explained that accommodations for certain access points along Dean Martin had been made for future development plans. Mr. Johnson further indicated that three weeks ago was the first time NDOT had received traffic numbers from the representatives at Station Casinos, and that the model had been based on land-use planning that was in the Trans-CAD model.

Governor Sisolak asked for confirmation from Scott Kreeger as to when NDOT was given the traffic models from Station Casinos.

Scott Kreeger confirmed that the traffic models were provided to NDOT three weeks ago and clarified that he was referencing the fact that NDOT did not use Station Casinos' intended use for the parcel in their consideration, meaning that they looked at the intended use "industrial" versus "H1."

Nick Johnson explained that NDOT did use the "H1 limited resort modeling" in the traffic numbers.

End of Public Comment for Item 11

Governor Sisolak explained that this is an important project if it moves forward as it will provide a lot of jobs and a lot of tax revenue. The Governor further indicated the importance of making every possible accommodation to assure the viability of the project and indicated his concern and asked for clarification regarding Kiewit's participation in the discussion regarding the one piece with the left-turn access about which everyone is concerned and seems to have found no solution.

Nick Johnson indicated that this is correct, and that Kiewit was brought into the discussion the previous week.

Governor Sisolak expressed hope that NDOT, Kiewit, and Station Casinos could solve this situation with a 30-day delay. The Governor next requested that the parties involved get together and try to come up with a solution so that this topic can be brought back again at the next meeting. The Governor explained his support for the job creation provided by this project, and also expressed the importance of assuring that the property has every opportunity to move forward and have the viability suggested.

Virginia Valentine indicated the importance of this project and indicated her support of holding this for 30 days were the governor to make a motion.



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Member Justin Kalb asked if delaying the project 30 days would impact anything other than the completion.

Director Swallow indicated that it could impact the completion but did not believe there would be other impacts. Director Swallow further indicated her uncertainty about being able to achieve a resolution on the connector road access.

Governor Sisolak encouraged all members to approach this meeting with the idea that a solution can be reached.

Member Stephen Ascuaga supported the 30-day extension and Board Member involvement for a solution. He asked if this needed to be ratified.

Director Swallow stated it did not need to be ratified as Kiewit was not currently under contract or any sort of agreement and anything done is at risk to them alone.

Chris Koenig, Kiewit, indicated Kiewit's commitment to finding solutions, options and ideas, but cautioned that it is unlikely that an engineered solution could be provided in 30 days. Nonetheless, Mr. Koenig indicated his willingness to form a task force and begin working toward a solution with NDOT and Station Casinos.

Motion: Hold item number 11 until the next meeting, before which time NDOT staff will work with stakeholders, specifically Station Casinos, and Kiewit to find an acceptable path forward.

By: Member Virginia Valentine

Vote: Passed unanimously

12. 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. Receive information from legal counsel regarding potential and existing litigation involving a matter over which

There was no further public comment.



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13. 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 (Note: This item may be closed to the public pursuant to NRS 241.0115(3)(b)(2) in order to discuss legal matters.)

There was no executive session in this meeting.

14. Adjournment (For Possible Action)

The October 11, 2021 Nevada Department of Transportation Board of Directors Meeting was adjourned.

DocuSigned by:

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

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Jeff Lerud, Deputy Director

Secretary to the Board of Directors
