



Department of Transportation
Board of Directors
Notice of Public Meeting
1263 South Stewart Street
Third Floor Conference Room
Carson City, Nevada
December 9, 2013 – 9:00 a.m.

AGENDA

1. Receive Director's Report – *Informational item only.*
2. Public Comment – limited to no more than three (3) minutes. The public may comment on Agenda items prior to action by submitting a request to speak to the Chairman before the Meeting begins. *Informational item only.*
3. November 13, 2013 Nevada Department of Transportation Board of Directors Meeting Minutes – *For possible action.*
4. Approval of Contracts over \$5,000,000 – *For possible action.*
5. Approval of Agreements over \$300,000 – *For possible action.*
6. Contracts, Agreements, and Settlements – *Informational item only.*
7. Public Auction – *For possible action.*
 - Disposal of NDOT owned underground water rights located within the former Dry Lake Rest Area in Clark County, NV SUR 10-06
8. Direct Sale – *For possible action.*
 - Disposal of NDOT property located along a portion of SR-160 (Blue Diamond Road) east of Cameron Street in Clark County, NV SUR 12-04
9. Update on Vehicle Miles Traveled (VMT) and Consideration of Request to Join the Western Road Usage Charge Consortium – *For possible action.*
10. Possible Approval of Triennial Disadvantaged Business Enterprise (DBE) Goal for Federal Fiscal Years 2014 – 2016 – *For possible action.*
11. Old Business
 - a. Report of Outside Counsel Costs on Open Matters – *Informational item only.*
 - b. Monthly Litigation Report – *Informational item only.*
 - c. Fatality Report dated November 25, 2013 – *Informational item only.*
 - d. Clarification Regarding Fuel Tax Indexing – *Informational item only.*
 - e. I-11 and Intermountain West Corridor Study Stakeholders – *Informational item only.*
12. Public Comment – limited to no more than three (3) minutes. The public may comment on Agenda items prior to action by submitting a request to speak to the Chairman before the Meeting begins. *Informational item only.*
13. Adjournment – *For possible action.*

Notes:

- Items on the agenda may be taken out of order.
- The Board may combine two or more agenda items for consideration
- The Board may remove an item from the agenda or delay discussion relating to an item on the agenda at any time.
- Reasonable efforts will be made to assist and accommodate physically handicapped persons desiring to attend the meeting. Requests for auxiliary aids or services to assist individuals with disabilities or limited English proficiency should be made with as much advance notice as possible to the Department of Transportation at (775) 888-7440.
- This meeting is also expected to be available via video-conferencing, but is at least available via teleconferencing, at the Nevada Department of Transportation District One Office located at 123 East Washington, Las Vegas, Nevada in the Conference Room and at the District III Office located at 1951 Idaho Street, Elko, Nevada.
- Copies of non-confidential supporting materials provided to the Board are available upon request.
- Request for such supporting materials should be made to Holli Stocks at (775) 888-7440 or hstocks@dot.state.nv.us. Such supporting material is available at 1263 South Stewart Street, Carson City, Nevada 89712 and if available on-line, at www.nevadadot.com.

This agenda was posted at www.nevadadot.com and at the following locations:

Nevada Dept. of Transportation
1263 South Stewart Street
Carson City, Nevada

Nevada Dept. of Transportation
123 East Washington
Las Vegas, Nevada

Nevada Dept. of Transportation
310 Galletti Way
Sparks, Nevada

Nevada Dept. of Transportation
1951 Idaho Street
Elko, Nevada

Governor's Office
Capitol Building
Carson City, Nevada

Clark County
200 Lewis Avenue
Las Vegas, Nevada

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Governor Brian Sandoval
Lt. Governor Brian Krolicki
Attorney General Catherine Cortez Masto
Controller Kim Wallin
Frank Martin
Len Savage
Tom Fransway
Rudy Malfabon
Bill Hoffman
Dennis Gallagher

Sandoval: ...Nevada Department of Transportation Board of Director's meeting to order. All members are present. We'll start with Agenda Item No. 1, Receive Director's Report. Director Malfabon, good morning.

Malfabon: Good morning, Governor and Board members. To start out with a bit of good news. We have our new pilot started. The downside is he's got to go to a lot of training over the next couple months. He's going to start training on the Commander first. Should be able to fly in a couple weeks, but the Citation training is going to be scheduled in December for two weeks of training before he can fly the jet. But it's good to be operational again, or at least soon, with our flight operations, decreasing some of our expenses in flying to Las Vegas for business that we do. Governor, last month we had our awards, but unfortunately, we didn't have the awards in front of us, but we did get them subsequently, so I wanted to have the opportunity to have some of the NDOT staff involved in some of those projects to have a photo op with the Board. First of all was the American Society of Civil Engineers award for the environmental project on State Route 431, Erosion Control. I believe Tyler Thew and Matt Nussbaumer might be in the audience. So Tyler and Matt, if you could come up for a photo op. Next we had award for the ITS Project of the Year. This one was the -- we had two for ITS project, Governor. The I-15 Design-Build Project was one of the projects that put a lot of fiber optic down in the Stateline and we had the -- we're proud of Tony Lorenzi here for being the front manager. Definitely others that were involved. We're going to kind of take the two ITS projects at the same time and we had the ITS Project of the Year for Statewide Video Distribution System, Video-to-Public and Video-to-Web. And if

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KimMunoz, Phil Priewe-- I mess this name up. And Mark Colley could come up and I'll do these both. These are both from ITS Nevada.

Okay. Continuing on with the Director's Report. This is kind of the off-quarterly update on Project NEON. We did mention, at the last meeting, that we had three teams. One team pulled out on the prequalification process that we had. We are very close with an agreement with the City of Las Vegas on them giving the Department funding so that we can build some of the infrastructure that's the City's responsibility on phase two of Project NEON. We expect that that will go in December to their City Council for approval for that agreement.

We've also completed the briefings to the IFC members. We've been doing additional briefings for some of the key members of the IFC regarding the \$100 million bond request. And we anticipate going to the IFC in December. It's the same date as the Board meeting, the Transportation Board meeting, so I will be conducting the Transportation Board meeting from Las Vegas so I can go testify in person at the IFC meeting, which will be held in Las Vegas.

We also met with the LCV staff and they had some questions about the bond request and we responded to those questions or are in the process of responding with additional information. But it was useful for us to understand what -- and anticipate what questions that the IFC members might be having for us in December when we do the official bond request. The process that we'll use, Governor and Board members, is to go to the IFC, get bonding authority first, and then the Transportation Board request will also be on the same date in December, since it's the same date as the IFC meeting, and then eventually to the Board of Finance.

Tony Lorenzi, our project manager at Boulder City Bypass, is here today and he was one of the award winners on the ITS project. He'll give quarterly updates on Boulder City Bypass, but this is one of those meetings where I'll just update the Board. But we are going through some discussion about lifecycle cost analysis, and this is a process to look at what paving type to put on that project, the phase one project. Currently it was being designed as asphalt pavement. We're considering concrete pavement, as well.

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We also executed an agreement with the RTC of Southern Nevada for the fuel tax indexing revenue that Clark County will get over the next three years, they are giving us \$31 million for our phase one project. Now, because phase one includes a portion of the interchange with U.S. 95, the road to Searchlight, we're going to actually enter -- in this agreement we take some of that money that they give us and put it towards their construction project, which will build our portion of that interchange. So it is a little bit complicated, but it is notable to say that we appreciate the \$31 million that the RTC of Southern Nevada is giving to the state out of that fuel tax indexing revenue and we are working well together with our project manager and their team on that project. And I wanted to also give thanks to John Terry, our Assistant Director for Engineering, in working out the details of the agreement with the RTC.

Governor, one of the items that we had previously that we anticipated bringing back today, but will be on December's Agenda, is the DBE goal, disadvantaged business enterprise goal, for the next three years. It's under legal review by the Federal Highway Administration. It's outside of the division office. It's in their regional office in San Francisco, where their legal staff are, and we'll bring that to the Board for approval in December.

One of the discussions that we've had with the legal side of FHWA is having a goal that is able to withstand any kind of challenge in court, so it has a solid basis based on the statistics that we saw in our disparity study. When we did the Board presentation previously we had a goal recommended of 7½ percent. After discussions with the FHWA, we believe that that goal is going to have to be a little bit lower because of -- the method that we used in coming up with the 7½ percent was basically an average of our baseline, 4½ percent, and the previous goal of approximately 10½, so we tried to get in the middle of that. But the legal staff from FHWA counseled us and said that that's probably not as defensible; that we have to have more solidly based on statistics, so we anticipate that the goal will be slightly less than that 7½, so probably in the 6 percent range. So it'll be established shortly and we'll bring that back. We did have the public meetings and we discussed that issue with the public. And so we anticipate that in December Board meeting that it will be presented and approved.

Had the opportunity, also, to attend the meeting of all the state DOTs in Denver recently, AASHTO. Talked a lot about the implementation of the

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MAP-21 and performance measures; adopted resolutions supporting the idea of managing by performance, but not having any kind of penalties to states that maybe are achieving that performance, but not by the measure that the federal government might apply to all states. Also a lot of discussion, as MAP-21 expires next year, to give direction to the AASHTO staff and to Congress on reauthorization of MAP-21, which expires September 30th of 2014.

An update on the VMT, vehicle miles traveled study; we're proceeding with that study, trying to accelerate it to identify what kind of legislation draft or BDRs might have to come about for a similar study to what Oregon is doing. They took volunteers to actually collect the tax. Not just do it as a test, but actually collect the fuel tax in that manner, using a vehicle miles traveled basis. So we'll be proceeding with that study. We are joining the Oregon consortium of western states that are interested in following what they're doing on that VMT study and their enactment of that volunteer group of, I believe, 5,000 drivers that are opted into that method of fuel tax collection.

As far as the EPA audit on stormwater, we issued the task order for public outreach and identifying our stakeholders, getting with stakeholders, other permit holders on this stormwater permits that are issued by NDEP. In looking at what -- with some of the areas of high profile for stormwater, Clear Creek area in Lake Tahoe up here in northern Nevada, but this is one of the first steps in developing a plan specific to the Department of Transportation. We've also been doing the hiring that we need to in the district so that we can have staff out there that are watching and documenting the actions that we're taking to comply with the EPA rules in the Clean Water Act. We also are keeping the EPA apprised of our actions, Governor and Board members.

In the news lately we -- I did a letter to the editor on this issue of equity and I think that you see a lot of news stories right now trying to drive a wedge between the north and the south. I think it's important for the Department to have a voice in that discussion, and as you see, when we get to the approval of the annual work program and the STIP, there's a lot of projects in Southern Nevada that NDOT is committed to delivering in the next few years. We recognize that we have a statewide responsibility, but we feel that we have to address this equity issue and provide the facts in a

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transparent manner, so that people have the facts. We see a lot of numbers in these editorials and letters to the editor that are kind of getting people confused with the facts of the matter. So it will continue to be an issue and one that we will stay on top of and respond to periodically.

We will have to do more to -- in discussions with the RTC of Southern Nevada, they would like us to have a better process for reporting how much money is spent on transportation projects in southern Nevada. We believe that to be as transparent as possible is the best that we can do, and we do have a public process in development of our work programs and our projects that go through the RTC, if they're federally funded. But we can see where there can be some improvements to be more transparent on recognizing that the local dollars there are significant. We've received local money in support of NDOT projects in southern Nevada, but we put a lot of federal and state funds to those projects, as well.

And that pretty much concludes the Director's Report.

Sandoval: Thank you, Director. I'd like to circle back to the VMT, because that policy decision or the decision to move forward with these studies and participating with other states, I would feel more comfortable that being a Board decision versus an executive decision, or at least having more discussion about that here. Because what I think I heard you say is that we are working together with Oregon and a group of other states and they are doing a volunteer program where drivers can opt-in or opt-out.

Malfabon: Yes.

Sandoval: I'm not sure I want to go that far with it, because it sounds like we are making a committed -- or suggesting that we're committed to a policy decision there, when I think I'd like to have a little more discussion at a Board level.

Malfabon: What it is, Governor, is just staying apprised of what they're doing. So Oregon has offered to other states to come visit their state to see how they're moving forward. It doesn't mean that Nevada has to enact any kind of policy change. It just really is staying on top of what Oregon is doing as an example.

Sandoval: But it sounded like we were joining a consortium and I'm not sure I'm personally ready to join a consortium on that where they are -- and I don't

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want to speak for the rest of the Board members, but at least me, you know, my position is I'd like to get a little bit more background on that.

Malfabon: I'll bring that forward to...

Sandoval: I don't know if there's anybody else with some comment.

Malfabon: ...at the next Board meeting on what it means to be part of that consortium. But, as I said, it's more of a staying informed of what they're doing. Oregon, being kind of the leader in the area of vehicle miles traveled as a replacement of the per gallon fuel tax, has offered to other states -- primarily western states -- to come and visit them and try to find out what they're doing as an example.

Sandoval: But when you say...

Malfabon: But we will bring that back to the Board as far as joining the consortium next month.

Sandoval: Okay. And when you say a leader, aren't they an army of one?

Malfabon: They're the -- yes, Governor, they're only doing, basically, a test with 5,000 volunteers to collect the fuel tax in a different manner. They are the only state that's doing that. Several other states are -- about 18 states are studying -- similar to Nevada, studying the idea of a vehicle miles traveled fee in lieu of a gas tax per gallon.

Krolicki: And, Governor, if I might also. Information is a wonderful thing and I fully support learning much about this and good for the folks in Oregon for doing this. But I'm not sure why we need to enter into some kind of agreement, and I think that's a term that you used, to learn about their successes or lack of successes as they move this forward. So if there's an executed document or something that you have to be participating in the receipt of information, I do think that the Governor is spot-on to learn more about that, because I think it could be misconstrued. I just want to understand what NDOT is committing to and if it's really receiving data, I'm not sure why we need to have such a formal process to do so. But if you could come back with that before we execute any kind of agreement, I think that would be preferable and wise.

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- Malfabon: And we'll have that on the December Agenda, Governor and Board members.
- Sandoval: All right. Any other questions or comments for the Director with regard to the report?
- Martin: I had one, sir.
- Sandoval: Yeah.
- Martin: Rudy, you mentioned that one out of three people had dropped out of the Project NEON and in talking to Tracy she thinks that's one out of four and we're down to three finals?
- Malfabon: Yes, Member Martin, I mentioned that three were prequalified and one had dropped out. That gave the impression that one out of the three. But, actually, it was four that put in and one of the four dropped out before we finished the prequalification process.
- Martin: Okay. So who does that leave us with then?
- Malfabon: That leaves us with -- well, the names of the consortiums are...
- Unidentified Male: Widely varied.
- Malfabon: Primarily, the -- I might need some help on this. I don't know the actual names, but basically it's -- the original team that submitted the unsolicited proposal, which was Granite with Dragados, and then the others are Kiewit with, I believe --
- Unidentified Male: (Inaudible).
- Malfabon: Yes. Is -- okay. And then the third one was the Las Vegas Paving team. So I know them by the names of the contractors, but not the financial partners that are kind of bringing the money to the table.
- Martin: That's fine, sir. So we have Kiewit, Granite, Las Vegas Paving still in the game?
- Malfabon: Correct.
- Sandoval: Correct.
- Martin: Okay.

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- Wallin: Okay. Governor, I have a question; I guess a follow up. Rudy, can you please get those right away, schedules, to the Board. It's been a year now since I've been asking for that information. And I'd to do a (inaudible) request as a Board member, so I'd really appreciate getting them before the next Board meeting.
- Malfabon: Madam Controller, I think that -- I did see an e-mail, but I think it might be best to just have a hardcopy delivered. Maybe due to the size it got kicked back and we didn't see that. But I did see some information from the project manager, Cole Mortensen, that I was cc'd on that had a list. It might not be the information that you had requested specifically, but we will check, specifically, what was provided and if it met your request.
- Wallin: Okay. Thank you.
- Sandoval: Any other questions or comments? We'll move on to Agenda Item No. 2, Public Comment. Is there any member of the public here in Carson City that would like to provide comment to the Board? We see none. Anyone present in Las Vegas that would like to provide comment to the Board.
- Martin: No, sir.
- Sandoval: We'll move on to Agenda Item No. 3, October 14, 2013, Board of Directors Meeting Minutes. Have the members had an opportunity to review the minutes and are there any changes?
- Krolicki: Governor, if I might. It's all kind of blurring to me, but I think I was present for that meeting. So if you could just add my presence to that. And, also, every time I say "you know" in the verbatim transcript, would you remove that, please? And that would be all.
- Malfabon: We'll make those changes, Governor.
- Sandoval: Okay. Member Savage.
- Savage: Thank you, Governor. On Page 76, it had noted that I had made a comment regarding the FSP and I had to leave early that day. So that was not myself and I had not had a chance to review the hourly fee with Rick and Denise. They've been very helpful in the past and I know it's water under the bridge at this point, but I would like to reconvene at some time and go over that

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\$98 versus the \$60. A little disappointment on my behalf, but I'm sure we can discuss it. Thank you.

Sandoval: So, Member Savage, that shouldn't be you saying yes, was that...

Savage: That was not me. That was not me.

Sandoval: I think that should say the Director.

Malfabon: Yeah, I think that I was the one that said yes. We'll make that change.

Savage: Thank you. Thank you, Governor.

Sandoval: Any other comments or changes to the proposed minutes? If there are none the Chair will accept a motion for approval to include the addition of the Lieutenant Governor and the members present, as well as the deletion of the reference to Member Savage and the insertion of the Director at Page 76.

Cortez Masto: So moved.

Sandoval: Attorney General has moved for approval. Is there a second?

Fransway: Second.

Sandoval: Second by Member Fransway. Any questions or comments? All in favor say aye.

Group: Aye.

Sandoval: Opposed no? Motion passes unanimously. Agenda Item -- well, we go 1, 2, 3, 5.

Malfabon: Yes, I think that we pulled Agenda Item 4 before the Agenda was finalized and didn't renumber.

Sandoval: All right. So we'll move on to Agenda Item 5, Approval of Contracts over \$5 million.

Nellis: Good morning.

Malfabon: Governor, Robert Nellis will present this item.

Nellis: Good morning, Governor, members of the Board. Agenda Item No. 5 can be found on Page 3 of 12, under Attachment A. This is for a pavement

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rehabilitation project. The Director -- I'm sorry, the Road and Highway Builders, LLC, Director (inaudible) awarding the contract to Road and Highway Builders, I'm sorry, for \$19,656,656. Are there any questions from the Board?

Sandoval: Questions from Board members on this Agenda? And that completes that item, correct?

Nellis: Correct. Yes, sir.

Sandoval: All right. If there are no questions the Chair will accept a motion for approval of the contractor for \$5 million as described in Agenda Item No. 5, with Road and Highway Builders, LLC, in the amount of \$19,656,656.

Martin: So moved, sir.

Krolicki: Second.

Sandoval: Motion by Member Martin. Second by Lieutenant Governor. Any questions or discussion? All in favor say aye.

Group: Aye.

Sandoval: Opposed no? Motion passes unanimously. We'll move on to Agenda Item 6, Approval of Agreements over \$300,000.

Nellis: Thank you, Governor. The agreements begin on Page 3 of 27, under Attachment A. Items No. 1 and 2 are together, and Items No. 3, 4, and 5 are also together. Items 1 and 2 are biological/environmental consulting agreements. It's a 50/50 split, each in the amount of \$1 million. This is for biological oversight and threatened and endangered species compliance of construction contracts in Clark, Nye, and Lincoln counties.

Sandoval: What is biological oversight?

Malfabon: Governor, that has to do with the compliance with the -- watching out for desert tortoises that might be on our projects. It's very specific that a certified biologist has to be out there to handle the tortoise, because they're a threatened species under the Environmental Protection Act. So we have to hire a biologist, basically to look at the area that the project is going to be affecting and look for tortoise burrows. Make sure that the tortoises are removed from the habitat and relocated so that they're not disturbed by

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construction equipment or killed by construction activities. So we have to have a certified biologist to do that.

Sandoval: And that's a million dollars a year?

Malfabon: Basically this is for -- the term of the contract is for two years...

Sandoval: Right.

Malfabon: ...but it is for what we use, so we pay for the hours that we have to use the biologist.

Sandoval: I mentioned -- I think I -- there are two contracts for the same thing, each of which is a million dollars over two years, so it'd be half a million dollars apiece?

Malfabon: Yes. And the actual amount that's paid is based on calling out the tortoise biologist to clear the area. Usually it only is once a construction season. In Las Vegas they usually just do it once and the construction takes place and they don't have to call them back, typically. But they do have to also check out any aggregate sources. Any gravel pits that we are using, too, because tortoises can get into those areas.

Sandoval: No, I don't dispute that that work has to be done, but it just seems like an awful lot of money for an occasional review.

Malfabon: Well, it is one of the things -- I don't know if Jeff Shapiro has any -- the chief construction engineer has any more comment on that.

Shapiro: Governor, Jeff Shapiro, Chief Construction Engineer, for the record. We have seven projects down in Clark County that we need coverage on with the authorized biologist. In the past we've had the -- this is an enforcement function. In the past we've made this part of the contractor's bid, so they've always been out there. There's federal regulations involved here with the Fish and Wildlife, and also with FHWA. With the biologist it's pretty easy to spend about \$300,000 a project to monitor these activities. They have to clear the site, as the Director said. There's daily reporting requirements that they have to do. They have to check the tortoise fence at least twice a week. That's what we've done in the past on contracts.

So we'll be performing that function in-house now under the direct supervision of the resident engineer. These biologists will work for our

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resident engineer, so they will be directing the traffic, so to speak, on what they do. But the first job we're letting out is the -- well, it's the job that the Board approved last month, the I-15 Dry Lakes Project. That's a 25-mile project, \$35 million. One biologist on that job, full time, for 300 working days is \$150,000 by itself, and there's no way, in our past, in our experience, that one biologist can do that, a job that long. So we did set these contracts up, hopefully, to get at least two projects out of each firm at roughly about \$300,000 apiece. But we will know when we get to it, because our project manager, our resident engineer will be actually directing the activities of the biologist out there.

Sandoval: Can we hire a biologist ourselves for...

Malfabon: Governor, we actually do have biologists on staff, it's just that they are not committed to be out there on a regular basis on construction projects. We are in the process of hiring a biologist in Southern Nevada for -- our maintenance activities encounter the desert tortoise, as well, so we hired them specifically for maintenance and to check the tortoise fencing that we are trying to put along our right-of-way so that tortoises don't get within the right-of-way. But as Jeff mentioned, it's just a requirement that we have to abide by in our construction projects and it is a cost which is reimbursable, typically, on these as a construction expense on our projects. But it is expensive.

Shapiro: Correct.

Sandoval: Okay. Mr. Lieutenant Governor, did you have a comment?

Krolicki: No, I do. I certainly support the -- we need to protect these very special animals, but just help me understand why it costs what it does. I mean, is there an RFP process that goes out with these folks and we -- this is the best bid. Just tell me that there's some process that we've gone through to secure these biologists.

Malfabon: I'll try to respond to that, Jeff, and then you can add to it.

Shapiro: Okay.

Malfabon: There is an RFP process, so it is considered to be professional services, so we follow the federal regulations on that. We can't just take the lowest cost, the cheapest cost, for the service. So we hire on qualifications, then we

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negotiate the contract. Typically on these contracts, by federal regulation, we have to pay the overhead for the company. For a large company to have a large overhead rate, but it's an audited rate, so there's certain items that the federal regulations allow to be in that overhead rate. And our auditors go out there, establish what the overhead rate is going to be, and then we have to pay that by federal regulation. In the past -- several years ago we used to try to cap that overhead rate, but the Federal Highway Administration informed us that that was not allowed. We can't cap it. As long as those expenses are allowed to be included in the overhead rate for a company, we have to reimburse them for that overhead rate. And that's typically what a significant portion of the cost is, is the company's overhead rate, not just the labor for that biologist.

Shapiro: But if I may, Director. Jeff Shapiro again. There was an RFP process. Eight firms did submit proposals. There was a cost component in the evaluation. Thirty percent of the final grade, per se, was based on the rates that they included in the proposal. The other 70 percent of the evaluation was technical in nature, and we picked the two top firms, B and E being number one, HDR being number two, and moved forward with, you know, the negotiations to establish -- this is a master agreement. We'll issue task orders as the work comes out. But I also know, using the force account calculations within the terms of a contractor, a biologist making \$25 an hour, with one pickup, blue book rates, will cost about \$10,000 a month. So and that's just one. So, you know, after 15 months on this first project you're already talking \$150,000. So it does add up pretty quick.

Martin: I have a question, sir.

Sandoval: Okay. Member Martin.

Martin: Actually, I have two. Jeff, I'm assuming that the reason that we decided to hire -- NDOT hire these firms directly is you felt by taking it out of the contract we were going to save money; is that the logic?

Shapiro: Yes, Member Martin, to a certain degree. It's an enforcement function. It always has been an enforcement function. You know, unfortunately giving an enforcement function to a contractor in a low-bid environment doesn't go well sometimes. And sometimes we have lots of conversations and potential claims, and we're defending claims, because we're hearing that, "Well, that's not what my bid included." Yet, we need compliance because

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we have to -- if we don't comply, then Fish and Wildlife and FHWA can shut jobs down, literally.

Martin: Yes, sir, I'm familiar with that. I've been dealing with it in my world for a long time. I was just questioning the idea that NDOT hiring and being directed by the resident engineer, and this leads into my second question, is there an opportunity for claims down the road because of poor scheduling, miscommunication between the resident engineer and the biologist and the contractor wanting to do specific operations he scheduled with the resident engineer, there's a miscommunication, and that biologist doesn't show up. And now we've got \$500,000 worth of yellow iron sitting there and \$10,000 a day worth of labor sitting there because the biologist didn't show up. And what's the liability behind that for NDOT?

Shapiro: You know, Member Martin, that's an excellent question. I would only offer that the risk is no greater than with our own staff. And it's really -- what I tell contractors, "You tell us when you want to work and it's our problem to get the people there, because you shouldn't be waiting on us." And especially in this situation; I know one of the firms has at least six biologists. If we need six biologists to keep up with the contractor, that's what we'll do.

Martin: Okay.

Shapiro: So the risk isn't greater than to our own staff monitoring these activities.

Martin: What percentage does our own -- what percentage of projects does our own staff monitor?

Shapiro: All of them, sir. We have people full time on all our projects.

Malfabon: Member Martin, this is the Director. Was that question related to staff biologists for NDOT?

Martin: Yes, absolutely.

Shapiro: Oh, well, you mean an NDOT staff biologist, Member Martin?

Martin: Yes.

Shapiro: We have -- my understanding all the biologists are located up here. They do monitor activities in Las Vegas and they do go down to Las Vegas, but

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they're not on the job on a daily basis. This is intended to provide a biologist -- as the contractors have a pass through the contracting mechanisms we used, to have a biologist on-site, on the job on a daily basis to do the daily reports, the biweekly fence inspections and also to clear the pits before they let equipment in there.

Martin: Right. I guess my concern was if it's under the terms of the prime contractor if he misschedules something, it's his problem. If we misschedule something, then it becomes our problem.

Shapiro: Not necessarily, sir, because as I advise our staff and I tell the contractors, they shouldn't be waiting on us. We should be keeping up with them.

Martin: Okay.

Malfabon: And Governor and Board members, Tony Lorenzi, our project manager on the I-15 ITS project that we had the award on, mentioned that he had an issue with the contractors -- kind of a disagreement on the tortoise biologist that they were supposed to be providing. So it reinforces what Jeff Shapiro, our chief construction engineer, was saying that we had the risk of a \$30,000 fine because of that issue. So it can be a substantial penalty if we don't comply with the regulations on dealing with the desert tortoise.

Just wanted to add that we are aware that it's a significant cost, but it's something that, by the regulations, we have to abide by and provide.

Sandoval: Member Savage, do you have a comment?

Savage: Yes, I do. Thank you, Governor. I'll make this real short. I think it's very evident that the Board is very cognizant of the amount of dollars that we're spending here. And since it is a forced account, I think it's wise the Department did choose two consultants to play both against the other to get the best value for the best price. And I think that can be looked at from the RE standpoint, the project manager's standpoint and follow that throughout the jobs, and report back to the Board after maybe a year -- these are two-year contracts. Report back to the Board as to how the race is going. Thank you, Governor.

Shapiro: We can certainly do that, Member Savage.

Sandoval: Member Fransway.

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- Fransway: Thank you, Governor. I don't have to reiterate what my fellow Board member said; I also have that concern. But I'm wondering if there is any input on this from NDOW? If they have any ability to work with these consultants or play a part in the management of the ESA when it comes to transportation projects in the state of Nevada.
- Shapiro: Member Fransway, Jeff Shapiro again. We do work with our environmental partners in the state agencies. I know there were people on the panel that helped in the selection process. It wasn't just NDOT; we did have folks from -- I'm not sure if it was NDOW or not. So they are involved in the process. I know they're working with our environmental section all the time. I do know one of the firms does have a significant history with our environmental folks; the B&E folks down in Las Vegas. I'm not quite so sure about the other one, but these are biologists that both Fish and Wildlife and everybody on that side of the fence, so to speak, the environmental side, are familiar with and experienced with, so -- doing the same thing, desert tortoise monitoring.
- Fransway: Okay. I do believe that they have a serious interest in this issue, as well, so, thank you.
- Shapiro: Mm-hmm.
- Fransway: Thank you, Governor.
- Sandoval: You're welcome. Any other questions or comments with regard to Agenda Item No. 6? Any from Southern Nevada?
- Martin: No, sir.
- Sandoval: If there are no further questions, the Chair will accept a motion for approval of agreements over \$300,000, as described in Agenda Item No. 6.
- Cortez Masto: So moved.
- Sandoval: Okay. The Attorney General has moved for approval. Is there a second?
- Wallin: Second.
- Sandoval: Second by Madam Controller. Any questions or comments on the motion? All in favor say aye.
- Group: Aye.

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Sandoval: Opposed no? Motion passes unanimously. We'll move on to Agenda Item 7, Contracts, Agreements, and Settlements.

Malfabon: Thank you, Governor. These are informational items. There are three contracts under Attachment A, starting on Page 4 of 12, for the Board's information. Item No. 1, the project is a signal modification on multiple intersections in Clark County. The Director awarded this contract to TransCore in the amount of \$870,935.40. Item No. 2, this project is an emergency reconstruction of a washed out portion with hydraulic improvements on State Route 164. The Director awarded this contract to Aggregate Industries in the amount of \$540,000. Were there any questions on those two items before I move on? Okay.

And finally, sir, the last item; the project is Mount Charleston Maintenance Station energy conservation upgrades. The Director awarded this contract to Construction Services Unlimited, in the amount of \$426,225.

Sandoval: Board members, any questions with regard to Agenda Item 7? It is an informational item, so we won't be accepting a motion. We'll move on to Agenda Item No. 8. Thank you very much.

Malfabon: Governor, there's Attachment B under Agenda Item No. 7.

Sandoval: Oh, yeah, I skipped over that, sorry, in my rush.

Malfabon: This starts on Page 6 of 16. Board members, there are 65 agreements for your information. I'd just note, starting on the top of Page 9 for you, Item No. 47, Kimley-Horn & Associates. This is an item we discussed in the last Board meeting. We reduced the agreement term from four years to two years, with an option to renew for two additional years, and there's additional information for the Board's review that was requested on Page 15 of 16, Attachment A1. This is the payment schedule that the Board requested at the last meeting.

And also for your information on the very last sheet in the entire Board's packet, there's a table. The Board requested all the Kimley-Horn & Associates agreements, as well as the TransCore, LLC, agreements. Those are all summarized for your review.

Sandoval: Questions on Attachment B?

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- Savage: I have a question.
- Sandoval: Member Savage.
- Savage: Thank you, Governor. Robert, Item 56, for the repair flatwork out here, I saw it was being conducting this morning on the south side of the building. Was that sent out as an RFP?
- Nellis: I believe so. Does -- I can't say for sure, but I believe it was. I...
- Savage: It was sent out to bid?
- Nellis: I can get that information for you if no staff is on hand to have that answer for certain.
- Savage: I'd appreciate that. Thank you, Robert.
- Nellis: Certainly.
- Savage: Thank you, Governor.
- Sandoval: Any further questions?
- Unidentified Male: Just -- not so much a question on what it is, but just a comment on -- I'm sorry, just for contextual purposes. On 65, it says Louis Berger Group...
- Sandoval: Mm-hmm.
- Unidentified Male: ...I mean there's an extension of multiple things our and -- but, obviously, a larger decision is driving this. Could you just describe the context of this decision to me, please?
- Malfabon: Yes, Governor. John Terry will answer some of the details that I might miss, but this is for design of the Carson City freeway. Several years ago the contract was done. As you may recall, several months John Terry talked about how NDOT would pursue design contracts and basically add -- or do some initial work with it and then add the bulk of the scope. I think that we've heard from the Board that you want us to have, basically, the bulk of the contract for Board approval and instead of doing this piecemeal...
- Sandoval: Mm-hmm.
- Malfabon: --stair step fashion of amendments that can be very significant. So this contract is actually -- as we're looking at delivery in the last phase of the

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Carson City freeway we're reducing the consultant's scope and trying to do more stuff in-house and John Terry can probably give some more details about what this specific amendment does.

Terry: Yeah, maybe before I get to this specific amendment I'll try and address some of your questions. This is an example of the way we did business and we've been questioned by the Board and I would say we would minimize doing business this way, but I wouldn't say we would not do it this way in the future. In other words, all that had been done was an environmental impact statement in that level of design. We chose to have this consultant -- this is a new consultant, not the one that did the EIS -- come in and do a preliminary 30 percent level design on the entire Carson bypass and then we awarded final design to them after that. Now, when the original RFP went out we let them know -- all of the teams that were proposing -- that it was at our option to give them final design for any or all of the segments.

So that's why the original contract value was relatively low and the amendment is very large. We had them do a 30 percent design so that then we could know how many bridges, how many whatever, how many plan sheets were going to be in the final design and negotiate the individual final designs. That's the big dollars that were added to the contract. The other -- many of the other amendments that you see through here are, frankly, because the Carson bypass has taken us longer than we thought it would over many years because we didn't have the funding and kept breaking it up into smaller packages and kept extending it.

This last amendment we chose to, in-house, take what was one larger contract design by them and us take their plans and finalize them for the lesser design, which I believe we described to you before, and that is finishing the Carson bypass to an at-grade intersection at Highway 50. A signalized intersection at Highway 50, versus grade separated, which was in their plans. Their scope went down, but, again, we needed them to continue and so we're asking for an extension of their contract. I don't know if I answered your question, but that's the context of this contract over many years.

Krolicki: And there's no implication on timeline for the Carson bypass that's -- this is in result of any changes to the timeline?

Terry: Oh, changes we've made to the timeline, absolutely...

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Krolicki: Oh.

Terry: ...but not changes caused by them not getting the work done.

Krolicki: Because of the at-grade. So...

Terry: Yes.

Krolicki: Okay. And just remind me, when is the anticipated...

Shapiro: 2015 is when we anticipate to advertise that contract to -- for the completion of the pavement all the way to the intersection with U.S. 50 and U.S. 395, at an at-grade intersection, not an interchange.

Terry: So we anticipate advertising a contract in about this time next year, so it can be under construction in the following summer.

Krolicki: With a completion target date being?

Terry: Seventeenish. I can't get much closer right now, but I can get you a better answer on that later.

Krolicki: That's fine. Thank you.

Savage: Just one more question.

Sandoval: Member Savage.

Savage: Just a follow up on the Lieutenant Governor's comment. So there were no dollars added along with the timeline to Louis Berger, which is timeline only; is that correct, Mr. Terry?

Terry: We actually deducted dollars in this last amendment and changed the scope. We modified the work that they were doing because we pulled some in-house.

Savage: Okay. So there will not be any additional dollars through...

Terry: No.

Savage: ...2018?

Terry: Not this time...

Savage: Not this time.

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- Terry: ...but we have extended the contract. We don't anticipate going for more dollars in the future.
- Savage: Thank you, Mr. Terry.
- Shapiro: Governor, I have an answer to Member Savage's question on Item No. 56. There were actually three bids received with a range of \$98,900 to \$156,000. The low bid was Facilities Management for \$98,900.
- Sandoval: Perfect. Thank you very much.
- Shapiro: Thank you.
- Sandoval: Any other questions with regard to Agenda Item 7? Thank you very much.
- Terry: Thank you.
- Sandoval: Agenda Item 8, condemnation resolution. Mr. Director.
- Malfabon: Thank you, Governor. On Item 8A, it's for Condemnation Resolution No. 441. We are acquiring property and property rights for widening and reconstruction of South McCarran Boulevard from Longley Lane to Greg Street. And if there's any questions on the action we have John Terry or representatives from Right-of-Way to answer those. There's three owners and two parcels.
- Sandoval: Any questions with regard to Agenda Item 8A? If there are none the Chair will accept a motion for approval of Condemnation Resolution No. 441.
- Fransway: So moved, Governor.
- Sandoval: Motion by Member Fransway for approval. Is there a second?
- Martin: Second by Member Martin. Any questions or discussion on the motion? All in favor say aye.
- Group: Aye.
- Sandoval: Opposed no? Motion passes unanimously. We'll move on to Agenda Item No. 9, Direct Sale. Mr. Director.
- Malfabon: Thank you, Governor. This is for disposal of NDOT property located along U.S. 95. When we widened that U.S. 95 freeway in Las Vegas there were a lot of remnant parcels from the housing lots that we had to take when we

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widened the freeway. So this is for -- after we appraised the value at \$4,150, it's for a direct sale to the adjacent property owner.

Sandoval: Board members, any questions with regard to the direct sale described in Agenda Item No. 9?

Martin: I only have one, sir. Are these parcels sold off as people request to buy them? Because when I look on the overhead photograph it looks like there's several other parcels available there or do we contact them and make an offer to them to -- ask them if they want to buy them?

Malfabon: Chief Right-of-Way Agent Paul Saucedo will respond to that, Member Martin.

Saucedo: Yes, good morning, Member Martin, Transportation Board. Paul Saucedo: for the record, chief right-of-way agent. Yeah, these are requests that we receive from the property owners. These are parcels that really are -- they're landlocked parcels; really only valuable to the adjacent owner. And so...

Martin: Yes, sir, I understand that, but my question directly was do we go out and contact these folks? Because I see several parcels we could get rid of, or we wait for somebody to ask us?

Saucedo: In this -- no, we do wait for them to ask us. On these particular ones we've had several requests in the past for disposal, so several of these parcels have already been disposed of. I can get you a list of exactly which ones, but several of these have been.

Unidentified Male: Governor.

Sandoval: Just to follow up, why wouldn't we be proactive in trying to dispose of this property?

Saucedo: These are a little bit difficult because the fact that it's only really valuable to the adjacent owner. A lot of times the property owners really don't want the properties. They don't want to spend the money to acquire them. A lot -- and so it's something that we don't actively go out and request from the owners. If we have a piece of property that is buildable, so to speak, has access, has value, then we'll go ahead and actively market those. But when we have these little strips parcels like this, basically, we will wait for

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someone to approach us if there's any interest. A lot of times there just isn't any interest in the owners, you know, acquiring the property.

Sandoval: Well, they may not know better. I mean, do we just send them a letter and say, you know, we have this parcel here, do you have any interest in...

Saucedo: We could actively do that. I mean, that's something we haven't done in the past, but, you know, if that's something that's -- we could do on some of these, sure.

Krolicki: Governor, if I might. I'm sure there are thousands of these kinds of pieces that could qualify. But I guess from Member Martin's questions and following you, Governor, I mean if we're already spending the Board's time and staff time to discuss something and there are clearly contiguous parcels on the same map that we're looking at or potentially other opportunities, it might make sense to at least pursue. If we're already spending the energy in a certain sector or certain street or remnants of a certain project it might make sense to reach out to the adjacent landowners. I mean, that's \$4,100; it's not an extraordinary amount. But it certainly pays peoples' salaries if we -- a couple people say yes. I think it would be interesting to see the answer...

Sandoval: Sure.

Krolicki: ...if you do this for here and very few folks accepts the offer or show any interest then this little experiment is over. But if we can generate \$100,000 just in this one situation, it's worth looking at if that's (inaudible)...

Martin: That was exactly my point, sir, thank you. Most of these people probably wouldn't even know these parcels would be available. They just look at it as government land.

Saucedo: That's true. That's something we can obviously look into and start being a little more aggressive on, sure.

Krolicki: We can trade out these parcels for some in-kind biology desert tortoise habitat, what do you think?

Sandoval: I thought you were pushing for that Lieutenant Governor's residence in Southern Nevada.

Krolicki: There's no structure on this property, Governor. I don't need (inaudible).

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- Sandoval: Board members, any further questions with regard to Agenda Item No. 9A? Member Fransway.
- Fransway: Thank you, Governor. My question is about the appraisal. Is that done in-house or is it an external appraisal by a firm of some kind?
- Saucedo: Yes, sir. We have the option on that. A lot of times we'll do them in-house on something like this. If they're commercial properties a lot of times we'll go out and have them done by a fee appraiser. But on this particular one here, this was done in-house.
- Fransway: Okay. And the reason for my question is that if, in fact, whatever the appraisal, whether it's in-house or from outside source, we should probably include that in the price of the direct sale.
- Saucedo: That's well noted, yes.
- Fransway: Okay. Thank you.
- Sandoval: If there are no further questions the Chair will accept a motion for approval of the direct sale as described in Agenda Item 9A.
- Savage: So moved.
- Sandoval: Motion by Member Savage for approval. Second by the Lieutenant Governor. Any questions or discussion? All in favor say aye.
- Group: Aye.
- Sandoval: Opposed no? Motion passes. Agenda Item No. 10, Public Auction.
- Malfabon: Thank you, Governor, and don't go too far away, Paul. This is to request the disposal of a property along a portion of U.S. 395, between College Parkway Interchange and Arrowhead Drive Interchange in Carson City. We completed an appraisal to obtain fair market value in the amount of \$22,000. And in this case we're requesting to proceed with a public auction of this parcel.
- Sandoval: And just -- will you refresh, at least, my memory with the distinction between what we just did in Agenda Item No. 9, a direct sale, and Agenda Item 10 for a public auction and why we do a direct sale in one and a public auction in the other.

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- Saucedo: Yes, sir, Governor. Paul Saucedo for the record, chief right-of-way agent. When we have parcels that are a sellable lot -- in other words, somebody can purchase them and develop them. Like in this case, where somebody could actually purchase this and build a house on it or whatever. We would auction those off. When it's a landlocked parcel or only has added value to the adjacent property owner, and there's one other scenario, but basically, in those instances we sell them directly to the adjacent owner. So, essentially, when it has value just to that adjacent owner, so usually small strips, landlocked parcels.
- Sandoval: And just the reason I ask that question is you have this handwritten letter from the adjacent property owner.
- Saucedo: Yes, she...
- Sandoval: But given that it's buildable is the reason why we have to do a public auction. I can't imagine -- I shouldn't say I can't imagine, but given its location right next to the freeway, I don't know who'd want to build a house there, but it would be a nice piece of property for that landowner who's already there. But I get the distinction. Any further questions from Board members with regard to Agenda Item 10A? If there are none the Chair will...
- Fransway: (Inaudible).
- Sandoval: Oh, I'm sorry, I didn't see you, Tom. Member Fransway.
- Fransway: All right. I note the appraised fair market value of \$22,000; correct?
- Malfabon: Yes, sir.
- Fransway: Is that where the bidding will start?
- Malfabon: No, sir. Under the statute it's 90 percent of the fair market value. So the bidding...
- Fransway: Okay.
- Malfabon: ...the minimum bid would have to be 90 percent of...
- Fransway: 90 percent of the \$22,000...
- Malfabon: ...the \$22,000.

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- Fransway: ...million. Or 22...
- Malfabon: Yes, sir.
- Fransway: \$22,000.
- Malfabon: I wish it was 22 million. Yes, sir.
- Fransway: Okay. Thank you.
- Sandoval: They didn't tell you about that oil underneath there in the talk. All right. If there are no further questions the Chair will accept a motion for approval of the public auction of the property described in Agenda Item 10A.
- Wallin: Move to approve.
- Sandoval: Controller has moved to approve. Is there a second?
- Martin: Second.
- Sandoval: Second by Member Martin. Any questions or discussion on the motion? All in favor say aye.
- Group: Aye.
- Sandoval: Opposed no? Motion passes unanimously. We will move on to Agenda Item 11, Discussion and Possible Approval of the Annual Work Program, Fiscal Year 2014, Short- and Long- Range Element FY 2015 to 2023 and Possible Acceptance of the STIP FY 2014 - 2017.
- Malfabon: Thank you, Governor. Assistant Director for Planning, Tom Greco, will present this item to the Board.
- Greco: Thank you, Rudy. For the record, Tom Greco, Assistant Director of Planning. Governor, members of the Board, Las Vegas, good morning. Last month we brought you the draft of this document. There has been a lot of hard work to develop it to the stage it's in. It is not, however, flawless and in the interest of expediting the process we would ask that you consider approving and accepting this document as is, knowing full well that we will incorporate the edits into the next amendment in the near future.
- Malfabon: Governor, I wanted to mention that what requires a lot of those corrections has to do with the STIP portion, the Statewide Transportation Improvement

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Program, as was discussed last month when we presented the draft. Each metropolitan planning organization, which are typically called RTCs or MPOs, has their plan. So when they receive federal money or have regionally significant projects, they put it in their local plan and then those plans get presented to NDOT and we can only accept or reject them entirely. We can't change them. Sometimes in those STIP projects -- and we get our federally funded projects into the appropriate MPOs document, as well. So Carson City MPO, the RTC of Washoe County, RTC of Southern Nevada, and Tahoe are the four MPOs in our state.

One of the things that we do is sometimes there's some minor corrections as far as getting the dollars to match up. There's changes in engineers' estimates or other costs to projects, so the numbers can change a little bit, but for the most part, the projects are what they are. And we wanted to make that point that the MPOs -- in other words, the RTCs have a large role to play in selection of those projects and forwarding those to the Department.

Sandoval: But when you say the large role, they have the role, I would...

Malfabon: They have...

Krolicki: Yes.

Malfabon: We put our project in there, but they have a -- basically, that's their responsibility is to put together their transportation improvement program for their region, and then submit that to NDOT for incorporation in the statewide plan. And we either have to accept it or reject it entirely.

Sandoval: And we're, essentially, adopting those recommendations that have been heard and reviewed and considered at the local level and then it's coming to us...

Malfabon: Yes.

Sandoval: ...based on a final decision of those local transportation authorities?

Malfabon: Yes. The other thing to note is that we anticipate many changes in the months to come because of the enactment of the fuel tax indexing. This process starts in the early spring, typically with public meetings at the local level to adopt their -- and they go to their boards or commissions to adopt

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their plans and then, eventually, it gets to NDOT after that formal process -- and public and open process.

So with the enactment of the fuel tax indexing, which I'll have as a separate presentation next. There'll be many changes; basically adding projects to the list here for Clark County.

Greco: Thank you, Rudy. I'll mark through the rest of my notes that I was going to offer. You did an excellent job. And, indeed, a very large amendment is expected out of Southern Nevada about January. All planning documents are a snapshot and they are out-of-date the day after they are approved. The STIP, as you know, we bring you amendments and modifications at every other monthly meeting. The annual work program, traditionally we have offered that once a year. We are moving toward and plan to do a quarterly update of that document, beginning this year. Any other questions?

Sandoval: Questions from Board members? No? Okay.

Greco: Okay.

Sandoval: Thank you.

Krolicki: Governor, I wanted to make a point that a possible bill draft request that NDOT may submit as a housekeeping issue. Currently we're required by NRS to submit the annual work program and then the short-range element is the next two years after that annual work program. So it basically covers the three-year period. Now, that was back in the day when the Federal Highway Administration required a three-year STIP, so it matched that. Now under the current transportation bill we have a four-year STIP, so we would probably develop a bill draft request to ask the legislature to change that short-range element to a three-year period. So that three years, plus that annual work program would be the four year; it would match the STIP time period.

Sandoval: All right. Any other questions or comments with regard to Agenda Item No. 11? If there are none the Chair will accept a motion for approval of the Annual Work Program, as well as acceptance of the Statewide Transportation Improvement Program for FY 2014 to 2017.

Savage: Governor, I'd so move to approve, along with Mr. Greco's comments of quarterly updates with amendments or earlier. Thank you, Governor.

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Sandoval: There's a motion for approval by Member Savage with the caveat that we will have quarterly updates, particularly the additional one that we anticipate in January for Clark County. Is there a second?

Martin: Second.

Sandoval: Second by Member Martin. Any questions or discussions on the motion? All in favor say aye.

Group: Aye.

Sandoval: Opposed no? Motion passes unanimously. Agenda Item No. 12, Briefing on Fuel Tax Indexing.

Malfabon: Thank you, Governor. I will present this item to give the Board an overview of the fuel tax indexing in the State of Nevada and specifically with the passage of Assembly Bill 413, how it's impacting Clark County. Next slide, please.

So as far as the history of fuel tax indexing, we actually have had fuel tax indexing in place in Washoe County for several more years. Back in October 1st of 2003, it was enacted and it was based on the consumer price index. You can see that the actions on Senate Bill 201 in the 75th Legislature and this most recent Legislature, Assembly Bill 413, changed the price index to the producer price index.

The difference is the consumer price index is really used, typically, to maybe adjust salaries or to have cost of living adjustments. It really doesn't reflect the true cost of the selling prices, as observed by the people that are doing the production. So in this case, the Department of Labor, Bureau of Labor Statistics, keeps track of these price indices and the producer price index is specific to the highway and street construction costs. So it's more representative of the cost increases that we face. And the idea of fuel tax indexing is so that we don't lose as much ground -- or the counties don't lose as much ground to inflation or cost increases.

A little bit over these next few slides we'll talk about what the fuel tax per gallon is. Most states in the nation have a set price per gallon. The federal government receives 18.4 cents per gallon to the Highway Trust Fund at the national level. And that's broken out into the areas that you see there. Some

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goes to highway, some goes to transit, and some goes to Leaking Underground Storage Tank Trust Fund.

The State portion, 18.455 cents, come goes to the State Highway Fund, the majority does, and then there's some for the Petroleum Cleanup Fund and inspection fee for imported gas. Next slide.

Now, there's a lot of discussion recently about how much counties charge, especially in light of Clark County deliberating passage of fuel tax indexing in Clark County. So the county mandatory portion is split up into different apportionments. Some of it is given to the counties directly and it's apportioned by population, some by miles, so it's a combination of those. And when you get to other portions of the county mandatory tax, it's split with incorporated cities and includes some factors, such as land area, population, the local miles that are maintained locally and vehicle miles of travel. Further distributions of that county mandatory tax are split with towns and incorporated cities. These are towns with town advisory boards that receive a portion of that money. And then there's some that -- the last two, the 1.75 cents and the 1 cent go to the county of origin. The other ones are kind of split proportionately. So that's the county mandatory tax. Go to the next slide, please.

There's been some discussion about the county optional tax and the counties are allowed up to 9 cents, and that's administered by the local RTC. There's 12 counties currently at 9 cents and 5 counties at 4 cents. You see Douglas, Esmeralda, Lincoln, Nye and Storey County are currently at 4 cents a gallon on the optional county tax.

Now, there's been some discussion of, well, shouldn't these counties be at the maximum so that they can raise the maximum amount of revenue for roads. Next slide, please. We did a rough calculation, so about 2.3 million could be raised, but the point is that this money would go directly to the counties. As we talked the distribution of county taxes, county optional taxes, that that would go to the counties for the roads that they maintain. So it wouldn't go to the state highway fund. So not a huge impact from those counties, which is not as populated as Washoe and Clark, obviously. Next slide, please.

Fransway: Can I ask a question?

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- Malfabon: Yes. Go back to that slide please.
- Fransway: Those five counties that are...
- Sandoval: Tom, is your microphone on? Yeah.
- Fransway: Those five counties there that are noticed on the board there, are they levied less than the 9 cents? They're not to the maximum yet?
- Malfabon: Yes, they're at 4 cents per gallon. Elko County, just earlier in this year, enacted the remainder of their county optional, so they're at the 9 cents per gallon now.
- Fransway: And that takes action by the Board of County Commissioners, correct?
- Malfabon: Yes. Correct.
- Fransway: I didn't realize there were still five of them. Okay. Thank you, Governor.
- Malfabon: Next slide, please. So specific to Assembly Bill 214 that was passed this session, they had until October 1st to pass a law by the county commission. So they did take action on September 3rd and passed it with only one dissenting vote. This allows indexing of the federal, state, and local gas tax and special fuel to the producer price index and it starts January 1st of 2014, and it goes for three years. And the proceeds are distributed to the RTC of Southern Nevada. Next slide.
- Now, there is a cap of 7.8 percent per year. Just to give you an idea of what the producer price index has been, I provided five years of information there, but it is a ten year average, so it takes out some of the fluctuations in the economy. You may recall, years ago, when we were having a lot of construction activities. China was buying up a lot of the steel and concrete and cement, so it was driving up a lot of the prices for construction materials in the United States. So this takes that into consideration and kind of levels that off over time. Next slide.
- To give you an idea of what's the anticipated gas tax rates in Clark County; you have the base rate starting out next January of 52.176 cents. The indexing is anticipated to be about 3.25 cents, so you'll be paying 55.4 cents and that includes federal, state, and local. So it continues on with anticipated rates getting up to about 62 cents by the time it finishes that three-year enactment period.

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The further indexing of federal and local rates from 2017 to 2026 must be approved by voters at a general election in November 2016, so 3 years from now there'll be a ballot question for voters and 10 years -- let's say that it gets enacted or approved by the voters -- it takes just a majority of the voters to approve it -- then it comes up for a vote again 10 years from then, so 2026 is when the next vote would be taken from the public.

The thing to note is that Clark County for that three year period can index federal, state, and local fuel tax, but starting in 2017 they're not allowed to index the state portion of the fuel tax. That will be up to the voters to enact that as a statewide fuel tax indexing, which will go to the state highway fund. Next.

So there will be a ballot question. As far as the issue of statewide implementation of fuel tax indexing on the state portion, November 2016 there will be two questions; one to continue it in Clark County and one to have it implemented at a statewide level, so all counties. And that state portion will go to the state highway fund. And then again, let's say that it is approved in November of 2016, 10 years from that date it would have to go back to a public vote to continue.

Now, one of the important points of this; there's over 180 projects that the RTC of Southern Nevada has selected to fund using this fuel tax indexing revenue over the next three years. So it's very critical for them to deliver these projects to show the public that they are capable of project delivery and that the public's additional tax revenue went to support these specific projects. So Clark County will have about \$700 million of bonds that are, basically, using this fuel tax indexing revenue to be paid off.

But significant projects -- the Boulder City Bypass Phase II is the RTC of Southern Nevada's project, so about \$201 million is going for construction; very significant investment in construction cost of that project. They are also giving us -- I mentioned in the Director's Report the approximately \$31 million for our phase one of the Boulder City Bypass Future Interstate 11 Project.

U.S. 95 widening is another project that is an NDOT project that the RTC of Southern Nevada has on their list to give us about \$6.4 million in support of that project. And then other regionally significant projects to mention are the Clark County Beltway, because of significant cost increases, the Clark

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County Department of Public Works didn't complete the beltway to freeway standards on the schedule that they anticipated originally. So this additional fuel tax indexing revenue will go to complete Decatur to North 5th Street. Currently the county has a project up to Decatur that's building the beltway, so what they did originally was to build a road but not have the interchanges. So they'll redo the pavement to concrete pavement, put in the bridges, have the ramps or grade separations, if needed, for some of the cross streets currently that are crossing the beltway. So significant investment to finish the beltway.

The other project worth mentioning is the Airport Connector Project, Phase II. Now, you'll recall that there's a project currently out under construction, a phase one project. This is a \$26.5 million investment from the fuel tax indexing revenue that will basically support the additional \$35 million of federal funds that are going to that project. So you have roughly a \$60 million project that's anticipated for phase two of the airport connector project. And it will construct a flyover bridge going south out of the tunnels to go east towards Henderson, so a big flyover bridge will be constructed with this.

Now, there's been questions about how this Assembly Bill 413 affects Washoe County. We do have representatives from the RTC of Washoe County if there are any questions specific, but we see that in looking at the bill -- and we gave the Board members a copy of Assembly Bill 413 for your leisure reading, very lengthy bill. But we feel that it doesn't affect Washoe County fuel tax indexing, so as we showed in the history of fuel tax indexing and enactment. Washoe County already had fuel tax indexing in place and it was based on the producer price index, similar to Clark County. But Washoe County has delivered many projects, both pavement rehabilitation projects and some of the capacity improvements, such as the southeast connector, a major investment in Washoe County that's on the east side there, that will actually help relieve some of the congestion that we see on U.S. 395, 580 as an alternative route for traffic on the east side of the valley there in Washoe County.

But you can see that the rates -- because they've had this in place for more years, the rates per gallon are higher in Washoe County. So in the example that we gave for Clark County the gas tax was about 55 cents to 62 cents in that three-year range of enactment. And then you can see that they're a bit

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higher in Washoe County, but when you drive around you really don't notice because of the fluctuation in gas prices and market competition. It's not as noticeable when you compare gas prices. And there is still, you know, the gas suppliers, the gas stations, are still competitive and try to have the most cost-competitive prices against their competitors. So you can see that it does rise over time. It's going to be 72 cents in that period that we're currently in. So there's quite a bit of additional revenue that the RTC in Washoe County has bonded against and since they've bonded against that revenue there's an obligation to pay back those bonds using this revenue. Next slide, please.

Now, there are some impacts to the Department of Motor Vehicles that kind of collects and distributes the fuel tax. Right now the DMV, unfortunately, they weren't able to be present today to kind of give their perspective, but we've been discussing it with them and they really bent over backwards to implement the fuel tax indexing manually in their system while they're concurrently doing the programming in their system so it'll be automated in the future, but for the meantime it was very critical that they have this in place so that Clark County could start collecting the additional fuel tax revenue from indexing starting January 1st.

The DMV also has to adopt regulations regarding a requirement in Assembly Bill 413 for reimbursement for the International Fuel Tax Agreement, IFTA. Now, this deals with interstate truckers and the kind of get a system in there so that each state doesn't have to have their own system in place for interstate trucking. So they keep track of their miles, they keep track of what states they drove through, so those states get their fair share of that diesel tax from those truckers. But as I mentioned, we don't think that this requirement affects Washoe County, but we have a question into the LCD staff to confirm that. During the testimony for Assembly Bill 413, Bond Counsel John Swendseid talked about this point and he did mention what it could have as an impact and they had discussions about Clark County and Washoe County, as far as this reimbursement issue for truckers. The issue will -- we'll get a more firm answer from LCD on their interpretation, but for now Washoe County -- the RTC of Washoe County feels that it doesn't impact them, but the focus of Assembly Bill 413 was primarily for Clark County and that statewide issue that will be on the ballot in three years.

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So that concludes the presentation on fuel tax indexing. I'm willing to answer any questions best I can.

Sandoval: Questions from Board members?

Fransway: Question.

Sandoval: Member Fransway.

Fransway: So the indexing will or will not affect special fuels also?

Malfabon: It affects special fuels also.

Fransway: Okay. And if it affects special fuels, then will it filter down to the individual counties?

Malfabon: It's the -- the special fuels tax, I believe, goes to the state. Now, allowed by Assembly Bill 413 is that the county can index federal, state, and the local portion and take that to the RTC. So that does not go to the county, only indirectly through the RTC and those affected in Washoe County and Clark County, giving those entities money for their projects. In the case of Washoe, they do their projects themselves. They're set up a little bit differently from Southern Nevada where they give the monies to the entities, Clark County, the cities of Las Vegas, North Las Vegas, Henderson, the cities of Mesquite and Boulder City. So that those public works agencies deliver the projects themselves. It's a little bit different model than in Washoe County, where the RTC delivers the projects.

Fransway: As it is now, the counties do not receive revenue from diesel fuel?

Malfabon: No.

Fransway: And so with the indexing, will that go to the state and then somehow go back to the counties of origin?

Malfabon: No. It's specific that it'll go to the state highway fund. It goes to the state for use on, basically, NDOT projects. And then that's only attributed to the state portion of the fuel tax. So even with special fuels it's going to go to the state. There was no language in the bill that said that the counties would get the money from -- it just said that it would be deposited in the state highway fund.

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Fransway: Okay. So if, in the future, a county chose by action to adopt a method of indexing fuel, it would only be for gasoline in that county, wouldn't it?

Malfabon: It depends. If they took the same action that Clark County took, they could have a bill before the legislature to index the remaining portion. So, in other words, the federal and the local portion of fuel tax, including special fuels or diesel. So a county could take that path, if they wanted to, to request the legislature give them that option or that ability. But it would take approval in the legislature and then approval by the government.

Fransway: Okay. So they would have to write their own bill?

Malfabon: Yes, they would. Because currently the bills that have been passed into law only deal specifically with Washoe County and Clark County.

Fransway: Okay. And if, in fact, they were to win approval from the legislature to do that, would it only be for the amount that was brought about by CPI?

Malfabon: They could identify which price index to use. As you saw in the history, initially the consumer price index was used and then there was a recognition that it wasn't really a good indicator of the fluctuations in the cost for road and highway construction, so it was eventually to producer price index and raised substantially more revenue than the CPI. So in the language of the -- let's say if a county wanted to enact fuel tax indexing on portions that would come back to the county, they would have to identify in the bill which price index to use; either a producer price index, which would be in line with what they're doing currently in Washoe and Clark County. Now, Washoe also still receives the consumer price index portion of their indexing, but it's quite a bit less raised from that than the producer price indexing on the fuel tax. But the county -- in summary, the county would have to identify what price index in their proposed legislation for consideration by the legislature and the Governor.

Fransway: Okay. Thank you.

Sandoval: Mr. Lieutenant Governor.

Krolicki: First I want to say it's a pleasure to watch Member Fransway revert to his hat as a longtime Humboldt County Commissioner. And I think the first time I met you twenty-something years ago, you were in the gas business. You had a Shell station or something, is that right?

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- Fransway: No, my father had Texaco. So I was raised around it.
- Krolicki: Okay. So he's been raised around gas pumping, so I appreciate you, Tommy, very much. Two quick questions. Anytime you talk about bond counsel and things you get my curiosity. Is it a tension in statute or are there covenants within the existing outstanding bonds that are causing the problem about whether or not this is violating, again, a covenant or state law.
- Malfabon: It's basically existing state law that says if there's revenue pledged to pay off bonds then it has to continue to be there available for the payoff of those bonds until those bonds are paid off.
- Krolicki: I would suggest there is a cure, though, in the covenants to make it clear or you can diffuse bonds. When I first saw these percentages I was maybe somewhat nervous, because I saw a larger potential price increase than what we're seeing here. How is the base determined? And it seems like a basic question, but obviously there are many taxes involved, but you have a 52 cent base rate...
- Malfabon: Yes.
- Krolicki: ...how was that calculated and I guess I want to make sure that what we're talking about -- how a number can be adjusted from an indexing rate -- I want to make sure that the base rate is a static number and also, I mean, it's another part of the equation and I want to understand the control on the base rate.
- Malfabon: Yes, Lieutenant Governor, in response, the base rate is calculated from the federal, which is 18.4 cents; the state, 18.455 cents; the county mandatory 6.35 cents; and then the county optional. In the case of Clark County they were already at the maximum 9 cents. So you add up those all together and you would get the base rate to start at on January 1st of 2014, of the 55.426 cents. And then thereafter you apply the indexing.
- Krolicki: But if there's a federal gas tax of some kind imposed, etcetera, that would be part of the constant number that would be indexed?
- Malfabon: Yes, because it refers to -- there are limits on the index itself that it will not exceed, I believe, 7.8 percent, but it says that it's...

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Krolicki: But not on the base?

Malfabon: ...it's applied to the federal, state, and local. So if the federal government, Congress, raised the gas tax, the federal portion of the gas tax, it would be eligible for that indexing. I believe I had heard that there was a limit, but I only saw a limit on the indexing percentage, not on the...

Krolicki: The base?

Malfabon: ...but I had heard like it could only go up to about 10 cents in that three-year period in Clark County. I think that that's just based on the calculations of what they anticipated for the total of the indexing.

Sandoval: Any further questions or comments with regard to Agenda Item 12? All right. Thank you, Mr. Director. We'll move on to Agenda Item 13, Report on the Status of the Future I-11 and the Intermountain West Corridor Study.

Malfabon: Thank you, Governor. Our project manager, Sondra Rosenberg, will give this presentation to update the Board on the progress of the Future I-11 Study.

Rosenberg: Thank you. Good morning. For the record, Sondra Rosenberg, NDOT Planning. It is still morning, right? Yeah. Okay. Great. I just wanted to bring back some information to you. I last presented to this group back in August and was asked to come back once we've had some meetings and we're getting some feedback, and we're at that point now, so I thought it was appropriate to give you an update.

So for our evaluation process when we're looking at all the potential corridors for not just the designated I-11, but the potential Intermountain West Corridor, we've set up this evaluation process in conjunction with our stakeholders, so in August we met with our stakeholders to develop evaluation criteria. We then went back to our stakeholders in September and looked at the universe of alternatives. We've just recently completed our level one screening and we went out -- we had five different meetings, both with stakeholders, as well as public meetings, to discuss the results of that. So we looked at what are all of the alternatives we looked at based on the criteria that were developed in conjunction with our stakeholders, what we're recommending moving forward.

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In January we'll have some more meetings to talk about the level two screening, which is a more in-depth screening for the priority segment; that segment designated as I-11, or the area between Phoenix and Las Vegas. And then we're hoping by March to have some recommendations to bring back, as well.

So just a recap of the evaluation criteria. I believe I went through this in a little more detail back in August. Those are all the criteria we are weighing the alternatives on. For the level one evaluation it's basically all qualitative or comparative; the different alternatives and the different segments comparing them against each other. When we do the level two evaluation it's going to be on that section between Phoenix and Las Vegas only and it's going to be much more quantitative. We're going to start running models. We're going to start estimating costs. So we're going to get into the details a little bit more.

So after our stakeholders meetings this was our map of universe of alternatives. We had some of these recommended based on previous studies. We looked at, you know, master plans. The regional transportation plans. Anything that had been studied or recommended before and then our stakeholders also came to the meetings and made some additional recommendations that they felt was worth looking at. So as you can see, they're pretty broad, wide lines all the way from the Mexican border up through Northern Nevada and beyond.

And then the results of that screening, based on the criteria presented, we have one recommended alternative for Southern Arizona. We had quite a few that we looked at. Basically, any port of entry in Southern Arizona was evaluated as how it connects to Phoenix and Las Vegas and beyond. There was really one clear winner, which is that corridor through Tucson and Nogales port of entry. We're not saying specifically it's the I-10 corridor, but most likely an expansion of that corridor or some similar or parallel facility.

For Phoenix all of the alternatives that are recommended are fairly similar from, you know, Nevada's perspective. It basically comes into Wickenburg, follows the southwestern corner of the valley to connect into Casa Grande, south of Phoenix. North of Phoenix there's two alternatives basically following U.S. 93. There was one alternative that kind of jots west and then north to connect back to 93, so we're evaluating both of those. And for Las

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Vegas we looked at several alternatives. Some of them included alternatives that went further south or west. There were alternatives that didn't use the Boulder City Bypass, so all of those have basically been eliminated. We're basically left with three -- oh, no, here we go. Just seeing if you're awake. The 215 alternative, which is basically follow the beltway south and west of the valley. There's the potential to expand that corridor. Following the 93 corridor through 515 and then 95 north, basically, you know, a straight shot from the southeast to the northwest. Coming through Las Vegas and out on 15, that's the CANAMEX corridor or the potential for a new corridor on the eastern side of the valley. So those will all be evaluated in more detail in the next level of screening.

For Northern Nevada we did look at several alternatives, on the western part of the state; we looked at one in the central part of the state and two on the eastern side of the state. There's a pretty clear winner that U.S. 95 north of Las Vegas seems to score highest on the criteria that we developed. We do have two alternatives once you get to the Reno-Sparks-Fernley area, whether you go through Reno and up the 395 corridor or continue on the 95 corridor along I-80, and then north up to Oregon and Idaho.

So just a summary of some of our meetings. Since we last met we've had three stakeholder meetings, as well as a public meeting, and those are the numbers of attendees at each of those meetings. The map reflects when people signed in at the public meetings where they were from. So we have a pretty broad coverage of attendees at our meetings. We've also been contacted by folks since those meetings who weren't able to attend and we've tried to accommodate via teleconference or meeting or update them, as well. Because there aren't very many, as you can see, on the northeastern part of the state and we definitely heard from them and have had discussions with them since.

So some common themes. There's certainly a realization of the economic potential of this corridor being developed. There's a specific area outside of Tucson that has some concerns and there's a big active community there that's opposed of any alternative that goes through that specific area. Funding is obviously a big concern. We talk about funding at every one of these Board meetings, so certainly when we look at a potential new or expanded corridor that's a concern from a lot of our stakeholders and public. Avoiding protected and sensitive lands. Supporting a facility that would

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address safety issues. You know, the area between Phoenix and Las Vegas has had quite a few safety issues. It's being expanded now and ADOT is addressing a lot of those issues, but it's still a concern. And support for a multimodal facility. This opportunity -- if we are looking at expanding or new facilities the opportunity to provide access for multiple modes.

Specific to Nevada. In the Las Vegas area we got a lot of comments that the eastern alternative would really have the highest potential for congestion and air quality relief, however, it also has the most constraints; specifically from an environmental and cost perspective. Alternatives through the Spaghetti Bowl; there's a lot of concern about that being detrimental to congestion and economic development. It's an already congested area and the potential to add additional freight through traffic is certainly a concern.

Input from federal resource and defense industry is needed. We did have a meeting with Nellis that went very well and we've incorporated their input. We also have a meeting scheduled with the federal resource agencies next week to discuss those environmental concerns and land ownership concerns.

In Northern Nevada we had kind of an overwhelming response that U.S. 95 makes the most sense connecting the two big metropolitan areas. However, we have some concern from the counties on the eastern part of the state that we're missing some potential opportunities there. So we're addressing that. We're incorporating their comments and reevaluated. We still think 95 makes the most sense from an interstate type facility perspective, however, we are looking at the opportunity for rail and other types of transportation on the eastern part of the state.

Input from neighboring states needs to be considered. We do have members on our stakeholder working groups that are from other states. They haven't had a strong opinion yet. We did have a conference call with Oregon DOT yesterday, so we are trying to get specific comments from those neighboring states before we finalize our recommendations from the level one screening.

Fransway: Question.

Rosenberg: Yes, sure.

Fransway: Could I, Governor?

Sandoval: Yes.

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Fransway: While we're on the Northern Nevada connectivity between Las Vegas and Reno through U.S. 95...

Rosenberg: Mm-hmm.

Fransway: ...I assume that it would intersect I-80, and then they could make the decision of whether to go on to Reno or north to Idaho or wherever.

Rosenberg: Right.

Fransway: Is that how it wants to connect -- it would connect to Reno?

Rosenberg: That is correct. So we have, again, for these connectivity segments, so north of Las Vegas, are very wide, broad lines. We think, basically, following the 95 corridor loosely to approximately the Fernley area, where it would then connect to I-80, at that point there needs to be a decision on whether or not it makes sense to even carry it forward further north of that. But then you'd have the choice of going to Reno continuing on 80 to where 95 heads up north. So those are our two recommended alternatives and for this segment that's sort of the end of the analysis is we're recommending that this corridor needs to be looked at further as a potential interstate or, you know, high-capacity transportation facility. And really what we mean by that, since this is so, so long term, is to start working with our federal partners to potentially preserve right-of-way for future transportation development when that need arises.

Fransway: Thank you.

Rosenberg: Mm-hmm. So the next steps we're going to finalize the levels on evaluation results. And, again, I don't want to finalize that. We have a draft technical memorandum that's available on our website. I don't want to finalize those recommendations until we've gotten some additional feedback from our neighboring states, because we want to make sure our recommendations are consistent with their long-term plans, as well. But that should be in the next month or so. And we're preparing a feasibility assessment report for the connectivity segments and what that is, is we'll go through -- we have the evaluated criteria in the tech memo, but we're going to go through a little bit more of a descriptive process on what the opportunities and constraints of all those corridors that we evaluated are so that those can move forward into future studies.

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The priority segment alternatives, which is the Phoenix metropolitan area, Northern Arizona and then the Las Vegas metropolitan area, we're going to do a more quantitative analysis of those to narrow down those alternatives a little bit more and then prepare a corridor concept report, where it'll have a little bit more detail, refine those alternatives a bit, have very preliminary, very broad planning cost estimates and that'll be available in the corridor concept report sometime late next spring.

We're going to have stakeholder meetings in January, March, and May, and we anticipate having a public meeting towards the end of the process in June. And all of our documents, meeting materials, are available on the website. Any questions?

Sandoval: Thank you. Questions from Board members? Member Fransway.

Fransway: Thank you, Governor. So you have several options out there as far as your corridor goes. When do you anticipate and did I just hear you say June? When do you anticipate a preferred alternative?

Rosenberg: For the priority segment we anticipate a preferred or recommended alternative -- we should have a draft of that at least by March time frame, March, April, that then we'll work with our stakeholder partners and make sure we're still, you know, in line and everyone, you know, there's no concerns about those recommendations. It may not be -- I think for, you know, the area between the two metropolitan areas there will most likely be one alternative. For the Las Vegas metropolitan area it might end up being a series of recommendations, so we might end up finding through our travel demand model, that we see a need for improvements on several of those corridors. Especially when you look at the time frame associated with a potentially new corridor, if that is still recommended at the end of the next process. So we'll have one recommended for, you know, potential I-11 designation, but we think that'll be in conjunction with a series of improvements for the Las Vegas valley.

Fransway: Okay. And over the long term, the goal or the concept, I guess I would say, would be to connect Mexico to Canada through the United States. And so as you develop your corridors, will you have input from other states as to how it may proceed northward into their states?

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- Rosenberg: Yes, absolutely. So right now our focus is, you know, Las Vegas to Phoenix and then beyond that through the states of Arizona and Nevada. However, for our recommendations for Nevada, for example, it's very important to make sure we're in line with recommendations from other states. So just as one example, our conference call with Oregon DOT yesterday, what they brought to us was they've done a freight study or a statewide freight plan, and so they have freight corridors identified. So we are looking at which of our alternatives could connect to their planned freight corridors. So that's sort of the level or kind of very big picture. We want to make sure we're lining up with what other states are planned for north, south, freight or high-capacity corridors.
- Fransway: And you mentioned five stakeholder groups. I don't recall seeing -- identifying those five groups on your PowerPoint.
- Rosenberg: Yes, those are by -- we've had stakeholder meetings by location, so we have had meetings in the Tucson area or the Southern Arizona area, that's one stakeholder group. The Phoenix metropolitan area. The Northern Arizona area, generally in Kingman. The Las Vegas metropolitan area and then Northern Nevada. So those are the five stakeholder groups.
- Fransway: Okay. And you've established your meetings and your transparency through meetings with each five of those? Because they must comprise with different factions of each individual group, such as business people, construction people...
- Rosenberg: Right. Right. So we have a very extensive stakeholder partners distribution list. We also had a series of focus groups early on in the study last spring where we actually had specific groups for the freight industry, the energy industry, resources. So those were focus groups which were comprised of the larger stakeholder group. So we have a very extensive stakeholder partners distribution list. I think it's approximately 2,000 people and when we schedule these meetings we invite all of the stakeholders to all five of those meetings. So they can choose whether to attend the one that's geographically closest to them or the ones that have, you know, if they're -- they might be in Southern Arizona but they're very interested in what's happening in the Las Vegas metropolitan area. We always provide a web and teleconference ability so people don't have to physically be at those meetings. So all of our stakeholders are invited to all of our meetings. The reason we split them up by geographic area is so that they're not very long

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meetings that go into a lot of detail about different areas of the corridor that particular individuals might not have interest in.

So the Las Vegas stakeholder meeting will talk about the Las Vegas metropolitan area and those corridors we're looking at there. In the Phoenix meeting we'll just talk about the Phoenix alternatives, so the meetings are relatively short, but stakeholders can attend all five of them.

Fransway: Okay. I'd be interested in knowing the schedule...

Rosenberg: Okay.

Fransway: ...in District 3 for sure. So appreciate that.

Rosenberg: I was under the assumption that you were on our distribution list, but I'll double check on that...

Fransway: Okay.

Rosenberg: ...and make sure that we reach out to you for future meetings.

Fransway: Thank you.

Sandoval: I have one question. In your discussions in these meetings, the fact that we, being Nevada, are moving forward on this Boulder City Bypass and putting down \$180 million; does that have any effect on those discussions that shows that Nevada is really serious about this?

Rosenberg: Absolutely. So there's certainly the, you know, on-the-ground type of discussions, long-range planning on where this corridor should be. There's also quite a few political discussions, as you might expect. So we're having quite a few discussions with particularly what we're calling our core agency partners. We have another subset group here, which is the two DOTs, Federal Highway Administration, Federal Railroad Administration and the two MPOs for the Phoenix and Las Vegas metropolitan area. Certainly the RTC of Southern Nevada is making a lot of strides, a lot of outreach in terms of naming Boulder City Bypass I-11 and what needs to happen on the other side of the state line. Meanwhile, Arizona is working on their 93 improvements. They're not going to be interstate standards in the near term but certainly coordinating those efforts to make sure that the effort we're putting forward on the Boulder City Bypass is not thwarted by lack of movement on the other side. So we're certainly working together in trying

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to make sure improvements are done in coordination or conjunction with one another.

Sandoval: And when do you anticipate that these stakeholder meetings will be finished?

Rosenberg: Our last scheduled stakeholder meeting will be in May of 2014, and that will be kind of wrapping up our final recommendations.

Sandoval: And what happens after that? Because that's not too far away.

Rosenberg: Right. So we'll have a draft of our corridor concept report, which has more detailed recommendations. Right now we have lines on a map, we have the lines that have been eliminated and the lines that are still on there. That corridor concept report will have recommendations in terms of, you know, the size of the facility, potential phasing opportunities, a planning level cost estimate, an implementation plan. So we'll have some recommendations that then the two states and/or the MPOs can move forward with on that and that'll go into, you know, prioritizing based on, you know, the rest of our needs. But we'll have an implementation plan and a concept report on recommendations on how to move this forward.

Sandoval: Which brings me to my final question. At some point will this Board have the final say as to which corridor will be chosen?

Rosenberg: That's an excellent question. Would you like to, I guess, is what I would ask. You know, I had planned on coming back to you probably in the March time frame, which we'll have our draft recommendations and that's probably a good time for this body to weigh on what we're recommending and recommend any -- either support of that recommendation or changes of that. I mean, certainly the Arizona Transportation Board is getting monthly updates and they're certainly weighing in. The Governor of Arizona has been very active on this on weighing in on alternatives. So I'd be happy to, you know, make that a requirement before we come to you with our final recommendations.

Sandoval: So is that a yes?

Rosenberg: Yes. Sorry. Yes, absolutely.

Sandoval: All right. Any other questions? Madam Attorney General.

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- Cortez Masto: Just to follow up on the Governor's question, and it may be in the report, I did not see it. Stakeholders from Nevada, who are they? Who's involved? That might help us, as well, making the determination.
- Rosenberg: That's not in this particular report. We do have a public involvement plan. It's a very extensive list, so I'll rattle off some agencies that I can think of. But certainly all the federal land ownership agencies, such as BLM, Forest Service, Fish and Wildlife. We have all of the counties, many of the cities, NACO, League of Cities, the MPOs, the trucking industry, the power industry. So it's a pretty broad range of stakeholders and we're constantly adding to it. Whenever someone has expressed an interest and they represent an organization, whether it's a government organization, an NGO, we're happy to add them to our stakeholder partners list.
- Cortez Masto: And I guess what I'm curious and more interested in is at the state level. Who's involved in -- as a stakeholder and how much weight do they carry with the determination? In other words, I'm assuming and I hope the Governor's economic development team...
- Rosenberg: Yes.
- Cortez Masto: ...or somebody from that is involved. That helps me, if this is coming back to the Board, to know who the stakeholders are, kind of what they've weighed in on and will absolutely help me (inaudible) a decision.
- Rosenberg: Sure.
- Cortez Masto: Although this is coming to the Board after January. I won't be here, so I won't have to worry.
- Sandoval: But...
- Cortez Masto: But it would be helpful.
- Rosenberg: You can comment.
- Cortez Masto: Thanks.
- Sandoval: The Attorney General brings up a great point, because we've got to have the Las Vegas Global Economic Alliance involved. We have to have EDawn involved. All the other RDAs. Because the last thing that I want -- I'd rather you be exhaustive now in including all the potential stakeholders...

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- Rosenberg: Absolutely.
- Sandoval: ...because if you come up with a recommendation and somebody comes to the dais and says, well, wait a minute, we didn't have an opportunity to have a say or input onto this and now this thing's been done.
- Rosenberg: Right.
- Sandoval: So we -- if you're already working with GOED, but I would go to EDAWN, and as I say, to Las Vegas Global Economic Alliance, as well.
- Rosenberg: Absolutely.
- Sandoval: Mm-hmm.
- Rosenberg: And we have -- I'll have to check to see if those organizations have participated. I believe they're on our stakeholder list. We have had meetings with the Las Vegas Chamber, LVCVA, you know, they participated as our stakeholders. We've also had one-on-one meetings and we will be happy to reach out to EDAWN, as well as the Global Economic Alliance.
- Sandoval: Mm-hmm. Because, I mean, it goes without saying -- I mean this could have -- I'm trying to think of the right adjective, but I'll just use the Lieutenant Governor adjective, profound, huge, whatever, in economic development...
- Rosenberg: Yes.
- Sandoval: ...and impacts with regard to the logistic advantages that Nevada would have moving forward. And then, as I say, depending on these corridors that go throughout the state, that one that you hit Fernley and you either go east though Winnemucca and then up north and then, I guess, up through Idaho. I didn't see the northern border.
- Rosenberg: Right.
- Sandoval: You have the other that comes through Reno and then up through California and into Oregon.
- Rosenberg: Mm-hmm. Absolutely. We'll double check and make sure they're on our stakeholders list, as well as reach out to them on an individual basis for

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those organizations. And I'd be happy to get you a list of the organizations that are currently represented.

Sandoval: Mr. Lieutenant Governor, did you have a comment?

Krolicki: That last point is the -- completely echo and support this. I think our fear is who might not be included in this list and you made a strategic statement that the ADOT folks get updated monthly. I mean we're at a point where we just don't want surprises when you come back. To have a plan and all of a sudden, well, did we think of that? I mean, maybe as part of the Director's report or just something, but I think a frequent and a regular update or supplemental materials that we can just review are important. But I'm just sitting here with questions with the development authorities. You were talking about that eastern part in Southern Nevada and outside of Las Vegas and I didn't hear Department of Defense. I mean I...

Unidentified Male: I'm sure they are.

Rosenberg: Yes.

Krolicki: Just didn't say that. Free trade zones, you know, the railroads, the airports. I mean, I'm assuming all of these folks are in there, but when you talk about multimodal and tying in so many different variables, it could really drive this map in a certain direction that makes it much clearer or that much -- there be a significant correction that would need to be done because of that list input. So that list, yes, would be wonderful.

Rosenberg: Okay. Absolutely.

Krolicki: And it would be important for all of us to make sure that we review it and make comments.

Rosenberg: Yes, and we are making every attempt to include -- you know, we have the same fear that you do that who you leave out might have the biggest impact. So we'll get you that list, you know, probably today or tomorrow, and then if there's any organizations that any of you find are missing, please let us know as soon as possible and we will reach out to them and give them an update and provide any information that they require.

Sandoval: And this is more of a comment, it's not a question, but, you know, we sit here as a Board and we have this in an Agenda Item and perhaps it becomes

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a little bit routine, but this is going to have monumental impacts on the future of Nevada and we know that, but, you know, this due diligence that you're doing right now is incredibly important to the future of the state and future of what we're trying to accomplish with regard to economic development and planning. So I'm really excited about this and...

Rosenberg: I am too.

Sandoval: ...we, as I said, it has to be exhaustive in terms of what you're putting together. Not to suggest that you're not doing that right now, but Lieutenant Governor makes some incredible points in terms of getting these airports, because it is all one big infrastructure that could really complement one another and really catapult the state into so many great opportunities.

Rosenberg: Absolutely. Thank you.

Sandoval: Any other questions on Agenda Item 13? Thank you very much.

Rosenberg: Thank you.

Sandoval: Agenda Item 14, Old Business. Mr. Director.

Malfabon: Thank you, Governor. Under old business we have Report of Outside Counsel Costs on Open Matters and the Monthly Litigation Report, Items A and B, and Dennis Gallagher, our chief counsel from the AGs office, is here to answer any questions on those items. Seeing none.

Moving on to the Fatality Report. I have unfortunate news about a fatality last week that occurred on an NDOT project. Two subcontractor employees were engaged in a concrete rehabilitation project, so it was a subcontractor that does the sawing of the concrete pavement and the sealing. And, unfortunately, a driver entered into the work zone, which was coned off, and hit several employees from this subcontractor, A-Core Concrete, which I believe is out of Salt Lake City, Utah, and one employee, unfortunately, died at the scene and one was CareFlighted to Reno and eventually died, as well. A very unfortunate incident. Two other employees were injured, one more seriously, one less so, but still it was an unfortunate incident and it highlights how dangerous the business that we are in working next to traffic on interstates or state routes, high volumes of traffic in some cases, night work. So it's critical that we continue our efforts to improve traffic safety in

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the state, working with our partners and law enforcement and engineering, emergency medical responders and the education side.

This shows that our fatal's were down compared to last year, five, but the latest report that I received today shows that we are actually one higher than last year. So we have a lot of work ahead of us so that people that drive on our state highways and streets get home safely to their loved ones each day.

We will hopefully see that some of the measures that we're taking in trying to do more flattening of slopes on some of these rural roads where there's long distances and drivers kind of get a little bit fatigued and can run off the road. We're doing a lot of those projects. We're doing a lot more in the urban areas, as well, to improve traffic safety. And also working on our -- the public service announcements are one thing, but also to be a little more proactive and making it personal. And some of the presentations will be made to the Board on how to make it more personal to people and make them think about their driver behavior and influence that behavior so they drive more safely.

And the last item was the listing that Robert Nellis referred to of the contracts that were with Kimley-Horn & Associates and TransCore ITS, LLC. So if there's any questions on those last two items, the Fatality Report or the listing of contracts, we can respond.

Sandoval: My question isn't really at any of those, Mr. Director, but given we've got, I think, our first winter storm coming, are we all ready to go for winter?

Malfabon: Definitely. Our folks in the districts have had their meetings with the maintenance staff to prepare for that. We had that initial storm just a little over a week ago. They performed admirably. They've got their stockpiles in place. They're definitely watching their operating budgets, but they know that they will do whatever it takes to provide public safety on the roads, especially during the operations that involve snow and ice control. And we're doing our best to get the information out to the public so they know which routes to take if there's any kind of snow or ice, especially on the mountain summits when we get these storms passing through.

Sandoval: Thank you. Any questions for the Director with regard to Agenda Item 14. Member Savage.

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Savage: Thank you, Governor. Mr. Director and Mr. Nellis, I want to thank you for providing the figures and the timeline on the Kimley-Horn and the TransCore. Very informative. And with the numbers that I've seen here that Kimley-Horn's timelines of 2012 through 2017, with the total contracts of about \$4,466,000. And they develop software for our central systems, is my understanding, for field devices and cameras and dynamic messaging and ramp meters. And TransCore, for the years 2011 through 2014, was \$17,744,000 and I think it's very helpful to have this information so we can understand that the value of the service that we require and the state of the art technology that's out there be timely and for the right price.

So that leads to one of my questions is the TransCore as far as repairing IT devices and I guess it's my lack of understanding of these people or this contractor does the mechanical repair or the software repair?

Malfabon: They do the -- both. They do the capital improvement projects and the software support, so it can be in both of those areas. Primarily what we've seen is that we need more assistance to repair devices. When we have the Las Vegas area we have the RTC of Southern Nevada through FAST provides that type of service to us and we pay for that, as well as the other member entities down there, the county and the cities. But when we get out of the urban area we typically have to rely either on our own forces, who are not as knowledgeable about how to repair some of these devices, or to hire contractors to do those repairs. So that's an indication of hiring TransCore to do those types of repairs.

One of the things that we did was give District 2 and additional person to do those types of repairs. What we see in District 2, since we don't have that same type of system set up with the RTC in Washoe County, we are implementing these devices, putting out ramp meters or flashing signals for pedestrians, doing various installations of fiber and cameras, and we've noticed that we need more people on maintenance staff to do our own, basically, maintenance of those devices. We do enter into agreements, also, with cities or a county to help us to -- because they usually have staff that maintain traffic signals and it's a similar type of equipment. NDOT doesn't typically maintain traffic signals, so we usually will enter into agreement with a county or a city to maintain them for us.

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So we recognize that we need to have more staff in there to manage contractors that do these types of repairs and we've given an additional position to District 2 to manage their devices that they're installing.

Savage: That's very reassuring. I'm glad that NDOTs being proactive and taking the opportunity to have more people in-house to understand some of these repairs that are necessary. And the last question -- actually, two more questions. Does TransCore have a field office in Northern Nevada or do they just work out of Southern Nevada?

Malfabon: Denise, do you know the answer? Denise Inda from Traffic Operations could answer that.

Inda: Good morning, Denise Inda as Rudy said. TransCore -- for the maintenance agreement TransCore is the responsible party and they have worked to address the needs all over the state. And as Rudy explained, the maintenance needs are different in Northern Nevada than in Southern Nevada. So they actually have subcontractors or employees working in specific areas. I know that in the Elko area they have an office with at least one person, if not a couple of people, who are there in Elko responding to work and requirements in the Elko District 3 type region. So they do actually have personnel in those areas because we have some requirements for response time on that and in order for them to be able to do that they have to have people in those areas. For the ITS systems timely response can be important if a dynamic message sign or other a system that provides regulatory information to the travelling public is down, we need to get that up quickly and so they have staff who can do that.

Savage: So that was a yes, they do have staff in the Reno area...

Inda: Yes.

Savage: ...on a 24/7 basis?

Inda: I'm not going to -- I don't know what their -- yes, they do. They have staff in the Reno area; they have staff in the more rural areas so that they can respond within the time requirements of their contract to work on the different systems.

Savage: And the last question, Ms. Inda, I'd appreciate that, is the other qualified vendors or competitors of TransCore and Kimley-Horn. Are there others

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vendors in the state of Nevada, besides TransCore, that are able to maintain these devices and repair these devices?

Inda: Yes, there are and when we put out these -- we put our RFPs for this type of work. So we put out an RFP and opened it up to any interested party or business and then based on the submittals we select the best firm, so...

Savage: Thank you, Ms. Inda.

Inda: Sure.

Savage: I appreciate it. Thank you very much for the staff to provide those documents. It's very helpful. Thank you, Governor.

Sandoval: Any other questions with regard to Agenda Item 14? Member Fransway.

Fransway: Not really in respect to Item 14, but I do have a request for you as Chairman that I'm concerned about some of the closures of the rest areas in the state and I understand perfectly the fiscal responsibility that needs to be adhered to, but I also feel that the rest areas are very important to the infrastructure for the travelling public and I would, if I could, respectfully ask Rudy to maybe give some sort of a report on the status of those closures statewide. I would be very interested in that.

Sandoval: Do you have any comment right now, Mr. Director?

Malfabon: Not to my knowledge. I know that I hadn't heard of a permanent closure of a rest area. Occasionally we have water quality problems and we test the water in some of the rest areas that have those types of facilities in the restrooms and if water quality is bad sometimes we've had to close rest areas temporarily until we address that issue. But I will look at that specifically and have that as an old business item to report back.

Sandoval: Are you aware of any permanent closures, because I'm sure not.

Malfabon: I'm not aware of any permanent closures. Now, there was one years ago in Southern Nevada and it was on I-15. It was related to a water quality issue and I'm not aware of any recent closures that are permanent.

Sandoval: Okay. I vaguely remember even some legislation that we were allowing...

Malfabon: Yes.

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- Sandoval: ...vendors to perform services at the rest areas?
- Malfabon: Yes, and we have that information out on our website trying to get people informed about it and to get them to opt into that program.
- Krolicki: Governor, if I may, it's time -- I just spoke to Mr. Nelson this morning and we've been trying to work on a rest stop meeting. Even today we couldn't do it, but you're right, there was legislation passed and there's cooperation between NDOT and the Nevada Commission on Tourism to enhance these facilities to perhaps give greater and more timely care, and enhance the infrastructure, including wireless, you know, promote all of the wonderful activities that are within easy driving distance of that rest stop. So there are conversations to enhance the rest stop experience, if you will, and I'm happy -- you know, I suspect we'll have these meetings shortly and we just couldn't do it today, but we'll have that and I think that'll be a wonderful part of the Director's Report or I'm happy to share it at some point in time.
- Fransway: Thank you Lieutenant Governor and Governor, I appreciate the interest of the Board. I think it's very important throughout the state.
- Sandoval: Okay. Any other comments? Agenda Item 15, Public Comment. Is there any member of the public here in Carson City that would like to provide comment to the Board? Is there anyone present in Las Vegas that would like to provide comment to the Board?
- Unidentified Female: None down here.
- Sandoval: Is there a motion for adjournment?
- Krolicki: Moved.
- Sandoval: Lieutenant Governor has moved for adjournment. Is there a second?
- Savage: Second.
- Sandoval: Second by Member Savage. All in favor say aye.
- Group: Aye.

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Sandoval: Motion passes. The meeting is adjourned. Thank you, ladies and gentlemen.

Secretary to the Board

Preparer of Minutes



1263 South Stewart Street
Carson City, Nevada 89712
Phone: (775) 888-7440
Fax: (775) 888-7201

MEMORANDUM

November 27, 2013

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, Director
SUBJECT: December 9, 2013 Transportation Board of Directors Meeting
Item #4: Approval of Contracts Over \$5,000,000 – For Possible Action

Summary:

The purpose of this item is to present to the Board a list of construction contracts over \$5,000,000 for discussion and approval.

Background:

The Department contracts for services relating to the construction, operation and maintenance of the State's multi-modal transportation system. Contracts listed in this item are all low-bid per statute.

The attached construction contracts constitute all contracts over \$5,000,000 for which the bids were opened and the analysis completed by the Bid Review and Analysis Team and Contract Compliance section of the Department from October 24, 2013, to November 13, 2013.

Analysis:

These contracts have been prepared following the Code of Federal Regulations, Nevada Revised Statutes, Nevada Administrative Code, State Administrative Manual, and/or Department policies and procedures.

List of Attachments:

- A) State of Nevada Department of Transportation Contracts Over \$5,000,000, October 24, 2013, to November 13, 2013.

Recommendation for Board Action:

Approval of all contracts listed on Attachment A.

Prepared by: The Administrative Services Division

Attachment

A

STATE OF NEVADA DEPARTMENT OF TRANSPORTATION
CONTRACTS OVER \$5,000,000
October 24, 2013 to November 13, 2013

1. October 31, 2013 at 3:00 p.m. the following bids were opened and read related to Department of Transportation Contract No. 3539-READV, Project No. SI-095-6(009), The Project is slope flattening and construction of passing lanes on US 95, North of Winnemucca, from 1.446 Miles South of the junction with SR 795 to 1.547 Miles North of SR 140 in Humboldt County.

Granite Construction Company	\$7,616,616.00
Q&D Construction, Inc.	\$7,808,000.00
Road and Highway Builders, LLC.	\$7,878,878.00
A&K Earth Movers, Inc.	\$8,234,000.00
W.W. Clyde & Co.	\$10,692,622.26

The Director recommends awarding the contract to Granite Construction Company in the amount of \$7,616,616.00.

Engineer's Estimate: \$8,632,743.31

Line Item 1



MEMORANDUM

Administrative Services

November 14, 2013

To: John Terry, Assistant Director - Engineering
Richard Nelson, Assistant Director - Operations
Rudy Malfabon, Director

From:  Jenni Eyerly, Administrative Services Officer

Subject: Concurrence in Award for Contract No. 3539-READV, Project No. SI-095-6(009), US 95, North of Winnemucca, from 1.446 Miles South of the Junction with SR 795 to 1.547 Miles North of SR 140, Humboldt County, described as Slope Flattening and Construct Passing Lanes, Engineer's Estimate \$8,632,743.31.

This memo is to confirm concurrence in award of the subject contract.

Bid proposals were opened on October 31, 2013. Granite Construction Company is the apparent low bidder at \$7,616,616.00 and they submitted a properly executed proposal, bid bond and anti-collusion affidavit. The second low bidder is Q&D Construction, Inc. with a bid of \$7,808,000.00

The project is Federally funded, required 12% DBE participation and is not subject to State Bidder Preference provisions.

The subcontractor listing documentation and DBE information submitted by the two lowest bidders has been reviewed and certified by the Contract Compliance Officer. The bid is below the Engineer's Estimate Range, and a copy of the Unofficial Bid Results report is attached for your reference. The BRAT Chairman has provided their concurrence to award, and their report is attached.

Your concurrence in award of this contract by endorsement hereon is respectfully requested. Please return the approved copy to this office. Upon receipt a packet will be prepared to obtain Transportation Board approval of the award at the next available meeting.

Concurrence in award:


John Terry, Assistant Director


Richard Nelson, Assistant Director


Rudy Malfabon, Director

Enclosures:
Unofficial Bid Results Report
Contract Compliance Memo
BRAT Summary Report

Nevada Department of Transportation

Unofficial Bid Results

October 31, 2013

Contract Number: 3539-READV

Bid Opening Date and Time: 10/31/2013 2:00 pm

Designer: WARREN COLES

Liquidated Damages: \$5,300

Senior Designer: STEVE BIRD

Working Days: 130

Estimate Range: R28 \$7,950,000.01 to \$9,550,000

District: DISTRICT 3

Project Number: SI-095-6(009)

County: HUMBOLDT

Location: US 95, North of Winnemucca, from 1.446 Miles South of the Junction with SR 795 to 1.547 Miles North of SR 140

Description: Slope Flattening and Construct Passing Lanes

Apparent Low Bidder Granite Construction Company \$7,616,616.00

Apparent 2nd Q & D Construction, Inc. \$7,808,000.00

Apparent 3rd Road and Highway Builders LLC \$7,878,878.00

Bidders:	Actual Bid Amount
1 Granite Construction Company PO Box 2087 Sparks, NV 89432 (775) 358-8792	\$7,616,616.00
2 Q & D Construction, Inc. P.O. Box 10865 Reno, NV 89510 (775) 786-2677	\$7,808,000.00
3 Road and Highway Builders LLC P.O. Box 70846 Reno, NV 89570 (775) 852-7283	\$7,878,878.00
4 A & K Earth Movers, Inc. PO Box 1059 Fallon, NV 89407-1059 (775) 423-6085	\$8,234,000.00

Nevada Department of Transportation
Unofficial Bid Results

October 31, 2013

Contract Number: 3539-READV

Designer: WARREN COLES

Senior Designer: STEVE BIRD

Estimate Range: R28 \$7,950,000.01 to \$9,550,000

Project Number: SI-095-6(009)

Bid Opening Date and Time: 10/31/2013 2:00 pm

Liquidated Damages: \$5,300

Working Days: 130

District: DISTRICT 3

County: HUMBOLDT

Location: US 95, North of Winnemucca, from 1.446 Miles South of the Junction with SR 795 to 1.547 Miles North of SR 140

Description: Slope Flattening and Construct Passing Lanes

Apparent Low Bidder Granite Construction Company \$7,616,616.00

Apparent 2nd Q & D Construction, Inc. \$7,808,000.00

Apparent 3rd Road and Highway Builders LLC \$7,878,878.00

Bidders: Actual
Bid Amount

5	W.W. Clyde & Co. P.O. Box 350 Springville, UT 84663- (801) 802-6800	\$10,692,622.26
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Carson City, Nevada 89712
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Fax: (775) 888-7235

MEMORANDUM

CIVIL RIGHTS AND CONTRACT COMPLIANCE SECTION

November 7, 2013

To: Jenni Eyerly, Administrative Services Officer
From:  Dana A. Olivera, Contract Compliance
Subject: NDOT DBE & Bidder Subcontractor Information – Contract No. 3539 Readvertised

On US 95, North of Winnemucca, from 1.446 Miles South of the Junction with SR 795 to 1.547 Miles North of SR 140, Humboldt County.

SLOPE FLATTENING AND CONSTRUCT PASSING LANES.

The subcontractors listed by the apparent low bidder, Granite Construction Company, and the apparent second low bidder, Q & D Construction, Inc., are currently licensed by the Nevada State Board of Contractors.

The DBE goal of 12% has been met with a 11.51% DBE commitment and sufficient GFE documentation to deem them a responsive apparent low bidder. Additionally, the apparent second low bidder met the above stated DBE goal with a 12.09% commitment. Both bidders utilized Nevada certified DBE firms. Specific information regarding the DBE goal and GFE documentation is available in the Contract compliance Division.

DAO

**STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION**

M E M O R A N D U M

November 7, 2013

TO: Jenni Eyerly, Administrative Services Officer

FROM:  Dana A. Olivera, Contract Compliance

SUBJECT: Good Faith Effort Analysis contract No. 3539 Readvertised

On October 31, 2013 the Nevada Department of Transportation opened bids for the above referenced contract and five contractors submitted bids. Granite Construction Company (Granite) was the apparent low bidder and Q & D Construction, Inc. was the number two bidder. There was a race conscious DBE goal of twelve (12%) percent assigned to the contract. Both the apparent low bidder and number two bidder appeared to meet the goal at time of bid. During the analysis of the DBE good faith effort (GFE) documentation submitted at time of bid it was discovered that one of the DBE's withdrew their quote from Granite after Granite's bid was submitted. However, after reviewing the GFE submitted by Granite I have determined Granite has made adequate good faith efforts to meet the goal even though they did not obtain enough DBE participation.

Section 102.16 of the Standard Specifications for Road and Bridge Construction states, in part; "A bidder unable to meet the DBE goal shall submit documentation which outlines in detail good faith efforts to meet the goal." This documentation is required to be submitted at the time of bid opening.

Additionally, Section 103.08 (d) states "Written notice from each DBE firm named in the bid to meet the DBE goal, stating that they agree to perform the work committed to, for the price committed to in the bidding documents. This written confirmation must be on the DBE firm's letterhead and must be received by the Department no later than 5:00 P.M. on the next business day following the bid opening."

Granite submitted a bid of \$7,616,616.00 and would need to submit DBE participation in the minimum amount of \$913,993.92 to meet the established goal and initially showed they exceeded this amount with a Total DBE Participation Amount of \$927,046.27 (or 12.17%) by listing the following firms:

Benson Construction and Trucking	\$160,000.00	Trucking
Dixon Trucking, Inc.	\$265,000.00	Trucking
H & R Trucking	\$50,000.00	Trucking
Silver State marketing Group	\$136,744.60	Supplier
T K Blackburn Trucking	\$370,000.00	Trucking

Review of the quotes and confirmation letters submitted by each DBE confirmed the DBE bid amount, except for H & R Trucking, Inc. (H&R). The GFE documentation submitted by Granite shows that on October 30, 2013 Will Hellickson sent an email to H&R asking if they would be bidding on the "Hwy95 job tomorrow". H&R sent a return email to Mr. Hellickson stating, in part; "Yes, I want to bid the 3539, this is why we wanted to get the goal completed on the Currey job." On October 31, 2013, H&R submitted a quote for belly dumps (doubles, side

dumps, & flat beds) at \$136.00 per hour stating "This is a serious bid and if you need more information please call 702-296-6832."

After Granite submitted their bid with NDOT, listing H&R as one of their DBE's as they had qualified in writing their commitment to Granite to participate in the contract, they contacted H&R on November 1, 2013, for their confirmation letter for submittal by 5:00 p.m. the next business day, to which H&R replied they would "not be able to accept the work on #3539. We feel we must honor the commitment to the other NDOT jobs we have." Granite asked H&R to reconsider their decision to not honor their quote through emails and several phone calls. On November 2, 2013, H&R sent an email to Granite, FHWA, and NDOT confirming their withdrawal of their quote due to other project obligation.

H&R's withdrawal reduced Granite's DBE participation by \$50,000.00 (or .66%) making their Total DBE Participation Amount \$877,046.76 (or 11.51%) which is under the 12% established goal.

Title 49 Code of Federal Regulations Part 26, Appendix A to Part 26, is guidance concerning good faith efforts. That section states the following:

Appendix A to Part 26—Guidance Concerning Good Faith Efforts

I. When, as a recipient, you establish a contract goal on a DOT-assisted contract, a bidder must, in order to be responsible and/or responsive, make good faith efforts to meet the goal. The bidder can meet this requirement in either of two ways. First, the bidder can meet the goal, documenting commitments for participation by DBE firms sufficient for this purpose. Second, even if it doesn't meet the goal, the bidder can document adequate good faith efforts. This means that the bidder must show that it took all necessary and reasonable steps to achieve a DBE goal or other requirement of this part which, by their scope, intensity, and appropriateness to the objective, could reasonably be expected to obtain sufficient DBE participation, even if they were not fully successful.

II. In any situation in which you have established a contract goal, part 26 requires you to use the good faith efforts mechanism of this part. As a recipient, it is up to you to make a fair and reasonable judgment whether a bidder that did not meet the goal made adequate good faith efforts. It is important for you to consider the quality, quantity, and intensity of the different kinds of efforts that the bidder has made. The efforts employed by the bidder should be those that one could reasonably expect a bidder to take if the bidder were actively and aggressively trying to obtain DBE participation sufficient to meet the DBE contract goal. Mere *pro forma* efforts are not good faith efforts to meet the DBE contract requirements. We emphasize, however, that your determination concerning the sufficiency of the firm's good faith efforts is a judgment call: meeting quantitative formulas is not required.

The Nevada Department of Transportation (NDOT) must consider the quality, quantity and intensity of the efforts a bidder has made to meet the DBE goal. Based on the information provided, Granite showed initial efforts to meet the established goal and, upon the withdrawal of H&R's quote after their bid was submitted, presented adequate GFE documentation supporting all attempts to actively and aggressively continue to meet the goal.

For the reasons stated above I determined that the good faith efforts submitted by Granite were sufficient to deem them a responsive bidder and recommend award.



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Memorandum

November 13, 2013

TO: Jenni Eyerly, Administrative Services Officer
FROM: Paul Frost, Chief Roadway Design Engineer
SUBJECT: BRAT Summary Report for Contract #3539R

The Bid Review and Analysis Team met on 11/11/13 to discuss the Bid Tabulation for the above referenced contract. The following BRAT team members were in attendance at one or both of the meetings:

Shawn Howerton, Construction
Paul Frost, Chief Roadway Design Engineer
Jeff Shapiro, Chief Construction Engineer
Casey Connor, Assistant Chief Roadway Design Engineer
David Schwartz, Resident Engineer
Mark Stewart, Administrative Services
Warren Coles, Roadway Designer

The Price Sensitivity Report (attached), as prepared by the Administrative Services Division showed no items to be sensitive to the quantity estimates.

Several significant bid items are mathematically unbalanced. The majority of the plan quantities were verified and no errors were found (please see attached quantity Price Sensitivity report with comments). The proposal bid prices were evaluated and the majority were determined to be reasonable. Several are significantly unbalanced, most notably Structure Excavation and Aggregate Base.

The apparent low bid is 88 percent of the engineers estimate. The BRAT recommends proceeding with awarding this contract.

BRAT Chairman Concur to award:



Date 11/11/13

cc: attendees
Pierre Gezelin, Legal
Attach.

Price Sensitivity Report

November 12, 2013

Contract No: 3539-READY
Project Number: SI-095-6(009)
Project ID/EA No.: 73607
County: HUMBOLDT
Range: R28 \$7,950,000.01 to \$9,550,000
Working Days: 130

RE: Dave Schwartz
Designer: Warren Coles

Engineer's Estimate	Granite Construction Co	Q & D Construction, Inc.	Diff. Between Low & 2nd	Diff Between EE & Low	Low Bid % of EE
\$8,632,743.31	\$7,616,616.00	\$7,808,000.00	\$191,384.00	-\$1,016,127.31	88.23%

Item No.	Quantity	Description	Unit	Engineer's Est. Unit Price	Low Bid Unit Price	2nd Low Bid Unit Price	Qty Chg Req'd to Chg Bid Order	% Change in Qty Req'd	Low % of EE	Significantly Unbalanced	Quantity Check Comments
2010100	1.00	CLEARING AND GRUBBING	LS	150,000.00	250,000.00	95,000.00	N/A	N/A	166.67%	Yes	EE good
2030140	105,996.70	ROADWAY EXCAVATION	CUYD	7.00	6.50	7.00	-382,768.00	-361.11%	92.86%	No	Quantity ok, EE good
2030150	120,340.00	ROADWAY EXCAVATION (TYPE A)	CUYD	14.00	7.85	7.00	225,157.65	187.10%	56.07%	Yes	Quantity ok, EE good.
2030230	28,240.00	BORROW EMBANKMENT	CUYD	7.00	4.50	7.00	-76,553.60	-271.08%	64.29%	Yes	Quantity ok, EE good, see comment below
2030680	66,502.00	GEOTEXTILE	SQYD	1.50	1.65	0.85	239,230.00	359.73%	110.00%	No	Quantity ok, EE ok maybe a little high
2060110	649.10	STRUCTURE EXCAVATION	CUYD	35.00	225.00	35.00	1,007.28	155.18%	642.86%	Yes	Quantity ok, EE ok, contractor is high
2070110	1,426.29	GRANULAR BACKFILL	CUYD	40.00	20.00	55.00	-5,468.11	-383.38%	50.00%	Yes	Quantity ok, EE ok
2110190	70.00	SEEDING (TYPE A)	ACRE	2,000.00	2,865.53	1,525.00	142.77	203.95%	143.28%	No	Quantity ok, EE ok
3020130	158,010.44	TYPE 1 CLASS B AGGREGATE BASE	TON	10.00	5.00	8.75	-51,035.73	-32.30%	50.00%	Yes	Quantity ok, EE ok, contractor is low
4020180	23,167.00	PLANTMIX SURFACING (TYPE 2)(WET)	TON	90.00	90.00	98.00	-23,923.00	-103.26%	100.00%	No	Quantity ok, EE ok
4030110	2,681.00	PLANTMIX OPEN-GRADED SURFACING (3/8-INCH)(WET)	TON	120.00	125.00	137.00	-15,948.67	-594.88%	104.17%	No	Quantity ok, EE ok maybe a little low
6040390	1,469.00	24-INCH CORR. METAL PIPE (16 GAGE)	LINFT	50.00	100.00	32.00	2,814.47	191.59%	200.00%	Yes	Quantity ok, EE ok
6040545	876.00	36-INCH CORR. METAL PIPE (16 GAGE)	LINFT	70.00	120.00	48.00	2,658.11	303.44%	171.43%	Yes	Quantity ok, EE ok maybe a little low
6100190	780.42	RIPRAP (CLASS 300)	CUYD	90.00	200.00	61.00	1,376.86	176.43%	222.22%	Yes	Quantity ok, EE ok
6250490	1.00	RENT TRAFFIC CONTROL DEVICES	LS	277,953.00	162,666.24	300,000.00	N/A	N/A	58.52%	Yes	Quantity ok, EE ok
6270190	1,967.67	PERMANENT SIGNS (GROUND MOUNTED) (METAL SUPPORTS)	SQFT	60.00	70.00	89.00	-10,072.84	-511.92%	116.67%	No	Quantity ok, EE low, \$75 good
6280120	1.00	MOBILIZATION	LS	487,955.35	700,000.00	562,138.03	N/A	N/A	143.46%	No	Estimate is a fixed percentage

Additional Comments: Contractors bid the same price for both types of excavation. Does that mean they weren't concerned with the more difficult areas? Major contract cost difference was in this bid item.



MEMORANDUM

November 27, 2013

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, Director
SUBJECT: December 9, 2013 Transportation Board of Directors Meeting
Item #5: Approval of Agreements Over \$300,000 - For Possible Action

Summary:

The purpose of this item is to provide the Board a list of agreements over \$300,000 for discussion and approval following the process approved at the July 11, 2011 Transportation Board meeting. This list consists of any design build contracts and all agreements (and amendments) for non-construction matters, such as consultants, service providers, etc. that obligate total funds of over \$300,000, during the period from October 24, 2013, to November 13, 2013.

Background:

The Department contracts for services relating to the development, construction, operation and maintenance of the State's multi-modal transportation system. The attached agreements constitute all new agreements and amendments which take the total agreement above \$300,000 during the period from October 24, 2013, to November 13, 2013.

Analysis:

These agreements have been prepared following the Code of Federal Regulations, Nevada Revised Statutes, Nevada Administrative Code, State Administrative Manual, and/or Department policies and procedures. They represent the necessary support services needed to deliver the State of Nevada's multi-modal transportation system.

List of Attachments:

- A) State of Nevada Department of Transportation Agreements over \$300,000, October 24, 2013, to November 13, 2013.

Recommendation for Board Action:

Approval of all agreements listed on Attachment A.

Prepared by: Administrative Services Division

Attachment

A

**State of Nevada Department of Transportation
Agreements for Approval
October 24, 2013 to November 13, 2013**

Line No	Agreement No	Amend No	Contractor	Purpose	Fed	Original Agreement Amount	Amendment Amount	Payable Amount	Receivable Amount	Start Date	End Date	Amend Date	Agree Type	Notes
1	56113	00	CHAPMAN LAW FIRM, P.C.	OUTSIDE LEGAL COUNSEL	N	453,650.00	-	453,650.00	-	12/9/2013	12/31/2016	-	Service Provider	12-09-13: OUTSIDE LEGAL COUNSEL TO REPRESENT AND ADVISE THE DEPARTMENT IN THE PROJECT NEON EMINENT DOMAIN CONDEMNATION MATTER OF STATE OF NEVADA, EX REL., DEPARTMENT OF TRANSPORTATION VS. LGC 231, LLC, REGARDING EA NO. 73652 AND PROJECT IDENTIFICATION NO. NH-STP-015-1(147), PARCEL NOS. I-015-CL-041.690TE AND I-015-CL-014.723TE. CLARK COUNTY. NV B/L#: NV20011462722

Line Item 1

**STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION**

M E M O R A N D U M

November 4, 2013

TO: 1. Felicia Denney, Chief Financial Division, Budget Section
2. Norfa Lanuza, Project Accounting *N. Lanuza*
3. Rudy Malfabon, P.E., Director *D. Gallagher*

FROM: Dennis Gallagher, Chief Deputy Attorney General, Legal Division

SUBJECT: REQUEST APPROVAL TO OBTAIN BUDGET APPROVAL
FOR AGREEMENT NO. P561-13-004
FOR CHAPMAN LAW FIRM
IN THE MATTER OF *NDOT vs. LGC 231, LLC*
REGARDING E.A. NO. 73652 AND
PROJECT IDENTIFICATION NO. NH-STP-015-1(147)
PARCEL NO. I-015-CL-041.690TE & I-015-CL-041.723TE

This New Agreement is to contract outside legal counsel to represent and advise the Nevada Department of Transportation in the Project Neon eminent domain condemnation matter of *State of Nevada, ex rel., Department of Transportation vs. LGC 231, LLC* to be filed in the Eighth Judicial District Court of the State of Nevada (the "Lawsuit").

The scope of services will be to provide legal services to represent the Department pertaining to the Lawsuit. The outside legal counsel shall provide litigation status reports to the Department's Chief Counsel or his designee quarterly and shall also provide the same when so requested by the Department. The outside legal counsel, when requested, shall also provide copies of all memoranda, pleadings, briefs, reports, studies, photographs, negatives or other documents or drawings prepared by outside legal counsel in the performance of its obligations under the agreement at Department's sole costs and expense. Copies shall be the exclusive property of the Department. The outside legal counsel agrees to work closely with the Attorney General's Office staff and include such staff, as the staff deems appropriate, in strategy discussions, discovery, motion practice, trial practice, appellate work, and such other matters as they may arise.

The estimated cost for the services not to exceed \$453,650 for the fiscal years 2014 through 2016. This estimate includes \$353,650 for legal fees, \$75,000 for experts and consultants, and \$25,000 in costs. The exact amount to be spent each fiscal year has yet to be determined.

Approval of this memo by the Project Accounting Section and the Budget Section indicates funding authority is available for consulting services for Budget Category 06, Object 814R, Organization A004. The A04 Financial Data Warehouse, Budget by Organization Report No. NBDM30 must be attached. Actual availability of funds and the monitoring of actual expenditures must be determined by the Division Head/District Engineer. Return this memo to the originator for inclusion in the project.

Approval of this memo by the Director's Office authorizes this request.

Approved:



Director

Approved



Budget Section

COMMENTS:



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MEMORANDUM

November 27, 2013

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, Director
SUBJECT: December 9, 2013 Transportation Board of Directors Meeting
Item #6: Contracts, Agreements, and Settlements – Informational Item Only

Summary:

The purpose of this item is to inform the Board of the following:

- Construction contracts under \$5,000,000 awarded October 24, 2013, to November 13, 2013
- Agreements under \$300,000 executed October 24, 2013, to November 13, 2013
- Settlements entered into by the Department which were presented for approval to the Board of Examiners October 24, 2013, to November 13, 2013

Any emergency agreements authorized by statute will be presented here as an informational item.

Background:

Pursuant to NRS 408.131(5), the Transportation Board has authority to “[e]xecute or approve all instruments and documents in the name of the State or Department necessary to carry out the provisions of the chapter”. Additionally, the Director may execute all contracts necessary to carry out the provisions of Chapter 408 of NRS with the approval of the board, except those construction contracts that must be executed by the chairman of the board. Other contracts or agreements not related to the construction, reconstruction, improvement and maintenance of highways must be presented to and approved by the Board of Examiners. This item is intended to inform the Board of various matters relating to the Department of Transportation but which do not require any formal action by the Board.

The Department contracts for services relating to the construction, operation and maintenance of the State’s multi-modal transportation system. Contracts listed in this item are all low-bid per statute and executed by the Governor in his capacity as Board Chairman. The projects are part of the STIP document approved by the Board. In addition, the Department negotiates settlements with contractors, property owners, and other parties to resolve disputes. These proposed settlements are presented to the Board of Examiners, with the support and advisement of the Attorney General’s Office, for approval. Other matters included in this item would be any emergency agreements entered into by the Department during the reporting period.

The attached construction contracts, agreements and settlements constitute all that were awarded for construction from October 24, 2013, to November 13, 2013 and agreements executed by the Department from October 24, 2013, to November 13, 2013. There were no settlements during the reporting period.

Analysis:

These contracts have been executed following the Code of Federal Regulations, Nevada Revised Statutes, Nevada Administrative Code, State Administrative Manual, and/or Department policies and procedures.

List of Attachments:

- A) State of Nevada Department of Transportation Contracts Awarded - Under \$5,000,000, October 24, 2013, to November 13, 2013
- B) State of Nevada Department of Transportation Executed Agreements - Informational, October 24, 2013, to November 13, 2013

Recommendation for Board Action: Informational item only

Prepared by: Administrative Services Division

Attachment

A

**STATE OF NEVADA DEPARTMENT OF TRANSPORTATION
 CONTRACTS UNDER \$5,000,000
 October 24, 2013 to November 13, 2013**

1. October 10, 2013 at 2:30 p.m. the following bid was opened and read on Department of Transportation Contract No. 3555, Project Nos. SI-0032(117). The project is to install intersection safety improvements including solar flashing stop beacons, transverse rumble strips and advanced stop ahead signs on various intersections throughout District 2.

Diversified Striping Systems	\$479,629.79
Nevada Barricade & Sign Company, Inc	\$497,777.77
Beco Construction Company, Inc.	\$538,423.40
PAR Electrical Contractors, Inc.	\$578,578.29
MKD Construction, Inc.	\$650,972.00
Transcore ITS, LLC	\$706,855.57

The Director awarded the contract November 8, 2013, to Diversified Striping Systems in the amount of \$479,629.79. Upon receipt of an approval bond from the contractor, the state will enter into contract with the firm.

Engineer's Estimate: \$635,143.74

Attachment B

State of Nevada Department of Transportation
Executed Agreements - Informational
October 24, 2013 to November 13, 2013

Line No	Agreement No	Amend No	Contractor	Purpose	Fed	Original Agreement Amount	Amendment Amount	Payable Amount	Receivable Amount	Start Date	End Date	Amend Date	Agree Type	Notes
1	53313	00	SOUTHWEST GAS CORP	1 VALVE COVER ON SR 207	N	800.00	-	-	800.00	10/29/2013	10/28/2015	-	Facility	10-29-13: ADJUSTMENT OF ONE VALVE COVER ON SR 207, DOUGLAS COUNTY. NV B/L#: NV19571000091
2	53413	00	KINGSBURY GENERAL IMPROV DIST	37 MANHOLES 28 VALVES	N	-	-	-	-	10/29/2013	10/28/2015	-	Facility	10-29-13: ADJUSTMENT OF 37 MANHOLES AND 28 VALVES ON SR 207, DOUGLAS COUNTY. NV B/L#: NV19131000017
3	53513	00	PAIUTE PIPELINE COMPANY	4 MANHOLES 2 VALVES ON SR 207	N	6,000.00	-	-	6,000.00	10/29/2013	10/28/2015	-	Facility	10-29-13: ADJUSTMENT 4 MANHOLES AND 2 VALVE COVERS ON SR 207, DOUGLAS COUNTY. NV B/L#: NV19871018558
4	53613	00	NV ENERGY	LINE EXT ALONG US 395 WASHOE	N	847.00	-	470.00	377.00	10/29/2013	10/28/2020	-	Facility	10-29-13: LINE EXTENSION (INSTALLING NEW VARIABLE SPEED LIMITS IN VARIOUS LOCATIONS) ALONG US 395, WASHOE COUNTY. NV B/L#: NV19831015840
5	48912	01	RANDOLPH ANDREWS	NORTHFORK 274	N	7,700.00	200.00	-	7,900.00	11/27/2012	10/29/2016	10/29/2013	Lease	AMD 1 10-29-13: INCREASE RECEIVABLE AMOUNT \$200.00 FROM \$7,700.00 TO \$7,900.00 TO ADD A PET DEPOSIT. 11-27-12: LEASE OF NORTHFORK MAINTENANCE STATION HOUSE #274 TO NDOT EMPLOYEE TO LOCATE STAFF IN REMOTE LOCATION, ELKO COUNTY. NV B/L#: EXEMPT
6	52813	00	MERCY, INC	LEASE I-015-CL-041.512 NEON	Y	40,689.50	-	-	40,689.50	6/1/2013	12/31/2013	-	Lease	06-01-13: PROPERTY LEASE FOR 1200 S. MARTIN LUTHER KING BLVD, PARCELI-015-CL-041.512 (NEON), CLARK COUNTY. NV B/L#: NV20071211670
7	53813	00	THE RIBERIO COMPANIES	CREW 910 OFFICE	N	82,392.00	-	82,392.00	-	10/8/2013	10/31/2016	-	Lease	10-30-13: CREW 910 OFFICE LEASE, DOUGLAS COUNTY. NV B/L#: NV19991043268
8	54813	00	DEPT OF THE INTERIOR	LICENSE FOR RAILROAD CORRIDOR	Y	100.00	-	100.00	-	11/4/2013	10/31/2038	-	License	11-04-13: LICENSE FOR EXISTING RAILROAD CORRIDOR AND ALL APPURTENANCE, CLARK COUNTY. NV B/L#: EXEMPT
9	52213	00	SARAH K. MONTES	TEMP ESMT S-650-WA-021.189	N	1,200.00	-	1,200.00	-	10/24/2013	4/30/2016	-	ROW Access	10-30-13: TO GRANT A TEMPORARY EASEMENT FOR CONSTRUCTION RELATED TO THE SOUTHEAST MCCARRAN BLVD PROJECT, S-650-WA-021.189, WASHOE COUNTY. NV B/L#: EXEMPT
10	52313	00	HERNANDEZ/DOERR	TEMP ESMT S-650-WA-020.035	N	500.00	-	500.00	-	10/24/2013	4/30/2016	-	ROW Access	10-30-13: TO GRANT A TEMPORARY EASEMENT FOR CONSTRUCTION RELATED TO THE SOUTHEAST MCCARRAN BLVD PROJECT, S-650-WA-020.035, WASHOE COUNTY. NV B/L#: EXEMPT
11	52413	00	LOPEZ-RIOS/RIOS-LOPEZ	TEMP ESMT S-650-WA-019.431	N	800.00	-	800.00	-	10/24/2013	4/30/2016	-	ROW Access	10-30-13: TO GRANT A TEMPORARY EASEMENT FOR CONSTRUCTION RELATED TO THE SOUTHEAST MCCARRAN BLVD PROJECT, S-650-WA-019.431, WASHOE COUNTY. NV B/L#: EXEMPT
12	52513	00	FRANCISCO/MARIA OCAMPO	TEMP ESMT S-650-WA-021.095	N	3,744.00	-	3,744.00	-	10/24/2013	4/30/2016	-	ROW Access	10-30-13: TO GRANT A TEMPORARY EASEMENT FOR CONSTRUCTION RELATED TO THE SOUTHEAST MCCARRAN BLVD PROJECT, S-650-WA-021.095, WASHOE COUNTY. NV B/L#: EXEMPT
13	52613	00	MANUAL V/ELIDA M LOPEZ	TEMP ESMT S-650-WA-021.171	N	4,200.00	-	4,200.00	-	10/24/2013	4/30/2016	-	ROW Access	10-30-13: TO GRANT A TEMPORARY EASEMENT FOR CONSTRUCTION RELATED TO THE SOUTHEAST MCCARRAN BLVD PROJECT, S-650-WA-021.171, WASHOE COUNTY. NV B/L#: EXEMPT
14	52713	00	EDITH GARZON	TEMP ESMT S-650-WA-020.195	N	1,500.00	-	1,500.00	-	10/24/2013	4/30/2016	-	ROW Access	10-30-13: TO GRANT A TEMPORARY EASEMENT FOR CONSTRUCTION RELATED TO THE SOUTHEAST MCCARRAN BLVD PROJECT, S-650-WA-020.195, WASHOE COUNTY. NV B/L#: EXEMPT

Line No	Agreement No	Amend No	Contractor	Purpose	Fed	Original Agreement Amount	Amendment Amount	Payable Amount	Receivable Amount	Start Date	End Date	Amend Date	Agree Type	Notes
15	54513	00	HURO & ISABEL UNG	TEMP ESMT S-650-WA-020.551	N	3,800.00	-	3,800.00	-	10/31/2013	4/30/2016	-	ROW Access	11-04-13: TO GRANT A TEMPORARY EASEMENT FOR CONSTRUCTION RELATED TO THE SOUTHEAST MCCARRAN BLVD PROJECT, S-650-WA-020.551, WASHOE COUNTY. NV B/L#: EXEMPT
16	54613	00	AMBER BALLAM	TEMP ESMT S-650-WA-020.902	N	1,500.00	-	1,500.00	-	10/31/2013	4/30/2016	-	ROW Access	11-04-13: TO GRANT A TEMPORARY EASEMENT FOR CONSTRUCTION RELATED TO THE SOUTHEAST MCCARRAN BLVD PROJECT, S-650-WA-020.902, WASHOE COUNTY. NV B/L#: EXEMPT
17	54713	00	KENNA M POWELL	TEMP ESMT S-650-WA-020.769	N	9,300.00	-	9,300.00	-	10/31/2013	4/30/2016	-	ROW Access	11-04-13: TO GRANT A TEMPORARY EASEMENT FOR CONSTRUCTION RELATED TO THE SOUTHEAST MCCARRAN BLVD PROJECT, S-650-WA-020.769, WASHOE COUNTY. NV B/L#: EXEMPT
18	54913	00	DAWN M PRESLEY	TEMP ESMT S-650-WA-021.213	N	500.00	-	500.00	-	11/4/2013	4/30/2016	-	ROW Access	11-04-13: TO GRANT A TEMPORARY EASEMENT FOR CONSTRUCTION RELATED TO THE SOUTHEAST MCCARRAN BLVD PROJECT, S-650-WA-021.213, WASHOE COUNTY. NV B/L#: EXEMPT
19	55013	00	ALEXANDER D BAKER	TEMP ESMT S-650-WA-020.106	N	1,800.00	-	1,800.00	-	11/4/2013	4/30/2016	-	ROW Access	11-04-13: TO GRANT A TEMPORARY EASEMENT FOR CONSTRUCTION RELATED TO THE SOUTHEAST MCCARRAN BLVD PROJECT, S-650-WA-020.106, WASHOE COUNTY. NV B/L#: EXEMPT
20	55213	00	ROBERT MILLER	TEMP ESMT S-650-WA-020.793	N	1,800.00	-	1,800.00	-	11/6/2013	4/30/2016	-	ROW Access	11-12-13: TO GRANT A TEMPORARY EASEMENT FOR CONSTRUCTION RELATED TO THE SOUTHEAST MCCARRAN BLVD PROJECT, S-650-WA-020.793, WASHOE COUNTY. NV B/L#: EXEMPT
21	55313	00	CESAR J SALMORAN	TEMP ESMT S-650-WA-021.023	N	1,300.00	-	1,300.00	-	11/6/2013	4/30/2016	-	ROW Access	11-12-13: TO GRANT A TEMPORARY EASEMENT FOR CONSTRUCTION RELATED TO THE SOUTHEAST MCCARRAN BLVD PROJECT, S-650-WA-021.023, WASHOE COUNTY. NV B/L#: EXEMPT
22	55413	00	KRIS CHINVARASOPAK	TEMP ESMT S-650-WA-020.244	N	5,000.00	-	5,000.00	-	11/6/2013	4/30/2016	-	ROW Access	11-12-13: TO GRANT A TEMPORARY EASEMENT FOR CONSTRUCTION RELATED TO THE SOUTHEAST MCCARRAN BLVD PROJECT, S-650-WA-020.244, WASHOE COUNTY. NV B/L#: EXEMPT
23	26613	00	CLEAN HARBORS ENVIRONMENTAL	TONOPAH CULVERT CLEANING	N	26,638.28	-	26,638.28	-	10/24/2013	12/31/2013	-	Service Provider	10-24-13: PROVIDE CULVERT CLEANING EQUIPMENT, ALL ANCILLARY EQUIPMENT, TRAFFIC CONTROL, WATER AND WASTE DISPOSAL NECESSARY TO SUCCESSFULLY CLEAN CULVERTS IN THE TONOPAH REGION. NYE, ESERALDA, AND MINERAL COUNTIES. NV B/L#: NV20021375471
24	01110	02	HDR ENGINEERING INC	DESIGN US 95/CC-215 INTRCHG	Y	3,108,026.07	-	3,869,026.07	-	12/15/2009	12/31/2018	10/28/2013	Service Provider	AMD 2 10-28-13: TO EXTEND TERMINATION DATE FROM 12-31-13 TO 12-31-18 BECAUSE THE ORIGINAL PROJECT SCHEDULE WAS DELAYED DUE TO AVAILABILITY OF CONSTRUCTION FUNDING AND PHASING. AMD 1 04-07-11: INCREASE AUTHORITY BY \$761,000.00, FROM \$3,108,026.07 TO \$3,869,026.07 DUE TO THE TRAFFIC MODELING AND ANALYSIS NECESSARY TO ACCOMMODATE THE REQUEST FROM THE CITY OF LAS VEGAS TO INCORPORATE A SERVICE INTERCHANGE INTO THE DESIGN OF THE SYSTEM-TO-SYSTEM INTERCHANGE. 12-15-09: PROVIDE ENGINEERING SERVICES FOR THE DESIGN OF THE US95/CC-215 SYSTEM-TO-SYSTEM INTERCHANGE, CLARK COUNTY. NV B/L#: NV19851010291

Line No	Agreement No	Amend No	Contractor	Purpose	Fed	Original Agreement Amount	Amendment Amount	Payable Amount	Receivable Amount	Start Date	End Date	Amend Date	Agree Type	Notes
25	52113	00	J & L JANITORIAL	COSGRAVE REST AREA	N	44,400.00	-	44,400.00	-	10/29/2013	6/30/2016	-	Service Provider	10-29-13: JANITORIAL AND MAINTENANCE SERVICES FOR COSGRAVE REST AREA, HUMBOLDT COUNTY. NV B/L#: NV20101116972
26	55513	00	JOHN REPA	STATE VS RAILROAD PASS CASE	Y	70,000.00	-	70,000.00	-	9/18/2013	9/30/2015	-	Service Provider	11-12-13: EXPERT WITNESS IN CONDEMNATION CASE STATE VS RAILROAD PASS, CLARK COUNTY. NV B/L#: NV20131615432



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MEMORANDUM

Right-of-Way Division

November 25, 2013

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, P.E., Director
SUBJECT: December 9, 2013 Transportation Board of Directors Meeting
Item # 7: Disposal of NDOT owned underground water rights located within the former Dry Lake Rest Area in Clark County, NV.
SUR 10-06 – For possible action

Summary:

Approval is requested from the Department of Transportation Board of Directors to dispose of the above referenced underground water rights by Public Auction. The underground water rights to be auctioned are located within the former Dry Lake Rest Area in Clark County, NV. The underground water rights consist of 0.07 cubic feet per second (c.f.s.) (50.678 acre feet annually (A.F.A)) as described in the State of Nevada Certificate of Appropriation of Water, Permit No. 181140, Certificate Record No. 5115, Book 15, Page 5115 attached and marked Exhibit "A".

Background:

The Department originally obtained the underground water rights from the Nevada Department of Water Resources on July 27, 1959, by water right permit No. 18140, to supply water to the traveling public at the Dry Lake Rest Area.

The Dry Lake Rest Area is no longer in existence therefore the Department can no longer prove a beneficial use and has no further plans for a new rest area or maintenance station within the Garnet Valley of the Colorado River Basin #216.

Analysis:

The Department has completed an appraisal of the surplus underground water rights to obtain fair market value in the amount of \$19,500.00,+ as required by N.R.S 408.533. A Public Auction will be beneficial to the State in potential revenue and the elimination of filing for continued extensions of time with the Division of Water Resources when not needed. These underground water rights are no longer needed for Highway purposes. The release of NDOT's interest in these water rights is being made in accordance with N.R.S. 408.533.

To: Department of Transportation Board of Directors

From: Rudy Malfabon, P.E., Director

November 25, 2013

Recommendation for Board Action:

Approval of disposal of NDOT owned underground water rights located within the former Dry Lake Rest Area in Clark County, NV.

List of Attachments:

1. Location Map
2. Basin Map
3. Copy of Permit No. 18140
4. N.R.S. 408.533

Prepared by: Paul A. Saucedo, Chief R/W Agent



LOCATION MAP

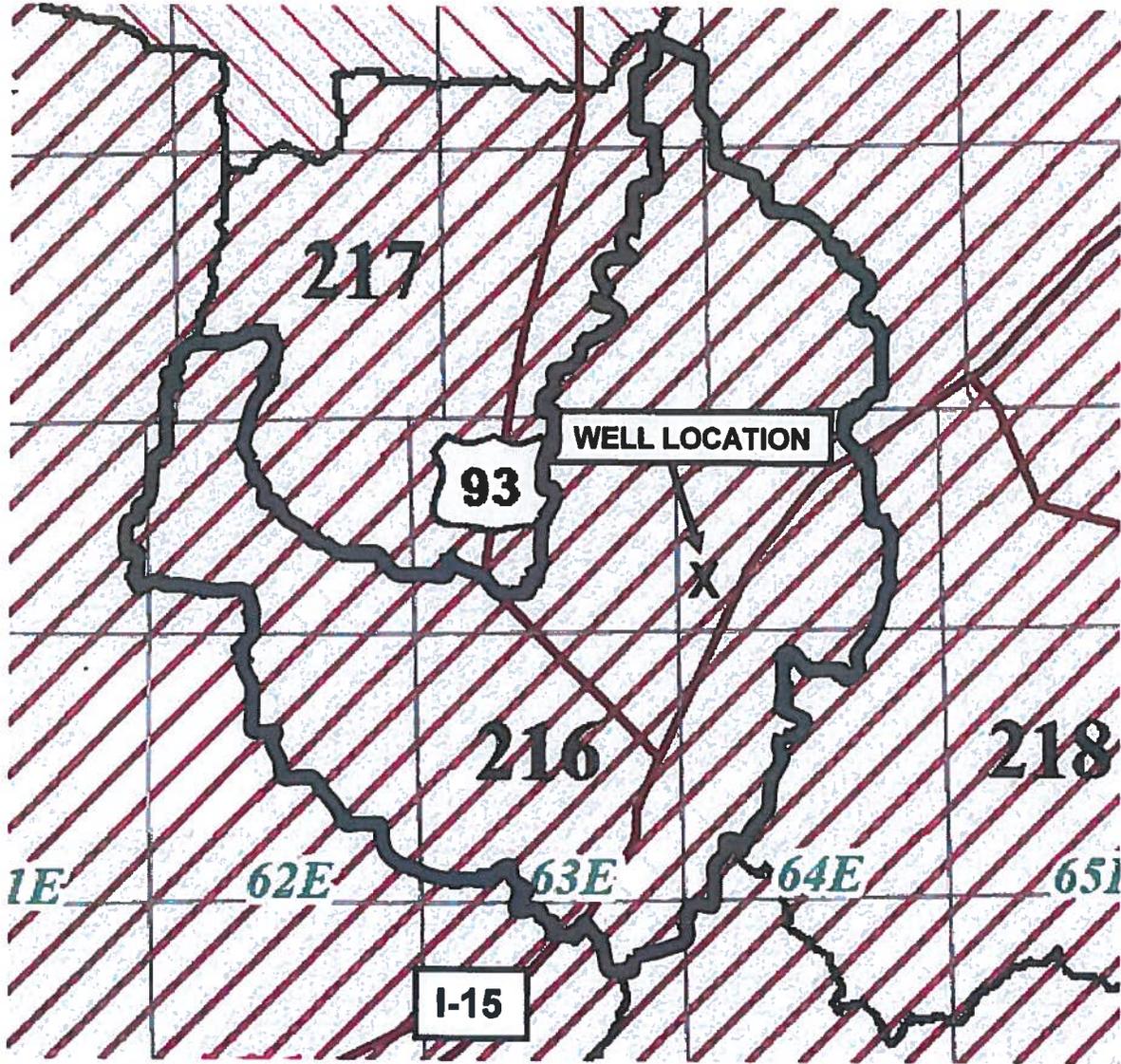


SUR 10-06

DESCRIPTION: Old Dry Lake Rest Area, Water Permit No. 18140

ATTACHMENT 1

BASIN MAP



SUR 10-06

**DESCRIPTION: Dry Lake Rest Area Water Right
Located in the Garnet Valley Basin #216**

APPLICATION FOR PERMIT
TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of filing in State Engineer's Office: JUL 24 1959

Returned to applicant for correction: _____

Corrected application filed: _____

Map filed: JUL 27 1959

The applicant State of Nevada, Department of Highways
of Carson City, County of Ormsby
State of Nevada, hereby makes application for permission to appropriate the public
waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorpora-
tion; if a copartnership or association, give names of members.)

1. The source of the proposed appropriation is Underground source
Name of stream, lake or other source.
2. The amount of water applied for is 0.10 second-foot.
One second-foot equals 44.87 gals. per min.
(a) If stored in reservoir give number of acre-feet _____ acre-feet.
3. The water to be used for Domestic (for traveling public)
Irrigation, power, mining, manufacturing, domestic, or other use.
4. If use is for:
 - (a) Irrigation (state number of acres to be irrigated) _____
 - (b) Stockwater (state number and kinds of animals to be watered) _____
 - (c) Other use (describe fully under "No. 11. Remarks") _____
 - (d) Power:
 - (1) Horsepower developed _____
 - (2) Point of return of water to stream _____
5. The water is to be diverted from its source at the following point: SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 21, T. 17/S.,
R. 64 E., M.D.B.&M. Well bears N. 29° 57' 51" E., a distance of
Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner. If on unsurveyed land,
1,429 ft. from SW corner of said Sec. 21.
it should be stated.
6. Place of use: S $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 21, T. 17 S., R. 64 E., M.D.B.&M.
Describe by legal subdivision, if on unsurveyed land it should be so stated.
7. Use will begin about January 1 and end about December 31, of each year.
Month Month
8. Description of proposed works. (Under the provisions of NRS-535.010 you may be required to submit plans
and specifications of your diversion or storage works.) Drilled Well. Single cased, 6"
Diameter. Windmill with submerged pump. Storage tank. 2" Plastic
State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits.
pipe from well to rest areas.

THE STATE OF NEVADA
CERTIFICATE OF APPROPRIATION OF WATER

WHEREAS, W. O. Wright, State Highway Engineer has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from an underground source through well, pump, tank and distribution system for domestic (traveling public) purposes. The point of diversion of water from the source is as follows: SW 1/4 SW 1/4 Sec. 21, T. 17 S., R. 64 E., M.D.B.&M. or at a point from which the S.W. corner of said Sec. 21 bears S. 29° 57' 51" W., 1,429 feet situated in Clark County, State of Nevada.

Now KNOW YE, That the State Engineer, under the provisions of NRS 533.425, has determined the date, source, purpose, amount of appropriation, and the place where such water is appurtenant, as follows:

Name of appropriator State of Nevada, Department of Highways
Post-office address Carson City, Nevada
Amount of appropriation 0.07 c.f.s.
Period of use, from JANUARY 1st to December 31st of each year
Date of priority of appropriation July 24, 1959

Description of works of diversion, manner and place of use:
Water is developed by means of a drilled well and pumped into a storage tank, thence conveyed by a distribution system to the place of use located within the SW 1/4 Section 21, T. 17 S., R. 64 E., E., M.D.B.&M., where it is used by the traveling public, "Roadside Rest".

The right to water hereby determined is limited to the amount which can be beneficially used, not to exceed the amount above specified, and the use is restricted to the place and for the purpose as set forth herein.

IN TESTIMONY WHEREOF, I, EDMUND A. MUTH, State Engineer

Compared lb/ha of Nevada, have hereunto set my hand and the seal of my office, this
Recorded 5/15/41 Bk 297 Page 18th day of April, A. D. 1961
Clark County Records. Edmund A. Muth State Engineer.

NRS 408.533 Disposal of property.

1. All real property, interests therein or improvements thereon and personal property acquired before, on or after April 1, 1957, in accordance with the provisions of NRS 408.487 and 408.489 must, after approval by the Board and if no longer needed for highway purposes, be disposed of by the Director in accordance with the provisions of subsection 2, except that:

(a) When the property was originally donated to the State, no charge may be made if it is returned to the original owner or to the holder of the reversionary right.

(b) When the property has been wholly or partially paid for by towns, cities or counties, disposal of the property and of money received therefor must be agreed upon by the governing bodies of the towns, cities and counties and the Department.

(c) When the title to the real property has been acquired in fee pursuant to NRS 408.487 and 408.489 and, in the opinion of the Board, a sale by means of a public auction or sealed bids is uneconomical or impractical because:

(1) There is no access to the property;

(2) The property has value or an increased value only to a single adjoining property owner; or

(3) Such a sale would work an undue hardship upon a property owner as a result of a severance of the property of that owner or a denial of access to a public highway,

the Board may enter into a direct sale of the property with such an owner or any other person for its fair market value.

(d) When the property has been acquired and the property or any portion of the property is no longer needed for highway purposes, the Department shall give notice of its intention to dispose of the property by publication in a newspaper of general circulation in the county where the property is situated. The notice must include the Department's appraisal of the fair market value of the property. Any person from whom the property was purchased or his heir or grantee may purchase the property at its fair market value by direct sale from the Department within 60 days after the notice is published. If more than one person qualified to purchase the property by direct sale pursuant to this paragraph so requests, the person with the superior claim, as determined by the Department in its sole discretion, is entitled to purchase the property by direct sale. If a person who is entitled to purchase the property by direct sale pursuant to this paragraph reasonably believes that the Department's appraisal of the property is greater than the fair market value of the property, the person may file an objection to the appraisal with the Department. The Department shall set forth the procedure for filing an objection and the process under which a final determination will be made of the fair market value of the property for which an objection is filed. The Department shall sell the property in the manner provided in subsection 2 if:

(1) No person requests to purchase the property by direct sale within 60 days after the notice is published pursuant to this paragraph; or

(2) A person who files an objection pursuant to this paragraph fails, within 10 business days after he receives a written notice of the final determination of the fair market value of the property, to notify the Department in writing that he wishes to purchase the property at the fair market value set forth in the notice.

(e) When the property is sought by another public agency for a reasonable public use, the Department may first offer the property to the public agency at its fair market value.

2. All property, interests or improvements not included within the provisions of subsection 1 must first be offered for sale by the Department singly or in combination at public auction or by sealed bids. If the highest bid received is 90 percent or more of the Department's appraisal of the fair market value of the property, the property may be sold to the highest bidder. The notice and the terms of the sale must be published in a newspaper of general circulation in the county where the property is situated. The auctions and openings of bids must be conducted by the Department. If the property cannot be sold for 90 percent or more of its fair market value, the Department may enter into a written listing agreement with a person licensed pursuant to chapter 645 of NRS to sell or lease the property for 90 percent or more of its fair market value.

3. It is conclusively presumed in favor of the Department and any purchaser for value that the Department acted within its lawful authority in acquiring and disposing of the property, and that the Director acted within his lawful authority in executing any conveyance vesting title in the purchaser. All such conveyances must be quitclaim in nature and the Department shall not warrant title, furnish title insurance or pay the tax on transfer of real property.

4. No person has a right of action against the Department or its employees for a violation of this section. This subsection does not prevent an action by the Attorney General on behalf of the State of Nevada or any aggrieved person.

5. All sums of money received by the Department for the sale of real and personal property must be deposited with the State Treasurer to be credited to the State Highway Fund, unless the Federal Highway Administration participated in acquisition of the property, in which case a pro rata share of the money obtained by disposal of the property must be paid to the Federal Highway Administration.

6. The Department may reserve and except easements, rights or interests from the conveyance of any real property disposed of in accordance with this section or exchanged pursuant to subsection 5 of NRS 408.489. The easements, rights or interests include, but are not limited to:

(a) Abutter's rights of light, view or air.

(b) Easements of access to and from abutting land.

(c) Covenants prohibiting the use of signs, structures or devices advertising activities not conducted, services not rendered or goods not produced or available on the real property.

(Added to NRS by 1957, 693; A 1959, 599; 1963, 978; 1967, 1743; 1971, 140; 1979, 1781; 1985, 707; 1987, 1812; 1989, 1308; 1991, 1691; 1995, 1140; 2001, 2132)



1263 South Stewart Street
Carson City, Nevada 89712
Phone: (775) 888-7440
Fax: (775) 888-7201

MEMORANDUM

Right-of-Way Division

November 25, 2013

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, P.E., Director
SUBJECT: December 9, 2013 Transportation Board of Directors Meeting
Item # 8: Disposal of NDOT property located along a portion of SR-160 (Blue Diamond Road) east of Cameron Street in Clark County, NV.
SUR 12-04 – For possible action

Summary:

Approval is requested from the Department of Transportation Board of Directors to dispose of the above referenced property by Direct Sale. The property to be sold is located along a portion of SR-160 (Blue Diamond Road) east of Cameron Street in Clark County, NV. The property is currently unimproved land consisting of 62,603 sq. ft. (1.44 Acres) as depicted on the attached sketch map marked Exhibit "A".

Background:

The Department originally acquired this parcel June 5, 2005, in fee, of which the subject property is a part, by condemnation proceedings along with other properties acquired for the reconstruction and widening of SR-160 from Valley View Boulevard to Decatur Boulevard in the City of Las Vegas.

On February 9, 2012, the adjacent property owners, West-Rusin, through the law offices of Kermitt L. Waters, requested the Department to consider declaring this property as surplus for further enhancement of their adjacent property.

SR-160 Blue Diamond Freeway is complete and operational and the Surplus Property Committee has determined that this surplus property is no longer needed for the project and can be disposed of.

Analysis:

The Department has completed an appraisal of the surplus property to obtain fair market value in the amount of \$330,000.00, as required by N.R.S 408.533. On November 20, 2013, the Department received the signed Direct Sale Intent to Purchase documents accepting the purchase price. A Direct Sale to the adjacent property owner will be beneficial to both the State and the property owner. This parcel is no longer needed for Highway purposes. The release of NDOT's fee interest in this parcel is being made in accordance with N.R.S. 408.533.

To: Department of Transportation Board of Directors
From: Rudy Malfabon, P.E., Director
November 25, 2013

Recommendation for Board Action:

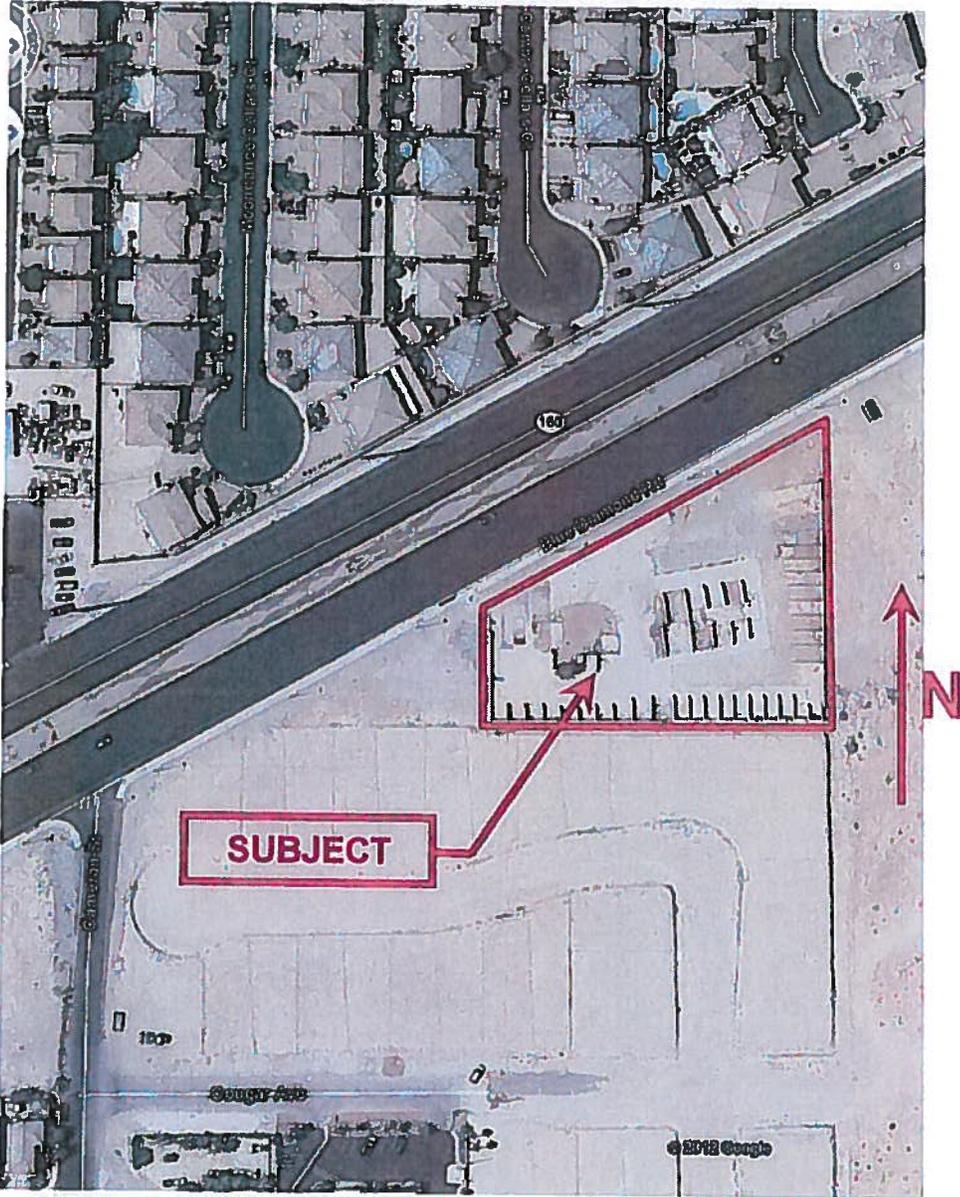
Approval of disposal of NDOT property located along a portion of SR-160 (Blue Diamond Road) east of Cameron Street in Clark County, NV.

List of Attachments:

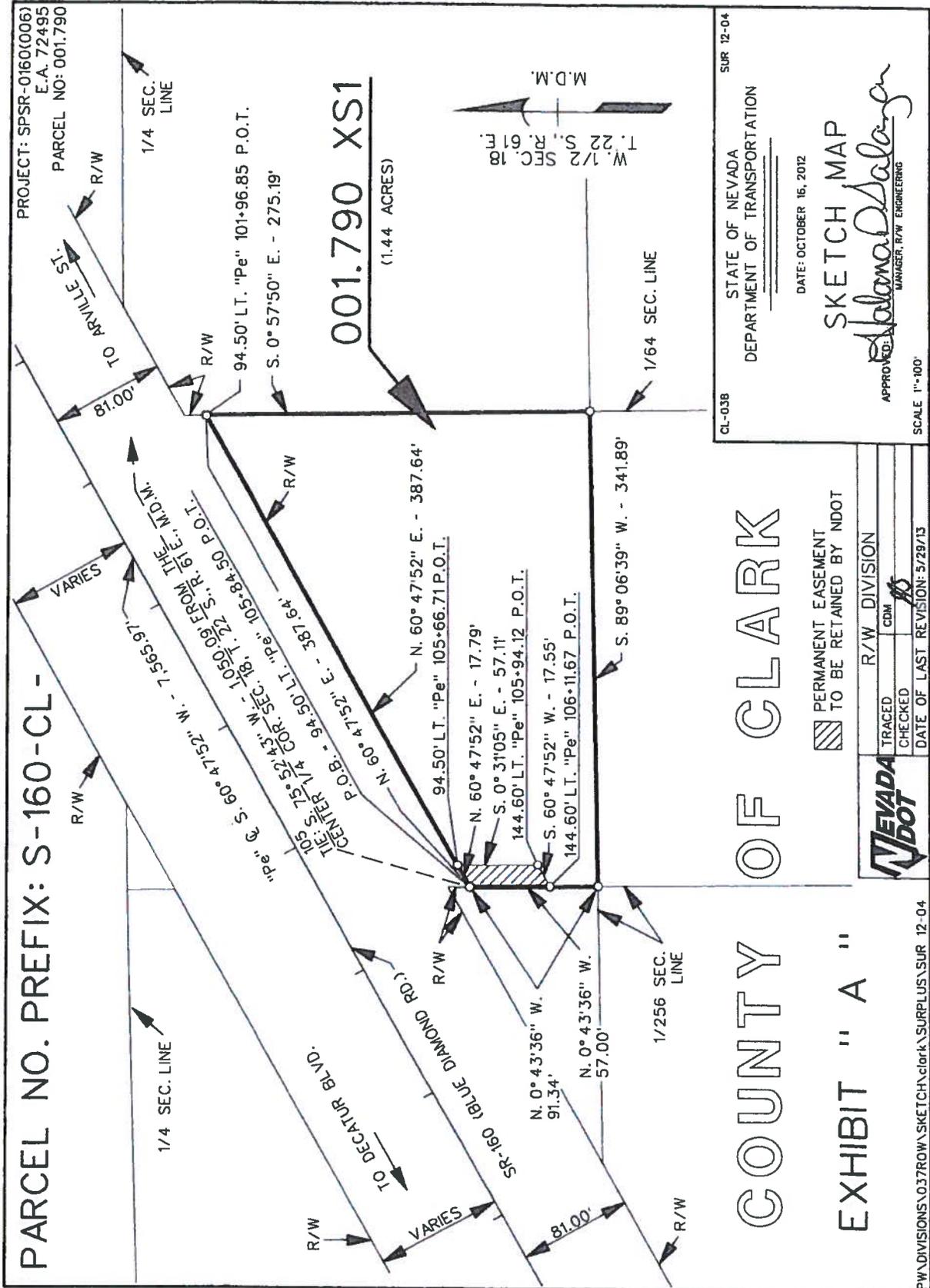
1. Location Map
2. Sketch Map marked Exhibit "A"
3. Copy of West-Rusin request letter dated February 9, 2012
4. Copies of signed Direct Sale Intent to Purchase (Form 894-C)
5. Environmental Approval (Pending)
6. N.R.S. 408.533

Prepared by: Paul A. Saucedo, Chief RW Agent *PS*

LOCATION MAP



SUR 12-04
DESCRIPTION: Along a portion of SR-160 (Blue Diamond Road)
east of Cameron Street



PARCEL NO. PREFIX: S-160-CL-

001.790 XSI
(1.44 ACRES)

CL-038 SUR 12-04
STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION
DATE: OCTOBER 16, 2012
SKETCH MAP
APPROVED: *Salama Dalago*
MANAGER, R/W ENGINEERING
SCALE 1"=100'

COUNTY OF CLARK

PERMANENT EASEMENT
TO BE RETAINED BY NDOT

NEVADA NDOT	TRACED	R/W DIVISION
	CHECKED	CDM
DATE OF LAST REVISION: 5/29/13		

EXHIBIT " A "



SUR 12-04

Law Offices of Kermitt L. Waters

Kermitt L. Waters, Esq.
Charles E. Springer, Esq., of Counsel
James Jack Leavitt, Esq.
Michael A. Schneider, Esq.
Autumn L. Waters, Esq.

February 9, 2012

Ruth Borrelli
1263 South Stewart Street
Carson City, Nevada 89712

via facsimile and US mail
facsimile: (775) 888-7313

Re: Request to Declare Surplus Property Previously Taken By NDOT
APNs: 177-18-303-047 and 177-18-399-012

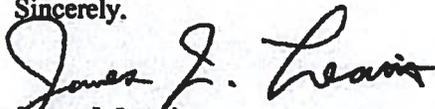
Dear Ms. Borrelli:

This letter is sent as a follow up to my prior conversation with Paul Saucido regarding a request to declare surplus the above referenced property (hereinafter "Subject Property").

Sandra M. West and Richard Rusin (hereinafter "Landowners") were the owners of the Subject Property, which was taken by the Nevada Department of Transportation (hereinafter "NDOT") through its power of eminent domain in or about October 5, 2006. It is my understanding that NDOT no longer needs the Subject Property. As the owners of the Subject Property at the time NDOT took the Subject Property, the Landowners are entitled to repurchase the Subject Property that is not being used by NDOT.

Therefore, this letter is sent to request that NDOT declare surplus the Subject Property and make it available for repurchase by the Landowners. It is my understanding in speaking with Mr. Saucido that there is a process NDOT follows to declare property surplus and enter into a purchase agreement for the surplus property. Please do not hesitate contacting me if you need further information to move this process along.

Sincerely,


James J. Leavitt

Las Vegas Office:
704 South 9th Street, Las Vegas, NV 89101
Phone: (702) 733-8877
Fax: (702) 731-1964

Reno Office:
333 Flint Street, Reno, NV 89509
Phone: 1 (877) 733-8877

894-L

Project: SPSR-0160(006)
E.A.: 72495
Parcel: S-160-CL-001.790 XS1
Surplus #: SUR 12-04
Date: October 21, 2013

DIRECT SALE INTENT TO PURCHASE
Nevada Department of Transportation

This direct sale payment is for the purchase of the above-referenced real property, as described by the legal description attached hereto.

The undersigned purchaser hereby agrees to pay to the Nevada Department of Transportation, \$330,000.00 as the full purchase price for said property, to be paid in a lump sum payment, without interest, on or before 90 Days from the Transportation Board approval date.

All terms and conditions of the Department of Transportation's procedures for a direct sale under Nevada Revised Statute 408.533 are hereby specifically incorporated by reference into the terms of this direct sale.

The property will be conveyed by Quitclaim Deed.

The name on the deed is to be as follows:

(TBD)

Purchaser may take possession of the property upon receipt of the recorded Quitclaim Deed, or upon other written notice from the Department of Transportation, if applicable.

All notices pertaining to matters arising in connection with this transaction may be made to purchaser in person or by registered mail addressed as follows:

SANDRA M. WEST
Name (Please Print)

11-18-13
Date

10184 Birch Bluff Lane LV NV 89145
Address

702-683-2201
Phone

Sandra M. West
Signature

Title

Name (Please Print)

Date

Address

Phone

Signature

Title

COMPLETE THIS FORM AND RETURN WITHIN 10 WORKING DAYS FROM THE DATE OF THIS FORM AND RETURN WITH THE ENCLOSED LETTER TO:

State of Nevada, Department of Transportation
Right-of-Way Division, Attn: Maria Zulick Nucci
1263 S. Stewart St.
Carson City, NV 89712

894C

Project: SPSR-0160(006)
E.A.: 72495
Parcel: S-160-CL-001.790 XS1
Surplus #: SUR 12-04
Date: October 21, 2013

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Nevada Department of Transportation

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The name on the deed is to be as follows:

(TBD)

Purchaser may take possession of the property upon receipt of the recorded Quitclaim Deed, or upon other written notice from the Department of Transportation, if applicable.

All notices pertaining to matters arising in connection with this transaction may be made to purchaser in person or by registered mail addressed as follows:

RICHARD EDWIN RUSIN JR
Name (Please Print)

10-29-13
Date

1027 S. Rainbow - PMB 258, Las Vegas NV
Address 89145

702-683-8453
Phone

Richard Edwin Rusin Jr.
Signature

Owner
Title

Name (Please Print)

Date

Address

Phone

Signature

Title

COMPLETE THIS FORM AND RETURN WITHIN 10 WORKING DAYS FROM THE DATE OF THIS FORM AND RETURN WITH THE ENCLOSED LETTER TO:

State of Nevada, Department of Transportation
Right-of-Way Division, Attn: Maria Zulick Nucci
1263 S. Stewart St.
Carson City, NV 89712



1263 South Stewart Street
Carson City, Nevada 89712
Phone: (775) 888-7013
Fax: (775) 888-7104

MEMORANDUM

Environmental Services Division

November 26, 2013

To: Margaret Orci, Asst. Chief Right-of-Way Agent

From: Steve M. Cooke, PE, Chief, Environmental Services *Sme*

Subject: Environmental Clearance for Transportation Board
Project: SPSR-0160(006)
EA: 72495
Surplus No.: SUR 12-04
Disposal of NDOT property located along a portion of SR-160 (Blue Diamond Road) east of Cameron Street in Clark County, NV
Disposal by Direct Sale

The Environmental Services Division understands FHWA authorization is not required and reviewed the requested action accordingly. It was found clear of any documented environmental concern for disposal.

Cc: R. Borrelli, Surplus Property Committee, Chair
H. Salazar, Surplus Property Committee, Vice-Chair
E-Project File

NRS 408.533 Disposal of property.

1. All real property, interests therein or improvements thereon and personal property acquired before, on or after April 1, 1957, in accordance with the provisions of NRS 408.487 and 408.489 must, after approval by the Board and if no longer needed for highway purposes, be disposed of by the Director in accordance with the provisions of subsection 2, except that:

(a) When the property was originally donated to the State, no charge may be made if it is returned to the original owner or to the holder of the reversionary right.

(b) When the property has been wholly or partially paid for by towns, cities or counties, disposal of the property and of money received therefor must be agreed upon by the governing bodies of the towns, cities and counties and the Department.

(c) When the title to the real property has been acquired in fee pursuant to NRS 408.487 and 408.489 and, in the opinion of the Board, a sale by means of a public auction or sealed bids is uneconomical or impractical because:

(1) There is no access to the property;

(2) The property has value or an increased value only to a single adjoining property owner; or

(3) Such a sale would work an undue hardship upon a property owner as a result of a severance of the property of that owner or a denial of access to a public highway,

↳ the Board may enter into a direct sale of the property with such an owner or any other person for its fair market value.

(d) When the property has been acquired and the property or any portion of the property is no longer needed for highway purposes, the Department shall give notice of its intention to dispose of the property by publication in a newspaper of general circulation in the county where the property is situated. The notice must include the Department's appraisal of the fair market value of the property. Any person from whom the property was purchased or his heir or grantee may purchase the property at its fair market value by direct sale from the Department within 60 days after the notice is published. If more than one person qualified to purchase the property by direct sale pursuant to this paragraph so requests, the person with the superior claim, as determined by the Department in its sole discretion, is entitled to purchase the property by direct sale. If a person who is entitled to purchase the property by direct sale pursuant to this paragraph reasonably believes that the Department's appraisal of the property is greater than the fair market value of the property, the person may file an objection to the appraisal with the Department. The Department shall set forth the procedure for filing an objection and the process under which a final determination will be made of the fair market value of the property for which an objection is filed. The Department shall sell the property in the manner provided in subsection 2 if:

(1) No person requests to purchase the property by direct sale within 60 days after the notice is published pursuant to this paragraph; or

(2) A person who files an objection pursuant to this paragraph fails, within 10 business days after he receives a written notice of the final determination of the fair market value of the property, to notify the Department in writing that he wishes to purchase the property at the fair market value set forth in the notice.

(e) When the property is sought by another public agency for a reasonable public use, the Department may first offer the property to the public agency at its fair market value.

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3. It is conclusively presumed in favor of the Department and any purchaser for value that the Department acted within its lawful authority in acquiring and disposing of the property, and that the Director acted within his lawful authority in executing any conveyance vesting title in the purchaser. All such conveyances must be quitclaim in nature and the Department shall not warrant title, furnish title insurance or pay the tax on transfer of real property.

4. No person has a right of action against the Department or its employees for a violation of this section. This subsection does not prevent an action by the Attorney General on behalf of the State of Nevada or any aggrieved person.

5. All sums of money received by the Department for the sale of real and personal property must be deposited with the State Treasurer to be credited to the State Highway Fund, unless the Federal Highway Administration participated in acquisition of the property, in which case a pro rata share of the money obtained by disposal of the property must be paid to the Federal Highway Administration.

6. The Department may reserve and except easements, rights or interests from the conveyance of any real property disposed of in accordance with this section or exchanged pursuant to subsection 5 of NRS 408.489. The easements, rights or interests include, but are not limited to:

(a) Abutter's rights of light, view or air.

(b) Easements of access to and from abutting land.

(c) Covenants prohibiting the use of signs, structures or devices advertising activities not conducted, services not rendered or goods not produced or available on the real property.

(Added to NRS by 1957, 693; A 1959, 599; 1963, 978; 1967, 1743; 1971, 140; 1979, 1781; 1985, 707; 1987, 1812; 1989, 1308; 1991, 1691; 1995, 1140; 2001, 2132)



1263 South Stewart Street
Carson City, Nevada 89712
Phone: (775) 888-7440
Fax: (775) 888-7201

MEMORANDUM

November 22, 2013

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, Director
SUBJECT: December 9, 2013 Transportation Board of Directors Meeting
Item #9: Update on Vehicle Miles Traveled (VMT) and Consideration of Request to Join the Western Road Usage Charge Consortium – For possible action

Summary:

The Nevada Department of Transportation is currently conducting a research study to explore an alternative funding mechanism, the sole purpose of which is to assess the feasibility and practicality of an alternative, equitable and future-oriented transportation mechanism that will potentially replace the current fuel tax funding system. The Nevada study does not include using any devices in the car nor does it include any sort of GPS tracking, and is not advocating for Vehicle Miles Traveled (VMT) fee and is not intended to discuss raising taxes, fees, or generating additional revenue. Taxing, fees, and revenues are policy questions that will be decided by elected officials and policy makers with public input.

NDOT plans to join a regional pooled fund study coalition of states that currently includes California, Washington, Texas, and Oregon. Nevada will benefit from joining the pooled fund study to maximize the benefits of relevant research studies in the other jurisdictions and to share and transfer knowledge and information with the member states. The coalition members organized the first meeting on November 13, 2013. The meeting was attended by 17 state departments of transportation including Idaho, Utah, Florida, Minnesota, Colorado, and many other states.

Participation in the pooled fund study is voluntary and does not obligate other member states to policy or any other implementation aspects. Members are free to determine how they wish to implement road usage charge systems – they are not required to adopt the system(s) used by other Members.

Background:

The Federal Highway Administration (FHWA) sponsors the Transportation Pooled Fund (TPF) Program as a means for interested States, FHWA, and other organizations to partner when significant or widespread interest is shown in solving transportation-related problems. Partners may pool funds and other resources to solve these problems through research, planning, and technology transfer activities.

The Transportation Pooled Fund Program serves as a mechanism for states wishing to participate in the Western Road Usage Charge Consortium to utilize their state's federal funds for their share of the Consortium's work.

THE WRUCC TPF SOLICITATION #1348

In 2013, Solicitation 1348, The Western Road Usage Charge Consortium (WRUCC), was posted by the Oregon Department of Transportation as Lead Agency. Oregon and Washington

are the initial partners committing funds to the Solicitation. The attached documentation is included as reference information regarding the WRUCC and its TPF solicitation.

The Consortium is a voluntary coalition of Departments of Transportation, provincial Ministries of Transport, and other regional, state or provincial transportation agencies from western North America. Members are interested in collaborative research and development of a potential new transportation funding method that would collect a road usage charge (RUC) from drivers based on actual road usage.

Analysis:

Subject to available Transportation Pooled Fund resources and separate from Consortium Members, the Work Plan will undertake select topics, research, projects and activities that fall within the following areas:

- Legal and Institutional arrangements for implementing an RUC
- Public policy analyses and development
- Public information / communications
- Technical research and system development
- Consumer-oriented system design
- Identification of essential requirements to create a regional RUC system
- Multi-jurisdictional issues such as revenue allocation, cost sharing, compliance, enforcement, interoperability, clearinghouse setup and operations, and dispute resolution
- Applicability and compatibility with federal programs, rules or laws including the directing and shaping of national guidelines based on the best practices developed by the Consortium
- Establishment of system standards and a certifications process that promotes and ensures:
 - o Accuracy
 - o Security
 - o Tamper resistance
- Economic impacts
- Business models for program operations, including alternatives that optimize the use of private industry and marketplace forces to drive efficiencies and consumer acceptance.

Pooled Fund Study Proposed Budget and Expenditures:

Total expected funds from 5 states: \$125,000

Travel costs to attend 4 meetings per year: \$54,000

Funds available for limited research of regional importance: \$71,000

Recommendation for Board Action:

Possible action by the Board to authorize NDOT to join the pooled fund study of the WRUCC.

List of Attachments:

None

Prepared by:

Alauddin Khan, Chief Performance Analysis Engineer



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MEMORANDUM

November 26, 2013

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, Director
SUBJECT: December 9, 2013 Transportation Board of Directors Meeting
Item #10: Possible Approval of Triennial Disadvantaged Business Enterprise (DBE) Goal for Federal Fiscal Years 2014 – 2016 – *For possible action*

Summary:

This item is to provide an overview of the public meetings and feedback on the NDOT Disparity Study and approval of the triennial DBE program goal and DBE program activities.

Background:

At the September 9, 2013, Transportation Board meeting, NDOT and its consultant presented the draft disparity study findings. Disparity studies focus on the availability and participation of MBEs and WBEs in contracts and also analyze conditions for MBE/WBEs within the local marketplace. The study provides information for setting an overall annual goal for DBE participation, considers whether or not the overall DBE goal can be attained solely through neutral measures (or whether race- or gender-based measures are also needed), and determines the specific race, ethnic and gender groups that will be eligible for any race- or gender-conscious program elements such as DBE contract goals.

Due to insufficient achievement of NDOT's DBE program goals under a race- and gender-neutral program, the FHWA in 2010 directed NDOT to resume race- and gender-conscious goals on FHWA-funded contracts. NDOT began doing so in late 2010 for construction contracts and more recently on professional services contracts such as engineering.

NDOT engaged a team led by Keen Independent Research, LLC (Keen Independent) to prepare the 2013 disparity study. The analysis performed included the following:

- Examined NDOT and Local Public Agency (LPA) prime contracts and subcontracts from 2007 through June 2012. The LPA contracts received federal funds through NDOT.
- Contacted more than 3,900 businesses to determine how many MBE/WBEs were available to perform work for NDOT.
- Examined quantitative information concerning market conditions using data from federal agencies, information from the availability interviews and other sources.
- Conducted in-depth interviews with forty individuals and received comments online or over the phone as part of availability interview process.

Internal and external stakeholder groups were formed to collect input and have been kept apprised of the DBE disparity study purpose, goals, procedure and status. The draft disparity study was released to the public in early October 2013.

Public meetings were conducted in Las Vegas and Reno (with video-conferencing to Elko, Ely and Winnemucca) in late October 2013. Appropriate edits were made to the Proposed DBE Goal Setting Methodology and it was submitted to Federal Highway Administration, along with the triennial goal for review.

NDOT's consultant had previously recommended a triennial goal in a range of 7.5%. This was an average of the current goal (approximately 10.5%) and the baseline availability (4.5%) from the current disparity study. After further consultation with the FHWA and after receiving public input, the triennial DBE goal has been refined to 6.97%. FHWA accepted the adjusted triennial goal of 6.97%.

Keen Independent will present a summary of the public input on the 2013 disparity study and recommendations on NDOT's annual DBE goal for federal fiscal years 2014 – 2016. Changes to the Draft Executive Summary provided to the Transportation Board in October 2013 will be presented.

Attachments:

- A. Proposed DBE Goal Setting Methodology.

Recommendation for Board Action:

The Department is seeking approval of the triennial goal of 6.97% for the DBE program and any further direction from the Board prior to issuing a final disparity study report.

Prepared by:

Yvonne Schuman, NDOT Civil Rights Officer

NEVADA DEPARTMENT OF TRANSPORTATION DBE PROGRAM

OAL-SETTING PROCESS FOR FFY 2014 - 2016

This document sets forth the Nevada Department of Transportation's (NDOT) methodology used to determine our Disadvantaged Business Enterprise (DBE) goal of 7% and the portion of the goal to be attained by race- and gender-neutral means for FFY 2014 - 2016.

Goal Setting Methodology: Section 26.45

Generally

NDOT, as a recipient of funds from the U.S. Department of Transportation (DOT), is required to set an Annual DBE goal based on demonstrable evidence of the availability of ready, willing and able DBEs relative to all businesses ready, willing, and able to participate on its DOT-assisted contracts. The goal must reflect NDOT's determination of the level of DBE participation it would expect absent the effects of discrimination. 49 CFR § 26.45(b). In addition to its overall goal and methodology, NDOT is required to submit a projection of the portion of the overall goal that it expects to meet through race-neutral means and NDOT's basis for the projection. *Id.* § 26.51(c).

A. Step One: Base Figure, Section 26.45(c)

1. Method Selected

NDOT must begin its goal setting process by determining a base figure that represents the relative availability of DBEs in its market area. The base figure is considered a basis from which NDOT must begin when examining all evidence available in its jurisdiction. For its FY 2014-2016 base figure, NDOT relied on data from a **disparity study**. 49 CFR § 26.45(c)(3). NDOT's study (the Study) was conducted by Keen Independent Research LLC (Keen Independent), which covered the period between 2007 and 2012, and was completed in December 2013.

2. Description of Data

NDOT first determined that the relevant geographic market area (GMA) for its DBE Program is the state of Nevada. NDOT based its determination on data from the Study, which covered more than 1,800 construction and engineering contracts between 2007 and 2012, including LPA Program contracts.¹ Task orders issued in 2007 through June 30, 2012 on engineering-related contracts awarded before 2007 were also included. The

¹ NDOT Disparity Study Report (2013) Executive Summary, page 3

Study determined that between 2007 and June 2012, 94% of the NDOT and LPA federally-assisted transportation construction and engineering projects dollars went to prime and subcontractors firms with locations in Nevada. Please see **Figure 1**.

GMA: 2007 – June 2012	
Nevada Dollars	\$2,059,773,000
Total Dollars	\$2,196,965,000
Nevada Market %	94%

Figure 1

Keen Independent engaged in a multi-step, custom census approach to create NDOT's *base figure*.

- a. First, Keen Independent obtained NDOT's bidder's list based on its Contractors Bulletin.
- b. Second, Keen Independent supplemented NDOT's bidder's list by obtaining all firms with contractors licenses in Nevada in relevant fields and Dun & Bradstreet listings for business establishments in Nevada listed under the Standard Industrial Classification (SIC) codes that Keen Independent determined to be most pertinent to NDOT transportation construction and engineering contracts.
- c. Third, Keen Independent attempted to contact each establishment to obtain information about qualifications for transportation-related work, ownership and size, and information about whether the firm:
 - Performs work related to transportation construction, maintenance or design (in the lines of business pertinent to the study and after combining multiple responses for firms with more than one office);
 - Is qualified and interested in performing transportation-related work for NDOT in the future, as a prime contractor and/or subcontractor (or supplier or trucker);
 - Has attempted to obtain this work in the past (in the public or private sector); and
 - Indicated the regions of the state in which they can perform work.

Keen Independent considered all affirmatively and substantively responding firms

to be “ready, willing, and able” to participate on specific types, sizes and locations of NDOT’s DOT-assisted prime contractors and subcontracts. The responding firms constituted a **head count** of ready, willing, and able firms.

- d. Keen Independent next analyzed the ready, willing, and able firms to determine the overall “availability” of DBEs and potential DBEs relative to all businesses ready, willing, and able. The Department of Transportation guidance recommends that states use weighting in the base figure “wherever possible” to help ensure that the base figure is as accurate as possible. To accomplish this, Keen Independent conducted a “dollar-weighted” statistical analysis that examined thousands of prime contracts and subcontracts for NDOT projects from 2007 through June 2012. For each contract element, Keen Independent estimated the number of minority- and woman-owned firms and the total number of firms surveyed that were available for that work based on:

- Whether it was an NDOT or local agency contract;
- Specialization of work;
- Prime contract versus subcontract role;
- Location of work;
- Size of contract or subcontract element; and
- Contract date.

Keen Independent then dollar-weighted the relative MBE/WBE availability for each contract element by the dollars for the element in Figure 2

Overall dollar-weighted availability estimates by MBE/WBE group

Race/ethnicity and gender	Utilization benchmark (availability %)
African American-owned	0.3 %
Asian-Pacific American-owned	0.0
Subcontinent Asian American-owned	0.7
Hispanic American-owned	2.4
Native American-owned	<u>2.8</u>
Total MBE	6.2 %
WBE (white women-owned)	<u>1.2</u>
Total MBE/WBE	7.4 %

Figure 2

3. Description of Calculation Performed

a. Base Figure

Keen Independent first created a head count of firms in NDOT’s market area. Keen Independent obtained completed surveys from **3,544** firms from the data collected in A(2)(c) on page 2 above. Of these, a total of **671** firms qualified for inclusion in the base figure as (1) for-profit firms reporting that they performed work related to transportation construction, maintenance or design; (2) indicated qualifications and interest in performing transportation-related work for NDOT and/or local agencies in the future; (3) had attempted to obtain this work in the past (in the public or private sector); and (4) reported ownership status (race/ethnicity/gender). Of the **671** ready, willing, and able firms included in the base figure, **168** firms (**25%**) reported that they were minority- or woman-owned businesses.

Base Figure – Head Count		
Minority- and Woman-Owned Firms	168	
All Firms Ready, Willing, and Able	671	= <u>25%</u>

Figure 3

Keen Independent then used the firms included in **Figure 3** head count as a basis for comparing the *availability* of MBE/WBE firms to all firms for each NDOT Federal-aid prime and subcontract included in the study period after accounting for the specific types, sizes and locations of individual NDOT and LPA Program prime contracts and subcontracts. Keen Independent applied the criteria noted in A(2)(d) on page 2 above to determine availability for each prime contract and subcontract and compiled the results in terms of MBE/WBE firms availability relative to all firms available for the prime contractor or subcontract. Keen Independent then dollar-weighted results across those prime contracts and subcontracts.

For example, in **Figure 4** below, one of the contracts examined was an electrical prime contract with an awarded amount of \$22,000 (Column G). Of the 55 firms available to bid on the contract (Column H), 19 were MBE/WBE firms (Column I), which constituted 35% of all available firms (Column J). After dollar-weighting that result (multiplying \$22,000 by 35%), Keen Independent calculated an “expected value” for MBE/WBE participation \$7,700 for that contract element (Contract Piece Amount (G) * MBE/WBE Availability (J)), as shown in **Figure 4**.

Dollar-Weighted Availability Example										
B	C	D	E	F	G	H	I	J	K	

Contract Location	Contract Type	Role	Date	Industry	Contract Piece Amount	Available Firms	Available MBE and WBE Firms	Percentage WMBE Availability (Column I) ÷ (Column H)	Contract Amount (Column G) * Percentage WMBE Availability (Column J)
District 2	electrical	prime	7/1/10	Electrical	\$22,000	55	19	35.0%	\$7,700

Figure 4

Keen Independent repeated the above calculation for each of the 697 FHWA-funded prime and subcontracts from 2010 through June 2012 to arrive at a base figure of **4.5%** as shown in **Figure 5**. This base figure only includes as DBEs those MBE/WBEs that are currently certified as DBEs or appear that they are potential DBEs based on race/ethnicity or gender ownership and their average gross revenue for the most recent three-year time period. Firms that had graduated from the DBE Program or had certifications denied were not counted as potential DBEs in the base figure. Chapter 5 of the Study and supporting appendices explain data sources and calculations in much more detail

Final Dollar-Weighted Base Figure			
Total MBE/WBE Availability Amount (Sum of Column K)	\$	<u>31,544,000</u>	= 4.5%
Total Prime and Subcontract Amount (Sum of Column G)	\$	705,681,000	

Figure 5

B. Step Two: Adjustments – Section 26.45(d)

1. 49 CFR 26.45 states in relevant part:

d) Step 2. Once you have calculated a base figure, you must examine all of the evidence available in your jurisdiction to determine what adjustment, if any, is needed to the base figure in order to arrive at your overall goal.

- (1) There are many types of evidence that must be considered when adjusting the base figure. These include:
 - (i) The current capacity of DBEs to perform work in your DOT-assisted contracting program, as measured by the volume of work DBEs have performed in recent years;
 - (ii) Evidence from disparity studies conducted anywhere within your jurisdiction, to the extent it is not already accounted for in your base figure; and

- (iii) If your base figure is the goal of another recipient, you must adjust it for differences in your local market and your contracting program.
- (2) If available, you must consider evidence from related fields that affect the opportunities for DBEs to form, grow and compete. These include, but are not limited to:
 - (i) Statistical disparities in the ability of DBEs to get the financing, bonding and insurance required to participate in your program;
 - (ii) Data on employment, self-employment, education, training and union apprenticeship programs, to the extent you can relate it to the opportunities for DBEs to perform in your program.
- (3) If you attempt to make an adjustment to your base figure to account for the continuing effects of past discrimination (often called the “but for” factor) or the effects of an ongoing DBE program, the adjustment must be based on demonstrable evidence that is logically and directly related to the effect for which the adjustment is sought.

2) NDOT Past DBE Participation

In addition, NDOT considered a Median Past Participation (MPP) adjustment to its base figure. The MPP data from the most recent relevant period—2011-2013, demonstrate a large disparity between past DBE participation and the base figure.

a. Description of Calculation Performed

Based on the best demonstrable evidence available to it, including the Keen Independent disparity study data as well as past NDOT Uniform Reports, NDOT made a quantitative Median Past Participation adjustment to its base figure. Consistent with DOT guidance, NDOT first analyzed DBE participation on Federal-aid contracts between 2011 and 2013 and selected the median year, as shown in **Figure 6** below.

Median Past Participation Assessment			
	Total Federal dollars Amt	Total DBE Participation	Total DBE %
2011	\$293,190,892.44	\$8,948,112.50	3%
2012	\$128,514,432.57	\$8,121,951.89	6.67%
2013	\$185,225,813.06	\$15,158,610.69	8%
Median Past Participation Figure:			6.67%

Figure 6

- 3) Combined analysis of step 2 adjustment factors for NDOT overall DBE goal for FFY 2014-2016. NDOT considered an additive step which took into account the base figure, Median Past Participation, and the quantitative effect of the “but for” analysis in **Figure 7** below.

Step 2 adjustment component	Value	Difference from base figure	½ of difference from base figure	Cumulative adjustment
Base Figure	4.50			4.50
Median Past Participation, as measured by the volume of work DBEs have performed in recent years	6.67	2.14	1.07	5.57
Information related to employment, self-employment, education, training and unions	5.90	1.40		6.97
Final overall DBE goal after step 2 adjustment (after rounding to nearest tenth of a percent)				7.00

Figure 7

4) Types of Evidence NDOT Considered

a) Disparity Study

The Study reviewed quantitative and qualitative information concerning conditions within the Nevada transportation construction and engineering marketplace, including evidence from related fields that affect the opportunities for DBEs to form, grow and compete.² Keen Independent suggested factors that could counsel in favor of either an upward or a downward adjustment to the base figure. Based upon the disparities between the base figure and qualitative market factors such as rates of business ownership among African Americans, Hispanic Americans and women working in the Nevada construction industry, NDOT believes that an upward adjustment is warranted. As described below, Keen noted several factors in regards to disparities for DBEs in the highway and transportation industry in Nevada.

² NDOT Disparity Study Report (2013) Chapter 10, page 6

- i) **Entry and Advancement.** Individuals who form construction and engineering businesses tend to work in those industries before starting their own business. Barriers related to entry or advancement in the construction engineering field may prevent some minorities and women from starting their own businesses. African American made up 5 percent of workers in the Nevada construction industry, compared to 8 percent of workers in all Nevada industries. Asian-Pacific American represented 2 percent, while Subcontinent Asian Americans comprised less than 0.1 percent in the construction industry. Women made up 10 percent of the construction workforce in Nevada. In most construction trade jobs women made up less than 5 percent of the workforce. Native American comprised 2 percent of the workforce in Nevada. There appears to be evidence of a lack of advancement for minorities in promotion to front line supervisors.
- ii) **Financing, Bonding and Insurance.** NDOT has aggressively pursued local Nevada banks to become our financial institution partner in the US DOT Short term lending program (STLP). No Nevada based banks have expressed a willingness to participate in the program. Umqua Bank in California does participate in the STLP and is available to service the Reno area DBEs.
- iii) The lack of a Nevada Bank willing to provide short term lending to DBEs is further compounded by disparities in access to capital identified in the Disparity Study.³ Those disparities were found in both personal (home mortgage credit) and business credit.
- iv) Keen Independent analyzed the potential effects of race and ethnicity on homeownership in Nevada based on 2009-2011 American Community Survey (ACS) data and the potential impact of race and ethnicity on mortgage lending in Nevada based on Home Mortgage Disclosure Act (HMDA) data for 2006, 2009 and 2012.⁴ It found that rates of home ownership for minority groups in Nevada are considerably lower than non-Hispanic whites. African American, Hispanic American and Native American homeowners tend to have substantially lower home values than non-Hispanic white homeowners.
- v) Similarly, there is evidence that minorities experience discrimination in mortgage lending. Examining mortgage applications for conventional purchase loans from high-income households in Nevada, the Study identified higher rates of loan denials for African Americans, Asian Americans, Hispanic Americans, Native Americans, and Native Hawaiians or other Pacific Islanders compared with non-Hispanic whites

3 NDOT Disparity Study Report (2013) Chapter 4, page 8-9

4 NDOT Disparity Study Report (2013) Appendix G, page 15

based on the HMDA Data above.⁵ The analysis controlled for income (only examining high income households).

- vi) Mortgage lending discrimination can also occur through higher fees and interest rates.
- vii) Subprime lending is one example of such types of discrimination through fees associated with various loan types. Because of higher interest rates and additional costs, subprime loans affected homeowners' ability to grow home equity and increased their risks of foreclosure. There is national evidence that predatory lenders disproportionately targeted minorities with subprime loans, even when applicants could qualify for prime loans. Keen Independent identified large disparities in the use of subprime loans in Nevada for African Americans and Hispanic Americans.
- viii) The disparities and discrimination present in home lending impacts DBEs' access to capital as home equity is a key source of capital for small businesses and DBEs in particular.
- ix) Similar disparities were also found with business credit. Within the Mountain region, about 13 percent of minority –and women owned small businesses reported being denied loans compared with 10 percent for Non-Hispanic male owned firms. According to data collected by the Federal Reserve Board's Survey of Small Business Finances, there were significant disparities in loan approval rates for African American-owned small businesses as compared with similarly-situated non-Hispanic white-owned firms.
- x) Based on 2003 SSBF data, the actual loan approval rate for African American-owned businesses was 49 percent. Disparity Study regression model results showed that African American-owned businesses would have an approval rate of about 69 percent if they were approved for loans at the same rate as similarly-situated non-Hispanic white male-owned businesses (disparity index of 72).⁶ The index of 72 suggests a substantial disparity between the actual loan approval rate and the rate for African American-owned businesses that might be expected for similarly-situated non-Hispanic white male-owned businesses.
- xi) African American- and Hispanic American-owned businesses were more likely than non-Hispanic white male-owned businesses in the nation to forgo applying for loans due to a fear of denial. Non-Hispanic white women-owned businesses were also more likely to forgo applying for loans due to a fear of denial. In the Mountain region, fear of denial was greater for minority- and women-owned businesses than for non-Hispanic white male-owned businesses.

5 NDOT Disparity Study Report (2013) Appendix G, page 3

6 NDOT Disparity Study Report (2013) Appendix G, page 21

- xii) After statistically controlling for race- and gender-neutral influences, the study team observed that African American-owned businesses received loans with interest rates approximately 2 percentage points higher than non-Hispanic white-owned businesses. Hispanic American-owned businesses received loans with interest rates approximately 1 percentage point higher than non-Hispanic white-owned businesses.⁷
- xiii) Financing bonding and insurance are closely linked; evidence shows that some firms cannot bid on certain public sector projects because they cannot afford the levels of insurance required by NDOT. Similarly, Nevada state law requires a firm to have bonding when bidding on public works contracts above a minimum size of contract (\$35,000 for NDOT). This barrier appears to affect small businesses, which might disproportionately impact minority- and women-owned firms. Bonding companies review a company's history and financial strength when determining whether to issue a bond of a particular size. Business owners have reported they could not get bonded for big projects, but needed that experience to then obtain that level of bonding. In addition, some bonding companies provide bonding to primes with the condition that they require bonds of their subcontractors. There appears to be a lack of bonding companies willing to work with the DBEs. That creates a barrier for both the primes and DBEs to work together on projects.
- xiv) Where race- or gender –based discrimination exists in capital markets, minorities and women may have difficulty acquiring the capital necessary to start or expand a business^{8 9}. Race- or gender-based discrimination in start-up capital can have long-term consequences, as can discrimination in access to business loans after businesses have already been formed¹⁰.
- xv) Thus, there is quantitative evidence that minorities do not have the same personal access to capital as non-minorities, which affects personal financial resources. As described in Chapter 4 of the Disparity Study, Marketplace Conditions, personal net worth and financial history can affect access to business loans, bonding and contractors' licenses in Nevada.

7 NDOT Disparity Study Report (2013) Appendix G, page 28

8 NDOT Disparity Study Report (2013) Appendix G, page 1.

9 NDOT Disparity Study Report (2013) Appendix G, page 1.

10 Fairlie, Robert W. and Alicia M. Robb. 2010 Race and Entrepreneurial Success. Cambridge: MIT Press.

- xvi) **Business Ownership and Formation.** Keen Independent examined data from the U.S. Bureau of the Census from 1980, 2000 and 2009-2011 to determine whether there are differences in business ownership between minorities and women and non-Hispanic whites and males in Nevada construction and Engineering industries. Using a regression analysis model, the Census data for African Americans, Hispanics Americans and women working in Nevada showed that these groups were significantly less likely to own businesses.
- xvii) The analysis included the same contracts that Keen analyzed to determine the base figure. Keen completed “but for” analyses separately for construction and engineering contracts and then weighted the results based on the proportion of FHWA-funded contract dollars that NDOT awarded for construction and engineering for June 2010-June 2012.

Public Participation Section 26.45 (g):

In establishing an overall goal, you must provide for public participation. This public participation must include:

(1) Consultation with minority, women's and general contractor groups, community organizations, and other officials or organizations which could be expected to have information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and your efforts to establish a level playing field for the participation of DBEs. (2) A published notice announcing your proposed overall goal, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at your principal office for 30 days following the date of the notice, and informing the public that you and the Department will accept comments on the goals for 45 days from the date of the notice. The notice must include addresses to which comments may be sent, and you must publish it in general circulation media and available minority-focused media and trade association publications.

NDOT and Keen Independent conducted external stakeholder meetings to get feedback on the study as it progressed and to ensure that the community was being heard. The external stakeholder meetings provided a way for DBEs, prime contractors and others to voice their opinions on the current market conditions and any barriers that they are experiencing. These meetings were held in Las Vegas and videoconference in Carson City and Elko. The meetings were on the following dates:

- October 16, 2012
- June 25, 2013
- July 23, 2013

NDOT announced its FFY 2014-2016 proposed overall DBE goal and methodology through public notice. The NDOT draft disparity report was made available on the Keen Independent website that was solely dedicated to providing information to the public on the disparity study and the goal setting process. The second website is the main NDOT website where all information pertinent to the agency is listed. The websites are below:

- <http://ndotdbe.com/>
- http://www.nevadadot.com/About_NDOT/NDOT_Divisions/Administration/Contract_Compliance/Disparity_Study.aspx

The draft disparity report and DBE goal methodology was released to the public and presented to the NDOT board on September 9th, 2013.

NDOT conducted the public meetings to provide opportunities for all interested parties in making comments. Public meetings are being held on the following dates, times and location:

- October 22, 2013- NDOT, District II Office, Main Conference Room, 310 Galletti Way, Sparks, NV with video conferencing in Elko, NV NDOT, District III Office Main Conference Room 1951 Idaho Street Elko, NV; Ely, NV NDOT District III Office Main Conference Room 1401 E. Aultman Ely, NV and Winnemucca, NV, NDOT District III Office Main Conference Room 725 W. Fourth Street Winnemucca, NV.
- October 24, 2013- Regional Transportation Commission Building, Room 108, 600 S. Grand Central Parkway, Las Vegas, NV from 4 pm-7 pm

Public notices included addresses where comments could be sent and would be accepted until November 8, 2013.

Media releases were sent out to radio and TV stations. Notices were placed in newspapers to run for one day each in both Northern and Southern Nevada. These ads were placed in minority focused newspapers.

Email invitations went out to NDOT's Contractors Bulletin list and those firms in final availability database.

Race- and Gender-Neutral and Conscious Measures: Section 26.51

A. Race-Neutral Projection and Basis

NDOT projects the race-neutral (RN) portion of its 7% FFY 2014-2016 goal overall DBE Goal to be 1.5%. We project we will achieve 1.5% of the new 7% goal by race neutral measures. The increase from the RN median illustrated below is based on increased race neutral participation due to our new SBE program, which was implemented October 1, 2013. NDOT projects that it can achieve the remainder of its Overall Goal through race-conscious

(RC) individual contract goals. NDOT determined its RN projection by examining the median past RN participation of DBE firms on Federal-aid contracts over the same period (2011 – 2013) NDOT used to calculate the MPP adjustment to its Base Figure. See **Figure 8** below.

Median Past Participation Assessment			
	Total Federal dollars Amt	Total RN DBE Participation	Total RN DBE %
2011	\$293,190,892.44	\$1,614,565.34	0.05%
2012	\$128,514,432.57	\$2,343,018.36	1.8%
2013	\$185,225,813.06	\$2,507,130.85	1.35%
RN Median Past Participation Figure:			1.35%

Figure 8

B. Description of NDOT Race-Neutral Measures

NDOT proposes to continue current race- and gender-neutral efforts in combination with a race conscious program.

NDOT's race-neutral program involves the following components:

- **Small Business Enterprise (SBE), Section 26.39** NDOT implemented its SBE program October 1, 2013. It provides for increased DBE and small business participation on a race and gender-neutral basis.
- **Solicitations, Section 26.51(b)(1)** – NDOT continues to advertise solicitation notices in minority publications. NDOT also maintain lists of interested parties to receive contract information which includes items, quantities, schedules, specifications and other related information.
- **Supportive Services Section, 26.51(b)(2), (3), (5), and (7)** – NDOT will continue to provide supportive services to DBEs and other small businesses through a contract with a consultant to be chosen. This program will be funded by FHWA's DBE Supportive Services Program. NDOT expects its Program to target DBE companies for outreach and training, provide classes regarding all aspects of a construction contracting, and partner DBEs with prime contractors that are bidding on NDOT contracts. NDOT will also include assistance on obtaining bonding and financing, improving business management, recordkeeping, financial and accounting capabilities, and other support.

- **Outreach and Networking, Section 26.51(b)(4), (8) and (9)** – NDOT participates in numerous outreach activities aimed at minority- and women-owned businesses. NDOT has partnered with other state, local and federal agencies, and works with organizations such as the Nevada Minority Business Development Council in an effort to promote the DBE Program, the Small Business Administration (SBA), and the Associated General Contractors.
- **Complaint Procedures, Section 26.51(b)** – NDOT has procedures in place for processing complaints of discrimination with regards to the operation of its DBE Program and allegations made against contractors doing business with NDOT. NDOT procedures help to ensure prompt, uniform, and fair responses to allegations of unlawful conduct.
- **Prompt Payment, Section 26.51(b)** – NDOT’s contract specifications and the Nevada Revised Statutes (NRS) include a prompt payment clause. NDOT monitors subcontractor payments on a monthly basis on all NDOT contracts. All prime contractors are informed of the requirements for prompt payment.
- **Monitoring of NDOT Contracts, Section 26.51(a) and (b)(6)** – NDOT has taken affirmative steps to increase the level of subcontractor monitoring on its contracts. These increased efforts will allow NDOT to more effectively identify the economic and social status of subcontractors.

NDOT will continue to provide technical assistance such as bonding education and pursue lending partners that will provide badly needed capital and financing for DBEs. Additionally, NDOT is continuing to expand outreach efforts and monitoring of professional service agreements and state-funded contracts. NDOT is also implementing better means to monitor and capture DBE participation by sub-recipients.

Implementation

The Division will work to ensure that NDOT operates its DBE Program in good faith throughout the period covered by NDOT’s 2014 – 2016 Overall DBE Goal. If NDOT experiences any changes in the circumstances of administering its DBE Program during the 2014-2014 fiscal year period, then NDOT will request approval from the Division for an adjustment to its DBE goal at that time pursuant to 49 CFR § 26.45(f)(1).



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MEMORANDUM

November 25, 2013

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, Director
SUBJECT: December 9, 2013 Transportation Board of Directors Meeting
Item #11: Old Business

Summary:

This item is to provide follow up and ongoing information brought up at previous Board Meetings.

Analysis:

- a. Report of Outside Counsel Costs on Open Matters - *Informational item only.*
Please see Attachment A.
- b. Monthly Litigation Report - *Informational item only.*
Please see Attachment B.
- c. Fatality Report dated November 25, 2013 - *Informational item only.*
Please see Attachment C.
- d. Clarification Regarding Fuel Tax Indexing – *Informational item only.*
Please see Attachment D.
- e. I-11 and Intermountain West Study Corridor Study Stakeholders – *Informational item only.*
Please see Attachment E.

List of Attachments:

- a. Report of Outside Counsel Costs on Open Matters - *Informational item only.*
- b. Monthly Litigation Report - *Informational item only.*
- c. Fatality Report dated October 30, 2013 - *Informational item only.*
- d. Clarification Regarding Fuel Tax Indexing – *Informational item only.*
- e. I-11 and Intermountain West Study Corridor Study Stakeholders – *Informational item only.*

Recommendation for Board Action:

Informational item only.

OPEN NDOT - OUTSIDE COUNSEL CONTRACTS AS OF OCTOBER 16, 2013						
Vendor	Case/Project Name	Contract Period	Contract and Amendment Date	Contract and Amendment Amount	Total Contract Authority	Contract Authority Remaining
Nossaman, LLP	Pioneer Program Legal and Financial Planning NDOT Agmt No. P282-09-002	9/23/09 - 7/1/13 Amendment #1 Amendment #2 Amendment #3 Amendment #4	9/23/2009 2/23/2010 10/6/2010 10/26/2010 8/31/2011	\$ 125,000.00 \$ 80,000.00 \$ 30,000.00 \$ 30,000.00 \$ 365,000.00	\$ 630,000.00	\$ 159,749.01
Nossaman, LLP	Project Neon Legal and Financial Planning NDOT Agmt No. P014-13-015	3/11/13 - 3/11/15	3/11/2013	\$ 1,400,000.00	\$ 1,400,000.00	\$ 732,456.06
Snell & Wilmer, LLP	Peek Construction vs. NDOT 1st JD 120C 00030 1B Contract # 3407 (Wells Wildlife Crossing) NDOT Agmt No. P082-12-004	3/1/2012 - 6/30/14 Amendment #1	3/1/2012 9/12/13	\$150,000.00 20,000.00	\$ 170,000.00	\$ 36,338.93
Snell & Wilmer, LLP	Peek Construction vs. NDOT 1st JD 120C 00032 1B Contract # 3377 (Kingsbury Grade) NDOT Agmt No. P083-12-004	3/1/2012 - 3/30/2015 Amendment #1 Amendment #2	3/1/2012 2/18/13 9/12/13	\$150,000.00 \$75,000.00 75,000.00	\$ 300,000.00	\$ 27,308.72
Snell & Wilmer, LLP	Construction Claims Williams Brother, Inc. Contract # 3392 (Various in Las Vegas) NDOT Agmt No. P084-12-004	3/1/2012 - 6/30/14	3/1/2012	\$ 30,000.00	\$ 30,000.00	\$ 25,783.00
Chapman Law Firm	NDOT vs. Carrie Sanders 8th JD - A-12-664693-C Project Neon - Las Vegas NDOT Agmt No. P192-12-004	6/12/12 - 6/12/14	6/12/2012	\$ 541,800.00	\$ 541,800.00	\$ 443,332.83
Chapman Law Firm	NDOT vs. Gendall 8th JD - A-12-666487-C Project Neon - Las Vegas NDOT Agmt No. P325-12-004	6/12/12 - 6/12/14	6/12/2012	\$ 541,800.00	\$ 541,800.00	\$ 456,949.93
Chapman Law Firm	NDOT vs. Roberts 1981 Decedents Trust 8th JD - 12-665880-C Project Neon - Las Vegas NDOT Agmt No. P452-12-004	10/23/12 - 10/12/14	10/23/2012	\$ 475,725.00	\$ 475,725.00	\$ 440,461.71
Chapman Law Firm	NDOT vs. Catello Family Trust 8th JD - A-12-671920-C Project Neon - Las Vegas NDOT Agmt No. P476-12-004	11/16/12 - 11/30/15	11/16/2012	\$ 449,575.00	\$ 449,575.00	\$ 435,280.96
Chapman Law Firm	NDOT vs. MLK-ALTA 8th JD - A-12-658642-C Project Neon - Las Vegas NDOT Agmt No. P508-12-004	1/14/13 - 1/14/15	1/14/2013	\$ 455,525.00	\$ 455,525.00	\$ 427,589.77
Chapman Law Firm	NDOT vs. Highland Partnership 1980 8th JD - Project Neon - Las Vegas NDOT Agmt No. P507-12-004	1/14/13 - 1/14/15	1/14/2013	\$ 449,575.00	\$ 449,575.00	\$ 428,519.07

OPEN NDOT - OUTSIDE COUNSEL CONTRACTS AS OF OCTOBER 16, 2013						
Vendor	Case/Project Name	Contract Period	Contract and Amendment Date	Contract and Amendment Amount	Total Contract Authority	Contract Authority Remaining
Chapman Law Firm	NDOT vs. Highland 2000-I, LLC 8th JD - A-12-671915-C Project Neon - Las Vegas NDOT Agmt No. P501-12-004	1/14/13 - 1/14/15	1/14/2013	\$ 449,575.00	\$ 449,575.00	\$ 412,639.79
Laura FitzSimmons, Esq.	Condemnation Litigation Consultation NDOT Agmt No. P510-12-004	12/16/12 - 12/30/14	12/16/2012	\$ 300,000.00		
	Amendment #1		8/12/2013	\$ 850,000.00	\$ 1,150,000.00	\$ 164,964.81
Lemons, Grundy, Eisenberg	NDOT vs. Ad America (Appeal) 8th JD - A-11-640157-C Project Neon - Las Vegas NDOT Agmt No. P037-13-004	1/22/13 - 1/22/15	1/22/2013	\$205,250.00	\$ 205,250.00	\$ 161,117.74
Sylvester & Polednak, Ltd.	NDOT vs. Wykoff 8th JD - A-12-656578-C Warms Springs Project - Las Vegas NDOT Agmt No. P071-13-004	2/27/13 - 2/27/15	2/27/2013	\$275,000.00	\$ 275,000.00	\$ 108,374.39
Sylvester & Polednak, Ltd.	NDOT vs. Railroad Pass 8th JD - A-12-665330-C Boulder City Bypass Project NDOT Agmt No. P072-13-004	2/27/13 - 2/27/15	2/27/2013	\$ 275,000.00	\$ 275,000.00	\$ 195,770.40
Sylvester & Polednak, Ltd.	NDOT vs. K & L Dirt 8th JD - A-12-666050-C Boulder City Bypass Project NDOT Agmt No. P073-13-004	2/27/13 - 2/27/15	2/27/2013	\$ 275,000.00	\$ 275,000.00	\$ 250,006.87
Sylvester & Polednak, Ltd.	NDOT vs. I-15 & Cactus Cactus Project - Las Vegas 8th JD - A-12-664403-C NDOT Agmt No. P074-13-004	2/27/13 - 2/27/15	2/27/2013	\$ 200,000.00	\$ 200,000.00	\$ 194,165.00
Sylvester & Polednak, Ltd.	JYTYJK, LLC dba Wireless Toyz vs. NDOT 8th JD A-13-681291-C Project Neon - Las Vegas NDOT Agmt No. P127-13-004	4/19/13 - 2/28/13	4/19/2013	\$ 175,000.00	\$ 175,000.00	\$ 168,709.70
Watt, Tieder, Hoffar & Fitzgerald	Pacific Coast Steel vs. NDOT K3292 - I-580 2nd JD CV12-02093 NDOT Agmt No. P160-13-004	4/30/13 - 4/30/15	4/30/2013	\$ 275,000.00	\$ 275,000.00	\$ 71,980.16

OPEN NDOT - OUTSIDE COUNSEL CONTRACTS AS OF OCTOBER 16, 2013						
Vendor	Case/Project Name	Contract Period	Contract and Amendment Date	Contract and Amendment Amount	Total Contract Authority	Contract Authority Remaining
Sylvester & Polednak	Fitzhouse Enterprises (acquired title as Westcare) 8th JD - A-13-660564-C Project Neon - Las Vegas NDOT Acmt No. P201-13-004	5/31/13 - 5/31/15	5/31/2013	\$ 290,000.00	\$ 290,000.00	\$ 224,259.81
Chapman Law Firm	54 B LLC vs. Clark County & NDOT 8th JD - A-12-674009 NDOT Acmt No. P217-13-004	6/6/13 - 11/30/15	6/6/2013	\$ 250,000.00	\$ 250,000.00	\$ 238,542.71
Snell & Wilmer	Meadow Valley Public Records Request K3399 NDOT Acmt No. P273-13-004	7/18/13 - 7/30/14	7/18/2013	\$30,000.00	\$ 30,000.00	\$ 24,684.40
Kemp, Jones, Coulthard	Nassiri vs. NDOT 8th JD A672841 NDOT Acmt No. P290-13-004	7/17/13 - 6/30/15	7/17/2013	\$ 280,000.00	\$ 280,000.00	\$ 211,240.18
Chapman Law Firm	Ad America vs. NDOT (Project Neon) 8th JD A640157 NDOT Acmt No. P291-13-004	7/25/13 - 7/30/15	7/25/2013	\$ 200,000.00	\$ 200,000.00	\$ 119,968.10
Chapman Law Firm	Ad America vs. NDOT (Cactus Direct and Inverse) 8th JD A-10-631520-C & A-12666482-C NDOT Acmt No. P292-13-004	7/25/13 - 7/30/15	7/25/2013	\$ 250,000.00	\$ 250,000.00	\$ 221,767.40
Chapman Law Firm	Ad America vs. NDOT (South Point) 8th JD A-11-653502-C NDOT Acmt No. P293-13-004	7/25/13 - 7/30/15	7/25/2013	\$ 70,000.00	\$ 70,000.00	\$ 56,745.91
Kemp, Jones & Coulthard	NDOT vs. City of Los Angeles 8th JD A-13-687717-C Boulder City Bypass Project NDOT Acmt No. P405-13-004	9/1/13 - 9/30/15	9/1/2013	\$ 250,000.00	\$ 250,000.00	\$ 240,080.23
Sylvester & Polednak	NDOT vs. Smith Family Trust 8th JD A-13-687895-C Project Neon NDOT Acmt No. P465-13-004	9/7/13 - 9/30/15	9/7/2013	\$ 280,000.00	\$ 280,000.00	\$ 276,768.50
* BH Consulting Agreement	<i>Management assistance, policy recommendations, negotiation support and advice regarding NEXTEL and Re-channeling of NDOT's 800 Mhz frequencies.</i>	6/30/12 - 6/30/16	6/30/2012	\$ 77,750.00	\$ 77,750.00	\$ 76,340.00

* Pass Through - Federally mandated 800 MHz rebanding project fully reimbursed by Sprint Nextel.

Monthly Litigation Report to the Nevada Department of Transportation - November 22, 2013				
Case Name	Nature of Case	Outside Counsel to Date		
		Fees	Costs	Total
Condemnations				
NDOT vs. 2.5 Acres @ Dean Martin, LLC	Eminent domain - I-15 Cactus			
NDOT vs. AD America, Inc. (Cactus - Direct)	Eminent domain - I-15 Cactus	\$ 127,116.76	\$ 25,721.04	\$ 152,837.80
NDOT vs. Bawcon	Eminent domain - Elko			
NDOT vs. Catello Family Trust, Carmine V.	Eminent domain - Project Neon	\$ 12,608.25	\$ 1,435.79	\$ 14,044.04
NDOT vs. City of Los Angeles, et al.	Eminent domain - Boulder City Bypass			
NDOT vs. Fitzhouse/Westcare	Eminent domain - Project Neon	\$ 36,825.00	\$ 28,915.19	\$ 65,740.19
NDOT vs. Gendall Trust	Eminent domain - Project Neon	\$ 66,085.05	\$ 18,765.02	\$ 84,850.07
NDOT vs. Highland Partnership 1980, LLC	Eminent domain - Project Neon	\$ 13,390.00	\$ 3,665.93	\$ 17,055.93
NDOT vs. Highland 2000-I, LLC	Eminent domain - Project Neon	\$ 34,588.76	\$ 2,346.45	\$ 36,935.21
NDOT vs. I-15 and Cactus, LLC	Eminent domain - I-15 Cactus	\$ 5,800.00	\$ 35.00	\$ 5,835.00
NDOT vs. Jenkins, Carrie, aka Carrie Sanders	Eminent domain - Project Neon	77,860.50	20,606.67	\$ 98,467.17
NDOT vs. Jericho Heights, LLC	Eminent domain - Boulder City Bypass	\$ 559,720.00	\$ 425,315.19	\$ 985,035.19
NDOT vs. K & L Dirt Company, LLC	Eminent domain - Boulder City Bypass	\$ 23,350.00	\$ 1,643.13	\$ 24,993.13
NDOT vs. KP & TP, LLC, Roohani, Khusrow	Eminent domain - I-15 and Warm Springs			
NDOT vs. MLK-ALTA	Eminent domain - Project Neon	\$ 25,875.00	\$ 2,060.23	\$ 27,935.23
NDOT vs. Railroad Pass Investment Group	Eminent domain - Boulder City Bypass	\$ 65,775.00	\$ 13,454.60	\$ 79,229.60
NDOT vs. Smith Family Trust, et al	Eminent domain - Project Neon			
NDOT vs. Union Pacific Railroad Co.	Eminent domain - Recnstr. of SR 317			
NDOT vs. Woodcock, Jack	Eminent domain - I-15 and Warm Springs			
NDOT vs. Wykoff Newberg Corporation	Eminent domain - I-15 and Warm Springs	\$ 139,900.78	\$ 26,724.83	\$ 166,625.61
Inverse Condemnations				
54 B LLC	Inverse condemnation	\$ 11,197.78	\$ 259.51	\$ 11,457.29
AD America, Inc. vs. NDOT (Cactus)	Inverse condemnation - I-15 Cactus	\$ 39,875.25	\$ 25,023.52	\$ 64,898.77
AD America, Inc. vs. NDOT (NEON)	Inverse condemnation - Project Neon	\$ 300,911.64	\$ 90,413.58	\$ 391,325.22
AD America, Inc. vs. NDOT (SouthPoint)	Inverse condemnation - I-15 Cactus	\$ 42,618.49	\$ 4,778.61	\$ 47,397.10
JYTYJK, LLC dba Wireless Toyz vs. NDOT	Inverse condemnation - Project Neon	\$ 5,505.25	\$ 785.05	\$ 6,290.30
MLK-ALTA vs. NDOT	Inverse condemnation - Project Neon	\$ 25,875.00	\$ 2,060.23	\$ 27,935.23
Nassiri, Fred vs. NDOT	Inverse condemnation	\$ 66,763.18	\$ 1,996.64	\$ 68,759.82
P8 Arden, LLC vs. NDOT	Inverse condemnation - Blue Diamond Road			
Roberts 1981 Decedents Trust vs. NDOT	Inverse Condemnation - Project Neon	\$ 31,554.83	\$ 1,792.21	\$ 33,347.04
Rural Telephone vs. Dorsey Ln, NDOT	Public utility seeks permanent easement			

Monthly Litigation Report to the Nevada Department of Transportation - November 22, 2013				
Case Name	Nature of Case	Outside Counsel to Date		
		Fees	Costs	Total
Torts				
Allstate Insur. vs. Las Vegas Paving;NDOT	Plaintiff alleges property damage and negligence			
Antonio, James S. vs. NDOT	Plaintiff alleges negligence causing personal injury			
Ariza, Ana, et al. vs. Wulfenstein, NDOT	Plaintiff alleges wrongful death			
Austin, Renee vs. State, NDOT	Plaintiff alleges negligence causing personal injury			
Chadwick, Estate of Lonnie Joe vs. NDOT	Estate alleges transfer of property w/o court order			
Daisy Investments, LLC vs. State	Plaintiff alleges property damage and negligence			
Discount Tire Company vs. NDOT; Fisher	Plaintiff alleges negligence and personal injury			
Francois, John A. vs. NDOT	Plaintiff alleges negligence and personal injury			
Harper, Kenneth J. vs. NDOT	Plaintiff alleges negligence/wrongful death			
Harris Farm, Inc. vs NDOT	Plaintiff alleges negligence and personal injury			
Lopez, Jewelee Marie vs. NDOT	Plaintiff alleges negligence and personal injury			
Marshall, Charles vs. State, NDOT	Plaintiff alleges personal injury			
Mullen, Janet vs. NDOT	Plaintiff alleges personal injury			
NDOT vs. Tamietti	NDOT seeks injunct. relief to prevent closing access			
Slegers, Gloria vs. NDOT	Plaintiff alleges negligence and personal injury			
Windrum, Richard & Michelle vs. NDOT	Plaintiff alleges negligence and personal injury			
Contract Disputes				
Peek Construction vs. State, NDOT	Plaintiff alleges delays on Contract 3377, SR 207	\$ 260,316.50	\$ 12,374.78	\$ 272,691.28
Peek Construction vs. State, NDOT	Plaintiff alleges delays on Contract 3407, US-93	\$ 129,417.50	\$ 4,243.57	\$ 133,661.07
Personnel Matters				
Akinola, Ayodele vs. State, NDOT	Plaintiff alleges 14th Amendment - discrimination			
Cooper, Jennifer vs. State, NDOT	Plaintiff appeals trial verdict of alleged decrimination			
Hettinger, Travis vs. State Employees	Plaintiff alleges wrongful termination			
Lau, Stan vs. State, NDOT	Plaintiff is appealing termination			

Cases Removed from Last Report:**Disposition:**

State Farm Fire and Casualty Co. vs. NDOT	Plaintiff alleges negligence to maintain roadway	Paid \$2,200 Settlement via Tort Claims Fund
Wang, Zexlang vs. NDOT	Plaintiff alleges negligence and personal injury	Dismissal without Prejudice

11/25/2013

TO: PUBLIC SAFETY, DIRECTOR NDOT, HIGHWAY SAFETY COORDINATOR,
NDOT TRAFFIC ENGINEERING, FHWA, LVMPD, RENO PD.

FROM: THE OFFICE OF TRAFFIC SAFETY, FATAL ANALYSIS REPORTING SYSTEM (FARS)

SUBJECT: FATAL CRASHES AND FATALITIES BY COUNTY, PERSON TYPE, DAY, MONTH, YEAR AND PERCENT CHANGE.

	CURRENT		SAME DATE LAST YEAR			# CHANGE		
	Yesterday	Crashes	Fatals	Yesterday	Crashes	Fatals	Crashes	Fatals
11/24/2013		2	2	11/24/2012	1	1	1	1
MONTH		21	22	MONTH	14	15	7	7
YEAR		218	238	YEAR	212	234	6	4

CRASH AND FATAL COMPARISON BETWEEN 2012 AND 2013, AS OF CURRENT DATE.

COUNTY	2012 Crashes	2013 Crashes	% CHANGE	2012 Fatalites	2013 Fatalities	% Change	2012 Alcohol Crashes	2013 Alcohol Crashes	% Change	2012 Alcohol Fatalities	2013 Alcohol Fatalities	% Change
CARSON	1	4	300.00%	1	5	400.00%	0	2	200.00%	0	3	300.00%
CHURCHILL	1	1	0.00%	1	1	0.00%	0	0	0.00%	0	0	0.00%
CLARK	139	160	15.11%	155	171	10.32%	40	37	-7.50%	44	42	-4.55%
DOUGLAS	5	6	20.00%	7	6	-14.29%	2	2	0.00%	4	2	-50.00%
ELKO	11	4	-63.64%	12	5	-58.33%	3	0	-100.00%	3	0	-100.00%
ESMERALDA	2	1	-50.00%	2	1	-50.00%	2	0	-100.00%	4	0	-100.00%
EUREKA	1	1	0.00%	1	2	100.00%	0	0	0.00%	0	0	0.00%
HUMBOLDT	5	2	-60.00%	5	3	-40.00%	1	0	-100.00%	1	0	-100.00%
LANDER	4	0	-100.00%	4	0	-100.00%	1	0	-100.00%	1	0	-100.00%
LINCOLN	2	5	150.00%	2	5	150.00%	1	2	100.00%	1	2	100.00%
LYON	3	4	33.33%	6	6	0.00%	1	0	-100.00%	1	0	-100.00%
MINERAL	2	2	0.00%	2	2	0.00%	0	1	100.00%	0	1	100.00%
NYE	7	7	0.00%	7	10	42.86%	2	1	-50.00%	2	1	-50.00%
PERSHING	1	1	0.00%	1	1	0.00%	0	0	0.00%	0	0	0.00%
STOREY	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%
WASHOE	27	17	-37.04%	27	17	-37.04%	9	4	-55.56%	9	4	-55.56%
WHITE PINE	1	3	200.00%	1	3	200.00%	0	0	0.00%	0	0	0.00%
YTD	212	218	2.83%	234	238	1.71%	62	49	-20.97%	70	55	-21.43%
TOTAL 12	236	----	-7.6%	259	----	-8.1%	66	----	-25.76%	74	----	-25.68%

2012 AND 2013 ALCOHOL CRASHES AND FATALITIES ARE BASED ON PRELIMINARY DATA.

COMPARISON OF FATALITIES BY PERSON TYPE BETWEEN 2012 AND 2013, AS OF CURRENT DATE.

COUNTY	2012 Vehicle Occupants	2013 Vehicle Occupants	% Change	2012 Peds	2013 Peds	% Change	2012 Motor- Cyclist	2013 Motor- Cyclist	% Change	2012 Bike	2013 Bike	% Change	2012 Other	2013 Other
CARSON	0	3	300.00%	0	2	200.00%	1	0	-100.00%	0	0	0.00%	0	0
CHURCHILL	1	0	-100.00%	0	0	0.00%	0	1	100.00%	0	0	0.00%	0	0
CLARK	90	82	-8.89%	38	45	18.42%	22	37	68.18%	2	4	100.00%	3	3
DOUGLAS	5	4	-20.00%	1	1	0.00%	1	0	-100.00%	0	1	100.00%	0	0
ELKO	11	5	-54.55%	0	0	0.00%	1	0	-100.00%	0	0	0.00%	0	0
ESMERALDA	2	1	-50.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0
EUREKA	1	0	-100.00%	0	2	200.00%	0	0	0.00%	0	0	0.00%	0	0
HUMBOLDT	3	3	0.00%	1	0	-100.00%	1	0	-100.00%	0	0	0.00%	0	0
LANDER	3	0	-100.00%	0	0	0.00%	1	0	-100.00%	0	0	0.00%	0	0
LINCOLN	2	4	100.00%	0	0	0.00%	1	1	0.00%	0	0	0.00%	0	0
LYON	5	4	-20.00%	0	0	0.00%	1	1	0.00%	0	1	100.00%	0	0
MINERAL	2	1	-50.00%	0	0	0.00%	0	1	100.00%	0	0	0.00%	0	0
NYE	5	7	40.00%	1	1	0.00%	0	2	200.00%	1	0	-100.00%	0	0
PERSHING	1	1	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0
STOREY	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0
WASHOE	11	5	-54.55%	9	6	-33.33%	6	6	0.00%	0	0	0.00%	1	0
WHITE PINE	0	3	300.00%	0	0	0.00%	1	0	-100.00%	0	0	0.00%	0	0
YTD	142	123	-13.38%	50	57	14.00%	36	49	36.11%	3	6	100.00%	4	3
TOTAL 12	156	----	-21.15%	58	----	-1.72%	38	----	28.95%	3	----	100.00%	4	----

Total 2012 259



Attachment D
1263 South Stewart Street
Carson City, Nevada 89712
Phone: (775) 888-7440
Fax: (775) 888-7201
(Use Local Information)

MEMORANDUM

November 25, 2013

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, Director
SUBJECT: November 13, 2013 Transportation Board of Directors Meeting
ITEM #11d: Old Business – Clarification on Fuel Tax Indexing – Informational item only

Summary:

This memo is to provide clarification on questions raised at the November 13, 2013, presentation to the Transportation Board on Fuel Tax Indexing.

Clarifications:

AVAILABILITY OF FUEL TAX INDEXING OPTION TO COUNTIES

Per NRS 373.065, any county with a population less than 700,000 can implement fuel tax indexing with voter approval. This indexing is limited to “local” fuel taxes (i.e. those levied under NRS 365.180, NRS 365.190, NRS 365.192, and NRS 370.030) based on a five-year average of the change in Consumer Price Index (CPI) for West Urban Consumers with the increase limited to no more than 4.5 percent in any given year. Only Washoe County has enacted this fuel tax indexing.

Effective January 1, 2010, Washoe County ceased further indexing under the provisions of NRS 373.065 and began indexing based upon the then existing local fuel tax rates, and the rates in effect at that time for federal and state fuel taxes on both gasoline and special fuels using the Producer Price Index (PPI) for Highway and Street Construction (allowed by SB 201, 2009 75th Legislature, now codified in NRS 373.066). Implementation of this indexing also required voter approval. All indexed taxes, even those calculated based upon the federal and state tax rates in place at the time the legislation was passed, are local taxes, not federal or state taxes.

INDEXING SPECIAL FUELS TAXES

The question was asked by Board Member Tom Fransway whether indexing affected special fuels and whether the county would receive the funding.

If fuel tax indexing is implemented per the provisions of NRS 373.065 by a county with population of less than 700,000, it does not include indexing of special fuels. Revenue from indexing local fuel taxes per NRS 373.065 is distributed within the county per the distribution provisions of the underlying local fuel taxes (i.e., NRS 365.180, NRS 365.190, NRS 265.192, and NRS 373.030).

If fuel tax indexing is implemented per the provisions of NRS 373.066 by a county with population greater than 100,000 but less than 700,000 (currently only Washoe County), indexed taxes on special fuels are authorized. Revenue from indexing local fuel taxes per NRS 373.066 is distributed within the county per the provisions of the underlying local fuel taxes. In addition, the revenue from indexing based upon other fuel taxes (i.e. federal and state), including special fuels, is distributed to the RTC. AB413 passed by the 77th Legislature, enables indexed fuel taxes in counties with a population of 700,000 or more (currently only Clark County), including special fuels. Distribution of the revenue from indexing follows the provisions of NRS 373.066 outlined above. Aviation fuel is exempt from fuel tax indexing under all indexing programs authorized by NRS.

CURRENT TAX RATES

During the presentation, only the current tax rates for gasoline were provided. The current tax rates for special fuels are provided as follows:

Diesel

Federal Tax	24.4¢ per gallon
State Tax	27.75¢ per gallon

Propane (Liquefied Petroleum Gas)

Federal Tax	18.3¢ per gallon
State Tax	22¢ per gallon

Methane (Compressed Natural Gas)

Federal Tax	18.3¢ per gallon
State Tax	21¢ per gallon

APPLICABILITY OF THE BASE RATE

Lieutenant Governor Brian Krolicki asked if the federal portion of the gas tax was raised, would it be eligible for indexing.

The base rates for indexing in NRS 373.066 were based upon the existing local, state, and federal tax rates in place at the time the legislation was passed. These base rates are fixed in the legislation but were not specifically identified as “local”, “state” or “federal” to avoid confusion as to the nature of the indexed local taxes. If the current federal gasoline tax rate of 18.4¢ per gallon were to be increased, it would have no impact on the corresponding base rate in NRS and, thus, such an increase would not be subject to indexing. Similarly, future increases in federal tax rates on special fuels, or state tax rates on gasoline or special fuels, would not be subject to indexing.

Recommendation for Board Action:

This item is provided for information only.



MEMORANDUM

Planning Division

November 14, 2013

To: Rudy Malfabon, Director
From: Sondra Rosenberg, Federal Programs Manager
Subject: I-11 & Intermountain West Corridor Study Stakeholders

The Arizona and Nevada Departments of Transportation are working together on a two-year Interstate 11 & Intermountain West Corridor Study that includes detailed corridor planning of a possible interstate link between Phoenix and Las Vegas and high level visioning for extending the corridor north to Canada and south to Mexico.

In recognition of the importance of this corridor to the states of Nevada and Arizona, the study has included an extensive stakeholder and public outreach effort, including a series of Stakeholder Partner meetings. The list of organizations that have participated in one or more of our Stakeholder Partners meetings is provided below as **Table 1**. All meeting materials and summaries from our Stakeholder and public meetings are available on the study website at www.i11study.com under Documents/Meetings.

In addition, the team has had briefing meetings with and/or presentations to the following organizations, individuals, and conferences:

Organizations:

I-11 Coalition (formerly CAN-DO Coalition)
Inter-Tribal Council of Arizona
Inter-Tribal Council of Nevada
Las Vegas Metro Chamber of Commerce
Las Vegas Convention and Visitors Authority
Las Vegas Global Economic Alliance
Nellis Air Force Base
Regional Transportation Commission of Southern Nevada
Regional Transportation Commission of Southern Nevada
Concurrent Meeting of the Reno City Council, Sparks City Council and Washoe County Board of County Commissioners
Southern Nevada Regional Planning Coalition
Western Nevada Development District
And numerous briefings and presentations throughout Arizona

Individuals:

Congresswoman Dina Titus
Congressman Steven Horsford
Nevada State Assemblyman James Healey

Conferences:

American Planning Association – AZ Chapter
 American Planning Association – NV Chapter / Western Planner
 EPA Region 9 Tribal/EPA conference
 Arizona Roads & Streets Conference
 National Association of County Engineers/Arizona Association of County Engineers

The study team welcomes the opportunity to add stakeholders to this list or provide a study briefing to an organization or individual at any time. The full contact list contains almost 3,000 individuals that are notified of study updates and meetings is also available upon request.

Table 1. Participating Stakeholder Organizations:

AAHC	Carson Area Metropolitan Planning Organization
ADOT	Carson City
Aggregate Industries Incorporated	Cascabel Conservation Association
Akers and Associates	Casita Luminosa
Altar Valley Conservation Alliance	CC Communications/ Churchill County Communications
Ames Construction, Inc.	CCRD
ARC Consulting	Center for Biological Diversity
Archaeology Southwest	Central Arizona Association of Governments (CAAG)
Arizona Chamber of Commerce and Industry	Central Yavapai Metropolitan Planning Organization (CYMPO)
Arizona Commerce Authority	CenturyLink
Arizona Construction Association	Citizens for Picture Rocks
Arizona Department of Environmental Quality	Citizens Transportation Advisory Committee
Arizona Forward	City of Apache Junction
Arizona Game and Fish Department	City of Avondale
Arizona Public Service	City of Boulder City
Arizona State Land Department	City of Casa Grande
Arizona Transit Association	City of Chandler
Arizona Wildlife Federation	City of Douglas
ASU Foundation	City of Eloy
Audubon Arizona	City of Fallon
Avra	City of Fernley
Barrio Sapó Community	City of Flagstaff
BEC Environmental	City of Glendale
Brookings Mountain West	City of Globe
Brown Foundations	City of Goodyear
Brownstein Hyatt Farber Schreck	City of Henderson
Bullhead City	City of Kingman
Bullhead Regional Economic Dev. Authority	City of Las Vegas
Bureau of Land Management Nevada State Office	City of Litchfield
Bureau of Land Management, Arizona State Office	City of Litchfield Park
Caesars Entertainment	City of Maricopa
California-Nevada Super Speed Train Commission	City of Mesquite
Caltrans	City of Nogales
CAN-DO Coalition	City of North Las Vegas

Attachment E

City of Phoenix	Hubbard & Hubbard
City of Sahuarita	Huitt-Zollars, Inc
City of San Luis	IBA & Associates
City of Sparks	Idaho Transportation Department
City of Surprise	Imagine Greater Tucson
City of Tucson	Inter Tribal Council of Arizona
City of West Wendover	Inter-Tribal Council of Nevada
City of Yuma	IUCN
Clark County	Jacobs
Clark County Department of Air Quality and Environmental Management	Keeling Law Offices
Clark County Department of Aviation	Kimley-Horn Associates
Coalition for Sonoran Desert Protection	Kingman Airport Authority, Inc.
Coconino County Board of Supervisors	Lake Tahoe Visitors Authority
COMPASS - Community Planning Association of Southwest Id	Land Advisors Organization
Congressman Steven Horsford's office	Las Vegas Chamber of Commerce
Cox Communications	Las Vegas Convention & Visitors Authority
Cynthia Lester Consulting	Las Vegas Metropolitan Police Department
Deserves, LLC	Las Vegas Monorail
Diamond Ventures	Las Vegas Valley Water District / Southern Nevada Water Authority
Dolphin Bay	League of Women Voters
Douglas County	Lincoln County Commission
Dueling Gardens Community Gardens	LKY Dev. Company, Inc.
Economic Development Authority of Western Nevada	Louis Berger Group
El Dorado Holdings	Marana Chamber of Commerce
Engineering & Environmental Consultants	Maricopa Association of Governments
ESI Corporation	Maricopa County
Esmeralda County	Mayo & Associates
Federal Highway Administration, Arizona Division	Metropolitan Pima Alliance
Federal Highway Administration, Nevada Division	MGM Resorts International
FMPO (Coconino County)	Mohave County
Focus Commercial Group	Mohave Electric Cooperative, Inc.
Fresh Produce Association of the America's	MR Diversified, INC
Friends of Nevada Wilderness	NACOG
Friends of the Sonoran Desert National Monument	National Park Service
G&C Consulting LLC.	National Park Service, Saguaro National Park
Glendale Community College	National Parks Conservation Association
Good Standing Outreach	NCSI
Governor's Office (Nevada)	NDOT
Governor's Office (Arizona)	Nellis Air Force Base
Greater Phoenix Chamber of Commerce	Nevada Department of Wildlife
Greater Yuma	Nevada Highway Patrol
Help, Inc.	Nevada Natural Heritage Program
Holman's of Nevada, Inc.	Nevada State
House of Representatives-Rep. Ann Kirkpatrick	Nevada State Legislature

Attachment E

Nevada State Office of Energy	State of Arizona
Nevada Subcontractors Association	Storey County
Nevadans for CleanAffordable Reliable Energy NCARE	Sundt Construction
Nuclear Waste Repository Project Office	Sustainable Arizona
NV Energy	SWCA
Nye County	SX Allottees Association
Paiute Pipeline Company	Tarantini Construction Co. Inc.
Pascua Yaqui Tribe	Teamsters Local 631
Picture Rocks Community	The Nature Conservancy
Pima Association of Governments	The Planning Center
Pima County	The Skancke Company
Pinal County	Tohono O'odham Nation
Port of Tucson	Town of Buckeye
Prescott Valley Economic Development Foundation	Town of Florence
PSOMAS Engineering	Town of Gardnerville Nevada
R.H. Bohannon and Associates	Town of Gila Bend
Rancho del Conejo Community Water Co-op, Inc.	Town of Marana
Rancho Sahuarita	Town of Oro Valley
Regional Transportation Commission of Southern Nevada	Town of Pahrump
Regional Transportation Commission of Washoe County	Town of Prescott Valley
Reno/Tahoe Airport Authority	Town of Sahuarita
Republic Services	Town of Wickenburg
ReSeed Advisors	Town of Youngtown
Rick Engineering Co.	Truckee Meadows Water Authority
Rural Transportation Advocacy Council	Tucson Airport Authority
SAHBA	Tucson Electric Power
Sahuarita Unified School District	Tucson Metro Chamber of Commerce
SALEO	Tucson Realtors Association
Salt River Project	Tucson Regional Economic Opportunities
San Carlos Apache Tribe	Tucson Utility Contractors Association
Sharpe and Associates	TWS
Sierra Club	U.S. Bureau of Reclamation, Lower Colorado Regional Office
Sierra Club, Grand Canyon Chapter	U.S. EPA, Region 9
Sierra Club, Toiyabe Chapter	U.S. Representative Dina Titus
Sierra Vista Economic Development Foundation	Union Pacific Railroad
SNBCTC - Building Trades	United States Postal Service
Snell & Wilmer	University of Arizona
Sonoran Audubon Society	University of Nevada, Las Vegas
Sonoran Institute	UNS Electric, Inc
Southern Arizona Leadership Council	US Department of Energy
Southern Nevada Homebuilders Association (SNHBA)	USDA
Southern Nevada Transit Coalition-Silver Riders	WACOG
Southwest Gas Corporation	Walton International
Southwest Valley Chamber of Commerce	Washoe County

Washoe County Health-Air Quality
Western Area Power Administration
Western Arizona Economic Development District
Western Nevada Development District
WESTMARC
White Pine County
Wickenburg Regional Economic Development Partnership
Williams-Grand Canyon Chamber of Commerce
Wilson & Company
Wynn Resorts
Xerox CVO Services
Yavapai County
Yuma Metropolitan Planning Organization (YMPO)