



Department of Transportation
Board of Directors
Notice of Public Meeting
1263 South Stewart Street
Third Floor Conference Room
Carson City, Nevada
September 12, 2016 – 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. Consideration of adopting a proposed amendment to a regulation, NAC 410.350, to allow the issuance of permits for commercial electronic variable message signs which conform to national standards pursuant to 23 U.S.C. sec.131; providing various related specifications and requirements; and other matters properly related thereto. – *For possible action.*
4. Approval of the August 8, 2016 Nevada Department of Transportation Board of Directors Meeting Minutes – *For possible action.*
5. Approval of Contracts over \$5,000,000 (Attached as Exhibit A) – *For possible action.*
6. Approval of Agreements over \$300,000 (Attached as Exhibit B) – *For possible action.*
7. Contracts, Agreements, and Settlements – Pursuant to NRS 408.131 the Board may delegate authority to the Director which the Director may exercise pursuant to NRS 408.205. These items and matters have been delegated to the Director by the Board by resolutions in April 1990 and July 2011. *Informational item only.*
8. Condemnation Resolution No. 457 – *For possible action.*

I-15 Freeway, from Desert Inn Road to the US-95/I-515 Interchange, Project NEON; in the City of Las Vegas; Clark County – 2 owners, 6 parcels
9. Consideration and Possible Approval of Fiscal Year 2017 NDOT Work Program – *For possible action.*
10. Consideration and Possible Approval of the Draft Nevada State Freight Plan – *For possible action.*
11. Briefing by the Regional Transportation Commission of Washoe County – *Informational item only.*
12. 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 August 29, 2016 – *Informational item only.*

13. 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.*
14. 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



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

MEMORANDUM

August 30, 2016

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, Director
SUBJECT: September 12, 2016 Transportation Board of Directors Meeting
Item # 3 : Act upon a regulation proposed to be adopted under authority of NAC 410.350 Sign construction: Illumination; commercial electronic variable message signs. NRS 410.400

Summary:

Approval is requested from the Department of Transportation Board of Directors to regulations proposed to be adopted under authority of NAC 410.350 Sign construction: Illumination; commercial electronic variable message signs. (NRS 410.400) The purpose of the proposed regulation is to: Amend the requirements for Commercial Electronic Variable Message Signs (CEVMS) including trivision signs and digital billboard signs; proposed revisions include content, movement and appearance during static displays, display time and change intervals on trivision signs, operating and monitoring systems to address the displays in the event of a malfunction, and brightness of billboards as ambient light conditions change.

Background:

During the 77th Legislative Session Assembly Bill No. 305 was passed. This bill amended NRS 410.400 to add a definition for "commercial electronic variable message signs", which then required the Department to amend Nevada Administrative Code ("NAC") Chapter 410 to formally recognize Digital Billboards. Preliminary revisions to the language of NAC 410.350 "Sign Construction: illumination; commercial electronic variable message signs" was drafted. The Department conducted three (3) workshops to present the proposed changes to the attendees.

The State Legislature created NRS Chapter 410 Beautification of Highways to establish a statutory basis for the regulation and control of Off-Premise Outdoor advertising and Junkyards to be consistent with the Federal Highway Beautification Act. These statutes provided a basis for NAC Chapter 410. The NAC provides further clarification of policies and rules in the management of permits for off-premise outdoor advertising signs and junkyards. State law and federal regulation require a permit for any junkyard or off-premise advertising sign (billboard) that is located within 660-feet of any Interstate and Primary Highway System which is readable from the main travel way. These regulations cover all Interstates, US routes and some state routes.

Since the enactment of the Highway Beautification Act billboard signs have been strictly regulated especially when it comes to the use of lighting and movement. Signs were no allowed to use intermittent, flashing or moving lights. As technology evolved, the FHWA regulations were also modified to insure compliance with the Beautification Act. The NRS requires that the state regulation maintain consistency with federal regulation.

In compliance with federal regulations and the NAC's commercial electronic variable message signs ("CEVMS") are permissible signs adjacent to the controlled highway facilities. CEVMS include any sign that has a changeable message including Trivision signs and digital billboards. While digital billboards fall into the CEVMS category when they were first introduced, the Department had concern that the digital technology behind these signs may not comply with the Highway Beautification Act.

Because several other states shared similar concern, the FHWA provided a Guidance Memorandum dated September 25, 2007. This memo advised that CEVMS did not violate a prohibition on intermittent, flashing or moving lights and that issuing permits for these types of signs would be consistent with the Highway Beautification Act. After the FHWA issued this memo and after discussions with the local FHWA office the Department started issuing permits for digital billboards.

The FHWA guidance memo was challenged in the State of Arizona and the state appeals court there found inconsistency with Arizona state law and some of the technology used in CEVMS. This resulted in the State of Arizona proposing and passing legislation to formally recognize CEVMS in its state law.

The above ruling in Arizona caused the billboard industry to seek a similar legislative solution in Nevada. The passing of Assembly Bill 305 formally recognized CEVMS and thereby insured consistency with federal regulation.

Early in 2013 the Department began researching surrounding states regulations related to CEVMS and drafted new language. On April 21, 2014 the final draft was completed and public workshops were scheduled to present the proposed changes to the regulations. Workshops were held in May of 2014 in Las Vegas and in Sparks with teleconferencing in Elko.

Comments were received at the workshops, additional revisions were made to the proposed regulations and a second round of workshops was scheduled and conducted in October of 2015, again in Las Vegas and Sparks with teleconferencing in Elko. A final workshop was held on April 21, 2016 at the NDOT Headquarters main building presenting the final proposed revisions.

NAC 410.350 is being amended to account for the new digital technology being used by today's CEVMS and to be consistent with the NRS. During the workshops that were performed, the Department received significant interest in the proposed rules surrounding the digital billboards. Both the billboard industry as well as opposition groups participated in the workshops. Numerous questions were raised concerning brightness, acceptable standards for brightness, length of messages and hacking of the billboard system. The Department has also performed additional research and has contacted several other western states to learn from their experiences.

**Department of Transportation Board of Directors
August 30, 2016**

Analysis:

On April 22, 2016 it was determined that the Department was prepared to submit the revisions to the Transportation Board for approval.

List of Attachments:

- 1. Agreement between the Feral Highway Administration and the Department executed March 5, 1999.**
- 2. The proposed changes to NAC 410.350 Sign Construction: illumination; Commercial electronic variable message signs. (NRS 410.400)**
- 3. NRS 410.400**
- 4. NAC 410.350 (Existing)**
- 5. Assembly Bill 305**
- 6. Briefing on the Proposed Digital Billboard Policy**

Recommendation for Board Action:

Approval of the proposed change to NAC 410.350 Sign Construction: illumination/luminance; commercial electronic variable message signs. (NRS 410.400)

Prepared by:

Ruth Borrelli, Chief R/W Agent 

AGREEMENT

STATE OF NEVADA

FOR CARRYING OUT NATIONAL POLICY RELATIVE TO CONTROL OF OUTDOOR ADVERTISING IN AREAS ADJACENT TO THE NATIONAL SYSTEM OF INTERSTATE AND DEFENSE HIGHWAYS AND THE FEDERAL-AID PRIMARY SYSTEM

THIS AGREEMENT made and entered into this 27th day of October 1998 by and between the United States of America represented by the Secretary of Transportation acting by and through the Federal Highway Administrator, hereinafter referred to as the "Administrator", and the State of Nevada, acting by and through its Board of Directors of Department of Transportation, hereinafter referred to as the "State".

WITNESSETH

WHEREAS, Congress has declared that Outdoor Advertising in areas adjacent to the Interstate and Federal-aid primary systems should be controlled in order to protect the public investment in such highways, to promote the safety and recreational value of public travel and to preserve natural beauty; and

WHEREAS, Section 131(d) of Title 23, United States Code, authorizes the Secretary of Transportation to enter into agreements with the several States to determine the size, lighting and spacing of signs, displays, and devices, consistent with customary use, which may be erected and maintained within 660 feet of the nearest edge of the right-of-way within areas adjacent to the Interstate and Federal-aid Primary Systems which are zoned industrial or commercial under authority of State law or in unzoned commercial or industrial areas, also to be determined by agreement; and

WHEREAS, the purpose of said agreement is to promote the reasonable, orderly, and effective display of outdoor advertising while remaining consistent with the national policy to protect the public investment in the Interstate and Federal-aid primary highways, to promote the safety and recreational value of public travel and to preserve natural beauty; and

WHEREAS, Section 131(b) of Title 23, United States Code, provides that Federal-aid highway funds apportioned on or after January 1, 1968, to any State which the Secretary determines has not made provision for effective control of the erection and maintenance along the Interstate System and the Primary System of outdoor advertising signs, displays, and devices which are within six hundred sixty feet of the nearest edge of the right-of-way and visible from the main traveled way of the system, shall be reduced by amounts equal to 10 per centum of the amounts which would otherwise be apportioned to such State under Section 104 of Title 23, United States Code, until such time as such State shall provide for such effective control; and

WHEREAS, the State of Nevada desires to implement and carry out the provisions of Section 131 of Title 23, United States Code, and the national policy in order to remain eligible to receive the full amount of all Federal-aid highway funds to be apportioned to such State on or after January 1, 1968, under Section 104 of Title 23, United States Code; and

ATTACHMENT 1

NOW, THEREFORE, the parties hereto do mutually agree as follows:

SECTION I.

1. Definitions

A. Act means Section 131 of Title 23, United States Code (1965) commonly referred to as Title I of the Highway Beautification Act of 1965.

B. Commercial or industrial activities for purposes of unzoned commercial or industrial areas mean those activities generally recognized as commercial or industrial by zoning authorities in this State, except that none of the following activities shall be considered commercial or industrial:

1. Outdoor advertising structures.
2. Agricultural, forestry, ranching, grazing, farming, and related activities, including, but not limited to, wayside fresh produce stands.
3. Transient or temporary activities.
4. Activities not visible from the main traveled way.
5. Activities more than 660 feet from the nearest edge of the right-of-way
6. Activities conducted in a building principally used as a residence.
7. Railroad tracks and minor sidings.

C. Zoned commercial or industrial areas mean those areas which are zoned for business, industry, commerce, or trade pursuant to a State or local zoning ordinance or regulation.

D. Unzoned commercial or industrial areas mean those areas which are not zoned by State or local law, regulation, or ordinance, and on which there is located one or more permanent structures devoted to a commercial or industrial activity or on which a commercial or industrial activity is actually conducted, whether or not a permanent structure is located thereon, and the area along the highway extending 600 feet from and beyond the edge of such activity. In addition, lands on the opposite side of the highway to the extent of the same dimensions will be considered as an unzoned commercial or industrial area provided those lands on such opposite side are not deemed scenic or as having aesthetic value. In the event the area on the opposite side of the highway is deemed scenic, then only the side of the highway having a commercial activity located thereon will be said to be unzoned commercial or industrial for the purpose of this Agreement.

All measurements shall be from the outer edges of the regularly used buildings, parking lots, storage or processing, and landscaped areas of the commercial or industrial activities, not from the property lines of the activities, and shall be along or parallel to the edge of pavement of the highway.

E. National System of Interstate and Defense Highways and Interstate System means the system presently defined in and designated pursuant to subsection (d) of Section 103 of Title 23, United States Code.

F. Federal-aid primary highway means any highway within that portion of the State highway system as designated, or as may hereafter be so designated by the State, which has been approved by the Secretary of Transportation pursuant to subsection (b) of Section 103 of Title 23, United States Code.

G. Traveled way means the portion of a roadway for the movement of vehicles, exclusive of shoulders.

H. Main-traveled way means the traveled way of a highway on which through traffic is carried. In the case of a divided highway, the traveled way of each of the separate roadways for traffic in opposition is a main-traveled way. It does not include such facilities as frontage roads, turning roadways, or parking areas.

I. Sign means any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended, used to advertise or inform, any part of the advertising or information contents which is visible from any place on the main-traveled way of the Interstate or Federal-aid Primary Highway Systems.

J. Erect means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish, but it shall not include any of the foregoing activities when performed as an incident to the change of advertising message or normal maintenance or repair of a sign structure.

K. Maintain means to allow to exist.

L. Safety rest area means an area or site established and maintained within or adjacent to the highway right-of-way by or under public supervision or control, for the convenience of the traveling public.

M. Visible means that the advertising copy or informative contents are capable of being seen without visual aid by a person of normal visual acuity.

SECTION II. SCOPE OF AGREEMENT

This Agreement shall apply to the following areas:

A. All zoned and unzoned commercial and industrial areas within 660 feet of the nearest edge of the right-of-way of all portions of the Interstate and Primary Systems within the State of Nevada in which outdoor advertising signs may be visible from the main-traveled way of either or both of said systems.

SECTION III. STATE CONTROL

The State hereby agrees that, in all areas within the scope of this agreement, the State shall effectively control, or cause to be controlled, the erection and maintenance of outdoor advertising signs, displays, and devices erected subsequent to the effective date of this agreement other than those advertising the sale or lease of the property on which they are located, or activities conducted thereon, in accordance with the following criteria:

A. In zoned commercial and industrial areas, the State may notify the Administrator as notice of effective control that there has been established within such areas regulations which are enforced with respect to the size, lighting, and spacing of outdoor advertising signs consistent with the intent of the Highway Beautification Act of 1965 and with customary use. In such areas, the size, lighting, and spacing requirements set forth below shall not apply.

B. In all other zoned and unzoned commercial and industrial areas, the criteria set forth below shall apply.

Size of Signs

1. The maximum area for any one sign shall be 1,200 square feet with a maximum height of 30 feet and maximum length of 60 feet, inclusive of any border and trim but excluding the base or apron, supports, and other structural members.

2. The area shall be measured by the smallest square, rectangle, triangle, circle, or combination thereof which will encompass the entire sign.

3. The maximum size limitations shall apply to each side of a sign structure; and signs may be placed back-to-back, side-by-side, or in V-type construction with not more than two displays to each facing, and such sign structure shall be considered as one sign.

Spacing of Signs

1. Interstate and Federal-aid Primary Highways

a. Signs may not be located in such a manner as to obscure, or otherwise physically interfere with the effectiveness of an official traffic sign, signal, or device, obstruct or physically interfere with the driver's view of approaching, merging, or intersecting traffic.

2. Interstate Highways and Freeways on the Federal-aid Primary System

a. No two structures shall be spaced less than 500 feet apart.

b. Outside of urbanized area boundaries, as defined by 23 U.S.C. 101(a), no structure may be located adjacent to or within 500 feet of an interchange, intersection at grade, or safety rest area. Said 500 feet to be measured along the Interstate or freeway from the beginning or ending of pavement widening at the exit from or entrance to the main-traveled way.

3. Nonfreeway Federal-aid Primary Highways

a. Outside of incorporated villages and cities, no two structures shall be spaced less than 300 feet apart.

b. Within incorporated villages and cities, no two structures shall be spaced less than 100 feet apart.

4. The above spacing-between-structures provisions do not apply to structures separated by buildings or other obstructions in such a manner that only one sign facing located within the above spacing distances is visible from the highway at any one time.

5. Explanatory Notes

a. Official and "on-premise" signs, as defined in section 131(c) of Title 23, United States Code, and structures that are not lawfully maintained shall not be counted nor shall measurements be made from them for purposes of determining compliance with spacing requirements.

b. The minimum distance between structures shall be measured along the nearest edge of the pavement between points directly opposite the signs along each side of the highway and shall apply only to structures located on the same side of the highway.

Lighting

Signs shall not be placed with illumination that interferes with the effectiveness of, or obscures any official traffic sign, device or signal; shall not include or be illuminated by flashing, intermittent or moving lights (except that part necessary to give public service information such a time, date, temperature, weather or similar information) and shall not cause beams or rays of light to be directed at the traveled way if such light is of such intensity or brilliance or is likely to be mistaken for a warning or danger signal as to cause glare or impair the vision of any driver, or to interfere with any driver's operation of a motor vehicle.

At any time that a bona fide county or local zoning authority adopts regulations which include the size, lighting, and spacing of outdoor advertising, the State may so notify the Administrator and control of outdoor advertising in the commercial or industrial zones within the geographical jurisdiction of said authority will transfer to subsection A of this section.

Application to Existing Signs

The standards and criteria set forth in this Section III shall apply to signs erected in zoned and unzoned commercial and industrial areas on or after April 27, 1971. Signs lawfully erected in zoned and unzoned commercial and industrial areas prior to April 27, 1971, will be considered to be conforming to the standards and criteria and will not be required to be removed if they are in conformity with the laws relating to such signs enacted by the Nevada Legislature and in effect at that time.

SECTION IV. INTERPRETATION

The provisions contained herein shall constitute the standards for effective control of signs, displays, and devices within the scope of this agreement.

The State and local political subdivisions thereof shall have full authority respectively, to zone areas for commercial or industrial purposes, and the acts of the State or local political subdivisions in this regard will be accepted for the purpose of this agreement. Whenever a bona fide state, county, or local zoning authority has made a determination of customary use, such determination will be accepted in lieu of controls by agreement in the zoned commercial and industrial areas within the geographical jurisdiction of such authority. Nothing in this section shall apply to signs, displays and devices, advertising the sale or lease of, or advertising activities conducted on, the property on which they are located.

In the event the provisions of the Highway Beautification Act of 1965 are amended by subsequent action of Congress or the State legislation is amended, the parties reserve the right to renegotiate this agreement or to modify it to conform with any amendment.

Tourist-oriented signs will not be required to be removed until the Highway Beautification Commission, established by Public Law 91-605, December 31, 1970, under Section 123, has submitted its report.

SECTION V. EFFECTIVE DATE

This Agreement shall have an effective date of MAR 5 1999 ~~1998~~ and supersedes the previous Agreement entered into on January 21, 1972.

IN WITNESS WHEREOF the parties hereto have executed this Agreement the day and year first above written.

ATTEST:

BOARD OF DIRECTORS, STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION

Jeffrey Fontaine
Jeffrey Fontaine, Secretary to the Board

Bob Miller
Bob Miller, Chairman

Presented by:

Thomas E. Stephens
Thomas E. Stephens, Director
Nevada Department of Transportation

Lonnie Hamington
Lonnie Hamington, Member
Frankie Sue Del Papa
Frankie Sue Del Papa, Member

Approved as to Legality and Form:

Brian Hutchins
Brian Hutchins, Chief Deputy Attorney General
Nevada Department of Transportation

Darrel R. Daines
Darrel R. Daines, Member

NOT PRESENT AT MEETING
James A. Thornton, Member

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION

Thomas G. Gust
Thomas G. Gust, Member

Kenneth R. Wykle
Kenneth R. Wykle
Federal Highway Administrator

Rev. Caesar J. Caviglia
Rev. Caesar J. Caviglia, Member

NAC 410.350 Sign construction: illumination / luminance; commercial electronic variable message signs. (NRS 410.400)

1. Signs shall not be erected or maintained which shall be so illuminated that they interfere with the effectiveness of or obscures any official traffic sign, device or signal. Signs must not include or be illuminated by flashing, intermittent or moving lights, except any parts necessary to give public service information such as the time, date, temperature, weather or similar information. The terms flashing, intermittent or moving lights is not limited to actual lighting, and includes stationary and or moving reflective disks and rotating slats that reflect light in a flashing or moving manner, and create the effect of moving or flashing light, or emit odors, smoke or sound. Signs must not cause beams or rays of light to be directed at the traveled way if the light is of such intensity or brilliance as to cause glare that impairs the vision of the driver of any motor vehicle or interfere with any driver's operation of a motor vehicle. Illumination or lights for signs must not resemble or simulate any lights used to control or warn traffic or provide danger signals.

2. Commercial electronic variable message signs (CEVMS) include trivision signs and digital billboard signs. A digital billboard shall contain static messages only, and shall not have movement, or the appearance or optical illusion of movement during the static display period, of any part of the sign structure. Each static message shall not include flashing or the varying of light intensity. CEVMS technology, shall, not, in itself, constitute the use of flashing, intermittent or moving light or lights. A CEVMS sign when operated in accordance with the operating standards in Section 3 below shall not constitute glare or the use of flashing, intermittent or moving light or lights hereunder. A CEVMS sign does not include a sign located within the right-of-way that functions as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD).

3. A CEVMS including, without limitation, a trivision sign, may be approved as an off-premise outdoor advertising sign in an urban area if the sign does not contain flashing, intermittent or moving light or lights, does not impair the vision of the driver of any motor vehicle, or interfere with any driver's operation of a motor vehicle within the right-of-way, and the following conditions are met:

- (a) An existing sign may be modified or updated if the sign conforms with established criteria relating to zoning, size, lighting and spacing.
- (b) A message on a trivision sign shall have a minimum static display time of six (6) seconds and a maximum change interval of three (3) seconds. A message on a digital billboard sign shall have a minimum display time of six (6) seconds and shall transition instantaneously to the human eye.
- (c) A trivision sign must contain a mechanism that will stop the sign in one position if a malfunction occurs. A digital billboard sign shall be operated with sufficient safeguard systems and monitoring in place to prevent unauthorized access, use or hacking, including infrastructure, hardware, software and networks by unauthorized users.
- (d) In the event of a malfunction the digital billboard owner must either turn the display off, show a "full black" image, or freeze an authorized image on the display in one position until such time as the situation has been corrected.

- (e) It does not violate any applicable sections of 23 U.S.C. § 131, and amendments thereto and regulations promulgated thereunder.
- (f) A digital billboard shall use automatic dimming technology to adjust the brightness of the digital billboard relative to ambient light so that at no time shall a digital billboard exceed a brightness level of three tenths (0.3) foot-candles above ambient light, as measured using a foot-candle meter and in conformance with the following distance table:

Sign Face Size	Distance of Measurement
681-1200 square feet	350 feet
385-680 square feet	250 feet
300-385 square feet	200 feet
200-300 square feet	150 feet

Each digital billboard shall be equipped with a light sensing device that will adjust the brightness as ambient light conditions change. The measurement shall be conducted at least thirty-minutes (30-minutes) after sunset or at least thirty-minutes (30-minutes) before sunrise.

- (g) If the foot-candle reading exceeds three tenths (0.3) foot-candles above ambient light maximum, then the nighttime luminance shall not exceed two-hundred-fifty (250) nits (candelas per square meter (cd/m²)) which may be measured with a nit gun or luminance meter that can read to the accuracy of five (5) nits. To insure the proper measurement of a digital billboard using nits, the user should measure from a location that is as close to perpendicular both horizontally and vertically as possible due to the LED light output pattern decreasing dramatically from the perpendicular position to off angles.
- (h) A digital billboard when operated in accordance with the operating standards in this Section 3 shall not constitute glare or the use of flashing, intermittent or moving light or lights.
- (i) If a CEVMS display is installed that does not comply with the provisions of this section, the owner of the CEVMS display shall correct the violation or remove the CEVMS display at the owner's expense within sixty (60) days. If sixty (60) days after the receipt of written notice from the Department the owner has not corrected the violation or removed the CEVMS display, the Department may remove the CEVMS display at the owner's expense. Notwithstanding the foregoing, the owner may continue to operate the outdoor advertising structure with conventional non-CEVMS static display faces.
- (j) The permit may be amended when seeking to modify or upgrade existing signs to include a CEVMS. For any approved amendments for upgrade or modification, a permit fee of eight-hundred dollars (\$800.00) shall be charged to cover the Department's cost of administration and regulation of the signage. An existing static outdoor advertising sign may be upgraded to a CEVMS, or a CEVMS may be converted to a static display sign, provided that:
 1. the sign has been approved by the local government, if applicable, or is a legal non-conforming sign, under local law only, and conversion has been approved by the local government; or
 2. is a conforming sign; and
 all applicable and outstanding fees paid.

[Dep't of Highways, Outdoor Advertising Control Manual p. 11, eff. 1-28-77]—(NAC A by Dep't of Transportation by R058-97, 12-11-98)

Definitions:

A Trivision sign means;

A type of CEVMS, is defined as an off-premise sign utilizing changeable message technology, capable of changing the static message or copy on the sign electronically or mechanically, or by remote control, by movement or rotation of panels or slats.

A Digital Billboard sign means;

A type of CEVMS, is defined as an off-premise sign utilizing digital message technology, capable of changing the static message or copy on the sign electronically. A Digital Billboard may be internally or externally illuminated. Digital Billboards shall contain static messages only, and shall not have animation, movement, or the appearance or optical illusion of movement, of any part of the sign structure. Each static message shall not include flashing or the varying of light intensity.

Glare means;

A visual condition in which there is excessive contrast or an inappropriate distribution of light sources that limits the ability to distinguish details and objects. A Digital Billboard operating at or below the maximum brightness allowed in this section, shall not be considered to be a source of glare.

Luminance means;

lu-mi-nance /'lumənəns/ [loo-muh-nuhns]—noun

1. the state or quality of being luminous.
2. Also called luminosity. the quality or condition of radiating or reflecting light: the blinding luminance of the sun.
3. Optics. the quantitative measure of brightness of a light source or an illuminated surface, equal to luminous flux per unit solid angle emitted per unit projected area of the source or surface.

Illuminance means;

l-lu-mi-nance /ɪ' lumənəns/ [i-loo-muh-nuhns]

Illumination, Also called illuminance, intensity of illumination. Optics. the intensity of light falling at a given place on a lighted surface; the luminous flux incident per unit area, expressed in lumens per unit of area.

Foot-candle means;

A traditional unit of illuminance or illumination, defined as the illuminance received by a surface at a distance of one foot from a source of intensity.

Also:

A unit of illuminance on a surface that is everywhere one foot from a uniform point source of light of one candle and equal to one lumen per square foot

Nit means;

A unit of illuminative brightness equal to one candle per square meter, measured perpendicular to the rays of the source.

[Rev. 2/10/2015 5:23:44 PM--2014R2]

ATTACHMENT 3

CHAPTER 410 - BEAUTIFICATION OF HIGHWAYS

GENERAL PROVISIONS

NRS 410.030	Definitions.
NRS 410.040	"Automotive graveyard" defined.
NRS 410.043	"Board" defined.
NRS 410.045	"Department" defined.
NRS 410.047	"Director" defined.
NRS 410.050	"Edge of the right-of-way" defined.
NRS 410.060	"Interstate highway" defined.
NRS 410.070	"Junk" defined.
NRS 410.080	"Junkyard" defined.
NRS 410.090	"Primary highway" defined.

LOCATION AND SCREENING OF JUNKYARDS

NRS 410.095	Declaration of legislative intent.
NRS 410.097	Federal reimbursement prerequisite to continued effectiveness of NRS 410.095 to 410.210 , inclusive.
NRS 410.100	Permit required for establishment and operation of junkyard at certain locations.
NRS 410.110	Permit: Fee; disposition of proceeds.
NRS 410.120	Permit: Conditions for issuance.
NRS 410.130	Screening of certain junkyards: Requirement.
NRS 410.140	Screening of certain junkyards: Regulations.
NRS 410.150	Removal, relocation or disposal of junkyard.
NRS 410.160	Acquisition of property by Department.
NRS 410.170	Compensation for removal, relocation or disposal of junkyard.
NRS 410.180	Payment of costs.
NRS 410.190	Regulations to be consistent with federal laws and standards.
NRS 410.200	Regulatory powers of local government unimpaired.
NRS 410.210	Violation constitutes public nuisance; abatement; recovery of costs.

OUTDOOR ADVERTISING

NRS 410.220	Declaration of legislative intent.
NRS 410.230	Definitions.
NRS 410.250	"Information centers" defined.
NRS 410.270	"Outdoor advertising," "outdoor advertising sign, display or device" and "sign, display or device" defined.
NRS 410.290	"Safety rest areas" defined.
NRS 410.300	"Unzoned commercial or industrial area" defined.
NRS 410.305	"Urban area" defined.
NRS 410.310	"Zoned commercial or industrial area" defined.
NRS 410.320	Outdoor advertising adjacent to highway prohibited; exceptions.
NRS 410.330	Agreement with Secretary of Transportation; regulations governing permits for outdoor advertising and submission of requests for retention of nonconforming signs.
NRS 410.340	Removal of prohibited outdoor advertising: Time limited; no compensation to owner of certain outdoor advertising.
NRS 410.350	Removal of prohibited outdoor advertising: Compensation to owners of outdoor advertising and real property.
NRS 410.360	Violation constitutes public nuisance; abatement; recovery of costs; penalty.
NRS 410.365	Remedies for obstruction of visibility of outdoor advertising structure by noise abatement project.
NRS 410.370	Safety rest area: Distribution of maps, directories and pamphlets; establishment of informational center.
NRS 410.380	Informational sign, display or device within right-of-way.
NRS 410.390	Inventory of existing outdoor advertising; contents; penalty.
NRS 410.400	Regulations; fee for permit; no fee for certain signs; disposition of fees.
NRS 410.410	NRS 410.220 to 410.400 , inclusive, supplementary to NRS 405.020 to 405.110 , inclusive; federal reimbursement prerequisite to continued effectiveness.

GENERAL PROVISIONS

NRS 410.030 Definitions. As used in this chapter, the words and terms defined in [NRS 410.040](#) to [410.090](#), inclusive, unless the context otherwise requires, have the meanings ascribed to them in those sections. (Added to NRS by 1971, 559; A 1973, 212; [1979, 1783](#))

NRS 410.040 "Automotive graveyard" defined. "Automotive graveyard" means any establishment or place of business which is maintained, used or operated for storing, keeping, processing, buying or selling wrecked, abandoned, scrapped, ruined or dismantled motor vehicles or motor vehicle parts.

(Added to NRS by 1971, 559)

NRS 410.043 "Board" defined. "Board" means the Board of Directors of the Department of Transportation.

(Added to NRS by 1973, 211; A [1979, 1784](#))

NRS 410.045 "Department" defined. "Department" means the Department of Transportation.

(Added to NRS by 1973, 212; A [1979, 1784](#))

NRS 410.047 "Director" defined. "Director" means the Director of the Department of Transportation.

(Added to NRS by [1979, 1783](#))

NRS 410.050 "Edge of the right-of-way" defined. "Edge of the right-of-way" means the property line between the area acquired for state highway rights-of-way and the abutting property.

(Added to NRS by 1971, 559)

NRS 410.060 "Interstate highway" defined. "Interstate highway" means a portion of the Dwight D. Eisenhower National System of Interstate and Defense Highways located within this State as officially designated pursuant to the provisions of Title 23 of the United States Code.

(Added to NRS by 1971, 559; A [2005, 76](#))

NRS 410.070 "Junk" defined. "Junk" means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste or junked, dismantled or wrecked or abandoned motor vehicles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material, and all other secondhand used or castoff articles or material of any kind.

(Added to NRS by 1971, 559)

NRS 410.080 "Junkyard" defined. "Junkyard" means an establishment or place of business which is maintained, operated, or used for storing, keeping, processing, buying, or selling junk, or for the maintenance or operation of an automobile graveyard or scrap metal processing facility, and the terms shall include garbage dumps and sanitary fills.

(Added to NRS by 1971, 560)

NRS 410.090 "Primary highway" defined. "Primary highway" means a portion of the connected main highways, as officially designated pursuant to the provisions of Title 23 of the United States Code.

(Added to NRS by 1971, 560)

LOCATION AND SCREENING OF JUNKYARDS

NRS 410.095 Declaration of legislative intent. The Legislature hereby finds and declares that:

1. The establishment, use and maintenance of outdoor junkyards in areas adjacent to the interstate and primary highway systems of this state should be controlled in order to promote the safety and recreational value of public travel, to protect the public investment in such highways, and to preserve the natural beauty of areas adjacent to such highways.

2. It is the intent of the Legislature to:

(a) Provide for the state control of outdoor junkyards as required by 23 U.S.C. § 136.

(b) Establish by the provisions of [NRS 410.095](#) to [410.210](#), inclusive, minimum standards with respect to the regulation of outdoor junkyards.

(Added to NRS by 1971, 559)

NRS 410.097 Federal reimbursement prerequisite to continued effectiveness of [NRS 410.095](#) to [410.210](#), inclusive. [NRS 410.095](#) to [410.210](#), inclusive, shall remain effective only so long as federal-aid highway funds are apportioned to the State of Nevada and the Federal Government reimburses the State in accordance with 23 U.S.C. § 136 for its share of landscaping and screening costs and compensation required for the relocation, removal or disposal of junkyards.

(Added to NRS by 1971, 559)

NRS 410.100 Permit required for establishment and operation of junkyard at certain locations. A person shall not, after January 1, 1972, establish a junkyard any portion of which is within 1,000 feet of the nearest edge of the right-of-way and visible from the main-traveled way of the interstate or primary highway system, or continue to operate and maintain a junkyard in existence on December 31, 1971, in such a location, without obtaining from the Director the permit provided for in [NRS 410.110](#).

(Added to NRS by 1971, 560; A [1979, 1784](#))

NRS 410.110 Permit: Fee; disposition of proceeds. The Director shall collect a fee of \$10 for the issuance of a permit for the establishment, maintenance and operation of a junkyard any portion of which is within 1,000 feet of the nearest edge of the right-of-way and visible from the main-traveled way of an interstate or primary highway. The proceeds from such fees must be deposited with the State Treasurer and credited to the State Highway Fund in the State Treasury.

(Added to NRS by 1971, 560; A [1979, 1784](#))

NRS 410.120 Permit: Conditions for issuance. No permit may be granted for the establishment, maintenance or operation of a junkyard any portion of which is within 1,000 feet of the nearest edge of the right-of-way of an interstate or primary highway, except the following:

1. Those which are screened by natural objects, plantings, fences, or other appropriate aesthetic means, so as not to be visible from the main-traveled way, or otherwise hidden from sight;
2. Those located within areas which are zoned for industrial use under authority of state or local law or ordinance;
3. Those located in areas which, although not zoned by authority of state or local law or ordinance, are actually used for industrial purposes as determined from actual land uses and defined by regulations prescribed by the Director and approved by the Secretary of Transportation; and
4. Those which are not visible from the main-traveled way.

(Added to NRS by 1971, 560; A [1979, 1784](#))

NRS 410.130 Screening of certain junkyards: Requirement. Any junkyard lawfully in existence on April 15, 1971, any portion of which is within 1,000 feet of the nearest edge of the right-of-way of an interstate or primary highway, and visible from the main-traveled way, shall be screened, if feasible, by the Department at locations on the highway right-of-way or in areas acquired for such purposes outside the right-of-way so as not to be visible from the main-traveled way of such highways.

(Added to NRS by 1971, 560)

NRS 410.140 Screening of certain junkyards: Regulations. The Director may prescribe regulations governing the location, planting, materials used, construction and maintenance, in the screening or fencing required by [NRS 410.095 to 410.210](#), inclusive.

(Added to NRS by 1971, 560; A [1979, 1784](#))

NRS 410.150 Removal, relocation or disposal of junkyard. Whenever the Director determines that the topography of the land adjoining the highway will not permit adequate screening of such junkyards or the screening of such junkyards would not be economically feasible, the Director may require the relocation, removal or disposal of the junkyard, by negotiation or condemnation; but any junkyard in existence on April 15, 1971, which does not conform to the requirements of [NRS 410.095 to 410.210](#), inclusive, and which the Director finds, as a practical matter, cannot be screened is required to be relocated, removed or disposed of no later than July 1, 1973.

(Added to NRS by 1971, 560; A [1979, 1784](#))

NRS 410.160 Acquisition of property by Department. The Department is authorized to acquire such interests in real property as may be necessary to effect the screening, relocation, removal or disposal of junkyards required by [NRS 410.095 to 410.210](#), inclusive.

(Added to NRS by 1971, 561)

NRS 410.170 Compensation for removal, relocation or disposal of junkyard. Just compensation shall be paid by the Department to the owners of junkyards which must be relocated, removed or disposed of pursuant to [NRS 410.095 to 410.210](#), inclusive, and which fall into the following categories:

1. Those lawfully in existence on April 15, 1971; and
2. Those lawfully established on or after April 15, 1971.

(Added to NRS by 1971, 561)

NRS 410.180 Payment of costs. The cost of screening, relocation, removal or disposal of any junkyard shall be paid by the State from the State Highway Fund, provided a proportionate part of such cost shall be reimbursable from federal funds in accordance with 23 U.S.C. § 136.

(Added to NRS by 1971, 561)

NRS 410.190 Regulations to be consistent with federal laws and standards. The Director shall prescribe and enforce regulations governing the establishment, screening, relocation, removal or disposal of junkyards as provided in [NRS 410.095 to 410.210](#), inclusive, consistent with the provisions of 23 U.S.C. § 136 and the national standards promulgated thereunder by the Secretary of Transportation.

(Added to NRS by 1971, 561; A [1979, 1785](#))

NRS 410.200 Regulatory powers of local government unimpaired. The governing body of any incorporated city or county may enact ordinances, including, but not limited to, land use or zoning ordinances, imposing restrictions on junkyards equal to or greater than those imposed by the provisions of [NRS 410.095 to 410.210](#), inclusive.

(Added to NRS by 1971, 561)

NRS 410.210 Violation constitutes public nuisance; abatement; recovery of costs.

1. Any junkyard or automobile graveyard established after April 15, 1971, which violates the provisions of [NRS 410.095 to 410.210](#), inclusive, is hereby declared to be a public nuisance, and the Director shall abate any such junkyard or automobile graveyard which is not removed or screened prior to the expiration of 30 days after personal service of notice of such violation and demand for removal or screening upon the landowner and the owner or the owner's agents of such junkyard or automobile graveyard.

2. Abatement by the Department of such junkyard or automobile graveyard on the failure of such owners to comply with such notice and demand gives the Department a right of action to recover the expense of such abatement, cost and

expenses of suit.

(Added to NRS by 1971, 561; A [1979, 1785](#))

OUTDOOR ADVERTISING

NRS 410.220 Declaration of legislative intent.

1. The Legislature hereby finds and declares that:

(a) The erection and maintenance of outdoor advertising signs, displays and devices, in areas adjacent to the rights-of-way of the interstate highway system and the primary highway system within this state, is a legitimate commercial use of private property adjacent to roads and highways and that regulation and control or removal of such outdoor advertising is necessary to the system of state highways declared essential by [NRS 408.100](#).

(b) The erection and maintenance of such advertising in such locations must be regulated:

(1) To prevent unreasonable distraction of operators of motor vehicles, confusion with regard to traffic lights, signs or signals and other interference with the effectiveness of traffic regulations;

(2) To promote the safety, convenience and enjoyment of travel on the state highways in this state;

(3) To attract tourists and promote the prosperity, economic well-being and general welfare of the State;

(4) For the protection of the public investment in the state highways; and

(5) To preserve and enhance the natural scenic beauty and aesthetic features of the highways and adjacent areas.

(c) All outdoor advertising which does not conform to the requirements of [NRS 410.220](#) to [410.410](#), inclusive, is contrary to the public safety, health and general welfare of the people of this state.

(d) The removal of signs adjacent to the rights-of-way of the interstate or primary highway system within this state which provide directional information about goods and services in the interest of the traveling public and which:

(1) Were erected in conformance with the laws of the State of Nevada and subsequently became nonconforming under the requirements of 23 U.S.C. § 131; and

(2) Were in existence on May 6, 1976,

→ could create substantial economic hardships in defined hardship areas within the State of Nevada.

2. It is the intent of the Legislature in [NRS 410.220](#) to [410.410](#), inclusive, to provide a statutory basis for regulation of outdoor advertising consistent with the public policy declared by the Congress of the United States in areas adjacent to the interstate and primary highway systems.

(Added to NRS by 1971, 1325; A [1977, 564](#))

NRS 410.230 Definitions. As used in [NRS 410.220](#) to [410.410](#), inclusive, the words and terms defined in [NRS 410.250](#) to [410.310](#), inclusive, have the meanings ascribed to them in those sections, unless a different meaning clearly appears in the context.

(Added to NRS by 1971, 1326; A 1973, 212; [1979, 1785](#); [2005, 982](#))

NRS 410.250 "Information centers" defined. "Information centers" means areas or sites established and maintained at safety rest areas for the purpose of informing the traveling public of places of interest within the State and providing such other information as the director of the Department of Transportation may consider desirable.

(Added to NRS by 1971, 1326; A [1979, 1785](#))

NRS 410.270 "Outdoor advertising," "outdoor advertising sign, display or device" and "sign, display or device" defined.

1. "Outdoor advertising," "outdoor advertising sign, display or device" and "sign, display or device" mean any outdoor sign, display, device, light, figure, painting, drawing, message, plaque, poster, billboard or other thing which is designed, intended or used to advertise or inform, any part of the advertising or information contents of which is visible from any place on the main-traveled way of the interstate or primary highway systems.

2. The terms do not include a sign that is required to be erected and maintained in a gaming enterprise district pursuant to [NRS 463.3092](#).

(Added to NRS by 1971, 1326; A [1997, 1712](#))

NRS 410.290 "Safety rest areas" defined. "Safety rest areas" means areas or sites established and maintained within or adjacent to the right-of-way by or under public supervision or control, for the convenience of the traveling public.

(Added to NRS by 1971, 1327)

NRS 410.300 "Unzoned commercial or industrial area" defined. "Unzoned commercial or industrial area" means an area which, although not zoned by authority of state or local law, ordinance or regulation, is actually used for commercial or industrial purposes as determined and defined by criteria embodied in the written agreement between the Secretary of Transportation and the Board.

(Added to NRS by 1971, 1327; A [1989, 1311](#))

NRS 410.305 "Urban area" defined. "Urban area" means an urbanized area, or in the case of an urbanized area encompassing more than one state, that part of the urbanized area in each such state, or an urban place, as designated by the Bureau of the Census of the United States Department of Commerce, having a population of 5,000 or more and not within any urbanized area, within boundaries to be fixed by responsible state and local officials in cooperation with each other, subject to approval by the Secretary of Transportation of the United States. Such boundaries shall, as a minimum, encompass the entire urban place designated by the Bureau of the Census.

(Added to NRS by 1975, 1179)

NRS 410.310 "Zoned commercial or industrial area" defined. "Zoned commercial or industrial area" means an area zoned for commercial or industrial uses by authority of state or local law, ordinance or regulation.
(Added to NRS by 1971, 1327)

NRS 410.320 Outdoor advertising adjacent to highway prohibited; exceptions. Outdoor advertising shall not be erected or maintained within 660 feet of the nearest edge of the right-of-way and visible from the main-traveled way of the interstate or primary highway systems in this state, and, outside urban areas outdoor advertising shall not be erected or maintained beyond 660 feet from the nearest edge of the right-of-way of the interstate and primary highway systems which is visible and placed with the purpose of having its message read from the main-traveled way of the interstate and primary highway systems in this state, except the following:

1. Directional, warning, landmark, informational and other official signs and notices, including but not limited to signs and notices pertaining to natural wonders, scenic and historic attractions. Only signs which are required or authorized by law or by federal, state or county authority, and which conform to national standards promulgated by the Secretary of Transportation pursuant to 23 U.S.C. § 131, are permitted.
2. Signs, displays and devices which advertise the sale or lease of the property upon which they are located.
3. Signs, displays and devices which advertise the activities conducted or services rendered or the goods produced or sold upon the property upon which the advertising sign, display or device is erected.
4. Signs, displays and devices located in zoned commercial or industrial areas, when located within 660 feet of the nearest edge of the right-of-way and visible from the main-traveled way of the interstate and primary highway systems within this state.
5. Signs, displays and devices located in an unzoned commercial or industrial area as defined in [NRS 410.300](#), when located within 660 feet of the nearest edge of the right-of-way and visible from the main-traveled way of the interstate and primary highway systems within this state.
6. Nonconforming signs in defined hardship areas which provide directional information about goods and services in the interest of the traveling public and are approved by the Secretary of Transportation pursuant to 23 U.S.C. § 131(o).
(Added to NRS by 1971, 1327; A 1975, 1180; [1977, 565](#))

NRS 410.330 Agreement with Secretary of Transportation; regulations governing permits for outdoor advertising and submission of requests for retention of nonconforming signs. The Board shall:

1. Enter into the agreement with the Secretary of Transportation provided for by 23 U.S.C. § 131(d), setting forth the criteria governing unzoned commercial or industrial areas and the spacing, size and lighting of outdoor advertising coming within the exceptions contained in subsections 4 and 5 of [NRS 410.320](#). The criteria must be consistent with customary use in the outdoor advertising industry in this state insofar as such customary use is consonant with the objectives of the Legislature as declared in [NRS 410.220](#) to [410.410](#), inclusive.
2. Prescribe regulations governing the issuance of permits by the Director for the erection and maintenance of outdoor advertising coming within the exceptions contained in subsections 4 and 5 of [NRS 410.320](#). The regulations must be consistent with the criteria governing size, lighting and spacing of outdoor advertising as established by agreement between the Secretary of Transportation and the Board pursuant to subsection 1 of this section.
3. Prescribe regulations governing the issuance of permits by the Director for the erection and maintenance of outdoor advertising coming within the exception contained in subsection 1 of [NRS 410.320](#). The regulations must be consistent with the national standards promulgated by the Secretary of Transportation pursuant to 23 U.S.C. § 131(c)(1).
4. Prescribe regulations governing the submission to the Director of any declaration, resolution, certified copy of an ordinance or other direction from the governing body of a county, city or other governmental agency that removal of signs which provide directional information about goods and services in the interest of the traveling public would cause an economic hardship in a specifically defined area. Any such declaration, resolution or ordinance must request the retention of the signs in the defined hardship area. Upon receipt of a declaration, resolution or ordinance, the Director shall forward it to the Secretary of Transportation for inclusion as a defined hardship area qualifying for exemption pursuant to 23 U.S.C. § 131(o) and shall comply with the regulations of the Federal Highway Administration relating to applications for such exemptions. The regulations must provide that any local governing body submitting a request for exemption must perform the economic studies required by federal and state regulations to support the finding of economic hardship in the defined area, and submit the results of the studies to the director. This subsection does not apply to any highway which is a part of the interstate or primary highway system if such application would prevent this state from receiving federal funds or would result in sanctions against this state for noncompliance under 23 U.S.C. § 131.
(Added to NRS by 1971, 1327; A [1977, 566](#); [1979, 1785](#); [1989, 1311](#))

NRS 410.340 Removal of prohibited outdoor advertising: Time limited; no compensation to owner of certain outdoor advertising.

1. Any outdoor advertising sign, display or device located within 660 feet of the nearest edge of the right-of-way and visible from the main-traveled way of the interstate or primary highway systems in this state, and, in the case of any outdoor advertising sign, display or device located beyond 660 feet from the nearest edge of the right-of-way for interstate and primary highway systems, which is located outside of urban areas and placed with the purpose of having its message read from the main-traveled way of the interstate and primary highway systems, which was lawfully in existence and maintained on October 22, 1965, and which is not within one of the exceptions set forth in [NRS 410.320](#), shall be removed no later than July 1, 1973, or 3 years from the date funds are available for such removal, except as provided in subsection 3.
2. Any other outdoor advertising sign, display or device located within 660 feet of the nearest edge of the right-of-way and visible from the main-traveled way of any highway of the interstate or primary system, and, in the case of any outdoor advertising sign, display or device located beyond 660 feet from the nearest edge of the right-of-way for interstate and primary highway systems, which is located outside of urban areas and placed with the purpose of having its message read

from the main-traveled way of the interstate and primary highway systems, and which is not within one of the exceptions set forth in [NRS 410.320](#), shall be removed not later than the end of the fifth year after it becomes nonconforming.

3. Any outdoor advertising sign, display or device located within 660 feet of the nearest edge of the right-of-way and visible from the main-traveled way of the interstate or primary highway system, and, in the case of any outdoor advertising sign, display or device located beyond 660 feet from the nearest edge of the right-of-way for interstate and primary highway systems, which is located outside of urban areas and placed with the purpose of having its message read from the main-traveled way of the interstate and primary highway systems, and which is lawfully maintained on or after February 20, 1972, but which subsequently becomes nonconforming with the provisions of [NRS 410.220](#) to [410.410](#), inclusive, by reason of amendment of such provisions or change in regulations or agreements prescribed or entered into as authorized by [NRS 410.220](#) to [410.410](#), inclusive, may be maintained until the end of the fifth year after it becomes nonconforming.

4. No compensation shall be paid upon removal of any outdoor advertising sign, display or device erected after February 20, 1972, which as a result thereof become nonconforming. However, such outdoor advertising sign, display or device shall be removed only when all other outdoor advertising signs, displays or devices existing on February 20, 1972, have been removed.

(Added to NRS by 1971, 1328; A 1975, 1180)

NRS 410.350 Removal of prohibited outdoor advertising: Compensation to owners of outdoor advertising and real property.

1. Just compensation shall be paid upon the removal of any outdoor advertising sign, display or device lawfully erected and maintained and removed in accordance with the requirements of [NRS 410.340](#).

2. Such compensation shall be paid for the following:

(a) The taking from the owner of such sign, display or device of all right, title, leasehold and interest in and to such sign, display or device; and

(b) The taking from the owner of the real property on which the sign, display or device is located of the right to erect and maintain such existing signs, displays and devices.

3. Such compensation shall be paid by the State from the State Highway Fund, if a proportionate part of such compensation is reimbursable from federal funds in accordance with 23 U.S.C. § 131.

(Added to NRS by 1971, 1328; A 1975, 1181)

NRS 410.360 Violation constitutes public nuisance; abatement; recovery of costs; penalty.

1. Any outdoor advertising sign, display or device erected after February 20, 1972, which violates the provisions of [NRS 410.220](#) to [410.410](#), inclusive, is hereby declared to be a public nuisance and the Director shall remove any such sign, display or device which is not removed before the expiration of 30 days after notice of the violation and demand for removal have been served personally or by registered or certified mail upon the landowner and the owner of the sign or their agents. Removal by the Department of the sign, display or device on the failure of the owners to comply with the notice and demand gives the Department a right of action to recover the expense of the removal, cost and expenses of suit.

2. Any person who erects or causes to be erected an outdoor advertising sign, display or device which violates the provisions of [NRS 410.220](#) to [410.410](#), inclusive, shall pay to the Department:

(a) For the first violation, a fine of \$50;

(b) For the second violation, a fine of \$250;

(c) For the third or subsequent violation, a fine of \$500 per violation; and

(d) The reasonable costs of collection.

(Added to NRS by 1971, 1328; A [1977, 569](#); [1979, 1786](#); [1993, 898](#))

NRS 410.365 Remedies for obstruction of visibility of outdoor advertising structure by noise abatement project.

1. If any improvement project is caused to be constructed for purposes of noise abatement by the Department within the right-of-way of a controlled access freeway, which obstructs the visibility from the main-traveled way of the controlled access freeway of an outdoor advertising structure that adjoins the controlled access freeway, the Department shall:

(a) Authorize, with the consent of the affected city or county pursuant to [chapter 278](#) of NRS and at no cost to the State or any local government, the owner of the outdoor advertising structure to adjust the height or angle of the structure to a height or angle that restores the visibility of the structure to the same or comparable visibility as before the construction of the improvement project;

(b) Authorize, with the consent of the affected city or county pursuant to [chapter 278](#) of NRS and at no cost to the State or any local government, the owner of the outdoor advertising structure to relocate the structure to another location on the same parcel of land or on another parcel of land where the owner of the structure has secured the right to construct a structure pursuant to the applicable local ordinances in existence at that time and the relocation restores the visibility of the structure to the same or comparable visibility as before the construction of the improvement project;

(c) Evaluate the impact of the improvement project on the visibility of the outdoor advertising structure and may, in its discretion, implement design modifications to the project which maintain the integrity of the project and which eliminate the effect of the project on the visibility of the structure so that adjustments to or relocation of the structure are not required to maintain its visibility;

(d) Authorize, with the consent of the affected city or county pursuant to [chapter 278](#) of NRS and at no cost to the State or any local government, any other relief which is consistent with the public health, safety and welfare and which is mutually agreed upon by the governing body of the affected city or county, the Department and the owner of the outdoor advertising structure; or

(e) If the actions described in paragraphs (a) to (d), inclusive, would not result in the same or comparable visibility of the structure, let the visibility of the structure remain obstructed.

2. Any action authorized pursuant to subsection 1 must comply with applicable federal and state statutes and

regulations, agreements with the Federal Government or the State and, to the extent that their provisions do not conflict with this section, local ordinances governing the regulation of outdoor advertising structures.

3. The provisions of subsection 1 do not authorize the owner of an outdoor advertising structure to increase the size of the area of display of the structure.

4. The provisions of this section:

(a) Apply to lawfully erected conforming and nonconforming outdoor advertising structures;

(b) Are not intended to grant an express or implied right of light, air or view over a controlled access freeway if such a right is not otherwise provided by law;

(c) Do not apply to an outdoor advertising structure whose visibility was obstructed on or before June 6, 2005, by an improvement project for noise abatement;

(d) Do not change the designation of an existing nonconforming outdoor advertising structure from nonconforming to conforming; and

(e) Do not authorize an increase in the number of nonconforming outdoor advertising structures.

5. As used in this section:

(a) "Controlled access freeway" means every highway to or from which owners or occupants of abutting lands and other persons are prohibited from having direct private access, and where access is allowed only at interchanges; and

(b) "Outdoor advertising structure" means a billboard, subject to a permit issued by the Department, that is designed, intended or used to disseminate commercial and noncommercial messages that do not concern the premises upon which the billboard is located.

(Added to NRS by [2005, 981](#))

NRS 410.370 Safety rest area: Distribution of maps, directories and pamphlets; establishment of informational center. In order to provide information in the specific interest of the traveling public, the Director is authorized to maintain maps and to permit informational directories and advertising pamphlets to be made available at safety rest areas. The Director is also authorized to establish information centers at safety rest areas for the purpose of informing the public of places of interest within the State and providing such other information as the Director may consider desirable.

(Added to NRS by 1971, 1329; A [1979, 1786](#))

NRS 410.380 Informational sign, display or device within right-of-way. The Director may, in consultation with the Secretary of Transportation, provide within the right-of-way of the interstate highway system for areas at appropriate distances from interchanges at which signs, displays and devices giving specific information in the interest of the traveling public may be erected and maintained. Such signs must conform to national standards prescribed by the Secretary of Transportation.

(Added to NRS by 1971, 1329; A [1979, 1787](#))

NRS 410.390 Inventory of existing outdoor advertising; contents; penalty.

1. A person engaged in the business of outdoor advertising, which includes, but is not limited to, the erection, maintenance and selling of advertising space on and along the interstate and primary highways of this state, shall, not later than January 1, 1972, furnish to the Director a written inventory of all outdoor advertising signs, displays or devices erected and being maintained by such person. Such inventory must include, with respect to each such sign, not less than the following information:

(a) Location and dimensions of the sign;

(b) Distance from the nearest edge of the right-of-way;

(c) Date erected; and

(d) Name and address of the owner of the property on which the sign is located.

2. For failure to comply with the conditions set forth in this section the Board may declare such outdoor advertising signs, displays or devices to be a public nuisance and remove them in the manner provided by [NRS 410.360](#).

(Added to NRS by 1971, 1329; A [1979, 1787](#); [1989, 1312](#))

NRS 410.400 Regulations; fee for permit; no fee for certain signs; disposition of fees.

1. The Board shall prescribe:

(a) Except as otherwise provided in paragraph (b), regulations governing the issuance of permits for advertising signs, displays or devices and for the inspection and surveillance of advertising signs, displays or devices;

(b) Regulations specifying the operational requirements for commercial electronic variable message signs which conform to any national standards promulgated by the Secretary of Transportation pursuant to 23 U.S.C. § 131; and

(c) Such other regulations as it deems necessary to implement the provisions of [NRS 410.220](#) to [410.410](#), inclusive.

2. The Department shall assess a reasonable annual fee for each permit issued to recover administrative costs incurred by the Department in the issuance of the permits, and the inspection and surveillance of advertising signs, displays or devices.

3. No fee may be collected for any authorized directional sign, display or device, or for authorized signs, displays or devices erected by chambers of commerce, civic organizations or local governments, advertising exclusively any city, town or geographic area.

4. No fee may be collected for any temporary sign, display or device advertising for or against a candidate, political party or ballot question in an election if the sign, display or device is:

(a) Erected not more than 60 days before a primary election and concerns a candidate, party or question for that primary or the ensuing general election; and

(b) Removed within 30 days after:

(1) The primary election if the candidate, party or question is not to be voted on at the ensuing general election.

(2) The general election in any other case.

↪ The Department may summarily remove any temporary political sign for which no fee has been paid if the sign is erected before or remains after the times prescribed.

5. All fees collected pursuant to this section must be deposited with the State Treasurer for credit to the State Highway Fund.

6. As used in this section, "commercial electronic variable message sign" means a self-luminous or externally illuminated advertising sign which contains only static messages or copy which may be changed electronically.

(Added to NRS by 1971, 1329; A [1979, 436](#); [1981, 708](#); [1989, 1312](#); [2013, 567](#))

NRS 410.410 [NRS 410.220](#) to [410.400](#), inclusive, supplementary to [NRS 405.020](#) to [405.110](#), inclusive; federal reimbursement prerequisite to continued effectiveness. The provisions of [NRS 410.220](#) to [410.400](#), inclusive:

1. Are supplementary to the provisions of [NRS 405.020](#) to [405.110](#), inclusive. Where both such sets of provisions apply to any outdoor advertising sign, display or device, that set of provisions which prohibits the erection or maintenance of such sign, display or device or which imposes greater restrictions upon such sign, display or device shall prevail.

2. Shall remain effective only so long as federal-aid highway funds are apportioned to the State of Nevada and the Federal Government reimburses the State in accordance with 23 U.S.C. § 131 for its share of compensation required for the removal of outdoor advertising signs, displays and devices.

(Added to NRS by 1971, 1329)

NAC 410.350 Sign construction: Illumination; commercial electronic variable message signs. (NRS 410.400)

1. Signs must not be placed with illumination that interferes with the effectiveness of or obscures any official traffic sign, device or signal. Signs must not include or be illuminated by flashing, intermittent or moving lights, except any parts necessary to give public service information such as the time, date, temperature, weather or similar information. Signs must not cause beams or rays of light to be directed at the traveled way if the light is of such intensity or brilliance or is likely to be mistaken for a warning or danger signal or to cause glare or impair the vision of any driver, or to interfere with any driver's operation of a motor vehicle. Illumination or lights for signs must not resemble or simulate any lights used to control traffic.

2. A commercial electronic variable message sign, including, without limitation, a trivision sign, may be approved as an off-premise outdoor advertising sign in an urban area if the sign does not contain flashing, intermittent or moving lights, does not cause a glare on the roadway and the following conditions are met:

(a) An existing sign may be modified or updated if the sign conforms with established criteria relating to zoning, size, lighting and spacing.

(b) A message on a trivision sign may have a minimum display time of 6 seconds and a maximum change interval of 3 seconds.

(c) A trivision sign must contain a mechanism that will stop the sign in one position if a malfunction occurs.

(d) If a sign is installed that does not comply with the provisions of this subsection, the owner of the sign shall correct the violation or remove the sign at the owner's expense.

(e) Prior approval from the Department is required to modify existing signs to include the commercial electronic variable message sign, and a new permit fee of \$150 will be charged.

[Dep't of Highways, Outdoor Advertising Control Manual p. 11, eff. 1-28-77]—(NAC A by Dep't of Transportation by R058-97, 12-11-98)

ASSEMBLY BILL NO. 305—ASSEMBLYMEN HORNE
AND CARRILLO (BY REQUEST)

MARCH 15, 2013

Referred to Committee on Transportation

SUMMARY—Revises provisions relating to highways.
(BDR 35-1030)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

EXPLANATION – Matter in *bolded italics* is new, matter between brackets ~~omitted material~~ is material to be omitted

AN ACT relating to outdoor advertising; revising provisions relating to the promulgation of regulations by the Board of Directors of the Department of Transportation regarding permits for certain signs; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law, the Board of Directors of the Department of Transportation
2 is required to prescribe regulations governing the issuance of permits for
3 advertising signs, displays or devices and the inspection and surveillance of such
4 signs, displays or devices. (NRS 410.400) This bill requires the Board to prescribe
5 regulations allowing the issuance of permits for signs known as commercial
6 electronic variable message signs which conform to regulations promulgated by the
7 Secretary of the United States Department of Transportation.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 410.400 is hereby amended to read as follows:
2 410.400 1. The Board shall prescribe:
3 (a) ~~Regulations~~ *Except as otherwise provided in paragraph*
4 *(b), regulations* governing the issuance of permits for advertising
5 signs, displays or devices and for the inspection and surveillance of
6 advertising signs, displays or devices; ~~and~~
7 (b) *Regulations allowing the issuance of permits for*
8 *commercial electronic variable message signs which conform to*



1 *national standards promulgated by the Secretary of*
2 *Transportation pursuant to 23 U.S.C. § 131; and*

3 (c) Such other regulations as it deems necessary to implement
4 the provisions of NRS 410.220 to 410.410, inclusive.

5 2. The Department shall assess a reasonable annual fee for each
6 permit issued to recover administrative costs incurred by the
7 Department in the issuance of the permits, and the inspection and
8 surveillance of advertising signs, displays or devices.

9 3. No fee may be collected for any authorized directional sign,
10 display or device, or for authorized signs, displays or devices
11 erected by chambers of commerce, civic organizations or local
12 governments, advertising exclusively any city, town or geographic
13 area.

14 4. No fee may be collected for any temporary sign, display or
15 device advertising for or against a candidate, political party or ballot
16 question in an election if the sign, display or device is:

17 (a) Erected not more than 60 days before a primary election and
18 concerns a candidate, party or question for that primary or the
19 ensuing general election; and

20 (b) Removed within 30 days after:

21 (1) The primary election if the candidate, party or question is
22 not to be voted on at the ensuing general election.

23 (2) The general election in any other case.

24 ↪ The Department may summarily remove any temporary political
25 sign for which no fee has been paid if the sign is erected before or
26 remains after the times prescribed.

27 5. All fees collected pursuant to this section must be deposited
28 with the State Treasurer for credit to the State Highway Fund.

29 6. *As used in this section, "commercial electronic variable*
30 *message sign" means a self-luminous advertising sign which uses*
31 *electronic or digital technology to depict changes of light, color or*
32 *message and which may include, without limitation, static images,*
33 *image sequences or full motion video.*

34 Sec. 2. This act becomes effective upon passage and approval
35 for the purpose of adopting regulations and on January 1, 2014, for
36 all other purposes.





Briefing on the Proposed Digital Billboard Policy



nevadadot.com



Digital Billboard Policy

- AB #305 passed in the 2013 Legislative Session
- Amended NRS 410.350 - Requires the Transportation Board to:
 - Create Operation requirements for Commercial Electronic Variable Message Signs or CEVMS





Digital Billboard Policy

- NRS Chapter 410 Beautification of Highways
- Consistent with the Federal Highway Beautification Act
- Permit required for any off-premise advertising sign located within 660 feet of any Interstate or Primary Highway System
 - Controlled Routes: All Interstate, US Routes & some State Routes





Digital Billboard Policy

- Off-Premise Advertising
 - Typically rental income for the property owner
 - Advertises national brands or events taking place in another location.





Digital Billboard Policy

- On-Premise Advertising
 - Services are available on-site
 - Products are produced on-site





Digital Billboard Policy

Feature	On-Premise Signs	Off-Premise Signs
Special effects	Typically allowed to display video, animation, movement and flashing light.	Static messages only with a minimum dwell time of 6 seconds.
Max brightness levels set by NDOT	NDOT does not regulate.	Proposed regulations provide a nighttime limit of 0.3 foot-candles maximum or a nighttime luminance not to exceed two-hundred-fifty 250 nits
Dimming	Almost never utilized.	Requirement under the proposed regulations.
Light sensor	Almost never utilized.	Requirement under the proposed regulations.
Change frequency (dwell time)	Not regulated by NDOT.	Content changes once every 6 seconds unless local jurisdictions have a longer dwell time requirement.
Content type	Can only display copy related to the business, product or service produce or available at the site.	Cannot display copy related to the business, product or service produced or available at the site.
Number of advertisers	A sign may have more than one project, but usually one.	May have multiple advertisers.
Local sign code	Typically governed by on-premise section of sign code.	Governed by NAC 410.
Standardization	None.	1200 sq. ft.: standard size and aspect ratio.





Digital Billboard Policy

Inventory as of June 15, 2016

	How Many Total Billboards?	How Many Static Billboards?	How Many Digital Billboards?	How Many Trivision Billboards?	How Many Digital Billboards Along Controlled Routes? (NDOT)
LAMAR	665	616	47	2	37
CLEAR CHANNEL	995	925	52	18	24
REAGAN	41	33	5	3	5
YESCO	171	169	2	0	1





Digital Billboard Policy

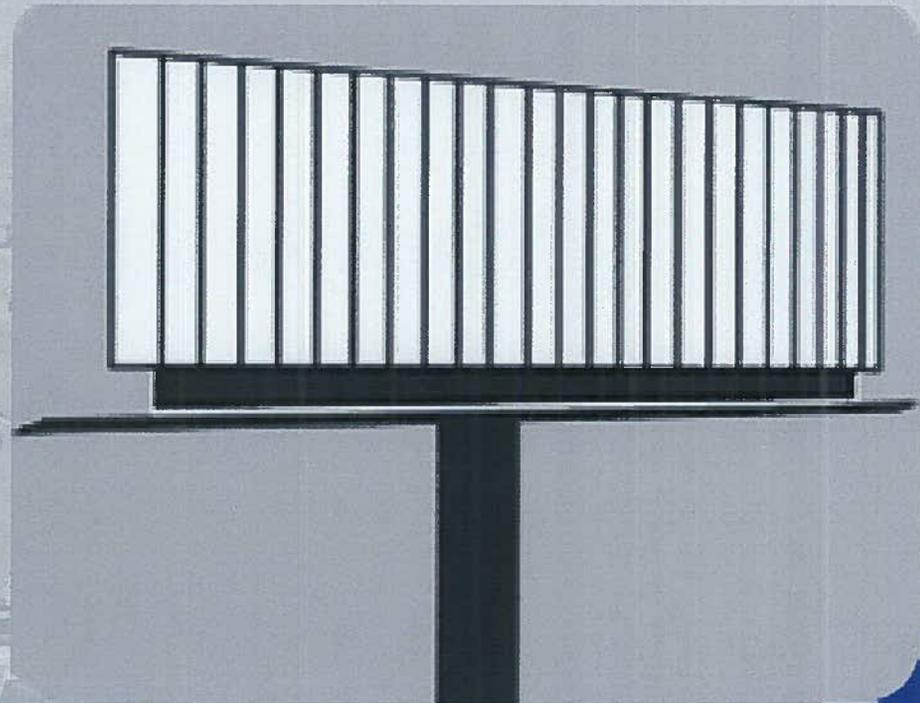
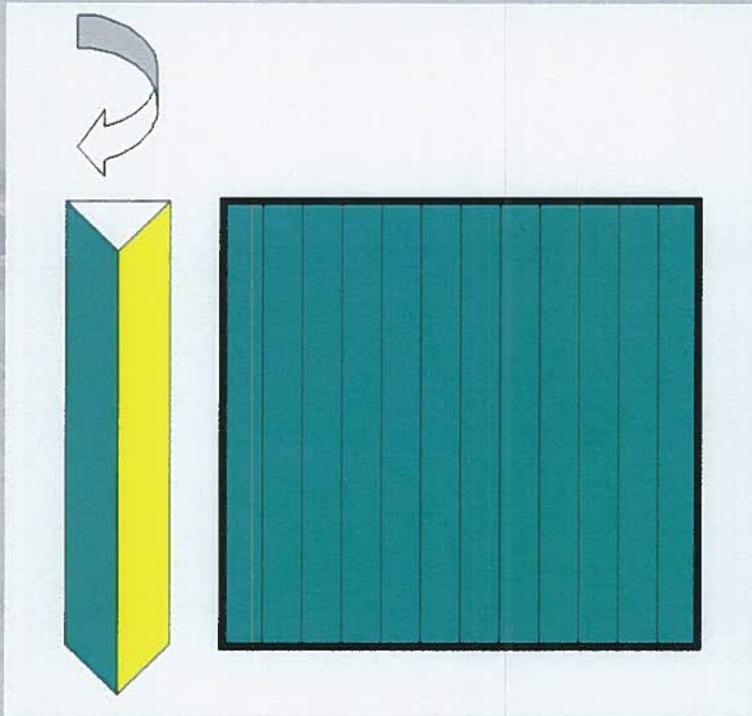
- CEVMS (Commercial Electronic Variable Message Signs):
 - Definition: a self-luminous or externally illuminated advertising sign which contains only static messages or copy which may be changed electronically
 - Tri-Vision Signs
 - Digital Billboard Signs





Digital Billboard Policy

Tri-Vision Signs





Digital Billboard Policy





Digital Billboard Policy

- Luminance vs Illuminance*
 - Luminance
 - Either light that is emitted or reflected from a surface
 - Measures in $\text{cd}/\text{m}^2 = 1 \text{ nit}$
 - Measured using a nit gun
 - Illuminance
 - Measurement of light landing on falling on a surface
 - Measured in footcandles or lux
 - Measured using a footcandle or lux meter

*Report of Digital Sign Brightness, Jerry Whichtel, President, the Veridian Group, Inc.



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Las Vegas and Reno

' 1000/2000



nevadadot.com



1,961.9 nits

An advertisement for Nakoma Golf Resort. The ad is tilted and features a background image of a resort building. The text includes: "SUMMER DAYCATION AT NAKOMA", "UNLIMITED GOLF OR ALL DAY SPA PASS", "ONLY \$75 PER PERSON", "25% OFF DINING", "For details visit NAKOMAGOLFRESORT.COM", and "FRANK LOYD WRIGHT NAKOMA".

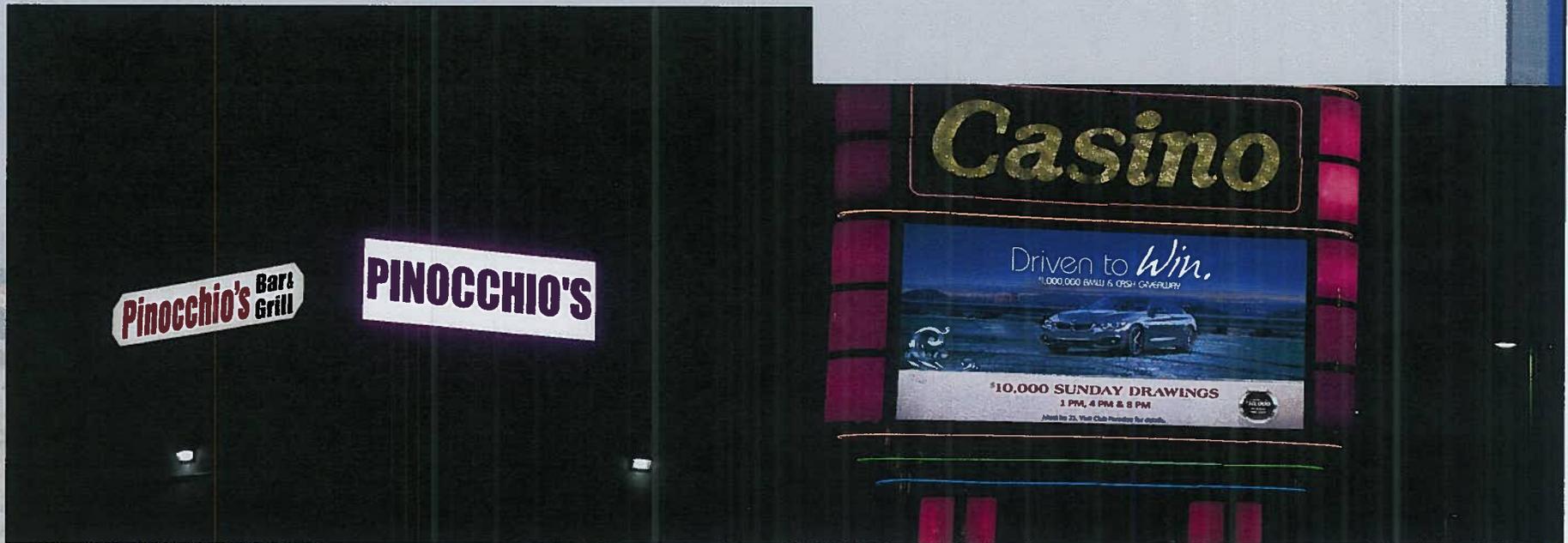
SUMMER DAYCATION AT NAKOMA
UNLIMITED GOLF OR ALL DAY SPA PASS
ONLY \$75 PER PERSON
25% OFF DINING
For details visit NAKOMAGOLFRESORT.COM
FRANK LOYD WRIGHT NAKOMA

NEVADA
DOT

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Comparisons



nevadadot.com



Digital Billboard Policy

- Core Team Members
 - Britta Kuhn, former Legal Researcher and Policy Analyst, Office of the Governor
 - Louis Holland, Senior DAG
 - Paul Saucedo, former Chief Right-of-Way Agent
 - Jerry Hoover, former Assistant Chief Right-of-Way Agent
 - Stewart Pratt, Permit Coordinator





Digital Billboard Policy

- Key Contributors included:
 - Scenic Nevada
 - Clear Channel Outdoor
 - Lamar
 - Yesco
 - Prismview
 - FHWA
- Workshops
 - Southern Nevada
 - Northern Nevada





Digital Billboard Policy

- Review
 - All the major studies on
 - Sign brightness
 - Drivers and visibility
 - FHWA recommendations
 - Existing and proposed Regulations in other States
 - Conducted field reviews





Digital Billboard Policy

- Adopted Digital Lighting *
 - 14 States plus Puerto Rico
 - 8 are using 0.3 foot candle criteria
 - Colorado includes a nighttime luminance not to exceed 300 nits
 - 5 have a standard table of distances based on face size
 - 3 States have NIT language
 - 3 State have custom criteria

* Best Practices Brief provided by Clear Channel Outdoor February 2015



nevadadot.com



Digital Billboard Policy

- Areas of Concern and Determinations
 1. Levels and Measurement of Brightness
 2. Safety
 3. Applying the most restrictive regulations
 4. Conversions of non-conforming billboards
 5. Dwell time
 6. Spacing
 7. Sign Size
 8. Data Mining
 9. Malfunction





Digital Billboard Policy

State	Max Face Size	Dwell Time	Transition Time	Brightness	Spacing
Arizona	1200 sq. ft.	8 seconds	< 2 seconds	Nits/Observatory restrictions	500'
California	1200 sq. ft.	4 seconds	Not addressed	Not addressed	500'/1000' same side
Colorado	1200 sq. ft.	4 seconds	< 1 second	0.3 foot candle	500'/1000' same side
Idaho	1000 sq. ft.	8 seconds	Not addressed	Not addressed	500'/2000' same side
New Mexico	672 sq. ft.	8 seconds	< 2 seconds	0.3 foot candle	500'
Oregon	825 sq. ft.	8 seconds	< 2 seconds	0.3 foot candle	500'
Utah	1000 sq. ft.	8 seconds	< 3 seconds	Not addressed	500' same side
NDOT	1200 sq. ft.	6 seconds	< 2 seconds	0.3 foot candle/250 nits	500'





Digital Billboard Policy

- **NAC 410.350 Proposed Amendment**
 - Definition which includes digital billboards
 - Minimum Display Times
 - 6 second dwell time
 - 2 second change time
 - Malfunction
 - Turn off
 - Black screen
 - Freeze on displayed image
 - Brightness
 - 0.3 foot candles
 - 250 nits





Digital Billboard Policy

- Re-worked the proposed regulations based on public input and maintained a neutral stance.
- Transportation Board consideration and possible vote
- If approved, back to LCB





Digital Billboard Policy

Questions?



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Nevada Department of Transportation
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Governor Brian Sandoval
Lieutenant Governor Mark Hutchison
Controller Ron Knecht
Frank Martin
Tom Skancke
Len Savage
BJ Almberg
Rudy Malfabon
Bill Hoffman
Dennis Gallagher

Sandoval: Good morning ladies and gentlemen, I will call the Department of Transportation, Board of Directors Meeting to order. Before we commence with the Director's Report, I know that we have a significant group of people that are here today for Agenda Item No. 3. I just wanted to make sure that you all knew and you're more than welcome to still provide public comment, but it's my intent to ask the Board to continue this for another month. Based on my review and understanding of the circumstances, I think that it may be beneficial to everyone involved to have the parties to sit down and discuss issues some more.

Mr. Director, it's my understanding that we've had the opportunity to meet with one side but not the other. I know staff has, but I don't know if you personally have.

Malfabon: No.

Sandoval: Yeah, so I would – I think it may be helpful for you to sit down with the Scenic Nevada folks. Before I – I guess I can wait until we get to Agenda Item No. 3, but I want to make sure that we didn't have any objections from any of the Board members. Again, I want to be respectful of everybody's time that's here on this agenda item, but I just don't think that we've exhausted every opportunity for the parties to discuss. And make no mistake, there is going to be a decision made here and probably someone is not going to be happy, but I think it's important that if you can resolve things on your own without having to leave them to us, again, it would be helpful.

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Are there any objections from Board Members with regard to that approach? Yes, there's an objection or no, there's not? For the record, there was a nod so I used to say when I was a Judge the court reporter cannot pick up a nod so we had to answer verbally, but are there any objections from any of the members from Northern Nevada or Southern Nevada? Mr. Controller.

Knecht: Thank you Governor. I have no objection. I just want to reiterate my belief that, certainly I could proceed today. I've had the benefit of good briefings by the staff and I've given this thing thorough consideration and done my homework on it. But in the spirit of collegiality, I'll register no objection.

Sandoval: Thank you Mr. Controller. And, my asking to do this doesn't suggest that any Member of this Board isn't prepared to reach a decision today and hear this matter. But as I said, at least in my humble experience, it is always beneficial to have the parties sit and talk and negotiate and discuss this matter to exhaustion and to leave it to the Board after that. Any comments from Southern Nevada?

Hutchison: No objection here Governor. We agree with the way you want to proceed.

Sandoval: All right. Thank you. So, let's move back to the Director's Report, then Public Comment.

Malfabon: Thank you Governor. Just wanted to start out with welcoming you back from your trip to Australia. This slide kind of shows you what the Governor's Office of Economic Development Director Steve Hill and members from Australia. You had an opportunity there to talk about the New Nevada and the things that you're doing here to diversify Nevada's economy. Some of the emerging issues with technology and some of the traditional issues with gaming, mining, education were brought up and we're excited about some of the ideas you're going to bring back and the partnerships that you built by going over there.

I know that autonomous systems was one of the topics and that's one that we're involved in along with GOED. I wanted to mention that our Assistant Director of Planning, Sondra Rosenberg is going to be attending the ITS World Congress in October, funded by the Cooperative Highway Research Program, funding for her travel. She's going to chair an Autonomous Vehicle Task Force. She currently chairs on the planning side of AASHTO. She's going to talk about technical issues, policy issues, some of the implementation challenges that the states are facing with autonomous vehicles.

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Sandoval: Thank you, Director. I do look forward to having an opportunity to share. I mean I obviously paid attention to their transportation systems and I guess it depends on who you talk to with regard to who is on the right side of the road because they... I was very intimidated about ever getting in a vehicle and the driver's side is on the other side and like I said, it depends on where you are, who is on the right side of the road. They had some amazing transportation systems and it was really fun to see what they've done and the amount of investment they're making in their infrastructure. It's very inspiring for me, as a Member of this Board to see how they're looking ahead.

In terms of some of the discussions with the autonomous vehicles and smart systems with regard to transportation, we had some very fruitful discussions. Not only – that's at the University of Sydney, but with some of their ministers there who are the equivalent of our cabinet members, as well as their premiers. So, it really was interesting and what they're trying to do is similar to what we're trying to do.

They – at least one of the premiers called it Advanced Queensland, which was the version of our New Nevada. She was trying to really get ahead of things with regard to what they're doing there. I guess, I don't want to bore everybody with it, but there is some opportunity for some discussion and congratulations Sondra for your leadership position. The best part is it was 17 hours ahead. So, I always got to be in the future when it comes to Nevada. Even better, my birthday was while I was over there and I got to celebrate it twice.

So, it was pretty good. But in any event, thank you for bringing that up. That is at the University of Sydney where we were able to discuss a lot of what's going on in Nevada. The great—one of the great outcomes was a lot of them there didn't know what was going on here in terms of our diversifying our economy and what's happening. It was really exciting for them to see that other part of the state.

One of the focuses at the University of Sydney was, we entered into a memorandum of understanding between the Gaming Institute at the University of Nevada Las Vegas and the University of Sydney to study gaming. That's an exciting opportunity for them there. I don't look like I'm really – I am listening to this gentleman and taking in everything that he has to say but as I said, it was a real privilege and honor to represent the State. Thank you, Rudy.

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Malfabon: And coincidentally, the US Department of Transportation Secretary, Anthony Foxx was visiting Australia. I think he was probably running right behind you. If you ran into him, you could have thanked him for this. RTC of Southern Nevada, congratulations on the TIGER Grant that you're receiving, Tina Quigley. Unfortunately, the other entities in Nevada didn't receive grant awards, including the Governor's Office of Energy. We partnered with them on the US-93 Electric Highway, but there were 585 applications for this \$500M grant program.

It is an annual grant program so we'll try again next year. Congrats to RTC of Southern Nevada for their bus replacement project, \$13.3M grant on a \$20.4M program, which will improve air quality in Southern Nevada. There were 40 recipients. Five of those were State DOTs. So you can see, most of them are local, some federal recipients for the TIGER Grant program.

I wanted to give the Board an update on the US-95 Electric Highway. For the Hawthorne site the equipment has been received and we signed an agreement with NV Energy to get the power drop designed. NDOT will hire a contractor to install the line extension from the power pole to the charging station. We'll have that up and running by early fall.

In Tonopah, it's a little bit more work to be done. We have identified a site. It's right across the street from the casino, the Tonopah Station Casino. We're working with NV Energy to design that connection to the power lines. We're ordering the equipment. Six months is probably going to be aggressive for that one but we're going to do our best to try to meet that schedule to get Tonopah up and running, get the US-95 Electric Highway completed between Las Vegas and I-80.

An update on US-93. As I mentioned, we had a grant request with the Governor's Office of Energy. It wasn't successful for TIGER but we're plugging along with different divisions at NDOT. Districts are involved because they have a lot of good information on sighting of the locations, planning, environmental, right-of-way. Maintenance and Asset Management have been involved. Hats off to Anita Bush in Maintenance and Asset Management for leading the way on the program and coordinating with the Office of Energy.

Obviously we have a lot of coordination to do with State Parks and State Public Works for any that are not on NDOT highways. We see the tie to tourism as a natural tie for these charging stations. People will have some places to go and

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sites to see through rural Nevada. We'll keep the Transportation Board informed of progress as we develop that.

Governor, you had identified completing an Electric Highway System, serving the entire state and your strategic planning framework with a goal by 2020. The USDOT Secretary through the FHWA has requested a call for nominations for alternative fuel corridors. He has the same timeline for short term by 2020 and then by 2040 for long term. The FAST Act requires him to designate these corridors. It's not just electric vehicles, it's hydrogen fuel cells, propane, compressed natural gas such as the buses that RTC of Southern Nevada is replacing diesel buses with CNG.

Those types of fueling corridors are to be established by the USDOT. Responses are due very quickly, relatively speaking, August 22nd. We had about a month to develop this. We're working with the Governor's Office of Energy and our neighboring state DOTs to make sure we're having connectivity. We don't want corridors dead-ending at a Nevada border with another state so we're coordinating with them.

Tentatively, these corridors have to be on the national highway system so we're limited on what we can propose. There is a tentative list that we're vetting with the Governor's Office of Energy, I-80, I-15, US-95, US-93, 395 and a portion of US-50 from California to the Electric Highway and the station there in Fallon. There's a lot of information that they're requesting and we're trying our best to be responsive to all of that information. That is tentatively what we're considering proposing.

August 19th is the groundbreaking for our State Route 28 Shared Use Path. You'll have that approval of the guaranteed maximum price. First of those guaranteed maximum price under Item 5. It's a great project, well supported and just everybody is excited about this project. We do request that if you're going to attend the groundbreaking that you RSVP; space is limited. It's at 11:30 a.m. at the Sand Harbor Boat Launch area. I wanted to mention, there's free express bus available from Old Incline Elementary School to that event.

Fourteen agencies are being highlighted as being partner agencies in that. Several of those, obviously the Federal Highway Administration, Central Federal Lands brought a lot of the money to the table through TTD, through a Federal Lands Access Program. We had other grant programs that provided some funding.

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Washoe County, Incline Village, a general improvement district is relocating their sewer from alongside the highway. That's going to be beneficial as well. The Tahoe Fund had over 400 donors and raised over \$1M, so a lot of support for this project amongst several entities in the public.

I'll give an update on the Welcome to Nevada signs. The slide says over 7,000 entries when we get to it. Sean Sever, our Director of Communications just told me that it's over 8,000 now. It will close before Nevada Day, but we're going to have thousands of people interested in winning these signs. One winner will be selected from each of the four regions. It will be announced shortly before Nevada Day. We're working with the Department of Tourism on the final sign designs and the Welcome to Nevada and Thank You signs, both, so that we can get those installed through a contractor. We're really pleased with the amount of interest from the public on winning those—the raffle of the obsolete signs.

I wanted to highlight something that the Federal Highway Administration provided funding for. It's a Summer Transportation Institute, which I call the Transportation Camp. It was to get high school students interested in STEM Education and college and careers in Engineering. This was a very collaborative effort. We had help from RTC of Southern Nevada. They showcased the Traffic Management Center, the FAST Center there in Las Vegas.

The Bureau of Reclamation hosted a tour of Hoover Dam. We had presentations from the ROTC of the Air Force and Army, and the US Navy also presented to the students. Las Vegas Metro talked about emergency response and clearing the highways. They also had an opportunity to do some work on a project on Boulder Highway. We're looking at Boulder Highway with the RTC of Southern Nevada and transforming that route into more of a complete street.

There's a lot less traffic since the freeway has been completed years ago to Henderson. This Boulder Highway has some opportunity here to transform it into a complete street, a lot safer corridor in Southern Nevada. The students had to do a presentation on some of the things they learned and what they would recommend. It's a pretty neat project for them and exposed them to real world engineering solutions. I wanted to thank UNLV for helping us. We worked with the UNLV Multicultural Program for STEM and Health Services.

We have reached a tentative agreement for Mr. Passalapi, the owner that addressed the Board last month about USA Parkway. Tomorrow we have, at the

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Board of Examiners, we have the settlement with K&L Dirt, which was a large acquisition for I-11, Boulder City Bypass in Southern Nevada. The Walker Furniture group did sign a term sheet, so those terms will be written into a legal document for an official settlement which will eventually go to the Board of Examiners for approval.

We're pleased that we're plugging along on these types of settlements and avoiding going to court. I wanted to also close with mentioning, there is a USA Parkway public meeting, I didn't have a slide for it, this Thursday at the high school in Silver Springs, we're going to have a public meeting to give the public an update on USA Parkway which has started construction. It will allow our staff assigned to that project to answer specific questions from the public and any of those interested in the project.

I wanted to kind of keep it short and sweet considering the amount of the items on the agenda. I will meet with the Scenic Nevada group and bring that back to you next month, Governor and Board Members.

Sandoval: Thank you Director Malfabon. Any questions or comments from Board Members with regard to the Director's Report? Hearing none, we'll move to Agenda Item No. 2, Public Comment. Is there anybody here in Carson City that would like to provide public comment to the Board? All right, hearing none. Is there any public comment from Southern Nevada?

Hutchison: None here Governor.

Sandoval: Thank you, Mr. Lieutenant Governor. And then again, we're back to Agenda Item No. 3. Any other questions with regard to my intent to seek a motion to continue this matter until our next regularly scheduled meeting?

Skanccke: Do you want a motion?

Sandoval: Yes, please.

Skanccke: I'll move that we hold Agenda Item No. 3.

Sandoval: Member Skanccke has moved to continue the consideration of Agenda Item No. 3 to the next regularly scheduled Board of Transportation Meeting. Is there a second?

Knecht: Second.

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Sandoval: Second by the Controller. Any questions or discussion on the motion? Hearing none, all those in favor, please say aye. [ayes around] Oppose, no. That motion passes unanimously. Again, I know there were several people here that are attending with regard to this agenda item and I just would ask that everyone again, do your best in terms of sitting together and trying to reach at least some accommodation and consideration of the positions on each side. I will say, we're going to hear this and we're going to decide it at the next meeting. So, thank you very much.

Let's move to Agenda Item No. 4 which is the consideration of the meeting minutes for the July 11, 2016. Have the Members have an opportunity to review the minutes and are there any changes? [pause] I only have one [pause] actually, I don't. I don't have any changes. So, is there a motion for approval?

Knecht: I'll move for approval, Governor.

Sandoval: Controller has moved for approval of the July 11, 2016 minutes, is there a second?

Savage: Second.

Sandoval: Second by Member Savage. Any questions or discussion on the motion? Hearing none, all in favor say aye. [ayes around] Oppose, no. That motion passes unanimously.

Skancke: Governor?

Sandoval: Yes.

Skancke: Can I let the record reflect that I will abstain on that vote since I was absent from that meeting?

Sandoval: The record will reflect that Member Skancke has abstained from the vote. Let's move to Agenda Item No. 5 which is the Approval of the Construction Contract with Granite Construction Company for the Incline Village to Sand Harbor Shared Use Path, Water Quality Improvements and Roadway Safety Improvements Along State Route 28 – Utilizing the CMAR delivery process.

Malfabon: Thank you Governor. Nick Johnson, our Senior Project Manager will present this to the Board.

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Johnson: Good morning Governor, Board Members. I'm here to present to you the State Route 28 Shared Use Path, Water Quality and Safety Improvement Project and seek approval of the first GMP of multiple GMPs for this project. Before we get started and Director Malfabon had briefly mentioned, this is a multi-agency effort and partnership. All the agencies and entities you see up here on the board, we've been working very closely with to move this project along as quick as we can and we'll continue to work with them and partner with them until the project is completed.

Before we get into the details of the GMP, I wanted to go over the project, where it's located and what it includes. The project is located on the east shores of Tahoe. The project limits go from South Incline, down to the junction of US-50. If you recall from the May Board Meeting, that includes three major elements of work.

The first and most notable is the shared use path, three miles from the southern end of Incline down to the Sand Harbor State Park. We're also including numerous water quality improvement work within three miles, just south of Sand Harbor; from Sand Harbor down to the Washoe/Carson Countyline. As well as multiple safety improvements that span the corridor of State Route 28.

Why is this project needed? What are the benefits of this project? I think the pictures here on the left speak to some of the challenges we currently face on State Route 28, particularly within that three-mile stretch. The Tahoe Basin receives just over 2.5 million vehicles per year. In this section, with all the recreation that takes place, we get vehicles parking on the roadway, pedestrians walking along the shoulder, even particularly in the bottom right corner, you can see a car parking and encroaching into the travel lane.

Creating this shared-use path and additional parking spaces will allow us to have these motorists park in designated areas, off of the shoulder and having the shared use path in place will allow the pedestrians not to walk along the highway, but on the path itself and still be able to access the places they want to go and really improve the safety and the mobility for the motorists, pedestrians, the users, through this corridor.

So, just to highlight the shared use path and some of the elements of it. As I mentioned, it's three miles from the south end of Incline to Sand Harbor. Some of the key features include an undercrossing at Tunnel Creek, which is right next

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to Hidden Beach, as well as multiple bridges and retaining walls, just due to the challenging terrain and the steepness of the slopes out there. Here are some pictures from the environmental documents, some renderings of what it potentially could look like, just to highlight some of the things on this path. On the top right, there will be pull out areas or as we refer to them, vista points, where if you're using it, you can pull off to either rest or just enjoy the scenery of the lake.

These two pictures show the alignment of the trail. On the top, on the far left is Sand Harbor. The trail will continue north about two miles between the Lake and the highway, all the way to the Hidden Beach area, where it will cross underneath the roadway and start to head up on the hillside. The bottom picture shows the hillside alignment, it will move up and then drop back down adjacent to 28, in the area of Lake Shore Boulevard and continue to the newly constructed parking areas there adjacent to Ponderosa Ranch and the Tunnel Creek Café.

For the water quality improvements, the majority of them will be in that three-mile stretch just south of Sand Harbor, but I also wanted to point out, that little bubble there in the parking area is because we're going to do some similar work that we've done in our maintenance yard in the parking.

The two pictures here, I guess on the bottom right are out back, the maintenance yard. This is the work that we did to meet the APA requirements and help with that water quality. We're going to install these same systems in the parking area to help capture the oil and salts from the roadway and then eventually drain into, across the roadway which you see in the big picture, is the infiltration basin, to again help with that water quality and reduce the particulates in the sediment, in the water before it reaches the lake.

In the top right picture, this is the majority of the work that you'll see within that three-mile stretch. Of course, we have some of the steep slopes, we'll put boulders and rocks out there to help capture some of the sediment from the runoff as well as the outlets for the drainage areas.

Then for the safety improvements—the majority of the safety improvements are going to fall within that first three miles. One of the biggest safety improvements there is, once this path is built and we have the parking lots built, that will become a no parking zone. We want to move to eliminate parking within that three miles.

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Really some of the keys of the safety is moving the parking on the shoulders into the parking areas. Then also creating that no parking zone. Then to go along with that, we also need to create some pullout areas for emergencies and maintenance vehicles. So, in the instance that you do have a breakdown or an emergency vehicle needs to get in there, we'll have those. That's what is depicted in the highlighted areas of the roadway down there. We'll be creating a number of those so that it's a safe road to travel.

Then, we also will be putting in centerline rumble strips through that whole stretch. That's what we see going all the way down to US-50, a mitigation strategy to help from vehicles crossing over.

With some of the progress that we've made since I last presented in May. We're going to take a phased construction approach to this. As I mentioned, multiple GMPs or multiple phases of construction. This first phase, which we're seeking approval for here today, will begin this year and end this year within the working season. A very short duration but we're going to get a lot of work accomplished. Then next year, come back to the Board, early spring and start work for all remaining work for this project, the path, the safety, all the water quality improvements.

As I mentioned, since May, since we approved Granite Construction's pre-construction services for CMAR, we've been able to finalize the environmental document for the path itself and fast track the design for this year's work. At that time, we had minimal design and just in a few months have been able to take that to 100% so we can take advantage of the working days of this year. Working with all of the agencies to get the permitting and agreements done that we needed to do this work this year, and while all that was going on, concurrently working on the design, the major elements of the project and we'll continue to do that through the end of the year and come back to the Board early 2017.

For this first GMP, the approximate cost, \$4.3M. The activities, construction activities include most notably, building the undercrossing and in that same location, we have two sewer lines that need to be relocated down, so that we can get the crossing in. We're also going to begin the construction of the parking in the northern area of the project. Assuming that we seek approval today, we'll start next week and continue until mid to late October to complete the work.

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Here's just a picture showing where the construction activities are going to be taking place. On the right side of the screen, the parking area and those water quality improvements that we talked about. Then on the left side of the screen, a majority of the work, moving the sewer out of place and then getting the tunnel crossing in.

We recommend approval of GMP #1 or Contract #3649 with Granite Construction. Before I open it up for questions, here's to give the Board a sense of the timeline for this project. Currently we're right here. We've completed the environmental work. We're continuing the design through the end of the year. We'll complete this phase one this year, with the goal of starting construction for the remainder of the project next Spring. Our goal is to end and have it completed by the end of 2018. Questions?

Sandoval: Thank you. I looked forward to this day. I think it's an incredibly important project. Question regarding parking. So you didn't—I recall vaguely from our last meeting when we talked about this, we're only creating 98 or so new parking spots?

Johnson: 90, yes.

Sandoval: 90. And so, there will be no parking, as you said along there. Can you estimate how many parked cars typically park along that highway stretch?

Johnson: Yeah, in the environmental document, we went out there and did a survey of it. I think during the peak time of the year, during the middle of the week, there was about, roughly 60. On a Saturday, I think there was 100-110. It's a little bit shy of what the parking that we're constructing. I don't think that took into account, that was just counting cars. I don't think that took into account the number of areas where they could safely pull off the side of the road. There's probably plenty of those vehicles, as we saw in the picture that were encroaching into the lane line.

Sandoval: So your count on, it was only, but a little over 100 cars along that corridor there, between—well, actually it goes above Sand Harbor where I've seen people park, all the way to Incline Village.

Johnson: That's correct.

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Sandoval: So that's pretty close. I guess it's going to become very competitive to get those parking spaces at Tunnel Creek.

Johnson: I would imagine it would be similar to the Sand Harbor park as well.

Sandoval: And, so there won't be any parking next summer, is that right, along the 28?

Johnson: We're not going to take that officially away until the project is completed. Two things with that. One, the parking areas that we're going to be building now, we need to hold on to those through the duration of construction because the access is so limited out there. Granite Construction will need to use those areas for staging, storing equipment, employee parking, job trailers, things and such. Before we take it away, we need to give them a way to get to where they want to go. We need to have that path in place. Those will still be out there, available until the day that we've completed the project, opened up the path and the parking for everybody to use.

Sandoval: You've gotten to where my question was going to be because what I don't want to happen, at least in that interim is for people to park there at Tunnel Creek and then have no way to get to the beaches along the highway there. It's not just parking, they've got coolers and chairs and towels and kids and moving. I don't want to make a difficult situation worse. That's important to know, although as you say, they'll be staging for that next phase of the construction project as well. Is there any way to increase the spaces? Have we talked to the property owner to see if he would be willing to lease any more property for parking?

Johnson: We had reached out, or Grant had reached out to see if we can even access the area for staging and it was off limits for now. I'm not sure if that would be available when they're done with the construction or not. We were looking specifically now for the project too and it's going to be unavailable for a considerable amount of time. We're looking at other areas along the corridor as well.

Sandoval: My last question with regard to the 90 spaces, will that be fee parking or free parking?

Johnson: It will be fee. The plan is Washoe County will maintain that parking area and at that time, when it's open they will look to put in some sort of paid system to park there. The funds generate for that will help for the maintenance of the path long-term.

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Sandoval: Questions from other Board Members? Mr. Controller.

Knecht: Thank you Governor. Nick, I appreciate the thorough detailed briefing I got last week on this. I just wanted to highlight a few points that we talked about. One is that instead of just having larger buses and shuttles, I understand you're looking at, investigating having a full range of generally smaller and more frequent shuttles and buses, which will probably serve the public better, I think, than waiting for an hour.

The other half of that point was, when you get down to Sand Harbor, right now the way that is structured, it's essentially a one type of use, namely large family destination, all day use going down to the beach and setting up. One of the things I think is needed there is use for people who are there in and out, sort of and especially some better accommodation of people with limited mobility. As I said, we discussed that and I understand you're pursuing all those initiatives.

Johnson: That's correct. And, I guess one to the transit, we are creating two pullouts there at Tunnel Creek for future transit by the TTD, so that it's just another way to access the facility or the path without parking. That will be available as well as the parking areas, the Transit Stop can stop there as well. If that's an option, we can certainly use that. As we discussed, we can certainly talk with State Parks about other accommodations.

Knecht: Two other points that we covered that I want to note. One is that the current fee-based accommodations at Sand Harbor for parking are frustrating and annoying and again, they don't promote the in and out type use that should be a complement to the full day, full family destination on the beach. I hope when we set up the parking with Washoe County that indeed you'll make provisions for that better than what we've got at Sand Harbor and try to keep those parking fees low.

It's a bit frustrating and even one of the problems is, from the user point of view, it's not even so much the dollar fee that's too high, but it's trying to find a way to find the exact dollars you need, put them in the envelope, etc. If you don't have that change or you want to use a card or something, it's not very user friendly. I hope we'll do better with this parking.

The other thing was, on the safety end in Phase 2, to the extent we can find one foot on each side of the road and better barriers, it gets awfully narrow and has a

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lot of exposure up there on the south end of that. I know we can't find quite enough room for rumble strips on the side, but anything we can do to make that road wider on the south end, the uphill portion will be a good thing.

Thank you and thank you Governor.

Sandoval: Other questions or comments? Member Savage.

Savage: Thank you Governor and thank you Nick, and thank you to the Department of Transportation. Very nice presentation. I thank you as well, for stopping by last week and briefing me, you and Mr. Hoffman. Most importantly, I want to compliment the Department. This project is fast and furious. We stepped up as a Department to take this over not too long ago. There's well over 16-20 different stakeholders and financing is tight. The CMAR delivery process is critical on something like this or else it wouldn't be done. I hope a lot of the stakeholders realize that. I know I appreciate their understanding and their willingness to try to get this moving forward.

It's complicated. It's not the fix all of fix alls. There are still going to be issues, we understand that. But with the contractor Granite, with the Department of Transportation, our engineers, CH, as well as the ICE, the numbers came in very, very close. I know the budget is very, very tight for the overall project and we have to keep that in mind. I don't foresee any change orders because of the CMAR delivery. I think it's very important. I want to thank Rudy and yourself, Nick and Mr. Hoffman and the entire department because there's a lot of pressure on this project. It's a high profile project and we took it on and we're doing the best we can and I'm all for it Governor. I appreciate the time. Thank you.

Sandoval: Any other questions or comments? The Controller prompted a couple of thoughts from me. With regard to the parking, we should take advantage of technology. I know I've been in some of the larger cities and you can get an app and it will tell you how many spaces are available before you get there. You can pay on the app, you can pay from the beach, and if your parking is about to terminate and continue that – so I see you nodding, but I hope that we're going to take advantage of the best available technology with regard to that parking because make no mistake, it will be in demand during the summer.

Knecht: Yeah, and that's the intent, Governor, and I know the Tahoe Transportation District is evaluating that right now as to what some of those technologies are and

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how we can use them in this area, and it could even be a test for future areas along the corridor in the future too, so that is the goal and the intent is to look at that type of technology.

Sandoval: And with regard to the transportation, will there be pullout opportunities? There are folks that like to go to Hidden Beach and Chimney Beach and other [inaudible] opportunities down there, so will – when you get on that bus is it – will there be pullouts where people can get on and off at those specific locations or more popular locations?

Johnson: Yeah, and two things with that. The answer, yes. There's a greater master plan, you know, to connect this trail from state line to state line, as part of that to connect this trail from the piece that we're building now all the way down to US-50 with additional parking areas through there, and as part of that to identify other locations where there would be transit stops similar to what we're putting in here for some of those prime locations or wherever the parking may be so that they could exit and then have a path to the path itself to access some of that.

Sandoval: All right, that's all I have. Member Skancke.

Skancke: Thank you, Governor. Very thorough presentation and my only comment is – it's two things. One, this is a project that should have been done 30 years ago when I was still at the university so I'm glad we're getting to it. The second thing is as a reminder of what the Governor just said, this is the New Nevada, not the old Nevada, so the more technology that we can implement, and if it's cost prohibitive I would suggest you bring it back to the board for consideration. Don't just assume that something cannot be afforded.

I think we should have some input as to what we can and can't afford. So I hope that we would consider that. Don't leave anything off the table as it relates to electric charging stations, parking apps as the Governor suggested, and anything else that we can to make this more 21st Century as we go and continue to build a New Nevada. So those are my only two comments, Governor. Thank you.

Sandoval: Thank you, Tom. And if it becomes too complicated or burdensome we could privatize the parking piece. I'm sure there would be a lot of opportunities or interested parties that would be more than interested to do that, but that may be a conversation for another day. But appreciate the comments. Any other questions, Mr. Almberg.

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Almberg: Thank you, Governor. Quick question. This is a GMP project, very tight window. What happens if Mother Nature comes before the end of October?

Johnson: We've planned in some – and I guess like any project in the Tahoe Basin, one and two, some of our risk reserve we planned in time that we can adjust if we need additional time to get it done. We're also working with the TRPA pretty closely. So one of the goals is for that October 15 deadline is really ground disturbance type activity. If we can have those buttoned up, if those things are doing on the surface we should be able to work through those in partnership with them.

We've been coordinating some of that with them already, having those discussions as to let's get the major work done as soon as we can so we can have that buttoned up and ready to go. And then with the remainder, you know, we can continue to work past October 15 deadline on some of the non-ground disturbance on a case-by-case basis.

Almberg: All right, thank you. One other question I have and it isn't really relevant to just this project, but I had mentioned this the other day when we were – when you guys had called and updated us, is the center rumble strips. I have some concerns with them, just the fact that I drive the highways so frequently, and I see this as being a maintenance issue for us. You know, there's constantly a crack running down parallel down the centerline. Is this an ongoing maintenance issue for us?

The other issue that I have is I understand from a safety standpoint to keep the drivers aware of where they are at if they are inattentive, but I also from my experience I find those things are extremely deep and they actually disrupt my car as I cross over them. And so, you know, I'm obviously for them, I understand them, but is there some other way that we can accomplish the same thing in a less intrusive manner and it doesn't cause us maintenance issues and the other issue that I discussed?

Malfabon: And I can respond to that. What we've been doing is we consult with the district engineer and their maintenance forces when there is concerns about some of those – what you see is a lot of the rural roads in Nevada maybe we'll core in advance to make sure that we see the pavement condition below the surface or for cutting the rumble strips into it, milling it into the roadway. We make sure that we don't have those concerns about what you observed with raveling.

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So when we first started the program that's kind of a lesson learned is that listen to the district engineers when they have concerns about the quality of the pavement and not cutting in too deeply. We've modified the design in some cases to be a little bit shallower so we still get the safety benefits but not as deep of a cut into the pavement. It exposes it to the weather and you see the raveling that you've observed.

Almberg: Well I mean just my travels here yesterday, coming over here yesterday to this meeting, just west of Austin and New Pass area, there quite a section there. I couldn't really see it great because the sun was just in my eyes as I'm headed to the west here coming in last night, but there was quite a few miles on there. It looked like we were in a sense filling them in, and I don't know what exactly we were doing but, you know, this isn't something I just found on this highway but on the rural highways. And so it's just an ongoing concern that to just make sure that we are looking to be doing the right thing for our highways. That's it, Governor. Thank you.

Sandoval: Other questions or comments? Question from you, Mr. Gallagher. This contract's actually in Agenda Item 7 and so do we approve it twice? Do I approve it here? Do I approve it just in 7 and use this as an informational item?

Gallagher: Governor, for the record, Dennis Gallagher, Counsel for the Board. I believe it was the Department's intent to get the Board's approval here for purposes of proceeding with the CMAR process and then approving the contract with the subsequent agenda item.

Sandoval: All right. Thank you. So then before I take that motion because we've kind of blurred the two, Granite's ready, willing and able to go?

Johnson: Yes, sir.

Sandoval: All right. I want that on the record. All right then. If there are no further questions or comments the Chair will accept a motion to approve the CMAR process as described in Agenda Item No. 5 with Granite Construction Company.

Almberg: So moved.

Sandoval: Member Almberg has moved for approval. Is there a second?

Savage: Second.

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- Sandoval: Second by Member Savage. Any questions or discussion on the motion? Hearing none, all in favor say aye. [ayes around] Oppose no. That motion passes unanimously. Congratulations.
- Johnson: Thank you.
- Sandoval: Let's move to Agenda Item No. 6. Well let's do this. My understanding is Member Martin has to leave early and so what I would prefer to do is take these action items so that Member Martin would have an opportunity to participate in the discussion and vote on those, and then we can go back to the information items. Is that okay with you, Frank?
- Martin: Thank you very much for the accommodation, Governor.
- Sandoval: All right. So let's then skip over Agenda Item No. 6 and move on to Agenda Item No. 7.
- Malfabon: John Terry will present this. What we have here is the – I'm sorry, Robert Nellis will present this. Take it away, Robert.
- Nellis: Thank you, sir. Governor, members of the Board, for the record, Robert Nellis, Assistant Director for Administration. There's one contract under Agenda Item No. 7, Attachment A, for the Board's consideration. This is related to the item you just heard. The project is located on State Route 28 from the Junction of US-50 to Country Club Drive in Washoe County to construct a shared use path, water quality improvements and parking areas. Director recommends award to Granite Construction in the amount of \$4,331,331. And with that that concludes Agenda Item No. 7. Does the Board have any questions on this item?
- Sandoval: Obviously we just heard this item. Questions, Mr. Controller?
- Knecht: Thank you, Governor. I have only one. On page 10 of 13 in Agenda Item 7 we show that Stanley Consultants bid basically \$100,000 less than Granite and I was looking through the presentation trying to find a justification for going with Granite. Now I know Stanley is listed as an estimate or something. But I just wasn't clear why you chose Granite instead of Stanley.
- Malfabon: I can respond to that, Mr. Controller. That is an independent cost estimate so Stanley does a hard bid similar to a contractor but they're not going to build it if they're lower. It's actually just a double check of the contractor's price.

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Knecht: And the engineer's estimate?

Speaker: The engineer's estimate is done a different way looking at historic values of items of work. What Stanley is doing is actually if they had to build it how would they bid it, so it's a different method of estimation that's a lot closer to what a contractor does when he's bidding a project.

Knecht: Thank you. That's helpful.

Sandoval: Other questions or comments? If there are none – actually it's quite a compliment that all three of those are so close between our engineers estimate, Stanley and Granite. That means everybody was right on. So that's a good sign. So let's – chair will accept a motion to approve Contract 3649 READV as described in Agenda Item No. 7.

Martin: So moved, sir.

Hutchison: Second.

Sandoval: Member Martin has moved for approval. The Lieutenant Governor has seconded the motion. Any questions or discussion on the motion? Hearing none, all in favor please say aye. [ayes around] Those oppose say no. That motion passes unanimously. We'll move – yeah, we'll be looking out for those trucks tomorrow. We'll move to Agenda Item No. 8.

Nellis: Thank you, Governor. There are five agreements under Agenda Item No. 8. That can be found on page 3 of 53 for the Board's consideration. Item No. 1 is the first amendment for civil engineering expert witness services to increase authority by 200,000 and an extension of the termination date. The next three items, 2, 3, and 4 with Atkins, CA Group and Kimley-Horn, these are all related items that each have a maximum amount of \$2M. And this is to complete the design of statewide projects, programs and network analyses scheduled for construction in fiscal years '17 and '18.

And finally, Item No. 5 is with HDR Engineering in the amount of \$5,307,000 to conduct a traffic study to complete a system-wide evaluation with a focus on existing and potential future congestion and other operational efficiencies. And with that, Governor, that concludes Agenda Item No. 8. We'd be happy to take any questions the Board may have on these items.

Sandoval: Questions from Board members. Member Savage.

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Hutchison: Governor.

Sandoval: Yes, Mr. Lieutenant Governor.

Hutchison: Thank you very much. Just a quick question probably for Mr. Gallagher on No. 1. These are sources for an expert witness. Is it a mixture of a consulting expert and a testifying expert or is this primarily just consulting expert services when we are acquiring properties?

Gallagher: For the record, Dennis Gallagher, Counsel for the Board. Mr. Lieutenant Governor, these services are primarily consulting. We have not used this firm yet for their testimony. They've been providing supplemental engineering services to the department in regards to certain properties and Project NEON.

Hutchison: Thank you, Mr. Gallagher. I assume that if we needed their services then this would roll over to a testifying expert so that we would have continuity of expertise.

Gallagher: For the record, Dennis Gallagher, yes, sir, that is correct.

Hutchison: Great. Thank you, Mr. Gallagher. Thank you, Governor.

Sandoval: Member Martin, did you have a question?

Martin: Yes, sir. On Item No. 5 HDR, the southern Nevada traffic study, Mr. Terry came in and gave me a de-briefing but it's kind of escaped my mind on who the sub-consultants are to HDR and what percentage they're expected to perform.

Terry: John Terry, Assistant Director for Engineering. The Southern Nevada Traffic Study consultants are led by HDR since they're the lead they have to perform 51 percent of the work as a minimum. Their major sub-consultants are I believe Jacobs, I'm going to say in the range of 30 percent of the contract, CA Group at about 10 to 11 percent and a DBE sub which I don't have off the top of my head.

Martin: Yes, sir. Thank you, John. The one I couldn't remember was Jacobs. Thank you.

Sandoval: Member Savage.

Savage: Thank you, Governor, and regarding Agenda Items 2, 3 and 4, I'd like to compliment Reid Kaiser and Denise Inda. I like the format where you went in and you had separate RFP's. It's different than what we've done in the past, but you'll go out to each consultant, and again get a review of the scope of work and

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then submit proposals on the value. So I really want to compliment for being a little bit innovative and creative on obtaining those different [inaudible]. I appreciate that. And then regarding No. 5 on the HDR Southern Nevada Traffic Study, I got to ask the question, does RTC contribute to sharing any of this cost?

Terry: Again John Terry, Assistant Director for Engineering. No, we are intending to fund this project completely with state and Federal dollars.

Savage: And secondly, Mr. Terry, have there been any recent studies done by the RTC that might be helpful to us on this study?

Terry: Again John Terry, Assistant Director. Yes, there's all kinds of information that we utilize from the RTC. They are the holders and creators of the main regional transportation demand model and they would also use that model on any projects they would do as well as cooperating with say the county or others that did projects on the freeway system. So yes, there's lots of involvement by the RTC, the Southern Nevada, because they are the main holders of the regional transportation demand model which we access, work with as well as share our results with. I don't know if I answered your question, but yes, there's a lot of coordination with them in the use of this model.

Savage: That does. It's collaborative.

Terry: Yes.

Savage: Moving forward. So that's all I have. Thank you, Mr. Terry. Thank you, Governor.

Sandoval: Member Skancke:

Skancke: Thank you, Governor. I too had a briefing on Item No. 5 with John. It was very thorough and I appreciate your time going through that with me. My concern was we historically have not had an engineering contract of this size that I recall in the almost three years that I've been on the board, and he walked through all of those points of why this is and why the cost is higher than what we are accustomed to paying to engineering firms to study. So I'm very comfortable with that.

One question that I have and this is across the board – let me back up. I also think that the way you handle the selection process and the team that has been put together for that particular contract will serve the department well, so I wanted to let you know publicly that was a good process. One of the concerns that I bring

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up at almost every meeting is just looking at these companies and looking at project managers, and my concern is obviously always capacity.

When I look at teams and I look at these contracts it's often times the same project manager or the same person that's in charge of that. I want to make sure that when we award these projects that while it might be the same person, particularly with No. 5 as an example, a lot of that work may have to go out of state just because of modeling, et cetera, et cetera, which I'm okay with that. But as we look at the limited amount of resources and the limited number of companies that we have to deal with, and this is across the board, across the country, that it's not the same program manager that we always have. That person's tapped out.

So as I look at some of these and I've gone back after the last 4 to 6 months, it's kind of the same person at the top. I want to make sure the same person at the top is not the same person at the top for 20 other projects so that we're getting their full-time and attention on that project. That's not a complaint. I just want to make sure that we're doing that. You probably are. But there is such a limited number of companies that we get to work with that capacity is an issue for delivery in my opinion, and so you wouldn't be bringing these companies forward if you weren't comfortable with the process.

But I want to continue to put on the record that delivery is of concern to me, that the same people at the top of the org chart are the same people almost every time, and if those people can't handle all the work that we're putting out, which is a lot, there needs to be some balance. So it's more of a comment than a question. And I'm just going to keep driving that home, Governor, almost at every meeting, but it's an issue because we have a limited amount of resources so you answered my questions on Item No. 5, and again I appreciate your time. Thank you, Governor.

Sandoval: Other questions from Board members. Member Almberg.

Almberg: Thank you, Governor, as it pertains to Items 2, 3 and 4, they're all the same scope of work and my question is they each have a different overhead, and so one's 106 percent, one's 152 and one's 192. So does that mean that the one that's 192 we're going to actually get less work out of them?

Malfabon: I can respond to that. When we hire engineering services through, even though we're using state funds we use the Federal procurement rules which require that we pay whatever is allowed under – eligible under the overhead rate. So it's not a

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hard bid like a contractor has to low bid. It's qualifications based selection and we're bound by using our Federal regulations for overhead rates. And we do audit those rates to make sure that everything that was included was eligible. So I think in response if it's we're paying more for overhead we don't exceed the contract value but we're bound by that limited contract value so we don't exceed that 2 million. It's usually cost plus fixed fee with the overhead rates applied.

Almberg: I mean since all of these applied for the same RFQ and they all were qualified shouldn't we come back in and we agree to pay them across the board the same overhead rate?

Malfabon: We can't because in effect you're limiting them from what's eligible under Federal regulations, what's eligible under the overhead rate. Sometimes we wish we could but we cannot with a qualification-based selection of engineering services.

Almberg: I mean I understand qualification based selection and a part of that selection is the fact that now you come and negotiate this price, and so when you come to negotiate this you do not come to a negotiated agreement, then you move on to No. 2 qualifications.

Malfabon: Yes.

Almberg: And so I would look at this and say hey, this is what we are willing to pay. You guys are all on the same scope of work. This is what it is and those who agree are eligible to work for us and those who don't we move on to the next one.

Malfabon: Hey Member Almberg, we have in fact just recently I've seen a couple of occasions where we've done that. Could not agree. We had a certain budget for what we wanted to achieve and if we couldn't come to an agreement on the final price for the scope of work that we desired we've gone on to the No. 2.

Almberg: All right, thank you.

Sandoval: Mr. Controller.

Knecht: Just a follow-up on Mr. Almberg's, Member Almberg's question of Mr. Malfabon, is it the case that the internal accounting and cost accounting and attribution policies of the contractors is part of what leads them to get different overhead rates approved?

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- Malfabon: Whatever is eligible by Federal regulations is included in that overhead rate. Certainly there's some things that are not eligible that we find out during audits of their overhead rates. We have a provisional rate. We verified at the conclusion of the project for the term that they provided services to us but typically because of the audited nature of the overhead rates they are what they are and if it's eligible then we are willing to pay for that overhead rate.
- Knecht: I'll live with that, but I'm left with the apparent uncertainty or lack of complete satisfaction of some of my fellow board members. Thank you.
- Sandoval: Member Savage.
- Savage: Thank you, Governor and to member Almborg's concern, we approached this at the construction working group a few months back, actually it might have been two or three meetings ago, in depth because I know as contractors we'll either get a single digit or the low double digits as far as overhead. So I would like to get you some of that information where the department came back regarding the FHWA's review and concerns and ties and verbiage that they have regarding the overhead because it is, it's very difficult to comprehend and understand, but it was a well thought out presentation a few back, so I'll make sure that Deputy Director...
- Hoffman: Yeah, for the record, Bill Hoffman, Deputy Director. I can give Member Almborg that same presentation or any of the other board members. I'd be happy to visit with them one-on-one and provide that information.
- Savage: It was very helpful. It's something that we may not agree with, but it was very helpful to understand the Federal commitment. Thank you. Thank you, Governor.
- Sandoval: I have one follow-up with regard to the traffic study. When it's ongoing and when it's completed how will it inform Project NEON, Boulder City Bypass, I-11, Cheyenne? I mean that's probably \$2B worth of projects right there and I mean what I don't want to happen is this to make a finding that we should have considered while we were building these other projects. Mr. Terry.
- Terry: Again, John Terry, Assistant Director. At the discretion of the board, I mean I did have a presentation prepared to kind of go over some of this stuff, and I believe that presentation would have answered it. I still believe it has value even if this contract is awarded because the presentation goes beyond just the consultant. But

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to answer your question, no, we didn't redo studies. They're current. We coordinated with those studies and incorporated those within the overall study, so in the case of NEON which is already updated to the more current year traffic projections, we simply coordinated with and wouldn't override those.

But in the case of some of the older studies where we did them years ago, like I-15 South and I-15 North and just did a phase of them, those we are going to update. So I guess to answer your question, no, we're not going to change what was done in NEON. That's pretty current. It's more tying in the rest of the valley and the holes in the valley that we have of our traffic study to get them up to that same level and beyond.

Sandoval: And this wasn't a gotcha question. It was to make a record on that because I think someone who isn't informed might say well didn't you conduct a traffic study before you approved this project, and these massive projects, and the response I just got, of course we did. And these – the traffic studies that will be conducted on this contract will be looking at other areas. And you're nodding. If you would just say yes just so we have it for the record. Okay. All right. Member Skancke.

Skancke: Thank you, Governor. I apologize. I just thought of one other comment here for Item No. 5. And John, you and I talked about this in our briefing and I just want to put it on the record. The traffic study, does it take into consideration any new projects? So for example, if there is a new 3,000, 4,000, 5,000 room hotel on Las Vegas Boulevard or by chance a stadium site is approved somewhere near the I-15 corridor or somewhere downtown, does this study take into consideration any of those traffic impacts?

The reason why I ask it is because about 10 years ago Susan Martinovich made a presentation that said any time a 5,000-room hotel is announced on Las Vegas Boulevard, NDOT is five to 10 years behind schedule in funding, environmental process and design. So as we take a look at a traffic study, does this report, does this study scope, take into consideration any future development, and if it doesn't, can we, and if it does that's actually a good thing.

Terry: Okay, again John Terry, Assistant Director. It could in the future. We could look at those things, but the base model that we will create as a part of this study is based on the approved regional model, regional land use, regional growth model that's developed by the RTC of Southern Nevada and many others, and we'll use that. If a special event or a special stadium or something comes in the first task

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would be to look if that stadium was compliant with what that regional model is, and if it's so out of line with it then to consider adding that as a supplement.

But we need to get our modeling up to date with what the regional model is that's created by the RTC and at least set that as the base model for a variety of reasons, maybe the biggest one of which is that model is used for the regional air quality conformity model which is done by the RTC. So I guess to answer your question we could do that but our first effort is to get our stuff completely up-to-date to what the approved regional land use model is.

Skancke: So Governor, if I could have a follow-up I think you just introduced a new point that I'm not certain you said earlier which is we're required to do this primarily because nothing, for no other reason, air quality issues. We don't want to get ourselves into an issue with the EPA on air quality that we've gotten ourselves into other issues with. So technically we've got to have a study like this in order for us to get in compliance if you will or stay in compliance with the EPA so that they're not coming after us on something else, pardon the vernacular, down the road. Is that correct?

Terry: Yes. Air quality, there's two major elements. There's the regional air quality which really the RTC develops that and we're in compliance with it, and when we go outside of compliance with it then we would have to update. And then there's what we call mobile source air toxins which was part of the lawsuit from the Sierra Club on the US-95 project which we have to run for every individual project which is more air quality impacts that are more localized due to the major freeway elements. And yes, for us to run that analysis on any project moving forward we would have to have that updated traffic model.

Skancke: And if I recall in '95 during that lawsuit process there was a substantial amount of closure and re-startup dollars because of the lawsuit, so this actually may help us in the future to identify those types of problems and hopefully eliminate those types of actions. Would that be correct?

Terry: Yes, that's correct, and in fact that suit and the settlement and the requirement to study mobile source air toxins sort of set a precedent not just for us but for many other or most states of having to run that analysis. And yes, it did delay us on that project and that's why we now run it on every project and we need the traffic modeling to do so to avoid that kind of thing. Yes, sir.

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Sandoval: Thank you, Member Skancke and I apologize because you said something has prompted a question from me. So this proposed stadium, within the next month or so there is going to be a final decision with regard to a proposed location or at least a recommendation with regard to a location. That will obviously have a major impact somewhere along the I-15 corridor. Do we have the internal capacity to determine what that impact will be on the 15 and whether it will require improvements to exits and intersections and the by-way there and then a cost estimate to do those?

Terry: Again John Terry, Assistant Director. This would help us to get that answer. Do we have the internal ability? Obviously they would have to run a traffic study as a part of any stadium and we would take those numbers and again apply them against the regional model and attempt to address the impacts to our system and some of that may be yes, it impacts our system but we don't necessarily always design freeways and freeway interchanges for that type of special events and understand there's going to be some congestion.

We typically design freeways for 20 years out in the future and for the average sort of a.m. and p.m. peak hour congestion, but certainly you should run those models and know what to expect from a major event, but I'm not saying you would necessarily always address it.

Sandoval: Well just – and again I don't know, but I will be getting a recommendation in the very near future and they're talking about a proposed location by Bali Hai and I don't know if there is the sufficient infrastructure there. They're talking about a site that is on Tropicana and we've already got an arena on one side. I think those are the two that I hear most often, but there are others.

You know, the one over at Cashman and, you know, I don't know if that's near the Spaghetti Bowl and what we're doing over there, but I know I'm going to ask the question once it's recommended what impact that will have on the 15 and ingress and egress and as you said how many, you know, they're talking about I think an estimate of 70 or 80 events a year. So I guess do we, being the Nevada Department of Transportation, have the ability to on a pretty short-term notice provide at least somewhat of an impact study on what that would be at that particular location?

Terry: I guess yes, but we would have to heavily rely on our partners like the RTC Southern Nevada, Clark County, City of Las Vegas, et cetera. I think especially

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with this study in place we would have better ability to analyze the freeway system but there would certainly need to be a lot of help from the local entities to address kind of the arterial system such as Tropicana and some of the other streets that would be affected by the individual.

And so I guess to answer your question we own, we maintain the freeway system, we with assistance of our consultants could analyze the impacts of our freeway system once we got the traffic studies from the various stadium proponents. But I think it would be a collaborative effort with others to analyze the rest of the system.

Sandoval: Trop is ours.

Terry: Trop is ours.

Sandoval: Yeah, so it's not just...

Terry: Yeah, yeah. But there's lots of other streets and arterials that would be impacted. So it would have to be a collaborative effort, but yes, we could analyze ours.

Sandoval: And Ms. Quigley is here and I'm not going to ask her to come up now but...

Quigley: I will.

Sandoval: But I, you know, this is serious and I'm going to need information within a matter of – in a very short time period to see what type of – what needs to be considered if indeed a stadium site is recommended. So Ms. Quigley.

Quigley: I can share with you – so I've sat in on most of the meetings of the Southern Nevada Tourism Infrastructure Committee and at every single one of the meetings the transit and transportation conversation comes up as it relates to the site, and I think that collectively it's important to decide on the site so that then we can focus our energies as the transportation collective and collaborative on how it would be addressed.

And certainly NDOT, the city, the county will be and having that collaborative conversation because as Mr. Terry mentioned it's not just about that site and the boundaries of that site, but there is a domino effect onto not only the NDOT arterials but then also some of the other infrastructure roads. So yeah, there will be an intense conversation about that.

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And what's neat is that it's going to be more than just an engineering study. Engineering studies are one thing, but I think it's going to be a community conversation for exactly how do we want to address each one of those infrastructure needs. So a lot of attention and so kudos to you and the state as well for creating this conversation with this committee 'cause it's forced a conversation amongst public sector, private sector, like I've never seen before.

Sandoval: And I appreciate that, Ms. Quigley. So will you be able to get some at least boundaries, information in terms of what would be necessary once that site is recommended?

Quigley: We will. Because each one of the sites that's being considered was included in that transportation investment business plan that we came up with that we worked collaboratively with NDOT and the community on, we've got a lot of engineering data and traffic analysis data for each one of those sites. We'll be able to pull that together along with our RTC modeling information and then also the traffic engineering work that NDOT's got.

Inevitably there's going to be huge peak hour impacts no matter which site it is that's completed, and like Mr. Terry said, we don't always design for peak hour, but there's going to be a lot of peak hours associated with this so we'll have to be prepared for it.

Sandoval: Now I just, as I said I, there are a lot of things to consider, but you know, I don't want to suddenly have an item on our agenda that says we need to make a \$150M improvement to an intersection.

Quigley: Well we can't – until we know what those sites are we're not going to be able to have that specific conversation. But inevitably there are going to be infrastructure investments that will be required as part of the site selection.

Sandoval: But that number that you're talking about is not included in the stadium costs.

Quigley: No, I do not believe so. I know they've been asked specifically by Chairman Hill and Commissioner Sisolak whether or not the infrastructure was included in their cost estimates of the stadium. They are as they relate to the immediate property boundaries I believe. I do not believe that it extends too far beyond just the – 'cause that would be very difficult to do without having a site-specific location.

Sandoval: All right. Thank you. Mr. Skancke.

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Skancke: Governor, you bring up a really good point, and it's part of this item but probably not part of this item, but I think it's important for our department to take a look at all of those sites while all of those sites are being considered and probably look at a number of what that improvement is going to be. So for example, at Tropicana, how much was the feasibility study, the preliminary study, to even get us to start to have a NEPA conversation? What did we pay the engineering firm for that, \$2M, \$1.5M?

So now we get to the next level, you're looking at, you know, Tropicana interchange has to be completely redone so it's probably just right of way costs are probably around \$100M, and then when you put all of that capacity whether it's on the Strip or at Sahara, we've got a \$1.6B project under construction called Project NEON. Then there's the Gap. And I think it's important for the Governor and for that committee to have an understanding of what the costs, the preliminary costs, is going to be in timing, because the private sector can build a stadium or a 5,000-room hotel in 18 months to two years and it takes us 15 years to get through NEPA.

So I think it's important for us to have an idea. If the site is selected and NDOT doesn't have the money and NDOT is the one required to make that improvement, we need to know in order to make those adjustments. I think you bring up a good point, Governor, too for us to take a look at that as a board and also as an organization, but if they pick a site and we don't have the money how's that going to be paid for? One.

Two, there may be more sites that are probably more beneficial to the State Department of Transportation but don't work from a stadium perspective. So if you look at the Riviera site you have to do Sahara, Spring Mountain and Flamingo, right? And anything south you have to do two or three interchanges there and anything north you have to take a look at the impact of Project NEON and change orders.

So I think you bring up a good point based upon, you know, this all came out of Item No. 5 as looking at a traffic study for Southern Nevada and we've got – we're going to spend 5.3 million dollars on a traffic study. We could potentially or not potentially take all of these things into consideration plus future development that's planned on the Strip. So I think it's a really good point to bring up.

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- Sandoval: All right. I appreciate it, Mr. Skancke, just to make sure we're within the Open Meeting Law here, my question was with regard to the stadium to ask whether it is included within that contract for Agenda Item No. 5. Mr. Terry, you're saying no.
- Terry: No, it could be added but it is not – to address a stadium is not part of the scope of work.
- Sandoval: Okay. Will we have the ability to amend that in the near future? I would suspect that I'm going to be getting a recommendation from this infrastructure committee on a site and I have got to know what the traffic impacts are going to be.
- Terry: I believe absolutely we could modify the agreement to add this consultant to help us with traffic impacts, but the caveat I have to that is that sounds like it's going to happen very soon, and the results from this analysis and the detailed traffic analysis of this study. While the duration of the agreement is 18 months, we don't expect real good results of the modeling of our freeway system to be in place for like 12 months. So I'm not sure how much this study is going to help that decision if it's going to happen so quickly.
- Sandoval: Okay. Mr. Controller.
- Knecht: Thank you. Thank you, Governor, and I just want to follow up for counsel on this. Would it be appropriate in your understanding of this matter for us to use the Item 5 contract and amend that for the study of the stadium?
- Gallagher: For the record, Dennis Gallagher. The Board is certainly empowered to direct staff to prepare an amendment for future consideration, but I believe that the engineering study as presented is for today's consideration.
- Knecht: Thank you.
- Sandoval: Any other questions or comments with regard to Agenda Item No. 8. If there are none the Chair will accept a motion to approve the agreements as presented in Agenda Item No. 8, 1 through 5.
- Savage: Move to approve.
- Sandoval: Member Savage has moved for approval. Is there a second?
- Skancke: Second.

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Sandoval: Second by Member Skancke. Any questions or discussion on the motion? Hearing none, all those in favor please say aye. [ayes around] Oppose no. That motion passes unanimously. Let's – because – Frank, I guess I'll give you your preference. Number 9 is informational, but I know you typically have a lot of questions on that agenda item. But we also have some action items that come after that.

Martin: Let's go to the action items if you don't mind, Governor.

Sandoval: All right, we'll do that then. Then we are going to move to Agenda Item No. 10.

Malfabon: Thank you, Governor. Item No. 10 is for condemnation resolution No. 449A for Project NEON. That's an amendment to a previously approved condemnation resolution. Two fee parcels for Robarts 1981 Trust are in litigation. We are correcting a recorded document number related to the legal description for these parcels. We recommend approval of this amended condemnation resolution.

Sandoval: Any questions? It's pretty straightforward. If there are none the Chair will accept a motion to approve Condemnation Resolution No. 449A as presented in Agenda Item No. 10.

Knecht: So moved.

Sandoval: Controller has moved for approval.

Martin: Second.

Sandoval: Member Martin has seconded the motion. Any questions or discussion? Hearing none, all in favor please say aye. [ayes around] Opposed no. That motion passes unanimously. Let's move to Agenda Item No. 11, Condemnation Resolution No. 456.

Malfabon: Thank you, Governor. This condemnation resolution is for a parcel owned by 1916 Highland Properties Limited. It allows Project NEON to keep on schedule by filing the condemnation action. The properly owner will have immediate access to what we've determined to be just compensation and they can use that money to accomplish the relocation while we continue negotiations for this parcel. We recommend approval of this condemnation resolution.

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- Sandoval: Thank you, Director Malfabon. Any questions from board members? Hearing none Chair will accept a motion to approve Condemnation Resolution No. 456 as presented in Agenda Item 11.
- Martin: So moved, sir.
- Hutchison: I'll second it.
- Sandoval: Member Martin has moved for approval. Lieutenant Governor has seconded the motion. Any questions or discussion on the motion? Hearing none, all in favor please say aye. [ayes around] Oppose no. That motion passes unanimously. Let's move to Agenda Item No. 12, Direct Sale.
- Malfabon: Thank you, Governor. The Department is asking for approval for direct sale disposal of a portion of NDOT right of way along US 395, I580 between College Parkway and Arrowhead Drive interchange in Carson City. They acquired the property back in 1989 and it's just a process of selling off some of these remnant parcels along the freeway that we no longer need. We have an appraisal and this direct sale will allow us to receive funds for that property and deposit them in the state highway fund. We recommend approval.
- Sandoval: And Rudy, just for the purposes of the record, that appraisal is \$28,800?
- Malfabon: Yes.
- Sandoval: Okay. Any questions? Mr. Controller.
- Knecht: Thank you, Governor. Rudy, how will you complete the sale? Will you announce a public auction or bidding process or what?
- Malfabon: This is a direct sales so it's through the adjacent property owner.
- Knecht: Okay.
- Malfabon: I don't know if Ruth can answer that.
- Knecht: Okay. Thank you.
- Malfabon: Ruth Borrelli is our chief right of way agent.
- Borrelli: Yes, this actually will be listed with a broker. We tried to auction it at one point and did not have any interested parties come forward. Normally a direct sale

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would be or a partial sale would be to an adjacent property owner, but under the NRS we are allowed to list it with a broker and that is what we're pursuing today.

Knecht: Thank you.

Sandoval: Okay. Any other questions? Member Almberg.

Almberg: Thank you, Governor. The environmental review for this was completed in 2013. Is this still valid and will the potential purchaser – will their underwriters accept an environmental letter that is three years old?

Borrelli: Yes, it is still valid.

Almberg: Okay. Thanks. That's it.

Sandoval: And just to follow up from there. When they purchase that property they take it as is?

Borrelli: Yes, they do, yes.

Sandoval: When you say the word environmental I just want to make sure there's no lingering liability for the state, so once that sale is completed the state has no liability going forward. And member or Mr. Gallagher is nodding so...

Borrelli: Yes.

Sandoval: So I just want to make sure we clarify that. All right. Any other questions? Hearing none the Chair will accept a motion to approve the direct sale as presented in Agenda Item No. 12.

Knecht: So moved.

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

Almberg: Second.

Sandoval: Second by Member Almberg. Any questions or discussion? Hearing none all in favor please say aye. [ayes around] Oppose no. That motion passes unanimously. Let's move to the direct sale presented in Agenda Item No. 13.

Malfabon: Thank you, Governor. The Department is requesting approval for this sale of this parcel on next to I-80 between Vine and Washington Street on 6th Street. We acquired the property in 1965 and 1967 from several owners during construction

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of I-80. The building itself is owned by another owner. We own the land and we've done an appraisal, fair market value of \$185,000. And we have an intent to purchase from the person that owns the building that's going to be building – revising it to make it more of a medical facility, professional medical office, so we recommend approval of this sale of this property in Reno.

Sandoval: Thank you, Director Malfabon. Any questions from board members with regard to Agenda Item No. 13? Hearing none the Chair will accept a motion for approval.

Skancke: So moved.

Martin: Seconded.

Sandoval: Member Skancke has moved to approve. I'll give the second to Member Martin. Any questions or discussion on the motion? Hearing none all in favor say aye. [ayes around] Oppose no. That motion passes unanimously. I know we're jumping around but let's move back to Agenda Item No. 9 which is contracts, agreements and settlements.

Speaker: Robert Nellis will present this to the board.

Nellis: Thank you, Governor, members of the board. Again for the record, Robert Nellis. There are three attachments that are under Agenda Item 9 for the Board's information. And beginning with Attachment A there's six contracts on pages 4 and 5 of 24. The first project is located on South Carson Street from Overland Street to Fairview Drive in Carson City County for micro-surfacing, patching and pedestrian safety improvements. There are three bids and the Director awarded the contract to Sierra Nevada Construction in the amount of \$1,244,007.

The second project is located on Interstate 80 frontage road from Lublock to Pershing County for a two-inch plant mix overlay and repairing concrete columns. There are five bids and the Director awarded the contract to Granite Construction in the amount of \$2,775,775. The third project is for Yerington, Wellington, Gardnerville and Blue Jay Maintenance Stations in Douglas, Lyon and Nye counties for fuel station upgrades. There are two bids and the Director awarded the contract to Bramco Construction in the amount of \$1,099,447.

Project number 4 is a resurfacing project on State Route 278 on Eureka Road in Eureka County. The Director awarded the contract to Road and Highway

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Builders in the amount of \$1,686,686. The fifth project is located on State Route 443, Sun Valley Boulevard, 6th Avenue, Jepford Way and Scaggs Circle in Washoe County for pedestrian safety lighting and ADA improvements. There were four bids on this project and the director awarded the contract to Q&D Construction in the amount of \$1,110,000.

Finally project No. 6 is located on State Route 293 in Humboldt County to chip, seal and seal coat. The Director awarded the contract to Sierra Nevada Construction in the amount of \$589,007. And before turning to Attachment B, Governor, does the Board have any questions on either of these contracts?

Sandoval: Member Savage.

Savage: Thank you, Governor, just one comment, Mr. Nellis. There was only one bidder on a couple of these projects and I want to make sure that the department is following up and reaching out to the contractors. I know it's good times, I'm thankful to the New Nevada but at the same time I want to make sure that we're doing our due diligence and assuring that there is proper coverage on some of these bids. Is someone in the department reaching out and discussing with other contractors why they didn't bid these projects?

Malfabon: In response we have noticed that as well and we notice that they are primarily the rural project so we're going to be reaching out to our contractors. We typically get more bidders on some of those chip seal projects so it is a unique situation to see only one bidder on some of these rural projects and we share the same concerns. We want competitiveness on our bids, but we still recommend approval because they were within the – relatively close to the engineer's estimate, but a good point that we will follow up on.

Savage: Yeah, I have no problem with the approval. It's just looking forward I want to make sure we get the coverage and we make the effort as a department to go out and communicate. That's all I have. Thank you, Governor. Thank you, Rudy.

Malfabon: Yes.

Sandoval: Any other questions with regard to the first portion of this agenda item? All right, please proceed.

Nellis: Thank you, Governor. There are 60 executed agreements under Attachment B. They can be found on pages 13 through 17 of 24. Items 1 through 11 are

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acquisitions and cooperative agreements. Item 12 is an emergency agreement. And 13 is an event. Items 14 through 30 are facility and inner local agreements. Items 31 through 35 are leases and licenses. And lastly, items 36 through 60 are right of way, access and service provider agreements. And before I return to Attachment C, does the Board have any questions on either of these agreements?

Sandoval: All right, first I'll start with 29. My favorite subject is research and so this is another extension but this is a contract that started in 2013 and talked about new innovations and rubber and asphalt and we're three years into it and don't have any proper product. And so what do we expect to get out of it, and Mr. Kaiser, I just, you know, again I want to make sure that there's value to this research and there is a return on this research that I could turn around and go to our constituents, my constituents, and say look, we spent \$375,000 on research. But we found this new innovation in rubber that's going to make the roads last longer and that's going to save an extensive amount of money. It's going to make them quieter, it's going to be easier on our vehicles. So where are we in all that?

Kaiser: Okay, Governor, Reid Kaiser, for the record. This research – back in 1990 President Bush approved ISTEA which was an act to fund the highway departments, and part of that act required the department to use recycled tire rubber in our pavements. We have eight projects in the 90's to see if it was a benefit and those projects – they did not give us the life that our current materials gave us, so we haven't used rubberized rubber particles in our pavement since then. And this research is to determine if anything has changed in the last 15 years to see if we could use rubber particles in our pavements again.

Some of the things that we found out is they used larger rubber particles at that time and with the free saw cycles that we have here in Nevada that rubber particle would expand and contract during the different temperatures and it would ravel off and end up on our shoulders. So what we found out was maybe we should use a smaller rubber particle. So they have – the consultant has been giving up updates I believe quarterly or biennially on what they have found. I haven't read them personally but they have been giving our materials division updates.

So this research hopefully will tell us whether we can use rubber particles in our pavements in Northern Nevada. We do use them in Southern Nevada to overlay our concrete for a quieter ride, but we – hopefully we'll be able to find out if anything's changed in that technology in the last 15 years to see if we can use a rubber particle in our pavements in Northern Nevada.

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Malfabon: And Governor, if I may add.

Sandoval: Yes.

Malfabon: We have successfully used – what the industry has done is to add the rubber into the asphalt at a central location rather than to do it in the field. That's where we had a lot of the problems with production in those projects in the 90's. But we do have very good success with the overlays of rubberized asphalt on concrete payments on I-15 in the resort corridor and also on 515 in the Henderson Freeway. Also Clark County Public Works has used it successfully on the beltway by the airport connector. So it's holding up very well in those applications.

Sandoval: So then I guess that begs the question why do we need this research? I mean are we doing that because of what the findings are in this research or have we done all this without the benefit of this research?

Malfabon: They go hand-in-hand. We were trying it out in Southern Nevada. I think what Mr. Kaiser mentioned is we would like to look at it for applications in Northern Nevada and so that's what they're looking at is can we apply this type of thin lip rubberized overlay over the concrete payments that are kind of rough in Northern Nevada? Will it hold considering there is different weather considerations in the winter?

So that's one thing that we're looking at, but like Mr. Kaiser mentioned, I have to – I have not read those reports but I would like to see that it is actionable research as well, but we'll have to get with our technical staff and materials division to respond to those questions, Governor.

Sandoval: No and I don't want to be redundant. We've had this conversation, but – and I know that there is a certain amount of money that's set aside for research. I just want to make sure that it's useful research and doesn't go into a binder that – or that goes into a binder and then nobody looks at it or we don't get the benefit of that because as I said, even though it's maybe some people don't feel like it's real money because it's Federal money, but it is real money and I want to be able to show that there's a real cost benefit analysis to it.

Kaiser: And Governor, if the research does say that we could probably use it in Northern Nevada. The plan is to maybe have a project out here somewhere to see if we could use it. I mean that's a benefit to use rubber tires in our payment and we get

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the same life out of it that we do for our normal materials and it's a benefit to everybody to get rid of those tires. So you know, and again if the research shows it's positive then we'll look at doing a project locally.

Sandoval: So are we going to say this is it, September or whatever the end date was on this, September 30? This is it for...

Kaiser: Yeah.

Sandoval: ...that and we'll have that answer whether it will work or not in Northern Nevada.

Kaiser: That's the plan.

Sandoval: Okay. So that's 50 some days away so it's not far off.

Kaiser: Right.

Sandoval: Okay. And then I want to move to Item 50 which just brings up this pedestrian overpass escalator which again is another one of these things that seems like we've been – I know we've been talking about this the entire time I've been on this board. So just more in the nature of status, are we coming to a close with regard to that project as well and finishing it and turning it over and signing that document that turns it over to Clark County?

Malfabon: There's still several months of construction to take place. Right now they're working on the southern bridge between Excalibur and Tropicana and they'll systematically go to the others and leave three bridges open at a time while they're working on one bridge. I don't know of the exact date but it's over I think a year away from completion. And then we have been having – there's no change in our plan to relinquish it to Clark County Public Works after the project is finished.

Sandoval: And in these it says HVACs. Are these enclosed or not?

Malfabon: Yes, this is for the support for the systems that we're upgrading and the elevators, so you have HVAC systems there, mechanical systems that just not in our wheelhouse so we need this kind of support.

Sandoval: All right, I have nothing else. Board members, any of you have questions with regard to the portion of this agenda? Member Savage.

Savage: Thank you, Governor. I just want to point back to Item 50 on the escalators. You know this was a CMAR project and I'm a little disappointed in the preconstruction

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phase with the contractor, and I can't remember who the contractor was. But these types of issues should be vetted out I would think during the preconstruction phase because we're working as a collaborative team with the contractor with the preconstruction services to vet out some of the MEP issues that might have been up front.

So I think we just need to be aware moving forward that that's what the preconstruction phase is about because I know we have gone once or twice with the contractor on the CMAR delivery and it's still the same contractor. But this is on the design side, and I would hope that the contractors bring those questions to the department is my point, early and up front, because that's what that delivery is all about. Mr. Terry.

Terry: If I could I believe we're confusing a few issues. This is extending the agreement with the firm we had on for the existing systems that were out there. I know that sometimes when we do the – an agreement with a contractor we might say from day one you own the freeway, you do all the maintenance while you're under construction. In this case we chose to do this agreement with the new contractor, make him responsible for his new – what he builds portions. This is simply extending the agreement with the people that are helping us maintain the HVAC and other systems that are on the existing.

So in this case the three legs that have not yet been constructed. We're not asking for more money under that agreement, just extending it because as you remember we extended the escalator agreement and pushed it out a few months ago. So this is not the agreement with our contractor doing CMAR. This is the agreement that we've had for many years to maintain the existing systems.

Savage: Okay, my apologies. I was confused then.

Terry: It is confusing.

Malfabon: Member Savage, Whiting Turner is the CMAR contractor, just to answer a question that you had.

Savage: But when this is all said and done there won't be any existing that the Department will be responsible for.

Terry: Right, we extended this because we extended the other agreement. This will go away when the new one is done and it's turned over to Clark County.

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Savage: Okay, I follow you now. Thank you, Mr. Terry. Thank you, Governor.

Sandoval: Frank, I'm going to go to you. Do you have any questions on these contracts?

Martin: No, sir, I don't. Thank you for asking.

Sandoval: Please proceed.

Nellis: Thank you, Governor. Again for the record, Robert Nellis. There is one consent decree settlement under Attachment C that can be found on page 19 of 24, for the Board's information. The Consent Decree settlement provides for \$60,000 to be paid through United States Environmental Protection Agency and \$60,000 would be paid to the Nevada Department of Conservation and natural resources division of environmental protection for a total settlement of \$120,000. And Governor, with that that concludes Agenda Item 9 and Deputy Director Gaskin as well as Mr. Gallagher are prepared to answer any questions on this item.

Sandoval: No, thank you. And I've had the benefit of already considering and approving this as a member of the board of examiners, but I want to repeat – well before I go, any comments, Mr. Gaskin? Or Mr. Gallagher, did you want to make a presentation on this?

Gaskin: Thank you, Governor, Dave Gaskin, Deputy Director. I will be providing an update on the storm water program a little later in the board meeting so I'll just presents comments then if that's all right.

Sandoval: Well I think it's important to provide some perspective on the magnitude of this settlement, and this board is familiar with it because we've been following this for some number of years. So I think if you could provide a little bit more background and foundation for where we were, where we've gone and where we are and that includes that it was not a system that we were proud of before, that we have invested 10's of millions of dollars into improving our storm water system, that we have reduced a potential fine that was in the magnitude of millions to \$120,000, half of which comes to the Nevada Department of Environmental Protection, how we're incorporating some of these projects into existing projects that we have right now.

For instance, that one of Highway 50, but I think it's important for the record for us to have that because there are records that existed before that weren't real positive and today is a positive day.

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Gaskin: Yes, thank you, Governor. Again, Dave Gaskin, Deputy Director. As you've mentioned, the earlier days didn't seem much of a storm water presence at NDOT. There was a permit from NDP starting in 2004 requiring a storm water program. I don't know if it was just a subset of the existing environmental division at NDOT and they really have the resources or authority necessary to meet the full requirements of the Clean Water Act and the permit issued by NDP.

EPA audited NDOT in 2011 and pointed out a number of deficiencies. The main overwhelming theme was that NDOT didn't have a formal storm water program. They just had some elements that they would incorporate as they had the chance, and opportunity to. It needed to be a more formal effort, a stronger effort, more sustainable. So working with – I was at NDP at the time. We worked with your office, Governor's office, and within NDOT and put forth a very large effort to come together and determine what would be acceptable, what we could do.

EPA had given us a draft consent decree laying out over 60 pages of the document, the details that they were looking for in a compliance storm water program so we knew that it was a substantial effort, and they had very tight timeframes on that. So working together we put together a budget amendment for the legislature last year and Senate Bill 324 that would give NDOT the authority, the legal authority they need to follow-up on their actions in storm water area.

So a lot of effort by a lot of parties to get those through the legislature in a short time frame, and it was a major accomplishment to do that right in the middle of the session. It was very little preparation available. We took that proposal to the U.S. EPA in San Francisco and said here's what we can do, here's what Nevada is willing to commit to to show that we are dedicated to being in compliance, to having a program we can be proud of and that will be a very effective storm water program.

They were impressed by that proposal that we gave them and the budget amendment and the senate bill were approved by the legislature, and so starting in the summer of last year I was placed as deputy director to build the program. Since then we've been hiring and I'll show more detail in my presentation but we're about 80 percent hired in the number of positions. We've gotten a lot of the program elements that were required by the consent decree already completed.

And in our final negotiations with EPA we were able to reduce a lot of those 60 pages of the consent decree down, put a lot more of those elements into the NDP

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permit and have better coordination and control over those items because we were able to give EPA a level of trust that they have the confidence that we meant business and we would follow-up.

And so at this point in time the consent decree is nearly final. I've been saying that for a lot of steps that go into that process, but it was approved by the board of examiners. It's currently up to public comment. It was noticed in the Federal Register last week on August 3 for a 30-day public comment period, and after that if there are no significant comments it will be filed by the court and all the timeframes within that consent decree will – the clock will start ticking on all of those.

In addition to removing a number of items from the consent decree we also got longer, more reasonable timeframes because EPA was given that level of trust that we would do it. So they worked with us constructively in order to have a process that would give us all benefit and succeed, not just penalize this and punish us.

Sandoval: And I know you'll go into more detail with regard to the number of positions that we've added and what that means, but and that's kind of the bureaucratic piece of it. But will you talk from your perspective as an expert and somebody who's dedicated his career to this, is what this means to everyday Nevadans in terms of the quality of their drinking water.

And not to suggest it was bad before, but I really think that we have taken a leadership role nationally to ensure, you know, that what goes into our water systems in this state and how the improvements to the storm water system really I think demonstrates that we are best in class when it comes to that. Because it's not just about Lake Tahoe. This is about Lake Tahoe, Reno, Carson City, Elko, Southern Nevada, we're doing things throughout the state.

Gaskin: Well as you mentioned, Governor, it is an interesting program in that it's integrated into all the activities of NDOT, kind of like safety is. It's not just a standalone program that does safety projects. This isn't the stand-alone program that does purely storm water projects. The idea is to integrate storm water improvements and protective measures and every project that NDOT performs they have elements of storm water in there.

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It is a great impact because it does potentially affect all the citizens and residents of the state of Nevada and all the environmental systems because NDOT's roads permeate the entire state and run off has the potential to adversely affect all the native waters, ground water and surface water.

So this program in terms of where it's come to this point shows great potential benefit and as will show in the public outreach and education, just the awareness of what storm water is and why it's important and what – not only NDOT employees and our projects can do to protect the water quality in Nevada, but it's also reaching out to the public and showing them what NDOT is doing and what they can do at home and other businesses and provide similar safeguards.

We are currently coordinating with the other storm water entities throughout the state in Clark County and Washoe County to make sure that we coordinate and benefit from cooperation and coordination with those other jurisdictions as well.

Sandoval: So as I said when somebody turns on the faucet they can know that we've done the best that we can do to ensure quality water no matter where you are.

Gaskin: Yes, sir. Nevada is the most arid state in the nation and that means our water is the most important to us. And we need to protect it the most.

Sandoval: Indeed, it's our most precious resource, yeah. All right.

Gallagher: Governor, may I add on?

Sandoval: Mr. Gallagher.

Gallagher: For the record, Dennis Gallagher. In my opinion in many ways the settlement agreement reflected in this consent decree is unprecedented in many ways due to the leadership of the Governor, the Governor's Office, the Department, the Department of Conservation, Natural Resources, and of course with the cooperation of the EPA.

This could have been a very nasty lawsuit, adversarial, but instead of focusing on what was and what wasn't done I think given the guidance of the various leaders a decision was made, let's look on a go forward basis. How can we make this better, recognizing the past but how can we improve the future, and in that regard I think it changed the whole paradigm of how these different agencies worked with each other and would work with each other forward.

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And I'd also like to recognize I've never seen the Nevada legislature move so quickly on a bill as they did here across party lines. And so I think Kudos should be given to those in the leadership positions there that helped make this a reality. And as they've indicated, the agreement has been executed now by all the parties. Under Federal law there is a comment period which will be up in early September.

Assuming there's no significant comment the judge will order the order, the payments will be made and the department will be carrying out its duties as specified in that agreement. As Dave indicated we made sure with the cooperation of the EPA of all the commitments that the department has made are doable in a timely fashion and I think Dave in particular should be recognized for his great efforts in that regard. Thank you.

Sandoval: Thank you, Mr. Gallagher, and you've prompted another thought that I shared at the Board of Examiners which is the other side of this as well. You mentioned EPA and Jared Blumenfeld who was the director for Region 9 who's no longer employed with the EPA was a major player in all of this. The EPA as well as the Department of Justice could have really brought the hammer down on us, and they chose not to because of the leadership that you talk about, and there's a lot of credit that goes to a lot of people to make this happen.

Because as I said, it could have been a much different outcome, and we still could have done all these things and they still could have levied a substantial fine, and they chose not to. I think they saw the wisdom in that what good is a fine versus being able to have that money and continue to invest it in doing the right thing in terms of projects versus being able to say hey, we fine Nevada X amount. I want to compliment Joe Reynolds in the office as well with the Governor's Office and he put a substantial amount of work into this as well and I want to make sure that I mention Joe too because I think he deserves credit in terms of having those conversations with the EPA.

So this really has been, you know, I'm trying to think of a different way to say it 'cause I hate these puns, but a long road, and but it is an epic outcome, it really is. This is one of those issues that goes under the radar screen because it really isn't, you know, top of the line unless it was a multi-million dollar fine; then you would have read about it. But because it's not and that we have added those positions and increased that funding and actually done these projects there is a tangible, positive result, not just now but going forward in a showing of an absolute

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commitment by the state and by this department that we care about the quality of our drinking water.

We will continue to care about it and ensure that the people of Nevada, when they turn on that faucet, can know that the water they're drinking is high quality. And as you said, Mr. Gaskin, it is indeed our most precious resource and something that we have to fiercely protect. All right, any other questions or comments with regard to this consent decree settlement?

Hutchison: Governor.

Sandoval: Yes, Mr. Lieutenant Governor.

Hutchison: Thank you. And Mr. Gaskin, thank you and Mr. Gallagher for your tremendous efforts. Again I just want to join with what the Governor said in congratulating not only his office but the state agencies, the legislature, NDOT. My question was touched upon, Mr. Gallagher, by you. You know as I read through the stipulation there are obviously important performance measures and deliverables and you're confident and Mr. Gaskin, you're confident that we're able to accomplish those as a state in light of the stipulated penalties that are set forth in the consent decree. Is that right?

Gaskin: Dave Gaskin, Deputy Director. Yes, Lieutenant Governor, we've had ample time to give this careful consideration. There were a number of items in the original draft consent decree that we were able to work with EPA and either extend the time frame or manipulate the language so that this would be – would have a better chance for success. We're confident that we will succeed. We just had that relationship with EPA that was constructive and had that support and trust shown by the State of Nevada that we could make it something as effective as possible, not just a mandate, here build the program no matter what.

So yes, so I do think we feel very confident that they way that NDOT has accepted the program and all the various divisions have been supportive and cooperative has been quite frankly pretty amazing to come into a large, well established agency and try and institute a culture change is difficult at best. But it starts with the high level of support we got from Governor's Office and DCNR and everybody involved in the process in building the trust and cooperation with our regulator that allowed us to get to a place where we feel confident that we will succeed.

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Hutchison: Thank you for that. And again congratulations. It's good to hear of examples of Federal and state cooperation and partnering to find resolutions rather than sometimes the conflicts that we see ourselves in. And that's a real tribute to all the people we've already mentioned and discussed and it's a milestone for the state. So congratulations everyone. Thank you very much, Governor.

Gaskin: Thank you, sir.

Sandoval: Other questions or comments? Any further presentation?

Nellis: No, sir. That concludes Agenda Item No. 9.

Sandoval: Thank you. So let's move back to Agenda Item No. 6 which we've talked a little bit about, the briefing on the Southern Nevada Traffic Study.

Terry: Again John Terry, Assistant Director for Engineering and with the Board's indulgence I'll sort of tweak the presentation a little since we've covered some of this and try and go through it quickly. I do want to make the point up front that this item isn't just a consultant agreement but to get an understanding of the Board of what we're doing and why and maybe an answer to some of your questions earlier what this study does not include as well so you can have an understanding of what we're doing.

As it says it's a region wide traffic forecasting analysis, an alternative evaluation. It also includes some cost analysis of all the urban, Southern Nevada freeways in coordination with projects that are already ongoing. And you'll see on the map later that we're not going to re-study what we already studied, simply coordinate with that. And to look at our strategies to meet the department's needs on this.

This map was in the Board packet but I thought I'd put it in here as well to talk about the extent of the freeways we're studying as well as to show that we're not re-studying the areas in yellow that are already part of jobs or have been previously studied, and that some questions may come up on that eastern or on the far right of that picture, that eastern leg is – we want to just put a link in that eastern leg to really evaluate the impacts of traffic on the I-515 which may or may not be I-11 as you go through Las Vegas and why that's important.

So the limits include all the major freeways with a real emphasis on I-15, US-95 and I-15 and I'll mention 215 as well because we are on discussions and negotiations, of course, with Clark County about taking over more of the beltway

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so we feel it's coming on us to analyze that freeway as well. So the major [inaudible] traffic, collecting the data, forecasting and planning the traffic data and then analyzing it after that, and then some benefit cost and performance measures that we get out of these studies.

The alternative analysis and preliminary design are mostly focused on 515 including the 215 along I-15, the area south of NEON, along 215 and from I-15 to Tropicana including that system interchange and some areas along 215 and there at the bottom is putting in that east side link. This is maybe a little too busy and complicated, but just to say this sort of shows how we're coordinating with other studies that are ongoing in the area and where we're doing detailed analysis and where we're not because it's already being studied, especially in the yellow in terms of other jobs, and that we're just incorporating that into the study.

Why do we need it now? I think this is a critical point is that we did a lot of NEPA documents in kind of that era in the early 2000's, 2003 into 2009, and their based on projecting out to 2030 so transportation projects are usually done 20 years in the future from say the date of opening, so obviously 2030 isn't quite far enough now as we move further in. So we need to update the projections as well as the analyses into 2035 and then we're going to project to 2040.

Why two different ones? Well the RTC regional model has been updated to 2035, but we're going to project out beyond that into 2040. It's going to be awhile before their traffic models are done out to 2040 but we feel we need to take both steps. Why? The 2035 model in particular, we need to be in compliance with the approved air quality conformity for the whole Las Vegas valley and we need to design and construct our projects based upon the 20-year projections which we currently aren't in some cases because time has gone by.

Why is it so expensive, why so difficult to do this? I will add before that I believe this is a requirement of the Department of Transportation. I mean we need to have updated traffic modeling for our system. This is beyond the ability for us to do it ourselves. We really have two people in kind of that traffic modeling and analysis section. And they pretty much will approve this model as it's done but it's beyond our capabilities to do it because we have to have consultant help.

The 2035 Southern Nevada regional model is quite complex. We use the word mode choice in there. What does that mean? In theory it shows that people will make a decision whether to take transit, whether to use a car pool and use the

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HOV lane or whether to drive their vehicle themselves, so that's an added complication that is in the Southern Nevada model, was not in the 2030 – model is in the 2035. Again we're updating and projecting out to 2040 and the extent of the freeway system being covered is so extensive. It includes four system interchanges and each side link and then obviously a lot of lane miles of freeway.

I know those acronyms don't mean anything to you but they are complex computer modeling. TRANSCAD, that really models the travel demand to where people want to go, kind of a gravity model of taking people from their homes to work, et cetera. CORSOM, HCS and VSM are modeling programs that then model where the traffic goes, how the traffic operates on the freeway to a level of what speeds they will get and other analysis of that, and then the benefit cost model after that is quite complex.

I'm not going to get into why the team. We approved this team. We talked about we have a team that does this and that we approved this item. But kind of to address the Governor's comment before, this isn't research – just – or traffic projections for no purpose. We need this information to move forward and we are going to utilize this information moving forward. We need to assess and prioritize future projects. We're literally analyzing billions of dollars of existing infrastructure and billions of dollars of improvements, but we're not going to do those billions of dollars. We're only going to do some of those. We need to prioritize which ones to do.

We are doing this traffic data in a way that we have a planning and environmental linkage very similar to what we did at the Reno Spaghetti Bowl where we did the traffic study up front and that was sort of a leader item into the environmental document. This will be a leader into environment documents that we do on any of these freeway systems moving forward. Some of the areas that it's needed, we need to do noise analysis based upon updated traffic. Those are included in all major freeway analysis. We use that to – where to put noise walls.

I mentioned earlier mobile source air toxins. Those are the localized air quality impacts of major freeway projects and we need updated modeling to in order to do that. We use our traffic modeling for our pavement designs of how many axle loads we're going to get over the next 20 and 30 years. And we do change and control of access studies for the Federal government and we have adopted that on ones that are not interstates as well so any new improvements or any new changes to the interstate you need to do detail traffic analysis at these dates to analyze the

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system and then the I-15 link in the eastern Las Vegas valley. And with that I can answer any questions as to what this is or isn't as a part of the study.

Sandoval: Thank you, Mr. Terry. Questions from Board members? You may not be getting questions because we used them all up on that other agenda item. [laughter] Mr. Lieutenant Governor, you have any questions?

Hutchison: Just a quick question about the impact of I-11 and whether there's going to be a valuation for I-11 and its proposed routes or how it's going to, you know, affect the Las Vegas area. Is that going to be a focus of this study?

Terry: What we do as a part of this study will roll into what would be done on I-11, the portion of I-11 in the Las Vegas urban area, but we are choosing not to start on the environmental at this time, but we want to study Interstate 515 with this east side link in there to really look at the traffic ability of I-515 to carry it and how much it would be improved with some sort of link in the eastern valley, but we're not going to the level of where that link is, what properties are impacted, those types of things. We're pushing those off later to an environmental document.

So what we do here will absolutely not be wasted. It would roll into an I-11 study and we really need to study the impacts to 515 which frankly is becoming a very congested corridor in the Las Vegas valley.

Hutchison: Thank you. I know we have talked about this earlier. I don't want to rehash what we had said before, but so much of these studies are going to be dependent on what happens in the future. I mean you're necessarily projecting out into the future 20 years. You may have another, you know, MGM city center situation or a stadium or, you know, the gaming control board recently considered a major gaming development in west Las Vegas. So I think you just can't anticipate everything, but how do you anticipate major structural changes to our city over the next 20 years or do you even take that into consideration?

Terry: Land use planning, especially land use planning in a growing area like Las Vegas is complicated, but I think many of you would be surprised at how much is already anticipated in the regional model. In other words, they take vacant land that's out there and how it's zoned and it's a complicated process. Yes, there's some major things that may happen, but I think you'd be surprised how many of those are already anticipated in the regional model. I don't think as a department

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of transportation it's up to us to change that model. We need to incorporate that model from the urban area and we do that.

That being said, if something major happens like Faraday and that development at Apex happened, we were already doing our I-15 North study and we decided finish that study or do those projections but then do another run with Faraday because that may be above and beyond the regional model, and I think that's what needs to be done with – as these other things, whether it be the stadium or other major developments; you need to look at where those are already accommodated in the regional land use plan, and if not perhaps consider doing a secondary run to look at those.

Hutchison: Great. Thank you very much. I appreciate you responding to my questions. Thank you, Governor.

Sandoval: Member Skancke.

Skancke: Thank you, Governor. Lieutenant Governor just sparked something. I'm really glad that we're looking at the eastern connector as it relates to how we look at additional mobility throughout the Southern Nevada region. I think it's also important to point out that as we look out to 2040 some of these projects are not going to be extremely popular and both politically as well as financially. And so what's important for a study like this to look out to 2040 is that we start at least informing the public that something may be considered in the future and so as local land use planners take a look at future development.

If there is an eastern connection we're not going to put up a 10,000-unit apartment complex or it puts people kind of on notice that these are the types of infrastructure needs that are going to be needed in 2040. And 2040 is just around the corner. So it ultimately saves the Department of Transportation or the RTC or the local jurisdiction money on rights of way acquisition in the future and also informs people in the community of what might be coming 20 to 30 years down the road.

So in addition to being prepared for future development and large developments in the region and taking that into consideration, having a conversation of how we connect the eastern part of the valley in Southern Nevada is critical to the future of Faraday, or other future economic developments in our community as we continue to diversify our economy. So I think on that point alone, encompassing

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all of this and taking a look at I-11, et cetera, et cetera, is very critical to the future of Southern Nevada's economy. So thank you, Governor.

Malfabon: And if I may add to Member Skancke's comments, we definitely feel that it's good to look to the future in Southern Nevada and to figure out what are our priorities going to be in transportation improvements. By no means any kind of planning study or traffic study is going to preclude any developer from making their decisions. We don't want them to not build something because we draw a line on a map for planning purposes.

So we just want to make sure that city councils, county commissions don't take any actions that put them at risk or the department at risk of lawsuits for not developing because of a future consideration for a corridor. We don't want to prevent any kind of private citizen from developing their property the way they best see fit.

Sandoval: Any other questions or comments? Thank you, Mr. Terry. We'll move to Agenda Item No. 14, Briefing on Naturally Occurring Asbestos, et cetera.

Terry: I guess that's back to me and again, John Terry, Assistant Director for Engineering. I wanted to stand up because I'm only doing a portion of this and turning it over to some of our consultants that know a lot more about this than I do. So the purpose of this presentation, really we said we'd do this back in February Board meeting and when you approved the item to hire the NOA consultant kind of statewide. We said we'd only do certain things until we came back to this board and presented about it and this is that presentation.

You requested this follow-up. NDOT has continued with some aspects of this work, assessments for NDOT right of way and easements and we've been doing other activities kind of leading up to this presentation to study asbestos issues statewide. I think most of this board is kind of aware of all these issues but to kind of summarize, we're not talking about commercially processed in any way asbestos. We're talking about naturally occurring asbestos that's in rock and soils that have a potential to pose a risk when you disturb the soils.

That erionite is also a naturally occurring material similar to asbestos that the experts can kind of tell you I believe is not directly regulated by the EPA, but we and many others are studying it because it's believed to have similar impacts. Inouye, we're not the first ones to deal with this. It kind of started with this study

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in the Boulder City area. California has it in many of their counties. Thirty-five states deal with it. We came to this board when it was discovered in Boulder City.

In Boulder City we have dealt with it. Both contracts are proceeding. Yes, it's cost us some time. Yes, this cost us some money. Both projects are proceeding. Some elements of our team and other teams have helped us deal with it on that project and we're moving ahead. But this issue of erionite in Nevada, there's the potential, only the potential, that it's found in some of these areas in volcanic ash and debris and it's deposited across the state or could be.

And with that I'd like to kind of turn it over to our team to discuss the more technical issues of this. This is the team that we hired to study NOA statewide. I'd like to have the experts kind of explain where they've gone to so far and where they're going in terms of the scope of work on this contract.

Surbrug:

Thank you, Mr. Terry and Governor and the Board. I appreciate this opportunity to provide an update on the agreement to provide technical services for NOA and erionite to NDOT. Again, I'm Ed Surbrug for the record. I'm the project manager. Also have Steve Bradley along, our engineering geologist. And Colin Willits who is our GIS specialist that's help prepare one major important part of the agreement and that is to provide or to create a web mapping application that can be used by NDOT and others to look ahead at the potential of encountering NOA and erionite in the area.

I also would like to note that we – that it is a true team effort. We've worked with NDOT on the Boulder City bypass project back in 2014. We also worked with Klinefelter and Broadbent, a couple other consultants in the area, and so we've included them on our team. But we also work very closely with Dan Harms and Steve Cook and others in the environmental services group.

There's four major tasks to the agreement and the first one is to build this GIS based web mapping application, and that's the tool that we'll talk mostly about today. Part of also going out and doing any fieldwork or whatever, you do need to prepare some sampling analysis plans, some other quality assurance plans and health and safety plans so when we go out we know that we're not being exposed ourselves and also just what the risks are out there.

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And then the third task was to procure some analytical labs because a lot of this is sampling and analysis. And then the last part is to provide the fieldwork and the response for the assessments of going out and supporting NDOT. Today we'll just be talking about the first task and the fourth task for the most part. So task one, we created this web based mapping application.

It's kind of a compilation of both geospatial data which is all the maps and the roads and all the layers and stuff that we could get from NDOT and other resources like the Nevada Bureau of Mines and Geology, putting them all together and then starting to put some intelligence into the application so that we could see what the potential is for the NOA and erionite. Colin will be giving a brief little demonstration like it's a minute or so of the application today, and then Steve will be talking about some of the geologic stuff.

Today we have tested and screened over 25 sites in Nevada using this application, so we know it works. We're going to continue to improve on it. We've done some sampling and support of NDOT to build some decant basin sites for your storm water related issues, and then also just material pits across the state for the roads.

So this is some of the screening that we do I've put just two examples in the table. The first one is a decant basin site, and this is in support of the storm water program. There's a site up new Tonopah that was provided to us. We looked at the geology and the soils in this area and we saw sure enough there's some interesting rocks up there in Tonopah area that could potentially have some NOA. It wasn't erionite. It was NOA in this material.

So we looked at that. We decided it did have the potential and that we would need some sampling before we could safely tell NDOT yeah, you can go ahead and, you know, construct a decant basin in that pit site. The second one is another example, and this is kind of planning for the future like you were saying. We were tasked to look just generally at a pretty high level for the soils and the geology around the Garnet interchange upgrade project. And again we don't have any specifics. We don't know the materials pits or whatever, but we did look at that site.

Now the geology for these sites, this is just some screen shots from our application. Colin will show a little bit more, but the one on the left shows the site up at Tonopah where we went out. And the rock material on the left has the

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potential to have erionite in there. Steve, I should probably turn this over to Steve. He can speak more about the specific geology and the Garnet site is the interchanges on the right side. All right, Steve.

Bradley: Thank you. Steve Bradley with Tetra Tech. As Ed mentioned the Tonopah site shows some volcanic rocks in the source areas. The area with the bulldozer out there, that's the material site where the decant basin may be constructed. So we looked at source rocks and also downstream the alluvial materials that may be affected during any kind of construction or disturbance. The Garnet site we were basically asked to do a preliminary desktop research which we did. Fortunately we had a crew already working at Glendale and we were able to do a visual drive by.

And again kind of the keys for us are what are the source rocks? Is there potential that it might be NOA in the source rocks and/or erionite and what's downstream of them and are they in areas to be impacted. As we look at the intrusive volcanic rocks in Tonopah, yes, there is a potential. That site had a high potential or moderate to high potential for NOA and erionite. And the Garnet side had very low potential, and that's because most of the source rocks are sedimentary, older sedimentary rocks.

So we kind of do an initial prescreening, able to do the geologic reconnaissance and then in the maintenance station decant basin site we actually did physical testing, and we're waiting for the lab results on that. Here's another material pit site south of Searchlight. It's an area that actually was already redeveloped and you can see the old pit areas in 10. And here's kind of an application where we used the geologic source areas, as you can see on the map to the left. There are some extrusive volcanic rocks in the area.

Again the pit itself is primarily lying in alluvial material or recent sedimentary soils. And then we did use the soil conservation maps to identify sampling areas. So with this program we did these 11 sample areas collecting aliquots or multiple samples in each one to get a good representative sample of whether or not asbestos or erionite are in that natural material there. So I'm going to hand this over to Colin because he's going to talk a little bit about how we drill down from the global maps down to the local sites.

Willits: Thank you very much, Steve, and thank you again for allowing us to be here. Again, my name is Colin Willits and I am a GIS coordinator and a web-mapping

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specialist for Tetra Tech. And just have a couple more screen shots here and a brief video that just shows a little bit more of the functionality within the mapping application. The mapping application is developed using ESRI's web based technology and that's important because ESRI is the leading manufacturer of GIS products and this will help us to maintain this application and improve upon it in a much more cost effective way.

The image on the left shows just a brief introduction to the project and a little bit of a disclaimer. And this is what users would see when they first log in to the application. And then the image on the right shows I believe the maintenance stations are turned on there, and then it just kind of gives a brief snapshot of the various layers that are actually currently in the application. In the next slide, this is a short screen video of the application actually in use, and as we play that you can see some basic navigation here very similar to your Google maps or Google earth panning and zooming, turning on and off layers.

We're looking again at the maintenance stations here. As we zoom down into an area here this will show us a little bit more about how we can actually click on a feature and see more information about particular features in the map. That just happens to be the Searchlight station. Here we're depicting – actually turning on more information. These are the materials pits provided by our NDOT mapping folks, and there's some more information behind those as well.

There's various ways of actually pulling up information about a particular feature or location. You can actually look at this in a tabular form or by clicking and interacting with it in a mapping application itself. And this is – what we're showing here is just the ability to drape more layers on top of each other so you can kind of paint a better picture of what's going on at a given location. Either there's some sample locations that were collected during a task of our project and this just shows actually drilling down into the area looking at this materials location and the sample locations along with some of the geological features that surround that area. And with that I believe I'm going to hand it back to Ed.

Surbrug: So task one is not fully completed yet. You saw that we do have the web map application pretty well built. We will keep adding more information as we get it and as we collect the data we can add the results into this model as well. But we also need to confirm some of the geology and stuff, especially like you saw the green triangles for the erionite deposits, and they claim they are actually there

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because it was the USGS back in 1996 that published this report that they would want to go mine this material.

It is a valuable resource for water treatment and other things, so we would want to drive out and see if there is some erionite and some of the other major geologic units are where they're supposed to be in the map. So and there could be some selective sampling in the road right of way or whatever to help confirm the web mapping application data.

We plan to work with NDOT's IT and GIS departments to make this available from their web page and all the details on how it would be hosted and those things are yet to be determined, but we have no doubt that it should work well in that respect. And then the ultimate goal is to have this project such that we can turn it over to the NDOT environmental services group or the maintenance staff or others within NDOT so that say there is a big, you know, rainfall event, precipitation event, and they have to go out and put in some new culverts or clean out something and do some maintenance activities along the roadway.

They would be able to go to this application, click on there, see if there's any potential for encountering erionite or NOA before they go out there with their backhoes and start doing any major excavation. Also it would provide some information on to see whether analytical sampling and analytical data would be needed to back that information up. So I did mention that we did have task two and three also. They are mostly completed.

We completed a master sampling plan such that then we can be very responsive when NDOT calls and says they want us to sample material pits in Nye County or another place, location. We would have the plans already. All we need is a new route to the hospital and a couple other numbers on how many samples to collect and we can quickly get that done. And we have already procured some analytical laboratories. I went through a process where I made sure they had the credentials and knew what they were analyzing for and had the good qualification.

Finally, task four is the one that's kind of the on-call task where we can be tasked to go out and today just within the last month or so we were tasked to sample the locations for six decant basin sites, and they are all within maintenance yards, Alamo, Pinaka, the Tonopah one which you heard about, Searchlight and a couple others. And they had them laid out and we had utilities cleared and we went out and collected surface and subsurface samples at these locations.

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We've also screened multiple other sites like Steve talked about. So this is just a visual of some of the surface and subsurface soil sampling that is typically done. For asbestos and for any mineral like this you need multiple aliquots of samples. You can't just go out and collect one sample and put it in a jar and think it's representative. So the one on the left is the 30 surface soil aliquot sample, and then the one on the right is where we did contract with a backhoe to come in and collect subsurface soil samples. And I believe that's it. So thank you again very much for this opportunity.

Sandoval: All right. Rudy, how much have we spent on all this?

Malfabon: John, do you know that number?

Terry: We had a presentation awhile back on what we spent. I believe on consultants we spent 3 or 4 million dollars on mostly labs and testing and stuff. I believe the bigger cost is the impacts to the Boulder City project which we thought was a few million dollars because we found it and we had to deal with it and delay it. So we spent millions of dollars but we could follow up with the exact amount.

Sandoval: Because I had thought that our activity was limited to what was going on around Boulder City and that the next discussion whether it was whether we should go statewide, but apparently we've done that already then?

Terry: Well again statewide outside of District 1 or Southern Nevada all we've done is this map research essentially, another tabletop thing and pulled together all the existing geological studies, imported them into this model and looked at the geology of the state compared to the NDOT system. We anticipate following up in the areas that show a potential with some actual testing, but so far before this meeting in the rest of the state we've just done the tabletop stuff of getting all the geological data overlaid with the NDOT facilities.

But we plan to do selective testing on identified locations. The rest of the testing's been done not just in Boulder City but remember we said we were going to move forward with our material sites, et cetera, in the Southern Nevada area and that has proceeded.

Sandoval: Yeah. And that's what I recall the discussion was. But you know, I guess, you know, I'm not an engineer. I'm the first to admit that. But you know and I can see the wisdom in having done it with the Interstate 11 project and the bypass because there was massive grading and bringing in materials from outside, but now we're

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looking at these very small sites throughout the state where, you know, is there really a health risk out there with regard to those sites?

Terry: I'll let the experts follow up but again, part of this desktop exercise is to essentially clear many sites and say there is no potential out there. You don't have to do much of anything, but on the few sites that there are a potential then before we sent our people out there and start disturbing the soil we have to do some – I'd like to turn it over to you to answer that.

Surbrug: Sure. So I think the major aspect would be say for a two-lane to be widened to a four-lane for, you know, seven miles or whatever. The bigger road jobs is where you would do testing of both the material pits coming into that job and maybe, you know, the material within the right of way as well. For the small ones, you know, to do some surface soil sampling or whatever and then send it off to the lab is just good information. And again, I think there's going to be a lot of non detect which is good to know as well.

It's not, you know, it is to provide information so that you don't run into an I-11 surprise where all of a sudden you're halfway, you know, or started on a project and you find out there is NOA in that material. And I guess the whole building of the GIS web mapping is to provide that up front screening opportunity, that information there to screen these sites and then you, you know, a lot of the sites may not need any further information, any sampling at all.

Sandoval: No, I just, you know, and I'm not trying to diminish this, but it seems like it's a solution in search of a problem, and we're spending millions of dollars on this and even my recollection is with I-11 is that we really didn't – I mean we did dust control, but there wasn't a significant amount of airborne asbestos that we found out there and we spent a ton of money on that. And so, you know, I don't know why we're doing all this testing when we don't even know where we're going to be doing road projects in the future.

I get that if we're going to widen something somewhere that we go in and do a sample, but right now we're going to some pretty remote areas and testing when there isn't a significant health risk out there. So I don't know if there's a question there, but you know, I'd kind of like a comment. Rudy?

Malfabon: And if I may, the – in some areas maintenance is conducting activities to mine out the aggregates of a pit and that's an example of where the testing material deposits

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as we call them or gravel pits. We just want to make sure that we do the mapping and take the necessary precautions if there is an area that has potential likelihood of having naturally occurring asbestos or erionites to protect our employees and our contractors because we open up these pits to maintenance or to our contractors for construction projects.

But we are – we feel that it's just taking some precaution in the areas where it's likely to occur is the smart thing to do, just so we protect the health and safety of the public and our employees and the contractors.

Sandoval: Well and you've introduced something new because two years ago we never had this conversation and I'm not aware of ever there being a risk and now you're saying there's a potential risk to every citizen in the state as well as every employee at NDOT.

Malfabon: No, Governor, I think what I'm saying is that there are some, as was noted in some of the maps, it could be there so we just want to make sure that we do know where it could occur and then do additional testing. But I also think that it is – I-11 was a game changer nationally and I think that something will probably be coming as far as from the NEPO requirements, environmental studies will have to be looking at this on our major projects that have earth work so that we are assured that we're not disturbing any areas that could have it potentially.

But we're not looking for a problem. We're definitely trying to be very just focused on where is it likely to occur and having that assurance that it's not there I think it gives us some peace of mind as well. So that's why we're taking this approach of looking statewide at our materials pits and looking at the mapping of the geology in that area. We're not checking areas where it's very low likelihood. We're looking where it's a high likelihood of occurring from the sediment from rock formations, for instance, that goes into a gravel pit. But it is something that is a game changer. I would like to reiterate that.

Sandoval: Well you're saying it for the first time today. You've never said that before.

Malfabon: Well I had a discussion, Governor, with a member of AASHTO and he was asking some questions about what's happening with our project because I think that there is some interest from US EPA and those that deal with environmental studies, environmental impact statements, on large projects in some areas that

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might likely have it, so that's why I say that it's new. We were, you know, the first to come across it.

There's been other projects such as dams and other projects in California that have come across this before but it was the I-11 project that really I think is starting to get the interest of Environmental Protection Agency and Federal highways because of their involvement with I-11 and the environmental study for that, that is – it could change – impact other states, not just Nevada where this mineral could likely occur naturally.

Sandoval: Well, as I said, this is a massive policy consideration and change based on a conversation at an AASHTO conference and, you know, with regard to the I-11, we spent millions and I know [inaudible] as well and did hundreds of test holes where there was a finding of non-detect. Ms. Quigley is here and I think she had said that it's easier to find a desert tortoise than there is naturally occurring asbestos.

But I would love to have the benefit of your perspective or the RTC's perspective on this, but I mean this is much broader than I had ever thought. I can see testing the pits where we get the fill or wherever you're going to take the fill and replace it where there's a massive disturbance. But now we're going to be looking at every maintenance yard in the state, we're going to be looking at every highway in the state. There are thousands of miles and places that are now under consideration here.

Malfabon: And I would like to ask to have clarification on that. When they say maintenance facilities are they talking the gravel pits?

Terry: Yes.

Surbrug: To clarify that we did meet with some of the maintenance staff as well and they expressed concern that when they go out and, you know, re-mine and replace their material for sanding roads in the winter and that sort of stuff that they really would like to have some information on whether that material has any NOA or erionite in it. So this would be sampling material pits that would be used in that aspect of maintenance.

The culverts and that sort of stuff, you know, I can't say other than you could – I think I was trying to say you could use this tool to go to that part of the NDOT

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property right away and see if there was anything geologically in that material, but I wouldn't know about the road.

Sandoval: Where do we get all our sand for winter maintenance?

Malfabon: It's a combination of mining from gravel pits, but typically we purchase a lot from commercial sources in the urban areas.

Sandoval: And that was my thought. So wouldn't that be the responsibility of the provider to certify that it's safe?

Malfabon: That's what we're doing now in requiring that in our specifications, that they take some...

Sandoval: But we didn't do it before, correct?

Malfabon: It wasn't done before. It was something – it's a new requirement that we – we've done some testing ourselves and we're requiring that they do some testing on their own if they're going to provide that source of sand or gravel to the state for use.

Sandoval: What proportion of the materials that we use for that purpose are purchased externally?

Malfabon: I'd have to get that information, Governor. We could look into that and inform the board of what we purchase and what we produce ourselves.

Sandoval: My concern is this, is that we have that issue on the Boulder City bypass and the I-11. I said it before, public health always has to come first. We invested a massive amount of money and hired a consultant to do that testing out there and essentially there was a finding that you only had to do typical maintenance that you would do anyway which was dust abatement in using the water and those things.

And now this has expanded, as I said, to if there is any disturbance whatsoever we're going to be spending that money when for 151 years there's not been an issue and now suddenly there is and there hasn't been any health issue that I'm aware of other than that which was brought up by the UNLV researchers which was to be – which we determined not – I mean we tested and found that it wasn't a public health risk as long as you use that abatement program.

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But now it's everything, and it just concerns me that today you've said we want to protect our NDOT employees, which I do as well, but they've been using external stuff, so I think it's the responsibility of the provider to be testing that and being able to certify that it doesn't gain that rather than us going and testing every time a load comes in to make sure because that happens a lot.

And so I don't want to be spending millions of dollars to be testing sand and things that keep coming in from external places when we can go to the source and certify them there instead of having these one offs time and time again. So I just – I feel like we're moving into this a little haphazardly rather than being a little bit more strategic in terms of how we do it.

Malfabon: And Governor, we have added that requirement to our – when we procure those materials so that it is the responsibility of the provider of those materials. And I didn't want to leave the board with the impression that we're testing everything. We're only looking at where there's a very high likelihood of it occurring in a material pit, a gravel pit, that maintenance could use to basically process their own sand or dig out for say flood improvements, they dig out some of the soils and we just want to check out some of the pits where there might be a high likelihood. We're not going to check every single project or every single pit where there's a low likelihood of this occurring.

Sandoval: Well this is – what we just saw is a little broader than that.

Surbrug: But just really as far as a GIS mapping application it's fairly broad, but in a way what I guess I see is that it eliminates the need for a lot of different sampling because it can help through just information that is known in the geologic materials and through our experience. We can essentially eliminate the need for any additional samples so rather than cause more sampling it seems like this tool and this whole NOA technical services could actually minimize the costs for NOA and actually still while you're adding a high level of security for knowing if that material has any risks in it for the NDOT workers or others as well.

Sandoval: Yeah. Well I'm going to support this but I'm going to remember this conversation as well because we've gone from tens of thousands of dollars to hundreds of thousands of dollars to a couple million dollars to several million dollars and it has escalated from where we started. And today is the first day that I've heard that there's a possibility of a public health risk as well as a risk to NDOT

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employees which adds a completely different element to all of this and it sets a legal standard for us as well, Rudy.

So I think, you know, that as I said it's changed the complete dynamic on this going from well maybe we should do it to where we have to do it. And so I, you know, and just so we set this record straight, and I'm hoping because on these pits that there is a one-time determination that we can get a certification but these don't contain any of these materials and then we're done with those pits.

And then the materials that are brought from the outside that we have an absolute foolproof certification that those materials that are brought in which I would imagine is probably 80, 90 percent, that they are certified that they don't contain any of those materials as well so that we're not having to test a trust because like I said you've set a standard today that every material that's brought in and is going to be exposed is not going to pose a health risk to NDOT employees as well as the people in Nevada. Any other questions or comments? Mr. Almberg.

Almberg: Thank you, Governor. From a health risk standpoint who is the risk to? Is that to Joe Public that drove by a dusty gravel pit one time? Is it at risk to him or is it a risk to the person that actually works in that gravel pit every single day? And what risk is different from that person that works in that gravel pit every single day? There's already measures in place as the Governor said with mitigation of that by keeping the dust down, keeping it watered, following procedures to come in here. Will those procedures keep this risk down and is this risk only a risk to that person that works daily in that environment?

Surbrug: Risk to asbestos exposure is a very complicated beast as you well might imagine and I'm not a risk assessment specialist. I did work for many, many years in Montana on an asbestos site and so I went to lots of conferences and listened to a lot of expertise. It is not one-fiver and it is not one day and it is not driving by. It takes multiple times and how you're exposed and your age that you're exposed is all, you know, parts of that aspect. And it's a very slow 20 to 30 year latent period as well so unfortunately that complicates things even more.

But what – if you know that you're working in an environment that could have asbestos or maybe does, and we're doing the ambient air sampling for phase 1 and phase 2. I could tell you our 10 stations around that project find asbestos in a five-day sample almost every time we sample. So fibers are out there. It's just

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the amount and the concentration and how you're exposed that's going to cause the health concerns. I don't know if I answered your question but...

Almberg: Well I mean you did answer the question in the fact that I don't believe that the public is the one that necessarily is at risk from driving by and was thinking maybe more of those workers that are in that pit every single day.

Surbrug: Yeah.

Almberg: The next question based on your GIS information that you had up there on the screen, is that background information that you're using on here, is that stuff out of the soil conservation surveys?

Surbrug: The soil mapping units are from the – yeah, the NRCS.

Almberg: Okay.

Surbrug: [inaudible] database.

Almberg: Okay. And so based on that, I can understand us looking at a larger portion of the state based on these studies, but that would identify potential risky areas and then that – wouldn't that not eliminate all the other areas so that we can come back in here and say hey, really based on the information that the NRCS or this soil conservation has out there we can look at it as a grand scale and basically eliminate 90 percent of our state...

Surbrug: Definitely.

Almberg: ...right away. And that would preclude us from...

Surbrug: And one of the...

Almberg: ...having to go out and sample all over the place?

Surbrug: Yes. Sorry to interrupt. Yeah, one of the layers that we're hoping to develop and confirm and get confidence in is to turn on the potential for NOA and erionite layer and you would see whether any of those units are in your five-mile long road project or whatever and then you would have some concern. We also hope to build some intelligence in there that might help assist with whether any sampling would be needed.

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If it's still low potential and we know that that material was sampled five years ago or two years ago and it came back with non-detect you wouldn't need any additional sampling versus material that might be a high potential and had never been sampled if that geologic or soils unit had never been sampled.

Almberg: And so that is something that could possibly be looked at from your desk analysis of all this information that's available, that you don't have to go to every single site and we don't have to go to the expensive part of the survey to go and actually dig and sample and test, that we can narrow this down to very small segments of the state that this could potentially be an issue. And then come back at those point in time and identify to us where our areas are possibly of concern. Then the ground plan could be made on how we proceed from that point in time.

Surbrug: That is correct.

Almberg: Thank you, Governor.

Sandoval: Member Savage.

Savage: Thank you, Governor. And as you very well said we had a high insight fastball with the Boulder City project. Tetra Tech has been a sub-consultant now for several years to this department. Our ultimate concern is public health and safety and doing it right, and I believe that we have done that right to this point. But we want to ensure the fiduciary responsibility along with the public health and safety is within the box. And is it my understanding that this NOA is not a danger unless it's disturbed?

Surbrug: That is correct.

Savage: Okay. And how about storm water? Can it be disturbed under a hard storm or any of these other issues?

Surbrug: Apparently so because in our ambient air monitoring done on the Boulder City bypass we have noticed that after rainfall events new alluvium material gets exposed during that time. Then it also dries on the surface and you can get some additional spikes in NOA after a large rainfall event.

Savage: But is it within the limits of the acceptable range?

Surbrug: For ambient air it is. And so what they're using – our data, the data that we're providing is the amount of NOA that is above zero and then they're monitoring

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the perimeter airs – maybe you guys know all this as well but they're monitoring the perimeter air on both sides of the project there, two on the downwind side and one on the upwind side, every day that the construction is going on on that project. Then they can add that perimeter air concentrations to the ambient air concentrations and that is the level that's supposed to be below the threshold.

Savage: And I think that's very important here is that we're reasonable and we do the right thing to protect the people of Nevada, and nothing more than that. We don't need to go looking for something. Because this one picture here that was on the display where the guy was out digging the two dozen little holes...

Surbrug: Six inch.

Savage: six-inch holes.

Surbrug: Yes.

Savage: This doesn't look like a pit to me.

Surbrug: Well that is the exact 20 to 30-foot site where NDOT wants to construct a decant basin. So they're going to dig down in that area five feet on one side and then it tapers down to one foot on the other side, and it's to dump the storm water sediment that is collected in plugged culverts, and I'm not sure where they will get all this storm water sediment and place it in these decant basins to let it evaporate and dry and then sample it before they dispose of it.

Savage: Okay, that's good to hear because I can understand that due diligence.

Surbrug: Thank you.

Savage: I didn't think it was – I thought it was a maintenance yard.

Surbrug: It is in a maintenance yard actually. That is in the Alamo Maintenance Yard.

Savage: Okay, so as long as we get the direction and have the clear understanding of what the rules of engagement are I believe is what we really need to be reassured about because nobody wants to risk anything that is a danger to anybody else. That's all I have, Governor. Thank you.

Sandoval: Any questions, Mr. Lieutenant Governor?

Hutchison: No, you've all covered them. Thank you.

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Sandoval: Anybody else? Is there any further presentation on this agenda item? All right. Thank you, gentlemen.

Surbrug: Thank you.

Sandoval: All right, let's move to Agenda Item 15 which is a briefing on the Nevada State Freight Plan.

Malfabon: Sondra Rosenberg will present this item along with her staff.

Rosenberg: For the record, Sondra Rosenberg, Assistant Director of [inaudible 03:13:00] Planning. This is an informational item this month. I'll come back at a future meeting for hopefully approval, adoption, to figure out what the appropriate action is per the items of Federal Highway Administration. But as you know we've been working for about 18 months on the Nevada State Freight Plan. It's something different than we've ever done before, definitely more extensive look at freight movement in the State of Nevada. We do have the draft plan out. You should have all received a copy.

It's also available on our website. It's out for public comment right now until August 15 although we take comments at any time. So I just wanted to emphasize that it is out for public comment. I encourage everyone to take a look at it. It is a fairly hefty document. There's several appendices that are quite thick, but there was a lot of work to be done. So in the interest of time I'm going to hand it over to Bill Thompson, the project manager and the freight program manager. He has a lot of slides. He's probably going to go through it pretty quickly so that we can get any comments or questions from you afterwards. Bill.

Thompson: Thank you, Sondra. Governor, members of the board, Director Malfabon, for the record my name is Bill Thompson. As Sondra said I am the department's freight program manager and the freight plan project manager. The draft Nevada State Freight Plan, it's our state's first freight plan that we have identified specific recommendations for improving freight movement within the state. But it has the ultimate goal of growing and diversifying our economy.

Governor, under your leadership, your direction, this freight plan follows your mission, your vision for the New Nevada and its connection to the global economy. But I must tell you, I am so excited to be here in front of you right now. Actually a bit nervous but that's from the excitement. So it's because that

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this is an important undertaking for the state and for the department and for me personally. So thank you.

We were guided throughout the process by private industry leaders and public agencies. You can get a brief look at what the responsibilities are. We created the freight advisory committee per the FAST Act. This is a list of the key private and public industry leaders such as BNSF Railway otherwise known as Burlington Northern Santa Fe Railway, FedEx, Nevada Trucking Association. We have the MPO's Union Pacific Railway.

We created a focus group which was a broader outreach group of stakeholders that we met several times in the northern and in the southern Nevada. We've held webinars across the state and in addition we held numerous one-on-one interviews with stakeholders across the state and in neighboring states such as the Port of Long Beach, Port of Oakland. We found that there was a need for a west coast partnership and collaboration.

So I formed a coalition of my counterparts of DOT freight program leads from these other states. We share ideas, we look for opportunities to leverage Federal dollars on multi-state projects which we will continue in the future. The vision for Nevada's freight system was created with the industry leaders' input and is the driver behind our goals and strategies. The crux of it is to establish a competitive advantage.

The freight plan has two major focuses. First, to develop strategies to sustain and grow Nevada's economy. The second one – it positions us within the global and national trade patterns. So how are we going to do this for Nevada? Today we import far more than we export supporting some of the key industries such as tourism. And yes, we are now undertaking efforts of growing our own exports, but in the future we have the opportunity to become a major western freight hub attracting more export industries.

We happen to be in a very unique position. We are part of three major trade areas in the western United States, Los Angeles, San Francisco and the Salt Lake City major trade area. It's kind of like that Golden Triangle. Nevada's economy is increasingly linked to these economic powerhouses that you see in the green circles area. And we have an opportunity to strengthen these ties and transform our economy. With the congestion at the western ports progress is driving inland a lot further. Nevada can draw economic activity from our neighboring state.

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So Nevada has to change in three ways to capitalize on these opportunities and establish a competitive market position, develop crossroads, multi-modal integration, capacity and performance. So first, on crossroads, our analysis indicates that our major metros are currently just stop along corridors. In order to achieve that goal of significant competitive advantage we need to develop crossroads such as the future I-11. That will provide a multi-directional access to a larger market and a fertile ground for our growing manufacturing section.

The second framework strategy is integration. By combining trucking, rail and air and a pipeline into an integrative multi-modal facility or a freight village, we could create the highly efficient freight system that will improve capacity performance. Within the state we have analyzed the performance of our freight network and we have identified critical factor locations such as freight dependent businesses, the routes that they use to access them, choke points, bottlenecks on those routes and locations where clusters of fatal crashes involving trucks that have occurred in recent years.

We used this information and created a list of projects, programs and policies. Within the freight advisory committee guidance on these eight strategic goals these goals are also consistent with Federal goals. Sustainable funding is the foundation and each of these other goals such as safety and mobility, innovative technology, all of these goals lead to the road of economic competitiveness. This is a performance-based plan and it follows Federal code that defines performance measures and targets based off each goal and objective.

For instance, to measure mobility and reliability we identified chokepoints on the major truck routes. We consider bridge and pavement condition to measure infrastructure preservation. The freight plan presents a suite of strategies to achieve the vision and goals of the plan based on the freight advisory committee goals. Such continuous monitoring and updates and ongoing engagement with the freight advisory committee and the western state freight coalition, the freight plan also presents implementation action, phasing, partners and funding considerations to accomplish the outlying strategies.

Improvement to our transportation system that helps freight users, it also benefits other users such as commuters and visitors. So it's reasonable that the major part of the funding of these projects will come from traditional non-dedicated transportation funding sources. While the FAST Act includes dedicated freight

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funding, for the very first time in the Federal program the amount as you can see up there, top bullet, is relatively small.

But as I mentioned earlier, one of the strategies of this plan is to continue that multi-state collaboration with a benefit of joining and going after larger, FAST lane grants with that nationwide funding of that 4.5 billion, which is by the way over five years, so at the end of the day it's all about funding. And this plan seeks to explore more sustainable revenue funding.

So now I've got to talk about the National Highway Freight Network. It's important because only projects located on the National Highway Freight Network are eligible for funding from the new freight funding allocated to Nevada. The National Highway Freight Network is comprised of four categories. Two categories are assigned by the US DOT already, and they're primarily the interstate freeways shown in yellow and turquoise.

NDOT with the input from the MPO's was allowed to define the other two categories. It was 150 miles of critical rural freight corridors shown in green and 75 miles of critical freight corridors shown in red – I'll blow up Las Vegas here for you. Because of the mileage cap for the nationally defined system is excessively low with large states like Nevada, two additional corridor categories important to Nevada were added to help prioritize state funding for projects not on the National Highway Freight Network. They are shown in blue and grey. Projects on these corridors are eligible for other funding sources.

The plan includes a broad list of prioritized projects across the state. A handful are good candidates for the new highway freight program funding and that we can move forward immediately including environmental documental for the Reno Spaghetti Bowl, truck parking implementation, truck inspection infrastructure and it' tools that go with it.

Other projects' priorities such as the I-80 USA parkway interchange and improvements along I-15. Those also will be looked at and put in as improvements into the long-range multimodal transportation plan and physically constrained plans created for each Federal and state funding source. The plan will be updated incrementally as the projects are completed, transportation needs are evolved, but the FAST Act mandates that we update the freight plan every five years.

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Again, the draft master freight plan is currently out for public comments until August 15. The website that you see at the bottom will take you directly to the documents including appendices and also a link so that you can send your comments to me. Once we incorporate any comments or changes I will finalize the freight plan and I will bring it back to the Board in September for approval. After the state approves it the plan then goes to FHWA for Federal approval. This concludes my presentation.

Sandoval: Mr. Thompson, congratulations.

Thompson: Thank you, sir.

Sandoval: This is a great piece of work.

Thompson: Great, thank you.

Sandoval: I can't imagine the number of hours that went into this.

Thompson: It's all we think about.

Sandoval: And I look at the last page and I was going to bring this up anyway, but there is a company in Southern Nevada that is spending close to \$200M on research that could change the whole dynamic of moving freight and I'm wondering if that Hyperloop is part of your consideration as we put into this freight plan. I don't know how it's going to turn out but if it does, you know, as I said it could change the entire dynamic with regard to the movement of freight.

Thompson: Yes, Governor. In fact the freight plan looks at all innovative type technology and Hyperloop happens to be one of them, automated trucks [inaudible] et cetera. As you pointed out here this is a future technology at Hyperloop. It's a cargo capsule and it will be about 70 feet long, and it's big enough to hold a standard 40-foot container, intermodal container, and it has the possibility of accelerating from zero to 750 miles an hour in less than a minute. I want it when? So...

Sandoval: And you know, they had their first successful prototype test in Southern Nevada. It was on an open track and did all of that, but as I said I don't know how it's going to turn out, but if we're going to plan we should at least consider that and, you know, my understanding is this is in a massive tube and I don't know where the tube goes, if it goes in our right-of-way or what have you along those traditional corridors, but I think that it has to be part of the conversation 'till we

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know how far it's going to go, but I think there's going to be a massive amount of development in the next couple years.

Thompson: I agree. And under Sondra's leadership I believe that the Board is going to be totally brought up to speed on where we're at in the state with that.

Sandoval: Yeah. And then your other picture on the left-hand corner, again Nevada is leading on this, but we've had two successful package deliveries, one in Hawthorne and one in Reno and as I said I don't know how it's going to come out but we definitely have to be open to all of that in terms of changing the dynamic of how freight is moved and packages are moved, and I just want to make sure there's consideration for that within our freight plan.

Thompson: Yes, Governor, they are.

Sandoval: Okay. Other questions from Board members. Mr. Almberg.

Almberg: Thank you, Governor. Bill, I want to congratulate you on doing a tremendous job on this plan, and Sondra and all the other staff and our consultants that put this together. You know it's obviously a tremendous amount of work and I think you got a great plan here. With that being said, I do have some comments, and a lot of these comments that I have are based on some conversations that I've had from out District 3 engineer and assistant engineer, Kevin Lee and Randy Hesterlee and so their support with me in answering my questions and things coming out of this plan, I surely appreciate their support with this.

And so I do have a few comments on here, and I'll make it brief because I believe that you guys have a lot of the comments that Kevin and I have discussed, whatever, and so I believe that you guys will be incorporated in there, but I do want to bring some of these things up. One of the things that I had a comment on, and this is a comment on my own. This isn't necessarily something that came out of Kevin or Randy.

But in the executive summary it talks about under one of our strategies and our goals, number 14 it says, "Enforcement of regulation through aggressive inspection." I'm uncomfortable with the work "aggressive" and the reason that I says that, I want our public to be safe, I want these roads coming here, but I don't think that we need to be overly aggressive and go out there and over regulate, be overly aggressive to drive truckers around this state.

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You know truckers are obviously going to go to a state that is friendly to them that are easy to get through, and so I don't believe that we need to be overly aggressive to the 99 percent good truckers at the expense or go after the 1 percent of road truckers at the 99 percent of the truckers that are doing everything properly and if they want to. And so that's just, you know, one of the verbiage that was put in there. I mean I think aggressive to me – when I first read it I come up with the word almost "quota" and I definitely don't want anybody being out there on a quota to try to get so many things or anything.

On to some of these other things that was brought up through our district engineers is I think there is some lacking of projects located along Highway 93, especially north of Wells to the Idaho border. I think there's a lack of projects up through there. I won't necessarily go into specifically about the things that we discussed because you have these comments, but I do want to express that concern.

One of the other concerns that I came up and was reinforced through my discussions with our district engineers is there's also – and we actually had this conversation several months ago in one of our sub committees is there was a tremendous amount of funding being put out at SR-278 which is a state route between Eureka and Carlin. At the time there wasn't great answers as to why such was being spent in that location.

Looking through here in these projects there is still a lot of projects associated with there, may not be at one lump sum project as was originally in one of those meetings, but it is broken up and there's still quite a bit of money involved in that state route and so I don't know if there's – I didn't feel that it was necessarily in that area. Based on my conversation with Kevin I think that the majority of that road would be from mining associated activities I believe that would be causing that. And based on my conversations is that stuff is actually more of our mining is taking place north of the freeway rather than south of the freeway. And so I think a re-evaluation of some of that, of your mining activities, could change possibly some of that.

And one other comment that I'll make quickly is I believe through what was discussed in here there was 150 miles of roadway that can be designated for the freight plan, and I just want to make the comment that there are zero miles along 93 that have been dedicated as a part of that 150 miles. And I think that is something that should be also looked at because I do believe it is a major corridor.

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As you go back in here some of the information that was provided by your district engineers, that average daily truck traffic is increasing along that area.

It has increased 50 percent in the last two years, and so I do think this is a very viable freight route and, you know, and I'm not saying any of this at the expense of I-11 and the new Nevada that we're trying to get with these inland ports and everything else. I'm 100 percent supportive of that but I do believe that 93 is a very viable corridor that does for – as a phrase that was said to me in a meeting last week, we're just looking for 93, some of the low hanging fruit.

That can come in here for some very small project we could make a big impact to our Highway 93 in that corridor and increase traffic up and down there. That would be a benefit both to our freight traffic and also to any time that we increase and make it better for the freight traffic we're increasing and making it better for the general public also. So thank you.

Sandoval: Member Skancke.

Skancke: Thank you, Governor. Boy, for a guy who was nervous about making a presentation you did a superb job.

Thompson: Thanks.

Skancke: I want to thank Rudy, you and Sondra and Bill for holding this item for a month. I was not able to attend last month when you originally had it agendaized and I'm glad you did because I think this report today, it's not a study and it's not a plan; it's truly a framework for the future. And I think you have truly captured the essence of what our governor has laid down for the past six years of creating a New Nevada.

You connected our economy to our infrastructure which was the original intent of the Department of Transportation when it was in the Department of Commerce. It was about connecting – building infrastructure to move our economy. We have somewhat over the last 40 years lost that and I think what we've done as a state through the Governor's leadership and through GOED, we've connected those pieces. This framework will hopefully change the way Federal Highway Administration looks at studies and plans and reports.

You went beyond really what normally Federal highways wants which is counting land miles and rail cars and trucks and trailers and parking lots and everything

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else that we need. You created a document that goes from today to the Hyperloop, and I think it's important for the public to understand that these types of investments create economic opportunity and it really has taken into consideration the entire state.

And in reading through this no one corridor actually supersedes the other or is more important than the other. The 93 is just as important as the I-11 or the I-15 or the 80. And so I think that what you've created here is a framework for what GOED and the Governor can take out literally and use this as a selling document to other logistics companies. There's a couple of interesting statistics that I think are important to point out and I've only got about 14 percent battery left on my iPad and that's about how much I have left as well, so unless somebody called Dominoes Pizza.

But I think it's really important to take a look at a couple of things. You really drill down and look at airlift and the opportunity for additional logistics movement in using our airports. When I was at the economic alliance in Las Vegas we actually did a study that showed that Las Vegas was 17 million square feet underdeveloped for logistics and warehouse space. This report now gives the private sector the opportunity to go out and build more warehouse space.

If we could, now with the announcement of Hainon Airlines making three weekly trips between Beijing and Las Vegas which is a huge victory for our state, that's as big in my mind as Tesla and Faraday and Hyperloop because those tech companies can now move their product by air right out of our state. They don't have to go on a truck or on a train. Tech moves by air for the most part. Well that opened up a whole new opportunity for the Governor and GOED to sell our state from a technical point of view. We just needed this kind of a framework to literally give that industry permission to out and build, whether that building is in Wells or Ely or it's in Reno, Carson City or Henderson.

So that connectivity that you've created allows us to sell Nevada from a completely different point of view and perspective. Now after that 10-minute diatribe I have questions. You've listed 18 projects, and this can go to you or Sondra or the project team, but you've listed 18 projects or action items, and please don't ever call them early action items. But there's opportunities. How do we as a state, not this board, but as a state, how do we prioritize those based upon limited funding? You pointed out that the funding shortfall is \$13.5B, and that's

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not our fault. That's just the reality of the fact that the buying power, the fuel tax is 50 percent of what it was when it was raised in 1993.

So if you've got a 9-cent Federal fuel tax, right, you know, we're collecting 18.4 but the buying power is 9 cents. I think it's 7, but we'll go with 9. How do we as a Board prioritize these projects because our Office of Economic Development and our regional economic development organizations have a very aggressive strategy. And so if these two things are linked how do we prioritize these 18 things based upon where the new Nevada is headed?

Thompson: First off, as you can see there are 18 strategies with a list of projects that are attached to them and they've already been prioritized and right now we have a list of I think 10, 11 projects that fall under the approximately 60 million dollars that was awarded to – obligated to Nevada for freight related projects. So that's why they were done already. Any other project still has a process that we've already put through with weight, the values and the goals that we came up with and attached to these strategies. They're already ready to go and as we move forward we just start completing them. Would you like to take over, Sondra?

Rosenberg: Yeah, I'll add to that, and for the record, Sondra Rosenberg, Assistant Director for Planning. So with our broad group of stakeholders as the freight advisory committee we started with the vision, those goals. Then we started to develop those strategies based on performance measures. So we identified, in order to achieve those goals what do we need to start measuring and what are the strategies associated with those measures.

So if you go back to slide 18 – and some of the measures were already measuring through the department like pavement and bridge condition because that's important. B.J. as you mentioned what's important to freight is also going to help the rest of the traveling public. So there we go. So obviously we know funding is an issue but we're going to take a look at preservation, economic competitiveness, advance technology and look at those strategies, and as opportunities arise through economic development activities, new partnerships, kind of prioritize based on which ones hit most of those or have the biggest impact on what we're measuring for a performance.

This is also going to be rolled into our statewide multi-modal plan that was approved last month in terms of other measures for the whole system, freight and

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vehicles and everything else. So it's really based on how are we performing, where do we want to be and what's the most strategic way to get there.

Skankce: Okay. And I think it – at least from my perspective it's important to point out that the creation of this western state's freight coalition, Governor, this department has a record of creating partnerships with other states from the I-15 coalition working with the I-11 coalition and now creating this western states coalition to really create that dialog between these states of how we collaborate and communicate on solving these problems.

So if you look at the I-15 coalition as an example, the three bridges in the gorge in Arizona, that was led by NDOT because if those bridges ever fail that affects our economy throughout our entire state. So that was actually led by NDOT to get the region to support a TIGER Grant for that. If I recall it was a TIGER Grant. So creating this Western States Freight Coalition I think is critical to what we want to accomplish here in Nevada.

I'll close with one correction. On page 5 – I'm sorry page 1-5 of the full report there's mention of the CANAMEX Corridor, and Bardia, I called you about this and I just want to make sure that it gets corrected, that the CANAMEX Corridor goes from the Mexico border to Sweetgrass, Montana, and it is not in that diagram. You have the I-11 corridor which is important, but the Federally designated NAFTA corridor really starts in Mexico City, per se, but it's at the Mexican border and comes up the 93/95, connects to the 15 and goes through Salt Lake City, and I think that map should designate that corridor.

Finally, I do want to congratulate you again on creating a new course. This to use a cliché is a game changer for our state and for where we want to go over the next 20 years and it is a tool that we can use here and it is a tool that the Governor's Office on Economic Development can use. It's a tool that our university systems can use. This is – I hope that this report is read by the logistics companies and everyone that's involved with economic development.

What you can take away from here is really good marketing and sales talking points for where Nevada sits, where our global competitiveness is and where we plan to take it. So again well done and Governor, I appreciate the time for the comments.

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Sandoval: Thank you very much. Any other questions or comments? Thank you, Mr. Thompson.

Thompson: Thank you, Governor. Thank you.

Sandoval: That brings us to the quarterly update on the storm water program. Mr. Gaskin.

Gaskin: My God, everybody running away? For the record, Dave Gaskin, Deputy Director. Again, 17-hour jet lag, Governor, I can't imagine, but thank you for hanging in there. I'd just like to hit some of the high points since we've talked quite a bit about what's going on. We have gone over the background.

The only thing I'd like to point out here is the last part of the third paragraph where NRS-408 was recently codified to incorporate the changes from SB-324 and that's very important to me and to those of us who are tracking the progress of this project is that now within NDOT's statutes there is a section entitled "Water Pollution Control" and they're actually detailed requirements and authorities in there for water protection, and that's a critical change in culture and in the statutes themselves.

We've talked a bit about the consent decree already. Once the consent decree is filed by the court which will be sometime in September, then as I mentioned the clock starts. We'll be having quarterly meetings with EPA to go over our progress, say what things were due in the last quarter, did we do those, are we on track and what's coming up in the future. So it will be very regimented measurement of the progress with EPA.

Hiring update, I mentioned about 80 percent hired. That's really an important point because we had nine existing positions in the division. We've got eight of those filled. We're to the point now where people are coming and going a little bit. But of the 42 brand new positions that the legislature approved we've hired 37 of those, so that's a significant portion. And it was easy for me because Rudy just hired me and I just hired Allen Tinney as the Division Chief for storm water and said go do it, and he's been making great progress.

We've got a really team, some amazingly bright people and energetic people, so it's very exciting how it's going to go. The next slide when we get there is just to talk about the equipment part of the budget amendment in the last legislature was money for equipment to make the storm water program go and as you can see in FY2016 we were able to be authorized to purchase some significant equipment.

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Some of the major stuff, the sweepers, culvert flushers were long lead-time and a couple are still coming in, especially the sweepers which are complex pieces of equipment. But the majority of the equipment has been received and we're able to actually get things moving in the field and on the ground.

Program development, not a very exciting slide but basically these are the elements that EPA put in the consent decree, the things they wanted to see in our program. And that's what Allan's staff are doing right now is making these things go and implementing the program, both at headquarters establishing the programs and the policies but also working with the field, with the districts, to make things happen out there.

Technology implementation, a big part of storm water nowadays in a modern compliant program, it's automated, you have to map and locate everything on GIS and then you have to have data bases to put the information together to help you know where all the components are and then automate inspections and operations and maintenance to make it all function smoothly and across the different divisions within the department, so everybody works together.

Maintenance yards we've talked about quite a bit. There are a lot of challenges. We would like to update all our aging yards. It does take time. They are being encroached by the neighbors and a lot of nuisance issues there and that inhibits expansion or improvement, working with unknown underground utilities, it's hard to go in and rejuvenate an existing facility.

It would be a lot easier if you started over from scratch, but we don't have that option in a lot of cases, so trying to do things to improve drainage and repave, upgrade the wash pads and the fueling stations. There's a lot of effort going on. It will take time. There are a lot of these maintenance yards but it's a high priority for us.

In the media, I talked a little bit about before culture change and public education and training our employees, and we've made a lot of progress in this area, and DJ, I think we have a little video to go with that. I think our star is here, Thor. He's hiding in the back there, but this is a good video. This is from Channel 4 News.

[video playing]

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Gaskin: So that was a pretty impressive one because it's a media report that's actually accurate and correct which you don't always get, so I was amazed at that. But it was good.

Sandoval: You better be careful. They're listening online too.

Gaskin: But I know Sean and our communications folks have done a lot with Kim and Sholeh in developing our videos and outreach, but this is sort of external validation from the commercial media, so that was impressive.

Meetings and presentations, just they're ongoing but now we're kind of at a turning point because I don't just say well, it's coming in the future. The consent decree be signed someday. It's actually happening now, so and as I mentioned, the SQMC is the group in the Las Vegas area, the southern Nevada jurisdictions that handle storm water and we'll be coordinating closely with them and working with the others in the state to make sure we implement the storm water requirements all through the state.

Public outreach, now that the consent decree is getting finalized we are authorized to reach out more, kick off our public outreach media campaign and we've gotten a new logo, got a lot of goodies that Kim is sharing with everybody to spread the word and make sure everyone's aware, even dogs and children. The website continues to improve as we lost the media campaign and get more and more attention on it. Maybe we could just show the first video real quick. It's a quick one that Kim did.

[video playing]

Gaskin: So just quick, brief awareness type of videos that keep people thinking and asking questions about storm water and how they can help.

[video playing]

Gaskin: So those were a lot of our storm water staff to get them involved and have them try and be the face of storm water. I think that's about it. Okay. And that's it. So thank you very much. If you have any questions I'd be glad to answer them.

Sandoval: Any questions from Board members? And those public commercials are great, quick and to the point and well done. So I compliment you on those and this is an exciting development and I think we've got a great start and as we continue on I

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think it's going to obviously serve the people of our state extremely well. So keep up the good work.

Gaskin; Thank you, Governor.

Sandoval: Anyone else? All right, then. Thank you. That moves us to Agenda Item 17, Old Business.

Malfabon: Thank you, Governor. Just to mention another person that really was helpful in working with the EPA, Leo Drozdoff, Director of the Department of Conservation and Natural Resources for the State of Nevada was very instrumental in those negotiations along with Joe Reynolds from the Governor's staff. I know that Leo is retiring I think in September, so I just wanted to make that public record that he was very helpful in that.

And thanks to Dave and Allan for leading a very transformative program. It's really changed our culture. And as you saw, Thor Dyson is just an example of a District Engineer that's really led the way with the folks that deal with maintenance and construction at the district levels. It's really just an illustration of what's changed at NDOT and what US EPA recognized as unprecedented show of support and really emphasis in getting our program straight and complying with the Clean Water Act.

On to old business, we have the first items A, B, C, and D are updates on our projects and programs, Project NEON, USA Parkway and the pedestrian safety quarterly report and the I-11 quarterly report. We have some of our project managers sticking around to answer any questions. Project NEON has started construction affecting a lot of the local roads and some of the off ramps, for instance, at Martin Luther King and at Rancho on US 95.

USA Parkway, I mentioned the public meeting that's coming up, but they've also started construction and we're in the process of still acquiring those last parcels of right of way. Pedestrian safety is still a challenge in Nevada but you saw on the updates of projects that are awarded; The Sun Valley Boulevard Project as an example of pedestrian safety projects that have gone out the door under construction. And the I-11 project has been underway and working along – we're really excited about when that project opens up and how it can affect and improve Nevada's economy and give us those opportunities in southern Nevada. Any questions on Items A through D?

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Sandoval: Mr. Skancke.

Skancke: Thank you, Governor. Rudy, if I recall and if you did this last month stop me, but Member Martin and Member Savage had made a request that we would get an update on the Project Neon update, that there would be a quarterly update on the engineering services and the engineering aspect of this. I think there was some comments a few months back on – there was a change order I think or something for the CH2M contract and it might be a good idea to probably have that update in September.

I don't know if you did it last month, but I had a conversation with Member Martin about a month ago and he had asked me if he had missed a meeting where that update had been given, so I just – I thought it might be in this NEON update, but since it's not I thought I'd make a reminder. Thank you.

Malfabon: Member Skancke, in Attachment A there's just some short bullet points on CH2M performance update. But anything outside of those areas, community outreach submittals and design reviews for NEON, but as far as I-11, there are some major change orders that were underway, one with Fisher, our contractor on that project, to add in some additional concrete paving up to the bridge and also an additional bridge that will provide utility access and emergency response access to some properties to the south.

But anything specific we'd include that in updates on the board. I know that that's an interest of the construction working group as well on change orders. So we do report that regularly.

Savage: Yes, on the same issue. Thank you, Mr. Skancke and Rudy. I see Dale Keller down there so that goes to my point. It says 52 percent of the design has been completed, and is NDOT satisfied with this percentage at this stage in the project? Are you satisfied with 52 percent of the design being completed at this stage in the project?

Keller: Member Savage, this is Dale Keller, Project Manager for Project NEON. For the record, yes we are satisfied where Kiewit and Atkins team is at on progressing their design. They're on track as you can see from the report. I believe they're a few submittals ahead at this time. Also we're very pleased on CH2M's effort on design review. For an average design submittal we get 14 days to review. On average they are completing those in roughly 3.5 days. So the cumulative time

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savings has been done through the project, not linearly but total is over 180 days that we've seen, so we are extremely satisfied with their work.

Savage: That's good news. And when do you foresee the design being complete?

Keller: That's a great question. We anticipate having the final design complete early next year in 2017.

Savage: Thank you, Mr. Keller, and Thank you, Governor.

Keller: Thank you.

Sandoval: Any other questions or comments? Please proceed.

Malfabon: We have our chief counsel, Dennis Gallagher, could respond to any questions from the Board on report of outside counsel costs and open matters and the monthly litigation report.

Sandoval: Mr. Lieutenant Governor.

Hutchison: Yes, thank you, Governor. Mr. Gallagher, and you don't have to spend a lot of time doing that today, and if it's easier for you to do it next month that's fine, but I'm interested as we look at the outside counsel contracts, Attachment E, and we see that the remaining contract authority is dwindling down to, you know, anywhere from I think the lowest is about \$11,000, and some of these are getting down to about \$50,000, \$55,000.

If you could just give me your thoughts about whether we're getting close to resolution on those or whether you anticipate that we'll have additional amendments coming back to the board, that would be helpful. As I say, I didn't give you a heads up on that so if it's easier for you, Dennis to go back and look at that and give me a report next month that's fine, or if you're able to just do it on the fly, whatever is easier for you.

Gallagher: Lieutenant Governor, for the record, Dennis Gallagher, I will have something for you for the next month's meeting.

Hutchison: Thank you very much. Thank you, Governor.

Sandoval: Seeing no further questions, the Fatality Report.

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Malfabon: The Fatality Report, we're seeing some downturn in the number of fatalities. The most recent report that I received was August 1 and it's not – this one showed and your packet shows 11 less fatalities than as of July 19 but we did have some additional fatalities and currently as of August 1 we're 5 below where we were last year. We want to continue our efforts, not only for infrastructure improvements but also with Department of Public Safety and the local police departments for law enforcement, also educators.

Our campaigns on motorcyclists have been getting a lot of the airwaves for motorcycle safety, and I know that there's events coming up so that people do lane splitting in Nevada 'cause they can do it in California and we're trying to educate them about what the motorcycle laws are in Nevada so they can drive appropriately on our roads.

But also pedestrian safety is a huge challenge and we had a lot of the outreach and the public information campaigns on those areas as well. We'll just continue our efforts also with emergency responders to make sure that they can do their job in providing medical services to the folks that are involved in crashes. And that concludes the Fatality Report. I'm willing to answer any questions or have staff respond to any questions from the Board.

Sandoval: Thank you, Mr. Director. And today is not the day but I'd be kind of curious with all the installations we made associated with safety, now that they're in, comparing what happened at those same locations in years past and being able to demonstrate that perhaps, you know, this really has made a difference. And then just out of curiosity, I was driving down North Virginia past the casino there where we installed that project, and on the west side it doesn't seem to be to accommodate the disabled, so I don't know if that was part of that project or not, you know, just a wheelchair ramp or something over there.

Malfabon: Yes, there is a permanent improvement that's still on the plans to construct there, so what you see is a temporary signal. There are still some permanent improvements still to be done at that intersection.

Sandoval: Okay. So what is the schedule on that?

Malfabon: I think it's within a year, but we'll have that specifically and along with your request for kind of the history and what some of these improvements have yielded as results.

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Sandoval: Yeah, and I don't know if – I would say wait. Perhaps we should do it at the end of the year so we have a little bit more time or maybe even later than that because some of these installations are very new, and so we may not...

Malfabon: [crosstalk]

Sandoval: Yeah, may not get meaningful information, but like I said if we've saved one life it's worth it, but it's just gratifying for me to see the number of projects that we're installing statewide. I think that's going to have a great impact.

Malfabon: Thank you, Governor.

Sandoval: Thank you. All right, any questions from Board members on Agenda Item 17. All right, let's move to Agenda Item 18, public comment. Is there any member of the public here in Carson City that would like to provide public comment?

Wellman: Bill Wellman here today representing the Nevada Economic Development Coalition or NEDCO for short. I know nobody wants to hear this this late in the day, but I'm here today to address FRI, Fuel Revenue Indexing. Listening to these meetings every month compels me to come up here and talk about it briefly 'cause every item on your agenda every month talks about funding and the shortfall in funding and everything that there is, and I don't know how many times – I started to count after about the third or fourth time I heard it requires funding, it's shortages or whatever, and I quit counting, forget it.

State, local and Federal funding has just not kept up with the needs primarily based on inflation, in its simplest form, inflation. I think there's a lot of other things as well, but inflation is a simple thing that we all live with every day and have for all of our lives and will for the rest of our lives. Living with the status quo is a regression of sustainability, let alone any kind of economic development. FRI adjusts the fuel tax annually to the rate of inflation. In fact FRI as legislated to be fair is a 10-year rolling average so that there is – to take out any of the spikes or any significant increases in any one year. It improves by funding safety.

We just heard about it in Item No. 17 in many different forms. Reduces congestion throughout all the roads that we use, whether they're the rurals or the urbans. It sustains the critical maintenance needs that all of our roads have and it continues creating jobs. All of these items are so tangible, the most tangible tax that there is we believe in the state or frankly in the country because you can see the results. We drive it. When we leave here today you'll see the cones on the

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road doing some kind of improvements, unlike many other taxes, but we don't see the direct results.

FRI is on the ballot this November 8 in every county in the state except for Washoe because Washoe already has it. Because of that this is a state wide essentially initiative. NDOT receives or will receive starting January 1 with the successful passage in each county that does approve it 40 percent of the revenues. You've heard Ms. Quigley here at the RTC talk about all the benefits of funding over the last several years, three years that FRI has been in existence in Clark County.

Today between RTC and NDOT collaboratively they have identified 346 projects in Clark County alone, all valued at \$6.2B. Those are needed projects of which they are all unfunded. Continuation will not fund all of them but it will do a significant amount of them. Past examples of what the current FRI funding, the first three years since January 1 of 2014, which directly affect NDOT is the Boulder City bypass phase 1, the Centennial Bowl 95/215 in the northwest part of the Vegas valley, the airport connector.

Now the uniqueness of those three projects in 2013, in the spring of 2103, this Board put those projects on hold as they were brought forward because of lack of funding and said very specifically, Governor, bring them back in 2018, we'll talk about them again. Those projects are moving forward, clearly. Boulder City bypass, phase 1 is up by I11 along with Phase 2 which the RTC is doing, significance. The Centennial Bowl itself, the two legs of that are being done now in collaboration between NDOT and RTC with FRI funds put into those things with NDOT of two of the main transitions from 95 to 215.

One of them is already open. The airport connector, very significant, it is already a huge construction project, but it has already mitigated a bunch of the congestion in that area during the peak hours. Project NEON, another one that's a little bit different, never put on hold, however all the times that we were proposing on it as well, so we know it intimately, phase 1, phase 3, not going to do phase 2, not going to do the phase 4, back and forth, and as this thing was broken down based on funding availability for that particular project.

Today that project I believe is almost being constructed and 100 percent of its design because of the matching funds with FRI from the City of Las Vegas' portion to do things like Martin Luther King Boulevard and the entryways into the

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government center there in Clark County. Those were pieces that were on hold. The railroad overpass over Industrial and the connector there, those are moving forward with Project NEON even though there's no money in Project NEON I-15 specifically. All the surface areas helping to be funded by FRI.

In closing, we're not sure what this board can do, but we do ask and consider and if allowed maybe some sort of resolution of support and very specific or whatever you can do frankly, and more specifically because I don't get this opportunity all the time I'd like to ask you personally, Governor, that you may as the leader of this great state could possibly support this as well across the entire state. It's very important. Thank you.

Governor: Thank you very much. Is there any other public comment from Carson City? Any public comment from Las Vegas.

Hutchison: Not here, Governor.

Governor: All right. Thank you. Is there a motion to adjourn?

Skancke: So moved.

Almberg: Second.

Governor: We have a motion by Mr. Skancke, second by Mr. Almberg. All those in favor say aye. [ayes around]

Malfabon: This is much lighter attendance.

Governor: This meeting is adjourned. Thank you ladies and gentlemen. Famous last words, Rudy.

Secretary to Board

Preparer of Minutes



MEMORANDUM

September 2, 2016

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, Director
SUBJECT: September 12, 2016 Transportation Board of Directors Meeting
Item #5: 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 which are 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 (or guaranteed maximum price for Construction Manager at Risk (CMAR) contracts) 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 the Contract Compliance section of the Department from July 15, 2016, through August 17, 2016.

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 for Approval, July 15, 2016, through August 17, 2016.

Recommendation for Board Action:

Approval of the contracts listed on Attachment A.

Prepared by: Administrative Services Division

Attachment

A

STATE OF NEVADA DEPARTMENT OF TRANSPORTATION
CONTRACTS FOR APPROVAL
July 15, 2016, through August 17, 2016

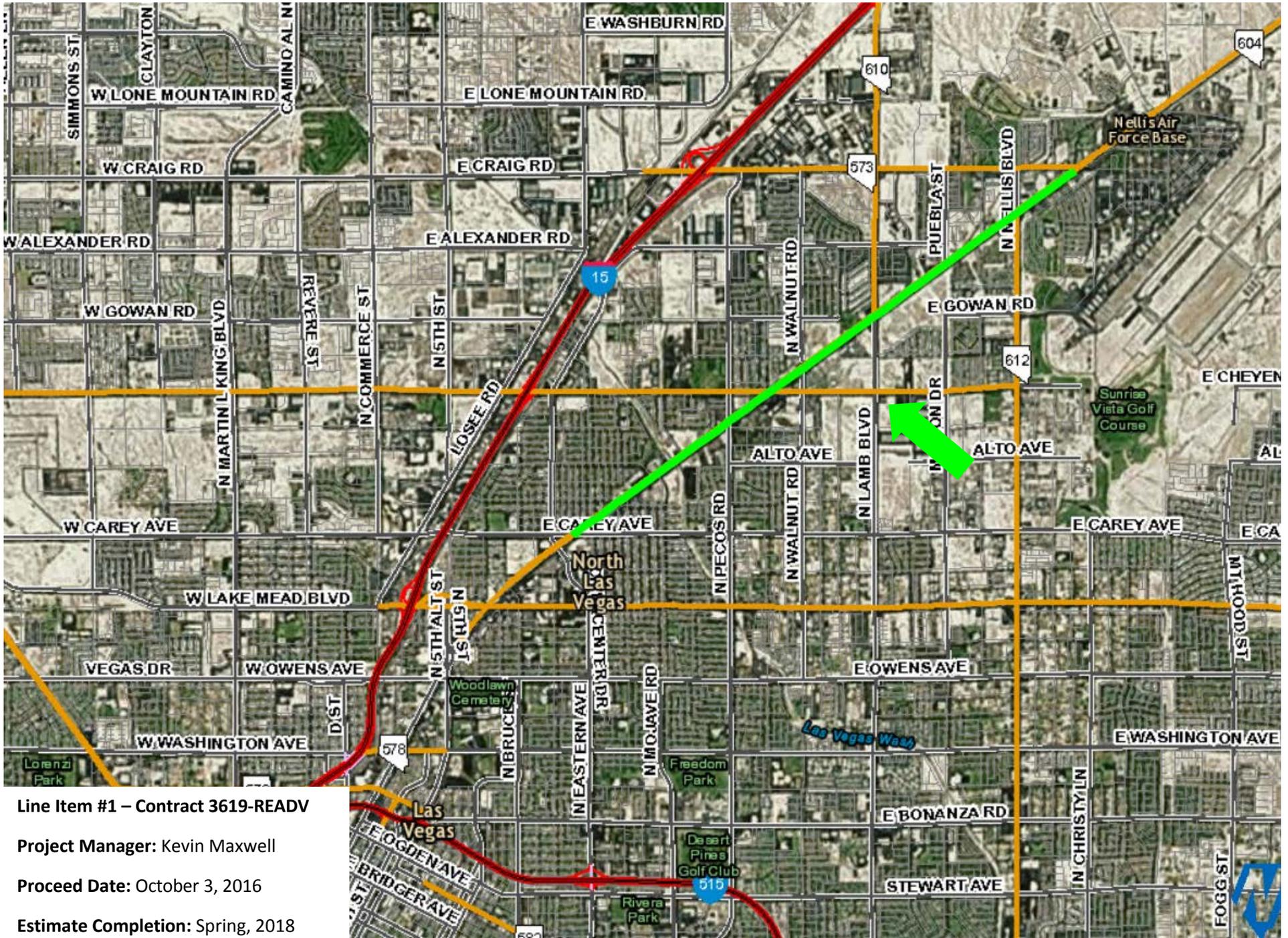
1. July 28, 2016, at 1:30 PM the following bids were opened for Contract 3619-READV, Project No. SPSR-0604(029), on SR 604, Las Vegas Boulevard, from East Carey Avenue to 0.24 miles north of Craig Road, in Clark County, for roadway rehabilitation and concrete bus lanes.

Aggregate Industries SWR, Inc.	\$17,295,592.71
Las Vegas Paving Corporation	\$17,770,000.00
Fisher Sand & Gravel Co.....	\$19,750,000.00

Engineer's Estimate..... \$15,768,603.22

The Director recommends award to Aggregate Industries SWR, Inc. for \$17,295,592.71.

Line Item 1



Line Item #1 – Contract 3619-READV

Project Manager: Kevin Maxwell

Proceed Date: October 3, 2016

Estimate Completion: Spring, 2018



1263 South Stewart Street
Carson City, Nevada 89712
Phone: (775) 888-7070
Fax: (775) 888-7101

MEMORANDUM
Administrative Services

August 10, 2016

To: John Terry, Assistant Director, Engineering
Reid Kaiser, Assistant Director, Operations
Rudy Malfabon, Director

From: Teresa Schläffer, Business Process Analyst III

Subject: Concurrence in Award for Contract No. 3619-READV, Project No. SPSR-0604(029), SR 604, Las Vegas Boulevard, from East Carey Avenue to 0.24 miles north of Craig Road, Clark County, described as roadway rehabilitation and concrete bus lanes, Engineer's Estimate \$15,768,603.22.

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

Bid proposals were opened on July 28, 2016. Aggregate Industries SWR, Inc. is the apparent low bidder at \$17,295,592.71 and they submitted a properly executed proposal, bid bond and anti-collusion affidavit. The second low bidder is Las Vegas Paving Corporation with a bid of \$17,770,000.00.

The project is federally funded; required 6.17% DBE participation; and is not subject to State Bidder Preference provisions.

The subcontractor and supplier listings submitted by the Aggregate Industries SWR, Inc. have been reviewed and confirmed by Contract Services. The DBE information submitted by the Aggregate Industries SWR, Inc. has been reviewed and certified by the External Civil Rights office. Aggregate Industries SWR, Inc. has met the required DBE participation with an 8.95% commitment. The bid is above the Engineer's Estimate Range, and a copy of the Unofficial Bid Results report is attached for your reference. The BRAT Co-Chairs have provided their recommendation to award, and the report is attached.

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

Concurrence in award:

DocuSigned by:

F3662DD9A587415...
John Terry, Assistant Director

DocuSigned by:

22987BD707CB4CD...
Reid Kaiser, Assistant Director

DocuSigned by:

C4C7C55CD884445...
Rudy Malfabon, Director

Enclosures:
Unofficial Bid Results Report
DBE Certification
BRAT Report

Nevada Department of Transportation

Unofficial Bid Results

July 28, 2016

Contract Number: 3619-READV Designer: DAVID LAKE Senior Designer: KEVIN MAXWELL Estimate Range: R31 \$13,500,000.01 to \$16,500,000 Project Number: SPSR-0604(029)	Bid Opening Date and Time: 7/28/2016 1:30 PM Liquidated Damages: \$9,100.00 Working Days: 300 District: DISTRICT 1
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County: CLARK

Location: SR 604, Las Vegas Boulevard, from East Carey Avenue to 0.24 miles north of Craig Road.

Description: Roadway rehabilitation and concrete bus lanes

	Actual Bid	Adjusted Bid
Apparent Low Bidder: <u>Aggregate Industries SWR, Inc.</u>	\$17,295,592.71	\$17,295,592.71
Apparent 2nd: <u>Las Vegas Paving Corporation</u>	\$17,770,000.00	\$17,770,000.00
Apparent 3rd: <u>Fisher Sand & Gravel Co.</u>	\$19,750,000.00	\$20,737,500.00

Bidders:	Certificate of Eligibility	Actual Bid Amount	Adjusted Bid Amount
1 Aggregate Industries SWR, Inc. 3101 East Craig Road North Las Vegas, NV 89030- (702) 649-6250	<input checked="" type="checkbox"/>	\$17,295,592.71	\$17,295,592.71
2 Las Vegas Paving Corporation 4420 South Decatur Boulevard Las Vegas, NV 89103 (702) 251-5800	<input checked="" type="checkbox"/>	\$17,770,000.00	\$17,770,000.00
3 Fisher Sand & Gravel Co. 1302 W Drivers Way Tempe, AZ 85284 (480) 730-1033	<input type="checkbox"/>	\$19,750,000.00	\$20,737,500.00



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Phone: (775) 888-7497
Fax: (775) 888-7235

MEMORANDUM
External Civil Rights Division
Contract Compliance Section

August 5, 2016

To: Jenni Eyerly, Administrative Services – Division Chief
From: Sonnie Braih, External Civil Rights Officer *SB*
Subject: NDOT Bidder Subcontractor and Supplier Information –
Contract No. 3619-READV

SR 604, Las Vegas Boulevard, from East Carey Avenue to 0.24 miles north of
Craig Road

The DBE subcontractors The Barajas Group and MC4 Construction LLC, submitted by the Apparent Low Bidder, Aggregate Industries SWR, Inc., has been received by Contract Compliance and we have concluded:

The Barajas Group holds an active State of Nevada Business License. The subcontractor was cleared through SAM.

MC4 Construction LLC holds an active State of Nevada Business License. The subcontractor was cleared through SAM.

The DBE goal of 6.17% is exceeded with a 8.95% (\$1,547,792.75) DBE committed participation by the apparent low bidder by two (2) Nevada certified DBE firms.

Therefore, the DBE subcontractors are approved on this contract.

cc: Ray Marshall
Contract Services



1263 South Stewart Street
Carson City, Nevada 89712
Phone: (775) 888-7070
Fax: (775) 888-7101

MEMORANDUM
Administrative Services

August 9, 2016

To: Jenni Eyerly, Chief - Administrative Services
From: Bid Review and Analysis Team
Subject: BRAT Summary Report for Contract # 3619-READV

The Bid Review and Analysis Team met on August 9, 2016, to discuss the bids for the above referenced contract. The following were in attendance:

- Paul Frost, Chief Roadway Design Engineer
- Sharon Foerschler, Chief Construction Engineer
- Scott Hein, Principal Roadway Design Engineer
- Casey Connor, Assistant Chief Roadway Design Engineer
- Shawn Howerton, Professional Engineer
- Jeffery Cobb, Constructability
- Tony Colagiovanni, Consultant Resident Engineer
- Kandee Worley, ASO, Administrative Services
- Teresa Schlaffer, BPA III, Administrative Services
- Tianne Simpson, PO II, Administrative Services

The overall bid proposal was evaluated and determined to be acceptable. The BRAT report, with comment, is attached.

The apparent low bidder, Aggregate Industries SWR, submitted a bid which is 110% of the Engineer's Estimate. The BRAT recommends award of this contract.

Submitted:

DocuSigned by:
Paul Frost
916B64045CA947F...
Paul Frost, BRAT Co-Chair

DocuSigned by:
Sharon Foerschler
67A4C09A4CB7477...
Sharon Foerschler, BRAT Co-Chair

cc: attendees
Pierre Gezelin, Legal
Design Admin

Bid Tabulation

July 29, 2016

Contract No.: 3619-READV
Description: Roadway rehabilitation and concrete bus lanes
Location: SR 604, Las Vegas Boulevard, from East Carey Avenue to 0.24 miles north of Craig Road.
Bid Opening: July 28, 2016, 1:30 PM

Project No.: SPSR-0604(029)
Project Id: 73781
County: Clark
Range: R31 \$13,500,000.01 to \$16,500,000
Working: 300

Item No.	Quantity	Unit	Description	Engineer's Estimate		Aggregate Industries SWR		Las Vegas Paving Corporation		Fisher Sand & Gravel Company	
				Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount
2000100	300.000	HOUR	SURVEY CREW	\$200.00	\$60,000.00	\$141.80	\$42,540.00	\$140.00	\$42,000.00	\$225.00	\$67,500.00
2010120	3.540	ACRE	CLEARING AND GRUBBING	\$4,000.00	\$14,160.00	\$350.00	\$1,239.00	\$1,400.00	\$4,956.00	\$5,000.00	\$17,700.00
2020465	8.000	EACH	REMOVE GUARDRAIL END TREATMENT	\$600.00	\$4,800.00	\$382.00	\$3,056.00	\$378.00	\$3,024.00	\$800.00	\$6,400.00
2020475	635.000	LINFT	REMOVAL OF GUARDRAIL	\$10.00	\$6,350.00	\$5.45	\$3,460.75	\$5.30	\$3,365.50	\$7.00	\$4,445.00
2020515	2,216.000	EACH	REMOVAL OF RAISED PAVEMENT MARKER	\$1.00	\$2,216.00	\$2.35	\$5,207.60	\$1.10	\$2,437.60	\$1.00	\$2,216.00
2020530	5.000	EACH	REMOVAL OF HEADWALL	\$1,800.00	\$9,000.00	\$137.45	\$687.25	\$137.00	\$685.00	\$3,000.00	\$15,000.00
2020590	30.000	LINFT	RESET CHAIN LINK FENCE	\$50.00	\$1,500.00	\$54.55	\$1,636.50	\$20.00	\$600.00	\$10.00	\$300.00
2020790	2.000	EACH	REMOVE MAILBOX	\$300.00	\$600.00	\$245.00	\$490.00	\$225.00	\$450.00	\$200.00	\$400.00
2020795	2.000	EACH	RESET MAILBOX	\$300.00	\$600.00	\$245.00	\$490.00	\$275.00	\$550.00	\$300.00	\$600.00
2020925	37.000	EACH	REMOVAL OF PULL BOX	\$250.00	\$9,250.00	\$150.50	\$5,568.50	\$150.00	\$5,550.00	\$300.00	\$11,100.00
2020935	7,985.710	CUYD	REMOVAL OF COMPOSITE SURFACE	\$35.00	\$279,499.85	\$37.40	\$298,665.55	\$40.00	\$319,428.40	\$35.00	\$279,499.85
2020990	84,155.750	SQYD	REMOVAL OF BITUMINOUS SURFACE (COLD MILLING)	\$2.25	\$189,350.44	\$2.70	\$227,220.53	\$3.35	\$281,921.76	\$3.00	\$252,467.25
2020995	2,526.350	SQYD	REMOVAL OF BITUMINOUS SURFACE (MISCELLANEOUS COLD MILLING)	\$10.00	\$25,263.50	\$28.85	\$72,885.20	\$34.00	\$85,895.90	\$10.00	\$25,263.50
2021040	1.000	EACH	REMOVAL OF DROP INLET	\$2,000.00	\$2,000.00	\$2,095.00	\$2,095.00	\$2,075.00	\$2,075.00	\$3,500.00	\$3,500.00
2030140	51,473.460	CUYD	ROADWAY EXCAVATION	\$15.00	\$772,101.90	\$27.85	\$1,433,535.86	\$23.00	\$1,183,889.58	\$20.00	\$1,029,469.20
2030230	1,274.000	CUYD	BORROW EMBANKMENT	\$12.00	\$15,288.00	\$5.75	\$7,325.50	\$6.00	\$7,644.00	\$10.00	\$12,740.00
2030690	768.000	SQYD	GEOTEXTILE (CLASS 1)	\$2.50	\$1,920.00	\$2.50	\$1,920.00	\$3.00	\$2,304.00	\$6.00	\$4,608.00
2030700	59,602.260	SQYD	GEOTEXTILE (CLASS 2)	\$1.00	\$59,602.26	\$1.40	\$83,443.16	\$1.20	\$71,522.71	\$1.25	\$74,502.83
2060110	2,759.200	CUYD	STRUCTURE EXCAVATION	\$28.00	\$77,257.60	\$17.85	\$49,251.72	\$21.50	\$59,322.80	\$30.00	\$82,776.00
2070110	1,354.700	CUYD	GRANULAR BACKFILL	\$50.00	\$67,735.00	\$56.30	\$76,269.61	\$56.00	\$75,863.20	\$65.00	\$88,055.50
2070150	35.400	CUYD	SLURRY CEMENT BACKFILL	\$300.00	\$10,620.00	\$81.80	\$2,895.72	\$357.00	\$12,637.80	\$200.00	\$7,080.00
2120870	3,281.500	TON	DECORATIVE ROCK (TYPE A)	\$50.00	\$164,075.00	\$85.10	\$279,255.65	\$62.50	\$205,093.75	\$70.00	\$229,705.00
2130640	1.000	LS	ADJUST IRRIGATION SYSTEM	\$10,000.00	\$10,000.00	\$5,500.00	\$5,500.00	\$7,000.00	\$7,000.00	\$5,000.00	\$5,000.00
3020130	45,454.220	TON	TYPE 1 CLASS B AGGREGATE BASE	\$20.00	\$909,084.40	\$25.75	\$1,170,446.17	\$33.60	\$1,527,261.79	\$16.00	\$727,267.52
4010120	6,024.330	SQYD	PAVEMENT REINFORCING FABRIC	\$7.50	\$45,182.48	\$3.50	\$21,085.16	\$4.00	\$24,097.32	\$15.00	\$90,364.95
4020100	15,229.150	SQYD	PLANTMIXING MISCELLANEOUS AREAS	\$13.00	\$197,978.95	\$5.45	\$82,998.87	\$20.00	\$304,583.00	\$10.00	\$152,291.50
4020190	38,387.860	TON	PLANTMIX SURFACING (TYPE 2C) (WET)	\$75.00	\$2,879,089.50	\$81.00	\$3,109,416.66	\$73.00	\$2,802,313.78	\$85.00	\$3,262,968.10
4030120	4,964.720	TON	PLANTMIX OPEN-GRADED SURFACING (1/2-INCH) (WET)	\$95.00	\$471,648.40	\$93.25	\$462,960.14	\$90.00	\$446,824.80	\$105.00	\$521,295.60
4060100	117.330	TON	CUTBACK ASPHALT, TYPE MC-70NV	\$500.00	\$58,665.00	\$0.01	\$1.17	\$1.00	\$117.33	\$100.00	\$11,733.00
4090220	59,621.900	SQYD	PORTLAND CEMENT CONCRETE PAVEMENT (10-INCH)	\$50.00	\$2,981,095.00	\$55.35	\$3,300,072.17	\$52.40	\$3,124,187.56	\$55.00	\$3,279,204.50
4090360	38,691.600	LINFT	SAW AND SEAL TRANSVERSE WEAKENED PLANE JOINTS	\$2.50	\$96,729.00	\$2.20	\$85,121.52	\$2.20	\$85,121.52	\$2.75	\$106,401.90
4090700	11,377.000	GAL	PCCP CURING COMPOUND,WAX BASE	\$4.50	\$51,196.50	\$4.35	\$49,489.95	\$4.30	\$48,921.10	\$6.00	\$68,262.00
5020170	128.000	LINFT	CONCRETE BARRIER RAIL (TYPE FA)	\$65.00	\$8,320.00	\$100.00	\$12,800.00	\$75.00	\$9,600.00	\$90.00	\$11,520.00
5020410	1.000	FA	REINFORCED CONCRETE BOX REPAIR	\$20,000.00	\$20,000.00	\$20,000.00	\$20,000.00	\$20,000.00	\$20,000.00	\$20,000.00	\$20,000.00
5020710	65.020	CUYD	CLASS A CONCRETE (MAJOR)	\$750.00	\$48,765.00	\$1,200.00	\$78,024.00	\$1,070.00	\$69,571.40	\$1,300.00	\$84,526.00
5020720	36.230	CUYD	CLASS A CONCRETE (MINOR)	\$1,500.00	\$54,345.00	\$2,050.00	\$74,271.50	\$1,750.00	\$63,402.50	\$2,500.00	\$90,575.00
5020731	1,523.270	CUYD	CLASS A CONCRETE (ISLAND PAVING) (SPECIAL)	\$450.00	\$685,471.50	\$495.90	\$755,389.59	\$437.00	\$665,668.99	\$650.00	\$990,125.50
5050100	3,892.000	POUND	REINFORCING STEEL	\$2.25	\$8,757.00	\$2.95	\$11,481.40	\$2.70	\$10,508.40	\$4.00	\$15,568.00
5050110	1,751.000	POUND	REINFORCING STEEL (DOWELED)	\$8.00	\$14,008.00	\$2.80	\$4,902.80	\$82.00	\$143,582.00	\$10.00	\$17,510.00
5060110	2,868.000	POUND	STRUCTURAL STEEL	\$5.00	\$14,340.00	\$2.55	\$7,313.40	\$2.50	\$7,170.00	\$3.00	\$8,604.00
6030170	26.000	LINFT	18-INCH REINFORCED CONCRETE PIPE, CLASS III	\$120.00	\$3,120.00	\$54.55	\$1,418.30	\$54.00	\$1,404.00	\$90.00	\$2,340.00
6030230	1,804.000	LINFT	24-INCH REINFORCED CONCRETE PIPE, CLASS III	\$100.00	\$180,400.00	\$50.40	\$90,921.60	\$50.00	\$90,200.00	\$70.00	\$126,280.00
6031050	3.000	EACH	24-INCH PRECAST END SECTION	\$1,800.00	\$5,400.00	\$1,090.00	\$3,270.00	\$1,080.00	\$3,240.00	\$1,750.00	\$5,250.00
6090260	5.000	EACH	ADJUSTING MANHOLE COVERS (METHOD B)	\$1,800.00	\$9,000.00	\$938.00	\$4,690.00	\$930.00	\$4,650.00	\$1,850.00	\$9,250.00
6090270	5.000	EACH	ADJUSTING MANHOLE COVERS (METHOD C)	\$2,000.00	\$10,000.00	\$3,032.00	\$15,160.00	\$3,000.00	\$15,000.00	\$2,050.00	\$10,250.00

Bid Tabulation

July 29, 2016

Item No.	Quantity	Unit	Description	Engineer's Estimate		Aggregate Industries SWR		Las Vegas Paving Corporation		Fisher Sand & Gravel Company	
				Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount
6090570	6.000	EACH	ADJUSTING COVERS (SPECIAL)	\$1,500.00	\$9,000.00	\$10,061.00	\$60,366.00	\$10,000.00	\$60,000.00	\$5,400.00	\$32,400.00
6090600	17.000	EACH	ADJUSTING VALVE COVERS (METHOD B)	\$600.00	\$10,200.00	\$818.00	\$13,906.00	\$810.00	\$13,770.00	\$750.00	\$12,750.00
6090610	25.000	EACH	ADJUSTING VALVE COVERS (METHOD C)	\$750.00	\$18,750.00	\$873.00	\$21,825.00	\$864.00	\$21,600.00	\$650.00	\$16,250.00
6090620	2.000	EACH	ADJUST DROP INLET	\$3,000.00	\$6,000.00	\$6,000.00	\$12,000.00	\$6,000.00	\$12,000.00	\$5,500.00	\$11,000.00
6091030	1,620.000	POUND	CASTINGS	\$4.00	\$6,480.00	\$3.85	\$6,237.00	\$4.30	\$6,966.00	\$4.00	\$6,480.00
6091160	8.000	EACH	48-INCH PRECAST REINFORCED CONCRETE MANHOLE, TYPE 1	\$4,000.00	\$32,000.00	\$4,800.00	\$38,400.00	\$4,750.00	\$38,000.00	\$4,000.00	\$32,000.00
6091220	3.000	EACH	48-INCH PRECAST REINFORCED CONCRETE MANHOLE, TYPE 1 (MODIFIED)	\$4,000.00	\$12,000.00	\$4,580.00	\$13,740.00	\$4,550.00	\$13,650.00	\$3,800.00	\$11,400.00
6100170	256.000	CUYD	RIPRAP (CLASS 150)	\$100.00	\$25,600.00	\$53.35	\$13,657.60	\$87.00	\$22,272.00	\$95.00	\$24,320.00
6100460	169.000	CUYD	RIPRAP BEDDING (CLASS 150)	\$75.00	\$12,675.00	\$55.30	\$9,345.70	\$82.00	\$13,858.00	\$95.00	\$16,055.00
6110130	10.100	CUYD	CLASS A CONCRETE APRONS	\$550.00	\$5,555.00	\$349.00	\$3,524.90	\$400.00	\$4,040.00	\$600.00	\$6,060.00
6130120	6.000	EACH	SIDEWALK UNDERDRAIN	\$3,500.00	\$21,000.00	\$1,908.00	\$11,448.00	\$1,300.00	\$7,800.00	\$250.00	\$1,500.00
6130130	35.280	SQYD	DETECTABLE WARNINGS	\$300.00	\$10,584.00	\$343.57	\$12,121.15	\$280.00	\$9,878.40	\$350.00	\$12,348.00
6130170	14,885.760	LINFT	CLASS A CONCRETE CURB (TYPE 2)	\$15.00	\$223,286.40	\$15.20	\$226,263.55	\$17.25	\$256,779.36	\$17.50	\$260,500.80
6130350	200.000	LINFT	CLASS A CONCRETE GLUE DOWN CURB (TYPE A)	\$20.00	\$4,000.00	\$20.20	\$4,040.00	\$6.00	\$1,200.00	\$22.50	\$4,500.00
6130640	7,582.820	LINFT	CLASS A CONCRETE CURB AND GUTTER (TYPE 1)	\$20.00	\$151,656.40	\$17.20	\$130,424.50	\$20.00	\$151,656.40	\$25.00	\$189,570.50
6130670	17.000	LINFT	CLASS A CONCRETE CURB AND GUTTER (TYPE 4)	\$40.00	\$680.00	\$31.10	\$528.70	\$21.00	\$357.00	\$100.00	\$1,700.00
6130690	3,924.380	LINFT	CLASS A CONCRETE CURB AND GUTTER (TYPE 5)	\$12.00	\$47,092.56	\$17.25	\$67,695.56	\$20.00	\$78,487.60	\$22.50	\$88,298.55
6131100	6,836.000	SQYD	CLASS A CONCRETE SIDEWALK (4-INCH)	\$40.00	\$273,440.00	\$43.20	\$295,315.20	\$34.00	\$232,424.00	\$52.50	\$358,890.00
6131220	2,609.000	SQYD	CLASS A CONCRETE DRIVEWAY (6-INCH)	\$60.00	\$156,540.00	\$52.70	\$137,494.30	\$55.00	\$143,495.00	\$95.00	\$247,855.00
6131250	476.690	SQYD	CLASS A CONCRETE DRIVEWAY (9-INCH) (REINFORCED)	\$100.00	\$47,669.00	\$84.90	\$40,470.98	\$98.00	\$46,715.62	\$110.00	\$52,435.90
6131420	321.350	SQYD	CLASS A CONCRETE RAMP (4-INCH)	\$80.00	\$25,708.00	\$52.70	\$16,935.15	\$75.00	\$24,101.25	\$85.00	\$27,314.75
6180350	3.000	EACH	GUARDRAIL TERMINAL (FLARED)	\$2,500.00	\$7,500.00	\$2,508.00	\$7,524.00	\$2,500.00	\$7,500.00	\$2,700.00	\$8,100.00
6180430	3.000	EACH	GUARDRAIL-BRIDGE RAIL CONNECTION (TRIPLE CORRUGATION)	\$2,400.00	\$7,200.00	\$2,726.00	\$8,178.00	\$2,700.00	\$8,100.00	\$2,800.00	\$8,400.00
6180550	95.000	LINFT	GALVANIZED GUARDRAIL (TRIPLE CORRUGATION)	\$45.00	\$4,275.00	\$49.00	\$4,655.00	\$48.50	\$4,607.50	\$45.00	\$4,275.00
6190210	141.000	EACH	GUIDE POSTS (FLEXIBLE)	\$50.00	\$7,050.00	\$45.80	\$6,457.80	\$31.00	\$4,371.00	\$55.00	\$7,755.00
6190260	82.000	EACH	OBJECT MARKERS, TYPE 2	\$65.00	\$5,330.00	\$60.00	\$4,920.00	\$75.00	\$6,150.00	\$110.00	\$9,020.00
6190270	10.000	EACH	OBJECT MARKERS, TYPE 2 (MODIFIED)	\$150.00	\$1,500.00	\$163.61	\$1,636.10	\$100.00	\$1,000.00	\$0.10	\$1.00
6230200	1.000	EACH	MODIFY PULL BOX	\$250.00	\$250.00	\$995.00	\$995.00	\$270.00	\$270.00	\$225.00	\$225.00
6230225	3.000	EACH	NO. 3-1/2 PULL BOX	\$350.00	\$1,050.00	\$916.50	\$2,749.50	\$615.00	\$1,845.00	\$650.00	\$1,950.00
6230230	12.000	EACH	NO. 5 PULL BOX	\$500.00	\$6,000.00	\$724.20	\$8,690.40	\$720.00	\$8,640.00	\$775.00	\$9,300.00
6230236	27.000	EACH	NO. 7 PULL BOX, MODIFIED	\$1,250.00	\$33,750.00	\$1,387.30	\$37,457.10	\$1,375.00	\$37,125.00	\$1,400.00	\$37,800.00
6230241	24.000	EACH	NO. 9 PULL BOX, MODIFIED	\$3,500.00	\$84,000.00	\$4,520.75	\$108,498.00	\$4,500.00	\$108,000.00	\$5,000.00	\$120,000.00
6230267	2.000	EACH	LUMINAIRE, TYPE A	\$500.00	\$1,000.00	\$1,276.00	\$2,552.00	\$1,265.00	\$2,530.00	\$850.00	\$1,700.00
6230520	2.000	EACH	SPECIAL POLE	\$2,500.00	\$5,000.00	\$4,826.00	\$9,652.00	\$4,780.00	\$9,560.00	\$3,750.00	\$7,500.00
6230600	1.000	EACH	STEEL POLE, TYPE 28 (WITH COMBINATION SIGNAL ARMS)	\$25,000.00	\$25,000.00	\$17,720.00	\$17,720.00	\$17,550.00	\$17,550.00	\$15,000.00	\$15,000.00
6230775	14.000	EACH	LOOP DETECTOR	\$650.00	\$9,100.00	\$988.00	\$13,832.00	\$980.00	\$13,720.00	\$1,450.00	\$20,300.00
6230915	4.000	EACH	VIDEO IMAGE DETECTION SYSTEM	\$9,000.00	\$36,000.00	\$17,053.00	\$68,212.00	\$17,000.00	\$68,000.00	\$12,000.00	\$48,000.00
6230920	16.000	EACH	VIDEO IMAGE DETECTION CAMERA	\$2,500.00	\$40,000.00	\$3,254.00	\$52,064.00	\$3,220.00	\$51,520.00	\$2,700.00	\$43,200.00
6230925	4.000	EACH	PIEZOELECTRIC SENSOR	\$2,600.00	\$10,400.00	\$4,917.00	\$19,668.00	\$4,870.00	\$19,480.00	\$2,600.00	\$10,400.00
6231060	1.000	EACH	SPECIAL M-1 CABINET	\$8,000.00	\$8,000.00	\$7,573.00	\$7,573.00	\$7,500.00	\$7,500.00	\$6,500.00	\$6,500.00
6231106	1.000	EACH	RAPID RECTANGULAR FLASHING BEACON SYSTEM	\$18,000.00	\$18,000.00	\$15,810.00	\$15,810.00	\$15,650.00	\$15,650.00	\$14,500.00	\$14,500.00
6231261	8.000	EACH	FIELD HARDENED ETHERNET SWITCH	\$4,000.00	\$32,000.00	\$2,658.00	\$21,264.00	\$2,600.00	\$20,800.00	\$2,300.00	\$18,400.00
6231262	4.000	EACH	VIDEO ENCODER	\$2,200.00	\$8,800.00	\$1,930.00	\$7,720.00	\$1,915.00	\$7,660.00	\$1,550.00	\$6,200.00
6231265	4.000	EACH	CCTV FIELD EQUIPMENT	\$12,000.00	\$48,000.00	\$14,019.00	\$56,076.00	\$13,900.00	\$55,600.00	\$13,000.00	\$52,000.00
6231470	4.000	EACH	REMOVE AND RESET PULL BOX	\$250.00	\$1,000.00	\$415.60	\$1,662.40	\$415.00	\$1,660.00	\$9,000.00	\$36,000.00
6231495	8.000	EACH	REMOVE AND RESET PEDESTRIAN PUSH BUTTON WITH SIGN	\$125.00	\$1,000.00	\$262.00	\$2,096.00	\$260.00	\$2,080.00	\$250.00	\$2,000.00
6231635	1.000	EACH	MODIFY ELECTRICAL SERVICE	\$250.00	\$250.00	\$450.00	\$450.00	\$450.00	\$450.00	\$50.00	\$50.00
6231780	105,510.000	LINFT	1-INCH CONDUIT	\$4.85	\$511,723.50	\$5.32	\$561,313.20	\$5.00	\$527,550.00	\$5.50	\$580,305.00

Bid Tabulation

July 29, 2016

Item No.	Quantity	Unit	Description	Engineer's Estimate		Aggregate Industries SWR		Las Vegas Paving Corporation		Fisher Sand & Gravel Company	
				Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount
6231820	1,513.000	LINFT	3-INCH CONDUIT	\$15.00	\$22,695.00	\$32.35	\$48,945.55	\$32.00	\$48,416.00	\$45.00	\$68,085.00
6231830	106.000	LINFT	4-INCH CONDUIT	\$35.00	\$3,710.00	\$52.80	\$5,596.80	\$53.00	\$5,618.00	\$55.00	\$5,830.00
6231980	3,344.000	LINFT	NO. 8 CONDUCTOR	\$1.00	\$3,344.00	\$1.15	\$3,845.60	\$1.15	\$3,845.60	\$0.80	\$2,675.20
6232090	1,100.000	LINFT	25 CONDUCTOR NO. 14 CABLE	\$4.50	\$4,950.00	\$5.30	\$5,830.00	\$5.25	\$5,775.00	\$6.00	\$6,600.00
6232125	27,562.000	LINFT	6 PAIR CONDUCTOR NO. 22 CABLE	\$2.50	\$68,905.00	\$1.75	\$48,233.50	\$1.75	\$48,233.50	\$1.20	\$33,074.40
6232176	36,920.000	LINFT	SINGLE MODE FIBER OPTIC CABLE (72 FIBER)	\$3.50	\$129,220.00	\$2.42	\$89,346.40	\$2.40	\$88,608.00	\$2.75	\$101,530.00
6232179	1,538.000	LINFT	FIBER OPTIC BRANCH CABLE	\$35.00	\$53,830.00	\$4.43	\$6,813.34	\$4.50	\$6,921.00	\$5.00	\$7,690.00
6232185	260.000	LINFT	COMPOSITE CABLE	\$5.00	\$1,300.00	\$3.05	\$793.00	\$3.00	\$780.00	\$4.00	\$1,040.00
6232630	36.000	EACH	LOOP DETECTOR (6-FOOT X 6-FOOT)	\$591.00	\$21,276.00	\$595.00	\$21,420.00	\$600.00	\$21,600.00	\$475.00	\$17,100.00
6232635	18.000	EACH	LOOP DETECTOR (6-FOOT X 6-FOOT) (PREFORMED)	\$525.00	\$9,450.00	\$758.00	\$13,644.00	\$750.00	\$13,500.00	\$700.00	\$12,600.00
6232660	8,762.000	LINFT	REMOVAL OF EXISTING CABLE	\$1.00	\$8,762.00	\$0.65	\$5,695.30	\$0.65	\$5,695.30	\$1.00	\$8,762.00
6232895	3,740.000	LINFT	DIRECTIONAL DRILLING	\$65.00	\$243,100.00	\$68.70	\$256,938.00	\$68.00	\$254,320.00	\$70.00	\$261,800.00
6232915	9.000	EACH	INTEGRATED FIBER OPTIC SPLICE/TERMINATION UNIT (UNDERGROUND)	\$4,000.00	\$36,000.00	\$3,765.00	\$33,885.00	\$3,730.00	\$33,570.00	\$3,000.00	\$27,000.00
6240110	10,000.000	HOURL	FLAGGER	\$55.00	\$550,000.00	\$60.30	\$603,000.00	\$71.00	\$710,000.00	\$85.00	\$850,000.00
6240130	1.000	FA	UNIFORMED TRAFFIC CONTROL OFFICER	\$175,000.00	\$175,000.00	\$175,000.00	\$175,000.00	\$175,000.00	\$175,000.00	\$175,000.00	\$175,000.00
6240140	300.000	DAY	TRAFFIC CONTROL SUPERVISOR	\$550.00	\$165,000.00	\$490.00	\$147,000.00	\$500.00	\$150,000.00	\$2,000.00	\$600,000.00
6250130	25.000	EACH	RENT CONSTRUCTION BARRICADES (TYPE IIIB)	\$110.00	\$2,750.00	\$131.00	\$3,275.00	\$300.00	\$7,500.00	\$150.00	\$3,750.00
6250230	2.000	EACH	RENT CHANGEABLE MESSAGE SIGN	\$5,500.00	\$11,000.00	\$9,816.00	\$19,632.00	\$8,000.00	\$16,000.00	\$16,500.00	\$33,000.00
6250270	8.000	EACH	RENT ARROW BOARD (TYPE C)	\$2,000.00	\$16,000.00	\$3,381.00	\$27,048.00	\$1,715.00	\$13,720.00	\$5,000.00	\$40,000.00
6250310	1,402.000	EACH	RENT TRAFFIC DRUMS	\$45.00	\$63,090.00	\$64.35	\$90,218.70	\$40.00	\$56,080.00	\$50.00	\$70,100.00
6250380	36.000	EACH	RENT TEMPORARY IMPACT ATTENUATOR (45 MPH)	\$3,000.00	\$108,000.00	\$2,945.00	\$106,020.00	\$3,300.00	\$118,800.00	\$4,000.00	\$144,000.00
6250500	1,347.000	SQFT	RENT CONSTRUCTION SIGNS	\$14.00	\$18,858.00	\$16.90	\$22,764.30	\$8.00	\$10,776.00	\$10.00	\$13,470.00
6250510	8,576.000	LINFT	RENT PORTABLE PRECAST CONCRETE BARRIER RAIL	\$35.00	\$300,160.00	\$37.50	\$321,600.00	\$37.50	\$321,600.00	\$65.00	\$557,440.00
6270190	700.510	SQFT	PERMANENT SIGNS (GROUND MOUNTED) (METAL SUPPORTS)	\$60.00	\$42,030.60	\$40.90	\$28,650.86	\$52.00	\$36,426.52	\$65.00	\$45,533.15
6270220	591.870	SQFT	PERMANENT SIGN PANELS (PANELS ONLY)	\$35.00	\$20,715.45	\$40.90	\$24,207.48	\$33.50	\$19,827.65	\$32.00	\$18,939.84
6270240	626.170	SQFT	PERMANENT SIGNS, REMOVE	\$5.00	\$3,130.85	\$7.60	\$4,758.89	\$7.30	\$4,571.04	\$6.50	\$4,070.11
6270250	471.380	SQFT	PERMANENT SIGNS, REMOVE (PANEL ONLY)	\$6.00	\$2,828.28	\$7.60	\$3,582.49	\$5.20	\$2,451.18	\$7.50	\$3,535.35
6280120	1.000	LS	MOBILIZATION	\$887,715.87	\$887,715.87	\$694,893.34	\$694,893.34	\$1,241,579.40	\$1,241,579.40	\$1,787,399.11	\$1,787,399.11
6321090	2,328.000	LINFT	POLYUREA PAVEMENT STRIPING (8-INCH DOTTED WHITE)	\$1.25	\$2,910.00	\$0.55	\$1,280.40	\$0.50	\$1,164.00	\$0.90	\$2,095.20
6321190	43,976.160	LINFT	POLYUREA PAVEMENT STRIPING (8-INCH SOLID WHITE)	\$1.25	\$54,970.20	\$1.31	\$57,608.77	\$1.25	\$54,970.20	\$0.90	\$39,578.54
6321262	5,996.160	SQFT	POLYUREA PAVEMENT STRIPING (VARIES)	\$4.00	\$23,984.64	\$4.10	\$24,584.26	\$4.00	\$23,984.64	\$5.00	\$29,980.80
6330100	4,496.000	EACH	NON-REFLECTIVE PAVEMENT MARKERS	\$2.00	\$8,992.00	\$2.07	\$9,306.72	\$2.60	\$11,689.60	\$3.00	\$13,488.00
6330110	2,239.000	EACH	REFLECTIVE PAVEMENT MARKERS	\$2.50	\$5,597.50	\$2.07	\$4,634.73	\$3.50	\$7,836.50	\$3.00	\$6,717.00
6341060	12,281.850	SQFT	THERMOPLASTIC PAVEMENT MARKING (VARIES)	\$8.00	\$98,254.80	\$5.40	\$66,321.99	\$5.00	\$61,409.25	\$6.00	\$73,691.10
6370110	1.000	LS	TEMPORARY POLLUTION CONTROL	\$10,000.00	\$10,000.00	\$33,000.00	\$33,000.00	\$28,000.00	\$28,000.00	\$100,000.00	\$100,000.00
6370190	1.000	LS	DUST CONTROL	\$22,192.89	\$22,192.89	\$115,000.00	\$115,000.00	\$130,000.00	\$130,000.00	\$250,000.00	\$250,000.00
6410100	1.000	EACH	IMPACT ATTENUATOR	\$20,000.00	\$20,000.00	\$20,180.00	\$20,180.00	\$16,120.00	\$16,120.00	\$20,000.00	\$20,000.00
Totals:					\$15,768,603.22		\$17,295,592.71		\$17,770,000.00		\$19,750,000.00

Price Sensitivity

July 29, 2016

Contract No.: 3619-READV
Project No.: SPSR-0604(029)
Project Id: 73781
County: Clark
Range: R31 \$13,500,000.01 to \$16,500,000
Working: 300

RE: Mario Gomez
Designer: David Lake

Engineer's Estimate	Aggregate Industries SWR	Las Vegas Paving Corporation	Diff. Between Low & 2nd	Diff Between EE & Low	Low Bid % of EE
\$15,768,603.22	\$17,295,592.71	\$17,770,000.00	\$474,407.29	\$1,526,989.49	110%

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
2000100	300.000	SURVEY CREW	HOUR	\$200.00	\$141.80	\$140.00	263,559.61	87853%	71%	Yes	EE unit price ok. Quantity verified.
2020935	7,985.710	REMOVAL OF COMPOSITE SURFACE	CUYD	\$35.00	\$37.40	\$40.00	-182,464.34	-2285%	107%	No	EE unit price ok. Quantity verified.
2020990	84,155.750	REMOVAL OF BITUMINOUS SURFACE (COLD MILLING)	SQYD	\$2.25	\$2.70	\$3.35	-729,857.37	-867%	120%	No	EE unit price ok. Quantity verified.
2020995	2,526.350	REMOVAL OF BITUMINOUS SURFACE (MISCELLANEOUS COLD MILLING)	SQYD	\$10.00	\$28.85	\$34.00	-92,117.92	-3646%	289%	Yes	EE unit price ok. Quantity verified.
2030140	51,473.460	ROADWAY EXCAVATION	CUYD	\$15.00	\$27.85	\$23.00	97,815.94	190%	186%	Yes	EE unit price ok. Quantity verified.
2030700	59,602.260	GEOTEXTILE (CLASS 2)	SQYD	\$1.00	\$1.40	\$1.20	2,372,036.45	3980%	140%	No	EE unit price ok. Quantity verified.
2060110	2,759.200	STRUCTURE EXCAVATION	CUYD	\$28.00	\$17.85	\$21.50	-129,974.60	-4711%	64%	Yes	EE unit price ok. Quantity verified.
2070110	1,354.700	GRANULAR BACKFILL	CUYD	\$50.00	\$56.30	\$56.00	1,581,357.63	116731%	113%	No	EE unit price ok. Quantity verified.
2120870	3,281.500	DECORATIVE ROCK (TYPE A)	TON	\$50.00	\$85.10	\$62.50	20,991.47	640%	170%	Yes	EE unit price ok. Quantity verified.
3020130	45,454.220	TYPE 1 CLASS B AGGREGATE BASE	TON	\$20.00	\$25.75	\$33.60	-60,434.05	-133%	129%	No	EE unit price ok. Quantity verified.
4020100	15,229.150	PLANTMIXING MISCELLANEOUS AREAS	SQYD	\$13.00	\$5.45	\$20.00	-32,605.31	-214%	42%	Yes	EE unit price ok. Quantity verified.
4020190	38,387.860	PLANTMIX SURFACING (TYPE 2C) (WET)	TON	\$75.00	\$81.00	\$73.00	59,300.91	154%	108%	No	EE unit price ok. Quantity verified.
4030120	4,964.720	PLANTMIX OPEN-GRADED SURFACING (1/2-INCH) (WET)	TON	\$95.00	\$93.25	\$90.00	145,971.47	2940%	98%	No	EE unit price ok. Quantity verified.
4060100	117.330	CUTBACK ASPHALT, TYPE MC-70NV	TON	\$500.00	\$0.01	\$1.00	-479,199.28	-408420%	0%	Yes	EE unit price ok. Quantity verified.
4090220	59,621.900	PORTLAND CEMENT CONCRETE PAVEMENT (10-INCH)	SQYD	\$50.00	\$55.35	\$52.40	160,816.03	270%	111%	No	EE unit price ok. Quantity verified.
4090360	38,691.600	SAW AND SEAL TRANSVERSE WEAKENED PLANE JOINTS	LINFT	\$2.50	\$2.20	\$2.20	N/A	N/A	88%	No	EE unit price ok. Quantity verified.
4090700	11,377.000	PCCP CURING COMPOUND,WAX BASE	GAL	\$4.50	\$4.35	\$4.30	9,488,145.80	83398%	97%	No	EE unit price ok. Quantity verified.
5020710	65.020	CLASS A CONCRETE (MAJOR)	CUYD	\$750.00	\$1,200.00	\$1,070.00	3,649.29	5613%	160%	Yes	EE unit price ok. Quantity verified.
5020720	36.230	CLASS A CONCRETE (MINOR)	CUYD	\$1,500.00	\$2,050.00	\$1,750.00	1,581.36	4365%	137%	No	EE unit price ok. Quantity verified.
5020731	1,523.270	CLASS A CONCRETE (ISLAND PAVING) (SPECIAL)	CUYD	\$450.00	\$495.90	\$437.00	8,054.45	529%	110%	No	EE unit price ok. Quantity verified.
6030230	1,804.000	24-INCH REINFORCED CONCRETE PIPE, CLASS III	LINFT	\$100.00	\$50.40	\$50.00	1,186,018.23	65744%	50%	Yes	EE unit price ok. Quantity verified.
6090570	6.000	ADJUSTING COVERS (SPECIAL)	EACH	\$1,500.00	\$10,061.00	\$10,000.00	7,777.17	129619%	671%	Yes	No previous bid history. EE unit price ok.
6130170	14,885.760	CLASS A CONCRETE CURB (TYPE 2)	LINFT	\$15.00	\$15.20	\$17.25	-231,418.19	-1555%	101%	No	EE unit price ok. Quantity verified.
6130640	7,582.820	CLASS A CONCRETE CURB AND GUTTER (TYPE 1)	LINFT	\$20.00	\$17.20	\$20.00	-169,431.18	-2234%	86%	No	EE unit price ok. Quantity verified.
6130690	3,924.380	CLASS A CONCRETE CURB AND GUTTER (TYPE 5)	LINFT	\$12.00	\$17.25	\$20.00	-172,511.74	-4396%	144%	No	EE unit price ok. Quantity verified.
6131100	6,836.000	CLASS A CONCRETE SIDEWALK (4-INCH)	SQYD	\$40.00	\$43.20	\$34.00	51,566.01	754%	108%	No	EE unit price ok. Quantity verified.
6131220	2,609.000	CLASS A CONCRETE DRIVEWAY (6-INCH)	SQYD	\$60.00	\$52.70	\$55.00	-206,264.04	-7906%	88%	No	EE unit price ok. Quantity verified.
6230241	24.000	NO. 9 PULL BOX, MODIFIED	EACH	\$3,500.00	\$4,520.75	\$4,500.00	22,863.00	95263%	129%	No	EE unit price ok. Quantity verified.
6230915	4.000	VIDEO IMAGE DETECTION SYSTEM	EACH	\$9,000.00	\$17,053.00	\$17,000.00	8,951.08	223777%	189%	Yes	EE unit price ok. Quantity verified.
6230920	16.000	VIDEO IMAGE DETECTION CAMERA	EACH	\$2,500.00	\$3,254.00	\$3,220.00	13,953.16	87207%	130%	No	EE unit price ok. Quantity verified.
6231265	4.000	CCTV FIELD EQUIPMENT	EACH	\$12,000.00	\$14,019.00	\$13,900.00	3,986.62	99665%	117%	No	EE unit price ok. Quantity verified.
6231780	105,510.000	1-INCH CONDUIT	LINFT	\$4.85	\$5.32	\$5.00	1,482,522.78	1405%	110%	No	EE unit price ok. Quantity verified.
6232125	27,562.000	6 PAIR CONDUCTOR NO. 22 CABLE	LINFT	\$2.50	\$1.75	\$1.75	N/A	N/A	70%	Yes	EE unit price ok. Quantity verified.
6232176	36,920.000	SINGLE MODE FIBER OPTIC CABLE (72 FIBER)	LINFT	\$3.50	\$2.42	\$2.40	23,720,364.50	64248%	69%	Yes	EE unit price ok. Quantity verified.
6232179	1,538.000	FIBER OPTIC BRANCH CABLE	LINFT	\$35.00	\$4.43	\$4.50	-6,777,247.00	-440653%	13%	Yes	EE unit price ok. Quantity verified.
6232895	3,740.000	DIRECTIONAL DRILLING	LINFT	\$65.00	\$68.70	\$68.00	677,724.70	18121%	106%	No	EE unit price ok. Quantity verified.
6240110	10,000.000	FLAGGER	HOUR	\$55.00	\$60.30	\$71.00	-44,337.13	-443%	110%	No	EE unit price ok. Quantity verified.
6240140	300.000	TRAFFIC CONTROL SUPERVISOR	DAY	\$550.00	\$490.00	\$500.00	-47,440.73	-15814%	89%	No	EE unit price ok. Quantity verified.
6250310	1,402.000	RENT TRAFFIC DRUMS	EACH	\$45.00	\$64.35	\$40.00	19,482.85	1390%	143%	No	EE unit price ok. Quantity verified.
6250380	36.000	RENT TEMPORARY IMPACT ATTENUATOR (45 MPH)	EACH	\$3,000.00	\$2,945.00	\$3,300.00	-1,336.36	-3712%	98%	No	EE unit price ok. Quantity verified.

Price Sensitivity July 29, 2016

6250510	8,576.000	RENT PORTABLE PRECAST CONCRETE BARRIER RAIL	LINFT	\$35.00	\$37.50	\$37.50	N/A	N/A	107%	No	EE unit price ok. Quantity verified.
6280120	1.000	MOBILIZATION	LS	\$887,715.87	\$694,893.34	\$1,241,579.40	N/A	N/A	78%	No	EE unit price ok.
6321190	43,976.160	POLYUREA PAVEMENT STRIPING (8-INCH SOLID WHITE)	LINFT	\$1.25	\$1.31	\$1.25	7,906,788.17	17980%	105%	No	EE unit price ok. Quantity verified.
6341060	12,281.850	THERMOPLASTIC PAVEMENT MARKING (VARIES)	SQFT	\$8.00	\$5.40	\$5.00	1,186,018.23	9657%	68%	Yes	EE unit price ok. No bid history at this quantity. Quantity verified.
6370190	1.000	DUST CONTROL	LS	\$22,192.89	\$115,000.00	\$130,000.00	N/A	N/A	518%	Yes	EE unit price ok.

Additional Comments:



MEMORANDUM

September 2, 2016

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, Director
SUBJECT: September 12, 2016, Transportation Board of Directors Meeting
Item #6: 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 July 15, 2016, through August 17, 2016.

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 new agreements and amendments which take the total agreement above \$300,000 during the period from July 15, 2016, through August 17, 2016.

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 for Approval, July 15, 2016, through August 17, 2016.

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
July 15, 2016, through August 17, 2016**

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	Dept. Project Manager	Notes
1	09816	00	DEANGELO BROTHERS, LLC.	VEGETATION CONTROL	N	1,390,000.00	-	1,390,000.00	-	9/12/2016	10/31/2018	-	Service Provider	GREG MINDRUM	09-12-16: STATEWIDE VEGETATION CONTROL WITHIN EIGHT (8) FEET OF ROADWAY, STATEWIDE. NV B/L#: NVF20141416914 - R SUBMITTED PROPOSALS: PESTMASTER SERVICES, BASIN TREE SERVICES, KDJ & ASSOC.
2	30116	00	CM WORKS	CONSTRUCTION CREW 906 AUGMENTATION	Y	959,723.49	-	959,723.49	-	9/12/2016	12/31/2018	-	Service Provider	LISA SCHESSLER	9-12-16: CONSTRUCTION ENGINEERING SERVICES FOR AUGMENTATION OF CREW 906 FOR CONTRACT 3613, SR 160 PHASE 1 WIDENING PROJECT. B/L#: NVD20051636163 - R SUBMITTED PROPOSALS: AECOM TECHNICAL, 4LEAF CONSULTING, SLATER HANIFAN, CA GROUP, VTN NEVADA.
3	45913	02	CH2M HILL	MOBILITY ALLIANCE PROGRAM MANAGEMENT	Y	287,500.00	250,000.00	537,500.00	-	8/7/2014	9/30/2018	9/12/2016	Service Provider	KEVIN VERRE	AMD 2 08-12-16: INCREASE AUTHORITY FROM \$287,500 TO \$537,500 FOR THE PRELIMINARY TRAFFIC AND COST ANALYSIS OF THE POTENTIAL SEVEN NFL STADIUM SITES UNDER CONSIDERATION IN LAS VEGAS. AMD 1 03-22-16: EXTEND TERMINATION DATE FROM 09-30-16 TO 09-30-18 FOR CONTINUATION OF SERVICES. 08-07-14: I-15 MOBILITY ALLIANCE PROGRAM MANAGEMENT TO CONTINUE THE COORDINATION AND PARTNERSHIP BETWEEN NEIGHBORING STATES ALONG THE I-15 CORRIDOR FROM SOUTHERN CALIFORNIA TO NORTHERN UTAH. NV B/L#: NVF19931065492-R SUBMITTED PROPOSALS: ATKINS NORTH AMERICA
4	65215	00	HORROCKS ENGINEERING	SUBSURFACE UTILITY ENGINEERING	N	1,166,860.00	-	1,166,860.00	-	9/12/2016	12/31/2017	-	Service Provider	ALLISA ROOT	09-12-16: SUBSURFACE UTILITY ENGINEERING SERVICES, NECESSARY TO IDENTIFY UTILITY LOCATIONS IN ASSOCIATION WITH IMPROVEMENTS BEING MADE ON SPSR-0593(003) SR593/TROPICANA BLVD PHASE II. B/L#: NVF19991246016 - R SUBMITTED PROPOSALS: CARDNO, INC., VTN NEVADA
5	70616	00	HDR ENGINEERING	RISK ANALYSIS FINANCIAL PLANS	Y	680,104.76	-	680,104.76	-	9/12/2016	12/31/2018	-	Service Provider	DWAYNE WILKINSON	09-12-16: RISK ANALYSIS AND FINANCIAL PLANS. NECESSARY TO COMPLY WITH DEPARTMENT AND FEDERAL HIGHWAY ADMINISTRATION (FHWA) POLICIES REQUIRING THAT MAJOR PROJECT MANAGEMENT PLANS (MPMP), FINANCIAL PLANS, AND DEPARTMENT PROJECT MANAGEMENT PLANS (NPMP) ARE TO BE PREPARED FOR MAJOR PROJECTS. B/L#: NVF19851010291 - R SUBMITTED PROPOSALS: ONLY PROPOSAL

Line Item 1

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION

MEMORANDUM

July 25, 2016

TO: Reid Kaiser, Assistant Director
FROM: Greg Mindrum, Project Manager
SUBJECT: Negotiation Summary for RFP 098-16-050 Vegetation Control

A negotiation conference call meeting was held at Hot Springs in Carson City on July 6, 2016, with Kevin Scrivner, Rich Hillyard, and Loren Eppler of DeAngelo Brothers, LLC and Greg Mindrum and Ambere Angel of the Nevada Department of Transportation (DEPARTMENT) in attendance.

The DBE goal for this agreement has been established at Zero percent (0%).

The scope of services that are to be provided by the SERVICE PROVIDER was reaffirmed by both parties at the outset.

The following schedule was agreed to by both parties:

Extend spraying to October 31, 2016 for this year only due to lateness of start.
Actual acreage determined by each District.
Inventory item withdrawn.

Key personnel dedicated to this project are as follows:

Kevin Scrivner - Statewide contact
Dennis Capper – District 3 manager
Dave Najera – District 2 manager
Jessie Razo – District 1 manager

The budget for this contract is \$1,390,000.00.

The negotiations yielded the following:
Actual payables based on proposal bid item amounts of:
\$81.88 per acre for non-interstate routes.
\$170.13 per acre for interstate routes to include attenuator truck rental.
\$2.62 per acre for marking dye.
\$73.63 per acre as needed for any call out foliar spraying by Districts up to the limit of 6,200 acres.

Reviewed and Approved:

DocuSigned by:

22B87BD707CB4CD...
Assistant Director

8/10/2016

P098-16-050 SOW

The purpose of this Project is to obtain services in the application of pesticides, as defined in NRS 555.267, to provide a vegetation-free swath on the shoulders of DEPARTMENT maintained routes and roadways throughout the State of Nevada, through the actual application of pesticide/herbicides. The application shall encompass a nine (9) foot swath to include one (1) foot of roadway pavement and eight (8) feet of shoulder. In areas of heavy concentrations of vegetation immediately adjacent to the eight (8) foot swath, an additional application area (Foliar) may be designated by the Engineer in an effort to control seed bank re-infestation of original shoulder coverage area. Vegetation-free swath shall consist of shoulders, on 2-lane routes, and both shoulders and both median shoulders on 4-lane, divided routes.

Spraying within urban areas are not a part of this Project. Sidewalks are generally considered to be delineation of urban areas. Do not spray shoulder areas where sidewalk is present. There will be areas of shoulders which are exempted from the vegetation control program due to landscaping, protected species avoidance, or watershed considerations. Do NOT spray in waterways. Additionally, the individual Districts and Subdistricts may designate areas of exemption due to construction.

Attachment A is only a list of potential routes which may have vegetation control, not all may be designated for spraying.

Quantities listed in the Project Schedule are total estimated quantities if all route shoulders listed in Attachment A are sprayed on an annual basis and are to be used for estimation only. Environmental avoidance areas, District exemption areas or economic concerns may reduce the actual quantities sprayed.

Licensing Requirements:

The successful Service Provider must supply two (2) persons per spray vehicle of which one (1) must be in possession of a valid CDL license endorsed for hazardous material. The spray operator will be required to have, or obtain within sixty (60) days of project award, a valid license issued by the State of Nevada, Department of Agriculture, for the application of restricted pesticides. Documentation of appropriate licensing must be furnished to the Maintenance and Asset Management Office prior to commencement of any operations within the state. Spray operator must be in possession of license while spraying. Service Provider or Subcontractor must be licensed by the State of Nevada Department of Agriculture, for application of pesticides on rights-of-way and landscape areas for both restricted and non-restricted use pesticides, per NRS 555.2667 and NRS 555.280.

The Service Provider must comply with the Clean Water Act and the National Pollutant Discharge Elimination System permit issued from the Nevada Division of Environmental Protection (NDEP).

Safety Program:

The successful Proposer shall provide a complete safety plan for the roadside vegetation control program no later than one (1) month after completion of route inventory, and must be submitted prior to the commencement of any spraying operations. The program shall be bound, titled and provided to the Maintenance and Asset Management Office and each of six (6) Maintenance Stations, to include the following:

- A. Product Information, to include chemical and common name(s).

- B. Product Hazards, environmental and personnel.
- C. Safety Precautions.
- D. MSDS and Product Labels for all products to be used.
- E. Spill Containment and Reporting Plan: any spill of material must be reported to the District office of the District in which spill occurred.
- F. Traffic Control Plan consistent with a moving operation which provides for the safety of crew, the motoring public, and DEPARTMENT resources. Service Provider shall be responsible for furnishing any and all equipment or materials necessary for traffic control. Lane closures will not be allowed.
 - 1. An impact attenuator truck **will** be necessary behind spray equipment on Interstate System routes for safe movement of vehicles through spray zone. The Nevada Department of Transportation will NOT provide this equipment. The cost of the impact attenuator will be considered an overhead cost associated with Interstate spraying, no direct reimbursement shall be made for the cost of impact attenuators, which should be included in the unit cost for Interstate spraying in the proposal.

All plan books shall be updated if new chemicals are approved for use or changes are made to any of the above sections (A – F). Failure to provide or update may result in termination of contract.

Data Requirements:

All electronic data provided to the DEPARTMENT, including but not limited to Inventory information, spray locations, and herbicide application data will be in NAD83 – GRS 1980, UTM (Zone 11, meters) format and will contain appropriate metadata reflecting accuracy. Service Providers collecting data using GPS will also provide the information on hardware, metadata on the data collected, and post processing with the use of WAAS enabled or other real-time correction method, GPS units strongly encouraged. It is strongly recommended for any Service Provider developing data to consult with the DEPARTMENT’s GIS section prior to collection of data for specific standards necessary for data inclusion in the DEPARTMENT’s Digital Cartographic Reference Base Map (DCRB).

The successful Service Provider shall provide web based real time GPS vehicle tracking system. System shall provide real time vehicle position along roadway, along with vehicle and equipment condition such as but not limited to ground speed, spray pump on/off condition, any over alarm conditions, etc. System shall also record and be capable of viewing at a later time.

Coordination and Training:

Coordination with the District Offices is a must during the course of this contract. The Districts must be kept aware of location of spraying operations within each District or Sub-District.

An annual Temporary Right-of-Way Occupancy permit must be obtained from each District, at no cost to Service Provider, before spraying operations begin.

Prior to the start of spraying operations, the Service Provider shall schedule training sessions in Las Vegas, Tonopah, Sparks, and Elko to familiarize District personnel with the spray program schedule, the safety plan, a program overview, and vegetation identification and how the herbicides work. Sessions may coincide with District consultation. The cost of the coordination and training program shall be incidental to the overall spray program. No direct reimbursement shall be made for the costs of training sessions.

At least one week prior to spraying within a District the following required information will be provided to the District, as follows:

1. Route(s) to be sprayed.
2. Notation of any exception areas present on route.
3. Beginning milepost, End milepost, and location of spraying. Location of spraying may include one side or the other or both sides of road, and any medians present.
4. Approximate times spraying will begin and end.
5. Product(s) to be sprayed.

Faxing of information to the respective District Office or Sub-District Office will be permitted with a cover sheet addressed to the attention of the Engineer listed below.

District 1: Las Vegas
Attn: Mary Martini, and Mohamed Rouas
Fax: (702) 385-6544

Subdistrict 1: Tonopah
Attn: Steven Baer
Fax: (702) 482-2311

District 2: Reno
Attn: Thor Dyson, and Mike Fuess
Fax: (775) 834-8390

District 3: Elko
Attn: Kevin Lee, and Boyd Ratliff
Fax: (775) 777-2705

Subdistrict 3: Winnemucca
Attn: Dave Lindeman
Fax: (775) 623-8038

Subdistrict 3: Ely
Attn: Randy Hesterlee
Fax: (775) 289-1710

Vegetation Control:

Herbicide(s) shall be capable of killing all vegetation within a nine (9) foot spray swath. It would be advantageous that herbicide contained a soil sterility capability to prevent any regrowth.

Spray mixture shall also contain any necessary adjuvants such as surfactants, stickers, extenders, activators, buffers, acidifiers, deposition aids, de-foaming agents, thickeners, or compatibility agents as necessary or warranted.

Cost of adjuvants will be incorporated into cost of herbicide requiring same. No payment will be made for Adjuvants except for Green Dye which will always be used, and paid for as shown on proposal.

Vegetation which might be encountered along routes are, but not limited to: all vegetation listed in Noxious Weed List (Attachment B) along with common vegetation such as Kochia, Russian Thistle, Sweet Clover, Grindelia, Halogeton, Willow, Rabbit Brush, Poverty Weed, Annual Grasses, Perennial Grasses.

All herbicide spraying shall take into account maximum wind speed at which products may be dispensed to prevent product drift, environmental issues, and resulting warranty callback work.

For the purpose of this contract the nine (9) foot swath, encompassing one (1) foot of roadway and eight (8) feet of shoulder, along one (1) linear mile of shoulder shall total 1.09 acre.

Spray Program: Timing, and Application:

All spraying shall take place between May 1 and September 30.

All herbicide(s) used shall kill existing vegetation in all of its forms found along roadway. Pre-emergent spraying is not a part of this contract and will not be paid.

Inventory:

An annual inventory shall be conducted between May 1 and June 30 to provide location information (District, Route, milepost, and county), species of vegetation present, and the density of each species present within DEPARTMENT right-of-way. The density shall use a rating system from zero (0) to ten (10), where zero (0) equals no vegetation of a species present (zero percent cover), one (1) would equal 10 percent, etc., up to ten (10) equaling 100 percent cover. Coverage percentage may be broken into tenths (1/10).

The inventory shall be conducted on all routes listed in Attachment A. A copy of the inventory shall be furnished to the Maintenance and Asset Management office and to the three (3) Major Maintenance Stations by July 15. Annual Foliar treatment areas will be determined based upon Inventory findings.

All species present shall be inventoried with special notation made of those listed in the Nevada Department of Agriculture "Noxious Weed List" categories "A", "B", "C", per NRS 555.005-201 and NAC 555.010 as amended and included as Attachment B. Upon Maintenance Office approval of inventory, payment shall be an annual lump sum.

Warranty:

Service Provider shall warranty the vegetation-free nine (9) foot swath. The Service Provider shall be responsible for applying warranty treatment to roadway shoulders when growing vegetation is present within nine (9) foot swath irrespective of vegetation height.

The District Engineer or their representative will have the sole responsibility in determining that the objectives of the herbicide spraying have not been met. This does not relieve the Service Provider from duties to inspect roadways for vegetation present and to conduct warranty work generated by these inspections upon notification to the Engineer.

Service Provider must respond, upon receipt of a written request from the DEPARTMENT, within seven (7) working days. Any need for warranty vegetation spraying will be the sole financial responsibility of the Service Provider and the DEPARTMENT will not reimburse any costs of warranty work.

The Service Provider shall meet with District personnel, no later than the end of July, to discuss the effectiveness of spray program based on inventory findings, and discuss any problem areas of concern from the previous year spray program along with any necessary changes or concerns.

Foliar:

In areas of heavy concentrations of vegetation immediately adjacent to the nine (9) foot swath, an additional application area (Foliar) may be designated by the District Engineer of the affected area, along with data from Inventory, in an effort to control seed bank re-infestation of original shoulder coverage area.

The annual foliar treatment areas shall be limited to a total of six thousand two hundred (6,200) acres per year with spraying made during the months of July and August, statewide.

Working Hours:

Herbicide application shall be made during daylight hours and during the period of Monday through Friday. Work will not be allowed on the following legal holidays:

- January 1st (New Year's Day)
- 3rd Monday of January (Martin Luther King Jr Day)
- 3rd Monday of February (Presidents Day)
- Last Monday of May (Memorial Day)
- 4th of July (Independence Day)
- 1st Monday of September (Labor Day)
- Last Friday of October (Nevada Day)
- November 11th (Veterans' Day)
- 4th Thursday of November (Thanksgiving Day)
- 4th Friday of November (Family Day)
- December 25th (Christmas Day)

Work on weekends and during the hours of darkness must be requested in writing from the District Engineer or representative a minimum of three (3) working days prior to the actual work. Approval from District Engineer or representative must be received prior to the actual start of non-standard work.

The Service Provider shall be required to give each District Engineer or representative a notice of intent to begin the spray program within the related geographical area. The notice must be given seven (7) working days prior to the spraying operation starting. If the spray program is not in accordance with the operations plan the notice of intent to commence spraying must be in writing.

Equipment:

Service Provider shall provide evidence of equipment meeting the following minimum specifications:

Ability to provide sufficient water to meet spraying needs.

Chemical holding tanks with agitation.

Spray rigs utilizing computer injection monitoring systems:

Shall be capable of applying three (3) different chemical mixes from three (3) different tanks simultaneous or independent of each other.

System must be able to change the rate of application chemical per acre instantaneously while spraying. The computer shall monitor and display on screen the rate per acre for all three (3) chemical mixes, total ounces sprayed for all three (3) mixes, total acres sprayed for all three (3) chemical mixes, and true ground speed that is radar controlled.

The system shall have an in-line chemical flow meter, which will detect actual chemical flow for each chemical. The ability to monitor actual flow shall be done from inside the cab and the adjustment of chemical being dispersed must be done automatically by the computer injection system.

The system must be able to detect over and under application of chemical. In the event of under application of the chemical, the computer must have a warning system that informs the operator of the under application continuously until the problem of under application is corrected.

The warning system must not have manual bypass capabilities, thereby allowing the operator to ignore the under application event.

The system must utilize an adjustable low drift nozzle.

The system must utilize an articulating arm that is capable of reaching behind guardrail and concrete barrier rail.

The articulating arm and the adjustable nozzle must be controlled from within the cab and provide uniform coverage on different slopes throughout the road systems.

The system must have Global Positioning Equipment (GPS) and Data Logging System capabilities. Reports generated from the system must be provided with the daily spray logs.

The electronic spray monitoring system must be used during all applications. The DEPARTMENT reserves the right to check the systems flow meters and calibration at random. The DEPARTMENT reserves the right to inspect all equipment used on the spray program prior to actual spraying or during the course of the contract. Any equipment that is leaking, in poor operating condition, in need of repair, incapable of performing the work or not meeting the minimum requirements will be removed from the project. All vehicles used in the spray program must have a current vehicle registration from its home state. The vehicle must be placarded in accordance with requirements of the U.S. DOT. Basis of payment for spray equipment shall be acres sprayed and shall include all equipment and labor.

A list of equipment with documentation that they meet the above specifications shall be submitted with the bid. Failure to provide the required equipment specifications shall be a cause for rejection of the bid.

All equipment utilized in accomplishing the actual administering of herbicide to the area of ground encompassed by the nine (9) foot spray swath is incidental to this contract and no direct payment will be made, either for the actual equipment, including vehicles, and the maintenance necessary for the proper accomplishing of the spray operation.

Storage of equipment shall not be allowed at any DEPARTMENT facility.

Material:

Determination of herbicides used for this program will be at the discretion of the Service Provider with the approval before use by the District Engineer and the Maintenance and Asset Management Office.

Service Provider is free to conduct research and perform "test plot" applications with any new products that may be deemed beneficial to the DEPARTMENT in either costs or effectiveness. Service Provider must work closely with manufacturers, distributors, and the DEPARTMENT to bring new products, application equipment, or technologies to the DEPARTMENT. Prior written approval for any research or "test plots" must be obtained from the Maintenance Office along with submission of "test plot" monitoring reports showing results and conclusions.

Service Provider shall be responsible for providing for the spraying of, and disposal of all equipment, water, herbicides, drift control additives, non-ionic surfactants, dyes, waste products and material spill clean-up in accordance with all federal, state, and local laws and regulations.

Supply of water is the responsibility of the Service Provider. Water will not be supplied by the DEPARTMENT and no payment will be made for the acquisition or storage of water.

Basis of billing shall be the pounds, ounces, or gallons of herbicide applied at the unit cost in the bid proposal. No payment will be made for any overhead associated with the acquisition, storage or use of herbicide other than as listed above in this paragraph.

Storage of materials shall not be allowed at any DEPARTMENT facility.

Labor Requirements:

Service Provider shall employ a staff skilled in the application of herbicides with a minimum of three (3) years' experience in the operation of equipment as listed in Equipment, above. Service Provider shall ensure adequate and continuous supervision of all personnel during spraying operations and shall immediately remove from the project any employees determined to be negligent, careless, or incompetent upon written notification of same by the District Engineer. Service Provider shall insure all personnel conform to the Controlled Substance and Alcohol Use and Testing Program, 49 CFR part 382 with verification of enrollment and active participation provided upon request. Service Provider shall designate a spray crew member as the point of contact who shall be capable of contact with DEPARTMENT representatives at any time during spraying operations.

Safety:

Service Provider shall operate all vehicles in a safe and prudent manner, consistent with traffic laws and motoring public safety concerns. All equipment shall be parked a minimum of thirty (30) feet from roadway when not actively spraying. If equipment is parked outside of DEPARTMENT right-of-way, Service Provider shall be responsible for securing property owner approval and show proof thereof immediately to the DEPARTMENT upon request. Service Provider shall be responsible for providing all signs, cones, and flagmen, as required, for a moving operation in accordance with the Manual on Uniform Traffic Control Devices. In the event that traffic control measures are required the Service Provider shall submit a traffic control plan to the District Engineer affected and spraying operations will not commence until traffic control plan has been approved, in writing by the Engineer.

An impact attenuator truck will be necessary as a means of traffic control behind spray equipment on Interstate routes for safe movement of vehicles through spray zone. The Nevada Department of Transportation will NOT provide this equipment. The cost of the impact attenuator will be considered an overhead cost associated with Interstate spraying, no direct reimbursement shall be made for the cost of impact attenuators, which should be included in the unit cost for Interstate spraying in the proposal.

Billing Procedures:

Service Provider shall submit an invoice monthly to the District Engineer responsible for the areas sprayed. Invoice will address the number of acres sprayed, quantity and type of herbicide applied, the unit cost for each item along with total extended costs. The spray log and raw data from data logger and GPS system shall be included with the invoice showing the following information:

Date of Application

Route

Beginning and ending mileposts of spraying

Wind speed and direction

Temperature at time of spraying

Chemical name

Rate of chemical application per acre

Total acres sprayed, for each chemical

Total miles sprayed

Total ounces for each chemical sprayed

Actual width of swath sprayed, begin and end milepost of change

Service Provider will be for a two (2) year period with an option to extend for another two (2) year period. Prices bid will remain constant throughout the period of the agreement.

Line Item 2

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION

Request to Solicit Services and Budget Approval (2A)

X Initial Budget Request or Request for Amendment # or Task Order #

If Amendment or Task Order, name of Company:

Agreement #: Project ID #(s): 60633

Type of Services: Engineering Services - Construction Management

Originated by: Lisa Schettler Division: Construction Date Originated: 4/27/2016

Division Head/District Engineer: Sharon Foerschler

Budget Category #: 06 Object #: 814B Organization #: C040

Estimated Cost: \$1,444,716.00 Type of Funding: Federal/State % of Fund: 33% Fed/ 67% State

Funding Notes: State Fiscal Year(s): FY17, FY18

\$1,425,018.00 in FY17 and \$19,698.00 in FY18

“Budget by Organization” Report (Report No. NBDM30) attached here:

Purpose of, and Justification for, Budget Request:

Request to solicit construction crew augmentation services for Crew 906 and obtain budget approval for a Request for Proposal (RFP)



As a result of the size and scope of the project and the crew workload, the Construction Division is requesting approval to proceed with a solicitation to provide construction crew augmentation services.

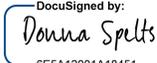
Scope of Services:

The scope of services include providing Construction Engineering Services for Augmentation of Crew 906 for Contract 3613, SR 160 Phase 1 Widening Project, Project ID 60633, Project No NHP-STP-0160(024). The estimated duration of this project is 300 working days.

Additional Information Attached

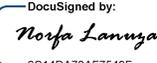
*Amendments for time extensions (time only) do not require a form 2a

**STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION**

Signed:  4/28/2016
DocuSigned by:
6E5A12001A18451
Financial Management _____ Date _____

Approval of this form by the Financial Management Division, Budget Section, provides funding authority for the services described. Actual availability of funds and the monitoring of actual expenditures must be determined by the Division Head.

Financial Management Comments:

Signed:  5/2/2016
DocuSigned by:
6C14DA73AE7549E
Project Accounting _____ Date _____

Project Accounting Comments:

Requires Scope budget change form to revise project amount and funding.

Signed:  5/2/2016
DocuSigned by:
C4C7CE5CD584445
Director _____ Date _____

Director Comments:

Requires Transportation Board presentation

Does not require Transportation Board presentation

Subject to Transportation Board approval. - RM

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION

MEMORANDUM

August 16, 2016

TO: Reid Kaiser, Assistant Director

FROM: Lisa Schettler, Project Manager

SUBJECT: Negotiation Summary for RFP 301-16-040 Construction Engineering Services for Augmentation of Crew 906 for the construction of Contract 3613, Project NHP-STP-160(024), SR 160 Phase 1 Widening

A negotiation meeting was held at NDOT Roop Street Annex in Carson City on August 5, 2016, with Dave Alexander from CM Works and Lisa Schettler, Sharon Foerschler, Jeffrey Freeman, Mario Gomez and Don Christiansen of the Nevada Department of Transportation (DEPARTMENT) in attendance.

The DBE goal for this agreement has been established at five and four-tenths percent (5.4%).

The scope of services that are to be provided by the SERVICE PROVIDER was reaffirmed by both parties at the outset, except that the Office Person and Lab Trailer were no longer needed as part of this augmentation:

The SERVICE PROVIDER shall provide qualified personnel and equipment including up to two (2) Inspectors level IV, two (2) Testers, two (2) nuclear gauges, trucks and cell phones. The SERVICE PROVIDER also agrees to provide incidental equipment as may be required by the DEPARTMENT.

CM Works, Inc. is the prime consultant and has teamed up with the following subconsultants:

- Stantec,
- NOVA Geotechnical and Inspection Services, and
- Arriola Consulting and Inspection (Certified DBE)

The DEPARTMENT's original estimate was \$1,444,716 including direct labor, overhead rate of 150%, a 10% fee, and direct expenses.

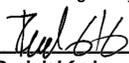
The SERVICE PROVIDER's original estimate was \$1,047,148.31, including direct labor, overhead rate of 159.28%, an 11% fee, and direct expenses.

The negotiations yielded the following:

1. Adjusted the augmentation staffing durations and levels and removed the Office Person from the Scope of Services based upon current project construction schedules and anticipated Crew 906 workload and needs.
2. Removed the Field Lab Trailer from the Scope of Services.
3. Reiterated that hours worked by the Service Provider are at the direction of the Resident Engineer.

4. Agreed to a reduction of the fixed fee from 11% to 10%.
5. Based upon a recent Approval Certificate by ODOT of the SERVICE PROVIDER's Indirect Cost Rate and review and approval by NDOT's Internal Audit Division an overhead rate of 159.28% is acceptable.
6. Agreed estimated overtime for field staff at 20% was appropriate.
7. Agreed upon an acceptable replacement for the second inspector listed in CM Works original proposal, who is no longer available, at a reduced rate from \$43/hr to \$35/hr.
8. The Service Provider provided a detailed Cost Analyses to support the monthly rate for vehicles in the cost proposal and agreed to reduce the estimated fuel cost from \$3.50/gallon to \$2.75/gallon. The consultant also removed an additional monthly charge for "safety equipment". This resulted in a reduction of the monthly vehicle rate from \$1850/month to \$1,660/month.
9. Agreed to a reduced cell phone rate from \$100/month to \$50/month.
10. Agreed that CM Works would remove the Laptop item from their original estimate as laptops needed for inspectors to utilize the Field Book program would be provided by the DEPARTMENT.
11. The total negotiated cost for this agreement, including direct labor, overhead, fee and direct expenses will be \$959,723.49.

Reviewed and Approved:

DocuSigned by:

Reid Kaiser, Assistant Director, Operations

Line Item 3

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION

459-13-800Amd2
For Agreement Services Only

Request to Solicit Services and Budget Approval (2A)
Amendments for time extensions (time only) do not require a form 2a

Initial Budget Request x Request for Amendment #: 2 Agreement #: P459-13-800

If Amendment, name of Company: CH2MHill

Project ID #(s): P459-13-800

Type of Services: Consultant Services

Originated by: Kevin Verre Division: Fed Prgm Mgmt Date Originated: 8/12/2016

 Division Head/District Engineer: Mark Costa

Budget Category #: 466006 Object #: 814U Organization #: B800

Estimated Cost: \$537,500 Type of Funding: Fed/State % of Fund: 33.33/67.67

Funding Notes: State Fiscal Year(s): 2017

This amendment will increase the overall all budget from \$287,500 to \$537,500. The additional \$250,000 will come from state funds.

Financial Management:

DocuSigned by:
Donna Spelts 8/15/2016
8A78D93AD71E514 Signature Date

Approval of this form by the Financial Management Division, Budget Section, provides funding authority for the services described. Actual availability of funds and the monitoring of actual expenditures must be determined by the Division Head.

Project Accounting:

DocuSigned by:
Robert C. Nellis 8/16/2016
6640EFE839341D Signature Date

Director:

Requires Transportation Board Presentation

x Does not require Transportation Board presentation

DocuSigned by:
Rudy May 8/17/2016
C4C7CE5CD58814 Signature Date

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION

MEMORANDUM

August 12, 2016

TO: Sondra Rosenberg, Assistant Director
FROM: Kevin Verre, Assistant Chief –Program Development
SUBJECT: Negotiation Summary for Amendment 2 to Agreement 459-13-800

A negotiation meeting was held by teleconference on August 10, 2016, with Dan Andersen (CH2M) and Kevin Verre of the Nevada Department of Transportation (DEPARTMENT).

It was determined that all of the original provisions provided in the original agreement would not change with the exception of the following:

- The time extension granted in the 1st amendment dated 3/22/2016 stating that the termination date would change from September 31, 2016, to September 30, 2018.
- The amount to conduct the Las Vegas Stadium Study would cost 100,000.
- The amount to conduct the alternative route study of I-15 would cost 150,000

The scope of services that are to be provided by the SERVICE PROVIDER was reaffirmed by both parties.

The following schedule was agreed to by both parties:

- Las Vegas Stadium Traffic Analysis – The analysis and draft deliverable would be completed within three weeks of notice-to-proceed.
- Alternative Route Study of I-15 would be completed within six months of notice-to-proceed.

Reviewed and Approved:



Assistant Director

Line Item 4

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION

652-15-030Amd1
For Agreement Services Only

Request to Solicit Services and Budget Approval (2A)
Amendments for time extensions (time only) do not require a form 2a

Initial Budget Request x Request for Amendment #: 1 Agreement #: 652-15-030

If Amendment, name of Company: Horrocks Engineers

Project ID #(s): EA 73879, SPSR-0593(003)

Type of Services: Subsurface Utility Engineering Services - Quality Level A Test Holes w/B, C, & D Quality Le

Originated by: Allisa Root Division: Right-of-Way Date Originated: 6/21/2016

^{DS}
RMB Division Head/District Engineer: Ruth M. Borrelli/Mary A. Martini, P.E.

Budget Category #: 466006 Object #: 813G Organization #: C030

Estimated Cost: 1,500,000.00 Type of Funding: State % of Fund: 100

Funding Notes: State Fiscal Year(s): 2017

Original approved 2A attached: Scope/cost increases require a budget increase from original amount of \$600,000 to \$1,500,000.00 total.

Financial Management:

DocuSigned by:
Donna Spelts 6/28/2016
8A78D93AD71E514 Signature Date

Approval of this form by the Financial Management Division, Budget Section, provides funding authority for the services described. Actual availability of funds and the monitoring of actual expenditures must be determined by the Division Head.

Project Accounting:

DocuSigned by:
Norfa Lanuza 6/28/2016
3BAB63AE020514 Signature Date

Director:

Requires Transportation Board Presentation

x Does not require Transportation Board presentation

DocuSigned by:
Rudy May 6/28/2016
C4C7CE5CD58514 Signature Date

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION

MEMORANDUM

August 10, 2016

TO: John Terry, Assistant Director

FROM: Allisa Root, Project Manager

SUBJECT: Negotiation Summary for RFP 652-15-030 – S.U.E. Services for SR-593/Tropicana Avenue from Dean Martin Drive to SR 582 Boulder Highway.

Two negotiation meetings were held at NDOT District 1 Headquarters Bldg in Las Vegas, Nevada on March 9, 2016 and April 18, 2016, with Bud Swenson and Wayne Horlacher representing Horrocks Engineers and Allisa Root, Nick Johnson, Chris Peterson, and Devin Cartwright representing the Nevada Department of Transportation (DEPARTMENT) in attendance.

The DBE goal for this agreement has been established at ZERO percent (0%).

The scope of services that are to be provided by the SERVICE PROVIDER was reaffirmed by both parties at the outset.

1. The SERVICE PROVIDER agrees to perform Subsurface Utility Engineering (SUE) designating services to indicate the approximate horizontal location of existing below-ground and above ground utilities using ASCE Standard 38-02 Quality Level B, C, & D to support the engineering design requirements and construction plans. Quality Level D designation will include compilation of utility information plotted on drawings based on record information, individual recollections or the existence of utility services. Quality Level C designation will include field verified survey of visible, above ground utility features such as poles, hydrants, etc., all quality levels defined per ASCE Standard 38-02 guidelines. Quality Level B designation will include requiring contractor to employ appropriate geophysical equipment to search for subsurface utilities within the project limits, both visible and non-visible per ASCE Standard 38-02 guidelines.

2. The SERVICE PROVIDER agrees to provide SUE ASCE Standard 38-02 Quality Level A locating services by excavating approximately three-hundred (300) test holes at locations provided by DEPARTMENT within 21 days of receipt of the designation DGNs. Data provided shall include the northing, easting, and station/offset of the exact horizontal and vertical locations (+/- .10') of the utility facility along with the material construction of the facility, the outside diameter of the facility and, when possible, the ownership of the facility. X, Y, & Z, data points will be included in electronic files as well as PDF attachments.

The following schedule was agreed to by both parties:

All work shall be completed by December 1, 2017, unless additional work is requested by DEPARTMENT.

Key personnel dedicated to this project are as follows:

Wayne Horlacher, P.E. – Principal
Bud Swensen, P.E. – Project Manager/Utilities Engineer
Andrew Mecham, P.E. – QA/QC Principal Utilities Department
Kenny Ward, P.E. – Project Engineer
Charles Kircher, P.L.S. – Survey Manager
Shawn Conlin – Field Operations Manager

The DEPARTMENT's original estimate was **\$1,500,000.00** including all labor, engineering, materials, equipment, tools and supplies.

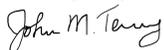
The SERVICE PROVIDER's original cost-per-unit estimate was **\$1,166,860.00** including all labor, engineering, materials, equipment, tools and supplies. The following specificities were agreed upon between DEPARTMENT and SERVICE PROVIDER:

1. The cost per unit of work for Project Management will be \$115,768.00 paid as a lump sum.
2. The cost per unit for Utility Designating, SCE Standard 38-02 Quality Level "B", "C", & "D" is One dollar and 08/100 (\$1.08) paid per linear foot of utilities designated. Documentation shall be provided with each invoice supporting the linear footage of designated utilities being billed at no further compensation for preparation of such documentation. SERVICE PROVIDER and DEPARTMENT estimate 574,123 linear feet of utilities will require designating engineering. This cost includes all associated survey and CADD work.
3. The cost per unit for Engineering Services will be \$31,954.00, paid as a lump sum. This will include utility conflict analysis, test hole location determination, and information resolution services.
4. The cost per unit for Utility Location, ASCE Standard 38-02 Quality Level "A" Test-Hole work will be \$727.00 paid per each test hole. This cost includes all associated survey and CADD work. It is estimated this agreement will require no more than 300 test holes.
5. The cost per unit for Mobilization for work associated with Utility Designating, ASCE Standard 38-02 Quality Levels B & C will be \$4,850.00 paid for each time the SERVICE PROVIDER is required to mobilize for this work at the direction of DEPARTMENT.
6. The cost per unit for Mobilization for work associated with Utility Location, ASCE Standard 38-02 Quality Level A will be \$4,435.00 paid for each time the SERVICE PROVIDER is required to mobilize for this work at the direction of DEPARTMENT.
7. The cost per unit for Traffic Control: Double Lane Closures will be \$385.00 per half (1/2) mile paid as each event. The SERVICE PROVIDER anticipates there will be 170 such closures required during the course of execution of this agreement.
8. The cost per unit for Traffic Control: Intersection Closure will be \$1,250.00 paid as each event. The SERVICE PROVIDER anticipates there will be 74 such closures required during the course of execution of this agreement.
9. The cost per unit for Traffic Control: Attenuator Truck & Driver will be \$550.00 a day paid as each day or partial day an attenuator truck is required to ensure safety. The SERVICE PROVIDER anticipates there will be 25 days that an attenuator truck and driver will be needed.

Reviewed and Approved:

8/15/2016

DocuSigned by:



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Assistant Director

P652-15-030 SCOPE OF SERVICES

1. The SERVICE PROVIDER agrees to perform Subsurface Utility Engineering (SUE) designating services to indicate the approximate horizontal location of existing below-ground and above ground utilities using ASCE Standard 38-02 Quality Level B, C, & D to support the engineering design requirements and construction plans. Quality Level D designation will include compilation of utility information plotted on drawings based on record information, individual recollections or the existence of utility services. Quality Level C designation will include field verified survey of visible, above ground utility features such as poles, hydrants, etc., all quality levels defined per ASCE Standard 38-02 guidelines. Quality Level B designation will include requiring contractor to employ appropriate geophysical equipment to search for subsurface utilities within the project limits, both visible and non-visible per ASCE Standard 38-02 guidelines.
2. The SERVICE PROVIDER agrees to provide SUE ASCE Standard 38-02 Quality Level A locating services by excavating approximately three-hundred (300) test holes at locations provided by DEPARTMENT within 21 days of receipt of the designation DGNs. Data provided shall include the northing, easting, and station/offset of the exact horizontal and vertical locations (+/- .10') of the utility facility along with the material construction of the facility, the outside diameter of the facility and, when possible, the ownership of the facility. X, Y, & Z, data points will be included in electronic files as well as PDF attachments.
3. The SERVICE PROVIDER shall supply all equipment, personnel and supplies needed to perform the before mentioned service, and provide to DEPARTMENT in electronic DGN format (MicroStation) the utility data and linework. The work is to be done in the State's Right-of-Way along SR 593/Tropicana Blvd in Clark County, from Engineers Sta. "P" 3+39.43/S. Dean Martin Drive to Sta. "L1" 137+79.90 / SR 582/Boulder Highway, as shown on the attached "Exhibit A". Designation shall include horizontally from back of sidewalk left to back of sidewalk right, with extended areas at all intersections to include all radius returns.

Line Item 5

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION

Request to Solicit Services and Budget Approval (2A)

X Initial Budget Request or Request for Amendment # or Task Order #

If Amendment or Task Order, name of Company:

Agreement #: Project ID #(s):

Type of Services: Consultant services for to prepare Financial and Project Management Plans, and perform CRA's

Originated by: Dwayne Wilkinson Division: Project Mgmt Date Originated: 11/2/2015

Division Head/District Engineer: Amir Soltani

Budget Category #: 06-BLDG LND IMP Object #: 814D Organization #: B110

Estimated Cost: 682,000 Type of Funding: Federal/State % of Fund: 95%/5%

Funding Notes: State Fiscal Year(s): 2016 & 2017

“Budget by Organization” Report (Report No. NBDM30) attached here:

Purpose of, and Justification for, Budget Request:

FHWA Requirements

The FHWA requires Major Project Management Plans for all projects over \$ 500 Million and Financial Plans for all projects over \$ 100 Million, with yearly updates. The Financial Plan is a comprehensive document that reflects the project's cost estimate and revenue structure and provides a reasonable assurance that there will be sufficient financial resources available to implement and complete the project as planned. The Department's Cost Risk Assessment (CRA) process is used in preparation of the Finance Plan.

Establish Risk Based Estimates for Innovative Delivery and High Risk Projects

A key feature of innovative delivery methods is the development of a comprehensive approach to risk management. The Department uses the CRA approach that involves the identification, categorization, assessment and pricing of project risks.

For additional detail please see attached detailed 2a Memorandum.

Scope of Services:

The Service Provider will:

- 1) Review relevant project documents
- 2) Create, review and evaluate the most current base cost estimate
- 3) Create, review and evaluate the most current Microsoft Office Project (MS Project) schedule
- 4) Review and update project revenue sources by coordinating with NDOT's Financial Management, FHWA and other agencies/entities that are providing revenues
- 5) Review and update risks delineated in the current risk register
- 6) Perform probabilistic risk analysis via Monte Carlo simulation models to establish a probable range for cost and schedule
- 7) Validate risk information provided and risk model used
- 8) Review and update PMPs and Finance Plans
- 9) Perform Value Engineering Analysis
- 10) Establish risk based estimates

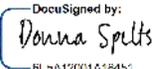
A detailed scope of services is attached.

*Amendments for time extensions (time only) do not require a form 2a

Additional Information Attached X



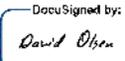
STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION

Signed:  11/5/2015 Approve
Financial Management Date

Approval of this form by the Financial Management Division, Budget Section, provides funding authority for the services described. Actual availability of funds and the monitoring of actual expenditures must be determined by the Division Head.

Financial Management Comments:

Approximately 25% of the cost will be in FY16 and 75% of the cost will be in FY17 per Dwayne Wilkinson

Signed:  11/16/2015 Approve
Project Accounting Date

Project Accounting Comments:

Per Project Manager Dwayne Wilkinson since multiple projects are going to be associated with the agreement a task order is going to issue for each project.

Signed:  11/16/2015 Approve
Director Date

Director Comments:

- Requires Transportation Board presentation
- Does not require Transportation Board presentation

Although a formal presentation is not required, information should be prepared to explain the federal requirement for financial plans and why we need a service provider to perform them when the contract is presented to the Transportation Board for their approval. - RM

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION

MEMORANDUM

7/11/16

TO: John Terry, Assistant Director

FROM: Lynnette Russell, Assistant Chief of Project Management

SUBJECT: Negotiation Summary for RFP 706-15-110 PROJECT MANAGEMENT ASSISTANCE - RISK ANALYSIS AND FINANCIAL PLANS

DocuSigned by:
Lynnette Russell
06EA215D4166413...

A negotiation meeting was held via teleconference on 06/17/16, with SERVICE PROVIDER MEMBERS (Ruedy Edgington and Blane Long) and DEPARTMENT MEMBERS (Lynnette Russell, Luis Garay and Dwayne Wilkinson) of the Nevada Department of Transportation (DEPARTMENT) in attendance.

The DBE goal for this agreement has been established at zero percent (0%).

The scope of services that was provided by the SERVICE PROVIDER was reaffirmed by both parties at the outset. The scope of work includes the following tasks:

- Project Management
- Cost Risk Assessment
 - Cost and Schedule Validation
 - Risk Register Development
 - Development of a Custom Risk Analysis Model
- Value Engineering / Value Analysis Studies
- Project Management Plan development and updating
- Financial Plan development and updating

It was agreed to by both parties that this is a task order agreement for two years. The schedule for individual tasks will be set when each task order agreement is negotiated.

Key personnel dedicated to this project are as follows:

Name	Project Manager	Risk Lead	Cost Lead	VE Facilitator	Risk Modeling	QA/QC
Ruedy Edgington, PE	✓					
Blane Long, CVS	✓	✓	✓	✓		
Ken Smith, CVS		✓		✓		
Jackie Borman, PE		✓				
John Stout					✓	
Trent Eakin			✓		✓	
Sean Delehunt						✓

The DEPARTMENT's original estimate was \$ 681,738.78 including direct labor (3780 man-hours of work by the SERVICE PROVIDER), overhead rate of 156.8%, a 12% fee, and direct expenses at \$ 48,267.88 (including sub-consultant expenses).

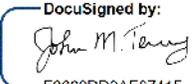
The SERVICE PROVIDER's original estimate was \$757,379, including direct labor \$244,175.76 (3794 man-hours of work by the SERVICE PROVIDER), overhead rate of 156.80%, a 12% fee, and direct expenses at \$55,090 (no subconsultants are anticipated for this agreement).

The overhead rate of 149.39% was provided by the Internal Audit Division.

The negotiations yielded the following:

1. There will be 3682 total man-hours allotted to individual Tasks throughout the course of this master agreement at a direct labor cost of \$225,197.61, including a prorated amount for anticipated raises, which will take effect over the term of the agreement.
2. Based upon the direct labor costs and an overhead rate of 149.39%, the overhead amount will be \$336,422.71.
3. A fee of 12% was agreed to by both parties, and will be \$67,394.44 for this agreement based upon direct labor costs and an overhead rate of 149.39%.
4. The direct expenses agreed to total \$51,090 for reproduction, communication, travel and per diem. There will be no direct compensation for computer time.
5. The total negotiated cost for this agreement, including direct labor, overhead, fee and direct expenses will be \$680,104.76.

Reviewed and Approved:

 _____
F8863DD9AE87415...
Assistant Director

P706-15-015

Scope of Services for the Master Agreement for Project Management Assistance with Risk Analysis, Financial Plans, Project Management Plans and Cost Risk Assessment

TASK A Project Management

The SERVICE PROVIDER will provide contract administration and team management, coordination, and direction for the duration of the project. The SERVICE PROVIDER will provide a roster to serve as the SERVICE PROVIDER'S points of contact with the DEPARTMENT for this SCOPE.

Deliverables:

- One (1) hardcopy and electronic copy of monthly invoice and progress reports.

Proposed Schedule:

It is anticipated that this work will take place over a two (2) year time frame. A task order specific agreement and scopes of work will be developed for each task. The schedule for that specific work will be set at that time.

TASK B Cost Risk Assessment + Value Engineering

The SERVICE PROVIDER will conduct a cost risk analysis and value engineering for projects as identified by the DEPARTMENT. Cost risk analysis is a process for management and the project team to assess and control cost and schedule risks on complex infrastructure projects.

Review Baseline Project Information

The SERVICE PROVIDER will conduct a review of plans, exhibits, project cost estimates, schedules and any other relevant project documents to describe the scope, character and timeframe of each project. This task also includes an open communication with the project teams to have a complete understanding of the challenges and risks facing the projects. As part of this task, the SERVICE PROVIDER will request the following from each project team:

- A detailed narrative scope for the project;
- The current cost estimate, clearly identifying any contingency or escalation in the estimate;
- The current project schedule; and
- Engineering drawings.

Assumptions:

- The current cost estimates and project schedules will be provided two (2) weeks prior to the CRA workshop.

Cost and Schedule Validation

The SERVICE PROVIDER will work closely with the cost estimators to determine their level of confidence in the estimates and develop ranges around key cost categories to reflect the uncertainty as it relates to the quantities and prices. The SERVICE PROVIDER will ensure the estimates are complete and a suitable base for the risk assessments.

The project team's estimate usually includes allowances and/or contingencies, without regard to specific risk events. The risk analysis process requires separating the project team estimate into a base component and other components that represent risk and other uncertainties. The base cost estimate is defined as the project estimate if the project were 'to go as planned,' without contingencies or allowances for risks. Through the involvement of the project team and an independent cost estimator, the accuracy of the base cost estimate is confirmed; contingency is removed, and ranges are individually identified for assessment to account for the inherent uncertainty in unit prices and quantities.

The Schedule Validation will result in the identification of key project activities and flowcharts will be created, illustrating the sequence and the inter-dependency of these activities. The flowchart is different than a Gantt chart as it focuses on key activities that may face similar type of risks at the

strategic level rather than the operational level. The flowchart serves as the backbone for the risk analysis.

Risk Register Development

Once the validated base cost estimate and the project flow chart have been established, a list of risks is created containing both opportunities and threats, called a Risk Register.

Under this task, SERVICE PROVIDER will facilitate a cost risk analysis workshops to review, discuss, and refine all baseline cost estimates, scheduling assumptions, risk factors and proposed mitigation strategies. These workshops involve an open and transparent process to account for risk events/factors affecting various activities under various project options. These risk events can be classified as technical (i.e. geotechnical, structural, or environmental design considerations), non-technical (i.e. right of way costs, regulatory concerns, or market conditions), or political (i.e. funding, legal challenges, or scope changes). Example risk events include the potential for additional requirements to meet environmental regulations, adverse geotechnical conditions in constructing high retaining walls, or the discovery of unexpected utilities.

The length of the workshops will depend on the size on complexity of the project, and facilitated by the risk lead. Participants to the workshop include members of the risk team, the cost lead, risk modeler, various Subject Matter Experts (engineers, planners, developers, construction economists, etc.), and selected members of the project team. The main objectives of the workshop are to:

- Provide an overview of the Cost Risk Assessment process and develop a common understanding among workshop participants regarding purpose, assumptions and outcomes;
- Provide an overview of the project (and, when applicable, of each contract under review). This sub task is typically led by a member of the project team;
- Review and validate the project baseline schedule and baseline cost estimates;
- Review and quantify all risk factors and their implications in terms of cost and/or schedule; and
- Identify, discuss, and quantify mitigation strategies for key project cost and schedule risks.

The risk assessment replaces general and vaguely defined contingency with explicitly defined risk events that includes for each, their associated probability of occurrence and impact on project cost and/or schedule. The register combines information on the nature of the risk (a brief description of the event or scope change), its probability of occurrence, its cost and/or schedule impact (expressed as a probability distribution), and the activities potentially impacted.

Build Custom Risk Analysis Model

A customized cost and schedule simulation model will be developed under this task for the program of projects. The models will be, in large part, structured around the project flowcharts. The models will employ Monte Carlo simulation techniques to combine the project flowchart, the base costs with uncertainty, and the risk register, containing risks identified during the CRA Workshop and produce probability distributions for total project costs and project completion dates.

Produce Risk Analysis Results

The SERVICE PROVIDER will generate results from the custom risk analysis model using inputs collected in the CRA Workshop and earlier tasks. Individual sets of results will be generated for the project as well as each scenario as determined during the workshop.

The results typically include:

- Probability Distributions (S-Curves) of Total Project Costs and sub categories;
- Probability Distributions (S-Curves) of Overall Project Completion and key intermediate milestones;
- Risk-Adjusted Project Cash Flow at key probability levels, such as 10th, 70th and 90th percentiles; and

- Ranking of key project cost and schedule risk factors (Tornado Diagrams).

Deliverables:

- Preliminary results electronic (pptx)
- Draft Report – Electronic (PDF)
- Final Report - Electronic (PDF)

TASK C Project Management Plan

The SERVICE PROVIDER will create/update Project Management Plans as needed for the Major DEPARTMENT projects as defined by FHWA. As per the FHWA guidelines each project management plan shall address the following (Other items may be added depending on the project’s characteristics):

1. Project Description and Scope of Work
2. Goals and Objectives
3. Project Organizational Chart, Roles, and Responsibilities
4. Project Phases
5. Procurement and Contract Management
6. Cost Budget and Schedule
7. Project Reporting and Tracking
 - Executive Summary
 - Project Activities and Deliverables
 - Action Items/Outstanding Issues
 - Project Schedule
 - Project Cost
 - Project Quality
 - Other Status Reports
8. Internal and Stakeholder Communications
9. Project Management Controls (Scope, Cost, Schedule, Claims, etc.)
 - Risk Management Plan
 - Scope Management Plan
 - Scheduling Software
 - Cost Tracking Software
 - Project Metrics
 - New and Innovative Contracting Strategies
 - Value Engineering, Value Analyses, and Constructability Reviews
 - Contractor Outreach Meetings
 - Partnering
 - Change Order and Extra Work Order Procedures
 - Claims Management Procedures
 - Other Programs
10. Design Quality Assurance/Quality Control (QA/QC)
11. Construction Quality Assurance/Quality Control (QA/QC)
12. Environmental Monitoring
13. Right-of-Way
14. Safety and Security
15. Traffic Management
16. Project Communications (Media and Public Information)
17. Civil Rights Program
18. Closeout Plan
19. Project Documentation
20. Other Possible Sections (if appropriate)

21. Appendices
22. Executive Leadership Endorsement

Deliverables:

- Draft updated Project Management Plan for Juneau Access Improvement – Electronic (pdf) and (docx).
- Final updated Project Management Plan for Juneau Access Improvement – Electronic (pdf) and (docx).

TASK D Initial/Annual Financial Plan

The development of a sound financial plan is critical in securing adequate financing for a project. As soon as costs estimates are defined during the NEPA process, an Initial Financial Plan (IFP) is developed, the purpose of which is to provide a reasonable assurance that there will be sufficient financial resources available to implement the project as planned. For projects that involve financing, the IFP provides financial tools to identify the up-front capital for the project and lay out the anticipated revenue stream that will be used to repay the financing. For projects that require Federal financial assistance, the IFP must be submitted to and approved by the FHWA to trigger the flow of such funds for the project's construction.

The SERVICE PROVIDER will use the information obtained from the Cost Risk Analysis to create or update Financial Plans for the Major DEPARTMENT projects.

Many of the elements required by FHWA to be included in the Financial Plans are closely tied to the Cost Risk Analysis the SERVICE PROVIDER is providing for the DEPARTMENT, including cost estimates, schedule estimates, cash flow estimates, identifying key project risks and risk mitigation. The information developed within the CRA workshops will be utilized in the Financial Plan. As per the FHWA guidelines each Financial Plan shall address the following:

1. Project Description
2. Schedule
3. Project Cost
4. Project Funds
5. Financing Issues
6. Cash Flow
7. P3 Assessment
8. Risk and Response Strategies
9. Annual Update Cycle
10. Summary of Cost Changes Since Last Year's Financial Plan (Annual Updates only)
11. Cost and Funding Trends Since Initial Financial Plan (Annual Updates only)
12. Summary of Schedule Changes Since Last Year's Financial Plan (Annual Updates only)
13. Schedule Trends Since Initial Financial Plan (Annual Updates only)

Deliverables:

- Initial/Annual Updates Financial Plans as needed for Major the DEPARTMENT projects – Electronic (pdf) and (docx).

TASK E Value Engineering

Value Engineering (VE) is a performance-based, systematic process, using a multidisciplinary team to improve the value of a project through the analysis of its functions. The value engineering/analysis process incorporates, to the extent possible, the values of design; construction; maintenance; contractor; state, local and federal approval agencies; other stakeholders; and the public.

The primary objective of a VE study is performance-based value improvement. The value improvements might relate to scope definition, functional design, constructability, coordination (both internal and external), or the schedule for project development. Other possible value improvements are reduced environmental impacts, reduced public (traffic) inconvenience, and reduced project cost.

Preparation

Pre-Study Meeting – Each task is started with a pre-study meeting to assist the Value Engineering/Analysis Team Leader with an understanding of the project. This step can usually be performed via conference call in order to reduce travel costs, but there are cases where a site visit may be needed to understand the nature of the project.

The following is a list of steps that are included in each successful Pre-Study meeting:

- Collect project information (this includes project scope, schedule and cost)
- Identify performance attributes and requirements
- Establish value analysis study scope, objectives and goals
- Identify value analysis study participants
- Define value analysis study schedule and logistics

Deliverables that are part of this step include:

- Facility Reservations Set Up Details and Assignments
- Value Engineering/Analysis Job Plan to be implemented
- Value Engineering/Analysis Meeting Agenda

Selecting the Right Value Engineering/Analysis Team - Once our CVS certified Team Leader has developed a basic understanding of the project, he will work with the DEPARTMENT to identify the disciplines needed on the Value Engineering/Analysis Team (Team).

Depending on the budget for the Value Engineering/Analysis Study and the desires of the client's project manager, the Team may vary in size. A key consideration in selecting the Team is the technical composition of the Team. Having the right expertise on the Team will ensure the any issue can be adequately addressed as they arise. For example, if the project involves creek restoration, we would make sure the DEPARTMENT has experienced individuals in that discipline that can attend the workshop, or SERVICE PROVIDER can help identify subject matter experts (of course to be approved by the DEPARTMENT) needed at the study.

Deliverables that are part of this step include:

Team letter to be distributed to the identified Value Engineering/Analysis Team Members

Value Engineering/Analysis Workshop Length - SERVICE PROVIDER understands that not all projects fit the same mold when it comes to a study agenda. The length of the study needs to be flexible towards the size and complexity of the project. SERVICE PROVIDER's Team Leader will work with the DEPARTMENT Project Manager to determine the proper length of a study based on a number of different factors:

Size and complexity of the project

Value engineering/analysis scope, goals and objectives

Size and expertise of the Team

Resources available to conduct the study

VE Workshop

The SERVICE PROVIDER Team Leader will employ a six-phase Value Engineering/Analysis Job Plan in analyzing the project or process. This process is recommended by SAVE International® and is composed of the following phases:

Step 1: Investigation/Information - The objective of this phase is to obtain a thorough understanding of the project's criteria and objectives by reviewing the projects history, documents, and schedules;

Step 2: Functional Analysis - The purpose of this phase is to identify and define the primary and secondary functions of the process. A Functional Analysis System Technique (FAST) is used frequently to assist in the understanding of how the functions relate to each other;

Step 3: Speculation/Creative - During this phase the team will employ creative techniques such as team brainstorming to develop a number of alternative concepts that satisfy the process's primary functions;

Step 4: Evaluation - The purpose of this phase is to evaluate the alternative concepts developed by the VE Team during the brainstorming sessions. The team uses a number of tools to determine the qualitative and quantitative merits of each concept;

Step 5: Development - Those concepts that rank highest in the evaluation are further developed into alternatives. Narratives, drawings, calculations, and cost estimates are prepared for each recommendation; and

Step 6: Presentation - An oral presentation is made to the Project Manager and their team to discuss the recommendations.

Post-Study

Report – Preparing a thorough Value Engineering/Analysis Report is essential to clearly communicate the results of the Study to the project manager, team and management. It is the first step towards the implementation of the recommendations made by the team to improve the value of the project. A summary of findings and recommendations will be provided as part of the Value engineering/Analysis report. Cost estimates will be included in the draft report to support justification of the performance-based, value-added recommendations. The SERVICE PROVIDER will produce the draft report within 10 working days of the conclusion of the study.

Deliverables that are part of this step include:

Draft VE Report (docx and pdf)

Final VE Report (docx and pdf)



MEMORANDUM

September 2, 2016

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, Director
SUBJECT: September 12, 2016, Transportation Board of Directors Meeting
Item #7: 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 July 15, 2016, through August 17, 2016
- Agreements under \$300,000 executed July 15, 2016, through August 17, 2016
- Settlements entered into by the Department which were presented for approval to the Board of Examiners July 15, 2016, through August 17, 2016

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, settlements and agreements constitute all that were awarded for construction from July 15, 2016, through August 17, 2016, and agreements executed by the Department from July 15, 2016, through August 17, 2016. There was one (1) settlement 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, July 15, 2016, through August 17, 2016
- B) State of Nevada Department of Transportation Executed Agreements – Under \$300,000, July 15, 2016, through August 17, 2016
- C) State of Nevada Department of Transportation Settlements - Informational, July 15, 2016, through August 17, 2016

Recommendation for Board Action: Informational item only

Prepared by: Administrative Services Division

Attachment

A

**STATE OF NEVADA DEPARTMENT OF TRANSPORTATION
 CONTRACTS AWARDED - INFORMATIONAL
 July 15, 2016, through August 17, 2016**

1. June 23, 2016, at 1:30 PM the following bids were opened for Contract 3641, Project No. SPSR-0226(003), on SR 226, Deep Creek Highway, in Elko County, for placing plant-mix bituminous surface.

Staker & Parson Companies	\$2,221,469.91
Road and Highway Builders LLC.....	\$2,525,525.00
Remington Construction Company LLC	\$2,555,555.00

Engineer's Estimate..... \$2,123,047.77

The Director awarded the contract, July 19, 2016, to Staker & Parson Companies for \$2,221,469.91.

2. July 7, 2016, at 1:30 PM the following bids were opened for Contract 3646, Project No. SPSR-0796(001), on SR 796 Winnemucca Airport Road and on FRHU 15 Frontage Road, in Humboldt County, for cold milling and placing plant-mix bituminous surface.

Road and Highway Builders LLC.....	\$1,494,494.00
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Engineer's Estimate..... \$1,213,041.86

The Director awarded the contract July 27, 2016, to Road and Highway Builders LLC, for \$1,494,494.00.

3. July 14, 2016, at 1:30 PM the following bids were opened for Contract 3645, Project No. SI-0372(001), on SR 372 at Blagg Road and at Pahrump Valley Boulevard, in Nye County, to construct roundabouts.

Las Vegas Paving Corporation	\$4,046,000.00
Granite Construction Company	\$4,063,734.10

Engineer's Estimate..... \$3,809,641.02

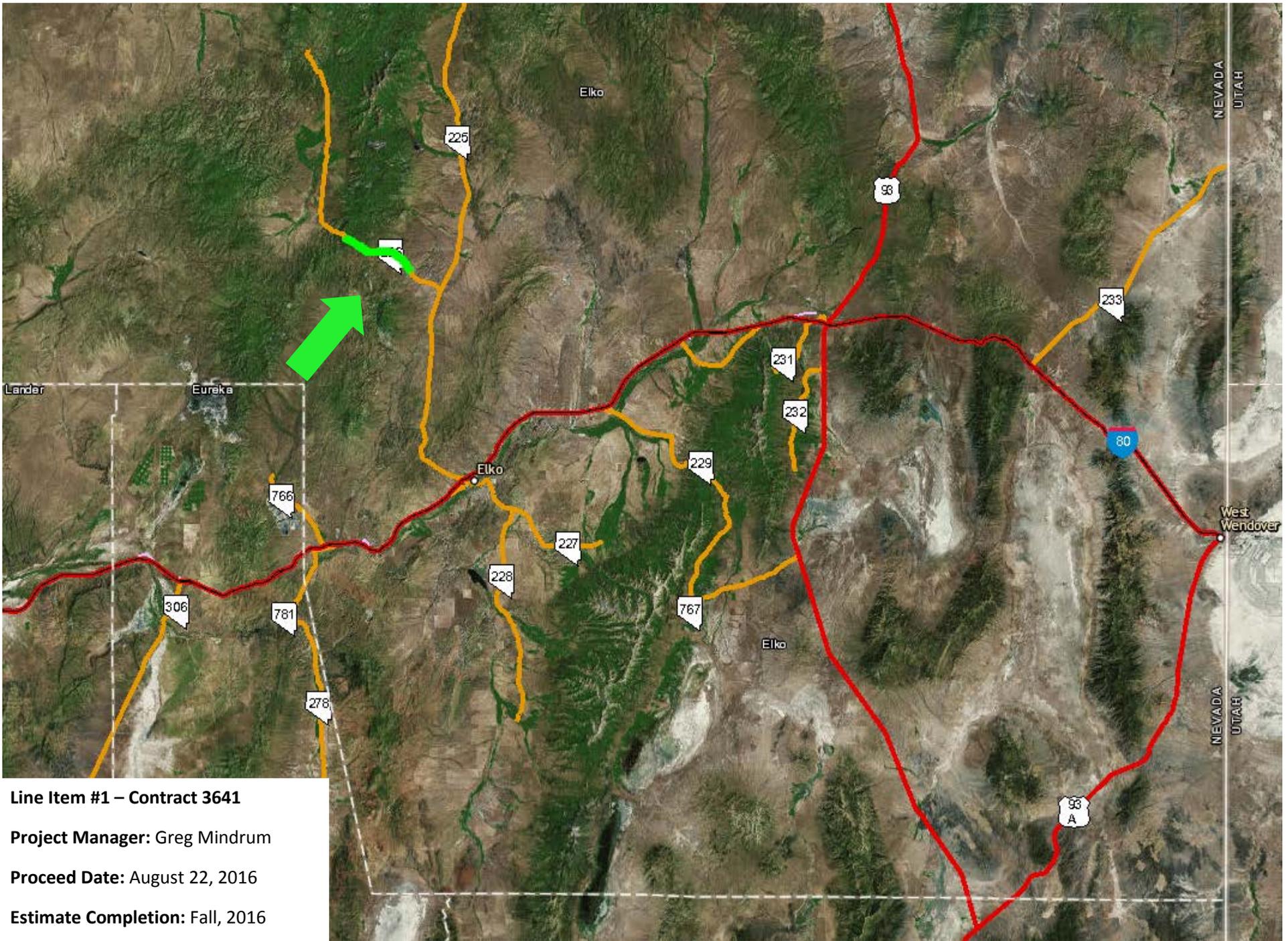
The Director awarded the contract July 29, 2016, to Las Vegas Paving Corporation, for \$4,046,000.00.

4. July 21, 2016, at 1:30 PM the following bid was opened for Contract 3648, Project No. SPSR-0399(001), on SR 399, Pitt Road, in Pershing County, for cold milling, placing plant-mix bituminous surface with chip seal.

Intermountain Slurry Seal, Inc.	\$1,311,311.00
Sierra Nevada Construction, Inc.	\$1,390,007.00
Road and Highway Builders LLC.....	\$1,696,696.00

Engineer's Estimate..... \$1,240,717.29

The Director awarded the contract August 9, 2016, to Intermountain Slurry Seal, Inc., for \$1,311,311.00.

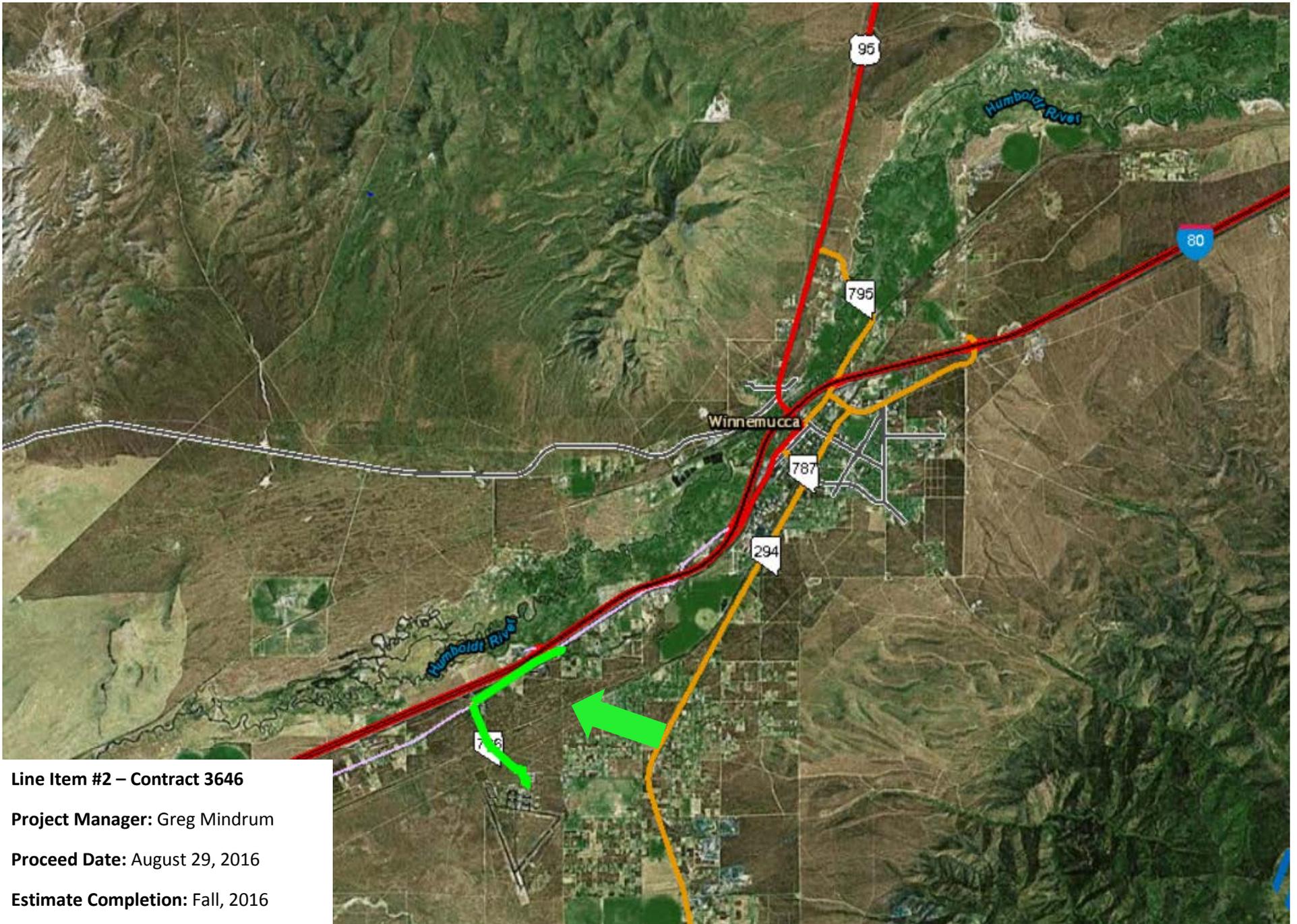


Line Item #1 – Contract 3641

Project Manager: Greg Mindrum

Proceed Date: August 22, 2016

Estimate Completion: Fall, 2016

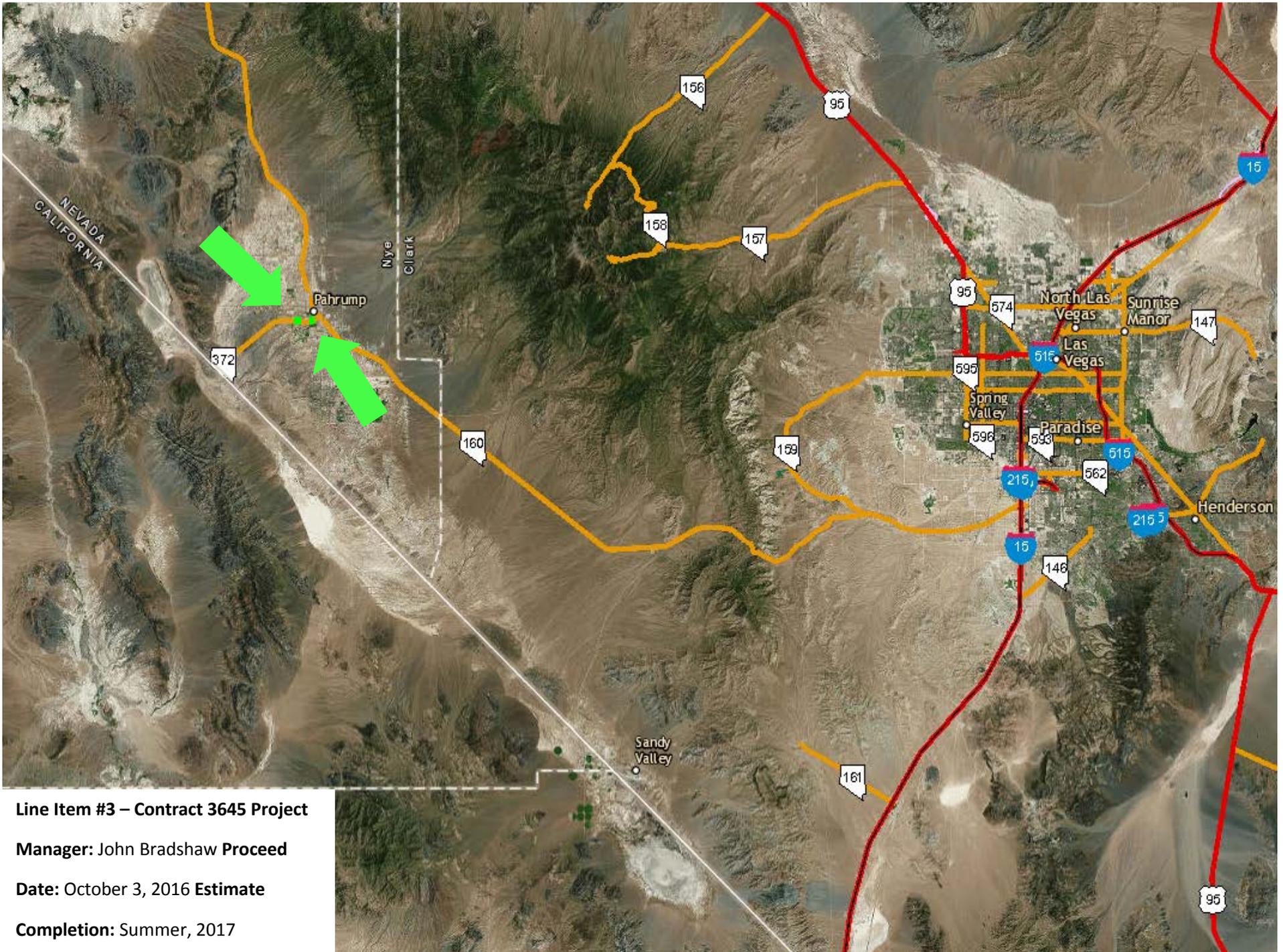


Line Item #2 – Contract 3646

Project Manager: Greg Mindrum

Proceed Date: August 29, 2016

Estimate Completion: Fall, 2016

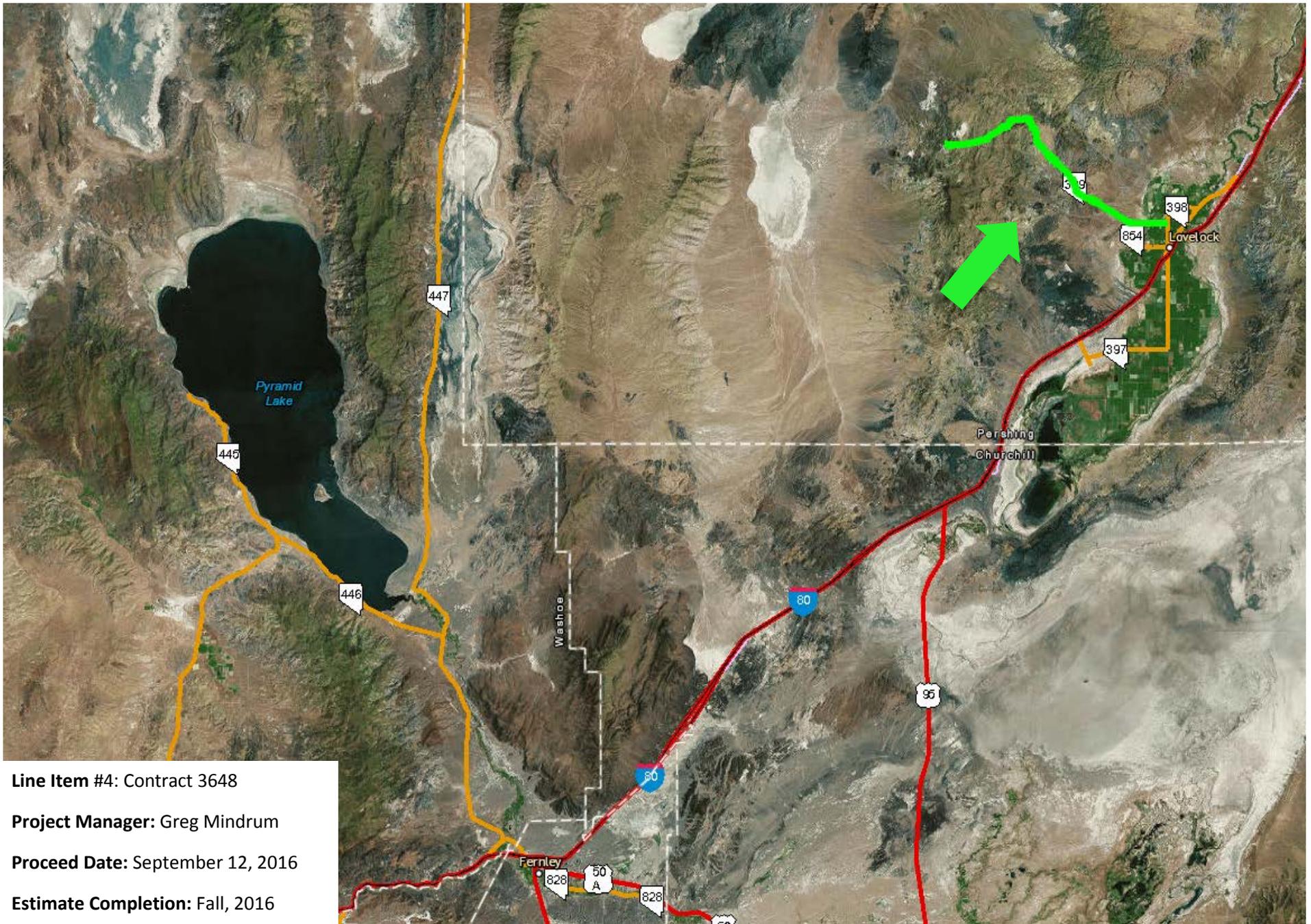


Line Item #3 – Contract 3645 Project

Manager: John Bradshaw Proceed

Date: October 3, 2016 Estimate

Completion: Summer, 2017



Line Item #4: Contract 3648

Project Manager: Greg Mindrum

Proceed Date: September 12, 2016

Estimate Completion: Fall, 2016

Attachment B

**State of Nevada Department of Transportation
Executed Agreements - Informational
July 15, 2016, through August 17, 2016**

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	Dept. Project Manager	Note
1	39916	00	DIVISION OF STATE LANDS	ROW ENTRY FOR SR 28 BIKE PATH	N	-	-	-	-	8-Aug-16	31-Jan-22	-	Acquisition	TINA KRAMER	08-08-16: NO COST RIGHT OF WAY ENTRY FOR PARCEL 130-350-01 FOR THE PURPOSE OF RELOCATING A PORTION OF THE INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT'S 16 INCH EFFLUENT FORCE SEWER MAIN, WASHOE COUNTY. NV B/L#: EXEMPT
2	39316	00	OVERLAND, PACIFIC, AND CUTLER	ACQUISITION OF PROPERTY	Y	-	-	-	-	27-Jul-16	31-Jul-20	-	Acquisition	TINA KRAMER	07-27-16: ASSIGNMENT AND ASSUMPTION AGREEMENT FOR MOVE 4 LESS, LLC TO TRANSFER ITS RIGHT, TITLE, AND LIABILITIES, OBLIGATIONS AND COMMITMENTS UNDER THE MOVING SERVICES AGREEMENT TO ASSIGNEE FOR PROJECT NEON, CLARK COUNTY. NV B/L#: NVF20041372512
3	34616	00	CITY OF LAS VEGAS	DEFINE ROLES & RESPONSIBILITIES	N	-	-	-	-	15-Aug-16	31-Dec-19	-	Cooperative	NICK JOHNSON	08-17-16: NO COST AGREEMENT TO DEFINE THE ROLES AND RESPONSIBILITIES FOR THE I515/CHARLESTON INTERCHANGE AND TO ALLOW THE DEPARTMENT TO OBLIGATE CONGESTION MITIGATION AND AIR QUALITY (CMAQ) FUNDING FOR PRE-CONSTRUCTION SERVICES, CLARK COUNTY. NV B/L#: EXEMPT
4	32516	00	REGIONAL TRANSPORTATION COM	TRAVEL DEMAND MANAGEMENT PLAN	Y	855,000.00	-	855,000.00	65,000.00	22-Jul-16	30-Sep-17	-	Cooperative	COY PEACOCK	07-30-17: TO PROVIDE FUNDING TO THE RTC FOR IMPLEMENTATION OF A COMPREHENSIVE TRIP REDUCTION/REGIONAL RIDESHARE PROGRAM, WASHOE COUNTY. NV B/L#: EXEMPT
5	38816	00	AT&T CORPORATION	UTILITY FACILITIES ADJUSTMENT	N	-	-	-	590,554.17	15-Jul-16	30-May-21	-	Facility	TINA KRAMER	07-16-16: RELOCATE OR ADJUST UTILITIES AT VARIOUS LOCATIONS WITHIN THE PROJECT LIMITS TO CONTAIN NATURALLY OCCURRING ASBESTOS ON PROJECT P623-13-030.CLARK COUNTY. NV B/L#: NVF19711002665
6	38616	00	CENTURY LINK	UTILITY FACILITIES ADJUSTMENT	Y	-	-	-	61,041.50	18-Jul-16	30-May-21	-	Facility	TINA KRAMER	07-16-16: TO REIMBURSE FOR DEPARTMENT-PROVIDED UTILITY ADJUSTMENTS AT VARIOUS LOCATIONS WITHIN THE BOULDER CITY BYPASS PROJECT LIMITS. ADJUSTMENTS ARE NECESSARY DUE TO THE PRESENCE OF NATURALLY OCCURRING ASBESTOS. CLARK COUNTY. NV B/L#: NVF19711002665
7	38716	00	CENTURY LINK	UTILITY FACILITIES ADJUSTMENT	Y	-	-	-	371,909.00	15-Jul-16	30-May-21	-	Facility	TINA KRAMER	07-18-16: TO REIMBURSE FOR DEPARTMENT-PROVIDED UTILITY ADJUSTMENTS AT VARIOUS LOCATIONS WITHIN THE BOULDER CITY BYPASS PROJECT LIMITS. ADJUSTMENTS ARE NECESSARY DUE TO THE PRESENCE OF NATURALLY OCCURRING ASBESTOS. NV B/L#: NVF19901012165
8	39416	00	NV ENERGY	LINE EXTENSION	N	25,810.00	-	25,810.00	-	12-Aug-16	31-Jan-20	-	Facility	TINA KRAMER	08-12-16: TO PERFORM AN ALTERATION OF EXISTING FACILITIES, UTILITY WILL MODIFY THE ELECTRIC SYSTEM FOR TRENTO LN, WASHOE COUNTY. NV B/L#: NVD19831015840
9	39516	00	NV ENERGY	LINE EXTENSION	N	9,186.00	-	9,186.00	-	12-Aug-16	31-Jan-20	-	Facility	TINA KRAMER	08-12-16: LINE EXTENSION TO PROVIDE 10 KVA OF SERVICE TO APPLICANT AND/OR PERFORM AN ALTERATION OF EXISTING FACILITIES, UTILITY WILL MODIFY THE ELECTRIC SYSTEM FOR EAST AUSTIN HIGHWAY, WASHOE COUNTY. NV B/L#: NVD19831015840
10	39616	00	NV ENERGY	DESIGN APPROVAL AGREEMENT	N	-	-	-	-	12-Aug-16	30-May-20	-	Facility	TINA KRAMER	08-12-16: NO COST DESIGN APPROVAL AGREEMENT FOR PROVIDING ELECTRIC SERVICE REQUESTED FOR EAST TRENTO LANE, CARSON COUNTY, LYON COUNTY, CHURCHILL COUNTY, LANDER COUNTY, EUREKA COUNTY, AND WHITE PINE COUNTY. NV B/L#: NVD19831015840
11	39716	00	NV ENERGY	DESIGN APPROVAL AGREEMENT	N	-	-	-	-	12-Aug-16	30-May-20	-	Facility	TINA KRAMER	08-12-16: NO COST DESIGN APPROVAL AGREEMENT FOR PROVIDING ELECTRIC SERVICE REQUESTED FOR AUSTIN HIGHWAY, CARSON COUNTY, LYON COUNTY, CHURCHILL COUNTY, LANDER COUNTY, EUREKA COUNTY, AND WHITE PINE COUNTY. NV B/L#: NVD19831015840
12	46316	00	NV ENERGY	LINE EXTENSION AGMT NV ENERGY	N	25,739.00	-	25,739.00	-	26-Jul-16	30-Jun-18	-	Facility	CHRIS DORNBERGER	07-28-16: LINE EXTENSION AGREEMENT WITH NV ENERGY FOR THE ELECTRIC VEHICLE CHARGING STATION AT HAWTHORNE LADYBIRD PARK, MINERAL COUNTY. NV B/L#:NVD19831015840
13	38916	00	PAIUTE PIPELINE	MANHOLE AND VALVE COVER AGMT	N	-	-	-	-	21-Jul-16	30-Jul-19	-	Facility	TINA KRAMER	07-21-16: NO COST AGREEMENT TO ADJUST PAIUTE'S VAULTS TO THE NEW GRADE OF THE PARKING LOT ISLAND FOR BIKE PATH PROJECT ON SR-28, SAND HARBOR TO PONDEROSA RANCH, CARSON CITY & WASHOE COUNTY. NV B/L#: NVD19871018558

14	39016	00	SOUTHWEST GAS CORP	PRELIMINARY ENGINEERING	Y	230,365.73	-	230,365.73	-	20-Jul-16	30-May-20	-	Facility	TINA KRAMER	07-20-16: PRELIMINARY ENGINEERING COSTS DUE TO RELOCATION AND/OR REMOVAL OF GAS LINE FOR THE BOULDER CITY BYPASS, CLARK COUNTY. NV B/L#: NV19571000091
15	36916	00	KIWANIS CLUB OF SPARKS	SUPPORT OF BIKE PROGRAM	N	5,000.00	-	5,000.00	-	4-Aug-16	30-Jun-17	-	Grantee	ALBERT JACQUEZ	08-04-16: TO DEVELOP AND ADMINISTER A PROGRAM FOR BICYCLE AND PEDESTRIAN EDUCATION FOR ALL AGE GROUPS THAT IS DESIGNED TO IMPROVE RIDING SKILLS, INFORM ON APPLICABLE TRAFFIC LAWS, AND PROMOTE BICYCLE/PEDESTRIAN SAFETY, WASHOE COUNTY. NV B/L#: EXEMPT
16	36716	00	RENO BIKE PROJECT	MAJOR TAYLOR BIKE PROGRAM	N	5,000.00	-	5,000.00	-	2-Aug-16	30-Jun-17	-	Grantee	ALBERT JACQUEZ	08-02-16: TO ADMINISTER A PROGRAM OF SAFETY EDUCATION CONCERNING THE INTERACTION OF MOTOR VEHICLES, BICYCLES, ELECTRIC BICYCLES, AND PEDESTRIANS, AND PROVIDE GRANTS TO LOCAL COMMUNITIES FOR ASSISTANCE IN CARRYING OUT PROGRAMS OF SAFETY AND EDUCATION, WASHOE COUNTY. NV B/L#: EXEMPT
17	23316	00	TAHOE TRANSPORTATION DISTRICT	2016 TRANSIT VAN PURCHASE	Y	53,536.29	-	53,536.29	13,384.07	1-Aug-16	31-Dec-20	-	Grantee	MELISSA CHANDLER	08-01-16: TO PURCHASE A 2016 FORD TRANSIT VAN TO ENHANCE ACCESS OF SENIORS AND PERSONS WITH DISABILITIES WHEN MASS TRANSPORTATION SERVICES ARE UNAVAILABLE, INSUFFICIENT OR INAPPROPRIATE, DOUGLAS, WASHOE, AND CARSON COUNTY. NV B/L#: EXEMPT
18	06815	02	CITY OF MESQUITE	IDENTIFY RESPONSIBILITIES	N	-	16,392.51	227,685.01	-	25-Mar-15	9-Nov-16	15-Aug-16	Interlocal	NICK JOHNSON	AMD 2 08-17-16: INCREASE AUTHORITY BY \$16,392.51 FROM \$211,292.50 TO \$227,685.01 FOR NATURALLY OCCURRING ASBESTOS TESTING. AMD 1 05-19-16 : INCREASE AUTHORITY \$211,292.50 FROM \$0.00 TO \$211,292.50 FOR DRAINAGE IMPROVEMENTS AND TO OCCUPY AND INCORPORATE PORTIONS OF THE CITY'S RIGHTS-OF-WAY AND ROADWAY/STREETS INTO INTERSTATE 15 RIGHT-OF-WAY CONTROL OF ACCESS. 03-25-15: IDENTIFY PARTIES' RESPONSIBILITIES CONCERNING THE DESIGN-BUILD METHOD FOR THE PROJECT INCLUDING PROCUREMENT, DESIGN, SPECIFICATIONS, CONSTRUCTION, OWNERSHIP, MAINTENANCE, AND COST PARTICIPATION OF A NEW INTERCHANGE ON I-15 AT MILEPOST 118, CLARK COUNTY. NV B/L#: EXEMPT
19	22916	00	CLARK AND LINCOLN COUNTIES	DEVELOP JOINT COMMUNICATIONS	N	-	-	-	-	15-Aug-16	31-Dec-36	-	Interlocal	DAN BERGER	08-17-16: NO COST AGREEMENT TO DEVELOP A JOINT COMMUNICATION SITE (COYOTE SPRINGS) WITH CLARK AND LINCOLN COUNTIES, CLARK COUNTY. NV B/L#: EXEMPT
20	37316	00	COUNTY OF HUMBOLDT	STRIPING COUNTY ROADS	N	-	-	-	50,000.00	19-Jul-16	31-Dec-18	-	Interlocal	SANDY SPENCER	07-19-16: TO REIMBURSE NDOT FOR STRIPING ON COUNTY ROADS, HUMBOLDT COUNTY NV B/L#: EXEMPT
21	30716	00	DPS OFFICE OF TRAFFIC SAFETY	REIMBURSEMENT SAFETY SUMMIT	N	-	-	-	20,000.00	23-May-16	1-Aug-16	-	Interlocal	KEN MAMMEN	08-08-16: AGREEMENT TO PROVIDE PARTIAL FUNDING TO NDOT FOR THE 2016 NEVADA TRANSPORTATION SAFETY SUMMIT, CLARK COUNTY. NV B/L#: EXEMPT
22	36316	00	INCLINE VILLAGE GID	RELOCATION OF IVGID UTILITIES	N	-	-	-	-	20-Jul-16	31-Dec-18	-	Interlocal	NICK JOHNSON	7-20-16: NO COST AGREEMENT TO DEFINE ROLES AND RESPONSIBILITIES FOR THE RELOCATION OF THE INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT UTILITIES AS PART OF THE SR28 PROJECT, WASHOE COUNTY. NV B/L#: EXEMPT
23	43516	00	TOWN OF GARDNERVILLE	REPLACEMENT OF STORM DRAINS	N	22,000.00	-	22,000.00	-	2-Aug-16	30-Sep-16	-	Interlocal	CHARLES WOLF	08-05-16: REPLACEMENT OF STRUCTURALLY INCOMPETENT STORM DRAIN FACILITIES, DOUGLAS COUNTY. NV B/L#: EXEMPT
24	36116	00	UNIVERSITY OF NEVADA RENO	RESEARCH FOR UNBOUND MATERIALS	Y	147,936.00	-	147,936.00	-	22-Jul-16	31-Oct-17	-	Interlocal	MATT DEMATTEI	07-22-16: TO CONDUCT A RESEARCH STUDY FOR "CHARACTERIZATION OF UNBOUND MATERIALS (SOILS/AGGREGATES) MECHANISTIC-EMPIRICAL PAVEMENT DESIGN GUIDE (MEPDG)", STATEWIDE. NV B/L#: EXEMPT
25	43616	00	UNIVERSITY OF NEVADA RENO	RESEARCH STUDY WITH UNR	Y	279,535.00	-	279,535.00	-	10-Aug-16	31-Dec-18	-	Interlocal	MANJU KUMAR	8-10-16: TO CONDUCT A RESEARCH STUDY FOR "DRIVER COMPLIANCE AND EFFECTIVENESS OF RECTANGULAR RAPID-FLASHING BEACONS IN NEVADA," STATEWIDE. NV B/L#: EXEMPT
26	36416	00	UNIVERSITY OF NEVADA, RENO	EVALUATION OF SWCC	Y	155,079.00	-	155,079.00	-	2-Aug-16	30-Sep-18	-	Interlocal	MANJU KUMAR	08-02-16: TO CONDUCT A RESEARCH STUDY FOR "EVALUATION OF SOIL WATER CHARACTERISTIC CURVES (SWCC) IN PAVEMENT ME (MECHANISTIC-EMPIRICAL) FOR NEVADA'S UNBOUND MATERIALS", STATEWIDE. NV B/L#: EXEMPT

27	57415	00	WASHOE CO PUBLIC WORKS	SUN VALLEY PEDESTRIAN IMPROVEMENTS	N	-	-	-	-	15-Aug-16	31-Dec-16	-	Interlocal	LORI CAMPBELL	08-17-16: NO COST RIGHT OF WAY AGREEMENT FOR CONSTRUCTION OF IMPROVEMENTS TO SIDEWALK, BUS STOP, LIGHTING AND PEDESTRIAN WARNING SYSTEM IN SUN VALLEY, WASHOE COUNTY. NV B/L#: EXEMPT
28	23016	00	WEST WENDOVER POLICE DEPT.	USE OF STATE RADIO SYSTEM	N	-	-	-	3,750.00	1-Jul-16	30-Jun-21	-	Interlocal	DAN BERGER	07-01-16: TO ALLOW PUBLIC SAFETY ENTITIES TO UTILIZE THE STATEWIDE RADIO SYSTEM TO REDUCE OPERATIONAL COSTS, IMPROVE INTERAGENCY INTEROPERABILITY, ENHANCE RADIO COMMUNICATION, AND MEET HOMELAND SECURITY INITIATIVES FOR RADIO COMMUNICATIONS, ELKO COUNTY. NV B/L#: EXEMPT
29	45716	00	DEREK ZACK	BIG SMOKY #3	N	-	-	-	3,000.00	26-Jul-16	18-Jul-20	-	Lease	PAULINE BEIGEL	7-26-16: NDOT LEASE OF MAINTENANCE STATION HOUSE, BIG SMOKY #3 TO EMPLOYEE, NYE COUNTY. NV B/L#: EXEMPT
30	04416	00	UNION PACIFIC RAILROAD	LICENSE FEE	N	2,500.00	-	2,500.00	-	19-Feb-16	30-May-20	-	License	TINA KRAMER	08-09-16: LICENSE FEE FOR MAINTENANCE AND OPERATION OF UNDERGROUND FIBER OPTIC WIRELINE CROSSING, CHURCHILL COUNTY. NV B/L#: NVF19691003146
31	39816	00	BONANZA CASINO, LLC	CONSTRUCTION OUTSIDE OF ROW	N	-	-	-	-	12-Aug-16	30-Jun-20	-	ROW Access	TINA KRAMER	08-12-16: NO COST AGREEMENT TO OBTAIN RIGHT OF WAY ACCESS TO RECONSTRUCT A SEGMENT OF SR 430, NORTH VIRGINIA ST. FROM NORTH OF LOVITT LANE TO HOGE ROAD, WASHOE COUNTY. NV B/L#: NVD20021016471
32	36516	00	APPLIED PAVEMENT TECHNOLOGY	CONDUCT RESEARCH STUDY	Y	139,514.00	-	139,514.00	-	25-Jul-16	31-Oct-17	-	Service Provider	MATT DEMATTEI	07-25-16: TO CONDUCT RESEARCH STUDY FOR INVESTIGATION OF STAKEHOLDER PERSPECTIVES OF PERFORMANCE MEASUREMENT MONITORING AND REPORTING AS AN NDOT BUSINESS PRACTICE, STATEWIDE. NV B/L#: NVF20001200517
33	44216	00	ASSOCIATED GENERAL CONTRACTORS	TEACHER WORKFORCE DEVELOPMENT	N	15,000.00	-	15,000.00	-	28-Jul-16	30-Jun-17	-	Service Provider	TRACY LARKIN-THOMPSON	07-28-16: TO PROVIDE AN ACCREDITED TEACHER FOR WORKFORCE DEVELOPMENT TRAINING IN NORTHERN NEVADA AND OUTREACH PRESENTATION THROUGHOUT THE STATE, WASHOE COUNTY. NV B/L# NVD19391000135
34	44916	00	CARDNO INC	SUBSURFACE UTILITY WORK	N	122,050.00	-	122,050.00	-	1-Aug-16	31-Dec-16	-	Service Provider	LORI CAMPBELL	8-1-16: SUBSURFACE UTILITY ENGINEERING AT VARIOUS LOCATIONS, CLARK COUNTY. NV B/L#: NV20111772626-Q
35	45916	00	GENERAL FENCE, INC	FENCING ALONG SR225	N	195,821.20	-	195,821.20	-	9-Aug-16	31-Mar-17	-	Service Provider	TRENT AVERETT	8-9-16: REMOVE AND REPLACE FENCING ALONG SR225 FROM MP EL-59.59 TO EL-70.82, ELKO COUNTY. NV B/L#: NVD20061261860-Q
36	46116	00	J C BUILDING MAINTENANCE	DISTRICT 1 YARD JANITORIAL	N	184,536.00	-	184,536.00	-	26-Jul-16	28-Feb-19	-	Service Provider	PAULINE BEIGEL	7-26-16: JANITORIAL SERVICES THROUGHOUT THE DISTRICT 1 YARD FOR A TWO YEAR PERIOD, CLARK COUNTY. NV B/L#: NVD20111472128-Q
37	39116	00	JONES MEDIA, LLC	ADVERTISING SIGN REMOVAL	Y	3,200.00	-	3,200.00	-	7-Jun-16	31-Dec-16	-	Service Provider	TINA KRAMER	06-07-16: THE REMOVAL AND SALVAGING OF OUTDOOR ADVERTISING COMPONENTS FROM AN OUTDOOR ADVERTISING SIGN ACQUIRED FOR PROJECT NEON, CLARK COUNTY. NV B/L#: NVD20151602569
38	44016	00	LAS VEGAS PAVING CORP	SOUNDWALL REPAIR I -515	N	206,200.00	-	206,200.00	-	19-Jul-16	30-Jun-17	-	Service Provider	JENNIFER MANUBAY	7-19-16: TO RECONSTRUCT DAMAGED SOUNDWALL AND BARRIER RAIL ON I-515SB MP CL-69.47, CLARK COUNTY NV B/L#: NV19581000650-Q
39	11416	00	MICHAEL BAKER INTERNATIONAL	STORMWATER OPS AND MAINTENANCE	N	82,100.00	-	82,100.00	-	1-Aug-16	30-Jun-17	-	Service Provider	FRED SHAKAL	08-01-16: TO DEVELOP A STORMWATER OPERATIONS AND MAINTENANCE PLAN TO BE COMPLIANT WITH THE NEW REVISIONS TO ITS MUNICIPAL SEPARATE STORM WATER SYSTEM DISCHARGE PERMIT, STATEWIDE. NV B/L#: NVF19951099105 - R
40	46416	00	REMINGTON CONSTRUCTION	SIDEWALK DI ON SR223	N	99,999.00	-	99,999.00	-	10-Aug-16	31-Mar-17	-	Service Provider	TRENT AVERETT	8-10-16: TO CONSTRUCT NEW SIDEWALK AND REPLACE FOUR DROP INLETS ON SR223 AT MP74 FOR STORMWATER IMPROVEMENTS, ELKO COUNTY. NV B/L#: NV20071516052-Q
41	45516	00	SIERRA NEVADA CONSTRUCTION	MICRO SURFACING IN 3 COUNTIES	N	194,007.00	-	194,007.00	-	26-Jul-16	31-Dec-16	-	Service Provider	GREG MINDRUM	7-26-16: MICRO SURFACING AT MULTIPLE LOCATIONS, CARSON CITY, DOUGLAS AND WASHOE COUNTY. NV B/L#: NV19881009372-Q
42	45616	00	SIERRA NEVADA CONSTRUCTION	MICRO-SURFACE FERNLEY FALLON	N	134,007.00	-	134,007.00	-	27-Jul-16	31-Dec-16	-	Service Provider	GREG MINDRUM	7-27-16: MICRO-SURFACING AT FERNLEY AND FALLON MAINTENANCE YARDS, CHURCHILL AND LYON COUNTIES. NV B/L#: NVD19881009372-Q
43	36216	00	SRF CONSULTING GROUP INC	RESEARCH HWAY RAIL CROSSINGS	Y	98,100.00	-	98,100.00	-	4-Aug-16	30-Apr-18	-	Service Provider	MANJU KUMAR	08-05-16: CONDUCT A RESEARCH STUDY ENTITLED "DEVELOPMENT OF REVISED HAZARD INDEX MODEL FOR HIGHWAY-RAIL GRADE CROSSINGS," STATEWIDE. NV B/L#: NVF2016453564
44	34516	00	VIP	LALI PARASA GIS SUPPORT	N	189,504.00	-	189,504.00	-	23-May-16	30-Jun-17	-	Service Provider	DEB MCCURDY	07-22-16: FOR LALI PARASA TO PROVIDE I.T. AND PROGRAMMING SUPPORT FOR GIS SERVICES. CARSON CITY. NV B/L#: NVF20051544904

Attachment C

State of Nevada Department of Transportation
Settlements - Informational
July 15, 2016, through August 17, 2016

Line No	Type	Second Party	Settlement Amount	Notes
1	CONDEMNATION ACTION SETTLEMENT	K & L DIRT COMPANY, LLC	8,416,330.00	THE SETTLEMENT PROVIDES FOR AN ADDITIONAL \$5,000,000 TO BRING THE SETTLEMENT TOTAL TO \$8,416,330 TO RESOLVE THE CONTESTED CONDEMNATION CASE OF A 10.88 ACRE PORTION OF K & L DIRT COMPANY, LLC'S 31.4 ACRE PROPERTY, WHICH IS PART OF PROJECT NEON.

Line Item 1



STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL

Transportation Division
1263 South Stewart Street, Room 315
Carson City, Nevada 89712

ADAM PAUL LAXALT
Attorney General

WESLEY K. DUNCAN
First Assistant Attorney General

NICHOLAS A. TRUTANICH
First Assistant Attorney General

MEMORANDUM

DATE: August 15, 2016

TO: Board of Directors
Nevada Department of Transportation

FROM: Dennis Gallagher, Chief Deputy Attorney General

SUBJECT: Informational Item – Approval of Settlement in the matter of
State of Nevada vs. K & L Dirt Company, LLC, et al.
Eighth Judicial District Court Case No.: A-12-666050-C
Settlement Condemnation Action

A handwritten signature in black ink, appearing to read "Dennis Gallagher", is written over the "FROM:" line of the memorandum.

At their August 9, 2016 meeting, the Board of Examiners approved settlement in the amount of \$5,000,000.00 of additional funds to resolve the contested condemnation case referenced above which is part of Project Neon.

Attached is the July 5, 2016 memorandum to the Board of Examiners from Director Rudy Malfabon, Special Counsel, Joe Vadala, and myself setting forth a summary of the settlement.



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Carson City, Nevada 89712
Phone: (775) 888-7440
Fax: (775) 888-7201
(Use Local Information)

MEMORANDUM

Transportation Division

July 5, 2016

To: Board of Examiners
Governor Brian Sandoval
Attorney General Adam P. Laxalt
Secretary of State Barbara K. Cegavske

From: Rudy Malfabon, Director, Nevada Department of Transportation
Dennis Gallagher, Chief Deputy Attorney General
Joe Vadala, Senior Deputy Attorney General

Subject: Proposed settlement of a claim for just compensation,
State of Nevada v. K&L Dirt Company LC, et al.
Eighth Judicial District Court Case No. A-12-666050-C

SUMMARY

NDOT requests settlement approval in the total amount of \$8,416,330.00 (\$5,000,000.00 "new money," after reimbursement of the relocation payment discussed below), to fully resolve this eminent domain action.

NDOT filed this eminent domain action on July 31, 2012, to condemn approximately 17 acres (later reduced by re-design to 10.88 acres) on Defendant K&L Dirt Company LC's 31.4-acre property ("Subject Property"). The Subject Property is needed for construction of the Boulder City Bypass, which will be part of an international highway system linking Canada, the United States and Mexico.

"K&L Dirt Company LC" owns the Subject Property, and defendant "Goodfellow Corporation" currently operates its business there. K&L and Goodfellow Corporation (jointly "Goodfellow") are separate legal entities, with separate ownerships. However, Lynn Goodfellow and his son Kurt Goodfellow are involved in both companies.

Goodfellow is involved in heavy equipment sales, some fabrication, parts sales and equipment rental of heavy equipment, including crushing equipment used in mining and highway projects. Goodfellow has operated on the Subject Property since the early 1990s. Over time, approximately 140,000 square feet of building space has been erected on the Subject Property.

Board of Examiners

Proposed settlement of a claim of just compensation,
State of Nevada v. K&L Dirt Company LC, et al., No. A-12-666050-C
Page 2

Goodfellow objected to NDOT obtaining immediate occupancy of the property, and the District Court Judge indicated a strong sympathy towards Goodfellow's position. At that time, NDOT needed to acquire occupancy rights for construction in order to comply with federal funding requirements for the Boulder City Bypass.

Negotiations between the parties resulted in a stipulation being filed in the action on September 28, 2012. Pursuant to that stipulation, Goodfellow acknowledged that the acquisition was for a public use and agreed to allow an occupancy order to be entered. NDOT agreed to pay initial compensation of \$2,083,000.00, for the land to be taken, and \$1,333,330.00 for the relocation of items of personal property within the acquisition area.

Thus, the sole remaining issue, which was to be determined by a jury, is the remaining compensation, if any, due to Goodfellow, for NDOT's partial acquisition of the Subject Property.

During the litigation, substantial time and effort was expended by NDOT to minimize the amount of the Subject Property needed for the construction of the project. NDOT worked cooperatively with Goodfellow to eliminate a planned frontage road through the property, consolidated the existing utilities into a single utility corridor, and provided access into the Goodfellow property from the future interchange. These efforts resulted in a reduction of the land being acquired by NDOT from 17 acres to slightly over 10 acres.

Defendant Goodfellow's calculations of total just compensation range from \$16.9 million to \$30.9 million, based upon its legal theory that the Subject Property is a "special purpose" property, a finding of which could allow the jury to hear alternative methods of valuation that are uncommon in the normal eminent domain trial. There are many criteria for determining whether a property is indeed special purpose property, but all come from either appraisal literature or decisions of courts in other States. Nevada has not yet addressed this issue.

NDOT has considered the benefits of settlement and has made the decision that settlement is reasonable, prudent, and in the public interest. NDOT therefore requests the authority to settle the Action for a total of \$8,416,330.00 (\$5,000,000.00 "new money," after reimbursement of the relocation payment), resolving this action in its entirety as among all parties, inclusive of all attorney's fees, costs and interest. NDOT believes that a payment of that amount is justified when weighed against the risk caused by numerous uncertainties in this case.

During negotiations, Goodfellow agreed to reimburse NDOT the \$1,333,330.00 that it received in September 2012 for estimated relocation expenses as part of the settlement

of the litigation. These funds will be returned to their appropriate account upon receipt by NDOT. Payment of these funds will be made by Goodfellow before the balance of the just compensation payment is made by NDOT.

THE ACTION

The trial in this matter is scheduled to begin October 10, 2016. If this matter does not settle and Goodfellow prevails at trial, it could be awarded up to \$30,913,467.72, inclusive of prejudgment interest and total estimated costs. Goodfellow will also argue for attorney's fees, under the Nevada Constitution and/or the offer of judgment rule. Total exposure, while unlikely, would therefore easily exceed \$30,000,000.00. Additionally, NDOT will incur its own costs and attorneys' fees in bringing the case to trial.

POINTS THAT FAVOR SETTLEMENT

While NDOT believes that there is little evidence to support Goodfellow's claim to compensation under its "special purpose" theory, NDOT's total potential exposure at trial exceeds \$30,000,000.00, and proceeding to trial would cost the State additional amounts in legal fees and costs. Unless NDOT could convince the judge or jury that the Subject Property is not a "special purpose" property, Goodfellow would likely be allowed to present all of its evidence of value, which could include up to four (4) expert witnesses, and Lynn Goodfellow and/or Kurt Goodfellow, i.e., the landowner's principals, with estimates of value ranging from \$16.9 million to \$30.9 million. As such, anything but a complete and total rejection of Goodfellow's position may result in NDOT paying more than the current settlement figure. Thus, settlement now at \$8,416,330.00 (\$5,000,000.00 "new money," after reimbursement of the relocation payment) is highly recommended.

RECOMMENDATION

NDOT has considered the benefits of settlement and has made the decision that settlement is reasonable, prudent, and in the public interest. NDOT requests the authority to settle the Action for a total of \$8,416,330.00 (\$5,000,000.00 "new money," after reimbursement of the relocation payment), resolving this action in its entirety as among all parties, inclusive of all attorney's fees, costs and interest.

FISCAL NOTE STATEMENT

NDOT will seek reimbursement from the Federal Highway Administration for the proposed settlement amount.



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MEMORANDUM

September 5, 2016

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, P.E., Director
SUBJECT: September 12, 2016 Transportation Board of Directors Meeting
Item # 8: Action Item: Condemnation Resolution No. 457
I-15 Freeway, from Desert Inn Road to the US-95/I-515
Interchange; Project NEON; in the City of Las Vegas; Clark County.
2 Owners, 6 Parcels – For possible action

Summary:

The department is acquiring property and property rights for the widening and reconstruction of the I-15 Freeway, from Desert Inn Road to the US-95/I-515 Interchange, in the City of Las Vegas, Clark County. These properties are for the design/build phase of Project NEON. The department is seeking the Board's approval of a condemnation action for the unresolved acquisition as described below.

Background:

T.B.S. Highland Properties LLC - The negotiations are unresolved for the acquisition from T.B.S. Highland Properties LLC. It is necessary to acquire a 752 square foot (0.02 acre) acquisition in fee, a 1,500 square foot (0.03 acre) permanent easement for construction and maintenance purposes and a 10,756 square foot (0.25 acre) temporary construction easement for a four-year period, all from a 13,008 square foot (0.30 acre) Industrial-zoned parcel. The acquisitions cover the entirety of the site. The site is improved with building improvements totaling 5,185 square feet and miscellaneous site improvements consisting of paved parking and fencing. **The acquisitions in question, which lie east of the I-15 Freeway, along the west side of Highland Avenue, approximately 1,240 feet southwesterly of Oakey Boulevard, in the City of Las Vegas, are highlighted in green on the right-of-way plans that are part of the Condemnation Resolution (Attachment 2).** The State's initial offer of \$243,000.00 was hand-delivered to the owner on September 3, 2015. The offer consisted of \$8,582.00 for the fee simple land (at \$10.20 per square foot), \$138,471.00 for a portion of the warehouse totaling 2,252 square feet and on-site improvements, \$11,475.00 for the permanent easement and \$84,472.00 for the temporary easement.

On July 13, 2016 a revised offer of \$329,000.00, based on an updated appraisal, was delivered to the owner. The offer consisted of \$7,896.00 for the fee simple land (at \$10.50 per square foot), approximately \$153,450.00 for the warehouse and on-site improvements, \$11,813.00 for the permanent easement (which was valued at 75% of the \$10.50 per square foot fee land value), \$102,120.00 for the temporary easement (which was valued at approximately a \$0.60 per square foot monthly rental rate for the remaining 2,933 square foot building for a period of four years), \$35,420.00 for tenant-owned improvements and \$17,778.00 as severance damages to the property remainder. The owners have made no monetary counteroffer. The department is continuing to work towards settlement, but is requesting this condemnation resolution to meet construction deadlines.

Pueblo Highland LLC - The negotiations are also unresolved for the acquisition from Pueblo Highland LLC. It is necessary to acquire a 6,751 square foot (0.16 acre) acquisition in fee, a 3,000 square foot (0.07 acre) permanent easement for construction and maintenance purposes and a 16,265 square foot (0.37 acre) temporary construction easement for a four-year period, all from a 26,016 square foot (0.60 acre) Industrial-zoned parcel. The acquisitions cover the entirety of the site. The site is improved with a 9,174 square foot building area and paved parking. **The acquisitions in question, which lie east of the I-15 Freeway, along the west side of Highland Avenue, approximately 640 feet southwesterly of Oakey Boulevard, in the City of Las Vegas, are highlighted in blue on the right-of-way plans that are part of the Condemnation Resolution (Attachment 2).** The State's initial offer of \$720,000.00 was mailed to the owner on September 9, 2015. The offer consisted of \$68,860.00 for the fee simple land (at \$10.20 per square foot), \$139,000.00 for a portion of the building and on-site improvements, \$22,950.00 for the permanent easement, \$56,000.00 for the temporary easement and \$429,190.00 for severance damages to the property remainder. In light of the temporary encumbrance on the remainder parcel in the after condition, the property owner was given the option of a total acquisition of the subject property in the amount of \$800,000.00.

On July 13, 2016 a revised offer of \$913,435.00, based on an updated appraisal, was hand-delivered to the owner. The offer consisted of \$70,886.00 for the fee simple land (at \$10.50 per square foot), \$177,276.00 for the building and on-site improvements, \$23,625.00 for the permanent easement (which was valued at 75% of the \$10.50 per square foot fee land value), \$43,200.00 for the temporary easement (which is a 10% per year return on the remainder property land value for a period of four years), \$23,235.00 for tenant-owned improvements and \$575,213.00 as severance damages to the property remainder. The property owner was given the option of a total acquisition of the subject property in the amount of \$955,000.00. The owner has made no monetary counteroffer, nor responded to the revised offer. The department is continuing to work towards settlement, but is requesting this condemnation resolution to meet construction deadlines.

Analysis:

A condemnation resolution is requested so that the Department can certify the right-of-way to the Federal Highway Administration to meet the project schedule. Prior to construction all environmental testing, demolition and utility relocations must be accomplished. Pursuant to Chapter 241 of the Nevada Revised Statutes, the required notices regarding this open meeting have been served.

Recommendation for Board Action:

Board approval of this resolution of condemnation is respectfully requested.

List of Attachments:

1. Location map
2. Condemnation Resolution No. 457 with Right-of-Way plans
3. Section 408.503 of the Nevada Revised Statutes
4. Section 241.034 of the Nevada Revised Statutes

Prepared by:

Ruth Borrelli, Chief RW Agent



LOCATION MAP



CONDEMNATION RESOLUTION No. 457

DESCRIPTION: I-15 Freeway, from Desert Inn Road to the US-95/I-515 Interchange; Project NEON in the City of Las Vegas, County of Clark, State of Nevada

RESOLUTION OF THE BOARD OF DIRECTORS OF THE DEPARTMENT OF TRANSPORTATION AUTHORIZING ACQUISITION BY CONDEMNATION OF PROPERTY FOR THE WIDENING AND RECONSTRUCTION OF THE I-15 FREEWAY, FROM DESERT INN ROAD NORTH TO THE U.S. 95/I-515 INTERCHANGE, IN THE CITY OF LAS VEGAS, CLARK COUNTY, NEVADA.

CONDEMNATION RESOLUTION NO. 457

WHEREAS, the Department of Transportation of the State of Nevada (hereinafter the "Department") is empowered by chapter 408 of the Nevada Revised Statutes to acquire real property, interests therein, and improvements located thereon for the construction and maintenance of highways; and

WHEREAS, the Department has determined that the public interest and necessity require the acquisition, reconstruction, and completion by the State of Nevada, acting by and through the Department, of a public improvement, namely the widening and reconstruction of the I-15 Freeway, from Desert Inn Road north to the U.S. 95/I-515 Interchange, in the City of Las Vegas, Clark County, State of Nevada and that the real property hereinafter described is necessary for said public improvement; and

WHEREAS, the right-of-way plans are attached hereto and incorporated herein depicting the parcels described herein; and

WHEREAS, the Department plans to obligate federal-aid funds for this project, and let a construction contract for said project, and the real property hereinafter described will be needed for said freeway project; and

WHEREAS, pursuant to section 408.503 of the Nevada Revised Statutes, the Department shall not commence any legal action in eminent domain until the Board of Directors of the Department adopts a resolution declaring that the public

ATTACHMENT 2

interest and necessity require the highway improvement and that the property described is necessary for such improvement.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Department, pursuant to section 408.503 of the Nevada Revised Statutes:

That the public interest and necessity require the acquisition, construction, reconstruction, improvement, maintenance or completion by the State of Nevada, acting through the Department, of a public improvement, namely a freeway; and that the real property hereinafter described is necessary for said public improvement; and

That the proposed construction of said public highway improvement on and along an alignment heretofore approved is planned and located in a manner which will be the most compatible with the greatest public good and the least private injury.

BE IT FURTHER RESOLVED THAT the Department be and is hereby authorized and directed:

To acquire in the name of and in behalf of the State of Nevada, in fee simple absolute, unless a lesser estate is hereinafter described, the following described real property and interests therein by the exercise of the power of eminent domain in accordance with the provisions of chapters 37 and 408 of the Nevada Revised Statutes;

To commence and prosecute, if necessary, in the name of the State of Nevada, condemnation proceedings in the proper court to condemn said real property and interests therein; and

To make application to said court for an order permitting the Department to take possession and use of said real property as may be necessary for construction of said public highway improvement, and to pledge the public faith and credit of the State of Nevada as security for such entry or, should the Department deem such advisable, to deposit with the Clerk of such court, in lieu of such pledge, a sum equal to the value of the premises sought to be condemned as appraised by the Department, and to acquire the following real property:

PARCEL NOS. I-015-CL-040.961, I-015-CL-040.961PE, and I-015-CL-040.961TE owned by T.B.S. Highland Properties, LLC, a Nevada Limited-Liability Company

Said real property situate, lying and being in the City of Las Vegas, County of Clark, State of Nevada, and more particularly described as being portions of the NE 1/4 of the SW 1/4 of Section 4, T. 21 S., R. 61 E., M.D.M., and more fully described by metes and bounds as follows:

PARCEL NO. I-015-CL-040.961 to be acquired in fee simple.

COMMENCING at the section corner common to Sections 3, 4, 9 and 10, a FOUND 2" BRASS CITY OF LAS VEGAS DISK FLUSH ON A 0.6' CONC CYLINDER STAMPED "CLV S4/S3/S10/S9 PLS 5094", shown and delineated as a FOUND WELL MONUMENT STAMPED "PLS 5094" on that certain Plat Map of WESTERN FLEX WAREHOUSE, filed for record on August 23, 2005, as Instrument No. 200508230001630, as Map File 126, Page

No. 31, in Official Records Clark County, Nevada; thence
N. 4°23'15" E., along the east line of said Section 4, a
distance of 2,783.81 feet (Record N. 4°23'41" E. – 2,783.89
feet per said Plat Map), to the 1/4 corner common to
Sections 3 and 4, a FOUND 2" BRASS CAP ON A 0.6'
CONC POST STAMPED "CITY OF LAS VEGAS PLS5094",
shown and delineated as a FOUND WELL MONUMENT
STAMPED "PLS 5094" on said Plat Map; thence
S. 74°45'04" W. a distance of 3,313.84 feet to the POINT
OF BEGINNING; said point of beginning being on the right
or southeasterly right-of-way line of IR-15, 134.93 feet right
of and at right angles to Highway Engineer's Station
"Le" 759+48.46 P.O.T.; thence along said right or
southeasterly right-of-way line the following five (5) courses
and distances:

- 1) S. 37°25'29" W. – 26.67 feet;
- 2) S. 37°07'50" W. – 33.07 feet;
- 3) S. 46°36'13" W. – 14.69 feet;
- 4) S. 35°17'37" W. – 25.90 feet;
- 5) N. 54°42'23" W. – 5.00 feet to the former right
or southeasterly right-of-way line of IR-15;

thence N. 35°17'37" E., along said former right or
southeasterly right-of-way line, a distance of 100.00 feet;

thence S. 54°42'23" E. a distance of 9.93 feet to the point of beginning; said parcel contains an area of 752 square feet.

TOGETHER WITH the access rights, including the abutter's rights, in and to IR-15.

PARCEL NO. I-015-CL-040.961PE to be acquired as a permanent easement for highway construction and maintenance purposes.

COMMENCING at the section corner common to Sections 3, 4, 9 and 10, a FOUND 2" BRASS CITY OF LAS VEGAS DISK FLUSH ON A 0.6' CONC CYLINDER STAMPED "CLV S4/S3/S10/S9 PLS 5094", shown and delineated as a FOUND WELL MONUMENT STAMPED "PLS 5094" on that certain Plat Map of WESTERN FLEX WAREHOUSE, filed for record on August 23, 2005, as Instrument No. 200508230001630, as Map File 126, Page No. 31, in Official Records Clark County, Nevada; thence N. 4°23'15" E., along the east line of said Section 4, a distance of 2,783.81 feet (Record N. 4°23'41" E. – 2,783.89 feet per said Plat Map), to the 1/4 corner common to Sections 3 and 4, a FOUND 2" BRASS CAP ON A 0.6' CONC POST STAMPED "CITY OF LAS VEGAS PLS5094", shown and delineated as a FOUND WELL MONUMENT STAMPED "PLS 5094" on said Plat Map; thence S. 74°45'04" W. a distance of 3,313.84 feet to the POINT OF BEGINNING; said point of beginning being on the right

or southeasterly right-of-way line of IR-15, 134.93 feet right of and at right angles to Highway Engineer's Station "Le" 759+48.46 P.O.T.; thence along the following six (6) courses and distances:

- 1) S. 54°42'23" E. – 15.00 feet;
- 2) S. 37°25'29" W. – 26.67 feet;
- 3) S. 37°07'50" W. – 33.07 feet;
- 4) S. 46°36'13" W. – 14.69 feet;
- 5) S. 35°17'37" W. – 25.90 feet;
- 6) N. 54°42'23" W. – 15.00 feet to said right or southeasterly right-of-way line;

thence along said right or southeasterly right-of-way line the following four (4) courses and distances:

- 1) N. 35°17'37" E. – 25.90 feet;
- 2) N. 46°36'13" E. – 14.69 feet;
- 3) N. 37°07'50" E. – 33.07 feet;
- 4) N. 37°25'29" E. – 26.67 feet to the point of beginning; said parcel contains an area of 1,500 square feet.

PARCEL NO. I-015-CL-040.961TE to be acquired as a temporary easement for construction purposes for a four-year period commencing on the date of occupancy.

COMMENCING at the section corner common to Sections 3, 4, 9 and 10, a FOUND 2" BRASS CITY OF LAS

VEGAS DISK FLUSH ON A 0.6' CONC CYLINDER
STAMPED "CLV S4/S3/S10/S9 PLS 5094", shown and
delineated as a FOUND WELL MONUMENT STAMPED
"PLS 5094" on that certain Plat Map of WESTERN FLEX
WAREHOUSE, filed for record on August 23, 2005, as
Instrument No. 200508230001630, as Map File 126, Page
No. 31, in Official Records Clark County, Nevada; thence
N. 4°23'15" E., along the east line of said Section 4, a
distance of 2,783.81 feet (Record N. 4°23'41" E. – 2,783.89
feet per said Plat Map), to the 1/4 corner common to
Sections 3 and 4, a FOUND 2" BRASS CAP ON A 0.6'
CONC POST STAMPED "CITY OF LAS VEGAS PLS5094",
shown and delineated as a FOUND WELL MONUMENT
STAMPED "PLS 5094" on said Plat Map; thence
S. 74°33'01" W. a distance of 3,304.33 feet to the POINT
OF BEGINNING; said point of beginning being 149.93 feet
right of and at right angles to Highway Engineer's Station
"Le" 759+48.46 P.O.T.; thence S. 54°42'23" E. a distance of
105.15 feet to the northwesterly right-of-way line of
Highland Avenue; thence S. 35°17'37" W., along said
northwesterly right-of-way line, a distance of 100.00 feet;
thence along the following five (5) courses and distances:

- 1) N. 54°42'23" W. – 110.08 feet;
- 2) N. 35°17'37" E. – 25.90 feet;

- 3) N. 46°36'13" E. – 14.69 feet;
- 4) N. 37°07'50" E. – 33.07 feet;
- 5) N. 37°25'29" E. – 26.67 feet to the point of beginning; said parcel contains an area of 10,756 square feet.

PARCEL NOS. I-015-CL-041.054, I-015-CL-041.054PE, and I-015-CL-041.054TE owned by Pueblo Highland, LLC, a Nevada Limited-Liability Company

Said real property situate, lying and being in the City of Las Vegas, County of Clark, State of Nevada, and more particularly described as being portions of the NE 1/4 of the SW 1/4 of Section 4, T. 21 S., R. 61 E., M.D.M., and more fully described by metes and bounds as follows:

PARCEL NO. I-015-CL-041.054 to be acquired in fee simple.

COMMENCING at the section corner common to Sections 3, 4, 9 and 10, a FOUND 2" BRASS CITY OF LAS VEGAS DISK FLUSH ON A 0.6' CONC CYLINDER STAMPED "CLV S4/S3/S10/S9 PLS 5094" shown and delineated as a FOUND WELL MONUMENT STAMPED "PLS 5094" on that certain Plat Map of WESTERN FLEX WAREHOUSE, filed for record on August 23, 2005, as Instrument No. 200508230001630, as Map File 126, Page 31, in Official Records Clark County, Nevada; thence N. 4°23'15" E., along the east line of said Section 4, a distance of 2,783.81 feet (Record N. 4°23'41" E. – 2,783.89

feet per said Plat Map), to the 1/4 corner common to Sections 3 and 4, a FOUND 2" BRASS CAP ON A 0.6' CONC POST STAMPED "CITY OF LAS VEGAS PLS5094", shown and delineated as a FOUND WELL MONUMENT STAMPED "PLS 5094" on said Plat Map; thence S. 79°19'53" W. a distance of 3,002.73 feet to the POINT OF BEGINNING; said point of beginning being on the right or southeasterly right-of-way line of IR-15, 153.60 feet right of and at right angles to Highway Engineer's Station "Le" 763+48.46 P.O.T.; thence N. 54°42'23" W. a distance of 28.60 feet to the former right or southeasterly right-of-way line of IR-15; thence N. 35°17'37" E., along said former right or southeasterly right-of-way line, a distance of 200.00 feet; thence S. 54°42'23" E. a distance of 38.91 feet to the right or southeasterly right-of-way line of IR-15; thence S. 38°14'40" W., along said right or southeasterly right-of-way line, a distance of 200.27 feet to the point of beginning; said parcel contains an area of 6,751 square feet.

TOGETHER WITH the access rights, including the abutter's rights, in and to IR-15.

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PARCEL NO. I-015-CL-041.054PE to be acquired as a permanent easement for highway construction and maintenance purposes.

COMMENCING at the section corner common to Sections 3, 4, 9 and 10, a FOUND 2" BRASS CITY OF LAS VEGAS DISK FLUSH ON A 0.6' CONC CYLINDER STAMPED "CLV S4/S3/S10/S9 PLS 5094" shown and delineated as a FOUND WELL MONUMENT STAMPED "PLS 5094" on that certain Plat Map of WESTERN FLEX WAREHOUSE, filed for record on August 23, 2005, as Instrument No. 200508230001630, as Map File 126, Page 31, in Official Records Clark County, Nevada; thence N. 4°23'15" E., along the east line of said Section 4, a distance of 2,783.81 feet (Record N. 4°23'41" E. – 2,783.89 feet per said Plat Map), to the 1/4 corner common to Sections 3 and 4, a FOUND 2" BRASS CAP ON A 0.6' CONC POST STAMPED "CITY OF LAS VEGAS PLS5094", shown and delineated as a FOUND WELL MONUMENT STAMPED "PLS 5094" on said Plat Map; thence S. 79°19'53" W. a distance of 3,002.73 feet to the POINT OF BEGINNING; said point of beginning being on the right or southeasterly right-of-way line of IR-15, 153.60 feet right of and at right angles to Highway Engineer's Station "Le" 763+48.46 P.O.T.; thence N. 38°14'40" E., along said right or southeasterly right-of-way line, a distance of 200.27

feet; thence along the following three (3) courses and distances:

- 1) S. 54°42'23" E. – 15.00 feet;
- 2) S. 38°14'40" W. – 200.27 feet;
- 3) N. 54°42'23" W. – 15.00 feet to the point of beginning; said parcel contains an area of 3,000 square feet.

PARCEL NO. I-015-CL-041.054TE to be acquired as a temporary easement for construction purposes for a four-year period commencing on the date of occupancy.

COMMENCING at the section corner common to Sections 3, 4, 9 and 10, a FOUND 2" BRASS CITY OF LAS VEGAS DISK FLUSH ON A 0.6' CONC CYLINDER STAMPED "CLV S4/S3/S10/S9 PLS 5094" shown and delineated as a FOUND WELL MONUMENT STAMPED "PLS 5094" on that certain Plat Map of WESTERN FLEX WAREHOUSE, filed for record on August 23, 2005, as Instrument No. 200508230001630, as Map File 126, Page 31, in Official Records Clark County, Nevada; thence N. 4°23'15" E., along the east line of said Section 4, a distance of 2,783.81 feet (Record N. 4°23'41" E. – 2,783.89 feet per said Plat Map), to the 1/4 corner common to Sections 3 and 4, a FOUND 2" BRASS CAP ON A 0.6'

CONC POST STAMPED "CITY OF LAS VEGAS PLS5094",
shown and delineated as a FOUND WELL MONUMENT
STAMPED "PLS 5094" on said Plat Map; thence
S. 79°07'30" W. a distance of 2,992.32 feet to the POINT
OF BEGINNING; said point of beginning being 168.60 feet
right of and at right angles to Highway Engineer's Station
"Le" 763+48.46 P.O.T.; thence N. 38°14'40" E. a distance of
200.27 feet; thence S. 54°42'23" E. a distance of 76.17 feet
to the northwesterly right-of-way line of Highland Avenue;
thence S. 35°17'37" W., along said northwesterly
right-of-way line, a distance of 200.00 feet; thence
N. 54°42'23" W. a distance of 86.48 feet to the point of
beginning; said parcel contains an area of 16,265 square
feet.

The Basis of Bearing for these descriptions is the NEVADA STATE
PLANE COORDINATE SYSTEM, NAD 83/94 DATUM, East Zone as determined
by the State of Nevada, Department of Transportation.

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BE IT FURTHER RESOLVED that the Director, Deputy Director, and Chief Counsel of the Department have the power to enter into any stipulations or file any necessary pleadings in any condemnation proceeding and to bind the Department of Transportation in the completion of this project.

Adopted this _____ day of September, 2016.

ON BEHALF OF
STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION
BOARD OF DIRECTORS

Secretary to the Board
William H. Hoffman

Chairman – Brian Sandoval
Governor

APPROVED AS TO LEGALITY
AND FORM

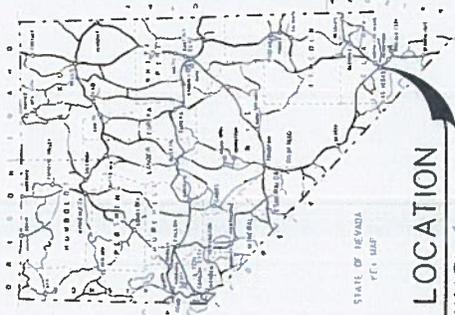
Dennis Gallagher, Chief Counsel
Department of Transportation

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY PROJECT

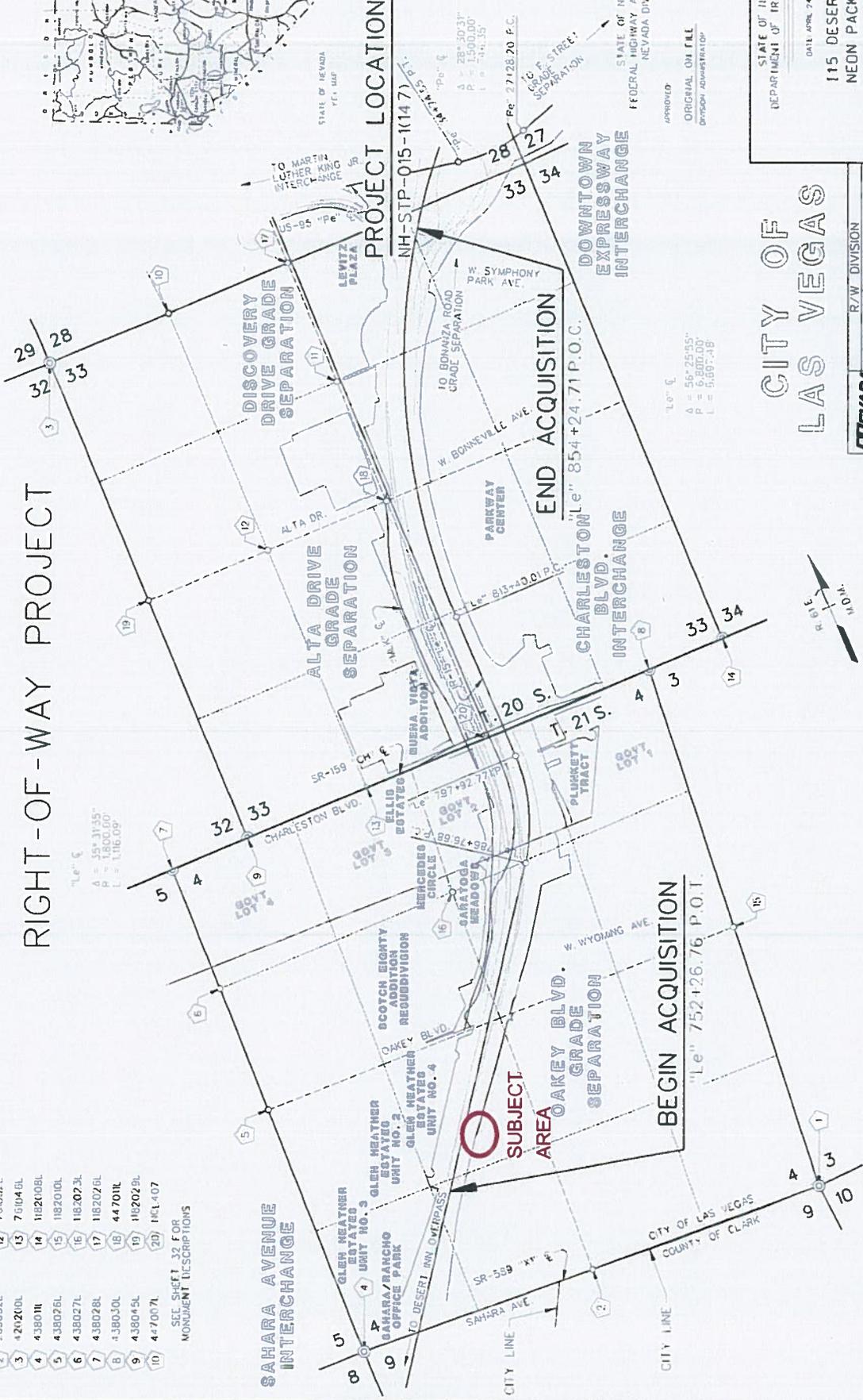
STATE	LA. NO.	PROJECT ID	COUNTY	SHEET NO.
NEVADA	73652	NH-STP-015-1(14.7)	CLARK	01

- FOUND MONUMENTS**
- 1 26505/L
 - 2 26505/2L
 - 3 42020/L
 - 4 43801/H
 - 5 43802/6L
 - 6 43802/7L
 - 7 43802/8L
 - 8 43803/L
 - 9 43804/5L
 - 10 44700/7L
 - 11 44700/L
 - 12 76032/L
 - 13 76044/6L
 - 14 1182108/L
 - 15 1182010/L
 - 16 1182023/L
 - 17 1182026/L
 - 18 44701/L
 - 19 1182023/L
 - 20 1182026/L

SEE SHEET 32 FOR
MONUMENT DESCRIPTIONS



PROJECT LOCATION



CITY OF LAS VEGAS

NEVADA DOT

TRACED
CHECKED
PHONE 17751-888-7470

R/W DIVISION
JOB NO. 001 WFG WFC
JHM

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION

DATE APRIL 24, 2004

115 DESERT INN
NEON PACKAGE 1
COVER SHEET

SCALE 1"=1,000'

SHEET 1 OF 40

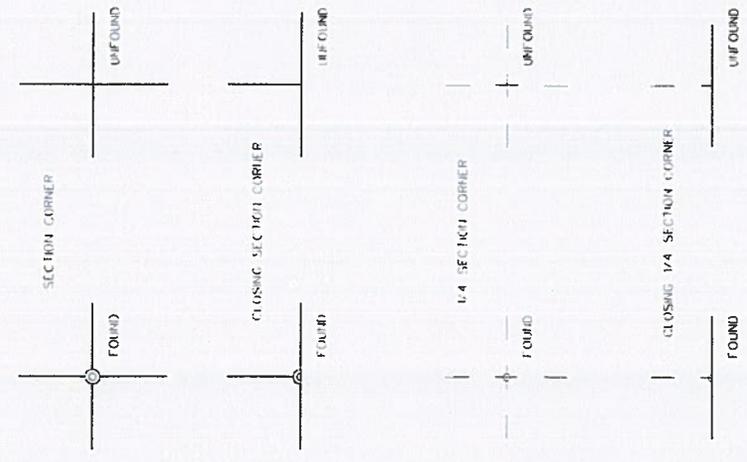
APPROVED
ORIGINAL ON FILE
DATE

STATE OF NEVADA
FEDERAL HIGHWAY ADMINISTRATION
NEVADA DIVISION



LEGEND OF RIGHT-OF-WAY SYMBOLS

C/A	CONTROL OF ACCESS	CONTROL OF ACCESS WITH FENCE OR BARRIER	
CL	CENTERLINE	CONTROL OF ACCESS WITHOUT A FENCE OR BARRIER	
C/P	PERMISSION TO CONSTRUCT	LOCATION AT WHICH ACCESS TO THE FRELWAY IS PERMITTED BY THE STATE	
Δ	DELTA	SUBDIVISION BOUNDARY	
L	ARC LENGTH	RESERVATION OR PARK BOUNDARY	
L.T.	LEFT	STAR LINE	
P.C.	POINT OF CURVE	COUNTY LINE	
P.C.C.	POINT OF COMPOUND CURVATURE	CITY OR TOWN LIMITS	
PE	PERMANENT EASEMENT	SECTION LINE	
P/L	PROPERTY LINE	1/4 SECTION LINE	
P.O.B.	POINT OF BEGINNING	1/16 SECTION LINE	
P.O.C.	POINT ON CURVE	1/64 SECTION LINE	
P.O.E.	POINT OF ENDING	FENCE LINE	
P.O.T.	POINT ON TANGENT		
P.R.C.	POINT OF REVERSE CURVATURE		
P.T.	POINT OF TANGENCY		
R	RADIUS		
REM	REMAINDER		
R1	RIGHT		
R/W	RIGHT-OF-WAY		
TE	TEMPORARY EASEMENT		
△	SUBDIVISION BLOCK		

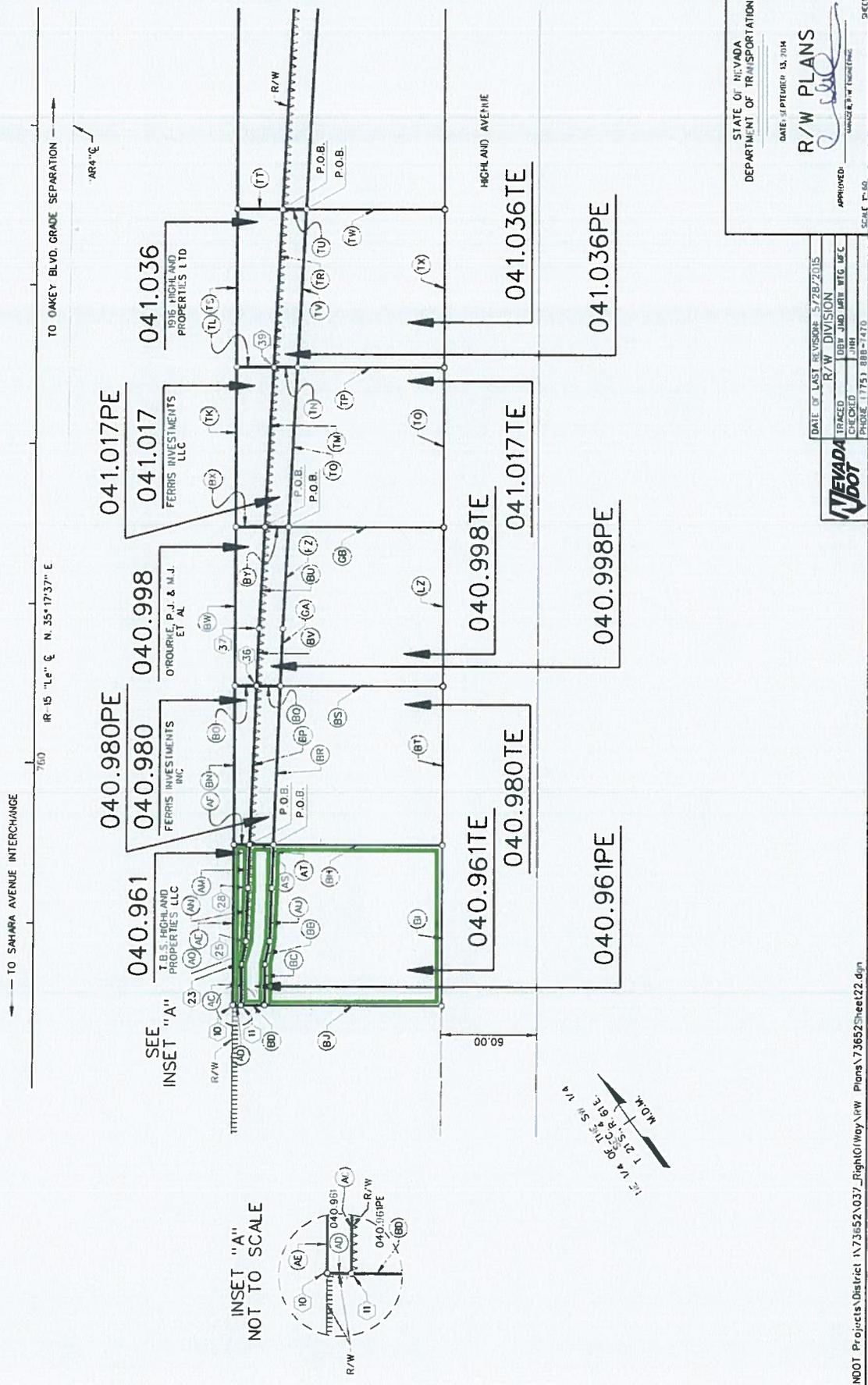


STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION
DATE MAY 1, 2014
R/W PLANS

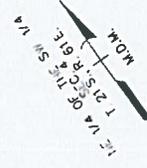
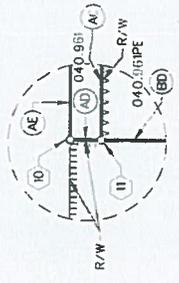
PARCEL NUMBER PREFIX: I-015-CL-

STATE	F.A.NO.	PROJECT NO.	COUNTY	SHEET NO.
NEVADA	73652	NH-STP-015-1(147)	CLARK	22

ENGINEERING BOXES: SHEETS 24 & 25
STATION & OFFSET SHEETS 31 & 32



INSET "A"
NOT TO SCALE



STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION

DATE: SEPTEMBER 13, 2014

R/W PLANS

APPROVED: *[Signature]*

SCALE: 1" = 60'

SHEET 22 OF 40

DATE OF LAST REVISION	5/28/2015
TRACED	R/W DIVISION
CHECKED	JOHN JIMM MATH WEG MFC
PHONE	(775) 888-7470

PARCEL NUMBER PREFIX: I-015-CL-

STATE LA NO COUNTY PROJECT NO. COUNTY NO. SHEET NO.
 NEVADA 73652 NI-STP-015-11471 CLARK 25

041.017PE
 P.O.B. = 43.29 RT "Le" 761+48.46 P.O.T.
 TIE: S. 76°56'30" W. - 3.464.42' FROM THE
 E 1/4 COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.
 (M) N. 38°14'40" E. - 100.13'
 (N) S. 54°42'23" E. - 15.00'
 (O) S. 38°14'40" W. - 100.13'
 (P) S. 38°14'40" W. - 100.13'
 (Q) N. 54°42'23" W. - 15.00'

041.036TE
 P.O.B. = 168.60 RT "Le" 763+48.46 P.O.T.
 TIE: S. 79°07'30" W. - 2.992.32' FROM THE
 E 1/4 COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.
 (M) S. 54°42'23" E. - 86.48'
 (N) S. 35°17'37" W. - 100.00'
 (O) N. 54°42'23" W. - 91.64'
 (P) N. 38°14'40" E. - 100.13'

041.091
 P.O.B. = 168.42 RT "Le" 766+48.46 P.O.T.
 TIE: S. 83°24'28" W. - 2.783.81' FROM THE
 E 1/4 COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.
 (M) S. 37°40'17" W. - 64.50'
 (N) S. 38°14'40" W. - 35.61'
 (O) N. 54°42'23" W. - 38.91'
 (P) N. 35°17'37" E. - 100.00'
 (Q) S. 54°42'23" E. - 43.42'

041.110PE
 P.O.B. = 168.42 RT "Le" 766+48.46 P.O.T.
 TIE: S. 83°24'28" W. - 2.783.81' FROM THE
 E 1/4 COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.
 (M) N. 37°40'17" E. - 342.38'
 (N) N. 37°54'18" E. - 59.25'
 (O) S. 88°55'07" E. - 13.33'
 (P) A = 11°32'45"
 (Q) R = 25.00' L = 5.04'
 (R) S. 37°54'18" W. - 69.15'
 (S) S. 37°40'17" W. - 342.38'
 (T) N. 54°42'23" W. - 15.00'

041.128
 P.O.B. = 376.56 LT "Le" 768+25.44 P.O.T.
 TIE: N. 89°38'36" E. - 2.060.98' FROM THE
 W 1/4 COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.
 (M) S. 46°42'05" W. - 17.16'
 (N) N. 88°55'07" W. - 110.08'
 (O) N. 2°42'02" E. - 12.00'
 (P) S. 88°55'07" E. - 122.00'

041.017TE
 P.O.B. = 168.29 RT "Le" 761+48.46 P.O.T.
 TIE: S. 76°44'15" W. - 3.146.47' FROM THE
 E 1/4 COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.
 (M) N. 38°14'40" E. - 100.13'
 (N) S. 54°42'23" E. - 91.64'
 (O) S. 35°17'37" W. - 100.00'
 (P) N. 54°42'23" W. - 96.79'

041.040
 (M) N. 35°21'49" E. - 70.00'
 (N) S. 54°38'11" E. - 113.95'
 (O) S. 35°17'37" W. - 70.00'
 (P) N. 54°38'11" W. - 114.04'

041.091PE
 P.O.B. = 168.42 RT "Le" 766+48.46 P.O.T.
 TIE: S. 83°24'28" W. - 2.783.81' FROM THE
 E 1/4 COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.
 (M) S. 54°42'23" E. - 15.00'
 (N) S. 37°40'17" W. - 64.50'
 (O) S. 38°14'40" W. - 35.61'
 (P) N. 54°42'23" W. - 35.61'
 (Q) N. 38°14'40" E. - 35.61'
 (R) N. 37°40'17" E. - 64.50'

041.110TE
 P.O.B. = 183.42 RT "Le" 766+48.46 P.O.T.
 TIE: S. 83°12'03" W. - 2.772.66' FROM THE
 E 1/4 COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.
 (M) N. 37°40'17" E. - 342.38'
 (N) N. 37°54'18" E. - 69.15'
 (O) A = 105°00'22"
 (P) R = 25.00' L = 45.92'
 (Q) T.B. = S. 77°21'32" E
 (R) A = 7°38'47"
 (S) R = 470.00' L = 62.72'
 (T) S. 35°17'37" W. - 211.76'
 (U) N. 54°42'23" W. - 71.66'

041.128TE
 P.O.B. = 376.56 LT "Le" 768+25.44 P.O.T.
 TIE: N. 89°38'36" E. - 2.060.98' FROM THE
 W 1/4 COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.
 (M) N. 88°55'07" W. - 122.00'
 (N) N. 2°42'02" E. - 10.00'
 (O) S. 88°55'07" E. - 130.59'
 (P) S. 14°48'23" E. - 1.07'
 (Q) S. 46°42'05" W. - 17.82'

041.027
 (E) S. 54°38'11" E. - 114.04'
 (F) S. 35°17'37" W. - 70.00'
 (G) N. 54°38'11" W. - 114.12'
 (H) N. 35°21'49" E. - 70.00'

041.054
 P.O.B. = 163.60 RT "Le" 763+48.46 P.O.T.
 TIE: S. 79°19'53" W. - 3.002.73' FROM THE
 E 1/4 COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.
 (M) N. 54°42'23" W. - 28.60'
 (N) N. 35°17'37" E. - 38.91'
 (O) S. 54°42'23" E. - 38.91'
 (P) S. 38°14'40" W. - 200.27'

041.091TE
 P.O.B. = 183.42 RT "Le" 766+48.46 P.O.T.
 TIE: S. 83°12'03" W. - 2.772.66' FROM THE
 E 1/4 COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.
 (M) S. 54°42'23" E. - 71.66'
 (N) S. 35°17'37" W. - 100.00'
 (O) N. 54°42'23" W. - 76.17'
 (P) N. 38°14'40" E. - 35.61'
 (Q) N. 37°40'17" E. - 64.50'

041.110TE
 P.O.B. = 183.42 RT "Le" 766+48.46 P.O.T.
 TIE: S. 83°12'03" W. - 2.772.66' FROM THE
 E 1/4 COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.
 (M) N. 37°40'17" E. - 342.38'
 (N) N. 37°54'18" E. - 69.15'
 (O) A = 105°00'22"
 (P) R = 25.00' L = 45.92'
 (Q) T.B. = S. 77°21'32" E
 (R) A = 7°38'47"
 (S) R = 470.00' L = 62.72'
 (T) S. 35°17'37" W. - 211.76'
 (U) N. 54°42'23" W. - 71.66'

041.128TE
 P.O.B. = 376.56 LT "Le" 768+25.44 P.O.T.
 TIE: N. 89°38'36" E. - 2.060.98' FROM THE
 W 1/4 COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.
 (M) N. 88°55'07" W. - 122.00'
 (N) N. 2°42'02" E. - 10.00'
 (O) S. 88°55'07" E. - 130.59'
 (P) S. 14°48'23" E. - 1.07'
 (Q) S. 46°42'05" W. - 17.82'

041.036PE
 P.O.B. = 153.60 RT "Le" 763+48.46 P.O.T.
 TIE: S. 79°19'53" W. - 3.002.73' FROM THE
 E 1/4 COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.
 (M) S. 38°14'40" W. - 100.13'
 (N) S. 54°42'23" E. - 23.44'
 (O) N. 35°17'37" E. - 100.00'
 (P) S. 54°42'23" E. - 28.60'

041.054PE
 P.O.B. = 153.60 RT "Le" 763+48.46 P.O.T.
 TIE: S. 79°19'53" W. - 3.002.73' FROM THE
 E 1/4 COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.
 (M) N. 38°14'40" E. - 200.27'
 (N) S. 54°42'23" E. - 15.00'
 (O) S. 38°14'40" W. - 200.27'
 (P) N. 54°42'23" W. - 15.00'

041.110
 P.O.B. = 168.42 RT "Le" 766+48.46 P.O.T.
 TIE: S. 83°24'28" W. - 2.783.81' FROM THE
 E 1/4 COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.
 (M) N. 54°42'23" W. - 43.42'
 (N) N. 35°17'37" E. - 360.29'
 (O) S. 88°55'07" E. - 72.93'
 (P) S. 37°54'18" W. - 59.25'
 (Q) S. 37°40'17" W. - 342.38'

041.112
 P.O.B. = 427.45 LT "Le" 767+56.84 P.O.T.
 TIE: N. 89°33'10" E. - 1.939.01' FROM THE
 W 1/4 COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.
 (M) S. 2°42'02" W. - 12.00'
 (N) N. 88°55'07" W. - 181.22'
 (O) N. 2°42'02" E. - 10.00'
 (P) S. 88°55'07" E. - 310.2'
 (Q) A = 21°05'25"
 (R) R = 15.00' L = 5.52'
 (S) T.B. = N. 18°23'24" W
 (T) N. 2°42'02" E. - 18.54'
 (U) S. 89°04'55" E. - 151.22'
 (V) S. 2°42'02" W. - 120.40'

041.036PE
 P.O.B. = 153.60 RT "Le" 763+48.46 P.O.T.
 TIE: S. 79°19'53" W. - 3.002.73' FROM THE
 E 1/4 COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.
 (M) S. 54°42'23" E. - 15.00'
 (N) S. 38°14'40" W. - 100.13'
 (O) N. 54°42'23" W. - 15.00'
 (P) N. 38°14'40" E. - 100.13'

041.054TE
 P.O.B. = 168.60 RT "Le" 763+48.46 P.O.T.
 TIE: S. 79°07'30" W. - 2.992.32' FROM THE
 E 1/4 COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.
 (M) N. 38°14'40" E. - 200.27'
 (N) S. 54°42'23" E. - 76.17'
 (O) S. 35°17'37" W. - 200.00'
 (P) N. 54°42'23" W. - 86.48'

041.110
 P.O.B. = 168.42 RT "Le" 766+48.46 P.O.T.
 TIE: S. 83°24'28" W. - 2.783.81' FROM THE
 E 1/4 COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.
 (M) N. 54°42'23" W. - 43.42'
 (N) N. 35°17'37" E. - 360.29'
 (O) S. 88°55'07" E. - 72.93'
 (P) S. 37°54'18" W. - 59.25'
 (Q) S. 37°40'17" W. - 342.38'

041.112
 P.O.B. = 427.45 LT "Le" 767+56.84 P.O.T.
 TIE: N. 89°33'10" E. - 1.939.01' FROM THE
 W 1/4 COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.
 (M) S. 2°42'02" W. - 12.00'
 (N) N. 88°55'07" W. - 181.22'
 (O) N. 2°42'02" E. - 10.00'
 (P) S. 88°55'07" E. - 310.2'
 (Q) A = 21°05'25"
 (R) R = 15.00' L = 5.52'
 (S) T.B. = N. 18°23'24" W
 (T) N. 2°42'02" E. - 18.54'
 (U) S. 89°04'55" E. - 151.22'
 (V) S. 2°42'02" W. - 120.40'

041.128TE
 P.O.B. = 376.56 LT "Le" 768+25.44 P.O.T.
 TIE: N. 89°38'36" E. - 2.060.98' FROM THE
 W 1/4 COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.
 (M) S. 46°42'05" W. - 17.16'
 (N) N. 88°55'07" W. - 110.08'
 (O) N. 2°42'02" E. - 12.00'
 (P) S. 88°55'07" E. - 122.00'

DATE OF LAST REVISION: 11/18/15
 CHECKED: R/W DIVISION
 TRACED: DBE AND HRV WTC WFC
 APPROVED: JHH
 PHONE: (775) 888-1470

STATE OF NEVADA
 DEPARTMENT OF TRANSPORTATION
 DATE: MAY 1, 2014
 R/W PLANS
 UNDESIGNED CONTRACT

PARCEL NO. PREFIX: I-015-CL-		PROPERTY SCHEDULE										E.A. NO.		COUNTY		SHEET NO.		
		STATE OF NEVADA DEPT. OF TRANSPORTATION										73652		CLARK		34		
		ALL AREAS ARE SHOWN IN SQUARE FEET UNLESS OTHERWISE NOTED										PROJECT NO.						
		REMAINDER										NH-STP-015-1(147)						
PARCEL NO.	GRANTOR	GROSS AREA OF ACQSN.	RW AREA	EXCESS AREA	LT.	RT.	INST. OR DOC.	BK PG.	DATE TYPE	AREA	INST. OR DOC.	BK PG.	DATE TYPE	REMARKS	E.A. NO.	COUNTY	SHEET NO.	
040.844	FLOWER FAMILY TRUST	13,004	13,004				20150105 0002063		15/15 DEED					Total Acquisition	73652	CLARK	34	
040.864	MCKNIGHT, K.	8,557	8,557											Total Acquisition				
040.883	MCKINLEY, R. & N.	8,052	8,052				20141212 0000149		12/12/14 DEED					Total Acquisition				
040.896	1801 LOCH LOMOND WAY TRUST	8,046	8,046											Total Acquisition				
040.910	LOCH LOMOND IRREVOCABLE TRUST	8,040	8,040				20150813 0001932		8/15/2015 GBS					Total Acquisition				
040.923	FAVELA, E.	8,034	8,034											Total Acquisition				
040.936	JAROS, P.M. ET AL	8,028	8,028				20150320- 0002432		3/20/2015 DEED					Total Acquisition				
040.949	YOUJANS, Y.L.	8,022	8,022											Total Acquisition				
040.961	T.B.S. HIGHLAND PROPERTIES LLC	752	752		12,256									Maintenance Easement				
040.961PE	T.B.S. HIGHLAND PROPERTIES LLC	1,500												Temporary Construction Easement				
040.961TE	T.B.S. HIGHLAND PROPERTIES LLC	10,756												Total Acquisition				
040.962	SEDLMEYER, S.G. & A.A.	8,015	8,015											Total Acquisition				
040.975	SCHMIDT, J.N.	8,009	8,009				20150320- 0002415		3/20/2015 DEED					Total Acquisition				
040.980	FERRIS INVESTMENTS INC	1,179	1,179		11,829									Maintenance Easement				
040.980PE	FERRIS INVESTMENTS INC	1,500												Temporary Construction Easement				
040.980TE	FERRIS INVESTMENTS INC	10,329												Total Acquisition				
040.988	TORRES, F.	8,003	8,003				20141230 0004363		12/30/14 DEED					Total Acquisition				
040.988	O'ROURKE, P.J. & M.J. ET AL	1,580	1,580											Maintenance Easement				
040.988PE	O'ROURKE, P.J. & M.J. ET AL	1,500												Temporary Construction Easement				
040.988TE	O'ROURKE, P.J. & M.J. ET AL	9,928												Total Acquisition				
041.001	CLEMENSEN FAMILY TRUST	7,997	7,997											Total Acquisition				
041.014	LOCH LOMOND TRUST	7,991	7,991											Total Acquisition				
041.017	FERRIS INVESTMENTS INC	2,086	2,086		10,922									Total Acquisition				
STATE OF NEVADA															DEPT. OF TRANSPORTATION		RW DIVISION	
															DATE: MAY 1, 2014		RW PLANS	

PARCEL NO. PREFIX: I-015-CL-		PROPERTY SCHEDULE										E.A. NO.		COUNTY		SHEET NO.	
		STATE OF NEVADA DEPT. OF TRANSPORTATION										73652		CLARK		35	
		ALL AREAS ARE SHOWN IN SQUARE FEET UNLESS OTHERWISE NOTED										PROJECT NO.					
		REMAINDER										NH-STP-015-(147)					
		ACQUISITION RECORDING DATA										SURPLUS LAND DATA					
PARCEL NO.	GRANTOR	GROSS AREA OF ACQSN.	R/W AREA	EXCESS AREA	L.T.	RT.	INST. OR DOC.	BK. PG.	DATE TYPE	AREA	INST. OR DOC.	BK. PG.	DATE TYPE	REMARKS			
041.017PE	FERRIS INVESTMENTS INC	1,500												Maintenance Easement			
041.017TE	FERRIS INVESTMENTS INC	9,422												Temporary Construction Easement			
041.027	LOCH LOMOND WAY TRUST	7,985	7,985											Total Acquisition			
041.036	1916 HIGHLAND PROPERTIES LTD	2,602	2,602		10,406												
041.038PE	1916 HIGHLAND PROPERTIES LTD	1,500												Maintenance Easement			
041.038TE	1916 HIGHLAND PROPERTIES LTD	8,906												Temporary Construction Easement			
041.040	SHURTZ, T.A. & C.M.	7,979	7,979											Total Acquisition			
041.054	PUEBLO HIGHLAND LLC	8,751	8,751		19,265												
041.054PE	PUEBLO HIGHLAND LLC	3,000												Maintenance Easement			
041.054TE	PUEBLO HIGHLAND LLC	16,265												Temporary Construction Easement			
041.091	O'ROURKE, MICHAEL ET AL	4,128	4,128		8,880												
041.091PE	O'ROURKE, MICHAEL ET AL	1,500												Maintenance Easement			
041.091TE	O'ROURKE, MICHAEL ET AL	7,380												Temporary Construction Easement			
041.110	O'ROURKE FAMILY LP	19,536	19,536		30,083												
041.110PE	O'ROURKE FAMILY LP	6,086												Maintenance Easement			
041.110TE	O'ROURKE FAMILY LP	23,987												Temporary Construction Easement			
041.112	ROUNDY REVOCABLE FAMILY TRUST	20,277	20,277							18,164				Total Acquisition			
041.128	GEORGESCU, F.A.	1,392	1,392		18,809												
041.128TE	GEORGESCU, F.A.	1,269												Temporary Construction Easement			
041.176	CITY OF LAS VEGAS	5,562	5,562														
041.188	SU REVOCABLE TRUST	23,662	23,662														
041.189	SU REVOCABLE TRUST	27,721	27,721														
041.189TE	SU REVOCABLE TRUST	518												This Parcel made part of 041.188			

STATE OF NEVADA
DEPT. OF TRANSPORTATION
DATE: MAY 1, 2014
RW PLANS

NRS 408.503 Eminent domain: Resolution by Board; precedence over other legal actions.

1. The Department shall not commence any legal action in eminent domain until the Board adopts a resolution declaring that the public interest and necessity require the acquisition, construction, reconstruction, improvement or completion by the State, acting through the Department, of the highway improvement for which the real property, interests therein or improvements thereon are required, and that the real property, interests therein or improvements thereon described in the resolution are necessary for such improvement.

2. The resolution of the Board is conclusive evidence:

(a) Of the public necessity of such proposed public improvement.

(b) That such real property, interests therein or improvements thereon are necessary therefor.

(c) That such proposed public improvement is planned or located in a manner that will be most compatible with the greatest public good and the least private injury.

3. All legal actions in all courts brought under the provisions of this chapter to enforce the right of eminent domain take precedence over all other causes and actions not involving the public interest, to the end that all such actions, hearings and trials thereon must be quickly heard and determined.

(Added to NRS by 1957, 691; A 1960, 392; 1987, 1810; 1989, 1306)

NRS 241.034 Meeting to consider administrative action against person or acquisition of real property by exercise of power of eminent domain: Written notice required; exception.

1. Except as otherwise provided in subsection 3:
 - (a) A public body shall not consider at a meeting whether to:
 - (1) Take administrative action against a person; or
 - (2) Acquire real property owned by a person by the exercise of the power of eminent domain,

↳ unless the public body has given written notice to that person of the time and place of the meeting.
 - (b) The written notice required pursuant to paragraph (a) must be:
 - (1) Delivered personally to that person at least 5 working days before the meeting; or
 - (2) Sent by certified mail to the last known address of that person at least 21 working days before the meeting.

↳ A public body must receive proof of service of the written notice provided to a person pursuant to this section before the public body may consider a matter set forth in paragraph (a) relating to that person at a meeting.
 2. The written notice provided in this section is in addition to the notice of the meeting provided pursuant to NRS 241.020.
 3. The written notice otherwise required pursuant to this section is not required if:
 - (a) The public body provided written notice to the person pursuant to NRS 241.033 before holding a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of the person; and
 - (b) The written notice provided pursuant to NRS 241.033 included the informational statement described in paragraph (b) of subsection 2 of that section.
 4. For the purposes of this section, real property shall be deemed to be owned only by the natural person or entity listed in the records of the county in which the real property is located to whom or which tax bills concerning the real property are sent.
- (Added to NRS by 2001, 1835; A 2001 Special Session, 155; 2005, 2247)



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

MEMORANDUM

August 30, 2016

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, P.E., Director
SUBJECT: September 12, 2016 Transportation Board of Directors Meeting
Item #9: Consideration and Possible Approval of Fiscal Year 2017 NDOT Work Program – *For Possible Action*

Summary:

This agenda item is to request your approval of the 2017 NDOT Work Program. NDOT staff has spent the last 12 months working with federal and regional agencies, local governments and planning boards to develop the 2017 Work Program. The Work Program includes the following documents to meet the requirements of Nevada Revised Statute (NRS 408.203):

Annual Work Program (AWP), FY 2017
Short Range Element (SRE), FY 2018-2020
Long Range Element (LRE), FY 2021 and Beyond

Following consultations with Nevada's seventeen counties and a thirty-day public comment period, the 2017 Work Program will be approved with your affirmative action and will be submitted to the Legislative Counsel Bureau as required by NRS 408.203

Background:

The Work Program lists the projects the Department intends to work on during the current fiscal year, proposed projects from the short term, and proposed projects outside of that timeframe. This documents satisfies Nevada Revised Statute (NRS 408.203) requiring the Director of NDOT to submit a four and ten year list of transportation projects to the State Legislative Counsel Bureau every even year and the State Legislature every odd year. The Work Program lists projects the Department plans to complete using state resources, in addition to the federal funds as outlined in the fiscally constrained four year STIP updates included in this draft Work Program.

As part of the Department's public participation process, staff met with the 14 rural county commissions, all MPOs and some of Nevada's Tribal communities to present the proposed FY 2017 program of projects. Comments from each of the counties, as well as comments from the public during the open comment period have been compiled and forwarded to the necessary division within NDOT for follow up.

Analysis:

The Department is using the funding estimates as laid out by the FAST Act and other conservative estimates for state revenue. Projects were identified based on identified need, consultation with Counties, and public input.

List of Attachments:

Link to NDOT Draft Work Program Public Site:

http://estip.nevadadot.com/default.asp?view_type=DRAF_AWP

Recommendation for Board Action:

Approval of FY 2017 Work Program

Prepared by:

Joseph Spencer, Program Development, Planning Division



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

MEMORANDUM

August 30, 2016

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, P.E., Director
SUBJECT: September 12, 2016 Transportation Board of Directors Meeting
Item #10: Consideration and Possible Approval of the Nevada State Freight Plan –
For Possible Action

Summary:

The purpose of this item is to present to the Board final document of the 2016 Statewide Freight Plan. The benefits of a freight plan will strengthen Nevada's highway transportation systems, creates jobs and supports economic growth statewide, support the Department's priority on safety, accelerate project delivery promoting innovation and establishes a performance-based Federal program required in the Fast Act.

Background:

Per the FAST Act each State that receives funding under section 167 of title 23 shall develop a comprehensive freight plan. The Nevada Freight Plan provides a comprehensive plan for the immediate and long-range planning activities and recommended state investments with respect to freight. Promoting economic development and related job growth requires regional economies to maintain existing business and attract new ones. Access to efficient freight transportation is a key element in business site selection.

The Nevada Statewide Freight Plan is a strategic framework intended to strengthen the state's freight infrastructure. The cost and time required for the transportation of goods are embedded in every economic activity and are no longer separate functions. The Freight Plan provides an actionable blueprint to help ensure that Nevada's freight infrastructure and policies bolster the efficiency and growth of its service modes and the industries they serve.

List of Attachments:

- Final Nevada State Freight Plan Executive Summary
- Full plan and supporting documents can be found at <http://nevadafreightplan.com/documents>

Recommendation for Board Action:

Approval of the Nevada State Freight Plan

Prepared by:

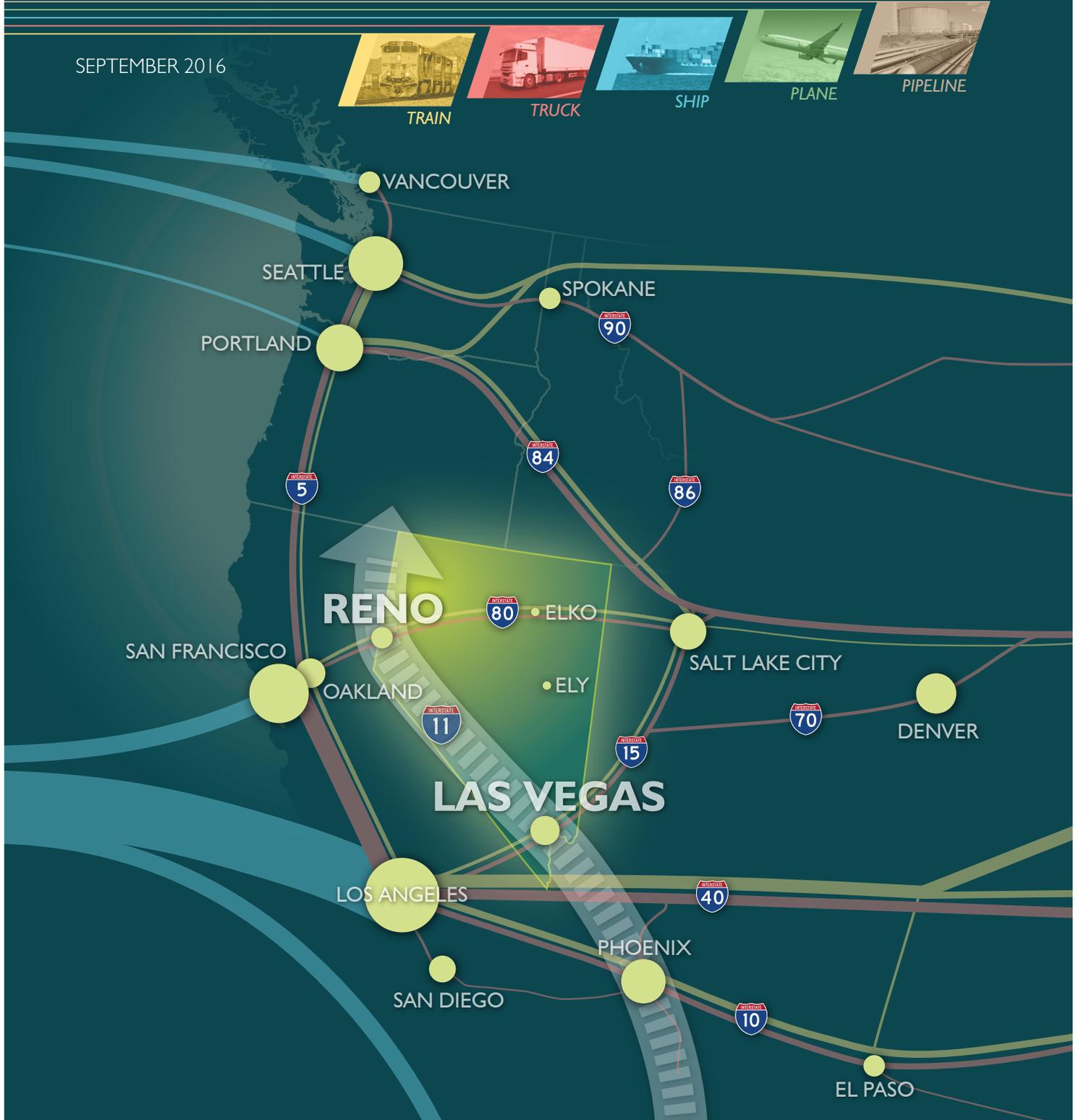
Bill Thompson, NDOT Freight Project Manager

NEVADA STATE FREIGHT PLAN

EXECUTIVE SUMMARY

A strategic framework for freight mobility and economic competitiveness

SEPTEMBER 2016







WHAT IS THE NEVADA STATE FREIGHT PLAN?

A strategic framework for freight mobility and economic competitiveness

The Nevada State Freight Plan (Freight Plan or Plan) is the state's first comprehensive multimodal plan that identifies specific recommendations to improve the state's freight infrastructure and distribution, with the ultimate goal of creating a competitive advantage for Nevada that will result in a **growing and diversifying economy**.

The Freight Plan

- » Identifies strategic goals, objectives, and performance measures
- » Provides a competitive market analysis identifying critical issues, trends, and economic drivers
- » Outlines the vision and framework to improve the movement and distribution of goods

- » Recommends strategies and actions to achieve goals and implement the Plan
- » Describes the funding, financing, and partnerships needed to achieve the Plan

The Freight Plan builds on previous work completed by the state of Nevada in assessing and planning its freight infrastructure. Integral to this planning process was the initiation of an ongoing dialog with key industry leaders and local and state agency stakeholders with the formation of the Freight Advisory Committee (FAC) and through one-on-one meetings with additional key stakeholders and interested parties.

WHAT IS THE PLAN TRYING TO ACHIEVE?

The Freight Plan identifies eight strategic goals and related objectives to guide current and ongoing freight-related planning efforts to meet the state's freight transportation needs. The goals identified for Nevada's freight transportation system were informed by federal, state, and local planning efforts, and are consistent with

the federal goals established under Title 23, United States Code, Section 167, National Freight Policy. Together, these goals address the areas of economic competitiveness, mobility and reliability, safety, infrastructure preservation, technology, environmental sustainability, and livability, funding, and collaboration.

Strategic Goals of the Freight Plan



Economic Competitiveness

Improve the contribution of the freight transportation system to economic efficiency, productivity, and competitiveness.



Mobility & Reliability

Provide an efficient and reliable multimodal freight transportation system for shippers and receivers across the state.



Safety

Improve the safety of the freight transportation system.



Infrastructure Preservation

Maintain and improve essential multimodal infrastructure within the state.



Advanced Innovative Technology

Use advanced technology, innovation, competition, and accountability in operating and maintaining the freight transportation system.



Environmental Sustainability & Livability

Reduce adverse environmental and community impacts of the freight transportation system.



Sustainable Funding

Fully fund the operations, maintenance, renewal, and expansion of the freight transportation system.



Collaboration, Land Use, and Community Values

Establish an ongoing freight planning process to coordinate the freight transportation system and ensure consistency with local land use decisions and community values.

BASELINE PERFORMANCE

Summary of Goals, Objectives, Performance Measures and Targets, and Baseline Conditions

Objectives with performance measures and targets are identified for each goal, with emphasis on highways that are under NDOT's control. Accomplishment of these objectives will make concrete, measurable progress toward the attainment of the freight transportation system goals and ultimate realization of our shared vision for Nevada's freight transportation system.



Mobility & Reliability

Provide an efficient and reliable multimodal freight transportation system for shippers and receivers across the state.

Safety

Improve the safety of the freight transportation system.

Advanced Innovative Technology

Use advanced technology, innovation, competition, and accountability in operating and maintaining the freight transportation system.

Objective:

Choke Points on Major Truck

Routes: Reduce the number of locations where the average truck speed is below 40 mph.

Objective:

Highway Safety: Improve daily highway system operations management to eliminate freight-associated motor vehicle fatalities.

Objective:

Freight-related R&D: Support research and development of innovative freight-related technologies that can advance improvements and measure system performance.

Measure: Truck speeds on I-15, I-80, I-580, US 395, US 93, US 95, I-215/CC-215

Measure: Number of fatal motor-vehicle crashes involving trucks

Measure: Number of freight related research tasks completed annually by the NDOT Research Section

Baseline:

2015 Conditions: 42 locations with speeds below 40 mph

Baseline:

2009-2013 Statewide Average: 13.8 fatalities

Baseline:

2014 Freight-Specific Research: None
2015 Freight-Specific Research: TBD

Target: ≥ 10% reduction by 2021

Target: < 10 fatalities by 2021

Target: ≥ 2 per year

Score: ◆

Score: ◆

Score: ■

Analysis: Travel speeds during afternoon peak periods (4 to 6 pm) on the major truck routes were evaluated to identify some of the chokepoints on major truck corridors. During the month of July 2015, there were 42 locations where the average truck speed during the afternoon peak period dropped below 40 miles per hour.

Analysis: While total highway fatalities in Nevada have been trending downward, truck-involved motor vehicle crash fatalities remained relatively flat from 2009 through 2013.

Analysis: While there were no recent research programs directly related to freight-specific technologies initiated in 2013-2014, the NDOT Research Section's primary mission is the advancement of innovations in transportation; therefore, many research programs initiated benefit the freight transportation system either directly or indirectly.

▼ Maintain or Needs Some Improvement
 ◆ Needs More Improvement
 ◆ Needs Significant Improvement
 ■ Not Yet Scored



BASELINE PERFORMANCE

Summary of Goals, Objectives, Performance Measures and Targets, and Baseline Conditions (Continued)

Infrastructure Preservation

Maintain and improve essential multimodal infrastructure within the state.

Objective:

Pavement Condition: Maintain a minimum 95% of state-maintained pavements in fair or better condition.

Measure: Percentage of state-maintained pavements in fair or better condition

Baseline:

Roadways in fair or better condition: 71%

Target: ≥80% by 2021

Score: ▼

Analysis: At the current annual average expenditure for pavement rehabilitation, it is projected that the state-maintained roadway network will deteriorate from 75% to less than 50% of roads in fair or better condition by 2027.

** NDOT is actively working on adjusting their pavement management system reporting capabilities to enable the reporting of pavement conditions in accordance with FHWA's recently proposed metrics.*

Objective:

Bridge Conditions: Target of less than 5% of NDOT state-maintained bridges are in poor condition and a minimum 50% in good condition.

Measure: Percentage of NDOT state-maintained bridges that are in good and poor condition

Baseline:

Bridges in poor condition:
NHS - 2%
Non-NHS - 1%

Target: Maintain 5%

Score: ▼

Analysis: Bridge preservation funding for the 2015-2017 biennium is expected to be decreased by over 30% as compared to 2013-2014 expenditures. Under the current funding plan, bridge preservation backlog is expected to increase by nearly 300% by 2027.

Baseline:

Bridges in good condition:
NHS - 48%
Non-NHS - 51%

Target: Maintain 50%

Score: ▼

▼ Maintain or Needs Some Improvement ◆ Needs More Improvement ● Needs Significant Improvement ■ Not Yet Scored



BASELINE PERFORMANCE

Summary of Goals, Objectives, Performance Measures and Targets, and Baseline Conditions (Continued)

Environmental Sustainability & Livability

Reduce adverse environmental and community impacts of the freight transportation system.

Objective:

Vehicular Emissions: Reduce vehicular emissions by reducing congestion, deploying technologies that improve the fuel-efficiency of commercial vehicles, and providing better mode-choice and integration to encourage utilization of the most sustainable options.

Measure: Percentage of trucks registered within the state having an engine model-year of 2010 or newer

Measure: Truck speeds on I-15, I-80, I-580, US 395, US 93, US 95, I-215/CC-215

Baseline:

2015 Trucks registered in Nevada with MY2010 or newer engines: 22%

Baseline:

2015 Conditions: 42 locations with speeds below 40 mph

Target: ≥ 4% new trucks registered per year

Target: 10% reduction by 2021.

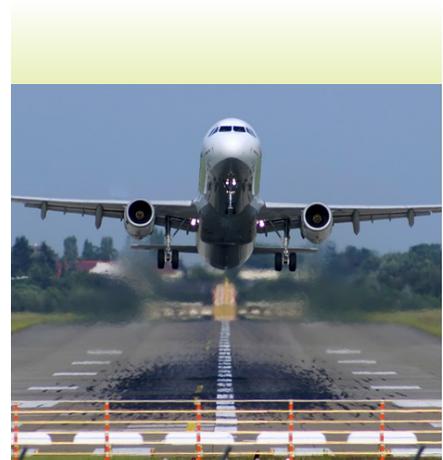
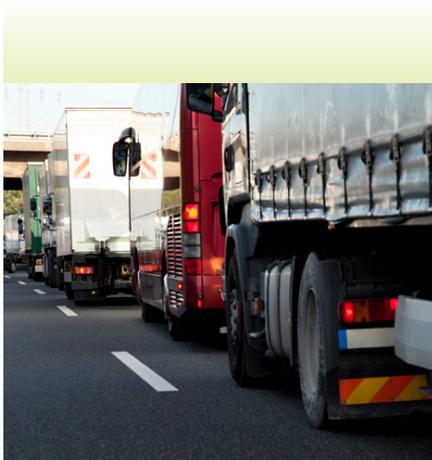
Score: ▼

Score: ◆

Analysis: A majority of Nevada-based trucking fleets operate within California, and are required to meet the CARB GHG emissions standards, providing a direct benefit to Nevada. As a result, there has been a steady increase of approximately 4% per year of newer vehicles (14% in 2013 to 18% in 2014), which is expected to continue to rise through 2023 as fleets continue to be upgraded.

Analysis: Travel speeds during afternoon peak periods (4 to 6 pm) on the major truck routes were evaluated to identify some of the chokepoints on major truck corridors. During the month of July 2015, there were 42 locations where the average truck speed during the afternoon peak period dropped below 40 miles per hour.

▼ Maintain or Needs Some Improvement ◆ Needs More Improvement ● Needs Significant Improvement ■ Not Yet Scored





BASELINE PERFORMANCE

Summary of Goals, Objectives, Performance Measures and Targets, and Baseline Conditions (Continued)

Collaboration, Land Use, and Community Values

Establish an ongoing freight planning process to coordinate the freight transportation system and ensure consistency with local land use decisions and community values.

Objective:

Collaboration: Establish and foster an inclusive, long-term relationships and processes between and within the public sector, private sector, communities, agencies, and other transportation stakeholders regarding freight transportation.

Measure: Establish and meet regularly with the FAC

Baseline: FAC has been established as an early action item during the NSFP development

Target: Meet quarterly

Score: ▼

Analysis: State, local, and regional agencies and key private industry stakeholders have been invited to provide representatives to serve on the FAC. The FAC will help to guide the development of the Freight Plan and provide recommendations regarding projects, policies, programs, advanced technologies, and services to be presented to the Nevada State Transportation Board for further consideration. Upon completion of the Freight Plan, NDOT will continue to engage the FAC in ongoing freight planning efforts.

Sustainable Funding

Fully fund the operations, maintenance, renewal, and expansion of the freight transportation system.

Objective

Pavement Funding: Provide consistent and adequate sources of funding to support the state's pavement preservation goal

Measure: Percentage of available funding to full funding required to meet state's pavement preservation needs

Target: Fund 60% of capital needs by 2021

Score: ●

Objective

Bridge Funding: Provide consistent and adequate sources of funding to support the state's bridge preservation goal.

Measure: Percentage of available funding to full funding required to meet state's bridge preservation needs

Target: Fund 75% of capital needs

Score: ●

Analysis: The only dedicated revenue source for transportation infrastructure in Nevada is the fuel tax, which was last increased in 1992. This funding stream has been stretched as a result of increased demands being placed on the freight transportation system, decreased purchasing power due to inflation, and declining revenues as new technologies and tougher federal standards have led to the development of more fuel efficient vehicles. Additional funding sources will need to be identified to adequately meet the preservation and capital improvement needs of the freight transportation system.

▼ Maintain or Needs Some Improvement ◆ Needs More Improvement ● Needs Significant Improvement ■ Not Yet Scored



BASELINE PERFORMANCE

Summary of Goals, Objectives, Performance Measures and Targets, and Baseline Conditions (Continued)

Economic Competitiveness

Improve the contribution of the freight transportation system to economic efficiency, productivity, and competitiveness.

Objective:

Freight transportation that provides a competitive advantage: Support and enhance the state’s economic competitiveness through transportation investments that improve and sustain the following critical factors of the state’s freight transportation system: mobility and reliability; safety; infrastructure preservation; advanced innovative technology; environmental sustainability and livability; collaboration land use and community values; and sustainable funding.

Measure: Composite indicator reflective attainment in critical factor objectives

Baseline:



Target: ≥75% of critical factor objectives have positive trends towards meeting their performance targets by 2021

Score: Progress on about 45% of critical factor objectives are trending positive

Analysis: The vision for the Nevada State Freight System is that it will provide the state with a competitive advantage. The combined impacts of improvements in the critical factors of freight transportation are envisioned to create this advantage. Tracking our overall progress towards achieving the established performance targets for the objectives established for the critical factors provides a measure to ascertain progress toward achieving this competitive advantage.

▼ Maintain or Needs Some Improvement
 ◆ Needs More Improvement
 ⬠ Needs Significant Improvement
 Not Yet Scored



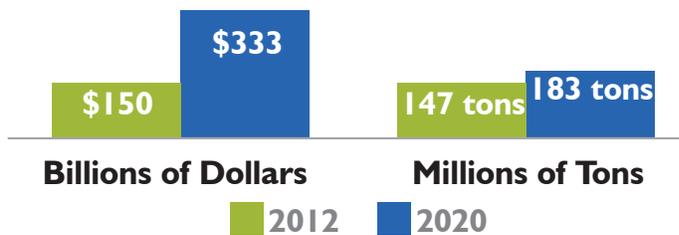


COMMODITY FLOWS

Nevada's economy is dependent on the daily distribution of millions of tons of goods shipped by a multimodal network of highways, railways, airports, ports, and pipelines.

Existing Freight Flows

Currently, Nevada is primarily a consuming economy. Goods received from external sources (inbound flows) exceed the output of goods created or distributed (outbound flows) from within Nevada at a ratio of 2:1. The majority of top commodities by tonnage belong to resource-based industries (mining, construction) and are moved within the state, while the majority of top commodities by value belong to consumer goods industries (retail, food, beverage) and are inbound to the state.



Forecasted Growth in Freight

Population-related factors will drive growth in freight demand for consumer goods both nationally and at the state level, creating opportunities for investments in the trade, transportation, and freight logistics industry in Nevada. Forecasts indicate that freight demand in these industries will have rapid growth in Nevada's metros, while the freight demand in resource-based industries across Nevada will have slow growth. Through implementation of this Plan, Nevada could become a major Western freight hub for the distribution of consumer goods.

Supply Chains of Key Sectors

Supply chains of key sectors within the state of Nevada, including food and allied manufacturing, advanced manufacturing, and mining and allied activities, were analyzed to better understand how these key sectors use the transportation system and what types of transportation system improvements in the state may have positive effects on their businesses opportunities and future growth.

Category	Establishments	Jobs	Average Compensation	Other Data	Sector
KEY SECTORS	193	6,100	\$41,700	85% of firms < 50 employees; Contributed \$0.6 billion to GSP; National I-0 accounts indicate: \$1 output made \$0.60 GDP contribution	Food and Allied Manufacturing
	876	22,100	\$74,200	91% of firms < 50 employees; Contributed \$4.0 billion dollars to GSP; National I-0 accounts indicate: \$1 output made \$0.42 GDP contribution	Advanced Manufacturing
	209	18,000	\$87,300	84% of firms < 50 employees; Contributed \$6.4 billion dollars to GSP; National I-0 accounts indicate: \$1 output made \$0.62 GDP contribution	Mining and Allied Activities
SUPPORT SECTORS	1,207	41,000	\$47,400	91% of firms < 50 employees; Contributed \$3.7 billion dollars to GSP; National I-0 accounts indicate: \$1 output made \$0.36 GDP contribution	Logistics
	11,247	201,000	\$35,900	93% of firms < 50 employees; Contributed \$13.9 billion dollars to GSP; National I-0 accounts indicate: \$1 output made \$0.73 GDP contribution	Trade

HOW WILL THIS PLAN REALIZE A COMPETITIVE ADVANTAGE FOR NEVADA?

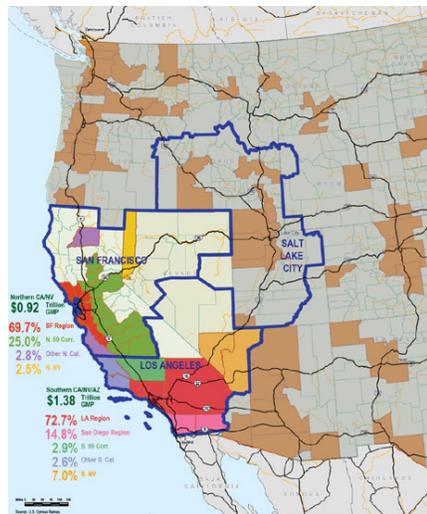
Existing challenges

Nevada's existing freight network has evolved incrementally over the past century as a system of stops along the national freight corridors between the coastal gateway ports to the west and the inland hubs to the east. As a result, Nevada's major metropolitan areas (Las Vegas and Reno-Sparks-Carson City) function primarily as "stop-drop-and-pick up" points and do not serve a larger western United States distribution network, but only the local market space.

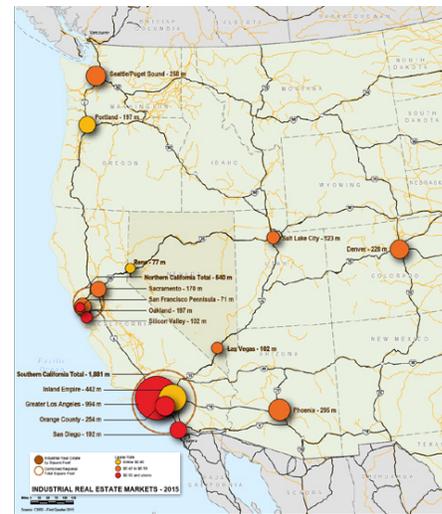
Furthermore, despite Nevada being well situated in the western United States, with freight delivery distances of 2 days or less by truck to several major metros, the two primary corridors traversing the state, I-15 and I-80, provide only east-west and southeast-northwest access and are not functionally connected. This results in limited access to the Western region and no direct access to the North-South markets.



- » Nevada is part of three of the most successful economic regions in the United States.
- » Southern Nevada is part of the Los Angeles MTA with the largest GMP and the second greatest concentration of Fortune 500 headquarters. Northern Nevada is part of the San Francisco MTA, which is second in GDP but has the largest concentration of headquarters. Eastern Nevada is part of the Salt Lake MTA, which is third in size and number of headquarters.
- » Nevada's close proximity to these three very large and diverse concentrations of economic activity provides it with an opportunity and competitive advantage in attracting industry to the state.



- » Each of the three economic regions that cover the state can be divided into multiple subareas using MSAs within each economic region.
- » The southern Nevada subarea has 8.3% of total employment in the Los Angeles economic region, but only 7% of GMP. Northern Nevada has 4% of total employment in the Los Angeles economic region, but only 2.5% of GMP.
- » The state has a high economic dependency on freight-related industries.



- » Nevada has two large concentrations of industrial real estate in southern Nevada and in northern Nevada.
- » Northern Nevada has a larger percentage, 12.5%, of the total in the San Francisco MTA than southern Nevada, which has only 5.7% of the total for the Los Angeles MTA.
- » Northern Nevada has a competitive advantage over any of the four Northern California sub-markets as average lease rate is the lowest at 38 cents per ft²/month.
- » Las Vegas' has a challenge to attract a greater share of the Greater Los Angeles market, the largest industrial market in the United States. The Las Vegas industrial lease rate of 56 cents per ft²/month. is higher than the current average lease rate in the Inland Empire, and southern Nevada lacks a large industrial park like Tahoe-Reno Industrial Center.



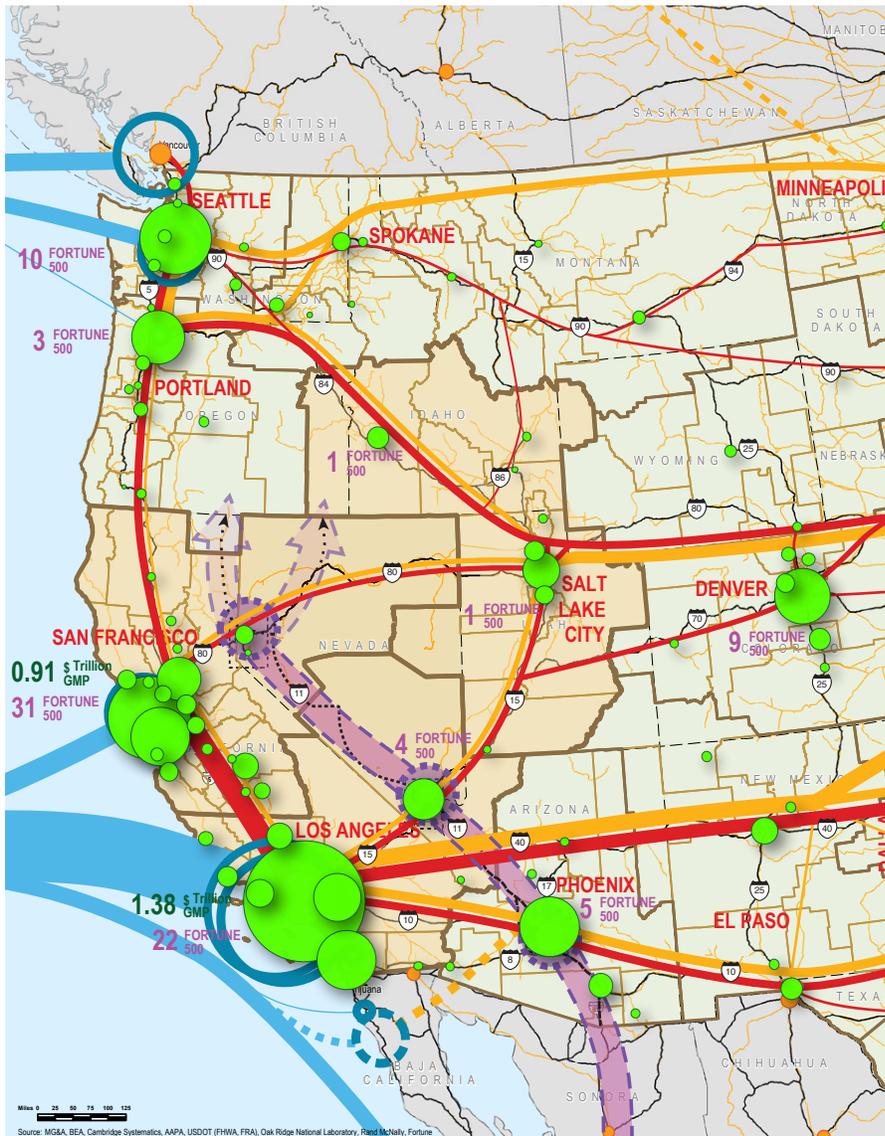
Future Opportunities

However, the urban and economic growth in Nevada combined with its proximity to the increasingly congested gateway hubs in California is changing the nature of goods movements within Nevada, and increasing the potential for a new relationship to domestic and global trading hubs.

Growing congestion, significantly larger deepwater ships, and increasing use of short haul rail lines in California surrounding the major metropolitan areas of Los Angeles and San Francisco,

major global sea and air hubs, are driving new development further inland. Northern and southern Nevada have the ability to capture a significant amount of this growth with a strategic plan that responds to the needs of the freight industry – bringing regional economic benefits not only to Nevada, but to the western U.S. freight industry. Infrastructure and distribution space can be thought of as a pull factor that draws economic activity to the state from nearby regions.

Economic Regions and Trade Corridors



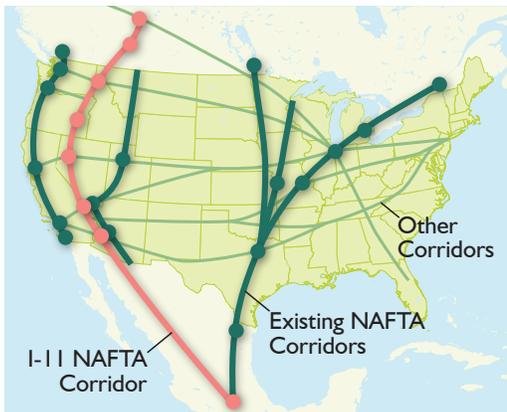
ECONOMIC REGIONS & TRADE CORRIDORS

- Gross Metropolitan Product
- Major Trading Areas
- Basic Trading Areas
- Port (by Containers - TEU)
- Proposed Port
- Waterborne Freight (TEU)
- Truck Flows (tons)
- Rail Flows (tons)
- - - Proposed I-11
- · · Possible I-11 Continuation
- ⚙ New NAFTA Crossroads
- New NAFTA Corridor
- Existing Interstate Network
- Existing Rail Network

Miles 0 25 50 75 100 125
 Source: MGA, BEA, Cambridge Systematics, AAPA, USDOT (FHWA, FRA), Oak Ridge National Laboratory, Rand McNally, Fortune

THE FRAMEWORK FOR TRANSFORMATION

Nevada must change in three ways to capitalize on these opportunities and establish a competitive market position:



Crossroads: The relationship of the state’s major metropolitan areas within the national freight transportation pattern must change from “stops along corridors” to “crossroads” through which they can gain broader access to a larger market area. Corridors provide access in only two directions, limiting market reach, while crossroads provide multidirectional access to a larger market space and make the region more attractive to freight-related industries and businesses.



Modal Integration: Nevada must increase its capacity and efficiency for intermodal rail–truck and air–truck transfers through a more integrated multimodal configuration. Fragmented modal configurations cause increased conflicts and inefficiencies in modal transfers, resulting in longer dray distances between yards, terminals, ports, airports, and other ancillary freight services and facilities. In contrast, integrated modal configurations are designed to be highly efficient freight hubs with the benefits of reducing cost and environmental impacts, while increasing reliability and safety.



Capacity and Performance: Capacity and performance improvements will be necessary to reduce congestion and traffic incidents, allowing for efficient movements of freight through the system with increased reliability, mobility, and safety.



STRATEGIES FOR REACHING OUR GOALS

The Freight Plan presents a suite of strategies, supported by a series of implementation actions, to achieve the vision and goals of the Plan. The strategies include major investments in freight transportation infrastructure, as well as low-cost programs and broad-based policies designed to enhance freight operations and freight-supported economic development in Nevada. The Freight Plan also presents phasing, partners, and funding considerations to accomplish the outlined strategies.

Table I. Strategies for Reaching our Goals

Strategy	Actions	Lead Agency/ Department	Required Partnerships
1. Advance multi-use corridor planning for I-11.	1.1	Conduct an analysis of the regional freeway system in southern Nevada, and determine how and where the I-11 corridor would most appropriately fit in the network.	» NDOT » FHWA » RTCSNV » Southern Nevada Cities/County
	1.2	Perform a series of studies to assess the strategic extension of I-11 from Las Vegas to the Canadian border, comprising two levels of investigation: 1) detailed corridor planning to determine a single preferred I-11 corridor between the Las Vegas metropolitan area and northern Nevada border, and 2) high-level visioning to assess the most logical connection to Canada, based on the greatest economic and trade-related opportunities.	» NDOT » FHWA » MPOs » WSFC » Cities/Counties
	1.3	Update the Nevada Rail Plan with an analysis of the feasibility of completing a freight rail connection between Las Vegas and Reno-Sparks-Carson City.	» NDOT » FRA » MPOs » WSFC » Cities/Counties » UPRR
2. Facilitate private development of freight village(s) in northern and southern Nevada.	2.1	Identify and facilitate private development opportunities for intermodal facilities.	» GOED » Economic development agencies

Table I Acronyms

AASHTO – American Association of State Highway and Transportation Officials

DETR – Nevada Department of Employment, Training, and Rehabilitation

DMV – Department of Motor Vehicles

FAA – Federal Aviation Administration

FAC – Freight Advisory Committee

FHWA – Federal Highway Administration

FRA – Federal Railroad Administration

GOED – Nevada Governor’s Office of Economic Development

HAZMAT – Hazardous Materials

ITS – Intelligent Transportation System

LRTP – Long-Range Transportation Plan

LVCVA – Las Vegas Convention and Visitors Authority

LVGEA – Las Vegas Global Economic Alliance

MPO – Metropolitan Planning Organization

NA – not applicable

NDOT – Nevada Department of Transportation

NSFHP – Nationally Significant Freight and Highway Projects

RTC – Regional Transportation Commission

RTCSNV – Regional Transportation Commission of Southern Nevada

TBD – to be determined

UNLV – University of Nevada Las Vegas

UNR – University of Nevada Reno

UPRR – Union Pacific Railroad

U.S.C – United States Code

WSFC – Western States Freight Coalition

Table I. Strategies for Reaching our Goals

Strategy	Actions	Lead Agency/ Department	Required Partnerships
3. Deploy technologies that improve the fuel efficiency of commercial vehicles, and provide better mode-choice and integration to encourage the most sustainable freight transportation options.	3.1 Encourage use of cleaner vehicle technologies to reduce freight vehicular emissions.	» Nevada Trucking Association	» DMV » NDOT
	3.2 Work with the FAC to develop a mode policy that encourages moving freight in the most sustainable manner.	» NDOT	» FAC » State Transportation Board
	3.3 Build a compelling public benefits analysis and demonstration of potential market feasibility for new intermodal and/or bulk transload rail services from/to the state.	» GOED	» NDOT » UPRR » LVCVA » RTCSNV » Washoe RTC
	3.4 Pursue electrification at truck stops to reduce vehicle emissions from idling.	» Private Truck Stops	» NDOT » Nevada Trucking Association » Department of Conservation and Natural Resources » Nevada Governor's Office of Energy
	3.5 Establish incentives to encourage the trucking industry to invest in next-generation truck technologies.	» Nevada Trucking Association	» DMV » NDOT
4. Preserve and renew Nevada's freight highway network.	4.1 Update the State Highway Preservation Report every 2 years to keep an accurate assessment of current maintenance needs to renew funding allotments by the Nevada State Legislature.	» NDOT	» NA
	4.2 Determine a reliable source of funding for implementation of needed preservation/maintenance requirements.	» NDOT	» State Transportation Board » State legislature » Nevada Trucking Association » FHWA





Table I. Strategies for Reaching our Goals

Strategy	Actions	Lead Agency/ Department	Required Partnerships
5. Develop a preservation and expansion program for short-line freight rail infrastructure.	5.1	» FAC	» FRA
	5.2	» RTCSNV	» NDOT » City of North Las Vegas » Apex Holding Company
6. Strengthen NDOT's Rail Safety and Security Program.	6.1	» NDOT	» UPRR » MPOs » Cities » Counties
7. Develop a method to track and integrate freight transportation, land use, and economic development planning along major freight corridors in Nevada.	7.1	» Cities » Counties	» MPOs » NDOT » GOED » Economic development agencies
8. Maintain organization of the FAC to advise on implementation of freight strategies statewide.	8.1	» NDOT	» FAC
9. Maintain organization and coordination of the WSFC to advise and support on regional freight issues, projects, and policies.	9.1	» NDOT	» WSFC
10. Encourage logistics and manufacturing-based companies and organizations to pursue workforce development training opportunities.	10.1	» FAC	» GOED » Nevada System of Higher Education » DETR



Table I. Strategies for Reaching our Goals

Strategy	Actions	Lead Agency/ Department	Required Partnerships
11. Pursue freight-related research through NDOT's Research Section to improve the state's readiness and adaptability to new freight movement and technology trends.	11.1 Develop freight-related problem statements to submit to NDOT's Research Section.	» FAC	» Nevada Trucking Association » UNR, UNLV, and other research entities
12. Incorporate autonomous system technologies into Nevada's freight system.	12.1 Understand and develop strategies to respond to advances in autonomous/connected vehicle technology and their impact on the freight transportation system, including related "smart infrastructure" to support implementation.	» Nevada Center for Advanced Mobility	» NDOT » GOED » DMV
	12.2 Understand and develop strategies to respond to drone or unmanned aerial vehicle technology as a potential supportive freight delivery technique.	» Nevada Institute for Autonomous Systems	» NDOT » GOED » DMV » FAA
13. Increase the number of truck parking spaces and facilities, along with supportive ITS improvements.	13.1 Create a Nevada Truck Rest Stop Implementation Plan. Phase I is largely completed as part of the Freight Plan, and Phase II would consist of continued data collection and analysis, including surveys and interviews that will result in identification of issues as well as recommendations for additional truck parking areas.	» NDOT	» Nevada Trucking Association » WSFC
	13.2 Implement investments in partnership with private and public stakeholders on truck parking ITS, and expanding rest areas along interstate and interregional highways. Explore multistate partnerships.	» NDOT	» FAC » WSFC
14. Enforce regulatory compliance through aggressive inspections, use advanced inspection technologies to reduce costs and improve efficiencies for law enforcement and operators alike, and develop reasonable standards for over-dimensional vehicles to operate with fewer impediments on the freight network.	14.1 Identify locations for permanent truck inspection equipment, stations, and data system. Develop a scalable implementation plan with potential phased improvements (e.g., truck weigh stations, pre-screening lanes). Determine a method to sustainably fund improvements and operations, including full-time staffing, and determine a fee schedule and appropriate use of fines (e.g., use truck fines to fund the inspection program). Change the Nevada Revised Statutes to allow permit fees to be charged in excess of administrative needs. Explore use of a consolidated online website or application to issue and store state-required permitting and credentials, allowing streamlined access for freight carriers and law enforcement compliance officers alike.	» NDOT » Nevada Highway Patrol	» Nevada Trucking Association
	14.2 Construct the inspection stations at key locations, including integration of advanced technologies to gather information – reducing layover time for truckers and limiting the number of on-hand staff required.	» NDOT » Nevada Highway Patrol	» TBD
	14.3 Develop design standards to require an 18-foot-0-inch bridge clearance for all new construction be considered, and implemented when feasible.	» NDOT	» Nevada Trucking Association



Table I. Strategies for Reaching our Goals

Strategy	Actions	Lead Agency/ Department	Required Partnerships
15. Develop response plans and mitigation strategies for potential threats to Nevada's freight transportation system.	15.1 Research and document risks, mitigation measures, and emergency plans in a Comprehensive Disaster Risk Assessment.	» NDOT	» Nevada Highway Patrol
	15.2 Conduct a Hazardous Commodity Flow Study to document by what route and mode all hazardous materials are transported throughout Nevada.	» NDOT	» State Emergency Response Commission » Nevada Department of Public Safety, HAZMAT Permitting Office
16. Update the Freight Plan at regular intervals to ensure relevance of goals, objectives, and performance measures, and maintain a prioritized list of projects and programs.	16.1 Integrate recommendations from the Freight Plan into NDOT's performance-based Long Range Transportation Plan (LRTP).	» NDOT	» MPOs » Cities » Counties
	16.2 Integrate freight performance measures into NDOT's annual Performance Management process, allowing the monitoring of performance and progress of freight improvements. Based on the resultant analysis, maintain a list of high-priority freight performance needs.	» NDOT	» FAC » MPOs
	16.3 Conduct periodic updates to Nevada's defined National Highway Freight Network.	» NDOT	» FAC
	16.4 Conduct a wholesale update to the Freight Plan every 5 years.	» NDOT	» FAC
	16.5 Hire or allocate support staff to the NDOT Freight Program to implement these strategies.	» NDOT	» FAC
17. Implement projects defined in the Freight Plan's prioritized list of improvements.	17.1 Incorporate the fiscally constrained freight investment plan into the long-range transportation plan, and update as needed.	» NDOT	» FAC
	17.2 Periodically identify and prioritize additional freight-related capital improvement projects, and update the prioritized list of projects and fiscally constrained freight investment plan.	» NDOT	» FAC
18. Pursue an "all-of-the-above" strategy to achieve sustainable transportation funding to operate, maintain, and expand Nevada's freight transportation system.	18.1 Stay abreast of legislative changes that may result in grant opportunities.	» NDOT	» FAC » WSFC » AASHTO
	18.2 Strategize project opportunities for this 5-year round of NSFHP grants; prepare necessary planning and environmental studies to meet grant requirements.	» NDOT	» FAC
	18.3 Maintain coordination with FAC and WSFC to collaborate on potential funding opportunities that are conducive to multi-state projects or partnerships.	» NDOT	» NA
	18.4 Communicate to the public and stakeholders the status quo outlook for the condition and performance of the State Highway System, and how this could change with fuel tax indexing if approved by the voters in November 2016.	» FAC	» NDOT » DMV » Nevada Trucking Association » MPOs » National Association of Counties
	18.5 Prepare a "business case" document that assesses quantitatively and/or qualitatively the economic and non-economic benefits of full implementation of the state's long-range transportation plan to the significant beneficiary groups.	» NDOT	» TBD

FUNDING AND FINANCING

Potential Federal Funding Opportunities

In December 2015, Congress passed the Fixing America's Surface Transportation or (FAST) Act. The legislation provides focused resources for highway freight infrastructure investments. Apportionments to Nevada total:

- » Five years of federal funding certainty for highway, highway safety, and transit programs;
- » A modest increase in federal funding levels;
- » Reforms supporting more efficient project delivery;
- » Focused resources for highway freight infrastructure investments; and
- » Continuation of performance-based program implementation.

Apportionments to Nevada total **\$1.923 billion over 5 years**, as well as the potential to utilize USDOT's new discretionary freight grant funding program's (FASTLANE) **\$4.5 billion** Grant Program for nationally significant freight and highway projects. The FAST Act also extends the I-11 designation from Mexico to I-80, a facility of particular significance for Nevada. On July 1, 2020, Congress will rescind **\$7.6 billion** in unobligated highway funds nation-wide. NDOT will continue its aggressive obligation practices to insure that the State loses no money with this rescission.



Major issues:

- » Virtually all freight improvements benefit other transportation system users.
- » Cost of improvements need to be shared equitably among beneficiaries.
- » State and local transportation agencies have identified \$47.25 billion in needs through 2035 and \$20.8 billion in revenues through 2035.
- » Heavy reliance on fuel taxes is increasingly problematic because of loss in purchasing power due to inflation and declining revenue per mile driven due to increasing fuel economy.

Strategy for moving forward:

- » Develop sustainable revenue to operate, maintain, renew, and expand all transportation modes
- » Identify and communicate the benefits that transportation investments provide to society to build public support
- » Mitigate the loss of purchasing power due to inflation
- » Move to funding mechanisms that address impacts of increasing vehicle fuel economy
- » Share the cost of improvements equitably among all beneficiaries of the transportation system
- » Improve mechanisms for increasing private sector participation in delivering transportation infrastructure and services



NEVADA'S HIGHWAY FREIGHT NETWORK AND PROJECTS

The FAST Act created two new sources of funding specifically for freight projects. The National Freight Program provides \$60.8 million to Nevada during the next 5-year period (\$57.9 million programmed funds plus NDOT's 5% match of \$2.9 million) to help fund smaller freight-related projects. In addition, a new freight-related discretionary grant program—Fostering Advancements in Shipping and Transportation for the Long-Term Achievement of National Efficiencies (FASTLANE)—will help to fund larger and multistate projects; however, it is a competitive grant that cannot be relied upon for consistent funding.

Only projects located on the National Highway Freight Network (NHFN) are eligible for funding from these new sources. The National Highway Freight Network is primarily comprised of interstate freeways and an additional 75 miles of Critical Urban Freight Corridors and 150 miles of Critical Rural Freight Corridors designated by this Plan.

Because the mileage cap mandated in the FAST Act for the National Highway Freight Network is disproportionately low within large states like Nevada, two additional corridor categories important to Nevada were added to help prioritize state funding for projects not on the national network. All of these together make up Nevada's Highway Freight Network.

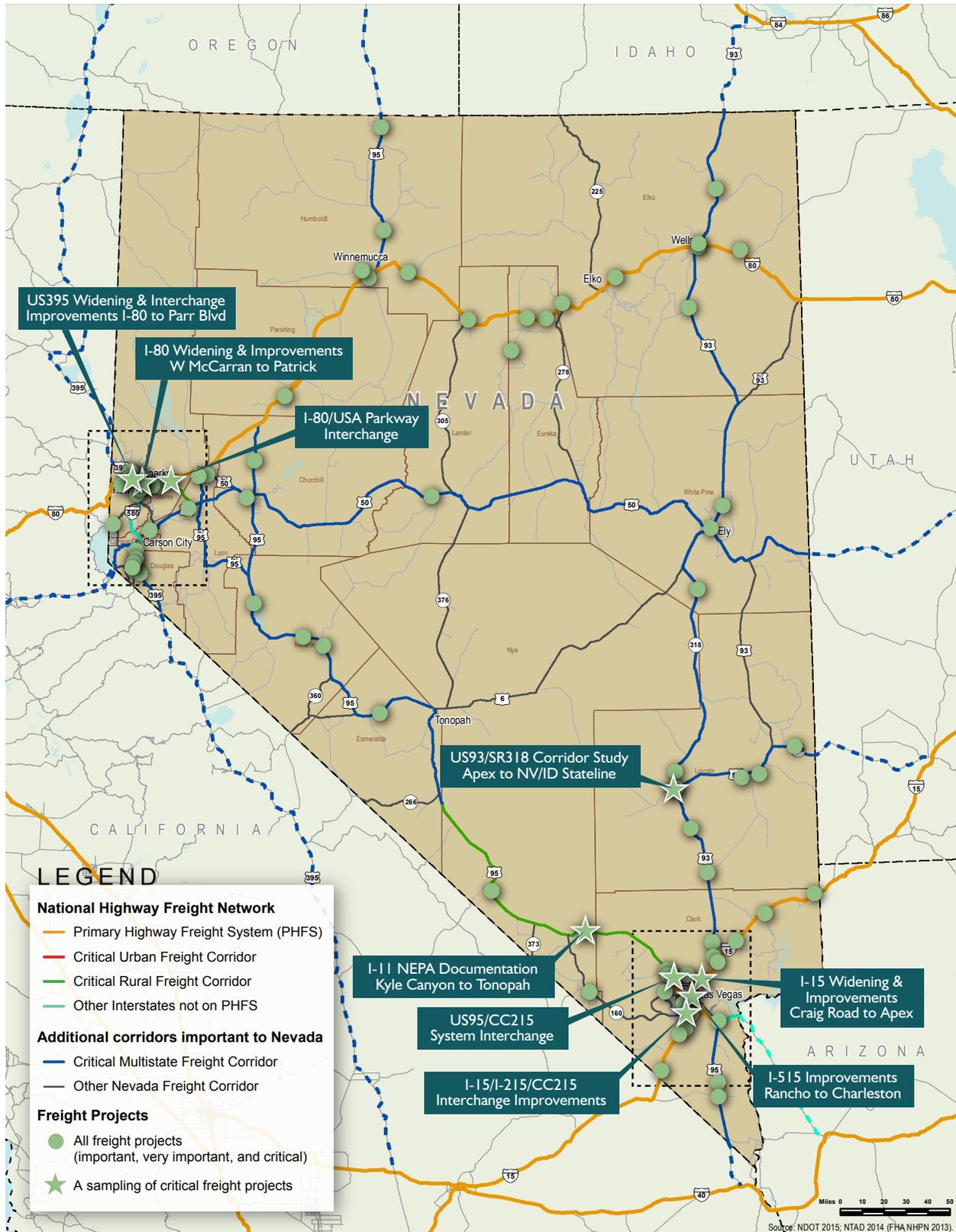
A Multiple-Objective Decision Analysis tool was used to identify Nevada's Highway Freight Network, and to efficiently input and prioritize freight related projects. The prioritized list of projects was separated into three categories: critical, very important, and important. The following maps show all projects on the list, including a sampling of several critical projects, overlaid onto Nevada's Highway Freight Network.



Nevada's Highway Freight Network and Projects: Las Vegas Area



Nevada's Highway Freight Network and Projects: Statewide







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

MEMORANDUM

Date: August 24, 2016

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, Director
SUBJECT: September 12, 2016 Transportation Board of Directors Meeting
Item #11: Briefing by the Regional Transportation Commission of Washoe County –
Informational item only.

Summary:

Lee Gibson, Executive Director of the Regional Transportation Commission (RTC) of Washoe County will provide an informational update to the State Transportation Board of Directors on transportation issues in Washoe County.

Background:

The RTC of Washoe County serves as the Metropolitan Planning Organization (MPO) for the Washoe County, provides for engineering and improvement of local streets and highways, and also provides for the operation of the public transportation system. The RTC is governed by a board of commissioners consisting of elected representatives from the City of Reno, City of Sparks and Washoe County. The current chair of the RTC Board of Commissioners is Reno City Councilwoman Neoma Jardon.

RTC planners develop and prepare the region's long range Regional Transportation Plan (RTP) and short range Regional Transportation Improvement Program (TIP). NDOT integrates the statewide transportation planning process with the RTC's metropolitan planning process to consider projects and strategies that protect and enhance the environment, promote energy conservation, improve the quality of life and promote consistency between transportation improvements and state and local planned growth and economic development patterns.

Analysis:

N/A

List of Attachments:

N/A

Recommendation for Board Action:

Information item only.

Prepared by:

Rudy Malfabon, P.E., Director



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Carson City, Nevada 89712
Phone: (775) 888-7440
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MEMORANDUM

September 1, 2016

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, Director
SUBJECT: September 12, 2016 Transportation Board of Directors Meeting
Item #12: 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 August 29, 2016 - *Informational item only.*
Please see Attachment C.

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 August 29, 2016 - *Informational item only.*

Recommendation for Board Action:

Informational item only.

OPEN NDOT - OUTSIDE COUNSEL CONTRACTS AS OF AUGUST 26, 2016						
	Case/Project Name	Contract Period	Contract and Amendment Date	Contract and Amendment Amount	Total Contract Authority	Contract Authority Remaining
Nossaman, LLP	Project Neon Legal and Financial Planning NDOT Agmt No. P014-13-015	3/11/13 - 12/31/17 Amendment #1 Amendment #2	3/11/13 1/14/14 12/15/15	\$ 1,400,000.00 \$ 2,000,000.00 \$ 300,000.00	\$ 3,700,000.00	\$ 219,385.34
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 - 9/30/16 Amendment #1 Amendment #2	10/23/12 9/12/14 8/12/14	475725 Extension of Time Expansion of Scope	\$ 475,725.00	\$ 187,551.64
Laura FitzSimmons, Esq.	Condemnation Litigation Consultation NDOT Agmt No. P510-12-004	12/16/12 - 12/30/17 Amendment #1 Amendment #2 Amendment #3	12/16/12 8/12/13 1/22/14 5/12/14	\$ 300,000.00 \$ 850,000.00 \$ 750,000.00 \$ 800,000.00	\$ 2,700,000.00	\$ 309,002.35
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 - 1/31/17 Amendment #1 Amendment #2 Amendment #3	2/27/13 1/23/15 5/13/15 6/24/16	\$275,000.00 Extension of Time \$ 150,000.00 \$ 65,000.00	\$ 490,000.00	\$ 72,728.00
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 - 1/31/17 Amendment #1 Amendment #2	2/27/13 1/23/15 5/9/16	\$ 275,000.00 Extension of Time \$ 325,000.00	\$ 600,000.00	\$ 214,076.88
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 - 2/28/17 Amendment #1	2/27/13 2/17/15	\$ 200,000.00 Extension of Time	\$ 200,000.00	\$ 11,291.05
** Varela, Lee, Metz & Guarina, LLP - Novation Agreement 2/28/14 from 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 - 4/30/17	4/30/13	\$ 275,000.00	\$ 275,000.00	\$ 59,870.66
Kemp, Jones, Coulthard	Nassiri vs. NDOT 8th JD A672841 NDOT Agmt No. P290-13-004	7/17/13 - 2/28/17 Amendment #1 Amendment #2	7/17/13 2/12/15 8/12/15	\$ 280,000.00 \$ 475,000.00 \$ 375,000.00	\$ 1,130,000.00	\$ 49,408.50
Chapman Law Firm	Ad America vs. NDOT (Project Neon) 8th JD A640157 NDOT Agmt No. P291-13-004	7/25/13 - 7/30/17 Amendment #1 Amendment #2 Amendment #3	7/25/13 4/28/14 5/15/15 2/8/16	\$ 200,000.00 \$ 250,000.00 Extension of Time \$ 269,575.00	\$ 719,575.00	\$ 176,087.64
*** Downey Brand, LLP Novation Agreement 2/12/15 from Armstrong Teasdale, LLP	Legal Support for utility matters relating to Project Neon and Boulder City Bypass NDOT Agmt No. P210-14-004	5/14/14 - 5/31/18	5/14/14	\$ 250,000.00	\$ 250,000.00	\$ 245,570.00
Sylvester & Polednak	First Presbyterian Church vs. NDOT 8th JD A-14-698783-C Project Neon NDOT Agmt No. P327-14-004	7/17/14 - 7/31/18 Amendment #1	7/17/14 6/29/16	\$ 280,000.00 Extension of Time	\$ 280,000.00	\$ 210,731.73
Carbajal & McNutt, LLP	Las Vegas Golf & Country Club 8th JD A-14-705477-C Project Neon NDOT Agmt No. P362-14-004	9/8/14 - 8/30/16	9/8/14	\$ 375,000.00	\$ 375,000.00	\$ 214,047.59
Kemp, Jones & Coulthard	Custom Landco. (Walker Furniture) Project Neon NDOT Agmt No. P431-14-004	10/13/14 - 7/31/18 Amendment #1	10/13/14 4/11/16	\$ 350,000.00 \$ 1,400,000.00	\$ 1,750,000.00	\$ 284,283.91

OPEN NDOT - OUTSIDE COUNSEL CONTRACTS AS OF AUGUST 26, 2016						
	Case/Project Name	Contract Period	Contract and Amendment Date	Contract and Amendment Amount	Total Contract Authority	Contract Authority Remaining
Lambrose Brown	Grant Properties Project Neon NDOT Agmt No. P433-14-004	10/14/14 - 10/30/16	10/14/14	\$ 275,000.00	\$ 275,000.00	\$ 240,313.56
Lambrose Brown	Sharples Project Neon NDOT Agmt No. P434-14-004	10/16/14 - 10/30/16	10/16/14	\$ 275,000.00	\$ 275,000.00	\$ 199,230.90
Varela, Lee, Metz & Guarino	Sequoia Electric K3409 NDOT Agmt No. P526-14-004	10/16/14 - 10/30/16	10/16/14	\$ 250,000.00	\$ 250,000.00	\$ 250,000.00
Lambrose Brown	Paralegal Services - Project Neon NDOT Agmt No. P547-14-004	11/20/14 - 11/30/16 Amendment #1	11/20/14 2/12/15	\$ 250,000.00	\$ 250,000.00	\$ 10,828.93

** The firm of Varela, Lee, Metz & Guarina, LLP took over representing the Department in the matter of Pacific Coast Steel vs. NDOT Case as of 2/28/14 from the firm of Watt, Tieder, Hoffar & Fitzgerald.

*** The firm of Downey Brand, LLP took over representing the Department on 2/12/15 in utility matters relating to condemnation actions and acquisitions from the firm of Armstrong Teasdale, LLP.

Contracts Closed Or Expired Since Last Report:						
Vendor	Case/Project Name	Contract Period	Contract and Amendment Date	Contract and Amendment Amount	Total Contract Authority	Contract Authority Remaining
None Closed This Period.						

Monthly Litigation Report to the Nevada Department of Transportation - August 26, 2016				
Case Name	Nature of Case	Outside Counsel to Date		
		Fees	Costs	Total
Condemnations				
NDOT vs. 1916 Highland Properties, Ltd.	Eminent domain - Project Neon	\$ -	\$ -	\$ -
NDOT vs. Ad America, Inc. (Neon-Silver Ave.)	Eminent domain - Project Neon	\$ -	\$ -	\$ -
NDOT vs. Custom Landco. (Walker Furniture)	Eminent domain - Project Neon	\$ 980,147.71	\$ 485,568.38	\$ 1,465,716.09
NDOT vs. Danisi, Vincent, J. III	Eminent domain - Project Neon	\$ -	\$ -	\$ -
NDOT vs. I-15 and Cactus, LLC	Eminent domain - I-15 Cactus	\$ 165,902.68	\$ 22,586.96	\$ 188,489.64
NDOT vs. Jackson, Darrell, et al.	Eminent domain - Project Neon			
NDOT vs. K & L Dirt Company, LLC	Eminent domain - Boulder City Bypass	\$ 303,595.00	\$ 82,328.12	\$ 385,923.12
NDOT vs. Ranch Properties	Eminent domain - Project Neon	\$ -	\$ -	\$ -
NDOT vs. Reich Series, LLC, et al.	Eminent domain - Project Neon	\$ -	\$ -	\$ -
NDOT vs. Robarts 1981 Trust, et al.	Eminent domain - Project Neon	\$ 273,338.86	\$ 14,834.50	\$ 288,173.36
NDOT vs. Sharples, John; Sharples, Bonnie	Eminent domain - Project Neon	\$ 58,534.00	\$ 17,235.10	\$ 75,769.10
NDOT vs. Wykoff Newberg Corporation	Eminent domain - I-15 and Warm Springs	\$ 362,025.78	\$ 55,246.12	\$ 417,271.90
		\$ 2,143,544.03	\$ 677,799.18	\$ 2,821,343.21
Inverse Condemnations				
AD America, Inc. vs. NDOT (NEON)	Inverse condemnation - Project Neon	\$ 828,957.65	\$ 121,801.61	\$ 950,759.26
AD America, Inc. vs. NDOT (NEON-Silver Ave.)	Inverse condemnation - Project Neon			
Nassiri, Fred vs. NDOT	Inverse condemnation	\$ 914,328.78	\$ 166,262.72	\$ 1,080,591.50
		\$ 1,743,286.43	\$ 288,064.33	\$ 2,031,350.76
Cases Closed and Removed from Last Report:				
NDOT vs. Su, Lisa	Eminent domain - Project Neon	\$ -	\$ -	\$ -
* Includes Cumulative Fees and Costs: Agreement P301-11-004 (closed in 12/31/2014) and current Agreement P291-13-004				
New cases appear in red. No new condemnation cases for this report dated July 20, 2016				

Monthly Litigation Report to the Nevada Department of Transportation - August 26, 2016				
Case Name	Nature of Case	Outside Counsel to Date		
		Fees	Costs	Total
Torts				
Ariza, Ana, et al. vs. Wulfenstein, NDOT	Plaintiff alleges wrongful death	\$ -	\$ -	\$ -
Darling, Dion Dean vs. NDOT, et al.	Plaintiff alleges negligence and property damage	\$ -	\$ -	\$ -
Discount Tire Company vs. NDOT; Fisher	Plaintiff alleges negligence and personal injury	\$ -	\$ -	\$ -
Hendrickson, Cynthia vs. NDOT	Plaintiff alleges negligence and personal injury	\$ -	\$ -	\$ -
Hitzemann, Darrell, et al. vs. Las Vegas Paving; NDOT	Plaintiff alleges negligence and personal injury	\$ -	\$ -	\$ -
Jorgenson & Koka, LLP vs. NDOT, et al.	Plaintiff alleges negligence causing property damage	\$ -	\$ -	\$ -
King-Schmidt, Barbara vs. NDOT	Plaintiff alleges negligence and personal injury	\$ -	\$ -	\$ -
Knowlton, Jane vs. NDOT	Plaintiff alleges personal injury and property damage	\$ -	\$ -	\$ -
Liu, Hui vs. Clark County and NDOT	Plaintiff alleges negligence and wrongful death	\$ -	\$ -	\$ -
Mezzano, Rochelle vs. Bicycle Ride Directors, NDOT, et al.	Plaintiff alleges negligence and personal injury	\$ -	\$ -	\$ -
NDOT vs. Tamietti	NDOT seeks injunct. relief to prevent closing access	\$ -	\$ -	\$ -
Pyjas, Estate of Robert Charles	Plaintiff alleges wrongful death	\$ -	\$ -	\$ -
Rodriguez-Franco, Epifanio vs. Joyce; NDOT, et al.	Plaintiff alleges negligence and personal injury	\$ -	\$ -	\$ -
Semmens, Cynthia & Trevor vs. NDOT, et al.	Plaintiff alleges negligence causing personal injury	\$ -	\$ -	\$ -
State Farm Insurance vs. Solak, NDOT, et al.	Plaintiff seeks policy payouts through interpleader	\$ -	\$ -	\$ -
Vezina, Macy vs. Fedex Freight et al.; NDOT, et al.	Defendant third-party complaint alleging negligence	\$ -	\$ -	\$ -
Windrum, Richard & Michelle vs. NDOT	Plaintiff alleges negligence and personal injury	\$ -	\$ -	\$ -
Zito, Adam vs. NDOT	Plaintiff alleges negligence and property damage	\$ -	\$ -	\$ -
Contract Disputes				
AVAR Construction Systems, Inc. vs. NDOT	Breach of contract re I-580	\$ -	\$ -	\$ -
Miscellaneous				
Laborer' International Union vs. Labor Commissioner, NDOT	Petition for Judicial Review	\$ -	\$ -	\$ -
Road & Highway Builders vs. NDOT	Petition for Judicial Review of Prevailing Wage	\$ -	\$ -	\$ -
Road & Highway Builders vs. Labor Commissioner; NDOT	Petition for Judicial Review of Decision of Labor Commissioner	\$ -	\$ -	\$ -
Sequoia Electric Underground vs. Capriati Construction, NDO	Appeal from U.S. Bankruptcy Court	\$ -	\$ -	\$ -
Personnel Matters				
Akinola, Ayodele vs. State, NDOT	Personnel Matters	\$ -	\$ -	\$ -
Boice, Rocky vs. State, NDOT	Personnel Matters			
Lorenzi, Anthony vs. State, NDOT	Personnel Matters			
Zenor, Chad T. vs. State, NDOT	Personnel Matters	\$ -	\$ -	\$ -
Cases Closed and Removed from Last Report:				
Donley, Cydney vs. NDOT	Plaintiff alleges negligence and personal injury	\$ -	\$ -	\$ -
Harris Farm, Inc. vs. NDOT	Plaintiff alleges negligence and personal injury	\$ -	\$ -	\$ -

New cases appears in red.

Outside Counsel
Fees and Costs of Open Cases
as of August 26, 2016

<u>Category</u>	<u>Fees</u>	<u>Costs</u>	<u>Total</u>
Condemnation Litigation	\$ 2,143,544.03	\$ 677,799.18	\$ 2,821,343.21
Inverse Condemnation Litigation	\$ 1,743,286.43	\$ 288,064.33	\$ 2,031,350.76
Construction Litigation	0	0	0
Personnel Litigation	0	0	0
Tort Claim Litigation	0	0	0
	<u>\$ 3,886,830.46</u>	<u>\$ 965,863.51</u>	<u>\$ 4,852,693.97</u>

8/29/2016

TO: PUBLIC SAFETY, DIRECTOR NDOT, HIGHWAY SAFETY COORDINATOR, NDOT TRAFFIC ENGINEERING, FHWA, LAW ENFORCEMENT AGENCIES

FROM: THE OFFICE OF TRAFFIC SAFETY, FATAL ANALYSIS REPORTING SYSTEM (FARS)
PREPARED BY: JULIE GALLAGHER, FATAL ANALYST

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

	CURRENT		SAME DATE LAST YEAR		# CHANGE		
	Crashes	Fatals	Crashes	Fatals	Crashes	Fatals	
8/28/2016	2	2	8/28/2015	1	1	1	1
MONTH	30	34	MONTH	20	22	10	12
YEAR	188	201	YEAR	175	194	13	7

KNOWN CRASH AND FATAL COMPARISON BETWEEN 2015 AND 2016, AS OF CURRENT DATE.

COUNTY	2015 Crashes	2016 Crashes	% CHANGE	2015 Fatalites	2016 Fatalities	% Change	2015 Alcohol Crashes	2016 Alcohol Crashes	% Change	2015 Alcohol Fatalities	2016 Alcohol Fatalities	% Change
CARSON	1	5	400.00%	1	5	400.00%	1	1	0.00%	1	1	0.00%
CHURCHILL	1	4	300.00%	1	4	300.00%			0.00%			0.00%
CLARK	110	131	19.09%	122	140	14.75%	23	23	0.00%	26	25	-3.85%
DOUGLAS	4	2	-50.00%	4	2	-50.00%	1	1	0.00%	1	1	0.00%
ELKO	8	5	-37.50%	9	5	-44.44%	1	2	100.00%	1	2	100.00%
ESMERALDA	3		-100.00%	3		-100.00%	1		-100.00%	1		-100.00%
EUREKA	3	1	-66.67%	3	1	-66.67%			0.00%			0.00%
HUMBOLDT	2	1	-50.00%	3	2	-33.33%			0.00%			0.00%
LANDER	4	2	-50.00%	4	2	-50.00%			0.00%			0.00%
LINCOLN	4		-100.00%	4		-100.00%			0.00%			0.00%
LYON	3		-100.00%	4		-100.00%			0.00%			0.00%
MINERAL	1	2	100.00%	2	2	0.00%			0.00%			0.00%
NYE	6	3	-50.00%	6	3	-50.00%	2	1	-50.00%	2	1	-50.00%
PERSHING			0.00%			0.00%			0.00%			0.00%
STOREY	1	1	0.00%	1	1	0.00%		1	100.00%		1	100.00%
WASHOE	22	29	31.82%	25	32	28.00%	11	6	-45.45%	13	8	-38.46%
WHITE PINE	2	2	0.00%	2	2	0.00%			0.00%			0.00%
YTD	175	188	7.43%	194	201	3.61%	40	35	-12.50%	45	39	-13.33%
TOTAL 15	297	----	-36.7%	326	----	-38.3%	----	----	#DIV/0!	----	----	#DIV/0!

2015 AND 2016 ALCOHOL CRASHES AND FATALITIES ARE BASED ON VERY PRELIMINARY DATA.

KNOWN COMPARISON OF FATALITIES BY PERSON TYPE BETWEEN 2015 AND 2016, AS OF CURRENT DATE.

COUNTY	2015 Vehicle Occupants	2016 Vehicle Occupants	% Change	2015 Peds	2016 Peds	% Change	2015 Motor-Cyclist	2016 Motor-Cyclist	% Change	2015 Bike	2016 Bike	% Change	2015 Other moped,at v	2016 Other moped,at v
CARSON	1	2	100.00%		3	300.00%			0.00%			0.00%		
CHURCHILL	1	1	0.00%		1	100.00%		2	200.00%			0.00%		
CLARK	62	62	0.00%	26	34	30.77%	19	34	78.95%	8	2	-75.00%	7	8
DOUGLAS	3	1	-66.67%			0.00%	1	1	0.00%			0.00%		
ELKO	7	4	-42.86%	1	1	0.00%	1		-100.00%			0.00%		
ESMERALDA	3	0	-100.00%			0.00%			0.00%			0.00%		
EUREKA	3	1	-66.67%			0.00%			0.00%			0.00%		
HUMBOLDT	3	2	-33.33%			0.00%			0.00%			0.00%		
LANDER	3	2	-33.33%	1		-100.00%			0.00%			0.00%		
LINCOLN	3		-100.00%			0.00%	1		-100.00%			0.00%		
LYON	4		-100.00%			0.00%			0.00%			0.00%		
MINERAL	2	2	0.00%			0.00%			0.00%			0.00%		
NYE	6	3	-50.00%			0.00%			0.00%			0.00%		
PERSHING			0.00%			0.00%			0.00%			0.00%		
STOREY		1	100.00%			0.00%	1		-100.00%			0.00%		
WASHOE	16	16	0.00%	4	9	125.00%	5	5	0.00%		1	100.00%		1
WHITE PINE	2	2	0.00%			0.00%			0.00%			0.00%		
YTD	119	99	-16.81%	32	48	50.00%	28	42	50.00%	8	3	-62.50%	7	9
TOTAL 15	186	----	-46.77%	73	----	-34.25%	43	----	-2.33%	10	----	-70.00%	14	----

**PRELIMINARY DATA CONFIRMS 72 UNRESTRAINED FATALITIES FOR 2015
THIS DOES NOT CONTAIN UNKNOWN AND FINAL REPORTS FOR 2015**