



Department of Transportation
Board of Directors
Notice of Public Meeting
District One Office
123 East Washington Avenue
Las Vegas, Nevada
August 18, 2014 – 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. July 7, 2014 Nevada Department of Transportation Board of Directors Meeting Minutes – *For possible action.*
4. Approval of Contracts over \$5,000,000 – *For possible action.*
5. Approval of Agreements over \$300,000 – *For possible action.*
6. Contracts, Agreements, and Settlements – *Informational item only.*
7. Resolution of Relinquishment – *For possible action.*
Disposal of NDOT right-of-way located at Lake Parkway at Stateline, NV SUR 06-38
8. Public Auction – *For possible action.*
Disposal of NDOT right-of-way located on College Parkway at US-395 in Carson City, NV SUR 08-06
9. Resolution of Abandonment – *For possible action.*
Disposal of NDOT right-of-way located along a portion of SR-513 (Old Carson River Road) in Carson City, NV SUR 99-14
10. Condemnation Resolution No. 446 – *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, NV – 3 owners; 5 parcels
11. Briefing on Proposed Road Relinquishment Policy – *Informational item only.*
12. Equipment Purchase in Excess of \$50,000 – X-ray Fluorescence Spectrometer – *For possible action.*
13. Approval to Release Project NEON P3 Phase RFP – *For possible action.*

The Transportation Board will determine whether to release the final Request for Proposal (RFP) to continue with procurement of Project NEON P3 as a public-private partnership.

14. Alternative Action Item – Design-Build Procurement for Project NEON – *For possible action.*

In the event the Transportation Board does not approve release of the final RFP for Project NEON P3, the Board will determine whether to approve proceeding with Project NEON using the design-build procurement method by making the determinations required pursuant to NRS 408.388.

15. Alternative Action Item – Approval of Possible Bonding for Project NEON – *For possible action.*

In the event the Transportation Board does not approve release of the Final RFP for Project NEON P3 and approves use of the design-build method, the Board will determine whether to approve the Department moving forward with the process of issuing bonds in the amount of \$564 million to pay the costs of design and construction of Project NEON.

16. 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 4, 2014 – *Informational item only.*

17. 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.*

18. 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 Headquarters located at 1263 South Stewart Street, Carson City, Nevada in the Conference Room and at the District III Office located at 1951 Idaho Street, Elko, Nevada.
- Copies of non-confidential supporting materials provided to the Board are available upon request.
- Request for such supporting materials should be made to Holli Stocks at (775) 888-7440 or hstocks@dot.state.nv.us. Such supporting material is available at 1263 South Stewart Street, Carson City, Nevada 89712 and if available on-line, at www.nevadadot.com.

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

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

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

Nevada Dept. of Transportation
310 Galletti Way
Sparks, Nevada

Nevada Dept. of Transportation
1951 Idaho Street
Elko, Nevada

Governor's Office
Capitol Building
Carson City, Nevada

Clark County
200 Lewis Street
Las Vegas, Nevada

Carson City
885 East Musser Street
Carson City, Nevada

Douglas County
1616 8th Street
Minden, Nevada

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Governor Brian Sandoval
Lt. Governor Brian Krolicki
Controller Kim Wallin
Frank Martin
Tom Skancke
Len Savage
Tom Fransway
Rudy Malfabon
Bill Hoffman
Dennis Gallagher

Sandoval: Good morning. I will call the Department of Transportation Board of Directors Meeting to order. I trust everyone had a wonderful Independence Day weekend. It's kind of nice to have those three days in a row. That worked out really well.

Any event, we will commence with Agenda Item No. 1, Presentation of retirement plaques to 25-plus-year employees.

Malfabon: Thank you, Governor. Good morning, Board members and definitely welcome back everybody after a relaxing Independence Day holiday weekend. I took an extra day off on Thursday.

I wanted to acknowledge the many years that a lot of these dedicated state employees put in for--on behalf of NDOT, and other state agencies that they may have worked for. I'm going to go through the list of names. And we have two present today, that I'm aware of, and we have their clocks, so that--we'll do the photo opportunity after I read the names and acknowledge them.

First of all, from Las Vegas, George Nicely, 25 years. Val Nance, 30 years. Scott Carroll, 25 years. Patrick Pevey, 25 years. Jason Baker, 28 years. Rick Free, 25 years. Sally Wallace, 25 years. Monte Bliss, 25 years. Patrick Christensen, 26 years. Todd Wright, 28 years. Kevin Baxter, 30 years of service. John Ferguson, 25 years. Glenn Petrenko, 29 years. And T.K. Brown, 33 years. I wanted to congratulate those individuals on their retirement and wish them well as they go on to--unless they're going to keep working, but hopefully they'll relax and take it easy in their retirement.

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So we do have, Governor, the new certificates that the Board members signed this morning, and they really did look nice. I wanted to thank the staff's efforts in putting it together for your signature to show your appreciation to these individuals that I mentioned. And we'll get these certificates signed by the Lieutenant Governor and get those to them. I wanted to acknowledge the next two individuals that are present today, that will be asked to come up for a photo opportunity with the Board members.

Kym Borgman worked 25 years, and Mike Stair, 32 years. I wanted to invite Kim first. And, Governor, if you would present the clock to Kym Borgman. And, as I said, we'll get the Lieutenant Governor to sign the certificate of appreciation and get that to Kym.

Sandoval: Congratulations.

Malfabon: The next individual, Mike Stair, was the chief of our Equipment Division for many years. And I wanted to thank him for his 32 years of service. Mike, do you want to invite your family up?

Fransway: Thank you, Mike.

Stair: Thank you very much.

Fransway: Appreciate it.

Malfabon: I know that the Board would join me in wishing everybody a successful retirement and thank them for...

Sandoval: Mike, before you go I just want to publicly say thank you for sharing this day with your family and us. And we really appreciate everything that you've done for the great State of Nevada. Thank you very much.

Fransway: Thanks, Mike.

Sandoval: Now you can get out of here as soon as you can.

Malfabon: He's going fishing.

Sandoval: Thank you very much. Another big hand. Thank you. Now, Rudy, before you go on...

Malfabon: Yes.

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Sandoval: ...with regard to the others, yeah, I did some rudimentary math and that was 436 years of experience that is leaving the Department. And you put all those years together and put all that experience together in terms of building the state, keeping the people on the roads safe and everything that each one of these individuals have done, it's nothing short of remarkable. And so I, you know, I only wish that all of them could be here so that we could publicly acknowledge them. But, you know, those are big shoes to fill.

Malfabon: Yes, Governor. Thank you for acknowledging that. That is decades of service to the State of Nevada, and we really appreciated their years here. I wanted to make one other announcement. We don't have a clock because it was very recent, and I wanted to acknowledge Tom Greco, our assistant director of Planning has submitted a letter of--informing us of his retirement after over 30 years with NDOT, and he had several years with RTC. So accumulatively, he's had over 40 years of transportation industry experience. And he'll be making his retirement effective August 1st. So I wanted to acknowledge Tom, and hopefully we'll get a retirement clock. This is the second clock, Tom? But I know that's a recent development and I wanted to make the Board aware of that. And obviously big shoes to fill there, and we'll do some interviews and fill that position as soon as possible.

Sandoval: Yeah. And, Tom, we won't get a chance to publicly thank you for everything that you've done, and it's really been a pleasure to work with you and have you present and everything that you've done for the state. You're going to be missed very, very much.

Greco: Governor, your words are generous. I joined NDOT in '76, and I planned on staying for two or three years and move along. So it has been my distinct pleasure serving the Board, working with the administration, with staff, FHWA, the MPOs, the districts. And I have been listening to these little voices in the back of my brain. They're getting stronger and stronger. And the strongest voice was my wife, and you've got to listen to that.

Sandoval: That's not a little voice.

Greco: Thank you all.

Sandoval: Yeah. Thank you.

Malfabon: Thank you, Tom.

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Sandoval: Perhaps we can do the picture today. And, Tom, did you have a comment that you'd like to make?

Fransway: I was going to kind of say what you said. I was going to ask Tom if you could make it to our August meeting so that we could have a proper farewell to you, but if you can't, we need to have a photo op now. I'm sure, Governor.

Unidentified Male: Now is good.

Sandoval: Okay.

Malfabon: That concludes the retirements, Governor. Thank you.

Sandoval: Okay. Thank you. Then we'll move to Agenda Item No. 2, Presentation of awards.

Malfabon: Thank you, Governor. I'll go through the awards and then have the groups come up for the photo opportunity at the end. The first award is the--from the American Council of Engineering Companies, ACEC, and it's on behalf of NDOT's I-580 Freeway extension earning a national recognition award at the ACEC 2014 Engineering Excellence Awards competition. This is a prestigious award honoring our project on I-580 for its exceptional innovation, complexity, achievement and value. NDOT and the project were recognized in April at the Engineering Excellence Awards Gala in Washington, D.C. And we'll have the representatives come up later.

Tony Lorenzi--there were many project managers on that project. I think, Tom, didn't you work on that at one point? It seems like several project managers played a role in that one, but Tony Lorenzi will be accepting the award on behalf of NDOT. And we have a representative from CH2M Hill, our design firm, on that project as well. From the Springs Preserve, we received the 2014 Southern Nevada Landscape Award, first place for commercial design by professional. We used Stantec Consulting Incorporated, and we won first place for commercial design. And the 2014 Southern Nevada Landscapes Award's competition for the 515 and Flamingo Road Interchange.

As the Board's aware, we try to put landscape aesthetics as part of several new interchange projects, but often we try to get back to some of the older interchanges that haven't had improvements in a while. And to make them

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look aesthetically pleasing, we believe it's a benefit to the local residents, as well as the region to have a showcase of that magnitude on our freeways. I know that I've received lots of comments from the public about--supportive comments about how well NDOT is doing on aesthetics on our freeways, both in Northern and Southern Nevada. Now, there are some people that feel that we're spending money on that, but I think that it's money well spent and making the freeways more friendly to visitors and to residents.

This particular project at the interchange of 515 and Flamingo was accepted as for--as an award winner because it utilized sustainable methods and materials, as well as native drought-tolerant planting to create efficient low maintenance and effective aesthetics for state roadways. And that aspect is also important to maintenance forces that don't want to spend a lot of money on some aspects of irrigation. So we--using drought-tolerant plants, especially in these drought conditions in our state, is an important aspect of these types of projects.

The next project that I wanted to--award that I wanted to acknowledge is the--from the Lake Tahoe Bicycle Coalition, the 2013 Certificate of Appreciation. Each year, the Lake Tahoe Bicycle Coalition honors those that have made a significant advancement to promote safer bicycling and walking opportunities at Lake Tahoe. I was talking to Mr. Gallagher and he was up at Tahoe this weekend. And just lots of folks go visit that--it's a jewel for our state, as well as the State of California, our neighbor. And a lot of pedestrians, a lot of work to do up there, but anytime that we can have safer bicycling and walking opportunities at Lake Tahoe, it's a win-win for everybody that uses that facility. It's a great attraction for Nevada and a great tourist destination. We received a 2013 Certificate of Appreciation, and we're recognized as an agency that is committed Tahoe become more bicycle friendly.

Now, I think that Carl Hasty is here for that group. I wanted to acknowledge Pedro Rodriguez as one of our project managers on that project. And we won the APWA Project of the Year Award, Spring 2014, for transportation projects under \$5 million for the state line to state line bikeway south demonstration Tahoe Transportation District. The prime design consultant was Lumos and Associates. This is the project that built the new bike path up there. So definitely ties in with this award from the Lake Tahoe Bicycle Coalition. So if we could, let's go ahead and get the

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first group for the I-580 Freeway extension. Tony Lorenzi is here and the representative from CH2M Hill. Hello.

We have another one for the bicycle award. But we didn't--we had to reprint the certificate for the landscape award, so you can acknowledge Lucy at a later date. Pedro, if you could come up, and Carl. This is part of our efforts and it's kind of in alignment with one another bike project that was awarded and project of the year. Q&D did a great job on that project.

And just to mention, that Construction Manager at Risk process was used for that bike project. And that process worked out very well to address some of the design aspects of that project as they went along and looked into how to build that in that environmentally-sensitive area. So great job to that project team. That concludes the awards portion of the Agenda.

Sandoval: Thank you. Then we'll move to Agenda Item No. 3, the Director's Report.

Malfabon: Thank you, Governor. A lot happening on the--at least deliberations on the transportation bill. Next slide, please. So we received letters from U.S. Department of Transportation Secretary Anthony Foxx, regarding a possible slowdown in federal reimbursements. That's what we anticipated, what they've been discussing with us since this spring, when they anticipated if this issue didn't get addressed before the end of--expiration of MAP-21, but also with the fiscal cliff that we've been discussing with the Transportation Board.

So these letters affect both the Federal Highway Administration program for highways and Federal Transit Administration program for transit. Since all of these monies, these funds come from the Federal Highway Trust Fund, they're affected by that fiscal cliff, the shortfall in revenue not being able to keep up with the amount of authorized spending levels to the state Departments of Transportation. The reason for the difference is they're separate accounts within that same fund, so the Transit account is not--it's still in the same situation, but there's a few months difference there.

Some of the--on the Senate side, there's proposals to raise the gas tax that are being discussed, but most likely not enough support to pass that issue and to fund the transportation shortfall. So what we anticipate is that--next slide--there will be a short-term extension either--on the Senate side they proposed the PATH Act, Preserving America's Transit and Highways Act of

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2014. It's a short-term six-month extension. Funding was proposed to be accomplished through tax code changes, and support is being negotiated between the two parties in Congress. But the original proposal for \$9 billion for that six months was reduced recently. So there's still much more to discuss. Most likely, this might turn into a three-month extension, something to get through the end of the year, so that when the new Congress is seated they'll take up deliberations in 2015. Next slide, please.

The Bridge Act is a new transportation act that's being proposed to--it's basically another loan program to incentivize the private sector investment at transportation, as well as some other sectors such as water, energy projects. So it's similar what we've seen with the TIFIA program and establishing an infrastructure, financing authority with the initial \$10 billion of funding from the government, finances no more than 49% of the capital cost up to a 35-year term for those loans, and project minimum established of \$50 million in size. And this--there's a board that would be comprised of seven persons, no more than four from the same political party that would make those decisions on which projects to finance through this loan program called the Bridge Act. Next slide. So we'll keep the Board informed about Congress' deliberations on the transportation bill. Most likely, it's going to be a short-term extension funded by a general fund transfer.

I-11 Boulder City Bypass, I wanted to report that the--that Tetra Tech, who's our consultant for the naturally occurring asbestos sampling and testing, is actually doing additional surface sampling on the RTC's Regional Transportation Commission of Southern Nevada's phase two project. That's the large design-build project that goes up into the mountainous area. So there will be an amendment to our agreement with RTC. We're amending our contract with Tetra Tech to perform that service, so it's a wash as far as it's a receivable from RTC to do that additional work.

So we're pleased that the Federal Highway Administration is working with us to identify whatever needs to be done. We're on track to maintain the progress of the project, and we're developing the specifications to include in our construction contract that address naturally occurring asbestos, things like dust control the contractor has to perform, haul-truck-speed limitations, blasting limitations and such, so that we can control dust and address that issue to the satisfaction of all parties. The project is still programmed for this federal fiscal year, so it's not at risk. We're going to get that project out.

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From what we're hearing, it's looking good for addressing this issue of asbestos and keeping the contract on schedule.

Sandoval: So based on that, A) we're on time and we're going to stay on schedule.

Malfabon: Yes, Governor.

Sandoval: And then second, there haven't been any significant findings of any more than normal naturally-occurring asbestos?

Malfabon: I think that they've found some but it's in the rock areas. It's very limited to certain areas and not significant to where that it would drive this to a different process under the environmental rules.

Sandoval: That's good news.

Malfabon: Next slide. In regards to the intermountain west corridor study that we're doing jointly with Arizona DOT, the public meeting was held in Las Vegas at the Fifth Street Historical School. We had about 70-75 attendees there, so great attendance. And the public comment period is open now through July 18th, and folks that are interested that want to see the presentations that were given at that public meeting, can go on www.I-11study.com website and view the presentations and make public comment at the site. So it's a great turnout also on the Arizona side. They had a couple of meetings on the Arizona side, so a lot of interest in this project. As you're probably aware, a lot of discussion also and possible amendments for the next transportation bill, but those amendments will probably take place after the longer-term bill is discussed and approved in 2015.

Project NEON; we're going to be providing a lot of information to the Board members, so you'll have that in advance of the August 18th meeting. That meeting was rescheduled. It's best to accommodate as many Transportation Board members as possible. We'll be providing the risk analysis information, the Bond Council analysis of both delivery options between P3 or bonding, schedules and support costs for both options and other information as we had touched on this issue of stipends to the team members, TIFIA options, discuss that a little bit more in detail, and one-on-ones with the board members. So we're scheduling those one-on-ones with Board members in late July, early August time frame in

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anticipation of giving you more time to deliberate the Project NEON procurement on August 18th Board meeting.

We've also had a lot of discussions between the Attorney General's office assigned to NDOT and legal project management right-of-way folks about legal strategy, risk management, possible process improvements in our right-of-way acquisition process so that we can manage the process, think strategically and minimize some of those acquisition costs as best as possible and manage that risk. Next slide.

We're looking into a collocation site for the--there's a lot of legal support, as Board members are aware of. We hired a lot of outside counsel, but we have--is it five members of the Deputy Attorney General's that are working on imminent domain, just on the Attorney General's staff down there assigned to NDOT in Las Vegas. So a lot of resources legally that are addressing this issue of imminent domain and the acquisitions for NEON. But we're looking at a co-location facility as an option, because of the--having everybody co-located for some of these discussions is more helpful, especially as we get into more of the court cases and have to discuss legal strategy at a moment's notice.

We're looking at some options there. One of the options includes looking at office space at the North Las Vegas City Hall. We're also going to look at office space in the Water Authority building there. So besides the commercial office space, as well, and look at all of our options available. We will go through the state B&G as part of the process for leasing office space.

We're doing a lot more to integrate right-of-way and legal risk recommendations with the right-of-way acquisition team, and we've deferred the presentation to the Interim Finance Committee and legislature until after the August 18th. I believe it's going to be the week after--or the week of the August 18th Transportation Board meeting. So it's going to be in synch with that, so we'll have a determination from the Board before we go to the IFC and present accordingly. Next slide.

Okay. The Mountain Rose Highway; last month, I talked about Granite's proposal to have full closures during certain periods of time to expedite the completion of the project. They're getting such great production that they were able to complete the lower half of the project recently. Saw the

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positive news reports of that. They're still working on the upper half drainage improvements and anticipate repaving the upper half in mid-August. We're not going to anticipate any major work and appreciate Granite's working with our resident engineers' team on this project. So July 26th to August 3rd, when we have some major events in that area, we're not going to be having major delays to the public. Next slide.

The Safety Travel Signal project on State Route 160, Blue Diamond Road at Cimarron, and also at Buffalo and Durango, has started work on June 23rd. We're anticipating substantial completion of that by August 22nd, before school starts. We've got curb and gutter poured at a couple of the intersections, so making those improvements with those crosswalks to accommodate pedestrians. That project is on schedule and going well.

I wanted to update the Board about what we've been doing as far as the Environmental Protection Agency storm water audit. So our Clean Water Act compliance is what's involved here. And we get a permit from Nevada Division of Environmental Protection. They're working with us, as well as Conversation and Natural Resources to coordinate with U.S. EPA. Our consultant was approved by the Board last fall. They've been providing training and developing some new manuals for NDOT for both maintenance and construction forces. We've added six positions to administer the program in the districts. One of the things that was deficiency is we didn't have a lot of documentation to support what we've been doing out there in the field. So maintenance, operations, construction operations and overseeing permits by developers, we needed to document that process better. And these additional positions that we took from elsewhere in our NDOT agency were available. We filled one in Reno. Interviews were conducted for the Elko and Las Vegas positions and we hope to fill those soon.

We're accelerating some of the task orders by our consultant Stantec, to make sure that we're more timely and can show the EPA progress in this effort. And also, looking at probably some additional survey support. Part of the requirements is mapping all of the storm drain outfalls of a certain size, so your larger pipes are mapped out. We did a lot of work and I wanted to extend appreciation to District 2. Some of the construction crew folks were helping out on surveying that, but we probably need some additional support from an outside company to help address some of the

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areas outside of District 2. As we've entered into the construction season, it's a drain on the surveyor forces to try to cover two things at one time; to cover the construction projects as well as this effort here. So we probably will be bringing a contract forward for your approval when we get that negotiated.

Sandoval: So before you leave that slide, Mr. Director, are we doing everything we can as quickly as possible, on this issue?

Malfabon: We believe that we are, Governor. We know that EPA wants us to accelerate our efforts. And we believe that with adding these staff positions, and accelerating Stantec's contract of certain development of manuals and really beefing up the program, I think that we are doing what we can.

Sandoval: I mean we have to have all hands on deck, because to put this in perspective for the rest of the Board members, this is--could be the largest liability facing the state today. We're talking hundreds of millions of dollars.

Malfabon: It's right up there with--yes, it's significant. And some other states have faced that challenge as well. So we're looking into how other states addressed those same audits. Several western state DOTs were audited at the same time frame as NDOT, so we're learning from some experience of those other state DOTs as well.

Sandoval: But we're subject to the EPA here, and it's one of those things. And I don't like these situations, but when they say, "jump," we have to say, "how high?" And so, I'm really concerned about this. So I want to make sure, because the last thing we need is for them to slap some type of disciplinary order on us and that--for the state to be facing that kind of a liability. So if we need to hire more positions, we need to do it. If we need to get a surveyor in there right away, we need to do it. This has to have priority.

Malfabon: Yes, Governor.

Fransway: Governor?

Sandoval: Yes.

Fransway: On that light, I know that there was a move to change the language of the Clean Water Act to remove navigable waters and replace it with waters of the U.S. And I don't know the status of that, but in regards to what we're

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talking about here, I think it's very important as to whether or not what level of compliance we will need to do. And so, it would be a suggestion, Governor, that maybe we get an update on that proposal. I think it was administrative and there was a lot of pushback on it. And so, I don't know whether it'll need congressional approval or not. But maybe, just a suggestions, we could ask Jeff Fontaine to give us an update on that, because I know NACO has been very involved in it.

Sandoval: Yeah. No, and I have personally had conversations with the new director of the EPA, not only on this enforcement issue, but on that one.

Fransway: Okay.

Sandoval: And I don't think it's a congressional one. It's a...

Fransway: Administrative.

Sandoval: ...administrative.

Fransway: That's what we're afraid of. Yeah. And I don't know, Governor, how much authority there is to make those changes administratively.

Sandoval: It would--and I don't want to get into the...

Fransway: Yeah.

Sandoval: ...legal pieces of it, but obviously it would increase, massively, the scope of the authority of the EPA. And so this is an issue that the Western Governors are very familiar with. And as the new chair of the Western Governors Association, it is an ongoing conversation of all of us with the Environmental Protection Agency.

Malfabon: Thank you, Governor. As far as some of the upcoming public meetings, the Board approved the engineering contract with CA Group to develop the design for this first phase of State Route 160 Blue Diamond Road from Red Rock Canyon cutoff there to Mountain Springs. So the first half of the project is being designed, so we have a location design hearing set up this week at Frias Elementary in Las Vegas. You're going to hear an update on USA Parkway. The environmental study is what's been underway for several months now, but we anticipate mid to late August that we'll do the public meeting for that environmental study on USA Parkway. And you'll get, as I said, a much more in-depth presentation on that later today.

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Project NEON; we have to do a reevaluation as we look into some changes that--or outcomes from the high-occupancy vehicle or the carpool lane study that we had presented previously, an update to the Board a few months ago. But as we make changes to Project NEON with--related to that study's recommendations, we have to go back out to the public as part of the environmental process. The other change was the city had provided funding to construct the Martin Luther King Boulevard Bridge over Charleston Boulevard. So that is a change from the original environmental document, and we're going to update the environmental document by apprising the public at that August 27th meeting of those changes to the design of the project.

Carson Freeway; one of the things that we've been looking at is where to place surplus roadway excavation material excavated from the new freeway. And we're looking at a site up on U.S.50. It's a maintenance facility that NDOT uses currently, but we want to get out of that site and basically reclaim it with the surplus material. So it's going to be environmentally sound as far as our approach, but we do have to do this reevaluation presentation to the public as part of that process. And that--probably early September 2014 is when that project will have that NEPA reevaluation meeting. And this project is still slated to be contracted out late this year; be under construction in the next couple years, 2015-2016 time frame. So it's contract out either--John, is that spring or late this year? John will correct that, when we anticipate the contract advertising. I guess it's dependent on the federal funding issue, Governor and Board members. First of the year.

I wanted to mention a couple of--it's okay, you can stay on that slide--but a couple of other upcoming public meetings that weren't on that slide. We have to develop regulations by the amendments to the NRS that were passed at the last legislative session. One had to do with road relinquishments. So we had worked out how to address road relinquishments with counties, cities. And one of the terms used in--is that the Board would adopt regulations for that purpose of road relinquishments. So we have to do a more formal process of public meetings for those and then bring that to the Board for your adoption. Same thing with digital outdoor advertising as an issue for the Board to adopt regulations. No big challenges there. We had everything worked out. It's just the use of the terms and regulations. NRS requires us to follow that more formal process and bring that back to the Board and then eventually to the legislature.

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As far as--go ahead--recent settlements and verdicts; tomorrow at Board of Examiners meeting, I had mentioned these previously to the Board. The memorandum for both of these settlements has been provided to the Board of Examiners and were on their Agenda. So the first is the \$4.587 million settlement for Jericho Heights. As you recall, this is the significant costly acquisition for--related to our phase one project. Jericho Heights was the name of the parcel proposed development along the route there. We previously had the risk of significant exposure on this. They were saying that actions taken by NDOT affected their property values and they were throwing out a \$30 million number, with possible risk up to over \$100 million. So it's significant and we were pleased to get a settlement involving the parties for Jericho Heights. The other settlement that was significant was Highland Properties related to Project NEON, and that was a \$13 million settlement. These are subject to Board of Examiners approval and then we'll give you the details after the Board of Examiners hopefully approves those tomorrow and we make the case to that Board for approval.

There was also a tentative settlement that will go the Board of Examiners most likely in August that involved a use of private property. Initially, the property owners are alleging that it was a taking of their property. We argued that it was not a taking of their property. But what happened was there was a channel--a drainage channel built along the railroad track. We believe that we had all the rights secured from the UPRR to do that construction. We had temporary easements from property owners. However, our contractor went outside those boundaries even though we had staked them out. So we're going to deal with the contractor directly for the \$62,500 for what we saw as a trespass issue. Basically, we have to pay rent for using that private property owner's property for the duration of the alleged encroachment. And as I said, this money--we're going to try to get this money back from our contractor. Is it Capriati? I believe it's Capriati. So although there were others involved in the lawsuit, Clark County Public Works, as well as the Clark County Regional Flood Control District, we felt that because it was NDOT's construction contract, we hire the contractor to construct that drainage channel. We saw it as our issue and we'll deal directly with our contractor, Capriati. Next slide.

So I wanted to close by mentioning as far as the operational audit we get, I had some clarifications received from your staff, Governor. We anticipate-- I met with Robert Nellis and our chief of accounting, Dave Olsen, to talk

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about the RFP. We anticipate getting the RFP out this month with negotiations after selection in August, and then bringing that contract to the Board, because it will probably be above a \$300,000 limit so the Board would approve that mostly likely at this September Board meeting. And then we can go on forward with that and give you more details on the schedule and updates regularly.

I'm willing to answer any questions on any of the items I covered or any other items.

Sandoval: Yeah. Just one question for me. Thank you, Mr. Director. There was some press over the weekend on the traffic on the I-15 North, between Mesquite and Logandale and Las Vegas. Do you have any...

Malfabon: Yes.

Sandoval: ...further comment or...

Malfabon: Yes.

Sandoval: ...observations?

Malfabon: In anticipation of a lot of the traffic that was going to be headed out for the 4th of July weekend, I wanted to mention that District Engineer, Mary Martini, and her assistant for construction, Mario Gomez, went out to survey the project, talked to Las Vegas Paving about what could be done to accommodate that type of increased traffic. The project is significant as far as the amount of construction. It's over-excavating several feet of bad material that's underlying causes swelling of the pavement and it had kind of a loopy-loos in the pavement surface, so we had to completely reconstruct several areas. So it's not an easy project to address, but the folks got together with Las Vegas Paving, came up with some ideas and we anticipate that we can accommodate those additional changes to make sure that we get traffic accommodated better in the--both the last weekend and going forward as we complete that project.

I'm not certain about when the project is going to be completed, but we did get some thanks expressed by Clark County and others as we try to do our best over this weekend and in the future.

Sandoval: Member Martin.

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- Martin: I drove that segment of road twice over the weekend, and the first time was going up the hill out of Moapa or Glendale was a real issue, because it had one lane going and it was backed up a long, long ways. The second time I drove it, you had opened up both sides and the traffic flowed like butter. So I want to thank Mary and her staff for being on top of it and fixing a really, really bad situation (inaudible).
- Malfabon: Thank you, Frank.
- Martin: And now too bad Arizona (inaudible).
- Malfabon: I was going to just say that. I was just going to say Arizona DOT is doing their project in the Virgin River Gorge. And, unfortunately, because they're working on bridge decks, there's really no option of building additional lanes out there or accommodating something temporarily, so...
- Sandoval: Do you have any plans, because this is a project that'll go into 2015, to do any community meetings just to keep people posted on what's going on?
- Malfabon: I'd have to defer--we can definitely get out there to the Town Advisory Board meetings...
- Sandoval: Mm-hmm.
- Malfabon: ...in Moapa. And it was kind of piggyback with Commissioner Tom Collins' meetings. He's been having his staff work directly with us on that issues, and we'll have Tracy Larkin Thomason kind of look into that issue for more information to the locals.
- Sandoval: So I understand it's a no-win situation, because if the road's bad you're going to get complaints. And when you're trying to fix it, you're going to get complaints. But obviously, whenever we keep people informed, that usually works out better.
- Malfabon: Yes. Yeah.
- Skancke: Thank you. I received a lot of phone calls on Wednesday regarding that particular project, and I'd like to commend Las Vegas Paving for responding extremely quickly to the Department's request and to constituents' request. And would like to suggest, going forward, to a concept that we've worked on in California for the past number of years for these large weekends. We've included in some of the Cal Trans projects contracts over the years

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that beginning Fridays--don't holler, Bill, just yet. But beginning Fridays, around three o'clock in the afternoon that all lanes are reopened and no construction starts again until Monday morning, like at midnight, 1:00 a.m.

And I'd like to just suggest that we just incorporate that in our contracts at NDOT for major projects along I-80, I-15, the 95, 395, so we just don't have any questions and no concerns going forward, so the contractors have predictability; that the constituents and the drivers have predictability so that we don't have to deal with these emergency situations going forward; that it's part of the bid. You add it into the timeline and we solve the problem upfront so that the contractor doesn't have to make adjustments in the middle of a project; because we've done that in California, on I-15 projects for the last 15 years, and it's worked out extremely well. And I think if we can do that here that'd be great.

Sandoval: We and California?

Skancke: It might be something we could agree on, actually, in these two states. I just have--Governor, if I could I...

Sandoval: Mm-hmm.

Skancke: ...the Gorge project that's happening in Arizona, sometimes we forget where the genesis of that project came about and how big it is. But that actually came out of the work the Nevada Department of Transportation did on the I-15 corridor study master plan, corridor study. And that was one of the number one ranked projects for the four-state--or the three-state coalition from Salt Lake City to San Diego. That's where three states put their own agendas aside and worked together to prioritize projects from that entire corridor from San Diego to Salt Lake City.

And it was this Department who led that effort a few years ago to bring about that project. It was a selfless agenda by the states to advance that project. NDOT was part of the advocacy to move that project forward. And I don't want the public to forget that sometimes the good things that we do here in this Department, to be creative and innovative as we move forward to try to solve some of these problems. While it's an inconvenience today--actually, had it not been for Nevada, those projects in Arizona would not have been--would have been done at all. So, again, I'd like to commend the Department for that.

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And not to take up too much more time, but I do have a couple of comments on the fuel tax issue that's happening in Washington, D.C. and how that affects our state. I think it's time for our state--and this is my opinion. I'm not speaking on behalf of an organization that I represent or a job that I currently hold. It's just my opinion of being in this business for 25 years. We cannot continue to rely upon Congress to solve our funding problems. I believe we have to get out ahead of this and be proactive for the people of our state.

Eventually, Congress does solve the funding problem, but we have no predictability. We have no way of knowing whether or not they're actually going to pass a transportation bill in 2015. In fact, we don't know if there's going to be another transportation bill. They will get to it eventually, but we need more predictability. And as we look at funding options for Project NEON and other funding opportunities for the rest of the state, I think we have to be more proactive. There are some tools that our state is missing, where we are more globally competitive than other states. I won't go into those today, because some of them are contentious and could present unpopular decisions, but I think we're going to have to have some tough conversations going forward. My sources in Washington tell me that there'll be a funding mechanism where games will be played from now until the end of December, and then they'll fund a mechanism in August before they go home. It'll get us to 12/31, and it'll just be a repeat in 2015.

I also believe that this is a way for us to continue to have a fight over who funds what. I think long-term it's an issue over devolution of the Department of Transportation. If we don't get out ahead of this and be proactive, particularly as we look at using TIFIA for funding or Project NEON, if Congress doesn't act there is no money for TIFIA. If Congress doesn't act, there isn't going to be any fuel tax dollars. This is not a fear speech. This is fact. And so I think our Department and probably this Board, may need to have a conversation about where we go as it relates to our funding mechanisms, because the options of just the fuel tax coming from Congress, is just not predictable.

I've seen this report now every month, Rudy, from AASHTO and from you and from every other organization. We don't have any predictability in the program. We've lost the national vision. And states like Nevada, which are donor states that get what we can back from Washington, D.C., it's not fair

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to our constituents and it's not fair to our contractors. And so I would hope that maybe the latter part of this year we could have a conversation. Once we see what Congress isn't going to do, how we move forward as a state, because it's going to just get more and more difficult if Congress does not act. So maybe next month or the month after we can probably have a conversation about where the trust fund dollars are for our state, and what the going forward is going to look like for us, but I don't see it as a bright future for the State of Nevada, as it relates to waiting for Congress to act. Thank you.

Sandoval: Thank you, Mr. Skancke. Any other questions or comments? Member Fransway.

Fransway: Thank you, Governor. Just two short ones. Relative to the lack of Congress to pass the transportation bill and subsequently their delay in reimbursements to our state, I'm wondering, do we have any idea how much highway funds are--what word do I want to say--subsequent to reimbursement?

Malfabon: Well, we typically--in establishing the level about \$90 to \$100 million highway--fund balance for the State Highway Fund. That's supposed to be just in case this situation happened where there was no money coming in and we could have a couple of months cash flow to our contractors, to our employees. And current balance is about, roughly, a little over \$200 million in the State Highway Fund. So we're in healthy shape. We anticipate that, as Member Skancke pointed out, there'll be a short-term fix but in the long-term and going into 2015 and a new session of Congress, there's uncertainty. We just have to kind of plan for the worst but hope for the best, unfortunately.

Fransway: If they are eligible for reimbursement, they should pay us back. It's a loan.

Malfabon: Yes. It is definitely a--it's a type of guarantee in our opinion. But if they slow down payments, which could happen, most likely I think that they'll address the issue the remainder of this year, but going into 2015, it's going to be a more serious issue as they discuss a longer-term bill and how to make that funding gap.

Fransway: Well, can we charge interest?

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- Malfabon: No. That's a good idea.
- Fransway: The next question I had, Governor, for the Director, is relative to road relinquishment policy. You did indicate that you were going to come before the Board in the future meeting relative to that issue.
- Malfabon: Yes.
- Fransway: Will that be soon or do you know?
- Malfabon: I think it's going to be maybe August?
- Nellis: August 18th.
- Malfabon: August 18th, the Board meeting will (inaudible).
- Fransway: Okay. And is the legislature waiting for something from this Board, some adopted policy in order to go forward with that?
- Malfabon: It depends on the timing. There's a process when you're out of session and there's a process when you're in session to make those changes...
- Fransway: Sure.
- Malfabon: ...to NRS. So if we're out of session then the Board adopts those regulations after we have the public meetings, take all that input, establish the proposed regulations, the Board adopts them and then they're, you know, taken.
- Fransway: Okay. Well, I know that we're working on or we are in the time frame of legislation that was passed at the last legislative session. And so my question is, is someone waiting for us to adopt some sort of policy?
- Malfabon: That's what we're going to do. After we have the public meetings, the Board will be asked to adopt the policies...
- Fransway: Okay.
- Malfabon: ...for both of those issues, road relinquishments and outdoor advertising.
- Fransway: And that will probably be in the fall of this year?
- Malfabon: Yes.

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- Fransway: Okay. Thank you. Thank you, Governor.
- Sandoval: If there are no further questions or comments, we will move to Agenda Item No. 4, Public comment. Is there any member of the public here in Carson City that would like to provide comment to the Board? Is there anyone present in Southern Nevada that would like to provide public comment to the Board?
- Quigley: Thank you, Governor. Tina Quigley, Regional Transportation Commission of Southern Nevada. I just wanted to reiterate some of the conversation that your members had regarding I-15 and the project on the way to St. George. Absolutely amazing. I thought NDOT and Las Vegas Paving handled that really, really well. The frustrating part, of course, as Tom Skancke pointed out, was through the Gorge, through the Arizona strip. The fact that they had shut down just about a quarter mile of the Gorge to a single lane caused significant delays. So it's sad to say no matter how much we do and your staff does with your contractors to increase the capacity, keep the capacity open, it still is going to rely a lot on our partnerships with our other states in order to keep that commerce flowing.
- Sandoval: Thank you very much. I'll close public comment. We'll move to Agenda Item 5, June 2, 2014 NDOT Board of Directors meeting minutes. Have the members had an opportunity to review the minutes and are there any changes?
- Martin: I just have a couple of questions.
- Sandoval: Mr. Martin.
- Martin: Rudy, in your last report, you mentioned about this hearing that was going on, on the interest rates; whether it was compounded, how often it was compounded, et cetera, on one of the Project NEON settlements.
- Malfabon: Yes.
- Martin: Has there been a determination worked through on that yet or are we in limbo?
- Gallagher: For the record, Dennis Gallagher, Counsel to the Board. Board Member Martin, it's currently still before the District Court being argued. I strongly

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suspect whatever way the District Court may rule, somebody will want to appeal it to the State Supreme Court.

Martin: So it's already calendared before the District Court?

Gallagher: There's been a motion filed. Opposition filed a reply. Now it'll be before the District Court and probably decided, hopefully, within a month or two, would be my guess, based upon the Court's response.

Martin: Okay. One other question. You had a question about the Lake Mead earmarks. Do you remember, that was a developer...

Malfabon: Yes.

Martin: ...deal that fell apart? Did you make a determination if those Lake Mead earmarks were still available?

Malfabon: They're still available. Those are the only ones that are at risk if that amendment about the Orphan Earmarks Act--or gets put into the transportation bill, then they would be at risk, because I don't believe any of that money was--or at least 10% is the threshold that Congress has for if you haven't spent at least 10% then they're going to go away. So we don't anticipate, because it's significant cost to develop the project and we don't have construction funds available either that--I would recommend that we kind of let that one go. The developer most likely got that and didn't coordinate very well. We were surprised when we first heard word about that earmark, in the first place.

Martin: And then the internal audit, you said the RFP will be ready next month.

Malfabon: Yes.

Martin: Part of the discussion was that some of the Board members would be contacted for (inaudible) put on the Agenda (inaudible) the items for that audit.

Malfabon: Yes.

Martin: I haven't received anything...

Malfabon: No. We want to finish the draft and then give that to interested members.

Martin: Thank you.

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Sandoval: Any other comments? Madam Controller.

Wallin: Yeah. This is just a, you know, came out inaudible. It's on Page 29 of the minutes. It says "Is that (inaudible)." The word is "correct." Instead of--that's what I said, "Is that correct?" So it's the second--well, it's actually the second bullet point down there, on Page 29.

Malfabon: We'll make that change, Madam Controller.

Malfabon: Member Skancke has a comment, Governor.

Sandoval: Member Skancke.

Skancke: Thank you, Governor. I apologize I was not able to attend the last meeting. I was at the Singapore International Water Week with the Water Center of Excellence for the State of Nevada. But I did--I just had a comment on the I-11 conversation. First of all, four years ago when three people sat in a room in Arizona and said this might be a good idea, and everybody said it wouldn't happen, I think it's great now that surrounding states want to be a part of something that wasn't going to happen just four years ago.

I want to remind all of us and kind of the public of, again, the genesis and the vision behind Interstate 11, which was systemically to connect three countries and multiple ports for global competitiveness and long-term economic sustainability for this region, not just our own private agendas within certain regions or certain cities or certain towns. And we sometimes get bogged down in public hearings and information and engineering drawings and conceptual conversations of where things should go, but the original vision by the private sector was to connect the Port of Guaymas to the ports of Vancouver and Seattle. And I'm not saying that that is the solution or the end-all be-all, but this project ties into an item that we have on the Agenda for the Nevada Freight Plan, as well as our long-term economic sustainability.

So as we continue to have conversations about Interstate 11, I hope that we can all keep a couple of things in mind, which is where Nevada sits in the global goods movement grid, how we move multiple economies in a global economy and then how our state competes going forward regionally, nationally and internationally and globally. So I think it's great that surrounding states are interested, and I think we should have those

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conversations. I'm not saying we close off those relationships or conversations, but I'm suggesting to the Department and the public that we keep in mind the original vision of what we were trying to accomplish with the private sector and the public sector as we move forward in that project, and that we don't lose sight of where we need to go.

I would also like to comment on how well the public hearing was in Las Vegas a couple of weeks ago. Sondra and her team of consultants did an outstanding job of presenting I-11 and I think the Department is conducting themselves in a great partnership with Arizona, and I think this project is moving forward in a very good way. So I commend you for your hard work, but also wanted to remind everyone of kind of where we started and where we need to go. Thank you, Governor.

Sandoval: Thank you very much. If there are no further questions or comments, the Chair will accept a motion to approve the June 2, 2014 NDOT Board of Directors meeting minutes.

Wallin: Move to approve.

Sandoval: Controller has moved to approve. Is there a second?

Fransway: Second.

Sandoval: Second by Member Fransway. Any questions or comments on the motion? All those in favor, please say aye.

Group: Aye.

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

Malfabon: Thank you, Governor. Assistant Director for Administration, Robert Nellis, will present this item to the Board.

Nellis: Thank you, Director, Governor, members of the Board. Good morning. There are two agreements under Attachment A, found on Page 3 of 9 for the Board's consideration. The Director referred to these earlier in his report. Both are with Laura Fitzsimmons, both in the amount of \$350,000. However, the first is for imminent domain condemnation required for Project NEON. The second is for legal guidance in developing a strategic plan for acquisitions and imminent domain condemnations and inverse

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condemnation properties for Project NEON. Does the Board have any questions on these items?

Sandoval: Questions from Board members? Member Martin.

Martin: Do we know, at this point in time, how much has been allocated to Ms. Fitzsimmons on Project NEON and then also on the Boulder City Interchange Bypass? That's question number one. Question number two; in the attachments, I note down at the bottom of the second page, there is a handwritten note that says, "This budget will require an allocation of resources from other budgets with excess authority for fiscal year 2014 expenditures." I need you to explain to me and the rest of the Board members where that money is coming from and how you're moving the money around, and then also answer the question about Ms. Fitzsimmons and the total amount allocated to her so far.

Malfabon: I will, you know, respond to the question about where the money comes from to Member Martin. The money for the legal services is considered part of the right-of-way acquisition process, so it's coming out of capital improvements. I just said it needs to be programmed as such. The right-of-way expenses are out of the same fund, so it just needs to be programmed so that it's federally eligible for reimbursement. And we've had a discussion with Federal Highway Administration on how to program. In fact, money specifically would be out of that bond. If it's something that's a new expenditure, our programming staff will program the next phase of Project NEON for that \$100 million bond for right-of-way acquisition. The legal costs are in support of that right-of-way acquisition, so they're compensable out of that fund, but then it gets reimbursed later from the federal government.

Martin: And would there be a line item in there specifically? If I hear what you're saying, there's a line item in there specifically for legal fund within that \$100 million bond?

Malfabon: We have to make sure that it's federally eligible, and we've had those discussions. So it will be--yeah, it's programmed that way. We just want to make sure that we're 100% assured that it will be reimbursed by the Federal Highway Administration. I believe that we have that assurance. So it is an eligible expense and it's going to come out of that \$100 million bond.

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- Martin: Okay. Because that's the same note was on both these items for Ms. Fitzsimmons.
- Malfabon: Yes.
- Martin: Okay. And then the total amount.
- Gallagher: Mr. Gallagher. For the record, Dennis Gallagher. Board Member Martin, all amounts that have been paid for her contained in the litigation report with a sums paid to outside counsel, which I believe is Item 13 in your packet. And I would point out that that includes funds that are paid to her for her sub-consultants, engineers, et cetera, that have worked on some of those cases. The first contract that is before you is a NEON parcel. On it are a number of businesses, including an adult entertainment venue. The case is going to probably be very complex. There are billboards on it, also. But we're now starting to see some of the big properties for NEON come to the condemnation process, because the landowners are not settling at the right-of-way level. So the Board--this is probably the first in the series that you'll be seeing in the coming months.
- Malfabon: And that is not one of the properties we're going to co-locate to.
- Sandoval: Member Fransway, you had a question?
- Fransway: Governor, Member Martin absolutely hit it on--I was going to ask the same question. I find it troubling that we are robbing Peter to pay Paul, coming from one budget to the other. I guess I understand now that if you say it comes from the \$100 million bond then eventually it's going to run out. And it brings up the old issue that we've talked about now for several meetings, and I still don't know how many properties we still have to acquire and how many have been acquired. And I'd sure be interested to know that. I'm hearing 75% have been acquired in different phases. I'd like to know how far we have to go before we run out of money for that.
- Malfabon: And, Governor, in response to that question. We will definitely present that information August 18th. The percentage information that Member Fransway was talking about was related to phase one. And there are definitely a lot of more parcels to acquire in phase three and four. And we'll present that information to the Board so it's a very clear picture. Do that in

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advance so that you can look at that information prior to the Board meeting in August.

Sandoval: And I don't know if I would phrase it robbing Peter to pay Paul. I think it's in that budget, but the cold reality is this; it's expensive and we have to acquire that land and it has become a sophisticated legal process in terms of engaging with the attorneys who represent those landowners. And then when you mix into that the issues with the billboards and the ongoing revenue streams that are associated with that, you know, we have to hire these experts. I would imagine that a lot of the costs associated with what we're considering today have to do with Ms. Fitzsimmons hiring those experts in giving them the appropriate guidance.

And, you know, we know that the attorneys representing the landowners are retaining the best there is. And for us to be able to engage and not get hit with some of these big judgments, we have to have experts that are on that level as well, because that's what we--what I don't want to happen again is what happened in the Falcon capital project, where we didn't have sufficient expert backup and we got hit really hard. And so I think that it's wise that we do everything we have to do, because it really is one of those a penny now, you know, a pound later; whatever the expression is. But we have to invest now to have the best that we can have.

Fransway: Well, Governor, I understand. But according to the way it was written in the comments, made me feel that we were, indeed, robbing Peter to pay Paul when it said, "Allocation from resources from other budgets." And if we were going to cannibalize something from somewhere else, I just wanted to know where it was coming from, and now I do. It's really not from another budget. Thank you.

Skancke: How much is air space? Can you build over them? How much is air space? You think I'm kidding.

Gallagher: No, I think...

Skancke: It's expensive.

Gallagher: Yes. I think that that concept has, in fact, been looked at by some of NDOT staff, from an engineering perspective. I've encouraged it.

Sandoval: Or you could have a big dig like in Boston.

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- Skanccke: I'd rather buy air space, Governor. It's cheaper.
- Sandoval: All right. Any other questions with regard to Agenda Item No. 6? Did that complete your presentation?
- Nellis: Yes, Governor. That concludes those items.
- Sandoval: All right. If there are no questions, the Chair will accept a motion to approve the agreements over \$300,000 as described in Agenda Item No. 6
- Skanccke: Move for approval.
- Martin: Second.
- Sandoval: Mr. Skanccke has moved for approval. Member Martin has seconded the motion. Any questions or discussion? All in favor say aye.
- Group: Aye.
- Sandoval: Opposed no? The motion passes unanimously. We'll move on to Agenda Item 7, Contracts, agreements and settlements.
- Nellis: Thank you, Governor. Again, for the record, Robert Nellis. There are two contracts under Attachment A, found on Page 4 of 12 for the Board's information. The first project is to install a signal system on State Route 160 at Cimarron Road, and construct pedestrian facilities at Buffalo Drive and Durango Drive in Clark County. There were three bids, and the Director awarded the contract on May 20, 2014, to Fast Trac Electric in the amount of \$1,390,312.98. The contract was fully executed on June 6, 2014, and construction began on the project June 10, 2014. The estimated completion date is 8/22/2014. The length of the project is three miles, and the last major construction on this section was a widening of the road in 2012.
- The second project is located at U.S.395 south of Gardnerville at the Washoe Tribe headquarters, to construct a center turn lane and right-turn lane into the Tribal Commercial Center. There were three bids and the Director awarded the contract on June 16, 2014, to Sierra Nevada Construction Incorporated in the amount of \$795,007. The estimated completion date is early fall 2014. The length of the project is .44 miles, and the last overlay in this location was in 2004. Does the Board have any questions for the Department regarding either of these?

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- Sandoval: Questions or comments from Board members? Member Fransway.
- Fransway: Thank you, Governor. Thank you, Robert. Relative to Item 2, my question is, is this turn lane exclusive to the Tribal Commercial Center?
- Terry: John Terry, Assistant Director for Engineering. Yes, in essence, this turn lane is to that commercial center. There are turn lanes north of this area and this is really kind of adding another turn lane where there are other ones north of that, and has also been identified as location both in our county tours and in our safety studies that has had significant conflicts and accidents out there. So, yes, it is an access just to the Washoe Tribe's location, but there are other left turns like it to the north, and this is extending the cons of adding left turns further to the south.
- Fransway: Okay. And was there any kind of a traffic study involved?
- Terry: Absolutely. Absolutely.
- Fransway: There was...
- Terry: Absolutely.
- Fransway: ...when this center went in?
- Terry: Yes, that it was justified based on volumes...
- Fransway: Okay.
- Terry: ...to have a left turn and has been an item of contention for years of them...
- Fransway: Okay.
- Terry: ...wanting to add this left turn. Yes.
- Fransway: Good. Thank you, Mr. Terry. Thank you, Governor.
- Sandoval: And do you know when the completion for that signal is going to be accomplished?
- Malfabon: August 22nd.
- Sandoval: All right.
- Terry: Correct.

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- Sandoval: No. And I--obviously, this has been about that safety issue, and I want to compliment the Department for putting it all together so quickly...
- Malfabon: Thank you, Governor.
- Sandoval: ...and recognizing an issue, you know, doing the studies, retaining the contractor and getting it installed and in time for school and things. So that's--I think, you know, in the big picture not a huge project, but one that garnered some attention and got done in a quick way. So I want to thank you for that.
- Malfabon: Well, definitely the direction from you as the Chairman of the Board and Board members helped to achieve that timeliness in expediting the contract. So thank you for acknowledging that, Governor.
- Sandoval: All right. Mr. Nellis, you want to move on to agreements?
- Nellis: Thank you, Governor. There are 64 executed agreements under Attachment B, found on Page 12 of 12 for the Board's information. I'm sorry, it starts on Page 6 and goes through Page 12. Items 1 through 8 are cooperative and inter-local agreements. Items 9 through 30 are acquisitions and facility agreements. Items 31 through 34, there's a grant and three leases. Items 35 and 36, there's a license and a property sale. And lastly, Items 37 through 64 are all right-of-way and service provider agreements. And I'd also like to note, Governor, for the Board that Item No. 4 and 51 are both addressing the naturally occurring asbestos within the Boulder City Bypass project. Does the Board have any questions for the Department on any of these 64 items?
- Sandoval: Member Martin.
- Martin: Item No. 42, it's I-580 bridge repair, Q&D Construction, \$214,000. Is this a part of the I-580 that was just completed about 14-16 months ago, something like that?
- Terry: Once again, John Terry, Assistant Director for Engineering. No, it is not. This is the northbound I-580 bridge over Kietzke Lane and the river, quite close to the I-80 location. And as a part of our bridge inspection, kind of a pretty scary, kind of bad situation. That's why we had to go to an emergency contract to fix spalling, et cetera, on a back wall. But it not part of the newly constructed. This was probably built in the '70s.

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- Martin: Okay. Thank you.
- Sandoval: We'll go to Member Skancke and then the Controller.
- Skancke: Thank you, Governor. Item 63, SB Strategic Consulting for federal policy analysis. Could I get a little more explanation? First of all, I don't know who that is. And then is this the existing contractor?
- Malfabon: Yes, to Member Skancke. This is the existing contract, so an extension to the end of the current federal fiscal year. We had just recently conducted the reprocurement and we'll have a new provider once we negotiate a contract. But this is with Scott Bensing and the team that's currently providing that service.
- Skancke: Thank you. Thank you, Governor.
- Sandoval: Madam Controller.
- Wallin: This is dealing with the freeway service patrol. You're adding--can you just explain what you mean by...
- Terry: Which number?
- Wallin: This is No. 47 and there's another down here too, and 50. You're adding the--allow the service provider to enter into an agreement with Travelers Marketing for the purpose of sponsorship services. Can you explain what that means?
- Inda: Yes. Good morning, Governor, members of the Board. Denise Inda, Traffic Operations. Originally, when we put out the RFP for the current services that we have, we included in there some language about having the service provider develop a proposal for sponsorship. Essentially, what that means that the vans, any signs that we might have would have language added "Sponsored by," and then it would be a firm who's interested in paying a certain amount of money to have their name and logo all around the (inaudible). And so it's a way of bringing in that public-private partnership, reducing the Department's costs for the program, and we wanted to see what opportunities would come out of this for us.
- So as the program became established, we started having conversations with our service provider, UR Towing, and we realized that in order to further investigate that opportunity, we had to actually amend the existing

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agreement to allow for that. So we worked with our legal division to get the right language and the right guidance in there to make that appropriate. So what we're doing is amending the agreement so that they can then provide us with proposal that we can evaluate, work with Rudy and the front office, and then perhaps bring it to you for your approval and recommendation. So it's just the first part of the discussion.

Sandoval: Okay. We'll go to Member Savage and then Member Martin.

Savage: Thank you, Governor. Along that same question (inaudible), is Travelers Marketing (inaudible)?

Inda: No, Travelers Marketing is sort of a firm that works nationally, and what they focus on--they're like a broker for sponsorship, as I understand it. They work with many DOTs. They work with many service providers to kind of match up people. So an example in other states, in Ohio, I believe it is, their freeway service patrol is sponsored and branded. And so there's a large insurance company who pays to have their logo on the vehicles and on the signs. In other areas, I think CVS, the drugstore, is a big sponsor of other programs. And that's what Travelers Marketing does, is they match companies and agencies up. And as part of the UR Towing proposal for our RFP, they included as a subcontractor, Travelers Marketing, for this piece, because that wasn't something that they had any experience with.

Savage: (Inaudible)?

Inda: In their proposal they mentioned this. At the time, we didn't put the language in the agreement at that time. And so now we're fine-tuning it based on how we're going to move forward.

Savage: Do any of those funds come back to the State of Nevada?

Inda: Yes, they do. That is the whole purpose of the program, is that the sponsorship--and that's what would have to be evaluated and negotiated, you know, based on the proposal that they would submit to us. But it would be the funds come back to the Department and it would reduce the costs, you know, what we put out to pay for the program.

Savage: (Inaudible).

Sandoval: Please proceed.

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- Savage: Thank you. (Inaudible) Controller (inaudible). Item No. 19, I don't know if that was a typo or not, but UNLV (inaudible) Washoe County McCarran. Should that be UNR?
- Unidentified Male: Yes.
- Savage: Yes? It should be UNR?
- Malfabon: Yes, that's correct, Member Savage.
- Savage: So that wouldn't be part of the competition, Governor, during the--I thought they...
- Sandoval: Where are your loyalties?
- Skancke: (Inaudible).
- Savage: Moving on to No. 25, I don't see any dollars. Is that just a written agreement with the Virginia Street Bridge and the Reno Masonic Temple, or are any dollars associated with that?
- Saucedo: Yes. For the record, Paul Saucedo, Chief Right-of-Way Agent. That's a permission to construct. And so on those type of agreements there is no money exchanging. They're allowing us to come onto their property to do some improvements to some sidewalks, curb and gutter. Yeah.
- Savage: Okay. That answers that. I didn't know if there was any dollars transferred or not.
- Saucedo: No.
- Savage: Lastly, Governor, Item No. 58 very quickly, the 72K for the cattle guard. Is that low or high or average for a cattle guard? It seemed high to me.
- Malfabon: I can't respond to that (inaudible).
- Unidentified Male: (Inaudible).
- Malfabon: Yes, with a phone-a-friend.
- Savage: I didn't know, it just, you know, just looking at it (inaudible)...
- Malfabon: Typically, what...

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- Savage: ...it might be.
- Malfabon: ...it depends on how much pavement has to...
- Savage: Yeah.
- Malfabon: ...if they try to minimize how much excavation just in relationship directly to how much scope of work is involved in replacing the cattle guard.
- Savage: So it's job specific? Okay. Thank you. That's all I have for now.
- Malfabon: We'll follow up specifically.
- Sandoval: Member Martin.
- Martin: On Item No. 56, there is a contract for \$250,000 to Armstrong Teasdale, LLP, and it says legal support, NEON. I'm assuming by this, this isn't a contract that falls under Ms. Fitzsimmons?
- Gallagher: For the record, Dennis Gallagher, Counsel to the Board. That is correct. Board Member Martin, we've been having a significant number of new issues with the utility companies in Clark County regarding relocation. And we've identified an attorney who has extensive utility experience to assist primarily the Right-of-Way Division in working through these issues with the utility companies. Hopefully, this contract will come nowhere near to the amount that is identified here, you know. It's not to exceed. But there has been kind of a change in the working relationship with some of the utilities. And I don't know if that's due to changes of personnel or whatnot, but it was creating a log jam within the Right-of-Way Division, so we went out and tried to get somebody who could hopefully break through that log jam.
- Martin: And this money comes out of the same bucket that we were talking about before, the \$100 million bond?
- Malfabon: For the portion that's directly related to NEON that would be separate. So if there was work on utility issues with Boulder City Bypass that would not be out of the bond.
- Martin: Okay. Thank you.
- Savage: I have one thing.

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- Sandoval: All right. Member Savage.
- Savage: To add to Member Martin's comment, I think it's, you know, we go to legal to try to resolve. I think we have to look back and look at the PR possible, too, the communication. And I know we discussed at the CWG before, some of the utility partners holding projects up. And I think it's very important and we should set a priority to ensure that our communication, as a department, with these different utilities, is really understood. Not so much on the legal side, but let's have a cup of coffee, let's try to resolve it and find out what the problems are and really take a proactive stance; because, again, I hate to get more and more involved with the legal. I know we have to, and I'm just hoping for earlier resolve.
- Malfabon: Just in response to that comment, Governor and Board members. One of the things that we did with Project NEON's RFP was in advance of any design-build project, we wanted to understand better the NV Energy's process for procurement for when they had to relocate power lines. And we discussed very much in detail distribution lines, transmission lines and the different procurement processes that they have to go through...
- Savage: Mm-hmm.
- Malfabon: ...and we got that worked into our RFP so that contractors on design-build projects in general, will understand now this is their schedule. You can't just assume that they can drop everything and do everything on a moment's notice. So there's a better understanding, I believe, with NV Energy with respect to other utilities. We're going to be meeting with the Water District about those types of issues where we have disagreements. So we do try to deal one on one with utility companies and try to understand their positions on these issues, and try to work those into our documents and have a...
- Savage: Okay.
- Malfabon: ...better understanding and working relationship.
- Savage: That's good. I'm glad to hear that because, you know, when we hire an attorney it puts them on the defensive automatically. And I think that a lot of things can be resolved at the higher levels between the different officers and administration. So thank you, Mr. Director. Thank you, Governor.

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Sandoval: And agreed, Member Savage. In given the new ownership at NV Energy, at least my impression has been that there is an eagerness to sit down and resolve things short of litigation. And so perhaps it would be a ripe time to take advantage of that and sit down with some of the executives there. I know in some of my conversations with them they have shown a strong willingness to do so. And as Member Savage says, once the lawyers get involved--I'm a lawyer--you know, it tends to escalate. And, you know, maybe again we could reach out to them and see if we could resolve that.

Skanccke: Governor, to that--this is Tom Skanccke soapbox day. I'm sorry. I bet the last meeting went by in, like, 90 minutes.

Sandoval: It actually did.

Skanccke: Okay. So now you hurt my feelings. Wait, I don't have any. Anyway, you know, a lot of these CEOs sit on boards that we all work with and sit on, committees and several of them are on my board. It might be worthwhile for maybe some of--I'm not volunteering my colleagues or me for any more time, but maybe we can assist with some of these individuals as we move down the road with some of these contentious projects and some of these acquisitions. Not to get involved with your day-to-day, but to Len's point, sometimes a cup of coffee and a protein bar--you probably would have said a doughnut two years ago--but a protein bar, might help through some of these processes.

I don't know if we can legally do that, but we all know lots of people in this state. And as we look at some of these escalating rights-of-way costs, I mean at some point when do people start realizing that these are our dollars that we work very hard for to generate for the trust fund. And the more these rights-of-way acquisitions go up and the more these things are delayed, then we have to have conversations about what I just said 20 minutes ago on fuel tax dollars. If we can help, I'm certain that those of us that could would be happy to help. And I think as business people, I think we should probably try to do that.

Sandoval: Thank you. Member Fransway.

Fransway: Thank you, Governor. And mine should be short. But there are several line items with no fiscal note. And one of them has been explained, but there's 11 in total; 25, 26, 28, 15, 30, 37, 38. It makes me believe that there is no

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fiscal ramifications for that and it looks like there should be. Is there a reason that there are no fiscal note to those 11?

Saucedo: Again, Paul Saucedo, Chief Right-of-Way Agent. Mr. Fransway, we could go through each one individually if you'd like. But some of those are, like I explained to Member Savage, some are permissions to construct which don't have a monetary value. Some of the ones with utility companies are agreements to start their process, so there'll be another agreement that would come back that would set out any reimbursable cost that they might have. So it's getting them to start their relocation designs that we might need for a project; things of that nature.

But without going through each one individually, I couldn't, you know, that's--I know looking at it here I've got three or four from the utility companies, so that would be...

Fransway: Yeah.

Saucedo: ...the case.

Fransway: Well, no, you don't need to do that. But it may help, at least it would help me, that if it was included somehow in the note section.

Saucedo: Comments.

Fransway: That would explain it to me, because it looks to me like the Department would be obligated to perform work and that's not free.

Saucedo: Right.

Fransway: And so that may help me in the future.

Saucedo: Okay. I'll note it. Thank you.

Fransway: Okay. Thanks. Thank you, Governor. That's it.

Sandoval: You're welcome. And I know on Agreement No. 2 that we're going to be covering that later on in the Agenda. But just so I'm clear, we are relinquishing land and paying for what we're relinquishing?

Saucedo: For the record, Paul Saucedo, Chief Right-of-Way Agent. That is part of the road relinquishment, road transfer. And so, I know a little bit about that, but I probably wouldn't be the best one to address some of those comments.

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- Fransway: Governor, if I may clarify that. And I was going to do that when we reached that item. But that is in conjunction with the resolution. It is the cooperative agreement portion of that.
- Saucedo: Yes, sir.
- Fransway: And so we have that in our packet. And I talked to you earlier and we will make that distinction if and when we make a motion to agree.
- Sandoval: Okay.
- Fransway: Thank you.
- Sandoval: So I'll reserve that question for that Agenda item. But on 51, which is Terra Tech. Is that more new money that we're adding onto that contract or is that something we've discussed already? The RTC money?
- Terry: Once again, John Terry, Assistant Director for Engineering. That and Item No. 4 are essentially the same issue. We brought this to the Board's attention that it was happening last month. I'm bringing it to your attention that it's going to happen again next month, as was talked about in the Director's Report. So this is the first amendment for us to do air quality monitoring in phase two. We authorized our consultant and they're already out there doing it. We're executing an agreement with RTC that they're paying for that. A similar type of agreement will be before you next month for additional testing in phase two. We're working with them as best we can to get all of this resolved, but it takes these agreements to sort of cover the money out there.
- Sandoval: No, and I get that we're expanding responsibilities here, and duties. But are we going to be able to stay within budget otherwise?
- Terry: We have not amended our additional state funds that we're going to spend on the budget for the Boulder City work, but Tetra Tech's agreement has gone up substantially, but that is being reimbursed. So we are on budget for what we're doing.
- Sandoval: All right. Thank you. Okay. Any further questions with regard to Agenda Item No. 7 on agreements? Mr. Nellis, anything further?
- Nellis: Governor, that concludes all the attachments under Agenda Item No. 7.

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- Sandoval: Okay. This is an informational item before I leave it one last opportunity for questions. Thank you very much. We'll move on to Agenda Item No. 8, Resolution of Abandonment, disposal of NDOT right-of-way located along I-15 Mesquite Interchange drainage easements.
- Malfabon: Thank you, Governor. We're asking the Board to consider disposal of the right-of-way. We have an easement interest to be abandoned there by the I-15 East Mesquite Interchange. That was a drainage easement. The original easement was acquired for wash maintenance. However, since the easement was initially acquired, a new improved drainage channel was constructed. And on May 27, 2014, the Surplus Property Committee determined the easement is no longer required for the drainage facility. So we're requesting the Board to consider disposal of NDOT right-of-way at that I-15 East Mesquite Interchange for the drainage easement indicated.
- Sandoval: If there are no questions, the Chair will accept a motion for approval of the resolution of abandonment as described in Agenda Item No. 8.
- Skancke: So moved.
- Wallin: Second.
- Sandoval: Member Skancke has moved for approval. Madam Controller has seconded the motion. Any questions or discussion? All in favor say aye.
- Group: Aye.
- Sandoval: Opposed no? The motion passes unanimously. We'll move on to Agenda Item No. 9, another Resolution of Relinquishment with regard to State Route 294, the one we just discussed.
- Malfabon: Yes, Governor. This is for a relinquishment of a portion of State Route 294 at Haskell Street. In your packet you have the agreement between NDOT and the City of Winnemucca, where they will take over that street and we will give them some funding for what was anticipated for the cost of a signal, I believe. But it's...
- Fransway: No.
- Malfabon: Was it the pavement? I can't remember, Governor and Board members...
- Fransway: Yeah, the signal was...

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Malfabon: ...what the...

Fransway: No.

Malfabon: ...number came from.

Fransway: That's not included.

Malfabon: It was basically to transfer a portion of that road to the City of Winnemucca. And Kevin Lee, the district engineer in District 3, was helpful in negotiating this deal with the city. Member Fransway probably has a lot more history with it than I do.

Sandoval: I guess the question for me is just what is the \$750,000 for?

Thomason: For the record, Tracy Larkin Thomason, Deputy Director for NDOT. This was (inaudible) and negotiated to cover the cost of a signal out there. There's some improvements that needed to be at the intersection, and it's a little bit higher because it's also in conjunction with the railroad nearby. So in order to take care of it that was part of the negotiation.

Sandoval: So in other words, before we turn it over, we're going to bring it up to date?

Thomason: Basically, any time we negotiate we want to hand over the thing in a state of good repair. In many cases, what we do is we transfer money for them to take care of it, instead of us doing a project ahead of time.

Fransway: Governor, if I may. This has been a long-standing issue and it has been continually the Department's stand that a signal would not function there with respect to the location to the railroad. And so throughout the talks, NDOT would not agree to be involved in the construction of what was termed as the project, which was the signal light at that intersection of Bridge and Haskell. So ultimately, it was decided not to do that. The city would have the option to do whatever they needed to do to address the situation that exists there.

So the \$750,000 was for maintenance over, I believe, a 20-year period that would be the responsibility of the City of Winnemucca, in the future. And that is written in the cooperative agreement. It is not in the resolution which, by the way, the resolution had no number associated with it. So the resolution is basically in accordance with the cooperative agreement.

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- Thomason: That's a question?
- Fransway: No, no. No, that's what it is. The light doesn't have anything to do with the terms of the agreement.
- Sandoval: Is the attachment--excuse me. Is the cooperative agreement an attachment to the resolution? I just want to be sure because my question is, if it were amended, does approving a resolution and not a cooperative agreement?
- Gallagher: Governor, that would be the appropriate step for the Board to take the resolution, not the cooperative agreement.
- Fransway: Yeah, but the resolution, it needs to be stated--as far as I'm concerned, Governor, it needs to be stated that the resolution is adopted, if we adopt it, in accordance with the cooperative agreement.
- Gallagher: That could certainly be made part of the record, Board Member Fransway.
- Fransway: Because the resolution doesn't even mention the \$750,000.
- Gallagher: Correct. The resolution is asking the Board to relinquish the property. The cooperative agreement stands on its own. I understand they're related, but what the Board is being asked here today, is to relinquish that property.
- Sandoval: There are two resolutions in the packet.
- Fransway: One is dated December 11, 2012. And that's the action that the City Council took. Since then there have been discussions on the cooperative agreement. There have been different drafts of the cooperative agreement, and I have them with me. After review, the Department felt that it was not an equitable agreement. And so I think that the City Council has taken further action. Whether or not they took action to readopt the original resolution or not, I know that they did take further action. So it's a bit confusing as far as what's in the packet. And I can understand the Governor's question on it. I understand it because I worked with it.
- Gallagher: Governor, I believe the Attachment No. 2 is the Resolution of Relinquishment that the right-of-way is proposing that the Board consider.
- Sandoval: Mr. Saucedo...
- Saucedo: Yes.

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Sandoval: ...is that correct?

Saucedo: Yes, sir.

Sandoval: So I just want to make sure if we approve this today, we button it up and can move on.

Gallagher: If the resolution is adopted, the property will go to the city and we'll be done with it.

Sandoval: And, again, just so I'm clear before I take a motion. So we'll approve the Resolution of Relinquishment marked as Attachment No. 2 within our binder, and how do we reference the cooperative agreement within the...

Fransway: Yeah, we have the reference as far as I'm concerned, Governor, and I'm prepared to do that (inaudible) the reference in the motion.

Unidentified Male: That's the other place where the dollars are...

Fransway: Yes.

Unidentified Male: ...shown.

Fransway: Yes.

Sandoval: Well, we did approve, as an agreement in the previous Agenda item, the \$750,000, so we've done that. Or we didn't do that. That was an informational item.

Malfabon: Yes.

Sandoval: So that will happen regardless of the action taken on this Agenda item, correct?

Gallagher: Correct.

Sandoval: Yeah. So we really don't need to--do we...

Fransway: (Inaudible).

Sandoval: Whoever's typing this record, start over again. But any event, I want to be clear on how, or if, we need to reference the cooperative agreement in the motion.

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- Gallagher: In my opinion, Governor, it does not need to be referenced. However, if it is the preference of the Board to refer to it, you know, it's certainly within your discretion.
- Sandoval: All right. Any other questions or comments with regard to this Agenda item? If there are none, the Chair will accept a motion for approval.
- Fransway: Governor, I would move to approve Resolution of Relinquishment as in Item No. 8 in accordance with the cooperative agreement of June 3, 2014.
- Malfabon: Item 9.
- Fransway: Item 9. Excuse me.
- Sandoval: You've heard the motion. Is there a second?
- Wallin: Second.
- Sandoval: Second by Madam Controller. Any questions or discussion on the motion? If there are none, all those in favor please say aye.
- Group: Aye.
- Sandoval: Opposed no? The motion passes unanimously. We'll move on to Agenda Item No. 10, Briefing on the RFP for freight plan.
- Malfabon: Thank you, Governor. Bill Thompson will present this item to the Board.
- Thompson: Thank you, Director Malfabon. Governor, members of the Board, for the record my name is Bill Thompson. I am the freight project manager for NDOT. So I want to talk about the requirements of MAP-21, Nevada's freight economic development and the state freight plan. But also, towards the end of my presentation, I would like to bring up Mr. Paul Enos, the CEO of Nevada's Trucking Association, just for a couple of minutes.

On July 6, 2012, the president signed into law the MAP-21 Act. In Section 1118 of MAP-21, it directs the Secretary of Transportation to encourage each state to develop a comprehensive state freight plan, a plan that outlines immediate and long-range plans for freight-related projects. The freight plan would then be incorporated into their national plan. So NDOT has an opportunity to improve our freight network, by developing a freight plan

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that will set Nevada priorities, policy and strategies to enhance freight service.

Keep in mind that the coordinated freight efforts with these plans that you see here will be incorporated into the bigger picture, the freight plan. As the I-80 corridor system master plan, the I-11 corridor study, RTC's Las Vegas goods movement, corridor master plan, the I-15 corridor master plan. There are freight elements in the Connecting Nevada Plan and the Nevada Freight Assessment plan. That document was completed in December of 2013. The Freight Assessment document was prepared to establish on the basis for preparing a complete freight plan to be in compliance with MAP-21.

So let's look at where the other states are with their freight plans. The blue states have just started. Some have just completed their MAP-21 compliance freight plans. Now, the green states that you see here are existing freight plans that they've had in the past and they upgraded them to be MAP-21 compliant. The red states have an existing freight plan that are not MAP-21 compliant. And the white states have not started their freight plan yet.

So here you see the state DOTs monetary values of their freight plans. They range from \$340,000 to \$5 million. Nevada is estimated to be \$1.2 million, to best position our state with freight, bringing all modes together.

Sandoval: Okay. And before you move on, and you know this question was going to come. But why are we in the white and not a different color? Is it just...

Thompson: Well, as I mentioned, you see the blue states. They've already started. We have not started ours, so I chose to go with white as these guys are ready...

Sandoval: No, I get why we're white. It's why haven't we initiated a study sooner to be more precise than (inaudible)...

Thompson: I understand.

Sandoval: ...question?

Thompson: The Department chose to assess the freight in our state first. We completed the state assessment that I mentioned. We just completed it in December of 2013. And with MAP-21 just coming out in 2012, that gave us a good

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picture of where we were, where we are and where we want to be. And now we're in front of you to move forward.

Sandoval: Okay. Does our being a little bit behind the others states put us in any type of jeopardy with regard to federal funding?

Thompson: I believe the answer on that is no. And the reason why is, as long as we start ours by the federal fiscal year 2015, we'll be in compliance.

Sandoval: All right.

Malfabon: I wanted to also add to that, Governor and Board members; that under MAP-21, it does give a state additional proportion of federal funding when they do these projects that are their freight plan. But because we have such a large amount of federal land in Nevada, we don't really gain anything from that. Now, to Bill's--I mean in the situation here, we were waiting on that freight assessment and also the RTC of Southern Nevada also did some studies of freight in Southern Nevada. We also have some other studies that have been done by GOED that we can build off of, for ours. So we're not going to lose anything in being one of the later states to develop our freight plan, and we don't gain anything that other states do that don't have that situation with a lot of federal land. And the states with a lot of federal land get that bonus of additional federal participation.

Sandoval: Well, and again, it's important. I'm glad we've recognized this and we're moving on it, because it is one of our sectors with regard to our economic development plan, a huge piece of the future of this economy.

Malfabon: Yes. The GOED study was one of the ones that we're going to build off.

Sandoval: Madam Controller.

Wallin: Yeah, just to kind of follow up on that, because in noticed that in prior work you've done these freight elements and Connecting Nevada Plan and the I-15 corridor master plan, I-80 corridor, I-11, and then we did the statewide study. So we've spent already \$7.7 million. I was just kind of like, why we're just now doing this now, like following up with the Governor? We've been dabbling at it, but...

Thomason: Again, Tracy Larkin Thomas, Deputy Director for NDOT. Specifically-- and it was a decision I made in my last position, which is why I'm speaking

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in here--is we didn't want to pay again for the freight elements that we already had, which was why we're winding up on the I-11. We had the I-15. We have been cooperating with the RTC. So we're actually farther ahead than is indicated by this. We gathered a lot of information and basically did a gap analysis of the information we had. And then so as we proceed, we're paying for new information and not reiterating and recounting.

Sandoval: Please proceed.

Thompson: Thank you, Governor. The future of the freight plan will develop input from stakeholders statewide with approaches to strengthen infrastructure that supports economic job growth. The benefits of the plan will toughen our highway transportation systems, support the Department's aggressive safety agenda, establish performance measures on projects. The freight plan will promote innovation and reinforce efficient, reliable freight networks to support trade.

The freight plan will identify the primary drivers that are critical to Nevada's economic growth. The plan can help achieve planned goals such as achieving safety, state of good repair, livability and employment sustainability. The plan will address all modes of transport that are freight-dependent.

The next few slides will show some of the projects that could possibly come out of the freight plan, and these projects will improve infrastructure critical to advancing our state's competitive edge. One more thing that's not up there that I'd like to mention is, on the roads that heavy vehicles deteriorate the condition of the roadways, such as mining, agriculture, energy cargo and fracking materials that could be coming to our state. A description of improvements that reduce or slow down the deterioration, would also be identified.

To continue with projects, there are our future trends; truck-only lanes, truck platooning, tube freight transportation which is an unmanned train with cargo in tubes, concept trucks, zero-emission truck corridors, safety projects, truck parking facilities statewide. This will also follow the new Jason's Law that's also included in MAP-21, Section 1114. Railway and highway grade separation, climbing and truck escape lanes, truck bottlenecks. Parking in Nevada is a huge issue. We simply just don't have enough truck parking statewide. So when truck restrictions occur on I-80 at the California/Nevada

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state line, westbound trucks are forced to wait out the truck restriction on shoulders, ramps in the neighborhoods and sometimes even in the travel lanes, creating backups for several miles.

This map produced by FHWA highlights the volume of truck movements as we see it today. The heavy lines include heavier traffic. This one highlights the increased volume of truck movement, forecasted in the year 2040, utilizing the same system showing a larger demand. The freight plan will encourage freight in the empty areas around Nevada. I made this graph to show Nevada's outbound commodity flow by mode and tonnage. And it's forecasted out to 2032. As you see 2012, and it consistently goes up. And obviously as you see the blue part, majority is truck over all other modes.

Talk about the project timeline. We are ready to advertise our RFP, pending Board approval. Once a consultant is onboard, we will come back to you in September with an agreement for Board approval and then we'll give our notice to proceed. Under the USDOT compliance requirement for freight plans, we will start the plan development by federal fiscal year 2015. At this point, Governor, I am close to wrapping this up, and I would like to introduce Mr. Paul Enos, the chief executive officer of the Nevada Trucking Association. Mr. Enos will give his perspective representing the trucking industry.

Enos:

Hi. Good morning, Governor, members of the Board of Transportation. I'm Paul Enos, CEO of the Nevada Trucking Association. And we are here today to support the RFP for the freight plan. And, you know, Bill and Rudy are absolutely right. We have done a lot as far as freight assessment goes and analysis, you know, whether it's intelligent transportation systems, mapping systems, the freight assessment plan I was able to review a lot of the drafts. So we are farther ahead than that initial map does show.

But I do think it is important to have a freight plan that does look at everything we've done and tie it all together. It's a great tool for the Board, especially in a time of very limited resources, to be able to make some decisions that are driven off data, and kind of looking at the big picture and seeing where we're going to have this economic growth; what sectors are we going to grow and where are they going to grow. Is it going to be, you know, a barite mine near Battle Mountain or is it going to be oil in Elko, or

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is it going to be, you know, new casinos on the strip? So where are we going to need to make those investments?

And I think a freight plan where we're taking a lot of this data that we've already done and taking that big picture look, I think that gives us a great tool to decide where we're going to put some of those limited resources that we have to best improve our infrastructure, to enhance our economic development. Thank you very much.

Sandoval: Thank you. Thank you very much.

Thompson: So I'll wrap it up with this slide. For the record, Bill Thompson, Freight Project Manager with NDOT. The project costs for the freight plan will cost an estimated \$1.2 million. That's 80% federal, 20% required state match. Governor, members of the Board, we request Board approval for the development and release of the RFP to seek consultant services to assist NDOT in producing our very first freight plan. This concludes my presentation.

Sandoval: All right. Thank you. And this will have, obviously, my full support. I think it's critical. Is there any way that we can move this along faster? Is there that much information that we have to wait until the end of 2016 to get the report?

Thompson: That is projected time to complete. I believe we can do that, because we have done so much that the plan will pull together, and it's rather important. We don't want to miss anything. But I can tell you that when we come back to you with the plan completed, I'm going to push to have it done a lot earlier. I do want to get this thing going.

Sandoval: Well, fortunately, things are starting to happen in our state, due to the leadership of Mr. Skancke and his responsibilities with the Las Vegas Global Economic Alliance and EDawn, the Economic Development Authority of Western Nevada. There's a lot of activity. And I just would like to see if we can get this along faster. I mean two and a half years seems like a long time from now. And, you know, given this map with the red lines all over it and such, and given Nevada's growth and increasing prominence, when it comes to logistics and distribution and freight...

Thompson: Yes.

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- Sandoval: ...I would really like to have this sooner rather than later.
- Thompson: Generally, the 24 months is kind of a standard cookie for an agreement, so cookie cutter. And in the scope refinement, we'll be working on getting a date that will be a lot sooner.
- Sandoval: Great. What would be a lot sooner?
- Thompson: Will you settle for 18 months?
- Sandoval: Member Skancke.
- Skancke: Thank you, Governor. And I couldn't agree with you more that time is of the essence. The work that the Governor's office on economic development is doing and all of my partner regional development authorities across the state, we're seeing a massive amount of increased need for this type of work. I have a couple of questions, you can possibly imagine, because I've spent a lot of time in this area. And everything I deal now with in my current position, is based upon economic development.
- So I look at the slide with all of the plans that we have done and they are plans. And what I think we need is a strategy more than a plan. A strategy is different than a plan in this regard; a plan gives you a lot of information. A strategy is a document on movement and action. And I think what we need is action, in that with all of the things that GOED is doing and really the work that's trickling out to the regional RDAs from that effort, we're behind the curve.
- And so I hope in this--and I've read the entire RFP and I'm not going to take up time here, but I will call you with some suggestions; because I would like to see a framework done by which we move forward with a strategy and not a plan. We had six plans up here that I think we can incorporate into the main strategic document, but I think we need direction. And I've seen those pictures of freight and goods movement in the country. And not to spend money that the state doesn't have, but I would create some type of an incentive in this contract to get this done a heck of a lot sooner rather than two years.
- Any contractor that could get this done for us in 12 months, Frank would probably give him a bonus. But--I just wanted to see if Frank was paying attention. But I think as we have conversations about the logistics

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opportunities that our state has, we've got to bring an I-11 and all these other projects. It's going to take massive coordination. When you have conversations about trucks-only lanes there's national implications that each state has in that arena. As we look at whether it's triple trailers or double trailers and all the politics around that and all the technology around all these things, the consultant has to look at this from a very strategic point of view.

So I would be happy to help in that arena. I've spent a lot of time there. I would like to recommend to the Board that we actually do approve this and move quickly. But if the opportunity arises for us to create an incentive to get this done sooner than later, this is a project, Governor, or a strategy where I think we could create incentives for people to get this done sooner rather than 24 months, because of the work that we're doing on the economic development side. Thank you.

Sandoval: Other questions or comments? I noticed that there's no proposed I-11 on the map for 2040. And will the proposed study, the implications of the construction of an I-11?

Thompson: Would you like to answer that?

Greco: Certainly. Thank you, Bill. For the record, Tom Greco, soon to be not your planning director. But I-11 is a very valuable effort in study. It is not on the map because other than going into Las Vegas, it isn't established where it is going to go. But as that study moves ahead, that information will be in the freight plan.

Sandoval: All right. Great. Because when you look at that 2040 map and you see how thick the red line is going through Southern California and through there, I mean we've got to keep this map on all of our I-11 presentations, because I think it really helps underline the need for that, because everyone knows what the traffic's like in Southern California and through The Valley and up through Northern California. So it just highlights the need for I-11 that much more.

All right. So is there a motion for approval of the RFP for the freight plan as described in Agenda Item No. 10?

Martin: Move for approval.

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- Sandoval: Member Martin has moved for approval. Is there a second?
- Savage: Second.
- Sandoval: Second by Member Savage. And for comments, questions on the motion, again I'd like to reiterate Member Skancke's comment with regard to using all tools available in terms of expediting the completion of the plan.
- Thompson: You bet.
- Sandoval: Any other questions or comments? If there are none, all those in favor, please say aye.
- Group: Aye.
- Sandoval: Opposed no? The motion passes unanimously. Thank you.
- Thompson: Thank you.
- Sandoval: Mm-hmm. Agenda Item 11, Briefing on request for proposal for e-STIP.
- Malfabon: Thank you, Governor. Jason Van Havel will present this item to the Board.
- Van Havel: Hello, Governor, members of the Board. Thank you for having me today. My name is Jason Van Havel. I'm the assistant chief of transportation multimodal planning. And I'm here to talk about the e-STIP, what it is, why do we need it and how will we get it.
- I'd like to start off by showing you a little bit of history here. You can see this document and the volume of it. This is our 2005 TSP, our Transportation System Projects. This contains our STIP and our work program. You can see its volume. This is our 2010 TSP and you can see its volume. This is our 2014 TSP and you can see its volume. Notice a trend here?
- Sandoval: Just for purposes of the record, they're getting bigger.
- Unidentified Male: They look like the GOED.
- Van Havel: So this is relatively expressing our current systems that we use to produce that TSP. It's kind of in the Stone Age and it involves manual entry, both on our standpoint and by the MPOs, which a lot of the information inside of the TSP and the STIP comes from the MPOs. Once they produce their STIPs

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then the MPOs send their STIPs on off to us at the state, and then we manually enter the information again inside of our systems to produce those final documents. Of course, as we know, the STIP is required by Federal Highways, and in a recent survey by Federal Highways, currently 60% of all state DOTs are utilizing some version of an e-STIP.

Now, what it is? An e-STIP will allow NDOT and the MPOs and other agencies of the state to be able to enter information in directly into one database so we can all use the same one. Through a web interface, we can all enter that information in once. With that, we can also provide search capabilities, sorting capabilities, printing/saving capabilities that our current systems do not offer. And these types of systems will be allowed for not only us, partnering agencies around the state, local agencies, but also the general public, issuing in a new era of transparency that we've never seen before.

Now, why do we need it? With under a uniform process for all the agencies, the items to really keep and emphasize is that this is one place for all the data to be stored. It does not have to be entered and quality controlled over and over and over again, as each time that it's manually entered. It'll be one format, one format that the DOT and the locals will use and become accustomed to, and the general public will be comfortable with one standard format. It'll be one place to review and approve changes to these documents or in the process of creating these documents. Along those lines, again, I would like to quote something from a Federal Highways' document that they recently published, when they surveyed DOTs around the country about their status of their e-STIP.

It states that, "The DOTs have identified a number of advantages using the e-STIP. The most common advantages were the time, money and paper savings associated with using an e-STIP. In Pennsylvania, the use of an e-STIP has reduced the amendment process turnaround time from two to four weeks to as little as five minutes." And that's part of the advantage of what the e-STIP can bring that we can be responsive in a very quick, timely manner.

It's a reliable program development tool. It'll show real-time fiscal constraint. And ultimately, the STIP's responsibility is to show fiscal constraint that we're not planning on delivering more documents than what

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we have the resources for. So the e-STIP will show real-time fiscal constraint. We'll have process controls to be able to expedite those changes as we need in a very timely manner. It'll show updates on project history so that way we can see the evolution from a funding standpoint, or a scope standpoint of a project of where it came from, versus where it is today. As far as a transparent process, this will be able to build a trust that we haven't had before with local agencies, federal agencies and the citizens of Nevada; a level of transparency that we just have not had before.

Now, how do we get it? We have an e-STIP team that is not just NDOT, but is also the MPOs of the state and the federal agencies. We've looked at other examples of state DOTs e-STIPs including Washington and Utah's, and we've identified some preliminary steps. In fact, with the effort we've gone through so far, this is a picture of some of the team members that we have, that have been getting to the point of where we are. In fact, who present has worked on the e-STIP on some degree, taking part in meetings, participation? We have more people involved than I think are raising hands.

But you can see that we have the broad-based support already. We have Federal Highways, Federal Transit onboard supporting this effort. We have all of the MPOs. We have letters of support from all of them supporting this effort. So we are heading in the right direction and we're going to move forward with an RFP. And so we'll let a potential developer help instruct us what the best method is of utilizing existing software or developing something new. But we expect it'll probably go in the direction of utilizing something existing and then tailoring it to fit Nevada.

Now, some lessons that we've learned from Federal Highways' recommendations are that paper STIPs are inefficient and obsolete. You waste a lot of time reentering manual information, quality controlling to the point where it takes a lot of time and effort and it causes problems if you do not do it adequately. We have all parties onboard. We have the MPOs. We have other agencies, local agencies. They're all supportive of this effort. And we're starting with the e-STIP and then building on the success from there. And with that, I would like to remember one of Mr. Skancke's soapboxes from January, where he emphasized the power of data integration early in the process. Well, this does not accomplish that, but it's a step in that direction. And it also can be used to help fulfill some strategies. It

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won't be the strategy itself, but it can be one of the tools that could help deliver some of these.

And I'd also like to read a couple of other passages that Federal Highways quotes. Federal Highways states that, "All of the states interviewed said that the use of the e-STIP has enhanced their public involvement." So that's a new level of transparency that we have not experienced before. Further, Federal Highways references some state DOT comments. "Texas DOT staff know that business processes throughout the public and private sectors are moving towards electronic systems. And that it is time for state DOTs to embrace the efficiencies that come with this transition. Pennsylvania and Florida DOTs similarly both encourage states to move towards an e-STIP direction due to the resource consuming components, even if there are upfront costs to making this transition. Colorado, official note that the use of the e-STIP does require going beyond the minimums, but it is a good long-term investment. Florida DOT says that the increased consistency between the TIPS and the STIPs make approvals significantly quicker."

So now what does this look like? We're asking today for us to be able to move forward with the issue of an RFP, to get a consultant onboard to help us deliver the e-STIP. We expect it'll be to develop and implement the e-STIP. We expect this to be about a \$500,000 process of which 80% will be federal planning money and 20% state match. And of the federal planning money, the money is designated for planning activities only, so it's not like we can shift it towards other purposes. With that, do you have any questions?

Sandoval: Questions from Board members? Madam Controller.

Wallin: Thank you. The other states that are using this e-STIP, do any of them having planning portals that feed into or are they just--it's a standalone thing?

Van Havel: There's different levels of integration that the other states have experienced. Many of them are in the process of developing much larger, more comprehensive portals, per se. Some of the states that have e-STIPs have implemented narrower scopes in terms of what features their e-STIPs can deliver.

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- Wallin: Okay. And then you talked about how it's going to reduce errors. So you're still going to have to enter the data into this program, right, the software?
- Van Havel: Somebody at some point, but we will eliminate the multiple entries. So instead of having an MPO locally enter it into their TIP program and then us replicate that entry into our STIP program, the e-STIP will be one process and one program that the state will utilize.
- Wallin: And then will it also have some ability to prevent errors; because I know that when I went on the county tours this year we had a lot of times when we were on the tour, that we had projects that had the same numbers on them and there was a lot of confusion. Will this be eliminated then, too?
- Van Havel: That would be a fallacy to think that an electronic system could eliminate all possible errors, but with many of those errors that you're talking about, yes, we can build it into the system to eliminate many of those. Absolutely.
- Wallin: Okay. All right. Thank you.
- Sandoval: Any other questions or comments? Member Martin.
- Martin: I have two questions. Going back to the previous item, what's the time frame?
- Van Havel: The time frame is approximately 18 months.
- Martin: Can we negotiate that?
- Van Havel: Certainly, we can work to expedite that. Our target was to have this system in place to be utilized for the federal 2016 funding cycle, which actually goes into use probably in the April time period of 2015, which is less than 12 months. I don't know that we can get the full functional system in place by then, but that's our target, to get something in place functional by that time period.
- Martin: Was the 18 months the time frame to complete the study or to have the program in place?
- Van Havel: No study, just the program in place.
- Martin: Okay. Along those lines, are we looking at maybe taking Washington's program and just simply going and buying a copy of that and installing it?

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- Van Havel: That's absolutely a possibility. And that's where the proposal will come in, is to what proficiencies the contractor can deliver--how can they best deliver the most functional and value to NDOT. If that's what the contractor believes is the best way to go then that's the best--that's what we're going to go with.
- Martin: Okay. Along those lines, as a person that's responded to many, many RFPs in my lifetime, it's always the person that is writing the RFP that sets the calendar. And why doesn't NDOT set a calendar for the freight study for this study saying it's 12 months or the proposer give us your best time frame, and that's part of the award procedure?
- Van Havel: Certainly can be. It most certainly can be. Our goal...
- Martin: Is that a yes, it will be or is that...
- Van Havel: Yes, it will be.
- Martin: ...it can be?
- Van Havel: Yes, it will be, sir. Yes.
- Martin: Okay. Thank you.
- Sandoval: Okay. The Controller has a follow-up, then I'll go to Member Fransway.
- Wallin: Okay. You mentioned that, you know, several states were using pretty much the same software, correct, that it's more of an off-the-shelf thing that you can buy or--because my concern is is you mentioned in there that we might use off-the-shelf software that people are using or maybe we'll create our own. And I have real issues when we create our own, because if other DOTs are using the same thing, those practices and processes should probably be adapted by NDOT. And sometimes I think that in IT projects we tend to come in and modify the software to fit how we do things, even though maybe we're doing things back in the dark ages and should change our processes. So I would really encourage you to look at getting something that is really more off the shelf, and do some reprocess engineering at your level to...
- Van Havel: Okay.
- Wallin: ...implement it, so...

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- Van Havel: Okay. Thank you.
- Sandoval: Member Fransway.
- Fransway: Thank you, Governor. And as someone who has been involved in the STIP process for many years on the local level, you say you reached out to the locals. Can I ask how you did that?
- Van Havel: Through NACO and the League of Cities.
- Fransway: Okay. Okay. And their response was favorable?
- Van Havel: Yes. Yes.
- Fransway: Good. Good.
- Malfabon: And, Governor, I wanted to mention that although she had to leave, General Manager, Tina Quigley, for the RTC of Southern Nevada, wanted to express her support for the e-STIP development. And definitely, we see that trying to look at what other states already have in place, an off-the-shelf system would be a lot more cost competitive for our consideration.
- Sandoval: Okay. Other comments? Member Skancke.
- Skancke: This is great. So I have just one quick question. Would this technology allow GOED, my organization EDawn and the other economic development organizations to be able to connect or link this to our website, so that we could actually have the STIP on our website, so that as people and companies are looking at coming to Nevada, and industries relocating here, they could actually access this information if they were a logistics or a goods movement to find out what projects were coming so that we could actually help sell them; that it may not be happening today, but it's on the STIP for 2015, and the project, et cetera, et cetera? Could we have access to that or could we actually launch that off of our website? Is that capability available?
- Van Havel: I'm sure that we can share that through your website. I'm sure we can make that part of...
- Sandoval: We just need a link.
- Van Havel: ...the project, yes.

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Sandoval: We can just link.

Van Havel: Certainly.

Skancke: (Inaudible) actually using a paper copy, so I (inaudible).

Van Havel: Yes.

Sandoval: Okay.

Van Havel: Yes. Yes.

Sandoval: We like yes. Member Savage.

Savage: Thank you, Governor. Thank you, Jason, for your presentation. One quick question, because I know this is--it's great we're going electronic. But the marriage moving forward, after we've received this property or this electronic format, NDOT retains the right for that program so we can utilize our internal sources from that point after or do we have to stay engaged to this vendor for the next 15-20 years?

Van Havel: The priority would definitely be that NDOT would be in position to be able to maintain this, but those are some of the details that we'll definitely need to get worked out.

Savage: I think it's vitally important that we do everything we can to maintain it ourselves once we get the format, and the game plan, and the application made. Again, to stay competitive I know we need outside consultants and this is a good one here, but I think we really need to strive to run the game, run the show after we get the plan. So thank you, Jason. Thank you, Governor.

Van Havel: Thank you.

Sandoval: Any other questions or comments? My only comment is this, "thank you." This is something that needs to be done as soon as possible, you know, this is part of that whole goal of being the most business-friendly state in the country and having access. I mean I just saw an economic report where Nevada got a B+ and maybe this will push us to A-. But, you know, I'm really eager to get this done, but these other questions with regard to the vendor are extremely important, only because we've learned our lessons in this state from in another area and another vendor that has not worked out

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real well. And we've learned a lot of lessons from that. So that's why I want to make sure that even on this much smaller scale, that we're going out and we're getting a tried-and-true technology that isn't expensive; that we're not recreating the wheel, you know, everybody wants their own thing.

And if we have something that is already working for other states, I really encourage that we adopt that and then have the ability to transfer operation and input to the state so that we have control of it and our destiny isn't in the hands of a third party. So I would really--as you said, you've said that you'll put as part of the RFP to have this done, or at least as part of the RFP be done in 12 months and move forward with that. But it's no secret this is the way everything is going. All the courts have gone to e-filing. I know the Secretary of State's Office has gone to e-filing, and it's not even the future, it's now. And so I'm really pleased to hear that NDOT is doing it as well. And, you know, you showed those three binders over the years and having to go through all that. That's really cumbersome.

And as Member Skancke said, we do have sophisticated companies that want to know, you know, "if I'm going to locate here, what is it going to look--what does it look like and what is it going to look like?" So they will have the ability to immediately access that. So this is a win on so many levels. So I really appreciate your work and the folks that have raised their hands in the room and their work on this and those that aren't here, so that we can get this going.

Van Havel: Thank you.

Sandoval: All right.

Martin: I just have one more comment. Is it possible to--and I already made this statement. I just kind of want to recap that as the Governor said, it's going to be a 12-month-max schedule. But is it possible to put into the RFP that the proposer is evaluated based on what his schedule is if he beats the 12 months to deliver the product to us?

Van Havel: I believe we can put that into the...

Martin: It's a performance evaluation is what it becomes.

Van Havel: Yeah.

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Martin: I'm gauged on that. I know Len here is gauged on that every day in their business.

Sandoval: Okay. I see no further questions or comments. The Chair will accept a motion to approve the development and release of an RFP for an e-STIP.

Wallin: Move to approve.

Sandoval: Controller has moved to approve. Is there a second?

Martin: Second.

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

Group: Aye.

Sandoval: Opposed no? The motion passes unanimously. Thank you very much.

Skanche: So, Governor, I want to know, not that that's passed, now how many people have worked on this in the past? Right. Now you're really brave. Thank you.

Sandoval: Next item on the Agenda is 12, Briefing on the USA Parkway project.

Malfabon: Thank you, Governor. Our project manager, Pedro Rodriguez, will give you a preview of what we're going to be presenting to the public as we wrap up the environmental study for the USA Parkway project. Pedro.

Rodriguez: Thank you, Director. Good morning, Governor and members of the Board. For the record, Pedro Rodriguez, Project Manager for the USA Parkway project. Today I'm going to give you an update on where we're at with the environmental phase.

USA Parkway is located approximately 13 miles east of Reno. It's a proposed link between I-80 and U.S.50. Here's U.S.50. Approximately five miles is already paved with a two-lane, two-way roadway. About another five miles is graded to the Storey line county border, and we need about nine to ten miles to connect into U.S.50. It's a two-way, two-lane arterial.

Prior to 2010, the Tahoe-Reno Industrial Center had this project as a private development for their property. In 2010, an agreement was reached between the Nevada Department of Transportation, the Tahoe-Reno Industrial Center

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and county stakeholders that included the following: NDOT would assume ownership and maintenance of the roadway as long as the roadway was designed to NDOT standards. Funding would need to be identified for the construction and the Tahoe-Reno Industrial Center would assist the Nevada Department of Transportation in identifying where the construction funding would come from. Before the project would be eligible for any types of funding, it would need to be cleared environmentally, and NDOT would get the project through the environmental phase, as well as the final design phase.

In fall 2011, NDOT procured Jacobs Engineering to help us get through the environmental phase. The environmental phase is nearly completed. Many tasks have already been completed, including from initially the first public hearing held in Lyon County, which was attended by over 200 participants, survey and mapping, road reclassification, preliminary reports including geotechnical preliminary studies, hydraulic preliminary studies, design reports, things we would do when trying to identify a new roadway. Traffic analysis, forecast reports, road realignments, risk analysis review, benefit costs analysis report which yielded 9.1, as well as other works included with the environmental work like the cultural, the threatened and endangered species; these types of reports that will be included in the environmental assessment.

The preferred alternative for the project has been made public and has been identified. Several alignments were considered for the connection from 80 to U.S.50. The bolded line here is the preferred alternative. It's called the preferred alternative because the public still needs to review the environmental assessment report, and we need to incorporate any comments that they may have, they might have caught that we would have missed before we can classify it as a final alternative. This alternative ties into U.S.50 at Opo. It allows us to utilize the existing graded portion of USA Parkway that's located in Lyon County--excuse me, Storey County and it will provide a high T graded intersection at U.S. 50. This intersection is similar to the one located south of Carson City as you're headed into Minden.

Sandoval: Before you move on, how are we doing with regard to the BLM piece?

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- Rodriguez: Located right here is the BLM portion. We're doing well. Yes, BLM has been a key partner in getting through this environmental assessment. BLM is actually also one of the co-lead agencies for this environmental assessment, with FHWA being the lead agency. So each agency has their respective items that they look at through completing NEPA. We're looking at both, but we're taking FHWA as the lead. We're doing well.
- Sandoval: How does the right-of-way work in terms of access on BLM land?
- Rodriguez: Once we're completed with this environmental process, what we would ask for from BLM, is an easement for the right-of-way.
- Sandoval: Okay. And then the other piece, that light bluish, that's private property?
- Rodriguez: Correct. This is a private property owned by the Highlands LLC Group.
- Sandoval: Okay. Thank you.
- Rodriguez: And then the bigger piece up here is the Tahoe-Reno Industrial Center. So currently, we're completing the archeological efforts. I go through the Society of Historic Preservation Organization. And we're also reviewing the administrative draft environmental assessment that is being reviewed by several agencies; NDOT, BLM, FHWA. The next public review phase that will occur will be the review of the environmental assessment report by the public. We're anticipating that to happen late summer, this summer. And we will have our second public hearing meeting at that time to receive any comments that the public also has.
- We expect to be completed with the environmental phase this fall, pending FHWA and BLM approval, of course. And construction estimate is estimated to be \$50 to \$60 million. Currently, there is no construction funding identified for construction.
- Sandoval: And where would you typically look for that construction funding?
- Rodriguez: I have only put together the 30% design. We still need to complete the final design, and then go into construction. So any time between now and completion of final design, we can identify construction funding. Typically, it can happen, I think, at the preliminary level, as well.
- Sandoval: No, I...

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Malfabon: Governor, since this is a regionally significant project, we would look towards federal funding...

Sandoval: Okay.

Malfabon: ...our normal resource.

Sandoval: No, that kind of implies there's no money to be had when...

Malfabon: Yeah, it would come out of our regular work program that's federally...

Sandoval: Okay.

Malfabon: ...funded.

Rodriguez: With that, I'd like to open it up to any questions.

Sandoval: Okay. One question I have is on a couple slides back, you said the benefit was 9.1--benefit cost analysis yielded 9.1. Will you give a little bit more detail with regard to what that means?

Rodriguez: Sure. Benefit cost analysis report is put together for projects to identify what the benefit is to the users relative to the construction of the project or completion of the project. Benefit cost of 1 means that it's as beneficial as it is expensive; 2 means it's twice as beneficial as it is expensive. This gave us a 9.

Sandoval: So that's pretty good, isn't it?

Rodriguez: That's really good.

Malfabon: Almost unheard of.

Rodriguez: Typically, our benefit...

Sandoval: What...

Rodriguez: ...cost ratios are one and a half to two or something along that range.

Sandoval: Mm-hmm. Is there any other project that has a benefit cost analysis of 9.1 that we're aware of?

Malfabon: Not I'm aware of. They've usually been just this, as Pedro said, they're usually two maybe three. But this is an amazing benefit cost analysis.

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July 7, 2014

- Sandoval: And it looks like, if you move forward a couple more slides, in terms of the construction cost that--I mean given what we've been dealing with, that isn't a lot of money to get such an important project done.
- Malfabon: Yes. And, Governor, I wanted to mention, one of the things that you had promoted was to get your Cabinet members touching bases with some of the business owners in Nevada. And I visited a business out there called Dynamic Isolation Systems; talked to the president of that company. And he said that one of the things that--I was just looking at it from the standpoint of distribution of his products, and we're actually using some of his products on the Carlin Tunnels Bridge project. But he talked about his interest was in getting access to employees and having another route to where that Silver Springs to Carson City area--having more access to an employment base was important to him, other than just the commute that's available now on I-80.
- Sandoval: Yeah. No, and I also realize that Lyon County has the highest unemployment in the state. And it really opens things up for the people of Lyon County, Churchill County, all the adjacent counties to have access to employment opportunities in that corridor. And, frankly, both ways because then the employers have access to a whole new population of potential...
- Malfabon: Yes.
- Sandoval: ...employees. Member Skancke.
- Skancke: If I may, Governor. Thank you. Does this require a STIP amendment or is this on a--is this--where are we with this in...
- Malfabon: We would complete the environmental and then look at our funding options. The STIP is a four-year period of time, so we would try to find when it's a good fit in our cash flow and our funding. We'd always want to see more assurance of federal funding, which will probably be coming early 2015. But we think that it's a great project to get on our STIP. Because it's not in the MPO area, it's really the Board's decision to get it on the STIP as a regionally significant project that would be federally funded. So we would propose the recommendations to you as far as what years we get funded in phases.

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- Skancke: I guess if we had that e-STIP 18 months ago, I could have looked at that on...
- Malfabon: Yes.
- Skancke: ...my iPad and figured that out. I apologize. But in all seriousness, to me, from an economic development point of view to your point, Governor, this is a critical linkage piece for an entire region of connectivity. And I would think that, from my perspective, this would be a project that would be elevated. Granted, there's a lot of needs in the state, but to me this would be one that we could elevate and move along very quickly based upon the process. So I would support that if that's what you're looking for today, but in the long, again, here's another one of those yes is the answer, right, Governor, and how do we move it along quicker.
- Malfabon: Yes. Agreed.
- Sandoval: Other questions or comments? Member Fransway.
- Fransway: Thank you, Governor. It says that "NDOT will assume ownership and maintenance if designed and constructed to NDOT standards." Am I to assume that NDOT will have inspectors or something on that project to where we know that it's being constructed to the proper standards if, in fact, NDOT does take it?
- Malfabon: Typically, on projects similar to this, the example would be the Las Vegas Beltway, the 215 Beltway with Clark County being the owner and constructor of that facility. We have oversight so we have engineers that go out and monitor and they make sure the county agrees to build it to our standards so that their contract with their contractor is to our standards. So it'd be that similar situation in this case.
- Fransway: Thank you, Rudy. Thank you, Governor.
- Malfabon: If not, the full oversight by NDOT if we have a full crew.
- Sandoval: Member Savage.
- Savage: Thank you, Governor. And it's well said. I think the 9.1 really says it all. And if it's named 9.1 Project, I think we're looking at something that's stated very clearly and I think the Department needs to be very proactive right now and maybe come back to the Board with a timeline and where we stand with

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these different events, because it's a win-win deal. I mean 9.1, you said it's never occurred before. There's the answer to the test. And I think action needs to be made. And I think, personally, I'd like to see somebody come back, staff, with a report on a definite timeline that's accelerated to the economic development. I mean it's a win-win deal. And that's all I have, Governor. Thank you.

Sandoval: Thank you. And, you know, I see the freight folks nodding their heads in the audience. I think that's another place where we could benefit things and perhaps it could decrease congestion in Washoe County, too, with regard to 395 and I-80.

Skancke: May I ask one more question, Governor?

Sandoval: Member Skancke.

Skancke: Thank you. Of the \$50 or \$60 million, about how much of that is right-of-way acquisition? Do we know yet? Did I miss that?

Rodriguez: No, that hasn't been fully estimated. The \$50 to \$60 million is for the construction.

Skancke: Okay.

Rodriguez: We obviously wouldn't request anything for the BLM, and until we know where this, for sure, that this alignment will be the alignment through here, I don't think we can fully figure out what the right-of-way cost would be.

Skancke: So on the I-11 corridor in Arizona, as an example, the private sector has agreed to dedicate about \$100 million worth of right-of-way through the west part of The Valley. And as I look at a project like this from that point of view, lots of people benefit in the private sector from this type of connectivity. It might be worth our while to figure out a way to reach out to the private sector to see if there's a public-private partnership opportunity for the Department to maybe reduce some of those right-of-way costs to accelerate their benefit by having this type of an alignment connect their opportunities in the future. Just a thought.

Rodriguez: Noted.

Sandoval: Any further questions or comments? All right. Thank you very much.

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Rodriguez: Thank you.

Malfabon: Thank you, Pedro.

Sandoval: Move to Agenda Item 13, old business.

Malfabon: Governor, for the sake of timeliness, we'll just cover this rapidly and allow time for questions from the Board members. You have before you the report of outside counsel costs on open matters, the monthly litigation report and the fatality report. One thing to note on the fatality report, we've had a lot of significant increase in fatalities in some of the rural counties, but I wanted to mention that as of June 30th report, which is a little bit--a week later from the report in your packet, we're currently at seven less fatalities this time last year as of June 30th. So hopefully that trend will continue and we'll end up with less fatalities on Nevada streets and highways this year.

I wanted to mention also that I'm going to be going to Washington, D.C. to participate on a task force that's going to rank research proposals with FHWA funding. And Nevada is submitting two research proposals. It's going to rely on SHRP 2, which is the Strategic Highway Research Program. And they collected a bunch of driver information, road information, camera views of what the driver sees. A huge amount of data was collected and that's going to be the basis for some of these research projects as they go forward and hopefully--I can't vote on the Nevada proposal, but we would actually be the recipient DOT, in partnership with the universities. Both universities in Nevada submitted proposals for that research program to improve highway safety using that data. And that will allow Board members time now to ask questions about any of that information presented.

Sandoval: Thank you, Mr. Director. Any questions from Board members with regard to Agenda Item No. 13? We'll move on to Agenda Item 14, public comment. Is there any member of the public that would like to provide comment to the Board in Carson City? Anybody in Las Vegas that would like to provide public comment?

Unidentified Female: Governor, no one is here from the public.

Sandoval: All right. Thank you. We'll move to Agenda Item 15, Adjournment. Is there a motion to adjourn?

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Wallin: Move to adjourn.

Sandoval: Controller has moved to adjourn. Is there a second?

Skancke: Second.

Sandoval: Second by Member Skancke. All those in favor, please say aye.

Group: Aye.

Sandoval: The motion passes unanimously. Thank you, ladies and gentlemen. Great meeting.

Secretary to the Board

Preparer of Minutes



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MEMORANDUM

August 11, 2014

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, Director
SUBJECT: August 18, 2014, Transportation Board of Directors Meeting
Item #4: Approval of Contracts Over \$5,000,000 – For Possible Action

Summary:

The purpose of this item is to present to the Board a list of construction contracts 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 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 June 17, 2014 to July 28, 2014.

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, June 17, 2014 to July 28, 2014.

Recommendation for Board Action:

Approval of all contracts listed on Attachment A.

Prepared by: Administrative Services Division

Attachment

A

STATE OF NEVADA DEPARTMENT OF TRANSPORTATION
CONTRACTS FOR APPROVAL
June 17, 2014 – July 28, 2014

1. June 26, 2014 at 1:30 PM the following bids were opened for Contract 3551, Project No. SI-093-4(019), US 93 Currie to JCT 232 Clover Valley Rd., in Elko County, to add 6' shoulders, add passing lanes, flatten slopes, and extend drainage facilities:

Road and Highway Builders	\$8,363,363.00
Granite Construction	\$8,553,553.00
W.W. Clyde & Co.	\$9,904,754.75
Engineer's Estimate	\$7,901,430.96

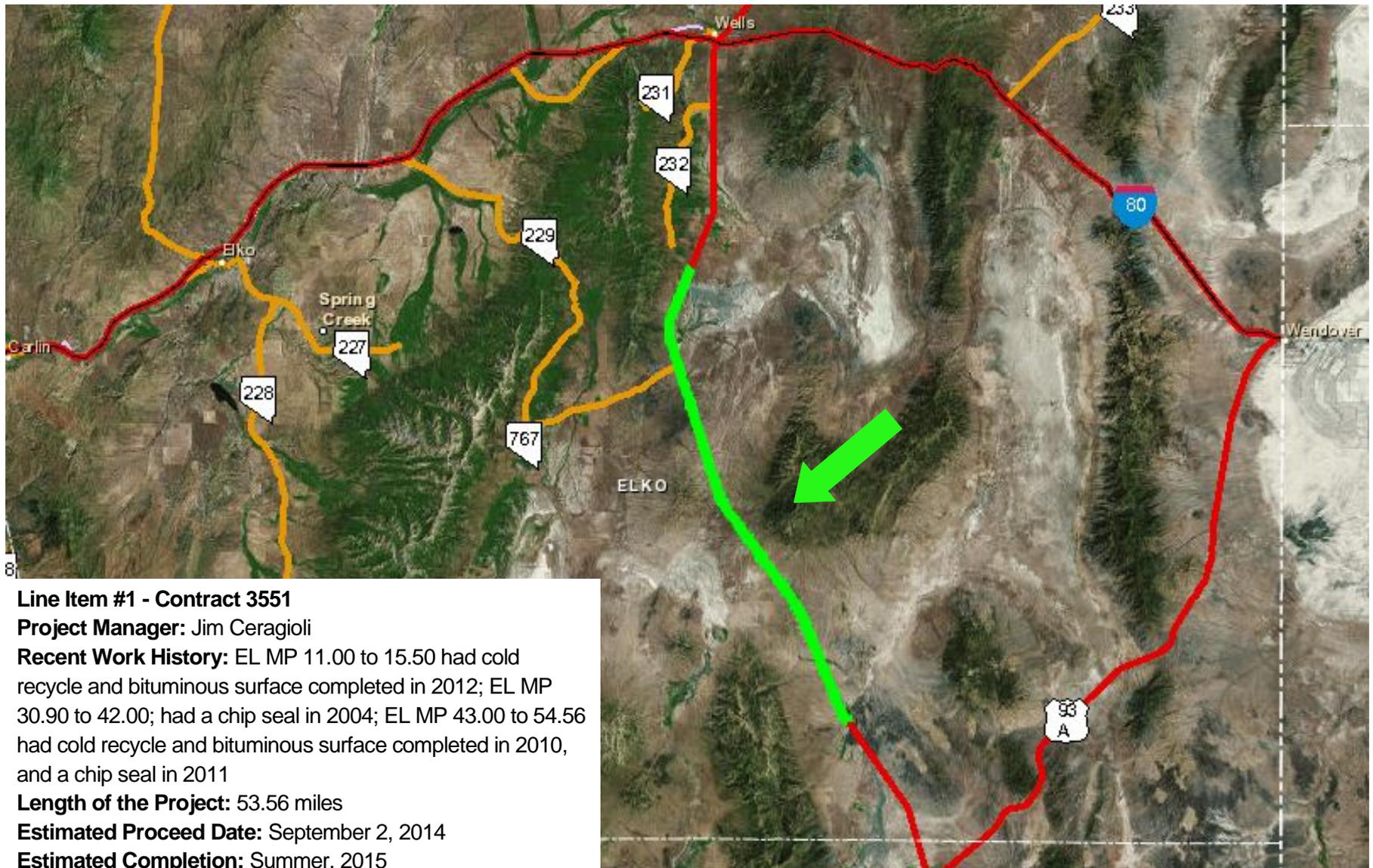
The Director recommends award to Road and Highway Builders for \$8,363,363.00

2. June 26, 2014 at 2:30 PM the following bids were opened for Contract 3574, Project No. NHP-580-1(031), BR-080-1(168), I-580 from Moana Lane to the Truckee River, in Washoe County, for crack sealing, spall repair, and diamond grinding; to reconstruct southbound from Moana Lane to the Truckee River grade separation; and seismic retrofit and rehabilitation of structures I-1773 and I-1774

Q & D Construction, Inc.....	\$12,114,205.11
Teichert Construction.	\$12,338,598.10
Granite Construction	\$12,665,662.00
Engineer's Estimate	\$11,165,872.77

The Director recommends award to Q & D Construction Inc. for \$12,114,205.11

Line Item 1



Line Item #1 - Contract 3551

Project Manager: Jim Ceragioli

Recent Work History: EL MP 11.00 to 15.50 had cold recycle and bituminous surface completed in 2012; EL MP 30.90 to 42.00; had a chip seal in 2004; EL MP 43.00 to 54.56 had cold recycle and bituminous surface completed in 2010, and a chip seal in 2011

Length of the Project: 53.56 miles

Estimated Proceed Date: September 2, 2014

Estimated Completion: Summer, 2015



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MEMORANDUM

Administrative Services

July 18, 2013

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

From: Teresa Schlaffer, Business Process Analyst 

Subject: Concurrence in Award for Contract No. 3551, Project No. SI-093-4(019), US 93 Currie to JCT 232 Clover Valley Rd., Elko County, described as Add 6 Shoulders, Add Passing Lanes, Flatten Slopes, and Extend Drainage Facilities. Package 2, Engineer's Estimate \$7,901,430.96.

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

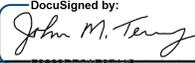
Bid proposals were opened on June 26, 2014. Road and Highway Builders LLC is the apparent low bidder at \$8,363,363.00 and they submitted a properly executed proposal, bid bond and anti-collusion affidavit. The second low bidder is Granite Construction Company with a bid of \$8,553,553.00

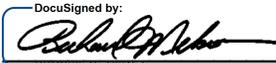
The project is Federally funded, required 3% DBE participation and is not subject to State Bidder Preference provisions.

The subcontractor listing documentation and DBE information submitted by the two lowest bidders have been reviewed and certified by the Contract Compliance Officer. 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 Chairman has provided their concurrence to award, and their report is attached.

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

Concurrence in award:

DocuSigned by:

John Terry, Assistant Director

DocuSigned by:

Richard Nelson, Assistant Director

DocuSigned by:

Rudy Malfabon, Director

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

Nevada Department of Transportation
Unofficial Bid Results
June 26, 2014

Contract Number: 3551	Bid Opening Date and Time: 6/26/2014 1:30 pm
Designer: JOHN LOVELESS	Liquidated Damages: \$900
Senior Designer: KEVIN MAXWELL	Working Days: 160
Estimate Range: R27 \$6,600,000.01 to \$7,950,000	District: DISTRICT 3
Project Number: SI-093-4(019)	

County: ELKO
Location: US 93 Currie to JCT 232 Clover Valley Rd.

Description: Add 6' Shoulders, Add Passing Lanes, Flatten Slopes, and Extend Drainage Facilities. Package 2.

Apparent Low Bidder <u>Road and Highway Builders LLC</u>	<u>\$8,363,363.00</u>
Apparent 2nd <u>Granite Construction Company</u>	<u>\$8,553,553.00</u>
Apparent 3rd <u>W.W. Clyde & Co.</u>	<u>\$9,904,754.75</u>

Bidders:	Actual Bid Amount
1 Road and Highway Builders LLC P.O. Box 70846 Reno, NV 89570 (775) 852-7283	\$8,363,363.00
2 Granite Construction Company PO Box 50085 Watsonville, CA 95077-5085 (831) 724-1011	\$8,553,553.00
3 W.W. Clyde & Co. P.O. Box 350 Springville, UT 84663- (801) 802-6800	\$9,904,754.75



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MEMORANDUM

EXTERNAL CIVIL RIGHTS DIVISION CONTRACT COMPLIANCE SECTION

June 11, 2014

To: Jenni Eyerly, Administrative Services Officer
From: *DAO* Dana A. Olivera, Contract Compliance
Subject: NDOT Bidder DBE & Subcontractor Information - Contract No. 3551

US 93 Currie to JCT 232 Clover Valley Road, Elko County.

ADD 6' SHOULDERS, ADD PASSING LANES, FLATTEN SLOPES, AND EXTEND DRAINAGE FACILITIES, PACKAGE 2.

The subcontractors listed by the apparent low bidder, Road and Highway Builders LLC, and the apparent second low bidder, Granite Construction Company, are currently licensed by the Nevada State Board of Contractors.

The DBE goal of 3% has been met with a 4.69% DBE commitment by the apparent low bidder and a 3.12% commitment by the apparent second low bidder to Nevada certified DBE firms. Specific information regarding the DBE goal is available in the Contract Compliance Section.

DAO



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Fax: (775) 888-7401

Memorandum

July 15, 2014

TO: Jenni Eyerly, Chief Administrative Services Officer
FROM: Paul Frost, Chief Roadway Design Engineer
SUBJECT: BRAT Summary Report for Contract #3551

The Bid Review and Analysis Team met on 7/8/14 to discuss the Bid Tabulation for the above referenced contract. The following BRAT team members were in attendance:

Jeff Shapiro, Chief Construction Engineer
Sharon Foerschler, Assistant Chief Construction Engineer
Jeff Freeman, Construction
Shawn Howerton, Principal Roadway Design Engineer
Kevin Maxwell, Senior Design Engineer
Paul Frost, Chief Roadway Design Engineer
Paula Aiazzi, Administrative Services Officer
Teresa Schlaffer, Administrative Services
Mary Gore, Assistant Chief Administrative Services
Casey Connor, Assistant Chief Roadway Design Engineer
Nick Senrud, Resident Engineer
Tim Mouritsen, Crew 908
Michael Murphy, Assistant District Engineer, District III
Dale Wegner, FHWA

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

Several significant bid items are mathematically unbalanced. The majority of the plan quantities were verified (please see attached quantity Price Sensitivity report with comments). The proposal bid prices were evaluated and determined to be acceptable.

The apparent low bid is 106 percent of the engineers estimate. The BRAT recommends proceeding with awarding this contract.

BRAT Chairman Concur to Award

_____

Date 8/15/14

cc: attendees
Pierre Gezelin, Legal
Attach.

Contract No: 3551
 Project Number: SI-093-4(019)
 Project ID/EA: 60584
 County: ELKO
 Range: R27 \$6,600,000.01 to \$7,950,000
 Working Days: 160

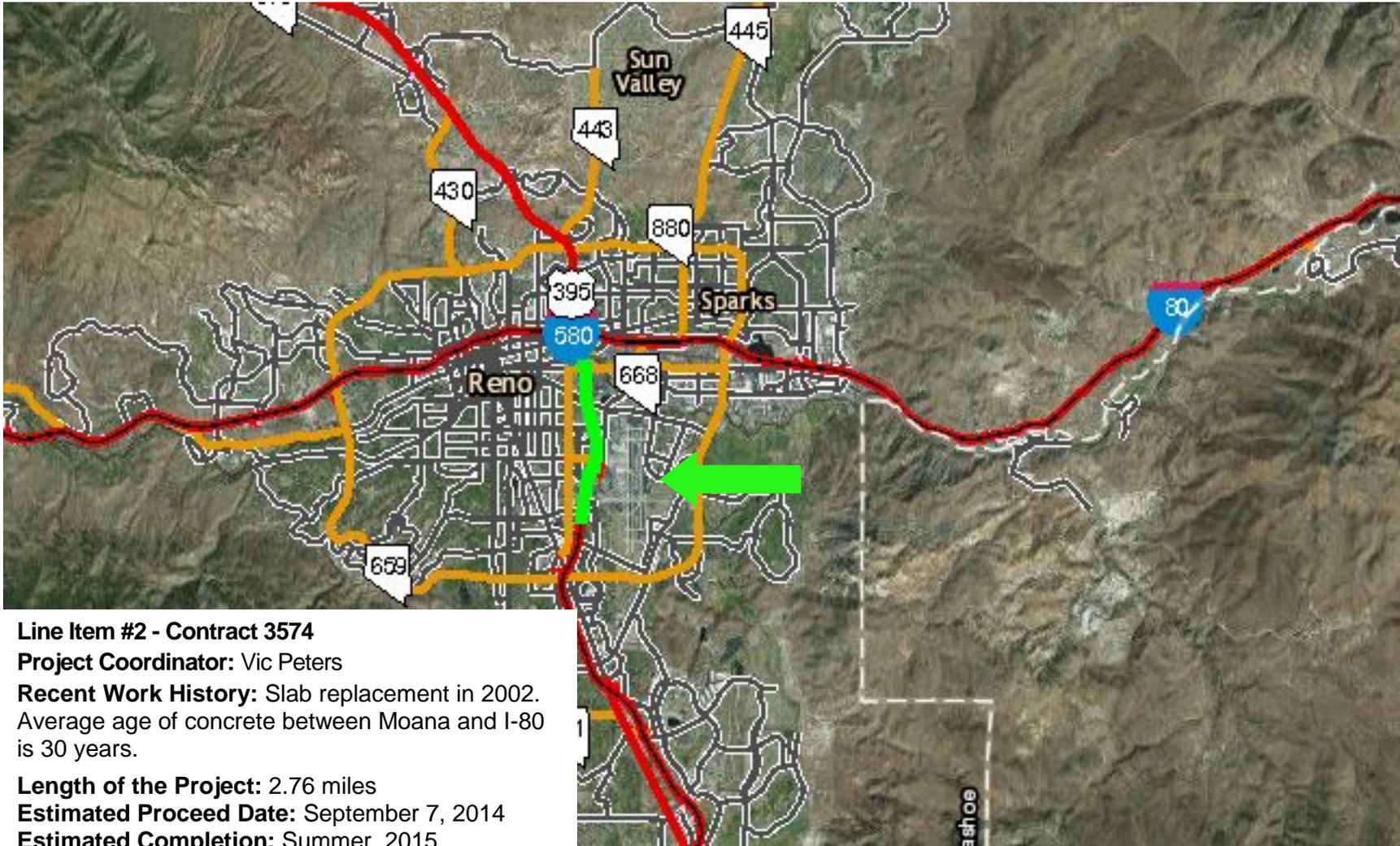
RE: Don Christiansen
 Designer: John Loveless

Engineer's Estimate	Road and Highway Builders	Granite Construction	Diff. Between Low & 2nd	Diff Between EE & Low	Low Bid % of EE
\$7,901,430.96	\$8,363,363.00	\$8,553,553.00	\$190,190.00	\$461,932.04	105.85%

Item No.	Quantity	Description	Unit	Engineer's Est. Unit Price	Low Bid Unit Price	2nd Low Bid Unit Price	Qty Chg Req'd to Chg Bid Order	% Change in Qty Req'd	Low % of EE	Significantly Unbalanced	Quantity Check Comments
2010100	1.00	CLEARING AND GRUBBING	LS	67,000.00	100,000.00	330000.00	N/A	N/A	149.25%	No	EE Price may be slightly low based on additional requirements in the special provisions. Quantity checked Ok. Plan quantities based on mapping, may not reflect existing conditions.
2020990	33,100.00	REMOVAL OF BITUMINOUS SURFACE (COLD MILLING)	SQYD	2.75	5.00	3.00	95,095.00	287.30%	181.82%	Yes	EE Price Ok. Quantity checked Ok.
2030140	95,080.00	ROADWAY EXCAVATION	CUYD	8.00	5.00	2.80	86,450.00	90.92%	62.50%	Yes	EE Price Ok. Quantity checked Ok. Plan quantities based on mapping, may not reflect existing conditions.
2030230	340,500.00	BORROW EMBANKMENT	CUYD	5.50	5.00	4.73	704,407.42	206.87%	90.91%	No	EE Price Ok. Quantity checked Ok. Plan quantities based on mapping, may not reflect existing conditions.
2030670	43,805.40	NON-WOVEN GEOTEXTILE	SQYD	2.00	4.00	1.80	86,450.00	197.35%	200.00%	Yes	EE Price Ok. Quantity checked Ok.
2060110	1,898.70	STRUCTURE EXCAVATION	CUYD	50.00	20.00	65.00	-4,226.44	-222.60%	40.00%	Yes	EE Price Ok. Quantity checked Ok.
2070110	1,115.70	GRANULAR BACKFILL	CUYD	50.00	80.00	48.00	5,943.44	532.71%	160.00%	Yes	EE Price Ok. Quantity checked Ok.
2110190	173.00	SEEDING (TYPE A)	ACRE	1,500.00	200.00	1635.00	-132.54	-76.61%	13.33%	Yes	EE Price Ok. Quantity checked Ok. Plan quantities based on mapping, may not reflect existing conditions.
2110260	44.00	HYDRO-SEEDING	ACRE	3,500.00	2,500.00	4525.00	-93.92	-213.46%	71.43%	Yes	EE Price Ok. Quantity checked Ok.
3020130	106,660.00	TYPE 1 CLASS B AGGREGATE BASE	TON	10.00	10.00	14.50	-42,264.45	-39.63%	100.00%	No	EE Price Ok. Quantity checked Ok.
4020180	18,630.00	PLANTMIX SURFACING (TYPE 2)(WET)	TON	90.00	110.00	100.00	19,019.00	102.09%	122.22%	No	EE Price Ok. Quantity checked Ok.
4030110	2,830.00	PLANTMIX OPEN-GRADED SURFACING (3/8-INCH)(WET)	TON	130.00	140.00	140.00	N/A	N/A	107.69%	No	EE Price Ok. Quantity checked Ok.
6040390	682.00	24-INCH CORR. METAL PIPE (16 GAGE)	LINFT	75.00	150.00	35.00	1,653.83	242.50%	200.00%	Yes	EE Price Ok. Quantity checked Ok.
6040470	470.00	30-INCH CORR. METAL PIPE (16 GAGE)	LINFT	80.00	160.00	40.00	1,584.92	337.22%	200.00%	Yes	EE Price Ok. Quantity checked Ok.
6040545	463.00	36-INCH CORR. METAL PIPE (16 GAGE)	LINFT	90.00	170.00	45.00	1,521.52	328.62%	188.89%	Yes	EE Price Ok. Quantity checked Ok.
6250490	1.00	RENT TRAFFIC CONTROL DEVICES	LS	207,000.00	500,000.00	380000.00	N/A	N/A	241.55%	Yes	EE Price Ok. Quantity checked Ok.
6270190	1,545.74	PERMANENT SIGNS (GROUND MOUNTED) (METAL SUPPORTS)	SQFT	90.00	50.00	82.00	-5,943.44	-384.50%	55.56%	Yes	EE Price slightly high. Quantity checked Ok.
6280120	1.00	MOBILIZATION	LS	446,596.20	664,230.10	834701.52	N/A	N/A	148.73%	No	EE Price Ok. Quantity checked Ok.

Additional Comments

Line Item 2



Line Item #2 - Contract 3574

Project Coordinator: Vic Peters

Recent Work History: Slab replacement in 2002. Average age of concrete between Moana and I-80 is 30 years.

Length of the Project: 2.76 miles

Estimated Proceed Date: September 7, 2014

Estimated Completion: Summer, 2015



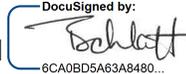
1263 South Stewart Street
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MEMORANDUM

Administrative Services

August 7, 2014

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

From: Teresa Schlaffer, Business Process Analyst III 

Subject: Concurrence in Award for Contract No. 3574, Project No. NHP-580-1(031), BR-080-1(168), I 580 from Moana Lane to the Truckee River MP WA 22.58 to 25.34, Washoe County, described as Crack Sealing, Spall Repair, and Diamond Grinding. Reconstruct Southbound from Moana Ln to the Truckee River Grade Separation., Engineer's Estimate \$11,165,872.78.

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

Bid proposals were opened on June 26, 2014. Q & D Construction, Inc. is the apparent low bidder at \$12,114,205.11 and they submitted a properly executed proposal, bid bond and anti-collusion affidavit. The second low bidder is Teichert Construction with a bid of \$12,338,598.10

The project is State funded; Bidder's Preference was applied and did not affect the successful contractor's ranking.

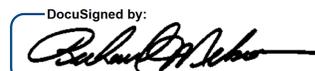
The subcontractor listing documentation submitted by the two lowest bidders has been reviewed and certified by the Contract Compliance Officer. The bid is above the Engineer's Estimate Range, and a copy of the Unofficial Bid Results report is attached for your reference. The BRAT Chairman has provided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

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

Concurrence in award:



John Terry, Assistant Director



Richard Nelson, Assistant Director



Rudy Malfabon, Director

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

Nevada Department of Transportation

Unofficial Bid Results

August 08, 2014

Contract Number: 3574

Bid Opening Date and Time: 6/26/2014 2:30 pm

Designer: LENA BORGES

Liquidated Damages: \$4,200

Senior Designer: VICTOR PETERS

Working Days: 200

Estimate Range: R29 \$9,550,000.01 to \$11,500,000

District: DISTRICT 2

Project Number: BR-080-1(168), NHP-580-1(031)

County: WASHOE

Location: I 580 FROM MOANA LANE TO THE TRUCKEE RIVER MP WA 22.58 TO 25.34

Description: CRACK SEALING, SPALL REPAIR, AND DIAMOND GRINDING. RECONSTRUCT SOUTHBOUND FROM MOANA LN TO THE TRUCKEE RIVER GRADE SEPARATION.

Apparent Low Bidder Q & D Construction, Inc. \$12,114,205.11

Apparent 2nd Teichert Construction \$12,338,598.10

Apparent 3rd Granite Construction Company \$12,662,662.00

Bidders:		Actual Bid Amount
1	Q & D Construction, Inc. P.O. Box 10865 Reno, NV 89510 (775) 786-2677	\$12,114,205.11
2	Teichert Construction 4401 Duluth Avenue Rocklin, CA 95765 (916) 484-3011	\$12,338,598.10
3	Granite Construction Company PO Box 50085 Watsonville, CA 95077-5085 (831) 724-1011	\$12,662,662.00



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MEMORANDUM

CONTRACT COMPLIANCE SECTION

July 7, 2014

To: ^{DS} Jenni Eyerly, Administrative Services Officer
From:  Dana A. Olivera, Contract Compliance
Subject: NDOT Bidder DBE and Subcontractor Information - Contract No. 3574

I-580 from Moana Lane to the Truckee River MP WA 22.58 to 25.34, Washoe County.

CRACK SEALING, SPALL REPAIR, AND DIAMOND GRINDING. RECONSTRUCT SOUTHBOUND FROM MOANA LAND TO THE TRUCKEE RIVER GRADE SEPARATION.

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

The DBE goal of 7% has been met with a 7.20% DBE commitment by the apparent low bidder to Nevada certified DBE firms. Specific information regarding the DBE goal is available in the Contract Compliance Section.

DAO



1263 South Stewart Street
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Memorandum

July 9, 2014

TO: Jenni Eyerly, Chief Administrative Services Officer
FROM: Paul Frost, Chief Roadway Design Engineer
SUBJECT: BRAT Summary Report for Contract #3574

The Bid Review and Analysis Team met on 7/8/14 to discuss the Bid Tabulation for the above referenced contract. The following BRAT team members were in attendance:

Jeff Shapiro, Chief Construction Engineer
Sharon Foerschler, Assistant Chief Construction Engineer
Jeff Freeman, Construction
Shawn Howerton, Principal Roadway Design Engineer
Paul Frost, Chief Roadway Design Engineer
Paula Aiazzi, Administrative Services Officer
Teresa Schlaffer, Administrative Services
Mary Gore, Assistant Chief Administrative Services
Casey Connor, Assistant Chief Roadway Design Engineer
Scott Hein, Principal Roadway Design Engineer
Sam Lompa, Resident Engineer
Steve House, Crew 905
Vic Peters, Senior Roadway Designer
Dale Wegner, FHWA

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

Several significant bid items are mathematically unbalanced. The majority of the plan quantities were verified (please see attached quantity Price Sensitivity report with comments). The proposal bid prices were evaluated and determined to be acceptable.

The apparent low bid is 108 percent of the engineers estimate. The BRAT recommends proceeding with awarding this contract.

BRAT Chairman Concur to Award



Date 7/9/14

cc: attendees
Pierre Gezelin, Legal
Attach.

Contract No: 3574
 Project No.: NHP-580-1(031), BR-080-1(168)
 Project ID/EA No.: 73788/73760
 County: WASHOE
 Range: R29 \$9,550,000.01 to \$11,500,000
 Working Days: 200

RE: Sam Lompa
 Designer: Lena Borges

Engineer's Estimate	Q & D Construction, Inc.	Teichert Construction	Diff. Between Low & 2nd	Diff Between EE & Low	Low Bid % of EE
\$11,165,872.77	\$12,114,205.11	\$12,338,598.10	\$224,393.00	\$948,332.33	108.49%

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
2020120	50000.00	REMOVAL OF PORTION OF BRIDGE DECK	SQFT	1.50	1.25	2.52	-176,687.40	-353.37%	83.33%	No	Engineer Estimate OK, Quantity Good
2020160	1940.00	REMOVAL OF EXPANSION JOINTS	LINFT	35.00	20.00	70.00	-4,487.86	-231.33%	57.14%	Yes	Engineer Estimate OK, Quantity Good
2020400	7763.00	REMOVAL OF CONCRETE BARRIER RAIL	LINFT	15.00	12.00	10.00	112,196.50	1445.27%	80.00%	No	Engineer Estimate OK, Quantity Good
2021290	73743.00	REMOVE PAVEMENT MARKINGS	LINFT	0.65	1.00	1.00	N/A	N/A	153.85%	Yes	Engineer Estimate Low, Bid OK, Quantity Good
2030140	28939.00	ROADWAY EXCAVATION	CUYD	10.00	24.00	25.00	-224,393.00	-775.40%	240.00%	Yes	Engineer Estimate Low, \$15-\$20 reasonable, Quantity Good
2030700	53772.00	GEOTEXTILE (CLASS 2)	SQYD	1.50	1.50	2.00	-448,785.99	-834.61%	100.00%	No	Engineer Estimate OK, Quantity Good
2030720	10741.00	GEOGRID	SQYD	6.00	2.50	3.50	-224,393.00	-2089.13%	41.67%	Yes	Engineer Estimate High, \$2.50 Good, Quantity Good
2090130	3576.80	TYPE 2 DRAIN BACKFILL	CUYD	40.00	25.00	45.00	-11,219.65	-313.68%	62.50%	Yes	Engineer Estimate OK, Quantity Good
3020140	6979.80	TYPE 1 CLASS B AGGREGATE BASE	CUYD	35.00	35.00	47.00	-18,699.42	-267.91%	100.00%	No	Engineer Estimate OK, Quantity Good
4020180	6804.10	PLANTMIX SURFACING (TYPE 2)(WET)	TON	100.00	85.00	90.00	-44,878.60	-659.58%	85.00%	No	Engineer Estimate a Little High, \$90 Good, Quantity Good
4090230	41671.50	PORTLAND CEMENT CONCRETE PAVEMENT (11-INCHES)	SQYD	52.00	62.00	49.00	17,261.00	41.42%	119.23%	No	Engineer Estimate OK, Quantity Good
4090375	9850.20	SPALL REPAIR	SQFT	50.00	57.50	56.00	149,595.33	1518.70%	115.00%	No	Engineer Estimate OK, Quantity Good
4090680	158070.10	GRIND CONCRETE PAVEMENT	SQYD	3.75	2.30	0.95	166,217.03	105.15%	61.33%	Yes	Engineer Estimate OK, Quantity Good
4090715	47000.00	CRACK SEALING	LINFT	10.00	15.00	14.60	560,982.49	1193.58%	150.00%	No	Engineer Estimate OK, Quantity Good
4100120	79000.00	SAW AND RESEAL TRANSVERSE WEAKENED PLANE JOINTS	LINFT	1.25	2.00	1.92	2,804,912.44	3550.52%	160.00%	Yes	Engineer Estimate Low \$2 OK, no bid history, Quantity Good
4100130	101500.00	SAW AND RESEAL LONGITUDINAL WEAKENED PLANE JOINTS	LINFT	1.25	2.60	2.65	-4,487,859.90	-4421.54%	208.00%	Yes	Engineer Estimate Low \$2.50 OK, no bid history, Quantity Good
4960130	5786.00	BRIDGE DECK PREPARATION AND CONCRETE PLACEMENT	SQYD	50.00	9.00	28.50	-11,507.33	-198.88%	18.00%	Yes	Larger Quantity than Typical Smaller Jobs, Quantity Good
4960160	1024000.00	POLYMER CONCRETE AGGREGATE	POUND	0.25	0.26	0.25	22,439,299.50	2191.34%	104.00%	No	Engineer Estimate OK, Quantity Good
4960170	123600.00	POLYMER CONCRETE RESIN	POUND	3.00	2.90	2.75	1,495,953.30	1210.32%	96.67%	No	Engineer Estimate OK, Quantity Good
4970100	15200.00	BRIDGE DECK PREPARATION	SQYD	9.00	1.00	1.30	-747,976.65	-4920.90%	11.11%	Yes	Larger Quantity than Typical Smaller Jobs, Quantity Good
4970110	15200.00	THIN BONDED MULTILAYER OVERLAY	SQYD	40.00	24.00	41.50	-12,822.46	-84.36%	60.00%	Yes	Engineer Estimate OK, Quantity Good
5020150	11160.00	PORTABLE PRECAST CONCRETE BARRIER RAIL (STATE-FURNISHED)	LINFT	7.00	17.00	7.70	24,128.28	216.20%	242.86%	Yes	Engineer Estimate OK, Quantity Good
5020170	9117.00	CONCRETE BARRIER RAIL (TYPE FA)	LINFT	50.00	42.00	36.00	37,398.83	410.21%	84.00%	No	Engineer Estimate OK, Quantity Good
5060110	19340.00	STRUCTURAL STEEL	POUND	3.00	18.00	21.40	-65,997.94	-341.25%	600.00%	Yes	Engineer Estimate Low for Type of Work, Specialized Installation and Detailed Fabrication, Quantity Good
6050140	897.00	12 - INCH HIGH DENSITY POLYETHYLENE PIPE, TYPE S	LINFT	30.00	60.00	72.00	-18,699.42	-2084.66%	200.00%	Yes	Engineer Estimate Low, \$56 avg, Quantity Good.
6230267	221.00	LUMINAIRE, TYPE A	EACH	700.00	500.00	520.00	-11,219.65	-5076.76%	71.43%	Yes	Engineer Estimate High for Large Quantity, Low Bid OK, Quantity Good.
6232885	1.00	DYNAMIC MESSAGE SIGN (TYPE 1)	EACH	80,000.00	75,000.00	98,400.00	-9.59	-958.94%	93.75%	No	Engineer Estimate OK, Quantity Good
6240140	200.00	TRAFFIC CONTROL SUPERVISOR	DAY	650.00	500.00	450.00	4,487.86	2243.93%	76.92%	No	Engineer Estimate High for Large Quantity, Low Bid OK, Quantity Good.
6250230	14.00	RENT CHANGEABLE MESSAGE SIGN	EACH	7,000.00	7,000.00	7,200.00	-1,121.96	-8014.04%	100.00%	No	Engineer Estimate OK, Quantity Good
6250410	5.00	RENT TEMPORARY IMPACT ATTENUATOR (75 MPH)	EACH	7,000.00	12,000.00	11,700.00	747.98	14959.53%	171.43%	Yes	Engineer Estimate OK, Small Bid History @ 75 mph, Quantity Good
6250510	4040.00	RENT PORTABLE PRECAST CONCRETE BARRIER RAIL	LINFT	25.00	18.00	25.20	-31,165.69	-771.43%	72.00%	Yes	Engineer Estimate OK, Quantity Good
6270110	1.00	PERMANENT OVERHEAD SIGN SUPPORT STRUCTURES	LS	75,000.00	75,000.00	85,500.00	N/A	N/A	100.00%	No	Engineer Estimate OK, Quantity Good
6280120	1.00	MOBILIZATION	LS	631,338.70	1,037,710.00	999,900.00	N/A	N/A	164.37%	Yes	Engineer Estimate OK, Quantity Good
6410150	6.00	IMPACT ATTENUATOR (70 MPH)	EACH	25,000.00	19,000.00	24,000.00	-44.88	-747.98%	76.00%	No	Engineer Estimate OK, Quantity Good

Additional Comments:



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MEMORANDUM

August 11, 2014

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, Director
SUBJECT: August 18, 2014 Transportation Board of Directors Meeting
Item #5: Approval of Agreements Over \$300,000 - For Possible Action

Summary:

The purpose of this item is to provide the Board a list of agreements over \$300,000 for discussion and approval following the process approved at the July 11, 2011 Transportation Board meeting. This list consists of any design build contracts and all agreements (and amendments) for non-construction matters, such as consultants, service providers, etc. that obligate total funds of over \$300,000, during the period from June 17, 2014, through July 28, 2014.

Background:

The Department contracts for services relating to the development, construction, operation and maintenance of the State's multi-modal transportation system. The attached agreements constitute all new agreements, new task orders on existing agreements, and all amendments which take the total agreement above \$300,000 during the period from June 17, 2014, through July 28, 2014.

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, June 17, 2014, through July 28, 2014.

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
June 17, 2014 to July 28, 2014

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	Project Manager	Notes
1	08312	4	SNELL & WILMER, LLP	CONTRACT 3377	N	150,000.00	425,000.00	1,545,000.00	-	2/27/2012	3/15/2015	8/18/2014	Service Provider	Dennis Gallagher	AMD 4 08-18-14: INCREASE AUTHORITY \$425,000.00 FROM \$1,120,000.00 TO \$1,545,000.00 FOR ESTIMATED LITIGATION COSTS AND FEES FOR PRE-TRIAL MOTIONS, A 16 DAY TRIAL, AND POST-TRIAL MOTIONS. THIS DOES NOT INCLUDE EXPERT WITNESSES. AMD 3 01-13-14: INCREASE AUTHORITY \$825,000.00 FROM \$295,000.00 TO \$1,120,000.00 FOR SNELL & WILMER TO COMPLETE DISCOVERY PHASE OF LITIGATION, AND PREPARE FOR PRE-TRIAL AND TRIAL. AMD 2 09-12-13: INCREASE AUTHORITY \$70,000.00 FROM \$225,000.00 TO \$295,000.00 TO PROVIDE FOR THE BEGINNING OF THE DISCOVERY PHASE OF LITIGATION. AMD 1 02-18-13: EXTENDS TERMINATION DATE FROM 06-30-14 TO 03-01-15 AND INCREASES AUTHORITY BY \$75,000.00 FROM \$150,000.00 TO \$225,000.00 FOR CONTINUED SERVICES UNTIL RESOLUTION OF THE LAWSUIT. 03-01-12: OUTSIDE LEGAL COUNSEL TO REPRESENT AND ADVISE THE DEPARTMENT IN THE MATTER OF CONTRACT 3377 AWARDED TO PEEK CONSTRUCTION AND ITS REQUEST FOR EQUITABLE ADJUSTMENT CLAIM AND COMPLAINT AGAINST THE DEPARTMENT FILED IN 1ST JD 120C 00030 1B, STATEWIDE. NV B/L#: NV20011000455-S
2	55113	00	KIMLEY-HORN & ASSOCIATES, INC	I-15 MOBILITY ALLIANCE	Y	1,562,500.00	-	1,562,500.00	-	8/18/2014	7/1/2018	-	Service Provider	Sondra Rosenberg	08-18-14: MULTISTATE CORRIDOR OPERATIONS AND MANAGEMENT (MCOM) PROGRAM FOR THE I-15 MOBILITY ALLIANCE. DEVELOPMENT OF A COMPREHENSIVE, MULTIMODAL MASTER PLAN FOR THE I-15 CORRIDOR. NOTE: \$1,250,000 FEDERAL GRANT FUNDS WILL PROVIDE 80% OF THE FUNDING. EACH STATE IN THE ALLIANCE (CALIFORNIA, NEVADA, AND UTAH), SHALL BE RESPONSIBLE FOR THE REMAINING 20% MATCH IN EQUAL SHARES. RECEIVABLE AGREEMENT WITH CALIFORNIA & UTAH IS #230-13-800. NEVADA'S NET RESPONSIBILITY FOR STATE FUNDS UNDER THIS AGREEMENT IS \$104,167. CLARK COUNTY. NV B/L#: NV19911015458-R
3	00614	01	LAURA FITZSIMMONS, ESQ	RISK MGMT ANALYSIS/LITIGATION	Y	900,000.00	310,000.00	1,210,000.00	-	1/13/2014	12/31/2017	8/18/2014	Service Provider	Dennis Gallagher	AMD 1 8-18-14: TO PROVIDE ADDITIONAL FUNDS FOR AN EXTENSION OF WORK DESCRIBED IN THE ORIGINAL CONTRACT. 02-26-14: RISK MANAGEMENT ANALYSIS AND LITIGATION STRATEGY FOR PROJECT NEON, CLARK COUNTY. NV B/L#: NV20121016853

Line Item 1

NEVADA DEPT. OF TRANSPORTATION
REC'D ACCOUNTING
JUL 16 2014

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION

RECEIVED

JUL 11 2014

FINANCIAL MANAGEMENT

MEMORANDUM

July 7, 2014

TO: 1. Donna Spelts, Budget Section
2. Norfa Lanuza, Project Accounting *N. Lanuza*
3. Rudy Malfabon, P.E., Director

FROM: Dennis Gallagher, Chief Deputy Attorney General, Legal Division
Pierre Gezelin, Senior Deputy Attorney General, Legal Division

SUBJECT: REQUEST APPROVAL TO OBTAIN BUDGET APPROVAL
FOR AMENDMENT #4 TO AGREEMENT NO. P083-12-004
FOR SNELL & WILMER, LLP (Jim Sienicki, Esq.)
IN THE MATTER OF *PEEK CONSTRUCTION v. NDOT*
CONTRACT 3377 (KINGSBURY GRADE)
BOND NO. 105281769



The Legal Division has contracted with the above referenced Service Provider Snell & Wilmer, LLP for services and requests approval to amend the above Agreement No. P083-12-004 for additional funding. The original contract entered into March 1, 2012, for Snell & Wilmer, LLP to provide outside legal counsel to represent and advise the Nevada Department of Transportation in the Contract 3377 dispute matter of *Peek Construction v. State of Nevada, ex rel., Department of Transportation* in the First Judicial District Court of the State of Nevada, Case No. 12OC 00030 1B (the "Lawsuit"). The original estimate for these services was \$150,000.

Snell & Wilmer in the scope of their service agreement has continued to defend and represent the Department in the above lawsuit which arose out of Contract 3377 (Kingsbury Grade). Peek Construction Company defaulted on their contract and the Bond Company has been substituted for Peek Construction. NDOT has filed an Amended Answer to the Plaintiff's Amended Complaint and has Counterclaim against Plaintiffs and has prayed for damages in excess of \$10,000, liquidated damages, punitive damages, and attorney's fees which could be awarded at the discretion of the court. An additional amount of \$75,000.00 was funded in Amendment #1 on February 18, 2013. Amendment #2 in the amount of \$70,000.00 was funded on September 12, 2013 to provide for the beginning of the discovery phase of litigation. Amendment #3 in the amount of \$825,000.00 was funded on January 17, 2014 to provide for cost of discovery, expert witnesses and moving forward to trial.

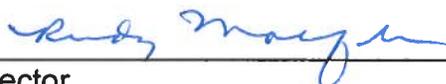
NDOT has diligently been working with Snell & Wilmer to bring this matter, now with the Bond Company, to a mutually agreed upon resolution. However, the Bond Company has been unwilling to talk settlement. A 16 day trial is now set for September of 2014. The Legal Services Division requests approval of Amendment #4 for estimated

litigation costs and fees of \$425,000.00 moving forward through pre-trial motions, trial, and post-trial motions. This amended amount does not include the costs of expert witnesses or additional out of pocket costs that will be necessary for trial.

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

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

Approved:



Director

Approved

 7/16/14

Budget Section

Requires Transportation Board Presentation

Requires IT Review

COMMENTS:

Line Item 2

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION

MEMORANDUM

September 19, 2013

TO: 1. Jaimarie Dagdagan, Budget Section
2. Norfa Lanuza, Project Accounting *NL*
3. Rudy Malfabon, P.E., Director

FROM: Sondra Rosenberg, Federal Programs Manager *SR*

SUBJECT: REQUEST TO SOLICIT CONSULTING SERVICES AND OBTAIN BUDGET APPROVAL FOR A REQUEST FOR PROPOSAL (RFP)

Due to the desire to improve multi-state corridor operations and management along the I-15 Corridor and the award of a federal grant to do so, the Federal Programs Division will be soliciting proposals from service providers.

Background on the project, anticipated scope of services, budget, and justification to hire outside sources are attached.

The estimated cost for the services are \$1,562,500, 80% Federal-aid, 20% State and Third Party (Agreement No. R230-13-800, funding sources outlined in attachment) anticipated to be spent over the following years:

- Fiscal Year 2014: \$500,000
- Fiscal Year 2015: \$800,000
- Fiscal Year 2016: \$262,500

Approval of this memo by the Budget Section of Financial Management Division, indicates funding authority is available for services for Budget Category 466006, Object 814U, Organization B800. The A04 Financial Data Warehouse, Budget by Organization Report No. NBDM30 must be attached. Actual availability of funds and the monitoring of actual expenditures must be determined by the Division Head/District Engineer. Return this memo to the originator for inclusion in the project.

Approval of this memo by the Directors Office authorizes the request to solicit services.

Approved: *Rudy Malfabon*

Director

Approved: *[Signature]*

Budget Section

COMMENTS: 80% FEDERAL GRANT IS COMING FROM MCOM GRANT

ATTACHMENT

Background

In 2007, the I-15 Corridor between Southern California and Northern Utah was selected as one of seven Corridors of the Future, recognizing the importance of this corridor to the region and the nation. Since then, NDOT has lead the formation of the I-15 Mobility Alliance, including the California, Nevada, Arizona, and Utah Departments of Transportation as well as partnering with various agencies along the corridor. This Alliance has worked to create the "I-15 Corridor System Master Plan" and a series of supporting technical memoranda, including the identification and prioritization of projects in each region and state. In addition, the Alliance has identified future opportunities to work together on corridor-wide multistate initiatives. The first priority for a corridor-wide effort was to improve coordination and communication between Traffic Operations/Management Centers along the corridor and share best practices for operating the Corridor. In 2012, the I-15 Mobility Alliance was selected as one of six corridors to receive a Multistate Corridor Operations and Management (MCOM) Program grant. The award was in the amount of \$1,250,000. The grant requires 20% non-federal matching funds.

An agreement was signed between California, Nevada, and Utah Departments of Transportation to share in the matching funds for this project, as well as additional funding to continue the Alliance general coordination and planning (Agreement No. R230-13-800). The proposed scope of work and cost per task was developed through coordination between planning and operations staff from all three agencies and is described below.

Scope of Work

1) Develop Needs and Operational Concept

a) Stakeholder Outreach

- i) Establish Alliance working groups and decision making process**
- ii) Establish a Stakeholder Advisory Committee comprised of representatives from trucking and tourism industries**
- iii) Coordinate with other multistate coalitions to share best practices**
- b) Conduct an inventory of existing traveler information and the data sources, including:**
 - i) Corridor links covered**
 - ii) Types of information (volume and occupancy, measured spot speeds, measured travel times, calculated information (e.g., deriving link travel times from spot speeds along the link))**
 - iii) Data sources (detector types and technologies, vehicle probes)**
 - iv) Other information available (e.g., incidents, construction zones, special events, video)**
 - v) Format of existing data, including communications protocols for transmitting the information to other centers.**
 - vi) Center – to – center (C2C) links and data protocols and standards between Transportation Management Centers (TMC) and other Partners sites (e.g., 511) within the corridor for exchanging this information.**

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION

MEMORANDUM

July 22, 2014

TO: Tom Greco, Assistant Director

FROM: Sondra Rosenberg, Project Manager 

SUBJECT: Negotiation Summary for RFP 551-13-800 I-15 Multistate Corridor Operations and Management Program

Several coordination and negotiation meetings were held via teleconference between the Service Provider and NDOT staff:

March 13, 2014 – Call with Lisa Burgess of Kimley Horn Associates and Sondra Rosenberg of NDOT to discuss scope, agreement type, and potential data procurement issues

April 23, 2014 - Call with Lisa Burgess of Kimley Horn Associates and Sondra Rosenberg of NDOT to discuss comments from NDOT and partner agencies on draft scope items

May 29, 2014 - Follow up emails clarifying Mobility Alliance travel needs for the project.

July 10, 2014 – Call with Lisa Burgess of Kimley Horn Associates and Sondra Rosenberg and Kevin Verre of NDOT to discuss final scope of work and elements of the scope to be included in the first Task Order.

The DBE goal for this agreement has been established at three percent (3%).

The scope of services that are to be provided by Kimley Horn Associates was reaffirmed by both parties at the outset as the scope for the Master Agreement, with the understanding that more detailed scope of work will be provided in each Task Order as the project moves forward. Each Task Order will also be reviewed by FHWA to ensure compliance with Multistate Corridor Operations and Management Program grant requirements.

Key personnel dedicated to this project are as follows:

Lisa Burgess, PMP Project Manager - Vice President, Kimley Horn Associates
Mark Jensen, PMP, Principal, Cambridge Systematics
John Grant, P.E., Managing Partner, Narwhal Group
Thomas Guerra, Principal, OZ Engineering, LLC

NDOT's budget for this effort is \$1,562,500 based on MCOM grant award and required matching funds. Due to the complexity of multistate operations, flexibility in adapting to changing federal and state needs, the NDOT and Kimley Horn agreed to complete the scope of work with a series of progressive Task Orders.

Reviewed and Approved:


Assistant Director

Attachment A Scope of Services - I-15 Multistate Corridor Operations and Management Program

1) Develop Needs and Operational Concept

- a) Stakeholder Outreach
 - i) Establish Alliance working groups and decision making process
 - ii) Establish a Stakeholder Advisory Committee comprised of representatives from trucking and tourism industries
 - iii) Coordinate with other multistate coalitions to share best practices
- b) Conduct an inventory of existing traveler information and the data sources, including:
 - i) Corridor links covered
 - ii) Types of information (volume and occupancy, measured spot speeds, measured travel times, calculated information (e.g., deriving link travel times from spot speeds along the link))
 - iii) Data sources (detector types and technologies, vehicle probes)
 - iv) Other information available (e.g., incidents, construction zones, special events, video)
 - v) Format of existing data, including communications protocols for transmitting the information to other centers.
 - vi) Center – to – center (C2C) links and data protocols and standards between Transportation Management Centers (TMC) and other Partners sites (e.g., 511) within the corridor for exchanging this information.
 - vii) Third party providers of traveler information that may be able to supplement the existing information as may be required for the integrated traveler information web site.
- c) Identify system needs, such as:
 - i) Goals and objectives for a system and user /traveler tools.
 - ii) The types of information to be provided (e.g., average travel speeds, incident locations, construction activities, weather and other alerts, video, links to other websites)
 - iii) Network links for which information is desired (I-15 and perhaps parallel routes and transit alternatives)
 - iv) The need for a new website or mobile application versus use of existing platforms for operational information (e.g. Western States Rural Transportation Collaborative One Stop Shop for traveler information, I-15 Alliance website, UDOT or INRIX mobile applications; some of which the partner states already participate)
- d) Develop operational concept
 - i) Define how information should be displayed (from a functional perspective)
 - ii) Define how travelers might access this information.
 - iii) Compare the system needs and future operational concept with the existing data and operations to identify any gaps in terms of available data, areas of coverage, interfaces, C2C links, etc.

- iv) Define and make a preliminary assessment of potential alternatives for filling in these information and geographical gaps (e.g., additional detectors, third party sources, combination).
- 2) Data Acquisition** - Based on the operational concept developed above, this step may include:
- a) Procure real time GPS based speed and travel time data for the I-15 corridor
 - b) Provide incident recognition in real time and generate alerts to respective TMCs
 - c) Provide real time delay time estimates
 - d) Evaluate real time speed and congestion on alternate routes to assist in recommendation of detours
 - e) Provide historical travel data for travel planning
- 3) Decision System Development** – this step will include a recommended design for the Decision support system. This system will not be installed or implemented without the express approval of appropriate Operations /Management Center staff (see step 5)
- a) Develop a Decision Support System (DSS) that would:
 - i) Pull incident information created at local TMC
 - ii) Review incident information such as location, expected duration, severity
 - iii) Evaluates with user identified thresholds
 - (1) Alerts TMCs with suggested actions (does not generate automatic responses)
 - (2) Highlights key reference information
 - b) Design to run in the background at TMC Operator 's work station or integrate into existing TMC software to provide a pop-up alarm (implementation or installation would be up to the discretion of the TMC)
- 4) Develop a Corridor Public Website** or expand an existing website to include I-15 Corridor Operational information (depending on findings in step 1.c. 4).
- a) Incorporate travel data into website
 - i) Real time speed and travel times corridor-wide
 - ii) Incidents
 - iii) Historic travel times
 - b) Weather conditions
 - c) Links to traffic cameras, DMS messages from TMCs
- 5) Recommended Plan for future Software Integration at TMCs**
- a) Recognize that each TMC will be different in regards to current software, procurement rules; etc.
 - b) Provide recommendations for future integration, as appropriate for
 - i) Traffic data
 - ii) Decision Support System software
 - iii) Website

6) Identify Future System Needs and Programs

Software Integration is not included in Phase 1 activities. Completion of Phase 1 activities will help to define next steps for future coordination and/or integrated corridor management.

Months from Notice to Proceed

Task	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
PHASE 1																								
1. PMP/SEMP	█	█																						
2. Needs and Inventory			█	█	█																			
3. Operational Concept					█	█	█																	
PHASE 2																								
4. System Req's and Design								█	█	█	█	█	█	█	█	█	█							
5. Web site Req's and Design								█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█
6. Prototype, Testing																		█	█	█	█	█		
7. Assess Future Needs																							█	█

Line Item 3

**STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION**

MEMORANDUM

DATE August 6, 2014

TO: 1. Donna Spelts, Budget Section
2. Norfa Lanuza, Project Accounting *N. Lanuza*
3. Rudy Malfabon, P.E., Director *DM*

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

SUBJECT: REQUEST APPROVAL TO OBTAIN BUDGET APPROVAL
AMENDMENT No. 1 to P006-14-004
LAURA FITZSIMMONS, ESQ.
RISK MANAGEMENT ANALYSIS FOR PROJECT NEON
REGARDING E.A. NO. 73652
WORK ORDER NO. 20371000

This Agreement is to develop legal strategy and a risk management analysis in connection with Project NEON. These services are being performed by Laura FitzSimmons, Esq. and various consultants retained and directed by her to assist the Department and Legal Division in assessing and managing risks associated with Project Neon.

The Agreement was entered into on January 13, 2014. Amendment No. 1 will provide for \$310,000.00 in additional funds. This is for an extension of work described in the original contract.

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

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

Approved:

Rudy Malfabon
Director

Approved

Donna Spelts 8/6/14
Budget Section

Requires Transportation Board Presentation

Requires IT Review

COMMENTS: Grand Total of Agreement #P006-14-004 \$1,210,000.00



MEMORANDUM

August 11, 2014

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, Director
SUBJECT: August 18, 2014, Transportation Board of Directors Meeting
Item #6: Contracts, Agreements, and Settlements – Informational Item Only

Summary:

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

- Construction contracts under \$5,000,000 awarded June 17, 2014, through July 28, 2014.
- Agreements under \$300,000 executed June 17, 2014, through July 28, 2014.
- Settlements entered into by the Department which were presented for approval to the Board of Examiners June 17, 2014, through July 28, 2014.

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 June 17, 2014, through July 28, 2014 and agreements executed by the Department from June 17, 2014, through July 28, 2014. There were two settlements during the reporting period.

Analysis:

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

List of Attachments:

- A) State of Nevada Department of Transportation Contracts Awarded - Under \$5,000,000, June 17, 2014, through July 28, 2014
- B) State of Nevada Department of Transportation Executed Agreements – Under \$300,000, June 17, 2014, through July 28, 2014
- C) State of Nevada Department of Transportation Settlements - Informational, June 17, 2014, through July 28, 2014

Recommendation for Board Action: Informational item only

Prepared by: Administrative Services Division

Attachment

A

**STATE OF NEVADA DEPARTMENT OF TRANSPORTATION
 CONTRACTS AWARDED - INFORMATIONAL
 June 17, 2014 – July 28, 2014**

1. May 8, 2014 at 1:30 PM the following bids were opened for Contract 3569, Project No. SP-000M(207), SR 445 Pyramid Hwy, SR 447 Gerlach Rd., in Washoe County, to double chip seal SR 445 and chip seal SR 447:

Sierra Nevada Construction, Inc.....	\$2,404,007.00
Intermountain Slurry Seal, Inc.	\$2,489,489.00
Graham Contractors, Inc.	\$2,739,720.50
A & K Earth Movers, Inc.	\$2,898,200.50
Engineer's Estimate	\$2,472,737.45

The Director awarded the contract June 17, 2014, to Sierra Nevada Construction, Inc. for \$2,404,007.00

2. May 22, 2014 at 2:30 PM the following bids were opened for Contract 3570, Project No. SPSR-208(10), SR 208 Topaz/Yerington Rd.; SR 447 Gerlach Rd., in Lyon and Washoe Counties, for a 2" Type 2 plantmix bituminous surface overlay.

A & K Earth Movers, Inc.	\$4,784,000.00
Sierra Nevada Construction, Inc.....	\$4,942,007.00
Q & D Construction, Inc.	\$5,271,798.00
Granite Construction Company.	\$5,285,285.00
Road and Highway Builders LLC.....	\$5,555,555.00
Engineer's Estimate	\$5,359,887.67

The Director awarded the contract June 17, 2014, to A & K Earth Movers, Inc. for \$4,784,000.00

3. June 5, 2014 at 1:30 PM the following bids were opened for Contract 3572, Project No. SPF-093-3(009), SR 574 Cheyenne Ave, at I-15; SR 593 Tropicana Ave at I-15; and SR 592 Flamingo Rd at I-15; in Clark County, to cold mill and repave SR 574 Cheyenne Ave between Civic Center Dr and Losse Rd, including on and off ramps at I-15; coldmill and repave on and off ramps on I-15 at SR 593 Tropicana Ave and SR 592 Flamingo Rd

Las Vegas Paving Corporation.....	\$1,390,000.00
Aggregate Industries SWR, Inc.	\$1,435,000.00
Engineer's Estimate	\$1,571,523.34

The Director awarded the contract July 9, 2014, to Las Vegas Paving Corporation for \$1,390,000.00

4. June 26, 2014 at 2:00 PM the following bids were opened for Contract 3556, Project No. SPF-093-3(009), US 93, between Caliente and Panaca, in Lincoln County, to realign US 93 for approximately 5000 feet using geo-foam to avoid unsuitable soils.

Road and Highway Builders LLC.....	\$3,595,595.00
W.W. Clyde & Co.	\$4,058,196.93
Engineer's Estimate	\$3,693,352.96

The Director awarded the contract July 14, 2014, to Road and Highway Builders LLC for \$3,595,595.00

Non-Responsive Bids:

<i>Aggregate Industries SWR, Inc.</i>	\$3,325,500.00
<i>Meadow Valley Contractors, Inc.</i>	\$3,615,440.90

5. May 22, 2014 at 1:30 PM the following bids were opened for Contract 804-14, various Tahoe Basin Locations, in Carson City, Douglas and Washoe Counties, for culvert cleaning services.

Clean Harbors Environmental Services, Inc.	\$539,749.10
Water Trucks Vacuum Truck Service.	\$630,775.50
H2O Environmental Inc.	\$982,456.00
Engineer's Estimate	\$511,137.00

The Director awarded the contract June 18, 2014, to Clean Harbors Environmental Services, Inc. for \$539,749.10

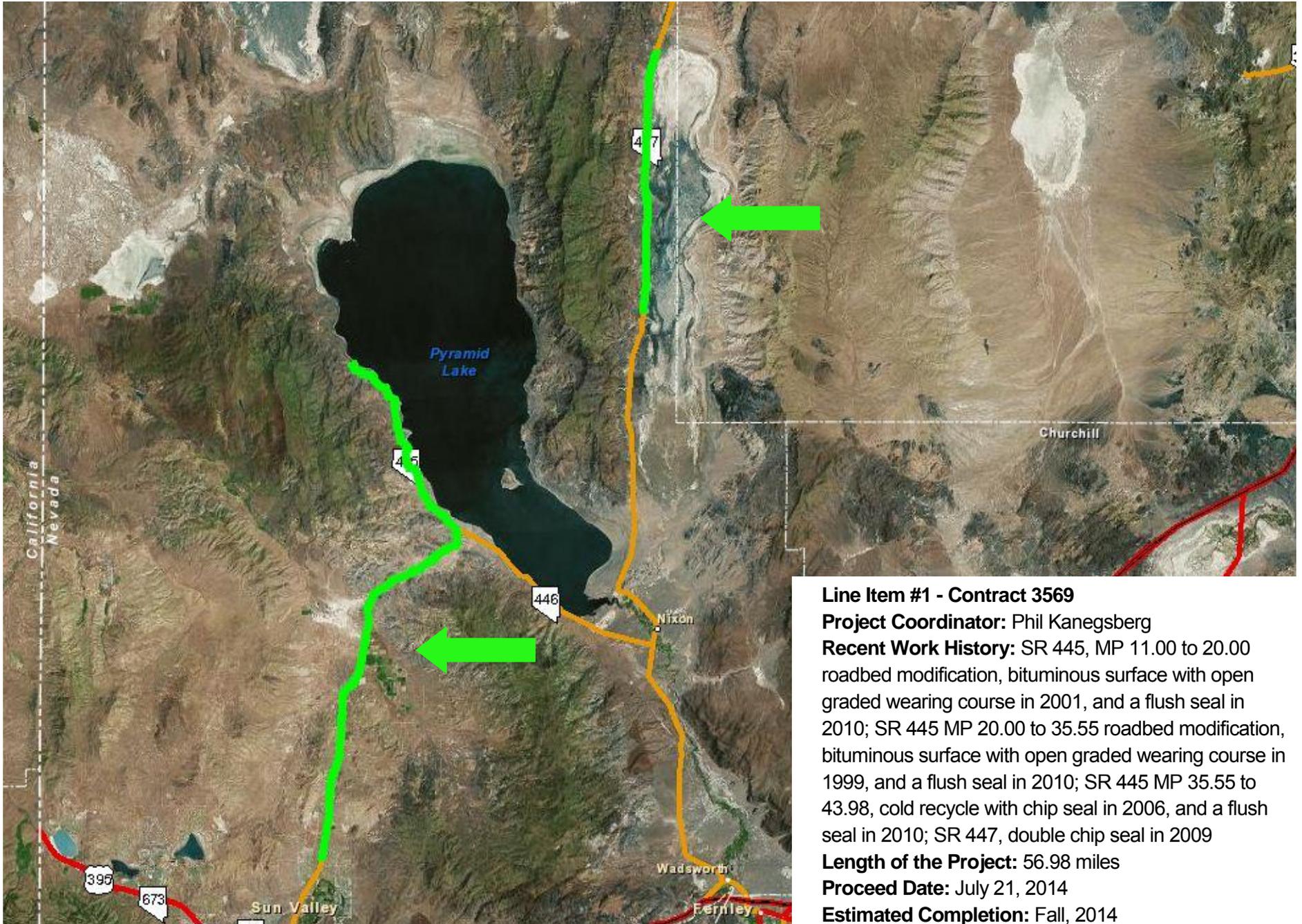
Non-Responsive Bids:

<i>DF Drumm</i>	\$449,996.18
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6. June 23, 2014 at 10:00 AM the following bids were opened for Emergency Contract 809-14, Project No. SP-MS-1301(011), Elko Maintenance Station in Elko County, to provide drainage and sidewalk improvements with installation of back flow prevention, check valves and washpad

Canyon Construction Co	\$745,651.95
MKD Construction Co.....	\$812,000.00
A & K Earth Movers Inc.	\$854,000.00
Engineer's Estimate	\$567,000.00

The Director awarded the contract June 24, 2014, to Canyon Construction Co for \$745,651.95



Line Item #1 - Contract 3569

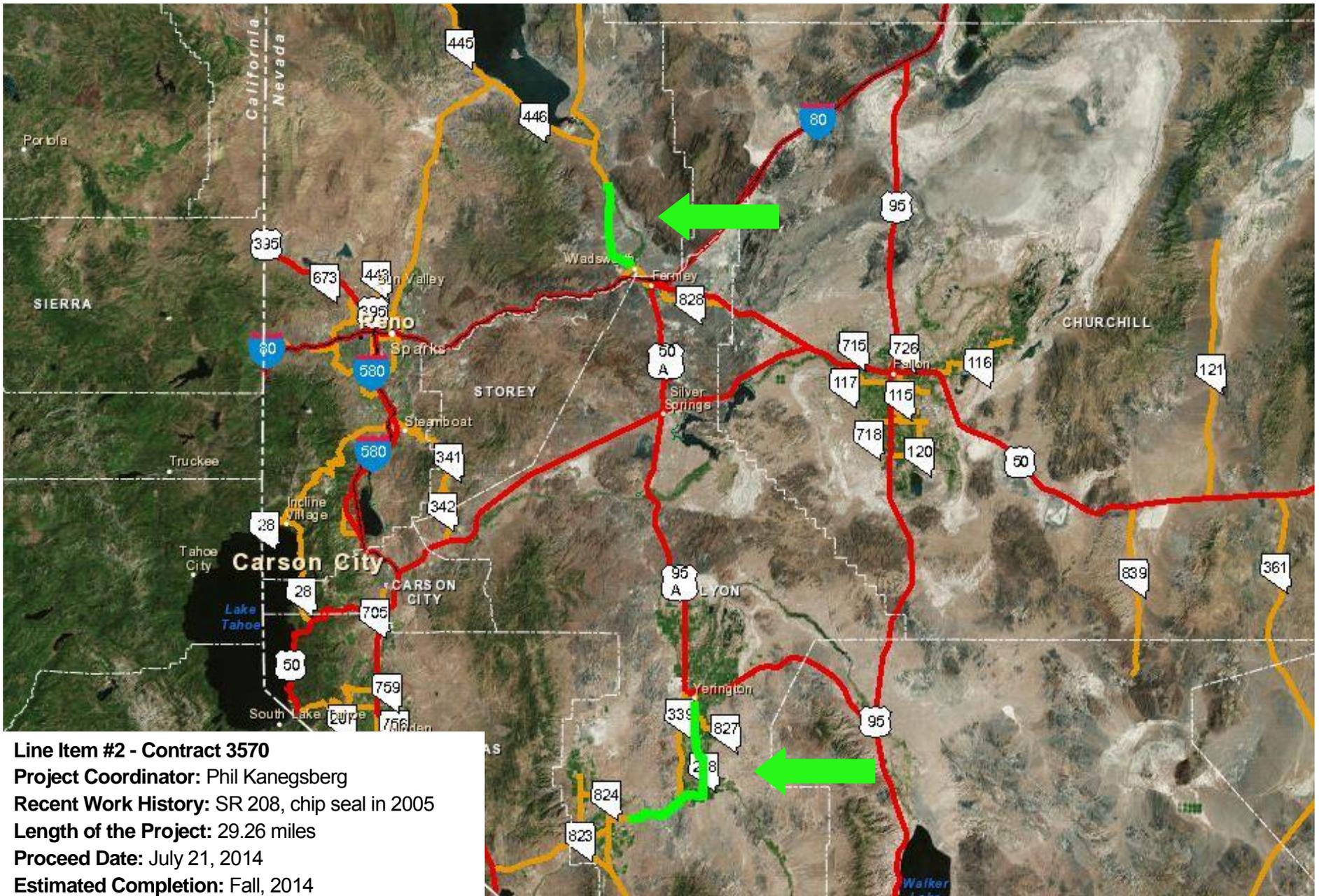
Project Coordinator: Phil Kanegsberg

Recent Work History: SR 445, MP 11.00 to 20.00 roadbed modification, bituminous surface with open graded wearing course in 2001, and a flush seal in 2010; SR 445 MP 20.00 to 35.55 roadbed modification, bituminous surface with open graded wearing course in 1999, and a flush seal in 2010; SR 445 MP 35.55 to 43.98, cold recycle with chip seal in 2006, and a flush seal in 2010; SR 447, double chip seal in 2009

Length of the Project: 56.98 miles

Proceed Date: July 21, 2014

Estimated Completion: Fall, 2014



Line Item #2 - Contract 3570

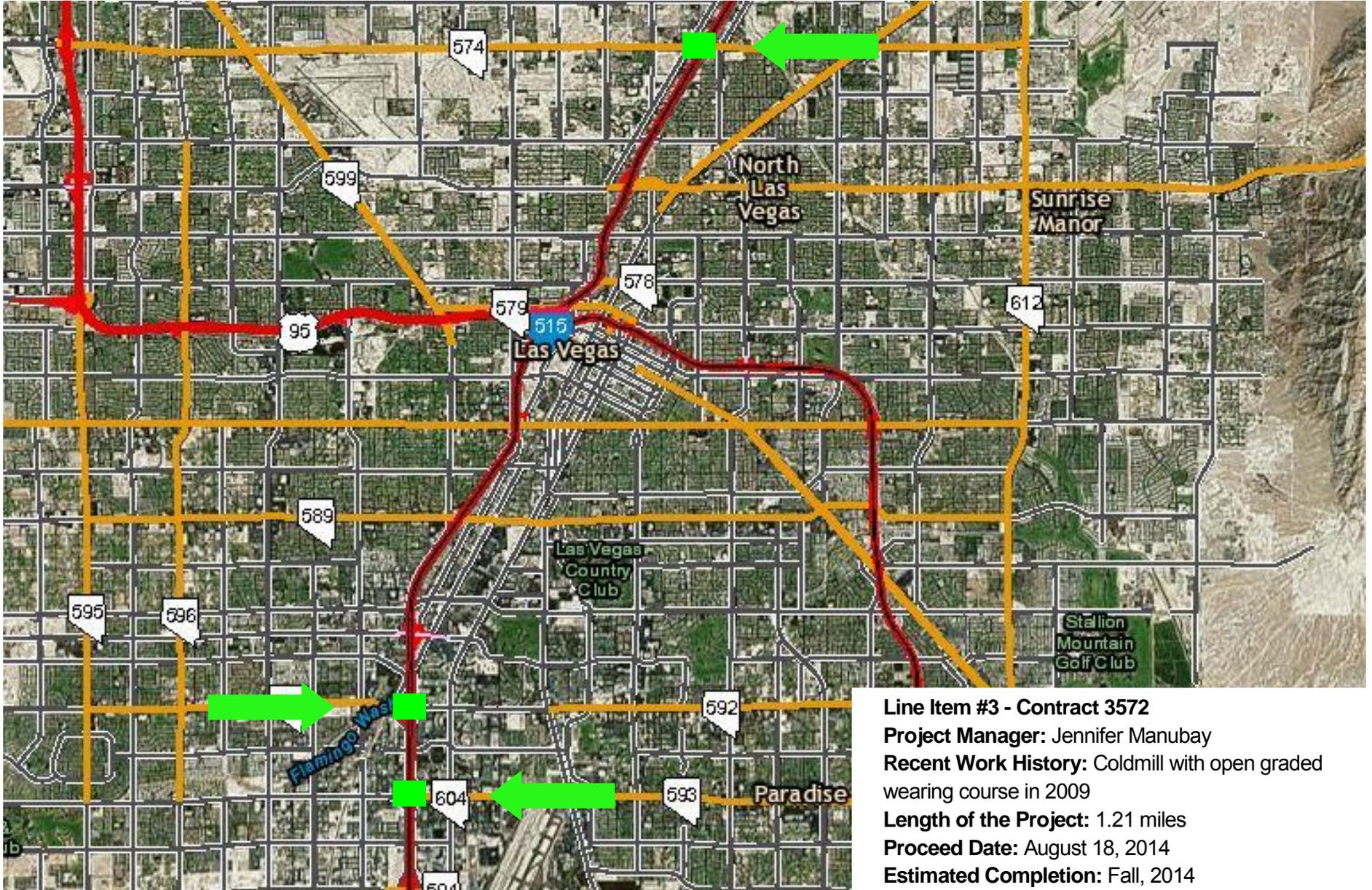
Project Coordinator: Phil Kanegsberg

Recent Work History: SR 208, chip seal in 2005

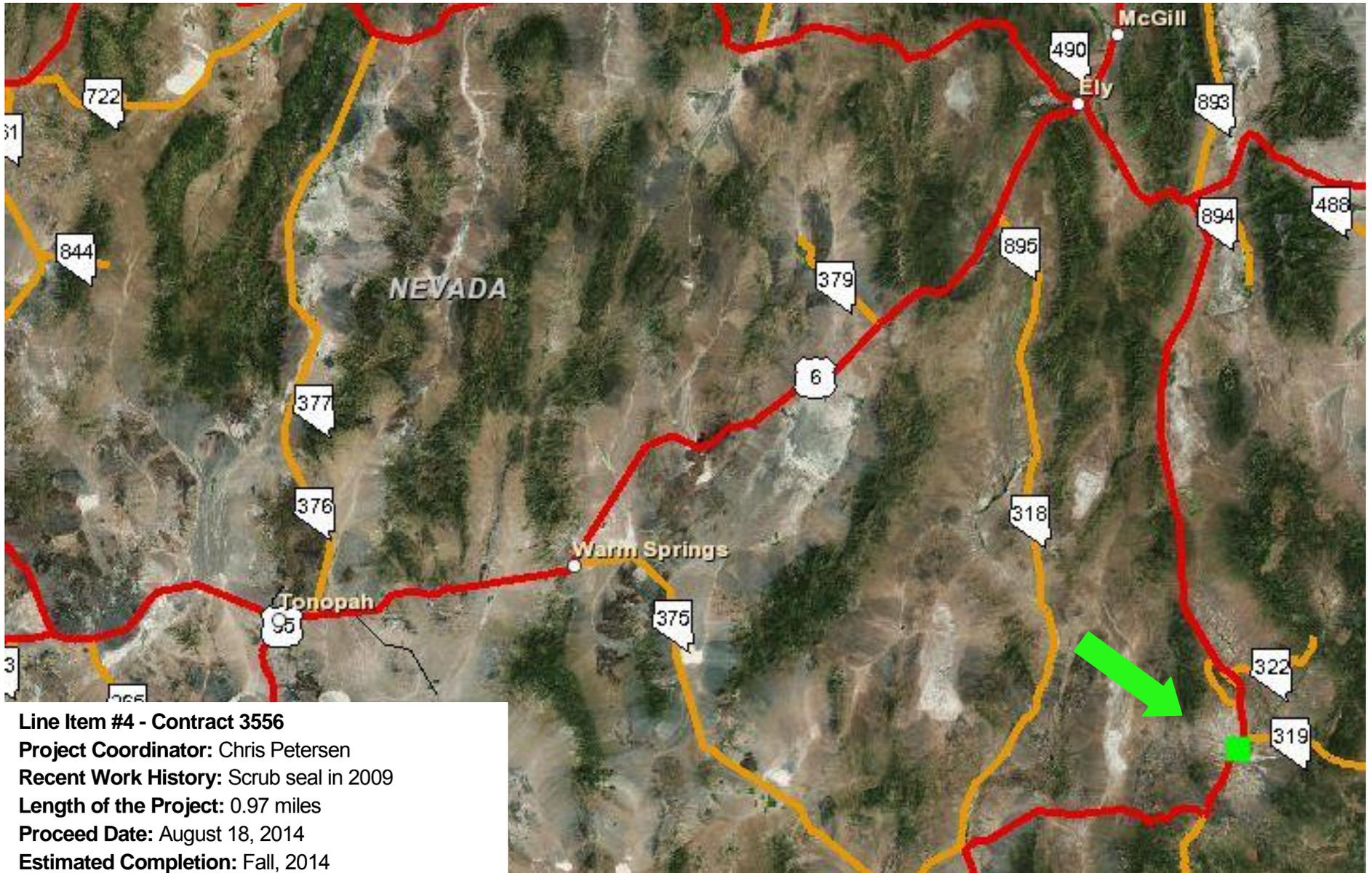
Length of the Project: 29.26 miles

Proceed Date: July 21, 2014

Estimated Completion: Fall, 2014



Line Item #3 - Contract 3572
Project Manager: Jennifer Manubay
Recent Work History: Coldmill with open graded wearing course in 2009
Length of the Project: 1.21 miles
Proceed Date: August 18, 2014
Estimated Completion: Fall, 2014



Line Item #4 - Contract 3556

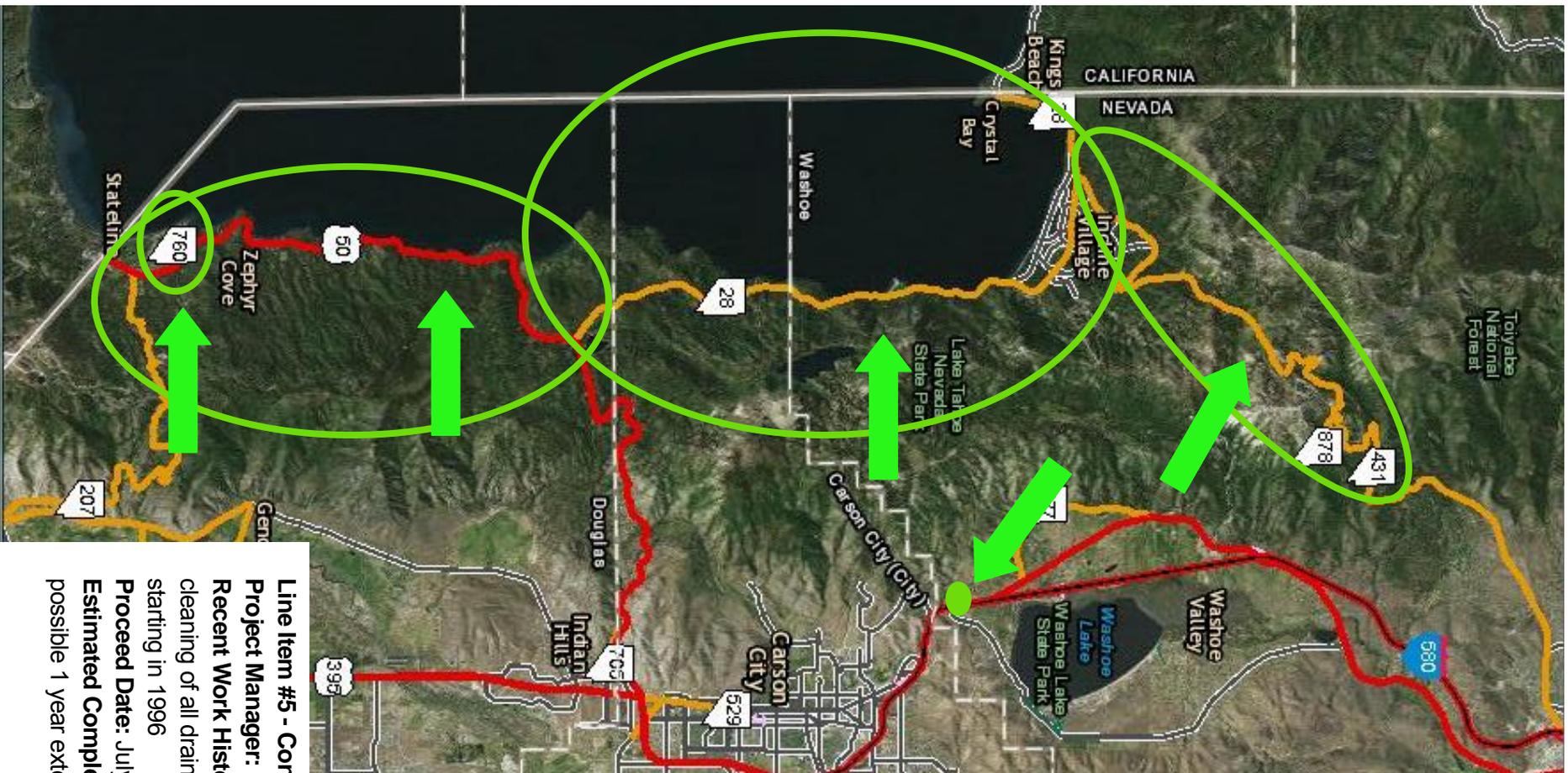
Project Coordinator: Chris Petersen

Recent Work History: Scrub seal in 2009

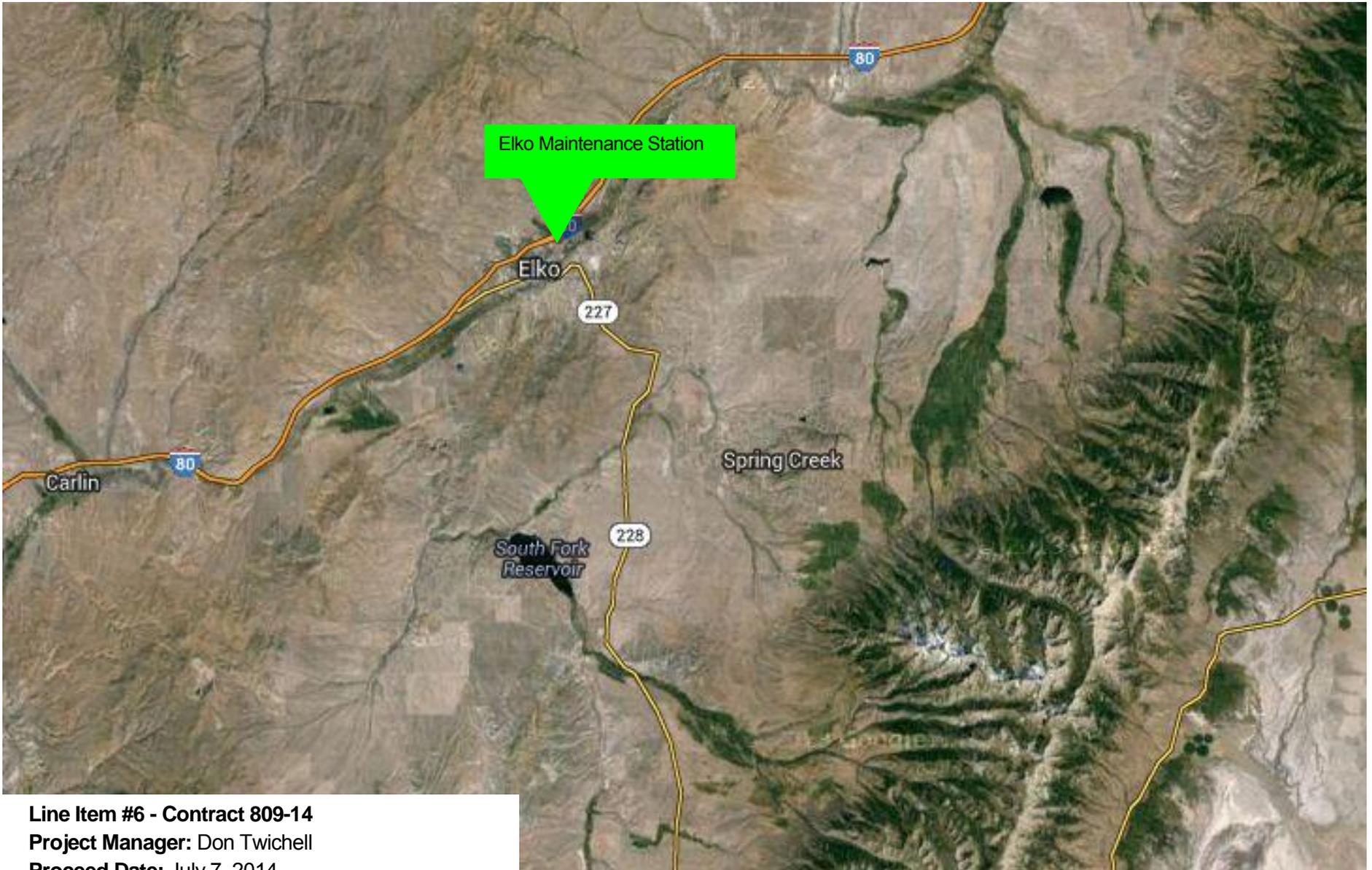
Length of the Project: 0.97 miles

Proceed Date: August 18, 2014

Estimated Completion: Fall, 2014



Line Item #5 - Contract 804-14
Project Manager: Greg Mindrum
Recent Work History: TRPA mandated biannual cleaning of all drainage structures within Tahoe Basin starting in 1996
Proceed Date: July 21, 2014
Estimated Completion: Summer, 2015, with possible 1 year extension



Line Item #6 - Contract 809-14
Project Manager: Don Twichell
Proceed Date: July 7, 2014
Estimated Completion: Fall, 2014

Attachment B

State of Nevada Department of Transportation
Executed Agreements - Informational
June 17, 2014 to July 28, 2014

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	Project Manager	Notes
1	23014	00	RTC OF SOUTHERN NEVADA	UPWP FUNDING	Y	5,059,141.00	-	5,059,141.00	252,957.00	7/1/2014	6/30/2015	-	Cooperative	MELVIN MCCALLUM	06-23-14: UNITED PLANNING WORK PROGRAM (UPWP) FUNDING IN ASSOCIATION WITH AGREEMENT NM443-12-804 WHICH SETS FORTH GENERAL PROVISIONS FOR THE DUTIES OF THE DEPARTMENT AND RTC FOR THE EXPENDITURE OF THE FEDERAL METROPOLITAN PLANNING FUNDS, CLARK COUNTY. NV B/L#: EXEMPT
2	26814	00	NEVADA TAHOE CONSERVATION	INCLINE VILLAGE IMPROVEMENTS	N	80,000.00	-	80,000.00	-	7/21/2014	7/21/2034	-	Cooperative	MATT NUSSBAUMER	07-21-14: CONSTRUCT WATER QUALITY AND EROSION CONTROL IMPROVEMENTS ALONG SR 28 IN INCLINE VILLAGE WITHIN THE DEPARTMENTS RIGHT OF WAY. WASHOE COUNTY. NV B/L#: EXEMPT
3	14206	02	DEPT OF PUBLIC SAFETY (NHP)	OPERATE/MAINTAIN 800HMZ RADIO SYSTEM	N	-	-	-	-	4/24/2006	6/30/2030	6/30/2014	Interlocal	RICHARD BROOKS	AMD 2 06-30-14: EXTEND TERMINATION DATE INDEFINITELY UNTIL EITHER PARTY SUBMITS A TERMINATION LETTER WITHIN THIRTY CALENDAR DAYS OF THE ANNUAL AUTOMATIC RENEWAL DATE OF JUNE 30TH. AMD 1 07-01-09: EXTEND TERMINATION DATE FROM 12-31-12 TO 06-30-14 TO CONTINUE OPERATING AND MAINTAINING NDOT'S 800 MHZ TRUNKED RADIO COMMUNICATIONS SYSTEM. 04-24-06: NO COST AGREEMENT TO ESTABLISH RESPONSIBILITIES IN OPERATING AND MAINTAINING NDOT'S 800 MHZ TRUNKED RADIO COMMUNICATIONS SYSTEM. STATEWIDE. NV B/L#: EXEMPT
4	14209	01	DEPT OF HEALTH AND HUMAN SERVICES	OPERATE/MAINTAIN 800HMZ RADIO SYSTEM	N	21,725.00	-	-	21,725.00	5/31/2009	6/30/2030	6/30/2014	Interlocal	RICHARD BROOKS	AMD 1 07-10-14: EXTEND TERMINATION DATE FROM 06-30-14 TO 06-30-19 WITH AN AUTOMATIC INDEFINITE RENEWAL THAT EXTENDS THE AGREEMENT AN ADDITIONAL FIVE YEARS ON THE LAST DAY OF EACH FIVE YEAR TERM UNLESS TERMINATED BY EITHER PARTY AT LEAST THIRTY DAYS PRIOR TO THE RENEWAL DATE. 05-31-09: ESTABLISH DEPARTMENT AND AGENCY RESPONSIBILITIES IN OPERATING AND MAINTAINING THE 800 HMZ RADIO COMMUNICATION SYSTEM, STATEWIDE. NV B/L#: EXEMPT
5	23909	01	DEPT CONSERVATION & NATURAL RESOURCES	OPERATE/MAINTAIN 800HMZ RADIO SYSTEM	N	165,900.00	-	-	165,900.00	8/24/2009	6/30/2030	6/30/2014	Interlocal	RICHARD BROOKS	AMD 1 07-10-14: EXTEND TERMINATION DATE FROM 06-30-14 TO 06-30-19 WITH AN AUTOMATIC INDEFINITE RENEWAL THAT EXTENDS THE AGREEMENT AN ADDITIONAL FIVE YEARS ON THE LAST DAY OF EACH FIVE YEAR TERM UNLESS TERMINATED BY EITHER PARTY AT LEAST THIRTY DAYS PRIOR TO THE RENEWAL DATE. 08-24-09: ESTABLISH DEPARTMENT AND AGENCY RESPONSIBILITIES IN OPERATING AND MAINTAINING THE 800 HMZ RADIO COMMUNICATION SYSTEM, STATEWIDE. NV B/L#: EXEMPT
6	25614	00	TRUCKEE MEADOWS COMMUNITY COLLEGE	TMCC ACCESS TRAINING	N	13,479.00	-	13,479.00	-	6/18/2014	6/30/2015	-	Interlocal	MARK EVANS	05-17-14: TMCC WILL ALLOW NDOT EMPLOYEES TO ATTEND TWO SEPARATE MS ACCESS TRAINING COURSES, CARSON CITY AND WASHOE COUNTIES. NV B/L#: EXEMPT

Line No	Agreement No	Amend No	Contractor	Purpose	Fed	Original Agreement Amount	Amendment Amount	Payable Amount	Receivable Amount	Start Date	End Date	Amend Date	Agree Type	Project Manager	Notes
7	26509	01	DEPT OF ADMINISTRATION	OPERATE/MAINTAIN 800HMZ RADIO SYSTEM	N	30,000.00	-	-	30,000.00	9/8/2009	6/30/2030	6/30/2014	Interlocal	RICHARD BROOKS	AMD 1 06-30-14: EXTEND TERMINATION DATE INDEFINITELY UNTIL EITHER PARTY SUBMITS A TERMINATION LETTER WITHIN THIRTY CALENDAR DAYS OF THE ANNUAL AUTOMATIC RENEWAL DATE OF JUNE 30TH, AND CHANGE THE SECOND PARTY NAME FROM "DEPARTMENT OF INFORMATION TECHNOLOGY" TO "DEPARTMENT OF ADMINISTRATION, ENTERPRISE INFORMATION TECHNOLOGY SERVICES." 09-08-09: ESTABLISH NDOT AND AGENCY RESPONSIBILITIES IN OPERATING AND MAINTAINING THE DEPARTMENT'S 800 MHZ, STATEWIDE. NV B/L#: EXEMPT
8	30109	01	DEPARTMENT OF AGRICULTURE	OPERATE/MAINTAIN 800HMZ RADIO SYSTEM	N	33,000.00	-	-	33,000.00	10/6/2009	6/30/2030	6/30/2014	Interlocal	RICHARD BROOKS	AMD 1 07-10-14: EXTEND TERMINATION DATE FROM 06-30-14 TO 06-30-19 WITH AN AUTOMATIC INDEFINITE RENEWAL THAT EXTENDS THE AGREEMENT AN ADDITIONAL FIVE YEARS ON THE LAST DAY OF EACH FIVE YEAR TERM UNLESS TERMINATED BY EITHER PARTY AT LEAST THIRTY DAYS PRIOR TO THE RENEWAL DATE. 10-06-09: ESTABLISH DEPT AND AGENCY RESPONSIBILITIES IN OPERATING AND MAINTAINING THE 800 HMZ RADIO COMMUNICATION SYSTEM, STATEWIDE. NV B/L#: EXEMPT
9	37509	01	NEVADA OFFICE OF THE MILITARY	OPERATE/MAINTAIN 800HMZ RADIO SYSTEM	N	197,500.00	-	-	197,500.00	12/8/2009	6/30/2030	6/30/2014	Interlocal	RICHARD BROOKS	AMD 1 06-30-14: EXTEND TERMINATION DATE INDEFINITELY UNTIL EITHER PARTY SUBMITS A TERMINATION LETTER WITHIN THIRTY CALENDAR DAYS OF THE ANNUAL AUTOMATIC RENEWAL DATE OF JUNE 30TH. 12-08-09: ESTABLISH DEPARTMENT AND AGENCY RESPONSIBILITIES IN OPERATING AND MAINTAINING THE 800 HMZ RADIO COMMUNICATION SYSTEM, STATEWIDE. NV B/L#: EXEMPT
10	37609	01	NEVADA ATTORNEY GENERAL OFFICE	OPERATE/MAINTAIN 800HMZ RADIO SYSTEM	N	33,000.00	-	-	33,000.00	12/8/2009	6/30/2030	6/30/2014	Interlocal	RICHARD BROOKS	AMD 1 06-30-14: EXTEND TERMINATION DATE INDEFINITELY UNTIL EITHER PARTY SUBMITS A TERMINATION LETTER WITHIN THIRTY CALENDAR DAYS OF THE ANNUAL AUTOMATIC RENEWAL DATE OF JUNE 30TH. 12-08-09: ESTABLISH DEPARTMENT AND AGENCY RESPONSIBILITIES IN OPERATING AND MAINTAINING THE 800 HMZ RADIO COMMUNICATION SYSTEM, STATEWIDE. NV B/L#: EXEMPT
11	38213	01	RTC OF SOUTHERN NEVADA	BOULDER CITY BYPASS	Y	50,820,000.00	200,000.00	50,820,000.00	10,200,000.00	10/17/2013	12/31/2018	6/20/2014	Interlocal	TONY LORENZI	AMD 1 06-20-14: INCREASE RECEIVABLE AUTHORITY BY \$200,000.00 FROM \$10,000,000.00 TO \$10,200,000.00 FOR THE REIMBURSEMENT OF AMBIENT AIR MONITORING COSTS ASSOCIATED WITH NATURALLY OCCURRING ASBESTOS. 10-17-13: TO CONDUCT THE BOULDER CITY BYPASS PROJECT - PHASE 1 TO BE CONSTRUCTED BY NDOT, AND PORTIONS OF PHASE 1 AND PHASE 2 TO BE CONSTRUCTED BY THE REGIONAL TRANSPORTATION COMMISSION OF SOUTHERN NEVADA, CLARK COUNTY. NV B/L#: EXEMPT

Line No	Agreement No	Amend No	Contractor	Purpose	Fed	Original Agreement Amount	Amendment Amount	Payable Amount	Receivable Amount	Start Date	End Date	Amend Date	Agree Type	Project Manager	Notes
12	45305	02	DEPT OF BUSINESS & INDUSTRY	OPERATE/MAINTAIN 800MHZ RADIO SYSTEM	N	12,679.00	-	-	12,679.00	1/1/2005	6/30/2030	6/30/2014	Interlocal	RICHARD BROOKS	AMD 2 07-10-14: EXTEND TERMINATION DATE FROM 06-30-14 TO 06-30-19 WITH AN AUTOMATIC INDEFINITE RENEWAL THAT EXTENDS THE AGREEMENT AN ADDITIONAL FIVE YEARS ON THE LAST DAY OF EACH FIVE YEAR TERM UNLESS TERMINATED BY EITHER PARTY AT LEAST THIRTY DAYS PRIOR TO THE RENEWAL DATE. AMD 1 05-11-09: EXTEND TERMINATION DATE FROM 06-30-09 TO 06-30-14. 01-01-05: ESTABLISH DEPARTMENT AND AGENCY RESPONSIBILITIES IN OPERATING AND MAINTAINING THE 800MHZ RADIO COMMUNICATION SYSTEM, CLARK COUNTY. NV B/L#: EXEMPT
13	45405	02	DMV - COMPLIANCE ENFORCEMENT	OPERATE/MAINTAIN 800MHZ RADIO SYSTEM	N	6,953.00	-	-	6,953.00	1/1/2005	6/30/2030	6/30/2014	Interlocal	RICHARD BROOKS	AMD 2 06-30-14: EXTEND TERMINATION DATE INDEFINITELY UNTIL EITHER PARTY SUBMITS A TERMINATION LETTER WITHIN THIRTY CALENDAR DAYS OF THE AUTOMATIC ANNUAL RENEWAL DATE OF JUNE 30TH. AMD 1 05-22-09: EXTEND TERMINATION DATE FROM 06-30-09 TO 06-30-14. 01-01-05: ESTABLISH DEPARTMENT AND AGENCY RESPONSIBILITIES IN OPERATING AND MAINTAINING THE 800MHZ RADIO COMMUNICATION SYSTEM, CARSON CITY. NV B/L#: EXEMPT
14	45505	02	DEPT OF BUSINESS & INDUSTRY	OPERATE/MAINTAIN 800MHZ RADIO SYSTEM	N	3,681.00	-	-	3,681.00	1/1/2005	6/30/2030	6/30/2014	Interlocal	RICHARD BROOKS	AMD 2 06-30-14: EXTEND TERMINATION DATE INDEFINITELY UNTIL EITHER PARTY SUBMITS A TERMINATION LETTER WITHIN THIRTY CALENDAR DAYS OF THE ANNUAL AUTOMATIC RENEWAL DATE OF JUNE 30TH. AMD 1 04-30-09: EXTEND TERMINATION DATE FROM 06-30-09 TO 06-30-14. 01-01-05: ESTABLISH DEPARTMENT AND AGENCY RESPONSIBILITIES IN OPERATING AND MAINTAINING THE 800MHZ RADIO COMMUNICATION SYSTEM, CLARK COUNTY. NV B/L#: EXEMPT
15	59713	00	NEVADA HIGHWAY PATROL	SUPPORT FOR NHP EQUIP UPGRADE	Y	3,400,000.00	-	3,400,000.00	1,700,000.00	6/23/2014	6/30/2017	-	Interlocal	JAIME TUDDAO	06-23-14: PROVIDE FINANCIAL SUPPORT TO DPS/NHP FOR DATA COLLECTION EQUIPMENT UPGRADING FOR IMPROVED DATA COLLECTION AND ANALYSIS. STATEWIDE. NV B/L#: EXEMPT
16	26514	00	GEORGE KARADANIS PARTNERSHIP	ACQUISITION S-430-WA-017-865	N	-	-	-	-	6/17/2014	6/30/2019	-	Acquisition	TINA KRAMER	06-24-14: NO COST AGREEMENT FOR PARCEL S-430-WA-017.865 FOR MCCARRAN PROJECT, WASHOE COUNTY. NV B/L#: EXEMPT
51	26314	00	CUSHMAN & WAKEFIELD OF NEVADA	APPRAISAL OF 14 PARCELS	Y	23,000.00	-	23,000.00	-	6/16/2014	8/31/2014	-	Acquisition	TINA KRAMER	06-24-14: APPRAISAL REVIEW OF 14 PROJECT NEON PARCELS, 162-04-601-001 THROUGH 008, 162-04-210-056, 162-04-2210-081 THROUGH 082, 162-04-210-084 THROUGH 085, AND 139-33-406-005, CLARK COUNTY. NV B/L#: NV2011348467
17	26614	00	AMERICAN PROPERTY OF NEVADA	APPRAISAL OF 16 PARCELS	N	16,000.00	-	16,000.00	-	6/17/2014	8/31/2014	-	Acquisition	TINA KRAMER	06-24-14: APPRAISAL REVIEW SERVICES FOR 16 PROJECT NEON PARCELS: 162-04-311-015 THROUGH 162-04-311-029 AND 162-04-512-011, CLARK COUNTY. NV B/L#: NV20021493849
18	27614	00	KELLEY JAMES	TE ON S-650-WA-021.236	N	21,683.50	-	21,683.50	-	6/20/2014	4/30/2016	-	Acquisition	TINA KRAMER	07-02-14: TEMPORARY EASEMENT TO PARCEL S-650-WA-021.236 FOR THE MCCARRAN PROJECT, WASHOE COUNTY. NV B/L#: EXEMPT

Line No	Agreement No	Amend No	Contractor	Purpose	Fed	Original Agreement Amount	Amendment Amount	Payable Amount	Receivable Amount	Start Date	End Date	Amend Date	Agree Type	Project Manager	Notes
19	27814	00	DOUGLAS COUNTY	KINGSBURY GRADE REHAB	N	-	-	-	-	6/20/2014	6/30/2019	-	Acquisition	TINA KRAMER	07-02-14: NO COST PROPERTY ACQUISITION FOR KINGSBURY GRADE PROJECT, DOUGLAS COUNTY. NV B/L#: EXEMPT
20	29114	00	UNION PACIFIC RAILROAD	UPRR PARCEL ACQUISITION FOR NEON	Y	245,103.00	-	245,103.00	-	6/30/2014	9/1/2014	-	Acquisition	TINA KRAMER	07-03-14: PROJECT NEON PROPERTY ACQUISITION FOR PARCELS I-015-CL-041.752, I-015-CL-042.248, AND I-015-CL-042.249, CLARK COUNTY. NV B/L#: NV19691003416
21	31714	00	SILVER STATE CLASSIC	ROAD EVENT	N	14,500.00	-	10,000.00	14,500.00	7/22/2014	9/21/2014	-	Event	SANDY SPENCER	07-22-14: OPEN ROAD EVENT ON SR 318 AND SR 490. \$10,000 CERTIFIED CHECK TO BE RETURNED IF NO DAMAGE OCCURS TO THE ROADWAY. WHITE PINE, LINCOLN, AND NYE COUNTIES. NV B/L#: NV19941074192
22	29514	00	FERRARI CLUB OF AMERICA	ROAD EVENT	N	14,000.00	-	10,000.00	14,000.00	7/10/2014	10/11/2014	-	Event	MARLENE REVERA	07-10-14: HILL CLIMB EVENT ON SR 341. \$10,000 CERTIFIED CHECK TO BE RETURNED IF NO DAMAGE OCCURS TO THE ROADWAY. STOREY AND LYON COUNTIES. NV B/L#: EXEMPT
23	25714	00	UNION PACIFIC RAILROAD	REMOVE SUBSTANDARD BRIDGE	Y	20,000.00	-	20,000.00	-	6/11/2014	7/30/2015	-	Facility	TINA KRAMER	06-11-14: TO REMOVE A SUBSTANDARD BRIDGE ON FRONTAGE ROAD, PERSHING COUNTY. NV B/L#: NV19691003146
24	27514	00	CENTURY LINK	UTILITY FOR PROJECT NEON	Y	-	-	-	-	6/20/2014	6/21/2020	-	Facility	TINA KRAMER	07-02-14: NO COST AGREEMENT FOR UTILITY IMPACT AND SUBSEQUENT RESOLUTIONS FOR PROJECT NEON, CLARK COUNTY. NV B/L#: EXEMPT
25	29614	00	FHWA	FEDERAL FUNDING FOR MCOM	Y	370,500.00	-	-	370,500.00	7/23/2014	12/31/2018	-	Grantee	JUAN HERNANDEZ	07-23-14: SECURE FEDERAL MULTI-STATE CORRIDOR MANAGEMENT GRANT FUNDS FOR A FUTURE I-80 CORRIDOR PROJECT TO DEVELOP, EVALUATE, AND ESTABLISH MULTI-STATE ROAD IMPACT INFORMATION FOR TRUCKERS, AND TO DEVELOP, EXPAND, AND FACILITATE COALITION TASK FORCES AND JOINT SUMMITS. CARSON CITY. NV B/L#: EXEMPT
26	15514	00	ELKO COUNTY	5339 FUNDING	Y	7,000.00	-	7,000.00	1,400.00	7/1/2014	9/30/2015	-	Grantee	MICHELLE GARDNER	07-01-14: 5339 CAPITAL FUNDING TO PURCHASE HAND HELD RADIOS FOR TRANSPORTATION PROGRAM, ELKO COUNTY. NV B/L#: EXEMPT
27	06510	01	HIGH SIERRA COMMUNICATIONS	COMMUNICATION SITE	N	643,559.21	900,000.00	1,543,559.21	-	3/26/2010	6/30/2030	6/30/2014	Lease	RICHARD BROOKS	AMD 1 07-14-14: EXTEND TERMINATION DATE FROM 06-30-14 TO 06-30-19 WITH AN AUTOMATIC INDEFINITE RENEWAL, AND INCREASE AUTHORITY BY \$900,000.00 FROM \$643,559.21 TO \$1,543,559.21 TO ALLOW FOR A FOUR PERCENT ESCALATION IN COSTS, AND ADD LYON AND LANDER COUNTIES. 03-26-10: SECURE THE RIGHT TO LOCATE, MAINTAIN, AND OPERATE COMMUNICATION EQUIPMENT ON THE DESIGNATED COMMUNICATION SITES, WASHOE, MINERAL, LYON, LANDER, AND STOREY COUNTIES. NV B/L#: NV19821009100
28	16902	02	WHITE PINE COUNTY	INSTALL 800MHZ EQUIPMENT	N	10,500.00	7,500.00	25,500.00	-	4/18/2002	6/30/2019	6/30/2014	Lease	RICHARD BROOKS	AMD 2 05-20-09: EXTEND TERMINATION DATE FROM 06-30-14 TO 06-30-19 WITH AN AUTOMATIC INDEFINITE RENEWAL, AND INCREASE AUTHORITY BY \$7,500.00 FROM \$18,000.00 TO \$25,500.00 TO ALLOW CONTINUED USE OF THE PREMISES. AMD 1 05-11-07: EXTEND TERMINATION DATE FROM 06-30-09 TO 06-30-14, AND INCREASE AUTHORITY BY \$7,500.00 FROM \$10,500.00 TO \$18,000.00. 04-18-02: INSTALL 800 MHZ RADIO EQUIPMENT AT PROPOSED SITE, WHITE PINE COUNTY. NV B/L#: EXEMPT
29	26214	00	TANG LLC	LEASE PARCEL 1-015-CL-041.548	Y	25,966.28	-	25,966.28	-	6/3/2014	5/30/2024	-	Lease	TINA KRAMER	06-24-14: LEASE OF PROPERTY AT 1236, 1238, AND 1240 WESTERN AVENUE, LAS VEGAS, NV 89102 ON PARCEL I-015-CL-041.548 - FUTURE PROJECT NEON ACQUISITION, CLARK COUNTY. NV B/L#: NV20031149539

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	Project Manager	Notes
30	19214	00	SIMON / CHELSEA LAS VEGAS DEVELOPMENT LLC	LICENSE FOR I-015-CL-041.776	N	1,000.00	-	1,000.00	-	5/6/2014	10/31/2033	-	License	TINA KRAMER	06-27-14: MULTI-USE LICENSE FOR PARCEL I-015-CL-041.776 FOR THE PURPOSE OF EMERGENCY ACCESS, LANDSCAPING, AND PARKING STRUCTURE, CLARK COUNTY. NV B/L#: NV20021064289
31	21909	01	BRUCE AND PAMELA JENSEN	INSTALL/OPERATE COMMUNICATIONS EQUIPMENT	N	2,000.00	2,000.00	4,000.00	-	8/10/2009	6/30/2019	6/30/2014	License	RICHARD BROOKS	AMD 1 07-14-14: EXTEND TERMINATION DATE FROM 07-31-14 TO 06-30-19 WITH AN AUTOMATIC INDEFINITE RENEWAL, AND INCREASE AUTHORITY BY \$2,000.00 FROM \$2,000.00 TO \$4,000.00 DUE TO THE NEED TO EXTEND LEASE AND ALLOW CONTINUED USE OF PREMISES. 08-10-09: LEASE TO INSTALL AND OPERATE COMMUNICATION EQUIPMENT ON THE SUNNYSIDE RANCH LOCATED AT MILE MARKER 20, ON SR 318, NYE COUNTY. NV B/L#: EXEMPT
32	26712	03	TRUCK INN HOLDINGS LLP	UTILIZE PREMISES FOR PARKING	N	12.00	-	24.00	-	7/9/2012	9/30/2014	6/17/2014	License	BILL THOMPSON	AMD 3 06-17-14: EXTEND TERMINATION DATE FROM 06-30-14 TO 09-30-14 TO ALLOW FOR NEGOTIATION TIME WITH THE SECOND PARTY. AMD 2 05-28-13: EXTEND TERMINATION DATE FROM 06-30-13 TO 06-30-14 AND INCREASE AUTHORITY BY \$12.00 FROM \$12.00 TO \$24.00. AMD 1 11-07-12: CHANGES TO LANGUAGE (LICENSE TO LEASE AND LICENSOR TO LESSOR AND LICENSEE TO LESSEE). 07-09-12: TO GRANT RIGHT OF ENTRY AND UTILIZE PREMISES (TRUCK INN) FOR TRUCK PARKING DURING EMERGENCY EVENTS, LYON COUNTY. NV B/L#: NV20111464461
33	25814	00	KINGSBURY ROAD LLC	CONSTRUCTION ON SR 207 KINGSBURY	N	-	-	-	-	6/11/2014	6/30/2019	-	ROW Access	TINA KRAMER	06-11-14: NO COST AGREEMENT TO RECONSTRUCT CURB, GUTTER, SIDEWALK, AND PAVEMENT ALONG SR207, KINGSBURY GRADE, DOUGLAS COUNTY. NV B/L#: NV20061447850
34	25914	00	WELLS FARGO BANK TRUSTEE	CONSTRUCTION ON SR 207 KINGSBURY	N	-	-	-	-	6/11/2014	5/7/2019	-	ROW Access	TINA KRAMER	06-11-14: NO COST AGREEMENT TO CONSTRUCT CURB, GUTTER, SIDEWALK, AND PAVEMENT ALONG SR207, KINGSBURY GRADE / US 50, DOUGLAS COUNTY. NV B/L#: NV20141151345
35	26014	00	JACK K SIEVERS	CONSTRUCTION ON SR 207 KINGSBURY	N	-	-	-	-	6/11/2014	6/30/2019	-	ROW Access	TINA KRAMER	06-11-14: NO COST AGREEMENT TO RECONSTRUCT CURB, GUTTER, SIDEWALK, AND PAVEMENT ALONG SR207, KINGSBURY GRADE, DOUGLAS COUNTY. NV B/L#: EXEMPT
36	26114	00	MEGA MOUNTAIN MANAGEMENT	CONSTRUCTION ON SR 207 KINGSBURY	N	-	-	-	-	6/11/2014	6/30/2019	-	ROW Access	TINA KRAMER	06-24-14: NO COST AGREEMENT TO RECONSTRUCT CURB, GUTTER, SIDEWALK, AND PAVEMENT ALONG SR207 KINGSBURY GRADE, DOUGLAS COUNTY. NV B/L#: NV20051529095
37	12514	00	JACOBS ENGINEERING GROUP	DESIGN PREP FOR US 95 BOULDER CITY	Y	289,999.75	-	289,999.75	-	7/14/2014	12/31/2014	-	Service Provider	TONY LORENZI	07-14-14: PERFORM DESIGN, CONSTRUCTABILITY REVIEW, AND PLAN PREPARATION FOR US 93 BOULDER CITY BYPASS PART 1, PACKAGE 3, CLARK COUNTY. NV B/L#: NV20081035082-R
38	18814	00	CARDNO TBE GROUP	SUE SERVICES ON SR 529 OLD CLEAR CREEK	Y	21,643.62	-	21,643.62	-	6/18/2014	6/30/2015	-	Service Provider	CRISTEN PRATT	06-18-14: PERFORM SUBSURFACE UTILITY ENGINEERING TO PROVIDE DESIGNATION OF EXISTING UNDERGROUND UTILITIES ON SR 529, FROM OLD CLEAR CREEK ROAD TO SNYDER AVENUE FOR THE CARSON CITY FREEWAY, CARSON CITY. NV B/L#: NV19961183039-Q

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	Project Manager	Notes
39	03414	02	TETRA TECH	NOA - BOULDER CITY BYPASS	N	449,582.00	176,521.45	847,601.45	-	4/11/2014	4/1/2018	7/10/2014	Service Provider	STEVE COOKE	AMD 2 07-10-14: INCREASE AUTHORITY BY \$176,521.45 FROM \$671,080.00 TO \$847,601.45 IN ORDER TO ASSIST WITH THE SURFACE SOIL SAMPLING, AND HELP WITH THE SAMPLE DOCUMENTATION AND MANAGEMENT. AMD 1 05-28-14: INCREASE AUTHORITY BY \$171,498.00 FROM \$499,582.00 TO \$671,080.00 DUE TO THE NEED TO CONDUCT UP TO SEVEN MONTHS OF ADDITIONAL AMBIENT AIR MONITORING. 04-11-14: PROVISION OF SERVICES IS REQUIRED TO PROVIDE TECHNICAL SERVICES FOR ADDRESSING NATURALLY OCCURRING ASBESTOS (NOA) WITHIN THE BOULDER CITY BYPASS PROJECT, CLARK COUNTY. NV B/L#: NV11921063769-R
40	09314	00	CLEAN HARBORS ENVIRONMENTAL	HAZMAT CLEAN UP	N	250,000.00	-	250,000.00	-	6/30/2014	6/30/2018	-	Service Provider	JUAN HERNANDEZ	06-30-14: HAZMAT ASSESSMENT AND REMEDIATION SERVICES IN RESPONSE TO HAZARDOUS AND NON-HAZARDOUS SPILLS OR RELEASES WITHIN OR ADJACENT TO NDOT RIGHT-OF-WAY, STATEWIDE. NV B/L#: NV20021375471-R
41	14811	02	PK ELECTRICAL INC	CARLIN TUNNEL LIGHTS	N	110,000.00	30,133.00	489,133.00	-	2/15/2012	4/1/2015	6/20/2014	Service Provider	ROD SCHILLING	AMD 2 06-20-14: INCREASE AUTHORITY BY \$30,133.00 FROM \$459,000.00 TO \$489,133.00 TO REVIEW AND ANALYZE THE CONTRACTOR'S PROPOSED ALTERNATIVE WIRING METHODS, ISSUES WITH CONNECTORS, AND THE PROPOSED DATA CABLE DURING CONSTRUCTION. AMD 1 12-11-12: INCREASE AUTHORITY BY \$349,000.00 FROM \$110,000.00 TO \$459,000.00 TO COMPLETE FINAL DESIGN AND PREPARATION OF CONSTRUCTION PLANS ASSOCIATED WITH THE FINDINGS OF THIS CARLIN TUNNEL LIGHT PROJECT. 02-15-12: EVALUATE EXISTING CARLIN TUNNEL LIGHTING AND RECOMMEND NECESSARY CHANGES, ELKO COUNTY. NV B/L#: NV19961128650-R
42	15714	00	CARDNO TBE GROUP	LOCATE UTILITIES	Y	22,886.00	-	22,886.00	-	7/10/2014	6/30/2016	-	Service Provider	TINA KRAMER	07-10-14: DETERMINE THE PRECISE HORIZONTAL AND VERTICAL POSITION OF UNDERGROUND UTILITIES IN SUPPORT OF FULFILLING SEISMIC RETROFITTING OF BRIDGES, CLARK COUNTY. NV B/L#: NV20111772626-Q
43	17614	00	JACOBS ENGINEERING GROUP	TRAVEL DEMAND MODEL TRAINING	Y	28,526.09	-	28,526.09	-	6/17/2014	9/30/2014	-	Service Provider	RANDY TRAVIS	06-17-14: PROVIDING ONE TRAINING FOR THREE TRAFFIC INFORMATION STAFF IN REGARDS TO THE WASHOE COUNTY REGIONAL TRAVEL DEMAND MODEL, CARSON CITY. NV B/L#: NV20081035082-Q
44	18314	00	MWI	NEGOTIATION SKILLS WORKSHOP	N	32,000.00	-	32,000.00	-	6/17/2014	12/31/2014	-	Service Provider	CRAIG CRICK	06-17-14: UP TO TWO PROFESSIONAL DEVELOPMENT NEGOTIATION SKILLS TRAINING SESSIONS, CLARK COUNTY. NV B/L#: NV20141364262-Q
45	19414	00	JACOBS ENGINEERING GROUP	TRAVEL DEMAND MODEL TRAINING	Y	34,246.09	-	34,246.09	-	6/17/2014	9/30/2014	-	Service Provider	RANDY TRAVIS	06-17-14: PROVIDING ONE TRAINING FOR THREE TRAFFIC INFORMATION STAFF IN REGARDS TO THE CLARK COUNTY REGIONAL TRAVEL DEMAND MODEL, CARSON CITY. NV B/L#: NV20081035082-Q
46	19514	00	JACOBS ENGINEERING GROUP	TRAVEL DEMAND MODEL TRAINING	Y	31,986.09	-	31,986.09	-	6/17/2014	9/30/2014	-	Service Provider	RANDY TRAVIS	06-17-14: PROVIDING ONE TRAINING FOR THREE TRAFFIC INFORMATION STAFF IN REGARDS TO THE CARSON CITY REGIONAL TRAVEL DEMAND MODEL, CARSON CITY. NV B/L#: NV20081035082-Q
47	20513	01	RESOURCE CONCEPTS INC	WETLAND DELINEATIONS STUDY	Y	35,700.00	3,000.00	38,700.00	-	7/30/2013	7/31/2014	7/7/2014	Service Provider	JASON PEROCK	AMD 1 07-07-14: INCREASE AUTHORITY BY \$3,000.00 FROM \$35,700.00 TO \$38,700.00 TO PROVIDE THE NECESSARY SERVICES TO MEET U.S. ARMY CORPS OF ENGINEERS REQUIREMENTS. 07-30-13: US-95 WETLAND DELINEATION AND WATERS OF THE U.S. STUDY IS NECESSARY FOR THE PREPARATION OF APPROVED JURISDICTIONAL DETERMINATION FOR THE FLATTENING OF US-95 SLOPE, CHURCHILL COUNTY. NV B/L#: NV19781005208-R

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	Project Manager	Notes
48	21712	01	CONVERSE CONSULTANTS	NEON ASBESTOS SERVICES	Y	261,292.92	16,000.00	277,292.92	-	10/5/2012	12/31/2015	7/10/2014	Service Provider	STEVE COOKE	AMD 1 07-10-14: EXTEND TERMINATION DATE FROM 12-31-14 TO 12-31-15, AND INCREASE AUTHORITY BY \$16,000.00 FROM \$261,292.92 TO \$277,292.92 TO IDENTIFY RECOGNIZED ENVIRONMENTAL CONDITIONS, AND TO PROVIDE AN ENVIRONMENTAL SITE ASSESSMENT REPORT. 10-05-12: ASBESTOS AND HAZARDOUS MATERIAL SURVEY SERVICES FOR PHASE 1 OF PROJECT NEON, CLARK COUNTY. NV B/L#: NV19971267942-R
49	23814	00	ATSSA	TRAFFIC CONTROL TRAINING	N	168,000.00	-	168,000.00	-	6/20/2014	6/30/2016	-	Service Provider	BARBARA STEARNS	06-20-14: TWELVE TOTAL TRAINING SESSIONS FOR TRAFFIC CONTROL TECHNICIAN TRAINING AND TESTING, AND TRAFFIC CONTROL SUPERVISOR TRAINING, TESTING, AND CERTIFICATION PROGRAMS, CARSON CITY, CLARK, ELKO, AND WASHOE COUNTIES. NV B/L#: NV20101426892-S
50	24114	00	TOM EDISS LANDSCAPE INC	LANDSCAPING AT HOT SPRINGS	N	66,989.72	-	66,989.72	-	6/20/2014	11/30/2014	-	Service Provider	JIM PRENTICE	06-20-14: LANDSCAPING AT NDOT HOT SPRINGS FACILITY, CARSON CITY. NV B/L#: NV19971329099-Q
51	27914	00	EMCOR	HVAC AT DIST 1	N	49,074.00	-	49,074.00	-	6/26/2014	12/31/2016	-	Service Provider	PAULINE ENGLAND	06-26-14: Q1-013-14: PROVIDE HVAC SERVICES TO DIST 1, CLARK COUNTY. NV B/L#: NV20071267110-Q
52	28014	00	SPIT SHINE LLC	CREW TRAILERS JANITORIAL	N	24,000.00	-	24,000.00	-	6/26/2014	12/31/2016	-	Service Provider	PAULINE ENGLAND	06-26-14: Q1-011-14: PROVIDE JANITORIAL SERVICES FOR VARIOUS CREW TRAILERS IN DISTRICT 1, CLARK COUNTY. NV B/L#: NV20121420423-Q
53	28114	00	ONE SOURCE MAINTENANCE	TROPICANA PEDESTRIAN BRIDGES	N	216,976.00	-	216,976.00	-	6/26/2014	12/31/2016	-	Service Provider	PAULINE ENGLAND	06-26-14: Q1-015-14: CUSTODIAL CARE FOR PEDESTRIAN BRIDGES AT LAS VEGAS BLVD AND TROPICANA IN LAS VEGAS, CLARK COUNTY. NV B/L#: NV20091465624-Q
54	28214	00	AL-MAR CLEANING SERVICES	TONOPAH MAINTENANCE STATION	N	57,220.00	-	57,220.00	-	6/26/2014	12/31/2018	-	Service Provider	PAULINE ENGLAND	06-26-14: Q1-014-14: JANITORIAL SERVICE FOR THE TONOPAH MAINTENANCE STATION, NYE COUNTY. NV B/L#: NV20121462526-Q
55	28314	00	LUSETTI JANITORIAL	SUNNYSIDE REST AREA	N	91,200.00	-	91,200.00	-	6/26/2014	3/31/2017	-	Service Provider	SANDY SPENCER	06-26-14: Q3-016-14: PROVIDE JANITORIAL SERVICES FOR THE SUNNYSIDE REST AREA, NYE COUNTY. NV B/L#: NV20141082429-Q
56	31814	00	Q&D CONSTRUCTION	BRIDGE REPAIR ON I-580	N	226,000.00	-	226,000.00	-	7/22/2014	12/31/2014	-	Service Provider	MARLENE REVERA	07-22-14: Q1-002-15: REPAIR BRIDGE DECK OVERLAYS AT I-580 WA 22.17, WASHOE COUNTY. NV B/L#: NV19671000639-Q
57	31914	00	Q&D CONSTRUCTION	BRIDGE REPAIR ON US 395	N	245,000.00	-	245,000.00	-	7/22/2014	12/31/2014	-	Service Provider	MARLENE REVERA	07-22-14: Q1-001-015: REPAIR BRIDGE DECK SPALLS AT US 395 WA 30.20. WASHOE COUNTY. NV B/L#: NV19671000639-Q
58	32114	00	E&M ENTERPRISES, INC	OVERHEAD SIGN SR 159	N	64,092.00	-	64,092.00	-	7/23/2014	6/30/2015	-	Service Provider	JENNIFER MANUBAY	07-23-14: Q1-017-14: CONSTRUCT OVERHEAD SIGN ON SR 159 MP 25.83 IN CLARK COUNTY. NV B/L#: NV20021355364-Q
59	28414	00	ONE SOURCE MAINTENANCE	LANDSCAPE BOULDER CITY REST AREA	N	115,800.00	-	115,800.00	-	6/26/2014	12/31/2018	-	Service Provider	PAULINE ENGLAND	06-26-14: Q1-016-14: PROVIDE LANDSCAPING SERVICES FOR THE BOULDER CITY REST AREA, CLARK COUNTY. NV B/L#: NV20091465624-Q

Attachment C

**State of Nevada Department of Transportation
Settlements - Informational
June 17, 2014 to July 28, 2014**

Line No	Type	Second Party	Settlement Amount	Notes
1	EMINENT DOMAIN CLAIM	JERICHO HEIGHTS	4,250,000.00	EMINENT DOMAIN CASE TO ACQUIRE APPROXIMATELY 3 ACRES OF REAL PROPERTY LOCATED SOUTH OF THE US 93/95 HIGHWAY, EAST OF THE ACCESS ROAD/DAWSON ALIGNMENT, NORTH OF BLACK HILL, AND WEST OF RAILROAD PASS CASINO, HENDERSON, FOR THE BOULDER CITY BYPASS.
2	EMINENT DOMAIN CLAIM	HIGHLAND, 2000-1, LLC	2,870,000.00	EMINENT DOMAIN CASE TO ACQUIRE APPROXIMATELY 3.18 ACRES OF REAL PROPERTY LOCATED AT 1112, 1124, 1130, AND 1200 SOUTH MARTIN LUTHER KING BOULEVARD, AND 1111 AND 1117 DESERT LANE. THE PROPERTY CONSISTS OF EIGHT CONTIGUOUS PARCELS THAT CONTAIN 6 BUILDINGS TOTALING 52,242 SQUARE FEET AS WELL AS PARKING AREAS, LAS VEGAS, FOR PROJECT NEON.

Line Item 1



STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL
Transportation Division
1263 S. Stewart Street
Carson City, Nevada 89712

CATHERINE CORTEZ MASTO
Attorney General

KEITH MUNRO
Assistant Attorney General

THOM GOVER.
Acting Chief of Staff

MEMORANDUM

DATE: July 11, 2014

TO: Board of Directors
Nevada Department of Transportation

FROM: Dennis Gallagher, Chief Deputy Attorney General

SUBJECT: Informational Item – Approval of Settlement for an Eminent Domain Action in the matter of *State of Nevada v. Jericho Heights* Eighth Judicial District Court Case No. A-12-665909-C



At their July 8, 2014 meeting, the Board of Examiners approved the settlement in the amount of \$4,250,000.00 to be paid from NDOT funds to resolve an eminent domain claim.

Attached is the June 2, 2014 memorandum to the Board of Examiners from Director, Rudy Malfabon, Senior Deputy Attorney General Ruth Miller, and myself to the Board of Examiners setting forth a summary of the settlement.



STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL
Transportation Division
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Las Vegas, Nevada 89101

CATHERINE CORTEZ MASTO
Attorney General

KEITH G. MUNRO
Assistant Attorney General

GREGORY M. SMITH
Chief of Staff

MEMORANDUM

DATE: June 2, 2014

TO: Board of Examiners
Governor Brian Sandoval
Attorney General Catherine Cortez Masto
Secretary of State Ross Miller

FROM: Rudy Malfabon, Director, Nevada Department of Transportation
Dennis Gallagher, Chief Deputy Attorney General
Ruth Miller, Senior Deputy Attorney General
Laura Wightman FitzSimmons, outside counsel

SUBJ: Proposed Settlement of an Eminent Domain Lawsuit Filed By NDOT
State of Nevada v. Jericho Heights Case No. A-12-665909-C

SUMMARY

NDOT requests settlement approval in the amount of \$4,587,000.00 (FOUR MILLION FIVE HUNDRED EIGHTY SEVEN THOUSAND DOLLARS).¹ The sum of \$337,000.00 was previously deposited with the Court as a condition of NDOT acquiring occupancy of 3 acres of the 82-acre subject property, and access rights, owned by the Defendants/Counterclaimants Jericho Heights, LLC ("Jericho Heights") and RPS Holding, Inc. ("RPS Holding")(collectively "Jericho Heights"). The 3-acre parcel is being acquired in order to build a portion of the Boulder City Bypass. In September 2012, Jericho Heights and its co-defendant Multibank 2009-1 RES-ADC Venture, LLC

¹ This settlement does not include just compensation to be paid to the newly identified owners of the subsurface mineral rights located on the 3 acres that NDOT is acquiring for the Boulder City Bypass. These rights are unrelated to the inverse condemnation/precondemnation damage actions which are the subject of this settlement with Jericho Heights and its lender Multibank.

("Multibank") accepted and withdrew \$87,000.00 of the \$337,000.00 deposit. Thus, the current amount of the deposit held with the Clerk of the Court is \$250,000.00. **The additional amount requested in this settlement proposal is \$4,250,000.00.** That amount is requested to resolve the inverse condemnation and precondemnation counterclaims that Jericho Heights and RPS Holding brought against NDOT. In its counter-complaint for inverse condemnation, Jericho Heights alleges that NDOT took the access rights to the entire 82-acre subject property in 2005 when NDOT denied Jericho Heights the use of its access where the property physically abuts the right-of-way for the US 93/95 Highway. The counter-complaint contains twelve counterclaims and through these claims Jericho Heights seeks in excess of \$30,000,000.00.²

BACKGROUND OF THE SUBJECT PROPERTY

The subject property consists of an 82-acre vacant parcel of which NDOT needs to acquire 3 acres in fee for the Boulder City Bypass. The property is located in Henderson, Nevada. It is situated south of the US 93/95 Highway, east of the Access Road/Dawson alignment, north of Black Hill and west of Railroad Pass Casino. The 3 acres of the subject property that NDOT seeks to acquire are located at the northeast corner of the property.

The acquisition area borders the existing highway. The Jericho Heights property was originally a mining patent issued by the federal government before the highway was created. The adjacency of the highway to the property bestows on the owner of the Jericho Heights property "abutters access rights" which are special property rights to access to the abutting highway.

In July 2012, NDOT filed a condemnation action against Jericho Heights in the Eighth Judicial District Court, case no. A-12665909-C. In its complaint, NDOT sought immediate occupancy of 3 acres and acquisition of access rights from Jericho Heights and deposited the amount of the appraised value of \$337,000.00 with the clerk of court to obtain immediate occupancy.

In January 2013, Jericho Heights filed an answer and counter-complaint for inverse condemnation of the entire 82-acre property. Through its counterclaims, Jericho Heights was seeking in excess of \$80 million on the theory that the entire 82-acre property was taken by NDOT in 2005 when NDOT "landlocked" the Property by denying it direct access onto the US 93/95 Highway. The counterclaims allege that as of that date, through NDOT's actions, Jericho Heights would "be required to 'disclose' the fact [that the property was landlocked] to any interested party which would clearly 'preserve' the property and 'make it clear' the property could not be developed as no reasonable person would consider purchasing, investing in or developing a property in the alignment of a roadway project that had no access." As support for its takings theory, Jericho Heights cited a number of letters and internal communications written by NDOT employees. These communications were generated as a result of the landowners

² \$30,000,000.00 includes the prejudgment interest that is added to Jericho Heights's compensation calculations. From the January 2012 filing of the Jericho Heights's counterclaims until March 2014 expert disclosure, Jericho Heights had sought compensation in an amount well in excess of \$100,000,000.00.

request for a permit for access to the highway for development purposes, which NDOT considered to be unsafe. Taken out of context, excerpts from those communications were manipulated by landowners counsel to create a scenario which arguably could have rendered NDOT liable for a de facto taking of the entire Jericho Heights property at the peak of the residential real estate market in 2005. Since the property was appraised by an MAI appraiser for a bank loan at that time as being worth \$60 million, and interest at the prime rate plus two percent would have accrued on the value of the property since that date, NDOT was looking at a potentially massive claim.

The same day the landowner filed his thirteen counterclaims against NDOT he filed a motion asking the trial judge (Judge Denton) to find that the entire property had been taken in 2005. Similar motions had been filed in numerous other takings cases in recent years, and they have been granted. Here, NDOT mounted a massive defense to the motion and it was denied. That denial enabled NDOT to engage in extensive discovery, the results of which substantially undermined the landowner's claims. Additionally, NDOT was able to obtain an order from Judge Denton dismissing Jericho Height's primary inverse claim for de facto taking. That order contained findings of fact and conclusions of law which indicated that NDOT would prevail on the other inverse counterclaims brought by the landowner. NDOT is reasonably confident that, should the remaining inverse claims be presented to Judge Denton, he would ultimately find no takings liability.

However, the landowner also filed a counterclaim for precondemnation damages. It is that claim which is more problematic for two reasons. The first is that under current Nevada law, liability for precondemnation damages is determined by a jury. The second is that Nevada law on precondemnation damages is currently not well defined. While NDOT hopes that a pending appeal before the Nevada Supreme Court will clarify the law in this area, at the time of the mediation in this case, it was facing a five week trial to commence in July. That trial would have been on two tracks. The evidence would have been presented simultaneously to the judge to determine liability on the inverse claims and to the jury to determine liability on the precondemnation damages claims. Both factually and legally the case is the most complex takings case to be presented in Nevada.

Approximately 300,000 pages of documents were exchanged between the parties and there were about twenty days of depositions taken. NDOT retained numerous excellent technical experts whose reports repudiated substantially all of the factual predicates of the landowner's claims. NDOT's appraisers opined that precondemnation damages are not warranted. NDOT has taken the position at all times during the litigation that its response to the landowner's access requests were a lawful and proper exercise of its police power. NDOT filed motions for summary judgment advancing this argument, which were denied by the trial judge.

Garth Dull, the former Director of NDOT opined as an expert *for the landowner* that the conduct of NDOT satisfied the test which would entitle the landowner to precondemnation damages. The landowner's appraiser, Tio DiFederico, MAI opined that compensation to the landowner between \$13.840 million and \$33 million, depending upon different theories. Should the judge and/or the jury determine

liability against NDOT, and amount awarded would be subject to an additional award of prejudgment interest on the award amount at the rate of prime plus two percent over a period of approximately nine years. Issues of the base rate and compounding interest would be strenuously litigated between the parties, but the interest amount would add quite substantially to the final judgment, and perhaps nearly double the amount because the alleged taking/precondemnation damages were sustained approximately nine years ago.

Should there be any liability determination against NDOT in this case, NDOT would take an appeal. Similarly should liability not be found, it is anticipated that the landowner would appeal. Because of the anticipated length and complexity of the trial (both to the bench and to the jury) and the legal issues presented, the appeal will be a subsequent substantial undertaking. Based upon current patterns, it is estimated that it could take approximately three years for the appeal to be resolved by the Supreme Court. During those years, interest would continue to run on the judgment, if affirmed.

Additionally, if the landowner were to prevail on his inverse claims, he would be entitled to reasonable attorney's fees and costs. Based upon the amount expended by NDOT in defending this action, and other attorney's fees awarded by this trial judge, it is anticipated that the attorney's fees award would be several million dollars.

POINTS THAT FAVOR SETTLEMENT

The landowner filed a motion for a mandatory settlement conference. In response NDOT agreed to non-binding mediation before former District Judge Stewart Bell at JAMS. The mediation was held on May 8, 2014 between 9:00 a.m. and concluded at 10:00 p.m. that night. Judge Bell expressed the opinion that while NDOT's case was by far the stronger case, NDOT's potential exposure was such that it would be prudent to settle the case if a reasonable amount could be agreed upon. NDOT shares that opinion.

This is not a typical condemnation action where a jury weighs the competing opinions of appraisers. Here, because liability is so heatedly contested, the reality is that NDOT is facing basically an all or nothing verdict. It is probable that NDOT would emerge from the trial without a finding of liability against it for inverse condemnation. It is more likely than not that NDOT would emerge from the trial with a finding by the jury that the landowner is not entitled to precondemnation damages. But there are risks, to varying degrees, that the determination would be adverse to NDOT. If that were to occur, NDOT would be subject to a judgment in a range between \$25 to \$65 million. NDOT's attorney's fees and costs to take this case to trial would well exceed a million dollars.

NDOT has vigorously defended this action for over 18 months. This is a very complicated case, and the amount of evidence and length required for trial could potentially cause jury confusion. The judge has, so far, declined to rule on many issues which would streamline the trial and has indicated that all the evidence will be presented to the jury. Landowner's counsel has, however, has come (through NDOT's extraordinary efforts in this litigation) to appreciate the weakness of their case and ultimately agreed to this greatly reduced amount to settle.

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 claim for the total sum of \$4,587,000.00, less the amount of \$87,000 previously withdrawn by Multibank and the \$250,000 currently on deposit with the court, which amounts to \$4,250,000.00 in additional funds.

FISCAL NOTE STATEMENT

NDOT will seek reimbursement from the Federal Highway Administration.

Line Item 2



STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL
Transportation Division
1263 S. Stewart Street
Carson City, Nevada 89712

CATHERINE CORTEZ MASTO
Attorney General

KEITH MUNRO
Assistant Attorney General

THOM GOVER.
Acting Chief of Staff

MEMORANDUM

DATE: July 11, 2014

TO: Board of Directors
Nevada Department of Transportation

FROM: Dennis Gallagher, Chief Deputy Attorney General

SUBJECT: Informational Item – Approval of Settlement for an Eminent Domain Action in the matter of *State of Nevada v. Highland 2000-I, et al.*
Eighth Judicial District Court Case No. A-12-671915

A handwritten signature in blue ink, likely belonging to Dennis Gallagher, Chief Deputy Attorney General.

At their July 8, 2014 meeting, the Board of Examiners approved the settlement in the amount of \$2,870,000.00 to be paid from NDOT funds to resolve an eminent domain claim.

Attached is the June 3, 2014 memorandum to the Board of Examiners from Director, Rudy Malfabon, Deputy Attorney General Amanda Kern, and myself to the Board of Examiners setting forth a summary of the settlement.



STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL
Transportation Division
555 E. Washington Avenue, Suite 3900
Las Vegas, Nevada 89101

CATHERINE CORTEZ MASTO
Attorney General

KEITH G. MUNRO
Assistant Attorney General

GREGORY M. SMITH
Chief of Staff

MEMORANDUM

DATE: June 3, 2014

TO: Board of Examiners
Governor Brian Sandoval
Attorney General Catherine Cortez Masto
Secretary of State Ross Miller

FROM: Rudy Malfabon, Director, Nevada Department of Transportation
Dennis Gallagher, Chief Deputy Attorney General
Amanda Kern, Deputy Attorney General

SUBJ: Proposed Settlement of an Eminent Domain Action
State of Nevada v. Highland 2000-I, et al.,
Eighth Judicial District Court Case No. A-12-671915

SUMMARY

NDOT filed the above-referenced eminent domain action in 2012 to acquire real property and improvements owned by Highland 2000-I, LLC, and various related entities. The property consists of several parcels located on or near Martin Luther King Drive, just south of Charleston Boulevard, in Las Vegas. NDOT is acquiring the property in fee for the purpose of constructing Project Neon.

NDOT requests settlement approval in the total amount of \$13,000,000 to resolve the action and acquire the property. NDOT previously deposited with the Court NDOT's appraised value of \$10,130,000, in order to obtain occupancy of the property. Thus, NDOT now requests an additional \$2,870,000 to resolve the action.

THE SUBJECT PROPERTY

The property NDOT is acquiring is located at 1112, 1124, 1130, and 1200 South Martin Luther King Boulevard, and 1111 and 1117 Desert Lane, in Las Vegas ("Property"). The Property consists of eight contiguous parcels totaling approximately 3.18 acres and contains six buildings totaling 52,242 square feet, as well as parking areas. The buildings are used for office/business purposes and a service garage. They range in age from approximately 15 to 60 years old. The two oldest buildings are former homes that had been converted to small office buildings. The attached aerial photograph depicts the entire Property.

Several partnerships and limited liability companies own the Property. They are Highland 2000-1, LLC, Highland AVA, LLC, Highland Partnership 1980, LP, Highland Partnership 1980 Ltd., and New AVA, LP ("Highland"). Herman Eminger is the common principal of the various Highland entities. Highland's primary tenant on the Property up until its relocation in late-2013 was Mercy, Inc., d/b/a American Medical Response ("AMR"), a large emergency and non-emergency medical transport services provider. AMR leased all of the buildings except for the two converted single-family residences. The Property is also encumbered by a cell tower easement owned by T-Mobile and American Tower, LLC, and contains a cell tower structure owned by T-Mobile and Crown Castle International Corp.

THE ACTION

NDOT filed three separate condemnation cases to acquire the fee simple interest in the entire Property. The Court later consolidated those three cases into one action, Eighth Judicial District Court Case No. A-12-671915 ("Action"). NDOT deposited separate amounts to obtain occupancy in each case filed, based on pre-litigation appraisals it obtained that separately appraised portions of the Property in 2011. In December 2013, NDOT issued to the Clerk of the Court its occupancy deposit for the parcels that were the subject of the third case, to reach a total deposit equaling the appraised value for the entire Property as determined by one of NDOT's expert appraisers, Timothy R. Morse, MAI ("Morse"). Highland has withdrawn \$9,810,000 of the total amount NDOT deposited for the Property (\$10,130,000). The Morse appraisal concludes that the remaining \$320,000 of the total Property value is attributable to the value of the cell tower easement. T-Mobile and American Tower have already agreed to accept and divide that amount pursuant to a separate agreement.

In addition to the above deposit, NDOT has recently deposited with the Court the amount of \$196,000, which is the appraised value of the cell tower structure. NDOT retained Hodges Lacey & Associates to perform that separate appraisal. T-Mobile and Crown Castle International Corp. have agreed to accept \$196,000 as total compensation for the cell tower structure and to divide that amount between them.

Board of Examiners

Proposed Settlement of an Eminent Domain Action Filed By NDOT

State of Nevada v. Highland, 2000-1, LLC, et al., Case No. A-12-671915

Page 3

NDOT retained both Morse and Tami L. Campa, MAI ("Campa") to perform expert appraisal services in the Action. Both appraised the Property as of the statutory date of value, the date of the first service of the summons in the Action (November 19, 2012). Morse and Campa agreed that the highest and best use of the Property as of the date of value was continued use of the office buildings and service garage. Morse and Campa each used both the sales comparable approach and the income capitalization approach to valuation. The income capitalization approach is based upon an analysis of the income-producing potential of a property. They both rejected the cost approach (valuing a property based on what a purchaser would pay to buy the land and build equivalent buildings on it) due to the age of the buildings.

Morse's opinion of value under the sales comparable approach is \$10,130,000, and his opinion of value under the income capitalization approach is \$10,059,719. He afforded the sales comparable approach greater weight, thereby reaching his concluded value of \$10,130,000. Campa's opinion of value under the income capitalization approach is \$9,165,000, and her opinion of value under the sales comparable approach is \$5,979,000. Campa concluded that the income capitalization approach resulted in the accurate value, based on the view that AMR was a strong tenant for Highland and likely would have renewed its lease upon the lease's expiration in June 2013. Thus, her concluded value of the Property is \$9,165,000. The primary reason for the difference between Morse and Campa's ultimate values is their use of different capitalization rates in their income capitalization approach: Morse used a rate of 8% and Campa used a rate of 7.5%.

Highland retained Keith Harper, MAI to provide an expert appraisal. Harper divided the Property into a majority portion and a minority portion. The minority portion consisted of the two small buildings that had formerly been single family residences; the majority portion consisted of the remainder of the Property. For the minority portion, Harper concluded that the highest and best use was continued use as office space. Harper employed only the sales comparable approach for these buildings and concluded their value was less than \$500,000. For the majority portion, Harper concluded that the highest and best use was continued use as what he termed an "ambulance campus." For this portion, Harper employed the income capitalization and the cost approaches to valuation, and not the sales comparable approach, finding that there were not comparable "ambulance campuses" on which to base a comparison. His income capitalization approach resulted in a valuation of \$20,642,358, for a total Property value of \$21,132,213, rounded to \$21,130,000. In his cost approach, Harper valued the subject land as though it was vacant, then added to that value the estimated cost to re-build the buildings, less depreciation. This method resulted in a total estimated Property value of \$20,863,554. Harper determined that the income capitalization approach was the most appropriate method of valuation, so his ultimate conclusion of value was \$21,130,000.

The primary reason for the discrepancy between Morse and Campa's values, and Harper's value, was the fact that Harper used the current rental rate AMR was paying to Highland in his income capitalization approach, while Morse and Campa used a fair market rent. Harper's opinion was that AMR's rental rate equaled a fair market rent, whereas Morse and Campa found that AMR's rental rate was above-market.

Herman Eminger intends to testify at trial that the amount of just compensation due to Highland is \$21,700,000 - \$31,000,000. He based this range on his estimation of the investment loss Highland would incur as a result of the State's taking of the Property, and opines that this is the amount that would put Highland "back in the same position, monetarily, as if the Property had never been taken." See Nevada Constitution Art. I, Sec. 22(4)(PISTOL Amendment); NRS 37.120(3).

A jury trial of this matter was set for May 19, 2014, in Department V of the Eighth Judicial District Court. Given the tentative settlement reached, trial was taken off calendar. If the instant settlement recommendation is not approved, trial will likely be re-set for some time prior to November 19, 2014, as Nevada law provides that eminent domain trials must be heard quickly. NRS 37.055. Furthermore, if the trial did not occur within two years of the date of service of the first summons, the date of valuation would change to the trial date. NRS 37.120.

All other Defendants have now filed Disclaimers of Interest in the Action except for American Tower, the City of Las Vegas, and Nevada Power Company, d/b/a NV Energy. American Tower and NDOT have already agreed upon the terms of a Disclaimer of Interest. The City filed an Answer in one of the consolidated cases asserting it owns a drainage easement on the Property, and NV Energy has recorded easement interests on the Property. Counsel for NDOT is currently working with counsel for the City and NV Energy to reach agreement on the terms of Disclaimers of Interest these parties will file and expects that all remaining Disclaimers will be filed prior to the Board meeting on July 8, 2014.

POINTS THAT FAVOR SETTLEMENT

Even disregarding Mr. Eminger's high-range opinion of just compensation (although the jury likely would be allowed to consider it), NDOT's total potential exposure at trial is \$21,130,000, plus interest and Highland's reasonable litigation costs, which NDOT must pay per the requirements of NRS 37.120(3) and Nevada Constitution Art. I, Sec. 22(4)(PISTOL Amendment). A settlement of \$13,000,000 could save the State in excess of \$8 million. Furthermore, a settlement of \$13,000,000 now (with \$12,680,000 going to Highland) would include all interest and costs. Thus, even using a conservative estimate of interest, fees and costs incurred through the trial date, NDOT would have to obtain a verdict of approximately \$12,400,000 or less at trial to reach a better result than the current settlement figure.

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 the total remaining amount of \$2,870,000 (\$13,000,000 - \$10,130,000 already deposited for the Property). If the Board approves the settlement, NDOT intends to enter into a settlement agreement and/or stipulated order to resolve the Action in full for the said amount, inclusive of all attorneys' fees, costs and interest.

FISCAL NOTE STATEMENT

NDOT will seek reimbursement from the Federal Highway Administration for the proposed settlement amount.

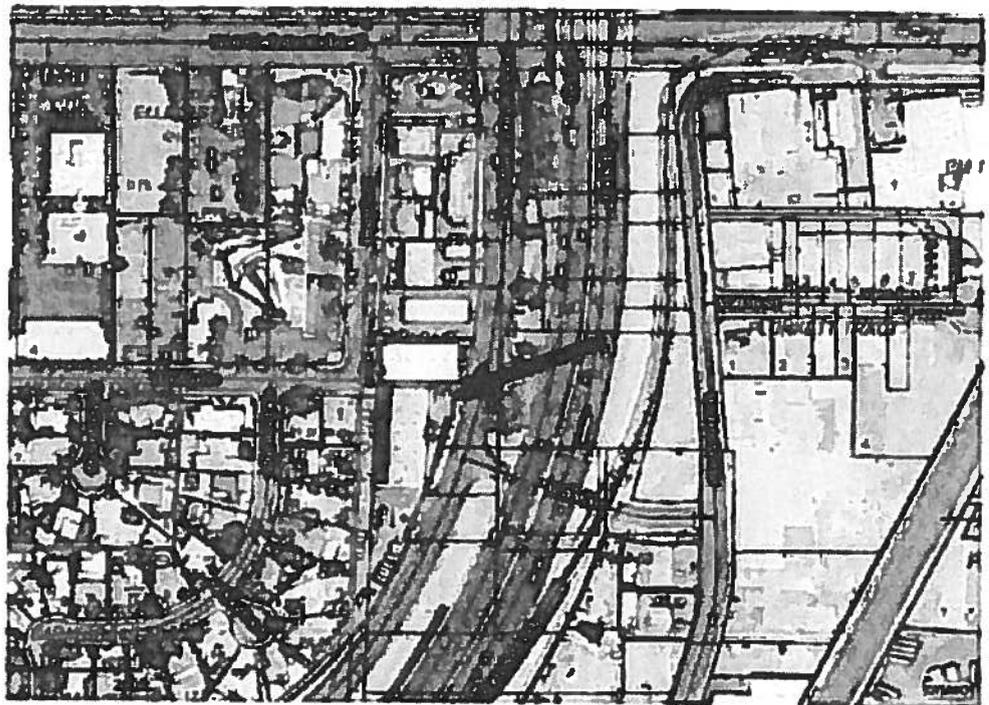
ASSESSOR'S PARCEL MAP

This map is prepared for the purpose of showing the location of parcels and is not intended to be used for any other purpose. It is not a warranty of title or a guarantee of accuracy. The Assessor's Office is not responsible for any errors or omissions.	ASSESSOR'S PARCELS CLARK CO. NV Assessor's Office 11215 N. 2nd St. Reno, NV 89502	7215 800 100 4 4 100 100 100 100 100 100	N. & NE 4 182-04-9	
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TAX ORF 200 212,203 213

AERIAL PHOTOGRAPH



Aerial Flight Date: Spring, 2012

TIMOTHY R. MORSE, MAI - 13-109

NDOT 0434 53



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

MEMORANDUM

August 6, 2014

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, P.E., Director
SUBJECT: August 18, 2014 Transportation Board of Directors Meeting
Item # 7: Action Item: Disposal of NDOT right-of-way located at Lake Parkway at Stateline, NV
SUR 06-38 – For board approval

Summary:

Approval is requested from the Department of Transportation Board of Directors to dispose of the above-referenced parcel of land by Resolution of Relinquishment. The parcel to be relinquished to the Division of State Lands is located at Lake Parkway at Stateline, NV and is currently unimproved land consisting of 4.12 acres on the attached sketch map depicted as Exhibit "A".

Background:

The Department originally acquired a fee interest on November 25, 1970, for a proposed route for US-50 lying within Douglas County, NV. On December 7, 2006, the Division of State Parks requested this parcel be relinquished for the development of the Van Sickle Bi-State Park which proposes that a trail corridor connect to the casino core in Stateline. On August 3, 2007, the surplus committee placed this action on hold due to the Department's involvement with the Tahoe Metropolitan Planning Organization, CalTrans and the Lake Tahoe Gaming Alliance corridor study for the development of the US-50/South Shore Community Revitalization Project. This project proposes to convert US-50's existing route through the commercial core into a four-lane local street while realigning the highway to provide two travel lanes in each direction. It has recently been determined by the committee that this relinquishment lies outside the limits of the project and that it will be a benefit to the Department eliminating all liability and future maintenance responsibilities.

Analysis:

On June 19, 2014, the Division of State Lands signed a Resolution Consenting to Relinquishment and Land Transfer Agreement accepting the relinquishment of this parcel. The relinquishment of NDOT's interest in this parcel is being made in accordance with NRS 408.527. The Department currently holds a fee simple interest in this parcel.

Recommendation for Board Action:

Approval of disposal of NDOT parcel located at Lake Parkway at Stateline, NV.

**TO: Department of Transportation Board of Directors
August 6, 2014**

List of Attachments:

1. Location Map
2. Original Resolution of Relinquishment with attached sketch map marked Exhibit "A"
3. Duplicate Original Resolution Consenting to Relinquishment and Land Transfer Agreement with attached location map depicted as Exhibit "A".
4. Environmental Approval
5. FHWA Approval
6. NRS 408.527

Prepared by: Paul A. Saucedo, Chief RW Agent



LOCATION MAP



SUR 06-38
DESCRIPTION: LAKE PARKWAY AT STATELINE

ATTACHMENT 1

301SL

Ptn. of APN: 1318-27-002-008
Control Section: DO-18 OFF SYSTEM
Surplus No.: SUR 06-38
Project: F-002-1(31)
EA: 70441
Ptn. of Parcel: DO-0002-00001
PARCEL 1

ATTACHMENT 2

AFTER RECORDING RETURN TO:
NEVADA DEPT. OF TRANSPORTATION
RIGHT-OF-WAY DIVISION
ATTN: STAFF SPECIALIST-PM
1263 S. STEWART ST.
CARSON CITY, NV 89712

LEGAL DESCRIPTION PREPARED BY:
HALANA D. SALAZAR
NEVADA DEPT. OF TRANSPORTATION
RIGHT-OF-WAY DIVISION
1263 S. STEWART ST.
CARSON CITY, NV 89712

**RESOLUTION OF RELINQUISHMENT
OF A PORTION OF STATE HIGHWAY LAND**

WHEREAS, the State of Nevada, Department of Transportation, hereinafter called the Department, presently holds a fee simple interest in that certain parcel of land, extending from Highway Engineer's Station "O8" 0+00.00 P.O.C. northeasterly to Highway Engineer's Station "O8" 7+05.19 P.O.C.; and

WHEREAS, said parcel of land is delineated and identified as PARCEL 1 on EXHIBIT "A", attached hereto and made a part hereof; and

WHEREAS, as set forth in NRS 408.527, the Nevada Department of Transportation may, by resolution of the board, relinquish to the Nevada Department of Conservation and Natural Resources, Division of State Lands, hereinafter referred to as the Division, any portion of any parcel of land which has been superseded by relocation or which the Department determines exceeds its needs; and

WHEREAS, said parcel of land is of no further contemplated use by the Department due to that portion of said parcel being in excess of its needs; and

WHEREAS, the Division has requested the relinquishment of aforesaid portion of parcel of land for the purpose of a bi-state park group use facility; and

WHEREAS, the Division has agreed to accept the relinquishment of said parcel of land together with any and all revocable leases and licenses entered into between the Department and the adjoining owners for the multiple use of the parcel of land; and

WHEREAS, the Division entered into an agreement with the Department on _____, to accept the hereinafter described designated parcel of land as a part of the Division's bi-state park group use facility; and

WHEREAS, the Nevada Department of Conservation and Natural Resources, Division of State Lands, consented by resolution passed and adopted on _____, 2014, to the Department relinquishing the aforesaid portion of said parcel of land to the Nevada Department of Conservation and Natural Resources, Division of State Lands.

THEREFORE, it is hereby determined by the Board of Directors of the Nevada Department of Transportation, State of Nevada, that the following described parcel of land and incidents thereto, being all that land, delineated and identified as PARCEL 1 on EXHIBIT "A", attached hereto and made a part hereof, is hereby relinquished to the Nevada Department of Conservation and Natural Resources, Division of State Lands. Said right-of-way is described as follows: Situate, lying and being in the County of Douglas, State of Nevada, and more particularly described as being a portion of the SE 1/4 of the SE 1/4 of Section 27, T. 13 N., R. 18 E., M.D.M., and further described as being a portion of PROPOSED HIGHWAY 50, shown on that certain RECORD OF SURVEY FOR HARRAH'S, filed for record on May 28, 1987, in Book 587, Page 2748, in the Official Records of Douglas County, Nevada, as File No. 155400, and more fully described by metes and bounds as follows:

BEGINNING at a point on the left or northwesterly right-of-way line of the proposed relocation of US-50, 113.37 feet left of and at right angles to Highway Engineer's Station "O8" 2+36.17 P.O.T.; said point of beginning further described as bearing S. 23°39'25" W. a distance of 1,575.14 feet from a 3/4" GALVANIZED PIPE WITH 2 1/2" BRONZE GLO CAP STAMPED "1/4 S27 S26 1939"; thence N. 62°56'14" E., along said northwesterly right-of-way line, a distance of 193.09 feet; thence N. 45°26'04" E., along said right-of-way line, a distance of 62.60 feet to the north boundary of said SE 1/4 of the SE 1/4 of Section 27; thence S. 89°51'54" E., along said north boundary, a distance of 290.90 feet to the right or southeasterly right-of-way line of said proposed relocation of US-50; thence S. 35°58'22" W., along said right-of-way line, a distance of 694.08 feet to the California-Nevada State Line; thence N. 48°10'39" W., along said State Line, a distance of 364.81 feet, being the west corner of Parcel 1; thence N. 42°34'22" E. a distance of 254.42 feet, the last 167.96 feet being along said northwesterly right-of-way line to the point of beginning; said parcel contains an area of 4.12 acres (179,624 square feet).

SUBJECT TO any and all existing utilities, whether of record or not.

The Basis of Bearing for this description is the NEVADA STATE PLANE COORDINATE SYSTEM, NAD 27 DATUM, West Zone as determined by the State of Nevada, Department of Transportation.

It is the intent of the Department to relinquish to the Division all of the Department's right, title and interest in and to the aforesaid described parcel of land as shown on EXHIBIT "A", attached hereto and made a part hereof.

DATED this ___ day of _____, 2014.

APPROVED AS TO LEGALITY AND FORM:

Dennis Gallagher,
Chief Deputy Attorney General
Chief Counsel, Department of Transportation

ON BEHALF OF STATE OF NEVADA,
DEPARTMENT OF TRANSPORTATION
BOARD OF DIRECTORS

Brian Sandoval, Chairman

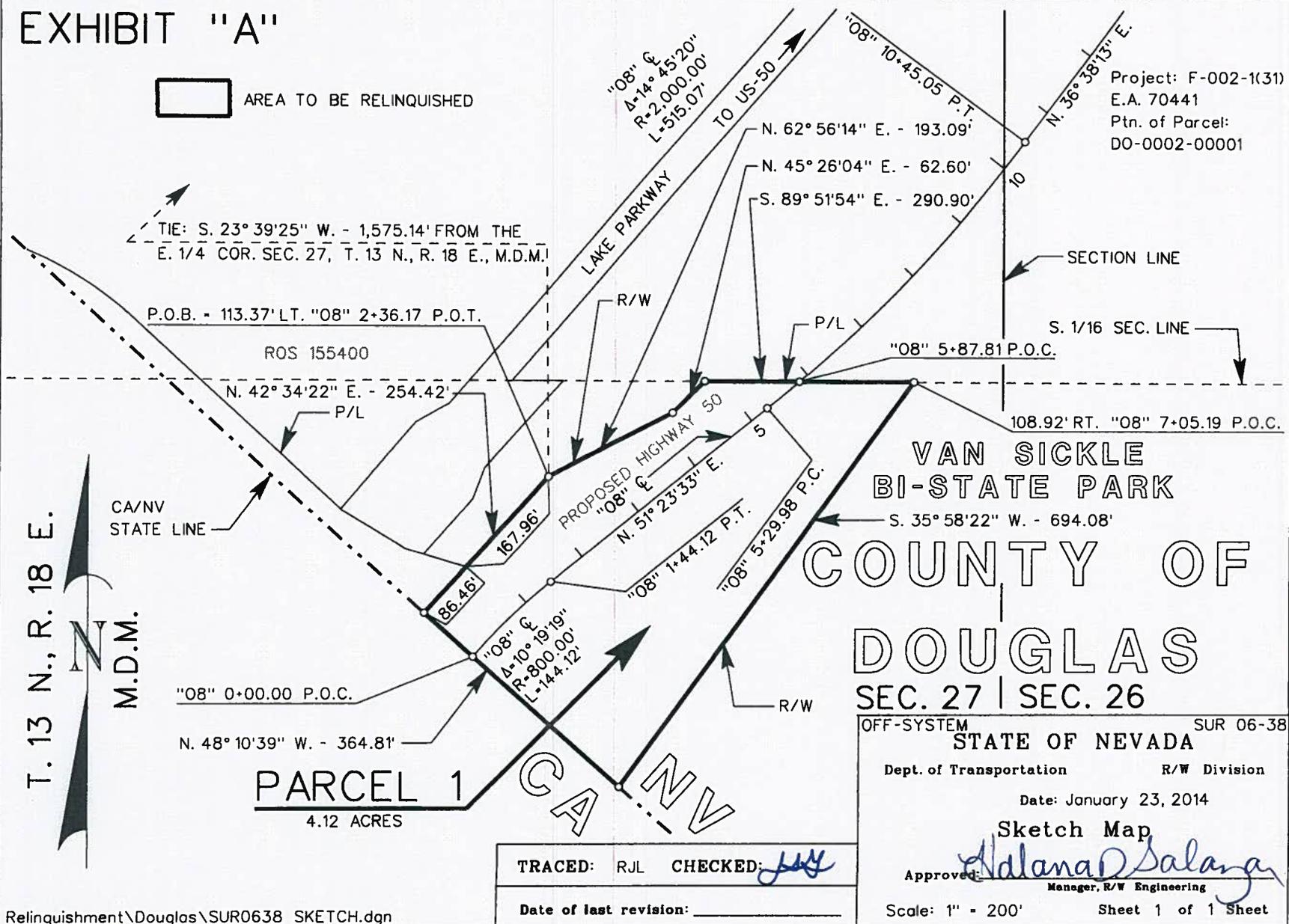
ATTEST:

Secretary to the Board
R13-04

EXHIBIT "A"

 AREA TO BE RELINQUISHED

Project: F-002-1(31)
E.A. 70441
Ptn. of Parcel:
DO-0002-00001



Relinquishment\Douglas\SUR0638 SKETCH.dgn

TRACED: RJL CHECKED: *[Signature]*
Date of last revision: _____

**RESOLUTION CONSENTING TO RELINQUISHMENT
AND LAND TRANSFER AGREEMENT**

WHEREAS, the State of Nevada, Department of Transportation, hereinafter called the Department, desires to relinquish a portion of land that was acquired for a proposed route for US-50 lying within the County of Douglas, State of Nevada, extending from Highway Engineer's Station "O8" 0+00.00 P.O.C. northeasterly to Highway Engineer's Station "O8" 7+05.19 P.O.C., a distance of approximately 0.134 of a mile, said right-of-way is delineated and identified as PARCEL 1 on EXHIBIT "A", attached hereto and made a part hereof; and

WHEREAS, the Nevada Department of Conservation and Natural Resources, Division of State Lands, hereinafter called the Division, desires that the aforesaid portion of said proposed highway be relinquished to the Division; and

WHEREAS, the Division has requested the relinquishment of aforesaid portion of the proposed highway for the purpose of a bi-state park group use facility.

NOW THEREFORE be it resolved that the Division of State Lands does in consideration of the actions of the Department as set forth herein, hereby consent to the State of Nevada, Department of Transportation, Board of Directors, relinquishing to the Division, said portion of land that was acquired for a proposed route for US-50 lying within the County of Douglas, State of Nevada, extending from Highway Engineer's Station "O8" 0+00.00 P.O.C. northeasterly to Highway Engineer's Station "O8" 7+05.19 P.O.C., a distance of approximately 0.134 of a mile, being all that right-of-way delineated and identified as PARCEL 1 on EXHIBIT "A", attached hereto and made a part hereof.

ATTACHMENT 3

The parties acknowledge that no relinquishment can occur until the Department of Transportation, Board of Directors approves of this relinquishment.

IN WITNESS WHEREOF the parties hereto have executed this agreement dated this _____ day of _____, 20__.

REVIEWED AND RECOMMENDED BY:

Charles Donohue

Name CHARLES DONOHUE, ACTING
Administrator and Ex-Officio
State Land Registrar

REVIEWED AND RECOMMENDED BY:

Paul A. Saucedo
for Paul A. Saucedo, Chief Right-of-Way Agent

APPROVED FOR LEGALITY AND FORM:

Kevin Benson

Name KEVIN BENSON
Deputy Attorney General

APPROVED AS TO LEGALITY AND FORM:

Dennis Gallagher, Chief Deputy Attorney General
Chief Counsel, Department of Transportation

ATTEST:

Harriet Shawlow

Name
State Land Agent NC IV

S
T
A
T
E

STATE OF NEVADA acting by and through its
Department of Transportation

S
E
A
L

Rudy Malfabon, Director

STATE OF NEVADA
CARSON CITY

On this _____ day of _____, 20__, personally appeared before me, the undersigned, a Notary Public in and for Carson City, State of Nevada, _____ personally known (or proved) to me to be the _____ Director of the Department of Transportation of the State of Nevada who subscribed to the above instrument for the Nevada Department of Transportation under authorization of Nevada Revised Statutes, Chapter 408.205; that he/she affirms that the seal affixed to said instrument is the seal of said Department; and that said instrument was executed for the Nevada Department of Transportation freely and voluntarily and for the uses and purposes therein mentioned.

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IN WITNESS WHEREOF I have hereunto
set my hand and affixed my official seal the day
and year in this certificate first above written.

LOCATION MAP



SUR 06-38
DESCRIPTION: LAKE PARKWAY AT STATELINE

EXHIBIT "A"

**RESOLUTION CONSENTING TO RELINQUISHMENT
AND LAND TRANSFER AGREEMENT**

WHEREAS, the State of Nevada, Department of Transportation, hereinafter called the Department, desires to relinquish a portion of land that was acquired for a proposed route for US-50 lying within the County of Douglas, State of Nevada, extending from Highway Engineer's Station "O8" 0+00.00 P.O.C. northeasterly to Highway Engineer's Station "O8" 7+05.19 P.O.C., a distance of approximately 0.134 of a mile, said right-of-way is delineated and identified as PARCEL 1 on EXHIBIT "A", attached hereto and made a part hereof; and

WHEREAS, the Nevada Department of Conservation and Natural Resources, Division of State Lands, hereinafter called the Division, desires that the aforesaid portion of said proposed highway be relinquished to the Division; and

WHEREAS, the Division has requested the relinquishment of aforesaid portion of the proposed highway for the purpose of a bi-state park group use facility.

NOW THEREFORE be it resolved that the Division of State Lands does in consideration of the actions of the Department as set forth herein, hereby consent to the State of Nevada, Department of Transportation, Board of Directors, relinquishing to the Division, said portion of land that was acquired for a proposed route for US-50 lying within the County of Douglas, State of Nevada, extending from Highway Engineer's Station "O8" 0+00.00 P.O.C. northeasterly to Highway Engineer's Station "O8" 7+05.19 P.O.C., a distance of approximately 0.134 of a mile, being all that right-of-way delineated and identified as PARCEL 1 on EXHIBIT "A", attached hereto and made a part hereof.

ATTACHMENT 3

The parties acknowledge that no relinquishment can occur until the Department of Transportation, Board of Directors approves of this relinquishment.

IN WITNESS WHEREOF the parties hereto have executed this agreement dated this _____ day of _____, 20__.

REVIEWED AND RECOMMENDED BY:

Charles Donohue
Name CHARLES DONOHUE, ACTING
Administrator and Ex-Officio
State Land Registrar

REVIEWED AND RECOMMENDED BY:

Paul A. Saucedo
for Paul A. Saucedo, Chief Right-of-Way Agent

APPROVED FOR LEGALITY AND FORM:

Kevin Benson
Name KEVIN BENSON
Deputy Attorney General

APPROVED AS TO LEGALITY AND FORM:

Dennis Gallagher 6-27-2014
for Dennis Gallagher, Chief Deputy Attorney General
Chief Counsel, Department of Transportation

ATTEST:

Harriet Schubert
Name
State Land Agent NC 11

STATE OF NEVADA acting by and through its
Department of Transportation

Rudy Malfabon, Director

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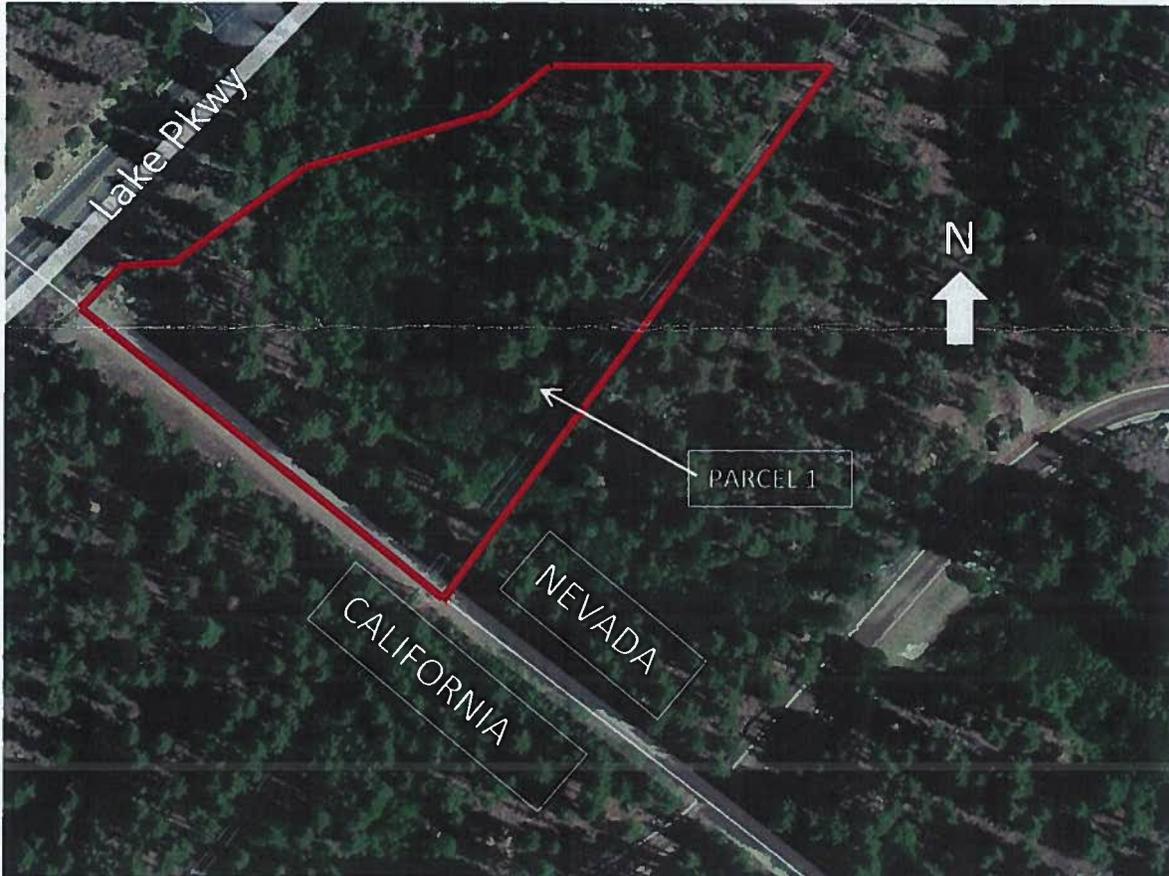
STATE OF NEVADA
CARSON CITY

On this _____ day of _____, 20__, personally appeared before me, the undersigned, a Notary Public in and for Carson City, State of Nevada, _____ personally known (or proved) to me to be the _____ Director of the Department of Transportation of the State of Nevada who subscribed to the above instrument for the Nevada Department of Transportation under authorization of Nevada Revised Statutes, Chapter 408.205; that he/she affirms that the seal affixed to said instrument is the seal of said Department; and that said instrument was executed for the Nevada Department of Transportation freely and voluntarily and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF I have hereunto
set my hand and affixed my official seal the day
and year in this certificate first above written.

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LOCATION MAP



SUR 06-38
DESCRIPTION: LAKE PARKWAY AT STATELINE

EXHIBIT "A"



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

MEMORANDUM

Environmental Services Division

June 20, 2014

To: Diana Callahan, Staff Specialist, Acquisitions, Right-of-Way

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

Subject: Environmental Clearance for Transportation Board
Surplus No.: SUR 06-38
Project: F-002-1(31)
EA: 70441
Disposal of Excess Right-of-Way
NDOT Property Located along Lake Parkway, Stateline, NV
Portion of Parcel DO-0002-00001

The Environmental Services Division reviewed the requested action and found it clear of any documented environmental concern. The Categorical Exclusion for this action was approved by the Federal Highway Administration on June 20, 2014.

EC: R. Borrelli, Surplus Property Committee, Chair
M. Orci, Asst Chief Right-of-Way Agent
H. Salazar, Surplus Property Committee, Vice-Chair
Project E-File

ATTACHMENT 4



BRIAN SANDOVAL
Governor

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION
1263 S. Stewart Street
Carson City, Nevada 89712

July 21, 2014

RUDY MALFABON, P.E., Director

In Reply Refer to:

FEDERAL HIGHWAY ADMINISTRATION
SUSAN KLEKAR DIVISION ADMINISTRATOR
ATTN HUGH HADSOCK R-W PROGRAM MGR
705 NORTH PLAZA STREET SUITE 220
CARSON CITY NV 89701

Resolution of Relinquishment
Surplus No.: SUR 06-38
Project: F-002-1(31)
E.A.: 70441
Route: Off-System
Ptn. of Parcel: DO-0002-00001
Location: Lake Parkway at Stateline

Dear Ms. Klekar:

Enclosed is Exhibit "A" (sketch map) and a location map depicting the area of surplus property, proposed to be relinquished, pursuant to N.R.S. 408.527. It has been determined that the surplus property is no longer needed by NDOT. The aforementioned property is located in Douglas County, Nevada.

The proposal has been reviewed and it has been determined that:

1. The subject property right will not be needed for Federal-aid Highway purposes in the foreseeable future;
2. The release will not adversely affect the Federal-aid Highway facility or the traffic thereon;
3. The property to be relinquished is not suitable for retention in order to restore, preserve, or improve the scenic beauty adjacent to the highway consonant with the intent of 23 U.S.C. 319 and PL 89-285, Title III, Section 302-305 (Highway Beautification Act of 1965);
4. The property to be relinquished does require clearance through the Environmental Division in accordance with CEQ regulations 40 CFR 1508.4 and 23 CFR 771.117(d);
5. The relinquishment of the property is being made in accordance with N.R.S. 408.527.

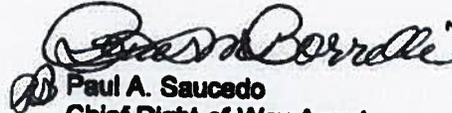
ATTACHMENT 5

Page 1 of 2

FEDERAL HIGHWAY ADMINISTRATION
SUSAN KLEKAR DIVISION ADMINISTRATOR
ATTN HUGH HADSOCK R-W PROGRAM MGR
July 21, 2014

Your concurrence in the proposal is requested.

Sincerely,


Paul A. Saucedo
Chief Right-of-Way Agent

CONCUR:



Hugh Hadscock, Right-of-Way Program Manager

7/29/14

Date

pas/dtc/dc
Enclosures

cc: H. Salazar, Manager Right-of-Way Engineering
M. Orcl, Assistant Chief Right-of-Way Agent - Realty

NRS 408.527 Procedure for relinquishment of portion of state highway.

1. Whenever the Department and the county or city concerned have entered into an agreement providing therefor, and the legislative body of the county or city has adopted a resolution consenting thereto, the board may relinquish to the county or city any portion of any state highway which has been deleted from the state highway system by legislative enactment. The Department may likewise relinquish any portion of any state highway which has been superseded by relocation or which the Department determines exceeds its needs.

2. By resolution of the Board, the Department may upon request relinquish to the Division of State Lands of the State Department of Conservation and Natural Resources for the public use of another state agency any portion of any state highway which has been superseded by relocation or which the Department determines exceeds its needs.

3. Relinquishment must be made by a resolution. A certified copy of the resolution must be filed with the legislative body of the county or city concerned. The resolution must be recorded in the office of the county recorder of the county where the land is located and, upon recordation, all right, title and interest of the State in and to that portion of any state highway vests in the county, city or division, as the case may be.

4. Nothing in NRS 408.523 limits the power of the Board to relinquish abandoned or vacated portions of a state highway to a county, city or the Division.

5. If the Board relinquishes property pursuant to subsection 4, and the purpose for which the property was relinquished is abandoned or ceases to exist, then:

(a) If the interest of the Department in the property before it was relinquished was held in fee simple, all right, title and interest of the county, city or Division reverts to the Department.

(b) If the interest of the Department in the property before it was relinquished was an easement or other lesser interest, the county, city or Division may abandon or vacate the property without reversion to the Department.

6. The vesting of all right, title and interest of the Department in and to portions of any state highways relinquished previously by the Department in the city, county or state agency to which it was relinquished is hereby confirmed.

(Added to NRS by 1960, 68; A 1983, 338; 1987, 1102, 1812; 1989, 1308; 1991, 1173)

ATTACHMENT 6



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

MEMORANDUM

August 6, 2014

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, P.E., Director
SUBJECT: August 18, 2014 Transportation Board of Directors Meeting
Item # 8: Disposal of NDOT right-of-way located on College Parkway at US-395 in Carson City, NV.
SUR 08-06

Summary:

Approval is requested from the Department of Transportation Board of Directors to dispose of the above referenced right-of-way by Public Auction. The right-of-way parcel to be sold is located on College Parkway at US-395 in Carson City, Nevada. The parcel is commercial, vacant land, triangular in shape and is 3.40 acres (147,905 sq. ft.) as depicted on the attached sketch map marked Exhibit "A".

Background:

On April 28, 1994, May 12, 1995 and September 17, 1997 the Department originally acquired 1.39 acres (60,731 square feet); .07 acres (3,067 square feet) and 3.00 acres (130,648 square feet) respectively in fee for the construction of the Carson Freeway. The Department has received public interest to purchase this property. Since Phase 1 of the Carson Freeway is completed, operational and no longer needs this surplus property, the Department now has the opportunity to sell at Public Auction. On September 23, 2010 this disposal action was approved by the Transportation Board. An auction was held on December 20, 2010 with no successful purchase. The Department marketed the parcel on several websites, including Zillow, however no interest was expressed until recently. The 18 month timeframe for initial board approval expired on March 23, 2012, therefore a re-submittal is required.

Analysis:

The Department has completed an appraisal of the surplus property, to obtain fair market value, in the amount of \$2,050,000.00 as required by N.R.S. 408.533. A public auction will benefit the State in potential revenue and the elimination of liability and maintenance responsibilities. The public auction of NDOT's interest in this parcel is being made in accordance with N.R.S. 408.533.

Recommendation for Board Action:

Approval of disposal of NDOT right-of-way located on College Parkway at US-395 in Carson City, NV.

**TO: Department of Transportation Board of Directors
August 6, 2014**

List of Attachments:

1. Location Map
2. Sketch Map marked Exhibit "A"
3. Copy of Proof and Affidavit of Publication
4. Environmental Approval
5. FHWA Approval
6. N.R.S. 408.533

Prepared by: Paul Saucedo, Chief RW Agent



LOCATION MAP



SUR 08-06

DESCRIPTION: US-395 (COLLEGE PKWY. AND RETAIL CT.)

*Proof and
Statement of Publication*

580 Mallory Way, Carson City, NV 89701
P.O. Box 1888, Carson City, NV 89702
Phone (775) 881-1201 Fax (775) 887-2408

Account Number: 7895957

Right-of-Way - NDOT
1263 South Stewart Street
Carson City, NV 89701
Attn: Jo Pinther

Jody Mudgett says:
That (s) he is a legal clerk of the **NEVADA APPEAL**, a newspaper published Tuesday through Sunday at Carson City, in the State of Nevada.

Notice of Intent
PO # PVR 70599

Ad# 9953497

of which a copy is hereto attached, was published in said newspaper for the full required period of **4 times** commencing on **Feb. 16, 2014**, and ending on **Feb. 26, 2014**, all days inclusive.

Signed: 

STATEMENT:

Date	Amount	Credit	Balance
02/26/14	\$600.40	\$0.00	\$600.40

**NOTICE OF INTENT TO
DISPOSE OF REAL PROPERTY**

Pursuant to Nevada Revised Statute 408.533, the State of Nevada Department of Transportation (Department) hereby gives notice that it intends to dispose of the following properties, subject to final approval of the Transportation Board of Directors.

SUR 08-06 Subject property is a 3.40 acre portion of vacant land located at 909 Retail Court, Carson City, NV 89706. It is located along the southbound off ramp of US 395 and College Pkwy and at the NE corner of the signalized intersection of College Pkwy. The property is identified as NDOT Parcel U-396-CC-007.230 XS1 and as a portion of APN 002-752-01; zoning is Light Industrial (LI). Subject has access to westbound College Parkway approx 240' from the SE corner as well as access via Retail Court.

The Department's appraisal of fair market value is \$2,050,000.00, as established by a licensed appraiser.

Any person from whom the property was originally purchased by the Department or their heir or grantee may purchase the property at its fair market value by direct sale. Any person or entity who believes that they have the right to directly purchase and who desires to exercise their right must respond in writing within sixty (60) calendar days from the last publication of this notice. If no written responses are received, all rights pursuant to NRS 408.533 (1)(d) shall be extinguished and the property will be sold by public auction with sealed bids accepted. Please submit all written responses to:

Nevada Department of Transportation
Right-of-Way Division
Attn: Glendyne Shull, Supervisory RW Agent
1263 S. Stewart Street
Carson City, NV 89712

For more information, please refer to NRS 408.533 and/or contact Glendyne Shull at (775) 888 7615 or by email at gshull@dot.state.nv.us.

Pub: February 16, 19, 23, 26, 2014 Ad#9953497

ATTACHMENT 3

2014 MAR -7 P 2:06

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION

MEMORANDUM

September 8, 2010

To: Margaret Orci, Staff Specialist, Right-of-Way

From: Steve M. Cooke, P.E., Chief, Environmental Services *SMC*

Subject: Environmental Clearance for Transportation Board
Surplus No.: SUR 08-06
Project: QF-395-1(6)
PIN: 71366
Parcel: U-395-CC-007.230 XS1
Disposal of NDOT property located on College Parkway at US-395 in
Carson City, NV
Disposal by Public Auction

The Environmental Services Division (ESD) reviewed the requested parcel and found it clear of any documented environmental concern for disposal.

SMC/dlh

- c. Paul A. Saucedo, Surplus Property, Committee Chairman
Halana Salazar, Surplus Property, Vice Chairman

ATTACHMENT 4



JIM GIBBONS
Governor

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION
1263 S. Stewart Street
Carson City, Nevada 89712

AUG 31 2010

August 30, 2010

SUSAN MARTINOVICH, P.E., Director

SUSAN KLEKAR DIVISION ADMINISTRATOR
ATTN REBECCA BENNETT R-W PROGRAM MGR
FEDERAL HIGHWAY ADMINISTRATION
705 NORTH PLAZA STREET SUITE 220
CARSON CITY NV 89701

In Reply Refer to:

Disposal by Public Auction
Surplus No.: SUR 08-06
Project: QF-395-1(6)
E.A. No.: 71366
Parcel: U-395-CC-007.230 XS1
Description: Disposal of NDOT
property located on College
Parkway at US-395 in Carson City,
NV.

Dear Ms. Klekar:

Enclosed are Exhibit "A" (sketch map) a location map and one set of right-of-way plans depicting the area of surplus property to be sold at Public Auction, pursuant to N.R.S. 408.533. It has been determined that the property is no longer needed by NDOT. The aforementioned property is located in the Carson City, Nevada.

The proposal has been reviewed and it has been determined that:

1. The subject property right will not be needed for Federal-aid Highway purposes in the foreseeable future;
2. The right-of-way being retained is adequate under present day standards for the facility involved;
3. The release will not adversely affect the Federal-aid Highway facility or the traffic thereon;
4. The parcel to be sold is not suitable for retention in order to restore, preserve, or improve the scenic beauty adjacent to the highway consonant with the intent of 23 U.S.C. 319 and PL 89-285, Title III, Section 302-305 (Highway Beautification Act of 1965).
5. The parcel to be sold has been cleared through the Environmental Division in accordance with CEQ regulations 40 CFR 1508.4 and 23 CFR 771.117(d).
6. The sale of this parcel is being made in accordance with N.R.S. 408.533.

ATTACHMENT 5



SUSAN KLEKAR, DIVISION ADMINISTRATOR
FEDERAL HIGHWAY ADMINISTRATION
August 30, 2010

Your concurrence in this proposal is requested.

Sincerely,



for Paul A. Saucedo
Chief Right-of-Way Agent

pas/meo/
Enclosures

cc: H. Salazar, Manager, Right-of-Way Engineering
M. Orci, Right-of-Way Staff Specialist

CONCUR:



Rebecca Bennett, Right-of-Way Program Manager



Date

NRS 408.533 Disposal of property.

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

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

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

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

(1) There is no access to the property;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ATTACHMENT 6



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

MEMORANDUM

August 6, 2014

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, P.E., Director
SUBJECT: August 18, 2014 Transportation Board of Directors Meeting
Item # 9 : Action Item: Disposal of NDOT right-of-way located along a portion of SR-513 (Old Carson River Road) in Carson City, NV. SUR 99-14

Summary:

Approval is requested from the Department of Transportation Board of Directors to dispose of the above referenced right-of-way by Resolution of Abandonment. The right-of-way parcel to be abandoned is a strip of land 60 feet in width along the Old Carson River Road, containing approximately 2.10 Acres, (91,679 sq. ft.) identified as Parcel 1, as depicted on the attached sketch map marked Exhibit "A".

Background:

The Department originally acquired easement interest rights on June 7, 1951, for the construction of the original roadway alignment, at no cost from the BLM; therefore no compensation to abandon our right is necessary. Carson City requested that our easement interest rights be abandoned for development of public recreational amenities for the Carson River Park.

Analysis:

This parcel is no longer required for highway purposes. The abandonment of the easement interest rights in this parcel is being made in accordance with N.R.S. 408.523. Ownership will revert to the underlying fee owner.

Recommendation for Board Action:

Approval of disposal of NDOT right-of-way located along a portion of SR-513 (Old Carson River Road) in Carson City, NV.

**To: Department of Transportation Board of Directors
August 6, 2014**

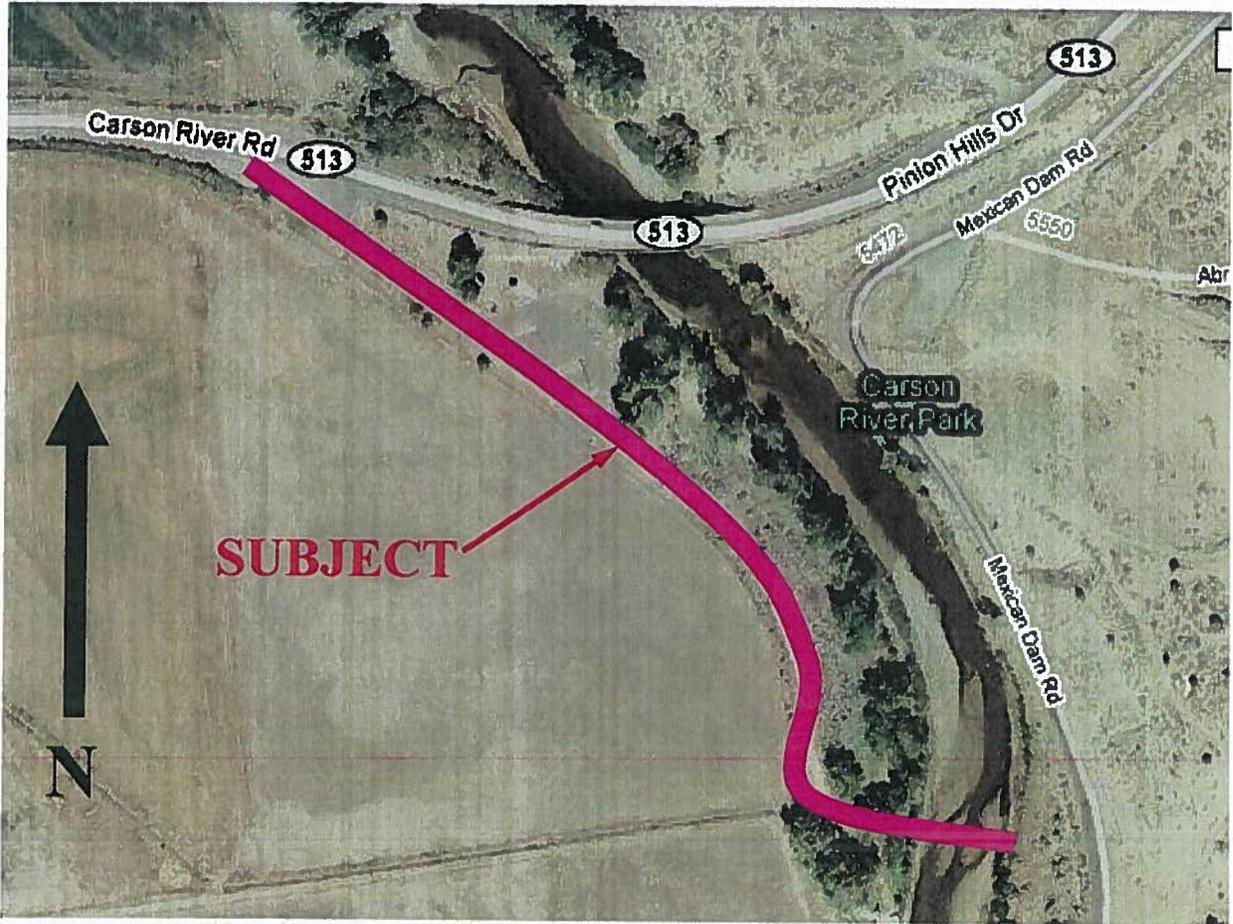
List of Attachments:

1. Location Map
2. Original Resolution of Abandonment with attached legal description marked Exhibit "A"
3. Environmental Approval
4. Copy of FHWA Approval
5. N.R.S. 408.523

Prepared by: Paul Saucedo, Chief R/W Agent



LOCATION MAP



**SUR 99-14
PARCEL 1
Old Carson River Rd.**

ATTACHMENT 1

Ptn. of APNs: 010-121-30
010-121-32
SUR 99-14
Control Section: CC-08
Ptn. of BLM Application: NEV 03454
Route: Old Carson River Rd.
Former Route: SR-513
Parcel: 1

AFTER RECORDING RETURN TO:
NEVADA DEPT. OF TRANSPORTATION
RIGHT-OF-WAY DIVISION
ATTN: STAFF SPECIALIST, PM
1263 S. STEWART ST.
CARSON CITY, NV 89712

**RESOLUTION OF ABANDONMENT
OF A PORTION OF STATE HIGHWAY RIGHT-OF-WAY**

WHEREAS, the State of Nevada, Department of Transportation, hereinafter called the Department, presently holds an easement interest for all of that certain right-of-way for Old Carson River Rd. from "O1" 0+00.00 P.O.T. westerly to "O" 16+15.56 P.O.C.; and

WHEREAS, said right-of-way is delineated by shading and identified as Parcel 1 on Exhibit "A" attached hereto and made a part hereof, and

WHEREAS, pursuant to the provisions contained in NRS 408.523, the Nevada Department of Transportation Board of Directors may vacate or abandon by resolution, any portion of a state highway which has been superseded by relocation or has been determined to be in excess of the needs of the Department; and

WHEREAS, a portion of said right-of-way is of no further contemplated use by the State of Nevada, Department of Transportation, due to that certain portion of Old Carson River Rd. being in excess of the needs of the Department.

ATTACHMENT 2

THEREFORE, it is hereby determined by the Board of Directors of the Nevada Department of Transportation of the State of Nevada, that the following described right-of-way and incidents thereto, being all that land delineated by shading and identified as Parcel 1 on Exhibit "A" is hereby abandoned. Said right-of-way is more particularly described as follows: Situate, lying and being in Carson City, State of Nevada, and more particularly described as being a portion of the NE 1/4 of the NW 1/4 and the NW 1/4 of the NE 1/4 of Section 26, T. 15 N., R. 20 E., M.D.M., and further described as being a portion of Old Carson River Road, and more fully described as being a parcel or strip of land sixty (60) feet in width, thirty (30) feet on each side of the "O1" and "O" centerline, which centerline is described as follows, to wit:

BEGINNING at a point on the "O1" centerline at Highway Engineer's Station "O1" 0+00.00 P.O.T.; said point of beginning further described as bearing S. 19°36'11" E. a distance of 1,208.55 feet from the north quarter corner of said Section 26; thence along said "O1" and "O" centerline the following five (5) courses and distances:

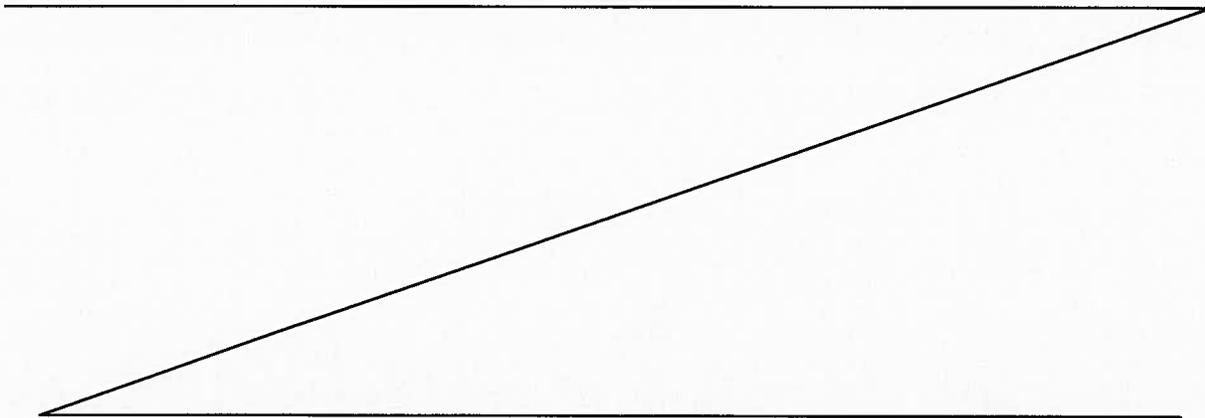
- 1) N. 70°09'39" W. - 257.65 feet;
- 2) from a tangent which bears the last described course, curving to the right with a radius of 100.00 feet, through an angle of 68°57'54", an arc distance of 120.37 feet;

- 3) N. 1°11'45" W. - 154.53 feet;
- 4) from a tangent which bears the last described course, curving to the left with a radius of 400.00 feet, through an angle of 52°11'41", an arc distance of 364.39 feet;
- 5) N. 53°23'26" W. - 631.24 feet to the point of ending at Highway Engineer's Station "O" 15+31.62 P.O.T.;

said point of ending further described as bearing S. 78°38'13" W. a distance of 585.71 feet from said north quarter corner of Section 26; said parcel contains an area of 2.10 acres (91,679 square feet), more or less.

The sidelines of the above-described parcel are to be shortened or lengthened so as to terminate on the right or southerly sixty (60) foot right-of-way line of said Carson River Road.

The Basis of Bearing for this description is the NEVADA STATE PLANE COORDINATE SYSTEM, NAD 27 DATUM, West Zone as determined by the State of Nevada, Department of Transportation.



It is the intent of the Department of Transportation to abandon that portion of Old Carson River Rd., delineated by shading and identified as Parcel 1 on Exhibit "A" attached hereto and made a part hereof for reference.

DATED this ____ day of _____, 20__.

APPROVED AS TO LEGALITY AND FORM:

ON BEHALF OF STATE OF NEVADA,
DEPARTMENT OF TRANSPORTATION
BOARD OF DIRECTORS

Dennis Gallagher, Chief Deputy Attorney General
Chief Counsel, Department of Transportation

Brian Sandoval, Chairman

ATTEST:

Secretary to the Board

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION

MEMORANDUM

January 26, 2010

To: Jessica D. Biggin, Staff Specialist

From: Steve M. Cooke, P.E., Chief, Environmental Services *SMC*

Subject: Environmental Clearance for Transportation Board
Disposal of right-of-way along a portion of SR-513 (Old Carson River Road) in Carson City
Surplus Property No. SUR 99-14

The Environmental Services Division (ESD) reviewed the requested parcel and found it clear of any documented environmental concern for disposal.

SMC/slp

- c. Paul A. Saucedo, Surplus Property, Committee Chairman
- Halana Salazar, Surplus Property, Vice Chairman ✓

ATTACHMENT 3



JIM GIBBONS
Governor

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION
1263 S. Stewart Street
Carson City, Nevada 89712

January 25, 2010

SUSAN MARTINOVICH, P.E. Director

SUSAN KLEKAR DIVISION ADMINISTRATOR
ATTN REBECCA BENNETT R-W PROGRAM MGR
FEDERAL HIGHWAY ADMINISTRATION
705 NORTH PLAZA STREET SUITE 220
CARSON CITY NV 89701

In Reply Refer to
Disposal by Abandonment
Surplus No.: SUR 99-14
Requestor: Carson City
Route: Old Carson River Rd.
Former Route: SR-513
Parcel: 1
Control Section: CC-08
Portion of BLM Application:
NEV 03454
Description: Disposal of NDOT
right-of-way located along a portion
of SR-513 (Old Carson River Road)
in Carson City, NV

Dear Ms. Klekar:

Enclosed are Exhibit "A" (sketch map) and a location map depicting the area of surplus property to be abandoned, pursuant to N.R.S. 408.523 and 408.533. It has been determined that the property is no longer needed by NDOT. The aforementioned property is located in Carson City, Nevada.

The proposal has been reviewed and it has been determined that:

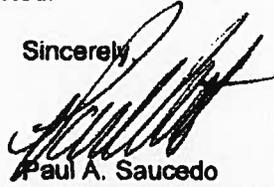
1. The subject property right will not be needed for Federal-aid Highway purposes in the foreseeable future;
2. The right-of-way being retained is adequate under present day standards for the facility involved;
3. The release will not adversely affect the Federal-aid Highway facility or the traffic thereon;
4. The parcel to be abandoned is not suitable for retention in order to restore, preserve, or improve the scenic beauty adjacent to the highway consonant with the intent of 23 U.S.C. 319 and PL 89-285, Title III, Section 302-305 (Highway Beautification Act of 1965).
5. The parcel to be abandoned has been cleared through the Environmental Division in accordance with CEQ regulations 40 CFR 1508.4 and 23 CFR 771.117(d).
6. The abandonment of this parcel is being made in accordance with N.R.S. 408.523 and N.R.S. 408.533.

ATTACHMENT 4

SUSAN KLEKAR, DIVISION ADMINISTRATOR
FEDERAL HIGHWAY ADMINISTRATION
January 25, 2010

Your concurrence in this proposal is requested.

Sincerely,



Paul A. Saucedo
Chief Right-of-Way Agent

pas/meo/tz
Enclosures

cc: H. Salazar, Manager, Right-of-Way Engineering
M. Orci, Right-of-Way Staff Specialist

CONCUR:

Rebecca Bennett
Rebecca Bennett, Right-of-Way Program Manager

1/26/2010
Date

NRS 408.523 Summary vacation and abandonment of portion of state highway superseded by relocation or in excess of needs. resolution of Board; recordation.

1. The Board may retain or may summarily vacate and abandon any portion of a state highway if that portion has been superseded by relocation or has been determined to be in excess of the needs of the Department.

2. The Board shall act to abandon any easement, or to vacate any highway, by resolution. A certified copy of the resolution may be recorded without acknowledgment, certificate of acknowledgment, or further proof, in the office of the county recorder of each county whereir any portion of the easement to be abandoned, or the highway to be vacated, lies. No fee may be charged for such recordation. Upon recordation, the abandonment or vacation is complete.

3. When a highway for which the State holds only an easement is abandoned, or when any other easement is abandoned, the property previously subject thereto is free from the public easement for highway purposes. Where the State owns in fee the property on which the vacated highway was located, the Department shall dispose of that property as provided in NRS 408.533.

4. In any proceeding for the abandonment or vacation of any state highway or part thereof, the Board may reserve and except therefrom any easements, rights or interests in the highway deemed desirable and in the best interests of the State.

(Added to NRS by 1960, 68; A 1981, 707; 1987, 1811; 1989, 1307)

ATTACHMENT 5



1263 South Stewart Street
Carson City, Nevada 89712
Phone: (775) 888-7440
Fax: (775) 888-7313

MEMORANDUM

August 6, 2014

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, P.E., Director
SUBJECT: August 18, 2014 Transportation Board of Directors Meeting
Item # 10: Action Item: Condemnation Resolution No. 446
I-15 Freeway, from Desert Inn Road to the US-95/I-515
Interchange; Project NEON; in the City of Las Vegas; Clark County.
3 Owners, 5 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 Phase 1 of project NEON. The department is seeking the Board's approval of condemnation action for the unresolved acquisitions as described below.

Background:

United Landco LP - The negotiation is unresolved for the acquisition from United Landco LP. It is necessary to acquire a fee parcel containing 23,197 square feet (0.53 acre) and a temporary roadway construction easement parcel, for a three-year period, which contains 4,568 square feet (0.11 acre), from a 2.98 acre Industrial District-zoned holding. The holding is improved with a showroom building totaling 124,663 square feet, two asphalt-paved parking lots, landscaping, miscellaneous paving and fencing. **The parcels in question, which are located on the east side of Martin Luther King Boulevard, approximately 750 feet north of its intersection with Bonneville Avenue, 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 \$1,112,300.00 for the two acquisitions was made on October 15, 2012. Due to the passage of time, a revised total offer of \$1,305,100.00 for the acquisitions was made on March 6, 2014. The offer consisted of \$811,895.00 for the fee simple land (at \$35.00 per square foot), \$67,140.00 for parking lot improvements, \$17,065.00 cost-to-cure damages to the remainder parking, \$158,900.00 for the temporary easement (which is a 10% per year return on the \$35.00 per square foot fee land value for a period of three years plus a rental value for a portion of the building effected) and \$250,100.00 for cost-to-cure damages relating to the temporary easement. The owners have expressed various concerns about the effect of the project on their future operations, but have made no monetary counteroffer. Negotiations are now at an impasse. The department is continuing to work towards settlement, but is requesting this condemnation resolution to meet construction deadlines.

United Warehouse Investments LP - The negotiation is also unresolved for the acquisition from United Warehouse Investments LP. It is necessary to acquire a fee parcel containing 56,003 square feet (1.29 acres) and a temporary roadway construction easement parcel, for a three-

year period, which contains 10,666 square feet (0.25 acre), from a 1.70 acre Industrial District-zoned holding. The holding is improved with a warehouse building totaling 52,156 square feet, asphalt-paved parking lot and truck access areas and fencing. **The parcels in question, which are located on the east side of Martin Luther King Boulevard, approximately 750 feet north of its intersection with Bonneville Avenue, in the City of Las Vegas, are highlighted in red on the right-of-way plans that are part of the Condemnation Resolution (Attachment 2).** The State's initial offer of \$5,498,000.00 for the two acquisitions was made on October 15, 2012. Due to the passage of time, a revised total offer of \$5,775,500.00 (rounded) for the acquisitions was made on March 6, 2014. The offer consisted of \$1,960,000.00 for the fee simple land (at \$35.00 per square foot), \$1,170,000.00 for the warehouse improvement, \$1,880,300.00 for severance damages, \$653,100 cost-to-cure damages to a racking system and \$112,000.00 for the temporary easement (which is a 10% per year return on the \$35.00 per square foot fee land value for a period of three years). The owners have expressed various concerns about the effect of the project on their future operations, but have made no monetary counteroffer. Negotiations are now at an impasse. The department is continuing to work towards settlement, but is requesting this condemnation resolution to meet construction deadlines.

MLK Spur, LLC - The negotiation is also unresolved for the acquisition from MLK Spur, LLC. It is necessary to acquire a fee parcel containing 2,154 square feet (0.05 acre) from a 12,620 square foot (0.29 acre) Industrial District-zoned holding. The holding is an unimproved portion of an abandoned railroad spur. **The parcel in question, which is located on the south side of Symphony Park Avenue, adjacent to the west right-of-way line of the I-15 Freeway, in the City of Las Vegas, is highlighted in green on the right-of-way plans that are part of the Condemnation Resolution (Attachment 2).** The State's initial offer of \$59,500.00 for the acquisition was made on October 15, 2012. Due to the passage of time, a revised offer of \$75,400.00 for the parcels was made on March 6, 2014. The offer was for the fee simple land at \$35.00 per square foot. The owners have expressed various concerns about the effect of the project on their future operations, but have made no monetary counteroffer. Negotiations are now at an impasse. 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:

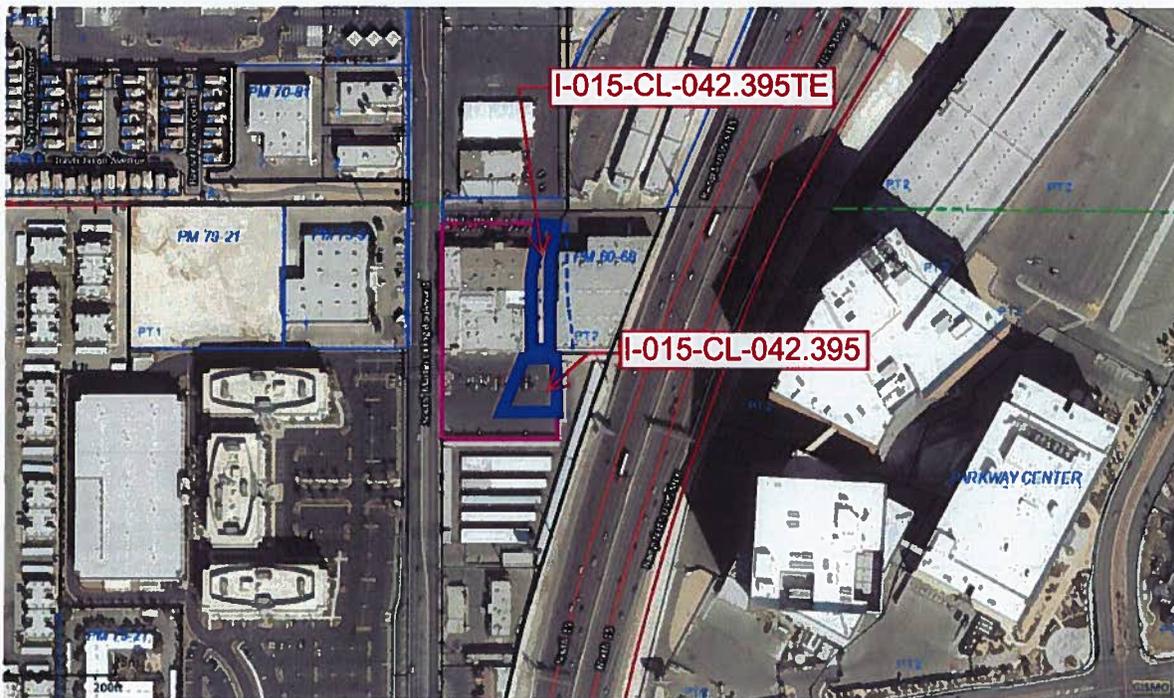
1. Location map
2. Condemnation Resolution No. 446 with Right-of-Way plans
3. Section 408.503 of the Nevada Revised Statutes
4. Section 241.034 of the Nevada Revised Statutes

Prepared by:

Paul Saucedo, Chief R/W Agent



LOCATION MAP



Condemnation Resolution No. 446

DESCRIPTION: I-15 Freeway, from Desert Inn Road to the US-95/I-515 Interchange; Project NEON; in the City of Las Vegas, Clark County, NV



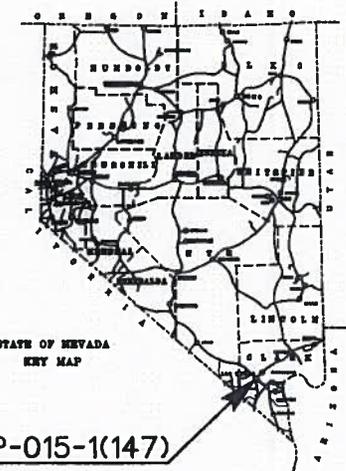
INDEX OF SHEETS

- 1 TITLE SHEET
- 2 LEGEND
- 3 SHEET INDEX
- 4-15 R/W PLAN SHEETS
- 16-24 R/W ENGINEERING SHEETS
- 25-28 PROPERTY SCHEDULE



STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY PROJECT

Fed. Rd. Dist. No.	State	Project No.	S.A. No.	County	Sheet No.
9	Nevada	NH-STP-015-1(147)	73652	CLARK	1

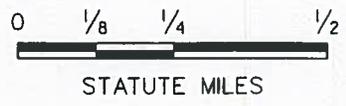
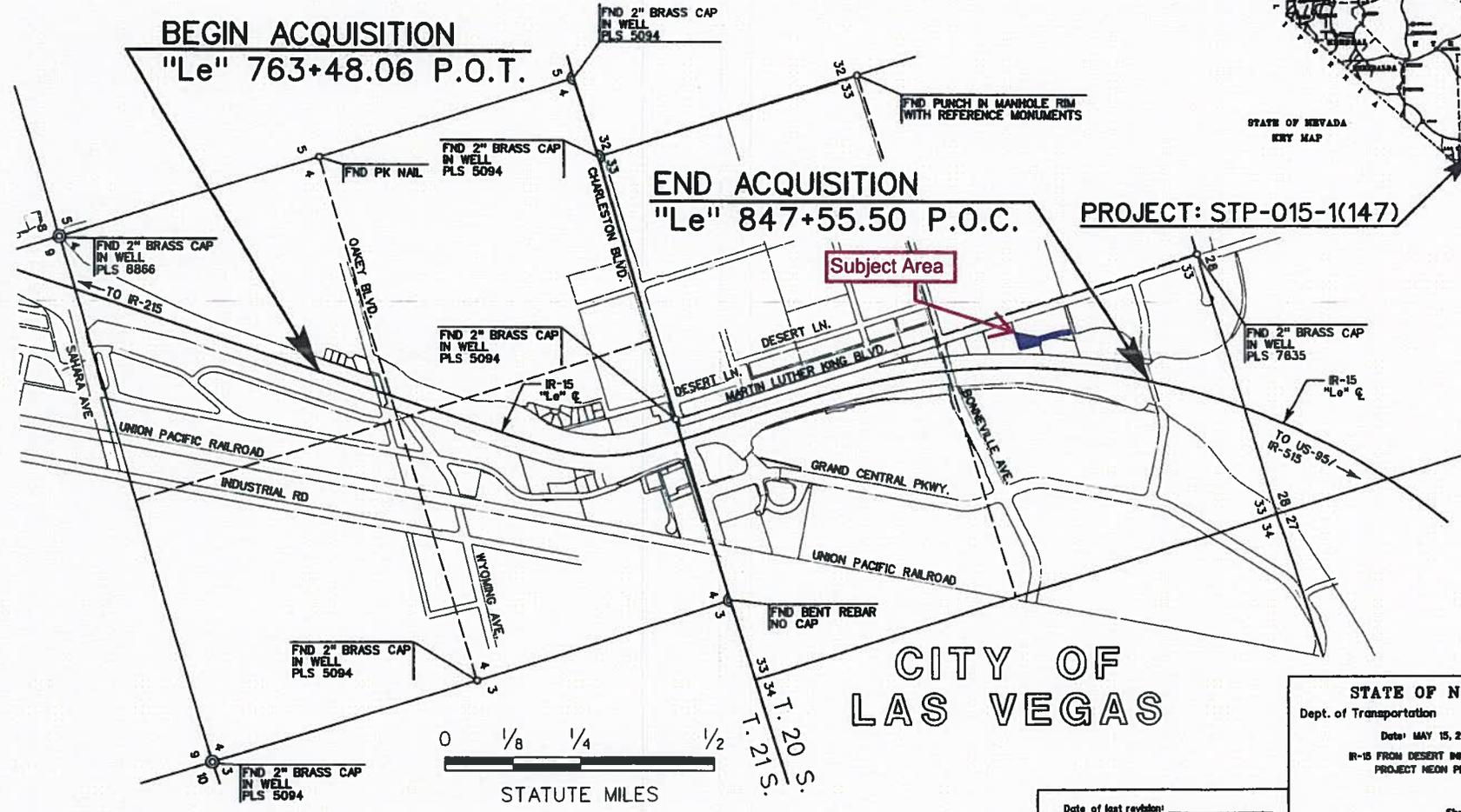


BEGIN ACQUISITION
"Le" 763+48.06 P.O.T.

END ACQUISITION
"Le" 847+55.50 P.O.C.

PROJECT: STP-015-1(147)

Subject Area

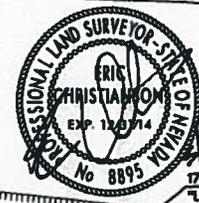
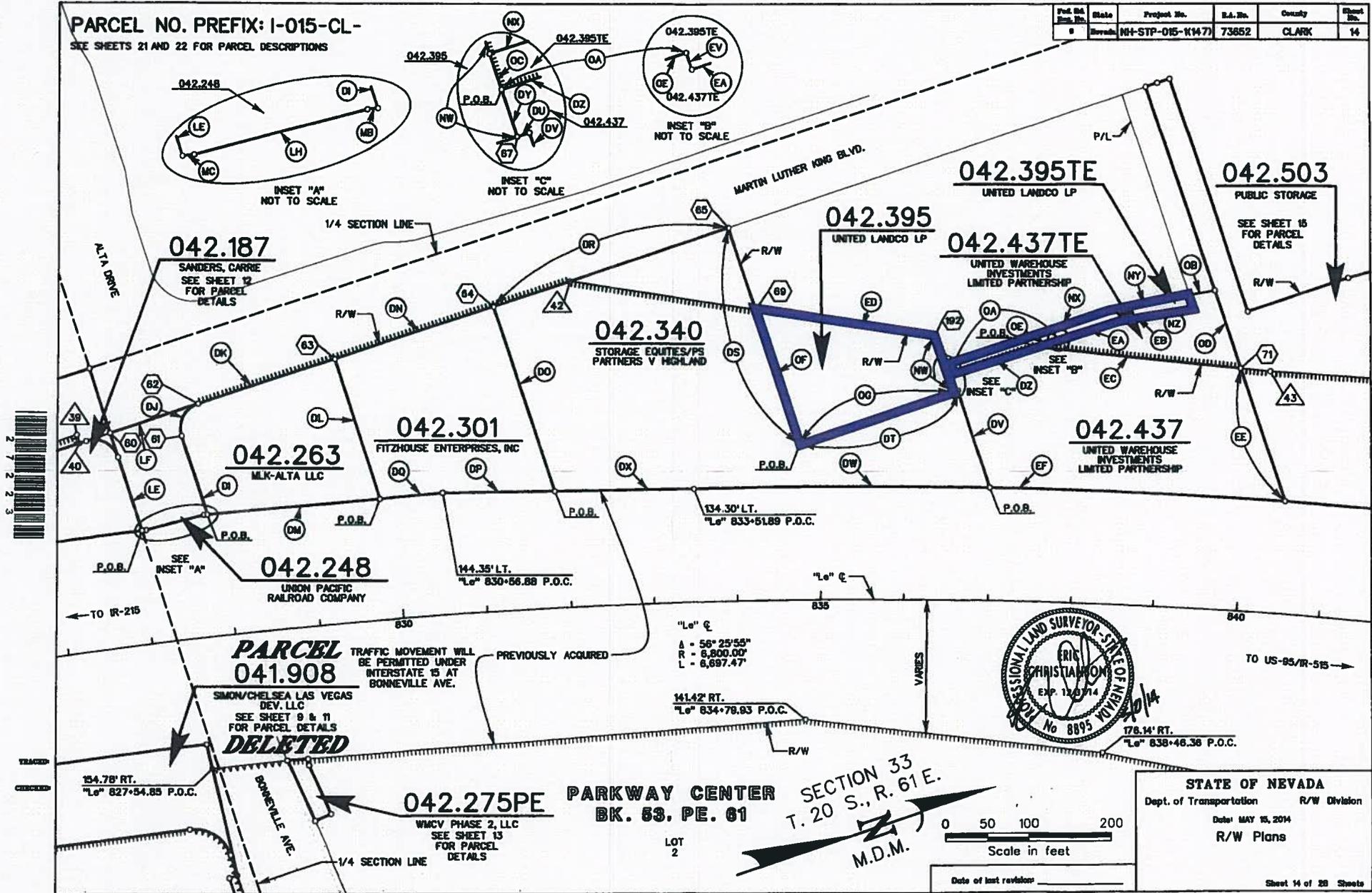


STATE OF NEVADA
Dept. of Transportation R/W Division
Date: MAY 15, 2014
IR-15 FROM DESERT BN TO US-95
PROJECT NEON PHASE 1
Sheet 1 of 28 Sheets

Date of last revision: _____

PARCEL NO. PREFIX: I-015-CL-
SEE SHEETS 21 AND 22 FOR PARCEL DESCRIPTIONS

Proj. No.	State	Project No.	S.A. No.	County	Sheet No.
0	Nevada	NH-STP-015-K147	73652	CLARK	14

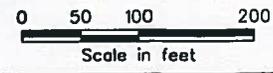


"Le" ϵ
 $A = 56^{\circ} 25' 55''$
 $R = 6,800.00'$
 $L = 6,697.47'$

141.42' RT.
 "Le" 834+78.93 P.O.C.

178.14' RT.
 "Le" 838+46.36 P.O.C.

SECTION 33
 T. 20 S., R. 61 E.
 M.D.M.



Date of last revision: _____

STATE OF NEVADA
 Dept. of Transportation R/W Division
 Date: MAY 15, 2014
 R/W Plans

042.263	
P.O.B. - 144.39' LT. "Lo" 827+81.24 P.O.C. TIE: S. 4° 34' 51" E. - 2,575.99' FROM THE N 1/4 COR. SEC. 33, T. 20 S., R. 61 E., M.D.M.	
DI	S. 89° 51' 57" W. - 97.00'
DJ	Δ = 80° 09' 52" R = 30.00' L = 47.21'
DK	N. 0° 01' 49" E. - 171.21'
DL	S. 89° 58' 11" E. - 173.66'
DM	S. 13° 04' 52" W. - 206.26'

042.275PE	
P.O.B. - 154.62' RT. "Lo" 828+46.37 P.O.C. TIE: N. 10° 42' 05" E. - 2,771.30' FROM THE S 1/4 COR. SEC. 33, T. 20 S., R. 61 E., M.D.M.	
DN	N. 13° 54' 35" E. - 23.98'
DA	S. 78° 56' 33" E. - 7.83'
DB	N. 84° 20' 08" E. - 63.29'
DC	S. 5° 39' 52" E. - 20.32'
DD	S. 84° 20' 08" W. - 78.81'

042.287	
P.O.B. - 642.89' RT. "Lo" 829+09.18 P.O.C. TIE: N. 20° 34' 59" E. - 2,855.51' FROM THE S 1/4 COR. SEC. 33, T. 20 S., R. 61 E., M.D.M.	
DE	N. 20° 36' 56" E. - 5.50'
DF	Δ = 25° 04' 25" R = 30.00' L = 13.13'
DA	N. 80° 54' 13" E. - 150.16'
DB	Δ = 14° 17' 41" R = 20.00' L = 4.99' T.B. - S. 80° 54' 13" W.
DC	S. 66° 36' 32" W. - 34.23'
DD	Δ = 14° 17' 41" R = 30.00' L = 7.48'
DE	S. 80° 54' 13" W. - 6.97'
DF	S. 9° 05' 47" E. - 5.03'
DG	S. 80° 54' 13" W. - 25.00'
DH	N. 9° 05' 47" W. - 3.03'
DI	S. 80° 54' 13" W. - 68.27'
DJ	Δ = 61° 37' 26" R = 11.00' L = 11.83'
DK	N. 70° 43' 13" W. - 7.06'

042.287TE	
P.O.B. - 642.89' RT. "Lo" 829+09.18 P.O.C. TIE: N. 20° 34' 59" E. - 2,855.51' FROM THE S 1/4 COR. SEC. 33, T. 20 S., R. 61 E., M.D.M.	
DL	S. 70° 43' 13" E. - 7.06'
DM	Δ = 61° 37' 26" R = 11.00' L = 11.83' T.B. - N. 19° 18' 47" E.
DN	N. 80° 54' 13" E. - 68.27'
DO	S. 9° 05' 47" E. - 3.03'
DP	N. 80° 54' 13" E. - 25.00'
DQ	N. 9° 05' 47" W. - 5.03'
DR	N. 80° 54' 13" E. - 6.97'
DS	Δ = 14° 17' 41" R = 30.00' L = 7.48'
DT	N. 66° 36' 32" E. - 34.23'
DU	Δ = 14° 17' 41" R = 20.00' L = 4.99'
DV	N. 80° 54' 13" E. - 5.00'
DW	S. 9° 05' 47" E. - 5.00'
DX	S. 80° 54' 13" W. - 5.00'
DY	Δ = 14° 17' 41" R = 15.00' L = 3.74'
DZ	S. 66° 36' 32" W. - 34.23'
EA	Δ = 14° 17' 41" R = 35.00' L = 8.73'

042.287TE	
CONT'D	
EB	S. 80° 54' 13" W. - 1.97'
EC	S. 9° 05' 47" E. - 5.03'
ED	S. 80° 54' 13" W. - 35.00'
EE	N. 9° 05' 47" W. - 5.03'
EF	S. 80° 54' 13" W. - 63.27'
EG	Δ = 61° 37' 26" R = 8.00' L = 8.60'
EH	S. 19° 18' 47" W. - 19.04'
EI	N. 70° 43' 13" W. - 10.50'
EJ	N. 20° 36' 56" E. - 19.05'



042.290	
P.O.B. - 635.87' RT. "Lo" 829+23.21 P.O.C. TIE: N. 20° 24' 38" E. - 2,867.20' FROM THE S 1/4 COR. SEC. 33, T. 20 S., R. 61 E., M.D.M.	
EA	N. 80° 54' 13" E. - 13.19'
EB	Δ = 25° 04' 25" R = 30.00' L = 13.13' T.B. - S. 45° 41' 22" W.
EC	S. 20° 36' 56" W. - 5.50'
ED	N. 70° 43' 13" W. - 1.94'
EE	N. 9° 05' 47" W. - 13.50'

042.290TE	
P.O.B. - 635.87' RT. "Lo" 829+23.21 P.O.C. TIE: N. 20° 24' 38" E. - 2,867.20' FROM THE S 1/4 COR. SEC. 33, T. 20 S., R. 61 E., M.D.M.	
EF	S. 9° 05' 47" E. - 13.50'
EG	S. 70° 43' 13" E. - 1.94'
EH	S. 20° 36' 56" W. - 19.05'
EI	N. 70° 43' 13" W. - 1.50'
EJ	N. 9° 05' 47" W. - 30.25'
EK	N. 80° 54' 13" E. - 9.05'

042.301	
P.O.B. - 143.24' LT. "Lo" 829+83.23 P.O.C. TIE: S. 6° 05' 15" E. - 2,380.28' FROM THE N 1/4 COR. SEC. 33, T. 20 S., R. 61 E., M.D.M.	
EL	N. 89° 58' 11" W. - 173.68'
EM	N. 0° 01' 49" E. - 200.05'
EN	S. 89° 58' 10" E. - 230.27'
EO	S. 17° 23' 12" W. - 132.83'
EP	S. 13° 04' 52" W. - 75.21'

042.340	
P.O.B. - 138.31' LT. "Lo" 831+86.87 P.O.C. TIE: S. 8° 07' 10" E. - 2,188.78' FROM THE N 1/4 COR. SEC. 33, T. 20 S., R. 61 E., M.D.M.	
EQ	N. 89° 58' 10" W. - 230.27'
ER	N. 0° 01' 49" E. - 297.61'
ES	S. 89° 58' 11" E. - 270.00'
ET	N. 0° 01' 49" E. - 200.00'
EU	S. 89° 58' 11" E. - 121.02'
EV	Δ = 2° 55' 47" R = 6,935.00' L = 354.61' T.B. - S. 19° 39' 29" W.
EW	S. 17° 23' 12" W. - 168.37'

042.395	
P.O.B. - 184.85' LT. "Lo" 834+76.63 P.O.C. TIE: S. 10° 34' 35" E. - 1,901.55' FROM THE N 1/4 COR. SEC. 33, T. 20 S., R. 61 E., M.D.M.	
EX	N. 89° 58' 11" W. - 168.18'
EY	N. 26° 48' 46" E. - 218.43'
EZ	S. 89° 58' 11" E. - 69.75'
FA	S. 0° 01' 49" W. - 195.00'

STATE OF NEVADA
Dept. of Transportation R/W Division
Date: MAY 15, 2014
R/W Plans

Date of last revision: _____



UNRECORDED

042.395TE	
P.O.B. - 265.37' LT. "Le" 836+49.62 P.O.C. TIE: S. 11° 07'33" E. - 1,706.34' FROM THE N 1/4 COR. SEC. 33, T. 20 S., R. 61 E., M.D.M.	
CC	N. 89° 58'11" W. - 15.00'
CD	N. 0° 01'49" E. - 206.66'
CE	N. 8° 03'42" E. - 100.53'
CF	N. 89° 48'44" E. - 15.16'
CG	S. 8° 03'42" W. - 96.64'
CH	S. 0° 01'49" W. - 71.34'
CI	S. 89° 58'11" E. - 0.70'
CJ	S. 0° 01'49" W. - 139.23'

042.437	
P.O.B. - 134.25' LT. "Le" 836+99.83 P.O.C. TIE: S. 15° 43'48" E. - 1,734.25' FROM THE N 1/4 COR. SEC. 33, T. 20 S., R. 61 E., M.D.M.	
CV	N. 89° 58'11" W. - 121.02'
CW	S. 0° 01'49" W. - 5.00'
CX	N. 89° 58'11" W. - 19.70'
CY	N. 0° 01'49" E. - 110.84'
CZ	N. 24° 17'13" E. - 247.62'
EA	N. 89° 48'44" E. - 167.19'
EB	Δ - 2° 56'33" R - 6,935.00' L - 356.16' T.B. - S. 22° 36'02" W.

042.437TE	
P.O.B. - 302.53' LT. "Le" 837+49.84 P.O.C. TIE: S. 11° 54'03" E. - 1,597.73' FROM THE N 1/4 COR. SEC. 33, T. 20 S., R. 61 E., M.D.M.	
ED	N. 0° 01'49" E. - 28.39'
EE	S. 89° 58'11" E. - 0.70'
EF	N. 0° 01'49" E. - 71.34'
EG	N. 8° 03'42" E. - 96.64'
EH	S. 89° 48'44" E. - 15.16'
EI	N. 8° 03'42" E. - 30.31'
EJ	N. 89° 48'44" E. - 98.45'
EK	S. 24° 17'13" W. - 247.62'

042.503	
P.O.B. - 134.20' LT. "Le" 840+48.88 P.O.C. TIE: S. 24° 06'48" E. - 1,464.99' FROM THE N 1/4 COR. SEC. 33, T. 20 S., R. 61 E., M.D.M.	
EL	S. 89° 48'44" W. - 519.22'
EM	N. 0° 01'49" E. - 14.70'
EN	N. 0° 01'47" E. - 15.30'
EO	N. 89° 48'44" E. - 290.00'
EP	N. 0° 01'47" E. - 128.52'
EQ	Δ - 7° 08'47" R - 451.11' L - 58.00' T.B. - N. 1° 05'18" E.
ER	N. 8° 12'03" E. - 9.97'
ES	Δ - 8° 59'48" R - 297.56' L - 48.72'
ET	N. 17° 11'51" E. - 16.84'
EU	Δ - 7° 05'04" R - 670.84' L - 82.95' T.B. - N. 17° 12'32" E.
EV	Δ - 65° 24'34" R - 349.27' L - 398.73' T.B. - N. 24° 20'07" E.
EW	N. 89° 44'40" E. - 103.24'
EX	S. 23° 01'30" W. - 1.63'
EY	S. 89° 57'31" E. - 1.03'
EZ	S. 23° 05'44" W. - 495.81'
EA	Δ - 0° 59'42" R - 6,935.00' L - 120.43' T.B. - S. 23° 35'44" W.

042.617	
P.O.B. - 157.17' LT. "Le" 846+53.19 P.O.C. TIE: S. 47° 31'48" E. - 1,138.60' FROM THE N 1/4 COR. SEC. 33, T. 20 S., R. 61 E., M.D.M.	
EB	S. 89° 44'40" W. - 103.24'
ED	Δ - 4° 27'52" R - 349.27' L - 27.21'
EE	N. 34° 05'37" E. - 25.23'
EG	Δ - 2° 00'35" R - 369.27' L - 12.85' T.B. - N. 67° 44'05" E.
EH	N. 89° 44'40" E. - 16.99'
EL	Δ - 6° 18'04" R - 720.00' L - 79.18' T.B. - S. 82° 34'43" E.
EM	S. 88° 52'47" E. - 13.14'
EN	S. 23° 01'30" W. - 14.63'



C/A STATION & OFFSET

29	
30	163.10' RT. "Le" 805+80.00 P.O.T.
31	146.22' RT. "Le" 807+75.37 P.O.T.
32	680.16' RT. "Le" 801+63.76 P.O.T.
33	184.50' LT. "Le" 818+58.80 P.O.C.
34	194.37' LT. "Le" 820+13.52 P.O.C.
35	181.31' LT. "Le" 820+32.00 P.O.C.
36	205.85' LT. "Le" 822+44.61 P.O.C.
37	223.52' LT. "Le" 824+62.79 P.O.C.
38	234.81' LT. "Le" 825+28.27 P.O.C.
39	256.07' LT. "Le" 826+41.99 P.O.C.
40	245.76' LT. "Le" 826+43.92 P.O.C.
41	
42	385.78' LT. "Le" 832+18.89 P.O.C.
43	287.32' LT. "Le" 840+21.65 P.O.C.
44	314.42' LT. "Le" 845+64.03 P.O.C.
45	327.64' LT. "Le" 786+40.80 P.O.T.

042.619	
P.O.B. - 158.37' LT. "Le" 846+67.44 P.O.C. TIE: S. 48° 13'37" E. - 1,138.81' FROM THE N 1/4 COR. SEC. 33, T. 20 S., R. 61 E., M.D.M.	
ET	N. 88° 52'47" W. - 13.14'
EU	Δ - 3° 18'02" R - 720.00' L - 41.69'
EV	N. 27° 39'30" E. - 88.08'
EW	Δ - 0° 12'24" R - 640.00' L - 2.31'
EX	Δ - 0° 05'17" R - 17,082.50' L - 26.22' T.B. - N. 27° 36'52" E.
EY	Δ - 5° 40'00" R - 138.00' L - 13.65' T.B. - S. 23° 38'51" E.
EZ	S. 88° 52'47" E. - 22.18'
EA	S. 28° 27'36" E. - 27.43'
EB	S. 23° 01'30" W. - 60.51'

042.634	
P.O.B. - 186.63' LT. "Le" 847+40.96 P.O.C. TIE: S. 51° 43'38" E. - 1,090.58' FROM THE N 1/4 COR. SEC. 33, T. 20 S., R. 61 E., M.D.M.	
EC	N. 88° 52'47" W. - 22.18'
ED	Δ - 0° 12'24" R - 640.00' L - 2.31'
EE	Δ - 0° 05'17" R - 17,082.50' L - 26.22' T.B. - N. 27° 36'52" E.
EF	Δ - 5° 40'00" R - 138.00' L - 13.65' T.B. - S. 23° 38'51" E.
EG	S. 28° 27'36" E. - 13.07'

C/A STATION & OFFSET

1	198.98' LT. "Le" 783+48.15 P.O.T.
2	181.56' LT. "Le" 780+07.53 P.O.T.
3	234.56' LT. "Le" 782+43.49 P.O.T.
4	255.85' LT. "Le" 783+30.70 P.O.T.
5	274.25' LT. "Le" 783+98.68 P.O.T.
6	333.82' LT. "Le" 786+79.96 P.O.C.
7	351.54' LT. "Le" 789+44.25 P.O.C.
8	368.27' LT. "Le" 791+46.40 P.O.C.
9	380.56' LT. "Le" 792+36.53 P.O.C.
10	312.54' RT. "Le" 790+25.24 P.O.C.
11	277.82' RT. "Le" 791+94.13 P.O.C.
12	388.60' LT. "Le" 799+95.11 P.O.C.
13	388.07' LT. "Le" 800+08.20 P.O.T.
14	375.81' LT. "Le" 800+17.49 P.O.T.

C/A STATION & OFFSET

15	332.83' LT. "Le" 800+06.57 P.O.T.
16	251.93' LT. "Le" 800+03.05 P.O.T.
17	228.98' LT. "Le" 799+77.86 P.O.T.
18	222.04' LT. "Le" 799+76.78 P.O.T.
19	366.22' RT. "Le" 786+02.33 P.O.T.
20	357.45' RT. "Le" 786+87.30 P.O.C.
21	346.31' RT. "Le" 787+57.66 P.O.C.
22	345.20' RT. "Le" 799+73.00 P.O.T.
23	417.70' RT. "Le" 799+98.16 P.O.T.
24	518.65' RT. "Le" 801+85.38 P.O.T.
25	384.77' RT. "Le" 802+18.48 P.O.T.
26	269.30' RT. "Le" 792+61.63 P.O.C.
27	180.83' RT. "Le" 802+19.04 P.O.T.
28	176.65' RT. "Le" 803+23.89 P.O.T.

Date of last revision: _____

STATE OF NEVADA
Dept. of Transportation R/W Division
Date: MAY 15, 2014
R/W Plans



PARCEL NUMBER PREFIX: I-015-CL-

PROPERTY SCHEDULE
ALL AREAS ARE SHOWN IN SQUARE FEET, UNLESS OTHERWISE INDICATED

Fed. Rd. Dist. No. State Project No. S.A. No. County Sheet No.
0 Nevada NH-STP-015-K1471 73652 CLARK 27

PARCEL NO.	GRANTOR	GROSS AREA	PREV. ACQU.	NET AREA	R/W AREA	ACQUISITION RECORDING DATA				SURPLUS LAND DATA		REM. RT.	REM. LT.	REMARKS
						BE.	PG.	TYPE	DATE	AREA	DATE			
041.878TE	SMON/CHELSEA LAS VEGAS DEV. LLC	4,752		4,752										PARCEL DELETED PER MEMO DATED 9-13-2013
041.888	UNION PACIFIC RAILROAD COMPANY	2,719		2,719	2,719							2.07 AC		PARCEL DELETED PER MEMO DATED 9-13-2013
041.899	UNION PACIFIC RAILROAD COMPANY	54,304		54,304	54,304							2.07 AC		PARCEL DELETED PER MEMO DATED 9-13-2013
041.899TE	UNION PACIFIC RAILROAD COMPANY	1,150		1,150										PARCEL DELETED PER MEMO DATED 9-13-2013
041.908	SMON/CHELSEA LAS VEGAS DEV. LLC	79,871		79,871	79,871							32.31 AC		PARCEL DELETED PER MEMO DATED 9-13-2013
041.908PE	SMON/CHELSEA LAS VEGAS DEV. LLC	17,284		17,284										PARCEL DELETED PER MEMO DATED 9-13-2013
041.908TE1	SMON/CHELSEA LAS VEGAS DEV. LLC	7,730		7,730										PARCEL DELETED PER MEMO DATED 9-13-2013
041.908TE2	SMON/CHELSEA LAS VEGAS DEV. LLC	948		948										PARCEL DELETED PER MEMO DATED 9-13-2013
041.943	UNION PACIFIC RAILROAD COMPANY	1,142		1,142	1,142							2.07 AC		PARCEL DELETED PER MEMO DATED 9-13-2013
041.953TE	CLARK COUNTY, NEVADA	728		728										ROADWAY CONSTRUCTION
042.134	ETOR, ROBERT & SHIRLEY TRUSTEES	10,044		10,044	10,044									TOTAL ACQUISITION
042.179	CLEAR CHANNEL OUTDOOR	2,688		2,688	2,688									TOTAL ACQUISITION
042.187	SANDERS, CARRE	29,444		29,444	29,444									TOTAL ACQUISITION
042.248	UNION PACIFIC RAILROAD COMPANY	10,109		10,109	10,109									BRIDGE CONSTRUCTION, MAINTENANCE & RECONSTRUCTION
042.263	MLK-ALTA LLC	30,043		30,043	30,043									TOTAL ACQUISITION
042.275PE	WNVC PHASE 2, LLC	1,537		1,537										CONSTRUCTION AND MAINTENANCE OF SIGNAL POLES
042.287	SMON/CHELSEA LAS VEGAS DEV. LLC	1,662		1,662	1,662							4.44 AC		PARCEL DELETED PER MEMO DATED 9-13-2013
042.287TE	SMON/CHELSEA LAS VEGAS DEV. LLC	900		900										PARCEL DELETED PER MEMO DATED 9-13-2013
042.290	SMON/CHELSEA LAS VEGAS DEV. LLC	93		93	93							32.31 AC		PARCEL DELETED PER MEMO DATED 9-13-2013
042.290TE	SMON/CHELSEA LAS VEGAS DEV. LLC	231		231										PARCEL DELETED PER MEMO DATED 9-13-2013
042.301	FITZHOUSE ENTERPRISES, INC	40,028		40,028	40,028									TOTAL ACQUISITION
042.340	STORAGE EQUITES/PS PARTNERS - HIGHLAND	2.29 AC		2.29 AC	2.29 AC									TOTAL ACQUISITION
042.395	UNITED LANDCO LP	23,197		23,197	23,197								2.45 AC	



TRACED
CHECKED

STATE OF NEVADA
Dept. of Transportation R/W Division
Date: MAY 15, 2014
PROPERTY SCHEDULE

Date of last revision: _____

LOCATION MAP



Condemnation Resolution No. 446

DESCRIPTION: I-15 Freeway, from Desert Inn Road to the US-95/I-515 Interchange; Project NEON; in the City of Las Vegas, Clark County, NV



ATTACHMENT 1

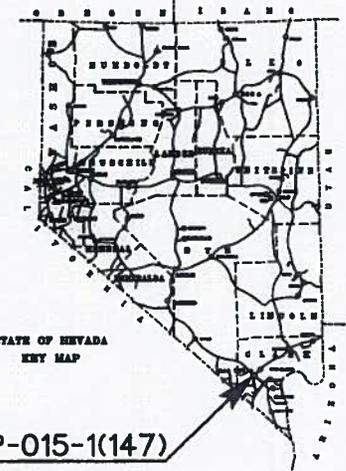
INDEX OF SHEETS

- 1 TITLE SHEET
- 2 LEGEND
- 3 SHEET INDEX
- 4-15 R/W PLAN SHEETS
- 16-24 R/W ENGINEERING SHEETS
- 25-28 PROPERTY SCHEDULE



STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY PROJECT

Pub. Bd. Res. No.	State	Project No.	S.A. No.	County	Sheet No.
0	Nevada	NH-STP-015-1(147)	73652	CLARK	1



BEGIN ACQUISITION

"Le" 763+48.06 P.O.T.

END ACQUISITION

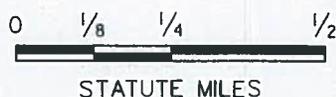
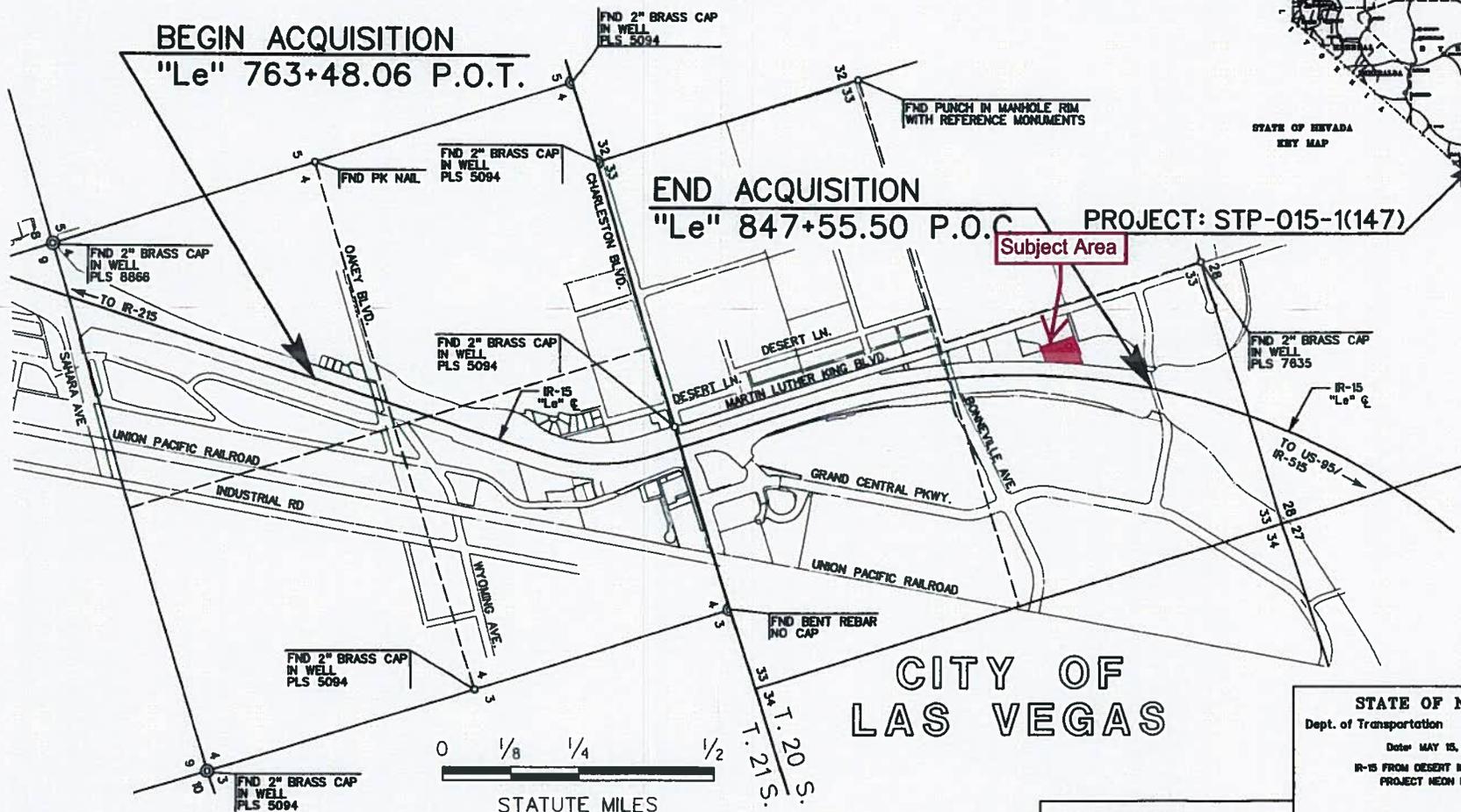
"Le" 847+55.50 P.O.C.

PROJECT: STP-015-1(147)

Subject Area



BRACED
CHECKED



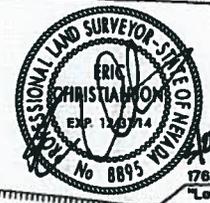
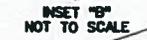
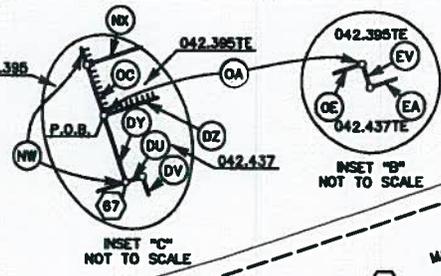
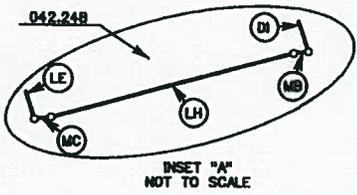
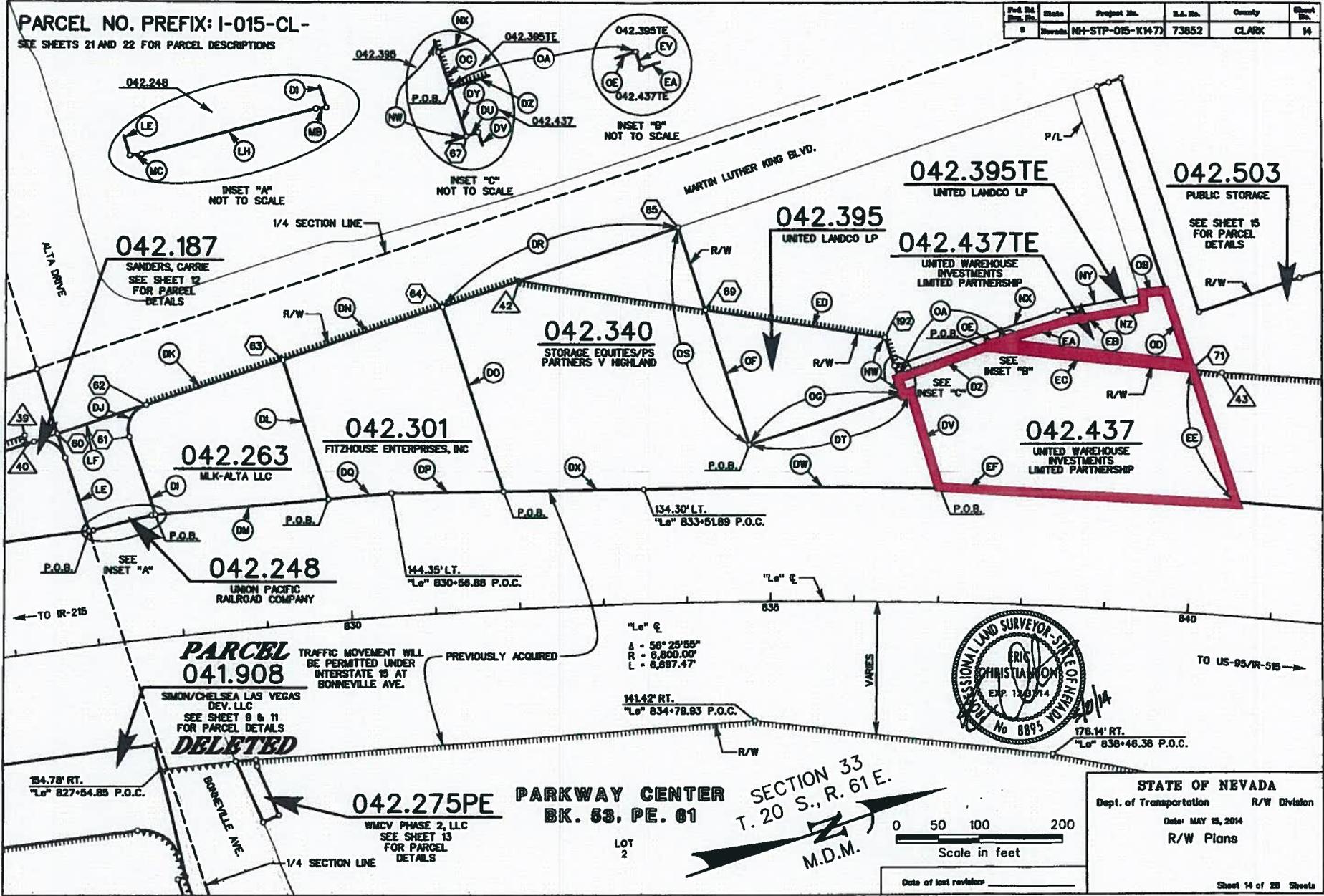
CITY OF LAS VEGAS

STATE OF NEVADA
Dept. of Transportation R/W Division
Date: MAY 15, 2014
R-15 FROM DESERT INN TO US-95
PROJECT NEON PHASE 1

Date of last revision _____

PARCEL NO. PREFIX: I-015-CL-
 SEE SHEETS 21 AND 22 FOR PARCEL DESCRIPTIONS

Proj. No.	State	Project No.	S.A. No.	County	Sheet No.
0	Nevada	NI-STP-015-K1477	73852	CLARK	14



STATE OF NEVADA
 Dept. of Transportation R/W Division
 Date: MAY 15, 2014
 R/W Plans

SECTION 33
 T. 20 S., R. 61 E.
 M.D.M.

0 50 100 200
 Scale in feet

Date of last revision: _____

042.395TE	
P.O.B. - 265.37' LT. "Le" 836+49.62 P.O.C. TIE: S. 11° 07' 53" E. - 1708.34' FROM THE N 1/4 COR. SEC. 33, T. 20 S., R. 61 E., M.D.M.	
DC	N. 89° 58' 11" W. - 15.00'
DD	N. 0° 01' 49" E. - 206.66'
DE	N. 8° 03' 42" E. - 100.53'
DF	N. 89° 48' 44" E. - 15.16'
DG	S. 8° 03' 42" W. - 96.64'
DA	S. 0° 01' 49" W. - 71.34'
DB	S. 89° 58' 11" E. - 0.70'
DC	S. 0° 01' 49" W. - 139.23'

042.437	
P.O.B. - 134.25' LT. "Le" 836+99.63 P.O.C. TIE: S. 15° 43' 48" E. - 1734.25' FROM THE N 1/4 COR. SEC. 33, T. 20 S., R. 61 E., M.D.M.	
DD	N. 89° 58' 11" W. - 121.02'
DE	S. 0° 01' 49" W. - 5.00'
DF	N. 89° 58' 11" W. - 19.70'
DG	N. 0° 01' 49" E. - 110.84'
DA	N. 24° 17' 13" E. - 247.62'
DB	N. 89° 48' 44" E. - 167.19'
DC	Δ - 2° 56' 33" R - 6,935.00' L - 356.16' T.B. - S. 22° 36' 02" W.

042.437TE	
P.O.B. - 302.53' LT. "Le" 837+49.84 P.O.C. TIE: S. 11° 54' 03" E. - 1597.73' FROM THE N 1/4 COR. SEC. 33, T. 20 S., R. 61 E., M.D.M.	
DE	N. 0° 01' 49" E. - 28.39'
DF	S. 89° 58' 11" E. - 0.70'
DG	N. 0° 01' 49" E. - 71.34'
DA	N. 8° 03' 42" E. - 96.64'
DB	S. 89° 48' 44" W. - 15.16'
DC	N. 8° 03' 42" E. - 30.31'
DD	N. 89° 48' 44" E. - 98.45'
DE	S. 24° 17' 13" W. - 247.62'

042.503	
P.O.B. - 134.20' LT. "Le" 840+48.88 P.O.C. TIE: S. 24° 06' 49" E. - 1464.99' FROM THE N 1/4 COR. SEC. 33, T. 20 S., R. 61 E., M.D.M.	
DE	S. 89° 48' 44" W. - 519.22'
DF	N. 0° 01' 49" E. - 14.70'
DG	N. 0° 01' 49" E. - 15.30'
DA	N. 89° 48' 44" E. - 290.00'
DB	N. 0° 01' 47" E. - 128.52'
DC	Δ - 7° 06' 47" R - 451.11' L - 58.00' T.B. - N. 1° 05' 16" E.
DD	N. 8° 12' 03" E. - 9.97'
DE	Δ - 8° 59' 48" R - 297.56' L - 46.72'
DF	N. 17° 11' 51" E. - 16.84'
DG	Δ - 7° 05' 04" R - 670.84' L - 82.95' T.B. - N. 17° 12' 32" E.
DA	Δ - 65° 24' 34" R - 349.27' L - 398.73' T.B. - N. 24° 20' 07" E.
DB	N. 89° 44' 40" E. - 103.24'
DC	S. 23° 01' 30" W. - 1.63'
DD	S. 89° 57' 31" E. - 103'
DE	S. 23° 05' 44" W. - 495.81'
DF	Δ - 0° 59' 42" R - 6,935.00' L - 120.43' T.B. - S. 23° 35' 44" W.

042.617	
P.O.B. - 157.17' LT. "Le" 846+53.19 P.O.C. TIE: S. 47° 31' 48" E. - 1,138.60' FROM THE N 1/4 COR. SEC. 33, T. 20 S., R. 61 E., M.D.M.	
DE	S. 89° 44' 40" W. - 103.24'
DF	Δ - 4° 27' 52" R - 349.27' L - 27.21'
DG	N. 34° 05' 37" E. - 25.23'
DA	Δ - 2° 00' 35" R - 369.27' L - 12.95' T.B. - N. 67° 44' 05" E.
DB	N. 89° 44' 40" E. - 16.99'
DC	Δ - 8° 18' 04" R - 720.00' L - 79.18' T.B. - S. 82° 34' 43" E.
DD	S. 88° 52' 47" E. - 13.14'
DE	S. 23° 01' 30" W. - 14.63'



C/A STATION & OFFSET

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 - 44
 - 45
- 163.10' RT. "Le" 805+80.00 P.O.T.
146.22' RT. "Le" 807+75.37 P.O.T.
680.16' RT. "Le" 801+63.76 P.O.T.
184.50' LT. "Le" 818+58.80 P.O.C.
194.37' LT. "Le" 820+13.52 P.O.C.
181.31' LT. "Le" 820+32.00 P.O.C.
205.95' LT. "Le" 822+44.61 P.O.C.
223.52' LT. "Le" 824+62.79 P.O.C.
234.81' LT. "Le" 825+28.27 P.O.C.
256.07' LT. "Le" 826+41.99 P.O.C.
245.78' LT. "Le" 826+43.92 P.O.C.
385.78' LT. "Le" 832+16.89 P.O.C.
287.32' LT. "Le" 840+21.65 P.O.C.
314.42' LT. "Le" 845+64.03 P.O.C.
327.64' LT. "Le" 786+40.80 P.O.T.

C/A STATION & OFFSET

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 - 14
- 198.98' LT. "Le" 763+48.15 P.O.T.
181.56' LT. "Le" 780+07.53 P.O.T.
234.56' LT. "Le" 782+43.49 P.O.T.
255.65' LT. "Le" 783+30.70 P.O.T.
274.25' LT. "Le" 783+98.68 P.O.T.
333.82' LT. "Le" 786+79.96 P.O.C.
351.54' LT. "Le" 789+44.25 P.O.C.
368.21' LT. "Le" 791+46.40 P.O.C.
380.56' LT. "Le" 792+36.53 P.O.C.
312.54' RT. "Le" 790+25.24 P.O.C.
277.82' RT. "Le" 791+94.13 P.O.C.
388.60' LT. "Le" 799+65.11 P.O.T.
388.07' LT. "Le" 800+08.20 P.O.T.
375.61' LT. "Le" 800+17.49 P.O.T.

C/A STATION & OFFSET

- 15
 - 16
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 - 25
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 - 28
- 332.83' LT. "Le" 800+06.57 P.O.T.
251.93' LT. "Le" 800+03.05 P.O.T.
228.98' LT. "Le" 799+77.86 P.O.T.
222.04' LT. "Le" 799+76.78 P.O.T.
366.22' RT. "Le" 786+02.33 P.O.T.
357.45' RT. "Le" 786+87.30 P.O.C.
346.31' RT. "Le" 787+57.66 P.O.C.
345.20' RT. "Le" 799+73.00 P.O.T.
417.70' RT. "Le" 799+98.16 P.O.T.
516.65' RT. "Le" 801+85.38 P.O.T.
384.77' RT. "Le" 802+18.48 P.O.T.
269.30' RT. "Le" 792+61.83 P.O.C.
180.83' RT. "Le" 802+19.04 P.O.T.
178.65' RT. "Le" 803+23.89 P.O.T.

STATE OF NEVADA

Dept. of Transportation R/W Division

Date: MAY 15, 2014

R/W Plans

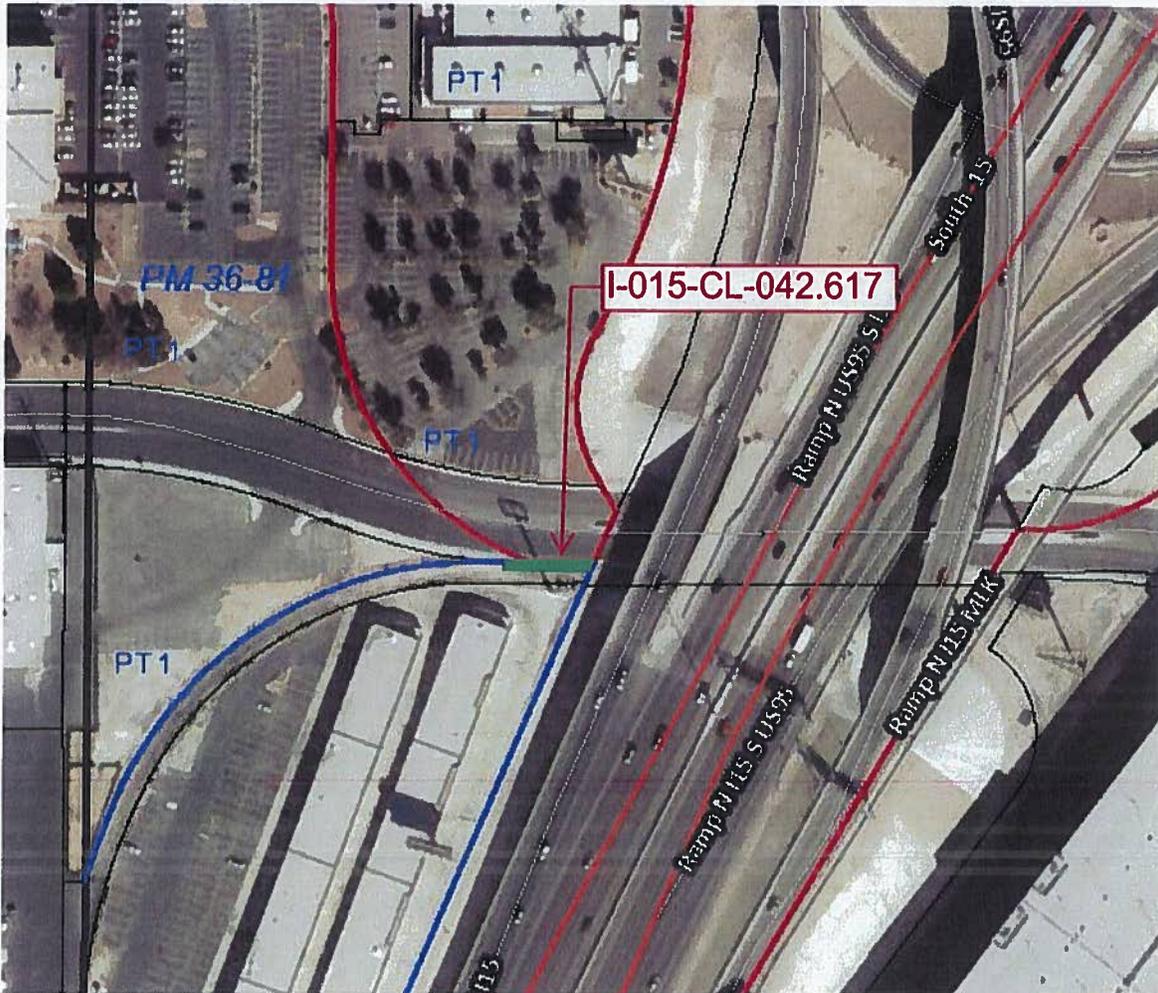
Date of last revision: _____

Sheet 23 of 28 Sheets



TRACE
CHECK

LOCATION MAP



Condemnation Resolution No. 446

DESCRIPTION: I-15 Freeway, from Desert Inn Road to the US-95/I-515 Interchange; Project NEON; in the City of Las Vegas, Clark County, NV



ATTACHMENT 1

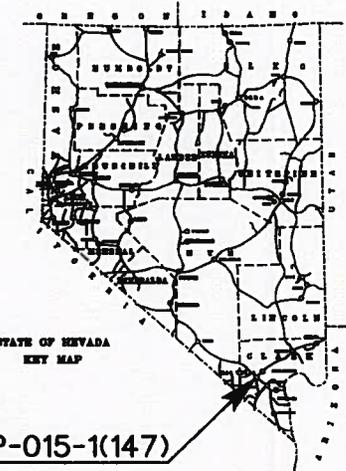
INDEX OF SHEETS

- 1 TITLE SHEET
- 2 LEGEND
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- 4-15 R/W PLAN SHEETS
- 16-24 R/W ENGINEERING SHEETS
- 25-28 PROPERTY SCHEDULE



STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY PROJECT

Pub. BM. Ref. No.	State	Project No.	E.A. No.	County	Sheet No.
8	Nevada	NH-STP-015-1(147)	73852	CLARK	1



BEGIN ACQUISITION
"Le" 763+48.06 P.O.T.

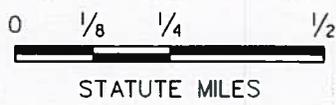
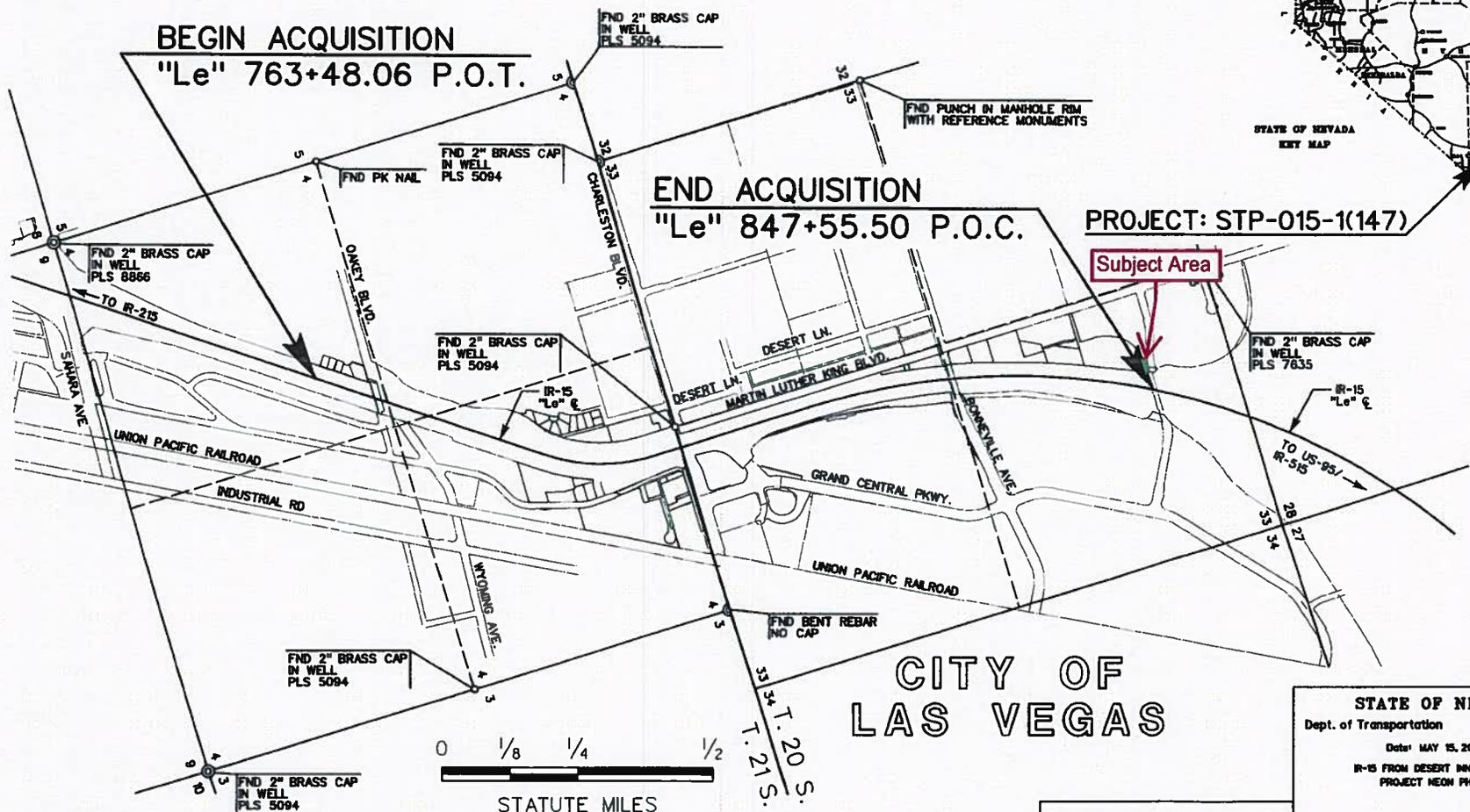
END ACQUISITION
"Le" 847+55.50 P.O.C.

PROJECT: STP-015-1(147)

Subject Area



TRACKED
CHECKED



CITY OF LAS VEGAS

STATE OF NEVADA
Dept. of Transportation R/W Division
Date: MAY 15, 2014
R-15 FROM DESERT INN TO US-95
PROJECT NEON PHASE 1

Date of last revision: _____

042.395TE	
P.O.B. - 265.31' LT. "Lo" 836+49.62 P.O.C. TIE: S. 11° 07' 53" E. - 1706.34' FROM THE N 1/4 COR. SEC. 33, T. 20 S., R. 61 E., M.D.M.	
ⓐ	N. 89° 58' 11" W. - 15.00'
ⓑ	N. 0° 01' 49" E. - 206.66'
ⓒ	N. 8° 03' 42" E. - 100.53'
ⓓ	N. 89° 48' 44" E. - 15.16'
ⓔ	S. 8° 03' 42" W. - 96.64'
ⓕ	S. 0° 01' 49" W. - 71.34'
ⓖ	S. 89° 58' 11" E. - 0.70'
ⓗ	S. 0° 01' 49" W. - 139.23'

042.437	
P.O.B. - 134.25' LT. "Lo" 836+99.63 P.O.C. TIE: S. 13° 43' 48" E. - 1734.25' FROM THE N 1/4 COR. SEC. 33, T. 20 S., R. 61 E., M.D.M.	
ⓐ	N. 89° 58' 11" W. - 121.02'
ⓑ	S. 0° 01' 49" W. - 5.00'
ⓒ	N. 89° 58' 11" W. - 19.70'
ⓓ	N. 0° 01' 49" E. - 110.84'
ⓔ	N. 24° 17' 13" E. - 247.62'
ⓕ	N. 89° 48' 44" E. - 187.19'
ⓖ	Δ - 2° 56' 33" R - 6,935.00' L - 356.16" T.B. - S. 22° 36' 02" W.

042.437TE	
P.O.B. - 302.53' LT. "Lo" 837+49.84 P.O.C. TIE: S. 11° 54' 03" E. - 1,597.73' FROM THE N 1/4 COR. SEC. 33, T. 20 S., R. 61 E., M.D.M.	
ⓐ	N. 0° 01' 49" E. - 28.39'
ⓑ	S. 89° 58' 11" E. - 0.70'
ⓒ	N. 0° 01' 49" E. - 71.34'
ⓓ	N. 8° 03' 42" E. - 96.64'
ⓔ	S. 89° 48' 44" E. - 15.16'
ⓕ	N. 8° 03' 42" E. - 30.31'
ⓖ	N. 89° 48' 44" E. - 98.45'
ⓗ	S. 24° 17' 13" W. - 247.62'

042.503	
P.O.B. - 134.20' LT. "Lo" 840+48.89 P.O.C. TIE: S. 24° 06' 49" E. - 1,484.99' FROM THE N 1/4 COR. SEC. 33, T. 20 S., R. 61 E., M.D.M.	
ⓐ	S. 89° 48' 44" W. - 519.22'
ⓑ	N. 0° 01' 49" E. - 14.70'
ⓒ	N. 0° 01' 47" E. - 15.30'
ⓓ	N. 89° 48' 44" E. - 290.00'
ⓔ	N. 0° 01' 47" E. - 128.52'
ⓕ	Δ - 7° 06' 47" R - 451.11' L - 58.00" T.B. - N. 1° 05' 16" E.
ⓖ	N. 8° 12' 03" E. - 9.97'
ⓗ	Δ - 8° 59' 48" R - 297.56' L - 46.72"
ⓓ	N. 17° 11' 51" E. - 16.84'
ⓔ	Δ - 7° 05' 04" R - 670.84' L - 82.95" T.B. - N. 17° 12' 32" E.
ⓕ	Δ - 65° 24' 34" R - 349.27' L - 398.73" T.B. - N. 24° 20' 07" E.
ⓖ	N. 89° 44' 40" E. - 103.24'
ⓗ	S. 23° 07' 30" W. - 1.63'
ⓓ	S. 89° 57' 31" E. - 1.03'
ⓔ	S. 23° 05' 44" W. - 495.81'
ⓕ	Δ - 0° 59' 42" R - 6,935.00' L - 120.43" T.B. - S. 23° 35' 44" W.

042.617	
P.O.B. - 157.17' LT. "Lo" 846+53.19 P.O.C. TIE: S. 47° 31' 48" E. - 1,138.60' FROM THE N 1/4 COR. SEC. 33, T. 20 S., R. 61 E., M.D.M.	
ⓐ	S. 89° 44' 40" W. - 103.24'
ⓑ	Δ - 4° 27' 52" R - 349.27' L - 27.21"
ⓒ	N. 34° 05' 37" E. - 25.23'
ⓓ	Δ - 2° 00' 35" R - 369.27' L - 12.95" T.B. - N. 87° 44' 05" E.
ⓔ	N. 89° 44' 40" E. - 16.89'
ⓕ	Δ - 6° 18' 04" R - 720.00' L - 79.18" T.B. - S. 82° 34' 43" E.
ⓖ	S. 88° 52' 47" E. - 13.14'
ⓗ	S. 23° 07' 30" W. - 14.63'



C/A STATION & OFFSET

29	
30	163.10' RT. "Lo" 605+80.00 P.O.T.
31	146.22' RT. "Lo" 807+75.37 P.O.T.
32	680.15' RT. "Lo" 801+63.76 P.O.T.
33	184.50' LT. "Lo" 818+58.80 P.O.C.
34	194.37' LT. "Lo" 820+13.52 P.O.C.
35	181.31' LT. "Lo" 820+32.00 P.O.C.
36	205.95' LT. "Lo" 822+44.61 P.O.C.
37	223.52' LT. "Lo" 824+82.79 P.O.C.
38	234.81' LT. "Lo" 825+28.27 P.O.C.
39	256.07' LT. "Lo" 826+41.99 P.O.C.
40	245.78' LT. "Lo" 826+43.92 P.O.C.
41	
42	385.78' LT. "Lo" 832+16.89 P.O.C.
43	287.32' LT. "Lo" 840+21.65 P.O.C.
44	314.42' LT. "Lo" 845+64.03 P.O.C.
45	327.64' LT. "Lo" 786+40.80 P.O.T.

042.619	
P.O.B. - 158.37' LT. "Lo" 846+67.44 P.O.C. TIE: S. 48° 13' 37" E. - 1,138.81' FROM THE N 1/4 COR. SEC. 33, T. 20 S., R. 61 E., M.D.M.	
ⓐ	N. 88° 52' 47" W. - 13.14'
ⓑ	Δ - 3° 19' 02" R - 720.00' L - 41.69"
ⓒ	N. 27° 39' 30" E. - 88.08'
ⓓ	Δ - 0° 12' 24" R - 640.00' L - 2.31" T.B. - S. 88° 40' 23" E.
ⓔ	S. 88° 52' 47" E. - 22.18'
ⓕ	S. 28° 27' 36" E. - 27.43'
ⓖ	S. 23° 07' 30" W. - 60.51'

042.634	
P.O.B. - 186.83' LT. "Lo" 847+40.96 P.O.C. TIE: S. 51° 43' 38" E. - 1,090.58' FROM THE N 1/4 COR. SEC. 33, T. 20 S., R. 61 E., M.D.M.	
ⓐ	N. 88° 52' 47" W. - 22.18'
ⓑ	Δ - 0° 12' 24" R - 640.00' L - 2.31"
ⓒ	Δ - 0° 05' 17" R - 17,082.50' L - 28.22" T.B. - N. 27° 38' 52" E.
ⓓ	Δ - 5° 40' 00" R - 138.00' L - 13.65" T.B. - S. 23° 38' 51" E.
ⓔ	S. 28° 27' 36" E. - 13.07'

C/A STATION & OFFSET

1	198.98' LT. "Lo" 783+48.15 P.O.T.
2	181.56' LT. "Lo" 780+07.53 P.O.T.
3	234.56' LT. "Lo" 782+43.49 P.O.T.
4	255.65' LT. "Lo" 783+30.70 P.O.T.
5	274.25' LT. "Lo" 783+98.66 P.O.T.
6	333.82' LT. "Lo" 786+79.96 P.O.C.
7	351.54' LT. "Lo" 789+44.25 P.O.C.
8	368.21' LT. "Lo" 791+46.40 P.O.C.
9	380.56' LT. "Lo" 792+36.53 P.O.C.
10	312.54' RT. "Lo" 790+25.24 P.O.C.
11	277.82' RT. "Lo" 791+94.13 P.O.C.
12	388.60' LT. "Lo" 799+95.11 P.O.T.
13	368.07' LT. "Lo" 800+08.20 P.O.T.
14	375.81' LT. "Lo" 800+17.49 P.O.T.

C/A STATION & OFFSET

15	332.83' LT. "Lo" 800+06.57 P.O.T.
16	251.93' LT. "Lo" 800+03.05 P.O.T.
17	228.98' LT. "Lo" 799+77.86 P.O.T.
18	222.04' LT. "Lo" 799+78.76 P.O.T.
19	366.22' RT. "Lo" 786+02.33 P.O.T.
20	357.45' RT. "Lo" 786+87.30 P.O.C.
21	348.31' RT. "Lo" 787+57.66 P.O.C.
22	345.20' RT. "Lo" 799+73.00 P.O.T.
23	417.70' RT. "Lo" 799+88.16 P.O.T.
24	516.65' RT. "Lo" 801+85.38 P.O.T.
25	384.77' RT. "Lo" 802+18.48 P.O.T.
26	289.30' RT. "Lo" 792+61.63 P.O.C.
27	180.83' RT. "Lo" 802+19.04 P.O.T.
28	176.85' RT. "Lo" 803+23.89 P.O.T.

STATE OF NEVADA
 Dept. of Transportation R/W Division
 Date: MAY 15, 2014
 R/W Plans



TRACED
 CHECKED

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. 446

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 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-042.395 and I-015-CL-042.395TE owned by UNITED LANDCO LIMITED PARTNERSHIP, a Nevada Limited Partnership

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 a portion of the NE 1/4 of Section 33, T. 20 S., R. 61 E., M.D.M., and more fully described by metes and bounds as follows, to wit:

PARCEL NO. I-015-CL-042.395 to be acquired in fee simple

COMMENCING at the north quarter corner of said Section 33, shown and delineated as a "BRASS CAP" on that certain RECORD OF SURVEY FOR THE CITY OF LAS VEGAS DEPARTMENT OF PUBLIC WORKS, filed for record as Book No. 20050520, Document No. 0004959, on May 20, 2005, File 148, Page 79 of Surveys, Official Records, Clark County, Nevada; thence S. 10°34'35" E. a distance of 1,901.55 feet to the POINT OF BEGINNING; said point of beginning being 184.85 feet left of and measured radially from the centerline of IR-15 at Highway Engineer's Station "Le" 834+76.63 P.O.C.; thence the following four (4) courses and distances:

- 1) N. 89°58'11" W. - 168.18 feet;
- 2) N. 26°48'46" E. - 218.43 feet;
- 3) S. 89°58'11" E. - 69.75 feet;
- 4) S. 0°01'49" W. - 195.00 feet to the point of beginning;
said parcel contains an area of 23,197 square feet (0.53 of an acre).

TOGETHER WITH the access rights, including the abutter's rights, in and to IR-15. Said rights were previously acquired by that certain FOC recorded on

September 11, 1968 in Official Records Book No. 899, Instrument No. 721652, Clark County, Nevada.

The Basis of Bearing for this description is the NEVADA STATE PLANE COORDINATE SYSTEM, NAD 83/94 DATUM, East Zone, as determined by the State of Nevada, Department of Transportation.

PARCEL NO. I-015-CL-042.395TE to be acquired as a temporary easement for roadway construction purposes for a three-year period commencing on the date of occupancy

COMMENCING at the north quarter corner of said Section 33, shown and delineated as a "BRASS CAP" on that certain RECORD OF SURVEY FOR THE CITY OF LAS VEGAS DEPARTMENT OF PUBLIC WORKS, filed for record as Book No. 20050520, Document No. 0004959, on May 20, 2005, File 148, Page 79 of Surveys, Official Records, Clark County, Nevada; thence S. 11°07'53" E. a distance of 1,706.34 feet to the POINT OF BEGINNING; said point of beginning being on the left or westerly right-of-way line of IR-15, 265.31 feet left of and measured radially from Highway Engineer's Station "Le" 836+49.62 P.O.C.; thence N. 89°58'11" W., along said westerly right-of-way line, a distance of 15.00 feet; thence departing said westerly right-of-way line the following seven (7) courses and distances:

- 1) N. 0°01'49" E. - 206.66 feet;
- 2) N. 8°03'42" E. - 100.53 feet;
- 3) N. 89°48'44" E. - 15.16 feet;
- 4) S. 8°03'42" W. - 96.64 feet;
- 5) S. 0°01'49" W. - 71.34 feet;
- 6) N. 89°58'11" W. - 0.70 feet;

- 7) S. 0°01'49" W. - 139.23 feet, the latter 110.84 feet being coincident with said westerly right-of-way line to the point of beginning;

said parcel contains an area of 4,658 square feet (0.11 of an acre).

The Basis of Bearing for this description is the NEVADA STATE PLANE COORDINATE SYSTEM, NAD 83/94 DATUM, East Zone, as determined by the State of Nevada, Department of Transportation.

PARCEL NOS. I-015-CL-042.437 and I-015-CL-042.437TE owned by UNITED WAREHOUSE INVESTMENTS LIMITED PARTNERSHIP, a Nevada Limited Partnership

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 a portion of the NE 1/4 of Section 33, T. 20 S., R. 61 E., M.D.M., and more fully described by metes and bounds as follows, to wit:

PARCEL NO. I-015-CL-042.437 to be acquired in fee simple

COMMENCING at the north quarter corner of said Section 33, shown and delineated as a "BRASS CAP" on that certain RECORD OF SURVEY FOR THE CITY OF LAS VEGAS DEPARTMENT OF PUBLIC WORKS, filed for record as Book No. 20050520, Document No. 0004959, on May 20, 2005, File 148, Page 79 of Surveys, Official Records, Clark County, Nevada; thence S. 15°43'46" E. a distance of 1,734.25 feet to the POINT OF BEGINNING; said point of beginning being on the former left or westerly right-of-way line of IR-15, 134.25 feet left of and measured radially from Highway Engineer's Station "Le" 836+99.63 P.O.C.; thence departing said former westerly right-of-way line the following six (6) courses and distances:

- 1) N. 89°58'11" W. - 121.02 feet;
- 2) S. 0°01'49" W. - 5.00 feet;

3) N. 89°58'11" W. - 19.70 feet;

4) N. 0°01'49" E. - 110.84 feet;

5) N. 24°17'13" E. - 247.62 feet;

6) N. 89°48'44" E. - 167.19 feet to a non-tangent curve and said former westerly right-of-way line;

thence from a tangent which bears S. 22°36'02" W., curving to the left, along said former westerly right-of-way line, with a radius of 6,935.00 feet, through an angle of 2°56'33", an arc distance of 356.16 feet to the point of beginning; said parcel contains an area of 56,003 square feet (1.29 acres).

TOGETHER WITH the access rights, including the abutter's rights, in and to IR-15. Said rights were previously acquired by that certain FOC recorded on September 11, 1968 in Official Records Book No. 899, Instrument No. 721652, Clark County, Nevada.

The Basis of Bearing for this description is the NEVADA STATE PLANE COORDINATE SYSTEM, NAD 83/94 DATUM, East Zone, as determined by the State of Nevada, Department of Transportation.

PARCEL NO. I-015-CL-042.437TE to be acquired as a temporary easement for roadway construction purposes for a three-year period commencing on the date of occupancy

COMMENCING at the north quarter corner of said Section 33, shown and delineated as a "BRASS CAP" on that certain RECORD OF SURVEY FOR THE CITY OF LAS VEGAS DEPARTMENT OF PUBLIC WORKS, filed for record as Book No. 20050520, Document No. 0004959, on May 20, 2005, File 148, Page 79 of Surveys, Official Records, Clark County, Nevada; thence S. 11°54'03" E. a distance of 1,597.73 feet to the POINT OF BEGINNING; said point of beginning being on the left or westerly right-of-way line of IR-15, 302.53 feet left of and measured radially from Highway Engineer's Station "Le" 837+49.84 P.O.C.;

thence departing said westerly right-of-way the following six (6) courses and distances:

- 1) N. 0°01'49" E. - 28.39 feet;
- 2) S. 89°58'11" E. - 0.70 feet;
- 3) N. 0°01'49" E. - 71.34 feet;
- 4) N. 8°03'42" E. - 96.64 feet;
- 5) S. 89°48'44" W. - 15.16 feet;
- 6) N. 8°03'42" E. - 30.31 feet to said westerly right-of-way line;
thence N. 89°48'44" E., along said westerly right-of-way, a distance of 98.45 feet;
thence S. 24°17'13" W. a distance of 247.62 feet to the point of beginning;
said parcel contains an area of 10,666 square feet (0.24 of an acre).

The Basis of Bearing for this description is the NEVADA STATE PLANE COORDINATE SYSTEM, NAD 83/94 DATUM, East Zone, as determined by the State of Nevada, Department of Transportation.

PARCEL NO. I-015-CL-042.617 owned by MLK SPUR, LLC, a Nevada Limited Liability Company to be acquired in fee simple

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 a portion of the NW 1/4 of the NE 1/4 of Section 33, T. 20 S., R. 61 E., M.D.M., and further described as being a portion of Railroad Right of Way, shown on that certain PARCEL MAP FOR UNION PACIFIC LAND RESOURCES CORPORATION, filed for record as Book No. 604, Document No. 563006, on March 17, 1976, File 8, Page 73 of Parcel Maps, Official

Records, Clark County, Nevada, and more fully described by metes and bounds as follows, to wit:

COMMENCING at the north quarter corner of said Section 33, shown and delineated as a "Brass Cap" on that certain RECORD OF SURVEY FOR THE CITY OF LAS VEGAS DEPARTMENT OF PUBLIC WORKS, filed for record as Book No. 20050520, Document No. 0004959, on May 20, 2005, File 148, Page 79 of Surveys, Official Records, Clark County, Nevada; thence S. 47°31'48" E. a distance of 1,138.60 feet to the POINT OF BEGINNING; said point of beginning described as being on the former left or westerly right-of-way line of IR-15, 157.17 feet left of and measured radially from Highway Engineer's Station "Le" 846+53.19 P.O.C.; thence S. 89°44'40" W., departing said former right-of-way line, a distance of 103.24 feet; thence from a tangent which bears the last described course, curving to the left with a radius of 349.27 feet, through an angle of 4°27'52", an arc distance of 27.21 feet; thence along the left or westerly right-of-way line of IR-15, the following three (3) courses and distances:

1) N. 34°05'37" E. - 25.23 feet;

2) from a tangent which bears N. 87°44'05" E. curving to the right with a radius of 369.27 feet, through an angle of 2°00'35", an arc distance of 12.95 feet;

3) N. 89°44'40" E. - 16.99 feet to the southerly right-of-way line of Symphony Park Avenue;

thence from a tangent which bears S. 82°34'43" E., curving to the left along said southerly right-of-way line, with a radius of 720.00 feet, through an angle of 6°18'04", an arc distance of 79.18 feet; thence S. 88°52'47" E. a distance of 13.14 feet to said left or westerly right-of-way line; thence S. 23°01'30" W., along said left or westerly right-of-way line, a distance of 14.63 feet to the point of beginning; said parcel contains an area of 2,154 square feet (0.05 of an acre).

TOGETHER WITH the access rights, including the abutters rights, in and to IR-15.

The Basis of Bearing for this description is the NEVADA STATE PLANE COORDINATE SYSTEM, NAD 83/94 DATUM, East Zone, as determined by the State of Nevada, Department of Transportation.

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 August, 2014.

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

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 his character, alleged misconduct, professional competence, or physical or mental health; 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

July 28, 2014

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, Director
SUBJECT: August 18, 2014 Transportation Board of Directors Meeting
Item #11: Briefing on Proposed Road Relinquishment Policy - Informational item only.

Summary:

Staff is offering an informational update on the creation of a regulation and the development of a guidebook that will assist staff, local agencies and the Board, when negotiating road trades and road relinquishments. This regulation and guidebook requirement was created by the revision to NRS 408.527 during the 2013 legislative session.

Background:

In the 2013 legislative session, NRS 408.527 was revised to include a requirement that the NDOT work with local government agencies to develop a process for the discussion and transfer of roads, and to develop this process into a regulation. Over the last year, staff from the Roadway Systems Unit of NDOT's planning division has met with local agency representatives throughout the state to develop a guideline entitled, 'Guide to Roadway Relinquishments'. The guide effectively details the process to start, carry through and finalize road transfers and relinquishments between the NDOT and local government agencies. Along with this guide, draft language has been developed for a regulation that will require the use of the guide and provides a process for revising the guide. The regulation process requires interaction between the NDOT and local governments. During the last 12 months, there were 54 representatives of various agencies throughout the state who participated in the revision and review of NRS 408.527 and the drafting of the current language in the 'Guide to Road Relinquishments'.

Analysis:

In June of 2014, letters and copies of the draft Guide to Road Relinquishments and draft language of a regulation to govern the use of the guide, was sent to every incorporated City and every County in the State. As required by the regulation process, the letters went to the Chief Executive Officer of each agency (City Managers, County Managers) and also was sent to the Mayor of each city and the NACO representative from each county. The cover document that went with the letters offered a meeting with each agency. The letter requested a review and written response to the 'Guide' and Regulation language by the end of August, 2014. Some representatives have requested a meeting to discuss the documents and these meetings have been completed. Those agencies include Reno, Fernley and Elko. Also, public presentations were made to the Executive Advisory Group of the RTC of Southern Nevada and an update to the Board of the RTC of Southern Nevada was completed, and a presentation was made to the NACO board representatives. To date, these meetings have resulted in positive collaboration to

the proposed 'Guide' or draft regulation language. We anticipate formal "written comments" by the end of August, 2014.

Each of the contacts were provided information on the timeline to complete this regulation process. This process will take this Guide and the Regulation through the regulation process identified in the Nevada Administrative Code (NAC) as required. Submission to the LCB should occur in October of 2014 with an expected completion of the regulation in March/April of 2015, at which time it will be presented to the Transportation Board for final approval.

List of Attachments:

- A. Enrolled – NRS 408.527
- B. Final Draft – Guide to Road Relinquishments
- C. Final Draft – Proposed Regulation NAC 408.182 – Defines Local Government for this purpose
- D. Final Draft – Proposed Regulation NAC 408.567 – Defines the requirements for the relinquishment of roads and road trades between the Department and Local Governments

Recommendation for Board Action:

This is an Informational item only.

Prepared by:

Bob Madewell, Chief-Roadway Systems Unit of Planning

NRS 408.527 Procedure for relinquishment of roadways; regulations.

1. Whenever the Department and the county or city concerned have entered into a written agreement providing therefor, and the legislative body of the county or city has adopted a resolution consenting thereto, the Board may relinquish to the county or city:

(a) Any portion of any state highway which has been deleted from the state highway system by legislative enactment; or

(b) Any portion of any state highway which has been superseded by relocation or which the Department determines exceeds its needs.

2. Whenever the county or city concerned and the Department have entered into a written agreement providing therefor, and the Board has adopted a resolution consenting thereto, the county or city may relinquish to the Department any portion of any county or city road which the Department agrees qualifies to join the state highway system.

3. By resolution of the Board, the Department may upon request relinquish to the Division of State Lands of the State Department of Conservation and Natural Resources for the public use of another state agency any portion of any state highway which has been superseded by relocation or which the Department determines exceeds its needs.

4. Relinquishment must be made by a resolution. A certified copy of the resolution must be filed with the legislative body of the county or city concerned. The resolution must be recorded in the office of the county recorder of the county where the land is located and, upon recordation, all right, title and interest of the State in and to that portion of any state highway vests in the county, city or division, as the case may be.

5. Nothing in NRS 408.523 limits the power of the Board to relinquish abandoned or vacated portions of a state highway to a county, city or the Division.

6. If the Board relinquishes property pursuant to subsection 5, and the purpose for which the property was relinquished is abandoned or ceases to exist, then, absent an agreement or a provision of law to the contrary, and regardless of the interest of the Department in the property before it was relinquished, all right, title and interest in the property shall vest in the county, city or Division without reversion to the Department.

7. The Board may accept from a county or city any portion of any county or city road which has changed in function such that it has risen to the level of functioning as a state highway. Such a road may be traded for any portion of any state highway relinquished by the Department or accepted by the Department after equitable compensation or trade values have been negotiated and agreed to in writing.

8. A county or city may accept from the Department any portion of any state highway which no longer functions to support the state highway system and which exceeds the needs of the Department. Such a highway may be traded for any portion of any county or city road relinquished by the county or city or accepted by the county or city after equitable compensation or trade values have been negotiated and agreed to in writing.

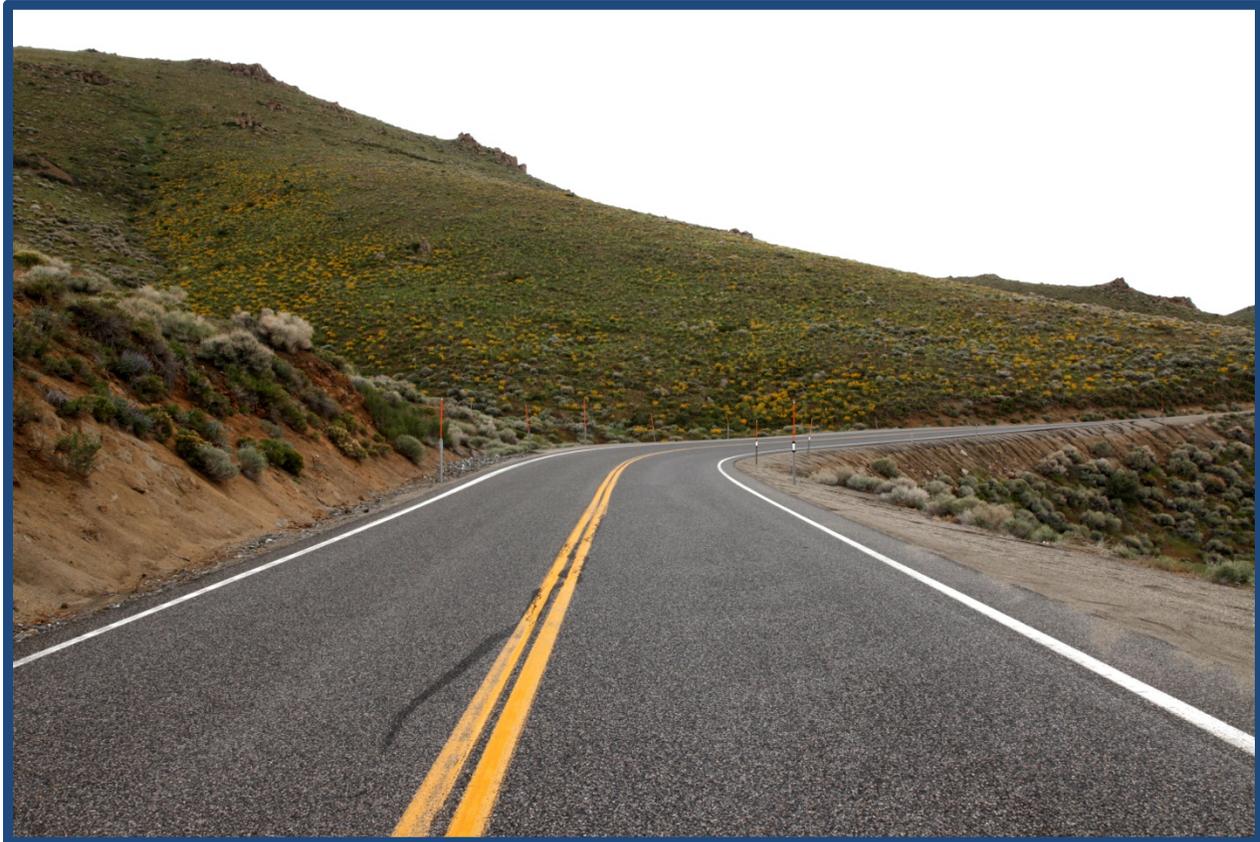
9. Any portion of a state highway or county or city road that is relinquished or traded pursuant to this section must be placed in good repair, or the parties must establish and agree in writing to equitable monetary compensation. If any highways or roads, or portions thereof, to be relinquished or traded are not of comparable value, the parties must negotiate and agree in writing to equitable monetary compensation or equitable trade considerations.

10. The Department, in cooperation with local governments, shall adopt regulations governing procedural documents that address the process by which highways and roads are relinquished.

11. The vesting of all right, title and interest of the Department in and to portions of any state highways relinquished previously by the Department in the city, county or state agency to which it was relinquished is hereby confirmed.

(Added to NRS by 1960, 68; A 1983, 338; 1987, 1102, 1812; 1989, 1308; 1991, 1173; 2013, 1844)

STATE OF NEVADA DEPARTMENT OF TRANSPORTATION GUIDE TO ROADWAY RELINQUISHMENTS



Rural Highway

Nevada Department of Transportation

1263 S. Stewart St
Carson City, NV 89712
(775)888-7000

Published by the Planning Division

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DRAFT



Vers.1-(06/2014)

Rudy Malfabon, P.E., Director

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SECTION 1: INTRODUCTION

1.1 Definitions

***(The definitions listed below with an asterisk are found in their entirety in the Code of Federal Regulations, CFR 23, Chapter 1, Section 460.2. The full definition found in the CFR shall apply).**

Betterment - A physical improvement to a facility (roadbed, roadway or roadside element) either geometrically or structurally, that would be considered above and beyond a state of good repair.

Cost to relinquish - A level of work or financial contribution to facilitate the relinquishment.

Department - State of Nevada, Department of Transportation

Division - Division of State Lands

Exceeds the Departments Needs – A determination by the Department, county or city, that the highway no longer is needed, based on a system analysis.

Equitable Trade Value – Value can be in the form of monetary compensation, other land value including roads, public land or a combination of compensation and land.

Federal Aid Highways – Highways where federal funds have participated in either right-of-way or physical construction.

FHWA- Federal Highway Administration

Highway – NRS 408.070, Highway means roads, bridges, structures, culverts, curbs, drains and all buildings, communication facilities, services and works incidental to highway construction, improvements and maintenance required, laid out, constructed, improved or maintained as such pursuant to constitutional or legislative authority.

Local Government Agency (LGA) - NAC 408.182. The term, “Local Government” for the purpose of NAC 408.567 means any county, or incorporated city or town, and any approved regional transportation commission authorized by the Code of Federal Regulations 23 USC, Section 134 (b), which performs a governmental transportation function with authority to transfer road rights of way and ownership.

***Maintenance** – The preservation of the entire highway, including surfaces, shoulders, roadsides, structures, and such traffic control as necessary for its safe and efficient utilization.

NDOT – Nevada Department of Transportation

***Open to public travel** – Road sections that are available, except during schedule periods, extreme weather or emergency conditions, passable by four-wheel standard passenger cars and open to the general public for use without restrictive gates. (Further defined in 23 CFR, Chapter 1, Section 460.2, Code of Federal Regulations).

***Public Authority** – A federal, state, county, town or township, Indian tribe, municipal or other local government or instrumentality thereof, with authority to finance, build, operate, or maintain toll or toll-free highway facilities. (Defined in 23 CFR, Chapter 1, Section 460.2, Code of Federal Regulations).

***Public Road** – Any road under the jurisdiction of and maintained by a public authority and open to public travel. (Defined in 23 CFR, Chapter 1, Section 460.2, Code of Federal Regulations).

Relinquish – The act of turning over to another entity the property rights, liability and maintenance responsibilities of a portion of a state, county or city highway.

Relinquishment by legislative enactment – Using legislative action to delete a portion of a state highway from the State Highway System that no longer serves inter-regional or statewide transportation needs.

Relinquishment by relocation – The same as “relinquishment by superseding.”

Relinquishment by superseding – A state highway has been realigned or built on an alignment that is different than the existing alignment making the old alignment redundant.

Relinquishment of Federal Aid Highways – Conveyance of a portion of a highway right-of-way or facility by a State Highway Agency (SHA) to another government agency for highway use. (Defined in CFR 23, Chapter 1, Subchapter G, Part 620, subpart B, 620.203 (b), Code of Federal Regulations).

Road Traffic and Safety Evaluation (RTSE) – See Figure 2 of this manual.

Relinquishment of collateral facilities – Those local streets and roads that were built or modified during the course of a state highway project and are no longer needed for the State Highway System and are to be relinquished to the appropriate local agency.

Repair- To fix or mend something: to restore something broken or damaged to good condition.

Roadway – NAC 408.245, Means the portion of a highway for vehicular use, including the shoulders and the portion of the highway within the limits of any construction. For the purpose of this manual and its processes, shall also include all appurtenances associated with the highway within the rights of way.

Right-of-way- NRS 408.080, Means land, property or any interest therein acquired for or devoted to highways whether or not the entire area of such is actually used for highway purposes.

Safe Road- As determined by joint agreement after the joint field review and is based partly on data reported using the Road Traffic and Safety Evaluation form shown in Figure 2. Generally means a road that has little or no correctable accidents, that contains pavement widths, cross slopes, and striping that are standard to a road of the nature in question. The road contains no exigent roadside cautions the overall road conditions would lead a prudent person to feel safe, driving the road.

State Highway – For the purposes of this manual, any reference to a State Highway or State Maintained Highway, shall mean highways under the control and ownership of the State of Nevada, Department of Transportation, NDOT.

State of good repair – To fix or mend the roadway to a safe, maintained travel area for vehicles, pedestrians and all other modes in a good condition. This term does not include

betterments or capacity increasing improvements. (See section 4.4 of this manual for more on the State of Good Repair).

1.2 Department Responsibility

Road relinquishments and road transfers have occurred between Local Government Agencies (LGA) and the state, for many years. In 2013, Assembly Bill 18 was approved and revised NRS 408.527 thus clarifying the process that enables these transactions.

The Roadway Systems Unit of the Planning Division of NDOT is responsible for managing the completion of road transfers between the Department and LG's. Requests to consider road transfers by an LG starts with a request to the Roadway Systems Unit.

1.3 Purpose and Intent of Manual

The purpose of this manual is to provide guidance in the process and completion of roadway relinquishments either to or from the State of Nevada, Department of Transportation. This manual is to provide a smooth process by which roads can be transferred between the department and LGA's working together in the process. NRS 408.527 shall be followed when completing road relinquishments or road transfers.

This manual was developed with the assistance from the following: NDOT Administration-Headquarters, NDOT District Engineers, League of Cities-Nevada, Nevada Association of Counties-NACO, Agency representatives from various local governments representing, cities, counties, and RTC's, NDOT Right of Way Division and NDOT-Roadway Systems Division.

1.4 History

Since the creation of the Department of Transportation in 1957, the state maintained road network has grown and evolved significantly as a result of growth, changing regional economics, and the national development of the Interstate system of highways. As these demographic changes developed, some of the original road system was, or continues to be superseded by relocation, and significant portions no longer serve areas of state significance. The Department currently maintains a mix of 5,400 miles of roadways that service as many as 250,000 + vehicle trips a day down to less than 50.

In recognition of this, the 1999 legislature passed Assembly Concurrent Resolution 3. This resolution directed the director of the Department of Transportation to study the feasibility of transferring state owned roads used primarily for local traffic to local governments. In addition, the study was to examine transferring local roads serving regional or statewide interests to the State. Assembly Concurrent Resolution 3 can be found in the NDOT library or you may request a copy from the office of Roadway Systems, 1263 S. Stewart Street, Safety/Roadway Modular, 93712.

The Department conducted the above mentioned study and submitted its findings to the legislature in June of 2001. Several elements were considered in conducting the study to determine whether a highway should be a state or local route. The most important were: connectivity, accessibility, maintenance costs, travel volume, safety issues, geography, roadway appurtenances, jurisdictional

issues and ownership. The study identified 109 (599 miles) highways under NDOT jurisdiction along with 27 (271 miles) highways under local government jurisdiction for possible exchange of maintenance and in most cases ownership.

Generally, the study defined that the state should maintain roads that are heavily used or provide interstate, inter-county, intercity, intermodal, or national-defense connectivity. The results of the study identified roadways that the state may have interest in transferring to local entities and conversely roadways that local entities may have an interest in transferring to the state. Utilizing the criteria, the study identified a significantly higher number of overall mileages for roadways under state jurisdiction for transfer than for the local entities. The results of the study made it clear that the equitable exchange of roadways represented limited potential when considering the entire list of roadways identified.

In September of 2005, the Nevada Department of Administration Division of Internal Audits conducted an audit of the Departments road transfer process due to the limited success in transferring roads to local governments. In all, only 22 miles of roadway were transferred as of that date. The audit made 3 recommendations to improve the process including: "Eliminating time spent determining road ownership", "Use alternative methods to transfer roads", and "Assign staff to coordinate the transfer process". All 3 recommendations were implemented however, the department was still met with limited success due to local entities reluctance to take on new roadways without long term compensation for maintenance costs or in many cases inability to maintain what is currently in their jurisdiction. Most of the successes to date are the result of a local entity requesting the exchange when it is in their interest for control of access, and to initiate improvements of a priority to the entity. A copy of the September 2005 Division of Internal Audits can be found in the NDOT library or you may request a copy from the office of Roadway Systems, 1263 S. Stewart Street, Safety/Roadway Modular, 93712.

As a result of assigning staff to coordinate the transfer process, additional parameters were established to define what type of roadways should be maintained by the state. Those parameters can be found in Appendix A of this manual.

To date 903 miles of state maintained highways have been identified as candidates for transfer from the State to LGA's. Of these, 98 miles have been successfully transferred.

Due to the limited success with completing transfers, the director of NDOT at that time, proposed a new strategy to the Board. The department identified roads to be relinquished that had projects in the 2006-2008 Statewide Transportation Program (STIP) for resurfacing, reconstruction and rehabilitation. The proposal to offer "Lump sum" payments was brought to the Board in February of 2006. The Board indicated that we already had approval to use whatever means necessary to relinquish these roads.

During the following years, some road relinquishment and road trades were proposed and a few, such as a road exchange between Carson City and the Department occurred with the construction of Interstate 580, were completed but the list of roads for relinquishment remained high.

In January of 2012, the director of NDOT made a presentation to the Transportation Board on the background, process and current status of State Highway relinquishments to local governments. That

presentation to the Board discussed the 2001 Report to the Legislature and Assembly Concurrent Resolution 3, and the 2005 Audit referred to earlier, and miscellaneous other documents of interest and was concluded as an information item only. However, the need to revitalize the relinquishment process was born from this presentation. NDOT staff was directed to look at NRS 408.527 and revise it to make it work better both for the State and local governments. Staff began later that year to meet with local governments, first via teleconference, then through on-site workshops that occurred in the spring of 2013 to develop a process for addressing relinquishments and road trades. The results of those meetings created the language that was presented to and adopted by the Legislature of the State of Nevada In May of 2013 which amended NRS 408.527 and helped develop this manual as you see it today.

This manual is a first step in providing a focused direction to both, the Department and the local governments on an identified process for developing a road relinquishment or road transfer between agencies. It is a living document and as we move forward, is intended to be modified as issues arise with those modifications only coming after agreement between the Department and local governments.

SECTION 2: LEGISLATION

2.1 Legislative Statutes:

Nevada Revised Statute NRS 408.527
Procedure for relinquishment of roadways; regulations

1. *Whenever the Department and the county or city concerned have entered into a written agreement providing therefor, and the legislative body of the county or city has adopted a resolution consenting thereto, the Board may relinquish to the county or city:
 - a. Any portion of any state highway which has been deleted from the state highway system by legislative enactment:or
 - b. Any portion of any state highway which has been superseded by relocation or which the Department determines exceeds its needs.*
2. *Whenever the county or city concerned and the Department have entered into a written agreement providing therefor, and the Board has adopted a resolution consenting thereto, the county or city may relinquish to the Department any portion of any county or city road which the Department agrees qualifies to join the state highway system.*
3. *By resolution of the Board, the Department may upon request relinquish to the Division of State Lands of the State Department of Conservation and Natural Resources for the public use of another state agency any portion of any state highway which has been superseded by relocation or which the Department determines exceeds its needs.*
4. *Relinquishment must be made by a resolution. A certified copy of the resolution must be filed with the legislative body of the county or city concerned. The resolution must be recorded in the office of the County Recorder of the county where the land is located and, upon recordation, all right, title and interest of the State in and to that portion of any state highway vests in the county, city or division, as the case may be.*
5. *Nothing in NRS 408.523 limits the power of the Board to relinquish abandoned or vacated portions of a state highway to a county, city or the Division.*
6. *If the Board relinquishes property pursuant to subsection 5, and the purpose for which the property was relinquished is abandoned or ceases to exist, then, absent an agreement or provision of law to the contrary, and regardless of the interest of the Department in the property before it was relinquished, all right, title and interest in the property shall vest in the county, city or Division without reversion to the Department.*
7. *The Board may accept from a county or city any portion of any county or city road which has changed in function such that it has risen to the level of functioning as a state highway. Such a road may be traded for any portion of a state highway relinquished by the Department or accepted by the Department after equitable compensation or trade values have been negotiated and agreed to in writing.*
8. *A county or city may accept from the Department any portion of any state highway which no longer functions to support the state highway system and which exceeds the needs of the Department. Such a highway may be traded for any portion of any county or city road relinquished by the county or city or accepted by the county or city after equitable compensation or trade values have been negotiated and agreed to in writing.*
9. *Any portion of a state highway or county or city road that is relinquished or traded pursuant to this section must be placed in good repair, or the parties must establish and agree in writing to equitable monetary compensation. If any highways or roads, or portions thereof, to*

be relinquished or traded are not of comparable value, the parties must negotiate and agree in writing to equitable monetary compensation or equitable trade considerations.

10. The Department, in cooperation with local governments, shall adopt regulations governing procedural documents that address the process by which highways and roads are relinquished.

11. The vesting of all right, title and interest of the Department in and to portions of any state highways relinquished previously by the Department in the city, county or state agency to which it was relinquished is hereby confirmed.

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SECTION 3: RELINQUISHMENTS and ROAD TRADES

Road trades and Relinquishments should be completed for the entire portion of right of way. Portion relinquishments have occurred in the past causing jurisdictional issues, including maintenance, accident investigation, and confusion to the public. Therefore, relinquishments should include the full width of any road from right of way to right of way and should include the full changeover of all responsibility for the road. Split

Jurisdiction roads should be considered for relinquishment only in the case where all jurisdictions with ownership in the road and after its relinquishment are in agreement with the relinquishment.

3.1 Types of Relinquishment

In Nevada there are three types of relinquishments:

- Relinquishment by Legislative enactment
 - a. This relinquishment is completed using legislative action to delete a portion of a state highway from the State Highway System that no longer serves inter-regional or statewide transportation needs. For example, during a legislative session, a highway is recommended for relinquishment and it is completed by legislative vote and not through an agreement process as required by other processes. This action will generally only be used when there is agreement between the Department and the LGA involved and the agreement is in the form of a written letter from the LGA stating their agreement. However, nothing in this manual replaces the ability of the legislature to enact legislation of any kind, including the relinquishment of a state highway.
- Relinquishment by the superseding or relocation of new state highway
 - a. This process is used when a highway is relinquished to an LGA upon the completion of a new roadway that has been realigned or built on an alignment that is different than the existing alignment making the old alignment redundant. This requires a formal process of relinquishment covered by this manual.
- Relinquishment by the changing of a highways primary functionality from a system perspective
 - a. This relinquishment occurs when the Department determines a road to be in excess of its needs or that the road no longer functions as a state highway and when a local agency feels a road has risen to a level of functioning as a state highway. This requires a formal process of relinquishment covered by this manual.

3.2 Appropriateness of Relinquishment

The Department must first determine if a relinquishment makes sense from a system perspective. Criteria have been developed and are applied to a road that is considered for relinquishment, this criterion is primarily system connectivity and functionality related. (See Appendix A). Other factors should also be considered when determining the appropriateness of a relinquishment, such as:

- Future Projects Pending
- Economic Development
- Regional Recreation Use
- Land Use
- LGA's Master Plan

The goal is for the relinquishment or trade to neither be a benefit or burden to either parties but to best serve the travelling public and communities of the State of Nevada.

3.3 Cost to Relinquish

The cost to relinquish or trade roads is established in the negotiation between the State and the Local Public Agency. A joint review of the roads shall be conducted to identify needs and advantages for the relinquishment or trade. Negotiations can include monetary compensation but must be agreed

upon in writing, by the negotiating parties. In the event that the State agrees to monetary compensation, the negotiating agent must have budget approval from the Department of Transportation's Director and the budget division, prior to finalizing the agreement.

3.4 Road Trades

NRS 408.527, as it has been changed, allows for the trade of roads from the Department to a county or city (LGA) and also from a county or city (LGA) to the Department. In this sense, a relinquishment does not occur but a trade occurs. Language in the law requires that there be *equitable trade of value*. Value can be in the form of monetary compensation, other land value including roads, public land or a combination of compensation and land. During the negotiation process, the equitable trade of value component will be discussed and the final agreement between the entities will describe what items have been determined to be used as the equitable trade value.

SECTION 4: PROCESS

4.1 Initial Process

All process of developing a road relinquishment or trade shall follow this manual as required by NRS 408.527 and NAC 408.182.

4.1.1 Letter of Intent:

When the Department or LGA wants to relinquish or trade a road, and has determined the type of relinquishment involved, a letter of intent shall be sent to the other party stating the intent to open up dialog for the consideration of a relinquishment. The letter should delineate the highways or roads to be discussed and a reason why they are being considered. At minimum, the letter should contain information such as;

- A description of the highway to be relinquished; i.e., its limits, functionality, connections to other state highways or other relinquishments, and the results of the system analysis decision.
- A short summary of the agency's primary concerns (e.g., lack of maintenance funds, requested improvements, traffic control devices, etc.)
- Clear, legible maps and other attachments as appropriate that show the highway to be relinquished, the condition of the highway, and other features that are of concern to the local agency or NDOT.
- Names, phone numbers, and locations of the appropriate contact persons.

4.1.1(a) Procedure from Department to LGA:

1. Initiation by Roadway Systems using the current list of roads recommended for relinquishment.
 - a. Roadway Systems will develop a letter to the Chief Manager of the LGA (usually the City Manager, County Manager, or Director) recommending dialog be opened
 - b. Cc copy of letter to the District Engineer and Right of Way
2. If initiated by other than Roadway Systems
 - a. Contact Roadway Systems and provide information as shown in item 4.1.1 above. Note that the road must meet the criteria contained in Appendix A.
 - b. Once request to Roadway Systems is made, then Roadway Systems will follow the procedures established in Section 4 of this manual to initiate the process and tracking.

4.1.1(b) Procedure from LGA to the Department:

1. Send Letter of Intent to:
Nevada Department of Transportation
ATT: Chief of Roadway System Division
1263 S. Stewart Street
Carson City, NV, 89712
 - a. Letter should contain, at minimum, the information shown in item 4.1.1 above and must fit into the criteria identified in Appendix B.

4.1.2 Response to letter of Intent:

A response letter should be returned to the initiating agency acknowledging the intent letter and whether or not further discussion should be made. It should indicate the reasons why discussions or negotiations should or should not continue. If the letter of Intent indicates a willingness to proceed with discussions, then a tracking number shall be assigned using the current system in place through the Right of Way division at NDOT for surplus property. This number will be for tracking only.

4.1.3 Initial In House-Field Review:

(The in-house field review is conducted by the Roadway Systems unit for the Department. LGA's should assign this to an appropriate representative)

After the response letter is received and there is indication of further action, a field review should be conducted to gather the basic information about the road(s) in question, i.e., location, length, width, number of lanes, pavement condition, general location and type of visible utilities, structures, intersections, and photographs, etc. This step will provide valuable data for use when the joint field review is set. It will allow the representative to make determinations on issues of interest in preparation for the joint field review which should allow for better discussion.

Figure 1 is a form that can be used to complete the in-house field review.

4.1.4 Road Traffic and Safety Evaluation

A Road Traffic and Safety Evaluation (RTSE) is required to be completed by the initiating agency and will provide data on traffic counts, accident information, proposed planned construction and observations on travel conditions of the road based on a visual review. This information will be helpful to both the initiating agency and to the receiving agency in evaluation of the current and future plans for the road and its current operating characteristics.

Figure 2 is a form to be completed by the initiating agency.

4.2 Joint Party Field Review

After the initial in-house field review issues are evaluated, a Joint Party Field Review should be scheduled. Upon completion of the In-House field review, copies of the review and any issues of concern shall be forwarded to the LGA or the Department, depending on who completed the in-house review. The joint field review should include, at minimum, a representative from the LGA, who shall represent the interest of the LGA, and the District Engineers office for NDOT, along with a representative from the Roadway Systems Unit of NDOT whose role will be to document the discussions and issues raised in the joint review, and to assist with moving the process forward after the completion of the joint field review. The joint review should also include a representative from the various groups at NDOT that may be involved in the discussions of specific items, such as Right of Way, Traffic Operations, Maintenance, Structures etc., if feasible and available. If not available during the joint field review, representative divisions and units shall respond in writing to issues raised by the joint field review team within 30 calendar days of being notified of the request for their response by the Roadway Systems Unit.

Figure 3 is a format that can be used to complete the Joint Party Field Review.

4.3 Negotiations between Local Government Agency and the State

Once the Joint Party Field Review is completed, a meeting should be scheduled by the leading party that first requested the initiation of the relinquishment or road trade. That meeting should include representatives from each agency that are familiar with the issues of the joint field review and other issues of interest, and should also include representatives that are designated to

make decisions on behalf of their agency relative to final negotiations but prior to official resolutions.

This negotiation is the beginning of the process to identify the final items that are open for negotiation and resolution of issues prior to the relinquishment process formalizing. Once negotiations have reached a point of agreement, a document should be prepared by the initiating agency delineating the issues and agreements that were reached. This agreement shall be signed by an agency representative charged with authority to sign agreements. The shall become a part of the process for final approval through the body charged with formal approvals in their jurisdiction, such as a City Council, County Commission, State Transportation Board or other charging body empowered to enter into agreements.

Figure 4 is a checklist that can be used to assist in the negotiation process.

4.4 Determining State of Good Repair

State of good repair, for the purpose of this document is to have a safe, well-maintained road that all users, including vehicles, bicycles, motorcycles, pedestrians and all other modes of travel allowed with the right-of-way, can expect as a prudent user. It is the expectations that a prudent driver, bicyclist, or pedestrian (whether walking or in a ada compliant product) would have while using the road, sidewalk etc. Those expectations include but are not limited to, not encountering obstacles in the roadway, not driving or walking on rough or poorly maintained travel areas, poor drainage, inadequate striping and signage, poorly operating traffic signals, poorly operating lighting systems, and roadside obstacles that deter from the safety of the roadway. The term, “State of Good Repair” does not include the installation of new items, betterments or capacity increasing improvements and generally means bringing the existing items found at the time of review, up to a good, useable product.

SECTION 5: NON-AGREEMENT AND CONFLICT RESOLUTION

5.1 Non-agreement

If there is no agreement as to a condition relative to ‘Good Repair’ or there is no agreement on what is an acceptable means of putting the road into a state of good repair, or on any other item, such as trade value, equitable value, etc, the agency not agreeing shall formulate a non-agreement memo.

For memos being sent to the Department (NDOT), the memo should be sent to:

Roadway Systems Office
 Attn: Roadway Systems Division Chief
 1263 S. Stewart Street
 Carson City, Nevada 89712

For memos being sent to the LGA, the memo should be sent to the party assigned by that agency as their representative, who was identified as required in section 4.1 Process, of this document.

The memo shall state what the item of the non-agreement is, the issue or concern with the item of non-agreement, the date of observation that formulated the concern, the reason they feel there is no agreement, and recommended resolutions.

5.1.1 Non-agreement Memo Received by the Department (from LGA)

Once a Non-agreement Memo is received at NDOT it will be logged into the file and forwarded to the District Engineer (or their representative) for review. Within 30 calendar days of receipt of the memo, a meeting will be scheduled by the Roadway Section of NDOT to include necessary NDOT staff that will make a determination as to the response from NDOT on the item or items of disagreement. The District Engineer will formulate the response to the sender after conferring with necessary NDOT staff.

If the District Engineer agrees with the issues raised in the memo, the memo will reflect this agreement and will include suggestions on resolution, which may include agreement with the recommended resolution identified by the sender in the Non-agreement Memo.

If the District Engineer does not agree with the issues raised in the memo, the memo will reflect the disagreement and will include recommended resolutions for resolving the issues raised.

All responses from the District Engineer to the LGA shall include Carbon Copy (CC’s) to the Roadway Systems Unit of NDOT, and the Director’s Office of NDOT.

It is the goal of NDOT and NRS 408.527 to create a mechanism that allows for a positive resolution to roadway relinquishments or road transfers. All NDOT staff should attempt to find resolution of disagreements that would best represent the interest of the people of the state of Nevada.

5.1.2 Non-agreement Memo received by an LGA (from the Department)

Once a Non-agreement Memo is received by an LGA, the LGA shall respond within 30 calendar days of receipt of the memo as to their agreement or non-agreement with the issues raised in the Non-agreement Memo. The response shall include their

agreement or non-agreement with the issues raised and if in Non-agreement Memo. The memo should state the reasons for the non-agreement and include recommended solutions to resolve any non-agreement.

5.2 Conflict Resolution

If, after receipt of, and response to the Non-agreement Memo, there does not appear to be a foreseeable resolution on the issues raised, a meeting shall be set between the two parties to confer on the items of non-agreement and an attempt to work out a responsible solution. Documentation of this meeting and its results should be sent to the Roadway Systems office of NDOT for addition to the working file.

If it appears that no resolution can be found, the relinquishment or road transfer shall be terminated and each party shall notify the other that they no longer wish to consider this relinquishment.

SECTION 6: AGREEMENTS AND RESOLUTIONS

6.1 Written Agreements

Each relinquishment or road transfer shall be formalized by the District Engineer, of each NDOT District, or their representative, in the form of a “Cooperative Agreement”. The

agreement document must be approved by both the Department and LGA. Agreements that contain monetary transfer from the Department shall first be approved by the Budget Division to insure funds are available to complete the transaction. This Agreement must be fully executed prior to moving forward with getting the Resolutions, as discussed below, approved.

6.2 Resolutions

Each relinquishment or road transfer shall be prepared by the Right of Way Division of the Department and will consist of a Resolution Consenting to Relinquishment. The Resolution Consenting must be approved by the body charged in the LGA's body that is charged with formal approval of resolutions/agreements. The Resolution of Relinquishment is the document that transfers the title to the road.

6.3 Final Official Resolution for Recordation

Once the Resolution Consenting has been approved by the LGA's body, the matter shall be taken to the State's Transportation Board for final approval. If approved by the Transportation Board, the Resolution of Relinquishment will be completed and will be recorded in the office of the County Recorder of the county where the land is located

Appendix A

DETERMINING WHAT "EXCEEDS" THE DEPARTMENTS NEEDS:

A determination by the Department, county or city, that the highway no longer is needed, based on a system analysis. The system analysis shall include but not be limited to the following determinations for the highway:

- a. No longer serves to provide connectivity.
- b. No longer serves to provide accessibility
- c. The cost has exceeded the benefit ratio.
- d. Travel volumes are of a nature that the justification of the highway cannot be made.
- e. Safety issues, including the geography and roadway appurtenances overshadow the need for the roadway.
- f. Jurisdictional issues and ownership are of a nature to warrant the relinquishment of the highway to a local entity.

A: Criteria for routes that should be removed from the state roadway system (absent additional justification for inclusion):

1. Routes that cross state and/or county lines, and are functionally classified lower than Rural Major Collector or Urban Minor Arterial.
2. Urban routes functionally classified lower than Urban Principal Arterial\Other.
3. Rural routes functionally classified lower than Rural Minor Arterial.
4. Rural routes with \leq 1 million 2-directional ESAL (equivalent single axel load).

B: Criteria for routes that may be considered for abandonment:

1. Route meets the criteria for removal from the state roadway system.
2. The local public agency has declined to accept responsibility for the route.
3. Route does not meet any of the “should”, or “may” criteria contained in Appendix B for inclusion in the state roadway system.
4. The underlying fee ownership* of the route in question belongs to a public agency and, the abandonment does not adversely affect an abutting property owner’s access.

*If NDOT is the underlying fee owner and the property was acquired on or after April 1st, 1957, the property must be disposed of in accordance with NRS 408.533.

Appendix B

DETERMINING WHAT CONSTITUTES THE NEED TO RAISE A ROAD TO A STATE HIGHWAY BY AN LPA:

A determination by the LPA that the highway has raised to a level of performing as a state highway, based on a system analysis. The system analysis shall include but not be limited to the following determinations for the highway:

A: Criteria for routes that should be included in the state roadway system:

- a. Route is part of the Interstate and/or US Route system(s).
- b. Route is designated as a National Highway Systems (NHS) or Strategic Highway Network (STRAHNET) route and is not maintained by a Federal Agency.
- c. Routes or portions of routes with right of way identified for future corridor needs.
- d. Route is required by previous NDOT agreement for providing access and the purpose of the original agreement is still viable.
- e. Route provides Inter-state and/or Inter-county and/or Inter-city connectivity for travel and/or commerce.
- f. Routes that cross state and/or county lines, provide connectivity to higher order facilities, and are Functionally Classified by NDOT as Rural Major Collector, Urban Minor Arterial, or higher.

B: Criteria that may be considered as additional justification for a routes inclusion in the state roadway system:

- a. Truck traffic (ESAL)
Rural roadways with > 1 Million 2-directional ESAL where the local jurisdiction doesn't have the resources to maintain the route, or where it causes a significant burden.
- b. Routes "Functionally Classified" higher than Local that:
 1. Include a major mountain pass requiring snow removal where the local jurisdiction lacks the resources to keep the route open during severe weather.
 2. Provides the exclusive connectivity of an important agricultural or commercial area to the state roadway system.
 3. Provides exclusive connectivity of "Tribal" facilities or population centers to the state roadway system.
 4. Provides exclusive connectivity to inter-modal facilities of regional significance.
 5. Provides exclusive connectivity of a population center (rated at a minimum of "Census Designated Place") to the state roadway system.
 6. Route provides direct connectivity to a County Seat.
 7. Provides access to a state correctional facility.
 8. Is an Access Route (AR) for an important infrastructure facility (Radar, Weather, Radio Site).
 9. Provides access to state maintenance stations or critical material sites.
 10. Provides exclusive access and/or connectivity to a national or state park, state roadside park, or a state established welcome station. (SP, RP, WS)

FIGURE 1 INITIAL IN-HOUSE CHECK LIST

Date of Review _____ **Reviewer Name** _____

Road or Route Name _____

Location _____

(By county and GPS coordinate @ Begin and End Point)

Limits: _____

(i.e., MP to MP or intersection to intersection)

Number of Lanes NB _____ SB _____ EB _____ WB _____

Lane Widths NB #1 _____ NB #2 _____ NB #3 _____

SB #1 _____ SB #2 _____ SB #3 _____

EB #1 _____ EB #2 _____ EB #3 _____

WB #1 _____ WB #2 _____ WB #3 _____

Condition of Striping (include information on bike lanes etc) _____

Medians Yes _____ No _____ Type _____ Width _____

Visible Pavement Condition

NB/EB _____

SB/WB _____

Shoulder Type and Width (if sidewalk-how wide and type)

(considered shoulder from painted edge line to edge of pavement)

NB/EB _____

SB/WB _____

Describe any graded gravel or dirt areas off the edge of pavement. Give approximate measurements of the graded/gravel area from edge of pavement to edge of defined area.

Sidewalk (type and condition, i.e. cracked, broken, weathered, missing small portions etc)

NB/EB _____

SB/WB _____

ADA Facilities present at corners? _____ Yes _____ No

Condition and Location _____

Number of Driveways

NB _____ SB _____ EB _____ WB _____

Visible Utilities (What type if known)

Overhead _____

Underground _____

Traffic Signals/Stop Signs _____

(by Location-on mainline) _____

Bridges/Culverts/Structures _____

(Location and type-Photo) _____

Fences/embankments/slopes adjacent to roadway _____

Visible safety concerns _____

(example: visibility, bushes, road damage, striping, pavement width, missing signs, etc.)
(This information is subjective and should be evaluated by all members in the joint field review)

Misc.Information _____

(all reviews must include a photo of a typical lane in each direction, shoulders, and general pavement condition)

In the space below add any additional notes

FIGURE 2
ROAD TRAFFIC AND SAFETY EVALUATION (RTSE)

Assessment requested for road relinquishment or trade?: _____

Specific location of proposed RTSE :

City/County _____

Route(s): _____

From/To _____

Segment Length: _____ Miles

Describe any improvement plans, planned or scheduled, (including scoping, design, construction, etc.), for this location:

What is the crash experience for the most recent 3-year period (total crashes, fatal crashes, injury crashes, crash rate, pedestrian/bicycle, etc)

What types and causes are shown in the crash statistics for each crash?

Crash 1 _____

Crash 2 _____

Crash 3 _____

Crash 4 _____

(attach additional sheets if necessary)

Average Daily Traffic (ADT) volume for road(s):

Describe any observations that would lead you to believe that a prudent person would have a safety concern for this road: (example such as visibility, road condition, striping issues, construction adjacent to road edge etc).

(attach separate sheet if necessary)

Please include any photos and/or other information that is factual to the location:

Signature of Representative providing data _____

Date _____

FIGURE 3
JOINT PARTY FIELD REVIEW

Date of Review _____

Reviewer Name/s (LPA) _____

Reviewer Name/s (NDOT) _____

Road or Route Name _____

Location (MP to MP) _____

(Give each item below a number then attach a separate sheet with the item number and a description of your issue.)

Pavement Rutting _____ Cracking _____ Pavement Drainage _____
 Full Reconstruct Needed _____ Overlay Needed _____

Striping Centerline _____ Lane Lines _____ Edge line _____

Medians Yes ___ No ___ Type _____ Width _____

Shoulder Type and Width (if sidewalk-how wide and type)
 (considered shoulder from painted edge line to edge of pavement)

NB/EB _____
 SB/WB _____

Describe any graded gravel or dirt areas off the edge of pavement. Give approximate measurements of the graded/gravel area from edge of pavement to edge of defined area.

Number of Driveways

NB _____ SB _____ EB _____ WB _____

Visible Utilities (What type if known)

Overhead _____
 Underground _____

Traffic Signals/Stop Signs _____
 (by Location-on mainline) _____

Bridges/Culverts/Structures _____
 (Location and type-Photo) _____

Misc.Information _____

(all reviews must include a photo of a typical lane in each direction, shoulders, and general pavement condition)

FIGURE 4
NEGOTIATION CHECK LIST

Essential Items for Negotiation

Road surface and PCI data
Concrete condition, including sidewalks, curbs-gutters, bridges, sound/retaining walls
All road striping
Signage/signals/street lights/-in place and functioning satisfactorily
Clear property rights
Shoulder/guardrails in good condition
5 year maintenance history
Right of way – full width information and ownership
Copies of all permits, leases, R.O.W. records, maintenance agreements etc.

Items that may be Negotiable

Landscaping
Lighting
Storm drains
Discussion of exchange types (i.e., owned lands traded for roads, road for road e.t.c.)
ADA items (America with Disabilities Act items)
Funding exchange for work
Funding for utility improvements
Road design and improvements to meet road classification

Information needed

Age of roadway
Accident rates
Prior rights
ESALs
Permits/utilities/encroachments/easements
Utility data

Attachment C

(NEW) NAC 408.182 “Local Government” defined. (NRS 408.215). “Local Government” for the purpose of NAC 408.567 means the legislative body of any county or city.

(Added to NAC by Dep’t of Transportation, eff. __-__-14)

Attachment D

(NEW) NAC 408.567 Requirements for the relinquishment of roads and road trades between the Department and Local Governments. (NRS 408.527)

1. The relinquishment process provided for in NRS 408.527 shall be conducted as set forth in this section. The Department shall work collaboratively with Local Governments to create a process by which the Department and Local Governments may relinquish those roads under each’s control to the other entity as provided for in this section.

2. The Department, in cooperation with Local Governments, shall develop a working manual, which shall identify the process for proposing, developing, evaluating, and completing road relinquishments between the Department and Local Governments. This manual shall be entitled “State of Nevada, Department of Transportation, Guide to Roadway Relinquishments” (the “Guide”). The development of the Guide shall be accomplished in the following manner:

(a) The Department shall develop preliminary recommended language for the Guide and shall submit the proposed Guide to the Chief Administrative Officer of each Local Government. Each Local Government shall have a minimum of 45 calendar days to provide comment on the proposed language for the Guide.

(b) Upon completion of the 45-day review period, the Department shall develop a written response to each comment received. The list of comments and responses shall be sent to all Local Governments within 20 calendar days of the close of the 45-day review period.

(c) The Department shall use its best efforts to resolve disagreements, if any, between the Department and any Local Government. If an agreement cannot be reached, the Department shall submit the Guide to the Board for approval at a scheduled public meeting.

(d) All persons in attendance at the scheduled Board meeting shall have an opportunity to provide comment and recommendations to the Board concerning the proposed language.

(e) The Board shall consider the recommendations from the Department and those comments and recommendations of persons in attendance at such scheduled meeting regarding the proposed revisions to the Guide. The Board shall approve or deny the proposed language to the Guide. In the event the Board denies any portion of the language in the Guide, it shall direct the Department to meet with Local Governments to work on alternative language and submit such alternative language to the Board at a subsequent Board meeting for approval. This resubmission of language to the Board shall not be considered a new request subject to the time limits for a Revision Cycle set forth in Subsection 3 to this Section.

(f) Once approved by the Board, the Department shall place the Guide on its website for public viewing.

3. The process to seek approval of new or revised language may be commenced by the Department by bringing such revision to the Board once per year during the months of October and/or November upon the prior completion of the following required procedures (the “Revision Cycle”):

(a) At least 90 calendar days prior to a scheduled Board meeting to approve any revisions to the Guide, the Department shall provide a copy of such proposed revisions to the Chief Administrative Officer of each Local Government.

(b) All Local Governments shall have no less than 30 calendar days to review the proposed revisions to the Guide and provide their comments, if any, to the Department (the “Review Period”).

(c) The Department shall evaluate all written comments within 15 calendar days of the close of the Review Period (the “Evaluation Period”).

(d) The Department shall provide its comments to the Chief Administrative officer of each Local Government within 5 calendar days of the close of the Evaluation Period (the “Notification Period”).

(e) If necessary to resolve any conflicts in the proposed language, if any, between the Department and the Local Governments, the Department shall meet with the representatives of the Local Governments within 10 calendar days of the close of the Notification Period to discuss the disputed language. Such meeting between the Department and Local Governments shall be completed at least 30 calendar days prior to the scheduled Board meeting date as set forth in this subsection 3.

(f) In the event the Department and Local Governments are unsuccessful at resolving any disputed language, the Department shall submit the Guide with its proposed revised language to the Board for approval at the scheduled meeting.

(g) All persons at attendance of the scheduled Board meeting shall have an opportunity to provide comment and recommendations to the Board concerning the proposed language.

(h) The Board shall consider the recommendations from the Department and any comments and recommendations from persons in attendance at the scheduled meeting regarding the proposed language. The Board shall make a final determination as to the approval of any revisions to the Guide.

(i) If the Board approves of the revisions to the Guide, the newly approved Guide shall become effective upon the Board’s approval. The Department shall place the revised Guide on the Department web site along with a statement of the Board’s approval.

(j) Those proposed revisions not approved by the Board shall not be adopted into the Guide, and the Department shall continue to use the Guide in existence prior to the scheduled Board meeting. The Department shall not bring to the Board any additional requests for revisions to the Guide until the next subsequent Revision Cycle in accordance with this subparagraph 2.

(Added to NAC by Dep't of Transportation, eff. __-__-14)



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MEMORANDUM

August 7, 2014

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, Director
SUBJECT: August 18, 2014 Transportation Board of Directors Meeting
Item #12: Equipment Purchase in Excess of \$50,000 – X-ray Fluorescence Spectrometer – *For possible action.*

Summary:

This item is to request Transportation Board Approval to purchase an X-ray Fluorescence Spectrometer. This equipment is for the Materials Division and will be used to characterize the material particles in cement, fly ash and hydrated lime. The only other certified lab that can run these tests in Nevada is Nevada Cement in Fernley. NDOT uses concrete and fly ash in our bridges, highways, drainage facilities, sidewalks and lime in all of our hot mix asphalt roadways. This device will allow us to determine if the samples used in our construction projects will perform as required. This equipment is replacing an outdated device that the manufacturer will not support and replacement parts are unavailable. This new device will also reduce the amount of time it takes to complete a test from 2 days to 3 hours.

Background:

The Legislature approved new equipment for special consideration during their 2013 regular session, part of their approval was for this equipment using state highway funds (attachment 1). The Department would like to purchase this equipment to assure the cement, fly ash and lime being used on our construction projects is the quality we specified.

NRS 408.389 states the Department shall not purchase any equipment which exceeds \$50,000 unless the purchase is first approved by the Board. This unit will allow us to comply with our AASHTO accreditation requirements and allow us to run American Society of Testing and Materials (ASTM) test methods for cement. The cost of this unit is \$89,000.

Analysis:

This device will allow the Department to confirm the cement, fly ash and lime we are using will give us durable materials that will last their design life. Fly ash is a recycled material generated by burning coal and is an additive to concrete that replaces and is much cheaper than cement. It also reduces a problem we have in concrete called alkali silica reaction by reducing the amount of alkali in the concrete paste in the concrete.

Cost Analysis:

We analyzed 3 different manufactures of this device and they were all about the same price. The device we selected is able to analyze smaller cement particles, such as sodium and potassium, which the other manufactures could not. We also considered leasing the equipment, but this was not an option.

List of Attachments:

- A. Excerpt FY 2014-2015 Approved Budget Request

Recommendation for Board Action:

The Department recommends approval of the requested equipment purchase.

Prepared by:

Reid Kaiser, Chief Materials Engineer

Item #12 Attachment A

NEVADA DEPARTMENT OF TRANSPORTATION
 BUDGET ACCOUNT 201-4660
 BUDGET REQUEST FISCAL YEARS 2013-2014 AND 2014-2015
 ENHANCEMENT

AGENCY REQUEST
 AUGUST 31, 2012

NDOT OBJECT	OBJECT TITLE DESCRIPTION / JUSTIFICATION / DOCUMENTATION OF NEED	FY 2014 REQUEST	FY 2015 REQUEST
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E720 NEW EQUIPMENT

EQUIPMENT - CATEGORY 05 \$ 3,334,756 \$ 2,220,000

As required by the Budget Instructions, expenses associated with the purchases of new equipment are included as an enhancement. This decision unit is requesting budget authority to purchase operational equipment items that will cost greater than \$5,000 and several specialized equipment items, all of which are detailed separately and are summarized below by object code.

	<u>FY 2014</u>	<u>FY 2015</u>
05-8274 SPECIALIZED EQUIPMENT (NDOT Operational Equipment) Operational equipment includes a wide variety of equipment such as computers, office furniture, laboratory test equipment, shop tools and miscellaneous survey equipment.	\$ 1,750,000	\$ 1,750,000
05-8276 MATERIALS / ENVIRONMENTAL EQUIPMENT X-Ray Spectrometer	\$ 70,000	\$ -
	<u>\$ 70,000</u>	<u>\$ -</u>
05-8280 LIGHT AND HEAVY CONSTRUCTION & MAINTENANCE EQUIPMENT PM-10 Sweepers (two each)	\$ 270,000	\$ 270,000
Viking TP26, 26' Tow Plows with swivel tongue (two each)	\$ -	\$ 200,000
CS9300 High Speed Profiling Systems (two each)	\$ 146,000	\$ -
	<u>\$ 416,000</u>	<u>\$ 470,000</u>
05-8394 OTHER EQUIPMENT Riegl VMX-450 Mobile Laser Scanning System - LiDAR (Light Detection and Ranging)	\$ 1,098,756	\$ -
	<u>\$ 1,098,756</u>	<u>\$ -</u>
	<u><u>\$ 3,334,756</u></u>	<u><u>\$ 2,220,000</u></u>

ENHANCEMENT - NEW EQUIPMENT - E720	\$ 3,334,756	\$ 2,220,000
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MEMORANDUM

August 12, 2014

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, Director
SUBJECT: August 18, 2014 Transportation Board of Directors Meeting
ITEM #13: Approval to Release Project NEON P3 Final RFP – *For Possible Action*

This item is a follow up discussion of Project NEON from previous Board Meetings held on the following dates:

- June 25, 2012
- November 6, 2012
- April 8, 2013
- June 10, 2013
- October 14, 2013
- January 13, 2014
- April 14, 2014

The following is an update on the financial impact of the Public Private Partnership (P3) for Project NEON comparing the Design-Build-Finance-Operate-Maintain (DBFOM) hybrid model to the Design-Build-Bond (DBB) option.

The purpose of this agenda item is to provide an update on Project NEON costs and financial model with an updated comparison to the DBB option. In June 2013, costs for the NEON P3 were presented along with a comparison to the DBB option. In April 2014, updated Project NEON costs were presented that outlined the project cost increases to the project costs since June 2013.

Schedule

Discussion of the Project NEON financials will take place at the August 12, 2014 Transportation Board meeting. The final RFP for the Project NEON P3 is scheduled to be released in August 2014, subject to Board approval at the August 18, 2014 Transportation Board Meeting.

Major Milestones for Project NEON P3:

August 2014 – Final Draft RFP Approval by Transportation Board
August 2014 – Release of Final RFP to the Shortlisted Proposers
March 2015 – Technical Proposals Due
April 2015 – Financial Proposals Due
April 2015 – Notification of Preferred Proposer
June 2015 – Anticipated Commercial Close
August 2015 – Anticipated Financial Close

Project Improvements Since June 2013

In June 2013, a comparison of the hybrid P3 model to the DBB model was presented with approval to proceed with the hybrid P3. In April 2014, additional costs to the project and impacts to the hybrid P3 model were presented. This presentation will again make the comparison of the NEON hybrid P3 model to the DBB model with the updated costs to allow open discussion of the financial impacts of the P3 project compared to the DBB model. Included in the presentation will be the impacts to the project financials from the lessons learned from the recent sale of the \$100 million ROW bond and the opportunity to sculpt the bond repayments to a higher degree than originally projected. Previously, bond repayments were made on a relatively straight line basis.

In the event the Board approves release of the Final RFP and thereby authorizes the Department to continue forward with Project NEON using the P3 procurement method, it will move to Agenda item number 16, Old Business.

In the event that the Board elects not to approve Agenda item number 13 thereby halts the Department's use of the P3 procurement method for Project NEON, the Board will proceed to Agenda item number 14.



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MEMORANDUM

August 11, 2014

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, Director
SUBJECT: August 18, 2014 Transportation Board of Directors Meeting
Item #14: *Alternative Action Item – Design-Build Procurement for Project NEON – For possible action.*

In the event the Transportation Board does not approve release of the Final RFP for Project NEON P3 Phase, the Board will determine whether to approve proceeding with Project NEON using the design-build procurement method by making the determinations required pursuant to NRS 408.388.

Through Agenda item number 9, the Department seeks the Board's approval authorizing the Department to continue forward with Project NEON through its use of the design-build (DB) procurement method. The Department is authorized to use the DB procurement method under the conditions set forth in NRS 408.388, which are as follows:

The Department determines that:

- (a) The estimated cost of the project exceeds \$10,000,000.00;
- (b) Contracting with a DB Team will enable the Department to:
 - (1) Design and construct the project at a cost that is significantly lower than the cost the Department would incur to design and construct the project using another method;
 - (2) Design and construct the project in a shorter time than would be required to complete the project using a different method, if exigent circumstances require that the project be designed and constructed in a short time; or
 - (3) Ensure that the design and construction of the project is properly coordinated, if the project is unique, highly technical and complex in nature.

In accordance with NRS 408.388, the Department determined that the cost of Project NEON will exceed \$10,000,000.00. The Department's use of the DB contracting method will allow it to design and construct Project NEON at a cost significantly lower than the cost it would incur using the DBFOM method due to the financing costs it would incur with that method which would not be expended using the DB method. The design and construction of Project NEON is unique, highly technical and complex in nature due to its location in the center of Las Vegas with high traffic numbers on both the freeway and local surface streets, design and construction will require extensive work on I-15 while maintaining open lanes to traffic, and the HOV connector between US 95 and I-15 is an elevated structure over one-mile long to be constructed within the medians of the traffic lanes, and its use of the DB method would ensure the project is properly coordinated.

NRS 408.3881 requires that before the Department may use the DB method, the Board must make the determinations required pursuant to NRS 408.388 at a public meeting. Therefore, Agenda item number 9 asks that the Board review the requirements of NRS 408.388 set out above and make a determination that the cost of Project NEON will exceed \$10,000,000.00 and that either the cost to design and construct Project NEON will be significantly lower using the DB method than the DBFOM method, or that the use of the DB method is necessary to ensure the design and construction is properly coordinated due to its unique, highly technical, and

complex nature. If the Board makes the determinations required pursuant to NRS 408.388, the Department is authorized to use the DB procurement method for Project NEON.

In the event the Board does not make the determinations required pursuant to NRS 408.388 and 408.3881 and thereby fails to authorize the Department to continue forward with Project NEON using the DB procurement method, the Board will proceed to Agenda item number 16, Old Business.

In the event the Board makes the determinations required pursuant to NRS 408.388 and 408.3881 and thereby authorizes the Department to continue forward with Project NEON using the DB procurement method, the Board will proceed to Agenda item number 15.



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MEMORANDUM

August 12, 2014

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, Director
SUBJECT: August 18, 2014 Transportation Board of Directors Meeting
ITEM #15: Alternative Action Item – Approval of Possible Bonding for Project NEON –
For Possible Action

Summary:

In the event the Transportation Board does not approve release of the final RFP for Project NEON P3 and approves use of the Design-Build (DB) method, the Board will determine whether to approve the department moving forward with the process of issuing bonds in the amount of \$564 million in Year-of-Expenditure dollars (YOES) to pay the costs of design and construction for Project NEON as a Design-Build (DB) project.

Background:

The financing required to support the Department's use of the DB procurement method for Project NEON will require the Department's issuance of highway revenue bonds. The amount of bonding anticipated for the design and construction of Project NEON is \$564 Million in YOES (\$472 Million Net Present Value). By using the Department's bonding capacity, it will save the financing costs required of the DBFOM procurement method and receive lower financing costs for such bonds further reducing the financing costs. By voting to approve Agenda item #15, the Board will authorize the Department to initiate the process of seeking bonding to finance Project NEON using the DB procurement method. In the event the Board elects not to approve Agenda item #15, the Department will not have sufficient financing to be able to move forward with Project NEON.

Analysis:

Process

1. Transportation Board approval of Agenda Item #15, August 2014
2. Bond amounts included in biennial budget requests
3. Governor's recommended budget
4. Legislatively approved budget
5. Transportation Board approves bonding resolution for bond sales as necessary
6. Board of Finance approves bond sales as necessary
7. Bond sale conducted by Treasurer's Office

List of Attachments: None

Recommendation for Board Action: Approval

Prepared by: Robert C. Nellis Assistant Director, Administration



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MEMORANDUM

August 8, 2014

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, Director
SUBJECT: August 18, 2014 Transportation Board of Directors Meeting
Item #16: 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 4, 2014 - *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 4, 2014 - *Informational item only.*

Recommendation for Board Action:

Informational item only.

Item #16 Attachment A

OPEN NDOT - OUTSIDE COUNSEL CONTRACTS AS OF JUNE 20, 2014						
Vendor	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 - 3/11/15 Amendment #1	3/11/2013 1/14/2014	\$ 1,400,000.00		
				\$ 2,000,000.00		
				\$ 3,400,000.00		
				\$ 3,400,000.00	\$ 1,360,028.60	
Snell & Wilmer, LLP	Peek Construction vs. NDOT 1st JD 120C 00030 1B Contract # 3407 (Wells Wildlife Crossing) NDOT Agmt No. P082-12-004	3/1/2012 - 6/30/14 Amendment #1	3/1/2012 9/12/13	\$150,000.00		
				20,000.00		
					\$ 170,000.00	\$ 20,431.00
Snell & Wilmer, LLP	Peek Construction vs. NDOT 1st JD 120C 00032 1B Contract # 3377 (Kingsbury Grade) NDOT Agmt No. P083-12-004	3/1/2012 - 3/30/2015 Amendment #1 Amendment #2 Amendment #3	3/1/2012 2/18/13 9/12/13 1/17/14	\$150,000.00		
				\$75,000.00		
				\$70,000.00		
				825,000.00		
				\$ 1,120,000.00	\$ 1,120,000.00	\$ 376,949.25
Snell & Wilmer, LLP	Construction Claims Williams Brother, Inc. Contract # 3392 (Various in Las Vegas) NDOT Agmt No. P084-12-004	3/1/2012 - 6/30/14 Amendment #1	3/1/2012 5/13/2014	\$ 5,500.00		
				\$ 5,000.00		
					\$ 10,500.00	\$ 5,688.30
Chapman Law Firm	NDOT vs. Carrie Sanders 8th JD - A-12-664693-C Project Neon - Las Vegas NDOT Agmt No. P192-12-004	6/12/12 - 6/12/15	6/12/2012	\$ 541,800.00		
					\$ 541,800.00	\$ 311,813.48
Chapman Law Firm	NDOT vs. Gendall 8th JD - A-12-666487-C Project Neon - Las Vegas NDOT Agmt No. P325-12-004	6/12/12 - 6/12/14	6/12/2012	\$ 541,800.00		
					\$ 541,800.00	\$ 142,189.97
Chapman Law Firm	NDOT vs. Roberts 1981 Decedents Trust 8th JD - 12-665880-C Project Neon - Las Vegas NDOT Agmt No. P452-12-004	10/23/12 - 10/12/14	10/23/2012	\$ 475,725.00		
					\$ 475,725.00	\$ 435,717.76
Chapman Law Firm	NDOT vs. Catello Family Trust 8th JD - A-12-671920-C Project Neon - Las Vegas NDOT Agmt No. P476-12-004	11/16/12 - 11/30/15	11/16/2012	\$ 449,575.00		
					\$ 449,575.00	\$ 429,668.46
Chapman Law Firm	NDOT vs. MLK-ALTA 8th JD - A-12-658642-C Project Neon - Las Vegas NDOT Agmt No. P508-12-004	1/14/13 - 1/14/15	1/14/2013	\$ 455,525.00		
					\$ 455,525.00	\$ 313,739.74
Chapman Law Firm	NDOT vs. Highland Partnership 1980 8th JD - Project Neon - Las Vegas NDOT Agmt No. P507-12-004	1/14/13 - 1/14/15	1/14/2013	\$ 449,575.00		
					\$ 449,575.00	\$ 408,999.95
Chapman Law Firm	NDOT vs. Highland 2000-I, LLC 8th JD - A-12-671915-C Project Neon - Las Vegas NDOT Agmt No. P501-12-004	1/14/13 - 1/14/15	1/14/2013	\$ 449,575.00		
					\$ 449,575.00	\$ 6,099.97

Item #16 Attachment A

OPEN NDOT - OUTSIDE COUNSEL CONTRACTS AS OF JUNE 20, 2014						
Vendor	Case/Project Name	Contract Period	Contract and Amendment Date	Contract and Amendment Amount	Total Contract Authority	Contract Authority Remaining
Laura FitzSimmons, Esq.	Condemnation Litigation Consultation NDOT Agmt No. P510-12-004	12/16/12 - 12/30/14	12/16/2012	\$ 300,000.00	\$ 2,700,000.00	\$ 690,311.90
		Amendment #1	8/12/2013	\$ 850,000.00		
		Amendment #2	1/22/2014	\$ 750,000.00		
		Amendment #3	5/12/2014	\$ 800,000.00		
				\$ 2,700,000.00		
Lemons, Grundy, Eisenberg	NDOT vs. Ad America (Appeal) 8th JD - A-11-640157-C Project Neon - Las Vegas NDOT Agmt No. P037-13-004	1/22/13 - 1/22/15	1/22/2013	\$205,250.00	\$ 205,250.00	\$ 87,562.02
Sylvester & Polednak, Ltd.	NDOT vs. Wykoff 8th JD - A-12-656578-C Warms Springs Project - Las Vegas NDOT Agmt No. P071-13-004	2/27/13 - 2/27/15	2/27/2013	\$275,000.00	\$ 275,000.00	\$ 77,083.33
Sylvester & Polednak, Ltd.	NDOT vs. Railroad Pass 8th JD - A-12-665330-C Boulder City Bypass Project NDOT Agmt No. P072-13-004	2/27/13 - 2/27/15	2/27/2013	\$ 275,000.00	\$ 550,000.00	\$ 229,958.95
		Amendment #1	5/12/2014	\$ 275,000.00		
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 - 2/27/15	2/27/2013	\$ 275,000.00	\$ 275,000.00	\$ 197,849.52
Sylvester & Polednak, Ltd.	NDOT vs. I-15 & Cactus Cactus Project - Las Vegas 8th JD - A-12-664403-C NDOT Agmt No. P074-13-004	2/27/13 - 2/27/15	2/27/2013	\$ 200,000.00	\$ 200,000.00	\$ 151,642.50
Sylvester & Polednak, Ltd.	JYTYJK, LLC dba Wireless Toyz vs. NDOT 8th JD A-13-681291-C Project Neon - Las Vegas NDOT Agmt No. P127-13-004	4/19/13 - 2/28/13	4/19/2013	\$ 175,000.00	\$ 175,000.00	\$ 145,402.54
Watt, Tieder, Hoffar & Fitzgerald	Pacific Coast Steel vs. NDOT K3292 - I-580 2nd JD CV12-02093 NDOT Agmt No. P160-13-004	4/30/13 - 4/30/15	4/30/2013	\$ 275,000.00	\$ 275,000.00	\$ 60,176.66
Sylvester & Polednak	Fitzhouse Enterprises (acquired title as Westcare) 8th JD - A-13-660564-C Project Neon - Las Vegas NDOT Agmt No. P201-13-004	5/31/13 - 5/31/15	5/31/2013	\$ 290,000.00	\$ 290,000.00	\$ 199,447.34

OPEN NDOT - OUTSIDE COUNSEL CONTRACTS AS OF JUNE 20, 2014						
Vendor	Case/Project Name	Contract Period	Contract and Amendment Date	Contract and Amendment Amount	Total Contract Authority	Contract Authority Remaining
Chapman Law Firm	54 B LLC vs. Clark County & NDOT 8th JD - A-12-674009 NDOT Agmt No. P217-13-004	6/6/13 - 11/30/15	6/6/2013	\$ 250,000.00	\$ 250,000.00	\$ 201,277.33
Snell & Wilmer	Meadow Valley Public Records Request K3399 NDOT Agmt No. P273-13-004	7/18/13 - 7/30/14	7/18/2013	\$30,000.00	\$ 30,000.00	\$ 371.70
Kemp, Jones, Coulthard	Nassiri vs. NDOT 8th JD A672841 NDOT Agmt No. P290-13-004	7/17/13 - 6/30/15	7/17/2013	\$ 280,000.00	\$ 280,000.00	\$ 124,202.03
Chapman Law Firm	Ad America vs. NDOT (Project Neon) 8th JD A640157 NDOT Agmt No. P291-13-004	7/25/13 - 7/30/15 Amendment #1	7/25/2013 4/28/2014	\$ 200,000.00 \$ 250,000.00	\$ 450,000.00	\$ 207,966.92
Chapman Law Firm	Ad America vs. NDOT (Cactus Direct and Inverse) 8th JD A-10-631520-C & A-12666482-C NDOT Agmt No. P292-13-004	7/25/13 - 7/30/15	7/25/2013	\$ 250,000.00	\$ 250,000.00	\$ 192,332.85
Chapman Law Firm	Ad America vs. NDOT (South Point) 8th JD A-11-653502-C NDOT Agmt No. P293-13-004	7/25/13 - 7/30/15	7/25/2013	\$ 70,000.00	\$ 70,000.00	\$ 30,349.44
Kemp, Jones & Coulthard	NDOT vs. City of Los Angeles 8th JD A-13-687717-C Boulder City Bypass Project NDOT Agmt No. P405-13-004	9/1/13 - 9/30/15	9/1/2013	\$ 250,000.00	\$ 250,000.00	\$ 208,974.03
Sylvester & Polednak	NDOT vs. Smith Family Trust 8th JD A-13-687895-C Project Neon NDOT Agmt No. P465-13-004	9/7/13 - 9/30/15	9/7/2013	\$ 280,000.00	\$ 280,000.00	\$ 269,060.79
Chapman Law Firm	NDOT vs. LGC, 231, LLC 8th JD NDOT Agmt No. P561-13-004	12/20/13 - 12/15/15	12/20/2013	\$ 453,650.00	\$ 453,650.00	\$ 433,800.70
Laura FitzSimmons, Esq.	Risk Management Analysis for Project NEON	1/13/14 - 12/13/17	1/13/2014	\$ 900,000.00	\$ 900,000.00	\$ 124,062.97
Chapman Law Firm	McCarran Widening 2nd JD - Various Temporary Easements NDOT Agmt No. P142-14-004	5/14/14 - 5/30/16	5/14/2014	\$ 200,000.00	\$ 200,000.00	\$ 189,992.11
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 - 5/30/16	5/14/2014	\$ 250,000.00	\$ 250,000.00	\$ 189,992.11
* BH Consulting Agreement	Management assistance, policy recommendations, negotiation support and advice regarding NEXTEL and Re-channeling of NDOT's 800 Mhz frequencies.	6/30/12 - 6/30/16	6/30/2012	\$ 77,750.00	\$ 77,750.00	\$ 76,340.00

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

Monthly Litigation Report to the Nevada Department of Transportation - July 10, 2014				
Case Name	Nature of Case	Outside Counsel to Date		
		Fees	Costs	Total
Condemnations				
NDOT vs. AD America, Inc. (Cactus - Direct)	Eminent domain - I-15 Cactus	\$ 153,900.51	\$ 28,091.84	\$ 181,992.35
NDOT vs. Bawcon	Eminent domain - Elko			
NDOT vs. Catello Family Trust, Carmine V.	Eminent domain - Project Neon	\$ 18,470.75	\$ 1,435.79	\$ 19,906.54
NDOT vs. Chavez, Dawn R.	Eminent domain - McCarran Widening	\$ 1,266.75	\$ 311.58	
NDOT vs. City of Los Angeles, et al.	Eminent domain - Boulder City Bypass	\$ 38,354.00	\$ 2,671.97	\$ 41,025.97
NDOT vs. Fitzhouse/Westcare	Eminent domain - Project Neon	\$ 58,275.00	\$ 32,277.66	\$ 90,552.66
NDOT vs. Gendall Trust	Eminent domain - Project Neon	\$ 333,152.55	\$ 66,457.48	\$ 399,610.03
NDOT vs. Highland Partnership 1980, LLC	Eminent domain - Project Neon	\$ 35,118.75	\$ 5,456.30	\$ 40,575.05
NDOT vs. Highland 2000-I, LLC	Eminent domain - Project Neon	\$ 350,210.11	\$ 93,264.92	\$ 443,475.03
NDOT vs. I-15 and Cactus, LLC	Eminent domain - I-15 Cactus	\$ 43,925.00	\$ 4,432.50	\$ 48,357.50
NDOT vs. Jenkins, Carrie, aka Carrie Sanders	Eminent domain - Project Neon	\$ 197,996.50	\$ 31,970.57	\$ 229,967.07
NDOT vs. Jensen, Allan B.	Eminent domain - McCarran Widening	\$ 1,266.75	\$ 311.58	\$ 1,578.33
NDOT vs. Jericho Heights, LLC	Eminent domain - Boulder City Bypass	\$ 849,800.00	\$ 1,159,888.10	\$ 2,009,688.10
NDOT vs. K & L Dirt Company, LLC	Eminent domain - Boulder City Bypass	\$ 63,750.00	\$ 13,400.48	\$ 77,150.48
NDOT vs. KP & TP, LLC, Roohani, Khusrow	Eminent domain - I-15 and Warm Springs			
NDOT vs. Manaois, Randy M.	Eminent domain - McCarran Widening	\$ 1,266.75	\$ 311.58	
NDOT vs. Miller, Bruce B.	Eminent domain - McCarran Widening	\$ 1,266.75	\$ 311.58	
NDOT vs. MLK-ALTA	Eminent domain - Project Neon	\$ 118,345.00	\$ 23,440.26	\$ 141,785.26
NDOT vs. Railroad Pass Investment Group	Eminent domain - Boulder City Bypass	\$ 142,000.00	\$ 178,041.05	\$ 320,041.05
NDOT vs. Smith Family Trust, et al	Eminent domain - Project Neon	\$ 9,600.00	\$ 1,339.21	\$ 10,939.21
NDOT vs. Turner, Ronald Lee	Eminent domain - McCarran Widening	\$ 1,266.75	\$ 311.58	
NDOT vs. Union Pacific Railroad Co.	Eminent domain - Reconn. of SR 317			
NDOT vs. Woods, William and Elaine	Eminent domain - McCarran Widening			
NDOT vs. Wykoff Newberg Corporation	Eminent domain - I-15 and Warm Springs	\$ 168,875.78	\$ 29,040.89	\$ 197,916.67
Nevada Power Company vs. Westcare, NDOT - 8	Public utility seeks permanent easement			
Inverse Condemnations				
54 B LLC	Inverse condemnation	\$ 39,836.03	\$ 8,886.64	\$ 48,722.67
AD America, Inc. vs. NDOT (NEON)	Inverse condemnation - Project Neon	\$ 447,494.05	\$ 104,525.51	\$ 552,019.56
AD America, Inc. vs. NDOT (NEON-Silver Ave.)	Inverse condemnation - Project Neon			
First Presbyterian Church of LV vs. NDOT	Inverse condemnation - Project Neon			
JYTYJK, LLC dba Wireless Toyz vs. NDOT	Inverse condemnation - Project Neon	\$ 25,230.25	\$ 4,367.21	\$ 29,597.46
Nassiri, Fred vs. NDOT	Inverse condemnation	\$ 152,442.18	\$ 3,355.79	\$ 155,797.97
P8 Arden, LLC vs. NDOT	Inverse condemnation - Blue Diamond Road			
Robarts 1981 Decedents Trust vs. NDOT	Inverse Condemnation - Project Neon	\$ 37,967.33	\$ 2,039.91	\$ 40,007.24
Cases Removed from Last Report:				
None				

Monthly Litigation Report to the Nevada Department of Transportation - July 10, 2014				
Case Name	Nature of Case	Outside Counsel to Date		
		Fees	Costs	Total
Torts				
Antonio, James S. vs. NDOT	Plaintiff alleges negligence causing personal injury			
Ariza, Ana, et al. vs. Wulfenstein, NDOT	Plaintiff alleges wrongful death			
Discount Tire Company vs. NDOT; Fisher	Plaintiff alleges negligence and personal injury			
Francois, John A. vs. NDOT	Plaintiff alleges negligence and personal injury			
Harris Farm, Inc. vs NDOT	Plaintiff alleges negligence and personal injury			
Jorgenson & Koka, LLP	Plaintiff alleges negligence causing property damage			
Marshall, Charles vs. State, NDOT	State awarded costs. Appeal of arbitration pending.			
Mullen, Janet vs. NDOT	Plaintiff alleges personal injury			
NDOT vs. Tamietti	NDOT seeks injunct. relief to prevent closing access			
Oneal, Brenda vs. NDOT	Plaintiff alleges negligence causing personal injury			
Richard, Eboni vs. NDOT	Plaintiff alleges negligence causing personal injury			
Windrum, Richard & Michelle vs. NDOT	Plaintiff alleges negligence and personal injury			
Woods, Willaim and Elaine	Plaintiff alleges wrongful death			
Zito, Adam vs. NDOT	Plaintiff alleges negligence and property damage			
Contract Disputes				
Peek Construction vs. State, NDOT	Plaintiff alleges delays on Contract 3377, SR 207	\$ 634,331.00	\$ 108,719.75	\$ 743,050.75
Peek Construction vs. State, NDOT	Plaintiff alleges delays on Contract 3407, US-93	\$ 144,578.00	\$ 4,991.00	\$ 149,569.00
Personnel Matters				
Akinola, Ayodele vs. State, NDOT	Plaintiff alleges 14th Amendment - discrimination			
Lau, Stan vs. State, NDOT	Nevada Supreme Court affirmed summary judgment and award of attorney fees and costs; attempting to collect fees and costs			
Cases Removed from Last Report:				
Deming, Jerry Lee vs. Manha, Granite, NDOT	Motion to Dismiss granted			

8/4/2014

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

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

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

CURRENT			SAME DATE LAST YEAR			# CHANGE	
Yesterday	Crashes	Fatals	Yesterday	Crashes	Fatals	Crashes	Fatals
MONTH	3	4	MONTH	5	5	-2	-1
YEAR	134	150	YEAR	137	153	-3	-3

CRASH AND FATAL COMPARISON BETWEEN 2013 AND 2014, AS OF CURRENT DATE.

COUNTY	2013 Crashes	2014 Crashes	% CHANGE	2013 Fatalities	2014 Fatalities	% Change	2013 Alcohol Crashes	2014 Alcohol Crashes	% Change	2013 Alcohol Fatalities	2014 Alcohol Fatalities	% Change
CARSON	4	2	-50.00%	5	2	-60.00%	1	0	-100.00%	1	0	-100.00%
CHURCHILL	1	2	100.00%	1	2	100.00%	0	0	0.00%	0	0	0.00%
CLARK	106	87	-17.92%	114	93	-18.42%	23	9	-60.87%	24	10	-58.33%
DOUGLAS	4	2	-50.00%	4	2	-50.00%	1	0	-100.00%	1	0	-100.00%
ELKO	1	6	500.00%	2	9	350.00%	0	1	100.00%	0	1	100.00%
ESMERALDA	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%
EUREKA	0	2	200.00%	0	3	300.00%	0	1	100.00%	0	1	100.00%
HUMBOLDT	2	4	100.00%	3	4	33.33%	0	0	0.00%	0	0	0.00%
LANDER	0	3	300.00%	0	3	300.00%	0	2	200.00%	0	2	200.00%
LINCOLN	4	0	-100.00%	4	0	-100.00%	2	0	-100.00%	2	0	-100.00%
LYON	1	5	400.00%	3	6	100.00%	0	2	200.00%	0	2	200.00%
MINERAL	1	0	-100.00%	1	0	-100.00%	1	0	-100.00%	1	0	-100.00%
NYE	5	3	-40.00%	8	4	-50.00%	1	0	-100.00%	1	0	-100.00%
PERSHING	1	1	0.00%	1	1	0.00%	0	0	0.00%	0	0	0.00%
STOREY	0	1	100.00%	0	1	100.00%	0	0	0.00%	0	0	0.00%
WASHOE	11	21	90.91%	11	25	127.27%	3	1	-66.67%	3	2	-33.33%
WHITE PINE	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%
YTD	141	139	-1.42%	157	155	-1.27%	32	16	-50.00%	33	18	-45.45%
TOTAL 13	246	-----	-43.5%	267	-----	-41.9%	56	-----	-71.43%	63	-----	-71.43%

2013 AND 2014 ALCOHOL CRASHES AND FATALITIES ARE BASED ON VERY PRELIMINARY DATA.

COMPARISON OF FATALITIES BY PERSON TYPE BETWEEN 2013 AND 2014, AS OF CURRENT DATE.

COUNTY	2013 Vehicle Occupants	2014 Vehicle Occupants	% Change	2013 Peds	2014 Peds	% Change	2013 Motor-Cyclist	2014 Motor-Cyclist	% Change	2013 Bike	2014 Bike	% Change	2013 Other moped,sc ooter,atv	2014 Other moped,sc ooter,atv
CARSON	3	0	-100.00%	2	0	-100.00%	0	3	300.00%	0	0	0.00%	0	0
CHURCHILL	0	1	100.00%	0	0	0.00%	1	1	0.00%	0	0	0.00%	0	0
CLARK	62	36	-41.94%	31	29	-6.45%	17	21	23.53%	3	1	-66.67%	1	4
DOUGLAS	4	1	-75.00%	0	0	0.00%	0	1	100.00%	0	0	0.00%	0	0
ELKO	2	9	350.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0
ESMERALDA	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0
EUREKA	0	3	300.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0
HUMBOLDT	3	4	33.33%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0
LANDER	0	2	200.00%	0	1	100.00%	0	0	0.00%	0	0	0.00%	0	0
LINCOLN	3	0	-100.00%	0	0	0.00%	1	0	-100.00%	0	0	0.00%	0	0
LYON	3	3	0.00%	0	2	200.00%	0	1	100.00%	0	0	0.00%	0	0
MINERAL	1	0	-100.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0
NYE	5	4	-20.00%	1	0	-100.00%	2	0	-100.00%	0	0	0.00%	0	0
PERSHING	1	1	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0
STOREY	0	0	0.00%	0	0	0.00%	0	1	100.00%	0	0	0.00%	0	0
WASHOE	4	9	125.00%	2	4	100.00%	5	6	20.00%	0	3	300.00%	0	2
WHITE PINE	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0
YTD	91	73	-19.78%	36	36	0.00%	26	34	30.77%	3	4	33.33%	1	6
TOTAL 13	132	-----	-44.70%	70	-----	-48.57%	53	-----	-35.85%	7	-----	-42.86%	5	-----

Total 2013 267