



Department of Transportation  
Board of Directors  
Notice of Public Meeting  
1263 South Stewart Street  
Third Floor Conference Room  
Carson City, Nevada  
November 10, 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. October 13, 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. Condemnation Resolution No. 447 – *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 – 1 owner; 1 parcel
8. Resolution of Relinquishment – *For possible action.*  
  
Disposal of NDOT right-of-way located along portions of existing IR-15, north of Sunset Road and south of Tropicana Avenue, Las Vegas, NV SUR 12-26
9. Approval of Using Design-Build Procurement Method for USA Parkway (SR-439) Project – *For possible action.*
10. Discussion and Possible Approval of the Annual Work Program Fiscal Year (FY) 2015, Short and Long Range Element FY 2016 – 2024 and Possible Acceptance of the Statewide Transportation Improvement (STIP) FY 2015 – 2018 – *For possible action.*
11. Update on the Disadvantaged Business Enterprise (DBE) Program – *Informational item only.*
12. Old Business
  - a. Report of Outside Counsel Costs on Open Matters – *Informational item only.*
  - b. Monthly Litigation Report – *Informational item only.*
  - c. Fatality Report dated October 21, 2014 – *Informational item only.*
  - d. Update on the Research Program – *Informational item only.*
  - e. Update on Road Relinquishment Efforts – *Informational item only.*

13. Public Comment – limited to no more than three (3) minutes. The public may comment on Agenda items prior to action by submitting a request to speak to the Chairman before the Meeting begins. *Informational item only.*
14. Adjournment – *For possible action.*

**Notes:**

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

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Governor's Office  
Capitol Building  
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Clark County  
200 Lewis Avenue  
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Governor Brian Sandoval  
Lieutenant Governor Brian Krolicki  
Controller Kim Wallin  
Frank Martin  
Tom Skancke  
Len Savage  
Tom Fransway  
Rudy Malfabon  
Bill Hoffman  
Dennis Gallagher

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Sandoval: Good morning, ladies and gentlemen. I will call the Department of Transportation Board of Directors meeting to order. Can you hear us loud and clear in Las Vegas?

Wallin: Yes, we can, Governor. Good morning.

Sandoval: Good morning. We'll proceed with Agenda Item No. 1, which is the presentation of retirement plaques to 25-plus year employees. Mr. Director.

Malfabon: Thank you, Governor. As has been the trend lately, a lot of retirements unfortunately, but we're grateful for the years of service for all the employees to NDOT and to the State of Nevada. I'm going to go ahead and read off the names and then invite those that are present to come up for a photo opportunity with the Board members that are present here in Carson City.

First on the list is, as many of you know, Rick Nelson, Assistant Director of Operations recently retired with 30 years of service. Tom Greco, another assistant director for Planning and Program Development retired with 27 years of service. Jeff Dodge, Maintenance Management Coordinator II, 33 years of service. Michael Sortor, Highway Maintenance Worker III, 26 years of service. Andrew Rodriguez, Highway Maintenance Supervisor II, 31 years of service. Janet Peters, Transportation Technician IV, 26 years. Loretta Capurro, Staff II Associate Engineer in our Construction Division, 28 years of service. Jim Ceragioli, Supervisor III and Associate Engineer in Safety, 27 years. Darrell Hylton, Highway Maintenance Supervisor I, 26

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years of service. And last but not least, Trudy Quong, Supply Technician II, 25 years of service. And I would like the audience and Board just to join me in a round of applause for those (inaudible).

I saw Rick Nelson earlier today. Are there any others that I had mentioned on the retiree list? And, Governor, I wanted to mention that Tom Fransway has joined in on the telephone, so...

Sandoval: Yeah. Tom, can you hear us clearly?

Fransway: Governor, no, you're breaking up real bad. It's just off and on.

Malfabon: We'll try to talk louder.

Sandoval: Is this better, Tom?

Fransway: Can you hear me okay?

Sandoval: I can hear you perfectly. Can you hear me now?

Fransway: Yes, better now.

Sandoval: Okay. Well, I'll just ask each of the members to speak very close to the microphone for the benefit of Member Fransway.

Fransway: Thank you, Governor. Thank you, members.

Malfabon: If we could--perhaps, Governor, if I could also do the awards and that way the Board members wouldn't be inconvenienced by having to come up twice, and I'm going to have Rick come up at one time. The awards this quarter, the TRPA gave us the Best in the Basin Award for the U.S. 50--Highway 50 Spooner Summit Wall north of Glenbrook. TRPA recognizes projects that demonstrate exceptional planning, design, and overall compatibility with the Lake Tahoe environment. NDOT was presented for the award for their innovative reinforcement soil slope treatment technique that provides a more natural look, promotes infiltration, reduces pollutants, improves safety, and reduces maintenance.

The project is part of NDOT's dedication to helping to preserve the Lake Tahoe environment, not only meet the TRPA's requirements for beauty and environmental sensitivity, but NDOT's requirements for strength, stability, and durability as well. So when we present the award to those, if we could

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have just waiting in the wings here, Matt Nussbaumer and John Angel, if they're here. John was the resident engineer. Granite Construction did the construction project for us on that one, and Mat Nussbaumer works in our hydraulics division.

And we also won these nice awards here that look like Oscars practically. They're called the Telly Award, and it's a national award. NDOT and the Nevada Department of Public Safety--I'm glad to see our director from DPS here--jointly won three bronze Telly Awards for outstanding public service TV messages--public service announcements. So the Zero Fatalities traffic safety campaign PSA won in the commercial public service category. Telly Awards are the communication industry's most prestigious awards honoring film, video, online productions, and TV commercials. This year, more than 12,000 were submitted from every state and across five continents.

And what I wanted to mention that this was also in partnership with our consultants, Penna Powers, Brian Haynes. They're doing a very good job for us, very professionally produced materials for our Zero Fatalities campaign. And the ones that they honored were the You're Dead TV spot and the Walking Wife. You recall, Governor and Board members, the Walking Wife where it just makes people think about that that is a loved one, that is a person that someone cares about that's walking or biking, and we have to watch out for them as we're driving down the road, to watch out for people that are more susceptible to injury when they're in those crashes with vehicles. So congratulations to that group. And I'd like to also call out Meg Ragonese from our Communications Office, Jaime Tadeo and Traci Pearl from the Office of Traffic Safety to be waiting in the wings for that photo opportunity.

Sandoval: And before you move on, Rudy, I thought one of those was for the marker face.

Malfabon: Yes, where's the--

Sandoval: We have three of those. And for those regulars that are at this meeting, the marker face was the subject of some discussion and wondering. And us old-timers--yeah, now you remember, Rudy.

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Malfabon: Yes. Well, I was laughing because Director Wright even told me that he didn't get it, so...

Sandoval: And one of the explanations was that it really reached out to a younger demographic. And it turns out that that's exactly what it did, and was very well done, and it's really a pleasure to see those awards. So I just wanted to say that, because I stand corrected...

Malfabon: Yes. Thank you, Governor.

Sandoval: ...and I'm glad it worked out really well.

Malfabon: And Traci Pearl just mentioned that Director Wright, on behalf of DPS, won the Davey Award, which is even a higher award in that recognition. And last but not least, we're going to honor Julie Duewel. Each year, AASHTO has Faces of Transportation Award for photographs that show transportation projects, and she had a photograph of the Tahoe Shared Use Bike Path. And one of the things that AASHTO tries to do is to show not only construction projects, but how transportation affects people, whether it's workers on the job or the public. And she took a photograph during the dedication ceremony for the second segment of the State Line to State Line Bikeway Path project that was selected by AASHTO for that Faces of Transportation competition. And I think it's Julie's second time that--at least the second time that she's been honored.

So if we could, we'll first start with photo opportunities for...

Sandoval: Do you have the photograph, Rudy?

Malfabon: Yes. Here's the photograph. This is--is this the actual photograph, Julie?

Sandoval: Will you pass it around?

Malfabon: We'll first start with the retirements and have Rick Nelson's photo opportunity and then I'll call up the names of the folks and have the awards kind of shown for the benefit of the Board members and the public, so...

Sandoval: No, on behalf of the Board and everyone, I'm sure, in Las Vegas, we want to thank you, Rick, for your many, many years of service and (inaudible).

Nelson: Thank you.

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Malfabon: Governor, that concludes Items No. 1 and 2. If you'd like, I can continue on to the Director's Report.

Sandoval: Yes, please proceed with the Director's Report.

Malfabon: Okay. Obviously, what's been huge in the news is the efforts of NDOT in addressing a couple of instances of flooding on I-15 north of Las Vegas. Amazing amount of rainfall occurred coincidentally the last Board meeting date that we had, so that afternoon into the night huge amounts of rainfall. And that rain had to go from--it was coming from the Virgin River Gorge. I don't know if any of you saw those YouTube videos of waterfalls in that gorge. That water came all the way down past Mesquite into that Overton/Logandale area, Moapa and just inundated the freeway, overwhelmed our flood control system. And I don't know what kind of system that you would have had in place to handle this much water, but it was an amazing amount of water that came through there and devastated the freeway. Next slide, please.

So over four inches of rain in an hour, and then we had to close that. Luckily, we--Governor, you acted quickly and issued that emergency declaration, and made us eligible to receive the federal funding. I'm grateful to our federal partners from Federal Highway Administration. They're not present today, because it is a federal holiday, Columbus Day. But I wanted to thank them for their efforts in assisting us. And because we had Las Vegas Paving actively working on a construction project, they were able to do the repair work by a change order. So we had, by the end of the week--that was on a Monday night the rain was hitting very hard. By Friday afternoon, we had one lane each direction open on I-15 and then about a week later we had all lanes open. Then we had another flood event towards the end of September, north of the previous area that had washed out. So we did an emergency contract, because that was not an active construction contract. Las Vegas Paving did win the bid and, again, the federal partners, FHWA, is providing the emergency repair funds for that, so we appreciate the efforts. Next slide, please.

Definitely, Mary Martini did an awesome job, along with her staff and Maintenance and Construction. I-15 was not the only road that was affected. Several state routes were affected and had to be repaired quickly. That detour--just working with the Nevada Trucking Association, Paul

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Enos, we received some information about how long were the delays to commercial vehicles. And on average, just that five-hour delay for that many trucks going there, at an average cost delay of about \$67 per hour per researchers, that's about a \$2 million a day delay just for the cost to commercial vehicles, let alone to the other traffic that had to go that route and the delay time that they had to go through.

So I wanted to also say that the support divisions at NDOT did a great job, and the public information staff--all the staff were just inundated with phone calls, with Tweets, with Facebook posts and they did a great job at addressing those. And I wanted to extend my appreciation to all of NDOT that was affected by that flood and that really were responsive and responsible in getting that road back open to traffic. So a round of applause, please, to those folks at NDOT.

And our Communication staff did a great production of a video that we're not going to show today, but it's about a six-minute long video. But, it really gave the back story of what happened and what we did to be responsive to the needs of the public to repair that section of I-15. And you can probably just change the dates and it was the same thing again just a few weeks later unfortunately. But I just wanted to highlight that...

Sandoval: Do you that today, Rudy, that video?

Malfabon: I don't, but we can show it towards the end, Governor. It's about a...

Sandoval: Yes.

Malfabon: ...it was very well-produced.

Sandoval: We don't have to watch the whole thing, but I'd love to see a part of it, just to see the before and after.

Malfabon: Mm-hmm. Sure. Next slide, please. A dryer subject, federal funding. I couldn't help myself. Sorry. So I had reported previously that the transportation bill, MAP-21, was extended through the end of May next year, and a continuing resolution was passed so the budget appropriations was approved through December 11<sup>th</sup>. Now, when they...

Skancke: Rudy...

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Malfabon: Yes.

Skancke: ...can I interrupt just for the--I don't know if this requires a motion, Governor, but this is actually your first joke...

Malfabon: Was it?

Skancke: ...and it was well-placed.

Malfabon: Thank you, Tom. So the continuing resolution, also called a CR, it was--gives us our federal funding through December 11<sup>th</sup>. So further action is obviously going to be needed to get through the rest of the federal fiscal year, but we'll receive about \$64.5 million through the rest of--through December 11<sup>th</sup>. That's proportional of what the obligation authority is that Nevada receives for the federal fiscal year for that period of time through December 11<sup>th</sup>. And typically, in that last quarter of our calendar year, that's when we convert for the bond payments that we've been making, the debt service for the bonds. So it is timely that we do receive that funding to keep the highway trust--or state highway fund healthy. Next slide, please.

Another good story was that our folks in Financial Management do a great job of looking for opportunities to receive additional obligation authority. The only way to do that is to make sure that we've got all our projects out on schedule and that we're obligating all the federal funds that we receive. So there's two opportunities, August redistribution which happens earlier than last day funds right at the end of the federal fiscal year, September 30<sup>th</sup>. So we received about \$11.1 million in August redistribution, and we didn't receive any last day funds, but that's typically been the trend in the last three or four years. They're not as available as they were in years past. But you can see from that last point on that slide that we've received over \$135 million in the last 11 years from our Financial Management staff doing their work in obtaining other states' obligation authority that's not spent. Next slide, please.

Update on Project NEON. Our staff--we're a week ahead of schedule on issuing the request for qualifications. That was issued September 24<sup>th</sup>, and we had an industry day with interested parties. About 77 people in attendance there including the NDOT staff. But the bulk of those people in attendance were interested parties, contractors, engineering firms, different

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subconsultants and subcontractors attended that. So the request for qualification responses are due November 20<sup>th</sup>, and I'm scheduled this month, October 22<sup>nd</sup>, to give an update to the Interim Finance Committee. We did present to Senator Smith and others from LCB, Northern Nevada legislators that were available. A few weeks ago, Robert Nellis was able to give that briefing. We've also reached out to Speaker Kirkpatrick to do the same in advance of the October 22<sup>nd</sup> IFC in Southern Nevada, depending on their availability. Next slide.

Here's the procurement timeline. You can see that the statement of qualifications are due in November, and then we'll have a shortlist announce early next year, issue the draft RFP as soon as that's done, and the final RFP sometime around March of 2015, with the proposal due date in the early part of July. And the selection would be approved by the Board around September, after we--it takes a lot of effort to--for the technical staff to go through those proposals. Those proposals are combined with the technical score with the price, I think 60% price, 40% technical score. And then the Board would approve the award of that project towards the--about a year from now, and then we'd be on our way with construction in 2016 for several years. Next slide.

Regarding the right-of-way budget. We have expended about \$12 million of that \$100 million bond proceeds for right-of-way and a lot of offers are going to be going out shortly to property owners. We've had discussions with Board members about concerns with the right-of-way budget, but we agreed that we would keep everybody informed of the status. Cole Mortensen, our project manager, will give quarterly updates with more detail and I'll cover them as needed on the Director's updates on a monthly basis. So discuss legal cases and settlements with Board members ahead of time so that even before Board of Examiners approval of settlements that the Board is more aware of what's happening, how we're doing on the budget, and that we are mitigating some of those right-of-way risks. Next slide.

What we're doing to mitigating those risks, we have Laura Fitzsimmons on hand to assist us with strategic direction, working with our right-of-way staff, our legal folks from the Attorney General's Office, and outside counsel. The outside counsel doesn't--other outside counsel doesn't attend the strategic meeting, but they receive the direction that we discuss amongst

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ourselves in those biweekly discussions. And we're also developing new management tools to better anticipate what the right-of-way estimates should be as they become revised, as we get new appraisals in or we see sales occurring in that area of Las Vegas that we can adjust our estimates and revise our processes if necessary. As we've stated in the past, we've got our processes established in our right-of-way manual, which is approved by the Federal Highway Administration and it follows the Uniform Relocation Act, a federal law for us acquiring the right-of-way through--it's going to be federally reimbursed. And we think that we're fair in that process, but our process has not been revised in--I think that with PISTOL being enacted and eminent domain law in Nevada, and we see court cases ruling certain ways, we need to probably look at our processes so we can be more timely and effective at managing our right-of-way acquisition process.

We also are selective on settlements. We'll go to court where appropriate, and in some cases where we feel that we've received a bad judgment that we can't accept, we'll appeal to the Nevada State Supreme Court where appropriate, and stay on top of eminent domain cases where other public agencies are facing the same challenge of dealing with this era of new eminent domain law changes in Nevada since PISTOL was enacted in our state constitution. Next slide.

Update on I-11. The RTC of Southern Nevada has their Phase 2 design-build project proposals are due on October 16<sup>th</sup>. Both NDOT's Phase 1 project and RTC's Phase 2 project are covered under the environmental impact statement for the entire project. So we're doing the reevaluation of that environmental document for naturally occurring asbestos with a public meeting scheduled for October 21<sup>st</sup> in Boulder City. As I've stated in the past, we've not seen any test results that are of major concern for us that are going to cause major delays to the project, but we have to go through this process to inform the public what we're going to be doing on our project. And then, the construction project will advertise October 29<sup>th</sup> for the NDOT first phase for a seven-week period. RTC of Southern Nevada will select their design builder on December 11<sup>th</sup> during their RTC Board meeting. So it's prior to our bid opening expected on December 18<sup>th</sup>. Governor, do you have a question?

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Sandoval: I do. Will there be an element of consideration to use the same contractor on both projects or is that (inaudible)?

Malfabon: The RTC will select theirs first and they're going to do it similar to ours based on price and technical proposal, so a combination of those two factors. Ours is going to be a design-bid build, so low bid will win, but most likely, that will affect economies of scale on the bidders, so that if a week prior the successful firm design-build team, that contractor that's on that team might lower their price just because they don't have to charge NDOT for the mobilization to come in because they've already recouped--anticipated to recoup it on the RTC project. Next slide, please.

Update on others. Governor, we appreciated you coming down there for the celebration on September 19<sup>th</sup> for the I-15 Cactus Interchange project. Two months ahead of schedule, so great work by our contractor, Las Vegas Paving and our contract management folks. Sami Yousuf was the RE on that project. And up here in Northern Nevada, Mt. Rose Highway, a great job by Granite Construction on finishing that. You recall that they were looking at ways to try to finish it in one season, and they did their best to do it, and they accomplished that feat very well, good quality work. So that paving is completed. And to do it in the midst of some of these special events up here in Northern Nevada that are week in, week out, I think that they did a great job.

Kingsbury Construction Manager at Risk project, full closures ended October 7<sup>th</sup>, and we're substantially completed on that project. Again, a very successful project. I see Pedro in the audience. Good job, Pedro, managing that project along with John Angel and the construction side for NDOT. And Q&D did a great job for us on that project, as well as the I-80 Carlin Tunnels Construction Manager at Risk, Q&D substantially completed that one recently.

Sandoval: Yeah. Another question, Rudy. Thank you and I apologize for interrupting.

Malfabon: No problem.

Sandoval: But in a previous meeting, Member Martin had asked about change order requests on the Kingsbury project, and you were going to provide that to the Board.

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- Malfabon: Pedro, could you come up and address that? Thank you.
- Rodriguez: For the record, Pedro Rodriguez, NDOT Project Manager. We only have one change order request for the Kingsbury project is a no-cost change to add the Buy America clause into the specifications.
- Malfabon: Very good.
- Sandoval: Frank, did you have any additional follow up?
- Martin: No, sir. And thank you for the follow up. I had that on my list of stuff. But that's all I wanted to know. Thanks.
- Malfabon: Thank you, Governor.
- Savage: One moment, Governor and Mr. Director. I too would like to compliment both the contractor and the NDOT staff on a very challenging project, both at Kingsbury and Mt. Rose. And I think it was very complimentary to the contractor and NDOT staff. So I--much appreciation and congratulations.
- Malfabon: Thank you, Member Savage. On other updates, next slide, please.
- Krolicki: Excuse me, Rudy...
- Malfabon: Yes.
- Krolicki: ... again. I'm sorry.
- Malfabon: Lieutenant Governor.
- Krolicki: If this is the time to say congratulations and thank you. As someone who resides off of Kingsbury Grade, a project that could have been quite devastating for the community, was just done impeccably well. So, again, I just want to say thank you to NDOT and our folks at Q&D for executing that so well.
- Malfabon: Thank you. Next slide, please. Recently started the repaving of U.S. 50, near Mound House and the safety improvements. We'll be continuing those paving operations through 2015, to complete that project. And, I wanted to mention that we're very well aware, as I'm sure Director Wright is aware of these wild horse hits on U.S. 50, an unfortunate fatality involving a motorcyclist recently. So, NDOT is going to investigate the possibility of a

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speed limit reduction. We've discussed before how we go about establishing speed limits, but I know that our assistant director of Engineering and chief engineer, John Terry, has been looking into other states and their policies to see how they address these types of issues, because we have a certain procedure of looking at the 85<sup>th</sup> percentile of drivers are driving so--at what they consider a safe speed limit. But in some cases, these factors should be also considered, such as if there's wild horses getting into the right-of-way, causing some safety concerns, then we should consider that as well.

So, John Terry and his staff will continue to look into the possibility of a speed limit study in that section and possibility of reduction, and also look at right-of-way fencing options. He's had his staff already looking into the cost of that. One of the concerns is that wild horses, which have been the issue out there, might still get into the right-of-way through the multitude of driveways and approaches that would be breaks in that fencing. So once a horse gets in there they might be unable to find where to get out, so they might be trapped in there. So, that's a concern with that, but we can at least investigate what the options are and how much the costs are to do that. Next slide.

We recently started the concrete paving rehabilitation contract up here in Reno. You can see some of the work has started on that section from Glendale down to Moana on the concrete paving. And the south parking lot will be repaved over three consecutive weekends here in Carson City, so they'll not affect the Department of Motor Vehicles and NDOT with our employees and customers using that parking area during the week. So that work will happen on weekends. We have street completion on I-15, which we've been doing jointly with the City of Las Vegas. The City of Las Vegas has taken the lead on coordinating about a mid-November media event. They're planning on doing it on the evening or the weekend so they don't affect the project during the day. But we're pleased to see that that project is wrapping up. The community is very pleased with the aesthetics that have been implemented on that project that's just wrapping up, and hopefully we'll get that event scheduled shortly. Next slide.

I wanted to make the Board aware of a recent bid protest on Contract No. 3577, repaving of U.S. 95 north of Las Vegas. And it had to do with an NRS change related to listing of 1% and 5% subs. In the case of this

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project, we determined that we actually had received that information, so it was a duplicate form that was required. But, because we used electronic bidding on this, and the contractor did provide the information in the time frame that we required, but there was an additional form that was paper form that was trying to comply with this NRS. But we discussed it with legal; they determined that it was a technicality, because we did receive the information. The legislative intent here is that the contractor list those subs so that there's no bid shopping after the fact, and it's within two hours of receipt of those bids.

Since we received that information, it didn't make sense to reject the bids on a technicality, so we determined that the bid was acceptable. But the bid protest is saying that, no, you shouldn't have accepted that because that form came in a little bit later than it--the paper form came in a little bit later. But, we did receive the information in a timely manner, in our opinion. It'll be up to the contractor now that we formally rejected the bid protest, to determine if they want to take that to court. So they have recourse if they so choose. Next slide.

An update on the operational audit. We made revisions based on comments received. And I wanted to thank Controller Wallin for offering one of her staff to participate on the selection panel. And we'll release that RFP this month. And in consideration of the holidays coming up, we probably won't have the selection finished until December, and then we'll start work on that operational audit in the first quarter of 2015. And the Board will approve the contract of the selected firm or the team that's going to do this operational audit for NDOT. Next slide.

Upcoming meetings. We have the I-11 Boulder City Bypass environmental reevaluation for naturally occurring asbestos, which I mentioned, October 21<sup>st</sup> in Boulder City. USA Parkway, the environmental study, so the draft was approved by the Federal Highway Administration, but this is--following the process, we have to have the public meeting on November 5<sup>th</sup> to approve the--is a step in approving the final environmental document, the environmental assessment for that project. And you'll have a presentation on digital outdoor advertising billboards coming up, but we'll schedule those public meetings for Southern and Northern Nevada on that issue. Next slide.

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Recent settlements. The Board of Examiners did approve the Railroad Pass Casino settlement, which is contained in your Board packet. Coming up tomorrow at Board of Examiners is the Peek Construction claim, which Travelers was the surety on that, so we were dealing with Travelers on this settlement, and so we settled for about \$1.6 million. But we also agree that there was uncontested amounts of money that--such as we were withholding the retention that the contractor was due. So net total to NDOT is nearly \$1.5 million on--and this involved three different construction contracts. So Board of Examiners will consider this one tomorrow. Jenkins is a parcel related to Project NEON, \$1.6 million. And City of L.A. was a property owner on Boulder City Bypass Phase 1 and NDOT's project right next to the railroad track there in Henderson, and that's a proposed settlement of \$343,500. And that's going to the Board of Examiners tomorrow as well. With that, available to answer any questions from the Board members.

Sandoval: Thank you, Director. One question for me is the status of the EPA situation up at Tahoe and the hiring of the engineer positions and such.

Malfabon: Yes. We have interviews set up for the--we've hired positions for storm water management in the districts. They're going to work directly for Headquarters Environmental Division, but they're located in the district so they can manage our maintenance and construction operations. And those interviews are scheduled--we actually hired one in each area, so Reno, Elko, and Las Vegas. We have one position--we added additional positions in each one of those areas, so those interviews are for the additional positions. We also staffed up here in headquarters. And the U.S. EPA attorney had reached out to your chief counsel to schedule that meeting with NDOT and Nevada Division of Environmental Protection, NDEP. So we'll have that by the end of the month. But, good news was that they're indicating that they're not looking at a fine to the Department of Transportation or State of Nevada. They're looking at discussions. And we can show them, when we meet later this month, that we are accelerating those efforts by our consultant. We're hiring the staff. We're really working with my deputy director, Bill Hoffman, and leading the charge here to change our culture in storm water management.

Sandoval: Thank you. And I'm going to take questions from Board members. I'll start in Southern Nevada. I understand Member Martin has some questions.

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Martin: Yes, sir. Rudy, on the settlement with--on the Peek deal, I just did a rough calculation on the last--one of the last exhibits in today's Agenda. It's Page 244 or 245. Right now, to date, the way it looks, we've spent \$1,495,000 on legal to settle that, and we coincidentally got \$1,497,000 back from Peek. So really, we're not talking--we're talking about a net zero and we're not done, because they see there's another \$138,000 in legal fees being asked for today, for Snell and Wilmer on this very same case.

Malfabon: Member Martin, I'm going to have--unfortunately, we--I've got the information here. We could share it with you what's going to Board of Examiners. But this was one that we did use Snell and Wilmer, very capable outside counsel to negotiate with Travelers on this. We felt that it was a fair settlement for the state considering that there were upwards of \$4 million, I think, in costs that they were alleging that we owed them. So all in all, you have to consider what they were saying we owed them, what we felt they owed us on these three construction contracts, and definitely was a complicated issue, but we felt that it was a fair and equitable settlement. I don't know if Dennis Gallagher, our chief counsel, has any additional...

Martin: Rudy, please don't misunderstand me. I wasn't pointing fingers or anything. I just wanted the Board to know what the overall cost of this legal stuff is, and why we get a settlement and that's great, because it's \$1.5 million we didn't have before. We still spend \$1.5 to get it. And so, we really ended up at net zero. And you're right, we did possibly eliminate some liability on the end through good negotiations and good legal work. These things--my overall point, and we've talked about this in the CWG, is we need to take measures in the beginning--and I tried to do that six years ago--five years ago. We need to take measures to keep ourselves out of court, because there is never a winner when we go to court.

Malfabon: Well-said, Member Martin. I know that legal--outside counsel legal costs are very expensive and we definitely want to manage that well. I think that Snell and Wilmer did some great work for us, but we have to be cognizant of how much that effort costs, when we're paying outside counsel.

Sandoval: Do we ever--I know we've had this conversation, but do we go through the bills and make sure that--and, again, I'm not trying to suggest anything, but these are huge legal bills. And my recollection of the conversation is that we had left money there in the event that this had gone to trial. And since

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it's settled, we didn't think we were going to have spend it, but we ended up spending it anyway.

Gallagher: Governor, for the record Dennis Gallagher, Counsel to the Board. Every invoice from every outside law firm consultant under contract, is reviewed by a deputy who has to sign off on it before it's routed for payment. And I'll point out that I believe the figure that's reflected in today's package was the amount that the Board approved last month. So now, it's reflected as--since it was approved, it's now on the spreadsheet. So it's not additional monies. It's what was approved last month, and I do believe that we've received the last invoice on this and it should drop off the report either next month or the month after that.

Sandoval: It is--and I--it's been a while since I've been in private practice, but do we get any kind of volume discount?

Gallagher: We negotiate the rates with each individual law firm. Do we get a volume discount? Not in these construction cases because, pardon me, but knock on wood, we don't have that many construction-related cases. We do get volume discounts in some of our other cases such as the condemnation cases.

Sandoval: Okay. Thank you. Member Martin, do you have additional questions?

Martin: No, Governor. Thank you.

Sandoval: Other questions from Southern Nevada?

Malfabon: Governor, we do have the video loaded, so if you would like we could show it right now for the I-15 event (inaudible).

Sandoval: Why don't we--what I'll do is go through the questions before your...

Malfabon: Okay.

Sandoval: ...presentation, and then we'll go to the video.

Malfabon: Great.

Sandoval: Member Savage.

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Savage: Thank you, Governor. And to follow up on the Governor's concern and Member Martin's concern, not so recently--I mean, I'm sorry, recently Tracy Larkin and a couple district engineers met with myself and it's a very high level concern on these legal costs. So we're going to talk about job costing appropriately, in order to defend the Department and the state to mitigate the legal expenses if we start seeing a project of sort going in the wrong direction. So we'll play a little more defense, I think, from the construction-job-costing perspective, and understanding that the goal here is to put the pavement on the roads, rather than spend it towards legal costs. So I think we'll work towards that, Governor, and thank you.

Sandoval: Thank you. Other questions from Board members, on the Director's Report? Member Skancke.

Skancke: Thank you. Thank you, Governor. I just have a couple of comments. One, first of all, Rudy, you and your team on I-15 and, Governor, for declaring the emergency, superb job. And I'd also like to congratulate and thank Las Vegas Paving for quick response. As everyone knows, that's the lifeline to Southern Nevada's economy, and the fast response of getting that done, I think, is a true definition of what a public-private partnership really is. That's where the private sector and the public sector come together to make that happen. So congratulations, and thank you for that hard work.

On the redistribution again, congratulations. I know exactly what that process looks like. And I don't think that should go unrecognized by the Board and the public of what that means to our state and that we do that well on a regular basis. And that accumulation over the past 11 years is just hard work by your team getting projects out so that we can get more money when that redistribution happens. And that's just being prepared and getting work done. Again, Project NEON being a month ahead of schedule, bravo. I mean this is the type of thing that the public needs to hear where one month actually saves money. We're criticized if we're two months late, but we don't get the kudos if we're one month early or a week early.

So--same thing on the Cactus Interchange, I mean finishing projects early saves the taxpayers' dollars. I-11 progress, same thing. I think what it says about the Department and the leadership of the Governor and this Board is that things are getting done in this state. Unfortunately, we don't get the message out, which I think is something that we should probably work on as

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an organization to work better with the private sector on helping us get these messages out. So maybe it's AGC, maybe it's other organizations like mine that can help with that, and I think it also goes to legal costs. The public, I think, has to have a better understanding of what these things cost and where we can save where we can save. But, these are taxpayers' dollars that are putting Nevadans to work and getting projects done, and I think we have to work better as a state and as a community on getting the message out to the public of the things that we're doing, but more importantly the cost of some of these things. So, I'm happy to help and volunteer where we can there. But Member Savage's point of the cost of legal bills, it--I think the public has to understand that there's a lot of cost involved here as it relates to acquiring these pieces of property and moving projects forward. So, Governor, thank you and well-done, Rudy. Thank you.

Malfabon: Thank you.

Martin: Governor, I have one more comment.

Sandoval: All right. Please proceed.

Martin: I drove I-15 this weekend, Saturday, going both ways, north and south. And the first thing I--when I walked in the room this morning, I asked Tracy, "where you spent \$1.5 million up there?" But she gave me a good answer in that you don't see it when the job is well-done. And as I drove it, it was apparent the work had been done, it was a lot of work that got put in place, and both lanes were wide open both ways. It was awesome to see such a fast response and such a fast completion of the work.

Sandoval: Thank you, Member Martin. And, Rudy, I think there were one other group of grants that were over \$1 million that the Department received for safety...

Malfabon: Yes. We recently received--and I think that between what Sondra Rosenberg has received for the I-15--the Mobility Alliance, which is a coalition of those states; California, Nevada and Arizona and Utah. That was over a \$1 million grant for that one. The state also received a \$100,000 grant from the SHRP2, Strategic Highway Research Program 2, on using some data that was collected from drivers in the cab of their vehicles with their--they had volunteered for that effort and instrumentation in their

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vehicles to try to--we're going to use it to improve pedestrian safety in the urban areas, so do some research along those lines. That was another grant recently, that we received. And then we've also--the Department of Public Safety in partnership with us received the grant for--to reduce fatalities on our roads from the USDOT. So there's also other grants such as that that when you add them up it's a substantial amount of money that both the state agencies, DPS and NDOT, receive to help mobility, movement of vehicles and highway traffic safety. So thank you for acknowledging that, Governor.

Sandoval: And before we leave this portion of the Agenda, Tom, did you have any questions?

Fransway: Yes, Governor, I do. Mr. Madewell isn't in the meeting room per chance, is he?

Malfabon: I don't see him, Tom.

Fransway: Okay. I'll ask these questions to the Director, maybe he can help me out. It relates to relinquishments. My question is, are we still on schedule? I know that the comments were supposed to be in by the end of August, and then we were going to submit the regulation to LCB to start the final scoping process. And then, it's my understanding that the Board was going to possibly make a decision on approving the regulation next year, April or May. And I'm wondering if that April and May we'll be in the middle of the legislative session. Will we be--will we need to somehow address the final decision with a BDR of some kind, and will April and May be too late to do that? So basically, are we still on schedule, Mr. Director, for relinquishments?

Malfabon: I will have to confirm that, Tom, but I believe that we are still on schedule. But what I'll do is check with Mr. Madewell, have Sondra check with Bob, and we'll get an e-mail out to the Board members letting you know where we're at on the schedule. And I think that you're correct. There's a different process when the legislature is in session to change those after the Board adopts those procedures and policies versus when it's out of session. So we'll look into that and be responsive to that in an e-mail to the Board members.

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Fransway: Okay. And a suggestion, perhaps to the Governor as chair, maybe we could have a formal report at the next meeting. Would that be possible, Governor?

Sandoval: Of course. And Rudy is nodding his head, so we'll have it...

Malfabon: Yes.

Sandoval: ...on the next Agenda.

Fransway: Okay. I appreciate that. Thank you, Governor, and thank you, Mr. Director.

Malfabon: Thanks, Tom. If we could...

Sandoval: Let's go to the video.

Malfabon: ...let's show the video and then we'll conclude the Director's Report.

(Video plays).

Malfabon: As you can see, Governor and Board members, a very well-produced video. And I wanted to express my appreciation to the Communication staff for that production and they're doing a great job in videography.

Sandoval: Yeah, incredibly well done. And just an amazing documentary on where we were, and what the cause was, and how we got there, and Las Vegas Paving, as you'll hear as well. I think Member Skancke was referring to it as too often, this type of story doesn't get told and folks kind of take it for granted. And, the amount of resources that we're marshaled and the extraordinary effort and people that were involved in getting this done just has a substantial ripple effect. And, had it gone longer than that it would have been a very different story. And just, as I said, when it comes to commerce, people being able to get home. Another thing that went a little bit unsaid was the impact on some of those smaller communities. I understand that Caliente, their sewer capacity--they couldn't handle all the things that were there. So moving this quickly really helped a lot of different people in the state. And as I said, this, you know, really documents it for the years to come and sets a pretty high bar, which is a good thing as well. Not only on behalf of the production of this, but in terms of what the Department has done.

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And I tell you, when you saw those little snippets of comments from people, that really gave me goose bumps, because that's where the compliments come, is the folks that are out there on the roads every day and how appreciative they are of what's been done. Thank you.

Malfabon: Thank you, Governor. That concludes the Director's Report.

Sandoval: All right then. We will move to Agenda Item No. 4, Public Comment. Is there any member of the public in Las Vegas that would like to provide comment to the Board?

Wallin: None down here, Governor.

Sandoval: Okay. Thank you, Madam Controller. We have a few folks that are signed in for public comment here in Carson City. We'll begin with Lori and Mark Wray, with regard to Agenda Item No. 11.

L. Wray: Good morning, Governor. Good morning, members. My name is Lori Ray, and I'm with Scenic Nevada. I'm the secretary treasurer. Of course, the duties among this Board is ensuring that NDOT protects public safety and preserves the aesthetics along Nevada highways. Scenic Nevada has similar goals. Our mission is to preserve, protect, and enhance scenic beauty and community character principally through sign control. We're a nonprofit, all-volunteer group that for the past 14 years has worked to limit signs and protect the views from our roadways. Perhaps we're best known for authoring the initiative to ban new billboards in the city of Reno, and that was approved by 57% of the voters back in 2000.

So today you'll be receiving and update from NDOT staff about digital billboard regulations. And as the state goes through this process, we'd like to make you aware of the detrimental impacts of digital billboards. We've also assembled a package of information detailing our concerns, and I believe you all have a copy of that. So, we think digital billboards are more intrusive and obnoxious than traditional billboards, because of their ability to flip every few seconds with bright, flashy ads. Digital billboards will distract drivers, and therefore, we think they're unsafe. They can cause nearby property values to plummet. They use far too much energy and they interfere with dark skies. They may be a big cost to taxpayers, could cost

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millions if they are in the path of a public improvement, and they ever have to be removed.

For these reasons, we think digital billboards should be banned. And in four states and many communities across the country, billboards are banned. I think even the city of--or Boulder City bans billboards and recently in Washoe County, they said they did not want digital billboards in any incorporated area. We understand that the billboard lobby was successful a couple years ago, to change the state law and require these new digital regulations. But, we'd also like to make you aware that both Scenic Nevada and Scenic America--or an affiliate of Scenic America, are litigating us with the City of Reno and Scenic America with the Federal Highway Administration to halt the advance of digital billboards.

We also understand that NDOT and this Board must move forward, but because of the detrimental effects, we ask that the Board protect the driving public, preserve Nevada's scenic beauty by limiting digital billboards in this way. Only permit digitals within the boundaries of incorporated cities and towns, require dual permitting, applying the most restrictive rules when there's a conflict between a city's rules and the state's. For instance, if a city bans them, NDOT will not permit them either along our federally controlled highways. Only legally conforming billboards should be allowed to convert. And add a rule somehow to limit taxpayers' liability in the event that one has to be removed for a project; limit their numbers by spacing them at least 1500 radial feet apart and reject the billboard industry's brightness standard. And one that we recommend is 5,000--it's called a nit, 5,000 nits during the day and 100 to 150 nits at night, which is much lower than the billboard industry standard, and limit the size to 672 square feet.

Once these rules are developed, we ask that you initiate a moratorium on permitting new billboards until the lawsuits brought by Scenic America and Scenic Nevada are concluded, and that would be to avoid additional risk in the future. In fact, the City of Reno has a moratorium in place right now because of our lawsuit, which is at the Supreme Court. And so, that's why we would ask for that moratorium now. Thank you very much.

Sandoval: Thank you, Ms. Ray.

L. Wray: Thank you.

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M. Wray: Governor, 180 seconds, right?

Sandoval: You're okay.

M. Wray: Thank you. My name is Mark Wray W-R-A-Y. I'm an attorney at 608 Landers Street in Reno, and I happen to be one of the attorneys for Scenic Nevada along with Peter Chase Neumann and Chris Wicker. When Assemblyman Horn adopted--carried this legislation for the billboard industry, he adopted--the enabling law says that this Board has to adopt regulations for digital billboards in the state. I'm here to urge, as did my wife, that those regulations be as strict as possible, because as Mr. Gallagher will tell you, Chapters 405 and 410 of the Nevada Revised Statutes both say that billboards erected in noncompliance with state and local law, are defined statutorily as public nuisances. These are public nuisances. I refer to them as litter on a stick. But, the billboard industry does not have any counterbalancing benefit to the State of Nevada for putting up digital billboards. These are companies that are located out of state. The things that they do to put up billboards don't result in revenue to the State of Nevada, so there's no Tesla here. There's no counterbalance for having digital billboards introduced onto our highways, throughout our beautiful state.

Therefore, what I would like this Board to do, when the staff that we've met with in Las Vegas and met with in Reno, come forward with workshops and come forward with draft regulations for digital billboards, please. In the interest of the people that live here, that have to look at these signs who don't want to look at these signs, who can't turn them off like our cell phones that everyone is using here today, or our television sets, we can't turn them off. When we're on the road, they're there. And the billboard industry, when I was in a recent trial, one of the witnesses said to me, he said, "Mr. Wray, what we tell our advertisers is they can't turn off our signs. They're stuck watching them. They can turn off their cell phones, but they can't turn off our signs." That's the billboard industry. There's no positive benefit to having digital billboards in Nevada. This is strictly something that Assemblyman Horn carried for the industry to benefit the industry at the expense of the people. So, please--also, in the interest, Mr. Director, of the Federal Highway funds--as you know under the Highway Beautification Act and the Nevada version of that, which is Chapter 410, it is extremely

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important for all of these reasons to make the regulations on digital billboards limited to within incorporated city limits, where cities will allow them to be, such as the City of Las Vegas. What happens in Las Vegas should stay in Las Vegas, and the rest of the state and its beauty should be preserved for all of us to enjoy. Thank you very much.

Sandoval: Thank you, Mr. Wray. The only other person I have marked to provide testimony for public comment is Mr. Vetter.

Vetter: Good morning, Governor and Board. My name is Don Vetter, and for the record I'm representing the Sierra Nevada Concrete Association and the California Nevada Cement Association regarding Item 9, the USA Parkway. How can Nevada improve the state's transportation sector and jobs economy while delivering a better value? It's to use new tools and build roads in a sufficient and sustainable manner to give taxpayers the best bang for their bucks.

In 2013, the Senate and Assembly Transportation Committees heard presentations on emerging mechanisms for success and choosing how we bid and build highway infrastructure. We feel the USA Parkway project would be an ideal project to apply leading-edge techniques encouraged by the Federal Highway Administration in serving a leading-edge business expansion, specifically the Tesla project and its supply chain. Alternative design-alternative bid is a procurement approach, which allows contractors to submit bids on equivalent asphalt or concrete pavement designs. And both the Asphalt Pavement Alliance and the Portland Cement Association, are in support of this as long as technically sound.

This approach can increase the number of bids for a given project, and this increased competition will lower bid prices for materials and initial project costs. Indiana employed this technique on 37 projects in 2011, seeing a comparative savings of \$51 million. Louisiana saw nearly \$88 million in savings in 37 projects, while West Virginia saved \$51 million on five highway projects in 2010, using the alternative design-alternative bid model. This bid and design approach, can be combined with another tool used by the state DOTs, which is life cycle cost analysis. And, I know that Rudy is a huge proponent of that approach. The LCCA calculates the lifetime economic cost for a project including initial construction and future cost. This combined with the alternative design-alternative bidding and lifecycle

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cost allows for improved cost estimates, reduced risk of budget overruns, and better decisions as well as lower bid prices. NDOT project managers and designers have already met with research leaders from MIT to further study the most effective way to deliver longer lasting roads.

We feel that this USA Parkway project kind of--it's like a one little slice, can help the state leap into the future of more efficient roads by employing these proven and sensible policies. So, when you determine how you're going to deliver this project, we just hope that you consider using alternative design-alternative bid. I do have some FHWA background material that I can leave with the Director on this. Any questions?

Sandoval: Thank you, Mr. Vetter.

Vetter: Thank you.

Sandoval: Is there any other public comment from Carson City? We'll move to Agenda Item No. 5, August 18, 2014 NDOT Board of Directors Meeting Minutes. Have the members had an opportunity to review the minutes and are there any changes?

Wallin: Yes. Oh, Governor?

Sandoval: Yes, Madam Controller.

Wallin: For the minutes--for the September minutes, on Page 12, right down there it's D "V," as in "Victor," E. It should DBE. It's in two places there. It's right near the top. It's in the second line down on the top and then about five lines down. So it should be D "B," as in "boy," (inaudible)--

Sandoval: And what I'll do is I'll also open up Agenda Item No. 6, which is September...

Wallin: Okay. Sorry.

Sandoval: ...2014 minutes.

Wallin: Sorry, Governor.

Sandoval: That's all right. Did you catch that?

Malfabon: We'll make those changes, Governor.

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- Sandoval: Member Savage.
- Savage: Yes. Thank you, Governor. A couple of minor changes on the August 18<sup>th</sup> meeting minutes. Page 25 at the bottom, and also, Page 26, all those monetary amounts that myself and Mr. Terry speak about need three extra zeroes at the end of those numbers. \$499,000, \$449,000 and on down the road, with all those monetary figures should be hundreds of thousands. Second correction would be on Page 53. Again, a monetary change at the top. Instead of \$10 million right-of-way bonds, it should be \$100 million in right-of-way bonds. That's all I have, Governor. Thank you.
- Sandoval: Mr. Lieutenant Governor.
- Krolicki: Thank you, Governor. I have two comments, please, on the first set of minutes, August 18<sup>th</sup>. If you would just please mark me as absent/excused if that's appropriate. I was on business and could not be there. And on the second set of minutes of September 8<sup>th</sup>, on Page 87 where Krolicki speaks, that third line, "B" should be "NV." That's the Nevada 150. So just put "NV" instead of "B." That's it, Governor. Thank you.
- Sandoval: The only change I have is on Page 1 of the September 8, 2014 minutes. I don't know if I turned my microphone on, but the very first sentence says, "Call this Board of Directors meeting." Typically, I'll say "Good morning. I'll call this Board of Directors meeting for the Board..."
- Krolicki: I don't remember hearing "Good morning."
- Malfabon: Yes. You're very consistent.
- Sandoval: And I also said what a wonderful audience we have, and it's great to be here. But if you would just have those minutes match...
- Malfabon: Yes.
- Sandoval: ...what was said in August, I'd appreciate that. Are there any other changes to the proposed minutes for August 18, 2014 and September 8, 2014? If there are none, the Chair will accept a motion for approval with the suggested changes.
- Skanccke: So moved.

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- 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. 7, Approval of Agreements Over \$300,000.
- Malfabon: Thank you, Governor. Assistant Director for Administration, Robert Nellis, will handle this item.
- Sandoval: Please proceed. Good morning.
- Nellis: Good morning. Thank you, Director, Governor, members of the Board. There are three agreements under Attachment A that can be found on Page 3 of 26 for the Board's consideration. The first agreement is in the amount of \$318,787, for field condition assessments, data collection, and level of service analysis of maintenance worked performed on state-maintained roads. The second agreement is in the amount of \$350,000 to provide legal services to represent the Department in the eminent domain condemnation matter of NDOT v. Walker Furniture for Project NEON. And finally, the third agreement is in the amount of \$665,000 for the implementation of the state's highway safety improvement program. Does the Board have any questions for the Department on any of these agreements?
- Sandoval: Questions from Board members?
- Martin: I have one.
- Sandoval: Yeah. Member Martin.
- Martin: On Item No. 3, last month we approved Kimberly Horn for \$665,000, and this month we're approving Wood Rogers--or you're asking us to approve it for \$665,000. If I remember correctly, Kimberly Horn was attached to Project NEON; is that correct?
- Malfabon: This is the Director, Member Martin. There will actually be three firms that will perform these safety management plans, so this is the second of three anticipated that were shortlisted to perform this work. And the idea was to

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spread the work around, but the safety management plans will be implemented across the state, and these are two-year agreements.

Martin: So Kimberly Horn's is across the state as well and not just Project NEON?

Malfabon: Is there someone from Safety here today? John? Assistant Director for Engineering, John Terry, will respond.

Terry: John Terry, Assistant Director for Engineering. I believe you're confusing in last month we had a Kimberly Horn agreement and that had to do with the freeway management system that is installed on I-15. They also do have a safety management plan, so those are different items. That was a--that item last month had to do with the freeway management system that is somewhat tied to NEON and extends farther up and down I-15 and U.S. 95. They also have one of these safety management plans and they are different items.

Martin: Okay. Thank you, John.

Malfabon: And I'd also like to add that we are collecting that information that the Board had requested on the number of consultants used, so that should clarify it and present that to the Construction Working Group the next time that they convene.

Sandoval: Any further questions?

Martin: Thank you, sir.

Sandoval: If there are no questions, the Chair will accept a motion for approval of the agreements over \$300,000 as described in Agenda Item No. 7.

Martin: So moved.

Krolicki: Second.

Sandoval: Member Martin has moved for approval. The Lieutenant Governor has seconded the motion. Any questions or discussion? All in favor say aye.

Group: Aye.

Sandoval: Opposed no? The motion unanimously. We'll move to Agenda Item No. 8, Contracts, Agreements, and Settlements.

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- Nellis: Thank you, Governor. There is one contract under Attachment A, that can be found on Page 4 of 21 for the Board's information. This is for the Wellington maintenance yard in Lyon County to improve drainage and regrade three-inch asphalt. There were five bids and the Director awarded the contract A&K Earth Movers, in the amount of \$316,000. Does the Board have any questions for the Department regarding this contract?
- Sandoval: No questions.
- Nellis: Thank you, Governor. Moving on to Attachment B in your packet. There are 57 executed agreements that can be found on Page 7 through 12 of 21 for the Board's information. Items 1 through 11 are acquisitions and appraisals, 12 through 22 are cooperative facility agreements, 23 through 34 are grants and (inaudible), Item 35 is a lease, Item 36 is a license, and finally, Items 37 through 57 are service provider agreements. Does the Board have any questions for the Department regarding any of these items?
- Martin: I have one.
- Sandoval: Yeah, and let me ask a question first, if I may, Member Martin. And this isn't a big deal, but on Contract No. 12 it's with the Arizona Game and Fish Department. Is there not a Nevada equivalent that can handle that work?
- Malfabon: We saw that too. John Terry will respond.
- Terry: Assistant Director for Engineering, John Terry. And I saw that question coming, and I believe there's even a gentleman from NDOW down in Las Vegas, but I'll read a couple of the bullets they gave me in there. That NDOW has insufficient resources and experience with projects of this kind, and that Arizona has just recently done this type of work. An MOU has been written between NDOT, NDOW and the Arizona Group to maximize the wildlife goals and objectives in this area. And, in order to meet the schedule for the Boulder City Bypass project and the RTC's project, we needed their assistance. And, I would say they just recently did similar bighorn sheep crossings on the other side of the dam, in the Arizona side, so they have experience in this.
- Sandoval: All right. I'm just trying to take care of our own. But I would imagine that in the future, perhaps NDOW can observe or I don't know what it takes to get that type of expertise so in the future we can handle that, rather than

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Arizona. And then we go through No. 31 just because it's such large amount.

Wallin: Governor?

Sandoval: Yes.

Wallin: We have someone from NDOW here who would like to comment.

Sandoval: Sure.

Wallin: Is that okay?

Sandoval: Yes.

Hardenbrook: This is Brad Hardenbrook. I'm supervisor habitat biologist for NDOW's southern region. And I can appreciate there being interest in wondering why Nevada's own wildlife department is not up to doing the job. And as was indicated is that we do have insufficient staff and experience in this realm. Arizona Game and Fish Department actually started off with desert bighorn crossings studies and have received numerous accolades and awards by their work with Arizona DOT on this, so we felt that given the schedule--the quick-pay schedule of a design-build that RTC is under, that their assistance in this matter would be of great value.

Sandoval: Okay. And I'm not questioning any of that. I'm just hopeful that in the future we can develop that expertise so that we can keep it in house. All right then, Mr. Nellis, if you'd jump to 31, please.

Nellis: Oh yes, I believe Rudy referenced this, 31 in your Director's Report.

Malfabon: Yes. We have an agreement with the RTC of Southern Nevada. Part of that is just to receive--whenever there's a pass-through of federal funds, we enter in to these inter-local agreements with the entity receiving the funds. In this case, the RTC of Southern Nevada is what's called advanced constructing so they're building the project with local funds, but they're putting kind of a hold on future federal funds that they receive as the MPO in Clark County. So over many years' time, they'll reimburse themselves out of their federal funds. So it's a good use of the federal funds and it obligates--or at least commits those federal funds in future years so that it's not a bunch of individual agreements for different projects in Southern Nevada. It's one big

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project using that money for several years. Included in this is the two amendments had for air monitoring related to naturally occurring asbestos, and then surface sampling related to naturally occurring asbestos. So the RTC is reimbursing NDOT for those expenses for the use of our consultant, Tetra Tech.

Sandoval: And speaking of Tetra Tech, Contract 57.

Malfabon: John.

Sandoval: There's another increase.

Terry: Yeah. Once again, John Terry, Assistant Director for Engineering. And I believe at the last meeting, when I was asked would there be another amendment to Tetra Tech's, I said I think there's already one in the works, and this is the one. And what this is, is we found the need to maintain the air quality monitors that had been up in both Phase 1 and Phase 2 until the contractor starts, at which time it's turned over to the contractor team. So these are the baseline air quality for the naturally occurring asbestos throughout the corridor, to have their people go out and collect the samples and continue the baseline data until construction actually starts.

Sandoval: Do we share this cost with RTC?

Terry: Yes, we have shared costs all along. We're behind on the various back and forth. The one before covered some of the costs they have in Phase 1. So definitely, there's been shared cost all along.

Sandoval: All right. Thank you. Member Martin, I understand you have questions.

Martin: You hit the one that I was going to go to on NDOW. It's too bad there couldn't have been a shared effort there like a joint venture between the two departments, so our department would start building up some expertise in that area. But I had a question on Item No. 56, which was the Peek contract for another \$167,000. Is this the end of this that we're going to see?

Gallagher: For the record, Dennis Gallagher, Counsel for the Board. I sure hope so, Board Member Martin. I've asked that all the invoices be submitted, paid as quickly as possible. And so that any reference to this particular contract will disappear from the monthly reports.

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- Martin: Okay. Thank you.
- Sandoval: Other questions from Board members? Member Savage.
- Savage: Thank you, Governor. Mr. Terry, you might have spoken about this in the past meetings, but Item 57, why isn't there any federal reimbursement on that Tetra Tech contract?
- Terry: The reason there's not federal reimbursement for that is, it goes way back to when we hired Tetra Tech. We accelerated the process of hiring them and did not follow all the federal procedures, somewhat did it on purpose knowing that it wouldn't be eligible for federal so we could accelerate the hiring of Tetra Tech, for naturally occurring asbestos. We shortened the process.
- Savage: So the FHA doesn't have a tool in place, because this all hit us by surprise through the UNLV research department.
- Terry: Yes.
- Savage: And is there any way to retroactively collect these emergency funds that nobody knew about?
- Malfabon: I know that there is a tool that the FHWA allows. Rather than a competitive procurement where everybody is allowed to compete, we use an accelerated process, as Mr. Terry indicated, to meet the schedule for the project. Now, the tool that the FHWA does have is called Indefinite Quantity/Indefinite Delivery. You hire a company, but this is so unique in terms of naturally occurring asbestos and the expertise that we needed, that we really couldn't apply that tool. You would have to have some idea of the scope of work in advance, and in this case, this kind of hit us all of a sudden.
- Savage: I know and that was my point. It hit us all blindsided. And I know that Tetra Tech had worked before in California and other states, and I just thought if there's a will there's a way. Maybe we do pursue, in some fashion, to try to recover any of those funds that have been an expense by the state.
- Malfabon: With respect to recovery of federal funds. As you saw with the--in the Director's Report, the \$11 million that we received from other states...

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- Savage: Mm-hmm.
- Malfabon: ...and not expanding their obligation authority. We have a large amount of money, kind of, still to be billed to the feds. Part of it is from the bonded projects that we've delivered over the past several years. Part of it is--such as on Boulder City, where we're using that \$11 million--we're supplementing the project cost with state funds and then that state fund, basically, is seen as an advance on federal funds for future years of federal funds. So, we have so much that we can still receive and recoup from the feds that this will not hurt us. We'll still receive it just from the obligations that we currently have on the books for federal reimbursement.
- Savage: Well, that makes me feel a little better. I appreciate the answer, Mr. Malfabon. And thank you, Mr. Terry. Thank you, Governor.
- Sandoval: Other questions with regard to agreements? Okay. We'll move on to settlements.
- Nellis: Thank you, Governor. There's one settlement under Attachment C, that can be found on Page 14 of 21 for the Board's information. This settlement is in the amount of \$2,750,000. It is for 56.44 acres of real property located on both sides of U.S. 93 and 95 at the border, of the city of Henderson and Boulder City. Does the Board have any questions for Mr. Gallagher on this item?
- Sandoval: Questions from Board members?
- Fransway: Question, Governor.
- Sandoval: Yes, Member Fransway.
- Fransway: Thank you, Governor. And I guess I'll direct this to legal counsel. Mr. Gallagher, are we not dealing with a total compensation here of \$4,791,000? That should include the previous deposit; am I not correct?
- Gallagher: For the record, Dennis Gallagher, Counsel to the Board. This is in addition to the initial deposit, and so you're correct that the total just compensation paid to this landowner, was \$4,791,000.
- Fransway: Okay. So my question is did we see where the \$2,041,000 was deposited somehow? Did the Board see that in some report earlier?

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- Gallagher: The deposit would have been when the just--excuse me, when the condemnation proceeding was filed and the Department needed access. So that was the appraised value for the taking. And to answer your question, those monies--or those deposits have not been presented to the Board.
- Fransway: Okay. So basically, what we're approving today is not the \$2,750,000, it's the \$4,700,000 plus, correct?
- Gallagher: The Board is not approving this settlement. This settlement has already been presented to the Board of Examiners, which approved it. Under the constitution, the Board of Examiners approves all settlements, claims made against the state. So any settlement above the initial appraised value would require Board of Examiner approval, not Transportation Board approval.
- Malfabon: And I--this is the Director, Tom. I would like to add that typically, when we bring a condemnation action before the Board, we do put that we're offering this much and the other party is at this position or this amount, so that we can at least give the Board information of why we're taking the condemnation action before the Board for your approval. So we will follow up, Tom, to see if that information on what was previously deposited, which was based on our initial appraisal, if that information came before the Board during the condemnation action.
- Fransway: Okay. Rudy, I would very much appreciate that because to me there's \$2 million--over \$2 million here that was deposited that really the Board wasn't made aware of, and its negative funds of \$2 million. So actually, the settlement was over--almost \$4,800,000.
- Malfabon: We'll follow up on that, Governor.
- Sandoval: Thank you, Member Fransway. And this is an informational item, but it bears noting that the demand in this case from the MGM, which is the property owner, was \$8,618,000, which I don't know if it was their demand, but it certainly was their expert's opinion with regard to the value. And albeit, the amount that we're talking about today is a little bit over the midpoint. It is still substantially less than what the other party in this matter was seeking. Other questions or comments, with regard to the settlement in Agenda Item No. 8? Does that conclude your presentation?
- Nellis: Yes, it does, Governor. Thank you.

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Sandoval: Thank you. Before I leave Agenda Item No. 8, any other questions? We'll move to Agenda Item No. 9, Briefing on the Proposed USA Parkway, State Route 439 Delivery Method.

Malfabon: And Assistant Director for Engineering, John Terry, will present this item to the Board. It's the previous--it's not that one, it's the other presentation.

Terry: Once again, John Terry, Assistant Director for Engineering, talking today about USA Parkway. So at the last Board meeting, recently been announced that the Tesla plant was going to be added in the Tahoe Regional [sic] Industrial Center, and that will be constructed on an accelerated schedule. So we saw the challenge to the Department is could we come up with a plan to build USA Parkway and essentially have it open to traffic from U.S. 50 to I-80 by December of 2017. The Tahoe-Reno Industrial Center exists out there today, out in this area near I-80. 30,000 acres of developable land. And there currently are businesses out there. It's not just the new plants that are proposed. There's currently 11 million square feet of industrial space being used by 160 companies.

So what's the current status? I believe three months ago you were given a briefing on USA Parkway. I'll kind of cover some of those of where we stand today. So an interchange exists with I-80 in Storey County, and there are about six miles, as shown in blue here, of constructed four-lane roadway. And NDOT has performed a draft environmental assessment for the--oh, and there's four miles that's been graded as well. And then the entire route, NDOT has prepared an environmental assessment. We've gotten approval from the feds to move forward and we're having a public hearing, which I believe in the Director's Report he mentioned, would be November 5<sup>th</sup>. And the design is somewhere around 30% the design we would do for an environmental assessment.

Sandoval: Mr. Terry, just for background information, when was that environmental assessment commenced?

Terry: Three years ago.

Sandoval: Yeah, so that would have been long before Tesla was even contemplated (inaudible)?

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Terry:

Absolutely. I mean, we were working on this all along, yes, sir. This kind of shows the preferred alternative. Some of the other lines down towards Highway 50 show some of the other alternatives that were looked at. As it shows in here, 5.4 miles are currently paved. 4.4 miles essentially to the Storey-Lyon county line are graded. And the rest is kind of through somewhat mountainous terrain, with alternatives to where it ties in to U.S. 50. And the current tie-in to U.S. 50 is about three-quarters of a mile from the Ramsey Weeks Cutoff, and about two and a half miles from the intersection with 95A, as you can see on the drawing over there.

Proposed is a four-lane roadway with a median. This is not a controlled access facility. This will have some accesses in driveways, no interchanges. And a median, and also in the hillier terrain, the median will probably be replaced with a barrier to skinny up the roadway and protect from crossover-type accidents. As was mentioned before, the benefit cost ratio was a big issue on USA Parkway, and kind of why is it so hard, so high. If I could just from this one here, if you look at a map of the area you can see how USA Parkway really shortened this... As you can see, you know, USA Parkway really shortens the distance, I mean if you're at Silver Springs area it cuts off. It's shorter from Carson City to get to the Industrial area. It provides quite a shortcut through here. If you were going up 95A, you would have to fight your way, kind of, through Fernley to get on I-80, and you would shorten the distance here. Thus, a lot of the benefit cost ratio really comes from travel time savings, especially travel time savings for trucks. It also has, we believe, significant accident cost savings. U.S. 50, as we've talked about earlier today, has a lot of accidents out there, and I believe as well as some on 95A. We believe a four-lane divided roadway would significantly cut down on accidents. And, of course, whenever you get shorter travel time, shorter distances you save on vehicle emissions.

So where are we at on USA Parkway? We have funded the final design and we were going to proceed with the final design, but we hadn't identified the funding in the shorter range of the four-year portion of the statewide transportation plan, but rather it was out further than that. What are the estimated costs for USA Parkway? Well, there's the right-of-way and improvements that's really the next item after this, where they'll talk about was the \$43 million. And that's the already constructed area as well as the light-blue area all the way to Storey County. The right-of-way as well, the

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improvements, that have already been constructed. The right-of-way and utilities in Lyon County are really limited to down by the interchange--or the intersection with U.S. 50 as this is BLM land and this is a dedicated easement. So it's really just down in the bottom.

The construction of the four-lane highway is estimated to be about \$65 million, and that includes some improvements to the roadway that's already been constructed. And you say why do those improvements. Well, this was built to access an industrial area. Some aspects don't meet the requirements of a state highway and we'd like to upgrade some of that. Now, I'd like to talk a little bit about U.S. 50. Again, U.S. 50 has been improved in a series of projects from Dayton, all the way to a point that's about eight miles away from where State Route 439 gets improved. It was a two-lane roadway, and it has been widened to a four-lane roadway. And like I say, it is about currently eight miles from the intersection where USA Parkway would tie in. And all the planning for USA Parkway was sort of based upon, because we already had an environmental document to improve U.S. 50 all the way to 95A, was based upon a four-lane roadway being there. Well, it's not there at that point.

We looked at it from a traffic perspective, and we propose adding the stretch that is from the intersection of USA Parkway to U.S. 50, as a part of any project that we would do for USA Parkway. And that is because we feel, from a traffic perspective, that that's the best way to tie it in and that's where more of the traffic was going. I have indicated in here, and I should mention USA Parkway as well as on there, has been given the designation SR-439 in Nevada.

The delivery method. So we have a process, which I think we've brought to this Board before where we've talked about how do we decide what method to deliver a project. This delivery method was based upon, if we had to deliver a project by the end of 2017, given the current status of the design, the understanding of the risks of the job and the other aspects of the job. And our team came together and recommended the design-build--single design-build project to deliver this project. Estimated to be about \$70 million, if you add in the \$5 million, for the stretch of U.S. 50. And that's really just this board up there so you can see what the project is we're

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talking about. So everything in color up there, we're proposing as a single design-build project.

And there's the timeline that shows it getting constructed by the end of 2017. Takes advantage of the federal and our own processes that we can overlap the environmental with the RFP procurement. One of the issues is were we to go design-build, it should be staggered by a few months after, like NEON, even though NEON is in Las Vegas for staff and whatever. So, it would be an RFP that would probably be about three months behind on schedule from where NEON currently is at.

Okay. So funding. So we went with the consideration that we need to fund and deliver this project by December 2017, without impacting any projects in Southern Nevada. So completely just redo what we're already doing in the north and leave all the projects. And we had mentioned we have quite a bit going on, not just NEON in Southern Nevada. We're going to do improvements to the 95/215 Interchange in Southern Nevada. SR-160, I-15 North. We have other projects that are going on in this same time frame, and we're going to continue to deliver those projects. But we need \$43 million for the right-of-way and improvements right now, in this fiscal year we're in right now. We're already in fiscal year '15, and we need \$70 million for the design-build contract that would be spread roughly between our state fiscal year '16 and fiscal year '17.

So what we're proposing is, we have a relatively high highway fund balance. I looked this morning. It was \$203 million. We propose just using some of that highway funds for the original \$43 million and not adjusting our program in fiscal year '15. And then, we're evaluating our existing program in '16 and '17. And really, the place that really has to be moved off is the Northern Nevada 3R program. We have a pretty significant 3R program, over \$100 million a year scheduled in those two critical years. We looked at the ranked list of projects, and we really just took the projects that were at the bottom of the list and either moved them--and move them off a year so that...

Malfabon: John, could you explain what the 3R projects are?

Terry: Mostly your pavement overlays, and it's our pavement preservation. In other words, most of them are what we call mill and fill, where we rode a

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mill and put new asphalt in. Some are full reconstruction, as you can see from the next list. Some of them are on some of our major routes. And we have a program we do every year, where every three years we redo the 3R list and we have a list of projects that we prioritize throughout the state. So again, these projects came off the bottom. If they were in 2017 at the bottom, we bumped them to '18, or '16 we moved them to '17, '17 we move them to '18. And these are the projects that we would have to move off to free up \$71 million. I will point out we followed the similar process to what we did when we talked about the fiscal cliff. We used the statewide internal five-year plan programming documents, and moved up and moved the projects off in a similar method that we did when we talked about if we had less funding for the fiscal cliff.

So what are we talking about moving ahead? Per the NRS and Pioneer Program guidelines, we've been before you before. Depending on what action the Board takes today, we're proposing we would come to you for the formal Transportation Board action for the approval of the design-build delivery method, which is part of our process. And, that we would adjust the TIP/STIP to move off some of the--our 3R projects and move in SR-439, USA Parkway. And you would see those modifications in the future as we make the revisions to the STIP/TIP through our process. We're also talking about continuing the current designer who did a good job helping us get this EA approved, and continuing them in helping us with the design-build procurement process. And with that, questions, comments and direction?

Sandoval: I'm sure there are many. Pardon me? All right, Mr. Terry. First, there was some--I don't want to call it confusion, but there's some impression out there that this road is a new concept. Is this a project that, essentially, has been contemplated for some time?

Terry: Yes, it's been contemplated for a long time. That's why we were working on the EA. We weren't funding it in the short-range program, but always out farther. Yes, it's been given a state route designation and it was planned to be built.

Sandoval: Okay. And what would, in your opinion, be the consequences of not building this given the development out there?

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Terry: Well, we--in the environmental assessment it certainly says in the 20 years out--I don't have a copy here with me--that traffic would fail on the four-lane stretch that currently exists. It didn't talk about failure on I-80 or anything, but certainly by the end interchange, and by the four-lane stretch in that they have, because everybody would have to go that way, if it was built out to the level of development that is shown in the ultimate 20-year plan out there, that we would have some failures on the road that exists. I can't remember the exact level of service, but also...

Sandoval: Well, that's what I'm--because of the volume of development out there, it has even modified the state demographer's projections moving forward with regard to population. So I guess what I'm asking you is, if you could talk a little bit about what that means in Washoe County and Lyon County with regard to the volume of traffic, if this road wasn't built.

Terry: Again, this is a hard ha--I don't have it here in front of me, but I will say this was an environmental assessment, an environmental document. All environmental documents have the no-build alternative and have the build alternative. And really, to make it through the process of getting a project approved, you kind of have to show the need for the project. And I don't have all the numbers in front of me, but it shows a need.

Malfabon: If I may, Governor. Definitely, when Mr. Terry covered the benefit cost the--as part of the process in assessing what a benefit cost is, you look at travel time savings. Obviously, if USA Parkway is built, those employees that are living in Lyon County, Carson City--if it's not built, they'll have to go through Reno. If you're in Silver Springs, you're going to go through Fernley. It's a lot longer distance. If you go to the Reno alternative, although the RTC of Southern Nevada--I mean, of Washoe County, is building the southeast connectors, an alternative to 580--it's still going to be some congestion in going through the urban area to get to TRIC, the Industrial Center. So you have more operating cost on your vehicles. You're at risk of being in a crash, so you don't realize the safety benefits. Less crashes, less serious injuries. If USA Parkway is built then it's a shorter distance, it's going to be less.

So definitely on the personal level, people's exposure to a crash is reduced by having that USA Parkway built and less possibility of serious injuries. So safety improvements, air quality improvements. The longer you drive,

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the more air pollution you're putting in from your vehicle. Although, there's other issues associated with the benefit cost that are not kind of--they're not calculated in that, which are kind of indirect benefits. So people's ability to get to work faster, I think that just--everyone can attest that when they have a shorter commute, they're probably in a better mood by the time that they get home. But, there's also the appreciation of real property that's anticipated and development that will occur along this alignment in that area of Silver Springs and Lyon County, that's not included in that. But, those are economic benefits that will not be realized if this contract is delayed.

Sandoval: And perhaps, and I know we had this presentation, but you would talk about this cost benefit of 9.1 to 1. I mean I don't know if we've ever seen a project with that favorable of a cost benefit ratio.

Terry: And, again, so much of that is, as the reason we made this other map over here, is you can see from certain directions a significant shortening of the distance. I mean, you don't see that that often that it's the distance that's shortened. If you had to go up 95A, even though traffic isn't huge on 95A, there's traffic out there and there's significant people out in Silver Springs. If you take all of them up and through Fernley and instead, take them USA Parkway, you save many, many miles. And if you take trucks and save many miles, you see a big benefit cost. I mean, there are the other factors in there. There are other routes, like people coming from Carson City that want to get there or whatever, but you save that significant a distance, the benefit cost goes up pretty quick.

Sandoval: Yeah. And we're talking kind of in NDOT language here, but I think it's really important, also, to have a conversation with regard to economic development and workforce. So we're--we have a kind of commissioner from Lyon County who's here today that has had the highest amount of unemployment in the state, and if not the nation, for some time. And what will the construction of this project do in terms of unlocking the ability of a workforce in these outlying areas like Yerington, like all these--Silver Springs and Stagecoach and...

Terry: Yeah, it'll certainly make access to all of them...

Sandoval: ...Dayton.

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- Terry: ...and building a \$90 million construction project would be one of our bigger jobs in Northern Nevada and--I'm sorry, a \$70 million construction project would be a good-sized project creating a lot of jobs just for the construction itself, not to mention the added access to the industrial area and the jobs there.
- Sandoval: And there may be some angst with regard to the latter part of your presentation, that we're going to push the repaving projects by a year. Now, those, historically in my recollection is, is that we do those repaving within a recommended amount of time. It's not like if we don't build those that the roads are going to start to crumble.
- Terry: No. It is possible that if you delay them much that, the treatment increases. In other words, you may have to do a mill and overlay, you may have to do a more significant reconstruction if you make it go for another year with the heavy traffic volumes. Moving them one year probably isn't going to change what we have to do to keep the road in good order. If you go many more years, or if you were to go a year or two on an interstate, whereas heavy truck volumes, it can make a difference. But essentially, yeah, we're struggling to keep up with our pavement preservation but, again, we're just slipping them back. We're not canceling them.
- Sandoval: But would we not by not building this project, expedite the wear and tear on the current roads?
- Terry: And one of the roads was, and it's kind of confusing, it's both 50A and 95A, is that stretch. That is one of the roads we're deferring and that is overlaying the current route from Silver Springs to Fernley.
- Sandoval: Okay. Other Board member questions?
- Fransway: Question, Governor.
- Sandoval: Yeah, Member Fransway.
- Fransway: Thank you, Governor. And my question relates to what you were talking about, basically the delay of some projects from 2016-2017 to 2017-2018. Will we be stepping on any other projects that were scheduled for 2017-2018 to reschedule these earlier projects to that time frame?

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- Terry: Yes, sir. There is a multiplier effect, obviously, if we move two projects out into one year and then move it to the next year, there's a little bit of slip of projects that would have been in that year. But, again, we've done this from the bottom up. We take the lowest rated projects, and bumped them out. So you are correct, that if we assume that way out in '18-'19, we have the same level of--exact same amount of 3R program, something would have to slip out there as we continue balancing, yes.
- Fransway: So it's a domino effect, isn't it?
- Terry: To an extent, yes, but I'll put in perspective. We're at over \$100 million a year in our 3R program and we're talking about balancing out \$30 million a year for two years. So, yes, it has an effect.
- Fransway: Okay. And I'm not saying that it's not the thing to do. I think that there's an urgency here that requires that we do that, but I just want everybody to understand, specifically your NDOT people, that they will have a challenge because of the effect on down the line, as years go by.
- Malfabon: This is Director Malfabon. I just wanted to add for Member Fransway, that next month the Department will be bringing our four-year work program for the Board for your approval. And as we go through our preservation program in the years ahead, we always--it's very dynamic. We ask the districts what's in good shape, what needs attention right now, whether it's an interstate, or a state route, or a U.S. route. It's very dynamic and we bring those changes back to the Board for your approval of those projects. But, we definitely feel that we can manage our preservation program, as well as the rest of our capital improvements in capacity around the state with--even with the additional of this project, and not lose too much ground.
- Sandoval: Mr. Terry...
- Fransway: Okay. I appreciate that response. And another question for you, Mr. Director. Is there any prospect of this \$70 million being reimbursed by the feds?
- Malfabon: We're looking into that, Member Fransway. We feel that it's actually more flexible for us to use state funds for this project, because when you're using federal funds, you have to obligate that whole amount in one fiscal year. So we'd have to take the \$70 million obligation authority and use that up in one

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year, which would have--it would just be more acceptable for us to use state funds and then we don't have that hanging over our heads of obligating all in one year. Although it is a commitment for that two-year period for construction, but it gives us--and from the sense of cash flow, it's more manageable to not have to deal with the federal process of obligating all that funding in one year. And also, Member Fransway, I wanted to...

Fransway: Okay. I understand. Thanks, Rudy.

Malfabon: ...add that as we talked about that \$11.1 million, in additional federal obligation authority that Nevada Department of Transportation received, that's going to continue forward with our actions of delivering our work program and using other state's obligation authority to that's left on the table, those types of things help mitigate the hit that's taken to the preservation program so that we are reimbursed regularly by the Federal Highway Administration. And, those extra millions of dollars that we get from other states not spending their authority, helps us to offset some of these costs as well.

Fransway: Okay. Thank you. And, Governor, one question to you as chairman. Will we need to take any action today to support the preferred route alternative or will that be just automatic as part of the recommended action that we take?

Sandoval: Well, it's not agendized today, so--and I see Mr. Terry shaking his head that we won't be deciding that today. And I think now he's nodding his head.

Fransway: Okay. Thank you.

Terry: That's correct. The environmental process is concluding with the review of the draft document, as well as the public meeting that I mentioned that's on November 5<sup>th</sup>.

Sandoval: Does that satisfy you, Mr. Fransway?

Fransway: Yes. Thank you, Mr. Chair.

Sandoval: All right. Thank you. We'll move to the Lieutenant Governor, please.

Krolicki: Governor, thank you. First, I'd like to start with, out of an abundance of caution, a conversation I had earlier with Dennis Gallagher as our Attorney General. And if I misrepresenting anything, please jump in. But, I do not

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believe there exists a conflict of interest, and in my conversation with Mr. Gallagher he concurred. But, I just wanted to state that for the record, that because I do believe I'll retain judgment and independence in this matter, so I will participate. But, I just wanted to say on the record that I had a conversation about a potential conflict.

Sandoval: All right.

Krolicki: That being said, several things. I think it's important that we make clear, as we learned in the legislative session and in conversations here, I know we've said it, but just to make it crystal clear, NDOT is not proposing to change the STIP for Clark County in any way, so the commitment made in the legislative moment about this retriaging and restructuring of financial left to this project will not be coming from Southern Nevada. And, we've made that clear by where the monies are coming from and the maintenance requirements. I also think it's just terribly important, Governor, you hit it spot on. This is an existing plan. This is something we've had, but to use the word again, we are retriaging where we go. And the Tesla transaction was extraordinary and it certainly merits revisitation of the STIP and how we do things and rearranging how these finances happen. So, I think we're just moving it up in priority as it should be and it's terribly appropriate and that's why we have it today.

This also, as you discussed, talks about the economic development of the region. And we've always talked about making the triangle of Lyon/Storey/Douglas County/Carson/Washoe/Reno/Sparks area have a much better triangular coordination for transportation for economic improvement throughout the area, and the I-11 conversation will only make that more important. So I think just helping bring closure to that loop by moving forward on this, is terribly important. And, Mr. Terry, you've said it very clearly and in these materials, there is not a more valuable proposition for an investment by NDOT, in terms of the benefit cost relation. And we've said it, but Project NEON, if you look at it in a holistic basis, is still a fraction of this 9.1 to 1 return for benefit versus cost.

So, again, I'm appreciative of the expedited but very sound judgment that's gone into this discussion today. And it is a very exciting time for all of Nevada, but certainly a catalyst by our important news. And, Governor, you and the (inaudible) team for the Tesla transaction. But this is not just for

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Tesla. This is for the future of Nevada and things that we were going to do anyway.

Sandoval: Thank you, Mr. Lieutenant Governor. We'll move to Member Savage.

Savage: Thank you, Governor. And along the same lines as both the Governor and Lieutenant Governor, I believe and I've seen in the past that NDOT was prepared for this project. It was on the books. You were prepared. We're not reacting. We're more than prepared and I think the NDOT staff, Mr. Terry and Mr. Director, and your people, came out well-prepared in order to adjust this project. It's always been on the books. It's not taking anything away from Southern Nevada. The benefit cost ratio is above and beyond, and I believe that you've adjusted well as a department in full preparation to make this adjustment and move this project a year ahead.

And the delivery method that you speak about in this packet, as far as a design-build delivery, it looks as though you have internally discussed and debated the different delivery options. And I commend you, Mr. Terry, for doing the in-house work and it looks very evident that the design-build method is above and beyond both the design-build bid and the CMAR. So I really commend the Department for doing the internal workings on that method, and I think it's going to be a very successful project. And I compliment the Department and the leadership in the state for being prepared on this project. And, I look forward to working with the Board and the Department on seeing this through. Thank you, Mr. Governor.

Sandoval: Thank you, Member Savage. Questions or comments from Southern Nevada?

Martin: None here, sir.

Wallin: Nope, we're good, Governor.

Sandoval: All right. Member Skancke.

Skancke: Oh, I've been waiting for this minute. First of all, great presentation. Three months ago when we heard this item, you prepped us for what was going to be coming and what the opportunities were for the region. And I've got to tell you that, you know, we're a state, and for us to even be having a conversation about whether this takes money from Southern Nevada or rural

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Nevada, this is the biggest thing to happen to our state since the railroad was put in here. We don't have to defend any action we're taking here today. I am proud of the fact that this project is being expedited, and moved forward, because other states in this country were going to move heaven and earth to make this happen, and we should do the same. We're ready. These are state dollars. The return on this investment that this state is going to get is exponential and probably undeterminable.

So, as far as what we're doing here today, is moving Nevada forward. The state has worked very, very hard. In fact, I've seen that on a billboard somewhere. Pay attention, people. These are notes you should all be taking. As far as road preservation, what we're going to receive from this in economic development benefit for the entire state, is going to surpass anything we can possibly imagine. So we should step up as a state and lead it and get this project done. This is an economic development project. It is a job creator. It's not going to take money from Southern Nevada. We had the same conversation on Project NEON. Is this going to affect Northern Nevada? We are a state with a state economy.

So, you know, my only concern at the end of the day is, is we look at the right type of pavement so that we're not replacing this road every three years, with the number of trucks and commerce that are going to be generated here. I'm all for asphalt, but if this costs us a few more dollars to put in concrete in the long run to last a little bit longer, I'm sure that comment is going to be very controversial, but let's look at the long-term impacts here. Let's look at all the positive things that will come from this. Let's see the quickest way to do this. As far as federal government reimbursement, I'll say it again, you cannot count on the federal government for any support. When we did I-15 expansion from Tropicana to State Line, FHWA was going to require us to go with an environmental document all the way to Barstow for absolutely no reason, because that's the terminus point on I-15.

So we decided to use state dollars only on I-15 to--from Tropicana to State Line. We did the 215 Beltway with state dollars only. We've got to rely upon our staff, Governor, here that does a superb job for us to determine what is the best way to do these projects and what is the best way to fund it. If we can pick up a nickel and a dime from the federal government, great,

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but this is a state project. And I think that at the end of the day, what you have done to bring this company here--I can tell you what's happened to our organization in Southern Nevada. Our client interest at the Las Vegas Global Economic has increased exponentially. We had 18 new companies call our organization in Las Vegas after this announcement. And it keeps coming because it's not just a Northern Nevada company, it is a statewide project. And that's how we should look at this project.

So I support this a thousand percent. I've said this before and I'll say it again, Governor, bringing this company to our state, is something that's going to not only be a game changer, it sets the future for where we have to go. So if you're looking for a motion for approval, I would be happy to make that motion and let's get this project going forward.

Sandoval:

All right. Thank you, Member Skancke, and I do want to make a couple of final comments before I take your motion. I think from the record and what's been presented today, that we've established that there is a critical need for the delivery of the USA Parkway and that it will have a direct and tangible impact on the economic growth of the entire State of Nevada. The Parkway will provide a means of expanding the potential pool of employees, which is a key factor when companies are looking. And it makes it, as somebody talked about it, I think it was Lieutenant Governor, this triangle in Lyon County, Douglas County, Washoe County, Storey County, all the adjacent counties.

I think the Parkway will offer access to a more diverse housing market and range of homes and opportunities for the potential employees that are going to be working at TRIC. It will reduce commute times. And I don't want to underestimate that in any way for the individuals that are going to be working out at TRIC. It means something to be home for dinner. It means something to be there to watch your family in different activities. It means something not to be sitting in your vehicle for hours upon hours. It means something to the environment. It means something to reduce congestion for everybody else and the impact on the roadways. And when you think about somebody who wants to work over there who resides in Yerington or Dayton or Stagecoach or Silver Springs or all these different communities, Carson City, and having to go around either on the 580 to the 80 and over on the 95A, it's really going to be a benefit in that regard.

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And I'm going to say it again. This 9.1 to 1, I hope we have more road projects that have that cost benefit ratio. It's probably not likely, but this certainly has set a very high standard in terms of the return that this state is going to get on this project. I want to echo what Member Savage has talked about, with regard to the design-build approach to getting this done. I think it will expedite the delivery of the project and enable it to be completed by December of 2017, which is what we're aiming for. I think at least the costs that you've talked about and certainly what Member Skancke has mentioned in terms of making sure that we do it right. We have a unique opportunity here right now. And I probably won't be sitting here, maybe you guys will. But we don't want to look back after this has been constructed and say, "gosh, I wish we would have done it this way." So let's make sure that we exhaust all those opportunities.

And as Lieutenant Governor mentioned and Member Skancke talked about is we can do this. We can afford this. I mean, there's been some question out there whether we can. And, you know, Mr. Terry and the Director have said unequivocally that we can afford this. And, in fact, I think we can't afford not to do it given the consequences and what's at stake here. So I'm really pleased that we've had this presentation today, which compliments what we did three years ago. It's important for everybody in this audience and people throughout the State of Nevada to be able to have a full opportunity to have this project vetted and considered and weighed and balanced, and we've done all that today. So with that, are there any other comments from Board members before I take a motion? Hearing none, the Chair will accept a motion to--that NDOT will follow the requirements of NRS to justify use of the design-build method for delivering State Route 439 and a portion of U.S. 50 from State Route 439 to U.S. 95A. And also, NDOT will make adjustments to the STIP as described in Attachment 2 and bring the STIP amendments to the Board. The FY 15-18 approval is anticipated to be presented at the November 2014 meeting.

Skandke: So moved...

Sandoval: Okay.

Skandke: ...by a Las Vegas representative.

Martin: And seconded by one, too.

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- Sandoval: So we have a motion for approval by Member Skancke. We have a second by Member Martin. Questions or discussion on the motion? Hearing none, all in favor please say aye.
- Group: Aye.
- Sandoval: Opposed no? The motion passes unanimously. Well done. Thank you, Mr. Terry.
- Terry: (Inaudible) could have one more comment. I believe this month we are finalizing the state map that goes out every year. We had already talked about and will add I-11 and the portion by Boulder City as proposed, you know, like years ago when we were building the interstate we show proposed alignment. I would propose that we--since the environmentals have about closed, this Board given us direction to move ahead with it that we put in SR-439 on the update to the state map.
- Sandoval: Future?
- Terry: And it will say future.
- Malfabon: No, it'll say future...
- Terry: Yeah, a dash line.
- Malfabon: ...State Route 439, a dash line on the state map. So people will see the state map to see that it's coming.
- Sandoval: All right. Thank you. Do we need to take any action on that?
- Gallagher: Governor, since that wasn't on the Agenda, I think that that was just staff advising the Board what it plans to do.
- Sandoval: All right. Thank you very much.
- Malfabon: Thank you, John.
- Sandoval: Okay. We'll move to Agenda Item No. 10, Acquisition of right-of-way including compensation for existing improvement and acquisition of certain contractual rights for right-of-way easements for the USA Parkway State Route 439 project.

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Malfabon: Thank you, Governor. As we had been talking about the benefits for the USA Parkway, I'll try to be brief so I'm not repetitive. But I think that it's important to mention--next slide, please--the regional economic development is huge, but it's significant for just the entire state. This economic impact is going to be very positive for the entire State of Nevada. And the--we've been talking about the alternative commuter routes, but let's not forget the improvements for movement of freight from I-80 to Southern Nevada and vice versa along this future USA Parkway that will be constructed.

A little bit about benefit cost, because it is a number and what does that mean. So what we do when we're calculating benefit cost, you look at the savings. And to monetize that, we look at what's the average labor or hourly wage for a commercial truck driver, for your normal commuter on that route that's going to work. So there's an average value for a person's hourly wage times that--how many hours of time savings associated with that. So that is captured as a cost. Safety, we don't want to seem callous, but there is kind of a value put to a person's life or serious injuries cost so much. And there's--that's monetized into a direct benefit as well, so the reduction in fatalities and the reduction in serious injuries is monetized. Reduced air pollution. There are six air pollutants that are looked at and there's a value related to how many tons of air pollution that you reduce by this reduced travel time on the project. Less air pollution commensurate to that.

And then operating cost. Everybody knows that the longer you're driving your car, the more it costs to replace tires, to get maintenance done on your vehicle. And all those costs, fuel costs, all that's captured in that benefit cost calculation. So this one, as the Governor had mentioned, and we presented three months ago, it's rare--I don't even recall where I've seen one this high working for the Department, but 9.1 to 1 captures all of those costs that are there in those bullet points. But just for comparison, Project NEON, Phase 1 is a 5.8 to 1. All of Project NEON, all five phases is 2.3 to 1. That includes the Phase 5 that's still to be--remain to be done after we're done with the design-build project. It's a half-a-billion-dollar project. Boulder City Bypass, 0.9 to 1. That's at a higher interest rate, but it's a--the reason that Boulder City is not as competitive compared to USA Parkway is it's a long distance compared to--the objective in that environmental document was get people as an alternate route around Boulder City, rather than right

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through town where it's congested, especially during holiday periods there in Boulder City.

Carson Freeway. The current Phase 2B that goes from Fairview down to U.S. 50/U.S. 395, 2.0 to 1. So this gives you a perspective that this 9 to 1 roughly, is a huge benefit cost for this project. And indirect benefits, we've been talking about the jobs not only for construction, but also the companies that are in that industrial center. The development that will occur along this route, as well as appreciation of real property. Next slide.

John had covered the preferred alternative. And I wanted to mention that there is a portion in that section close to I-80, about 3.4 miles that's Storey County's. That will remain Storey County's. So we're talking about the rest of the route including that 3.4 miles. Now, obviously NDOT could still have discussions with Storey County about that portion, but for now the plan is that's remaining Storey County's. We do want to do some improvements in that section to bring it up to our standards and improve safety on that section that's Storey County's. But we're here to talk about what we would-- we're proposing for the Board's decision today is to compensate the developers of the Industrial Center for the improvements that they've made to date and for the right-of-way that they own. So you have the--roughly about a couple miles of that 5.4, and then you have the 4.4 miles of graded section. So that's just rough graded. It's a dirt road. It's not paved, not improved totally. And then you have the rest of the route, which described there as Highlands in that triangle. We're acquiring the contractual rights that the developer of the Industrial Center had with the owners in Lyon County. So we would acquire that right.

So when NDOT builds the road in that triangular section in Lyon County, we will have an easement. But this is typical as what we do. We don't have to own the property the road goes on. In the green section, that's BLM land, for the majority of all those. There's some private owners as you get closer to the junction of U.S. 50. So we've had a history of building roads on easements before. It's not a problem. We just want to acquire those contractual rights for the owner presently in Lyon County dealing with the Industrial Center owner, because they're the ones that own those contractual rights in Lyon County from that developer. Next slide.

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So what we're proposing today is to pay for the right-of-way owned by the Tahoe Reno Industrial Center on USA Parkway, which is future State Route 439. Pay for a portion of their development costs to date, and pay for TRIC's contractual rights for the privately owned portion in Lyon County. Now, as far as the development costs, we don't have invoices. What we did was use a cost estimating tool that we use as a standard at NDOT to do our construction estimates. So these costs were incurred years ago by the developer of the Industrial Center. And--next slide. You can see the breakdown of these costs for right-of-way and the improvements that have been made to date. We're going to be proposing to the Board approval of an expense of \$43.124 million to the developer of the Industrial Center, TRIC. But this breaks it down. So the Storey County portion about 3.4 miles, we're not acquiring that. As I said, we can still discuss that with Storey County, but they're remaining the owner of that portion, and they have maintenance responsibility currently for that portion. So that's negotiable, but that's between us and Storey County to have future discussion. And it really ties to that issue of road relinquishments and road transfers that the Board will be taking action on as we come and discuss that item in months to come.

So there's 16.4--estimated \$16.4 million in improvements in that section that remains Storey County's. Since it's going to be a state highway, we're including that in the mix. The paved portion, which is going to be NDOT's ownership, the actual right-of-way ownership will be NDOT's. There's \$3.3 million in right-of-way costs associated with that portion. So if you look at the rest of the blue line on John Terry's map there on the board, that's the rest of that portion. And \$9.6 million estimated using our cost estimating tool in improvements. There's a section, the light-blue line on John Terry's map is not paved, but it's graded and it will become NDOT's. There's \$7 million in right-of-way costs for that, and \$10 to \$14 million in improvements based on our estimating tool. And then in Lyon County, we're only requiring the contractual rights, so we will not own that right-of-way in Lyon County, but we have the right to build a public road on an easement in that portion. And then we'll proceed with BLM after the environmental document is approved. Get the BLM to give us an easement interest for transportation purposes on the BLM property as well.

Sandoval: So, Rudy, before you go forward.

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- Malfabon: Yes.
- Sandoval: Are there any outstanding parcels that have to be considered as part of this, so will what you've just described take care of the entire route?
- Malfabon: It will not address the private ownership of the parcels that are closer to the junction with U.S. 50. So we will have to acquire a handful of properties there. We'll follow the process of appraising it, getting a review appraisal done then making offers to the landowners. So at the appropriate time, once the environmental is done, we're going to do on dual tracks, do the right-of-way acquisition in that area so that we can acquire the property in a timely manner. We anticipate that we can--we're allowed to still enter into the design-build contract while we're acquiring that private property, so we will acquire it so that it doesn't cause a delay to the design-build contract. I don't know, John, if there's anything to add to that affect, but we will have dual tracks and acquire that property, as well as the BLM easement for the rest of the Parkway up to U.S. 50.
- Terry: Once again, John Terry, Assistant Director for Engineering. Again, we're talking about the parcels right down here around U.S. 50. Fortunately for us, the most difficult construction is up in here in an area that we'll have, so there's a very good chance we will start the design-build job while we're still acquiring those and tell them they can't work down there. The hardest work is in the areas we'll already have, so we think that'll work out. Thanks, Director.
- Sandoval: Member Skancke.
- Skancke: Thank you, Governor. John, will the right-of-way acquisition--will the proposed roundabout or high-T, which one is going to require more land and have you guys decided which one is the most efficient?
- Terry: Okay. The high-T is at the intersection of USA Parkway and U.S. 50. The roundabout is at U.S. 95 Alternate and U.S. 50. This is out of the environmental assessment that was done a number of years ago for U.S. 50. We'll obviously look at that a little bit more as well as let the design builder, but these are the current layouts that are in the environmental documents.
- Skancke: Okay. Thank you, Governor.

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- Sandoval: Thank you.
- Krolicki: And, John--and Governor, if I may. Isn't that intersection currently one of the more dangerous ones in the state? I seem to recall hearing that.
- Terry: Excuse me, are you talking about the intersection of 95A and 50?
- Krolicki: Correct.
- Terry: We can get follow-up with that. I just don't know. It is a...
- Krolicki: I understand that it is one of the more...
- Terry: ...blinking light, four-way stop currently.
- Krolicki: ...traumatic pinch points in the state. And so, I guess a...
- Malfabon: That whole...
- Krolicki: ...sidebar in this is we're making that whole...
- Malfabon: That corridor safer.
- Krolicki: ...(inaudible) safer. There's a lot...
- Malfabon: It's definitely a safety challenge. That's why we're doing the safety project currently that's active right now. It's further to the west. But we definitely have our plan to widen U.S. 50 all the way out to that. So although, in Mr. Terry's presentation, he talked about the two miles or so to the junction with U.S. 95A, we definitely still have plans to address U.S. 50 from USA Parkway, to the west, to where it's currently four lanes.
- Terry: I do believe one of the issues that we have had on U.S. 95A is, there's the steep hill you're coming down as you're coming from Fernley towards that intersection. And I believe there have been some issues with vehicles not stopping or not being able to stop for that four-way blinking light.
- Malfabon: Okay. Next slide, please. So this summarizes for the total cost, right-of-way, \$10.3 million, to compensate the developer for current improvements. The total amount that we estimated for the improvements made to date was \$46.3 to \$50.3 million, and we're compensating them for a portion of that for a total \$43.124 million, to the developer of the Industrial

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Center. And that includes the contractual rights for the--for us to build that highway--USA Parkway, on an easement and the private property in Lyon County. With that, that concludes the presentation on the right-of-way and the payment for some of the existing improvements to USA Parkway. And available to answer any questions.

And this is--I just wanted to point out that this is use of state funds. We've been very conservative from obtaining the--from the Interim Finance Committee the ability to receive and expend the \$100 million in highway revenue bonds for the right-of-way on NEON. That's kind of helped us to offset some costs and build up the highway fund balance. We've been very aggressive with trying to federalize as much as possible. I appreciate Member Savage's comments earlier on associated projects in Southern Nevada, you know, try to make every dollar eligible for federal reimbursement. So we've been doing that aggressively, and that's why we have a highway fund balance that's around about \$200 million, in addition to the highway revenue bonds for right-of-way for Project NEON. So we've been managing our cash flow very well and we can expend \$43.124 million in state funds for this purchase of right-of-way and payment for current improvements on USA Parkway.

Sandoval: Thank you, Director. Questions from Board members? Member Savage.

Fransway: Governor?

Sandoval: I'm going to go to Member Savage and then I'll go to you, Tom.

Fransway: Okay.

Savage: Thank you, Governor. Mr. Director, just a couple of questions and a comment. And I--you had said it's still in negotiation. I was taken back a little bit on the current 5.4 miles that are already paved that the developer owns. We have to go back and make some different modifications. But Storey County is going to retain the rights for maintenance and operation of that road? I'm a little confused. In need some clarification on that.

Malfabon: Yes. The developer asked that that remain Storey County's right-of-way. They're currently maintaining that portion. They currently own it. So what I was saying was negotiable, was that NDOT could still discuss that issue separate from this issue with the developer of the Industrial Center. We

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could still have ongoing discussions with the--with Storey County on that piece, but we--since it's going to be a state route all the way from I-80 down to U.S. 50, we want to bring it up to our standards. And to me, it's our--we would feel that we want to just bring it up the whole thing to state standards, regardless of ownership of that portion by Storey County.

Savage: And I guess that's where I'm a little confused, because we--I would think Storey County would want to relinquish that part of the roadway. We're trying to relinquish other state roads throughout the state, and I just don't have an understanding of why that would be in their best interest to keep that small section. When we have to plow something, we're on I-80, we have to pick up the plow, we go 5.4 miles and we have to put the plow down again. And as far as maintenance, I guess I just don't understand why they would want to retain that.

Malfabon: Well, we--in response, we have not had a lot of discussion with Storey County about that. So we think that your observation makes perfect sense for this to be all owned by NDOT and maintained by NDOT. Now, NDOT also has an example of a locally owned road, Clark County Beltway, the airport connector, is owned by Clark County Department of Aviation. We maintain that piece of the Beltway--of the 215 Beltway in Las Vegas. So there are examples where we've either put forth state funds towards a local project. Another example was Needles Highway, which is a county road there by Laughlin that goes to the California-Nevada state line, where the Transportation Board approved the use of state funds to improve that road. And part of it is in the interest of safety, but also, it's a great connection to California. It brings the tourists and freight in from California through that area around Laughlin. So there are examples where we've done maintenance on locally owned roads, but it's very unique. We could still have those discussions. It just wasn't in time for this Board meeting that we had approached Storey County and had that discussion with them about that piece, but we definitely could bring that back to the Board in the future about what we propose and that would still be owned by Storey County and whether we could transfer that.

Savage: I appreciate the clarification, just to question my own mind there. And lastly, on the Highlands area planning. It's my understanding that we will

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not have to acquire any right-of-way for any of that blue section through the Highlands Park parcels; is that correct?

Malfabon: The developer of the Tahoe Reno Industrial Center had in their sale to the Highlands owner, which I think was sold again--so they had language in their contract that said that they will provide an easement to build a public road on that property. So that language is in there in the contract between the developers and it was something that we want to obtain that right to that, so that we are not paying that owner for that right-of-way. We have--because of the contract between the two developers, there's an easement for a public road to be built in that, and that would be the road that NDOT builds as USA Parkway.

Savage: And I think that's great, and I think that leads to the my point that the legal has to be dotting their I's and crossing the T's so that nobody comes back later and says that we cannot have that easement.

Malfabon: Right.

Savage: If that's the case, then the developer would have to defend the Department for their contractual obligation. That's all I have to say. I appreciate it, Mr. Director. Thank you, Governor.

Sandoval: Thank you, Member Savage. And just to follow up on Member Savage's question. So we're going to spend the money to bring that road, that portion of USA Parkway that's already built up to standard. Who, in Storey County, is going to maintain ownership of that road? Who's...

Malfabon: Of that...

Sandoval: Of that section.

Malfabon: Yes, that lower section.

Sandoval: So who's going to be responsible for maintenance and snow plows and those types of things?

Malfabon: Governor, I think that it makes sense that NDOT should be responsible. It doesn't make sense, as Member Savage noted, for our plows to drive through there. There was an example of a California highway where we had discussions with Cal Trans where a road starts in Nevada, goes through

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California, comes back into Nevada. It didn't make sense for our plow operators to pick up their plow blades in that section when it was Nevada residents going through California, coming back in to Nevada to get to point south in the winter. So to me, it's the same kind of situation. Common sense approach would dictate that we plow that since we're going to have plow operators in the future, operating on that section to clear snow.

Sandoval: Okay. Member Fransway.

Fransway: Thank you, Governor. And I think this may hit on some of the questions, maybe concerns from Member Savage. My question regards the contractual easements. Is it written in these easements that they will be perpetual and that they cannot be changed, for instance, in the event of a change in property of ownership?

Malfabon: I'm going to defer that to our Chief Deputy Attorney General, Dennis Gallagher.

Gallagher: Board Member Fransway, currently TRIC retains the contractual right of an easement through the property. The exact location has yet to be defined. I believe it's the Department's intent, should the Board approve this, to immediately start negotiations with those property owners, along with the engineers to define that right-of-way and get a permanent easement recorded for the site. But right now, we don't have a full legal description. So again, the intent is to meet with those owners right after the funding gets approved and the transaction closes, working with the engineers to define that right-of-way, and then get it recorded in Lyon County. And it's the intent of the Department that those would be permanent easements.

Fransway: (Inaudible).

Sandoval: Tom, did you hear the response?

Fransway: I did hear the response. And my question was--or is, is there a draft that is going to be presented to the property owners at this time? It sounds like the Department will indeed ask for a permanent, nonrevocable easement, but to me, that's absolutely imperative that we negotiate that into the agreement.

Gallagher: Board Member Fransway, this is Dennis Gallagher. Again, I'm not aware of any discussions between the Department and those property owners yet, but

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I, again, believe it's the Department's intention to do it as quickly as possible, should the Board approve the right-of-way acquisition.

Malfabon: The...

Fransway: Okay. Thank you, Governor.

Malfabon: There is a draft between us and developer of the Industrial Center, but not with the other owners. We haven't dealt with the other owners.

Sandoval: And so if I heard you right, the developer already has some type of an easement agreement with those property owners; is that right?

Gallagher: That is correct, Governor.

Sandoval: And it makes sense. It would be premature to have defined the property description for those easements until you definitely knew where the road was going to be. So this seems to be more of a procedural issue versus anything else; is that correct?

Gallagher: That is correct, Governor.

Sandoval: Okay.

Malfabon: And, Governor, if I may. The width of the right-of-way that's needed in that mountainous area is to be defined specifically as we do the design-build project. And we established with our consultant engineer, Jacobs, that we needed between 250 to 400 feet of right-of-way in that mountainous area. Obviously, where it's more mountainous, we need the 400 feet width. Where it's less mountainous, 250 feet width.

Sandoval: Okay. Mr. Lieutenant Governor.

Krolicki: Thank you, Governor. Two items. First, since this is a separate action item, I just want to reaffirm my conversation with Mr. Gallagher that my situation does not pose a conflict of interest in my independence of judgment as preserved, as it would be with any reasonable person, and I will participate. This question goes more to just the cash management. You have a \$200 million fund balance and I understand that, but just making sure that the \$43 million for this purpose is not in violation of any covenant or restriction on the bonds that were sold.

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- Malfabon: No, it doesn't. And it does not affect any--since this is a fiscal year '14 expenditure, it doesn't affect any projects that need to be deferred in this current fiscal year as well. So no impacts. We can take it.
- Krolicki: Thank you.
- Sandoval: Madam Controller, do you have any questions?
- Wallin: No, Governor, I don't. And Member Martin had to leave. He had a meeting at noon, so...
- Sandoval: All right. Thank you. Any other questions or comments from Board members? Just to save everybody time and having to listen to me, I'm going to incorporate my comments that I made in the previously Agenda--previous Agenda item and would hope that for the purposes of the record, that they would be adopted for this Agenda item as well.
- Malfabon: We'll do that, Governor.
- Sandoval: So if there are no further questions or comments, the Chair will accept a motion.
- Skanccke: So moved, Governor. I'll move to approve item--now I've dropped my glasses, so I'll have to look at what the item number is. Sorry.
- Sandoval: So I'll help you with that.
- Skanccke: Thank you.
- Sandoval: The motion would be to...
- Skanccke: This is terrible.
- Sandoval: ...approve the sum of \$43.124 million for the purchase of the right-of-way associated with the USA Parkway road project.
- Skanccke: So moved.
- Savage: Seconded.
- Sandoval: Member Skanccke has moved for approval. Member Savage has seconded the motion. Any questions?

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- Malfabon: Governor, if I may...
- Sandoval: Yes.
- Malfabon: ...just to amend the motion. It would be for the portion of improvements, right-of-way, and easement contractual rights so that we have all three of those...
- Sandoval: Okay.
- Malfabon: ...included in that.
- Sandoval: All right. No, I apologize. So the motion would be approval of \$43.124 million of state highway funds for the acquisition of right-of-way for future USA Parkway, and to compensate the developer for a portion of improvements, right-of-way, and easement contractual rights made to the current alignment as described in Agenda Item No. 10.
- Skancke: That would be my motion.
- Sandoval: All right. Member Skancke has amended his motion to reflect what I just stated. Member Savage has seconded the motion. Any questions or discussion? All in favor say aye.
- Group: Aye.
- Sandoval: Opposed no? Member Fransway, did you vote. Tom, are you there?
- Fransway: Yes, Governor. This motion will take--the \$43 million will come out of our current fund balance, correct?
- Sandoval: Yes.
- Fransway: I vote aye, Governor.
- Sandoval: All right. Thank you.
- Malfabon: Thank you, Governor. We could move on to Item No. 11, a Briefing on the Proposed Digital Billboard Policy. And Paul Saucedo, our chief right-of-way agent, will give this presentation.
- Saucedo: Good morning, Governor, members of the Board. I think it's still morning. Ten more minutes, so I'll try to be brief. Today, I'm going to talk to you a

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little bit about our efforts to amend NAC 410, to provide further clarification on the issuance of billboard permits as they relate to digital billboard signs. And this regulation change came about as a result of the passage of Assembly Bill 305 during the 2013 legislative session. AB 305 amended NRS 410.350 to require the Transportation Board of Directors to establish regulations specific to commercial electronic variable message signs, which I'll refer to as CEVMS for the rest of this presentation. And the bill also established a definition for these types of signs.

To give you a little bit of history, state legislator created NRS Chapter 410, Beautification of Highways, which established a statutory basis for the regulation and control of off-premise outdoor advertising in junkyards. And this would be consistent with the Federal Highway Beautification Act. Now, these statute provide a basis for NAC Chapter 410. State law and federal regulation require a permit for any off-premise advertising sign or billboard that is located within 660 feet of an interstate or primary highway system. Essentially what that means, is the control routes for these are all the interstate routes, all U.S. routes, and then some of our state routes. The federal and state regulation specific to the Beautification Act, identified two different types of advertising signs, and there are those that advertise for items or events that take place off-site. And these signs usually provide a rental income to the property owner, and they also will advertise either national brands or events that are incidental to the activity that is taking place on the property.

And for example, say you have an advertising sign that advertises a national brand of soda. Even though the soda may be sold on site, the sign would be considered an off-premise advertising sign. The other type of signs are on-premise signs. And obviously those advertised products or services that are provided on site. And these are not regulated under the Beautification Act. In addition, NRS 410 and NAC 410 specifically exclude these types of signs from our regulation.

So since the establishment of the Highway Beautification Act, off-premise advertising signs or billboards have been tightly regulated. When located adjacent to controlled highways, they're only allowed in commercial or industrial areas. They have size, height, and spacing requirements, and we're not allowed to use intermittent flashing or moving lights. In

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compliance with the federal regulations and the NACs, CEVMS were and are permissible signs adjacent to controlled highway facilities. CEVMS are defined as a self-luminous or externally illuminated advertising sign which contains only static messages or copy, and which may be changed electronically. Originally, CEVMS were limited to tri-vision signs, which are a three-sided sign that consists of triangular prisms inside a frame. And the prisms rotate 120 degrees, each showing a new image or message. The technology limit of the signs, again, to only three images or messages. And these types of signs had to conform to all the same basic rules that would apply to aesthetic display, plus they had a minimum display time requirement of six seconds per side and a maximum change interval of three seconds.

Tri-vision sign also had a requirement that had to have a mechanism that would stop the sign in one position if a malfunction occurred. When the technology for digital billboards was introduced, the digital signboard was classified as a CEVMS. However, since the technology used by digital billboards was so different, there was concern that they may violate the federal and state regulations regarding intermittent flashing or moving lights. Several other states shared similar concerns, so the Federal Highway Administration provided a guidance memo. And this guidance memo advised that CEVMS, which included digital signs, did not violate a prohibition on intermittent flashing or moving lights. And issuing permits for these types of signs would be in compliance with the Beautification Act.

After this, NDOT had discussion with our local Federal Highway office and the Department started issuing permits for digital signs under the same rules as tri-vision and aesthetic display signs. Now, the federal guidance memo was challenged in the State of Arizona, which Mr. Wray had mentioned. The Appeals Court found that there was inconsistencies with Arizona state law and similar technology used in CEVMS. This resulted in the State of Arizona proposing and passing legislation to formally recognize CEVMS in their state law. Likewise in Nevada, a lawsuit was filed in Washoe County, which Mr. Wray had mentioned. This was specific to digital billboards and, again, identified the technology used in CEVMS violated federal and state law. And the judge in that case upheld the city ordinance for digital billboard signs. And I guess that's being appealed as we speak here.

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The before mentioned rulings in Arizona and the lawsuit in Washoe County caused the billboard industry to seek a legislative solution in Nevada. And the creation and passing of Assembly Bill 305 formally recognized CEVMS and thereby ensuring consistency with federal regulations. And so where are we at today? We've had workshops in Southern and Northern Nevada to discuss the proposed changes to NAC 410.350. The changes were specific to digital billboard signs and they included the following. A definition of commercial electronic variable message signs or CEVMS to specifically recognize digital billboards. They also set a minimum display of six seconds and a maximum change interval of two seconds. There was also a malfunction setting--or requirement that should a malfunction occur the sign would be programmed to turn off, go completely black or freeze on the displayed image.

And then lastly, there was a brightness requirement. And every digital sign must contain a light sensing device that will adjust the brightness of the sign to comply with the industry standard. And the industry standard that was identified and used by several other western states is the Outdoor Advertising Association of American Best Practice Guidelines. During the workshops, we had numerous comments and suggestions. As a result, we have been reviewing the comments and reworking the proposed changes. And we're proposing to have a second round of workshops to further discuss these changes. And some of the highlights of the new items include further clarification of the definition of CEVMS. There was also a security concern regarding hacking of the digital systems, and so we added some language addressing that issue. And also identified some requirements to convert an existing aesthetic display to a digital display.

Once we've had these changes reviewed by legal counsel, we can then have a second round of workshops like I just mentioned. At that point, we can consider any further changes and prepare for the formal public hearings. We then can conduct those formal hearings and then bring the proposed changes back to the Transportation Board for your consideration and a possible vote. And then we'll move forward--if approved, move forward to the LCB for final processing. And that concludes my presentation, so I'd be happy to answer any questions you might have.

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- Sandoval: Thank you. When we consider these, what will be the breadth of our jurisdiction?
- Saucedo: Essentially, it's the controlled routes are all interstates, all U.S. routes and then some state routes. And it's 660 feet from the right-of-way out, and the sign has to be able to be read from the main travel lane. And that's essentially what it is right now.
- Sandoval: So we wouldn't be considering something, for example, that would be on the Las Vegas strip, would we?
- Saucedo: As long as you cannot read it from the main travel lane, you're correct, and it's beyond that 660.
- Sandoval: Okay. And then will any of our, what we consider include content-based issues?
- Saucedo: No, Governor, it does not.
- Sandoval: And who has the jurisdiction over that?
- Saucedo: I don't--the local--yeah. The locals have jurisdiction even within our 660, so if there is a more restrictive requirement, the billboard companies have to get a permit from the Department to comply with the Beautification Act, and they also have to get a permit from the local jurisdiction. So if there's a requirement in that local jurisdiction, that would also apply.
- Sandoval: Okay. And then will we be considering whether a sign company that is seeking to, for lack of a better term, upgrade their single content-based and they want to move it to a digital format?
- Saucedo: There is--our second round of workshops that's one of the things we're going to talk about. We did identify what requirement that might be. We wanted to make sure the signs were not grandfathered in before the Beautification Act was put in, or that they're still compliant. In other words, we allow signs in commercial or industrial areas. And then if a sign--if an area has changed to maybe residential or something and the sign really isn't conforming anymore, then that's something we would recommend that we wouldn't approve a digital sign for something like that.

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- Sandoval: And then this perhaps is a question for Mr. Gallagher, but if we're looking at eminent domain-type issues, and I know that's been the subject of litigation previously, is when there's an alleged taking and that includes a billboard, we've paid a lot of money out for a single-subject board. And if we encountered any kind of litigation, with regard to a digital format that would likely seek additional compensation, given that they can increase the volume of their content, because of the digital format.
- Gallagher: For the record, Dennis Gallagher, Counsel for the Board. Governor, I'm not aware of any litigation that involves billboards in that regard for changes. I will point out that in Project NEON, it is going to impact a number of billboards and we're in negotiations with a couple of the companies. In that situation, where we can, we'll relocate and we're working with the city, also, to assist. I don't recall if any of those billboards--some are electronic, but I don't think any are multifaced, although I could--there are?
- Saucedo: There are, yeah.
- Sandoval: And then would we also--I would likely anticipate a claim that--from a sign company, that we would have converted that, if you hadn't taken it.
- Gallagher: We've had that discussion already, Governor, in connection with some of the billboards related to Project NEON.
- Malfabon: Yes.
- Sandoval: All right. Questions from other Board members? Member Skancke.
- Skancke: Thank you, Governor. Just following on that line of questioning, which I think is really good. Is there--and if we don't know, we may want to get an answer to this, but is there any case law in other states, or federal district court, or any courts of appeal, where there has been precedents set on any Departments of Transportation in the taking of a sign that has multiple advertisement opportunities?
- Gallagher: I don't know, Board Member Skancke, off the top of my head. I would imagine that there is case law on it, because as you know, the laws vary from state to state on eminent domain. So I do expect that there are in other jurisdictions, depending on that state's law. I don't know how much

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precedential value it would have given Nevada's eminent domain law is so different than most other states.

Skancke: I guess--so my question would be is if there's--again, I'm not a lawyer. They won't let me practice law because I didn't go to law school or pass the bar. But I--my concern here is that we have so many large projects now and in the future that, to the Governor's point, I think we should find out if there's any case law in district court or courts of appeal where we may either get ourselves into trouble or not, before we have a conversation around what this looks like. I'm very concerned that with multiple businesses being on these electronic signs, that that's going to have a negative impact on all the good things that we're doing. We have a lot of road improvements and a lot of expansions coming and lots of projects over the next 25 years, and that would be my concern. And I did have a question on the 660. Is that 660 from the control of access line, or is that the 660 from the edge of the freeway?

Saucedo: It's from the edge of the freeway. 660 feet from--I think it's from the right-of-way.

Unidentified Male: The right-of-way.

Saucedo: Yeah.

Skancke: So it's from the right--okay.

Saucedo: Yeah.

Skancke: All right.

Sandoval: Excuse me. As part of the presentation, will there be a discussion as--or will there be discretion on behalf of the Board whether we want digital at all, or is it assumed that there's going to be digital and then we'll be talking about limitations?

Gallagher: I'll defer to Paul--Mr. Saucedo.

Saucedo: I'm not an attorney, but the legislature approved the language for CEVMS or commercial electronic variable message signs. And so I don't know if what our--what your discretion is to not follow that, so...

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- Sandoval: Okay.
- Gallagher: For the record, Dennis Gallagher, Counsel for the Board. As I recall, Governor, the legislation authorizes this type of billboard. It doesn't mandate that this body or any other body that might regulate billboards, permit that technology.
- Sandoval: Okay. And just as an aside, will this include digital signs that are state highways that are now roads through town?
- Gallagher: If they're billboards, as opposed to on-premise signs. On these state highways as it goes through these towns, you may have digital signs advertising the business upon which these boards sit.
- Sandoval: So there's a distinction between that and a billboard?
- Gallagher: Yes. On-premise advertising versus--well, some businesses in the state actually have billboards on their property advertising their business.
- Sandoval: For example, and I'm not pointing anything out, but just as part of this discussion that we've had, with regard to state roads that are within city limits, our promulgation and adoption of regulations will give this Board authority with regard to billboards that are on those roads (inaudible)?
- Saucedo: Yes, but it would--it sets a minimum kind of a guidance. And so a local jurisdiction would then have the ability to set any rules they would have as long as they're not less restrictive than the Beautification Act rules.
- Sandoval: No, that's the clarification I'm looking at though. I mean, this is the other side of the coin here, in terms of what authority this Board will have within city limits of communities throughout the state, because of the state road. And I think what I heard you say is that this Board would have the ability to set more restrictive regulations than those that are adopted by local governments.
- Saucedo: Yes, as long as they're not less restrictive than the federal requirements.
- Sandoval: Mm-hmm. Okay. Further questions from Board members? Member Skancke.
- Skancke: Thank you, Governor. So this is an information item only today...

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- Saucedo: Yes, sir.
- Skancke: ...right? So what's the next step for this Board?
- Saucedo: We had planned to take--to have the next set of workshops take--we have some proposed changes from what I provided the Board. We'll have those reviewed by our legal counsel. If they're okayed then we can take (inaudible) to the next workshop that we have. At that point, I believe we can have--either bring them back to you if you'd like that or we can actually go to the public hearings at that point, and then after the public hearings bring the changes back to you for vote. So there's a choice here, I think. You either go to the--we either come back after the second round of workshops, let you see what we've done. If you're okay with it, move forward with the public hearings, then to the LCB. Or we can have the next workshop and the public hearing and then bring the regulations back to you.
- Sandoval: Well, when you say public hearing, what's the format for that?
- Saucedo: Dennis, can you comment on that?
- Malfabon: It's a publicly agendized meeting so we have those notices--public notices out of those hearings.
- Sandoval: But that would be separate from this Board meeting.
- Malfabon: Yes.
- Sandoval: So would you be coming--so let's do a hypothetical here. But you have those hearings, those publicly noticed hearings. You give the public and the affected local governments the opportunity to be heard, then you would present a recommended--or proposed regulation to this Board for another public hearing?
- Saucedo: Yes.
- Malfabon: That's technically a public hearing, yes.
- Sandoval: Because we won't be bound by what is recommended, correct?
- Gallagher: That is correct, Governor. And it would come back to this Board before it would be sent over to the LCB for its consideration.

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- Sandoval: Because it would have to be adopted here, then go to the LCB?
- Gallagher: Yes, Governor.
- Sandoval: Yeah.
- Skandcke: So, Governor, if I could. I'd like to request two things. One, the more input we have and oversight before it goes over to the LCB or any legislative action, I think that would be appropriate. And the second thing is, is whether it's an agenda item or not, I would like to have, and I think it would be prudent for the Board to have as well, any case law on multiple electronic billboard advertising. Having been around this many, many years ago in my previous life, a two-sided billboard is worth more than a one-sided billboard. And if these electronic signs can handle multiple companies, which they can anywhere from, I think, 5 to 12 or 15, I think it's really important for us to have that case law to see if--and there may not be any, then that's a different conversation we have to have. But I think the more information on this particular item we can get, the better for the future of our state as it relates to obligating funds out. Thank you, Governor.
- Sandoval: Thank you. Any other questions from Board members?
- Krolicki: Governor, if I may, please.
- Sandoval: Lieutenant Governor.
- Krolicki: I don't think we can answer today, but there is going to potentially be a rub between the local jurisdictions and the state Board. So obviously, discussions prior to going to LCB would be, I think, encouraged just to make sure we understand what these issues are and just clarify. The Wrays had mentioned something in their public comment and I've certainly read about it, but what is the status of some of the litigation involving the digital boards, and would that impact anything that we're discussing today?
- Saucedo: Yeah, I'm sorry. I couldn't address that.
- Sandoval: I mean it would have to. I mean, just by definition, if the Nevada Supreme Court is considering an issue. So, Mr. Gallagher, the question would be--if I may, Mr. Lieutenant Governor.
- Krolicki: You're the federal judge.

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- Sandoval: No. But would it...
- Krolicki: His boss makes \$500 an hour.
- Sandoval: ...would it be premature for this Board to be adopting regulations without the guidance of the Nevada Supreme Court on the issues that are before it?
- Gallagher: Governor, I'm not--I apologize, I am not aware of the issues that are being considered in the case now pending before the Nevada Supreme Court. I will look into it and next month report to the Board.
- Sandoval: Yeah. And then that would be helpful in terms of scheduling and for my consideration of what's going on, because it could be determinative in terms of what we're deciding. And a great point brought up by Lieutenant Governor. Madam Controller, do you have any questions?
- Wallin: No, I don't, Governor. Thanks.
- Sandoval: Member Fransway, do you have any questions?
- Fransway: Yes, Governor. I'm just wondering, is there going to be a deadline for approval by the Board, before it goes to LCB?
- Sandoval: Yes, I will take a stab at answering that. LCB can't take any action until this Board adopts regulations. So what happens is we would have our public hearing, we would adopt regulations. Those regulations are submitted to LCB for approval and it has the discretion not to approve those and send them back. So I think LCB essentially has to wait until we've taken final action; is that correct?
- Gallagher: That is correct, Governor.
- Fransway: Okay.
- Sandoval: Any further questions, Member Fransway?
- Fransway: Yes, Governor. I'm thinking the bottom line, wouldn't this culminate in a BDR of sorts?
- Sandoval: I don't think so. I mean it could. I mean, I don't know if it would come out of this Board, but certainly someone else could propose legislation.

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- Fransway: Okay. That's my question, Governor. Thank you.
- Sandoval: Any further questions before I leave Agenda Item No. 11? All right. Thank you very much.
- Malfabon: Thank you, Paul.
- Sandoval: We'll move to Agenda Item No. 12, Old Business.
- Malfabon: Thank you, Governor. We'll be brief. Items A and B of Item 12 are report of Outside Counsel Cost on Open Matters and Monthly Litigation Report. And Chief Deputy Attorney General, Dennis Gallagher, is available to answer any questions. Seeing none, the Fatality Report is also provided. And as we have mentioned in previous months, we've seen an uptick in fatalities and we're doing the best we can and ask just each and every driver out there just drive safely, buckle up, be attentive, and watch for those that are at risk: motorcyclists, pedestrians, bicyclists. To be cautious every day that you're behind the wheel. Thank you, Governor.
- Sandoval: Thank you. Any questions for the Director with regard to Agenda Item No. 12? Agenda Item 13, Public Comment. Is there any member of the public in Las Vegas that would like to provide public comment to the Board?
- Martini: Hello, my name is Mary Martini. I'm speaking as a member of the public, and on behalf of the residents of the Rainbow Unit in Mt. Charleston. The flood diversion channel for Mt. Charleston began construction last Thursday. And it is a very impressive project, probably rivals other repairs to the freeway. It's about a half a mile long and it's 10 to 20 foot high and the size of a prism. And the impacts to the community and to the recreational area up there is tremendous. And I just want to express gratitude to you, Governor, for making this happen.
- Sandoval: Thank you very much. Any other public comment from Las Vegas?
- Wallin: No, Governor, no one else.
- Sandoval: Public comment from Carson City?
- L. Wray: Thank you, Governor. Lori Wray with Scenic Nevada. I just wanted to point out that in your packets that we gave you today, there is information about a suit--or a payout to Clear Channel Outdoor for \$4.32 million for one

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digital billboard that had to be removed for a bridge improvement project right outside of St. Paul. And that happened, and the payout came, and the actual court document is in there; it's in the back. And there's also another lawsuit that you might be interested in Los Angeles, where there was a settlement in a lawsuit and the City of L.A. granted the billboard company a thousand digital billboard permits. They were sued, and meanwhile, the billboards went up and were in operation.

And there was an appeal to that, because there was a ban on billboards in Los Angeles at the time. And the final result was that an appellate court had those billboards turned off in Clear Channel Outdoor. It was in a, excuse me, the newspaper article claimed that they were out \$93 million. And I don't know if they're pursuing that or not. Was there any other--and then, of course, Scenic American is suing the Federal Highway Administration for that actual memo from 2007. And so that's still in play, as well as ours.

Sandoval: Thank you, Ms. Wray. Is there any other public comment from Carson City? The Chair will accept a motion for adjournment.

Skancke: So moved.

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

Krolicki: Second.

Sandoval: Second by the Lieutenant Governor. All in favor say aye.

Group: Aye.

Sandoval: The motion passes. Thank you ladies and gentlemen. This meeting is adjourned.

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Secretary to the Board

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Preparer of Minutes



## MEMORANDUM

November 3, 2014

**TO:** Department of Transportation Board of Directors  
**FROM:** Rudy Malfabon, Director  
**SUBJECT:** November 10, 2014, Transportation Board of Directors Meeting  
**Item #4:** Approval of Contracts Over \$5,000,000 – For Possible Action

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### **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 September 23, 2014 to October 17, 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, September 23, 2014 to October 17, 2014.

### **Recommendation for Board Action:**

Approval of all contracts listed on Attachment A.

**Prepared by:** Administrative Services Division

# Attachment

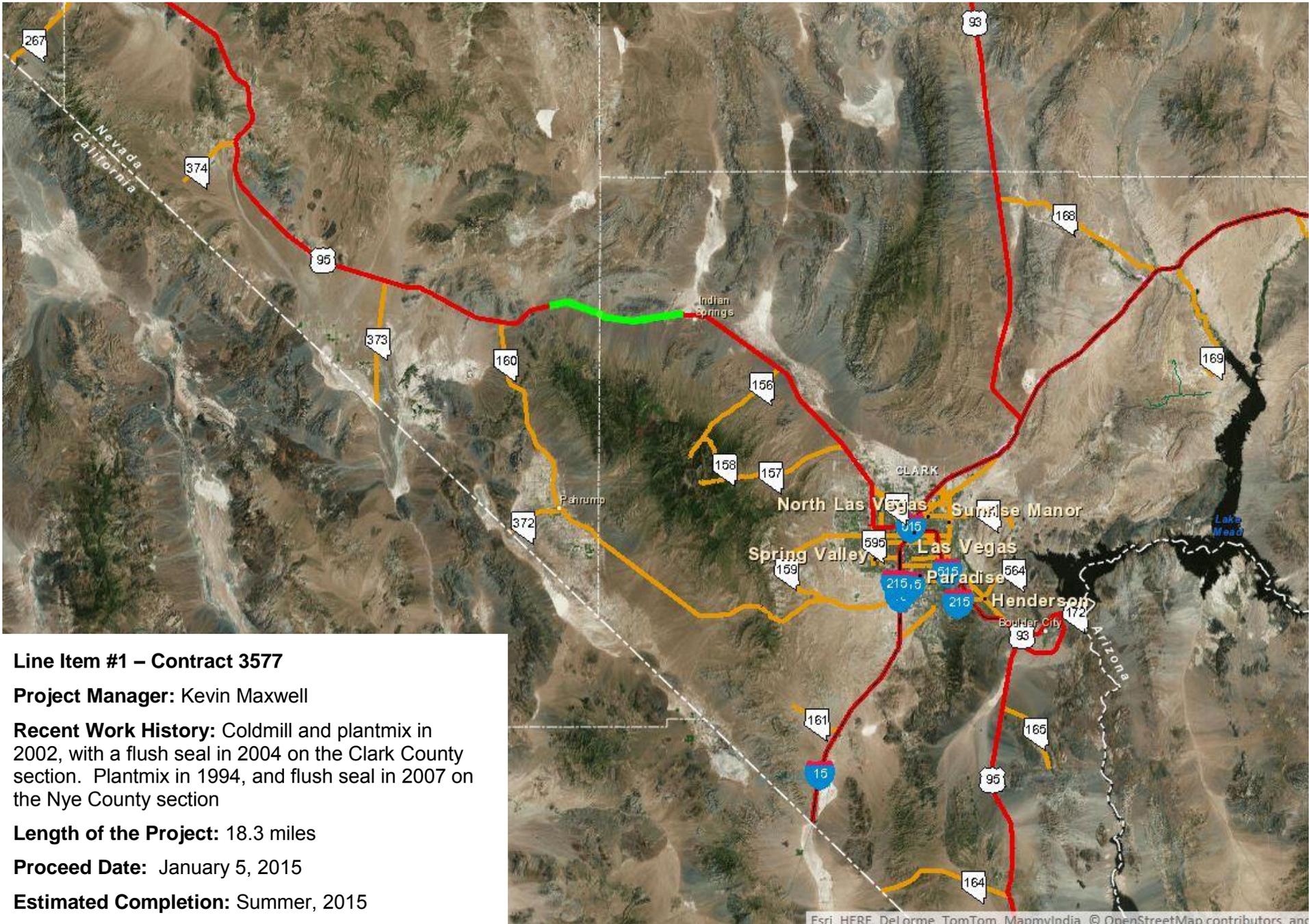
# A

**STATE OF NEVADA DEPARTMENT OF TRANSPORTATION**  
**CONTRACTS FOR APPROVAL**  
**September 23 – October 17, 2014**

1. October 2, 2014 at 1:30 PM the following bids were opened for Contract 3577, Project No. NH-095-2(059), US 95 from 1.2 miles North of FRCL 34 for 3" cold mill, 3" plantmix bituminous surface with a 3/4" open graded wearing course and slope flattening:

Las Vegas Paving Corporation .....	\$22,120,000.00
Road and Highway Builders .....	\$22,494,494.00
W.W. Clyde & Co.....	\$23,876,871.28
Aggregate Industries SWR, Inc.....	\$24,899,450.00
<b>Engineer's Estimate .....</b>	<b>\$20,125,991.81</b>

The Director recommends award to Las Vegas Paving Corporation for \$22,120,000.00.



**Line Item #1 – Contract 3577**

**Project Manager:** Kevin Maxwell

**Recent Work History:** Coldmill and plantmix in 2002, with a flush seal in 2004 on the Clark County section. Plantmix in 1994, and flush seal in 2007 on the Nye County section

**Length of the Project:** 18.3 miles

**Proceed Date:** January 5, 2015

**Estimated Completion:** Summer, 2015

Esri, HERE, DeLorme, TomTom, MapmyIndia. © OpenStreetMap contributors, and

# Line Item 1



1263 South Stewart Street  
Carson City, Nevada 89712  
Phone: (775) 888-7070  
Fax: (775) 888-7101

**MEMORANDUM**

**Administrative Services**

October 13, 2014

**To:** John Terry, Assistant Director - Engineering  
William Hoffman, Deputy Director - Operations  
Rudy Malfabon, Director

**From:** Teresa Schlaffer, Administrative Services 

**Subject:** Concurrence in Award for Contract No. 3577, Project No. NH-095-2(059), US 95 from 1.2 miles North of FRCL 34 to 0.9 miles North of the trailing edge of I-1075, MP CL 120.68 to NY 6.86, Clark and Nye Counties, described as 3" cold mill, 3" plantmix bituminous surface with a 3/4" open graded wearing course and slope flattening, Engineer's Estimate \$20,125,991.81.

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

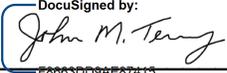
Bid proposals were opened on October 2, 2014. Las Vegas Paving Corporation is the apparent low bidder at \$22,120,000.00 and they submitted a properly executed proposal, bid bond and anti-collusion affidavit. The second low bidder is Road and Highway Builders LLC with a bid of \$22,494,494.00.

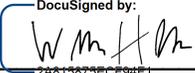
The project is Federally funded, required 6% DBE participation and is not subject to State Bidder Preference provisions.

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 within 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:  
  
1683DD9A267413  
John Terry, Assistant Director

DocuSigned by:  
  
2A613879EC94F1  
William Hoffman, Deputy Director

DocuSigned by:  
  
C4C7CE50D584445  
Rudy Malfabon, Director

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

# Nevada Department of Transportation

## Unofficial Bid Results

October 02, 2014

<b>Contract Number:</b> 3577	<b>Bid Opening Date and Time:</b> 10/2/2014 1:30 pm
<b>Designer:</b> JOHN LOVELESS	<b>Liquidated Damages:</b> \$4,900
<b>Senior Designer:</b> KEVIN MAXWELL	<b>Working Days:</b> 180
<b>Estimate Range:</b> R33 \$20,000,000.01 to \$23,500,000	<b>District:</b> DISTRICT 1
<b>Project Number:</b> NH-095-2(059)	

**County:** CLARK; NYE

**Location:** US 95 FROM 1.2 MILES NORTH OF FRCL 34 TO 0.9 MILES NORTH OF THE TRAILING EDGE OF I-1075. MP CL 120.68 TO NY 6.86

**Description:** 3" COLD MILL, 3" PLANTMIX BITUMINOUS SURFACE WITH A 3/4" OPEN GRADED WEARING COURSE AND SLOPE FLATTENING

Apparent Low Bidder <u>Las Vegas Paving Corporation</u>	<u>\$22,120,000.00</u>
Apparent 2nd <u>Road and Highway Builders LLC</u>	<u>\$22,494,494.00</u>
Apparent 3rd <u>W.W. Clyde &amp; Co.</u>	<u>\$23,876,871.28</u>

Bidders:	Actual Bid Amount
1      Las Vegas Paving Corporation 4420 South Decatur Boulevard Las Vegas, NV 89103 (702) 251-5800	\$22,120,000.00
2      Road and Highway Builders LLC P.O. Box 70846 Reno, NV 89570 (775) 852-7283	\$22,494,494.00
3      W.W. Clyde & Co. P.O. Box 350 Springville, UT 84663- (801) 802-6800	\$23,876,871.28
4      Aggregate Industries SWR, Inc. 3101 East Craig Road North Las Vegas, NV 89030- (702) 649-6250	\$24,899,450.00



1263 South Stewart Street  
Carson City, Nevada 89712  
Phone: (775) 888-7497  
Fax: (775) 888-7235

**MEMORANDUM**

**CONTRACT COMPLIANCE SECTION**

**October 10, 2014**

**To:** Jenni Eyerly, Administrative Services Officer  
**From:**  Dana A. Olivera, Contract Compliance  
**Subject:** NDOT Bidder DBE and Subcontractor Information - Contract No. 3577

---

US 95 from 1.2 Miles North of FRCL 34 to 0.9 Miles North of the Trailing Edge of I-1075, MP CL 120.68 to NY 6.86, Clark and Nye Counties.

3" COLD MILL, 3" PLANTMIX BITUMINOUS SURFACE WITH A 3/4" OPEN GRADED WEARING COURSE AND SLOPE FLATTENING.

The subcontractors listed by the apparent low bidder, Las Vegas Paving Corporation, and the apparent second low bidder, Road and Highway Builders LLC, are currently licensed by the Nevada State Board of Contractors.

The DBE goal of 6% has been met with a 13.56% DBE commitment by the apparent low bidder, Las Vegas Paving Corporation, and a 6.13% commitment by the apparent second low bidder Road and Highway Builders LLC to Nevada certified DBE firms. Specific information regarding the DBE goal is available in the Contract Compliance Section.

DAO



1263 South Stewart Street  
Carson City, Nevada 89712  
Phone: (775) 888-7070  
Fax: (775) 888-7101

**MEMORANDUM**

**Administrative Services**

October 20, 2014

**To: Jenni Eyerly, Chief - Administrative Services**  
**From: Bid Review and Analysis Team**  
**Subject: BRAT Summary Report for Contract #3577**

The Bid Review and Analysis Team met on 10/14/2014 to discuss the Bids for the above reference contract. The following were in attendance:

- Paul Frost, Chief Roadway Design Engineer
- Casey Connor, Assistant Chief Roadway Design Engineer
- Scott Hein, Principal Roadway Design Engineer
- Shawn Howerton, Principal Roadway Design Engineer
- John Loveless, Designer
- Mary Gore, Assistant Chief, Administrative Services
- Teresa Schlaffer, BPA III, Administrative Services
- Paula Aiazzi, BPA I, Administrative Services

Via conference call:

- Jeff Shapiro, Chief Construction Engineer
- Jeff Freeman, Assistant Chief Construction Engineer

The Price Sensitivity Report (attached) showed two significant items were sensitive to the engineer's quantity estimates. The sensitive items were verified and found to be reasonable.

Jeff Shapiro, Chief Construction Engineer, will discuss with the Resident Engineer, the need to monitor the sensitive items closely.

The apparent low bidder, Las Vegas Paving, submitted a bid approximately 10% over the engineer's estimate. The BRAT recommends award of this contract.

Submitted:

DocuSigned by:  
*Paul Frost*  
916B64045CA947F...

Paul Frost, BRAT co-Chair

DocuSigned by:  
*Jeff Shapiro*  
E72AF8C0BA004AE...

Jeff Shapiro, BRAT co-Chair

cc: attendees  
Pierre Gezelin, Legal

Contract No: 3577  
 Project No: NH-095-2(059)  
 Project ID/EA No: 60553  
 County: CLARK, NYE  
 Range: R33 \$20,000,000.01 to \$23,500,000  
 Working Days: 180

RE: TIMOTHY RUGULEISKI  
 Designer: JOHN LOVELESS

Engineer's Estimate	Las Vegas Paving	Road and Highway Builders	Diff. Between Low & 2nd	Diff Between EE & Low	Low Bid % of EE
\$20,125,991.81	\$22,120,000.00	\$22,494,494.00	\$374,494.00	\$1,994,008.19	109.91%

Item No.	Quantity	Description	Unit	Engineer's Est. Unit Price	Low Bid Unit Price	2nd Low Bid Unit Price	Qty Chg Req'd to Chg Bid Order	% Change in Qty Req'd	Low % of EE	Significantly Unbalanced	Quantity Check Comments
2000100	300.00	SURVEY CREW	HOUR	200.00	225.00	50.00	2,139.97	713.32%	112.50%	No	EE Price OK. Quantity verified.
2010100	1.00	CLEARING AND GRUBBING	LS	40,000.00	112,000.00	20,000.00	N/A	N/A	280.00%	Yes	EE Price OK.
2020475	29,649.00	REMOVAL OF GUARDRAIL	LINFT	3.00	2.50	3.00	-748,988.00	-2526.18%	83.33%	No	EE Price OK. Quantity verified.
2020476	22,602.00	REMOVE AND RESET GUARDRAIL	LINFT	3.50	3.25	0.01	115,584.57	511.39%	92.86%	No	EE Price OK. Quantity verified.
2020530	178.00	REMOVAL OF HEADWALL	EACH	500.00	2,000.00	200.00	208.05	116.88%	400.00%	Yes	EE Price OK. Quantity verified.
2020990	871,640.00	REMOVAL OF BITUMINOUS SURFACE (COLD MILLING)	SQYD	0.88	1.25	4.00	-136,179.64	-15.62%	142.05%	No	EE Price slightly low but within historic range. Quantity verified.
2030230	143,301.40	BORROW EMBANKMENT	CUYD	6.00	7.00	2.00	74,898.80	52.27%	116.67%	No	EE Price OK. Quantity verified.
2060110	5,895.96	STRUCTURE EXCAVATION	CUYD	40.00	18.00	20.00	-187,247.00	-3175.85%	45.00%	Yes	EE Price OK. Quantity verified.
2070110	2,472.40	GRANULAR BACKFILL	CUYD	30.00	40.00	80.00	-9,362.35	-378.67%	133.33%	No	EE Price OK. Quantity verified.
2110190	73.00	SEEDING (TYPE A)	ACRE	2,000.00	2,675.00	1,500.00	318.72	436.60%	133.75%	No	EE Price OK. Quantity verified.
2120570	2,703.00	TRANSPLANT FLORA	EACH	25.00	76.00	10.00	5,674.15	209.92%	304.00%	Yes	EE Price OK, limited bid history. Quantity verified.
2120590	2,703.00	TRANSPLANT FLORA (A)	EACH	40.00	79.00	10.00	5,427.45	200.79%	197.50%	Yes	EE Price OK, limited bid history. Quantity verified.
2120600	576.00	TRANSPLANT FLORA (B)	EACH	85.00	93.00	10.00	4,511.98	783.33%	109.41%	No	EE Price OK, limited bid history. Quantity verified.
4020190	145,306.00	PLANTMIX SURFACING (TYPE 2C)(WET)	TON	67.00	72.50	50.00	16,644.18	11.45%	108.21%	No	EE Price OK. Quantity verified.
4030120	34,059.00	PLANTMIX OPEN-GRADED SURFACING (1/2-INCH)(WET)	TON	85.00	92.00	110.00	-20,805.22	-61.09%	108.24%	No	EE Price slightly low but within historic range. Quantity verified.
5020720	1,098.03	CLASS A CONCRETE (MINOR)	CUYD	650.00	680.00	500.00	2,080.52	189.48%	104.62%	No	EE Price OK. Quantity verified.
5050100	157,787.00	REINFORCING STEEL	POUND	1.00	1.60	2.00	-936,235.00	-593.35%	160.00%	Yes	EE Price OK. Quantity verified.
6100200	1,052.30	RIPRAP (CLASS 400)	CUYD	50.00	55.00	120.00	-5,761.45	-547.51%	110.00%	No	EE Price OK. Quantity verified.
6100210	1,192.30	RIPRAP (CLASS 550)	CUYD	65.00	55.00	200.00	-2,582.72	-216.62%	84.62%	No	EE Price OK. Quantity verified.
6161000	4,963.00	TYPE C-NV-4B FENCE	LINFT	18.00	6.75	12.00	-71,332.19	-1437.28%	37.50%	Yes	EE Price high. Should be \$6-\$9 range. Limited history. Quantity verified.
6161080	195,963.00	TORTOISE FENCE	LINFT	3.00	2.70	1.00	220,290.59	112.41%	90.00%	No	EE Price OK. Quantity verified.
6161500	30,640.00	4-FOOT TEMPORARY FENCE	LINFT	3.00	2.00	0.50	249,662.67	814.83%	66.67%	Yes	EE Price OK. Quantity verified.
6180550	22,602.00	GALVANIZED GUARDRAIL (TRIPLE CORRUGATION)	LINFT	28.00	27.00	25.00	187,247.00	828.45%	96.43%	No	EE Price OK. Quantity verified.
6240140	150.00	TRAFFIC CONTROL SUPERVISOR	DAY	650.00	100.00	6,000.00	-63.47	-42.32%	15.38%	Yes	EE Price OK. Quantity verified.
6250490	1.00	RENT TRAFFIC CONTROL DEVICES	LS	295,000.00	667,000.00	800,000.00	N/A	N/A	226.10%	Yes	EE Price OK.
6270190	1,418.95	PERMANENT SIGNS (GROUND MOUNTED) (METAL SUPPORTS)	SQFT	65.00	60.00	80.00	-18,724.70	-1319.62%	92.31%	No	EE Price OK. Quantity verified.
6280120	1.00	MOBILIZATION	LS	1,137,597.27	522,704.00	1,679,515.11	N/A	N/A	45.95%	Yes	
6370190	1.00	DUST CONTROL	LS	28,439.94	306,000.30	5,000.00	N/A	N/A	1075.95%	Yes	

Additional Comments:



## MEMORANDUM

November 3, 2014

**TO:** Department of Transportation Board of Directors  
**FROM:** Rudy Malfabon, Director  
**SUBJECT:** November 10, 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 September 23, 2014 through October 17, 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 September 23, 2014 through October 17, 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, September 23, 2014 through October 17, 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  
September 23, 2014 to October 17, 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	48014	00	LAURA FITZSIMMONS, ESQ	PROJECT NEON REAL PROPERTY ACQUISITIONS	Y	600,000.00	-	600,000.00	-	11/10/2014	11/30/2015	-	Service Provider	DENNIS GALLAGHER	11-10-14: TO PROVIDE LEGAL SUPPORT SERVICES TO MITIGATE RISKS ASSOCIATED WITH PROJECT NEON REAL PROPERTY ACQUISITIONS. CLARK COUNTY. NV B/L#: NV20021000155-S Note: This agreement supercedes Agreement #27014 in the amount of \$350,000 with Laura Fitzsimmons, Esq. previously approved at the July 2014 Transportation Board meeting. That agreement was not fully executed and no monies have been charged against it.
2	46614	00	CA GROUP, INC	SAFETY MANAGEMENT PLANS	Y	665,000.00	-	665,000.00	-	11/10/2014	12/31/2016	-	Service Provider	JAIME TUDDAO	11-10-14: TO PROVIDE SAFETY MANAGEMENT PLANS FOR ROADWAY CORRIDORS IDENTIFIED FROM OUR URBAN ROAD PROGRAM. STATEWIDE. NV B/L#: NV20081407877-R

# Line Item 1

**STATE OF NEVADA  
DEPARTMENT OF TRANSPORTATION**

**MEMORANDUM**

**DATE:** October 7, 2014

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

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

**SUBJECT:** REQUEST APPROVAL TO OBTAIN BUDGET APPROVAL  
FOR AGREEMENT NO. P480-14-004  
WITH LAURA FITZSIMMONS, ESQ.  
PROJECT NEON – LEGAL SUPPORT  
CONDEMNATION REGARDING PROJECT NEON  
REGARDING E.A. NO. 73652 AND  
PROJECT IDENTIFICATION NO. NH-STP-1-(147)

---

This New Agreement pertains to outside legal counsel to represent and advise the Nevada Department of Transportation regarding Project Neon. With respect to Project Neon, Laura FitzSimmons, Esq. will provide support to NDOT and the Attorney General's Office in a joint effort to mitigate risks associated with Project Neon real property acquisitions.

The outside legal counsel and NDOT staff agree to work closely with the Attorney General's Office staff and include such staff, as the staff deems appropriate, in strategy discussion, and such other matters as they may arise.

The estimated cost for the services is projected to be up to \$600,000.00 for the Fiscal Year 2015 through 2016. The exact amount to be spent each fiscal year has yet to be determined.

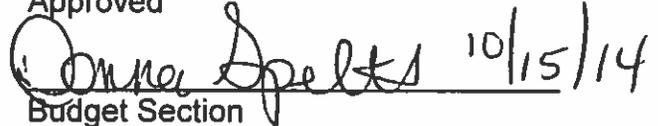
New Agreement with Laura FitzSimmons, Esq.  
Legal Support for Project Neon  
October 7, 2014  
Page 2

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  
 10/15/14  
\_\_\_\_\_  
Budget Section

Requires Transportation Board Presentation

Requires IT Review

COMMENTS:

Legal should have a memo in the Board  
packet explaining that this supersedes <sup>the</sup> previously  
approved agreement that was not executed. RM



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*

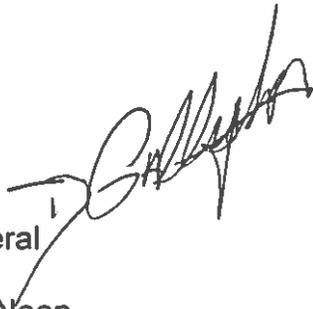
## MEMORANDUM

**DATE:** October 20, 2014

**TO:** Board of Directors  
Nevada Department of Transportation

**FROM:** Dennis Gallagher, Chief Deputy Attorney General

**SUBJECT:** Informational Item – Legal Support for Project Neon  
Approval of Service Agreement with Laura FitzSimmons, Esq.



---

At their July, 2014 meeting, the Board of Transportation approved a service agreement in the amount of \$350,000.00 with Laura FitzSimmons, Esq. That agreement was not fully executed and no monies have been charged against it.

Attached is the October 7, 2014 memorandum requesting a separate and new agreement that has been approved by Director Malfabon, as well as NDOT's Budget and Project Management staff in the amount of \$600,000.00.

# Line Item 2

**STATE OF NEVADA  
DEPARTMENT OF TRANSPORTATION**

**MEMORANDUM**

**August 5, 2013**

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

**FROM:** Ken Mammen, Safety Engineering Division 

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

The Safety Engineering Division requests approval to solicit safety engineering services to perform the following tasks:

- Safety Management Plans (SMP's) – roadway corridors identified from our urban road program.

One of the guiding principles of The Nevada Highway Safety Improvement Program is to significantly reduce the number of fatalities and severe injuries on all public roadways. The services listed above will enhance the ability to achieve Safety's performance measures of reducing fatalities in the State of Nevada. Also, the SMP's will integrate safety engineering type improvements across the entire system of roads and coordinate with all state and local agencies that have a hand in addressing public safety issues. The SMP's will be utilized to develop projects to reduce fatalities and severe injuries along identified roadway corridors.

By having the ability to complete the SMP's, <sup>it</sup> will give Safety the ability to identify safety needs for future improvements that could be implemented by future Safety projects, future design projects and/or with Local MPO projects.

In view of the above, the Safety Engineering Division is anticipating performing the following:

For Year 2014

1. Complete a Safety Management Plan on up to three (3) corridors statewide TBD.

For Year 2015

1. Complete a Safety Management Plan on up to three (3) corridors statewide TBD.

For Year 2016

1. Complete a Safety Management Plan on up to three (3) corridors statewide TBD.

For Year 2017

1. Complete a Safety Management Plan on up to three (3) corridors statewide TBD.

For Year 2014, 2015, 2016, 2017, the Safety Engineering Division is considering contracting with three (3) consultants for the above program. Distributing work to three consultants will improve our response time for roadway safety needs and encourage growth in the transportation safety discipline within the consultant community.

In the interest of optimizing transportation safety and meeting project schedules for 2014, 2015 and beyond, Safety Engineering Division requests approval to solicit Safety Engineering Services and Budget approval for a Request for Proposal.

The estimated cost for the above safety engineering services on Year 2014 is \$1,000,000.00, on Year 2015 is \$1,000,000.00, on Year 2016 is \$1,000,000.00, and on Year 2017 is \$1,000,000.00 for a total of \$4,000,000.00, 95% Federal-aid for FY 2014.

5 1/2 STATE FUNDS

Approval of this memo by the Budget Section and Financial Management Division indicates funding authority is available for consulting services for Budget Category Fund 401, Object 814E, Organization C816. The A04 Financial Data Warehouse, Budget by Organization Report No. NBDM30 is attached. Please 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:



Director

Approved:



Budget Section

COMMENTS: ALLOCATED BUDGET FOR FY14 IS ONLY \$750,000. IF YOU FEEL THAT YOU WILL GO OVER THIS AMOUNT, NOTIFY BUDGET DL SO WE CAN AUGMENT

**\* NOTE AMENDMENTS FOR TIME ONLY DO NOT REQUIRE A FORM2A**

YOUR BUDGET. SINCE THIS IS 95% FEDERALLY REIMBURSED, WE DON'T SEE ANY ISSUES REQUESTING THE INCREASE VIA WORK PROGRAM. JD

Where is the budget for object 814E? Norfa

STATE OF NEVADA  
DEPARTMENT OF TRANSPORTATION

# MEMORANDUM

October 21, 2014

**TO:** Sondra Rosenberg, Assistant Director Planning

**FROM:** Ken Mammen, Chief Planning Engineer, Safety Engineering-Performance Analysis 

**SUBJECT:** Master Agreement Negotiation Summary for Safety Management Plan (RFP 036-14-816)

A negotiation meeting was held at the NDOT Safety Engineering conference room in Carson City on July 22, 2014 with CA Group and NDOT Safety Engineering staff in attendance. CA Group (SERVICE PROVIDER) was chosen the most qualified through the Request for Proposal (RFP).

The following key items were discussed:

1. This Master Agreement is as required on an as-needed basis by Task Orders. Each Task Order's scope of services and cost estimates will be discussed and negotiated with the SERVICE PROVIDER after the Master Agreement is approved and fully executed.
2. The general Master Agreement scope of services that are to be provided by SERVICE PROVIDER was reaffirmed by both parties at the outset (attachment A).
3. The cost plus fixed fee method of compensation shall be used for this agreement. The total cost of the services by SERVICE PROVIDER for all Task Orders resulting from this agreement shall not exceed the sum of \$665,000.00, which includes the fixed fee.
4. This Master Agreement is a 2-year contract (FY15 & 16) with an option to extend for another 2 years if required. The Master Agreement termination date is December 31, 2016.
5. The agreed Fixed Fee is 10.50% from 11% proposed by the SERVICE PROVIDER (please see attached Fixed Fee calculation).
6. The DBE goal for this agreement has been established at three percent (3%).
7. The SERVICE PROVIDER overhead rate of 158.44% of direct labor costs, which includes CADD costs be used as a provisional rate as verified and provided by the Internal Audit Division.
8. Key personnel dedicated to this project are as follows:

CA Group Project Team Members			
Project Team Member		Project Roles	Pay rate
Anson	Chad	Project Manager/Risk Analysis/Phasing/MOT/Alternatives Development/IHSDM Analysis	\$ 86.00
Calixto	Fidel	Project Manager/Traffic Operations/Traffic Safety & Analysis/Phasing/MOT	\$ 64.15
Caviola	James	Project Manager/Traffic Safety & Analysis/Environmental Studies	\$ 108.17
Cooper	Kent	Quality Control	\$ 62.40
Mottram	Dean	Project Manager/Alternatives Development	\$ 60.00
Rosenberg	Randy	Constructability/Cost Estimate	\$ 62.40
Sperber	Arthur	Stakeholder Outreach	\$ 53.00
Sjostrom	Jack	Alternatives Development	\$ 74.52
Virupaksha	Vinay	Traffic Operations/Traffic Safety & Analysis/Travel Demand Forecasting/GIS Analysis	\$ 34.25
Wyszomirski	Stephen	Alternatives Development/Hydraulics/Utility Conflict Analysis	\$ 66.88

*Sub consultant Project Team Members			
Project Team		Project Roles	Billing Rate*
Moya Melchert	Lucie	Melchert Consulting	\$ 119.25

\* Include overhead rate, fixed fee, and other associated indirect cost.

Reviewed and Approved:



Assistant Director Planning



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

## MEMORANDUM

November 3, 2014

**TO:** Department of Transportation Board of Directors  
**FROM:** Rudy Malfabon, Director  
**SUBJECT:** November 10, 2014, Transportation Board of Directors Meeting  
**Item #6:** Contracts, Agreements, and Settlements – Informational Item Only

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### **Summary:**

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

- Construction contracts under \$5,000,000 awarded September 23, 2014 through October 17, 2014.
- Agreements under \$300,000 executed September 23, 2014 through October 17, 2014.
- Settlements entered into by the Department which were presented for approval to the Board of Examiners September 23, 2014 through October 17, 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 September 23, 2014 through October 17, 2014, and agreements executed by the Department from September 23, 2014 through October 17, 2014. There was one settlement during the reporting period.

**Analysis:**

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

**List of Attachments:**

- A) State of Nevada Department of Transportation Contracts Awarded - Under \$5,000,000, September 23, 2014 through October 17, 2014
- B) State of Nevada Department of Transportation Executed Agreements – Under \$300,000, September 23, 2014 through October 17, 2014
- C) State of Nevada Department of Transportation Settlements - Informational, September 23, 2014 through October 17, 2014

**Recommendation for Board Action:** Informational item only

**Prepared by:** Administrative Services Division

# Attachment

# A

**STATE OF NEVADA DEPARTMENT OF TRANSPORTATION  
CONTRACTS AWARDED - INFORMATIONAL  
September 23, 2014 - October 17, 2014**

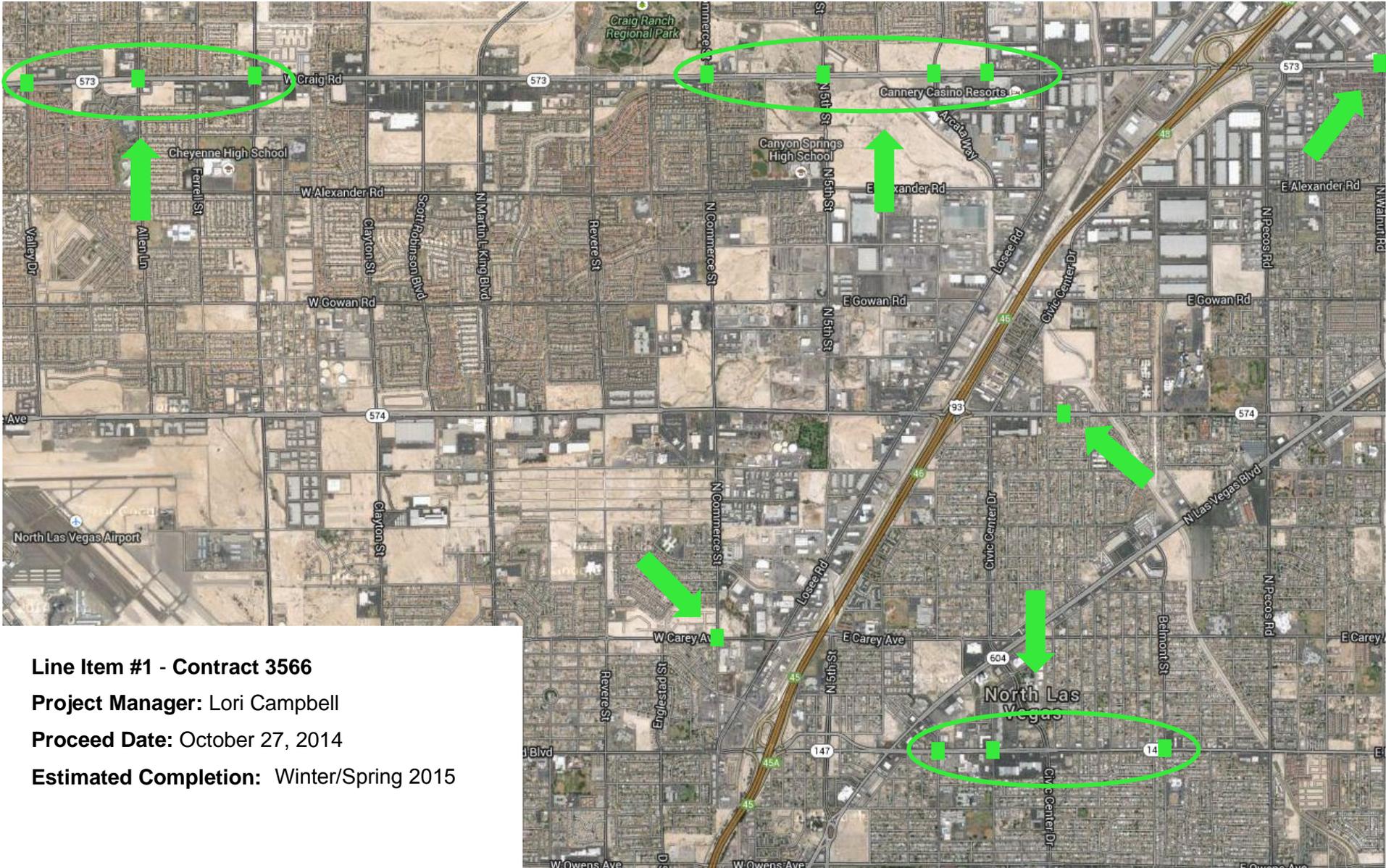
1. August 14, 2014 at 1:30 PM the following bids were opened for Contract 3566, Project No. SI-0032(134), multiple intersections in the City of North Las Vegas, Clark County, for signal system modification, systemic replacement of 5 section protective/permissive heads to 4 section protective/permissive heads (utilizing flashing yellow arrow)

Fast-Trac Electric (Nev-Cal Investors, Inc.) .....	\$590,432.20
MC4 Construction LLC .....	\$699,400.90
<b>Engineer's Estimate</b> .....	<b>\$848,063.82</b>

The Director awarded the contract September 26, 2014, to Fast-Trac Electric (Nev-Cal Investors, Inc.) for \$590,432.20

***Non-Responsive Bids:***

<i>Transcore ITS LLC</i> .....	<i>\$646,018.39</i>
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**Line Item #1 - Contract 3566**

**Project Manager:** Lori Campbell

**Proceed Date:** October 27, 2014

**Estimated Completion:** Winter/Spring 2015

# Attachment B

State of Nevada Department of Transportation  
Executed Agreements - Informational  
September 23, 2014 to October 17, 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	47114	00	ENGS INVESTMENTS LLC	TE S-650-WA-017.934 MCCARRAN	N	2,139.00	-	2,139.00	-	10/13/2014	4/30/2016	-	Acquisition	TINA KRAMER	10-13-14: TEMPORARY EASEMENT FOR PARCEL S-650-WA-017.931 FOR MCCARRAN PROJECT, WASHOE COUNTY. NV B/L#: NV20041291726
2	47214	00	ENGS INVESTMENTS LLC	S-650-WA-017.855TE1 & TE2 MCCA	N	1,651.00	-	1,651.00	-	10/13/2014	4/30/2016	-	Acquisition	TINA KRAMER	10-13-14: TEMPORARY EASEMENTS FOR PARCELS S-650-WA-017.855TE1 AND S-650-WA-017.855TE2 FOR MCCARRAN PROJECT, WASHOE COUNTY. NV B/L#: NV20041291726
3	42814	00	RTC OF WASHOE COUNTY	4TH ST RESTRIPIING	N	185,000.00	-	185,000.00	-	9/29/2014	12/31/2014	-	Cooperative	KIRSTEN KEHE	09-29-14: PREVENTATIVE RE-STRIPING ON 4TH STREET FROM I-80 TO MCCARRAN BOULEVARD, WASHOE COUNTY. NV B/L#: EXEMPT
4	32614	00	RTC SOUTHERN NEVADA	TRAVEL DEMAND MANAGEMENT	Y	1,300,000.00	-	1,300,000.00	65,000.00	10/1/2014	9/30/2015	-	Cooperative	MELVIN MCCALLUM	09-24-14: TRAVEL DEMAND MANAGEMENT /EMPLOYEE TRIP REDUCTION SERVICES, CLARK COUNTY. NV B/L#: EXEMPT
5	39614	00	AMADOR STAGE LINES	FFY 2015 5311 GRANT	Y	509,615.00	-	509,615.00	143,708.00	10/1/2014	9/30/2015	-	Grantee	PAT TORVINEN	10-06-14: FFY 2015 5311 GRANT FUNDING FOR INTER CITY FIXED ROUTE BUS SERVICE FOR ELDERLY, LOW-INCOME, AND DISABLED PUBLIC CITIZENS, CARSON CITY, DOUGLAS, AND WASHOE COUNTIES.
6	61113	01	CARSON AREA METRO PLANNING ORG	BUS STOP REHAB/CONSTRUCTION	Y	127,107.00	129,507.00	256,614.00	51,323.00	2/20/2014	6/30/2015	9/24/2014	Grantee	PAT TORVINEN	AMD 1 09-24-14: INCREASE AUTHORITY \$129,507.00 FROM \$127,107.00 TO \$256,614.00, AND EXTEND TERMINATION DATE FROM 09-30-14 TO 06-30-15 TO COMPLETE ADDITIONAL CONSTRUCTION. 02-20-14: 5330 GRANT FUNDING TO
7	39514	00	CART	CHUCHILL GRANT NV-18-X038	Y	398,360.00	-	398,360.00	106,956.00	10/1/2014	9/30/2015	-	Grantee	PAT TORVINEN	10-01-14: FFY 2015 5311 GRANT FOR RURAL PUBLIC TRANSPORTATION SERVICES FOR ELDERLY, DISABLED, AND LOW-INCOME CITIZENS, CHURCHILL COUNTY. NV B/L#: EXEMPT
8	27214	00	DPS NEVADA HIGHWAY PATROL	PURCHASE UPDATED EQUIPMENT	N	4,214.00	-	4,214.00	-	10/8/2014	12/31/2014	-	Grantee	ALBERT JACQUEZ	10-08-14: GRANT TO REIMBURSE THE PURCHASE OF BICYCLES AND EQUIPMENT TO AID IN AGENCY ENFORCEMENT OF LAWS RELATED TO BICYCLE AND VEHICLE INTERACTION, CARSON CITY. NV B/L#: EXEMPT
9	36514	00	ELKO COUNTY	ELKO GRANT NV-18-X038	Y	711,500.00	-	711,500.00	242,375.00	10/1/2014	9/30/2015	-	Grantee	PAT TORVINEN	10-01-14: FFY 2015 5311 GRANT FOR RURAL PUBLIC TRANSPORTATION SERVICES FOR ELDERLY, DISABLED, AND LOW-INCOME CITIZENS, ELKO COUNTY. NV B/L#: EXEMPT
10	39414	00	ESMERALDA COUNTY	FFY 2015 5311 GRANT FUNDS	Y	23,135.00	-	23,135.00	3,596.00	10/1/2014	9/30/2015	-	Grantee	PAT TORVINEN	10-06-14: FFY 2015 5311 GRANT FUNDING FOR DEMAND/RESPONSE (DOOR-TO-DOOR) TRANSPORTATION FOR ELDERLY AND DISABLED CITIZENS, ESMERALDA COUNTY. NV B/L#: EXEMPT
11	36614	00	LYON COUNTY HUMAN SERVICES	FFY 2015 5311 GRANT	Y	124,459.00	-	124,459.00	47,583.00	10/1/2014	9/30/2015	-	Grantee	PAT TORVINEN	10-01-14: FFY 2015 5311 GRANT FOR RURAL PUBLIC TRANSPORTATION SERVICES FOR ELDERLY, DISABLED, AND LOW-INCOME CITIZENS, LYON 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	42114	00	MINERAL COUNTY CARE & SHARE	FFY 2015 5311 GRANT	Y	116,975.00	-	116,975.00	39,154.00	10/1/2014	9/30/2015	-	Grantee	PAT TORVINEN	10-13-14: FFY 2015 5311 GRAND FUNDING FOR RURAL PUBLIC TRANSPORTATION BETWEEN HAWTHORNE, LUNING, MINA, AND WALKER LAKE. THIS IS THE ONLY PUBLIC TRANSPORTATION SERVICE AVAILABLE IN THE MINERAL COUNTY AREA, MINERAL COUNTY. NV B/L#: EXEMPT
13	39214	00	PAHRUMP SENIOR CENTER	PAHRUMP SR GRANT NV-18-X038	Y	133,960.00	-	133,960.00	42,465.00	10/1/2014	9/30/2015	-	Grantee	PAT TORVINEN	10-01-14: FFY 2015 5311 GRANT FOR RURAL PUBLIC TRANSPORTATION SERVICES FOR ELDERLY, DISABLED, AND LOW-INCOME CITIZENS, NYE COUNTY. NV B/L#: EXEMPT
14	38214	00	PLACER CO PUBLIC WORKS (TART)	FFY 2015 5311 GRANT	Y	486,179.00	-	486,179.00	153,929.00	10/1/2014	9/30/2015	-	Grantee	PAT TORVINEN	09-29-14: FFY 2015 5311 GRANT FOR THE REPLACEMENT OF THREE OF TART'S BUSES, WASHOE COUNTY. NV B/L#: EXEMPT
15	39114	00	SNTC - LAUGHLIN	LAUGHLIN NV-18-X035 & 18-X038	Y	2,350,876.00	-	2,350,876.00	544,496.00	10/1/2014	9/30/2015	-	Grantee	PAT TORVINEN	10-01-14: FFY 2015 5311 GRANT FOR RURAL PUBLIC TRANSPORTATION SERVICES TO AID ELDERLY, DISABLED, AND LOW-INCOME CITIZENS, CLARK COUNTY. NV B/L#: EXEMPT
16	39014	00	SNTC - MESQUITE	MESQUITE NV-18-X038	Y	843,871.00	-	843,871.00	259,188.00	10/1/2014	9/30/2015	-	Grantee	PAT TORVINEN	10-01-14: FFY 2015 5311 GRANT TO PROVIDE FOR FIXED ROUTE AND DOOR-TO-DOOR TRANSPORTATION SERVICES FOR ELDERLY, DISABLED, AND LOW-INCOME FAMILIES, CLARK COUNTY. NV B/L#: EXEMPT
17	38614	00	TAHOE TRANSPORTATION DISTRICT	TTDMM GRANT NV-18-X038	Y	119,024.00	-	119,024.00	5,951.00	10/1/2014	9/30/2015	-	Grantee	PAT TORVINEN	10-01-14: FFY 2015 5311 GRANT FOR RURAL PUBLIC TRANSPORTATION SERVICES FOR ELDERLY, DISABLED, AND LOW-INCOME CITIZENS, CARSON CITY, DOUGLAS, AND WASHOE COUNTIES. NV B/L#: EXEMPT
18	38814	00	TAHOE TRANSPORTATION DISTRICT	TTD GRANT NV-18-X038	Y	3,066,637.00	-	3,066,637.00	1,069,397.00	10/1/2014	9/30/2015	-	Grantee	PAT TORVINEN	10-01-14: FFY 2015 5311 GRANT FOR RURAL PUBLIC TRANSPORTATION SERVICES FOR ELDERLY, DISABLED, AND LOW-INCOME CITIZENS, CARSON CITY, DOUGLAS, AND WASHOE COUNTIES. NV B/L#: EXEMPT
19	46714	00	SOUTH DAKOTA DOT	INFORMATION SHARING	N	-	-	-	-	10/14/2014	10/30/2018	-	Interlocal	DENISE INDA	10-14-14: NO COST AGREEMENT TO SHARE CONFIDENTIAL INFORMATION REGARDING A MAINTENANCE DECISION SUPPORT SYSTEM THE SDDOT IS CURRENTLY STUDYING, CARSON CITY. NV B/L#: EXEMPT
20	42914	00	TRUCKEE MEADOWS COMMUNITY COLLEGE	MICROSOFT ACCESS TRAINING	N	3,465.00	-	3,465.00	-	9/22/2014	12/31/2014	-	Interlocal	MARK EVANS	09-24-14: PROVIDE MICROSOFT ACCESS TRAINING TO DEPARTMENT PERSONNEL, WASHOE COUNTY. NV B/L#: EXEMPT
21	44214	00	PATRICK JACOBS	EMIGRANT 243	N	4,580.00	-	4,580.00	4,580.00	9/24/2014	5/4/2018	-	Lease	SANDY SPENCER	9-24-14: LEASE OF MAINTENANCE STATION HOUSE EMIGRANT #243 TO NDOT EMPLOYEE IN ELKO 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
22	44614	00	AGGREGATE INDUSTRIES	RECONSTRUCT BUS LANE	N	88,000.00	-	88,000.00	-	9/24/2014	6/30/2015	-	Service Provider	JENNIFER MANUBAY	09-24-14: Q1-004-15 TO RECONSTRUCT BUS LANE ON BOULDER HWY IN CLARK COUNTY. NV B/L#: NV19701000737-Q
23	44114	00	BUILDING SOLUTIONS	BRINE MAKER BUILDING	N	106,904.00	-	106,904.00	-	9/24/2014	6/30/2015	-	Service Provider	ANNETTE BALLEW	09-24-14: QA-001-15 TO PROVIDE A NEW BRINE MAKER BUILDING IN CARSON CITY. NV B/L#: NV20001051967-Q
24	45914	00	CLEAN HARBORS ENVIRONMENTAL	TONOPAH CULVERT CLEANING	N	141,902.00	-	141,902.00	-	9/30/2014	12/31/2015	-	Service Provider	GREG MINDRUM	09-30-14: Q0-003-15 FOR CULVERT CLEANING NEAR TONOPAH IN NYE, ESERALDA AND MINERAL COUNTIES. NV B/L#: NV20021375471-Q
25	45614	00	D & B PROFESSIONAL	BEOWAWE AND EMIGRANT REST STOP	N	161,445.90	-	161,445.90	-	10/6/2014	5/31/2017	-	Service Provider	SANDY SPENCER	10-06-14: Q3-003-15 PROVIDE JANITORIAL SERVICES FOR THE BEOWAWE REST AREA AND EMIGRANT TRUCK STOP, EUREKA COUNTY. NV B/L#: NV20101094756-Q
26	44514	00	DOMBRIAL	SN VISITOR CTR JANITORIAL	N	198,344.00	-	198,344.00	-	9/24/2014	3/31/2017	-	Service Provider	PAULINE ENGLAND	09-24-14: Q1-006-15 TO PROVIDE JANITORIAL AND MAINTENANCE SERVICES AT THE SOUTHERN NEVADA VISITOR CENTER (S. US 95) IN CLARK COUNTY. NV B/L#: NV19991275505-Q
27	14714	01	FACILITIES MANAGEMENT	REPLACE WELL COSGRAVE	N	132,820.00	21,820.00	154,640.00	-	4/14/2014	12/31/2014	10/13/2014	Service Provider	ANNETTE BALLEW	10-13-14 AMD 1: INCREASE AUTHORITY \$21,820.00 FROM \$132,820.00 TO \$154,640.00 TO COVER ADJUSTMENTS NECESSARY TO MEET BUREAU OF SAFE DRINKING WATER MODIFICATION ITEMS. 04-14-14:QA-006-14 REPLACE WELL AT COSGRAVE REST AREA, PERSHING COUNTY. NV B/L#: NV20011331118-Q
28	45514	00	FACILITIES MANAGEMENT	STORM DRAIN IMPROVEMENTS	N	49,115.00	-	49,115.00	-	9/30/2014	6/30/2015	-	Service Provider	ANNETTE BALLEW	09-30-14: QA-004-15 FOR STORM DRAIN IMPROVEMENTS IN CARSON CITY. NV B/L#: NV20011331118-Q
29	43714	00	GERBER CONSTRUCTION	REPAIR I-906 BRIDGE ON I-80	N	54,450.00	-	54,450.00	-	10/6/2014	6/30/2015	-	Service Provider	TRENT AVERETT	10-06-14: Q3-018-14 REPAIR BRIDGE I-906 AT EXIT 303 ON I-80, ELKO COUNTY. NV B/L#: NV19861004434-Q
30	19811	03	JACOBS ENGINEERING GROUP	ENVIRONMENTAL PHASE - USA PKWY	N	2,067,804.15	50,000.00	2,140,916.65	-	8/31/2011	4/30/2015	10/9/2014	Service Provider	PEDRO RODRIGUEZ	AMD 3 10-09-14: INCREASE AUTHORITY \$50,000.00 FROM \$2,090,916.65 TO \$2,140,916.65, DUE TO AN INCREASE IN THE SCOPE OF WORK TO HELP THE DEPARTMENT WITH SUPPORT SERVICES DURING THE ENVIRONMENTAL AND PRELIMINARY ENGINEERING PHASE OF THE PROJECT. AMD 2 05-09-14: INCREASE AUTHORITY BY \$23,112.50 FROM \$2,067,804.15 TO \$2,090,916.65, AND EXTEND TERMINATION DATE FROM 09-30-14 TO 04-30-15 DUE TO AN INCREASE IN THE SCOPE OF WORK. AMD 1 08-29-13: EXTEND TERMINATION DATE FROM 09-30-13 TO 09-30-14 FOR THE USA PARKWAY PROJECT ENVIRONMENTAL PHASE. 08-31-11: ENVIRONMENTAL PHASE FOR USA
31	17614	01	JACOBS ENGINEERING GROUP	TRAVEL DEMAND MODEL TRAINING	Y	28,526.09	-	28,526.09	-	6/17/2014	6/6/2015	9/26/2014	Service Provider	RANDY TRAVIS	AMD 1 09-26-14: EXTEND TERMINATION DATE FROM 09-30-14 TO 06-06-15 TO ALLOW TIME TO HIRE A NEW EMPLOYEE AND TO RECEIVE THIS TRAINING. 06-17-14: PROVIDING TRAINING FOR THE WASHOE COUNTY REGIONAL TRAVEL DEMAND MODEL, CARSON CITY. NV B/L#: NV20081035082-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
32	44814	00	LAS VEGAS PAVING	MILL REPAVE I-15 APEX	N	49,000.00	-	49,000.00	-	9/24/2014	6/30/2015	-	Service Provider	JENNIFER MANUBAY	09-24-14: Q1-002-15 MILL AND REPAVE I-15 AT SPEEDWAY AND AT APEX, CLARK COUNTY. NV B/L#: NV19581000650-Q
33	44914	00	LAS VEGAS PAVING	BARRIER RAIL I-515	N	122,900.00	-	122,900.00	-	9/24/2014	6/30/2015	-	Service Provider	JENNIFER MANUBAY	09-24-14: Q1-003-15 RECONSTRUCT BARRIER RAIL ON I-515 AT NELLIS BOULEVARD, ON I-15 AT SPRING MOUNTAIN ROAD, AND ON US 95 AT I-15, CLARK COUNTY. NV B/L#: NV19581000650-Q
34	81114	00	LAS VEGAS PAVING	REPAIRS ON I-15	N	1,784,200.00	-	1,784,200.00	-	9/29/2014	3/31/2015	-	Service Provider	JENNIFER MANUBAY	10-07-2014: EMERGENCY REPAIR OF ROADWAYS, DRAINAGE FACILITIES, AND SLOPE EROSION ON I-15, CLARK COUNTY. NV B/L#: NV19581000650-Q
35	18314	01	MWI	NEGOTIATION SKILLS WORKSHOP	N	32,000.00	32,000.00	64,000.00	-	6/17/2014	12/31/2014	9/24/2014	Service Provider	CRAIG CRICK	AMD 1 09-24-14: INCREASE AUTHORITY \$32,000.00 FROM \$32,000.00 TO \$64,000.00 FOR TWO ADDITIONAL TRAINING SESSIONS. 06-17-14: PROFESSIONAL DEVELOPMENT NEGOTIATION SKILLS TRAINING, CLARK COUNTY. NV B/L#: NV20141364262-Q
36	34214	00	ORKIN PEST CONTROL	HQ CAMPUS PEST CONTROL	N	15,000.00	-	15,000.00	-	9/29/2014	10/1/2016	-	Service Provider	JIM PRENTICE	09-29-14: TO PROVIDE PEST CONTROL FOR THE HEADQUARTERS CAMPUS BUILDINGS, CARSON CITY. NV B/L#: NV19641001385-Q
37	41214	00	RED PILL ANALYTICS	ORACLE BI ADV SOA SPATIAL TRAINING	N	11,000.00	-	11,000.00	-	9/24/2014	6/30/2015	-	Service Provider	DEB MCCURDY	09-24-14: ORACLE BUSINESS INTELLIGENCE 11G ADVANCED SERVICE ORIENTED ARCHITECTURE (SOA) SPATIAL TRAINING, CARSON CITY. NV B/L#: NV20141537580-Q
38	45314	00	SIERRA NEVADA CONSTRUCTION	SPOONER MS SLURRY SEAL	N	38,007.00	-	38,007.00	-	9/30/2014	12/31/2014	-	Service Provider	GREG MINDRUM	09-30-14: Q0-001-15 SLURRY SEAL FOR SPOONER MAINTENANCE STATION AND FRONTAGE ROAD IN DOUGLAS COUNTY. NV B/L#: NV19881009372-Q
39	45714	00	SIERRA NEVADA CONSTRUCTION	OPEN GRADED COURSE SR430	N	178,007.00	-	178,007.00	-	9/30/2014	12/31/2015	-	Service Provider	GREG MINDRUM	09-30-14: Q0-002-15 TO PLACE OPEN GRADED WEARING COURSE ON SR430 IN WASHOE COUNTY. NV B/L#: NV19881009372-Q
40	45414	00	TITAN ELECTRICAL CONTRACTING	RWIS ON I-80, 395, 28, 341, 43	N	111,000.00	-	111,000.00	-	9/30/2014	12/31/2015	-	Service Provider	MARLENE REVERA	09-30-14: Q2-006-15 INSTALL ROAD WEATHER INFORMATION SYSTEMS (RWIS) ON I-80, US395, US395A, SR28, SR341, SR431 IN DOUGLAS, LYON, MINERAL, AND WASHOE COUNTIES. NV B/L#: NV20071408571-Q
41	44414	00	US MODULAR GROUP	CONSTRUCT MODULAR BUILDING	N	49,831.00	-	49,831.00	-	9/24/2014	6/30/2015	-	Service Provider	ANNETTE BALLEW	09-24-14: QA-003-15 TO CONSTRUCT A MODULAR BUILDING FOR THE KINGSBURY MAINTENANCE STATION IN DOUGLAS COUNTY. NV B/L#: NV19991185557-Q
42	44314	00	WWW CONSTRUCTION	REMOVE UTILITY COLLARS	N	90,190.00	-	90,190.00	-	9/24/2014	12/31/2016	-	Service Provider	MARLENE REVERA	09-24-14: Q2-008-15 TO REMOVE CONCRETE COLLARS ON UTILITY MAN HOLES AND REPLACE WITH HIGH EARLY STRENGTH CONCRETE IN DOUGLAS COUNTY. NV B/L#: NV20061047614-Q

# Attachment C

State of Nevada Department of Transportation  
Settlements - Informational  
September 23, 2014 to October 17, 2014

Line No	Type	Second Party	Settlement Amount	Notes
1	EMINENT DOMAIN	CITY OF LOS ANGELES	83,500.00	THE PROPERTY THROUGH WHICH NDOT IS ACQUIRING A PERMANENT HIGHWAY EASEMENT IS A 2.5 ACRE TRIANGULAR PARCEL OF UNIMPROVED REAL PROPERTY LOCATED ALONG THE SOUTHERN SIDE OF DAWSON AVENUE ACCESS ROAD, BETWEEN BOULDER HIGHWAY AND THE UNION PACIFIC RAILROAD HENDERSON SPUR. NDOT IS ACQUIRING THE EASEMENT IN A .62 ACRE STRIP OF THE PROPERTY FOR A PORTION OF THE FRONTAGE ROAD FOR THE BOULDER CITY BYPASS PROJECT. THE EASEMENT WILL SPLIT THE PROPERTY, LEAVING TWO REMNANT PARCELS: A .23 ACRE REMNANT ALONG THE EASTERN SIDE OF THE FRONTAGE ROAD, AND A 1.70 ACRE REMNANT ALONG THE WESTERN SIDE OF THE FRONTAGE ROAD. NDOT PREVIOUSLY DEPOSITED \$260,000 WITH THE COURT. TOTAL SETTLEMENT IS \$343,500.
2	EMINENT DOMAIN	CARRIE L. JENKINS, ET AL.	716,600.00	NDOT FILED THE EMINENT DOMAIN ACTION IN 2012 TO ACQUIRE A 0.68 ACRE UNIMPROVED PARCEL LOCATED AT THE CORNER OF MARTIN LUTHER KING BLVD AND ALTA DRIVE IN LAS VEGAS FOR PROJECT NEON. NDOT PREVIOUSLY DEPOSITED \$883,400 WITH THE COURT. TOTAL SETTLEMENT IS \$1,600,000.
3	SETTLEMENT	TRAVELER CASUALTY AND SURETY	1,647,913.50	THE SETTLEMENT PROVIDES FOR \$1,647,913.50 TO BE PAID TO NDOT BY TRAVELERS FOR NDOT'S COUNTERCLAIM ON CONTRACT 3377. IT ALSO PROVIDES PAYMENT OF \$618,559.71 TO TRAVELERS BY NDOT FOR TRAVELERS' CLAIMS ON CONTRACTS 3377, 3392 AND 3407. THE \$618,559.71 IS COMPRISED OF AN UNDISPUTED AMOUNT OF \$467,775.80 FOR WORK COMPLETED ON CONTRACTS 3377, 3392 AND 3407 AND \$150,783.91 TO RESOLVE DISPUTED CLAIMS ON CONTRACTS 3377 AND 3407. WITH RESPECT TO THE DISPUTED CLAIMS, THE NET DUE TO NDOT IS \$1,497,129.59 (\$1,647,913.50 - \$150,783.91). THIS PROPOSED SETTLEMENT RESOLVES SEPARATE LITIGATION ON CONTRACTS 3377 AND 3407 AND A PAYMENT CLAIM ON CONTRACT 3392.

# 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*

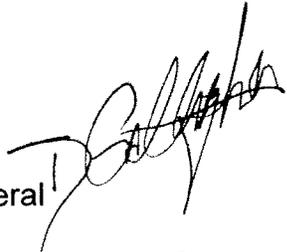
KEITH MUNRO  
*Assistant Attorney General*

THOM GOVER.  
*Acting Chief of Staff*

## MEMORANDUM

**DATE:** October 16, 2014

**TO:** Board of Directors  
Nevada Department of Transportation

**FROM:** Dennis Gallagher, Chief Deputy Attorney General 

**SUBJECT:** Informational Item – Approval of Settlement in the matter of  
*State of Nevada, on relation of its Department of Transportation vs.  
City of Los Angeles, et al.*  
Eighth Judicial District Court Case No. A-687717

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At their October 14, 2014 meeting, the Board of Examiners approved the settlement in the amount of \$83,500.00 to be paid from NDOT funds to resolve the contested condemnation referenced above.

Attached is the September 8, 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*

THOM GOVER  
*Acting Chief of Staff*

**MEMORANDUM**

**DATE:** September 8, 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

**SUBJECT:** Proposed Settlement of an Eminent Domain Action,  
*State of Nevada v. City of Los Angeles, et al.*,  
Eighth Judicial District Court Case No. A-887717

**SUMMARY**

NDOT filed the above-referenced eminent domain action in 2013 to acquire a permanent highway easement over unimproved real property owned by the City of Los Angeles and located in Henderson. NDOT is acquiring the easement for the purpose of constructing the Boulder City Bypass Project.

NDOT requests settlement approval in the total amount of \$343,500 to resolve the action and acquire the easement. NDOT previously deposited with the Court \$260,000, its April 2013 appraised amount of just compensation, in order to obtain occupancy. Thus, NDOT now requests an additional \$83,500 to resolve the action.

### **THE PROPERTY AND THE EASEMENT**

The property through which NDOT is acquiring a permanent highway easement is a 2.5 acre triangular parcel of unimproved real property located along the southern side of Dawson Avenue Access Road, between Boulder Highway and the Union Pacific Railroad Henderson Spur (the "Property"). NDOT is acquiring the easement in a .62 acre strip of the Property (the "Easement"). NDOT needs the Easement for a portion of the frontage road it is building as part of the Boulder City Bypass Project. The Easement will split the Property, leaving two remnant parcels: a .23 acre remnant along the eastern side of the frontage road, and a 1.70 acre remnant along the western side of the frontage road. The Property and the Easement are depicted on the attached aerial photographs.

The City of Los Angeles, acting by and through its Department of Water and Power, and as managing agent of the Intermountain Power Agency ("IPA"), owns the Property (the "City"). It has owned the Property since 1982 for the purpose of construction of a potential future power line project by the IPA, owner of the Intermountain Power Project, which supplies power to Utah and Southern California.

### **THE ACTION**

On August 29, 2013, NDOT filed a complaint against the City to acquire the Easement for the frontage road (the "Action"). NDOT obtained occupancy of the Easement on October 1, 2013, and thereafter deposited with the Court \$260,000, the amount of NDOT's April 2013 appraisal. The applicable date of value used to determine just compensation for trial, however, was September 4, 2013, the date of service of the first summons in the Action. NRS 37.120(1).

Subsequently, NDOT's expert appraiser, Tio DiFederico, MAI, used the sales comparable approach to value the Property and the Easement and concluded that just compensation was \$300,000 as of September 2013. He valued the Easement at \$120,000 and assessed severance damages to the remainder of the Property at \$180,000, then added those figures together to reach the total just compensation figure.

The City's expert appraiser, Keith Harper, MAI, also used the sales comparable approach and concluded that just compensation was \$387,000 as of September 2013. His opinion of the value of the Easement was \$187,170, and his opinion of the severance damages and cost to cure the remainder of the Property was \$199,810. He then rounded up his total just compensation figure to \$387,000.

The primary reason for the difference in the appraisers' conclusions of value was the impact to the Property each attributed to an existing overhead transmission line easement by the Western Area Power Administration that encumbers the Property. NDOT's appraiser generally made greater downward adjustments to his comparables for that easement than did the City's appraiser.

The trial of this matter is scheduled to begin May 16, 2015. If this matter does not settle, and the City prevails at trial, it could be awarded up to \$387,000, plus prejudgment interest and its reasonable costs, which NDOT must pay per the requirements of NRS 37.120(3) and Nevada Constitution Art. I, Sec. 22(4)(PISTOL Amendment).

All other Defendants filed disclaimers of interest in the Property shortly after the Action was filed. The IPP Coordinating Committee and IPA Board of Directors approved the current settlement proposal at their meeting on August 12, 2014.

### **POINTS THAT FAVOR SETTLEMENT**

NDOT's total potential exposure at trial exceeds \$400,000, and proceeding to trial would cost the State additional amounts in legal fees and costs. Even if NDOT prevails at trial, with a jury verdict of \$300,000, it would end up paying more than the current settlement figure when prejudgment interest, costs, and NDOT's own legal fees and costs are added to the verdict. Thus, settlement now at \$343,500 is highly recommended.

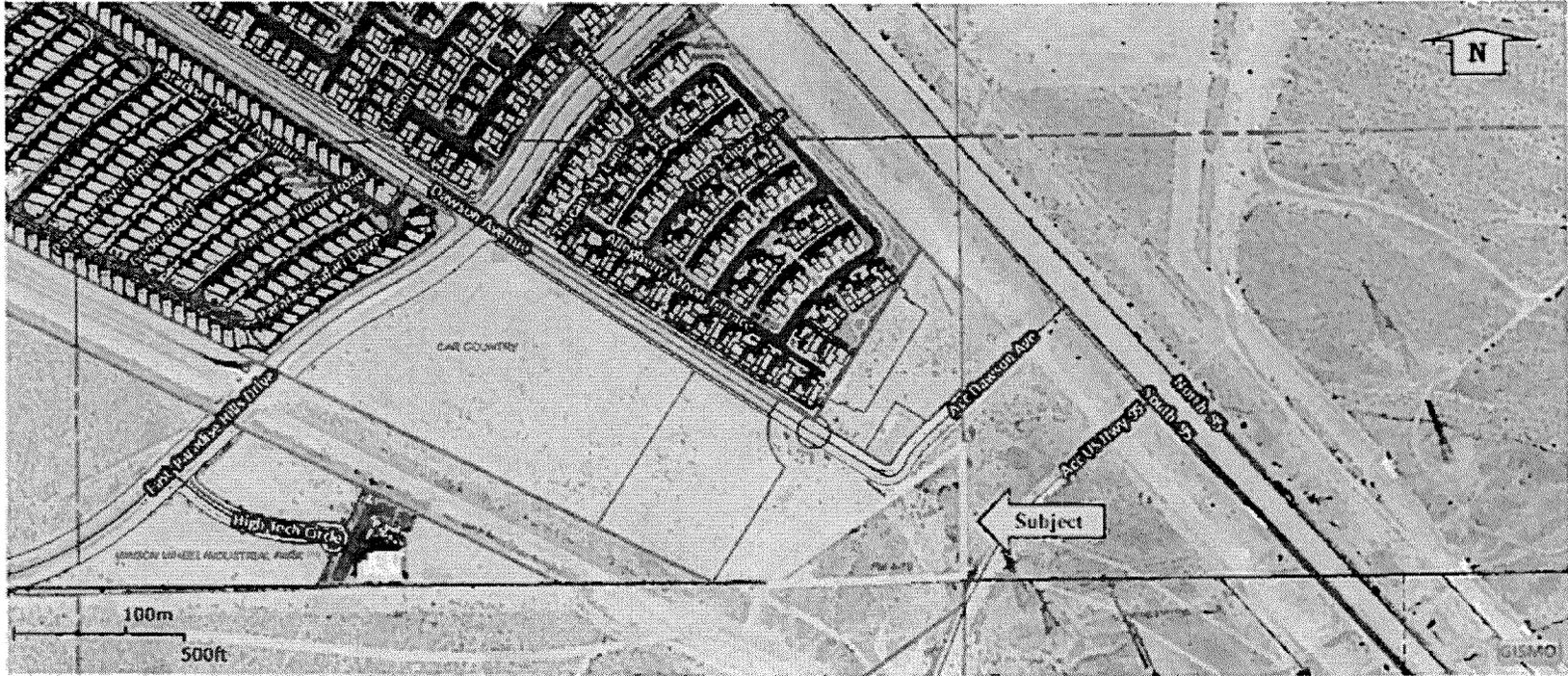
### **RECOMMENDATION**

NDOT has considered the benefits of settlement and has made the decision that settlement is reasonable, prudent, and in the public interest. NDOT requests the authority to settle the Action for the remaining amount of \$83,500 (\$343,500 minus \$260,000 already deposited with the Court). If the Board approves the settlement, NDOT will pay the agreed-upon balance and have the Court enter a Stipulated Settlement Order, a Final Judgment, and a Final Order of Condemnation conveying the Easement to NDOT, resolving this Action in its entirety as among all parties, inclusive of all attorney's fees, costs and interest.

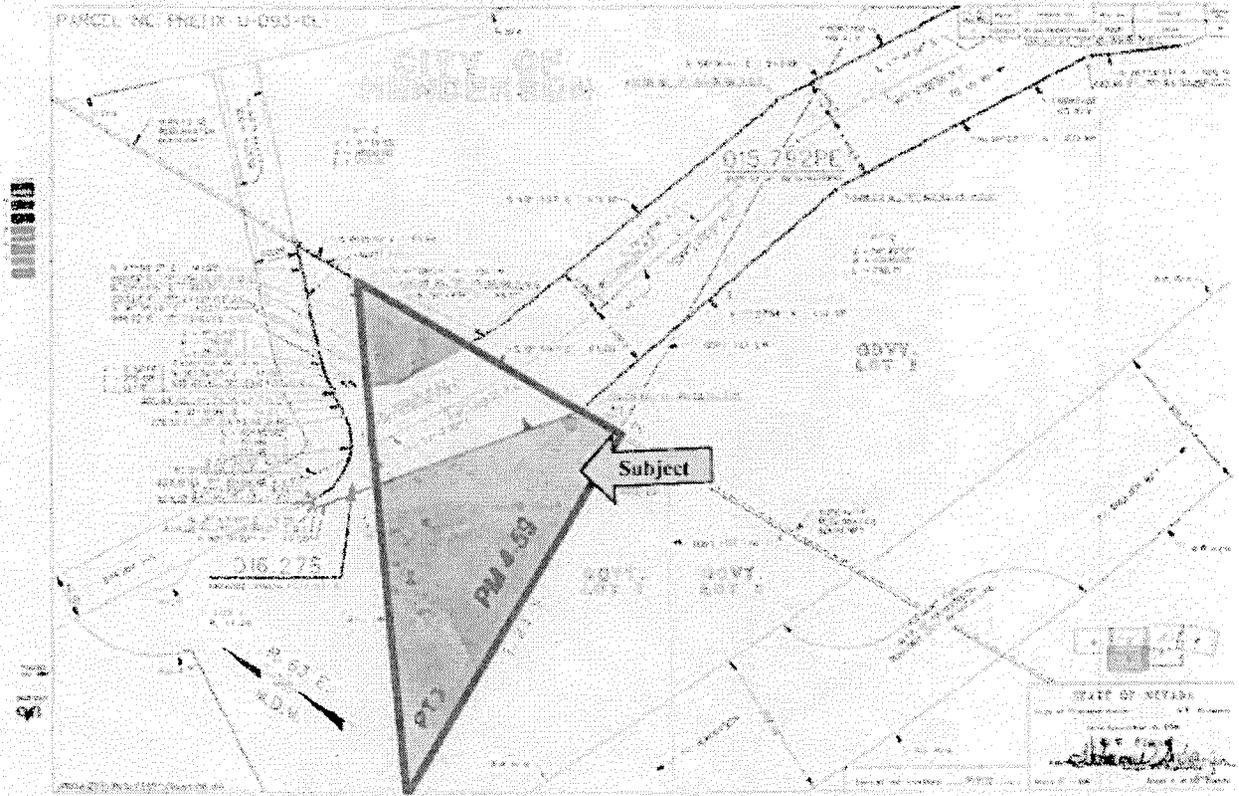
### **FISCAL NOTE STATEMENT**

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

ASSESSOR'S AERIAL PHOTOGRAPH OF THE SITE AND SURROUNDING AREA



**DIAGRAM OF THE AREA TO BE ACQUIRED FOR PERMANENT EASEMENT WITH AERIAL OF SUBJECT SUPERIMPOSED**



# 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*

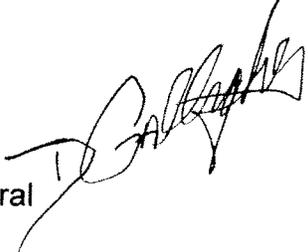
## MEMORANDUM

**DATE:** October 16, 2014

**TO:** Board of Directors  
Nevada Department of Transportation

**FROM:** Dennis Gallagher, Chief Deputy Attorney General

**SUBJECT:** Informational Item – Approval of Settlement in the matter of  
*State of Nevada, on relation of its Department of Transportation*  
*vs. Carrie L. Jenkins, et al.*  
Eighth Judicial District Court Case No. A-12-664693



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At their October 14, 2014 meeting, the Board of Examiners approved the settlement in the amount of \$716,600.00 to be paid from NDOT funds to resolve the contested condemnation referenced above.

Attached is the September 8, 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*

THOM GOVER  
*Acting Chief of Staff*

**MEMORANDUM**

DATE: September 8, 2014

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

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

SUBJECT: Proposed Settlement of an Eminent Domain Action,  
*State of Nevada v. Carrie L. Jenkins, et al.*,  
Eighth Judicial District Court Case No. A-12-864693

**SUMMARY**

NDOT filed the above-referenced eminent domain action in 2012 to acquire unimproved real property owned by Carrie L. Jenkins and located at the corner of Martin Luther King Boulevard and Alta Drive 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 \$1,600,000 to resolve the action and acquire the property. NDOT previously deposited with the Court \$883,400, its 2011 appraised value of the property, in order to obtain occupancy. Thus, NDOT now requests an additional \$716,600 to resolve the action.

### THE PROPERTY

The subject property is a .68 acre, nearly triangular shaped parcel of vacant land located on the southeast corner of Martin Luther King Boulevard and Alta Drive (the "Property"). The Property formerly contained a single-story building in which Ms. Jenkins operated a doughnut shop and leased units to different commercial tenants. In January of 2008, after the building had become vacant, it was substantially damaged by a fire, and the City of Las Vegas required Jenkins to demolish it. The attached aerial photograph depicts the entire Property.

Carrie L. Jenkins is the sole owner of the Property. She acquired title under her former name, Carrie Sanders.

### THE ACTION

In July of 2012, NDOT filed a complaint against Jenkins to acquire the fee simple interest in her entire Property (the "Action"). NDOT obtained occupancy of the Property on August 28, 2012, after making a deposit of \$883,400. That figure was based on NDOT's March 2011 appraisal of the Property. Jenkins filed counterclaims against NDOT and the City of Las Vegas for inverse condemnation, pre-condemnation damages, attorney's fees, costs and pre-judgment interest. Jenkins generally alleges that NDOT and the City damaged the Property and/or prevented the Property from being developed through their alleged plan to "preserve" property in certain areas for future public improvement projects.

The applicable date of value used to appraise the Property for trial was the trial date of August 4, 2014. NRS 37.120. NDOT's expert appraiser, Glenn Anderson, MAI, concluded that the Property would be worth \$1,470,000 as of that date. NDOT also retained a second expert appraiser, Tami Campa, MAI, who concluded that the Property would be worth \$736,000 as of that date. Both of NDOT's appraisers used the sales comparable approach to value the Property, which involves the identification of sales of real property that are comparable to a subject property and have taken place at a date that is close to the applicable date of value, and using those sales to derive a value of the subject property. In this case, Campa's comparable sales averaged a lower per square foot price than Anderson's.

Jenkins's expert appraiser, Keith Harper, MAI, concluded that the Property would be worth \$2,050,000 as of the trial date. He also used the sales comparable approach to value the Property, which he considers to be located at "the gateway to Symphony Park (and Downtown)," thereby allegedly supporting a higher value per square foot. Ms. Jenkins herself, who is not an appraiser, opines that the Property is worth \$3,000,000.

Jenkins also seeks pre-judgment interest going back to 2008, the date of what she alleges to be the "taking" of the Property, or the wrongful behavior by NDOT and/or the City damaging her property. If this matter does not settle, and Jenkins prevails on her claims using Harper's values for the Property, she would be entitled to at least \$2,600,000, plus her reasonable costs, which NDOT must pay per the requirements of NRS 37.120(3) and Nevada Constitution Art. I, Sec. 22(4)(PISTOL Amendment). If she prevails using her own higher opinion of value, she would be entitled to at least \$3,900,000, plus her reasonable costs.

The other Defendants in the Action are Clark County, the City of Las Vegas, Nevada Power Company, and Central Telephone Company. All of these parties have filed disclaimers of interest in the Property.

### **POINTS THAT FAVOR SETTLEMENT**

NDOT's total potential exposure at trial is approximately \$4,000,000. Therefore, a settlement of \$1,600,000 could save the State approximately \$2,400,000. Furthermore, a settlement of \$1,600,000 now would include all interest, fees 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 at trial of less than \$1,350,000 to reach a better result than the current settlement figure. Given that one of NDOT's own appraisers valued the Property at a higher figure (\$1,470,000), settlement at \$1,600,000 now is highly recommended.

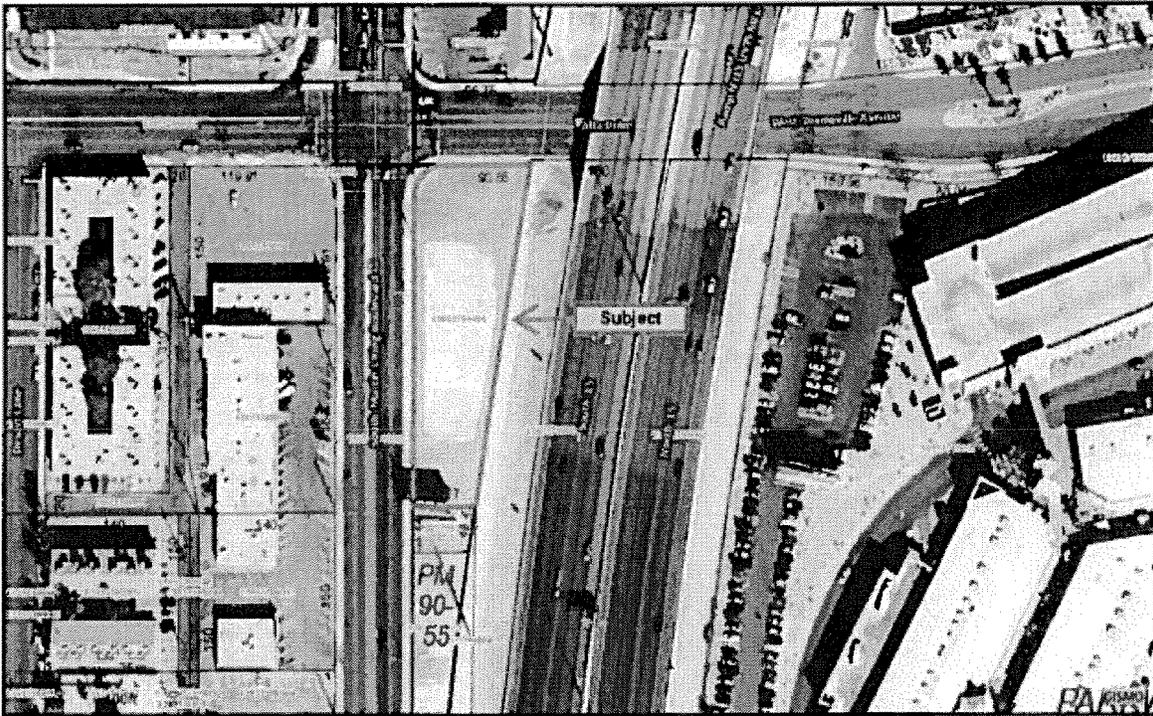
### **RECOMMENDATION**

NDOT has considered the benefits of settlement and has made the decision that settlement is reasonable, prudent, and in the public interest. NDOT requests the authority to settle the Action for the remaining amount of \$716,600 (\$1,600,000 minus \$883,400 already deposited with the Court). If the Board approves the settlement, NDOT will pay the agreed-upon balance and have the Court enter a Judgment and a Final Order of Condemnation transferring ownership of the Property to NDOT, resolving this Action in its entirety as among all parties, inclusive of all attorney's fees, costs and interest.

### **FISCAL NOTE STATEMENT**

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

**Subject Aerial:**



**Neighborhood Aerial:**



# Line Item 3



STATE OF NEVADA  
OFFICE OF THE ATTORNEY GENERAL

Transportation Division  
1263 S. Stewart Street  
Carson City, Nevada 89712

CATHERINE CORTEZ MASTO  
*Attorney General*

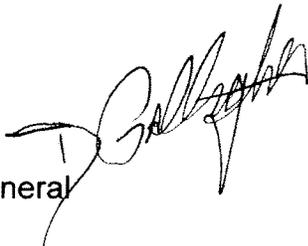
KEITH MUNRO  
*Assistant Attorney General*

THOM GOVER,  
*Acting Chief of Staff*

## MEMORANDUM

**DATE:** October 16, 2014

**TO:** Board of Directors  
Nevada Department of Transportation

**FROM:** Dennis Gallagher, Chief Deputy Attorney General 

**SUBJECT:** Informational Item – Approval of Settlement in the matter of  
*Travelers Casualty and Surety Company of America vs. State of Nevada,*  
*on relation of its Department of Transportation*  
First Judicial District Court Case No. 12-OC-000301B & 12-OC-000321B  
Contracts 3377, 3392, and 3407

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At their October 14, 2014 meeting, the Board of Examiners approved the settlement of \$1,647,913.50 to be paid to NDOT by Travelers Casualty and Surety Company of America (Travelers) for NDOT's counterclaim on contract 3377. The Board of Examiners also approved \$150,783.91 to be paid to Travelers to resolve disputed claims on contract 3377, 3392, and 3407, and to release payment of \$467,777.80 to Travelers currently owed by NDOT on contracts 3377, 3392, and 3407.

Attached is the September 8, 2014 memorandum to the Board of Examiners from Director, Rudy Malfabon and myself to the Board of Examiners setting forth a summary of the settlement.



**MEMORANDUM**

September 8, 2014

**To:** State of Nevada Board of Examiners

**From:** Rudy Malfabon, Director  
Dennis V. Gallagher, Chief Deputy Attorney General/Chief Counsel

**Subject:** Travelers Casualty and Surety Company of America v. State of Nevada Department of Transportation  
Proposed Settlements of Contracts 3377, 3392 and 3407

**SUMMARY**

The Nevada Department of Transportation (NDOT) is requesting approval of a settlement and release agreement between NDOT and Travelers Casualty and Surety Company of America (Travelers). The proposed settlement provides for \$1,647,913.50 to be paid to NDOT by Travelers for NDOT's counterclaim on contract 3377. It also provides payment of \$618,559.71 to Travelers by NDOT for Travelers' claims on contracts 3377, 3392 and 3407. The \$618,559.71 is comprised of an undisputed amount of \$467,775.80 for work completed on contracts 3377, 3392 and 3407 and \$150,783.91 to resolve disputed claims on contracts 3377 and 3407. With respect to the disputed claims, the net due to NDOT is \$1,497,129.59 (\$1,647,913.50 - \$150,783.91 = \$1,497,129.59). Both parties desire to avoid the cost and inconvenience of continued litigation and mutually agree to settle any and all claims without admission of liability or fault. This proposed settlement resolves separate litigation on contracts 3377 and 3407 and a payment claim on contract 3392.

**BACKGROUND**

NDOT awarded contracts 3377 and 3407 to the successful low bidder Peek Construction Company (Peek), fka El Camino Construction Co. and contract 3392 to successful low bidder Williams Brother Inc. (WBI). WBI is a related entity of Peek with the same North Las Vegas mailing address as Peek. Travelers provided separate payment and performance bonds on all three contracts. Details on each contract are provided below:

- **Contract 3377:** Project PLH-0207(005) on SR 207, Kingsbury Grade from the Junction with US 50 to the summit at Dagget Pass, Douglas County, to construct

water quality and erosion control features. The contract was awarded to Peek on May 11, 2009 in the amount of \$6,852,746.00.

- Contract 3392: Projects SI-0170(094) and SI-0170(095) on various intersections in the City of Las Vegas and on various intersections in Clark County to construct traffic signal modifications, median island work and turn lanes. The contract was awarded to WBI on January 5, 2010 in the amount of \$944,304.33.
- Contract 3407: Project STP-093-4(015) on US 93 at HD Summit, Elko County, to construct an overpass safety crossing and animal funnel fencing. The contract was awarded to Peek on March 22, 2010 in the amount of \$3,156,345.49.

Peek began work on Contract 3377 on July 20, 2009 and continued until temporary winter shutdown on November 4, 2011 at the end of the third construction season. The contract was not complete. Peek did not return to complete the project in the spring of 2012. Peek had been paid for the work performed in the previous three construction seasons. On December 27, 2011 Peek submitted a Request for Equitable Adjustment (REA) of \$3,216,878.71 for work performed in year 3. Peek subsequently filed litigation in the District Court in Carson City on January 25, 2012 alleging non-payment and breach of contract.

Peek began work on Contract 3407 on May, 24, 2010. The project was deemed complete and accepted by NDOT's Elko District on July 18, 2011. At that point, Peek had been paid over \$3 million of the \$3,156,345.49 original contract amount for the work performed on the contract. In September 2011 Peek filed a separate REA for an additional \$1,884,028.02. Peek subsequently filed separate litigation in the District Court of Carson City on January 25, 2012 alleging non-payment and breach of contract.

WBI began work on Contract 3392 on June 14, 2010. WBI completed the work and the contract was accepted by NDOT on April 2, 2012.

An issue arose complicating the ability to pay Peek/WBI. Peek/WBI sent separate letters via email to NDOT's general email address on November 15, 2011 instructing NDOT to redirect all project payments to Travelers (Peek/WBI's surety). Peek later rescinded that instruction by telephone and refused to complete the "Additional Remittance" forms required by the State of Nevada Controller's Office to redirect payments. And despite verbal assurances from Travelers that Travelers would indemnify NDOT from Peek/WBI, Travelers did not do so in writing. Since the recipient of contract payments was being disputed between Peek/WBI and Travelers, NDOT was unable to process payments for the remaining contract proceeds on work performed.

When Peek did not return to finish contract 3377, Peek was defaulted by NDOT per the terms of the contract on May 3, 2012. On May 14, 2012, Travelers was instructed to complete the project. Travelers was then granted a thirty day extension. Travelers failed to complete the project and was subsequently defaulted by NDOT per the performance bond. In separate litigation filed by Travelers against Peek and WBI in federal court, Travelers was successful in obtaining ownership rights to Peek's and WBI's claims against NDOT. Travelers then obtained substitution orders replacing Peek with Travelers in Peek's pending litigation with NDOT on contracts 3377 and 3407. Despite several attempts by NDOT to resolve this matter with Travelers,

including formal mediation, the parties were unable to agree on resolution of the disputes, and proceeded with pretrial discovery, depositions, motions and preparation for a trial scheduled for mid-September regarding contract 3377. Only recently were the parties able to find resolution to the disputes and settle all issues on the three contracts.

The proposed settlement provides for Travelers to pay \$1,647,913.50 to NDOT for NDOT's counterclaim for unfinished work on contract 3377. NDOT in turn will pay Travelers \$618,559.71 to Travelers which is comprised of an undisputed amount of \$467,775.80 for work completed on the contracts 3377, 3392 and 3407 and \$150,783.91 to settle disputed claims on contracts 3377 and 3407.

NDOT's payment of the undisputed amount of \$467,775.80 to Travelers includes amounts currently in NDOT's Contractor Pay System that were being held pending resolution of the dispute, and full execution of Change Order 11 on Contract 3377. This amount is comprised of the following:

- Contract 3377: \$152,342.11 for work completed and amounts including contract retention, and the remainder of Change Order 11.
- Contract 3407: \$53,013.69 for work completed and amounts due including contract retention.
- Contract 3392: \$262,420.00 for work completed and amounts due including contract retention.

It is proposed that the undisputed amounts shown above be processed for payment through NDOT's Contractor Pay System as would normally be the case.

NDOT also proposes payment of \$150,783.91 to Travelers to settle the disputed claims which are comprised of the following:

- Contract 3377: \$62,308.41 to address allegations of \$28,104.41 improper payments to Peek (instead of Travelers) and to resolve the REA for Year 3. It is noted that this amount represents less than 2% of Peek's original \$3,216,878.71 REA for Year 3.
- Contract 3407: \$88,475.50 to resolve Peek's original REA of \$1,884,028.02 for work preformed. This represents less than 5% of the amount requested in the REA.

As part of this settlement Travelers also agrees to fully indemnify, defend and hold harmless NDOT from any claims, demands, actions, causes of action, complaints, counterclaims, liens, claims of lien, suits, arbitrations or proceedings brought by Peek / WBI on Contracts 3377, 3392 and 3407. A copy of the Settlement Agreement signed by Travelers is attached.

Finally it should be noted that all three contracts above include federal-aid and third party (utilities, local entities) financial participation. It is NDOT's intention to seek federal and third party reimbursement for amounts paid as appropriate. Payment to Travelers in the manner described above will assist NDOT in that regard.

## **RECOMMENDATIONS**

It is recommended that the Board of Examiners approve this settlement and authorize NDOT to receive payment from Travelers in the amount of \$1,647,913.50 and to also authorize NDOT to pay Travelers of \$618,559.71 to settle all litigation and claims on contracts 3377, 3392 and 3407. Of the \$618,559.71 due to Travelers, the undisputed amount of \$467,775.80 for work completed on the three contracts will be paid through NDOT's Contractor Pay System as would normally occur. The remaining \$150,783.91 to settle disputed claims on contracts 3377 and 3407 will be paid by other methods (NDOT's Payment Voucher System). Upon approval of this settlement and after payments are made to each party, the parties will jointly file with the District Court in Carson City all pleadings necessary to dismiss with prejudice the litigation and claims, counterclaims and causes of action associated with contracts 3377 and 3407.



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

## MEMORANDUM

October 28, 2014

**TO:** Department of Transportation Board of Directors  
**FROM:** Rudy Malfabon, P.E., Director  
**SUBJECT:** November 10, 2014 Transportation Board of Directors Meeting  
**Item # 7:** Action Item: Condemnation Resolution No. 447  
I-15 Freeway, from Desert Inn Road to the US-95/I-515  
Interchange; Project NEON; in the City of Las Vegas; Clark County.  
1 Owner, 1 Parcel – For possible action

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### **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 acquisition as described below.

### **Background:**

Clear Channel Outdoor, Inc. - The negotiation is unresolved for the acquisition from Clear Channel Outdoor, Inc. It is necessary to totally acquire the 2,688 square foot (0.06 acre) Industrial District-zoned parcel in fee simple. The parcel is improved with an off-premise outdoor advertising billboard sign. **The parcel in question, which is located on the east side of Martin Luther King Boulevard, approximately 300 feet south of Bonneville Avenue, 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 \$646,500.00 for the 0.06 acre holding was presented on March 16, 2012. The offer consisted of \$70,000.00 for the fee simple land (at \$26.04 per square foot), \$375,000.00 for the permitted billboard sign site and \$201,500.00 for the billboard sign structure. On December 9 2013, the property owner provided an appraisal of \$605,000.00 for the billboard sign structure, which included business permits and some intangible items, and also an appraisal for the land at \$150,000.00. The landowner later clarified this information as not being a counteroffer. They are also claiming a leasehold interest in the land and would settle only if they could be relocated to another site. 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:**

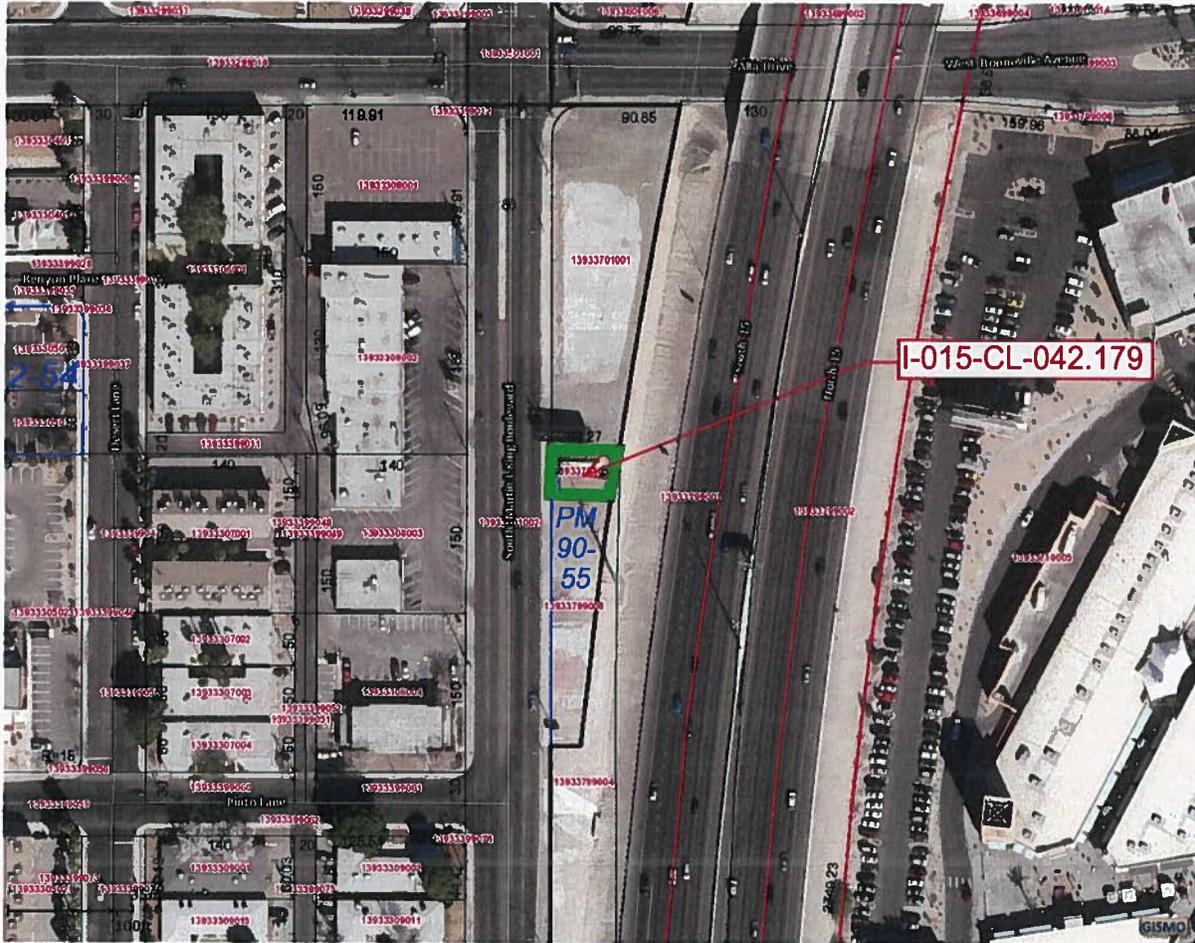
1. Location map
2. Condemnation Resolution No. 447 with Right-of-Way plans
3. Section 408.503 of the Nevada Revised Statutes
4. Section 241.034 of the Nevada Revised Statutes

**Prepared by:**



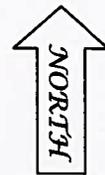
Paul Saucedo, Chief R/W Agent

# LOCATION MAP



## Condemnation Resolution No. 447

**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**

**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. 447**

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 parcel 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.

**ATTACHMENT 2**

**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 NO. I-015-CL-042.179 owned by CLEAR CHANNEL OUTDOOR, INC., a Nevada Corporation 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 SE 1/4 of Section 33, T. 20 S., R. 61 E., M.D.M., and further described as being all of Parcel One (1) shown on that certain PARCEL MAP FOR F. ROBERT ETOR filed for record as Book No. 971209, Instrument No. 01300, on December 9, 1997, File 90, Page 55 of Parcel Maps, Official Records, Clark County, Nevada. Said parcel more fully described by metes and bounds as follows, to wit:

COMMENCING at the southwest corner of said Section 33, shown and delineated as a "FOUND BRASS CAP IN MONUMENT WELL" on that certain PARCEL MAP FOR JOSEPHS FAMILY LIMITED PARTNERSHIP, filed for record as Book No. 980826, Instrument No. 00483, on August 26, 1998, File 92, Page 79 of Parcel Maps, Official Records, Clark County, Nevada; thence N. 50°39'38" E. a distance of 3,597.79 feet to the POINT OF BEGINNING; said point of beginning being on the former left or westerly right-of-way line of IR-15, 134.50 feet left of and measured radially from Highway Engineer's Station "Le" 823+36.09 P.O.C.; thence departing said former westerly right-of-way line the following three (3) courses and distances:

- 1) N. 89°58'32" W. - 57.91 feet;
  - 2) N. 0°01'55" E. - 44.00 feet;
  - 3) S. 89°58'32" E. - 64.34 feet to a non-tangent curve and said former left or westerly right-of-way line;
- thence from a tangent which bears S. 8°31'40" W., curving to the left, along said former westerly right-of-way line, with a radius of 6,934.50 feet, through an angle

of 0°22'03", an arc distance of 44.48 feet to the point of beginning; said parcel contains an area of 2,688 square feet (0.06 of an acre).

It is the intent of this description to describe and it does describe all of the GRANTOR'S right, title and interest in and to all that real property described by that certain GRANT, BARGAIN and SALE DEED, filed for record on October 29, 2007, as Book 20071029, Document No. 0001627, in the Office of the Recorder, 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.

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 November, 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

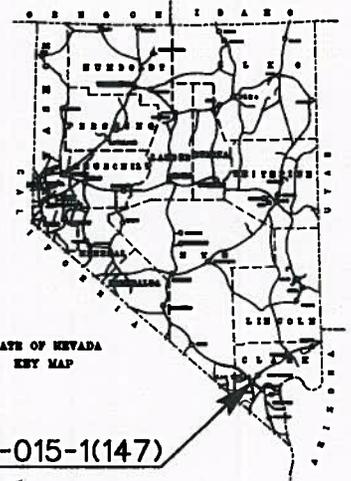
INDEX OF SHEETS

- 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.	E.A. No.	County	Sheet No.
0	Nevada	NH-STP-015-1(147)	73652	CLARK	1



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

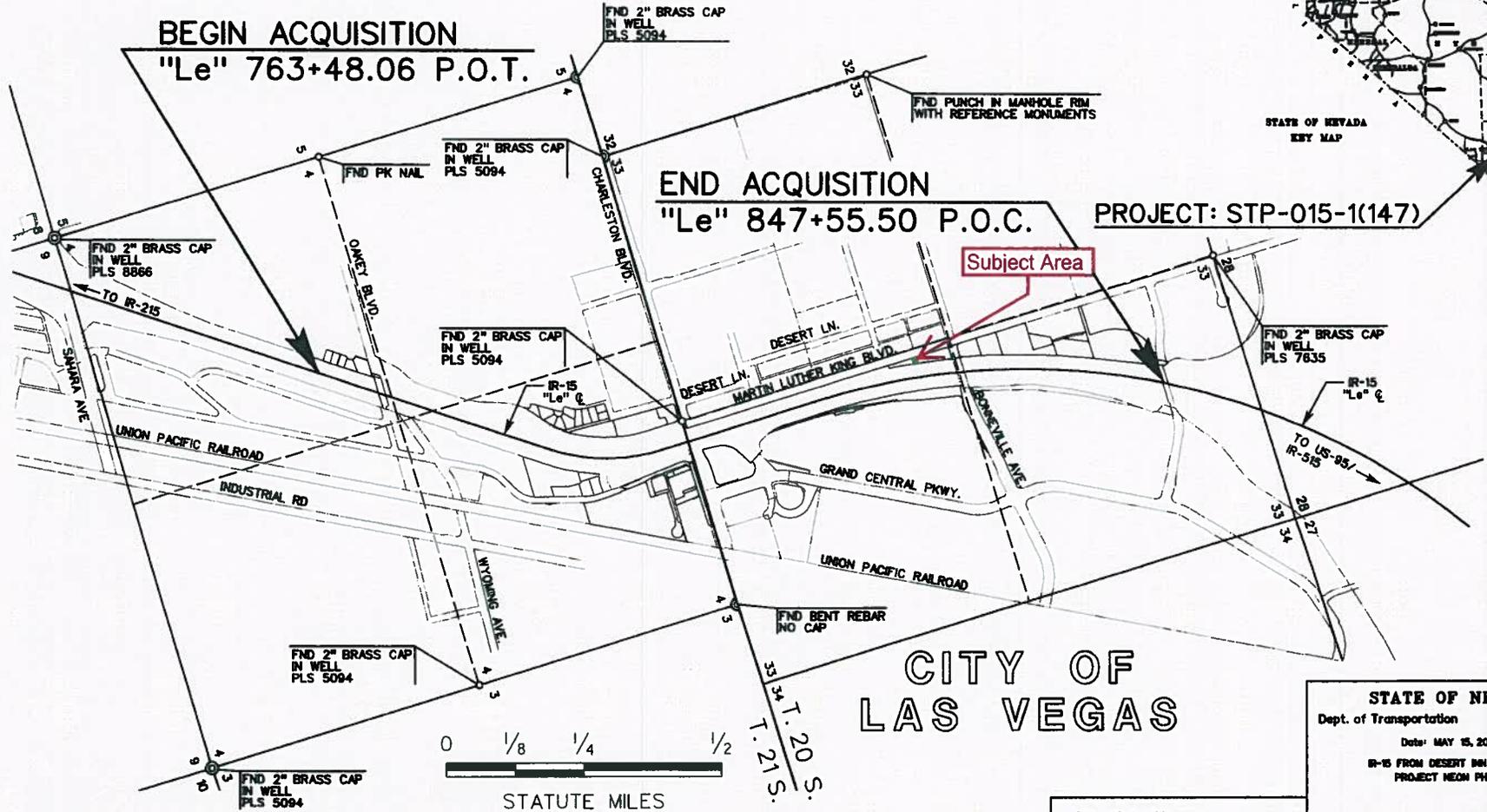
END ACQUISITION  
"Le" 847+55.50 P.O.C.

PROJECT: STP-015-1(147)

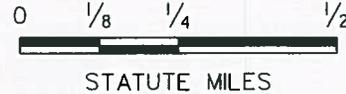
Subject Area



TRACED  
CHECKED



CITY OF  
LAS VEGAS



Date of last revision: \_\_\_\_\_

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

Sheet 1 of 28 Sheets

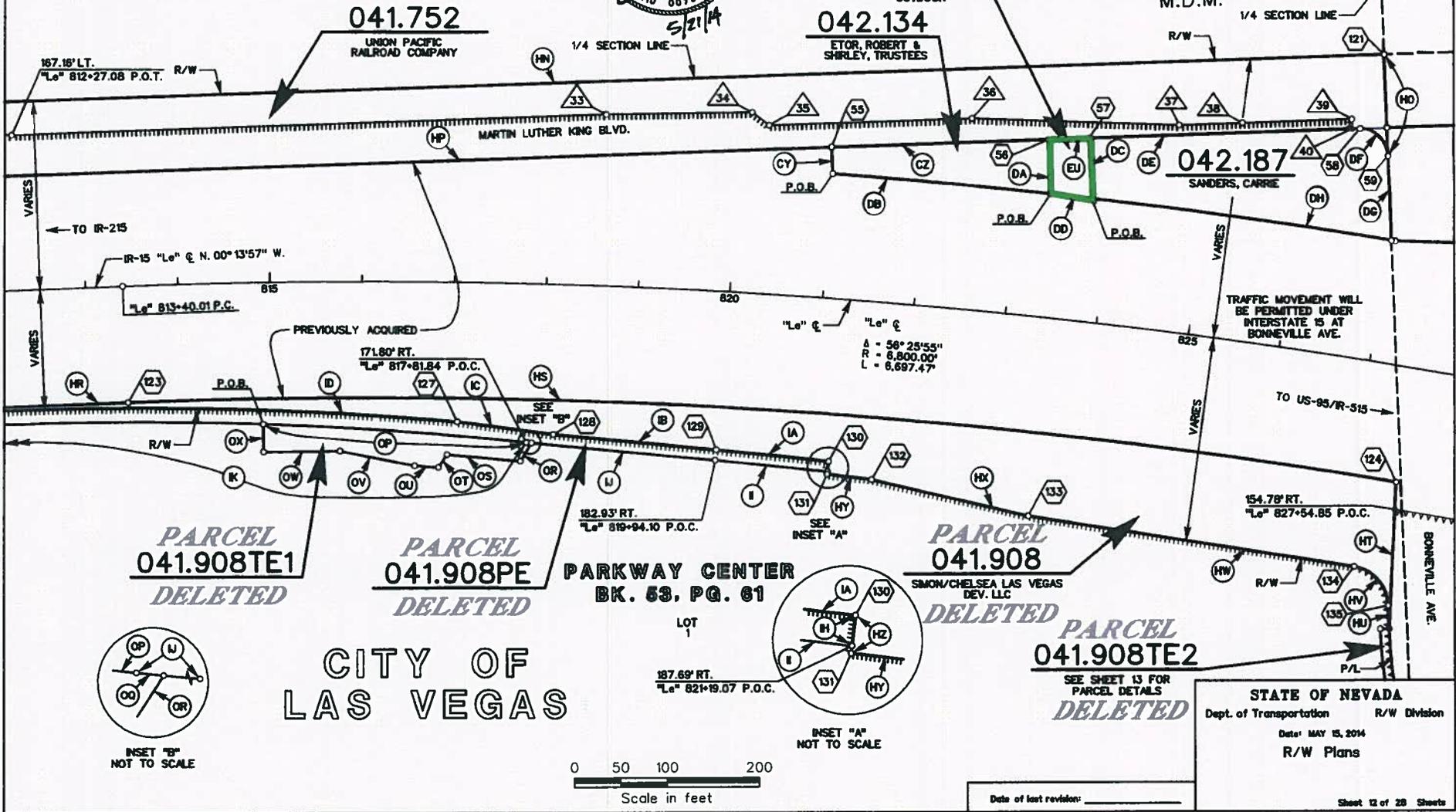
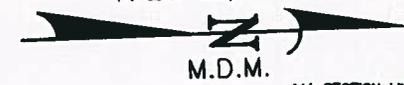
PARCEL NO. PREFIX: I-015-CL-

SEE SHEETS 20 AND 21 FOR PARCEL DESCRIPTIONS

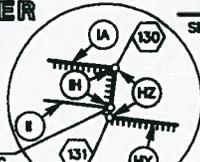
Proj. No.	State	Project No.	E.A. No.	County	Sheet No.
0	Nevada	NH-STP-015-K1471	73692	CLARK	12



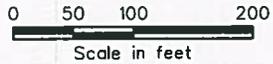
SECTION 33  
T. 20 S., R. 61 E.



INSET "B"  
NOT TO SCALE



INSET "A"  
NOT TO SCALE



CITY OF LAS VEGAS

~~PARCEL 041.908TE1 DELETED~~

~~PARCEL 041.908PE DELETED~~

PARKWAY CENTER  
BK. 53, PG. 61

~~PARCEL 041.908 DELETED~~

~~PARCEL 041.908TE2 DELETED~~

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

Date of last revision: \_\_\_\_\_

041.908	
P.O.B. - 133.58' RT. "L" 809-08.05 P.O.T. TIE: N. 22°12'02" E. - 898.80' FROM THE S 1/4 COR. SEC. 33, T. 20 S., R. 61 E., M.D.M.	
Ⓜ	A - 9°31'39" R - 600.00' L - 99.77' T.B. - N. 9°45'00" W.
Ⓝ	N. 0°13'21" W. - 333.72'
Ⓞ	A - 11°52'54" R - 6,675.00' L - 1,384.22'
Ⓟ	S. 84°57'42" E. - 159.81'
Ⓠ	S. 89°54'40" W. - 25.30'
Ⓡ	A - 78°51'13" R - 45.00' L - 61.93'
Ⓢ	S. 11°03'27" W. - 359.02'
Ⓣ	S. 15°09'38" W. - 175.05'
Ⓤ	A - 0°28'08" R - 5,970.00' L - 48.86' T.B. - S. 9°08'09" W.
Ⓥ	N. 81°21'59" W. - 14.00'
Ⓦ	A - 1°10'02" R - 5,984.00' L - 121.97' T.B. - S. 8°38'01" W.
Ⓧ	S. 7°27'59" W. - 178.21'
Ⓨ	S. 9°34'16" W. - 105.66'
Ⓩ	A - 10°16'59" R - 3,976.00' L - 713.59' T.B. - S. 7°01'19" W.
ⓐ	S. 3°15'40" E. - 18.65'
ⓑ	S. 1°22'41" W. - 57.51'

041.908PE	
P.O.B. - 133.58' RT. "L" 809-08.05 P.O.T. TIE: N. 22°12'02" E. - 898.80' FROM THE S 1/4 COR. SEC. 33, T. 20 S., R. 61 E., M.D.M.	
ⓕ	N. 1°22'41" E. - 57.51'
ⓖ	N. 3°15'40" W. - 18.65'
ⓗ	A - 10°16'59" R - 3,976.00' L - 713.59'
Ⓢ	N. 9°34'16" E. - 105.66'
Ⓣ	N. 7°27'59" E. - 178.21'
Ⓤ	A - 1°10'02" R - 5,984.00' L - 121.97'
Ⓥ	S. 81°21'59" E. - 11.27'
Ⓦ	A - 1°10'02" R - 5,972.73' L - 121.66' T.B. - S. 8°38'01" W.
Ⓧ	S. 7°27'59" W. - 207.02'
Ⓨ	A - 11°23'32" R - 3,961.00' L - 787.57' T.B. - S. 8°07'52" W.
Ⓩ	S. 3°15'40" E. - 19.26'
ⓐ	S. 1°22'41" W. - 68.68'
ⓑ	S. 5°10'13" E. - 75.87'
ⓓ	A - 8°31'11" R - 800.00' L - 89.22' T.B. - N. 18°16'11" W.

041.908TE1	
P.O.B. - 152.87' RT. "L" 814-90.44 P.O.C. TIE: N. 14°13'48" E. - 1,454.00' FROM THE S 1/4 COR. SEC. 33, T. 20 S., R. 61 E., M.D.M.	
ⓔ	A - 4°07'27" R - 3,961.00' L - 285.12' T.B. - N. 4°00'25" E.
ⓕ	N. 7°27'59" E. - 5.92'
ⓖ	S. 55°07'04" E. - 23.16'
ⓗ	S. 7°11'49" W. - 79.45'
Ⓢ	S. 53°55'35" E. - 16.64'
Ⓣ	S. 6°13'11" W. - 25.49'
Ⓤ	S. 13°11'02" W. - 82.46'
Ⓥ	S. 1°25'59" W. - 82.44'
Ⓦ	N. 88°53'30" W. - 29.77'

041.908TE2	
P.O.B. - 284.11' RT. "L" 827-70.57 P.O.C. TIE: N. 13°24'45" E. - 2,697.75' FROM THE S 1/4 COR. SEC. 33, T. 20 S., R. 61 E., M.D.M.	
ⓔ	A - 9°00'27" R - 560.00' L - 88.04' T.B. - S. 89°54'40" E.
ⓕ	N. 80°54'13" E. - 6.00'
ⓖ	S. 9°05'47" E. - 10.00'
ⓗ	S. 80°54'13" W. - 6.00'
Ⓢ	A - 9°00'27" R - 570.00' L - 89.67'
Ⓣ	N. 0°05'20" W. - 10.00'

041.943	
P.O.B. - 795.61' RT. "L" 811-45.72 P.O.T. TIE: N. 43°02'34" E. - 1,464.98' FROM THE S 1/4 COR. SEC. 33, T. 20 S., R. 61 E., M.D.M.	
ⓔ	S. 62°20'28" E. - 41.75'
ⓕ	S. 25°45'34" W. - 34.18'
ⓖ	N. 48°18'17" W. - 24.68'
ⓗ	A - 75°57'49" R - 25.00' L - 33.15'
Ⓢ	N. 27°39'32" E. - 3.92'



041.953TE	
P.O.B. - 795.61' RT. "L" 811-45.72 P.O.T. TIE: N. 43°02'34" E. - 1,464.98' FROM THE S 1/4 COR. SEC. 33, T. 20 S., R. 61 E., M.D.M.	
ⓔ	N. 27°39'32" E. - 105.81'
ⓕ	S. 84°14'26" E. - 5.00'
ⓖ	S. 25°45'34" W. - 90.61'
ⓗ	A - 18°51'10" R - 48.00' L - 15.79'
Ⓢ	N. 62°20'28" W. - 11.09'

042.134	
P.O.B. - 134.50' LT. "L" 821-01.80 P.O.C. TIE: N. 3°04'24" E. - 2,039.52' FROM THE S 1/4 COR. SEC. 33, T. 20 S., R. 61 E., M.D.M.	
ⓔ	N. 89°57'48" W. - 28.21'
ⓕ	N. 0°01'55" E. - 237.05'
ⓖ	S. 89°58'32" E. - 57.91'
ⓗ	A - 1°58'27" R - 6,934.50' L - 238.93' T.B. - S. 8°09'37" W.

042.179	
P.O.B. - 134.50' LT. "L" 823-36.09 P.O.C. TIE: N. 50°39'38" E. - 3,597.79' FROM THE SW COR. SEC. 33, T. 20 S., R. 61 E., M.D.M.	
ⓔ	N. 89°58'32" W. - 57.91'
ⓕ	N. 0°01'55" E. - 44.00'
ⓖ	S. 89°58'32" E. - 64.34'
ⓗ	A - 0°22'03" R - 6,934.50' L - 44.48' T.B. - S. 8°31'40" W.

042.187	
P.O.B. - 134.50' LT. "L" 823-36.09 P.O.C. TIE: N. 50°39'38" E. - 3,597.79' FROM THE SW COR. SEC. 33, T. 20 S., R. 61 E., M.D.M.	
ⓔ	N. 89°58'32" W. - 64.34'
ⓕ	N. 0°01'55" E. - 294.73'
ⓖ	A - 89°50'02" R - 30.00' L - 47.04'
ⓗ	N. 89°51'57" E. - 90.91'
Ⓢ	A - 2°43'32" R - 6,934.50' L - 329.87' T.B. - S. 11°15'12" W.

042.248	
P.O.B. - 134.50' LT. "L" 827-03.19 P.O.C. TIE: N. 4°22'39" E. - 2,650.32' FROM THE S 1/4 COR. SEC. 33, T. 20 S., R. 61 E., M.D.M.	
ⓔ	S. 89°51'57" W. - 120.82'
ⓕ	N. 0°01'49" E. - 110.09'
ⓖ	A - 90°09'52" R - 30.00' L - 47.21' T.B. - S. 0°01'49" W.
ⓗ	N. 89°51'57" E. - 97.00'
Ⓢ	S. 13°04'52" W. - 4.23'
Ⓣ	S. 3°33'16" W. - 71.43'
Ⓤ	A - 0°02'20" R - 6,934.50' L - 4.71' T.B. - S. 11°17'32" W.



TRACED  
CHECKED

Date of last revision: \_\_\_\_\_

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

Sheet 21 of 28 Sheets

PROPERTY SCHEDULE

ALL AREAS ARE SHOWN IN SQUARE FEET, UNLESS OTHERWISE INDICATED

PARCEL NO.	GRANTOR	GROSS AREA	PREV. ACQU.	NET AREA	R/W AREA	ACQUISITION RECORDING DATA				SURPLUS LAND DATA		REM. RT.	REM. LT.	REMARKS
						BE.	FO.	TYPE	DATE	AREA	DATE			
041.876TE	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	17,294		17,294										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
042.283	MLK-ALTA LLC	30,043		30,043	30,043									TOTAL ACQUISITION
042.275PE	WAVC 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	FITZHUGH ENTERPRISES, INC	40,029		40,029	40,029									TOTAL ACQUISITION
042.340	STORAGE EQUITIES/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

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

Date of last revision: \_\_\_\_\_

**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)

**ATTACHMENT 3**

**NRS 241.034 Meeting to consider administrative action against person or acquisition of real property by exercise of power of eminent domain: Written notice required; exception.**

1. Except as otherwise provided in subsection 3:
    - (a) A public body shall not consider at a meeting whether to:
      - (1) Take administrative action against a person; or
      - (2) Acquire real property owned by a person by the exercise of the power of eminent domain,
    - ↪ unless the public body has given written notice to that person of the time and place of the meeting.
    - (b) The written notice required pursuant to paragraph (a) must be:
      - (1) Delivered personally to that person at least 5 working days before the meeting; or
      - (2) Sent by certified mail to the last known address of that person at least 21 working days before the meeting.
    - ↪ A public body must receive proof of service of the written notice provided to a person pursuant to this section before the public body may consider a matter set forth in paragraph (a) relating to that person at a meeting.
  2. The written notice provided in this section is in addition to the notice of the meeting provided pursuant to NRS 241.020.
  3. The written notice otherwise required pursuant to this section is not required if:
    - (a) The public body provided written notice to the person pursuant to NRS 241.033 before holding a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of the person; and
    - (b) The written notice provided pursuant to NRS 241.033 included the informational statement described in paragraph (b) of subsection 2 of that section.
  4. For the purposes of this section, real property shall be deemed to be owned only by the natural person or entity listed in the records of the county in which the real property is located to whom or which tax bills concerning the real property are sent.
- (Added to NRS by 2001, 1835; A 2001 Special Session, 155; 2005, 2247)

**ATTACHMENT 4**



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

## MEMORANDUM

October 28, 2014

**TO:** Department of Transportation Board of Directors  
**FROM:** Rudy Malfabon, P.E., Director  
**SUBJECT:** November 10, 2014 Transportation Board of Directors Meeting  
**Item # 8:** Action Item: Disposal of NDOT right-of-way along portions of existing IR-15 ROW, north of Sunset Road and south of Tropicana Avenue, Las Vegas, NV.  
SUR 12-26 – 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 parcels to be relinquished to Clark County are located along portions of existing IR-15 ROW, north of Sunset Road and south of Tropicana Avenue, Las Vegas, NV, and are currently unimproved parcels of land consisting of 27,165 sq. ft. (0.63 acres) shown on the attached sketch maps depicted as Exhibits "A" through "H".

### **Background:**

The Department originally acquired property rights between July, 1960 and February, 1963, to construct, improve and realign a certain portion Interstate Route 15, under Project I-015-1(6)28. It has recently been determined by the surplus committee that this relinquishment lies outside the limits of the current design/build project SPI-015-1(055) and that it will be a benefit to the Department to eliminate all liability and future maintenance responsibilities.

### **Analysis:**

On October 7, 2014, Clark County signed a Resolution Consenting to Relinquishment and Land Transfer Agreement accepting the relinquishment of the parcels. The relinquishment of NDOT's interest in the parcels is being made in accordance with NRS 408.527. The Department currently holds an easement and a fee simple interest in the parcels.

### **Recommendation for Board Action:**

Approval of disposal of NDOT parcels located along portions of existing IR-15 ROW, north of Sunset Road and south of Tropicana Avenue, Las Vegas, NV.

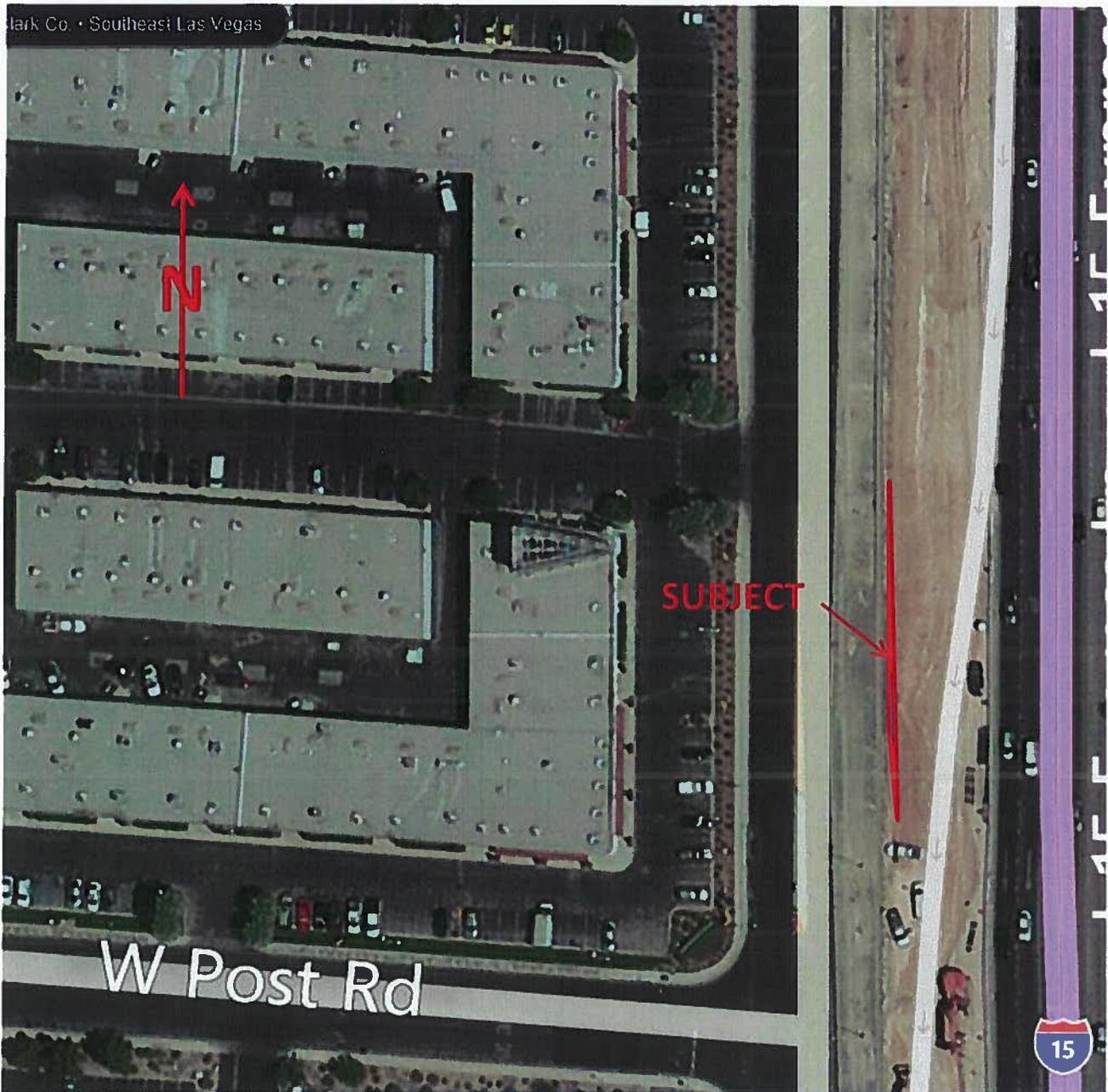
**TO: Department of Transportation Board of Directors  
October 23, 2014**

**List of Attachments:**

1. Location Maps – Exhibits “A” through “D”
2. Original Resolution of Relinquishment with attached sketch maps depicted as Exhibits “A” through “H”.
3. Duplicate Original Resolution Consenting to Relinquishment and Land Transfer Agreement with attached sketch maps depicted as Exhibits “A” through “H”.
4. Environmental Approval
5. FHWA Approval
6. NRS 408.527

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

# LOCATION MAP



**SUR 12-26**  
**DESCRIPTION: IR-15(NORTH OF W. POST RD.)**

**ATTACHMENT 1**

**EXHIBIT A**

# LOCATION MAP



**SUR 12-26**  
**DESCRIPTION: IR-15(SOUTH OF W. OQUENDO RD.)**

EXHIBIT B

# LOCATION MAP

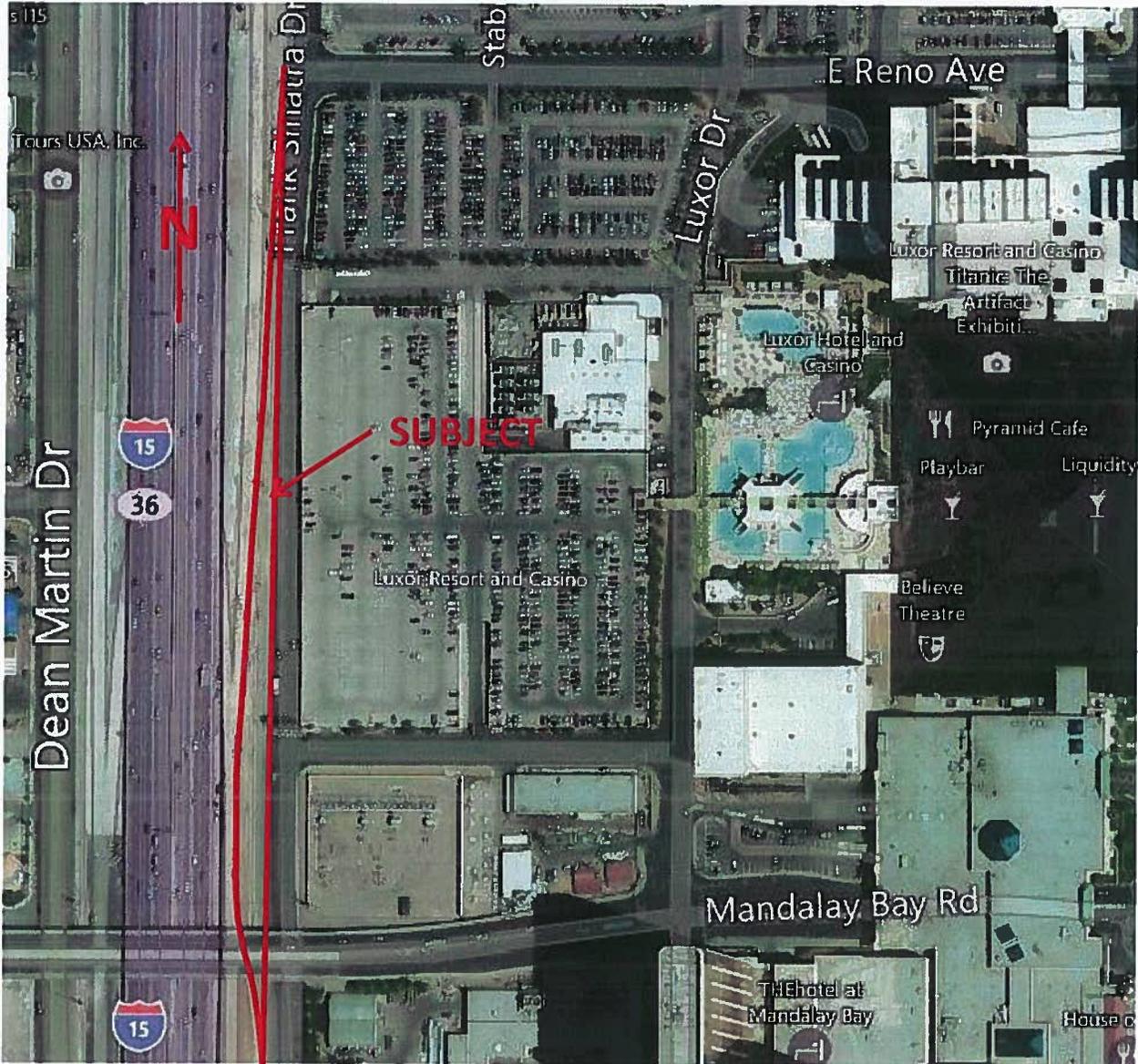


**SUR 12-26**

**DESCRIPTION: EAST SIDE OF IR-15 (NORTH OF RUSSELL BLVD. INTERCHANGE TO SOUTH OF HACIENDA AVE. / MANDALAY BAY RD.)**

EXHIBIT C

# LOCATION MAP



**SUR 12-26**  
**DESCRIPTION: WEST SIDE OF IR-15 (SOUTH OF**  
**MANDALAY BAY RD. TO E. RENO AVE.)**

EXHIBIT D

301

APN's: 162-29-599-018, 162-29-699-001  
162-29-699-002, 162-29-799-002  
162-32-299-007, 162-32-299-008  
162-32-799-010

Control Section: CL-83

Route: IR-15

Surplus No.: SUR 12-26

Project: I-015-1(6)28

E.A.: 70090

Ptn. of Parcels: 201A, 202, 209, 210, 210.1 & 211

Parcels: I-015-CL-035.647 XS1

I-015-CL-036.058 XS1

I-015-CL-036.746 XS1

I-015-CL-036.872 XS1

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 RIGHT-OF-WAY**

WHEREAS, the State of Nevada, Department of Transportation, hereinafter called the Department, presently holds an easement interest and a fee simple interest in that certain right-of-way for portions of IR-15, extending from Highway Engineer's Station "Le" 478+77.10 P.O.T., to Highway Engineer's Station "Le" 558+96.17 P.O.T.; and

WHEREAS, said right-of-way is delineated and identified as Parcels I-015-CL-035.647 XS1, I-015-CL-036.058 XS1, I-015-CL-036.746 XS1 and I-015-CL-036.872 XS1 on EXHIBIT(s) "A" through "H", inclusive, 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 cities and counties any portion of any state highway which has been superseded by relocation or which the Department determines exceeds its needs; and

WHEREAS, said right-of-way is of no further contemplated use by the Department due to those portions of IR-15 being in excess of its needs; and

WHEREAS, the County of Clark has requested the relinquishment of aforesaid portions of highway for the purpose of a transportation facility; and

WHEREAS, the County of Clark has agreed to accept the relinquishment of said right-of-way for the aforesaid portions of IR-15 together with any and all revocable leases and licenses entered into between the Department and the adjoining owners for the multiple use of the right-of-way; and

WHEREAS, the County of Clark entered into an agreement with the Department on \_\_\_\_\_, to accept the hereinafter described designated road as a part of the County of Clark road system; and

WHEREAS, the Board of County Commissioners of Clark County, State of Nevada, consented by resolution passed and adopted on \_\_\_\_\_, 20\_\_\_\_, to the Department relinquishing the aforesaid portion of said road to the County of Clark; and

WHEREAS, NRS 408.527 provides that the Department of Transportation may relinquish any portion of a state highway which has been superseded by relocation or which the Department determines exceeds its needs after the Department and the city or county have entered into an agreement and the city or county legislative body has adopted a resolution consenting thereto.

THEREFORE, it is hereby determined by the Board of Directors of the Nevada Department of Transportation, State of Nevada, that the following described right-of-way and incidents thereto, being all that land, delineated and identified as Parcels I-015-CL-035.647 XS1, I-015-CL-036.058 XS1, I-015-CL-036.746 XS1 and I-015-CL-036.872 XS1 on EXHIBITs "A" through "H", inclusive, attached hereto and made a part hereof, is hereby relinquished to the County of Clark of the State of Nevada. Said right-of-way is described as follows:

...situate, lying and being in the County of Clark, State of Nevada, and more particularly described as being a portion of the SW 1/4 of the NW 1/4 of the SE 1/4 and the NE 1/4 of the SE 1/4 of the NW 1/4 of Section 32, and the NW 1/4 of the SE 1/4 and the SW 1/4 of the NE 1/4 and the SW 1/4 of the NW 1/4 of the NE 1/4 of Section 29 all in T. 21 S., R. 61 E., M.D.M., and more fully described by metes and bounds as follows:

Parcel I-015-CL-035.647 XS1

COMMENCING at a 0.3' SCARRED BRASS CAP in 0.5' DIAM CONC POST STAMPED "T21S 32|33/5|4 T22S R61E PLS 7008", accepted as being the SE corner of said Section 32, shown and delineated as a " FOUND 2 1/2" BRASS CAP IN WELL MONUMENT PLS 7008" on that certain Subdivision Plat for POST / POLARIS, filed for record on June 29, 2006, as Instrument No. 0000739, Book 132 Page 0052 of Plats, Official Records Book No. 20060629, of Clark County, Nevada Records; thence S. 88°47'18" W., along the south line of said Section 32, a distance of 2,643.23 feet (record S. 88°47'22" W. – 2,643.27 feet per said Subdivision Plat), to a 0.21' BRASS DISK IN CONC STAMPED "1/4 S32|S5", accepted as the south quarter corner of said Section 32, shown and delineated as a "FOUND BRASS CAP IN

WELL MONUMENT PLS 6625" on said Subdivision Plat; thence N. 0°32'59" E. a distance of 1,576.56 feet to the POINT OF BEGINNING; said point of beginning being on the left or westerly right-of-way line of IR-15, 146.76 feet left of and at right angles to Highway Engineer's Station "Le" 478+77.10 P.O.T.; thence N. 5°33'29" W., along the former westerly right-of-way line of IR-15, a distance of 34.16 feet; thence N. 0°06'55" W., continuing along said former westerly right-of-way line, a distance of 182.83 feet to said westerly right-of-way line of IR-15; thence S. 2°02'35" E., along said westerly right-of-way line, a distance of 97.51 feet; thence S. 0°05'46" E., continuing along said westerly right-of-way line, a distance of 119.38 feet to the point of beginning; said parcel contains an area of 494 square feet (0.01 acres).

Parcel I-015-CL-036.058 XS1

COMMENCING at a 0.05M BRASS DISK IN WELL STAMPED "S29|28|32|33 T21S R61E", accepted as being the NE corner of said Section 32, shown and delineated as a "FD. WELL MONUMENT P.L.S. 8421 3" BRASS CAP" on that certain Record of Survey for CIRCUS-CIRCUS ENTERPRISES, filed for record on August 14, 1997, as Instrument No. 00920, Official Records Book No. 970814, File 90 Page 93 of Surveys, Clark County, Nevada Records; thence N. 89°08'44" W., along the north line of said Section 32, a distance of 2,541.89 feet (record N. 88°52'24" W. – 2,541.90 feet per said Record of Survey), to a .16' BRASS DISC IN CONCRETE STAMPED "1994 NCL405L 1/4 S29|S32 T21S R61E PLS 7004", accepted as the north quarter corner of said Section 32, shown and delineated as a "FD. 2" BRASS CAP P.L.S. 7004"

on said Record of Survey; thence S. 1°28'08" W. a distance of 1,750.17 feet to the POINT OF BEGINNING; said point of beginning being on the left or westerly right-of-way line of IR-15, 213.09 feet left of and at right angles to Highway Engineer's Station "Le" 500+59.54 P.O.T.; thence N. 8°23'17" W., along the former westerly right-of-way line of IR-15, a distance of 48.06 feet; thence N. 7°08'07" E., continuing along said former right-of-way line, a distance of 348.11 feet to said westerly right-of-way line; thence along said westerly right-of-way line the following three (3) courses and distances:

- 1) from a tangent which bears S. 1°41'03" E., curving to the right with a radius of 775.00 feet, through an angle of 9°14'22", an arc distance of 124.98 feet;
- 2) S. 7°33'19" W. – 163.49 feet;
- 3) from a tangent which bears the last described course, curving to the left with a radius of 996.00 feet, through an angle of 6°07'53", an arc distance of 106.58 feet to the point of beginning;

said parcel contains an area of 2,884 square feet (0.07 acres).

Parcel I-015-CL-036.746 XS1

COMMENCING at a .05M BRASS DISK IN WELL STAMPED "S29|28|32|33 T21S R61E", accepted as being the SE corner of said Section 29, shown and delineated as a "FD. WELL MONUMENT P.L.S. 8421 3" BRASS CAP" on that certain Record of Survey for CIRCUS-CIRCUS ENTERPRISES, filed for record on August 14, 1997, as Instrument No. 00920, Official Records Book No. 970814, File 90 Page 93 of Surveys, Clark County, Nevada Records; thence N. 89°08'44" W., along the south line of said Section 29, a distance of 2,541.89 feet (record N. 88°52'24" W. – 2,541.90 feet per said Record of Survey), to a .16' BRASS DISC IN CONCRETE STAMPED "1994 NCL405L 1/4 S29|S32 T21S R61E PLS 7004", accepted as the south quarter corner of said Section 29, shown and delineated as a "FD. 2" BRASS CAP P.L.S. 7004" on said Record of Survey; thence N. 0°33'52" E. a distance of 1,880.60 feet to the POINT OF BEGINNING; said point of beginning being on the left or westerly right-of-way line of IR-15, 142.39 feet left of and at right angles to Highway Engineer's Station "Le" 536+89.51 P.O.T.; thence N. 0°20'59" W. along the former westerly right-of-way line of IR-15, a distance of 660.13 feet to said westerly right-of-way line; thence along said westerly right-of-way line the following eight (8) courses and distances:

- 1) N. 89°53'05" E. – 9.09 feet;
- 2) S. 0°06'55" E. – 242.40 feet;

- 3) S. 5°04'45" W. – 38.99 feet;
- 4) S. 0°06'55" E. – 12.66 feet;
- 5) S. 5°18'35" E. – 38.99 feet;
- 6) S. 0°06'55" E. – 184.47 feet;
- 7) S. 89°39'23" W. – 2.51 feet to a non-tangent curve;
- 8) from a tangent which bears S. 0°40'51" W., curving to the right with a radius of 5,401.00 feet, through an angle of 1°31'00", an arc distance of 142.97 feet to the point of beginning;

said parcel contains an area of 4,336 square feet (0.10 acres).

Parcel I-015-CL-036.872 XS1

COMMENCING at a .05M BRASS DISK IN WELL STAMPED "S29|28|32|33 T21S R61E", accepted as being the SE corner of said Section 29, shown and delineated as a "FD. WELL MONUMENT P.L.S. 8421 3" BRASS CAP" on that certain Record of Survey for CIRCUS-CIRCUS ENTERPRISES, filed for record on August 14, 1997, as Instrument No. 00920, Official Records Book No. 970814, File 90 Page 93 of Surveys, Clark County, Nevada Records; thence N. 89°08'44" W., along the south line of said Section 29, a distance of 2,541.89 feet (record N. 88°52'24" W. – 2,541.90 feet per said Record of Survey), to a

.05M BRASS DISC IN CONCRETE STAMPED "1994 NCL405L 1/4 S29|S32 T21S R61E PLS 7004", accepted as the south quarter corner of said Section 29, shown and delineated as a "FD. 2" BRASS CAP P.L.S. 7004" on said Record of Survey; thence N. 6°55'42" E. a distance of 2,566.36 feet to the POINT OF BEGINNING; said point of beginning being on the right or easterly right-of-way line of IR-15, 150.00 feet right of and at right angles to Highway Engineer's Station "Le" 543+56.03 P.O.T.; thence along said easterly right-of-way line the following eleven (11) courses and distances:

- 1) from a tangent which bears N. 2°54'31" W., curving to the left with a radius of 900.00 feet, through an angle of 5°54'30", an arc distance of 92.81 feet to a point of reverse curvature;
- 2) from a tangent which bears N. 8°49'01" W., curving to the right with a radius of 900.00 feet, through an angle of 8°40'37", an arc distance of 136.30 feet;
- 3) N. 0°08'24" W. – 342.10 feet;
- 4) from a tangent which bears the last described course, curving to the right with a radius of 1,002.00 feet, through an angle of 1°44'27", an arc distance of 30.44 feet;
- 5) N. 1°15'45" E. – 471.91 feet;

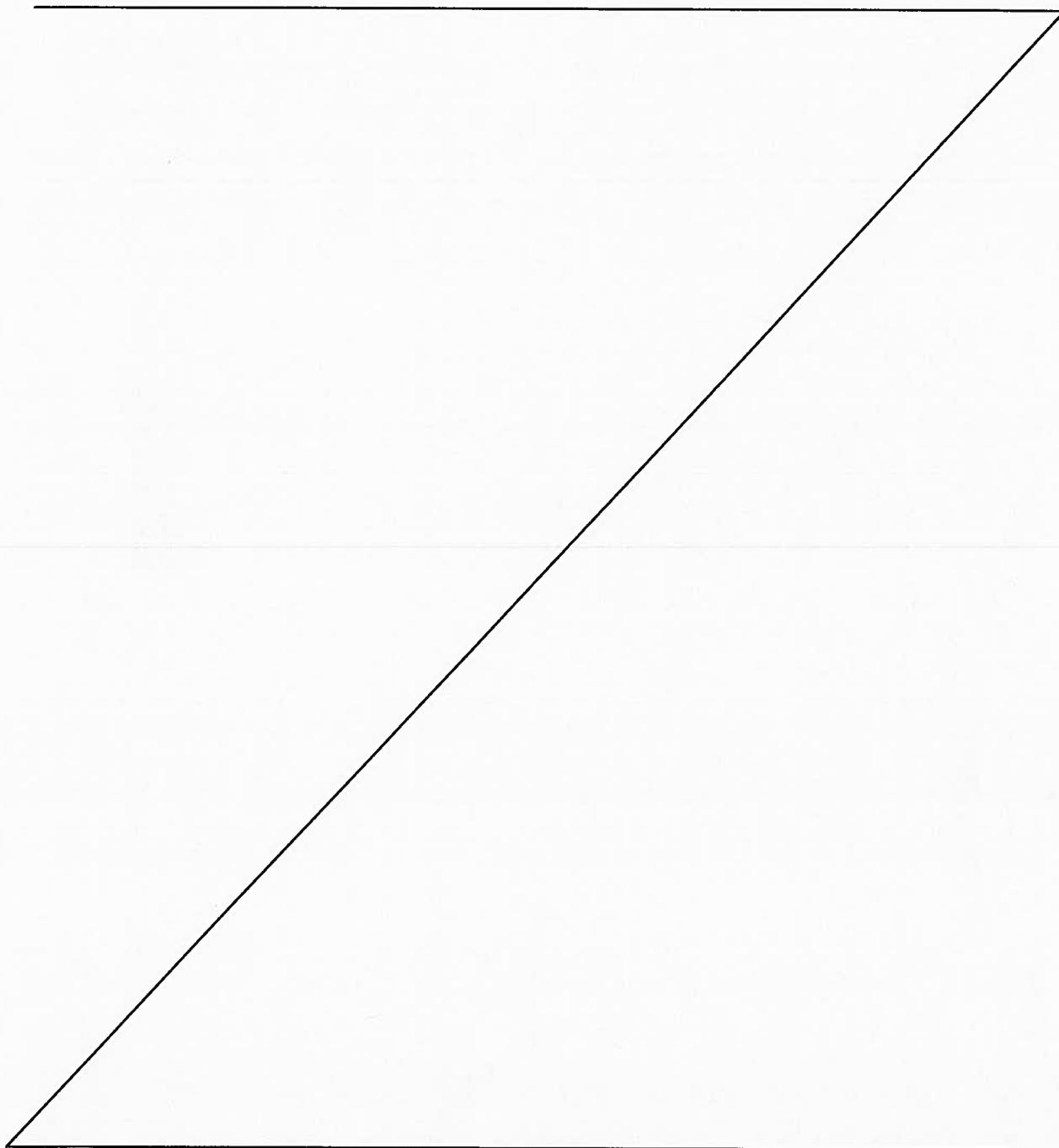
- 6) from a tangent which bears the last described course, curving to the left with a radius of 998.00 feet, through an angle of  $1^{\circ}24'56''$ , an arc distance of 24.66 feet;
- 7) N.  $0^{\circ}08'41''$  W. – 132.40 feet to a non-tangent curve;
- 8) from a tangent which bears N.  $0^{\circ}27'00''$  W., curving to the right with a radius of 8,030.00 feet, through an angle of  $0^{\circ}46'30''$ , an arc distance of 108.62 feet to a non-tangent curve;
- 9) from a tangent which bears N.  $0^{\circ}22'02''$  E., curving to the right with a radius of 4,028.00 feet, through an angle of  $2^{\circ}08'17''$ , an arc distance of 150.31 feet;
- 10) N.  $2^{\circ}59'15''$  E. – 51.92 feet;
- 11) S.  $87^{\circ}00'45''$  E. – 0.80 feet to the former easterly right-of-way line of IR-15; thence S.  $0^{\circ}06'55''$  E., along said former right-of-way line, a distance of 1,540.10 feet to the point of beginning;

said parcel contains an area of 19,451 square feet (0.45 acres).

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

Said parcels shall have no access 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.



It is the intent of the Department to relinquish to the County of Clark all of the Department's right, title and interest in and to the aforesaid described right-of-way as shown on EXHIBIT(s) "A" through "H", inclusive, attached hereto and made a part hereof.

DATED this \_\_\_ day of \_\_\_\_\_, 20\_\_.

APPROVED AS TO LEGALITY AND FORM:

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

\_\_\_\_\_  
,Deputy Attorney General

\_\_\_\_\_  
Brian Sandoval, Chairman

ATTEST:

\_\_\_\_\_  
Secretary to the Board

PARCEL NO. PREFIX: I-015-CL-

EXHIBIT "A"

PROJECT NO. I-015-1(6)28  
E.A. 70090  
PTN. PARCEL 201A

035.647 XS1

494 SQ. FT.

1/4 SEC. LINE

DEAN MARTIN DR.

R/W

N. 5° 33' 29" W. - 34.16'

N. 0° 06' 55" W. - 182.83'

R/W

150.00' LT. "Le" 480+93.93 P.O.T.

S. 0° 05' 46" E. - 119.38'

146.72' LT. "Le" 479+96.48 P.O.T.

P.O.B. = 146.76' LT. "Le" 478+77.10 P.O.T.

S. 2° 02' 35" E. - 97.51'

TIE: N. 0° 32' 59" E. - 1,576.56' FROM THE  
S 1/4 COR. SEC. 32, T. 21 S., R. 61 E., M.D.M.

N 1/2 OF THE S 1/2 OF SEC. 32  
T. 21 S., R. 61 E.

M.D.M.

COUNTY OF  
CLARK

VARIES

VARIES

← TO CC-215

IR-15 "Le" C

N. 0° 06' 55" W.

480

TO RUSSELL INTERCHANGE →

CONTROL OF ACCESS WITH FENCE OR BARRIER

TO BE RELINQUISHED

CL-83

STATE OF NEVADA SUR 12-26  
DEPARTMENT OF TRANSPORTATION

DATE: JULY 30, 2014

SKETCH MAP

APPROVED:

*Blana Salazar*  
MANAGER, R/W ENGINEERING

SCALE 1"=50'

SHEET 1 OF 8



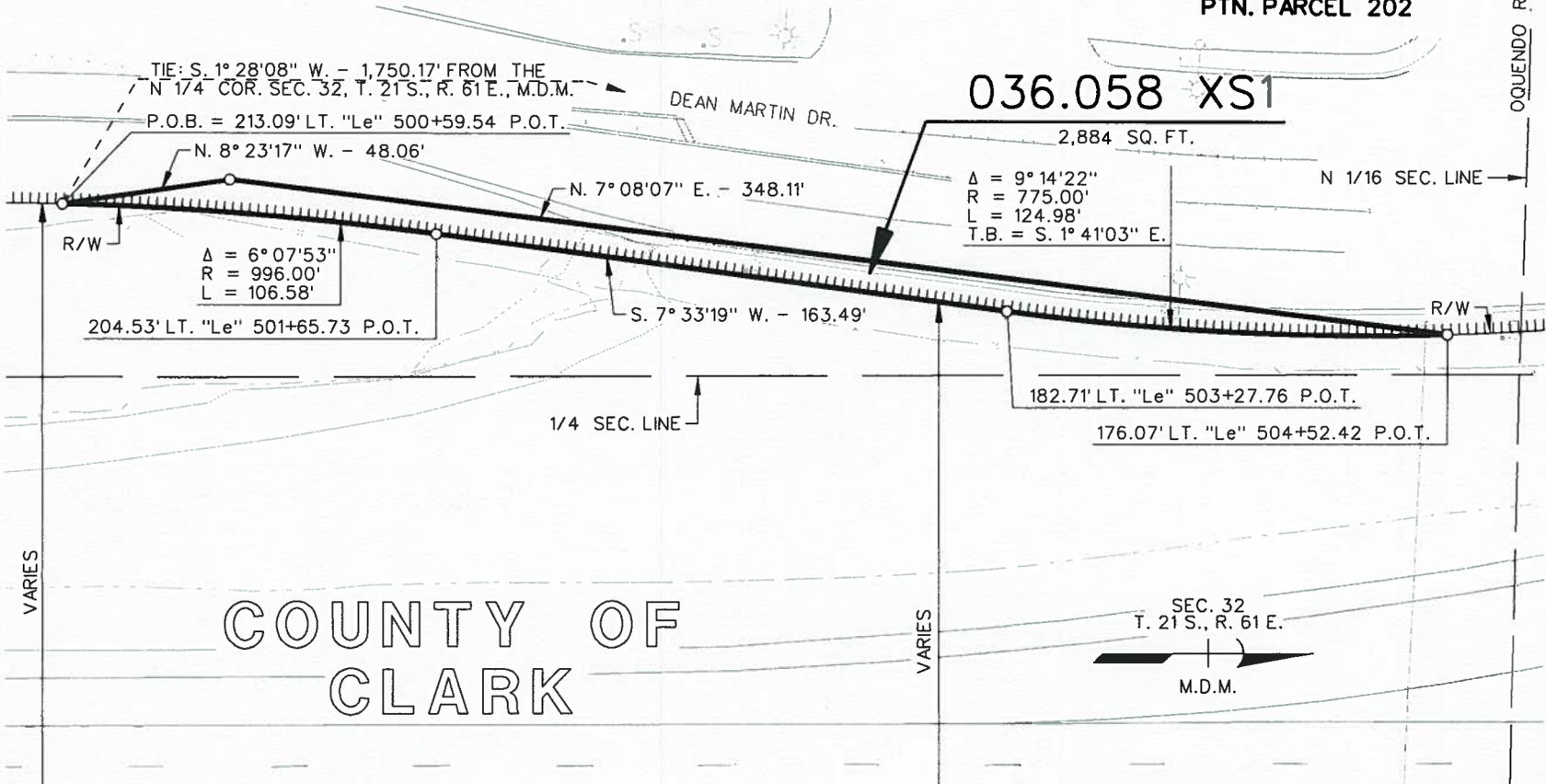
TRACED JPP/CJH  
CHECKED *cm*  
DATE OF LAST REVISION:

PARCEL NO. PREFIX: I-015-CL-

EXHIBIT "B"

PROJECT NO. I-015-116128  
E.A. 70090  
PTN. PARCEL 202

OGUENDO RD.



COUNTY OF  
CLARK

SEC. 32  
T. 21 S., R. 61 E.  
M.D.M.

← TO CC-215

IR-15 "Le" ☉

N. 0° 06' 55" W.

CONTROL ACCESS WITH FENCE OR BARRIER

TO RUSSELL INTERCHANGE →

TO BE RELINQUISHED



TRACED	JPP/CJH
CHECKED	cm
DATE OF LAST REVISION:	

CL-83 STATE OF NEVADA SUR 12-26  
DEPARTMENT OF TRANSPORTATION

DATE: JULY 30, 2014

SKETCH MAP

APPROVED: *Alana D. Salazar*  
MANAGER, R/W ENGINEERING

SCALE 1"=50'

SHEET 2 OF 8

PARCEL NO. PREFIX: I-015-CL-

EXHIBIT "C"

PROJECT NO. I-015-1(6)28  
E.A. 70090  
PTN. PARCEL 209

N 1/2 OF THE  
S 1/2 OF SEC. 29

T. 21 S., R. 61 E. M.D.M.

036.746 XS1

4,336 SQ. FT.

TIE: N. 0° 33' 52" E. - 1,880.60' FROM THE  
S 1/4 COR. SEC. 29, T. 21 S., R. 61 E., M.D.M.

1/4 SEC. LINE

P.O.B. = 142.39' LT. "Le" 536+89.51 P.O.T.

DEAN MARTIN DR.

139.53' LT. "Le" 540+55.74 P.O.T.

R/W

N. 0° 20' 59" W. - 660.13'

136.00' LT. "Le" 540+16.91 P.O.T.

$\Delta = 1^\circ 31' 00''$   
 $R = 5,401.00'$   
 $L = 142.97'$   
T.B. = S. 0° 40' 51" W.

S. 0° 06' 55" E. - 184.47'

S. 5° 18' 35" E. - 38.99'

R/W

SEE INSET "A"

138.51' LT. "Le" 538+32.43 P.O.T.

VARIES

COUNTY OF  
CLARK

VARIES

136.00'

S. 89° 39' 23" W.

2.51'

136.00' LT. "Le" 538+32.44 P.O.T.

136.00'  
VARIES

← TO RUSSELL INTERCHANGE

INSET "A"  
NOT TO SCALE

IR-15 "Le"  $\zeta$

N. 0° 06' 55" W.

TO TROPICANA INTERCHANGE →

||||||| CONTROL OF ACCESS WITH FENCE OR BARRIER



TO BE RELINQUISHED

CL-83

STATE OF NEVADA SUR 12-26  
DEPARTMENT OF TRANSPORTATION

DATE: JULY 30, 2014

SKETCH MAP

APPROVED:

*Alana Salas*  
MANAGER, R/W ENGINEERING

SCALE 1"=50'

SHEET 3 OF 8



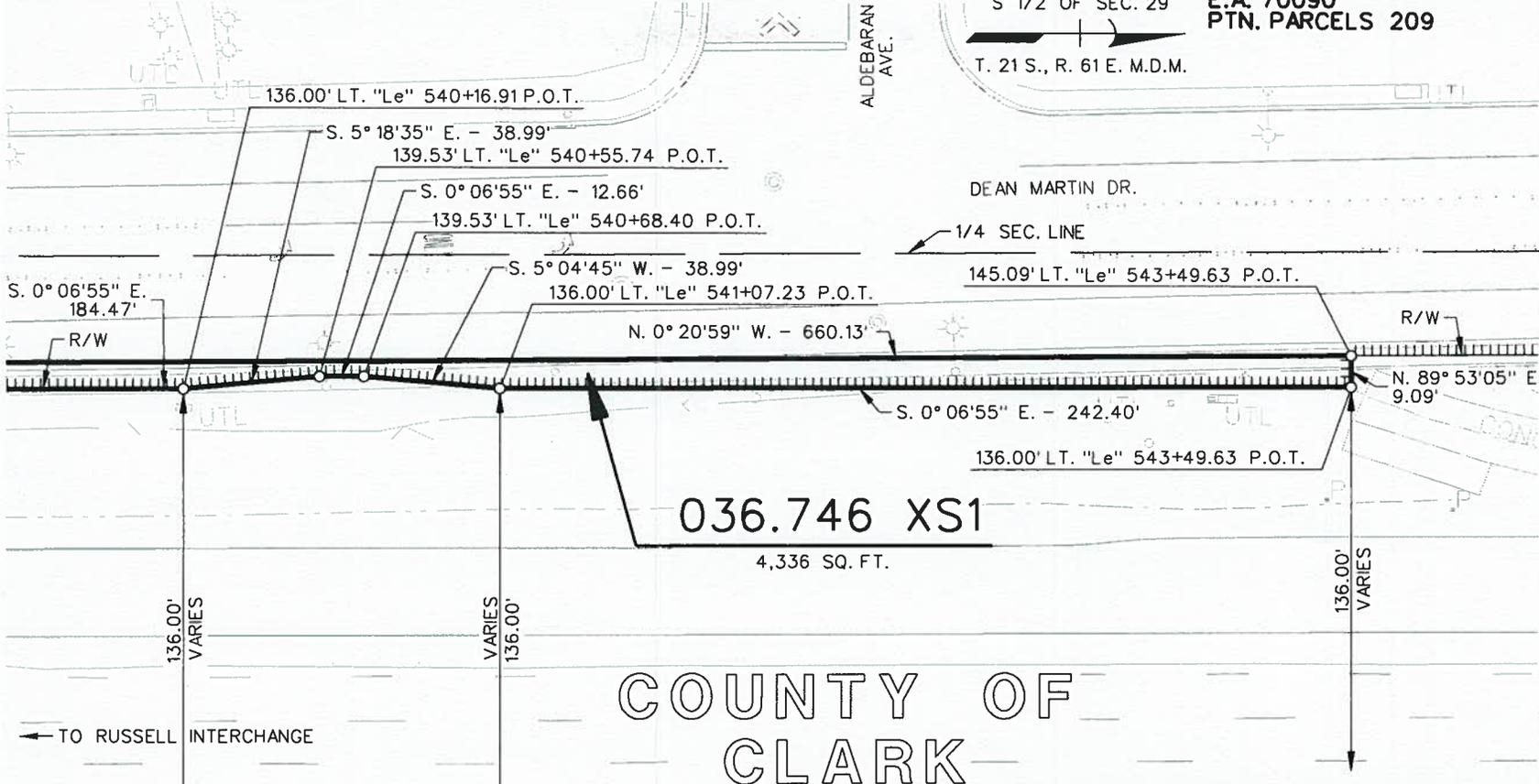
TRACED	CJH
CHECKED	cm
DATE OF LAST REVISION:	

PARCEL NO. PREFIX: I-015-CL-

EXHIBIT "D"

N 1/2 OF THE  
S 1/2 OF SEC. 29  
T. 21 S., R. 61 E. M.D.M.

PROJECT NO. I-015-1(6)28  
E.A. 70090  
PTN. PARCELS 209



← TO RUSSELL INTERCHANGE

COUNTY OF CLARK

||||| CONTROL OF ACCESS WITH FENCE OR BARRIER

TO TROPICANA INTERCHANGE →

▭ TO BE RELINQUISHED

CL-83 STATE OF NEVADA SUR 12-26  
DEPARTMENT OF TRANSPORTATION

DATE: JULY 30, 2014

SKETCH MAP

APPROVED: *Halana D. Salazar*  
MANAGER, R/W ENGINEERING

SCALE 1"=50'

SHEET 4 OF 8

\\037\_RightOfWay\Sketch\Clark\SURPLUS\SUR 12-26\036746 XS1\_2.dgn



TRACED	CJH
CHECKED	cm
DATE OF LAST REVISION:	

PARCEL NO. PREFIX: I-015-CL-

EXHIBIT "E"

PROJECT NO. I-015-116)28  
E.A. 70090  
PTN. PARCELS 209, 210,  
210.1, 211

W 1/2 OF THE  
E 1/2 OF SEC. 29

T. 21 S., R. 61 E. M.D.M.

← TO RUSSELL INTERCHANGE

W. HACIENDA  
AVE.

HEAD WIRE

N. 0° 06' 55" W.

COUNTY OF  
CLARK

→ TO TROPICANA INTERCHANGE

← 1/4 SEC. LINE

150.00'

150.00'  
VARIES

VARIES

140.71' RT. "Le" 544+48.33 P.O.T.

Δ = 8° 40' 37"  
R = 900.00'  
L = 136.30'  
T.B. = N. 8° 49' 01" W.

130.35' RT. "Le" 545+84.10 P.O.T.

Δ = 5° 54' 30"  
R = 900.00'  
L = 92.81'  
T.B. = N. 2° 54' 31" W.

N. 0° 08' 24" W. - 342.10'

R/W

R/W

P.O.B. = 150.00' RT. "Le" 543+56.03 P.O.T.

S. 0° 06' 55" E. - 1,540.10'

036.872 XS1

FRANK SINATRA DR.

19,451 SQ. FT.

FRANK SINATRA DR.  
TIE: N. 6° 55' 42" E. - 2,566.36' FROM THE  
S 1/4 COR. SEC. 29, T. 21 S., R. 61 E., M.D.M.

MANDALAY  
BAY RD.

CONTROL OF ACCESS WITH FENCE OR BARRIER



TO BE RELINQUISHED

CL-83

STATE OF NEVADA SUR 12-26  
DEPARTMENT OF TRANSPORTATION

DATE: JULY 30, 2014

SKETCH MAP

APPROVED:

*Alana D. Salazar*  
MANAGER, R/W ENGINEERING

SCALE 1"=50'

SHEET 5 OF 8

\\037\_RightOfWay\Sketch\Clark\SURPLUS\SUR 12-26\036872 XS1\_1.dgn



TRACED  
CHECKED  
DATE OF LAST REVISION:

CJH

*cm*

PARCEL NO. PREFIX: I-015-CL-

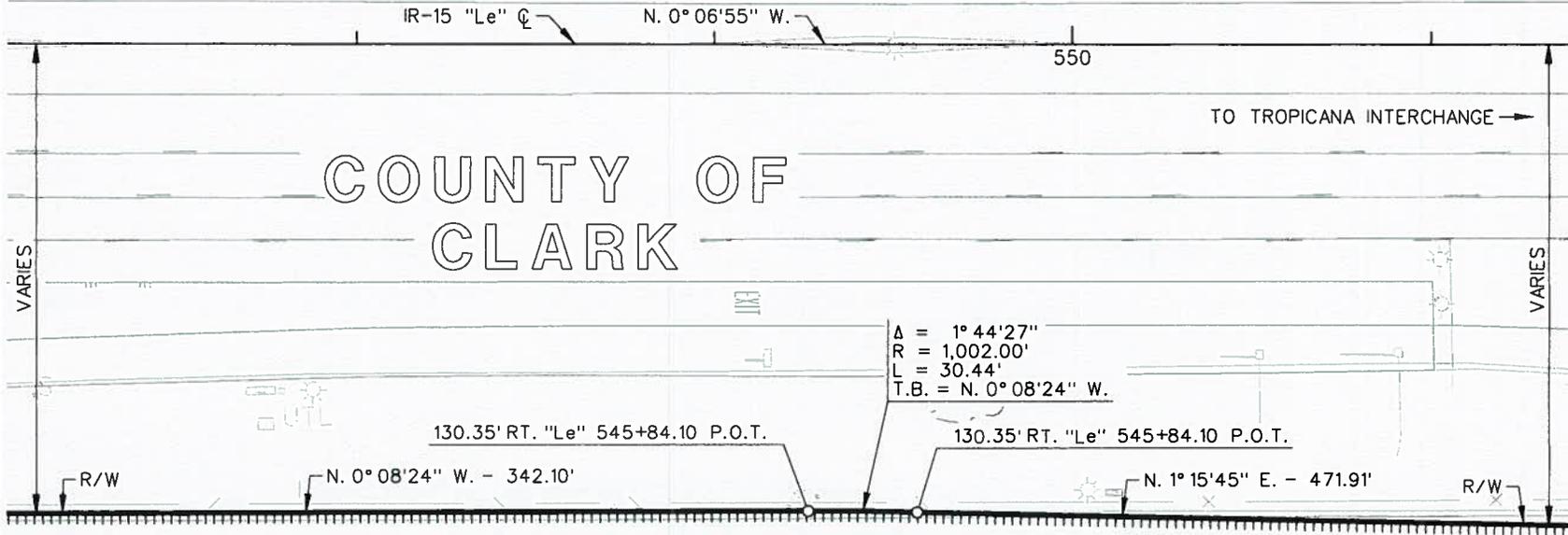
EXHIBIT "F"

PROJECT NO. I-015-116128  
E.A. 70090  
PTN. PARCELS 209, 210,  
210.1, 211

← TO RUSSELL INTERCHANGE

TO TROPICANA INTERCHANGE →

COUNTY OF  
CLARK



S. 0° 06' 55" E. - 1,540.10'

FRANK SINATRA DR.

036.872 XS1

19,451 SQ. FT.

W 1/2 OF THE  
SE 1/4 OF THE  
NW 1/4 OF SEC. 29

T. 21 S., R. 61 E. M.D.M.

||||| CONTROL OF ACCESS WITH FENCE OR BARRIER

▭ TO BE RELINQUISHED

CL-83 STATE OF NEVADA SUR 12-26  
DEPARTMENT OF TRANSPORTATION

DATE: JULY 30, 2014

SKETCH MAP

APPROVED: *Blana D Salazar*  
MANAGER, R/W ENGINEERING

SCALE 1"=50'

SHEET 6 OF 8

\\037\_RightOfWay\Sketch\Clark\SURPLUS\SUR 12-26\036872 XS1\_2.dgn



TRACED	CJH
CHECKED	cm
DATE OF LAST REVISION:	

PARCEL NO. PREFIX: I-015-CL-

EXHIBIT "G"

PROJECT NO. I-015-1(6)28  
E.A. 70090  
PTN. PARCELS 209, 210,  
210.1, 211

← TO RUSSELL INTERCHANGE

IR-15 "Le"  $\zeta$

N. 0° 06' 55" W.

555

COUNTY OF  
CLARK

TO TROPICANA INTERCHANGE →

VARIES

VARIES

142.29' RT. "Le" 554+53.06 P.O.T.

$\Delta = 1^\circ 24' 56''$   
R = 998.00  
L = 24.66'

R/W

N. 1° 15' 45" E. - 471.91'

142.00' RT. "Le" 554+28.41 P.O.T.

N. 0° 08' 41" W. - 132.40'

R/W

S. 0° 06' 55" E. - 1,540.10'

FRANK SINATRA DR.

036.872 XS1

19,451 SQ. FT.

W 1/2 OF THE  
SE 1/4 OF THE  
NW 1/4 OF SEC. 29

T. 21 S., R. 61 E. M.D.M.

||||| CONTROL OF ACCESS WITH FENCE OR BARRIER

□ TO BE RELINQUISHED

CL-83 STATE OF NEVADA SUR 12-26  
DEPARTMENT OF TRANSPORTATION

DATE: JULY 30, 2014

SKETCH MAP

APPROVED: *Blana Salazar*  
MANAGER, R/W ENGINEERING

SCALE 1"=50'

SHEET 7 OF 8



TRACED	CJH
CHECKED	<i>cm</i>
DATE OF LAST REVISION:	

PARCEL NO. PREFIX: I-015-CL-

EXHIBIT "H"

PROJECT NO. I-015-1(6)28  
E.A. 70090  
PTN. PARCELS 209, 210,  
210.1, 211

← TO RUSSELL INTERCHANGE

COUNTY OF  
CLARK

TO TROPICANA INTERCHANGE →

VARIES

VARIES  
150.00'

IR-15 "Le"  $\phi$  N. 0° 06' 55" W.

149.20' RT. "Le" 558+96.17 P.O.T.

N. 2° 59' 15" E.  
51.92'

S. 87° 00' 45" E.  
0.80'

S. 0° 06' 55" E.  
1,540.10'

150.00' RT. "Le" 558+96.13 P.O.T.

N 1/16 SEC. LINE

INSET "A"  
NOT TO SCALE

142.32' RT. "Le" 556+94.08 P.O.T.

142.22' RT. "Le" 555+85.46 P.O.T.

$\Delta = 0^\circ 46' 30''$   
 $R = 8,030.00'$   
 $L = 108.62'$   
T.B. = N. 0° 27' 00" W.

N. 2° 59' 15" E. - 51.92'  
146.39' RT. "Le" 558+44.33 P.O.T.

$\Delta = 2^\circ 08' 17''$   
 $R = 4,028.00$   
 $L = 150.31$   
T.B. = N. 0° 22' 02" E.

N. 0° 08' 41" W.  
132.40'

SEE INSET "A"

R/W

R/W

S. 0° 06' 55" E. - 1,540.10'

FRANK SINATRA DR.

036.872 XS1

19,451 SQ. FT.

W. RENO  
AVE.

||||| CONTROL OF ACCESS WITH FENCE OR BARRIER

▭ TO BE RELINQUISHED

NW 1/4 OF SEC. 29



T. 21 S., R. 61 E. M.D.M.

CL-83 STATE OF NEVADA SUR 12-26  
DEPARTMENT OF TRANSPORTATION

DATE: JULY 30, 2014

SKETCH MAP

APPROVED: *Alana D. Salazar*  
MANAGER, R/W ENGINEERING

SCALE 1"=50'

SHEET 8 OF 8



TRACED	CJH
CHECKED	cm
DATE OF LAST REVISION:	

Control Section: CL-83  
Route: IR-15  
Surplus No.: SUR 12-26  
Project: I-015-1(6)28  
E.A.: 70090  
Ptn of Parcels: 201A, 202,  
209, 210, 210.1  
& 211

**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 IR-15 lying within the County of Clark, State of Nevada, extending from Highway Engineer's Station "Le" 478+77.10 P.O.T. to "Le" 558+96.17 P.O.T., a distance of approximately 1.52 miles, said right-of-way is delineated and identified as Parcels I-015-CL-035.647 XS1, I-015-CL-036.058 XS1, I-015-CL-036.746 XS1 and I-015-CL-036.872 XS1 on EXHIBITs "A" through "H", inclusive, attached hereto and made a part hereof; and

WHEREAS, the Board of County Commissioners of the County of Clark, State of Nevada, desires that the aforesaid portion of said highway be relinquished to the County of Clark; and

WHEREAS, the County of Clark has requested the relinquishment of aforesaid portion of highway for the purpose of highway purposes; and

WHEREAS, the County of Clark has agreed to accept the relinquishment of said right-of-way for the aforesaid portion of IR-15 together with any and all revocable leases and licenses entered into between the Department and the adjoining owners for the multiple use of the right-of-way.

NOW THEREFORE be it resolved that the Board of County Commissioners of the County of Clark, 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 County of Clark, that portion of IR-15 lying within the County of Clark, State of Nevada, extending from Highway Engineer's Station "Le" 478+77.10 P.O.T. to "Le" 558+96.17 P.O.T., a distance of approximately 1.52 miles, being all that right-of-way delineated and identified as Parcels I-015-CL-035.647 XS1, I-015-CL-036.058 XS1, I-015-CL-036.746 XS1 and I-015-CL-036.872 XS1 on EXHIBITs "A" through "H", inclusive, attached hereto and made a part hereof. If the purpose for which it is relinquished is abandoned or ceases to exist, then all right, title and interest of the city or county reverts back to the Department.

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\_\_.

ATTEST:

Diana Alba  
Diana Alba, Clerk

REVIEWED AS TO LEGALITY AND FORM:

Christopher Figgins  
Christopher Figgins, Chief Deputy District Attorney  
Clark County Nevada

CLARK COUNTY, NEVADA  
BOARD OF COUNTY COMMISSIONERS

Steve Sisolak  
Steve Sisolak, Chairman-District A

Lawrence L. Brown III  
Lawrence L. Brown, III, Vice Chairman-District C

REVIEWED AND RECOMMENDED BY:

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

S  
T  
A  
T  
E  
  
S  
E  
A  
L

BOARD OF COUNTY COMMISSIONERS

Tom Collins  
Tom Collins, Commissioner-District B

Lawrence Weekly  
Lawrence Weekly, Commissioner-District D

Chris Giunchigliani  
Chris Giunchigliani, Commissioner-District E

Susan Brager  
Susan Brager, Commissioner-District F

Mary Beth Scow  
Mary Beth Scow, Commissioner-District G

APPROVED FOR LEGALITY AND FORM:

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

STATE OF NEVADA acting by and through its  
Department of Transportation

Rudy Malfabon P.E., 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.

S  
E  
A  
L

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

---

PARCEL NO. PREFIX: I-015-CL-

EXHIBIT "A"

PROJECT NO. I-015-1(6)28  
E.A. 70090  
PTN. PARCEL 201A

035.647 XS1

494 SQ. FT.

1/4 SEC. LINE

DEAN MARTIN DR.

R/W

N. 5° 33' 29" W. - 34.16'

N. 0° 06' 55" W. - 182.83'

R/W

150.00' LT. "Le" 480+93.93 P.O.T.

S. 0° 05' 46" E. - 119.38'

146.72' LT. "Le" 479+96.48 P.O.T.

P.O.B. = 146.76' LT. "Le" 478+77.10 P.O.T.

S. 2° 02' 35" E. - 97.51'

TIE: N. 0° 32' 59" E. - 1,576.56' FROM THE  
S 1/4 COR. SEC. 32, T. 21 S., R. 61 E., M.D.M.

N 1/2 OF THE S 1/2 OF SEC. 32  
T. 21 S., R. 61 E.

M.D.M.

COUNTY OF  
CLARK

VARIES

VARIES

← TO CC-215

IR-15 "Le" ☉

N. 0° 06' 55" W.

480

CONTROL OF ACCESS WITH FENCE OR BARRIER

TO RUSSELL INTERCHANGE →

☐ TO BE RELINQUISHED

CL-83

STATE OF NEVADA  
DEPARTMENT OF TRANSPORTATION

SUR 12-26

DATE: JULY 30, 2014

SKETCH MAP

APPROVED:

*Halana D Salazar*  
MANAGER, R/W ENGINEERING

SCALE 1"=50'

SHEET 1 OF 8



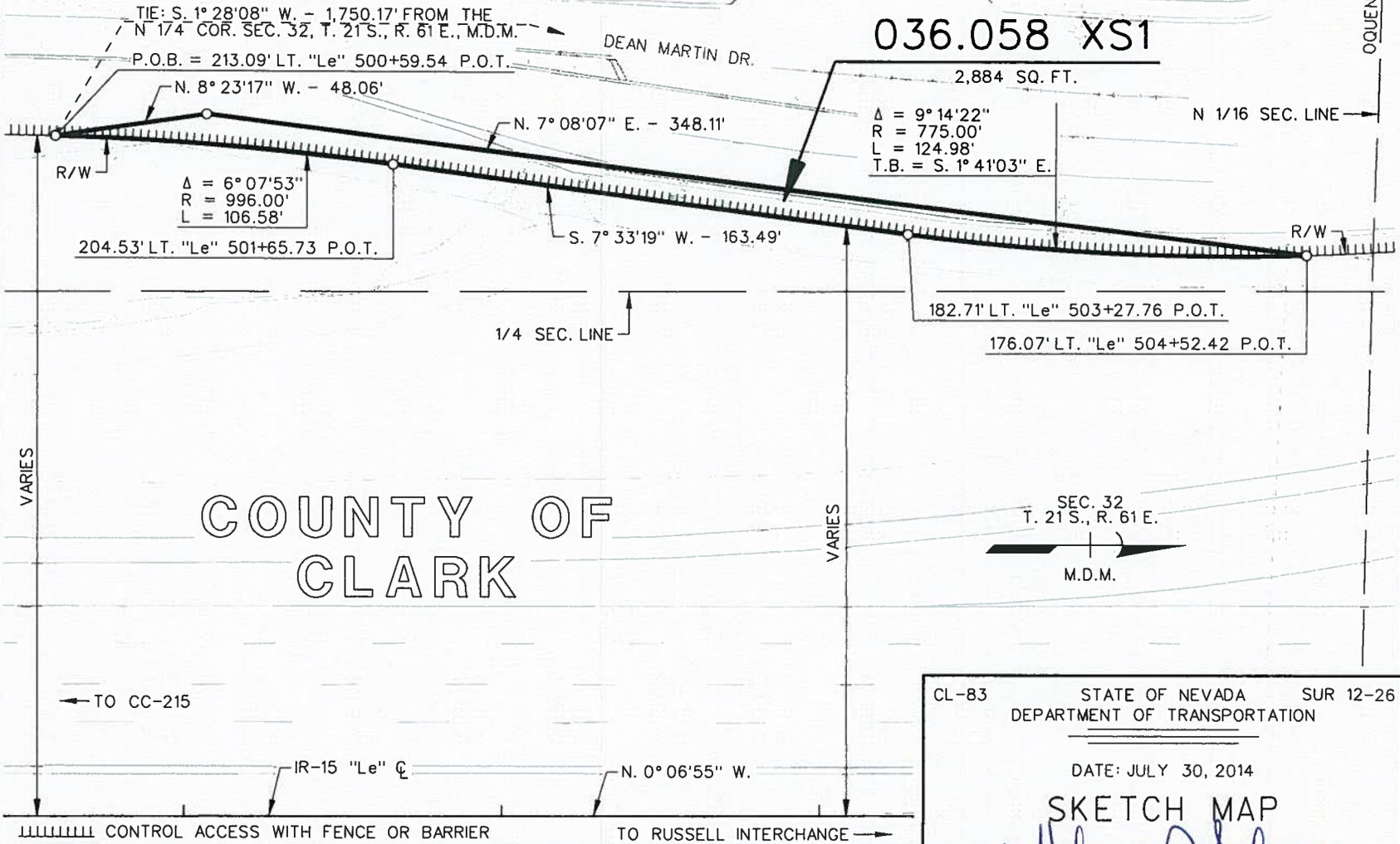
TRACED JPP/CJH  
CHECKED *CJM*  
DATE OF LAST REVISION:

PARCEL NO. PREFIX: I-015-CL-

EXHIBIT "B"

PROJECT NO. I-015-1(6)28  
E.A. 70090  
PTN. PARCEL 202

COQUENDO RD.



TO BE RELINQUISHED

\\037\_RightOfWay\Sketch\Clark\Surplus\SUR 12-26\036058 XS1.dgn



TRACED	JPP/CJH
CHECKED	<i>CJH</i>
DATE OF LAST REVISION:	

CL-83 STATE OF NEVADA SUR 12-26  
DEPARTMENT OF TRANSPORTATION

DATE: JULY 30, 2014

SKETCH MAP

APPROVED: *Alana Salazar*  
MANAGER, R/W ENGINEERING

SCALE 1"=50'

SHEET 2 OF 8

PARCEL NO. PREFIX: I-015-CL-

EXHIBIT "C"

PROJECT NO. I-015-(16)28  
E.A. 70090  
PTN. PARCEL 209

N 1/2 OF THE  
S 1/2 OF SEC. 29  
T. 21 S., R. 61 E. M.D.M.

036.746 XS1

4,336 SQ. FT.

TIE: N. 0° 33' 52" E. - 1,880.60' FROM THE  
S 1/4 COR. SEC. 29, T. 21 S., R. 61 E., M.D.M.

1/4 SEC. LINE

P.O.B. = 142.39' LT. "Le" 536+89.51 P.O.T.

DEAN MARTIN DR.

139.53' LT. "Le" 540+55.74 P.O.T.

R/W

N. 0° 20' 59" W. - 660.13'

136.00' LT. "Le" 540+16.91 P.O.T.

$\Delta = 1^\circ 31' 00''$   
 $R = 5,401.00'$   
 $L = 142.97'$   
 $T.B. = S. 0^\circ 40' 51'' W.$

S. 0° 06' 55" E. - 184.47'

S. 5° 18' 35" E. - 38.99'

R/W

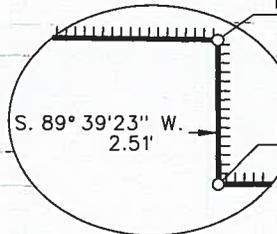
SEE INSET "A"

138.51' LT. "Le" 538+32.43 P.O.T.

VARIES

COUNTY OF  
CLARK

VARIES  
136.00'



VARIES  
136.00'

INSET "A"  
NOT TO SCALE

← TO RUSSELL INTERCHANGE

IR-15 "Le"  $\phi$

N. 0° 06' 55" W.

CL-83

STATE OF NEVADA  
DEPARTMENT OF TRANSPORTATION

SUR 12-26

DATE: JULY 30, 2014

SKETCH MAP

APPROVED:

*Alana O Salazar*  
MANAGER, R/W ENGINEERING

SCALE 1"=50'

SHEET 3 OF 8

CONTROL OF ACCESS WITH FENCE OR BARRIER

TO TROPICANA INTERCHANGE →

TO BE RELINQUISHED



TRACED CJH  
CHECKED CM  
DATE OF LAST REVISION:

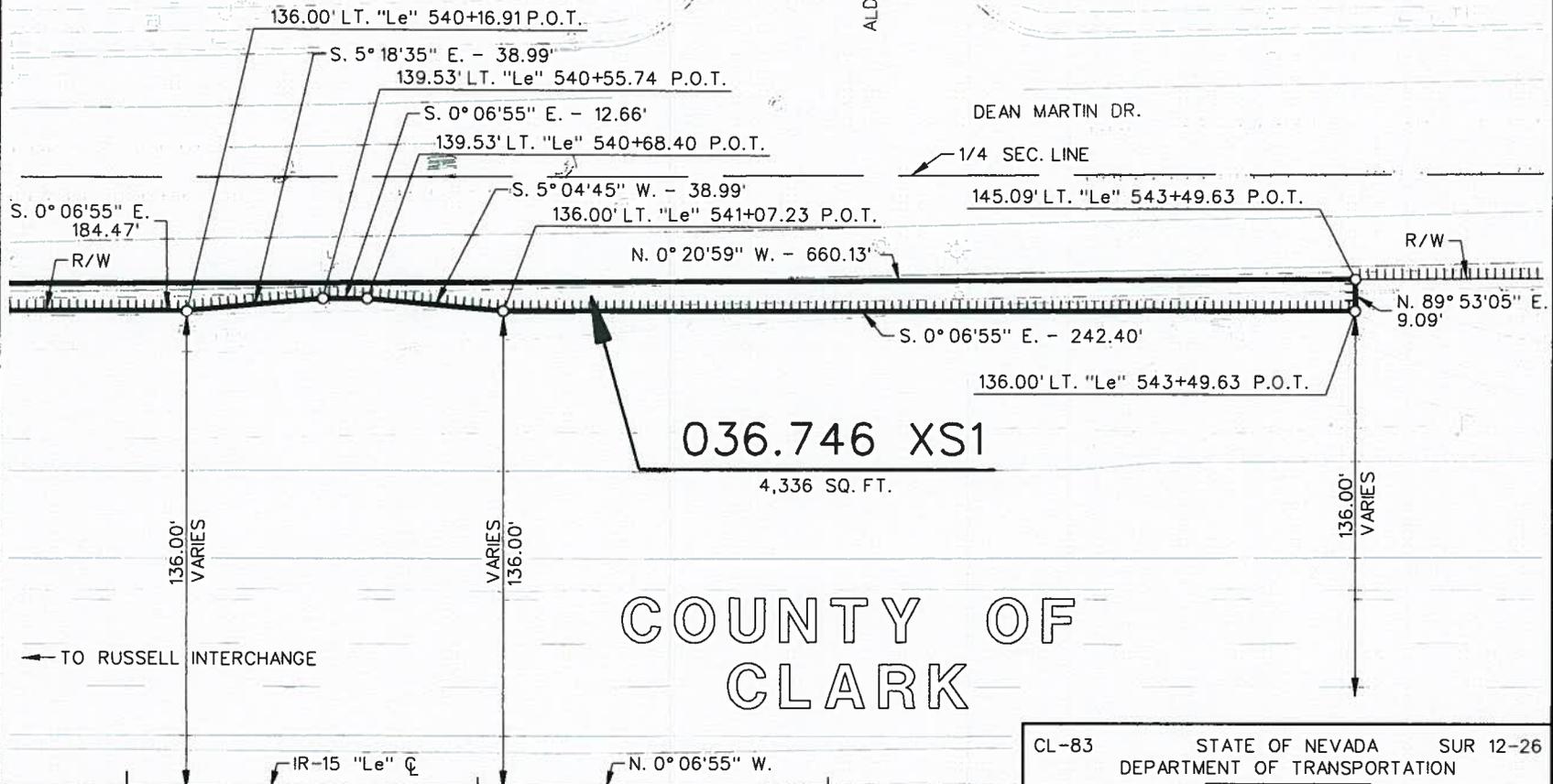
PARCEL NO. PREFIX: I-015-CL-

EXHIBIT "D"

N 1/2 OF THE  
S 1/2 OF SEC. 29  
T. 21 S., R. 61 E. M.D.M.

PROJECT NO. I-015-1(6)28  
E.A. 70090  
PTN. PARCELS 209

ALDEBARAN  
AVE.



COUNTY OF  
CLARK

540

||||| CONTROL OF ACCESS WITH FENCE OR BARRIER

TO BE RELINQUISHED

← TO RUSSELL INTERCHANGE

IR-15 "Le" C

N. 0° 06' 55" W.

TO TROPICANA INTERCHANGE →

CL-83 STATE OF NEVADA SUR 12-26  
DEPARTMENT OF TRANSPORTATION

DATE: JULY 30, 2014

SKETCH MAP

APPROVED: *Blana Osalaga*  
MANAGER, R/W ENGINEERING

SCALE 1"=50'

SHEET 4 OF 8

NEVADA DOT	TRACED	CJH
	CHECKED	cm
DATE OF LAST REVISION:		

PARCEL NO. PREFIX: I-015-CL-

EXHIBIT "E"

PROJECT NO. I-015-(K)28  
E.A. 70090  
PTN. PARCELS 209, 210,  
210.1, 211

W 1/2 OF THE  
E 1/2 OF SEC. 29

T. 21 S., R. 61 E. M.D.M.

← TO RUSSELL INTERCHANGE

W HACIENDA  
AVE.

COUNTY OF  
CLARK

TO TROPICANA INTERCHANGE →

← 1/4 SEC. LINE

150.00'

150.00'  
VARIES

VARIES

140.71' RT. "Le" 544+48.33 P.O.T.

$\Delta = 8^{\circ} 40' 37''$   
 $R = 900.00'$   
 $L = 136.30'$   
T.B. = N.  $8^{\circ} 49' 01''$  W.

130.35' RT. "Le" 545+84.10 P.O.T.

N.  $0^{\circ} 08' 24''$  W. - 342.10'

$\Delta = 5^{\circ} 54' 30''$   
 $R = 900.00'$   
 $L = 92.81'$   
T.B. = N.  $2^{\circ} 54' 31''$  W.

R/W

P.O.B. = 150.00' RT. "Le" 543+56.03 P.O.T.

S.  $0^{\circ} 06' 55''$  E. - 1,540.10'

FRANK SINATRA DR.

036.872 XS1

19,451 SQ. FT.

FRANK SINATRA DR.

TIE: N.  $6^{\circ} 55' 42''$  E. - 2,566.36' FROM THE  
S 1/4 COR. SEC. 29, T. 21 S., R. 61 E., M.D.M.

MANDALAY  
BAY RD.

||||| CONTROL OF ACCESS WITH FENCE OR BARRIER



TO BE RELINQUISHED

CL-83 STATE OF NEVADA SUR 12-26  
DEPARTMENT OF TRANSPORTATION

DATE: JULY 30, 2014

SKETCH MAP

APPROVED: *Alana Salazar*  
MANAGER, R/W ENGINEERING

SCALE 1"=50'

SHEET 5 OF 8



TRACED CJH  
CHECKED dm  
DATE OF LAST REVISION:

PARCEL NO. PREFIX: I-015-CL-

EXHIBIT "F"

PROJECT NO. I-015-(K)28  
E.A. 70090  
PTN. PARCELS 209, 210,  
210.1, 211

← TO RUSSELL INTERCHANGE

IR-15 "Le"  $\bar{C}$

N. 0° 06' 55" W.

550

TO TROPICANA INTERCHANGE →

COUNTY OF  
CLARK

VARIES

VARIES

$\Delta = 1^\circ 44' 27''$   
 $R = 1,002.00'$   
 $L = 30.44'$   
T.B. = N. 0° 08' 24" W.

130.35' RT. "Le" 545+84.10 P.O.T.

130.35' RT. "Le" 545+84.10 P.O.T.

R/W

N. 0° 08' 24" W. - 342.10'

N. 1° 15' 45" E. - 471.91'

R/W

S. 0° 06' 55" E. - 1,540.10'

FRANK SINATRA DR.

036.872 XS1

19,451 SQ. FT.

W 1/2 OF THE  
SE 1/4 OF THE  
NW 1/4 OF SEC. 29

T. 21 S., R. 61 E. M.D.M.

||||| CONTROL OF ACCESS WITH FENCE OR BARRIER

▭ TO BE RELINQUISHED

CL-83

STATE OF NEVADA SUR 12-26  
DEPARTMENT OF TRANSPORTATION

DATE: JULY 30, 2014

SKETCH MAP

APPROVED:

*Helena Delacruz*

MANAGER, R/W ENGINEERING

SCALE 1"=50'

SHEET 6 OF 8



TRACED CJH  
CHECKED *cm*  
DATE OF LAST REVISION:

PARCEL NO. PREFIX: I-015-CL-

EXHIBIT "G"

PROJECT NO. I-015-1(6)28  
E.A. 70090  
PTN. PARCELS 209, 210,  
210.1, 211

← TO RUSSELL INTERCHANGE

IR-15 "Le"  $\hat{c}$  N. 0° 06' 55" W.

555

COUNTY OF  
CLARK

TO TROPICANA INTERCHANGE →

VARIES

VARIES

142.29' RT. "Le" 554+53.06 P.O.T.

$\Delta = 1^\circ 24' 56''$   
 $R = 998.00$   
 $L = 24.66'$

R/W

N. 1° 15' 45" E. - 471.91'

142.00' RT. "Le" 554+28.41 P.O.T.

N. 0° 08' 41" W. - 132.40'

R/W

S. 0° 06' 55" E. - 1,540.10'

FRANK SINATRA DR.

036.872 XS1

19,451 SQ. FT.

W 1/2 OF THE  
SE 1/4 OF THE  
NW 1/4 OF SEC. 29

T. 21 S., R. 61 E. M.D.M.

||||| CONTROL OF ACCESS WITH FENCE OR BARRIER

▭ TO BE RELINQUISHED

CL-83 STATE OF NEVADA SUR 12-26  
DEPARTMENT OF TRANSPORTATION

DATE: JULY 30, 2014

SKETCH MAP

APPROVED: *Abiana Salazar*  
MANAGER, R/W ENGINEERING

SCALE 1"=50'

SHEET 7 OF 8

\\037\_RightOfWay\Sketch\Clark\SURPLUS\SUR 12-26\036872 XS1\_3.dgn



TRACED	CJH
CHECKED	<i>cm</i>
DATE OF LAST REVISION:	

PARCEL NO. PREFIX: I-015-CL-

EXHIBIT "H"

PROJECT NO. I-015-(16)28  
E.A. 70090  
PTN. PARCELS 209, 210,  
210.1, 211

← TO RUSSELL INTERCHANGE

COUNTY OF  
CLARK

IR-15 "Le"  $\bar{c}$

N. 0° 06' 55" W.

149.20' RT. "Le" 558+96.17 P.O.T.

N. 2° 59' 15" E.  
51.92'

S. 87° 00' 45" E.  
0.80'

S. 0° 06' 55" E.  
1,540.10'

150.00' RT. "Le" 558+96.13 P.O.T.

TO TROPICANA INTERCHANGE →

N 1/16 SEC. LINE

VARIES

VARIES  
150.00'

INSET "A"  
NOT TO SCALE

142.32' RT. "Le" 556+94.08 P.O.T.

142.22' RT. "Le" 555+85.46 P.O.T.

$\Delta = 0^\circ 46' 30''$   
 $R = 8,030.00'$   
 $L = 108.62'$   
T.B. = N. 0° 27' 00" W.

N. 2° 59' 15" E. - 51.92'  
146.39' RT. "Le" 558+44.33 P.O.T.

$\Delta = 2^\circ 08' 17''$   
 $R = 4,028.00'$   
 $L = 150.31'$   
T.B. = N. 0° 22' 02" E.

N. 0° 08' 41" W.  
132.40'

SEE INSET "A"

R/W

S. 0° 06' 55" E. - 1,540.10'  
FRANK SINATRA DR.

R/W

W RENO  
AVE.

036.872 XS1

19,451 SQ. FT.

||||| CONTROL OF ACCESS WITH FENCE OR BARRIER

□ TO BE RELINQUISHED

NW 1/4 OF SEC. 29

T. 21 S., R. 61 E. M.D.M.

CL-83

STATE OF NEVADA  
DEPARTMENT OF TRANSPORTATION

SUR 12-26

DATE: JULY 30, 2014

SKETCH MAP

APPROVED:

*Hilana Salazar*  
MANAGER, R/W ENGINEERING

SCALE 1"=50'

SHEET 8 OF 8



TRACED  
CHECKED  
DATE OF LAST REVISION:

CJH

CM



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

**MEMORANDUM**

**Environmental Services Division**

**August 29, 2014**

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

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

**Subject:** Environmental Clearance for Transportation Board  
**Surplus No.: SUR 12-26**  
Project: SPI-015-1(055); STP-015-1(141)  
EA: 73423; PIN: 60405  
IR15, North of Sunset Rd and South of Tropicana Ave, Las Vegas, NV  
Disposal of Excess Right-of-Way by Relinquishment

---

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 August 26, 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**

2014 SEP - 3 P 1: 36

RECEIVED



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

BRIAN SANDOVAL  
Governor

October 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

**Disposal by Resolution of  
Relinquishment**  
Surplus No.: SUR 12-26  
E.A.: 73423-60405  
Description: Disposal of Portions of  
Existing IR-15 ROW, north of Sunset  
Road and south of Tropicana Avenue

Dear Ms. Klekar:

Enclosed are Exhibits "A" through "H" (sketch maps) and location maps 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 Clark 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 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);
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.

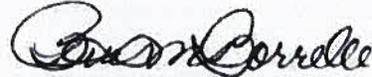
ATTACHMENT 5



SUSAN KLEKAR DIVISION ADMINISTRATOR  
ATTN HUGH HADSOCK R-W PROGRAM MGR  
October 21, 2014

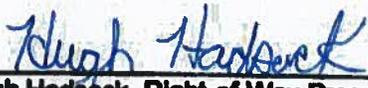
Your concurrence in the proposal is requested.

Sincerely,



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

CONCUR:

  
\_\_\_\_\_  
Hugh Haddock, Right-of-Way Program Manager

10/22/14  
Date

pas/dtc/dc  
Enclosures

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

**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)

**ATTACHMENT 6**



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

## MEMORANDUM

October 21, 2014

**TO:** Department of Transportation Board of Directors

**FROM:** Rudy Malfabon, Director

**SUBJECT:** November 10, 2010 Transportation Board of Directors Meeting

**Item #9:** Approval of Using Design-Build Procurement for USA Parkway (SR-439) Project – *For possible action.*

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### **Summary:**

This item is to request Board of Directors approval to begin the solicitation of a design-build project for improvements to SR 439 (USA Parkway) from I-80 to US 50 in Storey and Lyon Counties.

### **Background:**

The Department is currently pursuing environmental clearance for the completion of SR 439 (USA Parkway) from I-80 to US 50 a distance of approximately 18.5 miles. The environmental clearance is expected to be complete by January 2, 2015.

The Department is securing engineering services from the environmental phase consultant to assist NDOT with the development of design documents and to act as a program manager for the duration of the design-build project.

### **Analysis:**

Per NRS 408.3881, a Board determination is required for using design-build contracting.

Per NRS 408.388, the Department may contract with a design-build team if the department determines that project cost exceeds \$10 million and the Department determines that: the cost of the design and construction will be significantly lower than if traditional methods are used; design and construct the project faster than traditional methods; or the project is unique, highly technical and complex in nature.

The estimated cost of improvements SR 439 is \$65 – \$70 million dollars. Using the design-build method would start the construction of the improvements eight months to one year sooner than if the project was done using traditional methods.

The Department also recommends paying each of the unsuccessful proposers a stipend of \$100,000, which amount was established pursuant to the Department's Pioneer Program guidelines (Attachment B).

**List of Attachments:**

- A. Project map
- B. Stipend memo

**Recommendation for Board Action:**

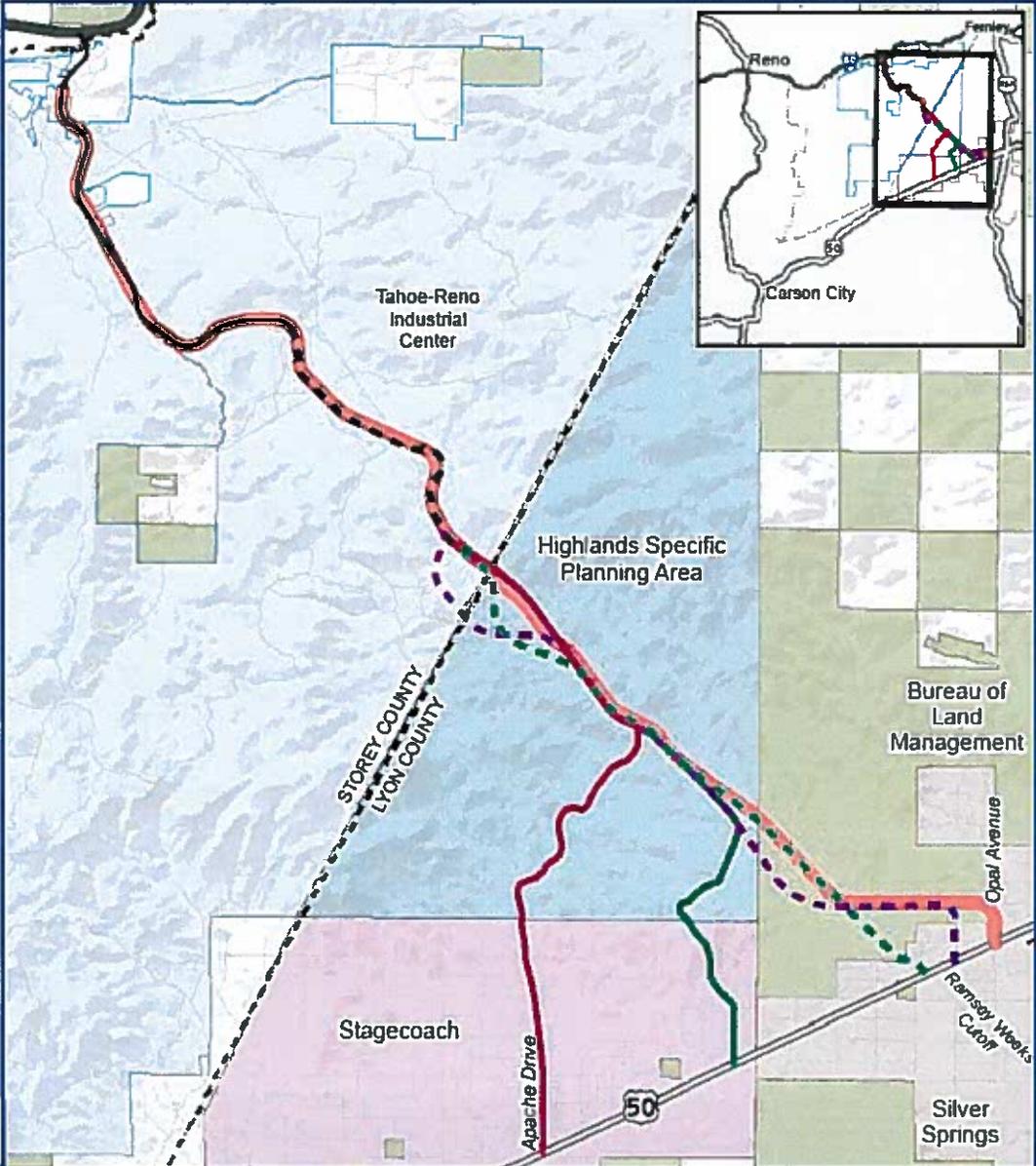
Approval for the Department to begin the solicitation of a design-build project for SR 439 (USA Parkway) from I-80 in Storey County to US 50 in Lyon County.

**PREPARED BY:**

John M. Terry, Asst. Director - Engineering



# Preferred Alternative



**Alternatives\***

- Existing Pavement
- - - Existing Graded
- - - Ramsey Weeks Alternative
- - - Onyx Street Alternative
- Reservoir Road Alternative
- Apache Drive Alternative
- Opal Avenue Alternative (Preferred Alternative)
- - - County Boundary
- Bureau of Land Management

0 1.25 2.5 Miles

\* In addition to the preferred alternative, a no-build alternative is also being considered.



**MEMORANDUM**

**Project Management**

**October 21, 2014**

**To: Rudy Malfabon, Director**  
**From: Amir Soltani, Project Management Chief**  
**Subject: SR 439 (USA Parkway) DB: Stipend amount**

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I am requesting confirmation of your approval of the recommended stipend amount which will be published in the RFP for this project.

Based on the level of design completed, our team generated a base estimate for this Design-Build contract with no contingency of \$70 million. Using this value and the guidance from the Pioneer Program Manual, the base recommended stipend for a project of this cost and nature is between **0.12% and 0.15%** of the estimated construction cost of the project. This range was **\$70,000 and \$105,000**.

Based on discussions with our Project Manager (Pedro Rodriguez), we recommended a stipend amount in the middle of the appropriate range. The RFP will require some innovative requirements for improvements to upgrade the paved portion of SR 439 to safety standards as well as require innovation for the earthwork movement through the mountainous terrain and dealing with flooding at US 50. In addition, the difficulties associated maintaining a completion schedule by end of 2017 will require considerable effort by the proposers. In consideration of these factors as well as the size of the project, I am recommending a stipend amount of **\$100,000** for this project.

Please let me know if you have any questions or concerns.

Approved:

Rudy Malfabon, Director

Attachment: Tables from Pioneer Program Manual

<b>Contract Value</b>	<b>Complex Urban &amp; Rehabilitation*</b>	<b>New Construction*</b>	<b>Compensation Range*</b>
<b>&lt; \$5M</b>	<b>0.0050* Estimate</b>	<b>0.0040* Estimate</b>	<b>\$15K - \$25K</b>
<b>\$5M - \$20M</b>	<b>0.0030* Estimate</b>	<b>0.0025* Estimate</b>	<b>\$15K - \$60K</b>
<b>\$20M - \$50M</b>	<b>0.0020* Estimate</b>	<b>0.0018* Estimate</b>	<b>\$36K - \$100K</b>
<b>\$50M - \$100M</b>	<b>0.0015* Estimate</b>	<b>0.0012* Estimate</b>	<b>\$60K - \$150K</b>
<b>&gt; \$100M</b>	<b>0.0012* Estimate</b>	<b>0.0010* Estimate</b>	<b>\$100K+</b>

**EXAMPLE 1:** A \$4M rehabilitation project would have a recommended compensation of \$20,000 ( $0.0050 \times \$4,000,000 = \$20,000$ )

**EXAMPLE 2:** A \$30M complex urban project would have a recommended compensation of \$60,000 ( $0.0020 \times \$30,000,000 = \$60,000$ )

**EXAMPLE 3:** A \$175M new bridge project would have a recommended compensation of \$175,000 ( $0.0010 \times \$175,000,000 = \$175,000$ )

\*Note, the values in this table do not account for additional factors that should be considered when determining a stipend amount. See Table 3-2 for additional information.

**Table 3-1: Stipend Guidelines**

Variable	Discussion	Impact
Project Size	The cost of preparing a proposal is somewhat a function of the size of a project. However, there are considerable fixed costs that are not related to project size.	There is an inverse relationship between stipend amount and project size. The smaller the project the larger the stipend is relative to the overall project size: i.e. small projects tend to have a larger percentage of project cost stipend versus a large project.
Technical Complexity	Projects that require technically complex solutions will require more work on the part of the proposer which increases the cost of preparing the proposal.	RFPs requiring the Proposer to address complex technical issues will lead to a higher percentage stipend.
Financial Complexity	Projects that require financially complex solutions will require more work on the part of the proposer which increases the cost of preparing the proposal. This is generally not a factor for D/B projects.	RFP's requiring the Proposer to address complex financial issues will lead to a higher percentage stipend.
Risks Transferred	The more project risk which a proposer is asked to assume will lead to greater proposal costs since the proposer will need to develop approaches to mitigate these risks. These mitigation techniques may or may not be disclosed to the Department.	The more risk that is transferred to a Proposer will lead to a higher percentage stipend.
Information required of the Proposer	This is simply related to extent of information being required in a proposal, including the number of volumes, etc. As a result the Department needs to be careful that information it is requesting will be of value in making a selection or is required by the applicable statute.	The more extensive the requirements of proposal, the higher the stipend should be as a percentage of project costs.
Competition	If the stipend is considered insufficient by proposers relative to the variety of elements required to submit a proposal, some proposers may drop out of the competition, or may not even submit qualifications. In making a decision to submit a proposal a proposer has to weigh a number of factors including: <ul style="list-style-type: none"> <li>• Type of project</li> <li>• Probability of being awarding the project</li> <li>• Cost of preparing a submittal(s)</li> <li>• Size and type of project</li> <li>• Specific project requirements</li> <li>• Stipend amount</li> <li>• Current and projected workloads</li> </ul>	Larger stipends tend to encourage more proposers, leading to greater competition. Greater competition benefits the project both in terms of better pricing, more innovative technical solutions, and greater public confidence in the process.
Market	In tough construction markets when there is not a lot of work available, proposers will be more aggressive in project pursuits. This includes the willingness to accept lower stipends. Conversely, in good markets with lots of work proposers can afford to be choosier about the projects they pursue, or don't pursue.	In slower construction markets, the Department can offer lower stipends. In a robust construction market, the Department will need to offer higher stipends to foster adequate competition.
Quality of Proposals	All things being equal, larger stipends tend to generate better proposals. In essence stipends are sometimes viewed as supplemental funds which allow more resources to be expended on a proposal.	Higher stipends tend to lead to higher quality and more fully developed proposals.

**Table 3-2: Factors that Influence Stipend Amounts**



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## MEMORANDUM

October 23, 2014

**TO:** Department of Transportation Board of Directors  
**FROM:** Rudy Malfabon, P.E., Director  
**SUBJECT:** November 10, 2014 Transportation Board of Directors Meeting  
**ITEM # 10:** Discussion and Possible Approval of the Annual Work Program Fiscal Year (FY) 2015, the 2016-2024 Short Range and Long Range Element, and Possible Acceptance of the 2015-2018 Statewide Transportation Improvement Program (STIP) – For Possible Action.

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### **Summary:**

This agenda item is to request acceptance of the FFY15-FFY24 Statewide Transportation Improvement Program (STIP) and approval of the 2015 NDOT Work Program. NDOT staff has spent the last 12 months working with federal and regional agencies, local governments and planning boards to develop the enclosed Transportation System Projects (TSP) notebook for fiscal years 2015-2024. This document contains the:

Statewide Transportation Improvement Program (STIP), FY 2015-2018

And the Work Program containing the:  
Annual Work Program (AWP), FY 2015  
Short Range Element (SRE), FY 2016-2017  
Long Range Element (LRE), FY 2018-2024

Following consultations with Nevada's seventeen counties and a thirty-day public comment period, the STIP, upon your action today, is then submitted to the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA) for approval and to the Environmental Protection Agency (EPA) for consultation.

### **Background:**

#### Statewide Transportation Improvement Program

The Statewide Transportation Improvement Program (STIP) lists all capital and non-capital transportation projects proposed for funding under Title 23 of the Federal-Aid Highway Act or the Federal Transit Act. Capital transportation projects improve the capacity of our highways by increasing the number of lanes and building new roads and/or road extensions. Also covered are improvements to public and federal lands highways, transit projects, pedestrian walkways, and bicycle facilities. A detailed description of the Statewide Transportation Improvement Program (STIP) is located in "STIP Literature." Statewide and MPO Projects financed through federal funding sources are listed separately as "CAMPO (Carson Area MPO) STIP Projects", "Clark STIP Projects", "TMPO (Tahoe Area MPO) STIP Projects", "Washoe STIP Projects", and "Statewide STIP Projects". The tables list projects by funding category and by Federal Fiscal year. Within the STIP, transportation programs such as Highway Safety Improvement, State Highway Preservation, Interstate Maintenance, Bridge, Transportation Alternatives Program,

Scenic Byway, Recreational Trails and Safe Routes to School are listed as grouped categories and not by individual projects.

### The Work Program

The Work Program (WP) is composed of three elements:

The Annual Work Program (AWP) lists the current fiscal year projects to include the Betterment projects completed by State Forces and District Contracts;

The Short Range Element (SRE) lists projects state and local entities would like to initiated within the next two (2) to three (3) years; and

The Long Range Element (LRE) list projects in the planning stage or extensions of current projects to be completed in four (4) to ten (10) years.

Projects in the WP are sorted by county with each of the seventeen (17) counties represented with its own section with additional sections labeled CAMPO (Carson Area MPO), Clark, TMPO (Tahoe MPO), Washoe and Regional for those projects not pertinent to a specific county.

The Work Program satisfies Nevada Revised Statute (NRS) 408.203 requiring the Director of NDOT to submit a three (3) and ten (10) year list of transportation projects to the State Legislative Council Bureau (LCB) every even year, and the State Legislature every odd year. A detailed description of projects can be found in the "Work Program" section of the TSP.

### **Analysis:**

The attached Transportation System Projects (TSP) book includes a section that describes the project development and selection process and compliance information to the Federal Legislation (MAP-21) Moving Ahead for Progress in the 21<sup>st</sup> Century. The Department is using conservative estimates for incoming revenue to develop the work program for Fiscal Year 2015.

### **Recommendation for Board Action:**

Approval of Fiscal Year 2015 Work Program, the 2016-2024 Short and Long Range Elements and acceptance of the 2015-2018 Statewide Transportation Improvement Program.

### **List of Attachments:**

Transportation System Projects for FY 2015-2024

[http://www.nevadadot.com/uploadedFiles/NDOT/About\\_NDOT/NDOT\\_Divisions/Planning/MultiModal/FFY15-18%20NDOT%20STIP%20Draft%209-30-2014.pdf](http://www.nevadadot.com/uploadedFiles/NDOT/About_NDOT/NDOT_Divisions/Planning/MultiModal/FFY15-18%20NDOT%20STIP%20Draft%209-30-2014.pdf)

This attachment will be sent electronically under separate cover.

### **Prepared by:**

Joseph Spencer, Transportation & Multimodal Planning Division



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## MEMORANDUM

Date: October 27, 2014

**TO: Department of Transportation Board of Directors**  
**FROM: Rudy Malfabon, Director**  
**SUBJECT: November 10, 2014 Transportation Board of Directors Meeting**  
**Item #11: Update on the Disadvantaged Business Enterprise (DBE) Program – Information Item Only.**

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### **Summary:**

The Nevada Department of Transportation would like to provide the Transportation Board of Directors a status report on the Disadvantaged Business Enterprise (DBE) program to include the following items:

- Revised triennial DBE goal as approved by U.S. DOT through the Federal Highway Administration (FHWA) - This is an update on the approved goal for race-neutral/race-conscious DBE participation for the next three years.
- DBE achievement in Federal FY 14 – This is an update on actual DBE participation achieved through Federal projects in the last federal fiscal year.
- Proposed process for tracking attainment of DBE participation during construction – This is an update on the procedure being developed with industry, FHWA and NDOT Division/District input. It will be used by NDOT's Construction Division, District construction administration staff and Contract Compliance Section to satisfy federal requirements on tracking DBE participation during construction. The proposed process will provide timely notice to our contractor, allowing the contractor to take corrective action in order to attain the DBE goal committed to at the time of award.
- Commercially Useful Function (CUF) – This update will explain the method used to ensure that all DBEs are performing their commercially useful function as stated in their bid to the prime contractor. CUF reviews are to be conducted, documented and reported to ensure that the DBE is actually performing the work and that they are sufficiently independent.
- Unified Certification Program (UCP) – This update will present the method by which DBEs are certified within the State of Nevada in collaboration with other entities receiving federal funds. The goal is to provide an equal opportunity to participate in the performance of federally assisted projects administered by and through NDOT as well as the other recipients of federal funds administered through U.S. DOT.

- Outreach to Contractors and DBEs – An update will be provided on outreach efforts currently being performed by NDOT.
- DBE Supportive Services Contracts – An update will be provided on efforts to assist DBEs in meeting NDOT's DBE program goals. Funding for supportive services is provided by FHWA.

**Recommendation for Board Action:**

Informational Item Only

**Prepared by:**

Tracy Larkin Thomason, P.E., Deputy Director – Southern Nevada



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## MEMORANDUM

October 27, 2014

**TO:** Department of Transportation Board of Directors  
**FROM:** Rudy Malfabon, Director  
**SUBJECT:** November 10, 2014 Transportation Board of Directors Meeting  
**Item #12:** Old Business

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### **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 October 21, 2014 - *Informational item only.*  
Please see Attachment C.
- d. Update on the Research Program - *Informational item only.*  
Please see Attachment D.
- e. Update on Road Relinquishment Efforts – *Informational item only.*  
Please see Attachment E.

### **List of Attachments:**

- a. Report of Outside Counsel Costs on Open Matters - *Informational item only.*
- b. Monthly Litigation Report - *Informational item only.*
- c. Fatality Report dated October 21, 2014 - *Informational item only.*
- d. Update on the Research Program – *Informational item only.*
- e. Update on Road Relinquishment Efforts – *Informational item only.*

### **Recommendation for Board Action:**

Informational item only.

OPEN NDOT - OUTSIDE COUNSEL CONTRACTS AS OF October 21, 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	3/11/13 1/14/14	\$ 1,400,000.00	\$ 3,400,000.00	\$ 1,026,013.11
				\$ 2,000,000.00		
				\$ 3,400,000.00		
Snell & Wilmer, LLP	Peek Construction vs. NDOT 1st JD 120C 00030 1B Contract # 3407 (Wells Wildlife Crossing) NDOT Agmt No. P082-12-004	3/1/12 - 3/30/15 Amendment #1 Amendment #2	3/1/12 9/12/13 7/29/14	\$150,000.00	\$ 198,000.00	\$ 24,259.00
				20,000.00		
				28,000.00		
Snell & Wilmer, LLP	Peek Construction vs. NDOT 1st JD 120C 00032 1B Contract # 3377 (Kingsbury Grade) NDOT Agmt No. P083-12-004	3/1/12 - 3/30/15 Amendment #1 Amendment #2 Amendment #3	3/1/12 2/18/13 9/12/13 1/17/14	\$150,000.00	\$ 1,287,207.98	\$ 41,550.52
				75,000.00		
				70,000.00		
Snell & Wilmer, LLP	Construction Claims Williams Brother, Inc. Contract # 3392 (Various in Las Vegas) NDOT Agmt No. P084-12-004	3/1/2012 - 6/30/15 Amendment #1	3/1/12 5/13/14	\$ 5,500.00	\$ 10,500.00	\$ 5,149.00
				\$ 5,000.00		
Chapman Law Firm	NDOT vs. Carrie Sanders 8th JD - A-12-664693-C Project Neon - Las Vegas NDOT Agmt No. P192-12-004	6/12/12 - 6/12/15	6/12/12	\$ 541,800.00	\$ 541,800.00	\$ 150,494.18
Chapman Law Firm	NDOT vs. Gendall 8th JD - A-12-666487-C Project Neon - Las Vegas NDOT Agmt No. P325-12-004	8/21/12 - 2/21/15 Amendment #1	8/21/12 8/19/14	\$541,800.00 Extension of Time	\$ 541,800.00	\$ 113,160.56
Chapman Law Firm	NDOT vs. Roberts 1981 Decedents Trust 8th JD - 12-665880-C Project Neon - Las Vegas NDOT Agmt No. P452-12-004	10/23/12 - 9/30/16 Amendment #1	10/23/12 9/12/14	475725 Extension of Time	\$ 475,725.00	\$ 431,700.26
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	11/16/12	\$ 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	1/14/13	\$ 455,525.00	\$ 455,525.00	\$ 283,095.30
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	1/14/13	\$ 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	1/14/13	\$ 449,575.00	\$ 449,575.00	\$ 1,266.00
Laura FitzSimmons, Esq.	Condemnation Litigation Consultation NDOT Agmt No. P510-12-004	12/16/12 - 12/30/14 Amendment #1 Amendment #2 Amendment #3	12/16/12 8/12/13 1/22/14 5/12/14	\$ 300,000.00	\$ 2,700,000.00	\$ 588,926.06
				\$ 850,000.00		
				\$ 750,000.00		
				\$ 800,000.00		
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	1/22/13	\$205,250.00	\$ 205,250.00	\$ 82,553.62

OPEN NDOT - OUTSIDE COUNSEL CONTRACTS AS OF October 21, 2014						
Vendor	Case/Project Name	Contract Period	Contract and Amendment Date	Contract and Amendment Amount	Total Contract Authority	Contract Authority Remaining
Sylvester & Polednak, Ltd.	NDOT vs. Wykoff 8th JD - A-12-656578-C Warm Springs Project - Las Vegas NDOT Agmt No. P071-13-004	2/27/13 - 2/27/15	2/27/13	\$275,000.00	\$ 275,000.00	\$ 56,158.38
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	2/27/13	\$ 275,000.00	\$ 550,000.00	\$ 221,355.95
		Amendment #1	5/12/14	\$ 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	2/27/13	\$ 275,000.00	\$ 275,000.00	\$ 186,252.92
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	2/27/13	\$ 200,000.00	\$ 200,000.00	\$ 97,325.84
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 - 2/28/15	4/19/13	\$ 175,000.00	\$ 175,000.00	\$ 136,637.63
Varela, Lee, Metz & Guarina, LLP - Novation Agreement 2/28/14 from Watt, Tieder, Hoffar & Fitzgerald **	Pacific Coast Steel vs. NDOT K3292 - I-580 2nd JD CV12-02093 NDOT Agmt No. P160-13-004	4/30/13 - 4/30/15	4/30/13	\$ 275,000.00	\$ 275,000.00	\$ 59,870.66
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	5/31/13	\$ 290,000.00	\$ 290,000.00	\$ 192,229.92
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	6/6/13	\$ 250,000.00	\$ 250,000.00	\$ 198,111.76
Snell & Wilmer	Meadow Valley Public Records Request K3399 NDOT Agmt No. P273-13-004	7/18/13 - 7/30/15 Amendment #1	7/18/13 7/29/14	30,000.00 50,000.00	\$ 80,000.00	\$ 8,258.66
Kemp, Jones, Coulthard	Nassiri vs. NDOT 8th JD A672841 NDOT Agmt No. P290-13-004	7/17/13 - 6/30/15	7/17/13	\$ 280,000.00	\$ 280,000.00	\$ 43,447.45
Chapman Law Firm	Ad America vs. NDOT (Project Neon) 8th JD A640157 NDOT Agmt No. P291-13-004	7/25/13 - 7/30/15	7/25/13	\$ 200,000.00	\$ 450,000.00	\$ 140,511.69
		Amendment #1	4/28/14	\$ 250,000.00		
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	7/25/13	\$ 250,000.00	\$ 250,000.00	\$ 191,255.74
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	7/25/13	\$ 70,000.00	\$ 70,000.00	\$ 28,713.07
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	9/1/13	\$ 250,000.00	\$ 250,000.00	\$ 197,497.67

OPEN NDOT - OUTSIDE COUNSEL CONTRACTS AS OF October 21, 2014						
Vendor	Case/Project Name	Contract Period	Contract and Amendment Date	Contract and Amendment Amount	Total Contract Authority	Contract Authority Remaining
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	9/7/13	\$ 280,000.00	\$ 280,000.00	\$ 261,894.15
Chapman Law Firm	NDOT vs. LGC, 231, LLC 8th JD NDOT Agmt No. P561-13-004	12/20/13 - 12/15/15	12/20/13	\$ 453,650.00	\$ 453,650.00	\$ 422,992.97
Laura FitzSimmons, Esq.	Risk Management Analysis for Project NEON	1/13/14 - 12/13/17 Amendment #1	1/13/14 8/21/14	\$ 900,000.00 \$ 310,000.00	\$ 1,210,000.00	\$ 383,419.72
Chapman Law Firm	McCarran Widening 2nd JD - Various Temporary Easements NDOT Agmt No. P142-14-004	5/14/14 - 5/30/16	5/14/14	\$ 200,000.00	\$ 200,000.00	\$ 160,080.33
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	5/14/14	\$ 250,000.00	\$ 250,000.00	\$ 245,570.00
Sylvester & Polednak	First Presbyterian Church vs. NDOT 8th JD A-14-698783-C Project Neon NDOT Agmt No. P327-14-004	7/17/14 - 7/30/16	7/17/14	\$ 280,000.00	\$ 280,000.00	\$ 255,790.61
Carbajal & McNutt, LLP	Las Vegas Golf & Country Club 8th JD A-14-705477-C Project Neon NDOT Agmt No. P362-14-004	9/8/14 - 8/30/15	9/8/14	\$ 375,000.00	\$ 375,000.00	\$ 372,475.80
Laura FitzSimmons, Esq.	Project Neon - Legal Support NDOT Agmt No. P270-14-004	8/25/14	10/13/14	\$ 100,000.00	\$ 100,000.00	\$ 100,000.00
Kemp, Jones & Coulthard	Walker Furniture Project Neon NDOT Agmt No. P431-14-004	10/13/14 - 11/30/14	10/13/14	\$ 350,000.00	\$ 350,000.00	\$ 350,000.00
Lambrose Brown	Grant Properties Project Neon NDOT Agmt No. P433-14-004	10/14/14 - 10/30/16	10/14/14	\$ 275,000.00	\$ 275,000.00	\$ 275,000.00
Lambrose Brown	Sharples Project Neon NDOT Agmt No. P434-14-004	10/16/14 - 10/30/16	10/16/14	\$ 275,000.00	\$ 275,000.00	\$ 275,000.00
* BH Consulting Agreement	<i>Management assistance, policy recommendations, negotiation support and advice regarding NEXTEL and Re-channeling of NDOT's 800 Mhz frequencies.</i>	6/30/12 - 6/30/16	6/30/12	\$ 77,750.00	\$ 77,750.00	\$ 76,340.00
					\$ 77,750.00	\$ 76,340.00

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

\*\* The firm of Varela, Lee, Metz & Guarina, LLP took over the Pacific Coast Steel vs. NDOT Case as of 2/28/14 from the firm of Watt, Tieder, Hoffar & Fitzgerald.

Monthly Litigation Report to the Nevada Department of Transportation - October 21, 2014				
Case Name	Nature of Case	Outside Counsel to Date		
		Fees	Costs	Total
<b>Condemnations</b>				
NDOT vs. Chavez, Dawn R.	Eminent domain - McCarran Widening *	\$ 30,981.25	\$ 8,938.42	\$ 39,919.67
NDOT vs. City of Los Angeles, et al.	Eminent domain - Boulder City Bypass	\$ 49,749.00	\$ 2,753.33	\$ 52,502.33
NDOT vs. Fitzhouse/Westcare	Eminent domain - Project Neon	\$ 65,375.00	\$ 32,395.08	\$ 97,770.08
NDOT vs. Gendall Trust	Eminent domain - Project Neon	\$ 359,696.30	\$ 68,943.14	\$ 428,639.44
NDOT vs. Hackler, Connie L.	Eminent domain - McCarran Widening *	\$ 30,981.25	\$ 8,938.42	\$ 39,919.67
NDOT vs. Highland Partnership 1980, LLC	Eminent domain - Project Neon	\$ 35,118.75	\$ 5,456.30	\$ 40,575.05
NDOT vs. I-15 and Cactus, LLC	Eminent domain - I-15 Cactus	\$ 90,225.00	\$ 12,449.16	\$ 102,674.16
NDOT vs. Jenkins, Carrie, aka Carrie Sanders	Eminent domain - Project Neon	\$ 291,476.50	\$ 99,829.32	\$ 391,305.82
NDOT vs. Jensen, Allan B.	Eminent domain - McCarran Widening *	\$ 30,981.25	\$ 8,938.42	\$ 39,919.67
NDOT vs. Jericho Heights, LLC	Eminent domain - Boulder City Bypass	\$ 947,720.00	\$ 1,163,353.94	\$ 2,111,073.94
NDOT vs. K & L Dirt Company, LLC	Eminent domain - Boulder City Bypass	\$ 75,050.00	\$ 13,697.08	\$ 88,747.08
NDOT vs. Las Vegas Golf & Country Club	Eminent domain - Project Neon	\$ 2,507.75	\$ 16.45	\$ 2,524.20
NDOT vs. Manaois, Randy M.	Eminent domain - McCarran Widening *	\$ 30,981.25	\$ 8,938.42	\$ 39,919.67
NDOT vs. Marsh, Nita, et al.	Eminent domain - McCarran Widening *	\$ 30,981.25	\$ 8,938.42	\$ 39,919.67
NDOT vs. Miller, Bruce B.	Eminent domain - McCarran Widening *	\$ 30,981.25	\$ 8,938.42	\$ 39,919.67
NDOT vs. MLK-ALTA	Eminent domain - Project Neon	\$ 147,332.50	\$ 25,097.20	\$ 172,429.70
NDOT vs. Railroad Pass Investment Group	Eminent domain - Boulder City Bypass	\$ 150,575.00	\$ 178,069.05	\$ 328,644.05
NDOT vs. Smith Family Trust, et al	Eminent domain - Project Neon	\$ 16,350.00	\$ 1,755.85	\$ 18,105.85
NDOT vs. Stanford Crossing, LLC	Eminent domain - McCarran Widening *	\$ 30,981.25	\$ 8,938.42	\$ 39,919.67
NDOT vs. Turner, Ronald Lee	Eminent domain - McCarran Widening *	\$ 30,981.25	\$ 8,938.42	\$ 39,919.67
NDOT vs. Woods, William and Elaine	Eminent domain - McCarran Widening *	\$ 30,981.25	\$ 8,938.42	\$ 39,919.67
NDOT vs. Wykoff Newberg Corporation	Eminent domain - I-15 and Warm Springs	\$ 189,625.78	\$ 29,215.84	\$ 218,841.62
<b>Inverse Condemnations</b>				
54 B LLC	Inverse condemnation	\$ 42,260.03	\$ 9,628.21	\$ 51,888.24
AD America, Inc. vs. NDOT (NEON)	Inverse condemnation - Project Neon	\$ 466,275.61	\$ 111,243.52	\$ 577,519.13
AD America, Inc. vs. NDOT (NEON-Silver Ave.)	Inverse condemnation - Project Neon			
Eastman, Brandon vs. NDOT	Inverse condemnation - Project Neon			
First Presbyterian Church of LV vs. NDOT	Inverse condemnation - Project Neon	\$ 23,350.00	\$ 859.39	\$ 24,209.39
JYTYJK, LLC dba Wireless Toyz vs. NDOT	Inverse condemnation - Project Neon	\$ 29,180.25	\$ 9,182.12	\$ 38,362.37
Nassiri, Fred vs. NDOT	Inverse condemnation	\$ 228,364.68	\$ 8,187.87	\$ 236,552.55
Robarts 1981 Decedents Trust vs. NDOT	Inverse Condemnation - Project Neon	\$ 41,937.33	\$ 2,087.41	\$ 44,024.74
<b>Cases Removed from Last Report:</b>				
NDOT vs. AD America, Inc. (Cactus - Direct)	Final Order of Condemnation			
NDOT vs. Catello Family Trust, Carmine V.	Dismissed			
NDOT vs. Highland 2000-I, LLC	Final Order of Condemnation			
NDOT vs. KP & TP, LLC, Roohani, Khusrow	Final Order of Condemnation			
NDOT vs. Union Pacific Railroad Co.	Easement Acquired			
* McCarran Widening fees and costs are under one contract.				

Monthly Litigation Report to the Nevada Department of Transportation - October 21, 2014				
Case Name	Nature of Case	Outside Counsel to Date		
		Fees	Costs	Total
<b>Torts</b>				
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			
Heme, Sandra Lee vs. County of Clark; NDOT	Plaintiff alleges negligence and personal injury			
Jorgenson & Koka, LLP	Plaintiff alleges negligence causing property damage			
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			
<b>Contract Disputes</b>				
Peek Construction vs. State, NDOT	Plaintiff alleges delays on Contract 3377, SR 207	\$ 1,047,711.50	\$ 197,945.96	\$ 1,245,657.46
Peek Construction vs. State, NDOT	Plaintiff alleges delays on Contract 3407, US-93	\$ 155,290.00	\$ 18,451.00	\$ 173,741.00
<b>Personnel Matters</b>				
Akinola, Ayodele vs. State, NDOT	Plaintiff alleges 14th Amendment - discrimination			
Cerini, Cheri	Petition for Judicial Review			
<b>Cases Removed from Last Report:</b>				
None				

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		
	Crashes	Fatals	Crashes	Fatals	Crashes	Fatals	
10/18/2014	2	2	10/18/2013	3	3	-1	-1
MONTH	12	13	MONTH	15	16	-3	-3
YEAR	199	218	YEAR	197	216	2	2

CRASH AND FATAL COMPARISON BETWEEN 2013 AND 2014, AS OF CURRENT DATE.

COUNTY	2013 Crashes	2014 Crashes	% CHANGE	2013 Fatalites	2014 Fatalities	% Change	2013 Alcohol Crashes	2014 Alcohol Crashes	% Change	2013 Alcohol Fatalities	2014 Alcohol Fatalities	% Change
CARSON	4	3	-25.00%	5	4	-20.00%	2	0	-100.00%	3	0	-100.00%
CHURCHILL	1	4	300.00%	1	4	300.00%	0	0	0.00%	0	0	0.00%
CLARK	145	111	-23.45%	156	118	-24.36%	51	25	-50.98%	55	27	-50.91%
DOUGLAS	6	4	-33.33%	6	4	-33.33%	2	0	-100.00%	2	0	-100.00%
ELKO	3	10	233.33%	4	13	225.00%	2	4	100.00%	3	7	133.33%
ESMERALDA	0	1	100.00%	0	2	200.00%	0	0	0.00%	0	0	0.00%
EUREKA	0	3	300.00%	0	4	400.00%	1	1	0.00%	1	1	0.00%
HUMBOLDT	2	8	300.00%	3	9	200.00%	0	0	0.00%	0	0	0.00%
LANDER	0	3	300.00%	0	3	300.00%	0	1	100.00%	0	1	100.00%
LINCOLN	5	3	-40.00%	5	3	-40.00%	2	0	-100.00%	2	0	-100.00%
LYON	4	8	100.00%	6	10	66.67%	1	3	200.00%	1	3	200.00%
MINERAL	2	0	-100.00%	2	0	-100.00%	1	0	-100.00%	1	0	-100.00%
NYE	7	8	14.29%	10	9	-10.00%	1	1	0.00%	1	1	0.00%
PERSHING	1	3	200.00%	1	3	200.00%	0	1	100.00%	0	1	100.00%
STOREY	0	2	200.00%	0	2	200.00%	0	0	0.00%	0	0	0.00%
WASHOE	15	28	86.67%	15	30	100.00%	6	7	16.67%	6	8	33.33%
WHITE PINE	2	0	-100.00%	2	0	-100.00%	0	0	0.00%	0	0	0.00%
YTD	197	199	1.02%	216	218	0.93%	69	43	-37.68%	75	49	-34.67%
TOTAL 13	244	-----	-18.4%	265	-----	-17.7%	72	-----	-40.28%	79	-----	-37.97%

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	1	-66.67%	2	0	-100.00%	0	3	300.00%	0	0	0.00%	0	0
CHURCHILL	0	3	300.00%	0	0	0.00%	1	1	0.00%	0	0	0.00%	0	0
CLARK	75	47	-37.33%	40	32	-20.00%	33	32	-3.03%	4	2	-50.00%	4	5
DOUGLAS	4	2	-50.00%	1	1	0.00%	0	1	100.00%	1	0	-100.00%	0	0
ELKO	4	13	225.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0
ESMERALDA	0	2	200.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0
EUREKA	0	4	400.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0
HUMBOLDT	3	7	133.33%	0	0	0.00%	0	1	100.00%	0	0	0.00%	0	1
LANDER	0	2	200.00%	0	1	100.00%	0	0	0.00%	0	0	0.00%	0	0
LINCOLN	4	3	-25.00%	0	0	0.00%	1	0	-100.00%	0	0	0.00%	0	0
LYON	4	5	25.00%	0	3	300.00%	1	2	100.00%	1	0	-100.00%	0	0
MINERAL	1	0	-100.00%	0	0	0.00%	1	0	-100.00%	0	0	0.00%	0	0
NYE	7	7	0.00%	1	1	0.00%	2	1	-50.00%	0	0	0.00%	0	0
PERSHING	1	3	200.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0
STOREY	0	1	100.00%	0	0	0.00%	0	1	100.00%	0	0	0.00%	0	0
WASHOE	5	11	120.00%	4	8	100.00%	6	6	0.00%	0	3	300.00%	0	2
WHITE PINE	2	0	-100.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0
YTD	113	111	-1.77%	48	46	-4.17%	45	48	6.67%	6	5	-16.67%	4	8
TOTAL 13	131	-----	-15.27%	69	-----	-33.33%	53	-----	-9.43%	7	-----	-28.57%	5	-----

Total 2013 265

## Update on NDOT Research, Development and Technology Program (RDT) for Federal FY 2015

In response to our *ongoing open solicitation* of problem statements, we **received a total of 33 problem statements** for the FFY 2014 Q2 and Q3 (deadlines were May 23<sup>rd</sup> and June 30<sup>th</sup>). Problem statements were reviewed and a total of 15 problem statements were recommended.

For these 15 problem statements, we requested full proposals through an open solicitation and **received 18 full proposals** addressing the 15 problem statements.

The full proposals were reviewed by the Expert Task Groups (ETGs) and the Research Management Committee (Deputy Directors and Assistant Directors) selected 9 full proposals to be funded using Federal FY 2015 State Planning and Research (SPR) funds designated for Research, Development, and Technology (RD&T) program.

The 9 selected proposals are summarized in the following table.

**Proposals Received in Federal FY 2014 Q2 and Q3 and Selected to be funded in Federal FY 2015:**

<b>Problem Statement Number</b>	<b>Proposal Title</b>	<b>Principal Investigator and Affiliation</b>	<b>Duration</b>	<b>NDOT Champion(s)</b>	<b>Total Costs</b>
14Q2-E1-1	Development of a Comprehensive Crash Database for Nevada that can be used with AASHTOWare Safety Analyst	Dr. Hao Xu, UNR	24 mos.	<b>Ken Mammen and Jaime Tuddao</b> – Safety Engineering Division and <b>Dale Lindsey</b> – Performance Analysis Division	\$209,946
14Q2-E1-2	Development and Calibration of a Nevada wide Dynamic Transportation Planning Model for the Estimation of Traffic Performance Measures including AADTs	Dr. Zong Tian, UNR	24 mos.	<b>Hoang Hong</b> – Traffic Operations Division	\$220,452
14Q2-E1-6	Automated Pedestrian and Bicycle Count System and Analysis Tool	Dr. Venki Muthukumar, UNLV	12 mos.	<b>Ken Mammen, PD Kiser, Jamie Tuddao, and Thomas Lightfoot</b> – Safety Engineering Division and <b>Bill Story</b> – Multimodal Planning Division	\$174,945
14Q2-E2-7	Toward Successful Implementation of Prefabricated Deck Panels to Accelerate the Bridge Construction Process	Dr. Keri L. Ryan, UNR	18 mos.	<b>Mark Elicegui and Troy Martin</b> – Structural Design Division	\$115,869
14Q2-E2-8	Development of Earthquake-Resistant Precast Pier System for Accelerated Bridge Construction in Nevada	Dr. M. Saiidi, UNR	24 mos.	<b>Mark Elicegui and Troy Martin</b> – Structural Design Division	\$209,617
14Q2-E2-9	Phase I: Minimization of Cracking in New Concrete Bridge Decks	Dr. Thomas J. Van Dam, NCE	12 mos.	<b>Darin Tedford and Michele Maher</b> – Materials Division and <b>Mark Elicegui and Troy Martin</b> – Structural Design Division	\$45,000

Item #12 Attachment D

14Q2-E3-1	Taking Bridge Innovation into the Field	Dr. David Sanders, UNR	21 mos.	<b>Troy Martin</b> and <b>Michael Taylor</b> – Structural Design Division	\$154,936
14Q2-E3-5	Maintenance Decision Support System: Phase 3	Dr. Eric L. Wang, UNR	24 mos.	<b>Denise Inda</b> – Traffic Operations Division and <b>Mylinh Lidder</b> – Maintenance and Asset Management Division and Equipment Division	\$200,292
14Q3-E7-2	Development and Implementation of a Statewide Pilot Project for Standardized Traffic Incident Management (TIM) Performance Measurement and Reporting in Nevada	Dr. Kelley Pecheux, AEM Corp.	16 mos.	<b>Seth Daniels</b> – Traffic Operations Division	\$149,875
Total					<b>\$1,480,932</b>

