

NEVADA COUNTY TRANSPORTATION COMMISSION
Minutes of Meeting
July 21, 2010

A meeting of the Nevada County Transportation Commission (NCTC) was held on Wednesday, July 21, 2010 in the Nevada City Council Chambers, 317 Broad Street, Nevada City, California. The meeting was scheduled for 9:30 a.m.

Members Present: Nate Beason, Carolyn Wallace Dee, Ann Guerra, Sally Harris, Larry Jostes, Chauncey Poston, and Alternate Commissioner Ted Owens

Member Absent: Ed Scofield

Staff Present: Daniel Landon, Executive Director; Michael Woodman, Transportation Planner; Nancy Holman, Administrative Services Officer; Toni Perry, Administrative Assistant

Standing Orders: Chairman Dee convened the Nevada County Transportation Commission meeting at 9:33 a.m.

Chairman Dee made a public announcement that Senator Dave Cox had passed away and acknowledged all the support he gave to Nevada County.

PUBLIC COMMENT

Chairman Dee asked for any public comments at the beginning of the meeting. There were none.

CONSENT ITEMS

Chairman Dee requested that Item #10, Letters of Support for TIGER II Funding Applications, be pulled from the Consent Calendar for further explanation.

1. Financial Reports:

A. April 2010 and May 2010. *Approved.*

2. NCTC Minutes:

May 19, 2010 Meeting. *Approved.*

3. 2009/10 – 2010/11 FY State Transit Assistance (STA) Apportionments. *Approved the STA apportionment table as a basis for allocation for FY 2009/10 and 2010/11 from the State Transit Assistance Fund.*

4. Allocation Request from Nevada County. *Adopted Resolution 10-31 approving Nevada County's request for allocation of \$1,048,511 of Local Transportation Funds (LTF) for transit/paratransit operations for FY 2010/11; and approved allocation request for \$127,757 of STA Funds for operations of Gold Country Telecare for FY 2010/11.*

5. Allocation Request from Nevada County for Deferred Revenue. *Adopted Resolution 10-32 approving Nevada County's request for \$360,917 of LTF, identified as deferred revenue in the FY 2008/09 fiscal audit, be reallocated for transit/paratransit operations for FY 2010/11.*
6. Allocation Requests from the Town of Truckee. *Adopted Resolution 10-33 approving the allocation request for \$319,000 of LTF for transit/paratransit operations for FY 2010/11; and approved allocation of \$83,000 of STA Funds for transit-paratransit operations for FY 2010/11.*
7. Allocation Request from the City of Grass Valley. *Adopted Resolution 10-34 approving the City of Grass Valley's request for allocation of \$176,482 of LTF for transit/paratransit operations for FY 2010/11.*
8. Allocation Request from the City of Nevada City. *Adopted Resolution 10-35 approving Nevada City's request for allocation of \$42,144 of LTF for transit/paratransit operations for FY 2010/11.*
9. Allocation Request from the Town of Truckee for Regional Surface Transportation Program (RSTP) Funds. *Adopted Resolution 10-36 approving the Town of Truckee's request for allocation of \$150,000 of RSTP funds for the Brockway Road Trail project for FY 2010/11.*

Commissioner Beason made a motion to approve the Consent Calendar excluding Item #10. Commissioner Harris seconded the motion. The motion passed with an abstention from Commissioner Guerra and Alternate Commissioner Owens of the May 19, 2010 Minutes due to their absence from the meeting.

ITEM PULLED FROM THE CONSENT CALENDAR

10. Letters of Support for TIGER II Funding Applications. *Authorized the Chairman to sign letters of support for Truckee's and Grass Valley's applications for TIGER II funds.*

Chairman Dee said her concern was the sample letter for the Town of Truckee was not addressed to Secretary LaHood, but it was addressed to Becky Bucar, Town of Truckee Assistant Engineer. Executive Director Landon replied that he questioned Ms. Bucar about whom the letter should be addressed to and she requested the letter be addressed to her. Mr. Landon added if the Commission would like the letter addressed to Secretary LaHood then staff would change the letter. Chairman Dee noted that Secretary LaHood is the person being looked to for support, so she would like to see Secretary LaHood and Ms. Bucar receive a copy of the signed letter.

Commissioner Poston made a motion to approve the two letters of support, as amended. Commissioner Beason seconded the motion. The motion passed unanimously.

INFORMATIONAL ITEMS

11. Correspondence

C. Caltrans District 3 – 2010 Report on the SR 49 Corridor System Management Plan.
7/7/10, File 300.

Commissioner Beason questioned why Crestview Drive was listed in the SR 49 Corridor System Management Plan (CSMP), even though he knew it was included in the Regional Transportation Plan (RTP). He said the project is less than on hold; technically it does not exist. Executive Director Landon replied that Dawn Cheser with Caltrans District 3, who is the principal author of the report, was in attendance at the meeting. Mr. Landon noted that he had questioned her about the inclusion of Crestview Drive in the CSMP, and he understood that it was included at the request of the City of Grass Valley. Dawn Cheser stated that was correct. She added that a portion of the CSMP was based on what is contained in Caltrans' Project Initiation Documents (PID) Work Program, and Crestview Drive was put on the PID Work Program about one year ago at the request of the City of Grass Valley. Ms. Cheser noted that the last time the PID Work Program was sent out to the local agencies for review they did not ask that the project be taken off the list. She said it is on a "hold" status until the City of Grass Valley tells Caltrans to take it off the list, or the city produces some additional documentation. Commissioner Beason said he would not argue with that. His only concern was that the Crestview Drive Study was founded on more fantasy than reality, and he did not think there was any other documentation forthcoming. Commissioner Beason said that maybe with the current update of the RTP, the Grass Valley City Council could be asked if they would like to continue listing the Crestview Drive project.

Commissioner Poston said the Crestview Drive project caught his eye as well and he did not understand why it was included. He asked if NCTC was the lead agency on the project at one point. Executive Director Landon said that a study was completed and it showed that the project was beyond the ability of the developments to fund. Commissioner Beason said the project cost around \$55 million with impacts at the McKnight Way Interchange that had not been factored in. Commissioner Poston asked if it was a proactive request to put the project on the PID, or just a nonresponsive reaction to what the City of Grass Valley should have done. Ms. Cheser replied that it was a nonresponse reaction to Caltrans' request that was sent out, so they just left it on the report. She said that Caltrans does not have the authority to remove any projects; they assume it is an existing project, but it is on hold. Caltrans is not doing anything with the Crestview Drive project; it is being carried forward awaiting further documentation or removal.

Transportation Planner Michael Woodman explained that the Crestview Drive Interchange project is included in the RTP because it is identified in the Grass Valley General Plan. However, it is included in an unconstrained funding list in the event the developer would move forward and identify the funds, then it could be built. However, it is not in the county's plan list to be built with identified funds. Commissioner Poston said to assume it is a dead project on the list currently, and it will be decided administratively how to go forward. Commissioner Beason said he would not like to see the Crestview Drive project on the list ten years from now with a new Commission wondering what to do with it.

12. Executive Director's Report

12.1 Potential Funding of the Dorsey Drive Interchange

Executive Director Landon said that subsequent to the last NCTC meeting there has been some generation of thought about the \$10.5 million identified for the Dorsey Drive Interchange, and there is a strong desire on the part of the City of Grass Valley to move the project forward. City of Grass Valley staff, Nevada County staff, Mr. Landon, and Caltrans have been looking for all possible ways to make the project happen by the FY 2012/13 time frame. Mr. Landon explained that the potential funding chart provided in the handout to the Commission was purely a brainstorming exercise and

implies no commitment of funds from any agency. He noted that the yellow highlights in the chart are potential but uncommitted funds, and questioned if in FY 2012/13 there could possibly be enough money to construct the project as it is currently configured. He said "if" all the items listed came to fruition, which they will not, then the project could be built. However, since they all would not come about by FY 2012/13, then there would not be enough funds to build the current project as designed. Mr. Landon said, as a result of this exercise, in order to be able to build a portion of the project by FY 2012/13, the project will need to be downscoped or phased so a portion can be built and other sections added on later.

Mr. Landon reported that a meeting was held with Jody Jones, Caltrans District 3 Director, and her staff. Based on the discussion at that meeting, Winder Bajwa, District 3 Project Manager, will be putting together a meeting of the stakeholder agencies. They will look at the scope of the project and determine if the length of a lane could be reduced, or forgo doing a certain improvement and add it on later, in an effort to be able to move the project forward as it is currently scheduled with the funds available. Mr. Landon said he will bring information back to the Commission for their review and/or approval before the project moves forward.

Commissioner Jostes said the Dorsey Drive Interchange has been discussed for many years, and he believes it is an important project because it has a significant impact on Brunswick Basin traffic, in addition to dealing with the area directly around the interchange. He considers Brunswick Basin to be one of the congested areas in western Nevada County, and he would like to see traffic transferred from Brunswick to the Dorsey Drive area. Commissioner Jostes wondered if it would be possible to split the Dorsey Drive Interchange project into two separate sections and build the exit ramps in one phase and the entrance ramps at a later date, or visa versa. He thought a partial project would relieve some of the traffic congestion in Brunswick Basin and it would get the Dorsey Drive Interchange started and potentially put the second half of the project on a higher priority to build. He would not like to see the project languish for years when there is a potential to build a portion of the project and help two areas of concern. Commissioner Jostes would like to see the Commission put reasonable priority on the concept of a partial project, with the commitment to build the remainder of the project when the money is there.

Alternate Commissioner Owens asked staff if a partial project would be advantageous in the leverage of future dollars or if it would put the county in a worse position to obtain dollars because it repairs part of an existing problem. Executive Director Landon responded that he did not have a good answer for that question at this point. He said if you have a partial project then you can say you only need so much more to finish it. On the other hand, the City of Grass Valley from time to time has opined that there is nothing so permanent as a partial solution. Mr. Landon said he would look to the decision makers for policy direction on this. Chairman Dee asked if there was funding in place to allow the change of the project. Mr. Landon said when the stakeholders meet with Caltrans that issue will have to be looked at, since if the project is rescoped that would necessitate changes in the design and that work would have to be paid for. The decision makers will need to determine if it would be worth the expenditure of funds to redesign the project and go forward with a partial project.

Commissioner Harris reviewed that partial projects have been discussed previously and repeated the comment that there is nothing so permanent as a partial solution. She said that from her perspective as a representative of western Nevada County, the increased access to the hospital would be a very important benefit that she has supported over time. She noted that if the project is modified, Nevada City residents would like to see the hospital access addressed first.

Commissioner Beason said he shared the comments of Commissioners Jostes and Harris, and also felt access to the hospital was important. He thought the discussion regarding potential funding of the Dorsey Drive Interchange was separating magic money from real money, and he thought it important to identify an amount of real money available to work with to build a portion of the project. He said there was not much Regional Transportation Mitigation Fee (RTMF) money involved and he wondered if potential development could be asked to put RTMF money up front as another means of funding the project. Commissioner Beason said it appeared the stakeholders want to scope the project within the means available.

Commissioner Poston said he spoke with Tim Kiser, Public Works Director for Grass Valley, who said the project was discussed in a Technical Advisory Committee (TAC) meeting to consider ways of paring down elements, such as a sound wall from the project, not necessarily components, to see where that may go. Executive Director Landon clarified that an element would not be eliminated from the project, but the project would start and as money became available more of the project would be built. Commissioner Poston said once you start moving dirt, it would be undesirable to have to come back at a later date to move the same dirt. He thought it would take some time to look at the entire project and determine what is essential in the first phase and what can wait. Commissioner Poston said a tax initiative was not listed as a potential for funding and he is not opposed to a tax initiative. He thought a tax initiative would work if it was focused and succinct and played out to the public as the final action needed to build the interchange. He knows with the current economy that anything short of that approach probably would not work. He said it would be necessary to know for sure that the state would be committed to provide the remainder of the money. Commissioner Poston commented that the list of potential funding for the interchange is far and wide, and he believes that to come up with a new strategy for the construction of the Dorsey Drive Interchange project will require a committee to look at the issues, along with the political stakeholders involved. He said it is one thing to identify money sources, but it is another thing for the politicians to say that is acceptable. He would like to give people an opportunity to say why or why not, and to strategize on what is acceptable to all the entities.

Winder Bajwa, Caltrans District 3 Project Manager, stated that Tim Kiser will be scheduling a meeting around the first week of August with the stakeholders from the county, Nevada City, and the City of Grass Valley to discuss the scoping issue. Commissioner Harris asked if it would be a TAC meeting, and Mr. Bajwa replied that it would be a separate meeting to just focus on the Dorsey Drive Interchange project. Mr. Bajwa said once Mr. Kiser receives input from that meeting, he will then schedule a meeting to include Caltrans staff to determine if there is a need to downsize or phase the Dorsey Drive project as it is currently designed. He added that the last construction cost estimate completed in May at \$15 million was reevaluated, based on the La Barr Meadows Road project contract, and Caltrans staff was able to reduce the construction cost of the Dorsey Drive project to \$13.5 million. Mr. Bajwa also thought the construction support cost could possibly be reduced from \$3.5 million to \$3 million. He said that the total of the current costs is about \$16 million, so if the bidding environment does not change too much in the next few years, about \$5 million is needed in addition to what is programmed to build the project. He added that there is a \$5 million unprogrammed reserve in the State Transportation Improvement Program (STIP) and \$10.5 million is already programmed, and if NCTC chooses to use the reserve, it would bring the project very close to being fully funded. Commissioner Beason asked if the money Mr. Bajwa was talking about included the maximum reduction of Caltrans overhead that could possibly be done. Mr. Bajwa responded that it included the reduction in construction support costs. Commissioner Beason asked what the realistic projection was for getting the \$5 million in STIP money. He added that it should not be on the list if it is not reasonable. Mr. Landon responded that was why the amount was in a

yellow box, which indicates the funds are uncertain. He said he had a conversation with California Transportation Commission (CTC) staff and they said if there is any "new money" in the FY 2012 STIP, it would be a high priority for them to give the county the \$5 million needed. Mr. Landon added there is no way of knowing if there will be any new money in 2012, so it is a risk.

Commissioner Beason asked Doug Farrell, Nevada County Director of the Public Works Department, his opinion as an engineer if it is really doable to get the Dorsey Drive Interchange project down to around \$11 million, knowing there will be some local funds that will be needed. Mr. Farrell responded that he thought it was very possible and that it was something that needed to happen as the only hope for the project. His thoughts were the project needed to be downsized or the funding would be chased forever and the project would never happen. Mr. Farrell stated the project needed to be hit aggressively, as Mr. Landon suggested, or he thought the project would be lost ultimately. He noted that all the municipalities were working on the project and they are all in agreement of what needs to happen.

Commissioner Poston recapped that there will be several meetings, and reemphasized the importance of getting the politicians involved as soon as possible. He said he would like to see Commissioner Beason involved in the meetings, since he has the most experience on the NCTC. Commissioner Poston noted that he is not running for re-election, so he will only be involved on the Commission until December. He reiterated that the Dorsey Drive Interchange project is key to many things for the City of Grass Valley.

Commissioner Jostes said he has had an entire career of experience dealing with projects and they develop a life of their own and you get caught into a paradigm of certain things. He stated that this project has been discussed for many years and there are many people with many reasons to want the project built, and therefore all of those reasons probably throw in a little extra cost for all the details. He thought it important to look at the current fundamental reasons of why the project is needed, and forget about why it was going to be done five years ago, when it was thought there was a lot more money. He said the hospital access was probably the number one reason. Commissioner Jostes encouraged the participants to look at the project from a fresh point-of-view rather than trying to work off the old concepts that have existed for various reasons when money was more plentiful. He said the project might take on a completely different perspective and a different cost when you back away from the original concepts.

Alternate Commissioner Owens said that Mr. Farrell indicated it may be possible to get the project down to \$11 million. He said he is not as familiar with the design of the project as others on the Commission, but it is more difficult to back things out of the design that are already there than it is to charge a design team with designing to a budget. As a home builder he has experienced the need to build a home with a set budget, and said it was very difficult to go backwards once you have designed the home and then are told you need to save thirty percent. He asked if that might be a realistic approach to the Dorsey Drive project. Mr. Bajwa said the project has a long history and different options have been looked at and discussed. Two or three years ago it was decided that the ultimate interchange was desired and most of the property has been purchased for it. Mr. Bajwa said a lot of money has already been spent on the project, and a whole or partial project needs to be built to show the public that there is a definite commitment to construct the interchange.

Chairman Dee gave direction to Executive Director Landon to bring back recommendations from the meetings to allow the Commission to decide what the next step would be as an acceptable recommendation for the Dorsey Drive Interchange project. Mr. Landon asked if the Commission

wanted a parallel meeting with the decision makers. Commissioner Poston thought it was necessary for everyone to be onboard and to get buy-in from the people who make the decisions to spend the money. Winder Bajwa said his recommendation would be for Tim Kiser to meet with the local jurisdictions and then he will set up a meeting with Caltrans staff and the stakeholders to develop some recommendations for the decision makers. Mr. Landon said he would like to hear some principals, early on, from the decision makers as to certain things they do not want cut out of the project. Commissioner Poston said that Tim Kiser told him by mid-September there may be a better idea of how to pare the project down; at least all the options and funding mechanisms. He would like to develop a strategy that all the stakeholders agree upon to get the Dorsey Drive Interchange project moving forward. Commissioner Poston appreciated what Commissioner Jostes mentioned about looking for new paradigms.

12.2 Western Nevada County Transit Development Plan (WNCTDP)

Transportation Planner Michael Woodman reported that originally the consultant was scheduled to present the WNCTDP Draft Report to the Transit Services Commission (TSC) at their July meeting. After the Administrative Draft was reviewed, there were comments and additions to be made by the consultant and it required additional time, so the report was not presented. The TSC decided to hold their next meeting on September 8th in Grass Valley since the consultant had a previous commitment on September 15th. Mr. Woodman questioned if the NCTC would also like to hold their September meeting on the 8th in Grass Valley. Chairman Dee said it made perfect sense to her since many of the Commissioners are on both boards. The Commission agreed to move the NCTC meeting date to September 8th.

Mr. Woodman stated that because the Commission would like the WNCTDP presentation made in western Nevada County, the Truckee NCTC meeting, previously moved from July to September, would now need to be moved. Commissioner Harris questioned if the NCTC needed to have a meeting in Truckee this year or could they have two meetings in Truckee in 2011. The Commission discussed the options and the potential weather in Truckee in November. Chairman Dee gave staff direction to hold the November 17th NCTC meeting in Truckee.

12.6 Nevada County Pedestrian Improvement Plan

Executive Director Landon reported the progress on the Pedestrian Improvement Plan. Public Workshops with the consultant Fehr & Peers were planned on August 3rd in the City of Grass Valley and on August 4th in the Town of Truckee. Michael Woodman would seek additional public input at the August 5th Grass Valley Thursday Night Market, August 7th at the Nevada City Farmers Market, and August 12th at the Town of Truckee Thursday Night Market. Mr. Landon said the outreach is planned to engage the public in giving feedback on what type of pedestrian improvements are important to them.

13. Caltrans District 3:

A. Project Status Report: Winder Bajwa, Caltrans District 3 Project Manager for Nevada County.

- *Dorsey Drive Interchange* – Mr. Bajwa reported that Caltrans staff is working with the property owners on acquisition of right-of-way (R/W) on the last two or three parcels. The Director of Caltrans, Cindy McKim, signed the letter of support for TIGER II funds and it

was forwarded to the City of Grass Valley. He noted that the design work is completed, so the completion of R/W acquisition and identification of funding sources is what is remaining on the project.

- *SR 49 Five Lane Widening at the La Barr Meadows Road Intersection* – Mr. Bajwa reported that construction of the project was awarded to De Silva Gates Construction for \$8.4 million on June 21, 2010. The cell tower was moved and is operating at the fire station. He stated that there are issues with the relocation of AT&T facilities, and Caltrans has contacted their management to expedite the relocation process. The construction contractor said he would not be able to start construction of the project until AT&T completes their relocation, since that is the location for the first stage of construction. AT&T estimated it could take another month before their work is completed. Executive Director Landon asked if the AT&T delay could push the project start into next year's construction season. Mr. Bajwa said if they could get relocation done in July, then the project could possibly start this season.

Commissioner Beason asked if this project was planned for a two year construction season starting this summer. Mr. Bajwa responded affirmatively. Commissioner Beason asked if it would be helpful to put pressure on these companies by calling a representative he knows at PG&E. Mr. Bajwa said he could provide Commissioner Beason with the name of the contact person at AT&T.

Commissioner Beason questioned if there would be any way for Caltrans to influence the primary contractor to hire local subcontractors. Mr. Bajwa replied that by contract law he did not think that Caltrans could require local preference for hiring subcontractors, as long as state and federal funds are involved. Commissioner Beason suggested that local contractors could contact De Silva Gates directly and inquire. Commissioner Harris said that sometimes Nevada City will divide a project into small pieces so several local contractors can bid on a small piece rather than on a multi-million dollar project. Mr. Bajwa said contractors hire subcontractors all the time and they have to list for Caltrans the names of the subcontractors they plan to hire.

- *SR 89 Mousehole* – Mr. Bajwa reported the Project Development Team is continuing their work on the bike/pedestrian underpass under the Union Pacific Railroad (UPRR) tracks, adjacent to the Mousehole. The Draft Project Report is eighty to ninety percent complete. The Environmental Document (ED) is ninety percent complete and is scheduled for completion by the end of 2010. Mr. Bajwa said the circulation date of the ED was changed to September 15th due to Caltrans loss of staff through retirement and relocation issues. The office in Gateway Oaks is moving to Sacramento and Caltrans has lost staff to other companies in the area because of the move. He said the Town of Truckee is the lead agency and is coordinating with the UPRR to get their buy-in on the design of the tunnel in order to move forward. The Town is handling the design of the project and acquiring property needed, and Caltrans is the oversight agency for the project.
- *SR 20 Between Rough and Ready Highway and Deadman's Flat Overcrossing* – Mr. Bajwa said the project design work is underway and the project is scheduled for construction in the summer of 2011. He said this project is on the Grass Valley side of the previous Pet Hill project. The project will provide radar activated speed warning signs, median rumble strips, and those types of safety elements for a total cost of \$2.5 million of State Highway Operations and Protection Program (SHOPP) funds. Mr. Bajwa said that area of highway had six accidents that crossed over the center line, so Caltrans is focused on preventing this in the future.

- *SR 49 Passing Lane Extension Project from Combie Road North* – Mr. Bajwa reported that the project is in the final stages of construction.

Commissioner Poston asked if this project would provide better access to Brewer Road. Mr. Bajwa said the project is only adding a passing lane extension and will not change the current access to Brewer Road. The project provides a longer distance for vehicles to pass and better visibility for that operation. Executive Director Landon said the project is essentially complete. Mr. Bajwa noted that Caltrans still has to be sure there is no drainage or landscaping issues before the project officially is closed.

- *SR 49 Minor A Operational Projects* – Mr. Bajwa noted that these four projects stemmed from the Corridor System Management Plan (CSMP), located at Carriage Road, Ladybird Drive, Smith Road, and Brewer Road. They will have operational improvements and Mr. Bajwa thought they would be split into two projects to not exceed the million dollar limit placed on the Minor A Program. He reported that the Project Initiation Document was signed and Caltrans will have Expenditure Authorization numbers assigned to the projects so they can start charging to the projects. The projects are slated for construction in FY 2012/13. He said they will try to deliver the projects earlier if funding becomes available.
- *SR 89 Mousehole/Donner Creek Underpass Interim Improvements Project* – Mr. Bajwa reported that a flashing beacon and guardrails will be installed to improve the existing tunnel. The project was awarded to Koch Excavating, Inc. of Penn Valley for \$245,031. Construction will not begin until after Labor Day to accommodate the increase in recreational traffic during the summer on SR 89. It is anticipated to take 25 working days to complete.

Chairman Dee noted that the Town of Truckee will be removing and replacing the roadbed on Donner Pass Road from Bridge Street to Cole Street around the same time frame, so both of these projects will impact traffic flow in the Town simultaneously.

- *Uren Street Restriping in Nevada City* – Mr. Bajwa said this restriping project will be included in the maintenance project to resurface SR 20 from I-80 to Nevada City through a contract change order. The project will eliminate the left turn movement from Uren Street onto SR 20 and provide a u-turn capability in that area. This will be completed this summer and the estimated cost is \$100,000.

Commissioner Harris stated that an explanation of the project came before the Nevada City Council, but it was not obvious that the project would eliminate the capability of making that left turn from Uren Street. Mr. Bajwa noted that vehicles will still be able to go across SR 20, but not make a left turn. There have been serious accidents making this movement that Caltrans is addressing with the restriping.

Commissioner Beason said he could potentially get phone calls asking why the left turn was eliminated at Uren Street, but allowed 300 yards to the east at SR 20 and Nevada Street. Mr. Bajwa replied that he was not familiar with that intersection and could get back to Commissioner Beason with that answer. Commissioner Beason said he could call Mr. Bajwa.

Chairman Dee commented that the SR 20 resurfacing project is looking great and is very appreciated.

ACTION ITEMS

14. Adjustments to the Multi-Year Congestion Mitigation Air Quality (CMAQ) Improvement Program

Transportation Planner Michael Woodman explained that a few situations came up towards the end of the Federal Fiscal Year (FFY) that necessitated some changes to the multi-year CMAQ Program. He gave a brief background of the multi-year program, why the proposed approach was suggested, and the specifics of the recommendations. The NCTC approved on September 16, 2009 the CMAQ Multi-Year Improvement Program that covers FFY 2009/10, 2010/11 and 2011/12. One of the purposes of adopting a multi-year program was to allow the flexibility to advance a project from an outer year forward if a current year project could not be delivered on time, which would address the risk of losing funding. Mr. Woodman stated that CMAQ funds for FFY 2009/10 needed to be obligated by the end of July or they would be lost. He said new projects are not an option in the current year, since they must be programmed in the Federal State Transportation Improvement Program (FSTIP) to be eligible for funding and that requires a formal amendment process that takes two months. All of the projects in the multi-year program are already programmed in the FSTIP.

Mr. Woodman stated that at the May 30, 2010 TAC meeting, Nevada City staff reported that they are working on the Preliminary Engineering (PE) phase of the Ridge Road/Zion Street Pedestrian Project, but they did not think they would complete the environmental approvals in time to obligate the \$164,000 programmed for construction in FFY 09/10. He added that the way the obligation works for federal funds is that you have to complete the prior phase before you can get approved for funding of the next phase. Nevada City staff asked the other jurisdictions at the TAC meeting if there was someone who could accommodate them moving the project into the FFY 2009/10 time slot at a cost of \$164,000. The TAC reviewed the multi-year program and determined that Nevada County had a project, the Newtown Road/Empress Road Class II/III Bike Lane Project that was in the multi-year program with preliminary engineering in FFY 2010/11 at a cost of \$258,000. It was proposed that this project could be adjusted to accommodate Nevada City's request and ensure the funds would not be lost. Mr. Woodman said this would require the Commission approve moving \$164,000 into the county's PE funds from FFY 2010/11 to FFY 2009/10, which would leave \$94,000 of PE funds in FFY 2010/11 for the county. That would then move out Nevada City's programmed construction from FFY 2009/10 to FFY 2010/11.

Additionally, Mr. Woodman reported that in June 2010, Nevada County staff notified NCTC staff that based on their engineered estimate for the Nevada County Pedestrian Walkway Connection Route Project, they anticipated a construction savings of \$67,200. In order to ensure that those CMAQ funds would not be lost, Nevada County requested that those savings be applied to the FFY 2009/10 PE phase of the Newtown Road/Empress Road Class II/III Bike Lane Project. That action would add \$67,200 in savings to the county's \$164,000 in PE funds for FFY 2009/10 for a total of \$231,200.

Mr. Woodman added that on June 24, 2010, Caltrans notified NCTC that the estimated CMAQ apportionment amounts for FFY 2009/10 had been revised to account for the actual federal apportionments received. The revision increased NCTC's total CMAQ programming capacity by \$20,025. On July 7 NCTC staff met with the TAC to determine that adding this amount to the Newtown Road/Empress Road Class II/III Bike Lane Project was the best project to apply the funds.

The total of all these actions would bring that project in FFY 2009/10 to \$251,225, and would keep the CMAQ funding intact and not lose any of it.

Commissioner Harris commented that this type of situation was one of the principal reasons why the Commission went to a three year programming schedule, since funds were lost a few years ago when a bus was not purchased. Commissioner Beason said county staff informally discussed with him several weeks previously the idea that the county might be able to pick up the Nevada City project and do it for them, but they cannot. Commissioner Poston said he was glad the Commission accepted the multi-year program to facilitate this type of action and save funds.

Commissioner Guerra made a motion to approve Resolution 10-37 accepting the adjustments to the Multi-Year CMAQ Improvement Program as discussed. Commissioner Poston seconded the motion. The motion passed unanimously.

15. Professional Services Agreement for General Counsel Services with Miller, Owen and Trost, Attorneys at Law

Executive Director Landon summarized that NCTC staff has been happy with the services of Miller, Owen and Trost. He said that staff's request would be to forego having to redo the Request For Proposals (RFP), but it was recognized that it is good to change things from time to time. Commissioner Poston remarked that it is good sometimes to reassess where you are and if there needs to be any changes with the current attorney services.

Alternate Commissioner Owens said it is the close of a five year contract and they are proposing to not change rates, which on the face of it sounds good. He said it is a different world now than five years ago and he questioned if it is an appropriate rate for today. Executive Director Landon replied that NCTC staff checked with other agencies and the rate is in line with what is being charged in other places. Commissioner Harris questioned if staff did an RFP, could there potentially be competitive bidding. She said Nevada City was able to get their counsel, when using an outside firm, to put down their rates to assist with their budget and they recognized that these are changing times. She did not know if it would be worth it in this situation. Executive Director Landon stated that the contract renewal would be for one year, with an option to extend an additional four years, for a total five year term at the discretion of the Commission. The Commission agreed that the contract could be extended for an additional year and to revisit the contract next year.

Commissioner Poston made a motion to extend the Professional Services Agreement for General Counsel Services for one year with Miller, Owen and Trost, Attorneys at Law. Commissioner Harris seconded the motion. The motion passed unanimously.

16. Memorandum of Agreement for the North State Super Region

Executive Director Landon reported that two months previously he was contacted by Executive Directors from other counties in the region who have been discussing for a couple of years the idea of forming some sort of an association or collaboration to see if the rural portion of northern California can get more clout, both in Sacramento and Washington, D.C. The North State Super Region idea became the rallying point for that effort. Mr. Landon personally thought it was a good idea. He noted that the region represents 26% of California's land area and 37% of California's state and federal roads, so he thought the group could speak with a united voice to the legislators representing the region and it may do some good. Mr. Landon had emailed an article to the

Commissioner from the San Francisco Chronicle that noted the Bay Area is considering a similar approach to things. He said the focus of the North State Super Region was to look at policy issues rather than projects, because the directors recognized it would be difficult to prioritize projects from sixteen counties. The emphasis would be to bring more money to the entire area.

Commissioner Guerra commented, "What took you so long." She thinks it is a great idea and she totally supports it. Commissioner Beason said it appeared to him that the potential beneficiary would be those along I-5. Executive Director Landon said on the federal side that is probably true, although I-80 in Nevada County could also receive benefit. Commissioner Beason asked what the change in staff load would be. He wondered how much time would need to be invested in this. Executive Director Landon replied it would probably entail two meetings a year where the participants would go on-site together and develop some strategies for the coming year. He did not see a problem with that commitment of time, nor did he think it would take away from other important projects.

Commissioner Guerra made a motion to adopt Resolution 10-38 authorizing the Executive Director to execute the Memorandum of Agreement (MOA) to form the North State Super Region, including minor changes that may be requested by partner agencies. Commissioner Beason seconded the motion. The motion passed unanimously.

17. Revised Allocation Request from Nevada County

Executive Director Landon noted that if the request had been received earlier, it would have appeared on the Consent Calendar. He said each year NCTC receives revenues from the Local Transportation Funds (LTF) for transit and paratransit purposes from the state two months in the rear, so revenues for the FY 2009/10 are received in July and August and that gets accrued back on an accounting basis. It creates a position for the auditors, who like to put everything in neat boxes, to say they are getting extra money in July and August and it will be attributed back to FY 2009/10, but that they got more money than they thought they did. Mr. Landon said that creates deferred revenue that is received, but was not "earned", because the expenditures for the year have been closed off. With the county requesting that NCTC halt the allocation at the end of June, those revenues will come into the NCTC accounts and be unallocated apportionment that the county can then claim in FY 2010/11 and avoid the deferred revenue issue. He said it is a bookkeeping exercise that he thinks will help the cash flow and accounting processes at the county.

Commissioner Harris made a motion to adopt Resolution 10-39 approving the revised allocation request from Nevada County stated in their letter dated July 2, 2010. Alternate Commissioner Owens seconded the motion. The motion passed unanimously.

COMMISSION ANNOUNCEMENTS

Chairman Dee thanked Ted Gaines because the previous Thursday night the California Governor signed AB 2704, which prevents people from taking away money from the snow plowing budgets.

SCHEDULE FOR NEXT MEETING

The next regularly scheduled meeting of the Nevada County Transportation Commission is on September 8, 2010 at the City of Grass Valley Council Chambers, 125 East Main Street, Grass Valley, CA.

ADJOURNMENT OF MEETING

Commissioner Beason moved to adjourn the meeting. Commissioner Harris seconded the motion. Chairman Dee adjourned the meeting at 10:50 a.m.

Respectfully submitted: Antoinette Perry
Antoinette Perry, Administrative Assistant

Approved on: 9/8/10

By: L. Jostes
Lawrence A. Jostes, Vice Chairman
Nevada County Transportation Commission

