NEVADA COUNTY TRANSPORTATION COMMISSION

Grass Valley • Nevada City • Nevada County • Truckee

MINUTES OF MEETING
November 16, 2011

A meeting of the Nevada County Transportation Commission (NCTC) was held on Wednesday, November 16, 2011 in the City of 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, Dan Miller**, and Ed Scofield

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

Standing Orders: Chairman Jostes convened the Nevada County Transportation Commission meeting at 9:32 a.m.

Pledge of Allegiance

PUBLIC COMMENT

There were no public comments.

CONSENT ITEMS

Commissioner Scofield requested that Item #1B be pulled from the Consent Calendar.

1. Financial Reports

   A. July, August, September 2011. *Approved.*

2. NCTC/NCALUC Minutes

   September 21, 2011 Meeting. *Approved.*

3. NCTC Proposed Meeting Schedule for 2012. *Approved.*

4. 2011/12 FY State Transit Assistance Apportionments. *Adopted the revised apportionment table as a basis for allocation from the State Transit Assistance Fund for the 2011/12 FY.*

Commissioner Dee made a motion to approve the Consent Calendar excluding Item #1B. Commissioner Beason seconded the motion. The motion passed unanimously.

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ITEM PULLED FROM THE CONSENT CALENDAR

1. B. Regional Transportation Mitigation Fee Program Fund Annual Report for FY 2010/11

Commissioner Scofield asked how the Regional Transportation Mitigation Fee (RTMF) relates to the Regional Transportation Improvement Program (RTIP) and what funding of future projects may or may not be impacted by the upcoming RTIP discussion. Executive Director Landon said the RTMF Report is from the last fiscal year and the RTMF is a fee program that Nevada County, Grass Valley, and Nevada City have approved and NCTC administers on their behalf so as new development occurs they pay a fee into this program. He gave an example of the Dorsey Drive Interchange project that is included in the RTMF and is also being funded by State Transportation Improvement Program funds, so there are multiple funding sources for it. Mr. Landon said the RTMF Program anticipates paying up to 30% of the Dorsey Drive Interchange. He said if we get other funding sources and are able to complete the project earlier and do not need the RTMF funds, then as NCTC updates the fee program, they will have to look at reducing the fees or applying those costs to other projects and making some adjustment in the program.

Commissioner Harris asked when the Commission is due to update the RTMF. Executive Director Landon said it is in the schedule for this fiscal year to do an update of the traffic model and to update the RTMF Program. He said NCTC staff has several other things on their plate right now so they have not started the update as yet; it will begin later in the year. Commissioner Harris said clearly there are some things that could be shifted given changes in funding sources and circumstances.

Commissioner Scofield asked if this was strictly a status report. Executive Director Landon replied yes. Each year staff provides this report so the two cities and the county can incorporate it into their fee program reports to the state.

Commissioner Scofield made a motion to approve Consent Item #1B. Commissioner Beason seconded the motion. The motion passed unanimously.

NCTC Legal Counsel Nancy Miller arrived at the meeting and Chairman Jostes went back to the original order of the agenda, which was to convene as the Nevada County Airport Land Use Commission and call a closed session with Legal Counsel.

At 9:35 a.m. Chairman Jostes ADJOURNED THE NEVADA COUNTY TRANSPORTATION COMMISSION AND CONVENED THE NEVADA COUNTY AIRPORT LAND USE COMMISSION.

CLOSED SESSION

Conference with Legal Counsel: Pursuant to Government Code Section 54956.9(a), Existing Litigation. Name of Case: City of Grass Valley et al. v. Nevada County Airport Land Use Commission et al.; Nevada County Superior Court Case No. 77990.

Chairman Jostes announced the Closed Session and stated that the public hearing would be the first order of business when the NCTC reconvened. Commissioner Miller recused himself from the Closed Session. The other six Commissioners, Legal Counsel Nancy Miller, and Executive Director Landon left the council chambers to meet in a private room.

Chairman Jostes reopened the meeting from the Closed Session. He reported that the Nevada County Airport Land Use Commission approved having the staff and legal counsel continue to develop the Tolling Agreement on the issue, and to continue meeting with the City of Grass Valley to seek resolution.

At 10:49 a.m. Chairman Jostes ADJOURNED THE NEVADA COUNTY AIRPORT LAND USE COMMISSION AND RECONVENED THE NEVADA COUNTY TRANSPORTATION COMMISSION.

ACTION ITEM

8. Public Hearing: 2011/12 Regional Transportation Improvement Program

Executive Director Landon reported that the NCTC submits regional projects to the California Transportation Commission (CTC) in a funding list known as the Regional Transportation Improvement Program (RTIP). He said projects from each county are approved by the CTC and are combined into a state-wide document known as the State Transportation Improvement Program (STIP). The RTIP and STIP are five-year listings of the proposed projects at the county and state level that are updated every two years, and this item of business is a two-year update. Mr. Landon explained when the CTC adds projects from the regional listing into the STIP, it is considered "programmed" and a project must be programmed into the STIP in order for funding to be provided by the CTC.

Executive Director Landon said the FY 2011/12 regional programs are to be submitted to the CTC by December 15, 2011. In recent cycles, the NCTC has provided funding for the Dorsey Drive Interchange, the SR 49/La Barr Meadows Road signalization and widening project, the SR 89 Mousehole Grade Separation project, and has also programmed money for NCTC to Plan, Program and Monitor these projects. Mr. Landon reported that in the 2010 cycle, two years previous, NCTC had an unprogrammed balance of $5.7 million that was held for future projects. He said based on the formula distribution by the state, NCTC will receive an additional $3 million in the current cycle, which raises the total available for programming through the 2016/17 FY to approximately $8.7 million. That amount will be reduced by $1.3 million due to the cost overrun in the right-of-way (R/W) component of the Dorsey Drive Interchange project; thus the net amount available in the current cycle is approximately $7.4 million.

Executive Director Landon reviewed the projects that are currently in the state program. The SR 89 Mousehole Grade Separation project was initiated in 2006 and Caltrans and the Town of Truckee have worked through the preliminary environmental and project design issues. Mr. Landon reported the Town of Truckee is taking over the lead on the project and are in the process of securing $4.7 million from the State Highway Operations and Protection Program (SHOPP) for construction in the 2014/15 FY of the pedestrian tunnel. He said the Town has set aside $1.3 million of their own traffic impact fees for a portion of the construction and is requesting that NCTC in this cycle provide $1.3 million to assist with that construction. Mr. Landon said Truckee is requesting that the CTC provide "state only" funds for this project, in order that they can be used as a match for other federal funds.

Executive Director Landon reported that construction of the SR 49/La Barr Meadows Road signalization and widening project is on schedule. All of the work on the east side of the highway will be completed this year and the new side streets on the west side and the light will be finished in the next construction season. Mr. Landon said this project is fully programmed and funded; no action is required at this time by the NCTC.

Executive Director Landon reported the final Plans, Specifications, and Estimates for the Dorsey Drive Interchange project are complete and Caltrans transmitted that package to the City of Grass Valley in June. R/W certification was completed by Caltrans in August, however there was an overrun in the R/W programming that will reduce NCTC's capacity by $1.3 million. A Cooperative Agreement for construction between Grass Valley, Caltrans, and NCTC was approved in September and a request for funding for the construction has been submitted to the CTC for their December meeting. Mr. Landon said, based on recent changes in construction prices and review of the plans for the project, the City of Grass Valley is requesting that NCTC add an additional $3 million to the construction contingency and $600,000 to construction management for a total increase in this cycle of $3.6 million.

Executive Director Landon said every two years during the STIP cycle, each county agency may utilize up to 5% of its programming for Planning, Programming, and Monitoring of its projects, and NCTC is eligible for $47,000 in the 2015/16 FY, and $107,000 in the 2016/17 FY. He said staff is recommending that NCTC program those amounts for those future years.

Executive Director Landon noted with each cycle the NCTC has the opportunity to set aside funds for Transportation Enhancement (TE) projects. These projects are related to quality of life issues in or around regular transportation facilities. He said these projects must be over and above any required environmental mitigation for the normal project, and must be directly related to the transportation system. Mr. Landon said in this current cycle NCTC could reserve up to $459,000 for future TE projects. However, there has not been a specific project identified, and at this time staff is recommending during this cycle the Commission not set aside any funding for TE projects.

Executive Director Landon stated what staff was looking for at the conclusion of the public hearing would be direction regarding what projects to submit for funding this year's cycle, or if the Commission needed additional information and wanted to continue the topic to a future meeting.

At 10:55 a.m. Chairman Jostes OPENED THE PUBLIC HEARING and requested each speaker state their name and limit their remarks to five minutes.

(1) Tim Kiser, City of Grass Valley Public Works Director and City Engineer, said he wanted to provide more clarity to the application that the City of Grass Valley submitted for RTIP funding. He indicated they did not have much time to put the information together and he believed there were unanswered questions as to why the city was asking for additional funds. Mr. Kiser said he believed everyone present truly knew the importance of the project, that it is a community project, and it provides great benefits as far as bicycles, sidewalks, access to the hospital, access to the college and medical buildings, amongst many things, and it would help the city with congestion relief throughout the city with the construction of this improvement. Mr. Kiser said the city and city council has put a great deal of money into this project to make sure the construction moves forward.

Mr. Kiser said he was at the meeting to report that the city has sufficient funds for the estimate that has been prepared to date; $17 million total; $14 million for construction; $3 million for construction management or oversight. He said the city was looking at contingency plans, i.e. what if the bids come in high since the bid market is constantly changing. He explained when the estimate was done the city was looking to get bids at this time of year. Now they may have to wait until July 2012 to even know if the funding will be available. He could almost guarantee that bid prices are going to go up with the current costs in oil continuing to go up; gas prices have not dropped like many people suggested. Mr. Kiser said the city is looking for ways to hedge their bets to make sure when they receive the bid there are sufficient funds to move forward with the bid as a complete project. He said

at this point the Dorsey Drive Interchange project has been around for twenty-plus years and they have never been closer to completing this project; the design is done and a large portion of the utilities are relocated.

Mr. Kiser said the city is scheduled to take over as lead agency for construction management in December, so the city has not been able to spend huge amounts of time. He thought everyone was familiar with the hospital construction that recently occurred and the Weaver Auto Center building that occurred. He said that Caltrans estimated in the current bid that rock excavation would be done mechanically; that means you take a big bull dozer with a ripper in the back, and that should rip and excavate the rock. Mr. Kiser said the city's experience was a little different then that when you look at both the Weaver site and the hospital; they had to blast the rock. Mr. Kiser said he has had personal experience where rock clauses can make and break a project. One of the things he wants to do is to make sure the city has sufficient funds and evaluate that in a little more detail to be sure if they have to blast to remove rock, the funds are there.

Mr. Kiser asked, parenthetically, if the estimate is the best they can do at this point-in-time, and he responded yes with the plans they have; but it is an estimate and they cannot control what construction prices are going to be in the future. Trisha Tillotson, Grass Valley Senior Civil Engineer, added that the estimate has a 5% contingency, which is pretty low, since you are usually looking at 10-20%. Mr. Kiser said that is what the city was requesting at the meeting; to increase the construction contingency to 25% instead of 5%; that is how the $3 million amount was decided. He said right now in estimating purposes to allocate funds for construction management, it is also just an estimate of the construction costs. If you increase the construction costs, it automatically increases the construction management, so that was how the city came up with the $600,000 amount to maintain the percentages that Caltrans has used to date.

Mr. Kiser said one of the questions he knows he has asked, and they have talked to Executive Director Landon, is what if the city came forward with the project and it was not sufficiently funded in July; if the city got a bid for $15 million instead of $14 million. Mr. Kiser said it is a very difficult process to get unallocated funds programmed to a project. He said it is much simpler to advance the funds now and tie them to the project to be insured that it moves forward. He said the obvious question then comes in as to what if the estimate is correct; what will happen to those funds if you do not need all the funding you have set aside for this project. Mr. Kiser said the city would propose, and it is his past history working on these kinds of projects, that you spend your funding that has the most strings attached to it first; i.e. STIP dollars has the most strings since you have to go through Local Assistance, and you have federal requirements tied to it. He said if there are savings, you could then hold out RTMF dollars, RSTP dollars, CMAQ funds, even RDA dollars, which would be the second thing he would spend down for this project, and leave those other funds that the NCTC controls so they could be paid forward to another project. He said this method would build a contingency for Dorsey Drive, and allow the other funds to be used as the Commission deemed appropriate.

Mr. Kiser said the city is in partnership as much with Caltrans as they are with NCTC; they are all a part of the same Cooperative Agreement. He said the city is not going to be able to just go spend these dollars without repercussions or involvement from the Commission.

(2) Trisha Tillotson, Senior Civil Engineer for the City of Grass Valley, who has also been involved in the Dorsey Drive Interchange project, reported that R/W is completed, and utility relocations are underway. NID has already completed their utility relocations; PG&E gas has completed their utility relocation; PG&E electrical is onsite currently continuing their relocations. She said the relocation

work is on schedule and AT&T and Comcast will follow quickly afterwards; their work is very simple. She said the plans are complete, and they have the special provisions. Ms. Tillotson said the city plans to have the complete bid package ready by May 2012 and they are ready to go to bid as soon as they receive all the funding in July 2012. Meanwhile, the city has applied for TIGER III grant funds, and if they become available before those dates, the city could get the bid package together in 60 days.

Ms. Tillotson said, regarding a construction management firm to help with the project, they will have a multi-jurisdictional selection board and the consultant will go through a financial audit as well. She said they will be looking for a firm that is experienced with this type of project. Commissioner Miller asked for specifics of who would be on the multi-jurisdictional selection board for the construction management. Ms. Tillotson replied they envisioned someone from Caltrans, NCTC, consulting with Nevada County, etc. to be sure to choose the best firm. Mr. Kiser said this is where the strings are attached with federal dollars; there is a requirement and a process that you have to go through for selection of a consultant. In addition to that, Caltrans will have the ability to approve or disapprove the firm also. Mr. Kiser said the city was hoping to have Executive Director Landon and a couple other individuals to bring the project forward.

Mr. Kiser added that the city has applied for the full $10 million of TIGER funds, so they would be able to move forward to bid without any STIP dollars with the complete project. Ms. Tillotson said the city received support from Senator Boxer, Congressman McClintock, as well as the NCTC, and community groups, including the hospital. Commissioner Harris asked when the city would hear on the TIGER funds. Mr. Kiser said previously it was at the end of January, but it is really up to the Federal Highway Administration.

(3) Ron Moser, President and CEO of the Nevada County Economic Resource Council (ERC), stated that the Dorsey Drive Interchange is an important project. He said the City of Grass Valley authorities and tax payers are behind the project. He read comments that Barbara Boxer, U.S. Senator, wrote to the Department of Transportation: "There is no direct link from the highway to the city's high school, community college, fire stations, commercial area, and the only hospital in western Nevada County. Upon completion, this project will improve emergency response times, provide access for future economic development opportunities, and reduce automobile emissions."

Mr. Moser also read an excerpt from Congressman Tom McClintock: "This project will dramatically reduce the emergency vehicle time to the regional hospital by minimizing local service street travel. It will also provide highway access to local community college and high school campuses, as well as a regional medical center, and other destinations within the city." Mr. Moser said the Dorsey Drive Interchange could save someone's life down the road. He said there were additional comments from the Fire Chiefs Association, the Assembly, Sierra College, Sierra Nevada Memorial Hospital, etc. Mr. Moser said the city also conducted a study for the economic effects. The economic benefits as a result of the construction of Dorsey Drive Interchange project are expected to be in the range of $112 million, and may include the creation of 3,000 jobs, increase tax revenues generated by new businesses, and development of newly accessible vacant land.

Mr. Moser said beside the fact that all of these people are in support of the project, there is not another project that is going to stir the morale of our community. He said a survey was also taken in western Nevada County where 73% of the community said the Dorsey Drive Interchange project was either an "important" or "extremely important" project. He said the ERC and those organizations that are listed are in support of the project. He said it is a real show of progress for the community; a shovel ready project that is designated as priority one; and he thought the community needs to see

some progress. He felt it would lift the morale of the entire western Nevada County. Mr. Moser said the ERC encourages full funding of the Dorsey Drive Interchange project.

(4) Chet Krage, resident of South Nevada County and representing the Citizens for Highway 49 Safety, said he has had many years of experience with SR 49 and also served seven years on the NCTC in the past. He related back about fifteen years ago when they talked about the major priorities for Nevada County and the SR 267 Bypass in Truckee was discussed, the SR 49 congestion and safety issues, the Dorsey Drive Interchange, and the SR 89 Mousehole. Mr. Krage said from that point, and continuing on the intent that the NCTC members had, was to tackle SR 49 one way or another. He said about four or five years ago it became clearly a fact that the county could never amass enough money to widen SR 49 from McKnight Way down to Wolf/Combie Road, but that they would take sections and develop them. The La Barr Meadows Road location was the first major section taken and developed.

Mr. Krage said whatever unspecified amount is in the RTIP funds, he thought the intent has been that this would begin to tackle another section of SR 49 to better deal with the safety issues. He said there has been significant improvement over five or six years ago in terms of fatalities and serious injuries, but there is still a highway that is congested and running over capacity, and people are still being killed.

Mr. Krage's strong opinion and recommendation is that it would be good to leave as much funds as possible unallocated with the intent that this is going toward SR 49 as a new project is generated after the La Barr Meadows Road widening. His major concern in authorizing something for contingency on another project is that the NCTC loses control of that money, and he thought that would not be a wise thing to do. He thought the Commission needs to maintain control of the money so it can fall into place in what the Commission deems as the highest priority. Mr. Krage said he was glad to see that funds are coming together for the SR 89 Mousehole since that has been a long-standing safety issue at that location. He thought in terms of setting aside money that moves out of NCTC's control just for contingency purposes is not the thing to do today.

(5) Bruce Jones, Citizens for Highway 49 Safety, said he agreed with Mr. Krage on this. He said there are several projects that have been approved by NCTC that may or may not be financed at this point. He said they have not had a chance to look at projects past 2013, and any money that can be held would certainly be important in those projects. The projects he referred to were at Ladybird Lane, etc., where Caltrans is doing surveying on them, but may not have funding.

Mr. Jones said that transported victims that are seriously injured on SR 49 are taken by helicopter or ambulance to Roseville; they do not go into Grass Valley because the hospital is not certified for that type of care. He provided the Commission with a handout explaining what a Safety Corridor is, just as a reminder, to show what his organization is looking for and trying to keep the SR 49 highway safer in order to get people to use it more often to come up to Grass Valley and Nevada City.

(6) Jason Fouyer, Grass Valley City Council Member, told a story of when he was in high school locally and he was having lunch in the area where IHOP is currently located. He said a woman pulled up in the parking lot with her husband keeled over in the front seat and she asked him how to get to the hospital. Mr. Fouyer tried to explain all the streets and turns it would take to get her there and finally just had her follow him to the hospital. He said if there is one thing about the Dorsey Drive Interchange project, when you start talking about safety, it is providing access to our regional hospital, our regional college, our regional airport, and our regional high school. Mr. Fouyer said he understood that everyone does not always agree on all the projects and all the things that are

happening in our community, but the opportunity is being provided with this item to align behind a project that everyone has been talking and all have agreed is a top priority for our community. He said they could put their money where their mouth is and support the project, get it done, and move on, but more importantly, the community can align around one item and that is the Dorsey Drive Interchange. Mr. Fouyer thanked the Commission and encouraged them to support the project and get it built.

(7) Steve Enos, a resident of Grass Valley and a land use/environmental planner, offered his support and the support of the Grass Valley Neighbors group to move forward with the contingency money for not only Dorsey Drive, but also for the Mousehole project. He said he was a former resident of Truckee and he still has nightmares about the day that he was approaching the Mousehole from the south, heading north, and witnessed a jogger inside the Mousehole being hit by the vehicle in front of him. He said that project is long overdue and it is about people's lives.

Mr. Enos said almost every few days he hears the helicopter flying over his house going to the hospital. He is aware of how many times a helicopter flies in and out of the hospital to pick up people to take them down the hill to try to save their lives. He said when he hears the helicopter he wonders what it took to get that person to the hospital. Mr. Enos said it would be difficult to explain to someone how to get to the hospital and how much worse it would be if it were the time of day when the traffic is bad or when Glenbrook Basin is clogged up with traffic at noon or 3:00 p.m. He said the same thing is true for Idaho-Maryland Road at the roundabout if someone is trying to get to the hospital when there is peak congestion in the morning, at noon, at 3:00 p.m., and at 5:00 p.m.

Mr. Enos said he did not want to spend any more time expressing the value of the Dorsey Drive Interchange project to the community. He said the city has shown their support for it and moved their RDA money to NCTC to build it. He stated if the additional contingency money is not needed it could be used for another project in the future. He said there is a good opportunity to get the TIGER III funds and there are many in the community who have provided input to our representatives in Washington, D.C. to help make that happen.

Mr. Enos reviewed that he is offering support for the Mousehole project and especially for the Dorsey Drive Interchange project to build it. He would like to see provision of direct access to the hospital and the allocation of money for the contingency fund provided.

(8) Barbara Bashall, Executive Director of the Nevada County Contractors' Association, said she has been involved with the Dorsey Drive project for a long time and it is a significant regional project. She believed it was the NCTC's number one priority project to get built. She encouraged the Commission to take the opportunity to make sure the project is fully funded so it can be completed. She said it was exciting to get this far; the project has been designed and she will be looking forward to seeing it completed in her lifetime.

(9) John Foster, Police Chief of the City of Grass Valley, reminded the Commission that the Dorsey Drive project, when you talk about safety, is not just about the hospital. He said when anyone picks up the telephone and dials "911" you want someone there fast. He said it is not only for fire and police, but it is for medical as well. He said the response time will not only help within the city, but it will help within the county to get emergency service people to those needed calls. Mr. Foster encouraged the Commission to consider and support the recommendation.

(10) Edward Sylvester reviewed that he spent sixteen years on the NCTC and four years on the CTC; he was the chairman the last year of that term on the CTC. He said he is an advocate for the Dorsey

Drive with a history going back decades. The Dorsey Drive Interchange came up at one time and it was a very affordable project and yet there were interagency squabbles where at that time the county decided it was a Grass Valley project and Grass Valley decided it was a joint project and it did not go anywhere. Mr. Sylvester said as a result of that the NCTC looked at the overall needs of the county and then chose the Truckee Bypass as the number one project for the Commission. They stayed that course in spite of all of the political back-and-forth prior to the Town's incorporation. He said the Truckee Bypass was built mostly by staying in the consistency, which the CTC looks at very favorably as a consistency on behalf of the local Commission.

Mr. Sylvester stated when the Truckee Bypass was pretty well along, then Dorsey Drive Interchange became number one. He did not want to argue from the point-of-view of the economic benefits and the circulation benefits because they are self-evident. He said his concern is if the NCTC does not maintain and move on this window of opportunity right now with low construction costs and with the funding virtually in place, the project is under jeopardy of being lost. As the economy begins to turn around in 2014, which may happen, then you will see a conditional rise in construction costs. Mr. Sylvester stated with the creative financing going on in Sacramento these days, and the fact that Nevada County has very little advocacy in Sacramento now, he is very concerned that we could lose a lot of the potential funding that we have right now. He said the county does not have a lot of legislative power down there, and at this point we do not have a rural representative on the CTC anymore, so he is really concerned about our jeopardy. Mr. Sylvester told the Commission, with his forty-plus years of experience, that in a flick of an eye those funds can be transferred somewhere else or they can become more important to a much larger urban area who has the political horsepower.

Mr. Sylvester said the county is at an opportune point, and probably the most favorable point it has ever been in, to move the Dorsey Drive Interchange project forward. He advocated the Commission to do that because the alternatives are going to be unacceptable.

Chairman Jostes CLOSED THE PUBLIC HEARING at 11:27 a.m.

Commissioner Dee asked if the $16.66 million STIP funds listed for the Dorsey Drive Interchange included the $6 million in RDA funds from the City of Grass Valley. Executive Director Landon replied that is just the STIP funds; it includes the $6.1 million that was previously expended for the project development and the $10.5 million that is currently programmed for construction. She said it is a $17 million project, and with their $6 million that is $22.6 million. Mr. Landon replied no. The $10.555 million is for construction; add the $5.2 million of RDA, and it brings you to $15 million; and then there is RSTP and other funds that bring it up to $17 million. Commissioner Dee said she was trying to figure this out, because for this year there is also another $10 million programmed as project totals. Mr. Landon said the spreadsheet in the handout showed the $10.5 million programmed in FY 2012/13.

Commissioner Dee questioned if the City of Grass Valley was asking for 25% contingency fund. She said she has never heard of a 25% contingency fund. She said it told her that the city lacks confidence in the bids they expect and the ability to manage the project. Commissioner Dee said she did not think anyone in the community is questioning the need for the Dorsey Drive Interchange improvements. She stated what they are concerned about is a truly unusual contingency fund that the Commission has no control over. If she heard Chet Krage right, he is saying to not relinquish control of the funds, but ask Grass Valley to come back to the Commission if they need them, and that made a lot of sense to her.

Commissioner Dee said she recalled at the September meeting, the Commission asked Caltrans to go back and find out what they could do to mitigate the $1.3 million that was overspent on the Dorsey Drive project, with no oversight by NCTC, but by which the Commission is being penalized for. She asked if there was any answer on what Caltrans can do to mitigate those funds. Executive Director Landon said there is currently no firm response. He added there is no money available to District 3 at this current cycle from their Interregional Program, so there is a verbal, "we will see what we can do in the next cycle, but we cannot do anything in this cycle." Commissioner Dee asked if they see what they can do in the next cycle, does that still take the funds away from NCTC, or does that take it away from Caltrans. Mr. Landon referred to the spreadsheet and said $1.3 million is coming out of NCTC's STIP shares, so the best that can be hoped for is in a future project that Caltrans would overmatch NCTC instead of doing a 50/50 split, and maybe they would do a 60/40 or 70/30 match. Commissioner Dee asked if the Commission is on record as requesting mitigation for that $1.3 million. Executive Director Landon replied yes.

Commissioner Beason said he did not think that anyone in the room objects or argues with the idea that the Dorsey Drive Interchange is an important project and it has a multitude of benefits, most of which have been pointed out. He said the Nevada County Board of Supervisors has voted to approve and has submitted several letters over the years in support, and the NCTC has done the same thing. Commissioner Beason said as the Chair of the Board he recalls sending letters to the state or to our congressmen. The Board worked in 2006 with Congressman Doolittle and asked for $5 million for the project and received $750,000, which is a far cry from $5 million, but it is a pretty good amount. Commissioner Beason said, as he recalls, the Commission has always given Dorsey Drive the highest priority in the RTMF funding since he has been on the NCTC. CMAQ funds were also used toward the Dorsey Drive project. His point was that no one on the Commission thinks the Dorsey project is not important.

Commissioner Beason said after the September 21st meeting he thought the project was fully funded and that alternatives were discussed to disaggregate certain portions of the project. It was said if the bid came in higher than the $17 million, there was a 5% contingency. Many thought that was low, but the response was that 5% of $14 million is a lot of money and it was expected that there would be savings in contract managerial costs because having the city as lead would be cheaper than Caltrans. Commissioner Beason said it was discussed how to save money and keep the project within limits by deleting sidewalks and soundwalls, and maybe making some connectors local projects; at least getting something on the ground and getting it going in anticipation of more.

Commissioner Beason noted that the previous day at their supervisors meeting they raised the topic of Dorsey Drive to get a sense of the Board, and the consensus was why this leap from September 21st from $10.5 million in STIP to $13.5 million in STIP plus another $600,000. He thought the Board would like to see a little more definition of where this $3 million goes rather than just saying we want a bigger contingency, because, usually, in his experience the contingency is for change orders during a project. He did not think it was usual to set aside 25% just in case prices go up. Commissioner Beason said he was a little baffled because the change in the request is not in cost to specific project elements, and he wondered if they should re-estimate the project. He thought that it may be good to have a call for projects, and for people to come back in December for a meeting before the deadline of December 15th. He stated he was stumped, as was the Board of Supervisors. He noted that back in January 2011 there was a request for the county to put about $1 million on top of the construction for Dorsey Drive, and the response of the Board was they wanted to see what they would get for their money first. He added that was basically the response at yesterday's meeting; that before the Board would add 25% to the project, they wanted to know more about what the funds

would be used for. Commissioner Beason said if the Commission delays this topic until December it would give people more time to get specifics about how the money would be spent.

Commissioner Harris agreed with that idea. She said she has been on the Commission for five years and Dorsey Drive has been viewed as a very important project; however, there are other projects that are important as well. She heard about two of them that day and there could be more. Commissioner Harris said to jump ahead and give out more than the amount of new money that will be allocated over the next five years, she thought it was important that the Commission consider other projects in the mix. She said Nevada City does not have a project to submit for STIP funding; however, they do have projects that would work well within the parameters of CMAQ, and when the RTMF is redone in the next year or two, Nevada City has projects that are getting critical. Commissioner Harris thought the Commission should balance all of these and try to make the best decision possible for the total community and all the possible projects; at the same time, continuing to put forth that the Commission understands Dorsey Drive is important to our community.

Commissioner Miller noted since September we have also encountered a $1.3 million cost overrun for the relocation of utilities on the Dorsey Drive project. He said obviously you have never dug up on Spring Hill and realize that you just do not use a D9 Cat with a tine to break up rock. He said what the city is looking at is a higher level of protection so when the construction starts on Dorsey Drive, the city is not caught short because the change orders exceed the 5% contingency that is there right now. Commissioner Miller agreed with Commissioner Dee that 25% is a lot as far as a contingency, but also no one thought Caltrans was going to go $1.3 million over budget just for the relocation of utilities along Dorsey Drive. He said the city was not asking the Commission to do anything that is unusual, and he agreed with Commissioner Harris that it was fine to look at other projects, but if the city does not use the contingency on change orders, the money can be used for other projects. Commissioner Miller said the City of Grass Valley was just looking for the Commission to support what has become the number one priority project in Nevada County. He said there is still going to be $2 million unprogrammed funds from this allocation that if SR 49 needs more money, the Commission has the opportunity and flexibility to designate those funds anywhere they want. He said all the city was trying to do is find a higher level of protection so when this project starts, the city does not have to waste time to come back to the Commission and ask for more money that may not be there or available at that time. Commissioner Miller stated that Dorsey Drive is truly a regional project and not just a City of Grass Valley project. He said it serves a number of institutions that all of the community has used at one time or another. He said to relieve congestion on East Main Street and on Brunswick Road are byproducts also of the Dorsey Drive project. He reviewed that the city is just looking for a higher level of protection. Anyone in the construction business understands that a 5% contingency is extremely low. He added that anyone who has built on Spring Hill understands the cost overrides that they have encountered because you just do not use mechanical means to break out the rock up there. He said the city does not want to be caught short on funds.

Commissioner Guerra questioned Executive Director Landon if the funding was programmed for this purpose and then was not needed, was it no longer in control of the Commission. Executive Director Landon said once the funds are allocated, the CTC has fulfilled its commitment, and if there is money left at the end of the project, it goes back into the top of the state process and would come down to Nevada County not on a dollar-for-dollar basis, but as our percentage of what the state total is. Tim Kiser noted if there are CMAQ dollars left, or RSTP dollars left; if you spend the STIP dollars first, the Commission does have control. Executive Director Landon said that Mr. Kiser's comment is correct. Commissioner Guerra said she did understand Mr. Kiser to say that the first time, but she wanted to be sure her understanding was accurate.

Commissioner Scofield stated he did not think that anyone questions the importance of the Dorsey Drive project, and we have already made that commitment, but suddenly these dollars are just escalating and he wondered what would happen if at construction time the estimates were even higher. Commissioner Miller said that the contingency is one of the protections. Commissioner Miller said if they had the money right now they would build right now, but they cannot build right now because the money has not been allocated. Commissioner Scofield said they are also saying, and he thought Commissioner Beason made this point also, that maybe we need to look at the Dorsey Drive project again because all of a sudden you are saying there are big boulders that have not been anticipated.

Tim Kiser asked if he could address that question. He said this contingency is additional to the project; 5% is extremely low. He said the city has other contingencies if it exceeds this, but there is an opportunity to put a little more money aside to insure the project gets done. If the local money is not spent, the Commission still has some control because there is a three member partnership with the City of Grass Valley, NCTC, and Caltrans on this funding. Commissioner Scofield said the Commission has already seen Caltrans on this project. Mr. Kiser said then you should look at what the city has done on this project, because they have not been in the lead, but they have realigned Joerschke Drive and given up a two-way street to turn into a one-way street in order to save an office building and two homes. He said the city forced Caltrans go back and look at the preliminary project report that was originally done for the project that should have been the guidelines to carry the project forward; to say the two-to-one slopes that will be cut through sheer rock that is known to be there, is ludicrous. Mr. Kiser said Caltrans changed the design back to what was previously approved. He added, in order to save money, the city changed the concept of replacing the entire bridge to salvaging the existing bridge and widening the other half. He said the city has been championing this project for the last five years trying to get it done; cutting the costs. Mr. Kiser said they are showing $17 million right now because the only way you can move forward with the project is for it to be fully funded, and the city came up with another $5.5 million to do it. He said the city now has an opportunity that they did not have three months ago or four months ago. Mr. Kiser said he found out about this item on November 8th. He said the city quickly worked with Mr. Landon; but were not able to provide the background of what specific costs they were looking at and applying. He said they did not have the time to do that, but this is an opportunity the Commission should not lose out on. Mr. Kiser requested the Commission look back to the Minutes from two years previously where the city made a similar request for NCTC to budget construction for Dorsey Drive in FY 2011/12 in the RTIP submittal to the CTC. The CTC decided to go a different direction, even though the NCTC Executive Director recommended that; so it was programmed out two years. Mr. Kiser said the city would have been ready for the money right now; the city could be under construction right now if back two years ago things were decided differently. He said all the city is asking is not to lose out on this opportunity again. They have come so far and the project is truly "shovel ready". He said he understood the $3 million is a huge number to a lot of people, but in the construction industry when you are replacing a bridge and you are redoing almost a mile of extra lanes on the highway, it is not. He said this is not benefiting the city; this is benefiting the region. Commissioner Scofield thanked Mr. Kiser for his explanation.

Commissioner Beason said it was nice to see some passion on this. He asked what Mr. Kiser just heard about on November 8th. Mr. Kiser said the notice came out from Executive Director Landon that the Town of Truckee was going after the RTIP funds for their project, which is a great project too. He wondered if anyone else had a call for a project. Mr.Kiser said he and Mr. Landon are extremely busy and it fell through the cracks. He said he put some information together, but if he had had more time, they would have had more information for the Commission. Commissioner Miller said the city did not know anything about the RTIP funds until they saw the letter from

Truckee requesting the funds; the letter was dated October 20th and had gone through the Truckee Council. Commissioner Beason said he was torn: a) he wants to grant this request; b) we are talking about $3 million plus the right-of-way costs; it is escalating the project and we do have a certain fiduciary responsibility for him to be able to explain our actions, and that was why he thought the Commission needed to talk about this in a little more detail after Mr. Kiser has had a little more chance to get additional information ready and still get the decision process completed before the December 15th STIP deadline. Commissioner Miller said the Commission would have to have a special meeting then. Commissioners Beason and Harris agreed.

Chairman Jostes said he really wanted the Dorsey Drive project to go forward, and he doubted if anyone could show him a better way to spend $3.6 million at this point-in-time. He did think the Commission could take a further look to see if there might be other projects to consider, although $3.6 million does not buy you very much by itself, but it could buy you Dorsey Drive. That was the balance he was looking at. Chairman Jostes said he would hate to see Dorsey Drive fail because of that. He added, in fairness to all the constituencies involved, he thought the Commission should take a look at whether there are other ideas on how to spend the money. He did not want to see the money just banked on some notional project that never matures, and Dorsey Drive not happen. Chairman Jostes said he was inclined to think that is probably the right way to spend the money, but he wondered if staff could get a list of projects that gives the Commission a sense if there are alternatives for this money. He said if there are no alternatives, then the Commission should not waste their time with all of this.

Commissioner Harris asked if the amount under consideration was $7.092 million. Executive Director Landon said the correct amount was $7.492; it was a typographical error. It was asked if the $1.3 million overrun was a part of that. Mr. Landon said yes it was. Another question Commissioner Beason had was what if the California Governor is successful in his lawsuit on the RDA's, and the $5.5 million goes away. Commissioner Miller said that money was protected because it is on deposit with NCTC; the city does not have it. Commissioner Miller said the city is going to "pay the ransom" to maintain their RDA. He said Chairman Jostes was correct; $3.6 million in construction is not a lot of money, but if it buys us Dorsey Drive, then we program the money there, and the money that is not used, the NCTC still has the opportunity to put it somewhere else. Commissioner Beason said he did not think anyone was arguing that. He said he believes the Commissioners have a responsibility to the taxpayers to understand exactly where the money is going so they will be able to explain it.

Commissioner Dee said she still has a concern about turning over $3.6 million without explanation of what the money would be used for. She added, yes, the Commission wants Dorsey Drive to go through and in fairness to Grass Valley, 5% contingency is extremely low. She asked if the project was coming to fruition this year. Executive Director Landon said it is scheduled for construction in the next fiscal year, so this would be the opportune time if any adjustments are to be made. Commissioner Dee suggested taking the contingency to 10%, which is a normal construction contingency, and the Commission hold the balance of the $3.6 million, and bank it through the summer so the Commission maintains control of it. Then, if the project needs more money the city can come to the Commission for it. If they do not need the extra money, then the NCTC still controls the funds to redesignate it without having to go through machinations with the state, the city, or anybody else. Commissioner Beason said he did not think we could do that. Commissioner Dee asked if the Commission had to allocate it to a project right now or could it be held as undesignated funds like the $2.4 million.

Tim Kiser said the concept that he thought would work to meet the needs of the Commission is to budget the STIP funds, since that has the most strings, and then you would enter into an agreement to take back the RSTP, CMAQ, and RTMF funds because those funds have the fewest strings that the Commission could apply to other projects and have more control over. He said if the Commission was going to make the decision that day, and the $3.6 million is a hard pill to swallow, he thought the city would be ecstatic with $3 million for construction. Mr. Kiser said he knows the Commission thinks 10% is a fair number, but he could tell them on a project of this size what the preference is, because if the bids come in high, then the city is going to start cutting things back. He said for him to have the opportunity to complete the project, Day 1, is worth it, and the extra $3 million is there in other funds. He said if the city does not spend it and does not need it to complete the Dorsey project, NCTC could enter into an agreement with the city that those funds have to be authorized by the NCTC Executive Director before they can be spent on the project. Mr. Kiser said, technically, the Commission is approving those funds, but once those state funds are applied, he thought that Mr. Landon would say that if they go unexpended then they go back into the big pot and do not come directly back to Nevada County. He said that is why he recommends spending the money that has the most strings attached first, and spend the funds that have the least strings attached, like the RTMF and the RSTP on a SR 49 project, or other projects; or you could move up a Nevada City project on the RTMF because the Dorsey Drive money is not needed.

Commissioner Scofield asked if the plans that are done include the engineer's estimate. Mr. Kiser said yes, everything that is to-date has been done by Caltrans. Commissioner Scofield asked if, at this point, the city was not anticipating having to increase the engineer's estimate, because that is what the bid is going to go out on, based upon the estimates. Mr. Kiser said the bids go out based on the quantities; so the quantities go out, the bids will be determined by the contractor. He said the city puts a number (i.e. $17 million) as the estimate on the project. Commissioner Scofield asked if contractors tend to look at that. Mr. Kiser said not on a $17 million job because they are going to look at what holes they can find. He said when you get to this size of a project, the low bidder wins, so you get contractors looking at the plans. Mr. Kiser cited the example of C.C. Myers working on earthquake repair and the bid that they did. They found a hole in this timeframe that the incentive for them to complete the project sooner was like $100,000 or $200,000 a day. They completed the project three months in advance and made a huge amount of money. Mr. Kiser said this type of a project the contractors are going to look for the holes, look for the change orders; they subtract that money out of their bids because they know there is the ability for them to make more money in these other areas. Mr. Kiser said it is really important to get good bid documents; that is why having Caltrans put them together is an advantage, and then having a consultant re-review those for the city would put them in a better advantage.

Commissioner Beason said he thought he understood the STIP business; the Commission has to give the CTC an answer by December 15th, and once the Commission gives them that answer, whatever it is, that is etched in stone, but for how long. Executive Director Landon said it is basically two years. Mr. Landon said you can get amendments on occasion, but for example, if you program the $10.5 million that is there today, then the project is allocated by the CTC probably in June or July, you go out to bid, and then discover it is $13 million rather than $10.5 million; it would be very hard to make an amendment at that point with the CTC. Commissioner Beason asked what happens if this money just does not materialize next year; do you just wait for another year and then look at another cycle. Mr. Landon said if the money is not available to NCTC in July 2012 as it is programmed, they will put you on an allocation list and as soon as it becomes available then you get your turn.

Commissioner Beason asked Mr. Kiser if he would not feel more comfortable being able to give the Commission more details on where he wants to go with the additional money, because he thought all

five members of the Nevada County Board of Supervisors were really concerned about lack of definition, or what they thought was lack of definition, where they were just looking at putting more money on the Dorsey project; they would like to know more about it. Commissioner Beason said he thought there was an opportunity to do that; then maybe Mr. Kiser could get some of his questions answered and others could do a little more research on answering more intelligent questions. He said the Commission did not get their packets to review until the previous Friday. Mr. Kiser said, in fairness to the City of Grass Valley, there are a lot of questions on the information that is being provided by them; he asked why those same questions are not being asked of Truckee. Mr. Kiser said the city has construction plans that are ready to go to bid; they have a construction estimate that is based on the plans that are ready to go to bid. He said the city is further along than Truckee, and not saying that Truckee is not a great project, he was not dispelling Truckee, but their estimates at this point are just estimates. Commissioner Beason said his inference was that Truckee would be included in telling the Commission about their project. He said the problem the Board of Supervisors was having is the leap from $10.5 million, with a Cooperative Agreement and ready to go ahead and fully fund the project and find ways to work around the project, if in fact the $10.5 million does not work along with all the other funding. He said the Board wants to know what caused this leap, and the fact that it was defined as an increase in contingency, made a couple of men on the Board who have done projects nervous.

Mr. Kiser said maybe we could take a step back; the city honed in on $17 million because that is the money they could scrape, drag, and pull together. He said in order to go to the CTC to request money, you have to have a fully funded project. He said the estimate is Caltrans' best guess and it is quality; it is not just made up for $17 million, but in order to get to that number they only put a 5% contingency on it. Mr. Kiser said he was not comfortable with 5% contingency on a project that large and knowing the difficulties of trying to do retrofit projects, and trying to modify existing structures, it is a low contingency. He said they could definitely provide more detail if that is what is needed. Commissioner Beason said his argument is not with the philosophy or Mr. Kiser's efforts; he thought people would like just a little more knowledge of what would be done with the additional $3.6 million.

Commissioner Harris stated it would be good for the Commission to see details from both Truckee and the City of Grass Valley. She said it is their responsibility to make sure they understand these things well before they commit the taxpayers money. She said if there is a way to have a meeting where they could get more information and still meet the deadlines, she thought that would be a responsible thing for the Commission to do. Mr. Kiser asked for clarification on what the Commission would want to see, because he can revise the engineer's estimate, and the contingency can be 5% and you can get the $3 million, but he does not think that is what the Commission wants. He said he was lacking in understanding. If there is a concern over the expenditure of money, why not tie up the other funds the Commission has put forward to this project, and pull local funds out. He said to leave the project at $17 million, pull the funds out of the project that are in the NCTC's control, put the STIP dollars in, and then the Commission has total say. Commissioner Miller said what is impossible to do is to foretell what is going to come forward on a change order on a large construction project. He said it could be that they would have to spend $2.5 million more on excavation because they ran into rock; typically your soils are where you run into problems, or your costs for concrete and asphalt were higher than expected because fuel prices took a huge jump, so you have to allow for that. Commissioner Miller said he could not see where you could come back with a laundry list of where that $3.6 million contingency is going to land as far as project cost overruns that are going to result from change orders. He said that is his experience; a change order comes back because the contractor realizes this cost was higher than they expected because of an occurrence that was out of their control.

Commissioner Dee said she wanted to get back to her original question. There is $2.5 million in unprogrammed funds; those just sit in the bank until the Commission comes up with a project. She asked, what would be the problem of not allocating the $3.6 million; that could still go into the unprogrammed balance, is that correct. Executive Director Landon said it could, but with regard to Dorsey if she was thinking that this summer if the bids come in high the Commission would come back and pull that out; the state will be programming based on our submittals in December and there may not be "cash" available to make that change. Commissioner Dee said she understood. Based on what Mr. Kiser just said, Commissioner Dee asked if the Commission can legally tie up the city's other funds. Mr. Landon said he thought that could be done. Commissioner Dee said then before the Commission votes on this, if it is December 14th or whatever, if Mr. Kiser feels he cannot give the Commission more definition, she would like to see a Letter of Agreement committing the other funds to the Commission if they are not spent, before the Commission allots $3.5 million of STIP funds to the city for the Dorsey project. She asked if that was a fair request. Commissioner Beason said it would have to supersede the agreement that was signed in September. Mr. Landon agreed. Commissioner Dee said her concern is once the contractors know that the money is out there, they will bid high, but that is something we will have to deal with.

Chairman Jostes said another question is the NCTC has this $5 million minus $1.3 million that the Commission already has, and if they do not program this $3.6 million for Dorsey Drive it goes into this fund. He asked if the money that is sitting in there right now, the $5 million minus $1.3 million; next summer does the Commission have discretion to do what they want to do with that $4 million or is it programmed by STIP also. Executive Director Landon said no. Chairman Jostes said if the NCTC does not program that money for something by some point in time, it cannot be used, is that correct. Mr. Landon said it is analogues to having a bank account and you are only allowed to make withdrawals at certain periods of time. Chairman Jostes said that includes the $3 or $4 million that is remaining in there right now. Mr. Landon responded yes. Chairman Jostes said if he wants to spend the $3-4 million that is there now and he wants to spend it on something next summer, does he have to make a commitment by December 15th. Mr. Landon said yes, in general, to be more specific you might not program the funds and then next summer, or next year, you might say we had an unanticipated cost and we want to get more of that money out. He said what withdrawing the funds will depend on is the cash flow that is going through the state at that point-in-time. If they have sufficient cash flow they "might" approve your allocation request amendment or they might not, based on if there are other projects that are drawing down money, and if they can make the cash flow work. Chairman Jostes said that would be too risky.

Commissioner Miller said the city is not going to embezzle the money; they are not going to build a park with the money. They are just hoping the Commission will understand that they want a higher level of protection for when they do go to bid and construction starts that this project is not going to be caught cash poor. He said that is the easiest way to put it. To him it is a practical decision to make; the Commission programs the money and it is there; they feel comfortable if all of it is not used it goes back; the Commission makes another finding as far as direction for it.

Commissioner Scofield asked to make a statement as a District 2 Supervisor. He recalled that Steve Enos made a comment about helicopters at the hospital; helicopters are not going to go away if Dorsey Drive is built; they are pretty much headed for the trauma units down in Roseville. He said the helicopters in his mind so often are in response to accidents that are on SR 49 and those are deaths that you can say are happening. Commissioner Scofield said he just wanted to make sure that by doing this, and he understands the priority of Dorsey Drive, that the Commission is not taking away from projects and that the Commission will have to wait twenty years to get any further improvements on SR 49. He asked Winder Bajwa if the projects that are on the books right now are

not affected by any decision that would be made on these funds. Mr. Bajwa said the other SR 49 projects are being funded by SHOPP funds, except for the La Barr Meadows Road project. Commissioner Scofield said he wanted to make the statement that he understood where Mr. Kiser was coming from too.

Chairman Jostes called a five minute recess and the meeting continued at 12:16 p.m.

Chairman Jostes said clearly there were many questions on this and there are questions in several areas: 1) Perhaps more definition on how the $3.6 million was arrived at, and how it would be spent. 2) Certain money from certain funds have different strings attached to them, etc. and how much control the Commission can retain on each one of them; he thought the Commission needed more answers on how that system really works. 3) If the Commission decided not to spend this money on Dorsey Drive, are there legitimate projects that would compete with Dorsey, and if they are not legitimate projects, the Commission needs to know that. He did not think it was appropriate to bank this money; the Commission needed to know where it would go if not on Dorsey. Chairman Jostes said perhaps it would be appropriate to continue this issue to a future NCTC meeting, and a possible date to meet was said to be December 14th, to answer the questions that have been brought up here, and to provide what other clarifications would be appropriate to help the Commission make this decision. He said it is more a matter of the details of it, rather than Dorsey being under attack; it is simply a matter of understanding how the money is going to flow and why it is flowing that way. He said he would entertain a motion.

Commissioner Guerra asked Executive Director Landon if the Commission met on December 14th if that would be enough time to make the December 15th deadline. Executive Director Landon said that staff could handle it.

Commissioner Dee asked, prior to making the motion, if any other city that has a project they would like to bring forward, especially in the unprogrammed balance, that the NCTC get that on the calendar as well, because if this is money that is unprogrammed and it becomes an amendment then to a CTC request, maybe the Commission would want to put that in as well. She said this would give them a little more time to look at it, but maybe Nevada City has something; take a quick look and see if there is a project you want to get into this funding. Commissioner Beason said they would take a look at the Mousehole as well.

Commissioner Miller said the Commission would request that the City of Grass Valley, Town of Truckee, and whomever wants to submit a request for these programmed dollars, that they make the request with detail as to how these monies are going to be spent. Commissioner Dee responded yes.

Commissioner Dee made a motion to continue the discussion on this item to December 14th. Commissioner Scofield seconded the motion. The motion passed with ayes from Commissioners Beason, Dee, Guerra, Harris, Jostes, and Scofield. Commissioner Miller voted no.

Commissioner Beason said that everyone in spirit is in support of Dorsey; it is just that they have to go back and answer to people.

Executive Director Landon said to be aware that if there are other projects out there, there are procedural requirements that have to be gone through, so it is not just a matter of saying, "This is a project we would like to have." He said if there is a jurisdiction that has something, they will certainly entertain that, but it is not very likely that there is a project that could meet all the

requirements. Commissioner Scofield replied, "Nor was that our intent." Commissioner Beason said he thought there were two that they are really looking at.

*Commissioner Dee left the meeting at 12:20 p.m.

Chairman Jostes reviewed that the RTIP discussion would continue and staff would notify the Commission, local jurisdictions, and the public of the future date, time, and location.

INFORMATIONAL ITEMS

5. Correspondence

There was no discussion on Correspondence.

6. Executive Director's Report

6.2 U.S. Environmental Protection Agency (EPA) Implementation of National Ozone Standards

Executive Director Landon reported that the U.S. EPA, at the direction of President Obama, will not be changing the National Ambient Air Quality Standards at this point-in-time. They are looking at doing it further down the road. Mr. Landon said it was interesting to note that when NCTC staff and Commissioners made their trip to Washington, D.C. earlier this year, one of the key issues was the burden that the proposed regulations would have on rural economies and that was in keeping with the President's newly formed council on rural economics. He said that was one of the issues in a letter from President Obama to the administrator of the U.S. EPA that he gave them not to go forward with this program. Mr. Landon said you cannot make a direct link, but he thinks the group that traveled to Washington, D.C. had some bearing on the decision and achieved the goal for the time being. Commissioner Beason said one of his colleagues said they were the canary in the coal mine.

**Commissioner Miller left the meeting at 12:23 p.m. due to a prior engagement.

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

- *SR 20 Safety Project Between Penn Valley Road and Deadman's Flat Overcrossing* – Mr. Bajwa reported the work started about one month ago and is about 95% complete. All paving, striping, and rumble strips are complete. The only work remaining is to install the two radar units and that should be completed by the end of this month.

- *SR 49 Minor A Operational Project* – Mr. Bajwa reported that the two projects come out of the SHOPP program. One of the projects that covers Carriage Road, Ladybird Drive, and Cherry Lane has the environmental work in progress and the project report and environmental document will be completed by the end of 2011. Mr. Bajwa said design work will be done by April or May 2012 and the project can be allocated next summer. Caltrans is advancing this project from a program in FY 2012/13 Minor A Program so they can get the funds allocated in this fiscal year. They may have to wait until next fiscal year if this does not work to move it forward.

Executive Director Landon asked the status of Brewer Road and Smith Road. Mr. Bajwa replied that Caltrans will be following up on those two projects next year, once the other locations are completed. He said they all will be SHOPP projects; there is no STIP funding involved.

Commissioner Scofield commented that it seems they have done a very good job at the SR 49/La Barr Meadows Road project; he has been impressed. Mr. Bajwa agreed and said they are closing the project for winter and will come back next spring to finish it off and have the facility open to the public by the end of summer. The K-rails will remain through the winter and next season they will start work on the other side of the road, shift the traffic over, and finish the frontage roads and connections.

ADDITIONAL ACTION ITEMS

9. Contract to Develop the Western Nevada County Public Transportation Governance Study

Commissioner Beason made a motion to approve this item since four of the Commissioners were in attendance at the Transit Services Commission meeting previously where the item was discussed and recommended for approval. The motion was to adopt Resolution 11-37 authorizing the Chairman to execute the contract with LSC Transportation Consultants, Inc. to develop the Western Nevada County Public Transportation Governance Study, with an amount not to exceed $39,895. Commissioner Harris seconded the motion. The motion passed unanimously.

10. Contract to Develop the Town of Truckee Mobility Needs Assessment

Executive Director Landon explained that similar to the previous item, this is a project that was funded through a Federal Transit Administration grant. NCTC staff conducted a request for proposals process in concert with the Town of Truckee staff and six firms proposed; three firms were interviewed. Mr. Landon said the interview panel included Mike Woodman and representatives from the Town of Truckee, and they selected the firm LSC Transportation Consultants, Inc.

The request before the Commission was to adopt Resolution 11-39 authorizing the Chairman to execute the contract with LSC Transportation Consultants, Inc. to develop the Town of Truckee Mobility Needs Assessment, with an amount not to exceed $29,960. Commissioner Beason moved to approve the contract. Commissioner Scofield seconded the motion. The motion passed unanimously.

11. Resolution Supporting Construction of a Pedestrian/Bicycle Trail from Nevada City Highway to Lower Grass Valley Road

Executive Director Landon explained that this project is a true grass-roots effort spearheaded by Jerry Henderson, a Grass Valley resident, who was previously at the meeting, but left before the item was discussed. Mr. Landon said that Mr. Henderson started out by looking at the Nevada County Bicycle Master Plan that shows a potential connection between the north end of Sutton Way and the south end of Granholm Lane underneath the Banner Lava Cap overcrossing. It was determined in his work with Caltrans that they could not support construction of that path due to safety concerns. He said Mr. Henderson then looked for other ways to improve pedestrian/bicycle access between Grass Valley and Nevada City, and identified an opportunity to construct a connector trail from the Nevada City Highway to Lower Grass Valley Road as described in the memo provided to the Commission.

Executive Director Landon showed a visual display from Google Maps of the various locations to be improved. He noted at the Banner Lava Cap overcrossing the road is fairly wide and there is a striped bicycle shoulder on the left hand side of the road, but as you move forward down the road the width of the striped shoulder on the left becomes narrower, and in some places it is only a couple of feet. He added there is no pedestrian facility on the right hand side of the road down through that stretch. Mr. Landon said there is a dirt path along a portion of it and at one point there is nothing on the right side for pedestrians. He said bicycles as they move northward on this are fairly able to keep up with traffic, but on the left hand side as you are coming up the grade, bicycles are extremely slow and the shoulder is pretty narrow. He said pedestrians are forced up onto the dirt area to walk along. Mr. Landon said as you approach Ridge Road it begins to open up again, although pedestrians do not have any dedicated facility.

Executive Director Landon said Mr. Henderson worked with Caltrans and the county. Caltrans indicated they would be willing to relinquish R/W to the county to make the trail. He said Mr. Henderson determined that the Bear Yuba Land Trust is willing to construct the path and maintain it; they will enter into a Maintenance Agreement with the county to do that. He also told Mr. Landon that he obtained the services of a surveyor that would be willing to do the surveys for free. Mr. Landon said the only costs for the project would be approximately $10,000 for fencing, and Mr. Henderson is working on acquiring that through the Bear Yuba Land Trust. Mr. Landon said the project has wide support and NCTC staff is recommending the Commission authorize a resolution of support to indicate to Caltrans the support for this local project. The project will also be added to the Nevada County Bicycle Master Plan and the Pedestrian Improvement Plan.

Chairman Jostes asked if the county takes ownership of the project, and the path is on their land, are there liabilities that go with it. Executive Director Landon assumed that if the county is in control of the R/W and the path is on their property, it would be their liability, but it is probably not anything they are too concerned about since it is a normal type of liability you would have for a facility. Commissioner Harris asked if it is currently the county's liability. Mr. Landon said it is currently Caltrans R/W, but there is no path. He added to the extent that the path is in the county, he guessed they had liability.

Steve Castleberry, Nevada County Public Works Department Engineer, said the intention is once the path is built the county will enter into a Maintenance Agreement with the Land Trust and they will essentially maintain the path and any liability that would go along with maintaining the trail. He said the Land Trust has built trails in county R/W all over the county, so this is not an unusual situation and he would not anticipate a lot of liability.

Commissioner Beason acknowledged that Mr. Castleberry has done a lot of work to make the path happen and he made it happen really fast. There were several piece parts involved and Commissioner Beason thought Mr. Castleberry deserved some public credit for the work he did. Mr. Castleberry gave a nod to Caltrans also; he sent them a letter about the project and they wrote back in one week. Commissioner Harris said thank you to Mr. Henderson also for his work. Commissioner Beason said Mr. Henderson had been pushing this idea for a long time.

Commissioner Beason made a motion to adopt Resolution 11-39 supporting the construction of a pedestrian/bicycle trail to connect Nevada City Highway to Lower Grass Valley Road, and directing NCTC staff to incorporate the trail into the Nevada County Bicycle Master Plan and the Nevada County Pedestrian Improvement Plan. Commissioner Harris seconded the motion. The motion passed unanimously.

COMMISSION ANNOUNCEMENTS

There were no Commission announcements.

SCHEDULE FOR NEXT MEETING

A special meeting has been called for December and is tentatively scheduled for December 14, 2011; time and location and quorum of Commissioners is to be determined.

The next regularly scheduled meeting of the Nevada County Transportation Commission is on January 18, 2012 at the Nevada County Board of Supervisors Chambers, 950 Maidu Avenue, Nevada City, CA.

ADJOURNMENT OF MEETING

Commissioner Beason made a motion to adjourn the meeting. Commissioner Harris seconded the motion. Chairman Jostes adjourned the meeting at 12:35 p.m.

Respectfully submitted: Antoinette Perry
Antoinette Perry, Administrative Assistant

Approved on: 12/14/11

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