



NEVADA COUNTY TRANSPORTATION COMMISSION

Grass Valley • Nevada City • Nevada County • Truckee

MINUTES OF MEETING January 26, 2011

A meeting of the Nevada County Transportation Commission (NCTC) was held on Wednesday, January 26, 2011 in the City of Grass Valley Council Chambers, 125 East Main Street, Grass Valley, 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 Dee convened the Nevada County Transportation Commission meeting at 9:30 a.m.

ACTION ITEMS

15. Dorsey Drive Interchange Project: Joint Special Meeting with Grass Valley City Council

Chairman Dee requested that the Commission move this item forward to accommodate the Grass Valley City Council members who were in attendance. Commissioner Miller introduced the other members of the City Council as follows: Mayor Jan Arbuckle, Council Member Jason Fouyer, Council Member Yolanda Cookson, and Council Member Lisa Swarhout.

Executive Director Landon explained that at the January 11, 2011 Grass Valley City Council meeting, the Council discussed their economic development strategies and priorities, and they stated their number one priority project for economic development is the Dorsey Drive Interchange. At that meeting they directed city staff to come back with recommendations for the Council on how they might proceed to get to construction of the interchange. Mr. Landon said that Tim Kiser, Grass Valley Public Works Director, and Dan Holler, Grass Valley City Administrator, made a presentation the previous evening to the City Council. The plan for the joint meeting was to have the City Council in attendance at the NCTC meeting so they could have dialogue on this topic.

Mr. Kiser gave a similar presentation to the NCTC as was given the previous evening. This allowed the NCTC to gain a better understanding of the city's priority project, their thoughts related to current funding that the Commission has control over, and recommendations that the city would like NCTC to consider. Mr. Landon said that the city was not seeking action by the Commission, but for NCTC to provide direction to staff if they determine they would like a proposal brought back to address how to accomplish the tasks needed to move the Dorsey Drive Interchange project forward.

1. RSTP funds – Since the city gets \$60-80,000 per year allocated to them by the NCTC and they would desire to keep it in reserve and not apply it to any projects in the next three years so the funds would build up to potentially \$200,000 that could be used as contingency funds.
2. Future RTMF fees that would continue to be collected over the next few years could be set aside as contingency funds.
3. The city could enter into an agreement with other local agencies for sources of funding that would be the last funds used and the first funds reimbursed, to close any other potential funding gaps.

The city would also set up a reimbursement program that would be approved by NCTC.

Mr. Kiser outlined the goals of the City of Grass Valley regarding the Dorsey Drive Interchange:

1. Fully fund the Dorsey Drive Interchange project as quickly as possible. He said this step is key because it is one of two steps that would make the city eligible for potential advanced or unexpended funds in the STIP Program.
2. Completion of the design plans and right-of-way acquisition. Once Caltrans completes these, it would put the city in a position to go to the California Transportation Commission (CTC) and request any unexpended funds to start the project early since the city has the local match funds. That opportunity was available last year. The city would like to assist Caltrans to expedite their estimated completion dates from August/September 2011 to get the project ready to construct by June 2011.
3. Get CTC approval of the plans and the STIP funds, and move forward to construction as soon as possible. The funds are programmed for FY 2012/13, so the worst case scenario would be to go to construction by July FY 2012/13.
4. Complete construction and construction administration. Mr. Kiser said the City of Grass Valley is looking for support from NCTC to take over the lead agency role for the STIP funds for the completion of the construction project. He said that would give the city more control over how the construction funds are spent, and it would require the city to hire consultants to oversee the construction and inspection elements. Caltrans would still be involved as a support element and the city would be working with them on the encroachment permit.

In summary, Mr. Kiser said the City of Grass Valley is requesting NCTC to support the full funding of the Dorsey Drive Interchange project. The city realizes that this may require some future action by the Commission to ask NCTC staff to bring back official documentation to allocate \$250,000 in RSTP funds and \$550,000 in CMAQ funds, as requested by the city. He noted that within the RTMF Program there is an Administrative Plan that sets out the Technical Advisory Committee (TAC), the Administrative Committee, and the Executive Committee, that are required to look at any reimbursement agreements, any changes in the RTMF Program, and also identifying a lead agency for the RTMF funds. Mr. Kiser said with the City of Grass Valley putting in roughly \$6.5 million to fully fund the Dorsey Drive Interchange project, they would like to make sure whatever implications that would have on the RTMF Program, that the appropriate committees have looked at proposed actions and determined that there are reimbursement mechanisms in place. Mr. Kiser said this would be a key issue in his mind if the city does look to other local agencies to secure additional contingency funds. He thinks the first thing they would ask is how they are going to be reimbursed. The TAC and Administrative Committee would make a recommendation to the Executive Committee, which would be made up of one representative from each of the three jurisdictions involved in the RTMF Program, i.e. the City of Grass Valley, Nevada City, and Nevada County.

also the signalization and right turn lane at Dorsey Drive, as well as some pedestrian and bicycle components that staff did not have the final number for, but it appears it is coming up to what is needed. Commissioner Beason asked the status on the acquisition of right-of-way. Mr. Kiser said that Mr. Bajwa would provide the most up-to-date information in his Caltrans Report later on in the meeting. Commissioner Beason said that would be fine. Mr. Holler reported that right-of-way issues are being worked through and the city believes they can be resolved in time to allow the project to move forward. Commissioner Beason said he would have no objection to the City of Grass Valley managing the STIP funds because they are programmed for the Dorsey Drive project. His understanding is that the NCTC will know in April or May whether those funds will become available by August and if they will be available before the FY 2012/13. Executive Director Landon responded that the CTC will be looking at projects in the April/May timeframe that need to complete their funding obligations by the end of the Federal Fiscal Year on September 30th. In that timeframe the CTC will be looking for any projects that will fail to use their funding and they will want to redirect those funds to projects that then can utilize the funds so they do not lapse and California does not lose any federal funding. The project would need to be ready to obligate funds by the August/September timeframe to have the funds utilized before the end of the Federal Fiscal Year. Commissioner Beason said there is \$5 million in the Redevelopment Agency (RDA) fund balance. He understood that the city would be working on a financial plan that is more comprehensive once they get the approvals they need.

Commissioner Guerra asked if the city wants to be the project lead to speed up the process. Mr. Kiser said there are pros and cons; one of the advantages of having Caltrans manage the construction phase is they have access to G-12 funds. [Note: The CTC adopted resolution G-12 in 1978 to delegate authority for Caltrans to adjust project allocations and modify project descriptions.] That means if the project exceeds the cost estimates, Caltrans has an ability to go after some additional reserves. Local agencies do not have that benefit, which is why the City of Grass Valley would have other contingency plans in place. Mr. Kiser said the negative to having Caltrans manage the construction phase is that the city feels they can get a better price by using consultants to manage the project, with current market conditions, than the cost that Caltrans charges. The city is looking at approximately \$500,000 to manage construction. The percentages they are showing are in the neighborhood of 20% right now because of some funding; if local funds are used, it is a higher overhead rate than if state and federal funds are used, which is how it was explained to Mr. Kiser. He said a normal construction job of this size is somewhere between 8-12% for an oversight, which is a significant savings on that \$3 million. If construction costs go up, that is another area the city can save money and move money to construction and have a little less construction inspection costs. Mr. Holler said there is also the issue of speed and responsiveness of working with Caltrans and others in the area. Mr. Kiser said probably the biggest benefit of all is the city can do risk bidding, whereas Caltrans will not do risk bidding. For Caltrans to start the bid process, the funding has to be approved and in their coffers. If the city does not get their STIP dollars until July 2012, Caltrans will not start the bidding process until July 2012. Mr. Kiser explained that the city can do a risk bid and go two or three months in advance of that, have the bid sitting there pending the funding approval, so it would allow the city to expedite the process a couple of months.

Commissioner Harris said, speaking on risk, that she felt the Commission needed to have some sense of the risk involved; the money would be spent rapidly to try to expedite the project and make it come to fruition, and then possibly a number of things could go wrong, and the project would stop dead in its tracks and the money could effectively be down the drain. She would like to get the city's assessment of what those risks are, because even though the request is reasonable to redirect the funds, it is the Commission's obligation to make sure funding is not wasted that could have been used on something that does come to fruition in the community. Commissioner Harris asked the city

order to have the bids come in to tie into the 2012/13 date. Commissioner Beason said the city could get bids before they even have to spend any construction money so if the bids are too high, then there would be another plan in their hip pocket. Mr. Holler agreed that there are options for the city to exercise to modify the project in order to bring costs down if they are the lead agency.

Commissioner Jostes said, in his mind, the whole project is about risk, because the funding is right on the edge. He stated that he supports the whole plan the city laid out, but he is concerned that being so close to the edge is still a bit of "house-of-cards" and something could get kicked out. He said in the private sector if you overextend the project, you go for a supplement, and your corporation or whomever would probably kick in the money, but this does not work that way. Commissioner Jostes said he would hope, in a formal way, that the City of Grass Valley would bid the project with contingent elements that can be dropped out of the bid, or if you have multiple contracts to do different parts of the project, there would be specific earmarks to be dropped in order to stay within the costs. He would hate to see the project go on ten months from now and fall apart because there are no contingent elements. Commissioner Jostes said he is not disappointed that the city is doing the whole project, and he understands there would be design costs to change the project, but there was some merit in reducing the scope simply to stay within the bounds of the funds available. Mr. Holler said the work that was done to consider the scope reduction has already benefited the city in preparation of the bidding process, because things have been identified to do as bid alternates if reductions are needed. Mr. Holler said the other benefit the city got was to look at the scope of the project and tie it in with the city's redevelopment work, in terms of the benefits back to the agency, to be able to free up additional dollars in that area. Mr. Holler said another risk was if you only bid a portion of the project, and that becomes permanent, then there is a challenge in the future of how to complete the rest of the project. He said it seemed to make more sense to bid the whole project at this time, given the cost estimates, and then if the project has to be narrowed down, so be it. Commissioner Jostes said he understood the logic and he knew it was a balance of one side or the other, and the city came down on one side, which is fine. Mr. Holler agreed that it is a risk.

Commissioner Scofield agreed with Commissioner Jostes' statements. He also supports the city's proposals, but he said it does feel like a "house-of-cards," and some of the people the Board Supervisors get their advice from have real nervousness about the project. He hopes the city has the ability to handle the project with their small staff. Mr. Kiser said the city would be hiring a consultant to run the entire project, and that was how the City of Rocklin built their interchange at Sierra College; it was all run by consultants. He said there are consultants in the private sector that do this type of work on a daily basis. Mr. Kiser stated the city's flexibility in the bidding process and being able to bid sooner as huge advantages in his opinion. Mr. Kiser said the other issue for the city, if they wait until July and Caltrans bids it, by the time you get six months out, you have almost lost that whole summer of the construction season, so you would be putting off the project for another whole year. The city is hoping that they can start construction in the same season the project is bid. Commissioner Scofield said he was glad to see that one of the points was to get ahead of the game, even if the funds don't come in until 2012/13. He looks at the SR 49/La Barr Meadows Road project that has seemed to go on and on and he questioned if the \$10.5 million for Dorsey Drive funding is contingent on the sale of bonds, as was needed for the La Barr project. Executive Director Landon replied that there are no bond funds on the Dorsey Drive project. The \$10.5 million is state transportation funds that are budgeted. Mr. Landon said when you talk about risk, until a state budget is in place each year, there is always some risk. He did not want to minimize that, but some of the recent legislative actions, and actions by the voters, have put some firewalls around transportation funds, so there is a better indication that the funds are secure. Mr. Landon reiterated that until the budget is in place, and NCTC is informed that the funds are available, there is a risk.

long for this interchange, so he thinks the public appetite is to put other projects on the shelf for now to get the interchange built.

Commissioner Beason acknowledged that the city mentioned going to local agencies for funding assistance if necessary. He spoke with Commissioner Miller and Executive Director Landon, and also spoke with Commissioner Scofield as the second member of the NCTC from the Board and the Chairman of the Board of Supervisors for Nevada County, and it was presented informally at the Board's workshop in terms of the fact that the county may be asked, with conditions, to provide money to help fund the Dorsey Drive project. He said the Board's general response was they did not want to even talk about it until the project cost is determined. Commissioner Beason said they did not present it to the Board as a stopper, or as the contingency funds, or as the cost overrun offset, so that needs to be kept in mind. The Board is very enthusiastic about going forward. They did discuss the possibility of using some RTMF funds that are slated for the Brunswick/Loma Rica area (he thought it was around \$900,000), as being helpful possibly to the cost of the project, but they did not talk about that in terms of being a contingency fallback. Commissioner Beason stated that the Board did not say no to this; it is just not the way it was framed to them. Mr. Holler said their hope on this, and coming in with the lower cost estimate, would be that they can show a fully funded project, and then agencies like the county could look at the proposal as being contingent funding now and not required funding to build the project. He said until the city gets a bid they do not know the number of funds needed. Commissioner Beason said that was the Board's whole thing – what are they paying for and how much. He referred back to the contingency discussion and said if you have something stacked on top of 5%, that is one thing, and if you don't he would be losing sleep at night.

Chairman Dee opened up the discussion for Public Comment. Al Bulf, of 11482 Ridge Road in Nevada City, commented that it takes twenty thousand tons of aggregate for one mile of highway and forty-four thousand gallons of diesel fuel, with the emission of 468,000 metric tons of CO2. He said with the price of raw materials going up, next year they are supposed to start on high speed rail in California, and he has been the representative for SMUD (Sacramento Municipal Utility District) to the High Speed Rail Commission; that is going to take a lot of concrete and steel. Mr. Bulf said what is going on in Southeast Asia and other parts of the world, courtesy of the Chinese railroad building, is they are going to use a lot of concrete and steel. He said that last year China refined two-thirds of the iron ore in the world and that should fall on no deaf ears. Mr. Bulf maintains that what the Europeans have been doing as far as building transportation projects, is considering how much energy it takes to build it, to maintain it, and the longevity of the service to the public. He said there is no balanced transportation system in our country; there is not a good public transportation system. He has been an advocate for good public transportation since he got out of the nuclear navy in 1967. He said being in Japan and riding on their systems and seeing how they are built, and listening to his father as to how they built the systems in Europe, he thought the U.S. was way behind and they needed to build up a balanced transportation mode, and that does not include building interchanges and continuing to foster people to drive. He said 485 million gallons a day of gasoline are consumed in the U.S., and who can afford to buy a \$40,000 Chevy Volt, and there are lithium batteries and rare earth materials in it. Mr. Bulf is advocating an electric rail system for Nevada County to bring in more people with less impact. He encouraged the NCTC to change direction from fostering driving and do it fast. He said it takes energy to build these systems.

Steve Enos, resident of Grass Valley and a land use planner, stated that there is a window of time now that has never been seen before and will never be seen again. If the city does not go ahead and do everything humanly possible, and everybody who could benefit from this in the community to go ahead, and get the construction plans done as quickly as possible, and get this out to bid as quickly as possible, it is never going to happen. Mr. Enos referred to the gentleman who spoke before him and

Commissioner Miller asked if staff would review one more time the Executive Committee for RTMF and the consensus it has to reach. Executive Director Landon replied that in the RTMF Administrative Plan it anticipated that there would be changes needed in the program over time; therefore an Executive Committee was established that is comprised of one member of NCTC representing Nevada County, and NCTC members representing Grass Valley and Nevada City. That committee has final authority and is responsible for reviewing and acting upon recommendations for project selection, prioritization of projects, and strategic planning. The Executive Committee shall review and consider recommendations on projects from the Administrative Committee, which is made up of the Public Works Directors and Administrative Officers of the three entities. Executive Director Landon is also a member of the Administrative Committee. Any action taken by the Executive Committee must be approved by all three members in order to be in force. Commissioner Miller reviewed that currently the Executive Committee is made up of Commissioners Harris, Miller and Beason or Scofield. Commissioner Beason asked if the RTMF funds they have been talking about for Dorsey Drive are already programmed. Executive Director Landon said the funds are set aside for Dorsey Drive and the action of the Executive Committee would be to address any sort of reimbursement coming from the RTMF for future funds. Mr. Landon said currently there is \$11 million identified for Dorsey Drive, so as that money is collected, it potentially could be used to reimburse any agency that puts money into the Dorsey Drive project. He explained if the county would put in additional money to help fund the project that is a potential source of the money reimbursement.

Commissioner Beason said to keep in mind that whatever is developed as a result of this, which by the way the Board considered the Dorsey Drive project in terms of the Loma Rica Ranch development, and there is RTMF money that has to be collected from the developers. There was no further discussion.

CONSENT ITEMS

1. Certificate of Appreciation

Commissioner Chauncey Poston. *Authorized Chairman to sign.*

2. Financial Reports

A. October 2010, November 2010, and December 2010. *Approved.*

3. NCTC Minutes

November 17, 2010 Meeting. *Approved.*

4. Allocation Request from the Town of Truckee. *Adopted Resolution 11-01 approving the Town of Truckee's request for an allocation of \$30,000 from Regional Surface Transportation Program (RSTP) funds for the Truckee River Legacy Trail Phase 3A Project.*

5. Allocation Request from Nevada City. *Adopted Resolution 11-02 approving Nevada City's request for an allocation of \$17,386 from RSTP funds for the Pine Street Overlay Project.*

6. Allocation Request from Nevada City. *Adopted Resolution 11-03 approving Nevada City's request for an allocation of \$7,956 from Pedestrian/Bicycle Local Transportation Funds for the York Street/Coyote Street Sidewalk Project.*

13.3 Joint Unmet Transit Needs Workshop

Executive Director Landon stated there was a brief report from Mike Woodman, NCTC Transportation Planner, regarding an unmet needs workshop that was held in eastern Nevada County.

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

- *Dorsey Drive Interchange* – Mr. Bajwa said that Tim Kiser did a good job explaining what Caltrans will be doing in the next few months on the project. Mr. Bajwa reported that the design work is about 90% done and the design has not been changed much. Some revisions have been made based on negotiations with property owners. The Plans, Specifications, and Estimates (PS&E) should be done within the next two to three months. Mr. Bajwa said once that work is completed in District 3, it will be sent to Caltrans Headquarters to prepare the documents for advertisement. He thought it would take two to three months to get the project ready for advertisement, so they are looking at August or September to have the PS&E done.

Mr. Bajwa said the right-of-way acquisition is going to be a risky side of the project delivery. There are five parcels that have not been acquired. He said there are two parcels Caltrans anticipates signing within the next month or two. The property owners had comments that were addressed and contracts have been given to them for review and signature. Mr. Bajwa said there are two parcels that are owned by the convalescent home and there has been some resistance. He said they will try to accommodate the owner as much as possible, but they may have to go through the condemnation process and that could take some time, i.e. six months to two years. Caltrans said they can seek a permit to enter and do construction, and they will work through the compensation issue. The other way to handle it would be to work around the parcel and state in the contract that that parcel would not be available until a certain date and the contractor will accordingly bid on the project.

Mr. Bajwa said as far as the contract delivery is concerned, Caltrans wants to take the project and do the RTL (ready-to-list) by September. He reported that last September the federal government had \$300 million available that they wanted to spend. Caltrans put all the money on SHOPP (State Highway Operations and Protection Program) projects, accelerated some projects, and they captured a lot of that money. He said that scenario could happen again this year, and if that does, Caltrans wants to be ready with the Dorsey Drive Interchange project to capture those federal funds. Mr. Bajwa said if that happened, there would be a chance that the CTC would advance the STIP funding from 2012/13 to this fiscal year.

Mr. Bajwa commented on the financial plan that Mr. Kiser presented. Caltrans would require a Cooperative Agreement be drawn up and signed. Also, Mr. Bajwa and Mr. Landon will update the STIP and FTIP (Federal Transportation Improvement Program) to have it in place to do the E76 funding. Mr. Bajwa explained that E76 is an allocation that is done by the federal government and it must be submitted by September in order for them to obligate money to a project if money becomes available.

Mr. Bajwa reported that two parcels Caltrans is dealing with will require utility relocation. There is a third parcel that will require utility easement, but utilities cannot be relocated until that parcel has been secured. Utility relocation must be completed before construction starts.

the actual date. Chairman Dee said the project is only funded through the design phase. Mr. Bajwa said the estimated cost for construction is about \$5 million.

- *SR 20 Safety Project between Penn Valley Road and Deadman's Flat Overcrossing* – Mr. Bajwa said the project is going through final plans and estimates. The project is expected to go out to bid in April and construction is anticipated to start sometime in August. He said it is a seventy working day project, so plans are to finish construction by the end of fall 2011. The asphalt concrete work is dependent on the temperature being at a certain level, so they are hoping the weather will hold up to complete the work this year.
- *SR 49 Minor A Operational Project* – There are two separate Minor A Projects and the areas of improvement are at Carriage Road, Ladybird Drive, Smith Road, and Brewer Road. Caltrans is hoping to fund the projects earlier, but currently they are planned to fund for construction in the FY 2012/13.

Commissioner Scofield asked if the funding delay was the timing issue to start construction. Mr. Bajwa said FY 2012/13 is when the funding for construction is available at this point, but they will try to accelerate the funding to deliver construction at an earlier date.

ACTION ITEMS:

16. Western Nevada County Transit Development Plan Final Report (Final report was provided to the Commissioners only.)

Michael Woodman stated that he presented the final report at that morning's meeting of the Transit Services Commission (TSC), which was held just before the NCTC meeting. Based on direction received from the TSC at their September 2010 meeting, NCTC staff worked with the Project Advisory Committee and the consultant, Transit Resource Center, and made some modifications to the report in an attempt to address their concerns. Mr. Woodman said earlier in that meeting the TSC adopted the report, and Transit staff also requested NCTC staff assist them in applying for a Transportation Planning Grant, to look at ways to reduce the administrative costs of the transit systems in western Nevada County. He said that staff's recommendation is to approve Resolution 11-09 adopting the *Nevada County Transportation Commission Transit Development Plan Update – Western Nevada County FY 2010/11 to FY 2014/15 Final Report*, as complete in accordance with the contract with Transit Resource Center. Mr. Woodman asked if the Commission would also be comfortable to direct staff to assist the TSC to apply for grant funds to conduct the study to look at ways to reduce the administrative costs of the transit system.

Commissioner Beason made a motion to adopt Resolution 11-09 and to approve the TSC's request to help them look for ways to reduce the administrative costs of the transit system. Commissioner Guerra seconded the motion. Mr. Woodman added that also at the TSC meeting they asked that a preamble be added to the final report to document that this report does not bind the TSC in any way in making decisions on how the transit system operates in the future and future decisions. Mr. Woodman will work with the Transit Manager to craft the language and it will be included in the final report. Commissioner Beason added that his motion presumes that inclusion. Commissioner Guerra seconded the inclusion. The motion passed unanimously.

17. Contract to Prepare a Supplemental EIR for the RTP (Copies of the contract were in Commissioner's packets only.)

PUBLIC COMMENT

There were no public comments.

COMMISSION ANNOUNCEMENTS

There were no Commission announcements.

SCHEDULE FOR NEXT MEETING

The next regularly scheduled meeting of the Nevada County Transportation Commission is on March 16, 2011 at the City of Nevada City Council Chambers, 317 Broad Street, Nevada City, CA.

ADJOURNMENT OF MEETING

Commissioner Dee moved to adjourn the meeting. Commissioner Miller seconded the motion. Chairman Jostes adjourned the meeting at 10:57 a.m.

Respectfully submitted:

Antoinette Perry
Antoinette Perry, Administrative Assistant

Approved on:

March 16, 2011

By:

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