



# NEVADA COUNTY TRANSPORTATION COMMISSION

Grass Valley • Nevada City • Nevada County • Truckee

## MINUTES OF MEETING January 25, 2012

A meeting of the Nevada County Transportation Commission (NCTC) was held on Wednesday, January 25, 2012 in the Nevada County Board of Supervisors Chambers, 950 Maidu Avenue, Nevada City, California. The meeting was scheduled for 9:30 a.m.

Members Present: Nate Beason, Ann Guerra, Sally Harris, Larry Jostes, Dan Miller, and Ed Scofield

Members Absent: Carolyn Wallace Dee

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 10:05 a.m.

Pledge of Allegiance

### PUBLIC COMMENT

There were no public comments.

**At 10:08 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 with Legal Counsel. Commissioner Miller recused himself from the Closed Session. The other five Commissioners in attendance (Commissioner Dee was absent), 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 at 10:55 a.m. He stated there was no information to report from the Closed Session.

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**At 10:55 a.m. Chairman Jostes ADJOURNED THE NEVADA COUNTY AIRPORT LAND USE COMMISSION AND RECONVENED THE NEVADA COUNTY TRANSPORTATION COMMISSION.**

CONSENT ITEMS

1. Financial Reports
  - A. October, November, December 2011. *Approved.*
2. NCTC/NCALUC Minutes

December 14, 2011 Special Meeting. *Approved.*
3. FY 2010/11 Fiscal and Compliance Audits. *Accepted the FY 2010/11 Fiscal and Compliance Audits of the Nevada County Transportation Commission, Town of Truckee Transit, and the Nevada County Transit Services.*
4. FTA Section 5311 FFY 2012 Program of Projects (POP). *Adopted Resolution 12-01 approving the FTA Section 5311 Federal Fiscal Year (FFY) 2012 Program of Projects.*
5. Nevada County's Request for NCTC's Approval of Certifications and Assurances for Their FTA Section 5311 FFY 2012 Grant Application Package in the Amount of \$316,301. *Adopted Resolution 12-02 approving the programming of FFY 2012 FTA Section 5311 Grant funds in the amount of \$316,301 for Nevada County from the regional apportionment.*
6. Town of Truckee's Request for NCTC's Approval of Certifications and Assurances for Their FTA Section 5311 FFY 2012 Grant Application Package in the Amount of \$61,857. *Adopted Resolution 12-03 approving the programming of FFY 2012 FTA Section 5311 Grant funds in the amount of \$61,857 for Truckee from the regional apportionment.*

Commissioner Harris made a motion to approve the Consent Calendar. Commissioner Beason seconded the motion. The motion passed unanimously.

INFORMATIONAL ITEMS

7. Correspondence

There was no discussion on Correspondence.

8. Executive Director's Report

- 8.1 Western Nevada County Public Transportation Governance Study

Michael Woodman, Transportation Planner, reported that LSC Transportation Consultants, Inc. completed the summary of existing transit services in western Nevada County, and reviewed the institutional arrangements and funding responsibilities. LSC also prepared an overview of the various alternatives for the governance of public transportation including overall feasibility, existing or needed statutory authority, and regulatory limitations. Mr. Woodman said LSC also compiled peer transit agency data and they are reviewing the associated institutional arrangements and

administrative costs. He reported all the information is being compiled into a Technical Memorandum that would be reviewed by the Project Advisory Committee (PAC) the following Tuesday. After that meeting there would be a public workshop held that day at the Hullender Room at Grass Valley City Hall from 1:00-3:00 p.m. Mr. Woodman said at the workshop the consultant would provide an overview of the study, the study purpose, the different alternative structures, and the existing structures, plus they would discuss the pros and cons, and receive input from the public and interested individuals on what those alternatives might be. After the workshop, LSC will continue to analyze some of the alternatives and compare additional information for the PAC to review. Mr. Woodman said the draft report is scheduled to be presented to the Transit Services Commission (TSC) at their March 21, 2012 meeting and the final report is scheduled to be presented at the May 16<sup>th</sup> TSC meeting.

## 8.2 Town of Truckee Mobility Needs Assessment

Mr. Woodman reported that LSC Transportation Consultants, Inc. completed an inventory of existing public and private transportation services, an analysis of demographic and economic data for the area, and an evaluation of existing services. Public outreach activities are currently underway to gather input from the community at key activity centers regarding mobility needs and existing services. Mr. Woodman said the results of those tasks will be compiled into a Technical Memorandum that will be reviewed by the PAC in early to mid-February. The consultant will then continue to work on Technical Memorandum #2 that will include an analysis of strategies and potential solutions for mobility in the Truckee area. A public outreach effort will then be held at that point-in-time, and that input, along with the input from the PAC, will be presented in a draft report to the Truckee Town Council in March. Mr. Woodman said the final report will be presented to the Truckee Town Council at a meeting in May.

## 8.3 Social Services Transportation Advisory Council (SSTAC)

Mr. Woodman reported that the SSTAC held a meeting on January 12<sup>th</sup> and provided input on unmet transit needs in western and eastern Nevada County. Those unmet needs are being forwarded to the appropriate transit operators for their consideration for possible implementation and planning.

There were no comments.

## 9. Caltrans District 3 Project Status Report: Winder Bajwa, Caltrans Project Manager for Nevada County, and Trisha Tillotson, City of Grass Valley Senior Engineer

- *Dorsey Drive Interchange* – Mr. Bajwa reported the City of Grass Valley is now officially the implementing agency on the project, so they are the lead on the construction phase. He said Executive Director Landon submitted the Project Change Request to Caltrans Headquarters for the increase in Regional Improvement Program (RIP) funds for construction. The total funds currently are \$14.155 million and this will be included in the 2012 State Transportation Improvement Program (STIP) process. Mr. Bajwa said since the funding was changed, they will have to amend the Cooperative Agreement between Caltrans, City of Grass Valley, and NCTC. A draft Cooperative Agreement was prepared by Caltrans and is being reviewed by Executive Director Landon and Tim Kiser of Grass Valley. A draft Freeway Maintenance Agreement is being reviewed by the city and Caltrans and it should be finalized in the next month. Mr. Bajwa said a fund request was submitted to the California Transportation Commission (CTC) in December 2011, but they did not take any action. The CTC did put the Dorsey Drive project on the list as a delivered project; if funding becomes

available they can move forward with the allocation. He said it is not anticipated that the funds will be allocated until June or July of this year at the earliest. Utility relocation work is underway; NID work is done, PG&E work is in progress, and AT&T and Comcast will follow.

Trisha Tillotson reported that requests for proposals for construction management services was issued on January 20<sup>th</sup> and is available on the City of Grass Valley website; the due date is February 21, 2012. She said they are on schedule as presented at the previous NCTC meeting. Interviews are scheduled to begin the first of March and the contract is projected to be in place by April. Ms. Tillotson said the evaluation interview panel is set up.

Executive Director Landon reported that staff sent in the STIP submittal that was approved at the previous NCTC meeting, and on February 8<sup>th</sup> he will be at the CTC meeting to voice support for the submittal. He added that late February or early March the staff recommendations from the CTC will come out and the CTC is scheduled to approve the STIP at the end of March. He said he communicated with the CTC staff as he did the submittal and he thought the county was in a good position. Chairman Jostes said he thought the approval was expected later than March. Mr. Landon replied that the STIP programming document itself is what will be approved in March; the allocation will come in June or July.

- *La Barr Meadows Widening Project* – Mr. Bajwa reported the project is 45% complete and the project is under winter suspension.
- *SR 89 Mousehole Pedestrian/Bicycle Tunnel* – Mr. Bajwa reported that the Town of Truckee is now the lead agency to develop the project; Caltrans is the oversight agency. He said the project is 60-65% complete and a 65% review will be coming up soon for comment by Caltrans and the Union Pacific Railroad (UPRR). As they were working on final refinements to the design, it was determined that further work was needed for project approval; therefore the Town will prepare a supplemental project report to identify a slightly amended project scope and boundary. Mr. Bajwa said they do not expect any major issues with the environmental right-of-way (R/W); everything will be done within the state or town R/W. He said the R/W acquisition and appraisal process is underway. He added they are extending the easement with UPRR. Currently there is an easement with UPRR at the Mousehole and that easement will be expanded to include the pedestrian tunnel. He thought this could be finished quickly. Mr. Bajwa was told the final design will be done by fall 2012 and the project will be ready for advertisement in 2013. ADA (Americans with Disabilities Act) SHOPP (State Highway Operations and Protection Program) funds are scheduled in the FY 2014/15 with hopes that the funds will be available earlier.
- *SR 20 Safety Project Between Penn Valley Road and Deadman's Flat Overcrossing* – Mr. Bajwa reported the work is 95% complete. All paving, striping, and rumble strips are complete. The only work remaining is to install two radar units. He spoke to a construction engineer and they are waiting for the radar units. The contractor will be finishing that work and the units should be activated by the end of February.
- *SR 49 Minor A Operational Project* – Mr. Bajwa reported the first project of two will be improvements at Carriage Road, Ladybird Drive, and Cherry Lane. Environmental work is in progress. He said they found after they did some environmental surveys that there would be a little more environmental impact than they anticipated earlier. Caltrans will be required to secure two environmental permits: a #401 permit for the Regional Water Quality Control

Board, which is a California permit issued by the regional board; and a #404 permit that is a U.S. Army Corps of Engineers permit that impacts wetlands. He said as a result of this, the Project Report and Environmental Document were not ready as they hoped in December, and they now forecast the completion by spring 2012. This will delay the design work, so they are anticipating the project will go to construction the summer of 2013, depending on the state funding situation at that time.

Commissioner Beason asked when it was originally planned to start construction of this project. Mr. Bajwa said the original idea was to have the project ready for allocation sometime in May or June 2012. Commissioner Beason asked if the permits delayed the work until 2013, which delayed the project almost one year. Mr. Bajwa said he thought the project could be allocated by the end of 2012, and depending on the weather, they may not be able to start construction until next year. He said once they get allocation of funds, it could take four to six months to complete the process from advertisement all the way to the contract award. Commissioner Beason said his understanding was the project consists of turn pockets and striping. Mr. Bajwa said they are mostly little widening slivers. Commissioner Beason said he was having a hard time understanding the amount of time required to get this kind of work done. He said it sounded like there was more of an administrative time allocation to this than the actual work. Mr. Bajwa said initially Caltrans did not think they would need the permits, and extra time is now needed to secure them. Caltrans also has to work with the regulatory agencies to make sure that the work will not impact their regulations, so there is a little back and forth that goes on. He said they do not usually have to deal with these types of issues.

Chairman Jostes asked if the agencies came to Caltrans saying these types of projects need this type of permitting. Mr. Bajwa replied that it is required by law that Caltrans staff take a look at the site of each project to determine if there is anything required to report to the regulatory agencies. He said there are inspectors from the U.S. Army Corps of Engineers that inspect projects on a routine basis, and if Caltrans does not report something and the Corps of Engineers find it, they will shut the project down and they will levy penalties on Caltrans.

Commissioner Beason asked if Caltrans staff could not scope these issues earlier in the process. Mr. Bajwa said Caltrans has to get certain information to do their design work. One of the things they do is field surveys where they go to the site and design the project to see where the footprints will lay; without a design effort they cannot go out and give the actual impacts that are there. He said it has to come with the design process, because otherwise they cannot do an impact analysis to the environment when they go to the site. He said because there is widening and not just restriping, they may have to put dirt into the ditches or waterways and that causes a problem.

Commissioner Scofield asked if the environmental review has to be done on all five areas slated for improvement. He thought that Smith Road for one does not appear to have the environmental concerns that some of the other locations further south would have. Mr. Bajwa said yes, every project has to go through the same process because it is required by law, whether they are minor or major projects. He said even a rumblestrip project has to have a categorical exclusion done. Commissioner Scofield questioned this because Mr. Bajwa said the project is requiring more than they had anticipated. Mr. Bajwa replied that they were not expecting to impact any type of wetlands or anything like that. He said even though there are numerous sites for improvement, it is looked at as one project, so if just one area is impacted, then the whole project has to come under that environmental CEQA (California Environmental Quality Act) clearance. Executive Director Landon said it is surprising what is determined as waters of the U.S.; cattails in a roadside ditch become an environmental waterway. Commissioner Beason added that leaks from NID ditches are sometimes considered.

- *Overlay of Pavement from Indian Springs Road to the West Junction of SR 20/49 in Grass Valley; Continuing to the Junction of SR 20/49 east of Nevada City* – Mr. Bajwa said this is a new project that was amended into the SHOPP Program in 2010. There are two projects, but Caltrans is going to combine them into one contract. The first project is programmed for \$8.5 million in the 2010 SHOPP. The second project is located at the end of the first project and is programmed for \$12.2 million in the 2010 SHOPP. Mr. Bajwa said the purpose of these two projects is to rehabilitate the roadway to provide quality and to extend the life of the existing pavement. He said there are certain areas on the freeway they will not pave, such as the Dorsey Drive Interchange area, because of the timing of that project. He said the area where the rumble strip was recently added will also be taken out of this project. The design work and environmental work is being done. Mr. Bajwa said advertisement for this project should occur in July or August 2012 and construction could occur this fall if the weather permits.

Commissioner Harris referred to the second project programmed for \$12.2 million and said the Nevada City Council has been informed that the speed limit is going to be raised to 60 miles per hour (mph) for almost the entire section of highway from the junction of SR 20/49 in Grass Valley to the junction of SR 20/49 in Nevada City. She said the Nevada City Council requested a public hearing even though the council does not have authority over the speed limit. She has heard two concerns: 1) You are still going to have to slow down to 50 mph to go around the bend at Sacramento Street/Broad Street because it is not safe enough to drive at 60 mph; 2) With the freeway going through Nevada City, noise is always an issue. Commissioner Harris wondered if there was a way with the “ride quality” improvement to use materials that make it quieter, like rubberized asphalt. She said that product was considered for use on Boulder Street, but it was too steep to use it. She said if this was not sufficient enough of a project to use the rubberized asphalt, then when would the full resurfacing take place where a quieter product might be considered. Mr. Bajwa said Caltrans does employ that strategy with many projects where they can; otherwise asphalt concrete does reduce the noise. Mr. Bajwa said he would check on the details as to what type of material Caltrans will use. He said they can look at the possibility of the rubberized material, if the cost is not prohibitive, since it is a more expensive material. Mr. Bajwa said he would get back to Executive Director Landon with an answer to that question.

Mr. Bajwa commented, as far as the 60 mph issue was concerned, he was not aware of the proposed change; Caltrans Traffic Department handles those issues. He said they do a speed survey analysis, and based on a certain formula they have, that is how they set the speed limit; it is a pretty standardized formula throughout the state. He said if the speed limit is increased, it is based on a very systematic process. Commissioner Harris said the council will hear more about that in the public hearing, but she thought this was an opportunity to bring up the idea of there being a way to mitigate the noise. She said the faster the vehicles go, the noisier it is going to be, so it would be great if there were a way to change that. Mr. Bajwa said he will check on this as well and get back to Mr. Landon.

Commissioner Beason said he may be wrong, but it has been his understanding that if there is a public hearing and the consensus is that the community does not want the speed limit raised, then Caltrans will not raise it. Mr. Bajwa said that was difficult for him to answer. He knows this issue has come up in different jurisdictions within District 3, but he does not get involved in these types of issues. He will find out and let the Commission know. Commissioner Beason asked if people were doing 80 mph on the freeway, would they raise the speed limit to 80 just because of the speeds. Commissioner Beason said this came up once before and he was told about the public hearing, and if the consensus of the public was that they did not want the speed limit increased, then the speed limit

would not be raised. Commissioner Scofield said the problem is the courts will not prosecute speeders. Mr. Bajwa said there can be an issue if Caltrans does an analysis and then there is an accident in that area; then there is a legal issue too. He said that was why he was hesitant to say one way or the other; he will check to see how Caltrans handles these matters.

## ACTION ITEMS

### 10. Amendment II to the Overall Work Program

Executive Director Landon said this was Amendment II to the FY 2011/12 Overall Work Program (OWP). He explained there were changes to the budget that were caused by a significant reduction in insurance costs when NCTC joined the Special District Risk Management Authority. The savings were spread to other work items needing additional funding, i.e. adding funding for printing and reproduction, increasing the computer software and computer network maintenance costs, and adding \$1,000 to the office lease line item to cover an increase in common area maintenance fees.

Executive Director Landon said another change was to budget funding for the lawsuit that is being conducted at this time, with regard to the Nevada County Airport Land Use Compatibility Plan (NCALUCP). He said the budget was increased in Work Element (WE) 2.4 to provide for both the attorney fees and legal costs and the additional compatibility consulting that staff anticipates will be needed.

Executive Director Landon said they added a budget item in the Regional Transportation Plan (RTP) WE 2.1 to cover the funding that was required for the filing for CEQA fees when the Commission adopted the RTP in July 2011. He said the Commission was given a waiver in previous RTPs, but this time when staff went back through the Department of Fish and Game they were no longer providing those waivers, so the full fees were needed to be paid.

Executive Director Landon referred discussion to Trisha Tillotson from the City of Grass Valley who submitted a memo from the City Administrator regarding the proposed budget amendment. Trisha Tillotson reported that Grass Valley City Administrator, Dan Holler, sent an email to Mr. Landon at 8:46 a.m. that morning and it was distributed to the Commission by Ms. Tillotson at this meeting. She said the City of Grass Valley received questions on the use of the Regional Surface Transportation Program (RSTP) funds for legal and consultant services for the NCALUCP. She summarized the four questions or concerns: 1) A request was made to see a written legal opinion regarding the use of the fund; 2) if the funds can be used in the manner with the limited nexus, does this mean that future allocations of RSTP funds would be open to airport related planning efforts and potential improvement; 3) is there a loss of RSTP funds for other various agencies or projects, and if any, what is the allocation of the funds – how is that going to work; 4) is there a potential loss of future revenue if this type of expenditure is not appropriate. Ms. Tillotson stated the email asked that additional information be provided prior to action by the Commission.

Executive Director Landon responded that he obviously did not have an opportunity to go through each of those items in detail prior to the meeting, but he reported that previous to presenting Amendment II of the OWP to the Commission, legal staff for NCTC contacted Caltrans Division of Aeronautics staff and asked about the appropriateness of the funding. He said, based on their positive responses, staff did program RSTP funds as shown. Mr. Landon said that staff can reconfirm that. He suggested in order to not slow down the process of adjusting the budget, that the Commission look at Table 1 in the packet information. He said it is a Budget Summary in the OWP and directed them to page B1 of Item 10. Mr. Landon explained that the shaded column,

Amendment I, was the current budget the Commission is operating under. At the bottom, associated with that current budget, there is an estimated \$194,593 fund balance. Mr. Landon proposed that on Resolution 12-04, the line that shows \$150,000 for Regional Surface Transportation Program, be modified to read "or fund balance". He said then the use of RSTP funds could be reconfirmed with Caltrans. If there is any problem with using RSTP funds, then the existing fund balance could be used. He said that would provide for the legal costs and consulting fees that are anticipated to be needed during the lawsuit.

Commissioner Beason referred to the email from Mr. Holler and asked if he expected a response from Executive Director Landon. Mr. Landon said yes he assumed so. Commissioner Beason questioned since the City of Grass Valley is the Plaintiff in the lawsuit against the Commission, is NCTC obliged to respond to this. Nancy Miller, Legal Counsel for the Commission, responded that it was a request from the City of Grass Valley, so because it relates to the funding of a lawsuit, the Commission can respond to it. She did not think there was any problem with that. Ms. Miller thought the Commission had responded to a lot of it already since the process was confirmed with Caltrans, so staff can always go back to them on question one. Regarding 2), "... does this open up future allocations of RSTP funds...", Ms. Miller responded that if the Commission were sued again, it might. Response to 3) "What is the loss ...", Ms. Miller said the loss would be potentially the amount of money expended. Question 4) "What is the potential loss of future revenue ...", Ms. Miller said she did not think anyone could answer that at this time.

Chairman Jostes asked Executive Director Landon to phrase the changes needed to Resolution 12-04 to allow for a vote. Mr. Landon responded in the text of the resolution, under "BE IT FURTHER RESOLVED", where it shows "\$150,000 for Regional Surface Transportation Program (RSTP)," to add text "or NCTC Fund Balance".

Commissioner Harris made a motion to adopt Resolution 12-04, as stated, approving Amendment II to the FY 2011/12 Overall Work Program. Commissioner Scofield seconded the motion. The motion passed with Aye votes from Commissioners Beason, Guerra, Harris, Jostes and Scofield. Commissioner Miller abstained from the vote, and Commissioner Dee was absent.

#### 11. Election of Officers

Commissioner Beason said if it was the pleasure of the Commission, he thought that Chairman Jostes was doing a great job and he supported his reappointment as Chairman for 2012. Chairman Jostes gave the other Commissioners an opportunity to volunteer for the position. No one spoke up. Commissioner Beason formally nominated Commissioner Jostes for Chairman in the year 2012. Commissioner Miller seconded the motion. The motion passed unanimously.

Chairman Jostes asked for a nomination or volunteer for Vice Chairman. Commissioner Beason nominated Commissioner Scofield for a second year as Vice Chairman in the year 2012. Chairman Jostes seconded the nomination. The motion passed unanimously.

#### 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 21, 2012 at the City of Grass Valley Council Chambers, 125 East Main Street, Grass Valley, CA.

ADJOURNMENT OF MEETING

Chairman Jostes adjourned the meeting at 11:35 a.m.

Respectfully submitted: Antoinette Perry  
Antoinette Perry, Administrative Assistant

Approved on: 3/21/12

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

