



NEVADA COUNTY TRANSPORTATION COMMISSION

Grass Valley • Nevada City • Nevada County • Truckee

MINUTES OF MEETING March 21, 2012

A meeting of the Nevada County Transportation Commission (NCTC) and the Nevada County Airport Land Use Commission (NCALUC) was held on Wednesday, March 21, 2012 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, 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 10:40 a.m.

Pledge of Allegiance

PUBLIC COMMENT

There were no public comments.

At 10:43 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, Legal Counsel Matt McOmber with the firm Miller & Owen Attorneys at Law, 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.

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. January and February 2012. *Approved.*
- B. FY 2011/12 Regional Surface Transportation Program (RSTP) Balances. *Approved.*

2. NCTC/NCALUC Minutes

January 25, 2012 Meeting. *Approved.*

3. Revised Findings of Apportionment for FY 2011/12 and Preliminary Findings of Apportionment for FY 2012/13. *Adopted Resolution 12-05 accepting the Revised Findings of Apportionment for FY 2011/12, and adopted Resolution 12-06 accepting the Preliminary Findings of Apportionment for FY 2012/13.*

4. FY 2012/13 State Transit Assistance (STA) Apportionments. *Adopted the FY 2012/13 STA apportionment table as a basis for allocation from the STA Fund.*

5. FY 2010/11 Fiscal and Compliance Audits. *Accepted the FY 2010/11 Fiscal and Compliance Audits of Nevada County, Nevada City and Truckee RSTP; Nevada County and Nevada City Pedestrian/Bicycle; Gold Country Telecare Transportation Development Act; and Grass Valley Regional Transportation Mitigation Fee.*

6. Allocation Request from the County of Nevada for Regional Surface Transportation Program Funds. *Adopted Resolution 12-07 approving the allocation of \$43,726.13 from the RSTP to the County of Nevada for their 2011 Western Overlay Project, and adopted Resolution 12-08 approving the allocation of \$90,000 from the RSTP to the County of Nevada for the Red Dog Road widening and paving project.*

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

INFORMATIONAL ITEMS

7. Correspondence

- C. Letter from the Nevada County Department of Public Works - Acknowledged Transit Services Division had \$399,590 in deferred revenue and will be budgeting the funds in FY 2012/13. 2/8/12, File: 720.12.

Executive Director Landon noted that it is the Commission's policy that when there are deferred revenues, the holder of those revenues either return them to NCTC or request reallocation of those funds. The Department of Public Works was letting NCTC know that they intend to put the funds in their budget and requested reallocation of the funds for FY 2012/13.

8. Executive Director's Report

8.1 2012 State Transportation Improvement Program (STIP)

Executive Director Landon reported that in December the Commission forwarded to the state a number of actions for the 2012 STIP and the California Transportation Commission (CTC) staff have issued their recommendations. All of the submittals from NCTC will be approved at the March 29th CTC meeting.

Commissioner Beason asked if the future widening project on SR 49 from La Barr Meadows Road to McKnight Way was going to focus on safety improvements along the SR 49 corridor, frontage roads, collecting of access points, etc. He thought it was being called a "widening" project because the funding has to be used to do certain preliminary steps to get to the safety improvements. Executive Director Landon replied that was correct. The first phase would be Project Approval and Environmental Documentation, and as a part of that process, there will be a selection and review of alternatives. Once the alternatives have been reviewed and a preferred alternative is defined, then Caltrans will move into the next step of beginning to design the project and get it ready for construction. Mr. Landon stated there would be public outreach during that process. Commissioner Beason reviewed that at a previous meeting there were members of the public that were very concerned about what the Commission was doing with this project, and he just wanted to reiterate that NCTC wants to incrementally make the highway safe. Mr. Landon said the project scope is not set.

8.2 Dorsey Drive Interchange Status

Executive Director Landon deferred this report to an item later in the agenda when City of Grass Valley staff will give a report on what they have accomplished on the project.

8.3 North State Super Region (NSSR) Transportation For Economic Development Study

Executive Director Landon stated a large grant was provided to the NSSR group, which is 16 northern counties including Nevada County as the southern-most county. He said the Shasta County Regional Transportation Planning Agency, on behalf of that group, has accepted the \$225,000 grant. The consultant has been selected and over the course of the next ten to eleven months they will be developing this study that looks at the relationship between economic development strategies and transportation improvements with the goal of helping the super region to become more competitive for state and federal funding. Mr. Landon said it would also identify for local counties things they may be able to do, or emerging technologies that may enable them to pair up both economic development and transportation in their areas. NCTC staff is excited to be a part of the group.

8.4 Designation of Non-Attainment Areas Under the Environmental Protection Agency's (EPA) 2008 National Ambient Air Quality Standards for Ground Level Ozone

Executive Director Landon said a letter arrived in February regarding implementation of the 2008 National Ambient Air Quality Standards, and the trip to Washington, D.C. last June was for the express purpose of making the case for western Nevada County remaining as a separate ozone area because of the distinct topography and other issues that the group brought up to the U.S. EPA. Mr. Landon said the gist of the letter is that the EPA agreed with everything the group took to them in Washington, they put the information into a technical appendix, and said, yes, western Nevada County should remain separate. He said the local group is gratified by the recognition that they

provided good arguments to the EPA. He explained the staff from Northern Sierra Air Quality Management District served as the technical experts that provided the information for the county.

Chairman Jostes asked if there were any questions. Several Commissioners commented that the group did a good job. Chairman Jostes asked if this is completely behind us now for a period of time. Executive Director Landon said that period of time is variable. Chairman Jostes noted that the "current" process is completely behind us now, but the idea of including Nevada County with Sacramento in a non-attainment area could be raised again in the future.

8.5 Reauthorization of Federal Transportation Bill

Chairman Jostes said in watching the news, Congress is playing with the transportation budget in both the House and Senate. He asked to what extent are funds that are important to NCTC, like STIP funds, tied up in that legislation and apportionment. Executive Director Landon replied that the Senate has actually passed their initial draft bill called MAP 21 and it would provide funding for the next two years. The House initially said that when the Senate passed their bill then they would come back and approve the Senate bill, but they now think they would like to extend it to a five-year bill, which has been the traditional length of a federal reallocation. Mr. Landon said at the end of March the current authorization expires and if it expires there would be no money and they would shut down the Federal Highway Administration, revenues would stop going to the federal trust fund, and nothing happens. He said Congress has done eight reauthorization extensions. The collective wisdom is that prior to the end of the month they will either adopt the Senate bill or they will do another extension and they will take it up again close to the end of that extension.

Commissioner Beason said he was in Washington, D.C. in March and he spoke to Feinstein's staff, Boxer's staff, Herger, McClintock, Congressman Costa, and Congressman Mike Thomas, and their thinking is pretty much the same as Executive Director Landon. He said the Senate passed their bill, but the House is nervous because it is an election year and the consensus is it is going to be a two-year bill. Mr. Landon said to the extent that there would be no bill, then the state would not get money from the federal side.

Chairman Jostes said his specific question was about this process in March and then the June/July dates for STIP. Theoretically, the allocation could be stopped if the federal government did not pass something. Executive Director Landon said that was correct. Chairman Jostes commented that this process depends yet again on the federal government passing a bill.

Michael Woodman, NCTC Transportation Planner, said that assessment is correct and there is that risk, but the likelihood of the federal government not moving forward with another continuing resolution is really low. Without a continuing resolution, the federal government would lose a large amount of revenue that goes into the state highway accounts from the federal transportation bill. Mr. Woodman said in all likelihood they will do another extension at this point.

8.6 Western Nevada County Public Transportation Governance Study

Executive Director Landon said most of the NCTC Commissioners are also Transit Services Commissioners and they were given a status report of the Western Nevada County Public Transportation Governance Study at their meeting just prior to the NCTC meeting, therefore he did not give a report.

8.7 Town of Truckee Mobility Needs Assessment

Executive Director Landon reported that the Town of Truckee Mobility Needs Assessment draft has been prepared and it will be presented to the Truckee Town Council in May and their final report will be done in June.

9. Caltrans District 3 Project Status Report

Executive Director Landon commented that Winder Bajwa, Caltrans Project Manager for Nevada County, was unable to attend the meeting due to a training class he is in. Mr. Landon did not think there was anything substantive to bring up on any of the projects; they are all basically in winter suspension. He asked if there were any questions to take back to Mr. Bajwa.

Commissioner Scofield asked about the SR 49 Minor A Safety Projects and wondered why Smith Road and Brewer Road were not listed as the top two priority locations for the five projects, since there is a lot of traffic from people living in those areas. He added the Brewer Road project is located at the end of a passing lane that was added recently, and the Smith Road area gets cars backed up from coming off the freeway. Currently these two locations are in the second phase of the project. Executive Director Landon said he would pose that question to Mr. Bajwa and get an answer. Commissioner Beason asked if Caltrans was going in a certain direction, i.e. north to south or south to north. Mr. Landon said he thought the breakdown of projects was done based on trying to match the funding requirements rather than the geographic locations.

ACTION ITEMS

10. Amendment to the Dorsey Drive Cooperative Agreement

Executive Director Landon stated that Trisha Tillotson, Senior Civil Engineer for the City of Grass Valley, would give a status report on the Dorsey Drive Interchange project. Mr. Landon said that Caltrans had a couple of last minute amendments to the Dorsey Drive Cooperative Agreement, so he recommended not approving the agreement that day and coming back at a special meeting, perhaps April 18th, with the revisions Caltrans has suggested. He encouraged the Commission to keep the approval moving forward to be ready for the State Transportation Improvement Program (STIP) allocation when it comes.

Trisha Tillotson reported that PG&E was continuing their underground gas line and overhead relocations; AT&T will then do their relocations and Comcast will follow after that. She said all utility relocations are on schedule. Ms. Tillotson reported that a panel reviewed proposals for Construction Management Services. The panel included Steve Castleberry, Daniel Landon, Winder Bajwa, Tim Kiser, and Trisha Tillotson; they selected HDR, Inc. for constructability review and permit assistance. She said the contract is fully funded by the City of Grass Valley for \$55,150 and an additional \$15,000 is available if a seismic refraction is needed. She said H&K is a subcontractor of HDR, so she thought it was great to have a local firm working on the project, and they will look at all of the geotechnical work and see if they recommend seismic refraction or not. She reported that the California Transportation Commission (CTC) is scheduled to authorize the construction funding for the project on July 26, 2012. She thought it was critical to get the Cooperative Agreement approved quickly; however, approval would need to wait for the minor changes that Caltrans requested.

Dan Holler, City of Grass Valley Administrator, said he had a telephone conversation with Winder Bajwa that morning regarding trying to move the agreement forward and the timing to have everything in place prior to the CTC meeting. The CTC requires that all agreements be in place by mid-May. Mr. Holler said the one significant change that Caltrans proposed deals with a cash flow issue; they are recommending to create a deposit account and put \$300,000 into it on the front end for the city to draw against because everything is paid in arrears. This account will accommodate the cash flow process of 60 to 90 days in terms of Caltrans getting reimbursements back into the account to replenish it. Mr. Holler said that Mr. Bajwa has language ready for the agreement, but the city has not seen it yet, so staff would take the amended agreement back to the City Council for approval on April 10th. The NCTC could then review the agreement at their special meeting on April 18th.

Dan Holler said, regarding the contract with HDR, Inc., there would be a few minor amendments to the Cooperative Agreement as well. The question was posed if the CTC does not fund the Dorsey Drive Interchange project for some reason, then what happens to any money expended on the front end. He explained there are dollars on the city's side to cover the contract expenses underway, but the city does not anticipate any problems. He added if the federal government does not approve their transportation bill, it could put a crimp in the state funding expected in July. Mr. Holler said there are contingency funds in place to cover the unexpected, and there will be language added to the Cooperative Agreement to affirm that.

Trisha Tillotson added that NCTC requested an addition to Section 4, Article 1, to add NCTC to the first statement that says NCTC will not be responsible if the funding for the project goes away. Mr. Holler said the city would be responsible to fund the contract they signed with HDR, Inc. to prepare the project for construction.

Chairman Jostes asked for clarification in the Cooperative Agreement Amendment No. 1, Item 3, which states the city has already transferred towards the project \$2.235 million of funds to NCTC under a separate agreement between the city and NCTC. He asked if they were referring to the Redevelopment Agency (RDA) funds. Mr. Holler said that was correct. Chairman Jostes said double that amount was transferred to NCTC. Mr. Holler said yes the \$5.7 million is sitting there, and he thought the agreement was referencing to tie that amount to a local match that is called out on the attachment to the agreement to tie those two numbers together. He said the additional money is there to maintain as contingency based on the last action by the Commission as requested by the city. Chairman Jostes asked if it was not necessary to call out the full amount of RDA funds in the Cooperative Agreement. Executive Director Landon said it is not necessary in the Cooperative Agreement with the State of California to refer to RDA funds. He added the action the Commission took in December moved a portion of the RDA funds into the contingency. Mr. Holler said that is not Caltrans' concern in terms of their funding method.

Chairman Jostes asked the Commissioners to solidify a date for the special meeting. The meeting was set for 8:30 a.m. on Wednesday April 18th in the City of Grass Valley Council Chambers, 125 East Main Street, Grass Valley.

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

Mike Woodman reviewed with the Commission that the adopted Multi-Year CMAQ Program was put in place to allow flexibility in case there was a project that ran into delivery issues or jurisdiction priorities changed. He explained the flexibility allows the Commission to move a project back, pull a project forward, and fill gaps to address changes. Mr. Woodman said the two adjustments before

the Commission that day were: 1) A revised estimate that was received from Caltrans for FY 2011/12 that gave western Nevada County additional CMAQ capacity to program projects against; and 2) the County of Nevada's Newtown Road Class II/III Bike Lane Project that is currently in the environmental right-of-way process will not be completed in time for obligation of the \$567,930 construction component of that project that was programmed in FY 11/12. Mr. Woodman reported that Nevada County requested that NCTC consider reprogramming those CMAQ funds out one year to allow them to complete the environmental right-of-way process. Staff determined that the best way to accommodate Nevada County's request to move that project out one year and not leave a big gap in the funding in the FY 11/12 program would be to reprogram the Dorsey Drive Interchange project and move it from FY 12/13 into FY 11/12, while accommodating the request to move the Newtown Road project out one year. He said the Dorsey Drive Interchange project has \$550,000 in funding, so the two projects are close in dollar amounts.

Mr. Woodman said he checked with Caltrans to be sure that the proposed change would not put the Dorsey Drive project in jeopardy and to be sure Caltrans would be able to obligate that funding in FY 11/12. He worked through the issue with Caltrans Local Assistance staff and they assured NCTC staff that they would be able to obligate the funding in Federal Fiscal Year (FFY) 11/12 for the Dorsey Drive Interchange project; however, not until after the CTC allocated the STIP dollars in July. Caltrans Headquarters wanted to make sure that the biggest piece of the funding is approved for the project before they approve obligation for the CMAQ funding. Mr. Woodman said that the proposed change actually solved a concern Caltrans had in regards to the timing of the obligation of funds for Dorsey Drive, and gives the county more time to complete their environmental right-of-way for the Newtown Road Bike Lane Project. Mr. Woodman said NCTC staff reviewed these proposals with the Technical Advisory Committee (TAC) and they support the recommendations to move the Dorsey Drive project into FY 11/12 and move the Newtown Road project out to FY 12/13.

Mr. Woodman said the other point of discussion was that Caltrans released revised estimates for the FFY 11/12 CMAQ Program and after the requested change to move Dorsey Drive into FY 11/12 and move Newtown out to FY 12/13, there would be an additional \$134,182 of CMAQ funding to program a project in FY 11/12. NCTC staff met with the TAC and discussed with the jurisdictions if any of them had a project that they could obligate in FY 11/12 to use that additional capacity. After talking with the TAC, looking at the current program, and reviewing some of the projects that they had submitted for future programming for consideration, the TAC determined that the best project to use that capacity would be the construction of the E. Broad Street Sidewalk project. Nevada City had previously intended to deliver that project in FY 10/11, but they ran into an environmental issue that had to be resolved, so they were going to resubmit that project for FY 12/13. Mr. Woodman said when this opportunity came up the environmental issue had been resolved, therefore Nevada City is in the position to fund the construction of the sidewalk. He said that TAC and NCTC staff's recommendation is to utilize \$134,000 of CMAQ funds for the E. Broad Street Sidewalk construction project.

Mr. Woodman said in regards to FY 11/12, there is a bit of a time constraint to obligate those funds. The project authorization package needs to be submitted to Caltrans by June at the latest, therefore there is not a lot of time to come up with a new project. He stated that NCTC staff's recommendation was to approve the adjustments to the Multi-Year CMAQ program as proposed. He referred the Commission to a spreadsheet that showed the current program as adopted and a second spreadsheet that showed what the program would look like with the requested adjustments.

There were no questions. Commissioner Beason made a motion to adopt Resolution 12-09 approving the proposed adjustments to the Multi-Year CMAQ program for FFY 2011/12 and FFY

2012/13 as shown in the attached spreadsheet. Commissioner Harris seconded the motion. The motion passed unanimously.

12. Proposed Projects for the FY 2012/13 Overall Work Program (OWP)

Executive Director Landon stated this was the NCTC draft budget and work activities for the upcoming FY 2012/13 that was circulated to the local agencies staff and there had been suggestions of a few things that might be added to the OWP for funding. He asked for questions and comments from the Commission to allow NCTC staff to finalize the document for the May NCTC meeting. Mr. Landon noted on page 2 of the report it indicated that NCTC staff planned to update the NCTC traffic model for western Nevada County and Caltrans staff has offered grant funds to help pay for the model, which will save a significant amount of local funds.

Chairman Jostes asked for questions or comments and there were none. He directed staff to finalize the FY 2012/13 OWP.

13. NCTC's Policies and Procedures Manual and Administrative Operating Procedures Manual

Executive Director Landon said the NCTC Policies and Procedures Manual was created in 1994 and staff had determined that it was time to update the document. He added that some of the NCTC auditors had commented on the need to incorporate changes in the document. Mr. Landon commended Nancy Holman, Administrative Services Officer for NCTC, on her efforts to update the manual. He said they moved some information into a separate Administrative Operating Procedures Manual that has internal fiscal policies included so when a fiscal auditor comes into the NCTC office they can be given the internal control document. This will allow the auditor to state in the audit that NCTC has an internal control policy.

Commissioner Harris made a motion to adopt Resolution 12-10 approving the updated NCTC Policies and Procedures Manual and approving the Administrative Operating Procedures Manual. Commissioner Beason seconded the motion. The motion passed unanimously.

COMMISSION ANNOUNCEMENTS

Commissioner Beason commented that Nevada County has local bridge funding included in the Senate's version of the federal highway bill.

SCHEDULE FOR NEXT MEETING

There will be a special meeting of the Nevada County Transportation Commission on April 18, 2012 at the City of Grass Valley Council Chambers, 125 East Main Street, Grass Valley, CA. The next regularly scheduled meeting of the Nevada County Transportation Commission is on May 16, 2012 at the City of Nevada City Council Chambers, 317 Broad Street, Nevada City, CA.

ADJOURNMENT OF MEETING

Chairman Jostes adjourned the meeting at 11:40 a.m.

Respectfully submitted: Antoinette Perry
Antoinette Perry, Administrative Assistant

Approved on: May 16, 2012

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

