

**REGIONAL TRANSPORTATION COMMISSION
WASHOE COUNTY, NEVADA**

FRIDAY

9:00 A.M.

October 23, 2009

PRESENT:

**David Aiazzi, Reno City Councilman, Chair
Ron Smith, Sparks City Councilman, Vice Chair
Dwight Dortch, Reno City Councilman
John Breternitz, Washoe County Commissioner (Alternate)
David Humke, Washoe County Commissioner**

**Lee G. Gibson, Executive Director
Stan Peck, Legal Counsel**

The regular monthly meeting, held in the Board Room of the Jerry L. Hall Regional Transportation Center, 2050 Villanova Drive, Reno, Nevada, was called to order by Chairman Aiazzi. Following the Pledge of Allegiance to the Flag of our country, the Board conducted the following business:

Item 1 RECOGNITIONS

- (a) Chairman Aiazzi welcomed Lee G. Gibson, AICP, as the new Executive Director of the RTC.
- (b) Chairman Aiazzi thanked the members of the Executive Search Committee for their expedience in assisting the RTC to find the best three finalist candidates for the position of Executive Director. He presented the two members in attendance with certificates for their participation.
- (c) Lee Gibson, RTC Executive Director, thanked Derek Morse for his many years of service to the RTC and for his willingness to help Lee get up to speed in his new position. He then presented Derek with a gift from the agency.
- (d) Chairman Aiazzi presented certificates and spoke in recognition of the Northern Nevada Bike to Work Committee for their great work in the community by Truckee Meadows Tomorrow. The Silver Star Award was given to Erin Dickson and the RTC's own Carol Perry at the awards ceremony held at the Peppermill in early October.
- (e) Chairman Aiazzi presented an award of excellence and spoke in recognition of the RTC Marketing Campaign for "What Does a Carpool Look Like?" by the Transportation Marketing & Communications Association (TMCA).

- (f) Chairman Aiazzi introduced Dennis Jackson, Regional Vice President for MV Transportation, presented the MV Cares Award and spoke in recognition of ACCESS driver James Howard for his heroic, life saving actions when he noticed that a disabled person near a pond had suddenly disappeared from his view near a local pond.

Item 2 APPROVAL OF AGENDA

There were requests to move items 7(b) and 6(a) up in the agenda to follow Public Input, to delete item 8(b)(2), and there was a name correction to Northern Nevada Bike to Work Committee submitted for Item 1(d).

On motion of Vice Chair Smith, seconded by Commissioner Dortch, which motion unanimously carried, Chairman Aiazzi ordered that the agenda for this meeting, as amended, be approved.

Item 3(a) PUBLIC INPUT

Chairman Aiazzi opened the meeting to public input and called on anyone wishing to speak on topics relevant to the Regional Transportation Commission (RTC) that are not included in the current agenda.

Mr. Richard Hunt, local resident, submitted a written document and photos of the slurry seal project completed by the RTC. He is not satisfied with the work that was done and he would like to have it done again.

Mr. Fred Barrie, local resident, provided feedback to the Board that there are not enough public meetings held to update the residents on the details and benefits of the various projects occurring in their area.

Mr. Richard W. Eades, local resident, submitted a comment card but was not in attendance when called.

Mr. Dan Venters, representing Operating Engineers Local Union #3, asked if the Board is going to put out a request for proposals (RFP) from other management teams and from MV Transit when negotiations take place and if so, when. Mr. Venters then asked if whoever the management company is, will they be required to honor the current contracts that are in place for the bargaining unit employees. Chairman Aiazzi said that someone from the staff would meet with him outside of the meeting and provide the information that is available at this time. Stan Peck, RTC Chief Legal Counsel, added that all of the information they are looking for may not be available at this time but we will address as much as is possible at this time.

David Jickling, Director of Public Transportation, stated the RFPs are scheduled to go out on Nov. 16, 2009. Chairman Aiazzi asked that they be held until after the next Board meeting on Nov. 20, 2009.

Mr. Roger L. Vogel, representing the RTC Citizen's Advisory Committee (CAC), welcomed Lee Gibson to the RTC and stated that he and the committees he sits on are looking forward to working with him. Mr. Vogel also thanked Derek Morse for everything he has done for the community.

There being no one else wishing to speak, the Chairman closed public input.

Item 7(b) FY 2009 TRAVEL TRAINING REPORT (*taken out of order*)

Lea Rogers, RTC Paratransit Administrator, provided an annual update on the travel training program that is provided via contract with the Northern Nevada Center for Independent Living (NNCIL), and has been taking place since 1990.

This program saves the taxpayers approximately \$17 per trip which cumulatively over the years, adds up to approximately \$90,000 saved per year.

Lea introduced Blossom Javier of NNCIL who is in charge of the travel training program at the center. Blossom explained that they have been attempting to participate in more community events to educate the general public about their services and what options are available to them.

There is a goal for this year to fully train 9 people to transfer to fixed route buses which would save approximately \$81,000.

On motion of Commissioner Dortch, seconded by Vice Chair Smith, which motion unanimously carried, Chairman Aiazzi ordered that receipt of the FY 2009 Travel Training Report be acknowledged.

Item 6(a) ACCELERATION OF THE PYRAMID/MCCARRAN INTERSECTION IMPROVEMENT PROJECT (*taken out of order*)

Derek Morse, RTC Deputy Executive Director, addressed the Board and answered questions regarding the recommendation to endorse the resolution to accelerate the Pyramid/McCarran Intersection Improvement Project, as set forth in the briefing materials for this agenda item.

Derek provided some of the reasons that make the de-federalizing of this project a positive action to take. It would accelerate the project which would, in turn, save money and time for project completion. The federal monies spent to date would be returned for allocation to other projects within the region and this project would then be funded by RTC-5 monies. It was also recommended that the project be taken forward as an RTC project which would be built to NDOT technical standards but the project development and design construction process, including right-of-way (ROW) acquisition, would be handled using RTC procedures.

The estimate from RTC engineering staff and our consultants is that the project could be delivered to the public approximately four (4) years sooner than originally planned which could save 20-32% of the estimated cost or as much as \$13 to \$29 million dollars.

Another benefit would be to the people and businesses that this project would affect. The uncertainty of what will happen could be resolved four (4) years sooner and that could be a great relief to them. The RTC has a great deal of flexibility in negotiating settlements in these situations and only result in an actual condemnation proceeding less than 2 out of every 100 acquisitions.

Chairman Aiazzi asked how much the federal contribution was estimated to be and Derek replied that getting any more than 15 to 20% (\$14 million) of the full project cost was not probable.

The Chairman then asked if the de-federalization were approved, how soon construction could begin. Derek stated the following milestones needed to be met prior to construction:

Final decision made on the alignment:	July 1, 2010
Design would proceed:	July 2010 to April 2011
Right-of-way acquisition:	July 2010 to July 2012
Construction:	July 2012 with completion June 2014

Vice Chair Smith asked the Commission to endorse the resolution passed by the Sparks City Council on Oct. 12, 2009.

Chairman Aiazzi opened the meeting to public input and called on anyone wishing to speak on topics relevant to this item.

Ms. Sandy Lagomarsino Sullivan, local resident and daughter of Norma Lagomarsino, referenced the comments submitted to the RGJ and spoke in opposition of this project.

Mr. Michael Quilici, representing the Immaculate Conception Church, is opposed to the widening of North McCarran and stated that the proper procedures of noticing, etc. has not taken place but added that he does not know if these procedures are in the plans for the near future.

Mr. Fred Barrie, local resident, is opposed to this project due to the impact it will have on the residents of the Village Green subdivision as well as the Immaculate Conception Church.

Vice Chair Smith commented that this project will not move forward without being fully vetted to all those in the area and input being received. He added that in the case of property acquisition, the market value of many of the homes in question is less than the balance owed on the mortgage. In those cases, the entire mortgage balance would be paid off even if the market value is less than that balance.

Ms. Anne Cates, representing the Village Green Subdivision, is opposed to this project due to the impact it will have on the residents who own the homes being discussed for acquisition. She feels that the RTC will pay only market value and not the full mortgage price which would leave the homeowners destitute.

Ms. Donna Zutshi, representing the Village Green Subdivision, is opposed to this project acceleration due to the lack of communication between the RTC and the residents. She also feels that the money being spent could be put towards better projects in the vicinity.

Ms. Adriane Russell Chism, local resident, is opposed to this project because most of the Spanish Springs and Wingfield Springs residents that have caused the traffic increase are driving from I-80 and US-395. So if there was access to their homes from these highways they would not be required to drive through this area, thereby reducing the congestion.

Mr. J. Edward Parker, local resident, distributed maps and spoke in opposition to this project due to the impact it will have on the residents and businesses in the area. He feels that a connector road should be put in to the north of this intersection where there are no homes.

Rev. Norman King, speaking on behalf of the Immaculate Conception Church and the Village Green Subdivision, stated that his churchgoers feel threatened and helpless; otherwise they would be in attendance at this meeting. The Reverend spoke in opposition of this project because of impact to the church, the residents and the perceived “unknown” of what will happen next.

Mr. Bill Brainard, local resident, spoke in favor of the RTC and this project.

Stan Peck, RTC Chief Legal Counsel, clarified that whatever occurs with this recommendation to approve this acceleration *does not mean* that any action will be taken with respect to any right-of-way (ROW) acquisition until all RTC policies and state law requirements have been met. As well, if there is any action of condemnation, the statute requires that the homeowners are properly noticed and have an opportunity to appear before this Board.

Vice Chair Smith stated that this project is not even designed yet so nothing is going to happen any time soon. The action today is to de-federalize which would, in turn, make the processes easier to get through in the future. He also mentioned that we will eventually need a US-395 connector in addition to this project because traffic is going to increase.

Commissioner Breternitz asked for clarification that all public hearings and statute requirements will still take place, and are not being circumvented in any way. To which Derek Morse responded that none of these things will be circumvented at all. All laws, mandates, and RTC policies will occur.

Commissioner Breternitz then asked if alternative routes would be reviewed and Derek responded that 16 route alternatives have already been narrowed down to three final alternatives. He added that this project does assume that several other project suggestions made by the public are already in the plan and being looked at. Not as alternatives but in addition to this project.

Commissioner Breternitz next asked Derek to clarify what takes place with regard to full market value and mortgage pay-offs when ROW acquisitions occur. Derek said that appraisals are done by independent, licensed appraisers who set a valuation. Those appraisers are instructed by the RTC to meet with every property owner prior to beginning their process and interview them to find out about any upgrades, improvements, etc., which will aid in obtaining a “good” valuation rather than simply market value. If a homeowner owes more on their mortgage than the market value, the RTC does pay the mortgage balance for them in order to acquire the property.

Stan Peck added that the state statute requires that the condemning agency pay the *highest* probable market price available. He is not clear on whether the mortgage would be paid off in the case that a homeowner is under water. However, the RTC always makes sure that everyone is treated fairly and equitably.

Commissioner Humke addressed an earlier comment that Pyramid Highway could possibly be a 14 lane highway or even a 10 lane highway in the future. Derek replied that no, there would not be that many lanes. There could be potentially six lanes but any more than that are not likely.

Commissioner Humke asked if the Immaculate Conception Church could potentially go out of business due to this project and Derek reminded him that there is not even a design concept in place yet to see what all of the alternatives to the footprint can be made. Commissioner Humke said he thinks that the purpose of this project should be looked at again.

Chairman Aiazzi asked where this intersection ranks in the region for the worst congestion and Derek replied that it currently has the third highest delay, behind North Virginia at North McCarran which has been looked at but has been deferred pending the UNR Master Plan and the impacts it would have, and McCarran at Longley which is in development for improvement at this time. This study was completed in late 2006.

Chairman Aiazzi asked if the North Virginia at North McCarran project is a federal project and Derek said that it has not been appointed as a federal project yet due to the hold that has been applied due to the UNR Master Plan.

Chairman Aiazzi then asked where Pyramid/McCarran ranks in the accident ratings and Derek replied that it is in the top 15 listed in the community. These top 15 can rotate in any given year as to which is ranked number 1, 2, 3, etc.

Chairman Aiazzi asked specifically what does de-federalizing this project do to the Lagomarsino property and the right-hand turn lane. Derek said that full implementation of the Sparks Resolution would allow the RTC Board to proceed much faster on making decisions on this project and thereby, knowing exactly who will be impacted and by how much.

Chairman Aiazzi asked if we would still proceed with the Short-hand right turn lane (SRTL) project in the interim or is that being put off for full project implementation. Derek said that it is the Board's decision and reminded the Chairman that the resolution of condemnation for a strip of Mrs. Lagomarsino's property required to proceed with the SRTL that was presented to the Board in September 2009 was not passed so the project could not proceed.

Chairman Aiazzi asked if it would be possible to postpone this motion for six months to provide enough time to discuss with the residents and to educate as needed. Derek said that while we are in the federal process we need to follow the federal process and cannot run a parallel process while "keeping one foot" in the federal process. Derek continued to say that if we de-federalize now, he feels that staff would have much more flexibility to talk to the public and work with them by using the RTC process.

Lastly, Chairman Aiazzi asked if the project is de-federalized now, does that mean the project will happen for sure. He added that this is the first he's heard of another intersection with higher congestion that has been deferred. The Chair then clarified by asking if this Pyramid/McCarran project will absolutely be done if the resolution is upheld with a motion today, or does the RTC still have the option to take it off the table. Derek stated that adopting to uphold the resolution today does not commit the Board irrevocably to completing this project and the decision to not move forward with the project can be made at any point.

Chairman Aiazzi wanted it made clear that anything could happen in the future no matter what takes place today. There could be an entirely different Board in place which could make different decisions.

Stan Peck clarified that the Sparks resolution as he sees it is broken into three different parts. The de-federalizing is one part, the second is the acceleration part which is for purpose of looking at the options developed, narrowing the ROW focus, etc., and the third part is to move forward with the project. Moving forward on the de-federalization will simply allow the RTC to move forward with the pre-project requirements in a faster manner by using RTC policies but does not mandate that the project must be done.

The Chairman stated that he would like to see more public education that is well-publicized in an attempt to reduce the feelings of uncertainty in the community.

Executive Director Lee Gibson said that staff would bring back a work scope and schedule detailing all of the public outreach meetings, the decision points of the Board with respect to the actions of looking at alternatives, comparing alternatives to a no-action alternative, and selecting a preferred alternative. Lee added that by de-federalizing this project, those federal funds can be put to good use on other projects in the region that also serve a great purpose. He continued to say that this is a financial opportunity to work cooperatively with the Nevada Dept. of Transportation (NDOT) to put those federal funds where they can best be served and to use a local grassroots planning effort to work with the residents and City of Sparks to come up with a preferred solution.

Vice Chair Smith said that by de-federalizing the project automatically accelerates it. By taking this action, the Board is eliminating several years of federally required reports that would be needed. Sparks is not trying to circumvent any processes and plans to go through the same processes that they would on any project. They only want to de-federalize the project to accelerate it.

Commissioner Dortch stated that he is not comfortable with the resolution as a whole and asked if the project could be de-federalized without endorsing the entire resolution the way it is currently agendized, to which Stan Peck replied that it would be possible to endorse only the de-federalization portion of the resolution.

Commissioner Dortch added that there are still several questions to be addressed before fully moving forward on this project so does not want to endorse the resolution in total. He would like to de-federalize the project and have staff return to the next meeting with a scope of work for review.

The Chairman commented that there seems to be some confusion by the use of the word accelerate. De-federalizing the project simply gives the RTC more options and the opportunity to move forward faster if chosen in the future. It does not mean that the project *is* going to move faster. He agrees with Commissioner Dortch that the motion should be to de-federalize the project and to have RTC staff bring back a scope and schedule of what is to come for review at the November 2009 meeting. This way the \$1.5 million dollars in federal funds could be paid back for reprogramming to other projects.

On motion of Commissioner Dortch, seconded by Commissioner Humke, which motion carried unanimously, Chairman Aiazzi ordered that the project be de-federalized and RTC policies and processes are to be used going forward.

On discussion, this motion was clarified by the Vice Chair, and the Chairman added that the specific policies and processes will be brought to the next regular meeting of the RTC Board for review in November 2009. Modifications may be made at that time.

Item 3(b) ADVISORY COMMITTEE SUMMARY REPORT

On motion of Commissioner Dortch, seconded by Commissioner Humke, which motion unanimously carried, Chairman Aiazzi ordered that receipt of the monthly Advisory Committee Summary Report be acknowledged.

Item 4 CONSENT ITEMS

- * (a) Recommendation to approve the minutes of the September 18, 2009, meeting
- * (b) Recommendation to approve the minutes of the September 25, 2009, meeting
- * (c) Recommendation to approve the minutes of the October 9, 2009, meeting
- * (d) Recommendation to approve monthly Engineering Report
- * (e) Recommendation to approve monthly Public Transportation Report
- * (f) Recommendation to acknowledge receipt of the report regarding implementation of the 2nd year of the five year phase-in of the RRIF schedule
- * (g) Recommendation to approve the quarterly report on asset disposition
- * (h) Recommendation to acknowledge receipt of the FY 2010 Objectives and Strategies - 1st Qtr Update

On motion of Commissioner Breternitz, seconded by Commissioner Dortch and Vice Chair Smith, which motion carried unanimously, Chairman Aiazzi ordered that Consent Item 4(a) through 4(h) be approved.

Item 5(a) VISTA BOULEVARD SOUNDWALLS

The presentation was waived by Vice Chair Smith. He added that the City of Sparks recommends that the Vista Blvd. project move forward but to wait on the sound walls until this portion of the project is completed.

Chairman Aiazzi opened the meeting to public input and called on anyone wishing to speak on topics relevant to this item.

Mr. Steve Schultz, local resident, spoke in favor of this item and asked if the rumble strip could be removed pending the potential installation of sound walls due to the noise.

Vice Chair Smith responded to Mr. Schultz that one of the issues is that the code or law does not require sound walls to be installed in Mr. Schultz's specific area, so the City of Sparks would like to wait one year until the completion of the road to see where the greatest need for sound walls ends up being.

Doug Maloy, RTC Project Manager, added that the road will be torn up and the rumble strip is going to be removed. This will most likely occur within 4 to 6 months.

Mr. Schultz requested that more communication be brought to the residents letting them know when meetings are planned pertaining to this project so they may bring public comments to those meetings. The Chairman responded that the meeting agendas are posted on the RTC website to see what the upcoming topics are going to be. Angela White, RTC Marketing and Communications Director, added that MyRTC is also available which provides automated notifications on specific topics requested once they are posted on the website.

Mr. Peter Petzing, local resident, was no longer present at the meeting.

There being no one else wishing to speak, the Chairman closed public input.

On motion of Commissioner Humke, seconded by Commissioner Breternitz, which motion carried unanimously, Chairman Aiazzi ordered that receipt of the report be acknowledged.

Item 7(a) RTC TRANSIT CENTER SMOKING POLICY

David Jickling, RTC Director of Public Transportation, addressed the Board and answered questions regarding the recommendation to the smoking policy for the RTC transit centers, as set forth in the briefing materials for this agenda item.

Mr. Jickling first discussed the RTC Centennial Plaza facility explaining that it is a LEEDS facility containing designated smoking areas a minimum of 25' from any entrance.

Commissioner Humke stopped Mr. Jickling to ask Angela White, RTC Marketing and Communications Director, about her memorandum dated September 17, 2009. He quoted the comments stating that security guards at Centennial Plaza report that smoking violations are common and across the board with respect to passengers, RIDE drivers and RTC supervisors despite having four (4) designated smoking areas. Due to the pushback from all, and to avoid confrontation with employees and customers, the guards have opted not to enforce RTC management policy regarding smoking outside of the designated smoking areas. Commissioner Humke then asked if this is selective enforcement of the law.

Ms. White replied that this information was provided by First Transit and other staff members and the understanding was that there has been some resistance from passengers and the general public.

Stan Peck, RTC Chief Legal Counsel, said that he doesn't necessarily believe there has been any enforcement, let alone selective enforcement, and that what has been reported may not be the exact truth. There have been some issues with keeping smokers within the smoking areas and because the security guards are not police officers, enforcement is somewhat limited. Our previous security guards tended to use too much force which created liability issues.

Commissioner Humke responded that he is concerned about two specific things. With regard to a letter submitted by Ms. Angela Chalmers, there is an issue with passengers exhaling their smoke right before or as they are getting on the bus requiring the other passengers to walk through it.

The Commissioner's other concern is that we are not enforcing our own policy P-19 regarding our own employees or contracted staff complying.

Mr. Peck said that with Ms. Chalmers main concerns taking place at CitiCenter, we need to keep in mind that the bus loading takes place near the public sidewalk which is under the jurisdiction of the City of Reno, which, unfortunately, leaves the RTC with no control over it. However, if the smoke is exhaled inside of the bus, we can enforce the policy.

Chairman Aiazzi asked if there will be the same issue at the new 4th Street Station when it is completed and Mr. Peck said there is a public sidewalk on a portion of the property.

David Jickling stated that the concerns brought forth by Ms. Chalmers have been addressed, and feels that the issue of someone blowing smoke into the bus is a direct violation of our policy. He added that most of the coach drivers are very sensitive to that. However, there are passengers that smoke while queued up to load on the bus and this is definitely an issue at CitiCenter.

Mr. Jickling added that without a City Ordinance declaring the 4th Street sidewalk bordering 4th Street Station as a no smoking area, there could be similar issues. There are designated non-smoking areas planned for 4th Street Station.

Chairman Aiazzi opened the meeting to public input and called on anyone wishing to speak on topics relevant to this item.

Ms. Erin Dixon, local resident, spoke in favor of having smoke-free facilities.

Ms. Angela Chalmers submitted a letter for the record in favor of smoke free facilities or at a minimum, better enforcement of the designated smoking areas as they exist.

Chairman Aiazzi expressed concern about having non-smoking facilities because passengers and drivers would be crossing the street mid-intersection. He then asked if it is possible to add some kind of better designation of the smoking areas at 4th Street Station, such as colored concrete. Per Bob Russell, Engineering Director, this is possible.

Chairman Aiazzi asked about the coach drivers smoking too close to the doors of the bus and Mr. Jickling replied that policy states that they may not smoke in any way that would cause smoke to go into the bus. The Chairman then asked if it is possible to impose a 10 to 12 foot smoking distance from the bus in the same manner that we enforce 25 feet from an entrance. Mr. Jickling replied that this has been considered for CitiCenter and when a 10 foot distance was drafted around the buses it puts people smoking too near the entrances, so it would be a trade-off.

The Chairman then requested that we address what is going to be the policy for the new 4th Street Station facility because there may not be anything that can be done at CitiCenter due to the public sidewalk situation as it stands.

Vice Chair Smith asked if the coach drivers get official breaks and David said no, not set breaks. However, they can leave the bus for a brief time but should not be far from the bus for a very long time.

The Chairman asked to have some more detailed design options for 4th Street Station brought back to the next meeting for review and discussion.

Vice Chair Smith suggested that the coach operators not be allowed to smoke near the bus entrances at all.

Commissioner Breternitz commented that the RTC facilities should become non-smoking facilities, both inside and out. It has been implemented at other public facilities, such as the airport, and smokers eventually got used to it and smoked elsewhere.

Item 8(a) DIRECTOR'S REPORT

Lee Gibson, Executive Director, offered to answer questions for the Board on internal RTC issues as set forth in the staff report for this agenda item. None were asked.

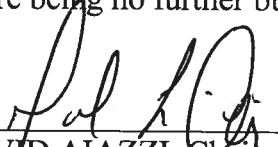
Item 8(b) LEGAL REPORT

Legal Counsel Stan Peck said he had items he wished to communicate with the Board in a non-meeting after the completion of the agenda. There were no actions to be taken.

Item 9 MEMBER ITEMS

There were none.

There being no further business to come before the Board, the meeting adjourned at 11:17 a.m.



DAVID AIAZZI, Chair
Regional Transportation Commission