

CARSON CITY REGIONAL TRANSPORTATION COMMISSION

Minutes of the January 11, 2012 Meeting

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A regular meeting of the Carson City Regional Transportation Commission was scheduled to begin following adjournment of the Carson Area Metropolitan Planning Organization meeting on Wednesday, January 11, 2012 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Chairperson Shelly Aldean
Vice Chairperson James Mallery
Commissioner Robert Crowell
Commissioner Charles Des Jardins
Commissioner James Smolenski

STAFF: Andrew Burnham, Public Works Department Director
Patrick Pittenger, Transportation Manager
Ken Smithson, Transit Coordinator
Jeff Sharp, City Engineer
Tina Russom, Deputy District Attorney
Kathleen King, Deputy Clerk / Recording Secretary

NOTE: A recording of these proceedings, the commission's agenda materials, and any written comments or documentation provided to recording secretary during the meeting are part of the public record. These materials are available for review, in the Clerk's Office, during regular business hours.

A. CALL TO ORDER AND DETERMINATION OF A QUORUM (5:21:23) - Chairperson Aldean called the meeting to order at 5:21 p.m. Roll was called; a quorum was present. Chairperson Aldean welcomed Commissioner Smolenski and commended Commissioner Des Jardins on his reappointment.

B. PUBLIC COMMENTS (5:22:17) - Chairperson Aldean entertained public comment; however, none was forthcoming.

C. POSSIBLE ACTION ON APPROVAL OF MINUTES - December 14, 2011 (5:22:40) - Commissioner Crowell moved approval of the minutes. Vice Chairperson Mallery seconded the motion. Chairperson Aldean suggested revising the minutes to reflect Vice Chairperson Mallery's signature. She called for a vote on the pending motion. Motion carried 4-0-1, Chairperson Aldean abstaining.

D. AGENDA MANAGEMENT NOTICE (5:23:21) - Chairperson Aldean entertained modifications to the agenda, and Mr. Pittenger advised that item G-4 would be deferred to the February meeting.

E. DISCLOSURES (5:23:50) - None.

F. CONSENT AGENDA (5:24:02) - Chairperson Aldean entertained requests to hear items separate from the consent agenda. Commissioner Des Jardins requested to hear item F-3 separately. Chairperson Aldean entertained additional requests and, when none were forthcoming, a motion to approve the remainder of the consent agenda. **Commissioner Crowell moved to approve items F-1 and F-2, as presented. Vice Chairperson Mallery seconded the motion. Motion carried 5-0.**

F-1. POSSIBLE ACTION TO ACCEPT THE PUBLIC WORKS DEPARTMENT RECOMMENDATION TO APPROVE AMENDMENT NO. 1 TO CONTRACT NO. 1011-26 WITH SWIFT COMMUNICATIONS, INC., TITLED "JAC BUS ADVERTISING PROGRAM," TO EXPAND THE SCOPE OF WORK TO INCLUDE PASSENGER SHELTER ADVERTISING

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F-2. POSSIBLE ACTION TO APPROVE REVISIONS TO THE CAMPO / RTC DISADVANTAGED BUSINESS ENTERPRISE ("DBE") PROGRAM, REQUIRED BY A FEBRUARY 2011 CHANGE TO THE DBE REGULATION

F-3. POSSIBLE ACTION TO APPROVE AND RECOMMEND TO THE PLANNING COMMISSION AND THE BOARD OF SUPERVISORS AMENDMENTS TO THE UNIFIED PATHWAYS MASTER PLAN MAP, BASED ON COMPLETED ON-STREET AND OFF-STREET PROJECTS ALONG THE FREEWAY'S SOUTHERN CORRIDOR SINCE THE MAP'S ADOPTION IN 2006 (5:24:53) - Chairperson Aldean introduced this item, and Park Planner Vern Krahn entertained questions or comments of the commissioners. Commissioner Des Jardins expressed concern over the map detail, describing it as "awful busy and kind of hard to read." Mr. Krahn acknowledged the concern, and advised of the difficulty associated with "trying to show the whole City. The next time around, when we do this, we might try to focus in on smaller areas. But, what we were trying to do originally with the plan was to show the whole community from county line to county line and, also, with the system that we have, because Carson City in many areas is completely built out, we have to rely both on the off-street trail system as well as the on-street system for bikes in order to make a connected community and ... transportation and recreation system."

At Chairperson Aldean's request, Mr. Krahn reviewed revisions to the map which was included in the agenda materials and displayed in the meeting room. In response to a question, he described various future crossings, designated by asterisks and agreed, at Chairperson Aldean's suggestion, to add the designation to the legend. Mr. Krahn and Mr. Burnham responded to questions of clarification relative to proposed new facilities designated from North Ormsby Boulevard to Winnie Lane, and in the area of Newman and Maison Streets. Discussion took place regarding acquired and yet-to-be-acquired rights-of-way.

Chairperson Aldean entertained additional questions or comments of the commissioners, and public comments. When none were forthcoming, she entertained a motion. **Commissioner Des Jardins moved to approve and recommend to the Planning Commission and the Board of Supervisors amendments to the Unified Pathways Master Plan map, based on completed on-street and off-street projects along the freeway's southern corridor since the map's original adoption in 2006. Commissioner Smolenski seconded the motion. Motion carried 5-0.**

G. PUBLIC MEETING ITEMS:

G-1. INFORMATION REGARDING TRAFFIC ENFORCEMENT ACTIVITIES BY THE CARSON CITY SHERIFF'S OFFICE (5:37:01) - Chairperson Aldean introduced this item and invited Sheriff Ken Furlong to the podium. Sheriff Furlong noted the shared objective of the commission and the Sheriff's Department "to achieve safe streets in this community." To that end, he advised that traffic management is an integral part of the Sheriff's Department Patrol Division. "Right now, in Carson City, that program represents about \$5.9 million and funds 46.75 officers to cover five geographic regions of the community. Within that area, there are ... 268 miles of roadways for the officers to cover. At the minimum, ... a standard shift will have ... five officers on duty, one for each geographic region of the community. ... each of those regions ... is about 30 square miles." In consideration of traffic and safe streets, Sheriff Furlong discussed the "end goal of reduced accidents. By achieving the reduced accidents, we hope to achieve fewer injuries to our folks." Sheriff Furlong advised that Sheriff's Department statistics do not include Nevada Highway Patrol data. "Nevada Highway Patrol is primarily responsible for Highway 50, from the bypass / overpass east, and from Fairview on 395, Carson Street, south." Sheriff

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Furlong emphasized that the Sheriff's Department and the Nevada Highway Patrol cooperate extensively. Sheriff Furlong reviewed statistical information relative to accident rates, from 2004 to present, indicating a continual decrease.

Sheriff Furlong discussed two major categories of enforcement: educational activities and actual enforcement. He explained that educational activities include providing as much public information as possible on how to reduce accidents, as well as "traffic citation warnings." He reviewed statistical information for 2011 relative to warnings. "Many people would argue that the most effective means of gaining ... compliance is not necessarily through a citation, but through a warning." Sheriff Furlong discussed DUI checkpoints and the Volunteers In Police Services ("VIPS") as additional Sheriff's Department educational activities. With regard to actual enforcement, he discussed citations and corresponding statistical information relative to hazardous moving violations; enforcement of underage drinking laws ("EUDL") operations; DUI arrests; targeted enforcement; and the Joining Forces operation, funded by the Office of Traffic Safety.

Sheriff Furlong introduced Traffic Division Supervisor Sergeant Darren Sloane. In response to a question, Sergeant Sloane advised that single-car accident information could be researched. Commissioner Des Jardins expressed an interest in trends. Sheriff Furlong advised that "an injury accident to the Sheriff's Department is the report of that accident, not necessarily ... whether or not a person had been transported. ... That required some clarification this past year and the Board [of Supervisors] will be receiving that on a regular basis. We really focus in on the totality of the accidents. The severity of it is by those three natures: injuries, fatalities, and property damage only."

In response to a question regarding criteria for issuing warnings, Sheriff Furlong explained, "Because we're not in a place to make those observations and those judgment calls, the officer's discretion is paramount to every issue; the conditions of the street, the conditions of the weather, the driving conditions, and so on. Those are all judgment calls that the officer's going to have to make. If there's a dispute, 100 percent of the time, I suggest that they address that ... in court." In reference to the Edmonds Drive issue, Sergeant Sloane explained that Sheriff's Deputies will "usually do a week or two of warnings before we actually start writing citations. That's just an 'educate before enforcement'" practice. He acknowledged that "Edmonds is still a problem and we're still addressing that."

In response to a previous question regarding accident statistics, Sergeant Sloane advised that "the major trend that stood out the most were rear enders. More than 50 percent of our accidents were rear end accidents so we're now looking at 'following too close' citations." In response to a question, he advised that distracted driving and following too close result in the majority of the accidents. In response to a further question, he explained the practice of "selective enforcement," noting that Edmonds Drive would be considered as such. He advised of having "written hundreds and hundreds of tickets there and it doesn't seem to be working so we're going to look at other stuff." He expressed the opinion the problem will continue until the freeway is completed. "Selective enforcement is based on the complaints" received.

Sergeant Sloane acknowledged complaints of speeding on North Mountain Street. In response to a question, he expressed the opinion that the effect of the cell phone and texting law will "weigh down" the deputies "a little bit." He acknowledged that the Sheriff's Department will continue to enforce the law. Sergeant Sloane acknowledged the opinion that speeding will continue to be an issue on Edmonds Drive until the freeway opens. In response to a question, he advised that Traffic Unit details will be established along Edmonds on specific days, rather than leaving the responsibility to the beat officer, as in the past. In response to a question, Mr. Pittenger advised of having discussed the most recent traffic data with the

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citizen who lodged the original complaint regarding Edmonds Drive. "His most recent suggestion is that when we go to do our next long line striping contract that we put a double yellow down the middle to ... hopefully inhibit any passing." Vice Chairperson Mallery suggested that the citizen should have been present for the Sheriff's Office presentation.

Chairperson Aldean inquired as to the definition of distracted driving, according to the law. Sheriff Furlong advised that blue tooth devices were purchased for each of the patrol vehicles, as the law was being enacted. He suggested "it's not necessarily whether you're holding the phone in your hand that is distracting; it is the activity that is distracting. And, therefore, we've got to do a concerted effort to stop that activity, whether you're talking about eating and driving, cell phone use, drinking coffee. When you become distracted, ... some of these intersection accidents are not actually at the intersection. They're to and from the intersection, indicating a strong distraction from their normal driving activities." Sheriff Furlong further suggested that the "activities that have taken place in the last year ... have been enormous with regard to engineering and management of the flow of traffic. And ... that has contributed greatly to our successes." Mr. Pittenger discussed a recent meeting between NDOT safety engineers, Public Works Department personnel, and Sheriff's Department personnel to review high-accident locations throughout the City. He noted that "many ... studies have shown that freeways are generally safer than local streets ... as far as accident rates go. ... We can reasonably expect that one of the benefits of completing the freeway ... is that we will once again, in addition to the other benefits, realize a safety benefit ... because we will have more cars traveling on a safer facility."

Chairperson Aldean suggested striping the shoulders along Edmonds Drive, and both Mr. Burnham and Mr. Pittenger acknowledged plans to do so. Sheriff Furlong and Sergeant Sloane acknowledged that unless a driver is driving erratically because of being distracted, they are typically not pulled over. Sergeant Sloane acknowledged that cell phone use constitutes primary probable cause for a deputy to stop a driver. He further acknowledged that mandatory seat belt use would be a secondary issue.

Sheriff Furlong advised that "continuously, over the long term," the Sheriff's Department is continuing to achieve safer community streets. He emphasized the intention to focus on continuous improvement. Chairperson Aldean thanked Sheriff Furlong and Sergeant Sloane. She noted that speeding occurs all over town, and requested the citizens to understand there are a finite number of officers who are "responding, in many cases, to more serious crimes." She commended Sheriff Furlong and Sergeant Sloane for assigning officers to problem areas to accomplish compliance.

G-2. POSSIBLE ACTION TO PROVIDE DIRECTION TO STAFF REGARDING THE MAINTENANCE RESPONSIBILITY FOR A PORTION OF SIERRA VISTA LANE (6:03:53) - Chairperson Aldean introduced this item, and Mr. Pittenger reviewed the agenda materials. Chairperson Aldean requested Mr. Sharp to address three questions in his presentation: (1) Whether the segment of road is available for public use; (2) What is the maintenance protocol for the road that is currently maintained by the City that's unimproved?; and (3) What are the costs of taking over this additional segment?

Mr. Sharp reviewed historic information relative to Sierra Vista Lane, previously called Mexican Dam Road. He provided additional historic information relative to development in the area and, at Chairperson Aldean's request, pointed out the road route on a displayed topographic map. Mr. Sharp described that portion of the road currently maintained by the City. He explained that the area residents are requesting the commission to consider "whether the City should maintain beyond the portion where we stop maintaining now which is roughly where our map shows ... station 100+00. ... There's ... just a little more

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than a mile of existing roadway between the end of where the City maintains until you get to the homeowners association" section. Mr. Sharp responded to corresponding questions of clarification.

In response to a question, Mr. Sharp advised that the subject matter was originally presented to the Board of Supervisors in 2001, at which time the Board "made a decision for Public Works to go and make improvements to the portion of roadway that was beyond where the City maintained before. So from station 100 to roughly 155, there's about a mile of roadway there. The Board [of Supervisors] decided that Public Works should go and regrade that road and use asphalt grindings to surface that road. And that decision was made for a number of reasons, but it was on a one-time basis." Mr. Sharp expressed the understanding that the HOA committed to "take over the maintenance beyond that. ... that was the thought at the time; that the City would spend this money once and then that would be the end of it." In response to a question, Mr. Sharp advised that the portion of roadway "from the beginning ... down to about station 100 ... is on our maintenance program. It's minimal maintenance." Mr. Burnham advised that the roadway was comprised of asphalt grindings with a chip seal for stabilization. In response to a further question, Mr. Sharp advised of a traffic count conducted in 2001, prior to the Board of Supervisors meeting at which the decision was made to do the requested improvements. Mr. Pittenger advised that no traffic count has been conducted recently.

Chairperson Aldean entertained public comment. (6:14:14) Donna Gray, a member of the property owners association, advised that she had a copy of the July 19, 2001 meeting minutes "where this was approved. And the justification for the approval was that a counting had been done. ... it was 375 per day and there were 19 homes at that time in the area that were using the road so they felt that that number of vehicles far outweighed the number of homes that were there so, therefore, it indicated that there was a lot of recreational use for this road. Since that time ... when the road was paved, the City has allowed another 15 to 19 homes to be built in that area so one can assume that the usage has increased since that time." Ms. Gray acknowledged that the level of general public use is not known.

In response to a question, Mr. Sharp advised that a roadway easement for Mexican Dam Road is indicated on the parcel maps. "So as you travel from that station 100 up to about station 115, there's one parcel map there." He acknowledged an easement, and explained that "the ground is owned by the individual lot owners but there's an easement across their land for, what is identified on those parcel maps, as Mexican Dam Road." He advised that there is no evidence of an existing easement over the property erroneously designated as BLM on the parcel maps. "We've yet to find a document that shows that there's any kind of a legal easement. We did find a document that actually called out a legal description for that portion of road but the people that signed that document" had no right to grant that easement. "They didn't own the property, so one could argue that there's not a legal access there." Mr. Sharp explained that "around station 130, ... the old Mexican Dam Road alignment actually deviates from the current roadway alignment. If you look at some of the old records, the Mexican Dam Road followed more closely the River. ... And the parcel maps that were created south of here, they all reference an old Mexican Dam Road alignment so the parcel maps show the old Mexican Dam Road alignment and then they show this new Sierra Vista [Lane] alignment. And the Mexican Dam Road alignment, south of station 130, is not being used anymore. That's not to say that there wouldn't be an easement there if somebody wanted to use it, but it's not currently being used. They're using this new Sierra Vista [Lane] alignment now. And ... these parcel maps and easements were all created ... back in the mid- to late-80's."

In response to a question, Mr. Sharp advised that "the road could sure use some potholes to be filled. ... The edge of the roadways are starting to unravel and peel off. Every time it rains, we have some drainage issues. There's not proper drainage facilities and so that causes more scouring of the road and some other

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issues.” Mr. Sharp acknowledged that the road is not City owned. In response to a further question, he advised that the easement doesn’t indicate “who it’s in favor of. One would assume it’s in favor of the public. So the parcel maps just show it as Mexican Dam Road. They call it a roadway easement. It doesn’t say in favor of all the people that live on the other end, but there is a document ... that kind of tied all this ... together. It was called a cross-easement document and it was signed by pretty well all of these owners, except for the missing link which is the Indian allotment land. As far as I know, all the rest of the owners, before they started parceling all this up, they all got together and they did a cross-easement document and they gave each other easements and they described the alignment of Sierra Vista Lane by meets and bounds. ... So ... at least it was in favor of all those people that signed onto the documents and all those people are the ones that created all these lots down south. So, ... one could argue that everyone that uses this road that has a house out here, that has a lot out here, has a right to use that road with the exception of that piece that goes across the Indian allotment land.” In response to a further question, Mr. Sharp expressed the belief that the City has no obligation to maintain the road. He expressed the further belief that no one “would disallow us to maintain the road. ... it’s shown as a roadway easement so it never was identified on the parcel maps. The parcel maps all say, ‘This road is not regularly maintained by a public agency.’” He reiterated that the City does maintain the road to station 100. In response to a further question, he explained that the easement is part of the parcel map that creates the lot. “So you can’t just extinguish the easement. It is shown there in perpetuity with the land.” At Chairperson Aldean’s request, Mr. Sharp described the deed provision which designates the easement. He reiterated a description of the cross-easement document.

Chairperson Aldean entertained public comment. (6:25:22) Donna Gray advised that “it was [her] letter that started this.” She explained the request in that “the City already is maintaining the first two and a half miles of the road,” and that “the one mile that adjoins our property ... would be combined with the regular maintenance of the first two and a half miles of the road.” In response to a question, she expressed dissatisfaction with the portion of the roadway being maintained by the City. She acknowledged modest expectations for the requested maintenance. She emphasized “this is the only ingress / egress road to the community ... of about 40 homes,” and expressed concern over emergency access.

Mr. Burnham recalled the discussion in 2001, which included consideration over ensuring emergency access. Ms. Gray advised that the property owners association bylaws preclude maintenance of the property outside the association boundaries. In response to a question, she further advised that recreational users access BLM land through the property owners association land. “There’s all kinds of dirt bike paths.” In response to a question, Ms. Gray expressed concern over the Indian allotment land in consideration of the possibility of an easement being refused. In response to a further question, she was uncertain as to how or if maintenance of the road was accomplished prior to the residential development. In response to a further question, Mr. Sharp advised that the property was owned, in the 1970s, by a company or individual called Nevis. He was uncertain as to the length of time recreational users have been accessing BLM land over the subject property. “These houses came along relatively recently; most all of them ... in the late ‘80s.” Mr. Sharp and Mr. Burnham acknowledged the curiosity associated with the current dilemma in consideration of the residential development. Discussion followed.

Chairperson Aldean entertained additional public comment. (6:39:13) Brian Doyal, an employee of the Public Works Department, a homeowner in the subject area, and a member of the property owners association advised that he “maintain[s] our road,” and that he “did the walk through and marked all the potholes.” He requested that the potholes be repaired and that previous storm drain work be kept up “to keep it from scouring over the steeper portions of the road. The edges are broken off. There’s some alligatoring so some sealing and chip sealing ... is what we’re looking at as far as level of maintenance.

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And simply patching.” Mr. Doyal advised that “people ... commute from Johnson Lane to Carson City through that area so a traffic count would be nice.” He requested “that Indian allotment [be] taken care of so it’s not gated and ... the access can remain to the properties.” In response to a comment, Mr. Doyal advised that the connection between Johnson Lane and Carson City is a dirt road with deep sand. He expressed uncertainty that the road is passable “by most cars in the wintertime. Or the summertime, you pretty much need a four-wheel-drive to get through that.” Mr. Doyal responded to corresponding questions of clarification relative to use of the road.

Chairperson Aldean entertained additional public comment; however, none was forthcoming. She requested Public Works Department staff to see to patching the pot holes, but expressed the opinion that the other issues should first be resolved prior to committing to any other level of maintenance. In response to a question, she clarified the request to ensure that “whatever we have ... tacitly assumed some responsibility for ... is in passable condition.” Mr. Sharp acknowledged that asphalt grindings were previously laid, and that there is now a concern over patching the asphalt grindings “because we don’t have legal access ...” He reiterated the previous understanding that the property was owned by the BLM; that it was a legal access according to the cross-easement document. “Everything seemed in order until we discovered that it’s not owned by BLM. It’s private Indian allotment land.” In response to a further question, he advised that extensive research will be required to determine who now has interest in the property. Additional discussion followed, and Chairperson Aldean recommended “pay[ing] a little more attention to that stretch of road that we have maintained, at some level in the past, and then try[ing] to expeditiously resolve this issue concerning the ownership of the Indian allotment with the help of the D.A.’s Office.” In consideration of contacting the heirs to the Indian allotment land, she expressed the opinion that Carson City should not be burdened with the full cost of a quiet title action. Mr. Burnham assured the commission that Public Works Department staff “will pursue it up to the point where it’s not costing us anything significant. But, before we expend any monies beyond normal administrative costs, we’d come back to the [commission].”

In response to a question, Mr. Sharp advised of an \$80,000 estimate to fix the potholes that are in the final one-mile stretch of the road. “The question after that is what do we want to do with the road ... There’s about one and a half miles of existing City maintained [road]; not two and a half ... And then there’s another mile to get to the subdivision. So the total length is about two and a half miles.” Mr. Sharp reviewed the costs associated with chip sealing the road, and additional discussion followed. Chairperson Aldean entertained additional comments or questions of the commissioners and, when none were forthcoming, thanked the citizens and Mr. Sharp for their attendance and participation.

G-3. POSSIBLE ACTION TO APPROVE THE SUBMITTAL OF A PREAPPLICATION FOR TRANSPORTATION ENHANCEMENT FUNDING FOR THE ROUTE 50 BIKE PATH IMPROVEMENTS PROJECT (6:56:17) - Chairperson Aldean introduced this item, and Mr. Pittenger reviewed the agenda materials. He responded to questions of clarification regarding the associated costs, and advised that “the only costs that we expect to incur ... [are] the staff time required to prepare the full application and to work with NDOT to prepare a subsequent agreement. We don’t expect to conduct any ... environmental reviews or archaeological reviews or ... any significant amount of design.” In response to a further question, he reviewed the “Funding Source” portion of the agenda report in consideration of the \$210,000 listed under “Fiscal Impact.” Mr. Pittenger responded to additional questions and comments regarding the existing project and the project description, as outlined in the agenda materials.

Chairperson Aldean entertained additional questions or comments of the commissioners and of the public. When none were forthcoming, she entertained a motion. **Commissioner Des Jardins moved to approve**

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the submittal of a preapplication for transportation enhancement funding for the Route 50 bike path improvement project; fiscal impact \$10,500 to RTC. Vice Chairperson Mallery seconded the motion. Motion carried 5-0.

G-4. POSSIBLE ACTION TO AWARD COMMISSIONER RUSSELL CARPENTER A CERTIFICATE OF APPRECIATION IN GRATITUDE FOR HIS SERVICE ON THE RTC - Deferred.

H. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS

H-1. PROJECT STATUS REPORT (7:04:01) - Chairperson Aldean introduced this item, and entertained questions or comments. She advised of a recent discussion with Mr. Sharp and Mr. Pittenger regarding the official unveiling of one of the gateway signs. Mr. Sharp acknowledged an anticipation that the unveiling ceremony will take place some time in March.

H-2. FUTURE AGENDA ITEMS (7:05:40) - Mr. Pittenger reviewed the tentative agenda for the February commission meeting. He explained the one-month delay associated with the Street Operations Report. Chairperson Aldean entertained requests for future agenda items from the commissioners. Vice Chairperson Mallery requested a follow-up report on the Sierra Vista Lane issue. In response to a question, Ms. Russom provided a status report on the arbitration process associated with a Valley Slurry Seal contract.

I. COMMISSIONER COMMENTS (7:09:14) - Chairperson Aldean entertained commissioner comments; however, none were forthcoming.

J. PUBLIC COMMENT (7:09:24) - Chairperson Aldean entertained public comments; however, none were forthcoming.

K. ACTION TO ADJOURN (7:09:40) - Commissioner Des Jardins moved to adjourn the meeting at 7:09 p.m. Vice Chairperson Mallery seconded the motion. Motion carried 5-0.

The Minutes of the January 11, 2012 Carson City Regional Transportation Commission meeting are so approved this 8th day of February, 2012.

SHELLY ALDEAN, Chair