



COUNTY OF NEVADA
COMMUNITY DEVELOPMENT AGENCY
DEPARTMENT OF PUBLIC WORKS
950 MAIDU AVENUE, P.O. Box 599002
NEVADA CITY, CA 95959-7902
(530) 265-1411 FAX (530) 265-9849 www.mynevadacounty.com

Trisha Tillotson
Community Development Agency Director
And
Acting Director of Public Works

NEVADA COUNTY BOARD OF SUPERVISORS
Board Agenda Memo

MEETING DATE: August 10, 2021
TO: Board of Supervisors
FROM: Trisha Tillotson, Acting Director Public Works
SUBJECT: **Resolution Approving a \$177,109.43 Increase of Funding for the CA FLAP NEV 40(1) Donner Pass Road Project, and Authorizing Utility Agreement No. 1 with Level 3 Communications, LLC., for relocation of utilities on Donner Pass Road in the Amount of \$177,109.43 – District V**

RECOMMENDATION: Approve the attached Resolution.

FUNDING: The funds will come from Level 3 Communications, LLC., for utility work on the CA FLAP NEV 40(1) Donner Pass Road Project. The cost of these services will initially be paid by Nevada County Road Funds and then fully reimbursed by Level 3 Communications, LLC. These services began in Fiscal Year 2020/21 and are included in the Road Capital Improvement budget for Fiscal Year 2021-22. There is no impact on the General Fund and no budget amendment is necessary.

BACKGROUND: On December 8, 2015, the County approved Resolution 15-549 approving a Memorandum of Understanding (MOU) between the County of Nevada and the Federal Highway Administration Central Federal Lands Highway Division (CFLHD) for work done on Donner Pass Road. Modification No.1 to the MOU was approved on March 24, 2020, allocating additional funding for the project.

Construction of the Donner Pass Road project began in May of 2020. During construction, utility conflicts were identified and utility companies AT&T Corp., Level 3 Communications LLC., ATT-California and Zayo Group were unable to relocate their facilities as required. It has been determined that the least costly and most efficient method to address the conflicts was to have the contractor, Herback Engineering, perform modifications to the approved plans at a cost of \$491,970.62.

AT&T Corp., Level 3 Communications LLC., ATT-California, and Zayo Group utility companies are responsible for the cost of this work. CFLHD is unable to accept payment directly from the

utility companies and has asked Nevada County to accept the funds required for the work and transfer said funds to CFLHD.

On May 11, 2012, the County approved Resolution 21-148, authorizing the County to reimburse the Federal Highway Administration Central Land Division (CFLHD) up to \$491,970.62 for utility relocation work, as shown on Attachment A.

Level 3 Communication's portion of the utility work is \$125,515.83, for work done in 2020 and \$51,593.60 done in 2021.

The attached agreement authorizes Nevada County to accept funds for utility relocation work from Level 3 Communication, LLC., in the amount of \$125,515.83 for work in 2020 and \$51,593.60 for work in 2021 for a total of \$177,109.43.

Item Initiated by: Patrick Perkins, Principal Civil Engineer

Approved by: Trisha Tillotson, Community Development Agency Director and Acting Director of Public Works.

Submittal Date: July 20, 2021

Revision Date: July 20, 2021