



RESOLUTION No. 21-357

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION APPROVING A \$245,985.31 INCREASE OF FUNDING FOR THE CA FLAP NEV 40(1) DONNER PASS ROAD PROJECT, AND AUTHORIZING UTILITY AGREEMENT NO.1 WITH AT&T-CORP. FOR RELOCATION OF UTILITIES ON DONNER PASS ROAD IN THE AMOUNTY OF \$245,985.31 - DISTRICT V

WHEREAS, the County entered a Memorandum of Understanding (MOU) with Federal Highway Administration, Central Federal Lands Highway Division (CFLHD), by adopting resolution 15-549; and

WHEREAS, during construction, utility conflicts on the Donner Pass Road Project were identified and are anticipated to cost \$491,970.62; and

WHEREAS, ATT-Corp., Level 3 Communications, LLC., ATT-California, and Zayo Group were unable to efficiently and effectively relocate their facilities and are responsible for the cost of relocation efforts; and

WHEREAS, CFLHD is unable to receive funds directly from ATT-Corp., Level 3 Communications, LLC., ATT-California, and Zayo Group; and

WHEREAS, the County adopted Resolution 21-148 agreeing to reimburse Federal Highway Administration Central Land Division (CFLHD) up to \$491,970.62 of funding received from the utility companies for utility relocation work; and

WHEREAS, the expense and revenue for this project is included in the Road Capital Improvement budget for Fiscal Year 2021-22 and a budget amendment is not necessary; and

WHEREAS, AT&T Corp.'s share of the \$491,970.62 cost for utility relocation work is \$245,985.31.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Nevada County Board of Supervisors:

1. Approves Utility Agreement No.1 with AT&T- Corp, in the amount of \$245,985.31.
2. Funds to be deposited to 1114-30154-702-1000 / 462000.
3. Authorizes the Chair of the Board of Supervisors to execute, on behalf of the County of Nevada, the agreement between Nevada County and AT&T- Corp.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 10th day of August, 2021, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward Scofield, Dan Miller, Susan K. Hoek and Hardy Bullock.

Noes: None.

Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER
Clerk of the Board of Supervisors

By: 


Dan Miller, Chair

8/10/2021 cc: DPW*
AC* (Hold)

9/22/2021 cc: DPW*
AC*(release)



COUNTY OF NEVADA
COMMUNITY DEVELOPMENT AGENCY
DEPARTMENT OF PUBLIC WORKS
950 MAIDU AVENUE, NEVADA CITY, CA 95959-8617
(530) 265-1411 FAX (530) 265-9849 www.mynevadacounty.com

Mali LaGoe
Acting Community Development Agency Director

Trisha Tillotson
Director of Public Works

03-NEV-Donner Pass Road
Project #: 338023
Federal Aid No.: CA FLAP NEV 40(1)

UTILITY AGREEMENT NO. 1

WHEREAS, the County of Nevada, hereinafter called Local Agency, acting by and through the US Department of Transportation Federal Highway Administration, hereinafter called CFLHD, has issued Notice to Owner dated 1/15/20, attached hereto as Exhibit A, to AT&T Corp., hereinafter called Owner, which Notice to Owner sets forth the terms and conditions pursuant to which Owner has been ordered to relocate certain Owner's facilities to clear the Local Agency's proposed road rehabilitation project on Donner Pass Road near Soda Springs, and;

WHEREAS, the construction of the CFLHD's project necessitates the relocation of Owner's utility facilities, and;

WHEREAS, CFLHD, in order to clear the right of way for the roadway construction, has ordered Owner to relocate the portions of its facilities identified within said Notice to Owner, hereafter called Owner's facilities, and;

WHEREAS, Owner remains 100% liable for costs associated with relocation work, and;

WHEREAS, Owner requests to have the U.S. Department of Transportation Federal Highway Administration, CFLHD redesign the project and work around the utilities in conflict and;

WHEREAS, Owner agrees to work directly with the U.S. Department of Transportation Federal Highway Administration CFLHD to determine scope and cost of unanticipated work and;

WHEREAS, the U.S. Department of Transportation Federal Highway Administration CFLHD agrees to have their contractor Herback General Engineering perform unanticipated work in conformance with the approved Donner Pass Road Project plans, specifications, change orders, and permits to accommodate the existing location of utilities, and;

WHEREAS, the County of Nevada agrees to transfer payments for unanticipated utility work from Owner to the U.S. Department of Transportation Federal Highways CFLHD on behalf of the owner after payments have been received by the County of Nevada, and;

WHEREAS, Owner agrees to make a maximum of one payment for work in the year 2020, and one payment for work completed in the year 2021, and;

NOW THEREFORE, it is agreed between Local Agency and Owner as follows:

1. Owner will pay the County of Nevada \$174,327.54 for work in 2020 and \$71,657.77 for work done in 2021
2. County of Nevada Agrees to forward payments to the U.S. Department of Transportation Federal Highway Administration CFLHD - on behalf of the owner.

THE ACTUAL COSTS FOR THE ABOVE DESCRIBED WORK IS \$245,985.31

IN WITNESS WHEREOF, the parties hereto have executed this Utilities Agreement this _____ day of _____, 21_____.

NEVADA COUNTY

AT&T CORP.

By 
Honorable Dan Miller Date
Chair, Board of Supervisors

By Lana Scarlett Rowell
Lana Scarlett Rowell Date 5-25-2021
Senior Technical Process Quality

APPROVAL RECOMMENDED:

By _____
U.S. Department of Transportation Date
Federal Highways

Exhibit A



**COUNTY OF NEVADA
COMMUNITY DEVELOPMENT AGENCY
DEPARTMENT OF PUBLIC WORKS
950 MAIDU AVENUE, NEVADA CITY, CA 95959-8617**

Sean Powers
Community Development Agency Director

Trisha Tillotson
Director of Public Works

NOTICE TO OWNER

COUNTY	ROUTE/STREET	POST MILE	PROJECT #
NEVADA	DONNER PASS ROAD	N/A	338023
Federal Aid # CA FLAP NEV 40(1)			
Date: 1/15/2020	“On-System”	Yes <input type="checkbox"/>	NO <input checked="" type="checkbox"/>

To: AT&T Corporation
c/o Tanya Hernandez
Senior Tech Project/Program Management
AT&T Technology Operations
Th3972@att.com

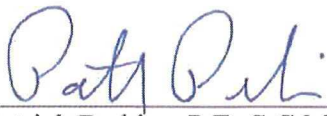
Because of Nevada County’s transportation project to rehabilitate and widen Donner Pass Road in eastern Nevada County between the Soda Springs exit and the Town of Truckee, which affects your communication facilities, you are hereby ordered to relocate or protect in place your facilities as identified on attached plan sheets C2, C3, C8, C11, C12, C15, C17, C22, C23, and C24.

Your work schedule shall be from January 15, 2020 to August 30, 2020.

Notify Patrick Perkins at (530) 265-1712 72 hours prior to initial start of work, and an additional 24 hours’ notification for subsequent starts when the work schedule is interrupted.

Liability is 100% Owner (0% Nevada County) pursuant to County records.

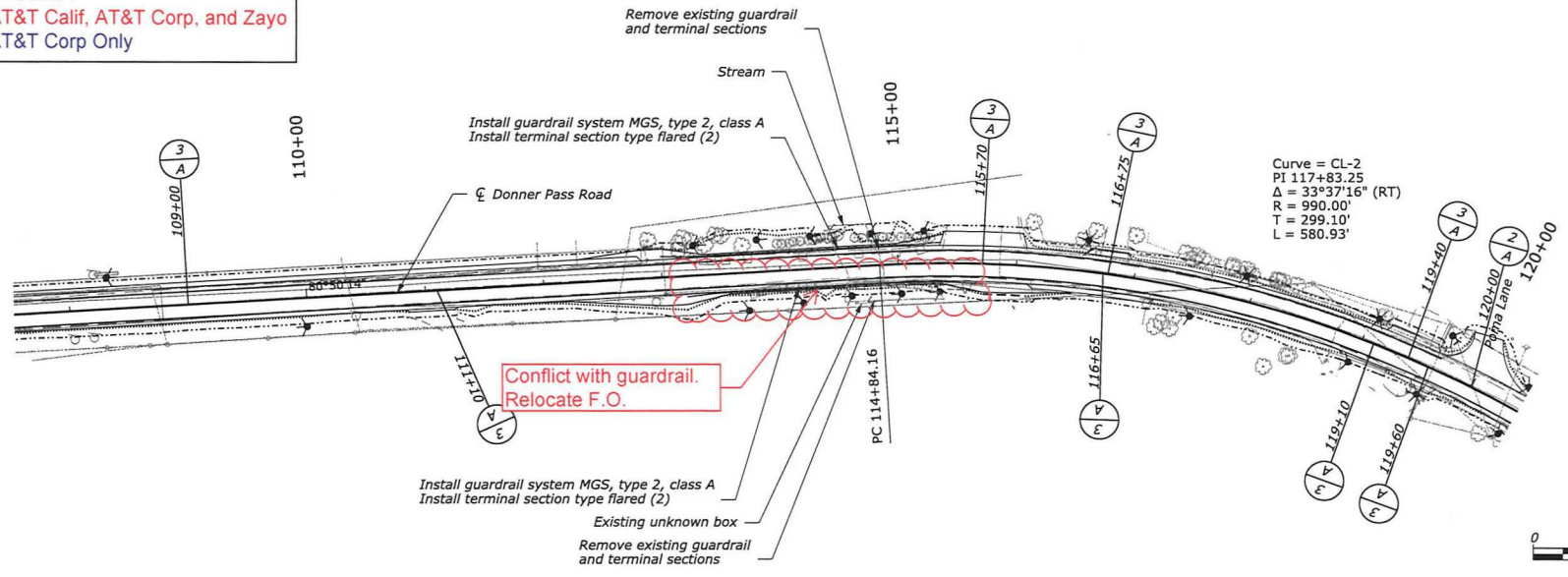
Owner Rep: _____
Tanya Hernandez
Senior Tech Project/Program Mgmt
AT&T

By: 
Patrick Perkins, P.E, C.C.M
Principal Civil Engineer
Nevada Co. Dept of Public Works

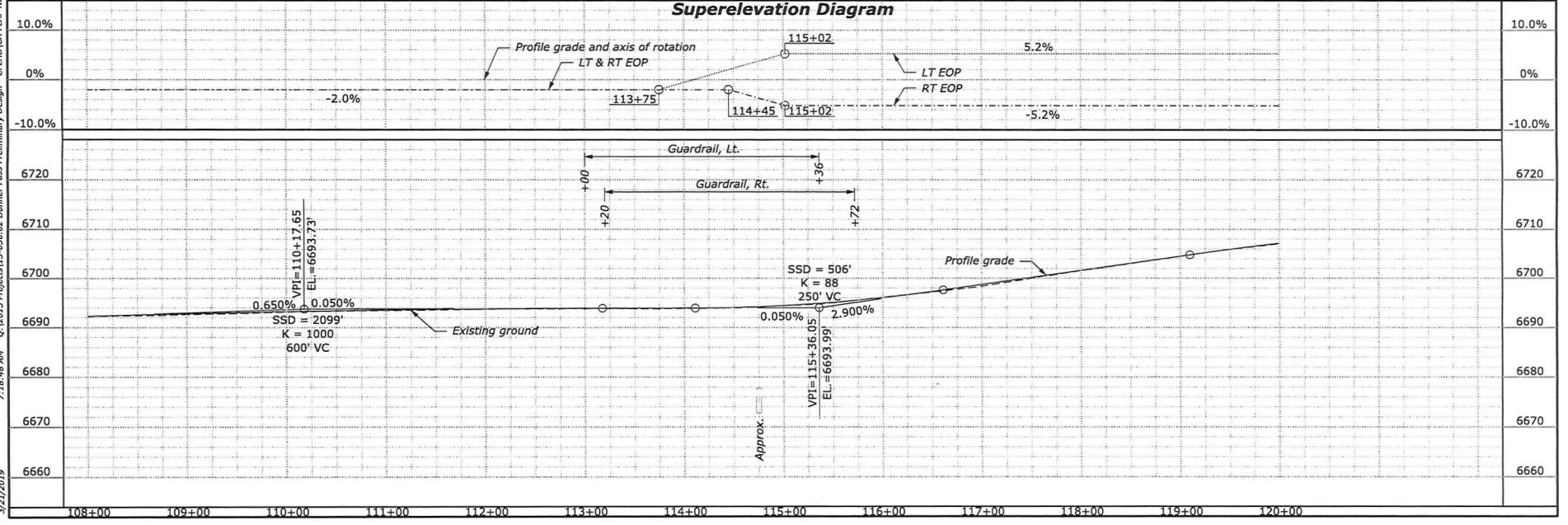
**THIS NOTICE DOES NOT CONSTITUTE A PERMIT.
OBTAIN AN ENCROACHMENT PERMIT BEFORE STARTING WORK.**

STATE	PROJECT	SHEET NUMBER
CA	CA FLAP NEV 40(1) DONNER PASS	C2

LEGEND:
 AT&T Calif, AT&T Corp, and Zayo
 AT&T Corp Only



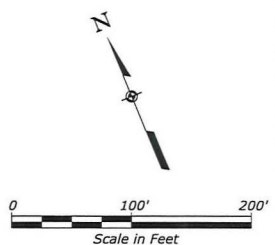
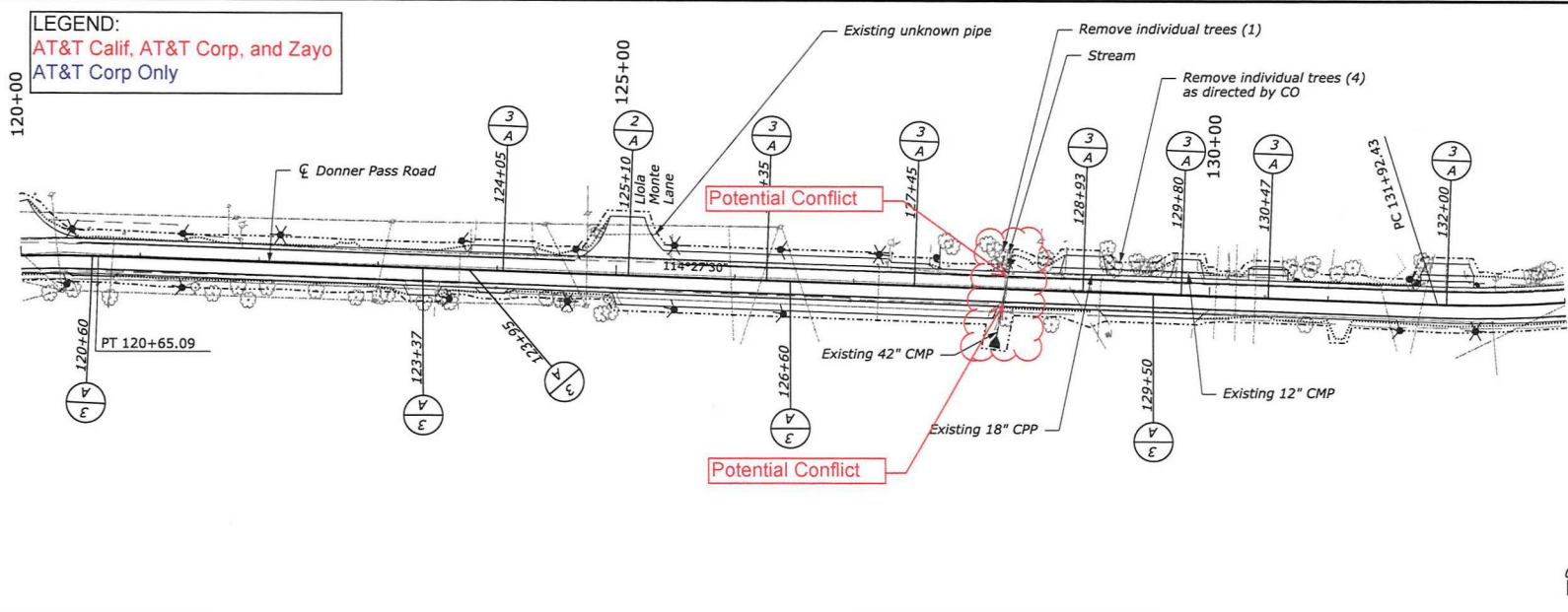
Superelevation Diagram



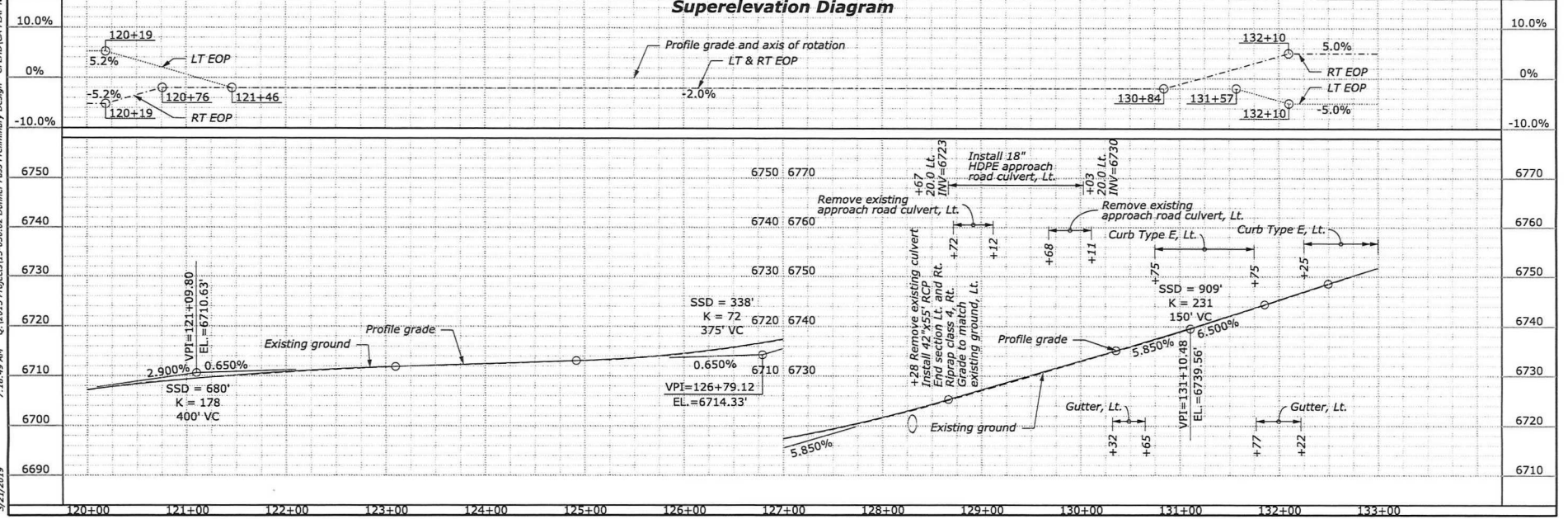
3/21/2019 7:18:48 AM Q:\2015 Projects\15-030.02 Donner Pass Preliminary Design - CFL HD\CA FLAP NEV 40(1)\Roadway\CADD_Sheets\C-ML_P\PI\PI(DONN)\CA40_2.dgn User: marifson

STATE	PROJECT	SHEET NUMBER
CA	CA FLAP NEV 40(1) DONNER PASS	C3

LEGEND:
 AT&T Calif, AT&T Corp, and Zayo
 AT&T Corp Only



Superelevation Diagram



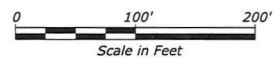
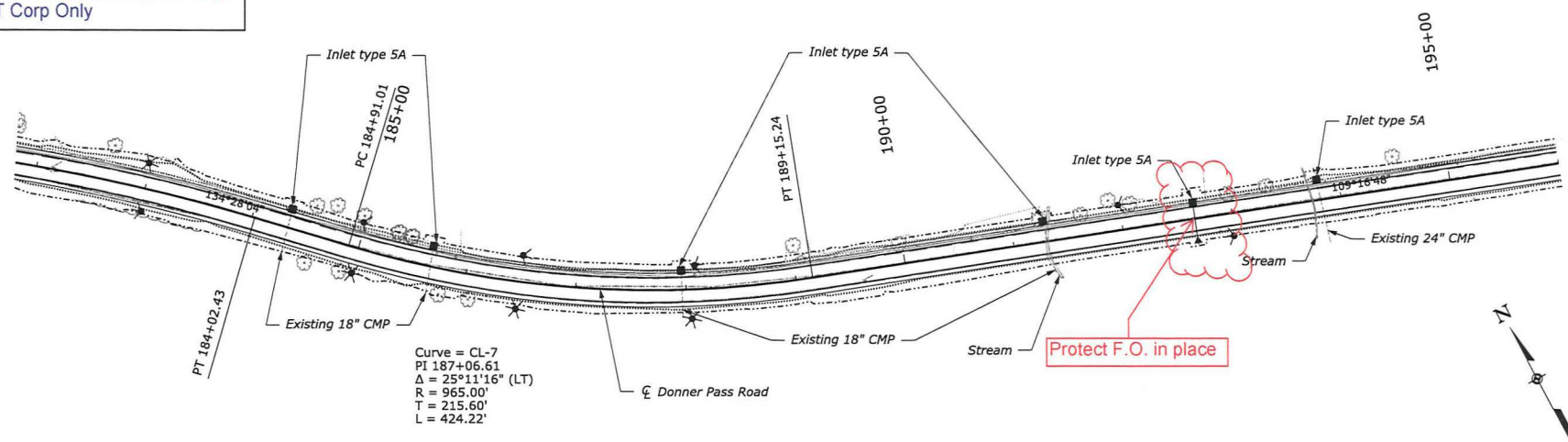
3/21/2019 7:18:49 AM Q:\2015 Projects\15-030.02 Donner Pass Preliminary Design - CFLUID\CA FLAP NEV 40(1)\Roadway\CADD_Sheets\C-ML\NWP\NWP\DOWN\CK40_3.dgn User: mcarlsen

STATE	PROJECT	SHEET NUMBER
CA	CA FLAP NEV 40(1) DONNER PASS	C8

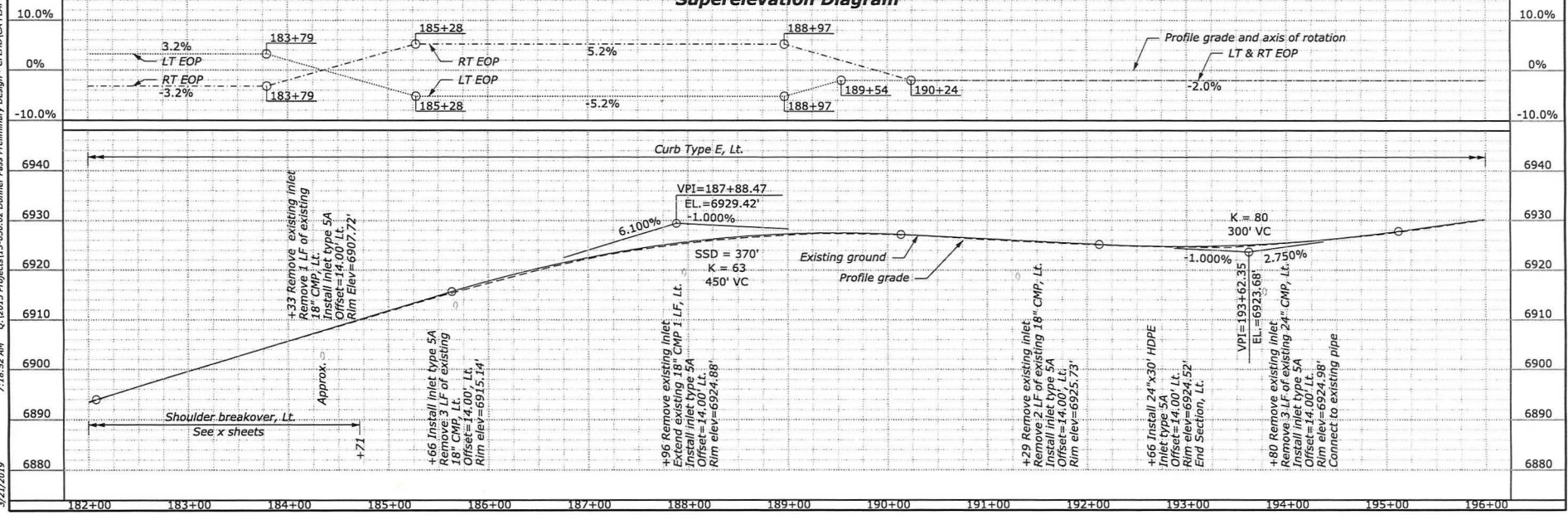
LEGEND:
 AT&T Calif, AT&T Corp, and Zayo
 AT&T Corp Only

...User: mcarlson

3/21/2019 7:16:52 AM Q:\2015 Projects\15-030.02 Donner Pass Preliminary Design - CE\JMD\CA FLAP NEV 40(1)\roadway\CADD_Sheets\C-M\NPN\NPN(DOWN)\C40_8.dgn



Superelevation Diagram



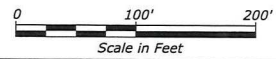
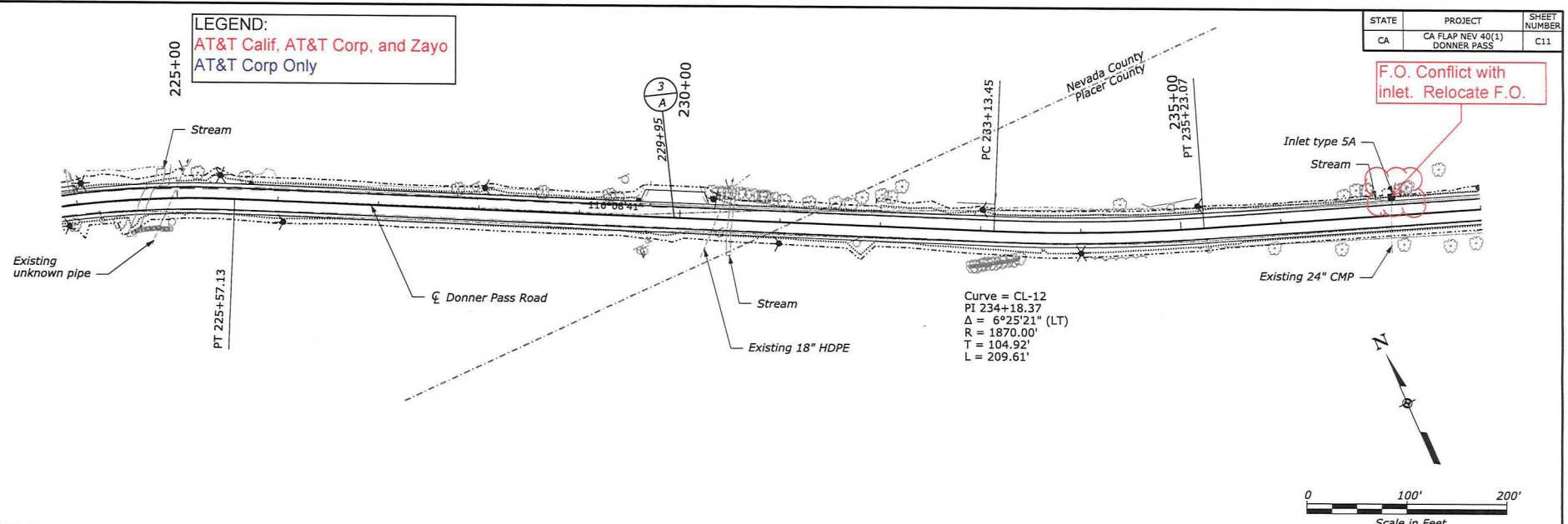
User: mcantson

3/21/2019 7:18:54 AM Q:\2015 Projects\15-030.02 Donner Pass Preliminary Design - C:\HD\CA FLAP NEV 40(1)\Roadway\CADD_Sheets\C-ML_PWP\WP\DOWN\CA40_11.dgn

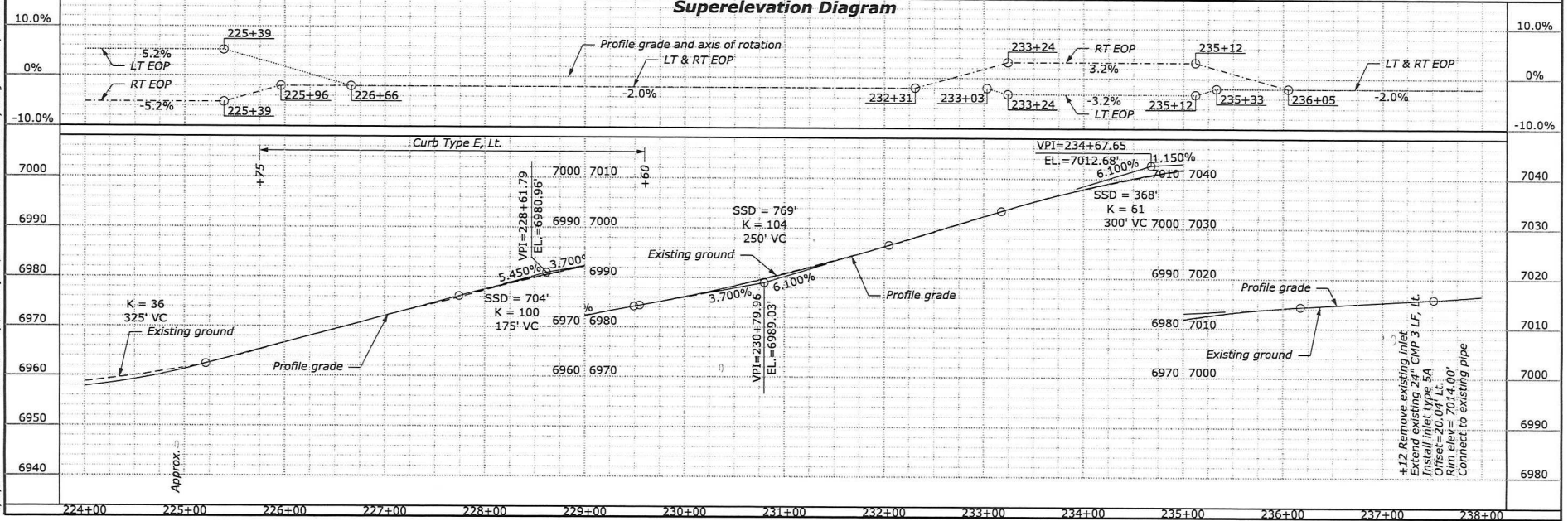
STATE	PROJECT	SHEET NUMBER
CA	CA FLAP NEV 40(1) DONNER PASS	C11

LEGEND:
 AT&T Calif, AT&T Corp, and Zayo
 AT&T Corp Only

F.O. Conflict with inlet. Relocate F.O.



Superelevation Diagram

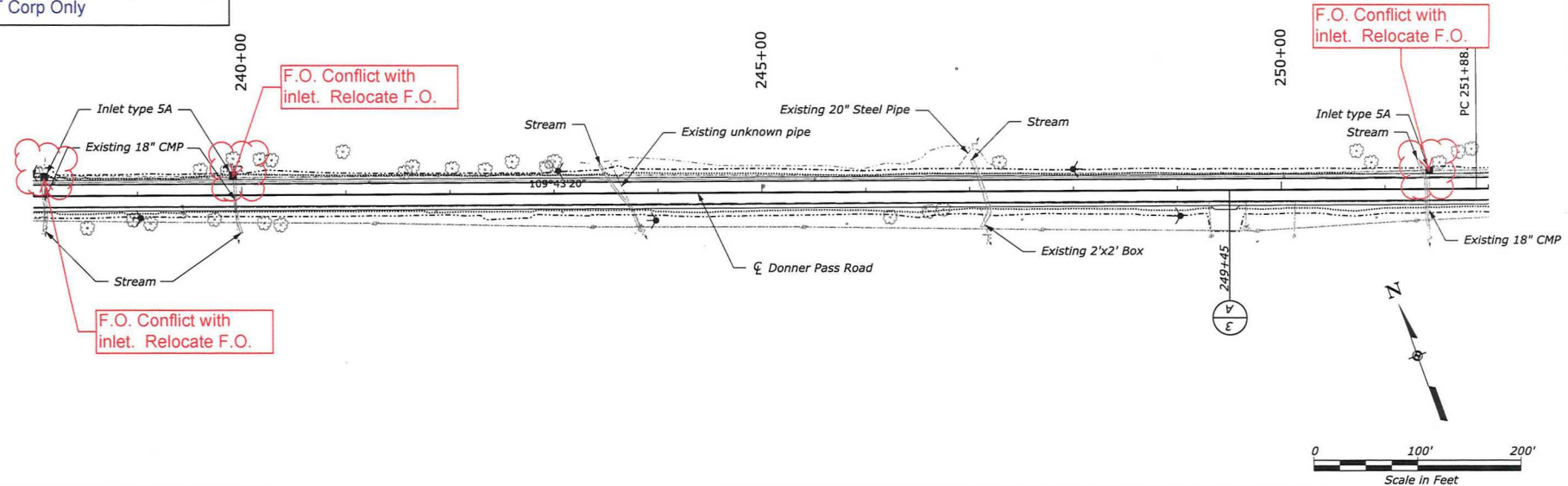


—User: mcarlson_

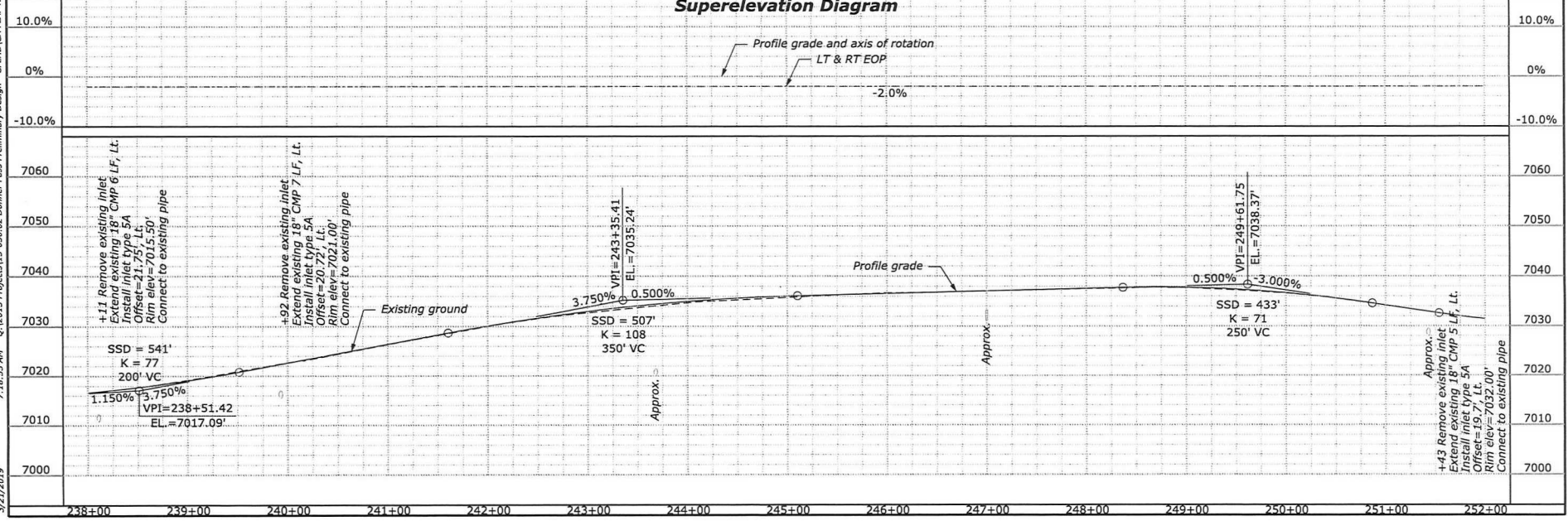
3/21/2019 7:18:55 AM Q:\2015 Projects\15-030.02 Donner Pass Preliminary Design - CEJMD\CA FLAP NEV 40(1)\Roadway\CADD_Sheets\C-ML_PWP(PW\DOWN)\CA40_12.dgn

LEGEND:
 AT&T Calif, AT&T Corp, and Zayo
 AT&T Corp Only

STATE	PROJECT	SHEET NUMBER
CA	CA FLAP NEV 40(1) DONNER PASS	C12

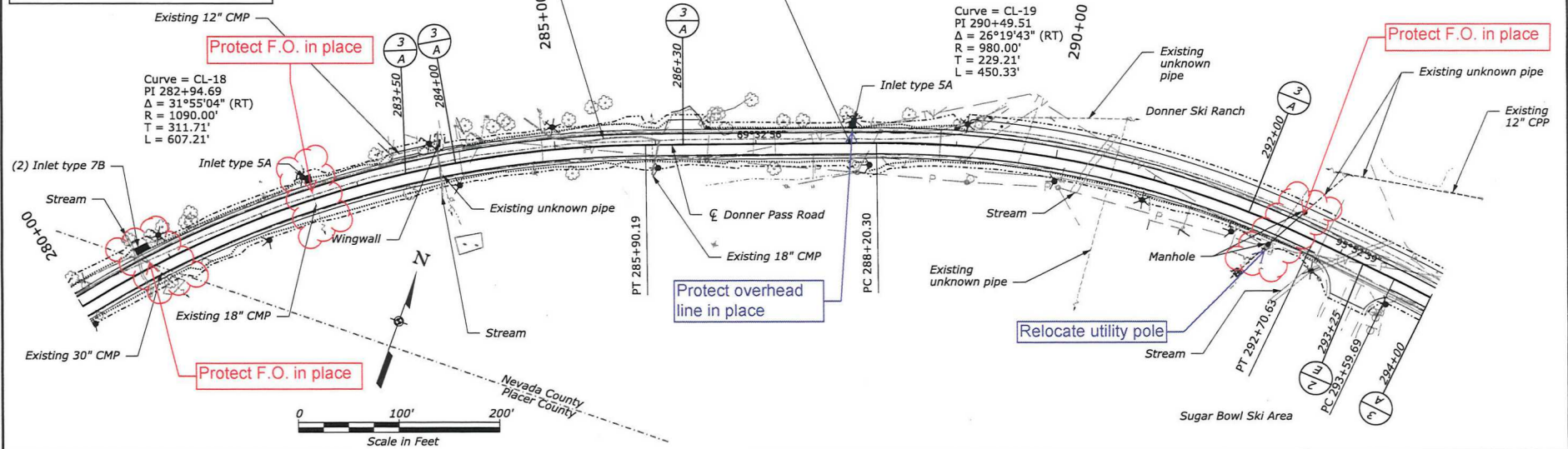


Superelevation Diagram

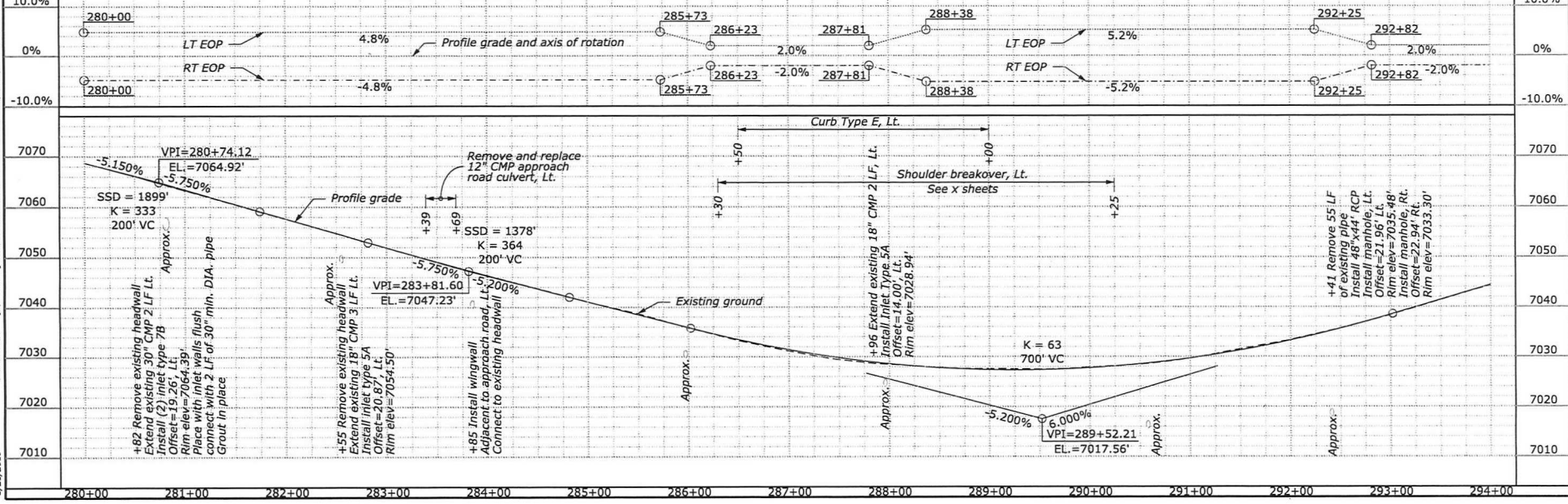


STATE	PROJECT	SHEET NUMBER
CA	CA FLAP NEV 40(1) DONNER PASS	C15

LEGEND:
 AT&T Calif, AT&T Corp, and Zayo
 AT&T Corp Only



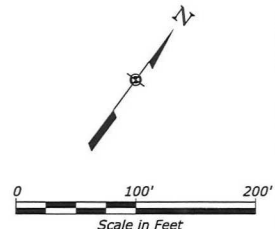
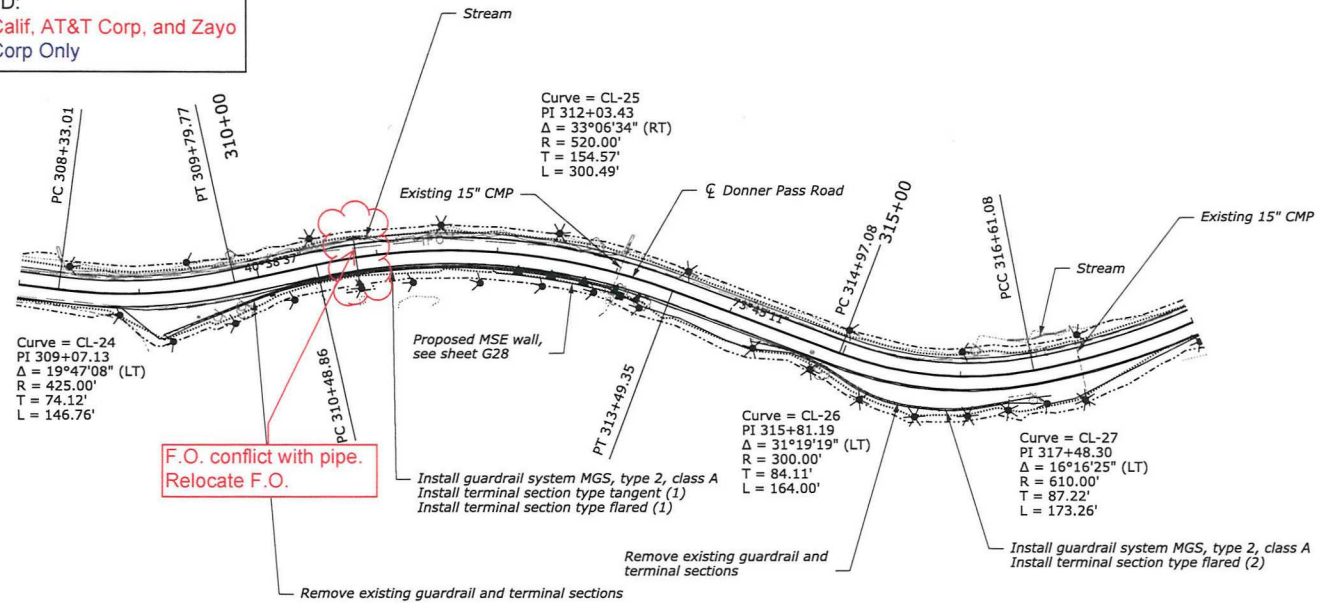
Superelevation Diagram



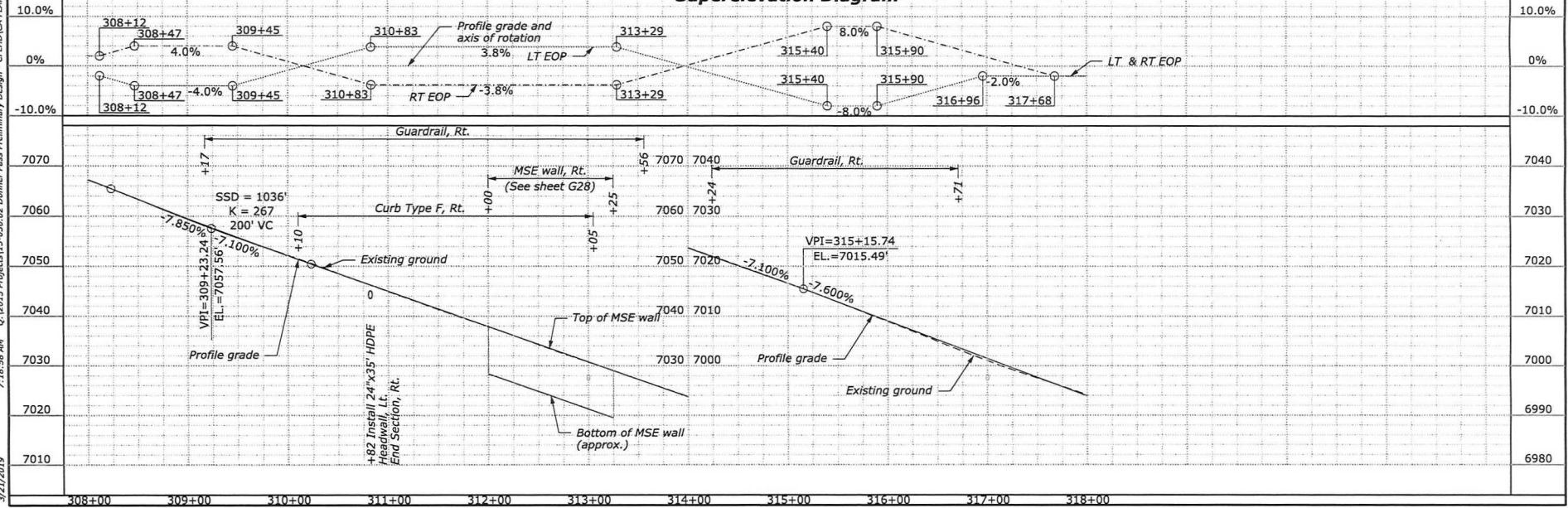
3/21/2019 7:18:56 AM Q:\2018 Projects\15-030.02 Donner Pass Preliminary Design - CADD\CA FLAP NEV 40(1)\Roadway\CADD_Sheets\C-ML_PNP\PI\POW\CHK40_15.dgn User: mcanlon

STATE	PROJECT	SHEET NUMBER
CA	CA FLAP NEV 40(1) DONNER PASS	C17

LEGEND:
 AT&T Calif, AT&T Corp, and Zayo
 AT&T Corp Only



Superelevation Diagram



3/21/2019 7:18:58 AM Q:\2015 Projects\15-030.02 Donner Pass Preliminary Design - CML\ND\CA FLAP NEV 40(1)\Roadway\CADD_Sheets\C-ML\MP\DWG\DONNER\CA40_17.dgn User: mcarlson

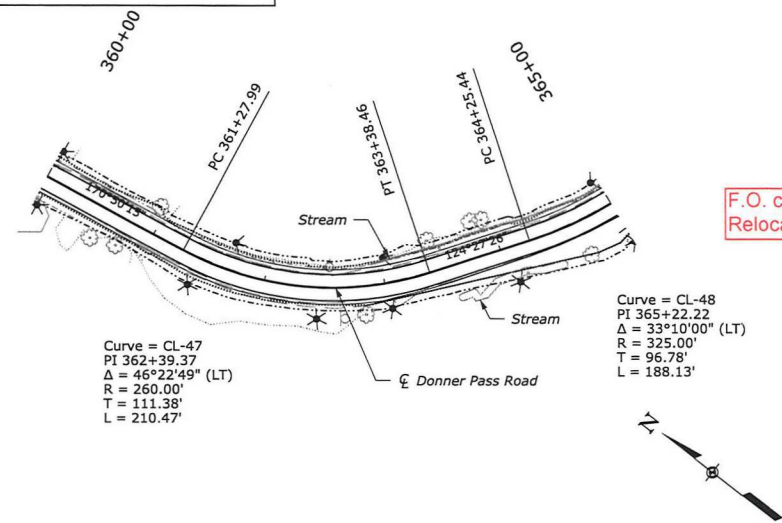
User: mcarlson

Q:\2015 Projects\15-030.02 Donner Pass Preliminary Design - CMLD\CA FLAP NEV 40(1) Roadway\CADD_Sheets\C-M_L_PMP\PP\DONN\CA40_22.dgn

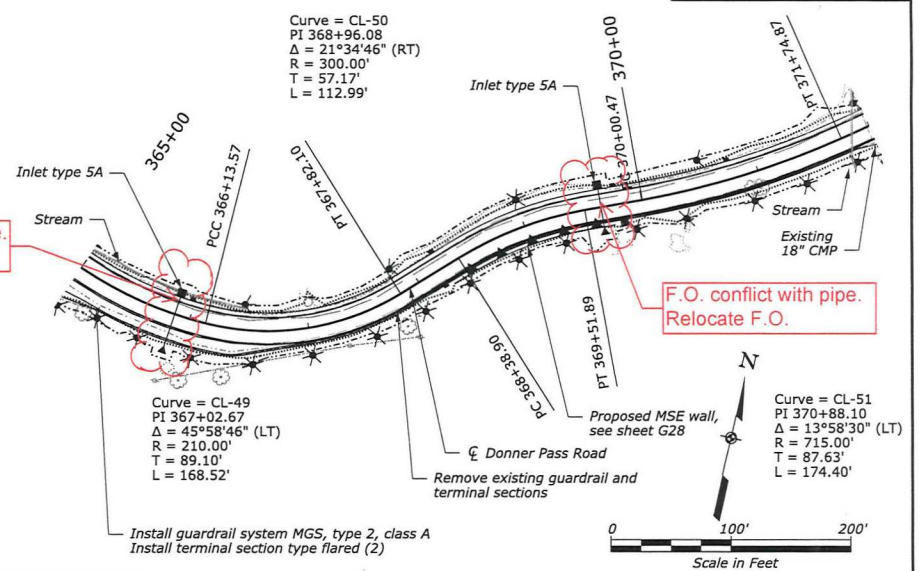
3/21/2019 7:19:01 AM

LEGEND:
 AT&T Calif, AT&T Corp, and Zayo
 AT&T Corp Only

STATE	PROJECT	SHEET NUMBER
CA	CA FLAP NEV 40(1) DONNER PASS	C22

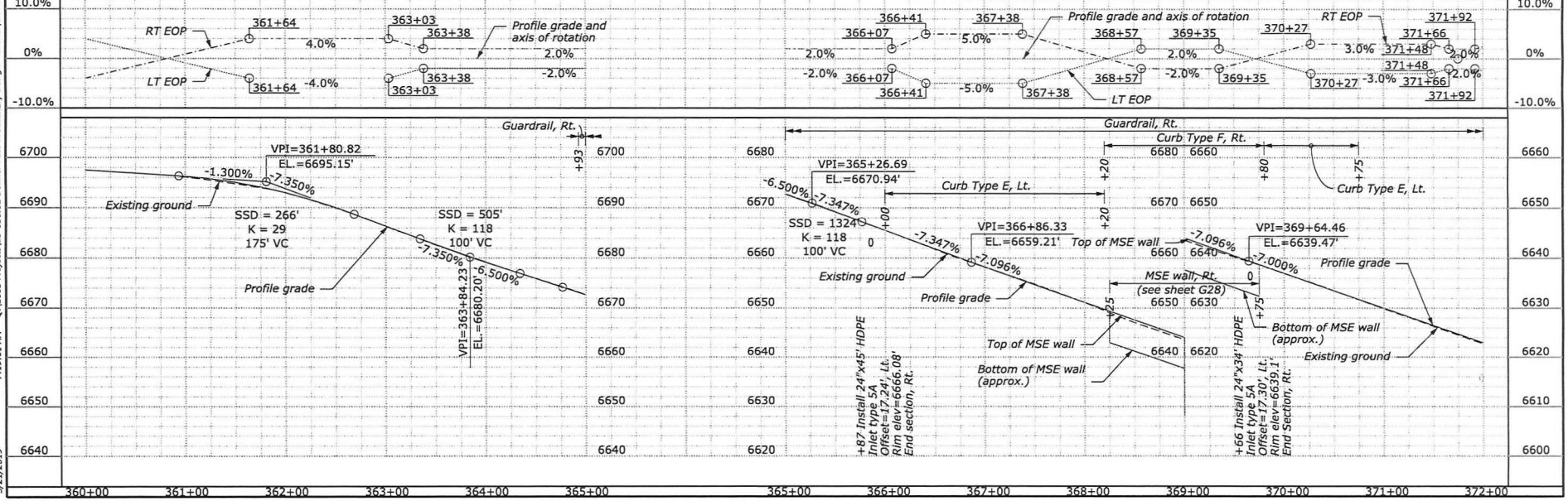


F.O. conflict with pipe.
Relocate F.O.



F.O. conflict with pipe.
Relocate F.O.

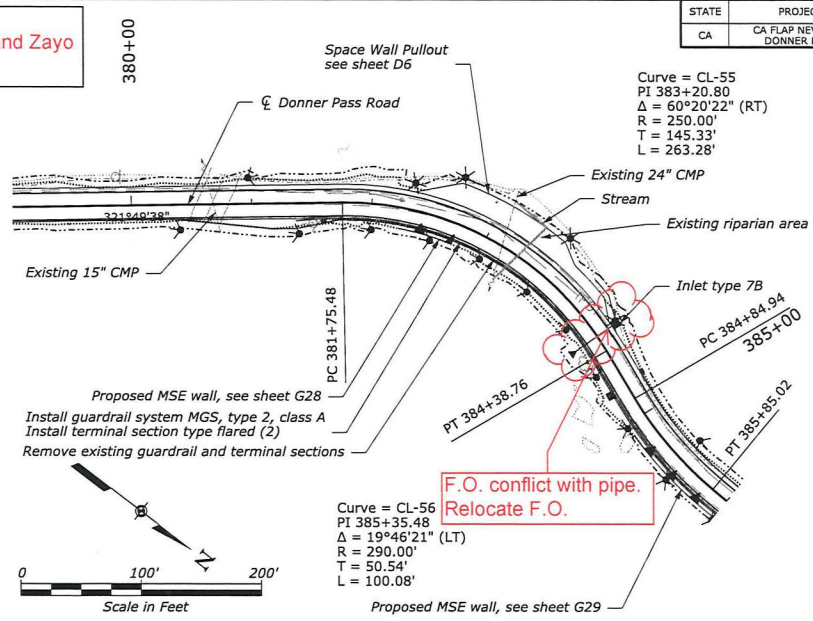
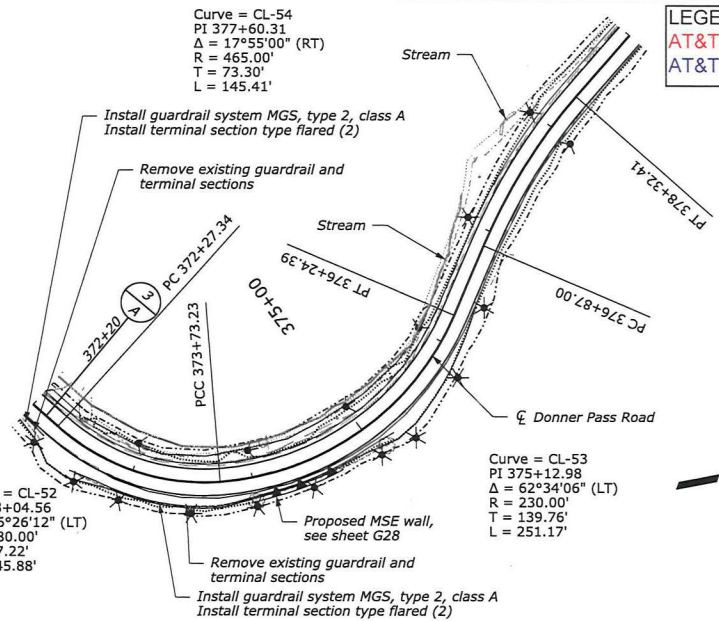
Superelevation Diagram



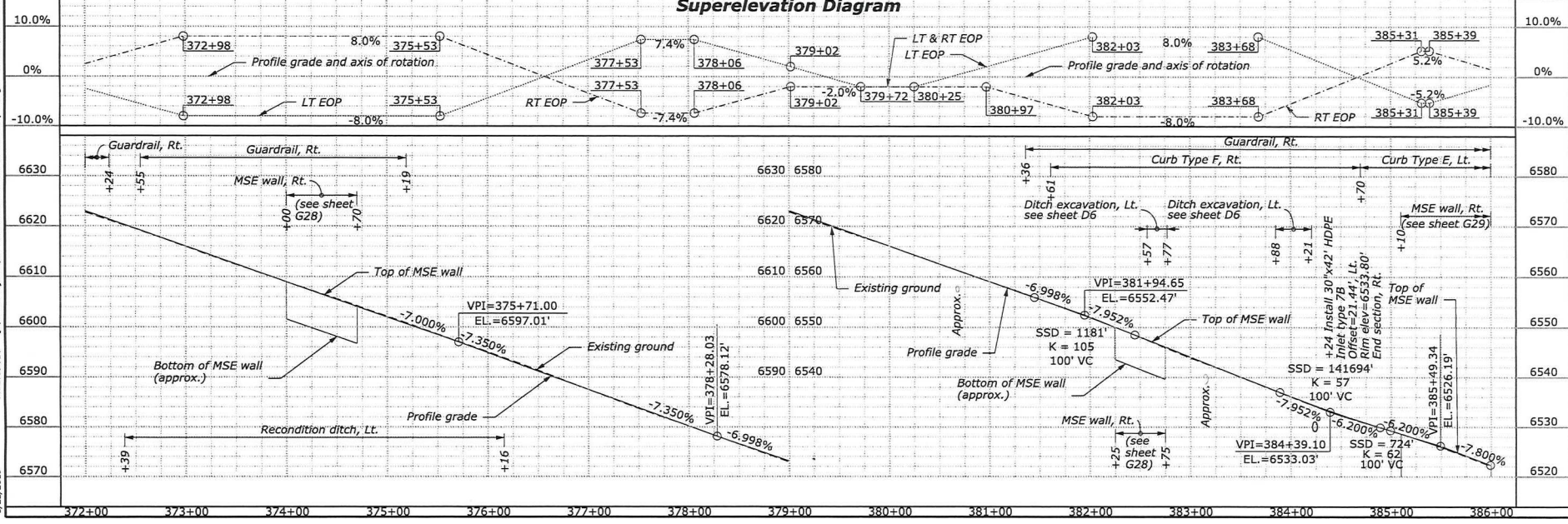
3/22/2019 9:22:09 AM Q:\2015 Projects\15-030.02 Donner Pass Preliminary Design - CFI\JD\CA FLAP NEV 40(1)\Roadway\CADD_Sheets\C-HL_PWP\DWG\DONN\CA40_23.dgn User: mcarlson

STATE	PROJECT	SHEET NUMBER
CA	CA FLAP NEV 40(1) DONNER PASS	C23

LEGEND:
 AT&T Calif, AT&T Corp, and Zayo
 AT&T Corp Only



Superelevation Diagram



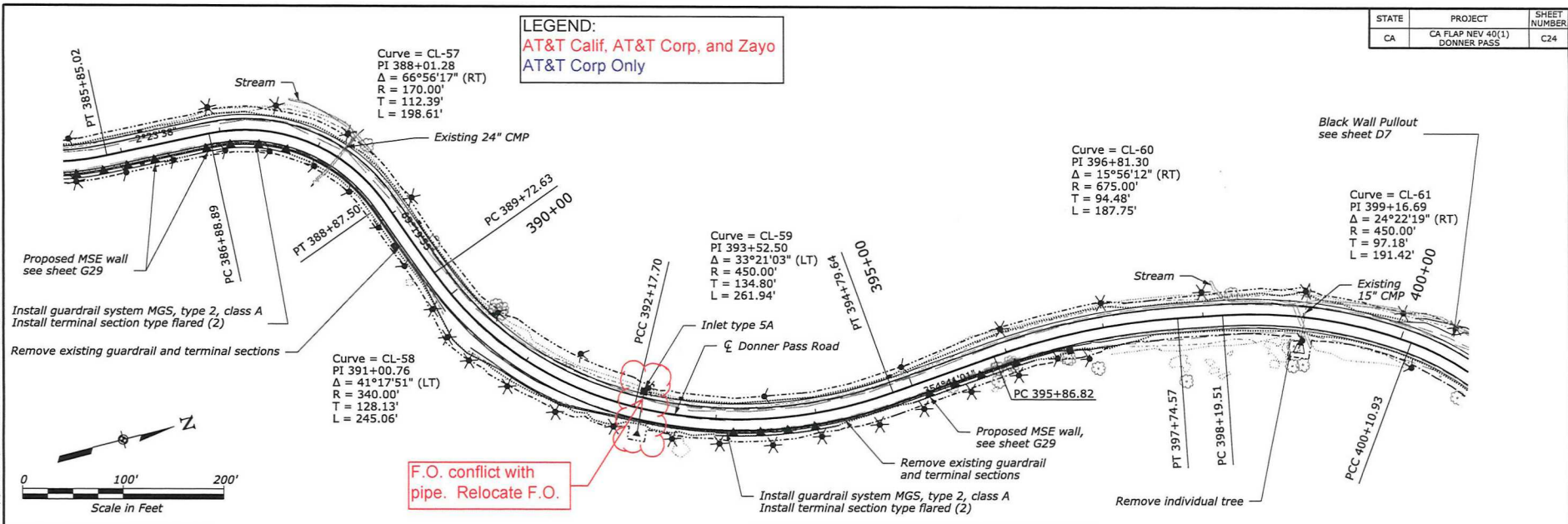
User: mcarlson

4:57:32 PM Q:\2015 Projects\15-030.02 Donner Pass Preliminary Design - CRUID\CA FLAP NEV 40(1)\Roadway\CADD_Sheets\IC-ML-RWP\DWG\DWG\IC40_24.dgn

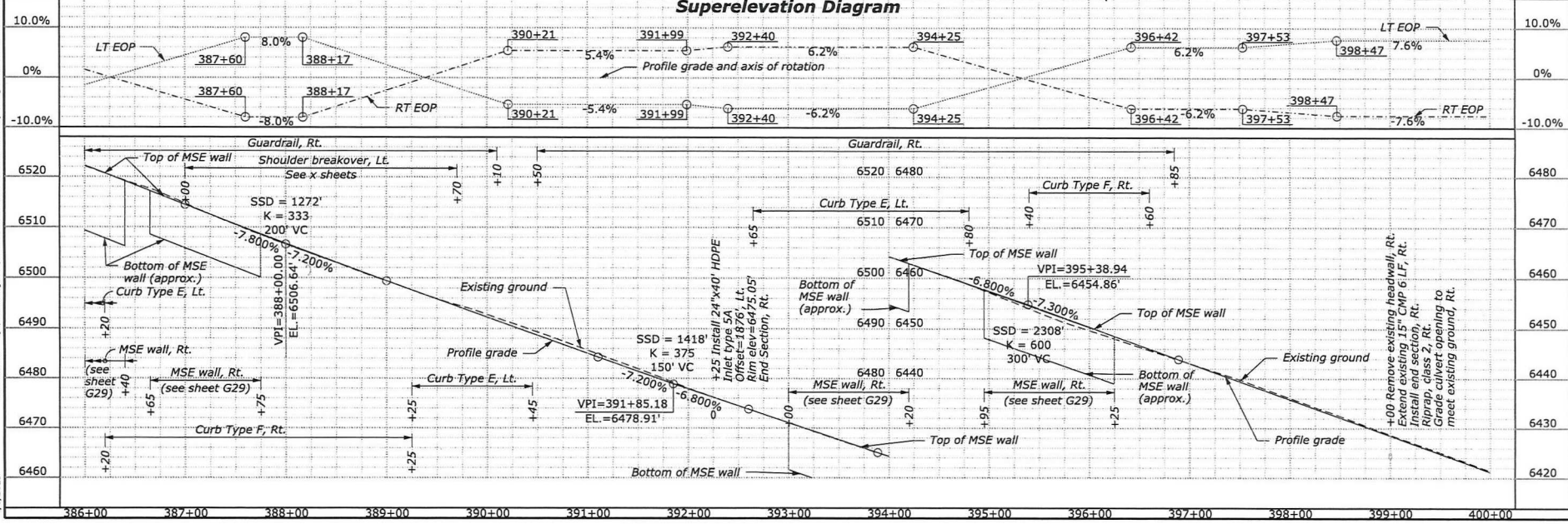
4/1/2019

STATE	PROJECT	SHEET NUMBER
CA	CA FLAP NEV 40(1) DONNER PASS	C24

LEGEND:
 AT&T Calif, AT&T Corp, and Zayo
 AT&T Corp Only



Superelevation Diagram



Attachment A

Joint Trench Cost Breakdown

Job: Donner Pass Road Project

Date: 4/21/21

Project #: CA FLAP 40(1)

Agreement #: DTFH68-15-E-00043

1. At the request of Utility Company CFLHD has agreed to redesign and perform unanticipated changes to the project to accommodate the existing location of utilities along Donner Pass Road where shown on the attached map. The anticipated cost of these changes is listed below:

Work completed in 2020

Total Shared Cost	ATT-Corp 50%	Lumen 36%	ATT-CA .087%	Zayo .087%
\$348,655.07	\$174,327.54	\$125,515.83	\$24,405.85	\$24,405.85

Work to be done in 2021

Total Shared Cost	ATT-Corp 50%	Lumen 36%	ATT-CA .087%	Zayo .087%
\$143,315.55	\$71,657.77	\$51,593.60	\$10,032.09	\$10,032.09

By signing this you agree to the cost as shown and will make payment within 30 days of receipt of an invoice to the County of Nevada. The totals are estimates based on field measurements.