



**COUNTY OF NEVADA**  
**COMMUNITY DEVELOPMENT AGENCY**  
**DEPARTMENT OF PUBLIC WORKS**  
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Trisha Tillotson  
Community Development Agency Director  
And  
Acting Director of Public Works

**NEVADA COUNTY BOARD OF SUPERVISORS**  
**Board Agenda Memo**

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**MEETING DATE:** August 10, 2021  
**TO:** Board of Supervisors  
**FROM:** Trisha Tillotson, Acting Director Public Works  
**SUBJECT:** Resolution Approving a \$34,437.94 Increase of Funding for the CA FLAP NEV 40(1) Donner Pass Road Project, and Authorizing Utility Agreement No. 1 with Zayo Group for relocation of utilities on Donner Pass Road in the Amount of \$34,437.94 – District V

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**RECOMMENDATION:** Approve the attached Resolution.

**FUNDING:** The funds will come from Zayo Group 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 Zayo Group. 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., Lumen, 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 Communication, 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.

Zayo Group's portion of the utility work is \$34,437.94 for work done in 2021.

The attached agreement authorizes Nevada County to accept funds for utility relocation work from Zayo Group in the amount of \$34,437.94.

**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 21, 2021