

Montana Transportation Commission

September 27, 2012 Meeting Montana Department of Transportation Helena, MT 59601

IN ATTENDANCE

Kevin Howlett, Transportation Commissioner, Chairman
Barb Skelton, Transportation Commissioner (polycom)
D. Winterburn, Transportation Commissioner
Rick Griffith, Transportation Commissioner
Carol Lambert, Transportation Commissioner
Tim Reardon, Director MDT
Lynn Zanto, Planning Administrator
Dwane Kailey, MDT Engineering
Lori Ryan, MDT Commission Secretary
Jim Skinner – MDT
Ed Beaudette – MDT
Stefan Streeter – MDT (polycom)
Paul Johnson, MDT
Chris DeVerniero, MDT
Kevin McLaury, FHWA
Chris Kelly – Marketing Manager, HDR
Ken Ronish, Fergus County Commissioner
David Cripps, Fergus County Commissioner
Peter Burlaigh, Fergus County Commissioner
Vern Peterson, Fergus County Commissioner
Bill Kennedy, Yellowstone County Commissioner
Pam Raines, Mineral County
Ron Trahan, Confederated Salish & Kootenai Tribes
Jim Malatare, Confederated Salish & Kootenai Tribes
Leroy Spring, Northern Cheyenne Tribal President
Janis Spear, Northern Cheyenne Tribal Roads Department
Mike Tolan, Bureau of Indian Affairs,

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OPENING – Commissioner Kevin Howlett

Commissioner Howlett called the meeting to order. After the pledge of allegiance, Commissioner Howlett offered the invocation.

Commissioner Howlett thanked Commissioner Skelton for a wonderful reception in Billings. The Commissioner was able to tour many of the projects in the Billings District. It was a great opportunity to see the lay of the land, and meet with local people in Billings.

Approval of Minutes

The minutes for the Commission Meetings of July 24, 2012, July 26, 2012, August 7, 2012, August 21, 2012, September 4, 2012, and September 18, 2012 were presented for approval.

Commissioner Griffith moved to approve the minutes for the Commission Meetings of July 24, 2012, July 26, 2012, August 7, 2012, August 21, 2012, September 4, 2012, and September 18, 2012. Commissioner Lambert seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 1: Construction Projects on State Urban System, City of Livingston

Lynn Zanto said this agenda item involves two construction projects on our State Urban Highway System in Livingston. This is a local project. The City of Livingston is requesting delegation of authority to let, award and administer the contract. Under MCA 60-2-111 “letting of contracts on state and federal aid highways,” all projects for construction or reconstruction of highways and streets located on highway systems and state highways, including those portions in cities and towns, must be let by the Transportation Commission. This statute exists to ensure the safety of our system, protect transportation investments, and encourage better coordination between state and local infrastructure improvements. MDT staff reaches out to local governments to solicit local projects on state systems to ensure compliance with this statute.

Summary: Park County, with concurrence from the city of Livingston, is planning to design and build transportation improvement projects on the state’s Urban System. These projects will be funded with a FEMA grant and local funds. The projects will use contract labor. In general, the public supports this project. Listed below are locations, scopes, estimated costs, and fiscal year of the planned projects.

The projects will be designed with input and concurrence from MDT staff to the extent practicable. On behalf of Park County, as required by MCA 60-2-111, Planning staff is requesting that the Transportation Commission delegate authority to Park County to let and award contracts for the projects listed below:

Locations	Type of Work (scope)	Cost Estimate	Fiscal Year
The Fleshman Creek crossings on South Main Street (U-7409) and South H Street (U-7409).	Culvert Replacement	\$1,100,000	2013

Staff recommends the Commission delegate its authority to let, award, and administer the contract for these projects to the city of Livingston pending concurrence of the Chief Engineer.

Commissioner Lambert moved to approve the Construction Projects on State Urban System, City of Livingston. Commissioner Griffith seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item No. 2: MACI Discretionary Program Traffic Flow Improvement Projects

Lynn Zanto presented the MACI Discretionary Program project to the Commission. The Montana Air and Congestion Initiative – Discretionary (MACI-D) Program provides funds to address air quality in areas designated as non-attainment for air quality standards or areas that the Department of Environmental Quality considers at risk of non-attainment. MACI-D priorities have focused on air quality equipment purchases to address PM10 areas, intersection improvements, and signal synchronization to address emerging CO hot spots.

To expand the effort to address air quality, MDT is seeking Commission approval to add a project to the program to promote traffic flow improvements in eligible areas statewide. MDT District Administrators, in coordination with the MDT Traffic Safety Bureau, were asked to submit their needs. From these requests, MDT identified eligible signal connectivity and synchronization projects to be developed by the Traffic Safety Bureau and estimated to cost approximately \$4.08 million. The locations are in Helena, Kalispell, Missoula, Billings, Butte, and Great Falls.

Summary: MDT is requesting Commission approval to add a statewide traffic flow improvement project to the MACI-D Program. The MDT Traffic Safety Bureau and District Administrators have identified locations for improvements to signal connectivity and synchronization, prioritized traffic flow improvements, and developed cost estimates. The total estimated project cost is approximately \$4.08 million.

Staff recommends that the Commission approve the addition of these projects to the program.

Commissioner Lambert asked about the reason for coordinating the lights. Lynn said the idea is to keep traffic flowing and so you don't have cars idling because that is when the emissions are released into the air. We work with the Department of Environmental Quality for air quality monitoring to identify areas that are high risk; areas that may be approaching non-attainment.

Director Reardon asked Dwane to explain how the signals work and why they need to be periodically adjusted. Dwane Kailey said we try to use an average speed based on the posted speed limit and we time those lights in such a way that a car starting at one signal should be able to make it through the rest of the signals without having to stop. One of the air quality issues is acceleration. So not only do you not want them sitting and idling but you also want them to not have to stop and then accelerate again. Typically our signals read cars only on the inter-connecting roadways so when a car comes up to an intersection on a side street, we have a loop in there to detect that vehicle and that's how we set the signals. So we've got to get that timing in there as well to accommodate the side street and make sure that it controls all signals not just one and time them so we keep the cars moving as much as possible.

Commissioner Howlett said there was a lot of technology in this project. He asked if we are moving toward LED lights. Dwane said LED technology is challenging at this point in time. We are moving toward LED but the challenge is the National Illumination Standard which is the amount of light the person sees on the roadway. In order to meet that national standard we have to actually install more lights in the corridor. When you balance the cost of our high pressure lights that we use right now versus LED and the long-term maintenance, it is not cost-effective in every situation to bring in LED because you have more lights and more maintenance for those lights than with the high pressure sodium. We actually have one south of town

and a couple in our parking lot that we're experimenting with but based on the national standards we're not finding those to be cost effective at this time. We are pushing for potential adjustments in the national standards but we haven't seen that so far.

Commissioner Howlett said we had a situation where we went in and replaced all of our 24-hour lights and ended up paying them off in eight months by switching them. Now whether the lighting matched the national standard I don't know but they actually look brighter now. It's a different kind of light than typical lights. It may not measure in the same lumens but truly it looks brighter. Dwane said that was right on. That is one of the national arguments right now. High pressure sodium emits more of a yellow light whereas the LED is more of a white light. There is an argument that even though the lumens are less with LED the white light is actually brighter and better than the high pressure yellow sodium light. I do want to clarify that all of our signals are LED at this point in time.

Commissioner Lambert moved to approve the MACI Discretionary Program Traffic Flow Improvement Projects. Commissioner Griffith seconded the Motion. All Commissioners voted aye.

The motion passed unanimous.

**Agenda Item No. 3: Steel Bridge Fatigue – Statewide
Steel Bridge Rehab – Fatigue Details 2**

Lynn Zanto presented the Statewide Steel Bridge Fatigue & Rehab to the Commission. MDT is seeking Commission approval for Phase 2 of a statewide project to repair and rehabilitate steel bridges based on fatigue details. Phase 2 will address the issues identified during Phase 1 and recent inspections. Phase 1 looked at all steel bridges in the state for fatigue and identified the ones that needed to be rehabilitated. Below is a list of the bridges MDT plans to rehabilitate and their locations. Other bridges may be added as issues are identified.

District	Feature Intersection	Approximate Location	Route	Reference Post
Great Falls (3)	Missouri River, BNSF Railroad, local	8 km north of Craig	I-15	239.1
Great Falls (3)	Intersection Dearborn & Missouri River	10 km north of Craig	I-15	240.4
Great Falls (3)	Missouri River	11 km north of Craig	I-15	241.0
Great Falls (3)	Missouri River, local	12 km north of Craig	I-15	241.8
Missoula (1)	Clark Fork River	6 km west of Superior	I-90	42.9
Missoula (1)	Clark Fork River	4 km west of Superior	I-90	45.1
Missoula (1)	Clark Fork River	3 km east of Superior	I-90	49.3
Billings (5)	Yellowstone River	1 mile north of Big Timber	US-191	0.9
Butte (2)	Intersection Boulder & I-15	Boulder	MT-69	38.3

The proposed funding source for this project phase is the Bridge Program. The estimated cost is approximately \$2,981,000.

Summary: MDT is requesting Commission approval for Phase 2 of a statewide project to repair and rehabilitate steel bridges. The total estimated project cost is approximately \$2,981,000, and the proposed funding source is the Bridge Program.

Staff recommends that the Commission approve the addition of this project to the program.

Commissioner Griffith moved to approve the Steel Bridge Fatigue – Statewide Steel Bridge Rehab – Fatigue Details 2. Commissioner Winterburn seconded the Motion. All Commissioners voted aye.

The motion passed unanimous.

Agenda Item 4: Enhancement Project on MDT Right of Way Landscaping West Yellowstone

Lynn Zanto presented the Enhancement Project on MDT Right of Way Landscaping in West Yellowstone. Gallatin County is requesting Community Transportation Enhancement Program (CTEP) funding for a landscaping project in West Yellowstone. The project includes three flower barrels along Canyon Street (US-191/287, N-50) between Madison Avenue and Firehole Avenue and the design and construction of an event's sign to be placed at the southeast corner of Canyon Street and Yellowstone Avenue near the visitor information center. The project also includes lighting to illuminate three existing welcome signs located near the west city limit on US-20 (N-12), the north city limit on US-191/287, and the east city limit on US-191/287.

The total estimated cost for all phases of this project is approximately \$25,000. Including this project, Gallatin County will have obligated \$2,857,214 of the \$2,922,276 made available over the life of the CTEP program.

Summary: Gallatin County is requesting CTEP funding for a landscaping project in West Yellowstone that includes flower barrels along Canyon Street (N-50), a new events sign near the visitors information at the corner of Canyon Street and Yellowstone Avenue, and lighting for existing welcome signs near the west city limit on US-20 (N-12) and the north and east city limits on US-191/287 (N-50). The total estimated cost for all phases is approximately \$25,000.

Staff recommends that the Commission approve the addition of this project to the program.

Commissioner Griffith moved to approve the Enhancement Project on MDT Right of Way, Landscaping West Yellowstone. Commissioner Lambert seconded the Motion. All Commissioners voted aye.

The motion passed unanimous.

Agenda Item 5: Bridge Deck Preservation – Havre Havre 7th Avenue Deck Preservation

Lynn Zanto presented the Bridge Deck Preservation in Have, 7th Avenue Deck Preservation to the Commission. MDT is seeking approval for a project to apply deck preservation treatments to the BNSF Railroad Bridge and the Milk River Bridge, both located on 7th Avenue (U-5711) in Havre. The decks are in fair condition, and preservation treatment will extend the life of these non-redundant transportation links. Both bridges will be crack sealed. A skid treatment is assumed for the BNSF Railroad Bridge.

The total estimated project cost is approximately \$558,000, and the proposed funding source is the Bridge Program.

Summary: MDT is requesting Commission approval for a project to apply deck preservation treatments to the BNSF Railroad Bridge and the Milk River Bridge. The bridges are located on 7th Avenue (U-5711) in Havre. The total estimated project cost is approximately \$558,000. The proposed funding source is the Bridge Program.

Staff recommends that the Commission approve the addition of this project to the program.

Commissioner Lambert moved to approve the Bridge Deck Preservation – Havre, 7th Avenue Deck Preservation. Commissioner Griffith seconded the Motion. All Commissioners voted aye.

The motion passed unanimous.

**Agenda Item 6: ADA Improvements Great Falls
Great Falls ADA Curb Ramps – Phase 1**

Lynn Zanto presented the ADA Improvements in Great Falls, ADA Curb Ramps – Phase 1 to the Commission. The Congestion Mitigation and Air Quality Improvement Program (CMAQ) provides federal funds to finance transportation projects and programs to help meet the requirements of the Clean Air Act.

MDT is seeking Commission approval for Phase 1 of a CMAQ-funded project to install new ADA ramps and alley approaches on six urban routes in Great Falls. The total estimated project cost is approximately \$2,017,000.

This project is included in the Great Falls Transportation Improvement Program. The locations to be improved are listed below:

Signed Route	Departmental Route	Beginning RP	Length
Park Drive	U-5208	0.226	0.611
6 th Street South	U-5209	0.000	0.682
25 th Street North	U-5217	0.226	0.611
38 th Street North	U-5219	0.000	1.869
26 th Street South	U-5226	1.750	0.608
8 th Avenue North	U-5230	0.000	0.978

Summary: MDT is requesting Commission approval of a project to install new ADA ramps and alley approaches on six urban routes in Great Falls. The total estimated project cost is approximately \$2,017,000, and the proposed funding source is the CMAQ program.

Staff recommends that the Commission approve the addition of this project to the program.

Commissioner Howlett asked Lynn to explain why these three cities are the only cities to get projects. Lynn said air quality funding comes to us through the Federal Funding Program and the formula comes from the national level. When this was created, they based the formula on classified designated air quality non- attainment areas. The only one we had was the City of Missoula. The formula was based on the population and was intended to allocate to Missoula. However, because we have so little air quality issues, Congress did a minimum allocation. So even though they had no non-attainment areas, they still got a minimum amount of the funding for air

quality issues. So we had to give that money to Missoula and they have to meet certain federal requirements in their planning process to receive the funds. Billings and Great Falls were non-classified for carbon monoxide so therefore they weren't guaranteed funding through the federal government but they still have to jump through certain hoops in terms of improving their air quality. Since we have flexibility with our funding we thought it was only fair that they also get a certain amount of the funding because they all had a carbon monoxide issue and we want them to keep improving that. So we allocated the funds to those three communities. They have a formal Transportation Committee that includes representatives from the city, county, state and transit and they prioritize projects in accordance with the federal criteria.

Commissioner Winterburn moved to approve the ADA Improvements Great Falls ADA Curb Ramps – Phase 1. Commissioner Lambert seconded the Motion. All Commissioners voted aye.

The motion passed unanimous.

Agenda Item 7: Bank Stabilization, Smith River Scour Repair

Lynn Zanto presented the Bank Stabilization, Smith River Scour Repair to the Commission. Surface Transportation Program Secondary (STPS) funds may be used to improve any highway that is not functionally classified as a local or rural minor collector and is designated as part of the Secondary Highway System.

MDT is planning to use STPS funding to add riprap and scour protection along the westerly bank of the Smith River adjacent to Montana Secondary 330 (S-330) between RP 14.3 and RP 14.6. The total estimated project cost is approximately \$335,000.

Summary: MDT is requesting Commission approval of a project to add riprap and scour protection along the west bank of the Smith River adjacent to Montana Secondary 330. The total estimated cost is approximately \$335,000, and the funding source is STPS.

Staff recommends that the Commission approve the addition of this project to the program.

Commissioner Winterburn moved to approve the Bank Stabilization, Smith River Scour Repair. Commissioner Griffith seconded the Motion. All Commissioners voted aye.

The motion passed unanimous.

Agenda Item 8: Great Falls Urban Maintenance Program

Lynn Zanto presented the Great Falls Urban Maintenance Program to the Commission. The Surface Transportation Program Urban (STPU) is a sub-allocation of the larger Surface Transportation Program. It provides funding for improvements on the Urban Highway System in Montana's 16 urban areas. Allocations are based on a per capita distribution and are recalculated after each decennial census.

MDT is requesting Commission approval of an STPU project to chip seal and crack seal the urban routes listed below. The recommended improvements are based on Great Falls' Pavement Management System.

Signed Route	Departmental Route	Beginning RP	Length
6 th St. NW from NW Bypass to Smelter Ave.	U-5201	1.886	0.562
2 nd St. S from 2 nd Ave. S to 10 th Ave. S	U-5208	0.984	0.656
9 th St. S from 10 th Ave. S to 13 th Ave. S	U-5242	0.000	0.220

The city of Great Falls has requested the addition of this project to their STPU program and has included it in their Transportation Improvement Program. The total estimated project cost is approximately \$189,000.

Summary: MDT is requesting Commission approval of an STPU-funded project to chip seal and crack seal portions three urban routes in Great Falls: 6th Street NW, 2nd Street S, and 9th Street S. The total estimated project cost is approximately \$189,000.

Staff recommends that the Commission approve the addition of this project to the program.

Commissioner Howlett asked if they were adding any additional streets or just chip and seal the existing urban streets. Lynn said it was just existing streets.

Commissioner Lambert moved to approve the Great Falls Urban Maintenance Program. Commissioner Griffith seconded the Motion. All Commissioners voted aye.

The motion passed unanimous.

**Agenda Item 9: Reconstruction US 89
19 km NW Glacier County Line – Erosion**

Lynn Zanto presented the Reconstruction US 89, 19 km NW Glacier County Line, Erosion to the Commission. The Surface Transportation Program Primary (STPP) provides federal funding to preserve, restore, or reconstruct highways and bridges on the Primary Highway System.

MDT is planning an STPP-funded reconstruction project on US-89 (P-3) that will provide riprap and scour protection south of Browning between RP 102.4 and 103.9. The total estimated project cost is approximately \$1,184,000.

Summary: MDT is requesting Commission approval of a project to provide riprap and scour protection on approximately 1.5 miles of US-89 (P-3) south of Browning beginning at RP 102.4. The estimated cost for this project is approximately \$1,184,000, and the proposed funding source is STPP.

Staff recommends that the Commission approve the addition of this project to the program.

Commissioner Howlett asked if the project was going out towards the Kiowa Campground. Lynn said it was south of Browning and referred to a map showing where the project was located.

Commissioner Lambert moved to approve the Reconstruction US 89, 19 km NW Glacier County Line – Erosion. Commissioner Griffith seconded the Motion. All Commissioners voted aye.

The motion passed unanimous.

**Agenda Item 10: Urban Pavement Preservation
1st Avenue West & 1st Avenue East Kalispell
Flathead County Urban Pavement Preservation**

Lynn Zanto presented the Urban Pavement Preservation Project 1st Avenue West & 1st Avenue East in Kalispell, Flathead County to the Commission. MDT is requesting Commission approval of two urban pavement preservation projects in Kalispell for delivery in 2014. Both projects were nominated by the district in cooperation with the relevant local governments and reviewed to ensure appropriate scope of work.

The projects will be funded with Urban Pavement Preservation funds, and recommended treatments are based on Kalispell’s Pavement Management System. Project names and locations are listed below:

Project Name	Locations	Dept. Route	Length
Flathead County Urban Pavement Preservation	Two Mile Drive – Greenbriar to Konley	U-6702	1.22
	East Reserve Drive – US-2 to Helena Flats Rd.	U-6708	1.00
	Helena Flats Rd – MT-35 to E Reserve	U-6712	1.13
	W. Evergreen Drive – Whitefish River to US-2	U-6710	1.45
1st Ave W & 1st Ave E – Kalispell	1st Ave W – Airport to Center	U-6722	1.18
	1st Ave E – 5th to Center	U-6723	1.02

Locations	Scope of Work	Preliminary Engineering Phase	Construction Phase	Construction Engineering Phase	Total
Two Mile Drive –	Mill & Fill	\$89,000	\$508,000	\$51,000	\$648,000
East Reserve Drive – US-2	Seal & Cover				
Helena Flats Rd – MT-35	Seal & Cover				
W. Evergreen Drive –	Seal & Cover				
1st Ave W – Airport to 4th	Seal & Cover	\$89,000	\$850,000	\$85,000	\$1,024,000
1st Ave E – 5th to Center	Mill &				
Total:		\$ 178,000	\$1,358,000	\$ 136,000	\$1,672,000

Note: Cost estimates are rounded to the nearest thousand.

The projects are estimated to preserve approximately 7 miles of Federal-aid highway on the Urban Highway System.

Summary: MDT is requesting Commission approval of two urban pavement preservation projects in Kalispell for delivery in 2014. The projects will improve an estimated 7 miles of Federal-aid highways. The total estimated cost for all construction phases is approximately \$1,672,000, and the funding source is the Urban Pavement Preservation Program.

MDT staff recommends that the Commission approve the addition of these projects to the program.

Commissioner Griffith moved to approve the Urban Pavement Preservation, 1st Avenue West & 1st Avenue East Kalispell, Flathead County Urban Pavement Preservation. Commissioner Lambert seconded the Motion. All Commissioners voted aye.

The motion passed unanimous.

**Agenda Item 11: Urban Pavement Preservation
Miles City – 7th/Stower**

Lynn Zanto presented the Urban Pavement Preservation Miles City - 8th and Stower to the Commission. This is Miles City’s urban pavement preservation nomination for 2014. The project is located on 8th/Stower Street (U-8009) from Pacific Avenue to Moorehead Avenue (RP 0.2 to RP 1.2). From RP 0.2 to RP 0.97, the proposed scope is to diamond grind to the existing PCCP and seal the joints. From RP 0.97 to RP 1.2, the proposed scope is to mill/fill the intersections, crack seal, and seal and cover. The recommended treatments are based on Miles City’s Pavement Management System.

The project was nominated by the district in cooperation with the local government and reviewed to ensure appropriate scope of work. The total estimated cost for all phases is approximately \$456,000. The proposed funding source is the Urban Pavement Preservation Program.

Summary: MDT is requesting Commission approval of a pavement preservation project in Miles City on 8th/Stower Street (U-8009) from Pacific Avenue to Moorehead Avenue. The total estimated cost is approximately \$456,000, and the proposed funding source is the Urban Pavement Preservation Program.

Staff recommends that the Commission approve the addition of this project to the program.

Commissioner Lambert moved to approve the Urban Pavement Preservation, Miles City – 8th/Stower. Commissioner Griffith seconded the Motion. All Commissioners voted aye.

The motion passed unanimous.

**Agenda Item 12: District-wide Horizontal Curve Signing:
Butte Horizontal Curve Signing
Great Falls Horizontal Curve Signing
Billings Horizontal Curve Signing**

Lynn Zanto presented the District-wide Horizontal Curve Signing projects to the Commission. The Manual on Uniform Traffic Control Devices (MUTCD) is a compilation of national standards for all pavement markings, street signs, and traffic signals. The Federal Highway Administration, which has published the manual since 1971, updates it periodically to accommodate changing transportation needs and address new safety technologies, traffic control tools, and traffic management techniques.

MDT is planning to update all horizontal curve signing in the Butte, Great Falls, and Billings Districts to meet current MUTCD standards. Examples of horizontal curve signing are arrow signs, advisory speed signs, chevrons, and exit and ramp speed signs.

Total estimated project costs are shown below:

Butte District (District 2)	\$1,329,000
Great Falls District (District 3) . . .	\$1,424,000
Billings District (District 5)	<u>\$1,329,000</u>
	\$4,082,000

Summary: MDT is requesting Commission approval of three projects in the Butte, Great Falls, and Billings Districts to update horizontal curve signing to meet current MUTCD standards. The total estimated cost for all three projects is approximately \$4,082,000. The proposed funding source is the Highway Safety Improvement Program.

Staff recommends that the Commission approve the addition of these projects to the program.

Commissioner Howlett asked how they arrived at those three locations. Dwane said they are district-wide. We just completed the Missoula District this summer. We send people out to measure the centrifugal force as you go through a curve at various speeds. Then, based on the national standard guidance, we provide advisory signs on those curves. We measure the curves based on the posted speed limit versus what is the recommended speed through those curves. This will be district wide. Commissioner Howlett asked if we were going to do this state wide and you've already done it in Missoula. Dwane said they have measured in Missoula but have not placed the signs yet. We will be doing this state wide. In the past we've been very reactive, i.e., we go out and look at the accidents and try and find the clusters and then we address the clusters. With our Highway Safety Improvement Program going forward we are shifting to a pro-active approach. This is one of the avenues we are using. We are going out and finding the curves that aren't signed appropriately and updating the signing on those curves. Another large area we are attacking now is the number one accident statewide that are single vehicle run off the road accidents. We will be approaching the Commission with a recommendation to initiate a project that will hire a consultant to put together some guidance for us in how to proactively go throughout the state and address these single vehicle run-off the road accidents. It was actually started by FHWA on a national basis and we are going to adopt that and bring it into Montana as well.

Commissioner Howlett said maybe there would be a way to attach some seat-belt legislation to that as well. The single vehicle run-offs and people being thrown out of their vehicles is a major factor. Commissioner Lambert asked how you could do that. Commissioner Howlett said it would have to be a primary seat belt law. Kevin McLaury said Montana has a secondary seat belt law. Tim Reardon said we have just under 80% compliance but in these crash rates, 75% to 80% who were killed or seriously injured were not wearing seatbelts, so there is a direct correlation there. The Safety Program has been dealing with it for years and the numbers don't change a whole lot either way. We're trying to find ways to get the message across stronger and we're trying to be a little bit more creative in demonstrating to people the importance of buckling up. The single most identified cause with fatalities and serious injuries is not wearing seat belts. Commissioner Griffith said Utah was going after distracted drivers.

Lynn Zanto said all states are required to have a Strategic Highway Safety Plan. We have a very active plan with 13 areas of emphasis. It has to be data driven, so we gather data where the crashes and serious injuries are occurring and developed emphasis areas. We have an annual meeting every year and 100 people from across the state come from local, federal, state, and community grass roots type groups. We try to come up with strategies on how to address our 13 emphasis areas. Distracted driving isn't an emphasis area all by itself because the data is hard to get related to that. The younger driver is one of our emphasis areas and distracted driving initiative is a strategy. Changing driver behavior is very tough. We have a lot of very enthusiastic and passionate people throughout the state that support us and try and help us. Commissioner Howlett said to look at who are the people dying in these crashes – younger people, do they have driver training, their economic status. I'm

going back to something I talked about several years ago regarding the emphasis I think we need to place on preparing people to drive, i.e., driver training and safety training and things like that. When you have to cough up \$500 and you don't have a job or you have a minimum wage job, and learning to drive on the tractor is different than driving on the interstate.

Kevin McLaury said as part of the safety program we talk about the Four E's of safety. Engineering is one and we're engineering the safest roadways possible. Education is another and the NITSA piece comes into that. Under MAPS-21 Congress has said the two programs between Federal Highways and NITSA need to be better coordinated. We do a fairly good job here within the State. I met with the Regional Director of NITSA yesterday and he's excited about some opportunities that potentially can move us forward. The other Two E's are Enforcement and EMS. Obviously those four E's combined, working together through the Comprehensive Highway Safety Plan that this state does every year, it does help us focus but obviously there is room for improvement. There is a system that the State is working on that will give us additional data points so we can make better decisions based on data. We're encouraged as we move forward with that.

Commissioner Skelton said the chevron signs they were installing were helping especially in snowstorms so you can see what's coming. That is really working well. Commissioner Lambert asked if the curves were approved at the time of contract. Dwane said we have several criteria we use when the road is designed. We try and balance the cost of building the roadway economically versus the safety of the traveling public. In a lot of areas there is mountainous terrain and to try and design a curve that would be the posted speed limit would be cost prohibitive; you simply couldn't do it. A prime example is the I-90 from Lookout Pass towards Missoula. On the majority of that roadway the curves are 55 mph and yet the Interstate speed limit is 75 mph. When we design a roadway we actually use a design speed that does not necessarily correlate with the posted speed limit. It is based on economics and trying to balance the cost of building that road and designing that road and the offset of safety. So unfortunately we don't always set up those curve signs right away. We are trying to correct that. Commissioner Howlett said at the next out of town Commission meeting maybe we could go and observe where they are doing that; it would be interesting to see the difference. Dwane said he would be happy to set that up for you.

Commissioner Griffith moved to approve the District-wide Horizontal Curve Signing: Butte Horizontal Curve Signing, Great Falls Horizontal Curve Signing, Billings Horizontal Curve Signing. Commissioner Winterburn seconded the Motion. All Commissioners voted aye.

The motion passed unanimous.

Agenda Item 13: Interim Speed Zone Secondary 238 – Lewistown Southeast

Dwane Kailey presented the interim speed zone recommendation for Secondary 238, Lewistown Southeast. MDT has been notified recently that there are a fair number of people that would like to speak on this. Those comments came in late and we already had the Agenda established. So we notified those individuals that they would be allowed to speak during our elected officials public comment period at 9:30 a.m. So at this time I would recommend that we delay Agenda Item 13. I'll give you a brief intro to the Interim Speed Zone and then, if you would like, we can give opportunity for individuals to speak on it as well. Commissioner Howlett said they

would certainly give opportunity for those individuals to speak. It would be best to coordinate the two discussions on the interims.

This is an Interim Speed Zone on Secondary 238, southeast of Lewistown. We were requested by Fergus County Commissioners, based on our understanding from comments from area residents, to look at the speeds on this roadway. Because of the time it takes to conduct a full engineering study, our recommendation was to perform an interim study based on the concerns from Fergus County Commissioners. So we conducted that windshield review as required by statute. We've driven the roadway and preliminarily looked at the accidents and travelling speeds. Based on that review it is our recommendation at this time to install an interim 55 mph speed limit beginning at milepost 3.4 the end of the existing 45 mph zone and continuing southeast to milepost 9.8 an approximate distance of 6.4 miles. We presented this back to Fergus County Commissioners and they have concurred. Again this is an interim.

For benefits of the public, there are a fair number of statutes that cover how speed limits are established within the State of Montana. The statute is very clear. MDT can only establish a speed zone based on approval from the Transportation Commission. The way we do that is to go out and do an engineering review. We look at the traveling speeds, the pace, the culture, the nature of the roadway, access on the roadway, and the accident history. Then we provide an engineering recommendation to the Transportation Commission. It is within their authority to adopt the permanent speed zone based on our recommendation and what they hear from the local government or tribal government and/or citizens like you. With that I would turn it back to the Commission for public comment. Commissioner Howlett opened it up to people from Lewistown. The Secretary has asked that you sign in and we will take your comments. Please introduce yourself.

Public Comment

Ken Ronish – Fergus County Commissioner, Lewistown

I'm here to see what goes on and ask questions. We appreciate the speed zone study in a timely manner that it was done. Our only concern is this could skew the speed zone study after the road is done. We want to make sure that you go 55 mph from 70 mph and then after the road is done it is still 55 mph. Is that going to skew the speed study at the end? Dwane Kailey said I believe there is a reconstruct project scheduled for this roadway. We do not change the speed limit when we reconstruct a roadway. We will go back out after the reconstruct project has been completed for some time and the public is more accustomed to the roadway, we will go back and look at the speeds. By statute we cannot increase the speed limit on a roadway without concurrence and request from the local government. We cannot increase the speed on that roadway unless you request it.

Ken Ronish said if I understand this right, we would have to request that it goes back to 70 mph in order to have the speed zone study. Commissioner Howlett said if we've got the interim, there's no time frame on that interim. We can keep that interim in effect during reconstruct. When is it scheduled to reconstruct? Dwane said he didn't have the date. Commissioner Howlett said the 55 mph could be kept intact as an interim speed limit. Dwane said his recommendation was to conduct the engineering study and provide you with a recommendation based on the engineering study for a permanent speed zone as it may be a few years for the reconstruct. Stefan Streeter said the reconstruct was out a couple of years at a minimum maybe even three years. We get one project every two years and this one had some design issues so it was moved out.

Commissioner Howlett asked them to talk about the problems that needed the speed zone to be looked at in the first place. Ken Ronish said it was constituents coming in complaining about the speed. Commissioner Howlett asked if they were asking for it to be slower. Ken Ronish said it is a narrow road with lots of joggers and everything else on it, so they have lots of reason to complain. When it's reconstructed it should be a lot better. That was the reason we asked for the speed zone study until the reconstruction to slow it down a little bit. Commissioner Howlett asked if the problem was that the roadway was narrow and if there was any accident history. Ken Ronish said there have been a few accidents but some of them were other circumstances other than the road. Commissioner Skelton asked if they wanted it slower until reconstruction and then raise it back to the higher speeds. Ken Ronish said after it is reconstructed we don't want the 55 mph speed limit. We want some people who want it slowed down and some who want it left alone, so we're trying to balance that for everybody. Commissioner Skelton said you are asking for it to be slowed until the reconstruction and then have it re-examined after that. Ken Ronish said yes.

Director Reardon said in reference to the interim speed limit, it is important that the Commission understand that the interim limit is based on a windshield drive by. The District Traffic Engineer simply goes out with one of the county representatives and does a visual observation on current speeds, amount of traffic, and roadside culture – where are the access points, where are the conflict points, what are the road geometrics. All those things are looked at and then they come back and say based on this roadway today 70 mph is too fast, we should put an interim limit in there. That's not a full and complete engineering study. So when you get around to establishing a long-term speed limit different from the statutory 70 mph, you need to be able to base it on something more substantive than a windshield drive by. The science behind traffic engineering is there for safety purposes – 55 mph may be fine for an interim but with a full blown study, you could end up with 45 mph or 60 mph. The intent would be to maximize the safety from Point A to Point B for the traveling public. If that is too low you create as much conflict as if it's too high. That's the whole point of doing a full blown study because they will then start counting cars, looking at pace, and measure how fast every car is going. What is typically found is local drivers are establishing the pace of the road. We see it when we have roads that are too slow and the speed limits need to be increased. You don't want to make it an interim limit to the point of reconstruction. Once the road is completed, as Dwane said, you go back and basically do the same thing all over again. If that road is improved, drivers will change their driving habits. That's the basis of the study – how fast are people really driving – the 85th percentile. If most people drive a 70 mph road at 72–74 mph, then 70 mph is probably the speed you want. But if right now it is 70 mph out there and the 85th percentile is driving slower because it is too narrow or too dangerous, then the interim study will show there are too many areas of conflict and people aren't driving that fast so it should be reduced but to what level. 55 mph is not based on all the information that would be required in a complete study. The statutory requirement is that it be based on a traffic and engineering study. The interim limit was introduced by the Legislature largely to address senses of urgency where we have a problem. Commissioner Howlett said I think it is pretty clear that we could adopt this interim and then a study will take place. It may go up or it may come down but then it is up to the County after it is reconstructed to re-evaluate it because it's a different road.

Commissioner Lambert asked if it would make sense to do a temporary speed limit. Could they do a temporary and keep renewing it until the road is done? Dwane said you could do that. One of the concerns is if we post 55 mph speed signs out there, people will slow down which will skew the engineering study. It has been our

experience that is not the case and people are going to drive what they are comfortable driving. If you look back at the Sylvanite School Speed Zone Study, the signs out there today are 45 mph and yet the pace we measured was up around 65 mph. So absent heavy law enforcement, people will tend to drive what they are comfortable driving. So back to your question, no I don't believe it will affect it. They will slow down a little bit but we will still get the pace in the 85th percentile of what people are comfortable driving. Commissioner Howlett said if we adopt an interim and people exceed that, they are subject to breaking the law. What I've found over the years is the locals get nabbed because they are the ones speeding.

I think we're in a position to acknowledge that you have some conflict points on a narrow road but also to acknowledge that things are going to change after the road is reconstructed. I think we'd better go through the process, go through the speed study. We can do the interim which would be in effect until the study is done and they would come back with a recommendation to us for a posted speed limit that is permanent. If you don't come forward after reconstruction, it will remain at the interim level. If a request comes from a local government to do a speed study and the recommendation comes back to raise the speed limit, the local government can simply object to that and the study cannot be used legally to raise that speed. Commissioner Howlett said if the interim goes away, then it would either default to 70 mph or more likely do another study as the land set changes. Commissioner Griffith said it never gets to the point of trying to increase it. We would have to set the interim as a permanent solution for that to happen. Director Reardon said that's why we have the statutes. It does happen but not with any frequency. Usually you defer to the interests of local government; they know their residents and their roadway. The reason more locals tend to get more tickets when the speeds are reduced is because they know the road. They know where every access is, they know where every mailbox is, they know where the pull outs are, the fishing access, etc. That's why you see that. Commissioner Howlett said once the road is reconstructed, we'll have the design criteria used which is the speed available to have an engineering recommendation. Director Reardon said in order for it to be effective, it has to be enforced. In order to make that mindset change, the enforcement has to be consistent over a period of time to simply get motorists knowing that the speed limit is 55 mph. We know based on studies that if you can't enforce it, then it doesn't matter what the sign says. People are going to drive where they feel comfortable and safe. The presence of law enforcement tends to get people aware of what the speed limit is.

David Cripps, Fergus County Commissioner, Lewistown

Before I begin I think Stefan Streeter could confirm that the construction project is only going up to the fish hatchery turn off which is S466. I think that is about mile 4.5. This study is from mile 3.4 to 9.8 so it's only a little over one mile that would be reconstructed. There are no funds for beyond that so the rest of the road is not going to be reconstructed at this time. The last I heard it is three years out before that would even begin if it begins at all. I want to thank the Montana Transportation Commission for this opportunity to speak for many central Montanans who use S238. Unfortunately many of our concerned residents were not able to journey to Helena today. Many of them are elderly and Don Knox's wife just passed away so he was not able to come. We've waited many years for this opportunity to have our concerns for highway safety heard by someone who may be able to act on our behalf.

I live at the red barn at milepost nine built in 1908 by Perry Heath which is now at the intersection of East Fork Road also known as S38 and the Forest Grove Road. I grew up here on our family ranch and my parents often complained that I was born in the barn. At that time we had only three close neighbors each one a mile away. In

1974 my father sold our ranch to a developer. Today there are 30 residences on our former ranch at access S238 from milepost 8.8 at Timber Tracks Road to milepost 9.8 the Allied Steel Plant. Within one mile of Allied Steel there are an additional 10 residences. On Forest Grove Road there are an additional 20 residences within one mile of the red barn. So today there are 60 residences, several farm and ranch accesses, a large 226 East Fork Recreational Dam, and an Allied Steel manufacturing plant all accessing S238 between milepost 8.8 and 9.8.

Today I'd like to thank Engineer Daniel Bolen for recognizing on her windshield survey of August 17th that our concerns for highway safety on S238 are legitimate and for taking immediate action to bring this matter before the Transportation Commission as quickly as possible. I apologize if at times I seem impatient and angry but it has taken 15 months to complete windshield survey. I hope you will try and understand that I live in the danger zone and witness near accidents on a daily basis, just as I will try and understand why it takes so long for MDT to complete its speed zone studies. We agree with Engineer Bolan's recommendation that the zone under study have an interim speed limit of 55 mph until her final study is completed except for the one mile section between 8.8 and 9.8, that's Timber Tracks Road and Allied Steel. The end of the pavement of this former county road for many years was milepost 8.8 where the pavement of S238 abruptly narrows by two feet and enters a blind curve as it becomes a double yellow line to no-passing zone for one mile to Allied Steel. At milepost nine the Forest Grove Road and where the big red barn it enters from a long steep hill to the east beside the red barn.

Since the county recently raised this gravel road higher than the paved highway, the gravel currently washes and slides onto the highway at this intersection when vehicles suddenly apply the brakes attempting to stop at the bottom of the hill. Three fatalities have occurred at this intersection when trucks lost their brakes and couldn't stop before the highway. Last fall a neighbor crashed into my barn when his horse trailer jack-knifed while applying his brakes while going too fast. Logging trucks have gone through my corral and fence above my barn twice in the last three years because they were going too fast to stop safely. On the west side of the highway at this intersection are several mailboxes and the entrance of railroad land which serves several residences, cattle, sheep horses, four-wheelers, and ranching equipment. Also at this intersection and the blind curve there are signs for Forest Grove Road, Red Hill Road, two military missile sites, pictographs, use chains when icy, and many faded residences mileage signs. Many drivers over-shoot the intersection and stop abruptly in the middle of the highway on this blind curve and back up to read the signs. Many times if there is on-coming traffic when I try and turn left onto Forest Grove Road or into my barn, I have to step on the gas and continue straight up the highway so I'm not rear-ended by loaded steel trucks or pickup trucks pulling horse trailers traveling too fast to stop. One state highway worker admitted that last year he almost crashed into a stalled school bus at the big red barn.

During the windshield survey both Engineer Bolan and Janutess agreed with Don Knox and myself that this section of the road should have a slower speed limit than the rest of the highway under study. We are perplexed why they are not recommending 55 mph for this section. A speed limit of 55 mph in this section is basically no change for commercial trucks which currently have a speed limit of 60 mph which cannot possibly react quickly on the blind curve of Forest Grove intersection.

Therefore we believe the maximum speed limit from milepost 8.8 to 9.8 should not be more than 45 mph. Some unknown MDT employee has recently reduced the speed limit from 70 mph to 35 mph without complaints at milepost 11, at the East Fork Dam, to milepost 9.8 at Allied Steel. A speed limit of 45 mph from milepost 9.8

would be a natural transition to milepost 8.8 where it would increase to 55 mph. This would reflect the speed zones of 35 and 45 mph beginning nearest town that would transition into 55 mph at milepost 3.4. Please note that there appears to be no justifiable reason why the speed limit from milepost 3.0 to milepost 3.4 is 45 mph where the road is wider, has no major intersections, is a safe passing zone, and has clear visibility which is in opposite contrast to the most dangerous zone of the highway between milepost 8.8 and milepost 9.8 which is currently 70 mph, five miles less than interstate speed.

In summary those who utilize S238 include rural residents, ranchers, tractors and farming equipment, horses, cattle, sheep, four-wheelers, motorcycles, bicyclers, joggers, Allied Steel workers, truckers, utility vehicles, logging truckers, campers, fisherman hauling boats to use on the Dam, school buses, teen drivers, elderly residents from Lewistown, families and many tourists enjoying our absolutely beautiful scenic drive. I do not want to witness children or elderly or anyone being killed at the red barn if tourists stop to read the signs or if a vehicle can't stop in the gravel, or if there is ice at the Forest Grove Road approaching the highway. Reducing the speed limit on S238 as suggested over the 6.4 mile section will only inconvenience any driver by a maximum of less than 90 seconds. We do not believe an inconvenience of 90 seconds is a sacrifice that compares to one human life. Thank you for your attention and quick action to resolve this dangerous liability.

I have one short letter from the Chairman of Fergus County Community Council I would like to read.

To whom it may concern:

I'm sending my testimony for review at the Transportation Meeting discussing speed and safety issues on the upper Spring Creek Road. I'm speaking for myself and not for the Fergus County Community Council as a whole. As the Chairman of this Council, I've heard testimony from several residents along the road who have been voicing concern over the ever-increased speed with frequency of mixed commercial and residential traffic. Primarily the concern centers around the dangerous blind intersection with Forest Grove Road. I heard personal accounts of dangerous close calls and accidents at this intersection. I personally have witnessed semi-trucks careening down the road due to speed and condition that caused me to slow and pull as far to the shoulder as possible for safety.

Since, in this particular intersection, there are steep banks and very little shoulder on one side, an abrupt hill and a little shoulder on the other, it becomes quite precarious when the on-coming commercial vehicle crosses the centerline. Due to the many circumstances surrounding this intersection, the steep gravel road leading down to the intersection, the lack of visibility from all directions, and the large number of commercial trucks traveling back and forth on this section of road, I feel the speed at this intersection should be dramatically reduced. In my opinion, the state and the county are in jeopardy of facing substantial liability when a school bus is hit by a logging truck or steel truck traveling on these roads. The state and county have been duly warned by the citizens of the potential for disaster. If you choose to ignore the warning, it will be at the peril of all who use these roads.

Sincerely, Chairman of the Fergus County Community Council.

Commissioner Howlett asked Dwane about his recommendation. Does it address the request for the reduction in speed to 45 mph between milepost 8.8 to milepost 9.8? We've heard from some residents the suggestion surrounding that particular mile. Did you address that? Stefan Streeter said the study that recommended going to 55 mph was done by State Traffic Engineer Daniel Bolan. The District Traffic Engineer accompanied her. It is my understanding they looked at the entire route

and the lowest they could support was the 55 mph. They actually believed it could be 60 mph through the majority of that roadway. Their recommendation was to go to 55 mph. That was with a review of the entire route. I can't speak for her other than she reviewed the route and it was her recommendation to go to 55 mph. One of the issues Mr. Chris mentioned is really the county road being gravel coming down into the state highway. Even if we were to rebuild our roadway, aside from putting a landing there, we wouldn't go back and rebuild the county road. Those issues do exist not only there but across the state and the district. All I can say is that the State Traffic Engineer is recommending 55 mph for the entire route after she reviewed it. I can't recommend changing her opinion.

Commissioner Howlett asked if the speed study would encompass those issues raised today by the residents. Dwane Kailey said absolutely. I apologize that Daniel is not here but she's been detained in meetings all day; we did try to get her here. It will not only look at the comments from the County Commissioners but also the culture and everything going on out there as well. Commissioner Skelton said I know this road; my Aunt used to live up there. It is a dangerous road. I would concur with the staff recommendation and the speed study done by Daniel Bolan until we can do a further speed study after the reconstruct on this route.

Peter Burlaigh, Fergus County Commissioner, Lewistown

I live along that route. I grew up on a ranch that's on that route. I've been there since 1953 although most of my professional career I've lived in Great Falls. I can assure you that Great Falls seldom has an air quality problem because by the time you take the next breath, most of our pollution is in North Dakota. Several of the staff members and the Commissioners have talked about the 85th percentile of the people who are both cautious and prudent. Speed laws are not necessarily for them, it's for the 10-15% who are not so cautious and not so prudent. I did the math although I rounded it out to seven miles from mile marker 3.0 where it's 45 mph into mile marker 10. I'll include S466 which goes to the Fish Hatchery and branches off because that is a very important road. I would agree with what David said, the most dangerous place is that last mile – 8.8 to 9.8 and the intersection of the county road coming down the steep hill. I would agree that it should be no more than 45 mph and I would think, having driven that many times, not many people go faster than that. Again you've got the 10-15% that drive way above the speed limit at 75-80 mph and that is really dangerous.

We were talking earlier about single accident roll-overs. You asked who these people are. The answer is a lot of them are in this 10-15% who are not very prudent or cautious. David went through the kinds of traffic on that road. It is just amazing how many heavy trucks we have going back and forth – logging trucks and the steel carrying trucks. We also have the ranchers and the stock trailers that most rural roads would have.

The second most dangerous place is about mile maker 6-6.5. There is a ranch where the primary residence is on one side of the road and all the rest of the ranch buildings are on the other side of the road and it's on a pretty dangerous curve. Again I would say most people are not going to go 70 mph through here. If we put our speed traps up I'll bet they are going 60 mph or less.

When I did the math for those seven miles from mile marker 3.0 to 10, if you're driving 70 mph the entire way, it will take you six minutes. If you drive 55 mph the entire way, it would take you 7.6 minutes. That's roughly 90 seconds. If you worked in town and drove this both ways five days a week, four weeks a month, you would save about 20 minutes if you drove it at 70 mph versus 55 mph. However, I don't

think most people who know that road drive that fast but 10-15% would. Most of the rest of us would probably save 45 seconds. If we banked that road, these curves and these dangerous places would get warnings, I think you would drop those speeds to 45 mph just based on the curve. The reason the curves are there is because of the big rock walls. When you throw in visibility you might even want to drop it lower than that.

My personal thing in all this is my wife and I have spent the last 30 years exercising. When we lived in Great Falls we ran basically eight months out of the year. I prefer to bicycle in the summer so I bicycle four months out of the year. When I retired four years ago and moved to Lewistown, I thought this was great because I could run later in the morning when it's a little warmer. However, in both my running and bicycling I've had the philosophy that I should not be a threat to drivers; it's their road so when I run and I meet a car I get down in the grass. I don't want to be in the way of the car. I don't have earphones on so I can hear traffic behind me unless the wind is blowing. If I hear traffic behind me and I see traffic coming towards me, I get way down in the grass, 8-10 feet off the highway. I don't want them to be cheating each other; let them have their lanes. When I bicycle I do the same thing. In Lewistown I can't bicycle as far as Dave's house because when you enter that last mile, it is terribly dangerous; terribly narrow with curves, you can't see cars and they can't see you. I probably road my bike 10 times on that route when I finally decided I can't do this because it's too dangerous. Bicycles can only be on the highway or dive into the ditch and when they dive into the ditch, they almost always wreck. The other day I saw a bicycle coming by my house pulling two kids in a carrier behind them. You wouldn't want to be forced into the ditch in that situation. Runners, bicyclists, and walkers are just like drivers – 80-90% of them are cautious and prudent but 10% of them are not. I've seen bicyclists two abreast going down the road and in no way could a car get around them without going completely into the other lane. It is pretty heavily traveled by large trucks so it is a dangerous situation.

Now the reconstruct is only going to actually affect from town to mile marker 4.5. So it's going to improve approximately a mile or a little better of the existing road. I look forward to it because I live on that mile and I think it will be nice. I will take advantage of that because when I take the road to the Fish Hatchery I'll be safe for that first half mile. The traffic on the road to the Fish Hatchery seemed to me to be slower and I would prefer to run on that road than up towards Heath because the traffic is going slower. Some of the traffic when they see me, even though I'm stepping off the road, a lot of them will pull over to the other lane or slow down and that's the 80% who are cautious but some come right at me at 70 mph and I get the feeling they drive on the white line just to scare the hell out of me to tell me I shouldn't be on their road. It's my feeling that you cannot win an argument between a car and a person or a car and a bike; the car wins every time.

I think dropping the speed limit on the entire route to 55 mph is a very reasonable thing to do and I would say it should be lower on the last mile. I don't think the reconstruct is going to help.

Commissioner Howlett said I think we have a pretty good understanding of what you want. He asked if there was anyone in opposition to reducing the speed.

Vern Peterson, Fergus County Commissioner, Lewistown

I live at the end of the pavement on Route 238. We are here in opposition to an interim speed limit. We believe and Mr. Chairman you stated it very clearly that in order for a speed study to be accurate and meaningful after the reconstruction we would have to be law breaking citizens to establish a true speed. I don't like to break

the law. Our contention is that this does not meet the standard of an interim. Your legal counsel said that it takes urgency. We do not have any change on that road nor do we have any fatality problems on dry roads by unimpaired drivers. We've had some problems with impaired drivers. A speed limit sign is not going to change that in our opinion. We are working here on emotions rather than sound science; we haven't done the proper study, we've just driven it. I've never driven that whole road at 70 mph and I've lived there for 45 years until this came up. The other day I sat my speed control on 70 mph and drove that entire stretch at 70 mph. I don't usually do that but I wanted to see. It's not a problem. The ranch that Pete just talked about, I would like to bring your attention to a letter written by the couple whose fence is about 10 feet off the shoulder of the road and I gave you a copy. They went to the trouble of writing a letter saying that this interim speed limit is not necessary. We're choosing up sides here and I don't like that either. They got 200 signatures most of whom don't use that road on a regular basis. In two days my neighbors got 75 signatures all but two of which do use that road almost on a daily basis. Percentage wise the short list is half of theirs but they all use that road and they don't have a problem with it. So I think it doesn't measure up to the interim criteria. There is no urgency. We've got fewer trucks now than we had in 1980 because the US Gypsum used to ship all their sheetrock out and now we have a few loads of steel going back and forth. The development that David talked about has been there since the 70's. ADT hasn't suddenly increased that creates some kind of a need for an interim speed limit. The 90 seconds they talked about doesn't sound like much but Dr. Combs wrote a letter and he lives out there. Try holding your breath for 90 seconds; it can be a long time in certain circumstances. Everything is relative.

We would like to ask you to just table this until the reconstruct and then do a proper speed study and see what comes out of that. In the interim, as I stated in my letter, you can put up some black and yellow signs at the intersection to warn drivers. We all slow down there anyway. Put up a warning sign so that people who don't know it will be safer until we get the reconstruct done. We would respectfully request that you leave it as it is; there's no urgency.

Commissioner Howlett said this is a difficult dilemma we face here. While I acknowledge the signatures but you said most of them don't live there so to me that is less relevant than the people who took the time to come here and voice their concerns who do live there. I'm particularly concerned about that one intersection. I don't think we have to wait until there is a collision with a school bus and truck to act; I don't think that's responsible. We talked this morning about being pro-active about safety. So this Commission is faced with having to make a decision on an interim basis knowing that the road will be reconstructed at some point but only a portion of the road. Also I think it gives the department some heads up in terms of possible pedestrian paths and other things that ought to have some consideration in the future for the road that isn't reconstructed with different resources that might be available like CTEP. I don't want to be a party to not being responsible and pro-active to the health of the community both in speed, pedestrians, and agriculture. I've become known as kind of a hawk on speed reduction and I gladly accept that title. It should not have taken this long; we apologize for that. I think in Montana we kind of like to smell the air and take the time to get to where you're going. As an older man told me one time when he was pulled over for going too slow, he said if I wanted to get there quicker, I'd have left sooner. Pretty simple!

Commissioner Griffith said he was in agreement with all the ideas you had with the exception of milepost 8.8 to 9.8 and actually reduce that to 50 mph on that section. Would you have an objection to that? Commissioner Skelton said that in speaking with Stefan, we're not sure we can make a motion to not agree with the speed study. I need some clarification from legal on that. Stefan said one of his concerns was that

the State Engineer personally went out and reviewed this corridor and made a recommendation and was reluctant to recommend anything other than what she recommended for safety purposes. Commissioner Skelton said she would agree if we can do it. Stefan pointed out there is also a bike path with parking in that area; it's not paved but it is a bike path. Commissioner Howlett asked Chief Counsel Beaudette to weigh in on this.

Ed Beaudette said the Commission has the authority to do what they want. We would like you to follow the recommendation of the Traffic Engineer but you have the ultimate authority. Commissioner Skelton said that would amend her motion to include Commissioner Griffith's language. Commissioner Winterburn asked if there would be enforcement on that. The answer was no. We are a big county and to enforce one mile is pretty hard. The Highway Patrol could help out there too.

Stefan Streeter felt this still had to go through the County Commissioners to be approved because the speed was set below 55 mph. Commissioner Howlett said he did not believe that was the case. Dwane Kailey read from the letter submitted by the Fergus County Commissioners: "a couple of citizens reported that the speed be reduced to 45 mph from approximately milepost 8.8 to 9.8." It goes on to say that "one citizen spoke against this request because of the number of employees at Allied Steel who run two shifts being affected by the lower limit in traveling to and from work. The additional reduction would encompass the intersection of Forest Road by the red barn. We will leave that to your discretion." So Dwane felt it was in line with the letter received from Fergus County. Ed Beaudette said he was in agreement with that change. Commissioner Howlett thanked everyone for traveling to Helena and hoped the action was beneficial to them.

Commissioner Skelton moved to approve the Interim Speed Limit Recommendation for US 238 – Lewistown Southeast with the addition of a reduced speed of 50 mph from milepost 8.8 to 9.8. Commissioner Griffith seconded the Motion. All Commissioners voted aye.

The motion passed unanimous.

Agenda Item 14: Speed Zone Secondary 508 – Sylvanite School

Dwane Kailey presented the speed limit recommendation for Secondary 508 – Sylvanite School. This was a request by the Lincoln County Commissioners. Since Sylvanite School is no longer operating at this time, they've actually requested us to look at increasing the speed in this area. We've conducted an investigation, an engineering review, and at this time we are recommending elimination of the special speed zone of 45 mph. We have presented that to the Lincoln County Commissioners and they concur. Our official recommendation is to remove the 45 mph speed limit and the associated transitional zones as well. Commissioner Griffith asked if they were going from 45 mph to 70 mph. Dwane said that was the recommendation. Commissioner Griffith said the average speed through there is 67 mph so it seems like it fits.

Commissioner Griffith moved to approve the Speed Limit Recommendation for Secondary 508 – Sylvanite School. Commissioner Lambert seconded the Motion. All Commissioners voted aye.

The motion passed unanimous.

Agenda Item 15: Speed Zone

Secondary 552 – Sunburst Border Patrol Station

Dwane Kailey presented the speed limit recommendation for Secondary 552 – Sunburst Border Patrol Station. This was a request for a review of the speed zone from Toole County Commissioners. They would like to extend the existing 45 mph speed zone in this area. We have conducted an engineering review. Based on the crash information and the traveling speeds, we are recommending a 45 mph speed limit beginning at station 00 and continuing east to station 25+00. We have presented that to the Toole County Commissioners and they concur with that recommendation.

Commissioner Lambert moved to approve the Speed Limit Recommendation for Secondary 552 – Sunburst Border Patrol Station. Commissioner Griffith seconded the Motion. All Commissioners voted aye.

The motion passed unanimous.

Agenda Item 16: Speed Zone

Solway Frontage Road – Mineral County

Dwane Kailey presented the speed limit recommendation for Solway Frontage Road, Mineral County. We have received a fair number of comments from concerned citizens regarding this roadway. From those comments and concerns we have conducted an engineering speed study. In that speed study we go out predominantly and look at what are the traveling speeds out there. A lot of that is measurement of what the citizens themselves, the residents, are driving. The speed study shows us that 85th percentile speed is in the 55-60 mph with the ten-mile per hour pace percentage being right around the 50 mph on up to higher 50's and lower 60's. We also looked at the accident history out there. When we talk about accident history, the only resource we truly have is Montana Highway Patrol. So if there are accidents taking place where MHP is never called, that accident never gets reported and we're not aware of that. We only have Montana Highway Patrol data base to deal with. Based on that data base, we only found three single vehicle animal related crashes – deer, livestock, and other animals. There are no other trends out there relative to accident history. Based on our review and everything we saw out there, it is our recommendation for a 55 mph speed limit beginning at I-90 interchange and continuing east to the end of the route just beyond I-90 Dry Creek Interchange an approximate distance of 5.5 miles.

Public Comment

Pam Raines – Mineral County, St. Regis

Thank you for taking time for us. I did a little bit of a power point because I'm aware that most of you have never been on Solway Frontage so you really don't know what it looks like or what we deal with on a daily basis. So if you want to just click through the presentation I can talk a little bit about each slide. Slide 1: This is the I-90 Interchange coming right onto the Frontage Road. The Frontage Road is old US Hwy 10, and I don't know when this bridge was constructed but what we are running into is a lot of pedestrians along this road, a lot of people who live on this road like to walk and bicycle. Slide 2: As you continue onto the bridge, you cannot see the side road that is to your immediate left that goes into a new housing development which has 17 lots. Commissioner Howlett asked if it was close to Alberton or Superior. Pam Raines said they are between Superior and St. Regis.

Slide 3: There is a new development here within the last two years and that will increase the traffic. There are approximately 21 households in this stretch of road. We sent down a petition to MDT and of the 21 signatures 16 households were able to be contacted and were in favor of slowing the speed limit.

Slide 4: This is the condition of the bridge; it is in extremely poor condition. One side of the bridge has a wider shoulder than the other. The sidewalk is very narrow. As you can see from both directions there is not a lot of room. The centerline can hardly be seen. It is shown as a double yellow line although you wouldn't know it. I walk this almost every day and this is what I deal with when somebody slowly drives by me. As you can see my dog can barely fit on that sidewalk. If a person is standing on the sidewalk the railing is at my hip. If I had to lean I would fall over that edge; it's not safe for people.

Commissioner Howlett asked if it was designed to be a sidewalk or is it just a curb around the bridge. Dwane said he didn't know. Pam Raines said she would guess that it was a curb because it is very tall but not very wide. Commissioner Howlett said it didn't meet any standard. This is probably a 60-year old structure pre-interstate era.

Slide 5: This is as you come off the bridge. As you can see there is a curb and a lot of foliage on the left-hand side so traffic that is coming toward you is blocked. Slide 6: This is looking back at the same foliage on the right hand side of the road. As you can see there is no signage that shows there is a narrow bridge coming up. You can't even see any part of the bridge at this point.

Slide 7: Looking back going east again, this is another driveway to the right where there are homes. There is a long area that goes right up to the river.

Slide 8: This is what we run into with no shoulders. If you are walking along the roadway on the guardrail side of the road cars are not supposed to be crossing the centerline. If there is on-coming traffic, you're just squeezed up to that guardrail. The hillside basically drops off into the river from that point.

Slide 9: This is where there is a little bit of grass on the side of the road. We tend not to want to walk in that only because of the things we have to deal with like rattlesnakes. The grass is very thick and with the culvert holes it is not very conducive to walking and you couldn't ride a bike through that.

Slide 10: As we move along down the road there are some areas that are more conducive to walking. Then you come to a campground. I'm standing at the sign taking a picture and you can't tell where the campground is. You can't see where to turn.

Slide 11: Now I'm a tenth of a mile from the campground and I can just barely see the signage for the campground. The shadow to the right is the entrance to the campground facility. As you can see there is a 50 mph curve immediately past it.

Slide 12: If you're pulling a fifth-wheel and you're pulling out of this campground, many times we have seen people almost get T-boned because the cars are coming around that corner at 50+ mph and have to avoid a person either pulling in or pulling out. A lot of times we see people pass that entrance and then back up so they can pull in because they can't see the signage. Slide 13: This is the view from where that car was. You don't have any idea that is where the campground is.

Slide 14: This is going back the other direction. This stretch of the roadway is at milepost 2.9 going all the way to milepost 4.0. This is a long straight section but the whole section shows where there used to be guardrails and now there is nothing but rotted posts. So again, just past those posts it just drops off.

Slide 15: This is something we deal with during the summer months. It is open range. It is sometimes difficult to walk there because of the cattle. You don't want to get down into that brush because you don't know if a cow is going to be unhappy that her calf is separated from her.

Slide 16: This photo was taken July 15 at 9:30 p.m. and, as you can see, cows are in the middle of the road. This driver was creeping along by the time he got close enough that his headlights saw the cow until he actually.... I want you to know this is not a set up; this was just being there with traffic coming through. A concern of ours is that the cattle are on the road and at 60 mph if you hit a cow because you don't know there is going to be cattle out there, it's not a pretty sight.

Slide 17: Again as a homeowner we have to deal with cattle on the road. We live more towards Exit 37, so we're just on the other side of the little rise I showed you. We watched a near miss with these cows because they went up the road as a car was coming over and it just barely missed the cows.

Slide 18: This is milepost 4.0. Again it is a double yellow line and if cars are coming both directions there is no area to move to.

Slide 19: As we continue on you can see the condition of the posts next to the river. Again one of our neighbors has three disadvantaged children. They try to exercise like riding their bicycles and it is very difficult when you've got traffic. I want to also say that the local traffic does not move at 60 mph. During the time of year when we have a lot of people going to that campground or people just traveling through, they see 60 mph and think it is ok to go 60 mph without any regard to what else is on this road.

Slide 20: Again this road continues on the same. The old railroad crossing bridge that you can just barely see on the left is another side road that goes up a gulch off this road. From this position you can't see where the road is at all.

Slide 21: This is near the Dry Creek Bridge at the opposite end of the Frontage Road. As you come off the Dry Creek exit this is the first thing you see when you take a left onto the Frontage Road – Range Cattle but it's ok to go 60 mph. Past the Dry Creek exit the road basically dead-ends and there is public parking at that point.

What we asked for in our petition was to slow the road down to 45 mph and to slow that old bridge down to 35 mph. I myself usually drive it at 45 mph. One morning I had an errand to run and driving up to the old bridge at 45 mph and was surprised to see how quickly I came upon my neighbor who was coming towards me. Even at 45 mph on that narrow bridge when you come around the corner you are up on somebody before you realize it. I'm really concerned about the bridge. People who are not familiar with the road drive it at the posted speed limit. Not all the accidents are reported; there are a lot of near misses. A lot of times people can't stop with fifth-wheels or RV's the way they think they can. We're looking at it because of the poor visibility on that bridge, there's no walkways available for pedestrians, bicyclists, or others, we have a cattle situation we deal with on a regular basis, wild game that occasionally cause accidents on the roadway, and just the fact that a lot of people who use the roadway are not familiar with the road and the population on that road has increased considerably since 2007 when it was set at 60 mph. We would like to see it lowered considerably. We would appreciate your consideration of that.

Commissioner Lambert said she enjoyed the pictures. She asked if they just wanted the speed limit lowered. I'm not sure what you're asking for – signage, guardrails, slower speed. Pam Raines said they'd like to see the speed slowed down because of the fact that the population is increasing and we've got areas that do not have good signage like the campground, and the fact there are side streets now that weren't there before because of new development. Commissioner Lambert asked if it was like a

little community. Pam Raines said they are a side-loop off of I-90. As the area has gotten more full time residents, there is more traffic on it. You said there's only been three animal vehicle accidents reported, but I know that last year there were 12 deer killed so a lot of times there are dead animals along the side of the road that have not been reported. We would like to see it become more pedestrian and bicycle friendly. We've owned our property for over 20 years but have just recently become full-time residents but we remember 20 years ago when people used to go to that campground and bicycle along that road. It's a nice five-mile plus stretch of roadway and it's beautiful but they don't do that anymore because the traffic is such that if a car is coming at you at 60 mph and you're on a bicycle and don't have much room to move, it's a pretty tight squeeze. There are now young families that have young children and there's a school bus that is on the road twice a day and they can't allow their children to go past the end of their driveway because the traffic is going fast. Those are our main concerns.

Unidentified Speaker

A gentleman said we want a lower speed limit; we're not lobbying for a whole bunch of road improvements. We think it's a great for a Frontage Road. We just want a slower speed so the driver and the pedestrian can react in time. Commissioner Lambert asked if it was just on the Frontage Road. Dwane said the road runs parallel to I-90 so no one is in opposition to lowering it. If you are Mr. Speedy and want to get to work, get on the interstate. I liked your comment earlier about let's stop and smell the roses; what do we live here for? Let's take advantage of the beauty, the outdoor and we just want those people to feel safe doing that. Commissioner Howlett asked if the majority of people using the road are residents with the exception of campers in the summer. Unidentified gentleman said I think we get outnumbered in the summer. Pam Raines said there is a lot of fishing at Dry Creek and there is a small boat area at milepost 2.0, so a lot of times people will drop off one place and pick up another place. The day they did the original speed survey was in the middle of July 2011 and the weather was horrible so we didn't have any fishermen in the area. So the speed study didn't show the average amount of traffic for that time of year.

Commissioner Howlett asked what the department did for snow plowing. Dwane Kailey said these roadways are a challenge. They are on the X-Route System. Most of these frontage roads were basically highways that got orphaned when we built the interstate and there is very little funding available other than maintenance dollars to do snow plowing and pot hole patching and that kind of stuff. As far as reconstruct or major improvements, there is very limited funding. A lot of it ends up falling on state funds which we have very little available. As far as improvements are concerned it is very challenging on these roads.

Dwane said going back to the speed study, one of our big concerns is that differential in speed. You heard from Fergus County, they don't have law enforcement and I doubt Mineral County is much different. I think we're all aware that the Highway Patrol is extremely challenged on routes they maintain. Barring any law enforcement, people are going to drive what they feel comfortable driving. Commissioner Howlett said if it is posted at 45 mph and not 60 mph, there's a tendency to be closer to 45 mph than to 70 mph. If you change it to 55 mph it won't do much. Dwane referred the Commission back to the Sylvanite School study. I think there is a tendency to slow down a little bit but again history demonstrates that drivers will drive where they feel comfortable. We can pull up the data. I think we changed the speeds down on Hwy 191 three times from 70 mph to 60 mph to 55 mph and we've done speed studies every single time and in every one of them, the traveling speed never changed; they still stayed the same speed even though we had three different speed zones

down there. Commissioner Griffith said truck traffic determines the maximum speed because people can't get around trucks. My concern is the pictures could be from any of our Frontage Roads anywhere in our state. In Butte we have hundreds of people living on the Frontage Road and there are no walking paths or other things. A speed study is something we can do something with. Is there something we can do with the guardrail? Dwane said he was not aware the guardrail was in that state of disrepair; we will take a look at it. Commissioner Griffith asked if barrier rails might be less expensive. Dwane said guardrails are the least expensive way to go. We typically try and stay away from the concrete barriers unless the hazards are such that it requires it. Commissioner Griffith felt guardrail was a reasonable request.

Commissioner Howlett said the speed study showed 55 mph. Dwane said one thing I need to mention is that we have a letter from the County Commissioners which supports the citizen's request for 45 mph. Commissioner Griffith wondered if they could do 55 mph. Dwane said the statute is clear that we are to present an engineering study and we've done that. Commissioner Howlett said they could factor in the different things and do 55 mph legally. An unidentified gentleman asked if they could consider some road warning signs about obstacles. The bridge is a hazard; you just don't know its coming. It's not a hazard for us because we know it's there but the person who goes to the campground or fishing access twice a year, they aren't familiar with it. Commissioner Howlett said there is a lot of signage that can be done. My concern with the bridge is that people misinterpret the purpose of the bridge. I think it was for a curb and not a walking path. If I think I'm walking in an unsafe area, I think I'd walk someplace different. I too am concerned about people; I'd rather see people not walking on it to be honest because it wasn't designed as a walking path. By condoning walking we're increasing our liability for somebody to get hurt on that bridge. I think if we should do 50 mph on the road and 45 mph on the bridge and see if that works. I also would say that we need some kind of sign that says this is not a pedestrian walkway. Commissioner Winterburn said that is not a good pedestrian bridge. I also think it is a good idea to put signs up saying you're coming to a narrow bridge.

Director Reardon said signage is dictated by the TCP we get on our state systems. Engineering can take a look to see if there is appropriate signage. We can look at the statutory obligations. Advance warning and cattle on the road are common signs. We don't sign pedestrian passage on any highway. We may build a bike or pedestrian path. So you have to be a little bit careful because when you put up the sign you present the idea that there's a safe pedestrian pathway. As far as the speed limit, we defer to your judgment here. In the absence of enforcement it is not going to mean a whole lot. The local people have indicated they know the road and they're going to drive where they know it's safe. With visitors, tourists, campers, sight-seers it's an enforcement issue and in a year you might see if there's a citation trend to know if reducing the speed is making a difference. It is easy to check today and find out in the last 12 months how many people have been cited on that roadway. That's always been a question for the Commission – if you reduce speeds the only way you know if it is effective if you're actually slowing people down, is to go back and do a study. You can also look to see if you have citations documenting that. Nothing slows people down like law enforcement. The officer can be sitting there drinking coffee or taking a nap but the presence of the vehicle will slow people down. All counties are pretty stretched for law enforcement. The Highway Patrol is the same way. That's another consideration for the Commission to just get the information from the counties on all these speed zones you're establishing. Commissioner Griffith said his suggestion was to reduce the speed to 50 mph on all but the bridge and reduce the bridge to 45 mph and the area be signed properly. Commissioner Howlett thanked everyone for coming and testifying before the Commission.

Commissioner Howlett noted that the Commission appreciates the work the engineers do to give us the information to make decisions on these things. Otherwise we're just throwing numbers at it and guessing. There is a sensitivity we have to bring to the issue and we appreciate what you do to get us prepared for that. We wouldn't even be able to talk about this issue if we didn't have the engineering study. Sometimes, even though the engineering study comes out, in your heart you have to feel that there is something that needs to be done. The bridge, being off the main system, is not a high priority because it gets maybe 100 cars per day. While we're concerned about cattle on the road, that's a bigger issue than us. The Legislature has to tackle that one. If we made all roads pedestrian friendly, which I'd love to do, we'd be broke and not be able to do any projects. I truly appreciate what you do to get us prepared for those issues. Commissioner Winterburn said when you move your subdivision in the middle of ranch land you're going to have cows. Dwane said he would pass the comments on to staff; all these are put together by staff and they do a tremendous job and work very hard to try and accommodate the local requests. There are just some areas that are very tough and we can't support through engineering.

Commissioner Griffith moved to approve the Speed Limit Recommendation for Solway Frontage Road – Mineral County to 50 mph for an approximate distance of 5.5 miles with the exception of the bridge area being reduced to 45 mph. Commissioner Lambert seconded the Motion. All Commissioners voted aye.

The motion passed unanimous.

Agenda Item 17: Interim Speed Zone US 98 - Ravalli Curves, South of Ravalli

Commissioner Howlett asked Dwane Kailey to introduce this item. Dwane said this is an interim speed limit for US 93. This item came forward fairly recently and we've been rushing to try and get everything done. We have done a windshield review of the site. MDT staff as well as county staff has reviewed the curve and pulled the accident history. As mentioned by individuals, our accident review was from January 2009 to October 2012 which shows three fatalities in the Montana Highway Patrol data but that data does not include a recent fatality that happened two weeks ago. So we are aware of four fatalities in the last 3½ years in this section of roadway. This roadway was also included in our Missoula District Curve Review. Based on that information, we found that ball-banking recommends a 60 mph advisory plate for the southern curve and northbound and a 65 mph advisory sign for the southbound southern curve. The northern curve, both northbound and southbound, ball-banked at 70 mph. Based on the windshield review and the accident history and a letter from the Salish Kootenai Tribe, MDT is not in opposition to a 60 mph speed going out there. Again we don't have a formal report at this time. One thing that does concern me is that we don't have comments from the County at this time. I will turn it over to the Tribe for their comments.

Commissioner Howlett said this was an issue that was brought to him by people who drive it every day. I drive it every day twice a day. It's pretty alarming in the span of a month that you have two head-on collisions within a mile and half of each other. That area is shaded, it's a wildlife crossing area, it is guard-railed on both sides, there's no escape if a car is in the other lane; there's simply no escape. There is a bridge that ices over in the winter that on a curve. There are lots of things wrong with that particular section of road. I agreed to do whatever I could to raise this issue and get it reduced before someone else gets killed. It could be my family; it could be anybody's family. If somebody comes around that corner at 70 mph in the other lane, there is nowhere to go, absolutely nowhere to go. The gentleman was saying

you could drive it 70 mph, you can do that, but if you happen to stray over in the other lane somebody is going to get killed. Both recent accidents were fatalities. I counted and the Tribe documented nine fatalities since reconstruction. I drive it every day and I thank God it is so much nicer than it used to be and then my heart sinks when I look at all the crosses since reconstruction. So I'm very much an ardent fan of reducing the speed and getting a study done. I understand the 70 mph thing but not there – not there! I spoke to the Chairman of the County Commissioners and told him what I was going to be proposing. I didn't know if I had the authority to make the recommendation so I contacted both the Tribal Government and County Government that there be a reduction in that area and they were not in opposition to a reduction in that area. I don't know why you haven't received their official letter because I did speak with them. You hadn't received the Tribe's letter either until I got on the phone this morning and found out it had been sent to your District office. He asked Councilman Trahan if he had any comments on this.

Public Comment

Ron Trahan – Confederated Salish & Kootenai Tribes

Good morning and thank you. On this particular section, this is a section of road that was started about four years ago when I was on a short vacation from the Council. I did sit on the POG. It's a beautiful road but just like anything there are portions where you couldn't see what was going to happen. One of these is here (referring to graphic) in a shaded area. Part of this would be helped by more specific signing because the residents know what this is but you have visitors and others who come into that area and don't pay attention to the signs. I know one sign they pay attention to is one that tells you what your speed is. I've seen a few of those in Arlee and you notice that people will slow down when they see the speed they are going. I even slow down because a lot of times you aren't paying attention to your speed. I've seen a lot of people going around that corner talking on a cell phone. That's something else that might have to be addressed in some other manner. You get into some of those corners especially in wintertime. When it gets iced up it is dangerous. A lot of people say this is the bob sled run. Before it was reconstructed you had a little bit of room but now if people come around that corner and hit that bridge when it's slick and turns sideways, you're stuck right there. The bad thing is if you slow down and they are stuck on the road, you're going to get the worst end of end. It is something that we'd like to have the speed limit looked at and taken down. I would even like to see signage added. You've got a little sign here and there but it's not enough. When you come off that passing area and go back to the traffic, people think that's a four-lane running down there all the way through. They don't really pay attention to that sign because it's right there. It's got to be farther down the road to give them a little more warning about what is coming up.

All-in-all the road is a beautiful good run but there are some things that need to be worked on. The little stretch outside of my town of Mission heading north, we are hitting deer and bear like crazy out there because it's not fenced off. There are crossings there but the fence doesn't stretch out far enough. Animals figure out the easiest way to go; if they can get around that fence and cross they do. I think there are some issues out there that we need to look at, but all-in-all I think it's been a real good road.

I'd like to see the section between milepost 44 and Ronan finished out. There's a concern on Post Creek Hill especially in the winter time but even during the tourist season because a lot of them don't know there is a side road coming in at the bottom. Even though it's double-lined, they don't see anybody coming. For the most part the road is good; it's just the crazy people who drive it. It's a good job and I appreciate

your time and I would appreciate the effort of sitting down and talking with you again. Again I thank you and have a good day.

Jim Malatare – Confederated Salish & Kootenai Tribes

Good morning. I have something to say about that part of the corridor. I drove it with Kevin the other day. In both of the accidents I sat two and a half hours in the traffic. That speaks to the narrowness of the highway; there's no way to get anybody around it when something happens. It's a pretty dangerous situation especially in the wintertime. I've come around those corners and seen cars sitting sideways and you've got no way to get around them. Cars that have to get off the highway are obstructing the path of other vehicles that are going pretty fast.

I'm pretty concerned about the comment about people getting comfortable driving a certain speed limit. People are getting pretty comfortable through there and are driving pretty fast through there. There's a lot of traffic in the summertime and anything that happens is a pretty scary situation. There isn't a lot of time to figure out something to do in an accident situation. It is a real concern with the past two fatalities. I thank you very much for looking at this. Something needs to happen in there.

Commissioner Howlett proposed the following: from the Battle Creek turn off to the intersection of the 45 mph speed limit at Junior Valley, the speed on US 93 be reduced to 60 mph on an interim basis and a speed study be conducted. The Tribe has also submitted a number of issues related to the US 93 project. For those of you unfamiliar with POG that is an acronym Project Oversight Group for the Highway 93 Corridor. These two councilmen have been representatives on that. That is being re-established and it is a very healthy movement. There's a lots of work to be done on that yet and I thank the Tribes for that work. Commissioner Winterburn asked if they could move that signage so that there is enough time to know you are coming up to a slower speed; I think that's an important thing. So often you come up to a sign that say the speed is going to lower but it's too immediate. Commissioner Howlett said we had a fatality on that bridge as well.

Dwane said they would take that into consideration. A couple of other things we will look at when we do our speed study is ball banking those curves. Based on the two recent fatality accidents, I think there's merit in taking a look at centerline rumble strips through that section as well. In both incidents the individual crossed over the centerline, so I think there's good reason to take a look at rumble strips in there as well. Commissioner Howlett asked Dwane how long it would take for the speed study. Dwane said he wasn't sure what the docket looked like; we're going into the winter season when we can't put our teams out there. My guess is that it would be next spring or early summer. Commissioner Howlett asked if the interim speed would be effective in the meantime. Dwane said yes.

Commissioner Lambert asked if it was the speed study that determines the center rumble strips. Dwane said no, the speed study doesn't determine it. We look at all sorts of other possible mitigations and that is one of the mitigations. We look at centerline rumble strips throughout the state based on accidents; Hwy 191 is a prime example. It does not require a speed study to look at those. Commissioner Griffith asked if they could get a before and after report of Hwy 191 so we can see the effectiveness of this. I know for me personally they are effective; they help me.

Kevin McLaury said centerline rumble strips are just one of nine safety counter measures that the Federal Highway Administration is promoting to cost effectively increase safety on the roadways. In the two-lane sections we see issues where

centerline rumble strips have proven very effective nationally. We've seen some very positive results in the state as well. When you're going to Three Forks from Helena across the bridge, there are rumble strips there because we've had a number of bad crashes and some fatalities over the years. That has proven to be a very positive step. I want to commend MDT because they've actually implemented all nine strategies within the state. We encourage them to continue to look for opportunities for low cost safety improvements across the state.

Commissioner Griffith moved to approve the Interim Speed Limit Recommendation of 60 mph for US 93 – Ravalli Curves, South of Ravalli. Commissioner Lambert seconded the Motion. All Commissioners voted aye.

*This motion also directs MDT to review signage and center-line rumble strips.

The motion passed unanimous.

Agenda Item 18: Letting Lists

Dwane Kailey presented the Letting Lists to the Commission for the months of July through December 2012. He noted the Agenda was prepared earlier so there is an error on the first page that shows September 20th letting that should say September 25. The Letting List goes through April 11th but this is obviously dependent on the Red Book meeting. Many of these projects are being let with anticipation of approval of the 2013 Red Book. It is staff's recommendation that you approve the Letting List as presented to you today depending on the TCP Meeting coming down in the next month. This is built off the existing Red Book as it is today. Should there be any changes, these will be adjusted.

Commissioner Griffith moved to adopt the Letting Lists. Commissioner Winterburn seconded the Motion. All Commissioners voted aye.

The motion passed unanimous.

Agenda Item 19: State Route 447 – Northern Cheyenne

Dwane Kailey turned this agenda item over to Ed Beaudette, MDT Chief Legal Counsel. Mr. Beaudette said State Route 447 is an interesting piece of highway in that it has been maintained and used by a number of individual groups over its history. It was adopted onto our system by the State Highway Commission in 1975. The Federal Highway Administration approved that in October, 1975. Rosebud County had maintained this highway for a period of time. Then in 1999 the County requested that MDT take over maintenance and that was agreed to. Here lately there was a determination of some construction that was sought to be done in the town of Ashland. I believe they were trying to put in an additional turn lane and all of a sudden it came to everyone's attention that there was a question as to whom the road belonged. In doing the research we found that this is a BIA Route; it is listed on their road block. According to our research and the work we've done we believe that in this case it would be appropriate to rescind our adoption of this as a State Highway in that it was probably improperly done in the 1970's. So at this point in time we think it would be appropriate that the Commission rescind the previous matter concerning the entire length of the state route within the boundaries of the Northern Cheyenne Reservation and place the road on the Secondary System and leave it under the control and jurisdiction of the BIA and the Northern Cheyenne.

Commissioner Griffith asked Ed about the financial consequences of this action; what is the net result to the Commission. Mr. Beaudette said he could not speak to

the financials; we have a maintenance situation. Dwane Kailey said financially it means very little to the Commission and the Department of Transportation. We did pull some numbers and believe for snow removal it is costing the Department about \$1,500 per year and for overall maintenance we are spending about \$15,000 per year. It will not affect federal funding or any other funding mechanisms. There is about a 3/10th section between Hwy 212 and the Tongue River that we would still own and maintain because it is outside of the Northern Cheyenne Reservation. We would own and maintain that section but once you get across the bridge you are within the Reservation and that would belong to the BIA and the Northern Cheyenne.

Commissioner Howlett said to Mr. Fox if we relinquish this or turn this back, this goes out to your road system. Vice Chairman Fox said it would be turned over to the BIA. Commissioner Howlett said maintenance and other things would then be built into your IRR program. Vice Chairman Fox said yes it would. Commissioner Griffith asked if there was a plan to do something with this road in the near future if we relinquish it. Mike Tolan, Supervisor of Highway Engineers, from my understanding we had some MOUs with MDT in the past under which we exchanged road maintenance activities on some different routes. We maintained some routes in the vicinity of Lame Deer that belonged to the County in exchange for the County or MDT maintaining Route 447 or what we call Route 2. We have been advised by the Tribe that this road is important to their economic development and they don't wish to give this road up at this time. As you pointed out, the BIA does currently hold the right-of-way for this road. Commissioner Griffith asked if the road was up to standard. Mike Tolan said currently it is up to standards. The road has been maintained and is in pretty good shape. The 6½ mile section we are talking about is paved road and we have seen quite a bit of maintenance done on that section of road. I haven't heard that there are any problems with the road not being maintained or not up to standards. Commissioner Griffith asked Dwane if the bridge on was owned by MDT but either side of the bridge is on the Reservation. Dwane said according to the Treaty, the Reservation boundary actually goes down the center of the Tongue River. MDT, for consistency, would work with the Tribe absolutely and try to maintain the whole bridge but again we have to work with the Tribe on doing that. Commissioner Griffith said we are not going to have a bridge problem and only fix half the problem. Dwane said it was their recommendation to work with the Tribe to make sure that happens. In our minds we are going to take ownership of that and make sure it is maintained. Again we're not going up to the center of the bridge and stop; we want to assume ownership of that for the most part with the understanding that truly half of that is owned by the BIA.

Commissioner Howlett asked about the condition of the bridge. Director Reardon said the District Administrator is in the building and he may have some more information for you. Commissioner Howlett asked Vice Chairman Fox if he understands the position that MDT is taking that they are going to claim responsibility for that bridge jointly with the Tribe. Somebody is going to have to hold Title to that. Bill Kennedy, Yellowstone County Commissioner, said if you remember we have a secondary road on the Crow Indian Reservation – Prior Road. The Tribe still owns the road. We have an agreement with MDT on that; we signed it over and then MDT does the work on it with an easement. We signed that agreement and it worked well with the Tribe and the Department. That might be something you can do on this bridge with the Cheyenne Tribal Leaders. Commissioner Howlett asked Mr. Beaudette if he could do some research on that. We will have some research done on this end to have an Agreement and Easement rather than a Title. So we'll move forward from there.

Commissioner Griffith thought it would be wise to act pending an MOU regarding the bridge. Commissioner Howlett said we'll bring that issue back separately. Shane

Mintz, District Administrator, said if the Commission approves this action it is our intent that MDT will continue to maintain the approach from Hwy 212 across the bridge. From a snow plow perspective and general maintenance, we would cross the bridge and take care of the bridge. Dwane said, based on the legal review of the history, we believe we have no legal right to any of that. So I think your action today would be appropriate and give this roadway back to the legal owner, BIA and the Cheyenne Tribe, and direct MDT to work out an Agreement with the Tribe. I don't think we need to make it contingent on that. Commissioner Griffith said his concern is that the most expensive part of the road is the bridge and we ought to have a handle on that. It seems like everybody is on the same page of who is going to do what but I think it should be put on paper. Griffith Howlett said they could put an MOU together regarding an easement.

Kevin McLaury, Federal Highway Administration, asked Vice Chairman Fox if the Tribe had included this mileage as part of the IRR System, soon to be under MAP-21 the Tribal Transportation Program or TTP moving away from IRR. As you are well aware there is a significant increase in the dollars that are available for Tribes and the new formula that will be implemented over a four-year period, if these miles are not included as part of the Program, my suggestion is that you include those particularly since these are now legally under your jurisdiction. Vice Chairman Fox turned it over to Leroy Spang to answer. Mr. Spang said the bridge is not a BIA-owned bridge, maybe Rosebud County owns it, but we do own and hold right-of-way for those 6½ miles to the Reservation boundary line and they have been included in our inventory for some time and they will continue to be. Commissioner Howlett said they were in agreement to move forward and work out the issue of the bridge under an MOU between MDT and the Northern Cheyenne Tribe.

Commissioner Lambert moved to rescind the previous order dating back to the mid-seventies concerning the entire length of State Route 447 within the boundaries of the Northern Cheyenne Reservation placing the road on the secondary system leaving it under the control and jurisdiction of the BIA and Northern Cheyenne. Commissioner Winterburn seconded the Motion. All Commissioners voted aye.

The motion passed unanimous.

Public Comment

Bill Kennedy, Yellowstone County Commissioner

I would like to make public comment on the fact that we received a letter from Ms. Zanto taking about the MAP-21 Program and implications. You received a letter from the Board of County Commissioners of Yellowstone County signed by all three County Commissioners. Yellowstone County encourages MDT to ensure all funding opportunities for transportation alternatives so that our local communities can make the key transportation improvements that are so badly needed. We wanted to make comment today so you are aware, with the two-year highway bill and the future six-year highway bill probably starting in January after the election cycle, we have used the Safe Routes to Schools, the Recreational Trails Program, the Scenic Byways, and the Community Transportation Program (CTEP) for many, many years in this community. In fact we have applied for and received many of the Safe Routes to Schools and the Community Transportation Enhancement Program and have put in many safe routes to schools for the safety of our school children. It's very, very important that the Highway Commission does look at, and as they've worked with the staff and the Department, that we look at all of our off-transportation alternatives programs and make sure we keep them in the Transportation Plan MAP-21 Program as we go forward. That's why I'm here today to speak on behalf of that and let you

know that this community, the City of Billings, Yellowstone County, and our schools and a lot of our partners working with kids and pedestrians and bike riders and trails, are all enhanced in this community because of these programs.

Commissioner Howlett said as you know the landscape has changed with a lot of things being consolidated into this Transportation Alternatives category. I think we have some recommendations that will come forward from staff to the extent that resources are available to continue these projects. They've been very valuable. The Commission has been very supportive of them over the years and we want to continue with it but we have to do it within the framework and resources that are available.

Commissioner Kennedy said he appreciated that. The one problem we have always had especially with the CTEP project, going back over 20 years when we started with the ICETEA Program, we've always seen it was easier just to move the dollars over into the state transportation dollars instead of working in the local communities. I see with the consolidation of all of these programs, I would ask that the Highway Commission makes sure this stays a top priority. I know there is limited funding but please keep it as a priority so that we have money for the alternative transportation programs. Thank you and thanks to the rest of the Commissioners.

Agenda Item 20: Certificates of Completion June & July, 2012

Dwane Kailey presented the Certificates of Completion for June and July, 2012, for Commission approval. They are presented for your review and the department recommends approval.

Commissioner Griffith moved to approve the Certificates of Completion for June & July, 2012. Commissioner Lambert seconded the Motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 21: Change Orders June & July, 2012

Dwane Kailey presented the Change Orders for June & July, 2012, for Commission approval. These are presented for your review and approval.

<i>Month</i>	Total
June 2012	417,648.02
July 2012	699,083.26
	\$1,116,731.28

Commissioner Griffith moved to approve the Change Orders for June & July, 2012. Commissioner Lambert seconded the Motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 22: Liquidated Damages

Dwane Kailey presented the Liquidated Damages for Commission approval. We've got one project to be presented to you. It is an ARRA Project, the Dearborn Rest Area. The contractor was Dick Anderson Construction. They had a total of 22 days

of liquidated damages for a total amount of \$59,378.00. They are not disputing the liquidated damages.

Commissioner's moved to let the Liquidated Damages stand. ARRA 15-4(89)240 Dearborn Rest Area, Dick Anderson Construction, Not Disputed, 22 days, \$59,378.

Director's Discussion

Deputy Director Position

We posted the Deputy Director position and it is out; applications will close October 1st, next Monday. I don't know how many applications we have but I'm told there are about 20 at this point. We anticipate interviews will be scheduled about mid-October and hopefully we will have somebody on board by November 1st. It's taken awhile but it's moving ahead.

Officer Hobbs Memorial

Back in May I received a letter from the Sheriff of Lake County requesting the establishment of a memorial marker on Hwy 93 at milepost 56. A Reserve Deputy Sheriff named Debra Hobbs was killed in a traffic accident out there. Apparently this letter originally came in about a year ago and there was a question as to whether she was on duty at the time of the crash. A letter was sent before I came into this position asking for some verification and additional information regarding the status of this individual when the accident occurred. I received that letter earlier this summer and to be quite honest I just didn't get around to it. As it turned out a couple of weeks ago I happened to take my grandkids over to Deer Lodge to see the old prison. They have a police officer's memorial in the prison and Officer Hobbs is listed as one of the officers. I wanted to apprise the Commission that we'll go ahead and initiate a process and get in contact with Lake County and try and set up something so the Commission will be aware of it if any of you wish to attend. We will try to get an appropriate memorial not unlike one for the other officers who have been killed on the line of duty in Hwy 93 in crashes. Commissioner Howlett asked if he had found out that was the case. Director Reardon said she was on duty at the time of the accident. We will go ahead and take care of that and stay in touch with you.

New Highway Bill.

We will be going through the P3 Process in a little while. MAP-21 continues to be a learning curve although it tends to be flattening a little bit from where it was a couple of months ago; there is more known than unknown now but there is still enough to keep everybody on their toes. Mr. McLaury and I visited earlier today and we know there are a lot of special interest groups that have expressed personal interest in a lot of things in MAP-21 but I think we would agree that there are not very many members who have read all 650 pages of the bill and understand all the nuances. That may also extend to Congress that they've not read all 650 pages and understand the implications of the bill. Lynn's folks have and I think they've done an incredible job getting it together. I want to publically acknowledge their efforts; they really have done a lot of work. They have been the lead and it's been critical for what's coming up for TCP. I want to thank Kevin and his staff too. They've kept us in the loop whenever they can.

Commissioner Howlett said the bill takes effect October 1st. Lynn and I talked about adopting the concepts and principles and made some recommendations to bring forward. Lynn Zanto said when we go through our P3 analysis we will show

you the general recommendations we have that provides enough for us to set the framework for the TCP Process and your final approval will be in November when you approve the Tentative Construction Program.

Kevin McLaury – FHWA

I think Director Reardon and Lynn hit what we've been working on tirelessly for the last couple of months. MAP-21 has become a nightly ritual which I go to sleep and wake up with in the mornings. It has been a transformative bill. This is not the T Series that we've been dealing with over the last three bills. It's taken a long time to get here. It was somewhat of a good news surprise to us in that there was not a lot of holdup on the Hill to get passed. When it did our Agency kicked into hyper-drive to try and meet the deadlines that Congress imposed on us for October 1st. There are a number of "thou shalt's" that hit on Monday. There are as many or more that have some time for us to create a block. Some will create a lot of change; some regulation but a good bit of it is guidance. This week, in fact, we had a webinar with the state for the states to ask questions and roll through what the implementation is for that. Then the next two days we had webinars with other Transportation partners, locals, NPO's, and anyone who wished to be one that – it was open to everyone. We're gathering a lot of questions. The questions we have not been able to answer through the Q&A's which is on our public website at FHWA which has guidance, Q&A's, presentations, and a lot of information if you're interested. For some of those we couldn't get out this week, the Executive Director is pressing our folks hard to get everything out by tomorrow before the October 1st deadline. Obviously our attorneys are hard at work. If you think of it as a funnel, we've got many different sections within the Agency as does MDT, but since this is law it all funnels through their office to ensure that we're in line with the spirit of the very details of the bill. With all that said, I believe working with MDT with the information we have today, I think we're ready come Monday.

Commissioner Griffith said it was very helpful for Lynn to explain the program. It must have been helpful because I don't see the room full of local governments objecting so you must have done a good job of explaining it to them. Kevin McLaury said this is a transformational bill. It's transformative across everything there's new ways of doing business. You're holding funding fairly similar to what we had last year. Having said that Mr. Skinner and I gave a presentation to MACO on Monday about MAP-21 and we only got through two slides and they were already jumping on the Transportation Alternative Program which is the old TE, Safe Routes to Schools, Rec Trails. That little bitty program, \$814 million out of \$39 billion has garnered more questions and more concerns and more discussion than most of the program put together. I just offer that up to you because if there are going to be a lot of questions on this new bill, I think we'll be seeing them in that area. Commissioner Howlett said we already heard some from Mr. Kennedy.

Lynn Zanto said I believe you all know that August 3rd I had sent a letter to all our local officials, tribal officials, the planners, and CTEP recipients letting them know that MAP-21 had passed and asking them for their concerns or comments. I gave them websites where they could look at summary information. We've received about 26 comments altogether and about 60% of them were on transportation alternatives – continue to fund non-motorized, bicycle and pedestrian paths, don't transfer money out of it. As I mentioned to all of you states do have the options to transfer 50% out. We also have the option to transfer funding in and as I also explained to all of you, the spendable dollars will actually be a decrease. In terms of other comments we heard – a few on considering wildlife, tribal interests, four comments from local officials, and a couple about continuing to maintain your bridges and roads. They were pretty balanced. The City of Billings had the majority of comments primarily

about transportation alternatives. In terms of transportation alternatives, there is funding for it; MAP-21 provided that but the structure and the look is a little different. 2012 will be our last allocation of CTEP as we know it. The funding can continue to be used for a year plus three years according to FHWA or they will take it back. So we'll work very hard with our communities to try and help them utilize that funding. The transportation alternatives – Safe Routes to Schools, Rec Trails, and CTEP, there are more eligible entities, the law mandates a competitive process and that is of concern to our local governments. Our work ahead of us is to work out the details of that competitive process. We did get some letters of thanks for not opting out of the recreational trails program. That gives us a sense of where we are. Going into our TCP, the funding level is really the key point and our recommendation is to stay within the funding levels of MAP-21.

Kevin McLaury said Congress did act before they all left Washington DC and they did approve a six-month continuing resolution so we are funded through March 27, 2013. That's the last word I heard. It's all indications that we're going to see a six year, six month Continuing Resolution for MAP-21.

Dwane Kailey gave an update on a question from Commissioner Griffith regarding the bid letting and seeing smaller lower priced projects being outside the engineer's estimate. We've done a little bit of research but I don't have a recommendation for you at this time. We went back about a year and half and found that we've let about 71 projects less than \$500,000 in value. Out of that, eight were outside of guidelines. We're going to take a harder look at it. We went back and looked at the federal guidelines and they base it more on the number of bidders than the actual value of the project. We'll take a closer look and get back to you. Commissioner Griffith said that was the right track. The more we can get it so we don't have to do a variance every time we have one project with less than six bidders and we still can't award it.

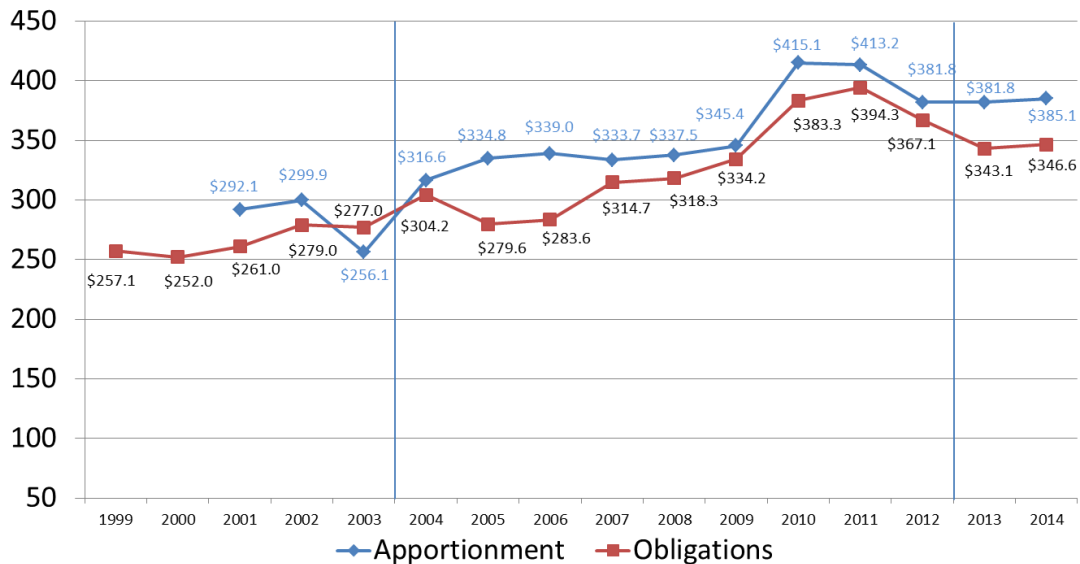
PERFORMANCE PLANNING PROCESS (P3)

Paul Johnson presented Performance Planning Process (P3) to the Commission.

Recent Developments

You might have heard a little bit about MAP-21 the Reauthorization Bill. It established our federal funding levels through fiscal year 2014. SAFETEA-LU will be ending in a couple of days and MAP-21 will take its place. For federal fiscal year 2013 our apportionment is set at \$381.8 million and for 2014 it will be \$385.1 million. One thing to note is the Trust Fund and Tax Collections will be extended two years beyond that through federal fiscal year 2016.

How does this program compare to the bills we have had historically? He presented the following chart to show the historic trends of the highway apportionment and obligations.



- FY 2013/2014 Estimated Apportionment (from previous Fund Plan)
- FY 2013/2014 Estimated Obligation (from previous Fund Plan)

This is a very important slide so we'll spend a little bit of time on it. If you see across the bottom we've labeled the various funding sources. We have T21 represented, SAFETEA-LU, the programs extensions after SAFETEA-LU, and then we have MAP-21. The blue lines represent the apportionment we receive and MAP-21 is the apportionment we anticipate receiving. That is the continuous blue line. The red line is the obligation authority and that is federal dollars. Now we've added a couple of points off to the end. There are two in the blue and they represent what we planned for in last year's plan which was higher than what we actually received. The red dots below that represent what we planned for spendable dollars. As you can see in MAP-21 there is a little bit of a gap between those two things. That means we received less apportionment than anticipated. As you can see the blue line is relatively flat, there is no growth in there. So essentially if you look at the big picture you might say apportionment is a little bit lower than in previous years as well as spendable dollars. Built into that is a certain assumption of what we're going to get in obligation authority. What it really means is the gap between the red dots and the solid red line is a deficit in the projects we planned to do. So this is telling me we could not grow the program. Essentially we lost federal dollars compared to what we were planning. That's an important point moving forward.

MAP-21

- Program Reform and Consolidation – fewer programs, less complexity,
- Increased emphasis on safety. There was an increase in the SHIP funding.
- Streamline expedited project delivery.
- Performance and accountability and no earmarks.

The good news is there are no major changes to our Performance Program or our TCP Process. That is because we have funding levels that are fairly equivalent to what we had before and we have flexibility in the MAP-21 Program. For the most part our P3 can still function. It does mean we have a decrease in spendable dollars for our core program. Our overall funding level is below our projected values as noted in the graph. There is an increased funding for the SHIP Program. That is a MAP-21 allocation and comes directly to us from the feds. There was no funding decrease for the Secondary Urban or Bridge Program. We held the line but that means there are fewer dollars for the IM and HS System and the Primary System. All this is probably ok as long as we get a favorable obligation authority. So if it's equal

to or greater than 90% we should be ok but if we come in dramatically lower then we might have to revisit this issue.

MAP-21 Challenges

Short term Issues Moving Forward

- Implementation of Transportation Alternatives Program – this is something that we’re getting some guidance on and will progress as we move along.
- Transition Away from Existing Safe Routes/CTEP Programs - this is one of our major challenges.
- Prioritization of Additional SHIP Funds – we have a program of approximately \$12 million of projects already to go and then they added about \$8 million so we have to figure out how to come up with appropriate projects.
- Restructuring of Bridge Funding Categories – no longer a stand-alone funding category. We still have it funded but in a different format.

Long term Issues Moving Forward

- Compliance with MAP-21 Performance Requirements
- Specifics TBD by FHWA (no later than April 2014)
- Note: MDT currently complies with performance metrics advanced by MAP-21 for off system and structurally deficient bridges. We’re in compliance and don’t have any red flags there yet and we will meet other challenges as they come along.

MDT Implementation of MAP-21

You talked about implementation strategies moving forward, this slide summarizes those (referring to slide). Lynn said she had gone through this slide with the Commission in an email. The only changed some of the wording. There are some stakeholders that believe that we will have no money for non-motorized which is not true. When we’re doing normal core program projects we always consider public input and balance community needs. We are recommending that we keep the transportation alternative program as it was defined by Congress. Even though we as a State can transfer out 50% of the funding to our core, we would recommend that you do not do that and leave the funding there. The funding overall did experience a bit of a decrease when you look at Safe Routes, CTEP, and Rec Trails. To move another 50% out would not sit well with our stakeholders for sure. We will work through this next year on the competitive process. We will give stakeholders the opportunity to comment on that and get their ideas and input. I’m thinking we will end up bringing forward the next TCP. When we do that first solicitation, I would do it for the life of MAP-21 like a one-time solicitation – solicit all the projects at once because we’re going to have a lag because we’re not going to have projects on Monday. That is one of my recommendations.

Also the goal of that program would be to not advantage one group, or demographics, part or region over another. We want to devise our process so that the little guy can complete and the big guy can compete, eastern Montana or southwestern Montana. Commissioner Winterburn said this will be a difficult process. Lynn said it will.

Commissioner Lambert asked how you determine spendable amount of money. Lynn said that happens through the appropriation process. Kevin said it looks like we’re getting a six-month Continuing Resolution from the appropriation process. They set the level of our apportionment of what we can spend. We know that we have funding from MAP-21 we just don’t know how high they will let us go. It’s traditionally been 90% and we plan our program for 90%. Commissioner Lambert

asked if obligated funds are funds that are for projects right now; programs we've approved so they are already in the program. Other than there are no obligated funds? Lynn said the year the funds are appropriated we have four years to use that money. So we have money up through 2012 that we're working on and then we'll get a new influx of money when they set the obligation level. So yes, we have contract obligation. Our plan is to keep the projects we have in the works moving along and not disrupt the plan we put together.

Kevin McLaury said I'll give you a 30-second federal funding lesson – if you think of cookies, each of the different categories are a different kind of cookie. Congress through the bill says you've got 10 in this and seven in this and four in this and two in this. That's the appropriated amount. They come back yearly and say even though we appropriated 10 you can only eat eight and in this one you can only eat six of the seven. That becomes your spendable limit. It becomes obligated when the state sends a request to me through our financial systems and we say there are funds available, these funds are committed. So that money is dedicated for that specific project. Lynn Zanto said this is the annual appropriation process that provides that, that is a lump sum. The spendable part they don't divvy up in "cookies", you just get a lump sum of money. We are going to get \$340 million of spendable authority and our process determines where it goes. We have to use every bit of that by September 30th or it goes back into a pot and gets redistributed to the states that use it. That happens in the August redistribution and we are always a beneficiary of that because our TCP assures we are going to obligate every single dollar. Some states aren't spending their portion; they aren't obligated so the feds bring it back and then states like us get a little bump every August and we apply it to the projects in the Plan. Paul Johnson said right now we are finishing up the last of the cookies. Our bag is done and we're going to start with a new bag in a couple of weeks. Commissioner Howlett said the money is available to spend through 2016. Those projects are the ones we prioritized and said we would deliver. Lynn Zanto said we are spending some of our money on it already because we're doing design and we planned for that. Commissioner Howlett said even though it is not technically obligated it really is in terms of the projects we include. Lynn said for every project in the TCP, there is some phase of it that's obligated.

Commissioner Howlett asked which money comes in October 1st. Lynn Zanto said October 1, 2013 and October 1, 2014 are the two years that MAP-21 covered. So when you see your TCP sheets after this meeting, then we'll populate those sheets. We're keeping the same structure because our state law still acknowledges the Interstate System as a National Highway that's Primary and Secondary and Urban. We'll basically sub-allocate from the National Highway Performance Program and the Surface Transportation Program. We will divide that up into revenue sheets based on where our projects are sitting in the program and the P3 Process. Paul mentioned the deficit we have in spendable dollars, the good thing is we have a five-year plan and we get August redistribution. When we have our TCP meeting, we'll really see how much of a disruption it truly was or was not. Even though it's a spendable reduction, we're not too concerned about it totally disrupting our program. If we start to make a lot of changes like transferring money out to this program to non-motorized, those are the things that will disrupt the plan.

Paul Johnson said the money that's going to be available shortly will be our federal fiscal year 2013 dollars to spend. They are going to tell us precisely what we can spend in federal fiscal year 2013. When we take that into consideration when we're making our plan which will show up in the TCP, so once we know how much that is going to be we will transfer that knowledge over to the TCP. We don't have that information yet.

With regard to the other distributions that you have approved, the 2014, the 2015 & 2016 distributions are still intact because they are percentages. The percentages on the core still apply, the pie is ever so slightly smaller but the fair share is still distributed that way. Since we lost 2012, we are adding 2017, so this distribution will go out 2017. It gets a little confusing because we're dealing with a couple of different issues simultaneously. The one we're approving is 2017. .

Lynn said 2013 and 2014 don't see huge changes to the structure of our program. MAP-21 did change CMAC significantly so we recommend keeping them with the same format the Commission approved for Air Quality funding. The National Highway Performance Program comes from the federal government but we will fund our Interstate, National Highway System, and Bridges through that program based on the 2013 plan you had already approved. The Service Transportation Program doesn't have lot of changes. The main thing with that program is eligibility has increased and in their effort of program consolidation, Congress added a whole bunch of programs that were eliminated in eligibility for STP. So we might have more people knocking on our door for that funding source. Bridges – the non-Interstate and NHS bridges are new. Programs of interest to local governments – our Urban Highway Program, Secondary Highway Program are funded from this category. At this point we would recommend no change to the funding level; keep them as funded through SAFETEA-LU. The Bridge Program will be a stand-alone. Our TCP sheet will show three categories of bridges for tracking purposes, the management of the system will show them that way because we have performance to meet. We have to make sure we spend a certain amount on off-system bridges but again the funding source truly is from either the National Highway Performance or Surface Transportation Program. Highway Safety Improvement Program has increased. Our recommendation on how to deal in this first year with the increase is to ... The key will probably be bringing forward in the TCP to dual fund – not to totally replace the core funding but to dual fund the projects.

MAP-21: Bottom Line

MDT continues to work diligently on MAP-21 implementation and is well-positioned to address any short and long-term challenges the law presents. We are going to stay the course because the funding is a little bit less than before and because the projects are already prioritized and in the pipeline. So our message is to stay the course. That is not a bad place to be because we're going to do good things for the system and hold the locals harmless. The good news is when you see the see the TCP you won't be overwhelmed. There will be one or two categories that will be slightly different but that's about it. That concludes MAP-21.

2011 Statewide Flooding Disaster – Update

Paul Johnson said the summary of this situation is that MDT investigated and repaired over 150 sites statewide. Our initial response was emergency repair to restore central travel. Most of the site work is complete except for a couple of major project areas. These were areas where we needed engineering solutions for major slides where severe erosion occurred. Overall we ended up with 30 plus projects that were all permanent repairs. Only a few of those projects remain. Unfortunately some of those are very large projects. The cost estimated for the remaining projects is \$25 million. The total cost for the disasters is over \$50 million. While Emergency Repair will reimburse MDT for the majority of these costs, we will need to reserve around \$25 million in federal aid for 2013 to cover the remaining repair costs.

If this looks similar to last year, it is. Last year we reserved \$25 million and FHWA paid us back every penny. Commissioner Howlett asked about reserving the money –

is that statewide out of multiple categories. Paul said that was correct. Every indication from our federal partners is they will reimburse us like last year. Last year we reserved \$25 million and they paid it all back. The remaining bill is \$25 million and these are projects that have to go into this year. Commissioner Howlett said if it went back to the \$381 million then technically you don't have that much because you're setting aside \$25 million right off the top. Paul said yes but we're also building into the plan that we will get a percentage of that back. We have to do that to protect ourselves. We are assuming that we're going to get the majority of that back so in essence it is a wash. We expect to spend the \$25 million but we expect to get it back. Commissioner Howlett asked if we were holding out \$25 million of planned projects as reserve. Paul Johnson said we are holding it out but we are putting it back in. Commissioner Howlett asked if lower priority projects got reimbursed. Paul said we should get reimbursed for all of them but we have backup if we don't. We have to complete these projects because it is the last year of ER eligibility. Commissioner Howlett asked how many years these projects were eligible for reimbursement. Paul said this is it. This is the last you'll ever see of this particular reimbursement. Lynn Zanto said our plan is to deliver all of these in 2013. Commissioner Howlett asked if MAP-21 has opportunities to cover disasters. Lynn said the yes, in terms of emergency repair, it's funded at the same level but there is opportunity there. The mechanics of how it works – the reality is that sometimes we get that money later, maybe way later in the year after we have a full appropriation; we don't know for sure how it will work.

Commissioner Howlett asked if out of the \$382 million, is \$25 million of ER projects above the line. Lynn Zanto said in terms of our obligation the answer is yes we will get \$382 million above and beyond if we got every penny back and then we would step it back down to that level. In putting our TCP together in a month, we have to reserve it like its part of that. Commissioner Howlett said you really don't know what you're reserving it for because it's emergency relief. Have you already billed for that \$25 million. Paul Johnson said it's like any other project within the TCP; there is some level that has taken place like preliminary engineering. We have a cost estimate but we're not ready to let it. Commissioner Howlett said we're doing flood damage repair but you don't know what's in that category until it happens. Lynn Zanto said this is from 2011. Commissioner Howlett said this is one you've already had, but you still are putting it in this year's budget? Paul Johnson said we had the disaster, they've been working on these projects and roughly half of the work occurred last year, the bigger projects take longer to finish. So this is going to that disaster and that's why you have the two-year time limit. For this disaster the books are over at the end of this year. If we have a new disaster then the clock begins again. It takes two years to flush this out. We're finishing up the design work on most of the slide projects and then we will go to award this year which will total \$25 million. We're anticipating that we will get the money from ER for the most part. So that's \$25 million above and beyond the bottom number you see here (referring to slide), but we also intend to obligate all of that. It doesn't necessarily affect the core program. We should get back whatever we spend in ER. You will see that when we get to the TCP.

High Dollar Construction Projects

At your request we are revisiting our high dollar construction projects. I'll summarize this to give us an idea of where our problem exists.

Review of the Problem

- District and Program Managers have difficulty delivering construction projects that exceed their annual allocation – for a specific TCP funding category – in a given federal fiscal year.

- A number of solutions exist to address the problem; however, some options are more preferable than others.

Preferred Options

- Splitting the project – convert a large project into several smaller projects.
- Multiple Funding Sources – utilizing more than one funding source to fund one large project.
- Funding reserves – set aside core funds to address strategic statewide issues such as Interstate capacity, Steel Bridges, etc.

Less Desirable Options

- Multiple Year Funding – split project funding between two federal fiscal years. One TCP funding category.
- Multiple Funding Sources/Multiple Years – more than one funding source over two federal fiscal years. I can't see us using that. We used it for Two Medicine but I can't see us using that again.

Other Options

- Partnering/External Funding – earmarks, discretionary funds, local contributions, etc. These are nice but usually there are strings attached. This worked for East Belgrade Interchange using discretionary funds. Sometimes there are strings attached that lead to project complexity.
- Bonding – deferring payments over time after project is delivered. Perhaps after much consideration of all other alternatives.

Commissioner Howlett asked when we get down to the percentages if we have a big project in one year does that reflect on the percentages. East Belgrade was more than \$24 million. Lynn Zanto said when you get into the TCP – what happens after today is we put the program level funding sheet together, send it to our fiscal office, they develop your funding sheets from the TCP you see, they ship those out to our District Administrators and they start lining out the projects. So Jeff would show East Belgrade Interchange and look at what he needs from the Core but then he looked at Interstate Capacity Funds, Tiger Funding. He will take the money from his Interstate, National Highway System or his STP to complete that package. Paul Johnson said the hit to his Interstate is pretty small because that is set aside for Interstate Capacity. That won't be out of your percentage. The earmarks for SAFETEA-LU and contributions from Urban Funds will also not hit your percentage. Commissioner Howlett asked where the rest that is not included in the \$24 million is. What are they short of \$24 million? Lynn Zanto said \$24 million is what they need for construction. Commissioner Howlett said the project is \$42 million so does that come from local money. Paul Johnson said it was a combination. Lynn Zanto said we have a percentage for non-construction phases in the Tentative Construction Program. Right now there are some earmarked programs that we are completing design on. The right-of-way is going to be donated. Commissioner Howlett asked if the earmark was in that. Paul Johnson said this just covers your Core categories. Commissioner Howlett said it was about a \$10 million earmark. IM Capacity would not show up in your district, you did that in the previous years. The project is \$42 million but I'm only seeing \$24 million on the sheet. Paul Johnson said that is just construction dollars, there are other non-construction phases not included in the figure. Commissioner Howlett said Engineering is \$12 million, Engineering and Right-of-Way is \$12 million. Dwane said there are a fair number of local roads in there that adds up to \$10 million and that was always planned to be locally funded. That is where the gap is in the overall funding.

Commissioner Howlett said he didn't see Nine Pipes in here. Paul Johnson said I don't know if you're considering Ronan Urban to be a part of the Nine Pipes

Corridor which is at the end of the Nine Pipes Corridor. Let me explain some of the other large projects. It is usually a combination of funds that get you to the finish line.

Status of High Dollar TCP Projects (federal dollars only and construction dollars only)

- Capitol Interchange/Cedar Interchange – Helena (Fiscal Funding Year 2016) - \$10M (IMCAP) + \$18M (NHPPBR) + \$23M (D3 Core Funds) = \$51M (Total).
- West Laurel Interchange – West (Fiscal Funding Year 2017 or 2018) - \$10M (IMCAP) + \$24M (D5 Core Funds) = \$34M (Total).
- Rockvale – Laurel (2 Lanes) (Fiscal Funding Year 2015) = \$14M (MT, Local, Tiger, D2, Core Funds) = \$24M (Total).
- Cabinet Gorge – 1M W Heron (fiscal Funding Year 2015/2016) = \$18M (STP, Off-System Bride).
- Ronan – Urban (Fiscal Funding Year 2017) = \$22M (D1 Corse/MT Funds).
- Culbertson – East (Fiscal Funding Year 2016 or 2017) = \$19M (D4 Core Funds).

There are also a number of smaller projects outside of Ronan and we talked with FHWA recently about adding parts to the system. The issue comes down to fiscal constraint. If we do it systematically and in pieces, they would concur with adding parts of that to the program. The plan is to add parts to the program and we might have approval to move forward with preliminary engineering. In their 20-year Plan, there are five pieces; they want to deliver one at a time. Most it is a fiscal constraint issue. So Ronan Urban would be one of six – this would be first and then there is another section that is being considered. Commissioner Griffith said that was split a number of years ago. Paul Johnson said yes but for the whole corridor, as far as the remaining Nine Pipes, there are five sections. Commissioner Howlett said he didn't see it on the list. Paul Johnson said it wasn't a TCP project yet – we haven't even gotten into the program yet. Lynn Zanto said Ronan Urban was the end of the corridor. Through the TCP process, we worked with Ed, and the first phase is Ice Box and was just requested. So you won't see it in this year's TCP because it will come in next year. We have to get it in the program. Paul Johnson said you have to get FHWA concurrence and for projects of this size you usually have to demonstrate a fiscal constraint. There is also Regional Significance. So there are some criteria we have to work through. There was a meeting two weeks to try and move this project along and it came out specifically and we advanced a proposal over to FHWA but we haven't gotten confirmation yet.

Commissioner Howlett said if it's in the program it ought to be on the list. Paul Johnson said it's not in the program. Commissioner Howlett said we've been dealing with Nine Pipes for a long time and it's probably going to be the most expensive highway project we've had for that amount of miles because it is essentially going to be a bridge. At some point it has to hit. So you're saying you are going to break that into five different projects? Paul said the plan is to advance preliminary engineering as five different projects. The first chunk is under consideration right now. In order to be listed in the TCP, you have to get through preliminary engineering activity and then you have to get a schedule set up and then we will get it into the program. Lynn Zanto said that is our recommendation. That's where things are currently. Commissioner Howlett said there was an expectation that this was going to get done in the \$100M bond and somehow we need to report that there's going to be five segments because we thought of it as one project. Dwane said we need to back up – when we submitted the bonding it was very specific with the exception of Nine Pipes. Our estimate was \$125 million over the original and it did not include Nine Pipes or Ronan because we still didn't have a decision document so we could proceed.

To help you understand this a little bit better, Lynn can put together some very good maps that show the 93 Corridor with all the projects and the status of those projects. We could update that map and show you what the plan is. Commissioner Howlett said my concern is that when you break it into five projects we're looking at 2020 or farther. Paul Johnson said just for delivery, the preliminary engineering will put into 2017-2018. Commissioner Griffith said the map would be helpful but he wanted to look at it as a whole project and report on where it's at and the total cost. I'm with Kevin on this. I was mistakenly under the impression that Nine Pipes was going to get done sometime in the future but truly we're looking at 20 years out. Commissioner Griffith said if we put the same level of emphasis on finishing that project as we've put on the Kalispell Bypass and 93 South, we'd get it done. Commissioner Howlett said there are projects in my area where I wonder how they happened and Kalispell is one of them. We were in agreement but as a resident it's taking an inordinate amount of time to complete a project that was promised to the people. We need to get it done. We need to figure out how to get it done and not take 20 years to do it. Commissioner Lambert asked why they couldn't be done simultaneously. Dwane Kailey said that was an excellent point. Right now we are dealing with a two-year bill; that's all we know right now. We're making an assumption that it will be longer but we have no clue – it could be more, it could be less. Right now we're dealing with the program emphasis on no earmarks and that could change. Those earmarks tend to be very cyclical and we could see them come back around. If more money comes in then we could let multiple segments in one year. Commissioner Griffith said I know there is universal thinking that we need to do some national building and part of that is infrastructure but these kind of projects need to be in the pipeline if they are going to get funded. Commissioner Howlett said you do a great job in preparing this document the way the feds want it to look but there is a whole bunch of stuff that falls off the screen that makes it seem like we're leaving off the heavy weights just past the program. The whole intent was getting to those kinds of projects.

Kevin McLaury said the program is set up by the State. Federal Highways cannot select the projects. Commissioner Howlett said the Pavement Preservation Performance stuff they do is good for getting it in a format that you guys like to see. Kevin McLaury said when MAP-21 rolls around we are in a good position. Commissioner Howlett said we need to make sure that we include stuff off the deep end that we're trying to avoid. If we had money, we'd be doing that project now. Dwane Kailey said the environmental is done but we still have to get the permits. We will initiate design as soon as we get approval from the federal government. The challenge is the Missoula District got in control about 10-13 years ago when we first got ICETEA; we were struggling to get any agreement or concurrence on some of these projects. They nominated a ton of them – US 93 South Corridor, Evaro to Polson Corridor, and the Summers to Whitefish Corridor and we've been dealing with those legacies ever since. At the time we thought we would get the money but shortly after that we got hit with huge inflation and at the same point in time we initiated Big Fork North and South. Now we have that in the program at \$50 million. They've just got a huge, huge backlog of projects. Commissioner Howlett said that was his point. We are raising the level of the ride but still we have a need for significant money. Lynn Zanto said the 93 Corridor has to be split and we'll have a separate column for the different nature of the corridor. That will show you the whole picture of 93. We can have further discussion on that.

Funding Solutions Exist for All TCP Projects

- High Dollars Projects Fundable via established methods.
- No additional TCP Categories Required.
- Preferred Options Utilized for All High Dollar Projects – Except Cabinet Gorge

– 1 Mile West of Heron. Off-System Bridge Program: Multi-Year Funding Necessary. No other alternatives are available.

The bottom line is we currently have the tools at our disposal to address any major (high dollar) projects identified in the TCP. With the TCP structure and the mechanisms in place, we have the ability to fund all these projects. One little troublesome project is the Cabinet Gorge project. In the previous TCP it was spread it over two years but with the new structure we can do it in one year.

Moving forward we are going to assume we have some federal dollars and it will keep up with inflation. So we should have enough to off-set any inflation in the future years.

Budgetary Issues

Budgetary Assumptions

- Annual Federal Growth = 3% (Beyond MAP-21)
- Obligation Reduction = 10%
- Core Program (I,N,P) = 70% of the Total Program
- 10 Year Inflation Rate = 3.0%
- ICAP applied at 11.08%
- PE, RW, IC Phase Costs at 18% of Total Federal Obligation Amount
- Continuation of Funding Reserves for Rest Areas, Wetlands, etc.
- Continuation of Bond Payments for US 93 Projects
- Continuation of State Funded / Maintenance Contribution to Preservation Work
- Matching State Funds Available for all Federal Funds
- “Grab Bag” Contribution assumed to be \$8M annually

Funding Reserves

- 2011 Statewide Flooding Disaster (Remaining Projects) - \$25 Million for Fiscal Funding Year 2013
- Interstate Reserve & Capacity Expansion - \$10 Million for Commission Approved Projects. Missoula – E & W; E. Belgrade Interchange – North; West Laurel Interchange – West; Capitol Interchange / Cedar Interchange – Helena
- Wetland Mitigation / Vegetation Control / Stream Mitigation - \$1.5 Million Annually
- Rest Area Program - \$5 Million Annually

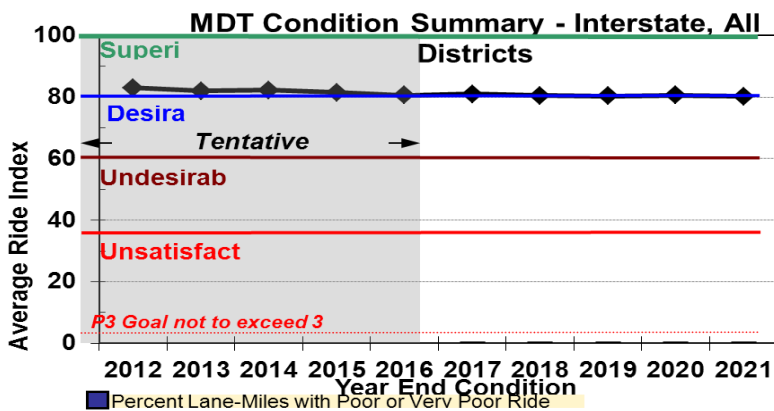
We will be asking for an extension of the Statewide Disaster Reserve which is \$25 million for this year. We are going to finish up the Interstate Reserve Capacity expansion projects that have already been approved. One note with the Wetland Mitigation Program, we have a little bit more flexibility in MAP-21 so we are proposing to add Stream Mitigation in with Wetland Mitigation and Vegetation Control. So essentially you’re getting one more program for no increase in dollars and then continuation of the Rest Area Program. Dwane Kailey said stream mitigation is a new requirement coming down from EPA and Army Corp of Engineers; it is not an option. It is not something we’re doing because it feels good, it’s a requirement. Any time you impact a stream and impair the nature of the stream, we have to mitigate it that way. Lynn Zanto said once we mitigate then we’re committed to monitor, track, and evaluate them. This is new and we have a few projects now where we’re going to be in the monitoring stage. Looking at that wetland reserve, we’re not asking for more money at this point. We will fit this activity within this funding. Commissioner Howlett asked if that would come into effect any time we build a bridge. Dwane said yes. The bigger issue is with a culvert where we’re not spanning the bank full width. It has the ability to impair the stream and it would require stream mitigation. Commissioner Howlett asked what kind of

streams – navigable waters? Dwane said navigable waters but even then the waters don't necessarily flow 365. I'm not the expert and would defer to environmental on this. Commissioner Lambert said the definition is if it could float a log. So basically any time you get next to water we're going to have to do this. Commissioner Howlett asked if this was just for construction or was it maintenance as well. Paul Johnson said it was construction. Commissioner Howlett said we have a problem up on Lolo Pass where there is sediment in the streams and it has to do with maintenance. Dwane said we have an issue up there that we're addressing. Paul Johnson said there is no increase in allocation that we're asking for. We will just roll that into the program due to cost savings in portions of the program.

Paul said I'm going to go through the System Requirements fairly quickly. We said we were able to keep it at the previous level but that's not entirely true for two reasons. First we're coming out of a large level of funding for performance but the funding has receded slightly. We are going to maintain level but it's not going to be as high as it was before.

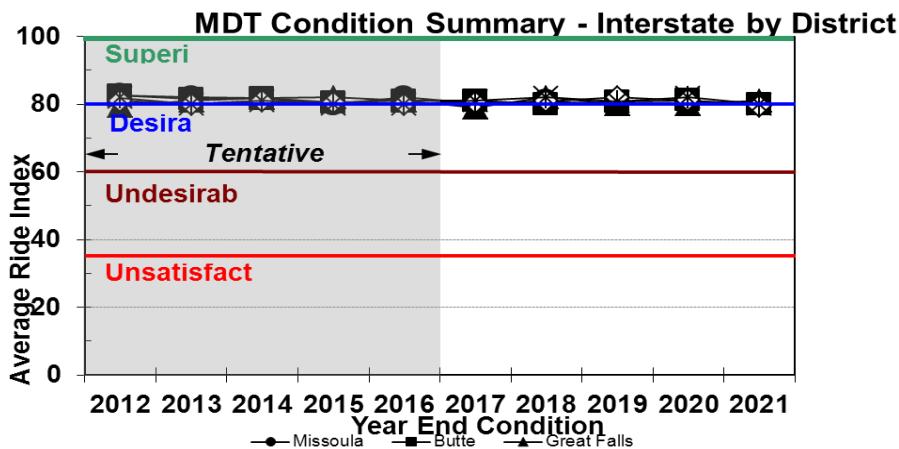
System Performance

Pavement – Interstate System



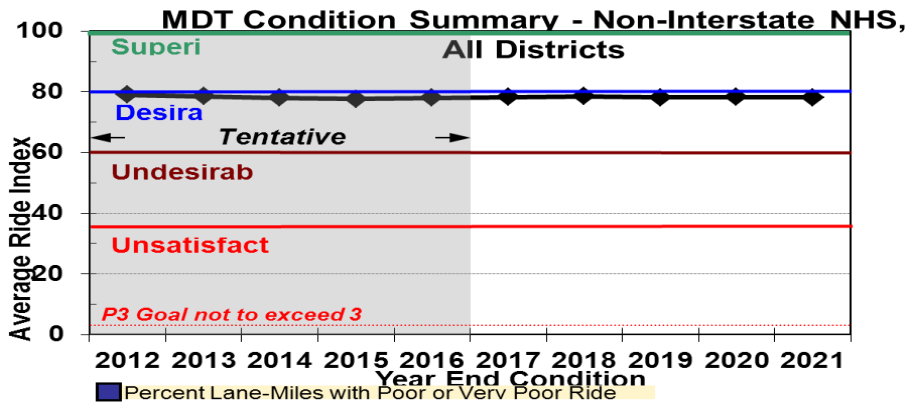
Commissioner Howlett said next year when you do this report why don't you use the whole page. You don't care if it is undesirable or not necessary; we are seeing a whole bunch of fluff. I'd rather see each district's performance individually. Lynn said we can do that. Paul said there is no significant difference between the districts. We were trying to emphasize the equity between the districts. So in advancing the plan we don't have one district that is a significant outlier because we don't want to have one district to have better performance than another.

Pavement – Interstate by District



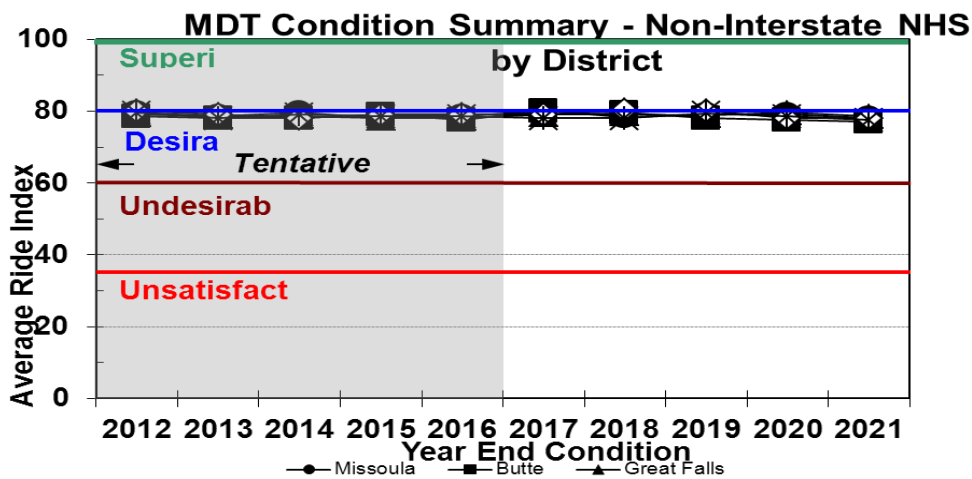
The interstate is the flagship system. We're still in that very desirable range. We might have some other metrics to discuss once FHWA's interpretation is complete. By district they are close. We can break those out to show them individually.

Pavement – NHS System

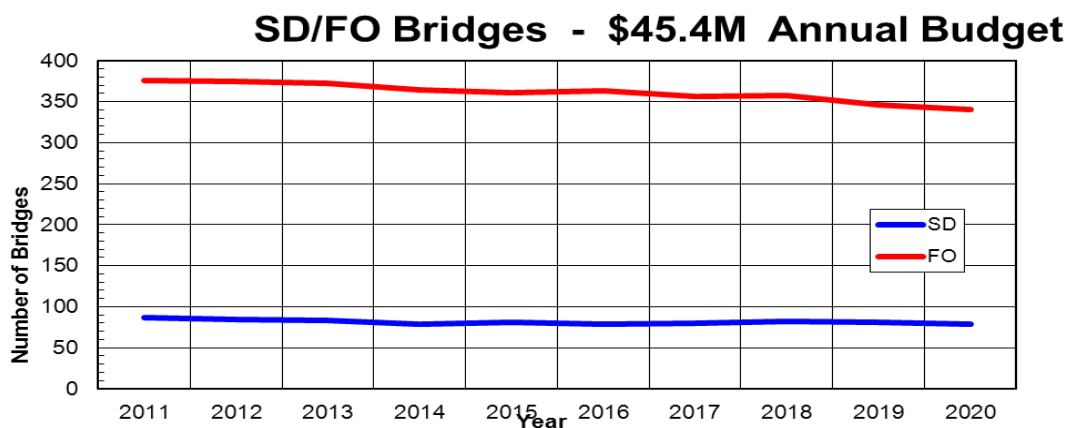


Paul noted that the Performance Requirements only apply to the NHS and the Interstate System nationally. We will have to have discussion on the Primary and Secondary Systems as well at a state level.

Pavement – NHS by District



Bridge Condition – 2011 Analysis



This will probably be the last time you'll ever see this graph. Essentially we wanted to reduce the number of structurally deficient and functionally obsolete bridges and we did.

Changes to MDT's Bridge Program

There have been some changes to the bridge program and that major rule will go away and something else will come along. One of the changes we discussed is that the Bridge Program is no longer a stand-alone funding category; it will be funded by either the NHPP or the STP Program. Although there is no change in the TCP levels we will have three TCP categories, one that relates to NHS bridges which includes the Interstate and the NHS System, one that will create STP on-system which is Primary and Secondary Routes, Urban Routes, and X Routes, then another category for off-system routes. Again going back to the performance requirements, the majority of those are on the NHS System which corresponds to the NHPP funding category. We will have some additional inventory performance requirements, however, the good news is that we are currently meeting or exceeding all new standards for bridge inventory items, off-system funding, and percent of structurally deficient bridges. So we're off to a good start. There will be some additional guidance from FHWA.

Bridge Program – Moving Forward

Bridge Performance Tracked More Strategically

- SD/FO Metric No longer Applicable
- NHPP Bridge Performance
 - MAP-21 Requirements: Less than 10% of NHS Bridge Deck Area Structurally Deficient
 - Currently at 6% (meeting standard)
 - FHWA Guidance to come (with regard to additional metrics)
- STP On-System Bridge Performance
 - MDT sets Performance Metrics and Prioritization Strategies
- STP Off-System Bridge Program
 - Minimum Funding Threshold in MAP-21 (MT vastly exceeds)

Dwane said it is a huge benefit to departments across the nation – the old program under Structurally Deficient/Functionally Obsolete was rigorous and for us to go in and address the bridges, not many met the requirements for funding. They loosened that language now but the majority of our structurally deficient bridges are in relation to bridge decks. Under the funding program we couldn't address those decks, there had to be more things wrong with the bridge. With the new requirements we are allowed to go in and address that. I think you'll see some more appropriate treatments taking place out there in a better timeframe. Paul Johnson said 4% of the 6% which means we can fix decks a lot more cost effectively than we can our bridges. It's really a good metric. It forces you to address those issues that you couldn't before. The flexibility is a huge deal because we can get them before they get bad. It's a good direction.

Congestion – Interstate

Overall these are state-wide congestion numbers. Typically we address congestion on a point basis. If we have a trouble spot, we go out and deal with a section of the roadway. We always evaluate these areas when they are identified. For example, in eastern Montana we have some areas showing some congestion in local areas so we do a corridor study. What can we do to fix the route? When we have an existing project, we identify areas and incorporate things that will help us alleviate congestion. These are numbers that are very similar to the last few years.

Funding Recommendations

All the things we've talked about, all the performance we've showed, this is the funding package that will give you that performance (referring to graph). These are the ending number. Analyses are out there individually and we can get those for you if you wish. When you look at the average rank quality you will see that they are all in the example range. If you look at the percentage, we are not sacrificing roadways to achieve rank quality number. The distribution that allows you to get there is shown below. That's the percentage of the core fund for the Interstate and NHS Primary – that's the distribution you'll see. Typically we like to give you some numbers to give you a rough idea. This is for 2017. The numbers will be suggested allocations.

One Final Note ... Some Very Positive News

MDT Received Award for Asset Management Approach for Rest Areas

- Rest Area Asset Management Strategy Wins – Governor's Award for Excellence in Performance
- In addition to the award, MDT's approach aligns well with MAP-21's guidance for management of all transportation assets within the right of way.
- Once again, Montana is ahead of the curve with regard to asset management and performance.

This reflects very favorably on the Commission and the Department. It's one more thing that shows we are very proactive and ahead of the curve. Commissioner Howlett said it wasn't very long ago that the Commission forced you to fix rest areas. It wasn't in the Director's budget and against his better judgment to do rest areas. Lynn Zanto said the public had been very negative so you did a very good thing to address the rest areas. Kevin McLaury said they studied a lot of what other states do on the rest areas. Any political official that has cut the rest areas isn't in office any more. Jobs have been lost over rest areas. Commissioner Howlett said it's what we go through with speed zones also. There's a little weight and balance to get there. Paul Johnson said it was very cost-effective to fix rest areas and we saved a lot of money and pleased the public at the Commissioner's direction.

Dwane Kailey said there was a big political issue coming down the pike that I think the Commission should be aware of. You are all very aware we have huge impacts out in eastern Montana. If you look at the congestion charts we have up here, you're not seeing eastern Montana getting out of line with the rest of Montana as far as congestion. If you go ahead to the funding distribution, we are seeing in eastern Montana that Glendive is at 21% and if I recall it was 19% last year. So what we are seeing in Eastern Montana is the impact to the infrastructure relative to the increase in diesel and truck loads out there. I know this is going to be a huge issue politically in the upcoming legislative session. We've also got some other things in the works. We will keep you apprised of what we're seeing out there and what we're recommending as far as the impacts are concerned. I wanted to make sure we highlighted that. Commissioner Howlett said this is the first year I understood that only because I understand the impacts of the oil boom. The problem though, when you get back to congestion and look at District 2 and say we're doing well, neither of our districts are lacking for projects – our congestion is the worst on NH and significantly worse than most. When you get to this page (referring to graph) it almost makes you think you're doing great on ride but then you get back to the congestion chart and look at the districts, both Kevin and I with the highest congestion problems are the ones that lost a percentage of money to deal with the congestion.

Lynn Zanto said some of the congestion challenges in your District are some challenging corridors. Commissioner Howlett said they are not going to go away. Deep Creek is going to have to be done. The point is the work you're going to do on Deep Creek probably won't fix congestion; it still doesn't make the congestion problem go away. Paul Johnson said you have some things that won't go away like Gallatin Canyon. You have limited non-lane miles but you will see improvement from Belgrade to Four Corners and you'll see improvements from here to Three Forks. So yes you will see some improvements but it won't be in the Gallatin Canyon Area or Deep Creek Canyon but other areas that we can attack we are attacking. Wherever we have the opportunity to advance those issues, we are. Commissioner Howlett said part of the problem is the big cost; it's the Gorilla. If you do have to pick something in 191, it's going to cost you huge bucks. We can't vote on this.

Lynn Zanto said they are recommending the general funding distribution, the process to get there. Also the funding reserves – we haven't made any changes to them.

Commissioner Lambert moved to approve the Funding Distribution Plan.
Commissioner Griffith seconded the Motion. All Commissioners voted aye.

The motion passed unanimous.

Next Commission Meeting

The next Conference Calls were scheduled for October 2, 2012 and October 23, 2012. The next Commission Meeting was scheduled for November 1, 2012.

Adjourned

Meeting Adjourned

Commissioner Howlett, Chairman
Montana Transportation Commission

Tim Reardon, Director
Montana Department of Transportation

Lori K. Ryan, Secretary
Montana Transportation Commission