

Montana Transportation Commission

**April 20, 2023 Meeting
Commission Room
2701 Prospect Avenue
Helena, Montana**

IN ATTENDANCE

Loren Frazier, Transportation Commission Chair (District 3)
Shane Sanders, Transportation Commissioner (District 2)
Noel Sansaver, Transportation Commissioner (District 4)
Scott Aspenlieder, Transportation Commissioner (District 5) Excused
Malcolm “Mack” Long, Director, MDT
Julie Brown, Deputy Director, MDT
Dwane Kailey, Chief Operations Officer, MDT
Lori Ryan, Commission Secretary
Dustin Rouse, Chief Engineer MDT
Jake Goettle, MDT
Val Wilson, MDT
Rob Stapley, MDT
Darin Reynolds, MDT
Mike Taylor, MDT
Chris Nygren, MDT
Ryan Dahlke, MDT
Larry Flynn, MDT
Brian Hasselbach, FHWA
Zach Ringsak, Senator Tester’s Office
John Stiner, Cascade
John Stetzner
Jay Hart
Tanner Smith
Adam Adamik.
Mitch Stelling
Terry Myhre
Janie Lewer
Kris Wilkinson
Wesley Meres
Vickie Caribau
Lisa Prugh
David Kingepke

Please note: Minutes are available for review on the commission’s website at https://www.mdt.mt.gov/pubinvolve/trans_comm/meetings.aspx. Alternative accessible formats of this document will be provided upon request. For additional information, please contact transportation secretary Lori Ryan at (406) 444-7200, lryan@mt.gov or visit the commission’s website at http://www.mdt.mt.gov/pubinvolve/trans_comm/meetings.aspx. For the hearing impaired, the TTY number is (406) 444-7696 or 1-800-335-7592 or call the Montana Relay at 711. Alternative accessible formats of this document will be provided upon request.

OPENING – Commissioner Loran Frazier

Commissioner Frazier called the meeting to order with the Pledge of Allegiance and the Invocation. Commissioner Frazier asked for introductions.

Approval of Minutes

The minutes for the Commission Meetings of January 24, 2023, March 7, 2023, and March 21, 2023, were presented for approval.

Commissioner Sansaver moved to approve the minutes for the Commission Meetings of January 24, 2023, March 7, 2023, and March 21, 2023. Commissioner Sanders seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Motion to Move Agenda Item 4

Commissioner Frasier stated there were a number of people present and on line who wish to give testimony on Agenda Item 4. Therefore it would be appropriate to move this agenda item until after Public Comment has been given. Commissioner Sanders made a motion to move Agenda Item No. 4 until after completion of Public Comment period.

Commissioner Sanders moved to hear Agenda Item No. 4 after completion of Public Comment. Commissioner Sansaver seconded the motion. All Commissioners voted aye.

Agenda Item 1: Construction Project on State Highway System Jackrabbit Crossing Subdivision - Belgrade

Rob Stapley presented the Construction Project on State Highway System – Jackrabbit Crossing Subdivision, Belgrade to the Commission. Agenda Items 1-5 are all projects that have been brought forward to our system impact action process. For these five agenda items MCA 60-2-110 “Setting priorities and selecting projects,” the commission shall establish priorities and select and designate segments for construction and reconstruction on the national highway system, the primary highway system, the secondary highway system, the urban highway system, and state highways. This statute exists to ensure the safety of our system, protect transportation investments, and encourage coordination on public and private infrastructure improvement projects that impact MDT routes.

Jackrabbit Crossing Subdivision - Belgrade

Jackrabbit Crossing LP, LLC is proposing modifications to Jackrabbit Lane (N-85) near Belgrade to address traffic generated by their new subdivision. Proposed improvements include the addition of new approaches, the installation of a dedicated NB left-turn lane at the Russell Lane intersection and the construction of a new traffic signal at the intersection of Jackrabbit Lane and Bullrider Drive.

MDT headquarters and Butte District staff have reviewed and concur with the recommended improvements. Jackrabbit Crossing LP, LLC will provide 100 percent of project funding and will be required to complete MDT’s design review and approval process to ensure that all work complies with MDT design standards.

When complete, MDT will assume all maintenance and operational responsibilities associated with the proposed improvements.

Staff recommends that the Commission approve these modifications to Jackrabbit Lane – pending completion of applicable state and local design review and approval processes.

Commissioner Sanders moved to approve the Construction Project on State Highway System – Jackrabbit Crossing Subdivision, Belgrade. Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 2: Construction Projects on State Highway System West Post Development, Belgrade

Rob Stapley presented the Construction Projects on State Highway System – West Post Development, Belgrade to the Commission. Under MCA 60-2-110 “Setting priorities and selecting projects,” the commission shall establish priorities and select

and designate segments for construction and reconstruction on the national highway system, the primary highway system, the secondary highway system, the urban highway system, and state highways. This statute exists to ensure the safety of our system, protect transportation investments, and encourage coordination on public and private infrastructure improvement projects that impact MDT routes.

West Post Development - Belgrade

Barnard Construction is proposing modifications to Alaska Road (X-16835) near Belgrade to address traffic generated by the new West Post Development. Proposed improvements include the construction of a new traffic signal at the intersection of Alaska Road and East Frank Road near the East Belgrade Interchange.

MDT headquarters and Butte District staff have reviewed and concur with the recommended improvements. Barnard Construction will provide 100 percent of project funding and will be required to complete MDT's design review and approval process to ensure that all work complies with MDT design standards.

When complete, MDT will assume all maintenance and operational responsibilities associated with the proposed improvements.

Staff recommends that the Commission approve these modifications to Alaska Road - pending completion of applicable state and local design review and approval processes.

Commissioner Sansaver moved to approve the Construction Projects on State Highway System – West Post Development, Belgrade. Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item 3: Construction Projects on State Highway System
A.H. Black Company Gravel Mine,
Gallatin Gateway**

Rob Stapley presented the Construction Projects on State Highway System – A. H. Black Company Gravel Mine, Gallatin Gateway to the Commission. Under MCA 60-2-110 “Setting priorities and selecting projects,” the commission shall establish priorities and select and designate segments for construction and reconstruction on the national highway system, the primary highway system, the secondary highway system, the urban highway system, and state highways. This statute exists to ensure the safety of our system, protect transportation investments, and encourage coordination on public and private infrastructure improvement projects that impact MDT routes.

A.H. Black Company Gravel Mine – Gallatin Gateway

The A.H. Black Company is proposing modifications to US-191 (N-50) near Gallatin Gateway to address traffic generated by their gravel mining operation. Proposed improvements include the installation of a NB left-turn lane and a SB right-turn lane on US-191 at the main entrance to their facility.

MDT headquarters and Butte District staff have reviewed and concur with the recommended improvements. The A.H. Black Company will provide 100 percent of project funding and will be required to complete MDT's design review and approval process to ensure that all work complies with MDT design standards.

When complete, MDT will assume all maintenance and operational responsibilities associated with the proposed improvements.

Staff recommends that the Commission approve these modifications to US 191 - pending completion of applicable state and local design review and approval processes.

Commissioner Sansaver asked about the nature of the change. How long have they been dealing with it the way it is? Rob Stapley said I do not have the actual history for how long this traffic has been building in the area. A traffic study has been done indicating the need of these features at this location and that is driving this project.

Commissioner Sanders moved to approve the Construction Projects on State Highway System – A.H. Black Company Gravel Mine, Gallatin Gateway. Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 4: Construction Projects on State Highway System Flathead Lake Alpine Coaster, Lakeside

This Agenda Item was moved until after public comment was given.

Agenda Item 5: Construction Project on State Highway System Parkline Towers Apartment Complex, Kalispell

Rob Stapley presented the Construction Project on State Highway System – Parkline Towers Apartment Complex, Kalispell to the Commission. Under MCA 60-2-110 “Setting priorities and selecting projects,” the commission shall establish priorities and select and designate segments for construction and reconstruction on the national highway system, the primary highway system, the secondary highway system, the urban highway system, and state highways. This statute exists to ensure the safety of our system, protect transportation investments, and encourage coordination on public and private infrastructure improvement projects that impact MDT routes.

Parkline Towers Apartment Complex - Kalispell

Meridian Investments II, LLC is proposing modifications to Idaho Street (N-1) in Kalispell to address traffic generated by the new Parkline Towers apartment complex. Proposed improvements include the extension of raised median curbing on Idaho Street to eliminate left-turn options at the north entrance to the facility.

MDT headquarters and Missoula District staff have reviewed and concur with the recommended improvements. Meridian Investments II, LLC will provide 100 percent of project funding and will be required to complete MDT’s design review and approval process to ensure that all work complies with MDT design standards.

When complete, MDT will assume all maintenance and operational responsibilities associated with the proposed improvements.

Staff recommends that the Commission approve these modifications to Idaho Street - pending completion of applicable state and local design review and approval processes.

Commissioner Sansaver moved to approve the Construction Project on State Highway System – Parkline Towers Apartment Complex, Kalispell. Commissioner Sanders seconded the motion. All Commissioners voted aye

The motion passed unanimously.

**Agenda Item 6: Construction Project on State Highway System
Columbia Falls RAISE Grant Project,
Flathead County**

Rob Stapley presented the Construction Project on State Highway System – Columbia Falls RAISE Grant Project, Flathead County to the Commission. 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.

The City of Columbia Falls recently received a Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant to be utilized for improvements in the Columbia Falls area. At this time, the City of Columbia Falls is proposing the following improvements to MDT routes.

Location	Type of Work
4th Ave West (U-2504), from US-2 to 13th Street West, in Columbia Falls	Roadway Widening (2 Lanes with Parking and Bike Lanes), Buffered Shared Used Path (West Side), Sidewalk (East Side)
4th Ave West (U-2504), from US-2 to 7th Street West, in Columbia Falls	Roadway Reconstruction (3 Lanes with Parking Lane), Buffered Shared Use Path (West Side), Buffered Sidewalk (East Side)
4th Ave West (U-2504), from 3rd Street West to 7th Street West, in Columbia Falls	Roadway Reconstruction (3 Lanes with Parking Lane), Buffered Shared Use Path, Buffered Sidewalk (Both Sides)
13th Street West (U-2506), from 12th Ave West to 4th Ave West, in Columbia Falls	Roadway Reconstruction, Curb & Gutter, Buffered Shared Use Path (North Side), Buffered Sidewalk (South Side)

MDT headquarters and Missoula District staff have reviewed and concur with the recommended improvements. The City of Columbia Falls will provide 100 percent of project funding and will be required to complete MDT’s design review and approval process to ensure that all work complies with MDT design standards.

When complete, the City of Columbia Falls will assume all maintenance and operational responsibilities associated with the proposed improvements. Thus, MDT will not incur additional liability or maintenance costs as a result of the proposed improvements.

Staff recommends that the Commission approve these modifications to the Urban Highway System and requests that the Commission delegate its authority to let, award, and administer the contract for this project to the City of Columbia Falls - pending completion of applicable state and local design review and approval processes.

Commissioner Sansaver said I see the City of Columbia Falls is going to do the follow-up as far as maintenance is concerned. A couple of years ago you said we send out our inspectors to make sure the design will align with the State of Montana requirements, is that correct? Rob Stapley said that is correct. This project will be required to adhere to MDT’s design review and approval processes to ensure that all work complies with agency design standards. We will have inspectors on sight during construction. Commissioner Sansaver asked if that was consistent with the other projects as well. Mr. Hill said yes; we send inspectors out to inspect the work even though a local agency or a private entity is doing the work. Commissioner Sansaver asked who assumes the liability of the construction. Mr. Hill said it would be the construction company until it is handed over to the city. The construction company

would be responsible until it is done and approved and accepted. Commissioner Sansaver asked if the city then assumes the liability. Mr. Hill said yes.

Commissioner Sanders asked Mr. Stapley to explain the term contract labor. Rob Stapley said in this case the City of Columbia Falls is contracting out the work to be done. The work is being done on our system but the authority to let, award, and administer the contract is being handled by the City of Columbia Falls. Commissioner Sanders asked if it was a different process to bid this out. Rob Stapley said there are no additional construction requirements from the RAISE Grant. Montana statutes come into play on how the project gets to this point regarding the grant requirement. This falls under MCA 60-2-111 and the first five agenda items fall under MCA 60-2-110. It is the difference in what state law requires. There is no difference in the construction requirements.

Commissioner Sansaver asked if it would appear on the letting list even though it is being bid out by the City. Rob Stapley said it will not appear on our bidding list. If you approve this request, then it will not appear on our letting list.

Commissioner Sansaver moved to approve the Construction Project on State Highway System – Columbia Falls RAISE Grant Project, Flathead County and grant delegated authority to let, award, and administer the contract to the City of Columbia Falls . Commissioner Sanders seconded the motion. All Commissioners voted aye

The motion passed unanimously.

**Agenda Item 7: Construction Project on State Highway System
Safe Streets and Roads for All (SS4A)
Grant Project, Missoula**

Rob Stapley presented the Construction Project on State Highway System – Safe Streets and Roads for All (SS4A) Grant Project, Missoula to the Commission. He requested this agenda item be Tabled until the next Commission meeting. The reason is the information presented is incomplete at this time. When staff compiled this agenda item they were not aware the project also included a roundabout which is a significant miss for this project. Staff would like some additional time to compile that information to be able to present a complete project to you at the next Commission meeting.

Commissioner Sanders moved to Table the Construction Project on State Highway System – Safe Streets and Roads for All (SS4A) Grant Project, Missoula. Commissioner Sansaver seconded the motion. All Commissioners voted aye

Tabled.

**Agenda Item 8: Congestion Mitigation and Air Quality
Improvement Program
Rivers Edge Trail Connector, Great Falls**

Rob Stapley presented the Congestion Mitigation and Air Quality Improvement Program – Rivers Edge Trail Connector, Great Falls to the Commission. He asked that this agenda item be Tabled until the next Commission meeting in order that we may have a quorum. At the last meeting, one Commissioner recused himself from this item and I would expect he will do the same at this meeting. So based on this meeting being short two Commissioners, I would ask that we Table this item until we can have a quorum. Commissioner Frazier said he would have to recuse himself from this Agenda Item.

Commissioner Sanders moved to Table the Congestion Mitigation and Air Quality Improvement Program – Rivers Edge Trail Connector, Great Falls. Commissioner Sansaver seconded the motion. All Commissioners voted aye.

Tabled.

Agenda Item 9: Functional Classification/System Designations Modifications to Functional Classification & Systems Designations, Billings

Rob Stapley presented the Functional Classification/System Designation – Modifications to Functional Classification & Systems Designations, Billings to the Commission. The Transportation Commission gives concurrence on functional classification recommendations for public roadways at the state level with final approval by the Federal Highway Administration (FHWA). Functional classification is a method of classifying roads by the service they provide as part of the overall highway system. Additionally, the Transportation Commission is responsible for approving revisions to the Urban Highway System (per MCA 60-2-126).

At the request of the Billings Metropolitan Planning Organization (MPO), MDT conducted a functional classification review of several routes in the Billings area. The purpose of this review was to determine if the functionality of these routes had changed in recent years. As a result of this review, MDT is recommending functional classification modifications for two roadways in the Billings area (summarized on Attachment).

This change is due to the growth that Billings has seen to the west. Additionally, the Billings Metropolitan Planning Organization (MPO) has requested that the Urban Highway System be modified (as detailed below and on Attachments B) to align with the findings of the functional classification review. The recommended system modifications will result in a net gain of 3.857 miles for the Urban Highway System. This increase in mileage does not impact the urban funding.

It should be noted that this proposed system modification aligns with the December 2000 Commission Policy for System Actions on State Designated Highways and that the proposed actions are in conformance with:

- (a) System action general and specific procedures.
- (b) The requirements for participation with appropriate local officials; and
- (c) In urbanized areas the planning process required pursuant to the provisions of 23 USC 134(a).

Therefore, on behalf of the Billings MPO, as required by MCA 60-2-126, staff requests that the Transportation Commission concur with the functional reclassification of these roadways and approve the proposed modifications to the Urban Highway System.

Commissioner Sansaver moved to approve the Functional Classification/System Designations – Modifications to Functional Classification & Systems Designations, Billings. Commissioner Sanders seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Elected Official / Public Comment

Commissioner Frazier asked how many people wished to speak. We have several topics that people wish to address both in person and on line – Veteran’s Loop which

has been ongoing for several Commission meetings, Amsterdam Road speed limit in Belgrade, and the Alpine Coaster at Lakeside.

Amsterdam Road – Wendy Pleggs, Belgrade

I was reading the letter that the County Commissioners wrote to Mr. Geno and I wanted to say they are thinking correctly but the borderline between 45 and 55 mph needs to be extended about one half mile further west. The reason for that is the area that is being considered to drop to 45 mph has shoulders and turning lanes and there are no big commercial trucks there, but as soon as you get past the end of River Rock Subdivision there are no shoulders of any kind on the roads. There are really deep barrow pits that are lethal and there are several creeks and rivers that have metal guardrails on them which is appropriate but where there are guardrails which are extensive, there are no shoulders of any kind. Like none. When the snow is plowed those particular stretches of road are one-lane roads because the two lanes get constricted with the snow against the guardrails so you only have a one-lane road.

I wanted to mention that going west from Linney and Stagecoach immediately to the west there is Western Pines which is a brand new business with a huge fleet of trucks that pull out onto Amsterdam Road in an area with no turning lanes and no shoulders. So every time the trucks pull out, they block the whole road, so any traffic has to come to a halt. If you go 100 yards to the west, you come to a subdivision called East Cedar Meadows. I did send a photo of that particular spot on the road and you see a very narrow two-lane road with no shoulders, deep barrow pits, no turning lane, and a subdivision. At that same intersection there is a narrow culvert with metal guardrails. So you have basically less than a normal two-lane road at the intersection with a subdivision.

That whole stretch that I'm speaking of is the corridor where all the deer cross. You can look at it on a topo map and you can see the area is all around the rivers and heavily wooded. My husband much of the year has to remove one or two dead deer daily on this stretch. That's another reason a lower speed limit would be wise.

Another thing I want to say and the most important is the speed study is more than one half a year old. We are charged as a committee and as citizens in looking a decade in the future because that is the amount of time that whatever we decided today will be in place. So looking a decade in the future what you are seeing right now in Amsterdam which is where this state highway leads, hundreds of new homes, and there is a number of new businesses and all of these will be funneled down Amsterdam Road. Right now every spring there are weight limits on all the county roads forcing all the gravel trucks and other trucks down Amsterdam Road.

In summary we are talking about a very narrow two-lane road with no shoulders, no turn-off lanes, and guardrails on much of it and a wildlife corridor. If you look at the rest of the county, everything that is remotely similar is at 45 mph with no exceptions. Jackrabbit Lane would have been similar to Amsterdam Road and that is now five lanes, has huge shoulders, no barrow pits and that is set at 55 mph which is appropriate. All the other roads in Gallatin County including all the ones tying into Amsterdam are set at 45 mph. I believe 45 mph going from Jackrabbit Lane to Highline would be appropriate as opposed to stopping the 45 mph at Stagecoach and Linney and the state has recommended at the edge of River Rock.

Thank you for your time and consideration. I'd be happy to answer any questions.

Amsterdam Road – Lisa Good, Gallatin County

I just want to say everything she said is true. I don't live on Amsterdam Road but I drive it and I know it and what she said is accurate.

Murray Creek – Mitch Steinberg

You all remember I was here in February and gave a presentation. If you still have that fresh in your memory, we can forego that to save some time. I was asked if I had spoken to my Cascade County Commissioners. I went to their meeting in March and I gave the same presentation I gave to you. I must have done something right and they wrote a letter for me to give to you. I have say their suggestions and opinions given in the letter are more than I could have hoped for. With that said I would like to get this issue out of the way.

Commissioner Frazier thanked him for bringing the letter to the Commission. We will need to put this on our Agenda and advertise it. Mitch Steinberg asked if we could do it in June. Commissioner Frazier said we will not be able to do it at this meeting but we need to follow the rules, advertise it, have it on our Agenda and then take action. Mitch Steinberg asked Lori Ryan if it could be added to the Agenda for June. Lori said once everything is finalized and submitted it will be added to the Agenda. Mitch Steinberg asked if the June meeting was in Great Falls. Commissioner Frazier said yes. Mitch Steinberg said he would see if he could bring some County Commissioners with him to voice their opinions.

Canyon Ferry Road – Jay Hart, Helena

I live at milepost 7 on Canyon Ferry Road. Last summer a young lady was killed on Canyon Ferry Road approximately at milepost 5. The speed limit through there is 60 mph now but it is the main highway from Helena to Canyon Ferry Lake and that corridor is getting incredibly busy. It's almost as busy at Hwy 93. The speeds through there are posted at 60 mph but people usually do 70 mph through a rural area with lots of blind places and hills. The speeds seem to be really excessive in the last ten years. I'd like to see the speed limit reduced in that area. Thank you.

Hwy 93 Alpine Coaster

Commissioner Frazier stated the ground rules for speaking. Please state your name for the record and please abide by the time limit of three minutes per comment. I want to go through a few comments that I've received on this agenda item; just a general summary of some of the themes that I see in all the comments I've read.

Zoning and Land Use. There were quite a few comments on zoning and land use. As the Transportation Commission we do not have the authority to do land use or zoning; that is outside of what we do; our responsibility is to govern the highway system; basically the safety and operations on the system. In this case on Agenda Item No. 4 it is determined that reasonable access would include some safety improvements to Hwy 93, i.e., a left-turn lane. We would be authorizing construction of that left turn lane.

Permit Approval. Another thing that was brought up is that as a Commission we do not approve the approach permits; that is done by Transportation and their staff. We authorize the work to be done on our system such as constructing a left-turn lane. That approach permit is not finalized until our staff has inspected the plans and the construction to make sure it is done correctly.

There are a couple of things in Montana law that go back to our Constitution that says a landowner near a highway has a right to reasonable access to that highway. Where it is "reasonable" to keep it safe in operations, we can require safety improvements. A landowners does have a right to reasonable access.

With that, keep our ground rules and keep it polite. We have people speaking in favor of the development and a lot that are not. Following the Legislative rules, I will ask for proponents, opponents, or informational speakers.

Representative Tanner Smith, Lakeside

I represent Lakeside which is the district we're talking about. I'm here on behalf of my residents and constituents. We would like to see this tabled until an accurate safety study can be done. I personally have three children who drive this road every day with my wife. I've personally seen two friends die on this stretch of road. I don't know if you understand quite the gravity. We've all been to the Flathead. It is one of the most dangerous stretches of road in our state – period, full stop. We lost an elementary teacher, one of my buddies who drove a mixer truck for one of the concrete outfits. He was a good safe driver and he ended up getting killed in something that had nothing to do with his driving record.

This needs to be tabled until an actual study can be done on Saturdays and Sundays in the summertime. We have a lot of churches in Lakeside and the Mormon churches have all set up shop in Lakeside, so on Saturdays and Sundays we have a plethora of cars coming into Lakeside. I've looked at the plans and the 200 foot of turn-out lane will not be enough on Saturdays and Sundays in the summer to adequately stack-up vehicles that are going to want to turn left into this new adventure.

We're not anti-business, we're just anti where the location is. Until the highway is addressed safely with 3-4 lanes, this needs to be tabled or people are going to get hurt. We don't want to see the good counsel have to have lawsuits when someone gets hurt because it will happen. It is just a matter of when and how bad it's going to be. With that, I ask that this be tabled until we can get an actual study. Looking out ten years, this little turn-out lane is not going to adequately do it. I appreciate your time and keep up the good work.

Commissioner Sansaver said it's been intriguing to me in reading all the emails we've received. We understand that being on the very opposite side of the state in Wolf Point, I know Hwy 93 and have traveled it a number of times and I've said it is the most dangerous highway in the state. The question I have is – how far back did the community go to recognize this was going to be dangerous. It's going to be incumbent on the community to make sure it's safe and even though it's outside the community zoning area you had a choice on whether it was going to go there or not. To get documentation like I've received in the last week, it's very hard to take that all in and say I'm going to go to a meeting and approve or disapprove of the right-of-way here. As Commissioner Frazier said, it is not in our authority to say whether or not they can have the right-of-way because we're obligated to provide the right-of-way. Have you brought any answers to the Commission other than we want to table this? What extension of right-of-way do you need? Have you talked to any of the staff and say we recommend that this right-of-way be extended by a half mile? Has any of that taken place with the community of Lakeside?

Representative Tanner Smith said that is a great question. This goes back to the late 80's when the highway was being put in. That's why we have the hill to the south called "Political Hill". Back in the old days, they didn't have the foresight to look into the future. They call it Political Hill because the highway was supposed to go around Lakeside and the forefathers of Lakeside wanted to bring the commerce to Lakeside for the downtown district which was great back in the late 80's. That is why we have the highway where it is right now. It was supposed to have an alternate route. There are solutions to what needs to happen – it needs to be a 3-4 lane road clear from about one mile south of Lakeside all the way to Somers. For the Commission and engineers looking long term, that is what will happen. It is just the growing pains we're going through right now – do we just patch it together with a little turn-out lane that's not going to be adequate? I've talked to the Director at length and other people on the Commission. Looking into the future, we know what the solution is 3-4 lanes through that whole area because it is going to

continue to grow. There are great men and women thinking of what needs to happen, it's just how we get there and how we take baby steps to get there and try to keep the traveling public safe. Those conversations have gone on. It is a matter of funding. We passed the Safer Act in the Legislature to get some funding for this stuff and, as a Legislator, I'd like to see places like Lakeside to Somers get moved up on that list. There are a lot of other places that are unsafe as well. If Lakeside to Somers could get moved up on that list and in the interim if we can make it the best we can to keep our people safe, that's the ticket.

Proponents

Andy Adamik, Alpine Coaster

I represent the Wilderness Plan building entity that is developing the Alpine Coaster that is at issue this morning. I appreciate comments earlier this morning about the statutory directives and the authority you have. To summarize it is providing for reasonably safe highways in the State of Montana. What's at issue this morning is the narrative about turn lanes that would be dedicated to northbound traffic that would remove that northbound traffic out of the flow of the passing-by traffic lane and provide for space for those vehicles that are turning into this venue and to do that safely as well as for those who are not using this venue to pass by. There are other design elements that your staff will be looking at and reviewing that we hope will be approved that will incorporate this left-hand turn lane to work together. The focus can't just be on the turn lane itself but it must be on the highway, as it currently exists, the right-of-way is also being widened, there is additional signage, and there's also turning and shoulder for the southbound traffic.

So I want to focus all of you on the merits of the proposal and the change to the current highway footprint. I think it's important to understand that there is currently a State of Montana maintenance shore parcel directly north and adjacent to the proposed project that also has an access. So this would be a shared... I know we're not talking about the approach but it would be a shared intersection that is being improved that would consolidate other approaches into one new designed approach. An improved approach with a dedicated turn lane that does not currently exist. This proposal would provide that with private dollars paid for by the developer and the venue – not a dollar spent by the citizens of Montana.

So looking forward and to address the concerns that you've heard about safety – you have drainage that's being addressed through a hydraulic report. You have the design criteria of the intersection and the turn lane itself that is being considered by your staff with on-going negotiations with at least three different engineering consultants. We have a traffic study that was done in June of 2022 relevant to the approach permit. I believe there is going to be a speed study and the applicant is present and I believe there has been talk in the county about a speed study. The applicant is not opposed to a modification of the speed through this section of the highway. If that would help in the design process and help to make it safer for everybody, they have no position on that. I just want to confirm that the current engineering report and data being brought into the department are based on present speed limits. If we reduce speeds, things get safer generally.

So germane to your consideration under statute, I would just suggest that the permitting process that has occurred to date and the information that your staff has is a good example of how any development in this corridor may happen. I don't think there is a proposal nor is it under your authority to determine whether no further development can happen between Lakeside and Somers unless we have three lanes going north and south. It's whether we have reasonable access by the approach and whether the intersection that the applicant is proposed to submit and get approval for, is going to make that safer for everybody and we think it will.

Specific to your considerations of the bigger picture, this improvement promotes general safety on our highways. It does not conflict with any tentative construction projects within this corridor that the department has. It is consistent with your resurfacing efforts along Hwy 93. I think it provides a good example of what could be or should be required of other projects and other developments that are truly going to happen on this section.

Thank you for your time. If you have specific questions about the design components, our consultant KLJ can be available by zoom.

Motion to Extend Public Comment Period

Commissioner Sanders made a motion to extend the Public Comment until 10 a.m.

Commissioner Sanders moved to extend the Public Comment to 10 a.m.
Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Mitch Stelling, Lakeside

I live part time on Lakeside Blvd directly across from the Coaster Park. With your permission I would like to give you a letter that I sent to you with supporting information that deals with the operation and safety of Hwy 93. I want you to know that I am a proponent of a left-turn lane on Hwy 93. I've provided you with the supporting exhibits and documents and reference materials and I'll refer to these in my presentation. I'm not here to protest the Coaster Park; instead I'm here to support safety in operations for the drivers, the residents on Lakeside Blvd., pedestrians and the patrons of the Coaster Park. I've lived in the family cabin across Hwy 93 for the past 43 years as I've designed projects in the Flathead Valley including the Kalispell Bypass and several sections of Hwy 93.

Two days ago I received preliminary intersection plans dated March 20, 2023. The city attached sheet 11 in your handout from KLJ Engineers. This is my professional observations to these plans.

1. The plans ignore access to north Lakeside Blvd. In fact there is no southbound left turn lane planned for this approach. It does not appear that the design accounts for the roughly 100 homes that utilize this approach.
2. The slope of the approach of north Lakeside Blvd., is a negative 9%. The MDT standard is a maximum 3%. The approach is located on the inside of a horizontal curve. As a result the driver's field of vision is over 200 degrees in order to see oncoming traffic. The guardrail on the west side of Hwy 93 partially blocks the driver's vision. The steep -9% slope when combined with the guardrail requires that the driver nudge his vehicle as close as possible to the driving lane to include visibility of the oncoming traffic. This is very challenging for low profile vehicles and very dangerous.
3. The speed limit is posted at 55 mph. Vehicles are driving 60-70 mph one mile out of Lakeside. If they are not slowed down by drivers following the speed limit.
4. There is no southbound left-turn lane on the north side of Lakeside Blvd. Summer traffic is dangerous and gaps can be infrequent. Stopping to make a left turn on the Lakeside Blvd results in drivers passing in the right partially leaving the paved surface and into the ditch. That happens all the time.

Shingle labyrinth of the attach plans shows proposed geometrics of the intersection and the following items are noted:

1. The intersection almost resembles a traditional four-leg intersection but it's not. The two approaches are separated by 38 feet. The section is an offset staggered T-intersection designed with inadequate separation to function as an off-set T-intersection.
2. The design shows the striped median north of the Coaster approach and does not plan for southbound left turns on north Lakeside Blvd.
3. There are no provisions for pedestrian crossing of US 93 from Lakeside Blvd.
4. I've prepared an exhibit showing the conflicts associated with the four left turns. (following KLJ sheet 11).
5. This intersection design will result in congestion and will increase the risk of collisions and injury.
6. This design has been developed and proposed without any actual traffic counts from the summer peak tourist season. Why not 2023?
7. There are no provisions for future signalization.
8. There are no traffic counts for an actual Coaster Park right-turn lane which is not shown because of the low projections that don't support a right-turn lane.

I'm asking MDT and the developer to consider a true off-set T-intersection. The current design is not a four-leg intersection and is not a true off-set T-intersection. I strongly object to a four legged intersection in comparison to an off-set T-intersection. The collision points are 50% less on an off-set T-intersection than a four-leg intersection. In the attached letter I've provided a design concept for the off-set T-intersection. It shows a 350-foot separation recommended by the Delaware Department of Transportation for off-set T-intersections. All the data I have comes from the International Journal of Transportation Science and Technology.

In summary, I support the left-turn lane but not the way it is shown. There needs to be a left-turn lane for north Lakeside Blvd. Thank you for the opportunity to speak.

Randy Brodehl, Flathead County Commissioner

I'm very aware of my lack of jurisdiction in the property and I'm also very aware of the narrow jurisdiction the Commission has. In this case the consideration of the northbound left turn is the primary focus and I'll keep my comments within those bounds. First, we need the northbound turn lane for the safety of our community and it needs to be completed before the project opens. I ask that you approve this concept after considering the design specs as supported by MDT staff. I along with the community have a tremendous concern about this highway project for multiple reasons with the primary concern being safety.

I'm going to deviate a little because I am a proponent for the north turn lane but I've got a brief statement I'd like to make about the rest of the project with your permission:

There's not a multiple use or any type of path for residents and visitors to walk on from Lakeside to the Alpine Coaster location. This will likely add significant foot traffic to the highway during business hours and I ask that this be included in the design for any additional conceptual approval that the Commission considers.

I also ask that the MDT consider options for a south-bound right turn deceleration lane. I'm not sure if this was part of the consideration and I'm not a Traffic Safety Engineer so my ask would be that from a common-sense perspective, it would reduce crashes in the southbound lane by allowing decelerating traffic a lane to prevent impeding southbound traffic.

If the Commission needs additional time to make this decision, please consider tabling until you have enough time for a complete review without feeling pressure to approve because of the advertised opening date of the business.

While I totally support free enterprise and want every local business in the Flathead to succeed, I am committed to public safety and the reduction of risk on our roadways and in our communities. As you know growth and change are a tough thing to mitigate within the parameters of each of our responsibilities both the Count Commissioners and the Transportation Commission but I have every confidence that your due diligence on this will be a win-win for the Commission and the Lakeside community. I remain available for questions.

Mark Lektey, Project Consulting Engineer

I'm one of the Consulting Engineers involved in the project since the beginning working with Alpine Coaster owners and other entities involved. Sadly I could not attend the meeting today as I'm travelling out of state otherwise I would have been there. I have listened obviously to some of the opponents already and I'd like to implore again and point out that this project has gone at least nine months back and forth with MDT staff in Helena and Kalispell. We have attained additional Engineering firms to make sure we comply with all the required standards the state has for these type of projects.

I also live in Lakeside. I also have family with three kids and grandchildren in Lakeside, so I'm very much concerned about the impacts of this approach and/or this facility. I'd like to point out also that the opposition has been very strong and sent many inaccurate facts to newspapers and/or other means in the community. I'd just like to say that we have followed all the requirements that MDT has pointed us to and I believe MDT is in support of the design we have submitted. If there are any questions for me I'll certainly be here to answer them. Thank you.

Opponents

Terry Myhre, Lakeside

I have a home in Lakeside and I own a home in Helena. I have some comments on the process and what we've seen in the newspapers, etc. According to the news articles the initial plans stated there was to be a gift shop and a maintenance shed on the property and they were granted a temporary approach by MDT. While it was later discovered that the owners plan on building the Alpine Slide and Coaster, which is to me a little bit deceptive on their part. Now they are waiting for MDT to approve a permanent approach which allow them to engage in the commercial activity on the property which is what you've been discussing.

Again the owners have continued to build on the property and install a coaster structure. They intend to open in late May without a permit. That bothers a lot of us not on the technical side but on the outside. The questions are:

1. Is there a penalty for the actions that the owners are taking without the necessary permits from MDT?
2. Would the income from operating the Coaster early without the permits far exceed the monetary penalty for MDT? So why not open?
3. Is the safety of travel on Hwy 93 a major factor in MDT's decisions on the permitting? According to the discussion so far that is a major factor.
4. If so shouldn't the penalties against the owners reflect the disregard for the issue of traveler's safety?

5. Does Montana law require a safety inspection of the entertainment thrill ride activities like this? That probably isn't under your purview, but is that required?

In summary, if this disregard for state law is allowed to proceed, wouldn't that potentially open the door for other individuals or companies to do the same? Why not build in Montana because the penalties are insignificant? I have handouts and I appreciate and thank you for your time.

Commissioner Sansaver asked if everyone speaking today had sent emails. Answer: no.

Janie Lewer, Upper West Shore Alliance, Lakeside

I live in Lakeside and I have probably written to each and every one of you so my name is recognized by you. I am on the Board of Directors of the Upper West Shore Alliance. I am on here on their behalf in the residents of Lakeside. Why are we here? That is the question that we as a community have. Why are we here today since the plans are still underway with the system impact? They haven't been approved. Things are still in flux so why in the world, as stewards of the state highway and overseers of the federal highway, would you approve a change to this major highway without the plans being finalized? That I logically objectively having no understanding of how this process works, just doesn't make sense to me. It doesn't make sense to all the people on Zoom and everywhere else.

Justin from Kalispell MDT, met with residents from Lakeside Crest Drive yesterday. They are the closest approach to the Coaster Park and their approach is severely impacted by whatever happens here. They are right there. Justin told these individuals, as I understand it, that their approach turning movement haven't been studied at all. Lakeside Blvd approach turning movements haven't been studied at all. Lakeview Park Estates has 200 residents that are all going to come out into this new turn lane modification and no one has studied how those people get in and out of their homes. Right there should be a hard stop.

Honest to goodness, you represent all of us not just what the developer wants. The developer has to have reasonable access. I can recite that portion of the approach manual in my head. Yes they need to have reasonable access. They have always had reasonable access, always. They have not had approval to open a commercial amusement park in a residential area on a fragile highway. That's true. That needs to be fully studied as Rep. Smith said and as Commissioner Brodehl said. We're not in an echo chamber here. You're not hearing just my voice, you are hearing voices from the community that this honest-to-goodness needs to be tabled and fully vetted and really thought out

Commissioner Sansaver you had asked about an engineer reviewing the plans. We have not had the opportunity to do that. The plans that we are all discussing and worrying about, I received on behalf of the Upper West Shore Alliance, via an RFI that took me a month to get and a \$100 overnight check to get these plans to me personally. They have not been delivered to the Lakeside community. I shared them with these concerned citizens in Lakeview Park Estates and Lake Crest Drive and Lakeside Blvd. That's how we got the information. How can we possibly study it and have an engineer come.

I sent you two videos and I hope you saw them. These are skid marks of a tractor trailer in front of the park at the beginning of April and this is a car on the rail on Hwy 93 just across from the park again. It's time to pause. The reality is it is just time to pause.

I respectfully request that you table this item. Do a true review and approve the approach after all of this has been considered and after the community has looked at the plans and participate on the road that we travel for medical care. Thank you.

Commissioner Sansaver said it sounds to me that the opponents want to have this tabled at this point. I know we have proponents for it. I don't know that we need everybody to get up and say we want this tabled. The other questions I have is what is the impacted population? I have no idea what this project is – is it a theme park?

Terry Myhre said regarding the tabling, Mr. Stapley earlier tabled item seven from the previous agenda item because the review was not complete. In this room today you have precedent to do that. What the community would like is the item tabled until it's done. I think that if you as a Commission vote on that, people will probably stop giving comments. The Coaster Park has the capacity to have 500 people riding their coaster every hour.

Kris Wilkinson, Helena and Lakeside

I'm a resident of Helena but we also have a place on Flathead Lake near Lakeside. I would echo the comments of all the other opponents here and request humbly that you table this motion until the safety concerns can be adequately addressed.

Wesley Meres, Lakeside

Good morning, my name is Wesley Meres and I live out on Point Caroline Road in Lakeside. My family has lived in this area since the 1800's and we have witnessed a steady increase in the volume of traffic along with distracted driving incidents and fatal accidents. Like Representative Tanner Smith mentioned previously, we have sadly fallen victim to the treachery of Hwy 93 as one of our family members died driving this very route. I want to make it clear that you're not deciding on a minor modification on a primary highway here. What you decide will affect thousands of people daily – mothers, fathers, children, grandparents, parents, friends, family members and loved ones.

I implore the Transportation Commission to do their due diligence to make sure any highway changes will increase safety. I ask you to look up from that long established procedures manual and ask yourselves a simple question – if you'd ask the MDT staff to design modifications to a major rural primary highway with narrow shoulders that is the preferred truck route for an amusement park in the middle of an established residential neighborhood on a dangerous curve located between two white crosses within 100 yards of each other, is this what your staff would have designed?

From our perspective, it looks like bureaucrats just marking a checklist and not considering the big picture. It does look hurried; lacking transparency with limited local citizen input, and myopic by only serving the needs of the developers and not the highway users in Lakeside and other motorists. Ironically our District One does not even have a voice on this very Commission as the result of the expiration of Tammy Fisher's term. Please, I implore you, take a deep breath, look at the big picture – does this make sense? Does it improve highway safety? Please delay in making a decision today and table this item. Thank you for your time.

Vickie Caribau, Lakeview Park Estates

I live in Lakeview Park Estates, the property north of the Alpine Coaster Area. I am just going to reiterate what others have said. I know you asked us not to repeat, however, this poster shows that within 3.5 miles there are 76 access points on Hwy 93 that so many people living there use every day, not to mention the additional traffic that is going to be present with the Coaster and summer people. If you look

at this poster, in this dark area right here, this was taken earlier this year before the Coaster was in process of being built. This is the area where they are. These are very tiny little dots to show you the 76 access points in 3.5 miles. I beg you to please take this into consideration as you adjust, review, and look at the changes that are needed to this highway. This isn't a little item; this is a very, very big item.

I agree with others to please table this because the information is so necessary for the studies that need to be done. The Coaster should not open. It is not in the right spot but it is on their property. We have to be protective of everyone that will be going there and driving this highway and for the safety of Montanans and our guests. This is the picture of the Coaster property and these are the different areas of communities and home developments around it within these access points. I ask you to please consider this very carefully.

Motion to Extend Public Comment Period

Commissioner Sanders made a motion to extend Public Comment until 10:30 a.m.

Commissioner Sanders moved to extend the Public Comment to 10:30 a.m.
Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Lisa Prugh, Lakeside

I moved to Lakeside, MT, in 1959 and attended Lakeside Elementary School and we've raised three generations of children learning to bicycle on Lakeside Blvd and learned to swim in Flathead Lake. I then moved to Bozeman to go to MSU and that is where my primary home is. My family still resides in Lakeside where we have acreage and three generations that celebrate summer. So now, how do we get there? How do we get onto Lakeside Blvd? That is a question that remains to be discussed and engineered appropriately with qualified reviews, therefore, I respectfully request that you table this item so that we can do all the right things for the entire community.

A caveat to that is that in the Carter Administration, a woman who lived on Lakeside Blvd started the Good Neighbor Day in September and every year we celebrate that day. Some of you may do it more boisterously than others. The point of the matter is that we have to be good neighbors on all sides in all situations. Some contentious, some not as easy but we all have to be good neighbors. It makes sense then that we go forward doing the right thing for everybody in the community and all of the guests who come to Montana, our family members, everyone here, and I hope this will go forward as Becky Madison would have liked us to do. Rest her soul, she was quite a stalwart here and we have a lot of great leaders from that community. Thank you.

Tim Klusner, Lakeside

I live in Lakeside on Whips Lane. I built a house there very recently. I spent 16 years on the Kalispell City Council for the City of Kalispell and just recently retired from that position and moved into Lakeside where we've owned property for numerous years. I was very active with the Kalispell Bypass from when we put that together wondering if it would ever happen to now we're driving on it. So I know the process from the city side, from a leadership side and how to do it and working with all the different people out there with their views and opinions but also looking at safety. That's where I come from.

I have noticed that you've already passed numerous items in this meeting this morning with zero public comment. That tells me you probably don't care about public comment. That's not a nice thing to say and I know it. Please prove us wrong today that you do care about public comment.

I've ridden Alpine Coasters in Europe; I know they are extremely fun and absolutely a kick in the butt. You're going to generate a crap-load of traffic on this thing. There's going to be a lot of interest in this thing. I think you're under estimating the type of traffic that this thing alone will add to the Lakeside area. So keep that in mind and I think your numbers are low. Once people ride this thing, they are going to love it. Believe me, they are a lot of fun. It's probably not the right place for it; it should really be up at Blacktail Mountain to be honest with you. That would be very beneficial to Lakeside if it was up there.

I've also noticed that, from my experience, the owners haven't really engaged the people in the community of Lakeside. That has created a large amount of animosity and distrust. I don't think MDT wants to fall into that category as well so please engage the community. I've noticed in this meeting today that the owners of the property haven't even come themselves to stand up for their project. When I was on the City Council it meant a ton to us when owners showed up. I see someone raising their hand – you must be an opponent to it I guess. My apologies. Please engage the community because it is so important. It can turn things in your favor in a lot of great ways.

I agree with a lot of what people had to say. Mr. Terry Myhre has some wonderful things to say and he lives in my neighborhood. Tanner Smith has some great things to say but what I did not think about was the gentleman with Lakeside Blvd and the T intersection approach. That is an absolute thing you need to be looking at and I think that three-leg design probably needs to be looked at in a different way.

When you want public comment and you want the public to look at something, you have to present plans to them so that they know what they are seeing and they know what's coming to their community. I was not able to get any kind of a design of what you guys are looking at or what's been proposed, so I can assume you don't have a design either that you're voting on today. That's not how public participation works; that's how government needs to provide easy access to people for those items. It was not part of this agenda package. What was given to us was this really lame little map and some information for the recommendation to be approved. What's being approved? We don't know as a community in Lakeside and that's not fair to us. Remember this highway belongs to all of us; it belongs to the people, it belongs to you, it belongs to my neighbors and it belongs to me. We all need to have a part and a say in this. I understand the owners have invested a lot of money into where they are at and they want to start business but that's not our fault right now. They've taken that risk.

John Marshall, How Springs, MT

Thank you allowing me to testify. I'm John Marshall and I reside just north of Hot Springs, MT. I'm a small business owner and entrepreneur for the last 38 years. In that time I understand what any business owner understands, each day we make business decisions for which we are responsible for the consequences of those decisions whether they affect our business positively or negatively. Here we have business owners who made business decisions for which there are economic consequences. Economic consequences they now wish to pass on the burden to the state and its citizens. The financial burdens now being put upon the state by this business is unfair to the Chairman, the Commission, MDT, and the state and its citizens. If they wish to open this business by May 25th, let them post the bond for all the costs incurred by the state for the study and the implementation of the modifications of US Hwy 93. Like Mr. Klusner mentioned, businesses take risks.

These individuals have taken a risk with setting this business up without doing due diligence to everything that is necessary and now wish to burden the state on this. Again this is unfair to one and all. I would hope you would take the time to table this particular item for further consideration. I don't wish to see it wiped off completely but more study needs to be done. Thank you for your time and your work on the Commission.

Mark Ridey, Flathead Valley

I'm a fourth generation native to this valley. I've seen a lot of change happen over the last 50 years, some good and some bad, but nevertheless it is going to happen. I do agree that this highway needs to be addressed and maybe the whole entire highway from Lakeside to Somers should be addressed. I don't feel that whole portion of the highway should be dealt with or taken care of by this one landowner. They are a small business owner just like I have been in the past 30 years. I do believe that this project will improve the safety of this stretch of highway. It's not going to be a downfall for it that's for sure.

I do believe and everybody can agree with me that the whole stretch of highway should have a reduced speed limit because 55 mph is just too fast when you're coming out of Lakeside going downhill around a somewhat blind corner. I believe it should be reduced to 45 mph. Thank you for your time.

Margaret Davis, Lakeside

I'm a full-time resident of Lakeside Montana. For those on the Commission who are not familiar with Lakeside, it is not strictly a holiday community; it is an unincorporated area in the fastest growing county in the State – Flathead County. Many residents commute to Kalispell. It has a school population. Traffic is considerable and growing every year. To dismiss the safety considerations of an already inadequate stretch of highway between here and Somers, the Commission would be remiss if it did not seriously step back from the current application for an access permit of this magnitude and allow the community to voice it's opinion and consider any permanent plans for access to that area and the surrounding area. I've submitted written comments and I appreciate your consideration of the neighborhood's concerns. Thank you.

Lisa Munion, Lakeside

My driveway is the closest driveway to this project to the south. We had a meeting yesterday in person with Justin from Kalispell MDT and we're really concerned, as everybody else is, about multiple components of this project. I know your job here today is not to decide about the business aspect of it or anything else – you guys are focus on the left-turn lane. You want to give these guys entrance to their property; that is what you're here to do. So in line with that our driveway is the closest to the south and we already have a really big challenge with being able to make a right-hand turn headed south into Lakeside. We have to make a three-point turn in our driveway to face our vehicles that direction just so we can see the on-coming traffic headed to Lakeside going south on Hwy 93. As we have looked at these plans that Janie Lewer was basically gracious enough to basically harass MDT to get – having to pay money, wait a long period of time, send checks overnight, follow-up just to get something that the community should really have been provided well in advance prior to this meeting, I find deeply concerning as a resident.

What is going to happen with what's being proposed right now – yes you guys are here to talk about a left-hand turn lane but there are other things attached to this turn lane. For example, in the proposal there is a deceleration lane. That deceleration lane that supports the left-hand turn lane comes directly in front of our property. So it is going push our driveway back even further, so we're going to less

room that we already don't have to give up to make that right-hand turn into Lakeside. Yesterday when Justin from MDT visited our property, we went down to our driveway and had a nice chat about it. His kind of vanilla response was, "look MDT is not going to limit or reduce or 'negatively impact' your ability to turn out of your driveway; it's just not going to happen." As he saw how difficult it was to pull out of our driveway, I think he second guessed what he was saying when he realized what was at risk here. I said "okay, if that's the case how do you explain this deceleration lane that is eight feet wide that is going to go in front of our driveway? Where is that going to come from? The highway is not going to be made any wider right there so it has to come from somewhere; it's not being added to the east side of the highway, we know that." He looked like a deer in the headlights and didn't know about the deceleration lane and wasn't really aware of it. It's a major part of this plan that supports the left-turn lane that's being proposed here today.

So long story short this is about a lot more than the left-hand turn lane. This is a big impact on this section of highway. I don't know if any of you gentleman have ... I know you have been to the Flathead and I'm sure some of you have homes here or have spent time here but this stretch of highway is very unique. I know you have all your agenda items and you're going through and checking them off, and nobody has anything to say about them because they are really simple. Putting in a stop light here or we're doing this over here, and nobody has anything to say about it because it needs to happen and it makes sense to everybody. So you approve them and move down these 27 agenda items but you get to this one and this is where people have things to say.

I'm a business owner, I'm a mother, I'm all those things and I'm a big supporter of business. I'm one of the problems in the Flathead Valley because I'm one of those people not from here that moved here. I understand where people come from where they don't want business here. I'm not that person. I think an Alpine Coaster is a great idea. I just don't think it's a great idea in a residential neighborhood next to people's homes in a severely heavily congested area.

Christian Schroeder, Lakeside

I live in Lakeside, MT. I live in Lake County so I'm south but I do all of my traveling up into Kalispell. I just wanted to share that I really think we need to have turning movements done on at least the four closest approaches. That would be Lakeside Estates, Lakeside Blvd, as Lisa spoke to their Lakeside Crest approach, and the access right across from Lakeside Crest but slightly south which is Old Hwy 93. I don't think it has a road name but it's just a jog to the south of Lakeside Crest. All of those approaches need to have turning movements to see how any turn lanes or deceleration lanes would impact them because there is no room to widen the highway between the drop off on one side and cliff faces on the other.

The other thing I would say is there is a general concern about the volume count that is expected into the Alpine Coaster business because they are fun, they are very nice attractions. I will quote something that came from Estes Park which has the Sombbrero Alpine Coaster, "due to the lack of traffic studies throughout the country on mountain coasters or alpine slides, the project team researched hourly person capacity and operational constraints of other existing and proposed mountain coasters. This resulted in a trip generation of 240 people per hour which equaled 80 cars per hour." Flathead Lake Alpine Coaster on their volume count for this site in Flathead County is saying they expect 200 cars per day. That is a huge difference. I think we should not be considering a turn lane until we have a more thorough traffic count of what could be generated. Their volume count was based on tourism to Glacier National Park and in Flathead County, whereas currently they already have a sign up at Hwy 93 and Hwy 90 in Way, MT advertising it. So tourist numbers is not the way to do it and we really need to take a good look at that and make sure we know legitimate expected activity. Their own website hours are down now

because of an article that ran last week but they were showing noon to 7 pm in May and early June and then from June until February it was 10 am to 9 pm. So 200 cars per day is not accurate. We really need to look at these things before we consider the turn lane and if this is the right design. Thank you for your time.

Andy Adamik, Alpine Coaster

I wanted to enter into the record that Jessica Whettle is present; she is one member of the applicant. Her husband would be here also but he had to be out of town. To re-direct our focus here, both proponents and opponents, no one is opposing a left-turn lane. For those who are not opposing a left-turn lane, they are proposing delay to do more design review in consultation with the applicant's consultants to arrive at the most safe intersection. That is what you have in front of you to do, the staff has great discretion and your approval of the left-turn lane today is contingent upon your staff and your experts approving the final design. Thank you.

End of Comment Period

Commissioner Sansaver said we have a legal obligation for these easements or turn-outs. He mentioned a recent court case and asked Val Wilson, MDT Legal, to explain the case to the audience regarding the Commission's obligation. I want the audience to understand that the Commission isn't responsible for all the businesses along all the highways throughout the state of Montana. I want them to also understand that it is not the developer who is responsible for the state highways to make sure that there's proper safe adequate turning lanes. That is not the developer's responsibility. We certainly appreciate all the outpouring of the Lakeside community and all of the emails. We totally respect the concerns of the community, but that aside the state needs to take a real strict look at how to make that highway much safer. It is going to take some time to do that. In delaying the decision on this isn't going to make that happen. What makes that happen is that District One needs to move that up in their five-year plan to get that portion of Hwy 93 satisfactory for safe highway transportation. Now, it's not my colleagues business to tell District One what they need to put that on their perspective time line. I don't even know if it's on their timeline. And because we haven't had a representative from District One for three months, it is very difficult for us to turn to that representative and say this is your constituency, what do you want to do for them, what direction do you want this Commission to take to move forward, and how can we best do it for the safety of the traveling public and the residents of Lakeside? That's where we are with this whole project. We have an obligation for an easement for right-of-ways. He asked to hear from Val Wilson, MDT Legal.

Val Wilson said there are a couple of constitutional issues at play. What the Montana Supreme Court has said is that the public has a right to reasonable access from public highways – that landowners who are abutting have the right to reasonable access, and they found that right is derived from Article II, Section 29, of the Montana Constitution. That means that if reasonable access is denied, the state has to pay just compensation for denying that access. The question when it comes to the court is what is reasonable access? That is something that the Department of Transportation has shifted to our Traffic Safety people, our Hydraulics people, our Construction Engineers through the approach permit process. As you stated, the reason this is in front of the Commission is to determine if one of those mitigations is going to be approved on Hwy 93.

The other thing in play is that the mitigation to the developer must be consistent with the impact of the developer. So what I've seen in the public comment is that there are a lot of existing deficiencies in this system with 76 accesses within three miles and lots of increase in traffic that has been borne by the people of Lakeside over the period of the last few years. Who would have imagined we would live in a time when we had to make reservations to get into Glacier Park? I understand that

the system is stressed but the mitigation for the deficiencies of the system can't fall on the developer. The case I would cite is a case where Lewis and Clark County Planning Board decided to require a developer to pave a large stretch of Lake Helena Drive. The court thought that was interesting but unconstitutional because the developer's impact, the county could not show the impact that they were mitigating fell clearly upon that developer. That is why, under the Administrative Rules, the decision on the approach is left to the engineers because they are weighing and balancing the mitigation, the proportionality of impact, and reasonableness of access. Those are matters we all care about clearly and the Commission cares about but those decisions are intertwined but they are not within your wheelhouse. Your wheelhouse is to determine if this turn lane is going to be allowed and it requires staff to explain the safety issues. That's all I have is those two principles. Montana has a long heritage of property rights and the Supreme Court has used the Constitution to create those two relationships that are at play.

Agenda Item 4: Construction Projects on State Highway System Flathead Lake Alpine Coaster, Lakeside

Rob Stapley presented the Construction Projects on State Highway System – Flathead Lake Alpine Coaster, Lakeside to the Commission. Under MCA 60-2-110 “Setting priorities and selecting projects,” the commission shall establish priorities and select and designate segments for construction and reconstruction on the national highway system, the primary highway system, the secondary highway system, the urban highway system, and state highways. This statute exists to ensure the safety of our system, protect transportation investments, and encourage coordination on public and private infrastructure improvement projects that impact MDT routes.

Flathead Lake Alpine Coaster - Lakeside

Wilderness Land Holdings, LLC is proposing modifications to US-93 (N-5) near Lakeside to address traffic generated by their new recreational facility – which features an alpine coaster. Proposed improvements include the addition of a new approach, culvert upgrades, and the installation of a NB left-turn lane at the entrance to their facility.

MDT headquarters and Missoula District staff have reviewed and concur with the recommended improvements. Wilderness Land Holdings, LLC will provide 100 percent of project funding and will be required to complete MDT's design review and approval process (to ensure that all work complies with MDT design standards).

When complete, MDT will assume all maintenance and operational responsibilities associated with the proposed improvements.

Staff recommends that the Commission approve these modifications to US 93 - pending completion of applicable state (and local) design review and approval processes.

Commissioner Sanders said it is well established that I'm no Engineer but I've heard a lot of concerns today and I want to ask you and your staff if there's anything today you heard, i.e., Mitch Stelling talking about the off-set T-intersection, that has given you pause to feel like we have not done our due diligence for this particular issue and that we should have more time to look at it? Dustin Rouse said I very much appreciate all the input we've received today. I really appreciated Mitch Stelling's proposal and that is something our traffic folks can look at that. His drawing had a future right-turn lane because right now looking at the traffic projections it would not be warranted but we need to balance that. Adding a right-turn lane also

introduces a side of destruction so there needs to be a heavy usage of that right-turn lane to justify that. Any design would need to take that into consideration.

The issue with the off-set T-intersection is the additional impact that can have. I don't know if the lady to the north is the landowner of the next approach, but the next approach to the south would be impacted with that off-set T-intersection because that further pushes back that left-turn lane and impacts that road. I believe Mr. Stelling's drawing shows that approach tying into the joint use approach and of course the issue is the devil is in the details and there is a significant grade change from that approach to the highway and from that approach to connect into that joint usage road. Those are things the staff looked at through the process. To answer your question, they are very thorough. There has been a lot of back and forth of questions and proposed designs and modification both on the Hydraulics side and the Geometrics side. So far today, I have not heard anything additional that would change our recommendation.

Commissioner Sansaver said one thing I'm concerned about is I don't see any right-hand turn lane from the south. Certainly that is going to impede the traffic as well with people turning right going south. What is our design for that? Dustin Rouse said again, based on projections we have currently and looking at the numbers today, the right-turn lane would not be justified. In the future if that is something that is needed, then we would look at it in the future. Based on our projections and our traffic counts, today it would not be warranted and would not be included in the mitigation for this road.

Commissioner Sansaver asked if he would agree, based on all the comments from the folks here today, that there is a tremendous amount of work, not just for the right-of-way for that stretch of highway going through there that the State of Montana needs to look at. Dustin Rouse said yes absolutely. I know that our District Administrator and the Missoula District staff are very aware of the issues on Hwy 93. It is front and center as an area in their minds. I know they have a speed study proposed for this area that they would like to take a look at. Absolutely we would be open to other studies if warranted. To answer your question, yes they are aware, yes they are taking action, and if additional action is requested that will be done.

Commissioner Sansaver said I know all the folks that are on line and are in the audience today that oppose this, are looking for answers not just today but down the road for traffic safety through there. You guys know more than I do. I don't travel that stretch very much. How do we make that better? Now we're adding another component to it that is possibly going to bring 200 more vehicles a day. How do we let these folks go off thinking that the State of Montana is concerned and does want to take care of the issue over a period of time? How do we do that? One individual that took a shot at the Commission – not fair if you're still on the phone. We do take very serious consideration when we're talking about speed zones and stop lights and approaches – very serious consideration. In fact there are times where this Commissioner does not vote for those speed zone changes. We have an excellent engineering staff and an excellent MDT staff that do diligent work tirelessly. We don't just come here and say yes to everything. We have background and research that we review. I deeply respect the recommendations of our staff. So even though somebody didn't send us a letter, we do review all of this stuff before we get here. I want to thank everybody who has come today and I hope that we can satisfy everybody's needs.

Commissioner Frazier said I believe one of the last speakers has the approach just to the south. When we looked at this design, do we look at how what we're putting on Hwy 93 is going to impact these people on each side? Digging through all the correspondence on this, I saw some very early emails from the District Traffic Engineer regarding site distance. Two of the approaches did not meet site distance.

Is this design you're proposing with the approach at the new location, I assume you are taking three approaches and combining and them into one, so does that new approach meet site distance? Is that why this modification was made? Dustin Rouse said that is correct. To your other question on the approach to the south, yes that was absolutely taken into consideration. With that said, that gets into our legal counsel's discussion. Based on the way that approach is, they absolutely took that into consideration in the design process. I also want to say that based on all the comments that were brought up today, any time we get this level of detailed input and information our folks are listening. They are getting it and we'll have further discussion based on what we heard today. Fundamentally, I didn't hear anything that changed where we're at but absolutely we'll consider everything that was brought up today and make sure that all the "i's" are dotted and the "t's" are crossed.

Commissioner Sanders said asked Dustin if there was any value in tabling this agenda item based on what you heard. Dustin Rouse said I don't see value in tabling it but I see value in taking what we've heard to today and, through the design process which is on-going, make sure we consider everything we heard today and that be part of the final design.

Commissioner Sanders said if we were to approve this agenda item, can you tell me about the process. One of the things I've seen in the emails is they can't believe this is going to open up in May before this is completed. If we were to approve this agenda item how would it go from here? Could they potentially open up before this turn lane is completed? Dustin said no they cannot open unless they have an approved approach. If an entity just chose to continue and blatantly ignored our process and our request, I would hate for it to come down to that, but we would have to stop the use of that approach. Commissioner Sanders said then this turn lane would have to be finished. I don't think anybody argues that this adds to safety whether the Alpine Coaster was there or not. So the turn lane would have to be completed before they can open their business? Dustin Rouse said that is correct.

Commissioner Frazier said back in the 1990's on North 19th there was a very large retailer that had a Grand Opening. They totally ignored the approach and basically had their contractor come in at midnight on a Friday night and work until Sunday night and then asked for forgiveness on Monday because they didn't have their permit yet. The department installed a concrete barrier across it. Their Grand Opening was scheduled for Wednesday of that week and they had not completed the approach. It's been a long time but the department has done that. There was another one south of 93 several years ago.

Commissioner Sansaver asked Mr. Rouse, based on all the testimony you've heard today, you say you want to try and address as much as you can from those comments, does the department need more time to do that? Are we just going to give the approach there and say we're going to work on it? I don't think that's going to be satisfactory to the community. Do you feel like, after all this has gone down today, that you could use some more time to better address the turn lane? Dustin Rouse said I believe our staff will take the time necessary to address the issues brought up today. I do not believe your action, whether you take action today or table, would impact us from doing that and doing our due diligence to consider what was brought up today. I defer to legal on the Commissioner action.

Val Wilson said if I understand the question – will the action of the Commission approving the left-turn lane, shorten the time line for our in house review of the other construction plans, hydraulic plans, traffic plans related to this action. It does not. You're an integral part of this process but this process will continue until traffic safety, construction and hydraulics are comfortable with the design. Once the design is approved then our inspectors and construction staff from the district will

be out in the field and there is no opening until everything is in compliance with our specifications. I hope that is helpful.

Commissioner Sansaver that is not completely helpful. I would love to know the timeline on the reviews. I want to know when the Park is supposed to open. Jessica Whettle said when the left-hand turn lane is done is when it is supposed to open – when the approach is done and the design is finished and permitted. When we've finished everything that MDT has asked us and have our final permit is when the Park will open. Our developer made a mistake on our website and left the May 25th date up. If I were doing a Grand Opening I would have advertised it a lot better than just having it on the website calendar.

Commissioner Sansaver asked for the timeline to satisfactorily address the needs of the Lakeside community. Ryan Dahlke said there was quite a bit brought up today and it will take time for our staff to fully vet this and make sure there wasn't something that was brought up that we missed and make sure the design appropriately considers everything that was brought up today. Ryan Dahlke said it is going to take as much time as it needs to take. It is very difficult to put timeframes around that and set an exact timeframe because it depends on what the interaction is and what the response is from the developer and their engineers and how soon they get responses back to us, what the design effort is for various degrees of complexity in revisions. I wholeheartedly agree with Dustin that you can be reassured that our entire team, engineering and otherwise, will look at all the concerns brought up prior to this process, during this process, and potentially even after this process to adequately address all the concerns that MDT has from an engineering and safety perspective.

Dwane Kailey said we're talking about the review process. There is still another whole process that has to take place. Once the review is complete, then the developer is going to have to hire a contractor. The contractor is going to have to secure an encroachment permit through the district, they are going to have to supply traffic control plan and get all that scheduled. We're going to have to approve all that before the work can even start. Then they have to go out and construct all that and we will review and monitor that to make sure it meets our standards. Once we approve that, then we'll be able to issue the final approach permit. A lot of that is outside of our control because we're waiting on the developer and the contractor. So I'm sorry we're not giving you a specific timeline because a lot of it is out of our control.

Commissioner Sansaver said I just need to know if it is three months, six months. You travel the road and you have kids and families and I think it is only fair to that community to know that you've taken in and considered all of the different components the community is asking for. That they know once this is passed by the Commission that you're still working on satisfactorily applying all the different suggestions from that community as far as traffic control and safety. Dwane Kailey said what we're trying to convey is verbal confirmation to the Commission that our job and responsibility to you, to the taxpayers and the traveling public is to thoroughly vet and consider all safety and operational considerations. The timeline, I respect what you're trying to get at and what I can tell you is that our teams have the utmost respect for timeliness and responsiveness and is encouraged by our esteemed leadership and they hold us accountable to those types of actions. The best I can say is it will take us a matter of weeks to take in this input, start analyzing it, and then the interaction between the developer and engineers is where the timeline gets grey because we don't know what their response is going to be. I can tell you for sure that MDT will not sit on this for three months absent any communication from anybody while we consider things in a black box. That is not what we do and not how we operate. We do our best to respond in a timely fashion along with the 450-500 other projects we have going on and all the other responsibilities we have.

Commissioner Frazier said part of what we're approving is pending the completion of the applicable state and local design review and the approval process.

Commissioner Sansaver said I want to reiterate that we do have an obligation for reasonable access. The state can't just say we're you can't have access.

Lisa Munion said I hear you talk about reasonable access but Lakeside Blvd residents and Lakeview Estate residents and Lakeside Crestview residents can't get out of their residences with this debacle. We can't get out of our road; we can't turn left and go south and I don't dare turn right to go north because I'm going to have traffic bearing down on me. We don't have reasonable access.

Commissioner Sanders said I think it's important for everybody to understand, including all the folks interested in this project, in my opinion what we're voting on today is (1) does the northbound turn lane make this a safer highway. Not whether it should be there or whether they put it in the right place or anything else but does the turn lane make it a safer highway for the traveling public. (2) The other question being considered today is can our staff be trusted and did our staff do due diligence and I think they did. I think their comments on what their due diligence is going to continue to be answered the questions.

Commissioner Sansaver said he would second the motion based on our obligation under state law. I want it to be clear to the community of Lakeside that because of the state statutes and because of this Commission's obligations to those statutes, we don't have any other alternative route to go. Even if we were to postpone this, I don't believe unless we postponed it for a year, that we would be able to address all of the concerns that the Lakeside community has. I just don't think that can happen even in a year's time. Understanding the developer's position on this as well, I'm sure their safety issues are just as important as yours because they are going to have all those people to take care of. For the people who can't get out of your own parking lots, my heart goes out to you and I wish there was more that we can do. But it is our obligation.

Commissioner Frazier said I've heard a lot today and I've heard a lot about Hwy 93 and one of the things I will suggest to staff and the district is that it looks like Lakeside has grown to where a corridor study needs to take place regarding access, access controls. I know in the 90's something was looked at but we can't just continue to not look at it for the future. I'm hearing there are issues out there that are bigger than this access and we should get a project in there to at least look at access control. I think it's time and I want to make that suggestion,

Commissioner Sansaver said we have to get a representation for District One. It's not fair to the rest of the Commission to have to make decisions on a district that we're not totally familiar with nor do we have to deal with on a daily basis. I don't know how we do that, but it needs to be done.

Commissioner Sanders moved to approve the Construction Projects on State Highway System – Flathead Lake Alpine Coaster, Lakeside. Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item 10: Highway Safety Improvement Program
Additions to HSIP Program
(5 New Projects)**

Rob Stapley presented the Highway Safety Improvement Program – Additions to HSIP Program (5 New Projects) to the Commission. The Highway Safety

Improvement (HSIP) Program makes federal funding available to states to assist with the implementation of a data-driven and strategic approach to improving highway safety on all public roads. In Montana, the primary focus of the HSIP program involves identifying locations with crash trends (where feasible countermeasures exist) and prioritizing work according to benefit/cost ratios.

At this time, MDT is proposing to add 5 new projects to the HSIP program – two in District 1, one in District 2, one in District 3, and one in District 5. The projects on the attached list meet the criteria set forth for HSIP-funded projects. If approved, it would be MDT's intention to let these projects individually.

The estimated total cost for all project phases is \$7,849,426 (\$7,064,483 federal + \$784,943 state match) – with the entirety of the federal funding originating from the Highway Safety Improvement Program.

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

Commissioner Sansaver moved to approve the Highway Safety Improvement Program – Additions to HSIP Program (5 New Projects). Commissioner Sanders seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 11: Primary System Program Additions to STPP Program (1 New Project)

Rob Stapley presented the Primary System Program - Additions to STPP Program (1 New Project) to the Commission. The Surface Transportation Program – Primary (STPP) finances highway projects to rehabilitate, restore, resurface, and reconstruct routes on the state's Primary Highway System. Montana's Transportation Commission allocates STPP funds to MDT Districts based on system performance.

At this time, MDT is proposing to add one new project to the STPP program in the Missoula District. The project meets the criteria set forth for STPP-funded projects. The estimated total cost for all project phases is \$14,257,231 (\$12,343,911 federal + \$1,913,320 state match) – with the entirety of the federal funding originating from the Surface Transportation Program – Primary (STPP).

Staff recommends that the Commission approve the addition of these STPP project to the highway program.

Commissioner Sanders moved to approve the Primary System Program – Additions to STPP Program (1 New Project). Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 12: Speed Limit Recommendation US 93 (N-5) Missoula/Evaro

Dustin Rouse presented the Speed Limit Recommendation, US 93 (N-5) Missoula/Evaro to the Commission. Missoula County originally requested a speed study to extend the existing 55-mph speed limit to Evaro Hill because of concerns pertaining to unprotected left turning movements. The speed study was postponed until completion of a reconstruction project installing a two-way-left-turn lane. After

completion of the reconstruction project, it was determined the study should be extended to the top of Evaro Hill. The reconstructed portion is now in place.

Based on the speed study, speed profile provides support to maintain the existing speed limits. Drivers are consistently traveling above the posted speed limit and have difficulties transitioning from the rural environment to the urban environment. Roadway context also provides support for maintaining the existing speed limit configuration. However, the existing 55-mph speed zone is approximately 0.2-miles shorter than the preferred and recommended length. Therefore, lengthening the 55-mph speed zone to a 0.5-mile is advisable.

Both the West Valley Community Council and Missoula County Commissioners reviewed and support MDT's recommendations. Their letter is attached.

MDT recommends the following speed limits:

A 45-mph speed limit beginning at the I-90 Interchange (straight-line station 0+00) and continuing north to the exiting 45/55-mph transition point, approximately 200-feet north of Lemons Lane, (straight-line station 22+25) an approximate distance of 2,225-feet.

A 55-mph speed limit beginning at the exiting 45/55-mph transition point, approximately 200-feet north of Lemons Lane, (straight-line station 22+25) and continuing north to a point approximately 200-feet north of Ladyslipper Lane (straight-line station 50+75) an approximate distance of 2,850-feet.

No change to the statutory 70-mph speed limit.

Commissioner Frazier said it is nice to have both the county and the community in line with our recommendation.

Commissioner Sansaver moved to approve the Speed Limit Recommendation, US 93 (N-5) Missoula/Evaro. Commissioner Sanders seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 13: Speed Limit Recommendation Amsterdam Road (S-347/U-602), Belgrade

Dustin Rouse presented the Speed Limit Recommendation, Amsterdam Road (S-347/U-602), Belgrade, to the Commission. Gallatin County submitted a request for a speed limit study on Amsterdam Road from Churchill Road to Jackrabbit Lane for the purpose of determining appropriate speed limits on the corridor.

Amsterdam Road was last improved in 2020 between milepost 2.5 and milepost 5.1. The rest of the roadway was improved in 2017, 2010, 2006, and 2005. Typical sections begin out with 11-foot-wide travel lanes until Thorpe Road where they increase to 12-foot. Shoulder widths also increase in width from 1-foot to 2-foot at Thorpe Road then 4-feet at I-90 and finally 6-feet approaching Jackrabbit Lane. AADT volumes range from 860 vehicles in the beginning of the study to 15,970 vehicles nearing Jackrabbit Lane. Adjacent roadside begins rural before transitioning to a more urban environment around Buckskin Road. The rural development is a mix of agriculture and some residential development. Within the more urban environment the development is primarily residential with local businesses.

The speed profile shows the majority of drivers based on the 85th percentile and pace are traveling within 3-mph of the posted speed limit. Therefore, maintaining the

existing speed limits would be advisable. However, roadway context in the form of elevated crash rates, pedestrian presence, and roadway widths indicate a reduced speed limit would be recommended. Reducing the speed limit to match with the 50th percentile speeds is recommended. In the rural environment the speed limit should be posted at 55-mph and 45-mph in the urban environment.

Gallatin County is pleased to see the reduced speed limit recommendations but does not fully support the recommendation. “Due to the narrow bridge and narrow road section around Erwin Bridge, and due to significant development traffic at the intersections west of Erwin Bridge (Linney Road and Stagecoach Trail Road),” Gallatin County believes the 55/45-mph transition point should be west of the current recommendation. Their letter is attached.

MDT acknowledges there has been development west of Erwin Bridge off Linney Road and Stagecoach Trail Road. The roadway is narrow in this area and appears narrower than 11-feet because of the bridges and guardrail. The area also has fishing access, a small cluster of citations, and a small grouping of crashes. These are the reasons MDT recommended posting the speed limit based on the 50th percentile speeds. Buckskin Road is also approximately where the rural environment begins when traveling west.

MDT is unable to support further reduction to the speed limit west of Buckskin Lane at this time. The proposed speed limit transition point by Gallatin County would post the speed limit on average approximately 12-mph below the 50th percentile speeds and 7-mph below the lower limit of the pace. If we did post it as the county recommended, it would be in the 17th percentile of how fast vehicles travel. MDT does admit that this would only be a 4,500-foot extension of the 45-mph speed limit and is within 10-mph of the engineering recommendation. Previous research conducted by MDT shows that speed limits set greater than 10-mph below the prevailing speeds have an increase in crash rates. If we did post

MDT recommends the following speed limits:

A 55-mph speed limit beginning at the intersection with Churchill Road (straight line station 0+00) and continuing east to a point approximately 200-feet west of the intersection with Buckskin Road and River Woods Road (straight-line station 193+00), an approximate distance of 3.66-miles.

A 45-mph speed limit beginning approximately 200-feet west of the intersection with Buckskin Road and River Woods Road (straight-line station 193+00) and continuing east to the intersection with Jackrabbit Lane (straight-line station 327+00), an approximate distance of 2.54-miles

Commissioner Sanders said I appreciate all the effort you put into this location and you're not just looking at the percentile but also the road context. I appreciate that. My concern is that if you leave it as recommended you go from 45 mph to 55 mph as you're approaching a somewhat busy and fairly narrow bridge as well the approaches to Linney Road and Stagecoach Trail. My motion is going to reflect the Gallatin County Commissioner's request of moving the 45 mph speed limit to vicinity of Linney Road and Stagecoach Trail with the option there would be latitude for staff to place the sign at the appropriate spot.

Commissioner Sansaver asked if the staff was on board with the motion. Dustin Rouse said as previously noted this would be setting the speed limit to something that is in the very low percentile of drivers driving at that low speed. So there is risk of the speed differential and other folks coming up quickly behind other vehicles which was noted. Any time we extend the area, in this case it would be about 4500 feet further for the 45 mph zone, my concern is that you may end up with some speed differential

and/or a lack of compliance, so you end up with some folks traveling at one speed and others at another. Without enforcement you may not get what you're looking for.

Commissioner Frazier asked if this section where they are looking at extending the 45 mph speed limit, is this the section of road from the 800 vehicles per day category. Dustin said it is in the lower end of the transition. Commissioner Frazier said when you mentioned 860 to 15,000 vehicles, this is towards the beginning of the 800 vehicles per day area. Dustin Rouse said that is correct.

Commissioner Sanders said in looking at the traveling speed characteristics, the 50th percentile shows at 148 feet east of Stagecoach Trail Road and out 1,070 feet west of Stagecoach Trail Road with a posted speed limit of 65 mph, folks are already doing on an average of 10 mph below that going westbound. I'm with you on the variance and I know we don't want a big variance there but to me it looks like people are already going significantly below that. For the area I'm talking about extending it up to, it seems like people are already going 10 mph below the posted speed limit. Is that true? Dustin Rouse said they are traveling below the posted speed today. The recommended speed through that area would be 55 mph and this would be seven or eight below the 55 mph. Commissioner Sanders said I'm with you on 10 mph being the definition point of fatalities. I'm not trying to go against you guys but when I look at the speeds they are already below the posted speed and we're not talking significantly over what I would be proposing. Dustin Rouse said your reading of that is correct for the 50th percentile.

Commissioner Frazier thanked Wendy Clays who emailed the Commission the pictures. I found them useful.

Commissioner Sanders moved to approve the Speed Limit Recommendation, Amsterdam Road (S-347/U-602), Belgrade, with the addition that the 45 mph speed limit be extended to include Stagecoach Trail and Linney Road and provide latitude for sign placement. Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 14: Speed Limit Recommendation US 191/Montana 3 (N-63), Moore

Dustin Rouse presented the Speed Limit Recommendation, US 191/Montana 3 (N-63), Moore to the Commission. Billings District approached the Fergus County Commissioners on the possibility of performing a speed study on US 191 approaching Eddies Corner from the south. The commissioners voiced support in August 2022 for reviewing the 70-mph speed limit approaching the stop-controlled intersection.

This portion of US 191 was improved in 2021 through reconstruction. Typical sections are comprised of two 12-foot travel lanes with 8-foot shoulders. There is a 12-foot striped median at the intersection as well. AADT volumes for 2021 were recorded at 2,100 vehicles. The roadside environment for the entire study area is rural. Near the intersection with MT-200 there is some development in the form of a gas station and a government installation.

Based on the speed profile maintaining the existing posted speed limits is recommended. The 85th percentile speeds were around 60-mph with the upper limit of the pace around 55-mph and the 50th percentile around 50-mph. Roadway context and the speed data nearing the intersection with MT-200 indicate that this half mile is substantially different from the rest of the study. There is an elevated crash rate associated with the area approaching the intersection as well as the intersection. It is

recommended that the 50th percentile speeds be used when setting the speed limit within a half-mile of the intersection. This would introduce a new 55-mph speed limit.

Commissioner Carl Seilstad voiced support for the speed limit change. He said the other commissioners supported the decision but would confer with them and let us know if it was otherwise. No further comments were received indicating the other commissioners were in favor of the recommends. The report was sent to all Fergus County Commissioners. The email from Commissioner Carl Seilstad is attached.

MDT recommends the following:

A 55-mph speed limit beginning at the intersection with MT-200 (straight-line station 700+00) and continuing south to a point approximately 400-feet north milepost 39 (straight-line station 726+00), an approximate distance of 2,600-feet.

Commissioner Frazier said I think this is a good move and it makes sense.

Commissioner Sansaver moved to approve the Speed Limit Recommendation, US 191/Montana 3 (N-63), Moore. Commissioner Sanders seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 15: Speed Limit Recommendation Trident Road (S-286), Three Forks

Dustin Rouse presented the Speed Limit Recommendation, Trident Road (S-286) Three Forks to the Commission. In May of 2022, Sanderson Stewart was contracted by Gallatin County to perform a speed study on Trident Road for the purpose of reducing the existing 70-mph speed limit.

Trident Road was last improved in 2010. The typical sections are comprised of two 10-foot travel lanes with at most a one-foot shoulder. AADT volumes from 2021 range from 376 vehicles near the intersection with the Frontage Road to 503 vehicles near the end of the study. The roadside environment is rural, with some private home accesses as well as multiple river access pull-outs within Missouri Headwaters State Park and the GCC Trident Cement Plant.

The speed profile provides support for posting the speed limit at 60-mph. Prevailing speeds based upon the 85th percentile and upper limit of the pace are around 58-mph. Roadway context indicates a 60-mph speed limit would be above what should be considered reasonable and prudent. Considering the narrow lane widths and shoulders under 2-feet and low volumes rounding down to 55-mph is recommended.

Sanderson Stewart recommend the following speed limit:

A 55-mph speed limit beginning at the southern terminus of the roadway (intersection with Frontage Road) and continuing north for a distance of 3.79 miles, to a location approximately 1,330-feet south of Logan Trident Road.

Maintaining the existing 45-mph speed limit beginning 1,330-feet south of Logan Trident Road, continuing north for 700-feet until the 25-mph speed limit begins. MDT concurs with Sanderson Stewart's recommended 55-mph speed limit, but does not support maintaining the existing 45-mph speed limit. At a minimum the speed zone should be extended 900-feet farther south to provide an appropriate transitional distance. Furthermore, a 40-mph speed limit would fit better as a

transitional speed limit between the proposed 55-mph speed limit and posted 25-mph speed limit.

Gallatin County reviewed the recommendations from Sanderson Stewart and disagrees with the recommended 55-mph speed limit. After discussions with the public and representatives from Missouri Headwaters State Park, Gallatin County recommends the speed limit be further reduced to 45-mph because non-motorized use and multiple trail crossings. They stated, "If the 45-mph speed limit cannot be justified starting at the Frontage Road, the Commission believes it is most important to have a 45-mph speed limit at least throughout the park area". Their letter is attached.

A more detailed review of the area was conducted focusing on non-motorized users. MDT first reviewed the AADT over the past 10-years. Traffic volumes within the northern segment of the State Park ranged from 363 vehicles in 2016 to 630 vehicles in 2011. Near the intersection with the Frontage Road traffic volumes peaked in 2011 at 790 vehicles. The fewest number of vehicles, 340, were observed in 2020. There were no counts taken during the winter months but on average traffic volumes increase by about 33-percent during the summer months. The campground is still open during the winter but at a substantially reduced capacity. Based on these observations the non-motorized users Gallatin County is concerned about are concentrated during the summer months. Trail crossings were further counted as access points to create an access point density of 10 per mile. This is considered acceptable and does not indicate further reductions to the speed limit are advisable. MDT does recognize the number of trails, the bike path, and general influx of all users during the summer months creates possible conflicts. However, non-motorized traffic is located primarily on trails and a shared use path separated from the motorized traffic. The high pedestrian and bicycle traffic supports rounding down the prevailing speeds to 55-mph. Signing the existing crossings to alert drivers to the presence of a trail crossing may be more appropriate than further reducing the speed limit year-round for a seasonal concern. MDT will admit that the roadway is narrow and unforgiving to drivers who may depart the roadway. Use of the 50th percentile speed could be considered in the case of high traffic volumes or when crash rates are present. Currently the 5-year crash rate is 0.2 crashes per mile per year. The 50th percentile speeds are around 50-mph. This is the lower to middle portion of the pace. The proposed 55-mph speed limit considers the rural narrow lanes with 1-foot shoulders, low traffic volumes, pedestrians and bicyclists, substantially low crash rate, and driver speed preference. A year-round 45-mph speed limit is 10-mph below the engineering recommendation and not justifiable at this time. Previous research conducted by MDT shows that speed limits set greater than 10-mph below the engineering recommendation have an increase in crash rates.

MDT recommends the following speed limits:

A 55-mph speed limit beginning at the southern terminus of the roadway (intersection with Frontage Road) and continuing north for a distance of 3.62-miles, to a location approximately 2,230-feet south of Logan Trident Road.

A 40-mph speed limit beginning 2,330-feet south of Logan Trident Road and continuing north for 1,600-feet until the existing 25-mph speed limit begins at the end of S-286.

Commissioner Sanders said the narrative says "signing the existing crossings to alert drivers to the presence of the trail crossing may be more appropriate than further reducing the speed limit." Is it your intention to do that? Dustin Rouse said through the study that is something we became aware that there would be a benefit of signing that. We are evaluating that and essentially we would sign it but you can include that in your motion.

Commissioner Sanders moved to approve the Speed Limit Recommendation, Trident Road (S-286) Three Forks as presented by staff and direct MDT to evaluate signage. Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item 16: Speed Limit Recommendation
Canyon Ferry Road (U-5818/S-430)
East Helena**

Dustin Rouse presented the Speed Limit Recommendation, Canyon Ferry Road (U-5818/S-430) East Helena to the Commission. Lewis and Clark County submitted a request for a speed limit study on Canyon Ferry Road because of safety concerns with a recent fatal crash, the number of approaches, and new development.

This portion of Canyon Ferry Road was improved in 2012 and 2013 through reconstruction. The roadway is classified as a major collector and part of the urban and secondary highway systems. Typical sections are comprised of two 12-foot travel lanes (one in each direction) with 8-foot shoulders. AADT volumes range from 5,076 vehicles west of Holmberg Drive and 2,942 vehicles to the east. Roadside development is rural with residential development primarily from Lake Helena Drive to Ranger Drive and around Mud Springs Loop. Outside of these areas land use is primarily for agricultural purposes with occasional residential and business development.

The speed profile shows approximately 50-percent of the drivers are exceeding the posted speed limit. Prevailing speeds are around five-mph above the 60-mph speed limit. Drivers appeared to slow when transitioning to the 45-mph and 50-mph speed zones but maintained speeds well above the posted speed limit. Roadway context supports the prevailing speeds. However, engineering judgement based on two reported swerved to avoid vehicle crashes and a recent fatality would indicate raising the speed limit to be ill advisable. Furthermore, state statute 61-8-309(b) prevents the speed limit from being raised without local approval.

Lewis and Clark County Commissioners were disappointed in the no change recommendation but encouraged that MDT intends to evaluate the corridor for any possible safety improvements. Their letter is attached. Further review and discussion is being conducted with the county regarding the 1,700-foot 50-mph unapproved speed limit through the intersection with Spokane Creek Road at the end of the study. The 2016 approved speed limit is 55-mph on the east side of the intersection. This leaves approximately a 360-foot unapproved 50-mph speed limit on the west side.

MDT recommends “No Change” to the existing 60-mph speed limit at this time

Commissioner Frazier said the speed by the Glass Slipper is not addressed in your recommendation. Are we going to have something coming to us to fix that unapproved speed zone? How are you going to address that? Dustin Rouse said the deadline for the agenda item came up before we received responses back from the Lewis and Clark Commissioners. We have now received their response and they are in favor of removing that small unapproved 50 mph speed zone and are in support of leaving it at the 55 mph speed zone. Commissioner Frazier asked if there was any Commission action needed on that. Dustin Rouse said we have an approved Transportation Commission speed limit for that section so no further action is needed from the Commission.

Commissioner Sansaver moved to approve the Speed Limit Recommendation, Canyon Ferry Road (U-5818/S-430) East Helena. Commissioner Sanders seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 17: Certificates of Completion January & February 2023

Dustin Rouse presented the Certificates of Completion for January & February 2023 to the Commission for review and approval.

Commissioner Sanders moved to approve the Certificates of Completion for January & February 2023. Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 18: Design Build PDSP 6th Ward Curb Ramps, Helena

Dustin Rouse presented the Design Build – PDSP 6th Ward Curb Ramps, Helena to the Commission. 6th Ward Curb Ramps-Helena is a Transportation Alternatives project that was awarded to the City of Helena in 2021. The City of Helena is approved to administer this project using the Local Agency Guidelines (LAG) through an agreement with MDT. In addition, the City has requested to deliver the project using design-build in order to construct the project in calendar year 2023. The project is committed to Federal Fiscal Year 2023 in the current Tentative Construction Plan. The project consists of upgrading 18 intersection corners with ADA compliant curb ramps in the 6th Ward Neighborhood of Helena on the following off-system routes: Cooke Street, Roberts Street, Oakes Street, Lamborn Street, Lyndale Avenue, Boulder Avenue, Missoula Avenue, Butte Avenue, Billings Avenue and Helena Avenue. The project includes demolition of existing sidewalk (non-compliant curb ramps) and curb and gutter and installing new sidewalk (curb ramps), detectable warning devices, curb and gutter, and incidental roadway patching to allow for curb and gutter installation. Funds are programmed and available to construct this project this fiscal year (2023).

The Project Delivery Selection Process (PDSP) provides a method to assist the Department (and the City of Helena in this case) in their selection of an appropriate project delivery method. A PDSP committee consisting of Alternative Contracting, the Transportation Alternatives Program, and the City of Helena convened to review the project and undertake this project selection process. The committee assessed six main criteria to determine the advantages and disadvantages of delivering the subject projects using the Design-Build (DB) and Design-Bid-Build (DBB) delivery methods.

The six main criteria for determining the appropriateness of applying an alternative delivery method are as follows:

1. Cost Impacts
2. Schedule Impacts
3. Opportunity to Manage Risk
4. Complexity of Design and Construction Phasing
5. Opportunity for Innovation
6. Complexity of Coordination

By applying the PDSP, MDT and the City of Helena have determined that the preferred contracting method for the subject projects is Design-Build delivery. The full PDSP Report is attached to the agenda item.

It is the recommendation of the PDSP Committee that design build be selected as the most appropriate delivery method for the 6th Ward Curb Ramps Helena project.

Also included in this agenda item is the stipend. Normal MDT Guidelines allow us to pay a stipend to promote competition in the process to help off-set the cost to prepare proposals and to ensure that smaller companies are not put at a competitive disadvantage. This project however is relatively small. So in order to keep the costs down and put as much cost toward construction of the project, MDT and the City recommend not issuing stipends on the project. In turn, the RFQ and the RFP and the Responses to those will be kept very short to insure that costs are kept down.

The third item in this agenda is the selection criteria. In accordance with MCA 60-2-137(1), the Transportation Commission has the authority to determine the selection criteria for the solicitation prior to advertisement of the Request for Qualifications. However, this project has a fairly low design complexity and there is more focus on cost effectiveness. The City of Helena (in coordination with MDT) is requesting to use a 40/60 scoring split between the technical proposal score and bid price.

Based on the above information, the following recommendations are forwarded to the Transportation Commission for consideration and approval:

1. As a result of this Project Delivery Selection Process, it is the recommendation of the PDSP Committee that Design-Build be selected as the most appropriate delivery method for the 6th Ward Curb Ramps-Helena project.
2. No stipend will be offered for the procurement process.
3. The selection criteria weight of 40/60 technical score/price be implemented for the procurement process.

Commissioner Frazier said where did we come up with the recommendation that no stipend be awarded. Dustin Rouse said to keep the cost down on this project and put as much toward construction as possible and because it is a fairly simple design and a fairly simple procurement process for this project we decided no stipend. You have the option to pay the stipend or not. We are going to keep the RFQ and RFP and the Responses as simple as possible so that firms aren't doing a bunch of work they wouldn't be compensated for.

A city official said the city does an ADA project every year ranging from \$100,000 to \$350,000. We basically put out the contract amount, we have a list of ADA ramps we are looking at doing and we go out and meet with the contractor. ADA ramps while complex are still pretty easy to lay out because the ADA standards are all right there so there is no interpretation for innovation for those. So we work with the contractor on a local basis to get as many ramps installed as possible to create accessibility across the city. That's why we asked to reduce the stipend to minimal or nothing to make that money go farther. The area is relative flat, there may be a couple of minor pedestrian curbs that may be needed but there is nothing technically challenging in those 18 ramps where we felt a real detailed proposal would be needed. The design team gave us their experience with working with municipalities, MDT, and ADA and then put a heavier weight on the cost.

Commissioner Frazier asked if there were any vaults. The city official said no. Commissioner Frazier said I worked on one of the ramps and our due diligence found we needed vaults under the sand blocks in downtown. I know that adds to the complexity substantially. So are we certain there are no vaults needed in this area

because if you have no stipend and some complex things like that, your pool of people applying is going to be light. The city official said this is in a residential district and our last two RFPs were sidewalks and ADA ramps, so our pool was limited and we only had two responses. So the pool is already limited.

Commissioner Sansaver moved to approve the Design Build – PDSP 6th Ward Curb Ramps, Helena. Commissioner Sanders seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item 19: Delegation of Authority to Award
Federal Aid Project
6th Ward Curb Ramps, Helena
Helena**

Rob Stapley presented the Delegation of Authority to Award Federal Aid Project – 6th Ward Curb Ramps, Helena to the Commission. Under MCA 7-14-4108 “authority to contract for road work when federal funds involved,” all federally funded construction projects with joint contracting between the Department of Transportation (MDT) and Cities or Towns must be let by the Transportation Commission.

The City of Helena is requesting Commission approval to let, award, and administer the contract for a Transportation Alternatives (TA) project that will upgrade curb ramps on a number of off-system routes in Helena. The project will utilize the Local Agency Guidelines (LAG) process for project delivery.

When complete, the City of Helena will assume all maintenance and operational responsibilities associated with the proposed improvements. Thus, MDT will not incur additional liability or maintenance costs as a result of the proposed improvements.

Staff recommends that the Commission delegate its authority to let, award, and administer the contract for this project (6th Ward Curb Ramps – Helena) to the City of Helena in accordance with MDT’s Local Agency Guidelines (LAG) process for project delivery.

Commissioner Frazier asked if the city of Helena had done this before under the LAG process. The city official said yes.

Commissioner Sanders moved to approve the Delegation of Authority to Award Federal Aid Project – 6th Ward Curb Ramps, Helena. Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item 20: Roadway Designation
Veterans Loop, Carbon County**

Rob Stapley presented the Roadway Designation – Veterans Loop, Carbon County to the Commission. The Roberts Activities Committee and citizens of Carbon County are requesting a special name designation of "Carbon County Veterans Memorial Loop" to be applied to US 212 from Rockvale to Red Lodge, Hwy 308 from Red Lodge to Belfry, Hwy 72 from Belfry to Bridger and US 310 from Bridger back to Rockvale.

Each week for two weeks at Memorial Day and two week at Veteran’s Day, individuals put out dog tags and crosses along the highway to pay tribute to the veterans, past, present, and active service members. There are a couple of letter requesting this and there is also a picture that shows dog tags and crosses around the highway.

With that we request approval of this request.

Commissioner Sansaver said this is a great idea as long as the flags don’t create any hazards. Commissioner Sansaver said they have been working with us for a long time to get this approved.

Commissioner Sansaver moved to approve the Roadway Designation – Veterans Loop, Carbon County. Commissioner Sanders seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 21: Discussion and Follow-up

Director Malcolm “Mack” Long

IAJA Discretionary Grants

Director Long said under IAJA there is a lot of discretionary grant money. I’ve given you a table of what we’ve applied for. We, as a department, have not been successful but as a state we have been successful. They are out there, the money is flowing from our federal partners, and it is much appreciated. They are excellent to work with and excellent at working with our department. We have been working with the city, counties, and everyone in the state writing letters of support but we are still applying and trying. The nice thing is that this is a five-year program so every year we get to try again. One of them got all the way to the Secretary’s desk but it didn’t fit the portfolio – so we were close but not quite but we will try again. We learned from it and then apply again. That is an update for discretionary grants.

Governor Meeting and District Update

Every month all directors get to meet with the Governor and have a half hour one-on-one conversation where we talk about what’s happening at MDT. We asked the districts to give any commentary. I’ve given you a copy of what was covered. It covers the big projects in each district, I ask each district to give me their top three projects and their highs and lows. So every month we look at new projects and we get to tell the Governor what is going on. We met with the Governor on Tuesday and the one project that was selected was Wolf Creek North and South. It is going to be a significant project especially on traffic. So you have a copy of what was presented to the Governor and it is a good update on what is happening in all five districts.

Commissioner Frazier said I see that Blackfoot River Stabilization and it looks like picture of the Gabions, is this the stretch right out of Bonner? Director Long said yes. Commissioner Frazier said that is over 25 years old. This is two years after we had a flood and we had to go stuff rocks underneath the Gabions. One more thing down memory lane, the unique piece of equipment they had when we installed rip-rap and stuffed rocks under the Gabions, was a “spider hoe” with several hydraulic legs with a backhoe on it. They were taking rocks out of a barge and using that so they didn’t impact the river. Director Long said we still use that. We used it last year out by Libby Dam. It is really cool.

Commissioner Sanders asked about the Bison mitigation. How did it work out? Director Long said we're putting in beacons, we dug paths to help the Bison get across, and we're putting up signalization to start warning people to slow down. The other thing that has helped is it's not quite as cold. Bison take the path of least resistance and when our road is plowed they go to the road. When they get tired they lay down where it's warm on the pavement. We're assessing it and I've not heard of any additional significant hits but we'll continue to monitor it and come back and give you an update.

District Five

We wanted to make sure we talked to Fish, Wildlife and Parks. We've had one sit down meeting and a couple of meetings and we will carry that on to find out what they are doing. I think it has been very fruitful. From where we sit, it's good having those direct communication. We wanted to make sure it is a priority to get information disseminated to them.

Legislative Session

The Legislature is about a week from being done. They are ready to get back home to their jobs. They are citizen legislators. As a department we have done well. One of our main bills was looking at alternative project delivery methods and that passed. We have authority to start looking at different design options. So you'll be seeing more of them, not just design build but now we can look CMGC or anything that the government thinks will work better and help us speed these projects along. We now have the legal authority to do that. You will have to take action to allow us to do each of the contracting methods.

We had seven bills – one was tabled but the other six have been passed. We are waiting on entry level driving training. It was passed on third reading last night. This is a wonderful bill that we tried to bring up before. It died and then was resurrected. We think this might get through.

Other bills that we supported. HB 13 gives all our employees a raise in July and next year and a bonus, plus they are not going to raise health care costs. The Union agreed to it but in my opinion it doesn't address areas of difficulty where we have trouble like in Kalispell and Bozeman. It's a good 4% raise but in Bozeman and Kalispell we could have done 20% and still been under what it takes. It's a little bit like Hwy 93, there is only so much we can do.

HB 267 set aside \$100 million of state surplus into a matching fund. As we look at these discretionary grants we have that money to pull from for a match. So we're using some of the state surplus to make sure we can do something for the high traffic areas.

Off System Bridges

We did a study on Off System Bridges with recommendations. One of the recommendations was to look at how to do quick fixes. Mr. Dahlke has a strike force ready to work with MACO. We are meeting with them on May 10th and going to review all those and try and get those out. Where we can help, we will offer that. Where the counties can do it, we're going to say here is something to help you out. Yellowstone County has already jumped on it. We helped them with a couple and got one of them off the posted list. They know it's temporary. They are going to have a project in a couple of years to replace it but in the meantime it's now well graded.

District One Commissioner

I know we're without a District One Commissioner. I will let you know as I know more. I asked the Governor's office yesterday and they said it's in process.

Dwane Kailey said we had a lot of discussion today about safe roads and the one thing that came out is our engineers do an awesome job trying to make the roads safer. They put out things that reduces the severity of crashes but at the end of the day our number one issue is driver behavior – people texting, driving distracted, not wearing their seatbelt, drunk, impaired. I just want to remind everybody we can't absolve the public of their responsibility to drive appropriately. We can't fix these roads if they are not going to do their due diligence.

Commissioner Sanders asked who the equivalent was in the Montana Highway Patrol or the enforcement agency. Dwane said it was Steve Lattman. Commissioner Sanders asked if they understand we're doing the best we can. What are they doing? Dwane said we do everything we can with MHP. That relationship has been much stronger in the past. We are working on it and hope to re-strengthen it in this session. We work with them on the behavioral side as well. We are stepping up our behavioral side as well. Congress has allowed us to use some of our HSIP funds for behavior. Congress finally recognized that and is now allowing us to put more money into behavior. You will see that come from our consultant that is doing behavioral safety messages.

**Agenda Item 22: Change Orders
January & February 2023**

Jake Goettle presented the Change Orders for January & February 2023 to the Commission. This is informational only.

Commissioner Sanders said page seven talks about the Glendive District, item 422 said the total change order is nine million dollars to change the type of paint. Is that true? Jake Goettle said that was a previous change order. This change order is just changing the paint because we've changed our specs since this was awarded. The previous change order was for adding two bridges to the project.

Commissioner Sanders said page eight talks about the situation in Red Lodge. The contract amount started at \$5.9 and now it is up to \$19.25, is that because the area needs to be completely rebuilt? Jake Goettle said that is the ER project from the floods last year. We let a Design Build Project that had some scope items in it and we were trying to capture as much of the project as we could. When they got out to look at the project on the ground things changed quickly and they've been adding quite a bit of work to it. We're probably not done yet with the additions but we did anticipate a substantial increase to the project but we wanted to get the project on the ground as quick as possible. There was some work that needed to be done before spring to protect the community if a flooding event happened and to make sure we had things cleaned up from last year's floods.

If I may add to that – it's been a very successful project. We use an independent cost estimate to assess or CMGC projects as well. Because the change orders are of such a magnitude and this is new territory for us, we used the independent cost estimate on this project. We've had some very robust and educational discussions based on the feedback, so that model has worked very well. It makes them make some adjustments that ordinarily we wouldn't catch on that scale. I think it was a very successful approach and a fairly innovative way to handle that.

Commissioner Frazier said I just want to make sure the contractor knows this is not a blank check. Director Long said this project was a design build, so by using that

method we are working together. Then we added in the independent estimates which made the design build contractor know it is not a blank check – they are going to be checked and double checked. I visited this project months ago and to their credit they are using precast forms to build retaining walls. In my opinion by using design build, we are getting great value for the money, we're getting it done probably more innovatively because this is a retaining wall system that is excellent. It should be done in time for Beartooth to start which is the next one.

Agenda Item 23: Liquidated Damages

Jake Goettle presented the Liquidated Damages to the Commission. This is informational only. We don't have any liquidated damages.

Agenda Item 24: Letting Lists

Jake Goettle said we just presented the upcoming Letting List for your information. This is through the October Letting.

Next Commission Meetings

The next Commission Conference Calls were scheduled for May 9, 2023, May 30, 2023, and June 20, 2023.

The next Commission Meeting was scheduled for June 22, 2023. The upcoming meeting will be in Great Falls.

Jim Wingerter, Great Falls Administrator said we have an outstanding tour put together for you. We will be looking at the Wolf Creek Canyon project. We have another project at the CM Russell Museum and have 1.5 hours planned there to tour the Museum and have lunch. Then we will head up to Ft. Benton and take a few minutes to walk the River Walk and look at a proposed project. We will then head over to Farmington Junction and look at that project. So we have a big day planned on Wednesday June 21st. Then Thursday June 22nd we will have our Commission Meeting.

Meeting Adjourned

Commissioner Loren Frazier, Chairman
Montana Transportation Commission

Malcolm "Mack" Long, Director
Montana Department of Transportation

Lori K. Ryan, Secretary
Montana Transportation Commission