

Montana Transportation Commission

**December 14, 2023 Meeting
Commission Room
2701 Prospect Avenue
Helena, Montana**

IN ATTENDANCE

Loren Frazier, Transportation Commission Chair (District 3)
Kody Swartz, Transportation Commissioner (District 1)
Shane Sanders, Transportation Commissioner (District 2)
Noel Sansaver, Transportation Commissioner (District 4)
Scott Aspenlieder, Transportation Commissioner (District 5)
Malcolm “Mack” Long, Director, MDT
Dwane Kailey, Chief Operations Officer, MDT
Lori Ryan, Commission Secretary
Dustin Rouse, Chief Engineer, MDT
Jake Goettle, MDT
Chris Nygren, MDT
Rob Stapley, MDT
Ryan Dahlke, MDT
Bob Vosen, MDT
Jim Wingerter, MDT
Gino Liva, MDT
Paul Johnson, MDT
Kelsey Watkins, MDT
Jeff Streeter, MDT
Lucia Olivera, FHWA
Denley Loge, MT House of Representatives, HD 14
Jeremy Keene, City of Missoula
Aaron Wilson, City of Missoula

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 Commissioner Sansaver gave the Invocation. Commissioner Frazier asked for introductions.

Approval of Minutes

The minutes for the Commission Meetings of October 3, 2023, October 24, 2023, and November 7, 2023 were presented for approval.

Commissioner Sansaver moved to approve the minutes for the Commission Meetings of October 3, 2023, October 24, 2023, and November 7, 2023. Commissioner Sanders seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 1: Construction Project on State Highway System 47 Wells Subdivision, Kalispell

Rob Stapley presented the Construction Project on State Highway System – 47 Wells Subdivision, 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.

47 Wells Subdivision - Kalispell

Siderius Construction is proposing modifications to US-2 (N-1) near Kalispell to address traffic generated by the new 47 Wells subdivision. Proposed improvements include the addition of a new approach and the installation of a WB left-turn lane (on US-2) at the entrance to the subdivision.

MDT headquarters and Missoula District staff have reviewed and concur with the recommended improvements. Siderius 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 US-2 (N-1) - pending completion of applicable state and local design review and approval processes.

Commissioner Swartz moved to approve the Construction Project on State Highway System – 47 Wells Subdivision, Kalispell. Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 2: Construction Projects on State Highway System, Loves Travel Stop, Livingston

Rob Stapley presented the Construction Projects on State Highway System, Loves Travel Stop, Livingston 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.

Love’s Travel Stop – Livingston

Love’s Travel Stop is proposing modifications to US Highway 10 West (U-7408) near Livingston to address traffic generated by their new gas station and convenience store. Proposed improvements include the installation of two new EB left-turn lanes on US Highway 10 West near the West Livingston Interchange.

MDT headquarters and Butte District staff have reviewed and concur with the recommended improvements. Love’s Travel Stop 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 Highway 10 West - pending completion of applicable state and local design review and approval processes.

In your packets there is an aerial showing their proposed location. Just north of the ranch you see a green dot that shows the location of one of the left-hand turn lanes. The other is actually the road above the roof of the new building. There is a road there right now and we will be improving that intersection with an additional left-hand turn lane which will provide truck access into this property.

Commissioner Frazier asked if the left turn was located on the curve or on the west end road. Rob Stapley said it is the road itself. We will be modifying that intersection for a west-bound turn lane. Commissioner Sansaver asked if the larger green dots on the Interstates were off-ramps. Rob Stapley said those are signs for the exits.

Commissioner Sansaver moved to approve the Construction Projects on State Highway System – Loves Travel Stop, Livingston. Commissioner Sanders seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 3: Construction Projects on State Highway System, Mountain View Meadows Subdivision, Kalispell

Rob Stapley presented the Construction Projects on State Highway System, Mountain View Meadows Subdivision, 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.

Mountain View Meadows Subdivision – Kalispell

The Teton Land Development Group is proposing modifications to Foy’s Lake Road (U-6713 / S-503) in Kalispell to address traffic generated by the new Mountain View Meadows subdivision. Proposed improvements include the addition of two new approaches, sidewalks, curb and gutter, storm drains and WB right-turn lanes. When warranted, left-turn lanes will be installed at this location as well.

MDT headquarters and Missoula District staff have reviewed and concur with the recommended improvements. The Teton Land Development Group 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 roadway improvements. However, the City of Kalispell will maintain boulevard areas and the new sidewalks.

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

Commissioner Sanders said it says “when warranted” left turn lanes will be installed at this location, so essentially we’re approving the right turn lanes and the left turn lanes at this time, is that correct? Rob Stapley said correct.

Commissioner Frazier asked if they were going to construct the left turn lanes. Rob Stapley said not at this time. We will install them when the traffic volumes reach that threshold.

Commissioner Sansaver said upon requiring these follow-up left-turn lanes, will we then also see where those lanes are going to be or is that significant to the project. Will we see a bunch of people from Kalispell in here objecting to their location? Rob Stapley said we are and will continue to work with the city of Kalispell on this project to make sure that doesn’t happen and not have a bunch of citizens who are angry with us. Commissioner Sansaver said I’m a little jumpy about adding extensions to projects that it doesn’t come back to us at that time because we’re approving it at this time. You don’t see any concerns at this time?

Commissioner Sanders said “when warranted” is kind of vague. Do we go to them and say now it’s time to install the left-turn lanes? Who decides “when warranted” is satisfied? Dustin Rouse we have a pretty good idea of the traffic into this subdivision and when it reaches a certain point we go out and reassess the traffic and when to install them.

Commissioner Aspenlieder said we have talked about my questions on the storm water responsibilities and tying into Kalispell’s stormwater system as it relates to Kalispell’s MS4 Permit which is a lot more sensitive than Billings MS4 Permit for stormwater. Can you speak to your email response to my question to get everybody on the same page?

Dustin Rouse said the question was, “it was notable that the city of Kalispell was not taking the maintenance responsibility for the storm drain.” In our discussions with Kalispell as well as the other large cities in Montana, it has been pointed out to MDT that we have a responsibility for stormwater runoff as well. We will do our best to assess, in this location, what amount of stormwater runoff we’re contributing to, how much the city is contributing, and work with the city of Kalispell on the maintenance of that storm drain. MDT does not have a lot of equipment to perform stormwater maintenance. Cities are geared up to do that kind of maintenance and so that agreement may end up a funding contribution or us compensating cities to perform some of those duties if we’re not able to do it.

Commissioner Aspenlieder said as we’ve been working on these in the different cities. It highlights the difficulties we have when we’re still operating in the MPO boundaries, i.e., whose responsibility is what, and who takes care of what. These storm drain systems are impactful in a lot of different ways and certainly carry a significant amount of liability for the cities with DEQ and EPA. We just don’t have the equipment to maintain them the way the cities do or the MPO’s do. That’s not a knock against us; we just don’t have the equipment or the manpower to do it with everything else that we have. It’s just another point in trying to find a way to get out of the way of these MPO boundaries and be reasonable as we’re negotiating those things with the cities to make sure they can do what they need to do in these systems.

Commissioner Swartz moved to approve the Construction Projects on State Highway System, Mountain View Meadows Subdivision, Kalispell. Commissioner Sanders seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 4: 2020 Urban & Secondary Highway System Revisions 2020 Urban Boundary Adjustments

Rob Stapley presented the 2020 Urban & Secondary Highway System Revisions, 2020 Urban Boundary Adjustments to the Commission. The Transportation Commission is responsible for approving revisions to the Urban Highway System and the Secondary Highway System (per MCA 60-2-126). Urban Highways and Secondary Highways are those routes that have been functionally classified as either arterials or collectors, and that have been selected by the commission, in cooperation with local governmental authorities, to be placed on the Urban Highway System or the Secondary Highway System.

In every decennial census, the Census Bureau applies specific criteria to delineate areas across the nation that are urban based on population and housing density. For transportation purposes an urban area is defined as an area with a population of 5,000 or greater. The census delineated urban boundaries tend to be jagged and irregular in nature. FHWA has guidance that allows states, in cooperation with local officials, to propose a smoother boundary that best reflects urban transportation conditions. MDT in coordination with respective local governments, has reviewed the boundaries, proposes smooth boundaries for Transportation Commission concurrence. Urban boundaries distinguish between urban and rural functional classification, between urban and secondary highway systems, and impact federal reporting and funding. Urban boundaries do not affect gas tax allocations or maintenance responsibilities.

So the 2020 urban boundary adjustment process for reviewing and smoothing the 2020 urban boundaries, differs from the adjustment process utilized in 2010. The primary reasons for the change in the adjustment process are due to changes in the census bureau criteria for identifying urban areas, most notably the utilization of housing density as a primary criterion for determining an urban areas rather than population density as was used in previous censuses analyzing impacts to urban and secondary highway systems and minimizing the addition of populations that were not originally identified as urban by the Census Bureau.

Due to above differences, the adjusted urban boundary should closely follow the boundaries determined by the Census Bureau with only required or minor system impacts. Following Transportation Commission concurrence on the adjusted or smoothed urban boundaries, MDT staff will submit the boundaries for FHWA approvals. Upon receipt of federal approval, local jurisdictions will be notified of their new STPU urban allocations and provided a final map of their new urban area boundary.

Some of the Implications – Surface Transportation Program Urban (STPU), the populations located within the adjusted urban boundary areas are used to determine STPU funding allocations for each urban area. Any reduction or addition of urban miles within an urban boundary will not affect the allocation formula, however, the reduction or addition of urban miles within an urban area will affect where the use of those funds can occur. On the Secondary side of things, population and mileage are used in the funding distribution formula for the Secondary Highway Program. Because of this, any reduction or addition of miles will affect the allocation formula and where the use of those secondary funds can occur. So those two funding pots are different and have different impacts to them.

Outside of the urban and secondary implications, the adjusted urban boundaries do not impact or affect the maintenance responsibilities of the roadways. MDT will need to update our data bases once the boundaries are approved by FHWA to reflect the new boundaries and urban and secondary highway system modifications. Several federal funding categories have statutory population based funding

distributions which are based on census population numbers and urban boundaries have adjusted to this process. With all of that, in your packet it lists a number of cities across the State that are impacted by this.

As a result of the 2020 decennial census, one new urban area with population greater than 5,000 has been identified. Consequently, the City of Polson will now be added to the State of Montana's list of urban areas. Additionally, as a result of the 2020 decennial census, there will be modifications to the boundaries of all of the state's existing urban areas – which includes the Cities of Anaconda, Belgrade, Billings, Bozeman, Butte, Columbia Falls, Glendive, Great Falls, Hamilton, Havre, Helena, Kalispell, Laurel, Lewistown, Livingston, Miles City, Missoula, Sidney and Whitefish.

In cooperation with local officials, MDT is proposing numerous changes to the state's urban area boundaries to align with 2020 decennial census data. These urban boundary changes have resulted in the need to advance a number of Urban Highway System and Secondary Highway System modifications. Attachments A, B, and C summarize these proposed highway system revisions.

Staff recommends that the Commission concur with the proposed urban area boundary adjustments and that the Commission approve the revisions to the Urban Highway System and the Secondary Highway System.

It should be noted that urban boundary actions are contingent upon FHWA approval.

Commissioner Sanders said so the main thing is it's going to effect the funding source, am I understanding that correctly. If we're going to do a project, what pot it comes out of is going to be affected by this? Is that a good summarization? Rob Stapley said yes that is accurate. Commissioner Sanders said if you go to Attachment B, page one, up in the corner the bridge project is going to change from urban to secondary. There is growth going on out there, a new subdivision, so I'm a little surprised. Tell me how that is going to effect that little chunk of road. I can see something going from a secondary to an urban but going from urban to secondary kind of surprised me in this area of growth. I understand they changed the criteria they were using to designate areas. Talk to me a little bit about that.

Rob Stapley said as part of the smoothing of the lines the urban boundary has moved. The urban funding as a whole is not changing for the Belgrade area. The moving of those boundaries will not affect their funding. What is changing there is miles – Attachment C shows the mileage change difference and that will have an impact on the secondary funding. Adding more miles comes into play where the funding specific to the secondary program.

Commissioner Sanders said I'm not trying to overcomplicate this, I'm just trying to understand the ramifications of what we're doing here. So now that is part of the secondary, so as we look at secondary projects in this particular area for my district, that now is going to be funded out of secondary funding and therefore your spreading the secondary dollars over a wider area. Is that correct? Rob Stapley said yes but there are dollars tied to the increase. It's a small segment but now there are more miles to be covered but there are dollars that come with that change. Secondary is tied to mileage, not just population base. We're not asking the secondary program to just take on more changes.

Commissioner Sanders said on Attachment B if you go to the Livingston area, we just approved the changes for the new Love's Truck Stop. That area is going from urban to local, does the fact that we're putting in a Truck Stop which is based on population, be considered in the designation since there is going to be development going in here. Rob Stapley said that is a good question. The functional classification of the roadway is not something we just do periodically. If there is a need to look at

a segment, we will work with the locals and address that. As of right now, the Truck Stop is not there and this information was done in 2020 and was not a consideration at that time. Going forward, if the traffic generated makes that an issue then we will work with the locals, the city of Livingston, at that time and look at the functional classification of that roadway and make adjustments as necessary.

Commissioner Sansaver asked how often the Census is done. Rob Stapley said every ten years. Commissioner Sansaver said then we're behind the eight ball for the next seven years. Rob Stapley said to some degree the 2020 Census information came out in 2021 before we get the information, then you start working with the locals to process the information to get things done. Unfortunately it is a slow process and you are correct we're behind the eight ball moving forward.

Commissioner Sanders moved to approve the 2020 Urban & Secondary Highway System Revisions, 2020 Urban Boundary Adjustments. Commissioner Swartz seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Elected Official / Public Comment

No public comment was given.

**Agenda Item 5: Construction Project on State Highway System
Raise Grant Projects – Mill Creek Highway (S569)**

Rob Stapley presented the Construction Project on State Highway System, Raise Grant Projects – Mill Creek Highway (S569) 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.

Anaconda-Deer Lodge County recently received a Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant (in the amount of \$19M) for improvements on Mill Creek Highway (S-569) near Anaconda. At this time, Anaconda-Deer Lodge County is proposing the following improvements to MDT routes.

Location	Type of Work
Secondary 569 (Mill Creek Highway), from RP 6.1 to RP 11.0, near Anaconda	Reconstruction Project to Address Roadway Deficiencies and Identified Safety Issues

MDT staff will administer the RAISE grant on behalf of ADLC and will coordinate closely with local officials during project development. Anaconda-Deer Lodge County will provide 100 percent of project funding and will be responsible for all project costs above the grant award amount.

When complete, Anaconda-Deer Lodge County 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 Secondary 569 - pending completion of applicable state and local design review and approval processes.

Commissioner Sansaver said when it says MDT will administer the RAISE grant, does Anaconda-Deer Lodge County pay part of that administration. Rob Stapley said for the most part no, we're going to treat this like one of our own projects and we're going to administer it from start to finish. We want their input and they will be involved but they have asked us to take this. They do not have the staff or the expertise for a project of this size and scope. Commissioner Sansaver asked if they would work alongside MDT. Rob Stapley said yes.

Commissioner Frazier said for anyone who has been over that road, this is a long time coming. Back when I was trying to assist the county to find some solutions for that area in the 1990's, it's a tough road and needs some work. I'm happy to see it get improved.

Commissioner Sansaver moved to approve the Construction Project on State Highway System, Raise Grant Project – Mill Creek Highway (S569). Commissioner Swartz seconded the motion. All Commissioners voted aye

The motion passed unanimously.

Agenda Item 6: Construction Project on State Highway System, Contract Labor – Raise Grant Project, City of Missoula

Rob Stapley presented the Construction Project on State Highway System, Contract Labor – Raise Grant Project, City of Missoula 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 Missoula recently received a Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant to be utilized for improvements in the downtown area. At this time, the City of Missoula is proposing the following improvements to MDT routes.

Location	Type of Work
Front Street (U-8110), from Orange Street to Madison Street, in Missoula	Convert to Two-Way Street, Add Protected Bicycle Facilities & Pedestrian Safety Features, New Traffic Signal at Madison & Front
Main Street (U-8108), from Orange Street to Madison Street, in Missoula	Convert to Two-Way Street, Add Protected Bicycle Facilities & Pedestrian Safety Features
Higgins Ave (U-8113 / N-7 / N-107), from Brooks Street to Broadway, in Missoula	Convert to 3 Lanes (with Dedicated Center LT Lane), Transit Stop Upgrades, Add Protected Bicycle Lanes & Pedestrian Safety Features
Riverfront Trail, from Orange Street to Levasseur Street, in Missoula	Trail Widening with Access Improvements, Add Trail Connection from Front Street, New ADA Accessible Ramp at Beartracks Bridge

MDT headquarters and Missoula District staff have reviewed and concur with the recommended improvements. The city of Missoula 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 Missoula will assume all maintenance and operational responsibilities associated with the proposed project – with the exception of roadway improvement elements on Higgins Avenue and Madison Street. Currently we contract all maintenance with the city of Missoula and they do all maintenance even on our routes. It says the city of Missoula will maintain with the exception of the roadway improvements on Higgins and Madison Avenue, we actually work with the city and have an agreement for that. We will work with the city on the maintenance side to get that covered.

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

Commissioner Sansaver said you said typically the city of Missoula works with MDT for maintenance with the exception of Higgins. Why is it an exception? Rob Stapley said all the city routes in Missoula are maintained by the city and that will be the same in this case. Commissioner Sansaver said but why does it say “with the exception of Higgins”; why does that have to be in there. You throw that in there like it may be a problem later. Rob Stapley said that language was missed by me before it went to print. It should not be in there; that is an oversight by me.

Commissioner Frazier said the project on Higgins Avenue where it’s converting to three lanes, was a traffic model run, does this increase congestion? If it does increase congestion, I have two concerns. One is air quality and is that still an issue in the city of Missoula. I certainly wouldn’t support something that would diminish air quality. Two, Higgins is used quite a bit as an emergency route to get to St. Pats. Jeremy Keene, Director of Public Works for Public Works Mobility with the city of Missoula said this is a really good project for the city and for MDT and a great collaboration. It gets a lot of things done on both the urban highway route and also downtown city streets to upgrade our signals, our antiquated street lights, and deal with pavement maintenance, ADA accessibility issues, accesses circulation downtown, safety, crash trends. There is a lot to this project.

Jeremy Keene said to answer your question specifically, we looked at where people are trying to go on Higgins heading downtown. A lot of the trips are very short, within a few miles and are mostly trying to go downtown. With the exception of Hwy 12 which runs through a portion of this corridor, most of the trips are happening in downtown. We did a traffic model and traffic analysis on this to determine what the impacts of the change would be. What we’re really trading out here is better turning capacity and less through capacity on Higgins. We see a little bit of additional delay for through traffic but we’re really improving the ability to turn onto all the sides streets off Higgins. When you look at Higgins most of the destinations where people are trying to go, where the parking structures are and where all the businesses are is all off Higgins, so turning is in real high demand. The lack of turn lanes on Higgins actually decreases capacity. It’s a four-lane road but there is so much turning demand that we either have to restrict those turns with turning prohibitions during certain times of the day or those cars block traffic. So the capacity decision here was really to emphasize turning or through capacity.

To answer your question on air quality – we do still have air quality attainment goals in Missoula. Our big issue is particulates. So rather than emissions from vehicles that are idling, the issue is actually a particulate which is more related to the number of vehicle miles travelled. The study we did concluded that the air quality impacts are fairly amenable in terms of additional emissions and actually improved in terms of less vehicle miles traveled because in addition to the Higgins projects, we’re looking at converting Front and Main Street back to two-way traffic so that reduces the amount of vehicle miles traveled, out-of-direction travel, so we get a slight benefit to air quality.

Finally emergency services – one of the benefits of having that center turn lane is we provide some additional space for emergency vehicles. So when there is congestion they will have that center lane to travel. That’s true on the bridge as well where even though you don’t need a turn lane on the bridge, we’ll still have a space for emergency vehicles to pass, so it provides a little more accessibility.

Commissioner Frazier said you’re looking at two-way left turn lanes and a lot of that section is bridge and I don’t see the benefits of a left turn lane on a bridge. Is that going to become a “loitering” area and a place for homeless tents? Jeremy Keene said the bridge has been really well received in Missoula; it’s a great project and has been a huge improvement for the community, the additional space for a walkway, better lighting, and better aesthetics. It’s really a good project. It’s a legacy project. That project is good for the next 50 years. It gives us flexibility in the way we use that bridge face. So the deck space can be used for additional lanes. Right now with this project we see the need for converting it to the three-lane configuration but if in the future we need additional lanes or additional storage for turn lanes, we have that space available to us. It gives us good flexibility. There is nothing in this project that takes away from the work we did on the bridge as far as future utility. What we’re doing with this RAISE grant is continuing that investment in our downtown streets. We’ve invested in the bridge significantly, we’ve seen significant investment in private property in downtown and we’ve not kept up with our street infrastructure and this will really make a big difference in terms of bringing all that street infrastructure up to a modern standard.

Commissioner Frazier asked if the Downtown Business Association supports this. Jeremy Keene said as you can imagine in Missoula we’re not of one mind, there’s a lot of different opinions about what to do. We have a lot of different interests to serve in downtown. We have a lot of support for the project, we have a lot of concern as well about what the project will do for downtown. When we did the public outreach, the big message we got was access to downtown is super important for cars and parking. In looking at our choices we have a limited space to work in, we emphasized access and parking over through-put. There’s not enough room to do five lanes (a turn lane and two lanes of traffic) and parking. No matter what we do there’s not enough space for that. So something has to give there and rather than taking parking off Higgins, the strong preference was to add the turn lane and one lane of travel in each direction.

Commissioner Sansaver said you are connecting to Orange Street all the way over to Madison Street but it ends before connecting to Madison Street. You have a big black line and you get almost to Madison Street and it goes to a little skinny line. What is that? Jeremy Keene said the project will actually add a new signal at the intersection of Front and Madison. By converting Front and Main back to two-way traffic and adding a signal at Madison, it will help circulation to downtown happen more efficiently. I don’t know why that black line on Main Street doesn’t extend all the way to Madison but that street will also come out to Madison although that intersection will be restricted to only right-in/right-out traffic.

Commissioner Sansaver asked about Malfunction Junction. Commissioner Frazier said the most famous one was Russell/Brooks/South. That actually functions fairly well now.

Commissioner Swartz moved to approve the Construction Project on State Highway System, Contact Labor – Raise Grant Project, City of Missoula. Commissioner Sansaver seconded the motion. Commissioners Frazier, Sanders, Sansaver, and Swartz voted aye. Commissioner Aspenlieder voted nay.

The motion passed.

Agenda Item 7: Speed Limit Recommendation Secondary 511 (S-511) – Whitetail North

Dustin Rouse presented the Speed Limit Recommendation, Secondary 511 (S-511) – Whitetail North to the Commission. As part of the project to convert Secondary 511 to a gravel road, MDT conducted a speed study. The roadway was turned over to Daniels County with no posted speed limit and a speed limit would be posted pending completion of the study. Previously the speed limit was posted at 70-mph with two 45-mph transition zones north of Whitetail and south of the closed border crossing. At that time it was a paved roadway.

The speed profile provides support for the existing 45-mph speed limits and reducing the 70-mph speed limit to 50-mph. Contextually using the 50th percentile because of the narrow gravel road surface with no shoulders outside of the area around Whitetail would be more appropriate. This also provides a consistent 45-mph speed limit from Whitetail to the closed border crossing.

Daniels County concurs with MDT's recommendation. Their letter is attached.

MDT recommends the following speed limits:

A 45-mph speed limit beginning at the existing 35/45-mph speed limit transition approximately 540-feet south of Third Avenue (straight-line station 353+25) and continuing to the US-Canada border (straight-line station 727+60), an approximate distance of 7.09-miles.

Commissioner Sansaver moved to approve the Speed Limit Recommendation Secondary 511 (S-511) – Whitetail North. Commissioner Aspenlieder seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 8: Speed Limit Recommendation Montana 5 (P-22) – Flaxville

Dustin Rouse presented the Speed Limit Recommendation, Montana 5 (P-22) – Flaxville to the Commission. Daniels County on behalf of the town of Flaxville submitted a request for a speed limit study on Montana 5 for the purpose of a reduced speed limit in the area. MDT extended the study area to begin at milepost 9 and continue to milepost 14.

The speed profile shows prevailing speeds primarily above the posted statutory 70-mph speed limit. On average based on the 85th percentile and upper limit of the pace speeds are around 73-mph. The 50th percentile and lower end of the pace are around 65-mph except at the intersection of S-511. Here speeds are closer to 60-mph. Use of the rounded down 85th percentile can be considered because of the one-foot shoulder. This would result in a 70-mph speed limit recommendation. There were two fatal crashes in the area, but these were because of mechanical failure and a reduced speed limit would not address the crashes. Otherwise, there were no elevated crash rates or other concerns indicating use of the 50th percentile would be advisable.

Daniels County does not agree with MDT's recommendation of no change and requests the speed limit be reduced to 50-mph. This is also the desire of the mayor and town council. Their reasoning is the number of approaches and that there are 50-mph speed zones for "Four Buttes, on Highway 248 and Redstone, on Highway 5, and Antelope, on Highway 16 South." Their letter is attached.

Based on their letter, MDT went back and reviewed the areas referenced by Daniels County and took aerial measurements for sight distance at the approaches. It should be noted that there are only 31 approaches in the five-mile study or 6.2 approaches per mile and the majority are farm field approaches generating minimal traffic. A total of seven approaches are present and make an approach density of almost 30 in the region that is Flaxville. Once again about half of these approaches are field approaches and have minimal traffic.

There are left-turn lanes for S-511 and S-251. Furthermore, sight distance for all approaches appears to be unobstructed and well beyond the design requirements for a 70-mph roadway. The only approach that may have some slight sight restrictions is a field approach west of Flaxville at the end of the study. MDT reviewed the posted speed limits for Four Buttes, Redstone, and Antelope. Four Buttes does have a 50-mph speed limit whereas both Redstone and Antelope have posted 55-mph speed limits. These speed limits were posted based on studies conducted in 2002 (Four Buttes), 2011 (Redstone), and 2014 (Antelope). In all cases prior to the study, the speed limit was posted artificially lower either from prior studies, projects, or unknown reasons. Drivers were observed blatantly disregarding the speed limits and a recommendation to raise them was supported by the county. Prevailing speeds based on the pace and 85th percentiles directly in these communities were around the now posted 55-mph and 50-mph speed limits. It should also be noted that Four Buttes, Redstone, and Antelope are all directly on the highways with some development on each side unlike Flaxville which is primarily off the highway on the north side of the railroad tracks. Furthermore, Four Buttes has an approach density of around 40 approaches per mile, Redstone has about 28 approaches per mile, and Antelope has approximately 32 approaches per mile. Almost all the approaches are public roads or private approaches to developed land.

Staff recommendation:

Given the facts that Flaxville has a developed approach density that is half of the communities referenced, is located primarily off Montana 5, no elevated crash rates have been observed, and the speed data does not support a 50-mph or 55-mph speed limit unlike in Four Buttes, Redstone, and Antelope, **MDT recommends No Change**

Commissioner Sansaver said this is in my district and I have traveled this roadway. I spoke to the District Administrator, Shane Mintz, and I would like to know what it would hurt to reduce that speed limit even through all your statistics say otherwise. What does it hurt? This isn't a hugely traveled highway. There are 31 different farm approaches and during the farm season a lot of farm equipment comes onto the highway and that is a concern of the locals in Flaxville. What does it hurt to reduce that? Even though as we've said before people are going to exceed the speed limit no matter what you set it at but the comfort of the local people in the area is what we're trying to address. When you take it all together, it makes sense to reduce it to 50 mph. Up in northeast Montana, you can come over a hill at 70 mph and all of a sudden have a combine pulling out in front of you with barely enough time to slow down. I would like to see the speed limit reduced to 50 mph. What would it hurt to reduce it? There's not a huge influx of traffic.

Rob Stapley said there is currently low ADT, but the issue is speed differential. In this location if you're traveling on that highway, it's a very rural area and you don't have a lot of approaches or structures adjacent to the highway, so a motorists is very likely going to travel the speed they feel comfortable traveling. If we end up arbitrarily posting that at 50 mph, we're already seeing people traveling at 73 mph which is the 85th percentile. That tells us most motorists feel comfortable traveling at that speed. If we arbitrarily drop that by 20 mph, you potentially have a speed differential. Some people see that sign and they will adjust their speed accordingly but you're very likely going to have those who don't. A 20 mph difference is a

pretty extreme difference and you potentially will see either rear-end crashes or people making stupid decisions and passing where they shouldn't be passing. We've had the discussion that it is their fault and there's truth to that, however, the risk is the hazard they present to other motorists. The Commission has a responsibility and there are consequences for that. When you ask what is the risk of just posting it lower, one of the things we try to avoid is getting a large differential in speed in an area with the potential of head-on's and more severe crash trends. Another option could be if it's a seasonal issue of moving equipment, we could work with the district to put up temporary signing for motorists coming into an area where there's going to be slow moving vehicles. There are other ways to address that seasonally that would not permanently install a speed limit that introduces that speed differential.

Commissioner Sansaver said we are talking about an 11 mile piece there. I'm just really sensitive to the community and when you have a community that comes to MDT and says we think we have a problem here; we think there should be a flashing light out there letting people know they are coming into a community or farm equipment may be entering the road. Whenever people see a flashing light, they may not slow down but for the most part they recognize it's a warning of something. Maybe we could put a flashing light on both sides to help people be aware. Leave the speed limit at 70 mph but put up a caution light. Rob Stapley said we could certainly have the traffic folks and the community come together and see if a solution like that would be feasible. Commissioner Sansaver said I would encourage you to do that.

Commissioner Aspenlieder asked Commissioner Sansaver if he would be okay recommending tabling this agenda item until we can have those conversations with the county and Flaxville exploring some kind of partnership specifically financially if we're going to look at a flashing light scenario. Would you be alright tabling this until those conversation can happen and pick it back up in the new year? Commissioner Sansaver said yes that would be appropriate because we are concerned. I'm concerned in our district that we're not addressing the community need as they see it. When these communities put in opposite to what the recommendations are in these speed studies they are saying "hey you're not listening to us. We live here, we see the traffic, we see the volume or lack of volume and we're concerned." I would be happy to table this until I can get together with Shane and some people from Flaxville and discuss some other possibilities.

Chris Nygren, MDT Legal, said procedurally I would recommend as the Counsel for the Commission that if you want to have further investigation, then reject the staff's recommendation and direct the staff to perform additional investigation and bring it up at a later meeting with a different item rather than table this. That allows you to bring up something clean.

Commissioner Aspenlieder said I think I understand where you're going with that. I want to be fairly clear – I don't know that I'm necessarily asking for the staff to do further investigation. I would be looking for district staff to get together with the two local entities and talk about negotiating what other alternatives could be there. I don't know that we need to do more to the speed study but working on negotiating some other alternatives and options. I'm not rejecting the speed study as presented but I want to try and be responsive to the community. Commissioner Sansaver said I would agree with Commissioner Aspenlieder. I'm not rejecting the staff's recommendation, I want the city of Flaxville to know that we're reconsidering working with them to see if there is something else that can be done. I want that community to know that we are aware that they are asking for help.

Commissioner Frazier said we have a pretty good intersection there with the highway. Maybe it's is an intersection warning, I've seen short speed zones or coming up with some type of an intersection warning but it seems that there is a

short section of this that we're looking at. That lends me more to feel that we should bring this speed study up at the next meeting because the speed study is still good when looking at a small section.

Dustin Rouse said I believe in the past the Commission has approved staff recommendations with additional instructions. Is that something we could do here? If there was concurrence with staff's recommendation but with a request for district staff to follow up and look at additional intersection lighting. They can make a motion to add that. Chris Nygren said that would be an acceptable approach. That recognizes that the speed study is accepted but have a separate motion for additional exploration that has been discussed. That's better than trying to table something that is restricted in scope now and try to expand it later. Commissioner Aspenlieder concurred with that.

Commissioner Frazier said I'd like to list what options we've heard here: (1) approve what staff has recommended which is no change; (2) We could take the speed study and adjust the speed in one part of it, we have that authority; or (3) We could save that decision for another day and direct staff to go out and work with the community. That is three separate options. Chris Nygren said with this motion you've got specifically this speed study where the public has input. I think you could accept this and amend or have a separate motion for an additional after study. Commissioner Frazier said I see that as a fourth option – (4) to accept staff's recommendation but direct staff to go out and reassess the intersection.

Commissioner Aspenlieder said it feels like we're making this far more convoluted than it needs to be. Is Shane Mintz on line? If we approve this speed study as recommended by staff that certainly does not preclude you from conveying to the community and county that there is certainly some feelings about making sure we address the concerns of the community and Shane Mintz proceeding forward with negotiating or trying to work up a solution that would address the questions we're asking. It feels like we're trying to come up with a convoluted solution and motions when really this is an "across the table" conversation that I'm sure Mr. Mintz is going to have after this.

Shane Mintz said you are right on when you say that regardless we will follow up this request with the county commission and the community. I recall in my conversations with the county, their biggest concern was the intersection itself. Yes, there are two state secondaries there, one we call the R-Y Road and the other is Whitetail Road. They are both state secondaries with turn lanes into both and that exact intersection is their biggest concern. One additional item too – when they were comparing it to Four Buttes and Red Stone, the fact is Flaxville is actually bigger than all of those areas. From a side-street volume, there is a little more traffic but regardless we can and should follow-up with the county on looking at doing something for the intersection itself especially with that being their primary concern.

Commissioner Sansaver said in discussing with Dustin and his staff, why couldn't we go from mile marker 11.0 to mile marker 11.4 and reduce that speed just in that short segment down five miles per hour. Commissioner Frazier asked if that was motion. Commissioner Sansaver said yes. That would be an extra 500 feet for a total of 2,500 feet. That would be satisfactory to me. I include staff's recommendation of 70 mph with an amendment of reduction of speed to 55 mph at mile marker 11.0 through mile marker 11.4.

Dustin Rouse said through that section looking at the speeds, there is a drop to 60 mph in the 85th percentile. The length of that is not typically the length we would post a speed reduction. If the Commission is intent on going through with this motion, I ask that they allow staff to look at those locations 11.0 to 11.4 and post it at 55 mph but adjust as necessary to meet criteria. I ask that be part of the motion.

Commissioner Sansaver said I have no problem with that. Chris Nygren said that is appropriate. Commissioner Aspenlieder said that was fine with him.

Commissioner Sansaver moved to approve the Speed Limit Recommendation Montana 5 (P-22) – Flaxville with amendments. Commissioner Aspenlieder seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 9: Speed Limit Recommendation Montana 135 (P-35) – Quinn’s After Study

Dustin Rouse presented the Speed Limit Recommendation, Montana 135 (S-35) – Quinn’s After Study to the Commission. The Transportation Commission approved the current 70-45-55-mph speed limit configuration passing Quinn’s Hot Springs. As part of the approval, a request for an after study was made to determine the effect of reducing the speed limit from 70-mph to 45-mph. The study on Montana 135 began at milepost 17 and continued to the intersection with Montana 200.

The speed profile based on the 85th percentile and upper limit of the pace shows blatant disregard for the 45-mph and 55-mph speed limits. However, there was a statistically significant reduction in speeds by 6-mph to 9-mph based on the 85th percentile and the pace overall. In the 45-mph speed zone there was a 7-mph to 14-mph reduction and a 2-mph to 5-mph reduction in the 55-mph speed zone. This matches with national research showing that unjustified speed limit reductions result in on average a 2-mph reduction in prevailing speeds for every 5-mph. Furthermore, there was an increase in speed variance from 19-percent to 69-percent shown by the 4-percent reduction in drivers traveling within 10-mph of each other. Increases in speed variances and speed differentials have been shown to increase both total and injury related crashes for all road users.

Contextually, use of the 85th percentile is not recommended. The roadway does not have the recommended shoulder widths, a slightly elevated crash rate exists around Quinn’s Hot Springs, and there are pedestrians present. Therefore, use of the 50th percentile would be recommended. The 50th percentile ranges from 48-mph to 62-mph in the 45-mph and 55-mph speed zones respectively. Within the 45-mph speed zone, speed variances increased by an estimated three times. There was not as much of an increase in speed variances within the 55-mph speed zone. A consistent 55-mph speed limit would be the preferred option based on the 50th percentile to minimize conflicts and match driver expectations. Furthermore, citation data indicates law enforcement has been present and targeting motorists traveling outside the norm. There have been 19 times as many citations written in the past year as the prior 7-year average. A total of 106 times as many speeding citations have been written in the past year as the prior 7-year average. Unfortunately, there is limited crash data available to compare the crash rates to before the speed limit reduction. Preliminary data shows that there has been one crash which occurred at the intersection for Quinn’s Hot Springs after the speed limit change. The last recorded crash at Quinn’s Hot Springs occurred in 2017.

The report and MDT’s findings were presented to Sanders County on August 1st, 2023, by Bob Vosen, P.E., the Missoula District Administrator. No comments have been received and MDT has contacted the county multiple times. Both representatives of Sanders County and Quinn’s Hot Springs have been invited to provide comments at the Transportation Commission meeting if they do not agree with MDT’s recommendation. However, based on the statement “Comments not received within 120 days will be regarded as concurrence with the findings of this

report.” MDT assumes Sanders County is in concurrence with the recommendation of a consistent 55-mph speed limit.

MDT recommends the following speed limits:

A 55-mph speed limit beginning at milepost 18 (straight-line station 949+00) and continuing north to the intersection with Montana 200 (straight-line station 1134+00), an approximate distance of 3.5-miles.

Commissioner Aspenlieder said I sent this off to Mr. Rouse ahead of time to follow my line of thinking here. I will start by saying I’m admittedly frustrated that we had the representatives from Quinn’s stand right in front of us and say we will work with you and take a look at what we can do in partnering on a pedestrian crossing, a rapid flashing beacon light in this stretch, and then as soon as they got what they wanted, conveniently they disappeared and are not at the table to participate in these conversations any more as was explained to me by Dustin Rouse. I guess my question is what level of attempts have been made to try and engage in those conversations with the folks at Quinn’s and how was that received, and what are the steps moving forward with Quinn’s.

Dustin Rouse said staff did reach out to both the county and to Quinn’s. Just so the Commission knows I provided a handout to each of you about this. We reached out, but we haven’t really heard back from them. Any additional follow-up that occurred after the initial speed study was completed, I’ll defer to Bob Vosen as to what next step the district will take. Bob Vosen said one challenge that we have is the individual that has been working on this retired at the end of November, so I was unable to ask him. For a follow-up our Traffic Engineer who has been the main point of contact on this also retired and we will be getting a new Traffic Engineer. My plan is to have that individual be the point of contact once we’re successful in filling the position. I intend to continue to reach out. I do think an RFB is probably still a good idea to have at the location. I also think that Quinn’s is interested in the installation but contact with them has been challenging. I did reach out earlier this week to invite them to attend the meeting today and have further discussion but have not heard anything back from them. I’ll continue to reach out. It looks like it’s going to require myself or staff to stop at the facility and see if we can track somebody down. It’s not their off-season; they are booked out year-round. We will continue to try and work with them to improve the area and the crossing.

Commissioner Sanders said I have same frustrations. They came here with their hat in their hand saying they would work with us and then they got what they wanted and we got nothing after that. This question goes to legal – do we have a way that we could have levied future actions, can we levy some sort of requirement on them to perform some sort of action? We don’t want to go down the road of making a speed limit change conditional upon you doing something because obviously the public is who we’re trying to protect here and not their liability. Is that something we could do? Does anyone have some awareness of how we could have worded this or done this to make sure there was follow-up action on their part?

Chris Nygren said no. There is no contract, there is no specific on-going relationship so legally there isn’t that method. The only option really is continuing communications with the Missoula District. There was no obligation that was incurred by them that was legally recognized. Commissioner Sanders said I’m asking if there was a way we could have done that because it’s a cautionary tale for me. People come here and say they want to cooperate with you and then we get nothing. Chris Nygren said unless we actually had a specific agreement with them or a contract with them, the answer is no.

Representative Loge said I was in contact with the Manager this morning and she is a little frustrated. She’d sent the letter off to the owner and hadn’t received anything

back from him. She was hoping to get on today but may have missed the connection. I gave her Bob's phone number again so there will be some contact there. I'm not looking at it from their standpoint, I'm looking at it from a safety standpoint of constituents in the area. I don't quite agree with the 55 mph. Initially I thought the 45 mph zone was too long and I discussed that with Loran Frazier. What I would prefer and I've got the years of experience on the road seeing what happens and what works and what doesn't, we have a dangerous corner and a dangerous entrance into that facility with trucks pulling out, trucks pulling in, we have tourists that don't know how to drive the area. I'd still like to see about a 1,000 foot stretch on each side of the intersection down to 45 mph and the rest be 55 mph. At 55 mph on the south end you could even move that a little closer to the north end of Hwy 135. I do think it is important to get it down to 45 mph because when you have trucks pulling out, the line of site is less than 500 feet and there is nothing that can be done about that. I think it is still a safety issue regardless of what Quinn is putting in.

In talking to the Manager, she was still saying if they could do it, they would like to put a pedestrian push button and if you had signs or flashers on 50 feet of either side of the intersection, that could really help. It's not just the tourists walking across the road, it is the truck traffic, and it's a shady corner in the wintertime. That's why I think 1,000 feet on each side of that intersection or a minimum of 750 feet should be set at 45 mph. We have Paradise in that area where traffic gets down to 35 mph, Dixon has 40 mph, and I think in 10 years I've only seen three people walk across that highway. We do have a safety issue. I agree that the 45 mph was way too long and that skewed the facts that came in from Mr. Rouse. But I do think we have to consider a 45 mph through a short stretch.

Dustin Rouse said I think Mr. Vosen would be able to contact the Manager and get some work done on the flasher and getting Quinn's to get that done.

Commissioner Frazier said when you refer to 1,000 feet, which intersection were you referring to – the main intersection to Quinn's? Representative Loge said yes that's the one I'm referring to. The other intersection at Camp Bighorn is pretty straight. That one takes care of itself and there's a good line of site. Yes, it's the one going directly into Quinn's, straight across from the cabins.

Commissioner Swartz said I went out to Quinn's and toured a couple of projects with Bob at the beginning of December. I'm in agreement. Typically I don't go away from what Engineer's say but on this one, just driving out there and knowing that amount of people that are at Quinn's Hot Springs is what worries me more than anything. This thing is growing all the time and it's becoming more and more used not just in the winter or summer but year round. Being in Missoula, my wife and I try to get reservations to Quinn's and you're out six months. There is a lot of use there, it's a popular destination and being they have the cabins on the river and the pool on the other side, there is constant foot traffic, people are out there every day going back and forth.

I was telling Bob when I was there that I agreed that the initial 45 mph was way too long. We got into the 45 mph zone and said "why are we going so slowly here?" Then by the time you get to the Hot Springs you're going 60 mph again because I thought we were going 45 mph for no reason. I'm of the opinion to center it on the entrance and have it be 45 mph for half or three quarters of a mile in that section would make a lot of sense. I understand I wasn't here the first time you guys voted on this so you have more information but being a casual observer the other day with Bob, it just definitely seemed that the corner is tight, there's a lot of traffic and it could use 45 mph right around that area.

Mr. Sansaver said I agree with Commissioner Aspenlieder's comments at the beginning of this discussion that Quinn's was here hat-in-hand but when they got what they wanted then there was no follow-up after that. There should be follow-up

coming from Quinn's. How do we make a determination at this point until that follow-up is done? Does the Commission want to allow that follow-up to take place? I agree with our Commissioner from that district as well.

Commissioner Frazier said I see two things here – the speed limit which we can approve or modify. Then a separate action or motion on this topic basically directing staff to coordinate with Quinn's and if there is a need for a flashing pedestrian light, work an agreement with them to install it. I see that as two separate items.

Commissioner Aspenlieder said I intended to defer to Commissioner Swartz and his recommendation. I don't think we need a second motion to direct staff to have conversations with Quinn's. My understanding is that if we came back with a rapid flashing beacon and RFB, it would have to come in front of the Commission as an improvement. We can't dictate that will happen if the other party isn't willing. To me, this is just a motion on approving the speed study with a modification. I don't think we need to direct staff to have those discussions. I would hope staff would convey our frustration in this. If it were up to me I'd make a motion to change it back to 70 mph to get them back to the table to have a conversation realistically about what will be committed to. I defer to Commissioner Swartz to make a motion around what he was recommending.

Commissioner Swartz said I'll make a motion to approve staff's recommendation with some slight modifications so that the 45 mph speed limit is centered on the main entrance to Quinn's Hot Springs and has 1,320 feet of roadway on each side of it. So we do a total of a half mile centered on Quinn's entrance. Again pending that is acceptable to Dustin's crew and makes sense with our regulations for setting those speed limits. I don't want it to be too short of an area if it needs to be three quarters of a mile I'm fine with that. It definitely needs to be shorter than it is currently.

Commissioner Sansaver said I agree with our staff following up with Quinn's and let them know that this is that and there will be no more discussion on this. They didn't have the courtesy to follow-up on what they were going to follow up on. The Commission has made the decision on the District Commissioner's recommendation. I definitely want follow-up by staff but I don't make that part of the motion.

Commissioner Swartz moved to approve the Speed Limit Recommendation Montana 135 (S-35) – Quinn's After Study with modification that the 45 mph speed zone be centered on Quinn's. Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 10: Speed Limit Recommendation US 212 – After Study

Dustin Rouse presented the Speed Limit Recommendation, US 212 – After Study to the Commission. This study on US 212 was completed upon the request of the Transportation Commission to determine the effectiveness of removing the differential truck and car speed limits and posting a uniform speed limit of 65 mph. The study began at the I-90 Little Big Horn Battlefield Broadus interchange and continued east to the Montana-Wyoming border but did not include the developed communities of Busby, Lame Deer, Ashland, Broadus, Boyes, and Alzada.

The speed profile provides support to maintain the existing uniform speed limit. Prevailing speeds based on the 85th percentile and upper limit of the pace were observed to be around 69-mph for trucks and 72-mph for cars. Both are above the posted speed limit but within 3-mph of each other. Prior to the removal of the differential speed limit prevailing speeds were around 69-mph for trucks and 76-mph

for cars. This created a speed differential of 7-mph. After the speed limit change, there was also a 7-percent increase in the number of drivers traveling within 10-mph of each other. Studies have shown that reductions in speed variances and speed differentials have a safety benefit. There was limited crash data available for comparison and a simple before after comparison shows a reduction in most crash types. The crash rate increased by about 0.025 crashes per mile on N-37 and reduced by 0.071 crashes per mile on N-23.

However, most crash data was recorded during the COVID-19 pandemic (2020-2021) and may not be representative of normal driving conditions. There was also a reduction of at least 20-percent in the number of traffic stops and citations written during 2020 and 2021. Traffic volumes decreased by 1 to 9-percent in 2020 and then increased by 3 to 31-percent in 2021.

No comments were received from the Crow or Northern Cheyenne Indian Reservations or Big Horn, Rosebud, Powder River, or Carter Counties.

Staff recommendations

Based on the lack of comment from the local governments MDT assumes concurrence and recommends: **No Change to the existing speed limit configuration and maintaining the uniform speed limit.**

Commissioner Sanders said this looks like a great area, what does this tells us in the bigger pictures about fatality crashes, should we be looking at reducing the speed limit everywhere for cars to 65 mph? What do you think this says? Dustin Rouse said as an Engineer I'll tell you Montana is now the only state in the nation with a speed differential. I think if we could remove that and get the speeds closer for faster vehicles and trucks, we're going to see a safety benefit across the state.

Commissioner Sanders said we have some data here but do you think this particular after study supports doing that? Dustin Rouse said there is some unique characteristics with 212. The truck percentage is up around 20% and that is significant. A lot of our routes across Montana don't have that dynamic. I think I'll let the data here reflect this corridor because it's a heavily used truck route. I think it is important to maintain that consistent speed or this corridor. I don't know that I'd interpolate what we're seeing here across the board. Commissioner Sanders said I'm not trying to put you on the sport, I'm just trying to see if this would be a good case study for us to look at. Your point is that there is a lot of truck traffic on this route and you can't necessarily take the data from this and say it applies to Helena. Dustin Rouse said yes. There are aspects of this study that could be applied across the state. We can see the benefit here is just the amount of interaction we have between trucks and passenger vehicles.

Commissioner Frazier said in a nutshell would you say that the speed limit change was successful. Dustin Rouse said yes it was. Commissioner Frazier said the data isn't really conclusive, portions of it are and portions of it aren't. Commissioner Sanders said there is one area that it reduces crashes and in another area it increases crashes. I didn't think there was enough data to tell us we should make it a constant.

Commissioner Swartz asked about the difference between driving a constant 65 mph vs a constant 70 mph. Dustin Rouse said in this section we'll get into Commissioner Aspenlieder's email question as well. A lot of the large trucks have governors on them which are typically set at 70 mph as we saw in this study. There is a move nationally by the truck companies to actually drop that to 68 mph. Typically that is where you're seeing trucks travel at and a lot of them have those governors in place. That drove the decision to post it at 65 mph. We're looking at other locations around the country for background. By posting at 65 mph we're seeing our drivers about 5 mph over. We are seeing some pretty good alignment with passenger vehicle

speeds with the truck governors. I was happy to see that differential between the trucks and the passenger vehicles come closer together. We tend to just see an improvement in safety in corridors where we see that.

Commissioner Sansaver said there were no other comments from the Crow or Cheyenne. Was there initially a request for comments before we did this? I see where it does not include Busby, Lame Deer, Ashland, Broadus, Boyes, and Alzada, so this is strictly on 212 outside the cities. Dustin said the reason they were left out is this is really a focus on the 65 mph with the differential reduced. It was to look at the impact of posting that speed without a differential. We haven't heard back from those areas. We are in constant communication with those areas regarding their concern with the safety of 212 related to other issues and we're working through those. As far as this speed study, it is specifically to see the effect of the differential being removed. Commissioner Sansaver said then Busby, Lame Deer, Ashland, Broadus, Boyes, and Alzada didn't have any concern on this. Dustin Rouse said we didn't hear back on this specific study. Commissioner Sansaver said I know there was some concern in the Busby area about truck speed limits and I'm surprised to see they haven't had any input on this. Dwane Kailey said Busby has received a planning grant to conduct a safety study on that, so they may be relying on that study to influence how they respond. We've done numerous studies out there. They asked us about applying for a grant and moving forward and we actually are going to match that grant. We thought that was a good benefit to read their study and hopefully finding the same information we found but it would be owned by them and not us. So that could be why they are not responding at this time.

Commissioner Sansaver asked Commissioner Aspenlieder if he had any concerns about the study. Commissioner Aspenlieder said to be honest the only complaints or calls that I get are from people in Billings that travel that area and would like to go 70 mph. I haven't had any correspondence or anybody reach out from either Tribe on that issue nor from the law enforcement community either.

Representative Loge said being on the Legislative Interim Transportation Committee, this topic came up last year and it's come up again this year. We do hear from the Tribes on this and related issues. To give you some background, there is some law enforcement working together with different law enforcement agencies but they haven't quite got that all worked out. So that's part of policing it. There is a lot of pedestrian traffic along this whole stretch of road. We've had some real safety concerns that have come to us as a Committee and we haven't really been able to deal with it either. We know that safety study is the thing that is going to help the area and it's not just this one single speed limit for trucks, it's just a lot of related issues. So you're dealing with one issue but there are more to come just to let you know.

Commissioner Sansaver asked if he was referring to the Tribal law enforcement /state law enforcement there. Representative Loge said yes but they are not all on the same page and there's jurisdictional problems. That's part of it in trying to do speeding tickets, etc., that's where some of the problem lies. If they can get that together maybe they can take better control of some of the safety issue as well. Commissioner Sansaver said you're talking about the cross-deputization between the state and the Tribal governments? Representative Loge said correct. Commissioner Sansaver said the Commission spoke to this two years ago and I suggested to the powers that be to look at the Ft. Peck model of cross-deputization and apparently either we haven't done that or they don't care for the Ft. Peck model. I agree with you that is one of the issues taking place. If the Tribe is going to be doing their own speed study, they have a grant to do that, maybe that will change their mindset on moving forward and have the state either license or give out tickets throughout this corridor.

Commissioner Aspenlieder said I have some general comments. Mr. Rouse and I talked about this yesterday in some detail, I get a little uncomfortable with this one.

It's an incredibly complex study with a lot of data over a huge stretch of road, so my simple mind gets confused in it but we are walking away from the standard we generally use and Commissioner Sanders picked that up very quickly. This runs counter to the fact that we set everything with the 85th percentile in vehicular traffic. Understanding and acknowledging that there is a high level of truck traffic on this road, I think we also have to acknowledge that this is probably one of the better roads in eastern Montana. We spent a bunch of money improving this from a safety standpoint, from a geometric standpoint, and from a ride standpoint particularly west of Ashland and between Ashland and Broadus. There is still some work that can be done from Broadus to the line but we spent a boatload of money. Now it feels like we're trying to do some mental gymnastics.

We use the 85th percentile pretty standardly to justify this stuff, we're actually not going to do that this time and go the opposite way. I understand the truck traffic but to me I'd prefer to see this with an eliminated speed differential certainly because that's been a success, but I think we're arbitrarily setting the speed at 65 mph as opposed to 70 mph like every other highway in the state is set for the most part. I would at the very least like to see this split because even geometrically the sections of this are different. From Crow to Ashland is a completely different drive than from Ashland to Broadus and Broadus to the state line. I'd like to see us split this into two. I'd like to see the speed increased in Commissioner Sansaver's district and keeping the speed in mine. I'd prefer to see the speed go to 70 mph east of Ashland from Ashland to the state line. That's a lot flatter area, there are longer straighter stretches, there's not the relief in those areas that there are in other places, there's a ton of passing opportunities along the way. I think that's a different animal when you go west of Ashland. That's a long way around to say I'd like to split this into two because I feel like we're arbitrarily justifying keeping it at 65 mph suggesting that things may change.

Dustin Rouse said you bring up a valid point in that if you look strictly at the 85th percentile, you could look at potentially posting this at a higher rate. Based on what we're seeing especially on the differential between the passenger vehicles and trucks, I have very little doubt in my mind that if you go the route of increasing a segment of this to 70 mph, then we're going to see an increase in the differential between passenger vehicles and trucks on whatever segment you choose because you're going to see vehicles again back up at 77 mph and you're going to be increasing that differential. From a safety aspect as discussed earlier, the more you increase that differential the more chances we have of potentially introducing some severe crash types. We've talked at length on why and what happens when that occurs. We did see in this after study a really good alignment between passenger vehicles and the trucks that we hadn't seen before. We have a seen it at 70 mph and we have a pretty good idea where passenger vehicles are going to go. I'm pretty confident that if we increase that to 70 mph, you're going to see more of a speed differential in whatever segment you increase to 70 mph between passenger vehicles and trucks.

Commissioner Sansaver said so increasing it from 65 mph to 70 mph once you reach a certain point, you're saying that it exacerbates that problem. Leaving it at 65 mph straight on through would keep those accidents down and the ticketing down from a safety standpoint? Dustin Rose said I don't know if it would keep the ticketing down. I think if you leave it at a consistent 65 mph, you're going to see a closer alignment and less speed differential. As I stated the tighter we can make that speed differential and the closer we see an alignment, the less risk we have of those crash types.

Commissioner Sansaver said if you post cars at 65 mph then do you post trucks at 60 mph or is it 65 mph for everybody. Dustin Rouse said it is 65 mph for everyone. Commissioner Sansaver said I can see why Commissioner Aspenlieder would want to increase it to 70 mph. It really is two different issues. Based on safety, then 65 mph is a better choice.

Commissioner Sansaver moved to approve the Speed Limit Recommendation US 212 – After Study. Commissioner Sanders seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 11: Certificates of Completion September & October 2023

Jake Goettle presented the Certificates of Completion for September & October 2023 to the Commission for review and approval. Staff recommends approval.

Commissioner Swartz moved to approve the Certificates of Completion for September & October 2023. Commissioner Sanders seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 12: Discussion and Follow-up

Director Malcolm “Mack” Long

District Highs and Lows

I'd like to give you three handouts. I meet with the Governor once a month and I always have the Districts update me on some of their projects, their highs and their lows and I'd like to share that with the Commission. It is interesting the Governor had me start with three highs and lows of each district. He trusts the Commission and trusts MDT and is proud of what we're doing and now he only looks for one high and a low. Some of the lows are within our control and at other times they are not. You can take this home with you and go over it.

Bridges

The next one is on how we're doing and I provide this to the Governor as well. He is very cognizant of the bridges and has me look at load posted bridges and what we're doing. You can see on the next handout we have some areas going faster than others and how can we accelerate it and what are our actions. The on-system we have some new load postings and we had some closure. The off-system we had four load postings removed. We are making progress on the bridges.

Discretionary Grants

The third handout shows how we're doing with discretionary grants. This month alone we have turned in one but we have supported 18 different discretionary grants by the various cities and counties. We are being very active in trying to look at discretionary grants and get funding. We as a state have been very successful. In fact, just this month we received word that Katy Blvd has received grant funding. We also received wrong-lane crossing funding for CSKT which we'll do in conjunction with the grant funding for the Nine Pipes. So we're being successful and we're putting in for every possible opportunity there is.

Fish, Wildlife and Parks

We have been in constant contact with Fish, Wildlife and Parks, both myself and Director Temple and Dustin and their counterparts. We talk once a month and if there's something specific we talk weekly. Dustin and his counterpart meet at least

every other week. Thank you to Commissioner Aspenlieder for making that a priority, it has helped, and we are working much closer with Fish Wildlife and Parks.

Missoula High Tension Cable Barrier

That project is still on hold as we work with the US Fish and Wildlife Service. We are going into formal consultation with them. Fish, Wildlife and Parks is helping us. We are hoping to present to them. Their issue was bears trying to get through the Cable Barrier. We met with Fish Wildlife and Parks and our designers and are highlighting where areas are offset so there's a way to get through there. There are different crossings for the Highway Patrol to turn around. We're making sure we highlight those to show there is porousness through those canyons where that cable rail is but it could take up to 120 days. We are hopeful on that.

Headwaters Bozeman Rest Area

We are inching closer. We have everything ready. The devil's in the details. We've agreed to one restriction on Semital Way. We closed it off to emergency access only. We can put that on the gate. The other request isn't part of what we can do. Basically he's built Three Forks and if we get that then we give him the Bozeman Rest Area.

Commissioner Sanders asked if the Bozeman Rest Area would stay a rest area. Director Long said it won't be developed. My family in that area keeps asking what the deal with the rest area is. That rest area was having some issues with homeless staying in there and people parking there. It got to the point where the people were camping in the ladies side only leaving us one working stall and one sink working out of the four. We weren't able to keep up with the maintenance so we closed it down hoping this would be a fairly simple exchange. It's like everything else, it always depends on the partner you're dancing with. Sometimes you can dance like Dancing with the Stars and other times it's dancing at the bars. We are getting very close. That's why Bozeman shut down and he'll be able to develop it as he wishes. Then we'll open the Three Forks Rest Area.

Commissioner Sansaver asked if there was a projected timeline on that. Director Long said hopefully before the end of 2024. We're hoping to get the deal done in the next 30-60 days but I've been saying that for a while now. Commissioner Sansaver asked what caveat he wants that we don't have any control over. Director Long turned to legal. Chris Nygren said there is an adjacent parcel to that Bozeman Rest Area that he's worried that the city of Bozeman would require him to put an access easement across the parcel he's getting. He wanted some type of exception and MDT to defend him against that type of access being awarded by the city of Bozeman. We want a clean transaction – it's his, it's ours and we're not agreeing to that type of string attached to the deed. We had a meeting yesterday at the Title Company and it's not where we are right now.

Director Long said we're really close on the Headwaters Rest Area. Commissioner Sanders said tentatively the closing might be tomorrow. It's probably going to be a gas station or a car wash based on what has been going in so far.

Federal Update

Federal FY24 Appropriations Bill is still being negotiated. They are going to recess for the holidays by the end of the week. We are currently operating on a Continuing Resolution which keeps our funding at FY 23 levels. The outlooks between now and January 23 is murky at best. One key issue for Montana is the appropriate bridge funding. The Senate has supported it but the house has dropped this provision. The funding is about \$30 million for Montana. We have a conference call every two

weeks with the congressional delegation. Representatives Rosenberg and Zinke know this would affect Montana and are working with us.

DBE Enterprise Update

We ended the year at 3.1%. Currently we're at 5.5%. The trends are looking good. But as we know, anything can happen throughout the year.

Agenda Item 13: Change Orders September & October 2023

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

Commissioner Aspenlieder did submit a few questions to us prior to this meeting and we answered those. They are provided in your packet.

Commissioner Sanders said in the Handbook it says that Change Orders that exceed 25% of project funds are outside the specs and must be presented to the Commission. Does this satisfy that requirement or do we have to take action on it? Jake Goettle said it's within the Specs. If they exceed 25% then they have to be presented to the Commission and we've just done that. This satisfies that requirement. Commissioner Sanders said just telling us about it is all that's required? Jake Goettle said that is our interpretation.

Commissioner Frazier said but they are still just for our information. Jake Goettle said correct. There is no approval needed. Dustin Rouse said the reason they are informational is because if we presented you with the change orders and the Commission did not approve the change, it would put the department in a very awkward position because we've already contractually agreed with the contractors and now we'd be in a position where we can't honor that contract. Commissioner Sanders said my concern is that I understand routine projects but you can also see the need for us approving stuff. There is nothing preventing you from just doing change orders regardless of what we approved as a Commission. Is that right? That is not your intent but is it not true that you could use change orders to pay whatever needed to be paid to get it done.

Dwane Kailey said that's a great observation. What we try to do especially on the really big ones where we do have exigencies and are moving those into an existing project, is to change ordering those in. We do inform you ahead of time. We try not to surprise you with those. There are things that happen on projects where they are very timely and we have to make those on-the-ground calls at that time otherwise we've got equipment worth tens of thousands of dollars per hour sitting idle while we make a decision and trying to get you all huddled up to get a decision would be catastrophic to a project. If you would like more information or better communication from us, we're open to that. We're just trying to be efficient and keep the projects moving at the lowest cost possible.

Commissioner Sanders said I'm not questioning what you guys do, it just seems like a loophole to go outside what we agreed to fund and a change order is a way to get around that. It seems like a loophole.

Commissioner Frazier said my only concern is you come in with a change order on some of these, i.e., the original contract was \$2.6 million, the Commission approved the project – the type, scope and funding – and then you wrote a change order for \$1.5 million. That's a significant change in scope. It is those type of projects that concern me. We're supposed to provide some type of oversight as to what projects are approved but when you start getting that significant, it's the department running

wild. That's my comment. Dwane Kailey said one of the things we keep track of is cost over-runs on our projects and actually nation-wide we're one of the best averaging around 4% or less typically. We'd be more than happy to report that out to you. When you see these and they look big at times, actually we're running as one of the best in the nation for keeping costs down. Commissioner Frazier said I understand and that's great but when you start getting more than 50% of the project in a change order, you're completely changing the project.

Director Long said you're referring to the Kalispell ADA Upgrades which is a perfect example of needing to get this done quickly. Commissioner Frazier said and the scope was a certain number of intersections and you increased that by 50%. Director Long said that is true but we got such great proposal and the contractor said we can add a couple of more of these. We asked if they would you be willing to hold their prices and they were. So we added three and they did it. So we added more as they got those done. In this specific case because it was in the Kalispell area, we actually did some up in Columbia Falls and Whitefish. We're towards the end and getting ready to be done with the contract. We have six more to do and we asked if they would be willing to do them. Their pricing was good and we took advantage of all we could. Commissioner Frazier said that's understood but my point is that when you start changing the scope significantly, you can end up with issues. If you had advertised that original scope would you have had more competition and maybe had better pricing?

Commissioner Sansaver said at what point do you stop? Because the Commission has given you the authority to do a design build on a projects, I don't believe it becomes ala cart. So at what point to you stop? It becomes information and how do we address that to our constituents. These guys didn't have any more work so we just kept piling it on. Jake Goettle said we used to address these with what we called Job Order Contracts. We know initially what we're doing but we also know we're going to add some additional work over the next couple of years. If you include that in the TCP as a line item for a dollar amount that we anticipate for the next two years, that's the way we addressed it. It was to be transparent that we have additional work coming, we anticipate it and we anticipate this dollar amount. Typically that is how we set those up but this was a unique situation in that we have significant needs as far as ADA and we have a requirement to upgrade our ADA across the state and we wanted to take advantage of good pricing and use a contractor in that area. Typically you'll see that in our contracts – we give the initial amount and put in a line item for further additions. So you have assurance that this is the constraint the department is under.

Commissioner Swartz said I think when you're putting out that design build and in this situation specifically you would be smart to put on there that if the pricing is good, there is a potential for this project to expand. You're going to get more competition for the bigger projects and if we're just advertising this as a \$1.2 million project, you might get some people on it, but when it changes to a \$5 million project that brings in a whole new contractor base that will go after it.

Commissioner Sansaver said what you're suggesting is that if you have a great contractor working in the area, they can continue to work, so for example we have a line item for 2023 into 2024 and forward with the same line item. So then you just bump 2024 up to 2023? It seems like that is what you're doing. That kind of change effects the TCP. I don't know if that's outside our guidelines or not. Dwane Kailey said it is out intent to be as transparent as we can. If we're planning to do additional work, our intent is to show that in the TCP so you know our intent. As Commissioner Swartz alluded to, we should put that in the contact as well to let the contractor know about what could potentially come down the pike. Commissioner Sansaver said it think it's a great idea, I'm not criticizing what you're doing, I'm just questioning the format of what you're doing. If that changes the TCP and what was approved by the Commission, then we would have to go back and re-approve the

TCP. Jake Goettle said those are all very good points. A case in point would be a project awarded in 2022, the change order happens in 2023, so does that effect the 2022 TCP approval that you approved as a Commission. It doesn't. The change order amounts you see here are part of the line set aside for preliminary engineering, right-of-way, modifications, over-runs and that sort of stuff. That is the alignment that is part of the TCP at the top of the page. So you are approving the sum total of modifications for 2023 and these are then follow-on items. So it doesn't affect the TCP. The line item that you set for the specific project in 2022 is now done but the change order amount and how it effects the TCP is handled and that's set aside at the top of the page. Commissioner Swartz asked if we stay within those over-runs every year. Jake Goettle said yes pretty much.

Commissioner Frazier said we approved Red Lodge Area Flood Repairs change orders. Do we have a budget limit on this project? The original contract amount was \$5.9 million, current contract is \$19.7 million. Are we going to spend \$100 million here or are we going to spend \$50 million? Is there some limit where we stop adding to this project? I realize it's emergency and it's flood repairs and hopefully we're repairing what's there and not filled with all new stuff for everybody's wish list. What are the sideboards on Red Lodge?

Jake Goettle said that was one of the questions from Commissioner Aspenlieder as well. What are the lessons we learned on this and are there sideboards? I guess there isn't an exact limit on the amount of dollars we're expending. We have specific scope of work items that we're getting through as we design and deliver the project. We are just repairing for the most part the damage that was done which is substantial, there's a lot of sites, a lot of locations that we're working on, and a lot of coordination with resource agencies. This has been a lot of impact to the stream channels and the area around the streams which requires a lot of coordination which has been part of the slow progress because it is substantial and the coordination is taking a long time. There are many complex designs to get through and get the sites done. We are over half way through a number of the sites. I believe our estimate at this point is just over \$25-27 million to finish the project. Those are just preliminary estimates; we don't have costs yet on all of the component packages and this is just what we're estimating. We originally estimated about \$25 million in the contract and so we are a little over that but not substantially. Commissioner Frazier said I would like to know why we have unlimited funding on this.

Commissioner Aspenlieder said we've generally covered the two points I was trying to get at in calling out those two change orders. I guess I take exception to some extent with the process in the Flathead ADA especially the Red Lodge project. I get it. We need to take advantage of things and maybe the Kalispell ADA is a little bit more grey but we added a bunch more intersections to that because we had what we thought was good pricing. We significantly and substantially changed the scope of that project which I think any other contractor who wanted to bid that could feasibly make that argument. That just doesn't feel real great to me in approaching it that way.

With respect to the Red Lodge project, that one is complicated and I get it but there is no way we could with a straight face say that we didn't know after we got the initial ball rolling on the critical item which is what we passed with an exigency approval. We couldn't have scoped that out and come back to the Commission with a package that says we want to approach this with a process and maybe this is the progressive design build moving forward or something? We couldn't have come back to the Commission and said we think the scope of this is going to be \$25 million instead of saying we need a \$2 million exigency project that we're going to balloon to \$30 million? That does not feel good in any way, shape, or form and it's hard to defend when people ask. There's just not public eyes on that process as it moves forward. Even understanding that a lot of that work in Red Lodge in particular wasn't going to get done with any kind of speed because of the resource agencies that needed to be

coordinated with. There really wasn't any reason why you couldn't have come back to the Commission and at least made it official as to what you were doing and how you were doing it. That's my comment. I don't like it. I don't like the way we did those two projects.

Lucia Olivera said I don't think I know anything that anybody else here knows. I know my staff is concerned about the amount of the change orders lately. We don't take that lightly. I know you need that flexibility to conduct an exigency project when something comes up in an emergency project. You don't know until you go in there... (inaudible) ...

Jake Goettle said I hear your comments and we get it. I guess if it is acceptable to the Commission I can pull up the minutes when we presented this and see how we approached it. I know in the RFP we recognized that we had to expand this project and did adequately convey that to the Commission. We'd like to go back and review that and certainly as we move forward approach it a different way. If it's acceptable we'd like to verify how we presented it and then go from there.

Agenda Item 14: Letting Lists

Jake Goettle said I did not get the Letting list to you before the meeting. I will follow up and get it to you. This is for your information and no action is necessary.

Agenda Item 15: Liquidated Damages

Jake Goettle presented the Liquidated Damages to the Commission for the Rockvale-Laurel Two Lanes project. This is for your information and no action is necessary.

NHIP-HSIP 4-1(61)44 Rockvale - Laurel (2 Lanes). Nelcon, Inc. is the Contractor. They are disputing the liquidated damages. Number of days of liquidated damages is 85 in the amount of \$368,730. They are disputing 31 days.

When they do that they are allowed to submit information and justification on why they are disputing it. We review that information and respond back to them as to whether we agree with their assessment and whether we are going to waive any of those days based on the information they submit. They have submitted some information, we've reviewed it and we don't see contractually that we can reduce the number of days. We've responded to Nelson that we're going to recommend the liquidated damages stay as they are. They now have an opportunity to come to the Commission and be present for this agenda item in February. They haven't responded yet if they want to attend but they have that opportunity. We will notify you and it will be on the February agenda for information. If they are present they will ask you to take some action.

Retirement of Lori Ryan, Commission Secretary

Commissioner Sansaver said I understand we're looking at retirement for Lori Ryan. I've been working with Lori on different Commissions for 30 years. If she hadn't babysat me through so many of those meetings I don't think I would have made it. I certainly appreciate all the work she has done and I want to thank her for all that. I'm going to leave it up to the Director to come up with something appropriate.

Commissioner Frazier said I would like to say thank you not only as a Commissioner but also as an employee. Your work has been appreciated. There is life outside the Department.

Director Long said I would love to do something for Lori. She has requested that we not make a big deal out of it but we're very grateful that we get to make a big deal out of it. Commissioner Sansaver said we need to do something in recognition of her 34 years of service here (applause).

Kelsie Watkins said she would be taking over as Interim Commission Secretary. I would appreciate all your patience with me as I figure out some parts of this process that I am not familiar with yet. I look forward to working with each of you.

Commissioner Sanders thanked Mr. Dahlke for sending out the update to the five-year plan. I could go on record to say that every Griz fan when it's down to just the Bobcats going to Nashville to play the national championships, I've heard my friends say when we have a Montana team going to the playoffs we support them. I've not heard that same support here. I've heard some say, "Go Griz". In my heart of hearts I know everybody here is supporting our Montana boys playing North Dakota State. Go Griz! Commissioner Aspenlieder said I would just like to say that I'm so close to North Dakota I could almost be one.

Commissioner Frazier said thank you for this handbook. We talked about this and the timing is perfect.

Rob Stapley thanked Jake Goettle for all his years of service. For the record I'm going to miss the crap out of you. Jake Goettle said I wasn't going to put it on the record, I was going to wait but I'm leaving MDT at the end of the year. It's been my pleasure to serve the Commission and I thank you for being a great Commission. Commissioner Sansaver asked who would be taking over for him. Jake said the position will be posted and somebody good will be hired.

Director Long wished the Commission a Merry Christmas. Thank you for all you do, all the work, the time, the effort, the energy. We appreciate all of you taking the time, effort and energy to be as involved as you are because it reflects well on us as a department and us as a State that we have such carrying, compassionate people who look into things and don't just rubber stamp anything. Both the department and our FHWS partners are engaged and we appreciate your engagement because it shows. People can count on us and the state can count on us and we're proud of that fact. Merry Christmas to all.

Next Commission Meetings

The next Commission Conference Calls were scheduled for December 19, 2023, January 23, 2024, and February 13, 2024.

The next Commission Meeting was scheduled for February 22, 2024.

Meeting Adjourned

Commissioner Loren Frazier, Chairman
Montana Transportation Commission

Malcolm "Mack" Long, Director
Montana Department of Transportation

Lori K. Ryan, Secretary
Montana Transportation Commission