

Montana Transportation Commission

**February 16, 2023 Meeting
Commission Room
2701 Prospect Avenue
Helena, Montana**

IN ATTENDANCE

Loren Frazier, Transportation Commission Chair (District 3)
Tammi Fisher, Transportation Commissioner (District 1) Absent
Shane Sanders, Transportation Commissioner (District 2)
Noel Sansaver, Transportation Commissioner (District 4)
Scott Aspenlieder, Transportation Commissioner (District 5)
Malcolm “Mack” Long, Director, MDT
Julie Brown, Deputy Director, MDT
Dwane Kailey, Chief Operations Officer, MDT
Lori Ryan, Commission Secretary
Dustin Rouse, Chief Engineer MDT
Jake Goettle, MDT
Val Wilson, MDT
Rob Stapley, MDT
Darin Reynolds, MDT
Mike Taylor, MDT
Chris Nygren, MDT
Ryan Dahlke, MDT
Tammy Ross, MDT
Carol Strizich, MDT
Shane Mintz, MDT
Mark Studt, MDT
Paul Johnson, MDT
Vicki Crnich, MDT
Brian Hasselbach, FHWA
Zach Ringsak, Senator Tester’s Office
Senator Lang
Wayne Paulson
John Steiner, Hardy
Aaron Wilson, City of Missoula
Stephan McDaniel, WGM Group
Tim Erickson, HDR
Spencer Dodge, HDR
Dustin Hirose, HDR

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

OPENING – Commissioner Loran Frazier

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

Approval of Minutes

The minutes for the Commission Meetings of 8/25/22, 10/25/22, 11/3/22, 11/9/22, 11/29/22, and 12/20/22, were presented for approval.

Commissioner Aspenlieder moved to approve the minutes for the Commission Meetings of 8/25/22, 10/25/22, 11/3/22, 11/9/22, 11/29/22, and 12/20/22. Commissioner Sanders seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Tentative Construction Process (TCP) Approval

The Tentative Construction Process (TCP) was presented for approval.

Commissioner Aspenlieder moved to approve the Tentative Construction Process (TCP). Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 1: Local Construction Project on State Highway System – Local Forces Missoula County Project

Rob Stapley presented the Local Construction Project on State Highway System – Local Forces, Missoula County Project to the Commission.

Missoula County is planning to design and build a transportation improvement project on the state highway system. The project will be funded locally and will utilize local forces for construction. The project will be designed with input and concurrence from MDT staff to the extent practicable.

When complete, Missoula County will assume all maintenance responsibilities associated with new project elements. Thus, MDT will not incur additional liability or maintenance costs as a result of the proposed project.

On behalf of the local government, as required by MCA 60-2-110, “setting priorities and selecting projects” staff requests that the Transportation Commission approve the local project listed below.

Location	Type of Work	Cost (estimate)	Fiscal Year	Type of Labor
South 3rd Street (U-8102), at the Tower Street intersection, in Missoula	Culvert Replacement	\$60,000	2023	Local

Staff recommends that the Commission approve this improvement to the state highway system pending completion of applicable state (and local) design review and approval processes.

Commissioner Aspenlieder moved to approve the Local Construction Project on State Highway System – Local Forces, Missoula County Project. Commissioner Sanders seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 2: Construction Projects on State Highway System – Contract Labor Cities of Belgrade, Billings, Laurel, Lewistown and Missoula

Rob Stapley presented the Construction Projects on State Highway System, Contract Labor – Cities of Belgrade, Billings, Laurel, Lewistown, and 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. MDT staff reaches out to local governments to solicit local projects on state systems to ensure compliance with this statute.

The Cities of Belgrade, Billings, Laurel, Lewistown and Missoula are planning to design and build transportation improvement projects on the state highway system. The projects will be funded locally and will utilize contract labor. The projects will be designed with input and concurrence from MDT staff to the extent practicable.

When complete, the cities will assume all maintenance responsibilities associated with new project elements. Thus, MDT will not incur additional liability or maintenance costs as a result of the proposed projects.

On behalf of the local governments, as required by MCA 60-2-111, “letting of contracts on state and federal and highways,” staff requests that the Transportation Commission delegate authority to the Cities to let and award contracts for the projects listed below.

Location	Type of Work	Cost (estimate)	Fiscal Year	Type of Labor
Dry Creek Road (U-603), at the Cruiser Lane intersection, in Belgrade	Intersection Improvements	\$5,200,000	2023	Contract
Jackrabbit Lane (U-606), from Golden West Drive to Cruiser Lane, in Belgrade	Overlay, Curb & Gutter, Sidewalks	\$1,350,000	2023	Contract
Central Ave (U-1008), from 29th Street West to 32nd Street West, in Billings	Mill & Overlay	\$200,000	2023	Contract
Hilltop Road (U-1027), from Bazaar Exchange to Bench Blvd, in Billings	Mill & Overlay	\$900,000	2023	Contract
1st Avenue (N-4), at the South 4th Street intersection, in Laurel	Intersection Improvements	\$4,300,000	2023	Contract
Boulevard Street (U-7104), from 1st Ave North to Wendell Avenue, in Lewistown	Overlay	\$200,000	2023	Contract
Mullan Road (U-8123), from Josephine Avenue to Marie Drive, in Missoula	Chip Seal, ADA Upgrades	\$100,000	2023	Contract

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 contracts for these projects to the Cities of Belgrade, Billings, Laurel, Lewistown and Missoula - pending completion of applicable state (and local) design review and approval processes.

Commissioner Sansaver moved to approve the Construction Projects on State Highway System, Contract Labor – Cities of Belgrade, Billings, Laurel, Lewistown, and Missoula. Commissioner Aspenlieder seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item 3: Construction Projects on State Highway System – Contract Labor
Russell Street Crosswalk - Missoula**

Rob Stapley presented the Construction Projects on State Highway System, Contract Labor – Russell Street Crosswalk - 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.

Russell Street Crosswalk – Missoula

The City of Missoula is proposing modifications to Russell Street (U-8105) to improve safety and reduce potential conflicts between vehicles and non-motorized traffic. Proposed improvements include crosswalk upgrades (with bulb outs) and the installation of a rectangular rapid flashing beacon (RRFB) at the main entrance to the Missoula Fairgrounds. 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 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 Russell Street 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 Frazier asked where the project was located. Rob Stapley said it is at the main entrance to the Fairgrounds; at the southern edge of the Fairgrounds.

Commissioner Sanders moved to approve the Construction Projects on State Highway System, Contract Labor – Russell Street Crosswalk. Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item 4: Construction Projects on State Highway System – Contract Labor
Woodland Park Subdivision - Bozeman**

Rob Stapley presented the Construction Projects on State Highway System, Contract Labor – Woodland Park Subdivision - Bozeman 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.

Woodland Park Subdivision - Bozeman

Gooch Hill West, LLC is proposing modifications to Huffine Lane (N-50) near Bozeman to address traffic generated by the Woodland Park Subdivision. Proposed improvements include the installation of a new traffic signal at the intersection of Huffine Lane and Willow Peak Drive.

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

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

Staff recommends that the Commission approve this modification to Huffine Lane - pending completion of applicable state (and local) design review and approval processes.

Commissioner Sansaver asked about the significance of the language, “when completed MDT will assume all maintenance.” On the two previous projects maintenance was going to be done by the cities. What differentiates this from those? Rob Stapley said Huffine Road is an MDT maintained route so we are assuming that responsibility. Commissioner Sansaver said it is interesting to know why one is different than another and how much we continue to assume as these cities, even though they fund them, request the state to take care of them. Director Long said it puts the burden on us but there are already four lights on the road and this helps with safety.

Commissioner Aspenlieder asked Dustin Rouse about the maintenance cost over the life of a signal. Dustin Rouse said I can get that information to you. Commissioner Aspenlieder said as in these rural transitional areas with the growth of the cities, has MDT ever looked at sharing the cost or sharing the burden of maintenance costs or upgrade costs in the future? Is it something we should be considering in these transitional areas of the communities? Do we just keep these on our MDT routes forever? Dustin Rouse said any time anything hits our routes it is going to be long-term maintenance. Anytime these are proposed they are thoroughly vetted. To your point, in locations where it’s a local request and may not be in line with the planned build-out of that corridor, we absolutely look at the options as we move forward. In this case this was part of the plan for Huffine; it’s our NH routes. In areas where there is a new development or it’s in an area where it wasn’t expected, we pursue those types of arrangements and funding situations.

Commissioner Aspenlieder said I’ve been asking the question about what is MDT’s role in the MPL boundary. Billings in particular is a good example of a project that if we were to step out of the MPL boundary and turn everything internal to the boundary back over to the city and we would be walking away from this responsibility over the long term. I’ve made my position very clear that MDT should get out of the MPL boundary. This is another case where we’re accepting more long-term liability when we should be turning these over to the communities. Director Long said this is outside the MPL boundaries for now.

Commissioner Sansaver said when does the state stop assuming the responsibilities of these as the communities grow because it becomes incumbent on the state to maintain when the state’s budget starts to rise? Director Long said Billings is a good example where we do start turning it over to the city because it’s within their boundary.

Commissioner Sanders moved to approve the Construction Projects on State Highway System, Contract Labor – Woodland Park Subdivision - Bozeman. Commissioner Aspenlieder seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 5: Congestion Mitigation and Air Quality Improvement Program River's Edge Trail Connector – Great Falls

Rob Stapley presented the Congestion Mitigation and Air Quality Improvement Program, River's Edge Trail Connector – Great Falls to the Commission. The Congestion Mitigation and Air Quality Improvement (CMAQ) Program provides funding to address air quality and congestion issues throughout the state of Montana. The Great Falls Metropolitan Planning Organization (MPO) receives an annual allocation of CMAQ funds to advance congestion mitigation and air quality improvement projects in the Great Falls area.

In 2019, the Great Falls MPO prioritized a shared-use path project along the Missouri River between Broadwater Bay Park and 1st Avenue North. At nomination, it was assumed that no state routes would be impacted by the proposed project (the River's Edge Trail Connector).

During project development, the design team encountered numerous challenges associated with limited space – mainly due to the proximity of the shared-use path to the edge of the Missouri River. To address this issue, the design team is proposing to shift the alignment of River Drive (U-5205) in order to promote project flexibility, mitigate potential environmental impacts, and reduce overall project costs. Since River Drive is on the Urban Highway System, Transportation Commission approval of the proposed system modification is required. As a side note, River Drive is shirting less than ten feet for a distance of 850 feet. So the shift is fairly minor.

Staff recommends that the Commission approve this modification to River Drive - pending completion of applicable state (and local) design review and approval processes.

Commissioner Aspenlieder asked if the CMAQ funds will pay for the realignment of River Road as well as the trail improvements. How does that impact the overall CMAQ funds available for the district? Ryan Dahlke said the plan is for CMAQ funds to cover the revisions to River Drive as well as the impact of the project on our route. As far as how it impacts CMAQ funding, whatever is used for River Road Realignment is taken away from the CMAQ program. Commissioner Aspenlieder said what project is that impacting then on the TCP? We can't pull the funds out of thin air, we're pulling them from some project – what project is impacted by this? Ryan Dahlke said the best way to answer that question is that it would be just as any other project and it would globally affect our system. It is deluded to some degree but then in the fall we look at overruns by district and by program and consider that when we distribute redistribution funds.

Commissioner Aspenlieder said I'll be voting against it because principally I don't like us spending these kind of dollars on trails project especially when trail projects grow outside of pedestrian and access projects. Commissioner Frazier said he would have to recuse himself from this vote. Val Wilson asked why he was recusing himself. Commissioner Frazier said he worked on this project. Val Wilson said they would accept this abstention in this matter.

Commissioner Sansaver moved to approve the Congestion Mitigation and Air Quality Improvement Program, River's Edge Trail Connector – Great Falls. Commissioner Sanders seconded the motion. Commissioners Sansaver and Sanders voted aye, Commissioner Aspenlieder voted nye and Commissioner Frazier recused.

The motion failed.

Agenda Item 6: Reapproval of Project Due to Increase in Scope and Cost Broadway & Toole Avenue – Missoula

Rob Stapley presented the Reapproval of Project Due to Increase in Scope and Cost, Broadway & Toole Avenue – Missoula to the Commission. Per Transportation Commission Policy #12, MDT is required to submit projects back to the Commission (for reapproval) when a change in scope results in a significant cost increase (beyond what was originally proposed to and approved by the Commission).

The Congestion Mitigation and Air Quality Improvement (CMAQ) Program is proposing to modify the scope for the *Broadway & Toole Avenue – Missoula* project. The project was originally scoped (and approved) to upgrade traffic signals and improve ADA features at the intersection of Broadway (N-131) and Toole Avenue (U-8106) in Missoula. The estimated total cost for the project (all phases) was \$200,000.

During project development, the design team received feedback from the City of Missoula indicating that the proposed improvements wouldn't adequately address operational and safety concerns at this location. In order to ensure improved operations and safety, MDT is now proposing to install a roundabout at the intersection of Broadway and Toole Avenue.

The estimated total cost for this project (all phases) is anticipated to be \$3,700,000 – with the Missoula MPO providing the cost difference (around \$3.5M) between the proposed new scope (roundabout) and the original project (traffic signal upgrade).

Staff recommends that the Commission approve the modified scope of work and cost increase for this CMAQ Program project.

Commissioner Aspenlieder asked where the three million dollars would come from and what that is impacting. Ryan Dahlke said it is the same as the previous item. Commissioner Aspenlieder asked if it was coming out of their own funds. Ryan Dahlke said it is my understanding that the CMAQ program with the amount of funding is going to be capped, so the additional funding necessary to build the roundabout will come from the city. Commissioner Sansaver asked if the \$3.7 million was coming from CMAQ and the \$3.5 million from the city. Rob Stapley said the \$3.7 is the total project cost. Of that, \$200,000 is from CMAQ funds and \$3.5 million is from the City of Missoula.

Commissioner Sanders moved to approve the Reapproval of Project Due to Increase in Scope and Cost, Broadway & Toole Avenue – Missoula. Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Elected Official / Public Comment

John Steiner, Hardy

I'm John Steiner and I live in the Hardy Creek area. Your roundabouts are stupid, they're expensive and we don't need them. Tear it up, make it tough on people and maybe some of them will leave here.

Maybe some of you will remember me from your October 21st shindig talking about a speed study done off Old Hwy 91 from Tower Road State Park to Craig. Now I know there is another speed study that has been performed and you won't have it yet because it's in the hands of the county right now. I've met with Les already and I've

showed him what I'm going to show you. Then we'll meet again prior to the April meeting.

The reason I'm why I'm here is because I want to give you an eye-opening of what I'm going to be trying to convince you all of. I've put together some pictures and I can leave them with you and you bring them back to the April meeting or I can take them with me and I'll bring them back to the April meeting. Lori Ryan told me there were five of the Commissioners I needed to give these to. He handed them out. I'm going to make this quick and painless.

The first picture is an overview of the area I want to talk about. It runs from Tower Road State Park down to my house. This is just an overview. Tower Road State Park – are you familiar with that? It's a big rock that the state was going to sell and my family was going to purchase it but somebody filed a piece of paper that said Lewis and Clark climbed up there and so now it's a state park. Down at the bottom is my house and that's what I want to discuss.

Last year when I was here I was trying to get the speed limit changed through here. It's called Recreation Road and it runs from Tower Rock all the way to Spring Creek and ends there. The problem is not necessarily the amount of traffic, it's what your data and your speed studies will not show – they don't show foot traffic, they don't show pedestrians, they don't show families, they don't show picnickers or bicycles or any of that. Between the months of May and September this place gets highly impacted with people enjoying it.

You guys did a good job – you started off and just recently changed the signs but it took you a year and a half to do it so you're moving in the right direction. So if you start on top here, you see it's 55 mph as you get off the highway, then you drop it to 50 mph and then to 45 mph. So let's talk about the first part.

Go to page two. This zooms in on this area (referring to picture). So where you dropped it to 50 mph, we have some houses up here along the side of the rim and they're basically 200-300 yards off the road. You dropped it to 50 mph through there and that's a good start. Then we get down here and there's another cluster and you dropped it to 45 mph.

On page 3, this is Pruitt Creek. There's a fishing access here and across the street you've got the Missouri River Inn and a little RV Park. So you dropped it to 45 mph around this corner through this housing area all the way through here which was a good idea because this is another highly impacted area with a lot of congestion. It runs all the way around here and there's one house up here on the hill. You can see the drive but not the house. Then we come down and we approach the old one-lane Hardy Creek Bridge where the "Untouchables" was filmed. It is 45 mph through there and there's another housing development down here and its 45 mph to there. Then somebody decided that since we're passed the houses, let's take it back up to 55 mph and continue on.

Page four is a picture of the Hardy Creek Bridge. This is south going north. Let me ask you to just think about this. Look at that bridge and ask yourselves does that look like a two-lane 45 mph bridge to you? That is the way it is posted at this time since you dropped the speed limit. It was 55 mph and now you've dropped it to 45 mph. The name of this bridge is the Old Hardy Creek One-Lane Bridge.

If you continue south you get to Craig – they've got a big fancy concrete bridge there that we don't want here but its posted 25 mph. The Lewis and Clark Sheriff patrols it and they sit there and will tag you if you exceed that speed limit. Go down to Wolf Creek where Holter Lake is and they have a bridge just like this bridge – the only difference is this one is 20 feet wide and the bridge at Wolf Creek is 22 feet wide. The bridge at Wolf Creek is also posted at 25 mph.

This is one of the things I want to talk about – not today but I'll come back in April when you have your speed study because I know nothing happens without the speed study. I want to talk to you about getting this changed to 25 mph and posting it "one lane bridge" because that's how all the locals treat it – first come first serve, stop and wait. The problem is between May and September, if you're a tourist and there's no signage then you don't know any different. We've got a lot of kids that like to run up and down this road to float the river and what not. This is all about safety.

Page five has a picture of a girl jumping off a rock into the water – that's my granddaughter. I've seen as many as 30-40 people up here doing the exact same thing. They call it "Jump Rock" because kids play and they all jump in and they have fisherman fishing there, etc. This is where you decided to change the speed limit back to 55 mph after the Hardy Creek Bridge. Here's the Hardy Creek Bridge and here's the little housing development, and it's all 45 mph through here and then it jumps to 55 mph. Here's a picture of that sign. There's a vehicle parked over here and he's down fishing in the hole where the kids jump off the rock. During the summer you'll get five or six vehicles all parked along here right past the speed limit sign. Down here is Mountain Palace Fishing Access with a port-a-potty and picnic tables and people camp there as well and spend over night. Across the road is Hidden Canyon Lodge. So this area gets a whole lot of traffic and to bump the speed limit up to 55 mph right there is a bad idea – bad, bad, bad, bad. I'd leave the post there and just change the sign.

Go to page seven just passed the speed limit sign, Jump Rock is over here, this is Mountain Palace and this is the Hidden Canyon Lodge. This whole area gets all kinds of people in it – fishing, kayaking, playing in the water, swimming, camping, and the whole nine yards. Posted at 55 mph – not a good idea.

Go to page eight – if you look up here it says Vault Toilet, that's Mountain Palace and right across the road is the Lodge. This is posted 55 mph through here as well. If you notice I numbered these one through six. These are pull-offs off of Old US 91. There are six pull-offs between this point and this point that is a half mile stretch. You have six pull-offs in a half mile stretch at 55 mph and I can tell you these pull-offs are used. People pull off, they walk around, they walk their dogs, they might climb down and fish, whatever. There is no shoulder since 91 is pushed right up against the river. That's about a 30 foot drop down to the river.

This is the last one and then I'll get out of your hair. If we go back to page one, the overview – Hidden Canyon Lodge and Jump Rock, the six pull-offs, then Exit 244, this is all 55 mph through here, the whole thing. We have a cluster of houses just north of 244 and another cluster here, and from there on it runs along the Freeway and people drag race the cars on the Freeway. Down at the bottom is where I live.

Now you get to page nine. There is a parking area called Devil's Kitchen Parking Area. There are a couple of picnic tables but no port-a-potties or garbage cans. We, the neighborhood, keep this clean because people love to pull in there and party and leave their trash all over, so we clean it up. The reason I want to talk about this is because if you look at the trees here, this time of year it's not a problem because there is no foliage but come June these trees fill out. If you've never been down this road before you have no idea this parking lot even exists and its blind coming from the north because of the trees. That's important. This isn't marked, no heads up saying there is a parking area ahead so if you're an out-of-state person just cruising through, you don't know it's there until you come around that blind corner.

Now you saw where the speed limit had been changed for all the other housing clusters, well it hasn't been changed here. This is 55 mph through here and there are 15 homes here. As you can see, we're not sitting off the road 100-200 yards, we're pushed right up to the road because of the river. We chose to live there but 55 mph

through here is excessive and there is a school bus stop right over here although it is not used during the summer. So I'm going to be asking you to change that just like I did two years ago. You changed the other places but we would like this changed.

Our biggest problem is not the locals. The locals all drive with their head on their shoulders. It is the weekend warriors that come out to party and float the river. I hate to say it, it's a lot of the shuttle drivers for the fishing guides. They race up and down this road all the time. I've talked to all those parties and I don't know why they run past here because they can get on the big road at Craig or Wolf Creek and get off at Exist 244 to get to Mountain Palace or Prewitt. There is nothing between here and where they're coming from to come down this road. All I can do is ask; I can't force them to do anything.

So this is what I'm going to come back and talk to you about in April. I know you don't have the speed study so there's nothing you can do today. I just wanted to come in here and try to open your eyes a little bit about what I'm going to talk to you about. Now I'll get out of your hair.

Commissioner Sansaver asked him if he was a Commissioner in that area. John Steiner said no I just live there. Commissioner Sansaver asked if he had discussed anything with his Commissioners. John Steiner said he had talked to Cascade but there's a process that has to happen and you are part of that process. I've spoken with Les and I'm going to speak with him again. He is very interested in what I've shown him. He is going to go out and drive it. Commissioner Frazier thanked him. .

Agenda Item 13: Harry A. Paulson- Overpass Bridge Memorial, Dodson

Senator Mike Lang, Malta

I'm Senator Mike Lang from Malta, MT. I represent Hwy 2 from Havre to the North Dakota border and north of there to the Canadian border. I want to thank MDT for looking at this project. Mr. Paulson has my due respect as an elder of mine. I went to school with a lot of his children. Mr. Paulson was killed on the overpass west of Dodson, MT in 1970 while he was working for MDT. My sympathy goes out to the family. Both the family and I think it's a good request to name this overpass with his name.

In 1970 MDT didn't do as good a job as they do today of keeping track of people so we had a hard time even finding the actual date of the accident other than what I knew and what the family knew about when Mr. Paulson died. Some of the Paulson family is on Zoom as well and I appreciate a positive vote to do this for the Paulson family. Thank you.

Commissioner Sansaver said I'm the District Four Commissioner. I spoke with Shane Mintz, our District Administrator and he is in full support of this. He told me this morning to reassert the importance of this sign that you'd like to put on there. Of course I am in full support as a Commissioner for the State of Montana to do just that. I want you know that this has the full concurrence of District Four and I appreciate you calling in.

Senator Lang said thank you. I think it's very important when an employee is killed while under employment to recognize them. He was an MDT employee and Montana should recognize his dedication to our state, his highways and most of all this dedication will be a dedication to this family.

Mr. Paulson thanked the Commission for considering the request. He was a very dedicated employee for over 25 years and accidentally gave his life there on the

bridge. So any consideration you can help with in getting this dedicated to him, the family would greatly appreciate it.

Commissioner Sansaver moved to approve the Harry A. Paulson – Overpass Bridge Memorial, Dodson. Commissioner Aspenlieder seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 7: Urban Highway System Revision West Sussex Avenue/Sussex Bend – Missoula

Rob Stapley presented the Urban Highway System Revision, West Sussex Avenue/Sussex Bend – Missoula to the Commission. The Transportation Commission is responsible for approving revisions to the Urban Highway System (per MCA 60-2-126). Urban Highways are those routes that have been functionally classified as either urban arterials or collectors, and that have been selected by the commission, in cooperation with local government authorities, to be placed on the Urban Highway System.

At the request of the Missoula Metropolitan Planning, MDT is proposing the following modifications to the Urban Highway System in Missoula:

- Remove West Sussex Avenue (U-8138), between Brooks Street and Stephens Avenue, and Sussex Bend (U-8138), between Stephens Avenue and South Avenue West, from the Urban Highway System.

If approved, this action would serve to reduce Urban Highway System mileage in Missoula by 0.258 miles. The City of Missoula, through resolution, plans to accept jurisdiction of these roadways. Additionally, all maintenance and operational responsibilities will remain with the City of Missoula.

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

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

It should also be noted that this agenda item was presented to the Transportation Commission on August 25, 2022. At that time, the Commission chose to table the agenda item pending a more thorough analysis of potential impacts to traffic operations in the area. After additional review (by MDT's Traffic Operations Section), it has been determined that the proposed system action will not significantly impact any routes that fall under the jurisdiction of the Transportation Commission. Therefore, on behalf of the Missoula MPO, as required by MCA 60-2-126, staff requests that the Transportation Commission approve the proposed modifications to the Urban Highway.

Staff recommends that the Commission approve the following modifications to the Urban Highway System in Missoula:

- Remove West Sussex Avenue (U-8138), between Brooks Street and Stephens Avenue, and Sussex Bend (U-8138), between Stephens Avenue and South Avenue West, from the Urban Highway System.

The net mileage reduction to the Urban Highway System equals 0.258 miles.

A couple of notes – the last time this agenda item was brought up it was pointed out there was a difference in the mileage of .258 and .28. The letters from the MMP and from the City of Missoula do reference the .28 as does the last line in this agenda item. That is an error and it should be .258. That is the correct mileage. We also have a member from Missoula here to speak to this item.

Commissioner Frazier said as I recall we had a couple of questions on the modification between Sussex and South as part of the CMAC project to improve malfunction junction of Russell and South and Brooks street. It was presented at that time that this diagonal going across the block was critical to the functioning of that intersection and routing. So in removing it, where are the people going to go? You have the High School, Mod Town visitors is a good traffic generator, the College of Technology behind the High School, the community swimming pool, and a large sports complex which has all kinds of events. Because this leg was supposed to be part of South Avenue going west, my question is where is that traffic going to go? Are they just going to be left to wander through the blocks to go west? Someone needs to answer that question.

Rob Stapley said my information from the City of Missoula is they are looking at a potential roundabout at South Avenue and Stephens that would alleviate where Sussex Bend is right now.

Aaron Wilson, City of Missoula

Aaron Wilson, Missoula, said we have a presentation with slides and some handouts for you as well. Essentially we are proposing to replace that cut-through. Rather than having that cut-through diagonally through the block, we are proposing a roundabout at South and Sussex. If you're traveling west-bound on South Avenue, there is signage that directs you onto that cut-through that is still part of this project and there are a number of facilities that were changed to accommodate all of the rerouting around Brooks/South Russell. So rather than directing people onto that diagonal cut-through, we would be adding the roundabout at South and Stephens that would then direct people on Stephens and then making a left turn onto Sussex to continue out to Brooks and then Brooks onto a right turn on to South Avenue. So it accomplishes the same movement but just shifts it from that cut-through into a roundabout and then continuing on into Sussex. It doesn't change the overall function of how the Brooks/South Russell reconfiguration and those improvements were made. It also addresses a number of issues that Stephan McDaniels, WGM, can go over the details of the traffic operations and the safety.

Stephan McDaniels, WGM Group

We found that the cut-through where it intersects with Stephens created safety issues. In the first four or five years of operation we had a lot of crashes because the dominate movement was crossing Stephens and there were conflict points. In order to mitigate that, we installed a four-way stop controlled intersection which reduced the capacity – it slowed traffic, reduced the operational ability of that Sussex/Stephens intersection. Providing the roundabout gets people safely through there. It reduces that conflict, the skew, and the difficult angles related to those crashes. It still facilitates the traffic, and it helps facilitate the increase in traffic that we're going to see with the High School, the Fairgrounds, and with the new infill development we're likely to see a lot more traffic coming through that South Stephens intersection, so this helps make all that flow happen a lot more smoothly and address issues. In retrospect it would likely be what we would design today if we were doing this project. It is all being locally funded so the city is contributing funds to assist the developer in building that infrastructure. There won't be any additional federal funds and we're retaining the overall benefit of that project.

That is the quick summary of the project. We have a lot more detail in the slides on the traffic analysis that show there is minimal to no impact, in fact, we get a benefit in traffic operations at the Stephens/Sussex intersection due to the reconfiguration. Our travel demand model shows little to no change. As for the way people find their way, we would just move the sign from where it is currently up to Brooks Street or west bound South Avenue this way. So the way finding would stay largely the same, it just changes that and allows us to open up a city block that has remained vacant and is essentially a blight in that neighborhood since the initial project was constructed.

Commissioner Aspenlieder said I want to confirm there are no state funds going into this project once we remove it as a state route. So we are completely out of the Sussex Bend? No state funds are being used to improve the intersection? Rob Stapley said the “ask” here is to remove Sussex from the Urban Route so Sussex would no longer be eligible for federal funds as well. Commissioner Frazier said to be clear, the roundabout is just west of the diagonal.

Commissioner Sansaver asked if the City of Missoula was going to fund the roundabout as well. The maintenance will be covered by them and they are able to do that? Aaron Wilson said Sussex is currently a city maintained route. Essentially all we’re doing is removing the eligibility of federal funds and the city will maintain that as we currently do. That is true of South Avenue as well. All these changes are on city maintained routes.

Commissioner Sanders said there is going to be a system-wide MDT review so we may be putting the cart before the horse and in the long run may not be the best solution. Aaron Wilson said there was some discussion about removing Sussex from the Urban System or do we shift it on to Stephens. The idea is we know we have to come back and evaluate this later and doing a comprehensive evaluation would be the appropriate time to decide if there are other changes to the Urban Route that are necessary. So we could make that change at that time rather than going through the whole process of moving the route now and potentially have to come back later. That gives us the opportunity to see how things are operating; where the traffic is going and what it looks like and we can make a comprehensive decision at that time.

Commissioner Aspenlieder moved to approve the Urban Highway System Revision, West Sussex Avenue/Sussex Bend – Missoula. Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 8: Highway Safety Improvement Program Additions to HSIP Program (5 New Projects)

Rob Stapley presented the Highway Safety Improvement Program, Additions to HSIP Program (5 New Projects) to the Commission. The Highway Safety Improvement (HSIP) Program makes federal funding available to states to assist with the implementation of a data-driven and strategic approach to improving highway safety on all public roads. In Montana, the primary focus of the HSIP program involves identifying locations with crash trends (where feasible countermeasures exist) and prioritizing work according to benefit/cost ratios.

At this time, MDT is proposing to add 5 new projects to the HSIP program – two in District 1, two in District 4, and one in District 5. The projects meet the criteria set forth for HSIP-funded projects. If approved, it would be MDT’s intention to let these projects individually.

The estimated total cost for all project phases is \$5,882,775 (\$5,294,498 federal + \$588,278 state match) – with the entirety of the federal funding originating from the Highway Safety Improvement Program.

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

Commissioner Sansaver asked if this affected the five-year plan. I understand we're bringing five projects in but how does this affect the overall five-year plan? Rob Stapley said it does not. We are bringing in new projects that are not in our five-year plan, so as we develop them we will bring them in. This makes sure the pipeline has projects in it.

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

The motion passed unanimously.

**Agenda Item 9: (Informational)
CARES II Maintenance Projects**

Rob Stapley presented the Informational Item CARES II Maintenance Projects to the Commission. In 2021, the Montana State Legislature allocated \$50 million of Coronavirus Response & Relief Supplemental Appropriations Act (CARES II) funding to MDT's Maintenance Division to help address reactive maintenance, routine maintenance, and highway preservation needs on the state's highway system which includes the Interstate System, the National Highway System, the Primary System, the Secondary System, the Urban Highway System and other State Highways.

In August of 2021, MDT advanced a list of Maintenance projects that would be utilizing the \$50 million allocation of CARES II funding. The list of projects gave consideration to existing maintenance needs and attempted to advance the most cost-effective project mix possible while maintaining an equitable distribution of funding (vs. overall needs) to each of MDT's Districts.

As project delivery activities begin to wind down, it appears that MDT will be able to deliver all planned CARES II Maintenance projects without utilizing the entirety of the \$50M allocation (due to project cost underruns). Thus, the current plan is to add one additional project in order to fully expend all CARES II funding that was allocated to MDT's Maintenance Division.

No specific action is required for this particular agenda item. It is for informational purposes only.

**Agenda Item 10: Speed Limit Recommendation
(Temporary Special Speed Zone)
US 191 Bison Migration RP 1.0 to RP 8.0**

Dustin Rouse presented the Speed Limit Recommendation, US 191 Bison Migration RP 1.0 to RP 8.0 to the Commission. This is on US 191 and addresses seasonal Bison migration through the state. Bison are unique and migrate in a different pattern than most species like Elk or Deer which cross our highways and don't move from one range to another. Bison take the path of least resistance so what we are seeing in the West Yellowstone area is they come onto our highway which is the easiest route and they just migrate right up the highway. When you consider black Bison at night on a black highway, you can see the issues they are having with vehicle

wildlife crashes in that area. Their typical migration pattern is out of the Park onto our road heading north and then move over to Horse Butte which is their range where they feed. They are driven by weather conditions, so once you get into winter and get the first large snow event, they get pushed out of the Park and start migrating to the areas where they can feed.

We'd like to allow the Maintenance section in the area to adjust the speed limit based on when they actually see that migration. So when the weather comes in and the Buffalo are pushed out and they start migrating onto our road, when they see that activity they would take the action and put the signs up for a night-time speed limit.

The speed profile in 2013 does not support a reduced night-time speed limit, however, we think the situation of Bison located on the roadway instead of crossing the roadway and the noticeable crash trends involving conflicts with large animals at night does support the reduction from a 65 mph statutory night-time speed limit to 55 mph at night. There have been 15 other Bison crashes from 2016 to 2020. All these crashes occurred under dark conditions. There were six other wild animal related crashes during this timeframe of which half occurred during the night-time. The night time crashes are about 3% of crashes outside of West Yellowstone. The existing crash rate for the same miles from West Yellowstone to the intersection with Hebgen Lake Road is about 0.69% crashes per mile per year.

There were no comments received from Gallatin County for this location.

MDT recommends:

A seasonal 55-mph night-time speed limit with the window from October 1st to May 31st beginning at the existing 70 mph speed limit which is approximately 2,700 feet north of Gibbon Avenue and continuing north to the intersection with Hebgen Lake Road to address Bison located within the roadway. The window would allow the District Maintenance forces within the above timeframe to adjust speeds in response to observed migration conditions each season.

Commissioner Sansaver asked is there a way to put up a lighted sign that automatically changes or do you have to physically go out and put up a sign? Dustin Rouse said that is something we are working on. Our priority is to employ those variable speed limit signs. The technology is out there and it is something we are very interested in, however, it takes having a tech commandment center which we're getting up and running. So are working on our ability to be able to implement variable speed limits and that will be an option as we move forward. A few steps we've taken is a night time solar flashing light that alerts drivers when Bison are in the area with a flip sign with an advisory speed but we're still seeing crashes. The request today is for a set speed limit at night for the migration season.

Commissioner Sanders said the speed differential is important. It seems like folks who are driving 65 mph and then suddenly it changes to 55 mph that you might have a speed differential problem. Dustin Rouse said not only do Bison go down the highway but they will lay down and sleep on the highway because it is warm so they become stationary. They are such a difficult animal to see and that introduces a very high risk. The speed differential and folks not adhering to it is why we need to keep it within that window. If we extend it automatically to the end of May and the Buffalo are not out there and you don't have snow in the area then people will not adhere to it but if you're in the winter season folks would be more willing to slow down. I think you're going to get more adherence to that night time speed limit based on the fact that you're in winter conditions and there are wildlife in the area.

Commissioner Sanders asked if 55 mph was the right speed because all you're going to do is hit the Buffalo ten miles an hour slower and if Buffalo are sleeping on the

roadway you're still going to hit them at 55 mph versus 65 mph – its only 10 mph slower. Dustin Rouse said going 55 mph gives the driver more reaction time and we're still balancing that differential. If we post it at 45 mph it is going to be very unlikely that folks will adhere to that. We recognize we have to strike that balance of the traveling speeds and adherence to it.

Commissioner Sanders said you don't think changing it on a more fluid basis would be a better answer, i.e., the Bison have migrated and they will be there for a while. You don't think that is a good solution? Dustin Rouse said the Commission can make that flexibility if you wish. If they are in the area we should have the speed adjusted at night but I'll defer to the Commission and their flexibility. Commissioner Sanders said my thought is we are going to arbitrarily introduce it for quite a long period of time. The Buffalo move based on tracking and we know they are moving for at least a month so my question is do we want to give the Maintenance Division the ability to go out and change the speed limit based on their movement.

Commissioner Sansaver moved to adopt the recommendation. Commissioner Sanders asked Commissioner Sansaver if he would be open to amending the motion to allow the flexibility for Maintenance to vary the speed between 65 mph and 55 mph based on the location of the Bison. Commissioner Sansaver agreed to amend the motion.

Commissioner Sansaver moved to approve the Speed Limit Recommendation, US 191 Bison Migration RP 1.0 to RP 8.0 and allow Maintenance to vary depending on migration. Commissioner Sanders seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 11: Certificates of Completion September, October, November, and December 2022

Dustin Rouse presented the Certificates of Completion for September, October, November, and December 2022 to the Commission. We recommend approving the Certificates of Completion.

Commissioner Sanders moved to approve the Certificates of Completion for September, October, November, and December 2022. Commissioner Aspenlieder seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 12: Discussion and Follow-up

Director Malcolm "Mack" Long

Legislative Session

Director Long said it is the Legislative Session. It has been going very well from the Department's standpoint and the fact that we've had a half dozen bills that will help us with red tape relief and looking at alternative contracting, and looking at the Motor Carrier's side looking at entry-level driver training. The Alternative Contracting was unanimously passed by the Senate and is now in the House. The Entry Level Driving Bill did not get out of the Senate so we're looking at different options on that. There have been a lot of bills we've been involved with, i.e., fee for electric vehicles in lieu of gas tax. That one has been passed twice and vetoed by two different Governors, however, now we think we're in the sweet zone and we think we'll get it through this

time but it is still only the first third of session and anything can happen. The Session has been going fairly well. I've been up there almost every day talking to the Legislators and in meetings and the whole team has been up there. So from our standpoint, it has been a good and interesting Session so far.

Governor's Meeting and District Reports

Once a month I meet with the Governor and Deputy Director Brown and have a one-on-one with the Governor for a half an hour. We've asked all the District Administrators to give us their three biggest jobs in their district and the highs and lows for the month and we share that with the Governor. It gives him a snapshot of what's happening out in the districts. We wanted to make sure you got a copy of that in your packet. You can see all the different things happening in our incredible state. Montana is big, huge, wide and busy. It is wintertime and the weather and the wind have caused different things to happen. We've had to close the Interstate because of blowing and drifting. We've had requests this week to close up by Monument and Ryegate. Closing roads is problematic – we don't do it quickly and we take it very seriously. We've had some feedback from the local municipalities and Sheriffs saying we're moving too slow and our answer is you don't just stop traffic. We have to look at it holistically and make sure we have variable message signs and that we do it correctly in taking care of the traveling public. That is some of the things we've been working through.

HDR Presentation - Off System Bridge Strategic Plan

Dustin Rouse introduced the Off System Bridge Strategic Plan to the Commission. As the Commission is well aware we struggle with an aging infrastructure and not enough funds to address all the needs we have. The Director was talking about sidewalks across the state and we would love to address everything that is out there. One of the big issues we're dealing with is our aging bridges whether on or off our routes. Beginning last year and really it has been in the works for several years is the funding we direct to our Bridge Program and also increasing our funding to our Off-System Program. Our very aggressive load posting program is getting close to wrapping up. The impacts obviously of going out and posting all the structures have impacts on our economy. To help alleviate that we've initiated our Off System Bridge Strategic Plan. We intentionally kept this a study because we want to see something on the ground. We want to work with the counties, MACO, as partners and find fixes as part of that plan.

We have the team here today – Mark Studt, MDT, Consultant Manager, Tim Erickson, HDR, Transportation Manager and Project Manager for the Off System Strategic Plan, Spencer Dodge, HDR, Planning and Funding and is the guy that can find the money when we can't find it, and Dustin Hirose, HDR Bridge Manager and an integral part of this team as we develop this, and also we met with the counties.

Off System Bridge Strategic Plan Presentation, HDR

Tim Erickson, HDR, said we are excited to be here and give you an overview of the Off System Bridge Strategic Plan and what we've accomplished. We kicked this project off in June, 2022. You have in front of you a summary of the work that has been completed through the end of last year. We're preparing this to present to the MACO Mid-Winter Conference. This includes:

A Summary of the overall analysis and evaluation of the vast bridge data that is available through the bridge management system.

A summary collaboration between MACO and our individual county outreach which is part of this project.

Non-county stakeholder outreach primarily with the Contractor's Association and the Trucking Association.

We have reviewed opportunities for rehab and repair strategies that would provide some temporary relief

We will develop replacement cost scenarios to give magnitude of scale of how big this problem is.

Dustin Hirose, HDR – Overall Data and Evaluation

An important part of what we're trying to do is to determine priorities for this Off System Program. We've got over 1,900 bridges on the off-system and over half of them are over 50 years in age. Right now we've got over 400 that are load posted and many others that have lots of deficiencies. Being able to practically fund and replace all of these is a huge feat and a challenge and maybe not even realistic, so we're trying to come up with priorities that are realistic and fundable.

To do that we've gone through a two-part process. The first is data based which is based on engineering, inspection of the physical of the bridge. There's a lot of information on how we do that in the handout. Essentially we assign a score to each and every off-system structure that represents its condition and where it is. The second part is more qualitative. We want to make sure we're focusing on bridges that are important to the counties, essential for critical services, emergency services, school buses, and important to the local economy. We want to make sure we're investing in the right locations.

This is all summarized in this map. Right now it displays the entire State of Montana. As you can see there are over 1,900 bridges on the off-system program, 404 bridges that are load posted. The chart demonstrates where they all sit relative to our off-system priority score. The red dots indicate a low score or higher priority whereas the green dots indicate a bridge in good condition. In addition we flagged bridges that are closed and those are shown as triangles. We've got load posted bridges shown as a box. Then you can see it is shown as an orange halo – those are the bridges that, based on county outreach, are a priority. I think we have 126 county priority bridges as part of our outreach. We'll continue to engage the counties and refine that as we go on. It is a handy tool because you can select a particular county and folks in that county can look and get a sense of where their bridges sit. So it's a really good communication tool as we work through this process.

With all this information, we've developed some different funding scenarios that Tim talked about earlier. One of them is if we were to go in and replace all of the county priority bridges (126 bridges) we're looking at a funding need of approximately \$175 million, so it's pretty significant. We need about \$225 million to address all of the off system bridge priorities. Then if we address all the load posted bridges, we're looking at over \$400 million. That is load posted bridges right now and there's going to continue to be additional posted bridges as the process continues. It demonstrates the need and what is needed to invest in this infrastructure and keep it sustainable.

The last thing is in the background – we're expanding on the work that the Bridge Bureau has done for quite a while now as they work through their load posting program. They are looking at opportunities to address deficiencies in bridges that become posted and come up with rehabilitation strategies that could potentially improve the load restriction or potentially remove it. These in general are short-term fixes. It may not necessarily remove a bridge that needs to be replaced but it may address immediate needs. We're kind of aligning our efforts with MDT Bridge Management section to work through that. Right now we've gotten through that list of 126 county priorities and we've got a pretty solid handful of bridges that have some probably rehabilitation strategies, again these are temporary fixes. We will be

working with the counties to try and get some of these implemented as we move forward.

Commissioner Sansaver said you have these over a five-year period, are we going to be increasing those bridge numbers or are we going to be addressing at a moderate level so we can stay ahead of the problem. Right now you're talking \$400 million which leaves about \$70 million out of our budget to do everything else. So where would we be at in five years in addressing the bundles of bridges that we have? I'm speaking of my district and all of the off system bridges that need attention. You're bringing us the problem, I'm looking for the resolve. Give me some resolve.

Dustin Hirose said as we move into the next phase, the focus of the first six months was identifying the problem, the next 12 months is identifying what the funding scenarios look like. What funding is potentially coming from various information going through Legislature right now, how does this help shape future TCPs, what funding can actually be moved to this, what counties have ability to find funding through discretionary grants or other different program available. So a direct answer to where we're going to be at in five years is it all boils down to how much funding collaboratively the group between MDT, the counties, and other stakeholders, economic development groups, etc., are able to find to bring in additional funds to Montana.

Commissioner Sansaver said you talk about these collaborative groups, is there somebody in your department that heads up getting together with these collaborative groups asking them what they have to offer. If they do have something to offer when does the Commission get to hear about that? Spencer Dodge is leading our efforts on stakeholder outreach – that collaboration as well as research funding strategies. Staying on top of the various discretionary programs that are being released through the US DOT – what is the timing of those, how does that align with various projects or bundles that get identified through this and the needs, how does it fit in, how does the competitive work out. Then focusing those efforts on the timing - is the timing right and when is the timing right, and when that money comes in are we equitably going to use that money across the state so it's not just focused in a county that doesn't have the most resources because this is a state-wide problem.

Commissioner Sansaver said it would be really nice to know especially in my district that we're moving forward trying to find alternative funding and where we may find it, how often you meet with the Commissioners from our districts, and how often those Commissioners meet with the local entities who are capable of putting up money for this. All we hear about is how much we're afforded on the bridge program. We don't get to hear about how much the county is going to be putting up for it and what step we can move to next, and what bridges are limited or posted. That's what the people in our districts want to hear. You've load posted this bridge, when are you going to fix it? I can tell we have a great group working on this.

Dustin Rouse said that is a great question. The \$400 million question is we found the problem, now what are you going to do about it. That is what we're working on. To answer your questions, Eric and Jason work with MACO very closely. In fact MDT, MACO and HDR have a very small team to put into action the recommendation and the findings this study has come up with. We have immediate goals to put something physically on the ground this year so that we're not just continually studying this and coming up with ideas.

One of the bigger picture items is that this Study and Implementation Plan is critical for the counties, the MDT and MACO partnership; to actively strategically pursue funds in the best way we can and make our grant applications as competitive as they can be if a group of counties can pursue a grant application together. These kind of study plans go a long way with the folks that score those grant applications. So having a solid plan is critical in pursuit of funds. We are in continual communication

with MACO and they are in continual communication with their membership to continually feed back and forth what we're pursuing – what are you pursuing because we don't want to step on each other's toes so how can we collaborate together. The point is we have continual communication going forward to pursue funding sources as soon as we can so we're not waiting forever.

The second thing I wanted to touch on was the \$440 million dollar problem we have right now. Our load posting program isn't done and our bridges aren't getting younger. They will continue to get load posted. So the problem is growing and absent a lot of funding, in five years we are probably going to be further behind than we are now. However, with this process we're not going to be as far behind as we would be without it. We're making ground.

The last thing I'd say is this is a great augmentation for the work our bridge folks do. Every single time they post a bridge, they are looking at what they can do minimize or eliminate. This is just another effort in augmenting those efforts and to identify the big picture problem.

Commissioner Sansaver said I appreciate that and this illustrates that this isn't going to get better; it's going to get worse and communities and counties are getting fed up with the load postings and alternative routes they have to take to get somewhere.

Commissioner Aspenlieder had a question for Brian. So we get through this over the next 12 months and to the end of the contract with HDR, then what? Where does this collaborative effort end or how long do we keep it going moving forward? This certainly feels like something that should be continued and extended to ensure that we don't take our eye off the ball knowing this is not a problem that's going away but is growing. How do we ensure that we keep this moving forward to keep the momentum going? In two years when this action plan has been completed, how do we keep this rolling so that we're continuing to collaborate with the counties? From my perspective as a Commissioner, this might be the issue that makes me the shortest termed MDT Commissioner in the history of the state. This is something I want to hear about every time we get together. What progress have we made? Maybe that's a five-minute conversation or a thirty-minute conversation. To my District this is a critical issue for us in eastern Montana and is something I intend to keep pressing on. So what's the plan once we get done with the plan?

Brian Hasselback, FHWA, said we don't really want more plans either. I am 100% confident that the partnership between MACO and MDT will not end. This issue will go beyond anyone's career in this room; it is a long-term and continual process. I can honestly see some collaboration or some kind of a contract with a consultant firm to help us continue to find solutions to this. This is a living problem – it will always evolve. Tomorrow there might be something that hits a bridge and we have to load post it. It is continual everyday deterioration with environmental considerations. So with this plan we have to continually refresh it to keep it alive and we have to continually execute the implementation. That's the key; that's what everyone's interested in including us. Bridges are important for us as well. There a public safety concern. I'm not sure how to answer what we do in the future because I really don't see this plan ending in 12 months. We get to that milestone and then we decide with MACO, HDR and other players what the next step is and we continue to take ground where we can.

Dustin Rouse said to Brian's point, the relationship between MDT and MACO and the counties across the state has vastly increased. We're going out and engaging and making them a part of this. Those relationships are critical. If you think back to us talking about this last year, one of the issues we keep running into is "lets bundle these and keep them out" but we didn't know what to bundle and how to prioritize them. If the Commission asked how we selected the projects we couldn't answer that. This gives us those tools. When this was presented to Jason and Eric earlier

this year, they were through the roof excited. They were thrilled to have this as background information to take to their counties because we had a plan to bring forward along with what it was going to cost. Having that background information is huge for them and lays the foundation for us to move forward. Moving forward, we want to be builders again. We want to get out and actually start getting this on the ground so we can stop talking about it.

Dustin Hirose said the only thing I want to touch on is the vision for this next year. This discussion and questions have been great and we'll add onto the map (referring to graphic). The map you see is not static. The ultimate goal is to link this with MDT's Bridge Management System. So as soon as data changes, this map changes. As soon as projects are bundled and progress is being made, the map changes. The goal of this is truly a strategic plan or implementation plan so as projects get done, whether a rehab or repair or replacement, it has the reevaluation built right into it to help focus that vision and continue that forward. So it's not a static map.

Commissioner Frazier said I'm going back to the 1990's. Back in the 1990's the conversation was our secondary roads. The secondary roads were deteriorating and people needed to get goods to the market. So the state came up with a Save Our Secondary's Program and we did a lot of rehab, overlays, on many of those secondaries. I wanted to bring that up for additional funding solutions. This at least identifies the problem that maybe some of our Legislators can see we have a problem that needs to be addressed. This conversation reminds me very much of that program.

Commissioner Sanders said you said we can take ground but it seems like we're in a defensive posture. Ryan Dahlke said we are not in a defensive posture, we're in an aggressive offensive posture; we are moving forward. The ground is moving underneath us probably faster than we can advance, that's how I see it.

Director Long said we've switched it in the last two years. In the 1990's the secondary system was our focus but where the Governor has jumped is Off System verses On System. We care about On System, we care about what FHWA says is our priorities. This is all stuff that is the county's priorities. We've switched from defensive to more of a partnership because it affects all of Montana. I was one-on-one with the Governor over a year and a half ago talking about bridges and he said they are all Montana bridges and we're going to look at them holistically in partnerships. My team said we've been trying to say that so now let's do it. So this team said let's not just study it; we have reams of studies from the last 40-50 years. This needs to be a strategic matter where we study it, we talk, and we have actionable items that move us forward. I can bring it up every Commission meeting and say we're working on this because my boss feels the same way – what are we doing, how are we doing it, what are we doing to make sure all of Montana is taken care and we're addressing this for everybody.

To that end, we have a bill in the Legislature to use some of the state's surplus. We don't usually mess with the Legislature because we're self-funded but now they are looking at taking some of the surplus, General Fund Money, and setting it aside just for MDT to use as we bundle these and apply for discretionary funds which will be our match. We have a plan. This is a legislative way of taking General Fund money and using it so as we apply for these discretionary grants, bundle these, have a priority, do it and not affect what we're doing otherwise.

Commissioner Sansaver said you are meeting with the County Commissioners, what is their feedback? Are we gaining any ground with money they might have? Dustin Hirose said we've talked with all 56 counties and so far the conversations have been about what is happening on the ground, their priorities, and their particular issue. That is the first step. Now that we know the problem, we can have the conversations with MACO and MDT on where we want to focus this. You mentioned

discretionary funding grants, what USDOT wants to see is that we've done our homework, we know exactly what the issue is and we know how to address it. We've done that now. So now we can go to the counties and work with MDT and MACO and see where we want to focus now – what is the highest priority? So it makes it a lot easier to bundle these together. The requirements about the discretionary funds have eased as far as matching funds go. So it may not be that each county has to somehow find a 20% match, a lot of these funds have a 0% match if you're in a rural area or historically economic disadvantaged area.

So now that we know where the bridge are, we know where the priorities are, we've got a clearer sense of it and after the Legislative Session ends we will have even a better sense of what funds are available. We can take a look at these discretionary grant applications to make sure we're not bleeding our counties dry, and find funds that are appropriate to use and make sure the counties are not being put at a real disadvantage.

Commissioner Aspenlieder said I'm particularly paying attention to the discretionary funding bill. Even if discretionary funds comes from the Legislature, how are we going to assure that this gets out to the counties and we, as state government often does, doesn't blow thirty percent of it on overhead fees and we actually get that money on the ground. I'm sure that is the same question you're going to get asked next week at MACO. What are we doing to make sure that we're pushing that money out and not putting that into part of our budget and part of it doesn't evaporate into government oversight? How are we doing that? What is the plan around that? I understand when we get federal dollars there are different strings attached and I also understand that when we use state discretionary funds, there are no strings attached to that to some extent. We have to be nimble about where these funding sources come from and make sure we don't stick our hand in the pot and get ourselves where everybody is still angry even if we're making progress. What's the plan for that?

Director Long said we're going to follow the same procedures we have before – that set-aside the Legislature is already telling us we can't waste it. This is a set aside only to be used for matching discretionary funds. So the Legislature has already put the rules in effect. This isn't just going into MDT to be absorbed; this is a special fund to be used only for discretionary match or redistribution match.

Director Long said your second question was how we are going to get some credit for it from the Governor, to the Budget Director, to us – that will require communicating with the counties. So as a department it is incumbent upon us to make sure we keep communicating and saying this is what we're doing, this is how we're doing it, and these are the steps we're taking. Thank you to HDR who gave us a plan that made my boss very happy. With this plan we can at least take the load postings off so we can keep commerce moving through it. If it needs some special work, we can start doing that and give it to the county forces to do it, and our maintenance forces can help the county. As we're doing that, it is incumbent upon us to keep telling that story.

Dustin Rouse said another part of that communication and education is working with the counties. We're leveraging our funds and bringing in federal funds and following the process. MACO is also using this to pursue state funds for their purposes so they have some skin in the game as well. If it's a state funded project we can get out of it, but the education piece that is critical for us to convey to the counties is providing some design guidance so they don't go out and build a bridge that we immediately have to post again because they didn't follow some design criteria that insured it wouldn't be posted again. That is part of the discussion we're having with HDR and their assistance is helping the counties make sure that if they are building their own, that it will not end up being load posted after it's built. That's not good for any of us. So we absolutely want to make sure that is part of the discussion because that is

happening today. They are going out and building structures that end up posted right after they build them.

Commissioner Frazier said maybe we're too early in the process yet. Has there been any conversation of letting MACO be the keeper of the funds and running the program as opposed to MDT, again understanding when we leverage funds for federal dollars, they have to route through our process and our system at MDT. What has transpired in those types of conversations or have they happened?

Director Long said to get into the rural versus urban issue, some of the urban cities would like the funds because then you don't have the legislative oversight. We have been working with MACO Executive Director on that issue. By letting MDT do it then FHWA works with us and they know we can meet every requirement. Even FHWA is getting to administer their own discretionary projects. If you give it to the counties, then the counties have to start doing that. That's going to be a mess because they don't know the process. Even MACO said they'd rather let us do that because it is a more transparent process because we get audited every year. We've done this from the beginning of the department. So even MACO said it is easier that way.

Commissioner Aspenlieder said our historical model has been that we take one third of the funds, a third of construction money gets spent in administrative costs. With off system bridges like this, we have got to be better – we can't spend one third of the construction dollars to get off system bridges off the ground. We've got to be more efficient about that. That's a global comment to our model at MDT but particularly with off system bridges. We talked about that at TCP, we've got to find ways to get better. It can't be acceptable just because historically our data shows that we spend a third and we're not getting better at doing that. If we're going to take this money and take this responsibility on behalf of the counties and the people of Montana, then we're not helping them. We're not taking responsibility.

Director Long said I was just up at the Legislature and that is one of the big issues. We are an arm of the state government; we are the deep pockets. We are all engineers but we have some lawyers as well. We get sued all the time even about sidewalks. Evergreen wants sidewalks and we can't give them sidewalks because we get sued unless we have a maintenance agreement. We're not taking responsibility, we're trying to partner and help because it is still up to the county; it is still their responsibility.

Commissioner Aspenlieder said our condition of help can't be that we're going to help you but we're going to take a third of the money to get the project done. That can't be the acceptable position that we continue to take. Director Long said we don't take a third of the money. We try to make sure they are built right. I go back to the spring – what were the bridges that lasted and what were the bridges that got washed out? We can build them cheaply and the counties would help with that, but we try to follow what FHWA says will last. Yes they might cost a little bit more but they will pass sustainability and resilience. Dustin Rouse said a good chunk of our off-system funding goes to bridge inspection and load rating and posting criteria, which is huge. It is redirecting a lot of our funds. It's not that it takes that much to design our projects, we have federal requirements we have to meet.

Director Long thanked HDR for their presentation and discussion.

DBE Program Update Presentation – Meghan Strahan

At a previous meeting there were some questions about the DBE Program. Last year we didn't meet our goals, so we had to prepare a Shortfall Analysis and Correct Action Plan. I would like to give you an update on that analysis. We determined that the reason we didn't meet our goal last year was an increase in large project sizes due to Covid. We tend to not get very good utilization on our larger projects which makes sense since DBE's are small businesses so it makes sense you'd get less

participation on large contracts. So when we're letting more large projects our utilization goes down. We also had several DBE's who were active in the program who graduated. We congratulate their success but that doesn't help our DBE numbers.

In determining what we're going to do going forward to make sure that we meet our goal, we recently completed our Disparity Study. As part of that our consultant did a ton of interviews and found that everybody misses the opportunities to network. You need to build relationships if you're going to work together. If you want to be a subcontractor, it is hard to get your foot in the door with a Prime who has never met you. Maybe they've heard of you and maybe we list them on our directory but they're not going to hire you if they don't know anything about you. We heard that both from small businesses, DBE certified businesses and large prime contractors. So we decided to start doing pre-bid conferences on our large construction projects and we just had our first one for the Malta South project. It was very successful. We went up to Malta and had a lot of Prime participation, we had some small businesses, and we had some DBE's there. We did a pre-event and invited the Procurement Technical Assistance Center (PTAC) to help provide some small business support. Then we had a pre-bid conference to talk about the project and get folks together in the same room to build those relationships. I'm not going to take all the credit but our average projects over \$20 million have 1.51% DBE utilization and on the Malta South project we achieved over 5% DBE utilization. So we're going to keep that up on our larger projects and give people the opportunities to just get in the same room, get some face time and hopefully build some relationships.

Another thing that is happening with the DBE program is there was a Notice for Proposed Rulemaking and one of the things they are proposing is to increase the personal net worth limit for the program. In the short term that might help get some of the graduated firms back into the program so we could start counting their utilization again. That's not a long-term solution because they're going to be more and more successful and then size out of the program again. That is something that may potentially help us if that goes through.

We also have revamped our Supportive Services Program. We surveyed our DBE's and met with them one-on-one to make sure they understood MDT's processes and how to find our jobs, how to access the plan holder's list so they can get in touch with the right people.

We've reached out to our neighboring states to see if there are DBE's in our neighboring states that would be interested in being certified in Montana and doing work in Montana. A lot of the thing we're doing is not just to help Disadvantaged Business Enterprises certified in our program, but just to help small businesses. We've seen less bidders on our projects and it should not be a shock to anyone in this room but there's been fewer bidders both as Prime and Subcontractors. So we want to make sure people understand the process and encourage them to work on MDT projects and help them get their foot in the door and then build them up so they're being more successful and hopefully see our DBE's included and see our DBE utilization go up.

We're going to have discussions with our neighboring states to hopefully streamline the Interstate Certification Process so DBE's in our neighboring states can get certified here. Even if they are already working in Montana, we can only count them if they are actually certified in Montana. So we want to make it really easy for anybody who wants to be certified in Montana that meets the requirements to get certified.

The other thing we're doing is help folks understand our processes and get their foot in the door on our smaller maintenance contracts. Those are smaller contracts – get them introduced to work on a smaller scale because you don't start with a \$30 million

contract. Also working with our airports and the consultants that administer the airport contracts because those are smaller contracts and an opportunity to get their foot in the door.

That is all the updates I have and I'm happy to answer any questions you may have. The Commissioner thanked her for the updated.

Agenda Item 14: Change Orders for September, October, November, and December 2022

Jake Goettle presented the Change Orders for September, October, November, and December 2022 to the Commission. This is informational only.

Commissioner Sanders said seven million in change orders seems like a lot and pretty significant. Jake Goettle said we estimate about one million per month in change orders and we work that into our budget. There are a few I've flagged that are a little high but some of them are construction changes, additional work we're adding to contracts to make sure we get the best project on the ground. That is what most of them are and that's not surprising and reflects what we're seeing in the market with higher bid prices and adding additional work.

Commissioner Sanders said the Commission had asked that you add a description at the bottom of each change order to explain what the change order was for and I see you did that. For instance one is for rumble strips and was a 10% increase. That seems like a significant project to have that much of an increase. Dustin said that is specific to stripe grooving – what we found when we got into construction was that it had changed since the design had been developed so there was some additional work, additional locations that were added to the construction. This was an 18-mile long project and there were specific areas that were excluded and we added those back in for construction. We do vet these – the design team is involved in that decision so it's a department decision and not just a consultant construction decision.

Agenda Item 15: Liquidated Damages

Jake Goettle presented the Liquidated Damages to the Commission. This is informational only. We had one liquidated damage and there was no dispute. If you have any questions, please feel free to ask.

Agenda Item 16: Letting Lists

Jake Goettle said we just presented the upcoming Letting List for your information. Commissioner Frazier said it seems like we're loading up on the late spring and early fall projects, are we were going to see higher bids at that time? Jake Goettle said it is where projects are falling in the TCP and when they can be delivered. Ryan Dahlke said that is a good question and one we struggle with. We have a lot of projects and a dwindling staff level so a particular concern for me and the team is August rolling into September. That is a particular concern not only for the risk of missing a letting but stacking that many projects is very concerning for one letting. You'll see that in the July letting, of course that changes from month-to-month and we have conversations on the status of these projects and we've moved a couple to June 29th. We're being as fluid as we can to balance lettings. That's the why.

The one consolation I have is that I was terrified of what we were going to get for bids last October with \$100+ in redistribution. If you recall those two lettings actually went very well and we got competitive bids. There was a wide variety of projects all over the state. This fall I don't know if that is going to happen again but all I can do is assure you that we do everything we can to avoid monstrous lettings. We try to balance them and try to get them in as early as we can.

Speaking of improvements and accountability, we're already implementing some stuff this fall to advance us in developing our program earlier. So when we get into the fall TCP that our projects are more shovel ready so we can have greater flexibility in putting those where they need to be for balancing the lettings for timing restriction, etc. We've implemented some pretty aggressive methodologies over the past few months in trying to advance this in that direction.

Update on Letter to Governor from Commission

Commissioner Aspenlieder asked about the status of the requested letter. Val Wilson said at the close of the November meeting the Commission made a motion to have a letter drafted to approach the Governor about cost sharing projects that required special facilities for Fish Wildlife and Parks to have them actively participate. What happened is after I put the information down I then dropped the ball and didn't get things rolling. Thank you for the reminder.

In the last few days we've been working with the districts and with Mr. Dahlke to pull some information on particular projects. There is one on Madison River with left hand turn lanes next to a fishing access. There is some concern about increased costs for wildlife passages on our Lewistown CMGC project. So we're putting together some information and once we get that gathered up, I'll get about the business of getting a draft out to the Commission.

I have a question on whether or not it would be the Commission's preference to have MDT staff or perhaps the Director actually reach out to Fish, Wildlife and Parks before the letter goes to the Governor. Commissioner Aspenlieder thanked her for the update. The information you gather might tell us more. From my perspective it is not to just look at this but the trigger in the conversation was the pull-out in District One on the Madison River. The project in Lewistown on Hwy 200 had all kinds of unexpected issues with respect to wildlife crossings. Maybe that question is internal and if it's our own people pushing us that direction in our environmental group or is that FWP. That's not a conversation we need to have today but I think it's still important to make FWP aware that there a concern about these and public resource and recreation benefits that we're adding to our road projects while FWP is sitting over there on Fort Knox with land and public access dollars and not participating in a meaningful way.

Director Long said again going back to partnerships and what we're concentrating on, let's make sure it's a partnership with FWP. It came up with the Appropriations Subcommittee, an NGO out of North Dakota wanted to take a million dollars to just set aside and we spoke out against it. Don't just arbitrarily earmark a dollar amount and then start trying to prescribe it. Let us work with it. Let's see what's important. They have their corridor up in the north east where what we're talking about is in the center of the state down by West Yellowstone. We as a department love clarification because that is what we're trying to do. To answer your question – yes to both. It's our environmental department saying while we're here, this would be a good idea to look at because of safety. FWP is saying yes if you'll look at it, we'll tell you where the crossings should be and where the important parts are.

Commissioner Aspenlieder said I think it's great to start that conversation before engaging the Governor but the Governor is eventually going to have to weigh in one way to the other on this. I think it's beneficial to point out that we probably have a good idea of the cost implications we're feeling right now on that project based on these wildlife implications. As an example here is what we can do and here is the cost implications to do what we're being asked to do in coordination with FWP. We've got to find balance. I'm not saying the heck with FWP altogether, I understand there's a balance there but there has to be some rational reason behind all of this. If

FWP is going to be a part of trying to direct us to do things above and beyond what our standards would be, then they ought to be coming to the table with some dollars to help offset that.

Next Commission Meetings

Commissioner Sansaver asked when the next traveling meeting was scheduled. Lori said it was set for the Missoula District in June. However, that will be the new Commissioner and he might not want to host the meeting. If that's the case then it will move to Great Falls. Commissioner Sansaver said there isn't a rule that says we have to go to Missoula so why don't we move it to the Great Falls District. It was decided the Commission would travel to the Great Falls District in June.

The next Commission Conference Calls were scheduled for March 7, 2023, March 21, 2023, and April 18, 2023.

The next Commission Meeting was scheduled for April 20, 2023.

Meeting Adjourned

Commissioner Loren Frazier, Chairman
Montana Transportation Commission

Malcolm "Mack" Long, Director
Montana Department of Transportation

Lori K. Ryan, Secretary
Montana Transportation Commission