

Montana Transportation Commission

**October 26, 2023 Meeting
Commission Room
2701 Prospect Avenue
Helena, Montana**

IN ATTENDANCE

Loren Frazier, Transportation Commission Chair (District 3)
Kody Swartz, Transportation Commissioner (District 1)
Shane Sanders, Transportation Commissioner (District 2)
Noel Sansaver, Transportation Commissioner (District 4) (Excused)
Scott Aspenlieder, Transportation Commissioner (District 5)
Malcolm “Mack” Long, Director, MDT
Dwane Kailey, Chief Operations Officer, MDT
Larry Flynn, MDT Deputy Director
Lori Ryan, Commission Secretary
Dustin Rouse, Chief Engineer MDT
Jake Goettle, MDT
Chris Nygren, MDT
Valerie Balukas, MDT
Rob Stapley, MDT
Ryan Dahlke, MDT
Bob Vosen, MDT
Mike Taylor, MDT
Gino Liva, MDT
Dave Holien, MDT
Meghan Strahan, MDT
Darin Reynolds, MDT
Lisa Hurley, MDT
David Ralph, MDT
Brendon Borges, MDT
Paul Johnson, MDT
Thomas Jodoin, MCLT
Jason Riddle, MACO
Zach Ringsak, Senator Tester’s Office
Brian Hasselback, FHWA

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OPENING – Commissioner Loran Frazier

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

Approval of Minutes

The minutes for the Commission Meetings of August 1, 2023, August 22, 2023, August 24, 2023, and September 12, 2023 were presented for approval.

Commissioner Sanders moved to approve the minutes for the Commission Meetings of August 1, 2023, August 22, 2023, August 24, 2023, and September 12, 2023. Commissioner Aspenlieder seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 1: TCP Approval

Lisa Hurley said yesterday the Commission went through the TCP in great detail and today we are asking for your approval. Commissioner Aspenlieder stated that he appreciated the work and the effort that went into the TCP. I hear you talk about how this used to be a five-day process and how efficiently this works now both within the districts and staff and the time they put in to make sure we are very thoughtful and calculated in our approach and it shows. I want to thank all the staff for their effort. We might not agree all the time but that does not mean I don't appreciate the effort and hard work that goes into it and the commitment that you have to the state of Montana and the people we represent. Thank you for the effort and good work and I look forward to the next year.

Commissioner Frazier said I'm pleased with the TCP except for year 2028 where we're a little light in the funding we're projecting. I would like to suggest we develop a plan to get the funding up to what the other years show. We had a long discussion on bridge funding and the only conclusion was that we have acknowledged there is a problem coming. We are going to have to ramp up funding and the department needs to work on a plan for that. That's my synopsis. We've got a good challenge ahead of us with a very aging infrastructure and how much it's going to cost to try and keep those bridges operating. I would like to add my note to staff that we need to start planning for those outer years.

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

The motion passed unanimously.

Agenda Item 2: Construction Project on State Highway System, North Park Development, Bozeman

Rob Stapley presented the Construction Project on State Highway System – North Park Development, 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.

North Park Development – Bozeman

Bozeman Trax Partners, LLC is proposing modifications to North 7th Avenue (P-118) in Bozeman to address traffic generated by the new North Park Development. Proposed improvements include the addition of a new approach and striping modifications to add a left-turn lane in the median at the entrance to the facility. When warranted, a new traffic signal will be installed at this location.

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

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

Staff recommends that the Commission approve these modifications to North 7th Avenue - pending completion of applicable state and local design review and approval processes.

Commissioner Sanders moved to approve the Construction Project on State Highway System – North Park Development, Bozeman. Commissioner Aspenlieder seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 3: Construction Projects on State Highway System, Contract Labor: Main Street, Belgrade

Rob Stapley presented the Construction Projects on State Highway System, Contract Labor – Main Street, Belgrade 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.

Main Street - Belgrade

The City of Belgrade is proposing modifications to Main Street (N-205) to improve safety and reduce potential conflicts between vehicles and non-motorized traffic. Proposed improvements include sidewalk upgrades with new curb and gutter and modifications to the intersection of Main Street and Davis Street to add new pedestrian crossing features.

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

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

Staff recommends that the Commission approve these modifications to Main Street and requests that the Commission delegate its authority to let, award, and administer the contract for this project to the City of Belgrade – pending completion of applicable state and local design review and approval processes.

Commissioner Sanders moved to approve the Construction Projects on State Highway System – Main Street, Belgrade. Commissioner Aspenlieder seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 4: National Highway System Program Additions to NH Program (1 New Project)

Rob Stapley presented the National Highway System Program – Additions to NH Program (1 Project) the Commission. The National Highway System (NH) Program finances highway projects to rehabilitate, restore, resurface, and reconstruct Non-Interstate routes on the National Highway System. Montana’s Transportation Commission allocates NH funds to MDT Districts based on system performance.

At this time, MDT is proposing to add one new project to the NH program in the Missoula District. That project is Eagle Pass Trail South near Ronan and is a reconstruct project. This project meets the criteria set forth for NH-funded projects. The estimated total cost for all project phases is \$55,830,001 (\$48,337,615 federal +

\$7,492,386 state match) – with the entirety of the federal funding originating from the National Highway System (NH) Program.

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

Commissioner Aspenlieder said this project is showing \$55 million and the project length is listed as one mile. Is that right? Dwane Kailey said this is an animal overcrossing. Commissioner Aspenlieder said this is a five million dollar animal overcrossing? Dwane Kailey said there are highway improvements as well. Commissioner Aspenlieder asked for more information on the project. Rob Stapley said he would get more information for the Commission.

Commissioner Frazier asked if this was a grant. Rob Stapley said it is difficult to apply for a grant if there is no project in existence. Commissioner Aspenlieder asked where it landed in the TCP so we can track the six million or seven and half million we're allocating to this. Dwane Kailey said once you approve this then it will get entered into the TCP and you'll see it next year. It shows a state match but because it's on a Reservation there should not be a state match. Commissioner Aspenlieder asked if it would land in the outer years or in 2028. Dwane Kailey said it would depend on the grant. If we get the grant as applied for, our plan is to get that under construction within 18 months.

Commissioner Aspenlieder said so this is being brought to the table with the understanding there are grant applications pending. Dwane Kailey said this is actually part of an EIS that has been reviewed by all the resource agencies and is supported through the EIS. Commissioner Aspenlieder asked if anyone was coming to the table with a check for this. Dwane Kailey said the Tribe has applied for a grant at WCTP, a wildlife crossing program and the intent is the grant will mostly fund or fully fund this project.

Commissioner Frazier said so we are approving to add a project to our design system so that the Tribe can apply for a grant. Is that correct? Dwane Kailey said they've already applied for it. Commissioner Aspenlieder said if we put this in the TCP and they don't get grant funding, what is our obligation? If we put it in, are we obligated if grant funding falls apart? Can you explain what happens?

Dwane Kailey said we actually committed to doing this when we signed the Record of Decision in 2004. We're already committed to doing this. Our plan is to work with the Tribe who is very actively and very successfully applying for grants. So under the IAJA Bill with all the discretionary funds out there, our plan is to fund this in concert with the Tribe with discretionary grants. If at such a point in time we don't get those grants, by adding this to the system we have 20 years under the Federal rules to get this delivered. We've already committed ourselves to building this, so our intent is to get it into the system, get the grant, and get it built using non-state dedicated federal funds.

Dwane Kailey said I have some new information on Eagle Pass. It is not the wildlife overpass crossing – that is actually just north of this project. The estimate for the wildlife crossing is \$12 million. The Eagle Pass Trail section is the next one-mile section connecting to Post Creek Hill. We are still struggling with where the \$55 million is coming from. Last year the Tribe submitted a NSFL TP Grant (Nationally Significant Federal and Tribal Lands) and were awarded \$30 million which is being applied to the Post Creek Hill section. There is some confusion because they've been led to believe that the other \$30 million will be forthcoming this year. However, they don't know if they need to re-apply for it or if it is already in the works. The long and short of it is they are applying for the grants to cover these. We don't know how this segment jumped to \$55 million because the original estimate was \$30 million for Post Creek Hill and \$30 million for this segment. This would be the segment that

crosses Nine Pipes outlet. There is a 300+ foot bridge in there plus some small bridges and/or culverts for the kettle ponds. I wanted to correct my error that this is not the overcrossing.

Commissioner Swartz moved to approve the National Highway System Program – Additions to NH Program (1 New Project). Commissioner Sanders seconded the motion. Commissioners Frazier, Swartz, and Sanders voted aye. Commissioner Aspenlieder voted nye.

The motion passed.

**Agenda Item 5: Secondary Roads Program
Additions to the STPS Program
(4 New Projects)**

Rob Stapley presented the Secondary Roads Program – Additions to the STPS Program (4 New Projects) to the Commission. The Surface Transportation Program – Secondary (STPS) finances highway projects on the state-designated Secondary Highway System. Secondary Roads are those routes that have been selected by the Montana Transportation Commission to be placed on the Secondary Highway System.

Secondary Roads Program funding is distributed by formula and is utilized to resurface, rehabilitate and reconstruct roadways and bridges on the Secondary System. Capital construction priorities are established by the Counties and pavement preservation projects are selected by MDT (per the guidance in MCA 60-3-206).

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

The estimated total cost for all project phases is \$24,507,852 (\$21,329,828 federal + \$3,178,024 state match) – with the majority of the federal funding originating from the Secondary Roads (STPS) Program and a portion (\$2,800,000) from the Highway Safety Improvement (HSIP) Program.

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

Commissioner Aspenlieder moved to approve the Secondary Roads Program – Additions to the STPS Program (4 New Projects). Commissioner Swartz seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item 6: Bridge Program Projects
Additions to Bridge Program
(5 New Projects)**

Rob Stapley presented the Bridge Program Projects – Additions to Bridge Program (5 New Projects) to the Commission. MDT's Bridge Bureau reviews bridge conditions statewide and provides recommendations for construction projects to be added to the Bridge Program. At this time, the Bridge Bureau recommends adding five (5) new projects to the Bridge Program.

If approved, it would be MDT’s intention to let these projects individually. The estimated total cost for all project phases is \$52.2 million (\$45.2M federal + \$7.0M state match).

Summary: MDT is requesting Commission approval to add five (5) new projects to the Bridge Program.

The breakdown of project costs (by program) is listed below:

Surface Transportation Bridge (STPB) Program	\$42,838,723
National Highway Performance Bridge (NHPB) Program	<u>\$ 9,832,007</u>
	\$52,220,730

The proposed projects are consistent with the goals and objectives identified in the Performance Programming (Px3) Process - as well as the policy direction established in TranPlanMT. Specifically, roadway system performance and traveler safety will be enhanced with the addition of these projects to the Bridge Program.

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

Commissioner Sanders moved to approve the Bridge Program Projects – Additions to Bridge Program (5 New Projects). Commissioner Aspenlieder seconded the motion. All Commissioners voted aye

The motion passed unanimously.

Agenda Item 7: Transportation Alternatives (TA) Program (Informational)

Dustin Rouse presented the TA Program (Informational) to the Commission. Transportation Alternatives funding is a source for non-motorized transportation infrastructure such as new sidewalks, shared-use paths, and maintaining existing sidewalks and paths. The program is unique in that projects are locally nominated and are competitively selected based on the benefits they provide as well as their feasibility. The competitive selection process is a federal requirement and it’s a requirement to nominate those successful projects.

Earlier this year MDT TA Program as well as the three MPO’s issued a call for applications that ran from January through April. Staff from MDT and the MPOs then met and evaluated the applications. The Missoula and the Great Falls MPOs were the first one through their scoring process. The first ten TA projects were brought to the Commission meeting in August of 2023. At that meeting there were eight Missoula MPO projects and two Great Falls MPO projects. The Commission approved all ten of those projects at that time. Also there was one Missoula project that was approved for local project development. We call it the LAG Process. The Commission delegated their award authority to the City of Missoula for that project. The reason we added Agenda Item 7 is to explain the next Agenda Item.

In Agenda Item No. 8 we have the remaining TA projects that are being presented to the Commission for approval. There are 19 projects. This will bring the total number of TA projects to 29 including the previous 10 approved projects. After the August 14th meeting and at the request of the Commission, MDT reached out to all the urban areas and the counties that have submitted TA projects and asked if they could administer the TA projects. Most of them indicated their ability to administer their TA project locally through the LAG guidelines.

In Agenda Item No. 9 we are requesting the Commission delegate to the locals your authority to award those projects for development, bidding, and award construction and the contract administration of those projects through the LAG process. You have previously approved projects from August and this brings the total to 20 LAG TA projects.

We have a lot of local urban areas listening in to this meeting and they are very interested in their projects. MDT very much appreciates the locals stepping up and being willing to take on the administration of these projects. We appreciate them being on the line today.

Elected Official / Public Comment

Commissioner Frazier asked if there was anyone who would like to make a public comment on a non-Agenda item. If it is on our Agenda, we will take comment at that time.

No public comment was given.

Agenda Item 8: Transportation Alternatives (TA) Program Projects: Additions to TA Program (19 New Projects)

Rob Stapley presented the Transportation Alternatives (TA) Program Projects – Additions to TA Program (19 New Projects) to the Commission. The Transportation Alternatives (TA) Program provides assistance to local governments, tribal entities, transit providers, resource agencies and/or school districts for community improvements deemed eligible to receive TA funding. Program priorities are determined via a competitive process – with the highest scoring proposals moving forward as project nominations.

At this time, MDT is advancing nineteen (19) new projects from the most recent round of Transportation Alternatives (TA) Program project evaluations. The projects are listed on your handout. Some are highlighted and those are the ones we will be asking for approval in Agenda Item No. 9. If approved, it would be MDT's intention to let these projects individually.

MDT is requesting Commission approval to add nineteen (19) new Transportation Alternatives (TA) projects to the program. The estimated total cost for all projects is \$24,642,260 (\$21,579,389 federal + \$315,806 state + \$2,747,065 local) – with the entirety of the federal funding originating from the Transportation Alternatives (TA) Program.

The projects are consistent with the goals and objectives identified in the Performance Programming (Px3) Process as well as the policy direction established in TranPlanMT. Specifically, traveler safety and bicycle/pedestrian features will be enhanced with the addition of these projects to the program.

Staff recommends that the Commission approve the addition of these Transportation Alternatives (TA) projects to the highway program.

As Dustin Rouse indicated between the August 1st Commission meeting and today's meeting there is a total of 29 TA projects with 20 having local support with the locals administrating those projects. The projects that are not highlighted are the projects that MDT will continue to move forward.

Commissioner Aspenlieder asked how a local entity decides whether they want to have the authority to let. Rob Stapley said based on our last Commission meeting and the conversations that took place, our engineer that oversees the TA Program

reached out to the locals and asked if they would be willing to take on these projects. The 20 projects that we are asking you to delegate are projects the locals said they would be willing to administer. The Commission will get a list of the other nine projects and where they are located – places like Sunburst, Poplar which do not have an engineer on staff or the resources to administer the projects. We will continue to work with them to deliver projects. In District One, Ravalli County, the City of Hamilton said they would take the Market Street path but they are not interested in taking the Daily School path. I don't know why they would take one and not the other. Someone said one is from the City of Hamilton and one is from Ravalli County – that is the difference with those two projects.

Rob Stapley said we've had these conversations in the past but not as directly as we've had the last couple of months. For some of these communities it is a big "ask" that they were not prepared for. Some of these folks may be able to get up to speed to handle these projects in the future but given the short turn-around some were not able to take them on at this time.

Commissioner Aspenlieder asked Dustin Rouse if there is a reason why Hamilton is taking one project and not the other. Dustin Rouse said I talked to our TA Engineer about this. The similarity in the two projects is the word "Hamilton" but that is as far as it goes. It is two separate entities that applied for these projects. One is the city and one is the county. In fact we even explored the possibility of tying those together but the risk is too high for the city to take that on. Actually the risk is in the county court because if the City of Hamilton did something wrong for Federal Aid compliance, the county would be on the books. They are two separate entities and we will work with both entities to make sure we coordinate so contractors are not stumbling over each other.

Commissioner Aspenlieder moved to approve the Transportation Alternatives (TA) Program Projects – Additions to TA Program (19 New Projects). Commissioner Swartz seconded the motion. All Commissioners voted aye

The motion passed unanimously.

Agenda Item 9: Delegation of Authority to Award Federal Aid Projects – Transportation Alternative Program Projects

Rob Stapley presented the Delegation of Authority to Award Federal Aid Projects – Transportation Alternative Program Projects to the Commission. Under MCA 7-14-4108 "authority to contract for road work when federal funds involved," all federally funded construction projects with joint contracting between the Department of Transportation (MDT) and local governments must be let by the Transportation Commission.

Numerous local governmental entities are requesting Commission approval to let, award, and administer contracts for Transportation Alternatives (TA) Program projects. The attachment lists the TA projects and identifies the local governments that will be utilizing the Local Agency Guidelines (LAG) process for project delivery.

Staff recommends that the Commission delegate its authority to let, award, and administer the contracts for these projects to the cities and counties in accordance with MDT's Local Agency Guidelines (LAG) process for project delivery.

Commissioner Aspenlieder said I want to thank the staff and the local agencies for stepping up and taking these projects. These TA projects belong in the communities and should be managed by the communities locally. They are your projects, they are not MDT's projects. You are going to be more efficient and more effective doing

this on your own. So I appreciate the effort to getting to this point of managing these locally and doing these for your communities within your communities. Thanks to the local agencies and thanks to staff for getting us here.

Commissioner Frazier said thank you, this is something that will help. We have an expanding program and a smaller MDT staff than we had 10-20 years ago. I think this is a step in the right direction to work as partners with the communities.

Commissioner Aspenlieder moved to approve the Delegation of Authority to Award Federal Aid Projects – Transportation Alternative Program Projects. Commissioner Sanders seconded the motion. All Commissioners voted aye

The motion passed unanimously.

Agenda Item 10: Delegation of Authority to Award Federal Aid Project – Broadway & Toole Avenue, Missoula

Rob Stapley presented the Delegation of Authority to Award Federal Aid Project – Broadway & Toole Avenue, Missoula to the Commission. Under MCA 7-14-4108 “authority to contract for road work when federal funds involved,” all federally funded construction projects with joint contracting between the Department of Transportation (MDT) and local governments must be let by the Transportation Commission.

The City of Missoula is requesting Commission approval to let, award, and administer the contract for a Congestion Mitigation and Air Quality Improvement (CMAQ) project that will install a roundabout at the intersection of Broadway and Toole Avenue in Missoula. The project will utilize the Local Agency Guidelines (LAG) process for project delivery.

Staff recommends that the Commission delegate its authority to let, award, and administer the contract for this project (Broadway & Toole Avenue - Missoula) to the City of Missoula – in accordance with MDT’s Local Agency Guidelines (LAG) process for project delivery.

Commissioner Swartz moved to approve the Delegation of Authority to Award Federal Aid Project – Broadway & Toole Avenue, Missoula. Commissioner Aspenlieder seconded the motion. All Commissioners voted aye

The motion passed unanimously.

Agenda Item 11: Speed Limit Recommendation US 2 (N-1) – Kalispell

Dustin Rouse presented the Speed Limit Recommendation, US 2 (N-1) – Kalispell to the Commission. Flathead County submitted a request for a speed limit study on US 2 leaving Kalispell to approximately West Valley Drive. MDT reviewed the area and determined the limits would be from milepost 116.5 to milepost 119.8. No direct desires were presented by the county or city but there were concerns about the speeds given the recent changes in roadway configurations.

Drivers did appear to have some difficulty transitioning from the 60-mph speed zone to the 45-mph speed zone. Roadway context indicated that use of the rounded down 85th percentile speeds would be advisable where the shoulders were only four-foot wide and the elevated crash rates throughout the study area indicated use of the 50th percentile speeds were recommended. In the 60-mph speed zone the 50th percentile speeds were around 55-mph and 45-mph in the 45-mph speed zone.

On average the 50th percentile speeds were five-mph below the 85th percentile speeds and about the middle of the pace.

No comments were received from Flathead County or the City of Kalispell. After 120 days MDT assumed concurrence with the findings of the report.

Staff recommendations MDT recommends the following speed limits:

A 55-mph speed limit beginning at the existing 45-mph school zone for Smith Valley Elementary School approximately 200-feet east of the intersection with Batavia Lane (straight-line station 110+20) and continuing east to the existing 45- mph speed limit approximately 100-feet east of Rose Heights Lane (straight-line station 294+50), an approximate distance of 3.49-miles.

A 45-mph speed limit beginning approximately 100-feet east of Rose Heights Lane (straight-line station 294+50) and continuing east to the existing 35-mph speed limit 52-meters (170-feet) east of Corporate Drive (straight-line station 37+90), an approximate distance of 4,850-feet.

Commissioner Swartz moved to approve the Speed Limit Recommendation, US 2 (N-1) – Kalispell. Commissioner Sanders seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 12: Speed Limit Recommendation US 20 (N-12) – West Yellowstone

Dustin Rouse presented the Speed Limit Recommendation, US 20 (N-12) – West Yellowstone to the Commission. Gallatin County submitted a request for a speed limit study on US 20 from milepost 1 to West Yellowstone. The study was extended to encompass the whole corridor. No specific concerns or outcomes were voiced by the county.

This portion of US 20 was last improved in 2018. Turn lanes will be installed in the next couple years. Sight distance and clear zones are considered adequate throughout the project, but there are some curves with vegetation that may create some obstructions. AADT volumes range from 5,050 vehicles in the rural area to around 6,020 vehicles within West Yellowstone. Traffic volumes do substantially increase during the summer months in the rural area (89%) and the urban area (76%). Adjacent roadside environment is rural primarily with a cluster of residential and recreational development between milepost 1 and milepost 4.3 until West Yellowstone around milepost 8.5.

The speed profile provides support for maintaining the existing 65-mph speed limit with the majority of drivers traveling within 10-mph of each other and within ± 2 -mph the speed limit. However, drivers do appear to have difficulty slowing down when entering West Yellowstone. Roadway context indicates that use of the rounded down 85th percentile is recommended in the rural areas because of the four-foot shoulders and within West Yellowstone because of the elevated crash rates. However, the approach density within West Yellowstone indicates consideration of the 50th percentile speeds. The 50th percentile speeds match with the urban speed limits. The rounded down 85th percentile matches with the rural speed limit. However, to improve driver compliance when transitioning from the rural environment to the more urban environment extending the existing transitional speed zones to more appropriate lengths is advisable.

No Comments were received from Gallatin County. After 120-days MDT recognizes no comment as concurrence with the recommendation presented in the report.

MDT recommends the following speed limits:

No Change to the 65-mph speed limit.

A 55-mph speed limit beginning approximately 980-feet east of the intersection with North Flat Road (straight-line station 390+50) and continuing east to a point 15-feet east of milepost 8 (straight-line station 417+50), an approximate distance of 2,700-feet.

A 45-mph speed limit beginning approximately 15-feet east of milepost 8 (straight-line station 417+50) and continuing east to a point 1,655-feet west of the intersection with Iris Street (straight-line station 434+00), an approximate distance of 1,650-feet.

A 35-mph speed limit beginning approximately 1,655-feet west of the intersection with North Iris Street (straight-line station 434+00) and continuing west to a point 105-feet west of North Iris Street (straight-line station 451+60), an approximate distance of 1,760-feet.

No Change to the 25-mph speed limit.

Commissioner Frazier said it looks like we are doubling the lengths of the 35 mph and 45 mph speed zones and that should help slow people down more gradually.

Commissioner Sanders moved to approve the Speed Limit Recommendation, US 20 (N-12) – West Yellowstone. Commissioner Aspenlieder the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 13: Speed Limit Recommendation US 93 (N-7) – Stevensville

Dustin Rouse presented the Speed Limit Recommendation for US 93 (N-7) – Stevensville to the Commission. Ravalli County submitted a request for a speed limit study for the propose reducing the speed limit to 45-mph because of safety concerns posed by residents south of the Stevensville Wye. After reviewing the area, it was determined the speed study would begin at milepost 65 and end at milepost 68.

The speed profile shows within the 45-mph and 55-mph speed zones prevailing speeds are six-mph to eight-mph above the posted speed limits and around 70-mph in the statutory 70-mph speed zone. On average 65-percent of drivers were found traveling within 10-mph of each other and the 50th percentile speeds are for the most part within ± 5 -mph of the posted speed limits. Contextual evidence shows the speed limit should be set based on the rounded down 85th percentile speeds but engineering judgement indicates raising the speed limit would be ill advised. However, providing appropriate transitional 55-mph speed zones and extending the 45-mph speed limit to be 1,600 feet from the intersection is recommended.

The Ravalli County Commissioners and Bitterroot Valley Chamber of Commerce (BCC) did not have any comments and are fine with the recommendation. The email is attached.

MDT recommends the following speed limits:

No change to the statutory 70-mph speed limit located 450-feet south of milepost 66.

A 55-mph speed limit beginning approximately 1,350-feet south of South Kootenai Creek Road (straight-line station 395+80) and continuing north to a point 60-feet south of Heritage Drive (straight-line station 422+30), an approximate distance of 2,650-feet.

A 45-mph speed limit beginning approximately 60-feet south of Heritage Drive (straight-line station 422+30) and continuing to the existing 45/55-mph speed limit transition point approximately 250-feet north of Kootenai Creek Road (straight-line station 467+50), an approximate distance of 4,520-feet.

A 55-mph speed limit beginning at the existing 45/55-mph speed limit transition point approximately 250-feet north of Kootenai Creek Road (straight-line station 467+50) and continuing approximately 200-feet north of milepost 68 (straight-line station 507+00), an approximate distance of 3,950-feet.

No change to the statutory 70-mph speed limit 200-feet north of milepost 68.

Commissioner Frazier said it looks like you are extending the 45 mph speed zone to the south somewhat as well as the 55 mph speed zone. Dustin Rouse said that is correct.

Commissioner Swartz moved to approve the Speed Limit Recommendation, US 93 (N-7) – Stevensville. Commissioner Sanders seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 14: Speed Limit Recommendation US 191/MT3 – Harlowton

Dustin Rouse presented the Speed Limit Recommendation for US 191/MT3 – Harlowton to the Commission. Wheatland County and the City of Harlowton submitted a request for an interim speed limit reduction on US 191 because of the new hospital being constructed. After completion of the hospital there is a desire to have a full speed study conducted. The county and Sanderson Stewart suggest a 45-mph speed limit extending from the intersection with US 12 north approximately a quarter of a mile.

Pending completion of the hospital land use will include institutional use on US 191. There is also a government installation on US 191 just north of the proposed interim speed limits.

In summary, speed data was not collected in the area. However, both Helena and the Billings District support an interim speed limit in the area reducing the statutory 70-mph speed limit. The District Traffic Engineer cites an on-going issue with drivers running through the stop sign and that the hospital is going to be about a third of a mile north of the intersection. MDT recognizes the reduced 45-mph speed limit on US 12 which is not stop controlled brought up by Wheatland County. However, there is less development on US 191. With the addition of the hospital the amount of development will be comparable on that route as it is on the other lane.

Therefore, MDT can support an interim speed limit reduction to 45-mph nearing the intersection with US 12 to account for the new development occurring and to match the existing speed zone on US 12. Furthermore, MDT looked at the speed limit transitions between 45-mph and 70-mph. Current practice is to transition to 55-mph first. The addition of a 55-mph transitional speed zone is recommended for both US 191 and US 12 near the intersection.

MDT recommends the following interim speed limits:

US 191

An interim 45-mph speed limit beginning at the intersection of US 12 and continuing north to a point approximately 1,600-feet north of the intersection with US 12, an approximate distance of 1,600-feet.

An interim 55-mph speed limit beginning approximately 1,600-feet north of the intersection with US 12 and continuing to a point approximately 540-feet north of milepost 1, an approximate distance of 4,200-feet.

US 12

An interim 55-mph speed limit beginning approximately 850-feet east of Red Bridge Road and continuing west to a point approximately 300-feet east of the MDT Harlowton Maintenance Office, an approximate distance of 2,600-feet.

An interim 45-mph speed limit beginning approximately 300-feet east of the MDT Harlowton Maintenance Office and continuing to the existing 35/45-mph transition at F Avenue, an approximate distance of 4,800-feet.

Commissioner Frazier said this seems to be a common-sense approach for the interim and then afterwards do a full speed study.

Commissioner Aspenlieder moved to approve the Speed Limit Recommendation for US 194/MT3 – Harlowton. Commissioner Sanders seconded the motion. All Commissioner voted aye.

The motion passed unanimously.

Introduction of Brendon Borges

Dustin Rouse said for quite some time David Ralph has done a fantastic job of catching up the speed studies. The Commission went through the pain of going through 15 speed studies at some of the meetings and I thank you for that. Thank you David for turning this program around and getting us caught up. David has taken a position with MDT to become a Traffic Project Manager. Congratulations.

Brendon Borges will be the new point of contact and the person I may lean on during future meetings. Today I want to put a face to the name of Brendon Borges.

Commissioner Frazier thanked David Ralph for the professional job he did, I very much appreciate it. It's kind of nice when we have speed zones where local governments seem to concur with our recommendations. This can be one of the most rewarding and frustrating items the Commission does.

Agenda Item 15: Certificates of Completion July & August 2023

Jake Goettle presented the Certificates of Completion for July & August 2023 to the Commission for review and approval. There is one exception to July. We're going to remove the very first project listed in July because after we finalized that project we found some additional work. The work has been completed but we need to go back out and inspect and certify that. So we don't want to finalize the project until that is completed. You have the Amended July list for the Certificates of Completion. All other projects are ready for approval for completion. Staff recommends approval.

Commissioner Aspenlieder moved to approve the Certificates of Completion for July & August 2023. Commissioner Swartz seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 16: Discussion and Follow-up

Director Malcolm "Mack" Long

DBE Update

Director Long said it is my honor and privilege to give you an update on the DBE Report for both last year and where we are now. Meghan Strahan, MDT presented the update. Meghan said I'm here today because the Commission posed the question "what does it mean that we came nowhere close meeting our DBE goal for the last two years."

We set a three-year goal for the DBE Program. Our most recent goal is for FY 2023-2025 and we made it through an entire year without getting our goal approved. We just recently heard that it has been approved for that three-year period but it is conditionally approved for one year. FHWA noted in their approval that we haven't met our goal for the last several years, so they are conditionally approving the goal which we proposed to continue to meet race and gender neutral. So they will conditionally approve it for one year and at the end of that year, they will re-evaluate MDT's DBE Program data to determine whether it should begin using race and gender conscious DBE goals.

We just ended the year 2023 and I haven't submitted the report yet because we're still working out the final numbers but it looks like we'll end this year at 3.5%. Our goal is 6.3% so we are "nowhere near meeting our goal." The good news is the start of 2024 we're at 8.4%. We're starting off the year in a good place and we're doing more than we've ever done to try and meet the goal.

In the past we've worked with businesses and provided some trainings but we've really worked with our DBEs to try and create a Business Development Program so we can tailor individual trainings to those businesses to see if they are not bidding, why aren't they bidding or if they are only bidding a little bit, what can we do to help them build their business. Also part of the disparity study showed that people really need networking events so we're putting on a networking event in each of the five districts.

The first event will be in the Glendive District on November 13th. We're incentivizing contractors to come by giving them extra contract days on selected larger projects. We've done a couple of pre-bid meetings and had some success but we're trying to broaden that so instead of talking about one specific project, we want to talk about all the projects coming up in a district. This first one will have Glendive

District staff available to talk about all the upcoming projects. We've invited the consultants who set goals for airports so that we can bring in everybody. Contractors who work on airports also work on highways, so that gets two birds with one stone. We want to bring in as many people as possible.

State Procurement is going to come with us and talk about how to get your foot in the door by bidding on a small maintenance contract that isn't federally funded. We can't count it towards the DBE Program but that is one step to help grow your business and increase our participation in the future.

We are working with all our neighboring states to get folks who are certified in Idaho, North Dakota near the border and interested in doing work in Montana, to get them certified in Montana so we can count that participation as well..

We're also putting on some trainings. We found an individual approach works better. A lot of these businesses are niche businesses that need some sort of specific training. We've been working with those businesses to have them talk with MDT staff and I applaud MDT staff for their help. I've reached out to so many folks and said we've got this business that has questions or needs help getting their foot in the door and they've all been willing to meet with the businesses and help gear them up to be able to bid as a subcontractor on our projects. Where we can, we're trying to create classes and training to include more people. One thing we heard is people need help with bidding and estimating. We put on several bidding and estimating classes for our businesses.

We're also getting ready to do a class called, "You got the job, now what" to talk about all the federal requirements because some of these businesses have been in business for a long time but it's intimidating to work on a federal project. We want to make sure people are aware of both removing the mask of what it's like to do business on a federal aid project but also make sure they are prepared so we don't have businesses that get a contract and sink the ship because they didn't know all the things that were involved in that.

That's my update. I'm happy to answer any questions you might have about the DBE Program. I would like to extend an invitation if you would like to come to the networking events in your districts. We would love to see you there. We will do one in each district. I'm talking with the Montana Contractors Association this afternoon to partner with them to do an event in Bozeman for the Butte District. Then we will look at Great Falls, Billings, and Kalispell for the other networking events.

Commissioner Aspenlieder asked Meghan if she would copy the each Commissioner when the dates are set. Commissioner Sanders said he applauded them for the effort you are putting into this. We always talk about this and didn't mean to imply that nothing was being done, we just wanted to know what was done to get closer to the goal. Thanks for the work you're putting into it and I hope it is successful. I appreciate the effort.

Commissioner Frazier said in my past career I've partnered with DBE firms but their businesses had grown to where they no longer qualified to be a DBE. So we have some success stories out there but is that why some of our goals are not being met? I'm thinking of a traffic control contractor that had grown too big to qualify to be a DBE and the other was an architectural firm that had the same issue. Is that part of this?

Meghan Strahan said I'm familiar with the traffic control firm and that is part of the issue. We have some wonderful success stories. To be a participant in the DBE Program, the majority owner of the company has to have a personal net worth of under \$1.32 million. That number has not been increased for quite some time and we're finding that even some of our small environmental firms that have been in

business for a long time and have managed their money well are now in excess of that limit so they sized out of the program. Even though we're only getting \$20,000 participation out of those firms they are still sizing out of the program. So that absolutely is a problem. There is a proposed rule-making out there but the last I heard they are anticipating finalizing that rule at the end of this calendar year. There are a ton of changes in there and one of them is to increase the personal net worth limit. That would help but increasing that limit isn't going to get us to our goal. Some of those firms that have sized out may be able to participate for another year or two but eventually they will meet that limit and size out.

We had a lot of really successful firms graduate from the program at one time and we didn't have businesses ready to fill their shoes. Now we're going back down to the beginning and looking for businesses that are really small and help them build up so we can start filling all those shoes. We hear from contractors all the time that you've got all these businesses on your DBE list but they are not bidding. So we've really dug in to find out why they are not bidding and what we can do to help. That's why I mention state-funded small maintenance contracts so they can just dip their toes in the water to build them up and fill that gap.

There are some other changes in the rule that I think would help. One of them is to make the Interstate certification process easier and more streamlined so we can count them. That's another issue in the race neutral state, sometimes businesses don't see the benefit in being certified. Another thing we're doing is asking our prime contractors or the various people in the department that may be working with businesses who could be eligible to refer them to us. Those referrals mean a lot more than me just picking up the phone. They don't know who I am and when I call and ask them to fill out this lengthy application and give me your personal net worth and all your taxes, they are not always super ready to do that. It means a lot more if somebody who is writing them a check asks them to do this because it would help us out.

We've come a long ways and I appreciate that the Commission notices that. For a long time we were just doing the same things and they were not working. Now we definitely feel the pressure from our federal partners that they expect us to meet this goal and we're committed to doing what we can to do to meet it.

Commissioner Sanders asked if they are incentivized to be a DBE. What do they get out of being in the DBE Program? Meghan said there are incentives and that's part of what we're doing. There's the Business Development Program which is optional. We work with them individually to come up with a business plan, talk about what they can do, what steps they need to take to work on transportation related projects, and then we facilitate those introductions whether it's to MDT staff and/or consultants. We do our trainings which are free to our certified businesses and we also have a reimbursement program. If businesses participate in the Business Development Program, we will reimburse them up to \$3,500/year if they have some sort of specialized licensing or training or travel to get to a training. We reimburse for all those things up to \$3,500/year for business development participants and \$2,500 for the rest of our businesses.

Commissioner Aspenlieder asked if they are coordinating with groups like NADC (Native American Development Corporation). That's a whole sector of people that work on government contracts. Is there on-going coordination with groups like that? Meghan said yes absolutely. We are great friends with the folks at NADC, they do great work and we partner with them quite a bit. They run Native PTAC (Procurement Technical Assistance Center) and we actually work with them to put on events. We're working a lot more closely with the PTACs throughout the state including the folks at NADC. There is also the Native American Business Advisors located at each Reservation and we're working with them and we invited them to our networking events. Then we also rely heavily on referrals. My staff is based out of

Helena and we cover the whole state so we need to know what is happening all over the state. We participate in all sorts of event with the folks that are based in the communities working with the businesses to get referrals. Most of our applicants are referrals from either prime contractors or all of the economic development partners we have throughout the state.

Commissioner Aspenlieder said with contractors soliciting from these DBEs, my understanding they don't get any credit for using DBEs in their bid. We select the low cost bid with no consideration for DBE participation, we just encourage them to meet this goal. Have we had conversations deep enough with the contractors association to understand when these DBEs bid portions of the projects why they are not selected? If DBEs are participating are they bidding too high, do they not understand, or is this going to get to a point where we need to consider giving special considerations to DBEs in our contracting process? I'm not jazzed about switching from the way we do that to give special consideration to DBEs but if we're going to get hammered from the feds we might need to consider that. I don't know.

Director Long said you're right it's still low bid but we've started looking at where we can incentivize. On bigger projects time is money so we can give extra time. Talking to the WCA Contractors, they are still very schedule driven because they bid it and they have their schedule and they don't want any subs, let alone a DBE sub, holding them up or impacting their schedule. The department is asking the contractors how we can help. Contractors have said if you want us to help support them, we need more time so our Superintendent or Forman can take the time and not be driven to meet a schedule. We've heard that and said we'll give you extra time to help these people. In my opinion and the MCAA agrees completely that having specific goals is not something we want to go back to. Having race neutral especially in this state works well for us. I applaud Meghan and her team because we have been talking to the contractors and working very closely with them to keep growing.

Meghan said we are getting creative to come up with ways to incentivize use of our DBEs and SBEs. Part of the DBE regulations say that we have to do things to help and support all small businesses. Our last letting had a good amount of bidders but we're seeing fewer bidders overall so we want to do things to support small businesses and get more bidders on our projects. Supporting all small businesses supports women and minority-owned small businesses. So a lot of our efforts are to do just that; to see what we can do to help get more bidders on our projects. We have to be careful when we look at incentivizing contractors to hire DBEs specifically because then you get into the race and gender conscious area. Our latest disparity study did show that white women and subcontinent Asian-owned firms were over utilized. So if we get into race conscious territory, we would need to apply for a waiver to exclude those groups from project specific goals or race conscious activities. The things we're doing to help – we're really trying to just help all small businesses so incentivizing using new contractors and/or coming to these networking events. We're trying to get creative and certainly if there are things you guys think we need to be doing or should be doing or should look into, we're happy to do that. We definitely are having those conversations internally.

I'm happy to say the department as a whole understands we need to meet the DBE goal and they've been really open to all the whacky ideas I come up with. Everybody is really open and we check with our federal partners to see what's allowed and what's not allowed. We want to meet our goal. We don't want to be in a position where we're forced to go race conscious – not because I'm afraid to go there but I think it's going to be really tough if we have to exclude white women and subcontinent Asian-owned firms.

Commissioner Swartz said he echoed Commissioner Sanders' comments. Having a better understanding of what you're doing and the effort being put into this by staff is

very much appreciated. Understanding what you're doing makes it a lot easier for us and to know there is an amped up focus on DBEs. I appreciate your efforts.

Fish Wildlife and Parks Update

Director Long said as requested we are meeting with FW&P. Dustin Rouse talks with them ever month. We are working well with them. As directors we work with DEQ, DNRC, and Commerce to make sure we are working together. Dustin Rouse said we met with FW&P Director, Dustin Temple. I would say the relationship is as good as I've ever seen it. They are trying to find creative ways to get to a "yes" in assisting us in funding some aspects of our projects. They have constraints and you understand better than I do on where their funding can be applied and where it can't. They are trying to navigate that and overcome their own internal bureaucracy to be a partner with MDT. We're getting very close to a funding agreement. We're continuing discussions on fishing access sites and those turn outs and they are very open to those discussions and looking at finding ways but they need to make sure they are following their funding guidelines.

Commissioner Aspenlieder said I would hope as we go through the bridge projects as well that we have expanded conversations with the environmental folks and the resource agencies that are requiring us to put long clear spans, etc. on projects. On MT 200 that would be incredibly helpful for the costs which have ballooned on that project. There are some very specific projects that are easy to tie into but I hope we're not taking our eye off the ball on bridges and wildlife corridor crossings and those type of things. The \$55 million on the project we just added is mind-boggling to me. That is something the resource agencies should be participating in in a meaningful way and not in a \$200,000 way on a \$50 million dollar project.

Dustin Rouse said in the discussion we had yesterday we want to tackle the bridge issue we're facing, so we brought together a team with resource agencies. They are coming up with creative solutions as well. They talked about issuing us programmatic approvals for projects to expedite development on those projects. Recognizing there are areas where we do some stream restoration work in an area of concern, they will go through and identify those hotspots so we know going in that we're going to have to deal with those locations and identify a want versus a need and make sure we're all on the same page. We know those things up front so we can track our costs and make sure we're in line. I've been very happy with the discussions we're having with the resource agencies and having them come up with some creative solutions that would streamline not only the time it takes for us to get through our process but finding solutions that may be more cost effective. .

District Projects Update and Community Outreach

Director Long said you have a handout that we give to the Governor that shows our top three projects in each District and talks about their highs and lows. You can see District Two in Butte did really well – they took a snow plow to an elementary school and let the kids walk around and play on it. They loved pulling the horn. It gets the kids and the teachers excited about snow plows. District Five in Billings did the same thing for a driver's Ed class – they took a snow plow there and had each teenage driver sit in the seat and the rest of the class walk around it so they could see what the visibility was. All the kids were absolutely amazed that you can't see much when you're in a snow plow. It was a great learning experience.

We're trying to do a lot more outreach in the communities about what we do with the snow plows, how they operate, etc. Please take the handout home and read through it. It's a great update. The Governor is allowing us to shrink this down but I'm going to ask each District to make sure we do one like this before each in-person Commission meeting so you can see the picture and the high and lows on the big projects.

Bridges

On bridges, the Governor asked MDT to talk about load posted bridges on system and off system, and what we're doing. You can see on the handout where we are. I give a great shout out to Ryan Dahlke and Jason Riddle because as the strike team we are doing stuff that years ago wouldn't have been thought of. It used to be us versus them and now we are working as a team. We came to MACO and MCLT and now we are working as partners. We have to take care of the whole state because the people don't care if it's on system or off system, they just want to know if the bridge isn't working, why it's not working.

One of the success stories, Prairie County had a bridge that got shut down and closed and both the county and our maintenance people worked together and got it opened. It's not a permanent fix but we worked as partners to get it opened. Most of the time we get told what we're not doing right, so it's nice when you get a thank you for doing something right.

Jason Riddle said our work on SB 536 with the department has been exceptional. The communication between Ryan and us has been very strong. They don't make a move without us and we don't make a move without them. As you can imagine we have our members calling them directly because they all want a piece of the money, they all have a bridge that needs fixed. The study that was completed in advance of SB 536 money has proved instrumental in our ability to weigh where we are going to distribute those dollars so we're fixing the worst of the worst and taking the politics out of it. So we have some good data that we're using as the base. The way we broke the pot has worked very well to make sure we have projects that are getting some help where they've got some other funding sources with the \$10 million in discretionary dollars. We're working our way down the bridge replacement projects. We have a pot of money that is doing quick fixes and those dollars are getting deployed. We are signing contracts with counties as we speak, so we can get some load postings reduced or eliminated with smaller investments. It's been really good.

The project referred to in Prairie County was actually the second bridge in the last several months that have been closed. One of the bridges is a railroad bridge that's been turned over to the county that leads to a wildlife management area for hunters. The county has been working on this for years, the application was written eight or nine years ago because they take a long time, in the meantime it got closed. Because of SB 536 money we are going to put a little band aid on it to try and get it reopened for not only the hunters but it's about a 30-mile detour for the landowners to get to Miles City and back home. We want to get that opened. Knowing that FLAP is slow and we're probably three or four years out from construction to get it fixed the right way, this gives us some flexibility. The second one that got closed was the second kick the county took to find a temporary fix to get it reopened in a hurry. I don't think it was even a couple of weeks before it was reopened. We want a permanent fix and we have some SB 536 dollars to do that.

I want to thank the department. It's been really good so far and I'm sure as the money dwindles it will get a little bit more contentious with folks wanting to get their hands on some money. We did get invited to sit in on the staff internal meetings and the bridge problem we have as a state, not just the local government-owned bridges but the state-owned bridges, is an obstacle we can't overcome without working together. The numbers are scary and aren't going to get any better as time goes on until we start figuring out investments and how we do that. If we're going to invest in them, how do we do it efficiently and I think SB 536 is breaking the ice on that. Again, thank you. Director Long said I couldn't have said it better than that. It explains this stage.

Dwane Kailey said regarding the bridge in Prairie County, the thanks goes both ways. Eric Brice and the Director and Jason Riddle have been amazing to work with through this process. I'm very proud of our relationship. Our relationship with MACO has been a pleasure especially given my disdain for unnecessary bureaucracy, this has been very refreshing and a shot in the arm. Specifically, that bridge is on a secondary route, S340, and as you know the Commission takes action on work that is done on system. This particular secondary is operated and maintained by the county because it is a gravel secondary, so that makes the situation opaque and not crystal clear but we wanted to make sure the Commission is aware that this work was done on a secondary. In those six days we went through a cooperative effort with Prairie County and MDT and got that bridge opened. Additionally we may be coming to you with further information when we do the permanent fix for that whether it's culverts or not. When that goes forward we will be talking about further authorization to work on a secondary. My main point was to inform the Commission that the work was done on a secondary route.

Federal Updates

FY 2024 Appropriation Bill still hasn't been passed before the end of the federal fiscal year. We're operating under a Continuing Resolution. I think we will have to continue so we'll have a Continuing, Continuing Resolution. We are staying abreast of that. IAJA gave us a five-year plan and that is what we've been operating under and we still are. That has helped us but it is interesting how Defense and Homeland Security has started to cloud that especially with world issues. We get caught up in that, all of our Representatives understand the importance of the investment into infrastructure and they've been very supportive as we apply for grants to keep building and working to improve this state. I see that nation-wide but it tough because money is now the shiny object that has everyone's attention. We'll see how the Continuing Resolution goes. It actually expires November 17th, my assumption is they will continue the Continuing Resolution probably through the end of the year. That's all we know right now. They did elect a Speak of the House so things will start moving forward and we'll keep you abreast in December as it changes.

R&D Development Hub Update

I would like to tell Commissioner Aspenlieder that Senator Tester and the whole congressional delegation really helped us when we applied for a Regional Technology Hub. We were told that we were approved through the first round and we now get to start working hard for more funding for it. It's excellent because it brings together all of Montana to work on important things that we have, optics, photonics, light arm, drones, and work on technology that is coming from Universities to get that from the research level out to the commercial level so we can start taking those technologies and putting them to work.

Commissioner Aspenlieder said this is a huge step for Montana. It's a billion dollar investment in our state for the next 10 years that we will see a focus on getting R&D technologies to market quickly. That's the entire thrust of this. We did partner with North Dakota and they are partnering with us. They are focusing on Ag Technology and Montana is really focusing on photonics and construction. MDT's place in that is going to be figuring out how we can provide, through our projects, testing grounds for some of the R&D equipment that's going to be coming out. A lot of that is going to be looking at milling equipment, paving equipment, even technology to do testing on roads. There is a group in Montana, Adam Gilbertson is leading the charge for RDO on that. Adam is looking to get a meeting set up here soon before the end of the year with the Director, Mr. Kailey, and Mr. Rouse to talk about how to lay out the ask, what that looks like, and how we need to do it. We are going to need to potentially go to the Legislature and ask for some changes to statutes that restrict our ability to allow this to proceed forward. I know Carol is very engaged in that process

and will be a part of that conversation. They are looking to start ramping this up here by the end of the year and probably be requesting some meetings soon. This is great for the State and a great investment and a great opportunity for MDT to be a player in this.

Director Long said one of the things we heard at our Quad State AGC Meeting is the Ag Tech is far ahead on construction timing. Their combines can lay out hundreds of acres of farm acres, GPS, they use drones where the leads are, crop health ... they are two or three steps ahead of where we are. It is great that we were awarded that Tech Hub and now we keep going forward.

Missoula High Tension Cable Medium Rail Project

Director Long said we've been working hard with Poteet Construction who won that bid. It's a design, build, bid – they wanted and ordered materials, and started working. US Fish Wildlife Service said we might have an issue with the bears. So it went from an informal process to a formal process. Dustin Rouse said when we let the project, based on other similar projects, we assumed that it would be an informal process but there has been some changes at USFWS that have brought in some different mindsets, different thinking, which has changed our process. We submitted our biological assessment and USFWS has responded in non-concurrence with our assessment because they don't agree with our assessment. The next step is we need to update our biological assessment and resubmit it to them through FHWA. That will kick off formal consultation. We did meet in the Governor's office along with FW&P and they had some great ideas and concepts, so we're putting that information together. Essentially when we originally submitted the biological assessment to USFWS we did not include an assessment of the gaps in the rail, so we're now putting that together for them. Furthermore, FWP is going to add some information as to the most likely areas for bears to cross based on geography and terrain and vegetation. With that we hope to demonstrate that this is not likely to adversely impact the Grizzly Bear but it will be up to USFWS and their assessment.

Once we initiate initial consultation, it begins the time clock. While the time clock is 120 days, typically it's completed within 90 days. Right now we're backtracking from the April 15th spring construction timeframe to make sure we have the 120 days captured to meet that deadline. We're hoping to get this resolved because this is the tip of the iceberg that can cost us a lot of time and money on some of these projects.

Commissioner Aspenlieder asked where the project was located. Dustin Rouse said it starts just west of Missoula and goes all the way through Clinton, Tarkio, almost to the Bearmouth Rest Area.

Director Long said these high tension barrier median rails are important to stop the head-on cross-over collisions. We've had it in Billings now for four years and they've proved very effective. We're finishing the one in District Two and District Three is done. Our stand is this is a safety improvement to save lives. USFWS wants to save bears, I understand that, but our stance is the traveling public and their safety is our first priority. We're working through this. It has been another example of where we're working with FWS and with FHWA partners to say this is important and explore how we can move forward.

Agenda Item 17: Change Orders July & August 2023

Jake Goettle presented the Change Orders for July & August 2023 to the Commission. This is informational only. No action is necessary.

Agenda Item 18: Letting Lists

Jake Goettle presented the upcoming Letting List for November 2023 through November 2024. This is for your information. No action is necessary.

Agenda Item 19: Liquidated Damages

Jake Goettle presented the Liquidate Damages – there were no liquidated damages. This is for your information.

Next Commission Meetings

The next Commission Conference Calls were scheduled for November 7, November 28 and December 19, 2023.

The next Commission Meeting was scheduled for December 14, 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