

# Montana Transportation Commission

**April 19, 2018 Meeting  
Commission Room  
2701 Prospect Avenue  
Helena, Montana**

## **IN ATTENDANCE**

Barb Skelton, Transportation Commission Chair  
Greg Jergeson, Transportation Commissioner  
Carol Lambert, Transportation Commissioner (excused)  
Dan Belcourt, Transportation Commissioner  
Mike Tooley, Director, MDT  
Pat Wise, Deputy Director MDT  
Dwane Kailey, MDT Engineering  
Kevin Christensen, MDT Construction  
Rob Safer, MDT Right of Way  
Charlena Toro, MDT Legal  
Lori Ryan, Commission Secretary  
Dustin Rouse, MDT  
Dave Ohler, MDT  
Lynn Zanto, MDT  
Carol Grell Morris, MDT  
Rob Stapley, MDT  
Kevin McLaury, FHWA

*Please note:* the complete recorded minutes are available for review on the commission's website at [http://www.mdt.mt.gov/pubinvolve/trans\\_comm/meetings.shtml](http://www.mdt.mt.gov/pubinvolve/trans_comm/meetings.shtml). You may request a compact disc (containing the audio files, agenda, and minutes) from the transportation secretary Lori Ryan at (406) 444-7200 or [lrayn@mt.gov](mailto:lrayn@mt.gov). Alternative accessible formats of this document will be provided upon request. For additional information, please call (406) 444-7200. The TTY number is (406) 444-7696 or 1-800-335-7592.

## **OPENING – Commissioner Barb Skelton**

Commissioner Skelton called the meeting to order with the Pledge of Allegiance. After the Pledge of Allegiance, Commissioner Skelton offered the invocation.

## **Approval of Minutes**

The minutes for the Conference Calls of February 20, 2018, March 6, 2018, and March 27, 2018 were presented for approval.

Commissioner Jergeson moved to approve the minutes for the Conference Calls of February 20, 2018, March 6, 2018, and March 27, 2018. Commissioner Belcourt seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item 1: Local Construction Project on State Highway System – City of Kalispell, City of Butte and Silver Bow County**

Lynn Zanto presented the Local Construction Project on State Highway System – City of Kalispell, City of Butte and Silver Bow County 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 better coordination between state and local infrastructure improvements. MDT staff reaches out to local governments to solicit local projects on state systems to ensure compliance with this statute.

*Summary:* The City of Kalispell, the City of Butte and Silver Bow County are planning to design and build transportation improvement projects on the state highway system. The projects will be funded locally and will utilize local forces for construction. These projects will be designed with input and concurrence from MDT staff to the extent practicable.

When complete, the City of Kalispell, the City of Butte and Silver Bow 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 projects.

On behalf of the local governments, as required by MCA 60-2-110, staff requests that the Transportation Commission approve the local projects listed below. The projects are also illustrated on the attached maps: City of Kalispell (Attachment), City of Butte/Silver Bow County (Attachment).

Location	Type of Work	Cost (estimate)	Fiscal Year	Type of Labor
1 <sup>st</sup> Avenue East (U-6723), from Montana Street to Center Street, in Kalispell	Mill & Fill	\$300,000	2018	Local
3 <sup>rd</sup> Avenue East (U-6724), from Washington Street to Oregon Street, in Kalispell	Mill & Fill	\$150,000	2018	Local
Dewey Boulevard (U-1821), from Rowe Road to Harrison Avenue, in Butte	Reconstruction / Water Main Work	\$840,000	2018	Local

Staff recommends that the Commission approve these improvements to the state highway system, pending concurrence of MDT's Chief Engineer.

Commissioner Belcourt moved to approve the Local Construction Project on State Highway System – City of Kalispell, City of Butte and Silver Bow County. Commissioner Jergeson seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

## **Agenda Item 2: Local Construction Project on State Highway System – Broadwater Business Development, Great Falls**

Lynn Zanto presented the Local Construction Project on State Highway System – Broadwater Business Development, Great Falls 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.

### Broadwater Business Development – Great Falls

Double Eagle Development, LLC is proposing modifications to River Drive (U-5205) in Great Falls to address traffic generated by a new business facility (termed the Broadwater Business Development). Improvements would include the installation of two new approaches and the creation of a new two-way left turn lane (via modified striping).

The City of Great Falls has given preliminary approval for improvements at this location. Additionally, MDT headquarters and Great Falls District staff have reviewed and concur with the recommended improvements.

Double Eagle Development, 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).

*Summary:* Double Eagle Development, LLC is proposing modifications to the Urban Highway System to address traffic generated by their new facility in Great Falls. Specifically, Double Eagle Development, LLC is requesting the addition of two new approaches and the creation of a new two-way left turn lane (via modified striping) on River Drive (U-5205) in Great Falls.

Staff recommends that the Commission approve these modifications to River Drive, pending concurrence of MDT's Chief Engineer.

Commissioner Jergeson moved to approve the Local Construction Project on State Highway System – Broadwater Business Development, Great Falls. Commissioner Belcourt seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

### **Agenda Item 3: Local Construction Project on State Highway System – 44 Ranch Subdivision – Missoula**

Lynn Zanto presented the Local Construction Project on State Highway System – 44 Ranch Subdivision, Missoula 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.

#### 44 Ranch Subdivision – Missoula

The 44 Ranch Subdivision is proposing modifications to Mullan Road (U-8123) in Missoula to address traffic generated by the expansion of their subdivision. Proposed improvements would include construction of a new public access road, installation of turn lanes, and removal of two existing approaches on Mullan Road.

The City of Missoula has given preliminary approval for improvements at this location. Additionally, MDT headquarters and Missoula District staff have reviewed and concur with the recommended improvements.

The 44 Ranch Subdivision 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).

*Summary:* The 44 Ranch Subdivision is proposing modifications to the Urban Highway System to address traffic generated by the expansion of their subdivision in Missoula. Specifically, the 44 Ranch Subdivision is requesting to add a new public access road, install turn lanes, and remove two existing approaches on Mullan Road (U-8123) in Missoula.

Staff recommends that the Commission approve these modifications to Mullan Road, pending concurrence of MDT's Chief Engineer.

Commissioner Jergeson said we just had projects for approval in Kalispell and Butte in the same agenda item and Missoula is in the same District as Kalispell and is a separate item. Helena is in the same District as Great Falls and is also a separate item. Why are some listed as individual projects in a city and other times they are combined? Lynn Zanto said the first one was local government. It is how our processes works – we solicit all local governments once a year and ask if they are doing any work on our system, then we lump all that together. They are presented as two items if they are contracted services and requires different action. We could lump them together if that is your preference. Commissioner Jergeson said he just wondered why they were separate. Lynn Zanto said it doesn't matter, it is what works best for you.

Commissioner Belcourt moved to approve the Local Construction Project on State Highway System – 44 Ranch Subdivision, Missoula. Commissioner Jergeson seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

#### **Agenda Item 4: Construction Project on State Highway System – Love's Travel Stop, Missoula**

Lynn Zanto presented the Construction Project on State Highway System – Love's Travel Stop, Missoula to the Commission. Under MCA 60-2-110 "Setting priorities and selecting projects," the Commission shall establish priorities and select and designate segments for construction and reconstruction on the national highway system, the primary highway system, the secondary highway system, the urban highway system, and state highways. This statute exists to ensure the safety of our system, protect transportation investments, and encourage coordination on public and private infrastructure improvement projects that impact MDT routes.

##### Love's Travel Stop – Missoula

Love's Travel Stop is proposing modifications to Route 474 (U-8135) near Missoula to address traffic generated by their new gas station and convenience store. Proposed improvements would include installation of a new left-turn lane on Route 474.

Missoula County has given preliminary approval for improvements at this location. Additionally, MDT headquarters and Missoula District staff have reviewed and concur with the recommended improvements.

Love's Travel Stop will provide 100 percent of project funding and will be required to complete MDT's design review and approval process (to ensure that all work complies with MDT design standards).

*Summary:* Love's Travel Stop is proposing modifications to the Urban Highway System to address traffic generated by their new gas station and convenience store. Specifically, Love's Travel Stop is requesting to add a new left-turn lane on Route 474 (U-8135) near Missoula.

Staff recommends that the Commission approve these modifications to Route 474, pending concurrence of MDT's Chief Engineer.

Commissioner Belcourt moved to approve the Construction Project on State Highway System – Love's Travel Stop, Missoula. Commissioner Jergeson seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

### **Agenda Item 5: Construction Project on State Highway System – Cottonwood Subdivision, Bozeman**

Lynn Zanto presented the Construction Project on State Highway System – Cottonwood 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.

#### Cottonwood Subdivision – Bozeman

The Cottonwood Subdivision is proposing modifications to Cottonwood Road (U-1216) in Bozeman to address traffic generated by their new subdivision. Proposed improvements would include new approaches, additional turn lanes, new pedestrian facilities and a through lane on Cottonwood Road (from Alpha Drive to Loyal Drive).

The City of Bozeman has given preliminary approval for improvements at this location. Additionally, MDT headquarters and Butte District staff have reviewed and concur with the recommended improvements. The Cottonwood Subdivision 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 Bozeman 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 improvements.

*Summary:* The Cottonwood Subdivision is proposing modifications to the Urban Highway System to address traffic generated by their new subdivision in Bozeman. Specifically, the Cottonwood Subdivision is requesting to add new approaches, additional turn lanes, new pedestrian facilities and a through lane to Cottonwood Road (U-1216) in Bozeman.

Staff recommends that the Commission approve these modifications to Cottonwood Road, pending concurrence of MDT's Chief Engineer.

Commissioner Jergeson moved to approve the Construction Project on State Highway System – Cottonwood Subdivision, Bozeman. Commissioner Belcourt seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item 6: Bridge Program Projects**  
**Clark Fork 5 M E Alberton**  
**I-94 Br Pres MP 14-21**

Lynn Zanto presented the Bridge Program Projects – Clark Fork 5 M E Alberton, I-94 Br Pres MP 14-21 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 two (2) projects to the National Highway Performance Bridge (NHPB) Program. The first project will rehabilitate a substandard bridge deck on an I-90 structure over the Clark Fork River (near Alberton). The second project will rehabilitate (or replace) bridge decks on a series of structures along I-94 (from MP 14 to MP 21).

If approved, it would be MDT's intention to let these projects individually. The estimated total cost for all project phases is \$10,119,000 (\$8,760,000 federal + \$1,359,000 state) – with the entirety of the federal funding originating from the National Highway Performance Bridge (NHPB) Program.

*Summary:* MDT is requesting Commission approval to add two (2) bridge projects to the National Highway Performance Bridge (NHPB) Program. The first project will rehabilitate a substandard bridge deck on an I-90 structure over the Clark Fork River (near Alberton). The second project will rehabilitate (or replace) bridge decks on a series of structures along I-94 (from MP 14 to MP 21).

The estimated total cost for all project phases is \$10,119,000 (\$8,760,000 federal + \$1,359,000 state) – with the entirety of the federal funding originating from the National Highway Performance Bridge (NHPB) Program.

The proposed projects are consistent with the goals and objectives identified in the Performance Programming Process (P3) 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 Jergeson asked if the Commission's approval would put these projects out past the five years of the STIP, and someday find their way back into the STIP. Lynn Zanto said yes. If you approve the addition of these projects, the next step would be to send a STIP Amendment to FHWA and they approve amending it into the STIP. This has been on our website as a proposed addition. We have a running STIP list that shows the amendments, and we will put this in there as well. Once FHWA approves, then Dwane's staff organizes the initial Preliminary Field Review and determines what needs to be done and then they develop a schedule. It could move into the next TCP but that depends on funding.

Commissioner Skelton asked if some of the bridges were worse than others. Dwane Kailey said we inspect all the bridges at a minimum every two years. It is like our pavement, were trying to do more pavement preservation. On the bridges where we are just doing deck work, those aren't necessarily our worst bridges. They may be in fair condition but we want to keep them that way or improve them to good condition. We don't want them to get so bad we have to replace the entire structure. They are not necessarily our worst structures, they are structures that need to be preserved so they don't move into the "structurally deficient" category.

Commissioner Skelton asked if any have holes in them. Dwane said there are some that have potholes, but I can't speak directly to these. The bridges west of Missoula that have pot holes, we brought in a consultant and investigated the cause and instituted some changes. MDT is a national leader in that area; we found out that has been happening nation-wide. Through our work with our consultant and staff, we've come up with a very innovative way to address it. We have staff going to a national committee to present what we've come up with and why we're changing what we're doing. It's counter-intuitive to how Engineers have been trained with concrete, and it is getting national recognition. Commissioner Skelton congratulated them.

Commissioner Belcourt asked what was counter-intuitive? Dwane Kailey said in school we were trained to keep concrete moist, and let it cure out for a fairly long period of time. Now they are recommending just the opposite – don't keep it moist for very long, let it cure fairly quickly, and don't let it build a whole lot of heat-of-hydration. Concrete is a chemical reaction. Everybody says concrete dries, but it is a chemical reaction that absorbs the moisture and creates the glue. Our consultant says

you want to reduce the heat-of-hydration and get some of the curing stuff off it. In the past we used a lot of blankets, but we need to get the blankets off and let it cure in cooler temperatures; don't build the heat within the concrete because that's what is causing some of the cracking in the decks.

Kevin Christensen said we would always pour the decks early in the morning because the temperatures were cooler, most of the finishing was done and we would cover it up and leave it covered. We put soaker hoses and foggers on it, but we found that by the time all that work was done, we were hitting the hottest part of the day and the deck was covered up with blankets that trapped the heat. Now we're getting away from that; we're hand fogging the deck and waiting for the cooler temperatures before we cover it up and then we only leave it covered up less than a week – four to five days as opposed to fourteen. We just finished two structures in Helena – we did one with the old deck cure and found that deck started to crack. The other bridge deck we used the new cure and we're not seeing any cracks at all.

Kevin McLaury commended the Department for the work they've done. FHWA is bringing in a group of national experts to look at what's happening here in Montana because we're seeing those issues across the U.S. They are going to review the specks that Montana is implementing so we can take that information and disseminate that across the U.S. as the best practice. It has a lot of positive potential. There is still some research that has to happen but the response we're getting is very positive. So, I commend the Department on their ability to take on a tough situation. The Department did a very good job addressing the issue and put the effort and the time in to make it work. We're seeing some positive results. With the new cements they are producing, it is causing to think differently. So, my hats off to the Department.

Commissioner Belcourt said it is amazing that it is a function of curing as opposed to the mix. Dwane Kailey said from an engineering standpoint, intuitively we've always added more cement to make it stronger, but we're finding that 20 years ago they didn't grind the cement as fine and now it is a much finer cement and the chemical properties are changing and forcing us to change how we deal with it. Pretty exciting actually. Commissioner Belcourt asked if this was the new standard. Dwane said yes. Commissioner Belcourt asked how many bridges were in that shape. Dwane Kailey said predominately they are in western Montana and we think there is a correlation with the weather conditions that exacerbate the situation. Again, they are predominately located within the Missoula District and I'll get you those numbers.

Commissioner Belcourt moved to approve the Bridge Program Projects – Clark Fork 5 M E Alberton, I-94 Br Pres MP 14-21. Commissioner Jergeson seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

## **Agenda Item 7: Montana Rest Area Project Gold Creek Truck Parking Area**

Lynn Zanto presented the Montana Rest Area Project – Gold Creek Truck Parking Area to the Commission. MDT’s Rest Area Prioritization Committee monitors the condition of Montana’s Rest Areas and provides project recommendations in support of the goals and objectives outlined in MDT’s Rest Area plan. Recently, the Rest Area Prioritization Committee was tasked with evaluating alternatives for the aging facilities near Gold Creek.

In evaluating options for the Gold Creek facilities, MDT sought an alternative that would accomplish the following objectives:

- Minimize capital and long-term maintenance costs.
- Leverage federal-aid funding and reduce demand for limited state funding.
- Minimize impacts to physical, biological, and social/cultural resources which could result in costly and time-consuming mitigation and abatement activities.
- Provide safe stopping opportunities spaced by a maximum of approximately one hour of travel time.
- Accommodate public and stakeholder feedback regarding stopping and parking opportunities.
- Align with existing MDT plans, policies, and asset management strategies.
- Adhere to FHWA rules, regulations and guidance regarding the operation, maintenance and abandonment of Rest Area facilities.

A summary report was drafted that outlines the methodology used for determining the preferred alternative at this location. A copy of this report can be viewed on MDT’s website via the following link:

<http://www.mdt.mt.gov/pubinvolve/goldcreek/docs/final-summary-report.pdf>. Based on the analysis contained in the document, the preferred alternative is to convert the existing Gold Creek sites to truck parking facilities.

*Summary:* MDT is requesting Commission approval to convert the Gold Creek Rest Area sites to truck parking facilities – consistent with the recommendations contained in the Gold Creek Rest Area Study summary report. The estimated total cost for this conversion project is \$843,000 (\$769,000 federal + \$74,000 state) – with the entirety of the federal funding originating from the Rest Area Program.

The proposed project is consistent with the goals and objectives identified in the Performance Programming Process (P3) as well as the policy direction established in TranPlanMT. Specifically, roadway system performance and traveler safety will be enhanced with the addition of this project to the Rest Area Program.

Staff recommends that the Commission approve the addition of this project to the Rest Area Program.

Commissioner Skelton asked if they would be working on the rest area this year. Lynn Zanto said no. Commissioner Jergeson asked if the major problem was related to the drain field, the sewage, and the quality of the water. Lynn Zanto said it is water issues, it's an old structure, and parking. Dwane Kailey said Gold Creek is close to the river on the eastbound side and has high ground water issues. We're going into the season where the drain field and the facility itself is challenged because the river water comes up so high it raises the ground water elevation, and it challenges the system as a whole. It has always had challenges but based on the review from the Rest Area Committee, we don't believe we need to maintain that level of investment in the site and going to a parking area is more economical. It still provides for the parking area and we eliminate some of the environmental issues in dealing with high ground water. Commissioner Jergeson asked if the parking area would have a latrine that would be pumped every now and then. Dwane said it would be a vaulted toilet.

Commissioner Belcourt moved to approve the Montana Rest Area Project – Gold Creek Truck Parking Area. Commissioner Jergeson seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

### ***Elected Officials/Public Comment***

No public comment was given.

### ***Agenda Item 8: Reapproval of Project Due to Increase in Scope and Cost Taft – West (Missoula District Project)***

Lynn Zanto presented the Reapproval of Project Due to Increase in Scope and Cost – Taft - West (Missoula District Project) 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 Missoula District is proposing to modify the scope for the *Taft – West* project. The project was originally scoped (and approved) as a mill and fill on I-90 from RP 0.0 to 5.7. The estimated total cost for the project (all phases) was \$6.1M.

Early in project development, the design team noted that harsh conditions on Lookout Pass were rapidly degrading recent pavement treatments. Thus, it was determined that the approved scope (mill & fill) was likely to fail earlier than anticipated.

Additional analysis suggested that the most appropriate and cost-effective treatment was to replace the existing roadway material with a concrete surface (similar to recent treatments on the Idaho portion of Lookout Pass). The estimated total cost for this reconstruction project (all phases) is anticipated to be \$25.6M.

*Summary:* MDT is requesting Commission approval to modify the scope of the *Taft – West* project (from a mill & fill) to a reconstruction project – at the request of the Missoula District. The total estimated cost for the project (all phases) is anticipated to be \$25.6M. No changes are proposed to the project limits.

MDT's Pavement Analysis Section has reviewed the scope change proposal and concurs with the recommended treatment. Additionally, MDT's Planning Division agrees that the proposed modifications are consistent with the goals and objectives identified in the Performance Programming Process (P3) as well as the policy direction established in TranPlanMT. Specifically, roadway system performance and traveler safety will be enhanced with this project modification.

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

Dwane Kailey said I was the Missoula District Administrator in 2006, and we looked at this entire 27-mile stretch of highway. Back then it was all concrete and we were starting to have a lot of vaulting issues. We worked very closely with staff and FHWA and did a lot of life-cycle calculations. We had three options we could pursue: (1) crack and seat it; (2) rumbalize it and put asphalt or concrete on top; or (3) we could completely reconstruct it. In the end, we decided to go with crack and seat on all the segments. Everything for the most part worked very well and it's performing very well except this section. We believe with the steep climbing grade on Lookout Pass and the inclement weather, the chains from commercial vehicles are tearing up the asphalt and it's not getting the longevity we anticipated. That's why the District has proposed to change the scope and go back to concrete to get a more durable surface out there. That is why we're asking for the change in the scope of work.

Commissioner Skelton asked about crack and seat. Dwane explained that we bring in a big, heavy steel plate that they slam down on the concrete and it creates hairline cracks which fractures the concrete, so it is no longer operating as a slab. It creates a very strong base underneath and we can then overlay it with asphalt. It acts more like aggregate rather than a slab of concrete. We've done a lot of Interstates that way. Missoula used to be all concrete and now it is cracked and seated asphalt. Belgrade to Bozeman used to all be concrete and it is now all crack and seated as well. Commissioner Jergeson said the motoring public thinks it's an asphalt surface. Dwane said it is an asphalt surface but the base underneath is not gravel, it's concrete.

Commissioner Jergeson said there is a \$19-million-dollar difference and that's significant. If it were in the five years of the STIP, we'd see other projects affected and scheduled differently because of it. It doesn't mean there isn't that effect in the out years even though there is not a specific schedule for any of the projects that far out, but this kind of a change has that effect. Other projects inevitably are going to be affected by either being delayed or not moved ahead. My struggle is picturing that. I don't have a list of what projects are out there that aren't scheduled, but they've been approved and are supposed to be moved into the queue. So, I have no idea what other projects are going to be affected. Lynn Zanto said we haven't had this type of action come before you for quite a long time. I can bring the TCP sheet to see what will be affected if you can take the time to look at that. Because it was a mill and fill, it was a preservation project and was intended to be built using preservation funds for the Missoula District. It was shown in 2020 as a Preservation Project, but now preservation will not work. That is why it will go in the out year and they'll develop a schedule to go with it.

Kevin Christensen said Dwane mentioned life-cycle costs, concrete is a much more durable surface. For example, if we put an asphalt surface down, typically we come in with our first pavement preservation project about eight years after that which is a chip seal. Then in the out years, we would look at mill and fill and overlays. With concrete, we typically expect about a 40-year design life. So, your first preservation treatment is much further out than it would be with asphalt. If you do the life-cycle calculation, usually concrete wins because it is a more durable surface and requires less maintenance. The rub is the up-front costs are much higher. That's typically why you don't see a lot of concrete stretches of roadway because of the up-front costs but it pencils out for life-cycle costs, as the better value.

Commissioner Jergeson said that was helpful to understand. There used to be a concrete road outside Ulm and it was rough and noisy. Then they took out the concrete and put in asphalt. This new design where you're putting asphalt over the concrete, isn't that asphalt going to wear just like any asphalt surface and need to be milled and filled in five or six years? Kevin Christensen said mill and fill on concrete is not the first step. Usually the first several are chip seals and then you get into the mill and fill or an overlay.

Lynn Zanto said there isn't a whole lot waiting in the queue. In federal fiscal year 2022, they have pavement preservation of \$4.3 million but no capital projects. I believe at one Commission meeting we brought in some new projects, but all the projects had to be in the same queue. As the Missoula District puts together the coming year's TCP, it will look at all of those. We also brought some proposed Interstate projects from the Missoula Districts. Commissioner Jergeson asked about fiscal year 2022, there are no projects at this point in the preliminary stage, so would we be moving this expanded project to that slot? So, it would be first in the queue? Lynn Zanto said depending on the complexities of delivering the project, when they go back and look at the revised scope, they'll put a schedule together and that will drive what year we can move it into. Dwane Kailey said this is for the Missoula District which is where that funding would come from. The other two options the District has available: (a) they can fund the \$25 million across two fiscal years because they don't have enough money in one fiscal year to cover it, or (2) or they can potentially borrow from one of their other programs; the NH System or the Primary System to fund it in one fiscal year. We will cover all those discussions in the TCP in October if they bring it in at that time. Commissioner Jergeson said, given the needs on the National Highway System or the Primary System, I doubt there is much out there to borrow. Lynn Zanto said I would fully anticipate they will vote to fund it across two fiscal years.

Commissioner Belcourt moved to approve the Reapproval of Project Due to Increase in Scope and Cost, Taft – West (Missoula District Project). Commissioner Jergeson seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item 9: Functional Classification/System Designation –  
Old Highway 312 – Yellowstone County,  
Nahmis Avenue – Yellowstone County,  
Highway 522 – Yellowstone County**

Lynn Zanto presented the Functional Classification/System Designation – Old Highway 312 – Yellowstone County, Nahmis Avenue – Yellowstone County, Highway 522 – Yellowstone County to the Commission. Functional classification is a method of classifying roads by the service they provide as part of the overall highway system. Roadway classifications include Principal Arterial, Minor Arterial, Major Collector, Minor Collector, and Local roads. Generally, arterials facilitate mobility serving through movements, collectors distribute traffic between the local roads and arterials, and local roads facilitate land access serving more local movements. The Transportation Commission gives concurrence on functional classification recommendations for public roadways at the state level with final approval by the Federal Highway Administration (FHWA). Additionally, the Transportation

Commission is responsible for approving revisions to the Primary and Secondary Highway Systems (per MCA 60-2-126).

As recommended in the Old Highway 312 Corridor Study and the request of the Billings District Administrator, MDT conducted a functional classification review of Old Highway 312 (from Billings to Nahmis Avenue), Nahmis Avenue (from Old Highway 312 to Highway 522) and Highway 522 (from Nahmis Avenue to Interstate 94). The purpose of this review was to determine if the functionality of these routes had changed due to substantial growth in the area.

MDT staff conducted a field review and evaluated roadway data for these routes and based on findings and consistency with federal functional classification guidelines is recommending classification revisions and changes to system designation. Coordination with the County and local officials through the MPO process has been completed with approval of the recommendations received through signature on the attached maps.

It should be noted that Yellowstone County has approved a resolution accepting jurisdiction of this portion of Highway 522 – pending Transportation Commission action on the removal of it from the Secondary Highway System.

*Summary:* MDT is requesting Transportation Commission approval to classify Old Highway 312 (from Billings to Nahmis Avenue), Nahmis Avenue (from Old Highway 312 to Highway 522) and Highway 522 (from Nahmis Avenue to Interstate 94) as Minor Arterials.

Additionally, MDT is requesting approval to add Old Highway 312 (from US-87 to Nahmis Avenue), Nahmis Avenue (from Old Highway 312 to Highway 522) and Highway 522 (from Nahmis Avenue to Interstate 94) to the Primary Highway System.

Lastly, MDT is requesting that a portion of Highway 522 (from Nahmis Avenue to Old Highway 312) be removed from the Secondary Highway System. Please note that all proposed actions are pending final approval by FHWA.

As called for in the December 2000 Transportation Commission Policy for System actions on state designated highways, the proposed system actions are in conformance with:

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

Staff recommends that the Commission approve the following items:

1. Functional Classification Revisions (Attachment):

- a. Reclassify Old Highway 312, between Billings (2000 Urban Boundary) and Nahmis Avenue, from a Major Collector to a Minor Arterial (7.19 miles)
- b. Reclassify Nahmis Avenue, between Old Highway 312 and Highway 522, from a Major Collector to a Minor Arterial (0.67 miles)
- c. Reclassify Highway 522, between Nahmis Avenue and Interstate 94, from a Major Collector to a Minor Arterial (0.95 miles).

These functional classification revisions are subject to FHWA approval.

2. System Actions (Attachment):

- a. Add Old Highway 312, between US-87 and Nahmis Avenue, to the Primary Highway System (8.95 miles)
- b. Add Nahmis Avenue, between Old Highway 312 and Highway 522, to the Primary Highway System (0.67 miles)
- c. Add Highway 522, between Nahmis Avenue and Interstate 94, to the Primary Highway System (0.95 miles).
- d. Remove Highway 522, between Nahmis Avenue and Old Highway 312, from the Secondary Highway System (1.42 miles)

These actions are contingent on FHWA approval of functional classification revisions. The Transportation Commission is also responsible for designating routes placed on or removed from the State Highway System (per MCA 60-2-126). It has been locally looked at and approved, you can see the Yellowstone County Commission's signature on the attached map.

Commissioner Belcourt asked if the reclassification transfers this road from state to federal. Lynn Zanto said yes. Right now, there is some federal funding we could spend on that route depending on the projects we are doing, i.e., off-system bridge and safety funds can be spent on anything that's a collector and above. This is a collector rather than minor arterial. Essentially it would make it eligible for primary funding; that way the District can consider the recommendation from the Planning Study and build in those recommendations as their program allows.

Commissioner Belcourt moved to approve the Functional Classification/System Designation – Old Highway 312 – Yellowstone County, Nahmis Avenue – Yellowstone County, Highway 522 – Yellowstone County. Commissioner Jergeson seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item 10: Functional Classification/System  
Designation – Cruse Avenue – Helena  
Helena Avenue/Railroad Avenue/  
Lamborn Street – Helena  
W. Main Street/Wylie Drive – Lewis & Clark County  
E. Main Street/Lake Helena Drive – Lewis & Clark Co**

Lynn Zanto presented the Functional Classification/System Designation – Cruse Avenue – Helena; Helena Avenue/Railroad Avenue/Lamborn Street – Helena; W. Main Street/Wylie Drive – Lewis and Clark County; E. Main Street/Lake Helena Drive – Lewis and Clark County to the Commission. Functional classification is a method of classifying roads by the service they provide as part of the overall highway system. Roadway classifications include Principal Arterial, Minor Arterial, Major Collector, Minor Collector, and Local road. Generally, arterials facilitate mobility serving through movements, collectors distribute traffic between the local roads and arterials, and local roads facilitate land access serving more local movements.

The Transportation Commission gives concurrence on functional classification recommendations for public roadways at the state level with final approval by the Federal Highway Administration (FHWA). The Transportation Commission is also 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.

The Helena Transportation Coordinating Committee (TCC) has requested revisions to the Urban Highway System in the Helena area. As a result of this request, MDT conducted a functional classification review to confirm route eligibility for inclusion on the Urban Highway System. Based on field review, analysis of roadway data and consistency with federal functional classification guidelines, MDT staff is recommending classification revisions and changes to system designation. Coordination with the local officials through the local planning process has been completed with approval of the recommendations received through signature on the enclosed maps. (Attachments).

It should be noted that the City of Helena has approved a resolution accepting jurisdiction of the roadways being removed from the Urban Highway System pending Transportation Commission action on the removal.

*Summary:* MDT is requesting Transportation Commission approval to classify Wylie Drive (from Canyon Ferry Road to W. Main Street) and West Main Street (from Wylie Drive to US-12) as Minor Arterials. Additionally, MDT is requesting Commission approval to classify York Road (from Canyon Ferry Road to the Helena Urban Limit) as a Major Collector.

MDT is also requesting Commission approval to add Wylie Drive (from Canyon Ferry Road to W. Main Street), West Main Street (from Wylie Drive to US-12), Lake Helena Drive (from Canyon Ferry Road to E. Main Street) and East Main Street (from Lake Helena Drive to US-12) to the Urban Highway System.

Lastly, MDT is requesting approval to remove Cruse Avenue (from Park Avenue to 11<sup>th</sup> Avenue), Lamborn Street (from Broadway to Railroad Avenue), Railroad Avenue (from Lamborn to Helena Avenue), and Helena Avenue (from Montana Avenue to Railroad Avenue) from the Urban Highway System. Please note that all proposed actions are pending final approval by FHWA.

As called for in the December 2000 Transportation Commission Policy for System actions on state designated highways, the proposed system actions are in conformance with:

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

Staff recommends that the Commission approve the following items:

1. Functional Classification Revision (Attachment):
  - A. Reclassify West Main Street, between US-12 and Wylie Drive, from a Major Collector to a Minor Arterial. (0.026 miles)
  - B. Reclassify Wylie Drive, between West Main Street and Canyon Ferry Road, from a Major Collector to a Minor Arterial. (1.971 miles)
  - C. Reclassify York Road, between Canyon Ferry Road and the Helena Urban Limit, from a Minor Arterial to a Major Collector. (0.878 miles)

These functional classification revisions are subject to FHWA approval.

## 2. System Actions (Attachments):

- A. Remove Cruse Avenue, between Park Avenue and 11<sup>th</sup> Avenue, from the Urban Highway System. (0.867 miles)
- B. Remove Helena Avenue/Railroad Avenue/Lamborn Street (U-5813), between Montana Avenue and Broadway, from the Urban Highway System. (1.602 miles)
- C. Add West Main Street, between US-12 and Wylie Drive, to the Urban Highway System. (0.026 miles)
- D. Add Wylie Drive, between West Main Street and Canyon Ferry Road, to the Urban Highway System. (1.971 miles)
- E. Add East Main Street, between US-12 and Lake Helena Drive, to the Urban Highway System. (0.086 miles)
- F. Add Lake Helena Drive, between East Main Street and Canyon Ferry Road, to the Urban Highway System. (2.027 miles)

These actions are contingent on FHWA approval of functional classification revisions. The net mileage gain to the Urban Highway System equals 1.64 miles.

Commissioner Jergeson asked how Wylie Drive was currently classified. Lynn Zanto said Wylie Drive is just a local road. Commissioner Jergeson asked if this was an elevation designation but it doesn't go all the way up to a major collector? Lynn Zanto said when functional classification is done, it really is about how the road is functioning and what is happening out there. East Helena is considering a new High School in this area, but the field observations showed it was functioning as a minor arterial. It is one of the main corridors between Canyon Ferry and York Road heading east to Bozeman. My staff has coordinated with FHWA, which is the ultimate approver of Functional Classification, we do it based on their guidance. Commissioner Jergeson said Wylie Drive north of Canyon Ferry Road is a major collector, and Wylie Drive south of Canyon Ferry Road has none of those designations but will become a minor arterial? Lynn Zanto said that whole corridor Wylie Drive from York Road to Hwy 12 is a major collector, the portion from Canyon Ferry to Hwy 12 is what we are proposing as a minor arterial. In the future I will make sure you have the functional class on your agenda item.

Commissioner Jergeson asked about the roads being removed from the Urban System, are there roads added to the Highway System. Lynn Zanto said yes, they are all connected together. They had a lot they wanted to do all at once. Lynn then

explained the map showing what roads were being removed and added to the system and what their classifications will become.

Commissioner Skelton asked if these had been approved by the local government. Lynn Zanto said yes. First the approval process within Helena starts with their TCC Technical Coordinating Committee and we have their signature. City Commissioners, County Commissioners, MDT and the Mayor sits on that Committee. My staff supports that Committee. The Resolution was approved by the City Commission which states they will have jurisdiction and responsibilities for the routes being removed from the system.

Commissioner Jergeson said since he had been on the Commission, I've been attending the quarterly meetings in Great Falls with the Cascade Urban Group, they have scheduled meetings that go over a lot of these issues. Does the Helena Transportation Coordinating Committee meet with Doug and other staff in Great Falls in a similar fashion as they do in Great Falls, or is it somebody from here that meets with the Helena group? Who is meeting with these folks? There is some language that states the Commission is supposed to be engaged in this process. I've never been given a notice of any kind of meeting here in Helena. Am I missing something I'm supposed to be doing? Lynn Zanto said there are two things that happen in Great Falls – they have a formal metropolitan planning process which is a Technical Policy Committee which is managed at the local level. I have a staff person and the District has a couple of staff people on those committees. A step beyond that is the Great Falls District schedules project review meetings. That is more coordination with local officials the District has chosen to do. In Helena they did those at one time, but I don't know if they are still doing them. There is a formal agreement between the local governments and MDT and FHWA and Steve Prinzing is our formal representative on the Transportation Coordinating Committee. My staff usually always goes for technical support and sometimes Steve asks them to sit in his place if he can't make it. We will advance you their schedule; you would be welcome there. Helena doesn't have regularly scheduled meetings; they meet when they have actions to take.

Commissioner Jergeson moved to approve the Functional Classification/System Designation – Cruse Avenue – Helena; Helena Avenue/Railroad Avenue/Lamborn Street – Helena; W. Main Street/Wylie Drive – Lewis & Clark County; E. Main Street/Lake Helena Drive – Lewis & Clark County. Commissioner Belcourt seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

## **Agenda Item 11: Speed Limit Recommendation Secondary 287 – Three Forks South**

Dwane Kailey presented the Speed Limit Recommendation – Secondary 287, Three Forks South to the Commission. The local government asked us to look at potentially extending the 25-mph speed limit. We have conducted our review and based on that review, we're not only recommending extending the 25-mph speed limit but also moving the transition to 35 mph and then to 45 mph. We've presented that to the local government. They issued their concurrence. With that we recommend to the Commission approval of the speed study:

Statutory 25 mph speed limit beginning at the intersection with Date Street and continuing south to straight-line diagram station 17+50 (north side of the intersection with Ivy Street), an approximate distance of 1,750 feet.

A special 35 mph speed limit beginning at station 17+50 and continuing south to station 35+00 (300' west of the intersection with Talc Road), an approximate distance of 1,750 feet.

A special 45 mph speed limit beginning at station 35+00 and continuing west to station 46+00 (350' west of Bench Road), an approximate distance of 1,100 feet.

In the concurrence letter from Three Forks, they asked some questions about the previous speed study. I do have confirmation the school signs are up and in place. They also asked about a cross-walk and pedestrian lighting around the Sacajawea Hotel. We are working with them to set up a project to get a rectangular rapid flashing beacon installed at that location.

Commissioner Jergeson moved to approve the Speed Limit Recommendation – Secondary 287, Three Forks South. Commissioner Belcourt seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

## **Agenda Item 12: Speed Limit Recommendation US 20/P-12 Idaho to West Yellowstone**

Dwane Kailey presented the Speed Limit Recommendation – US 20/P-12 Idaho to West Yellowstone to the Commission. This was initiated mostly by MDT. You may recall we did a research project a few years ago looking at a two-lane differential speed limit. Montana is one of very few states that still maintains differential speed limits. That means a different speed limit for passenger vehicles versus commercial

motor vehicles. Based on that research, we identified some corridors within the State that we believe have a high enough level of daily traffic mixed with commercial traffic that we believe the differential speed is a detriment to safety. This is one of those locations where we think the differential speed should be eliminated. We've done our investigation and based on what we found for the average daily traffic and commercial motor vehicles we are recommending:

A single uniform 65 mph speed limit beginning at the Montana / Idaho state line and continuing east to milepost 8.1 (beginning of the 55-mph speed zone near West Yellowstone), an approximate distance of 8.1-miles.

By setting it at 65 mph, we're bringing the passenger vehicles down to 65 mph and moving the commercial motor vehicles up to 65 mph. It is very similar to what we did between Glendive and Sidney during the Bakken era. On most of these we have communicated with the commercial motor vehicle companies and they support this.

The above recommendation was presented to Gallatin County officials and they have concurred. Commissioner Belcourt asked how many other states have differential speed limits. Dwane Kailey said Montana is the only one. Commissioner Jergeson said he was in the Legislature when the speed limit passed. The differential is imbedded in the statute. Dwane said that is correct. Commissioner Jergeson asked if there was any consideration given to ask the next Legislature to change that. Director Tooley said that is one of my Legislative concepts we've taken to the Governor's office for consideration. We want to eliminate the speed differential state-wide. It worked on Hwy 16 and we think it will work on Hwy 20 and will improve safety.

Commissioner Jergeson moved to approve the Speed Limit Recommendation – US 20/P12 Idaho to West Yellowstone. Commissioner Belcourt seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

### **Agenda Item 13: Speed Limit Recommendation MT 64-X-route 81064**

Dwane Kailey presented the Speed Limit Recommendation – MT 64-X-route 81064 to the Commission. MT 64 is the highway that comes from Hwy 191 up to Big Sky Resort. This investigation is a result of a request by Gallatin County, Madison County, and the Big Sky Chamber. They've requested some reduced speeds. Based on our investigation, we're recommending the following:

A 45-mph speed limit beginning at the intersection with US 191 and continuing west to straight-line station 173+00, an approximate distance of 3.27-miles.

A 50-mph speed limit beginning at station 173+00 (400' east of the intersection with Lone Walker Rd.) and continuing west to the end of the X-route designation at station 475+00, an approximate distance of 5.72-miles.

We've presented that to the respective governments and we have concurrence from Gallatin County. Big Sky wanted us to look at reducing it in an around Hwy 191, so we went back and looked at that. Based on our engineering analysis, we don't believe a 35-mph speed limit is appropriate. The traveling speed is more conducive to a 45-mph speed limit. Therefore, we are standing with our 45 mph recommendation.

Commissioner Jergeson asked about the section that received the Tiger Grant, are they going to come back in another year after we get this project done and ask for another speed study reduction or increase. Is the project going to have the potential to affect the speeds? It seems like we should do the project first and then get some numbers, wouldn't that be a better approach? Dwane said I'm not familiar with what the Tiger is doing but I've heard part of it is looking at turn lanes on and off Hwy 64. I don't think, from an engineering aspect, it could induce potential for higher speeds. I don't see where it is going to change the travelling speeds up there much and induce a look at an additional investigation. If it does change it, we're more than happy to go back and look at it.

Commissioner Jergeson moved to approve the Speed Limit Recommendation – MT 64-X-route 81064. Commissioner Belcourt seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

### ***Agenda Item 14: Certificates of Completion January & February 2018***

Dwane Kailey presented the Certificates of Completion for January & February 2018 the Commission. They are presented for your review and approval. If you have any questions or comments, please feel free to ask. Staff recommends approval.

Commissioner Jergeson said in the Red Book and STIP the UPN number is being used. I look at this first project here and I see a project with a bid at \$1.8 million and the final amount was \$2.1 million. So, there's been some change orders on this. In trying to figure out what project that is, I don't see a UPN number just a contract number. I see contract numbers with letters in them, is that different from a UPN number? Could you explain the numbers and if there is a way to track these projects from the first time it is brought up to the time it is completed. Dwane Kailey said

you hit upon our number one challenge within the agency. Through the pre-construction, planning, etc., we track all these projects by the UPN number but when we go into construction, we still have that UPN number tied to the projects, but we switch to a contract number. One of the reasons we switch is because when we tie projects, you can't use the UPN numbers. We have to give it a unique number because that is one contract covering separate projects. That is one of the anomalies; we use contract numbers on tied projects. So, it changes when we go to construction. In our data base, we can still track them using the UPN and, if you want, I think we can add the UPN into this report.

Commissioner Jergeson asked if Contract Number 04A16 is two projects that were tied together that started with two separate UPN numbers? Dwane said one of the reasons we go to a contract number is because of tied projects, but they all get a new contract once they go into construction. Commissioner Jergeson asked if the first one, 04A16, is a contract a number? Is that different from a UPN number? Dwane said that is the contract number. Commissioner Skelton asked about the ones with a letter in them, is that one or two projects. Dwane said that is one single contract for one single project. Kevin Christensen explained we've had up to three projects under one contract. That is how we track it on the construction side of the business. Commissioner Jergeson asked if the contract number had any relationship to the UPN number. Dwane said we have UPN numbers behind the scene, so that project is still tied to that UPN number, we just don't usually publish that once we go to construction. Kevin Christensen said the UPN number and the contract numbers have nothing to do with each other – they are just two separate numbers.

Commissioner Skelton said the UPN number would be for a single project. So, if I just wanted to look at a project, Rehmos Pass Overlay North, you could look that up under just the UPN number rather than the contract number or the project ID number? Dwane Kailey said the project ID number, everything but the number in parenthesis, STPP13-1(35)0, stays the same throughout the project life with the exception of the (35). That (35) will change depending what phase we're in whether it's design phase, right-of-way phase, utility phase, or construction phase. That agreement number will change but everything else will stay the same. Typically, the project name will stay the same throughout the life of the project. There are anomalies out there, but they are few and far between. I will see if we can start adding the UPN number into this report.

Commissioner Jergeson said we need a way to point to the public that we've completed these projects. There isn't a way for the public to see that without the same number staying with the projects throughout it's life that ties it all together through all the phases. I'd like to be able to start at point A and track things all the way through, so I can see that it was completed. I would think you would want that too. Dwane Kailey said the data base systems we've been using for many, many years up to today, have been very challenged to maintain some of that historical data and

most of them haven't retained it. We are getting some newer software systems and updating many of them, and as we update we're improving them and we're able to maintain some of that data. We're getting there but we're dealing with some old Legacy Systems that are very outdated and very old.

Commissioner Belcourt moved to approve the Certificates of Completion for January & February 2018. Commissioner Jergeson seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item No. 15: Project Change Orders  
January & February 2018**

Dwane Kailey presented the Project Change Orders for January & February 2018 to the Commission. They are presented for your review and approval. If you have any questions, please feel free to ask. Staff recommends approval.

Commissioner Jergeson moved to approve the Project Change Orders for January & February 2018. Commissioner Belcourt seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item No. 16: Liquidated Damages  
STPP 78-1(11)1  
Red Lodge Northwest**

Dwane Kailey presented the Liquidated Damages to the Commission. They are presented for your review and approval. We have one project and contractor for liquidated damages:

STPP 78-1(11)1, Red Lodge Northwest. The contractor is Riverside Contracting. They have one day of liquidated damages for a total value of \$3,604. They are not disputing these costs.

With liquidated damages, you need do nothing and they stand as is. If you want to adjust them, then you need to make a motion. If you have any questions, please feel free to ask.

STAND.

**Agenda Item No. 17: Design Build – Great Falls ADA**

## **Upgrades CMDO 5299(129) – Great Falls ADA Upgrades – CN 9205**

Kevin Christensen presented Design Build – Great Falls ADA Upgrades CMDO 5299(129) – Great Falls ADA Upgrades – CN 9205 to the Commission.

*Background:* The Request for Qualifications (RFQ) package was advertised on December 4, 2017. Statement of Qualification (SOQ) responses were received from four design-build teams (Firms) on January 5, 2018. A Technical Review Committee (TRC) consisting of eight MDT staff members from various project-related disciplines, and one City of Great Falls employee, independently evaluated and scored the SOQ from the four Firms, based on established Evaluation Criteria and Scoring Guide. The TRC produced a ranked short-list of three Firms that were invited to submit Proposals. Request for Proposal (RFP) packages were issued to the three short-listed Firms on January 24, 2018 with Technical Proposal responses due on March 1, 2018. We received proposals from two of the firms; one of the firms decided to bow out. Bid Price Proposal responses were due on March 30, 2018.

*Summary:* The following is a summary of the proposal evaluation process.

Two sealed Technical Proposals were received on March 1<sup>st</sup> and two sealed Bid Price Proposal packages were received and publicly opened at 11:00 AM on March 30<sup>th</sup>. Proposals were received from the following Firms: KLJ/Talcott Construction; and Knife River/WGM Group, Inc./Lorenzen Soil Mechanics, Inc.

The Technical Review Committee evaluated and scored the written Technical Proposals submitted by each Firm prior to opening of the Bid Price Proposals. This score was based on evaluation criteria and scoring guidelines provided in the RFP package. All Technical Proposals were independently scored and tabulated prior to reviewing the Bid Price Proposals.

The Selection Committee reviewed the Bid Price Proposals and Technical Proposal evaluation and scoring information provided by the TRC. The highest Total Points is considered the Best Value. In this case KLJ/Talcott Construction did have the low bid and based on the formula, they had the highest total score which represents the Best Value to the Department.

*Staff recommendations:* After reviewing the Technical Proposal Evaluation and Scoring information provided by the TRC and the Bid Price Proposals, the Selection Committee recommends that both firms are considered responsive and receive the stipend payment and award the contract to the KLJ/Talcott Construction.

Commissioner Jergeson asked how do you choose which firms to send the projects to. Kevin Christensen said we advertise the projects; we put it out on our website

and anybody who wants to submit a Statement of Qualifications is welcome to do so. So, however many we receive, we score those Statement of Qualifications and we short-list firms up to five firms. Those short-listed firms are invited to submit a proposal. That is the meat and potatoes of a design-build project – it's very labor intensive and it's costly.

When we receive the Technical Proposals, they are scored and ranked. Then when that is done, we receive the Bid Price Proposals. We use the best value formula and score the Technical Proposals based on that. The highest score based on bid price and the Technical Proposal score is who we select to do the project. Commissioner Jergeson said these firms would actually submit twice if they are short listed. So, you short-list three firms, two of them submitted again with a completed proposal, and one decided not to do that? Kevin Christensen said that is correct. It's rare to get through the process and be short listed and not submit a proposal. I believe in this case the firm took a good look at the project and decided it wasn't a great fit for them and I believe they had some work load issues as well. That is why they chose to not submit a proposal. I don't recall that ever happening before. As far as MDT is concerned, we can't move forward with the project unless we have at least two firms bid. The firms know we publish who is short listed and if there is only one firm, they know they are the only one and that would affect how they bid the job.

Commissioner Jergeson asked what MDT does if only one firm bids. Kevin Christensen said we did have that happen on a project in Billings where we struggled getting firms interested in the project. We went out twice with design build requests for qualifications and the second time we got three firms that bid. In the past we've had projects where there wasn't any interest from design build firms. Sometimes it is the value of the project and it is not worth their effort. When we run into that, we re-evaluate to see if we should move forward and re-advertise as a design build or go with the normal design bid build. Commissioner Skelton said that happened on 27<sup>th</sup> Street. Kevin Christensen said that was right.

Commissioner Belcourt asked about the discrepancy between the two firms. Kevin Christensen said I can tell you the difference in the Technical Proposal scores – you can see one firm scored significantly higher than the other. They just had a very robust and very detailed proposal; it is one of the best we've ever seen. We were really excited about it. To add to that, we have found that the ADA upgrade is a great fit for design build just because of the way those contracts are structured. They can do minimal design and get out there and design and build at the same time. So, it works really well. The KLJ/Talcott Construction proposal was an acceptable submittal, it just wasn't as detailed as the other firm. There was a big discrepancy in the bid prices as well. The \$3.2 million really surprised us. Our Engineer's Estimate was about \$1.4 million. We followed the process and that is how it shook out.

Commissioner Jergeson moved to approve the Design Build – Great Falls ADA Upgrades CMDO 5299(129) – Great Falls ADA Upgrades – CN 9205 and Stipend to both firms. Commissioner Belcourt seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item No. 18: Access Control – Billings Bypass  
Access Control NCPD – MT56(55);  
CN: 4199 – Billings Bypass**

Dwane Kailey presented the Access Control – Billings Bypass Access Control NCPD – MT56(55); CN: 4199 to the Commission. Access Control is putting it on record that the local government as well as MDT is setting up access control on this project. It notifies the public so when they go to the county, they can see this portion is under access control and it helps secure safety and mobility in the route. If we eliminate any accesses, as we do the project, we work that out with the landowners as we do right-of-way acquisition. Staff does recommend approval of the Access Control and with your approval, we will make it so.

Commissioner Belcourt moved to approve the Access Control – Billings Bypass Access Control NCPD-MT56(55); CN: 4199. Commissioner Jergeson seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item No. 14: OAC Proposed Rule Amendment  
Welcome To Signs**

Carol Grell-Morris presented the OAC Proposed Rule Amendment to the Commission. I'm the staff attorney here at MDT and I'm the rule reviewer for the Department and am tasked with bringing you the Outdoor Advertising Welcome To rules. If you recall, at our February meeting, we asked the Commission to propose these rules and put them out for public comment. That was done, the comment period ended last Friday, April 13<sup>th</sup>, and we received a number of comments. So, the task today is to look at the comments and the proposed responses to those comments. The Commission will then need to vote whether to proceed with adopting these rules. You have a copy of the Adoption Notice, which includes a summary of the comments received and the responses.

In general, on the rule making process, again the rules were proposed and filed with the Secretary of State, published on the website, and sent out to interested persons so they knew they could comment. There was a 28-day statutory comment period

which ended on Friday, April 13<sup>th</sup>. MDT has collected those comments and is now summarizing them and responding to them.

The first thing I want to point out is MDT received 14 comments in support of the rules. I mention that because it is very rare to get comments in support of a rule; normally it is only people who hate your rules that write in. In this instance we received a great number of comments in support of the rule. The summary says, "14 comments were received in support" but I wanted to let you know that they came from all over the state. We received comments in support from the Columbia Falls Mayor, the Livingston Chamber of Commerce, the Red Lodge Chamber of Commerce, Lake Side and Sommers Chamber of Commerce, East Missoula community, the Missoula County Commissioners, the League of Cities support a portion of the rules, and several private businesses in different communities. A Real Estate Company, a Flower Shop, and some small businesses also wrote in support of the rule. I thought this was remarkable that the "Welcome To" sign proposal is being well received across the state. It was the cities and communities that asked for it in the first place. Apparently at least the ones who wrote in are satisfied with the effort.

In addition to those 14 in support, we did receive some comments that asked for changes or had questions on what the rule was proposing. Those are summarized as well in this Adoption Notice. The one I would definitely have you look at is Comment No. 2 which stated that the section of the proposed rule that allows for sponsor plaques to be on the welcome to signs – the rule, as written, says that the sponsor plaques could not be on the signs that are going to be located in state highway right-of-way. The comment stated that would reduce the number of locations available to these communities. It shouldn't say the acknowledgements couldn't be on signs that were only outside the public right-of-way and that the additional wording in the rule about sponsor acknowledgements, i.e., they can't have promotional information and they be limited in size, that would restrict them on its own. So, MDT proposes to agree with that comment and that would create a change to the rule proposal. You see that in the Adoption Notice as well. The first thing shows the rule, the rule number, states that some subsections are remaining the same but shows a change to subsection three, where MDT proposes to delete the phrase, "located outside the public right-of-way." This is one instance where MDT agrees with the comment and proposes to amend that rule in accordance with that comment. That comment was received by the League of Cities and Towns.

Commissioner Belcourt asked if that was a Legislative approval to sponsor a sign in the right-of-way. Carol Grell-Morris said it is not a program that goes through the State Legislature. This is under the Commission's authority to regulate outdoor advertising control signs. It is a federal program; they require the states to have an Outdoor Advertising Control Program. You've seen examples of the sponsor plaques we're talking about. A lot of communities want to put up signs but can't afford to pay for them themselves, so a local business will sponsor it. The question

was how to acknowledge that sponsorship without it morphing over into advertising for that sponsor. This idea of sponsor plaques is already being done; there is a different rule that talks about non-profits and the best example is the University of Montana. There is a big sign that says, “University of Montana” and advertising sporting events and whatever. That sign is allowed to have small sponsor plaques stating that some business sponsored the sign. That the same idea for the welcome to signs, a community may receive funding from a sponsor and that can be acknowledged on the sign with a small plaque as long as it doesn’t morph into advertising for that business because then we’re talking about advertising in the right-of-way, etc., which is not allowed per statute. Commissioner Belcourt said he was approached by CSKT about honoring one of their Tribal police but he pointed out that had to be done by the State Legislature. Carol Grell-Morris said that is correct; that is a separate question.

The Adoption Notice you see in front of you summarizes the comments and proposed responses. I don’t need to read them to you but I will say that none of the remainder of the comments generated an MDT response. Only Comment Number Two generated an agreement that we propose to amend the rule. The others explain why the suggestion could not be adopted and by in large, it is a safety reason. Again, the change that’s very significant that a community can look for locations outside state highway right-of-way, not Interstates. If they are unable to find a location on private or government-owned property, they would be allowed on state highway right-of-way. A lot of safety issues are created – clear zone, break-away design, etc. Many of the comments talked about needing to access the signs through the right-of-way and that’s only allowable under Encroachment Permit Traffic Control for safety reasons. MDT was not able to agree with many of the comments but explained that this rule allows a lot more flexibility for placement of these welcome to signs but still has to control the safety if they are going to be in the right-of-way under Encroachment Permits.

That was the bulk of the remainder of the comments. Again, talking about access issues or spacing issues, as did Comment Number Six. The idea was to give the communities as much flexibility as possible because every situation is different with the roads leading in and out of these various communities. So by not considering spacing from existing permitted signs, it gives the city much more flexibility because they don’t have to look at 500 space footing for example. They can look for locations that work for them. Those types of comments and responses are summarized there.

Comment Number Eight was a comment about existing welcome to signs. The idea behind the proposal was that the existing welcome to signs have never been permitted and they’ve never been clearly evaluated for safety issues. So the idea was that if you have an existing welcome to sign, you get one year to comply with this rule. So, they’d have to apply for the permit, if you’re in the right-of-way, they’d have

to get the Encroachment Permit which triggers the engineering analysis of the safety issues, etc. So existing signs will get one year to come into compliance. Those that are outside the right-of-way will also get evaluated to make certain they are not containing advertising because that requires a permit. MDT is not aware of any welcome to signs that have illegal advertising, but this will trigger a heightened scrutiny and inventory. That's why the existing signs are being asked to come into compliance within one year. There was a comment on that and MDT's response explains that. Commissioner Belcourt said it sounds like that is what CSKT was asking for as well. Carol Grell-Morris said the comment asked for a grandfather for existing signs which actually is not even statutorily possible. If it has illegal advertising or is in the right-of-way without an Encroachment Permit, it can't be grandfathered in in violation of those statutes. So it needs to be evaluated and come into compliance.

The only other comment I would point to is Comment Number Nine, which talked about the new rule proposes to require that these communities submit modification applications if they are going to change the size of the sign, the width or the location. The comment was opposed to that because they didn't know what the process was. MDT's proposed response is that we already have a rule on modification of existing commercial off-premise permitted signs, and if you propose to change anything, you have to come back to the Department as opposed to routine maintenance. You certainly are allowed to go in and fix anything that needs fixing like rotting poles or repainting. Routine maintenance does not need MDT scrutiny or review at all. This program is similar to what's already being done for permitted sign and is being proposed on the welcome to signs as well. MDT does not want to lose control over these locations in particular. Again, this is a big step to allow Encroachment Permit locations in the right-of-way, so MDT needs to continue to monitor those signs in those locations.

I have the actual comments here if you want to review any of them or if you're interested in reading any of them. What we need today is your discussion whether any of the comments or responses should be changed and then ultimately a vote whether or not to adopt the rules as proposed with the comments and responses as discussed. Rob Stapley, our Right-of-Way Bureau Chief, is in charge of the OAC Program and has patiently been attending because the drafting of the rules, comments, and responses are all done through Rob and his staff. He is available for questions, as am I.

Commissioner Jergeson said it sounded like there were 14 positive comments about the rules, but did all of them say "yes fine" or did a couple of them have other issues? How would you characterize them without us going through each one. Did everybody have a "yes, but"? Carol Grell-Morris said every one of the 14 comments were in support, 13 of them the comment went on and on about how much it would help them and were universally in support of the rule. The 14<sup>th</sup> letter was received

from the Executive Director of the League of Cities and Towns, the first portion of the letter said in general we think it will work, but we have concerns.

Commissioner Belcourt asked if the comments could be accessed on line. Carol Grell-Morris said they are not on line now, but could be placed on line if you're interested. Commissioner Belcourt said no I don't need them put on line. He asked if they receive requests to see the comments. Carol Grell-Morris said they have not received any request to see comments but they are public documents so anyone can see them and they would be available to them.

Commissioner Jergeson asked if they approve the rule and it's published, will that be on line? Carol Grell-Morris said if you vote today to adopt the rule with the comments and responses, that adoption notice will be filed with the Secretary of State. That is the last step in the rulemaking process. They have two filing dates per month and the next one is May 1<sup>st</sup>. The Secretary of State will accept that filing and put it on the Secretary of State's website, and MDT will put it on our own website and make it available so everyone can read the comment summary and the responses to the comments. Commissioner Jergeson said from my experience doing rule adoption at the Public Service Commission, our staff knew it was going to be a lot of work for them. I want to compliment our staff for their work in dealing with the comments and giving a good straight response.

Commissioner Belcourt moved to approve the OAC Amendments – Welcome to Signs. Commissioner Jergeson seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

### **Agenda Item No. 20: *Letting Lists* *April through January***

Dwane Kailey presented the Letting Lists for April through January to the Commission. They are submitted for your review and approval. At the last Commission Meeting, we talked about five projects that MDT was looking at adding into the Letting. We did not ask for your concurrence since it wasn't on the Agenda, but at this point in time we are asking you to not only approve the Letting List but also approve the addition of those five projects. Given some of our system challenges, in the interest of time, the item I've handed out has costs on it and in particular the estimates that are shown for the April 26<sup>th</sup> Bid Letting, are the engineer's estimate. That is the one estimate that we do not publish until after the project is bid. I don't have any issues with you seeing it, but I ask that you not hand this out to anyone. Commissioner Skelton said they would return the lists with the numbers to you when the meeting is over. Dwane said that was acceptable.

If you flip to June 14<sup>th</sup> you'll see two projects in particular: East Helena Beggars Skid which is the safety job between Helena and East Helena. We've added that in due to a recent fatality. We've also changed one – at the October TCP meeting, the Glendive District had prioritized the Bad Rock Project. They have now acquired the right-of-way for the Broadus Interchange Miles City Project and we have worked with the Glendive District and we're swapping those two jobs. So Bad Route is going to move up to 2020 and Broadus Interchange Miles City is moving into this Letting. I know Shane has talked to Commissioner Lambert and she is in support of this.

The next two projects being added in are in the July 12<sup>th</sup> Letting. We are adding two projects: One is Arrow Creek and the other is SF159 S Cut Bank Safety. Arrow Creek is by Mow Bridge and we are very challenged with that project; it continuously keeps sliding. In an effort to preserve the roadway, we need to move this in and do some repairs. On the July 12<sup>th</sup> Letting, Safety Improvement Grass Range – that is not the roundabout, it is the improvements to the four-way intersection. We are planning on Letting that on July 12. The last project is on the August 9<sup>th</sup> Letting, we are adding in the Broadus Safety Improvement. Staff would ask that you approve the Letting List as presented.

Commissioner Jergeson said on the roundabout, certain people were saying we saved an enormous sum of money to be used for other projects, but these numbers here look very similar to the estimate for the roundabout. So, what is the magnitude of the project. Dwane Kailey said the Grass Range Project is still costing us a lot of money but less than one million. We still want to spend those safety dollars to improve the safety of our roadway system. With Grass range going away, we want to put additional safety projects out there to expend those funds. These are replacing that work.

Commissioner Jergeson said at some point we will discuss my essay, but one question I raised was any time a document was finally sent to all the members of the Committee, then it becomes a public document. Regarding the public's right to know, you've distributed this document to us and I can accept this as the very last estimate before it goes to bid and we don't want this contaminating the bidding process, but somebody could argue this is a public document since it was given to the Commissioners upon which we'll be making the decision. Did Dave look at the legal process. We're in a public meeting and some member of the public could be sitting there and they'd have a right to say they want to see it. Dave Ohler said I do agree there is the possibility that this could be a public document, so you may want to take another look at that.

Dwane Kailey said, the challenge is when we put the projects in this Letting List, this is also tied to our external system. I strive very hard to not be pre-determinative of the Commission, so when we put these in here, it publishes it on the website and it appears that you have already approved it. The one with the estimates is the only one

that is not published externally. When I put it into the spreadsheet that doesn't have the estimates, that is shown externally. That's the reason why I gave it to you; typically we would not do this for you. Again, I'm asking for your approval for these five jobs and I don't want that out on the internet appearing you have already approved it. Commissioner Jergeson said we're approving the Letting date, we're not approving an estimate. So maybe the document should not have the estimate on it. Dwane Kailey said typically it won't. I didn't plan on doing this but we have a challenge with our systems. To give you a document with the estimates, this is the only one I can put it in because if I put it in the other system, I end up publishing it externally and it appears you've approved it before you've even seen it.

Commissioner Skelton said this is for our eyes only so we can see what we're approving so it can be approved. Dwane Kailey said we could just provide you with a list ancillary to this and say "approve these projects." Commissioner Jergeson said we're not approving the projects, we're approving the letting date. The project is ultimately not approved until we award the contract. Commissioner Skelton said we're approving the project to go to the list so it can be let, so we can approve it. Dwane Kailey said these five projects were not approved by you in the October TCP in this fiscal year, so I'm bringing it to your attention because they are going in to swap out the Grass Range Project. I'm bring it to your attention so you can approve them as you would have in October. You didn't approve these projects in this fiscal year in October.

Commissioner Jergeson said that is not my quibble. You've got contract costs all the way through this document – not just these five projects that were in a different fiscal year. We're approving the date by which these projects will be let out for bid. I don't know why there is any reference to any dollar amount engineer's estimate at all.

Dwane Kailey said this is the only form to put these in right now so you can approve the list in its entirety without having it published automatically on line. In the future I can have a separate list for those five projects. The one in your packet that doesn't show the dollar values is on line right now – this is published for the public, the contractors, and whoever wants to look at this. If I was to put these five projects into that list without the dollar values, they would be on line as if you had approved them. Part of what I'm asking is for you to approve those and I didn't want to assume you'd do that and have them published on line.

Commissioner Skelton said the motion we need is to approve the five new projects in the Letting List. Dwane Kailey said you approve the Letting List as presented. Commissioner Skelton asked if they needed two motions. Dave Ohler said you can make one motion and approve this Letting List as proposed.

Kevin Christensen said a few years ago they looked at publishing the engineer's estimates so we checked to see what other states do. Some states publish them prior to bid, other states treat them as top secret and even limit the number of staff that can see it, so it's all over the board. If that information did get out, I don't think it

would necessarily corrupt the bidding process. Kevin McLaury said FHWA encourages states to hold the number prior to bid and then release it after bid. It is the state's call but it's best practice to hold for bid.

Commissioner Jergeson moved to approve the Letting Lists for April through January. Commissioner Belcourt seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

## **Agenda Item No. 21: Discussion & Follow-up**

### *Resignation of Commissioner Schulz from the Commission*

Director Tooley said even though I don't have a letter from Commissioner Dave Schulz, he has communicated to me his intention to resign from the Commission because he is moving to Nevada. He intended to stay in Montana as long as he could and made the plan to put his house on the market and after what he thought would be an extensive period of time, he would take the step to resign from the Commission and move to Nevada. However, his house immediately sold. When I talked to him he was furiously packing because he had to close on that house and be out by Tuesday and is closing today on one in Nevada. So he's not here. He's still officially a member of the Commission because we haven't received a resignation letter, but he lives in Nevada now. He passed on his appreciation for working with you and us. He loved doing this, but it was his wife's turn to pick where they live and she chose Mesquite, Nevada on a golf course.

I would appreciate your help in thinking about folks in that District that could fill his roll and we'll forward that on to the Governor once we get his resignation letter. It needs to be a Republican or Independent because we need party balance on the Commission. We need some kind of parity so we don't have all Republicans or Democrats for obvious reasons. He sends his regards and he will be in touch once he gets settled; he was pretty frantic as you can imagine. Commissioner Skelton said the Commission wishes him well.

### *Letter by Commissioner Jergeson*

Director Tooley said I apologize for not being at the last meeting. I intended to be but ended up spending an extra day in Minneapolis. I read your letter several times and I agreed with pretty much all of it. The theme that I took from it, was basically getting information and communicating it to you as Commissioners and how can we expect you to act on this hodge-podge of stuff and make an informed decision. I agree. It reflects some of my frustrations with information within the Department. I'm not placing blame on any individuals. STIP comes from our highly technical

systems that were designed many years ago by technical experts to communicate to each other. I don't believe the Commission was even a consideration in construction of those very old systems. The fact of the matter is they are very old.

In a way that's good news. They are Legacy Systems and the Department has not invested in IT software or hardware adequately for many years. It's been one of those things that wasn't important until we had a Commission and public as engaged as this one is to communicate that information properly. When I came on board I found the Department had not invested in those type of systems for decades in some cases. Now you have a backlog of tens of millions of dollars of IT work you have to do. The Department has been ticking off those things as we can. You are all well aware that most of that will be paid for by state dollars and you walked with us through the crisis of 2016-17 where there wasn't enough state funds to even match the federal aid program let alone make the level of investment needed to bring IT to where it needs to be.

Maintenance Management System (MMS) is done and functioning, that was a critical system. What's behind that is the Financial Management System (FMS) which is totally inadequate now even for FHWA purposes. A lot of what you see is generated through the PPMS which is also very old and really has no way of translating that information at this time. That leads to a lot of the confusion like we saw today. They are disconnected, archaic systems that really don't talk well to each other. On top of that Engineering is going through some upgrades because their business continuously changes. On top of everything else, was an Executive Order where state agencies had to consolidate their IT infrastructure, which really makes sense but when you're just starting to get a foothold on these various IT initiatives within the Department, when you have one pushed down from above which basically shuts down your operation for a year to comply with, it's very harmful to progress. You're right. You have information that is difficult for the lay person to understand and is not transparent. It is really difficult for you to make decisions based on that, and that's a tough spot to be in.

We are moving forward with a number of these systems. One thing I'm insisting on is basically a consolidator or something that will take all of that information that will allow you and the general public to run queries on various projects – the budget, anticipated completion date, percentage of completion, how much have been spent, milestones. That information is out there but it can't run over the top of this ancient equipment we have now. So, we have been working on that for five years and we've made some progress but it still leaves you in the place of making decisions trying to read information that is disconnected or partial and you have to go to three or four places to find the information you need to make a decision. That means you have to rely more on staff that maybe you shouldn't as an independent Commission. That's where we are. We appreciate the criticism and we understand your frustration. I

have the same criticisms as the Director of the Department and we're trying to work through these things.

Keep the questions coming and if you have concerns, let us know. Today's example goes right back to IT. You can't update the bigger sheet without it going immediately public and the only thing left for you to look at is something with numbers that are not reflective of what is actually going to occur.

Commissioner Jergeson said I agree with some of this and I can appreciate that if you have one system, the Legacy System creates the Red Book and the numbers that the engineers have generated into that aren't the same people or the same system that generates the STIP book. It requires some sort of a new system that more actually records that; it's kind of disconcerting to me to even have the engineers who don't pay much attention to the STIP book, generate their work for and get their information from a system that ultimately ends up being the Red Book. I can see that's a systemic, overarching problem, and nobody is responsible other than the ability to have and allocate the money that's appropriated to do that. There are some things that don't give a whole complete picture and I don't know if it needs a system change but on an excel spreadsheet why there isn't a column that indicates the state match? If the Red Book is the federal allocation, then the complete picture of any of these projects is the state match. Whether it is a matter of putting in what the percentage is for each project or having a column that shows you what both federal and state is. I don't know how you allocate one without allocating the other. You can't allocate federal dollars if you don't have state dollars to put with them. I don't know if you can simply add a column to show that.

The immediate problem is projects not showing up in STIP because they are not in a phase. As a Commissioner, I'm trying to find the projects that I know have been approved, and suddenly I get the STIP book and it's not in there this year. Put in an extra page to show the projects in the que that are in the STIP that are not in a phase this year. That would have gone a long ways to help me track what was going on and not get so frustrated I just sat down and built my own tables. I'm hoping that we can at least take those baby steps that are possible and I'd be happy and willing to involve the Legislature at budget time to say this is a priority because the Legislature needs to buy off on it. They are criticizing us, having us subjected to a Performance Audit because they don't think there is enough information getting to the Commissioners or to the public about how projects are panned and designed. To have us who've been experiencing those kind of questions go up there with you to the Legislature and say you have these questions and their valid questions, we have them too, and here is the fix but it's going to cost some money and you guys have to help us figure out how we're going to pay for it. I'd be happy to do that. There are some short term fixes in certain places.

The other thing I think I've been frustrated with and I'm still not clear what our position is on engineer's estimates and the problem we have. We have one public commentator who got up and said "cancel these roundabout and I'm going to build you a four-lane highway from Wolf Point to Culbertson." No. There's no Midas touch to create that kind of money to do what he wanted to do. But because we don't publish the numbers of what these projects are estimated to cost, and I know those change, but at least it paints a picture. When that same commentator stood up and claimed he's got a four-lane highway that's going to get built from Culbertson to Bainville because he's never seen the numbers, he's just determined that project can be done. Apparently the highway from Bainville to the state line apparently has been designed as four lane but there's no money in the district. He'd have to violate the part of the statute that says you can build a four-lane highway, but we can't take money away from any other project. Well you don't add \$15 million to a project without taking it away from other projects. So we violate the law to actually build what's been designed out there. Giving the public some realistic sense of what some of these projects cost and why if you change the features and double the capacity of a highway, it's inevitably going to have an enormous additional cost. If we could end that argument because the detractors are out there and they'll use that one to five million and they'll always pick the highest number on that. Then they'll take the over five million and say "well we have a \$6 million project, so what if it costs 40% more to build it the way we want it built. That's not too bad." So the public is not seeing a realistic picture of the kind of challenges the Department and the Commission has in establishing priorities and, given the limitations for each kind of road system, what we can do. I'd like to be able to explain to people what Loma East and West could cost if it were redesigned differently. The number is staggering. They'd say, "we're not willing to do that and we're not willing to pay the taxes to generate the money to do that." I'm hoping this can be an on-going process.

Director Tooley agreed and said he would accept his help. You're the one out there with the public and you have a job to do in disseminating information. If you want to know how much Loma East and West would cost if we extend the scope, we can get you that information. Commissioner Jergeson said you can do a thumbnail, two and half miles is going to be five lanes with passing zones but that's 25% of the 10-mile project. There's your four-lane highway for 25% of it. So, you double the cost for the remaining seven and a half miles without figuring you have to build another bridge over the Milk River, so I came up with a rough estimate of 60% more. I can say 60% more but that doesn't mean anything to people but if I tell them it's going to be another \$20 million and knowing we only have \$21 million in my district to allocate, there is no way I can get another \$20 million without doing savage things to projects that are in the priority list all over the district including right there in that same Milk River Valley.

Director Tooley said I understand what you're saying. I think we can help each other out. This does need to be a longer-term conversation. Listening to you today, I've

already asked if you're interested in a summary of the FY 22 project for all phases and all Districts. We're really good at spreadsheets because we don't have a really good computer system to manage our money, so I'm sure staff could build you something you can see so when you have a question like you did today, you'd have the answer. We can do that for you. If there are other things like that you can think of, let us know. It's going to take a while to get the system up to where they can actually talk to each other and give us useful information that we can make decisions on.

Commissioner Jergeson said a guy from Chester called and asked when we were going to do something about Hwy 87 between Carter and Great Falls – it's up and down hills, it's dangerous, no shoulders, steep drop offs. I didn't know. We've put in preliminary work on a couple of those projects. I was wondering when we might do something at mile marker 34 when a month ago the engine on my pickup blew up and we had to take refuge on an approach because there is no shoulder there and a steep drop off. I don't think there's a project planned for that but at least I could get an answer so somebody who might be interested in that.

#### *Public Involvement in Missoula*

You've probably seen things there handled a little differently. It kind of ties into the discussion we just had. We do a really good job meeting the requirements of FHWA as far as public involvement early in the process but, unfortunately the way we have done it in the past leaves opportunities for detractors to come in towards the end of project development right before construction, and say this is all messed up. I do what these guys are doing for this much and he'll make up a number, it will be totally inaccurate, but that doesn't matter because now that the story.

We are doing public involvement differently. We're taking the contract administration for PI out of construction contracts and keeping it within the department. With that working with Federal Highways and other folks, we have a new process where we talk to people. It isn't just an ad in the paper, it's knocking on the door, inviting people to public meetings which they attend. In your District we had over 250 people show up to public meetings. Where before, early in the process, Grass Range is an example, we had 18 people there, which is huge for Grass Range but not enough to get the project where it needed to be. Now what's happening in your district, and it will go to others, they will hold an Open House where the public can come at a point in which they were actually interested in how the project is going to affect them. They can come in and ask questions. Not only is there canvassing and good press on it prior to the event, but when they get there, these professional folks will intercept them and ask them their interest and direct them to the right tables so they can get their questions answered. They even sift out the huge detractors and they will send them to the Construction Engineer, he gets all the tough cases, and he manages to turn a bunch of them because his attention is now focused on where it

needs to be as are the other participants. The results so far have been an amazing increase in public support for some of the projects going on in Missoula and they are very impactful projects. You are going to have nothing but orange cones in the Missoula valley and everybody is happy about it right now.

We've learned some very painful lessons and we're going to do better. We went to Poplar with a project towards the end that garnered some opposition right at the most inopportune time. It was time to put it into Letting and now we have opposition. We shouldn't have to make that level of effort that far in, so that's why we're retooling how we approach public involvement. So far it's very promising. We will make mistakes with this because it's new to us; it's not what we do or have done normally but I'm encouraged with what I've seen so far. You'll see more of it, that's the intent. When you see that, I hope you'll ask and if you want to get involved, you certainly can. You will be made aware of those opportunities.

Commissioner Belcourt said it was excellent. We have Higgins, Reserve, Madison, Higgins and Russell and we're glad. Those are huge connectors which go into town. It's going to be interesting. In looking at how Madison turned out, it was great. Once it gets completed, it's going to be nice. Ed was on TV on the news explaining the projects that were going on. I thought that was great. Any way you can get information out is great. Commissioner Tooley said this is not something we've had to do, and now people are interested in what we do. Some always have been but it's a double edge sword because it opened up an opportunity for opponents to show up at the last second and tell their story when we've never really told ours in a way where the public could hear it. So stand by for more.

Commissioner Belcourt said you have a difficult task and I know I'm speaking to the choir but our committees are so different. We have Missoula, even the cities are different and go to the outlying rural areas and Reservations. We all have different opinions. Grass Range was really a great project but that one is not going to happen; there's opposition rallying and that's fine, the public spoke. I like getting the public engaged in this. Director Tooley said we're not trying to sell anything; present what we're going to do and the public can see the benefits of what we want to do and they get it. That's why more than one summer of construction in Missoula is going to go well. Commissioner Jergeson said after the decision was made to put on the back burner, my phone rang and this guy said I want to talk to you about the roundabout in Grass Range and immediately I got defensive. It turned out he was owner of a trucking firm who sends at least one load to Billings on that highway and he wanted the roundabout and his drivers wanted the roundabout. He told our friend that he would not sign the petition. I told him it was a little late now unfortunately.

I've been working with Lori on the tour in my district and we're trying to find a way to meet all the rules about what we have to notice as Commissioners being together at one place in time, but have the capacity to include the public in the tour. I would

like to do it on Havre to Hardin. There is a local guy in Chinook that has a 30-passenger bus that might work good enough to have the Commissioners, the staff, and Steve will develop a schematic to show how the Loma East and West Project will lay so people can see the passing zones and believe that is something that will be designed that way unlike the 10 miles from Havre East that is still controversial and people are angry about. We can include Legislators, the press, and County Commissioners and maybe even a detractor or two so the people get a hands-on view. The challenges from Chinook to Hardin are just enormous. To have some people there locally actually have it explained to them – you have to have the highway moved over so much to have the long semi-trucks wait to get on the highway without having a trailer on the railroad track. Then you've got the landowner that doesn't want you to take an extra 24 feet. It's early in the process so now would be a good time for people to feel like they've been engaged in talking about what they would like to see on that highway and understand the challenge of putting that kind of a project through some of that terrain. Director Tooley said we can work with the PR firm on that. Commissioner Belcourt said that is such tough country; every season there is an emergency declaration, whether it's a flood, snow, or what have you.

#### *Speed Limit Study Request through Bozeman Area*

Director Tooley said you've probably read the newspapers on the speed limit issue through Bozeman. The City Commission sent us a letter saying they unanimously approved asking us to do a speed study and look toward a 60-mph speed zone on the Interstate through the Bozeman area. I replied that we had just done a speed study and we couldn't find any legal or engineering justification to forward that request to the Commission. Normally the government body we work with on speed zones has to include the County Commission because the City of Bozeman is only a very small percentage of the speed zone and the County declined to engage in that. So we've got no standing to consider this. Nothing has changed since November 2016 as far as traffic counts go. This is still developing. Several of us are going to Bozeman as part of a policy discussion, we've had some issues where it's been difficult for us to work together with them. So we're going to go down and see what they are facing and get some input back. I'm sure the speed issue will be a part of that because we're having lunch with the City Commission. We'll hear from them and I'll pass that information on. We've said no so far and that's where it stands. Commissioner Belcourt asked what the speed limit was now. Director Tooley said 75 mph. Dwane said it is 80 on the Interstate just west and doesn't go back to 80 mph until you get over the Bozeman Hill.

#### *Boulder Rest Area*

Earlier this week we met on the Boulder Rest Area which was another issue that was on Dave's plate. The entire Exceptions Committee looked at all the information and, in the end, we stayed with our original decision that this was not a needed facility. It

would be about five million worth of investment for something we really don't need. Boulder/Basin alternately want a rest area and then they don't want one. Right now they want one, but will it be a case where we go ahead and do it and then hit the other side of the issue that they don't want one and in the end, we don't even need it. So we are going to inform the County Commission of that decision. We can't justify the expenditure. It is a safety rest area and there is no need for one less than an hour's drive between two major cities. Commissioner Jergeson asked if the rest area outside of Jefferson City was going to close. Director Tooley said you will probably see a request in the future for that facility to close. It is an ancient facility right next to a water source that causes us issues and again we don't need it.

### *Performance Audit*

Thank you for your participating in the Performance Audit. Our Financial Compliance Audit is this afternoon. Commissioner Jergeson is going to sit in and listen. More to follow.

### *Kevin McLaury, FHWA*

Twenty-three years ago, today at 8:02 am., the Murrah Building in Oklahoma City was bombed by domestic terrorism. One hundred and sixteen people were killed, eleven Federal Highway employees lost their lives. So we had a moment of silence this morning at 8:02. I just wanted to remind us to never forget. Commissioner Skelton said she appreciated that very much because sometimes it is easy to forget. So let's never forget where we are and what we do and how much we value the freedom we have. We live a great valued life and it's because of state employees, public servants, and our constituents. We shall never forget.

### **Next Commission Meeting**

The next Commission Conference Calls were scheduled for April 24, 2018, May 8, 2018, and May 22, 2018. The next Commission Meeting was scheduled for June 21, 2018.

### **Adjourned**

Meeting Adjourned

Commissioner Skelton, Chairman  
Montana Transportation Commission

Mike Tooley, Director  
Montana Department of Transportation

Lori K. Ryan, Secretary  
Montana Transportation Commission