

# Montana Transportation Commission

**February 20, 2020 Meeting  
Commission Room  
2701 Prospect Avenue  
Helena, Montana**

## **IN ATTENDANCE**

Barb Skelton, Transportation Commission Chair  
Greg Jergeson, Transportation Commissioner  
Noel Sansaver, Transportation Commissioner  
Tammi Fisher, Transportation Commissioner  
Mike Hope, Transportation Commissioner  
Mike Tooley, Director MDT  
Kevin Christensen, MDT  
Lori Ryan, Commission Secretary  
Duane Kailey, MDT  
Dustin Rouse, MDT  
Jake Goettle, MDT  
Val Wilson, MDT  
Lynn Zanto, MDT  
Lucia Olivera, FHWA  
Dave Strohmier, Chair, Missoula Board of County Commissioners  
Robert Taylor, Missoula County Sheriff's Office  
Dale Olinger, Lolo School District  
William Green, Bitterroot Meadows HOA  
Kevin Noland, Chair, Lolo Community Council  
Warren Kingdon, Lolo Community Council

*Please note:* the complete recorded minutes are available for review on the commission's website at [https://www.mdt.mt.gov/pubinvolve/trans\\_comm/meetings.shtml](https://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 [lryan@mt.gov](mailto:lryan@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 asked for introductions.

## **Approval of Minutes**

The minutes for the Commission Meetings of November 26, 2019 and December 20, 2019 were presented for approval.

Commissioner Fisher moved to approve the minutes for the Commission Meetings of November 26, 2019 and December 20, 2019. Commissioner Jergeson seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

## **Agenda Item 1: Construction Projects on State Highway System – Contract Labor Airport Road & 18<sup>th</sup> Street East – Kalispell**

Lynn Zanto presented the Construction Projects on State Highway System – Contract Labor, Airport Road & 18<sup>th</sup> Street East – Kalispell to the Commission. Under MCA 60-2-111 “letting of contracts on state and federal aid highways,” all projects for construction or reconstruction of highways and streets located on highway systems and state highways, including those portions in cities and towns,

must be let by the Transportation Commission. This statute exists to ensure the safety of our system, protect transportation investments, and encourage better coordination between state and local infrastructure improvements.

*Airport Road and 18<sup>th</sup> Street East - Kalispell*

The City of Kalispell is proposing modifications to the intersection of Airport Road (U- 6730) and 18<sup>th</sup> Street East (U-6733) to improve bicycle and pedestrian features (and safety) in the area. Proposed improvements would include the installation of new sidewalks and the conversion of parking lanes to bicycle lanes.

MDT headquarters and Missoula District staff have reviewed and concur with the recommended improvements. The City of Kalispell 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 will assume all maintenance and operational responsibilities associated with these improvements. Thus, MDT will not incur additional liability or maintenance costs as a result of the proposed improvements.

*Summary:* The City of Kalispell is proposing modifications to the Urban Highway System to promote bicycle and pedestrian access (and safety) at the intersection of Airport Road (U-6730) and 18<sup>th</sup> Street East (U-6733) in Kalispell. Specifically, the City of Kalispell is requesting Commission approval to install new sidewalks and convert parking lanes to bicycle lanes at this location.

Staff recommends that the Commission approve these modifications to the Urban Highway System and delegate its authority to let, award, and administer the contract for this project to the City of Kalispell - pending concurrence of MDT’s Chief Engineer.

Commissioner Jergeson asked if it was 100% of the whole project or the matching funds. Lynn Zanto said it is 100% of all costs – no federal dollars, no state dollars are going into this project.

Commissioner Fisher moved to approve the Construction Projects on State Highway System – Contract Labor, Airport Road & 18<sup>th</sup> Street East – Kalispell. Commissioner Jergeson seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item 2: Construction Projects on State Highway System  
Meadows Edge Subdivision – Kalispell**

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

*Meadows Edge Subdivision - Kalispell*

Edge LLC is proposing modifications to Three Mile Drive / Farm to Market Road (U- 6706) in Kalispell to address traffic generated by their new subdivision (Meadows Edge). Proposed improvements would include the removal of an existing segment of

Farm to Market Road and upgrades to West Springcreek Road and Three Mile Drive - including new sidewalks and intersection improvements.

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

When complete, MDT will assume all maintenance and operational responsibilities associated with these improvements. Additionally, MDT will add the improved roadway segments to the Urban Highway System (and remove the section that was obliterated).

*Summary:* Edge LLC is proposing modifications to the Urban Highway System in Kalispell to address traffic generated by their new subdivision (Meadows Edge). Specifically, Edge LLC is requesting Commission approval to obliterate a portion of Farm to Market Road (U-6706) and improve portions of West Springcreek Road and Three Mile Drive. When complete, MDT will add the improved roadway segments to the Urban Highway System (and remove the section that was obliterated).

Staff recommends that the Commission approve these modifications to Three Mile Drive and Farm to Market Road in Kalispell - pending concurrence of MDT's Chief Engineer.

Commissioner Fisher asked if there would be a four-way stop at West Springcreek Road and Three Mile Drive. Lynn Zanto said I will find out and let you know. Commissioner Fisher said it would be a good idea because that rounded corner has been used as the Daytona Speedway for a while and it would be safer if we had a four-way stop there.

Commissioner Fisher moved to approve the Construction Projects on State Highway System – Meadows Edge Subdivision – Kalispell. Commissioner Hope seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item 3: Bridge Program Projects**  
**Additions to NHPB and STPB Programs:**  
**D1 Bridge Preservation, JOC**  
**Two Medicine River Bridge**

Lynn Zanto presented the Bridge Program Projects, Additions to NHPB and STPB Programs: D1 Bridge Preservation, JOC and Two Medicine River Bridge 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 one (1) project to the Surface Transportation Bridge (STPB) Program and one (1) project to the National Highway Performance Bridge (NHPB) Program.

Project information is shown on Attachment A. If approved, it would be MDT's intention to let these projects individually. The estimated total cost for all project phases is \$9.2 million (\$8.1M federal + \$1.1M state).

*Summary:* MDT is requesting Commission approval to add one (1) project to the Surface Transportation Bridge (STPB) Program and one (1) project to the National Highway Performance Bridge (NHPB) Program.

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

Surface Transportation Bridge (STPB) Program	\$	8,400,000
National Highway Performance Bridge (NHPB) Program	\$	<u>800,000</u>
	\$	9,200,000

The proposed projects are consistent with the goals and objectives identified in the Performance Programming Process (Px3) 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 with these additions, the projects would show up somewhere in the Red Book? Lynn Zanto said yes, when we go into the next Red Book cycle, they will be programmed and then we will start the design process. Commissioner Sansaver asked whether it was \$8.3 million or \$8.4 million. Lynn Zanto said it is \$8,382,000 so \$8.4 million.

Commissioner Fisher said this doesn't designate a single bridge; it is for various locations. Lynn Zanto said that is correct. It is through job-order contracting. Dustin Rouse said we are using job-order contracts more and more. It is similar type work we're doing on each of the structures that are identified by our Bridge Inspection Program, projects that are needed throughout the Missoula District. We see more competitive bids if we allow contractors that are geared up to do a certain type or work at multiple sites. That is the intent of using the job-order contracts. We will likely set it up to span over a couple of years and then continue to develop it and add some additional sites. It will stay within the budget identified but they will continue to add locations that are needed. Commissioner Sansaver asked if it was within the \$8.4 million. Dustin Rouse said correct. Commissioner Sansaver asked if they knew the number of structures that would be included. Dustin Rouse said no. Commissioner Fisher asked how they came up with \$8.4 million. Do you just hope that it will cover what you need to the bridges in District One? Dustin Rouse said as we select the locations and the sites, we may have to add or remove projects to make sure we stay within that budget but the intent is to stay within the budget identified. They know right now that they have a certain number of bridge preservation projects, they have enough needs that they know it will come close to that estimate. They have in mind a list of projects they are going to include but how many we can include or not include will be determined as we go through the design process. Commissioner Fisher asked if "they" were the District One Engineers. Dustin Rouse said this is primarily coming out of the Bridge Bureau. Commissioner Fisher said they know there are a certain number of bridges within District One in need of repair and they believe this funding will cover multiple bridges. Is it surface preservation or structural preservation? Dustin Rouse said it is structural preservation. It could be crack sealing, deck work, replacing a section of bridge; it varies on the level of work. It's all structural deck preservation type work.

Commissioner Jergeson said in looking at the UPN number with the dash and three zeros, if there were 15 bridges or less, and you said there were three that had the same kind of structural modifications that need to be made – would those three bundled as a project still have the "9820" but have different digits after the dash. How do we track this? If you contract three bridges but you still have six million dollars left of the \$8.4 million, how do we track that division from the original? Dustin Rouse said in this case our intent with the job-order contracts is to keep the same UPN number. You'll see it in the TCP. It may end up that we spend four million the first year and four million the second year. As we fix those structures, it

will stay in that same project once it's awarded. That whole project will stay under that same UPN number and will be easily tracked.

Commissioner Sansaver asked if that \$800,000 for the national grid, is a typical indicator for the other projects under the \$8.4 million as far as costs. Dustin Rouse said it will vary but will be pretty close. Duane Kailey said that's on the high side because it's a very long structure. Commissioner Hope asked if they get down to the end of the money and there is \$400,000 left but the next job is \$700,000, then what happens. Dustin Rouse said if we couldn't add one additional structure, then we would release those funds back into the overall budget. Commissioner Hope asked if they would come back and ask for more money. Dustin said he would like to hold the line on that. I don't see a reason why we can't identify what we intend to spend and stay within that budget. We're going to prioritize locations we want to hit and we would not add any projects that would take us out of that budget. Commissioner Fisher said then you're asking us to allocate these funds and your folks will chose the projects most in need and apply the funds to those. It's a job-order contract which is more of a service contract, and that wouldn't necessarily come before the Commission. Duane Kailey said you will approve these projects. This is just an allocation of the funding. Commissioner Fisher asked if it was a competitive bid process. Duane Kailey said yes it is.

Commissioner Jergeson said as we go through this and you bring the projects in, will we get a running total that shows us how much is left in the total budget of \$8.4 million. Dustin Rouse said I believe you will approve the job contract itself when it's awarded, but certainly if you want to know where we are in the budget, we can identify that. This is the initial job and, as we identify additional structures, we change order those in as Job Order 2, Job Order 3, etc. as we go through the budget allocation and you will see that. Commissioner Fisher said the issue that I have is it is not really identified in the bridges that are on the list. I safely assume that all of our bridges have been compromised, I just don't have a list of the bridge, so when I have folks call me and say this bridge has a problem what are you going to do about it, it would be nice if I could say we just allocated \$8.4 million to District One to work on that bridge. So even if it comes in a job order contract that will essentially be the first time I see which bridges have been designated by the Bridge Division. Can I get a list? Duane Kailey said if you want a list, we can absolutely get that to you. Just to be clear, we're asking you to approve the project and funding level up to this amount, then as we identify those bridges, if you want a list, by all means we'd be more than happy to get that to you. The list isn't there today – we have some bridges that we're targeting at this point in time and we can get that to you, but it isn't our final decision on those. As we make that decision, we will be more than happy to bring that back to you. Commissioner Skelton asked if he could email it to the Commissioners. Commissioner Fisher said you could put it on the web site; that would be helpful.

Commissioner Jergeson said I assume that District One is not the only district with bridge issues. Are we going to approve this similar kind of a job order for multiple years, multiple projects for the other districts? Duane Kailey said our plan is to go forward with this type of work, again this is preservation type activities so it is overlays, crack sealing, joint sealing, etc. This is a new way of doing business and the huge benefit of this is we can set it up to where we don't exceed the budget. We can get as much work done as we can, given the available funding. So we are going this with multiple districts. Dustin Rouse said this contracting method provides a lot of efficiencies in terms of project development. We save a lot of money and time in that we don't have to go through all of the milestones with each job order. A good example is a lot of safety projects are smaller dollar projects under \$100,000 and if we follow our flow chart for project development, sometimes the amount of time and money spent in project development can actually exceed the cost of the projects. So using this method is a much more streamlined process and it is all documented through change orders. Lynn Zanto said a hard requirement for us in federal law is

we can't have any more than 10% structurally deficient bridge decks. So we look at all the bridges across the state and the intent of this is to absolutely make progress in keeping us under 10%. We are at 7%-8% right now and with this advancement, we're hoping to bring it down in the future.

Commissioner Sansaver asked if it will be consistent throughout all the districts or is this one in District One only. Duane Kailey said yes. For tracking documentation purposes it is easier to do them district-by-district, otherwise you end up handing out paperwork and tracking the information gets very challenging so it is much cleaner and easier to do it district-by-district.

Commissioner Jergeson said since this is new program and a new way of doing these, can we get periodic updates on how this program is working so it doesn't get lost. Duane Kailey said we would be happy to do that for the Commission. We've been using this method for a couple of years now and this is the second bridge deck job order that we've done in the Missoula District. I'd be happy to have our folks put together some information and we can email it to you.

Commissioner Sansaver moved to approve the Bridge Program Projects, Additions to NHPB and STPB Programs: D1 Bridge Preservation, JOC and Two Medicine Ribert Bridge. Commissioner Fisher seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item 4: Billings District Projects**  
**Turn Lanes – Windham**  
**MT 80 Slide Repair – Arrow Creek**

Lynn Zanto presented the Billings District Projects: Turn Lanes – Windham, and MT 80 Slide Repair – Arrow Creek to the Commission. The National Highway System (NH) Program finances highway projects to rehabilitate, restore, resurface, and reconstruct Non-Interstate routes on the National Highway System. Montana's Transportation Commission allocates NH funds to MDT Districts based on system performance.

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

In response to emerging operational, safety and pavement needs, the Billings District is proposing one (1) capital construction project on the National Highway System and one (1) capital construction project on the Primary Highway System.

The first project (*Turn Lanes - Windham*) will install a left-turn lane on MT-200/US-87/MT-3 (N-57) and a left-turn lane on Secondary 541 (S-541) in Windham. The intent of the project is to improve operations and safety at the intersection of Secondary 541 (S-541) and MT-200/US-87/MT-3 (N-57).

The second project (*MT-80 Slide Repair – Arrow Creek*) will address slope failures along MT-80 (P-80) near Arrow Creek (northwest of Denton). The project will include slope stabilization and restoration work (and potentially drainage improvements) to mitigate future damage to the roadway.

The estimated total cost for all project phases is \$13.9 million (\$12.0M federal + \$1.9M state) – with the federal funding originating from the National Highway System Program (NH) and the Surface Transportation Program – Primary (STPP).

*Summary:* The Billings District is requesting Commission approval to add two (2) new projects to the highway program. The estimated total cost for all project phases is \$13.9 million.

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

National Highway System (NH)	\$ 1,100,000
Primary System (STPP)	<u>\$ 12,800,000</u>
	\$ 13,900,000

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

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

Commissioner Hope moved to approve the Billings District Projects: Turn Lanes – Windham and MT 80 Slide Repair – Arrow Creek. Commissioner Fisher seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item 5: Speed Limit Recommendation  
US 2 – Poplar**

Dwane Kailey presented the Speed Limit Recommendation for US 2 – Poplar to the Commission. With the reconstruct of the Poplar project, we are impacting a variable-message speed limit sign in conjunction with the school. That configuration is no longer manufactured so we are recommending to replace it with static signs. To keep it as close to the existing configuration as possible, we are recommending to move the 40 mph to 30 mph speed limit transition out approximately 250-feet to provide a clear signing sequence. It will encompass the Advance School Crosswalk (S1-1) warning sign assemblies, as well.

A 30-mph speed limit beginning at station 1132+50, project NH-HISP 1-10(76) and continuing east to station 1169+50 (150’ east of Court Avenue), an approximate distance of 3,700 feet.

Commissioner Sansaver said the 3,700 feet includes the stop light in Poplar and goes how much farther than that? Does that take them to the first roundabout? Duane said he would check on that. Commissioner Sansaver said before you get to the roundabout the Community College is there and I would like to see it 30 mph all the way out through the roundabout. There is no reason to go 45 mph in an area where there is a lot of housing, a community college, and a grave yard. It would be good to see if it can go all the way to the second roundabout. Duane Kailey said I don’t have that information with me but I can either email that to you or we can delay this until the next Commission meeting. Commissioner Sansaver asked how critical it was to have it done right now. Duane Kailey said it isn’t all that critical so it is up to the Commission how you would like to proceed. Commissioner Sansaver said he would like to know exactly where it ends. Can we table it until the next meeting? Commissioner Skelton said the next meeting is April 23<sup>rd</sup> or we can put it on the next conference call agenda.

Tabled.

## **Agenda Item 6: Speed Limit Recommendation US 93 – Lolo**

Dwane Kailey presented the Speed Limit Recommendation for US 93 – Lolo to the Commission. This is a speed study in the Lolo area that was requested a number of years ago in 2015-2016. When we completed it, it had a no change recommendation. The County Commission at the time was okay with that and had written a letter in concurrence with that. Since that time the Lolo community has expressed concerns and the current Commission is now requesting adjustments on both the north and south ends and leaving the area in and around the school as is. Based on our review, the traveling speeds and the crash investigations, we are recommending no change at this time. However, the community is here and would like to speak to this.

Duane Kailey said according to the law, we have to do the Speed Study in accordance with the Manual on Uniform Traffic Control Devices. That is the manual we've adopted by law and by policy at the Department. The Commission is not bound to solely go with our recommendation. Under the law, the Commission has the authority to set the speed limit as you see fit in consideration of our recommendation.

*Dave Strohmier, Chair of the Missoula Board of County Commissioners*

I am here representing both the Board of County Commissioners and also my constituents in the Lolo area. I will also, given the opportunity, have a few words to say on the next item speaking on behalf of my constituents in the Bonner, Milltown, and East Missoula area. My glass is half full this morning, so I'm hoping this isn't too controversial.

As Mr. Kailey noted, there has been a request by the Missoula Board of County Commissioners to take a look at this which is somewhat different than the previous Commission when it weighed in. I should note that the reason why previously the Missoula Board of County Commissioners concurred with MDT's analysis was not so much that we did not see the need to change the speed zones north and south of Lolo and the existing school speed zone, but the fear of unintended consequences by making any modifications to the school speed zone that might inadvertently require us, per current standards, to increase the speed there which is exactly what we would not want to do.

Just to be totally clear, what we're here advocating for is to address quality of life issues in the Lolo area and safety issues and not to make any modifications to the existing school speed zone. What we're suggesting, in terms of modifications, and you should have our September 18, 2019 letter on this topic which is in more detail regarding what our recommendations are. We are requesting in terms of modifications north and south of Lolo that the existing speed zone be in complete alignment with what you see elsewhere along Hwy 93 Corridor in Florence, Victor, Stevensville, Ronan, and Polson. So there is a precedent for what we are requesting and I would certainly be available to answer more questions. You will also hear from the Missoula County Sheriff's office and members of the Lolo Community Council and perhaps others.

*Robert Taylor, Missoula County Sheriff's Office*

I appreciate the opportunity to be here and support this idea to extend the speed zones north and south of Lolo. As Commissioner Strohmier said, I live in the north end of the Bitterroot Valley, south end of Missoula County and I frequent the Hwy 93 Corridor down the Bitterroot Valley. Every municipality therein seems to have their speed zones that are similar to Lolo pushed a much further distance out. So it would make perfect sense to me to push them out. I also understand from the public safety perspective that a lot of the things the Department does are rightfully data



driven and I understand that data is very instructive to policy and procedure, but one thing that data never takes into account is the anecdotal examples or the quality of life issues. Driving those two zones twice a day myself, the data can't account for witnessing near misses and those kind of things. We do have crash data from the Montana Highway Patrol and I don't know exactly what that would show and thinking back over my 23 years of running the roads in the County, that's a hotbed of crashes and there's been some pretty severe ones. About 20 years of that was as a Coroner and I've done a lot of work on that stretch of highway. So from a public safety perspective, we'd be fully in support of extending those zones and giving those folks, especially in the south end of Lolo, a fighting chance of actually using the highway safely. I think the folks you will hear from today, a lot of those folks live in that area and it is truly an adventure to try and make a left turn and go northbound on Hwy 93. I wouldn't want to do it and I frankly wouldn't buy a house in that area today for that reason.

Moving to the north end, from a public safety perspective, commuter traffic into Missoula from the Bitterroot Valley just continues to increase. We call it the Bitterroot 500. It is actually to a point where, if you spoke to any member of the Highway Patrol who work that area, it is so congested at times during the rush hours that it's nearly impossible to work it from a traffic perspective. Coming in from the north end, there is a blind right-hand corner around the hill, the speed drops pretty quickly and then there's a traffic light. It makes it very difficult for folks coming in at 65 mph, which is the posted limit, if the light is red and traffic backed up, you're going from 65 mph to a stop around a blind corner in a matter of a few hundred yards and it is very difficult. I've seen numerous near misses there.

That's my description of the problem. The solution of moving the speed zones out to get a little more distance in each increment, I can tell you the Sheriff's office stands ready to give some extra patrol to that especially right after the change. We get specialized traffic enforcement funds from MDT and I'm the grant administrator and I'm happy to make that a priority for those monies as well as our regular patrols. Any support that we can give, on behalf of the Sheriff's office to this change, knowing that it flies in the face of data somewhat, I think the Commission would be well served to approve this and move those zones out.

Commissioner Sansaver asked him what he'd recommend on the blind corner for slowing the speed down maybe a mile before that. When you say extending the zones, what are you looking at? Robert Taylor said the zones go from 65 mph coming from Missoula southbound and then quickly transitions to 45 and 35 into Lolo. I wouldn't mind pushing the 45 mph zone back around that corner so it's visible coming down Lolo flats. If you're not from there, you'd come around that corner at 65 mph and see a 45 mph, then you see stopped traffic – it's that quick. Even the folks who know it, not everyone is in compliance with the posted speeds which were informed by the data collected. Let's be realistic and add 25% to everything that comes in because folks drive faster than the posted limit. If we could move that out around the corner onto Lolo flats. Commissioner Sansaver said as an officer of the law, you drive as a normal person coming up to that corner, would it be safe to say that would be a mile out when you drop from 65 mph to 45 mph. If we're going to do this against data, let's get it down to what works and you would be one of individuals to do that. Robert Taylor said I would go somewhere north of Valley Grove, that's the first road that runs west off US 93 north of Lolo. That's about three quarters of a mile from the current spot – somewhere north of there. So a mile would not be out of the question in my mind. Valley Grove is also a spot where there's not that many houses but it is a real battle for those folks. If people were beginning to slow for that speed zone there, that would also help the folks who live in the area and it would inform drivers that up around this corner they are likely to encounter even lower speeds.

Commissioner Sansaver asked Duane if they had data that goes against that. I'm trying to grasp what the problem might be. We have a lot of people here from that area. Did we put out data that was not consistent with what they are talking about? Duane Kailey said Valley Grove is defined as milepost 85 area. We did have a station set up there where we collected speeds and what we're showing is the 85<sup>th</sup> percentile speed in that area is 69 mph and the pace, which is very high, is the ten-mile range that we see the highest percentage of motorists travelling. Typically we see paces at about 50% - when we see a pace at 80%, that's very, very good. That means that 80% of the traveling public are driving within 10 mph of each other. That pace is between 60-70 mph at that Valley Grove. What I'm trying to get at is if we do set a reduced speed starting at that point, it is going to take Law Enforcement. The public is not perceiving a conflict, they are not perceiving an issue and they see no reason to slow down. Eighty percent of the traveling public is driving within 10 mph of each other at that location. What the county asked for was 55 mph ending at milepost 84.5, so there is about 1/2 mile difference there. Again, it's within the Commission's authority and I'm just advising you appropriately.

Commissioner Fisher asked if that was data from 2016 or 2018. Duane said it was from 2016. Commissioner Fisher asked if he knew what the population increase has been since 2016. Duane said he did not. Commissioner Fisher asked if he knew the density increase in housing development in that area since 2016. Duane said the last time I was down there which wasn't that long ago, there is little to no development in that Lolo Flats area. There was a proposed gravel pit and a subdivision proposed in there not that long ago, but to my knowledge none of those have gone forward. Commissioner Fisher asked about subdivisions down the Bitterroot between Lolo and Hamilton. The commuter traffic is obviously from at least Hamilton, so since 2016 we have this data that the traffic volume was 19,000 to 25,000. If the only affordable housing, having lived in Missoula, is down the Bitterroot and that is where the density of building is because there is nowhere else to build in Missoula – the only open space is down the Bitterroot. So it seems to me that the traffic volumes have increased since 2016. With respect to the citations, from an enforcement perspective, I understand that law enforcement issues citations, how are those citations heard? In Justice Court? What's the enforcement on the actual court side – do you see that there is strong enforcement? I'm worried about driver perception that they'll get a ticket but it's only so much money. Enforcement all the way through would be critically important because there's no point in having more guys on the road doing enforcement if it's ignored. Robert Taylor said I don't have any data from that but we do have two relatively new Justices of the Peace and my experience with them is they are both very fair but very firm. They are not known to be particularly hard on people but not soft either. So at this point it is a fair court. Commissioner Fisher asked if he saw enforcement actually being followed through. Robert Taylor said I do especially with traffic.

Commissioner Hope asked what the volume of tickets were on that stretch. Robert Taylor said it is not particularly high but the biggest thing is we work those areas to show presence and modification of behavior. Some of the volumes early in the morning and after traditional work hours, those rush hour times, it's almost the volume of traffic is at a point where it is not safe to work it. I don't feel comfortable doing traffic stops there. I wouldn't say we have a particularly high number of tickets issued in that area but there are other factors that play into that like staffing and just the ability to effectively work that area. I will say, however, that we recently fielded a renewed school resource officer program and the resource officer assigned to those schools absolutely works the school zone diligently almost every school day. So there has been some increased enforcement there. It's easy enough to give them direction to expand their work zone in the mornings and some in the afternoons. It would be a couple of miles on either side of that.

Commissioner Hope asked if you reduce the speed, would you feel more comfortable with less speed. Enforcement seems like it's an issue. Robert Taylor said it is difficult but one we're willing to pick up; it definitely gives us the opportunity especially on the north end to take that blind corner out of play for our officers. If we could work that a little further north where we're more visible.

*Dale Olinger, Superintendent, Lolo School District*

Thank you for your time this morning. I'm from the Lolo School District and serve as the Superintendent. Thanks to MDT for completing the Speed Zone Study and for writing up the report as they did. You might wonder why I'm here because you see in your packet that the Lolo School District is not a party to any of the letters of request for this speed zone study at all but we do know that any change in the speed of traffic through our town will impact the school because we sit right on the highway, so we're impacted one way or the other. We know the boundaries of the school speed zone in Lolo; we know that it is oversized compared to the manual that's being referred to and we appreciate that. It's been that way for a long time and we enjoy the benefits of additional signage and signals which help keep our students safe to and from school. MDT has always been great in the upkeep of those variable signs and the feedback mechanisms which makes our school speed unique. We don't have static signs or those kind of things and that makes a difference and people notice that. We know they require maintenance and MDT has always been great when it comes to those kind of things for student safety.

As you saw in your report there, the school takes safety on the highway seriously. We assign school staff to monitor the crossings, help students across on Hwy 93 and around Hwy 93 because there are multiple crossings adjacent to the highway that don't actually cross the highway. We have six traffic guards on duty each morning and afternoon. We also recognize the attention of the Sheriff's Office and the Highway Patrol for their regular enforcement within the school zone. All together we make that school zone work.

We agree with the report and the recommendation of no change in the existing school zone. If I understand correctly, none of the requested changes listed will impact an area adjacent to a school speed zone. Even so, speed reductions both north and south of our community would enhance the safety of our student's ability to get to and from school. We have plenty of students who travel through those impacted areas each day on foot, bicycle, motor vehicle, scooter, you name it. Your decision today has the potential to make Lolo a safer place to live. On behalf of our school district and students and families, I urge you to support the request of the County Commissioners and the Lolo Community Council by enacting the requested speed reductions and adjustments both north and south of Lolo.

*William Green, Board of Directors on the Bitterroot Meadows Homeowners Association.*

I've lived there for 28 years and I've been on the board for 24 years. I've knocked on every door so many times they're sick of seeing me but I do it to find out what's important for our constituents; people who have to turn left to go northbound on Hwy 93. We've had one head-on collision 200 feet from my front door and a lady was killed. Another one just down the street, one of our neighbor's daughters was T-boned turning left onto the same part of Delarka Drive several years and she was fortunate that she wasn't hurt. I've lived there for a very long time and I'm retired now so I don't have to cross it every day but I do because I have a lot of stuff I do in town. Before I was retired and worked in town, I would cross that road and I know we're not supposed to merge from that center lane but if you don't you're not going to safely get onto that highway. Everyone who turns onto that highway, merges into that center lane and stops and waits for traffic. My experience is the traffic is coming

fast, well over 55 mph; they are not slowing down and it is difficult to get in and is increasingly dangerous.

On this particular issue I was on the Community Council for three terms and back in 2015 when we were working on this issue, it took us three years to get that one passed. That one has been very successful. We've got the Sheriff's Office and Highway Patrol enforcement, the people do slowdown in town, and we are very proud to get that and make our kids safer but we need to extend that. I'm in that neighborhood where the deputy said he didn't want to buy a house. One of his fellow deputies did buy a house there and lives down the street from me. When I went door-to-door on this issue to 49 homeowners, 38 of them sent a letter and he was one of them saying this is extremely important because it is dangerous to cross there and we need it taken care of. The recommendation we made, on the northbound Hwy 93, Delarka Drive is a horse-shoe shaped street with two entrances onto the highway and the first slowdown northbound would be just south of our entrance. I measured it off and from that sign to the Hwy 12 light is about one mile. I also measured off the 45 mph zone in Florence from their light going northbound, and theirs is eight tenths of mile for the same reason – they have traffic entering the road and they need to be safe. Well, we have two entrances at Delarka Drive, Mormon Creek Road and Caras Lane, and we have a number of homes with houses on the road across the highway and they are also getting on it.

It's not only getting on the highway, it's getting off. We do not have dedicated turn lanes when we leave the highway to get into our streets and people are coming behind us well over 55 mph, right on our tail, and we have no place to turn. We're slowing down to turning speed and it is dangerous. I don't know where we are in the percentile but I suspect we're in the percentile that's not reflected in the statistics to show that these people are saying this is important to them and we need the safety. We wrote letters to the Lolo Community Council, we've been doing it since 2015. The County Commission has been respectful and receptive to it as well as the Sheriff's Office. We all seem to be in agreement that this is a worthwhile reduction and the time has come.

Commissioner Jergeson asked how many people live in Lolo. William Green said it is close to 5,000. In our subdivision we have 49 homes, so we probably have 250 people just in our neighborhood. If you go up Mormon Creek Road, there's a lot of homes up there on the different streets. I don't know the count but I've knocked on all the doors and it took me a long time; there's a lot of people coming out on those roads. There's about 5,000 people in Lolo. Commissioner Jergeson asked effective within a 50-mile radius, how many people are traveling through that area? William Green said he did not have the traffic count but there's a lot; it's incredible. Robert Taylor said it is essentially bumper-to-bumper during those rush hour times from Florence to Missoula.

Commissioner Fisher asked how many entryways there were onto the highway between Lolo and Missoula. Duane Kailey said I don't have that off-hand but it is an access control highway corridor so the Commission approved all those entrances. I can get that to you if you like. Commissioner Fisher said she would like that information. William Green said he had spent a lot of time up Valley Grove Road and there are quite a few homes up there also. They are also coming out on a pretty high-speed road as well. So we urge you to give this fair consideration. Thank you for your time.

Duane Kailey asked how far south of Lolo did they need to go – just to Florence? Commissioner Fisher said from between the Miller Creek Walmart to Lolo – I would like to know how many entry points there are. I don't know how far Lolo extends past the first stop light. William Green said Lolo has a 45 mph reduction about half mile from the light and this would extend that about one mile.

*Kevin Noland, Chair of Lolo Community Council in Lolo*

Lolo's population is under 5,000 currently. There's a complex that was referenced earlier north of town and a proposed gravel pit and that is out of the equation. There was a small gravel pit in town right at the first intersection you come to. Currently there is a town-house and condo complex being built which is Phase 1, Phase 2 and Phase 3 over five years and will bring an additional 400 residents into Lolo right in town. Hence the concern we have for not only officer safety and traveler's safety but also the northbound approach into Lolo. Bullet point three from Mr. Vosen's letter matches a similar request from the Community Council for the speed reduction starting at Bird Lane. We felt that our request is similar to other communities the size of Lolo up and down the Hwy 93 corridor from Kalispell clear to the Idaho border. A lot of the traffic that comes through Lolo is residents and commuters going to work in Missoula, schools, families but another part is the ski resorts. We are the gateway to a lot of recreational areas. Yesterday I up was up on top of Lolo Pass and there were snowmobilers – there is recreation winter/summer year-around. That is one of the attractive parts of living there besides the affordability of housing – the ample opportunity for recreation. So we do get a lot of traffic through Lolo that doesn't stop there and doesn't reside there. The perception is that Lolo is just a speed bump and let's get out of there as quick as we can, and that is not safe for us and for our residents.

As the Chair, I get the mail for the Lolo Community Council and we have a really deep stack of letters and requests from concerned citizens. We've had several meetings and forums and committee meetings to have people come and talk to us about this concern and this request. We do agree with the no change in the school zone, we're happy with that. The school speed zone is well defined and well described. We appreciate the Sheriff's Office enforcement of that area and their willingness to enforce. This request should be approved today.

On a personal note, I also live in a neighborhood where the captain said he wouldn't buy a home. Well I bought a home in there before I decided to try out the traffic. It was a good deal and hopefully I'll do okay when it's time to sell and move out of there. We appreciate the Commission hearing our pleas and would hope it has made an impression on you and we hope you vote in the affirmative.

*Nate Calkafen, on the phone*

I won't repeat what Kevin just mentioned. I do want to share with the Commission that we've had some fantastic input from the school, MDT, politicians, law enforcement and local homeowners. Being a volunteer Community Council Member I want to share the pleas from the community residents, meeting-after-meeting, month-after-month to ask us to please get something done here. MDT, I thank you for the data and the speed study but sometimes reality flies in the face of data. It is really about people feeling in their hearts unsafe. It's a safety issue. There is one homeowner who has a teenager in Delarka Lane who was going to school and has to leave at 6:30 a.m. so they didn't have to pull out onto Hwy 93 here. It is purely a safety issue all the way around. I just want to make sure that the Commission really understands that this a big deal for the Lolo community. We're hearing from our members, month-after-month-after-month like I mentioned, to please do something here. I just want to make sure that the Commission understands the big issue that our community is asking to be addressed.

*Lou Ann Calkafen, on the phone*

I've been a resident of Lolo for 35 years and when I moved to Lolo there wasn't all the development up the Bitterroot. Point being is it is not just a Lolo issue anymore.

There's been a lot of questions about how many entrances there are around Lolo and how many people live there but this is not just a Lolo issue. It is way bigger than that; it's the entire Bitterroot issue.

The other thing that comes to mind is Superintendent Olinger spoke about the safety and it should be noted that Lolo Elementary School does not have school buses that transport children to and from school like other Bitterroot communities do. In Lolo there is one special education bus that goes around and picks up students but that's it. Most students walk or ride their bikes or get rides from parents. The thing is the season road conditions. In Lolo it happens so fast when you come around that blind corner the speed zone is 55 mph and you slow to down pretty quickly to 45 mph and then 35 mph. That blind corner, the way it is shielded from the hill to the west of the road and turns to ice very quickly. Even people who live there just don't always anticipate that, they should but they don't. I totally endorse the reduction in speed on the north and south end. It's something that has been talked about and tossed around a long time in Lolo and it is time that something happens. Thank you for your attention to this.

*Warren Kingdon, Lolo Community Council*

I'm president of the Community Center, I manage the food bank in Lolo and I'm Vice Commander of the American Legion Post. I've only been in Lolo three years; I followed my sweetheart up there from California. I appreciate the job that you do and the immense work that it entails. It also brings to mind a situation that occurred in California when I was living there. We thought there was an area of traffic that needed some change and we fought for two years to get the change so people could cross the street safely. I didn't know street lights cost so darn much money but that was one of the reasons they denied us. In mid-July two teenage girls were crossing that same street and they were killed. To this day I wish I could have done more to get that condition changed to save those girls – they would be about 40 years old today. You can't bring them back. What was amazing was that within 30 days the street light was put on that corner – too late for those two girls.

I come off Mormon Creek and it is scary. Just two days ago we were almost struck by a car coming at an excessive speed on that highway without lights on at night – we were almost hit and were missed by maybe 10 feet. It is scary. I feel so impelled to get this change; a change that may save a life. I was glad to see the Vision Zero there and I think it is fantastic. They need that across the nation. You're doing a great job with that. I have a fear, and the people who drive from that section of town to get on the highway have that same fear. It's a terrible thing you face going any place – to work every day or a social occasion, and sometimes they even stay home. Every time we meet somebody new that lives in that area, they say "what are you doing about Highway 93; why it is so hard?" I'm still afraid to get on that road. I think there are changes that can be made and I know I would be amiss if some tragedy happened on that road and our Zero became a fatality on that highway. Thank you.

Commissioner Skelton said it is clear to me the community is clearly in support of what the County Commissioners have recommended in their letter of September 18<sup>th</sup>. Commissioner Fisher said I used to drive this road all the time because my brother lived in a trailer park just north of Missoula and south of Lolo and getting across that access was awful. He wouldn't even go to Lolo because he'd have to drive across two lanes, so he never went north and always come into Missoula. So I know this stretch of Lolo pretty well. In addition when I as a Prosecutor at the Missoula County Attorney's Office, all of the Highway Patrol tickets that I prosecuted were on that stretch of road for one reason or another. And the crashes were phenomenally bad because they were almost all high-speed crashes. You come around that blind corner and you have no idea that to your right you have a school. Even somebody who travels that all the time, you have no idea that when you come around that corner

there's a school. It is pretty shocking when you realize that you're coming in "hot" and haven't had the opportunity to slow down because you don't know that around that corner is a school. Another thing that's interesting in my house I have a picture of the old road to Lolo before it was even paved because it shows what that area looked like – the highway to Lolo before it was even developed and there are no houses or anything. The issue I have with the data is that between 2016 and 2020 Missoula County has exploded in population. Missoula can't grow because it is boxed in; you have to go to the outskirts, the suburbs if you want to find any type of affordable housing or just housing because there is nothing there. So the only place that really increase with density and population is the Bitterroot and we've seen that for sure. That is where subdivisions are going in because it is the only open space left. So it really isn't about Lolo, it's about all the traffic coming into Lolo. There is no other place to go; there's no other way to get to the Bitterroot. When you go to Reserve Drive in Missoula, there is no way to get to Lolo without going down Reserve and getting there. There is one way in and one way out. There's a number of access points between Missoula and Lolo onto the highway that I think are incredibly dangerous. I was looking at a house to buy outside of Missoula towards Lolo off the highway and I didn't buy it because of that. I was terrified that if I moved my kids there, they would be driving in and out of those access points onto that highway.

I left Missoula in 2005 and it has only gotten worse since then and the density has only increased. If law enforcement has a willingness to patrol and there's some follow through from a prosecutorial and judicial standpoint, it seems to me there willingness to patrol will help with driver behavior. The only reason there isn't more density between Missoula and Lolo is because there is no more housing. If there was, I'm sure there would be more housing there. It seems like it's much like what we're facing between Kalispell and Whitefish – all of that is going to fill in and certainly from Missoula to Hamilton almost all of that is going to fill in. Whatever open space exists there now is going to be gone, there's no doubt in my mind because there's nowhere else to go and everybody wants to live in Missoula. It's just a great place. People aren't leaving the area, there's more people coming in than going out. The density is increasing. I just don't find the data to be as relevant today as it was in 2016. I would guess that's we've only seen an increase in traffic. So, from my standpoint, I would move that the 45 mph zone on the south side of Lolo be extended to encompass the furthest south intersection of Delarka Drive. Also 55 mph speed zone beginning at approximately RP8416 and continuing north approximately to RP8451. No change to the school zone speed limit.

Commissioner Hope said not being from the area I don't have a clue other than the fact that I was talking to the Police Captain and I want to know is that sufficient. The community of Lolo is here, so what is the recommendation of the community? Are we a mile out on each side, is that going to be enough to handle the problem? Where are we with this? I want to support the community; I'm way into safety, pedestrian safety, and bike safety. I want to make sure that what we do today is consistent with what the community of Lolo wants.

Dave Strohmier said he would reference the Commission back to the September 18, 2019, letter from the Board of County Commissioners to MDT which both the Missoula County Commission and the Lolo Community Council are in complete alignment with. The very specific locations of the proposed changes in the speed zone are articulated in that letter. I can't translate the station locations to exact footage or mileage but what we've outlined here is precisely what we're asking for.

Duane Kailey said I want to make sure I get this right so we know where to put the signs. For clarity sake, in the report we show the existing 45 mph speed limit at milepost 84.05. What the county is asking for is to move it to 84.51 about a half mile. William Green said he measured that again on the south side going north bound, just

passed the south end of Delarka Drive, I show it as 82.1 and that makes it one mile from Highway 12. The half mile push out would get round the blind corner. Commissioner Hope asked if they were slowing down right at the corner. Commissioner Fisher said a half mile in advance of it. Dave Strohmer said the current location is just as you come around that corner and you can see into Lolo proper and see you're coming into a town. That half mile would make it visible for as long as a person can see coming down Lolo Flats.

Commissioner Skelton said to clarify again, you're motion and what the community is asking for is in the letter from the County Commissioners of September 18, 2019.

Commissioner Fisher moved to approve the Speed Limit Recommendation for US 93 – Lolo as recommend by Missoula County Board of Commissioners. Commissioner Hope seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

### **Agenda Item 7: Speed Limit Recommendation Old Highway 200 – Missoula County**

Dwane Kailey presented the Speed Limit Recommendation for Old Highway 200 – Missoula County to the Commission. We did a speed study based on a request from Missoula County looking at the traveling speeds, accidents, and roadside culture. We are recommending the following:

A 45 mph speed limit beginning at straight-line station 290+50 (1,500' west of the intersection with 1<sup>st</sup> Street) and continuing east to the intersection with 1<sup>st</sup> Street (as posted), an approximate distance of 1,500 feet.

We presented this to Missoula County. They have a minor issue with it – they would like to see a 35 mph speed in proximity of the intersection on the east end. There is a map showing where we're recommending the 45 mph. The county didn't give us an exact station or distance so we don't know exactly how far they'd like that in proximity to the intersection. They also asked for "stop ahead" warning signs prior to the intersection and we are working on those and as soon as the ground thaws we will get those installed.

*Dave Strohmer, Chair, Missoula Board of County Commissioners*

I'm here speaking on behalf of the Missoula Board of County Commissioners, the East Missoula Community Council, and the Bonner-Milltown Community Council. The somewhat slight change we are requesting, Mr. Kailey is correct that we don't have an exact distance but what the Community Council and Bonner-Milltown has requested of which we are in concurrence, would be approximately in front of Trail West Bank extending to the east stop sign where Old Highway 200 essentially comes to a T-intersection with 1<sup>st</sup> Street and West Riverside, that that would be posted at 35 mph. The rationale being that there are a series of slight "S" curves through there that makes driving somewhat more challenging and dangerous in coming up to a full stop. It seems warranted to reduce it to 35 mph. Captain Rob Taylor from the Missoula County Sheriff's Office also might have a few words about his experience in this vicinity. Again, we're requesting 35 mph from approximately Trail West Bank east to the intersection and "stop ahead" warning signs to alert drivers that there is a full stop ahead.

*Captain Robert Taylor, Missoula Sheriff's Office*

My comment is I think it is a sound decision to reduce that speed coming into that stop sign. Some years ago the series of "S" curves were slightly reconfigured when



that whole road system was reconfigured surrounding a stop light installation on the highway near there. That said, it is kind of flat and featureless when approaching from the west. The residents are familiar with it and they negotiate it fine but if you're not familiar with it, it is not visually easy until you're into the curve. So an indication of a stop sign ahead and a slightly reduced speed would set most drivers up for success to negotiate the curves and stop appropriately.

Commissioner Fisher asked about the location of it. Is it coming toward the big Town Pump complex? Rob Taylor said it is the Old Highway along the Interstate coming into 1<sup>st</sup> Street which leads you to West Riverside. The reason that there is no development on the far side is it used to be the log yard for the mill. Commissioner Fisher said didn't it used to dump onto some other road. Rob Taylor said it used to come up to the highway, so there was 1<sup>st</sup> Street and that road coming to the highway. They took that last bit of curve out and dumped the Old Highway into 1<sup>st</sup> Street at a Tee.

Duane Kailey said our recommendation is a 45 mph limit change. What I'm hearing the Commission request is that we would put the 45 mph special speed zone in at the location where we started in our recommendation and then we would reduce it further to 35 mph beginning at the Trails West Bank on into the intersection of 1<sup>st</sup> Street.

Commissioner Sansaver moved to approve the Speed Limit Recommendation for Old Highway 200 – Missoula County according to the letter submitted by Missoula County. Commissioner Fisher seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

### **Agenda Item 8: Certificates of Completion November – December 2019**

Dwane Kailey presented the Certificates of Completion for November & December 2019 to the Commission. We are presenting them for your review and approval. If you have any questions or comments, please feel free to ask.

Commissioner Sansaver moved to approve the Certificates of Completion for November & December 2019. Commissioner Fisher seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

### **Agenda Item No. 9: Discussion and Follow-up**

#### **Director Mike Tooley**

##### *Construction Conference*

The Construction Conference starts Monday-Thursday in Billings; that's where the team that implements all the decisions you make here comes together and gets ready for the construction season. Dustin will be heading that up. If you're in Billings and you want to stop by and see what's going on, you're always welcome to do that. We will have about 300 people, mainly our Construction Administration staff from the Districts and the Helena Construction staff that will be going over. It's at the Double Tree downtown starting at 1 pm on Monday. If you do happen to make it, one of the more interesting parts happens on Thursday morning which is a project overview, so all the Districts will give presentations on projects of interest in their District. It's pretty impressive.

*AASHTO Winter Update*

I'll go the Construction Conference for opening comment and then Lynn and I will be in Washington all next week for the AASHTO Winter Update. We will visit with the Congressional Delegation and start working on making sure our talking points are before our Delegation for reauthorization. The FASTACT is coming to an end and we need something else now. Congress is interested in doing that but we need to make sure that our folks representing Montana know what we need here and it's usually the same thing – keep the formula as it is which benefits Montana on state flexibility in whatever categories we can get so we can put the money to work here in the way that we think it needs to be done and not have it driven by a single cookie-cutter policy. Our Congressional Delegation gets it and are supportive of what we do here. They are good meetings.

*Senate Banking Committee on Transit*

One interesting twist is that we've been asked to go represent at a panel discussion for the Senate Banking Committee on Transit. The rural emphasis is important because we need rural transit and it's really tempting to put all the money to where it serves millions of people but you still have people in Chinook that need to get to the doctor that don't own a car and can't drive anymore. They've asked us to come in and give a rural perspective and we're excited to do that for you.

*Community Projects of Interest*

A couple of projects in the communities you might find interesting that are coming your way eventually is in Missoula, the South Avenue Bridge also known as McClay. The county has asked us to assume administration of that project and we're working on an agreement with the county to get there. Commissioner Fisher asked what they are doing there. Director Tooley said it is the new South Avenue Bridge. We are waiting for the environmental document to come back from Federal Highway. They are reviewing it and will send it through Legal. When it comes back, the Department's intent is to work with the county to implement the preferred option. Commissioner Fisher asked if they were inspired by the fact that they can't drive school busses over McClay anymore. Director Tooley said Federal Aid Projects are difficult for a local government to administer and we have the experience. They recognize that and would prefer that we do it. Commissioner Fisher asked if they are ready to move forward with the South Avenue Bridge project. Director Tooley said they are and we are going to be partners in this project and we're going to craft an agreement and Legal will definitely pay attention to that for us. It still has a lot of controversy, so you'll have another crowd come in and ask you questions about the project. There's a 50/50 split in the community whether this a good project.

*Belgrade Underpass*

Commissioner Hope and some of our staff met with the City of Belgrade. You'll see a nomination for a project for an underpass on Jack Rabbit Lane in Belgrade. We get a lot of requests for these but Belgrade's was very compelling. We were just talking about what was going on in the Bitterroot and the expansion that can't occur in the Missoula Valley so it has to move south or further west. Belgrade is expanding to the North. They laid out their plans and clearly they need some way to get over or under the railroad on the west side of town. It is a massive project and won't be funded for a while. The District will bring that forward and it is a really good discussion. Commissioner Hope said he was very impressed with the Department and the City and their willingness to change some current plans to save some money. To me it is the way things should work. I was impressed with everybody involved. Director

Tooley said I agree. It is easier to say yes when they have a plan and it's a partnership. We don't always see that here. It will be fun to watch.

### *Tribal Government Discussions*

Yesterday I had discussions with one Tribal Government but more will be coming on cultural mitigation. They would like a Programmatic Agreement with the State of Montana so that we basically handle cultural mitigation in partnership with, not just the Tribes on the Reservation, but statewide. If you look at the map, Montana is Indian country and always have been. There are a lot of cultural sites out there that we may not be aware of that maybe some other Tribe traditionally called a certain area their homeland that we may not be aware of. So, they want to be consulted and the best way to do that is through an Agreement with the Department. We intend to have that done sometime this summer if it all comes to pass. Commissioner Sansaver asked if the Tribal Historic will all be in concert with the state then. Director Tooley said yes, we have to work with the State Historical Preservation Office and all of the Tribal Historical Preservation Officers across the state. They proposed an extremely aggressive timeline which we couldn't meet because we don't have control over every part of the process but we've committed to work towards an agreement.

Commissioner Sansaver said an interesting point is that we have a project in Westby, Montana, which is off the Tribal Reservation, however, there is cultural properties that the Tribe is very concerned about us cutting away land and basically changing the structure of that environment in Westby and the historical data, that we do something different. We ended up meeting with the Tribes a couple of times, Shane Mintz and myself, and I came to terms with it. It was kind of an angry battle for a while. I think this is very important that we come in concert with the Tribes because we may not be on Tribal land or the Reservations but as you said, this is Indian Country and the Tribes moved through the State of Montana up into Canada, back and forth from Idaho and Minnesota with the Sioux Tribes. So there is a lot of cultural stuff that went on in between Tribal jurisdictions and this would be wonderful and save a lot of hardship between the Tribes and the State. Director Tooley said it would prevent some challenges. The Tribal individuals were very clear that they don't want to slow down or stop projects; they want to work in partnership with us to make sure that their interests are protected and the road is built in the timeframe it should be. Lynn's environmental staff was very clear that the last thing we want to do is to unintentionally destroy cultural sites. It's a good time to have the discussion and we're moving along pretty quickly.

Commissioner Jergeson said he was intrigued by this because especially when you said Representative Windy Boy was here at the meeting. He was invited on that bus tour we did up there in Havre south of the Agency, as was the Chairman of the Tribal Council at Fort Belknap, and neither one of them were on that tour. I talked to the Chairman since and he felt bad that we got all mixed up with whatever was going on. It's interesting when they have been asked to come and participate in a tour that fills in everybody who needs to know about what's going on, and they don't avail themselves of that opportunity and then turn around and say you never talk to us. I don't know if we did it in such a way that they didn't understand the importance of that tour or what it was. As far as I know, Andy has not been particularly critical about the current project going on. If Windy Boy is and didn't go on that tour, that kind of concerns me a little bit about his performance in this.

Commissioner Sansaver said in my history of 35 years of working with Ft. Peck's Assiniboine and Sioux, Tribes aren't very proactive, we're very reactive. So they put these things off - if they don't see the substance of it and how it can change the scope of work down the road, they are not going to show up. But once you do that work and you cross over lands that have suddenly become historical and cultural pieces of property, they become very reactive. So, what you're saying doesn't surprise me that

they didn't show up on the tour. At one point in time the tribes were from the North Dakota border all the way across the upper part of Montana. So the federal government put a piece of land in between each Tribe that belonged to the Federal Government. So the Tribal properties from the Canadian border all the way down to the Yellowstone River were then separated out and Reservations became allotments of land. That's the way it is in the State of Montana. So it doesn't surprise me that when asked to take part in something like this that they don't. But once we cross over cultural land, I guarantee you that you'll see a contingent of Tribal leadership at your doorstep. I think this is a wonderful thing. Director Tooley said I agree that this will help with some of those issues. The reactive nature of the Tribal governments or individuals isn't unusual, we see it all over the state and it isn't limited to just Tribal governments. You name the project, there's one in Kalispell right now that is a roundabout safety project that has been through the entire public process and is ready to go and supported by the City government. It's not unusual because people don't pay attention until the equipment shows up and then it's a problem. That's how people are.

### *Effectiveness of Speed Limit Signs*

It was interesting listening to the discussion on the Lolo speed zone. Having just come back from the Transportation Research Board annual meeting and sitting in on some sessions, it was very interesting to listen to New Zealand and Australia and their experience with signs. We have this great sign shop with lots of aluminum to make speed limit signs and it turns out that people don't pay attention to those at all. Really, their encouragement was to quit relying on signs and move toward designs that actually prevent people from driving too fast. The Department has a plan to do that over a long period of time but the fact of the matter is, that when folks come in and ask for these things and we agree to put the signs up, sometimes that isn't the fix even though we hope it is. So stand by for that. It was pretty interesting to listen to the folks who do that and have done it for years and are cutting back their reliance on signs.

Commissioner Hope said there are new vehicles that post the speed limit on your odometer. Have they done any research on the effectiveness of that? Director Tooley said I think over time you are going to find cars that won't let you exceed the speed limit or that you'll have to physically over-ride the speed on these vehicles. They will have to actively consciously do that instead of driving the speed that's comfortable for them now. Commissioner Sansaver said they are already starting to do that. I work part-time for the Ford Dealership and I know the 2020 cars are already talking about it. Vehicles now will do everything for you – it's absurd what they do for you and they are in the shop constantly. They are talking about that in the very near future, I would suspect in the next couple of years, because the speed limit is coming up on your odometer, it will slow your vehicle down to that speed limit for you. They are already talking about doing it; it's coming.

Commissioner Jergeson said I belong to State Farm Drive Safe and Sane and it may have an influence on people. I'm always looking at trips and there are errors that occur. One time I was driving to Helena and it was extremely foggy on the Highline and it said I went 75 mph through Box Elder which is a 35 mph zone, and it was so foggy you couldn't drive over 45 mph even on the highway. For some reason it came up with that weird number and I don't know if the fog was clouding the computers. Some of this is part of the conversation and the tribulation we go through on these speeds zone issues. I've put up with it ever since there was an argument while I was in the Legislature about the zone through Neihart. I appreciate the data that's derived from the speed zone studies, but if that is the only major factor in making these decisions, then we may as well go back to safe and prudent on the speed limit anywhere because it's almost the same kind of thing – this is what the traffic is doing. When we had the 55 mph speed limit on two-lane highways, most of the traffic was

going about 65 mph. Then we changed to safe and prudent, everybody went 90 mph. That's what they felt safe and prudent to do even though it was just crazy. Then when we put on a variety of speed limits, there's been some compliance. We have to figure out or appreciate that's there is a whole lot of data out there. I drive through Big Sandy which has 700 people and they have a speed zone area a mile on each side before you finally get up to the highway speed limit. Imagine down at Lolo with 16,000 people on the highway every day.

Commissioner Jergeson said we must be getting close in the process where the Governor is asking the departments to plan and submit their budget requests for the next session of the Legislature and probably any of the programmatic bills that will be introduced. Last Session you reported that the Department was asking to remove the differential between trucks and automobiles, but the Commission was never asked for its advice on that particular issue. I'm wondering if there was a reason that the Commissioners aren't asked to weigh in and take a Commission position on what Department recommendations are going to be. Both for the budget and those kind of programmatic things or the alternative contracting things that get approved by the Legislature, I don't recall us being asked for our input and concurrence on. I was wondering why. Director Tooley said it's just never happened but we can definitely let you know what we're thinking. I'm pretty sure on some issues I can give you a heads up on what we're doing. I've never said, would you vote to support this. That gets interesting because we work for the Governor and the Governor is the one who ultimately decides what type of legislation goes forward from each one of the agencies. Commissioner Skelton said we've always been given legislative updates when the Legislature is in session. In the past we've been given updates if there was something that could be of significant concern about a bill going forward. As I recall having been through others as well, if there was something we thought the public would have a real concern with, we were updated on that.

Director Tooley said if you want to give us some ideas, we're starting to put together our Legislative Agenda for 2021. Typically when you have a transition, it's pretty slim. There's going to be another Director and maybe they don't want to have 55 bills when it's their first session. If there are some things that are important, this would be a good time to get them to us so we can start that process and vet them through the Governor's process and have it ready to go come January 2021.

Commissioner Jergeson said I don't know if it was the project over at Thompson Falls but the alternative procurement, and Commissioner Fisher's email to the rest of us about the selection team and the evaluation team of those who might be invited to put in a bid and throwing out the high and low. That might be a modification that we would have considered as being a legislative one because I think it is important to make sure we don't have the selection of these skewed by some individual's agenda in spite of the really top notch and good will of everybody else that's on the selection committee. If one person is a rogue, it reflects badly on all those who are not rogues and I don't think we should put those who are not rogues in a position to not have their reputation remain intact. That's something we may want to look at and I'd be interested in finding out whether or not we need to ask the Legislature for a modification to that particular section or if it's something we can handle in-house. Director Tooley said in-house would be the way to go. There's going to be a natural opportunity to address that because it is one that Sunsets. So, we're going to have to go back anyway and I think that would be the more appropriate time to do that rather than tackling a law that's half way through its life span. It Sunsets in 2023, so you've got one more session to go. Again, CMGC was the only bill I had as a new Director and that was tough. I don't want to open that up for a brand new Director frankly especially when you have a natural opportunity in the very next session. It was a pilot program basically so part of the purpose of it was to find the issues and then address them in the next version of the bill. We should talk, don't get me wrong but my first impression is I'm not sure we want to do that.

Commissioner Jergeson said that raises a question because there was an email sent out that said Commissioners can't combine in any way to be a majority because that would not be a noticed meeting, so there wasn't any more conversion and we haven't had an in-person meeting any conversation about Commissioner's concerns. That raises a question on how a group of Commissioners ask for some issue to be an Agenda item where we discuss fully the issues that are entailed in that and reach a decision in a legal and transparent manner. Val Wilson said the way you ask to have things placed on the Agenda is to talk with your Chair and then Lori will get those items on the Agenda. Once they are notice up, they are open for discussion in the proper way. Director Tooley said other boards and commissions do propose legislation. We are all Governor's appointees so it goes through that process, but they have done that in the past. It happens all the time. You do have the opportunity to do that if you, as a Commission, chose to look at something like that.

Commissioner Fisher asked if they thought it was worthy of discussion to discuss the components of the CMGC concerns I raised in the email as well as the Design Build because I'm getting a lot of feedback on the Design Build process as well with respect to the scoring tool utilized. Could we have that as an Agenda topic? Commissioner Jergeson said I think we should. That's partly why I asked about this deal with the bridges today being something relative new compared to past practices. We need a periodic review of these different new processes that are outside the norm of projects. I think any of these new programs should be periodically reviewed by the Commission to determine that in fact they are going in and the public can be assured that everything is working the way it was envisioned to work.

Commissioner Fisher requested that it be an Agenda item for the Commission discussions about the scoring tools and the mechanisms for reviewing the CMGC and the Design Build process. I'd like a comparative analysis of what other states who have been using these processes for years and how they are utilizing their scoring tools. Commissioner Skelton asked if they wanted it on the April 23<sup>rd</sup> Agenda and if that gave the staff enough time to put it together. Kevin Christensen said it would give staff enough time. I'd like to get with staff and see how long it would take them to pull something together. I don't suspect it would take them very long – we modeled both of those processes off district standards; we never reinvent the wheel. I think we could have something pulled by the next meeting. Commissioner Skelton asked him to let her know.

### **Agenda Item No. 10: Project Change Orders November & December 2019**

Dwane Kailey presented the Project Change Orders for November & December 2019 to the Commission. They are informational only. If you have any questions, please feel free to ask.

Commissioner Jergeson asked about the Loma East West Project which is on-going and said there may be a change order or two coming along given the magnitude of that project. On page four and six of the change orders, I see there is work for sub-excavating soft spots and place the stabilization fabric. The old project that we're connecting to, the east end of the project by Tank Johnsons is breaking up so bad and we've had forensic studies and I'm not sure what was found but I had some people asking why we couldn't just have Schillinger, since they are already there, go in and fix a few yards of that as an addition to this project. It's really getting bad. That would be a change order. Could that be done in the context of a change order? I explained to them that to come in with a whole new rehabilitation project would be many years and there is no way in that process to get to a quick resolution. Duane Kailey said he would look into it. There are mechanisms to do something like that but we have to abide by the federal rules and regulation because that work would not

be in the scope or the limits of the project that Schillinger is on. We would have to make sure that we get everything updated and in accordance with the federal rules and regulations – basically modify the project limits, modify the environmental document and a few other things. Let me look into it and get back in touch with you. Duane asked him to clarify the project he is talking about. Commissioner Jergeson said Loma East-West on the west end where the old dump was and there is a divided highway going east. From the KOA to where our new projects meet up with it, there is some stuff that is really rough in there. It's all quicksand and slump and bad soil structure underneath and for some reason the fabric wasn't fully employed through all of that section. It gives a bad impression to the public who is willing to be skeptical about a bunch of projects on the highline.

### **Agenda Item No. 11: Letting Lists**

Dwane Kailey presented the Letting Lists to the Commission. They are informational only. If you have any question, feel free to ask.

Commissioner Fisher asked about Condon North-South, having just driven it the day before – it is exploding and I'm wondering about the project completion date. Duane Kailey said he would look into it. Commissioner Fisher said it was dangerously exploding especially in front of the deli and grocery store in Condon; cars are jumping to the other lane when they go over it. It's not good. It is exploding in several areas. Duane said he would get her the completion date. Be aware that as soon as Maintenance has the opportunity, they will be out there with equipment. Commissioner Fisher said the maintenance they would have to do – it's ruts all the way through and it's pretty bad.

Commissioner Skelton asked about the Rock Arrow Laurel. Is that for February 13<sup>th</sup>, will it be let then? When are we going to start construction on that? Duane said in the spring.

Commissioner Hope said on the Yellowstone Bridge on Hwy 191, there are a couple of big Cottonwood trees leaning on the pillars and they've been there a couple of years. What is the process on that? Duane said Maintenance does a great job. We evaluate all of our bridges for scour susceptibility. If that is a bridge that is susceptible for scour, we will definitely get those taken off because that creates additional scour. Maintenance is very aware of the bridge that are susceptible. If it isn't a susceptible bridge, then typically, if there is no risk to the traveling public or others, we leave them in place. Otherwise we have excavators and we go out and remove them. Commissioner Hope said then you guys are aware of them and have made the decision that it is not a risk to either the structure or floaters.

### **Agenda Item No. 12: EEO Non-Discrimination Training**

The Commission was given EEO Non-Discrimination Training.

The next Commission Conference Calls were scheduled for February 25, 2020 and March 10, 2020. The next Commission Meeting was scheduled for April 23, 2020.

### **Meeting Adjourned**

Commissioner Skelton, Chairman  
Montana Transportation Commission

Mike Tooley, Director  
Montana Department of Transportation

Lori K. Ryan, Secretary  
Montana Transportation Commission