

Montana Transportation Commission

June 24, 2021 Meeting
MSU Richland County Extension Office
1499 N. Central
Sidney, Montana

IN ATTENDANCE

Loran Frazier, Transportation Commission Chair (District 3)
Tammi Fisher, Transportation Commissioner (District 1)
Shane Sanders, Transportation Commissioner (District 2)
Noel Sansaver, Transportation Commissioner (District 4)
Scott Aspenlieder, Transportation Commissioner (District 5)
Malcolm “Mack” Long, Director MDT
Mike Bousliman, Acting Deputy Director MDT
Kevin Christensen, MDT
Lori Ryan, Commission Secretary
Dwane Kailey, MDT
Dustin Rouse, MDT
Jake Goettle, MDT
Val Wilson, MDT
Carol Strizich, MDT
Darin Reynolds, MDT
Paul Johnson, MDT
Shane Mintz, MDT
Duane Liebel, MDT
Jim Wingerter, MDT
Rod Nelson, MDT
Lucia Olivera, FHWA
Bill Fanning, Fanning Law/Dykstra Farms
Jim Croft, Dykstra Farms
Jon Beal, Beal Law Firm/Dykstra Farms
Bill Dykstra, Dykstra Farms
Loran H. Young, Richland County Commissioner

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. 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. 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 Loran Frazier

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

Approval of Minutes

The minutes for the Commission Meetings of April 6, 2021, April 27, 2021, May 11, 2021, and May 25 2021 were presented for approval.

Commissioner Sansaver moved to approve the minutes for the Commission Meetings of April 6, 2021, April 27, 2021, May 11, 2021, and May 25, 2021. Commissioner Sanders seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item No. 1: Intrastate Maintenance Program Additions to IM Program (4 New Projects)Great Falls

Rob Stapley said the first six Agenda Items are projects to fill in gaps in our TCP. Back in January the Planning Division made a request to fill in gaps in our TCP, so these are projects that the districts submitted forward for that reason. With your approval, these projects will be added into our TCP and move forward. This is a normal process we go through every year as we get closer to our TCP in August where we will talk them in more detail.

Rob Stapley presented the Intrastate Maintenance Program, Additions to IM Program (4 New Projects), Great Falls to the Commission. The Interstate Maintenance (IM) Program finances highway projects to rehabilitate, restore, resurface, and reconstruct routes on the Interstate System. Montana's Transportation Commission allocates IM funds to MDT Districts based on system performance.

At this time, MDT is proposing to add 4 new projects to the IM program in the Great Falls District. The projects on the attached list (Attachment A) meet the criteria set forth for IM-funded projects. If approved, it would be MDT's intention to let these projects individually.

The estimated total cost for all project phases is \$6,900,000 (\$6,300,000 federal + \$600,000 state match) – with the entirety of the federal funding originating from the Interstate Maintenance (IM) Program.

Summary: MDT is requesting Commission approval to add 4 new projects (listed on Attachment A) to the Interstate Program. 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.

The estimated total cost for all project phases is \$6,900,000 (\$6,300,000 federal + \$600,000 state match) – with the entirety of the federal funding originating from the Interstate Maintenance (IM) Program.

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

Commissioner Sansaver moved to approve the Interstate Maintenance Program, Additions to the IM Program (4 New Projects), Great Falls District. Commissioner Sanders seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item No. 2: National Highway System Program Additions to NH Program (15 New Projects)

Rob Stapley presented the National Highway System Program, Additions to NH Program (15 New Projects) 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.

At this time, MDT is proposing to add 15 new projects to the NH program – four in District 1, zero in District 2, nine in District 3, one in District 4, and one in District 5. The projects on the attached list (Attachment A) meet the criteria set forth for NH-funded projects. If approved, it would be MDT's intention to let these projects individually.

The estimated total cost for all project phases is \$35,600,000 (\$30,800,000 federal + \$4,800,000 state match) – with the entirety of the federal funding originating from the National Highway System (NH) Program.

Summary: MDT is requesting Commission approval to add 15 new projects (listed on Attachment A) to the National Highway System Program. 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.

The estimated total cost for all project phases is \$35,600,000 (\$30,800,000 federal + \$4,800,000 state match) – with the entirety of the federal funding originating from the National Highway System (NH) Program.

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

Commissioner Aspenlieder moved to approve the National Highway Program, Additions to the NH Program (15 New Projects). Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item No 3: Primary System Program
Additions to STPP Program
(12 New Projects) Districts 1, 2, 3 & 5**

Rob Stapley presented the Primary System Program, Additions to STPP Program (12 New Projects), Districts 1, 2, 3 & 5 to the Commission. 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.

At this time, MDT is proposing to add 12 new projects to the STPP program – two in District 1, four in District 2, four in District 3, and two in District 5. The projects on the attached list (Attachment A) meet the criteria set forth for STPP-funded projects. If approved, it would be MDT's intention to let these projects individually.

The estimated total cost for all project phases is \$34,300,000 (\$29,700,000 federal + \$4,600,000 state match) – with the entirety of the federal funding originating from the Surface Transportation Program – Primary (STPP).

Summary: MDT is requesting Commission approval to add 12 new projects (listed on Attachment A) to the Primary System Program. 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.

The estimated total cost for all project phases is \$34,300,000 (\$29,700,000 federal + \$4,600,000 state match) – with the entirety of the federal funding originating from the Surface Transportation Program – Primary (STPP).

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

Commissioner Sansaver moved to approve the Primary System Program, Additions to the STPP Program (12 New Projects), Districts 1, 2, 3 & 5. Commissioner Fisher seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item No. 4: Secondary Roads Program
Additions to STPS Program
(1 New Project), Missoula District**

Rob Stapley presented the Secondary Roads Program, Additions to STPS Program (1 New Project), Missoula District to the Commission. The Surface Transportation Program – Secondary (STPS) finances highway projects on the state-designated Secondary Highway System. Secondary Roads are those routes that have been selected by the Montana Transportation Commission to be placed on the Secondary Highway System.

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

At this time, MDT is proposing to add one new project to the STPS program in the Missoula District. The project on the attached list (Attachment A) meets the criteria set forth for STPS-funded projects. The estimated total cost for all project phases is \$2,600,000 (\$2,300,000 federal + \$300,000 state match) – with the entirety of the federal funding originating from the Secondary Roads (STPS) Program.

Summary: MDT is requesting Commission approval to add a new project (listed on Attachment A) to the Secondary Roads Program. The proposed project is 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 this project to the program.

The estimated total cost for all project phases is \$2,600,000 (\$2,300,000 federal + \$300,000 state match) – with the entirety of the federal funding originating from the Secondary Roads (STPS) Program.

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

Commissioner Sansaver moved to approve the Secondary Roads Program, Additions to STPS Program (1 New Project), Missoula District. Commissioner Fisher seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item No. 5: Bridge Program Projects
Additions to Bridge Program
(10 New Projects)**

Rob Stapley presented the Bridge Program Projects, Additions to Bridge Program (10 New Projects) to the Commission. MDT's Bridge Bureau reviews bridge conditions statewide and provides recommendations for construction projects to be added to the

Bridge Program. At this time, the Bridge Bureau recommends adding ten (10) new projects to the Bridge Program. There are two projects in the Missoula District, two projects in the Butte District, four projects in the Great Falls District, and two in the Billings District.

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 \$162.5 million (\$140.7M federal + \$21.8M state match).

Summary: MDT is requesting Commission approval to add ten (10) new projects to the Bridge Program. The breakdown of project costs (by program) is listed below:

Surface Transportation Bridge (STPB) Program	\$ 56,300,000
National Highway Performance Bridge (NHPB) Program	<u>\$106,200,000</u>
	\$162,500,000

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 Bridge Program.

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

Commissioner Aspenlieder asked, on this list of bridge projects, can you tell me which are timber bridges? I don’t recognize any as a timber bridge package, is that accurate? Rob Stapley said we don’t have projects broken out by timber bridges but we can certainly provide that additional information. The ones on the NH are not timber structures. Some of them are timber bridges but we’d have to go through bridge-by-bridge. Commissioner Aspenlieder said I would appreciate that clarification to understand where we are in attacking these timber bridge projects. One thing we really need to focus on in the next couple of years is how to prioritize these timber bridge structures especially as we’re starting to load grade and restrict. I’m looking for some clarification if we need to work with our District Administrators in proposing those projects into the program or how, through the process, we get these timber bridges prioritized. That is something we’ve got to put a heavy emphasis on in my opinion in the next couple of years. I would hope we can come up with, over the next series of meetings, a way to start putting a focus on them and working those packages into the process. How do we move that forward and what is the process? Rob Stapley said the nominations you are seeing today is really a snapshot in time. You will see these nominations every time you meet because our staff is identifying new location all the time, there has been a lot of work behind the selections here. Every time we meet and present a new nomination, those considerations are taken into account. As those load postings are identified, you will see more nominations toward the timber bridge issues and we are pursuing funding options and we already have bridge bundles in the works. We have to manage that with our available funding. When we nominate we have to have the funding to be able to nominate and move forward. There are NH funds that we need to use, and there are needs on our NH as well. There are needs on our systems with timber structures but we always have to walk that balance. We have to have the funding in place to make sure that our nominations match up with funding.

Commissioner Sansaver said I echo Commissioner Aspenlieder’s comments. I have been badgering the Commission and the staff for the last couple of years about procuring more money specifically for the bridge program, the timber bridge program. We have 143 bridges in District Four. We really need to focus on how we can pinpoint the federal monies that come in to Montana. How do we lobby for that money? I know we’re not lobbyists but how do we get more attraction to Montana specifically for bridge programs. There is so much money put out every year that

mostly goes to Interstate System bridges, concrete bridges, and they forget that they are mandating new laws daily on these timber bridges and bridge loads. They mandate but they don't support the mandate with dollars. So we have to find a way that Montana can procure money specifically for that because it's the life's blood of the state of Montana and the community and the producers of our products. My approach is not so much on how do we take money away from the Interstate Systems and National Highways, but how do we get somebody in DC to funnel more money into the projects that are being mandated by the feds. What do we do during the interim? We have a bridge that has a certain load limit yet these new vehicles can haul so much more. What are we doing? Are we fining these people for using that life-stream or are we finding a way for them to be able to get around that until such time as we can replace this bridge?

Commissioner Frazier said I would just echo that an awful lot of our infrastructure is special bridges that are 75 to 100 years old, and I think we need to focus on those. Roads are important but the bridges are part of the road system as well. Director Long said we have been actively in conversation with our Congressional Delegates on this very topic, making sure especially with everything that is going on in DC right now funding-wise, which is up in the air and we don't know what we're going to get. We know the funds are coming but we don't know the details of that. We have been lobbying our Congressional Delegates very hard on this very issue making sure they know how important this is to eastern Montana. This is the lifeblood of what is going on here and, as Shane pointed out yesterday, we can't just write tickets to people crossing these bridges. We are in agreement with you; this is a major issue. Again to just let this follow the normal processes and get there 10-12 years from now, we need something done now.

Commissioner Sansaver asked what MDT is doing when putting on the load limits. Are we going to police those load limits? Are we fining people? Are we saying we're going to give you five years? What are we doing with that? I know people out in the community who are asking that very question. Up in northeastern Montana in Wolf Point and Glasgow and Malta areas, those farmers and ranchers are asking the question, "I see the load limit sign but that is the only way I can get my product to market, what are you going to do to me if I keep using that?" What is the state's stance that? What is my answer to that farmer or rancher? Kevin Christensen said we are doing load rating on these bridges and inspecting them which is a matter of public safety. In terms of enforcement, it's a difficult question to answer. We certainly are not going to have MCS officers parked at every bridge, we don't have the staff for that. But the posting is to let people know that these bridges in one way or another are compromised for full capacity loads. We do have a strategy to become more aggressive with this. I'm not sure if the Commission is aware, but we are preparing to submit three applications for Raise Grants.

Rob Stapley said the first application is for Billings Bypass, Johnson Lane Interchange. The second application is a Bridge Fund in the Forsythe area where there are 10 bridges and we're seeking application so we can replace or repair all 10 of those bridges. The third application is for a planning grant to help us figure out the direction forward with the rest of the bridge issues across the state.

Commissioner Aspenlieder said as we're moving forward on our Commission duties, could you include a list of our timber bridges, where they are at in the process, the ones that are in the que, the ones that aren't and include that in our packets every other month? Rob Stapley said they could do that.

Commissioner Sanders moved to approve the Bridge Program Projects, Additions to Bridge Program (10 New Projects). Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Elected Officials/Public Comment

Loran H. Young, Richland County Commissioner

It's quite an honor to welcome the Commission to Eastern Montana. It's quite an honor to see how many people are here. I know it a little farther for you to come here than it is here than it is for us to go there but that's okay. I don't have a whole lot to say but the bridges are interesting. We have a pretty good relationship with Shane Mintz which I'm proud of. He fights hard for our district and I thank him for that.

This is kind of a sensitive issue because I'm a County Commissioner. You guys are going to put about three miles on 201 West. I've got to wear two hats and I have to be careful about what I say. You guys are going to go right through the middle of an active gravel pit; a big one with lots of gravel. Anyway, that is my personal hat but let's put that hat away and go back to the County Commissioner hat. We were asked that when you get ready to do the construction and close 201 down for three months to do the bridges. This is really raising cane with GVW limits because you can have a third axel truck that weighs 56,000 lbs and he can't go across it but if you put a trailer on it he can go across it. I think you are trying to adjust that a little bit but I'm just a simple person and that makes no logical sense to that first truck just because it is a regular truck without a trailer can't legally go on there but if you put a trailer on it, then it's legal to cross it. It's been really raising cane especially when you have a really aggressive MCS person like we did have for a little while. Now there's been a little bit of a pause.

Another thing this causes is that everybody fears MCS here because there is tons crude oil and tons of salt water and everything that is being hauled here. I live right in the heart of this fracking thing and all the busy oil field stuff which causes all these truckers to come out at night. My county road just buzzes at night with all the salt water haulers to the disposals and crude haulers. I'm sure every one of them is legal at night when there's nobody around. I know these bridges are compromised and I understand that, but you're waiting until 2023 until you're going to redo the whole road. So we're in a mess here until 2023 on these roads, on 201. Fertilizer plants, single-axel bulk trucks, farmers, cattle haulers, we're getting a lot of phone calls and a lot of questions. I know your job is hard but if you're going to do these things to these bridges, you need to maybe break routine and literally get out there and fix the bridge and have it ready to go. We're kind of dragging our feet here with Shane Mintz on shutting that thing down for three months because if this multi-million dollar road is so important that you have to build this great big humungous thing cross country there, then it's too damn important to shut the road down. So when are you going to do that, let's build this bypass. Right now we're in a draught and there ain't no fish and all this kind of stuff that you guys report about, so let's get some bypasses in there. These bridges are compromised, put some speed limits on them, get some culverts in there in case it rains and get these bypasses put on these bridges that are compromised. I know some of them are going to be hard and not all of them are simple. I haven't been all over the state like you guys but the ones on 201, if you guys are afraid of a truck falling through those things, then let's get a bypass in there and divert traffic or slow the speed limit down. I don't think people mind slowing down to 15 mph for a bridge that's compromised.

Secondly, you'll always have the bridge here and then right there in front of the bridge on the apron of the bridge there's always a bump. There's got to be some sort of a solution where you guys can pour in there and shore that back up because those 201 bridges when you're driving through them and hit a bump then you run into the beams. All you're doing is putting more pressure on those beams by having an asphalt pot hole. That would take away some of the stress off the bridge. That's all I

have. I'm grateful you guys are here. We're pretty lucky to have Shane Mintz and I'm thankful you guys have put him here in our district.

Dwane Williams, CEO for Motor Carriers of Montana

Thank you for letting me provide public input. It is going to be very similar to the input you just heard. I represent the trucking industry and I'm very honored and humbled to represent the trucking industry; I've had the job since last fall. One thing I've noticed is that my carriers, my members, all speak with the same voice, they want good safe roads, they want good roads and bridges and they know that is part of their success. It's been a neat thing for me to represent them and to know how they feel about a lot of things. They want safe roads.

I'll talk about the bridges a little bit because that is what I want to provide comment on. I know there are several things on your agenda about bridges. Some of the MDT staff can weigh in if I misspeak on anything. The FHWA provided a mandate several years ago that all timber-type bridges be analyzed. We're all for having good bridges but the dilemma is and it's been a frustration for both the MDT staff and for us and, like the County Commissioner you just heard from, it's been a great frustration. Part of the frustration is that when they analyze these bridges, they have to sign them within a month. There's no time to do any public outreach, there's no time to determine what influence this is going to have on the carriers traveling the road. It can change day-to-day on what influence it may have.

This is a non-traditional process unlike any of the other federally funded type processes where you don't have public involvement. In my mind there are ways to make this happen better. Like you heard, some of these bridges are two or three or four years out on the traditional funding mechanisms. There's been great examples, where Dave Crumley one of the Bridge Engineers, would work with the MDT Maintenance folks, and they'd go out and look at the bridge and do a quick fix. Our message and our recommendation is that be done to every bridge. When it's analyzed for posting, go out and look and see if there can be a temporary fix. Because this was a non-traditional approach, I think that my recommendation is that we use a non-traditional approach to fixing the bridges. Evaluate the funding part of it. Maybe it makes sense on some and no sense on others. If there was a way that you could hire a term contractor combined with a term engineer and use them for a year or two. When there's a bridge where there can be a temporary fix, hire them and go fix the bridge. Take two or three weeks, fix it up, and then wait for the major project to come along because even through there are these projects out there, they are going to take three or four years before they can even be implemented. That is our recommendation.

We thank MDT for all their efforts but where it's a non-traditional approach coming in, we think there are ways we should be innovative on this and make Montana one of the recommended states for a process that can get in and fix these bridges quickly with a temporary fix so it doesn't have the impact on the commercial vehicles. With that, I sure thank you for allowing us to provide testimony.

Dwane Kailey said we do have an email set up to go to and we are going to pursue that idea. We are pursuing a term contract with an engineering firm to start looking at repairs to off-system bridges that we're rating. So we are going to pursue that.

**Agenda Item No. 6: Highway Safety Improvement Program
Additions to HSIP Program (3 New Projects)
Missoula District**

Rob Stapley presented the Highway Safety Improvement Program, Additions to HSIP Program (3 New Projects), Missoula District to the Commission. The

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

At this time, MDT is proposing to add 3 new projects to the HSIP program in the Missoula District. The projects on the attached list (Attachment A) meet the criteria set forth for HSIP-funded projects. If approved, it would be MDT's intention to let these projects individually.

The estimated total cost for all project phases is \$7,600,000 (\$6,800,000 federal + \$800,000 state match) – with the entirety of the federal funding originating from the Highway Safety Improvement Program.

Summary: MDT is requesting Commission approval to add 3 projects (listed on Attachment A) to the Highway Safety Improvement Program. 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, traveler safety will be enhanced with the addition of these projects to the HSIP program.

The estimated total cost for all project phases is \$7,600,000 (\$6,800,000 federal + \$800,000 state match) – with the entirety of the federal funding originating from the Highway Safety Improvement Program.

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

Commissioner Fisher moved to approve the Highway Safety Improvement Program, Additions to the HSIP Program (3 New Projects), Missoula District. Commissioner Sanders seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item No. 7: Construction Project on State Highway System, Contract Labor
E. Valley Center Rd/S-235 – Gallatin County**

Rob Stapley presented the Construction Project on State Highway System, Contract Labor, E. Valley Center Road/S-235 – Gallatin County 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.

Dykstra Farms, LLC is proposing modifications to E. Valley Center Rd. (S-235) to promote operational improvements and safety along the E. Valley Center Rd. corridor. The proposed improvement is a new left turn lane that will serve an approach to the Dykstra Minor Subdivision.

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

When complete, MDT will assume all maintenance and operational responsibilities associated with the turn lane once it is constructed, inspected and accepted.

Summary: Dykstra Farms, LLC is proposing modifications to the Secondary Highway System to promote operational improvements and safety along the E. Valley Center Rd. corridor. Specifically, Dykstra Farms, LLC is requesting Commission approval to add a new left- turn lane on E. Valley Center Rd. to serve an approach that will serve Dykstra Minor Subdivision.

Staff recommends that the Commission approve these modifications to the Secondary Highway System pending concurrence of MDT's Chief Engineer.

Commissioner Aspenlieder said when we're doing modifications to our system via private contract, does the state provide an inspector through that discussion process? Is the cost of that inspector built into our district budgets? Is that billed to the State of Montana or back to the private contractor? How does that work when we're doing private modifications on systems roads? Jake Goettle said I think we do inspect it but I'm not sure about the cost and if we charge that back to the developer. Dustin Rouse said depending on the size of the improvements happening on our roadway, we do provide staff out to inspect that at times. It is something we absorb as the cost of doing business in the district.

Commissioner Sanders moved to approve the Construction Project on State Highway System, Contract Labor, E. Valley Center Road/S-235 – Gallatin County. Commissioner Aspenlieder seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item No. 8: Speed Limit Recommendation
MT 135 – Camp Bighorn to
Quinn's Hot Springs Area**

Dustin Rouse presented the Speed Limit Recommendation, MT 135 – Camp Bighorn to Quinn's Hot Springs Area to the Commission. Sanders County submitted a request for a speed limit study for the purpose of lowering the existing 70-mph speed limit from Camp Bighorn at milepost 18.5 to Quinn's Hot Springs near milepost 19.5. The safety concerns are due to growth and the pedestrian traffic in the area. Staff reviewed this location and the team profile provides support to maintaining the existing 70 mph limit, with the 85th percentile of the prevailing speeds in that location at 63 mph. There is a slight dip as you get close to Quinn Hot Springs area but it was not significant. One thing we are seeing is that due to the change in the roadside environments and the influences of Camp Big Horn and pedestrian crossings in the area, you potentially could look at a 65 mph speed limit but when it's within five mph, typically we recommend that it stay the same. So staff recommends no change at this location. We recommend the 70 mph speed zone.

This portion of MT-135 was reconstructed in 1969 and last resurfaced in 2018. The typical section is comprised of two 12-foot travel lanes with 3-foot shoulders. A 70-mph speed limit is currently present for the entire study segment. AADT volumes in 2018 when the study was originally completed were around 1500 vehicles. The AADT has increased and is now around 1900 vehicles. The adjacent roadside development can be described as rural with residential development around the businesses of Quinn's Hot Springs and Camp Bighorn. Camp Bighorn is located on a tangent section with a passing zone after some curves. Quinn's Hot Springs is located on both sides of the road in a horizontal curve. Pedestrian activity was observed around Quinn's Hot Springs. The pedestrian crossings at Quinn's Hot Springs and Camp Bighorn have advanced warning signs. Available sight distance, 800-feet, meets the design standard of 730-feet for a 70-mph facility.

Summary: The speed profile provides support for maintain the existing 70-mph speed limit with the 85th percentile and pace showing the prevailing speeds primarily between 63-mph and 2-mph. There is a slight dip in the speed profile at Quinn's Hot Springs Resort and no change at the Camp Bighorn crosswalk. Due to changes in the roadside environment and the influences of Camp Big Horn, Quinn's Hot Springs, and the pedestrian crossings associated with them it could be considered that the speed profile supports a 65-mph speed limit.

The Sanders County Commissioners and Quinn's Hot Springs recommend introducing a 55-mph speed limit from the intersection of MT-200 to milepost 20 followed by a 45-mph speed limit encompassing Quinn's Hot Springs and Camp Bighorn from milepost 20 to milepost 18 before resuming the statutory 70-mph speed limit. The letters from Sanders County and Quinn's Hot Springs are attached.

MDT recommends "No Change" to the existing speed limit.

MDT would like to further note the following two facts. The Sanders County request is 25-mph below the proposed engineering recommendation between milepost 18 and milepost 20 and 15-mph below the proposed engineering recommendation between milepost 20 and the intersection with MT-200. A single consistent speed limit would be the preferred option for the area over two different speed limits ranging from 1.5-miles to 2-miles as not to confuse the traveling public.

Commissioner Frazier said this is one that I read through several times. It is kind of difficult, the engineering recommendation and the data with the 85th percentile and the pace tell us that people aren't slowing down. We have a development there and it appears they are starting to grow out. There is activity but there doesn't seem to be enough activity that the majority of people driving on it will slow down which makes it difficult because speed zones need to be enforceable. Unless you're going to put a piece of sheet metal on a stick along the road along with a guy with a speed gun to tell everyone to slow down, it has to be somewhat enforceable. This one presents a little bit of a dilemma on what we do because there are children crossing fairly regularly but obviously it's not at a frequency that most people on the road are seeing it. Dustin Rouse said if we post that at 25 mph, we are going to get frustrated drivers and they are going to make bad decisions and that's what we'd like to avoid.

Commissioner Sansaver said I'm wondering if the speed studies in this area are consistent with the growth of the area. Did you do the speed study 15 years ago and this area has grown to the extent that it requires more action by the state? Dustin Rouse said they did the speed study fairly recently because they did a verification on the current ADT that's out there. The speed study is fairly recent and it does reflect the growth in this area.

Commissioner Sanders said at one point the Sanders County Commissioners agreed with the speed study. Dustin Rouse said yes, I saw that letter as well. My understanding was when we initially started looking at it, they just concurred with initiating the study but they do not agree with our recommendation even though initially they did. Initially they were in agreement with it, but they do not agree with our recommendation now because their preference is 45-55-45 mph zones. Commissioner Sanders asked it seems that in 2019 they agreed and thought it was okay but then in 2021 their minds changed. Has the situation changed from 2019 to 2021? You said the speed study had been done fairly recently, has there been enough change from 2019 to 2021 to warrant a change? Part of the point they are making is they are seeing increased traffic. Do we feel we have a relevant enough speed study to address their concerns? Dustin Rouse said we feel like we do.

Commissioner Fisher said I have a couple of points – the town of Paradise is about five miles north of Quinn's Hot Springs and where the campground and Kid's Camp

is. It has a total population of 158 people and the speeds going through that town, which doesn't really cover both sides of the highway, on one side of the highway is just a railroad track and some stockyards, but the speeds through Paradise, MT, population 158 is 45 mph. That is just five miles north of Quinn's Hot Springs and where all of this development is happening. I happen to go through this area about once every two weeks and it's the most beautiful part of Montana. Quinn's Hot Springs has probably invested upwards of \$3-4 million over the last ten years that I can recall in improving their amenities on both sides of the roadway. It went from a small out-of-the-way hot springs resort to a booming business; it is twice the size of the town of Paradise. It actually covers both sides of the highway – they have restaurants on both sides of the highway. It's in the middle of a canyon where when you come around the turn you don't even know it's coming up. It is a family resort; it has more amenities than most small towns in Montana – seven pools, one hotel, two restaurants, one bar, and a convenience store. It has everything that a small town would have and it is more populated in the winter than the summer. So while the RV Park is there, that is more populated in the summer and the kid's camp is mostly a summer camp. Quinn's itself, which has double the population of Paradise, is busier in the winter than it is in the summer because everybody loves the hot springs.

The other thing is that it's in the middle of a steep canyon and so, when it gets dark there in the middle of December at 4 pm, it's not just dark it is pitch black. So there is no way to really account for that. The other thing is, as we all know everybody has discovered Montana since covid hit and in particular this area continues to grow as the county commissioners have said. The Forest Service is adding more congestion in this area because they are developing more of their recreational stuff there as well. So according to the ADT that was updated which is super helpful, in the last two years average daily traffic has increased 30% in this area. It is a family environment for sure. As a parent when I say "go ahead and go the pool" if I'm on the wrong side of the highway and they are going to the pool, they are crossing that road in the pitch black of November, December, and February. MDT did an awesome job in their evaluation for this and the commissioner's initially said they don't need to change the speed, but they have noticed the increased congestion there. So I personally would like to support their request because the congestion just increases around this area and it's bigger than a small town. If the town of Paradise has a 45 mph speed zone and this is double the population of the town of Paradise, even the amount of people they employ is equivalent to the total population of the town of Paradise, then I think they should also have a 45 mph zone because it is just an undesignated town in my mind.

Commissioner Sanders said could Quinn's put in a pedestrian underpass of some sort there? If there is a night-time concern of people crossing the roadway, even at 45 mph someone getting hit would be catastrophic in my mind. I'm not sure that the speed reduction is the only answer. It seems like Quinn's could come up with some sort of solution to get people across the road via an underpass or an overpass versus just reducing the speed limit down to 45 mph because that is not the only problem. Commissioner Fisher said doing an underpass under a highway is a pretty enormous undertaking both from a permitting and construction part. The other thing is that at least at 45 mph, you have an opportunity to change your driving in a quicker amount of time than you would at 70 mph. So, while I agree with you being hit at 45 mph would be as devastating as being hit at 70 mph, it is much easier to slow from 45 to zero than from 70 to zero.

Commissioner Sansaver asked what the length was from Paradise to this resort, how many miles is that. Commissioner Fisher said you have to go past Paradise and take a right turn and go over the river south of Paradise, and it seems like it's between five and seven miles from Paradise. Commissioner Sansaver said the reason I asked that and maybe MDT can answer this, if we were to reduce the speed in this area about one-to-two miles, how many miles would we have to go back to start reducing that speed? You don't just go from 70 mph to 45 mph. How far back are we required to

start slowing that speed from 70 to 55 to 45 mph? Dustin Rouse said I don't have that exact figure but it would certainly take a step-down to drop the speed and then back up. Commissioner Sansaver said so in a five-mile area, you would say it would be best to have a consistent speed of 45 mph or 70 mph. I'm very sensitive to these speed zones and on this request I would have to support the Commissioners of this area. I agree, if you're going 70 mph, it is going to take you awhile to stop that vehicle if you see a child or even an adult who has imbibed a little too much crossing the highway. At 45 mph you have a better chance of evading that person where at 70 mph you would have a minimal chance. Because of the growth in this area, it seems to be a hot spot in both the winter and the summer, I could see where those commissioners in that area would want the state to address this. I don't know if we need to take another look at it with a little more sensitivity to the area, the population and to the product itself, or just go with 45 mph. That is a good question for the Commission.

Commissioner Frazier said it is something I was wrestling with. In my mind I don't have a lot to support lowering it to 45 mph for a two-mile section. That seems a little excessive to me when it appears there is a cross-walk in the area. I was looking at options, we could approve staff recommendations, we could vote and approve what the Sanders County Commissioners recommend, or we could ask our staff to re-look at this and bring it back to another meeting. Commissioner Aspenlieder said I have a couple of questions – did the county or Quinn's do their own speed study or commission a speed study by a consultant to provide an alternative fact pattern than what we have provided. Dustin Rouse said I'm not aware that they used a consultant to do a speed limit. Commissioner Aspenlieder said has staff discussed with Quinn's a next step in maybe not completely denying this but tabling it and trying to work on some other alternatives like lighting that section of the highway? If Quinn's was willing to put in cross-walk signs and things like that, we do lighting along urban routes on a regular basis. Has there been a conversation to discuss illuminating this in some of the most dangerous points? Dustin Rouse said I'm not aware that conversation has occurred but I think that's a good idea. As Commissioner Frazier suggested, staff could take this back and review other options and see if there's a third way to approach this. I would support that.

Commissioner Aspenlieder said in our first meeting I opposed one of Shane's speed adjustments in Glendive because we didn't have the facts to support making a decision. I'm not really a big fan of us making these kind of decisions when we don't have the fact to support it. We get ourselves in trouble by doing that. If Quinn's thought this speed limit was important and they really disagreed with it, then they should have gotten their own speed study and at least given us a different set of facts to consider. What we have in front of us gives me nothing to base an alternative decision on. By saying the hell with the data, we're just going to do what we think, that's not a good method of operation in my opinion and it doesn't help us being consistent as we approach these things across the State of Montana. For that reason, I'm not going to support it. I would hope there would be some other alternatives and conversations we could have with Quinn's like illuminating this section and working out how we could work with them on something like that to make it safer, but without any alternatives facts to base the decision on, personally I'm not going to support it.

Commissioner Frazier said that is one of the reasons I brought up a third option – to go back and look at it again. Given the data I have in front of me, I'm not comfortable randomly picking a speed zone here or there or where the transition goes. What concerns me is the data we do have is the pace; the majority of people who are driving through are not seeing anything to make them slow down. Maybe there is some traffic calming things or lighting, and maybe there are some other things to look at to try and address the safety issues. I'm leaning toward recommending that we Table this because I can't support what we have here.

Commissioner Aspenlieder said it doesn't matter to me whether we Table this or whether we vote on it because I'll be opposed to it. If staff thinks it's more appropriate to go back to the county commissioners and recommend some alternatives rather than adjusting the speed, and invite them to partner with us towards a solution, I think that's great. If not giving a formal denial will help with that relationship and that conversation, I'm all for it. Dustin Rouse said I'm going to support my staff's recommendation which is to leave it as posted. We can certainly go back to the county and have further conversations but the recommendation and proposal in front of the Commission is to leave it as posted, so you can approve it or not.

Commissioner Sanders said I will be supporting it. I think Quinn's should take the responsibility, they built this on both sides of the highway. I think they have to take some responsibility for it. I think they'll take more responsibility if we leave it as is then maybe they will be motivated to come up with a different solution.

Commissioner Sansaver said a lot of times you get county commissioners who don't know how to approach the state with change. They don't know all the state regulations involved, they don't know all the state's options or even what that county has for options. I think Commissioner Aspenlieder has a very good point about lighting in that area. Did the Sanders County Commissioners think about whether that would be a better solution than reducing the speed limit? Did they think of all the options that could be available by just calling the state and asking what options are available? The very first thing they do as county commissioners and I know this because I have personal friends who are county commissioners who have all these great ideas but don't know all the rules and regulations and statutes for the state of Montana. So wouldn't it be a benefit for a county or county commissioners to come in and meet with the state so we can tell them there are other options than a change in the speed limit? Wouldn't it be a benefit if we could provide for them the different options available to them? In our area we have two roundabouts and the best thing Shane could have provided for us was the option of having that all lighted up in between those two roundabouts. As Commissioner Fisher was saying it is very dark at 4 pm in the winter, it's pitch black. We've got our area all lighted up now and it's a lot better. I don't know if that is an option if the state has somebody who can address the commissioners before people come in with letters of support for a reduction in speed. That could be an option to them. If they come in requesting a speed study, we could ask if they've thought of other options before we go to a speed study.

Dustin Rouse said that is a good point. There are a couple of different avenues. We have district staff who meet regularly with the different county commissioners and visit with the road folks, but we have those relationships with the counties at the district level. So I think the conversations should start there. When our traffic engineers complete these studies, they present the information to the counties and that would be a good opportunity to have those discussions along with some education. Commissioner Sansaver asked Shane Mintz to speak to that. At some of the open houses, we invite everybody in to give their input on something. Is that something we speak to in those meetings instead of immediately going to a speed study, let's look at some other options? Shane Mintz said I don't know to what extent we would necessarily get into that conversation. When we do get feedback, if it's from the general public, I'll contact the county commissioners and maybe pull the city works director into it, and possibly the mayor to get their feedback. Lighting is kind of complicated from a district perspective. You can have pretty significant costs associated with installation, and then maintenance. In my district most of the lighting projects are driven more from a safety perspective to start with. Is it a possibility to sometimes talk about? Absolutely. I don't know that we've had that example in this district about lighting an area. Most of the lighting issues we've come up with are tied more to intersections; intersections where we have crash issues and that sort of thing. That is often driven by crash data. We'd certainly be open to that.

The one thing I usually stress with county commissions is be careful about what you ask for regarding speed studies because they can go up or down and once we have that speed study data, it becomes the record and you can't just ignore it. We also talk about the additional costs like Quinn's expansion, it is part of the cost.

Commissioner Fisher said I very much appreciate the scope of the discussion, but according to the Sanders County Commissioners, Quinn's management is ready, prepared, and willing to install a lighted crossing sign but according to their letter, the speed limit is a much larger concern. If there was some confusion about whether they had some alternatives, it sounds like they are still going to go forward with alternatives but to them the speed is the issue. Commissioner Sanders asked for clarification on what we are voting on? We are voting to keep the speed as is but if that fails, then what happens? Dustin Rouse said you have the option to accept what Sanders County has proposed, you can accept staff's recommendation as is, or you can modify the recommendation – determine a speed reduction or recommend our staff to have some follow-up. Those would be your options.

Commissioner Sansaver said I would like the District One Commissioner to tell us what she would like to see done. Commissioner Fisher said I would like to see the recommendation of reducing the speed limit to 55 mph at the junction of Hwy 200 and 135 to mile marker 18, which is just past the Kid's Camp, Camp Big Horn, and a reduction to 45 mph from mile marker 20 to mile marker 18. If the Commission is not inclined to move forward with that because they feel that sufficient data hasn't been provided, I would also support a motion to Table so that additional data can be provided if, in fact, there is additional data that the County Commissioners can provide in support of their request.

Commissioner Sansaver moved to Table the MT 135, Camp Bighorn to Quinn's Hot Springs Area and request staff to engage Sanders County and Quinn's. Commissioner Fisher seconded the motion. All Commissioners voted aye.

Tabled.

Agenda Item No 9: Certificates of Completion March & April 2021

Jake Goettle presented the Certificates of Completion for March & April 2021 to the Commission. MDT recommends approval. If you have any questions, please feel free to ask.

Commissioner Aspenlieder moved to approve the Certificates of Completion for March & April 2021. Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item No. 10: Access Control Resolution North of Stevensville-North STPS203-1(26)4-6138-000 Ravalli County

Dustin Rouse presented the Access Control Resolution – North of Stevensville – North, STPS203-1(26)4-6138-000, Ravalli County. As you are aware, this was Tabled at the last Commission Meeting and MDT was tasked with coming back to you with some background information on Access Management and why we are requesting that on North of Stevensville-North. We are prepared to do that today. You received a memo that staff put together. I want to thank Joe Zody, John Burnet and Carol in our legal staff for filtering this down to 15 pages and condense this into information that you need. They did a very good job of that.

Access Management is the coordinated planning, regulation and design of accesses between roadways and land development. It improves safety and efficiency by producing on-put points for all highway users. The benefits for our Montana Highway users is fewer decision points and traffic conflicts that simplifies driving tasks and it increases safety and minimizes traffic delays. For business owners and developers, they see benefit from us having access control by seeing a safe and efficient highway system. One of the other areas that wasn't included was freight and how it reduces the light on confusing approaches and that side friction, it increases the safety for our freight delivery and it reduces their costs by making it safe to navigate through these corridors. Community benefit is also the result of the improved access and they receive a more safe and sustainable transportation system for all traffic. MDT uses the following techniques to promote access control on state highway system. We design access points to minimize conflicts and support smooth entry and exit speeds onto the roadway. We separate driveways and other access points to reduce potential conflicts and provide motorists with the time necessary to handle conflicts. We locate driveways an adequate distance from intersections to reduce those conflicts and crashes and encourage internal connector roads that allow vehicles in a developed area rather than being out on the highway system.

The types of access control that MDT uses are full access control, which is our Interstate System, so all the accesses along the Interstate are grade separated. Limited Access Control through MCA 60-5-103 grants the Commission the authority to establish access control on Montana's highway systems. Then no access control. That would be limited engineering oversight typically used on low volume roadways.

A little history on limited access control and this may be where some of the confusion came the last time we met. MDT has used, through our history, two types of access control. Prior to 2007, we had what we call Type One Access Control and the Commission approved a Resolution that restricted the number of approaches in certain areas of a project. Under Type One, MDT purchased the rights and staff was required to obtain Commission approval to modify any of those approach locations in the future; so you always had to come back to the Commission. The restrictions did not consider traffic rural development and it resulted in adverse safety on our highway system. Increased development costs were incurred due to the requirement to repurchase the access rights at present market value, that means if we purchased the access rights under Type One at the market value at that time which could have been 20 years ago, when that landowner wants to change the access to add an additional road that makes it more efficient, they have to compensate us back for that access approach that we purchased at fair market value and they have to purchase it from us at fair market value which is much higher than what we paid for it 20 years ago. That always put us at loggerheads and so back in 2007 we changed the way that we do our access control.

In 2007 MDT began working with the Commission to approve a less restrictive method of access management. Rather than purchase the access rights, the Commission implemented unlimited access control and access locations are determined on a case-by-case basis. This can be done as part of an MDT project or as a stand-alone access management project. The benefits of Type Two and the way we operate today is it allows MDT and the landowner to collaborate and agree on approach locations that emphasize safety, it allows consistent decisions to be made throughout the state with input from the Access Management Coordinator and district staff, it facilitates growth and development and safety by creating flexibility for future development, it reduces review time by days and months compared to the old modification of a Type One Resolution that had to go back to the Commission. Type Two eliminates long delay required for deed work to be completed as well. Are there any questions on the background?

Commissioner Frazier said that Type One was the old one where you purchased the rights and had to purchase them back. The Type Two you mentioned is more of a document that is on file somewhere stating that there is access control so that the Title Company isn't going to miss it but there isn't the purchase, as was done in the past, nor coming to the Commission to approve every time there's a change in the approach, this could be reviewed by a by the District Traffic Engineer. Dustin Rouse said you are correct, it is filed in the county courthouse so it shows up when they do a title search.

Commissioner Aspenlieder said I have plenty of comments but no questions. On this route in front of us, on 203, I go to subdivide and I'm going to put an access approach into my subdivision off 203. I've still got to submit an Approach Permit to the department whether or not there is limited access control placed on it? Dustin Rouse said that's right. Commissioner Aspenlieder said then when I do, that kicks into the System Impact Group and it gets reviewed just like it normally would whether there's limited access control or not? Dustin Rouse said that depends. So whether or not a request ends up going to the group really depends on the size of the development. The things that are brought to the Commission are similar to what you saw today. When improvements need to be made when it's a significant development, those are what is brought to you. These requests can still be handled at the district level through the District Traffic Engineer and working with Access Control. So it depends on the development. At the last Commission meeting we got confused because it had been a long time since we'd talked about this and it wasn't clear in our head that we had two distinct types. So after doing this research we learned that we don't have to include system impact every time just because it's limited access control. We can still leave it at the district level.

Commissioner Aspenlieder said that goes to my point. Even if it doesn't have to go to system impact and can be handled at the district level, which by the way I think all of these should be handled at the district level in the local district offices with the local people, I don't see the need for putting a restriction, a title restriction, on somebody's private property without having any real justification for that. Because if I'm going to sell my 20 acres on 203 and the buyer does a title search and finds out he has limited access restrictions across the entirety of my property, an uneducated buyer is going to say, I don't even know if I can get an approach now so you're property isn't worth the same to me, or I don't know what it's going to cost me to get an approach now, so it's not worth as much to me. We're adding title and deed restriction in a way to private property and I think we have to have a damn good reason to do that. The process, the way you've explained it, isn't any different than if we had no access there. I've done it as a consultant, put forward an approach permit that has been denied or been made to be modified because of safety concerns, and we worked through that process. But what we're doing by putting this limited access control on properties is we're creating questions and uncertainty for a developer or a landowner in the use of their property and we'd better have a damn good reason for it. I guess I don't understand the need for it. I'm still not convinced that it's an appropriate thing for us to be doing. I surely, as a Commissioner, don't want to be approving approach permits because we've designated them as limited access. I don't think that's what our role is as the Transportation Commission. I think this is still something that should be handled through the statutory approach permit process and I don't see putting limited access gains the department anything but it only has a detrimental impact on the landowner and the landowner's rights. To me the clarification, and I appreciate the effort in going through it, but I don't think it fundamentally has changed my opinion on why we should even be considering doing this. If it's a safety concern, we're going to hash those safety concerns out one way or the other as we go through the approach permit process in reviewing these things. So, I'm still adamantly opposed to this limited access control concept as a whole and I have not been convinced at all that it's necessary.

Commissioner Frazier said I see a very strong support for property rights from your comments Commissioner. I guess I'm one that likes my property rights and I don't want someone fiddling with them but then there's the aspect of public safety and, as an Engineer, you look at the public safety, so you're trying to balance property rights over public safety. In my experience I have seen benefits from access control mostly on areas that have developed rapidly like Hwy 93 near Kalispell and Hwy 93 in the Bitterroot Valley. We're making a huge investment in those cases for a highway to move goods and move like a highway. With subdividing and close proximity of approaches you start getting accidents and creating that side friction and congestion to slow it down. I was involved in access control projects where we went through and defined accesses along Hwy 93 between Evaro and Polson. We did an Access Control under the old method and we met with landowners negotiated and consolidated approaches where we could to try and have that highway function. There's a balance there. I see it as a tool to protect investment and then provide safety and operations on the highway. That's my understanding of it. I welcome more discussion.

Commissioner Sanders said so this gives you guys a tool to force the landowners to come to you if they want to have another approach. Does this give you more control? What does this do for you that you don't already have? Dustin Rouse said that is a good question and one I very pointedly asked my staff. One, it is being very transparent that this corridor and usually there is a history of safety concerns along this corridor and in this case there is. We want to designate this as an access control because it allows us to control access, to combine approaches where appropriate and to facilitate a plan that we're consistent with every landowner, that we properly align the approaches. It is something that without the access control in place, you end up with a case-by-case basis and there is no plan of how we're going to handle approaches and approach requests, locations and spacing without having that big plan in place. It also allows us to have a public involvement process. In the case of this project, we brought that to the public and they knew we were planning to implement access control as we developed this project. That is actually documented in our scope and environmental document. So we use it, we're transparent with it, we let the public know, and they support it here because of issues they are seeing. There are a lot of those approaches coming in at different angles and two approaches coming in at the same location. A lot of those issues were from this location and those are the things that we want to clean up by implementing the limited access control. It provides everyone a clear plan to move forward on how we're going to approach it.

Commissioner Sanders said so this is more of a preplanned approach as far as how this is going to be, how the access is going to happen here. Otherwise if we don't do this, people are just going to come to you piece-meal. Can you still deny those requests if we don't have this in place? If we don't approve this, are you still able to deny this based on safety? Dustin Rouse said the answer is yes, however, then you don't have consistency. It comes back to the Access Management Plan, once it's in place we have a consistent approach on how we respond to those requests. There's liability in approving some and not others or if there's inconsistency in our approach, it makes sure we are consistent in how we respond to those requests.

Commissioner Sansaver said in reading this resolution, I found it to be a point of whether it was arbitrary or consistent. Throughout the entire thing, we're looking for a consistent basis for the state to be able to make decisions. The staff of MDT can change and it would change it from being an arbitrary decision based on each application to a consistent decision based off the Commission who supports the staff of MDT. That's the way I look at it. As Commissioner Aspenlieder points out, we're not here to approve every access, or all of the things that the state and the staff are hired to do, we are here to make the decisions on an over-all umbrella of what our agenda is going to be year-to-year-to-year and that is to be consistent with the statutes of the State of Montana. So I will support this Resolution merely on that fact that we're changing from an arbitrary decision to a consistent decision based on data.

Commissioner Aspenlieder said I want to fully understand. In this case with 203, when you put this limited access control in place, is MDT going to go through this stretch on 203 and designate and allocate where approaches are going to go? Are you going to do that so there is a plan in place and when an approach permit comes in and you reference back to the plan and can say nope, this is how we planned it out and this is not consistent with the plan? Are you going to take that approach permit and evaluate it individually but under the umbrella of limited access control? Do you have a comprehensive plan? When we put this in place are you going to build a comprehensive plan for this stretch of highway? Dustin Rouse said being as this is part of the reconstruction project, we will have a plan in place as we develop this.

Commissioner Frazier said from my understanding, based on projects I've worked on in the past, the Resolution is for that project and you develop a plan for where the approaches go for the project that's in the Resolution and you negotiate with each landowner along there where those approaches are. That plan is then filed so if there's a request for something in the future, they to go back and reference that plan that was done originally under that Resolution. Dustin Rouse said that is correct.

Commissioner Fisher asked how many access points would be eliminated by this proposal under this Resolution. Dustin Rouse said I don't have that information but we can provide that information to you. Commissioner Fisher asked if each and every abutting property owner has been made aware that this Resolution is being proposed to eliminate their access points to the highway. Dustin Rouse said as I stated throughout the development of this project, we have had public meetings and notification has been provided and so there has been ample opportunity for folks along that corridor to know this is the intent and we are looking to have limited access as part of the project. Commissioner Fisher said it is my understanding that locally if you have a zone change, every property owner affected gets a letter from the planning office saying there is a zone change being proposed in your area for your property, so do we not specifically do that for something like this? I don't see anything that requires that. Have we specifically sent a letter to every property owner who would be affected by the removal of their access point saying your access point will be affected by this? Dustin Rouse said as of right now, I don't know if a letter had gone out to every landowner regarding this. The next step would be our right-of-way folks and design team will meet with every affected landowner and develop a plan, through the development of this project to make sure they're provided access at every one of their locations and to determine how that access will work. So I don't know if individual letters have gone out. Commissioner Fisher said the statute the Commission is required to follow which is §60-5-103. It says that in order to do this the Commission "shall find and determine that it is necessary and desirable that the owners of the abutting land have no easement of access or only a limited easement of access. That the right for easement for access should be acquired by the state and the resolution contain a statement of reasons for its adoption and set forth the location." So consistent with what the Commissioner expressed in our past discussion about sufficient data, I don't feel like I have sufficient data that tells me, as a Commissioner, that it's necessary or desirable that the owners of abutting land have no easement of access or those easements of access should be acquired by the state. Because eliminating those access points through this Resolution would require, on some level, two property owners to get together to create a joint easement and access point and agree to it with the approval of MDT. I'm just not prepared to go forward with that at this point because I don't feel like I have sufficient information.

Dustin Rouse said the right-of-way process starts after it's presented to the Commission. Our right-of-way folks negotiate with those landowners and come to an agreement. Yes, there might be two landowners that end up sharing an approach but that is through negotiations and the right-of-way process.

Val Wilson said under that §60-5-103 it does talk about easement of access but currently there is no easements that the public has or that the abutting landowners have to the highway. They are just approaches. Certainly if we're going through this and we find there is an easement, certainly we would have to buy that back. At this point there is no easement of access, only approaches on property that MDT owns. Do you know whether or not there is going to be additional right-of-way acquired to design this improvement? Dustin Rouse said yes there is. Val Wilson said in addition to that there is going to be some negotiations with these landowners not only for lining up their approaches but also purchasing their property. So this is the beginning of a lot of interaction between MDT staff and our designers, our right-of-way staff and all of the easement issues have to be agreed to before the right-of-way is purchased. I hope that adds some clarification that this Resolution would be consistent with §60-5-103.

Dustin Rouse presented the Proposed Resolution. This is North of Stevensville-North Access Control. The purpose of the project is to reconstruct the highway along the existing corridor to provide needed improvements in safety and operation for the traveling public. The implementation of limited access control along this corridor is a safety feature originally identified in the PFR.

Before moving forward with individual landowner negotiations, it is necessary to bring this Resolution before the Transportation Commission for your approval. Approval of this Resolution is a vital piece in the management of the corridor, thereby preserving the through mobility and allowing the route to function effectively.

Commissioner Sanders moved to approve the Access Control Resolution, North of Stevensville-North, STPS203-1(26)4-6138-000, Ravalli County. Commissioner Sansaver seconded the motion. Commissioners Sansaver, Frazier and Sanders voted aye. Commissioner Aspenlieder and Fisher vote nay.

The motion passed.

Agenda Item No. 11: Bid Awards

Jake Goettle presented the Bid Awards to the Commission. This is the bid award presentation for the June 10, 2021, letting. We had seven contracts in this letting. MDT recommends award of Call Numbers 101-107.

Call No.101 Belt North and South, Phase III. Our engineer's estimate was \$21,074,595.12. There were four bidders on the projects. Riverside Contracting, Inc. out of Missoula was the low bid at \$19,391,014.17. They were 7.99% under the engineer's estimate. They had no DBE participation.

Call No.102 Melville North and South. Our engineer's estimate was \$4,188,257.51. There were three bidders on the contract. Riverside Contracting, Inc. out of Missoula was the low bid at \$3,896,876.78. It was 6.96% under the engineer's estimate. No DBE participation

Call No.103 I-90 Culvert at Jens. Our engineer's estimate was \$2,143,164.00. There were three bidders on the contract. Bullock Contracting out of Boulder was the low bid at \$1,862,119.25. They were 13.1% under the engineer's estimate. They had zero DBE participation.

- Call No.104 Hebgin Lake Erosion Repair. Our engineer's estimate was \$671,163.00. There were three bidders on the contracting. Highland Construction Services out of Belgrade was the low bid at \$531,454.00. They were 20.8% under the engineer's estimate. They had 35.74% DBE participation.
- Call No.105 I-90 Erosion Repair at Garrison. Our engineer's estimate was \$520,071.00. There was one bidder on the projects. Highland Construction Services out of Belgrade bid at \$599,660.00. They were 15.3% over the engineer's estimate. They had zero DBE participation. The guideline for award is 15% so they were slightly over the guideline for award. In your package there is an analysis of our engineer's estimate. There are a handful of items we looked at a little closer and we asked the contractor to comment on them and give us some justification for their bid. Traffic control was one item they bid a little higher than we anticipated. It's a fairly small location and very tightly constrained so that construction will have to close one lane and then as trucks access the area with material, that will have an impact on traffic. So we conceded a little higher traffic control costs. One of the bigger items was for permanent erosion control. Normally that was simply erosion control fabric that we use, but in this case they have contractors to make them into bags and fill them with material which is providing some of the protection at this location. So that bid came in higher than we estimated, so that brought the engineer's estimate up. There is a letter from the contractor in the package that talks about the material costs.
- Call No.106 SF179 Henderson Curve Safety Project. Our engineer's estimate was \$223,478.30. There were three bidders on the projects. Pavlec Electric Co., out of Missoula was the low bid at \$174,567.03. They were 21.89% under the engineer's estimate. They had no DBE participation.
- Call No.107 King Avenue Guardrail on Secondary 532. Our engineer's estimate was \$204,715.50. There was one bidder on the projects. West Holding Co., out of Billings bid \$227,690.00. They were 11.2% over the engineer's estimate but were within the guidelines for award. They had zero DBE participation.

Commissioner Aspenlieder moved to approve the staff recommendation and award of call nos. 101-107 to the responsive low bidders. Commissioner Sanders seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item No. 12: Director's Discussion & Follow up

Washington DC Infrastructure Bill Update

Director Long said there is a lot happening back in Washington DC. There are two different infrastructure bills, one in the House and one in the Senate; both are taking similar approaches, both would help increase the amount of funding Montana gets, but they would come with some other added requests – greenhouse gas emissions and looking at equity in transit are a couple of the issues. Right now I would say nothing is for certain but what we hear from DC is it might possibly happen on the Congressional side by July 4th, but the Senate side might not be until September.

Both could be completely sidetracked and done through Reauthorization but we don't know. We are watching it; we don't know exactly what's happening.

On the local level, we are looking at three Raise Grants. Those are due the middle of July. We are getting letters of support; we have them put together and we're getting ready to turn those in.

One of the things coming out of DC is the language in the House Bill. Right now changes in Buy American from where it generally applies to steel and iron to just be any construction materials which could be very problematic because that's very broad, very nebulous and you don't have the ability to get around it. It could really raise costs and cause significant delays. We have talked to our Congressional Delegation about that and we will see what happens. AASHTO has brought it to our attention and is also doing the same thing.

Bridge Ratings and Emergency Vehicles

We are looking at heavy duty tow vehicles and emergency vehicles and AASHTO is helping us. When we look at those bridge ratings and bridge loading, how do you look at these and allow emergency vehicles. As was mentioned earlier emergency vehicles and towing vehicles are getting bigger, better, and stronger but bridges haven't changed in many years. So that is one item we are watching.

Corona Virus Economic Relief for Transportation

One of the Corona Virus Economic Relief has come specifically for transportation and is called a Search Program. It is to financially help private bus and transit people. That was just released. Through our Planning Department we are making that available. MDT is trying to improve our outreach and this is one of the ways that if someone comes to us, we can help them.

Baker Culvert Emergency Project

In this District we have the Baker Culvert Emergency Project. There is a 16 foot culvert approximately three miles east of Baker on US 12 that is failing so we are moving forward to remove the existing culvert and do a full replacement.

FAA Montana Airports

One of the issues in front of us is FAA. Every year FAA looks at the deplanement on airports and compares it to make sure you are reaching your deplanement costs for the type of airport you are. Because of Covid in 2020, we had two airports, the Sidney Airport and the West Yellowstone Airport, which is an MDT owned and operated airport, did not meet that; we went below the deplanement. For West Yellowstone it went from roughly 9,000 to 4,000, so it went below the threshold. What is interesting is that there were 35 airports in 15 states that also had this happen. So again, we are working with our Congressional Delegation to ask the FAA to in essence to ignore 2020 and just refer to 2019. West Yellowstone, for example, back in 2019 had one airline company, Delta, that had two flights per day; currently Delta has three flights per day and United has come into the market with two flights, so we have a total of five flights per day coming into West Yellowstone. So we know our 2021 data will be wonderful and be where it should be to keep our classification. Why it's important is because under CARES we received a grant to improve the West Yellowstone terminal and if we don't keep that classification we could lose that. That is why it's important for us. The other thing that's interesting, of those 35 airports, Wyoming has three of them, Cheyenne, Laramie, and Rock Springs, all which would not keep their certifications but those are three major airports for Wyoming. One of the most curious ones is Grand Canyon which used to have 135,000 deplanements and they went down to under 3,000 during Covid so they had a huge swing.

All this is information that I wanted to bring to the Commissions attention. Thank you.

**Agenda Item No. 13: Project Change Orders
March & April, 2021**

Jake Goettle presented the Project Change Orders for March & April, 2021 to the Commission. This is information and we are presenting March and April of 2021 for information. We don't need action from you on this item. If you have any questions, please feel free to ask.

<i>Month</i>	<i>Total</i>
March 2021	\$3,785,407.47
April 2021	\$2,659,412.99
	\$6,444,820.46

Commissioner Sanders said I took a look through them and on some of them I'm seeing the change orders, for instance, Contract No. 05420 we are now at about 10% change order by my math – \$967,000 on a \$9 million contract. On page 9, the first one is in the Great Falls District, we are up to \$1.1 million total change orders on a \$6.8 million contract. That is reaching almost 20% change order on that one. When we approve projects they have to fall within certain criteria before they have to have justification for the 15% threshold. Do we have any process where we look at the change orders which are building, to see if this is becoming a much more expensive project than what we initially had conceived? There is a small project which started out at \$200,000 and is now up to \$400,000. You're telling us this for information but is there a certain threshold where the change order hits a threshold where you guys say wait a minute, this is not the project we initially approved. It seems like a work around – we'll just start out with a low bid but we'll just keep putting in change orders and increasing the costs. Is there a threshold? And is there a point where you won't approve the change order because you're increasing the cost of this so significantly.

Jake Goettle said the projects you pointed out are unique. When we go out to construction, from the time we put the package together from pre-construction to the time it goes to construction, there is often continued deterioration. One of them is on bridge decks. We do an estimate on what it's going to take to fix the bridge deck but once we get out and do the demolition of the bridge more deterioration has occurred so we do end up increasing the quantity. We have several mechanisms in place that as the work grows, and there's a lot of people, a lot of bureaus in the areas like funding that step in and say "we can't afford this or let's look at a different option or let's negotiate a lower price because the quantities have increased." So to answer your question, yes, there are a lot of mechanisms in place to monitor that and control the costs, however, inevitably when we're in construction things happen and a decision has to be made fairly quickly, we don't bring it back to the Commission for approval but to try and be transparent and upfront we do present it to you to show you what happened.

Commissioner Sanders asked if MDT has the ability to say no. Jake Goettle said yes we do. In the last couple of years we've been tracking it really closely because we've seen an increase in change orders and an increase in additional funds. I track them and the district do too. We've ask questions to the districts: (1) can you delay this and wait for another project and then program for that project, (2) is there something you can eliminate from the contract to cover this additional cost. We're asking them to answer those specific questions so there's a lot of thought put into that additional work and funding for the project. Commissioner Sanders said on a macro level it seems like this may be a bigger problem as we proceed forward with increasing costs

of goods and so on. Like the one that doubled in price because you're robbing Peter to pay Paul. Then suddenly this \$200,000 project is now a \$400,000 project, and that \$200,000 has to come from somewhere. Are we going to continue to see that because of the increased cost of goods where projects get more and more expensive and we see more and more change orders to the point where we start diminishing the overall projects we can approve? Jake Goettle said not necessarily. As we bid these we get a competitive bid and on the projects that you approved today, we had really competitive bids. We are tracking but there is a definite increase in costs and we track those and that shows up in our Engineer's Estimates. We were a little surprised in this letting that prices came in as good as they did. We have those costs to base our change orders on, so hopefully we won't see that increase, but certainly there are projects where we may get increased costs on materials.

Commissioner Sansaver said to support what Jake Goettle is saying, last year the change orders compared to bid lettings, we were very consistent and stayed within state control of those funds for the change orders. I asked the very same question a year ago, what do we do with these change orders and are they within our budget and are we consistent with how we deal with them. I got a very good answer from our folks here at the state. They watch them very closely. We are in real arduous times right now where we can't control the product out there. Hopefully it will start ratcheting down but as I said to one of the boards I sit on back home with water lines and pipelines, we have a resin plant in Texas that burned down so the cost of pipe went up by 60%. The company asked us "what do you want us to do, do you want us to rebid this later?" The prices will come back down if you give it a year and a half but they're never going to come back down to where they were, never. It doesn't ratchet that far back unless you have a broken ratchet. A long answer to a short question, the state does follow that very closely.

Kevin Christensen said the cost growth is one of our performance metrics. It's a performance metric for all DOT's across the country and it's something that everybody pays close attention to. As Commissioner Sansaver alluded to, we pay very close attention to it because it affects our fund plan and our TCP, so we're very sensitive to it. At the same time, when you're developing a large project for example a large dirt job such as Libby Creek North, there's only so much design you can do and only so much risk you can eliminate to where you've got to say we need to move forward with this project recognizing there are some unknowns that we may have to account for.

Agenda Item No. 14: Letting Lists

Jake Goettle presented the Letting Lists for May 13 through August 5, 2021, to the Commission. They are presented for your information. If you have any questions, please feel free to ask.

Commissioner Frazier asked if the letting list carries us through to obligate our funds for October of this year. Jake Goettle said this goes through September 23rd. Typically at the end of August we receive notification of the amount of distribution we receive, at TCP the districts identify programs and talk about their candidate projects that could be moved in to take advantage of that redistribution of funding. Until we know what that amount is, we have a plan, behind the scenes we're trying to get projects ready and make sure we have enough projects where we can utilize whatever redistribution funds we receive. So you know, those projects will likely show up in the last October letting, depending on the timing. It's always a guessing game so we have a bunch of different plans as we approach it. Commissioner Frazier said then this takes care of the regular program and not additional. I'm glad to know you have a plan for the Grab Bag.

Commissioner Sanders said as you're planning things out, how many of those projects are timber bridges? Jake Goettle said right now Bridge is working as rapidly as they can to develop the plans. We have a lot in the works but we don't have a lot ready to go right now but they are ramping up. We don't have one ready to bring in by October but we do have plans well into 2022 and 2023 as we move forward. It just takes time to develop those and they are working on them. There is a bridge project proposed that's on that list, but right now we have some very large timber bridge projects in the works. Commissioner Sanders said this year it is unlikely and the hope is when we come into 2022 there will be shovel ready packages ready and prepared to go should the opportunity come up. Jake Goettle said yes. More and more as we move forward getting shovel ready projects to continue to fulfill the bridge replacement process and pursuing additional projects as we move forward. It is something I care deeply about and I'm glad we're moving in this direction. We have a good team and we have a good plan. It takes a while to get going but once we do I think we'll have a lot of options.

Agenda Item No. 15: Liquidated Damages

Jake Goettle presented the Liquidated Damages to the Commission. They are presented for your review and approval. We have seven projects. None of them are disputed. If you have any questions, feel free to ask.

CMDO 5299(129). Great Falls ADA Upgrades. The Contractor is Talcott Construction, Inc. The number of days of liquidated damages is 3. The amount is \$4,904. They are not disputing this.

HSIP STWD (518). SF119 Intersection Improvements – Grass Range. The Contractor is Hardrives Construction, Inc. The number of days of liquidated damages is 11. The amount is \$16,258. They are not disputing this.

STPS 508-1(16)12. Meadow Creek – South. The Contractor is LHC, Inc. The number of days of liquidated damages is 22. The amount is \$45,452. They are not disputing this.

NH 7-1(164)0. Lost Trail Pass – North. The Contractor is Schellinger Construction, Inc. The number of days of liquidated damages is 13. The amount is \$39,689. They are not disputing this.

MT 28-2(36)82. Roberts. The Contractor is M.A. DeAtley Construction, Inc. The number of days of liquidated damages is 4. The amount is \$12,212. They are not disputing this.

HSIP-IM 90-4(72)211. SF 139 – Gregson Bridge Removal. The Contractor is LHC, Inc. The number of days of liquidated damages is 10. The amount is \$24,500. They are not disputing this.

IM 94-2(38)67. Hysham Interchange – East. The Contractor is Century Companies, Inc. The number of days of liquidated damages is 12. The amount is \$36,636. They are not disputing this.

They are presented for your information and the Commission need take no action.

STAND.

Agenda Item No. 16: Project Priorities & Funding

Paul Johnson, Project Analysis Manager, presented this to the Commission. This has been a good Commission meeting because a lot of the issues related to funding have already been introduced. The Director touched on the issues we're seeing in Washington D.C. Presently that is the big driver of the whole equation; these are

interesting times. In some years we knew four or five years of future funding, in some years we knew two or three but this is one of the years where we know zero of what's coming. With that said, there are some things we do know.

You should have in front of you Fixing America's Surface Transportation Act (FAST Act) which will be expiring at the end of this federal fiscal year. Two things could happen at the end of this fiscal year. We could see a new Reauthorization and it looks promising right now. It sounds like there's bipartisan support and we actually might see it before the end of this fiscal year. However, things in Washington break down and if it doesn't go well, then we could see an extension of the existing FAST Act.

We're going to talk about what effects MDT and the Commission with regard to these authorizations. We're going to use the FAST Act as our roadmap and we're going to talk about a few of the programs, several of which you might be very familiar with and others that you're probably not as familiar with. Then I'm going to use this to set the table for what's going to happen in the next two Commission meetings. So using this FAST Act as a blueprint for our federal funding picture, which is about 90% of what we get overall for transportation issues.

There's a couple of pass through programs. You'll see the National Highway Traffic Safety Administration and NHTSA Grants. A lot of that work done in Planning is kind of a pass-through. We get the money and then we help distribute it out to Priority Safety Programs. That is one of the programs that really doesn't show up on your radar screen. Another pass through has to do with federal lands and tribal transportation programs. We might see an occasional federal lands access program project that might pop up on your radar screen because we're supplementing some funding from a different program, but generally speaking these are usually directly with the tribal entities or with the locals, i.e., counties etc., although we do play a role in the decision-making process. That is something that doesn't hit the Commission too much.

Transit – both Urban Transit and Rural Transit, again those are a pass-through. A lot of folks in Planning participate in distributing those funds out to eligible applicants both in rural and urbanized areas. We've moved those off to the side because that really doesn't hit your realm much. There are programs where there's not a whole lot of decision making; we just get federal funding that has to be used for certain things. An example is the CMAC Program. They give you a set amount and we have a little bit of flexibility on where that funding goes. There's some that goes to Missoula, Billings, Great Falls and then there's some discretionary things that we do internally. So as we move along if you see an agenda item that has to do with the CMAC Program or when we get to the TCP, at that point we'll describe what type of activities CMAC might be funding. Generally speaking it's for things like signal upgrades, ADA, and things that mitigate congestion that give you air quality benefits. That program is a little bit silo'd.

The Highway Safety Improvement Program. That's also silo'd and you saw a little bit of that today. We get a certain amount of funding and generally speaking it's silo'd – we don't get a chance to do a whole lot of different things with it. We do spot improvements and systematic improvements. A spot improvement would be something like a dangerous curve we want to fix. A more systematic approach would be something like rumble strips. All of that is managed within the Highway Safety Improvement Program. We look at benefit-cost ratios and data. All of these projects are data driven and when you see them and approve them, you'll see things like benefit-cost ratio or specific information about what that project is going to address. The project priorities are born out of that process where we look at data and then we get recommendations and bring them to the Commission. As an agenda item you would see what the improvement is going to address. As a package of projects, you'll

see either broader improvements or a series of these spot improvements. It's kind of silo'd. Then there is a subset that addresses rail and highway crossings.

The National Highway Freight Plan is another silo'd project. There is a specific set of criterion that relate back to our Freight Plan and it is managed in Planning. We typically identify freight corridors and in this case it's only on I-90 and I-15 at this time. Then for eligible projects which help promote freight movements through resiliency or additional lanes or operations improvements, we go through a process where we prioritize those projects and send funding to them. We are currently doing that for future TCP projects. For that program usually we'll use existing projects that we have in the program and provide supplemental funding. When we get to this year's TCP, you'll be seeing a list of projects and they'll be identified. The only district that doesn't get to participate is District Four because they haven't put I-94 on there yet.

These are the more flexible categories. In the old days, we used to receive federal funding very specifically for National Highway System routes and more local primary, secondary, and urban routes. They used to package up money and tell us to spend this much on Interstate, then spend this much on non-Interstate and NHS routes, and primary, secondary and urban. Quite a few years back they decided that wasn't the best way of doing business, so FHWA went through a process of reprioritizing how those programs were funded. They split it into two groups. We're going to emphasize the routes that go between states, the Interstate routes, and call that the National Highway Performance Program (NHPP). We will fund the Interstate Program, your non-Interstate National Highway System Program and your Bridge Program on NHS routes. When that change was made, it was a different approach.

Now all of these are governed very strictly by performance measures. On the Interstate System, National Highway System and the Bridge Program on NHPP, there are performance metrics set that are both state and federal. Thankfully the state and federal align very nicely. At our upcoming meeting in August, we're going to take a really deep dive into performance and how much money it's going to take to keep performance up on those systems. For now, it is important to know that most of the NHPP is driven by performance metrics and a lot of the ground rules are set at the federal level.

The State IM Program. In state statute the IM is called out and also there's difference performance metrics for the Interstate System versus the National Highway System. Those are separated for those two reasons. Again, in August we're going to take a really deep dive into those categories.

The Surface Transportation Block Grant Program. We, as a state, decided there were some things we continue to want to do that are important to us. So we kept the Primary Highway System Program (STPP), we kept the Secondary System, we kept the Urban Highway Program. Then we created one other one called the Urban Pavement Preservation Program. That's to help supplement. You've seen projects for the Primary Highway System; that's also part of our Asset Management Program. It's a higher level system for us even though the Feds don't really care too much about what happens on those routes. It's important for us so we also include that in our Performance Programming Process Analysis (Px3). We will also take a deep dive into that program and the funding that we need to keep performance up. All of the programs I've talked about – NHPP, NHBP, Interstate Maintenance on National Highway System, and Primary System Programs are all going to be covered in depth in August.

The Secondary Highway Program. There are other programs, there's state laws or rules and regulations that govern them and the Secondary Highway Program is one of those. So we decided to continue that program. Wherever the programming was set when it was discontinued at the federal level, we grow the program now at a rate

that's equivalent to the expansion or contraction of the federal program. So it usually translates into about three percent growth over time. Then the funding is distributed by formula. What's interesting about that program is we don't pick the capital construction priorities, the locals do. But we do provide Pavement Preservation nominations – you saw one today.

The Urban Highway Program is similar in that the funding is set specifically as an Agenda item that you have previously approved. If we wanted to change the amount of Urban Highway Program funding, then we would come to the Commission and say we want to change this. Then that money is distributed to 19 urban areas. That funding goes for capital construction projects. We found that usually the locals will never pick a pavement preservation project or rarely will, so we had a need to address some of the pavement preservation needs in these urban areas. So we created the Urban Pavement Preservation Program which is managed by MDT and we get to pick the priorities and each of the districts manages the project priorities for these urban areas. It's an annual process.

That's an overview of all of these different programs. The big picture is what the overall funding level is going to be. It will be one of two things and it looks to be either an increase with some additional rules, or maybe it will be a push and do an extension. That means for next year we don't suspect that we're going to see a huge change but we really don't know. Right now we're in the information gathering stage and we're out looking at our bridge conditions, pavement conditions, and available funding. So we're gathering more and more information. Then when we get our best available information, we'll bring it to the Commission and have a really good discussion about funding levels for all of these things and even some discussions about higher level things like reauthorization, inflation, and some other things. So we're going to set the table for the next fiscal year and that will happen at the end of August.

On the other side of things, we're also getting better information on our upcoming projects that are going to be in the TCP. So come September, we're going to update our costs and our schedule. Then it's all going to come together for the TCP when the Commission gets a look at all the new costs, all the new projects, and then they are slotted in the appropriate category. While it might seem a little bit nebulous, it's going to get clearer and clearer to the point that when you sit down for the TCP meetings, each program manager including the districts that manage the Interstate System, the National Highway System, and the Primary System, you'll be able to see all the projects, where they're slated, all the initiatives, and be able to ask your questions. The funding levels will be clear, where the projects can be slotted will be clear. I would suspect in normal circumstances the districts will be reaching out to each of the Commissioners to have a general discussion about what they might expect to see. So we'll have the Px3 discussion, which talks about funding, the big blocks of funding, what we're seeing at the federal level, what we're seeing for inflation. Then after that, we're going to get the new cost estimates, new dates, and we'll put it all together and then you guys vote on that.

I'm going to circle back to the first part which was Project Priorities. The Commission has two roles – the first role is to add projects to the program and you did that today. So this is kind of the end of the cycle. The cycle is – we look at the funding, distribute it to the programs, sit down and slot the projects in October, then we're going to have some holes and we'll get nominations to fill those holes and then on the backside next year we're going to fill those holes. Today, you filled the holes. So there's two parts of the prioritization process in your realm – one, adding projects to the program, and two is blessing the TCP which slots all of the projects in a given year for a given program. That's the general overview.

Agenda Item No. 17: MT 200 Bridges Lewistown Area CM/GC Selection of Construction Manager

Jake Goettle presented the MT 200 Bridges Lewistown Area CM/GC, Selection of Construction Manager to the Commission. This is informational. We've been talking about this project for a while now. This is our fourth and final CM/GC project in our Pilot Program that we were given back in 2017 by the Legislature. This is our last CM/GC project unless we get approval or get an additional Pilot Program through the Legislature.

This is 10 structures in the Lewistown area on NH routes 57 & 61. The purpose of the project is to replace these aging structures with either new bridges or new culverts. Rehab is not a practical option on these 10 structures due to advanced deterioration. Commissioner Frazier asked if they were timber bridges. Jake Goettle said most of them are but I don't believe all of them are. With the replacement of these bridges, there will be a minor amount of road work, not a lot just enough to tie into the new structures.

We advertised the RFQ back in February of this year. We received six responses to the RFQ, we short-listed all of them. All six of them submitted a Technical Proposal back in May. We reviewed those proposals based on criteria that was included in their package, then we had a team of eight MDT staff that reviewed the proposals from the firms and scored them independently and came up with a final Technical Proposal score for these six companies. As part of our RFP process with CM/GC, we do an interview as well which is factored into the Technical Proposal score, 50% technical and 50% interview. We finalized those scores and the firms submitted a bid price which is a construction phase multiplier which we will use moving ahead with the contract. They provide estimates, they take out any profit and any overhead, so we see actual dollars to do the work and then we add that in at the bottom. It's a very open book estimating process so we can see exactly what it costs for materials and labor for each item. That is 20% of the selection.

We went through all those scoring processes and the selected firm was Kiewit Infrastructure. They had the best value score and were considered the best value for MDT and the taxpayers. We put in some additional information to support this recommendation to our Selection Commission, which has already made that decision. We are providing this as information for you. Based on the current statute, the Transportation Commission doesn't approve the selection. As you know, in the future if we get to use CM/GC, you will take action on this step. We're presenting it to you for your information but we're also presenting it because if CM/GC continues in the future, we will present this to you for action.

Agenda Item No. 18: Timber Bridges Glasgow DB Project Delivery Selection Process

Jake Goettle presented the Timber Bridges Glasgow DB, Program Delivery Selection Process to the Commission. These three projects will address some of the concerns that you had earlier today on timber bridges. We're presenting Agenda Item 18 & 19 as one package. This is our Project Delivery Selection Process. So when the project comes to the Alternative Contracting Section, they will run the project through this selection process. It goes through a set of criteria to determine the best method to deliver this project. We have Design Build, CM/GC, and Design Bid Build as project delivery options. CM/GC is not in this package because we can't use it right now. The last one I presented is the fourth and final CM/GC project so we don't have that option right now. In the future if we get CM/GC then we can add that to our tool box for consideration.

This is our PDSP process for the Timber Bridges in the Glasgow area and Timber Bridges in the Forsyth area. This is just for information to the Commission on what we did and how we selected Design Build as the appropriate method to deliver these projects. There are several criteria we considered – cost impacts, schedule impacts, opportunity demand, complexity of design construction phasing and opportunities for innovation. We go through each of those for each project and decide which method is best for that project, then it kicks out a recommendation. We present that to the Pre-construction Engineer for approval and then move forward with the project as soon as funding becomes available, then we deliver the project. Right now, we're presenting the PDSP process we went through to select Design Build. At the next Commission meeting I'll present the Timber Bridges Glasgow project. Funding is available for it and we're going to move forward as soon as we can. We will move that forward right away. There's 15 structures in that contract and we're anticipating advertising the RFQ in September/October. So at the next Commission meeting I'll present the selection criteria and the stipend amount for your approval.

The other project is Timber Bridges in the Forsyth area. There are 12 structures in that contract. It is a little bit farther out and right now we're anticipating the fall of 2024 possibly 2023 but it depends on funding. As soon as we get the funding, we're ready to go now. Again as soon as that happens, we'll present the selection criteria and stipend amount for your approval.

Commissioner Sansaver said when you do decide, is the district administrator brought in on that decision. Jake Goettle said yes absolutely. This process has a pretty robust team. The District Administrator is brought in if they are available to participate in this process, if not they have very highly qualified staff that is brought in to be a part of that selection process. Commissioner Sansaver said the reason I asked is that throughout the delivery of these projects, there may be in a particular district a better method and a quicker method to get the project more shovel ready. I haven't visited with Shane about that, but I find it interesting that they are involved and are aware that this may be the quickest delivery available. Jake Goettle said speed of delivery is one of the main things about Design Build. You can deliver it very quickly. If we were to get additional funding for the Forsyth project, we can pull it in and as soon as we present it to the Commission and get your approval, we can move forward and advertise it, and within months they could be out in the field. It is a very fast process.

Agenda Item No. 19: Timber Bridges Forsyth Area DB Project Delivery Selection Process

The Timber Bridges Forsyth Area DB, Project Delivery Selection Process was presented as part of Agenda Item No. 18.

Commissioner Sansaver said I'd like to thank Shane for putting on such a great activity yesterday for the Commission. Some of you have never been involved in a tour like that and it really brings to light the work we do as a Commission and some of the problems we run into in each district. I know when we get to the rest of the Commissioners, their problems are lot different than what we have and our County Commissioners can attest to some of the problems we have up in northeast Montana. I thought it was very well done. I don't know how Shane did it, but he kept us on time and on the mark with everything we did. I just want to give my appreciation to Shane and the work he has done here. Commissioner Frazier said I would like to add to that. It was a very good tour yesterday; well thought out and it showcased a lot of really good projects. I appreciate the time and effort you put into it.

Next Commission Meeting

The next Commission Conference Call was scheduled for July 27, 2021. The next Commission Meeting was scheduled for August 26, 2021.

Adjourned

Meeting Adjourned

Commissioner Loran Frazier, Chairman
Montana Transportation Commission

Malcolm “Mack” Long, Director
Montana Department of Transportation

Lori K. Ryan, Secretary
Montana Transportation Commission