

Montana Transportation Commission

**October 21, 2021 Meeting
Commission Room
2701 Prospect Avenue
Helena, 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
Julie Brown, Deputy Director MDT
Lori Ryan, Commission Secretary
Dwane Kailey, MDT
Kevin Christensen, MDT
Dustin Rouse, MDT
Larry Flynn, MDT
Jake Goettle, MDT
Val Wilson, MDT
Rob Stapley, MDT
Paul Johnson, MDT
Carol Strizich, MDT
Lisa Hurley, MDT
Ryan Dahlke, MDT
Darin Reynolds, MDT
Rod Nelson, MDT
Bill Fogarty, MDT
Bob Vosen, MDT
Jim Wingerter, MDT
Chris Nygren, MDT
Lucia Olivera, FHWA
Brian Hasselbach, FHWA
Senator Gordan Vance
Denise Moreth, Quinn’s
Mark Melief, Quinn’s
Carol Booker, Sanders County

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 August 26, 2021, September 10, 2021 and September 21, 2021 were presented for approval.

Commissioner Aspenlieder moved to approve the minutes for the Commission Meetings of August 26, 2021, September 10, 2021 and September 21, 2021. Commissioner Sanders seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 1: Tentative Construction Plan (TCP) Concurrence

Commissioner Frazier noted all the hard work everyone put into the TCP process. We had a good discussion on the timber bridges plan. A lot of the timber bridges are 75 years old, the youngest of them is 60 years old, and nearing the end of their life and we need to develop a plan because there's a lot of them out there. We will be working to come up with an option for them. Commissioner Sansaver said I've been through a number of these and they seem to get better and easier to move through. MDT does an outstanding job.

Commissioner Sansaver said Kevin Christensen is going to be retiring and he'll be sorely missed. What an outstanding voice he has been for the State of Montana. Getting to know him more and more through the last year, we're really going to miss your background knowledge. Thank you for your service. Dwane Kailey will be moving into Kevin's position. Who will be moving into your position? Dwane Kailey said Ryan is acting in my previous position as the Pre-construction Engineer.

Commissioner Aspenlieder moved to concur with the Tentative Construction Plan (TCP). Commissioners Sanders seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 2: Construction Project on State Highway System – Contract Labor East Yards Development – Anaconda

Rob Stapley presented the Construction Project on State Highway System – Contract Labor, East Yards Development – Anaconda 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.

East Yards Development – Anaconda

Anaconda-Deer Lodge County is proposing modifications to MT-1 (P-19) in Anaconda to address traffic generated by the proposed East Yards Development project. Proposed improvements include the construction of new left-turn lanes on MT-1 at the Polk Street and Fillmore Street intersections.

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

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

Summary: Anaconda-Deer Lodge County is proposing modifications to the Primary Highway System to address traffic generated by the East Yards Development project in Anaconda. Proposed improvements include new left-turn lanes on MT-1 (P-19) at the Polk Street and Fillmore Street intersections

Staff recommends that the Commission approve these modifications to the Primary Highway System and requests that the Commission delegate its authority

to let, award, and administer the contract for this project to Anaconda-Deer Lodge County - pending concurrence of MDT's Chief Engineer.

Commissioner Aspenlieder moved to approve the Construction Project on State Highway System, Contract Labor, East Yards Development – Anaconda. Commissioner Sanders seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 3: Construction Project on State Highway System – Contract Labor Bridger Drive – Bozeman

Rob Stapley presented the Construction Project on State Highway System – Contract Labor, Bridger Drive – Bozeman 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.

Bridger Drive – Bozeman

The City of Bozeman is proposing modifications to Bridger Drive (P-86) to address traffic generated by developments along Story Mill Road in Bozeman. Proposed improvements include the installation of a new traffic signal at the intersection of Bridger Drive and Story Mill Road.

MDT headquarters and Butte District staff have reviewed and concur with the recommended improvements. The City of Bozeman will provide 100 percent of project funding and will be required to complete MDT's design review and approval process (to ensure that all work complies with MDT design standards). When complete, MDT will assume all maintenance and operational responsibilities associated with the proposed improvements.

Summary: The City of Bozeman is proposing modifications to Bridger Drive (P-86) to address traffic generated by developments along Story Mill Road in Bozeman. Proposed improvements include the installation of a new traffic signal at the intersection of Bridger Drive and Story Mill Road.

Staff recommends that the Commission approve this modification to the Primary Highway System and requests that the Commission delegate its authority to let, award, and administer the contract for this project to the City of Bozeman - pending concurrence of MDT's Chief Engineer.

Commissioner Sansaver asked if there was a traffic study done or did the city of Bozeman just ask for another red light. Bill Fogerty, District Administrator, confirmed that a Traffic Impact Study was performed at that intersection. Commissioner Sansaver requested the notes reflect that a traffic study had been done. Commissioner Sanders agreed and asked that, as we move forward with these things, MDT add that MDT headquarters has reviewed a traffic impact study and concurs with what was presented.

Commissioner Sansaver moved to approve the Construction Project on State Highway System – Contract Labor, Bridger Drive – Bozeman. Commissioner Sanders seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item 4: Construction Project on State Highway System – Contract Labor
Mullan Road – Missoula**

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

Mullan Road – Missoula

Ranch Club Investments is proposing modifications to Mullan Road (U-8123) in Missoula to address traffic generated by the Ranch Club Development project. Proposed improvements include the construction of a new access road (Ranch Club Road) and installation of new left-turn and right-turn lanes at the future intersection of Mullan Road and Ranch Club Road.

MDT headquarters and Missoula District staff have reviewed and concur with the recommended improvements. Ranch Club Investments will provide 100 percent of project funding and will be required to complete MDT’s design review and approval process (to ensure that all work complies with MDT design standards).

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

Summary: Ranch Club Investments is proposing modifications to the Urban Highway System to address traffic generated by the Ranch Club Development project in Missoula.

Proposed improvements include the construction of a new access road (Ranch Club Road) and installation of new left-turn and right-turn lanes at the future intersection of Mullan Road and Ranch Club Road.

Staff recommends that the Commission approve these modifications to Mullan Road (U- 8123) - pending concurrence of MDT’s Chief Engineer.

Commissioner Sanders said I’m assuming a traffic impact study was done and that it be noted in the record. Commissioner Sansaver asked when we say that MDT will assume all maintenance and operational responsibilities, does MDT then design it or was there an outside contractor who designed this particular project. Commissioner Frazier said I believe that the developer would have the design but MDT staff reviews those designs and comments on them. They are usually done at the district level. Commissioner Sansaver asked if that was done. Dwane Kailey said an outside engineering firm did the design and MDT reviewed that.

Commissioner Sansaver moved to approve the Construction Project on State Highway System – Contract Labor, Mullan Road – Missoula. Commissioner Aspenlieder seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item 5: Transportation Alternatives (TA)
Program Projects
Shared-Use Path Preservation Projects**

Rob Stapley presented the Transportation Alternatives (TA) Program Projects – Shared Use Path Preservation Projects to the Commission. The Transportation Alternatives (TA) Program provides assistance to local governments, tribal entities, transit providers, resource agencies and/or school districts for community improvements deemed eligible to receive TA funding. MDT solicits proposals (from eligible entities) for construction projects, ranks each proposal, and then advances the highest priorities (without exceeding available TA funding).

Federal guidance mandates that MDT select TA projects via a competitive process. Further, federal guidance states that metropolitan planning organizations (MPO's) and state agencies (such as MDT) are not eligible to submit applications for TA projects.

At this time, MDT is advancing the shared-use path preservation projects from the most recent round of Transportation Alternatives (TA) Program project evaluations. These projects are shown on Attachment A. If approved, it would be MDT's intention to let these projects individually.

Summary: MDT is requesting Commission approval to add four (4) new Transportation Alternatives (TA) projects to the program. The estimated total cost for all projects is \$1,159,415 (\$831,567 federal + \$39,461 state + \$288,387 local) – with the entirety of the federal funding originating from the Transportation Alternatives (TA) Program.

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

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

Commissioner Sanders moved to approve the Transportation Alternatives (TA) Program Projects – Shared-Use Path Preservation Projects. Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item 6: The Montana Scenic Historic Byways
Program Advisory Council**

Rob Stapley presented The Montana Scenic Historic Byways Program Advisory Council to the Commission. As outlined in MCA 60-2-601, the Transportation Commission is responsible for appointing an advisory council for the State Scenic-Historic Byways Program (SSHBP). The SSHBP Advisory Council fulfills the following purposes (per MCA 60-2-601/ARM 18.14.201-202):

- Assists the Department and the Commission in designing the program.
- Reviews applications for nominating roads to the SSHBP.
- Recommends to the Commission roads that should be included in or deleted from the SSHBP.

The advisory council is a technical oversight council comprised of no more than 11 members who must have expertise in one or more of the subjects of tourism, visual assessment, Montana history, resource protection, economic development, transportation, or planning. One member of the advisory council must be a representative of the Montana Chamber of Commerce. Administrative Rules recommend a member have expertise in tribal culture as well.

In August of 2009, the Transportation Commission appointed three individuals to the SSHBP Advisory Council for a three-year term. The Transportation Commission re-appointed these individuals in 2012, 2015, and 2018.

Since 2009, the SSHBP Advisory Council has:

- Reviewed the Scenic-Historic Byways pilot project (MCA 60-2-606) and, based on ARM 18.14.205, determined that only four of the eight routes had potential for designation.
- Reviewed guidelines and website material developed by MDT to ensure information is current and up to date.
- Recommended byway designation to the Transportation Commission for two qualifying applications: Giant Springs Road – Great Falls and Lake Koocanusa (portion of MT-37) which the Commission approved May of 2011.

Commissioner Sanders asked how we go about finding these people and is this something that is publically noticed or something where the districts find local people. How does the process work? Carol Strizich said our attempt to fill these positions includes exploring folks that might have the expertise that is missing from the board. There are certain areas of expertise that are required to be represented on the board, so we reach out to areas we think would fulfill those. In this case we checked with the Forest Service out of Townsend and there was some interest in participating and covering the areas of expertise that were needed. It is not specifically a public process.

Commissioner Sanders asked if there was just one respondent. Carol Strizich said yes. In the past, we've had to look further and more broadly around the state to fill the missing area of expertise but in this case we were successful in finding interest quite quickly.

Commissioner Sanders asked if we looked at anyone from the private sector in filling this spot. Carol Strizich said the area of expertise included public lands, so no we didn't look elsewhere. That doesn't mean there isn't someone out there with that type of expertise but our minds went to Forest Service as the first order. I will add that we have struggled in the past identifying folks who have an interest in participating on this particular board. The board doesn't meet very often and only meets when there is action to be taken or a request is in front of them. There isn't a lot of interest as far as we've found.

Commissioner Sanders moved to approve the Montana Scenic Historic Byways Program Advisory Council. Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Public Comment

Carol Booker, Sanders County Commissioner

The Sanders County Commissioners would like to formally request a re-evaluation the Safety Study on Hwy 135 just north of Quinn's Hot Springs. Commissioners are given the charge of public safety in Sanders County. We feel this piece of highway in front of Quinn's is very unsafe, not only to the pedestrian traffic but to the automobile traffic. Quinn's is the biggest employer in Sanders County and they are very willing to financially contribute to the safety of this highway. I think you all have the letter from Quinn's dated September 23 where they express they are willing to contribute financially. Of course the Commissioners support the reduction of the speed limit from mile marker 18 to 20. We would like to have it reduced from 70 mph to 45 mph to provide adequate stopping time. Two examples of reductions in speed limits in Sanders County are Hwy 200 at the Village of Paradise where it's reduced to 35 mph as well as the turn-off to Hot Springs on Hwy 28. I feel the precedent has been set for the reduction of the speed limit. We request this proposal be re-evaluated and put on your next agenda for your blessing. Someone from Quinn's is here to speak. I thank you for your consideration in allowing us to speak today and hopefully we will see you at your next meeting.

Quinn's Hot Springs, Denise Moreth.

I'd like to echo Commissioner Booker's comments that the traffic, especially in the last couple of years on Hwy 135 outside Quinn's Hot Springs and Camp Bighorn between mile marker 18-20, has increased significantly along with the limited site line coming around the corner with the land sloping down towards the river, trees on the south side of the road obstruct visibility, and the amount of large trailers, logging trucks, trucks with campers coming down that road at 70 mph, makes it a very dangerous intersection both for vehicles entering, exiting, and crossing the road at Quinn's Hot Springs. The resort is on both sides of the road, about half of the guest lodging rooms are on the side opposite from the main facilities as well as the events center where we host weddings, business conferences, art shows, etc. There have been many near misses, a few fender benders, and we considerate it a minor miracle there has not been a more serious accident at that intersection given the speed and volume of the traffic that comes by there.

We had previously submitted a letter that the Sanders County Commissioners had echoed. This was considered at a previous meeting. In drafting that proposal we'd been under the impression that this Commission had leeway and flexibility in terms of helping to design an appropriate solution at what point speed limits should be reduced. From the minutes of the meeting at which that was considered, it appeared that may not be the case. In which case we were mistaken and it was put to a simple up or down vote. So we would ask for a bit of guidance in terms of whether this Commission or some other part of MDT, has either the ability or the will to help if the proposal is deemed to be inappropriate to bring it to a more appropriate state.

Dwane Kailey said the discussion was brought up at our meeting. It seemed to be asking for a significant reduction for a long stretch of highway to have the speed reduced. We felt in looking at it that we did not have enough information in front of us to make that call so we tabled the motion in lieu of other solutions that are out there and we are waiting for that. So it wasn't an up or down vote, we tabled it pending getting more information. Denise Moreth said it is my understanding that the local representatives in Montana did have a meeting with the Sanders County Commissioners to review that. The request was modified to shorten the length of the speed limit reduction, not simply from the intersection of Hwy 200 and Hwy 135 but closer to the actual area where Quinn's Hot Springs, Camp Bighorns, and the homes along that stretch of the road were. So the length of the area for speed reduction was reduced. We were asked to come to this public meeting even though we were not on the Agenda for this. So for the formal submission, I know the Sanders County Commissioners submitted another letter to Mr. Cameron on October 6th, I'm not sure of the process for getting the information back in front of this Commission.

Dwane Kailey said I think the proper procedure would be a motion to remove it from the table and put it on our next meeting's Agenda. Commissioner Sansaver said Commissioner Fisher spoke to this during that meeting and she has been on that stretch of highway. Commissioner Fisher said yes I have. Commissioner Sansaver asked if his intent today was to notify the Commission that you would like to be on the Agenda for the next meeting. Dennis Moreth said yes. Commissioner Sansaver said we can't act on the information we have been provided today, we have no maps, nothing to show us what the change has been. If that is your intent, then I concur.

Dustin Rouse said you are correct, we didn't receive a letter until October 6th. We now have that letter and I propose that if we can include that in the December meeting that would give us time for public notification and allows our staff time to review it. It sounds like there is interest in looking at alternatives. I'd like to allow my staff some time to look at it. I know there is interest in looking at the RFP for the pedestrian crossings. So I think there is potentially some other solution that we could look at. With that and Commission's concurrence, we can proceed in that.

Commissioner Aspenlieder said I don't know that we need a motion to put it on the next Agenda. Commissioner Frazier said yes we do because we tabled it. Denise Moreth said that was the intent to stay in front of the Commission as much as we can and demonstrate our intent to try to bring it back on the Agenda from the tabling with the additional information requested. I also want to reiterate that Quinn's Hot Springs is willing to financially contribute to any traffic control devices or any modifications to the roadway that may need to be made as part of a solution. We have had an informal petition in our lobby for all guests for the last weeks or so and we've gathered about 1,000 signatures in support of the modification to the speed limit. Would it be useful for me to leave that here with you? Commissioner Sansaver said I would suggest that you bring it to the next meeting. This was very well done and very well spoken and I'm sure we'll take a look at it in our December meeting.

Sanders County Commissioner Brooker said I want to thank the Commission for listening and one of the Commissioners will make sure they are also in attendance at the December meeting. We really appreciate you putting it back on the agenda.

Commissioner Fisher moved to approve putting the Quinn's Hot Springs speed zone proposal on the Agenda for the Commission's December meeting. Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 7: Speed Limit Recommendation MT 84 (P-84) – Four Corners West

Dustin Rouse presented the Speed Limit Recommendation, MT 84 (P-84) – Four Corners West to the Commission. This was prompted by an internal request to investigate existing speed limits on MT 84 locally known as Norris Road heading from Four Corners headed west, to look at local growth, crash concerns, and general observations in the area. The speed profile provides support for lowering the existing speed limits. Based upon the 85th percentile and the pace speed, the 45-mph transition is approximately in the correct location. However, the approximate end of the urban roadside environment is at Zoot Way and New Ventures Drive. Within the 60-mph speed zone, the prevailing speeds are around 55-mph. Lowering the speed limit by 5-mphs is further backed up by crashes observed around milepost 27.7. At the existing 70-mph transition, based upon the 85th percentile and pace speed the prevailing speed is 65-mph and does not reach the statutory speed limit until approximately milepost 26. Gallatin County recommends extending the 45-mph speed zone west of River Road (North) by approximately 280 meters (STA 126+80)

and then shifting the beginning of 55-mph and 65-mph zones 1480 meters farther west. The letter from Gallatin County is attached.

MDT would like to stress the following facts. Their request is 10-mph below the proposed engineering recommendation within the area between Zoot Way and River Road (North) and 10-mph to 15-mph below the speed statistics. The new shifted 55-mph and 65-mph speed zones are approximately 10-mph on average below the engineering recommendation and the observed speed statistics. Prior MDT research shows reductions greater than 10-mph from the prevailing speed tend to increase crash rates and put the traveling public at increased risk. From our experience a reduction in the speed limit greater than the engineering recommendation would be an artificial attempt to change driver behavior and be unsuccessful.

MDT recommends the following:

A 45-mph speed limit beginning at the intersection with US 191 (straight-line station 149+60) and continuing east approximately 20 meters west of Zoot Way and New Ventures Drive (straight-line station 141+60), an approximate distance of 800 meters.

A 55-mph speed limit beginning at approximately 20 meters west of Zoot Way and New Ventures Drive (straight-line station 141+60) and continuing east approximately 280 meters west of River Road (North) (straight-line station 126+80), an approximate distance of 1480 meters.

A 65-mph speed limit beginning at approximately 280 meters west of River Road (North) (straight-line station 126+80) and continuing east approximately 40 meters east of MP 26 (straight-line station 102+00), an approximate distance of 2480 meters.

Begin statutory 70-mph speed limit approximately 40 meters east of MP 26 (straight-line station 102+00).

Commissioner Sanders said prior MDT research shows reduction greater than 10 mph from the prevailing speed tends to increase crash rates. What is that research? Dustin Rouse said typically what we see is if we artificially lower a speed more than the prevailing speed, then we see driver frustration. They tend to try and pass where they shouldn't pass. Typically a driver is going to drive based on the terrain around them. If there's a lot of intersections, urbanized features, lighting, etc., those are things that will trigger a driver to lower their speed. If the topography is there, they are generally going to self-correct to the correct speed. If you artificially lower it, their tendency is driver frustration towards those following the posted speed limit and they will tend to pass them in dangerous locations and that tends to increase the crashes. We've actually lowered it 10 mph below the engineering recommendation.

Dwane Kailey said about seven years ago we did a research project. There are numerous instances where previous Commissions have adopted speeds well below our recommendation, so we conducted a research project. We found that within five miles of our recommendation, there isn't much of an issue, at 10 mph we are statistically starting to pick up increases in lack of compliance and increases in crashes, and at 15 mph it is substantially increased. So we compared locations where the Commission has opted for recommended speed versus locations where they went aside from our recommendation. We can send you that research project if you like. Commissioner Sanders said he would like to have it. We've had this discussion in the past and I'd seen a study by another state with a small sample size but I didn't see anything from Montana. I'd like to read that. Dwane Kailey said we will send it to you. Commissioner Frazier said he would like it also. Dwane Kailey said he would provide it to all five Commissioners.

Commissioner Frazier said there was a study done in the State of Pennsylvania 20+ years ago where they changed the speed limit up and down and continually monitored the traffic and the grand results was that it is a piece of sheet metal on a stick and people drive the speed they feel comfortable and it didn't matter what they put on the sign, the speeds didn't change. This study is new and it is in Montana, so we need to see what Montana drivers are doing.

Commissioner Sanders said I've seen this on a lot of speed studies that by changing the speed limit we're trying to artificially change driver behavior, but if speed limits don't work and putting a speed sign up doesn't change driver behavior, why are we doing it? I would argue they do change driver behavior. In my opinion there are three classes of drivers: one class looks at the speed sign and they drive the speed limit or below; the next class goes about five mph over the speed sign; and then the third class doesn't care and they drive whatever they want to drive. I think speed signs do matter especially with enforcement. When I see the statement that a different speed zone won't change behavior, I don't agree. How else are you going to modify behavior? If you took 80 mph off the highway, it would be a German Autobahn. When you put 80 mph up there, there are still going to be 100 mph people, but there are going to be a lot of people who drive 80 mph or five miles per hour over. I think that's an invalid assumption to say that changing the speed limit won't change driver behavior.

Commissioner Frazier said you mentioned one thing in there that was key and that is enforcement. You have to have enforcement; there has to be a consequence out there if they don't follow through. Dustin Rouse said enforcement is key if speed limits with enforcement are going to be effective, they can change driver behavior. Without it we didn't see that.

Commissioner Sansaver said there was a graph provided in our packet on crashes and citations, I do agree with my colleague that speed signs are important. I don't know if it is just my generation; the older we get the slower we drive and the more we pay attention but I'm not sure. In the cases of animals entering highways, speed signs absolutely and definitely matter. If you know you are coming into an area where there's high crashes with animals, you need to pay attention to that and I think people do pay attention to it. I think it is important for the public to know that we are looking out for their best interests by either lowering the speed zone in that area because we have a number of components that justify lowering that speed limit. So it is pretty interesting to see the crashes, the top one went from 27.1 to 27.6, it's off the graph. Then down in citations, speeding from 25.1 to 25.6 and that's off the graph. If we are to be responsible to our Montana Highway Patrol, I think it is incumbent upon us to be very aware of these speed studies and the recommendations of our staff. Dustin Rouse said that is a very good comment and that is why our staff identified this location and why we're looking at this location.

Commissioner Sanders moved to approve the Speed Limit Recommendation for MT 84 (P-84) – Four Corners West. Commissioner Aspenlieder seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 8: Speed Limit Recommendation Secondary 243 – Saco North

Dustin Rouse the Speed Limit Recommendation, Secondary 243 – Saco North West to the Commission. Phillips County Commissioners submitted a request for a speed limit study for the purpose of extending the 25-mph speed zone further north to introduce a 15-mph school speed zone.

In looking at the speed profile through this location, each speed limit and respective zone beginning with the statutory 25-mph speed limit, the 35-mph, and 45-mph speed limits are just within reach of the prevailing travel speeds. This is true for both directions of traffic. Our review of traffic operation indicates each speed limit is appropriate for the segment it encompasses with no changes being proposed. The abrupt change in the side culture from developed to undeveloped makes for a very transitional speed profile.

In this study no comments were ever received from Phillips County, the town of Saco, or the Saco School Superintendent. Multiple attempts were made to acquire comments without success. How we handled that is we wait six months and if we don't hear back from them, then in the interest of public safety we still proceed with the study and present that information to the commission so you can take appropriate action.

Considering the original request and to ensure the safety of the students, MDT proposes introducing a 15-mph school zone speed limit during arrival and departure times. The installation of additional school zone signing to include bouncing-ball flashing beacons indicating the School Zone Speed Limit of 15-mph having "fines double" will also be included to promote increased voluntary motorist compliance and further driver awareness of the adjacent Saco school. An increase to the size of the existing school zone to encompass 500-feet north and south of the school property has caused the beginning of the 35-mph speed zone, the 45-mph speed zone, and the 70-mph to shift north approximately 200-feet.

MDT recommends the following:

A 25-mph speed limit beginning at the intersection with US 2 (Straight-line Station 0+00) continuing north 530-feet and ending 50-feet north of Maple Street (Straight line Station 5+30).

A 25/15-mph School Zone Speed Limit during the morning hours from 7:30 am to 9:00 am and the afternoon hours between 3:00pm and 4:30 pm beginning 50-feet north of Maple Street (Straight-line Station 5+30) and ending 620-feet north of Chestnut Street (Straight-line Station 20+20).

A 35-mph speed limit beginning 620-feet north of Chestnut Street (Straight-line Station 20+20) continuing north for 700-feet and ending 1320-feet north of Chestnut Street (Straight-line Station 27+20)

A 45-mph speed limit beginning 1320-feet north of Chestnut Street (Straight-line Station 27+20) and continuing north for 810-feet about 90-feet south of the bridge (Straight-line Station 35+30).

Begin statutory 70-mph speed limit 90-feet south of the bridge (Straight-line Station 35+30).

Commissioner Sansaver said the blue dotted line on your map, is that the 15 mph speed zone when you hit Walnut Street? But it would be too late at that point. So is the blue dashed line indicative of the 15 mph speed limit. Dustin Rouse said correct. It is variable – it is 15 mph during the morning and afternoon and then in the off hours it is 25 mph. It starts at Maple and extends. The dash represents that it is a variable or both 25 mph and 15 mph. Commissioner Sansaver asked why we would have that transition. Wouldn't we just have it 15 mph all the time? That goes back to what people pay attention to. So if it is 15 mph here then by the time they get through there, there is an accident, a pedestrian hit or a near accident. Why wouldn't it just remain 15 mph all the time, it is such a short distance? Dustin Rouse said you are asking why we don't post it at 15 mph at all times. Commissioner Sansaver said yes from Maple to Nelson sign. Dustin Rouse said the reason we're proposing it just

during the school hours is because that's when we see the activity, kids going in and out of school. If we post it all the time and there is no activity, then we tend to not get compliance. 15 mph is perceived as a very slow rate of speed, so people will tend to start ignoring it during the hours of no activity. So if you focus that during the times that are appropriate and there are activities, then compliance is more likely. Commissioner Sansaver said it is a learned habit from my perspective, that in a school zone whether it is night or day activity, you've still need 15 mph especially in small communities like this. You don't know when kids are over on the playground playing basketball if that's their only place to go to enjoy outside activities. You don't have school hours on but they are certainly there enjoying the playground and using the basketball courts, etc. That's the only reason I ask why we would speed it up just because there is no school on. It is something to think about. I would go with the staff recommendations here, but maybe the next time we have something like this we might think about whether it is realistic. Is it going to change the minds of people when they go into a school zone and all of a sudden I can go 10 mph faster which means I can go 15 mph faster? How many people on the Interstate go 80 mph? They usually drive 85 mph, I guarantee it. Moving forward maybe we could consider that especially in smaller communities. We all drove from our hotels this morning prior to school starting at Jefferson Elementary School where the speed limit is 25 mph consistent through there. I slowed way down because you just don't know who is going to be there early and kids were already out playing.

Commissioner Frazier said you mentioned the bouncing ball, are you looking at the signs that fold over during that time or is it a permanent sign; they also have variable signs? Dustin Rouse said they are looking at variable signs. Commissioner Frazier said so when the 15 mph is on you have the lights to get everybody's attention that it is active. Dustin Rouse said yes.

Commissioner Sansaver moved to approve the Speed Limit Recommendation, Secondary 243 – Saco North. Commissioner Sanders seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 9: Speed Limit Recommendation MT 278 – Jackson

Dustin Rouse presented the Speed Limit Recommendation, MT 278 – Jackson to the Commission. Beaverhead County submitted a request for a speed limit study for the purpose of possibly lowering the existing speed limit through town from 35-mph to 25-mph with an increased transition zone. A 25-mph speed limit would then match the existing school zone. When we looked into it, the existing sign in Jackson indicates a 35 mph speed limit through the town as well as a 35/25mph school speed zone. Our documentation indicates the Transportation Commission approved a reduction in the speed limit to 30-mph on April 26th, 2002. It would appear the signs have not been updated in accordance with these recommendations. The 2019 average annual daily traffic volume was recorded as 388 vehicles. These volumes have remained constant over the last 3 years.

The speed profile provides support lowering the speed limit to 30-mph with the 20-mph school zone. There has been limited crash data and citation data to indicate an issue with speed. With this consideration in mind, it is recommended that signs be updated to match the 2003 Transportation Commission approved reduction in the posted speed limit to 30-mph and lower the existing school zone to 20-mph.

MDT recommends the following:

A 30-mph speed limit and 30/20-mph variable school speed limit starting at existing flashing 35-mph sign 350-feet south of milepost 43 (straight-line station 18+00) and continuing North to the existing flashing 35-mph 1000-feet north of Meadow Street (straight-line station 40+00) a total distance of 2200-feet.

The Town of Jackson and Beaverhead County concurs with the recommendation. A letter stating concurrence is attached

Commissioner Sansaver moved to approve the Speed Limit Recommendation, MT 270 - Jackson. Commissioner Sanders seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 10: Speed Limit Recommendation Old US 10/P-91 from US 191 to I-90

Dustin Rouse presented the Speed Limit Recommendation, Old US 10/P-91 from US 191 to I-90 to the Commission. The Sweet Grass County Commission submitted a request for a speed limit study for the purpose of reducing the existing 45-mph and 55-mph speed zones on Old US 10 to 35-mph and 45-mph respectively due to existing and ongoing development.

The speed profile does not provide support for a reduction in the speed limit. Within the 55-mph speed zone the 85th percentile indicates a prevailing speed on average 4-mph over the existing speed limit. In the existing 45-mph speed zone the 85th percentile indicates a prevailing speed approximately 5-mph over the existing speed limit. When looking at the pace, the existing speed limit for each speed zone is approximately the middle of the pace. There is minimal crash and citation data to indicate speeding to be contributing factor of the observed crashes. Drivers for the most part are self-enforcing the existing speed limit. The citation data indicates law enforcement is present and targeting those motorists traveling outside the norm. From our experience a reduction in the speed limit would be an artificial attempt to change driver behavior and would be unsuccessful.

The Big Timber Council and Sweet Grass County Commissioners disagree with the “No Change” recommendation. We did reach out to them for additional information and justification for why. No further comments were provided besides the desires indicated in the original request. Both emails are attached.

MDT recommends the following:

“No Change” to the previously approved speed zone layout.

Commissioner Aspenlieder said I have gone on record saying I can’t support staff recommendation if there’s no data presented to the alternative. I guess that is my general comment to our staff. I did confirm with Mr. Nelson that we did reach out to the Sweet Grass County Commission and ask them for additional information to support their request and they provided none. I think it is important in general to make it very clear to the local commissioners that if they are going to request a study and you don’t concur with us, at least provide us with something else to consider. If you don’t provide me with some other data to consider, I have no way to do anything other than act on “feelings” and, in my opinion, that’s not an appropriate way to approach these projects. It is important for district staff and district administrators to make sure they communicate to these commissioners that when they request these speed studies and do not concur, they please provide us with some other information. Do your own study and have your Traffic Engineer

provide us with some additional data to support what you're asking our staff to consider. Maybe that changes where we go but at the very least it gives us, as Commissioners making this decision, something else to consider. If I have nothing else to consider, I can't do something else. I talked to our staff at length about this and I fully intend to support staff recommendation on this and the next item because the county very clearly chose not to, even when provided an opportunity. As a Commissioner, I feel I don't have any choice but to support staff recommendation given that no other data was provided for consideration.

Dwane Kailey said that is an awesome point. I absolutely agree with that. We have talked with the DA's about that. Under the law a local government actually can do their own speed study, it does have to go through MDT and then present it to the Commission. It is fully outlined in the law that they can do that.

Commissioner Aspenlieder said when we built the Lockwood High School, we did that and we provided Yellowstone County with supporting data to show that our request was justified. It was then passed to District staff in Billings and at the end of the day the speed limit on Old 87 was changed. Even if our staff does not concur with the information provided by the local jurisdiction, at least I can see that but I have to have some basis for making a decision outside of how I feel.

Commissioner Sanders said, administratively do you know why it is coming before the Commission now instead of December? The Sweet Grass Commissioners said they would have to come to the December 16th meeting. Do you know why it is coming before us on this date? We did get some feedback via a phone call this morning and the Sweet Grass County Commissioner who is a retired Highway Patrolman said that they stated in their initial letter that they justified reasons why it should be changed. He felt like they said, in their letter, why it should change because of increased traffic in that area, school bus stops, etc. They said it seemed like it was a done deal – MDT takes it and doesn't listen to any outside input, they just come up with their recommendation. This goes back to our speed studies which bases a large assumption that current driver behavior defines what future driver behavior should be. This goes back to my comment earlier that when someone sees 55 mph then they are going to drive 55 mph or close to it. If they see 45 mph then they are going to drive closer to that. The assumption that you can't change human behavior by changing the speed limit signs, again, is a little bit of a flawed assumption. That's probably a deeper philosophical issue. The bottom line is whether they are going to provide something further or not, I don't know but I do think that the December 16th date that they had requires us to table this until December 16th. I feel we're setting ourselves up a little bit for failure because they can say they were planning on coming up with something. I don't think they are because back in August we had some communications going on and the Mayor said we'll just have to enforce it. But I do think the December 16th date is something we need to adhere to and we may or may not see some input from them before that time.

Commissioner Aspenlieder said I have no objection to that. I do remember seeing that date, so I concur. Commissioner Sansaver said I concur with Commissioner Aspenlieder when it comes to taking the recommendations of our staff. That is part of the reasons why during the Saco agenda item, I didn't request that to change to a 15 mph permanent speed limit by the Saco schools.

When we had our meeting in our District there were a number of County Commissioners sitting in on that meeting. I guess you could say I chastised those County Commissioners for not doing their jobs. If we don't have the information, we can't make a good judgement on what that particular county or city wants. They are not doing their job by casting a stone and saying we tried with MDT when they didn't try with MDT. We're asking them to do their homework and present it to us to make a reasonable decision based on what the true activities in that area are. I

spoke to that in Sydney and I had a couple of Commissioners sit back and say that's right but then a couple that got their feathers ruffled a little bit that spoke to me after the meeting and said they were doing their job. I said well obviously somebody is not doing their job because by the time it gets to us, we don't have all the necessary information that is required for us to make a good decision. I think I asked to have it put out there publically to do a better job at home in your backyard in providing information to the state on what is really necessary in your community.

I don't know if it fell on deaf ears but apparently every time we do these traffic studies, we have a discussion on whether a speed limit should stay the way it is or go with the recommendation of the staff. They don't understand the analytics that the state has when it comes to traffic studies or speed zones. They don't have that and they don't understand that the recommendation you give us is based off those analytics. You find if you lower the speed limit there is going to be more accidents. In some cases that may be true. If you leave the speed limit the way it is you find that there's been very few accidents there but someone's Grandma in the community didn't like their Granddaughter was walking across the crosswalk at that speed. That's all fine. We need to work off the analytics of our staff and the studies of our staff and not off the hearts and minds of the local community. We need that extra input for us to make a good decision. That might be the job of our staff telling that community that when you see those come in, go back and do a real study. Go back and give us sound information and background on why we should support what you're requesting. It is very difficult to change anything and go over the heads of our staff which I feel does an outstanding job in the years I've been on the Commission. My recommendation to our staff and Director is to put it back on those county commissioners to bring us something with some bite to it that we can understand and appreciate and move forward with. In three of these now, none of the commissioners have responded back. They just threw it at us and said, they're never going to approve this. That's not fair to the State of Montana; it's not fair to our Governor or our staff.

Dwane Kailey said as an Engineer a lot of times we feel like we communicate things properly but we don't. Commissioner Aspenlieder said I can empathize with the county commissioners in these instances, however, I think it is our job to a large extent to make sure that we over communicate and say if you have additional information or if you want to provide us a third party study to support your request, we are happy to consider that. I don't know that is a message that is communicated or understood. That's our job – to make sure we're educating and making sure that it is understood that when we go through this process that they can provide third party data and information to support their request.

Commissioner Sanders said I think I understand that analytics are very important but I think also we need to put a little bit of belief in boots on the ground. The guys that are actually living in the community that are reaching out initially and saying they see a problem building here. I think we need to be careful about just being reactive – do we need three crashes at this site where there are multiple school bus stops and a hill and people coming off I-90 at 100 mph coming into a residential or budding area. I think we need to take the analytics but we also need to balance that just little bit with common sense and the boots on the ground people who are there. I can equate this to past military experiences where the guys in Iraq and Afghanistan, boots on the ground, at some point they reach a point where they say they know a better way to do this but the Pentagon won't listen to us anyway so we try to live within the restrictions they are telling us but we know it's not the best way to do it. I think there's a little bit of that coming from the local people who say, "we put the request out there and what we got back was sorry no change." Yes, they don't understand analytics maybe but I think there is a little bit of perception that whatever they say won't be listened to anyway. To Commissioner Aspenlieder's point, I do think in this particular case I had a little bit of insight into their thoughts because the guy called me. I think it is on us and the staff to reach out and say we're

not getting anything back from you guys, do you feel strongly about this? I think we can take it on ourselves to reach out to the individuals and tell them if they feel strongly about this to give us something more. We can't just disregard the fact that the boots on the ground people are seeing stuff that we aren't seeing.

Commissioner Aspenlieder moved to reconsider this on December 16th agenda and to take no action on Agenda Items 10 & 11, and to postpone the decision until December 16th meeting.

Tabled.

**Agenda Item 11: Speed Limit Recommendation
US 191/P-45 from Old US 10 to
Yellowstone River Bridges**

Dustin Rouse presented the Speed Limit Recommendation, US 191P-45 from Old US 10 to Yellowstone River Bridge to the Commission.

The speed samples show the 85th percentile at or above the posted speed limit with an exception near the Old US 10 intersection. This is likely due to the presence of the nearby stop-controlled intersection. The current posted speed limit is near the middle of the pace or near the lower end of the pace in most locations. This information suggests the posted speed limits are matching current driver behavior. From our experience a reduction in the speed limit would be an artificial attempt to change driver behavior and would be unsuccessful.

The Big Timber Council and Sweet Grass County Commissioners disagree with the "No Change" recommendation. No further comments were provided besides the desires indicated in the original request. Both emails are attached.

MDT recommends the following:

"No Change" to the previously approved speed zone layout.

Commissioner Aspenlieder moved to reconsider this on December 16th agenda and to take no action on Agenda Items 10 & 11, and to postpone the decision until December 16th meeting.

Tabled.

**Agenda Item 12: Certificates of Completion
July & August, 2021**

Jake Goettle presented the Certificates of Completion for July & August, 2021, to the Commission. We are presenting them for your review and approval. If you have any questions or comments, please feel free to ask. Staff does recommend approval.

Commissioner Frazier said we are finally completing Swamp Creek East. All I can say is this is the project that would just never go away. I think it's been around for 25 years or longer; it started in 1985. I am breathing a sigh of relief with that one. Thank you.

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

The motion passed unanimously.

**Agenda Item 13: Design Build Stipend Amount and Justification
 SF 189 HLNA HT Median Cable Rail,
 HSIP 15-3(110)187, UPN 9796000
 SF 189 D2 HT Median Cable Rail,
 HSIP STWD (744), UPN 9797000
 SF 199 MSLA HT Median Cable Rail,
 HSIP 90-2(164)96, UPN 9839000**

Jake Goettle presented the Design Build Stipend Amount and Justification for SF 189 HLNA HT Median Cable Rail, HSIP 15-3(110)187, UPN 9796000; SF 189 D2 HT Median Cable Rail, HSIP STWD (744), UPN 9797000; SF 199 MSLA HT Median Cable Rail, HSIP 90-2(164)96, UPN 9839000 to the Commission. We are presenting for your review and approval the proposed build stipend and selection criteria for three safety projects. These were presented to you in September 21st Commission meeting as a design build delivery through the project delivery selection tool that we use. This is the next step to get your review and approval on the stipend and selection criteria. The following is a summary of the recommended stipend amounts for the three high-tension median barrier rail projects:

- 9839000 In Missoula I-90 from MP96.0 – MP144.0 (48 miles)
- 9797000 In District 2 on I-15 from MP116.0 - MP134.1 (18.1 miles) and then I-90 from MP208.3 – MP 219.0 & MP 227.0 – 230.5 (14.2 Miles) and then I-90 from MP274.8 – MP315.0 (40.2 miles)
- 9796000 In Helena on I-15 from MP174.0 - MP204.0 (30 miles)

This first project that will be delivered is the Missoula area project. In your packet the staff's estimate on the amount of hours it will take to develop the Technical Proposal, the Statement of Qualifications and put together a proposal for the project, we estimate about 1,300 hours at a cost of around \$200,000. The second and third projects will probably be advertised in 2022. We have estimated slightly less hours on these two projects based on the fact that they will have an initial learning curve on the first project that they will utilize on the second and third projects. So we estimated a slightly lower amount for the stipend for those.

9839000	MSLA HT Median Cable Rail, HSIP 90-2(164)96	\$90,000
9797000	D2 HT Median Cable Rail, HSIP STWD (744)	\$70,000
9796000	HLNA HT Median Cable Rail, HSIP 15-3(110)187	\$70,000

The Selection Criteria, Montana Code requires that the Transportation Commission approve the selection criteria we are going to use to select the design build firm. We use a best value process to select the firms. We consider the merits of their Technical Proposal and the bid price. On our normal process, on a more complex design we weight the Technical Proposal a little higher to value the firm's design higher than the price. With these three projects, the scope of the design is fairly limited and is a fairly easy design to do. The staff is recommending 60% weight on the Technical Proposal and 40% weight on the price. It still requires a quality design with this weighting but puts a little higher emphasis on the price.

Recommendations for Commission Approval

Stipend Amount: Staff recommends award of the following stipend amounts to the unsuccessful responsive firms:

- \$90,000 for the initial HT Median Cable Rail project (9839000)
- \$70,000 for the two subsequent FY 2022 projects (9796000 & 9797000)

Selection Criteria: Staff recommends for all three HT Rail projects based on a 60-percent (Technical Proposal) / 40-percent (Bid Price Proposal) weighting to determine the best value firm

Commissioner Aspenlieder said it is my understanding that this is the first time on a project like this that we've done a design build, why are we doing it on this type of a project. Jake Goettle said we've had some success with our other safety projects and this being a safety project, there is a good pot of money in the Safety Program and this is a fast way to deliver a project. It is just complex enough that the teams will have to design the median and regrade the median. It's an interesting project to do design build because it is a limited design but there is some design to it. Then also the speed of delivery of the safety funds. Commissioner Aspenlieder said I love seeing these design build projects come out. I appreciate you guys thinking outside the box on this type of a project for consideration. My hope is that as we use these alternative delivery styles and expand our willingness to consider using them on other projects that we haven't historically done that on that leverage the private sector to come up with some creative ways to deliver in a rapid manner. So I appreciate the consideration of this

Commissioner Sansaver moved to approve the Proposed Design Build Projects: SF 189 HLNA HT Median Cable Rail, HSIP 15-3(110)187, UPN 9796000; SF 189 D2 HT Median Cable Rail, HSIP STWD (744), UPN 9797000; SF 199 MSLA HT Median Cable Rail, HSIP 90-2(164)96, UPN 9839000. Commissioner Aspenlieder seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Project Awards: October 14, 2021, Letting

Jake Goettle presented the Projects Awards for the October 14, 2021, Letting to the Commission. There were four contracts in this letting, however, I'm just going to present the two exigency projects to you today.

Call No. 102. *East Fork Bitterroot five mile SE of Connor.* Engineer's estimate was \$539,528.00. We had three bids on this contract. The low bid was L&J Construction Group, LLC, out of Ennis. They bid \$853,150.00. They were 58.13% over the Engineer's Estimate, outside the guidelines for award. They did include DBE participation of 63.77%.

In the packet of information we did do an Engineer's Estimate analysis on a few items and also got a response from the contractor on this bid. To note a couple of things in our Engineer's Estimate – the mobilization bid was little higher than we like to see but this is a relatively remote location and an expensive area to house workers. It is 95-day contract and they will be there for a while. The item of Class B Bridge Deck Repair, there are a few incidental items included in that and when we did the Engineer's Estimate we used our historic bid prices for the Class B repair and did not necessarily account for those incidentals. It's a new type of concrete, rapid set concrete, which is not always used in Class B repair. In this case the curb and rail on the bridge have to be removed and replaced which is not normal for Class B repair, so that is an increased cost for this bid item. Really the key factor for us is the fact that we got three responsive bids and really indicates the cost of this project to us.

Call No. 104. *Lame Deer Area Fire Repairs.* The Engineer's estimate was \$656,926.00. We had one bidder on this contract. Widkey LLC, out of Kalispell. They bid \$1,449,315.45. They were 120.62% over the Engineer's Estimate, outside the guidelines for award. They show no DBE participation on this contract.

There was an Engineer's Estimate analysis on this and a response from the contractor. When this was a declared an exigency project, there was a concern for animal/vehicle collisions on the road because some of the fence was down and there are cattle in the area. Since then the cattle have been mostly moved out and where they haven't there is temporary fencing that was put up by our maintenance staff or the landowners. So that risk is reduced pretty drastically. With this project and without a competitive bid, we just weren't comfortable awarding this.

Staff Recommendation: Staff recommends award of Call No. 102 and rejection of Call No. 104.

Commissioner Sansaver said I talked to Shane this morning about this situation and he totally agrees it should be rebid. He also spoke to the contractor and the folks in Lame Deer. Right now we don't have any further concern about the animals out there and we can wait until next spring and get different bids. He totally concurs with the staff recommendation.

Commissioner Sanders moved to approve the staff recommendation and award Call No. 102 to the responsive bidder, and rejection of Call No. 104. Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 14 Directors Discussion & Follow-up

Kevin Christensen Retirement

Director Long said I want to say that we're going to miss Kevin Christensen. He has been an incredible part of MDT. All of us spend our life time doing our life's work and as a relative newcomer to this department I have been blessed, thankful, and grateful to have Kevin. From the first day Kevin and Lori stayed late and welcomed me and it's been wonderful. I'm going to miss Kevin. Thank you for 30 years of service. Thank you for all you've done for MDT and the state, contractors, and the different districts. Thank you Kevin.

Kevin Christensen said I am so proud and honored to have been part of this department. This agency does amazing work and there are amazing people that work here; the best people I've ever been associated with work at this department. I'm going to carry that with me forever. It's very surreal for me right now – I've spent half my life here, so it's weird. I would like to say to the Commission that I've been associated with a lot of different Commissions and by far this is the highest qualified, most engaged Commission bar none. I applaud you for that. You are not a rubber stamp Commission, you question us, you keep us on our toes and that is a good thing. The last thing I'd like to say in walking out the door I feel like I'm leaving the place better than I found it. I have a ton of faith in Matt, Julie, Dwane and the Administrative staff; I think the department is in good hands. Thank you all.

Dwane Kailey, New Chief Operating Officer

Director Long said I'd like to also say thank you to Dwane Kailey. We have an incredible depth and breadth here at MDT. We looked, we interviewed, and Dwane will be a wonderful next Chief Operating Officer. As a new Director we have incredible depth, thus Jake, Ryan, and everyone jumped right up so it wasn't like "what are we going to do next", it was seamless. As a Director coming in, you couldn't ask for better, the department is well positioned. In my opinion, they are the best of all the departments. Julie and I were just meeting with the Governor and I reiterated that again which I do every chance I get.

Budget Resolution

We are waiting for the Feds on the budget resolution. The Senate Infrastructure Bill, though maybe not as much infrastructure as we like, it would still be really good for our state; it would help both our Construction Program and especially our Bridge Program. To allude to what Commissioner Aspenlieder said, we need more money – we need more bridge money and Senator Tester put that in the bill and it would really help our Bridge Program. Who knows what happens and how it gets through, that's beyond our guess. We do have a five-state coalition, and we all help contribute a little bit to a lobbyist who is a Washington insider. He's been there for 30+ years, a great well-respected Lawyer on transportation issues and we give a small stipend to him along with the five surrounding states. He is wonderful at giving us emails almost two to three times per week whenever something happens. It has been fun learning from him and even he is shaking his head. Who knows what is going on back there. It's anybody's guess.

Traveling the State

Julie and I and Dwane have been traveling the state, we went to MACO a couple of weeks ago. We go to Billings the first week in November to meet with contractors and legislators. It has been fun to talk to the two different groups. The contractors want the money, they always say they can handle more. They have the same concerns we have. We have a limited employment pool and we can't be everywhere and do everything and we're seeing that in some of our bids. They are starting to get selective. I say that and yet we'll see what happens in November. We have big letting coming up in November. Contractors are like a football team, every year is a whole new year – forget all the mistakes and successes we made, we start all over.

Recruitment

We have definite spots in the state where recruitment is tougher, like in Kalispell trying to find people. We're working on it, we're trying to be innovative and creative.

Lake County Meeting

Dwane and the Lt. Governor got on a plane and went to Lake County who was saber rattling saying we're not going to follow MDT, this is a county issue. Dwane and Lt. Governor found out that it is a county issue but it is also our issue and we're going to work together. It's an interesting issue, FHWA says that MDT is in charge of things but the county is saying this is a county road, so how do we exert some authority without being heavy handed. It will be interesting. They have another meeting set up. You've taken something that could not be good and made it at least an option.

MCA Build Montana Program

Commissioner Aspenlieder said I know the Contractor's Association has reached out to you about their Build Montana Program, can you speak to that to some extent. I know nothing has been finalized but can you speak to the interest they had.

Director Long said they started Digger Days and we're going to meet with the gentlemen from RDO in Billings who is kind of spear heading that. We like it and we want to support it; it's good for all of us. So any way we can support the MCA and support Build Montana. In my opinion it's like Driver's Ed, you have to start in Jr. High, you need to start talking to these people in Jr. High saying this is a good career and a good path to follow. I'm an example of a poor, silly Bobcat guy who got an Engineering Degree and the next thing I know I get to be here with this wonderful group of people.

Commissioner Aspenlieder said I would encourage people to reach out and make sure that meeting is actually set because as of last week, it was not. There was no confirmation on that meeting actually being set. So please follow up and make sure that meeting is set because Adam is not always there and it is important for him to be there. From my perspective, I would encourage the department ... Rob and I talked about their interest in incorporating, not just the contractors in an apprenticeship project, but also opening it up to expose them to what we do at MDT. Not just the engineering side but also the maintenance side. As the son of the maintenance guy and section man for 30+ years, it is a great career and a great opportunity. I would encourage us to find ways to incorporate them. They are not asking for money but any way we can expose those apprentices to what we do on our side not just on the engineering side but also particularly on the maintenance side of thing; I would encourage us to find way to participate and help them expand their program.

Director Long said we will do that, that's a good idea. Knife River took two of the first apprentices and have them working and the Governor likes to tout that. Both of them are now the bigger bread winners of their family. They are both Crow Tribal members that are enjoying it and Knife River is grateful too. They learned, they took it seriously and they have great employees.

Commissioner Sansaver said I've worked with Jake and Justin and Dwane, very sound people. I want to say from this Commissioner's standpoint, I would really like to see them advance to the next point. I think that's fair to the rest of the group and as Dustin pointed out, very qualified people for those positions. From my experience in the last four years I've really enjoyed their outlook and leadership and their opinion. They are very sound people to have in those positions. Kevin Christensen said back when I was Field Project Manager, Jake and Dustin were on my crew. Sitting here as the COO and looking across the table and seeing those two, talk about pride, I'm very proud of that.

Agenda Item 15: Change Orders July & August 2021

Jake Goettle presented the Change Orders for July & August, 2021, to the Commission. These are informational only. If you have any questions, please feel free to ask.

Jake said that Commissioner Aspenlieder spoke prior about how we set up Job Order Contracts (JOC's) and how you want them to operate in the future. The ideal way to set up the JOC's is to have them set up in the TCP as a project but we also need to include line items in subsequent years. If our intent is to award a contract with the full intent that we continue that contract and add on to that contract, we need to be reflecting that in our plan and in the TCP as we go forward. Again to an extent Bridge is doing that, and it was actually in the TCP. The intent is the contractors bid that and then whatever price we get for those particular items they will be constructing that current year, we carry forward that price into subsequent years. In transparency and in order to make sure our plan accommodates those JOC's, adding line items in for the year after that is an appropriate way to be able to track that into the future. On one of the bridges where we did several change orders, we added in subsequent years – and that is the intent as we develop contracts. I want the Commission to understand how we approach those and how we intend to track those in the future.

Dwane Kailey said we awarded the contract and then we just kept adding on change orders to it, but there is a plan behind it. They are including additional amounts in future years so we can track that and we expect those change orders. The thing we need to work on is making sure those change order are in line with whatever that site is and we're not exceeding that. Commissioner Aspenlieder said that was the crux of

my question with respect to what we signed on that bridge. I didn't have anything to look back and see what the actual plan and budget was. If we could have some kind of update on the JOC's and see how they align with the global budgeting.

Commissioner Frazier said a total that caught my eye was that Billings lead the way with four million in change orders. I was curious as to what lead to that. Jake Goettle said this is the Busby East Project. As the project proceeded through design, we had the design in place, we advertised it, it was let and we awarded it. But when we got out to the field, the roadway had deteriorated much faster than we thought so we changed the scope of the work and added additional reconstruct to it. It was a partial reconstruct and we lengthened the reconstruction to address those portions that had fallen apart.

Director Long said we happened to be visiting in that District at the time that hit and we were harping on change orders and then this showed up. That was significant. It was a good reminder for us when we're planning projects that it takes time between the initially field review and scope the project to when we actually bid the project, we need to get back out and verify that the conditions haven't changed. I think that may have been the case here. So a verification before that went out to contract would have been helpful. It had considerably deteriorated in the time from when they were out there on the ground to when we actually awarded it to a contractor.

Commissioner Sanders said on page 5, most of the time we see change orders of about 10% total change but on this one it's about a 20% raise on Rogers Pass NE. It says due to significant change and character work, but could you tell us what that character work is. Jake Goettle said we've talked about some of the crack sealing projects we've had in the past where we go out and estimate the number of cracks that get filled and when they go out in the field and start filling those cracks, sometimes the quantity expands. That is the case in this. Similar to the Busby Project, it changed from the time of scope and what we included in the package to work that was completed on the ground.

Agenda Item 16: Liquidated Damages

Dwane Kailey presented the Liquidated Damages. These are being presented for your information. We had one this month, they are not disputing it.

Next Commission Meeting

The next Commission Conference Calls were scheduled for October 26, 2021, November 9, 2021 and November 30, 2021. The next Commission Meeting was scheduled for December 16, 2021.

Adjourned

Meeting Adjourned

Commissioner Frazier, Chairman
Montana Transportation Commission

Malcolm "Mack" Long, Director
Montana Department of Transportation

Lori K. Ryan, Secretary
Montana Transportation Commission