

Montana Transportation Commission

**April 21, 2022 Meeting
Commission Room
2701 Prospect Avenue
Helena, Montana**

IN ATTENDANCE

Loren 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
Dwane Kailey, Chief Operations Officer, MDT
Lori Ryan, Commission Secretary
Dustin Rouse, Acting Chief Engineer, MDT
Jake Goettle, MDT
Val Wilson, MDT
Rob Stapley, MDT
Darin Wilson, MDT
Rod Nelson, MDT
Bob Vosen, MDT
Chris Nygren, MDT
Ryan Dahlke, MDT
Larry Flynn, MDT
Megan Handl, MDT
Sheila Ludlow, MDT
Paul Johnson, MDT
Carol Strizich, MDT
Lucia Olivera, FHWA
Brian Hasselbach, FHWA
Zach Ringsak, Senator Tester’s Office
Marilee Brown, GAP, Bozeman
Ralph Zimmer, Bozeman
Montana Perpetual Pavement Award
Amy Miller, National Director, Asphalt Pavement Alliance
Dave Johnson, Asphalt Institute
 Jackson, Jeff, MDT
 Berg, DJ, MDT
 Yerger, Miles, MDT
 Davies, Jim, MDT
 Metcalf, Oak, MDT
 Needham, Matt, MDT

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 Commissioner Sansaver gave the Invocation. Commissioner Frazier asked for introductions.

Approval of Minutes

The minutes for the Commission Meetings of February 1, 2022, February 17, 2022, February 22, 2022, March 8, 2022, and March 22, 2022, were presented for approval.

Commissioner Aspenlieder moved to approve the minutes for the Commission Meetings of February 1, 2022, February 17, 2022, February 22, 2022, March 8, 2022, and March 22, 2022. Commissioner Sanders seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 1: Local Construction Project on State Highway System – Local Forces City of Billings and Park County

Rob Stapley presented the Local Construction Project on State Highway System – Local Forces, City of Billings and Park County to the Commission. Under MCA 60-2-110 “Setting priorities and selecting projects,” the commission shall establish priorities and select and designate segments for construction and reconstruction on the national highway system, the primary highway system, the secondary highway system, the urban highway system, and state highways. This statute exists to ensure the safety of our system, protect transportation investments, and encourage better coordination between state and local infrastructure improvements. MDT staff reaches out to local governments to solicit local projects on state systems to ensure compliance with this statute.

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

When complete, the City of Billings and Park County will assume all maintenance responsibilities associated with new project elements. Thus, MDT will not incur additional liability or maintenance costs as a result of the proposed projects.

On behalf of the local governments, as required by MCA 60-2-110, staff requests that the Transportation Commission approve the local projects listed below.

Location	Type of Work	Cost (estimate)	Fiscal Year	Type of Labor
Montana Avenue (N-113), at the 25th Street intersection, in Billings	Ped Crossing Signal (RRFB)	\$50,000	2022	Local
Billman Lane (U-7414), from Willow Drive to Miller Drive, in Livingston	Mill & Overlay	\$20,000	2022	Local
Front Street (U-7404), from Main Street to Star Road, in Livingston	Chip Seal	\$50,000	2022	Local
Star Road (U-7404), from Front Street to Fleshman Creek Road, in Livingston	Chip Seal	\$50,000	2022	Local
Fleshman Creek Road (U-7404), from Star Road to Urban Limit, in Livingston	Overlay, Chip Seal	\$130,000	2022	Local
Old Clyde Park Road (U-7406), from Willow Creek Road to Riverside Drive, in Livingston	Mill & Overlay	\$50,000	2022	Local

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

Commissioner Aspenlieder moved to approve the Local Construction Project on State Highway System – Local Forces, City of Billings and Park County. Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item 2: Local Construction Projects on State Highway System
Flathead Lake Lodge – Bigfork**

Rob Stapley presented the Local Construction Projects on State Highway System, Flathead Lake Lodge – Bigfork 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.

Flathead Lake Lodge

Bigfork Flathead Lake Lodge is proposing modifications to MT-35 (P-52) in order to improve safety and reduce potential conflicts between vehicles and non-motorized traffic near their property (south of Bigfork). Proposed improvements include the construction of an equestrian overpass that will replace an existing (signed) at-grade crossing.

MDT headquarters and Missoula District staff have reviewed and concur with the recommended improvements. Flathead Lake Lodge 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, Flathead Lake Lodge will assume all maintenance and operational responsibilities associated with the proposed improvements.

Summary: Flathead Lake Lodge is proposing modifications to the Primary Highway System to improve safety and reduce potential conflicts between vehicles and non-motorized traffic near their property (south of Bigfork). Proposed improvements include the construction of an equestrian overpass that will replace an existing (signed) at-grade crossing.

Staff recommends that the Commission approve this modification to MT-35 (P-52) pending concurrence of MDT’s Chief Engineer.

Commissioner Aspenlieder said when you look at this proposal with the overpass, are we taking into consideration potential impacts of oversized loads or traffic or things like that? What consideration has been given to that? Have we been presented with a design that is sufficient to analyze that at this point? Dwane Kailey said any of these that end up going through MDT, we would review that aspect. We look at the corridors, look at the loads that would be going through the corridors and make sure they would pass the necessary loads through that route. This one is actually unique. We did an Environmental Assessment (EA) in this area a number of years ago and the EA actually included this in the environmental document. So this has actually

been through public input, public involvement, and everything already.

Commissioner Aspenlieder said I'm not as familiar with this area but do we see much in the way of heavy loads or oversized loads on this corridor. Dwane Kailey said no, Hwy 35 is very narrow and very restricted in height, and is parallel to US 93, so most over-sized loads would use 93 not 35 in this location.

Commissioner Fisher moved to approve the Local Construction Projects on State Highway System, Flathead Lake Lodge – Bigfork. Commissioner Sanders seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 3: Highway Safety Improvement Program – Additions to HSIP Program (2 New Projects)

Rob Stapley presented the Highway Safety Improvement Program – Additions to HSIP Program (2 New Projects) 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 two new projects to the HSIP program – one in District 1 (Finley Point LTL) and one in District 5 (Hysham Hills VMS). The projects on the attached list 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 \$1,492,188 (\$1,342,969 federal + \$149,219 state match) – with the entirety of the federal funding originating from the Highway Safety Improvement Program.

Summary: MDT is requesting Commission approval to add 2 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 \$1,492,188 (\$1,342,969 federal + \$149,219 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 Aspenlieder moved to approve the Highway Safety Improvement Program – Additions to HSIP Program (2 New Projects). Commissioner Sanders seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 4: Secondary Roads Program Additions to STPS (2 New Projects)

Rob Stapley presented the Secondary Roads Program, Additions to STPS (2 New Projects) to the Commission. The Surface Transportation Program – Secondary (STPS) finances highway projects on the state-designated Secondary Highway System.

Secondary Roads are those routes that have been selected by the Montana Transportation Commission to be placed on the Secondary Highway System.

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

At this time, MDT is proposing to add two new projects to the STPS program – one in District 2 (Southwest of Grant - Southwest) and one in District 5 (North of Benchland – North). The projects meet the criteria set forth for STPS-funded projects. If approved, it would be MDT’s intention to let these projects individually.

The estimated total cost for all project phases is \$15,930,031 (\$13,792,224 federal + \$2,137,807 state match) – with the entirety of the federal funding originating from the Secondary Roads (STPS) Program.

Summary: MDT is requesting Commission approval to add two new projects to the Secondary Roads 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 \$15,930,031 (\$13,792,224 federal + \$2,137,807 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 these STPS projects to the highway program.

Commissioner Sanders moved to approve the Secondary Roads Program, Additions to STPS (2 New Projects). Commissioner Aspenlieder seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item 5: Bridge Program Projects
Additions to Bridge Program (3 New Projects)**

Rob Stapley presented the Bridge Program Projects, Additions to Bridge Program (3 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 three (3) new projects to the Bridge Program.

Project information is shown on Attachment A. If approved, it would be MDT’s intention to let these projects individually. The estimated total cost for all project phases is \$8,174,574 (\$7,077,553 federal + \$1,097,021 state match).

Summary: MDT is requesting Commission approval to add three (3) new projects to the Bridge Program. The breakdown of project costs (by program) is listed below:

Surface Transportation Bridge (STPB) Program	\$2,325,170
National Highway Performance Bridge (NHPB) Program	\$5,849,404
	\$8,174,574

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 why these projects were not in the TCP. Are these inspection based that we just found? What's the reasoning? Justin Rouse said throughout the year, you will see new projects added to the program. You are correct, when scour issues are identified through our inspection process that will prompt us to look at adding projects to the program. The type of counter-measure that is listed on all of these bridge scour counter-measures will be determined through the design process once you approve these projects and then go into a more detailed design to determine what that scour counter-measure will end up being. Back when we did the TCP in October, this was not on our radar and was something that was picked up through inspection, so we continue to add these as needed. Like any project you will see throughout the years, we're also reviewing our new projects that will end up being in next year's TCP as well.

Commissioner Aspenlieder asked what the net impact of the projects we tentatively scheduled in the TCP – where would these fall and what pushes and what bumps? How does this impact the timber bridges we actually did schedule? We only scheduled 55 of them for the next five years in the TCP, so what is the net impact on that? Justin Rouse said every year included in the TCP that you approved we have an emergency program that helps us address issues that come up that we need to take action on this fiscal year. We use that program to address those. So there would be no impact to the rest of the program and potentially some impact to the remainder of the program depending on how large our response is. Sometimes we have to address issues that arise or we risk losing our structures. So we have a program in place to address the ones that come up that have to be immediately addressed. Depending on what we find when we look into these, they could be an extra project depending on the risk we assess there. These projects would very likely increase what we're seeing in the IAJA funding and could be absorbed with the additional funding, so I don't anticipate that there would be any impact to what you approved in the TCP in the bridge program.

Commissioner Sanders moved to approve the Bridge Program Projects, Additions to Bridge Program (3 New Projects). Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 6: Urban Pavement Preservation Program Additions to UPP Program (5 New Projects)

Rob Stapley presented the Urban Pavement Preservation Program, Additions to UPP Program (5 New Projects) to the Commission. The Urban Pavement Preservation (UPP) program provides funding for pavement preservation work on urban routes throughout the state. MDT Districts work with local governments to advance nominations that align with system needs (as identified by local pavement management systems).

At this time, the Missoula District, the Butte District, and the Great Falls District are requesting Commission approval of Urban Pavement Preservation projects in Kalispell, Bozeman, Butte and Great Falls. The projects meet the criteria set forth for

UPP-funded projects. If approved, it would be MDT's intention to let these projects individually.

The estimated total cost for all project phases is \$6,565,879 (\$5,684,745 federal + \$881,134 state match) – with the entirety of the federal funding originating from the Urban Pavement Preservation (UPP) program.

Summary: MDT is requesting Commission approval to add 5 projects to the Urban Pavement Preservation 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 \$6,565,879 (\$5,684,745 federal + \$881,134 state match) – with the entirety of the federal funding originating from the Urban Pavement Preservation (UPP) program.

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

Commissioner Frazier said in our TCP Plan we approved last fall there is a plugged number for pavement preservation, so this is just naming those that are already funded. Correct? Justin Rouse said there is an entire separate program for this. There are plugs for pavement preservation in the core of that plan but there is a separate program dedicated to urban pavement preservation.

Commissioner Sansaver moved to approve the Urban Pavement Preservation Program, Additions to UPP Program (5 New Projects). Commissioner Sanders seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item 7: Woodville Hill Abandonment Fund –
Expenditure Request – Mercury Street
Improvement Project – Butte**

Rob Stapley presented the Woodville Hill Abandonment Fund – Expenditure Request – Mercury Street Improvement Project – Butte to the Commission. On February 1, 1978, the Transportation Commission entered into an agreement with the Anaconda Mining Company to abandon a portion of US-91 (near the Berkley Pit) in exchange for the sum of \$1,800,000. With the execution of this agreement, the Woodville Hill Abandonment Fund was created – with the intended purpose of promoting transportation-related improvements that would benefit the traveling public in the Butte area.

Per the terms of the agreement, project priorities are advanced by local officials (from the Butte-Silver Bow government) – with final approval of expenditure requests granted by the Transportation Commission. The current balance of the Woodville Hill Abandonment Fund is estimated to be \$52,000.

At this time, officials from the Butte-Silver Bow government are requesting approval to use the remainder of the Woodville Hill Abandonment Fund (\$52,000) to help offset costs associated with a reconstruction project on Mercury Street in Butte.

The total estimated cost for all construction phase activities is \$1,345,000. It should be noted that the Transportation Commission previously approved construction

activities at this location and delegated its authority to let, award and administer the contract for this project to Butte-Silver Bow on February 18, 2021.

Staff recommends the Commission approve the Butte-Silver Bow government request to utilize the remainder of the Woodville Hill Abandonment Fund balance of \$52,000 to help offset costs associated with the Mercury Street Improvements project in Butte.

Commissioner Sanders moved to approve the Woodville Hill Abandonment Fund – Expenditure Request – Mercury Street Improvement Project, Butte. Commissioner Aspenlieder seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 8: Montana Rest Area Plan Rest Area Plan Map – Annual Update

Rob Stapley presented the Montana Rest Area Plan, Rest Area Plan Map – Annual Update to the Commission. Montana’s Rest Area Plan, which provides the statewide vision for MDT’s Rest Area Program, was formally adopted by the Transportation Commission on January 29, 2015. The Rest Area Plan offers comprehensive guidance for addressing needs associated with Montana’s full-time rest areas, seasonal rest areas and truck parking facilities.

Beginning in 2009, MDT initiated changes to the Rest Area Program in order to facilitate more efficient delivery of Rest Area projects. First, a dedicated annual funding source was reserved solely for Rest Area projects. Second, the Statewide Rest Area Prioritization Committee was formed to assist with implementing asset management strategies and establishing project priorities. Lastly, research was conducted to support the various aspects of Rest Area planning and design.

Though still evolving, MDT’s Rest Area Planning efforts have demonstrated effectiveness in meeting public expectations for rest areas in the most efficient manner possible. MDT annually updates technical changes to the Rest Area Planning Map (Attachment A) that are necessary to reflect developments since the last review. These changes are consistent with the guidance of the Commission-approved Rest Area Plan.

As part of the Rest Area Plan, MDT is providing a map (Attachment A) noting the location and status of Rest Areas and Parking Areas statewide. Per the Rest Area Plan, this map is updated annually to provide a Rest Area status report to the Transportation Commission.

The proposed update to the Rest Area Planning Map is consistent with the goals and objectives identified in the Performance Programming Process (PX3) as well as the policy direction established in TranPlanMT.

Additionally, the Rest Area Plan Map aligns with the State of Montana’s Vision Zero safety initiative as well as MDT’s ADA Transition Plan. Lastly, the plan is consistent with key elements of national highway legislation emphasizing the safe operation of passenger vehicles and trucks hauling freight.

Staff recommends the Commission approve the updates to the Montana Rest Area Planning Map.

Commissioner Sanders said it looks like three different areas have been identified that need rehabilitation. Do you know the details of each of those – Armington Junction, Bad Route, and Hardin? Rob Stapley said I don’t know off the top of my head but I

can get that information for you. Commissioner Sanders said I'm curious to see what we are doing to those locations. Paul Johnson said at Hardin it would be a reconstruction of the existing facility. Basically that means we're going to go out and reconstruct all of the elements of that particular rest area. The reconstruction recommendation came about because of some very poor geometrics and some extreme ADA issues and basically the age of all the facility elements. At Armington Junction we are looking at a rehabilitation of the existing facility. It is actually going to be updated in conjunction with the roundabout project. There are a few loose ends related to that particular facility that the rest area rehab will mop up in addition to upgrading the facility but we are going to try and salvage as much as we can and basically integrate that rest area into the new community that is associated with the roundabout project that's going in with that reconstruction project at that particular intersection. Bad Route is an older facility but there are some elements of that particular rest area that can be rehabilitated. We're looking at the waste water system and the wells and it looks like there are some elements we can save, so basically that is going to be a rehabilitation project.

Commissioner Sansaver said we have a number that are non-MDT maintained rest areas. How do we go about the work – do we contract that out? Are these MDT built and then contracted out for maintenance? Paul Johnson said we do have some facilities that are not MDT facilities. On the map, the facilities that are shown in blue are MDT facilities. Those facilities work through the Rest Area Prioritization Committee which includes representatives from Planning, Engineering, the Districts, and Facilities. Those strategies and funding sources are prioritized through that committee. The rest areas in red are part of the City Park Rest Area Program. Each year those rest areas will solicit funding from the City Park Rest Area Program. We have a small pot of supplemental funds and they submit requests to us which are reviewed annually by MDT staff. We typically give them what they ask for. Maintenance at those facilities is through that small pot of money allocated to the City Park Rest Area Program which is completely separate from the Rest Area funds in the TCP. Right now we are starting to receive requests for funding. We will sift through those and grant those that are appropriate. Usually those folks get about 90-95% of what they ask for.

Commissioner Sansaver asked if we build those rest areas or do the communities build them? Paul Johnson said City Park Rest Area funding is only for maintenance activities, we do not participate in capital construction. It's up to the local areas to build the facility and then we will assist with maintenance activities. MDT does not construct those rest areas. It is up to each of those communities to do the initial construction and then request funding for supplemental activities associated with maintenance through the City Park Rest Area Program.

Commissioner Sansaver asked if those facilities are approved by MDT prior to building. Paul Johnson said if they are independent facilities that are not tied to any of our infrastructure and are off on their own, they can have whatever standards they want. Typically they have some involvement or tie to our system and in those cases they have to align with our engineering requirements in that particular area. To some degree they have the independence to build the facility as they want; the only requirements would be, if they want to continue to be part of that City Park Rest Area Program they have to adhere to access requirements. They have to be consistent with what we're trying to do as far as roadway requirements. So they are built independently but they do have to align with our vision as far as Access ADA, etc., in order to be eligible for those City Park Rest Area funds.

Commissioner Sansaver moved to approve the Montana Rest Area Plan Map – Annual Update. Commissioner Aspenlieder seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Elected Officials / Public Comment

Zack Ringsak, Senator Tester's Office

I work with Senator Tester's Office in Butte and I handle transportation issues. I would like to say it is good news about Mercury Street in Butte because it definitely needs it.

Agenda Item 9: Construction Project on State Highway System – Scenic Vistas Subdivision – East Helena

Rob Stapley presented the Construction Project on State Highway System – Scenic Vistas Subdivision – East Helena 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.

Scenic Vistas Subdivision – East Helena

Able Planning LLC is proposing modifications to Canyon Ferry Road (S-430) near East Helena to address traffic generated by the Scenic Vistas Subdivision project. Proposed improvements would include the construction of a new East-bound right-turn lane on Canyon Ferry Road at the Holmberg Drive intersection.

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

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

Summary: Able Planning LLC is proposing modifications to the Secondary Highway System to address traffic generated by the Scenic Vistas Subdivision near East Helena. Proposed improvements would include the construction of a new EB right-turn lane on Canyon Ferry Road at the Holmberg Drive intersection.

Staff recommends that the Commission approve this modification to Canyon Ferry Road (S-430) - pending concurrence of MDT's Chief Engineer.

Commissioner Frazier asked if this was a right turn and deceleration right-turn lane. Dustin Rouse said he would have to verify that. Commissioner Frazier asked if MDT Traffic Engineers have looked at it. Dustin Rouse said they have and recommended the proposal.

Commissioner Aspenlieder moved to approve the Construction Project on State Highway System – Scenic Vistas Subdivision – East Helena. Commissioner Sanders seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 10: Speed Limit Recommendation North Main Street (S-275) Deer Lodge

Dustin Rouse presented the Speed Limit Recommendation, North Main Street (S-275) Deer Lodge to the Commission. The city of Deer Lodge with the support of the Powell County Sheriff, the Chief of Police and the Superintendent of the Grant-Kohrs National History site submitted a request for a speed study for the purpose of evaluate the feasibility of reducing the 45-mph speed limit along Secondary 275, North Main Street, from the I-90 interchange south to the city limit boundary.

The speed profile provides support to reducing the 45-mph zone within the commercialized segment from the I-90 interchange to the intersection with Buckskin Drive. Both the 85th percentile speeds and the upper limit of the pace show traffic is operating at speeds around 35-mph. After Buckskin Drive to the beginning of the 35-mph speed zone, the 45-mph speed limit is consistent with or below the prevailing travel speeds.

Comments were received from the Powell County Commissioner for District 3 via email. The Commissioner for District 3 believes that the existing speed limits are still relevant and doesn't necessarily support the change in lowering the speed limit.

Comments were also received from multiple individuals via an email from Trent Freeman the Public Works Superintendent of the City of Deer Lodge. In summary the people of Deer Lodge support the speed reduction from 45-mph to 35-mph. However, there is a desire to remove the 45-mph speed zone between the existing 35-mph speed zone and the new proposed 35-mph speed zone. If you look at a the map, it makes it a little more clear but from the interchange with I-09 to Buckskin is currently 45 mph and through that stretch we are recommending to drop that to 35 mph. After that there is a curve and it stays 45 mph and our recommendation is we could leave it at 45 mph but it is a fairly short section at 45 mph and then you'd drop back down to 35 mph again. That is the local groups concern and their request is to maintain the 35 mph throughout.

MDT does not oppose the local community members request to continue the 35-mph speed limit from the existing 25/35-mph transition to the Interstate. Speed statistics do not necessarily support this reduction, but it would remove the possibility of driver confusion and provide a consistent speed limit.

MDT proposes the following special speed zone in agreement with local comments:

A 35-mph speed limit beginning at the beginning of S-275 (straight-line station 0+00) and continuing west to the existing 25-mph speed zone (straight-line station 47+00), an approximate distance of 4,700-feet (0.89-miles).

Commissioner Sanders said the Powell County Sheriff's Office had a comment that we don't use local information as far as statistics. Is that true? The Montana Highway Patrol statistics are the only thing we gather as far as citation, crashes, etc., or do we actually the local input as well? Dustin Rouse said that is a struggle we deal with state-wide. When we're doing our screenings, we rely on the Montana Highway Patrol and we encourage all local governments to use the same system that is actually in the statute. So if they are not entering their data into that same system, then we do not get it and we struggle having that local information. Commissioner Sanders said they are supposed to use this common system but a lot of times the local law enforcement does not use that. We just pull the data from that one source? Then we don't have a way necessarily to get their data easily? Dustin Rouse said correct. It is not easy. We are currently working with our ISD folks to try to convert some of the data but

unless we can automate that process, it is a nightmare – a lot of manual entry and to transfer that data is very difficult. We're trying to improve that process in the future.

Commissioner Sanders said I applaud you guys and we've talked about using the studies, the statistics from the studies and the data, but also combining them with the boots on the ground folks.

Commissioner Aspenlieder said you mentioned that statutorily the local law enforcement entities are supposed to be entering that data in the data base. Has there been anything done legislatively to try to modify and encourage that? Is there an informational campaign put out to these local jurisdictions making them aware that when they don't use it, it actually impacts their funding on roads and highways if we don't have that for our program? I assume that is not taken into consideration when we look at safety projects across the state. What have we done as an agency to try and make that better known to the County Commissioners and the City Police? Dustin Rouse said from my standpoint, every chance I get I bring this up, when I spoke to MACO and any other engagement. I encourage our District Administrators, District Traffic Engineers that they need to coordinate with the locals. We are encouraging them to get that message out. That is the approach we've been taking – making them aware of this gap and this issue. If we don't have this information it will not trigger safety funds and the potential of them losing out on projects that would certainly be warranted.

Dwane Kailey said our four biggest cities right now are also challenged – Billings, Missoula, Great Falls, and Helena are also in that same boat. They are not using the same system, so they are sending paper copies to MHP. MHP is challenged to have enough staff on hand to hand enter those. So we are working with MHP and we did just reach out to Montana League of Cities and Towns, Executive Director, and she is working with Montana Association of Chiefs of Police, to set up a meeting with the Chief of Police, MDT and MHP so we can sit down and talk about what we can do. MDT has resources and we're using our IT to see if we can build a translator that would electronically convey the data from whatever system the local governments is using and convey that into SMARTCOP which is what MHP is using. We're also looking to see if there are ways that we can aid some of the agencies to actually go into SMARTCOP so we don't need to maintain that translator as things improve and update. We're pulling out all the stops to see what we can do because this is a huge data gap that we have got to fill because it's impairing our ability to work in some of these communities and allocate funding where we need to.

Commissioner Aspenlieder asked if it was a cost issue for local governments and that is why they are not doing it. Is it a staffing cost issue or the cost of the system?

Dwane Kailey said my understanding is that MHP has chosen to use SMARTCOP, and local governments have gone out through their procurement process and ended up buying cheaper easier systems for themselves without recognizing that they don't communicate real well with SMARTCOP. So we're trying to get the local governments to figure out how to build a translator so we can eliminate the paper copies. We want to eliminate the paper copies and have them electronically transfer the data. The challenge is that software is good for about three years and then it updates, so if we could get them all onto a like system it would be much easier and would eliminate the risk for updates in the future. The short answer is yes, I think it is cost because they went with the low bid.

Director Long said it is both. With some of the rural areas, as we've seen in Baker and Wibaux, they just don't have the staff. They have an old system and they don't have the staff. Even our own Highway Patrol, as Mr. Kailey alluded to, are partnering with the DOJ and they didn't even have the staff to manually input data. So we're lending people to them to enter data. Our system is based on that data and that data only, as per statute, and if they are not putting the data in we have troubles. So it's

both in rural areas and computer's talking to each other. We understand it and we recognize it and we're doing what we can to address it.

Commissioner Sanders moved to approve the Speed Limit Recommendation, North Main Street (S-275) Deer Lodge. Commissioner Aspenlieder seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 11: Speed Limit Recommendation Cottonwood Road (S345) – Bozeman

Dustin Rouse presented the Speed Limit Recommendation, Cottonwood Road (S345) – Bozeman to the Commission. Gallatin County submitted two requests for a speed limit study on Cottonwood Road. Based on these requests it was determined the study would begin at the intersection with Huffine Lane and continue to Johnson Road. The main concern was the speed limit transition just south of the roundabout at Stucky Road.

The speed profile shows prevailing speeds along Cottonwood Road match with the set speed limits. The 85th percentile speeds and upper limits of the pace are for the most part within ± 2 -mph of the 50-mph and 55-mph posted speed limits. However, roadway context indicates these speeds are slightly elevated above what should be considered reasonable and prudent. A 50-mph speed limit does not fit the existing urban residential development with a medical center and will become more inappropriate when the development on the east side of Cottonwood Road is completed. Furthermore, the rural segment has travel lanes one to two feet narrower than design standards with no shoulder and a non-traversable ditch. There is also an observed crash trend primarily under adverse road conditions of drivers entering the roundabout at the intersection with Stucky Road at too high a rate of speed.

I want to speak a little bit on the contextual characteristics that we looked at. The National Cooperative Highway Research Program (NCHRP) completed a research for setting appropriate speed limits on rural and urban city streets. The NCHRP Report 17-76 "Development of a Posted Speed Limit Setting Procedure and Tool" considers the contextual aspects of the roadway environment and how it influences operational speed and safety in crashes. The procedure of the tool uses fact-based decision tools that consider both driver speed choice and the general safety associated with the roadway. This means the roadway classification, speed, ADT and other contextual aspects are accounted for in determining the appropriate speed limit.

Within this urban environment, the typical section meets design standards. A non-separated bike lane is present and there is known bike activity. Due to the proximity of the vulnerable road users it was recommended that the closest 50th percentile be used when determining the appropriate speed limit here. The rural environment typical sections do not adhere to current design standards, travel lanes should be 12 foot wide and have a minimum of two-foot shoulders and in this case with the presence of a 10-foot travel lane the 85th percentile is recommended. However, the lack of minimum shoulder indicates that the closest 50th percentile should also be used to determine an appropriate speed limit.

Gallatin County requests that the speed limit within their jurisdiction be set at 45-mph. They cite significant non-motorized use along with the narrow road width and unforgiving roadsides. The county also believes a 45-mph speed limit would further increase speed limit consistency between intersecting roads, the segment south of Johnson Road, and the rest of Cottonwood Road. Although not within Gallatin County's jurisdiction they would appreciate seeing the speed limit within Bozeman

City limits set to 35-mph to better match with North Cottonwood Road. Their letter is attached.

The City of Bozeman has concurred with the findings of the report and supports MDT's recommendations. Their letter is attached

We did receive further comments were received from the public and have been attached. A letter was received from Chad and Ruth Christensen dated February 10th through Lori Ryan on the 17th of February. On the 15th of February a letter was sent by Marilee Brown, Executive Director of Safer Bozeman and Gallatin County. An email was also received from Ralph Zimmer, Ph.D. who is also associated with Marilee Brown and Safer Bozeman and Gallatin County. All comments are in disagreement with MDT's recommendation and provide other recommendations from Gallatin County and City of Bozeman.

MDT recognizes that Cottonwood Road is utilized by both motorized and non-motorized travel. This is a major concern since the bike lane terminates near Farmers Canal forcing riders onto a narrow roadway with vehicles that have been observed traveling between 55-mph and 60-mph. However, MDT did not observe any non-motorized road users when conducting the study. Research performed by MDT shows that speed limits set 5-mph below the engineering recommendation may reduce crashes, but 10-mph below the engineering recommendation shows an increase in the number of fatal and injury related crashes. Further reduction from the proposed 50-mph speed limit which is already 5-mph below the average prevailing speed is not supported at this time.

MDT recommend the following speed limits:

A 45-mph speed limit beginning at the intersection with Huffine Lane (straight-line station 57+00) and continuing south for an approximate distance of 1.19 miles, approximately 950 feet south of the intersection with Stucky Road (straight-line station 120+00).

A 50-mph speed limit beginning approximately 950 feet south of the intersection with Stucky Road (straight-line station 120+00) and continuing south for an approximate distance of 2.81 miles, approximately 250-feet north of intersection with Johnson Road (straight-line station 268+50).

Commissioner Sanders said my question is two-fold – first, there's been a lot of input that north of Huffine is 35 mph, including from the county, and they feel like it should match that on the south side. Can you talk to that? It was brought up to me personally about how come we're not going to match what is going on the north side. Dustin Rouse said in looking at the area within this speed study, there is a development that is in place and is on-going. To date, that development isn't complete and it does not match the north yet. That certainly is something we can look at as it develops but as of now and based on what we're seeing – it wasn't just the 85th percentile and that was our recommendation – we did consider a lot of the factors that were brought up through our contextual review of the area. We adjusted for the 50th percentile versus the 85th percentile in this area but as of right now that development continues to grow and you're not seeing that in the speed profiles yet.

Commissioner Sanders said my concern is and I see you're trying to find that spot between the science and the folks on the ground, we've got disagreement from every entity with the recommendation. I appreciate your approach in trying to find that compromised position. My concern is this study was done in 2020 when a lot of construction was going on as well as development, so it's almost obsolete by the time we finally see it two years later. It's tough because I went out drove it and they've got a medical facility going in and a lot of development going on and it feels like we're responsive and instead of setting the fight, we're waiting until something happens and

then we're responding and by then it's almost too late if that makes sense. I don't have a good answer for you, I'm just throwing this out there. I know that we're probably going to re-examine this and we'll probably get another speed study request within a very short timeframe because it's changed significantly by the time we finally get our recommendation out. It's a frustration on my part because it feels like we're responsive instead of being predictive and getting in front of this stuff. So it almost leads to more work for us because here comes another speed study and we're going through 12 of them today and loading more up. So the fact that we can't be a little bit more predictive doesn't help our cause any.

Commissioner Frazier said we will see an agenda item today for another speed study in another town that was growing many, many years ago when the speed zones were set. This is Anaconda going west. It was growing and developing and the Commission set speed zones trying to get ahead of the curve but when you look at it now, the development never happened. So there's both sides to that where you're trying to be proactive and set them lower and then something changes. Anaconda was growing so much, they even built a four-lane highway from Anaconda to the Interstate. The point is you can try and predict the future the best you can, or we can look at what we have now. If we set a speed zone that is arbitrarily too low, the way the statutes are it's never going to be raised again to what the people are driving. We try and guess right. With this we can look at it again as the development happens. One other example from memory, there was a signal put in out here just east of this building going towards East Helena and it set there for 10 years before the development finally happened and they turned it on. So that can be kind of a crystal ball approach. Bozeman is growing.

Commissioner Aspenlieder said as communities like Bozeman, Billings, and Missoula are growing and on the development side of things we have to do traffic studies for everything we do anymore. To Commissioner Sander's point, does MDT allow the city to require a speed study by a developer or a cluster of developers to speed up that process as opposed to it going into our queue and working its way through that two-year process? I believe we did one around Lockland High School to speed that up for Yellowstone County and it was considered. How does the department handle that – allowing the local jurisdictions to require that of the development community to speed that process up and shorten our queue to make these more streamlined? Dustin Rouse said by statute the local government can contract and have their own speed study done. It doesn't have to be MDT doing the speed study. I prefer that Legal answer your question if a county or city could require a developer to do the speed study. It might be in line with the statute but I defer to Legal. Val Wilson said the statute allows for the requesting jurisdiction to submit their own speed study if they're prepared and we would bring that to you after review. Through whatever their subdivision process is, they could make that a condition. To my knowledge that doesn't happen or at least it hasn't happened.

Commissioner Aspenlieder said I understand what Commissioner Sanders is saying and working in the development side of things, we get required to do all kinds of things that I think are obnoxious and ridiculous. That being said, if a local jurisdiction is truly concerned about that – you know the City of Bozeman in particular where they've expanded south of Cottonwood, it is well within our means to require those developers, as part of a traffic study which has to be completed for approaches to be permitted onto Cottonwood anyway, to also do a speed study and submit that for consideration to short-cut this process. I think in these developing communities like Billings, Bozeman and Missoula that is something those local jurisdictions need to start considering to keep up. The fact is MDT does not have the process or procedure and if a local jurisdiction is truly concerned about keeping up with it, it is something that should be communicated to the counties and urban cities that they can take care of this on their own if you want or you can wait for us but you also have the ability to help yourself. It's not going to come at the cost of the city or

the county, it's going to come at the cost of the development community. Dustin Rouse said absolutely that would be a benefit.

Commissioner Sanders said last session we did have a speed study presented by a non-MDT entity. I think it was out of Billings. Dustin Rouse said I think Sanders and Stuart did one of the speed studies. Commissioner Sanders asked how that was initiated. Did they take that upon themselves? Did the local entity say they were going to commission this? Dustin Rouse said in that case we had term contracts to have our consulting firms go out and do the speed studies for us to help our workload. Commissioner Sanders asked if that was something we could do more of to try and keep up the backload? Dustin Rouse said yes we are using that more and more.

Commissioner Sanders moved to approve the Speed Limit Recommendation, Cottonwood Road (S345) – Bozeman as presented by staff. Commissioner Aspenlieder seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 12: Speed Limit Recommendation Whitetail Road (S399) – Boulder

Dustin Rouse presented the Speed Limit Recommendation, Whitetail Road (S399) – Boulder the Commission. Jefferson County submitted a request for a speed limit study for the purpose of lowering the posted 35-mph speed limit to 25-mph on Whitetail Road in front of the Cory and Diane Fitzgerald place 1233 Whitetail Road.

No action was found from the Transportation Commission establishing a speed limit for the gravel section.

The speed profile shows blatant disregard for the posted speed limit. Speed data shows that over 50 percent of drivers are exceeding the posted 35-mph speed limit. The 85th percentile speeds are on average 53-mph. Based on statutory law and the narrow road surface that just barely provides adequate space for passing oncoming traffic, increasing the speed limit is not recommended. Further decreasing the speed limit is also not recommended. The requested 25-mph speed limit would be 27-mph below current prevailing speeds and 19-mph below the 50th percentile speed.

Comments were only received from Jefferson Commissioner Cory Kirsch. Commissioner Kirsch had no comment, thanked us for the report and said, "We appreciate it".

MDT Recommends **NO CHANGE**.

Commissioner Frazier asked if there is no change does the Commission need to take action. Val Wilson said we have gone both ways on this but I recommend the Commission make a motion to accept staff recommendation on no change.

Commissioner Aspenlieder moved to approve the Speed Limit Recommendation, Whitetail Road (399) – Boulder. Commissioner Sanders seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 13: Speed Limit Recommendation South Hills Frontage Road (X-Route 81026)

Dustin Rouse presented the Speed Limit Recommendation, South Hills Frontage Road (X-Route 81026) to the Commission. Jefferson County submitted a request for

a speed limit study due to citizens voicing safety concerns in accessing Colonial Drive from Holmes Gulch Road.

The investigation began at the 35/45-mph speed limit transition at the end of Colonial Drive just south of Hunters Point and extends south to the all-way stop with South Hills Drive. This study encompassed a 45-mph speed zone, 55-mph speed zone, and a roundabout. The existing speed zones were established in 2008.

A review of prevailing travel speeds supports continued operation of the 55-mph speed limit and the roadway segment it encompasses. It is in line with both traffic operation and the surrounding environment. From our experience a reduction in the speed limit would be an artificial attempt to change driver behavior and would be unsuccessful.

Jefferson County supports the decision of no change. Their email is attached.

Staff recommendation is:

Along Colonial Drive from just south of Hunters Point to the all-way stop with South Hills Drive, we recommend **NO CHANGE** in the speed limit configuration.

Commissioner Sanders moved to approve the Speed Limit Recommendation, South Hills Frontage Road (X-Route 81026). Commissioner Aspenlieder seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 14: Speed Limit Recommendation Montana Highway 1 (P-19) – Anaconda

Dustin Rouse presented the Speed Limit Recommendation, Montana Highway 1 (P-19) – Anaconda to the Commission. Anaconda-Deer Lodge County submitted request for a speed limit study on Montana Highway 1 (MT-1) from the intersection of Park Street and Commercial Street to the Lime Quarry. The county wants to ensure that the existing speed limits in place are adequate.

The speed profile shows prevailing speeds, based on the 85th percentile and upper limit of the pace, along MT-1 are consistently on average 7-mph above the posted speed limits. At least 50-percent of drivers are traveling within 10-mph of each other which increases the closer the driver gets to the more urban environment. Contextual evidence indicates an increased speed limit may be appropriate. It may be advisable to increase the existing speed limits outside of the urban district of Anaconda by 5-mph and possibly shift the existing transition points. However, MCA 61-8-309(b) does not allow the Transportation Commission to raise speed limits without prior approval of the requestor (Anaconda-Deer Lodge County). Further reduction to the existing speed limits is not supported by speed statistics or contextual evidence. Anaconda-

Deer Lodge County concurs with MDT's recommendation. Their email is attached.

MDT recommends **NO CHANGE** to the existing posted speed limit at this time.

Commissioner Aspenlieder asked if Anaconda, Deer Lodge County, support increasing the speed limit or did you have that conversation. Dustin Rouse said my understanding is that Anaconda-Deer Lodge County concurs with our recommendation but they were not interested in submitting a letter recommending an increase to the speed limit. Commissioner Aspenlieder asked if they had a

conversation directly with them. Dustin Rouse said personally I've had several conversations with them but I'm not sure in this particular case if we had that follow-up discussion to see if they would be willing to increase the speed. To date they have not. To clarify I read through exactly how they responded. We need a request from them to raise the speed limit and not just concurring with the result of our study. Dwane Kailey asked if Bill Fogerty knew about the conversation with Anaconda. Dustin Rouse said he was speaking to them this morning but he is not on line now. Chairman Frazier said if the report presented to them was that we recommended no change, their response is to our conclusion of no change and they accept that report. Dustin Rouse said yes.

Commissioner Sansaver moved to approve the Speed Limit Recommendation, Montana Highway 1 (P-19) – Anaconda. Commissioner Fisher seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 15: Speed Limit Recommendation US 12 – Avon

Dustin Rouse presented the Speed Limit Recommendation, US 12 – Avon to the Commission. Powell County submitted a request for a speed limit study on behalf of the town of Avon for the purpose of lowering the existing 70-mph speed limit to 55-mph. When the report was ready to be sent out for comment, another request for a speed study on US-12 around the town of Avon was requested by Senator Terry Gauthier, Senator Tom McGillvary, and Representative Becky Beard through Director Malcom Long. This request voiced the same desires along with intersection improvements at the intersection of US-12 and MT 141. Intersection updates were completed along with updating the existing speed study.

The speed profile provides does not support lowering the existing 70-mph speed limit to 55-mph. Both the 85th percentile speeds and the upper limit of the pace hover around 70-mph throughout the study area for passenger vehicles and 65-mph for trucks. The level and proximity of the development associated with the community of Avon is not currently affecting the speed profile. Existing speed limits are being enforced and there are no existing speed related or general addressable crash trends for the area. From our experience a reduction in the speed limit would be an artificial attempt to change driver behavior and would be unsuccessful. Studies also show reductions greater than 10-mph from the prevailing speed have a tendency to increase crash rates and put the traveling public more at risk. We recommend “No Change” in the speed limit for Avon.

Powell County Commissioners still receives requests from the community to have the speed limit in the area reduced. Most of the requests come from people pulling trailers when entering US-12 from MT-141. Reduction in the speed limit is still desired but no set value was given except in the original request of 55-mph. An email from Doug Crachy, Powell County Commissioner of District 3 is attached.

That does summarize it fairly well. There is concerns from the locals primarily when you pull off 141 pulling a trailer or just trying to get up to speed and enter in at 70 mph. That is some of the concerns we've heard voiced.

MDT recommends **NO CHANGE**.

Commissioner Aspenlieder asked if there were any other follow-up conversations with Senator Gauthier or Representative Beard. It is strange that Senator McGillvary from Billings was interested in Avon. Director Long said their comments echo what the County Commissioners said. What happens is that in the summer people get

backed up on 131 and they start trying to shoot the gap and get out there especially pulling campers. They've noticed that and they've travelled it enough to experience it themselves. They didn't like my suggestion that perhaps we should do a roundabout there. They didn't take that so great. It is a perceived issue when it happens to you. We did do our speed study in June so it was during the summer. Again the engineering does not support arbitrarily changing it especially during the fall, winter and spring.

Commissioner Frazier asked if there were other items identified since there is a concern for safety. Are there other items that could be looked at other than the speed? People jump to the speed limit as being the problem but have we defined the issue and looked at that intersection for other actions? Dustin Rouse said one of the things we looked at was to have an advanced warning as you are coming to that intersection which we can sign for because if you are traveling westbound you are fairly blind as you come into the Avon Restaurant. That is something we considered and did install so folks know they are approaching a major intersection.

Commissioner Aspenlieder moved to approve the Speed Limit Recommendation, US 12 – Avon. Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 16: Speed Limit Recommendation US 287 (N-8) – Winston

Dustin Rouse presented the Speed Limit Recommendation, US 287 (N-9) – Winston to the Commission. Broadwater County submitted a request for a speed limit study on US-287 between mileposts 64 and milepost 63 for the purpose of extending the 55-mph school zone speed limit. The public's main concern is the existing 70-mph speed limit within the area of seven turnouts (Broadwater County Transfer Station, Pole Creek Road, State Land Turnout, Several Resident Accesses, and a Field Turnout), wildlife crossing, and limited visibility due to a corner at each end of the area of concern. To determine the viability of extending the existing 55-mph school zone, the study was extended south to milepost 66.

The speed profile provides does not support further reduction to the existing speed limit configuration. Prevailing speeds indicate the existing speed limits are posted below the desired speed of the drivers. Within the statutory 70-mph speed zone the 85th percentile speed was on average 4-mph above the speed limit and 68-percent of drivers were recorded between 4-mph below and 6-mph above the posted speed limit. The 85th percentile speeds in the 55-mph speed zone were 11-mph above the speed limit and approximately 61-percent of all drivers are between 3-mph below and 7-mph above the posted speed limit. Over 50-percent of the observed vehicles were shown to be exceeding the posted speed limits. The roadway context indicates that the speed limits should be set based upon the rounded down 85th percentile. This is due to the shoulders being 4-feet wide instead of 8-feet wide.

The Broadwater County Commissioners recommends extending the 55-mph speed zone. County Commissioners cite “21 accidents from 2018 to 2020”, a “large increase in the number of vehicles”, “several curves”, and “7 turn outs which greatly increases the chance for accidents”. The county commissioners further state “enforcement may be limited due to MHP limitations that is no reason NOT to lower the speed.” Their email is attached.

A letter was also received from two local residents. Bob and Kathy Brekke have property northwest of Cold Creek Ranch Road and request the speed limit be reduced to 55-mph. Their letter is attached.

MDT took several factors into consideration when reviewing the speed limit. There were 21 crashes, but only two resulted in injury and seven involved possible speeding. Of the seven, six were under adverse winter road conditions. Speed limits are set based on dry road conditions. An increase in traffic has been observed but has remained relatively stable over past 5 years. There is adequate sight distance for the curves, but it may be advisable to have maintenance trim some of the trees in the area. Over 50-percent of the observed vehicles were shown to be exceeding the posted speed limits. The commissioners requested 55-mph speed limit is 20-mph below the observed prevailing speeds. Without increased enforcement there is no indication drivers will obey an extended 55-mph speed zone. Furthermore, a study conducted by MDT shows that speed limits set 15-mph or more below the prevailing speeds to possibly increase crashes. However, there was a discrepancy found between the school speed limit set by MDT on February 10th, 2015 and Broadwater County's school speed limit resolution date February 23rd, 2015. The existing speed zone configuration matches with what MDT recommended and no objections have been recorded from Broadwater County. There is no school in Winston. The crosswalk at the intersection of Main Street and US 287 was designated a school zone in 2015.

Based on these findings MDT recommend **NO CHANGE**.

Commissioner Sanders said in a letter we received from Brekkes on Cold Creek, they said the Broadwater County Commission desired to extend the existing posted limit to milepost 63. We just received one letter from one of the County Commissioners, have we received any other comments from the other Commissioners? Dustin Rouse said he was not aware of any. Commissioner Sanders said they seem to indicate that all the Commissioners felt that way but I only see the one letter. They also said we studied the area for only one day, is that common? How long do we do these studies? Dustin Rouse said I don't know specifically how long they were in the area, but typically it is more than a one-day effort to do a speed study. I can find out the duration and get back to you. Commissioner Sanders said when we do a speed study, do we pick the busiest time? How do we determine the parameters and the metrics for when we actually do the speed study and for how long? Dustin Rouse said typically one of the challenges is to try and get some of the peak traffic times and areas of concern for the locals so we get a good handle on what they are seeing. The timing can vary because we have to schedule when it's scheduled since we're at a lot of different locations throughout the state. Typically we try to take into account the comments we receive from the Commissioners and local concern and try to time it accordingly. Sometimes we can do that and sometimes we can't. Commissioner Sanders asked if we had a minimum time of two weeks, etc. Dustin Rouse said I'm not aware of a minimum.

Commissioner Sanders said in the past in some of the other speed studies I see that we reached out to the County Commissioners to get comment from them. Did that happen on this one? I only see one comment from one Commissioner. My initial thought is to reach out to the Commissioners and see if all the Commissioners support this.

Commissioner Aspenlieder said I'm on board with you on this one. My bigger question is about the duration. How long did we actually study it? The need to be very clear with the local government that we actually put our due diligence towards this just from a perception standpoint. If the answer is we did it for one day, we need to be able to justify why that is the case and explain that to them. With that concern and the concern about the comments from the other Commissioners, I would support tabling this until the June meeting and revisiting it at that point with clarification on duration and more communication with what the Commissioners want. Dustin Rouse asked anyone on line to verify how long the study was.

Commissioner Frazier said I noticed in looking at the crash data that around milepost 64.5 we had some T-bone right-angle crashes. I know speed limits aren't the saving grace for everything but if the 55 mph speed limit was extended just north of Albright Lane that might help the crashes there. That is something to consider. Dustin Rouse said my recollection was the crashes were weather related. Maintenance said they had cut those trees back and cleared the right-of-way. The crash data could have been related to the thick brush there and that has all been cut back and so now there is much better sight distance.

Commissioner Sanders moved to table the item. Commissioner Aspenlieder said he would also like to table it with clarification about how many days the study was done as well as reaching out to Commissioner Volkford and Commissioner Delberta to see if they have input as well.

Commissioner Sanders moved to TABLE the Speed Limit Recommendation, US 287 (N-8) – Winston. Commissioner Aspenlieder seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 17: Speed Limit Recommendation US 287 (N-8) – Townsend

Dustin Rouse presented the Speed Limit Recommendation, US 287 (N-9) – Townsend to the Commission. Commissioner Aspenlieder said he would be abstaining from this Agenda Item due to conflict. Broadwater County submitted a request for a speed limit study for the purpose of extending the existing 45-mph speed zones further south of the new Rocky Mountain Supply development at the intersection with Mostad Drive. The limits of the study were determined to begin at the stop-controlled intersection at Broadway and continuing to approximately milepost 80.

The speed profile shows that the prevailing speeds along US 287 south of Townsend match with the set speed limits. The 85th percentile speeds and upper limits of the pace are for the most part within ± 5 -mph of the posted speed limit. On average at least 62- percent of drivers are all traveling within 10-mph of each other. Although the prevailing speeds indicate appropriately set speed limits roadway context indicates the speed limit transitions are not exactly in the appropriate locations. Speed zones below 50-mph should be around 1600-feet in length. The new Rocky Mountain Supply facility also further extends the urban environment. Therefore the 35-mph and 45-mph speed limits should be extended. To assist in driver compliance and prepare the driver for a reduction in speed a 55-mph transitional speed zone south of the 45-mph speed zone is recommended similar to the recommendation in 1999.

Broadwater County Commissioners concur with MDT's recommendation. Their email is attached

MDT recommends the following speed limits:

A 35-mph speed limit beginning at the existing transition point approximately 200-feet north of C Street (straight-line station 1220+83) and continuing south to approximately milepost 78 (straight-line station 1236+50), an approximate distance of 1567-feet.

A 45-mph speed limit beginning approximately at milepost 78 (straight-line station 1236+50) and continuing to a point approximately 30-m (100-feet) south of Mostad Drive (straight-line station 32+40), an approximate distance of 946-m (3100-feet).

A 55-mph speed limit beginning approximately 30-m (100-feet) south of Mostad Drive (straight-line station 32+40) and continuing south to a point approximately 160-m (525-feet) south of milepost 79 (straight-line station 40+45), an approximate distance of 805-m (2640-feet).

Commissioner Sansaver moved to approve the Speed Limit Recommendation, US 287 (N-8) – Townsend. Commissioner Sanders seconded the motion. Commissioners Sanders, Sansaver, Fisher, Frazier voted aye. Commissioner Aspenlieder abstained.

The motion passed.

Agenda Item 18: Speed Limit Recommendation Joyland Road (S237) – Lewistown

Dustin Rouse presented the Speed Limit Recommendation, Joyland Road (S237) – Lewistown to the Commission. Fergus County submitted a request for a speed limit study on Joyland Road and Joyland Cutoff. The study only consisted of S-237 from the end of pavement leaving Lewistown to the intersection with Hannover Road (S-426). Joyland Road after the intersection with Joyland Cutoff is a county road. The main concern is the unposted and therefore statutory 70-mph speed limit on the unpaved roadway.

The speed profile provides support for posting a 30-mph speed limit on the unpaved portion of S-237. The 85th percentile speeds and upper limits of the pace are for the most part within ± 2 -mph of 30-mph at the beginning and the end of the study. In the middle of the study 85th percentile speeds and upper limits of the pace are mostly within ± 3 -mph of 35-mph. Prevailing speeds indicate setting three speed limits. However, roadway context indicates this would be ill advised. There is primarily only enough road surface for two 9.5-foot lanes, an abnormally high crash rate for both injury and total crashes, and a consistent speed limit would be more ideal.

Fergus County concurs with MDT's recommendation. Their email is attached.

MDT recommend the following speed limits:

A 30-mph speed limit beginning at the edge of pavement (straight-line station 0+00) and continuing north to the intersection with Hannover Road (straight-line station 81+50), an approximate distance of 1.5-miles.

Commissioner Frazier said you mentioned their email was attached and I couldn't find it in my packet. Dustin Rouse said he would get it to him.

Commissioner Aspenlieder moved to approve the Speed Limit Recommendation, Joyland Road (S237) – Lewistown. Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 19: Speed Limit Recommendation Redhill Road (S238) – Lewistown

Dustin Rouse presented the Speed Limit Recommendation, Redhill Road (S238) – Lewistown to the Commission. Fergus County submitted a request for a speed limit study of Red Hill Road (S-238). Further discussions with the county indicated they only desired a speed study be conducted on the gravel or unpaved portion of the road. There were concerns about logging trucks and no posted speed limit.

The speed profile provides support for posting a 40-mph speed limit on the unpaved portion of Red Hill Road. The 85th percentile speeds range from 32-mph to 47-mph with an average of 41-mph. Based on the upper limits of the pace prevailing speeds are between 31-mph and 46-mph with an average upper value of 40-mph. A 40-mph speed limit fits with existing rural and open roadside environment. There is some residential development along the study, and most of these people choose to maintain speeds around 40-mph on the unpaved roadway.

Fergus County concurs with MDT's recommendation. Their email is attached.

MDT recommend the following speed limits:

A 40-mph speed limit beginning at the end of pavement (straight-line station 6+00) and continuing south to the Golden Valley County and Fergus County line (straight-line station 1038+00), an approximate distance of 19.55-miles.

Commissioner Aspenlieder moved to approve the Speed Limit Recommendation, Redhill Road (S238) – Lewistown. Commissioner Sanders seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Service Awards per phone call: Shane Mintz, Glendive District 4

Director Long, MDT

Our apology that the weather precluded us from getting out there last week. We were still going to try but MDT and Motor Carrier Service shutdown the Interstate so we couldn't do it. Thank you, we appreciate this. This is a Service Award and we are always thankful and grateful and appreciative of the service from everyone within Team MDT. Some of these are five years, some of these are 30+ years and it's great to be a part of the team that has that longevity and that much passion and that much commitment to do what we do every day. Lastly, you are an example of it that it's not always easy, the weather doesn't always cooperate but we still get out there and do our best to what needs to be done. We maintain, we plow, we fix, we watch and are part of the team every day, day in and day out, and I'm very thankful and thank everyone in District 4 in the Glendive District for all their service. I look forward to being out there soon and hopefully we'll be there next year for the Service Awards, weather dependent.

Commissioner Frazier said congratulations to everybody. Looking back at memories and being part of MDT, it wasn't really a team to me, it was family. It was like working with family and it's just good people. Thank you for your service and I'm proud of everything you do. Commissioner Sansaver in Wolf Point I also apologize for not being able to attend the service awards. I did visit with Shane this morning before our Commission meeting and I just want to say how proud I am to work with District 4 and also Commissioner Aspenlieder. Our people don't get enough credit for the work they do. When people get out on our highways and byways, they expect to just travel with ease without any problems but that's only possible through the work of all you folks do out there in these different districts. I want to say I appreciate your hard work and your dedication and commitment to the excellence of the highways and byways of the State of Montana and particularly District 4. Thank you very much. Shane Mintz said thank you to the Commission.

Director Long said thank you for being able to adapt and work within our timeframe. We're all proud of what everyone does and I think Commissioner Frazier said it well – we are Team MDT and we are a family. Thank you again and we congratulate all the Service Award people.

Agenda Item 20: Speed Limit Recommendation Chico Road (S572) – Emigrant

Dustin Rouse presented the Speed Limit Recommendation, Chico Road (S572) – Emigrant to the Commission. Park County submitted a request for a speed limit study on Chico Road (S-572) for the purpose of introducing a transitional speed zone when approaching Chico Hot Springs. This is a unique situation. S572 enters into Chico Hot Springs Resort area, there's speed bumps in place, there's a 15 mph speed limit sign in combination with a personalized stop sign that appears to be on a fence post to try and slow traffic that's moving through the Chico Hot Springs parking lot.

The speed profile shows that the prevailing speeds along Chico Road are primarily above the posted 55-mph speed limit. The 85th percentile speeds and upper limits of the pace are for the most part around 60-mph. Prevailing speeds through the "parking lot" area of S-572 are around 30-mph even with speed bumps. Treating this area similarly to an urban environment and posting a 25-mph speed limit would be more appropriate with a 40-mph transitional speed zone.

The Park County Commissioners concur with maintaining the 55-mph speed limit and posting a 40-mph transitional speed limit. However, they would prefer to maintain the non-regulatory posting of 15-mph through the "parking lot" area of S-572. The commissioners believe "a 25-mph posting could facilitate even higher speeds than those that often prevail in this segment and could likely adversely affect human health and safety." They also cite "extensive pedestrian and horse travel and crossing" in the region around Chico Hot Springs. Their letter is attached.

MDT would like the Commission to be aware of the fact that when the speed data was collected for this study in late October the 15-mph sign was not present, and it is not the practice of MDT to install speed bumps on secondary highways. The 15-mph sign was recorded in photographs from 2020 and February 2022. Even with the speed bumps the 85th percentile speeds were observed around 30-mph twice the requested 15-mph speed limit. The 50th percentile speed was around 25-mph. A 15-mph speed limit is primarily reserved for school zones and senior centers. However, MCA statute puts no minimum speed limit on state highways under the jurisdiction of the Transportation Commission. There is a minimum speed limit of 35-mph on roadways outside of urban areas for local governments.

MDT recommends the following speed limits and reviewing the existing signs to ensure compliance with the MUTCD:

A 55-mph speed limit beginning at the intersection with S-540 (straight-line station 0+00) and continuing south for an approximate distance of 1.16 miles, approximately 1600-feet north of intersection with Dance Hall Hill Road (straight-line station 61+00)

A 40-mph speed limit beginning approximately 1750-feet north of intersection with Dance Hall Hill Road (straight-line station 62+50) and continuing south to a point approximately 150-feet north of Dance Hall Hill Road (straight-line station 78+50), approximately 1600-feet.

A 25-mph speed limit beginning approximately 150-feet north of Dance Hall Hill Road (straight-line station 78+50) and continuing south to the end of S-572.

Commissioner Sanders asked what remedies we have when someone decides to take over one of our roads and put in speed bumps and stop signs. What is going to stop someone from doing it in Winston, etc.? Whether you agree with our actions or not,

we have to maintain our roads and control of our roads. What happens when someone decided to take over a chunk of our road? Val Wilson said we had a big discussion about this as we were reviewing this speed study. There were several suggestions to have our DA reach out to the County Commissioners and talk about turning this over to the county. It is really interesting, under statute the Legislature sets our speed and they carve out two exceptions. One for the Commission to set special speed zones based upon engineering traffic studies. Another one is for the local authorities. Local authorities can set limits like 35 mph on paved roads, 25 mph on non-paved roads without a speed study. So there is a distinction on how the Legislature treats those two authorities. So really what they are asking for is something that they could not even do by statute if they had authority over that road. But what to do when people put speed bumps on our roads, I think that is someone that our Chief Operations Office should respond to.

Dwane Kailey said we actually run into it quite a bit. We have citizens out there that love to put up signs, we have local governments that love to do it. That's the benefit of having all the maintenance staff we have out there. They are very good at monitoring the roadways and seeing those things take place. Obviously if it is a sign, they can quickly remove it but if it gets a little more extreme, like situations where individuals have put in approaches without the appropriate permits, we've gone to the level of putting in concrete barrier rail shutting that approach off all in concert with our legal department to make sure we're legally doing it. Again, the benefit of having maintenance out there every day and seeing what's going on, they are very good at recognizing issue and putting an end to them.

Commissioner Sanders said do they do a night-time delivery of these speed bumps? Dwane said they are paved in. Commissioner Frazier said it seems to me that the purpose of a secondary highway falls under the jurisdiction of the Commission. The purpose of that highway is to provide commerce to move goods and to do things. It seems to me that it ends in a parking lot and in a portion of this it seems the department has lost the encroachment battle. They've put up their own speed limit signs and put speed bumps in and encroached all over the right of way with development. So it seems appropriate that it is no longer part of the highway and we should remove that portion from the system. That's my opinion.

Commissioner Aspenlieder asked how they would go about doing that. Val Wilson said certainly we wouldn't move forward without consultation with the local government. The Commission can determine what is on and off your system. So it would be an agenda item for a future meeting to remove that portion. Commissioner Frazier said it was Commissioner Sander's district. Commissioner Sanders said I want to do what makes sense but I also don't just want to say you can have that portion of the road because they put in a speed bump. I think we have to be careful not to set a precedent. I think it bears further discussion. Does 572 end right at Chico? Dustin Rouse said my understanding is the secondary ends right at Chico. Commissioner Frazier said I think it goes past Chico Hot Springs just around the corner a couple of hundred feet at Conlin Gulch Road.

Commissioner Sanders said he would table this item and engage the local folks on whether they are willing to take over our responsibility for this road. Commissioner Aspenlieder said he would second for the purpose of discussion. Commissioner Aspenlieder said he agreed with Commissioner Sanders. My question is do we need to table the action of the speed study or approve the speed study as recommended by staff and then address whether we abandon the road. Are those tied together or can we handle them as separate issues putting the abandonment of that road as a future agenda item for August or September? I'm open to either one. Commissioner Sanders said it seems the most prudent thing to do would be to decide what we're going to do with it and then proceed with whether we're going to sign it or not. So my recommendation is to table to the entire issue until we engage the Park County folks and then proceed from there. Commissioner Aspenlieder said I'm comfortable

with that. For clarification whether it is on the agenda for June or August is up to how fast we can coordinate with Park County. Justin said correct.

Commissioner Sanders moved to **TABLE** the Speed Limit Recommendation, Chico Road (S572) – Emigrant. Commissioner Aspenlieder seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item 21: Speed Limit Recommendation
East Broadway Jefferson Elementary
School Zone – Helena**

Dustin Rouse presented the Speed Limit Recommendation, East Broadway Jefferson Elementary School Zone – Helena to the Commission. In early February the City of Helena submitted a request to institute a school zone on East Broadway for Jefferson Elementary School. A 15-mph speed limit is desired for the school zone during school hours. The existing statutory 25-mph speed limit would be maintained during non-school hours. There is also a desire for improved pedestrian crossings at Dakota Street. The pedestrian improvements will be addressed with a specific pedestrian study.

To conform with statute 61-1-101 in Montana Code Annotated for the definition of a school zone and statute 61-8-310 in Montana Code Annotated defining a special speed zone for a school, MDT recommends instituting a school zone to encompass the entire frontage of the Jefferson Elementary School property and approximately 500 feet to the west and east along East Broadway. At speeds less than 45-mph it is advisable to set the school zone speed limit 10-mph below the posted speed limit. The school already has a local roadway variable school zone speed limit active Monday through Friday 7:30 am to 4:30 pm. Therefore, MDT recommends having the same hours of operation for the school zone on East Broadway.

It is the desire of MDT with the approval of the Montana Transportation Commission to institute the following school speed zone for Jefferson Elementary School:

A 15/25-mph school zone speed limit beginning 100-feet east of the intersection of South Hoback Street and continuing east to a point 150-feet from the intersection with South Montana Avenue, an approximate distance of 1080-feet.

Commissioner Sansaver moved to approve the Speed Limit Recommendation, East Broadway Jefferson Elementary School Zone - Helena. Commissioner Aspenlieder seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item 22: Certificates of Completion
January & February 2022**

Jake Goettle presented the Certificates of Completion for January & February 2022 to the Commission. We recommend approving the Certificates of Completion.

Commissioner Aspenlieder moved to approve the Certificates of Completion for January & February 2022. Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 23: Project Delivery Selection Process (PDSP) For Design Build Delivery UPN 10203 – Circle – Terry ADA Upgrades

Jake Goettle presented the Project Delivery Selection Process (PDSP) for Design Build Delivery UPN 10203 – Circle-Terry ADA Upgrades to the Commission.

MDT published an updated Americans for Disabilities Act Transition Plan in 2021 which identifies barriers in the public right of way and outlines opportunities to provide improved access and connectivity for all users in Montana. To address barrier removal across the state, MDT is currently rotates ADA upgrade projects across the five districts. The Glendive District has CMAC funding obligated for the 2023 fiscal year. MDT staff from the Glendive District, Planning, Civil Rights, and Alternative Contracting evaluated 10 locations in the Glendive District. Out of the 10 locations, Circle and Terry had the largest need for upgraded facilities that fit within the budget of \$2.5 million. The Circle-Terry ADA Upgrades Project will address non-compliant ramps, approaches and sections of midblock sidewalk on three corridors within these communities.

Utilization of MDT's Project Delivery Selection Process was necessary to determine if benefits associated with Design-Build delivery are a more appropriate delivery method than the standard Design-Bid-Build delivery process. This document provides a summary of the PDSP effort and includes the final delivery method recommendation from the PDSP committee.

The Project Delivery Selection Process (PDSP) provides a method to assist the Department in their selection of an appropriate project delivery method. A PDSP process review team assessed six main criteria to determine the advantages and disadvantages of delivering the subject projects using the Design-Build and Design-Bid-Build delivery methods. The six main criteria for determining the appropriateness of applying an alternative delivery method are as follows:

1. Cost Impacts
2. Schedule Impacts
3. Opportunity to Manage Risk
4. Complexity of Design and Construction Phasing
5. Opportunity for Innovation
6. Complexity of Coordination

By applying the PDSP, MDT has determined that the preferred contracting method for the subject projects is Design-Build delivery. This Commission Memo includes the PDSP Report summary.

Based on results of the PDSP, the PDSP committee recommends approval for use of Design-Build delivery for the Circle-Terry ADA Upgrades project.

Commissioner Sansaver moved to approve the Project Delivery Selection Process (PDSP) for Design Build Delivery UPN 10203 – Circle-Terry ADA Upgrades. Commissioner Sanders seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item No. 24: Discussion and Follow-up

Director Malcolm "Mack" Long

Alternative Contracting Methods

Director Long said referring back to what we just did, I will start my presentation with what you approved was an Alternative Contracting Method. We typically do Design-Bid-Build and this was a Design-Build. We are also going to ask the 2023 Legislature for authority to use different alternative contracting which is Progressive Design Build. So similar to this you would start even earlier in the process and it works fairly well for very complex problematic projects. We were also allowed by the previous Legislature to do four pilot projects on general CMGC. We have let those and are in the process of doing those. We are also going to be asking the 2023 Legislature to allow us to allow us to continue using that alternative contracting method.

We have an excellent Alternative Contracting Division under Justin Rouse and they have done very well. As a state we are one of the leaders in that. Even throughout the country, there are a still five states that don't allow Design-Build – North Dakota and Iowa specifically can only be Design-Bid-Build. So we can congratulate ourselves for looking at innovation and not waiting – we try to innovate and try to get out ahead.

So you can see we use a very thorough process to look at and vet this. As we talk to Legislators, they are always concerned with how this effects local contractors. We are working with Montana Contractors Association and the Contractors like Progressive Design Build and Design Build. The jury is still out on Construction Management General Contracting because out of the four, three have gone to Kiewit. One is a joint venture with LHC. Going forward, we'll keep working with them. We still feel that is a good contracting method. It doesn't fit for every project but with Design-Build, Progressive-Design-Build, and Construction Management General Contracting it gives us three more tools as we look at what is coming up.

IAJA

They have done the appropriations and the money is going to start flowing. We will be tasked with putting out a lot more work. Again, Ryan and Jake and Dustin have done well in both looking at the TCP and trying to anticipate it. The money is coming and we'll be able to put it to work using both Alternative Contracting and our process and doing everything we can to stay flexible.

As well as the increased funding from IAJA, there is also the possibility of Redistribution. As a state we are projecting way out might end up having that because IAJA is five years and we have some fund balance. If we don't start looking at how we raise the gas tax – do we index it or do we do other things, we won't have the matching funds to match all the money that the feds are giving to us. That is quite a way out but we're already trying to think of it now, so we don't get caught short. We has a state and we as a department don't want to have to say thank you for this money but we can't use it. We've always want to say thank you for this money and if you have any extra we will use it. They've given it to us and we have used it. So it helps.

The Timber Bridge Plan

We know all throughout Montana, especially in eastern Montana, we have been load inspecting and load grading bridges. Especially in Districts 3, 4, and 5 some of these bridges are critical because that's the only way to get your grain, your hay, and your cows into town. So we've hired HDR, through a selection process, and they are going to study all those bridges both on and off system, specifically off-system, and try to work with us so we have an inventory and can start prioritizing it. We know which ones are the critical ones and as this IAJA money comes in we can start applying it to where it is needed the most.

Timber Bridges are a priority for both the Commissioners, for the Governor and for ourselves. To that end, next month probably by our June meeting we should have let the first Design-Build bundle project. In the Glasgow area we bundled 15 bridges that we thought were critical in the Design-Build process. We took two out because they just didn't work and we wanted to the process going forward. So we should have the results of that. Kiewit now has an office in Missoula, so Kiewit is considered in-state but our contractors don't necessarily look at it that way. Select Construction out of Great Falls and Lawrence out of Colorado. So we've had three people looking at that. So we should get a good robust bid pricing as well as innovative Design-Build methods to look at those bridges.

The next one that comes up is around the Forsyth area. We are going to bundle 14 bridges and try to do the same process. The Governor has tasked both the Deputy Director, myself and all of us. So we have one going, one in the pipeline and he is asking and we should be able to have the next two-three-four-five priorities and keep these going. That is an update of where we are to-date.

Commissioner Aspenlieder said regarding the timber bridge portion, I understand HDR is still going through contracting process but it would be nice to get some updates on that as that process goes forward just knowing where progress is. I think MTA intends to send a letter to the Governor and the Department of Transportation regarding concern about the load postings going on in eastern Montana and the impact it is having on their member companies with respect to the oil and gas industry in eastern Montana. This is becoming more and more of an issue. Like I've said before, it's hard to give them an answer when I'm asked about what our strategy is and what we're doing. That continues to be my concern and I'm hopeful, as HDR gets going, our messaging gets a lot clearer about how we're going to handle this and what we're doing to try to work with the counties particularly on the off-system stuff that we are restricting and load posting and don't have assistance for. I do appreciate the bundling approach and I hope that we do start to line a very clear pipeline of those up so that as we're being approached by our rural constituents, we can point to a very clear approach and a pipeline of these projects and how we are systematically taking them down one at a time.

Director Long said yes we have been working, not exclusively but hand-and-glove with Montana Association of Counties (MACO) because it affects almost all the counties. We've had half a dozen meetings with them. In fact they are getting involved even as we scope out the work with HDR. They want to be that closely involved and we want that, we want that transparency. If we haven't reached out to MPA, we will because we have talked to the Motor Carrier Service, MACO and we are trying to do this because you are right, it is a bigger issue and as we look at more and more bridges and do more inspections, it is becoming more and more of an issue.

Commissioner Aspenlieder said I would also suggest don't limit it to the folks who reach out to us, but the Stock Growers Associations and Grain Growers Association are two groups that this is directly impacting as well. Those members might not necessarily know what avenue and direction to take. They are two groups that probably should be communicated with on a regular basis so they can communicate to their members about what is going on. Director Long said thank you that is good advice.

Director Long said also one of the tasks we are asking HDR to look at is not only to classify them and prioritize them, but what can be done quickly. We learned down in Broadwater that concrete trucks couldn't get across the bridge. We worked with the county road guys, our own maintenance guys and we found some steel beams and we put them up underneath and it was a good temporary fix. Does the bridge still need to be worked on? Yes, but in the meantime it is not posted at the same level. We learned from that and tasked HDR to help us identify these. So as we load post them,

if we can do simple fixes and extend that, that's critical because that way we can get to that a lot quicker.

Some of what we've also learned with bundling is how we work with innovation and with Fish, Wildlife and Parks, DNRC, and DEQ. Do we even need a bridge? Can we just do a concrete crossing? Using other innovation can we do larger culverts, can we do a box culvert without a bottom, can we use advanced bridge construction? It has been fun to work with the different contractors and try to keep that innovation going so we can do it quicker.

Commissioner Sansaver said I will echo what Commissioner Aspenlieder was talking about getting more information and getting it quicker than we have been getting it. I appreciate the fact that this is an on-going thing and that we're going to have to continue to work on it to make it better. In my district, we're coming up on new elections and we're going to have new commissioners coming on up in this area, northeastern Montana, that are going to have different questions than the existing ones that have been on the Commission for quite some time. So in preparation for that, we need to know as much as we can probably before you know what the answers are. That would certainly be beneficial to myself and I don't know if other districts are having elections coming up.

Commissioner Frazier said I want to echo that also. I've been hit by several people and some of them are acquaintances in some of the organization he mentioned. They are asking what we are going to do with the timber bridges. So if you can keep the Commissioners posted, we can help with that outreach.

Commissioner Aspenlieder said in that contract for HDR, is there an informational component or a public coordination component to that contract? Dwane Kailey said that is a really large component. We're fortunate that HDR Engineering is engaged pretty heavily with MDT in our public involvement contracts. They already have a contract with us for timber bridge load posting public involvement. So that public engagement portion, including Stock Growers, Grain Growers, and MPA will be sure to be talking about that during our scoping process to make sure that MACO, locals and those associations are all heavily engaged in that process of the strategic plan. This isn't just a study, this is a strategic plan in delivering and fixing our off-system bridges.

Commissioner Aspenlieder said my only request is that if we as Commissioners can be engaged in it and updated as you guys are getting information as well so we can answer those questions. It truly has been hard for the last six or eight months to answer questions because I just don't know what our plan is other than we're putting a contract out to develop a plan. That's not the best answer when you're sitting around a tailgate, that doesn't get you a lot of leeway or a lot of grace. So as we start to develop that message and HDR works with the departments to development that message, as much of that as you can disseminate to us to also be able to speak from the same script would really be helpful. Dwane Kailey said I wrote it down that at every Commission meeting to address questions on the status of that strategic plan. Commissioner Frazier said I want to echo that – telling them that we have a plan to develop a plan is not an acceptable answer to these people.

Duane Kailey said just to emphasize just how serious MDT is taking this bridge load posting issue, we just recently got the Notice of Funding Opportunity (NOFO) from USDOT for some of the IAJA grants that are coming out, in particular the three that came out are Infra-mega and Rural. When they publish those they also give us the criteria for the projects they want to fund. When we looked at those, most of the off-system bridges that we have in the works right now don't jive with that criteria very well. One of the other criteria they have is they are looking for lower risk projects – so projects that are involved potentially through the environmental document. Again we don't have a lot of the off-system bridges developed beyond that point. So we

took a strategic stance and here is where we're going. We are submitting three applications. One is for I-90 Taft West, for two locations with four structures on I-90. That's a \$150 million application. The second one we're applying for is the remainder of the Billings Bypass which is about \$100 million worth of work. And third we pooled together 13 on-system bridges into one application. Our mindset and plan is, that is going to fill a gap in our TCP, a very substantial gap on our TCP. Our plan is to divert that funding over to load posted bridges. I'm not sure all of that is going to go there but we are going to put a majority of it there if we get those grants which buys us some time with the consultant to help us prioritize and buys us some time to get some projects nominated. Then the stance that the department is taking is, if we get those grants, we want to see projects on the ground working in about 18 months at the most. We are going to end up using innovative alternative contracting, other means, manner and mechanisms, I will tell you there are staff that aren't really warm and fuzzy with this but we are going to demonstrate that we are going to put this money on the ground ASAP. To your point, even when we met with MACO and told them our plan, it was trust but with a little trepidation, but we are going to stand behind it and that is where we're going. I totally get your point and we're doing everything we can out of the box to attack this issue.

Commissioner Aspenlieder said you also mentioned going back to the Legislature and asking for approval for alternative methods of delivery. We are not putting ourselves in a box with a number, are we? Have we proven ourselves to be able to do this? To have the leeway to use that as we so chose as opposed to the Legislature determining that for us? What is your approach? Director Long said we are asking the very same question. We are of the opinion that we've proven ourselves. We, as a department, still don't have the Contractors Association complete blessing. So it's trying to thread the eye of the needle. Commissioner Aspenlieder said I am less concerned about whether the contractors are happy or not, I'm more concerned about the taxpayer and getting the best bang for the buck for the people of Montana. I think far too often we defer to trying to appease the Contractors Association and I don't think that is the best approach. I'm happy to stand up and testify with the department to that effect. Director Long said we appreciate that. We are in partnership with the Contractors Association in the fact that it takes all of us to build that and to take care of the needs. So we are open and understanding to some of their concerns. They generally are learning and adapting.

We as a state reach out to other states. The state of Minnesota went through exactly what we're going through. Their local Contractors Association didn't like the CMGC. Kiewit came in and took their first six but they learned that Kiewit did very well and they taught them and now it's even. Kiewit doesn't get everyone anymore and the locals get it, and they've taken the pilot off and just let it go. It's not for every project. I agree with you that we should be able to bring it to the Highway Commission just like we did here, we analyze it and we put it through a rigorous review and have a scoring, so whether we use Design-Build, Progressive Design Build, or CMGC should be up to good analysis. You as a Commission trust us but verify that we're doing it as we should and that there is a reason why we do it. That's what we all will be up there doing the same thing with the Legislature, and we want the Contractor's on our side. My boss has said we need to have flexibility to do it. We've proved ourselves, it worked. Trout Creek is a perfect example of Kiewit coming in, having the means, manners, mechanism and the experience to teach us all. It was truly innovative and they knocked it out of the park to show all of us that sometimes we don't know what we don't know. We need the bigger out-of-state contractors to help educate all of us.

Gallatin County Tiger Grant

Dwane Kailey said to bring you all up to speed, in 2017 Gallatin County received a Tiger Grant from USDOT for repairs and work on MT64 going up to Big Sky. Over the course of time they have developed a plans package. A year ago they put out a bid

for a project last summer and the bids came in significantly over the available funding they had. They then worked with Moonlight Basin and us. We actually took part of the work on ourselves which was an intersection at MT64 and 191. We had built that signal. Moonlight Basin took on some work on a road going up to their facility, taking that out of the contract. The county has now repackaged it, rebid it and they got a little bit closer to the available funding they have but they are still off a little bit. They are off about \$2.5 million. They've reached out to us and asked us if we were willing to partner with them and we have told them yes. What is happening right now is the entities of Gallatin County, Madison County and the Big Sky Resort Tax entity have agreed to put up collectively one million and MDT has agreed to put in \$2.1 million to complete the effort. You might wonder why we're willing to go there. The reason is MT 64 is actually our road. We have jurisdiction and maintenance of that roadway. So for \$2.1 million of federal aid, we're garnering about nine million dollars of work. So it's a win-win for us.

However, why this involves you guys is (a) I want you to know about it, and (b) if we end up using federal dollars, we will need your approval to prioritize that funding. The reason we didn't bring it to you yet is we're still working with FHWA to get approval to use federal aid funding. Believe it or not, given all the guidance out there about us working with the local government, we're having some difficulties getting FHWA DC on board. The division office is fully supportive and fully helping but we're struggling getting DC to get out of our way and let us get this project done. They were supposed to have a meeting two days ago and that meeting got cancelled and postponed until Monday. Hopefully that meeting will transpire. What we think we'll be able to do is just transfer the money out of Montana allocation, transfer it over to FHWA, and they will allocated it to the county in this case. We're absolved of any responsibility and the county can do what they want to do. At a minimum, we will brief you at the conference call on Tuesday for the bid award. Potentially we will have an agenda item for you to actually approve to prioritize that funding to MT 64.

Commissioner Sanders asked what the opposition was. Are we getting outside the lines? Lucia Olivera said we actually received some good news on Monday saying everything is going smoothly and everybody is aware of the importance of getting this transfer done. We did elevate it. It is a perfect example of the state assisting a local entity with an important project. We want to reward you for that. Director Long said there was opposition, in my opinion, DC federal headquarters was using this as an opportunity to start fleshing out what they want to do going forward. Like Lucia said, we were trying to get it done because this goes back to 2017 and it needs to be committed and gotten out of the way so we can do these grants that are coming up. DC said if we're going to start doing all these big discretionary grants, let's use this as a precedent to start using some of what we want to do going forward. Ms. Olivera said no this is done; you guys can do that going forward. This meets what you want to do going forward and let's let them do it. Lucia Olivera said they need a formalized process since it's only been done once. There are two separate systems for the state to receive money and for the locals to receive money and they don't talk to each other. Initially they told us we need to come up with a process and it can take months to do that. We said let's just get it done and think about a process later. It sounds like they are listening to us.

Agenda Item No. 25: Project Change Orders January & February 2022

Jake Goettle presented the Project Change Orders for January & February 2022 to the Commission. They are informational only. If you have any questions, please feel free to ask.

Commissioner Frazier said we had a change order for a bridge that I believe is the one that burned down. That was a big one. I think that was a good way of doing

business. Director Long said not only did that work well, again it was another example where Design-Build works very well. Our department worked with the contractor and the engineer and was able to shave six months off. We used innovative partnerships and innovative ideas to get this done much quicker and much more efficiently than otherwise. I have to give kudos to our MDT staff and to the contractor and engineer who did the work. Dwane Kailey said as far a Design-Build on this, it was kind of a forced marriage of MDT design on the contractor. It was very quick where we partnered with the contractor and the design build firm and came up with a solution. We were able to change the design into something the contractor could quickly fabricate so they could deliver that six months faster than having to go through the supplier.

Agenda Item No. 26: Liquidated Damages

Jake Goettle presented the Liquidated Damages to the Commission. They are informational only. If you have any questions, please feel free to ask. We had two liquidated damages.

Agenda Item No. 27: Letting Lists

Dustin Rouse presented the Letting Lists through October 27, 2022 to the Commission. They are informational only.

Next Commission Meetings

The next Commission Conference Calls were scheduled for April 5, 2022, April 26, 2022, May 10, 2022 and May 24, 2022. The next Commission Meeting was scheduled for June 23, 2022 in Butte.

Meeting Adjourned

Commissioner Loren Frazier, Chairman
Montana Transportation Commission

Malcolm “Mack” Long, Director
Montana Department of Transportation

Lori K. Ryan, Secretary
Montana Transportation Commission