

# Montana Transportation Commission

**August 29, 2024 Meeting  
Commission Room  
2701 Prospect Avenue  
Helena, Montana**

## IN ATTENDANCE

Loren Frazier, Transportation Commission Chair (District 3)  
Kody Swartz, Transportation Commissioner (District 1) Absent  
Shane Sanders, Transportation Commissioner (District 2)  
Noel Sansaver, Transportation Commissioner (District 4)  
Scott Aspenlieder, Transportation Commissioner (District 5)  
Chris Dorrington, Director, MDT  
Dwane Kailey, Chief Operations Officer, MDT  
Kelsie Watkins, Commission Secretary  
Jess Bousliman, Commission Secretary  
Dustin Rouse, Chief Engineer MDT  
Jim Wingerter, District Administrator MDT District 3  
Dave Gates, Construction Engineer, MDT  
Valerie Balukas, Senior General Counsel, MDT  
Rob Stapley, Planning Administrator, MDT  
Ryan Dahlke, Preconstruction Engineer, MDT  
Paul Johnson, Project Analysis Manager, MDT  
Lucia Olivera, FHWA  
Megan Handl, Civil Right, MDT  
Meghan Strachan, Civil Rights, MDT  
Kim Vietz, Civil Rights, MDT  
Bob Vosen MDT District 1  
Geno Liva, MDT District 2  
Darin Reynolds, MDT  
David Relph, MDT  
John Schmidt, MDT  
Mitch Buthod, MDT  
Tammy Ross, MDT  
David Stewart  
Suzanne Samardich

*Please note:* Minutes are available for review on the commission's website at [https://www.mdt.mt.gov/pubinvolve/trans\\_comm/meetings.aspx](https://www.mdt.mt.gov/pubinvolve/trans_comm/meetings.aspx). Alternative accessible formats of this document will be provided upon request. For additional information, please contact transportation secretary Kelsie Watkins at (406) 444-6201, [kwatkins@mt.gov](mailto:kwatkins@mt.gov) or visit the commission's website at [http://www.mdt.mt.gov/pubinvolve/trans\\_comm/meetings.aspx](http://www.mdt.mt.gov/pubinvolve/trans_comm/meetings.aspx). For the hearing impaired, the TTY number is (406) 444-7696 or 1-800-335-7592 or call the Montana Relay at 711. Alternative accessible formats of this document will be provided upon request.

## **OPENING – Commissioner Loran Frazier**

Commissioner Frazier called the meeting to order with the Pledge of Allegiance. Commissioner Sansaver offered the Invocation. Commissioner Frazier asked for introductions.

## **Approval of Minutes**

The minutes for the Commission Meetings of June 18, 2024, July 9, 2024, and July 30, 2024 were presented for approval.

Commissioner Aspenlieder moved to approve the minutes for the Commission Meetings of June 18, 2024, July 9, 2024, and July 30, 2024. Commissioner Sanders seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item 0: Project Delivery Selection Process (PDSP)  
US Wildlife Overpass; US 93 North Ninepipe;  
SF 179 Eagle Pass Trail Safety – Ninepipe Area**

Dave Gates presented Project Delivery Selection Process (PDSP) – US 93 Wildlife Overpass; US 93 North Ninepipe; SF 179 Eagle Pass Trail Safety – Ninepipe Area to the Commission. This Agenda Item 3 from the August 20, 2024 Conference Call, was tabled. This item is for the project decision selection process associated with three new projects on US 93. The proposed projects consist of SF US 93 Wildlife Overpass (UPN 10567); US 93 North Ninepipe (UPN 10568); and SF 179 Eagle Pass Trail Safety (UPN 9614).

The proposed tied projects represent a substantial portion of the remaining Hwy 93 corridor originally evaluated in the Evaro to Polson Environmental Impact Statement. The project will include connectivity and safety in the Ninepipe Area which is both culturally and environmentally significant.

MT state statute requires that a price component be considered in the procurement process for alternative delivery projects. MDT used best value selection and included a cost component for all design-build, progressive design-build, and construction manager general contractor projects. Consistent with the Design Build Institute of America guidance and Industry Best Practices MDT has adjusted the scoring criteria for Progressive Design Build (PDB) and Construction Manager General Contractor (CMGC) projects to specifically emphasize qualifications over project costs in the selection process. In both PDB and CMGC, construction costs are validated through the use of an independent cost estimate that are developed through the design phase of the project. MDT has the opportunity to terminate the contract and not proceed to construction if agreement on price cannot be achieved.

MDT project delivery selection process provides this mechanism and method to assist the department in the selection of an appropriate project delivery mechanism. The PDSP Committee for this subject project met on July 18 and July 25, 2024. The Committee assessed the four delivery methods we have, which are CMGC, PDB, Design Build and Traditional Design Bid Build, using an established seven criteria for evaluation. Given the high level of project complexity and the need to achieve expedited project delivery, Progressive Design Build was selected as the preferred delivery method for the subject project.

Consistent with MDT's past experience in Progressive Design Build procurement, the department is recommending a scoring weight of 80% Technical Score and 20% Cost Score for determining the best values. The Overall Technical Score will be comprised of two parts: (1) the Technical Proposal, and (2) the Interview. It is recommended that the Technical Proposal account for one third of the Overall Technical Score and the oral in-person interview accounts for two thirds of the Overall Technical Score.

Staff recommendation:

The Progressive Design Build be approved as the most appropriate delivery method for the subject US 93 Nine Pipe Area improvements.

A scoring weight be approved of 80% Technical Score and 20% Cost Score

The Technical Proposal account for one third of the Overall Technical Score and the Interview for two thirds of the Overall Technical Score.

MDT recommends that a Stipend not be provided to proposing firms.

Commissioner Frazier said one of the concerns I have on the scoring criteria with two thirds is that in a normal design build the Technical Proposal is considered part of the contract and part of the specifications for it. With the proposal only counting one third then two thirds for the oral, how do we document and how do we track that? An example is the wrestling match we had with a contractor for a Rest Area where they said in their proposal they were going to use this brand of a heating unit and then they substituted something different. How do we get that bait-and-switch out of there? In an oral presentation you can have some pretty good fast talk during the interview and somehow we want to document that. That is a concern I have.

Dave Gates said I just want to clarify is that that Progressive Design Build is fundamentally different than Design Build in that with the Design Build procurement and contract, what is outlined in the teams Technical Proposal does serve as contract document in that this is what they say they are going to do and when they submit a Lump Sum Bid Price Proposal for the work outlined in a Technical Proposal it is essentially the 30% design that starts project development.

That is fundamentally different with Progressive Design Build in that we are procuring a service from a contractor engineer team that starts project development from ground zero. So the Technical Proposal in a Progressive Design Build project is used as an instrument for those teams to articulate their approach and understanding to the project. And recognize that Progressive Design Build, once we issue Preconstruction Notice to Proceed, this is an iterative process that starts at inception to get to various stages of component-planned package delivery. This is industry standard in that Progressive Design Build has expanded dramatically across the country in lieu of CMGC and Design Build because it provides the most latitude for coordination and collaboration between owner and contractor engineer experience and expertise to ultimately deliver the best value of product.

Commissioner Frazier said when you start getting down to it ... here's an example, if I go on a Progressive Design Build, I hire an architect team and a contractor and say build me a house. They ask how many square feet and I tell them. They say okay great and they start building the house. I say I wanted three bedrooms not two, I wanted four bedrooms not one and they said you wanted a bathroom and we didn't have that in there so we'll need to add that on. How do you keep that under control with the Progressive Design Build model? That is my concern with the fast talkers coming in and saying they are going to build you a bridge and then say "Oh you wanted us to span the whole creek and put in four lanes of traffic..." Where does the design criteria for the project get defined because this includes quite a few bridges?

Dave Gates said the success of aligning the scope of work is predicated on insuring the owner outlines a strong basic scope of work for anticipated work that needs to be completed. We have to align what the anticipated scope of work is generally and you can view that very similar to how we would nominate a normal project in that we're going to construct something from point A to point B and it's going to include these elements. So we set the sideboards on the anticipated scope of work during the procurement process through the solicitation and from there the opportunity to enhance that scope of work is baked into the PDB process. The owner has the most latitude to ensure that the necessary scope of work elements are integrated with the ultimate project packages versus construction and they're not substituting some other product from what they said they were going to do. So we're coordinating and collaborating on those projects through project development to get to those component packages versus having that scenario in Design Build or traditionally Design Bid Build where hindsight is 20/20 – i.e., I wish we'd been able to do this but now we're so far in the game we can't shift gears.

Commissioner Sansaver said I remember back in the day when we'd just put out a bid package and say this is what we want, this is how much money we have. Can you build it? That included the engineers and professional services all the way down to

the subcontractors and clean-up people at the end. It seems to me that over the years, we're getting so convoluted in all these programs. We just talked about Design Build a couple of years ago and the staff had to do through the same thing of telling us about the new system and answer all our questions. The other day listening on the phone, I threw up my hands and said, "What the heck is this now?" So two years from now for those who are still on the Commission they're probably going to sit down with a new super design build that goes completely away from the money component. We just went through an hour with Paul on how much money we don't have. Now we're going to how good a talker or speed reader that company sends in to talk up the project and we're going to base 90% of this bid off of that individual and only 10% on the product line. I don't see the importance of doing everything we've been doing over the last couple of years of changing the style of how we put a bid out. Yet I don't see the importance of changing from my computer and updating it to 2024 because it works great. I don't know – the whole thing frustrates me beyond compare. And now we're saying, even though you have nothing to show us, but the guy before you said you're great so pick up your shovel and go build this.

Dave Gates said let me take a walk on this. I sense you Commissioners need me outlining Progressive Design Build and explain the three alternative contracting mechanisms that we have statutory authority to utilize for our alternative contracting projects. When we propose to bring a project forward with the use of an alternative contracting mechanism it informs us that the project magnitude, something about it either risk or scheduled components, that we need to use an alternative contracting delivery mechanism. That's fundamental. We can get some value out of what we've talked about for years and the opportunity to have a contractor and an engineer get together at inception to control costs and ultimately deliver the product that everybody is looking for. It's important for you to know that at the inception of any of our projects there is not an open checkbook. We have to have budget criteria established based on the anticipated scope of work that gets programmed with FHWA. So it isn't as much a moving target as it is based on past performance of similar projects of what we estimate to get to what we think that three bedroom house is going to cost.

Commissioner Sansaver said do all the contractors out there take a class on the new style you're putting out or just get some statement that says this is what we're going to do, follow it. Dave Gates said Alternative Contracting concepts are utilized effectively across the country and if it's a good thing for the industry to participate in, they have to tool up to be able to compete on a qualifications-based selection process. It is important for me to say the value of relationships is we talk to people. Speaking from personal experience of being a consultant and submitting numerous proposals to the department for work, I appreciate and welcome the opportunity to take a Technical Proposal written narrative, call it a paper tiger, and communicate in front of an owner my teams experience and expertise to be able to provide the service they're looking for. In that context, we recognize the Statement of Qualifications through a Technical Proposals, that all of the competition out there is getting pretty good at writing that narrative, at threading that needle through and using the buzz words we want to hear about how their team is the most uniquely qualified to satisfy the scope of work. The in-person interview really provides us the mechanism to speak to them in person, human-to-human, and they can demonstrate what magnitude of professionalism and experience they have that gives us the degree of comfort we need to select the right team to be able to deliver one of these higher level projects than we would normally release with Design Bid Build scenario because of the schedule, cost, complexity, and risk.

Director Dorrington said what we're trying to say is that we have more need than we have resources obviously, so project delivery methods that can accelerate while mitigating some risk using alternative project delivery methods, we have to look at that. There are places where Design Bid Build fits – we can manage risk, we can manage the time and its part of the program. We spend a lot of time on exigency and

the state of our infrastructure which is deteriorating rapidly. We know the demand on the department and the limited resources we have, is that we do it as fast as possible with the highest quality with limited down time. With those conditions we have to look at alternatives other than just the traditional project delivery methods. I think you get that; that is the cornerstone of looking at other methods.

Your question is a little bit different than that – how do you get to what you need and not just get the glossy picture as opposed to getting the best value. That is a separate function. Dave Gates said recognize that in our procure process it begins with the State of Qualifications. So for teams to submit Statement of Qualifications to be able to advance to the Technical Proposal stage to submit to the department, they've already demonstrated commensurate levels of experience and expertise congruent with what the requested Scope of Service is. Making it to that stage is significant.

Commissioner Sanders said philosophically I too fear change, I get that, but we have to have some belief that the guidance that MDT utilized isn't something they made up. They are using guidelines that have been well established. I think to keep doing Design Bid Build does a disfavor to the public that is looking for the best value. Thank goodness for aviation when somebody decided we could fly or else we'd still be getting around on horses and I think the same applies to here and the utilization of a better way to do it and it's something we need to have. I understand my ignorance has served me well because when the staff tells me something I believe they have an obvious reason for presenting it the way they do, whether its an 80/20 split or the two thirds/one third. When you get on my airplane you trust that I haven't been drinking for the last 12 hours. When the staff recommends that this is the way to go, then there is probably a good reason for it. That is why I support this.

Commissioner Frazier said my question wasn't so much why, it was the weighting of the verbal presentation versus the technical and where you define it so that everything you want doesn't become "extra". You answered that. The other thing is that you can terminate if you can't agree on price. That was my concern. Is Progressive Design Build the best tool for this one? You went through the process and recommend it's the best tool. There are a couple of sections where I agree and there are a couple of sections where I don't but that's just my opinion. My question was the weighting so much on the oral presentation. Concerning cost control on this project – this is not a cheap section of highway that is why it's last to get done. When they did the EIS to Polson, there's a reason this is last. The low hanging fruit on Hwy 93 is gone and we're at the tough piece. I just emphasize that the cost on this could really rocket. I understand your reasoning but I want to make sure we keep the snake oil salesman in check on the presentation.

Commissioner Aspenlieder said we had an extensive conversation about this yesterday. From that conversation, whether we're using CMGC, Design Build, Progressive Design Build, or Design Bid Build, I don't want these new shiny objects to take away from the fact that, even with the other alternative contracting methodologies we have, we still completely hamstring the speed of these projects by our own project delivery process. That spaghetti bowl of a process hampers every delivery method we could possibly put up. I don't care what the new shiny object is for years, our own process makes it difficult for us to deliver with speed and efficiency. Until we actually talk about that and make some meaningful changes to that, this isn't going to be any better than a CMGC project on Hwy 200 for bridges that still hasn't made any progress that we awarded years ago. So we can try all these fancy methods to get the lights to ring but we're still not figuring out our own internal process which makes this complicated regardless of the shiny object we try for this project or the next project. That's the part I guess I don't want us to lose track of and it would be really great to start to see some kind of progress on that. In 3.5 years we've talked about it a lot but I don't see that we've ever changed anything in it. That's where my hesitation and frustration lies is that we're going to try all these new things but we know we have a problem and we're still not fixing the problem

which is project delivery. So we're not setting ourselves up with the best chance to succeed for any of our staff or our contractors.

Director Dorrington said we're in complete alignment with regard to the need for improvement. I can't tell you the number of times I've heard the districts say what can we do differently or better. There are answers out there. There are people who know this is always in the way. This is something we can do better. It is absolutely part of my objective in order to realign some of the processes. I won't commit to all of them but some of the processes especially in priority order where we can make this a more clear and consistent well communicated effort. It's going to take a minute and it won't get done by the end of the year by any stretch. The effort is definitely kicked off.

Dave Gates said please recognize that Progressive Design Build is our new tool in the tool box and it provides us the opportunity to take the gloves off. So it provides the teams that contractor expert and the engineer expert the most qualified folks in our system and our process to get us to the critical elements we need to deliver component planned packages. So recognize we've only released one PDB project and this is number two and this is the demonstration of the evolution of using innovation to deliver quicker, faster, better.

Commissioner Frazier said one comment I have is that Commissioner Aspenlieder brought up a really good point about the internal review process and I think a project that was fairly successful was the bundled bridge project in NE Montana where the department recognized they didn't have staff on hand for review and they actually hired another consultant team to do that review. That went really well. I would be looking at some way of thinking outside that traditional box for planned reviews.

Commissioner Sansaver said it would be really beneficial when we move to a new innovative process that we can compare it to the last one we did before that and the last one we did before that. Because we only get a few hours a quarter to sit down and talk about these things and it's tough to have constituency that you have to go back to and explain to them the new innovative way of bidding projects. I for one have a difficult time going back and regurgitating all of this and being able to present it to the common contractor out there. So in the future if we could have a layout that tells us what is different from that and this is why this is quicker and better and more economical. Then we don't have to sit here to go through an hour of dialogue. I'm going to vote for this but I don't totally support this because of not having the background knowledge and all of the information I need to go back to my folks and say this is why.

Commissioner Aspenlieder moved to approve Project Delivery Selection Process (PDSP) – US 93 Wildlife Overpass; US 93 North Ninepipe; SF 179 Eagle Pass Trail Safety – Ninepipe Area. Commissioner Swartz seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

### **Agenda Item 1: Surface Transportation Program – Urban Montana Street – Livingston**

Rob Stapley presented the Surface Transportation Program – Urban, Montana Street, Livingston, to the Commission. The Surface Transportation Program Urban (STPU) provides funding for improvements on the Urban Highway System in Montana's 20 urban areas. STPU allocation amounts are based on a per capita distribution and are recalculated after each decennial census. Priorities for the use of STPU funds are established via local planning processes with final approval by the Transportation Commission.

At this time, MDT is requesting the addition of the following project to the STPU program: Montana Street - Livingston: This project is located within the City of Livingston on Montana Street (U-7402). The project scope includes reconstruction work (without added capacity), curb and gutter, sidewalks, ADA upgrades, and storm drain improvements on Montana Street from 7th Street to 12th Street.

The City of Livingston has requested Local Agency Guideline (LAG) certification to develop and construct this project. The estimated total cost for all phases is \$3,912,000 (including indirect costs and inflation). Livingston's annual STPU Allocation is \$184,782 with an anticipated letting year (FFY 2029) balance of approximately \$4,300,000.

MDT is requesting Commission approval for a Surface Transportation Program Urban (STPU) project on Montana Street (U-7402) in Livingston. The estimated total cost (for all project phases) is \$3,912,000. The proposed project has been prioritized via local planning processes and is consistent with the policy direction established in TranPlanMT. Specifically, roadway system performance, traveler safety and bike/ped features will be enhanced with the addition of this project to the STPU program.

Staff recommendation:

MDT staff recommends that the Commission approve the addition of this project to the highway program and requests that the Commission delegate its authority to let, award, and administer the contract for this project to the City of Livingston – in accordance with MDT's Local Agency Guidelines (LAG) process for project delivery

Commissioner Sanders moved to approve the Surface Transportation Program – Urban, Montana Street – Livingston. Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

## **Agenda Item 2: Performance Programming Process – Px3 2024 Px3 Analysis – Funding Distribution Recommendations**

Paul Johnson presented Performance Programming Process – Px3, 2024 Px3 Analysis – Funding Distribution Recommendations to the Commission. MDT utilizes the Performance Programming (or Px3) Process to develop an optimal funding allocation and investment plan based on strategic highway system performance goals and the continual measurement of progress toward these goals.

Each year, the Performance Programming (Px3) Process:

- Accesses data from MDT's Bridge, Pavement and Other Management Systems to determine the current condition of the state's roadways and bridges.
- Analyzes the effects of various funding scenarios on system performance – consistent with established MDT plans and processes.
- Develops an optimal funding plan designed to meet or exceed performance goals for all systems / programs.
- Presents the optimal funding plan to MDT staff and Montana's Transportation Commission for approval.

- Utilizes this optimal funding plan as the budgetary framework for MDT's Tentative Construction Plan (TCP).

### *Power Point Presentation*

Today we're going to talk about funding distribution and some other funding reserves and issues to set the table for the Tentative Construction Plan which is going to occur on November 7, 2024.

## **Px3 Performance Programming Process 2024 Px3 Analysis For the 2029 Funding Year**

### 2024 Px3 Analysis

- Px3 Tentative Construction Plan (TCP) Activities – Timeline
- Recent Developments
- Discussion on Budgetary Issues
- Review of System Performance
- Funding Recommendations

### Federal Program – Reauthorization

#### Infrastructure Investment and Jobs Act (IIJA)

- Signed into Law on November 15<sup>th</sup> of 2021
- Establishes Federal Apportionment Levels from FFY 2022 to FFY 2026
- Continues all FAST Act Highway Programs
- Creates Several New Highway Programs
  - Bridge Formula Program (BFP) – Dedicated Funding for Bridges in MT
  - National Electric Vehicle Infrastructure (NEVI) Program – Aids in Establishing EV Charging Network in MT
  - Carbon Reduction Program (CRP) – Funds Projects to Reduce Transportation Emissions
  - PROTECT Program – Dedicated Funding for Projects that Promote Resiliency
- Overall Federal Program Growth in FFY 2022 = 20+%
- Overall Federal Program Growth in FFY 2023-2026 = 2.0% Per Year

We are currently operating under the Federal Infrastructure Investment and Jobs Act (IIJA) which was signed into law on November 15, 2021. It establishes our federal apportionment levels from 2022-2026. It is similar to the FAST Act but it did create some new programs. One thing we found with IIJA is there are new guidelines, new restrictions, and new set-asides which are problematic for MDT because they reduce the flexibility and divert funding away from higher priorities, and we have additional administrative and reporting requirements. We did see new opportunities for discretionary funding and more opportunities to receive the Redistribution funds. We received \$71 million and that is a healthy Redistribution.

### Assumptions for TCP:

- We are assuming redistribution funds will be similar to what we've had in the past.
- We're assuming that our federal apportionments will increase at 3% beyond IIJA.
- As per usual we will have extra projects identified between \$30-60 million for advancement in 2025 for redistribution. Those will be highlighted with an asterisk in the TCP. Those will be mostly Core Program projects.



### Reauthorization Discussions – Critical for Montana

- The Federal Highway Program formula is being revisited. There is some conversation about changing the shares that go to the states and this will effect Montana. Historically they've been reluctant to change it.
- Funding Flexibility. We need to maintain our funding flexibility. We rely on the transferability of federal funds to address state needs. The more restrictions they put on, the harder it is to do what we want to do. We have to find new and different ways to maneuver around those restrictions.
- New set asides tend to divert funding to other priorities. They are more restrictive with increased administrative reporting requirements.
- Continued Supplemental Funding for Bridges. We are hopeful the supplemental funding for bridges continues. It looks like it will and that will be helpful.
- Federal Program Growth Greater than Inflation = Ideal Situation

### Budgetary Assumptions:

- Annual Federal Growth = 3%
- Obligation Reduction = 10%
- 10 Year Inflation Rate = 2.32%
- Indirect Cost Rate (IDC) applied at 11.32%
- PE, RW, IC, OT Phase Costs at 18% of total federal obligations
- Continuation of Funding Reserves for Rest Areas, Wetlands, etc.
- Continuation of State Funded/Maintenance Contribution to Preservation Work
- Matching State Funds Available for all Federal Funds
- “Grab Bag” Contribution assumed to be \$30M annually.

### Funding Reserves

- Annual Emergency/Exigency Program - \$1.5M Annually.
- Rest Area Program - \$4.0 M Annually
- Wetland Mitigation/Vegetation Control/Stream Mitigation - \$1.5 M Annually.

### Performance Programming – Annual Activities

- Access data from MDT's Bridge and Pavement Management Systems to determine the current condition of the state's roadways and bridges.
- Analyzes the effect of various funding scenarios on system performance.
- Develops an “optimal” funding plan designed to meet or exceed performance goals for all systems.
- Presents the “Optimal” funding plan to MDT staff for concurrence.
- Presents staff recommendations to the Transportation Commission for concurrence.
- Monitors MDT's tentative construction plan (TCP) to ensure that future projects align with the funding plan.

### Pavement Analysis – Px3 Objectives: Maintain/Improve Pavement Condition on IM, NH, STPP

- MDT's Current Performance Metric is “Ride Index”
  - Future Analysis May Include Additional Pavement Metrics
- 2024 Pavement Analysis Performance Goals
  - Optimize Pavement Performance by Maximizing Ride Index
    - Priority 1: Maintain Ride Index on IS (SOGR = 80+)
    - Priority 2: Maintain Ride Index on NHS (SOGR = 76+)
    - Priority 3: Maintain Ride Index on PS (SOGR = 75+)
- Pavement Management System Recommends Optimal Funding Mix Based on “Prioritized” Pavement Needs.

### Pavement Analysis – Federal Requirements - New Federal Performance Metrics for NHS Routes

- Interstate Performance Metrics
  - Percent IM Pavement in Good Condition
  - Percent IM Pavement in Poor Condition

- Non-Interstate NHS Performance Metrics
  - Percent Non-IM NHS Pavement in Good Condition
  - Percent Non-IM NHS Pavement in Poor Condition
- Review of Good/Fair/Poor Data Suggests that MDT is Managing Pavements Well With Current Methodology
  - Near ZERO Poor Pavements & Very Favorable Good to Fair Ratios
- New Federal Performance Metrics/Targets Unlikely to Drive Investment Decisions (But MDT will Continue to Monitor)

#### Bridge Analysis – NBI Rating System

##### Bridge Condition Determined by the NBI Rating System

- National Bridge Inventory (NBI) Data Establishes Ratings for:
  - Deck – Surface Vehicles Drive On
  - Superstructure – Bridge Elements Supporting the Deck
  - Substructure – Bridge Elements Transferring Load to Foundation
- Bridge Condition Ratings Used to Classify Bridges as Good/Fair/Poor
  - Ratings Range from 0-9 for Deck, Superstructure and Substructure
  - Lowest Rating Determines the Overall Ratings for the Bridge
  - Overall Bridge Rating >6 (Good)
  - Overall Bridge Rating = 5 or 6 (Fair)
  - Overall Bridge Rating <5 (Poor)

Note: We meet the FHWA standard and then we set our own goals.

#### Bridge Condition Metrics

- National Highway System (NHS) Performance Measures
  - % of NHS Bridges (by deck area) Classified in Good Condition
  - % of NHS Bridges (by deck area) Classified in Poor Condition
  - Federal Requirement for Poor (Structurally Deficient) Bridges
    - No more than 10% of Total Bridge Deck Area on NHS Classified as Poor (SD)
    - MDT currently at 4.0% - Mostly Bridge Decks (Meeting Standard)
- MDT's 10-Year State of Good Repair Objectives for NHS Bridges
  - Increase Percentage of Good NHS Bridges from 17.4% to 25.0% (Current = 20.7%)
  - Decrease Percentage of Poor (SD) NHS Bridges from 7.3% to 3.0% (Current = 4.0%)

#### On-System Bridge Program Objectives

- No Federal Performance Requirements for Non-NHS Bridges
- MDT Set Performance Metrics & Prioritization Strategies
- STP On-System Bridge Performance Metrics
  - Utilize Good/Fair/Poor Measures
  - Current Goals for Good/Fair/Poor (by deck area)
  - Goal #1: Good/Fair Percentage at 90% or Above
  - Goal #2: Reduce Percentage of Poor (SD) Bridges Over Time.
- STP On-System Bridge Prioritization Strategies
  - Targeted Approach for High Risk & Load Posted Structures
  - Mitigation Projects for Bridges with Scour Critical Ratings >Moderate

### **Elected Official / Public Comment**

No public comment was given.

### **Agenda Item 2 (Continued): Performance Programming Process 2024 Px3 Analysis – Funding Distribution Recommendations**

#### Bridge Program – Performance Goal Summary

##### Maintain/Improve Bridge Conditions on MDT Routes

- NHS Bridge Program – Performance Objectives
  - Goal #1: Increase Percentage of Good NHS Bridges from 17.4% to 25.0%

- Goal #2: Decrease Percent of Poor (SD) NHS Bridges from 7.3% to 2.0%
- Goal #3: Reduce Number of Load Posted Structures on NHS
- Goal #4: Reduce Number of Scour Critical Structures on NHS
- STP On-System Bridge Program – Performance Objectives
  - Goal #1: Increase Percentage of Good/Fair Percentage at 90% (or above) for STP Routes
  - Goal #2: Reduce Percentage of Poor (SD) Bridges on STP Routes
  - Goal #3: Reduce Number of Load Posted Structures on STP Routes
  - Goal #4: Reduce Number of Scour Critical Structures on STP Routes

Paul Johnson said we've struggled a bit with messaging over time. You see the graph says we're going to maintain or improve our bridge conditions on MDT routes. That is significant. That means we're dedicated to a certain set of objectives getting better over time. To which degree we'll get better is a function of both funding and project delivery. In two years we will revisit these goals.

We've been pouring over the numbers and with the projects we have in load posted we have 30% of those Load Posted Structures in existing projects without new nominations and we will also take new nominations. With the program we have, roughly 70% of Scour Critical Structures are in existing projects. If we deliver the program, we will eat away at that number with adding a few nominations.

Commissioner Aspenlieder said are these attainable goals or are these aspirations? Are we setting these goals so that we can hit them or are we setting these goals so they are pushing us to stretch our budget? Ryan Dahlke said I would say they are both. Goals #1 and #2 are achievable. Goals #3 and #4 are aspirational. As our infrastructure ages the challenge of addressing Load Posted Structures is going to continue to grow and be more and more difficult. I will say that we have a slug of bridge projects that are nominated and working their way through the process that will address every single On-System Load Posted Structure that we have. Now the challenge is going to be the funding available. Delivery of the program of course is always going to be challenge but MDT is going to do what we do with alternative delivery methods but the big challenge is the funding associated with it.

Paul Johnson said I agree 100%. With regard to the Scour Critical, I think that's achievable by what we've stated here based on the amount of projects we have in the program versus the rate in which we see Scour Critical Structures pop up. Our goal is a little bit aspirational. I think that is what the Governor wants us to do.

Commissioner Swartz said you've got the 10-year plan for the state of good repairs and we're tracking well. When did that 10-year plan start? Paul Johnson said it's a sliding plan. The 10-year plan gets updated every four years. We're half way through the last 10-year plan. Commissioner Swartz said you stated the goals are attainable and it looks like they are, we're going much faster so shouldn't they set those goals a little harder? Paul Johnson said as we get closer to those numbers it is harder to move the needle. So the first part is the low hanging fruit. It's not linear, so it remains to be seen. Yes, we evaluate our goals every two years and every year we look at it through this process. Our goals we can adjust at any time. Every two years we look at performance and then we formally adjust our TEMP goals every four years.

Director Dorrington said there isn't a lack of focus on bridge right now; we've had three or four meetings in the last six weeks focusing on these. Ryan Dahlke is 100% dedicated to working the plan. To reduce the number of Load Posted Structures is an aspirational goal. I don't think we're going to achieve that but it certainly does not reflect the amount of work we're putting into that.

Commissioner Sanders said we have very specific goals in #1 and #2 but then the rest are kind of general. Why is that? Paul Johnson said it is data driven. To some

degree it's new for us to say we're going to maintain or improve our bridge connections. We're actually formally stating that. But the numbers we see on Scour Critical and Load Posted, we'll see how we do over time. Based on what I've seen on the National Highway System, we've got pretty much every Load Posted Structure and Scour Critical Structure identified and 90% in the program. We have to get a little farther down the road to see because there is a practical delivery component and a data component. Basically we're early on with those performance measures. Director Dorrington said we're working really hard to get Load Posted or Scour Critical into our project plan. Ryan Dahlke said our ultimate aspirational goal is no Load Posted Structures or Scour Critical Structures on the system. That is our ultimate goal. I'll caveat that, there are some Scour Critical Structures that are just fine. We monitor them and if nothing dramatic happens then we're fine. You don't want to nominate and attack the wrong project at the wrong time. Our goal is no Load Posted Structures to fully allow commerce to happen. The other thing I'd touch on is the off-system bridge program. SB 536 is taking some serious ground and we're about to pull the trigger on another 20 off-system bridge replacements funded with SB 536. It doesn't have anything to do with our federal aid program. So there is some serious ground being taken on that side of things as well.

Director Dorrington said on the NHS Program Goals #3 and #4 those are emerging and dynamic situations that are hard to quantify because we can't anticipate particular bridge elements having problems that are a function of age, type and condition that elevate them to a Load Posted or Scour Critical scenario that through our inspections we encounter on a yearly basis, those issues pop up. So we have to be flexible enough to address those based on priority or risk. So it's not practical to have any sort of metric associated with them. We recognize the challenge in having a program that can respond to those as they come up.

Commissioner Frazier said since my district does include the Golden Triangle and farming, regarding Load Posted Bridges we prefer zero especially during this time of year when we're putting all our money in the bank for the year. Commissioner Sansaver said that is true in every district. On the off-system bridges, I see there is no federal or state performance requirements for the off-system and we only have \$10.3 million for off-system bridge program. Paul Johnson said this is the different message we're receiving through the Governor's office and Director's office to us. Director Dorrington we know that goal of no off-system Load Posted or closed is not unattainable. Our minimum commitment level is \$5 million and we're currently at \$10 million. Our commitment is on-system first. I would like to not take on off-system bridge responsibility. We have a limited funds that will go to on-system first in order to reach our goals and objectives

#### Bridge Program – Off-System

##### Limited Resources to Assist Local Governments

- No federal or State Performance Requirements for Off-System Bridges
- Federal Funding Levels for Off-System Bridge Program Set at \$10.3M per Year
- MDT's Primary Responsibility = Federally Required Bridge Inspection Duties
- MDT Serves as Information Resource & Provides Tech Assist (to Counties, etc.)
- Example = Off-System Bridge Study and Implementation Plan
- Minimal MDT Funding Sources Available for Off-System Bridges
- Project Development & Delivery Duties Fall Mainly to Locals
- MDT Will Deliver Existing Off-System Projects in TCP

Commissioner Sansaver said I was visiting with Lucia Olivera before the meeting and we were talking about the new administrative changes that are going to be coming about in a few months. She indicated she didn't feel like that would change the programming of the bridge systems. So we can look at the amount of money coming, are we firm in those numbers? Lucia Olivera, FHWA, said I was saying that we have the expiration of IIJA that is controlled by Congress. So Congress has to

approve the authorization for continuation of IIJA. Separately the administration may change and so Congress and the Administration may coordinate and talk to each other or they may not. That was what I was trying to say – the administration change may not have an impact on IIJA. A change in Congress might. Commissioner Sansaver said that change would affect the funds? Lucia Olivera said a change in Congress may affect the Reauthorization at the end of 2026.

Paul Johnson said there are a couple of moving parts and one is our federal share. If we keep our federal share things look really good. Typically it will grow to match inflation. Then there are emphasis areas and they've been emphasizing bridges and I think they'll continue to do that. If they do that then these numbers are reasonable. Lastly if for some reason we get lower than expected, we have the opportunity to re-evaluate redistribution options to make up some difference in here. If they cut back bridges, then that is problematic. The last reauthorization increased levels by 20% in the first year.

#### Congestion & Reliability Measures/Metrics

- MDT Congestion Metric is “Level of Service”
  - FHWA Guidance Mandated Adoption of a Metric for Reliability
- New FHWA Travel Time Reliability Measures/Metrics
  - Measures = Percent of Interstate/NHS Providing for Reliable Travel
  - Metric = Level of Travel Time Reliability
  - Analysis Reveals Montana’s Transportation Network is Very Reliable
- In general, congestion and system reliability aren’t significant issues in Montana – no one of these metrics will likely drive major funding decisions.
- However, this information will be helpful in identifying/addressing locations where bottlenecks currently exist.

#### Final Note: Px3 Success Story

##### MDT’s Process Recognized for Superior Performance over Time

- Multiple Governor’s Awards for Excellence in Performance
- National Award for Excellence in Performance
- Consistently in Top 10 in National Performance Rankings
  - Reports Measure Overall Highway Performance & Efficiency
  - Top 10 Nationally – For Over a Decade

##### The Px3 Process Delivers Results!

There are three decision items for today: Funding distribution, funding reserves, the annual emergency exigency program, rest area program, and litigation. The distribution is at the same levels as last year.

Commissioner Aspenlieder asked Mr. Kailey, it feels like we blow through well over \$1.5 million in emergency exigency projects every year. We do that in one project more recently. Is that the appropriate number? As we have aging infrastructure, we’re seeing these things come up and I know we’re trying to get ahead of it but things jump up and cripple us. Is \$1.5 million annually the appropriate number or should we be looking at increasing to \$2.5? From the trends what are you seeing? Dwane Kailey said this is just a place holder. We’ve got years like 2011 where we were in the tens of millions. We’ve got years like 2023 where it was just a few million. So it varies widely and it’s very hard to predict what it’s going to be because it is weather based. Really it just acts as a place holder. Lisa Hurley builds her plan, and tracks how much we end up with throughout the year, she tracks that and plans for that. Director Dorrington said are we tracking things to help us determine if \$1.5 million is the correct number.

Paul Johnson said Dwane nailed it when he said some years it’s almost zero and in other years it is much more. One thing that comes into play when we get high level disasters, those are funded by our Emergency Relief Program in affiliation with our federal partners. It is a place holder. It’s been about that on average. There are other

mechanisms within the program to address these things as they come up. As mentioned we have a certain percentage of the program that is reserved for change orders and this falls into that category. That is a fairly large reserve and if we use it great and if we don't that's fine as well. There are a variety of tools we can use.

Commissioner Aspenlieder said in the 3.5 years I've been here that Emergency and Exigency Program has been a black box and I don't understand what's in there and what comes out of it and what gets supplemented into it and where it goes. The department has statistics for almost everything but I've never has seen any data on this. It would be helpful just to have a better understanding of that data if possible so at least I understand what we're doing and where we're pulling dollars from. \$1.5 million feels way light compared to what we've done over the last 3.5 years I've been here. That's why I ask the questions; I just don't understand it.

Director Dorrington said we can easily follow up. One of the best things is to say what it is and then what it isn't. We can easily share that information and also trending. What might be helpful is that larger disasters usually have a federal component. This is usually for something smaller. If we have a project that spins out of an event that becomes an actual project, it's not going to be delivered in that year and usually it will show up in the TCP. So this is for very small parts of that. Larger projects go into the program and are entered in the TCP. So this is just for stop-gap measures more than anything else. Larger projects will appear in the TCP, Emergency Projects will be dealt with as the year goes. This is just the nuts and bolts of running out there and fixing things in the short term. That's a good way to look at it. We can type all that up and explain it a little better if you need further information.

Commissioner Frazier said \$1.5 million seems light to me as well. Here two or three weeks ago we got a notice a bridge on MT 200 by Hwy 93 had some plates that fell off, we had a culvert in my district two years ago that collapsed on I-15, these things pop up and they seem to cost \$1 million each. Commissioner Sanders said we got a change order for June this year for \$3.7 million and you mentioned change orders come out of this. Paul Johnson said change orders have a larger pool of money they draw from – it is basically a set-aside from the very beginning. So a change order might utilize this funding but they are not one and the same. They might draw on this funding.

One more point of clarification, one of the reasons we initiated this program is to speed up our response to issues that emerge. We are going to have some emergencies and we know you have to get started, it is a blanket approval. With FHWA it's an understanding that we can go immediately to our Federal Aid Program and start projects. That was the rationale. Honestly if we had a larger reserve, I don't think that swings the needle too far one way or the other; I don't think that's a big deal. One thing to consider is that at the end of the year, for instance, we just got \$71 million of extra funding for redistribution.

Commissioner Aspenlieder said when we put the exigency projects up for our approval, it would be helpful to know where the funding is coming from when we approve these projects. Sometimes it seems like they come from here but then sometimes they get wrapped in change orders. It's not always clear to me to be able to track and follow where we're pulling the dollars from when we're approving these exigency projects and if we're taking other projects off the table because now we have to fund an emergency project. That's the kind of clarification I would appreciate.

Commissioner Frazier said we had Red Lodge which is still going on and it was \$25 million. Paul Johnson said that is Emergency Relief Program funding and that doesn't fall under this category.

Paul Johnson said at this time, MDT is advancing the 2024 Px3 Process funding distribution recommendations. MDT is requesting Commission approval for the 2024 Px3 Process funding distribution recommendations – which will be utilized to establish program funding levels for this year’s Tentative Construction Plan (TCP).

Staff recommendation:

Staff recommends that the Commission approve the 2024 Px3 Process funding distribution recommendations.

Commissioner Sanders moved to approve Performance Programming Process – Px3, 2024 Px3 Analysis – Funding Distribution Recommendations with the addition of a more detailed follow-up. Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

### **Agenda Item 3: Speed Limit Recommendation US 191 (N-50) – Big Sky**

Dustin Rouse presented the Speed Limit Recommendation, US 191 (N-50) Big Sky to the Commission. Dustin Rouse referred the Commissioners to the map of project. This project starts down at milepost 44 and works up to the intersection of Bull Mountain Road or MT 64 and 191 which is the intersection with Big Sky Road. The map shows the existing speed zone and the propose speed zone changes. Our recommendation is to decrease the speeds through this section by five miles per hour.

In October of 2021, Gallatin County requested a speed study be performed on US 191 from milepost 45 to milepost 50. After reviewing the study area, the limits were extended from milepost 44 to milepost 51. The public’s main concern is the speed of traffic primarily around the intersection with MT-64 and “the growing, built-up areas adjacent to the roadway north and south of the intersection.” Unfortunately, road maintenance and other construction projects prevented all the data from being collected during the summer of 2022. Gallatin County agreed to splitting the speed study. This study begins at milepost 46 and continues to milepost 51. The previous study was completed from milepost 44 to milepost 46 and included the Ophir School zone, that study recommended a no-change to the speed limits between those two miles.

This segment of US 191 was constructed in the county in 1960. Improvements occurred in 2023 with the installation of variable message signs. Previous improvements in 2016 had turn bays installed. The typical sections are comprised of two 12-foot travel lanes (one in each direction) with 2-foot to 4-foot shoulders. A two-way-left-turn lane exists south of the intersection with MT-64. The shoulders also widen at the intersection with MT-64. There is adequate sight distance for the most part both on and along the roadway as the alignment is both tangent and flat in this area. The existing guardrail separating the pedestrian path from the roadway does create some sight obstructions at some of the intersections.

Average annual daily traffic volume from 2022 ranges from almost 7,400 vehicles south of the intersection with MT-64 to around 8,700 vehicles north of the intersection. Peak AADT was observed in 2022. Traffic growth did slow in 2020 with about a 5 percent increase south of MT-64 and a 5 percent decrease north of MT-64. On average there has been between a 24 percent and 28 percent increase in traffic since 2018. It should be noted that traffic volumes on average were 42 percent higher during the summer months. The roadside environment has some rural and rural town qualities. There is development on the west and east side of the roadway near the

intersection with MT-64. North of the MT-64 intersection, development is minimal, resembling a rural environment with a few scattered residential homes.

### *Summary*

A review of the spot speed samples shows that the prevailing speeds along US-191 match the set speed limits. The 85th percentile speeds and upper limits of the pace are for the most part within -4-mph to +2-mph of the 60-mph and 50-mph posted speed limits. Within the 60-mph speed zone about 68 percent of drivers are all within 10-mph of each other. The same is not true in the 50-mph speed zone with only about 58 percent of drivers traveling within 10-mph of each other. Although the prevailing speeds indicate appropriately set speed limits 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 rural town environment and will become more inappropriate with further incoming development along this route and Big Sky proper. Furthermore, the roadway does not meet design standards with an inadequate shoulder width and has pedestrian activity along the route.

There is also an observed crash trend primarily under adverse road conditions of drivers near the signalized intersection with MT-64. Based on these factors, it would be advisable to use the rounded down 85th percentile which would result in a 5-mph reduction to a new speed limit of 45-mph. For the 60-mph speed zones, north and south of the 50-mph speed zone near the MT-64 intersection, roadway context suggests these speeds are slightly elevated. The southern 60-mph speed zone has a pedestrian trail on the west side of the roadway while most of the development exists on the east side of the roadway. This section does not meet current shoulder length guidance and considering the rural town environment, it is advisable to use the rounded down 85th percentile, which results in a 5-mph reduction to a new speed limit of 55-mph. The northern 60-mph speed zone has roadway context resembling a rural environment. However, due to the lack of an appropriate shoulder width and an identified crash cluster near milepost 50, it is advisable to use the rounded down 85th percentile to determine a speed limit. This would result in a 5-mph reduction of the 60-mph speed zone to a new speed limit of 55-mph.

Gallatin County does not agree with MDT's recommendations and would like to see a 10-mph reduction in all speed zones from the existing speed zone configuration. They concur with the lengths and areas of the speed zones identified but do not feel that the 5-mph reduction is enough for this community. MDT would like to note that even if the roadway context could justify utilizing the closest 50th percentile for determining a speed limit, it would still result in the same recommendation that MDT is proposing in all speed zones. MDT would like to stress that the data does not support a 10-mph reduction in all speed zones and without enforcement is unlikely to be obeyed. MDT does not recommend setting speed limits below where more than 50-percent of drivers would be driving on average 4-mph above the requested speed limit. Research has shown that speed does increase the crash severity but speed differentials have been shown to increase crash rates.

Staff recommendation:

It is the desire of MDT with the approval of the Montana Transportation Commission to institute the following speed limits:

A 55-mph speed limit beginning approximately 350-feet north of the intersection with Windy Pass Trail (straight-line station -24+10) and continuing north for an approximate distance of 1.7 miles, approximately 180 feet south of the intersection with Frenchman Road (straight-line station 62+20);

A 45-mph speed limit beginning approximately 180 feet south of the intersection with Frenchman Road (straight-line station 62+20) and



continuing north for an approximate distance of 1.0 miles, approximately 50-foot north of intersection with Spring Creek Road (straight-line station 116+50);

A 55-mph speed limit beginning approximately 50 feet north of the intersection with Spring Creek Road (straight-line station 116+50) and continuing north for an approximate distance of 2.63 miles, approximately at milepost 51 (straight-line station 255+80).

Commissioner Sanders said we have a lot of public interest on this speed zone particularly from the folks at Big Sky. I also see the County Commissioners are in opposition to what MDT is recommending. I did a little research on it and was provided a significant amount of background information because I want to make sure we do our due diligence on this. I certainly do listen to what the local folks are saying as well as the county commissioners but I do support this effort.

Commissioner Sanders moved to approve the Speed Limit Recommendation, US 191 (N-50) – Big Sky. Commissioner Aspenlieder seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

#### **Agenda Item 4: Speed Limit Recommendation US 93 (N-5) – Lakeside**

Dustin Rouse presented the Speed Limit Recommendation, US 93 (N-5) Lakeside to the Commission. Dustin Rouse referred the Commissioners to the project map. This speed zone study starts to the south near Lutheran Camp and the proposed speed zones are on the left of the map and the existing speed zones are on the right of the map. This speed zone study begins south of Lakeside near the church camp and extends north up to the intersection with MT 82.

In September of 2022, Flathead County requested a speed study be performed on US 93 from the Flathead County line to the intersection with Highway 82. After reviewing the study area and receiving another request on US 93 in the Rollins area both studies were extended to meet at milepost 93. The Rollins speed study was completed in 2022.

This study beginning at milepost 93 and continuing to the intersection with Montana 82 was requested to be performed during the summer of 2023. Flathead County has received “citizen inquiries on the speeds and concerns about pedestrians crossing in the community of Lakeside.” A focus on the “downtown Lakeside area” was requested by Flathead County. On top of this speed study, there are ongoing and completed pedestrian studies to look at addressing the crossings through the community of Lakeside. We had a lot of requests and that is reason it took a while to incorporate all the different areas that folks were asking us to look at through this segment. We did incorporate all those in this final study.

The beginning of this segment of US 93 was constructed by MDT in 1964 and the rest was constructed prior to 1924. In 1924 this segment of US 93 was considered an improved roadway and listed as the Auto Trail Great White Way. Most recently the study area from milepost 93 to milepost 102 was improved with a micro surfacing project in 2022. The rest of the study area was improved in 2018 with a crosswalk upgrade. Typical sections are primarily comprised of two 12-foot travel lanes (one in each direction) with 2-foot shoulders. The shoulders do vary a bit between 2-foot and 8-foot depending on if there is a pull-off or general fluctuations in the shoulder widths throughout the study area. Large sections of Lakeside do not have curb and gutter, making the shoulder and off-street parking for businesses blur together. There

is also a 13-foot center two-way-left-turn lane through the community of Lakeside between Blacktail Road and Bierney Creek Road. There is for the most part adequate sight distance both on and along the roadway. Areas do exist where rock cuts and vegetation may obscure visibility, primarily in the curves. Average annual daily traffic (AADT) volume from 2022 ranges from almost 12,500 vehicles near Somers and the intersection with Montana 82 to about 6,100 vehicles south of Lakeside. Peak AADT from the past 5 years was primarily observed in 2021, except near Somers where the peak occurred in 2019. On average the whole study area has seen a 4-percent increase in traffic volumes. It should be noted that traffic volumes on average were 44-percent higher during the summer months throughout the study area but could be as much as 53-percent higher some in areas. The roadside environment starts out as rural and then transitions rapidly to the more urban environment of Lakeside. After the main portion of Lakeside, the roadside environment can be described as rural suburban until entering the region of Somers which resembles a rural town. The study then ends in the rural environment outside the suburban area of the City of Kalispell.

### *Summary*

A review of the spot speed samples shows that the prevailing speeds along US 93 match with the set speed limits. The 85th percentile speeds and upper limits of the pace are for the most part within  $\pm 3$ -mph of the 70-mph and 35-mph speed limits. The 85th percentile speeds and upper limits of the pace are for the most part within  $\pm 6$ -mph of the 55-mph and 45-mph speed limits. In total, 80-percent of the stations showed speeds with  $\pm 5$ -mph of the speed limit. Furthermore, approximately 64-percent of drivers were on average observed traveling within 10-mph of each other. Although prevailing speeds indicate appropriately set speed limits, roadway context indicates these speeds are slightly elevated above what should be reasonable and prudent. Based on lack of pedestrian facilities, observed pedestrians and higher than average crash rates for Lakeside and Somers, it would be advisable to use the closest 50th percentile for these two communities. For Lakeside this would result in a 5-mph speed limit reduction to 30-mph. Within the area of Somers this would result in a no-change to the existing speed limit. There is an elevated crash rate south of Lakeside, and in conjunction with inadequate shoulder width, the closest 50th percentile should be used to determine an appropriate speed limit. This would result in a 5-mph speed limit reduction from the statutory 70-mph to 65-mph. This would create a consistent speed limit with the 65-mph speed limit that ends at milepost 93. Additionally, a 70-mph speed zone based on NCHRP guidance should be at a minimum 6.2-miles in length which this segment length of 4.15-miles does not currently meet. There is an elevated crash rate in the section between Lakeside and Somers, and in conjunction with inadequate shoulder width, the closest 50<sup>th</sup> percentile should be used. This would result in a no-change to the 55-mph speed limit for this section. Currently the transitions to the north and south of Lakeside are not to current MDT guidance. The 45-mph transition to the south of Lakeside is currently 765-feet and we recommend a length of 1,600-feet. The 45-mph transition to the north of Lakeside is 1,295-feet, and we recommend a length of 1,600-feet.

Flathead County agrees with MDT's recommendations and their concurrence is attached.

Staff recommendation:

It is the desire of MDT with the approval of the Montana Transportation Commission to institute the following speed limits:

A 65-mph speed limit beginning at milepost 93 (straight-line station 000+00) and continuing north for an approximate distance of 4.00 miles, approximately on milepost 97 (straight-line station 183+50);

A 55-mph speed limit beginning at milepost 97 (straight-line station 183+50) and continuing north for an approximate distance of 2,550-feet, approximately

350-feet north of the intersection of Political Hill Road (straight-line station 209+00);

A 45-mph speed limit beginning approximately 350-feet north of the intersection with Political Hill Road (straight-line station 209+00) and continuing north for an approximate distance of 1,600 feet, approximately 80 feet north of the intersection with Blacktail Road (straight-line station 225+00);

A 30-mph speed limit beginning approximately 80-feet north of the intersection with Blacktail Road (straight-line station 225+00) and continuing north for an approximate distance of 2,535 feet, approximately 210 feet south of the intersection with Old Orchard Road (straight-line station 251+50);

A 45-mph speed limit beginning approximately 210-feet south of the intersection with Old Orchard Road (straight-line station 251+50) and continuing north for an approximate distance of 1,600 feet, approximately 150 feet north of the intersection with Walker Lane (straight-line station 264+25);

A 55-mph speed limit beginning approximately 150-feet north of the intersection with Walker Lane (straight-line station 264+25) and continuing north for an approximate distance of 3.35-miles, approximately 320 feet north of Quarry Road (straight-line station 441+50).

Commissioner Frazier asked where the roll-a-coaster was located that we've heard so much about. Dustin Rouse said it is the S-curve in the 45 mph section.

Commissioner Swartz moved to approve the Speed Limit Recommendation, US 93 (N-5) – Lakeside. Commissioner Aspenlieder seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

### **Agenda Item 5: Speed Limit Recommendation Secondary 252 (S-252) – Circle**

Dustin Rouse presented the Speed Limit Recommendation, Secondary 252 (S-252) Circle to the Commission. Again I refer you to the map for current speed limits and proposed speed limits. In October of 2022, McCone County requested a speed study be performed on 10th Street also known as Secondary 252 with the intent on having a school zone instituted. MDT reviewed the area around the school and recommended reviewing the speed limits entering town on Secondary 252 as well as reviewing the proposed school zone. Due to the time of year reviewing the speed limits entering town was postponed until 2023 but a 15-mph school zone was approved by the Transportation Commission in the 25-mph speed zone. This study covers the speed limits entering Circle on Secondary 252 from milepost 2 to milepost 0.3 or approximately G Avenue.

The last improvements made by MDT occurred in 1983 and 2015. The 2015 project installed and upgraded guardrail between milepost 1 and milepost 1.5. Typical sections are comprised of two 12-foot travel lanes (one in each direction), an 8-foot shoulder to accommodate on street parking, curb and gutter, and 5-foot-wide sidewalks within the town of Circle. Upon leaving Circle there are no shoulders or sidewalks. There is adequate sight distance both on and along the roadway as the alignment is primarily both tangent and flat in this area. Average annual daily traffic volume from 2022 ranged from about 550 vehicles in town to almost 200 vehicles outside of town. Peak AADT was observed in 2018 in town and 2021 outside of town. The two segments have different growth patterns with the traffic in town

primarily decreasing except for 2021 and traffic out of town primarily increasing. Over the past 5 years traffic volumes have decreased in town by about 9 percent and increased around 36 percent outside of town. It should be noted that traffic volumes on average were 50 percent higher during the summer months both in town and out of town. The roadside environment starts out as a rural town and then rapidly transitions to a rural environment.

### *Summary*

A review of the spot speed samples shows that the prevailing speeds along Secondary 252 do match within the set speed limits for the rural town environment but do not match set speed limits within the rural environment. The 85th percentile speeds and upper limits of the pace are for the most part within  $\pm 3$ -mph of the 25-mph posted speed limits. The 85th percentile speeds and upper limits of the pace are for the most part within  $\pm 16$ -mph of the 70-mph posted speed limits. Within the 25-mph speed zone about 76 percent of drivers are all within 10-mph of each other. The same is not true in the 70-mph speed zone with only about 44 percent of drivers traveling within 10-mph of each other.

Prevailing speeds indicate that the speed limits are not appropriately set for the 70-mph speed zone and are higher than what would be considered reasonable or prudent. Roadway context indicates that the 85th percentile should be used when determining a speed limit, however, since the AADT thresholds are near for meeting the 2-foot shoulder length guidance, we recommend using the rounded down 85th percentile for determining a speed limit. The prevailing speeds being drastically lower than the posted speed limit and a very low percentage of drivers within the pace suggests that there currently are two different driver populations in this section. Looking at the speed statistics data, it showed that only 5% of drivers were driving at or above the 70-mph speed limit and roughly 10% of drivers were going 65-mph or higher. This shows that many drivers are driving significantly lower than the posted speed limit while a small percentage of drivers were driving near the posted speed limit. The 85th percentile for the 70-mph zone is approximately 63-mph and using the rounded down 85th percentile would result in a 60-mph speed limit recommendation. A 60-mph speed zone would decrease the large speed differential present currently and would result in a 10-mph reduction from the posted 70-mph speed limit. Additionally, a 60-mph speed zone based on NCHRP guidance should be at a minimum of 1-mile in length.

Prevailing speeds indicate that the speed limit is appropriately set for the 25-mph speed zone. Given the high approach density within the town of Circle, the closest 50th percentile should be used when determining a speed limit which would result in a no-change to the existing speed limits. However, the current 25-mph speed zone ends well within the town of Circle and the transitional zone begins within the developed areas of Circle. Given the approach density is high all the way until roughly J Avenue, we recommend extending the 25-mph zone to J Avenue to match the roadway context and speed data for this section. This would result in the 25-mph speed zone being extended roughly 550-feet to the edge of town.

The speed data indicates a reduction is necessary west of Circle and appropriate transitional speed limits should be posted. Drivers are caught off guard by the existing 70/35-mph and 70/45-mph speed limit configuration. This transition has two different speeds for both eastbound and westbound travel for a length of approximately 1,600-feet. A historical review of the transitional zones showed that it was never approved and does not reflect the existing driver behavior. MDT would like to appropriately set the transitional speed limits of 35-mph and 45-mph to the proposed 60-mph speed zone.

McCone County concurs with MDT's recommendations. Their concurrence is attached.

Staff recommendation:

It is the desire of MDT with the approval of the Montana Transportation Commission to institute the following speed limits:

A 25-mph speed limit beginning at the intersection with B Avenue (straight-line station 0+00) and continuing west for an approximate distance of 2,400 feet, approximately 50-feet west of the intersection with J Avenue (straight-line station 24+00);

A 35-mph speed limit beginning 50-feet west of the intersection with J Avenue (straight-line station 24+00) and continuing west for an approximate distance of 1,600 feet, approximately 1,650-feet west of the intersection with J Avenue (straight-line station 40+00);

A 45-mph speed limit beginning 1,650-feet west of the intersection with J Avenue (straight-line station 40+00) and continuing west for an approximate distance of 1,600 feet, approximately 470-feet west of milepost 1 (straight-line station 56+00);

A 60-mph speed limit beginning 470-feet west of milepost 1 (straight-line station 56+00) and continuing west for an approximate distance of 1 mile, approximately 470-feet west of milepost 2 (straight-line station 108+80).

Commissioner Sansaver asked if Hwy 252 was headed to Glendive. He said the school is on the wrong side of the highway. Commissioner Swartz said the speed study shows what good wholesome, God fearing and law abiding citizens we are in this state – we even drive below the speed limit in eastern Montana.

Commissioner Sanders said I've read all this information before I got here but I'm wondering if there is a requirement that we have to read the entire write-up in the meeting or can we skip some parts. Dustin Rouse said I asked Legal if I can refer to some of the sections in the write-up and then jump to the recommendations. Commissioner Frazier said 20 years ago we always read them verbatim to get them into the record. Legal said the information is in your packets. Commissioner Frazier said then we don't have to read it verbatim. Dustin Rouse said we've always been under the same impression that we have to make sure it gets into the record. I can drastically reduce it and just focus on some highlights.

Commissioner Sansaver moved to approve the Speed Limit Recommendation, Secondary 252 (S-252) – Circle. Commissioner Aspenlieder seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

### **Agenda Item 6: Speed Limit Recommendation Zoo Drive (N-133) – Billings**

Dustin Rouse presented the Speed Limit Recommendation, Zoo Drive (N-133) Billings to the Commission. I again refer you to the map in your packet. This is from the intersection with the Interstate to the first roundabout on Zoo Drive. It is currently 45 mph and we recommend it be reduced to 35 mph. It is driving by the development in this area.

In June of 2024, the Billings District initiated an interim speed study request for Zoo Drive inside the City of Billings. The request is to create a consistent 35-mph speed zone from the intersection with South Frontage Road to the intersection of Shiloh Road. The existing speed limit is 45-mph just north of the interstate bridge and

continues north to the intersection with Shiloh Road. The request was prompted by an upcoming MDT project to reconstruct Zoo Drive. The project will add additional through lanes for each direction and modifications to the intersection at Gabel Road. Additionally, the project will add ADA upgrades, creation of new sidewalks and traffic signal upgrades. The project is expected to undergo construction in 2025. This area has also seen substantial development over the last few years and is expected to continue to develop in the future. After completion of the interim study, there is a desire to have a comprehensive speed study be conducted approximately a year after construction has finished.

AADT volumes were about 9,700 vehicles in 2022 and are now at approximately 17,700 vehicles in 2024. The projected 2043 AADT is expected to be 22,630 vehicles. Traffic volumes have grown 6.5% on average over the last 10 years and grew 45% in the last two years. Traffic grew rapidly in the last few years due to increased development in the area, namely Costco that recently went online in 2023. The current roadside environment can be considered mainly commercial. The proposed interim speed limit will encompass the project area. MDT recognizes the rapidly changing area of Zoo Drive, and this interim speed limit will better reflect the changing roadside environment and the new road infrastructure to be installed.

The City of Billings concurs with an interim speed study and MDT's interim recommendation. Their concurrence is attached.

Staff recommendation:

It is the desire of MDT with the approval of the Montana Transportation Commission to institute the following speed limits:

An interim 35-mph speed limit beginning approximately at the intersection with South Frontage Road and continuing north to the intersection with Shiloh Road, an approximate distance of 4,750-feet.

Commissioner Aspenlieder moved to approve the Speed Limit Recommendation, Zoo Drive (N-133) – Billings. Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

### **Agenda Item 7: Certificates of Completion May & June 2024**

Dave Gates presented the Certificates of Completion for May & June 2024 to the Commission. Staff recommends the approval of the Certificates of Completion for May & June 2024.

Commissioner Sansaver moved to approve the Certificates of Completion for May & June 2024. Commissioner Aspenlieder seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

### **Agenda Item 8: Liquidated Damages**

Dustin Rouse presented the Liquidated Damages to the Commission. There are no liquidated damages. This is informational only.

**Agenda Item 9: Director's Discussion and Follow-up****Director Chris Dorrington***FWS - I-50 High Tension Cable Rail*

It appears we have an agreement with USFWS and are moving forward with that project. We've had quite a bit of back and forth as you are aware with a lot of help from outside parties. The project is back and up and moving forward.

*Commercial Vehicle Safety Alliance Meeting*

We have a technical workshop Sept. 20<sup>th</sup> and Commercial Vehicle Safety Alliance meeting in Big Sky. That's a very large national organization. First time in 50 years it will be in Montana.

*Quick Update on Jocko River Bridge*

We had the issue with structure over the Jocko River. The inspection crews went out and came up with a plan to address it. That plan was implemented and within one week they were able to raise the bridge. We went through calculations to make sure that was sufficient. We reinstalled that and also ordered bearing pads but that takes months to fabricate which are very specialized. Those are on order. All postings have been removed. I do want to commend staff for how fast they acted and found a solution and implemented it. Commissioner Frazier commended the staff as well.

**Agenda Item 10: Change Orders  
May & June, 2024**

Dave Gates presented the Change Orders for May & June 2024 to the Commission. In summary May consists of \$842,425.90 and June consists of \$3,765,904.53 for a total of \$4,608,330.33. This is informational only.

Commissioner Frazier said I know this is informational only but our packets still stay staff recommends approval. Dave Gates said that needs to be removed from the template. Commissioner Aspenlieder said this is the third time this has come up so I would request that it be removed for the next meeting.

Dave Gates said on the Red Lodge area flood repairs, our initial estimate was about \$25 million and we've now added in all the sites that were preliminarily identified to be included in this. So with this last change order we're at \$2.9 million so we're pretty close to our original target. Commissioner Frazier asked if the project was done. Dave Gates said they are working on the last change order now. There is one change order anticipated to complete the project. The estimate for completion is February 2025.

**Agenda Item 11: Letting Lists**

Dave Gates presented the upcoming Letting List to the Commission. This item is informational only. This is for August through December/January. This was printed prior to the Redistribution so I gave you an updated handout. Take note of October 10<sup>th</sup> and October 24<sup>th</sup> letting dates. There are two of them that are both large. They're the sheets that have at least half dozen 670 projects in them. Those include the redistribution projects. We moved those into the official letting once we got notice of the final redistribution amounts. So the actual letting lists are the ones that are more robust.

Commissioner Aspenlieder said regarding redistribution, it doesn't look to me that there are any bridge projects in here under redistribution. Are there bridges associated with some of these? Dave Gates said there is one bridge redistribution project. Smith Creek is another bridge project on system using redistribution money. I don't recall if that route and Lodge Grass have some bridge work on them. They are not bridge replacements but they do have bridge work on them. Really what it boils down to is having projects ready to capitalize on the redistribution money.

I will also bring up one item of note – on the October 10<sup>th</sup> letting the third one down is Nine Mile Bridge and sewer. I'm sure you are very familiar with that project. Nine Mile Bridge was posted at 5 tons which prohibited emergency vehicles from crossing the structure. When that happened we kicked off a very rapid response project to try and open up an old route that went around the bridge. We worked with the Forest Service to reuse that route. That will be a fully state-funded project in October to get that road opened as soon as possible so emergency vehicles can use that detour. Then we're also kicking off a project for what we want to do long-term. What is best for the system – to replace the bridge or actually build a detour around the bridge?

Commissioner Sanders asked about the permanent solution. Dave Gates said the permanent solution will go through a full detailed analysis. A lot of that is going to be significant work with the Forest Service. This is in an area of no new roads and it took some significant negotiations to identify that this is really an existing route so we're allowed to use it long term. So basically to ask if we want to put our money into a new bridge or do we want to work through the process and have people go around. We have to consider things like slides, drainage; there's a lot to this little area.

### **Next Commission Meetings**

The next Commission Conference Calls were scheduled for September 10, 2024, October 1, 2024, and October 22, 2024.

The next Commission Meeting was scheduled for November 7, 2024.

### **Meeting Adjourned**

Commissioner Loren Frazier, Chairman  
Montana Transportation Commission

Chris Dorrington, Director  
Montana Department of Transportation

Kelsie Watkins, Secretary  
Montana Transportation Commission