

Montana Transportation Commission

**June 27, 2024 Meeting
The Northern Hotel
18 North Broadway
Billings, Montana**

IN ATTENDANCE

Loren Frazier, Transportation Commission Chair (District 3)
Kody Swartz, Transportation Commissioner (District 1)
Shane Sanders, Transportation Commissioner (District 2)
Noel Sansaver, Transportation Commissioner (District 4)
Scott Aspenlieder, Transportation Commissioner (District 5)
Larry Flynn, Interim Director, MDT
Dwane Kailey, Chief Operations Officer, MDT
Kelsie Watkins, Commission Secretary
Dustin Rouse, Chief Engineer, MDT
Dave Gates, Construction Engineer, MDT
Chris Nygren, Chief Legal Officer, MDT
Rob Stapley, Planning Administrator, MDT
Ryan Dahlke, Preconstruction Engineer, MDT
Bob Vosen, District 1, MDT
Mike Taylor, District 5, MDT
Jim Wingerter, District 3, MDT
Shane Mintz, District 4, MDT
John Schmidt, MDT
Megan Handl, Civil Rights, MDT
Meghan Strachan, Civil Rights, MDT
Darin Reynolds, MDT
Lucia Olivera, FHWA
Dave Cunningham, MDT
Paul Johnson, MDT
Tammy Ross, MDT
Zach Ringsak, Office of John Tester
Theresa Manzella, MT State Legislator
Crystal Christoferson
Bill Lussenheide
Mark Rud
Katie Dalton
Julie Hoselton

Please note: Minutes are available for review on the commission's website at 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 Lori Ryan at (406) 444-7200, lryan@mt.gov or visit the commission's website at 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 April 16, 2024, April 29, 2024, May 7, 2024, and May 28, 2024, were presented for approval.

Commissioner Aspenlieder moved to approve the minutes for the Commission Meetings of April 16, 2024, April 29, 2024, May 7, 2024, and May 28, 2024. Commissioner Sanders seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 1: US 93 – Bell Crossing Discussion

Larry Flynn, MDT Chief Legal Officer, lead the discussion on the roundabout at Bell Crossing. Technical difficulties arose and the Commission was not able to hear attendees on the Zoom call. Commissioner Frazier stated that until the technical difficulties were taken care of the Commission would move on to the next Agenda Item. Technical problems were resolved and the Commission returned to this Agenda Item. Comments on Bell Crossing and Public Comment were combined.

Elected Official / Public Comment

Senator Theresa Manzella

Senator Theresa Manzella said I appreciate the opportunity to speak to you. I represent Senate District 44. The Bell Crossing project is in my district. I shared a letter with the Commission dated May 23, 2024, which provided a lot of our concerns. I trust you received it and hope that you read and reviewed it.

Primarily the reason we're here is because an article came out in February of this year indicating that the roundabout was scheduled to begin construction in 2025. That created a flurry of concerns and conversation amongst our community and my phone started ringing off the hook. People were approaching me about the roundabout idea and expressed a lot of concerns. The citizens started organizing themselves and created a Facebook group that quickly rose to 1,100 members. They've organized community meetings.

More than anything, we simply want an opportunity to have a face-to-face, back-and-forth discussion with MDT to express our concerns and have our questions answered. As of yet we haven't had that opportunity. We do appreciate the opportunity to submit public comment but we would very much like the opportunity to have a public meeting to have our questions answered, express our concerns and be able to speak to the engineers. Eight-nine percent of the commenters who have expressed a written comment have been opposed to a roundabout or at the very least concerned. Five percent have requested additional information. About six percent expressed support.

I do want to say I have enjoyed very much working with Director Long and I look forward to working with Director Dorrington. I have also enjoyed working with Interim Director Flynn. I realize it's a tough set of circumstances when the department wants to put out a project and solicit feedback from the community and take it in the form of public comment so they can then prepare their response, but we are going on six months now and we would very, very much like an opportunity to have a public meeting to discuss the roundabout project and the possibility of putting in a smart signal instead. The majority of people who have approached me feel that a smart signal would be a much better fit for that intersection.

In one of the recent meetings I had the opportunity to work and speak to a woman who is on the call. Her name is Julie Hoselton. In 2001 she was directly involved with a Citizen Advisory Committee that organized in Victor for the purpose of interfacing with MDT on the Victor Light Project which was a very successful endeavor. I would like to propose that as a possibility as well where we could create a Citizen Advisory Committee for the purpose of our citizens interfacing with MDT to come to the best possible solution for the Bell Crossing Intersection.

Commissioner Frazier said as part of the environmental process I mentioned earlier, gathering public comment is part of that process for the Decision Document. I certainly agree that a public meeting would be necessary. I was part of the Citizens

Advisor Group in 2001 and I believe it was a very successful exchange of a lot of information. Through that process I developed a lot of friendships in the Bitterroot.

Julie Hoselton

Julie Hoselton said I will read my comments for the interest of time. I remember our time together in 2001. We started the focus group in 1996 and moved through the highway completion. My name is Julie Hoselton. I'm a former member of the Victor Focus Group that worked on the Hwy 93 design from Sheepman Creek to Bell Crossing. Basically that was the Victor School District area.

My husband Mark and I have been business owners in Victor since 1979. We've been in our current location since 1984 which is right on Hwy 93. I have two commercial buildings with semi-trucks, cargo van, truck and trailer and other assorted vehicles. We are currently doing business in a 70-mph speed zone. I also live west of Bell Crossing and have since 1984. I've been in my current home since 1992. Both homes had a clear view of Bell Crossing until the electric company built their building.

In short, I've spent my entire adult life watching and dealing with issues regarding Hwy 93 and Bell Crossing. I do want to say that many of us here are having a problem with the way that the communication is going. We've been asked to submit comments to a public relation firm from your website. We are asked as individuals to give our opinions without having had a public meeting. We don't fully understand what is being offered and what choices we have. We don't understand all of the issues at Bell Crossing and the downstream issues that will be affected as you make changes there. Limited designs and pictures of the roundabout have been available. We kind of feel like we're being shown a pretty picture but we're not able to get into the meat of what we want to see.

I believe MDT has approached some stakeholders individually and some members of the general public but we are left with a lot of questions. We don't feel the answers some of us have received are complete and comprehensive. In looking at the posts that have been shared with our Facebook group and other places, it seems that no matter what the questions are, the answers are pretty much the same. That is leaving us feeling a little bit isolated and wondering where this process is going. We were not informed, most of us, that the official comment period for input ended June 15th.

We are wondering if we can get our questions answered by MDT representatives and engineers. We are wondering if we are going to get input into Bell Crossing. We believe our entire community will be affected by these changes. We're left in the dark as to seemingly a smart light has not been presented and so perhaps is not being considered. We have not been given collectively answers to such questions as what are the speed limits going to be coming into the roundabout and in the roundabout. What is the land acquisition going to look like? What is the layout in general? How will this affect our bike path?

Many of the business owners at Bell Crossing I've watched do business for many years and they are operating very large, heavy, long trucks and equipment. I see fire departments and the Forest Service using Bell Crossing as access. We in the Bitterroot Valley are very truck based. Not much comes in here unless it comes in on a truck. So again we're feeling just a little bit separated into individuals rather than collectively. We're realize we're not engineers. We realize engineers work with data that is given to them and it uses a myriad of data points and things we don't have access to, however, as an off-pavement dweller and an off-pavement business owner, I think we have a perspective that is different and is much needed to be considered. I think that worked very well with our focus group before.

I want to give a couple of examples of why I'm saying what I'm saying. When we began the Hwy 93 design, of course design was different and conclusions were come

to differently, but as a business owner south of Victor we had a unique set of problems in front of my business. We were one of the top three accident places in the Victor School District stretch of highway. Those were accidents that were counted not accidents that came off the highway and recovered enough to drive off. It does not account for the near misses, swerving and pulling off the road to avoid getting hit for line-of-site problems. We found that we really needed to present that to the engineers. We needed to show them, we needed to present that, we needed to back that up in different ways and we did.

When I started Jim Weaver was the District Administrator and despite their good intentions and their wishing to help us, they really couldn't because they did not live here and did not understand what we felt were critical issues. We also bumped heads on what was needed versus expediency and cost. We also thought once something its built, corrections very seldom happened because Hwy 93 was built in sections rather than as one complete process. So we watched that play out.

In Victor we got the stop light which has been incredible but we really had to negotiate for that because, as a small unincorporated community, we didn't have enough people, we didn't have enough accidents at that intersection, we didn't have enough warrants to qualify, so we really had to ask for that. We were able to facilitate getting intersections realigned and sidewalks moved. Many, many improvements that you see going through the Victor District were worked out with the MDT engineers. My property specifically I worked with MDT to lower the grade of the highway even though it was marginal. The engineers worked extremely hard to get that done because of the creeks and everything else that came through. One of the important things was extending the center turn lane from what the plan presented at that time. Without having that turn lane extended past my business and several other businesses, the ball park and a subdivision, I couldn't do business; I couldn't do business in a 70-mph zone. I have to tell you that was very successful. I can't remember that last time somebody came off the highway and was on my front lawn. It is very functional. It was a very successful modification of the highway design.

We were told in our Focus Group a safety device was needed at Bell Crossing at the time the highway was developed, however, there was not enough visual clues at that intersection at that time to alert drivers there might be a stop light. So basically it would be in the middle of nowhere. At that time roundabouts were not allowed on federal highways, therefore, we had to forego a safety control device at the intersection at that point.

From my perspective, living on the bench west of Bell Crossing, I know that many people will not make a left-hand turn there. They will drive miles out of their way and they will take extra time to get to work so they don't have to make a left-hand turn. I see people pull out into that intersection and stop in the middle because they misjudged the on-coming traffic.

So we're seeing a lot of problems at Bell Crossing and I appreciate that finally this intersection is getting the attention it deserves. Many of us here are wondering why a smart light with dedicated turn arrows has not been presented. Those of us who do business on Hwy 93 and live here really do feel that is the best option for this place.

I want to talk a little bit about Bell Crossing. Bell Crossing is a fog sink. West of Bell Crossing is a canyon called Big Creek with a lake. For some reason, that barometric or winds will hold any fog that comes up off that river corridor and it will sit right there. I've been caught in that several times where the fog will quickly roll up off the river and you are caught in the fog. The only thing you can do is let your wheels roll and hope you come out on the other side. There are cross-winds there and other issues. Bell Crossing is heavily used by many stakeholders. We have agricultural. We have trucks that go through there; different sizes of semi-trucks and we have pedestrians who use the bike path there. It is just a very busy intersection.

One thing that concerns many of us is that a roundabout will slow down our emergency traffic. A few years ago in 2021 I had a fire at my home that started in a neighboring field. That fire took off in all directions. We lived in a grassy area, and I had four fire departments at my house. One of those fire departments had to come through Bell Crossing. While it may be a small amount of time that they would have to slow down and get through a roundabout, rather than control a light as they are coming through, seconds were really important. That fire came within 30 feet of my house. I had a 300-gallon gas tank, a 1,000-gallon propane tank and I was only able to get out with my computers and my dogs, so every second certainly counts for our emergency vehicles. Behind Bell Crossing on the west we have had four major forest fires since 2000 where that intersection was heavily used by Forest Service and was used for weeks and weeks at a time. So I would like that to be considered in your roundabout versus stop light considerations. Quite frankly I don't know the answer to that.

Finally I would like to say that many of us here feel that no matter what is done in the Bitterroot, until we have comprehensive speed limits we're going to overwhelm any traffic control or safety structures and devices that are put in place. Again, I see people speeding north and south of Victor. I see that there is no margin for error anywhere; it is literally becoming difficult to slow down and make a right-hand turn off the highway. It is difficult to slow down and get into a center turn lane. I feel that I do not have time to adequately check for children on bicycles or anything else that may be in an intersection when I turn off because I'm being forced to drive so fast. I would like there to be some consideration as to how we look at data on speed limits. I kind of feel that we insist that everyone drive at 85% of whatever the drivers are driving. I feel that is how the data is interpreted. I've talked to some other states that are biting the bullet and lowering their speed limits. They feel that people being forced to drive what most driver's drive is more of a fear-based model. You fear you're going to get rear-ended, you fear you can't turn off, you fear you're going to get side-swiped, therefore many people are being pushed to drive faster than what they are comfortable with. These other states are looking at the downstream effects of these high speed areas. They see the crashes are more drastic, the injuries are worse, the medical people and the emergency responders are getting burned out. I know this first hand because I have a cousin who was a trauma nurse in Spokane. She had to leave that position after many years and go to a smaller hospital.

I want to say that when we finished Hwy 93, MDT was awarded a national design award that we presented at the ribbon cutting. The focus group model, the Citizens Group model working with MDT was successful. I remember South African engineers coming to Victor to see our design and they thought it was the most beautiful thing they had seen. I would ask for there to be some consensus, some public meetings, and some direct involvement with MDT as soon as possible so we're not left hanging. Thank you for your time.

Larry Flynn said I've been in contact with Bob Vosen our District Administrator from that area and he's committed to having public comment out before next week. We intend to get several public meetings scheduled, open-house style and we'll have staff available for several hours to receive public comment and answer questions.

Commissioner Aspenlieder thanked Senator Manzella for reaching out and asking to be put on the Agenda. I appreciate your commitment to the folks down there and bringing this to the Commission. Thank you.

Commissioner Frazier also thanked her for the letter. Senator Manzella thanked the Commission.

Agenda Item 2: Construction Project on State Highway System Park Avenue, Helena

Rob Stapley presented the Construction Project on State Highway System – Park Avenue, 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.

Park Avenue - Helena

The owners of Hair Hair Salon & Spa are proposing modifications to Park Avenue (U-5805) in Helena to improve safety and reduce potential conflicts between vehicles, non-motorized traffic, and pedestrians. Proposed improvements include curb extensions, bike/ped features, and ADA upgrades on the west side of Park Avenue near the Cruse Avenue intersection.

MDT headquarters and Butte District staff have reviewed and concur with the recommended improvements. The owners of Hair Hair Salon & Spa will provide 100 percent of project funding and will be required to complete MDT’s design review and approval process to ensure that all work complies with MDT design standards.

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

Staff recommendation:

Staff recommends that the Commission approve these modifications to Park Avenue -pending completion of applicable state (and local) design review and approval processes.

Commissioner Sanders moved to approve the Construction Project on State Highway System – Park Avenue, Helena. Commissioner Aspenlieder seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 3: Construction Projects on State Highway System WCPP Grant Project – US 93 Wildlife Overpass

Rob Stapley presented the Construction Projects on State Highway System – WCPP Grant Project, US 93 Wildlife Overpass 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.

The Confederated Salish and Kootenai Tribes (CSKT) recently received a Wildlife Crossings Pilot Program (WCPP) grant (in the amount of \$8.6M) for improvements on US-93 (N-5) near Ronan. At this time, CSKT and MDT are proposing the following improvements to a National Highway System (NHS) route.

Location	Type of Work
US-93 (N-5), from RP 41.2 to RP 41.6, near Ronan	Wildlife Overpass on US-93 - within the Ninepipe National Wildlife Management Area - to Reduce Wildlife Vehicle Collisions and Improve Habitat Connectivity

MDT staff will administer the WCPP grant on behalf of CSKT and will coordinate closely with tribal officials during project development. MDT will be responsible for all project costs above the grant award amount (utilizing Missoula District NH funds). When complete, MDT will assume all maintenance and operational responsibilities associated with the proposed improvements.

Staff Recommendation:

Staff recommends that the Commission approve these modifications to US 93 pending completion of applicable state (and local) design review and approval processes.

Commissioner Aspenlieder asked how confident is MDT that the estimate for the project is not at risk for overage. I know that's a little challenging with construction plans. Rob Stapley said we believe the estimate is adequately prepared. Nothing was done outside of our input throughout development. Commissioner Aspenlieder asked if \$8.6 million was the total budget for the project. Rob Stapley said there are so many pieces with this segment but I can provide a breakdown for you. Commissioner Aspenlieder asked for information on the price of the previous wildlife crossing so he could compare the state match. Dustin Rouse said this grant is 100% federally funded so there is no state portion to it. The thought when we're going out to bid is that \$8.6 million is the ceiling for this project. The wildlife crossing is part of the environmental process. Commissioner Aspenlieder asked if the \$8.6 million covered our CBE costs associated with the project, the soft cost portion. ... (inaudible)... Rob Stapley said we will bear the design costs but again we are obligated because of the cost saving. It will be 100% federal because ... (inaudible)... Commissioner Aspenlieder said the project is on the TCP but it's not funded within the TCP. We take on a lot of these projects that are totally funded by the Reservations and that is all well and good but when it comes to replacement of the wildlife crossing, then we assume that responsibility later on. So it's easy to say at this point that the Tribes are paying for the entire project so it's no sweat off MDT but if something goes wrong with that project and it only lasts 10 years, they come back to MDT and tell us we have the responsibility to replace it or tear it down. I think we need to be ever cognizant of the fact that even though these are being paid by other entities, at some point in time we're taking over the project and as the owner of that project we have responsibility to replace that project if it needs to be replaced further on down the road.

Commissioner Aspenlieder said as we get into projects like these it would be helpful to see the breakdown of the other projects. This sounds great, but this isn't the actual cost to the State of Montana and it is going to impact something. So having a better line of sight as to what we're doing and where it's coming from, even if it's only a million dollars, that is still impacting something. So having a line of sight on what the total cost is, what the state's obligation is going to be, if there are federal dollars, and then what year this is projected to land helps us. Otherwise, I have zero context as to what the rolling impact of these projects are. Dustin Rouse said absolutely we will provide that information. It is not just getting these grants if we are on the hook for other costs.

Commissioner Frazier said some of these projects were identified in 2001 and have been 20 years in the making to complete this corridor.

Commissioner Swartz moved to approve the Construction Projects on State Highway System – WCPP Grant Project, US 93 Wildlife Overpass. Commissioner Sanders seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item 4: Construction Projects on State Highway System
NAE Grant Project – US 93 North Ninepipe**

Rob Stapley presented the Construction Projects on State Highway System – NAE Grant Project, US 93 North Ninepipe 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.

The Confederated Salish and Kootenai Tribes (CSKT) recently received a Neighborhood Access and Equity (NAE) grant in the amount of \$74.8M for improvements on US-93 (N-5) near Ronan. At this time, CSKT and MDT are proposing the following improvements to a National Highway System (NHS) route.

Location	Type of Work
US-93 (N-5), from RP 41.2 to RP 41.6, near Ronan	Roadway Reconstruction Work, Bridge Replacements, Wildlife Crossing Features and a Shared-Use Path

MDT staff will administer the NAE grant on behalf of CSKT and will coordinate closely with tribal officials during project development. MDT will be responsible for all project costs above the grant award amount utilizing Missoula District NH funds. When complete, MDT will assume all maintenance and operational responsibilities associated with the proposed improvements that impact MDT routes.

Staff Recommendation:

Staff recommends the Commission approve these modifications to US 93 pending completion of applicable state and local design review and approval processes.

Commissioner Aspenlieder said he had the same comments as the previous item.

Commissioner Aspenlieder moved to approve the Construction Projects on State Highway System – NAE Grant Project, US 93 North Ninepipe. Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item 5: Construction Project on State Highway System
NAE Grant Project – Highway 200 (East Missoula)**

Rob Stapley presented the Construction Project on State Highway System – NAE Grant Project, Highway 200 (East Missoula) to the Commission. Under MCA 60-2-110 “Setting priorities and selecting projects,” the commission shall establish priorities and select and designate segments for construction and reconstruction on the national highway system, the primary highway system, the secondary highway system, the urban highway system, and state highways. This statute exists to ensure the safety of our system, protect transportation investments, and encourage

coordination on public and private infrastructure improvement projects that impact MDT routes.

Missoula County recently received a Neighborhood Access and Equity (NAE) grant (in the amount of \$24.0M) for improvements on Highway 200 (U-8112) near East Missoula. At this time, Missoula County and MDT are proposing the following improvements to an Urban Highway System route.

Location	Type of Work
Highway 200 (U-8112), from RP 1.52 to RP 2.54, near East Missoula	Roadway Reconstruction Work, Replacement of a Railroad Bridge, Bike/Ped Features and Safety Improvements

MDT staff will administer the NAE grant and will coordinate closely with local officials during project development. Missoula County will be responsible for all project costs above the grant award amount. When complete, MDT will assume all maintenance and operational responsibilities associated with the proposed improvements.

Staff Recommendation:

Staff recommends that the Commission approve these modifications to Highway 200 pending completion of applicable state and local design review and approval processes.

Commissioner Swartz moved to approve the Construction Project on State Highway System – NAE Grant Project, Highway 200 (East Missoula). Commissioner Sanders seconded the motion. All Commissioners voted aye

The motion passed unanimously.

**Agenda Item 6: Construction Project on State Highway System
FLAP Grant Project – Hell Creek Road**

Rob Stapley presented the Construction Project on State Highway System – FLAP Grant Project, Hell Creek Road to the Commission. Under MCA 60-2-111 “letting of contracts on state and federal aid highways,” all projects for construction or reconstruction of highways and streets located on highway systems and state highways, including those portions in cities and towns, must be let by the Transportation Commission. This statute exists to ensure the safety of our system, protect transportation investments, and encourage better coordination between state and local infrastructure improvements.

Garfield County recently received a Federal Lands Access Program (FLAP) grant (in the amount of \$5.8M) for improvements on Hell Creek Road (S-543) near Jordan. At this time, Garfield County and MDT are proposing the following improvements to a Secondary Highway System route.

Location	Type of Work
Hell Creek Road (S-543), from RP 18.6to RP 24.2, near Jordan	Curve Realignment, Road Reshaping, Crown Restoration, New Base Material, New Gravel Surface, Culvert Replacements and Drainage Improvements

Federal Lands Access Program staff will administer the grant on behalf of Garfield County and will coordinate closely with MDT officials during project development. The Federal Lands Access Program will provide 100 percent of project funding and will be responsible for all project costs above the grant award amount.

When complete, Garfield County will assume all maintenance and operational responsibilities associated with the proposed improvements. Thus, MDT will not incur additional liability or maintenance costs as a result of the proposed improvements.

Staff Recommendation:

Staff recommends that the Commission approve these modifications to Hell Creek Road pending completion of applicable state and local design review and approval processes.

Commissioner Sansaver moved to approve the Construction Project on State Highway System – FLAP Grant Project, Hell Creek Road. Commissioner Aspenlieder seconded the motion. All Commissioners voted aye

The motion passed unanimously.

Agenda Item 7: Interstate Maintenance Program Additions to IM Program (8 New Projects)

Rob Stapley presented the Interstate Maintenance Program – Additions to IM Program (8 New Projects) to the Commission. The Interstate Maintenance (IM) Program finances highway projects to rehabilitate, restore, resurface, and reconstruct routes on the Interstate System. Montana’s Transportation Commission allocates IM funds to MDT Districts based on system performance.

At this time, MDT is proposing to add eight new projects to the IM program – one in District 1, one in District 2, two in District 3, and four in District 4. The projects meet the criteria set forth for IM-funded projects. If approved, it would be MDT’s intention to let these projects individually.

The estimated total cost for all project phases is \$28,436,334 (\$25,878,568 federal + \$2,557,766 state match) – with the entirety of the federal funding originating from the Interstate Maintenance (IM) Program.

Staff recommendation:

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

Commissioner Aspenlieder moved to approve the Interstate Maintenance Program, - Additions to IM Program (8 New Projects). Commissioner Sansaver seconded the motion. All Commissioners voted aye

The motion passed unanimously.

Agenda Item 8: National Highway System Program Additions to NH Program (13 New Projects)

Rob Stapley presented the National Highway System Program – Additions to NH Program (13 New Projects) to the Commission. The National Highway System (NH) Program finances highway projects to rehabilitate, restore, resurface, and reconstruct Non-Interstate routes on the National Highway System. Montana’s Transportation Commission allocates NH funds to MDT Districts based on system performance.

At this time, MDT is proposing to add 13 new projects to the NH program – four in District 1, two in District 2, two in District 3, and five in District 4. The projects meet

the criteria set forth for NH-funded projects. If approved, it would be MDT's intention to let these projects individually.

The estimated total cost for all project phases is \$91,714,730 (\$79,607,676 federal + \$12,107,054 state match) – with the entirety of the federal funding originating from the National Highway System (NH) Program.

Staff recommendation:

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

Commissioner Sansaver said the entirety is being paid by the National Highway System but we have a \$12 million match on that, how does that align if it's all coming out of the NH System. Rob Stapley said we have the TCP that includes the next five years of projects, these are projects that are being entered into the hopper that will be added to the TCP down the line. Commissioner Sansaver said so they are not projects being pushed in that force other projects out, they are just being added. Rob Stapley said that is correct.

Commissioner Aspenlieder said these fall in the five years, so you have to push something out. How are these priorities realigning? It's got to push something so what are we pushing? Ryan Dahlke says this also goes to the other question. So if you recall back in the TCP discussions, typically most the district programs have pavement preservation plugs. Those are funds set aside for pavement preservation and they usually allocate those monies to specific projects in the first two years of the TCP. Then as we get into 2026, 2027 and 2028, those outer years, these projects will often come in to actually fill those pavement preservation plugs.

Commissioner Aspenlieder said I appreciate that, however most of these are not pavement preservation projects, they are core program. Ryan Dahlke said that is a difficult question to answer because pavement preservation plugs is not a \$6 million amount that has to go to a specific project. It is a goal to meet our performance objective. So long as the state is adequately keeping up with its pavement preservation and it's maintenance efforts on the state system, if it's \$5 million, then a million of that set-aside can go to the core program that we can use for something like capital improvement. There may be a culvert need that shows up with a failing culvert that we have to take care of. That would potentially shift out a project but typically the way our estimates go, we can afford to put small projects in without a major effect. The funding is kind of complicated in how it works but that is what the TCP is all about. When the Commission makes the decision on yea or nay on when these project go, this is what we think we will shoot for but those discussions will happen at the TCP when the Commission actually gives the formal approval of the TCP.

Commissioner Sansaver said as far as our TCP is concerned, I don't recall sharing that but overall I see this creating a problem where we're pushing projects out that we've waited to get done. Shane Mintz said Ryan did a great job in explaining the situation. Specific to our projects going in, this is when we submit the most projects. From our TCP, we're quite a bit shorter than other Districts. That wasn't always true. ... (inaudible)... and we have a pretty confident idea that almost all of these pavement preservation projects, we're going to be able to fit in quite easily.

Ryan Dahlke said most all of the projects that are coming into the five-year plan are pavement preservation in Shane's District, so the ones like culvert replacement are 2028-29 which are beyond the program and may come into the fifth year of this TCP.

Commissioner Sanders moved to approve the National Highway System Program – Additions to NH Program (13 New Projects). Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item 9: Primary System Program
Additions to STPP Program
(4 New Projects)**

Rob Stapley presented the Primary System Program – Additions to STPP Program (4 New Projects) to the Commission. The Surface Transportation Program – Primary (STPP) finances highway projects to rehabilitate, restore, resurface, and reconstruct routes on the state’s Primary Highway System. Montana’s Transportation Commission allocates STPP funds to MDT Districts based on system performance.

At this time, MDT is proposing to add four new projects to the STPP program – two in District 1, one in District 2, and one in District 4. The projects meet the criteria set forth for STPP-funded projects. If approved, it would be MDT’s intention to let these projects individually.

The estimated total cost for all project phases is \$17,238,478 (\$14,925,078 federal + \$2,313,400 state match) – with the entirety of the federal funding originating from the Surface Transportation Program – Primary (STPP).

Staff recommendation:

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

Commissioner Aspenlieder moved to approve the Primary System Program – Additions to STPP Program (4 New Projects). Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item 10: Secondary Roads Program
Additions to STPS Program
(5 New Projects)**

Rob Stapley presented the Secondary Roads Program – Additions to STPS Program (5 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 five new projects to the STPS program – one in District 1, one in District 3, one in District 4, and two in District 5. 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 \$27,250,655 (\$23,593,624 federal + \$3,657,031 state match) – with the entirety of the federal funding originating from the Secondary Roads (STPS) Program.

Staff recommendation:

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

Commissioner Swartz moved to approve the Secondary Roads Program – Additions to STPS Program (5 New Projects). Commissioner Sanders seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item 11: Urban Pavement Preservation Program
Additions to UPP Program
(2 New Projects)**

Rob Stapley presented the Urban Pavement Preservation Program – Additions to UPP Program (2 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 and the Glendive District are requesting Commission approval for Urban Pavement Preservation projects in Missoula and Miles City. The projects meet the criteria set forth for UPP-funded projects.

The estimated total cost for all project phases is \$4,658,379 (\$4,033,230 federal + \$625,149 state match) – with the entirety of the federal funding originating from the Urban Pavement Preservation (UPP) program.

Staff recommendation:

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

Commissioner Sansaver moved to approve the Urban Pavement Preservation Program – Additions to UPP Program (2 New Projects). Commissioner Aspenlieder seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item 12: Highway Safety Improvement Program
Additions to HSIP Program
(1 New Project)**

Rob Stapley presented the Highway Safety Improvement Program – Additions to HSIP Program (1 New Project) 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 one new project to the HSIP program (in the Glendive District). The project meets the criteria set forth for HSIP-funded projects.

The estimated total cost for all project phases is \$6,602,407 (\$5,942,166 federal + \$660,241 state match) with the entirety of the federal funding originating from HSIP.

Staff recommendation:

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

Commissioner Aspenlieder said it looks like we're proposing to add this in our TCP. I have a question about the pricing and the state match. Rob Stapley said I'll have to go back and review the spreadsheet. I believe this is a project we're going to do a bridge on and possibly replacing a timber bridge between two curves. Commissioner Aspenlieder asked if they would double check the spreadsheet because the numbers don't quite jive on the state match versus the federal amount. Rob Stapley said they would double check that.

Commissioner Sansaver moved to approve the Highway Safety Improvement Program – Additions to HSIP Program (1 New Project). Commissioner Sanders seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 13: Tentative Construction Plan (TCP) Projects Candidate Projects for Redistribution Funding in FFY 2024

Rob Stapley presented the Tentative Construction Plan (TCP) Projects – Candidate Projects for Redistribution Funding in FFY 2024 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 infrastructure improvement projects that impact MDT routes.

Last year, during the Tentative Construction Plan (TCP) meetings, the Transportation Commission approved a list of projects that would be eligible to move forward into FFY 2024 – if sufficient Redistribution funds became available at the end of the federal fiscal year. In recent conversations with the Federal Highway Administration (FHWA), it has been determined that this year's Redistribution amount could be higher than expected. Thus, MDT is requesting Commission approval to add to the list of candidate projects eligible to receive Redistribution funds in FFY 2024.

At this time, MDT is advancing a list of additional candidate projects for Redistribution funds in FFY 2024.

MDT is requesting Commission approval to add 4 projects to the list of candidate projects eligible to receive Redistribution funds in FFY 2024. Final selection of projects will occur after Redistribution funding levels are set by FHWA (typically in early September). Selected projects will be consistent with the goals and objectives identified in the Performance Programming (Px3) Process – as well as the policy direction established in TranPlanMT.

Staff recommendation:

Staff recommends that the Commission approve the addition of these projects to the list of candidate projects eligible to receive Redistribution funds in FFY 2024.

Commissioner Sansaver moved to approve the Tentative Construction Plan (TCP) Projects – Candidate Projects for Redistribution Funding in FFY 2024. Commissioner Aspenlieder seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 14: Certificates of Completion March & April 2024

Dave Gates presented the Certificates of Completion for March & April 2024 to the Commission for review and approval.

Staff recommends approving the Certificates of Completion for March and April 2024.

Commissioner Sanders moved to approve the Certificates of Completion for March & April 2024. Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 15: Liquidated Damages

Dave Gates presented the Liquidated Damages to the Commission. There are currently no liquidated projects or liquidated damages listed. Section 108 of the MDT standard specs for road and bridge construction outline the liquidated damage provisions. Any disputes regarding the assessment of liquidated damages are part of the normal claims process with our current specification. As such this standing agenda item is not necessary, so what we intend to do is when liquidated damages come up through our claims process, we will provide it on the agenda similar to how we handle other Commission Agenda Items.

Commissioner Sansaver said so we just won't act on the agenda item. Dave Gates said it will not be a standing Agenda Item moving forward unless we have liquidated damages specifically to bring to your attention. Commissioner Sansaver said it's on the agenda now. Dave Gates said there are no items contained under that so there is no action required. This will no longer be a standing agenda item. If there are liquidated damages it will be added to the agenda at that time.

Agenda Item 16: Director's Discussion

Interim Director Larry Flynn

Districts Highlights

I met with the Governor to go over the District Highlights. (...inaudible...)

Green House Gas Cases

We have two Green House Gas cases pending, one in Texas and one in Kentucky. So there will be two US Circuit Courts that will basically strike these statutes down. We are awaiting those decisions.

Appropriations Bill

The House released the Appropriations Bill for FY 2025. Within that bill is a policy provision that prohibits implementation of the Green House Gas Emission Control. We will see how that plays out but it's pretty strong language.

Commissioner Frazier asked about the benefits for Montana. Larry Flynn stated that the argument is the Department of Transportation's ability to require Green House Gas performance measures. The bigger picture is those performance measures are additional workload that has been very challenging. That impacts our staff's workload for sure. ... (inaudible)... For Montana to prepare baseline emission studies for Green House Gas emissions ... (inaudible) ... It is a significant reduction ... (inaudible)...

Roads and Bridges

I have a couple of handouts on updates on roads and bridges. These graphs were presented to the Governor. The busier graph represents our goal status. We had a goal of less than 2% of load-posted on-system bridges by 2025 and we're at about 3% and we're at about 2-3% of off-system roads and bridges and our goal is 10%. We still have significant work to do.

The second graph represents the bridge deck area of all of our bridges relative to their age and condition. The graph on the left is one that we determined ... (inaudible) ... and the ones we're concerned about compared to the ones that are boxed in built between 1955 and 1984 so that's a lot of interstate system that are aging out all at the same time. ... (inaudible) ... The graph on the right is the bridge deck area, so while we have significantly more load posted off-system bridges, the bridge deck area is substantially less.

Dustin Rouse said the only thing I would add is as far as the illustration on the left, the on-system bridges and the boxed in area, we have a strategic plan that we're investigating for all of our interstate bridges, high-wide corridors, the major trucking routes and gathering information on how we can strategically bundle those projects and deliver them in packages and develop funding plans and pictures so we can then be positioned for grants and just how we prioritize these critical infrastructure elements moving forward. That's a huge wave that the formula funding will never keep up for us. So we need to be very strategic in how we program Interstate bridges for rehab, repair, replacement and that is what our Strategic Plan and Analysis will do that we're working on.

Interim Director Flynn said one thing we know is we're going to have a tsunami ... (inaudible) ... on the Interstate bridges. Right now we're achieving getting some of these done within the next five year period under our existing funding program.

Dustin Rouse said it depends on your definition of "close". We have undergone a really concerted effort with all the Districts and our bridge team to identify the critical bridges that we project as high risk for closure or severe load posting which could cripple Montana's Interstate economy and we're prioritizing those. Those are the ones within these five years that we're going to be attacking and providing counter measures and rehab strategies to prevent those closures and major or significant load postings. So we're gaining ground there. That's partly what we're going to be talking about this coming fall at the TCP on how we allocate money towards bridges versus the core program. So we're gaining ground there but this is a lot of money. It's an extremely high need. Again I'm coming back to the definition of "close" – we're gaining ground but we're losing at the same time.

Commissioner Swartz said I'm asking based on the current TCP, federal bridges or bridge decks that seem to be failing from 1955-1984, how much of that is addressed through federally funded bridges? That's what I'm asking. I know that you can't

possibly give me the whole number but if we're putting money towards it you're telling me we're only taking a minor bite out of the tsunami.

Dustin Rouse said yes, in fact at the last Commission Meeting you approved a number of bridges added to the system. A big chunk of those are right here in this box – rehab and repair strategies for these bridges. That's the ground we're taking. Unfortunately some of these are beyond a reasonable rehab and they're big replacements. To be fully transparent we could allocate our entire Federal Aid Program to the Bridge Program and it would just about get us where we need to be – the entire Federal Aid Program doing no other structure improvements across the state but just bridges, we would gain or at least stay level. That's the magnitude of the issue we have.

Commissioner Sansaver said I couldn't hear real well but Commissioner Aspenlieder asked about the \$12 million grant we got in one of the bids, where does that money go back to and I wasn't totally satisfied with the answer they gave. Dustin Rouse said I vaguely remember that conversation. My recollection of that conversation is we're saving \$10 million on this project and do we have other projects cued up to bring in to utilize those funds. Ryan's response was yes, part of our redistribution this year does include bridges. That is always part of the mix. So whether we go over on some projects or under on some projects, at the end we track all the different programs and then try to fairly distribute that money at the end of the year. Yes, that is part of it and we do have bridges that are part of the redistribution package that we can bring in to utilize those funds. Really we consider projects that come in under and that all adds to the funding to add more projects.

Commissioner Sansaver said so that money doesn't go back in the core funding, it stays within bridges. Dustin Rouse said it's a \$10 million savings that will go back into funding, assuming we don't have other overruns that we have to cover with that savings. My sense is that we have overruns as well during that year so that \$10 million has to cover the overruns before we get to add more projects.

Commissioner Aspenlieder said out of that \$100 million, what is the balance that is not obligated. I don't need an exact number. Dustin Rouse said 50% is my guess. There are a couple of different pots that were broken into. We have 47 with fixed repairs where we're opening bridges or reducing load posted bridges, that's in the neighborhood of five million that we're committed to. \$20 million of the \$100 went directly to cities and town under ten thousand. The remaining \$80 we're putting towards bridges. There's about 15 that we've now allocated to grant matches by counties. So counties that get grants for bridge work, we will provide that match with that \$100 million which is about \$15 million. Then we have \$50 million in MDT administered off-system bridge projects. We committed to about \$10 million of that. The reason we haven't committed to all \$50 million is because we're undergoing a massive effort with coordinating with the counties to give us their priorities. What we absolutely do not want to do is just look at statistics and data in a box and pick the bridges for the counties to extend the money. We want that objective statistical analysis plus their input that says these are the ones we want done, these are the priorities for the locals. So wherever there is overlap, now we're going to go after those bridges. We're a couple of weeks away from getting that comprehensive list and that's when we will really start getting bridge replacement projects underway for off-system.

Commissioner Aspenlieder said what I'm hearing you say is that you've spent \$5 million fixing bridges. You've got \$15 million that's obligated as a match but those grants are not received yet or awarded yet and you don't know if that \$15 million will or will not go. Dustin Rouse said most all of those were already grant awards. Commissioner Aspenlieder said okay, so that's \$20 million spent. I'm not counting the \$20 million that went to cities which is out. So now you've got \$50 million that we've spent. Dustin Rouse said it's about \$10.

Commissioner Aspenlieder said so we've got \$40 million that we don't have obligated yet, 12 months into this process and six months away from the Legislature coming back. Even if we do get it obligated what are we going to say as to when that is actually going to be delivered? Where I'm going with this is we're going back into the Legislative Session in six months and most certainly that is going to be a question. What did you do with the \$100 million and how much of it is spent and how much of it actually got fixed? Dustin Rouse said my gut instinct and that is by the time the Legislature comes next spring, we're going to be able to say pretty much all of it. That's how close we are to be able to commit to a good Strategic Plan for replacing off-system bridges. That's the remaining \$40-50 million. We want to make sure we strategically do the right bridges that align with the districts. The other thing we don't want to do is have MDT go to the Legislature and say we spent all \$100 million and it all went to off-system bridges and then 52 of the 56 counties say that they didn't fix any of the bridges we wanted fixed. So we're really trying to be partners with MACO and the counties to make sure we do the right projects.

Director Flynn said we're pretty much maximizing the funding ... (inaudible) ... a lot of those have not been committed internally and we haven't found all the grant opportunities available ... (inaudible) ... I took this to the Governor and said here's the options ... (inaudible) ... or we could just go spend that \$50 million ... (inaudible) ... The direction we were given from the Governor's office was let's be mindful of that. We have to be strategic and look for the opportunities we have.

Dustin Rouse said we have a problem with load posted bridges off system. We have \$100 million and is MDT going to become bureaucratic and do a study and not actually put money on the ground and that is not the intent whatsoever. We are full force on this. We're committed to very unique ways of project delivery for these off-system bridges funded through Senate Bill 536, where MDT and delivery of the Federal Aid Program and all the constraints that go with it, are pushed aside because we have a different funding mechanism and we're looking outside-the-box to deliver these projects. When they come, they are going to come fast. We just want to make sure that we're doing the right thing. Fifty-six counties is a lot of coordination to manage. Thankfully we have a consultant that's really hammering away at that and doing well but it's a time-consuming effort to get that coordination all lined up and just getting the counties to understand what is a priority need. Does that mean we need to pick the most expensive bridge we have because we'll never be able to afford it? Do we need to pick the bridge that has the most impact if closed? Just having those conversations to try to get everybody on the same page so we can put this money to work on the ground is a big effort. We have extended a lot of money and I'm extremely proud of the counties in particular, they have done a great job at grabbing 47 bridges plus a few replacements and getting real change on the ground and bridges reopened within days. It's been a really big success story with more success to come.

New MDT Director

Interim Director Flynn said this will be my last Commission Meeting as Interim Director. We are very pleased about the new Director starting next week. We've been working together for quite some time and I'm super excited about the new direction we're going to go.

Commissioner Sansaver asked about the background of the new director. Director Flynn said he is a former MDT employee working with engineering and planning. He has his Master's Degree. He's been in ... (inaudible) ... for about eight years and has been their Director

**Agenda Item 17: Change Orders
March & April 2024**

Dave Gates presented the Change Orders for March & April 2024 to the Commission. This is an informational item only.

Change Orders for March & April 2024 are as follows:

<u>Month</u>	<u>Total.....</u>
March 2024	\$1,122,143.33
April 2024	<u>\$5,039,596.27</u>
	\$6,161,739.60

Agenda Item 18: Letting Lists

Dustin Rouse presented the Letting Lists to the Commission.

Next Commission Meetings

The next Commission Conference Calls were scheduled for July 9, 2024, July 30, 2024, and August 20, 2024.

The next Commission Meeting was scheduled for August 29, 2024.

Meeting Adjourned

Commissioner Loren Frazier, Chairman
Montana Transportation Commission

Larry Flynn, Interim Director
Montana Department of Transportation

Kelsie Watkins, Secretary
Montana Transportation Commission