

# Montana Transportation Commission

**October 24, 2019 Meeting  
Commission Room  
2701 Prospect Avenue  
Helena, Montana**

## **IN ATTENDANCE**

Barb Skelton, Transportation Commission Chair  
Greg Jergeson, Transportation Commissioner  
Noel Sansaver, Transportation Commissioner  
Mike Hope, Transportation Commissioner  
Tammi Fisher, Transportation Commissioner  
Mike Hope, Transportation Commissioner  
Mike Tooley, Director MDT  
Pat Wise, Deputy Director MDT  
Dwane Kailey, MDT Engineering  
Lori Ryan, Commission Secretary  
Dustin Rouse, MDT  
Jake Goettle, MDT  
Jim Skinner, MDT  
Nicole Foust, MDT  
Larry Flynn, MDT  
Ed Beaudette, MDT  
Kevin Christensen, MDT  
Doug Hecox, FHWA  
Doug Havermann, Bike Walk Montana  
David Smith, MCA

*Please note:* the complete recorded minutes are available for review on the commission's website at [https://www.mdt.mt.gov/pubinvolve/trans\\_comm/meetings.shtml](https://www.mdt.mt.gov/pubinvolve/trans_comm/meetings.shtml). You may request a compact disc (containing the audio files, agenda, and minutes) from the transportation secretary Lori Ryan at (406) 444-7200 or [lryan@mt.gov](mailto:lryan@mt.gov). Alternative accessible formats of this document will be provided upon request. For additional information, please call (406) 444-7200. The TTY number is (406) 444-7696 or 1-800-335-7592.

## **OPENING – Commissioner Barb Skelton**

Commissioner Skelton called the meeting to order with the Pledge of Allegiance.

## **Project Awards**

Duane Kailey asked Dustin Rouse to present the project awards. We have five contracts to present to you this morning from the October 10<sup>th</sup> letting. They are as follows:

Call No. 101: Rock Creek Interchange – East & Rock Creek Interchange – West. The Engineer's Estimate was \$11,966,934.88. We had three bidders and Riverside Contracting was the low bidder at \$10,950,502.56. They were 8.49% under the Engineer's Estimate. They had .2% DBE participation.

Call No. 102: Steel Bridge Rehabilitation – Corrosion 1. The Engineer's Estimate was \$5,290,175.00. We had one bidder and Sletten Construction Company out of Great Falls was the low bidder at \$8,020,940.88. They were 51.629% over the Engineer's Estimate. The guideline for award was 10%. They had 0% DBE participation. We did a write-up on the Engineer's Estimate. We are recommending award of this contract.

We had a long conversation about it. Mainly it's due to the critical nature of these bridges. We don't think repackaging this is going to get us a better price or a significant change in the cost. Really this comes down to the excess of bridge work

we have across the state and the lack of contractors to do the bridge projects. The Bridge Bureau and the Department are really concerned that if we don't award this, we face an increased risk of failure of these bridges and they are mostly on the Interstate. We are recommending award. There is a response from the contractor as well in your packet.

Commissioner Sansaver said you are saying that you're concerned about the risk of the bridge failing should you wait and rebid it hopefully to get more bidders. You are saying you don't trust the bridge structure itself right now. Dave said I don't know that the bridges are in risk of failure. I think this work needs to be done and the risk of repackaging this and not getting better prices and going through this again is part of the concern. Commissioner Sansaver said you mentioned the risk of failure was a concern, what's the window after you've inspected these bridges where you finally shut the bridge down? What is that timeline? Stephanie said there is not an eminent risk of failure here; there is damage and deterioration that we need to address but there is not an eminent risk of failure. If we had a situation like that, we would be addressing that immediately; there is no waiting period on that. With that said, there are at least two bridges within the project limits that have fatigue cracks we need to address as soon as possible. We're hoping to get that done with this project. It doesn't pose an eminent risk but it's something we want to address as soon as we can. The entire project is intended to take care of the corrosion occurring on these steel structures on I-90. This corridor, for some reason, just shows a lot of corrosion. I think it is the fact that a lot of moisture lives there, the amount of de-icing chemicals we use, and the use it gets. They are showing their age and we need to take care of it. It is getting to the point where we really can't delay. That's my concern here. I feel like the cost of doing nothing will cost us more in an emergency project eventually.

Duane Kailey asked her to speak briefly about the nature of the work. We had that discussion at the mid-review meeting. Stephanie said the work is corrosion repair. Most of the structures are the two-girder bridges that were built in the 50's and 60's. There are a lot of deck joints where water is starting to come through that is corroding the knee braces at the bearings. In some cases we are seeing holes in some of those knee braces. So it would be removing a lot of pack rests and connections, repainting, strengthening different sections and adding some steel sections to some of the cross girders and diaphragms, sealing those joints back up again, stop the drilling fatigue cracks, and replacing some bearings in a few cases where the bearings are starting to crack and deteriorate. So it's major rehab work primarily on the substructure. The other thing is it is very labor intensive, specialized work. Bridge painting requires a fairly large crew getting up there, scraping and containing any paint they're scraping off, applying the paint and allowing it to dry. A lot of the work is done over the railroad so we have to contain everything from falling on the railroad and, of course, we have to move people out when the trains come through and this section sees a lot of trains. It's a pretty labor intensive project and requires specialized work.

Call No. 103: Corral Creek – 11 Miles NE of Circle. The Engineer's Estimate was \$2,483,934.95. We had four bidders and Wickens Construction, Inc. out of Lewistown was the low bidder at \$3,166,343.57. They were 27.47% over the Engineer's Estimate and guidelines for award is 10%. They had 4.52% DBE participation. This project again, we did analysis on the Engineer's Estimate and the biggest thing is we had four bidders and good competition. There were a couple of items that, due to the remote nature of this work, the Engineer's Estimate was a little low, so we are recommending award of this contract as well.

Call No. 104: Seeley Lake - Urban. The Engineer's Estimate was \$300,363.70. We had three bidders and Pavement Maintenance Solutions, Inc., out of

Colombia Falls was the low bidder at \$280,791.74. They were 6.52% under the Engineer's Estimate. They had 5.34% DBE participation.

Call No. 105: SF169 BLGS District Safety Improvements. The Engineer's Estimate was \$107,583.50. We had two bidders and Precision Highway Contractors, Inc. out of Billings was the low bidder at \$84,767.00. They were 21.21% under the Engineer's Estimate. They had 86.78% DBE participation.

The department recommends award of Calls Nos. 101 through 105.

Commissioner Sansaver moved to accept Call Nos. 101 through 105. Commissioner Jergeson seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

### **Approval of Minutes**

The minutes for the Commission Meetings of August 27, 2019, September 17, 2019 and September 20, 2019 were presented for approval.

Commissioner Jergeson moved to approve the minutes for the Commission Meetings of August 27, 2019, September 17, 2019 and September 20, 2019. Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

### **Tentative Construction Plan (TCP)**

Director Tooley asked if there were any questions on the TCP. I believe this TCP meets the Commissions priorities of delivering highway projects and improve safety and transportation in the State of Montana.

Commissioner Jergeson said as I understand it, we've listed the projects in the year's column that is the allocation of federal dollars for the construction phase. Is that correct? Where do we account for the federal dollars for other phases in the project – preliminary engineering, acquisition of right of way, etc.? Does the federal government participate in those and where does that number show up?

Duane Kailey showed a slide and pointed out where that figure shows up. The percentage for IM? Dustin Rouse said it varies. We back-cast the last five years, how we've been running that combination of right-of-way and ICE in the Interstate System for example for the Missoula District, we calculate the percentage based on that. Those vary depending on which program we're talking about but we're looking at how those have run historically and that's how we make our projections.

Commissioner Jergeson said that isn't going to change on the Interstate. Dustin Rouse said correct. The right-of-way portion of the Interstate is very low because we are not purchasing right-of-way on the Interstate. So primarily for the Interstate the percentage is quite a bit lower than what you'll see in the NH program or the Primary program where we're purchasing right-of-way. Commissioner Jergeson asked about the first project? Duane Kailey said the projects coming in this year calculate a percentage based on the projects, so this is a percentage of these two projects in this year. This right here (pointing to slide) is a percentage of these projects.

Commissioner Jergeson said okay it's for all the other phases, then the rollup at the very end, do those number roll into that? Dustin said yes. All our estimates for construction rolls up into that total on the recap page. So it is included in the recap.

Commissioner Sansaver asked if somebody could explain why we pay engineering fees for projects that are being taken on by municipalities. Duane Kailey said when we set up the projects, the plan is to pay for all the costs of those projects even though they are in a local government, either city or county. So when a county offers to take over the design of that process, really they are offering to go do what we were going to do, so the cost of who is paying for that really isn't changing, it's simply who is going to perform the services for that. We enter the agreement to cover the costs just as if we designed it but they actually do the design work for it. Commissioner Sansaver asked who takes on the fiducial responsibility of the mistakes that are made by their engineers. Duane Kailey said in our Agreement, we write in errors and omissions and indemnification. So if the error is on their end or their consultant's end, they are going to bear that cost. If they don't follow our standards and FHWA says they will not pay for it, they bear that risk and liability as well. Once we get it back, if we construct it wrong then that's our error and omission and we cover that.

Commissioner Skelton thanked the staff for a great job. Director Tooley thanked the Commission for working with the staff and the districts. When we come to Helena, the work is pretty much already done because of the joint effort. We appreciate both the staff and the Commission.

Commissioner Sansaver moved to approve the Tentative Construction Plan for 2019. Commissioner Hope seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

### **Agenda Item 1: Local Construction Projects on State Highway System – Western Sky Subdivision, Billings**

Jim Skinner presented the Local Construction Projects on State Highway System – Western Sky Subdivision, Billings 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.

#### Western Sky Subdivision - Billings

The developer for the Western Sky Subdivision is proposing modifications to King Avenue West (U-1037) in Billings to address traffic generated by their new subdivision. Proposed improvements would include roadway widening and the installation of a left- turn lane on King Avenue West.

MDT headquarters and Billings District staff have reviewed and concur with the recommended improvements. The developer 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).

*Summary:* The developer for the Western Sky Subdivision is proposing modifications to the Urban Highway System to address traffic generated by their new subdivision. Proposed improvements would include roadway widening and the installation of a left-turn lane on King Avenue West (U-1037) in Billings.

Staff recommends that the Commission approve these modifications to King Avenue West - pending concurrence of MDT's Chief Engineer.

Commissioner Hope moved to approve the Local Construction Projects on State Highway System – Western Sky Subdivision, Billings. Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item 2: Reapproval of Project Due to Increase in Scope and Cost  
First Avenue North – Billings (NH Project)**

Jim Skinner presented the Reapproval of Project Due to Increase in Scope and Cost – First Avenue North, Billings (NH Project) to the Commission. Per Transportation Commission Policy #12, MDT is required to submit projects back to the Commission (for reapproval) when a change in scope results in a significant cost increase (beyond what was originally proposed to and approved by the Commission).

The Billings District is proposing to modify the scope for the *1<sup>st</sup> Avenue North - Billings* project. The project was originally scoped (and approved) as a major rehabilitation project to address poor pavement condition and substandard curb, gutter and sidewalks on 1st Ave North (N-115) from Division Street to North 9<sup>th</sup> Street. The estimated total cost for the project (all phases) was \$9.6 million.

Early in project development, the design team noted that the proposed pavement treatment (major rehabilitation) was infeasible due to extremely poor subgrade and variable surfacing materials within the project limits. Thus, MDT is now proposing to reconstruct the entire length of the project (1.9 miles). The estimated total cost for this reconstruction project (all phases) is anticipated to be \$18.8 million.

*Summary:* MDT is requesting Commission approval to modify the scope of the *1<sup>st</sup> Avenue North - Billings* project (from a major rehabilitation project) to a reconstruction project – at the request of the Billings District. The total estimated cost for the project (all phases) is anticipated to be \$18.8M. No changes are proposed to the project limits.

The Engineering Division and Billings District staff have reviewed the scope change proposal and concur with the recommended improvements. Additionally, MDT's Planning Division agrees that the proposed modifications are consistent with the goals and objectives identified in the Performance Programming Process (P3) as well as the policy direction established in TranPlanMT. Specifically, roadway system performance, traveler safety and bike/pedestrian features will be enhanced with this project modification.

Staff recommends that the Commission approve the modified scope of work and cost increase for this Billings District project.

Commissioner Jergeson asked the anticipated year of this project. Jim Skinner said it is currently on the TCT list because it's a project with a schedule and is showing. I show it as 2024 in the Billings District and they do have funding allocated for this project. Commissioner Jergeson asked if the change in the amount from \$9.6 million to \$18.8 million was reflected in the 2024 schedule in the TCP that we just approved. Jim Skinner said it is. Commissioner Jergeson said by approving the TCP, we have already approved this. Jim Skinner said you have not approved the change in scope so we still need to bring that before the Commission. There is a Commission policy that says the department needs to bring projects that change over a certain threshold back to the Commission if it's a cost-in-scope change. We need your approval to make sure that what we're moving forward with, as a project, what the Commission has approved.

Commissioner Hope moved the Reapproval of Project Due to Increase in Scope and Cost – First Avenue North, Billings (NH Project). Commissioner Jergeson seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

### **Agenda Item 3: Highway Safety Improvement Program Project SF 169 Rimrock & 62<sup>nd</sup> Street West - Billings**

Jim Skinner presented the Highway Safety Improvement Program Project, SF 169 Rimrock & 62<sup>nd</sup> Street West - Billings to the Commission. Both Agenda Item No. 3 & 4 are new projects and neither of these will show up in the TCP. These are adding projects to the program, so these will show up in a future TCP once they get them scheduled, developed, and they actually start the process for project delivery. 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.

In recent years, a crash trend has developed at the intersection of Rimrock Road (U- 1034) and 62<sup>nd</sup> Street West in Billings. To mitigate crashes at this location, MDT is proposing to reconstruct the intersection and install a roundabout at this location. The anticipated benefit/cost ratio associated with this roadway improvement is 2.02.

The estimated total cost for all project phases is \$6,130,000 (\$5,520,000 federal + \$610,000 state match) – with the entirety of the federal funding originating from the Highway Safety Improvement (HSIP) Program.

*Summary:* MDT is requesting Commission approval to install a roundabout at the intersection of Rimrock Road (U-1034) and 62<sup>nd</sup> Street West in Billings. The proposed project is consistent with the goals and objectives identified in the Performance Programming (P3) Process – as well as the policy direction established in TranPlanMT. Specifically, traveler safety will be enhanced with the addition of this project to the HSIP program. The estimated total cost for all project phases is \$6,130,000.

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

Commission Skelton said this is a much needed project – this is a bad place in Billings. I drive that road a lot and you can't see around trees, so this is needed. Commissioner Jergeson asked, what is the basis by which some highway safety projects are 100% federal and others have a state match? Duane Kailey said purely highway safety improvement projects are 100% federal. If you're mixing fund sources, it may not be 100% federal, or if there is another participating program. That means the HSIP can't provide 100% of the funds for the projects, only for the safety improvements. Commissioner Jergeson said now I'm really confused because this says it requires a state match. Duane Kailey said, in the past, federal rules allow us to garner a higher federal match rate called G-matching for some safety work. We were using that when we had some bigger challenges with state funds. However, that limited the amount of money going out to the roadway. Now that state funds are a little more secure, we are not using the G-match rate and that is spreading our funds a little bit further and allowing us to do a little more work out on the roadway because the need is there. So, in the past we were doing some of our safety projects

at 100% federal aid with zero state funds but now we are starting to scale that back and using state-matching funds in accordance with our match ratio. Commissioner Jergeson said I'm thinking that when we adopt these kinds of things, they ought to tell us what the state match is for a project. That ought to be indicated somewhere in the record.

Director Tooley said we can find a way to signify that but I don't think we want to get into each project like that because basically the department will need the flexibility to manage the funds in a way that Duane is talking about now. Three years ago this would have been a 100% project. Today we want to expand the use of the federal aid money by inserting more state money because we actually some money to do that. So the flexibility issue needs to remain. I agree there is probably a pretty simple way when we're doing that. Duane said in the previous Red Books, when we were using the 100%, we had two designations – two areas within federal law that we can get a higher match ratio like the G-match. So in the project number we were putting a G in there to denote that it was 100% federal aid and we're utilizing the G-match code of law. The other option was innovative projects and we were adding an IP onto those project numbers so it gave notification to staff that we were using that increased federal share on those projects as well. That has gone away so you won't see any of those G's or IP's in the Red Book any more. Director Tooley said if we add that back in, can we put it in bold so it stands out? Kevin Christensen said Duane is correct, the G-match is no longer used in the TCP, we are not utilizing that percentage. There are some legacy IP projects still in there and those are a 5% increase in the federal participation. Other than that, it's our standard matching ratio. One other point, for the HSIP Program, typically and historically we've match at 90% and 10% state. Commissioner Jergeson said I applaud the department for working ways to make sure this is a project that fulfills all the hopes of our Chairman that this become a safe intersection but I just have to ask so I can understand when it's 100%.

Commissioner Hope asked about the gas tax increase and if this was part of that increase. Duane said it was only \$.04½ cents and we only got small portion of it. Yes, that is what allowed us to make our state funds a little more secure. This isn't just a money issue. The G-matching was causing bigger issues as well especially with the Rescission coming down the pike. It's a very complex process and a complex funding scenario so I'd rather not get into the weeds on it because it's taken months for me to understand it. Jim and Dustin can explain it better if you'd like but there's way more to it than just a money issue. There's a whole apportionment and rescission issue that's tied with it as well.

Commissioner Sansaver said he gets a lot of calls asking where the roundabouts suddenly came from. Was there a federal dollar allotment that came out and said we're going to start building roundabouts throughout the United States or was it crash trends? Where did it come from that we're suddenly doing roundabouts everywhere? Not that I disagree with them but I don't have an answer for them. Duane Kailey said we could spend all day talking about the benefits of roundabouts but the short answer is roundabouts have been out there for many years especially in Europe but in the United States they started hitting in the 90's. Bar anything, there is no intersection out there safer than a roundabout. I'll tout the traits of the one at Lake Helena Drive and Canyon Ferry. We put that in because we were having a number of fatalities there and since we put it in, we've had zero fatalities and zero serious injuries. There is no intersection at all that touts the benefits from a safety aspect that a roundabout has. It accommodates pedestrians, bicyclists, and it really forces cars to slow down to about 18 mph. You still get crashes, but they are property damage only; there's no injuries.

Duane said we have three fatalities in a roundabout, all in Billings at Shiloh. Two of them were motorcyclists and we can't say exactly what they were doing, but they were not traveling appropriately. The third one was a motorists but it was a medical

issue; unfortunately they had a medical issue and they died in the roundabout therefore it is attributed to the roundabout. So we've had three fatalities but there's no way to fix any one of those three. Aside from that, we've got 20 roundabouts throughout the state and to date, other than those three, we've not had a single fatality. They are hugely beneficial. It's not always our first choice; we do evaluate. There was a resolution passed by the Legislature that requires us to evaluate them, so we do. We evaluate them with any intersection. They are fairly expensive so we look at all the options – signalization, four-way stops, any kind of treatment we can use to slow people down. In certain situations such as this intersection, the cost effective best intersection improvement is a roundabout. I will tell you the biggest issue we have with roundabouts is education and we're really trying to fix that. We've got some excellent videos we're getting out to the public trying to show them how to drive it. That is the biggest issue – a lot of people just don't know how to drive them yet and we're trying to educate them. Once we get them educated, we'll see a lot more support from the public. Commissioner Sansaver said the historical safety trend, no matter where you are, the safest intersection is a roundabout. That pretty much sums it up. It's a little more expensive to do but in the long run, what's a life worth.

Kevin Christensen said there are really two reasons we put them in. Primarily safety but also a roundabouts improve the functionality of an intersection. It keeps traffic moving so you don't have to stop. Commissioner Sansaver said I'd mentioned we have two of them going into Poplar and they've done a beautiful job on them. People are getting used to them but there's a lot of whining and gnashing of teeth over them, i.e., the state's wasting money, why would you put this in there, and so on and so forth. I've fought a few battles over those. I mentioned that maybe we should put in the Great Falls Tribune, the Billings Gazette, on front page a big picture of the roundabout, give the history of them, give the safety trends of them, give the purpose, and why everybody in the nation is going to roundabouts. I wouldn't think that would be a huge cost for MDT. I know you have safety videos but how many people look at the safety video of a roundabout versus the number of people my age who pick up a newspaper and read it. It's just a thought. Maybe that is something we should do for public education of a roundabout system. Duane Kailey said I'm on board with you. We just got done with one of our IP firms and they did a before and after of VanBuren. We have a drone video of Lame Deer. I totally understand what you're saying. We're going to get them out on You Tube so people can view them. We need to do more advertisement and more education. Jim said, as you get more of them in your community it helps. When you get the first one in especially in rural areas, they are overwhelmed. I remember when they first started putting them in the Bozeman area, everybody hated them but now nobody even talks about them. It's become a way of life. I agree on the safety side to get people educated but over time when people see more of them, they see the benefit especially with the traffic flow and moving cars.

Commissioner Sansaver moved to approve the Highway Safety Improvement Project, SF 169 Rimfrock & 62<sup>nd</sup> Street West - Billings. Commissioner Hope seconded the motion. All Commissionees voted aye.

The motion passed unanimously.

## **Public Comment**

*Doug Havermann, Bike Walk Montana*

Thank you for taking the time to talk about active transportation, biking and walking in our state. It's been really interesting, I sat in the meeting yesterday, and a tremendous amount of work is being done around the state. Just a few notes from that meeting yesterday for your consideration. I have a question about capacity and

the language that says we're not adding capacity. We are adding capacity. I would urge the department to consider that adding bike lanes is adding capacity, just in a different mode, as well as walkers. It sounds like it is federal language and we'd be glad to work with our friends at FHWA to take a look at that.

Pavement Preservation – again that's a big topic and it's the topic of the Interim Transportation Committee's study about how to fund and maintain our shared-use paths. I urge the department to look at that as pavement preservation. We need to keep these things in shape because they are deteriorating. Maybe you can adjust the maintenance, I know it is a challenge finding contractors that will run a machine down an 8-10 foot path rather than the Interstate. We'd like to see some work in trying to develop that. Find contractors that want to build trail – these are more bike and mountain trails and I hope we can develop that expertise within our contractor community and we'd love to work with the contractors on that. I think there's work out there.

I realize the stuff you were approving yesterday is pretty much down the line and the design is probably well along the way, but we would also again suggest that in the construction process and the preconstruction process, a formal walk audit where you bring inclusive folks from that community to go on site with your district people, your engineers, your planners, and take a look at that and typically there are some disabled folks in that group. I think you'd learn a lot and they would feel like the department is very responsive to them. That's a real positive way of doing a public outreach.

Some other things going on – we had a fatality on Hwy 2 near Butte and your Butte District Office and your Director came down and met with the local folks and they are trying to work towards some solutions there. It's not unique to Butte, in Missoula they've been doing rides, and Rod in Billings is very connected and met with us. That is something we want to help to do, to connect. We will be up on the highline in November and talking to the Commissioners to try and make ways for folks to connect with their local office. All over the state I say “talk to your local folks because that is your best way to make some friends.” We will also be up in Glacier later in November as well. The folks up there are real interested in working with their local offices as well as the department in general.

I want to invite you all to our Bike Walk Summit which is scheduled for April 29<sup>th</sup> – May 1<sup>st</sup> in beautiful Great Falls, right there by the Stay Bridge and Spring Hill Suits right by the Fairground. That's a great coming together of the bike walk community. MDT has always been a participant and supported that and we appreciate that. You're getting a “save the date” notice on that. It's a great place for folks to interact with the bike walk community. We're looking forward to checking the Rear Edge Trail which is one of the oldest trail systems in the state and it's about time we got up there for a summit.

The Interim Transportation Committee did fund resources to study the shared use paths. I know MDT will be involved with that. Representative Loge is forming a subcommittee of interested folks that will probably come together after the Safety meeting next week and they will start talking about. I'm hoping they will actually have a Summit to hear from the public. Funding is an important thing and in looking at the amount of dollars that are allocated, I think there are some ways that funding for multi-model can actually save dollars. If you look at road diets and how do we keep expanding our system and keep our costs down, we're always interested in working together on that.

I was Hamilton about a month ago and they had a great little meeting called a community conversation. People came in and they had a map of Hamilton; it was about Hamilton and people were able to say, here's an issue, here's a problem, here's a solution. It was called a community conversation, it was our group called Bike

Walk Bitterroot and I think it was very effective. People had a chance to visit but I think they were remiss in not inviting one of our MDT folks. They just didn't think about that and I'll help to make that happen. Those community conversations are really good because when it comes down to it, MDT isn't just an engineering firm, it creates social and cultural change. Our transportation system reflects our culture. I think it's more than just thinking about dollars and concrete, it's the ability to move towards a more bike-friendly state or communities. Economics again are important in terms of considering the rising costs of providing for transportation systems. Certainly safety and health are a really important part of it.

We will be at the Safety meeting next week. I was a little disappointed that there was not a topic on biking and walking in the safety meeting. Vision Zero is working; we have less deaths but biking and walking deaths are going up. So I think it's really important that we talk. We'd love to see more of an implementation approach to the bike/ped plan. It's a good plan but it needs to be implemented, and there needs to be some benchmarks and ways we can measure how it's doing just as Vision Zero is definitely making a difference. As I said last time, we have a Vision 100 which is 100% percent of our roads being bike/walk friendly. We know that isn't going to happen any time soon, but prioritization in our rural areas as well as our urban areas as well. I'm excited to spend some time with our folks in the highline. I can tell you, in every community, there are people who are very interested in getting around on bikes and walking and making it safer for their kids and family and everybody. Thank you for the time.

Commissioner Jergeson said I need to apologize because we talked about when you were coming to the highline at our last meeting, and somehow or other I missed your email and didn't respond to you. Doug Havermann said I actually got as far as Roundup and had some issues so I had to reschedule. I'll be up there in mid-November. Commissioner Skelton asked if he would send the Agenda for the spring meeting to the Commission. Director Tooley has spoken often at that meeting and been a great supporter and I appreciate that.

Duane Kailey said regarding the Pavement Preservation issue, our staff does consider the adjacent bike/ped paths when we're doing pavement preservation on the roadway as well. Also through our TA Program we have prioritized preservation of sidewalks, bike/ped paths; that is a high priority in that selection criteria. We're strongly encouraging local governments to submit those type of proposals. To date, we've got one but we keep striving and pushing them to submit through that program. Doug Havermann said I was at one of the TA trainings and they said there was no funding at this point. I don't know if that's changed. Duane said that is not correct. We will get with our staff and make sure that is corrected. Jim and Dustin are part of the Committee and we strongly encourage it; we want to see more of the preservation and rehabilitation. Doug said the counties and cities that I've talked to are also very interested as well. They realize the problem and we'd like to do whatever we can do to figure out a good solution. I know you can't count on the long run but you do have volunteers and groups that we're connected to that are willing to come out and do what they can. But getting that heavy maintenance done ... they are not pavement specialists like you guys. Again, I'd love to find some contractors in Montana that could do that work. It's needed and then we could keep those paths around for a long time. Thirteen thousand bikes have the impact of one car on a piece of pavement; they'll last a long time if we take care of them. Duane asked him to take time to talk with him so he could figure out where that misinformation came from so we can correct it. Doug said I'll be over on Friday.

*David Smith, Executive Director, Montana Contractors Association*

Earlier in the bridge discussion you stated there really aren't a lot of bridge contractors in the State of Montana. I'm surprised that we haven't seen more influence coming in from out-of-state contractors. Maybe they've got plenty of work

in their own states. That's also is what drives up the costs – supply and demand, so that's an issue too.

I want to express my gratitude to your senior staff that has been working on us on a program we call “Partnering”. We're working on a partnering program that is modeled after the Utah DOT and the Utah Chapter of the Associated General Contractors. It is sitting down before a project ever starts and developing a groundwork agreement where you agree and identify who is responsible for which things and how the ladder of contesting issues rises and some firm resolve from both sides that those issues will be resolved and actually stating within how long. For instance, the first simple things out in the field should be resolved within one day. If it can't, then there are three days that it has to be resolved by a Superintendent or a Project Manager. We spent two days working with your staff on that and at the end there were probably 14-15 contractors, pretty significant contractors in the state, who were represented. We had representatives from all five districts and the higher level of your administration were there too. We're really excited about this. Going forward, what's going to happen is anybody who is going to be working on a contract with MDT in the future is going to have to be certified on this and agree to this whole process. In the end, it drastically reduces claims and it makes anything that happens in the fields, a change order or anything, happen faster. We hope it will drive the cost down and shorten the timeframe of construction projects. There's a lot of work and detail out there that reflects the benefit of these partnering programs. Our friends in Utah brought this to us and it is something we're really excited about. We're happy to work with the department on it.

One thing we would like to work a little bit more on is we have a Committee called the Highway Technical Committee. Usually that is MCA and MDT folks and we work through the spec changes that are coming and that MDT proposes. We've come across one that we still need to a little more work on and that is this proposal to change the barrels from a four-inch reflective stripe to a six-inch reflective stripe. That sounds good and there's a lot of good reasons to do that for safety purposes, but I want you to be aware the financial impact on a small business, one of which is a DBE business, is about \$175,000 to replace those barrels within about a 15-month timeframe. We don't feel like we got a really good answer as to why except that it will be safer as a compelling reason. We would like to work through some things. I don't like bringing things to you that we've talked through and both these gentlemen have been to our meetings. We'd like to see that fleshed out a little bit more. I understand the safety issues but the ramification is pretty big financially on a couple of pretty small business in the State of Montana. Thank you.

#### **Agenda Item 4: Bridge Preservation Project Glendive District Bridge Preservation**

Jim Skinner presented the Bridge Preservation Project – Glendive District Bridge Preservation to the Commission. MDT's Bridge Bureau reviews bridge conditions statewide and provides recommendations for construction projects to be added to the Bridge Program. At this time, the Bridge Bureau recommends adding the following bridge preservation project to the program:

##### Glendive District Bridge Preservation

The intent of this project is to promote preservation and rehabilitation activities on bridge decks in the Glendive District in order to extend the service lives of these structures. At this time, MDT has identified eleven (11) structures that require bridge deck treatments – six (6) on the National Highway System and five (5) on State Primary routes.

The total estimated project cost (all phases) is approximately \$7,350,000. The breakdown of project costs (by program) is listed below:

Surface Transportation Bridge (STPB) Program	\$4,020,000
National Highway Performance Bridge (NHPB) Program	<u>\$3,330,000</u>
	\$7,350,000

*Summary:* MDT is requesting Commission approval to add a bridge preservation project (in the Glendive District) to the Bridge Program. The total estimated project cost is approximately \$7,350,000.

The proposed project is consistent with the goals and objectives identified in the Performance Programming Process (P3) as well as the policy direction established in TranPlanMT. Specifically, roadway system performance and traveler safety will be enhanced with the addition of this project to the program.

Staff recommends that the Commission approve the addition of this project to the Bridge Program.

Commissioner Jergeson said we've had these big bridge projects and there's such a limited number of Montana contractors who are geared up and staffed and machined to work on these projects. Some of that is reflected in the bids we get from those companies. This number of bridge projects put together, does that put this into the category that only three or four of the biggest contractors in Montana that are geared to do bridges are the bid pool for this. If some of this were broken down into individual projects so a smaller company who have some expertise would have a chance of breaking into that particular aspect of highway construction, so we can start smaller companies into growing as a factor in working on bridges. Jim said that is a good point and we've talked about the limited number of bridge contractors. I think these projects could be broken down into smaller categories under this project but that is more of a delivery method that we would determine when we actually go to contract and as they are being developed. This is adding these projects to the program in mass so that we can start work on them at these locations but then we can determine the most appropriate contracting methods at the time.

Commissioner Jergeson said when they are out there in that never-never land beyond five years, and when they start being brought in, you can bring them in as a bunch or bring them in as a number of logical clusters. Jim said they try to make the most effective decision on how to group these and move forward considering what we're getting as far as bids and what we need as far as project size to move forward.

Commissioner Hope said on the bridge side of it, how much does the bonding capacity of these contractors matter. To me it has to be a big deal when you go from one million to ten million or thirty million, which really limits the ability for these contractors to be able to bond these big projects. Is there something we can do as a state to look at that? Duane Kailey said right now from what we're hearing, it isn't a bonding issue, it's a resource and manpower issue. Last year one contractor in particular went to try and grow their crews, they were trying to hire 20 and were only able to get five – that really is their issue. The work is there. We've grown the bridge program because of the need but unfortunately the contractors just haven't been able to grow with it. Like Jim mentioned, we've had discussions about maybe letting a much bigger job out there – a \$15-\$20 million job to attract somebody like Kiewit or Wadsworth or Granite out of Utah or some other state and that would be big enough to get them into the state. Right now we do have Kiewit coming in to do Trout Creek but that is about it. We've got Granite doing the CMGC on Johnson Lane. As far as bridge work is concerned, really we need some additional competition coming into the state. Either that or

we need additional labor resources and we're just not getting them. From what we're hearing, labor is the biggest issue.

Kevin Christensen said I have heard from one bridge contractor in particular that was trying to expand his company and be able to bid more bridge work, and as Duane said, he could just not get the workers. We saw in the Missoula District up at Hungry Horse, the contractor went to the Union to get carpenters to form the deck. They needed 30 and they got five. So it's a labor and resource issue. Speaking to this project, typically this is deck rehabilitation and so you don't need cranes. In a lot of cases this work can be done by a wider variety of contractors. They are removing and replacing the delaminated areas and they can subcontract out the bridge overlays. In some cases it's what we call a hum long or an epoxy seal where they just shot-blast the deck. With this specific project, we're likely to see some additional bidders on it. Jim said as we went through the TCP and Stephanie presented, I've worked with her to have a good mix of a lot of those smaller projects. You saw several projects that are in the \$600,000 range. They are new to the program but they will be certain to come in as we move through the five-year plan but there will certainly be a lot of opportunities for the smaller contractors on those type of projects as well. We're trying to do smaller projects and some real large projects to try and grow our local contractors – we have to get competition.

Commissioner Sansaver moved to approve the Bridge Preservation Project – Glendive District Bridge Preservation. Commissioner Jergeson seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

### **Agenda Item 5: Speed Limit Recommendation US 12 – Baker West**

Dwane Kailey presented the Speed Limit Recommendation for US 12 – Baker West. In this area a new store has opened called Running Store. Based on that new store, Fallon County has asked us to take a look at it. The store is located about 300 feet west of the existing 45 mph speed limit zone so it's back into the 70 mph speed zone. We've looked at it and based on our findings we are recommending extending the 45 mph speed limit out about 850 feet to better encompass the new store. We've provided that recommendation to Fallon County and they are concurring and that is attached. The official recommendation is as follows:

A 45-mph speed limit beginning at straight-line station 35+00 (1,350' west of the Sand Creek Bridge) and continuing east to station 54+00 (500 feet west of 6<sup>th</sup> St SW), an approximate distance of 1,900 feet.

Commissioner Sansaver moved to approve the Speed Limit Recommendation for US 12 – Baker West. Commissioner Hope seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

### **Agenda Item 6: Certificates of Completion July & August, 2019**

Dwane Kailey presented the Certificates of Completion for July & August, 2019, to the Commission. We are presenting them for your review and approval. If you have any questions or comments, please feel free to ask.

Commissioner Jergeson said in looking at Nelcon and the bid amount versus the final amount and going back to the summary page, I'm trying to track the number of \$8,077,000 and how we get there. The current contract amount is different than the bid amount. Duane Kailey said on the second page it was specific to Nelcon, Inc. If you look to the right hand side, we show the original contract amount was \$7,431,298. We added \$519,368 in change orders for a total contract amount of \$7,950,666. The additional amount is the growth in bid items that did not require a change order. For example on a major bid item, they can grow it up to 25% without doing a change order. On a non-major bid item, they can grow it or shrink it and these are estimated quantities, so these quantities can increase or decrease by a certain percentage without a change order. For example, paving – paving can increase by 24% and not require a change order. Once it exceeds 25%, then we have to do a change order. Commissioner Jergeson said a contractor bids a \$100,000 for a small project and they can bill the department \$124,000 for a \$100,000 project without a change order. What's the meaning of that? Duane Kailey said yes, no and maybe – I'm not trying to be a smart aleck. Keep in mind that we have staff out there every day watching what they are doing and approving that additional quantity. So no, a contractor can't just add a whole bunch of pavement and bill us for it. We're out there with them, we're running spreads and making sure they are using the contract quantity. They can't just arbitrarily grow a quantity and bill us for it. We are actually monitoring, measuring and making sure they are meeting the contract intent. Keep in mind that our design isn't perfect, we have to have flexibility in the contract to allow for either increases or decreases in quantities, and at times they go both ways.

Kevin Christensen said an example would be on this particular project, it's a grading job or a dirt job, so we do a geotechnical analysis of the soils and we come up with an estimated shrink-swell. When you get into moving dirt and compacting it, depending on where that shrink-swell ends, the quantities of excavation could increase or decrease. Another example is pavement. We pay for plant mix pavement by the ton but we don't know where the source is going to be and where the contractor is going to mine their aggregate to make that, so we base our tonnage on an estimated unit weight. Invariably when they get into a pit, the specific gravity of the aggregate is either higher or lower than estimated. We can do a pretty good job of it based on historical data we have but that is why the quantities vary because it is really impossible to pinpoint.

Commissioner Jergeson said on this particular project there was growth in the cost of it below a certain percentage of about \$127,000, then we had to go to a change order of \$519,000 on top of it. Kevin said on this particular project we had a cut section and based on our geotechnical analysis, we thought we could put that slope on a 2:1. We knew there was some risk but we thought we could do it. When they got in and were excavating, the slope didn't hold, so they had to lay that slope back on a 3:1 or 4:1. That's where that big change order came from.

Commissioner Sansaver said they do the Ad Aberg testing on the outside of the slope? Duane said yes, once we get our construction limits, we go out and do some preliminary testing but once we get our construction limits, we will go out and actually drill those slopes to the best of our ability. You can't drill every foot, they do their best job and at times they don't get it perfect. Commissioner Sansaver said soil conditions can change within five feet, so if you're drilling your borings at six to eight feet, you're really not getting the entire picture of what the soil conditions are. Duane said that is correct and at the end of the day, even if they pin-holed the entire hillside, we're still going to be at 3:1 and still pay the same amount of money to excavate that material. Kevin said it is all based on risk – what's our acceptable level of risk.

Commissioner Fisher Sansaver moved to approve the Speed Limit Recommendation for US 12 – Baker West. Commissioner Hope seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item 7: Limited Access Control  
East of East Helena East, CN: 8684-00**

Dwane Kailey presented the Limited Access Control – East of East Helena East, CN: 8684-00 to the Commission. Access Control is a way for us to preserve safety on our highways. We are really trying to limit the number of approaches or conflict points on a highway. This gets filed with the County and as people develop or try to subdivide their property, we've established where those access points are. It does not mean we can't change those; we can change them but it takes an action to do that. The most important thing is it files a document with the County so it's on record so when people go to subdivide their property, they can't just arbitrarily add access. They have to get permission from the Commission for a change of access. We can't even issue an approach permit and give it to them, it actually takes a formal action for them to change access. We've done that and brought some of them back to you. This files it with the County and sets it in record. Both this and Agenda Item 8 are access control on the same corridor that are all tied with a much bigger project, we've just been doing it in segments. Staff would recommend that you approve the East of East Helena East Limited Access Control Resolution.

Commissioner Jergeson moved to approve the Limited Access Control, East of Helena East, CN: 8684-00. Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item 8: Limited Access Control  
SF 149 N-8 SHLD WDNG, CN: 8927**

Dwane Kailey presented the Limited Access Control – SF 149 N-8 SHLD WDNG, CN: 8927 to the Commission. Again this is a Limited Access Control on Hwy 287. This is a safety job that we're doing adjacent to the East of East Helena East project. Again we are establishing limited access control with this resolution.

Commissioner Hope moved to approve the Limited Access Control, SF 149 N-8 SHLD WDNG, CN: 8927. Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item No. 9: Directors Discussion & Follow-up**

*MDT Worker's Memorial*

Director Tooley said most importantly you will remember at this meeting one year ago tomorrow we got a call that we had an incident in a work zone in Billings and we lost Jeff Dykman. I ask you at this time to keep Melissa and the kids in your mind; this is a tough anniversary for them and for us. The department has done a lot of things since then. We reviewed the incident pretty thoroughly. We're going to make some changes within the work zones and train folks that are on the road to protect them a little bit better. In this case, everything was set up right within standards, but how can you prepare for somebody that is driving a commercial vehicle coming into your work zone at a speed much higher than he should have. There are still some things we can do for the next time something like this happens, and we're going to do that. On the positive side, Melissa pushed for Legislation that would allow families that find themselves in this situation to receive all of the benefits that are due them.

If Jeff had been able to retire, he would have received 100% of his annual leave and x amount of his sick leave. The Legislature chose to pay all of those balances out to the families when something like this happens.

Also you'll see downstairs in the Lobby we're doing a little remodel project. That followed Jeff's death where somebody from Maintenance came up and asked why we didn't have a worker memorial down there. So we're going to put one in the Lobby. Maybe in December I'll bring you the schematic of that. It's a remodel but it's going to incorporate a memorial for all the workers. It's one of those ideas you hear when a worker comes up from the shop and just wants to talk to the Director, and you wonder why we haven't done it already. So it was a really easy thing to say yes to and we're doing it and people are excited.

#### *Current Business – Reauthorization*

There is not a lot happening since the EPW passed a bill out of committee in July. Congress is a little bit distracted right now with a number of different issues and they haven't moved that bill. AASHTO, the professional organization we belong to and I'm on the board, did finalize their policy positions in October. So we're ready to go to Congress and tell them exactly what we need in a number of different areas including Reauthorizations.

#### *Appropriations – Continuing Resolution*

So where are we at with Appropriations? There is a Continuing Resolution and we've seen this before. It goes until November 21<sup>st</sup>. It's frustrating for states. We're going to just keep plugging along assuming the money is going to come, if it doesn't then we'll deal with it at that point. You just have to keep with the plan you just passed and do the best we can.

#### *Rescission*

The Rescission is still out there - \$7.6 Billion of unobligated balances as of July 1, 2020. We're still waiting for FHWA to release the exact numbers showing our share of that. They are working on it. We're in a good position as far as how we've set the program up. It's still going to be impactful and it has been but we're the best prepared we can be and far ahead of many other states that are frankly going to hurt severely based on their approach to it. We took a very conservative approach to it and I think we're going to be as okay as you can be when you take \$7.6 billion out of the program. There has been an amendment to rescind the rescission; it's in the Appropriations mini bill. It's actually attached to a military reauthorization – I don't care where it comes from or where it's done, just rescind it. So we're supportive of that.

#### *FAST ACT*

There is still a lot of uncertainty with the FAST ACT expiring at the end of September, 2020, and we don't know what they are going to do. You still hear about the \$1 trillion program but less and less. Then you start seeing more hints that maybe we should raise funds on the private side. We don't know where this is all going, but we're going to stick with the plan. As it changes, we'll definitely keep you informed.

#### *Highway Safety Planning*

The annual conference of Highway Safety Planning is next week October 30 & 31 right across the street at the Delta Colonial. You're always welcome to come to that and we'll talk about the updates that we're going to do and take a look at the data and how we should plan ahead for the next year.

*Vision Zero*

Vision Zero, even though we've had some pretty major setbacks with some fatality incidents, is still effective. Since 2014 the total number of serious injuries and fatalities have dropped by nearly 30%. That is a positive trend. There have been some increases in certain parts of that – pedestrians and cyclists in particular but Montana still rates at the lower end of that scale but still it is something you have to pay attention to and we will.

*Bike/Ped Plan*

Bike/Ped Plan is being implemented slowly, we've take about five pages of comments from advocacy groups – four and half of those from Bike Walk Montana. They are very interested and we're reacting and responding to those. We want this to work so we've taken a lot of time to make sure it's right. We're excited about implementing this and trying to help Bike Walk in the State of Montana actually reach some joint goals to make all the roads much more accessible. It takes time and we're working on it.

Thanks to the Commission for your hard work this week. Looking forward to helping construct those projects. The dates again of the Highway Safety Planning meeting is October 30<sup>th</sup> & 31<sup>st</sup>. Right after that we're going to have the Executive Leadership Team meet, which I Chair. That is made up of department heads and deputy department heads; people who can actually come in and commit time and resources and people to solve issues. That will include a couple of folks from the Transportation Interim Committee and they've said they will be in attendance for that. The Committee does have some interest in safety which is great.

Commissioner Sansaver said I want to recognize and say I appreciate the number of people who have some to our meetings – staff people who are presenting for somebody. The expertise they have and the professionalism they have is very honorable. I'm just impressed every time I come to one of these meetings and have to deal with the staff and their input. I haven't seen a weak link yet. There is no stuttering, stammering; it's a matter of fact and this is the way we do it. I just appreciate that very much. Please commend your staff for the hard work and professionalism that they have when they come to these meetings.

**Agenda Item No. 10: Change Orders  
July & August, 2019**

Dwane Kailey presented the Change Orders for July & August, 2019, to the Commission. This is informational only.

Commissioner Jergeson said in going back to the Certificates of Completion, we don't approve the change orders; that is done through an administrative process. Duane said that is correct. Commissioner Jergeson asked what would happen if we need to think about it or decide we're not going to approve it. Duane said that is one of the reasons we're very concerned about having Commission approval. The federal and state specifications require that a contractor cannot do the work until the change order is approved. If it's out of scope or anything else that requires a change order, they are not allowed to do that work until it's approved. So to delay that work in order to allow it to run through the course of a Commission meeting, simply is not good business. You heard from the Executive President of MCT, that one of the benefits of partnering is moving these kind of decision-making along faster to facilitate the contractors and keep the work costs lower. If we have an issue, I'm more than happy to explain it or discuss it. If there's something we need to look at changing in our practices, our policies, our specs, by all means we'll address that. But really we need our contractors and our inspection staff out there to get the jobs done

and do it in an efficient and effective manner. Again, if we're doing something wrong – that's why we're presenting it to you guys so you can see what we're doing, but if we need to change something, please let us know.

Commissioner Skelton said you're on those projects every day so you see what changes need to be done. We would not have the expertise or information, as you do on a daily basis, to be able to make that decision anyway. Duane said that is an excellent point. Some of the change orders are an engineering decision, under statute or administrative rule, I'm on the hook for that. Ultimately under statute I'm on the hook for that. Some of those change orders are tied very specifically to engineering decisions. Commissioner Jergeson said my point is, that it is really a formality and not a discretionary choice for the Commission to approve the Certificates of Completion since all of the decisions that go into the elements have already been made. The Certificates of Completion simply reflects decisions that you made, and we didn't make, and we don't have any choice but to approve that Certificates of Completion and have no opportunity as a Commission to modify it.

Commissioner Sansaver said it states at the very beginning that it is informational. I don't think that we have the expertise, I don't have an Engineering Degree and I've been doing it for 45 years. I don't know that it would be appropriate for us to sit and look at the Change Orders as they come in. Some of them are on a daily basis. It might be a minor thing that they need to do for the change or it could be a major thing and Duane has to deal with those. That's why we have our professional staff; that's why we have all the degrees sitting around these tables. You're correct, it is a rubber stamp in the end but we put our trust in our staff. So if the change orders get to an exceeding point where we start believing we need to make a change there, then that is up to the Commission. But how they go about their daily work and the decisions they have to make, I don't believe it is a Commission ruling or a Commission position.

Commissioner Hope said I agree with Commission Sansaver. He asked if they tracked the Change Orders throughout the year – and what that number is. Could you put it out there for us? Kevin Christensen said we use that as a performance metric, project cost growth, and that is something we keep a tight rein on but we can certainly provide that information. Commissioner Hope said it's kind of like a year-to-date figure; just kind of way for us to look at the big picture. Commissioner Jergeson said maybe even on a quarterly basis.

### **Agenda Item No. 11: Letting Lists**

Dwane Kailey presented the Letting Lists to the Commission. They are submitted for your review and information. The lettings dates are for September 19<sup>th</sup> through February 27<sup>th</sup>. One comment is that I was recently notified that the National NDC is having their annual meeting of March 12<sup>th</sup>, which coincides with one of our lettings. At the same time I believe they have the Construction Exposition going on and they have requested that we not host a letting on that date. We did look into it and we had planned to have four projects in that letting. Our plan is to move those projects either back to the late February letting or ahead to the late March letting. We can work with Lori and leave that conference call out there for you or cancel it. Commissioner Skelton said to leave it in case there is an emergency.

Commissioner Jergeson said can you explain that were approving a conference call for letting for projects on dates that were already set. Why wasn't it at our June meeting that we approved the projects for letting on August 22<sup>nd</sup>, and then at our August meeting why didn't we approve the projects to be let on September 12<sup>th</sup> and subsequently instead of now in October we're approving the letting list for August and September onto February. It looks like everything after today could be approved for the schedule for the future. Why are we approving something that was already

done and why didn't we approve this schedule for these other meetings on a forward basis.

Duane Kailey said we always bring the annual lettings, we actually do them towards mid-year for the following year. So when we schedule, you approve that schedule. The letting list is not for your approval, it's for informational purposes and this is for the September 19<sup>th</sup> letting. When we assemble this for the Commission, it's about a month ahead of time and we print the current letting list and put it in the package. It appears we're presenting you with information that's already happened. It's a timing issue, if you want us to leave the September and October lettings out, we can do that. It's just a timing issue. When we assemble it for Lori to go to print, it's a month ahead of time so these are actually current lettings at that point in time. Again, we're not asking you for approval, this is just for informational purposes.

This list is obviously what you approved today and we'll be developing a new list. In the previous Commission meeting, these lettings were on this list, this is just the most up-to-date list we had. Commissioner Jergeson asked if at our December meeting there will be some of these lists and dates previous to the meeting. Duane said correct.

Lori Ryan said with our new printing process with Department of Administration, State Publications and Graphics, I submit this information to print your Agendas 30 days prior to you receiving them. I allow 30 days for print and then I allow for that mailing time. By the time you receive your Agenda, this has been in the works for six weeks. Commissioner Skelton said a lot of work goes into these Agendas. It's not magic by any means.

Stand

## **Commission Discussion**

### *December Commission Meeting*

Commissioner Skelton asked about the date for the December meeting. Lori said it was set for December 12<sup>th</sup>. Commissioner Jergeson said last year we did not have a meeting in December but then because the Governor had not appointed the new Commissioners, we didn't have a February meeting. Then when he finally got around to appointing the new Commissioners, they were appointed with only two days to prepare to come to Helena. So we truncated the Agenda for our March meeting. So we went from October to March without an effective Commission Meeting. This is a \$600 million dollar per year program that we're responsible for understanding and overseeing and it seems to me that skipping meetings is not a good pattern to follow on the Commission. I think there's plenty of stuff that goes on within the Department with respect to the Construction Program that is worthy of more deliberate consideration and discussion by the Commission so that we're truly able to understand and articulate to people in our Districts. When you don't have a regular meeting of the Commission like last year for five months, I think that's just derelict quite frankly. I think I'd resist the notion that we just skip the December meeting because we won't have a heavy Agenda. I think there's plenty of work the department can find for us Commissioners to consider in our regular meeting. Commissioner Skelton said we will meet on December 12<sup>th</sup>. Director Tooley said if the Agenda is light and you want to fill in with some educational opportunities, let us know and we'll have staff available to do that.

### *Bridge Program Shortage of Contractor Laborers*

Commissioner Hope asked about the bridge program throughout the State. Do you feel the bridge contractors in the state are resisting out-of-state coming in to do these big contracts? I get we're short of labor but when you look at the margins they are

getting better for in-state contractors because there is nobody bidding on the projects. It's a catch 22. Kevin Christensen said, from my standpoint, I don't think our in-state contractors have any control over that. We have requirements for bidding and the out-of-state contractors come in and get registered with the Department of Labor, if they meet bonding and insurance requirements, they get a vendor number with us and they are good to go. Commissioner Hope said the reality is if we're having a labor problem here, a Kiewit probably has the same issues on a bigger scale, so it's a national problem and not just a Montana problem. Kevin Christensen said that is correct. Duane and I attended a cross-state agency conference in Utah three months ago and that was a big topic of conversation. It was Wyoming, Utah, Idaho and Montana and we talked for a good half day on the topic of labor shortages. We got into recruitment and retention and one thing that came up is that the industry likes to go to high school career fairs but they are being shut out of those because the teachers and parents are pushing their kids so hard to go to college. They don't want the trades to come to these things because they don't want their son to be a welder or an equipment operator or anything like that. It's a nationwide problem. The other thing is we do see a window of no man's land in terms of project costs for \$6 million up to \$12 million – that's the price range where we really, really struggle with competition. Below that we do have smaller contractors that bid on those but above that we do draw the out-of-state contractors. I mentioned Toston structures, we had eight bidders on that and Wadsworth and other out-of-state contractors bid on that project because of the size of it. That in-between is where we struggle. As Stephanie said in our bid review meeting prior to coming up with our recommendations, we're really struggling with answers here, we really are.

Commissioner Hope said my son went to Helena College in their welding program and also did two years of the C&C program, and bridge building was never mentioned to him one time through the whole training process. Kevin Christensen said we use certified welders on a lot of our structures. Commissioner Hope said it is interesting to hear because they are all looking for jobs. Kevin Christensen said one of the strategies the industry is using in trying to get the message out to these younger kids is do you want to graduate college and be \$60,000 in debt or do you want to go to work right now and make \$60,000 a year right out of the gate which you can easily do. Commissioner Hope said to me working with the State Board of Regents would be good thing, the Montana College did a great job quite honestly through Montana State and the University of Montana. Is there a way to work with the State Board of Regents to try and get this message out? I told my kid to look into bridge building; if I was your age, that's what I'd be looking at. Forget the four-year college year, I'd figure how to get into that industry because there is a need everywhere. Work with the Regents because they can touch the Community Colleges. We need to do a better job as a state coordinating amongst each other to drive the message. I'm sure you've pulled your hair out trying to figure that out.

Commissioner Jergeson said I think the department and the industry probably have a pretty good relationship with MSU and the Engineering Program but that's for that level of expertise and that particular discipline. There's a construction technology program at Northern and I think it's probably multiple entry, multiple exit. You can do two years or four years. The Colleges of Technology, I'm wondering if there is some way to develop that kind of a relationship we see related to the engineering field because they're skilled workers. I wouldn't put just anybody without any background on that expensive equipment, I'm just not going to do it. These people need to know what they are doing. One day I was substitute teaching and it happened to be when our Conference Call was, I was in a Technical Writing Class, so I turned the phone on so the kids could listen to us approving some contracts. They kind of looked at me wondering what it was all about. They're in a Technical Writing Class because they are interested in going into stuff where that is an important component of their work. I started telling them about the job opportunities that would be available to them whether they're going to college or not, some of them work seasonally in the summer time, and they need to start paying attention to that and looking at it. These

are good kids; these were the kind that could approach an employer and seek a job and that employer would be very satisfied with the work from that young person.

Commissioner Sansaver said, prior to retiring last year, I was the Senior Administrator at Fort Peck Community College. I ran the Vocational Education Programs and I know that we may not see it at a state-wide level but the interest that the Community Colleges have in just the vocational technical trades are big numbers, real big numbers. People come out of there with degrees in either truck driving, welding, carpentry, heavy equipment, alignment. This is going on and it's going on state-wide. Miles City has a program, Belknap has a program, and all of the community colleges, at the two-year levels, provide education for technical trades. So it's out there and we have to keep building it and keep promoting it. You might enroll 20 students in one area and might graduate four. That's a huge attrition rate. It's being provided and they are having the opportunity to learn but not everybody is a techie.

Commissioner Jergeson said they have Diggers Day in Bozeman and that's a way to get to the young kids to get them engaged. I'm sure the Contractor's Association is working on it. Kevin Christensen said they are and what we're hearing is there is a large generational component here too in terms of the type of work especially in Montana where we've got real remote locations and you're away from home for long periods of time and a lot of the younger generation are not interested in living that kind of a life. So it's tough right now. Commissioner Hope said it is all cyclical and it will come back. The high schools are important too. Commission Skelton said the City College in Billings has a growing population, in the last eight months it had a real bump in its welding program. They do a really good job of advertising. Again do you want to come out with \$100,000 debt or do you want to come out earning some money? I think there's a light at the end of the tunnel but it's a long tunnel.

### **Next Commission Meeting**

The next Commission Conference Calls were scheduled for November 11, 2019 and November 26, 2019. The next Commission Meeting was scheduled for December 12, 2019.

### **Adjourned**

Meeting Adjourned

Commissioner Skelton, Chairman  
Montana Transportation Commission

Mike Tooley, Director  
Montana Department of Transportation

Lori K. Ryan, Secretary  
Montana Transportation Commission