

# Montana Transportation Commission

**August 26, 2021 Meeting  
Commission Room  
2701 Prospect Avenue  
Helena, Montana**

## **IN ATTENDANCE**

Loran Frazier, Transportation Commission Chair (District 3) (Excused)  
Tammi Fisher, Transportation Commissioner (District 1)  
Shane Sanders, Transportation Commissioner (District 2) (Virtual)  
Noel Sansaver, Transportation Commissioner (District 4)  
Scott Aspenlieder, Transportation Commissioner (District 5)  
Malcolm "Mack" Long, Director MDT  
Julie Brown, Deputy Director MDT  
Lori Ryan, Commission Secretary  
Dwane Kailey, MDT  
Dustin Rouse, MDT  
Jake Goettle, MDT  
Val Wilson, MDT  
Rob Stapley, MDT  
Paul Johnson, MDT  
Carol Strizich, MDT  
Darin Reynolds, MDT  
Chris Nygren, MDT  
Jon Swartz, MDT  
Rod Nelson, MDT  
Bill Fogarty, MDT  
Bob Vosen, MDT  
David Relph, MDT  
Walt Kerttula, MDT  
Jim Skinner, MDT  
Lucia Olivera, FHWA  
Senator Gordan Vance  
Elizabeth Barton  
Justin brewer  
Marilee Brown  
Ralph Zimmer  
John Steiner

*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 Loran Frazier**

Commissioner Sansaver called the meeting to order with the Pledge of Allegiance and Invocation.

## **Approval of Minutes**

The minutes for the Commission Meetings of April 22, 2021, June 24, 2021 and July 27, 2021 were presented for approval.

Commissioner Sanders moved to approve the minutes for the Commission Meetings of April 22, 2021, June 24, 2021, and July 27, 2021. Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item No. 1: Interstate Maintenance Program  
Additions to IM Program (11 New Projects)**

Rob Stapley presented the Interstate Maintenance Program, Additions to IM Program (11 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 11 new projects to the IM program – five in District 2 and six in District 5. The projects on the attached list (Attachment A) 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 \$43,700,000 (\$39,900,000 federal + \$3,800,000 state match) – with the entirety of the federal funding originating from the Interstate Maintenance (IM) Program.

*Summary:* MDT is requesting Commission approval to add 11 new projects (listed on Attachment A) to the Interstate Program. The proposed projects are consistent with the goals and objectives identified in the Performance Programming (Px3) Process – as well as the policy direction established in TranPlanMT. Specifically, roadway system performance and traveler safety will be enhanced with the addition of these projects to the program.

The estimated total cost for all project phases is \$43,700,000 (\$39,900,000 federal + \$3,800,000 state match) – with the entirety of the federal funding originating from the Interstate Maintenance (IM) Program.

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

Commissioner Fisher said for this to qualify for the IM Program is it because it is on an Interstate and needs rehabilitation – is that the prequalification to be put in the program. Rob Stapley said essentially yes.

Commissioner Aspenlieder moved to approve the Interstate Maintenance Program, Additions to IM Program (11 New Projects). Commissioner Fisher seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item No. 2: National Highway System Program  
Additions to NH Program (1 New Project)**

Rob Stapley presented the National Highway System Program Additions to NH Program (1 New Project) 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 one new project to the NH program in the Billings District. The project on the attached list (Attachment A) meets the criteria set forth for NH-funded projects. The estimated total cost for all project phases is \$1,150,000 (\$1,000,000 federal + \$150,000 state match) – with the entirety of the federal funding originating from the National Highway System (NH) Program.

*Summary:* MDT is requesting Commission approval to add a new project (listed on Attachment A) to the National Highway System Program. The proposed project is consistent with the goals and objectives identified in the Performance Programming (Px3) Process – as well as the policy direction established in TranPlanMT. Specifically, roadway system performance and traveler safety will be enhanced with the addition of this project to the program.

The estimated total cost for all project phases is \$1,150,000 (\$1,000,000 federal + \$150,000 state match) – with the entirety of the federal funding originating from the National Highway System (NH) Program.

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

Commissioner Aspenlieder said why the dollar amount and value amount doesn't match the dollar amount in Attachment A. It is obviously rounded up but they should match. Rob Stapley said it is my understanding that it is rounding for the ease of discussion. Commissioner Aspenlieder asked if the motion needed to match the actual project cost or does it matter. Rob Stapley said I don't believe it matters.

Commissioner Fisher moved to approve the National Highway System Program, Additions to NH Program (1 New Project). Commissioner Aspenlieder seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item No. 3: Reapproval of Project Due to Increase In Scope and Cost – Kagy Boulevard, S 19<sup>th</sup> to Wilson (STPU Project)**

Rob Stapley presented the Reapproval of Project Due to Increase in Scope and Cost – Kagy Boulevard, S 19<sup>th</sup> to Wilson (STPU 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).

At this time, MDT is proposing to modify the scope for the Kagy Boulevard – S 19<sup>th</sup> to Wilson project in Bozeman – per the terms of a signed agreement with the City of Bozeman. The project was originally scoped (and approved) as a widening project (to a three-lane urban arterial) – with bike lanes, curb and gutter, sidewalks, boulevards and raised medians – on Kagy Boulevard between South 19<sup>th</sup> and Wilson Avenue in Bozeman. The estimated total cost (for all phases) was \$5.5 million.

During project development, the City of Bozeman requested that MDT modify the roadway design to include four lanes of traffic, bike lanes, curb and gutter, sidewalks, boulevards, three roundabouts (at 11<sup>th</sup> Avenue, 7<sup>th</sup> Avenue, and Wilson Street) and two pedestrian tunnels. The current estimated total cost (for all phases) is \$16.5 million.

*Summary:* MDT is requesting Commission approval to modify the scope of the Kagy Boulevard – S 19<sup>th</sup> to Wilson project – per the terms of a signed agreement with the City of Bozeman. The updated scope of work will include four lanes of traffic, bike lanes, curb and gutter, sidewalks, boulevards, three roundabouts (at 11<sup>th</sup> Avenue, 7<sup>th</sup> Avenue and Wilson Street) and two pedestrian tunnels. The estimated total cost (for all phases) is anticipated to be \$16.5 million. No changes are proposed to the project limits.

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

Commissioner Aspenlieder asked if this was a project the City of Bozeman is paying for and MDT is providing oversight. Where is the funding coming from? Rob Stapley said it is Federal Aid Urban Funding; it is our federal funding designated for the City of Bozeman Urban Area. Commissioner Aspenlieder said so the funding is only impacting the City of Bozeman and no other communities or the transportation budget. Rob Stapley said that is correct. Commissioner Aspenlieder asked if there was funding for three times increase to the overall project. Rob Stapley said we will before we let it in accordance with our policy. Commissioner Aspenlieder asked what it did for future funding. Is this money going to chew up the funding for Bozeman for ten years? What is the impact for that community with this increase? Rob Stapley said what you don't see is how long the project has been in development. Funding is over one million per year. The project was originally approved many years ago so they've been saving up and as they go along, the scope has been modified and is starting to align with the funding they have available to them. By policy, they are only allowed to borrow up to five years in advance of what they currently have. Currently they are at about three years of when all this mesh point will occur and they will have saved up enough money through the Urban Program and have it available in about three years. Because it has been in development for so long, they have been able to save up sufficient money. So we they are reaching into the future maybe two years. Rob Stapley said we are leveraging three years for that community. That assumes the reallocation remains the same and the project cost remains the same. Usually we can't look too far ahead.

Commissioner Fisher said we are trading up to a Cadillac but is there any chance that MDT will have to contribute to this from another bucket of money? This is their funds and they are just leveraging it? Rob Stapley said that's correct. Commissioner Aspenlieder asked what happens if we blow through contingencies here and we are over budget. Where does that money come from? Dwane Kailey said we sit on the project until they generate additional urban funding to fund it. Rob Stapley said there is zero chance that we're going to have a request coming to fund overages on this project from any other bucket of funding.

Commissioner Sansaver said as far as their five-year plan is concerned, is this part of their five-year plan? Rob Stapley said they didn't spend any of their money recently at all; they've been sitting on this one project and waiting for it. This was vetted through the local process, so they had to get approval within the Bozeman community, county, and city and it was quite an interesting discussion at the local level. They haven't spent any funding recently so it has been accumulating and that is why they are able to accommodate this larger project. Commissioner Sansaver asked what it would do to their five-year plan down the road. Does it push anything out? Rob Stapley said just one project. Urban funding is usually allocated on a project-by-project basis because the local communities get to pick their capital construction projects. Typically there is only one because it takes a while for them to save up their funding. So this is the five-year plan for them. When they do this project, then they can start advancing a new project. Typically urban areas do one project at a time.

Commissioner Aspenlieder moved to approve the Reapproval of Project Due to Increase in Scope and Cost – Kagy Boulevard, S 19<sup>th</sup> to Wilson (STPU Project). Commissioner Fisher seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item No. 4: Functional Classification/System Designation Modifications to Functional Classification & System Designations – Belgrade**

Rob Stapley presented the Functional Classification/System Designation Modifications to Functional Classification & System Designations - Belgrade to the Commission. The Transportation Commission gives concurrence on functional classification recommendations for public roadways at the state level with final approval by the Federal Highway Administration (FHWA). Functional classification is a method of classifying roads by the service they provide as part of the overall highway system. Additionally, the Transportation Commission is responsible for approving revisions to the National Highway System and the Urban Highway System (per MCA 60-2-126).

At the request of the City of Belgrade (and Gallatin County), MDT conducted a functional classification review of routes in the Belgrade area. The purpose of this review was to determine if the functionality of routes had changed due to the construction of the East Belgrade Interchange. As a result of this review, MDT is recommending functional classification modifications for a number of roadways in the Belgrade area summarized below.

Additionally, the City of Belgrade, in coordination with Gallatin County, has requested that the National Highway System and Urban Highway System be modified (as detailed below) to align with the findings of the functional classification review. The recommended system modifications will result in a net loss of 0.242 miles on the Urban Highway System and a net gain of 0.625 miles for the National Highway System.

*Summary:* MDT staff is requesting Transportation Commission approval of functional classification revisions – as detailed below and illustrated on Attachment A. Additionally, staff is requesting approval of National Highway System and Urban Highway System revisions - as detailed below. The City of Belgrade has accepted jurisdiction and maintenance responsibilities for the applicable roadways being removed from the Urban Highway System.

Staff recommends the Commission approve the following items:

1. Functional Classification Revisions:
  - a. Reclassify Broadway Street (U-603), from Main Street to Cameron Avenue, to a Major Collector (0.536 miles).
  - b. Reclassify Dry Creek Road (U-603), from Penwell Bridge Road to the Belgrade Urban Area Boundary, to a Major Collector (0.139 miles).
  - c. Reclassify Gallatin Field Road (U-610), from Airway Boulevard to Unnamed Road at End of Route, to a Local Road (0.428 miles).
  - d. Reclassify Airway Boulevard (X-16836), from Alaska Road to Frontage Road, to a Principal Arterial (0.572 miles).
  - e. Reclassify Airway Boulevard (X-16836), from Frontage Road to Cameron Avenue, to a Minor Arterial (1.115 miles).
  - f. Reclassify Dry Creek Road (L-16-5584), from Cameron Avenue to Dry Creek Road, to a Minor Arterial (0.325 miles).
  - g. Reclassify Cameron Ave (L-16-4105), from Kennedy Street to Broadway Street, to a Major Collector (0.072 miles).
  - h. Reclassify Cameron Avenue (L-16-5581), from Airway Boulevard to Kennedy Street, to a Major Collector (0.063 miles).

- i. Reclassify Alaska Road (X-16835), from Airway Boulevard to the I-90 EB Ramps, to a Principal Arterial (0.053 miles).
- j. Reclassify Alaska Road (X-16835), from the I-90 EB Ramps to the Belgrade Urban Area Boundary, to a Major Collector (0.363 miles).

The functional classification revisions are subject to FHWA approval.

2. National Highway System Revisions:

- a. Add Airway Boulevard (X-16836), from Alaska Road to Frontage Road, to the National Highway System (0.572 miles).
- b. Add Alaska Road (X-16835), from Airway Boulevard to the I-90 EB Ramps, to the National Highway System (0.053 miles).

Net mileage gain to the National Highway System equals 0.625 miles. The National Highway System revisions are subject to FHWA approval.

3. Urban Highway System Revisions:

- a. Remove Dry Creek Road (U-603), from Cameron Avenue to Dry Creek Road, from the Urban Highway System (0.258 miles). Note: This segment of road no longer exists.
- b. Add Airway Boulevard (X-16836), from Frontage Road to Cameron Avenue, to the Urban Highway System (1.115 miles).
- c. Add Dry Creek Road (L-16-5584), from Cameron Avenue to Dry Creek Road, to the Urban Highway System (0.325 miles).
- d. Remove Broadway Street (U-603), from Main Street to Cameron Avenue, from the Urban Highway System (0.536 miles).
- e. Remove Gallatin Field Road (U-610) from the Urban Highway System (0.888 miles). Note: This roadway was originally 0.888 miles in length – prior to being shortened to its current length.

Net mileage loss to the Belgrade Urban Highway System equals 0.242 miles.

Commissioner Sansaver asked what the purpose is for the reclassifications. Is it to get it into different funding categories from state to federal funding to National Highway funding? Rob Stapley said classifications do affect funding for these roadways depending on how they are classified, it will affect what funds can be used on them. Commissioner Sansaver said I assume we've gone through all of these carefully and noted where the money is going to come from, whether it is added or subtracted from one to the other. Rob Stapley said correct. Commissioner Sansaver said and we see no reason that this can't take place. Rob Stapley said correct. As I stated early on, we've worked extensively with the City of Belgrade and Gallatin County through this process so they are aware of and on board with the direction listed here.

Commissioner Fisher moved to approve the Functional Classification/System Designation Modifications to Functional Classification & System Designations - Belgrade. Commissioner Aspenlieder seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item No. 5: Performance Planning Process – Px3  
2021 Px3 Analysis – Funding Distribution  
Recommendations**

This Agenda Item was presented after Agenda Item 20.

**Public Comment**

*Rory Vance, Senate District 34, Gallatin County.*

I would like more extensive information from you on Items 3 & 4 since they effect the county I live in. I don't expect it today but I do have another meeting scheduled with the Director on September 8<sup>th</sup> in Bozeman and I would like him to bring me some information on those two issues as well as an update on where MDT is with moving the rest area from Bozeman to Three Forks. I'm getting a lot of questions about that. I have some issues with the Director regarding roundabouts but we will settle that another time.

*Marilee Brown, Pedestrian Traffic Safety Commission, Vice Chair, Bozeman*

I have two subject to speak about: (1) the rest area; and (2) Valley Center spur. Regarding the rest area, I have served on the Pedestrian Traffic Safety Committee for six years. My understanding is that we have suddenly learned that this rest area was discussed with you over four years ago and has been continually discussed and yet we were never ever notified. There has never been any public notice about the rest area being removed from Bozeman. It was built with federal money and maintained with state money. It seems like it would have been a very important issue to discuss regarding transportation. I'm concerned that this has happened on this subject and I'm concerned that this kind of thing has happened in the past also where we have not been notified and the public has not been notified. I hope that you rectify it. I hope that you go back and take a look at it and include Bozeman in the subject of removing the rest area from Bozeman that we depend on in Bozeman. That is my major concern – we were never notified for any kind of discussion.

Valley Center Spur – there is what I consider an urgent matter. We have gone to MDT many times talking about how at both ends of the spur there is no signalization for pedestrians to be able to cross the highway safely. There is no signalization. They can't see when traffic is turning. This is against federal rules. I'm concerned that somebody is going to get hit there. We have seen people using it, there are tracks in the dirt of people using it. It needs to be corrected. I suggest you include emergency funding to fix this project in your budgeting in October. I also understand that there is going to be a study for a fourth leg of roadway done, but this needs to be fixed for pedestrians no matter what. They are crossing there and we need to protect them. I would like to see the state protected in not having another lawsuit about a wrongful death or injury there. Please take a look at that.

Dwane Kailey said we would be more than happy to bring back additional information. I did not know this was going to be an agenda item. I will tell you there has been a very long history and we have looked at that. This isn't the first request we've had. We have studied it. To make sure we have all the facts right, I'd ask for some indulgence and I will bring it to the next meeting if you would like. Marilee Brown said Lori has her contact information. Commissioner Aspenlieder asked Dwane if he could bring back a log of public involvement to show what our communication and track record was with the community when we did the studies on Valley View. Dwane said he would do that. Commissioner Sansaver said we certainly encourage community input always on all projects. Sometimes they are overlooked by communities and sometimes it slips through the cracks somehow. We

hope we can address your concerns and we will bring it up at our next Commission meeting, and Mr. Kailey will bring back some information for the Commission to address. Thank you.

**Agenda Item No. 6: Speed Limit Recommendation  
N-93 (US 12) Idaho - Lolo**

Dwane Kailey presented the Speed Limit Recommendation for N-93 (US 12) Idaho - Lolo to the Commission. This is a speed study on US 12 from the Idaho border to Lolo. In particular, the issue here is that Idaho's speed limit is 50 mph while Montana's was 70 mph. This is very mountainous terrain. We conducted a speed study and looked at the traveling speeds as well the crash history and the culture and nature along the route. Based on our review we are recommending the following:

Reducing the speed limit at the Idaho line to a 60-mph speed limit beginning at straight-line station 0.0 (the Montana-Idaho border) and continuing east to station 20.1, an approximate distance of 20.1 miles.

Transitioning back a 70-mph speed limit beginning at straight-line station 20.1 (approximately 530 feet east of milepost 20) and continuing east to station 1330+79 (existing 45-mph sign), an approximate distance of 11.79 miles.

No Change to the 45-mph and 35-mph special speed zones

We have presented that to Missoula County and their letter of concurrence is attached.

Commissioner Fisher moved to approve the Speed Limit Recommendation for N-93 (US 12) Idaho - Lolo. Commissioner Aspenlieder seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item No. 7: Speed Limit Recommendation  
Old US 312/P-264 Barry Drive to  
Pioneer Road**

Dwane Kailey presented the Speed Limit Recommendation for Old US 312/P-264 Barry Drive to Pioneer Road to the Commission. This is a speed study in Yellowstone County. We were requested by Yellowstone County Commissioners to look at reducing the speed due to a new roundabout at the intersection of Five Mile Road. We have conducted that study looking at both the traveling speeds, the roadway culture and nature, and based on our review we are recommending:

Extending the existing 50-mph speed zone from its current location east of Barry Drive to a location approximately 1,500 feet east of the Five Mile Rd roundabout (total length of approximately 0.7 miles).

We have presented this to the Yellowstone County Commissioners and they concur with our recommendation.

Commissioner Aspenlieder said this is one of those items where I think there are people in that community who would like a more holistic look at that road in general but I think this is a good step forward. There is concern about speeds in this area with the continued development and traffic. Dwane asked if that was an official request. Commissioner Aspenlieder said no. There has not been an official request from the county.



Commissioner Aspenlieder moved to approve the Speed Limit Recommendation for Old US 312/P-264 Barry Drive to Pioneer Road. Commissioner Fisher seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item No. 8: Speed Limit Recommendation  
US 287 (P-13) Ennis South**

Dwane Kailey presented the Speed Limit Recommendation for US 287 (P-13) Ennis South to the Commission. This is a speed study for US 287 in and near the community south of Ennis. We were requested by Madison County to review the speeds along US 287 due to involvements with weather, animals, and other vehicles. We have conducted that speed study. We've looked at the crash history along with traveling speeds and the roadway culture and nature. Our recommendation is for no change. Madison County has reviewed that and they do concur with the no change recommendation. With that the Commission need take no action unless you disagree with our recommendation.

Commissioner Aspenlieder said Madison County had to make the request for us to study this and then they concurred with our findings. Is there any discussion about the findings or will they just accept this? It seems like a strange situation. Dwane Kailey said I can't speak to that. At times we do get requests from counties to appease their constituents and once our recommendation comes back, they will allow us to take the heat for no change. I don't know if that is the case here but I have experienced that in the past with this district. Commissioner Sansaver said basically they come to you and ask you to appease their community by doing a speed study so they can tell them that we, as county commissioners, were right. Dwane Kailey said that is correct.

**Agenda Item No. 9: Speed Limit Recommendation  
MT 84 (P-84) Norris**

Dwane Kailey presented the Speed Limit Recommendation for MT 84 (P-84) Norris to the Commission. We were requested by Madison County to take a look at the 70 mph speed limit through this area. I will note that this area is rather curved due to the river and the train in that area. We have conducted our speed study and based on our analysis we are recommending the following:

No Change to the existing 50-mph special speed zone.

Adjusting from 70 mph to 60-mph speed limit from straight-line station 25+00 (the existing location) and continuing east to straight-line station 430+96 an approximate distance of 40,596 feet.

At straight-line station 430+96 (approximately 440 feet east of milepost 8) begin statutory 70-mph speed zone continuing east.

We have presented this to Madison County and they have concurred with our recommendation.

Dwane Kailey said the person who assembles all these reports is here today. David Relph is the one on my staff who works with the district staff to put these reports together. My name is on it but I'm just the pretty face that presents it to you. He is actually the brains behind most of this and should get all the credit for it.

Commissioner Aspenlieder moved to approve the Speed Limit Recommendation for MT 84 (P-84) Norris. Commissioner Fisher seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item No. 10: Speed Limit Recommendation  
X-81003 (Old US 91) Craig**

Dwane Kailey presented the Speed Limit Recommendation for X-81003 (Old US 91) Craig to the Commission. This is in the area of Craig. Cascade County has requested us to conduct two speed studies and we combined them into one. Based on their request we have conducted our study and analyzed the route, looked at the traveling speeds, the crash history, the citation data, as well as the roadway culture. Based on that we are recommending the following:

A 55-mph speed limit beginning at straight-line station 0.00 (the intersection with Bridge Street) and continuing to station 12.30, approximately 12.3 miles.

A 45-mph speed limit beginning at straight-line station 12.30 (the southernmost intersection of Willington Lane) and continuing to station 13.83, approximately 1.53 miles.

A 50-mph speed limit beginning at straight-line station 13.83 (approximately 100 feet south of the curve warning sign) and continuing to station 14.45, an approximate distance of 0.62 miles.

A 55-mph speed limit beginning at straight-line station 14.45 (approximately 300 feet south of the curve warning sign) and continuing to station 15.15, an approximate distance of 0.7 miles.

Attached is Cascade County's concurrence and Lewis and Clark County's response which isn't really a concurrence, they are just saying they don't have any involvement. We have an individual here who would like to speak on this.

*John Steiner, Resident of Craig*

John Steiner said I've gone over the speed study. I understand that there is a lot involved in putting this together, however, it is somewhat flawed. Have any of you had the chance to visit our little piece of Paradise? When do you visit that area? Commissioner Fisher said any time I go from Helena to Great Falls all year around. John Steiner asked if any particular day was better than others. Commissioner Fisher said not necessarily. John Steiner said I live there. The summer and the weekends are our concern. We are not concerned about the locals. You're speed study is a snapshot of the local traffic. You took this speed study a week after Labor Day on a Tuesday, Wednesday and Thursday and then followed up with another Tuesday a week later. I submit to you that you call it Old US Highway 91 but it is called Recreation Road. It's posted all over the place – Recreation Road because it is where people come to recreate.

In the area where you've done your study, are you aware there are 47 graded and graveled pull-offs along this road? There are 47 of them. Those were put there for people to pull over to the side of the road and recreate. There are no shoulders on this road. There are people who fish, picnic, bicycle, jog, they bring their families, their dogs out here. Forty-seven pull offs. You have two parking lots, 11 marked fishing areas; that's a lot of people. The problem again is not during the week. At this time of the year we're slowing way down. I floated the river yesterday and not one other boat was on that three-hour float of mine. The weekends are when we get

all the people who come out there. Like I said you took this study a week after Labor Day last year. You know what, Labor Day is coming up. I ask you to put your ropes back out on the road this Labor Day and take a look at your numbers because they are not going to be anything like what you saw on the last speed study.

In this area, there are also 109 mail boxes along that road located between four and six feet off the road. That means when we go out to get our mail, we're standing between two and four feet from that road. I don't know if any of you have ever had a car whiz by you at 55-70 mph two-to-four feet away but it's very uncomfortable. So that's another thing that wasn't mentioned in this. Again, I go back to the amount of foot traffic; that was never looked at during this study. You guys counted cars and speed, you didn't count pedestrians and the like and what they do. I don't know what it's going to take. I guess somebody getting killed first or scraped off the bumper of a Van or something before something is changed. I lost a dog last year right out in front of my house. I saw them coming. I jumped out in front of the vehicle and waived and he treated me like a pinecone. His excuse was that he was doing the speed limit. I told him what you mean to say is that you didn't have control of your vehicle. If you had control of your vehicle you wouldn't have hit my dog.

That's our side of the story. We have no law enforcement out there either; it's something that is very important. We are so close to Lewis and Clark County line. I've talked to Cascade County Sheriff Department and they say they'll start patrolling but they don't patrol. As close as they get is the outskirts of Cascade and they write tickets for people doing 30 mph in a 25 mph zone and they make a lot of money doing that. The only time you see the Highway Patrol or Cascade Sheriff's department is when they are called. Now, Fish and Game is out there all the time and I see them all the time and I speak with them. Their reply to this subject is that there is nothing they can do; they are not authorized in Cascade County. However, they are authorized in Lewis and Clark County and they can tag people or pull them over but once they cross that line, they lose that authority. That's another problem.

I've done all I can out here. In our little quarter mile drag strip, I've set up four green men with orange flags. I've sat out there at the end of my driveway and run radar. I jump out in front of them once they bust 60 mph. Sometimes it works and sometimes it don't. For the most part people slow down. There's a lot of them that won't; they just go. That is the reason we brought this up because there is no law enforcement and the weekends. During the week it's not that big of a deal; we don't have an issue because most of the locals drive under the speed limit, 45 mph, because they know there are people walking up and down that road, walking their dogs, jogging and you've got a lot of elderly individuals out there because that's how they exercise. There are no shoulders and they walk a long side that road.

Commissioner Sansaver asked Mr. Steiner exactly what he was asking the Commission to do. John Steiner said they would like to see 45 mph. When I brought this up, I was only talking about our little piece of heaven. You all are the ones that expanded this out; I didn't ask for all that. I was just talking about our little quarter mile drag strip. There are 12 houses there. That's what I brought up. I got a petition and had people sign it and we drew up maps and the whole nine yards. You've got a parking lot there called "devils kitchen" and that parking lot is blind from the north and the south when there is foliage on the trees. I told Cascade County to just set up there and they'd catch them coming both directions because they can't see you until it's way too late. That never happened. The first house south of devil's kitchen, the address is 2910. The people who live there are the Jensen's. That driveway is blind coming around that corner from the north. There's skid marks from a dooly that are probably 20 feet long, here to the wall, where somebody locked them up because they were trying to come out of their driveway and somebody was flying around that corner at 55 mph. I've explained this to a number of people. We had one of the guys out of Great Falls, I don't remember his name, who came out and visited and watched as two cars coming north on a double line,

and he passed the other guy right on the corner with a double yellow line. That's what I'm talking about; stuff like this. While he was standing in my driveway, there were several cars that went by that weren't doing 55 mph. I said I know and that's why you're here, this is what we're talking about.

Look I don't expect everybody to drive 45 mph but if we lower the speed limit maybe they'd drive 55 mph. Maybe. In my request I asked for 35 mph because it's the old used car game – you offer this, they offer that, you barter back and forth and you find a happy medium. Most of the people in that area would love 45 mph. I guarantee you, everybody is concerned about this because it's Recreation Road. Tammy, you've been out there. If you go out there during the summer on any weekend, you'll find people crawling everywhere, all over the place. Our last hurray is coming up here on Labor Day and then it's going to really taper off and everything will go to normal and there won't be a big problem. But during the summer on the weekends, we get people out of Helena and Great Falls, they come in and they fish and float and have a good time. We don't have any issues with that. That's why I came up here.

I read the study and I found it flawed. For one thing just the time of year that it was taken. I told the guys when they were laying down the ropes that it wasn't going to work. They asked why and I said because it's already after Labor Day. That's my piece.

Dwane Kailey said there was a lot of information presented. I guess the one argument and one comment I'd put out there is that according to Mr. Snyder we took the speed studies after Labor Day during the week. Based on his testimony, he is stating that we'd be picking up most of the locals. If that were true, then if you look at our speed profile, we're showing that the locals are driving the speeds we're proposing out there. I get what he's saying but we don't do speed limits for one or two days of the week; we do it for the entire week. According to his own testimony he is saying that we picked up the speeds that the locals are driving and that is what we're proposing to post. As we've discussed many, many times, without law enforcement, those signs mean nothing. The public is going to drive what they are comfortable driving. We can go post whatever sign we want to post, but in reality this is what they are going to drive unless we plant a Highway Patrolman or a Sheriff's Deputy out there. The citation data, based on the three-year period, there were four traffic stops and issued call citations and none of them were for speed. Mr. Steiner said that is because there is no law enforcement. Dwane Kailey said exactly. That is the biggest issue I can point to. When we set differential speeds we actually induce crashes because we're creating frustrated drivers. You've got that law abiding citizen driving the 35-45 mph but then you've got that younger energetic individual that wants to go faster, so they make those dangerous moves like passing on blind curves. I witnessed it coming back from Whitefish yesterday coming down Hwy 83. I see it all the time.

It's up to the Commission. We've presented our engineering recommendation. I would throw out, that based on his testimony, if the Commissioners so choose and if you want us to go out and collect speeds during Memorial Day to Labor Day, it will delay this recommendation until next year. We can go collect speeds but I don't know that we'll get them out there prior to next weekend. Mr. Steiner said talk to Fish and Game, they are on my side; they'll tell you, they see it and they witness it. They wish they could do something but there is nothing they can do. I don't know who made up that silly law. They can over here but they can't over there. I don't get it. They are out there all the time.

Dwane Kailey said we could approve this as is and commit to the Commission that we'll go look at it shortly after Memorial Day next year and then bring it back to the Commission for your review. It is up to you. Commissioner Sansaver asked what the Commission would like to do.

Commissioner Aspenlieder said unless it creates an issue of workload for staff, I would support that. Let's lower the speed limit to what's been recommended. Let's not delay but let's catch the traffic and review data again during the summer and recreation season in this area and see how that compares to what we've collected in the original study. I think that's about as good of a compromise with lowering the speed limit today to what's being recommended without arbitrarily setting the speed limit. I've made my unilateral comments about that before. I think it's important that we follow staff recommendation and follow the data and the information as we make these decisions. It doesn't mean that we're above revisiting that data and trying to make sure we're collecting the data at the appropriate times.

Mr. Steiner said we've waited this long. I commend you on lowering the speed limit along the Hardy Creek Bridge to 45 mph. That's unposted completely. Reviewing the speed study, I was reading the emails going back and forth too because I was given all the information. There was a gentleman that referred to that bridge as the old single lane trestle. That's kind of funny because all the locals treat that as a single lane bridge – first-come-first-serve. During the weekends and the summer, oh no, I've seen rear view mirrors come flying off vehicles because people go through there two cars at a time at 55 mph. There is only one or two signs that have speed limits and they're all 55 mph. That bridge coming south is blind before you get on the bridge because it is a 90 degree turn and you can't see if anybody is coming until you're around that corner. You're recommending to lower the speed to 45 mph through there, we drive it at 35mph because of all the people and you've got another neighborhood there. We will take whatever we can get. Thank you all for your time.

Commissioner Fisher said I concur on acting today on staff recommendation; it makes a lot of sense. For my money this the first or second best place in Montana to be, the fishing is great and I'm there all the time. It is crazy during the summer; its nuts. To Dwane's point, without law enforcement the signs don't mean anything. Mr. Steiner said he had kicked gravel at cars, right out of his driveway. Commissioner Fisher said I think this is a great idea and we can move forward. It is important to revisit the data if it falls outside the busy season because it isn't the local traffic, it really is the summer traffic. Dwane Kailey said we will be sure to capture both week day traffic and weekend traffic. We can actually separate that out in our report so you can see it.

Commissioner Sansaver said I have a comment on the last area. In your summary you say the speed profile provides "for the most part". What does that mean? Dwane Kailey said we really struggle on routes like this, if you look at the white pages, it points you to a speed profile. When you see the pace dropping down around the mid-to-low 40%, then you've got the 85<sup>th</sup> percentile outside or on the very edge of that pace. That makes it very challenging to figure out what speed is best for the public. When you see the pace up around 60% and the 85<sup>th</sup> percentile within that pace, it makes it really easy. That means the majority of the traffic is traveling within 10 mph of each other. When you start getting below 50% that is really challenging. That tells us we've got an issue out there. Half of the public isn't traveling within 10 mph of each other and it's very concerning to be honest with you because you've got a whole lot of differential speeds out there and it's fraught with opportunities for frustration and really stupid decision making. That's what it comes down to and I witnessed it yesterday.

Commissioner Aspenlieder moved to approve the Speed Limit Recommendation for X-81003 (Old US 91) Craig and requested that the department review & study it again after Memorial Day and before Labor Day 2022. Commissioner Fisher seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

### **Agenda Item No. 11: Certificates of Completion May & June, 2021**

Dwane Kailey presented the Certificates of Completion for May & June, 2021, to the Commission. They are presented for your review and approval. If you have any questions, please feel free to ask. Staff recommends approval.

Commissioner Aspenlieder moved to approve the Certificates of Completion for May & June 2021. Commissioner Fisher seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

### **Agenda Item No. 12 Adoption of Standards & Specifications Applicable For Identification Lamps on Snow Removal Equipment**

Jon Schwartz, MDT Maintenance Administrator, introduced Walt Kerttula, Equipment Bureau Chief, who presented the Adoption of Standards & Specifications Applicable for Identification Lamps on Snow Removal Equipment. There were changes to the law this last Legislative Session that allows snow plows to use other colored lights. For the record Senator Vance who is in charge of the Senate Transportation Commission was instrumental in helping with this.

My name is Walt Kerttula, Bureau Chief at MDT and I'm here today to present our recommendation for the adoption of snow plow lighting standards and specifications. MDT snow plow operations are very important to keep motorists safe and mobile on our state highways. During those operations there is a greater risk of collisions than at other times because they have slower travel speed, reduced visibility, and reduced traction on the roads. So MDT would like to make our snow plows more visible while they are operating. We looked at several light studies, talked to other states about their best practices and the indication is that blue or green lights in combination with amber lights made the snow plows more visible. There is indications that they reduce collisions.

MCA 61-9-228 states: "the Commission shall adopt standards and specifications applicable to head lamps, trace lamps, and identification of other lamps on snow removal equipment when operating on the highways of the state in lieu of lamps otherwise required on motor vehicles by this chapter. The standards and specifications may permit the use of flashing lights." This is what we asked the Legislature to change to add "and all colored lights except blue lights for purposes of identification on snow removal equipment when in service on the highways." The blue lights were exempted at the request of law enforcement because they wanted to keep blue lights for themselves which we agreed with.

We are requesting the Commission to adopt this snow plow lighting standard in the specifications provided to you. Just in synopsis, our recommendation is to use a green and amber flashing, rear-facing only, light on the upper corners of the snow plow and then to use a green flashing light on the rear of the snow plow in the center. We are also recommending green and amber flashing lights on the wing plows. Staff recommends approval of these standards and specifications.

Commissioner Sansaver asked about the green and the blue. I understand the blue but the green, what is the color differential to the human eye that makes it stand out more? You would think the red flashing lights would be good. Walt Kerttula said the green creates a contrast with the white when the snow is falling. The green presents the best contrast but I can't explain all the optical. Jon Swartz said when the snow plow is going it is enveloped in a white cloud. The amber almost makes the

cloud glow and you don't get a sense that it is moving. As with speed studies, we are dealing with behavior; drivers behavior. A contrasting light helps break up the monotony and the uniformity and you get a better sense of movement and a sense of speed, so it helps. The human mind and eye needs that differential. I would love to take you on a field trip but Walt won't let me. Walt took me down there two weeks ago and we looked at it. If you see it, it's very bright but we can dim the brightness kind of like strobe lights on the work cars. Again the human eye, when it's just a glow you almost don't see it but when it starts strobing fast and slow with the different colors, it makes your mind see that there is something up there even in a white cloud of snow. It's wonderful to see it. You are welcome to go see it after the meeting if you are interested.

You asked about blue and green, a lot of research was done on snow plow lights. The eye sees blue better than any other light and that is why law enforcement uses it. Green is the second color that the eye is able to see. The other thing is trying to create lighting patterns for snow plows. Everybody drives up and down the roads and they see a flashing yellow light, you don't know if it's a flashing beckon on the highway or if it's somebody plowing snow from a parking light, or even a state highway plow. So being able to utilize these two colors will be unique to state highway snow plows.

Commissioner Fisher asked if it was for the MDT equipment and not private equipment. Walt Kerttula said it would be for MDT equipment used on the highway for snowplow operations only. Commissioner Fisher said then the Transportation Commission dictates what the equipment is. Commissioner Sansaver said it is interesting that the postal service workers in northeast Montana don't drive US Postal Service trucks, they drive individual trucks and they stick an orange light on the top of the vehicle. I would imagine if they put any other light up there, it would have to be approved by someone. I was wondering why we needed to approve a different color of lights but I can see that because of all the different type of work activities that go on with construction, the postal service, and individual vehicles out there that there needs to be something that is approved by the State of Montana.

Commissioner Aspenlieder asked where the budget comes from. Did the Legislature appropriate money to make this equipment change or is it happening within your Maintenance Budget? Walt Kerttula said we went before the Legislature and said we would carry this within our current budget. We have the funds to take care of this. Commissioner Aspenlieder asked how much it was. Walt Kerttula said the lights will cost an estimated \$152,000, and our own mechanics will do the retrofit and change the lights out. I'm not sure if that price will be good today because there are delays and price increases. Commissioner Aspenlieder asked if they are projecting to have these lights completely retrofitted and mounted by this winter. Walt Kerttula said we would like to but probably not. We are not sure about delays in delivery and then it just takes time to change them out. We also have some older lights on trucks that we're going to have to figure out how to change those out. Do we change the complete light or just add a green light to the amber? We're working on that. We did tell the Legislature we'd do this over a two-year period. So our plan would be to start with our newer trucks on the Interstate because that is where most of our accidents are and try to get those retrofitted, as many as we can before winter and throughout the winter. As trucks come in for repairs, we will have a chance to change those out. Our goal is to do it as soon as possible.

Commissioner Aspenlieder moved to approve the Adoption of Standards and Specification Applicable for Identification Lamps on Snow Removal Equipment. Commissioner Fisher seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item No. 13: Proposed Design Build Stipend Amount and Justification for Timber Bridges, Glasgow Area STPB STWD (787) – UPN 9885000**

Jake Goettle presented the Proposed Design Build Stipend Amount and Justification for Timber Bridges – Glasgow Area, STPB STWD (787) – UPN 9885000 to the Commission. At the June meeting I presented the project delivery selection tool for this project and the Forsyth area. This is the next step in the process. MCA puts the authority on the Commission to determine the stipend amount paid to unsuccessful firms in the design build selection process. That is what I'm presenting here.

The Timber Bridges, Glasgow Area, is a replacement of 15 structures, timber bridges. You have been given some justification for the stipend amount that the department is recommending. The stipend is partial compensation for firms to fill out the Request for Qualifications and Request for Proposals that we ask for in the design build process. It's a best practice recommended by the Design Build Institute of America. For reference the stipends are only awarded to the unsuccessful, responsive design builders. We did an estimate of about 3,000 hours to complete the design build process for this project. With that the department recommends a stipend amount of \$200,000 for the Timber Bridges Glasgow Area project.

Commissioner Fisher asked if the design build was used because you can package it better and get some innovations in the build of this project. Is there a special reason we are using design build versus others. Jake Goettle said partially yes. A lot of this had to do with speed of delivery on this project. In the STPB we look at cost, schedule, and innovation. Certainly there is some innovation but it comes down to mostly means and method. When you package that together then the design team and the contractor can innovate on completing those sites in a different way than if we used design whole package.

Commissioner Aspenlieder asked how many of the bridges we're replacing are load posted currently. Jake Goettle said I don't know for sure. Stephanie Brandenberger, Bridge Engineer, said that three quarters of the bridges are currently load posted. All four NH bridges on the project are load posted, six of the secondary bridges are posted. Commissioner Sansaver said in the past I've been very vocal about the timber bridges and it is good to see that we're getting to them especially because the load posting creates a huge problem for our communities out there to be able to move their products. We need to get these bridges up and going and if this is the fastest mechanism to do it, I certainly support it. Commissioner Fisher thanked MDT for bringing this information forward before the project is let. Great job.

Commissioner Fisher moved to approve the Proposed Design Build Stipend Amount and Justification – Timber Bridges, Glasgow Area, STPB STWD (787) – UPN 9885000. Commissioner Aspenlieder seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item No. 14: Proposed Design Build Stipend Amount and Justification for Timber Bridges, Forsyth Area STPB 14-6(22)235 – UPN 9886000**

Jake Goettle presented the Proposed Design Build Stipend Amount and Justification for Timber Bridges – Forsyth Area, STPB 14-6(22)235 – UPN 9886000 to the Commission. Jake said we kept these items separate so the Commission could take action on each of them. This is the second project in the Forsyth area. Very similar to the previous agenda item, this one has 12 existing structures. The stipend is partial compensation and does not fully compensate for the cost of preparing a proposal. On this project we estimated a little less time in preparing the proposal. The



department recommends a stipend of \$150,000 for the Forsyth Area Timber Bridges Project.

Commissioner Aspenlieder said he was curious why the stipend amount was reduced. That's a 25% reduction in the stipend on the proposal side of this and we're only talking about three less bridges than the previous item. I would expect that it would be slightly less but in reality, as consultants go after this with contractors, the level of effort is not going to be any less in pursuing these projects. I disagree slightly on the calculation and I don't think what we're proposing is sufficient in the effort that is going to go into this package. Jake Goettle said where the calculation came out in our estimate for the hours was a little higher than \$300,000 on this one versus the previous one which was \$400,000. It is a little closer than 25% when you look at the numbers, but it is an estimate so we're trying to be a little bit open and just drop that roughly \$300,000 cost. We think it is going to be down to about half. Some of these are slightly easier for the design build team to propose on, a few less structures and a few less hours.

One of the other differences is the Glasgow area has a wide variety of structures from NH to a lot of Secondary bridges that are fairly challenging to try and come up with a solution. These are all on the same route, all on US 12, and so there may be a little efficiency in having that as well.

Commissioner Fisher asked if MDT expects the same firms to propose on both of these projects. It wouldn't necessarily be a new set of proposers. Jake Goettle said yes it will likely be the same teams, hopefully multiple teams. Commissioner Aspenlieder asked how fast they could get more of these projects out. Director Long said we have had multiple conversations about this but I think this should be one of the highest priorities for this department to fix these timber bridges and expedite this process. I would agree with you that a design build approach is going to be the fastest way to get this done with staff issues we have at the department. I would highly encourage that we try our best to move these things forward at a rapid pace. We've had several discussions on it. We do need to align our nomination and packaging of our projects with the funding that we anticipate we will receive. It looks like right now the bill is making its way through the Congress. It was passed on the Senate side and is focusing on bridges and we may see a \$45 million increase if a version of the bill is passed. That's positive and something we're preparing for. Once we know that, then we can move forward with more projects.

Jake Goettle said we are presenting these two separately because we are going to advertise Glasgow right away; it is going out for RFQ in September. We presented both because, if the funding comes through, now that you've approved this we can go with the second one soon after the first. We are moving as quickly as we can and getting these out on the street.

Commissioner Fisher moved to approve the Proposed Design Build Stipend Amount and Justification for Timber Bridges, Forsyth Area, STPB 14-6(22)235 – UPN 9886000. Commissioner Aspenlieder seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

### **Letting of August 12, 2021 – Project Awards**

Jake Goettle presented the project awards to the Commission. These are the awards for the August 12, 2021 Letting. I have the pleasure of presenting the largest contract we've ever let at MDT by almost double.

Call No. 201. I-90 Yellowstone River, Billings. The engineer's estimate was \$64,008,173. We had three bidders on the contract. Sletten Construction Company out of Great Falls was the low bid at \$72,200,000. They were

12.8% over the engineer's estimate and just over the guidelines for award. They included .74% DBE participation. In the packet you received there is an analysis on the engineer's estimate and also a response from Sletten on a few of the items. I'll go through a couple real briefly.

In the engineer's estimate analysis we looked at the following items:

**Mobilization.** We estimated mobilization at about 11%, Sletten's bid came in at about 16%. In the past we've estimated bridge projects upwards of about 18%. This project being as large as it was, we were estimating the mobilization would be a little bit lower but we don't believe 16% is out of line for this type of project with a minimum three-year contract. An amazing amount of equipment will be brought in and out over those three years. The project will kind of get split into at least two different projects where they will do one side first so the prime and subcontractors will bring in equipment for that. They will finish this side and then those will demobilize and go onto other projects for quite a while and then come back and finish the other half of this project. So it will require multiple mobilizations so the 16% is not out of line.

**Plant Mix Surfacing.** We estimated that a little low and based on the contractor's response, they do have a fairly substantial haul for this project. It is about a 20-mile haul which contributed to the higher bid item.

**Traffic Control.** We believe we were low on this. We estimated at \$600,000 lump sum. The bid came in at about \$3.5 million so we were quite low on that lump sum. That was one big element of the increased bid price.

**Structural Steel.** With the current market conditions, it's not a surprise that the structural steel is coming in quite a bit higher. This is a lot higher than we thought but based on the market, it's not out of line.

Call No. 202. SF139 Central and 56<sup>th</sup> Roundabout. The engineer's estimate was \$2,445,284.70. We had three bidders on this contract. Riverside Contracting out of Missoula was the low bid at \$1,885,319.43. They were 22.9% under the engineer's estimate. They had 8.43% DBE participation.

Call No. 203. SF179 D5 Safety Improvements. The engineer's estimate was \$181,404.00. We had only one bidder, Montana Lines Inc., out of Great Falls was the low bid at \$1,073,420.00. They were 4.4% under the engineer's estimate and had no DBE participation.

Call No. 204. Signals at Big Sky. The engineer's estimate was \$886,629.50. We had one bidder, Montana Lines Inc., out of Great Falls was the low bid at \$166,681.20. They were 10.69% under the engineer's estimate and no DBE participation.

Call No. 205. SF179 N10 Safety Improvement. The engineer's estimate was \$59,604.00. We had two bidders and Montana Lines Inc., out of Great Falls was the low bid at \$71,007.00. They were 19.13% over the engineer's estimate but within guidelines for award and no DBE participation.

With that, the Department recommends award of Call Nos. 201-205.

Commissioner Aspenlieder said earlier in the year I'd asked about our DBE numbers. I know we have to try and hit a range. The answer I received was that our large projects coming up, this one in particular, we're going to severely impact that number and our ability to hit our target. With this where are we landing in our DBE numbers and are we going to get ourselves in trouble? This is a pretty insignificant amount in

the largest contract that we're letting. What does that do to our DBE requirements? Jake Goettle said our Office of Civil Rights said exactly what you said. We will probably end the year about 5.7%; our aspirational goal was 6.5%. So you're spot on. We were hoping for more but it didn't happen. Some of what we've seen, one of our most used DBE's, Deb Poteet, Traffic Control, graduated out of the program. Since she's graduated, there's been a vacuum. We haven't gotten anyone into the DBE program the size or scale that could handle this project. Commissioner Aspenlieder said, I think that's great that we have company's graduate out and not qualify because they are getting too large to be in the DBE pool; that's a great success story. But to the contracting community, what's the department's message now to prevent the federal government to come back in and put the squeeze on us. What's our approach and our conversation with the Contractor's Association about DBE participation? At the end of the day we can't necessarily drive it, we can encourage it. What's the communication back and forth with the Contractor's Association about that?

Dwane Kailey said as you may know, the DBE Program is very, very challenging for us. However, we are keeping them apprised. The Office of Civil Rights does give us an update on where we're at towards our goal and we provide that to the Montana Contractor's Association. Along with that, we are actually working right now and we have at least two or three of them on the Committee, and we're updating our DBE Plan as we speak. That will take into consideration DBE contractors that have graduated and it will also look at any that are coming into the program. I'm not involved with it and I can't tell you whether or not we'll see that aspirational goal go up or down. I think I know where it will go but we won't know until we're towards the end of that plan.

Commissioner Aspenlieder said if it goes up and we can't already hit what we have now, what are we going to do? Dwane Kailey said we will have to sit down with the FHWA team and discuss that. To cut to the chase, one of the avenues that could be pursued is to go to project specific goals. There are benefits with that but there are also significant challenges. The biggest challenge being if you don't get enough DBE's proposing, then what do you do. Then we start getting into the whole discussion of good faith effort. We have been there in the past; it's been about five or six years since we did project specific goals. It didn't come without challenges without a doubt but that could be the end game if we can't meet the aspirational goal. Commissioner Aspenlieder said what is the net impact if we have to go to project specific on the Contractor's Association? Overall how does that impact the Contractor's Association? Dwane Kailey said in the past the benefit was that everybody bid the same thing. They knew they had an X percent goal so they bid to meet that goal. There is the potential for a benefit. The challenge is the DBE may not always be the low sub-bidder in which case they have to make the choice of risking not being the low bidder and going with non-low subs or risk failing at my good faith effort and not get the bid because of good faith effort.

An unidentified contractor who spoke said what it does to the Contractors is it makes it a little bit more challenging because you are constantly faced with that. In fact I've been on both sides of that and lost jobs because of it. It's interesting, from the Contractor's Association, the frustration comes from their inability and our inability to push a rope. It's needed but it's hard here in Montana. It does help in our drives because we've had many people start into the DBE Program and been very successful and graduated out; it's good for that. If they go to project specific, then you start getting more creative. That's what I've seen. It makes it a little tougher. The FAA still has project specific goals but FHWA doesn't. They are aspirational. The FAA still has that so with any AIP projects, it's still a hard number. It becomes challenging. I have personally used subs that I would never have used otherwise because you know they can't fly and you know you're going to have a fight from day one with paperwork, timing, schedule, and all of it. Then you live through it and shake your head and say, "I knew it and it came out the way it was". Then our subs are mad. It's not pretty.

Commissioner Aspenlieder asked where the Contractor's Association was on this. At the end of the day this is their baby. We have to administer it but they are the ones that have to make sure we're hitting these goals to prevent this from being a real pain. Dwane Kailey said they are very aware of it. They are challenged with it the same way we are. We all recognize that it's a law and not something we get to choose not to do. They do their best to get bids from DBEs. The challenge we are all struggling with right now is resources. Even our DBEs are struggling with it. Again you get back into the whole concept of if they are not the low bid, do you go with them and risk not getting the bid. Commissioner Sansaver said it is real interesting but if there are no more eggs in the basket then the basket is empty. At some point the Feds have to say there aren't any DBEs out there. What do we do? We can't continue to raise the bar, we have to find a happy medium. Maybe we lower the bar and try to get more DBEs involved in this work, then everybody's happy. If there is nobody out there, there's nobody out there. You can't go to Washington to seek a subcontractor to come work for you at 20% over the cost of what a Montana subcontractor would do it for. It's a real interesting dichotomy.

An unidentified contractor said FHWA understands this. We actually do have quite a few DBEs but we don't need a lot of painters or tape and texture people with what we're doing. That's what we're balancing. In the DBE pool, if you look at the list which can be pages long, those who can actually help us on a three-year major project is just a handful.

Commissioner Fisher asked if the MCA has a committee or segment that focuses on DBE recruitment. I know very little about MDT and DBE, but my experience is that companies may qualify to be a DBE for stuff that's not necessarily construction related. I'm wondering if there's a coordinated effort by MDT and MCA or independent efforts to recruit more DBEs, like looking at our state business site to find those female-owned, native-owned or anybody else that qualifies as a Disadvantaged Business Enterprise. Dwane Kailey said I don't know what MCA does or does not do as far as recruiting, training, educating for DBEs. I know we have staff that goes out and recruits and tries to train them to get them up to speed. Val Wilson said our Office of Civil Rights has a small supportive services staff of two people that go out into the field and do training to try and recruit DBEs. I appreciate this conversation because as Dwane said, we're getting a new disparity study completed and that's going to set those aspirational goals for the next three years. Overall we've been brainstorming to think perhaps we need to work with the Governor's office because it fits in with a lot of his agenda to increase business. I think the time is now to get more people in their recruitment besides our little supportive services. I'm not saying anything bad about what they're doing but they are only two people and they are doing a lot of work. Overall in my experience I'm not seeing the DBE pool increase over the last five years so here we are.

Commissioner Fisher said I think the MCA should take this on as a key initiative and be the Ambassador for this. What steps is the MCA taking? Dwane Kailey said we have a technical meeting coming up with them very soon and Jake and I will be very happy to take that message and have that conversation with them. Commissioner Aspenlieder said this could put us in a real bad way across the State of Montana and really the only people who can fix this are the contractors. We can do all we can do but at the end of the day this is a contractor issue. If they don't, we're all going to feel the pain.

Commissioner Sansaver said on Call No. 202, the engineer's estimate was \$2.4 million and the award went to \$1.8 million. That's \$600,000 left on the table. Is there a reason for that? Do they have any support for why they were a half million under the engineer's estimate? Jake Goettle said we did reach out to them. We didn't provide a response in here because we don't generally do that when they are under bid, but we did ask them if they missed something. Based on the competitive second bidder we

do think our engineer's estimate was high on this project. They were comfortable with the bid and had no issue moving forward with the award. I think we were a little high on our estimate. Commissioner Sansaver said then you are satisfied that it will be completed and they are not going to go broke and we will get a project. Jake said yes.

Commissioner Aspenlieder moved to approve the staff recommendation and award of Projects 201 – 205 to the responsive low bidders. Commissioner Fisher seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

### **Agenda Item No. 15: Discussion and Follow-up**

#### *Headwaters Rest Area*

*Senator Gordon Vance, Senate District 34, Gallatin County.*

Senator Vance said I just finished up my seventh Session in the Legislature and except for once when I was elected Majority Leader, I spent the other six Sessions as either the Chair or Vice Chair of the Transportation Committee in either the House or the Senate. For a civilian, I have a relative level of knowledge regarding what you folks try to do. I think moving this rest area is a really good idea. I've lived in the Gallatin for about 50 years and I've seen what's changed. Originally that rest area was out in the middle of nowhere which is where a rest area should be. We have them so people can stop and stretch their legs and use the facility and take a break. Now it is almost in the middle of Bozeman. So I do think it needs to be moved out of town.

A couple of things, Director Long, is that on your property? Does that property belong to the State? Director Long said yes. Senator Vance said the only comment I would make, and this has happened quite recently, is that the property values in that area are insane. I would really hope you folks are cognizant of that when you do whatever you're going to do with that piece of property. Because that piece of property is probably worth more at this moment than it was when we walked in here two hours ago; that is how bad it's getting over there. I would hate to see you folks be taken advantage of.

My other comment is along the lines of the one that Ms. Brown made earlier when she talked about public notice. Like I said I've been doing this for almost 15 years. My wife was Gallatin County Clerk and Recorder for 20 years. Our idea of public notice and public hearings is quite a bit different than what we've experienced with this particular project. If you folks are comfortable with that and that is how you do all your business that's fine, but I just wanted you to know there are folks out there, because I've been getting a lot of comments from my constituents who are asking, "What's going on? This is the first we've heard of this." Even people like me who think it's a good idea and they are not complaining about what you're trying to do, they're just a little bit concerned about their total inability, in their eyes anyway, to have any sort of input as to what you're doing. That's all I've got. I think it's a good idea but I'm not sure it was handled properly from a public notice standpoint.

Then very briefly, over the time I've been dealing with transportation, you have one of the best staffers I've ever dealt with, and being in the capital, I've dealt with a lot of them. She does outstanding work. So you want to keep her around as long as you can. Thank you for your time. Commissioner Sansaver said we definitely know that. I've been working with Lori Ryan for 20 years at least, either through the Department of Labor and Industry or on development in years back all the way through to now. She is a home town girl from Wolf Point.

*Justin Brewer, Community Member in Three Forks.*

Justin Brewer said I own property behind where the proposed rest area is going to go in. Let me follow up with what Senator Vance said about it being a good idea to move the rest area. That's fine. Nobody is opposed to you doing whatever you want to do in Bozeman. Part of the problem, though, is that we're not being heard in Three Forks. He talked about how there was no public notice. I don't know how many members are aware of this but there is actually litigation on that part because our rights were violated up here in Three Forks. We are objecting to the location of the rest area. To follow up with what the Senator said a moment ago, he said rest areas should be in the middle of nowhere. This is not going in the middle of nowhere, it's going in amongst a local residential area which is constantly growing. So there's a bunch of stuff that is a problem there.

Earlier one of the MDT representatives on the topic of speed limits said you can put up a sign but without law enforcement you can't back that up. One of the things that has been added to this proposed rest area to placate us in the Three Forks area is to put in offices and signs but without the law enforcement to actually back up those concerns, those signs mean absolutely nothing.

As a whole, the community in Three Forks has said no to this rest area and we're not being heard, we're not being listened to. It's going right in amongst residences and the only public notice we got was, "hey this is what's going to happen and there's nothing you can do about it." We have approximately 2,200 residences in that area and that information may be a little outdated because I believe that was from the 2019 census. We have 1,300 plus signatures of residents saying, "We don't want it here." We have raised concerns over traffic issues which MDT has not provided any solution for. We have raised concerns over crime activity and we're told essentially that there's no connection and yet when the proposed rest area was first proposed, it was said they were taking out the 19<sup>th</sup> exit rest area because maintenance was a nightmare and because of crime. Yet we're told not to be concerned about that here. So I want to raise that concern.

I wanted to let everybody know what's going on and why we are opposed to it being here. It's not in the middle of nowhere; it's in our front yards. It's going to cause an increase in crime. So we're essentially just moving the problem from Bozeman that doesn't want it, across the Broadwater County line and dropping it into the residence of Three Forks front yards. Again, no public notice; we're not really being heard. We're getting a couple of empty desks and that's all we're getting. That is the concern we have and we would like to actually be heard on the issue.

Commissioner Sansaver said when you say "empty desks" are you talking about the uniformed police that are going to be placed there in the office. That there wouldn't be an officer? What are you talking about when you say empty desks? Justin Brewer said from what I've heard, there are supposed to be four desks placed in an office there, there will be signs put up on the walls saying there is law enforcement there, but there has to be budget for that and we don't have the budget for that in Broadwater County. We're in a tiny little spot of the county and law enforcement doesn't come here very often. We have anywhere from a 45-minute to a 90-minute window for response from law enforcement. So essentially the desks will be empty and the sign will mean nothing. It will be like that 45 mph speed limit sign that was talked about earlier.

*Director Mack Long*

Director Long said this process was not initiated by MDT. It was brought to us by the City of Bozeman. As Senator Vance eluded to, we built this rest area many, many years ago when there was nothing on north 19<sup>th</sup>. It was a great connector to get

people from Spring Hill Road in and it grew like a lot of those roads. Shiloh Road in Billings is one of those and Reserve Street in Missoula is also one of those. It's the start of economic development. Right now it's hard to get trucks in and out. That rest area is kind of what we call our old design. The new design and I would like to take credit for it being MDT, we've done a lot more design build and I'll give the credit where the credits due. The outside designers have done wonderful. We see these at Hysham and coming down from Lolo Pass. The new rest areas are much different; they are well lighted, they are open, they are more accessible, they have more truck parking and this rest area will follow all those and provide all that.

As the Senator and the caller talked about, we have looked at this and we try to use some of the innovation we talked about. What can we do? We are very cognizant of what the rules are so we realized we needed to use the design build process. That is a two-step process – you go out and see if there is interest. We did some public notices, we put that out to see if people were interested and we got four responses. Based on that, we thought we'd better go forward. We did an assessment following the State of Montana rules and got it appraised. So we knew we had a set value for what it's worth and we had an interest in doing a design build proposal. Again, we try to get parameters. So when we went out for the proposal we said you can put the rest area basically from Manhattan to Cardwell. So the design build team could look at land anywhere in there. We'd like it off an Interchange but we were trying to be open in not setting too many parameters. We also were innovative because we had an appraisal value, we knew we had to have a cost component, so we used that as our cost component. When we put it out for proposal, we received two proposals. Though four people said they were interested, we only received two design build proposals. We scored them using that methodology. We brought it to the Commission to award to the lowest best value for the State and that's where we are to date.

To address the public comment, some of why we couldn't do it is we didn't know where the team was going to put the site. As part of that innovative proposal, we wanted them to take the lead on doing the public communications. They have selected a firm, Dowl, and they have been doing public meetings both virtually and in person. We've had quite a bit of input. We have seen the petitions, we have been served the lawsuit. The gentleman who just called is part of that lawsuit. So we understand what his concerns are because they've been listed. So we are working through that proposal. We as a department feel we have followed everything that we would on a project like this anywhere, from top to bottom and from stem to stern. We haven't done anything that we didn't do before, this was just a little bit more innovative because it was precipitated by the City of Bozeman.

Commissioner Sansaver said in trying to address both Senator Vance and Justin Brewer regarding public comment, how long was that out? Was it a three week period? Is it still on-going? Director Long said I don't know the exact date. Dwane Kailey said the RFI was actually out for a month. Once we awarded the project to the design build firm, we have on-going public involvement as we move forward. Commissioner Sansaver asked if we had the cart in front of the horse here. Public Involvement to me means the public can come together and say yes that's a good idea. It sounds to me like the public is saying it's not a great idea, but we're moving forward on it? Director Long said we have taken public comment and looking at the data, most of the concern is about safety. So we've adapted, we've put a new space in there – that's the empty desk which I cannot say whether they are going to be empty or not. I know from our department, we're going to have a space in there for more than carrier service so we can have an MCS officer there full time. In talking to the Broadwater County Sheriff, he was concerned that if they sent a deputy down there, he wouldn't have any place to stop, to stay, to file a report, or to do anything. So by having an office with a computer that is connected, once they get down there, they can actually do something. So we've tried to look at all the public concerns and be flexible and adaptive.

As we kept working through this, the Highway Patrol said they would love to be able to have more of a presence there so if you give us a desk and a computer, our officers can park there, rest there, take their lunch break there. So it's worked out very well. Even though Justin alludes to empty desks, I don't know if they will be or not but the feedback we've had internally from Motor Carrier Services is they are very excited about it and they are going to use it. The Highway Patrol is very excited about it and the Broadwater County Sheriff is excited because it will help his deputies have more of a presence there.

Commissioner Sansaver asked if this has been brought back to the community and everybody has been notified that all these agencies are on board and plan to utilize the facility. As far as Broadwater is concerned, having a facility out there now where they don't have a 45 to 90 minute wait for 911 calls, maybe that county can put out a levy and make more money available for policing. Director Long said it is not official, I have heard from the developer that he's been in contact with both Broadwater County and the Sheriff's Department to look at trying to do, not just that office but have a holding cell because again, as the caller alluded to, what do you do with the car and the person if you detain someone, they have to take them back to Townsend. If they have holding facility there, it would help the area. The other thing is there is a brewpub and an amphitheater going in. Both this rest area and that brewpub will be putting in infrastructure that will help the economic development to that area because we now have water and sewer. I will say again, I've heard that people are interested and starting to develop out there.

Commissioner Aspenlieder asked what level of coordination went on with the Highway Patrol. Director Long said I can't answer that. Dwane Kailey said the discussion was held between our district administrator, Bill Fogerty and MHP. I wasn't a party to it so I can't speak to it. Senator Vance said I asked the Attorney General and the AG's Chief of Staff and they had no clue that anything was going on until that article came out. So it was a surprise to guys who make the decisions in MHP that anything was even being discussed there. Director Long said I don't want to correct you but the Deputy Director and I did have lunch with the Attorney General and it was brought up but it was while we were talking about another issue. As Senator Vance said this is kind of a lightning rod rest area. We, as a department, feel that it fits within the other rest areas we have across the state and will be an excellent one – well lit, well trafficked, will be able to help people come in and out, and it's definitely needed within the FHWA guidelines to make sure we have rest areas for the traveling public. Senator Vance said, don't get me wrong, I don't think the DOJ was opposed to the idea, but it was a surprise to see it pop up in the newspaper without them having an idea. I will take that to heart because I'm in contact enough with the Attorney General. I thought I made it clear but what I thought was enough obviously was not enough. That's good feedback and I'll make sure I can do more than just text him. Dwane Kailey said there was a meeting held August 2, 2021, with Officers Brad Moore and Mark Wilford at MHP.

Commissioner Fisher said the land is already purchased, right? Dwane Kailey said the land is purchased by the developer. Commissioner Fisher asked if the state had purchased that property yet. Jake Goettle said with this process, that's the innovative part of this, they buy the land, they build the new rest area and then it gets appraised. We know what the land in Bozeman was appraised for and this has to appraise for equal value and then we'll do the land swap. Commissioner Fisher said then the developer gets that Bozeman parcel to redevelop however they want. The reason why there wouldn't be as much public involvement is based upon the process. That doesn't mean that anybody violated public notice law or anything like that, it's just because the process was different in respect to a land swap. I think to Mr. Brewer's point, Broadwater County couldn't even afford to prosecute the guy that shot the cop in Broadwater County. So when he says funds are restricted there, restriction really under-estimates the amount of restriction they have. If MCS will be sighted there



and MHP is sighted there, I have a dear friend that was in MHP in Three Forks, so it's a great spot for MHP to be sighted and I think that would improve things. To Mr. Brewer's point too, this is going to be literally in his backyard, so more lighting may not be helpful to him. That might affect his view scape. I can see how the public would feel like they weren't necessarily fully involved but the process itself doesn't necessarily afford the kind of involvement that we might have for something else. Maybe that is something to address with the Legislature because nobody wants to hear there is something happening in their backyard that they didn't know about.

Commissioner Sansaver asked about the time slated to do the project. Dwane Kailey said they plan to start breaking ground this week and the project is scheduled to be completed next fall. Commissioner Aspenlieder asked when title transfer takes place. Dwane Kailey said as soon as the rest area is complete and we have our appraisal done, we will transfer titles after that so essentially next fall.

Commissioner Aspenlieder said a follow-up to Senator Vance's question, I know in this land-swap the developer is getting the land that we're abandoning in Bozeman, is that correct? Dwane Kailey said that is correct. Commissioner Aspenlieder asked what the valuation was based on. Is it on the valuation when we got the project or on a final valuation at the time we're going to do the title transfer? The value of that has to be made up in a dollar amount to the state of Montana, how is that process with title transfer and valuation and truing of costs going to work? Director Long said we, as the department, are given flexibility – we have to have an appraisal done before we even start the process. So we're using that appraisal. You're spot on, the markets move, markets go up and markets go down. In this case, the developer will probably do better than the appraisal that was done. We had a current market appraisal, they looked at everything, so we had to use that to say that was our basis to move forward. Commissioner Aspenlieder said I'm hearing that we don't have a true value of that at the end of the project. We have it based on what was done at the letting. Director Long said the land and rest area will have to go through an appraisal and it will have to appraise for at least this amount if not more. That's where the values were set that we're using. We know what's happening in the Gallatin Valley and the developer knew that too. That's why we thought there would probably be more than two because four people said they were interested but only two proposals came in and both proposals knew we were going to swap land for land. They were willing to take the risk on construction because they know this value, inflation is going up, prices are going up, construction was not stable, land isn't staying stable but they took the risk. That's where the innovation comes in.

Commissioner Sansaver said I don't want to put Senator Vance on the spot, but what is your opinion of this project. It is your constituents that need to be satisfied out there. It sounds like there's a group of them that think this is going to bring more crime to that part of the community. What's your opinion on that? Senator Vance said if I was in the position the Director is in which is kind of a loose-loose at this point, I do think there should be more of an effort made to give as much information as possible to people like Mr. Brewer, so they understand fully what's involved in the project, what the end result is going to be. As an example that Commissioner Aspenlieder brought up, that's something that I was told as late as yesterday by the Attorney General that he wasn't aware of this project. Now he wasn't opposed to it but he wasn't aware of it. So there's a lack of communication somewhere. Spending as much time as I spent at the capitol, I know how critical that can be. I just think that should be done post haste. I think those people need to be given an opportunity to tell you what they think. If they filed a lawsuit, I didn't know that, but if they filed a lawsuit, they've probably told you that. I do think there should be an all-out effort to let them know what is going on. Like I said the lack of knowledge by the Attorney General as late as yesterday afternoon says something about being involved in this project.

Commissioner Sansaver asked if there is a point where we can halt the process so we can get more public notification. Maybe our attorneys have something to say about this if there's a contract already let. Val Wilson said the Commission has approved this project. It's been let and awarded, and there's a Notice to Proceed on this, so at this point as far as I know that public outreach is on-going and I think they are primarily using their consultant Dowl to do that public involvement. Perhaps we could up our game by doing our own public involvement to get that information out. Commissioner Aspenlieder said I think the Senator's advice is excellent to reach out. Val Wilson said instead of relying on Dowl to do that. They've had at least two public meetings. I know our Chief Engineer was down there, our District Administrator was at that meeting, and several staff members were at one public meeting. Dwane Kailey said there has been two public meetings, one on July 20<sup>th</sup> was on site and was a public open house and then we had a virtual public meeting the following day where others could attend as well. Val Wilson said this is a good time to recalibrate and, not saying Dowl is doing a bad job, but saying we could do better.

Justin Brewer said first of all it's a little disturbing that this project has already started, they started excavating the site already, but it doesn't appear like anybody there is aware of that. So the project has already started. Concerning the two meetings that have been brought up a couple of times now, that was "this is what's going to happen". That's not public involvement; that's just telling us that you're going to do what you want to do. That's not listening to the community who's actually going to have to deal with this on a daily basis telling you we don't want it there. From what I'm hearing from this meeting, everybody else is making out, travelers, Bozeman is making out like a bandit, MDT is making out like a bandit because you're making money on this deal, but Three Forks and the residents here are telling you we don't want it here because it's in a residential area. We're being overrun in this process, overwhelmingly Three Forks is telling you do not put it there but that is not being listened to.

The other part of this is even on Dowl's website, they site a study saying there needs to be only 30 miles or so between rest areas. Where is the next one? On the other side of Livingston. So there will now be approximately 116 miles between rest areas. This rest area is going to be approximately two thirds of a mile off of the Interstate which means it is going to increase traffic coming off the Interstate. There's no traffic lights at the 287 and 90 exists on either side to accommodate for that. The other part is there's already truck parking in a couple of different locations and now we're adding this in here where it's going to have to cross traffic coming south on 287, it's going to increase the traffic there. So it's not just one concern. The problem is there are a lot of concerns being brought up by the public here in Three Forks that are being blown off. The rest area's a problem in Bozeman but it's not going to be a problem here in Three Forks? Somehow we're just going to magically wave this wand and it's not going to have a problem. But we're being told its being removed for those very reasons – for being in a residential or community area that is being overrun. Have any of you actually come up here and driven through this area of Three Forks? There are new houses every single day – it's growing every single day, residential. People coming up here to raise their family and this is being dropped in the middle of it. While we talk about excitement about this infrastructure that's coming, a rest area is not infrastructure for the people of Three Forks. It's just not. This deal is working out really well for some people and the people who are going to have to put up with it every single day, who overwhelmingly are telling you not to put it there, are just being told you're just going to have to get over it. That's what those meetings were in July – we've already made this decision and there's nothing you can do about it. That's not public involvement.

*Elizabeth Barton, Wheatland Meadows Subdivision, half mile from this proposed rest stop.*

Elizabeth Barton said I would just like to add a couple of things. First of all if you know anything about this area, I don't know if you realize that in this area there were

two law enforcement officers that have been killed in the last ten years. We have two nice memorials in this radius of where this rest stop is going. The cart before the horse comment is very correct here. The gentleman that was talking about the process has it wrong about how it went. Which came first the chicken or the egg? Which came first, the developer or the idea of the process? All anyone has to do is go back to your minutes of December 12, 2019, on pages 32-35 and you'll see exactly what I'm talking about. One person is definitely benefiting from this whole project and it's not the hundreds of us who live here and will have to deal with this. We do not have the law enforcement to man that office; that is a fact. I don't care what the Sheriff said, I think he's trying to help everybody and trying to get things to work, but we don't have the manpower. I called 911 three years ago and I got hung up on; no one ever did respond. I was calling because there was a domestic situation going on down the street from my house and I could see it happening. I couldn't get anybody to respond. That's how our law enforcement is out here and now you're adding to the problem. This is untenable. Had I known this was going to happen when I moved here with my husband from Minnesota four years ago and bought this place, we're both retired veterans, thank you so much for doing this to us and not giving us a voice. That's all I have to say.

Commissioner Aspenlieder said I don't know that there's anything, as a Commission, we can legally do. We can't take any action; we've already let the bid. There is no putting the toothpaste back in the tube from the Commission's standpoint. This is purely in the department's hands at this stage of the game. As a Commissioner I don't think there's anything for us to take action on without breaking contracts and getting the department in even worse issues than they are currently in. I understand the frustration. I too probably supported this approach, I thought it was a good idea but I think we're finding out the flaws in this process. I don't know how you can publically notice an area when a private developer is going to propose a project; there's no way for the department to know where those proposed project areas are going to be to then publically notice them and do this. There-in lies the problem for a process like this. I don't know how functionally we could even prevent that with the process as it was put forward. Putting myself in the Director's shoes or staff's shoes, I don't know how you could come up with a process that would require public participation when you're allowing a private developer to propose different locations. You can't notify. If four developers propose four different locations, you can notify the public on all four locations, require public input and then try to take that into consideration when you're also selecting based on qualifications, costs, etc. I don't know how you even put a weight on public participation and public notice on a contractor in a bid process like this. I don't know. I'm an engineer, I do this stuff, and I don't know how you would modify the process to do this. I think what we're finding is this is the problem with an approach like this. I still like the approach. I still think it was a well thought out proposal to this solution, but I don't know how you deal with the fallout on the backside of it. Maybe this is something that we need to look at as a department as to how to weigh these issues and what our legal liability is associated with that on the back end. I don't know.

Commissioner Fisher asked if there was a request for injunctive relief in the litigation. Val Wilson said there is not. Commissioner Fisher said I agree, we don't have jurisdiction over this issue once the toothpaste is out of the tube. I think all of us are concerned about the public notice and comment process but it's not a Commission function at this point.

Commissioner Sansaver said every day we learn from projects and possible malfunctions of projects, we learn to get better at what we do. This is one of those cases where I want to ask what was said at the public meetings. Did we have 50 people waving banners saying no, no rest area, and if so what was our reaction to that? After the public meetings, were we able to meet with the developer and say sorry that spot isn't going to work, we have to go somewhere else? With Commissioner Aspenlieder's comment from his view as an engineer, putting the time

and effort into developing the project, we stepped in after these public hearings and say no, sorry you have to scratch that and move on to the next one. Somehow and some way we have to learn from this process, and unfortunately I certainly feel for the people of Three Forks, but this is one of those instances where it's out of our hands at this point. We hope we can get all the local officials, the Montana Highway Patrol, and our people up there in those offices and get those seats filled and work towards making that a safer place if we're going to create a problem area.

#### *Introduction of New Deputy Director Julie Brown*

Director Long introduced the new Deputy Director, Julie Brown. She has been with us for two months and brings over 20 years of high level management experience. She brings a sense of team work and that spirit of working better together. She has been wonderful as a Deputy Director by my side as we've gone out and talked to both Legislators and Contractors. We had a great Legislative Session and we've made a concerted effort to start traveling to all five districts and to keep that going over the next interim session so when the next Session comes up we're ready. She has done very well at being part of the team and helping learn and guide us as we go forward.

Julie Brown thanked the Director for the opportunity, she thanked the team. Because I come from the outside, I bring a business background and a different perspective to the department. It's been acknowledged by the engineers that they didn't think of it that way which is good because both of us are looking at it as not right or wrong, it's just a different perspective in looking at every possible solution and challenge that we face from different angles to try and come up with the best result. I thank everyone for answering all of my questions as I get up to speed on all things transportation. People have been great in answering those questions. The Commission welcomed her.

#### *Infrastructure Bill*

Director Long said you've probably been hearing a lot about the Senate Infrastructure Bill. It has passed and it went to the House. The House voted yesterday to at least do procedures that would let it come up for a vote. While that could really help Montana, in fact Senator Tester was instrumental as one of the 11 of the 22 to push that. He needs to get thanks and praise and I've tried to do that through his staff. He put in there that every state gets a minimum amount for bridges. The bridge issue is not just unique to Montana though it does affect our rural areas maybe more than other states. Every state is supposed to get a set amount and as we talked about earlier, we're getting prepared for. So if it does pass we want to get it to work fast. We need to get this going. On the other hand, we're coming to the end of our budget authority so we're kind of in a balancing act. Things are tight now but things might jump up, so we're waiting to see but we're prepared either way.

#### *Rental Prices in Bozeman, Kalispell, Missoula*

Some of the issues we have as a department are coming from the Bozeman Gallatin Valley area and Kalispell and Missoula are not far behind. We're seeing existing staff looking to sell their Bozeman home they bought 20 years ago for \$150,000 for \$650,000. They can go out to Wheatland Hills and make money. So we're seeing people move within that district. As far as recruiting new staff, our recruiter, John, had a young maintenance guy who was excited to come here. He and his fiancé were coming but the apartment they were supposed to move into on Sunday was sold and the new owner raised the rental rates. He told them once this closes what you thought you had you don't have anymore. We're seeing that all over. In Kalispell and the Flathead, in the past if you had a six month lease you were lucky because when it's renewing, whether in Bozeman or Kalispell, the lease is now going month-to-month and it's going up significantly.

We're working with the Governor's Office and the Department of Administration, to try to address some of those issues. With our Union Contracts, we were able to renegotiate for maintenance and snow plow people who used to have to live within 30 miles of their call-up and we got that extended to 45 miles. That helps but it's still problematic where with some departments you can telework but you can't telework with a snowplow. When a storm is coming we need them to respond fast enough. So we're trying to get creative and innovative and we're working through it. Do we know what will work yet? No, but we're trying.

I know the Governor has the Department of Administration all returning to work; they want to have 100% return to work by September 7<sup>th</sup>. We still have some flexibility because we're always trying to improve. We are doing some remodeling in the Helena office, the Missoula office, the Butte office, and possibly Wolf Point. So we are going to be returning to work.

### *Quinn's Hot Springs*

At the last Commission meeting we were looking at a speed study and public safety. The Commission asked for more information. We're trying to get more information and we're still in that process. We are trying to get public feedback. We as a department have changed from the last 30 years when we dictated to people, to trying to listen to people. With Quinn's speed study, we are trying to be more open and approachable and listen to people. We're still at heart Engineers, and the traffic data says this. Can we do better? Yes. Right now this is the data we have. So Quinn's Hot Springs is one where we have data. We're in the process of getting more data. They eluded that they want to come talk about it but it's not on the Agenda for a Commission meeting yet because we're still getting it so we told them to wait. Again, there is good feedback and we, as a department, are looking for that. We're trying to communicate better with other departments. We try to listen, we try to work, and we try to react with the public in mind.

Commissioner Sansaver asked when they could expect to have the data back on Quinn Hot Springs. Dwane Kailey said our plan is to have it at the next meeting. We're waiting to hear back from one the Commissioners and see what they want and what information they can provide.

Commissioner Fisher asked the Director if the state had looked at retrofitting empty office space into employee housing. Director Long said that is an interesting question. The Department of Administration currently has a Request for Proposal to do a space study to look at that. We are doing it already, we have four concrete pads out behind our maintenance building and we have four trailers there right now. We do own a bunch of houses around the state. Commissioner Fisher said it just seems with their being more remote work and if we have empty office space that it would be good to look at retrofitting it to be housing. That comes with its own challenges too. Director Long said we've talked to the Department of Administration and the rules are different, the bathrooms, the parking, the accessibility, the fire. It's all different once you go from residential to commercial. Commissioner Fisher said it seems it was built to commercial code and that should cover most of the residential stuff. The Bakken had those issues and they bought trailers and then auctioned them all off. Should we have gone to the auctions and bought 20-30 of those? But at that time the Commissioners would have said, "What do you do with them?"

### **Agenda Item No. 16 CARES II Maintenance Project**

Rob Stapley presented the CARES II Maintenance Project to the Commission. Earlier this year, the Montana State Legislature allocated \$50 million of Coronavirus Response & Relief Supplemental Appropriations Act (CARES II) funding to MDT's Maintenance Division to help address reactive maintenance, routine maintenance and

highway preservation needs on the state's highway system – which includes the Interstate System, the National Highway System, the Primary System, the Secondary System, the Urban Highway System and other State Highways.

At this time, MDT is advancing the list of Maintenance projects (shown on Attachment A) that will be utilizing the \$50 million allocation of CARES II funding. The list of projects gives consideration to existing Maintenance needs and attempts to advance the most cost-effective project mix possible – while maintaining an equitable distribution of funding (vs. overall needs) to each of MDT's Districts.

These projects will be utilizing established MDT Maintenance Division practices for project delivery – which is expected to be completed over the next two years. The Department believes that transparency is a critical component for the successful advancement of these CARES II projects – thus the need for this informational agenda item.

*Summary:* MDT has completed the selection process for Maintenance Division projects that will be utilizing Coronavirus Response & Relief Supplemental Appropriations Act (CARES II) funding. The complete list of Maintenance projects is shown on Attachment A. It should be noted that additional CARES II funding is available to MDT Districts for core program projects – which will be identified during this year's Tentative Construction Program (TCP) meetings.

No specific action is required for this particular agenda item. It is for informational purposes only.

Commissioner Aspenlieder asked about the net impact of clearing \$50 million off our project list. With a chunk like this, does it set us back to a deficit in projects to move forward? Are we clearing a bunch of things off the list that are now going to create some gaps as we go through the Red Book process? Dwane Kailey said these are actually projects that were not on the TCP and weren't part of our project list. We actually maintain a very large data base. We go out and measure every roadway every year. Part of that is mandated by FHWA; it's part of a system that we have to maintain. Every roadway has a recommended treatment which can be anything from do nothing all the way up to reconstruct. So both Engineering and Maintenance use that manual to identify future projects. Maintenance, in this case, used that manual to identify these projects and they are not in the TCP so we're not draining our projects. Jake Goettle said the Maintenance Chiefs and the Preconstruction Engineers in the districts coordinated this and there is a risk that they could be nominating over the top of projects we were looking at or already had in the pipeline. So we went through the lists in each of the districts to make sure we weren't nominating projects on top of each other and we went through that vetting process. We didn't want to do a double chip seal.

Director Long said the CARES II funding is roughly \$100 million and to get authorization, we have to go to the Legislature. The CARES II came with a six year window and it came with flexibility to put that out as we saw fit. The Legislature did not want us to have that flexibility; they wanted to get stuff out. This is money to help the economy, help the state and they said no, we're going to bifurcate it; we're going to give you half that you can use on normal projects and half that we want Maintenance to do. So Maintenance can do their simpler projects that are just maintenance projects and do them much quicker. So that is why, again as we talked about, we're trying to get information out, we're trying to let you know, the public know, the district know and we're trying to coordinate it so we know what we're doing. So when we're asked what we're doing with CARES money, half of it is going to the traditional system and half we're getting out right away.

Commissioner Aspenlieder asked how fast the projects would hit the streets. Jake Goettle said they will start going out within the next month. We met with the

Contractors Association, everybody is struggling to hire people for projects, so they said get them out and give us time to get these projects done. So these will have a longer completion date. We typically go by calendar date for completion so we'll push those out until probably the end of next August/September. Then we'll get out a number of them in the spring and have another year to get more of them out. So the plan is to expend all \$50 million over the next two years. Commissioner Aspenlieder said once Maintenance punches these out, they don't have to come through the Commission. Jake Goettle said that is correct.

Director Long said so you guys are aware, if someone comes to you and says I didn't know you were doing a chip seal up by Poplar, this way you will know. This doesn't seem like a normal process, it's a maintenance chip seal not a regular chip seal. Commissioner Sansaver said as Commissioners we would want to visit with our district administrators and find out exactly how they plan on appropriating this. Director Long said the feedback we got last week from an MCA member in Lewistown was they were very grateful to get the money out but to give them time. They said we can give you a better price and a better project because if you try to slam these out, it's like squeezing a tube and something is going to happen. Whereas if they have time, they can work it in and do it later and decide where best to fit it in.

Commissioner Sansaver asked if all are shovel ready. Jake Goettle said pretty much. These projects are pretty minor and easy to get out on the street. Commissioner Sansaver asked if each district got an equal amount of money. Jake Goettle said they tried to spread it out as evenly as possible; it's difficult to do. There is \$50 million and we have 10 maintenance areas in five districts, so it's anywhere from three to five million per maintenance area. It's pretty close.

Jon Swartz said one of the projects we're able to use CARES II funding on is we have 10,000 luminaires across the state. Our old design was high pressure sodium, using a 400 watt lightbulb or a 250 watt lightbulb. We're able to use CARES funding to actually retrofit those out and put in LED Culper heads on those luminaire poles. So we're reducing the amount of wattage used for each one of those luminaires and it ends up being about one million in energy savings per year once we get the project done. It's a really good project and it's going to save all of our maintenance guys having to go out and replace lightbulbs or starters or ballasts on our current lights.

### **Agenda Item No. 17: Bridge Load Posting Program**

Dwane Kailey said I'd like to introduce our Bridge Engineer, Stephanie Brandenberger who will give you an update on load posting. Stephanie said I have some slides to show you. You probably know the Bridge Bureau does bridge design and development of the plan with bridge replacement and rehabilitation. We have another section in our bureau that is responsible for bridge management. Bridge management includes safety inspection of in-service bridges and that includes load rating and posting. We have a reactive maintenance team and we also coordinate with Motor Carrier Services on overweight analysis. I understand you want to know more about that. Stephanie Brandenberger gave the following presentation:

Slide. These are the things I want to talk about briefly to give you an overview of our program. What is load rating and load posting? For those who don't know what laws, rules and regulations apply to the program. Different types of vehicles and legal load models that go into load rating. The project that we have, a statewide project for load rating and the status of that project. I'll talk a little bit about timber bridges and how that plays into our program and some plans we have to address the load postings and also the timber bridges.

Slide. What is load rating? It is essentially an engineering analysis of a particular bridge's capacity to carry different kinds of vehicles, trucks. In that load rating we

take into consideration its age, the materials used when that bridge was built, and its current condition. So it's very different than our design engineering because we have control over what's going into that. In load rating we're looking at what is actually right there in front of us, right now.

Slide. Load Posting. Load posting is simply just a sign that tells us what weight limits that bridge can carry, what types of vehicles. A load posting is unique to each bridge. So if a bridge needs posting and it has to have a restriction for a legal vehicle type, we put up this sign. Really the whole purpose of load rating and posting is to protect public safety. We definitely don't want people taking a vehicle across a bridge that can't support it, causing damage, causing an accident or any kind of injury to the occupant, but it also protects the longevity of our infrastructure. Maybe one heavy truck going over a bridge isn't going to damage it, but over time, if you have repeated heavy loads going over it then at some point these bridges are going to become damaged and fail.

Slide. A lot of different laws, rules and regulations apply to our program. Federal regulations require that states inspect all public bridges on highways. That includes inspecting county bridge, municipally on bridges as well as state bridges. We are following the National Bridge Inspection Standards when we do that. We are required to load rate and post bridges for any unrestricted vehicles and routing permit loads that we have in our state. We are looking at the Manual for Bridge Evaluations for those vehicle types.

Slide. The CFRs include the federal bridge formula. This is what governs the size and weight provisions for our legal vehicles and is essentially telling us that the weight of the legal vehicle as a function of its overall length and number of axels. That's what the federal bridge formula is about.

Slide. There were two recent legislative acts that have affected our program in a big way. MAP21 in 2012 and the FASTACT in 2015. I'll explain what impact that had on our program. Of course we also have state laws that affect vehicle size and weight provisions.

Slide. For many years we used these legal load types that are shown on the left. I basically call them the short, medium, and long trucks. They all met the federal bridge formula. We've been load rating for those trucks for decades since the 1970's. But in recent years the trucking industry has started building trucks that maybe manipulate that federal bridge formula a little bit. So they came out with these new trucks called "specialized hauling vehicles". These are single unit trucks that are very short, they have multiple closely spaced axels, and is designed to maximize the load they can carry but still be legal under the federal bridge formula. The problem is that they are carrying a lot more load in a smaller footprint and many of our bridges are not designed to carry that intensity of a load. So federal highways realized that as these trucks were starting to be used all across the country, that they needed to create a new legal vehicle type to load rate.

Slide. So that's what the MAP 21 legislation did. It said states we're creating a new legal vehicle and this is going to be in the Manual for Bridge Evaluation and you need to load rate for them.

Slide Nin. The other vehicle was called the FASTACT emergency vehicle. This is to be used irregularly for different emergency situations but they far exceed any legal vehicle we have. They can be 86,000 lbs or more. But we do have to load rate for them.

Slide. So FHWA, through this legislation and other guidance documents, mandated that all the states start updating their load ratings to include these specialized hauling vehicles and to begin that in 2014. They had a prioritization and a timeline for



different groups of bridges. They wanted to see group one, the oldest and weakest bridges, load rated by December 31, 2017.

Slide. Unfortunately MDT did not meet that deadline, so we're under a Plan of Corrective Action that Federal Highway approved. It began at the end of 2019 that said we are going to complete our load ratings for all those old and weak bridges or group one bridges, and our remaining inventory over the next five years. That's approximately 900 bridge every year that we're load rating. We should be done by the end of 2024.

Slide. We had to develop policies and procedures and guidance for this project, including new signs for the SHV that did not have a sign. We wanted to minimize the restriction of these vehicles as much as possible. So instead of grouping them into the short vehicles, we decided to create a new sign that would apply only to SHVs. According to the legislation, once we found that a bridge had to be posted, we needed to install that sign within 30 days. So very intense, high pressure to get this load rating and posting program out and on the ground.

Slide. Load ratings are going to be updated for 4,472 bridges, 2,480 of those are state maintained, and approximately 2,000 are owned by the counties and are maintained by the municipalities. We are doing the oldest and weakest bridges first as required by FHWA, so we were not surprised that we're seeing a whole lot of bridges that need posting. We are about 46% complete to date. We're using four consultants to help us complete all the load ratings. Each one of those term contracts is about one million dollars over the term, so it's quite a big investment for us.

Slide. We also immediately initiated a public outreach component to this project. We knew it was coming fast and we were a little bit behind the eight ball but we worked really hard to get the website together. We have a hot line for people to call. We have brochures, fact sheets, a posting map, press releases, we've had meetings. So we're trying to get the work out and talk to people as soon as we know.

Slide. There is a lot of information on this slide and I'm happy to print this out and give this to you so you can think about it a little bit. This gives you a status of where we are in the program right now. We've rated 2,066 structures so far and that represents about 46% of our inventory. 48 state owned structures require posting right now and most of them are the single unit vehicles.

Slide. The counties are getting hit hard here. 255 of the non-state maintained structures require posting, so almost 40% of what we've load rated so far.

Slide. The biggest factor contributing to the new postings are conditions of the bridge and of course these new legal vehicles, so a lot of the signs that we're seeing go up at these single unit signs.

Slide. The status of where postings are occurring for the state-owned structures are mostly in the Glendive District and the Billings District. Coincidentally, that is where most of our timber bridge are in the state, so a lot of these single unit vehicle signs are going up on timber bridges because they were not designed for these heavy trucks. So we're seeing a lot of that happening out there. You can see by the coloring that mostly the 4-7 and 5-7 axel postings are going up on these timber structures.

Slide. Here's the county status or the non-state maintained status. I would say that it's not all SHV postings that we're seeing for the counties. Some of them are legal vehicles that are being posted. A lot of them are the single silhouettes, you see a bunch of new ones here, and even some single limit signs for ones that are 10 tons or 15 tons.

Slide. New postings are at 67%. So it's no wonder that we've been getting a lot of feedback from the counties, from people who are using these more rural routes that are kind of surprised by this and I don't blame them.

Slide. This is our plan for completing our load rating in the next few years. We did most load ratings through the mid-2019 through 2020, trying to get caught up with the Group One bridges as part of our Plan of Corrective Action. Then probably about 900 for the remaining three years. So we're on track to meet our Plan of Corrective Action.

Slide. Looking ahead, the number of bridges that will be load rated in the next few years. We do have a little bit more flexibility to maybe go county-by-county or route-by-route instead of just doing the oldest and weakest first. So we have a little bit better plan to roll that out.

Slide. I wanted to talk a little bit about timber bridges, I know it has been a topic today. We're putting out a lot of projects to replace timber bridges. Right now we have 410 timber bridges in our state-maintained inventory – 31 of them are load posted and 120 are in projects for rehabilitation or replacement. So we're doing our best to keep up with that.

Slide. Again counties are in a world of hurt unfortunately. There are 324 county timber bridges, half of them are load posted. Two of them are in private for replacement using our off-system bridge program.

Slide. Not all posted bridges are timber but timber bridges present a unique problem for rural transportation because if there's a timber bridge on a route, that tends to be the dominate bridge type on the route. So the timber bridges were built, particularly in the eastern part of the state, as an economic stimulus measure and to open up different markets for the state. So people went through and built a whole route with timber bridges. You might have 15-20 bridges on that route. So if you have one that's load posted, your whole route is worthless. That's what we're trying to do in Forsyth, for instance, three of those bridges are posted and we're trying to replace all of them along that route because at some point, even though they are not posted, they are deteriorating. So that is the challenge with timber bridges, they are getting old.

Commissioner Sansaver said when you say you have 120 projects, those are in five-year plans. So the money is being obligated for at least 120 in the state timber bridges, right? Stephanie Brandenberger said correct. Now that does include rehabilitation too. So we have a job order contract for damage to something, so there's a lot of different projects in there, not just replacement. We're doing the best we can to keep up for as long as we can. Commissioner Sansaver said part of the problem I've had with this and it goes back before the Commission changed, it's great that you're getting out and doing all the posting, but once you do that posting it becomes law that you can't cross that bridge with your wheat and you've got to find another route. So we need to ramp up projects in rehab or replacement to follow your postings. Like you said if you have 15 bridges in one line and you've got one that's posted, it's going to affect all 15 of them. So we have to find a way to infuse more money into that. Stephanie Brandenberger said I agree.

The other challenge is, as a state the ones we maintain we've done a pretty good job maintaining them over the years and we also have the ability to react quickly with our bridge maintenance team to go out and address that quickly. So if we have a timber girder that's broken, we can mobilize that team to replace that girder in many cases. So we've been able to mitigate some of the worst postings on state-maintained routes. It's the county routes that are going to be the biggest challenge. Of course, they are the feeders for especially agricultural and other industries. They are coming from the forest or the field, coming across those county bridges getting onto our

secondary and our main highways. So the problem starts up stream so we have to figure out some ways to help address those issues too.

Slide. I just wanted to give you a sense of what kind of deterioration and damage we're seeing on timber bridges. In the upper left you are looking at an overloaded timber girder. You see the black patina which is very familiar on timber bridges and we see a crack that is lighter colored. That is indicative of something that happened fairly recently. We find these during our routine in-service inspections. So this is going to either require some sort of repair or we mitigate it with load posting.

Slide. In the upper right there is also an indication of failure. We believe a heavy truck went over this bridge, the pile has become weak and it just mushroomed out; it couldn't support that load anymore. What we observed from the top was just a little bit of a bow in the roadway but when you go underneath you see a lot of damage and we had to replace that bridge quickly.

Slide. On the lower left, this is just decayed due to age. It's a cap that supports two timber pieces that come into it, so it's splaying right down the middle and at some point very soon that cannot support any more loads. That would be a load restriction and probably a quick repair.

Slide. On the lower right this is the damage that we've been seeing a lot lately. This is the timber pile underground. They've essentially completely disintegrated underground. We can't see this in our routine inspections. We did start a program where we take a device that basically drills into the timber and we can see what's called a resistivity drill. If we are hitting holes like this, obviously there's no resistance. That helps us get a better indication of what we can't see. We did this on all of our timber bridges over the last couple of years and where we see these kinds of indications where there might be decay, we come with our contractor to wrap these piles and protect them, put some concrete around them, and hopefully get a few more years out of them. This is the kind of problem we're dealing with all across the state with these older timber bridges.

Slide. So what are we going to do to address load postings? Like I said on the state-maintained bridges we have a reactive maintenance team that is state funded. So we can get a sister girder, replace a girder, do a couple of other things to maybe mitigate some postings. We are prioritizing those postings where all legal loads are restricted and the SU4s, which is the four-axel trucks which seem to be very popular and used frequently around here. Of course we're nominating projects to reconstruct them.

Slide. Again for county bridges, we've got to think about what we want to do with them and how we can help the counties replace some of these bridges or address some of their load postings. Talking about receiving feedback, we had a meeting with the trucking industry about a month ago, and they are very, very concerned with what was going on. We talked about some different way to mitigate some of the load postings. We are looking at changing our policy a little bit for rural routes that have low ADT – we can do some things with our load rating to maybe reduce the impact there. We're also looking at posting at different ranges. So maybe posting at a little bit higher level than we might normally do just to give them some relief until we can get the bridges fixed.

Slide. You are aware of state projects to address timber bridges. We've got the bundled projects – four NHS timber bridges and 11 regional timber bridges in Glasgow. The MT200 Lewistown which is another one where we're doing the full route and replacing all of the timber bridges on the route. I believe one of those bridges has a very extreme load posting. So again, that route is essentially limited because of that one load posting and there's a lot of timber bridges on there. It's also a defense access road. So we've been talking a lot with the Department of Defense on how to address these timber bridges especially in central Montana. That's another

reason why we selected that project. Timber Bridges Forsyth we have 12 timber bridges along that route that need to be replaced. I believe four of them are load posted currently. That was a stretch of road the trucking industry actually did make some investment to make it a high-wide corridor, so they relocated utilities and other things so they could bring high loads through there. Again depending on their weight, they might still be able to use it but it has made a big impact on their ability to use that corridor, so that's why it's important for us to move on that one. Job order contractor for timber pile repair – again coordinating with the Department of Defense, through our conversations over the past years, they have committed to replacing nine timber bridges on our secondary roads and a few on county routes too that go to their missile sites. So we're getting a few of them off our system with that.

Slide. Websites. We do have a public load posting website so that anybody who wants to travel a route can see what restrictions are in place for both state and county maintained bridges can go to that site. We do have a Metric 13 Plan of Corrective Action status, our GIS map, and another one that shows conditions and postings.

Slide. This shows our public facing load posting program website; this is a link to pages for state-maintained bridges. Each one of these links will give you information about a particular bridges, what it's posted at and where it's located. This is the interactive map showing load postings across the state. As you can see, they are everywhere. This is not a localized problem and that's what makes it really challenging to deal with. Sometimes we have to take it route-by-route and region-by-region. The light colored squares are county bridges. So again you can see how hard the counties have been hit. This area is our Forsyth Project and shows the posted bridges.

Dwane Kailey asked about the build grant proposals and our plan. Stephanie Brandenberger said one of our build grant proposals was to study the rural county transportation routes to see if there is anything we can do to identify priorities and start helping the counties with these posting issues. We haven't heard anything back yet and probably won't until September/October.

Lucia Olivera, FHWA, said bridge safety is the top priority for FHWA. As you know this is one of the things that we have no flexibility over, and will get you a call. I appreciate all the work you did; you did a great job explaining the issues here. Everything is about safety. We have a really good partnership between MDT and FHWA to get this resolved and we really appreciate that you have been taking this very seriously and continue to advance this. We can have discussions and a plan of compliance moving forward and analyze the data. In the case of bridge safety it is pretty straight forward and there's not a lot of flexibility to work with you.

### **Agenda Item No. 18: Project Change Orders May & June, 2021**

Dwane Kailey presented the Project Change Orders for May & June, 2021 to the Commission. They are presented for your informational purposes. If you have any questions, please feel free to ask.

### **Agenda Item No. 19: Letting Lists**

Dwane Kailey presented the Letting List through September to the Commission. If there are any questions, please feel free to ask.

### **Agenda Item No. 20: Liquidated Damages**

Dwane Kailey presented the Liquidated Damages to the Commission. We only have one this month.

Galata – E & W. The contractor is Nelcon, Inc. They had 42 days of liquidated damages for a total value of \$166,866. It was not disputed by the Contractor.

They are presented for your information and the Commission need take no action.

**Agenda Item No. 5: Performance Planning Process – Px3  
2021 Px3 Analysis – Funding Distribution  
Recommendations**

Rob Stapley said Paul Johnson has a wealth of knowledge in this area and knows it inside and out. He can go as deep or as shallow as you want him to. So please feel free to guide him and if you have questions, speak up. We want to make sure we're getting you the information so that you know this process that's upcoming over the next few months and we want to make sure you are prepared.

Paul Johnson presented the Performance Planning Process, Px3 – 2021 Px3 Analysis – Funding Distribution Recommendations to the Commission. We have a lot of good things happening at the state and federal level. I'll step through those and you what your roles will be in upcoming months.

Overview: Today we will talk about our Tentative Construction Plan and our Px3 Title hits. We will talk about some recent developments; we've got some major happenings at the federal and state levels. We will discuss our budgetary issues, some of the assumptions we utilize in doing our projections. We will talk about system performance and give you some funding recommendations. We need concurrence on our funding distribution in advance of the TCP meeting. Today we'll talk about the funding framework and then later on you will see how the projects with their updated schedules and costs fit into the program.

MDT utilizes the Performance Programming (or Px3) Process to develop an optimal funding allocation and investment plan based on strategic highway system performance goals and the continual measurement of progress toward these goals.

Each year, the Performance Programming (Px3) Process:

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

At this time, MDT is advancing the 2021 Px3 Process funding distribution recommendations.

*Summary:* MDT is requesting Commission approval for the 2021 Px3 Process funding distribution recommendations - which will be utilized to establish program funding levels for this year's Tentative Construction Plan (TCP).

Staff recommends that the Commission approve the 2021 Px3 Process funding distribution recommendations.

Commissioner Sansaver said we asked for \$120 million in redistribution funds but we're worried about spending \$50 million; what are we thinking. Dustin Rouse said we have the projects for \$50 million. The benefit of receiving \$120 million is that we have \$70 million that we can keep as a buffer moving forward. We would have to scramble in the next two years to backfill projects. It keeps us in a more comfortable position. Commissioner Sansaver said then it's about security. Paul Johnson said its carryover. When we submit our request to FHWA, we have to have the projects shovel ready by October to make that request. Whatever is less, then the different programs can add those back into their plan for 2022, 2023. Obviously whatever we get is great but you have to fill that hole again and keep going. Dustin Rouse said it is always backfill on the back. You always have the projects to do up front. Projects are coming in from the program from the out years and they move forward and you backfill behind them. The immediate issue is, yes we have the projects but the long-term issue is if the projects go out the door early, then we have to start backfilling them. The initial concern we have this year is – worst case we get the full \$120 million and the Highway Bill comes in higher than expected, then it gets a little dicey. We're bringing projects in for the redistribution and emptying the shelves and then we have to scramble to fill those shelves back again. Paul Johnson said the good news is we were well positioned for anything.

Paul Johnson said people think when we get the money the projects are going to be done immediately but we have to ramp up. With the extra money comes increased demands on our design services. We don't have a lot of extra resources laying around so our limited MDT resources means we will have to outsource more work. It's going to tax all of our available resources to ramp up for this money when it eventually comes. We don't know the cost of those but we think some of the contracted design services are going to increase which will eat away at the dollars we get. We have a limited number of contractors for certain types of construction work. If we get a flood of money, there's only so many contractors and there might be labor and material shortages that might result in higher bid prices. Construction engineering resources for us might be strained or become more expensive, so the bottom line is we're going to need additional resources. Also, for some of the new rules and regulations and programs, we have to figure out what that effects. So across the board, while the additional money is awesome, it's going to mean more strain on all of our resources and on contractors.

Commissioner Aspenlieder asked about the balance right now for bridges; how are you balancing the funding for not just the timber bridges but others. What's the funding allocation balance? Is it 70-30 or 60-40 – just a wide range, where are we allocating the most money out of the bridge program? Dwane Kailey said off the cuff, roughly we're probably about 50-50. We've gone from rehabilitation to shifting more to the load posting because it's a much bigger issue. I can't give you an exact value. One of the things we want to do with bringing in the consultants, is we're trying to work on a building algorithm to help guide us to get the biggest bang for our buck. Where is the biggest need and the biggest impact? We want to build an algorithm not to tell us which bridge to go fix but to guide us about what funding level we should be putting into the two separate pots.

Paul Johnson said sometimes you're addressing two needs at the same time. If you're addressing a poor bridge on the NH system, in a lot of cases you're addressing the load posting as well. Again load posting has just become a big issue in the last two years. For project development purposes it takes a while to get moving. So the

quickest thing we can do out of the gate is to use design build and innovative contracting to help address the first part of that issue. It's a ramping up process. Within the program we have the ability to choose. There is a certain amount of stuff we have to do at the federal level, but with the on-system we get to choose. So if something rises to a higher priority, we get to choose. With the federal level and NH Interstate bridges, we have a variety of activities we have to do. Load posting is usually on the lower level systems.

Funding Distribution: We distribute the funding to get a performance and expected funding level. In this particular case we're talking about setting a funding framework for the year 2026 which is the year coming up in the TCP – 2021 drops off and 2026 gets added. With the funding level we're looking at, we can achieve the goals regarding quality equity between districts. Needs are not equal between the districts, so each district will have a percentage of the funding that will get them to equality with the other districts. For instance, Glendive may get a higher number but Glendive has a higher amount of needs. One of the key factors is lane miles; lane miles and condition. We keep striving for equality in condition. By that definition, if the districts are kind of close on condition now, then lane miles becomes the big driver. We also take into consideration emerging issues, additional traffic, more trucks, as well.

For this period of time our planning number is about \$320 million available to us for these three programs. It might come back a little different from that or if we receive additional funding for some reason we will adjust. These are the apportionment estimates for each district for the Interstate and National Highway System. The Primaries will see numbers very similar to that when we get into the TCP.

Px3 Success Stories: The process has been recognized for superior performance over time. We have a couple of Governor's Awards for Excellence, a national award for excellence. We're in the top 10 consistently in national performance rankings. So the process does work and does deliver results.

Today we have some Commission concurrence items for you. First we have funding distribution, which is the percentage of funding which will result in approximately \$320 million. We have a couple of funding reserves for the Emergency Exigency Program, the Rest Area Program and Wetland Mitigation, Vegetation Control, and Stream Mitigation. These are long term programs that we choose to continue. These are the items we're looking for concurrence on today.

Commissioner Sansaver said thankfully we have handouts to really comprehend all the things you just covered. It takes a little while to do and especially for the new Commissioners coming in that haven't gone through this process. Commissioner Fisher and I have gone through this for a couple of years now. He thanked Paul for the presentation; it was very informative.

Commissioner Fisher moved to approve the Funding Distribution Plan.  
Commissioner Aspenlieder seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Commissioner Aspenlieder moved to approve the Funding Reserve Plan.  
Commissioner Fisher seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

### **Next Commission Meeting**

The next Commission Conference Calls were scheduled for September 21, 2021 and October 5, 2021. The next Commission Meeting was scheduled for October 21, 2021.

### **Adjourned**

Meeting Adjourned