

Montana Transportation Commission

**August 24, 2023 Meeting
Commission Room
2701 Prospect Avenue
Helena, Montana**

IN ATTENDANCE

Loren Frazier, Transportation Commission Chair (District 3)
Kody Swartz, Transportation Commissioner (District 1)
Shane Sanders, Transportation Commissioner (District 2)
Noel Sansaver, Transportation Commissioner (District 4)
Scott Aspenlieder, Transportation Commissioner (District 5)
Malcolm “Mack” Long, Director, MDT
Dwane Kailey, Chief Operations Officer, MDT
Lori Ryan, Commission Secretary
Dustin Rouse, Chief Engineer MDT
Jake Goettle, MDT
Chris Nygren, MDT
Rob Stapley, MDT
Ryan Dahlke, MDT
Bob Vosen, MDT
Mike Taylor, MDT
Jim Wingerter, MDT
Paul Johnson, MDT
Gino Liva, MDT
Dave Holien, MDT
Carol Strizich, MDT
Joan Redeem, MDT
Justun Juelfs, MDT
Megan Handl, MDT
Meghan Strahan, MDT
John Schmidt, MDT
Rebecca Franke, MDT
Darin Reynolds, MDT
Lucia Olivera, FHWA
Brent Teske, Lincoln County, Libby
Aaron Wilson, City of Missoula
Zach Ringsak, Senator Tester’s Office
Madison Foods, Ennis
Steve Howke, Congressman Zinke

Please note: Minutes are available for review on the commission’s website at https://www.mdt.mt.gov/pubinvolve/trans_comm/meetings.aspx. Alternative accessible formats of this document will be provided upon request. For additional information, please contact transportation secretary Lori Ryan at (406) 444-7200, lyan@mt.gov or visit the commission’s website at http://www.mdt.mt.gov/pubinvolve/trans_comm/meetings.aspx. For the hearing impaired, the TTY number is (406) 444-7696 or 1-800-335-7592 or call the Montana Relay at 711. Alternative accessible formats of this document will be provided upon request.

OPENING – Commissioner Loran Frazier

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

Approval of Minutes

The minutes for the Commission Meetings of June 22, 2023 and July 11, 2023 were presented for approval.

Commissioner Aspenlieder moved to approve the minutes for the Commission Meetings of June 22, 2023 and July 11, 2023. Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 1: Construction Project on State Highway System Madison Foods Facility, Ennis

Rob Stapley presented the Construction Project on State Highway System – Madison Foods Facility, Ennis to the Commission. Under MCA 60-2-110 “Setting priorities and selecting projects,” the commission shall establish priorities and select and designate segments for construction and reconstruction on the national highway system, the primary highway system, the secondary highway system, the urban highway system, and state highways. This statute exists to ensure the safety of our system, protect transportation investments, and encourage coordination on public and private infrastructure improvement projects that impact MDT routes.

Madison Foods Facility – Ennis

Madison Foods is proposing modifications to US-287 (P-13) in Ennis to address traffic generated by their new facility. Proposed improvements include the addition of a new approach and the installation of a NB left-turn lane at the entrance to their facility.

MDT headquarters and Butte District staff have reviewed and concur with the recommended improvements. Madison Foods will provide 100 percent of project funding and will be required to complete MDT’s design review and approval process to ensure that all work complies with MDT design standards. When complete, MDT will assume all maintenance and operational responsibilities associated with the proposed improvements.

Staff recommends that the Commission approve these modifications to US-287 (P-13) pending completion of applicable state (and local) design review and approval processes.

Commissioner Sansaver asked about the modifications. Rob Stapley said the modifications were a new approach and installation of the northbound turn lane. Commissioner Sansaver asked if there was a roundabout. Rob Stapley said not at this time.

Commissioner Sansaver moved to approve the Construction Project on State Highway System – Madison Foods Facility, Ennis. Commissioner Aspenlieder seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 2: Construction Projects on State Highway System, Contract Labor: Zimmerman Trail/MT-3 Crosswalk, Billings

Rob Stapley presented the Construction Projects on State Highway System, Contract Labor – Zimmerman Trail/MT-3 Crosswalk, Billings to the Commission. Under MCA 60-2-111 “letting of contracts on state and federal aid highways,” all projects for construction or reconstruction of highways and streets located on highway systems and state highways, including those portions in cities and towns, must be let by the Transportation Commission. This statute exists to ensure the safety of our system, protect transportation investments, and encourage better coordination between state and local infrastructure improvements.

Zimmerman Trail / MT-3 Crosswalk – Billings

The City of Billings is proposing modifications to the roundabout at the intersection of Zimmerman Trail (U-1001) and MT-3 (N-53) to improve safety and reduce potential conflicts between vehicles and non-motorized traffic. Proposed improvements include crosswalk upgrades and the installation of rectangular rapid flashing beacons (RRFBs) on the east and south legs of the intersection.

MDT headquarters and Billings District staff have reviewed and concur with the recommended improvements. The City of Billings will provide 100 percent of project funding and will be required to complete MDT's design review and approval process to ensure that all work complies with MDT design standards. When complete, MDT will assume all maintenance and operational responsibilities associated with the proposed improvements.

Staff recommends that the Commission approve these modifications to the state highway system and requests that the Commission delegate its authority to let, award, and administer the contract for this project to the City of Billings pending completion of applicable state and local design review and approval processes.

Commissioner Aspenlieder said I don't remember if this is the intersection with the pedestrian box crossing underneath. Rob Stapley said it is. Commissioner Aspenlieder asked why MDT was putting this in if there is already a box crossing underneath the road on Zimmerman. Director Long said the city is putting in a bypass and they are going to have sidewalks. Right now you can cross but you can't get from the box to the trail until you come across, go down, and then meet up. The box undercrossing is on Zimmerman but the city wants to get pedestrians from the loop across MT 3 and onto the trail that parallels Zimmerman. Commissioner Aspenlieder asked why this was not incorporated in the Belt Loop Project. Dustin Rouse said essentially that is what the city is proposing. It was missed in the original design and they are now adding it to accommodate the pedestrians. We have no funding or involvement other than the Commission approving this to go in. Commissioner Aspenlieder asked if we were maintaining it once it is finished. Dustin Rouse said yes.

Commissioner Aspenlieder moved to approve the Construction Projects on State Highway System – Zimmerman Trail/MT-3 Crosswalk, Billings. Commissioner Swartz seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item 3: Construction Projects on State Highway System,
Contract Labor: Russell Street Crosswalk, Missoula**

Rob Stapley presented the Construction Projects on State Highway System, Contract Labor: Russell Street Crosswalk, Missoula to the Commission. Under MCA 60-2-111 "letting of contracts on state and federal aid highways," all projects for construction or reconstruction of highways and streets located on highway systems and state highways, including those portions in cities and towns, must be let by the Transportation Commission. This statute exists to ensure the safety of our system, protect transportation investments, and encourage better coordination between state and local infrastructure improvements.

Russell Street Crosswalk – Missoula

The City of Missoula is proposing modifications to Russell Street (N-129) to improve safety and reduce potential conflicts between vehicles and non-motorized traffic. Proposed improvements include crosswalk upgrades and the installation of a rectangular rapid flashing beacon (RRFB) at the crosswalk near Milwaukee Way.

MDT headquarters and Missoula District staff have reviewed and concur with the recommended improvements. The City of Missoula will provide 100 percent of project funding and will be required to complete MDT's design review and approval process to ensure that all work complies with MDT design standards. When complete, MDT will assume all maintenance and operational responsibilities associated with the proposed improvements.

Staff recommends that the Commission approve these modifications to Russell Street and requests that the Commission delegate its authority to let, award, and administer the contract for this project to the City of Missoula pending completion of applicable state and local design review and approval processes.

Commissioner Aspenlieder moved to approve the Construction Projects on State Highway System, Contract Labor – Russell Street Crosswalk, Missoula. Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 4: Construction Projects on State Highway System, Contract Labor: Rosebud Cut-Across Raise Grant Project, Lame Deer

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

Rosebud Cut-Across RAISE Grant Project – Lame Deer

The Northern Cheyenne Tribe is proposing modifications to US-212 (N-37) and MT-39 (P-39) as part of the Rosebud Cut-Across RAISE grant project. Proposed improvements include the installation of an EB left-turn lane (at the intersection of Rosebud Creek Road and US-212) and a NB left-turn lane (at the intersection of Rosebud Creek Road and MT-39) to improve traffic operations and safety.

MDT headquarters and District staff have reviewed and concur with the recommended improvements. The Northern Cheyenne Tribe will provide 100 percent of project funding (via the RAISE grant) and will be required to complete MDT's design review and approval process to ensure that all work complies with MDT design standards.

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

Staff recommends that the Commission approve these modifications to the state highway system and requests that the Commission delegate its authority to let, award, and administer the contract for this project to the Northern Cheyenne Tribe - pending completion of applicable state and local design review and approval processes.

Commissioner Frazier said in awarding this to the Northern Cheyenne Tribe to construct, I assume we will be following the Line Process. Director Long said when we have governmental entities, we can delegate the authority. It is because they are governmental. Dwane Kailey said the Line Process is usually used when someone is

trying to use our federal aid. The Line Process helps to limit our risk and liability because we are ultimately responsible for those funds. When they are doing the work with their funding there is minimal risk to the agency so we allow them to construct and build those structures.

Commissioner Sansaver moved to approve the Construction Projects on State Highway System, Contract Labor – Rosebud Cut-Across Raise Grant Project, Lame Deer. Commissioner Aspenlieder seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 5: Interstate Maintenance Program Additions to The IM Program (1 New Project)

Rob Stapley presented the Interstate Maintenance Program Additions to the IM Program (1 New Project) 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 one new project to the IM program in the Billings District. The project meets the criteria set forth for IM-funded projects. The estimated total cost for all project phases is \$7,696,012 (\$7,021,843 federal + \$674,169 state match) – with the entirety of the federal funding originating from the Interstate Maintenance (IM) Program.

For some clarification, this project is just east of Columbus and goes to just north of Lodge Grass. There are five to ten locations in need of repair or replacement. Each of those locations will be evaluated to find the best solution.

MDT is requesting Commission approval to add a new project to the Interstate 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.

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

Commissioner Sansaver asked Mr. Stapley when MDT does these, is it routine during the fall to fall back because not everything needs to be done as far as maintenance is concerned? We don't typically see them on the five-year plan because it is totally a staff thing. Rob Stapley said the Interstate Maintenance Program is part of our federal funding that is in our five-year plan or TCP so this project will be added to that list. This is not a maintenance project with state funding; this is a federally funded project. This gets into our plan so then we can deliver this in the future. Commissioner Sansaver said we're going to be talking about a lot of things today and we have a new Commissioner on board, so we need to make it very clear how this works and moves forward.

Commissioner Sansaver moved to approve the Interstate Maintenance Program Additions to the IM Program (1 New Project). Commissioner Aspenlieder seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 6: Highway Safety Improvement Program Additions to HSIP Program (2 New Projects)

Rob Stapley presented the Highway Safety Improvement Program Additions to HSIP Program (2 New Projects) to the Commission. The Highway Safety Improvement (HSIP) Program makes federal funding available to states to assist with the implementation of a data-driven and strategic approach to improving highway safety on all public roads. In Montana, the primary focus of the HSIP program involves identifying locations with crash trends (where feasible countermeasures exist) and prioritizing work according to benefit/cost ratios.

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

The estimated total cost for all project phases is \$5,074,318 (\$4,566,886 federal + \$507,432 state match) – with the entirety of the federal funding originating from the Highway Safety Improvement Program.

MDT is requesting Commission approval to add 2 projects to the Highway Safety Improvement Program. The proposed projects are consistent with the goals and objectives identified in the Performance Programming (Px3) Process – as well as the policy direction established in TranPlanMT. Specifically, traveler safety will be enhanced with the addition of these projects to the HSIP program.

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

Commissioner Aspenlieder asked why we were using safety dollars to do stripping projects. Second, when is the last time we did an actual construction project on this and when are we going to do another construction project on these sections of highway. Why are we using safety dollars to paint highways? Dustin Rouse said there is a big safety benefit to pavement markings to enhance delineation. Pavement markings are certainly eligible for funding. In these locations we are looking at six inch edge lining rather than our four-inch edge linings. This is widening those to six inches. We've seen that provides an additional safety benefit and alerts the driver especially in rain and darkness and helps them stay in their lane. So it isn't just a maintenance type pavement marking project; it's extending the pavement marking beyond what we have out there today. Commissioner Aspenlieder said I assume we have crash data in these two areas because this feels like a maintenance project and not a safety project. Dustin said yes we do.

Commissioner Swartz moved to approve the Highway Safety Improvement Program Additions to HSIP Program (2 New Projects). Commissioner Sansaver seconded the motion. All Commissioners voted aye

The motion passed unanimously.

Agenda Item 7: Transportation Alternatives (TA) Program Projects: Additions to TA Program (10 New Projects)

Rob Stapley presented the Transportation Alternatives (TA) Program Projects: Additions to TA Program (10 New Projects) to the Commission. The Transportation Alternatives (TA) Program provides assistance to local governments, tribal entities, transit providers, resource agencies and/or school districts for community improvements deemed eligible to receive TA funding. Program priorities

are determined via a competitive process – with the highest scoring proposals moving forward as project nominations.

At this time, MDT is advancing ten (10) new projects from the most recent round of Transportation Alternatives (TA) Program project evaluations. If approved, it would be MDT's intention to let these projects individually. Just to note, at the next Commission meeting we will have 17 more projects to add. These projects are only in Missoula and Great Falls so we will have Billings and the state-wide project coming through the next Commission meeting.

MDT is requesting Commission approval to add ten (10) new Transportation Alternatives (TA) projects to the program. The estimated total cost for all projects is \$5,209,126 (\$4,510,074 federal + \$699,052 local) – with the entirety of the federal funding originating from the Transportation Alternatives (TA) Program.

The projects are consistent with the goals and objectives identified in the Performance Programming (Px3) Process as well as the policy direction established in TranPlanMT. Specifically, traveler safety and bicycle/pedestrian features will be enhanced with the addition of these projects to the program.

Staff recommends that the Commission approve the addition of these Transportation Alternatives (TA) projects to the highway program.

Commissioner Sansaver said the total is meant to be \$5,209,126 for all programs, is that right. Rob Stapley said that is correct it is for all ten projects. Commissioner Sansaver asked if the 17 coming up were all in District 4. Rob Stapley said I have not seen the breakdown of where those 17 are but I know the Billings District did get some applications. The scoring on those and the state-wide projects was taking a little longer and that's why they are not part of this agenda item. Commissioner Sansaver said my question is about the state-wide part, you are already doing 10 in Great Falls and Missoula, would they also be eligible for the 17 others. Rob Stapley said one of the unique things about these projects is the funds go directly to the MPOs so these aren't going through our selection process for district projects. This goes through the MPO process of selecting their TA projects. These are administered by the MPOs, so unless you have an MPO in your district then unfortunately you won't make their list. Commissioner Sansaver said my question is can District One and District Three apply for the next 17 or were they addressed in these first 10 projects? Director Long said the urban areas of Missoula, Great Falls, and Billings will take these but there is still Kalispell, Libby and a lot of other areas. So yes they still can apply.

Commissioner Swartz asked if these TA projects were going to run through the LAG process. Are we going to have any involvement whatsoever in these within the MPO boundaries? How are these going to work if we add them? Dwane Kailey said yes, no and maybe. Yesterday there was an email that went to the City of Missoula apprising them that at least five of those projects must go through the LAG process. I'm not aware of the plan but with the others there is mixture. Some of these we do on behalf of the local government. There is one here in Helena that is going through the LAG process. We encourage them to do that and we will work with them to do that. Not all entities are willing to do that but we try to do that as much as possible.

Commissioner Frazier said I assume the Cascade projects will run through our system because Cascade doesn't have the capacity to do them. Why would Billings and Missoula not all go through the LAG process and why would that not be our stipulation? If you are going to run these TA projects, they should all be running through the LAG process. MDT is not going to be involved at all. Dwane Kailey said we can definitely have that conversation with the local governments. You are correct. In our last meeting with the City of Great Falls two months ago, they again reiterated that their staffing and resources are quite tapped right now. I can't speak

on behalf of the City of Missoula. We are more than happy to take that message back to the local governments.

Commissioner Aspenlieder said so my understanding is we put these on the list and then they will come to us as projects to approve individually, correct? Dwane Kailey said yes under the statute the Commission has approve them. Then they go into the system and then we can work with the local governments as far as who is going to administer them. It will come back to the Commission either for you to let and award or to delegate authority to let and award the project.

Commissioner Aspenlieder said I will be a no vote on every one of these inside an MPO boundary unless they are running through the LAG process. The comment about the cities being understaffed, guess what the State of Montana is understaffed. If these are a priority inside your community then you do it; don't expect the rest of the State of Montana to pick up the tab for one of these projects. Commissioner Sansaver and I are on the short end of the stick in the rural part of the state to foot the bill with our staff that should be working on projects that area more important than sidewalks inside an MPO boundary.

I'm a TA Engineer and I can provide a little more insight to this discussion. For the ten projects in front of you today for the TA Program, they are the MPO prioritized projects from the Missoula MPO and the Great Falls MPO. The next agenda item is asking for award authority for one of the Missoula projects. That is only because the other seven didn't get here in time; they didn't make the request in time to get this agenda item but they will be moving forward for the next Commission meeting in October. All of the Missoula projects will be requested to be locally administered. The Great Falls projects, they are not interested due to staffing issues.

Commissioner Sansaver said Commissioner Aspenlieder brought up a good point. Aren't these projects part of a LAG process? Commissioner Aspenlieder said once we put them on the list, as they come forward to us for approval, I would expect them to be run through the LAG process or I'm voting against them. Commissioner Sansaver said from what I understand Dwane can look into that possibility or at least talk to them. For one simple question on this that is really not so simple, I hate to see the Commission separated on this. Commissioner Aspenlieder lends a lot of credence to the program. How critical is it that we address this at this meeting? Do we have time to wait for answers?

Dwane Kailey said Missoula is planning on administering all of the ones within Missoula. With that I would offer two-three options – you could do two motions. One approving the Missoula projects and a second motion approving or not approving the Great Falls projects. You could approve all the projects conditional on the local government agreeing to go through the LAG process. Or you can delay this until such time as the department is able to confirm or get additional information from the city of Great Falls on how they wish to proceed. Commissioner Sansaver said not only Great Falls but the additional 17. Therefore I suggest that we put this off until that can take place if it is not critically important that we move forward with this.

Commissioner Aspenlieder asked if Commissioner Sansaver would be open to a conditional approval or approval of these ten projects on the condition that they run through the LAG process. Commissioner Sansaver said the problem I have with a conditional type of contract is that it doesn't really show the uniqueness of our Commission. The fact that we go through and look at all these projects and assume that every city would comply with the wishes of the state. I would rather see it delayed unless it is critically important that we do this today. We could do it in two parts but we have cities who don't want to use the LAG process and then it makes us look like we don't have all our stuff together. That's the only reason I would want to table it unless it is critically important.

Duane Kailey said the next agenda item is actually approval of the South Hills project for you to delegate, let and award authority for the City of Missoula to do the LAG process. So before you approve the South Hills Project and then the next agenda item you could approve the city to let and award. From my perspective I'm not aware of any criticality but it does delay the local government another two months before they can move forward.

Dave Holien said Agenda Item No. 8, South Russell Street Crossing, is requesting LAG certification. I would say it is fairly important for that one to move forward if approved as a project. The intent for pushing that project forward is the project is already at 90% design. They've been working with systems impact on that project and it so happens that they applied for TA funding as well and were successful. They have 90% plans, if everything is approved, they would want to construct it in the summer. It is right across from the Fairgrounds and it is an important crossing for the city of Missoula. If it is delayed by two months, that could delay processes such as signing agreements and programming funding. It would be great if it could move forward today but I understand if it has to be delayed.

Commissioner Sanders said I feel like we're gumming up the works a little bit if we table this. We are going to have another chance to approve or disapprove them as these go forward. I would proposed that we approve these and then they'll come back to us. If you don't like how they've been contracted out, then at that time we can take action. I think we're gumming up the works by holding them up.

Commissioner Sansaver said if that is the case, I would move to approve any of these projects that are on the LAG program. Then the next ones that come through we can have the discussions with the local authorities to make sure they use the LAG process going forward.

Commissioner Aspenlieder said Commissioner Sanders makes a good point. We're going to have a second crack at these projects. If they are not going to come through under the LAG process then we can deal with them in an individual way with these MGO's. I can get on board with that. Commissioner Sansaver said I want to make sure we maintain continuity with the work that we do on the Commission and we're not going through this every time.

Commissioner Aspenlieder moved to approve the Transportation Alternatives (TA) Program Projects: Additions to TA Program (10 New Projects). Commissioner Sanders seconded the motion. All Commissioners voted aye

The motion passed unanimously.

Elected Official / Public Comment

No public comment was given.

Agenda Item 8: Delegation of Authority to Award Federal Aid Project: South Russell Street Crossing, Missoula

Rob Stapley presented the Delegation of Authority to Award Federal Aid Project: South Russell Street Crossing, Missoula to the Commission. Under MCA 7-14-4108 "authority to contract for road work when federal funds involved," all federally funded construction projects with joint contracting between the Department of Transportation (MDT) and Cities or Towns must be let by the Transportation Commission.

The City of Missoula is requesting Commission approval to let, award, and administer the contract for a Transportation Alternatives (TA) project that will install a new crosswalk on Russell Street in Missoula. The project will utilize the Local Agency Guidelines (LAG) process for project delivery.

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

Staff recommends that the Commission delegate its authority to let, award, and administer the contract for this project (South Russell Street Crossing - Missoula) to the City of Missoula – in accordance with MDT’s Local Agency Guidelines (LAG) process for project delivery.

Commissioner Sansaver moved to approve the Delegation of Authority to Award Federal Aid Project: South Russell Street Crossing, Missoula. Commissioner Swartz seconded the motion. All Commissioners voted aye

The motion passed unanimously.

**Agenda Item 9: Performance Programming Process – Px3:
2023 Px3 Analysis – Funding Distribution
Recommendations**

Paul Johnson presented the Performance Programming Process – Px3: 2023 Px3 Analysis – Funding Distribution Recommendations to the Commission. MDT utilizes the Performance Programming (or Px3) Process to develop an optimal funding allocation and investment plan based on strategic highway system performance goals and the continual measurement of progress toward these goals.

Each year, the Performance Programming (Px3) Process:

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

At this time, MDT is advancing the 2023 Px3 Process funding distribution recommendations.

MDT is requesting Commission approval for the 2023 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 2023 Px3 Process funding distribution recommendations.

Commissioner Aspenlieder said I appreciate the brief summary. From a drive condition and drive quality standpoint, we're as high as we've ever been on our highways and interstates. Is that correct. Paul Johnson said yes. Commissioner Aspenlieder said you also note that we have a big wave coming with on-system and off-system bridges. We know about the off-system stuff. We have a great allocation with the Px3 process and it does a good job of allocating our funds across our Interstate, NHS and primary systems, but with the condition of those three systems and where it sits today, do we need to be having a conversation about re-allocating some of those dollars to bridges to try and catch up. This is going to be a longer and deeper conversation about how much is enough and how much we can divert from all three of these into bridges to try and catch up or just start making meaningful progress without seeing significant deterioration in those three systems. To me, it doesn't do any good if our roads are great about our bridges are going to fall apart. In my opinion, we've got to step back and have a conversation about whether we need to re-allocate some of these funds out of Interstate, Non-Interstate Highway, and our Primary system into the bridge program to try and start catching up. We're going to have a whole lot of pavement misery if we don't – on and off system.

Paul Johnson said there are two parts to that equation. Related to bridges, we now have more dedicated bridge funding that goes specifically to bridges. In recent years, you tripled the program and that's a pretty substantial increase. We're still in discussions about how much they can actually produce. On one side, you put the money in there but what are you going to have available and how quickly can you develop these things. There are a lot of things that go into that – quick fixes versus normal innovated contracting. To a certain degree, in recent years we have given the bridge program as much as they could possibly handle funding-wise. They went from 40 mph to 120 mph and now we're asking them to go 170 mph and there are a lot of challenges with that. The longer conversation is all the things that are on the critical path for those types of projects. So it's not just simply a matter of dumping the money in and have the projects come out the other side. To a certain degree over the next couple of years, you've got what you've got in front of you and it's always got to be ramping up. The off-system's study showed we have a whole combination of things. We've got \$50-\$70 million in funding for off-system bridges from the state source that complements what we get from the federal source. The money is there now but it's going to take some time to get those projects out there and see the results. Then the back side of that is the contractors to deliver those projects. On our side, we've got resources to develop internally. It's a fair statement to say they are pretty stressed. We've tripled our workload as it is and then we're asking for a new level. We do have consultants out there and that will help but it's not just as simple as pouring the money in. Right now we could triple their allocation for this year but we don't have the projects ready to spend that money. There is a time lag.

Commissioner Frazier said the question in my mind is we know there is a wave of bridge work coming at us, so how big is the wave, how much can we take care of, and is there a gap. Are we okay? Do we need to start ramping up a little bit now and look at whether in five years we need to double what we're doing or do we cut back. How big of a tsunami do we have coming at us?

Dwane Kailey said yes without a doubt. I was part of a team about five years ago and we put together a Transportation Asset Management Plan (TAMP). At that time we had to pick goals and targets, so we picked a target for our roadways of not exceeding three percent poor pavement condition on our roadways. On bridge we picked a target of federal guidelines of not over 10% poor condition. In hindsight we are hearing from our bridge program that we have a wave coming and if we don't make changes it is going to get worse. So absolutely we've got to take a good hard look at it. We had conversations yesterday about this very issue. I would offer, let us go

back and work with our bridge engineer, and our asset management group, and bring some proposals back to you. I want to caution us a little bit because it will have drastic impacts on the core program. It's going to take money away from the Interstate, NHS, and Primary System. So some of the planned projects we have in the TCP are going to get delayed. Your questions are hitting the nail on the head. We've got to rethink some of the things we're doing because it's a huge looming issue.

Rob Stapley said should we move that direction? I think clearly we have the ability to do that. We've set a bar and we have specific numbers we're shooting for and when you're approaching those, you have to weigh that out. If you're asking me about shifting resources, off the top of my head possibly \$25 million seems like a reasonable starting point. You say \$20 million Interstate across the board to bridges then the flip side is can we deliver. We'll give you that money but can you deliver that? It's a loaded question because you've got what you've got in the hopper, then you have innovative things we can do. It's a fair and valid question – there's a lot of numbers to crunch but I think that's where you're going to end up. There's going to be a shift of funding in that direction. What we're looking for is to quantify what that number looks like.

Commissioner Sansaver said one of the things we've talked about in the past is bundling projects. We've talked about contractor availability in the state of Montana. Where are we with that? Have we increased the number of contractors? Are they going elsewhere out-of-state to do work? If we bundle projects, do we have the capability to get those out? Do we have the contractor capabilities?

Dwane Kailey said last week Director Long and I attended the MCA summer outing. The Governor has asked us for a plan over the next five years of how we're going to resolve this issue. We are putting that plan together right now, staff is doing an awesome job and have a preliminary plan drawn up. We briefed the Montana Contractor's Association last week on this issue. Resources internally, resources in the design community and resources in the contracting community are going to be challenged. We are talking about a one billion dollar issue. It is going to impact them. However, to try and address that issue one of the things we're looking at is convening a committee that includes contractors, consultants, and resource agencies to find creative, effective, economical ways to reduce the amount of red tape, paperwork, and make it more efficient so we can get those bridges out there quicker and easier. Not all have to be bridges – many of these bridges can be converted to culverts. So we don't force this all onto the bridge community, we want to involve the road construction community as well so that we're not isolating or impacting just one set of resources. Excellent questions! You are asking all the right questions. We're just trying to work our way through this right now. It is going to be a challenge especially if the economy stays the way it is right now.

Commissioner Aspenlieder said to start with, we're looking to approve what Paul Johnson just presented. How does that impact the questions we have asked about reallocating resources? If we approve this today and we get to the TCP in October, are we locked into these dollars without the ability to flex this year, so effectively pumping it to the next year. Paul Johnson said there is a little bit of good news – there is a variable here, there is about a \$20-\$30 million dollar variable in the appropriations. This doesn't include any additional appropriations beyond what's in the Reauthorization package. Every year in the appropriations process we've been getting a \$20-30 million dollar windfall that could be plugged in that direction. So if we continue to get that, that increases straight to bridge and if that holds true for this five-year period then you've got close to \$20-30 million that we could immediately tack on. That's probably where we're at. The other thing we could do that doesn't change anything else is we get Reauthorization every year to the tune of \$30-50 million. If we want to dedicate that to bridges we can load it up that way and use those funds. Typically it is about \$30 million per year. So you've got somewhere

between \$25-50 million without changing a thing to dedicate to those resources that you have available. Today you could sign on to that knowing that there's still another \$30-\$50 million worth of decisions that could be made.

Commissioner Aspenlieder said I appreciate that and I understand that we've historically been seeing that. With this problem I would rather pull the money out of what we have and then backfill. If we get those additional dollars then backfill into the Interstate, NHS and Primary Systems with those dollars and bring those projects back. I don't want to try and address this bridge problem betting on the "come" with additional funding that may or may not come. If we're going to get serious about this then we need to make the decision we're going to invest our money in this problem and make the commitment that for the next 10 years this is how we're going to address it. Otherwise it's even hard to ask the contracting community to staff up if we're not going to reallocate those dollars and be committed to doing that. We have to make the commitment to the private sector that we're going to do it.

I know we've got some contracting issues, the MCA has got to have a seat at the table in playing this out but the MCA also can't throw their hands in the air and come complaining when out-of-state companies come in and start taking these projects either. We've got to address this whether Montana companies build them or not. If Montana companies can't staff up in time, then we've got to use the resources that we can get our hands on. So the MCA has got to be a participant in this but this is not a slush fund for Montana contractors. This is getting the best bang for our buck for the taxpayer and making improvements to the system. I appreciate what you're saying but I don't have a lot of interest in using those dollars to backfill bridges, I would prefer to pull it out of here and backfill into our Interstate, NHS and Primary with whatever we get.

Commissioner Frazier said I believe we have the TCP coming up so I think we have another shot at how much money we get. Paul Johnson said for today if you look at the distribution and say that's the way the funding is going to break down and approve that, those numbers are never exactly what we approve. So we have the ability to modify the numbers to do the types of things we need. Today we say the distribution to the Interstate, NHS, and Primary amongst the districts is this. That's what we approved, we don't walk in the numbers. You're right heading into the TCP if we want a certain number whether its \$20, \$30 or \$50 overtime, then we'll do that and make that adjustment proportionally to what you see there. The distribution you approve is never the exact numbers. If you pick the number, i.e., \$50 million over five years, then we'll do that.

Now I'll say there is a reality component to what we have in the hopper especially in years one and two. It's really hard to get a project out of nowhere. That's why I'm saying "ramp up." We don't even have a Reauthorization in the last two years, so we don't know what that funding looks like. When you say "betting on the come" well we don't even have a rough number but we do know the framework. So if you said I want to ramp up by \$50 million in this programs in that five-year period, then we have the ability to do that. It's just a matter of the approval of the distribution and approval of the other reserves, then off we go. If that's what you want to see then we can show that, we have the ability to do that.

Dwane Kailey said I'm hearing you loud and clear. If it's appropriate for staff to start moving forward, let us put some options and plans together prior to the TCP and get that to you. Then during the TCP meeting we can talk about what we can do and what the options would look like and what it means long term for both the core program as well as the bridge program. Is that acceptable to the Commission? Commissioner Frazier asked Jim Wingerter how it would impact the district's planning on the TCP.

Jim Wingerter said it would be devastating. We work very closely with our MPO's, communities, and counties in putting these projects together as they are needed. When we tell people we have a road project coming in three years that the County Commissioners have been asking for and then have to move that project out a year because of environmental permits or whatever the case may be, they get upset with us because they are planning for that road to be done. They are making plans for those projects. Havre NW is an example, it has been difficult for the community and the county because that project has been moved out a couple of times. So it would be devastating for us in the fact that we have put together a five-year program based on what our needs are in the district based on communities, counties, and it would be very difficult for us to go into those meetings and say we've changed our priorities and now the projects are going to be moved out substantially. I get what you're saying and I understand and support that but I'm telling you from the district perspective it would be huge for us to make changes now to our five-year program. We can do it but it would be huge for us to do that.

Paul Johnson said again that we would have to ramp up. So in the end it would be incremental over time. So if you're talking \$50 million over five years, it would have to be incremental over time mainly because of available projects to lessen those impacts to those projects, it would have to be over time.

Commissioner Sansaver said I understand what you're saying from a district administrator's perspective, but you also need to understand that in my district and in Commissioner Aspenlieder's district this would be very welcomed because we have so many bridges out there that need attention right now. I appreciate your point of view but our point of view is a little bit different being outside of the economic boom. Jim Wingerter said I understand and I'm talking from a high level general perspective as a district administrator. I understand that in your districts it is greatly needed.

Commissioner Sansaver moved to approve the Performance Programming Process – Px3: 2023 Px3 Analysis – Funding Distribution Recommendations. Commissioner Aspenlieder seconded the motion. All Commissioners voted aye

The motion passed unanimously.

Agenda Item 10: Speed Limit Recommendation US 287 (P-13) – Harrison

Dustin Rouse presented the Speed Limit Recommendation, US 287 (P-13) – Harrison to the Commission. Madison County submitted a request for a speed limit study for the purpose of evaluating the speed limits through Harrison. To address transitional speed zones, the study was extended to begin at milepost 74 and continue north to a point approximately 1000-feet north of the intersection with S-359. This request was to get some appropriate step-downs coming into the community of Harrison.

This portion of US 287 was improved in 2007 and 2011. Typical sections are comprised of two 12-foot travel lanes (one in each direction) with varying shoulder widths. Outside of Harrison the shoulders are 4-feet wide and widen to 8-feet within Harrison. Average annual daily traffic volume from 2021 range from about 1,200 vehicles just north of the intersection with S-359 to about 4,200 vehicles south of the intersection with S-238. Within Harrison the AADT was recorded at 1,968. The roadside environment starts out as rural, transitions to a rural town type setting, before transitioning back into a rural environment. Land varies from primarily agricultural land to residential. Pedestrian facilities are present on the east side of the roadway from Harrison High School to the MDT facility at the north end of town.

There is no development on the west side of the roadway within Harrison because of the railroad.

The speed profile shows that the prevailing speeds along US 287 are primarily above the posted speed limits through Harrison and within ± 5 -mph outside of Harrison. This would indicate appropriate speed limits. However, there are not appropriate transitional speed limits between the rural 70-mph speed limit and the more urban 45-mph and 35-mph speed limits. Therefore, it would be advisable to include 55-mph transitional speed limits and appropriate lengths for the 45-mph speed limit. It was also observed that the school zone was not at least 500-feet from the edge of school property. Further extension to the school zone is recommended.

Multiple attempts were made to receive comments from Madison County. Unfortunately, no comments were ever received. After 120 days MDT has interpreted the lack of comment and communication as concurrence with the recommendations.

MDT recommends the following speed limits:

No change to the statutory 70-mph speed limit south of a point 480-feet north of the intersection with Hollowtop Vista Drive (straight-line station 983+00).

A 55-mph speed limit beginning approximately 480-feet north of the intersection with Hollowtop Vista Drive (straight-line station 983+00) and continuing to a point 140-feet north of the intersection with Norwegian Creek Road (straight-line station 1010+00), an approximate distance of 2,700-feet.

A 45-mph speed limit beginning approximately 140-feet north of the intersection with Norwegian Creek Road (straight-line station 1010+00) and continuing north to approximately 600-feet south of Harrison High School (straight-line station 1043+50), an approximate distance of 1,600-feet.

A 35-mph speed limit beginning approximately 600-feet south of Harrison High School (straight-line station 1043+50) and continuing to a point approximately 50-feet north of Jefferson Street (straight-line station 1011+50), an approximate distance of 3,200-feet.

A 45-mph speed limit beginning approximately 50-feet north of Jefferson Street (straight-line station 1011+50) and continuing to a point approximately 890-feet north of milepost 76 (straight-line station 995+50), an approximate distance of 1,600-feet.

A 55-mph speed limit beginning approximately 890-feet north of milepost 76 (straight-line station 995+50) and continuing to a point approximately 1880-feet south of Cemetery Road (straight-line station 968+50), an approximate distance of 2,700-feet.

No change to the statutory 70-mph speed limit north of a point approximately 1880-feet south of Cemetery Road (straight-line station 968+50).

Within the 35-mph speed zone we further recommend a variable school zone speed limit of 25-mph to be active during school hours (7:30am-3:30pm). Below is the description of the proposed school zone speed limit.

A 25/35-mph speed limit beginning approximately 400-feet south of Harrison High School (straight-line station 1041+50) and continuing north

to a point approximately 500-feet north of Harrison Street (straight-line station 1027+50), an approximate distance of 1,400-feet.

Staff recommends approval of the recommended speed limit. Commissioner Sansaver said you tried to contact these folks after you did the speed study and you did not get any response back. Dustin Rouse said that is correct. Commissioner Sansaver said that is really odd because they requested the speed study and then they just take what you recommended. Dustin Rouse said I'm not sure why they didn't respond because their intent was to get proper transition zones for the speed limit. That is what we provided back. Maybe because they got what they asked for, they're good with it and don't feel the need to respond. We did reach out as we always do after the speed study was done and let them know the results to seek their concurrence. Sometimes we get concurrence and sometimes we do not. Commissioner Sansaver asked if we are going to see them at the next meeting saying they don't agree with this. Dustin Rouse said I don't expect that in this instance, however, there's always a chance.

Commissioner Sansaver said I just don't want to see them come back and ask for changes to this. It's always concerning to me when we don't have feedback from the County Commissioners and city officials letting us know they liked our recommendation. It's about 18 miles from the transition from 30 mph to 70 mph and I know what 18 miles feels like when leaving Chinook. From the Wolf Point city limits to get to 70 mph it's like 100 feet. It goes from 25 mph to 45 mph within 100 yards and then from 45 mph to 70 mph within 50 yards.

Commissioner Frazier said I'm familiar with Harrison when the speed zones were put in there many years ago, they were based on the national speed limit of 55 mph then when it changed to 70 mph we replaced the 55 mph signs with 70 mph signs. Madison County usually lets us know if they don't like something.

Commissioner Sanders moved to approve the Speed Limit Recommendation US 287 (P-13) – Harrison. Commissioner Aspenlieder seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 11: Speed Limit Recommendation Montana 37 (P-33) – Libby

Commissioner Frazier said for the benefit of the new Commissioner let me give you a quick version of speed limit recommendations. As you look through a lot of the comments we receive on speed zones, people send us their opinion of what they believe the speed limit should be. There are a couple of areas where their opinions vary from 25 mph to 70 mph; some people want 55 mph but others want to go faster. There is a national system in place that looks at the data of how fast everybody is driving as well as other data. Our engineer recommendation follows those protocols so we have some consistent speed zones from state to state.

Dustin Rouse presented the Speed Limit Recommendation, Montana 37 (P33) – Libby to the Commission. Lincoln County submitted a request for a speed limit study for the purpose of reviewing the speed limits on Montana 37 from Libby to the Fisher River. Based on observations by MDT the study was expanded to begin at the intersection with US 2 and continue to the Libby Dam. A local petition indicated a desire for the speed limit to be reduced from 70-mph to 55-mph because of the excessive speed and people failing to obey the existing speed limit.

The speed profile provides support to maintain the existing speed limits. Use of the rounded down 85th percentile is advisable because of the narrow shoulders in the

35-mph, 45-mph, 55-mph, and 70-mph speed zones. The transitional speed zones (35-mph, 45-mph, and 55-mph) matched with the rounded down 85th percentile. Traffic volumes in the 70-mph speed zone were considered low and did not justify a reduction to the speed limit. It was noted that the 35-mph and 45-mph were shorter than advisable and lengthening them was recommended.

Lincoln County does not agree with MDT's recommendation. They propose extending the existing 55-mph speed limit to milepost 8. The local residents provided extensive public comment with some supporting MDT's recommendation and others adamantly opposed to the recommendation. The desires of the local residents range no change to reducing the 70-mph speed limit to 55-mph. Most of the concerns voiced by the public involve drivers already traveling faster than the posted speed limit, wild animal collisions, and sight restrictions when entering and exiting the highway. There were also comments regarding adverse road conditions, the advisory speed plates, driveway densities, and difficulties with enforcement. All comments provided by Lincoln County have been attached.

I will note that we will go back and review our speed study based on comments we received from the community. We look at the traveling speeds which used to be 85th percentile and we target that because that is what most people are comfortable driving at. We have since revised how we approach that. We do consider other things in our evaluation of speed studies, i.e., approach densities, traffic, width of the shoulders, and generally look at the context of the roadway.

After reviewing the comments from the local community MDT went back and reviewed the data collected. A further review of the crashes in the most recent 10-years (2012-2021) was also completed. MDT does acknowledge there are a substantial number of wild animal related crashes in comparison to all other crash types. However, based on the recorded traffic volumes over the past 10-years there is not an elevated crash rate, and the wild animal related crashes are evenly distributed throughout the study. Safety has reviewed segments within the speed study which resulted in a centerline rumble strip and guardrail with improvements to signing and delineation projects. The speed data and roadway context do indicate that the recommendation to reduce the 70-mph speed limit to 65-mph could be justified. There are a total of four corners with advisory speeds below the posted speed limit between 50-mph and 60-mph. For the most part, the curves are spaced about one mile apart and therefore do not justify a further speed reduction.

A closer review of the area between approximately milepost 2.7 and milepost 8 was also completed and showed that the prevailing speeds were around 69-mph based on the 85th percentile and upper limit of the pace with the 50th percentile being about 62-mph. No elevated crash rates were observed or elevated approach densities. There are multiple private approaches that likely do not meet design standards for slope. Although sight distance was not directly measured the required stopping sight distance is 730-feet for 70-mph and 645-feet for 65-mph. Based on areal measurements there are some public and private approaches with sight distance concerns for 70-mph. These restrictions are for the most part eliminated by reducing the speed limit to 65-mph. Several concerns were voiced about the location of the 55/70-mph transition. It is currently located on a straight section of roadway south of Mack Road. There is some development in this region which appears to noticeably decrease after Mack Road. Therefore, consideration can be made to shift the 55/70-mph speed limit transition to after Mack Road can be made.

MDT would like the Transportation Commission to be aware that based on the data and comments received there appears to be two driver populations. The majority of drivers in the 70-mph speed zone appear to travel within ± 3 -mph of the speed limit. Another segment of the populace intentionally travel 10-mph to 15-mph below the speed limit. Furthermore, within the areas requested by the local populace and Lincoln County the 50th percentile is on average 62-mph and only below 55-mph at

the curve by Fisher River Road. For the most part over 50-percent of the drivers are traveling between 57-mph and 67-mph based on the pace. MDT does not recommend setting speed limits below where more than 50-percent of the existing drivers travel. Research has shown that speed does increase the crash severity, but speed differentials have been shown to increase crash rates. Based on a study by MDT setting speed limits 10-mph below the engineering recommendation results in fewer overall crashes but an elevated number of fatal and injury crashes.

MDT recommends the following speed limits:

A 25-mph speed limit beginning at the intersection with US 2 (straight-line station 0+00) and continuing north to a point approximately 120-feet south of the intersection with Thomas Street (straight-line station 31+00), an approximate distance of 3,100-feet.

A 35-mph speed limit beginning approximately 120-feet south of the intersection with Thomas Street (straight-line station 31+00) and continuing north to a point approximately 70-feet north of the intersection with Park Street (straight-line station 48+50), an approximate distance of 1,750-feet.

A 45-mph speed limit beginning approximately 70-feet north of the intersection with Park Street (straight-line station 48+50) and continuing north to a point approximately 100-feet south of the intersection with Paradise Road (straight-line station 71+70), an approximate distance of 2,320-feet.

A 55-mph speed limit beginning 100-feet south of the intersection with Paradise Road (straight-line station 71+70) and continuing north to a point approximately 900-feet north of the intersection with Mack Road (straight-line station 158+00), an approximate distance of 1.63-miles.

A 65-mph speed limit beginning 900-feet north of the intersection with Mack Road (straight-line station 158+00) and continuing north to the end of the study approximately 900-feet north of Libby Dam (straight-line station 882+75), an approximate distance of 13.73-miles.

Brent Teske, Lincoln County Commissioner

Brent Teske, Lincoln County Commissioner, Libby Montana, said that most of Hwy 37 resides in my district and this area as well. Some of the things the speed study took into consideration I don't totally agree with, some from a realistic and practical non-engineering take on the situation. Hwy 37 starts in Libby with the intersection of Hwy 2 which travels approximately 70 miles to Eureka. It is the main route for folks from Eureka to come to the county seat of Libby. It's the main road for people from Canada to travel to Libby, most on their way to Bonner's Ferry, Sandpoint, and Spokane. There has been a considerable increase in traffic especially seasonal whether or not that shows in the data but you can tell just by the amount of traffic town during the day. That being said Lincoln County and Libby have been discovered.

With that there has been a rash of subdivisions taking place in the county. We went from seven in 2019 to 22 subdivisions proposed this year and some of them in this area. So there has been a considerable amount of homes and approaches added to this stretch. This first stretch of road approximately 9-10 miles was built in 1937 and was designed and built parallel to the Kootenai River. The majority of it is bordered on one side by guardrail and the other side by rocks because the canyon is there. There have been improvements made over the years but still there is no shoulder on most of it. We have rock slide issues occasionally in there. You talk about the wildlife – forever it was deer but as these housing developments happen and people

put in yards with flowers and gardens which are attractants to those animals and it makes it more prevalent in those areas. In the last five-to-ten years we've had a population of sheep come into those cliffs. They moved down south from farther up on Hwy 37. There's been a number of incidents and accidents involving sheep in that area. It's a tight area with a curved cliff and the salt product they put on the roads attracts them to the roads so they are almost constantly there. There isn't a day that you can't see them up there somewhere. Whether they are learning like the deer did, for the most part they are staying on the ditch or feeding off the salt in the ditch and not in the road but we still have quite a few incidents with motor vehicle traffic and sheep.

Beyond that, I received a couple of comments as I was leaving that you might not have in your packet. Those folks intended on being here to speak but because of medical issues they couldn't make it. I have their comments here. One comment is from Mr. Haferman, an engineer who is working on the project up at the former W.R. Mine site. What is currently going on up there is Libby is infamous for asbestos and asbestos related issues which came from a mining process up at W.R. Grace mining through layers of vermiculite and they hit layers of tremulite asbestos which got distributed throughout the community and throughout the world. The reclamation part of that process is going on now. For the most part the local community is done now and they are focusing on the mine site itself. One of the requirements they are having to do is to reinforce and redesign the spillway and sections of the tailings dam that holds back all of those tailings from the years of mining. With that, it is a huge project. The spillway is incredible, the design they are building is for a 10,000 year storm event which is unfathomable. It is 40 feet wide and in areas 28 feet deep. This is in case there is an issue where they have to spill volumes of water. That project has created huge traffic congestion. There is not a batch plant on sight so all of that material is being trucked in there. After two years they finished stage one which isn't quite half but they still have quite a few years to go. Mr. Haferman states the concerns and issues they've been having from a project standpoint in this section of road. Once this tailings dam is complete, they will go into reclaiming the mine site whether it be capping it or removing the product which EPA will determine. It is not going to be a project that ends.

Letter from Mr. Haferman:

“My name is Curt Haferman. I'm a professional engineer and the engineer of record in charge of the W.R. Grace Vermiculite Mine Tailings Dam located on Rainey Creek commonly known and referred to as the Kootenai Development Dam. As you may be aware W.R. Grace has started construction of a new service spillway on the KEID and the construction project has been ongoing since 2019 and will continue for the next three to five years. As you are also likely aware the construction has created a substantial amount of delivery trucks and construction worker traffic. With this letter we are requesting the MDT Traffic Commission in the August 24th meeting to extend the 55 mph speed limit to Rainey Creek Road at milepost 5.2 at the construction site.”

Mr. Haferman gets into more specifics about some incidents they've had there. I know there was some discussion about a number of different requests. It is very difficult, we have folks who want 55 mph all the way to Libby Dam approximately a 17-mile stretch. Personally I don't see that as necessary. The road does get straight, wider, and more open and able to handle a 70 mph speed zone. That being said, a 70 mph speed zone seems to be 80+ mph and this is driver habit unfortunately. As vehicles get better and roads are improved and better, that makes for faster traffic. I had a discussion with the Chairman yesterday about the need for additional enforcement at these sights and that is a discussion I'll have with the Highway Patrol and the Sheriff's office as well.

I don't know what would make the entire community happy; that's not really possible. Some of the issues I see from a public safety standpoint is to extend up to approximately mile marker 8 on Hwy 37. The issues we have is the increase in subdivisions alongside the river which were hay fields for years and years but as the market increased and the opportunity arose people subdivided those fields and sold them off. So houses are being developed and built along with the additional traffic. Most of that seems to be retiree traffic but there is some family traffic also. Family traffic involves considerably more travel with school children and events.

Beyond that is a trailer park whose population has been up and down over the years but with the housing crunch I believe it is at full capacity. I have a statement from the folks at the trailer park along with a petition that I received yesterday that I'd like to enter into the record. There's been a lot of additional traffic to that trailer park. Just prior to that trailer park is the last passing area and then you get into some real tight turns, cliffs, up to W.R. Grace area and just off the side of the hill a quarter of a mile is a turn into MK Subdivision. That was put in during the dam construction days in the late '60's or early '70's approximately 80 lots. For a longtime there was available space up there but obviously there isn't any more so that has added to that. Most of the folks who live up there are retirees and 55 mph is way too fast for them. That is what they travel and they are terrified. That creates congestion behind them and aggravation with aggressive drivers. So as soon as they get to the short passing lane prior to Rainey Creek, everybody is jockeying for position. I see it every day.

I've driven this thing a number of times up to and just past MK at 55 mph and it is much more comfortable, much more enjoyable and it is definitely do-able. We are literally talking seconds in change of destination. If you drive through there at 70 mph, you're at the same location in just a few more seconds than at 55 mph without having the potential conflict of people jockeying for position and getting aggravated. After that the road moves into long straight stretches and it gets crazy because people will pass campers and boats in a short distance. Again a lot of that comes back to enforcement.

So the original ask was initially for 55 mph all the way out. I appreciate your concession to 65 mph but I would like to see some change in the transition of that extended down the road approximately three more miles to just past the 8 mile marker which is the last congested area where there is an RV Park. That RV Park has a very poor design. It was built during the dam days with very poorly designed approaches and egresses which all come off at an angle. So you're coming off and on at a high rate of speed to flow into traffic. I was going to talk to Bob Vosen the District Administrator about a left-hand turn lane at the bottom of the MK Subdivision so those folks can get out of lane of traffic as they are turning. I talked to him briefly about it and there is plenty of right of way, 100 feet or better, and it wouldn't be a big design issue for the state. I'll talk to him about that.

I'm open to questions. Again this comes back to a more realistic active approach as opposed to reactive. I understand the statistics. As I look at the review and I think some of those are skewed because there is no enforcement out there, so the number of citations are obviously going to be low. The number of deer strikes reported as opposed to not reported because most people who live up there are used to hitting deer sometime or another. Some of those things are skewed as to what your data is showing. It is a tuff situation. The folks who live in this area are very frustrated. It seems the whole mentality of drivers has changed to the point where there is no consideration or forgiveness; it is just very aggressive out there right now.

Commissioner Sansaver said I appreciate everything you've said and all the comments you've brought to us. We're really want to be sensitive to the community when we do speed studies. Of course, the state and the parameters on the State of Montana talk about the number of accidents and if we change the speed limit from 70 mph to 55 mph they are still going to drive 80 mph. My understanding in all the talks we've

had under these speed studies is that even if it gives a sense of mental easement to the community to have it at 55 mph, they are still going to go 80 mph. I want to feel like we've addressed your concerns. I want to feel like our engineers have sat back and said even if we change it from 70 mph to 55 mph, people are still going to do 80 mph. If the people want to address this with another entity other than MDT, I'm all for it. Again we have critical numbers from our staff that say it should stay at 65 mph but if you take that back to your community it is not going to be satisfactory to the community. Can I ask our staff what would be wrong with changing that to 55 mph instead of 65 mph?

Dustin Rouse said the concern we have and the reason I cite that we've seen an increase in more severe crashes when we post a speed that is 10 mph below the engineer's recommendation is it causes a speed differential. You have those folks that are going to drive 75-80 mph regardless of what it is posted at because they are comfortable driving that speed. Now if you have a posted speed that is set at 55 mph, that creates an extreme speed differential between what folks feel comfortable driving at. I'm not excusing anyone who is driving over the speed limit but folks who are comfortable at driving at 65 mph are now forced to drive 55 mph so potentially you are going to end up with a speed variation with some folks traveling 70 mph and others traveling at 55 mph. What happens is that you have even more frustration if they get stuck behind someone who is following it to the tee at the 55 mph speed limit and they are going to do stupid things or they don't expect it in a rural area and could potentially rear-end some of those folks. That is why we try as much as possible to look at the context of the area to set that speed appropriately as to how people are driving that route so that it is consistent and it is what people expect. We try as much as possible to avoid that speed differential between what people are comfortable traveling at and what we're posting the speed at so that we don't end up with that frustration and people trying to pass one or two vehicles and end up in a head-on. So that is what is behind our decision; that's why we do our engineering studies and look at the data we have.

Commissioner Sansaver said I've heard that answer a thousand times but my argument with that is that it seems like we satisfy the few instead of trying to address the many. In other words you're satisfying the people who want to go 70+ mph which when you're passing increases to 80 mph. From that perspective the study doesn't really reflect the accidents or the mental thought process for those who are going to do 15 mph over the speed limit. So if you're at 55 mph you can pass 10 mph over doing 65 mph, how much does that reduce those accidents. How many fatalities do you have between 65 mph and 80 mph? Do we have numbers like that? You're talking about people passing – they get frustrated and pass and pretty soon you have a head-on. What's the difference between 70 mph and 80 mph on the yearly average of fatalities? I'm just throwing it out there because I don't understand.

Dustin Rouse said you're saying we set speeds based on the few but that's not the case. The reason I say that is we are looking at what people say versus what people drive, which are two different things. That is why we collect the data. That is why we look at what people are actually driving the road at. The data is independent. We look at what people are traveling the route at and we set it at that speed. So we are setting it at what most people are comfortable driving. On the difference in fatalities between the different speeds, that is something I'd have to provide that because I don't specifically have that differential.

Commissioner Aspenlieder said one of the things you said that caught my attention is with the construction going on at the old mine site, you said it brought a lot of traffic on Rainey Creek Road and that there is five to ten more years of construction potentially up there. Commissioner Teske said potentially three to five years on the project right now but they are currently in design to figure out what the remediation is going to be for the mine site itself. They talked about removing mountains of material to the point of capping it which is going to take truckloads of material to do.

Right now I don't know what that project is going to look like but it is definitely the next stage in this and it is going to happen soon.

Commissioner Aspenlieder asked if they had any sense of the volume of traffic that the construction brings onto the road. Has there been anything done with trip generation coming in and out of that site. Commissioner Teske said those numbers would be available but I don't have them. The number of concrete trucks on the days they pour which are 17-18 hour days and they pour in sections which happens once a week or two or three times per month. I don't have those numbers but I can get them. The worker volume actually ebbs and flows with that production. As they are doing certain things they obviously have more contractors and as they are wrapping up there is obviously less, so it floats. As far as the next stage of this, they may have an idea but they haven't landed on a remedy yet for this site. It's going to be something substantial as far as construction traffic.

Brent Teske, Lincoln County Commissioner

Brent Teske said this scenario is happening every day. There are a number of retired folks who live in the MK Subdivision as well as others who are comfortable traveling 55 mph. The speed limit right now is 70 mph and that is what creates the aggression. People want them out of the way. There is a short passing area they take advantage of and that is where the risky passes and potential accidents happen. They are all trying to jockey for position in that short window. This happens every day. It's not that it is going to create that issue or increase that issue because it's already occurring. The 70 mph speed zone people believe entitles them to 70+mph.

I have a letter from Mr. Haferman, a petition from the people in the trailer park, and I also have the letter from Jim Mitchel that he asked me to read. It was suggested that these be made a part of the official record.

Letter from Jim Mitchel

My name is Jim Mitchel, I live on Hwy 37 between mile marker 10 and 11. After four years of talking about the speed limit at 70 mph on Hwy 37, four different families decided to start a petition to try and change the speed limit to 55 mph. This was a very easy task for us because everyone we talked to had a story to tell about their experience which was not good regarding the 70 mph speed. After one month we had almost 290 names, phone numbers, and addresses of people on board to try and get the job done. We met with the Lincoln County Commissioners at the court house in Libby at one of their scheduled meetings, packing the room and into the hallway as we presented out petition and concerns. It was a great feeling about what everyone's concerns were and the way the meeting went. We were told by the Commissioners that they would present the petition to the State in Helena.

On January 12, 2022 we have still had not heard from anyone. We finally met with the Commissioners who emphasized the speed limits remained up to the state and any changes moves on Helena's timeline. On April 26, 2023 we received the state speed limit recommendation on Hwy 37 for the years 2018–2020. The recommendation is that there should be no change to the 70 mph speed area. This really took the sail off the ship. How do we prove to the State of Montana our safety concerns? I talked to David Ralph in Helena, who I've been speaking to for approximately two years. He suggested getting as many emails sent to Commissioner Brenteske by June 20th as we could for review stating our concerns. We did that, after going back to everyone who signed the petition living on Hwy 37 and all the subdivisions with approximately 64 approaches on Hwy 37 and 189 homes from mile marker 3 to 17. (He attached a list of subdivision names, a list of the businesses that access the highway in here as well.)

Hwy 37 has many attractions to be enjoyed all the way to Eureka. The speed study says there has been a 14% increase of traffic in the last five years up to 2020. What is the number now three years later? (He noted a 30% increase in the summer months.) That's a huge number, no wonder the locals are experiencing road rage daily.

We the residents feel strongly that the speed should be lowered to at least 60 mph to give all of us a chance to enjoy the beautiful Kootenai River, surroundings, and wildlife it has to offer. When you travel on Hwy 37 to Eureka, the speed limit changes to 60 mph nine miles prior to Eureka. We feel from the Libby Dam down to Libby should have the same 60 mph speed limit and buffer for safety reasons. The American Legion of Montana has marked traffic fatality accident sites with the White Cross Fatality Marker Program and as of today we have 14 white cross markers on Hwy 37 from the Kootenai River Bridge to the 17 mile marker and Libby Dam.

In conclusion I've been on the front line of this petition and investigation for people's concerns and stories they all have about incidents that could have been fatal. At least 90% of the times I've knocked on doors and spent 10-20 minutes talking about their experiences and how important the speed reduction is for the safety of their families. These stories is what put the wind back in my sails to get this job done.

These folks went to some pretty drastic measures; they went door to door, a number of petitions, they paid for ads in the paper asking for public comment. It's been out there. It was a very controversial thing on Facebook and you know how that goes. Some folks definitely understand it and then there are those who are in too big a hurry for life and didn't want any change.

Commissioner Frazier said one of the comments said they took votes and they had 243 votes to keep 70 mph and 57 votes to lower it to 55 mph. Is that accurate with you are saying? Commissioner Frazier said it looks like a Facebook form. Brent Teske said that is kind of a tough deal because most of those folks don't live on Hwy 37, they just travel to recreate to the dam or reservoir and they want to get up there and get that fishing line in the water so they really don't care about the speed limit. They aren't affected because they are not residents of the highway or the subdivision adjoining it. So that's a tough one. Commissioner Frazier said they are still part of the public. Brent Teske said they are still part of the public but I was called out to spearhead this not realizing that I was only taking public comment from these folks. So I get hammered in the stores a lot.

Julie Greenfield

Julie Greenfield on Zoom said I live off Margaret Lane. My husband is the CEO in Libby at the hospital. We moved here about a year and a half ago. We are long-term Montana residents from the eastern part of the state. We struggled in finding a home and we found a home right off Margaret Lane so we're right off Hwy 37 at the three mile marker. We moved here in June so I missed all the initial 2021 information they had but when I saw the ad in the paper I sent an email to Brent because that road has been something since I've been living here that is a concern for me traveling that road. I do see a lot of recreation people every day. It's been something every day that I felt that it needs to be 55 mph. All of these turns, there's more and more homes being built in this area, and every one of these are 90° turns right off Hwy 37 and you get people who are so angry behind you. I turn my blinker on way before I come into an S curve to turn and they just stay right on me and some will even pass me in the turn. It's just a matter of time. The lot right next to me has two crosses on it. There's some homes a little bit down from us and the other day they were pulling out of their driveway with a trailer and I was praying they weren't going to get

sideswiped because there is no way on that curve that anybody could see them coming from either side. I know they've given me the reports from the speed study and I was looking at all of those as well, but from just living out here and seeing the increase in traffic that I've seen in a year and half not to mention the wildlife.

We have a herd of Bighorn sheep that come right into my yard and hang out there. They are not like deer and are pretty lazy animals and we lost a couple of them last year crossing the highway. Just yesterday coming back home there were about 20 turkeys going across the road and I stopped and the gentleman behind me laid on his horn. I wasn't going to take out all the turkeys so I had to stop on the highway. Those are the things you see and more and more and more road rage on it as well. I wanted to give my two cents on it. As well as living right here off it as well. I'm in support of doing something. We have a wildlife crossing sign and I don't know how many feet from where we change to 70 mph on that first corner before the three mile marker. It just seems to me that it should be moved further out of town. If you drive through that there are a lot of homes on this two-lane highway and at that point they're already at 55 mph. People are traveling and a lot of them don't slow down until they hit the 45 mph sign which is almost to J. Neil's Park. They travel that 55 mph area pretty close to 65-70 mph most of the time. I did speak to Jim Mitchell this morning and he was wanting to go but couldn't because of medical issues. He was hoping to zoom because he really wanted to speak. This is very dear to him as well. Thank you for your time.

Commissioner Aspenlieder moved to approve the Speed Limit Recommendation Montana 37 (P-33) – Libby. Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 12: Speed Limit Recommendation Rapelje Road (S-478) – Big Timber

Dustin Rouse presented the Speed Limit Recommendation, Rapelje Road (S-478) – Big Timber to the Commission. Sweet Grass County submitted a request for a speed limit study on Rapelje Road for the purpose of determining the posted speed limit. The posted speed limit has varied between 30-mph and 40-mph with other positions remaining unposted. MDT was unable to find documentation for the speed limit and the documentation provided by the county was inconclusive.

Rapelje Road was last improved in 2022. Typical sections are comprised of two paved 12-foot travel lanes with no shoulders for the first 5.24 miles. After this the typical section has a 20-foot gravel surface. AADT volumes range from 650 vehicles near the intersection with US 191 to 25 vehicles nearing the intersection with Stephens Hill Road. Most of the traffic occurs on the paved portion of the roadway. Adjacent roadside development consists of agricultural land, recreational access, and residential. The study area is rural and consists primarily of open land used for agricultural purposes or owned by the federal government after the intersection with Howie Road. Residential development is primarily concentrated between the intersection of US 191 and Howie Road.

The speed profile shows prevailing speeds are primarily around 50-mph. Within the paved portion of the roadway the 85th percentile was recorded around 48-mph in the posted 40-mph speed zone and 53-mph in the unposted assumed 50-mph speed zone. The unposted gravel segment showed prevailing speeds based on the 85th percentile around 49-mph. Consideration to rising the 40-mph speed limit could have been made but because of the existing development and lack of a shoulder would have been unreasonable. There was an elevated crash rate observed on the paved portion of Rapelje Road after the intersection of Howie Road indicating the

use of the rounded down 85th percentile should be considered. Traffic volumes were low on the rest of the roadway after the pavement ended. Therefore, even though use of the 50th percentile could be considered because of the narrow lanes the limited traffic indicated continued use of the 85th percentile was appropriate.

Sweet Grass County does not fully agree with MDT's recommendation. They propose a 40-mph speed limit beginning at the intersection with US 191 and continuing to the intersection with Howie Road and a 45-mph speed limit from the intersection with Howie Road to the end of S-478, Rapelje Road, at the intersection with Stephens Hill Road. The 40-mph speed limit is in agreement with MDT's recommendation and the 45-mph speed limit is 5-mph below the recommendation. Sweet Grass County's justification is for safety, maintenance, and uniformity with other roads within the county since the majority of the roadway is gravel. Their letter is attached.

MDT went back and reviewed the data for both the paved portion and gravel portion of Rapelje Road. The two segments do behave differently. A 50-mph speed limit is appropriate for the paved portion of Rapelje Road after the intersection with Howie Road. Prevailing speeds were around 50-mph with the 85th percentile and upper limit of the pace being just above 50-mph. However, when looking at the unpaved portion of the roadway prevailing speeds were primarily below 50-mph. On average the 85th percentile speeds were around 49-mph, and the pace was around 46-mph. Given that prevailing speeds on the paved portion and the gravel portion are different when observed separately as well as the narrower road widths MDT does not have any objections to reducing the speed limit on the gravel portion of Rapelje Road.

MDT recommends the following speed limits:

A 40-mph speed limit beginning at the intersection with US 191 (straight-line station 0.00) and continuing east to the intersection with Howie Road (straight-line station 2.06), an approximate distance of 2.06-miles.

A 50-mph speed limit beginning at the intersection with Howie Road (straight-line station 2.06) and continuing east to the end of pavement (straight-line station 5.24), an approximate distance of 3.18-miles.

A 45-mph speed limit beginning at the end of pavement (straight-line station 5.24) and continuing east to the intersection with Stephens Hill Road (straight-line station 21.96), an approximate distance of 16.72-miles.

Commissioner Sansaver moved to approve the Speed Limit Recommendation Rapelje Road (S-478) – Big Timber. Commissioner Swartz seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 13: Speed Limit Recommendation US 2 (N-1) – Happy's Inn

Dustin Rouse presented the Speed Limit Recommendation, US 2 (N-1) – Happy's Inn to the Commission. Lincoln County submitted a request for a speed limit study for the purpose of reducing the existing 70-mph speed limit through the community of Happy's Inn preferably to 45-mph. After reviewing the study area, it was determined the study would extend approximately 2-miles east and west of the community beginning at milepost 70 and continue to milepost 74.

The speed profile based on the 85th percentile and upper limit of the pace shows drivers for the most part travel within ± 3 -mph of the 70-mph statutory speed limit. Roadway context indicates the speed limit is appropriately set and should be based on the 85th percentile. There is little development in this rural area to indicate a reduce speed would be necessary. MDT did notice that use of the rounded down 85th percentile could be considered around the community of Happy's Inn because of the increased approach density. However, this still results in a speed limit of 70-mph.

Lincoln County does not agree with the recommendation of no change. They request that the speed limit be reduced to 45-mph with appropriate transitions from Crystal Lake Road to East of West Camp Road. The request is based on the "rapid increase in growth and area use", the approval of "several large subdivisions", "potential commercial highway frontage lots", "a developing RV park", the "substantial increase in business" for Happy's Inn, "several fatal accidents", "numerous non-fatal accidents", and access to US 2 for the Fisher River Volunteer Fire Department and Solid Waste Transfer Station. Their letter is attached.

Local residents provided extensive comments with the majority appearing to not support MDT's recommendation. Some comments were received indicating support for not changing the speed limit. The majority of their concerns involve entering and exiting the highway, congestion, the number of fatalities, the number of crashes, people already exceeding the speed limit, illegal passing, Happy's Inn, pedestrians, bicycles, different types of recreational vehicles, the fire department, and population growth. Other comments referenced concerns regarding wildlife, a school bus stop, children, pets, and lack of enforcement. All public comments received from Lincoln County have been attached.

After reviewing the comments MDT went back and reviewed the data collected along with the photographs provided. A further review of the crashes in the most recent 10-years (2012-2021) was also completed. There was a total of 34 crashes over the past 10-years with 13 being injury related. None of the crashes resulted in a fatality. When reviewing the traffic volumes and the study area it was determined that there was not an elevated crash rate. However, focusing directly on the 0.75-miles directly in front of Happy's Inn there was an elevated crash rate for injury crashes. Based on this new information a 5-mph reduction to match the 50th percentile speeds could be considered through the community of Happy's Inn. Outside of Happy's Inn the 50th percentile was just below 70-mph. However, the 65-mph speed limit would be shorter than national recommendations and a permitted reduced event speed limit would be more effective.

In regard to the other concerns voiced, MDT did review the growth in the area, Happy's Inn events, congestion, sight obstructions, and other road users. The 2020 census does show that the community has grown about 9-percent over the past 10-years. Further growth is planned for and as shown by the census likely to occur over the next ten years. From what has been gathered and provided the planned growth being discussed has no date associated with it and could occur this year or never. Most of the concerns associated with pedestrians, congestion, and sight obstructions likely occur during the events that Happy's Inn has primarily during the summer months. MDT personnel did not observe any pedestrians or other vulnerable road users but does recognize that there is a worn path off the roadway and pictures showing pedestrians crossing the road during an event at Happy's Inn. Currently the roadway is functioning at about 4-percent capacity. Pictures show that during an event congestion occurs and drastically reduce capacity with US 2 being used as an extension to the parking lot. Happy's Inn has plans to construct a larger parking lot to prevent US 2 from being used for parking which restricts sight distance and capacity. Although not directly measured in the field aerial measurements show sight distances adequate for speeds well above the posted speed limit.

MDT would like to stress the following facts: speed limits are based on the average day not event traffic and current conditions do not support a reduction in the speed limit. Moving forward Happy's Inn should contact MDT and acquire permitting to temporarily reduce the speed limit for their large events. Responding to an emergency is considered an event and MCA law allows the fire department to disregard some traffic laws if the action can be done safely. Future development can be considered but only affects the speed limit when it is occurring in the immediate future along the roadway. Furthermore, speed data collected shows that the prevailing speeds are 25-mph and 15-mph above the requested 45-mph and 55-mph speed limits respectively. The requested speed limits are associated with below the 1st to 15th percentile and on average the 5th percentile. MDT does not recommend setting speed limits below the speeds of on average over 95-percent of existing drivers. MDT does acknowledge the fact that speed increases the severity of the crashes but speed differentials increase the crash rates. Research conducted by MDT shows that speed limits posted 10-mph below the engineering recommendations result in fewer overall crashes but elevated number of fatal and injury crashes. There have been concerns voiced on the amount of enforcement available for the area.

Staff recommendation:

MDT recommends "No Change" to the existing speed limit at this time and the Missoula District work with Happy's Inn to permit temporary speed reductions for large events.

Commissioner Sansaver said basically the request was to have permission to post reduced speed limits during activities. Dustin Rouse said the request is for a permanent speed limit reduction. Commissioner Sansaver said other than that part of the request they are asking for permission to post reduced speed limits during large gatherings. Dustin Rouse said their request is a permanent posting of 45 mph on Hwy 2 during events and for the rest of the year.

Brent Teske, Lincoln County Commissioner, Libby

Happy's Inn is in my district. To answer that question the "ask" was never to set this up around events or restrict speeds during events. Currently when they have events they put out signage but don't have any speed recommendation on the sign, it just notes there is an event. The request is for a full-time speed reduction. The issue out there again is unfortunately Lincoln County and Libby have been discovered so we're getting a lot of overflow out of the Flathead, out of Missoula, and Missoula is getting it out of Bozeman and you know how it filters. With that being said with the increase in values, a number of developers have put in developments out there which has increased the amount of houses and potential houses. One of the subdivisions is commercial property adjacent to the highway with potential for development as well.

The folks who bought Happy's Inn approximately five-to-six years ago, have really taken the business from a sleepy little roadside stop to a destination. The things that are going on there non-event driven are again the Thompson Chain of Lakes because this location is half way between Libby and Kalispell. With the increase in Kalispell you can imagine it is difficult to find a place to camp and recreate on the Flathead so we're getting a lot of overflow from that. So that has increased the amount of traffic to Happy's Inn and the area with the Chain of Lakes. The campground and Horseshoe Road is where we're proposing this start and it is constantly packed. You can't get a camp spot in there and I've tried. It's tough because we're getting all that overflow traffic. That being said, Happy's Inn is doing a good job as a business taking advantage of that. They have proposed and are constructing a parking lot to take care of the overflow parking but unfortunately it is across the highway. So you have a parking lot full of people/pedestrians crossing the highway. That's going to present an issue in itself. They are also building a 69 lot RV park directly across the highway from their business. They purchased the Kicking Horse which is a food and

bar establishment across the street. So there's a lot of transitional traffic during events going back and forth across the highway.

The event driven concept of that being the only issue, I'd like to step away from that because that's not the only issue. It is the fact that with everything they are doing like putting in a larger store, a larger restaurant venue, outside seating, and they've increased their fuel pumps. It used to be that if you went to Happy's Inn to get fuel you'd better get a loan on your way out because it was so remote. They realized they needed to do better so they put in new tanks, new pumps and now they are able to provide fuel at a cheaper rate so a lot of folks are going there that are recreating out there.

The whole chain of lakes issue is something we deal with quite a bit with development out there and there are a lot of concerns about the growth. With that comes these types of growing pains where we have a small community that is growing and there is no doubt in my mind that it is going to be the next community in Lincoln County. Currently we have some other communities along the way on some of the highways and we've made concessions for those communities and that is what the folks from this community is looking at. We've got a 55 mph speed zone in front of Savage Lake, a small community with zero commercial access. There are no businesses accessing the highway there, it's just residential and some connector roads. They want to know why they can't have the same thing. Farther down the road at Bull Lake with one commercial bar and restaurant and all the rest being residential and that speed zone is three miles long. The confusion and the problem is they just don't understand why they can't get the same type of consideration for their community that is rapidly growing on a major highway. If you look at the profile of this it is all real straight stretches with some small rises in it. One of the things is the site issue coming from the west traveling east, you drop over a little knob and you're just there at a mini storage, homes, and Happy's Inn. That is where a lot of the people trying to access the highway are having problems. The fatality accident that I talked to the Chairman about yesterday happened in 2010.

Something else that I'm not sure why it's not showing in your statistics, but within the last five years there was a motorcycle fatality out there. I was on the scene for that and I don't know why it's not showing up. It was during a 4th of July event.

There is just such rapid growth out there happening right now and potential for more growth. I know that is hard to consider but these folks are desperate. I took Mr. Vosen and we went out there and had a public meeting with approximately 50 people in the restaurant. All voiced their concerns. He took a beating. He is well aware of the issue as well.

Commissioner Frazier asked if this area was looking at becoming an incorporated town. Brent Teske said I think it is possible. The postal issue and there are kind of two factions out there right now – the folks who have had cabins on the lake for 100 years don't want to see any new development and the folks who are moving out there are obviously moving forward with development. If they can get all their stuff together I could see that happening. One of the things that the community does agree on is every Thursday night they have Bingo night and the whole community rolls into this facility for Bingo. I was told not to schedule any meetings for Thursday night. I think they are coming around. As development happens and things get bigger, especially if there is any more commercial along that highway, I could see that possibility. We've got other small communities like that in Lincoln County.

I talked to Rep. Gundersen who is a representative from up there, and he wants to propose a bill about emergency service accesses onto the highway. The concern is that Fisher River Volunteer Fire Department is just off the side of the highway and they access within a few hundred feet. The majority of their response is to medical issues – traffic accidents, home conditions and they are increasing call number

volumes. They are a lot more active than they used to be. That would also help us with the issue on Bull Lake as well because the Bull Lake Fire Department is the only fire department up there adjacent to the highway.

Steve Howke, Representative Zinke's Rep said if you guys do not have the letter from the Fire Chief, I'd be happy to read it. Commissioner Frazier said we have that one on record. Thank you.

Commissioner Sansaver asked how many miles they were talking about. Brent Teske said the reduced area in front of Happy's Inn is probably less than a mile because it steps down and starts at Horseshoe Lake Road, transitions through, and then starts to ramp up again just right past West Camp. That's not that long of a distance.

Brent Teske said one other thing is we've recently been closing down green trash sites and consolidating it into a larger transfer stations. So for that whole community that transfer station is off West Camp Road which is the same road the fire department uses. So we have additional traffic on that road.

Commissioner Sansaver asked about the projected time line for these other developments such as the parking lot and RV Park. Brent Teske said they've purchased the property for the parking lot and have graded it. It was supposed to be done this summer, so any time soon. Again, it is on the wrong side of the road so you're going to have a lot of pedestrian traffic coming across where West Camp Road is. The RV Park is in preliminary plat subject to DEQ review for the water and septic. Probably the second biggest public hearing we've ever had. The other subdivisions just off the map are already approved and there's been homes built in those and are currently for sale. Just down the road is another subdivision which is open and in final plating. Even as far as the other end of the big long straight stretch there is a big subdivision proposed and is in preliminary plat right now which is just going to add traffic and trips to Happy's Inn.

Commissioner Frazier said in your letter you stated you were asking for a 45 mph speed zone from Crystal Lake Road to east of West Camp Road. Brent Teske said I would request it from Horseshoe Lake Road which is not that far from Crystal Lake Road. The thing is that from Horseshoe Lake Road and Crystal Lake Road there is a mini storage facility and the homes begin along the highway there and across from that is a gated subdivision that has traffic and an issue right there. So my request is from Horseshoe Lake Road to just east of West Camp Road. I don't know how you graduate that but I've seen it done in stages and I would leave that up to you.

Commissioner Frazier asked where Horseshoe Lake Road was on the map. I see Bootjack. Brent Teske said Brookway is actually Horseshoe Lake Road on the map. You can see it entails that turn in the road. Commissioner Frazier said you are asking for three quarters of a mile.

Commissioner Aspenlieder said I'll start this question with System's Impacts. With these developments, particularly the parking lot for Happy's Inn and the RV Park which is going through local owner plat and will go final plat, I assume System Impact has seen some applications for approaches on Hwy 2, do you have any idea where we're at on that? Answer: No I don't off the top of my head. Some of these would be with our Maintenance folks and the division would handle it and the bigger stuff would come to us. I can check and get back to you. Mr. Vosen said I believe my staff is working on that but I've not been involved in those at this point. I can get an update and get back to you. Brent Teske said the subdivision review and the preliminary plat approval for the RV Park has to go through that process with the state. We don't allow them to put in an approach without the state permit. The parking lot is a different story because that doesn't have to go through a review with us. I don't know what the status of that is. I don't know if they are permitting that or not. Some of the access points along that long straight stretch already had

approaches but I don't know if they took advantage of that or not. The RV Park is in that process. Commissioner Aspenlieder said in your preliminary plat review and approval for the RV Park, are they proposing approaches on Hwy 2 or back onto West Camp. Brent Teske said on Hwy 2 directly across from Happy's Inn there will be an approach from West Camp but it's strictly fire access because the fire department is directly across the street. That was one of the sticky-wickets with the public and that was a concession they made for fire access so the fire department doesn't have to go out on the highway and turn and come right back in. Public access will be off the highway.

Commissioner Aspenlieder said where I'm going with this whole series of questions is if we already know we have a problem there and then we're proposing further development that is only going to exacerbate the problem, I have a real problem making modifications to highway systems because a business is exacerbating a problem that they already know about. For you as the local jurisdiction I would hope that you would take that into consideration as well in the platting process. I don't know why we would not route that traffic in and out of West Camp, an established intersection with Hwy 2 already instead of clustering more and I would hope as you go through Systems Impact that's a serious conversation and comment. I have a hard time with adding major parking across a 70-mph highway. That seems like a really dumb thing to do in my perspective. I understand development, that's what I do for a living, and I understand there are land restrictions but what it feels like to me is we're getting asked to change this area for the traveling public because the local community is not developing in a manner that is making it better for themselves. They are making the problem worse and asking us to fix the problem that they are continuing to compound. I have a whole lot of problems with all of that. So I guess if it pleases the commissioner, I'm going to be a no vote on this and support staff's recommendation. If we think it's prudent to add more information based on how this development is coming in and out, I would support tabling it to get a better understanding from Systems Impact as to where they are at and what that's going to do to this area and tabling this until we have that. But otherwise I'm going to support staff's recommendation.

Commissioner Sansaver said I agree with that. I was going to ask our staff about the variables, the variations from reducing the speed from 70 mph to 45 mph and how many miles out do you go to get to that. I agree with Commissioner Aspenlieder that if there are plans out there I would think it would be prudent to get that community to gather up all the plans. If we change this to 45 mph and then they have another development within the community coming off a different road, which might be the one you call Horseshoe Lake Road and that would affect that speed study as well. Being considerate of the needs and the wants of the community, I think the community needs to get together and be better organized for how to approach this area and the possibility of turning it into an incorporated community. There are provisions for that if it is an incorporated community. I'm inclined to agree with Commissioner Aspenlieder that we table this until more information is provided to our staff on how to make it safer. I appreciate your input and what you're doing is not easy with an entire community to face when you go back but we have an entire state to face. We do trust and respect our staff who does such a great job with these speed studies. I agree with leaving it the way it is for right now.

Commissioner Sanders said I would be in favor of tabling this as well. This is a tough subject for our new Commissioner to come into. For that alone I think these other points are valid as well but I think putting this on the table and allowing him to get his feet wet before having to weigh in on something that is a bit contentious. So I'm in favor of that as well.

Mr. Vosen said I appreciate the thought of being able to table this and allow me to get with the new Commissioner and have some in depth discussion and help to explain the situation. It is a challenging situation and not the norm. I did find that

the permit for the RV Park is approved and their proposal indicates 200 trips per day. So it doesn't go through the Systems Impact process based on that.

Commissioner Aspenlieder said I'm all in favor of tabling this to build a little bit better conversation about how this is all going to build out. I would ask staff and Commissioner Teske to see with the road and proposed modifications if there are any safety projects eligible for this. It seems like we're treating a symptom and not fixing a problem. Maybe that is some geometric work with turn lanes or things like that in this area and with a little bigger perspective, we can come up with an actual plan. I don't know what that looks like from the district's perspective without giving our new Commissioner some time to talk with Mr. Vosen. If we do table it, I would ask staff to take a more global look at that. I also find it hard to believe that with an RV Park applying for an approach permit on a congested problematic area that that didn't trigger a systems impact review. I can't put a driveway in without getting a systems impact.

Brent Teske said regarding the development of the area. The Thompson Chain of Lakes does have a community plan that was done in 2010 and are revising it right now because of what's happened out there. At that time there were a couple of businesses that have since gone away. Unfortunately all of those businesses access Hwy 2 directly. As that development happens, there is no plan for what they've got laid out for an access road or a secondary road – they are built right out to the edge of the right of way and then access off the road. It's kind of a narrow tight area there. When Happy's Inn was built, it was the first water stop along the wagon trail and the road was very narrow. As it's progressed out it is in the right of way or right on the right of way. It has created issues there with a lot of encroachment problems. They are in the process of revising that plan. I agree with your perspective that they do need to be more cognizant of the impact of these things. Everybody involved in this kind of growth knows the needs of that but again it comes down to available land. The parking lot was a nice fix for the hundreds of cars on the side of the road but it's going to create additional issues.

Commissioner Aspenlieder moved to Table the Speed Limit Recommendation for US 2 (N-1) – Happy's Inn. Commissioner Sansaver seconded the motion. Commissioners Aspenlieder, Sansaver, Sanders and Swartz voted aye. Commissioner Frazier voted nay.

Tabled

Agenda Item 14: Speed Limit Recommendation US 93 (N-5) – Rollins

Dustin Rouse presented the Speed Limit Recommendation, US 93 (N-5) – Rollins to the Commission. Lake County submitted a request on behalf of the community of Rollins for a speed study for the purpose of reducing the 70-mph speed limit to 50-mph.

The speed profile shows that the prevailing speeds along US 93 match with the set speed limits with the 85th percentile and upper limit of the pace being for the most part within ± 2 -mph of the statutory 70-mph speed limit. Approximately 62-percent of drivers were on average observed traveling within 10-mph of each other. Based on the elevated crash rates throughout the study it would be advisable to reduce the speed limit and use the rounded down 85th and closest 50th percentile. Both result in a speed limit recommendation of 65-mph. The crashes primarily occur north of milepost 87 and therefore further extension of the 65-mph speed limit south is not recommended.

Lake County Commissioners do not agree with MDT's recommendation and request the proposed 65-mph speed limit be reduced to 55-mph. The decision is based off public comment received by the county. Their letter is attached.

MDT would like the Transportation Commission to be aware that the prevailing speeds based on the 85th percentile and upper limit of the pace are primarily around the statutory 70-mph speed limit. There were elevated crash rates in the area indicating use of the 50th percentile to set the speed limit. The 50th percentile speeds ranged from 61-mph to 72-mph with an average of 68-mph over the length of the study. Within the region between Northaire Lane and milepost 93, the 50th percentile speeds were on average 66-mph. Lake County's recommendation is approximately 10-mph below the engineering recommendation and the 50th percentile. A 55-mph speed limit equates to on average the 7th percentile. MDT does not recommend setting speed limits below the 50th percentile. Furthermore, a study by MDT shows setting speed limits 10-mph below the engineering recommendation results in fewer overall crashes but an elevated number of fatal and injury crashes. Without additional enforcement a 55-mph speed limit would unlikely produce the desired results and may make the area less safe for drivers.

MDT recommends the following speed limits:

No change to the existing statutory 70-mph speed limit prior to approximately 490-feet north of the intersection with Northaire Lane.

A 65-mph speed limit beginning approximately 490-feet north of the intersection with Northaire Lane (straight-line station 76+00) and continuing north to milepost 93 (straight-line station 1538+50), an approximate distance of 6.61-miles.

No change to the existing statutory 70-mph speed limit continuing north of milepost 93. Another speed study will be conducted during the summer of 2023 extending north from this point through the community of Lakeside.

You may have seen in the comments received there was a lot of reference to the Lakeside area and that is being studied to present to you at a future date.

David Leonard, Rollins

I'm a resident here in Rollins. I'm organizing and sending you information from the residence here regarding their thoughts on the speed going through Rollins. You know 70 mph through somebody's home town is a significant speed. We took a look at the other communities around us, Big Arm and Elmo, and both of them have a graduated reduced speed zone from 70-55-45-55-70 mph. We have Lakeside to the north which has similar speed reduction zones. We're wondering what the difference is between Big Arm, Elmo and us to the State. Earlier I heard the state gentleman talking about how they want to keep the speed up to a point where everybody driving the road is happy; we don't want unhappy people driving the road otherwise we get road rage. I think that when you set a speed limit through a town that is too high, you automatically are going to increase the rage because this is a town. We're a town of people and we mill about here and if you're going to allow people to roll through here at significance speeds because they're told they can, then they come up against people who are just getting out on the road to go down to the post office or the store or the neighbor's house, they are not interested in plowing their foot into the fire wall and getting up to 70 mph to accommodate these people. I also think that when you do a speed study and you've already set the speed, it seems to be a self-fulfilling prophecy. So why wouldn't the 85th percentile of people be within a few miles an hour of the speed that you set? I contend that if it was 60 mph out there you'd get a similar result and people would be within a few miles per hour of that speed. Everywhere I travel, you go through rural towns and people's home towns and

nothing changes, people expect to slow down when they go through people's home towns. It is a normal thing to do but it's not happening here in Rollins and we are wondering why we're really the only community on this lake that does not have a speed reduction zone to protect the welfare of the folks who live here. Thank you.

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

The motion passed unanimously.

Agenda Item 15: Speed Limit Recommendation Montana 35 (P-52) – Creston

Dustin Rouse presented the Speed Limit Recommendation, Montana 35 (P-52) – Creston. Flathead County requested a speed study be performed on Highway 35 from the intersection with Highway 206 (milepost 45) to the intersection with Highway 82 (milepost 34) for the purpose of reviewing the speed limit transitions around the Creston Elementary School.

The speed profile shows prevailing speeds along Montana 35 match with the set speed limits. The 85th percentile speeds and upper limits of the pace are for the most part within ± 3 -mph of the statutory 70-mph speed limit. Drivers were observed having difficulties reducing speeds through Creston and roadway context indicates setting the speed limit based off the 50th percentile is advisable in this area. Appropriate transitional speed zones should be put in place when approaching the community of Creston from the north and south. Along with an appropriate 45-mph speed limit through the community. Speed zones under 50-mph are recommended to be at least 1,600-feet long. For speed zones posted at 50-mph and 55-mph they should be at least a half mile long. After applying appropriate transitional speed zones maintaining the 70-mph speed limit to the north was no longer advisable and a continuous 65-mph speed limit is recommended.

Comments were not received from Flathead County however county officials did forward a letter from the Creston School Board. The school board concurs with MDT's recommendation. Their letter is attached.

MDT recommend the following speed limits:

No Change to the existing 70-mph speed limit south of Creston.

A 55-mph speed limit beginning 110-feet south of the intersection with Broeder Loop (North) (straight-line station 401+50) and continuing north to a point 700-feet south of the intersection with Creston Road (straight-line station 429+00), an approximate distance of 2,750-feet.

A 45-mph speed limit beginning 700-feet south of the intersection with Creston Road (straight-line station 429+00) and continuing north to a point approximately 230-feet north of the intersection with Creston Trail (straight-line station 446+90), an approximate distance of 1,790-feet.

A 55-mph speed limit beginning 230-feet north of the intersection with Creston Trail (straight-line station 446+90) and continuing north to a point approximately 1,480-feet south of the intersection with Egan Slough Road (straight-line station 473+90), an approximate distance of 2,600-feet.

A 65-mph speed limit beginning approximately 1480-feet south of the intersection with Egan Slough Road (straight-line station 473+90) and

continuing north to the existing 65-mph to 55-mph transition (straight-line station 760+75), an approximate distance of 5.43-miles.

The school zone will be active Monday through Friday 7:30am to 4:30pm and will have the following limits:

A 35-mph school zone beginning 500-feet south of the intersection with Creston Road (straight-line station 431+00) and continuing north to a point approximately 30-feet north of Creston Trail (straight-line station 444+90), an approximate distance of 1,390-feet.

Commissioner Sansaver moved to approve the Speed Limit Recommendation, Montana 35 (P-52) – Creston. Commissioner Swartz seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 16: Speed Limit Recommendation Montana 83 (P-83) – Bigfork

Dustin Rouse presented the Speed Limit Recommendation, Montana 83 (P-83) – Bigfork to the Commission. Flathead County submitted a request for a speed limit study for the purpose of reviewing the Swan River School Zone on Montana 83. After further review MDT expanded the study area to begin at milepost 85 and continue to the intersection with Montana 35.

Prevailing speeds along Montana 83 are primarily at or above the posted speed limit except when approaching the intersection with Montana 35. This would indicate the speed limits are set appropriately. However, the observed crash rates and reduced shoulder widths indicate the use of the rounded down 85th percentile. The high number of school-aged children year-round within the 45-mph speed zone indicates the use of the rounded down 50th percentile is advisable. This will result in maintaining the 45-mph school zone speed limit year-round. Appropriate transitions between the school zone speed limit and the 70-mph speed limits is recommended and results in a 55-mph speed zone between the Swan River School and the intersection with Montana 35.

No comments were ever received from Flathead County. There were also no comments received from the Swan River School. Therefore, MDT assumes concurrence.

MDT recommends the following speed limits:

No Change to the Statutory 70-mph speed limit with a reduced 55-mph nighttime speed limit continuing south from a point approximately 2,320-feet south of milepost 88 (straight-line station 4623+00).

A 55-mph speed limit beginning 2,320-feet south of milepost 88 (straight-line station 4623+00) and continuing north to a point 330-feet north of milepost 88 (straight-line station 4649+50), an approximate distance of 2,650-feet.

A 45-mph speed limit beginning approximately 330-feet north of milepost 88 (straight-line station 4649+50) and continuing north to a point approximately 1,110-feet north of the intersection with Echo Lake Road (straight-line station 4676+50), an approximate distance of 2,700-feet.

A 55-mph speed limit beginning approximately 1,110-feet north of the intersection with Echo Lake Road (straight-line station 4676+50) and

continuing north to the intersection with Montana 35 (straight-line station 4810+00), an approximate distance of 2.53-miles.

Commissioner Sansaver moved to approve the Speed Limit Recommendation, Montana 83 (P-83) – Bigfork. Commissioner Swartz seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 17: Speed Limit Recommendation Old Highway 10 (x-32235) – Clinton

Dustin Rouse presented the Speed Limit Recommendation, Old Highway 10 (x-32235) – Clinton to the Commission. Missoula County had previously requested a speed study on Secondary 210 and a small portion of X-32235 (Old Highway 10). There was a desire for a speed reduction on Old Highway 10 after the speed study was completed. Unfortunately, MDT did not have enough data to make a recommendation for X-32235 and therefore proposed an interim speed limit until a more complete study could be accomplished. .

The prevailing speeds along X-32235 are for the most part under the interim speed limits of 45-mph and 55-mph. An elevated crash rate for the low traffic volumes further supports reduction of the speed limit. Therefore, it is recommended to post a 40-mph speed limit west of Wallace Creek Road and a 50-mph speed limit east of the Wallace Creek intersection based on the rounded down 85th percentile speeds.

Missoula County shared MDT's recommendations with the Bonner Community Council and both were in support of the recommendation. Missoula County's letter is attached.

MDT recommends the following speed limits:

A 40-mph speed limit beginning at the I-90 Overpass, the beginning of X-32235, (straight-line station 0+00) and continuing east to the intersection with Wallace Creek Road on X-32235 (straight-line station 17+00), an approximate distance of 1,700-feet.

A 50-mph speed limit beginning at the intersection with Wallace Creek Road (straight-line station 17+00) and continuing to the end of X-32235 (straight-line station 147+50), an approximate distance of 2.47-miles.

Commissioner Frazier said this is one where we posted at 55 mph and people are actually driving slower. I just want to point out that a piece of sheet metal on a stick doesn't affect how people drive.

Commissioner Sansaver moved to approve the Speed Limit Recommendation, Old Highway 10 (x-32235) – Clinton. Commissioner Aspenlieder seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 18: Certificates of Completion May & June 2023

Jake Goettle presented the Certificates of Completion for May & June 2023 to the Commission for review and approval. Staff recommends approval.

Commissioner Aspenlieder moved to approve the Certificates of Completion for May & June 2023. Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 19: Discussion and Follow-up

Director Malcolm “Mack” Long

New Commissioner for District 1

We welcome the new Commissioner Kody Swartz for District 1. We appreciate your time and effort and energy and look forward to having you as part of the Commission.

Fish, Wildlife and Parks

The Commissioner had asked us to make sure we stayed in touch with Fish, Wildlife and Parks. We have been trying to have monthly meetings. We are working together and we brought up the issue of how to cost share and work together when we have projects that coincide. We are starting to do that and can report the Director Temple said he was willing to consider that. He has to take it before his Commission. So we are working well together now. Thank you for suggesting it and it has been very fruitful. It is interesting as other things happen with wildlife throughout the state that it is good to have a good dialogue with them.

District Updates

You have a handout of the monthly meeting with the Governor by districts that gives an update of their top three projects and their highs and lows for the month. This is what I share with the Governor and I want to make sure we share it with the Commission so you can see their top projects and what is happening in the districts with highs and lows.

Load Posting on Bridges Update

The other handout is an update on where we are with load posted bridges on system and off system and how we are going to look at those. We wanted share where we are with both on-system and off-system bridges for load posting and our goals.

Railroad Bridges

Dustin and I met with Burlington Northern, BNSF, and it is still railroad until January. They've got their temporary bridge open and BNSF said they will eventually within the next 5-8 years redo that bridge. They've got it open but its temporary. We brought a list of different items we need to coordinate with them. They gave it to their main guy in Fort Worth and had a good response but we don't have rose colored glasses on. We've heard this before and they always give us positive responses. It's going to take an on-going dialogue. Now we know faces and names and have their business cards and we're going to keep that going. There is Orange Street in Missoula and Belgrade at-grade crossing, those are major ones to minor ones throughout the state making sure we get our project documentation back and not held up in the process.

Redistribution

We are planning on receiving about \$42 million in Redistribution this year, so we already have that scheduled. That is about \$12 million more than we reported at the last Commission meeting. This is due to staff and us using every bit of flexibility to be able to maximize what we can use. Again as we alluded to, the more we can get done here the more we have flexibility to look at other items.

Commissioner Aspenlieder asked if it was for on-system or off-system. Director Long said yes.

Agenda Item 20: National Electric Vehicle Infrastructure (NEVI) Program – Additions to NEVI Program (1 New Project)

Rob Stapley presented the National Electric Vehicle Infrastructure (NEVI) Program, Additions to the NEVI Program (1 New Project) to the Commission. The Infrastructure Investment and Jobs Act (IIJA) established the National Electric Vehicle Infrastructure (NEVI) Program - which provides funding to states to strategically deploy electric vehicle (EV) charging infrastructure. In Montana, NEVI funding supports the establishment of an interconnected network of EV charging infrastructure along designated Alternative Fuel Corridors (I-15, I-90, I-94, US-93, and US-2). Montana's total (five-year) allocation of NEVI funds is approximately \$43 million.

I'm going to go off script to fend off questions – I know we've got bridge issues and so no how come we're funding chargers. It is because this funding is specific for that and there's no flexibility for us to use this funding for other areas.

Project priorities for the NEVI Program are established jointly by MDT and the Montana Department of Environmental Quality (DEQ) – consistent with the state's Electric Vehicle (EV) Infrastructure Deployment Plan. It is anticipated that NEVI Program projects will be delivered via Alternative Contracting methods. Additionally, it is anticipated that all EV chargers will be located on private property and that no state resources will be utilized for non-federal match or operating costs.

At this time, MDT is advancing one (1) National Electric Vehicle Infrastructure (NEVI) Program project to address gaps in EV charging infrastructure along the Interstate Highway System. This project will help MDT adhere to federal requirements for spacing (a charging station every 50 miles along designated AFC corridors) and the location must be located within one mile of an exit.

MDT is requesting Commission approval to add one (1) National Electric Vehicle Infrastructure (NEVI) Program project to the highway program in order to address gaps in EV charging infrastructure along the Interstate Highway System. The proposed project was prioritized via the state's EV planning process and is consistent with the state's Electric Vehicle (EV) Infrastructure Deployment Plan. The estimated total cost for the project (all phases) is \$15,000,000 with the entirety of the federal funding originating from the NEVI Program. Additionally I would add this is a request for the program and we will come back to you with a request to use alternative contracting to actually move this forward. So this is the first step.

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

Commissioner Sansaver said when you say charging station, how many chargers are in that station. Rob Stapley said the requirement is four chargers.

Commissioner Sansaver asked if they were separate chargers or together. Is there a Walmart next to them? Rob Stapley said we're not making that decision. When we roll this out and do our RFP, they are going to tell us where they are going to put them. We are going to have requirements but they will tell us, based on the grid and based on who they are partnering with, where the proposed locations are.

Commissioner Sansaver said so basically they are going to talk to Tesla and say where they're going to put the charging station. Rob Stapley said probably not with Tesla because they roll out their own chargers. This will be separate from that.

Commissioner Sansaver asked if they will be able to plug a Ford into them. Rob Stapley said yes that is my understanding.

Commissioner Sansaver said I need to get from Wolf Point to Billings and right now I can't do that. Rob Stapley said this project will be on the Interstate so unfortunately there won't be anything around Glasgow. Commissioner Sansaver said so I could get to Miles City. Rob Stapley said correct.

Commissioner Sansaver said I try to stay ahead of the electric vehicle issues. How is this state going to fund that to the gas tax for the State of Montana? Are we going to keep track of that? Are we ahead of the curve there? I have a lot of people who ask me what that does to the taxpayers and the gas tax – are we paying for your electric vehicle. You're not putting gas in it so how is that working? Director Long said the Legislature passed an electric vehicle registration charge so now any electric vehicle registered in Montana pays a \$130 fee to offset the gas tax. They pay it each year. The average Montanan pays about \$153 per year in gas tax so the electric vehicles are roughly keeping up with that. There are only about 3,000 electric vehicles registered so it's not going to make \$390,000.

Director Long said the second the Legislature did that we were on the cutting edge of this, in looking at charging a kilowatt tax. There are other states who have studied it and have the authority to do it but no one has actually implemented it. We are in the process of rulemaking trying to see exactly how that would work.

Commissioner Sansaver asked if that would be beyond the standard \$130. Director Long said yes. That is one of the issues we're looking at – someone who has paid their \$130 and also paid this, how do they get refunded so they don't pay both. Why we're looking at the kilowatt is because a lot of tourists come through Montana and that way their paying for their use. Right now our fuel tax is collected from a fuel distributor but this is a way to get that tax. So whatever is used for that bank of chargers is taxed.

This is basically what they did with the VW settlement – they did a lot of RFPs and they let it be Design Build. So again it is not owned or operated by the State. They have let 16 of those and 12 of them have gone to Town Pump. Town Pump is seeing an advantage to having them because they have their Casinos and Travel Stores so if it is a fast charger and you have to wait 45 minutes, they hope you go in and buy something like a five dollar coffee or three dollar pop or play the machines.

Commissioner Sansaver moved to approve the National Electric Vehicle Infrastructure (NEVI) Program, Additions to the NEVI Program (1 New Project). Commissioner Swartz seconded the motion. Commissioners Sansaver, Swartz and Sanders voted aye. Commissioners Frazier and Aspenlieder voted nye.

The motion passed.

**Agenda Item 21: Change Orders
May & June 2023**

Jake Goettle presented the Change Orders for May & June 2023 to the Commission. This is informational only.

Agenda Item 22: Letting Lists

Jake Goettle said we just presented the upcoming Letting List starting from the July 20th letting through the end of the federal fiscal year October 26th letting. This is for your information and no action is necessary.

Next Commission Meetings

The next Commission Conference Calls were scheduled for September 12, 2023 and October 24, 2023.

The next Commission Meeting was scheduled for October 26, 2023.

Meeting Adjourned

Commissioner Loren Frazier, Chairman
Montana Transportation Commission

Malcolm “Mack” Long, Director
Montana Department of Transportation

Lori K. Ryan, Secretary
Montana Transportation Commission