

Montana Transportation Commission

March 22, 2012 Meeting
Helena, Montana

IN ATTENDANCE

Kevin Howlett, Transportation Commissioner, Chairman
Barb Skelton, Transportation Commissioner (by proxy)
D. Winterburn, Transportation Commissioner
Rick Griffith, Transportation Commissioner
Carol Lambert, Transportation Commissioner
Tim Reardon, Director MDT
Lynn Zanto, Planning Administrator
Dwane Kailey, MDT Engineering
Lori Ryan, MDT
Dave Ohler, MDT
Kevin McLaury, FHWA

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

OPENING – Commissioner Kevin Howlett

Commissioner Howlett called the meeting to order. After the pledge of allegiance, Commissioner Howlett offered the invocation.

Agenda Item 1: Construction Projects on State Urban System - City of Livingston

Lynn Zanto presented the Construction Projects on State Urban System – City of Livingston. 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. MDT staff reaches out to local governments once per year in February to solicit local projects on state systems to ensure compliance with this statute.

Summary: The City of Livingston is planning to design and build a transportation improvement project on the state's Urban Highway System. This project will be funded with local funds and will use contract labor. In general, the public supports this project as it is part of Livingston's urban renewal effort to address infrastructure deficiencies and sidewalk hazards. Listed below is the location, scope, estimated cost, and the fiscal year of the planned project. A location map is attached.

The project will be designed with input and concurrence from MDT staff to the extent practicable. On behalf of the City of Livingston, as required by MCA 60-2-111, the Planning staff is requesting that the Transportation Commission delegate authority to the city of Livingston to let and award this contract on the state's Urban Highway System as listed below:

On-system Locations: B Street (U-7411) from E Park Street (P-11) to E Geysers Street (U-7410)

Type of Work: Street replacement – water mains, sewer lines, storm drains, curb & gutter, paving, new crosswalks, street lights

Cost Estimate: \$1,000,000*

Fiscal Year: 2012

* Cost estimate includes improvements for off-system locations, one block each, on Calendar and C Streets.

Staff recommends the Commission delegate its authority to let, award and administer the contract for this project to the City of Livingston pending concurrence of the Chief Engineer.

Commissioner Griffith moved to approve the Construction Projects on State Urban System – City of Livingston. Commissioner Winterburn seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 2: Construction Project on State Urban System – City of Bozeman

Lynn Zanto presented the Construction Project on State Urban System – City of Bozeman. 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. MDT staff reaches out to local governments once per year in February to solicit local projects on state systems to ensure compliance with this statute.

Summary: The City of Bozeman is planning to design and build transportation improvement projects on the state’s Urban Highway System. These projects will be funded with street maintenance funds, an SID on South 8th Avenue, and gas tax funds on Kagy Boulevard. The projects will use contract labor. The local government has conducted a public involvement process consisting of several meetings, including city commission meetings and one neighborhood meeting. In general, the public supports this project. Listed below are locations, scopes, estimated costs, and the fiscal year of the planned projects. Location maps are attached.

The projects will be designed with input and concurrence from MDT staff to the extent practicable. On behalf of the city of Bozeman, as required by MCA 60-2-111, the Planning staff is requesting that the Transportation Commission delegate authority to the City of Bozeman to let and award contracts on the Urban Highway System as listed below.

<u>Location</u>	<u>Type of Work</u>	<u>Cost (estimate)</u>	<u>Fiscal Year</u>
South 8 th Ave. (U-1205) from From W Harrison St. to W Main Street (P-50)	Reconstruct	\$1,500,000	2012
Kagy Blvd. (U-1212) from Highland Blvd. (U-1215) to Bozeman Trail Rd.	Overlay	\$170,000	2012

Staff recommends the Commission delegate its authority to let, award and administer the contract for these projects to the City of Bozeman pending concurrence of the Chief Engineer.

Commissioner Griffith moved to approve the Construction Project on State Urban System – City of Bozeman. Commissioner Lambert seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item No. 3: Construction Projects on State Urban System – City of Great Falls

Lynn Zanto presented the Construction Projects on State Urban System – City of Great Falls. 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. MDT staff reaches out to local governments once per year in February to solicit local projects on state systems to ensure compliance with this statute.

Summary: The City of Great Falls is planning a project to reconstruct and replace and install utilities on 9th Street South (U-5242) from 10th Avenue South to 17th Avenue South. This project will be funded by the city of Great Falls Utilities Division and Street Department. Once MDT and DEQ approve the project, it will be advertised and awarded to the lowest responsible bidder. Property owners in the affected area were notified twice, on July 5 and July 20, that the city was planning this project. The current estimated cost is \$1,485,000. The city hopes to complete the work this calendar year.

The project will be designed with input and concurrence from MDT staff to the extent practicable. On behalf of the City of Great Falls, as required by MCA 60-2-111, the Planning staff is requesting that the Transportation Commission delegate authority to the City of Great Falls to let and award contracts on the Urban Highway System as listed below:

<u>Location on 9th St. S (U-5242)</u>	<u>Type of Work</u>
From 10 th Ave. S to 17 th Ave. S	Replace water main
From 10 th Ave. S to 15 th Ave. S	Extend storm main & reconstruct 9 th St.
From 15 th Ave. S to 17 th Ave. S	Mill & overlay (includes part of the southern edge of the intersection at 10 th Ave. S).
Intersection at 9 th St. S & 10 th Ave. S pocket	Reconfigure south side to accommodate a left-turn for the Mall approach.
Intersection at 9 th St. & 13 th Ave. S	Reconfigure to make four-way stop and provide left-turn pockets on the north and south sides.

Staff recommends the Commission delegate its authority to let, award, and administer the contract for this project to the city of Great Falls pending concurrence of the Chief Engineer.

Commissioner Howlett asked Lynn about change orders and cost over-runs, how they are handled if the project is delegated out. Lynn said if it is major to the road they may coordinate with our District. Dwane Kailey said it depends on the change order. If it is just a change in quantities, that is delegated to the city. If it is a major change in the scope of the work, then they need to communicate that back to the Department and we need to review it and approve it. Commissioner Howlett asked if it would be approved or tagged to the same project or would there be state money involved in addition to the local money. Dwane said MDT does not participate financially in any of these projects; it is the sole responsibility of the local

government. Lynn said she received an email yesterday from the Great Falls Engineer stating they would be coming to the Commission meeting today to answer any questions the Commissioners have.

Commissioner Winterburn moved to approve the Construction Projects on State Urban System – City of Great Falls. Commissioner Griffith seconded the Motion. All Commissioners voted aye.

The motion passed unanimous.

Agenda Item No. 4: Enhancement & Safe Routes to School Projects:
Bike/Ped Path Hwy 93 – Kalispell
Buffalo Road Signs – Sanders County
Pedestrian Crossings – Ronan
US-93 Path – Arlee

Lynn Zanto presented the Enhancement and Safe Routes to School Projects to the Commission. The Transportation Commission approves Community Transportation Enhancement Program (CTEP) projects that are located on or adjacent to state-designated streets and roads. CTEP projects are funded with the enhancement set-aside of the Surface Transportation Program, which is allocated by population to Montana’s local and tribal governments. Communities select projects to fund with their allocations and provide the required non-federal match. The program is based on an agreement between MDT and Montana local and tribal governments.

The Safe Routes to School (SRTS) program funds activities and infrastructure projects to encourage and enable primary and middle school students to safely walk and bicycle to school. Projects may include sidewalk improvements, bicyclist and pedestrian facilities, speed reduction efforts, and improvements to crossings. Montana communities are encouraged to use SRTS funds to supplement CTEP infrastructure projects within two miles of schools serving K–8th grade. MDT’s CTEP program administers SRTS projects. Only SRTS projects that are on or adjacent to state-designated streets and roads need Transportation Commission approval.

MDT is asking the Commission to approve three CTEP projects and one SRTS project, all in District 1.

1. **Bike/Ped Path Hwy-93 – Kalispell:** The city of Kalispell is requesting CTEP funding to design and build a hard-surfaced bicycle and pedestrian path on the east side of the Sunset Boulevard portion of US-93 (N-5) between East Wyoming Street and East Meridian Road. The path will be approximately one mile long and 8 to 10 feet wide. It will include ADA features, benches, trees, signing, and landscaping.

The city anticipates that the project will be completed in two or three phases, depending on costs, timing, and available funding. Including this project, the city of Kalispell will have obligated all of the \$1,558,026 made available over the life of the CTEP program. The total estimated cost of this project is approximately \$205,000.

2. **Buffalo Rd Signs – Sanders Cnty:** Sanders County is requesting CTEP funding to purchase and install informational signs to notify travelers that they are closely following the “Road to the Buffalo,” a network of trails used by native peoples to reach buffalo herds as far east as central Montana. The aluminum signs will be fastened to treated wood posts and placed within established MDT or Sanders County right-of-way. Potential on-system routes within Sanders County include Montana 200 (P-6), Montana 28 (P-36),

Montana-56 (P-56), Secondary 382, and Secondary 472.

Including this project, Sanders County will have obligated \$841,721 of the \$897,678 made available over the life of the CTEP Program. The total estimated cost for this project is approximately \$6,000.

- 3. Pedestrian Crossings – Ronan:** The city of Ronan is requesting SRTS funding to design and construct three pedestrian crossings on Round Butte Road (S-211) near the Ronan school complex. The crossings would be located at the intersections of Round Butte Road and 6th Avenue SW, 4th Avenue SW, and 3rd Avenue SW.

The total estimated cost for all phases of this project is approximately \$33,000.

- 4. US-93 Path – Arlee:** Lake County is requesting CTEP funding for a hard-surfaced bicycle and pedestrian path that will run along the east side of US-93 (N-5) between Jocko Road and Pow Wow Road, southeast of Arlee. The path will be approximately 0.90 mile long.

Including this project, Lake County will have obligated \$1,374,158 of the \$1,596,546 made available over the life of the CTEP program. The total estimated cost of this project is approximately \$170,000.

Summary: MDT is requesting Commission approval for three enhancement projects and one Safe Routes to School project as listed above, all located in District 1. Portions of these projects are on or adjacent to state-designated streets and roads. The state will perform a final review of all projects to ensure substantial compliance with project plans, specifications, and estimates. Staff recommends that the Commission approve the addition of these projects to the program.

Regarding the Buffalo Road Project, Commissioner Howlett asked if Sanders County had communicated with the Cultural Committees of the Salish-Kootenai Tribe. Lynn said she didn't know but would check and report back to the Commission. Commissioner Howlett said she should communicate with the Salish-Kootenai Tribe, the Salish-Pondera Cultural Committee and the Salish-Kootenai Cultural Committee. Those are two separate tribes. It is important to get their input for the accuracy and the authenticity of what is being put along the public roadway.

Commissioner Lambert asked what the signs were for. Commissioner Howlett said the Tribes in that area traveled both directions – west to fish and east to hunt Buffalo. There were established routes, camp grounds, places where trading was done. It is all a part of the local Tribal history. That is the point about visiting with the Tribes. Commissioner Lambert said then it's historical rather than where the Buffalo travel today. Commissioner Howlett said it was both. The story of the Buffalo is an intriguing story in itself. When they were near extinction there was a member of the Tribe, Mr. Pablo, who went to Canada and brought Buffalo back. That helped establish the herd of the National Bison Range. So just as a part of Montana history it is important that more people know what really happened. I'm totally supportive of the project and I want to make sure it's done properly and the parties are all in agreement.

Commissioner Howlett said Lynn mentioned we don't have anything to do with Urban System. Maybe everybody needs a little bit of information about that. Isn't it correct that as we collect money and distribute it based on gas taxes. Lynn said the first three agenda items are truly locally-funded projects on the Urban System. In addition we do have federal funds we match with state funds that we allocate to the 15 urban areas. All of these projects are in an urban area and on an Urban Highway System route but the communities are not asking to use those funds; they are using either SIDs or local gas tax funds. Commissioner Howlett asked if it was the money

we distribute to them for Urban System projects. Lynn said these are improvement projects at the local level and are important enough to them to use their own local funds.

Director Reardon said that is why the Commission has to approve this; it is still an On-System Route so it has to be done along the specifications and standards required. That is why we have the Chief Engineer concurring. Historically the issues that have arisen have been related to change orders that occur on the ground where the funding is insufficient. Contractually we've been working through that and we've covered that. The locals have agreed to pay those costs provided the department sits down with them and explains the need for the change order and the approval. Everybody knows we won't let them start a project and then have them run out of money, we're not going to leave the road there. We needed to have contractually some way to address that.

Commissioner Lambert asked about the Buffalo Road signage, could somebody designate that as a Buffalo Route? Can we just put up signs or does it have to be designated by the Legislature. Director Reardon said to be honest we've done a little bit of everything. My position is that if you go to the Legislature with a bill, you provide not only the credibility but also some publicity and some acknowledgement publically and allow the people wanting to sponsor or name a bridge, a route, etc., an opportunity to have a public forum outside of the Commission. The Department signs roads and routes all the time and we have the authority to sign routes for directional signs that are outside the tourist oriented stuff. There is no clear delineation other than the department has to approve the signs, how big it is, what it's constructed of, what the supports are, where they are on the right-of-way that may require an encroachment permit. It is a mixed bag. For example on some of the major routes we've had incidence where patrol officers have been killed in the line of duty and there are a number of signs that have been installed by the department. All of those have gone through the legislative process. It is a memorializing process. We could put up the signs but there are problems that come along with just installing signs. They create their own hazard. So having that legislative direction provides some authority as well for the department and the State of Montana rather than just letting people go out and throw up signs wherever they want. There is no nice clean, clear, black and white answer; historically it has covered everything. We put signs on bridges with the Commission's designation which is probably less of a problem because you already have the structure and it won't create any greater hazard to traffic and provides local organizations an opportunity to have a ceremony to acknowledge a Veteran's Bridge and those kinds of things. I always tell groups I will go to the Commission to get their ok, but if they really want to a sign that gives some public recognition, then find a Legislator to sponsor a bill so you can tell your story.

Commissioner Howlett said this is not a renaming of any road; it's simply a designation of a route that includes a lot of different roads. Director Reardon said I-15 has four or five names and they are all on the map – there is a Veteran's Memorial Highway, the Mansfield Highway, and Special Forces designation. Those are all designated routes. Commissioner Lambert said regarding the Warrior Trail, Highway 212 wasn't renamed; it is still 212 but it is also the Warrior Trail. Commissioner Howlett said we have a potpourri of different options then.

Commissioner Howlett asked about the International Peace Highway. Director Reardon said that had been resolved. I think we've agreed they will make the sign and we'll install it. It's really not our route but we've agreed to cooperate. The Park Service has said they are ok with it. We did some additional research and concluded that it's not our road. The Sign Shop will make the sign – Jon Axline, MDT's historian, is prepared to do a historic marker and we'll have it installed. Commissioner Howlett asked how it got the name International Peace Route. Director Reardon said the National Park Service is going to take care of that along with the Canadian representative. The Park Service is making the call here out of

Glacier. We held them up for a while. We thought we could help them with the sign. Jon Axline has some history and will put together a marker. The celebration is in May. Commissioner Howlett said it was encouraging to see the cooperation between MDT and the Park Service. Reflecting back on the last meeting in talking about rest areas, there is a necessity to collaborate on Marias Pass Rest Area. Hopefully we can extend that same sort of collaboration to get something done up there.

Dave Ohler said the reason the coordination with the state is so important is because there is the Man in Uniform Traffic Advice Control Device that is the law of the land regardless of funding. That's where the state's involvement comes in. It has to do with standard height for stop signs and gets into very detailed requirements. There is a section about memorial markings and trail markings. That's where MDT can provide input, expertise and knowledge to make sure the signs are the proper size, lettering, and the cultural context is correct.

Commissioner Griffith moved to approve the Enhancement and Safe Routes to School Projects – Bike/Ped Path Hwy 93–Kalispell, Buffalo Road Signs–Sanders County, Pedestrian Crossings–Ronan, US 93 Path–Arlee. Commissioner Winterburn seconded the Motion. All Commissioners voted aye.

The motion passed unanimous.

Public Discussion

Great Falls Coalition – 9th Street South Project Dave Dobbs, City Engineer of Great Falls Rick Johnson, Project Engineer

Regarding the 9th Street South project we didn't really have a formal presentation. We are here more to answer any questions you might have. I'll give you an overview of the project. A couple of things really drove this project. We have a water main in the street that is at the end of its service life and has a history of breaks. As a result it has torn the street up and it needs some major reconstruction. The other thing is there is a need for a storm sewer in there. A lot of water funnels down that street in a heavy storm. It's one of the projects on the long-term list and it's come to the top. As a result of these other things, it is going to require a reconstruction of the road. We'll leave most of the curb, gutter and sidewalk in place. We will be doing a little bit of modification to the intersection of 9th and 13th South. The street is at the end of its good useful life. It's totally funded by the city; there is no state or federal funding involved. I'll be glad to answer any questions you might have.

Commissioner Howlett said there were some questions about who would be responsible for cost over-runs or change orders but they were answered to the Commission's satisfaction. Dave Dobbs said they would be on their dime. Commissioner Howlett said the Commission appreciated them coming down and wished them luck with the project.

Agenda Item 5: Highway Safety Improvement Program

Lynn Zanto presented the Highway Safety Improvement Program. MDT is asking the Commission to approve 14 safety projects to be funded through the Highway Safety Improvement Program (HSIP). The overall purpose of HSIP is to reduce traffic fatalities and serious injuries by implementing infrastructure-related safety improvements. Funding distribution is prioritized according to benefit/cost ratios at locations where feasible countermeasures to crash trends are identified.

The projects on the attached list meet the criteria set forth for HSIP-funded projects. These projects will be let for construction individually. The total estimated cost for

all 14 projects is approximately \$5,956,000. Combined, these projects will provide safety improvements for approximately 42 miles of federal-aid highways.

Summary: MDT is requesting Commission approval of 14 safety projects to be funded by the Highway Safety Improvement Program. Attachment A lists the project names, locations, scope, and cost. The total estimated cost for all projects is approximately \$5,956,000. Staff recommends that the Commission approve the addition of these projects to the program.

Commissioner Griffith noted there were no safety projects for Butte. Lynn said she looked into that and found there had been four safety projects approved for Butte. There was a question about the rumble strips on Hwy 200. Dwane Kailey explained one of the major accidents we have in Montana is single vehicles running off the road and rumble strips alert the vehicle that it is drifting into the shoulder. It is the noise you hear that wakes you up and alerts you to danger. Commissioner Howlett a lot of the highways have bike traffic and when you start putting in rumble strips the guys on bikes end up out on the road further than they ought to be. There are a lot of things to weigh with rumble strips. Commissioner Griffith noted they also put rumble strips on center lines like on Hwy 191 to keep people from drifting the other direction.

Kevin McLaury commended the Department for continuing the effort and support of the Highway Safety Improvement Program. It's a program that targets those areas of safety and one that our leadership in Washington D.C. watches to see where the expenditure of their obligation authority goes. I'm proud to report back to you that we're normally in the 80%-90% expenditure which is in the top tier of states that spend their HSIP funds. So compliments to both the department and the Commission for their continued support.

Commissioner Lambert moved to approve the Highway Safety Improvement Program. Commissioner Winterburn seconded the Motion. All Commissioners voted aye.

The motion passed unanimous.

Agenda Item 6: Speed Limit Recommendation Fairview – MT 200

Dwane Kailey presented the speed limit recommendation to the Commission. This was a speed study for MT 200 in Richland County. We were requested to look at the statutory 25 mph speed limit south of Pleasant Avenue School at a crosswalk in Fairview. We have conducted a review of the accident history as well as the traveling speeds in the area. At this time we are recommending an adjustment. We have to adjust the 35 mph speed zone to extend the 25 mph speed zone. Therefore staff is recommending a 35 mph speed limit beginning at station 5+00 approximately 1,100 feet south of Knight Street and continuing north to station 14+00 an approximate distance of 900 feet. We've presented this to the county and they have concurred with our recommendation. We present this for your review and approval of the speed zone as presented.

Director Reardon said Fairview is one of the communities getting the traffic from the oil fields. We're seeing tremendous increases in traffic.

Commissioner Lambert moved to adopt the Speed Limit Recommendation for Fairview, MT 200. Commissioner Griffith seconded the Motion. All Commissioners voted aye.

The motion passed unanimous.

**Agenda Item 7: Speed Limit Recommendation
MT-84, Norris Hot Springs**

Duane Kailey presented the speed limit recommendation. This was a speed study for MT 84 near Norris Hot Springs. The Madison County Commissioners requested a speed limit investigation on MT 84 beginning at Intersection 287 and continuing approximately one mile. The investigation was prompted by concerns relative to the 70 mph statutory limit. We have reviewed the accident history as well as the travelling speed in the area and we are recommending a 50 mph speed limit beginning at station 0+00, the intersection with 287 and continuing east an approximate distance of 2,500 feet, then a 60 mph speed limit for an approximate distance of 3,500 feet. The report has been submitted to the local officials. They have reviewed it and they are in support four recommendations.

Commissioner Lambert asked if the Hot Springs was commercial. Commissioner Howlett said this is an old retired hot springs. They don't have a commercial facility there anymore do they? Commissioner Winterburn said they do. Commissioner Howlett said there may be a pool there but it's not what you think of as a resort commercial facility. Commissioner Winterburn asked if they were signed on to support this. Dwane Kailey did not have that information but would follow up with Madison County to make sure they are.

Commissioner Griffith moved to adopt the Speed Limit Recommendation for MT 84, Norris Hot Springs. Commissioner Griffith seconded the Motion. All Commissioners voted aye.

The motion passed unanimous.

**Agenda Item 8: Speed Limit Recommendation
Secondary 352 - Proctor**

Duane Kailey presented the speed limit recommendation. This was a speed study for Secondary 352 in Proctor. This is a request by the Lake County Commissioners to increase the speed limit. They feel the 45 mph speed limit is no longer meeting the needs of the community. MDT has conducted an accident investigation as well as reviewed the travelling speeds and we are recommending an increase to 55 mph at milepost 1.52 and continuing west an approximate distance of 0.49 miles. Lake County has reviewed this proposal and they do concur with this recommendation.

Commissioner Griffith asked if they were increasing the speed limit in this area. Dwane said yes they were increasing the speed based on a recommendation by the county. Commissioner Griffith asked why the speed went from 35 mph in 2003 to what's being recommended today. Did we make some improvements on that road? Dwane said yes it was constructed and approved in 2005.

Commissioner Griffith moved to adopt the Speed Limit Recommendation for Secondary 352 - Proctor. Commissioner Winterburn seconded the Motion. All Commissioners voted aye.

The motion passed unanimous.

**Agenda Item 9: Speed Limit Recommendation
Secondary 354 – Polson South**

Duane Kailey presented the speed limit recommendation to the Commission. This was a speed study on Secondary 354 – Polson South, locally known as Back Road. We've been requested by the Lake County Commissioners to review the speeds out

there. As most of you know a portion of this road has recently been reconstructed. The existing speed limit was 40 mph. We have reviewed the accident history which is very short because we just got done rebuilding it so there isn't much accident history. Based on the character of the roadway, we are recommending 65 mph beginning at milepost 3.5 500 feet south of Suncrest Lane and continuing about 9.1 miles to Round Butte Road. Lake County Commissioners have reviewed this and concur with it. I would state that there is a portion of the roadway that was paved prior to this and the speed limit was 70 mph during the day and 65 mph at night. This recommendation actually reduces that to set 65 mph.

Commissioner Howlett said he was not in agreement. That's a rural situation. There are kids out there, livestock, tractors, etc. The road is nice but 65 mph is like US 93. I'm not in agreement with it and I'm not going to support this motion to that level. I just don't agree; that's too fast for out in the country in my opinion. Commissioner Griffith asked if they could hold this until they have time to discuss this further with the County Commission. Commissioner Howlett said that he would arrange to meet with them.

Commissioner Howlett said because this road is entirely on the Reservation, we also need to source comments from the Tribe. Dwane made a note of that.

Held until further information is gathered. Commission Chair is not in concurrence with the study for speed increase.

Agenda Item 10: Speed Limit Recommendation US 87 – Loma

Duane Kailey presented the speed limit recommendation to the Commission. This was a speed study on US 87 near Loma. This originated as an internal request to evaluate the 50-40-50 mph speed limit through Loma. We have reviewed the crash history as well as the roadway travelling speeds. At this time we're recommending a 50 mph speed limit beginning at station 2598+00, project BRF 10-2(6) (900' south of the Marias River Bridge) and continuing north to station 2619+00, an approximate distance of 2,100 feet. (as previously approved and currently posted). A 40 mph speed limit beginning at station 2619+00, project BRF 10-2(6) and continuing north to station 2628+00 (100' north of Third Avenue), an approximate distance of 900 feet (as previously approved and currently posted). A 50 mph speed limit beginning at station 2628+00, project NH 10-2(16) and continuing north to station 2641+00 (100' south of Colony Bay Rd.), an approximate distance of 1,300 feet.

This has been presented to Choteau County Commissioners and they are in agreement with the recommendation.

Commissioner Winterburn moved to adopt the Speed Limit Recommendation for US 87, Loma. Commissioner Lambert seconded the Motion. All Commissioners voted aye.

The motion passed unanimous.

Agenda Item 11: Letting Lists

Duane Kailey presented the Letting Lists to the Commission. We are presenting the Letting Lists for the remainder of the year beginning with the March 22nd Letting and going through fiscal year end. You will see that the Lettings grow in size compared to what we saw the other day. In fact, the April and May Lettings are actually extremely large. We've had several issues impact our project workload. We had a fair number of backlog projects that we were maintaining on the books. With ARRA we were able to deliver those projects. At the same time was we saw a significant

reduction in construction costs, as much as 20%-30%. That allowed us to deliver a lot of backlogged projects; very beneficial to the Agency. About the same time, the Agency received a mandate of 7% vacancy savings which meant that we had to reduce our staff. It wasn't catastrophic but it did impact our resource and our ability to rebuild some of that backlog. Shortly after that, we ran into flooding. We've been hit with around \$40 million that we're estimating in flooding repair. Again we're a little delayed.

Our goal is to Let all of our projects or at least 75% of our projects by March. With these various items we're delayed on that. We apologize; we're doing everything we can to deliver that for next year. We are on goal to meet and obligate all of our federal funds by the end of the fiscal year. We're just seeing some of those going a little later in the year. I'm not blaming it on federal reauthorization but in reality we can't do much better than what we're doing right now because the bill runs out at the end of March and we run out of money at the end of March because we will be obligating our funds for the April Lettings and that will run us dry in the bank. So even if we had those projects available, we really couldn't put them out the door unless we were going to advance construct or put state funds out. I'm just showing you the whole picture. With that I present for your review and approval the Letting List for March 22nd through the end of the Fiscal Year September 20th.

Commissioner Howlett asked to be brought up to speed on the reimbursements for the flooding and emergency projects. Lynn Zanto said we did get notice of about \$25 million in Federal Fiscal Year 2012 of Emergency Relief Funds. We've all been working to identify the projects that are eligible for those Emergency Relief Funds. For example, if you look at the Letting List you'll see on April 26th there are two ER funds at the bottom – Skalkaho Road and Secondary 228 in Highwood. They are labeled with the ER. We've gone through processes of converting funds we had already spent on projects as we've gotten approval from FHWA and also the projects that are coming up in Lettings; we're paying for them with ER funds. So we are on track to deliver our program that you set in TCP but in addition to that we're also on track to deliver the \$25 million in ER Funds. Overall costs were \$45 million. In addition to the ER funds, for roads that aren't federal aid eligible we've also got FEMA funds as well. Those were projects the Maintenance crew went out and addressed. At the end of the year we'll apply for additional funds.

Commissioner Griffith said Greely Creek on I-90 is listed twice on this list. Dwane said he would check into it. Commissioner Griffith said if it is a duplicate then do we just acknowledge it and move on. Dwane said it may be a split project between Districts. I'm guessing it is a crossover – potentially we are going in and doing some advance work prior to some bridge work. But I will double check and let you know. Because we're fast tracking some of these projects, we've tried to order some of the material ahead of time.

Commissioner Griffith moved to adopt the Letting Lists. Commissioner Winterburn seconded the Motion. All Commissioners voted aye.

The motion passed unanimous.

Public Comment

There was no public comment made.

Agenda Item 12: Certificates of Completion December, 2011 & January, 2012

Dwane Kailey presented the Certificates of Completion for December, 2011 and January, 2012. They are presented for your approval.

Commissioner Griffith moved to approve the Certificates of Completion for December, 2011 & January, 2012. Commissioner Winterburn seconded the Motion. All Commissioners voted aye.

The motion passed unanimous.

Agenda Item 13: Project Change Orders December, 2011 & January, 2012

Dwane Kailey presented the Project Change Orders for December, 2011 & January, 2012 for the Commission's review and approval. Dwane said I'd like to give you a little information on some of the Change Orders. For example, in the Missoula District there is a project totaling \$1,320,000. Quite some time ago more than 20 plus years ago, we started installing concrete barrier rail in the median. In the past we used a wire-loop system to tie the two sections of barrier together. Those wire loops are not federal aid NCHRP 350 tested and approved. The feds have come up with a direction or policy that if they are not 350 approved, if we move them we cannot re-install them. Over and above the wire loops, which is a wire strand woven together, with the level of service and the chlorides we use along I-90 near Lookout Pass those wires have now eroded. They no longer have the strength we need in them. So we're being required to go in and replace them.

That has raised the level of concern throughout the state, especially in Districts 1, 2 & 3, where we have a large amount of concrete median barriers primarily on the Interstate System but in other locations as well. We've initiated a research project to get a handle on how large an issue this is. We've been installing these barriers for the last 20-30 years and they are in various stages of decay, anywhere from brand new to that 20-30 year time frame. Some of them are in areas where we've used large amount of salts and chlorides to maintain the roadway. So we need to get a handle on what we need to do for the future in an effort to avoid change orders on future projects because that is not something we like to do.

I wanted the Commission to be aware we have a Change Order on this one but we're trying to minimize that for future projects. We plan to identify and develop a Transition Plan to eliminate or remove some of those if they need to be removed. That's a long winded story to say we have a Change Order but we are being proactive to try and eliminate that for the future.

Commissioner Howlett said it was an interesting issue because when you eliminate ice you are contributing to additional costs related to the barriers. What are you going to do with them when you take them out? Dwane said that is one of the issues – what to do with them. Can we coordinate with a contractor and have them crushed and re-use them for something else or put them back into another concrete product? Can we actually retrofit them? Is there a way to drill new connectors into them and retrofit them? One of the issues we are running into is not only is the rebar and/or the steel connection system decaying but we're also finding the concrete is decaying as well. So we don't know that a retrofit is going to be effective. We're also looking at where else we can dispose of these in an inexpensive way. This is a huge, huge issue. Commissioner Howlett said much like the issue of millings which was an environmental issue, the barrier rail even in decrepit shape probably services the public at some different level. There is a lot of it. I can think of a lot of good places the county could probably use it. Commissioner Griffith said maybe it can be used for erosion purposes in some of the streams.

Kevin McLaury said there were some concerns once they leave MDT's hands because they cannot be used back in the public right-of-way regardless; they do not meet current safety standards whatsoever. Commissioner Howlett said maybe they could

be used on a corner in a city street to prevent people from running into a garage. Kevin McLaury said you get yourself into having a known product that is deficient and if somebody runs into it and something happens or a fatality, if the local entity knew that product was deficient they've opened themselves up for a lawsuit. Commissioner Howlett asked if the deficiency was the connecting point. So if you were using it on the corner of an alley to keep somebody from running into a garage, it seems like it is repurposed differently than if you had the cable going through holding them altogether. I can understand that but we have to think outside the box – either it's going to be an environmental liability for the department or we think outside the box to repurpose in a way that is within the guidelines. Kevin McLaury said there are legal ramifications of reusing a product that is known to be deficient. We need to be cautious on where we allow those to go.

Commissioner Lambert asked if there was any entity in Montana that could crush them. I would think it could be crushed for use on the county roads. Commissioner Howlett said the steel in it would make it an awkward crush. Dwane Kailey said they had not identified any commercial outfits that are crushing them. We know of several that take recycled concrete and will crush it but again that is part of the research project. We need to find out if there are available sources out there to take this product and reuse it. We'd prefer to see it be treated environmentally appropriate meaning recycled and reused somewhere along the line. At this point in time we don't know how viable that is.

Director Reardon said when this was installed on Lookout Pass, it was installed after there had been a major crossover accident and several people were killed. It was considered a huge safety issue. It was back in the 80's. The weather up there is so tough and the elevation is significant, the curves are very difficult, so at the time it was installed it was probably state-of-the-art to prevent cross-over. We've come full circle; it's no longer state-of-the-art and we've got to get it out.

Dwane Kailey said the product we've been using for the last five-to-seven years is fully approved, it's fully NCHRP test approved. The product we are currently using is not an issue. It's the older product used up into the mid-to late 90's that's the issue. Commissioner Howlett asked if the metals were corrosive. Dwane said the metals are still corrosive and part of the research is to find out what the state-of-practice is. You can use stainless steel which is extremely expensive. Epoxy coating might be an option, galvanizing might be an option. There are a fair number of options we're looking into. Again the thing we're running into is cost benefit because one of the issues we're seeing is not only is the steel corroding but we're also finding that the concrete itself is corroding. So the cost benefit – do you go to the level of stainless steel or epoxy coating.

Commissioner Lambert asked if there was a time frame involved. Kevin McLaury said 10 years ago the policy was passive and we were supposed to do something, so we've been dealing with this at least 10 years. Commissioner Lambert said last week I witnessed a wreck that if there had been one concrete barrier, it probably would have saved a life. I hope they don't take them down until they have something else to replace them. Dwane said we are on track to have our research project done and completed by this summer. At that point we will have a Transition Plan developed so we can report back and keep you informed as to where we're going and how big the issue is.

Commissioner Griffith asked if it would be an eligible item for safety funds. Dwane said he didn't perceive it was but until he had more information, he couldn't say for sure.

Commissioner Griffith moved to approve the Project Change Orders for December, 2011 & January, 2012. Commissioner Lambert seconded the Motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 14: Liquidated Damages

Dwane Kailey presented the Liquidated Damages. We have two projects this time.

Project ID	Project Description	Contractor	Disputed	LD Days	LD Amount
NH 1-6(81)355	WEST OF HAVRE - EAST	RIVERSIDE CONTRACTING	NO	5	\$14,445
MT 15-7(32)39	CONRAD - I-15 NORTH INTERCHANGE	NELCON INC	NO	25	\$47,275

The Commission does not need to take any action. Commissioner Howlett asked why we were out 25 days on the Conrad I-15 North Interchange project. Dwane said we've seen an increase in liquidated damages over the last year. A lot of it is due to ARRA and the decrease in contract prices. We saw a larger than normal number of projects on the road and contractors did not gear up very much; they brought in some of their town crews to help the heavy equipment highway crews but they didn't gear up. It's a personal opinion but from what we heard due to the uncertainty and reauthorization there was no stability out there to really gear up. So they didn't gear up or crew up to handle all these projects so we started seeing an increase in some of the liquidated damages across the state. It isn't focused on any particular contractor; it's a trend across the board. Commissioner Griffith said one of the contractors he talked to had two paving crews but they had a little over a year's worth of work but they chose to pay the penalty rather than hire another crew which they'd only use a portion of the year. The Commission let the liquidated damages stand.

No action required.

Agenda Item 15a: Amended Access Control Resolution

M 1027(3), 0674-003-000; Hilltop Road Extension – Billings

Dwane Kailey presented the Amended Access Control Resolution. He explained that his was an amendment to an existing Access Control Resolution. MDT is currently working on designing and acquiring the right-of-way for Bench Blvd. One of the land owners has an access onto Bench Boulevard. Working with landowners, we're asking them to relocate their approach onto Hilltop Road. As it exists on Bench Boulevard today it would be a hazard or a challenge for the roundabout that we planned to build at Hilltop and Bench Boulevard. The landowner is in agreement with relocating it to Hilltop. However Hilltop has an Access Control Resolution which was adopted in accordance with a project we did in 1987. Therefore we're asking the Commission to approve an amendment to the Resolution on Hilltop Road to allow this approach to be moved from Bench Boulevard to Hilltop Road. There is a picture in your packet that explains it much better and shows where the approach currently exists and where it will be relocated to Hilltop. Commissioner Skelton said she was familiar with this and was in favor of it. Commissioner Howlett asked if the relocation was at MDT's expense. Dwane said yes because it is part of the reconstruct project.

Commissioner Skelton moved to approve the Amended Access Control Resolution M_1027(3), 0674-003-000, Hilltop Road Extension – Billings. Commissioner Lambert seconded the Motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 15b: Access Control Resolution

**NH-5-3(103)129; CN: 2017-001; Karrow to Mountainside
NH 5-3(104)130; CN: 2017-002; Mountainside to MP 133**

Dwane Kailey presented the Access Control Resolution to the Commission. He explained that as part of the Somers to Whitefish Project, MDT split the project into three pieces and has been developing the pieces. Today I'm presenting what we call the Whitefish West Project. We split the Whitefish project into three projects – Whitefish West to Karrow Avenue, Karrow Avenue to Mountainside and Mountainside to MP 133. Presented to you today is an Access Control Resolution for the projects of Karrow to Mountainside and then Mountainside to MP 133. We are not going to be presenting an Access Control Resolution for the segment from Baker to Karrow because that piece is within the city limits and it is well-established and well-developed and in communications with the city, they don't believe an Access Control Resolution is necessary for that segment. We ask that you approve the Access Control Resolution for these two segments.

Commissioner Griffith moved to approve the Access Control Resolution – NH 5-3(103)129; CN: 2017-001; Karrow to Mountainside and NH 5-3(104) 130; CN: 2017-002; Mountainside to MP 133. Commissioner Lambert seconded the Motion. All Commissioners voted aye.

The motion passed unanimous.

Agenda Item 15c: Access Control Resolution

NH 57-3(42)83; CN: 4067-001; Lewistown – East

Dwane Kailey presented the Access Control Resolution for Lewistown East to the Commission. WMDT is developing a project on NH 57. It's a reconstruction project for about three miles. In conjunction with that we are asking the Commission to adopt an Access Control Resolution.

Commissioner Lambert moved to approve the Control Resolution NH 57-3(42)83; CN: 4067-001; Lewistown – East. Commissioner Griffith seconded the Motion. All Commissioners voted aye.

The motion passed unanimous.

Directors Discussion

Commissioner Lambert said about a month ago there was a letter in the Powder River Examiner which was quite derogatory toward the Department and the work they thought we weren't doing. It had to do with the road from Biddle to the Wyoming line which is a terrible chunk of road and one we are going to rebuild. I talked with Shane Mintz and asked him about the protocol because I was considering writing a letter to the Editor but I didn't know if I needed to get approval before I did that. Shane called Director Reardon and they decided that the best course of action was to write a letter, although I understand the Department doesn't usually communicate over something like that. So Shane wrote a letter and explained that we were addressing these problems and thanked them for the interest they showed. We thought that was better than a public letter. Last weekend the person put a copy of Shane's letter in the paper but also a paragraph or two that said how much he appreciated the fact that the Department recognized and wrote him the letter. It was glowing and very nice. Maybe we need to get some more communication out there. My understanding is that is something we've done in the past.

Director Reardon said it seems like there are days I spend half my time writing letters to people who have written or called with comments, usually negative, about the Department or some project. It's the nature of the highway system; it touches

everybody and if it doesn't touch you the way you think it should, you complain. They complain to the Governor's office on a regular basis. We try very hard to communicate with those people in the best way we can. When Shane approached me with the idea of writing a response letter to the Editor I told him I didn't think that was a good idea. I don't think we should engage in a public letter writing campaign when we can address these things on a much lower scale rather than invite more commentary. My point is we do communicate. I think our District people do a great job of communicating; they get people calling them and stopping by regularly. Lori gets calls – I can't tell you how many times the Governor will get a call at this office and his staff will send a letter or email. We respond to all of them. We prepare some kind of a response for all of them. If people call with an issue or problem and that call gets referred to me, I call them back. More often than not there are poor facts or a lack of understanding, and sometimes there's just nothing you can do. It's just a fact that sometimes highway construction is disruptive to people's daily life – they don't like the noise, they don't like the equipment, they don't want the project and they will voice their opinions in any form they can find. The open form is a letter to the Editor where you can write a letter that makes it appear that the Department is insensitive, non-caring, and non-responsive. You may have held five public meetings and may have talked to this person three times but you can't put that genie back in the bottle so you do the best you can. I just think we're more effective if we deal with individuals directly. We do a lot of public outreach. All these projects have public hearings and public notices. If we could get to everything as quickly as everybody would like us to get to it and there was an unlimited amount of money and you could get all the design and fix everything in two or three seasons that would be great. Shane handled that very well.

Commissioner Lambert said she was not making a derogatory comment about the Department or anything you did. I thought it was a great job. Director Reardon said he appreciated that. I thought Shane handled it well. Even though we didn't write the public letter it eventually became available to the public. I thought it was handled well. Director Reardon said you can't do much about what people do with a letter. Shane handled it well effectively. I think up in your area there is such a tremendous amount of pressure out there right now. He's going to be getting calls and letters about the amount of truck traffic and so are you. We're trying to get there. It's going to be very tough out there for a while.

Commissioner Howlett said he thought the notion of Departmental responsiveness to individual concerns is important. You obviously have to deal with it in terms of the whole project but let's just reflect back on the earlier discussion we had about the Back Road at 65 mph. I was really troubled by that. It's right in my back yard. I don't know how many times we've sat here and heard from parents and people who live along these off-roads about statutory 70 mph speed limits which is way too fast for this. It's one thing to get a vehicle from Point A to Point B but when you look at that back country, you're looking at people moving machinery, moving cattle, haying, people on horseback and people on four-wheelers. If I lived back there at 70 mph...we live in farm country; what's going on here? US 93 is where that kind of speed goes. That's why I voiced my objection to it. Sometimes I have to put myself where those people are and if I were living with 70 mph I'd ask what's wrong with these people. I don't know how we approach the county; we can give them recommendations on what we think it ought to be. I'm going to drive that road and pull into a few residents and ask them what they think about a speed limit of 65 mph here because I'm going to get asked to support it or to not support it. Communication is really important. Speaking personally my role here is to be as much of an advocate for our way of life as we can. I support the science that goes into the speed study but there's a whole lot more than the science that goes into getting a vehicle from Point A to Point B. Living in rural America and living out on farm roads that were gravel a year ago and all of a sudden we're talking about a 65 mph speed limit. I just find that incomprehensible. Having a nice paved road back there, I could support maybe 45 mph or 50 mph but not 65 mph – that's the same as

US 93 at night. We didn't build another Highway 93; it's not a 93 alternate. At least I never envisioned it being that; I never was a part of that discussion. So I think communication is really important.

Highway Appropriation Bill

Director Reardon said Lynn had been talking to people in Washington on a regular basis to find out what's happening on the Highway Appropriation Bill. There appears to be virtually no likelihood of a highway bill by the end of the month which is when the current legislation expires. The last I heard the House Committee Chair, Representative Mika, will be asking the House to approve the June 30th extension of the current funding. It would be status quo until June 30th but apparently the House is still trying to pull together a five-year bill. They seemed to have a lot of momentum until they presented it to the Committee and it started to fall apart shortly thereafter. They were never able to get a lot of support. That seems to be the flavor of the month right now in the House of Representatives. So they are going to take a step back and try and build a coalition to do something. The hope was they would take the Senate Bill and treat it as their own bill with maybe some amendments and then send it to a Conference Committee and see if they could accomplish something. However, the House does not appear like it's going to take up the Senate Bill. June 30th is the date Chairman Mika has put out for his extension. There are other people saying it is more likely to be 90 days and others saying the end of the year.

The real issue is the Trust Fund. It is as much now about the Trust itself as it is about spending the money out of the Trust. It is not going to be solvent past the fall and it will start running in the negative and it cannot do that. We believe it cannot run a deficit. How long they chose to extend the current funding can't be sustained with the current level of revenue. I don't know who will give first. I'm not even sure they can make it through the election with an extension through the end of the year. As gas prices go up, consumption goes down and with it revenue goes down. So when the GAO throws out their estimates about how long the Trust is going to be solvent, it's kind of a moving target. When gas prices were low and people were traveling a lot, they were extending their forecast to November or December. Now they are dropping it again to October or maybe September. We are going to plow ahead and keep working on stuff like we have been and keep projects going out the door. I don't know of any other way to do it. The projects are in the works; we've been working hard on them. If they extend it, we're funded through June 30th and it would probably get us to the July Lettings. There are very contentious opinions about funding the program; everything from page go which would be a significant reduction for Montana somewhere in the area of 30-40% of our funding to the Senate Bill which is slightly more than we were receiving over the last six years – and everything in between. I don't know what else to tell you.

Legislation & MDT Budget

Director Reardon said, within state government, we are starting to put together legislation and the building of the budget through the EPP Process. That will be moving forward in April, May, and June and getting a budget that the Governor can present to the Legislature in January. We will also be working on our internal legislation. We don't have anything concrete at this point in time. Other than that things are moving along pretty well.

Commissioner Lambert's area is clearly an area of concern for all the agencies. Everybody is looking for housing. The last article I saw said 20 of our employees have left the employment of the Department to go to work in the oil fields and there's a good chance we could lose a few more. We have a couple of vacancies up there that we're trying to fill but given the salaries available and what they have to pay for rent, it just doesn't work out. Other agencies are having similar problems.

Upcoming Projects

We'll keep working on our other projects. Fairview should have their signal up and running sometime this summer.

Culbertson – Motor Carrier Services is going to be conducting a dyed diesel inspection in Culbertson next week on Wednesday. They are going to stop any dyed diesel vehicle and test their fuel. We anticipate a few people will get a little testy about that. We see such a huge number of oil field workers coming in and out of the state and we want to make sure people are playing by the rules. Hopefully they are. This will be our first effort up in that area. Commissioner Howlett asked if they were going to test all diesel vehicles. Director Reardon said yes all diesel vehicles have to stop. All the over-the-road trucks shouldn't be a problem but it's the workers. The difference in using untaxed fuel is \$.50 to \$.60 per gallon so you can save some pretty good money doing that. Commissioner Howlett asked how they determine if it's dyed diesel. Director Reardon said Motor Carrier Services has stop authority and we will ask the Highway Patrol to assist us to make sure everybody stops. Commissioner Howlett asked if he suspected a problem. Director Reardon said he wasn't. If you have dyed fuel in your tank it's a \$1000 fine for your first offense. For some of these folks that's not a lot of money when you're making \$5,000 per week. Commissioner Howlett asked if the logic is they would be coming off the oil fields where they have access to dyed diesel. Director Reardon said they could have bulk tanks out there for dyed fuel for off-road and that's the concern. It would be nice to validate that it's not happening or it's a very rare occasion and I'm hoping that's what we'll find. We don't have any reason to suspect otherwise. We are trying to get the appearance of more enforcement out there. We have one guy working the scale at Culbertson and he's seeing 1,000 trucks per day. He only works eight hours a day and when the scale is closed you like to have a presence out there. They've had very few issues with trucks being placed out of service for safety violations but they have had some. It's always a concern if you have an unsafe truck out there; it's a danger to everybody. So getting some more enforcement out there on a regular basis is important.

Dwane Williams, Motor Carrier Administrator is working with his staff to see if we can't rotate some people in and out of there just to give these folks a break. Those scales at Culbertson, Wibaux, and Broadus are getting used almost non-stop. Lynn sent me a video of a dash-mounted camera that showed bumper-to-bumper trucks on a two-lane highway for as far as you could see. There was no room for a car; it was just trucks. When the video finally cut off, it hadn't hit the end of the line of trucks. That's what those folks are living with out there right now. Commissioner Howlett asked if that was at a scale or on the highway. Commissioner Lambert said it was the highway. She asked if they were going to test at the scale. Director Reardon said yes, there really isn't any place else to do it. Obviously there is limited space. North Dakota closed their scale leading into Montana because they had so many trucks backed up that it became a hazard; they finally gave up. All those trucks are still coming into Montana. We can't have them stacked up too far out or it becomes a bigger hazard than otherwise. We'll be a little bit selective and it's only going to be a two-three hour effort. More than anything, it's to put a presence out there. Sometimes it's just the thought that the state is there, they are aware, and they are watching. We hope that will help. We don't want to make it worse.

Commissioner Howlett let the Commission know that Director Reardon attended a meeting over at Pablo with the Tribe that was a very productive meeting. You discussed many issues with them and I wanted to thank you for that.

District Tours

Commissioner Griffith talked about the District Tours. District One is up next but I want to propose doing two Districts at a time. So instead of a two-day meeting, we do a three-day meeting and visit two Districts. We save money doing that. I particularly want to show you some of the projects in District One, both proposed and in process or completed. I want to see Two Medicine Bridge and some other

projects. If we did a two-day tour and then had the Commission meeting on the third day, we could probably hit Great Falls District and/or a portion of it and save money by not doing two different meetings. We're going to have to be on the eastern side next year. When you get out that far East, you might as well visit both Billings and another District – then do the same thing next year. Director Reardon said they could look at that. Director Reardon said his concern was two-fold. I don't know that we can send staff off for three days. We could have the local District work with you perhaps and have MDT staff there for just the meeting itself. If you travel you have to have a Quorum, we would have to be a little bit cautious about what work gets done on those tours. We could certainly see if we could work something out for those two Districts. Commissioner Griffith said when we went to the Butte District you didn't see any of the Bozeman, Big Sky, or the Checkerboard-Martin projects. We showed you some of our areas of need. We've got the most investment in US 93 based on what the Legislature did. Commissioner Lambert felt the sheer distance was going to be a problem. Commissioner Howlett said we only get one day apiece; it doesn't matter if it's by itself or together. This way we'd get two days between two Districts; we just have to be prudent on how we use the time.

Director Reardon said Lori reminded him that Commissioner Skelton had not hosted during her term which expires at the end of this year. So we've not been to Billings while she has been on the Commission. Commissioner Griffith said that will happen on every Commission if we only do one a year – somebody will not see their District host the Commission. We used to do at least two. I remember the Commission coming to Butte almost every other year. They would travel to two or three different cities a year. I think we should do at least two per year, that way we get to everybody's District. I'm trying to weigh the Department's concern about expense versus the Commission's need to see projects. Commissioner Howlett said it was not just about seeing projects but also making ourselves available to the locals is equally important. If we did those two Districts we could deal with four Indian Nations on one trip which I think is important – Rocky Boy, Belknap, Blackfeet on the Highline and Salish-Kootenai on the other side of the Divide. We could see County Commissioners, Legislators and other people. We should think about it. Your point is well taken about taking a staff out for that long, the District Engineer and District Administrator should be able to guide us through those projects. We will know in advance what we want to see. I'm not so interested in seeing a road resurfaced; I'm interested in seeing major structures and major reconstructions that are really making a difference in that particular District.

Commissioner Lambert said she and Shane met with the Powder River Commissioners. Our goal was to go together to every county and meet with the County Commissioners. He has gotten to every County but I haven't yet. We did meet with the Powder River County Commissioners and it was a good meeting and good communication.

Director Reardon said some of the county roads in eastern Montana are really getting beat up. At the request of Wibaux County there's been a secondary that has restricted traffic for trucks; it's just breaking up. Those gravel roads won't handle those weights. If you get in front of a County Commission and tell them you're out of money in the bank, you're not going to have a very good meeting.

FHWA – Kevin McLaury

Kevin McLaury said Director Reardon did a good job outlining the federal legislation. We are doing a reassignment within the ranks for the Assistant Division Administrator for Montana. Mr. Paul Harker is currently the ADA in Hawaii and has been there for about four years and had asked to be rotated back to the States. Within our Agency Alaska and Hawaii are treated somewhat differently than other areas because they are tough places to work. Mr. Harker was in Wyoming prior to that and has family ties to Helena – his father was born here and he had an Uncle who previously owned Jorgenson's and has family that has a ranch just below the

Sleeping Giant. He is looking forward to coming and working with us and we're excited to have him. His report day will be the 1st part of June. So you'll see a new face this summer.

CTEP

Dwane Kailey said the Commission would be seeing a new agenda item at the next Commission meeting relative to CTEP. A quick update – in going through all our reviews and all the issues with CTEP, at this point in time I believe we're going to come back the Commission with a very limited recommendation. The reason is almost everything we're seeing coming out of either the House and/or the Senate has potential for changing CTEP. We are very concerned that if we make too many changes to the Program and get everybody on board with those changes, then all of a sudden get a federal authorization that again drastically changes the program, then we're right back out to them with a new direction. With the potential for a new bill we're not excited about changing the program only to turn around and have to change it again. We are basically recommending backing up and staying in line with the policy adopted in 1998. We will be presenting it to you at the next meeting. We will be asking for some minor tweaks with little to no impact to the locals. We haven't dropped the issue, we've been working on it and we wanted to let you know we'd be presenting it at the next meeting.

Kevin McLaury said the basis of the two federal bills have some very significant changes in funding. So as an FYI, the flexibilities and the consolidation of funding from the current funding of \$100 down to about \$57 particularly with CTEP, Transportation Enhancement, Safe Routes to School, as it appears in both bills today will remain "eligible" for federal funding but they will no longer have specific funding tied to them. So whether the Department continues to fund those activities is now going to be a decision of this body with MDT's input but you may see a line going out the door asking for funding. It does provide the Department the flexibility of saying we have higher needs. It gives state DOT's the flexibility they've been asking for. They didn't particularly care for the heavy hand of the feds dictating where money goes. So with that, if those bills end up becoming law, that will be a significant change in how the Department looks at what gets funded and what doesn't. So there are some changes in the wind.

Commissioner Griffith asked Lori if she'd looked at funding one bill versus the other and where that ends up. Lori said she had been watching them very closely. There are two major differences between the bills – the length of the bill and the funding. The Senate bill is the two-year bill that would take us through Federal Fiscal Year 2013 slightly higher than our current level. We are estimating the Montana portion would be about \$400 million. The House bill has a significant reduction for Montana; we don't do well the way they've done the formulas. It is a five-year bill and will go through Federal Fiscal Year 2016. Our funding level would be around \$322 million which takes us back to the 2006 level. The program consolidation is pretty similar in both of them. The House Bill is a lot more streamlined than the Senate Bill. Commissioner Griffith asked if CTEP was over and above that or is it specified. Lori said there is really no Enhancement Program; it is "eligibility" – we can spend on enhancement-type improvements like Safe Routes to School projects but we are not mandated to. Commissioner Griffith asked if it was mandated in the existing bill. Lori said yes, enhancement is a 10% set aside of our Surface Transportation Program funding. The same pot of money funds our Urban Routes, our Primary System, our Secondary System, and Railroad Safety Program. Safe Routes to School is also mandated – we get about \$1 million per year. Also current law SAFETEALU extended and mandates us to have a specific FTE to manage the Safe Routes to School Program. We've actually contracted that work to the Western Transportation Institute. All those mandates will go away.

Custer Avenue Exchange

Director Reardon said the Custer Interchange here in Helena has been going great guns. The contractor is working very hard – 24/7 around the clock. The scheduled closure date has been moved from Memorial Day into mid-April for the bridge to be closed up to 75 days but I think the contractor is looking at 60 days. It's going to be real interesting around here for traffic to move and it will add some pressure. This contractor wants his incentive. Kevin McLaury said he heard they are hoping to get 30 days of incentive and they are going to do whatever they can to knock this thing out very expeditiously. Commissioner Griffith said it would have been nice to have that much incentive on Harrison Avenue. We were without a road for a long time.

Marias Pass Rest Area

Commissioner Griffith asked about Marias Pass. I would like to elevate that to a Commission Response because people assume that's our rest area. We need to have some input to try and see what we can do to get that redone. Commission Howlett said it might be appropriate for the Commission to pass a motion to ask the Department to formalize some negotiations on it.

Commissioner Griffith moved to ask the Department to formalize negotiation on the Marias Pass rest area. Commissioner Winterburn seconded the Motion. All Commissioners voted aye.

The motion passed unanimous.

Commissioner Griffith mentioned the Planning Session for big projects and seeing the need out East and other projects like Custer. We're getting to the point where we can't do that within the District Budget. We're going to have to address that. I know we had conflicts today but I don't feel we can push that off any more. We've got to get in and think about what the solution is prior to the P3 process. Commissioner Howlett asked if where they arrived was contingent upon what's available in terms of resources. Commissioner Griffith said yes but the whole thought process is whether some of these projects need to be funded on a state-wide level versus federal. Regardless of how much money is left, we've got to set up something because we just took the bridge fund out of the process and then we put \$30-40 million back into this bridge. The point is we have to look at it from the whole big picture that there are certain projects that aren't going to be able to be funded in the District.

Commissioner Howlett asked where they were with that process. Lori said they had been working on that since the TCP meeting. When we said bridge funding couldn't be used on the Interstate that was just a guideline we used in years past when our funding was plentiful and we really wanted to focus bridge funds on bridges. Bridge funds are totally eligible – we can use them on the Interstate so we have a recommended solution for the structures out there. Having big projects in our program is not new, we've had them for years and we have various mechanisms and ways to address those. That is what we've prepared for you when we can schedule it. We looked at the history, we've identified all the big projects we know are out there and we've started talking about potential solutions within our program.

Commissioner Griffith said the difference is that in the past everything was big projects and now it's all seal and cover. Because apparently the computer management system is saying this is what the roads need. That's great because we've got all those projects done but it also has taken the money away from doing a big project. If you do the project are you sacrificing your maintenance? And if you're sacrificing the maintenance, then you're going to start seeing everything become a big project. We don't want to get in that same routine again. Commissioner Howlett asked when they were going to have that discussion. Lori said they were ready to have that discussion at any time. We can add it as an Agenda Item for the May meeting. Lori said in May we will be presenting the STIP for your consideration. Commissioner Griffith said Lynn's gone through a lot of trouble to come up with an

idea for us to accept, so I don't want to push it off too far. Commissioner Howlett said they would plan to do it at the next meeting.

Next Commission Meeting

The next Conference Calls were scheduled for April 3 & 4, 2012. The next Commissioner Meeting was scheduled for May 24, 2012.

Adjourned

Meeting Adjourned

Commissioner Howlett, Chairman
Montana Transportation Commission

Tim Reardon, Director
Montana Department of Transportation

Lori K. Ryan, Secretary
Montana Transportation Commission