

# Montana Transportation Commission

July 28, 2016 Meeting

Miles City Community College  
2715 Dickinson  
Miles City, Montana

## IN ATTENDANCE

Rick Griffith, Transportation Commissioner, Chairman  
Barb Skelton, Transportation Commissioner  
Carol Lambert, Transportation Commissioner  
John Cobb, Transportation Commissioner (Excused with proxy)  
Dan Belcourt, Transportation Commissioner  
Pat Wise, Deputy Director MDT  
Dwane Kailey, MDT Engineering  
Lori Ryan, Commission Secretary  
Dave Ohler, MDT Chief Legal Counsel  
Lynn Zanto, MDT  
Shane Mintz, MDT  
Steve Heidner, MDT  
Tom Roberts, MDT  
Lloyd Rue, 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](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](mailto: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 Rick Griffith**

Commissioner Griffith called the meeting to order with the Pledge of Allegiance. After the Pledge of Allegiance, Commissioner Griffith offered the invocation.

## **Approval of Minutes**

The minutes for the Commission Meetings of March 22, 2016, May 24, 2016, May 26, 2016, June 7, 2016 and June 28, 2016 were presented for approval.

Commissioner Skelton moved to approve the minutes for the Commission Meetings of March 22, 2016, May 24, 2016, May 26, 2016, June 7, 2016 and June 28, 2016. Commissioner Cobb seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

## **Outdoor Advertising – Proposed Rule Bus Shelter Advertising ARM 18.6.205**

Dave Ohler, MDT Chief Legal Counsel, said at the last meeting the Commission considered the Outdoor Advertising Rules and with the exception of the Bus Shelter rule, moved forward those rules as proposed by the department. For the Bus Shelter rule Commissioner Cobb proposed an amendment that the Commission adopted to deal with advertising on the exterior of bus shelters. We presented that change to the rules to our FHWA partners and they had some concerns about the amendment. We've been in discussions with them and believe we can work together to come up with something that works for FHWA as well as the department. So we would like to pull the Bus Shelter rule off the table, go back and rework that rule and put it out again for public comment and then consider the Bus Shelter rule at a future Commission meeting. We are proposing the Commission withdraw the Bus Shelter

rule from the rule making process and ask the department to work with FHWA to come up with a substitute rule.

Commissioner Griffith asked if there was anything that needed to be done with the other rules. Dave Ohler said no. As you may recall there were actually three motion made to move the Outdoor Advertising rules forward: one for the electronic billboards, one for the rest of the rules and one for the bus shelter rules. So the Commission has moved all of the other rules forward; we just need to publish them with the Secretary of State. So those will move forward.

Commissioner Belcourt asked if this was a substitute change. Would we have to go back anyway to get public comment? Dave Ohler said that is somewhat of a close call as to whether this is a substitute change. To be on the safe side and to allow the public to participate, we think it's a good idea to republish it and accept public comment again on the new rule. That seems to be a safer approach.

Commissioner Skelton asked if the Commission files the other rules today, when will they go to the Secretary of State. Dave Ohler said August 8, 2016. Then they become effective seven days after that.

Commissioner Griffith said for the record, Commissioner Cobb has given me his proxy to vote for this meeting. He had to stay home because of the fire danger to his ranch.

Commissioner Lambert moved to rescind the bus shelter rule motion from the May 26, 2016, Commission Meeting and request that the department work with FHWA to revise the bus shelter advertising rule language. Commissioner Belcourt seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

### **Agenda Item 6: Speed Limit Recommendation Montana 1 – Maxville Access, North & South**

*Henry Barsotti, Safety Coordinator and DES Coordinator for Granite County*

I started with the County in December of 2015. Prior to that I spent 37 years as an Air Traffic Controller First Line Supervisor and Facility Manager so I have a deep background in safety. The Granite County Commission wanted this looked at after we had an incident here after a study that was done by MDT authored by Danielle Boland. The study basically said that even though 64 residents of the Maxville area had put forth their concerns and wanted the speed limit lowered, people who actually live here and are aware of the situations and the driving conditions and everything that follows into this seven tenths of a mile area, MDT said it met their standards, that the speed limit shouldn't be lowered, that there weren't enough accidents, etc. Since I took my position, we've sent two letters: one was May 10, 2016, and the other was July 5, 2016. Both letters remained unanswered until Gene Bokavich got involved about three days ago on our concerns on the safety issue.

Just because you meet safety standards in the book does not necessarily mean you're running a safe operation. That's the conclusion we've come to. I've done a study of the area and I talked to Danielle Boland several months back and she said she has only been to the area a few times. There's no boots-on-the-ground study here with all the little ins and outs of this area. This appears to be more of a google maps study exercise and everything met the supposed specifications of MDT. We've asked again and again, this is the third or fourth time this has been requested by the people who live here. You've probably spent more money on these studies than it would have taken to fix the problem.

The latest person who had an incident here was on February 13, 2016, was Mr. Doug Robbins and he was fortunate to live through it. The other people were tourists. Part of the problem here is that we have people from out of the area coming to enjoy our area who are not familiar with the ins and outs of our roads. Mr. Robbins was in an accident at the intersection of Maxville Road and Hwy 1. His truck suffered \$10,000 worth of damage and the other vehicle with four people in it was highly damaged. They may have not killed him which unfortunately seems to be the underlying psychology I've run up against when visiting with people about these issues – somebody has to die here first before they will lower the speed limit.

Mr. Robbins received this letter, dated June 27, 2016, from State Farm referencing the accident, which states:

“After investigating this loss and considering information presently available to us, we have evaluated the claim of Rene Glenny at the amount equal to or in excess of your available bodily injury liability limits. Therefore to comply with the Montana Supreme Court’s directive in Schenik vs. D2 Trucking case we are paying \$100,000 to Rene Glenny which represents and exhausts the available per person and per accident bodily injury liability limits under the State Farm Car Policy. Based on the Montana Supreme Court Case mentioned above, Rene Glenny is not required to and will not execute an agreement releasing you from liability in this claim. You may want to consider retaining an attorney of your own choosing at your own expense to personally represent you should suit be filed against you as a result of the February 13, 2016, accident. State Farm will provide a defense for you at our expense even though we have paid your acceptable applicable policy limits. Please contact us if you have any further questions.”

So now Mr. Robbin, who is retired, is looking at going to court possibly.

We are trying to mitigate this and slow people down. If you're on Hwy 1 coming from Phillipsburg you're basically blind until you're right at the very edge of what you need to stop in dry weather, which is the case in many months of the year since we're at 4,800 feet in Montana and have winter conditions and the stopping distance grows greatly. We have 15 roads – seven named roads and eight driveways that enter Hwy 1 in the seven-tenths of a mile stretch. There are several businesses on Maxville Road – a food bank, the VFW, and also recreational areas up at Princeton where people are turning RVs onto these roads. There is also Boulder Creek Lodge where they turn directly into Boulder Creek Lodge off Hwy 1 which is at 70 mph zone.

I do not understand personally having been in Air Traffic Control all these years why MDT is fighting us on this issue. We're not asking for the sun, moon and stars; we're asking for a little bit of a break in the speed so people have a fighting chance to see what's going on and are able to maneuver to avoid incidents. Granted we have not had a lot of recorded incidents here but it's just a matter of time. I've had to bail out of the road myself several times due to people passing in a no passing zone which Maxville is currently. I've submitted several letters listing the various problems:

Maxville Road is over 10 miles long and goes up to Princeton and feeds all the residential traffic into Hwy 1;

Visibility north down on Hwy 1 approaching Maxville is severely impaired;

Hwy 1 has a four degree down-hill grade northbound to the Maxville Cassidy Lane Intersection which degrades braking especially in winter;

Hwy 1 is advertised all over the place as the Pintlar Scenic Route or as one person has stated “a distracted driving zone”.

So we’re asking just to lower the speed limit and we’ve been fought tooth and nail on this every step of the way.

Commissioner Griffith asked the department to respond. Dwane Kailey said at the request of the Granite County Commissioners we did go out and conduct an engineering and speed study investigation in the area. We found the majority of traveling speeds actually in excess of 70 mph. So even with the signs posted out there today, people are driving in excess of 70 mph. I guess the one thing I would add is that we also looked at the crash history out there and over four and half years we’ve only had six accidents. We are about Vision Zero, we are about reducing accidents but six accidents compared to what we see state-wide and system-wide is not what we would raise to the level of a crash cluster or a crash history that requires mitigation at this point in time based on what we see in the rest of the state.

The other thing is we recently conducted a speed study research project that looked at the level of compliance and the change in safety, crashes, when we set a speed limit below the engineering recommendation. I requested the research study because, while the MUTCD says we should be doing it a certain way and state law that says we need to follow the MUTCD, I had no data and no statistics to tell me that this is the right thing to do. What we found, through the research project, is that the further you deviate from the engineering recommendation, the lower the compliance is and the more we start to increase crashes. The reason is that you introduce differential speeds, people don’t believe the speed signs or that the speed limit is appropriate, and you start to induce frustrated driving and they start to make some of the moves that Mr. Barsotti is talking about. I respect everything he is saying and I’m fully sympathetic but unfortunately we see that putting up two white and black signs does not change the culture of the drivers. It is unfortunate but that’s what happens; it does not change their characteristics and they still want to drive that speed.

One thing I would offer up which came up in discussion with the Missoula District Administrator is that Commissioner Belcourt has not had an opportunity to meet with Granite County. If the Commission prefers, we could table this until we’re back in Helena and that would allow Commissioner Belcourt an opportunity to talk to the Granite County Commissioners as well as afford them the opportunity to appear in person. Commissioner Belcourt suggested that as well. He said he has an issue with this. I understand Dwane’s position and I support that but really the decision falls onto the Commission. I’ve had significant discussion with Seeley Lake which is also on the agenda today and perhaps that should be tabled as well so those folks can come make comment as well. He asked Mr. Barsotti if he was amenable to tabling the issue until the September meeting. Then they could deal with the Seeley Lake Community Council and also with the Granite County Commissioner. Mr. Barsotti said that would be fine. His concern was that they get a full good hearing on the issue. I can bring evidence and pictures showing that you can’t see seven feet of an eight and a half foot sign from the Granite Intersection which is at the top of the hill on Hwy 1. There are a lot of issues with doing this as an engineering study, if you haven’t had “boots on the ground” and haven’t talked to the people out here. I tend to agree with you to some extent on the speed but there are ways to counter that and to get people to slow down and there’s also selective enforcement granted. One of the problems we see here and one of the things we’re trying to mitigate is we’re having trouble with our Emergency Response Ambulances from both Phillipsburg and Drummond because they are volunteer services and if an accident does happen, even getting First Aid to these people is questionable right now.

Commissioner Griffith said part of this is on the county too. If people are violating the speed limit now, if we put new speed limit signs up they will violate that too unless we have enforcement. My thought to you is to talk to the Sheriff and see if

they can't start to make an effort to slow traffic down at least to the speed limit. That's a big part of it. When we institute speed zones to protect both the traveling public and the local residents, we do it with the assumption that it is part and parcel of good enforcement much like Anaconda which does enforce their 35 mph and 45 mph speed limit. Truly if they had been enforcing it, we would have seen that in the speed study with tickets being issued and that would have gone a long way to support your claim before the Commission. Mr. Barsotti said Maxville is a small community of only 3,200 people and said he would talk to Sheriff Dunkerson about enforcement and was sure he would have no problem in making sure enforcement was pushed up especially if the speed limit was lowered to get people to pay attention. The residence will be very happy to see this – 64 of them signed this petition and have been very concerned about it. I've got family that comes and goes and kids in college and I'm very concerned about what happens at that intersection. I've seen some pretty "yahoo" stuff out there. I was run off the road because someone decided to pass in the no passing zone right after I pulled onto Hwy 1 northbound. Enforcement needs to be there for the safety of the community and visitors also. I think tabling it would be good so we can make a full presentation. Let me know the particulars of that and I will be there.

Commissioner Griffith tabled the issue until the next Commission Meeting September 22<sup>nd</sup>. Commissioner Belcourt asked Mr. Barsotti to get in touch with him so he could arrange to go out and look at the area or meet with him and the County Commissioners as well. Mr. Barsotti said he would do that.

Tabled

### ***Agenda Item No. 1: Construction Project on State Highway System Yellowstone Theological Institute – Bozeman***

Lynn Zanto presented the Construction Project on State Highway System – Yellowstone Theological Institute, Bozeman to the Commission. The Yellowstone Theological Institute (YTI) is proposing modifications to South 19<sup>th</sup> Avenue (U-1216) to address traffic generated by their new campus in Bozeman. Proposed improvements would include signal modifications and turn lanes at the intersection of South 19<sup>th</sup> Avenue and Graf Street.

The City of Bozeman has given preliminary approval for improvements at this location. Additionally, MDT headquarters and Butte District staff have reviewed and concur with the recommended improvements.

YTI will provide 100 percent of project funding and will be required to complete MDT's design review and approval process (to ensure that all work complies with MDT design standards).

*Summary:* The Yellowstone Theological Institute (YTI) is proposing modifications to the Urban Highway System to address traffic generated by their new campus in Bozeman. Specifically, YTI is requesting signal modifications and new turn lanes at the intersection of South 19<sup>th</sup> Avenue (U-1216) and Graf Street.

MDT staff recommends that the Commission approve YTI's proposed improvements to South 19<sup>th</sup> Avenue, pending concurrence of MDT's Chief Engineer.

Commissioner Griffith asked if they received the county's concurrence. Lynn Zanto said yes they have given their preliminary approval. Commissioner Griffith said there is a caveat in the staff recommendation. Commissioner Lambert said she didn't add that to the motion because you asked if everybody concurred. Commissioner Griffith said this was the Chief Engineer. Lynn Zanto said we looked at preliminary

plans but we don't have the final plans yet. The Chief Engineer has to give his concurrence to the final plans.

Commissioner Griffith asked if the city or county was doing the work. Lynn Zanto said most likely it will be the developer that is contracted to get the work done. Commissioner Griffith asked if that happened often. Lynn Zanto said yes.

Commissioner Lambert moved to approve the Construction Project on State Highway System – Yellowstone Theological Institute, Bozeman, pending concurrence of MDT's Chief Engineer. Commissioner Belcourt seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

### **Agenda Item No. 2: Construction Project on State Highway System Costco Wholesale Facility – Missoula**

Lynn Zanto presented the Construction Project on State Highway System – Costco Wholesale Facility, Missoula to the Commission. Costco Wholesale is developing a new facility on Old Highway 10 (N-132) in Missoula. To address traffic generated by the new facility, Costco is proposing to add a new intersection, signalization, a left-turn bay, and a right-in/right-out approach on Old Highway 10 near Flynn Lane.

The City of Missoula has given preliminary approval for improvements at this location. Additionally, MDT headquarters and Missoula District staff have reviewed and concur with the recommended improvements. If in the future the Commissioner would like to have that concurrence attached to the item that can be done. Commissioner Griffith said he would like the concurrence attached.

Costco will provide 100 percent of project funding and will be required to complete MDT's design review and approval process (to ensure that all work complies with MDT design standards).

*Summary:* Costco Wholesale is proposing modifications to the National Highway System to address traffic generated by their new facility in Missoula. Specifically, Costco is requesting a new intersection, signalization, a left-turn bay, and a right-in / right-out approach on Old Highway 10 (N-132) near Flynn Lane.

MDT staff recommends that the Commission approve Costco's proposed improvements to Old Highway 10 in Missoula, pending concurrence of MDT's Chief Engineer.

Commissioner Belcourt moved to approve the Construction Project on State Highway System – Costco Wholesale Facility, Missoula, pending the concurrence of MDT's Chief Engineer. Commissioner Lambert seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

### **Agenda Item 3: Secondary Roads Program – Capital Construction Project Pine Creek Road – Park County**

Lynn Zanto presented the Secondary Roads Program – Capital Construction Project, Pine Creek Road, Park County, to the Commission. The Surface Transportation Program – Secondary (STPS) finances highway projects on the state-designated Secondary Highway System. Secondary Roads are routes that have been selected by

the Montana Transportation Commission to be placed on the Secondary Highway System.

Secondary Roads Program funding is distributed by formula and is utilized to resurface, rehabilitate and reconstruct roadways and bridges on the Secondary System. Capital construction priorities are established by the Counties and pavement preservation projects are selected by MDT (per the guidance in MCA 60-3-206).

In March of 2016, the Transportation Commission approved a proposal (by Park County) to add Pine Creek Road, from US-89 to East River Road, to the Secondary Highway System. With this approval in place, Park County is now requesting to advance a reconstruction project on Pine Creek Road to improve the roadway to Secondary Roads Program standards. Additionally, Park County is requesting to remove their original project (Mission Creek Road) from the list of Secondary Program priorities (in exchange for Pine Creek Road).

The following table provides location, scope, and cost information for the proposed new STPS project:

Project Name	Scope	Signed Route (Dept. Rte.)	Beg. RP	Length (miles)	PE, IC, RW	CN	CE	Est. Total Cost
Pine Creek Road	Reconstruct	Secondary 575 (S-575)	0.000	2.422	\$893,000	\$3,189,000	\$319,000	\$4,401,000

*Summary:* Park County is requesting approval to add a capital construction project to the Secondary Roads Program. Specifically, Park County is proposing a reconstruction project on Pine Creek Road (from US-89 to East River Road) to improve the roadway to Secondary Roads Program standards. Additionally, Park County is requesting to remove their original project (Mission Creek Road) from the list of Secondary Program priorities (in exchange for Pine Creek Road). The total estimated cost for the new project is approximately \$4,401,000 to be funded entirely with Secondary Roads Program (STPS) funds.

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

MDT staff recommends that the Commission approve the addition of this project to the Secondary Roads Program.

Commissioner Griffith asked if this was just getting added to the Secondary. Lynn Zanto said, with your approval today, they have added it to the list through the county process so it is recognized as their priority. We are now asking you to approve the addition. Commissioner Griffith asked if it was near construction or five years off. Lynn Zanto said in the future because there are other priorities ahead of it.

Commissioner Lambert moved to approve the Secondary Roads Program – Capital Construction Project, Pine Creek Road, Park County. Commissioner Skelton seconded the motion.

The motion passed unanimously.

**Agenda Item No. 4: Missoula District Projects:**  
**Kalispell – East (MT-35)**  
**Somers – North & South**  
**JCT US 93 – East (MT-40)**

Lynn Zanto presented the Missoula District Projects, Kalispell – East (MT-35), Somers – North & South, JCT US 93 – East (MT-40) to the Commission. The National Highway System (NH) Program finances highway projects to rehabilitate, restore, resurface, and reconstruct Non-Interstate routes on the National Highway System. Montana’s Transportation Commission allocates NH funds to MDT districts based on system performance.

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

In response to emerging operational, safety and pavement needs on the National Highway System, the Missoula District is advancing major rehabilitation projects on US-93 (N-5) and MT-40 (N-38). The first project (*Somers – North & South*) will rehabilitate 4.0 miles of US-93 near Somers. The second project (*JCT US 93 – East*) will widen, rehabilitate and add left-turn lanes to MT-40 near Whitefish. The total cost for both projects (all phases) is \$18,213,000 – with the entirety of the funding originating from the Missoula District NHS Program.

In response to emerging operational, safety and pavement needs on the Primary System, the Missoula District is advancing a major rehabilitation project on MT-35 (P-52) near Kalispell. The proposed project (*Kalispell - East*) will rehabilitate 2.6 miles of MT-35, east of Kalispell. The total cost for the project (all phases) is \$6,429,000 – with the entirety of the funding originating from the Missoula District Primary (STPP) Program.

*Summary:* The Missoula District is requesting approval to add three major rehabilitation projects to the highway program. The total estimated cost for all projects is approximately \$24,642,000. The amounts originating in specific programs are listed below:

National Highway System	\$ 18,213,000
Surface Transportation Program Primary	<u>\$ 6,429,000</u>
	\$24,642,000

The proposed projects are consistent with the goals and objectives identified in the Performance Programming (P3) Process – as well as the policy direction established in TranPlanMT. Specifically, roadway system performance and traveler safety will be enhanced with the addition of these projects to the program. Staff recommends that the Commission approve the addition of these Missoula District projects to the program.

Commissioner Griffith asked why these were being added in the middle of the process. Lynn Zanto said it is not unusual that projects come to the Commission as they are identified and as the districts are looking at their overall program and seeing where they need to start getting the projects into the mix. Commissioner Griffith said three projects at once is a lot. Lynn Zanto said ideally these would have come in at the time we solicit nominations during the STIP process. I can tell you with the Whitefish project there was a petition received from citizens concerned about safety, so the district wanted to go ahead and bring this project forward. Commissioner Griffith said he didn’t have a problem with the project specifically, just that they are not coming in with the regular STIP program.

Commissioner Belcourt moved to approve the Missoula District Projects, Kalispell – East (MT-35), Somers – North & South, JCT US 93 – East (MT-40). Commissioner Lambert seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item No. 5: Great Falls District Signal Project  
Traffic Signal – Last Chance Gulch  
& 14<sup>th</sup> Street (Helena)**

Lynn Zanto presented the Great Falls District Signal Project, Traffic Signal – Last Chance Gulch & 14<sup>th</sup> Street, Helena to the Commission. MDT in coordination with the City of Helena is recommending the installation of a new traffic signal at the intersection of Last Chance Gulch (U-5807) and 14<sup>th</sup> Street in Helena. The intent of the project is to improve pedestrian safety and operations in the area and address ADA deficiencies and is included in *The Greater Helena Area Long Range Transportation Plan-2014 Update*. The proposed new signal meets warrants and will be installed via a combination of CMAQ and HSIP dollars.

The Highway Safety Improvement (HSIP) Program makes federal funding available to states to assist with improving highway safety on all public roads while the Congestion Mitigation and Air Quality Improvement (CMAQ) Program provides funding to address air quality and congestion issues throughout the state of Montana. While some CMAQ funds are directed to specific areas (such as Missoula, Billings, and Great Falls), MDT has the flexibility to prioritize the remainder of CMAQ funds to statewide projects that address air quality or congestion issues. In recent years, MDT has utilized the flexible funds to purchase air quality equipment (in PM10 areas), to improve traffic flow at intersections and along signalized corridors, and to address ADA deficiencies at intersections.

The CMAQ portion of the project will address ADA issues at the intersection. The HSIP portion will fund the new traffic signals to address pedestrian safety. The total estimated cost for all project phases is \$410,000 – which includes an estimated \$245,000 contribution from the CMAQ program.

*Summary:* MDT in coordination with the City of Helena is recommending installation of a new traffic signal at the intersection of Last Chance Gulch (U-5807) and 14<sup>th</sup> Street in Helena. The intent of the project is to improve pedestrian safety in the area. The total estimated cost for all project phases is \$410,000 – which includes an estimated \$245,000 contribution from the CMAQ program. The remainder of the project (\$165,000) will be funded via the HSIP program.

The proposed project is consistent with the goals and objectives identified in the Performance Programming Process (P3) as well as the policy direction established in TranPlanMT. Specifically, traveler safety and bike/ped facilities will be enhanced with the addition of this project to the program. Staff recommends that the Commission approve the addition of this project to the program.

Commissioner Skelton moved to approve the Great Falls District Signal Project, Traffic Signal – Last Chance Gulch & 14<sup>th</sup> Street, Helena. Commissioner Lambert seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item No. 6: Speed Zone Recommendation  
Montana 1 – Maxville Access, North & South**

This item was presented at the beginning of the meeting. It was decided the issue would be tabled until the next Commission Meeting on September 22<sup>nd</sup>.

Tabled

### **Agenda Item No. 7: Speed Zone Recommendation MT 83 – Seeley Lake**

Dwane Kailey presented the Speed Zone Recommendation for MT 83 – Seeley Lake to the Commission. The Commission tabled this matter until the next Commission Meeting on September 22<sup>nd</sup>.

Tabled

### **Agenda Item No. 8: Speed Zone Recommendation Secondary 284 – Canyon Ferry Road**

Dwane Kailey presented the Speed Zone Recommendation for Secondary 284 – Canyon Ferry Road to the Commission. This was prompted by a request by Lewis and Clark County. This has a long history but I'll keep it short and brief. It was requested quite some time ago but we failed to get response from Lewis and Clark County so we had to go back out and regather the data. We are now presenting it at this point in time. Based on our review of accidents, access, and character of the roadway we are finding the following to be our recommendation:

A 55 mph speed limit beginning at the hill approximately 1,900 feet south of the intersection with Secondary 430 and continuing east to milepost 7.96 (as posted), an approximate distance of 3.8-miles. Transitioning to

A 45 mph speed limit beginning at milepost 7.96 (as posted) and continuing north to milepost 8.4, an approximate distance of 0.44-miles. Transitioning to

A 35 mph speed limit beginning at milepost 8.4 and continuing across Canyon Ferry Dam and along the shore to milepost 8+1.960, an approximate distance of 1.560-miles.

Perpetuate the statutory 25 mph speed limit (as posted) beginning at milepost 8+1.960 and continuing through the community of Canyon Ferry to milepost 10.310, an approximate distance of 0.35-miles. Transitioning to

A 45 mph speed limit beginning at milepost 10.310 and continuing east and south to the Lewis & Clark – Broadwater County Line at milepost 16.0, an approximate distance of 5.2-miles.

We have presented this to the Lewis and Clark County Commissioners. We did get a response from Eric Griffin and he concurs however he requested a 35 mph from milepost 10.310 to milepost 16.0. Based on our speeds in there, we believe that 45 mph is more appropriate. We present this for your approval.

Commissioner Griffith asked if the county approved the recommendation. Dwane Kailey said they concurred with everything except for the last segment where we're recommending 45 mph from milepost 10 to milepost 16. They are requesting that section be 35 mph which is the current speed. Commissioner Griffith said he had a concern that Commissioner Cobb was not present to defend his District. I think we should table this until Commissioner Cobb can be here.

Tabled

### **Agenda Item No. 9: Certificates of Completion April & May, 2016**

Dwane Kailey presented the Certificates of Completion for April & May, 2016, to the Commission. They are presented for your review and approval.

Commissioner Skelton moved to approve the Certificates of Completion for April & May, 2016. Commissioner Lambert seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

### **Agenda Item No. 10: Project Change Orders April & May, 2016**

Dwane Kailey presented the Project Change Orders for April & May, 2016, to the Commission. They are presented for your review and approval.

Commissioner Lambert moved to approve the Change Orders for April & May, 2016. Commissioner Skelton seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

### **Agenda Item No. 11: Liquidated Damages**

Dwane Kailey presented the Liquidated Damages to the Commission. We have three projects for you. First is a safety project JCT Filson/Quarter Circle. The contractor was AM Welles, Inc. They have two days of Liquidated Damages in the amount of \$5,512.00. They are not disputing those charges. Second project is Prairie County Line- East (EB). The contractor was Prince, Inc. They have nine days of Liquidated Damages for a total of \$24,804.00. They are not disputing those charges. The last project is South of Laurel – RR Overpass. The contractor was Scarsella Brothers, Inc. They had 17 days of Liquidated Damages for a total value of \$72,114.00. They are disputing those charges. We've presented you with some information and have three additional letters to give you this morning. Mr. Heidner from Scarsella is here as well to speak to you. Commissioner Griffith asked to hear from MDT first.

Dwane Kailey said essentially the majority of this dispute comes from the design of the detour road. In a letter Scarsella attests that the design was a challenge to be constructed and the department concurred. We did concur. The design did have some flaws. In talking with staff the one thing we failed to talk about with the Commission is that there are a multitude of remedies within our contracts. When we run into challenges, change of conditions or whatever it be during a contract, first and foremost typically the contractor and MDT staff sit down and look at the issue and try to work through it. If they can do that within the existing contract, they simply get it done and pay the appropriate items as they are detailed in the contract. If they can't do it within the contract then typically they will issue a Change Order for either additional quantities, additional resources and/or additional time if needed. In this case we believe that the first was handled. The contractor and staff got together and worked through the process and basically got the work done. There was no Change Order issued or time extension granted.

If a contractor at some point in time believes there is a disagreement in how the work needs to be done or that it's covered within the contract, then they have a third remedy called a Claim. In this case a Claim was never filed.

The specs in our contract are very clear – for example, Spec 105.16.1 Notice of a Claim states, "Submit a Notice of Claim using the Department's Notice of Claim Form CSB 105-16-1A no later than the next business day of disagreements that are to be the subject of a claim for additional compensation, time extension, contract change or other remedy. Provide full details and written notice why additional compensation, time extension, contract change or other remedy is warranted. Attach to the Notice of Claim all documentation showing the history of the disagreement."

Further on it states under Spec 105.16.2 “failure to timely submit the completed certified Claim for the Claim Cost Record as required is a material breach of contract and waives the contractor’s right to make any claim for the disagreement or be entitled to any compensation, time extension, or contract change related to the disagreement.”

Last not but not least, in our contract we also have a specification that covers how we track working days and how we notify the contractor. In particular it states, “Chargeable or non-chargeable working days will be determined daily by the project manager. Except during the winter shut-down the project manager will furnish a weekly report every Monday showing the number of working days charged for the preceding week previously charged specific for contract completion, approved time extensions remaining to complete the contract.” Further on it states, “Submit a written protest to the project manager within the timeframe shown on the weekly report for any alleged discrepancies in the time set. Failure to file a protest is conclusive evidence that the time excess is accepted as correct. Contract time assessments will cease when the project manager approves the Contractor’s Certified Work Complete Form under Subsection 105.17.2. Contract time over-runs or assessment of Liquidated Damages will be computed as the number of working days assessed beyond the contract time specified.”

Last but not least Scarsella Contracting is aware of our claim process. If I’m not mistaken there was a claim filed on this project early on not in relation to this issue but in relation to the Yellowstone Pipeline. So they are very aware of our claims process. They were aware of the working day contract times. My concern is that they agreed to do the work, they had no issues with doing the work and they felt they could get it done within the contract time. Unfortunately they failed to do that so now they are trying to take a second bite or third bite at the apple and ask for your forgiveness to waive the Liquidated Damages. I believe that is inappropriate and is covered within the contract and it should be denied.

Commissioner Griffith asked if there were any negotiations for damages between the Project Manager and MDT and was there any relief granted. Dwane Kailey said the EPM did work with Scarsella on the issue and there was no Change Order issued. I believe the quantities were all covered within the contract. Commissioner Griffith asked if there was any negotiation on this issue as far as the 20 days and the state adjusted it down to 17 days. Dwane Kailey said to his knowledge the issue of time was not brought up until the end of the contract. It was perceived to be accepted by the contractor until towards the end of the contract. Commissioner Skelton asked if there was a protest filed. Dwane Kailey said in accordance with the contract, there was no protest or claim filed. They appealed through another section of the contract about how they could appeal to the Commission to have relief provided for the Liquidated Damages. Commissioner Skelton asked if they could do that without filing a protest for their claim. Dwane Kailey said that is one of the challenges I have with our contract but we have not changed that because in my perception it is taking an authority away from the Commission and I did not want to do that without having this discussion. Commissioner Griffith asked to hear from the contractor.

*Ken Merrick, General Manager for Scarsella Brothers, Inc.*

Scarsella Brothers is a heavy highway job contractor based out of Seattle, WA. They do work throughout the western United States from Alaska to Southern California, Idaho, and Montana. They mainly work on roads, highways, bridges, airports and that type of work. Pertaining to this project, Mr. Kailey is correct with his assessment of what the contract says. Also there is an avenue to appeal to the Commission to get relief for Liquidated Damages. I would like to address the discussion on how you file a claim. Mr. Kailey is correct in that the contract says you have one business day to file a claim. That specification is problematic throughout the State of Montana

and how different districts handle it. Some districts find it very problematic. Everyday there is an occurrence on a project that could potentially be a claim situation. Failure to provide that document in 24 hours is somewhat problematic because it creates problems on the project and a lot of conflict and a lot of discontent. I would be writing a letter daily saying we potentially have a claim here but I failed to write you a letter in 24 hours. So early on this project, as Mr. Kailey suggested, there was a claim for the Yellowstone Pipeline. We did a formal process and filed it and followed through to a meeting with Mr. Mike Taylor the Construction Engineer for the District and at that point in time we resolved the issue in the meeting. After the meeting we had a side conversation with myself, Vice President of the Company Bob Scarsella and Mr. Taylor who said that we were premature in filing that letter and that it would be much better if we could handle these issues on a project level. I completely concur with that. I would much rather try to get along than not get along. It is very helpful on a project if you can foster that type of relationship.

That's kind of how this project was – let's try to get along and try to resolve our issues in the field. All the issues I've addressed in my letter were things that were added to the contract and were things that we discussed at the project level and were resolved at the project level. We had by-weekly meeting which I attended. I work out of Spokane and I would drive to Laurel for these meetings and we had these discussions. The conversations were along the lines that we were ahead of schedule for most of the contract, we are getting along, and there are no issues, so let's proceed. For whatever reason towards the end of the contract we were unable to complete it. Some of the reasons were the phase of work and work associated with constructing the signs. We didn't have enough time in our contract for the inherent delays with installing signs – that was not in our original base-line schedule that was to be approved by MDT as well and they did approve that.

To summarize, I agree with what Mr. Kailey said pertaining to the contract language but it doesn't take into account the attitude of the project "can we just try to get along." That's how the project was built. So we did not file the daily 24-hour notifications – in fact those impacts did happen and we were able to resolve them at the project level.

Commissioner Griffith said in every one of our contracts we believe time is of the essence and we state that. Most contractors put people on overtime to meet the deadline or meet their working days, so why do you feel that you are an exception. Why did you go over time on days if you were ahead of time all the way along and then all of sudden you were behind – was it scheduling. Ken Merrick said yes schedules are the issue. I did not have enough time built into the schedule to address the length of time for signs. The sign specification says that we cannot order our sign post lengths until the road is built. At that point in time a surveyor comes out and measures the height of the design post, then you order the sign post, have it fabricated and brought in, pour a foundation and wait seven days for the foundation to cure before you can stand the sign post up. That takes up a certain amount of time that was not accounted for. During that period of time absolutely no work took place with the exception of waiting for the cure period for those sign posts. I asked for time to be suspended during that period of time but both requests were denied. So there was scheduling issues associated with comparing it to the original baseline schedule that was approved by MDT.

Commissioner Griffith asked if that was typical that in between curing time and time when you could do other work that you continue to bill time. Dwane Kailey said it depends on the item for signs but that is correct we do still continue to assess time especially if it's during non-winter shutdown. There are certain items such as chip seal where there is restrictive dates when they can do that and we shut down time. Commissioner Belcourt asked if the signs were taking longer than usual to fabricate. Dwane Kailey said not to his knowledge. Commissioner Griffith said so the signs

can't be done until the pavement is done. Dwane Kailey said we try to measure the location of the sign difference, the height or elevation of the roadway, and then we want a certain elevation above that for the bottom of the sign. So yes, typically MDT personnel when they are surveying and/or the contractor if it's their responsibility to survey, typically wait until they get close to grade to measure those. It's a cost-saving measure. They could order them sooner but they run the risk of not ordering the right length. Commissioner Skelton asked if the sign issue is on every project, why you didn't build the signage time into the contract. Ken Merrick said I don't want to lose sight of just the signs – there was added work throughout the course of the project that pushed the sign issue to the end. We need to remember that there were things that happened – that's what I'm asking the time for because of the things that pushed it. To answer your question, there is a complexity about handling MDT who does the surveying, getting them to do the survey and get the information to the subcontractor to get them to order it, asking the subcontractor to take the risk of preordering and they don't want to take the risk without survey data, and me trying to resolve that issue and get the project built at the same time. I don't have a good answer on why that wasn't built in because it happens on every single project. Commissioner Griffith said the point is that it was built into our schedule but not into yours.

Ken Merrick pointed out the specifications state you're supposed to submit a schedule to be approved prior to the job being started. In that time is the duration of the signs and MDT approved that schedule. Dwane Kailey said on larger projects we require the contractor to submit a schedule. We set the contract time in the contract when they bid it. We require them to establish a schedule and it be included with the bid documents. Then we require them to update that schedule as they progress through the project. We review that and require changes if we're seeing large items, potential critical path type items that aren't on that schedule, but again, it's the contractor's schedule, not ours. Commissioner Skelton said if you saw an issue where they were going to need more time, then you have the opportunity to afford them more days on that issue. Dwane Kailey said not really, unless there is a change of conditions on the project, the contract stands. Commissioner Griffith asked if there were Change Orders issued on this project and if there were was additional time added. Dwane Kailey said I don't recall if there were; I'm sure there were Change Orders and Mr. Merrick may know that. There weren't any in relation to this issue. Commissioner Griffith said usually you set all additional time as you write the Change Order. Dwane Kailey said that is correct.

Commissioner Belcourt said when you let the contract, you set the overall timeframe and they agreed to that timeframe. Dwane Kailey said that is correct. We put it in the contract and they bid the contract. The contract very clearly says either a completion date or working days. Commissioner Lambert asked if they ever requested any working days. Ken Merrick said there was never a formal request or intent to file a claim but there were plenty of discussions at the project level that there was work and we need to get this job done and we're going to take care of you at the end. That discussion was had with Ted Nissen, Ron Olson, and Bill Faulcon. That was the attitude at the project level – we can resolve it at the project level.

Commissioner Griffith said I'm of the opinion that the contractor knew the days of work and didn't schedule the time appropriately to meet our contract. Therefore I would recommend that we do nothing. The Commission concurred.

Stand

## **Elected Officials/Public Comment**

*Ken Holman, State Representative, House District 38, Miles City*

I'm glad to see you here. It gives us the opportunity to experience something that we wouldn't have had you just continued to meet in Helena. It's been kind of fascinating to watch the process. It's good to see the thoroughness and thoughtfulness that goes into the decisions being made about our highways. I appreciate it and I'm glad you're here. Commissioner Griffith said thank you for being here, you're lucky to have Shane Mintz here. Shane took us on a tour of your House District yesterday. We were up to Glendive and down to Baker and at Jordan. Ken Holman said Shane has been great to work with. Commissioner Griffith said he took extra time to explain the west entrance to Miles City. Ken Holman said when it comes before the Commission I hope you will give it consideration. Commissioner Griffith asked if they had the final report yet. Kern Holman said they are still checking into it.

### **Agenda Item No. 12: Letting List & Proposed Letting Dates**

Dwane Kailey presented the Letting List for the remainder of the year & next year to the Commission. We've had a good but challenging year. Good in the fact that contractor bids have come in on average about 10% below what we had for estimates in the Red Book. That typically requires us, as we get close to the end of the federal fiscal year, to move in projects. We move in projects that are already in the Red Book that the Commission has reviewed and approved. They are moving in from 2017 or 2018 timeframe. So if you take the 10% on a \$330 million program, that's about \$33 million worth of work that we're gaining this year. To keep everything on track staff has been working very closely with the District Administrators across the state and we have identified those projects. They are in your letting lists and if you like I'll read off the ones that I know we brought in. Commissioner Griffith said he would like to talk about those.

- Missoula Downtown Signal, A signal safety project in Missoula. \$1.2 million.
- Corvallis Safety Improvement. \$21,000.
- East of Big Fork Safety Improvement. \$49,000
- Idaho Line East. \$3.9 million
- Left Turn Lane Immigrant. \$680,000
- Safety Improvement Bozeman – Safety Improvement Manhattan. \$160,000
- Helena Safety Improvement. \$16,000
- North of Bynum North. \$5.6 million
- JCT Secondary 508 East and West of Missoula. \$2.2 million
- Bernice Basin. \$5.2 million
- Browning Signals. \$900,000
- Hudson Bay Divide North. \$580,000
- Vida North and South. \$7.2 million
- Pine Hills Interchange, Prior Interchange. \$4 million
- Butte Mission Interchange is coming in from a project we lost.
- Butte Safety Improvement. \$56,000
- Butte Interstate Safety. \$15,000

The numbers do work out and the districts are fairly equal in the values. We typically get redistribution of Grab Bag Funds. We're estimating about \$10 million although we don't know what that value is going to be. We have a few projects out there that we're tracking and will keep you posted on those. Those are:

- Exit Five East Missoula. \$2.2 million
- Homestake Repair. \$3 million
- Great Falls District Centerline Rumble Strips. \$4 million
- Nashua North. \$2.7 million

## Airport Road Zimmerman Trail. \$1.6 million

Commissioner Lambert asked what happens with a project when you don't get the right-of-way done. I know we approve a different project in its place but what happens if you get the right-of-way. Dwane Kailey said we work very hard but it takes a while to develop those projects – we have to advertise them, we have to make sure everything is turned in on time and it's ready to go and certified by the Federal Government and then get it out to the contractor all in time to get the federal funds obligated. We're in that area where the federal program ends at the end of September. We actually have to obligate everything about two to three weeks ahead of the end of September just to make sure it goes through the system and we don't lose any federal funding. So we're right in that time frame where it is nip and tuck. Potentially if the last parcel on Belgrade South comes through with the right of way, we could shoehorn it in. I have a fair number of staff that are under a high level of stress trying to get everything closed out and get it all done. We can do it, it just gets very challenging the closer we get to August.

Commissioner Lambert asked if they lose their position then have they lost out until the next go-around. Dwane Kailey said we work with the district to identify the backup. We try to match the funding source if we can but if we can't we still want that money to stay in the district.

Shane Mintz said he had a project yesterday that is an example of what you're asking about – we had to move out Sidney to Fairview. We had some outstanding right of way that were hoping to get but it's not looking good for this fiscal year. So we moved East of Glendive East in its place. It was a 2017 project with a pretty comparable value, so it was a pretty easy swap. So Sidney to Fairview will take its place in 2017. If for some reason the right of way comes through at the very end, it probably wouldn't change much because both projects were scheduled to start in the spring. In that case I wouldn't even try to swap back. Where it gets more challenging for districts is when you swap it out with a project that you have ready that you might not have had in until 2018. So now you're taking that Sidney to Fairview project all the way to 2018 or do you slip it into 2017 and start a domino effect.

Commissioner Griffith said no matter what, you're getting whatever the value of that project off the books and moving something in from beyond the program to cover that. So you're gaining the value of that project by just having one or both of those projects being nominated for this year's work rather than next years. So it opens up a spot for more work to be done. So you gain the value of it and more.

Commissioner Belcourt asked when you would realize that, when could we know about the dollars. Dwane Kailey said we call it a three-legged stool – engineering, planning and administration. We all work together and there are three primary staff that work together very closely. Starting about January through March they start meeting every month and look at how much we have obligated, how much we have coming down the pike for all funding sources and all expenditure areas. They are looking at PE, planning costs, right of way, construction, change orders, projects mods on design and all that. That's when they start looking to see if we are going to obligate every dollar or not. About March through May is when we really start bringing in those backfills. The one thing that concerns us is those early lettings – the contractors are hungry and they are bidding very low. As they start getting filled up, they get less hungry and less aggressive. They've got that security blanket and the bids start to come up. So you don't want to pull too many projects in and you want to be very careful about bringing in the projects too early. Again we only have so much obligation and we don't want to supplant some other project. May through August is when we start bringing those in. We start monitoring those very closely that are at risk. We start having strong discussions with the district on whether they want to bring in a backup or stick to their guns. May through August becomes high

stress because that's when we're making those tough decisions. It's time to fish or cut bait.

Commissioner Griffith said the grab bag ends up being federal money that other states haven't spent that gets redistributed. When it comes to grab bag money our state does a really good job of managing the money so they don't have to send any money back to the feds. They also do a great job of having projects ready to accept grab bag money. That helps us all because it takes projects off the list and opens up voids in the Red Book to be able to slip in other projects to backfill.

Commissioner Lambert said if in fact we move a project in from 2017 to fill a hole where easements didn't come through, then a week after we move that project in all of the easements come in, does that project move to 2017 so it's a year behind?

Dwane Kailey said that is a discussion with the district and it depends on where we are in the year. We could potentially swap it and if everything comes together we could put it back into 2016 as originally planned. If we're a little too late in the year and it's going to be too difficult to get it in and get it bid, we can move it to 2017. In the example that Shane had, if it's a little bit later in the year, we could let it in 2017 but then move off a 2017 project. There are a number of options available.

Commissioner Belcourt said the bottom line is you obligate those funds and you don't lose them. Dwane Kailey said we strive very hard to obligate them in accordance with P3 and with equity to the districts. Commissioner Griffith said for the most part it gives us more money to spend on other projects rather than less. In other words it adds to our projects that we're able to cross out. They are already in the program, we're just moving some of the older ones up quicker.

Commissioner Skelton moved to approve the Letting List & Proposed Letting Dates. Commissioner Lambert seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

### ***Agenda Item No. 13: Directors Discussion and Follow-up***

Deputy Director Wise said I thank you for coming out and seeing the district. We have a great staff here and you had a little time to spend with them and see the roads out here. We saw a lot of good work going on. It's amazing how much is going on in eastern Montana that a lot of time we don't ever see. Thank you for a great tour.

#### *TranPlanMT*

TranPlanMT is our long-range planning tool. There is a survey available on line and I ask you that you take the survey for us. We've had good participation so far. The division has been doing a really good job of trying to get additional stakeholder outreach and try a number of social media outreach for folks. It's been a little different than paper. We really are trying to get as much input as we can so we get a state-wide perspective of what our system looks like and some input into that. We do these long-range planning processes and so often we don't get in touch with the public for a long time and this is an opportunity to do that. We'd love to have you do that. You can get it on the website.

#### *Construction*

We've had a good construction year. Things are moving along. We're excited that we got the additional dollars to put into some of this work because, as you know, we're spreading the same amount of dollars around to a lot of need in the State. So any time we have the opportunity to do this, it's great for us and good for the State as a whole.

There is on-going conversation continuing on infrastructure and state revenues to support infrastructure. Of course we'll know more after we see the executive budget which will be available November 15<sup>th</sup> and the legislative process and into the Legislature what that conversation is going to look like. It seems like our stakeholders are engaged and actively looking at a number of different avenues to encourage the state to look at increasing those commitments to infrastructure development. We continue to see our need grow and we've not seen an increase in state revenues into those projects since 1993. We're looking forward to that conversation.

We've got a busy September with Red Book. We'll obviously take another look at making sure the speed studies are on your agenda and hope that you take a look at the evaluations the staff has put into that. We also had public input into that.

Commissioner Lambert said something my district has that the rest of you probably don't is Sturgis. Sturgis has the motorcycle rally every year which really impacts our district. So each year before the rally we meet with law officials from other states and decide how to handle it. Actually it costs some dollars and I'm not sure what budget it comes out of. I would like for Tom Roberts to tell you about some of the things we do for that. He has put a lot of time into this.

*Tom Roberts, Division Chief of the Glendive District in Miles City*

It started last year with the 75<sup>th</sup> Rally. It was part of a group effort between Wyoming, South Dakota and Montana as stakeholders since US-212 is a major corridor. We worked with them and our staff to reduce the speed limits through Alzada for this time period from 50 mph to 35 mph. So it's a controlled corridor. We did it with consensus and we'll do it as long as law enforcement will enforce those rules. Carter County came in and it's working great. We also set up a helipad station in Alzada for emergency airlift situations. Broadus's airport is set up in case we have a major event and they can fuel there. We work with not only South Dakota and Wyoming but with the surrounding counties not just Carter and Powder River but with Fallon County and Custer County as far as triage operations. So basically we're trying to be proactive.

They are saying the traffic will be a little bit greater this year versus the 75<sup>th</sup> Anniversary because a lot of people go to other events. Now there is more time to travel and we've already seen a great number of bikes coming through. This is our ability to be proactive, to reduce the Vision Zero Plan that the Director has and to reduce the conflict. US-212 is a heavy, heavy truck corridor commercial route and that's a conflict. Cars and trucks are a conflict but when you throw motorcycles in with that now you have a tremendous conflict. Our BMS boards are set up for emergency response. If there's an accident we can direct traffic off 59 and put them on 39. We have BMS boards at Crow Agency, Ashland, Broadus, and BMS boards coming into the state at Alzada. The Alzada boards will be facing west, the rest of the BMS boards will be facing east and we have additional BMS boards on 59.

Commissioner Griffith asked how many people leave the state on a motorcycle during this period. Tom Roberts didn't know – it's hard to count them because they run in packs. I'm not talking about the regular bikers which law enforcement is working with this too. We have the normal gang bikers. We have one business owner down in Alzada caters to one of the special groups. Bikers mostly run in packs so it's hard to count them. One day last year from Boyce which is half way between Alzada and Broadus, I took time to count them and I counted over 500 bikes and I quit counting before we even got to Broadus. It's a nice drive and a lot of them don't realize that we have that amount of truck traffic. Trucks run at a certain speed. So it works well. We're a stakeholder in this and I believe anything we can do is helpful. Shane has backed us one hundred percent. Commissioner Griffith thanked him in that effort.

Shane Mintz said I want to clarify the speed Tom referenced. Last year for their 75<sup>th</sup> Anniversary they asked for special conditions for emergency speed. So we set up an emergency speed limit in Alzada. Right now it is 50 mph but for the 75<sup>th</sup> Anniversary we dropped it down for about two weeks during the main part of the rally time. It's not just through traffic, Alzada has a business that has a number of big events where we have issues with bikes. Carter County and the Sheriff have requested a speed study. We had concerns about them requesting a speed study because I didn't think it would come back and be a waste of our time but they went forward with the speed study. It didn't recommend a change. It's not a law enforcement issue. The biggest time period they are worried about is Sturgis. We talked internally about it quite a bit and decided we would continue with that during the rally.

*Bridge Deck Problems – Duane Kailey*

Duane Kailey said we've had four bridges fairly quickly in their life develop some cracking and holes in the decks. Two of them are down by Columbus and were special experimental projects. We are looking into them and doing some special studies to investigate forensics so to speak. We have a special consultant, a very sophisticated consultant from back East helping us with all this. We also recently had two bridges on the Interstate between Missoula and Lookout Pass develop problems. We are seeing this nationwide. If you look at the bottom of the decks you can see those white lines which is the cracking and then the light is F-Florescence (showing pictures). We've been taking to our counterparts nationwide and we're seeing this across the county. We don't know the cause and we don't know why these have suddenly opened up; no others ever have. These decks are about five years old so they are brand new decks for the most part. We are very concerned with what's going on. Our consultant is working with us to get to the bottom of this. You are going to see a project come before you pretty quickly for us to start sealing a lot of these decks. We're concerned that there is moisture getting in and that could be causing part of the issue. Until we can get to the bottom of it, we're pretty much on high alert. We're waiting to see what the cause is. These may be isolated, they may be a symptom of a bigger issue but we don't know. We're trying to get to the bottom of it and figure it out.

Commissioner Lambert asked about the experimental bridge decks. Dwane said the two decks in Columbus were an experiment but the other two are our standard decks. I believe they tried to patch it with cold mix and it gave out after that. Commissioner Griffith asked if they were built by the same contractor. Dwane said yes it was all one project on those two. They are only two years old. Commissioner Griffith asked if they use entrainment. Dwane said we do have spectrograph information back on them and they are showing entrainment is going all the way from about 6% to 17%. That's a huge variance in it which is not good. We're still continuing the analysis on both sets of decks. We've got a lot of opinions on what might be causing this.

Commissioner Lambert asked if there was some liability on the companies that put them in. Dwane Kailey said we don't believe so. We believe that everything was built in accordance with our specifications. If there is something they did, we believe it was not knowingly or it was built within our specs. So we don't believe there is liability on the department and we don't believe there is liability on the contractor but until we know what it is, I'm somewhat tight lipped. I don't want any opinions. Commissioner Lambert asked when the contractor was going to come on board. Dwane Kailey said they are already on board and working with us; we got them under contract very quickly. It's going to take a little bit of time to get through everything. We'll keep you posted as we go.

*Speed Studies*

As you are all aware the last Legislative Session imposed an 80 mph speed limit on the Interstate. In working with the Legislature we got them to exempt out several areas with the understanding that we would go in and do speed studies. We are nearing completion on some of those speed studies, and if you are okay with it, we'll bring them to you a little bit piece-meal. I'll run through them and tell you percentage-wise where we're at with them. I'll also explain why they are not all coming in.

Elk Park to Boulder is 100% done. We'll bring it to you in September.

Sieben to Hardy Creek is 80-50% done. The challenge we have up there is all the rock fall mitigation. We just can't get realistic data and until that project is done, we don't think we're going to. So that is going to end up probably going an extra year before we get all the data and are able to bring it to you.

Idaho to St. Regis has the same exact issue. I don't know if we're ever going to finish construction on that corridor. If you look at the history, there is something going on almost every year. The nice thing is it is all under traffic control for the most part so speeds aren't an issue. We will keep you posted on that. I just don't know when we'll ever get that done.

DeSmit to Tero is 100% done. We'll be bringing it to you in September.

Butte to Pipestone is 100% done. We'll be bringing it to you in September.

Belgrade to MP 319 is 100% done. We'll be bringing that to you in September.

Laurel to Billings is 93% done with the data collection. I anticipate we'll have it done prior to the September meeting.

Great Falls Urban Area. We have not started on data collection. That one will be out just little bit.

*Speed Differential*

Representative Ken Holman said one of the things discussed in the Legislature when this bill came up was the Highway Patrol would like secondary roads to have the same speed for trucks as cars. Have you guys taken a stand on that at all or have you even discussed it. Commissioner Griffith said no but in thinking about the motorcycles if they are traveling the same speed, it makes the travel easier and safer. Speed differential is definitely a problem.

Dwane Kailey said we are in the process of wrapping up a research project on that very issue. We are the only state in the nation right now with a differential speed limit on two-lane roadways. The preliminary data is showing that when we get to an average daily traffic of about 3,000 cars per day and a truck percentage of about 15% along with limited passing opportunities, they highly recommend that we move to a non-differential speed. The trucking industry was on board as we did the research. They are very much in support of the research. In fact, based on the project we did, they are even open and willing to consider 70 mph. As soon as that is finalized we will be presenting it to you for your information as well as what we are gathering right now are the roads that meet that criteria. So in September we will show you the research as well as showing the routes we believe meet that criteria. I think it's also going to help us and guide us to other routes that maybe don't meet that criteria but we think are either approaching it or have a little bit higher ADT, less passing distance, etc.

Ken Holman asked if they were differentiating between farm vehicles and 18-wheelers when you refer to truck traffic. Dwane Kailey said when we say trucks we mean anything greater than a pickup. We're looking at vehicles over 26,000 pounds which would pick up the majority of your farm equipment. Ken Holman said there will be periods of time when farm trucks are going to be at controlled speeds on these roads like when they are hauling livestock. Dwane Kailey said when we collect that data we may or may not be picking up those trucks. Ken Holman asked if he anticipated a bill being brought to the Legislature to adjust that in this Session. Dwane said speaking on behalf of myself and my engineering section, I get a little nervous presenting things to the Legislature just because we can put in a bill over here but we can't predict what comes out the other end. If someone wanted to sponsor a bill along that line, we'd be more than happy to testify informationally either in support or opposition depending on what the bill said. Ken Holman said he would have no problem carrying a bill like that. I'm also on the Appropriations Committee and I would love to see the report once it is finalized.

Commissioner Griffith thanked Shane Mintz for a great trip. It was a great experience and took us on roads we'd never been on and provided perspective for us when Red Book comes around. We appreciate the effort you put into it. It was great trip, well planned. Commissioner Lambert also thanked everyone for hosting the Commission. It was a good time.

Lynn Zanto said the Commission had been given cards containing information on the Survey. She encouraged them to take the survey which closes August 4<sup>th</sup>. The other information is to save the date of October 13<sup>th</sup> for our annual safety plan meeting. That's the meeting where stakeholders from all over the state, all levels of government, grass root's level from the engineering to education and emergency services, assess our progress on Vision Zero and our effort for zero fatalities. As of Monday we had 99 fatalities which is five less than last year. Three major areas of emphasis are: not using seatbelts, impaired driving and lane departure. We have very active committees in those three areas with stakeholders from all levels of safety and all levels of government as well as members of the public that meet regularly and are working on strategies.

### **Next Commission Meeting**

The next Commission Conference Calls were scheduled for August 23, 2016 and September 20, 2016. The next Commission Meeting was scheduled for September 22, 2016.

### **Adjourned**

Meeting Adjourned

Commissioner Griffith, Chairman  
Montana Transportation Commission

Mike Tooley, Director  
Montana Department of Transportation

Lori K. Ryan, Secretary  
Montana Transportation Commission