

Montana Transportation Commission

December 15, 2016 Meeting
Helena, Montana

IN ATTENDANCE

Rick Griffith, Transportation Commissioner, Chairman
Barb Skelton, Transportation Commissioner
Carol Lambert, Transportation Commissioner (by phone)
John Cobb, Transportation Commissioner (excused)
Dan Belcourt, Transportation Commissioner
Mike Tooley, Director MDT
Pat Wise, Deputy Director MDT
Dwane Kailey, MDT Engineering
Lori Ryan, Commission Secretary
Dave Ohler, MDT
Lynn Zanto, MDT
Dustin Rouse, 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 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 November 9, 2016 and November 22, 2016 were presented for approval.

Commissioner Skelton moved to approve the minutes for the Commission Meetings of November 9, 2016, and November 22, 2016. Commissioner Belcourt seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 1: Local Construction Project on State Highway System – Contract Labor Fox Farm Road – Great Falls

Lynn Zanto presented Local Construction Project on State Highway System – Contract Labor, Fox Farm Road – Great Falls to the Commission. Under MCA 60-2-111 “letting of contracts on state and federal aid highways,” all projects for construction or reconstruction of highways and streets located on highway systems and state highways, including those portions in cities and towns, must be let by the Transportation Commission. This statute exists to ensure the safety of our system, protect transportation investments, and encourage better coordination between state and local infrastructure improvements. MDT staff reaches out to local governments to solicit local projects on state systems to ensure compliance with this statute.

Summary: Cascade County is planning to design and build a transportation improvement project on the state highway system. The project will be funded locally and will utilize contract labor. The project will be designed with input and concurrence from MDT staff to the extent practicable.

On behalf of the local government, as required by MCA 60-2-111, staff requests that the Transportation Commission delegate authority to Cascade County to let and award a contract for the project listed below.

Location	Type of Work	Cost (estimate)	Fiscal Year	Type of Labor
Fox Farm Road (U-5220), from Dick Road to Fawn Drive, in Great Falls	Reconstruction	\$4,500,000	2017	Contract

Staff recommends that the Commission approve this modification to the state highway system and delegate its authority to let, award and administer the contract for this project to Cascade County, pending concurrence of MDT’s Chief Engineer.

Commissioner Griffith said it was unusual to use their own money. Lynn Zanto said it is not unusual for them to use local funds. Once a year we solicit to see if they plan any work on our system. I believe they are responsible for maintaining this road. The locals maintain about 75% of the Urban System it.

Commissioner Belcourt asked about “pending concurrence with MDT’s Chief Engineer”. Is there a problem? Why doesn’t he just sign off? Lynn Zanto said if they are going to do work on our system, they must coordinate with the District and the Chief Engineer to assure it meets our standards and that the work is appropriate and if we have anything going on, we want to coordinate those jobs. That is the last step after you approve. Commissioner Belcourt said it is more about coordination. Lynn Zanto said yes. Commissioner Griffith said since the agreement isn’t written, somebody needs to concur with that agreement after we approve and we leave it to the Chief Engineer to do that.

Commissioner Skelton moved to approve the Local Construction Project on State Highway System – Contract Labor, Fox Farm Road – Great Falls pending concurrence of MDT’s Chief Engineer. Commissioner Lambert seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

- Agenda Item No. 2: Rail/Highway Crossing**
- RR Xing – S-227 Stockett Road**
- RR Xing – 3rd Street – Galata**
- RR Xing – MT-13 – Macon**
- RR Xing – Lake Front Road**

Lynn Zanto presented the Rail/Highway Crossings to the Commission. Rail/Hwy Crossing–Protective Devices (RRP) and Rail/Hwy Crossing–Hazard Elimination (RRS) projects are funded under the Highway Safety Improvement Program set-aside. Projects are selected by inventorying railroad crossings and identifying hazardous sites.

MDT is asking the Transportation Commission to approve the following rail crossing projects:

Project Name (Control No.)	Location	Description	Approx. Est. Cost	Funding Source
RR Xing – S-227 – Stockett Road (UPN 9287)	RP 1.96 on Stockett Road (S-227) near Great Falls	Upgrade signal system and install gates.	\$241,000	RRP
RR Xing – 3 rd Street – Galata (UPN 9288)	RP 42.54 on Secondary 343 near Galata	Upgrade signal system and install gates.	\$263,000	RRP
RR Xing – MT-13 – Macon (UPN 9289)	RP 2.74 on MT-13 (P-32) near Macon	Upgrade existing signal system.	\$320,000	RRP
RR Xing – Lake Front Road (UPN 9295)	RP 0.09 on Lake Front Road (X-01335) south of Dillon	Upgrade signal system and install gates.	\$284,000	RRP-RRS

Summary: MDT is requesting Commission approval of the railroad crossing projects shown above and on the attached maps. The total estimated cost for all four projects is approximately \$1,108,000 (all phases). 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, traveler safety features will be enhanced with the addition of these projects to the Railroad Crossing program. Staff recommends that the Commission approve the addition of these projects to the program.

Commissioner Griffith asked about the source of funding. Lynn Zanto said it is Rail/Highway Protective Device funding (RRP) which is federal funding with a state match.

Commissioner Belcourt moved to approve the Rail/Highway Crossings RR Xing – S-227 – Stockett Road; RR Xing – 3rd Street – Galata; RR Xing – MT-13 – Macon; RR Xing – Lake Front Road. Commissioner Skelton seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item No. 3: Secondary Roads Program
Pavement Preservation Projects**

Lynn Zanto presented the Secondary Roads Program Pavement Preservation Projects to the Commission. The Surface Transportation Program – Secondary (STPS) finances highway projects on the state-designated Secondary Highway System. Secondary Roads are those 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).

MDT is proposing to add ten pavement preservation projects to the Secondary Roads Program – five in District 1, three in District 2, and two in District 3. The total estimated cost for all projects is approximately \$11,427,000. If approved, it would be MDT’s intention to let these projects individually.

District One

- Stevensville-North, Secondary 203 near Stevensville, Chip Seal, \$240,000
- Clinton-Northwest, Secondary 210 near Clinton, Chip Seal, \$440,000
- Stevensville-South, Secondary 269 near Stevensville, Overlay, \$1,262,000
- Perma Canyon-North, Secondary 382 Near Perma, Chip Seal, \$317,000
- Meadow Creek-South, Secondary 508 near Yaak, Mill and Fill, \$2,376,000

District Two

- S-359 - JCT MT 69 to Harrison, Secondary 359 NW of Harrison, Mill and Fill, \$2,693,000
- S-324-Clark Canyon to Grant, Secondary 324 E of Grant, Chip Seal, \$972,000
- Three Forks – East, Secondary 205 E of Three Forks, Chip Seal, \$1,072,000

District Three

- South of Big Sandy – South, Secondary 236 Southeast of Big Sandy, Chip Seal, \$732,000
- Stockett – South, Secondary 227 near Stockett, Mill and Fill, \$1,323,000

Summary: MDT is requesting Commission approval to add ten pavement preservation projects to the Secondary Roads Program – five in District 1, three in District 2, and two in District 3. The total estimated cost for all projects is approximately \$11,427,000.

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.

MDT staff recommends that the Commission approve the addition of these projects to the Secondary Roads Program.

Commissioner Belcourt moved to approve the Secondary Roads Program Pavement Preservation Projects. Commissioner Lambert seconded the motion.

The motion passed unanimously.

**Item No. No. 4: Speed Limit Recommendation
Interstate 15 – Elk Park to Boulder**

Dwane Kailey presented the Speed Limit Recommendation, Interstate 15 – Elk Park to Boulder to the Commission. These next five agenda items are basically due to the 80-mph speed increase adopted by the Legislature. As you recall we exempted out seven areas. We've completed studies on five of those with two remaining but unfortunately, we weren't able to collect data on those. One is Wolf Creek Canyon north of Helena on I-15 and the other one is Lookout Pass on I-90. Due to construction activities on both of those segments, we've not been able to collect the data. As soon as we are able to collect data, we will bring it back to the Commission. They will remain at 75 mph until we're done collecting the data.

On Elk Park to Boulder, we've been out and collected the traveling speeds as well as the crash data. Based on our findings, we are recommending:

- A 70 mph speed limit beginning at the north end of Elk Park near milepost 142.7 and continuing north at the mouth of the canyon south of the Boulder Interchange near milepost 164.2, an approximate distance of 21.5-miles. The Truck Speed limit will remain at 65 mph.

We submitted this to Jefferson County and Butte Silver Bow officials but have not received comment back from them. We recommend approval of this as proposed.

Commissioner Skelton moved to approve the Speed Limit Recommendation, Interstate 15 – Elk Park to Boulder. Commissioner Lambert seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Item No. No. 5: Speed Limit Recommendation
Interstate 15 – Great Falls Urban Area**

Dwane Kailey presented the Speed Limit Recommendation, Interstate 15 – Great Falls Urban Area to the Commission. We looked at the traveling speeds as well as the accident history. We are recommending a slight adjustment to the existing 65 mph speed limit as follows:

A 65 mph speed limit beginning at milepost 277.3 (just prior to the Cascade County Correctional Center) and continuing north to milepost 282.9 (as posted), an approximate distance of 5.6 miles.

This moves the existing 65 mph speed limit a little to the north so we're just adjusting the south end of this. We feel it is a little bit further out of the urban area than it needs to be. We presented this to Great Falls and Cascade County. We have not received any comments from them. We recommend approval of this as proposed.

Commissioner Skelton moved to approve the Speed Limit Recommendation, Interstate 15 – Great Falls Urban Area. Commissioner Lambert seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Item No. No. 6: Speed Limit Recommendation
Interstate 90 – W. Belgrade – Bear Canyon**

Dwane Kailey presented the Speed Limit Recommendation, Interstate 90 – W. Belgrade – Bear Canyon to the Commission. We've collected the speed information as well as the crash history and based on what we're finding, we are recommending the 75-mph speed limit stay as follows:

A 75 mph speed limit beginning at milepost 297.1 (west of Belgrade) and continuing east to milepost 319.1, an approximate distance of 22-miles.

We have a letter of support from Gallatin County. I quizzed staff rather heavily, looking more towards a 65-mph speed limit. As you look at the traveling speeds and the accident history, there isn't much justification for going any lower than 75 mph at this time.

Commissioner Skelton moved to approve the Speed Limit Recommendation, Interstate 90 – W. Belgrade – Bear Canyon. Commissioner Lambert seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Item No. No. 7: Speed Limit Recommendation
Homestake Pass Segment on I-90**

Dwane Kailey presented the Speed Limit Recommendation, Homestake Pass Segment on I-90 to the Commission. Based on our review of the traveling speeds and the accident history, we are recommending the following:

A 65 mph speed limit beginning at Milepost 228.0 (North of Continental Dr. Int.) and continuing east to 238.3, an approximate distance of 10.3-miles.

A 75 mph speed limit beginning at Milepost 238.3 and continuing east to Milepost 242.6, an approximate distance of 4.3-miles.

We have a letter of support from Jefferson County. We are recommending approval of this item.

Commissioner Belcourt asked how long it takes to implement speed limits once they are approved. Dwane Kailey said anywhere from two weeks to a month. Lori puts out the ruling from the Commission and that goes to the district staff and maintenance. They will call in for a locate and start building the signs. Once they get the locates done, they will start installing the signs. The individuals putting the signs up are also the same people who run our snow plows. Given the weather right now, it might take them a little bit longer. Our priority is to have them in the snow plow.

Commissioner Lambert asked if the Commission could approve these if we haven't received a comment from the county. Dwane Kailey said we can approve them. Commissioner Griffith said if we gave them the opportunity to respond and if they don't respond, then we can approve them.

Commissioner Skelton moved to approve the Speed Limit Recommendation, Interstate 90 – Homestake Pass Segment. Commissioner Lambert seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Item No. No. 8: Speed Limit Recommendation
Interstate 90 – Laurel to Billings**

Dwane Kailey presented the Speed Limit Recommendation, Interstate 90 – Laurel to Billings to the Commission. Based on our review of the traveling speeds and the accident history, we are recommending the following:

A 65 mph speed limit beginning at milepost 432+00 (west of Laurel) and continuing east through Billings to milepost 457.3 (as posted), an approximate distance of 25.30-miles.

We did submit this to the local governments and have not heard back from them. We recommend approval of this item.

Commissioner Skelton moved to approve the Speed Limit Recommendation, Interstate 90 – Laurel to Billings. Commissioner Lambert seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Item No. No. 9: Speed Limit Recommendation
Missoula Urban Area**

Dwane Kailey presented the Speed Limit Recommendation, Interstate 90 – Missoula Urban Area to the Commission. To give you an explanation on this speed limit recommendation – under statute, when the population goes to 50,000 we are supposed to establish a 65-mph speed in accordance with the urban area limits. When we saw where the urban limits were, we had some concerns, so this one will bring it in from the urban limits. Those urban limits went out quite a way both on the west and east ends of Missoula and we were concerned about extending it out to those limits. This will set the special speed zone as appropriate for the traveling speed and the crash history. Our recommendation is as follow:

A 75 mph speed limit beginning at Milepost 94.3 (West of Desmet Int.) and continuing east to milepost 101.0 (near Reserve St. Int), an approximate distance of 6.7-miles.

The statutory 65 mph speed limit beginning at milepost 101.0 and continuing east to milepost 110.1, an approximate distance of 9.1-miles.

A 75 mph speed limit beginning at milepost 110.1 and continuing east to milepost 114.5 (east side of the Turah Int.), an approximate distance of 4.4-miles.

Limits of the 75-mph speed limit are in accordance with the urban limits. Under law that would normally be 65 mph but with your approval we will set it at 75 mph. We do have comments from Missoula County and Missoula City concurring with our recommendation. We recommend your approval.

Commissioner Griffith asked about the comments from Doug Bailey, Missoula City Engineer, who said “we generally concur” but then went on to say it should be lower. He talks about reported crashes around mile marker 116. Dwane Kailey said the concern I would have is, there are a few crashes in there but they are not out of the norm that we see given the speeds and the ADT. If you look at the traveling speeds, they are well within that 75 mph range that we’re recommending. Commissioner Griffith asked if they were increasing the speed. Dwayne said no. The issue was under the 2010 Census, they adjusted the urban area out to DeSmet and out to Turah. Once you get west of Reserve Street and East of Bonner, a lot of that is rural. We were very concerned about reducing all that area down to 65 mph. Commissioner Griffith said the speed limit hasn’t been reduced and we don’t intend to reduce it in those areas. Dwane said we did not increase it to the 80 mph the Legislature set but we’re also not dropping it to 65 mph based on the urban limits.

Commissioner Skelton moved to approve the Speed Limit Recommendation, Interstate 90 – Missoula Urban Area. Commissioner Lambert seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Item No. No. 10: Speed Limit Recommendation US 93 – Polson South

Dwane Kailey presented the Speed Limit Recommendation, US 93 – Polson South to the Commission. We were requested by the Confederated Salish and Kootenai Tribes to look at extending the 45-mph speed limit south of Polson. We have reviewed the traveling speeds and the accident history and based on our review we are in concurrence with extending that. We are recommending the following:

A 45 mph speed limit beginning 600 feet south of the intersection with Bayview Drive (as previously approved) and continuing south to metric station 925+80, project NH 5-2(124), (220 meters or 700 feet south of the signalized intersection with Ridgewater Drive – Memory Lane, an approximate distance of 4,500 feet.

We have submitted this to the Tribal government, the county and the city. We have concurrence from both the Tribe and the City, however, the county does not concur with that. I will tell you from my history in Missoula, that is not a-typical. We would recommend approval.

Commissioner Belcourt moved to approve the Speed Limit Recommendation, US 93 – Polson South. Commissioner Skelton seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item No. 11: Speed Limit Recommendation
Secondary 228 - Highwood**

Duane Kailey presented the Speed Limit Recommendation, Secondary 228 - Highwood to the Commission. This is based on a request by Choteau County Commissioners due to a bike/walk trail network and concerns over the speed limit in and around the school campus. We conducted our standard speed study and looked at crashes, traveling speeds, and at this time we are recommending:

A 55 mph speed limit beginning at station 381+00, project S 348(11) and continue north to station 436+00, 1,400 feet south of the intersection with Dunbar Road, an approximate distance of 5,500 feet. (approved 2002)

A 45 mph speed limit beginning at station 436+00, project S 348(11) and continue north to metric station 10+20, an approximate distance of 1,150 feet.

A 35 mph speed limit beginning at metric station 10+20, project STPS 228-2(12) (100' south of Dunbar Road) and continuing north to 20+50 (100' south of the intersection with West Street, an approximate distance of 3,400 feet.

The 35-mph speed limit will allow the local officials to enact the special school speed zone and drop it to 25 mph based on the 80 percent value in proximity to the school.

They also asked us to look at the speed in and around the slide area. We are in concurrence with the following:

A 45 mph speed limit beginning at milepost 20.65 and continuing to milepost 21.47, an approximate distance of 0.82-miles.

There are comments from Choteau County but they are generally in concurrence with our recommendation.

Commissioner Lambert moved to approve the Speed Limit Recommendation, Secondary 228 – Highwood. Commissioner Belcourt seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item No. 12: Speed Limit Recommendation
North Haynes Avenue (U8008)
Miles City**

Dwane Kailey presented the Speed Limit Recommendation, North Haynes Avenue (U8008), Miles City to the Commission. The local government asked us to increase the speed. We conducted our speed study and based on our review of the accident history and the traveling speeds, we are recommending increasing the existing speed of 25 mph to 30 mph:

A 30 mph speed limit beginning at the intersection with Main Street (P-23) and continuing north to the intersection with Valley Drive (P-2), an approximate distance of one-mile.

The local government has reviewed this proposal and is not in concurrence. They actually requested we increase the speed to 35 mph. I don't think I've ever presented a speed study to the Commission where the locals want a higher speed than what we're recommending.

Commissioner Lambert moved to approve the Speed Limit Recommendation, North Haynes Avenue (U8008), Miles City. Commissioner Belcourt seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item No. 13: Interim Speed Limit Recommendation US 87 Roundup – New Elementary School

Dwane Kailey presented the Speed Limit Recommendation, US 87 Roundup – New Elementary School to the Commission. Roundup has constructed a new Elementary School on the other side of town from the previous campus. Based on that we are recommending an interim speed limit:

Begin the statutory 25 mph speed limit at station 25+00, project RTF 61-1(6) (150' north of the intersection with 10th Ave) and continuing south to the intersection of US 12 and 1st Avenue, an approximate distance of 3,600 feet.

We will get help this spring or summer and collect the data and bring a formal recommendation back to the Commission. With the new campus, we recommend you approve the interim speed limit.

Commissioner Skelton asked if the reason it is an interim speed limit is because you just haven't collected the data? Dwayne Kailey said that is correct.

Commissioner Skelton moved to approve the Interim Speed Limit Recommendation, US 87 Roundup – New Elementary School. Commissioner Lambert seconded the motion. All Commissioners voted aye.

The motion unanimously.

Agenda Item No. 14: Speed Limit Recommendation West Broadway (X32758) - Missoula

Dwane Kailey presented the Speed Limit Recommendation, West Broadway (X32758) - Missoula to the Commission. This is a request by Missoula County to extend the 45-mph speed limit on West Broadway approximately 900 feet to the east to encompass Flynn Lane. For those not overly familiar with Missoula and West Broadway, Flynn Lane is a backside access to Hellgate Elementary School which is a fairly large school in Missoula and has quite a bit of traffic along with all the traffic on West Broadway. Based on our review of the accident history, traveling speeds at that intersection, we are recommending:

A 45 mph speed limit beginning at the end of X-route 32758 at the Reserve Street overpass and continuing west to straight-line diagram station 66+00 (400' west of the intersection with Flynn Street, an approximate distance of 3,200 feet.

We have Missoula County's concurrence in this recommendation. Commissioner Belcourt asked about the geometric revisions to the intersection. Dwayne Kailey said Flynn Lane comes in at a skewed angle and we have looked at fixing it for years. I believe Ed is looking at nominating a project to improve that intersection. With the

traffic increase in Missoula I think it's about time we try to do something. Commissioner Belcourt said with all the development there is no access.

Commissioner Belcourt moved to approve the Speed Limit Recommendation, West Broadway (X-32758) – Missoula. Commissioner Skelton seconded the motion. All Commissioners voted aye.

The motion unanimously.

Agenda Item No. 15: Certificates of Completion September & October, 2016

Dwane Kailey presented the Certificates of Completion for September & October, 2016, to the Commission. They are presented for your review and approval. If you have any questions, please feel free to ask.

Commissioner Lambert moved to approve the Certificates of Completion for September & October, 2016. Commissioner Belcourt seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item No. 16: Project Change Orders September & October, 2016

Dwane Kailey presented the Project Change Orders for September & October, 2016, to the Commission. They are presented for your review and approval. There are some very significant ones. One of the biggest issues we have is when we bid the Cabinet Gorge Bridge Project up by Herrin, we are going through almost 100 feet of water and about another 60-80 feet of muck, rock, and mud to get to solid rock for the foundation for this bridge. We knew there was a lot we did not know when we go to drill, so we set up the contract very specifically to minimize the risk to the contractors. In their first drilled shaft, which was proposed to be an eight-foot diameter drilled shaft, they hit a boulder about 24 feet in diameter that was very large and very difficult to get through. We have been working with that contractor and I will say they have been stellar. The contractor is Dick Anderson and we could not have a better contractor on that project; they've worked with us quite well. However, they've had to change their means and methods to get through that boulder and, given what we're dealing with up there, it is very expensive but it is appropriate. It is the reason we have some very large change orders coming before the Commission.

Commissioner Belcourt moved to approve the Project Change Orders for September & October, 2016. Commissioner Skelton seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item No. 17: Liquidated Damages

Dwane Kailey presented the Liquidated Damages to the Commission. We only have one project for your review, Junction 419 South. The contractor is Goran LLC. They had 67 days of liquidated damages totaling \$284,214.00. They are not disputing those damages.

Commissioner Lambert asked what happened to have that many days of liquidated damages. Dwayne Kailey said both Junction 419 and Red Lodge projects have a long history. Long and short, Goran took way more time than they needed to on these

projects. They're not disputing this one. We don't have Red Lodge from them yet so I don't know if they'll dispute Red Lodge or not. Commissioner Griffith said remember all the problems they had at Red Lodge. Commissioner Lambert said I do but didn't one company quit in the middle of the job. Commissioner Lambert said they didn't quit but MDT hired somebody else to finish the project. Dwayne Kailey said the bonding agency got involved on Red Lodge. Dave Ohler said the bonding agency got involved because there were a lot of subcontractors that weren't getting paid. Commissioner Griffith said it is my understanding Goran hired Knife River to finish the project.

Liquidated Damages STAND

Agenda Item No. 18: Letting Lists – Project Discussion and Added Lettings for June 29th, July 27th, August 24th and October 26th

Dwane Kailey presented the Letting Lists – Project Discussion and Added Lettings for June 29th, July 27th, August 24th, and October 26th. These are the Letting Lists for January through October presented for your review and approval. I believe there will be a discussion about MDT's funding. Based on that funding, we've had to move a fair number of projects to May pending a funding fix. Those projects are not represented in this Letting List. We are moving those ahead as if they will be ready for May so that if we get a funding fix we will be able to Let them. In accordance with that we need to add some Lettings in June, July, August and September. You may remember a few years ago, we scaled back the Lettings in those later months. Based on moving these projects, we need to add some Lettings back in so if we get a funding fix, we will need some additional Lettings to get these projects out the door. Commissioner Griffith asked how we know which projects got moved back since we haven't seen the list. Dwayne said he would send the list to the Commission.

You may remember a couple of years ago, we were struggling with federal aid funds coming in, Congress kept doing Continuing Resolutions so we drafted up a prioritization process for that. We prioritized safety, pavement preservation on the IM system, the NHS system, and critical bridge. This project list represents projects that don't fall into those categories. Capital improvement-type projects are on the list, lower level system projects such as secondary, urban, and primary are on that list.

Commissioner Skelton asked where that leaves Grass Range. Director Tooley said that is a safety project, so Grass Range is still on target. Dwayne Kailey said the Letting Lists are presented for your review and approval; we don't show the added Lettings in here but we are asking for your approval on those as well. Commissioner Griffith said he wanted to see the list. He asked if he had adjusted the Letting List to fit these projects. Dwayne said yes. Commissioner Griffith said these projects were in the Letting List last time, now they are out of it. Commissioner Griffith asked if it was his intent to bring them back into the program when the funding gets fixed. Dwayne said yes. Commissioner Griffith asked Director Tooley to go over funding.

Funding

Director Tooley said the Governor released his proposed Fiscal 19 Biennium Budget on November 15th. The budget, as released by the Governor, matches expenses to projected income. In past years, the budgets released have had an imbalance where you started to drop the balance of the Highway Special Revenue Account over years. As a matter of fact, the appropriation has been out of balance every year since 1998. That's a combination of Legislative action and two different Subcommittees, and the General Fund – it all works into this. At this point in the next biennium, we are projected to have at least a \$9 million deficit. We need \$40 million of working capital to cash flow the operation. The Governor's Proposed Budget makes those

adjustments, keeps the \$40 million in working capital but had to reduce the overall expenditures in the account to get there. So it's balanced; it gets us back on target but the result to MDT was a reduction over the biennium of state funds of \$42 million. That amount of reduction can only come from two places: we can eliminate five divisions, which we can't do. If we balanced on personal services we'd have to basically roll off half of the maintenance at a time when we need the snowplows out on the road. What's left then is \$28 million in the biennium coming from construction which has been left pretty much whole from previous reductions we instituted ourselves. The remaining \$14 million comes out of maintenance which will be facilities, supplies, and those type of things over the biennium. For the first time that \$28 million out of construction affects federal match. We can't make the federal match in this scenario so that's why we had to quickly come up with a list based on our previous priorities that we grabbed when we had the federal funding issues before they passed the FAST Act. It's the same priority levels – safety, pavement preservation on priority systems, and critical bridges. Same priorities. If we didn't make that cut, we had to find \$14.5 million in state funds to cut out of construction this year and that affected \$144 million in projects which are before you right now.

Commissioner Griffith said \$40 million affects \$140 million. Director Tooley said \$14.5 million affects \$144 million. If this carries into Fiscal 19, it will affect another \$81 million on top of that. We're not talking about Fiscal 19 right now because it is way too early to create such a list or deal with that. We are moving these out until May, as Dwayne explained, because we anticipate there will be some kind of funding fix. If not, then we'll talk about this and Fiscal 19. Commissioner Belcourt asked where they anticipate the funding fix. Director Tooley said there are 24 bills drafted that will affect funding in some way – at least the bill titles are out there but we haven't seen the text of any bill so we're waiting for the Legislature. There are some bill drafts out there that will raise revenue but we haven't seen the text so we can't quite analyze the effect yet. When those come out we'll be a little bit more educated and a little bit more active than we're able to be right now because we don't know what these are until they introduce them.

Commissioner Skelton asked if they would be coming out of Highway Revenue and Transportation Committee. Director Tooley said we have talked to them frequently over the interim. July, 2015, we had a conversation to tell them this fund is going to face struggles by the end of Fiscal 2019 and we're going to immediately reduce expenditures to make it last through this biennium and the next biennium will be worse. Well, of course, that's where the Governor's proposed budget comes from. He balanced the expenditures to the projected income; that's how we found ourselves here today. The Legislature has been aware since July, 2015, earlier actually when we made our budget presentation in the 2015 Session. They were fully aware there were issues with the Highway Trust Fund Account and that they were going to have to react. During the interim they've had plenty of time to think about possible solutions which is why there are 24 bill titles out there.

Commissioner Griffith said the intent is the Legislature will fix it or are we doing stuff positively that would try to fix it ourselves. Director Tooley said MDT has done all we can positively by reducing expenditures. Raising of revenues and appropriated funds is not within the jurisdiction of the executive; that's a legislative action. Commissioner Griffith said I realize that but have we recommended anything. The Chamber and Montana Contractors are all trying to put out proposals to affect the funding of highway revenue. Commissioner Skelton said the major one is raising the fuel tax. Commissioner Lambert said they are going to have to bite the bullet and do that. Commissioner Griffith said I'd like for the Commission to not be ambivalent on this issue. We know where we're at and I'd like to be proactive rather than reactive. Commissioner Lambert agreed. The last Governor was opposed to the Commission doing anything. Are we going to actively try and promote a raise in the fuel tax? Are we allowed to get actively involved? Commissioner Griffith said as

individuals you're allowed to do anything but as the Commission I'll leave that to Dave Ohler to figure out.

Dave Ohler said I'm not sure it's entirely a legal question. The Commission would have to take some sort of formal action to do something. Commissioner Griffith said if we were going to do anything as a Commission we'd have to put it on the agenda and vote on it. We haven't done that yet. I don't want to sit idly by and watch our future pass before our eyes without us being a positive player in it. Director Tooley said I understand but in my discussions with the Legislature through the interim there is a lot of support to deal with the issue. I'm going to trust them to a certain extent to do that. That's why there's 24 bill drafts or bill titles and we're monitoring those very closely to see which one is the most appropriate fix. Commissioner Griffith said I understand trying to keep the politics out of this but if there's some way the Commission can be of value to the department and the administration I would bet every one of us would concur in that. Director Tooley said they would keep the Commission engaged. The budget was released one month ago today and we've had to take some pretty quick action because our job is to manage to the Governor's Proposed Budget and we'll do that. We haven't had the engagement with you during that time but going forward we'll definitely keep you engaged.

Commissioner Skelton moved to approve the Letting Lists & Additional Letting Dates of June 29th, July 27th, August 24th, and October 26th. Commissioner Lambert seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item No. 19: Design Build – Informational

Dwane Kailey presented the Design Build Information to the Commission. Prior to the budget being released we had started working on a Design Build Project, Hysham Rest Area. Once the budget was released, rest areas are not one of the higher priority projects, however, we had already engaged with two teams to submit proposals on the Hysham Rest Area. Based on where we were in the process, we decided to go ahead and allow the teams to complete their proposals and send them into MDT. They had already expended costs and the only way to recoup those expenses was through issuing them the Stipend if they were responsive. We thought the best way was to go ahead and allow them to submit their proposals. We will then put it on hold until May pending a funding fix. Once those proposals have been submitted and scored we will come back to Commission and have an agenda item for you to approve issuing the Stipend to those firms. The proposals will still be good until May and if we get a funding fix we will then ask those firms to go ahead and submit bids on the project. At that point we will bring it back to the Commission to award the bid. We may bring it to you in a Conference Call to ask you to issue those Stipends if those firms are responsive. Commissioner Griffith said just make sure we get the normal paperwork ahead of time rather than just telling us over the phone. Dwayne said he would do that. Commissioner Skelton asked how many projects were involved. Dwayne said it is just the Hysham Rest Area Project.

Elected Officials/Public Comment

No public comment was given.

Agenda Item No. 20: Directors Discussion & Follow-up

Buffalo Collisions in West Yellowstone

We have had a history of vehicle versus Buffalo collisions north of West Yellowstone. We've been working on that issue through Maintenance and otherwise for well over a year. It's that time of year. The Buffalo like the roadway surface because it's warm but, unfortunately, they have a bad paint scheme and are dark so when you run into a Buffalo you literally have no idea they are there. We're working on ways to help the motorist understand it is a hazard down there and it will continue to be a hazard. We work with a multi-jurisdictional group including the Park Service. We've also been working with non-traditional partners and intend to meet shortly with the Buffalo Field Campaign to explain to them what we intend to do. They have had a pretty strong letter writing campaign asking the department to set aside funding for Buffalo crossing structures. We just talked about money and there isn't enough for something like that plus they'd be ineffective with this type of wildlife anyway. What we intend to do is more signage, better advisories, interim speed limits during migration, and protecting the Buffalo and the people the best we can.

Commissioner Griffith said on 93 the wildlife crossings have worked well but I think the better plan is for the Park Service to fix why the Buffalo are leaving the Park. Somehow that part of the issue gets left off the table. They used to have a semi-fix for it with some of the Reservations taking the Buffalo but I think that got sidetracked and I'm not sure where that is. If the Buffalo were in a general migration from one point to another, then maybe the crossings would work but they are just looking for a highway; they are not looking for another spot. I just think there's a better overall plan for the Bison rather building crossings. I think we need to address the Bison issue up front. Director Tooley said he appreciated that insight and thanked him for not instructing MDT to build crossings. Commissioner Belcourt said it sounds like the focus is going to be on signage and advisories. Do you think that will be effective? Director Tooley said it's been effective but it's up to the person to pay attention to the sign and behave accordingly. It's also very difficult to see a Buffalo on the road at night so we may still have some Buffalo strikes but we the goal is to reduce them. We're lucky no people have been killed. Commissioner Griffith said it's different from the sheep issue at Anaconda where we have a diminishing population. There is a need to protect the sheep in Anaconda versus a need to protect the Buffalo which are high in numbers and the reason they are leaving the Park is over population. There is not the same need to protect them as some of the other wildlife.

Pat Wise said it was interesting when we had the interagency meeting, our Biologist put together good data research over 10 years that looked at the migratory patterns for those animals. This is a motorist-related approach and we found that mostly local traffic drives those roads and, like we all do, they get a little bit immune to the signs. Our Biologist has shown the migratory peaks are from March until June, so MDT safety folks looked at that and looked at some signage that we'll put up during those peak times to let motorists know when those animals are likely to be on the road. The other conclusion about cross-overs is that large animals are using the highway as a migratory route so if we put them up and over the highway, at some point they'll just get back on the road and head to their calving place. Commissioner Griffith said that is what they do in the Park too; they use the roads as their pathways and who's going to argue with them. I think there is a much bigger issue than us building bridges for them. If the Park Service was handling it right, there wouldn't be an issue for us. Pat Wise said you've got artificial boundaries pressed up against historical migration routes and there's a lot bigger issue there. Commissioner Lambert said you've got agriculture versus tourism too. It's a huge issue and they've been working on for at least 50-60 years. It's been there for a long time. Commissioner Griffith said in our lifetime we saw the Buffalo go from almost being extinct, except for what

they had on the Reservations, to now they are almost an invasive species. I appreciate the thought of not doing crossings even though I'm a big crossing fan but I don't think it works for Buffalo because they want to use the road. It's not like they're crossing over to get someplace, they're just using the road to migrate. Director Tooley said that was their assessment as well. He thanked Deputy Director Pat Wise for her work on the issue. Commissioner Griffith said if you have a document that summarizes the issue, we'd appreciate having it. Pat Wise said she would send the minutes from the inter-agency meeting. Commissioner Belcourt asked if the hunting group from Bozeman was involved. Pat Wise said because we've been looking at the West Yellowstone area and there's not been hunting there, we haven't talked to the Bozeman group. I don't know what their plans are for hunting. They are hunting on the Gardner side and I think the Inter-Tribal hunt is still planned.

Bike/Ped Paths

Director Tooley said Lynn Zanto's staff is going to talk about bicycle/pedestrian activities in the state. We had quite a long discussion at the last Commission meeting about the Belgrade to Bozeman Bike Path but there's a lot more that goes on statewide you need to know about. This is a hot button issue; this is what younger generation in communities want so you're going to see more and more of these requests so you need to know what we're doing and how we decide how to do it.

Lynn Zanto presented Bike/Ped Paths to the Commission. This has been a hot topic for the last couple of years. Bicycle and pedestrian activities are non-motorized activities. MDT is a multi-modal focused agency and it is something we give attention to and focus on. I've brought two of my staff that work with our Bicycle/Pedestrian Team. Michelle Erb is our Bicycle/Pedestrian Coordinator. She has been in that role for about a year but has been with the department for much longer. Sheila Ludlow is one of our Senior Transportation Planners. She has been with the department for 15 years. They both do great work. Based on some of your recent questions, we thought it would be good to show you what we do as an agency with bicycle/pedestrian activities. You have been given some of the different publications that we share with schools as well as some safety gear for bicycling and walking activities. With that I'll turn it over to them.

Sheila Ludlow thanked the Commission for the opportunity to present information on MDT's Bike/Ped Program. MDT's Bicycle/Pedestrian Coordinator is not solely responsible for MDT's multi-modal considerations. We have Engineers, Planners, and ADA experts within MDT that all contribute to bicycle/pedestrian efforts. This slide emphasizes the roles and responsibilities of the Bike/Ped Coordinator. Foremost the Coordinator serves as the department liaison, both internal and external, to bike/ped stakeholders and interests. We work with district staff to coordinate signs for special events as well as share road signs for roadways with high bicycle usage. We respond to bicycle/pedestrian questions in regards to projects, funding opportunities, and tourism. As part of our tourism outreach, we distribute Montana Bicycle tourism packets to interested parties. This year alone over 400 tourism packets were distributed. The furthest request was from Poland.

Another role of the Coordinator includes providing input to our Engineering Division's projects and programs. This includes reviewing project milestone reports to ensure non-motorized needs are considered where appropriate and assess bicycle/pedestrian impacts. Project milestone reports provide multiple opportunities to review projects and programs and comment on any concerns or issues facing bicyclists and pedestrians. The Coordinator is also a member of our Rumble Strip Committee.

As part of the program, we coordinate training on a biannual basis to help department staff and local planning organizations become familiar with the many

design elements associated with non-motorized infrastructure. This September we hosted the National Highway Institute's Bicycle Design and Pedestrian Design Courses to over 60 participants. We also develop and distribute materials and messages to educate all transportation users on the safe interaction within the system. On the table are some of the samples – we offer booklets, brochures, guidance cards and some children activity books. We also provide safety items to interested stakeholders such as safety lights and reflective gear. Being seen is a proactive step to being safe. Most of these items are requested by school officials for when they teach bicycle and pedestrian safety to their students.

We're also involved in statewide collaboratives and committees for a variety of bike/ped projects and programs. This includes Fish, Wildlife and Parks, State Trails Advisory Committee, Department of Public Health and Human Services Walkability Collaborative, and the Montana Tourism Committee. These committees include agency representatives from different backgrounds including Department of Commerce, Montana State Parks, and Montana Office of Tourism. as well as representatives for statewide stakeholder groups including Bike-Walk Montana and Adventure Cycling Association.

We also provide input and technical support toward the needs of the community based on MDT policies and FHWA criteria. Recently we have been working with local governments with active transportation plans, bicycle and pedestrian plans, way finding and corridor studies. Community outreach and technical support also includes reviewing local plans and projects that impact MDT right-of-way.

The Bike/Ped Coordinator reviews projects for multi-model consideration, however, there are a variety of non-motorized users and even more ties to facilities that can be applied to meet the needs of the project. There are design options because not all communities have the same needs or vision. Some communities have opted out of sidewalks or other facilities due to their own funding constraints for maintenance. In many cases, the integration of bike/ped facilities requires the widening of the roadway footprint or the relocation of utilities. These types of efforts are best suited to reconstruction and major rehabilitation type projects. MDT practices Context Sensitive Solutions which is defined as “the process of balancing the competing needs of many stakeholders starting in the earliest stages of project development. This approach allows flexibility in the application of design controls, guidelines, and standards to design a facility that is safe for all users regardless of the mode of travel they choose.” Context Sensitive Solutions demonstrates MDT's commitment to work with the communities and local stakeholders to assure that MDT's transportation facilities are developed within the context of their community vision and needs as well as the needs of the traveling public. All this is done while keeping an eye on funding.

There are many factors to consider when designing a project and multi-model considerations are no exception. Multi-model considerations aren't just as simple as bicyclists and pedestrians as those users come in a variety of different types with different needs. Pedestrian needs include consideration for people with disabilities. All facilities that are designed for the intended use of pedestrians must comply with the American Disabilities Act (ADA) and follow the public right-of-way guidelines. We must also consider design standards when children are the primary user. For instance, when projects are located near schools, we review project design with an emphasis on children's unique behaviors and cognitive capabilities.

Bicyclists present a unique design challenge. Their abilities, confidence levels and desires can vary greatly. Unlike pedestrian facilities, bicycle facilities allow flexibility in design standards that may not meet the preferences of all cyclists. Different users prefer different facilities which makes finding the right facility for the context challenging. More experienced cyclists are confident riding in traffic and tend to prefer riding on on-road facilities. This includes bike lanes, shared lanes and paved

shoulders. Less experienced cyclists tend to prefer to ride on low-volume local roads and separated facilities. All these facilities are acceptable designs and all have their pros and cons, however, per ASHTO Guidelines, bicycle lanes are considered the most appropriate and preferred bicycle facility for thoroughfares.

Project design must consider many other elements as well as multi-modal use. Here is a list of some of the many issues that MDT and other agencies must address when they are developing a project in considering context. This is a very challenging balancing process especially in our urban areas where it is not uncommon that design features necessary to address some issues are in direct conflict with design features that address other issues. An example of that in our urban areas is the shoulder. In some cases, the business owners would prefer that be applied for parallel parking and our cyclist's community would prefer bike lanes and you've got to figure out what to do. The context must include the goals and the perspective of the community rather than MDT having a preconceived idea of what amenities should be in place. One size does not fit all. The goal is finding the right balance in design while being mindful of funding. Most federal funding can be used for bicycle and pedestrian infrastructure. Montana also has its own programs and criteria that direct funding toward statewide goals like Vision Zero to address fatalities and serious injuries. Nonetheless, there is still primary funding sources available and utilized across the state.

The TA Program provides funding for a variety of multi-modal transportation projects. This is a competitive process for reserve funding. One of the benefits of the TA Program is that 50% of the funding is obligated to areas based on population which is divided between areas with populations greater and less than 5,000. The other 50% is available for use in any area of the state. This program emphasizes safety, connectivity, and ADA needs. The TA Program is considered the best opportunity for funding.

STPU funding is for Montana's 19 urban areas; communities with a population of 5,000 or greater. Allocations are based on a per-capita distribution and the STPU funds are prioritized by the local governments for improvements to their urban system.

CMAC is a program that provides funding for transportation projects and programs that reduce congestion and improve air quality. Our three NPO's receive equal amounts of funding and prioritize eligible projects in their areas. The flexible state funding has been used for ADA improvements.

Other funding opportunities include federal lands access, recreational trails, and TIGER; however, these are competitive grant programs administered by other agencies outside of MDT and they have their own unique eligibility and criteria such as match and implementation time frames.

Speaking of funding, it is an unfortunate misconception that MDT doesn't invest in bicycle and pedestrian infrastructure. That is simply not the case. Here you can see a snapshot of MDT's construction investments for the last five years. This data is collected through identifying investments for constructing sidewalks and paths. It is considered a conservative number because the amounts do not include facilities such as bike lanes or shoulder widening and it doesn't take into consideration the cost of planning, right-of-way acquisition, or utility moves that may have been needed to make constructing a facility possible.

As you probably noticed, there was quite a drop in construction investments from 2013 to 2014. This is due to the changes at the federal level after Transportation Enhancement, Safe Routes to School, and Recreational Trails funding was consolidated into one program – Transportation Alternatives. The major program reform began in 2013 and the dip in investments was due to a transitional period as

MDT developed its Transportation Alternatives Program. Due to the program changes at the federal level, Montana also saw a drop in federal funding for these programs. It went from \$9.3 million to \$5.8 million. Despite funding changes at the federal level, MDT is continuing its efforts for multi-modal transportation. In 2016 we've seen the highest amount of investment for the last five years with over \$10 million invested for annual construction costs. Still these investment amounts do not include the cost of annual maintenance which is funded through our State Highway Special Revenue Account.

What happens after construction? It would be great if these facilities were maintenance free but they are not. Pavement condition is important for all users and MDT wants to ensure that these facilities are safe to use for both bicyclists and pedestrians. The newer paths, such as this one, are in excellent condition providing a smooth surface. Like most things, the paths wear and tear over time and we begin to see deterioration like on this one which is in fair condition. You can see some moderate cracking and the beginning of vegetation encroachment. When more years pass with no attention, we end up with paths in poor condition where there is prevalent cracking which may be discouraging use. Here are few more examples of shared-use paths in need of maintenance. All these paths are located within MDT right-of-way and many have maintenance agreements in place. As you can see these agreements are not being met and now we have paths that are need of major repair. It was because of these maintenance issues that during the 64th Legislature, HB 604 was passed requiring the collection and reporting by MDT on trails and paths created under the Montana Footpath and Bicycle Trail Act of 1975. The report indicates there are over 180 miles of shared-use paths in MDT right-of-way but this does not address projects currently in development.

As noted in the previous slide some paths need attention. To address this, a one-time investment of approximately \$305,000 is needed to bring the 20% of paths in fair or poor condition to an acceptable level. The general maintenance and preservation of these paths is estimated to cost over \$969,000 annually. These costs will change as new projects are constructed and the agreements are implemented or modified. MDT is working to leverage federal funding for preventative maintenance by initiating the Maintenance Set Aside within the TA Program to assist cities and counties with funding for maintenance.

Due to an inconsistent approach and funding uncertainties, MDT created a Shared Use Path Policy to provide guidance for shared-use paths being constructed within MDT right-of-way. At this time, the commitments made in our maintenance agreements are not always being met which is putting our current path infrastructure at risk. This policy is an internal operating policy that provides MDT staff with tools needed to find the best project options with the limited funding we have. It is based on federal and state laws. The policy is designed to maintain a consistent process statewide, ensure national guidelines are met, and ensure commitment of long-term maintenance. Funding is an issue at both the state and local level and we need to ensure the paths we do construct in MDT right-of-way are being maintained and cared for. As stated before, pavement condition is important for all users and implementing this policy ensures that these facilities remain safe to use for both bicyclists and pedestrians.

I'd also like to note that Montana is not alone in developing policies and guidelines for when a path is constructed in state highway right-of-way. Arizona, Idaho, Louisiana, and Kentucky are just a few examples where either policy or plans are in place to address and list criteria involved when installing paths within state right-of-way. This policy is necessary given our current environment. As Director Tooley informed you earlier, recent headlines have announced MDT has trouble with funding. Expanding the transportation system for any mode may not be feasible. Reconstruction projects are primarily focused on roadways that have a failing condition or are experiencing severe congestion.

This approach is consistent with public opinion as well. MDT conducts biennial surveys as part of TRAN PLAN MT, our long-range policy plan. 2015's survey report indicates Montanan's gave priority to maintaining road pavement condition and if funding were to be decreased, respondents indicated pedestrian walkways and bicycle paths rank as the most preferable areas to decrease funding followed by rest areas. Given these funding constraints, the majority of MDT's projects focus on preservation which has limits on what can be involved in the scope. These projects have constrained budgets and timeframes and make it less likely to include widening or utility moves. However, signing and striping can be included in these projects if determined appropriate.

I'd like to conclude that MDT is committed to improving bicycle and pedestrian facilities and this is demonstrated by the expenditures made where the average annual investment over the last five years has been over \$8.5 million. We thank you for your time and if you have any questions, we are here.

Commissioner Griffith said about half of the projects for walking and pedestrian and bikeways comes from TA money, where does the other half come from. Sheila Ludlow said STPU and CMAC also contribute to those types of improvements. Lynn Zanto said TA is the best opportunity. Commissioner Lambert asked about maintenance, after we build them don't we give them to the county. How much maintenance is MDT responsible for? Lynn Zanto said for the majority of the trails have agreements with local governments but part of the problem is they aren't being maintained. That was the challenge that came last Session because there wasn't a funding source for maintenance at the state level. That's why we conducted the inventory of what's in our right-of-way and why we're working with Federal Highways to try and do a set-aside in our TA Program that would allow locals to apply for maintenance funding. Commissioner Belcourt said it is our responsibility if it's in our right-of-way. It is unfortunate that maintenance isn't being done. Lynn Zanto said that was another component of the recently released policy – working with legal to strengthen the provisions in the Maintenance Agreement to make sure those are in place up front and putting in some language that will limit our risk and liability.

Commissioner Griffith said the challenge is that you are spending more money mostly for pedestrians. Isn't that a fair statement? Sheila Ludlow said it might be difficult to say considering that we can't accurately document when we stripe bike lanes and shoulder widening is also included because shoulders are considered a facility for bicyclists as well. Our Contract Plans Bureau just can't accurately document those investments for our report. Commissioner Griffith said most of the funding that gets attributed to the \$10 million in the TA Program is for sidewalks. It's hard to truly quantify funding for bike lanes. I'm sure we all have projects like this. I've got one down by Sheridan. That \$10 million, if you take the sidewalks out, gets down to a small number and you try to apply that and it wouldn't even cover my Sheridan project. Sheila Ludlow said it would because that is a shared-use path or a shoulder. Commissioner Griffith said it would be a shoulder widening project. The point is that, while it is going up and I understand we're building highways and not bikeways, there's a safety issue down there that needs to be met and it's not being met now and we've got to tackle that. There is not much funding when it really gets down to it. We're not helping much with the overall building of bike paths; we're helping with establishing shared-use lanes a lot. The actual setting aside of money for it, we don't have much to work with.

Dwayne Kailey said I don't know if we do a whole lot of separated bike/ped paths but we do a fair amount of capital improvement every year where we go in and widen shoulders. Those aren't separated pathways but they do accommodate bicyclists because the shoulders are four feet or greater which accommodates bikes. Commissioner Griffith said he'd be tickled for a four-foot shoulder in Sheridan.

Lynn Zanto said the \$10 million doesn't capture improvements like shoulder widening, that's where we have a challenge. Really there is more investment that what's presented. Commissioner Belcourt said it sounds like we need a separate line item for bike/ped paths. Commissioner Griffith said we used to have a separate line item for that. Sheila Ludlow said we do for shared-use paths and sidewalks but shoulder widening is very hard to measure for accommodations to break down for that report. Commissioner Griffith said we don't have a separate budget for that. Dwayne Kailey said we don't have a set aside of any kind for that. Lynn Zanto said you may be thinking of the Enhancement Program and how we, as a state, choose to manage that program. We gave communities an allocated budget but they could use it for things other than non-motorized. That program was around \$9-\$10 million and the TA Program is \$8.13 million.

Commissioner Lambert said we're having a discussion over bike paths. Who would know who we gave the path to? Lynn Zanto said those agreements are executed through our Maintenance Division. If you have a particular agreement start with Shane, our Maintenance Chief. Commissioner Lambert said I've been talking with Shane. Lynn Zanto said Michell Erb could help with that as well. Commissioner Griffith said it's a growing problem and if we get a new infrastructure bill, maybe we can think about reallocating a set aside for bike paths which is truly the only way we're going to get some of these projects off the list. Thank you for your presentation, it helped answer a lot of questions we had.

Next Commission Meeting

The next Commission Conference Calls were scheduled for January 31, 2017 and February 21, 2017. The next Commission Meeting was scheduled for February 23, 2017.

Adjourned

Meeting Adjourned

Commissioner Griffith, Chairman
Montana Transportation Commission

Mike Tooley, Director
Montana Department of Transportation

Lori K. Ryan, Secretary
Montana Transportation Commission