

# Montana Transportation Commission

**August 25, 2022 Meeting  
Commission Room  
2701 Prospect Avenue  
Helena, Montana**

## **IN ATTENDANCE**

Loren Frazier, Transportation Commission Chair (District 3)  
Tammi Fisher, Transportation Commissioner (District 1)  
Shane Sanders, Transportation Commissioner (District 2)  
Noel Sansaver, Transportation Commissioner (District 4)  
Scott Aspenlieder, Transportation Commissioner (District 5)  
Malcolm “Mack” Long, Director, MDT  
Julie Brown, Deputy Director, MDT  
Dwane Kailey, Chief Operations Officer, MDT  
Lori Ryan, Commission Secretary  
Dustin Rouse, Acting Chief Engineer, MDT  
Jake Goettle, MDT  
Val Wilson, MDT  
Rob Stapley, MDT  
Darin Wilson, MDT  
Rod Nelson, MDT  
Ryan Dahlke, MDT  
Paul Johnson, MDT  
Jim Wingerter, MDT  
Miki Lloyd, MDT  
David Ralph, MDT  
Carol Strizich, MDT  
Bill Fogerty, MDT  
Lucia Olivera, FHWA

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

## **OPENING – Commissioner Loran Frazier**

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

## **Approval of Minutes**

The minutes for the Commission Meetings of April 21, 2022, June 15, 2022, and July 26, 2022 were presented for approval.

Commissioner Aspenlieder moved to approve the minutes for the Commission Meetings of April 21, 2022, June 15, 2022 and July 26, 2022. Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

## **Agenda Change of Order**

Commissioner Aspenlieder proposed a change to the order of the Agenda to bring Agenda Item 20 – Project Awards for August 11<sup>th</sup> Letting and Agenda Item 23 – Discussion and Follow Up, to the front of the Agenda.

Commissioner Aspenlieder moved to approve bringing Agenda Item 20 & Agenda Item 23 to the front of the Agenda. Commissioner Fisher seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

### **Agenda Item 20: Project Awards (August 11<sup>th</sup> Letting)**

Jake Goettle presented the Project Awards for the August 11, 2022, letting to the Commission. This is the project presentation for the August 11<sup>th</sup> letting. A couple of notes on the letting – you see Call No. 102 has been removed because there was an issue in the bid files when this was advertised. We pulled that project and did not rebid the project and it is re-advertised for the September 9<sup>th</sup> letting. Call No 108 is not on here because that was awarded the same day of the bid letting last week.

Call No. 101. East of Miles City – East. The Engineer's Estimate was \$9,452,547.70. We had two bidders on the contract. The low bid was Prince Inc., Forsyth, MT with a bid of \$9,242,424.66. It was 2.22% under the Engineer's Estimate with 20.1% DBE participation.

Call No. 103. Slide Repair North of Terry. The Engineer's Estimate was \$2,471,541.30. We had five bidders on the contract. The low bid was Martin Construction, Inc., Dickinson, ND with a bid of \$1,972,047.92. It was 20.21% under the Engineer's Estimate with no DBE participation.

Call No. 104. US 93 North Wildlife Fending. The Engineer's Estimate was \$1,648,049.75. We had two bidders on the contract. The low bid was Wutke LLC, dba Mild Fence, Great Falls Fence, and Montana Fence, Kalispell MT with a bid of \$1,164,831.06. It was 29.32% under the Engineer's Estimate with no DBE participation.

Call No. 105. MT-1 Slope Stability. The Engineer's Estimate was \$1,611,270.00. We had one bidder on the contract. The low bid was Hi-Tech Rockfall Construction, Inc., Forest Grove, OR with a bid of \$1,779,485.00. It was 10.44% over the Engineer's Estimate but within guidelines for award and included 1.79% DBE participation.

Call No. 106. Signal-12<sup>th</sup> & West Holly in Sidney. The Engineer's Estimate was \$635,984.40. We had three bidders on the contract. The low bid was Stillwater Electric, Inc., Kalispell, MT with a bid of \$536,828.35. It was 15.68% under the Engineer's Estimate with 16.86% DBE participation.

Call No. 107. Bitterroot River – 3 mi South of Hamilton. The Engineer's Estimate was \$569,200.00. We had one bidder on the contract. The low bid was Jag Grading & Paving, LLC, Missoula MT with a bid of \$529,320.00. It was 7.01% under the Engineer's Estimate with no DBE participation.

The staff recommends awards of Call Nos. 101, 103, 104, 105, 106 and 107.

Commissioner Sansaver said the Glendive District did a phenomenal job of keeping everything under the Engineer's Estimate. Commissioner Aspenlieder said I notice in some awards we are starting to see our Engineer's Estimate exceed bid prices. Is that because we're over estimating to account for construction costs and inflationary costs? Are we actually seeing construction costs level out or is it a combination of all of it? What is going on because it was the opposite a year ago? Jake Goettle said it is a combination of all those things. I feel like construction costs are leveling out a little bit so the dramatic increase we've been seeing over the last several months is hopefully leveling out. We are estimating based on average bid prices. We've been

chasing the market for the last six months to a year and you've seen our estimates increase to try and keep up with that market. We're still going up even though the production market, which the contractors are bidding, is coming down or leveling out. We will track that same way – oil prices are coming down again for asphalt. Hopefully now we'll start to level out as well when we do our Engineer's Estimates.

Commissioner Sansaver moved to approve the Project Awards for August 11, 2022, Letting. Commissioner Aspenlieder seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

### **Design Build Project – Stipend Justification and Selection Criteria**

This Agenda Item is to present the Design Build stipend justification and scoring criteria for your approval. This project is two tied bridge projects: I-90 Bridge Rehab, Alberton and Flathead River, 1 mi east of Perma Bridge Rehab. The two projects will be tied together and delivered through a single design build contract. Both projects are similar in scope and that is why we're tying them both together. We did present a project delivery selection process to the Commission almost one year ago, September 9, 2021. We ran these two projects through our delivery selection process and determined that design-build delivery was the right deliver method and presented that to the Commission in September of 2021. This is following through with the MCA criteria for the stipend justification and the selection criteria that we use in the design-build selection.

The recommendations are:

- (1) A stipend amount of \$25,000 for I -90 Bridge Rehab, Alberton and \$20,000 for the Flathead River, Perma project be implemented. For a total stipend amount which will be offered to the short-listed, unsuccessful, responsive design-build teams in the amount of \$45,000 total.
- (2) In accordance with our design-build procedure, the selection criteria will be weighted 60% technical proposal and design, and bid price 40% of the total best value score.

Commissioner Sansaver asked if the percentages awarded had changed at all as far as design-build. We've talked about this previously and those percentages were different. What has changed? Jake Goettle said we set those criteria based on the project and what makes the most sense for each individual project. Years ago it used to be 50% technical and 50% price. We were seeing that the low bid was obviously the winner but we don't always want low bid in design build, we want a good technical proposal and a good price. So we went to 75% technical and 25% price which we still use quite a bit. That is where there's a lot of innovation available to a project and a design build team to innovate on a project. A lot of opportunity for them to maximize the schedule or give us a lot of benefit through their technical proposal versus the price not being as big of a component. So there's more to offer in the technical proposal stage. This is a bridge rehab project so the speed of delivery is key. The design build selection there isn't as much opportunity to innovate so we changed that percentage a little bit – 60% technical and 40% price. Again those vary by project.

Commissioner Sansaver said as they vary between projects, do you see a huge increase in those numbers or is it minimal increases as far as percentages? Jake Goettle said no, 60-40 is as low as we would go in the percent. Then 75-25 is about as high as we would go on the other end. Those two are what you will probably see in the future or somewhere in between those two.

Commissioner Sansaver said the difficulty and reasoning behind 75-25 and 60-40 per project – if a constituent asks the question “why do you switch that from one to the other” what would my answer be? Jake Goettle said I would say it is based on the innovation or the ability to innovate on a project. If there’s a lot of opportunity on a project for innovation, a schedule-driven innovation or design-driven innovation, teams can really get a good, put-together proposal and the taxpayers are going to get a huge benefit from those innovations in their design.

Commissioner Aspenlieder moved to approve staff recommendations for the proposed stipend and scoring criteria for the combined bridge rehab projects. Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

## **Agenda Item 23: Discussion & Follow Up**

### **Director Malcolm “Mack” Long**

#### *District Lows and Highs*

Director Long said I meet monthly with the Governor one-on-one to discuss what is happening with the department and CPAC to make sure we stay in communication with the Executive Branch. We meet weekly with the Governor’s liaison. Monthly we have the districts put together a list of their three biggest projects and their highs and lows. We would like to start sharing that with you so you have some sense of what is happening in all the districts. You all know what is happening in your individual district but this gives you a chance to see what is happening across the whole state. We touch on some of the highs and lows with the Governor who is excellent at reading these and following up with his liaison.

Some of the lows – we are still working on retention and recruitment in different districts. The budget office helped us do a retention and retaining bump; it was not a market adjustment which will be done by the Legislature next year.

Some of the other highs and lows are project specific. For example, in District Five we had one problematic contractor in Hardin. They got through enough that their subcontractor could come in and start paving and it changed the whole project. Funny how things go from lows to not so bad. We wanted to let you see this and have an update on that.

#### *Interstate Occupancy*

Another update – we are still working through our Interstate occupancy. In Senate Bill 392 passed by Senator Vance, we were charged with doing Administrative Rules and we’ve started working on those. We had a lot of feedback from the general public, the people who it affected. We stopped those rules and put together a working group to start working on it. The working group is going to try to meet after Labor Day. As I’ve been reaching out to them, it’s an interesting quandary because they all have very different needs and very different wants. Mitsubishi wants to put in two big large high-pressure hydrogen pipe lines and a 100-foot right-of-way. I’ve told them we do to if you want to help us get it, we’ll gladly work with you. So we can’t always meet some of their wants.

Some of the smaller telecommunications broadband people want to be considered as a utility but they are not regulated by the PSC so we don’t recognize them as a utility. They want that because they don’t want to have to pay anything to go in the right-of-way or pay to be adjusted if we widen. But they also don’t want to be regulated like a utility under the PSC, so it’s been an interesting balancing act. I don’t know if we’ll

come to complete resolution but we're going to do our best and let everyone be heard. I've started explaining why we have Rule 1 and Rule 2. Rule 1 is to open up the Interstate which has not been done before. Rule 2 is to help the broadband go in the non-Interstate corridors. In my opinion, I think it's still a good process and our Legal Department has done incredible work looking at all the statutes and working through this. We'll keep working on public comments and try to reach out and let everyone have their say. In my opinion, it's going to take two or three meetings to kind of keep rehashing until we get to that détente, if you want to call it that. Then we'll go forward and get the Administrative Rules ready to publish.

#### *Rest Area in Three Forks*

We're getting ready to open the new rest area by Three Forks near Wheat Montana. We've had a request from the Operators Association to put a memorial there. It is going to go to our Maintenance people because like any other highway we put it through both Planning and Maintenance. So when you see this at a future Commission Meeting, you'll know what it is. I wanted to make sure I'm communication with you early.

#### *Redistribution*

In our opinion we have a lot of opportunities coming up. Usually we have redistribution and we'll talk a little bit about that in this meeting. Usually we get about half of what we've asked for but this year they asked if we could take more. It is interesting because there is no free lunch. It is an interesting quandary for us as a department because the federal congressional delegation will give you the money but not necessarily the limitation. Anything we get this year we have to take out of next year's budget. So it's great if they want to give us an extra \$80-\$90 million but that's going to hurt next year when IAJA kicks in. So what do we do? We've been talking to our congressional delegation about it. In fact Senator Tester's fellow came yesterday and I explained to him that though this is good and helps us as a state who is well prepared, it has this scorpion like stinger on it that reaches around and gets you. So you don't know if you should be friendly to it or not. We'll talk more about that. We, as a department, are excited because we pride ourselves in being ready and prepared for the redistribution but now you have to be careful when you push for it. They want to give us a lot and it could hurt us going forward. It's an interesting quandary.

Commissioner Sansaver asked what it did to the TCP. Rob Stapley said right now our staff has done an excellent job with the biggest list of projects that we've submitted in the request for redistribution. You will see that list today. Our concern is if we go beyond what we're asking for currently, it will impact us in FY 2023 in the TCP. It depletes our apportionment balances which really reduces our flexibility to transfer funds between different categories. From a TCP standpoint, it means you would have to have exactly a certain amount of IM projects, primary projects and HSIP projects – you cannot go above it or below it. The way we operate is we have flexibility to transfer up to 50% back and forth between programs. One year you may have a large Interstate project and the next year you may have a large primary or secondary project. You have that flexibility to work those projects. The way we're cued up for FY 23 in the TCP, those are commitments and projects we have ready to go and it could drastically impact our deliver of those projects. Then we'd be scrambling and potentially not making the best decisions just because they meet funding criteria.

Commissioner Sansaver said the concern I have is when you get project overload, that's like getting a big jug of water and they say we're giving you this but you have to drink it all before the end of the month and then the next month you get a bottle of water. (1) Do we have the contractors to fulfill those obligations? It is very doubtful from what I've seen over the last two years. (2) It throws 2023 into a total flux

situation where now we have all these district administrators who are trying to rearrange everything, trying to get a workforce together to cover this overrun of money available. I see in the Billings District where they're struggling even getting workers. So gorge me with money this year and then next year starve me to death. I don't see the benefit in it; I really don't.

Director Long said it is interesting and we need to talk about it. Usually they limit us. We're prepared, we know this is coming and we're prepared. This is a strange year and it comes just before another strange year. We, as a department, are definitely going through some changes in the fact that we're well prepared, we have a professional staff, what we're trying to do is to stay nimble, let's start adapting, let's push.

The project you awarded No. 108, the Bridge Demo, we have the opportunity to get outside of our comfort zone and let the Army Special Forces help us. We decided to do that but like anything with the Army, it has a little bit of risk. Me as a contractor, and Julie are coming from the outside and that is what we do, we live with risk every day. Sometimes it's not perfect and you learn from it. So we dropped the bridge – the Army Special Forces set their charges and dropped it yesterday. It went well until the very end – we had some shrapnel that hit our bridge. It's not catastrophic but it is a little bit of a consternation. So we're learning as a department how to do this. That's one issue.

Another issue is Yellowstone wants to keep filming. They've been filming in Missoula and all over Montana. In fact they were filming in the Capitol yesterday taking shots. They'd like to use Van Buren Street in Missoula, well that's a major interchange. How would you shut that off to let them do their filming? It's critical that the lady is in the car and it has to be against the wall, etc. The stuff we're presented with isn't necessarily what we're used to, so it's a fun exciting time to be part of Team MDT because we're doing stuff we never thought we'd do. We got our Engineering Degrees but didn't anticipate film and TV. So we're having some interesting things thrown at us. We're doing it like we always do, Team MDT. We talk, we work together, we try get to "yes" if we can but it might be a qualified yes.

### **Elected Official / Public Comment**

No comment given.

### **Contested Speed Studies**

Commissioner Frazier said one of the questions we had was on contested speed studies – Is there a way to do something interim or temporary. We were going to look into options for that. Commissioner Aspenlieder said to give some context for the other Commissioners, I asked the question about contested speed studies, for example, Quinn Hot Springs. Another example is the Ennis speed studies in June that were contentious with the subdivision. I want to caveat this by saying that by no means do I want this to be applied to every speed study; under no circumstances is that what I'm looking to do. The instances where there is some high contentions about what to do and pretty significant discrepancies in what the local jurisdiction is asking versus what the posted speed limit is or what MDT is comfortable in doing. My question – Is there a way we could modify the way we approach those speed studies to say "okay, we'll study it as we normally do at the posted speed limit, but we will also then set a temporary or an interim speed for 12-14 months or whatever staff deems necessary to get the traveling public adjusted to a lower speed limit requested by the local jurisdiction. Study it, then once that speed has been set and everybody has adjusted to it, compare those two data sets to see if setting the lower speed limit actually had the desired impact. The one thing that we can't answer and we haven't been able to answer in my time on the Commission is when we set the speed limit

lower we have zero data. We don't have any data even following up after we've done this on anything to show whether it is actually being effective or not. What I have consternation with myself is setting these speed limits lower without having any data to support it and then not knowing if what we did actually had the desired impact because we can't come back and reset it to a higher speed limit without local concurrence and that never happens.

I'm trying to find a way to thread the needle in looking at these contentious speed studies so that we don't make a decision that we can't undo. If we are going to make that decision, we're making it with data and facts to support it. That is going to put a little more responsibility on the District Administrators admittedly in helping to identify those things early on. I don't think that is as difficult as it sounds. I think everybody from the district level probably knows which ones fit and which ones don't fit in that box. It will also add an extra level of study to our staff to essentially study that road twice in the span of two years and it's going to drag these speed studies out for 24-30 months from request. The dragging out I don't think is as big of an issue because we're essentially doing what's being requested by the local jurisdiction as a compromise to give them the data. Then we can sit down with the local jurisdiction at the end and actually have true data that shows if it worked or not. We can have a real conversation about what is or is not actually happening. I think that also helps us.

We talk about enforcement being a major component of speeds but it seems like local jurisdictions also write that off because they think if you set the speed limit, people will just comply. If we do that and still are not having the enforcement of those lower speed limits, that opens that conversation up with local jurisdictions as well as an opportunity for MDT to educate and try to put the emphasis in the appropriate place.

Again I'm not proposing that we do this frequently rather very infrequently. In my opinion we just don't have the data to support the decisions we're making in these contentious issues. I've had some conversations with Ms. Wilson, Director Long, and Mr. Kailey and I know internally MDT was going to have a conversation about it. That's where I'm coming from and why I'm asking the question if there is a way to do this differently to come up with data to support what we're trying to do and be a little more responsive to the local jurisdictions. Director Long said do it on a temporary basis so we're not stuck with something that doesn't work.

Val Wilson said I want to start by going back to the basics – the power and authority to set speed zones in the State of Montana rests with the Legislature. The Legislature has delegated that responsibility or a portion of that responsibility to the Commission based upon the Engineering and Traffic Study and the special conditions that are in that. So in looking at the statute about just what is allowed by the Legislature, there is a provision for this Commission to set a temporary special reduced speed zone. So a temporary speed zone is allowed under the condition that we're conducting a speed study at the local government's request. The statute allows that if the local government requests a speed zone study and simultaneously asks for this special reduced speed zone, our traffic folks would do a preliminary engineering review with someone from the local authority over that road. Then if MDT concurs that the temporary special reduced speed zone is warranted, then our traffic people would be coming to the Commission with a recommendation and requests that you establish that. That is generally set for the onset of the speed zone study. Then at the end of that period of time, once the Commission votes to either approve or deny the initial request, that temporary special speed zone goes away under the statute. How to tell from the onset if there's going to be a contest with our results is something the lawyers can't help you with but I can tell you that you can do it but it's only in the case of a pending speed study.

Commissioner Aspenlieder said that is where I'm trying to go. So we're saying the same thing. It goes back to putting a little bit more responsibility on the district administrators and the district traffic engineers to identify. If somebody is requesting a speed reduction of 20-25 mph taking it from 55 mph to 25 mph, that would be an obvious red flag to me. Is this going to be an issue where this is appropriate? A reduction of a 25 mph speed zone to a 15 mph speed zone in a school zone does not raise a red flag or lengthening out our deceleration into a community. Again those are not the ones I'm concerned with but Quinn's Hot Springs and the Ennis speed study both jump out with huge red flags to me and seem to be something we could identify very early on to have this conversation. Admittedly it is going to put the responsibility for identifying those on the district administrators and their local traffic staff.

Commissioner Sansaver said that was my main question – what is the criteria for this? You say it is up to the district administrator. They all have to be on board so their criteria aren't different in each district. District Four is different territory than District One. I think it's a great idea and I'm on board with the thought process but in order for it to work the district administrators all have to get together and come up with the criteria for how they choose which ones will be afforded this opportunity and which ones won't because if they don't do that, we're on phone calls all the time from district-to-district because they did it over in Missoula why can't they do it in Billings. I think it's an excellent idea but we need to nurture it and see where we can formulate the criteria.

Commissioner Sanders said the devil in the details is figuring out the contentious part. You kind of addressed that but I think it's going to be critical to get public comment early in the process. I think we're going to have to have a mechanism to reach out to the public to let them know this is what we're looking at and get that input early because that is how we're going to identify it. We can look at it but the measure is when we see what the public has to say about it. I think it will be critical to get it out to the public early and then we'll have a better idea about how contentious it really is. Dwane Kailey said that is an excellent point. Director Long said that is my point that we don't really know until afterwards. The communication is not always forthcoming from County Commissioners. They get a call and call us, we go out and then say the engineering says it should stay the same. Then they get called again to say that is not what they wanted. So trying to get the County Commissioners engaged early and often falls back to the districts. You're right, it's going to put more burden on MDT. We need to get them involved all the way through because we know a lot of the data and we can show it and if they still don't like it then we can do this interim special speed and keep studying it. We must understand it is not for every study and we can't do it every time.

Commissioner Fisher said from a former county perspective when a County Commissioner forwards this, it should be noticed up at one of their public meetings. If MDT were invited to that meeting, it might be a good place to figure out where the request is coming from. That's a possibility.

Commissioner Aspenlieder said I'd like to know what the next steps are because I'm not interested in having a conversation to only have that same conversation in two more months. What do you need from us? What are we going to do here to try and advance this thought? Dustin Rouse said from our standpoint, we need the Commission to tell us to move forward in this direction and I'll set up a meeting with the district administrators. We're already in discussions with our district traffic engineers and we want to empower them to make more decisions. So we're already moving in that direction in other areas and I think this would fit in well with those discussions. There does need to be some consistency across the state and we want to make sure we have that and we're consistent with what we bring to you. Part of that is the district needs to be in support of this to bring it forward for the Commission to take action. We need to have some internal discussions and we'll do that.



Commissioner Frazier said it looks like the Legislature saw an opportunity for something like this. There is a statutory a method we could use and if you're looking for direction from the Commission, do you need a formal motion from us? It certainly has my support, it's already in statute, and it's an opportunity for the department to develop a way to reach out to our partners. It might take a little time and more discussions with them but it is something I support. MDT said we will look at this and report back to you.

### **Bridge Program Update**

Ryan Dahlke said as I reported at the last Commission meeting, our consultant team of HDR and Staley are under contract, moving forward and making excellent progress. They attended the MACO meetings last month and have now advanced to meeting with each individual county. Discussions have been fantastic and we're getting great feedback from the consultant team. The counties are very engaged and they have great information for us. Staley is leading that effort. Independent of that to keep it completely separate, the prime HDR is diving deep into an objective system to rate bridges, to rank them, and how they should come out for priorities for our bridge program to address or for other funding opportunities. When the team establishes that waiting criteria, then we bring in the subjective part from the counties while at the same time using their core information. Those two will meld together and we'll end up with a very robust, defensible and logical way to rank our bridges so we can address them. That should be close to being done by the end of September with being able to identify quick fix bridges by the end of the year. We're on task to reach that goal.

Other stakeholder involvement – we have been very engaged with the counties. Petroleum, Ag, trucking is our next priority. Now that we've started getting our hands around the counties, our next priority which will happen in the next month is Ag, petroleum, and trucking – those key stakeholders that were identified. Steady as she goes, peddle to the metal, we're making good progress. Commissioner Aspenlieder said he looks forward to seeing what that looks like as you develop those criteria and having the Commission take a look at that at the next meeting or when you're comfortable with that.

### **Agenda Item 1: Local Construction Project on State Highway System – Contract Labor Kruger Road, Plains**

Rob Stapley presented the Construction Project on State Highway System – Contract Labor, Kruger Road, Plains 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.

#### *Kruger Road - Plains*

Sanders County is proposing modifications to MT-200 (P-6) to improve traffic operations and safety near Kruger Road in Plains. Proposed improvements include the realignment of Kruger Road to a perpendicular approach at the intersection of Kruger Road and MT-200. The map shows MT 200 and the Kruger Road intersection just north of Plains.

MDT headquarters and Missoula District staff have reviewed and concur with the recommended improvements. Sanders County will provide 100 percent of project funding and will be required to complete MDT's design review and approval process to ensure that all work complies with MDT design standards.

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

Staff recommends that the Commission approve this modification to the Primary Highway System and requests that the Commission delegate its authority to let, award, and administer the contract for this project to Sanders County - pending concurrence of MDT's Chief Engineer.

Commissioner Sansaver moved to approve the Local Construction Project on State Highway System, Contract Labor – Kruger Road, Plains. Commissioner Aspenlieder seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

## **Agenda Item 2: Construction Project on State Highway System – King Avenue West, Billings**

Commissioner Sanders recused himself from Agenda Item No. 2. Rob Stapley presented the Construction Project on State Highway System, – King Avenue West, Billings to the Commission. Under MCA 60-2-110 “Setting priorities and selecting projects,” the commission shall establish priorities and select and designate segments for construction and reconstruction on the national highway system, the primary highway system, the secondary highway system, the urban highway system, and state highways. This statute exists to ensure the safety of our system, protect transportation investments, and encourage coordination on public and private infrastructure improvement projects that impact MDT routes.

### *King Avenue West - Billings*

TKJ Development, LLC, is proposing modifications to King Avenue West (U-1037) in Billings to address traffic generated by the new Ridgeline Subdivision. Proposed improvements include the conversion of the 48th Street West/King Avenue West intersection to a four-way, stop-controlled facility. The map will show you where this intersection is located in Billings.

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

Staff recommends that the Commission approve these modifications to King Avenue West - pending concurrence of MDT's Chief Engineer.

Commissioner Sansaver moved to approve the Construction Project on State Highway System – King Avenue West, Billings. Commissioner Sanders seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

### **Agenda Item 3: Construction Project on State Highway System – Costco Facility, Billings**

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

#### *Costco Facility - Billings*

Costco Wholesale is proposing modifications to Zoo Drive (N-133) in Billings to address traffic generated by their new facility. Proposed improvements include the installation of a new eastbound right-turn lane from Shiloh Road to Canyon Creek Road, a new traffic signal at the Canyon Creek Road intersection, and potential signal timing modifications along the Zoo Drive corridor. The map shows you where these changes are being proposed.

MDT headquarters and Billings District staff have reviewed and concur with the recommended improvements. Costco Wholesale will provide 100 percent of project funding and will be required to complete MDT’s design review and approval process to ensure that all work complies with MDT design standards.

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

Staff recommends that the Commission approve these modifications to Zoo Drive - pending concurrence of MDT’s Chief Engineer.

Commissioner Sansaver asked who determines whether there is going to be a traffic light at any place for a public company like Costco. Rob Stapley said in the case of a larger development, we require the developer to complete a Traffic Impact Study. As part of that study we use that information to dictate whatever the intersection needs. There is also an internal MDT review to make sure we’re in concurrence with what’s being proposed. It’s not just up to the developer, it goes through quite a process to make those decisions. Commissioner Sansaver asked if it went through all of MDT. Rob Stapley said yes.

Commissioner Aspenlieder moved to TABLE for review until MDT completes a study of the impacts. Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

### **Agenda Item 4: Urban Highway System Revision West Sussex Avenue/Sussex Bend, Missoula**

Rob Stapley presented the Urban Highway System Revision – West Sussex Avenue/Sussex Bend, Missoula to the Commission. The Transportation Commission is responsible for approving revisions to the Urban Highway System

(per MCA 60-2-126). Urban Highways are those routes that have been functionally classified as either urban arterials or collectors, and that have been selected by the commission, in cooperation with local government authorities, to be placed on the Urban Highway System.

At the request of the Missoula Metropolitan Planning Organization, MDT is proposing the following modifications to the Urban Highway System in Missoula:

- Remove West Sussex Avenue (U-8138), between Brooks Street and Stephens Avenue, and Sussex Bend (U-8138), between Stephens Avenue and South Avenue West, from the Urban Highway System.

If approved, this action would serve to reduce Urban Highway System mileage in Missoula by 0.28 miles. It should be noted that the City of Missoula, through resolution, is accepting jurisdiction of these roadways. Additionally, all maintenance and operational responsibilities will remain with the City of Missoula.

It should also be noted that this system modification aligns with the December 2000 Commission Policy for System Actions on State Designated Highways and that the proposed actions are in conformance with:

- (a) System action general and specific procedures;
- (b) The requirements for participation with appropriate local officials; and
- (c) In urbanized areas the planning process required pursuant to the provisions of 23 USC 134(a)

On behalf of the Missoula MPO, as required by MCA 60-2-126, staff requests that the Transportation Commission approve the proposed modifications to the Urban Highway System – as listed above and illustrated on the map.

Staff recommends that the Commission approve the following modifications to the Urban Highway System in Missoula:

- Remove West Sussex Avenue (U-8138), between Brooks Street and Stephens Avenue, and Sussex Bend (U-8138), between Stephens Avenue and South Avenue West, from the Urban Highway System.

The net mileage reduction to the Urban Highway System equals 0.28 miles.

Commissioner Sanders said we're talking about .28 miles but the map shows .258, is that because the map doesn't include that last little bit going into South Avenue. Why the discrepancy? Rob Stapley said I don't have an answer but I can find out.

Commissioner Aspenlieder asked what prompted this – what is the reasoning for this request? Rob Stapley said my understanding is that the City of Missoula is working with the developer to re-work this area with proposed changes that don't align with what is currently there. Commissioner Aspenlieder said looking down the line, if we remove this from our system and the City of Missoula changes it significantly including eliminating traffic connectivity from South Avenue to Brooks, what is the net impact on the other intersections within our system? Is that going to have an impact on level of service on the other intersections in this area? How are we looking at that and have we had that conversation yet?

Rob Stapley said to the degree those conversations have taken place I'm not aware. Carol Strizich is on line and may be able to speak to some of that. Obviously there is going to be some impact but to what degree I don't know that MDT has weighed into that. The MPO has studied that but I don't know what our involvement has been. Carol Strizich said to the extent there is access to an existing system route, MDT is engaged in the traffic flow and impacts of development. Outside of that, the

downstream impacts of the development are not something MDT has the opportunity to provide input on.

Commissioner Aspenlieder said if we do this and we don't have an understanding of what the impacts are going to be to our other system intersections in this urban area, how do we know that by doing this and allowing the developer to make these modifications which change traffic flows in this area, are we going to have an opportunity to look at that proposal or the traffic impact study I would imagine the MPO would require of them? Is that going to be kicked back to MDT for review and concurrence to the impacts it is going to have on our system even if it is not directly adjacent? Is there a mechanism for us to look at that? My concern is that if they're not requesting access on our system, then the MPO is going to go ahead and approve this development, change the level of service to our on-system intersections, and we have no ability to come back to the developer who is going to create more problems for the traveling public and hold the developer responsible financially for the improvements that are going to be required to improve those intersections and systems. I'm not going to be all that excited about Missoula MPO coming and asking for funding for different programs, safety or otherwise, taking that funding away from somebody else because they wanted to game the system by changing Sussex. I'm not opposed to it so long as there's a mechanism for us to capture it on the back end. Otherwise I'm flatly opposed to this.

Commissioner Frazier said going back to a little history, I will not vote for or support this. I disagree with the staff recommendation. Sussex was built with congestion mitigation money quite a while ago when Missoula was failing in error and this was known as malfunction junction – it was the intersection of Russell, Brooks, and South. Part of the solution to improve air quality and reduce the congestion of idling cars for the six-way intersection was to reduce the traffic signal for the two legs and that was South Avenue. Sussex was built as a means for people that wanted to go west on South to come up and hit the stop light at Brooks and it is back far enough from the intersection so they could turn in. They would come up, take a left-hand turn, go down Brooks, and then take a right and go down South. Removing two legs of the six-legged intersection increases the timing for the signals. The other leg of South goes through Garfield Street and Fairview for people who are east-bound on south. They go down and hit Brooks, come up and go through that intersection and take a right-hand turn and go down South. Just off the map there is the College of Technology, Sentinel High School and they access South Avenue. Since this leg they want to remove from the system played a significant role in reducing the congestion in Missoula Malfunction Junction, it still serves as part of that. I feel it should remain on the system. That's my opinion.

Commissioner Aspenlieder said I appreciate your context of history; you obviously have more than the rest of us. Is there a way for us to have that conversation with the MPO? I don't know that we can conditionally approve these things – condition being a Traffic Impact Study that is completed as a part of development is mandated to evaluate the intersections identified by staff to understand the impacts and capture that financial contribution by the developer and the MPO. Do we have the ability to conditionally approve this or does this have to be tabled to have that negotiation to come back with a different agreement in place? How legally would that need to work?

Val Wilson said you are on target with the tabling this to get further information. Conditional approval is not an option. Commissioner Aspenlieder asked Dustin Rouse if his concerns were valid. Dustin Rouse the concerns expressed by both you and Commissioner Frazier are valid and are issues that the Commission deserves answers to. If you go the route of tabling, then we will provide some additional information and assurances. Commissioner Aspenlieder said I would move then to table this item to allow staff to have further conversations about how to mitigate impacts downstream on our system should we approve this.

Commissioner Sanders said the entire area is going to be re-evaluated during the system-wide MDT review. There is some uncertainty there so I'm with you on this motion. When is that system-wide review going to take place? If we table this until the next meeting, will we have the data we need? When will that happen? Carol Strizich said the 2010 Census, once it's released, requires us to go out and adjust the urban boundaries in the urban areas in the State of Montana. When that occurs we take a look at the complete urban highway system. The purpose of the urban highway system is to provide coverage within the entirety of the urban area, the main corridors in the community, and it aligns with our urban highway funding program to allow some supplemental funding for those roadways within the urban area. For this particular roadway, it is currently functioning as a collector. When they make changes as the result of this local land use decision, the function of that roadway is going to change and it won't be eligible to be on the urban highway system. So whatever happens with this particular development the local governments are approving, it may automatically make the corridor ineligible to be on the system regardless of the long-term review of the system.

Commissioner Aspenlieder asked her to clarify the term corridor; what is included in that corridor that will be ineligible to be on the system? Carol Strizich said it is this section that is being removed. The urban highway system must have logical connections and connect to higher-order roadways. Any changes to this segment and its function would change the function of the entirety of the segment from Brooks to South Avenue. To maintain continuity of the entirety of that segment it would have to come off the system.

Commissioner Frazier said I fail to follow your logic. The Sussex bend is in fact a connection to South Avenue to go west. It serves a critical function of the intersection of Brooks and Russell. This leg was added to the system for that function. I'm not following the logic. You remove that, you have a non-functioning arterial and a fairgrounds, a college, a high school that all need some kind of a connection or at least a collector arterial. I don't follow that but that's not a debate we can have here. We have a motion to table and I'm looking for a second.

Commissioner Sansaver said my comment was the same as Commissioner Sanders. The entire area will be re-evaluated by the MDT staff. It sounds like a big mess and they don't call it malfunction junction for nothing. Is it going to be a couple of months to re-evaluate and get a full comprehensive review of this? There seems to be some real rigid points from both sides and having had the experience as the Chairman and the history of that approach with Sussex Avenue makes it very difficult to make a conscientious decision on which way to move here. Our next in-house meeting is going to be a long one with TCP and I don't want to add to the length of that meeting. Can you figure out how long it would take for the review and let us know?

Commissioner Aspenlieder said he would amend his motion to table from bringing this back at the next meeting to bringing it back when the staff has the information requested by Commissioner Sanders and Commissioner Sansaver.

Commissioner Aspenlieder moved to TABLE Urban Highway System Revision, West Sussex Avenue/Sussex Bend, Missoula until more information can be presented by staff. Commissioner Sansaver seconded the motion. All Commissionees voted aye.

The motion passed unanimously.

## **Agenda Item 5: Tentative Construction Plan (TCP) Projects Candidate Projects for Redistribution Funding in FY 2022**

Rob Stapley presented the Tentative Construction Plan (TCP) Projects – Candidate Projects for Redistribution Funding in FY 2022 to the Commission. Under MCA 60-2-110 “Setting priorities and selecting projects,” the commission shall establish priorities and select and designate segments for construction and reconstruction on the national highway system, the primary highway system, the secondary highway system, the urban highway system, and state highways. This statute exists to ensure the safety of our system, protect transportation investments, and encourage coordination on infrastructure improvement projects that impact MDT routes.

Last year, during the Tentative Construction Plan (TCP) meetings, the Transportation Commission approved a list of projects that would be eligible to move forward into FY 2022 – if sufficient Redistribution funds became available at the end of the federal fiscal year. In recent conversations with the Federal Highway Administration (FHWA), it has been determined that this year’s Redistribution amount could be historically high. Thus, MDT is requesting Commission approval to add to the list of candidate projects eligible to receive Redistribution funds in FY 2022.

At this time, MDT is advancing a list of additional candidate projects for Redistribution funds in FY 2022.

Staff recommends that the Commission approve the addition of these projects to the list of candidate projects eligible to receive Redistribution funds in FY 2022.

Commissioner Sansaver said in approving this are you saying that we’re going to add them and draw down that additional money? Are you obligating us to these projects? My concern is that in my district alone we have seven new projects and I don’t know that we have enough contractors to handle that amount and it doesn’t take away from the TCP of 2023? I would be hesitant to vote positively on this without knowing those answers.

Ryan Dahlke said that is an excellent question and the short answer is no these aren’t being added to the projects that will be automatically delivered. These are candidate projects. It adds to our pool that we may pull from and when we make decisions on which projects to actually award, how much redistribution money, there is a whole slew of things that go into that in includes much of what was discussed earlier with our flexibility in appropriations, contractor availability, our Px3 process, equal distribution among the districts and the program. This agenda item allows us flexibility to pick accordingly and most strategically for the transportation system. It provides flexibility to pick the best of the best and not just spend money to spend money but to spend money appropriately.

Commissioner Sansaver asked if it was committing us to this money. Ryan Dahlke said no it is not committing us to any money. During the TCP process, the Commission afforded us the opportunity to pick from a list of candidate projects. However much redistribution money USDOT provides, that is the list we’re going to pick from. We need a bigger list to pick from and not just to add to. For example, we lost a couple of our redistribution candidates just because of project delivery and right-of-way issues. A small handful of those are being replaced by these but this actually gives us more flexibility. In addition when we identified those projects at the TCP, we didn’t anticipate this level of redistribution. It does not mean we’re going to take it all. Ultimately it is Director Long’s decision on how much redistribution we actually take. Again this is just adding to our pool of candidates to pick from. Commissioner Sansaver said just as long as we’re not reinventing the wheel and committing us to dollars. Ryan Dahlke said not in any way whatsoever.

Director Long said redistribution has a tight time-frame. As Mr. Dahlke said they give you the money and you have to obligate it. A lot of these projects are minor projects. There's no major dirt projects; they are nice simple projects like chip seals that can be done fairly quickly and easily. There is no right of way. Again, on redistribution you have 30 days to obligate. Ryan Dahlke said we already have these ready to go; they are projects we've been working on and these are ones we're ready to pounce on and get going. Director Long said you might have \$200 million that we might say no thank you to. MDT has been looking at how far we can stretch it; we need to have that flexibility because we have a very short window to decide. Rob Stapley said this is in line with the size we would like to keep our request at. We're pushing back on going beyond this and adding more and more and more which we believe will hurt us in 2023.

Commissioner Aspenlieder moved to approve the Tentative Construction Plan (TCP) Projects – Candidate Projects for Redistribution Funding in FY 2022. Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

### **Agenda Item 6: Interstate Maintenance Program Additions to the IM Program (3 New Projects)**

Rob Stapley presented the Interstate Maintenance Program – Additions to the IM Program (3 New Projects) to the Commission. The Interstate Maintenance (IM) Program finances highway projects to rehabilitate, restore, resurface, and reconstruct routes on the Interstate System. Montana's Transportation Commission allocates IM funds to MDT Districts based on system performance.

At this time, MDT is proposing to add 3 new projects to the IM program – one in District 2 and two in District 3. These projects are Homestake Pass Parking Area, I-15 Fencing in Helena, and Vaughn North. These projects meet the criteria set forth for IM-funded projects. If approved, it would be MDT's intention to let these projects individually.

The estimated total cost for all project phases is \$32,772,678 (\$29,901,791 federal + \$2,870,887 state match) – with the entirety of the federal funding originating from the Interstate Maintenance (IM) Program.

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

Commissioner Sansaver moved to approve the Interstate Maintenance Program – Additions to the IM Program (3 New Projects). Commissioner Fisher seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

### **Agenda Item 7: National Highway System Program Additions to NH Program (7 New Projects)**

Rob Stapley presented the National Highway System Program – Additions to NH Program (7 New Projects) to the Commission. The National Highway System (NH) Program finances highway projects to rehabilitate, restore, resurface, and reconstruct Non-Interstate routes on the National Highway System. Montana's Transportation Commission allocates NH funds to MDT Districts based on system performance.



At this time, MDT is proposing to add seven new projects to the NH program in the Great Falls District. These projects meet the criteria set forth for NH-funded projects.

The estimated total cost for all project phases is \$36,418,717 (\$31,531,325 federal + \$4,887,392 state match) – with the entirety of the federal funding originating from the National Highway System (NH) Program.

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

Commissioner Sansaver moved to approve the National Highway System Program – Additions to NH Program (7 New Projects). Commissioner Aspenlieder seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item 8: Bridge Program Projects  
Additions to Bridge Program (1 New Project)**

Rob Stapley presented the Bridge Program Projects, Additions to Bridge Program (1 New Project) to the Commission. MDT’s Bridge Bureau reviews bridge conditions statewide and provides recommendations for construction projects to be added to the Bridge Program.

At this time, the Bridge Bureau recommends adding one (1) new project to the Bridge Program. The project is the Bitterroot River Woodside Project. It should be noted that this project includes a shared-use path which will be funded via the Transportation Alternatives (TA) Program. The estimated total cost for all project phases is \$17,484,033 (\$15,137,678 federal + \$2,346,355 state).

The breakdown of project costs (by program) is listed below:

Surface Transportation Bridge (STPB) Program	\$ 15,484,033
Transportation Alternatives (TA) Program \$	<u>2,000,000</u>
	\$ 17,484,033

The proposed project is consistent with the goals and objectives identified in the Performance Programming (Px3) Process - as well as the policy direction established in TranPlanMT. Specifically, roadway system performance and traveler safety will be enhanced with the addition of this project to the Bridge Program.

Staff recommends that the Commission approve the addition of this project to the Bridge Program.

Commissioner Aspenlieder moved to approve the Bridge Program Projects, Additions to Bridge Program (1 New Project). Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item 9: Performance Programming Process – Px3  
2022 Px3 Analysis – Funding Distribution  
Recommendations**

Paul Johnson presented the Performance Programming Process, Px3 – 2022 Px3 Analysis – Funding Distribution Recommendations to the Commission. MDT utilizes the Performance Programming (or Px3) Process to develop an optimal

funding allocation and investment plan based on strategic highway system performance goals and the continual measurement of progress toward these goals.

This is our annual get-together to talk about our Performance Programming Process (Px3). We will be discussing:

- The Px3 and Tentative Construction Plan activities and their timelines
- Recent developments
- Budgetary issues
- Review system performance
- Funding recommendations

Every year we get together at this time to talk about funding in advance of the Tentative Construction Plan meeting. We will get the funding distribution framework approved at this particular meeting. We're also going to talk about reserves and some other funding issues and all of that will set the table for the Tentative Construction Plan meeting scheduled for November 3, 2022.

#### *The Infrastructure Investment and Jobs Act*

As folks know most of our funding comes from federal sources and primarily sources involved in the Reauthorization Bill just passed and signed into law on November 15, 2021. This particular Act establishes federal apportionment levels from 2022 to 2026. It continues all FAST ACT programs. It created several new highway programs most notably the Bridge Formula Program (BFP) which designates funding to bridges in Montana. The National Electrical Vehicle Infrastructure Program (NEVI) aids in establishing EV charging networks throughout the state of Montana. The Carbon Reduction Program which funds programs to reduce transportation emissions. The Protect Program dedicated funding for projects that promote resiliency. What is interesting to note is that in the first year of the bill there is pretty substantial growth of the program – 20+% but there are a lot of asterisks that go with that. After that it's only 2% per year. So after we get this initial burp of funding, it really does go back to something less than what we've seen over time. There are opportunities and there are challenges, and it has been described as a scorpion. It really is a scorpion; you have to look very closely at the tail end.

Some important considerations – opportunities and challenges. We did see some significant federal program growth in 2022 but we will see minimal growth in 2023 through 2026. Some of these growth areas include new programs and the HSIP got quite a bit of a bump. Those are in unique areas but our core program funding did not really increase that much. It's similar to other Reauthorization Acts. In one of our key areas, the STPP program is only at 2.5% per year. So there a little bit of a juggling act and some challenges that hit us. Even though we get some additional funding, we have to get a little bit more creative.

In addition to this new funding we have lots of new and exciting guidelines, restrictions, and set-asides. So we've got little tiny pots of money that go to different entities that we have to manage. This helps reduce our flexibility and in some cases it will divert funding away from higher-priority projects. There is a whole lot of administrative reporting requirements. So we're still sifting through all the rules and regulations, even recently we received guidance on the Resiliency Program Protect and some other programs; so we're working our way through all that. It's going to be challenging and it's not as simple as getting a wheel-barrow of money, it's got a lot of rules, regulations and restrictions. While some folks would say this is a huge windfall, we got a lot of new programs that came with it. We do have additional opportunities to pursue discretionary funding but that's a double-edged sword as well. It puts a strain on our state resources and there's different matches and rules and requirements that go with that. We're pursuing those but we're trying to be strategic about that.

There's also additional opportunities to receive redistribution funds. We had a long discussion about what that means. Historically we've been allowed to accumulate apportionment over time because we couldn't spend it all in a given year but now they're actually asking us to overspend more than 100% per year so we don't have that reserve and we also don't have the flexibility. So over time without some actions back in Washington D.C., we will run out of apportionment. We just couldn't accept the money they would offer us. So that's a unique situation.

What is the net effect of where we're at right now? Add into the mix that we're seeing a lot of inflation near double digits for this year. This mix of things is really enough to counter the inflation that we're seeing. Hopefully in the future as inflation drifts away, it will even out over time. Right now it's good we got the money because of inflation but it seems to be an offset at this point.

Heading into the TCP we usually have to have some assumptions. Throughout the years of the TCP for 2023-2027, we are going to assume an IAJA program structure. That means that we're keeping our MDT programs as is with two additions – we're going to add a NEVI Program and the Carbon Reduction Program. There are some other funds that are going to specific programs, i.e. the Bridge Program, and then some of the Protect Fund will go to our core programs to offset the increases that we didn't get in STPP and NHPP. Again, it's nice that it kind of balances out.

One thing I will mention something about the Bridge Program, you hear a lot about these extra bridge funds. Our Bridge Program runs about \$120 million per year, the amount provided directly to us is about \$45 million and they do throw an occasional bone to the tune of maybe \$20-30 million if they choose to in the Appropriations Act, but that's in the range of \$70 million or so for a \$120 million program. Yes it's helpful and it does help offset some of those losses in the other categories but in the end it makes us just about flush. So we don't have "extra" funds. This is because we've ramped up our bridge program pretty substantially over the last couple of years.

Beyond IAJA we're going to assume that federal apportionments will increase at about 3% annually. I'm careful to say that is similar to other years. We're going to identify extra projects for potential events but in 2023 any additional funding we might get and we believe the range is from \$30-\$80 million. The reason I said we have the \$30 million value is that might be for additional bridges or other funding but again that is a subject of discussion. We believe that is a healthy area we can land in but again that all depends on how we finish up this year. We just don't know how much of that apportionment we're going to use up this year and how much we're going to get. Those would be for any additional funding that we could potentially get in 2023 – it could be extra Appropriations Act funds or it could be redistribution. Those extra projects will be highlighted in the TCP and those will be core program funds. So no real change in how we approach that.

#### *Asset Management Plan*

Our Transportation Asset Management Plan was approved. We have to update that every four years and we've done that. We were probably the earliest state to submit and get approved in all of the nation in part due to our hard work and our good federal partners at FHWA division office. Our Consistency Determination was approved as well in July.

#### *Performance Requirements*

We have some performance reporting requirements. We have to give a full report on our performance over the last four years to FHWA via their portal and that has to be input in October. The good news is no major issues. On the performance side of things we're seeing good system performance. That's good news. We do have the opportunity to adjust some of our targets for the next four-year performance period and we do that in October as well. We're not anticipating any major changes. Good

news there. We also have to submit an Updated Freight Plan and that is on-going right now. It is out for public comment right now.

The good news is that we're in compliance with all the MAP21 FAST ACT and IAJA requirements related to the Asset Management Plans performance, reporting, and state freight plans. That means we don't get one of those nasty-grams saying the funding is going somewhere else or you don't get the sliding scale match that you'd like, or you have these additional reporting requirements. So we're free and clear which is good news; very good news.

#### *Budgetary Issues*

We talked about the growth of the federal program. Generally speaking it's kind of a weird manner in which the money came to us this year – it's a big burp and then not much but a little dribble after that. They turn on the hose and then clamp it down. Overall the federal growth is around 3% and that will probably continue beyond IAJA, that's our assumption. We have similar obligation and reduction to what we've seen in previous years and similar core program funding.

We have this value for 10-year inflation at about 3.07%. The big caveat this year is we're probably pushing double digits. We've seen 8%-9% in our bid lettings but over time we have some high profile sources that give us information related to inflation so we anticipate that inflationary forces are going to go back to some sort of reasonable number around 3% over the ten-year period. That's important because if our federal program growth keeps up with inflation to some degree, then we're good. That puts us in the good realm. If for some reason inflation continues at a higher rate than expected and doesn't dissipate, then we have some decisions to make and it makes life hard for us. Overall, the economic factors are pointing that direction. We're seeing that inflation is starting to slow a little bit already.

No other major highlights here except whenever you ramp up your federal program, not only just the highway program but transit and other things, it's a huge stress on your state funds. We're very healthy right now but projecting that over time, this increased federal program chips away and eats away at that especially if we get things that are less than optimal as far as match rights go. Down the road that's going to be a consideration and I'm sure folks are well aware of that.

Overall the good news is in IAJA we did not get a significant decrease in what Montana receives. We've got some additional funding sources out there that are addressing the inflation so it's pretty good news as long as we don't trap ourselves by spending too much via redistribution or in other realms. Overall it was a pretty good bill for Montana.

At this time, MDT is advancing the 2022 Px3 Process funding distribution recommendations.

Staff recommends that the Commission approve the 2022 Px3 Process funding distribution recommendations.

Commissioner Sansaver asked what happens if we don't take the money. Where does that money go? Paul Johnson said typically what happens with redistribution is you have underperforming programs elsewhere and money gets shifted to the states. It's never been that the states didn't want it. Ideally they'd like to see it shift to the states and then theoretically shift back to these other programs. We're not sure that those programs are going to perform over time mainly because of all the requirements, up-front work, and/or conditions within the programs that aren't very desirable for the states. The question is do we anticipate seeing these programs become healthy in year two or three and then in four or five they'll come back and say we want to grab that money back. That's never happened that way recently. It appears there are many states in the same situation as Montana, and if they give you more flexibility in

your spending – if these dollars came with their own apportionment, we'd have no issue and the only issue would be the match. As of right now it's an on-going discussion. Odds are that this redistribution issue is not going to go away for sure in year two and probably not year three, so it's a front and center discussion back in Washington and all the states are having this discussion. We can't take the money because we didn't get the spending authority to go with it. If we don't get the state budget authority to put that cash right out there, it doesn't help you.

Commissioner Aspenlieder said we'll send this back and all of a sudden they'll see that all the states are going to do the same. Commissioner Sansaver said that's the reason I asked the question. If we take this money and they are taking it away from next year, if this is extra money why can't it just be extra money period. Paul Johnson that the million-dollar question – why can't it just be extra money. That's what our congressional delegation is working on as we speak. Commissioner Sansaver said it seems to me that all their doing is stretching out the program for the next 20 years and the next administration could change the whole thing. Paul Johnson said sometimes they'll ask for money back. The trend has been it's usually within the life of the bill. So they're talking about funding within IAJA but you also have to consider the capacity to deliver this work and is it a good idea to do it. We've talked about the amount of work we can put out there and the inflationary effect of it. All of those issues are inter-related and reasons why states will probably be turning down money – they won't have much choice. It's an on-going discussion. At this point in time we're not committed to taking it. If we stay in the realm we've been in historically, we shouldn't have any problems. We have money to get us through this year but next year redistribution is where the rubber hits the road – all of our flexibility is gone, all that extra apportionment. You used to be able to save up the apportionment for years and years but they changed that. It's a good dilemma if it's extra money but it's not a good dilemma if it's not extra money; that's problematic.

#### *Continued Programs*

We are going to continue our Annual Emergency Exigency Program. This is a small little state program; it's not the Emergency Relief Program that we did dip into quite heavily this year. We still will continue our Rest Area Program and our Wetland Mitigation and Vegetation Control Stream Mitigation is a requirement from FHWA so we will continue those.

#### *Goals and how we do business*

The process goal is to develop a funding allocation and investment plan based on strategic highway system performance goals and the continual measurement of progress towards these goals. The point of this is to be strategic about how we invest with performance in mind. The vision came from TRANPLAN MT which involved stakeholders and so we reach out to the public to get feedback to see if we're on the right path. So there is a linkage to the public and stakeholders. The process covers Interstates, NHS primary routes and bridges. Those are parts of the Px3 Analysis.

There are some other programs that if we had full flexibility we would include but they have restrictions on them – either state restrictions like the urban and secondary program or we don't pick the capital priorities for CMAC, Safety, Transportation and Alternatives; there are some federal rules on how those program operate. Wherever we can do asset management, we do it but we do have restrictions on which programs could be included. I actually used this presentation to prove to FHWA that we do this.

#### *Annual Activities*

I stopped for a minute to talk about our annual activities. Each year the performance programming process accesses data from MDT Bridge and Pavement Management Systems to determine the current condition of the state's roadways and bridges which is improving. We analyze the effects of various funding scenarios on system performance. We develop an optimal funding plan designed to meet or exceed

performance goals for all systems. We present that plan to MDT staff for concurrence and we did that earlier this month. Then we present staff recommendations to the Transportation Commission. As we move into the TCP we view the TCP to be sure it aligns with the funding plan and the Px3 Process objectives.

#### *Pavement Analysis*

We have some objectives for the Interstates, National Highway System, and Primary System. Our current performance metric is Ride Index and it's been that way for quite some time. Our 2022 Pavement Goals are similar to what they've been in the past. We would like to maintain our Ride Index on the Interstate at a state of good repair of 80+ which is very good. We would like to maintain or improve the Ride Index on the National Highway System at 76 and we want to maintain the ride index on the primary system if we can. Those are our goals.

As a secondary goal we don't want a significant difference between ride condition between districts. We don't want one district to be all smooth but when you hit the next district it's all bumpy. We don't want that. The Pavement System is the tool we use to recommend optimal funding. Prioritize pavement needs is the methodology that's used.

#### *Federal Reporting Requirements for Pavement Condition*

We have to report good and fair and poor pavement conditions on the Interstate, non-Interstate, and NHS Systems. They have some short-term goals that we have to report on to make sure we're making progress. It's basically in their wording – they have a slightly different way of describing pavement performance. The good news is we're meeting all of our metrics and our metrics align very well with our ride index methodology. Our review of our good, fair, poor data for our short-term goals suggest that MDT is managing pavements well with our current methodology. So we're not going to change that. We have more good than fair and that's excellent. These new federal performance metrics and targets aren't going to drive our investment decisions. We're going to stay with the methodology that we have.

Interstate – it's important to note that we have excellent pavement conditions on our Interstate System. It will stay that way as long as we can beat inflation. That's the short version. If our federal program can beat inflation, then it will stay that way. We do have no significant difference between districts.

The NHS – we're improving our system over time. That is our goal and objective. If we're able to beat inflation, we will be able to accomplish that goal. If inflation starts to eat away at this, then the slope of the line gets drawn out farther. We're going to be able to maintain our condition on the NHS and we will improve, it's just how long it will take us to get to our goal. If we're able to beat inflation, we can get there in a 10-year period. We feel very comfortable with that and probably a little bit sooner than that. If we start losing ground to inflation, then it will probably be closer to 12-13 years. Again, no significant difference in pavement performance between districts.

Primary System – we want to hold our ground. We want to hold that performance that we have and we believe we can do that with the package we will be presenting. Again, no significant difference between districts.

Bridges – our bridge analysis is based on the NBI rating system. That rating system considers three elements – the deck, the superstructure, and the substructure. The deck is the surface the vehicles drive on, the superstructure is the bridge element that supports the deck, occasionally that will be punctured by shrapnel, the substructure is the part that holds the load to the foundation and that might remain after shrapnel. The rating system classifies bridges as good, fair and poor based on the lowest of the elements. So if you have one element that's less than five, then you have a poor bridge which is considered structurally deficient. If you have one element in five or

six, that's fair. All of the elements have to be above six for you to have a good bridge. It's really hard to have good bridges.

Culverts - this is the same concept with culverts. Culverts only have one score. Our federal performance measures and MDT measures are one and the same and they have to do with the percentage of deck area classified in good or poor condition. We have a reporting requirement related to the National Highway System that says you will report and measure on the percentage of NH bridges by deck area classified as good and the same in poor. The good news is we've been making very good progress in the area.

There was one very strict federal requirement for poor or structurally deficient bridges that no more than 10% of total bridge deck area could be classified as poor. We're nowhere near that but there are a couple of unfortunate souls and when they get their money you get this sheet that says minus ten million, minus five million – you're money then gets funneled elsewhere if you don't meet that requirement. We're currently at 5.8% and that's mostly bridge decks, so that's excellent. When we began the process of reporting to FHWA, we started out at 7.3% and our objective is to get to no more than 3% being poor bridges. On the good side of things, we started out at 17.4% and our goal is to get to 25%. We're about half way there. We're continuing to make progress in both areas and that's good news. .

Commissioner Sansaver asked how many years it took to go from 7.3% to 5.8%. Paul Johnson said it actually started four years ago. We're four years into this program. To go from 7.3% to 5.8% is four years of work which shows we're pretty much on track toward our objective. It could be as we get closer to 3%, we don't know that it's a straight line, but at least we're tracking well in that area.

Good bridges are kind of interesting, there wasn't such a thing as a good bridge a couple of years ago – this is the criteria FHWA set up. It's hard to have good bridges. Everything has to be just so; even if you have a little bit of cracking it will pull you down into the fair category. To make progress in that area is significant. More importantly prior to this we were in a steep downhill decline as was every agency across the United States. You could calculate backwards what a good bridge was and you could see the decline. It's good news for us that we got the right amount of money and the right kind of projects and we got instant results. You don't ever see that, usually they go the other way.

Commissioner Aspenlieder asked if the criteria changed for how they were rated. Paul Johnson said even though bridge rating is more science than anything else, there is a little bit of subjectivity. If you have a higher rating, that can make you look better but we've chosen not to do that. These are legitimate, actual performance-based changes; actual conditions changing. I'm not going to single out any other states but there is a little bit of subjectivity in there but we've towed the line and we continue to do that so this is actual real progress and not fake progress.

Non-NHS bridges – we don't have a performance requirement for non-NHS bridges. The feds say that's our system and we get to manage that in our own manner. So for the STPP on-system bridge performance, we set our performance metrics and current condition strategies. We utilize good, fair and poor measures to establish our base-line conditions. Again, we've only got a couple of years of data. Our current goal is to reduce the percentage of poor bridges over time. We are evaluating the good data to see what that looks like. We'll have more specific goals over the next couple of years as we get better data. Available funding is a major consideration.

Off-system bridge program – we do have a minimum funding threshold in the FASTACT continued in IAJA and we vastly exceed that. Then we do have available funding as a consideration, and we do have an on-going study on how to prioritize those dollars.

Commissioner Aspenlieder said I understand we don't have a ton of data right now to compare historically versus now. What is the data we have and how are we looking at that? Paul Johnson said I can speak to the data we have on our on-system bridges. We have a pretty good idea on where we are and where we're headed but when you get to off-system bridges, there is an immense amount of off-system bridges that you'd never imagine were considered bridges. We have bridges over canals in the Helena valley that nobody drives over that are considered an off-system bridge. One day I went out to look at a structurally deficient bridge and it was over a canal in the valley that nobody drives on. So what we see is there is an immense amount of data in off-system bridges and it takes a long time to get through it to appropriately categorize them. Right now it could be anything from hundreds or thousands of people going over a bridge to one that nobody uses. To sift through that, you have to go out and establish a condition set and verify that. We do a lot of inspections but it really is that verification and then categorizing it. I hesitate to say where we're at until that study is done because it's so wide-ranging. It could be a county bridge that has lots of usage and is a large structure down to a couple of planks across an irrigation canal that is considered a bridge. It runs the gambit and there's lots of them out there. We have always had to do these activities and it is not a big deal to compile that data. It's a task but it's been done and we have history but that's not true for the off-system program. I don't know that you can trend anything yet; I think it's too early.

I want to give a shout-out to the bridge program. We have seen performance improve which is excellent and our bridge program funding has tripled over the past five years from about \$49 million per year to about \$120 million per year. That's not an easy thing. There is a perception that you get all this federal and state money and you dump it all in and then a bridge magically comes shaking out the other side. It just doesn't work that way. We've got increased demand for design service internally and externally. We're continuing to ramp up production with this additional funding and we want to use the funding appropriately. We see the cost of contracted services increasing, we have a limited number of bidders for construction projects, and we have additional requirements for data gathering and reporting, and then we have other emerging issues like load posting. That's a tremendous pull on our bridge-related resources.

#### *Reliability and Congestion*

We have a congestion metric which is level of service. FHWA has different measures they use related to reliability. The measure is the percent of Interstate or NHS roadways providing reliable travel. We come in at 99% on the Interstate and very high on the NHS. Really when you look at state-wide reliability or state-wide congestion we really don't have issues that are problematic for us. It's not like California or Ohio where reliability is a huge issue. That doesn't mean we don't have isolated issues that need to be addressed but we utilize this information to drive our decisions in the area where we see congestion or reliability issues. In most cases we have a project already identified to address that issue. If we don't then we initiate a study to help make it better. If there is a problem area out there, you can bet we either have a project or a study on it to head us in the right direction.

#### *Funding*

The package of funding is going to accomplish a couple of things for us – we want to have ride index of a certain value and equally distributed between the districts as far as performance goes. We want minimal undesirable pavements and this package delivers that. When we get to the bottom line, the funds are never distributed equitably because they are distributed by need. For instance, Missoula has 23% of the needs. These values don't change very much over time and that makes sense. If you're looking at a 10-year plan, not much changes from year-to-year. This year right on cue, Great Falls went up one percent which is a big deal because usually these things are pretty static. When we get to the TCP you'll see numbers similar to these



(referring to graph) for the Interstate, NHS, and Primary Program. This graph shows how things have changed from year-to-year and you see they don't change very much. It means you're probably on track.

MDT is advancing the 2022 Px3 Process funding distribution recommendations. Staff recommends that the Commission approve the 2022 Px3 Process funding distribution recommendations.

Commissioner Sansaver moved to approve the the Performance Programming Process Px3, 2022 Px3 Analysis funding, distribution and reserve recommendations. Commissioner Aspenlieder seconded the motion. All Commissionees voted aye.

The motion passed unanimously.

### **Agenda Item 10: Speed Limit Recommendation Thompson Falls**

Dustin Rouse presented the Speed Limit Recommendation, Thompson Falls to the Commission. The City of Thompson Falls submitted a request for a speed study for the purpose of extending the 25-mph farther east and west. A further request was made to increase the size of the signs, install speed feedback signs, and investigate pedestrian crossings.

MDT contracted with DOWL to complete this speed study. This portion of MT-200 was last improved in 2019. The typical sections are generally comprised of two 12-foot travel lanes with shoulders. Speed limits range from 55-mph on the outskirts of Thompson Falls to 25-mph in the downtown area. Parking and pedestrian activity are highest within the 25-mph speed zone. In 2020, the AADT on MT-200 was about 5,900 vehicles per day (vpd) in downtown Thompson Falls. Just west of downtown, the AADT was 4,300-vpd and just east of downtown the AADT was 4,100-vpd. The adjacent roadside is primarily urban within the study area, but transitions to rural on the east and west ends of Thompson Falls.

The 85th percentile speeds to the east and west of the existing 25-mph speed zone are on average just above the posted 35-mph speed limit. A noticeable change occurs in the roadside environment when transitioning between the 25-mph and 35-mph speed zones. There are higher amounts of street parking and increased pedestrian traffic within the 25-mph speed zone. Although, the areas of primary concern are within the urban boundary of Thompson Falls a reduction to the existing speed limit is not recommended based on the speeds and roadside environment. Prevailing speeds outside the areas of primary concern are near the posted 45-mph and 55-mph speed limits.

No comments were ever received from the City of Thompson Falls. Multiple attempts were made over a four-month period. MDT is willing to work with the City of Thompson Falls to consider oversized signs and allowing them to install and maintain a speed feedback sign.

Dustin Rouse said we included the raw speed data by station and we would like to know if you would like that summarized or removed in the future. Commissioner Sansaver said he would appreciate a summary. Commissioner Sanders also agreed to a summary of the data. Commissioner Frazier said it helped him know what was going on but also agree a summation would be sufficient.

MDT recommends "No Change" at this time

Commissioner Sansaver moved to approve the Speed Limit Recommendation, Thompson Falls. Commissioner Aspenlieder seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

### **Agenda Item 11: Speed Limit Recommendation MT-1 (P-19) – Phillipsburg**

Dustin Rouse presented the Speed Limit Recommendation, MT-1 (P-19) - Phillipsburg to the Commission. Granite County submitted a request for a speed limit study on Montana 1 (MT-1) for the purpose of reducing the extending statutory 70-mph speed limit to 55-mph around the intersection of Black Pine Road. The speed study on MT-1 began at milepost 38 near Phillipsburg and continue past Black Pine Road to milepost 43.5.

This portion of MT-1 was improved in 2012 near Phillipsburg and 2014 near Black Pine Road. MT-1 is classified as a minor arterial and has typical sections comprised of two 12-foot travel lanes with 3-foot to 4-foot shoulders. Average annual daily traffic volumes from 2020 range from 845 vehicles south of Secondary 348 (S-348) to about 1,110 vehicles north of S-348. Overall, there has been about a 20-percent increase in AADT in the northern segment and an 11-percent increase in AADT in the southern segment over the past 5-years. Summer traffic volumes increase by approximately 31-percent. The roadside environment is primarily rural undeveloped land until reaching Phillipsburg. There is some development around the intersection with Black Pine Road consisting of 6 residential homes and some industrial development.

A review of the spot speed samples shows that the prevailing speeds and roadway context indicate appropriately set speed limits along MT-1. The 85th percentile speeds and upper limits of the pace are for the most part within +3-mph of the 70-mph and  $\pm 2$ -mph of the 55-mph posted speed limits. Shoulder widths are about 1-foot shorter than recommended north of Phillipsburg but does not lead to the necessity to reduce the existing speed limit. Some sight distance restrictions may be present at the intersection with Black Pine Road depending on the vehicle and stopping location, but a reduction in the speed limit for the 2-miles from Phillipsburg to this point is not supported.

Granite County Commissioners do not agree with MDT's recommendation of no change. They request that the speed limit be reduced to 55-mph. There is "fear that the only way the issue will only be taken more seriously only if there is a death is caused because high vehicular speeds at the intersection". The Phillipsburg School District and local residents support the Granite County Commissioners' request. Two further points were made by the county commissioners that the land is privately owned and cannot be easily obtained to correct the visibility issues along with the intersection being used by large trucks. Their letter as well as an email from a local resident are attached.

After receiving Granite County Commissioner's comments MDT further reviewed the intersection of Black Pine Road. There is adequate stopping sight distance. The stopping sight distance for speeds of 70-mph is 730-feet. If the driver preparing to enter MT-1 is positioned on the approach at the stop sign they can be seen approximately 960-feet away. This is 50-feet greater than the stopping sight distance for 80-mph. The intersection is at a 30-degree angle which can create an issue for older drivers when looking north over their shoulders. MDT was unable to find the serious injury crash from 2021 but does recognize it could have occurred. Over the past 10 years and the data available from 2021 and 2022, there has been one crash related to the intersection. A passenger vehicle attempted passing to the right of a

semi-truck turning right. One run-off-the-road crash occurred on Black Pine Road but was not related to the intersection and another two run-off-the-road crashes occurred on MT-1 approximately 3,770-feet north of the intersection. Currently the speed statistics show the prevailing speeds in the area are approximately 18-mph above the county's recommendation and on average 88-percent of all drivers exceed 55-mph. Prior research by MDT shows that speeds set 10-mph below engineering recommendations reduce overall crashes but increase the number of fatal and serious injury crashes.

MDT is willing and we reached out to the County to discuss the possibility of installing intersection signage just to bring attention that there is an intersection at that location. We will review any future project for geometric improvements at that intersection.

MDT recommends the Missoula District consider the installation of an intersection warning sign if appropriate and "No Change" to the existing speed limits.

Commissioner Aspenlieder I appreciate that you answered one question with respect to signage but it also looks like this is not an approach that we would approve these days on our system. Do we have a project queued up in this area? Is there a highway project or geometric project programmed or are we contemplating a program for this stretch of highway anywhere in the realm of five years on our TCP? Dustin Rouse said we currently have a project in the area for slope stability on MT-1 just north of Georgetown, two miles from this area. Specific to this location I'm not aware that we have one currently in the TCP. Missoula is a very large district, with a lot of needs across that district, they are prioritizing as the needs arise but this specific location does not have a project in the works.

Director Long said just as we saw in Agenda Item 1, Granite County could go out there and do the geometric changes but we don't have anything. Commissioner Aspenlieder said this is requesting the extension of a 55 mph speed limit about two miles for one intersection. It doesn't make a lot of sense for the traveling public. What are the avenues for us to work with Granite County to specifically deal with this intersection as a safety project, is that a possibility? I suppose there is no crash data for that? Dustin Rouse said you are correct, there are cases where if an intersection shows a crash history or crash cluster then you could use safety funds to address it. In this case it does not look like that is true. I could verify that with our safety folks but based on what I'm seeing we would not be able to use safety funds for that. Director Long said signage money would be the best avenue. Ryan Dahlke said we do have a pavement preservation project in this area called Phillipsburg North happening now. Full disclosure, there is a pavement preservation project there to incorporate an intersection improvement but because it has already been awarded it is difficult at best to change it. We can certainly take a look at it and I think our safety folks have taken a look at opportunities for signage but we can follow up on it. Commissioner Fisher said I would go with the staff recommendation on this request.

Commissioner Fisher moved to approve the Speed Limit Recommendation, MT-1 (P-19) - Phillipsburg. Commissioner Sanders seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

### **Agenda Item 12: Speed Limit Recommendation MT-282 (X-22925) – Clancy**

Dustin Rouse presented the Speed Limit Recommendation, MT0282 (X-22925) – Clancy to the Commission. Jefferson County requested a speed study be performed

on MT-282 from Clancy to the beginning of X-22925 where MT-282 crosses under I-15. The public's main concern is the speed differential between motor vehicles and bicyclists as well as the number of driveways around 840 State Highway 282 Clancy with a with a nearby "blind curve"

This portion of MT-282 (X-22925) is classified as a major collector and no improvements are known to have been completed by MDT since 1939. The typical sections are comprised of two 12-foot travel lanes (one in each direction) with no shoulder. Non-recoverable slopes are present along both sides of the road for the majority of the study. Residential homes, vegetation, intersections, and the proximity of I-15 create inadequate clear zones. The average annual daily traffic volume from 2020 was approximately 2060 vehicles and has remained relatively constant the past 4-years.

Traffic volumes on average were 22 percent higher during the summer months. The roadside environment is rural for the entire length of the study with some residential development. The highest density of residential homes with direct access to MT-282 is between Mountain View Road and Bootlegger Trail. Sight distance is restricted for 836 and 840 State Highway 282 Montana City and vegetation may restrict some other driveways.

Prevailing speeds along MT-282 are on average around 56-mph. The 85th percentile speeds and upper limits of the pace are within  $\pm 3$ -mph of the 55-mph posted speed limit. Roadway context indicates a 55-mph speed limit does not fit the existing rural typical section because of an inadequate shoulder, multiple areas with non-recoverable slopes, and the proximity of I-15.

The Jefferson County Commissioners concur with MDT's recommendation. Their letter is attached.

MDT recommends the following speed limit:

A 50-mph speed limit beginning at the intersection with Railroad Way (straight-line station 7+00) and continuing north to the intersection with Haab Lane (straight-line station 200+00).

Commissioner Sansaver moved to approve the Speed Limit Recommendation, MT-282 (X-22925) – Clancy. Commissioner Aspenlieder seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

### **Agenda Item 13: Speed Limit Recommendation 3<sup>rd</sup> Street (S-313) – Hardin**

Dustin Rouse presented the Speed Limit Recommendation, 3<sup>rd</sup> Street (S-313) - Hardin to the Commission. The City of Hardin submitted a request for a speed limit study on 3<sup>rd</sup> Street (S-313) for the purpose of reducing the existing 25-mph speed limit in front of the Hardin Primary School.

Currently there is no school zone on 3<sup>rd</sup> Street for the Hardin Primary School. Third Street is part of the secondary highway system (S-313) and has a 25-mph speed limit. Typical sections for this area are comprised of two 12-foot travel lanes (one in each direction) and 8-foot shoulders. There is curb and gutter present with a wide sidewalk. Street parking permitted on the north side of the road and on the south side of the road east of Cody Avenue and west of Crawford Avenue. Traffic volumes from 2020 were estimated at an AADT of approximately 2230 vehicles. This is an approximate decrease from 2019 of 9-percent. Traffic volumes have been relatively

consistent around 2500 vehicles. The adjacent roadside environment is urban with institutional use (Hardin Primary School) between Cody Avenue and Crawford Avenue. East of the school there is a mix of residential, business, and governmental development. West of the school development is solely residential with a public park. On the streets bordering Hardin Primary School, there is a posted 15-mph speed limit.

To conform to statute, Section 61-1-101, MCA, for the definition of a school zone and Section 61-8-310, MCA, defining a special speed zone for a school, MDT recommends instituting a school zone to encompass the entire frontage of the Hardin Primary School property and approximately 500-feet to the west and east along 3rd Street. At speeds less than 45-mph it is advisable to set the school zone speed limit 10-mph below the posted speed limit. The school already has a local roadway school zone speed limit of 15-mph. MDT recommends having the same 15-mph school zone speed limit for the hours of 7:30am to 4:30pm on S-313 (3rd Street).

The City of Hardin concurs with our recommendation and their letter is attached.

MDT Staff recommendations:

A 15/25-mph school zone speed limit beginning 100-feet east of the intersection with North Crow Avenue and continuing west to a point 100-feet west of the intersection with North Choteau Avenue, an approximate distance of 1,340-feet.

Commissioner Aspenlieder moved to approve the Speed Limit Recommendation, 3<sup>rd</sup> Street (S-313) – Hardin. Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

### **Agenda Item 14: Speed Limit Recommendation 11<sup>th</sup> Avenue/Colonial Drive (U-5808/U-5825) - Helena**

Dustin Rouse presented the Speed Limit Recommendation, 11<sup>th</sup> Avenue/Colonial Drive (U-5808/U-5825) – Helena to the Commission. The City of Helena made a request for a “traffic study/safety review” to be performed on Colonial Drive, specifically between Shodair Children’s Hospital and Broadway Street. A follow-up phone call confirmed the desire for a speed study beginning at the intersection with Fee Street and end at the 35/45-mph transition point. The public’s main concern is the speed limit primarily in front of Shodair Children’s Hospital.

This portion of Colonial Drive and small portion of 11th Avenue was constructed by the City of Helena. Both roadways are part of the urban highway network and classified as either a minor arterial or major collector. The last improvements made by MDT were in 2017. Typical sections are comprised of two 12-foot travel lanes with a shoulder varying from 3-feet to 17-feet. The larger shoulders allow for street parking in some areas. Most of the street parking that is used is in front of the Shodair Children’s Hospital. Pedestrian facilities including curb and gutter exist between Fee Street and past Hunters point on the west side and between Broadway Avenue and Shodair Drive to the east. Average annual daily traffic volumes from 2020 range from almost 8,100 vehicles near the intersection with Fee Street to about 3,700 vehicles nearing the city limits south of Shodair Children’s Hospital. The traffic volumes recorded in front of Shodair Children’s Hospital in 2020 was approximately 5,600 vehicles. A noticeable reduction in traffic volumes was observed from 2019. The roadside environment is entirely urban with most of the development being

mixed institutional and business development. Interstate 15 restricts development for sections along the east side of the study.

The speed profile shows that the prevailing speeds along Colonial Drive and the short segment of 11th Avenue are above the posted speed limit. Between Fee Street and Broadway Avenue prevailing speeds are within  $\pm 3$ -mph of the posted 35-mph speed. South of Broadway Avenue prevailing speeds are on average about 10-mph above the posted speed limit of 35-mph. In one section of the study over half of the drivers were observed to be exceeding the speed limit. Roadway context indicates the existing 35-mph speed limit is appropriately set and neither a reduction nor increase to the speed limit would be advisable.

Helena City concurs and their email is attached:

MDT recommends “No Change” at this time

Commissioner Sansaver moved to approve the Speed Limit Recommendation, 11<sup>th</sup> Avenue/Colonial Drive (U-5808/U-5825) – Helena. Commissioner Aspenlieder seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

### **Agenda Item 15: Speed Limit Recommendation US 89 (P-3) – Choteau**

Dustin Rouse presented the Speed Limit Recommendation, US 89 (P-2) – Choteau to the Commission. A speed limit study request was submitted by the Mayor of Choteau for the purpose of reducing the speed limit and removing the passing zone on US 89 when approaching Choteau from the south. The main concern is “the amount of deer and the craziness at which people are willing to pass each other with no regard to oncoming traffic”.

This portion of US 89 was last improved in 2013. US 89 is a minor arterial highway and part of the primary highway network. Typical sections are primarily comprised two 12-foot travel lanes (one in each direction) with a 0 to 2-foot shoulder. Average annual daily traffic volume from 2020 range from about 1,010 vehicles south of Miller Lane to about 1,940 vehicles entering Choteau. The roadside environment starts out as urban and then rapidly transitions to a more rural setting.

The speed profile and contextual evidence supports maintaining the existing speed Ozone configuration. However, the transitional speed zones are shorter than recommended and may be making it difficult for drivers to transition from the rural statutory 70-mph to urban statutory 25-mph in town. Currently it is recommended that 35-mph and 45-mph speed zones should be approximately 1,600-feet and 55-mph speed zones should be approximately 2,600-feet. There is also an observed dip in the pace around milepost 40 where there are more trees, approaches, and a bridge.

MDT recommends extending the 35-mph, 45-mph, and 55-mph transitional speed zones. Comments were received from the Mayor of Choteau, but not from Teton County. Multiple attempts were made to obtain comment from Teton County without success. Mayor Hindoien supports MDT’s recommendations. His email is attached.

MDT recommends the following speed limits:

A 35-mph speed limit beginning at the existing transition point approximately 300-feet south of 3rd Street Southwest (straight-line station 15+00) and

continuing south until 225-feet north of the intersection with 7th Street Southwest (straight-line station 31+00), an approximate distance of 1,600-feet.

A 45-mph speed limit beginning 125-feet north of the intersection with 7th Street Southwest (straight-line station 31+00) and continuing south until approximately 495-feet north of the intersection with Fellows Road (straight-line station 47+00), an approximate distance of 1,600-feet.

A 55-mph speed limit beginning approximately 495-feet north of the intersection with Fellows Road (straight-line station 47+00) and continuing south until approximately 1,510-feet north of the Teton River bridge (straight-line station 74+00), an approximate distance of 2,700-feet.

Commissioner Aspenlieder moved to approve the Speed Limit Recommendation, US 89 (P-3) – Choteau. Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

### **Agenda Item 16: Speed Limit Recommendation Montana 55 (N-55) - Whitehall**

Dustin Rouse presented the Speed Limit Recommendation, Montana 55 (N-55) – Whitehall the Commission. Jefferson County submitted a request for a speed limit study on Montana 55 (MT-55) from 2-miles south of Whitehall to the town limits for the purpose of evaluating the existing speed limits. The study was extended to milepost nine after reviewing previous studies.

This portion of MT-55 was reconstructed in 2017 and classified as a principal arterial. Typical sections were supposed to be composed of two 12-foot travel lanes with 4-foot shoulders. However, visual inspection showed that the shoulders were only 2-foot wide. Sight distance is unobstructed throughout the study except for possibly in some of the curves. Average annual daily traffic volume from 2020 was recorded at about 2,630 vehicles averaged over the whole study. Peak AADT was observed in 2020, approximately 20-percent higher than in 2019. The roadside environment starts out as rural and then slowly transitions into a more urbanized environment with the last two miles having the most development. Overall, the urban environment does not begin until after the intersection with MT-2 where the study ends.

The speed profile shows that the prevailing speeds along MT-55 are above or match with the set speed limits. The 85th percentile speeds and upper limits of the pace are on average six-mph or more above the posted speed limit in the 35-mph, 45-mph, and 55-mph speed zones. Drivers are slow to accelerate into the 70-mph speed zone. Furthermore, roadway context also supports the posted speed limits. However, the 45-mph speed zone is less than the advised 1600-feet.

Jefferson County does not agree with MDT's recommendations. They recommend introducing a 25-mph speed limit extending from the intersection with MT-2 to Kaddy Lane. The 35-mph speed limit would then end by south Capp Lane and the 45-mph speed limit would end at Ryan Lane or before the storage units. Their email is attached.

MDT would like the Commission to be aware of a couple items. The 25-mph speed limit sign Jefferson County references is located on the uncontrolled eastbound leg of the approach and informs the drivers to the speed limit on MT-2. This sign should be located on MT-2 and not at the merge point. Furthermore, the prevailing speeds are currently 5-mph to 10-mph above MDT's recommendations which are around the 50th percentile speed. Jefferson County's recommendations are approximately

20-mph to 25-mph below the prevailing speeds in the area. Within Jefferson County's proposed 25-mph speed limit approximately 13-percent of drivers were observed traveling at or below 25-mph. Approximately three percent of drivers on average were observed traveling at or below the county's proposed 35-mph speed limit and about one percent of drivers were observed traveling at or below the county's proposed 45-mph speed limit.

MDT recommends the following speed limits:

A 35-mph speed limit beginning at the intersection with MT-2 (straight-line station 261+32.96) and continuing south to a point 350-feet south of the intersection with Kaddy Lane (straight-line station 245+00), an approximate distance of 1,600-feet.

A 45-mph speed limit beginning approximately 350-feet south of the intersection with Kaddy Lane (straight-line station 245+00) and continuing south to a point approximately 950-feet north of the intersection with Capp Lane (straight-line station 229+00), an approximate distance of 1,600-feet.

A 55-mph speed limit beginning approximately 950-feet south of the intersection with Capp Lane (straight-line station 229+00) and continuing south to the existing location, 1310-feet north of the intersection with Bates Lane (straight-line station 192+40), an approximate distance of 3,660-feet.

Commissioner Sanders asked Mr. Rouse if MDT intends to move the 25 mph speed limit sign that is not in the right spot as part of our plan. Dustin Rouse said yes, the 25 mph speed limit sign is after the uncontrolled right turn and we'll appropriately set that as part of our sign installation.

Commissioner Sanders moved to approve the Speed Limit Recommendation, Montana 55 (N-55) – Whitehall with the addition of the proper placement of the 25-mph speed limit sign. Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

### **Agenda Item 17: Speed Limit Recommendation Montana 69 (P-69) – Whitehall**

Dustin Rouse presented the Speed Limit Recommendation, Montana 69 (P-69) – Whitehall to the Commission. Jefferson County requested a speed study be performed on Montana 69 (MT-69) on behalf of Austin Domnitz of 95 Montana Highway 2 East, Whitehall. There was a desire to reduce the speed limit in front of his house creating “noise” and “danger” to his son. The study begins near the intersection of D Street and then continued east to approximately milepost 3.5.

This portion of MT-69 is classified as a minor arterial, part of the primary state highway network, and was last improved in 2011. The typical sections are comprised of two 12-foot travel lanes with one-foot shoulders. Adequate sight distance is available including in the curves because of the open rural environment. Average annual daily traffic volume from 2020 was recorded at about 1,700 vehicles which was the five-year peak traffic volume. Traffic volumes have been increasing along this route and are normally higher during the summer months. Adjacent roadside conditions are primarily rural except around D Street where development matches more similarly to a rural town. The area of the study is primarily open undeveloped land, but the clear zones are smaller than desirable because of the railroad, interstate, and fixed objects in the form of trees. The speed profile shows that the prevailing speeds along MT-69 are for the most part above the posted speed limits. The 85th



percentile speeds and upper limits of the pace are on average seven-mph above the posted 45-mph speed limit but three mph below the posted 70-mph speed limit near Whitehall. Prevailing speeds indicate speed limits are for the most part set below the desired speeds of the drivers. Roadway context indicates these speeds are set appropriately. However, drivers appear to be having difficulty transitioning from the statutory 70-mph speed limit to the reduced 45-mph speed limit. Adding a half mile 55-mph transition speed zone may assist drivers when transitioning from 70-mph to the reduced speed limits.

The Jefferson County Commissioners concur with MDT's recommendations. Their email is attached.

MDT recommends the following speed limits:

No Change to the existing 35-mph and 45-mph speed limits

A 55-mph speed limit beginning at the existing 45/70-mph speed limit transition point (straight-line station 73+00) and continuing east to a point 450-feet west of Briggs Lane (straight line station 99+00), an approximate distance of 2,600-feet.

Begin statutory 70-mph speed limit 450-feet west of Briggs Lane (straight line station 99+00).

Commissioner Sanders moved to approve the Speed Limit Recommendation, Montana 69 (P-69) – Whitehall. Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

### **Agenda Item 18: Speed Limit Recommendation Montana Highway 2 (X-22249) – Cardwell**

Dustin Rouse presented the Speed Limit Recommendation, Montana Highway 2 (X-22249) – Cardwell to the Commission. Jefferson County requested a speed study be performed on Montana 2 (MT-2) at the request of residence in the region of LaHood Park. Concerns voiced by the public include “the highway quickly drops in elevation” and “creates an issue for vehicles entering back onto the highway”, the historic marker sign creates a sight obstruction, an increase in RV travel, “small curve radiuses and very narrow roadway”, and “rocks sliding/falling onto the highway.” The study began at the intersection of MT-359 and continued to the intersection with US 287.

This portion of MT-2 was constructed by the county and most of the road was last improved by MDT in 1969. The intersection with US 287 was reconstructed in 2011. Typical sections are comprised two 10-foot travel lanes with no shoulders from the intersection with MT-359 until the reconstruction. Within the reconstructed area the typical section consists of two 12-foot lanes with two-foot shoulders. Sight distance may be of some concern. The historic point signs may be causing a sight distance obstruction. Field observations indicate there are sight distance restrictions between about milepost 2.9 and milepost 6.8 within the canyon. Average annual daily traffic

(AADT) volume from 2020 range from an estimated 153 vehicles east of Lewis and Clark Caverns to an estimated 290 vehicle west of Lewis and Clark Caverns. Traffic volumes are on average 40-percent higher west of Lewis and Clark Caverns and 50-percent higher east of Lewis and Clark Caverns during the summer. The roadside environment throughout the study area is considered rural. Near the intersection of MT-359 there is some development in the form of a gas station and campground. In

the region of LaHood there are a couple of residences and at least one business all within about 700-feet.

The speed profile provides shows that the prevailing speeds along MT-2 are around 60-mph in the 55-mph speed zone and match the statutory 70-mph speed zone. There is a slight dip in the speed profile to  $\pm 2$ -mph of the 55-mph speed limit traveling through LaHood and within the canyon between milepost 3 and 4. Although the lane widths narrower than recommended, the prevailing speeds and roadway context indicate that the speed limits are appropriately set because of the minimal traffic.

The Jefferson County Commissioners are still concerned about the area around LaHood. They have concerns about the occasional congestion at the LaHood Park restaurant. The original request was for a speed limit reduction but no desired speed limit was provided. Their email is attached.

There was no congestion observed at the time of the study. The currently posted speed limit of 55-mph is five-mph below the prevailing speed. However, through the LaHood area drivers do reduce their speed to about the speed limit. Data was collected the end of July and there were approximately 300 vehicles observed on average. Although the lane widths are narrower than recommended the prevailing speeds and roadway context indicate that the speed limits are appropriately set because of the low traffic volumes and minimal recorded crashes.

MDT recommends “No Change” to the posted speed limits.

Commissioner Sanders moved to approve the Speed Limit Recommendation, Montana Highway 2 (X-22249) – Cardwell. Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Commissioner Sansaver asked if the person responsible for collecting all the data for speed studies was in attendance. David Ralph, Investigation Unit, introduced himself. I supervise two other individuals and we are responsible for collecting all the data for the speed studies. Commissioner Sansaver said he did a very good job and we appreciate it. Commissioner Frazier said he appreciated it and liked all the details. Dustin Rouse said our traffic and safety folks worked tirelessly to put together the speed zone map. So for any speed study the county can go to the GIS map and find the status of the study. They’ve done an incredible job of working through a very large backlog. I want to convey my appreciation to the whole group. Commissioner Aspenlieder asked if they were at the end of the speed studies or is there still a chunk to go. Dustin Rouse said we’re through the backlog but we may get more requests. We should be back to a more normal schedule from now on. Commissioner Frazier asked what was considered normal. Dustin said about four or five requests.

### **Agenda Item 19: Certificates of Completion May & June 2022**

Jake Goettle presented the Certificates of Completion for May & June 2022 to the Commission. We recommend approving the Certificates of Completion for May & June 2022.

Commissioner Aspenlieder moved to approve the Certificates of Completion for May & June 2022. Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item No. 21: Letting Schedule 2023**

Jake Goettle presented the 2023 Letting Schedule to the Commission. Attached is the planned 2023 Letting Schedule with corresponding advertisement and award dates. Staff recommends approval of the Letting Schedule as proposed.

I want to point out some changes from the past and this was sent it to the Commission before we implemented it. In general these are about three weeks apart and a consistent schedule across the year. We're trying to get rid of the two lettings per month schedule followed by one letting per month and then back to two lettings per month. This is a consistent three-week schedule for the year. Commissioner Aspenlieder asked if there was any feedback from the MCA. Dustin Rouse said the MCA supports this. They like the consistency of it as well.

Commissioner Sansaver moved to approve the 2023 Letting Schedule.  
Commissioner Aspenlieder seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item No. 22: Hardin Rest Area PDSP –  
IM 90-9(106)476, UPN 6874000**

Jake Goettle presented the Hardin Rest Area PDSP – IM 90-9(106)476, UPN 6874000 to the Commission. This presents the Project Delivery Selection Tool for the Hardin Rest Area Project. This project is a reconstruction of both the east-bound and west-bound rest areas. The proposed improvements at this site will include demolishing and replacing the existing facility, replacing the septic systems at both sites, and maximizing large truck parking stalls while maintaining operations for the FWP water craft inspection site at the west-bound rest area.

As you know the PDSP process provides a method for the department to select the appropriate delivery method for a project. A PDSP process review team assesses six main criteria to determine advantages and disadvantages of delivering subject projects using design build, or design bid build delivery method. Your memo shows the six criteria used to determine which delivery method is appropriate.

As a result of the project delivery selection process, it is the recommendation of the PDSP Committee that design build be selected as the appropriate delivery method for the Hardin Rest Area Reconstruction Project.

Commissioner Aspenlieder said we're accommodating FWP water craft inspection areas at all these sites we're reconstructing, do they contribute to the cost of any of these projects to accommodate them? Jake Goettle said no. Commissioner Aspenlieder asked if MDT had ever had that conversation with FWP. They have a specific chunk of money for these programs and should want to coordinate and cooperate as we're reconstructing these. That program is not going to go away any time soon. Have we ever talked to FWP about participating in the costs associated with the accommodating them? Deputy Director Julie Brown said not to my knowledge but it's a great idea. Jim Wingerter said I do know we have a station at Clearwater where they are partnering with them and I believe they are looking at funding to assist in that. So we do partner with them. They take advantage of already existing locations for their sites in a lot of areas. To date I'm not aware of us requiring additional funding from them but it's a valid question. Commissioner Aspenlieder said I only propose as we're reconstructing these and we're assuming accommodating them into the foreseeable future that seems like a reasonable conversation and request to make of FWP.

Commissioner Aspenlieder moved to approve the Hardin Rest Area Project Delivery Selection Process. Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item No. 24: Project Change Orders  
May & June 2022**

Jake Goettle presented the Project Change Orders for May & June 2022 to the Commission. They are informational only. If you have any questions, please feel free to ask.

**Agenda Item No. 25: Liquidated Damages**

Jake Goettle presented the Liquidated Damages to the Commission. They are informational only. If you have any questions, please feel free to ask. We had one project with liquidated damages:

US 2 Poplar. Two days of liquidated damages. The contractor is not disputing the liquidated damages.

**Agenda Item No. 26: Letting Lists**

Jake Goettle said we did not get those to Lori in time to add them to the Agenda. We will make sure you get those. They are informational only.

**Next Commission Meetings**

The next Commission Conference Calls were scheduled for September 20, 2022, October 4, 2022, and October 25, 2022. Commissioner Frazier said he would not be able to attend the October 25<sup>th</sup> meeting. Commissioner Sansaver said he would Chair that meeting.

The next Commission Meeting was scheduled for November 3, 2022.

**Meeting Adjourned**

Commissioner Loren Frazier, Chairman  
Montana Transportation Commission

Malcolm "Mack" Long, Director  
Montana Department of Transportation

Lori K. Ryan, Secretary  
Montana Transportation Commission