

# Montana Transportation Commission

**November 3, 2022 Meeting  
Commission Room  
2701 Prospect Avenue  
Helena, Montana**

## **IN ATTENDANCE**

Loren Frazier, Transportation Commission Chair (District 3)  
Tammi Fisher, Transportation Commissioner (District 1) Excused  
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, Chief Engineer, MDT  
Jake Goettle, MDT  
Val Wilson, MDT  
Rob Stapley, MDT  
Darin Reynolds, MDT  
Rod Nelson, MDT  
Bob Vosen, MDT  
Chris Nygren, MDT  
Ryan Dahlke, MDT  
Larry Flynn, MDT  
Lucia Olivera, FHWA  
Brian Hasselbach, FHWA  
Zack Ringsak, Senator Tester’s Office  
Ralph Zimmer, Bozeman

*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.

## **Approval of Minutes**

The minutes for the Commission Meetings of August 8, 2022, August 11, 2022, September 20, 2022 and October 3, 2022 were presented for approval.

Commissioner Aspenlieder moved to approve the minutes for the Commission Meetings of August 8, 2022, August 11, 2022, September 20, 2022 and October 3, 2022. Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

## **Tentative Construction Process (TCP) – Approval**

Ryan Dahlke said we had a good working meeting yesterday where we discussed each program individually for our Tentative Construction Plan (TCP) focused on federal

funding for MDT. I would like to extend my appreciation to the Commission for your engagement. There were lots of good questions and feedback, as well as some action items for follow-up. A huge thanks to our staff and all the programs that put together good plans to put our highway money to work on the roads. Staff is recommending approval of the Tentative Construction Plan as presented in yesterday's working meeting.

Commissioner Aspenlieder said I really appreciate your efforts in this process. It is easy to come in and ask questions and I appreciate your willingness to dig into those things and come back with answers and educate us at the same time. It's helpful for me to hear from the other district administrators as they present their thought process behind what is going on and not just my own district. I appreciate the process and the effort that went into developing that. Thank you for your time and your effort on behalf of the people of Montana. We are lucky to have you and I appreciate your dedication to the state.

Commissioner Frazier said I would like to echo those remarks. I assume the other districts feel the same but I especially want to thank District Three for engaging me and allowing me to ask questions about some of their decisions. There was good back and forth discussion and I appreciate it. Having been part of this process decades ago, I would like to thank MDT staff. You have done a good job with this process. It's a lot better now and the background work done makes this a much more streamlined process than it was a couple of decades ago. Good job and I very much appreciate it.

Commissioner Sansaver said I would like to echo that as well. I'm very proud of the MDT staff. You guys work so hard and you are all so professional and so adept at what you do. I really appreciate that. Coming to meetings year after year and this is my fifth or sixth TCP, they seem to get smoother every year and become more enjoyable to understand and to appreciate the work going on throughout the state of Montana, not just in my district but in everybody's district. To be able to ask questions and get very professional answers from our district administrators is greatly appreciated. I can't say enough about the staff here at MDT. Everybody is so friendly and so knowledgeable and it seems like they just appreciate being a part of this family and that is a blessing. Congratulations on another year of a successful TCP.

Rob Stapley thanked the Commissioners for the kind words. We appreciate the questions you asked in regard to the TCP. That's helps us to look at things a little differently. Thank you very much.

Commissioner Aspenlieder moved to approve the Tentative Construction Process (TCP). Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item 1: Local Construction Project on State Highway System – Contract Labor  
Sha-Ron Fishing Access Site, Missoula**

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

Missoula County is proposing modifications to Old MT-200 (X-32200) to improve traffic operations and safety at the Sha-Ron Fishing Access Site near Missoula. Proposed improvements include the addition of new approaches, a larger parking facility, a new bus stop pad and a shared use path.

MDT headquarters and Missoula District staff have reviewed and concur with the recommended improvements. Missoula 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, Missoula County will assume all maintenance and operational responsibilities associated with the proposed improvements. Thus, MDT will not incur additional liability or maintenance costs as a result of the proposed improvements.

Staff recommends the Commission approve these modifications to Old MT-200 and requests the Commission delegate its authority to let, award, and administer the contract for this project to Missoula County pending concurrence of MDT's Chief Engineer.

Commissioner Frazier said I frequent this area a dozen times per year and I go through this intersection. This area needs some improvements and the best way I can describe it is goofy and improvements are needed. I support Missoula County in this project.

Commissioner Sansaver moved to approve the Local Construction Project on State Highway System, Contract Labor – Sha-Ron Fishing Access Site, Missoula. Commissioner Aspenlieder seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

## **Agenda Item 2: Local Construction Project on State Highway System – Madison Street Crosswalk, Missoula**

Rob Stapley presented the Local Construction Project on State Highway System, – Madison Street Crosswalk, Missoula, 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.

The City of Missoula is proposing modifications to Madison Street (N-7) to improve safety and reduce potential conflicts between vehicles and non-motorized traffic. Proposed improvements include crosswalk upgrades and the installation of a rectangular rapid flashing beacon (RRFB) at the intersection of Madison Street and Front Street in Missoula.

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

When complete, the City of Missoula will assume all maintenance and operational responsibilities associated with the proposed improvements. Thus, MDT will not

incur additional liability or maintenance costs as a result of the proposed improvements.

Staff recommends the Commission approve these modifications to Madison Street pending concurrence of MDT's Chief Engineer.

Commissioner Aspenlieder moved to approve the Construction Project on State Highway System – Madison Street Crosswalk, Missoula. Commissioner Sanders seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

### **Agenda Item 3: Functional Classification Revisions Numerous Routes Modified by Recent Construction Projects**

Rob Stapley presented the Functional Classification Revisions, Numerous Routes Modified by Recent Construction Projects to the Commission. The Transportation Commission gives concurrence on functional classification recommendations for public roadways at the state level with final approval by the Federal Highway Administration (FHWA). Functional classification is a method of classifying roads by the service they provide as part of the overall highway system.

MDT has completed a series of functional classification reviews on routes that have been modified by recent construction projects. The purpose of these reviews was to determine if the functionality of these routes had changed as a result of construction project activities. At this time, MDT is recommending functional classification modifications for a number of roadway segments in the State of Montana listed on attachment.

This is clean-up from projects some more recent than others. Segments 1 through 16 are all on/off ramps along the Kalispell Bypass. Segments 17-20 are the ramps along Reserve Street to and from Broadway in Missoula. Segments 21 & 22 are due to the Rockville/Laurel project. Segment 23 is due to the West Laurel Interchange project. Segment 24-26 are along Maloney Lane on the West Side of Billings. Segments 27-30 are along the Billings Bypass.

MDT staff is requesting Transportation Commission approval of the functional classification revisions listed on attachment. Staff recommends that the Commission approve the functional classification revisions listed on attachment.

Commissioner Sansaver asked how the functional classification was done. Rob Stapley said a lot of information goes into the functional classification process. It is more than just looking at what it connects to, it includes where it's going and the traveling public; there's a lot of data that goes into this process in determining the classification of what that route is. Commissioner Sansaver said if we find something do you note that? I don't believe it is a rubber stamp, there must be more that goes into creating this or refining this than what we see on the maps. So if you find a problem, what is the process after that? Rob Stapley said for clarification, do you mean if we find a segment that isn't classified? Commissioner Sansaver said correct. Rob Stapley said a lot of times the local community will bring these to us and request that we review a segment of roadway to see if it's properly classified. The last couple of years we've seen an influx of people moving to Montana which impacts traffic so classifications do change. When we get those requests or staff identifies an area then that starts this process. We start gathering the data and the information for review to see if a change is needed.

Commissioner Aspenlieder said my understanding is we have different design standards for different classifications and we have different maintenance plans for different classifications. How do you treat the classifications; what are the criterion? Rob Stapley said it is broader than that and has to do with our funding as well and what funding we apply where, so the classification and the route is really important both to MDT and the locals. Commissioner Frazier said Russell Street changed classifications 10-15 years ago. It went from an urban route to an NH route and that opened up different funding availability for it. That is how it will affect these. Commissioner Frazier said for a lot of these your adding new sections of roadway to the system to make them eligible for future funding, is that correct? Rob Stapley said that is correct.

Commissioner Aspenlieder moved to approve the Functional Classification Revisions – Numerous Routes Modified by Recent Construction Projects. Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

#### **Agenda Item 4: Secondary Roads Program Additions to the STPS Program (2 New Projects)**

Rob Stapley presented the Secondary Roads Program Additions to the STPS Program (2 New Projects) to the Commission. The Surface Transportation Program – Secondary (STPS) finances highway projects on the state-designated Secondary Highway System. Secondary Roads are those routes that have been selected by the Montana Transportation Commission to be placed on the Secondary Highway System.

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

At this time, MDT is proposing to add two new projects to the STPS program in the Billings District. The projects which are Musselshell County Line North and Lamers Lane North, Secondary 297, meet the criteria set forth for STPS-funded projects. If approved, it would be MDT's intention to let these projects individually.

The estimated total cost for all project phases is \$9,264,380 (\$8,021,100 federal + \$1,243,280 state match) – with the entirety of the federal funding originating from the Secondary Roads (STPS) Program.

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

Commissioner Aspenlieder moved to approve the Secondary Roads Program Additions to the STPS Program (2 New Projects). Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

#### **President's Transportation Award for Research**

Dustin Rouse said we have a group here today that we want to recognize. MDT was recently awarded the AASHTO Presidential Award for Research. It was this group that made that happen. We are going to show a quick video and then bring these folks up and present them with the award we received from AASHTO.

This year's President's Transportation Award for Research goes to the Montana Department of Transportation's Trail Creek Structures Project Team. Faced with the daunting challenge of removing and replacing two dilapidated bridges within a 96-hour closure window, MDT forged a unique and diverse team that included research and design engineers who utilized the innovative construction technique Accelerated Bridge Construction (ABC). In addition, this project benefited from MDT's on-going research with Montana State University in developing a non-proprietary Ultra-High Performance Concrete (UHPC) which was used in the critical joint locations necessitated by the accelerated bridge construction. The project team faced substantial challenges including a lightning strike that caused the Trail Creek fire which engulfed the project site just before construction began. Great work to the Montana Department of Transportation's Trail Creek Structures Project Team!

Dustin Rouse said we want to recognize Tyler Steffan, Lenci Kappas, Jeff Harrison, Dr. Michael Berry, Dr. Kristen Matteson, Ashley Davis, Tyler Baumberger, Adam McGowan, and Ashley Davis. He then presented them with the award.

Director Long said this award is special to us because it is national. We were ranked above everyone in all 52 districts including DC and Puerto Rico. So when we compete we do so nationally. This team and what they did was recognized as the best in the nation. We accepted the award at AASHTO but we wanted to make sure the Commission knew how well we as a whole team and MSU did. Ultra-High Performance Concrete has been out there but it's proprietary and very expensive. MSU worked with us to create a non-proprietary concrete. MSU, MDT and Dick Anderson all worked as a team and were able to do this super-fast. Dick Anderson said "you want us to do what?" Then said "we can do it." We did it together – MDT, the project manager and MSU came together to see what would work. We used this new ultra-high performance concrete and what we learned on accelerated bridges – we got everything ready, put the pre-case in and basically stitched it together with this wonderful concrete that is like super glue. It's neat to be able to do that together. It's not just in the lab anymore; this was real life conditions. A lightning strike and everything else that happened and yet it still got done. The best part is we as a team got recognized. We wanted to say thank you, we appreciate it, we appreciate the team work and it is fun for Montana to be on a national stage.

Dustin Rouse said this partnership has been fantastic; we really appreciate all of your insight in making this successful and making it happen. More and more MDT has struggled with partnerships and reaching out and doing these type of collaborations but we're really excited to be doing this and want to continue doing it. Thank you for being a part of it and thank you for making it a success.

Commissioner Sansaver asked how long this was in the planning stage and is it something that occurs every year. Is this a yearly award? Did MSU start a year ago with MDT and decide they needed to develop something functional like this? Was this a year-long project? You made it sound like it happened in two days. Dustin Rouse said it started with Phase 1 – we first we had to see if we could build using non-proprietary. So MSU took Phase 1 and played in the lab and decided they could make it. In Phase II we bought some mixers like we use on jobs and MSU said we can make this in bigger volumes. Phase III was the implementation phase – we wanted to see if it worked before we put everything together. So that is why this award is so important for MDT. This solution is on the ground now and on the bridges. The first phase started four or five years ago then worked its way up. Once we knew we had it, we needed a few project managers to say lets use it on our bridge – after that it happened pretty quickly.

Commissioner Sansaver said it is wonderful to be honored like that nationally. That's amazing. Director Long said we know we have bridge issues all across Montana especially in Districts Four and Five. Again by doing this research, proving it, and knowing that it can be done and done well, we can start looking at that. The Governor has said to push this.

We're seeing this is a good solution and we're going to be putting this into bridges in other places. Another step forward is we've branched the research a little bit called USPC Applications. So we're seeing overlays like on the Fred Robinson Bridge where it may be something that could buy us 20 years instead of needing to replace it. We're bringing this product in to solve more problems than we may have the budget for. It's a really good product that we can be used in many ways – overlays, beam deterioration patches, and we're using FHWA resources to not only build new bridges but now we're looking at it to rehabilitate old bridges. So we have another branch of research in progress right now.

I think we really deserved this award. Those two 96-hour shut-downs were intense. You guys did a great job. Out of 90+ mixes, only one didn't work and it was the very first one. We started another mix and that one worked and the rest of them worked perfectly. People really rolled up their sleeves and made this happen. These guys were professional – they dumped the concrete, got it out, watched that mixer and never missed a beat. Ninety-six more mixes and two bridges later here we are. They were professional all the way.

This is a great example of collaboration. Organizations have their own agenda but when you can get four organizations to get an agenda and focus on the task at hand where failure is not an option, this is what can happen. It takes all of us to be successful and this job was. We had a 96-hour closure and we didn't take 96 hours; we finished it ahead of time and did it well. Adam and Tyler were trying to figure out all of the different things needed for a 96-hour closure down to how many batteries were needed for headlamps.

Commissioner Sansaver said we did this in Montana but are there other states that will come and want to use our product? Is this a Montana product? Dustin Rouse said a lot of other states are using the proprietary product. There are advantages to proprietary and non-proprietary. In this case we had this 96-hour closure and having the non-proprietary product gave us a little more flexibility. We measured and knew when the concrete was at the strength needed to go forward. We all worked together and with the proprietary product we would have had a lot less flexibility. We would have had to have specialists on site versus Dick Anderson himself. There are a lot of reasons why it worked here but the product is available throughout the nation on a proprietary basis. A few other states have been successful using their own product.

I just want to say I'm incredibly proud of this for one particular reason – this is a Montana effort. It was MDT staff designing this, it was a Montana grown contractor and a Montana university; this wasn't a national firm or a national contractor, it was all born and bred in Montana and that makes us incredibly proud. That's an extra feather in the cap.

Commissioner Frazier said receiving this award, competing against the others, those don't happen very often and this is quite an achievement. You should be very proud and we're proud of you. Thank you.

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

No public comment was given.

**Agenda Item 5: Speed Limit Recommendation  
MT 466/Fish Hatchery Rd/S 466, Lewistown**

Dustin Rouse said regarding speed limit recommendations, we have taken Commissioner Aspenlieder's comment to heart and we're being more intentional about having discussions with locals to find locations that may end up being contentious and working with locals to bring you interim speed zone solutions. We know we have to confer with locals and agree on what that interim would be to bring the Commission a recommendation. I do want to point out that you will start seeing more of those interim requests as we move forward in the locations where MDT staff can concur with what the locals are asking. You will see Agenda Item 7 is just that.

Dustin Rouse presented the Speed Limit Recommendation, MT 466/Fish Hatchery Rd/S 466, Lewistown to the Commission. The Fergus County Commissioners submitted a request for a speed limit study for the purpose of posting a speed limit on Fish Hatchery Road. Montana 466 was constructed in 1959 and last improved through reconstruction in 1994. Typical sections are comprised of two 12-foot travel lanes with minimal paved shoulders. The average annual daily traffic for 2020 was recorded at about 150 vehicles per day. Adjacent land use primarily includes farmland and rural residential housing except for the fish hatchery facilities.

The speed profile provides support for posting a 55-mph speed limit. On average the 85th percentile was recorded at 55-mph and the pace at 52-mph. Crash data and the roadway context further supports the posting of a 55-mph speed limit. Fergus County concurs with MDT's recommendation of 55-mph. Their letter is attached.

MDT recommends the following speed limit:

A 55-mph speed limit beginning at the intersection with S-238 (straight-line station 113+55.3) and continuing south to the end of pavement at the end of S-466 (straight-line station 0+00), an approximate distance of 2.15-miles.

Commissioner Aspenlieder moved to approve the Speed Limit Recommendation, MT 466/Fish Hatchery Rd/S 466, Lewistown. Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item 6: Speed Limit Recommendation  
Shiloh Rd/U 1031 from Zoo Dr. to Wise Ln**

Dustin Rouse presented the Speed Limit Recommendation, Shiloh Rd/U 1031 from Zoo Drive to Wise Lane to the Commission. Yellowstone County Commissioners submitted a request for a speed limit study for the purpose of extending the 45-mph to the end of Shiloh Road and provide a consistent speed zone. The study began just north of Zoo Drive and continued to the intersection with Wise Lane.

This portion of Shiloh Road is part of the urban highway network and classified as a minor arterial. The roadway was reconstructed in 2011. Typical sections are comprised of two 12-foot travel lanes with 2-foot to 8-foot shoulders. Near pierce parkway there is an auxiliary turn lane and an 8-foot raised median. A 2020 average annual daily traffic (AADT) of approximately 3,300 vehicles per day was estimated on this section of Shiloh Road. Adjacent land use primarily includes farmland within the city limits transitioning to rural residential housing and highway commercial uses (including the zoo) outside the city limits.

The speed profile shows the measured 85th percentile speeds are at or below the current posted speed limit in most locations within the study area. Reducing the 55-



mph speed limit to 50-mph could be considered due to the limited shoulder widths and existing travel speeds. However, changing the existing 55-mph speed zone to a 45-mph speed zone would be more appropriate by introducing a consistent speed limit along the entire Shiloh Road corridor from Wise Lane to Zoo Drive entering the City of Billings.

The City of Billings and Yellowstone County concur with MDT's recommendation. Their emails are attached.

MDT recommends the following speed limit:

A 45-mph speed limit beginning at the intersection with Zoo Drive (Straight-Line Station 10+40) continuing to the intersection with Wise Lane (Straight-Line Station 100+00), a total distance of approximately 1.0 mile.

Commissioner Sansaver moved to approve the Speed Limit Recommendation, Shiloh Rd/U 1031 from Zoo Drive to Wise Lane. Commissioner Aspenlieder seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

### **Agenda Item 7: Speed Limit Recommendation Rimrock Rd/Molt Rd (U 1034) – Billings Interim**

Dustin Rouse presented the Speed Limit Recommendation, Rimrock Rd/Molt Rd (U 1034), Billings Interim to the Commission. The City of Billings and Yellowstone County submitted a request for a speed limit study on Rimrock Road and Molt Road (U-1034) for the purpose lowering the existing speed limit.

Currently there are planned improvements at the intersection of 62nd Street and Rimrock Road. The intersection will be reconstructed to a roundabout. No records were found showing MDT has improved this portion of Rimrock Road, 62nd Street, and Molt Road. MDT will be improving the intersection of 62nd Street and Rimrock Road with a roundabout in the future. Current typical sections are comprised of two 12-foot travel lanes with no shoulder. AADT volumes range from 2,119 vehicles east of the proposed roundabout to 3,864 vehicles northwest of the proposed roundabout. The adjacent roadside is mostly developed. There are some areas of open vacant land that separate the residential subdivisions. Except for about a dozen residential homes all other residential development access U-1034 by way of local and private roads.

A preliminary investigation showed that the prevailing speeds are around the posted 55- mph speed limit. The 50th percentile speeds were observed to be around 48- mph. Based on the contextual evidence of no shoulder, setting the speed limit based on the 50th percentile speeds and 5-mph below the 85th percentile speeds would be advisable. The installation of the roundabout is expected to further reinforce reductions to the speed limit.

During a meeting on the 27th of September 2022, MDT and the City of Billings came to a consensus that the speed study should be postponed until after the construction of the roundabout. While waiting for the completion of the full speed study an interim speed limit of 50-mph should be installed to replace the existing 55-mph speed limit.

MDT recommends the following:

An interim 50-mph speed limit beginning at the existing 55/45-mph speed limit transition point approximately 160-feet east of Macleod Street and continuing west to the existing 65/55-mph speed limit transition point approximately 370-feet west of Ironwood Drive, an approximate distance of 2.1-miles.

Commissioner Aspenlieder said I think the findings are fine and I appreciate what staff did. My concern is I feel like we're spending state resources unnecessarily when we're working on major modifications to the system. I understand in talking with Rob that we put minimal effort into collecting data but my frustration as expressed to the county commission and the city council is that we've got to pick the appropriate time to do these studies. This certainly is not an appropriate time to do a study on this road when we have a major modification that we're about to let in the coming months that is going to drastically change the way people drive in this area. There is a loud minority out there that would like the speed limit to be reduced to 35 mph which I would never support. We got the request from the local government to do this and we honored the request. I just wish that the local government was a little more aware of the timing of this and understanding of what it takes and when it's appropriate to undertake a speed study. I'll be honest, principally I'm struggling with whether I'll support a temporary or interim speed for that reason.

I hope as we do this and set an interim speed of 50 mph that MDT follows up with data collection to show if it works. A lot of the friends I have that live in this area do not want it changed; they are perfectly comfortable with the way it is. There are some intersections that probably need some geometric modification but those are things that should be taken care of by homeowners associations, the city of Billings, and the developers of those area. It is not the state's responsibility for you who built a house next to a highway for the state of Montana and the taxpayers of the state to come back in and fix it because you're concerned it's noisy, there's disturbance, and there are wrecks on the highway. That is not our responsibility. We're here to also keep in mind the traveling public not just you and your neighborhood. The highway was there and you bought your house next to the highway. I'll reluctantly support this but I hope the staff does some follow-up data collection once it's in place, next spring prior to the construction, to see whether this interim speed actually makes a difference. Is it going to change anything? These people will be back barking at us about changing this to 35 mph after that intersection project at 62<sup>nd</sup> and Rimrock is complete. It is not the end here. I would hope we take the opportunity to collect some additional data to support our position because we're going to have to.

Commissioner Sansaver said I find this rather concerning as well. I don't know the area but in echoing Commissioner Aspenlieder's statement, we're going to be putting in a roundabout in that area. I feel like it makes us look like we don't know what we're doing. We do a speed study and reduce the speed to a consistent speed through there and then coming back 12 months from now saying we made a mistake and now it's going to be 35 mph. Even though you are doing due diligence out there at the request of the community, as a Commissioner I feel like what Commissioner Aspenlieder is saying is exactly right. Things are going to change out there in a year's time. Is the state willing to, in my opinion, misuse it's money in doing another speed study in that short period of time? Therefore everybody can go out and request that even though they know there is going to be a change within the next year and you guys will jump and get right out there and jump through all the hoops of working with the community, meeting with the locals and making speed studies only to know that in a year it's going to change again. It's confusing to the public. If I'm coming up on a speed zone that has just been changed from 70 mph to 55 mph, it takes a period of time to adapt to that change, only to come back a year later and find it's dropped to 35 mph and now you have to adapt to the lower speed when a year ago you were shooting through there at 55 mph. It is like double indemnity – we're

working too hard to make something right that's not going to be right for another year. I don't know if I can support this change at this time. I will go with the recommendation of the Commissioner from the Billings area. I think we're working too hard to change something that is going to change in a year. They're going to be back at your desk six months from now when you start the roundabout.

Commissioner Frazier said I would like to commend staff because it looks like we're trying to be very responsive to our local governments. Where I hesitate on the recommendation is we have something coming up that is going to change the traffic patterns with the intersection improvement right there. While you guys did a good job of being responsive and I commend that but I question the recommendation with a change coming up. On the other hand I've been the one that's referred to speed limit signs as a piece of sheet metal on a stick and downplay the role they play because other things come into play like enforcement. There has to be something there that makes a driver respond if they are going to slow down to the environment. People respond more to a change in the environment on the road than just a sign without enforcement. This is one of those where we did collect the data and this is an area where putting up a sign will make a difference. Again we are going to be out there in a year with a change. It is an opportunity to show responsiveness to local governments but again is it really being effective with the changes that are coming and will we really confuse the people that are out there more?

Dustin Rouse said these are all great comments. One thing I want to point out is we wouldn't have brought this to you if we didn't have evidence to support this. You would not see this recommendation if there wasn't enough data to support it. We would not bring something to you just because we have a vocal minority. We have to concur. The point of discussion with my staff is that this does not mean they are asking for something that is not supportable; we have to support it or we're not bringing it forward. We have to come with a recommendation that works for us as well. You will not see a recommendation for a speed study or for an interim speed study that we do not believe we can support. There is contextual justification on why we brought this forward. On the timing, granted we can post it and we may have to revisit. When we reconstruct a location especially with a roundabout, we're going to look at it afterwards regardless. As far as the effort it took to collect this data, it was minimal; it was not a heavy lift. In cooperation with the city it was something they were able to get out and address locally. If possible let us revisit this after the project is constructed. We may end up leaving portions of that 50 mph just as they are and just post the entry into the roundabout.

Commissioner Sansaver said I appreciate that and I support what our staff recommends 95% to 99% of the time but we as a Commission have a fiduciary responsibility to the state of Montana for the time spent by our staff to do these surveys. It takes time to adjust to a new environment and I think a letter back to the Billings District saying we appreciate the concern and we understand your concern but we're going to be doing a major project here in a year, can you wait until we get this put in so we can do a more comprehensive study of that area? To me that would seem to be a better point. You're answering their request and simply saying we're going to do a project there in a month or a year. It's like saying we're going to build a house in the middle of that road in a year and we need to do a new speed study so you can go around that house at a proper speed. I think that district would appreciate the Commission coming back with that statement.

Commissioner Aspenlieder said I know those conversations occurred between MDT staff and the city of Billings staff. From the city of Billings to the City Council, there was a difference of opinion. That's where the request for change came from. That was a political decision from the City Council which I disagreed with in listening to a vocal minority. I know our staff tried but was unsuccessful in preventing the local community from making the official request. They attempted to have those conversations asking them to wait but the local jurisdiction, the elected officials

locally, decided they did not want to wait. I know our team tried to do that which then puts us in a tough spot which is what irritates me about this about this whole process. The only way I'm willing to support this is to get a commitment from staff to follow up and study the impacts of this before we get into the major construction to see if we have any change in driver behavior. Otherwise I'm not going to support this.

Commissioner Sansaver asked how long it takes MDT to change the signs – what is the time period before the speed limit will be changed? Dustin Rouse said two weeks to a month. The Billings maintenance guys said the posts are already up so it will take a couple of weeks. Commissioner Sansaver said we are the governing body that implements the law and puts the law in place. To me it makes us look like we're unorganized as a Commission. I would rather wait until the roundabout is in and then do a comprehensive study and send letters to each one of the homeowners saying we hear you but we don't want to change it from 55 mph to 50 mph because it will be no good for anybody because there is no officer out there who is going to ticket you for going five miles over the speed limit so we're totally ineffective. I think we send those letters out to whomever and say we will do a comprehensive study and it will be adjusted accordingly.

Commissioner Sanders said I wish the local authorities had not put this speed study in right now but I think we as a Commission owe it to the local authorities to be responsive to their request in representing the folks who live in the area. I was kind of excited when I saw this because it is one of the new tools we've talked about. Now is not the time to do a formal speed study recommendation or permanent change. This to me was what Commissioner Aspenlieder had in mind regarding contentious speed zones so let's use this tool to bridge the gap between the locals and our staff. We postponed the speed study and we didn't put much into this so I think the interim speed study seems like a perfect solution. I commend the staff because we've asked them to be more responsive to locals and try to find the happy medium where we're doing our due diligence as a Commission with the local request. I commend the staff for working on that; it is obvious they are engaging the local folks to get their input. I feel like we've given them a tool to use and now we're telling them that maybe it isn't a tool they should use. I will support this because it is a good use of the interim speed study tool.

Duane Kailey said there is a compromise here. I couldn't agree with Commissioner Aspenlieder's comments more. Our staff has done speed studies for many, many years and pull their hair out knowing we're wasting resources. It has frustrated me to no end. There is a compromise out there, and with guidance from the Commission, I'd love to exercise that compromise more often. Under the law if a local government feels that MDT is not moving fast enough or if MDT chooses not to initiate a speed study, the local government has the authority to do their own study and use their own resources to do that speed study. It still has to come before the Transportation Commission to be approved and put into place, but it does not waste MDT's resources. We've built numerous roundabouts and they have minimal impact on speed. In and around the roundabout, yes, but once you get away from the roundabout it has minimal impact.

Commissioner Aspenlieder said that Commissioner Sanders talked me back into supporting this. This is something I've been pushing on staff to try and come up with a way to do interim speed studies, so I'll look at this as an opportunity to see how this works. I will support this as recommended by staff.

Commissioner Sansaver said I think this is responsible as the Commission but I also support the Commissioner Aspenlieder. I know dealing with the public and the local entities is very difficult. I commend the staff but we're a year away from a major project and I think it would have been appropriate to send a letter back to them saying let us finish this project because this five mile per hour difference is not going

to do much for you and we will do a full comprehensive study a year from now. Having said that I will support the motion.

Commissioner Aspenlieder moved to approve the Speed Limit Recommendation, Rimrock Rd/Molt Rd (U 1034), Billings Interim. Commissioner Sanders seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

### **Agenda Item 8: Speed Limit Recommendation 57<sup>th</sup> Street (N 102) – Loy Elementary**

Dustin Rouse presented the Speed Limit Recommendation, 57<sup>th</sup> Street (N 102) – Loy Elementary in Great Falls to the Commission. The City of Great Falls voiced interest in reevaluating the speeds around the Loy Elementary School on 57th Street.

A previous speed study was conducted in 2019 showing prevailing speeds of 50-mph along the roadway. Minimal changes have been observed. Currently the posted speed limit is 45-mph and there is not an official school zone. Previous data indicated a speed limit reduction was not recommended. In the past school zone reductions were recommended if there was an observed change in driver speeds or school-age pedestrian activity. No school-age pedestrians were observed but this does not preclude the school-age pedestrians or school traffic from being present at the school during school hours. Therefore, a 10-mph reduction in the posted speed limit during school hours could be considered.

During conversations with the City of Great Falls indicated they would be in favor of implementing a school zone. Previously they had requested MDT continue to monitor the area for future improvements. No official request for a school zone was made by the city or the school district. However, Great Falls District staff believed it was more than reasonable to provide a school on a designated truck route with an appropriately marked school zone. Traffic and Safety out of Helena agreed with the district's desires.

MDT recommends the following:

A 45/35-mph school zone speed limit beginning 500-feet south of school property, approximately 200-feet north of 2nd Avenue North, and continuing north to a point 500-feet north of school property, approximately 900-feet south of 10<sup>th</sup> Avenue North, an approximate distance of 2,350-feet, during school hours 8:00am to 4:00pm.

Commissioner Sansaver asked why it was only 200 feet before and 500 feet after the school. Dustin Rouse said we usually recommend school zones extend 500 feet on either side of the school but 500 feet on the southern end puts it right in the intersection so we're finding the appropriate spot to locate the sign which is 200 feet from the intersection then continuing north to 500 feet after the school.

Commissioner Sansaver said if you need 500 feet then you need 500 feet. Dustin Rouse said there is nothing in state statute that dictates where the school zone begins and ends, it is just a customary tool we use. Otherwise the sign would have been located in the intersection or south of the intersection. Commissioner Sansaver said if it was 100 feet to that intersection, would we still put the sign at 100 feet? Dustin Rouse said we could alter that zone but I believe the 200 feet does not interfere with any of the approaches near the intersection. Commissioner Sansaver said I'm trying to get clarification if someone asks me why we put the school sign where we did. You're saying there is no law that says we have to locate them at a certain footage? Dustin Rouse said at one point state statute did dictate 500 feet but that has since been removed. One other point of consideration is the contextual evidence at the

school and we do a contextual review as well. South of the intersection does not have anything to do with the school but north does.

Dwane Kailey said there is a misunderstanding here – the wording in the text says 500 feet south of the school and 200 feet north of the intersection, continuing to 500 feet north of the school. The way it's written you are 500 feet south and north of the school. Dustin Rouse said that is my understanding also.

Commissioner Frazier said I've driven by there and wondered why we didn't have a school zone in place. So I support this.

Commissioner Sansaver moved to approve the Speed Limit Recommendation, 57<sup>th</sup> Street (N 102) – Loy Elementary. Commissioner Aspenlieder seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

### **Agenda Item 9: Certificates of Completion July & August 2022**

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

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

The motion passed unanimously.

### **Agenda Item No. 10: Roberts Boyd Access Control STPP 28-2(25)70-4375-004, Carbon County**

Dustin Rouse presented the Roberts Boyd Access Control, STPP 28-2(25)70-4375-004, Carbon County the Commission. The purpose of the project is to reconstruct the highway from reference point (RP) 82.9± to 91.0± to provide needed improvements in safety and operation for the traveling public. The implementation of limited access control along this corridor is a safety feature originally identified in the Preliminary Field Review (PFR). This project is part of the larger Red Lodge North project and the previously completed sections of the project included the addition of new limited access control.

Before moving forward with individual landowner negotiations, it is necessary to bring this resolution before the Transportation Commission for your approval. Approval of this resolution is a vital piece in the management of the corridor, thereby preserving the through mobility and allowing the route to function effectively.

Staff Recommendation:

MDT staff (District and Headquarters) recommends approval of initiating access control for the Roberts Boyd Access Control project.

Commissioner Sansaver moved to approve the Robert Boyd Access Control, STPP 28-2(25)70-4375-004, Carbon County. Commissioner Sanders seconded the motion. Commissioners Sansaver, Sanders, and Frazier voted Aye. Commission Aspenlieder Voted Nye.

The motion passed.

**Agenda Item No. 11: Stone Creek – North Access Control  
NH 49-1(25)9-7931-000, Beaverhead &  
Madison Counties**

Dustin Rouse presented the Stone Creek – North Access Control, NH 49-1(25)9-7931-000, Beaverhead & Madison Counties to the Commission. The purpose of the project is to reconstruct the highway from reference point (RP) 9.0± to 16.3± providing geometric improvements, shoulder widening and structure replacement to provide needed improvements in safety and operation for the traveling public. The implementation of limited access control along this corridor is a safety feature originally identified in the SOW and the PFR. Limited access control was previously put in place on the project directly south and it is MDT's plan to extend the limited access control with this project.

Before moving forward with individual landowner negotiations, it is necessary to bring this resolution before the Transportation Commission for your approval. Approval of this resolution is a vital piece in the management of the corridor, thereby preserving the through mobility and allowing the route to function effectively.

Staff recommendation:

MDT staff (District and Headquarters) recommends approval.

Commissioner Sanders moved to approve the Stone Creek – North Access Control, NH 49-1(25)9-7931-000, Beaverhead & Madison Counties. Commissioner Sansaver seconded the motion. Commissioners Sansaver, Sanders and Frazier voted Aye. Commission Aspenlieder voted Nye.

The motion passed.

**Agenda Item 12: Discussion & Follow Up**

**Director Malcolm "Mack" Long**

*AASHTO Award*

I want to say thank you to the staff and thank you Ryan Dahlke; what we did last year was wonderful. To have a plan and be able to execute that plan, then get extra thrown in and still get it done one time, safely, and productively is a testament to team MDT and what we can do. It is a testament to the Commission's leadership that you help support us in what we do. We proved in 2022 that we could take a plan, adjust the plan and still do very well. As Ryan said we always have room for improvement and my boss is always pushing me that better is always possible, but I'm still very impressed with what we did. We just attended leadership training where they talked about change and how to deal with change, and we know it.

*Snowplowing Issues*

We're still having issues with finding snowplow drivers especially in our geography. One of the issues we're dealing with is how do we overcome some of the serious problems with trying to find people not just in Bozeman but also in Paradise Valley, Three Forks, and Wilsall now. That whole area is getting problematic in finding high-quality people to help us plow the roads. Snowplowing is one of the things you can't do remotely or over Zoom. The Department of Revenue basically closed down their Bozeman office and moved it to Townsend. We can't do that. You can't go through the snowstorm to get to your plow to go clear the roads. We're trying to be very proactive with that; we're working with the Budget Director, we're looking at a

location differential so we can try to start addressing that. I know as the public facing Commissioners that you are, you probably will start seeing that we can't keep the same level of service we are known for. We are going to start prioritizing trying to make sure we keep the roads clear but where people are used to the roads being cleared within hours of the event, it might now take 12 hours instead of two. The roads might not get cleared as fast as people are used to.

### *Legislature Session*

In January we get 150 of our best friends coming to Helena for the Legislative Session and we get to start working with them. We have a list of Legislative Concepts. One of our big priorities this session is asking permission from the Legislature to use alternative contracting when and where we look at it and you approve it. The last Legislative Session said give it to the Commission. We go through a process and look at what works best, what kind of process works best for each project. The Legislature said fine but present it to the Commission so it's voted on and the Commissioners have a chance to review and hear why we are looking at the contracting method. What we're asking the Legislature for this session is the ability to do that for all types of alternative contracting. One of the newest types is Progressive Design Build and we'd like to be able to use that. We've done a pilot project with CMGC and we'd like to start using that beyond the pilot projects. We'd like to have all those in our project delivery tool kit. That is our biggest legislative goals.

### *More Efficient Government*

Another one is the Governor and Lt. Governor both want to make government better so for the last two years we've started doing a Red Tape Initiative – how do we reduce red tape and how do we make government more efficient. We have probably four or five instances where we can go in and say let's remove some of the language and statutory barriers that we're following. For example, on dyed fuel the federal government doesn't require users to turn in all receipts. If you're audited you have to show them but you don't have to turn them in. Under state statute, we ask everyone to turn them in. So we get envelopes or shoe boxes full of receipts. Our basement has cages full of envelopes full of receipts. We don't need them. We need to clean up our statutory language to allow us to do that. So we want to clean up different statutes.

### *Electric Vehicles*

One of the other things we're looking at is funding regarding electric vehicles. I know the Transportation Interim Committee is also presenting a bill that will look at taxing them on the kilowatt hours. We know that is problematic and we don't know if that will pass or not. Those are for electric vehicles.

### *Entry Level Driver Training for CDL Certification*

One of the last things we're looking at is entry level driver training. We are one of the last states to pass a statute to codify that. Again the rules, we lose funding and technically they can start withholding \$19 million this year but we've asked for forgiveness because we're working on it since we have a Legislative Session this year. So far we think that's been approved but we'd like to try to pass it in this coming Session because they could start withholding more. Again the hold-up is the penalty is against MDT when the enforcement comes from the Department of Justice, Motor Vehicle Division, so there is a disconnect there, and they don't necessarily feel the pain that we do from the feds. We've been talking and I think we can get that passed.

Commissioner Sansaver asked what it was. Director Long said it is a federal requirement that any new CDL licensee go through a week-long entry-level driver



training program. Commissioner Sansaver asked if they wanted us to do that. Director Long said yes. Commissioner Sansaver said that will make it harder to get a bus driver CDL. Director Long said it will put another layer in there. Commissioner Sansaver said so if you already have your CDL, do you still have to go through that? Director Long said in my opinion it is for any new driver. Let's make sure they've at least had one week's worth of book training and hands-on training under an instructor so when they apply for their CDL, they can see they've at least had some basic entry-level training. Commissioner Sansaver said we have schools out there that have CDL training, does that satisfy this requirement? Director Long said I think so. Commissioner Sansaver said that would be important to find out. Eastern Montana Community College has a CDL program and they are trying to tell me that they still have to get another 40 hours. Director Long said they might have to if the College has not been approved at the federal level. I don't know the specifics but if they are doing that and they can prove to the federal carriers that everything they are doing in the training meets the requirements, you would think it would be acceptable. If they haven't been approved, then that might be right. Commissioner Sansaver said the instructors are state certified. Director Long said I will look into that, we just need to know who to contact. Commissioner Sansaver said Miles Community College, Ft. Beck Community College, Dawson Community College, and Highlands Community College have CDL programs. There are a number of them.

Commissioner Aspenlieder said the College of Technology has a CDL program and I'm sure they are state certified. Lucia Olivera said my understanding is that there are schools and even private companies that are certified for CDL. In conversations with my counterparts, the industry has already complied with this. The training is not the new requirement, it's a checked box when the state issues the CDL. That is a compliance issue – the State of Montana when they issue the CDL has to check the box that the driver has the training and that is where they don't comply right now. The training itself is not the new requirement and I believe the companies in Montana comply with the training. Commissioner Sansaver said it is a six-week course at this College for certification so I would think that would comply. Director Long said our issue now is with Motor Vehicles Division and trying to get them to comply with the federal requirements.

Commissioner Sansaver said I understand I better after Lucia explained the protocol for this. It sounded before like we were moving everything over to corporate training but that doesn't seem to be the case. You can't have a CDL for driving your grain truck without taking any training and be certified by the state. That cleared that up for me.

### **Agenda Item No. 13: Project Change Orders July & August 2022**

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

### **Agenda Item No. 14: Liquidated Damages**

Jake Goettle said there were no Liquidated Damages to present to the Commission.

### **Agenda Item No. 15: Letting Lists**

Jake Goettle presented the Letting Lists to the Commission. They are informational only. Director Long said the districts give us an update every month and we wanted to make sure you had a copy of that. It is a quick snapshot that we give to the Governor and we wanted to share it with you also. You have that in your packet.

## **Letter to FWP Cost Sharing**

Commissioner Aspenlieder said during our discussion at the yesterday's meeting we talked about the Commission writing a letter to the Governor concerning the FWP issues, wildlife crossings and recreational turnouts associated with access points. What are the mechanics of actually doing that? Lori Ryan said I'm not aware of the letter. Commissioner Sansaver said I think it would be more for Val Wilson to write a letter to the Governor on behalf of the Commission. Val Wilson said the decision to write it on behalf of the Transportation Commission would have to be directed through a vote. It could be put on the next Conference Call agenda. I'd recommend a draft of the letter go out to each Commissioner and it would be an Agenda Item on the Conference Call and then it would be a decision the whole Commission would approve. That way it would be clear it was not just one Commissioner writing the letter but it's a collective letter. Commissioner Aspenlieder said is this request something we need to draft up as a Commission or can staff to that? Lori Ryan said I just need some structure and then send it to each Commissioner for editing and comments, then hopefully be in final form for the Conference Call. Commissioner Aspenlieder said it wouldn't have to be ready for our next Conference Call, it could be for the one after that.

Jim Wingerter said for information, yesterday we were talking about cost-sharing with FWP and I just wanted to bring to your attention that in the Great Falls District we have had a couple of projects with FWP and cost sharing. One example is the collection, disposal, and storage of carcasses. We have worked with FWP to identify a mutual agreeable location and cost shared with them to put up electric fences. I wanted to bring that up that we have done this. However, this doesn't rise to the level you are discussing here with turn outs, but I wanted to bring to your attention that we have had some projects in our district that cost share with FWP. We meet with our district folks once a year to discuss issues and talk about these things.

Commissioner Aspenlieder said I'd like to make a motion that the Commission write a letter to the Governor concerning the FWP issues with wildlife crossings and recreational turnouts associated with access points. Very specifically the letter needs to address those two area.

Commissioner Aspenlieder moved to approve writing a letter from the Commission to the Governor addressing cost sharing with FWP of wildlife crossings and recreational turnouts associated with access points. Commissioner Sansaver seconded the motion. All Commissioners voted Aye.

The motion passed unanimously.

## **Potential New Bridge**

Dustin Rouse said they had been in discussions on a potential new bridge combination that would encompass a bridge bundle. This would be in cooperation with the study they were doing as well. If that combination is ready, would you be open to us presenting a nomination through a Conference Call rather than in person. Commissioner Frazier said absolutely, the timber bridge issue is enough for us to address and show some progress on.

## **Next Commission Meetings**

The next Commission Conference Calls were scheduled for November 3, 2022, November 29, 2022, and December 20, 2022.

The next Commission Meeting was scheduled for February 16, 2023.

## **Meeting Adjourned**

Commissioner Loren Frazier, Chairman  
Montana Transportation Commission

Malcolm “Mack” Long, Director  
Montana Department of Transportation

Lori K. Ryan, Secretary  
Montana Transportation Commission