

Montana Transportation Commission

**June 22, 2023 Meeting
Holiday Inn
1100 5th Street South
Great Falls, Montana**

IN ATTENDANCE

Loren Frazier, Transportation Commission Chair (District 3)
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
Ryan Dahlke, MDT
Jim Wingerter, MDT
Zack Ringsak, Senator Tester’s Office
John Stiner, Cascade
Bruce Pollington, Great Falls, Rivers Edge Trail
Andrew Finch, City of Great Falls.

Please note: Minutes are available for review on the commission’s website at 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 or visit the commission’s website at 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 February 16, 2023, April 18, 2023, April 20, 2023, May 9, 2023, and May 30, 2023, were presented for approval.

Commissioner Sanders moved to approve the minutes for the Commission Meetings of February 16, 2023, April 18, 2023, April 20, 2023, May 9, 2023, and May 30, 2023. Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 1: Construction Project on State Highway System – Contract Labor – Safe Streets and Roads for All (SS4A) Grant Project, Missoula

Rob Stapley presented the Construction Project on State Highway System – Contract Labor, Safe Streets and Road for All (SS4A) Grant Project, 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.

The City of Missoula recently received a Safe Streets and Roads for All (SS4A) grant to be utilized for improvements near South Avenue in Missoula. At this time, the City of Missoula is proposing the following improvements to MDT routes.

Location	Type of Work
South Avenue (U-8120), from Reserve Street to Clements Road, in Missoula	New Two-Way Left-Turn Lanes, Add Separated Bike Lanes / Sidewalks, Widen Shared Use Paths, New Transit Stops, Curb & Gutter
Clements Road (U-8101), from South Avenue to North Avenue, in Missoula	New Two-Way Left-Turn Lanes, Add Separated Bike Lanes / Sidewalks, Widen Shared Use Paths, New Transit Stops, Curb & Gutter
Intersection of Clements Road (U- 8101) and South Avenue (U-8120)	Construct New Roundabout

MDT headquarters and Missoula District staff have reviewed and concur with the recommended improvements. The City of Missoula (and 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, the City of Missoula (and 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 that the Commission approve these modifications to the Urban Highway System and requests that the Commission delegate its authority to let, award, and administer the contract for this project to the City of Missoula pending completion of applicable of state and local design review and approval processes.

For your information, the grant that Missoula received was about \$9.3 million.

Commissioner Aspenlieder asked when these are administered by the local government, outside of watching the money, does MDT spend any staff time on those types of things. Rob Stapley said this is on an urban route and the city would do the inspection. Commissioner Sansaver said we don’t have any people out there for inspection but does it comply with the State of Montana guidelines upon completion. Rob Stapley said yes.

Commissioner Sansaver asked if we had somebody that goes to the project when it’s finished to make sure it complies even if it’s just a drive-by. Rob Stapley said in order to use federal funding for grants there are requirements at the federal level and also state requirements. The city and county both are very aware of what those are. So we don’t have a lot of concern that they will not comply so we don’t put a lot of time and energy in a project like this. We do have staff in the area that are driving these routes and if something looks out of line they will say something.

Commissioner Frazier said in projects we’ve done in the past, we had design review to make sure they comply with our current standards. When I used to do this, we would take the plans and do a little more than just drive-by. We we’re not out there every day but we did a compliance check of the project to ensure they met current safety standards. Is that still true? Rob Stapley said that is generally correct. For the City of Missoula we are working very closely with them. This is one of many discretionary grants for local governments and more and more local governments are being successful at applying for and receiving these types of grants. We are working

very closely with FHWA and with the local governments to ensure that they are up to speed and have the capability to construct these projects within federal guidelines and they comply with them. You are correct that there is some review.

Commissioner Sansaver asked if there were any assumed liabilities upon completion of the projects. If somebody gets in an accident and they go to court and it is determined it was from construction, who assumes the liability of that design? Would it be the City? Val Wilson said we have had cases where the design has been the cause of an accident or injury, in those cases MDT refers those to the contractor. Commissioner Sansaver asked if MDT was off the hook with the design. Val Wilson said we're never off the hook. Commissioner Sansaver said if something happens on this project then Chris would show up and cover us. Val Wilson said yes. Commissioner Sansaver said we are doing so many of these now and I was wondering who assumes that liability for design should there be a traffic accident or death, is it the City because they did the design and followed our guidelines? Who would be the deep pocket? What I'm hearing is that it would be MDT. Val Wilson said actually with these projects we have templates for these contracts that have to be followed. Certainly legal tries to be as thorough as we can to keep you covered.

Commissioner Sanders moved to approve the Construction Project on State Highway System – Contract Labor, Safe Streets and Roads for All (SS4A) Grant Project, Missoula. Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 2: Congestion Mitigation and Air Quality Improvement Program – Rivers Edge Trail Connector, Great Falls

Rob Stapley presented the Congestion Mitigation and Air Quality Improvement Program – Rivers Edge Trail Connector, Great Falls to the Commission. The Congestion Mitigation and Air Quality Improvement (CMAQ) Program provides funding to address air quality and congestion issues throughout the state of Montana. The Great Falls Metropolitan Planning Organization (MPO) receives an annual allocation of CMAQ funds to advance congestion mitigation and air quality improvement projects in the Great Falls area.

In 2019, the Great Falls MPO prioritized a shared-use path project along the Missouri River between Broadwater Bay Park and 1st Avenue North. At nomination, it was assumed that no state routes would be impacted by the proposed project (the River's Edge Trail Connector).

During project development, the design team encountered numerous challenges associated with limited space – mainly due to the proximity of the shared-use path to the edge of the Missouri River. To address this issue, the design team is proposing to shift the alignment of River Drive (U-5205) in order to promote project flexibility, mitigate potential environmental impacts, and reduce overall project costs. Since River Drive is on the Urban Highway System, Transportation Commission approval of the proposed system modification is required.

MDT is requesting Commission approval for the realignment of River Drive (in Great Falls) to accommodate improvements advanced via the River's Edge Trail Connector project. It should be noted that proposed realignment activities will be funded with CMAQ dollars allocated to the Great Falls MPO – thus there will be no financial impact to MDT.

Staff recommends that the Commission approve this modification to River Drive - pending completion of applicable state (and local) design review and approval processes.

Commissioner Aspenlieder said I know we said the dollars come from CMAQ but then we go on to say there will be no financial impact to MDT, however, our staff will be doing the construction, inspection, and certification. Is our staff time billed to the project and covered and paid for by CMAQ dollars? Rob Stapley said yes.

Bruce Pollington, Great Falls, said this is one of the most complicated projects we currently have. The entities involved, Natural Resources, Corp of Engineers, and BMSF Railroad, the biggest issue is safety. There are two crossings that are the most dangerous and we need MDT to handle that safety issue. We are looking forward to having this project done.

Commissioner Aspenlieder said Dwane and I talked about this yesterday. When these projects come through using MPO dollars, especially when we have the ability to use the WAG process, it is important for us to start pushing the MPO's, in particular Great Falls, to take ownership of this project. If this is really your priority then you should lead the process not MDT. You're allocated the money and we have a process for you to do that, then you should do it so we can allocate our staff time to state projects, state routes, and put our resources to use where we should be putting them. The fact that Great Falls did not want to use the WAG process to me is frustrating because we are not going to allocate state resources. Even though they are reimbursed through CMAQ, we have other things we can do as well. The urban project in Billings where I come from is the same way. We need to be pushing our MPO's to use the WAG process instead of shucking that responsibility back on MDT because it is easier. As we move forward, that is going to be a constant comment from me for all of our districts. I hope we are working towards that. I know that Dwane and team are working towards an agreement in Billings to try and push more of the responsibilities onto the MPO and I hope we continue to move that forward. These are the type of projects that we should be using as a crow bar to push that responsibility back where it should reside which is your community. If you want to make these decisions and make these projects a priority, it should be your re responsibility not the states.

Comment from audience: to me the question is what is transportation? I get the feeling that if it doesn't have a combustion engine we don't consider it transportation. Is that correct? Commissioner Aspenlieder said my perspective is that if you're not paying gas taxes then you're not the priority for our organization. Comment from audience: I think the people who are riding their bikes or walking on it probably pay some sort of gas taxes. Very few of them walk everywhere they go or ride bikes everywhere they go. I think we need to be careful saying that if it doesn't have a combustion engine then it's not transportation. People have been transporting for a long time. People who are walking is transportation. I think a bike is transportation. To his point I've ridden on this and it is very dangerous crossing the primary road there and it would be nice to have lights there or a sign there or something like that. I've ridden a bike from my house to down town when I used to live here. To me that is transportation. From my personal conviction and my perception that is a stinking point of view that this doesn't fall under transportation, is that true?

Commissioner Aspenlieder said yes. I could get to a yes a lot easier is the MPO is willing to take the responsibility and then we would not have to allocate our resources and time and staff to manage it and include it in a project. If we approach this project like we approached Agenda Item No 1 where we're administering the cash, then that's a whole different story. If the local MPO wants to make these a priority then they should take the responsibility for it. Then at that point I can get over my issue with alternative modes of transportation. Question from audience: Is an e-bike transportation? Commissioner Aspenlieder said no.

Commissioner Sanders moved to approve the Congestion Mitigation and Air Quality Improvement Program – Rivers Edge Trail Connector, Great Falls. Commissioner Sansaver seconded the motion. Three Commissioners voted Aye. Commissioner Frazier recused himself.

The motion passed.

Agenda Item 3: Interstate Maintenance Program Additions to IM Program (5 New Projects)

Rob Stapley presented the Interstate Maintenance Program – Additions to IM Program (5 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. The next three addenda items are going to be very similar.

At this time, MDT is proposing to add 5 new projects to the IM program – two in District 1, one in District 2, and two in District 3. The projects on the attached list (Attachment A) 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 \$26,279,608 (\$23,977,524 federal + \$2,302,084 state match) – with the entirety of the federal funding originating from the Interstate Maintenance (IM) Program.

MDT is requesting Commission approval to add 5 new projects to the Interstate Program. The proposed projects are 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 these projects to the program.

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

Commissioner Aspenlieder said it looks like two of these projects are interchange projects. I presume that those interchanges also have bridges associated with them. We're saying this is all coming out of the IM Program and not from the Bridge Program, is it 100% from Interstate Maintenance? Dustin Rouse said my understanding it is 100% IM funds and that is why it is nominated through the IM process. Commissioner Aspenlieder said then no bridge dollars are associated with them? Dustin Rouse said no.

Commissioner Sansaver said these projects are done yearly, so how was it determined to come up with these? I don't see District Four in there. Dustin Rouse said every year we run Px3 which tells us the quality of our roadways and where our dollars need to go to ensure our ride quality is where it needs to be. Using that information helps identify where we need to have projects across the state. Hand-

in-hand with that are the projects we already have in the system that will proceed forward to help with the ride quality. The reason you don't see projects for District Four or Five is because those districts already have projects nominated or in the hopper and are moving forward. This isn't a sign that there is no money going to those districts, it just means we are trying to catch the other districts up to move into those slots. Commissioner Sansaver asked if part of the five-year plan is to promote this Px3 as well. Dustin Rouse said correct. If you look at our five-year plan, it shows the projects in different years then we also have out years that list projects we want to pull in. That is why you'll see these project come into play as we move forward to TCP.

Dwayne Kailey said I just pulled up the TCP for Glendive. They have about \$46 million in the out years. So they are sitting on about four years of additional funds. That is why we're not asking them to bring in funds. Commissioner Sanders said District Two has no funds coming out either.

Commissioner Sansaver moved to approve the Interstate Maintenance Program – Additions to IM Program (5 New Projects). Commissioner Aspenlieder seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 4: National Highway Safety Program Additions to NH Program (13 New Projects)

Rob Stapley presented the National Highway Safety Program – Additions to NH Program (13 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 13 new projects to the NH program – five in District 1, one in District 3, six in District 4, and one in District 5. The projects on the attached list (Attachment A) meet the criteria set forth for NH-funded projects. If approved, it would be MDT's intention to let these projects individually.

The estimated total cost for all project phases is \$147,400,197 (\$128,692,195 federal + \$18,708,002 state match) – with the entirety of the federal funding originating from the National Highway System (NH) Program.

MDT is requesting Commission approval to add 13 new projects to the National Highway System Program. The proposed projects are 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 these projects to the program.

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

Commissioner Aspenlieder said four of the projects are either major rehab or reconstruction projects. Do we have any bridge structures in these projects? Dustin Rouse said generally with these projects we've been encouraging our districts, if its NH eligible and they're doing a major rehab or reconstruction project, if they can include those structures in their program then we encourage them to do that. If it's fully eligible through the NH program that allows us to use our bridge funding for other purposes. We have needs all across the state. We look at the amount of NH

funding and if down the road it may be necessary to have some help with funding we have the flexibility to tap into some bridge funding, but as of right now, my understanding it is fully NH funded.

Dwane Kailey said Dustin said it really well. These are fully NH funded at this time. The short answer to your other question on whether there are structures on here, I don't know but I can presume yes given the thousands of structures we have in the state. We've had some conversations with some administrators yesterday on this topic about the five district administrators collectively getting together with our bridge team and putting together a sound state-wide good strategic process for that to see if we can carve out some funds or if we should continue the way we do it. Dual-funded projects are always a possibility.

Commissioner Aspenlieder asked if the funds change, will we see that in the TCP process. Dwayne Kailey said yes.

Commissioner Sansaver moved to approve the National Highway Safety Program – Additions to NH Program (13 New Projects). Commissioner Aspenlieder seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Elected Official / Public Comment

Andrew Finch, City of Great Falls Transportation Planner

Welcome to Great Falls. Thank you for coming to Great Falls. I think we have the best transportation network of any major city around the state. We planned for that network in the past. The 50's and 60's were the decades where we spent the most money into the 70's. We planned for the future and we invested in our infrastructure and you will see that out there. You will see good roads, bridges, and a network that is connected but also a network that is starting to show its age and starting to break down just a little bit. It's time to reinvest into Great Falls just like we're reinvesting in the rest of the state. We have time, we're not exploding, we manage our growth, invest in the future and in our local system but we're starting to see the pressures just like the rest of the state. So if you have time, drive around our community and see how well things are working. The city, the county and the state work really well together. A shout out to Jim Wingerter our District Administrator, we work really well together. I've been doing this for 30 years and it is the best it's ever been.

Agenda Item 5: Primary System Program Additions to STPP Program (3 New Projects)

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

At this time, MDT is proposing to add 3 new projects to the STPP program – one in District 1, one in District 3, and one in District 5. The projects on the attached list (Attachment A) meet the criteria set forth for STPP-funded projects. If approved, it would be MDT's intention to let these projects individually.

The estimated total cost for all project phases is \$3,877,916 (\$3,357,506 federal + \$520,410 state match) – with the entirety of the federal funding originating from the Surface Transportation Program – Primary (STPP).

MDT is requesting Commission approval to add 3 new projects to the Primary System Program. The proposed projects are 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 these projects to the program.

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

Commissioner Aspenlieder moved to approve the Primary System Program – Additions for STPP (3 New Projects). Commissioner Sanders seconded the motion. All Commissioners voted aye

The motion passed unanimously.

Agenda Item 6: Secondary Roads Program Additions to STPS Program (4 New Projects)

Rob Stapley presented the Secondary Roads Program – Additions to STPS (4 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 4 new projects to the STPS program – two in District 1, one in District 4, and one in District 5. The projects on the attached list (Attachment A) 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 \$7,446,654 (\$6,447,317 federal + \$999,337 state match) – with the entirety of the federal funding originating from the Secondary Roads (STPS) Program.

MDT is requesting Commission approval to add 4 new projects to the Secondary Roads Program. The proposed projects are 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 these projects to the program.

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

Commissioner Aspenlieder said these are two projects are in the middle of town and less than a half mile long. They seem incredibly expensive for mill and fill projects. Dustin Rouse said mill and fill projects in an urban setting can be very costly and tend to go through quite a few intersections in town that require adjustments and that can get very costly very quickly. Those are some of the drivers to cost.

Commissioner Sanders moved to approve the Secondary Roads Program – Additions to STPS Program (4 New Projects). Commissioner Sansaver seconded the motion. All Commissioners voted aye

The motion passed unanimously.

Agenda Item 7: Urban Pavement Preservation Program Additions to UPP Program (2 New Projects)

Rob Stapley presented the Urban Pavement Preservation Program – Additions to UPP Program (2 New Projects) to the Commission. The Urban Pavement Preservation (UPP) program provides funding for pavement preservation work on urban routes throughout the state. MDT Districts work with local governments to advance nominations that align with system needs (as identified by local pavement management systems).

At this time, the Billings District and the Great Falls District are requesting Commission approval for Urban Pavement Preservation projects in Lewistown and Havre. The projects (shown on Attachment A) meet the criteria set forth for UPP-funded projects.

The estimated total cost for all project phases is \$3,848,643 (\$3,332,157 federal + \$516,486 state match) – with the entirety of the federal funding originating from the Urban Pavement Preservation (UPP) program.

MDT is requesting Commission approval to add 2 new projects to the Urban Pavement Preservation Program. The proposed projects are 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 these projects to the program.

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

Commissioner Aspenlieder moved to approve the Urban Pavement Preservation Program – Additions to UPP Program (2 New Projects). Commissioner Sansaver seconded the motion. All Commissioners voted aye

The motion passed unanimously.

Agenda Item 8: Highway Safety Improvement Program Additions to HSIP Program (4 New Projects)

Rob Stapley presented the Highway Safety Improvement Program – Additions to HSIP Program (4 New Projects) to the Commission. The Highway Safety Improvement (HSIP) Program makes federal funding available to states to assist with the implementation of a data-driven and strategic approach to improving highway safety on all public roads. In Montana, the primary focus of the HSIP program involves identifying locations with crash trends (where feasible countermeasures exist) and prioritizing work according to benefit/cost ratios.

At this time, MDT is proposing to add 4 new projects to the HSIP program – one in District 1, one in District 2, one in District 3 and one in District 5. The projects on the attached list (Attachment A) meet the criteria set forth for HSIP-funded projects. If approved, it would be MDT's intention to let these projects individually.

The estimated total cost for all project phases is \$7,377,908 (\$6,640,117 federal + \$737,791 state match) – with the entirety of the federal funding originating from the Highway Safety Improvement Program.

MDT is requesting Commission approval to add 4 new projects to the Highway Safety Improvement Program. The proposed projects are consistent with the goals

and objectives identified in the Performance Programming (Px3) Process – as well as the policy direction established in TranPlanMT. Specifically, traveler safety will be enhanced with the addition of these projects to the HSIP program.

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

Commissioner Frazier said I like these types of safety projects. These are site specific reconstruction placing guardrail. This seems to be the best use of our safety funds.

Commissioner Sanders moved to approve the Highway Improvement Program – Additions to HSIP Program (4 New Projects). Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 9: Tentative Construction Plan (TCP) Projects Candidate Projects for Redistribution Funding in FFY 2023

Rob Stapley presented the Tentative Construction Plan (TCP) Projects – Candidate Projects for Redistribution Funding in FFY 2023 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 FFY 2023 – 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 higher than expected. Thus, MDT is requesting Commission approval to add to the list of candidate projects eligible to receive Redistribution funds in FFY 2023.

At this time, MDT is advancing a list of additional candidate projects (shown on Attachment A) for Redistribution funds in FFY 2023.

MDT is requesting Commission approval to add 5 projects to the list of candidate projects eligible to receive Redistribution funds in FFY 2023. Final selection of projects will occur after Redistribution funding levels are set by FHWA (typically in early September). Selected projects will be consistent with the goals and objectives identified in the Performance Programming (Px3) Process – as well as the policy direction established in TranPlanMT.

Staff recommends that the Commission approve the addition of these projects to the list of candidate projects eligible to receive Redistribution funds in FFY 2023.

Commissioner Aspenlieder moved to approve the Tentative Construction Plan (TCP) Projects – Candidate Projects for Redistribution Funding in FFY 2023. Commissioner Sanders seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 10: Speed Limit Recommendation Montana 200 (N-2) – Bonner

Dustin Rouse presented the Speed Limit Recommendation, Montana 200 (N-24) – Bonner to the Commission. Missoula County submitted a request for a speed limit study on Montana 200 from Bonner to about milepost 11.75 for the purpose of evaluating the speed limit because of the alignment, terrain, and corners. The study was extended to match the limits of a subsequent safety study requested.

The speed profile provides support to maintain the existing speed limits except from the beginning of the 70-mph speed limit until milepost 5. An appropriate transitional speed zone of 55-mph is recommended between the 45-mph and 70-mph speed zones. Furthermore, roadway context shows in the form of elevated crash rates from the beginning of the 70-mph speed zone to Fuller Lane and from Potomac Road to the end of the study the speed limit should be posted based off the rounded down 85th percentile and 50th percentile speeds respectively. The rounded down 85th percentile speeds are around 65-mph and the 50th percentile speeds approximately match the 70-mph speed limit in the respective areas.

Missoula County along with the Missoula and Bonner Community Councils concur with MDT's recommendation. Their letter 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 70/45-mph transition point approximately 210-feet east of Chaffey Lane (straight-line station 122+05) and continuing east to a point approximately 2,910-feet east of Chaffey Lane (straight-line station 149+05), an approximate distance of 2,700-feet.

A 65-mph speed limit beginning approximately 2,910-feet east of Chaffey Lane (straight-line station 149+05) and continuing east to a point approximately 105- feet west of Cambridge Road (straight-line station 347+05), an approximate distance of 3.75-miles.

Begin statutory 70-mph speed limit approximately 105-feet west of Cambridge Road (straight-line station 347+05).

Commissioner Sansaver said I agree with the new speed study. I just drove that last week and it would be wonderful to have some passing lanes somewhere along there. I followed a vehicle pulling a cat and he had a flagger in front and back and at every bridge the flagger in back would stop all the traffic and the semi would take up the middle of the bridge and go across it. No one was allowed to go until he was on the other side. There are a number of bridges in there and it took forever. To try and pass anywhere in that area is really dangerous. I don't know if that is something the district needs to take a look at because that stretch needs some passing opportunities. You can go 30-40 miles before you hit a passing lane. I agree that is dangerous through there and it needs to be slowed down a bit.

Commissioner Frazier said some of the cats are very heavy and one of the permit requirements is to stop and have them go in the middle of the structure and they also govern the speeds. Some of the real heavy loads need to slow down to 20+ mph when they cross the actual bridge to help the weight loading. I used to live in that area and traveled that daily. I agree it is a winding section and it's in a canyon and has some challenges on locations for passing lanes.

Dustin Rouse said we can have that discussion. We are still currently looking for a Transportation Commissioner for that district. That entire district is growing very fast; there's a lot of pockets that are just exploding. These areas and routes are going to see more and more traffic. They are well aware of it and it is something we are looking at to try and find solutions.

Commissioners Sansaver asked about the death rate along there. Do we have accident rates through that area? Is it higher than other areas in District One? This one seems to have a lot of cars darting around you on curves and I would think there are a lot of deaths in that area. Dustin Rouse that is something we can check to see how this route compares. This might be a recommendation for the new Commissioner to take a further look at that area.

Commissioner Sansaver moved to approve the Speed Limit Recommendation, Montana 200 (N-24) – Bonner. Commissioner Sanders seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 11: Speed Limit Recommendation US 191 (N-50) – Big Sky

Dustin Rouse presented the Speed Limit Recommendation, US 191 (N-50) – Big Sky to the Commission. Gallatin County submitted a request for a speed limit study to review the speeds around the intersection with MT-64. As part of the study the Ophir School zone was to be reviewed as well. Unfortunately, because of ongoing construction and maintenance work only the Ophir School zone or milepost 44 to milepost 46 was reviewed. The rest of the study area will be reviewed during the 2023 data collection season.

This portion of US 191 was improved in 2016 and 2018. Typical sections are comprised of two 12-foot travel lanes (one in each direction) with 1-foot shoulders. There is some guardrail separating a multiuse path. The guardrail can introduce some sight obstructions but overall, there is adequate sight distance. AADT volumes for 2021 were primarily around 7,350 vehicles. There has been on average a 7-percent increase in traffic volumes per year over the past 5 years. During the summer months traffic volumes increase on average 50-percent. The roadside environment is primarily rural with some rural town like features. Development includes rural residential with institutional development around Beaver Creek Road in the form of the Ophir School. Large portions of the roadside cannot be developed because it is owned by government agencies.

The speed profile provides support to extend maintain the existing speed limits. Prevailing speeds are for the most part within ± 3 -mph of the 60-mph speed limit. Although drivers have a habit of traveling approximately 10-mph above the posted 45- mph school zone this speed limit is appropriate for the school. Roadway context further supports maintaining the existing speed zones because of the shoulder width. Use of both the 85th percentile and 50th percentile was recommended, and, in both cases, the recommended speed limit was 60-mph.

Gallatin County Commissioners did not have any specific comments and are fine with the status quo. The email is attached.

Staff recommendation:

MDT with the support of Gallatin County recommends “No Change” to the existing speed zone configuration.

Commissioner Sanders said I think the speed study was very robust and I appreciate that.

Commissioner Sanders moved to approve the Speed Limit Recommendation, US 191 (N-50) – Big Sky. Commissioner Aspenlieder seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 12: Speed Limit Recommendation X-81003 (Old US 91) – Craig

Dustin Rouse presented the Speed Limit Recommendation, X-81003 (Old US 92) – Craig to the Commission. Cascade County originally submitted a request for a speed limit study on behalf of the residents along Old US 91 for the purpose of reducing the existing 55-mph speed limit. Based on public comment a more in-depth review was requested for Old US 91 by the Transportation Commission because data was collected after Labor Day. The new request was to review the speed limit along Old US 91 from Craig to the Tower Rock State Park I-15 Interchange during the weekday and weekend.

This segment of Old US 91 was created when I-15 was constructed in the 1960s with no recorded improvements by MDT. Typical sections are comprised of two 12-foot travel lanes (one in each direction) and no shoulders until milepost 22.8 where the travel lanes reduce to 11-feet. Sight distance was found to be an issue at 2970 Old US 91 and near the Mountain Palace fishing access matches with a 50-mph and 40-mph speed limit respectively. No other areas were observed to have sight distance issues for the 55-mph speed limit. Average annual daily traffic volumes from 2021 ranged from almost 190 vehicles to about 330 vehicles. The roadside environment is rural with some residential development.

Prevailing speeds along Old Highway 91 for the most part match the approved speed limits. Weekday and weekend travel speeds are within 0.5-mph of each other with vehicles traveling slower on the weekend. Speed data collected in 2022 was primarily within ± 3 -mph of the data collected in 2020. The only areas where speeds were shown to drop below the posted 55-mph speed limit were approaching the approved 45-mph speed limit around the Hardy Bridge and the I-15 Interchange at the end of the study. This indicates an extension of the previously approved 45-mph and 50-mph speed limit may be advisable in these regions. Lane widths and approach densities are appropriate for the roadway context. The 50th percentile speeds could be considered when setting speed limits because there is no shoulder resulting in a 50-mph speed limit but is not recommended on low volume roads with no other concerns such as elevated crash rates.

Cascade County does not agree with MDT's recommendation and would like to see a consistent 45-mph speed limit on the entire length of the Old US 91 study area. This covers about 6.5-miles in Lewis and Clark County and 9-miles in Cascade County. They reference varying speed limits from 70-mph to 45-mph, numerous side roads, scenic pull-offs, and residential access points. Cascade County further elaborates that the roadway is used by both recreationalists, residents, and occasionally county employees such as the county sheriff deputies creating unsafe conditions because of congestion, mixed vehicle type, frequent stops, sharp corners, and a narrow bridge. Their letter is attached.

MDT would like to stress that the data does not support a 45-mph speed limit and without enforcement is unlikely to be obeyed. Speed limits set 10-mph below the engineering recommendation have been shown to decrease total crashes but increase the number of fatal and injury crashes. During the study the posted speed limit was

55-mph for the entire length of the area. Further review shows that there is no 70-mph speed limit along the entire length of the roadway. As of today, there are three speed zones within the study area (55-mph, 45-mph, and 50-mph) and a fourth outside the study area (60-mph). MDT does admit there are multiple approaches along the study area. However, research shows use of the rounded down 85th percentile and 50th percentile speeds because of approach densities are only recommended for approach densities over 40 and 60 approaches per mile respectively. The highest approach density occurs around milepost 27 for one mile and is 17 approaches per mile. There was no instance within the study area where the approach density approached 40. Furthermore, even if the approach density were above 60 the recommended speed limit would be 50-mph.

In reference to Cascade County's concerns to congestion, mixed vehicles, and driver type, there was no statistical difference between the data collected in September of 2019 and June of 2021. There was also no statistical difference in the data when comparing the weekend to the weekday. MDT will admit that there was an increase in vehicle traffic during the weekend. The weekend traffic only accounts for about one-percent of the roadway's capacity when being conservative. There have been very few crashes recorded and only one of the ten crashes involved a second vehicle. The crash data, speed statistics, observed traffic counts, and historic AADT do not indicate recurring congestion issues at any point throughout the study. Furthermore, both Cascade County and Mr. Steiner admit to limited patrols by law enforcement which is also shown by the minimal citation data. The concerns voiced by both Cascade County and Mr. Steiner regarding the narrow bridge and sharp curves are legitimate but do not justify a speed limit reduction. All curves are marked with advisory speeds if the design speed is below the posted speed limit. The Hardy Bridge is not marked with an advisory speed, but the curve on the north side is marked with a 30-mph advisory speed. A similar bridge on Old Highway 91 has an advisory speed of 25-mph. Therefore, MDT recommends posting an advisory speed of 25-mph for the Hardy Bridge as well because it is only 20-feet wide.

Lewis and Clark County was contacted for both the prior speed study and current speed study. A letter was received after we published this document. Lewis and Clark County concurs with MDT's recommendations. That letter is attached.

Staff recommendations MDT recommends the following speed limits:

No Change to the existing 55-mph.

A 45-mph speed limit beginning approximately 700-feet north of milepost 28 (straight-line station 11.90) and continuing north to a point 460-feet north of milepost 30 (straight-line station 13.83), approximately 1.93 miles.

A 50-mph speed limit beginning approximately 460-feet north of milepost 30 (straight-line station 13.83) and continuing north to a point approximately 170-feet north of Tower Rock Road (straight-line station 15.35), an approximate distance of 0.52 miles.

Commissioner Sanders asked if it was possible to put on speed studies across the county line. Commissioner Sansaver asked when there is a recommended speed limit, is that enforced? Dustin Rouse said the black and white posted signs will be enforced. The advisory signs are a warning and recommendation for a lower speed that alert drivers there is a change in the characteristics of the road. Advisory warnings will not be enforced. Commissioner Sansaver said if it is not enforced and you go to court and the attorney said it is clearly posted "we advise you to go 30 mph" but you were doing 60 mph and were negligent because the state told you to only go 30 mph but the law says you can go 60 mph. I don't understand that. You see it a lot on the road from Missoula to Lincoln – a lot of advised speed limits. Why don't they just make it the speed limit instead of advising it? What's the reasoning?

Commissioner Frasier said the advisory plate it put on ... we call it a ball bank that correlates to G forces and is rigged to the lowest common denominator on the road which is usually a tall truck. So the advisory plates are for that. A lot of people will notice the G in my passenger car which sits lower to the ground that says I can do 55 mph but I can really do 65 mph and be perfectly comfortable. So the advisory plates are for the lowest common denominator on the road.

Dustin Rouse said you explained it very well. The traffic engineers go out and do ball bank studies. Because of constraints within our projects a curve may be designed to a different standard than the rest of the project. There are certain vehicles that could maintain the posted speed but there are other vehicles that should be adhering to the advisory plates. The white and black are enforceable but the advisories are not. As I alluded to in my presentation, even with a 60 mph or adjusted 45 mph plate you may not get compliance if you don't have enforcement. So the folks that may ignore the advisory plates will likely also ignore a white and black sign unless there's enforcement to ensure they follow that. Both are sheet metal signs letting people know the speed we recommend but without enforcement both those signs mean nothing. Commissioner Sansaver said advisory signs are just advice.

Commissioner Sansaver said in the fifth paragraph you said there are less accidents within the zone but the accidents you do have at that speed are fatal accidents. Can you explain that? Dustin Rouse said one of the things we saw in that study was for example, most drivers are comfortable driving this route at 55-60 mph and it's posted at 10 mph below that, you are going to have a speed differential. They are going to drive it at the speed they are comfortable so you can end up with drivers getting distracted or frustrated and pass another vehicle and end up with a head-on crash that can be fatal. That is the concern. A sign does not necessarily dictate the speed drivers are going to travel at. The posted speed is regulatory but people are going to drive where they feel comfortable. However you will get folks who try and abide by the posted speed and then you get a speed differential and that is the risk we're trying to address. Commissioner Sansaver said you have the frustrated driver who wants to go faster and end up with a fatality.

Commissioner Aspenlieder asked Mr. Wingerter, as we drove that yesterday and saw the vision blockages on the corners one being by Mr. Stiner's place, there were a lot of mature trees that appear to be within our right-of-way. Has there been any discussion by district maintenance and the locals about removing some of those trees to improve site vision on the corners? Have we talked about that? Jim Wingerter said we have not had those discussions but it's one we could have. We will talk to our maintenance personnel about the trees in our right-of-way and we can have them removed. Commissioner Aspenlieder said it is touchy when you cut down people's trees. Jim Wingerter said we have to be very careful when we start wading into that realm especially if those trees originate on private property.

Commissioner Sansaver said I agree with Commissioner Aspenlieder. You don't see it a lot in the cities but in the rural areas there are a lot of places where the trees are overgrown and you can't see signs until you go past them. This is something to discuss with Shane back home. In rural areas it's a big deal. You can't see the signs in time to react. That causes trouble. Jim Wingerter said we see it all the time, where somebody new comes in and asks why the signs are all covered up. Sometimes it takes a fresh set of eyes. Commissioner Sansaver said I've noticed it a lot lately, there is a lot of overgrowth on the state signs. I will bring it up in my district too.

John Stiner said your biggest problem on that road is one corner right before you get to Devil's Kitchen coming south. We don't want that tree cut down but it does need to be trimmed. You're not aware Devil's Kitchen even exists there and you're headed south on that road, you don't know it's there until you're around the corner. I tied a garbage can to a tree in that parking lot and put my name on it just because it is a whole lot easier for me to empty a bag and put in a new bag than it is to go down

there and bend over and pick up trash. I do that for the neighbors. When you're heading south that tree blinds that whole parking lot. You don't even know it's there. There are two entrances and exists to that parking lot. John Stiner asked what MDT is proposing other than to adjust the speed sign on the Hardy Creek Bridge. Do you have any speed limit changes at all? Dustin Rouse said we are recommending changes at the beginning and the end of the speed study. John Stiner said so you're suggesting 50 mph instead of 55 mph.

Commissioner Aspenlieder made a Point of Order – this is a time for you to give comment to us based on any new information and not to engage our staff. If you have a comment we'd like to hear it. John Stiner said I love data but data is not something you live and die by. Data doesn't give you any real life anything. All data is nothing and doesn't show anything that is really going on until you're actually there. Your data doesn't show the pedestrian traffic – it might show a little bit but it doesn't show what's really happening. Your data doesn't show that since my last presentation in February there has been one single car accident and one motor cycle accident out there. Injuries were on the motor cycle and not on the automobile. They were both speed related. I'm disappointed in your recommendations on this because it really doesn't show real life. Like I said, data is data but real life is actually being there, observing it, watching it. As far as the fatalities increasing because of the lowering of the speed limit, to me that sounds like you're rewarding idiots. Impatient individuals that get frustrated and pass somebody they shouldn't be passing in the first place. Are you aware that it wasn't too many years ago that whole road was 70 mph? I guess you got tired of putting up white crosses so you dropped it to 55 mph. I don't know if the fatalities went up after that because it was lowered 15 mph.

I feel that the speed limit needs to come down especially in front of my house before I do something stupid. I already flag people, jump out in the road, kick rocks at them. It is the same individuals most of the time. People will pay attention and some won't pay attention but apparently there are people out there who know how to read regardless of our current climate and the education system and drugs being legal. Most people do pay attention to signs. Most people do. That's all I have to say.

Commissioner Sansaver said Mr. Stiner I think it's commendable for you to take such a stance in your community; to stand up for the people around you and take care of the area around you. I just want you to know that as a Commissioner I appreciate people like you who do take that stance. We and our staff do everything we can to keep it amenable for everybody not just for one. Again I want to thank you for all the work you've put into coming to the Commission, you're getting to be a familiar face here in the last three months. I want to thank you for the time you've put in. John Stiner said thank you. If what I want fails then I will return and I will bring more public with me. I guarantee I'm not the only one but apparently I'm the only one who has the time to follow you folks around.

Commissioner Frazier said I want to thank you for the speed study. One thing I looked at is the 85th percentile. The old theory was to go with the 85th percentile and set your speed there and the other 15 percent you target for law enforcement. The other thing here is I looked at the 50th percentile in the pace and to me that is the reasonable people out there who are reacting to what they see on the road. Our proposed speed study seems to follow that pace that follows the data and it shows we do need to lower the speed on the north end near the Hardy Bridge. I would like to thank the staff for being flexible with that and looking at some factors other than the 85th percentile which used to rule everything.

Commissioner Sanders moved to approve the Speed Limit Recommendation, X-81003 (Old US 91) – Craig. Commissioner Aspenlieder seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 13: Speed Limit Recommendation Montana 59 (N-18) – Miles City

Dustin Rouse presented the Speed Limit Recommendation, Montana 59 (N-18) – Miles City to the Commission. Custer County submitted a request for a speed limit study for the purpose of reducing the speed limit on Montana 59 entering Miles City. The primary concern was the speed at which trucks come down the hill and enter the city limits. County Commissioners also pointed out the number of approaches used by passenger vehicles and construction equipment.

The speed profile shows prevailing speeds along Montana 59 in the 55-mph and 70-mph speed zones match with the set speed limits and the 25-mph, 35-mph, and 45-mph primarily match with the 50th percentile speeds. Roadway context indicates the speed limits transitions are not appropriately located. The 25-mph speed limit should extend to the city limits and include the school crossing. From here appropriate speed transitions should be applied. Each transitional speed limit under 50-mph is recommended to be a minimum of 1,600-feet long. A half mile is recommended for speed zones that are posted at 55-mph and 50-mph. Having a transition on a hill is not recommended and when possible, should be moved to the top of the hill.

The Commissioners of Custer County primarily agree with MDT's recommendations. However, they would like to see the 45\55-mph transition 320-feet farther north to the intersection with Frank Wiley Field and the 55\70-mph transition 640-feet farther north to the intersection with Sheffield Road. Their letter is attached.

MDT reviewed this and has no objections to extending the 45-mph and 55-mph speed limits to encompass the intersections referenced by the Custer County Commissioners and recommends the following speed limits:

A 25-mph speed limit beginning at the intersection with Main Street (straight-line station 0+00) and continuing north to a point approximately 120-feet north of the intersection with Wells Street (straight-line station 48+00), an approximate distance of 4,800-feet.

A 35-mph speed limit beginning approximately 120-feet north of the intersection with Wells Street (straight-line station 48+00) and continuing north to a point approximately 440-feet north of the Yellowstone River bridge (straight-line station 66+00), an approximate distance of 1,800-feet.

A 45-mph speed limit beginning approximately 440-feet north of the Yellowstone River bridge (straight-line station 66+00) and continuing north to a point approximately 200-feet north of the intersection with Frank Wiley Field (straight-line station 110+00), an approximate distance of 4,400-feet.

A 55-mph speed limit beginning approximately 200-feet north of the intersection with Frank Wiley Field (straight-line station 110+00) and continuing north to a point approximately 150-feet north of the intersection with Sheffield Road (straight-line station 140+00), an approximate distance of 3,000-feet.

Commissioner Aspenlieder said did we take the Commissioner's recommendation for a 45/55 mph transition or did we also incorporate the 55/70 mph as well. Rob Stapley said yes the 55/70 mph was also incorporated. MDT had originally located the speed limit location south of the intersection and the Custer County Commissioners requested that it be located on the north side of the intersection. Commissioner Sansaver said so basically you followed the wishes of the Custer County Commissioners? Rob Stapley said yes.

Commissioner Sansaver moved to approve the Speed Limit Recommendation, Montana 59 (N-18) – Miles City. Commissioner Sanders seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item 14: Speed Limit Recommendation
Montana 78 (P-78) – Absarokee**

Dustin Rouse presented the Speed Limit Recommendation, Montana 78 (P-78) – Absarokee to the Commission. Stillwater County submitted a request for a speed limit study on Woodward Avenue (MT-78) to focus on the Elementary School and High School area. The purpose of evaluating the speed limits in this region was to determine the appropriate location of a school zone. Other concerns about “vehicles, including large trucks, routinely ignoring the posted speed limit” prompted further investigations into the transitional speed zones when entering Absarokee.

The speed profile shows that the prevailing speeds based on the 85th percentile and upper limit of the pace along Montana 78 match or exceed the posted speed limits. Contextual evidence further supports the existing speed limit configuration. However, the transitional speed zones are shorter than what is recommended. The more developed area has also increased in size. This may play a role in vehicles failing to adequately slow down. Therefore, the 25-mph speed limit should be lengthened to accommodate the school and whole developed area of Absarokee. Appropriate transitions should then be in place to help vehicles transition from the rural 60-mph and 65-mph speed limits to the 25-mph within the community of Absarokee.

Stillwater County concurs with MDT’s recommendations. Their email is attached.

MDT recommends the following speed limits:

No Change to the existing 60-mph speed limit ending at a point 210-meters (690-feet) south of the intersection with Fouhy Road (straight-line station 42+60).

A 40-mph speed limit beginning 210-meters (690-feet) south of the intersection with Fouhy Road (straight-line station 42+60) and continuing north to a point 100-meters (328-feet) north of the intersection with Oak Drive (straight-line station 47+80), an approximate distance of 520-meters (1,706-feet).

A 25-mph speed limit beginning 100-meters (328-feet) north of the intersection with Oak Drive (straight-line station 47+80) and continuing north to a point 39- meters (128-feet) north of the intersection with North Montana Avenue (straight-line station 63+60), an approximate distance of 1,580-meters (5,183-feet).

A 35-mph speed limit beginning 39-meters (128-feet) north of the intersection with North Montana Avenue (straight-line station 63+60) and continuing north to a point 527-meters (1,729-feet) north of the intersection with North Montana Avenue (straight-line station 68+48), an approximate distance of 488-meters (1,601-feet).

A 45-mph speed limit beginning 527-meters (1729-feet) north of the intersection with North Montana Avenue (straight-line station 68+48) and continuing north to a point 583-meters (1,913-feet) south of the intersection

with Beaver Creek Road (straight-line station 73+36), an approximate distance of 488-meters (1,601-feet).

No change to the existing 65-mph speed limit beginning 583-meters (1,913-feet) south of the intersection with Beaver Creek Road (straight-line station 73+36).

The school zone will be active during school days from 7:30am to 4:00pm as described:

A 15-mph speed limit beginning 152-meters (500-feet) south of the High School property or approximately 134-meters (440-feet) north of the intersection with Oak Drive (straight-line station 48+13) and continuing north to a point 152-meters (500-feet) north of the Elementary School property or the intersection with West School Street (straight-line station 56+44), an approximate distance of 831-meters (2,726-feet).

Commissioner Aspenlieder moved to approve the Speed Limit Recommendation, Montana 78 (P-78) – Absarokee. Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 15: Speed Limit Recommendation Montana 271 (S-271) – Helmville

Dustin Rouse presented the Speed Limit Recommendation, Montana 271 (S-271) – Helmville to the Commission. Powell County submitted a request for a speed limit study through the community of Helmville on Montana 271 for the purpose of providing appropriate speed limit transitions between the 25-mph speed limit and the rural 70-mph speed limit.

The speed profile shows drivers do not know how to transition in and out of the 25-mph speed limit through Helmville from the rural 70-mph speed limit. The rounded down 85th percentile is recommended for the area both north and south of Helmville because of the recorded crashes and lack of an appropriate shoulder. This would result in a 65-mph and 60-mph speed limit respectively. Within Helmville the rounded down 50th percentile speed is recommended for setting the speed limit because there are no pedestrian facilities, a possible school crossing, high unrestricted approach density, and elevated crash rate. This would indicate a 30-mph speed limit as appropriate. However, the main problem is drivers fail to slow down for Helmville. Therefore, appropriate transitions should be provided. The preferred transitional speed zones are 55-45-35-mph when entering Helmville and 35-45-55-mph when leaving. Speed zones under 50-mph are recommended to be a minimum of 1,600-foot long. A half mile is recommended for speed zones that are posted at 55-mph and 50-mph. The transitional speed zones cover the area where a reduction in speed limits was recommended.

Powell County concurs with MDT's recommendation. Their email is attached.

MDT recommends the following speed limits:

No Change to the statutory 70-mph speed limit south of a point approximately 1,000-meters (3,281-feet) south of the intersection with Dump Road (straight-line station 395+60).

A 55-mph speed limit beginning approximately 1,000-meters (3,281-feet) south of the intersection with Dump Road (straight-line station 395+60) and

continuing north to a point 180-meters (591-feet) south of Dump Road (straight-line station 403+80), an approximate distance of 820-meters (2,690-feet).

A 45-mph speed limit beginning approximately 180-meters (591-feet) south of Dump Road (straight-line station 403+80) and continuing north to a point 310- meters (1,017-feet) north of Dump Road (straight-line station 408+70), an approximate distance of 490-meters (1,608-feet).

A 35-mph speed limit beginning approximately 310-meters (1,017-feet) north of Dump Road (straight-line station 408+70) and continuing north to a point 120- meters (394-feet) south of Ovando-Helmville Road (straight-line station 413+60), an approximate distance of 490-meters (1,608-feet).

A 25-mph speed limit beginning approximately 120-meters (394-feet) south of Ovando-Helmville Road (straight-line station 413+60) and continuing north to a point 140-meters (591-feet) north of Helmville Back Road or milepost 21 (straight-line station 420+80), an approximate distance of 720-meters (2,362-feet).

A 35-mph speed limit beginning approximately 140-meters (459-feet) north of Helmville Back Road or milepost 21 (straight-line station 420+80) and continuing north to a point 630-meters (2,067-feet) north of Helmville Back Road (straight-line station 425+70), an approximate distance of 490-meters (1,608-feet).

A 45-mph speed limit beginning approximately 630-meters (2,067-feet) north of Helmville Back Road (straight-line station 425+70) and continuing north to a point 1,120-meters (3,675-feet) north of Helmville Back Road (straight-line station 430+60), an approximate distance of 490-meters (1,608-feet).

A 55-mph speed limit beginning approximately 1,120-meters (3,675-feet) north of Helmville Back Road (straight-line station 430+60) and continuing north to the intersection with Montana 141 (straight-line station 441+88.84), an approximate distance of 1130-meters (3,707-feet).

Commissioner Sanders moved to approve the Speed Limit Recommendation, Montana 271 (S-271) – Helmville. Commissioner Aspenlieder seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 16: Speed Limit Recommendation Grove (S-420) – Absarokee

Dustin Rouse presented the Speed Limit Recommendation, Grove (S-420) – Absarokee to the Commission. Stillwater County submitted a request for a speed limit study for the purpose of evaluating the speed limits on Grove Street (S-420). The public’s main concern was the excessive speed and “vehicles, including large trucks, routinely ignoring the posted speed limit in town”.

The speed profile shows that the prevailing speeds based on the 85th percentile and upper limit of the pace for the most part match within ± 4 -mph of the posted 45-mph, 55- mph, and 65-mph speed limits. Prevailing speeds are on average 7-mph above the posted 25-mph and 35-mph speed limits. Contextual evidence shows that the speed limits in the more urban environment should be based off the 50th percentile speeds. The rural speed limits should be based off the 85th percentile with considerations made to the lane and shoulder widths based on the low crash rates and

traffic volumes. All information indicates appropriate speed limits. However, the transitional speed limits are considered short by current standards. Therefore, the 35-mph, 45-mph and 55-mph speed zones should be lengthened to current practice.

Stillwater County concurs with MDT's recommendations. Their email is attached.

MDT recommends the following speed limits:

A 25-mph speed limit beginning at the intersection with Woodard Avenue or P-78 (straight-line station 0+00) and continuing west to existing 25/35-mph speed limit transition at the Rosebud Creek Bridge (straight-line station 16+00), an approximately distance of 1,600-feet.

A 35-mph speed limit beginning at the existing 25/35-mph speed limit transition at the Rosebud Creek Bridge (straight-line station 16+00) and continuing west to a point about 850-feet east of Circle T Lane (straight-line station 32+00), an approximately distance of 1,600-feet.

A 45-mph speed limit beginning at a point about 850-feet east of Circle T Lane (straight-line station 32+00) and continuing west to a point 350-feet west of Fellows Lane (straight-line station 48+00), an approximately distance of 1,600-feet.

A 55-mph speed limit beginning a point 350-feet west of Fellows Lane (straight-line station 48+00) and continuing west to approximately Johnson Bridge Road (straight-line station 75+00), an approximate distance of 2,700-feet.

A 65-mph speed limit beginning at approximately Johnson Bridge Road (straight-line station 75+00) and continuing west to the end of S-420, an approximate distance of 5.49-miles.

Commissioner Sansaver said Zack Kirkemo seems to be the person everybody is contacting. Who does he work under? Rob Stapley said he works under Mike Taylor in Billings. Commissioner Sansaver said all this correspondence is going to the Billings District and then he sends it back to the state. Rob said he is our District Traffic Engineer. Commissioner Sansaver said I'm trying to make the connection. Dustin Rouse said for clarification said we are encouraging our District Traffic Engineers to be more involved in these speed studies. Zack has been doing a fantastic job with this. Commissioner Sansaver said when it comes from those districts then who reviews it and responds from the state? Rob Stapley said Zack may respond but it also comes to Helena for review and response. Commissioner Sansaver said several years ago I recommended that we involve the County Commissioners in the process and now we're involving the local district speed study people and I think that is commendable and it's good to see that. I just wanted to know how it went from there to the state office. Rob said once these reports are reviewed then they are sent back out to the districts. Depending on the level of input we think we're going to hear, we have our District Traffic Engineers present these studies in person to the County Commissioners so they can have a discussion on it.

Commissioner Aspenlieder moved to approve the Speed Limit Recommendation, Grove (S-420) – Absarokee. Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 17: Speed Limit Recommendation North Frontage Road (X-39241) – Deer Lodge

Dustin Rouse presented the Speed Limit Recommendation, North Frontage Road (X-39241) – Deer Lodge to the Commission. Powell County and the City of Deer Lodge submitted a request for a speed limit study on the North Frontage Road from Main Street to Beck Hill Road for the purpose of reviewing the statutory 70mph speed limit because of a lack of signage and shoulders, abrupt turns, and two recent fatal crashes.

The speed profile provides support to reduce the speed limit near the study ends to 55-mph and maintain a 65-mph speed limit through the main portion. An elevated crash rate indicates the use of the 50th percentile speeds is appropriate when setting the speed limit. This would result in a 60-mph speed limit for the main portion of the study area and a 50-mph speed limit approaching the intersections at the end of the study area. However, a single consistent speed limit of 55-mph would be the preferred option. The study area north of the I-90 interchange behaves as a separate roadway and should either be abandoned to posted at 30-mph.

Powell County and the City of Deer Lodge concur with MDT's recommendation. The city brought up some other items of concern that will be reviewed by safety. Powell County further agrees with MDT posting a 30-mph speed limit on the short segment of the North Frontage Road north of the I-90 Interchange. The county was not interested in taking over ownership of the approximately 0.45-mile segment north of the interchange. The emails from the county and letter from the city are attached.

There are some routes around the state that are considered roads that are abandoned when we built the Interstate and we gave them to the county. There is some disagreement over ownership of these routes and has been going on for years and years. It is something we are currently looking at again. This is one of those pieces that we gave back to the county and there is question on who owns it.

MDT recommends the following speed limits:

A 55-mph speed limit beginning at the intersection with Main Street (straight-line station 0+00) and continuing north to the intersection with the I-90 Interchange (straight-line station 292+00), an approximate distance of 5.3-miles.

A 30-mph speed limit beginning at the intersection with the I-90 Interchange (straight-line station 292+00) and continuing north to the end of the X-Route, an approximate distance of 0.45-miles.

Commissioner Sansaver said some of the comments are interesting. One says, "David, just go ahead and post it; the county is not interested." So that throws it right back on the state. Apparently you're just supposed to go ahead and post it. I don't know how you could argue or defend any of this.

Commissioner Sanders moved to approve the Speed Limit Recommendation, North Frontage Road (X-39241) – Deer Lodge. Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item 18: Certificates of Completion
March & April 2023**

Dustin Rouse presented the Certificates of Completion for March & April 2023 to the Commission for review and approval.

Commissioner Aspenlieder moved to approve the Certificates of Completion for March & April 2023. Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item 19: Public Private Partnership (P3)
Recommendation for Commission Action**

Val Wilson said the next three Agenda Items are related to SB 57 which is one of our pieces of legislation passed during the last Session. It goes into effect July 1st and there is some preliminary work we need to do to implement that. Although the new code book is not out, SB 57 changes the statute in several different places but primarily it changes §60-2-111 and 112, MCA, giving the Commission authority to award projects using alternative delivery methods. Inserted in this is a definition section §60-2-134, MCA. This piece of the legislation defines alternative delivery methods as “methods that are approved by the Commission and recognized by the Department of Transportation”. The next three Agenda Items are presented to you for your consideration as alternative delivery methods and your general approval. All three have been approved by USDOT and FHWA as delivery methods.

Commissioner Sansaver asked if it was supported by legislation. Val Wilson said yes, it is supported and required by the legislation. Val Wilson said one other thing I wanted to say is that we’ve also engaged in the rule-making process. Right now we have noticed with intent to adopt this legislation. It is out for public comment now which ends July 7, 2023. I have a copy of that rule for you.

Ryan Dahlke said on these next three items you will be taking action on approving contracting methods. We still are required to bring to you specific project requests. We will go through our project development selection process on a project level and will bring those back to you saying that we’ve gone through the contracting methods and we believe this method is appropriate for this specific project. You will also be asked to take action as well. This is the global approval for us to be able to consider these methods and then we’ll follow this up with specific projects that have gone through the process.

Commissioner Sansaver asked Ryan if this was something you start with when you go into the preconstruction phase to recommend the type of project it will be. How do you make that determination? Ryan Dahlke said that is pretty accurate. When we kick off a project nomination, we have a process called the “project delivery selection process” (PDSP) that Jake and I are heavily involved in as well as the alternative contracting folks, the districts, and others. We generally look at projects similar to past projects that have used alternative contracting methods. If it looks like it has a high potential for alternative contracting then we engage the PDSP. The team analyzes the pros and cons and then ultimately we take a look at that analysis and concur and bring it to you on a project specific basis. Commissioner Sansaver said that makes sense. I was curious how this process starts and then works through the department. Ryan Dahlke said it is a cooperative effort.

Commissioners Sanders said this adds three more alternative methods but it seems pretty streamlined because you already have the process in place. Dustin Rouse said we are currently working on the guidelines for a new process because some of this is

new to us. CM/GC already has guidelines set out but the two new ones we haven't set up our internal guidelines or process or how we use these methods and also how we streamline it – what are the pros and cons for a fairly quick process to make that determination to look at a project and evaluate it for the various methods and determine which method we should use. We want to have it set up so we have a clear process and our staff knows how best to approach it.

Dustin Rouse presented the Public Private Partnership (P3) Recommendation to the Commission for Commission Action. A Public-Private Partnership (P3) is a collaborative arrangement between a government entity and a private company that combines multiple elements of the lifecycle of project delivery into a single contract. These elements may include financing, construction, operation, and maintenance of an infrastructure project. P3s are typically longer-term agreements that involve sharing the risks and responsibilities between the public and private sectors. A P3 can be structured in many different ways, but the general idea is that the private sector brings expertise, resources, and project financing to deliver a project over an expanded lifecycle, while the government retains control and oversight. The specific terms and arrangements of a P3 project will vary depending on the specific needs of a project.

When using the P3 delivery method several key considerations should be taken into account to ensure its suitability and success. These include:

- **Feasibility:** The project's technical, financial, and legal feasibility should be thoroughly assessed. This includes evaluating its economic viability, potential for revenue generation, and technical complexity. A P3 project should have a clear business case and demonstrate long-term sustainability.
- **Value for Money:** The project should offer value for money by comparing the costs and benefits of delivering it through a P3 model against traditional procurement methods. The benefits may include accelerated delivery, improved service quality, innovation, and risk transfer.
- **Risk Allocation:** A robust risk assessment is crucial. Risks associated with the project, such as construction, operation, maintenance, and revenue, should be identified and allocated appropriately between the public and private sectors. The allocation should incentivize private sector efficiency and innovation while safeguarding public interests.
- **Public Interest Protection:** The project's impact on the public interest should be carefully considered. This involves ensuring that essential services remain accessible and affordable, protecting user rights, maintaining transparency, and preserving social and environmental standards.
- **Stakeholder Engagement:** Effective stakeholder engagement is vital for P3 projects. It is essential to involve key stakeholders, such as the public, local communities, industry experts, and relevant government agencies, in the decision-making process to gather their input, address concerns, and foster public support.
- **Legal and Regulatory Framework:** The legal and regulatory framework should support P3 implementation, providing clarity on roles, responsibilities, and dispute resolution mechanisms. This framework should promote transparency, competition, and accountability while safeguarding public interests.
- **Procurement Process:** A fair, transparent, and competitive procurement process is critical. It should attract experienced and qualified private sector partners and ensure value for money. The process should be structured to

evaluate proposals based on predefined criteria, including technical capabilities, financial stability, and track record.

By carefully considering these factors, the Department will select projects that are well-suited for a P3 approach, maximizing the benefits of private sector participation while safeguarding public interests and achieving the desired outcomes.

- 1) The Department will consider industry best practices in identifying projects to be delivered as P3s.
- 2) The Public Delivery Selection Process (PDSP) shall be implemented for all projects being considered for alternative delivery (Design-Build, CM/GC, PDB, or Public Private Partnership (P3)). For P3s this process will include an examination of the factors described above. A staff recommendation regarding the proposed alternative delivery method will be submitted to the Commission for approval on a project specific basis.
- 3) The contracting process for P3s will be developed on a project specific basis in consideration of the key elements described above and based on industry best practices.
- 4) P3 projects will be monitored, and the Department will maintain control and oversight during the project's lifecycle.

MDT is requesting Commission approval for the use of P3 as described herein.

Staff recommends that the Commission approve the use of P3 as an alternative contracting delivery method pending completion of Rulemaking for Senate Bill 57.

Commissioner Sansaver said we looked at this in one of our earlier items and Commissioner Aspenlieder was questioning the money and the match. After that discussion our Chairman said private money was going into match that particular project. So when we do the P3s and we ask about the match, is it shown that it is either FHWA or state money or private money. Is that broken out so we can see where the match is coming from? Dustin Rouse said we haven't had the authority to do a true P3 contracting method, so you would not have seen that. We have had projects where locals put together some funding and we applied it to the project. If that's the case then we will include that and show there was other contributions outside our standard federal or state contribution. Historically it is labeled "special funding" if there was a local contribution. The difference with P3 is typically the long-term maintenance. For instance, this could possibly allow NGO's that are interested in wildlife crossings to take on long-term maintenance. The one in front of us right now is part of the NEVI Program that we would like to get a private entity to take and maintain. This method is well suited for that type of collaboration. Another example is rest areas. It is possible that an entity could build and maintain a rest area and take over future maintenance as well. Those are two examples of P3 funding.

Commissioner Frazier said you mentioned the NEVI Program, what is that? Director Long said it is the National Electric Vehicle Infrastructure Program. It is part of the IIJA. They are trying to roll out a nationwide plan for national electric vehicle structure. In the past the only place I've seen P3s has been large toll highways or toll projects. Director Long said that is exactly why we talked about the NEVI Program. We're seeing it in other states – there are large nationwide companies that are doing this because they can design, build, construct, finance, operate, maintain and keep it going. One requirement under the NEVI Program is the long-term maintenance. It does no good to put a charger out there and not have it work, so if you're going to put the charges there then own them, operate them, maintain them, and keep them going. We're following other state who have already started this and have said this is the way to go because the big companies will do it all. The money

comes through us and we pass it on and they take care of it and that way we're out of the electric charger maintenance business. We have enough fun maintaining guardrails.

Commissioner Frazier said one follow-up comment is that we're not into truck stop gas station maintenance, why would electric cars be any different than a gas station other than they are special. Director Long said under the IIJA it wouldn't be done as fast or as wide-spread. It took truck stops 20 plus years to work their way across the nation and the drafters of the IIJA Bill knew that and said we need to give special allowances for this to happen faster. This is public funding not private funding but to do it you need the private sector.

Commissioner Sansaver said a red flag for P3 for the Commission to understand, I'm hearing that it is being funded not by the state but by a private entity and it is being maintained not by the state but by a private entity. Dustin Rouse said there is funding specific to the roll-out of electric vehicle charging stations that is federal funding that MDT has or will receive. The way these contracts are set up is and I'll use Volkswagen as an example. Under their settlement a lot of the entities they partnered with like Montana Power in cooperation with Town Pump developed a partnership where they would install the charging stations and then maintain it for a period of time. That's the way these contracts are set up – they go to an outside private entity, outside of our right-of-way for the most part, they take it on and are responsible for future maintenance of them.

Commissioner Sansaver said you mentioned rest stops, so if a rest stop connects to one of our highways, even though it's going to be privately maintained for instance on a Reservation – we have a rest stop on Hwy 2 east of Wolf Point that was built assuming the state would take it over. The state said we're not going to do that and they tore out the culverts that connected it to Hwy 2. So under P3 the Tribes could agree to maintain the rest stops and they could connect to Hwy 2. Is that what I'm hearing? Dustin Rouse said I'm not sure of the specifics but I'll look into it.

Commissioner Sanders moved to approve the Public Private Partnership Recommendation for Commission Action. Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 20: Progressive Design Build Recommendation for Commission Action

Dustin Rouse presented the Progressive Design Build Recommendation to the Commission for Commission Action. A comparative analysis of Progressive Design-Build (PDB) with Construction Manager/General Contractor (CM/GC) concludes that they are nearly identical with regard to process, differing only in whether the owner retains the design responsibility in CM/GC or assigns it to the Design-Builder in PDB. A PDB team is comprised of the Contractor teamed with the Engineer of Record. MDT will select the PDB team on a best-value basis. The best-value determination will be based primarily on qualification but will also include a pricing component as required by state law. Additionally, in accordance with state law, a formal Public Delivery Selection Process (PDSP) shall be implemented for all projects being considered for alternative delivery (Design-Build, CM/GC, PDB, or Public Private Partnership (P3)).

A staff recommendation regarding the proposed alternative delivery method will be submitted to the Commission for approval on a project specific basis.

PDB Contracting Process:

- 1) Once the Department has identified a project for which the PDB contracting process will be used, the Department shall prepare and advertise a request for qualifications (RFQ).
- 2) From the responders to the RFQ, the Department shall prepare a short list of the responders that it believes are most qualified, not to exceed five responders on any single project.
- 3) (a) The department shall announce the short list and issue a request for proposals (RFP) to each of the prospective PDB contractors on the short list, who may then submit a proposal to the Department.

 (b) The proposal will be comprised of two parts; (1) a technical proposal which must describe the PDB team's qualifications and general approach to performing preconstruction and construction services for the project, and (2) a price proposal which must describe the PDB team's profit margin and other project pricing approaches as required by the RFP.
- 4) The Department shall evaluate the technical and price proposals and make a written recommendation to the commission regarding the Department's selection of the PDB team to be awarded the contract.

Summary MDT is requesting Commission approval for the use of PDB as described herein.

Staff recommends that the Commission approve the use of PDB as an alternative contracting delivery method pending completion of the Rulemaking Process for Senate Bill 57.

Commissioner Sansaver moved to approve the Progressive Design Build Recommendation for Commission Action. Commissioner Sanders seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 21: Construction Manager General Contractors Recommendation for Commission Action

Dustin Rouse presented the Construction Manager General Contractors Recommendation to the Commission for Commission Action. A comparative analysis of the Construction Manager/General Contractor (CM/GC) with Progressive Design-Build (PDB) concludes that they are nearly identical with regard to process, differing only in whether the owner retains the design responsibility in CM/GC or assigns it to the Progressive Design-Builder in PDB. MDT will select a CMGC contractor on a best-value basis. The best-value determination will be based primarily on qualification but will also include a pricing component as required by state law. Additionally, in accordance with state law, a formal Public Delivery Selection Process (PDSP) shall be implemented for all projects being considered for alternative delivery (Design-Build, CM/GC, PDB, or Public Private Partnership (P3)). A staff recommendation regarding the proposed alternative delivery method will be submitted to the Commission for approval on a project specific basis.

CM/GC Contracting Process:

- 1) Once the Department has identified a project for which the CM/GC contracting process will be used, the Department shall prepare and advertise a request for qualifications (RFQ).
- 2) From the responders to the RFQ, the Department shall prepare a short list of the responders that it believes are most qualified, not to exceed five responders on any single project.
- 3) (a) The department shall announce the short list and issue a request for proposals (RFP) to each of the prospective CM/GC contractors on the short list, who may then submit a proposal to the Department.

 (b) The proposal will be comprised two parts; (1) a technical proposal which must describe the GM/GC contractor's qualifications and general approach to preconstruction and construction services for the project, and (2) a price proposal which must describe the contractor's profit margin and other project pricing approaches as required by the RFP.
- 5) The Department shall evaluate the technical and price proposals and make a written recommendation to the commission regarding the Department's selection of the CM/GC contractor to be awarded the contract.

MDT was approved in prior legislation to do four pilot projects of CM/GC which we've done and are in the process of completing. This would grant MDT to use CM/GC moving forward based on it being the most appropriate contracting method for projects as we bring them forward to the Commission.

MDT is requesting Commission approval for the use of CM/GC as described herein.

Staff recommends the Commission approve the use of CM/GC as an alternative contracting method pending completion of the Rulemaking Process for SB 57.

Commissioner Frazier asked which projects they were. Dustin Rouse said Salmon Lake, Trout Creek, Hwy 200 by Lewistown, and some bridges. Commissioner Frazier said the only one completed is Trout Creek? It seems to be working well? Dustin Rouse said yes. The contractors have been very beneficial in working through those projects.

Commissioner Sansaver moved to approve the Construction Manager General Contractor Recommendation for Commission Action. Commissioner Sanders seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 22: Discussion and Follow-up

Director Malcolm "Mack" Long

District One Commissioner Update

Our Chairman reached out to the Lt. Governor with a name, Mellissa Stone, WGM Group in Missoula and also a University of Montana Professor so we have at least two names in front of the Lt. Governor going through the process. Commissioner Aspenlieder also submitted a name of an Engineer out of Missoula as well so now we have three that are going through the vetting process. We will make sure we stay on top of that and let them know it is of the utmost importance.

Montana Fish Wildlife and Parks

Montana Fish, Wildlife and Parks has a new Director. The previous Director was having some health issues and we pray for his speedy recovery. Dustin Temple is the new Director and we've met with him a couple of times and that is going well. We are trying to set up monthly meetings. We brought up how to work together, how to share costs, who takes care of what and it has been very fruitful. We have a current issue that is going through the escalation ladder and because we've started that relationship it will be fairly seamless to have those discussions.

Commissioner Aspenlieder said those discussions are well and good but the intent of that discussion was "are they going to bring money to the table on these projects that have recreational components." That's the answer I'm interested in. Director Long said we have started broaching that subject on both sides – will they start bringing money, can we help, can we work together. My short answer is we're working through it. I haven't heard a no from them because we said we're here to get to "yes" even if it's a conditional yes. If you can help us then we can help you so let's work together. They haven't said no and they understand where you're coming from and they are in general agreement. We haven't gotten to the hard facts but we've started those discussions.

Commissioner Aspenlieder said we have projects on our TCP that I assume are the crux of that conversation. Are we going to have some direction by the time we get to the TCP this fall? Director Long said yes. In fact we're already starting to talk about Sportsman Bridge. Ryan Dahlke said they are looking for funding and discussions are on-going. Director Long said we brought it up and they understand that they have some funds also and we're going to work together.

Commissioner Sanders said the documentation we received about bridge bundles and increasing costs includes about one million for wildlife accommodations. Is that something we're addressing for them to possibly pitch in on? Director Long said we haven't looked at that. We've been working with them to make sure their permitting process doesn't hold up the project because we need to get these done. Everyone wants to see these projects started, completed, and put back into use.

Governor's Monthly Meeting Highlights

I meet with the Governor monthly to go over district highlights. We want to make sure the Commissioners get a copy of the highlights so you can see some of the highs and lows and the top three projects in each district. This is what I report to the Governor every month and I wanted to make sure you had a copy.

Discretionary Grants

This is our report on grants we have done as lead applicant for FY 22-23 and letters of support and also match commitments where, if we weren't the lead applicant but it was awarded and we're going to be the match. We haven't had any of the grants we've applied for awarded to us which is not unusual. We see more success if it's not an MDT lead project. Columbia Falls, the Tribe, Missoula tends to have a better chance than MDT. What we're learning is that if we can work together with other entities we have a better chance.

Commissioner Aspenlieder said my understanding is when we're the lead applicant, we're writing these in-house. If we're writing these in-house are we considering seriously having consultants assist in writing and doing the grant application for us instead of our staff doing that. Consultants are much more versed than we are in writing grants and have a much more successful track record than we do doing them internally. I understand your point about having the localities do the lead but I don't

think that chucks our ownership and doesn't mean we're never going to be the lead. When we are the lead we have to be more successful than zero moving forward. Rob Stapley said we have used consultants but not as much as our own staff. We've now engaged consultants to do this work but there is a work load issue there as well. As these come up we have 90 days from the time the notification of funding opportunity is presented to come up with consultants if they have the availability. If they don't we have staff in-house that is focused on this instead of pulling people from different areas. We're trying to become more efficient but we recognize we can't do it all. Commissioner Aspenlieder said I understand it depends on resources but consultants are better versed in these grant applications and the process. Even assisting in the project selection, if we put forward a project that doesn't necessarily match the grant we're chasing then we have zero shot from the get-go and we're wasting everybody's time. I would encourage us to be more aggressive engaging the consultant community who have been highly successful at doing this as opposed to trying to do it on our own.

Rob Stapley said along those lines, on the NSFLQP Grant, we just got notification that it is a successful grant. To your line of thinking, the consultant is the one who put that together. They worked with us to put the information together and they will administer that grant. It is a huge win for us and for the community along Hwy 93 through the Reservation. So your point is very well taken and that is a great example of working with consultants.

Montana Wildlife and Transportation Project Program

Dwane Kailey said we started working with Fish, Wildlife and Parks and a group called Montana Safe Wildlife Passage, an NGO since September 2020. In our efforts we've been able to create a program similar to P3 with the intent that we will open up for NGOs, local governments, tribal governments, and anyone except MDT to submit applications for projects to move into some sort of feasibility analysis. The intent is to garner private funding. The intent would be in the larger projects we would do a feasibility analysis and at the end build a prospectus for NGOs to go out and find entrepreneurs who would want to be philanthropists and donate to these projects. While it sounds a little far-fetched or whacky, we are aware that there are a number of fairly wealthy individuals within the state that want to help. For example, one of the people living in the Paradise Valley happens to be Arthur Blaine, the owner of the Atlanta Falcons. He has a team that is very interested in doing some work along that corridor. There are a number of entrepreneurs that are interested in this. We did open up the application process in May. It is fairly arduous so that we can select the most appropriate project. Unfortunately we did not get any applications but we did hear a fair amount of positive feedback from NGOs across the state who are supportive of the program. We anticipate getting applications when we reopen it in November and or in May of next year. The intent again is to leverage private funding not state MDT funding.

Redistribution

Right now we are hearing from FHWA that there will be another large redistribution coming out to the nation. We only have contract authority for \$30 million. That is what you approved. We hear they will want to give us more but our issue is contract authority. We could take more and put more to work but we don't have the contract authority which has to come from the Congress and right now they are busy with other things. The redistribution outlook is good. We should get more money and we'll put it to work.

The Tech Hub Opportunity

Commissioner Aspenlieder said we've been working with Adam Gilbertson, the Tech Vice President for RDO Equipment for quite a while. Federal EPA now has grant

applications open for regional technology innovation hubs. The long and short of it is Montana and North Dakota are partnering together. Ten of these hubs have to be in rural areas. The partnership between Montana and North Dakota is weak in that the core industry in their state is agriculture and then the construction industry, and mining, and timber in our state. At this point it is setting up that North Dakota would be the hub based out of Fargo for Ag technology development and continued Ag technology development. They are already light years ahead of us with their partnerships with John Deere and Case and other Ag companies. Montana and MSU in Bozeman would be the Montana hub for that and innovation in mining, timber, and construction. The reason MDT got invited to the table is that as they look at innovation and construction technology with companies with Komatsu and CAT and John Deere, they are going to be looking at MDT to provide the ground to do it on. We don't just go build, it is to go build a 60-acre test plot in a field somewhere to test Ag technology but it's hard to go pave a road out in the middle of nowhere that nobody is going to use and get any kind of representation of how it's going to react as they're trying to develop technological advances in construction equipment, construction techniques and things like that. So they are going to be looking at MDT to find projects and allocate portions of projects to test this technology and advances. Those things are a little nebulous right now. I think industry has some ideas on what they would like to bring to bear – some is technique, equipment, and some is both. MDT's role in that is not only providing the space to do it on our highway system but also being an active partner in that process with the R&D teams and with the private sector – to say here is what we're seeing on our systems, here's what we'd like to see. Are there ways in construction methodology that we can increase our operational life? Are there ways that we can build our systems that would reduce maintenance over time? Things like that are important.

There are development components of this also as we bring sensing technology and automated technology to the table that would hopefully over time increase the contractor base. That is another part of this whole process. My take away at this point is they're not actively engaging MDT at this point yet outside of wanting us to be aware and be willing to participate. The participation will come if they are successful in getting the grant. It is a \$500 million grant over 10 years for investment. That investment also has to be matched by the private sector. So you'll have companies like John Deere, Mitsubishi, Komatsu, and CAT, also dumping hundreds of millions of dollars into the pot as we develop these projects and programs to try and advance technology for our state that can then be rolled out to the country. We're going to be asked to engage in the construction part and come to the table with some things we would like to see in our progress.

It puts some onus on you guys as program managers and construction managers to think about what could be improved, what outcomes we would like to see in our systems and then being actively involved in the feedback as these projects are going on. It is going to put pressure on us if they're successful and if we implement these construction projects to be really geared up with feedback in real time to feed that back to the R&D team on what's working in the field and be actively engaged. So it's going to require us to invest some more personnel time as these projects are being rolled out. In general that is the scope of it.

The Chambers of Commerce for both Montana and North Dakota are taking the lead. The University Systems are actively engaged to bring the R&D components working with the private sector. It's an exciting opportunity for investment in our state to lead in some areas where we already have a good lead with that kind of development industry in Bozeman. I think it's a hell of an opportunity for us to really start pushing the envelope and start thinking outside the box on what could be beneficial for us for the next generation of people who live here. I think it's an exciting opportunity. We're not necessarily terribly engaged yet today but we will be moving forward. I think it's a great opportunity for MDT to step into something that wouldn't have traditionally been our role and move things forward.

Commissioner Frazier said years ago we did a test section on I-15 of different pavement types and different base types and then we monitored that and sent the information in. That spirit has always been with Montana in trying to embrace something new. I welcome that opportunity and I think it's a good move to stay involved with current technology. Twenty years ago Montana led the nation in pavement preservation.

I'm very excited to hear this. We brought in front of you one of our teams that was involved in partnership with MSU on high performance concrete. We'd love to partner with you with that kind of backing and funding to look into different techniques. We have some very, very innovative folks within MDT and within our consulting departments. I think this is a great opportunity and hopefully they will be successful and it is something we can partner with.

Commissioner Aspenlieder said the timeline is they are submitting an application on August 15th for early determination. It is a five-page application for early determination. If they are successful in that, it means they will be one of the pack. There's a big follow-up after the first of the year for the whole application. We will know a whole lot more then and we're probably going to get a lot more engagement from those folks as they develop the full application to fill out the components of the construction side that we would want to be working in partnership with industry. Some of this is going to be industries initiative but it's got to be our initiative too as to what we want in our public systems. So this fall you might be getting requests by the Chamber and Adam to come sit at the table with some ideas and some concepts. I think it's a huge opportunity for MDT to move the needle for the taxpayers of Montana and I'm very excited about the opportunity.

Proxy Voting

Commissioner Frazier said I have one item regarding proxy voting. Is the Governor's office totally oppose to that? There are times when Commissioners are traveling. I spend a lot of time going through the information on speed zones and my decision isn't usually made here although I've been swayed a couple of times here but for most of the ones here today we had agreement – they make sense, they follow the principles of the speed study, and the local government agreed with them. I'm asking if proxy voting is completely off the table.

Commissioner Aspenlieder said I would tag onto that, even more importantly during the letting process. We haven't had to cancel a letting because we haven't been able to get a quorum but we've been very close a couple of times. Lori is very good at herding all the cats and gets somebody on the phone from the Lake. Even if proxy voting is allowed for the letting portion of our process that would be a step in the right direction from my perspective.

Commissioner Sansaver said I will defer to the chief legal counsel. Val Wilson said the only information I received back from the Governor's office was no. That doesn't mean we can't take a second run at it. Maybe something this Commission can do is to get to a conditional yes.

Commissioner Aspenlieder said I know it's been a lot of work to try and get a Commissioner for District One but it is the Governor's responsibility to put somebody in that position. The Governor's office has also created the problem we're having right now by not having a full Commission.

Electric Vehicles

Commissioner Frazier said the other item that I have is electric vehicles and the weight of these cars. Does FHWA have guidelines on this? Are they going to be

coming out with new guardrail standards? We went over our project yesterday and we're replacing 7.5 miles of guardrail because it needs three loops instead of two loops. Back in my day we replaced W-beam stuck on sticks with Jersey barrier because it was going to last longer. I'm just afraid that we will have these electric vehicles that weigh a third to twice more than a standard vehicle hitting the guardrails. Are we going to be looking at new guardrail standards and have to replace guardrail everywhere? That's a concern I have in looking at the money we have and our infrastructure and safety being important. Those cars weigh a lot.

Director Long said though it was really hard to do all the travel to go to an island in the middle of the south pacific we soldiered through but one of the things that came out of that meeting is AASHTO is looking at revisiting the guardrail standards. That was brought up by many rural states not just Montana. There were at least 10 states that said we've been through this and how do we do this as a nation. That is why AASHTO said they will do a nation-wide study and revisit guardrails. You are spot on.

Dustin Rouse said also the center of gravity on an EV is quite a bit different than a standard vehicle. It is something they are looking at. One thing that was brought up in the Chief Engineer's discussion is that we're so much more technologically advanced than we were. We're to a point that we can simulate these crashes and not have to actually run cars into barriers anymore. The technology is there. So they are looking at whether we can just simulate weights and model these crashes instead of physically doing them. It could definitely have an impact on us if we have to replace our barriers.

Construction – Delay Times for Traffic

Commissioner Sansaver said I was told the specifications for contractors letting traffic through construction areas is fifteen minutes. All over the state, not just my area, for example over in Culbertson they go 35-40 minutes with these lights. I've been getting a lot of phone calls asking why we're not following the law even though it's a spec. However, it is occurring throughout the state of Montana. Is there any way that we can get back to all the district administrators, and not just me calling Shane and say speed it up. Is there any way we can get back to the line? Is that spec outdated? Maybe Val can tell me the meaning of the law versus a spec so I can pass that onto the folks of northeast Montana.

Dustin Rouse said it is not a law but it is a specification that contractors have to follow. That is in the contract so they have to follow our specification. It happens occasionally that it is longer than 15 minutes because things happen in construction and we have to delay traffic for longer but it should be the exception not the norm. It shouldn't be consistently that long or longer. If you're getting those calls please pass them on to me and I'll pass them down the chain. That shouldn't be happening across the state and certainly 45 minutes is excessive. That shouldn't be.

Commissioner Sansaver said the contractors are taking the exception to it because nobody is saying anything and then stretching it to 30 minutes. I received a call from Culbertson saying somebody sat there for 45 minutes at one of the lights. Is that an exception or is that becoming the norm? I am passing it on to you right now. Dustin Rouse said I will send a message to all of the district construction folks to let our contractors know this too. We will remind our contractors that this isn't acceptable and isn't allowed. Commissioner Sansaver said make sure they know it's coming from the Commission. It's starting to get ridiculous out there. Commissioner Frazier said I'd ask them if it was a true 45 minutes. Commissioner Sansaver said I don't know for sure. I told the people calling me that I'd bring it up at the Commission meeting.

Agenda Item 23: Change Orders March & April 2023

Jake Goettle presented the Change Orders for March & April 2023 to the Commission. This is informational only. The summary is a little higher than normal. I'll touch on the Timber Bridge project in the Glendive District which is a Design Build. We had 13 structures in the original solicitation but we pulled two out during the advertisement phase because we had some challenges with those. We pulled them out for a consistent proposal and bidding process and now we're adding them back in. So it's adding two additional structures to the contract. They were originally planned to be in the contract so this is just adding them back in.

Commissioner Aspenlieder said when you took them out, what was the Engineers Estimate before we awarded the contract? Are we adding these in at a much higher rate than what we awarded the contract on? Jake Goettle said I don't know the exact dollar amount of the estimate at the time or what they came in at. I do know we had a lot of numbers to compare these to and we believe these are good prices because they match up with the original prices. I think we're okay but I can get specific numbers if you would like to see that. Commissioner Aspenlieder said I don't think we need to go to that level. I don't like it that much because it feels like we're skirting around the process of the engineers estimate and making sure we're staying consistent. I get it and sometimes there are exceptions to the rule but it is not the preferred process for us.

Agenda Item 24: Letting Lists

Jake Goettle said we just presented the upcoming Letting List for your information. The handout shows the letting for next week.

Agenda Item 25: Award Policy

Dustin Rouse presented the Award Policy to the Commission for information only. Lori Ryan said this is actually the policy that we've looked at before. We determined that some of our procedures were inconsistent with the policies. Basically several Commission procedures are decades old and this is one we feel needs to be reviewed by you. At the next meeting we will need a formal action from you to update this policy. It is adding in the new contracting methods and modifying the dates for when we present them to you. These are some things we would like to have flexibility on bringing contingency projects in.

Commissioner Aspenlieder asked if we changed any of the Commission considerations on percent over engineer's estimate, did those values all stay the same. Dustin Rouse said we did not make any changes to that.

Off System Bridges Update

Commissioner Aspenlieder asked Dustin Rouse to give an update on the HDR study on the off system bridges. Dustin said I've been heavily involved with that group. The strike force is a partnership between MDT and MACO. We have a list of candidate projects.

Ryan Dahlke said the list of bridges has been essentially completed. I say essentially because it is a living document as new load postings and new damages happen to bridges. The list has been completed. We have around \$2.5 million ready to hit the ground with a little bit of analysis for the exact structure. We also have the Strike Force Team which consists of myself, a bridge engineer, and two representatives from MACO with HDR as a Technical Advisor. We will take a look at this entire list and our action board will work with MACO to get quick fixes on the ground either

by MACO representatives, the counties and MDT pursuing discretionary grants. We have a couple on the table right now that we will be looking at very hard and coming out with recommendations for those applications in addition to SB 536 which provided state money to MDT for new types of projects but will essentially be targeted to off-system bridges. We will be going through the selection process with MACO to determine which bridges get advanced.

The goal remains the same as it was last fall that we're going to have quick fixes on the ground this year. We've already succeeded in that because the counties have taken that list and developed it early and actually implemented some of the recommendations on their own. We also want program replacements this calendar year which we are on track for and decisions for discretionary grants. We're advancing quickly and we are right on target for what we planned on doing.

Commissioner Aspenlieder asked that they keep it on the agenda throughout the year for updates. Ryan Dahlke said he would do that.

Dustin Rouse said back to your previous question on putting together grant proposals. We are leaning on HDR because they've done this in a lot of different states to assist in making it better and more competitive. So we are certainly leveraging their national expertise.

Farewell to Val Wilson, Chief Legal Counsel

Jim Wingerter said from the Great Falls District I would like to say thank you to the Commissioners for the work you do. Thank you for the challenging and question, comments, and keeping us in line. Thank you for the work that you do with MDT. I know how much care Commissioner Sansaver shows to the folks of Montana. The work you folks are doing is very much appreciated by the districts and all of MDT thanks you for that. Thank you for keeping us on our toes. I want to also thank Val Wilson from the Districts for all you've done for us. It's been an honor.

Commissioner Frazier gave Val Wilson best wishes in the future. Thank you for all you've done. It's been wonderful working with you again. We will miss you.

Val Wilson said I want to thank you for your kind words and your well wishes. I'm really grateful for serving as Counsel for the Commission; it has been the highlight of my time with MDT to serve with you. I appreciate your determination, your grace, and your humor with which you approach challenges. I celebrate your successes and I will definitely miss you.

Commissioner Sansaver said we are going to miss you too. I want to echo the Chairman's comments about all the work you've done. There's been so many times since I've been on the Commission that the work you've done in keeping us out of trouble and assisting us when we overstep our boundaries. I know we had a tough situation with one of the Commissioners prior and you got that under control and you did it very gracefully. I want to say how much I appreciate the work you've done for us in the past number of year I've been here. Thank you and good luck to you and hope to see you again some time.

Thank You to the Commission

Director Long said I'm always grateful for the Commission's time to come and tour the district. It's an extra day and we appreciate your time and your engagement. Thank you to the District Administrator for having a wonderful tour. We got to see beautiful country. Commissioner Sansaver also thanked him and said you did a great job.

Next Commission Meetings

The next Commission Conference Calls were scheduled for July 11, 2023, August 1, 2023, and August 22, 2023.

The next Commission Meeting was scheduled for August 24, 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