

Montana Transportation Commission

**March 14, 2019 Meeting
Commission Room
2701 Prospect Avenue
Helena, Montana**

IN ATTENDANCE

Barb Skelton, Transportation Commission Chair
Greg Jergeson, Transportation Commissioner
Noel Sansaver, Transportation Commissioner (by phone)
Tammi Fisher, Transportation Commissioner (by phone)
Mike Hope, Transportation Commissioner (excused)
Mike Tooley, Director MDT
Pat Wise, Deputy Director MDT
Dwane Kailey, MDT Engineering
Lori Ryan, Commission Secretary
Dustin Rouse, MDT
Val Wilson, MDT
Lynn Zanto, MDT
Kevin Christensen, MDT
Kevin McLaury, FHWA
Carl Seilstad, Fergus County Commissioner
Chris Hoffman, Ravalli County Commissioner
Jerry Jimison, Mayor, City of Glendive
Gerald Reichert, City of Glendive

Please note: the complete recorded minutes are available for review on the commission's website at https://www.mdt.mt.gov/pubinvolve/trans_comm/meetings.shtml. You may request a compact disc (containing the audio files, agenda, and minutes) from the transportation secretary Lori Ryan at (406) 444-7200 or lryan@mt.gov. Alternative accessible formats of this document will be provided upon request. For additional information, please call (406) 444-7200. The TTY number is (406) 444-7696 or 1-800-335-7592.

OPENING – Commissioner Barb Skelton

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

Approval of Minutes

The minutes for the Commission Meetings of October 2, 2018, October 23, 2018, October 24, 2018, November 5, 2018, November 27, 2018 and December 21, 2018 were presented for approval. Commissioner Jergeson referred to the October 24, 2018 Minutes on Page 9 regarding the presentation by Socrata. I don't remember asking about the approach, I don't believe that was me. To the new Commissioners, when you get these documents, it is really important to go through the minutes because the system that records the meeting and is followed up by Lori's notes is quite detailed in our discussions and is very valuable. The discussion with Socrata was recorded and was very valuable. I would like to bring to the attention of our new Commissioners that in a lot of meetings, the minutes aren't something we worry too much about but these are very educational and I would recommend you read them. Lori and those she works with do a tremendous job in getting very good minutes. I won't ask for an amendment on these. Commissioner Fisher said the minutes were very thorough and very helpful in informing me how the Commission proceedings go.

Commissioner Jergeson moved to approve the minutes for the Commission Meetings of October, 2, 2018, October 23, 2018, October 24, 2018, November 5, 2018, November 27, 2018, and December 21, 2018. Commissioner Fisher seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item 1: Local Construction Projects on State Highway System – Local Forces
City of Kalispell, City of Sidney, Ravalli County**

Lynn Zanto presented the Local Construction Projects on State Highway System – Local Forces, City of Kalispell, City of Sidney, Ravalli County 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, project transportation investments, and encourage better coordination between state and local infrastructure improvements. MDT staff reaches out to local governments to solicit local projects on state systems to ensure compliance with this statute.

Summary: The City of Kalispell, the City of Sidney and Ravalli County are planning to design and build transportation improvement projects on the state highway system. The projects will be funded locally and will utilize local forces for construction. These projects will be designed with input and concurrence from MDT staff to the extent practicable.

The City of Kalispell, the City of Sidney and Ravalli County will assume all maintenance responsibilities associated with new project elements. Thus, MDT will not incur additional liability or maintenance costs as a result of the proposed projects.

On behalf of the local governments, as required by MCA 60-2-110, staff requests that the Transportation Commission approve the local projects listed below.

Location	Type of Work	Cost (estimate)	Fiscal Year	Type of Labor
Oregon Street (U-6719), from Main Street to 4 th Avenue East, in Kalispell	Mill & Fill	\$300,000	2019	Local
Woodland Park Drive (U-6729), from US-2 to Conrad Complex Entrance, in Kalispell	Mill & Fill	\$100,000	2019	Local
12 th Ave SW (U-10403), from Main Street to 5 th Street SW, in Sidney	Mill & Fill	\$75,000	2019	Local
Westside Road (S-531), southwest of Hamilton, in Ravalli County	Culvert Upgrades	\$80,000	2019	Local

Staff recommends the Commission approve these improvements to the state highway system, pending concurrence of MDT’s Chief Engineer.

Commissioner Jergeson moved to approve the Local Construction Projects on State Highway System – Local Forces, City of Kalispell, City of Sidney, Ravalli County. Commissioner Fisher seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item 2: Local Construction Projects on State Highway System – Contract Labor
City of Billings, City of Missoula**

Lynn Zanto presented the Local Construction Projects on State Highway System – Contract Labor – City of Billings, City of 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, project transportation investments, and encourage better coordination between state and local infrastructure improvements. MDT staff reaches out to local governments to solicit local projects on state systems to ensure compliance with this statute.

Summary: The City of Billings and the City of Missoula are planning to design and build transportation improvement projects on the state highway system. The projects will be funded locally and will utilize local forces for construction. The projects will be designed with input and concurrence from MDT staff to the extent practicable.

When complete, the Cities will assume all maintenance responsibilities associated with new project elements. Thus, MDT will not incur additional liability or maintenance costs as a result of the proposed projects.

On behalf of the local governments, as required by MCA 60-2-111, staff requests that the Transportation Commission delegate authority to the City of Billings and the City of Missoula to let and award contracts for the projects listed below.

Location	Type of Work	Cost (estimate)	Fiscal Year	Type of Labor
King Avenue (N-111), from 32 nd Street West to the BBWA Canal, in Billings	Overlay	\$300,000	2019	Contract
King Avenue (N-111), at the 24 th Street West Intersection, in Billings.	Signal Upgrades	\$200,000	2019	Contract
South Avenue (U-8120), from Higgins Avenue to Arthur Avenue, in Missoula	Mill & Fill with ADA Upgrades	\$1,000,000	2019	Contract

Staff recommends that the Commission approve these modifications to the state highway system and delegate its authority to let, award, and administer the contracts for these projects to the City of Billings and the City of Missoula – pending concurrence of MDT’s Chief Engineer.

Commissioner Jergeson moved to approve the Local Construction Projects on State Highway System – Contract Labor – City of Billings and City of Missoula. Commissioner Fisher seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item 3: Construction Project on State Highway System
Countryside Estates Subdivision, Kalispell**

Lynn Zanto presented the Construction Project on State Highway System, Countryside Estates Subdivision, Kalispell 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, project transportation investments, and encourage better coordination between state and local infrastructure improvements. MDT staff reaches out to local governments to solicit local projects on state systems to ensure compliance with this statute.

Countryside Estates Subdivision – Kalispell

The developer for Countryside Estates is proposing modifications to MT-35 (P-52) near Kalispell to address traffic generated by their new subdivision. Proposed improvements would include the construction of a new approach and installation of a left-turn lane on MT-35.

Flathead County has given preliminary approval for improvements at this location. Additionally, MDT headquarters and Missoula District staff have reviewed and concur with the recommended improvements.

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

Summary: The developer for Countryside Estates is proposing modifications to the Primary Highway System to address traffic generated by their new subdivision. Specifically, the developer is requesting to construct a new approach and install a left-turn lane on MT-35 (P-52) near Kalispell.

Staff recommends that the Commission approve these modifications to MT-35, pending concurrence of MDT's Chief Engineer.

Commissioner Fisher said anyone who has driven this stretch knows that this improvement is needed.

Commissioner Fisher moved to approve the Construction Project on State Highway System, Countryside Estates Subdivision. Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 4: Construction Project on State Highway System, MT 35 Shared Use Path - Billings

Lynn Zanto presented the Construction Project on State Highway System, MT 35 Shared Use Path – Billings to the Commission. Under MCA 60-2-110 “Setting priorities and selecting projects,” the Commission shall establish priorities and select and designate segments for construction and reconstruction on the national highway system, the primary highway system, the secondary highway system, the urban highway system, and state highways. This statute exists to ensure the safety of our system, project transportation investments, and encourage coordination on public and private infrastructure improvement projects that impact MDT routes.

MT-3 Shared Use Path – Billings

Billings Trailnet is proposing a new shared use path along the southern edge of MT-35 (N-53) in Billings. The proposed path would connect to an existing asphalt trail at the intersection of Airport Road and North 27th Street (near Logan International Airport) and terminate near the intersection of MT-35 and Zimmerman Trail. The total length of the proposed path is 2.9 miles.

MDT headquarters and Billings District staff have reviewed and concur with the recommended improvements. Billings Trailnet will be responsible for providing 100 percent of project funding. The City of Billings will be designing (and constructing) the project and will be required to complete MDT's design review and approval process (to ensure that all work complies with MDT design standards).

The City of Billings will also be responsible for all maintenance activities (and maintenance costs) associated with the new shared use path.

Summary: Billings Trailnet is proposing a new shared use path along the southern edge of MT-35 (N-53) in Billings. The shared use path would begin at the intersection of Airport Road and North 27th Street (near Logan International Airport) and end at the intersection of Zimmerman Trail and MT-35.

Staff recommends the Commission approve these modifications to MT-35, pending concurrence of MDT's Chief Engineer.

Commissioner Skelton asked if it connects where the walk-under is. Lynn said it is all a connected system.

Commissioner Jergeson moved to approve the Construction Project on State Highway System, MT 35 Shared Use Path – Billings. Commissioner Fisher seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 5: Construction Project on State Highway System Highland Boulevard Traffic Signal – Bozeman

Lynn Zanto presented the Construction Project on State Highway System, Highland Boulevard Traffic Signal – Bozeman 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, project transportation investments, and encourage coordination on public and private infrastructure improvement projects that impact MDT routes.

Highland Boulevard Traffic Signal – Bozeman

The contractor for Bozeman Health Deaconess Hospital is proposing modifications to Highland Boulevard (U-1215) to address traffic generated by expansion of their facility. Proposed improvements would include the installation of a new traffic signal (with associated pedestrian features) at the intersection of Highland Boulevard and Ellis Street.

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

Bozeman Health Deaconess Hospital 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). The City of Bozeman will assume all maintenance responsibilities associated with the new signal. Thus, MDT will not incur additional liability or maintenance costs as a result of the proposed project.

Summary: The contractor for Bozeman Health Deaconess Hospital is proposing modifications to Highland Boulevard (U-1215) to address traffic generated by expansion of their facility. Specifically, the contractor is requesting to install a new traffic signal (with associated pedestrian features) at the intersection of Highland Boulevard and Ellis Street.

Staff recommends the Commission approve these modifications to Highland Boulevard, pending concurrence of MDT's Chief Engineer.

Commissioner Jergeson moved to approve the Construction Project on State Highway System. Highland Boulevard Traffic Signal – Bozeman. Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 6: Highway Safety Improvement Program – Railroad Crossing Relocation Project, Wibaux

Lynn Zanto presented the Highway Safety Improvement Program – Railroad Crossing Relocation Project, Wibaux 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.

In recent years, a crash trend has developed at a railroad crossing on Old Highway 10 (Truck Route Road) near Wibaux. To mitigate crashes at this location, MDT is proposing to move the railroad crossing 1000 feet (to the west) and install lights and gates at the new crossing. The intent of the project is to reduce the likelihood of vehicle/train collisions via improvements to crossing geometrics and signalization.

The estimated total cost for all project phases is \$1,400,000 (\$1,260,000 federal + \$140,000 state match) – with the entirety of the federal funding originating from the Highway Safety Improvement (HSIP) Program.

Summary: MDT is requesting Commission approval for a project to relocate a railroad crossing on Old Highway 10 (Truck Route Road) near Wibaux. The proposed project is consistent with the goals and objectives identified in the Performance Programming (P3) Process – as well as the policy direction established in TranPlanMT. Specifically, traveler safety will be enhanced with the addition of this project to the HSIP program. The estimated total cost for all project phases is \$1,400,000.

Staff recommends the Commission approve the addition of this HSIP project to the highway program.

Commissioner Jergeson said by moving this crossing 1000 feet there is no longer a direct route across the railroad on 10th; the motorist will have to make a left turn, cross the railroad, make a right turn to get back on the route. Lynn said that is correct. There is a map attached to your Agenda Item and you can see that the problem with the turn is site distance issues. We feel that this design will be safer overall and insure that will help. Dwane Kailey said right now traffic is coming into the railroad at an angle askew which means they are not perpendicular so their site line is challenged. We are proposing to bring that crossing back so they can come into it at a right angle so they can look left or right to see if a train is coming. Commissioner Jergeson said it doesn't show on the map. Dwane Kailey said the dashed portion of the map is the section of roadway we're eliminating. By bringing it back to the left, we are allowing the distance so a vehicle can actually come into the railroad perpendicular to it rather than askew. Commissioner Jergeson said you are actually shortening the route. Dwane said that is correct.

Commissioner Fisher asked if there was a count of how many accidents per year over the last 10 years. Lynn Zanto said she did not have that number but we can get it for you. Commissioner Fisher said I was wondering how these projects are identified, are they identified based upon the traffic hazard itself or the number of accidents that have occurred there and fatalities. Dwane Kailey said we do a benefit/cost ratio. We

take the benefit, i.e., the crashes that would be eliminated versus the cost of the construction project we're proposing and that has got to be greater than one. We actually score that against other projects. When you do your orientation, we will walk you through that and show you how the safety program works. We have all the crash data but we don't have it here right now.

Commissioner Jergeson asked if there was any public comment received from Wibaux or any of the folks who use this route. Lynn said she was sure the District Administrator has heard on this route. Dwane said typically we start out talking with the Railroad to make sure they are okay with what we're proposing. Then once you approve the project, we'll start our public involvement phase and notify the public and get their comments at that point. Lynn said we posted it prior to our meeting and have it on our website and we have not received anything at this point. Commissioner Jergeson said he only asked because on Hwy 2 between there and Zurich there is going to be an issue about moving the crossing, so I want to know how the public gets engaged in the process.

Commissioner Sansaver moved to approve the Highway Safety Improvement Program – Railroad Crossing Relocation Project, Wibaux. Commissioner Jergeson seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 7: Glendive District Pavement Preservation Projects
D4 Crack Sealing – North
D4 Crack Sealing – South

Lynn Zanto presented the Glendive District Pavement Preservation Projects, D4 Crack Sealing – North and D4 Crack Sealing – South 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 National Highway System (NH) Program finances highway projects to rehabilitate, restore, resurface, and reconstruct non-Interstate routes on the National Highway System. Montana's Transportation Commission allocates NH funds to MDT Districts based on system performance.

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

The Surface Transportation Program- Secondary (STPS) finances highway projects on 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).

The Glendive District is proposing a crack sealing project for several segments of Interstate, NHS, Primary and Secondary routes within District 4. If approved, it would be MDT's intention to advance two separate projects for construction – one in the northern portion of District 4 and one in the southern portion of the District.

The estimated total cost for all project phases is \$1,402,000 (\$1,218,000 federal + \$184,000 state match) – with the federal funding originating from the Interstate (IM), National Highway (NH), Primary (STPP) and Secondary (STPS) programs.

Summary: MDT is requesting Commission approval of two crack sealing projects in the Glendive District. The estimated total cost for all project phases is \$1,402,000.

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

Interstate Maintenance (IM)	\$ 90,000
National Highway System (NH)	\$ 584,000
Primary System (STPP)	\$ 536,000
Secondary System (STPS)	<u>\$ 192,000</u>
	\$1,402,000

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

Staff recommends that the Commission approve the addition of these Glendive District pavement preservation projects to the highway program.

Commissioner Jergeson asked if these would be let as one project or two projects or ten projects. Lynn Zanto said it could vary. I don't know that we intend to do it all together. Dwane Kailey said as we design them we'll look at availability of contractors and any other issues. We could let them as one or three or four; most likely you'll probably see two. The way they have it set up right now is Glendive cracks in the north and then Glendive crack sealing south; so most likely we're planning on two right now.

Commissioner Jergeson moved to approve the Glendive District Pavement Preservation Projects, D4 Crack Sealing – North and D4 Crack Sealing – South. Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item 8: Bridge Program Projects
Additions to NHPB and STPB
(7 New Projects)**

Lynn Zanto presented the Bridge Program Projects – Additions to NHPB and STPB (7 New Projects) to the Commission. MDT's Bridge Bureau reviews bridge conditions statewide and provides recommendations for construction projects to be added to the Bridge Program. At this time, the Bridge Bureau recommends adding five (5) projects to the Surface Transportation Bridge (STPB) Program and (2) projects to the National Highway Performance Bridge (NHPB) Program.

Project information is shown on Attachment A. If approved, it would be MDT's intention to let these projects individually. The estimated total cost for all project phases is \$15,300,000 (\$13.4M federal + \$1.9M state).

Summary: MDT is requesting Commission approval to add five (5) projects to the Surface Transportation Bridge (STPB) Program and (2) projects to the National Highway Performance Bridge (NHPB) Program.

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

Surface Transportation Bridge (STPB) Program	\$ 4,700,000
National Highway Performance Bridge (NHPB) Program)	<u>\$ 10,600,000</u>
	\$ 15,300,000

The proposed projects are consistent with the goals and objectives identified in the Performance Programming Process (P3) 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 Bridge Program.

Staff recommends the Commission approve the addition of these projects to the Bridge Program.

Commissioner Jergeson moved to approve the Bridge Program Projects – Additions to NHPB and STPB (7 New Projects). Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 9: Montana Rest Area Plan

Lynn Zanto presented the Montana Rest Area Plan to the Commission. Montana’s Rest Area Plan, which provides the statewide vision for MFT’s Rest Area Program, was formally adopted by the Transportation Commission on January 29, 2015. The Rest Area Plan offers comprehensive guidance for addressing needs associated with Montana’s full-time rest areas, seasonal rest areas and truck parking facilities.

Beginning in 2009, MDT initiated changes to the Rest Area Program in order to facilitate more efficient delivery of Rest Area projects. First, a dedicated annual funding source was reserved solely for Rest Area projects. Second, the Statewide Rest Area Prioritization Committee was formed to assist with implementing asset management strategies and establishing project priorities. Lastly, research was conducted to support the various aspects of Rest Area planning and design.

Though still evolving, MDT’s Rest Area Planning efforts have demonstrated effectiveness in meeting public expectation for rest areas in the most efficient manner possible. MDT annually updates technical changes to the Rest Area Planning Map (Attachment A) that are necessary to reflect developments since the last review. These changes are consistent with the guidance of the Commission-approved Rest Area Plan.

Summary: As part of the Rest Area Plan, MDT is providing a map (Attachment A) noting the location and status of Rest Areas and Parking Areas statewide. Per the Rest Area Plan, this map is updated annually to provide a Rest Area status report to the Transportation Commission.

The proposed update to the Rest Area Planning Map is consistent with the goals and objectives identified in the Performance Programming Process (P3) as well as the policy direction established in TranPlanMT. Additionally, the Rest Area Plan Map aligns with the State of Montana’s Vision Zero safety initiative as well as MDT’s ADA Transition Plan. Lastly, the plan is consistent with key elements of the FAST Act emphasizing the safe operation of passenger vehicles and trucks hauling freight.

Staff recommends the Commission approve the updates to the Montana Rest Area Planning Map.

Commissioner Jergeson asked about Gold Creek, which used to have a state-maintained rest area but is now closed. Is that going to be rehabilitated as a non-

MDT maintained parking area? Lynn Zanto said that is correct. When we upgraded Bearmouth, part of what our Rest Area Plan lays out is criteria for our rest areas and one is spacing. Our research has shown that about an hour of travel time is how your rest areas should be spaced. Because of the close proximity of Gold Creek to Bearmouth, we evaluated Gold Creek and determined to keep it as a parking area. We don't need the facility which had issues as well.

Commissioner Jergeson said looking at the Conrad and Teton River, apparently the rule about trying to stay 70 miles between Rest Areas was decided after 2012. Wasn't that built in 2012? Lynn Zanto said yes, I believe that Conrad was a Rest Area where Congress directed fund toward. We do look at it, and sometimes there may be a reason to leave them but we're really trying to work towards achieving that hour spacing. Commissioner Jergeson said he was just up in Conrad for the semi-annual meeting of local government people, and while I was up there one of the City Fathers was bragging about having gotten the funding for that particular project. It clearly does not fit in the scheme of 70 mile spacing. Lynn Zanto said that funding directed by Congress was directed to us when SAFETEA LU passed which was around 2004-2005. A lot of times what happens with Congressionally-directed funds is they give us some funding but not all the funding and that is why it takes a while to deliver because we have to figure out how to get the rest of the funding to meet the intent of Congress.

Commissioner Skelton asked if Roberts was going to be redone this year; it has 2019 on the map. Lynn said that is correct. Kevin Christensen said it will be built next year but let later this year. Commissioner Skelton said it will be let in 2019 but reconstructed in 2020.

Commissioner Sansaver said there seems to be about 120-mile distance between Vandalia and Culbertson. There was a rest area planned in the Wolf Point area 10 years ago and the construction was started on it. What is the problem with that Rest Area? Lynn Zanto said we do have gaps on US2 in the spacing. We currently have hired a Consultant to look at US2 and see where the best opportunities are for addressing some of the gaps. That study is underway. In terms of the Rest Area proposed at Wolf Point, I don't have specifics on that but I can check it out and get back to you. Commissioner Sansaver said I know it was planned some 10 years ago and they did start construction but didn't have state approval at the time for the access to it. I'm just following up on that and maybe we can talk about it at another time. Lynn said she would see what she could find out and get back to you.

Commissioner Sansaver moved to approve the Montana Rest Area Plan.
Commissioner Jergeson seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 10: Speed Limit Recommendation MT 35 – Zimmerman Trail

Dwane Kailey presented the Speed Limit Recommendation for MT 35 – Zimmerman Trail to the Commission. I will do a quick fly over of speed studies and the Commission's authority for the new Commissioners. When we do the orientation, I'll go into more detail. Speed studies are covered under MCA, Section 61-8-309. It specifically says the Commission must base their decision on an Engineering and Traffic Investigation. It does not say that the Commission must go with that recommendation but it must base their decision on that recommendation. That is very key. What I'm trying to get at is, while the Chief Engineer is going to highly encourage you to stick to our recommendation, you are not bound by statute to stick to that recommendation. The reason for that is we actually did a research project to look at what happens when we set speed limits outside of the engineering

recommendation and we found that within five miles per hour, we couldn't see a huge issue. Compliance was fairly decent and we didn't see an uptick in crashes. What happens is the further we get away from the recommendation, i.e., 10 mph, we did see a drop in compliance and we saw an uptick in fatal and injury crashes. Where it really got scary is when we got to 15+ mph outside the recommendation; we saw the compliance drop very low and at the same time we saw the injury crashes increase. All that was based on lack of enforcement. As the sitting Commissioners know, one of the things we've typically done, if the Commission looks at setting the speed limit outside of the engineering recommendations, we look to the local government to typically advocate for that to provide or help with providing enforcement. Enforcement does help compliance but it also is very challenging given the limited law enforcement resources out there.

This is a speed limit recommendation for MT 35 around Zimmerman Trail. As everyone knows we're in the process of completing the roundabout. We were requested to look at a location of the sign. The sign actually coincides very closely with the roundabout. Staff looked at it and recommend moving the speed zone about 660 feet. While that may seem trivial, it is outside of your previous recommendation so we're bringing it back to you for review and approval. Staff is recommending:

A 50 mph speed limit beginning at milepost 3.54 (as previously approved west of the Airport Rd roundabout) and continuing west to milepost 6.50 (station 101+29 on project NH-HSIP-G 53-1(34)6 or 100 feet west of Zimmerman Park approach), an approximate distance of 2.96-miles.

With that, we would recommend approval. We did send this to Yellowstone County and City of Billings and have their concurrence.

Commissioner Skelton said it is really confusing where the sign is right now and I talked with Stefan immediately and he said this is the way we have to go about moving that sign. I've had a lot of people call me on this so I concur with moving it.

Commissioner Sansaver moved to approve the Speed Limit Recommendation for MT 35 – Zimmerman Trail. Commissioner Fisher seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 11: Speed Limit Recommendation MT 43 – Big Hole Valley

Dwane Kailey presented the Speed Limit Recommendation for MT 43 – Big Hole Valley to the Commission. We were looking at a distance along MT 43 of about 14 miles. We did exempt out the communities of Wise River, Dewey, and Divide because they already had special speed limits approved by the Commission. We looked at the traveling speeds, the crash history, and it is our recommendation to set a speed limit as follows:

A base line speed limit of 60 mph / Trucks Night 55 mph beginning at milepost 64.25 west of Wise River and continuing east to Interstate 15, an approximate distance of 13.7-miles. This speed limit does not apply to those segments specific to the communities of Wise River, Dewey and Divide.

We sent this to both Beaverhead County and Butte Silver Bow County officials. We got concurrence from Beaverhead County but received no comment from Butte Silver Bow. Staff recommends approval.

Commissioner Jergeson moved to approve the Speed Limit Recommendation for MT 43 – Big Hole Valley. Commissioner Fisher seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 12: Speed Limit Recommendation MT 43 – Dewey

Dwane Kailey presented the Speed Limit Recommendation for MT 43 – Dewey to the Commission. As mentioned earlier, we exempted Dewey out of the previous speed recommendation because there were special speed zones for Dewey and Wise River. However, when we looked at the special speed limit for Dewey, there was some contradiction between what was approved and where the signs were placed. We reviewed it and we're bringing it back to the Commission for your concurrence. Based on our review we are recommending:

A 45 mph speed limit beginning at straight-line diagram station 28+00 (1,000 feet east of the intersection with Quartz Hill Road) and continuing east to station 47+00, an approximate distance of 1,900 feet.

This has been presented to Beaverhead County and their concurrence is attached. We recommend approval.

Commissioner Sansaver moved to approve the Speed Limit Recommendation for MT 43 – Dewey. Commissioner Jergeson seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 13: Speed Limit Recommendation MT 43 – Wise River

Dwane Kailey presented the Speed Limit Recommendation for MT 43 – Wise River to the Commission. As mentioned earlier, when we were doing the MT 43 investigation we identified some discrepancies in Wise River. In reviewing that we are recommending the following:

A 50 mph speed limit beginning at straight-line station 34+00 (1,500 feet west of the Smart Creek Bridge) and continuing east to station 44+00, an approximate distance of 1,000 feet.

A 40 mph speed limit beginning at straight-line station 44+00 (500 feet west of the Smart Creek Bridge) and continuing east through Wise River to station 71+50, an approximate distance of 2,750 feet.

A 50 mph speed limit beginning at straight-line station 71+50 and continuing east to station 85+00, an approximate distance of 1,350 feet.

We have presented this to Beaverhead County and their concurrence is attached. Staff recommends approval.

Commissioner Jergeson asked about the school zone at 30 mph. Dwane Kailey said it is not shown on the map appropriately. I can correct that and get it to you.

Commissioner Jergeson moved to approve the Speed Limit Recommendation for MT 43 – Wise River until the April meeting. Commissioner Fisher seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item 14: Speed Limit Recommendation
US 87/MT 200 – Lewistown West,
US 191 (P-75) – Lewistown Truck Bypass**

Carl Seilstad, Fergus County Commissioner

Madam Chair and members of the Commission, thank you for allowing me to speak today. First of all, we would like to thank the Commission for doing the speed zone study on US 87/Hwy 200 West and the Lewistown Truck Bypass. I handed out packets to most Commissioners, which has our recommendations. I will say we've had quite a few speed zone studies done in Fergus County and we've always gone with the department's recommendations. However, in this one we would like to offer some other suggestions if we may.

As you know Lewistown is growing to the west and this would be a map of US 87/Hwy 200. Right now, I believe the state is recommending a 45 mph speed limit from this location right here (referring to map) just out of town to so many feet past H Street. Right now, the City of Lewistown is gearing up to run water and sewer line down H Street because there is a new grocery store going in. That is an additional business with all of the other businesses along US 87/Hwy 200. So the state is recommending 55 mph from this point (referring to map) to the intersection. I wasn't quite sure if Section 320 was at the intersection. I guess Fergus County's recommendation is to carry the 45 mph speed limit all the way to the intersection.

If you look at the last two pages of your handout, this happens quite frequently, people come to that intersection and shoot through the intersection and end up in Lewistown Rental. It happens quite frequently. Also in the packet, we had a public meeting after we got the department's recommendations and we have several letters in the packet from people wanting the speed reduced a little further than the state's recommendation. There is also a letter from Sargent Grover, Montana Highway Patrol, supporting our recommendation and also one from our Sheriff. So that is our recommendation on US 87/Hwy 200.

Then if we wanted to talk about the Truck Bypass, again I don't know where the state started the 55 mph speed limit. Is it right at the intersection or before? Right here, about 1,000 feet up from the intersection there is a green sign that says Truck Bypass in so many feet. We had recommended carrying that 45 mph speed limit from there all the way to where the 45 mph is at right now. Right now the 45 mph speed limit starts right here (referring to map) and then turns into 60 mph. The state's recommendation is 55 mph from there to that intersection. Again these business right here, there's a lot of truck traffic coming in – there's an approach right here that goes to a construction company right here, plus all these residents down here. That is the reason we recommended 45 mph. Also when you come off the highway, the off-ramp speed is marked at 45 mph, so we figured if they are going 55 mph as the state is recommending, then they would have to slow down to 45 mph for the off ramp into Lewistown.

The other part I'm not sure we can do anything with. In the last paragraph of our letter, we have these businesses west of town – a new Ag business and a welding business. At 70 mph down there, Upper Cottonwood Creek gets a lot of traffic on it, not only because of these two business but there are a lot of residences down here (referring to map). We had a group of high school kids turn in front of a pickup pulling a horse trailer and it killed two of the girls. We were hoping we could get a 55 mph from right before this business to where we recommend the 45 mph speed down here. I'm not sure we can do this because it is outside of your study, so it might

have to be done in a different study. Basically our recommendation is 45 mph on this route and 45 mph on the other route. Commissioner Skelton asked if they wanted the department to do the study. Carl Seilstad said yes, allow the department to do a study on this one. Like Sargent Grover said in his letter, “the speed might not prevent the accidents but it might help with the severity of them.”

Commissioner Skelton asked if the new Commissioners had a copy of the packet. Carl Seilstad said he mailed them a long time ago so the new Commissioners probably did not get them. Commissioner Skelton said there are three new Commissioners that don't have the packet, therefore, I would suggest we wait until the April meeting to vote on this speed study so the new Commissioners can read this and have the opportunity to read the minutes so they understand you're presentation. This is a pretty intricate speed zone request, so I think if you had the packet that he just handed out, it would help you with your decision. Commissioner Sansaver said with the studies that have been done and the local work in Fergus County, as far as safety is concerned I don't really have a problem with going along with the Fergus County Commissioners recommendation. Safety is always first and I don't know if we could do any more studies that would really be relevant to what they are asking. If they are asking for these speeds to be reduced because of the incidents that have occurred or may occur, I absolutely would want to go along with what Fergus County is recommending.

Commissioner Fisher asked if the department were to reduce the speed to 45 mph versus 55 mph, what impact to the flow of traffic would that really have. Would it be a substantial impact or a minor inconvenience? Dwane Kailey said from a congestion standpoint, it is not really an issue but we do see if they are lacking law enforcement you will see an increase in differential speeds. So you'll have law abiding citizens following the speed limit and other individuals that don't feel the need and don't see the safety issues, they don't perceive the challenges and they will want to drive at a higher speed. When we do our speed studies we look at the 85th percentile speed which is what people are comfortable driving at and what the pace is. The pace is basically the highest percentage of vehicles in a 10-mile pace. Again, typically we see around 50%-60% of the cars run in about a 10-mph pace and based on what we saw out there, that's why we are recommending the 55 mph. Keep in mind, the way the write-up is, actually the 85th percentile in the pace was pointing more towards 60 mph, however, knowing the crash history, the issues, and the concerns from Fergus County, my staff recommended lowering that to 55 mph.

Commissioner Skelton said that you have two letters from law enforcement saying they are willing to enforce the speed limit. Carl Seilstad said I totally agree with the engineers on the percentile of what the traffic is flowing. Like I said before, we have gone along with this for a long time, but what you don't see is the near misses, the horn honking, and all that. You get that individual who is going 10 mph over and there is a near miss, you don't see that and there have been a lot of near misses at that intersection that go unreported. I understand the percentiles and what the traffic is flowing at, but if you actually are on that road and watch what happens ... at our public comment section those businesses by that intersection listed numerous occasions of near misses that never got reported.

Commissioner Jergeson said if the new Commissioners are comfortable making a decision without seeing the maps from Commissioner Seilstad, or if they have questions, we can wait until the April meeting which is only a month. Dwane Kailey said the Commissioners do have the maps. If you go to the map that we included in the Agenda Item, it is broken up into three different segments. The top segment is what is out there today and it shows exactly what Commissioner Seilstad is saying. The middle map is what MDT is proposing with the 55 mph and 45 mph limits. The bottom segment is what the Commissioner has actually presented and shown to you all today requesting the 45 mph limit. It does not include the 55 mph outside of town.

Commissioner Jergeson said he preferred to get his presentations in person and always struggle at the meetings when you're left to your imagination to understand the conversation that's going on in the room. It depends upon the comfort level whether we proceed with that. I find when I'm driving in urban areas where you expect speed limits, I start wondering if I have an impulse to be going a different speed than the rest of the traffic, whether I missed a sign that tells us what speed we should be going, if the other "live free or die" people are going 100 mph – I wonder if I somehow missed the sign that says I should go 70 mph. I'm wondering on some of the studies you do, whether or not the variance from the traffic study is dependent upon an appropriate level of signage. If we set the speed limit at 45 mph, would there be sufficient signage for people to know that is what the speed limit is rather than guessing because they missed the one sign that was up there. Do you find the level of signage makes any difference in compliance? Dwane Kailey said he was not aware of any research that looks at the density of signage. When we put the signs in, we strive to avoid those conflict points on those approaches so that when people turn on to the roadway, they don't have the sign right there because typically their eyes are looking for conflicts. We want to adjust that a little ways away from the intersection so that their eyes are back on the roadway. I'm not aware of any research out there relative to density of signage versus compliance.

Kevin McLaury said obviously safety is the highest priority for Federal Highways and I know it is for MDT as well. That is why we strongly embrace the Vision Zero approach to how we do things. Speed setting is difficult as we all know. When these come up and local residence feel that slower is better, as Dwane mentioned, you create a speed differential. To get to your point about does the speed sign actually encourage people to go faster or slower, the process the state uses has well over 50 years of science-based history to it – professional stamp, professional engineers are doing this work. More than 50 years of knowledge has gone into how we approach this. What they find is that people drive at their comfort level almost irrespective of what the signs are. That's not everybody; you do have the folks that are going to look at what the signs are and if it is inappropriately set too low – most people would think lower is better, when in fact if you set the speed limit too low from what people are comfortable driving, that's when the speed differential comes in, and that's where we get into a lot of issues. You have people who feel comfortable driving at 55 or 60 mph, as the 85th percentile on this roadway suggests. If we set it too low, that's when the issue comes into play. So my request would be that rather than taking the suggestion, let's remand it back to the department and have them take another look because there are times when things are missed. There may be some opportunity that if the Commission feels that you'd like to have another look at this, that would be my recommendation for you to hold off on the decision today. Obviously it is your call, but please know as far as the federal regulations, which state law is based on, speed limits need to be based on a professional science-based study. I know emotions wrap around this a lot, but again our whole goal is Vision Zero. I want to make sure we're setting speeds appropriately so that we don't get into those situations that where, God forbid, something should happen. I leave that for your consideration.

Commissioner Skelton said in the packet handed out today there are 14 letters that you might want to review and two or three pictures, so it is my suggestion that we make a decision on this speed zone in April. Commissioner Skelton thanked Commissioner Seilstad for traveling all the way up to Helena and for your presentation. I know this area and it is growing fast and it's a tough area. Thank you.

Commissioner Jergeson moved to postpone the decision on the Speed Limit Recommendation for US 87/MT 200 – Lewistown West, US 191 (P-75) Lewistown Truck Bypass until the April meeting. Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 15: Speed Limit Recommendation Secondary 373 - Woodside

Dwane Kailey presented the Speed Limit Recommendation for Secondary 373 – Woodside to the Commission. This is a route between the east side highway and US 93 just north of Hamilton. We were requested by Ravalli County officials to look at the speed limit along this corridor. We have reviewed the traveling speeds, crash history, and citation data. Based on our review our recommendation is:

A 55 mph speed limit beginning at the intersection with US 93 and continuing east to station 74+00, an approximate distance of 1.4-miles.

There is a map included. There are representatives here to talk about this speed study. Fergus County is asking for a change. The map shows the existing speed limit in the top segment, our recommendation is shown the middle segment labeled “MDT proposal”, then the bottom is Ravalli County’s proposal. There is a letter attached from Ravalli County with their comments. Staff recommends a 55 mph speed limit.

Chris Hoffman, Ravalli County Commissioner

Madam Chair and Members of the Commission, thank you for the opportunity to speak this morning. This is my first Transportation Commission meeting and watching Commissioner Seilstad was instructive. I don’t have a packet with me and I wish I did. What I do have, even though Lori Ryan advised me to have people send letters to this address, they still sent them to the Board of County Commissioners. At the end of this I’ll ask for the same indulgence that Fergus County received in terms of allowing me time to put together a packet to send into the Commission.

We are talking about a very short two-mile section of road that has largely become residential. It is a narrow road with a bicycle path attached to it. In the short 60-mph speed limit we’re talking about, there are at least two crosswalks and a narrow bridge that despite my best efforts after 27 years of law enforcement, 14 of those as Ravalli County Sheriff, we cannot get the kids to stop jumping off that bridge. So the bridge is full in hot weather during the summer time. It is also full of pedestrian traffic. This is why the request was made.

There are a number of issues with regard to State Route 373, with respect to the speed study that was done. I kind of understand their methodology and how they go about doing that but what we find on State Route 373 is, because of the narrowness of the road, the use of pedestrians, the fact that it butts up against Teller Wildlife Refuge, that we are seeing a lot of wildlife-related traffic accidents. We’re seeing a lot of close calls as was the case in Fergus County, there are a lot of close calls that never get reported that are seen by local residents as well as local law enforcement. This is the only crossing in the Bitterroot River between Hamilton and Victor. It’s the only one between those two towns, so we’re talking quite a distance.

Both ends of the section we’re talking about – the east ends with Willow Creek which is also a State Secondary that is 45 mph and Dutch Hill Road to the west which is 45 mph. We have a very short section of this state route actually that is 60 mph from 93 to just about the fire station. I did bring some video but I don’t see a way for me to be able to show the Commission that. Lynn said we can link you into the system if you email the video to me, I will see if we can upload it. Commissioner Hoffman said again, I’m hoping you’ll afford me the same opportunity to do a better packet and make sure Ms. Ryan has all the letters from the community that have been sent. I have about 15 letters. Lori Ryan said she received about seven letters and they were

forwarded to the Commissioners. I received one yesterday afternoon that was given to the Commissioners.

Commissioner Jergeson said the new Commissioners would not be able to see the video being presented. They can be emailed the same document but I think the better part of valor is to agree to the request that we defer this until the April meeting when all of us can see all of it at the same time together and also have a packet that is complete from your county.

Commissioner Jergeson moved to postpone the decision on the Speed Limit Recommendation for Secondary 373 – Woodside until the April meeting. Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 16: Commission Duties and Authority

Commissioner Skelton said since we don't have the three new Commissioners here, that we postpone this presentation until the April meeting. The April meeting will be moved to April 24, 2019, in the afternoon. You will do training in the morning and we will have our Commission Meeting in the afternoon. That will be noticed to the public and on the website as well.

Agenda Item 23: Towne St. – River to Merrill – Meade Avenue - Glendive

Lynn Zanto presented the Towne St. – River to Merrill – Meade Avenue – Glendive project to the Commissioners. The Surface Transportation Program - Urban (STPU) provides financial resources to make improvements on Montana's Urban Highway System in Montana's 19 urban areas. Funding for the STPU program, a sub-allocation of the federal Surface Transportation Program, is authorized by state statutes and approved by the Transportation Commission. The federal funds used to support the program are matched with State (not local) funds. STPU funding is distributed in accordance with MCA 60-3-211 by statutory population formula to the 19 urban areas based on decennial census populations. Projects in urban areas are selected by local governments, approved by the Transportation Commission and administered by MDT.

The City of Glendive and Dawson County nominated the Meade Avenue project as their STPU funding priority on April 30, 2015 and it was added to the program by the Transportation Commission on July 30, 2015. The original project cost estimate was \$1,275,000 with an anticipated letting in FY19. The project includes Meade Avenue, from Towne Street to Slocum Street, reconstruction with new curb and gutter, ADA corners, and sidewalk replacement.

Coordination between MDT and the City of Glendive has occurred throughout the project development process. Refined project cost estimates resulted in design scope changes to best fit the available funding including removal of sidewalk construction. The City submitted a letter 8/13/2018 (Attachment A) with a commitment to cover excess project costs with local gas tax funds, and a funding agreement was executed with the City 9/10/2018 (Attachment B) placing responsibility for costs in excess of available STPU funds on the City of Glendive. This letter was obtained with a good faith commitment by MDT that the city would have the opportunity to back out of this commitment if the award exceeded the engineer's estimate by over 10%, the maximum local funding available for any funding shortfall.

The Meade Ave project was tied to the Towne Street National Highway System project for the February 2019 letting and included bid alternatives for the City of

Glendive water and sewer system work. The Meade Ave portion received a low bid of \$2,271,627. Available funding for the construction and construction engineering for Meade Ave, with maximum borrow (5 years), is \$1,451,251 of STP-Urban Funds, resulting in a funding shortfall/local cost responsibility of about \$820,376 plus any change orders during construction.

Subsequent to bid opening, MDT staff met with the City of Glendive and they are unable to cover this level of cost increase with available local funding. Consideration of award was postponed until the March 14, 2019 Transportation Commission meeting allowing additional time to assess the funding issue.

Glendive officials are requesting authority to borrow 10-years of future fund allocations to advance this project and will cover additional shortfall with local funds (Attachment C). 10 years of borrow would provide an additional \$736,905 of urban funding for the project requiring the city to cover \$83,471 plus any change orders during construction.

Two Transportation Commission policies are implicated in this decision: the Commission reserves the right to reject the bid if there is insufficient funding available to cover the increased project cost under Commission Policy 15; and the City of Glendive has requested to borrow STPU funds in excess of the 5-year maximum under Commission Policy 6.

Commission Policy 15 – Contract Award guidelines (Attachment D), outlines the process by which the MDT makes recommendations to the commission, and specifies the conditions under which the commission will and will not award transportation contracts. Policy 15 procedures allow MDT to recommend the engineers estimate be adjusted to allow for market changes, miscellaneous, or other legitimate factors and further states “Although such an adjustment may bring the low bid within the guidelines for award of the contract, the commission reserves the right to reject the bid if there is insufficient funding available to cover the increased project cost.”

Commission Policy 6 – Urban Highway Program Borrow Policy (Attachment E), allows urban areas to borrow up to 5 years of their current year apportionment but the total amount advanced to all urban areas collectively in a given year cannot exceed one-half the total amount apportioned to the State Urban Highway Program.

Engineering analysis relative to Commission Policy 15 is provided (Attachment F).

MDT is not making a recommendation to the Commission but offers the following analysis of options and associated impacts.

A. Award

<i>Bid amount relative to Meade Ave</i>	<i>\$2,271,627</i>
<i>Required Borrow Amount</i>	<i>\$1,557,281</i>

Pros:

- Allows the Meade Ave and Towne St. projects to move forward
- Allows coordination of repairs to a local water and sewer system and roadway improvements.
- Limits any additional design costs required to modify contract documents

Cons:

- Would require policy exception

- Delays the ability for the Glendive Urban area to move their next project forward by up to 15 years (Attachment G)
- Inequity among the 19 urban areas who have delivered all STPU projects within program guidelines

B. Don't award

- Rebid with Towne Street (NHS) as base bid and additive alternates for Meade Ave. and local water/sewer work
 - i. Alternate 1 the urban reconstruction component of Meade Ave.
 - ii. Alternate 2 the local water/sewer work
 - iii. Alternate 3 the preservation portion of Meade Ave.
 - iv. Continue to work with the City of Glendive to explore alternatives to complete the project

Pros:

- May receive more favorable bid prices
- May allow award of fundable segments to maintain consistency with Commission policy
- Ability for local funding options to be explored

Cons:

- May not receive more favorable bid prices
- Based on Glendive's current STP-Urban annual apportionment, approximately \$147,381, funding to advance the project would be challenged by cost increases due to inflation.
- Will require additional design time and cost.

Dwane Kailey presented the brief history of the project to the Commission. In the January 24th bid letting, we had a project we let called "Town Street and Mead Avenue, Glendive." The Engineer's Estimate was \$3,203,232.00. We received two bids and the apparent low is Knife River out of Bismarck, ND. Their bid was \$4,230,998.97 and they were 32.08% over the Engineer's Estimate. We also had zero DBE Goal but we got 0.37% participation. We analyzed the bid, our estimate, and in looking at it and the fact that we had two responsive low bidders, we were okay with the bid the contractor submitted, however, we ran into a little bit of a different issue. One of the things we have to do with any urban funded job is to make sure the local government has adequate funding to cover the cost of the project. In this situation, they did not. They were already proposing to borrow five years in accordance with Commission policy, however, with the higher than anticipated bid value, it created a deficit. In particular with the maximum borrow of five years, it left them about \$820,376, plus any change orders that might come during project construction, short of adequate of funding. Subsequent to that, MDT staff met and discussed our next steps and basically we looked at the fact that it is not within our authority to recommend award. So, we need to present the Commission with options for you to consider and it is up to you if you wish to award the project or not.

Lynn Zanto explained the Urban Funding Program. That is federal funding that was a federal program prior to 1991 but the feds did away with several aid programs for primary urban and secondary but our state law continued the state program that used the federal funds. The state was expecting that priority would get nominated and would go to construction and the city and county would be in the hole for quite a long time. The Commission in 1998, put a policy in place that allows urban areas to borrow ahead for their urban funds. There are two parameters, either up to five years or not more than half of the urban program. The reason for those two criteria is that in state statute, the funding gets allocated to the urban areas by population. We have 19 urban areas currently and they are based on the census and any urban area that has a population of 5,000 or greater can receive an allocation of these funds. They get to select a priority, the city and county jointly, and MDT develops, designs and

constructs and matches the project. Basically the first parameter of five years was intended for the smaller populated areas – the lowest allocation is around \$127,000/year dollar amount and five years of that is \$700,000. On the high end Billings is our most populated city and gets the largest allocation of about \$2.5 million and if we let them borrow five years of \$2.5 million of \$11.3 million it exceeds the total annual program across the state. That would put us in arrears as a state for floating the cash for these projects. Half the program is intended for the higher end allocations. They can only borrow up to \$5.75 million; that's the cap for bigger cities or five years if you are a smaller city.

In this case, Dwane gave you the situation in terms of funding. We do have mechanisms we've done in some of the other urban areas when we do bring these to bid in terms of alternate bidding. This particular project, I think the first four blocks are a reconstruct and there is a local water and sewer project that we were tying to our contract. The next three blocks is a preservation-type project, so alternate bidding is an option as well. We did not advance this with alternate bidding for the highway work, only for the local infrastructure water and sewer project. As I mentioned the policy has been in place since 1998. The urban areas complied with it. There was time that a community did come before the Commission to ask to go beyond the policy. That was in 2004 and it was the urban area, city and county of Kalispell for their North Meridian Road Project. The Commission did not allow further than the five years of the borrow and asked the city to look at other mechanisms. The city went back and explored local bonding with the intent to pay back with their urban funds but those are federal funds and ultimately the state would be liable for that payback if for some reason the city couldn't, so the bonding option didn't go forward either. Then other funding was pulled together and the North Meridian project was let in 2005 within our policy limits. That's where we're at.

There are two considerations for the Commission – either award or not award, and the pros and cons of those. Not awarding doesn't mean the project ends, we would look to see how we can get something deliverable to them.

Dwane Kailey said I believe you have a packet and attached is a letter from the City of Glendive when this project was first initiated. The second to the last sentence does say that the City of Glendive intends to provide Gastec Funds to supplement the Urban Funding Allocation in case unanticipated cost over-runs occur. I can't speak on behalf of the city but I would assume that meant within reason. You can defer to them to see if the over-run of one million dollars is within reason or not. We've also attached an agreement that we initiated with the City of Glendive prior to letting the project and it states that the local officials will cover any over-runs. Again, I can't speak for the city, but I believe that was within reason. Also we have attached two of your policies: Policy 15 which is the contract award guidelines policy and it does specifically say that "although such an investment may bring the low bid within guidelines for award of the contract, the Commission reserves the right to reject the bid if there is insufficient additional funding available to cover the increased project cost." So, if there is insufficient funding, it is a reason the Commission can reject the bid. Again, it doesn't necessitate you do that but it is a reason. The next attachment is Commission Policy No. 6 which is the Urban Funding Policy. Next is the analysis we did on the bid and again the bid itself is okay, it is the funding issue and not the bid. Last is a letter signed by the city from MDT talking about the funding and how the over-run would be covered. Lynn said Attachment G, is a letter signed by the city and the county because the urban area is not just the city, it does extend it to the county. State law says priorities are set by the respective local officials together. This letter is signed by the city and the county acknowledging that if they were allowed to move forward and borrow for ten years rather than five, that realistically that would, assuming all funding stays the same, put their next project out 15 years or so.

With that, the Commission has two choices: one is to approve an exception to your Urban Funding Policy and allow them to borrow additional time. That does allow

the project to move forward. As Lynn mentioned there is water and sewer work that is funded by the city in this project. The con to that is you're extending the policy and you may get hit by that same request from other local governments you have denied at times in the past as well. The other option is to reject the bids. The department would then take the project and look at ways to cut costs. We could do additive alternates and break the project up into different segments. We have looked at it and it's challenging to do that because it gets into the price but we will be more than happy to do that if that is what you want us to do and we may get lower bid prices that way. In all honesty, we're not seeing prices come down right now and as we progress into summer, typically we see those start to go up as we go into summer. Again, that is an option. We can actually hold it until later in the year if need be and try to get lower prices coming in September or October. Hopefully you're seeing that we're trying to be very neutral in this and we want to leave it to the Commission to decide.

Commissioner Sansaver asked how long ago Policy 15 and 6 were written. Lynn Zanto said the Urban Borrow Policy was first written in 1998 and updated in 2002. The policy for contract award guidelines was written in 2004. Commissioner Sansaver said I've reviewed all the documents that have come in from Glendive and their City Mayor and folks around the area. The problem I'm seeing is demographics have changed dramatically in the last 15 years from the Bakken and the oil input and impacts of construction. Everybody who can work has moved over into the Dakotas to do that work. Having 45 years of experience that I've had in Architectural Engineering, I have a huge problem with doing change orders, alternates, and I find that after the initial bid is put in place, from my viewpoint, the best result is to move forward with a project because if you try to rebid this you're looking at a 25% increase on a rebid. If you try to break into sections, you're looking at a difference between 10%-30% added onto the alternates if you were to break it down for the water and sewer, curbing and ADA parts of this contract, the costs are only going to go up exponentially. Before everything gets started, I just want to put that out there that we're 15 years behind the curve economically particularly in northeast Montana and the eastern side of Montana, we're way behind the curve on economics. I just want to put that out there before we get too far down the road. I think things have changed to the point that we have to consider it. I know we've rejected in the past Kalispell going to a 10-year period of borrow, but we have to look at today rather than 15 years ago when the policy was rewritten. That's my input at this particular point. I certainly hope the other Commissioners can appreciate the changes that we're going through.

Jerry Jimison, Mayor, City of Glendive

I'm Jerry Jimison, currently the Mayor in Glendive, Montana. Interesting, this is my first Highway Commission meeting and it's very informative. First of all I do not envy you your job. The highways in the State of Montana are probably the best asset we have and keeping them up and running for the traveling public is more than a full time job. I'm not here to challenge anyone. The new Commissioner from Wolf Point took away five of my talking points already. I concur that what happened 15 years ago in Kalispell, I felt bad that Kalispell had to find alternative forms of financing but I can tell you that the small City of Glendive, a little over 5,000 in population, we have no other options. I don't want to make Mr. Kailey sound like he doesn't know what he's talking about but breaking this particular project into two or three or four projects is a non-starter, mainly because you've been informed that the City of Glendive and MDT State of Montana have gone together on this project including Mead Avenue with the Town Street reconfiguration etc. For one reason, we were always told "make the project bigger and you'll get a better bid." That's what I was told. Shane Mintz the District Administrator and the City of Glendive have been working together for over a year and a half to put this project together because the City of Glendive has been going to replace sewer and water lines that are a little over 100 years old. I don't know if other towns in Montana have that

problem, but we do. The seven blocks where we are replacing our sewer and water line, we've already done three in conjunction with Dawson County digging up the end of Mead Avenue to put a sewer main under so they could join into our new waste water treatment plant completed two years ago at a cost to the citizens of Glendive of just under \$20 million. That was a big hit but the residents are paying the extra \$50/month in sewer and water because it was a good project and puts us in the future. Now we have to try and replace the sewer and water lines that are feeding and servicing the city. I didn't mean to contradict Mr. Kailey but our engineering on the sewer and water line is that it has to be put in at a certain grade and a certain elevation so it flows the right direction. If any of you have ever done any plumbing, you know it has to flow the right direction. So we can't break our sewer and water project up.

The other problem, as all of you know, if you start breaking this project up or rebidding it, costs are just going to go up. Glendive, three years ago voted down a \$29 million school bond levy because it was too much, so this year they are putting the school bond levy back on for \$37 million. So those people who voted no three years ago, just cost us \$8 million bucks by kicking the can down the road. We have to do this project all at once and all at one time. We realize that asking for a 10-year borrow against our Urban Transportation Funds is not the norm. Did all the Commissioners get the packet with all the letters from all the communities in Montana? Lynn Zanto said yes. Mayor Jimison said there are 19 towns in the Urban Transportation Funding right now which of course Billings gets the lion's share and they should because they have the largest road system to take care of. In a small community like Glendive, where our share is just a little over \$140,000/year in Urban Transportation Funds, it would be years and years and years and everybody at this table would be somewhere up above by the time we saved up another \$700,000-\$800,000 to do this project. So we have to strike while the iron is hot. The bids have been opened and scrutinized. Our sewer and water project Engineer's Estimate was \$800,000 and the bid was \$700,000, so we thought the MDT estimate was going to be below also, and bam it was \$800,000 over. I don't know if you usually miss bids that bad. Dwane said not normally. Mayor Jimison said the Commissioner from Wolf Point hit the nail on the head because of change in logistics and economics of eastern Montana over the last 10 years, costs have skyrocketed for work being done down there.

That being said, I have three things I want to emphasize: one, let's try to not break this up because it is going to escalate the costs for mobilization, contracting, coming in and by making it a smaller project, we are again risking driving the costs up by cutting it into different segments. In this packet that Mr. Dorwert, Director of Operations, has prepared, he had a chance to reach out to ten of the nineteen cities. Guess what percentage of those cities support our request for borrowing out 10 years? 100% of them. They run into the same problems in their communities and have had to break larger projects up in order to get them financed, etc. If we had that option, we would say let's look at it but we don't have that option. The bids are ready to award tomorrow as I understand. Dwane said today. Mayor Jimison said there we go. This Commission could do a great service for all of the Urban Transportation communities in Montana and more particular Glendive. We would be able to complete a project that we've been waiting on for 15 years. That's how long we've waited to get this put together and on the bid table. I don't think there is anybody in the room that would say "let's pave four blocks of Mead Avenue and then two years watch the City of Glendive go in and dig it all up and put in new sewer and water lines." That's not the purpose of us working together with MDT.

Gerald Reichert, City Councilman for Glendive

Mead Avenue and Town Street are both in my Ward. Mead Avenue does not happen to go in front of my house; it's a block over. I came on the City Council 10 years ago this year. When I came on, Mead Avenue was arguably one of worst streets to travel

down in all of Glendive. It is a historical street because it passes all the old homes in Glendive, passes the school and the churches; it's right in the heart of Glendive. When I got on the City Council one of my priorities was to finally fix Mean Avenue. I quickly learned that all of these issues in the city don't happen in the next year just because I got on; it's a long process and I understand having to have the patience for it. In my 10 years we have tackled some huge issues. Jerry is being very humble, we took on a waste water treatment facility and through his forward looking we scheduled the rate increases in small incremental steps so that the public would give us buy-in. The whole thing was funded by that revenue at the time when we let the contract. So we had everything covered. It was a huge deal. \$20 million for Glendive is huge. This afternoon we're going to Great West Engineering for bid letting on our new water treatment facility, we're going to be between \$11-12 million for that facility. These are huge steps for Glendive but those projects, as hard as they are, are revenue based for us, so we have work arounds. When we come to paving streets, we simply don't have a lot of extra funds. I might not even be here if we had alternatives to what we're doing; we simply do not. If we can't go forward with this then this project will not happen. It simply won't happen because we don't have the funds. Our water and sewer simply won't happen – we have the funds and are all paid for that but it doesn't make sense to do a whole street and then come back in two years and tear it all up again because we have to come back and pave it all and fix it. We'll be back in the same boat with Mead Avenue being a horrible street so it just makes sense to get all this done. So I just implore you as Commissioners and able to make the decision that you approve our plan as we've presented it.

Commissioner Sansaver asked about the price at \$147,000, is that a fixed number that occurs year after year or is it a number based off the budget? Lynn Zanto said the \$147,000 is the annual allocation to Glendive for the Urban Program. Per state law, the way that funding amount is determined is based on population but the overall program level gets set at each census. The state law says it is based on population per the census, that's how we determine who qualifies as an urban area. For Glendive, they came in as an urban area with the 2010 census and started receiving their allocation following the 2010 census. Census information isn't available immediately and we go out and review urban areas with the city and county, we identify their system, and then bring it to the Commission to approve their system. So it takes about three years before their allocation kicks in. The \$147,000 was determined based on the 19 areas at that time. In terms of the overall funding level, the federal level did away with the program as a federal program because they wanted to focus that federal money on the Interstate and the National Highway System, our Legislature continued it in state statute at the level it was funded at the federal level plus an increase because at that same time, there was a new federal funding bill and Montana got a 20% increase of federal funding so they bumped the overall program level 20%. Then with each federal Authorization Act, in the next one in 1998, TEA 21, Montana did very well and got a 60% increase in our overall funding and we bumped the Urban Program funding level 60% as well. Then SAFETEA LU was the next one and we got a little bit of bump there as well and we bumped the overall Urban Funding level 31%. Then with MAP21 and the FAST ACT, our funding level stayed flat but with each census, as new urban areas have come in, obviously as the funding level stays the same, the pie would get cut smaller for everybody. So with the census, we have recommended to the Commission to bump the funding level a little bit to hold existing urban areas harmless. I would say since it was done away with at the federal level, the increase has been over 2100% - \$4.1 pre-ISTEA and it's now at \$11.3 with 19 urban areas.

Commissioner Sansaver asked what year that was. Lynn Zanto the current level was set in 2013 after the last census. We have a new census approaching us and we will be evaluating the Urban Program in its entirety at that time too. There could be new urban areas that come in. We have lost urban areas – Sidney was an urban area then they went below the 5,000 population threshold to be one, so they were out but then they came back in 2010 as well. So we'll evaluate the funding level following this next

census. Commissioner Sansaver said if they were set back in 2010, we haven't changed the level of borrow as far as years are concerned. The costs have gone up exponentially in the construction areas over the last 10 years let alone the last 20 years. Do we feel we're at par as far as a Commission today with the numbers that are coming in that can be borrowed compared to what we were lending or putting out there in 2010? I know it's hard to say but I'm trying to lend some credence into the changing or the special request to move to a 10-year borrow. I'm trying to lend credence to the dollar amount that we're permitting at this particular time compared to what the costs are at this particular time. Commissioner Skelton asked for a motion.

Commissioner Sansaver moved to approve Towne St. – River to Merrill – Meade Avenue – Glendive. Commissioner Jergeson seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Commissioner Jergeson moved to award the low bid for Towne St – River to Merrill – Meade Avenue - Glendive. Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 17: Design Build Project – Glasgow Glendive ADA Upgrades – CMDO STWD (482) – Glasgow Glendive ADA Upgrades – CN 9252000

Kevin Christensen presented the Design Build Project – Glasgow Glendive ADA Upgrades – CMDO STWD (482) – Glasgow Glendive ADA Upgrades – CN 9252000. This is a letter to the Commission dated February 1, 2019, and it has all the numbers you need to look at. This is a design build project. It's an alternative contracting method that we use as opposed to design bid build. This is for the Glasgow Glendive ADA Upgrades. We requested qualification back in November. We received SOQ's from two firms that were interested in the project. Both of those firms were short listed and they submitted, subsequent to that, a Technical Proposal for this project. Those Technical Proposals were independently scored and subsequent to that, they were invited to submit their bids. We did receive two responsive Technical Proposals, however, the Askin/KLJ team did not submit a bid. They were unable to obtain their bonding in time, so we only received one bid. It was from the firm that had the highest scoring Technical Proposal, which was good. Their bid was below our Engineer's Estimate. Based on these numbers the department has two recommendations for the Commission: (1) That they award this project to the Century/Stahly team, and (2) That both Century/Stahly and Askin/KLJ receive the Stipend. For the new Commissioners, the Stipend is designed to offset the cost of these firms developing their Technical Proposal; it is actually costly to do that. The Stipend doesn't cover all the costs but it helps offset them. Since we received responsive proposals from both firms, we're recommending that both firms receive the Stipend.

Commissioner Skelton asked if Askin/KLJ would receive the Stipend even though they didn't submit a bid. Kevin Christensen said yes. Just to be clear, the Stipend is designed to help offset the costs for the firm to develop that Technical Proposal. We do have a response and very good Technical Proposal from Askin/KLJ, they just weren't able to obtain their bonding in time to actually submit the Bid Price Proposal. It is a separate process: the Technical Proposal goes first, and is independently scored and once the scores are tabulated and accepted by the Selection Committee, then the firms submit their bid. It's a separate process.

Commissioner Sansaver moved to approve the Glasgow Glendive ADA Upgrades CMDO STWD (482) – Glasgow Glendive ADA Upgrades – CN 9252000. Commissioner Jergeson seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Commissioner Sansaver moved to approve the award of the Stipend to both Century/Stahly and Askin/KLJ for their Technical Proposals for the Glasgow Glendive ADA Upgrades CMDO STWD (482) – Glasgow Glendive ADA Upgrades – CN 9252000. Commissioner Fisher seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 18: Certificates of Completion November – December 2018

Dwane Kailey presented the Certificates of Completion for November & December 2018 to the Commission. For the new Commissioners information, the Certificates of Completion are our notification to the Commission that all work has been done, all paperwork has been checked, everything is in accordance with the State and Federal rules and regulations, and we are now ready to close out these projects and finalize them. We are presenting them for your review and approval. If you have any questions or comments, please feel free to ask.

Commissioner Jergeson moved to approve the Certificates of Completion for November & December 2018. Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item No. 19: Project Change Orders November & December 2018

Dwane Kailey presented the Project Change Orders for November & December 2018 to the Commission. They are presented for your review and approval. If you have any questions, please feel free to ask. Staff recommends approval.

Commissioner Jergeson moved to approve the Project Change Orders for November & December 2018. Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item No. 20: Liquidated Damages

Dwane Kailey presented the Liquidated Damages to the Commission. They are presented for your review and approval. We have five projects and contractors for liquidated damages:

Broadwater Avenue Path - Billings. The contractor is Hardrives Construction. They had 25 days of liquidated damages for a total value of \$25,674. They are not disputing these costs.

Downtown State Signals - Billings. The contractor is Yellowstone Electric. They have 20 days of liquidated damages for a total value of \$47,600. They are not disputing these costs.

Careless Creek - North. The contractor is Prince, Inc. They had 44 days of liquidated damages for a total value of \$91,696. They are not disputing these costs.

S-448 Culvert – South of Gildford. The contractor is Wickens Const. They had one day of liquidated damages for a total value of \$1,478. They are not disputing these costs.

Vida – North & South. The contractor is Prince, Inc. They have 12 days of liquidated damages for a total value of \$35,628. They are not disputing these costs.

Jct S494 N & S. The contractor is Oftedal Const. They had five days of liquidated damages for a total value of \$21,690. They are not disputing these costs.

For the new Commissioners so you are aware, Liquidated Damages stand as presented unless the Commission specifically makes a motion to change them. Again none of these are being challenged or disputed by the contractors, therefore my recommendation would be that the Commission take no action on this item.

STAND.

Agenda Item No. 21: Letting Lists

Dwane Kailey presented the Letting Lists for March 14 through August 15, 2019 to the Commission. They are submitted for your review and approval. Staff recommends approval as presented.

Commissioner Jergeson said we have our Letting List in the document that was sent to us and then this. Dwane Kailey said I'm referring to the handout which is the most current Letting List as presented. Commissioner Jergeson asked if this handout replaces what was sent. Dwane Kailey said yes.

Commissioner Jergeson moved to approve the Letting Lists. Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item No. 15: Discussion and Follow-up

Commissioner Skelton said one of the items in the Discussion and Follow-up is the debarment of Todd Cusick. I'm going to move that discussion item until April so all the Commissioners can be here for that discussion. Debarment is a very serious act and I think it needs to be treated with dignity and with every bit of education we can get. So I'm suggesting that we move that to April unless there is some reason not to. Val Wilson said the attorneys who are representing Mr. Cusick have been contacted and have no concern with moving this Agenda Item to April.

Director Mike Tooley

Welcomed the New Commissioners

Thank you Madam Chair and Members of the Commission, I want to welcome to the three new Commissioners. Last week the Governor announced Mike Hope, from Bozeman would be a Commissioner. This will be a great addition to have somebody who lives in the city limits of that fast growing community and he will have some good input into what projects happen there. He has past experience in Construction so that will be helpful to the Commission as well. You've heard from Noel Sansaver. He is recently retired from the Ft. Peck Community College. Some of us met him at a robust discussion about the US 2 project through Poplar not too long ago. He is very familiar with the community and construction and will be a great addition. You've heard from Tammi Fischer today. She has been appointed but not yet announced because of the way the cycles work. She is the former Mayor of Kalispell and has been active in that community for a long time. The Commissioners are very experienced in business and community and government. I think they are going to be great additions to this group and I look forward to working with them.

State Legislation

I will briefly talk about the state legislation that might affect the Commission. First of all the three new Commissioners will have a confirmation hearing. I've not seen that Resolution come out yet but you've all been through that before. It's not that big of a process for you and I don't anticipate any issues with the confirmation hearing in Senate Highways. Of course, the Commissioners may attend if they choose but it is not required. A lot of board and commission individuals can not appear for their own confirmation hearing; the committee just discusses the qualifications and takes a vote up or down. It's up to them if they want to attend and we will inform you of the date in case you do want to attend.

Another piece of legislation that is going to be heard today that might be of interest to the Commission is HB 440. We're going to send our Chief Engineer to testify in support of that. It does a number of things including something that will be helpful to the Commission – it increases the authority of the department and therefore the Commission to set special speed zones in lengths greater than 50 miles. Right now the department and the Commission are limited to only 50 mile chunks. So what do you do when you have a 75 mile piece of Hwy 212 that the community has been screaming about for decades that we need to address? You can do it one of two ways – either a statewide speed limit change which didn't progress, or you can increase the authority of the department to study and the Commission to change speed limits. HB 440 does that. It also gives the ability for us to set variable speeds. An example would be over Lookout Pass. Should it always be 75 mph regardless of weather conditions? Probably not. Right now, it is 75 mph unless there is a chunk that isn't. This will give the department the ability to use technology to set variable speed limits much like the Washington Department of Transportation does on Snoqualmie Pass. This is important to implement at this time because in a few years there is going to be a major project that the Commission will hopefully award called "TAF West" and that will allow the insertion of that kind of technology into that very major Interstate project. Right now it doesn't exist but by then it will so we need that authority. Washington and Wyoming have that capability now and it would be good for the State of Montana to have that as well.

National AASHTO Meeting and the FAST Act

On the national level, Lynn Zanto and I were just in Washington D.C. not too long ago. Every year AASHTO, which is the professional association the department is involved in and I'm on the Board of Directors, has a Washington briefing and they bring you up to speed on what is happening on the Hill. Of course, we're approaching the end of the current authorization known as the FAST Act and something has to take its place. That was a point of discussion. Also the continuous funding discussion. The FAST Act to me is a five-year policy bill with 4.5 years of funding. We're running up against that point where Congress is going to authorize

almost \$80 billion dollars in authority unless they chose to do something else. To Montana, if you take the 1% we generally get from the highway funding allocations that could be as much as \$76 million to our program. We are monitoring that and of course, that is one of the things we brought up with our Congressional Delegation when we were there. They seem to get it. Of course, like Congress does, they won't act on it until we're in panic mode. They make that very clear; it's not an emergency until it's really an emergency because they have so many other things to deal with. The President's proposal has just come out and it changes things that we hold dear. Changes to formula funding which is good the State of Montana and more discretionary funding which is not generally something we compete well in when you look at states like Texas, California, or New York. It's difficult. We're going to watch that very closely but I'm happy our entire Congressional Delegation gets that. Congressman Gianforte actually took the meeting with us. Usually we have meetings with staff but the Congressman took the meeting himself. He was asking great questions and seems to be on board with us, so we'll see where that goes. You have to be determined, things in Washington happen when they happen and sometimes you don't even know why. We have a good Delegation watching over this state's interests.

In October we had a demonstration by Socrata and after that some of Lynn's staff took a shot at building a resource map update project. It looks good but the problem is that the IT folks then got ahold of it and said it doesn't meet ADA standards so we're still working on it. That's why you haven't seen anything yet. Yesterday Kevin McLaury showed me a Microsoft product that is ADA compliant that Federal Highways uses right now for traffic crash information. I'll share that with the group so you can take a look at it. That could be modified and we may not have to get a contract with Socrata but we need to do something; we haven't forgotten. This is something I want done before I leave – to have a dashboard that you and the public can all look at and see what the department is doing regarding highway projects.

Commissioner Jergeson asked why the software update had ADA compliance. Director Tooley said everything has ADA compliance in regards to impaired sight and other issues. The one we put together doesn't meet those requirements, so that's why it's not ready for prime time. Lynn Zanto said that was the initial look by our IT Division. We have been working with them on those issues and we're hoping that we get to a point very soon where we will be able to use it. We see that as an interim tool. We are updating the software that produces the STIP which was funded by HB 10 a couple of sessions ago. The RFP for that was issued and we selected a good consultant and are in the final steps of executing the contract. That will update the whole STIP system altogether and it will be a two-year process but it is moving forward. Once that's in place, we think we have a much easier way to portray up to date project information in a consistent manner. The tool we just developed involves a little bit of manual work that has to go into updating it. We intend to update the map on a monthly basis.

Director Tooley said he was excited about what's coming. Everything depends on the stuff that runs in the background and frankly it's ancient and not usable for our purposes. We're making great progress and before I leave I want this done.

Commissioner Skelton asked if he was leaving. Director Tooley said terms are up in two years. People often ask me what I'm up to and the fact of the matter is I'm a little busy; I'm going to stay focused on this as I'm sure you are. Your terms are up when mine is.

Glendive – Urban Borrow Discussion

I want to circle back to the urban borrow discussion. I think staff did a great job in remaining pretty neutral. I think in the background there were a lot of emotions attached to this. The presentation you got was very neutral. Let's talk about Glendive for a second – that is a great project. They've waited for years for this. It's

in an area with very little competition. The same two contractors that bid on the Poplar job bid on this so we see that trend occurring – lack of competition in that District really impacts the projects. I'm going to defend Dwane and his staff; they do a really good job on that but one of the things the process doesn't take into consideration is that nobody bids and when they do, they get what they want. I think you've heard the facts, you made the right decision for the City of Glendive but that pot of money is finite. I just want to remind the Commission that the Mayor did a great job of getting support from 10 cities to back him on his proposal and I'm sure there's a reason for that. So, as we move forward with a finite pot of money, there may be other requests from other communities that have equally impressive projects. The Commission will have to start thinking about how you want to handle those things. The pot won't expand and with the addition of more urban areas it might actually get smaller and the pressure will be even higher on some of those smaller communities. I would just encourage you to think ahead about how you're going to deal with that. Today, for Glendive to borrow 10 years into the future the cash was there but if another community or two come forward, the cash will not be there. That's when the department will have to inform you of that fact and that will be the end of it. Consider that as you're moving forward. It was a great decision. A needful project that includes sewer and water and roads is great and I'm glad we're doing it but just be thinking. That's my suggestion.

Commissioner Sansaver said he understands and realizes that a precedent has been set here today by moving that out to 10 years. My thought and recommendation would be to look at the policy because the numbers are skewed for the amount of money that is going out yearly over that five-year period. So I would suggest that the policy needs to be looked at and reviewed and that we pay particular attention to the economics that are going on around us especially outside of the economic boot. You look at Glendive and northeast Montana, you can see they are considered extremely outside the economic boot. So yes, you are absolutely correct, there are going to be communities that come back and they are going to need an extended period of the loan and that is something we're going to have to look at from the Commission's viewpoint. I appreciate what you're saying and I do understand that it would indeed set a precedent. From my perspective, we will continue to look at that policy.

Director Tooley said we agree; we think it is time to look at the policy as well because things have changed, not only economically, but also the current Commissioners are very familiar with the previous Session's HB 473, the Gas Tax Increase. Actually the department gets about 1/3 of that money and 2/3 goes to local communities and it is more than double their state gas tax allocations. Maybe that should be a part of the Commission's new policy. It was too early in that process for Glendive to take advantage of it, but moving forward communities will have that resource and they could maybe use that as part of their borrow. There are many things to discuss moving forward. Things have changed and it's a good time for a policy review.

Lynn Zanto said as you're thinking long-term, the Federal funding expires in 2020. Director Tooley also talked about the rescission that is pending and the only way to get rid of that is for Congress to do something before this coming July. The Highway Trust Fund which is how the federal funds are funded is set to go bust basically; it won't have enough revenue in to meet the demands in 2022 which is the current projection. I've been trying talk to my peers in other states asking what they did the old federal aid programs – did they continue them in state law. In Montana we want to help our local partners. Some of them did and a lot of them are phasing it out and helping their local partners with state funds. We have a concern on the federal side; we don't have enough federal money but then we get the federal fix and then the state funds are risk and now our Legislature gave us a little bit of a fix on the state fund but now we're fast approaching concerns on the federal side. There is a lot to be considered. We are looking at the policy to make sure the right kind of projects that we can afford are advanced.

Next Commission Meeting

The next Commission Conference Calls were scheduled for March 5, 2019, March 26, 2019, April 9, 2019, and April 23, 2019. The next Commission Meeting was scheduled for April 25, 2019.

Adjourned

Meeting Adjourned

Commissioner Skelton, Chairman
Montana Transportation Commission

Mike Tooley, Director
Montana Department of Transportation

Lori K. Ryan, Secretary
Montana Transportation Commission