

Montana Transportation Commission

**April 29, 2024 Meeting
Commission Room
2701 Prospect Avenue
Helena, Montana**

IN ATTENDANCE

Loren Frazier, Transportation Commission Chair (District 3)
Kody Swartz, Transportation Commissioner (District 1)
Shane Sanders, Transportation Commissioner (District 2)
Noel Sansaver, Transportation Commissioner (District 4)
Scott Aspenlieder, Transportation Commissioner (District 5)
Larry Flynn, Interim Director, MDT
Dwane Kailey, Chief Operations Officer, MDT
Kelsie Watkins, Commission Secretary
Dustin Rouse, Chief Engineer, MDT
Dave Gates, Construction Engineer, MDT
Chris Nygren, Chief Legal Officer, MDT
Rob Stapley, Planning Administrator, MDT
Ryan Dahlke, Preconstruction Engineer, MDT
Bob Vosen, District 1, MDT
Mike Taylor, District 5, MDT
Jim Wingerter, District 3, MDT
Gino Liva, District 2, MDT
Shane Mintz, District 4, MDT
Carol Strizich, MDT
Megan Handl, Civil Rights, MDT
Meghan Strachan, Civil Rights, MDT
Darin Reynolds, MDT
David Relph, MDT
David Phillips, MDT
Aaron Wilson, City of Missoula
Lucia Olivera, FHWA
Doug Enderson, DOWL
Mac Fogelsong, City of Billings
Sarah Plaths, City of Billings

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

OPENING – Commissioner Loran Frazier

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

Approval of Minutes

The minutes for the Commission Meetings of January 23, 2024, February 13, 2024, February 22, 2024, March 5, 2024, and March 19, 2024, were presented for approval.

Commissioner Aspenlieder moved to approve the minutes for the Commission Meetings of January 23, 2024, February 13, 2024, February 22, 2024, March 5, 2024, and March 19, 2024. Commissioner Sanders seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 1: MAR 18-199 Adoption

Chris Nygren, MDT Chief Legal Officer, presented Adoption MAR Notice No. 18-199 amending ARM 18.6.246 pertaining to Political Signs. This was presented in February 2024 and the Commissioner authorized amending the political signs portion of the Outdoor Advertising regulations. It is being presented to you today for adoption of the rule as amended and as previously authorized.

MAR 18-199 amending ARM 18.6.246 - Political Signs was published in the Montana Administrative Register on March 8, 2024. Interested persons and the Transportation Interim Committee (TIC) were notified. A hearing was held on April 1, 2024, and the public comment period closed April 5, 2024. No comments were received.

Staff recommends approval of the adoption of MAR Notice No. 18-199

Commissioner Sansaver moved to approve the MAR 18-199 Adoption.
Commissioner Sanders seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 2: Construction Project on State Highway System Gallatin Valley Mall, Bozeman

Rob Stapley presented the Construction Project on State Highway System – Gallatin Valley Mall, 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, protect transportation investments, and encourage coordination on public and private infrastructure improvement projects that impact MDT routes.

Gallatin Valley Mall - Bozeman

The Gallatin Valley Mall is proposing modifications to the intersection of Main Street (N-50) and College Street (U-1210) in Bozeman to improve traffic operations and safety in the area. Proposed improvements include the construction of dual SB left-turn lanes (at the main entrance/exit to the facility) and replacement of the traffic signal pole in the southeast corner of the intersection.

MDT headquarters and Butte District staff have reviewed and concur with the recommended improvements. The Gallatin Valley Mall will provide 100 percent of project funding and will be required to complete MDT’s design review and approval process to ensure that all work complies with MDT design standards. When complete, MDT will assume all maintenance and operational responsibilities associated with the proposed improvements.

Staff recommendation:

Staff recommends that the Commission approve these modifications to the State highway system - pending completion of applicable state and local design review and approval processes.

Commissioner Sanders moved to approve the Construction Project on State Highway System – Gallatin Valley Mall, Bozeman. Commissioner Aspenlieder seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 3: Construction Projects on State Highway System Wheatland Memorial Healthcare Facility, Harlowton

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

Wheatland Memorial Healthcare Facility – Harlowton

Wheatland Memorial Healthcare is proposing modifications to US-191 (N-63) near Harlowton to address traffic generated by the new facility. Proposed improvements include the construction of new approaches, road closure gate upgrades, and the installation of two-way, left-turn lanes (on US-191) at the entrance to their facility.

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

Staff recommendation:

Staff recommends that the Commission approve these modifications to US-191 (N-63) - pending completion of applicable state and local design review and approval processes.

Commissioner Aspenlieder moved to approve the Construction Projects on State Highway System – Wheatland Memorial Healthcare Facility, Harlowton. Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 4: Construction Projects on State Highway System Grant Creek Crossing Subdivision, Missoula

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

Grant Creek Crossing Subdivision, Missoula

Grant Creek Crossing, LLC is proposing modifications to Reserve Street (N-92) in Missoula to address traffic generated by their new subdivision. The proposed improvements include new sidewalks, bike/ped crossing features, and ADA upgrades near Schramm Street and Michael Road. Additionally, a new traffic signal will be installed at the intersection of Reserve Street and Schramm Street to improve traffic operations and mitigate the impacts of site-generated traffic.

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

Staff recommendation:

Staff recommends that the Commission approve these modifications to Reserve Street - pending completion of applicable state and local design review and approval processes.

Commissioner Aspenlieder asked if MDT was taking on the sidewalks and pedestrian improvements for operation maintenance and if so why. Dustin Rouse said we're currently working with all of the cities right now. Most of the sidewalks are in our right-of-way transportation system. What we can't do is the day-to-day maintenance or snow removal. Most cities have an ordinance that requires the adjacent landowner to remove the snow. Right now we're upgrading our agreements with local governments to ask them to enforce their ordinances relative to our sidewalks. We own that sidewalk and it is a non-delegable duty so it is our responsibility but again we're working with the cities to have them enforce their ordinance to provide the snow removal and the day-to-day maintenance.

Commissioner Swartz moved to approve the Construction Projects on State Highway System – Grant Creek Crossing Subdivision, Missoula. Commissioner Sanders seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 5: Construction Project on State Highway System Montana Crossroads Subdivision, Three Forks

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

Montana Crossroads Subdivision – Three Forks

Montana Crossroads, LLC is proposing modifications to US-287 (N-8) to address traffic generated by their new development near Three Forks. The proposed improvements include the installation of a southbound left-turn lane on US-287.

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

Staff recommendation:

Staff recommends that the Commission approve these modifications to US-287 – pending completion of applicable state and local design review and approval processes.

Commissioner Sansaver asked if the project was at the truck stop. Rob Stapley said it was across 287 on the east side.

Commissioner Sanders moved to approve the Construction Project on State Highway System – Montana Crossroads Subdivision, Three Forks. Commissioner Sansaver seconded the motion. All Commissioners voted aye

The motion passed unanimously.

Agenda Item 6: Construction Project on State Highway System Contract Labor – Orange Street, Missoula

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

Orange Street – Missoula

The City of Missoula is proposing modifications to Orange Street (N-130) to improve traffic operations and safety near Cregg Lane. Proposed improvements include the installation of new traffic signals at the intersection of Orange Street and Cregg Lane.

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

Staff recommendation:

Staff recommends that the Commission approve these modifications to the National Highway System and requests that the Commission delegate its authority to let, award and administer the contract for this project to the City of Missoula – pending completion of applicable state (and local) design review and approval processes.

Commissioner Frazier asked if Cregg Lane was the access to the Water Park and baseball field just south of Orange Street Bridge. Rob Stapley said yes.

Commissioner Swartz moved to approve the Construction Project on State Highway System – Contract Labor – Orange Street, Missoula. Commissioner Aspenlieder seconded the motion. All Commissioners voted aye

The motion passed unanimously.

Agenda Item 7: Construction Project on State Highway System Contract Labor – Downtown Streets, Billings

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

Downtown Streets – Billings

The City of Billings is proposing to convert the following one-way routes (in the downtown area) to two-way streets: 2nd Avenue North, 3rd Avenue North, Broadway Street, North 25th Street, North 26th Street, North 31st Street, North 32nd Street, North 33rd Street, North 34th Street, and North 35th Street. As part of this conversion, the City of Billings will be modifying traffic signals and upgrading pedestrian crossing features at intersections along Montana Avenue (N-113), 1st Avenue North (N-115), 4th Avenue North (U-1018), 6th Avenue North (U-1029), North 27th Street (N-53), North 30th Street (U-1021), and Division Street (U-1017).

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

When complete, the City of Billings will assume maintenance and operational responsibilities associated with proposed improvements on Urban Highway System routes. MDT will assume maintenance and operational responsibilities associated with proposed improvements on National Highway System routes.

Staff recommendation:

Staff recommends that the Commission approve these modifications to the state highway system and requests that the Commission delegate its authority to let, award and administer the contract for this project to the City of Billings pending completion of applicable state and local design review and approval processes.

Commissioner Sansaver asked why the City of Billings suddenly decided to get rid of all the one-ways. Commissioner Swartz said the downtown businesses as well as the Chamber are the push behind the north-south, two-way conversion. Thinking that would make it easier to travel downtown and encourage more traffic in town. Have we seen whether that actually works or not? Rob Stapley said theoretically yes. Commissioner Sansaver said maybe it will make it more accessible for traffic to actually stop at the stores along the street without having to drive around three blocks to get to it. I seems like we’re going backwards for proper traffic flow.

Commissioner Aspenlieder asked if there was any science behind this or do we just think this will work better. Rob Stapley said the Billings City Engineer, Mac Fogelsong, was on line. There was a study completed by the city and an analysis that looked at that two-way conversion. There’s been about two years of lead-up to this process. There is some science behind it.

Commissioner Sanders asked if we’d seen this before, switching from a traffic flow to an entirely different traffic flow and if so, is there increased crash rates and is there any sort of education we do to help folks adjust to the change. Rob Stapley said we

have done this before. Dustin Rouse said there was a lot of discussion on this by the City of Billings and a lot of good communication back and forth on the intent. We've done an analysis into the engineering of it and what might happen with the proposed modifications. I'd like to give Billings a chance to weigh in on this.

Commissioner Frazier said I'd like to be filled in on this. Can we move the same amount of traffic volume through downtown Billings with this change? One-ways are more efficient at moving traffic through and I'm wondering how it would affect the congestion. If someone is on-line from the City of Billings, I'd welcome some insight.

Mac Fogelson, City of Billings Engineer and Sarah Plaths, Project Manager, were both on line. Mac Fogelson said one of the things you may have noticed was in 2021 this started with some input from the businesses. Back in 2019 we did an overall downtown transportation study with Dowl and Kittleson Associated and one of questions was can we still move traffic through downtown. Notably this project is not changing Montana Avenue and 1st Avenue North. They are remaining one-way with this project. We did a pilot project and converted 29th Street and 30th Street in 2021 and obviously those intersect MDT's 1st Avenue and Montana Avenue to make sure that all the assumptions of the traffic study were correct. One of the goals is to reduce speeds on the downtown streets. So far we've seen that has been effective. Those are fairly significant streets. Sarah Plaths said we will be doing some extensive public outreach with this effort. Dowl is our consultant and will be helping with the outreach to educate the public on how to use the two-way streets after the conversion. We don't plan on just changing it and let it be a free-for-all; there will be some outreach and some education effort.

Commissioner Aspenlieder said this project is a little confusing on how it is presented on the map. It does not include any changes to the east/west couplets and I think that is critically important. The thing we need to be aware of, and I'll be very clear that I'm wearing my Commission hat not my City Council hat, there is a desire by some within the City Council to convert Montana and 1st Avenue to two-way roads. Not just two-way roads but single lane two-way roads. That, from my perspective, would be a big deal for us in moving traffic and getting traffic through the downtown area. We need to be aware those conversations are coming and be aware that may not align with our priorities and goals as MDT versus the city's priorities and goals which are to slow traffic down and encourage people to get downtown. That is on the horizon. The city if undertaking a major traffic transportation master planning approach to looking at the bigger arterials across the city, not just in the downtown area, but the west end of the heights and coming up with a better strategy as to how to incorporate pet facilities, alternative transportation, along with the Met System and public transit system. So I think that is the better approach that will help in those conversations and MDT will certainly have a continue seat at the table through those conversations as we go. That is something, as a Commission, we need to be acutely aware of because I think that could have detrimental impacts to what our charge is as MDT for the traveling public.

Commissioner Frazier said the only successful of one-way couplets that I've seen was in Butte and that was because the traffic on the roads had reduced enough for the volume moving through uptown Butte supported the conversion. That was quite a while ago. That is not the case in downtown Billings; the traffic in downtown Billings is high.

Commissioner Sansaver asked if this was a temporary measure or is it permanent for the City of Billings. Rob Stapley said it is a permanent change. Commissioner Sansaver said then they could be coming back in a couple of years telling us it didn't work. Rob Stapley said that is also correct.

Commissioner Aspenlieder moved to approve the Construction Project on State Highway System, Contract Labor – Downtown Streets, Billings. Commissioner Sansaver seconded the motion. All Commissioners voted aye

The motion passed unanimously.

Elected Official / Public Comment

No public comment was given.

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

Rob Stapley presented the Bridge Program Projects – Additions to Bridge Program (11 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 eleven (11) new projects to the Bridge 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 \$88.8 million (\$76.9M federal + \$11.9M state match).

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

Surface Transportation Bridge (STPB) Program	\$ 26,621,914
National Highway Performance Bridge (NHPB) Program	<u>\$ 62,201,644</u>
	\$ 88,823,558

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

Staff recommendation:

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

Commissioner Frazier asked if this fills the Red Book. Dustin Rouse said no, it’s a part of an effort that will continue to submit additional accommodations as we move forward. This is a very good start.

Commissioner Aspenlieder said I talked to Mr. Kailey about this. It would be great if, on all project nominations, we could see where it fits in the TCP – what years we are forecasting these projects out so we can get an understanding of how these fit. So when we add these as we go forward can staff add a column on the spreadsheet for the forecasted year for construction or letting? Dustin Rouse said at this stage, this is initial nomination, it’s a project we’re planning to award and a lot of these are a fairly quick turn projects, we have an idea of where they will land. There are cases where it is going to be very challenging for us to give a timeline until we run it through our process and get your approval and federal approval. We always have an idea but my only caution is we are very early so we don’t have all the risks identified.

Commissioner Aspenlieder said I assume that is the case but it would be helpful just to have an idea with your best guess. You can caveat it to cover but it would be helpful in visualizing how these things fall within the TCP.

Commissioner Sansaver asked if they were off-system or on the state system. Where do they fall? We have so many of the off-system bridges, do we know where they are? Commissioner Frazier said I believe most of these are on our system. Dustin Rouse said that is correct.

Commissioner Sansaver moved to approve the Bridge Program Projects – Additions to Bridge Program (11 New Projects). Commissioner Sanders seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 9: Speed Limit Recommendation Winifred School Zone, Winifred

Dustin Rouse presented the Speed Limit Recommendation, Winifred School Zone, Winifred to the Commission. In early November the Town of Winifred submitted a request to institute a school zone on S-236 (Main Street) for the Winifred School. A 15-mph speed limit is desired for the school zone during school hours. The existing statutory 25-mph speed limit would be maintained during non-school hours.

Currently there is no school zone on Main Street for the Winifred School. There currently are older pedestrian crossing signs located on either side of the school property but do not denote a school zone for this section.

In summary to conform with statute 61-1-101 in Montana Code Annotated for the definition of a school zone and statute 61-8-310 in Montana Code Annotated defining a special speed zone for a school, MDT recommends instituting a school zone to encompass the entire frontage of the Winifred School property and approximately 500 feet to the east and 300 feet to the west of the school property on Main Street. The western limit of the school zone is recommended to be placed prior to the curve or approximately 300-feet west of the school property. At speeds less than 45-mph it is advisable to set the school zone speed limit 10-mph below the posted speed limit. Winifred School has asked for a local roadway variable school zone speed limit active Monday through Friday from 7 am to 4 pm. Therefore, MDT recommends having these hours of operation for the school zone on Main Street.

Staff recommendation. It is the desire of MDT with the approval of the Montana Transportation Commission to institute the following school speed zone for Winifred School:

A 15/25-mph school zone speed limit beginning 100-feet east of the intersection of 4th Avenue and continuing west to a point 300-feet from the intersection with 6th avenue, an approximate distance of 1,180-feet.

Commissioner Swartz said it seems like the variable speed zones go from 7 am to 5 pm to account for after school activities, is there is a reason this is 7 am to 4 pm? Dustin Rouse said part of our evaluation includes a discussion with the locals. This is the timing they requested.

Commissioner Aspenlieder moved to approve the Speed Limit Recommendation, Winifred School Zone, Winifred. Commissioner Swartz seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 10: Speed Limit Recommendation Central Avenue/Brady Road (S-365) – Brady

Dustin Rouse presented the Speed Limit Recommendation, Central Avenue/Brady Road (S-365) – Brady, to the Commission. In June of 2023, MDT discovered a 25/70-mph transition entering the community of Brady with a 45-mph speed differential between eastbound and westbound traffic. Pondera County was contacted and responded, “Yes, we would support a speed study, and take necessary action to correct any problems.”

A review of the spot speed samples shows that the prevailing speeds along S-365 do not match the set speed limits. The 85th percentile speeds and upper limits of the pace are for the most part within ± 5 -mph of the 70-mph posted speed limits east of milepost 1. Between milepost 1 and the existing posted 70-mph speed limit there is approximately 1400-feet acting as a transitional area out of the rural 70-mph to the developed 25-mph speed limit.

There is then another area about 2,400-feet in length beginning at the existing 70-mph speed limit further assisting drivers transition to the 25-mph speed limit. These areas are on average within +20-mph and -15-mph of the posted speed 25-mph and 70-mph speed limits respectively. Within the 25-mph zone of Brady, driver speed variance is consistent, however immediately leaving the developed area of Brady becomes more inconsistent and variance increases. East of the interchange, approximately near milepost 1, speed variance becomes consistent again. The highest degree of speed variance occurs between the developed east edge of Brady and milepost 1. The reduction and subsequent increase in driver speed variance can be attributed to the lack of a clear transitional zone and an overlap of substantially different speed zones for each direction of travel.

Pondera County concurs with MDT’s recommendations.

Staff recommendation. It is the desire of MDT with the approval of the Montana Transportation Commission to institute the following speed limits:

A 25-mph speed limit beginning at the intersection with Railroad Street (straight-line station 0+00) and continuing east for an approximate distance of 1,740-feet, approximately 100-feet east of Edmonds Street (straight-line station 17+40).

A 40-mph speed limit beginning approximately 100-feet east of Edmonds Street (straight-line station 17+40) and continuing east for an approximate distance of 1,610-feet, approximately 150-feet east of Brady Frontage Road (straight-line station 33+50).

A 55-mph speed limit beginning approximately 150-feet east of Brady Frontage Road (straight-line station 33+50) and continuing east for an approximate distance of 2700-feet, approximately 875-feet east of milepost 1 (straight-line station 60+50).

Commissioner Sanders asked who discovered this at MDT. The Interstate was built in 1965 and 2005 is when we last did something there. Dustin Rouse said I’m not sure who the initial person was but I can get that information. Commissioner Sanders said it seems like a long time went by before someone discovered it in 2023. Are our maintenance crews advised to look for things like this? They’d be a good source to discover things like this. This isn’t a highly traveled road and I see why nobody noticed it but I’m wondering how many other undiscovered 45 mph differences might be out there. Is there a way for us to explore those? Dustin Rouse said all of our District Traffic Engineers work really closely with our maintenance folks so

issues like these are topics at the district level. I'm not aware of us having a targeted campaign to go out and look for those but I'd be open to discussions on that. Any time we discover anything out of the norm that may be systemic we're open to doing that. Commissioner Sanders said it would be good for our District Administrators to keep an eye out for that. Commissioner Frazier said I've driven grain trucks through this area and we don't let signs on the road do our thinking, we slow down as we're approaching. I never noticed that. I hope we don't have many more out there like this.

Commissioner Sanders moved to approve the Speed Limit Recommendation, Central Avenue/Brady Road (S-365) – Brady. Commissioner Aspenlieder seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 11: Speed Limit Recommendation Blue Creek Road (U-1033/S-416) – Billings

Dustin Rouse presented the Speed Limit Recommendation, Blue Creek Road (U-1033/S-416) – Billings to the Commission. Yellowstone County submitted a request for a speed study to address concerns voiced by residents and road users regarding speed and safety.

A review of the spot speed samples shows that the prevailing speeds along Blue Creek Road match with the set speed limits. The 85th percentile speeds and upper limits of the pace are for the most part within ± 5 -mph of the 50-mph and 60-mph posted speed limits. Within the 50-mph special speed zones about 62-percent of drivers are all within 10-mph of each other. Similarly, about 67-percent of drivers are traveling within 10-mph of each other in the 60-mph special speed zones. The 50th percentile speeds are also for the most part within 5-mph of the posted speed limits.

Both the prevailing speeds and roadway context to some degree indicate appropriately set speed limits. The elevated crash rates in the 50-mph speed zones show use of the 50th percentile would be appropriate. Continued use of the 85th percentile in the 60-mph speed zones would also be appropriate except for the lengths being less than desirable. Therefore, looking at the roadway as a whole is preferred. In doing so there is an elevated crash rate for the entire roadway and use of the 50th percentile speed over the entire study area would be recommended.

Yellowstone County Commissioners and City of Billings Public Works concur with MDT's recommendation

Staff recommendation. It is the desire of MDT with the approval of the Montana Transportation Commission to institute the following speed limits:

No change to the existing 45-mph speed zone.

A 50-mph speed limit beginning 900-feet south of Midland Road (straight-line station 13+10) and continuing to a point approximately 250-feet south of Vandaveer Road (straight-line station 238+25), an approximate distance of 4.26-miles.

No change to the statutory 70-mph speed limit continuing south.

The school zone will be active Monday through Friday 7:00am to 4:00pm and will have the following limits:

A 40-mph school zone beginning approximately 170-feet north of Basin Creek Road (straight-line station 201+90) and continuing to a point approximately 150-feet north of Aqui Esta (straight-line station 213+95), an approximate distance of 1,200-feet.

Commissioner Aspenlieder said there are a couple of other things going on in this corridor. Dustin Rouse said as you are aware this is our first step in addressing the speed through this area. Regarding the specifics of the other issues, I'm not sure what those are so I'll defer to someone else to answer that. Commissioner Aspenlieder said we're also looking at a safety analysis at the intersection of Jellison Road and Blue Creek Road. We don't have anything in the works yet – there's no safety analysis on that section or anything like there at that intersection? Dustin Rouse said not that I'm aware of.

Commissioner Frazier asked about the turn going to the shooting range. Is that Old Creek Road? Commissioner Aspenlieder said it is on the far south end of this map.

Commissioner Aspenlieder moved to approve the Speed Limit Recommendation, Blue Creek Road (U-1033/S-416) – Billings. Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 12: Speed Limit Recommendation Oak Street – Bozeman

Dustin Rouse presented the Speed Limit Recommendation, Oak Streets – Bozeman to the Commission. In May of 2023, Sanderson Stewart was contracted by the City of Bozeman to perform a speed study on Oak Street for the purpose of reducing the existing 45-mph speed limit.

The speed profile shows that the 85th percentile and upper limit of the pace are above the posted speed limit by about 8-mph in the 35-mph speed zone and below the posted speed limit by about 3-mph in the 45-mph speed zone. Current speed limits are posted within ± 5 -mph of the 50th percentile and about the middle to upper range of the pace. On average over 70% of drivers are traveling within 10-mph of each other throughout the study. Using NCHRP Report 17-76 which considers the roadway environment and contextual inputs, suggests keeping the existing 35-mph speed limit from North 7th Avenue to North 11th Avenue and a 40-mph speed limit for the existing 45-mph speed zone between North 7th Avenue to North 19th Avenue. A crash analysis was performed to compare crash history to similar types of roadways in the Highway Safety Information System (HSIS) database and found the injury only crash rate (KABC) to be nearly twice as high as the HSIS average on the section between North 11th Avenue and North 19th Avenue. Considering the near elevated rate of crashes, NCHRP suggests using the closest 5-mph increment to the 50th percentile when KABC rates are elevated which would result in a 35-mph speed limit from North 19th Avenue to approximately North 15th Avenue and a 40-mph speed limit from approximately North 15th Avenue to North 11th Avenue. This would result in a recommendation of a 40-mph speed zone of an approximate length of 1,100-feet. Future development is expected to occur between North 15th Avenue and North 11th Avenue which could change the roadside environment and increase the access point density for this section.

In July 2023, the City of Bozeman adopted the Safe Speed Study, using NACTO's methodology to recommend context sensitive speed limits. Using NACTO's methodology the recommended safe speed limit would be 35-mph. Additionally, the 2017 Bozeman TMP shows the existing bike lanes do not have sufficient width to meet its guidance and lowering the speed limit could help improve safety.

The City of Bozeman reviewed the recommendations from Sanderson Stewart and agrees with the recommendation of a 35-mph speed limit through this section of Oak Street. MDT concurs with Sanderson Stewart's recommendation.

Staff recommendation. It is the desire of MDT with the approval of the Montana Transportation Commission to institute the following speed limits:

A 35-mph speed limit between North 7th Avenue and North 19th Avenue, an approximate distance of 4,150-feet.

Commissioner Aspenlieder said this is applicable to all these cobbled-together projects. This is the first time I'm seeing the municipality hire their own engineer to do their own speed study and it looks like they're using some different metrics and standards that I have not seen in any of our approach. Can you talk about this process? Is this something we're going to start seeing? Dustin Rouse said I'll talk a little about NACTO (National Association of City Transportation Officials). It is similar to our national organization that provides guidance to cities and urban areas on a variety of design techniques. It is more focused on congested urban settings. FHWA and AASHTO recognize NACTO and believe the guidance provided to locals is appropriate. It's a next-level leap. We gave our recommendation without really going through an engineering speed study because Sanderson already did one. That is what is presented to you on the first page.

Yes, there are some variations at some locations where you'd post it higher than 35 mph. One of the things with NACTO, because it is focused on larger urbanized settings in cities, its cap is 35 mph regardless of the road. If you were to incorporate NACTO then, regardless of the road and recommendations, you'd still be held to that maximum of 35 mph. We're fine with working with locals and allowing them to adopt NACTO as their guidance provided we concur that it is applicable and that it is truly in an urbanized area.

Commissioner Aspenlieder said generally I agree. This goes to a larger conversation of getting MDT out of the MPO boundaries and leaving the cities to their own devices on some of this stuff. My only concern is that you have competing interests. The cities' interests are not always MDT's interest. MDT looks at this more globally for the traveling public as a whole but cities' interest are economic development, development of their communities, pedestrian safety and those things don't necessarily align with our mission. My concern is that if we're going to open this can of worms, we're going to see a lot more of this and we're going to get into situations where we don't have alignment and how do we effectively set some expectations. There are differences between these two methodologies – this is where we're going to be willing to listen and this is where we're not going to be willing to listen so that we don't set ourselves up for conflict inherently going forward. The City of Billings will take this approach at some point downtown and we'll have this fight, I'm certain of it if we start to go down this road. As a caution, it seems like we have to be very careful about allowing a different standard than we've historically used. Maybe it is appropriate and prudent in these urbanized areas.

Dustin Rouse said one of the things we're exploring is working with cities and MOU's on different corridors. Our staff would meet with their staff and talk about the differences between Oak and 19th. If we can work to hash those out and how to work through those, potentially we could minimize these occurring but you are correct. We would always bring you the engineering analysis at each location and then compare it to NACTO and let you decide between the two. Our recommendation is going to follow the engineering in locations where we believe NACTO is appropriate. In this case, it is a very urbanized area and we're comfortable with recommending that following NACTO is appropriate in this area. So as much as possible, we'll provide you with the background information to make informed decisions. Beyond

that we'll continue those discussions with cities to hopefully come to some agreement on the corridor so that we can try to minimize discrepancies being presented.

Commissioner Aspenlieder said this question is for Mr. Nygren. In dotting our "I's" and crossing our "T's" this is fine because we're going to generally agree with the findings, but in the instances where we don't agree, are we obligated to support our decision as a Commission by at least some level of our own statistical analysis in not agreeing with the finding? I know we get out of the box every once in a while by not following staff's recommendation but if somebody is going to present to us an engineering stamped analysis and we disagree with that, are we obligated to present our own rebuttal to give us the standing to say no.

Chris Nygren said you are correct when you say there is kind of a difference in priorities between local jurisdictions and MDT. We're trying to address that by creating Memorandums of Understanding with these local entities to be able to work together. Directly to your question as to whether they have a stamped plan that meets NATCO's standards that conflicts with our standards, my advice will always be that before we reject it we do our own independent analysis and study and then compare the two. You, as a Commission, would be able to weigh that and determine what is more in line with our goals and objectives. My advice will always be to err on the side of caution and make sure when we're taking a position opposite to what the town or city has done, we have the backing of our engineering study to support that.

Commissioner Frazier said NATCO at least has some type of a basis for the way they are developing this. It isn't just somebody's opinion or some local government's opinion of what a speed zone should be based on no facts or study.

Commissioner Sansaver said you throw so many acronyms around and some of us aren't engineers. I appreciate Commissioner Aspenlieder's comments on this matter but I'm wondering what is MDT's standard? In one of the previous speed studies, we had engineers recommending a speed zone which we agreed with and now we have a different engineering firm recommending something and we're agreeing to that. What is our standard? Is it NATCO? What is it? Dustin Rouse said on the first page of the write up, going through our typical process for the speed study, the speed recommendation would be 40 mph to 35 mph to 30 mph. In this case considering the city has adopted NACTO, which is a constant 35 mph, our recommendation would be to set it at the constant 35 mph. That is our attempt to show you the difference. We feel that NATCO is appropriate for this location. We're okay with it and concurred.

Commissioner Sanders asked if we have an acronym for our standard. Dustin Rouse said AASHTO. They develop our Green Book, our highway Safety Manual, and a lot of the resources we use. Commissioner Sansaver asked if the two collaborate with each other to find a common ground. Dustin Rouse said no they don't.

Dave Gates said the Department of Transportation and others across the country lean heavily on the Manual for Traffic Control Devices to establish our signing associated with our public routes in general. The implementation of NACTO, as it has evolved over the years and the Herman interface, has been used as a tool to help with some of the discussion we've been talking about regarding local priorities for their transportation routes over how they are regulated and managed by DOT's and others. It provides additional data-driven research that is used across the country and implemented to help augment AASHTO and MUTCD to help identify and prioritize improvements from a context sensitive standpoint in that it provides opportunity to make modifications that lend themselves to the context of the route a little bit better. It's been an evolution to get to where NACTO is with standards. Not all urban environments necessarily lend themselves to some of these modifications. At the beginning of any of these processes, all those guidelines have engineering judgment

associated with them which the department leans heavily on to start the process and make that decision.

Commissioner Sanders asked if we ever incorporate NACTO into our process, do we use that as part of our criteria. Dustin Rouse said this goes to the collaboration between AASHTO and NACTO and we're slow at changing. Since NACTO was established, we are working and listening to the cities and looking at some of the recommendations that have come out of NACTO. I would say it is already influencing what we're doing. Will there be a day where we adopt NACTO? I don't know but some of the ideas that come out of NACTO we concur with and we are slowly adopting some of those into our processes.

Commissioner Frazier offered a little bit of history. Ten years ago when I was involved in the design project on Russell Street, NACTO was one of the criterion we incorporated in the design, so it's been evolving. Commissioner Aspenlieder said when you have a rub between NACTO and AASHTO, it's going to come down to us to resolve those differences. Is that correct? Commissioner Frazier said yes. Chris Nygren said that is your job as the Commission and you have the discretion to do that. Our guiding documents right now are AASHTO. That doesn't mean we close our ears and won't listen to anything else because NACTO has some pretty good ideas we can incorporate.

Commissioner Aspenlieder said as a matter of policy, if we've got standards and guidelines we operate on, I get concerned that we accept studies that don't meet our criteria. If we're going to accept these kind of studies then one of two things in my mind has to happen: (1) the study needs to be based on our principals, referencing how they complied and aligned with NACTO but still be based on the AASHTO standards that we operate under and our foundation for decision making; or (2) we as MDT have to also adopt some version of guidelines under NACTO so that we have a foundation for us to make a decision. Right now we're going to make a decision on a study that doesn't meet or follow our guiding principles. It aligns itself but it's not even presented to us with the analysis we would do under AASHTO. From a functional standpoint, I don't like the fact that we're going to consider a traffic study that we don't really agree with. We're going to set a precedent in accepting applications in this format that we don't have a functional basis for and that makes me uncomfortable. For that reason I'm going to vote "no" on all of these or I would support tabling them and asking if the city could present them back. You could certainly reference NACTO but it needs to be presented with the factual basis being the AASHTO analysis that we operate under. Otherwise I think we start to get into a real grey area that can jump up and bite us if we're not careful.

Chris Nygren said I just want to say that I totally agree. It's well said and our fall back and what we rely upon needs to be what our standards are. As far as your statement about precedent, I don't think it establishes a binding precedent, it means we're willing to look at some things but it does not bind us to those standards. It is still the discretion and the individual facts of the case that this Commission makes a decision on.

Commissioner Aspenlieder said I think it's great that we're being pushed outside of our comfort zone and it's being brought to a level where we need to figure out how we're going to deal with that. I think that is an internal discussion the staff needs to have and bring back to the Commission.

Commissioner Frazier said it has been my understanding on the speed zones presented to the Commission, we take into consideration an engineering study but our decision does not have to follow that study letter-for-letter. It is up to the Commission to base our decision on some type of a standard. I like the point that this is a different standard NACTO versus AASHTO. I like the fact that you said it doesn't set a binding precedent. We sort of have a comparison presented to us where

both were presented but is that good enough to be accepted. Under the law, we have to base our decision on an engineering study, an engineering study that follows the beat of a different drummer than our normal practices. Does that qualify as an engineering study? Chris Nygren said yes it does. We follow guidance in the originating legislation for this Commission and the standards we follow are primarily guided by AASHTO. Those are the ones that have precedence. Precedence means that is higher than the other ones. It doesn't mean the other ones are ignored or that we never consider them. It goes back to my recommendation that if we're making decisions contrary to our standards, I would always recommend we have the evidence and proof to be able to justify our decision and that may involve a separate engineering study that we do. The Commission has the discretion to do that given to it by the Legislation.

Commissioner Sanders said Spanish is a valid language and English is a valid language and I trust our engineering department to be Babble that takes a look at that. I trust them to take a look at it and determine that it is in accordance with AASHTO standards. I trust them. As far as establishing a precedence, there are three studies here and on the last one it has been determined it does not meet our AASHTO standards and is outside NACTO standards. They were able to discern between the three different studies that the first two follow our standards and the third one does not. I think we have discretion here and can trust engineering to make that decision.

Commissioner Swartz said I'm not against our traffic engineers doing another study but I'd rather the cost of that study be the responsibility of the City of Bozeman.

Commissioner Sansaver said I'd like to see the language presented use verbiage stating that it aligns with AASHTO so that we don't have the wrong guidance in there. To me it would make more sense to point out that it aligns with what the State of Montana requires. Lucia Olivera said one of the things they both have in common is ASHRP, and the Transportation Research Board has experts doing research that will end up being part of AASHTO standards as well as NACTO. So while you might have two separate standards, they are probably based on the same research. For that reason they are not going to be too different.

Commissioner Sansaver said if we table the item, does that give staff enough time to come back with an answer. I appreciate your point that they both align in some aspects but from the staff point of view to come back and say this is only what we work with or these align with our standards. Commissioner Frazier said I'm looking for some type of a friendly amendment to table it to our next meeting. Then if we don't want to table it we can go back to the discussion on whether we want AASHTO or NACTO. Commissioner Aspenlieder said I'd be open to the consultant going back to these speed studies and adding the language AASHTO says this and NACTO says this and present us with the alignment of AASHTO and NACTO. I agree with Commissioner Swartz that it should not be our staff and the state tax payer's responsibility to do that. We have standards. If the city wants to do this then do it as it aligns with our standards and then present it. Then supplement it with a study that checks the boxes associated with the AASHTO standards and present those as a package. That makes it easier without it being our staff's obligation to go back and figure it out.

Commissioner Sanders asked Mr. Rouse if they had already analyzed this. What is going to change other than adding in the verbiage that Commissioner Sansaver asked for? Dustin Rouse said we did something similar when we adopted the 85th percentile, we felt we shouldn't just try to get it to a criteria. If you went to the hard criteria it would be the 85th percentile and we're done but as we evolved, we took more things into consideration. Part of what came out of that was the ASHRP standards, i.e., high density approaches. There's other criteria beyond just that hard 85th percentile to evaluate in setting speed limits. So over time, we've taken in other considerations to be a part of that. NACTO is another one of those considerations.

It's not our standard but it's something that through this process, it is one of those things we consider where appropriate. Our recommendation on this particular agenda item incorporates everything we talked about. It is one other consideration we evaluate. We would not recommend 35 mph without considering all of it. NACTO along with everything else fed into this recommendation. It's our intent to always provide that recommendation to you so you can take action on it. We're not just blindly accepting NACTO but it is part of it. We're using our engineering and this is one of the things we consider.

Commissioner Sansaver moved to Table the Speed Limit Recommendation, Oak Street – Bozeman. Commissioner Aspenlieder seconded the motion. Commissioners Sansaver and Aspenlieder voted aye. Commissioners Sanders, Swartz, and Frazier voted nay.

The motion failed.

Commissioner Sanders moved to approve the Speed Limit Recommendation, Oak Street – Bozeman. Commissioner Swartz seconded the motion. Commissioners Sanders, Swartz, and Frazier voted aye. Commissioners Sansaver and Aspenlieder voted nay.

The motion passed.

Agenda Item 13: Speed Limit Recommendation Kagy Boulevard – Bozeman

Dustin Rouse presented the Speed Limit Recommendation, Kagy Boulevard – Bozeman to the Commission. In May of 2023, Sanderson Stewart was contracted by the City of Bozeman to perform a speed study on Kagy Boulevard for the purpose of reducing the existing 35-mph speed limit.

The speed profile shows that the 85th percentile and upper limit of the pace is at the posted speed limit for eastern half of the speed zone. The 85th percentile and upper limit of the pace are above the posted speed limits by about 5-mph for the western half. Current speed limits are posted within ± 5 -mph of the 50th percentile and about the midrange of the pace.

On average over 78% of drivers are traveling within 10-mph of each other throughout the study. Due to the presence of multi-modal users and lack of facilities, NCHRP recommends that the posted speeds be the closest 50th percentile speeds, which would be 35-mph for the western portion and 30-mph for the eastern portion. Currently the 35-mph speed zone for the western portion is flat rural farmland with several residential accesses. However, development is currently occurring on this section of Kagy Boulevard and the roadside environment will be transitioning away from rural farmland with approach density expected to increase. A crash analysis was performed to compare crash history to similar types of roadways in the Highway Safety Information System (HSIS) database and found lower crash rates than HSIS average.

In July 2023, the City of Bozeman adopted the Safe Speed Study, using NACTO's methodology to recommend context sensitive speed limits. Using NACTO's methodology the recommended safe speed limit would be 25-mph. The 2017 Bozeman TMP shows the existing bike lanes do not have sufficient width to meet its guidance and lowering the speed limit could help improve safety.

The City of Bozeman reviewed the recommendations from Sanderson Stewart and agrees with the recommendation of a 30-mph speed limit through this section of Kagy Boulevard. MDT concurs with Sanderson Stewart's recommendation.

Staff recommendation

It is the desire of MDT with the approval of the Montana Transportation Commission to institute the following speed limits:

A 30-mph speed limit between North 19th Avenue and Willson Avenue, an approximate distance of 5,500-feet.

Commissioner Sanders said the NACTO methodology is 25 mph. Is that now what is recommended? Dustin Rouse said similar to our approach considering our criteria and NATCO along with density, their recommendation is 30 mph. Commissioner Sanders said usually NATCO methodology recommends it be 35 mph but you're moving it to 30 mph. Dustin Rouse said yes. NATCO has a cap of 35 mph but you can adjust that as necessary.

Commissioner Sanders moved to approve the Speed Limit Recommendation, Kagy Boulevard – Bozeman. Commissioner Swartz seconded the motion. Commissioners Sansaver, Swartz, Sanders and Frazier voted aye. Commissioners Aspenlieder voted nay.

The motion passed.

Agenda Item 14: Speed Limit Recommendation Baxter Lane – Bozeman

Dustin Rouse presented the Speed Limit Recommendation, Baxter Lane – Bozeman to the Commission. In May of 2023, Sanderson Stewart was contracted by the City of Bozeman to perform a speed study on Baxter Lane for the purpose of reducing the existing 45-mph speed limit.

The speed profile shows that the 85th percentile and upper limit of the pace are above the posted speed limits by about 5-mph in each speed zone. Current speed limits are posted within ± 3 -mph of the 50th percentile and about the midrange of the pace. On average over 70% of drivers are traveling within 10-mph of each other throughout the study. Currently the 45-mph speed zone is flat suburban with very few accesses. Based on Sanderson Stewart's report future development is anticipated. A crash analysis was performed to compare crash history to similar types of roadways in the Highway Safety Information System (HSIS) database and found elevated crash rates to be 4.4 times higher than the HSIS average. The injury crash rate was found to be 7.5 times higher than the average HSIS rate.

In July 2023, the City of Bozeman adopted the Safe Speed Study, using NACTO's methodology to recommend context sensitive speed limits. Using NACTO's methodology the recommended safe speed limit would be 30-mph. The 2017 Bozeman TMP shows the existing bike lanes do not have sufficient width to meet its guidance and lowering the speed limit could help improve safety.

Based on the findings, Sanderson Stewart recommends the following speed limit:

A 35-mph speed limit between North 7th Avenue and North 19th Avenue, an approximate distance of 5,800-feet.

The City of Bozeman reviewed the recommendations from Sanderson Stewart and agrees with the recommendation of a 35-mph speed limit through this section of Baxter Lane. MDT does not concur with Sanderson Stewart's recommendation.

Staff recommendation:

The speed profile currently supports keeping the existing speed limits. The 85th percentile and upper limit of the pace for the 45-mph speed zone is 49-mph for westbound and 45-mph for eastbound traffic with about 70% of drivers traveling within 10-mph of each other.

The 50th percentile for the 45-mph zone is 40-mph for eastbound traffic and 44-mph for westbound traffic. MDT does not recommend setting speed limits below the 50th percentile. In this case the proposed speed limit would be 10 to 19-mph below the 85th percentile and 5 to 9-mph below the 50th percentile. Under NCHRP 17-76 Table 7, Overview of decision rules for developed area SLSG (Speed Limit Setting Guide), based on the speed profile and contextual inputs, suggests using the rounded down 85th be used for the two eastern portions of the corridor and the 50th percentile speed being recommended for the western end of the corridor. As a result, the suggested speed limit based on NCHRP 17-76 Speed Limit Setting Tool is 35-mph for the eastern and western ends of the corridor and 45-mph for the middle of the corridor. Previous research conducted by MDT shows that speed limits set greater than 10-mph below the engineering recommendation have an increase in fatal and injury crash rates. Sanderson Stewart's data shows, under NCHRP guidance and current practice by MDT and throughout the nation, the speed limit should remain unchanged.

MDT recognizes that Bozeman is continuing to grow and expand but is not aware of any developments being proposed along this section of Baxter Lane in the immediate future. MDT is aware of a recent zoning change for the large parcel adjacent to Baxter Lane which could allow development to occur along Baxter. When development does occur MDT would be willing to review the area again to determine an appropriate speed limit for the new roadway context.

Under NACTO guidance the default speed limit should be 25-mph, with special use cases for 30-mph and a maximum of 35-mph on all roadways. NACTO's primary purpose is to give guidance on speed limits in highly dense urban areas. MDT believes based on the context of this roadway that NACTO guidance is not applicable, nor does MDT currently use NACTO guidance because of the limited contextual applications and inability to use speed statistics when determining speed limits. Therefore, MDT does not interpret this type of roadside environment appropriate for utilizing NACTO methodology.

MDT recommends “No Change” to the existing speed limit configuration.

Commissioner Aspenlieder said it seems there is a contradiction, you have elevated crash rates 4.4 times and 7.5 times for the injury crash rate. Then you compare that with the NCHRP guidance that says 85th percentile. How do you resolve those two because within our own criteria there seems to be a contradiction? Dustin Rouse said as I alluded to before the crash rates and crash histories and the use of NCHRP are all a part of our internal evaluations. That is what Sanderson Stewart did when they went through their process. The crash trends and the rate of crashes is certainly something we consider in ultimately coming up with our recommendation. My answer is we do take it into consideration, then we also take into consideration the context of the roadway and the density of existing approaches. All that is what we looks at in coming up with our recommendation.

Commissioner Swartz said I'm just trying to get a better understanding when we have a contradiction within the criteria, utilizing high crash rates then apparently the 85th percentile portion becomes more relevant or important than the crash rates. Dustin Rouse that may be over stating it. The 85th percentile isn't more important, it's the risk of setting a speed limit that is lower what we anticipate drivers will follow. Obviously our concern and our recommendation leans towards trying to not make a

significant issue. Commissioner Swartz said it seems like it is already there. My last comment is that this is a good example of what we were talking about earlier with NACTO vs AASHTO but looking at all the factors and not just rubber stamping one or the other. It's a good example of how we can commence utilizing all the different methodologies.

Commissioner Sansaver said Sanderson Stewart is an engineering firm from Bozeman, have they even thought that the State has a guideline that we follow AASHTO. It seems to me that they are putting us in a predicament of NACTO vs AASHTO and whether we're going to change what we're going to go with which is AASHTO. They are not considering the fact that we have a guideline we follow. Has anybody talked to them that the State follows AASHTO and now you're recommending NACTO, what do you expect the Commission to do? Dustin Rouse said Sanderson Stewart is an engineering firm we use, you'll notice in previous meetings they have completed reports for us. We've hired them and they're very familiar with our approach on speed studies. In this case, they were hired directly by the City of Bozeman. When they came up with their recommendation, yes they use our guidelines and it is in their report that they recognize the criteria we use for our recommendation and they go through that process. Ultimately their leaning on the fact that Baxter has planned future development and the fact that this area is likely going to have more signals and will continue to develop. There is no question that is going to happen. From our standpoint it is more of a timing issue. When we see that development on the ground and when we think it's appropriate to go out and take another look at this location, then we will evaluate it at that time. In their recommendation, based on guidance and documentation provided by the city, it appears they are taking that heavily into consideration in their recommendation.

Commissioner Aspenlieder said as consultants, you can skin a cat a multitude of ways, you just have to find the one way that gets you the answer. This is a predetermined outcome. So they found a methodology that supported the city's desired outcome, so it's more convenient to put that forward than the AASHTO which may have not gotten them to the same outcome. That's my perception. I continue to say that if we're going to accept these things, it is not complicated for the city's consultant, and Sanderson is well versed on how we do these things, to put in some additional language that aligns and compares both AASHTO and NACTO so that we're not doing it on our end. That is my desired outcome. If we're going to keep doing this then give us a report that checks the box for AASHTO otherwise we're not going to accept it. Just give us the data both ways. You're more than capable of doing that but don't put the burden on MDT to do the alternative analysis to make sure that these things align. Make it easy.

Commissioner Frazier said as a former consultant you try and tailor your work product to the person who is paying for that if you want repeat business.

Commissioner Sanders asked about agenda items with a recommendation of no change. Do we have to make a motion to address this since there is no change? Functionally, how are we to address agenda items when staff recommends no change? Chris Nygren said it is an Agenda Item and you have to reach some type of decision on it. This recommendation is no action but the Commission still has to reach a decision on it.

Commissioner Sansaver moved to approve the Speed Limit Recommendation, Baxter Lane – Bozeman. Commissioner Sanders seconded the motion. Commissioners Sansaver, Swartz, Sanders and Frazier voted aye. Commissioners Aspenlieder voted nay.

The motion passed.

Agenda Item 15: Interim Speed Limit Recommendation US 287 (N-8) – Wheatland

Dustin Rouse presented the Interim Speed Limit Recommendation, US 287 (N-8) – Wheatland to the Commission. While reviewing incoming development on US 287, MDT discovered a 45/70-mph transition entering the community of Wheatland. Broadwater County concurred with an interim speed study. After completion of the development, there is a desire to have a comprehensive speed study conducted. MDT suggests using a 55-mph speed limit extending from the existing 45/70-mph transition approximately half a mile.

Speed data was not collected in the area. However, both Helena and the Butte District support an interim speed limit in the area reducing the statutory 70-mph speed limit. MDT recognizes the rapidly changing community of Wheatland and the substantial increase in development along US 287 and its interim speed recommendation will better reflect the reality of this increase in traffic generation and changing roadside environment.

Furthermore, MDT discovered that the speed limit transitions between 45-mph and 70-mph. Current practice is to transition to 55-mph first. The addition of a 55-mph transitional speed zone is recommended for US 287.

Staff recommendation. It is the desire of MDT with the approval of the Montana Transportation Commission to institute the following interim speed limit:

An interim 55-mph speed limit beginning approximately 180 feet north of the intersection with Vigilante Way and continuing north to a point approximately 380 feet north of the intersection with Wheatland Road, an approximate distance of 3,000 feet.

Commissioner Sanders asked when we set an interim speed, what is the duration of that and when is it supposed to end. Dustin Rouse said my understanding is if you take action and set an interim speed study, we commit to go out and collect the data we need to finish the speed study within one year. So an interim speed would be one year duration. Chris Nygren said that is correct. Commissioner Frazier said we're putting up the signs and then collecting the data? Dustin Rouse said correct.

Commissioner Sanders moved to approve the Interim Speed Limit Recommendation, US 287 (N-8) – Wheatland. Commissioner Swartz seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 16: Certificates of Completion January & February 2024

Dave Gates presented the Certificates of Completion for January & February 2024 to the Commission for review and approval.

Commissioner Aspenlieder moved to approve the Certificates of Completion for January & February 2024. Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 17: Liquidated Damages

Dave Gates presented the Liquidated Damages to the Commission. This is informational item.

Agenda Item 18: Director's Discussion

Interim Director Larry Flynn

Director Larry Flynn thanked the Commission for their support, input and patience during this interim time as we continue to search for a program director. That search is well underway and I would suspect by the next meetings, if all goes as planned, you'll have a Director. I do hope the perspective I've gained in my short time in this seat will serve you and the travelers of Montana well. We have a number of items today. Some of them are project specific and some are more general.

Congratulations to MDT

I'd like to give a hearty congratulations to MDT in restoring travel to a much needed area of the state. You are all aware of the incident on MT 41 in Twin Bridges earlier this year. On April 8th there was some swift action taken after we discovered a significant issue on one of our bridges and that bridge was closed. Four and half days later that bridge was reopened at full capacity which is unprecedented in the State. Monday morning it was closed, Tuesday morning we had a pretty robust discussion about restoring partial one-way traffic within a few weeks with no full traffic until the bridge was replaced. By Wednesday afternoon they started fixing it and it opened within a number of days.

Here today we have representatives of the Team involved in making this happen. To me this is an unbelievable story of teamwork and collaboration by MDT forces and others as well. Your packets contain pictures of the structure before and after. What it took to pull all this together is truly amazing. It came down to securing a barge and trying to recalculate if that barge could hold our folks as they were bouncing up and down on the river trying to complete these repairs. Then trying to track down a crane to get that barge in place. I think it was the Butte District that actually fabricated a ladder to attach to the barge so that we could run our boat out and folks could get on and off the barge to access the bridge and keep working. Coming up with the design calculations and running through every scenario to make sure that this fix not only was something we could implement but when we were done we would not have to load post this structure and fully open it to traffic. We were immediately asked from FHWA in the Monday after we opened it up, where are those calculations and we had them. That is a huge lift and this team was there throughout. The design was put together by Bridge and we had the fabrication shop here in Helena involved build the plates and the saddle that we installed on the bridge. The plates were bolted to the pier structure and then concrete was poured in.

I'd like to read a description of the Team and some of the things that went into this. The Team did an unbelievable job on this repair. One of the favorite stories – they asked Brenden Graft to go out and guarantee that barge would float and he said it will float until it sinks. There are multiple different stories; a hundred different stories like this from the bridge repair, the steel fabrication on the plates from the shop, Jared going out and buying epoxy AASHTO grade. He bought all of the Hilke Grade Epoxy in the State of Montana. The multiple arms and shoulders of the Butte Maintenance drilling holes, hanging plates, mixing the finest HD 50 ever seen which was the concrete we placed behind the plates to repair the concrete. The Butte guys fabricating the required safety ladder for the side of the barge, again, they didn't even know they had done it until they got out on site. Dave Crumley and Ryan leading the work to completion. Dave was the hero behind the scenes providing that experience,

confidence, and support go hold the Team together. Of course, he was out there working everyday as well. His efforts cannot go understated. Again, it is hard to make a list of everyone involved in this. I did put together a list but I asked the District Administrator and John Swartz to pick somebody from each of those groups and different sections that were involved and these are the folks that worked day and night trying to get this thing repaired and opened.

You saw some of the write-ups. Search and Rescue had to be on sight in case something happened and divers could help if there was some sort of incident that occurred. The list of folks is very significant. It was a great Team effort.

Commissioner Sansaver asked if it was a permanent fix or something where we have to go back and rebuild the entire bridge later. Larry Flynn said it is a fix that buys us some time. We do have a permanent replacement project in the works but this work was substantial enough that we were able to remove any load posting and open it to all traffic. It buys us the time needed to develop that project and get a permit and get the permanent replacement under contract.

Commissioner Frazier asked him to introduce the Team representatives. The Butte Maintenance Chief introduced the Team. He said there were a number of others involved that weren't there. It was a classic case of over-designed, under engineered repair where speed is of the essence and you don't get all the efficiencies you do in a normal design. When that happened, we're throwing a lot of masks to these guys. They got it done. It was great. Commissioner Frazier said he greatly appreciated the efforts. I was notified at midnight from someone from Twin Bridge wondering if they could travel on the highway. That was Friday and they were asking about rerouting traffic and signing things for intersections and on Monday morning it was all taken care of. Thank you guys for a job well done.

Ryan Dahlke said I'd like to take the opportunity to brag on the Team. On Monday afternoon I got a visit from our Bridge Engineer about a bridge that was not safe for the traveling public. Tuesday morning the Team was at it. Lindsey, Dave and a number of the bridge folks were hard at work. I was blessed to get a peek behind the curtain on what these guys do in brain storming solutions. Wednesday we were deployed on the site looking at arm's reach – we had a boat out there from our Geotech Team that allowed Lindsay and Dave to actually take a look at the actual structure and see what we were up against physically in the field and verify that the solution we came up with was viable and safe. They did some cleaning on the pier itself and then Thursday they deployed the barge and started the repair. Friday morning I went down there and was amazed at the work these folks did. One thing I want to say is Dustin Rouse's work with the Bureau of Reclamation saved this project. The Bureau of Recreation was due to flush the Reservoir and send a bunch of water down on Thursday morning which would have hit the bridge on Wednesday. That would have raised the water and made it impossible for this repair to happen. Dustin's excellent negotiation skills delayed that by two days and bought us the time we needed. These guys were just incredible and it was an honor to serve with them.

Ryan Dahlke said one thing I will say that always is in the back of my mind is I hope this doesn't become the expectation. On all of our bridge damages, this type of solution is not always there. The particular problem with this structure allowed the opportunity to do this. Not all of our bridges are going to be this lucky. But given the opportunity we had, these guys capitalized on it and made it happen. Again they entertained me and afforded me the opportunity to join in and it resulted in the most fun I've ever had at work on a Friday. It was a phenomenal effort and truly above and beyond. This is what these guys do day in and day out. Certainly Chairman Frazier is aware of some of the stuff that Mr. Crumley has done in the past as our Bridge Maintenance Engineer and the innovative solutions that he does day in and day out that don't receive this kind of accolades. Our maintenance guys do this day in and day out keeping the public going. It's nice to be able to carve out a moment to

say this one was truly spectacular. While recognizing this, don't forget these guys are doing this day in and day out, week in and week out, long hours, late into the night and this one was really successful.

Commissioner Sansaver asked if this one was one marked for repair. Ryan Dahlke said this was a surprise. We have a number of bridges we're watching but this one we were kind of watching but this came up when one of our maintenance folks contacted Bridge and told them there was a bump in the bridge. Mr. Crumley checked it out and found the actual deck had settled which is bad. So it came out of nowhere. Coming out of this is how can we look at bridges across the state and we've already initiated some significant efforts to look at these kinds of things that are noted in the inspection reports for all on-system bridges and trying to draw parallels to see what bridges are similar and attack it before it fails. This is a great solution that can be implemented over and over through some kind of contract or otherwise. It came out of the blue. Commissioner Sansaver congratulated them; it was an outstanding job.

Commissioner Sanders said I admire what you did. The Berlin Airlift might be a comparable thing. It went a little bit longer but the engineering you guys did was truly amazing. I think MDT can get accused of being slow and unresponsive and you guys could have paced it but you said let's make it happen. My hats off to you.

Dustin Rouse said one of the amazing things about this was the silver lining we acquired through this process in being able to use what we learned and apply it to other bridges. Mr. Cane and I have had a conversation on what we learned through this about what additional maintenance efforts we can do or how to direct our limited resources to get in front of things in the future and prevent shut downs and how we can extend the life of our bridges. We have had very positive discussions about how this can be prevented in the future so we're not just reacting.

Commissioner Sansaver I'd like to say it is truly refreshing to see the boots on the ground. We deal so much with legislative issues. I'm a construction guy, these guys are engineers so I'm in the same world but a little bit different. I really appreciate seeing you guys with boots on the ground and I'd love to see more of them. You are the ones who get the stuff done. I really appreciate that. Congratulations again on an outstanding job well done.

Commissioner Frazier said there were probably 50-60 people involved in this. Larry Flynn said there are a couple of folks in the room that weren't mentioned in their role – Gino Liva, District Administrator of the district impacted. He took all the press interviews when we didn't know what was going to happen. Thank you Gino for your role. Dave Gates assisted in contacting Frontier West and finding a barge. Dustin Rouse said there were a lot of people involved in this project and read all their names.

Commissioner Sansaver said this is a pretty big deal and I don't think it should just be reserved to a local newspaper in Twin Bridge. I think it should be much grander than that at the national level showing what kind of work the State of Montana can do and is doing. Put it in the Billings Gazette, the Great Falls Tribune, etc., get it out there to show the outstanding work that's being done here. We don't get enough credit in the State of Montana as it is and I think once we have something as grandiose we need to get it out to the public. All our Congressional people don't know about this so it should be out in the newspapers so they can read about it and see what MDT is doing and what we're capable of and how far we've come under the leadership of Chairman Frazier. Larry Flynn said our intent is to continue to work to get this message out. There were some techniques used in this that other states could certainly benefit from because it was a very innovative and creative solution. I think those conversations are still going. There are national awards we can put in for and this is one of the projects we're looking at to do that. Also there is the Governor's

Recognition as well. We'll be looking at a lot of different options to recognize these guys in an appropriate way.

Commissioner Sansaver asked if they were going to send them over to Baltimore to help with that bridge. Larry Flynn said he met with that team last week. Larry Flynn said the Baltimore incident highlights the impact of our bridges to our society as a whole especially our commerce when something that tragic happens. It does underscores the need to get ahead of the bridge issue.

Load Posted Bridges

Director Flynn gave a handout of a list of load-posted bridges to the Commission. We shared this with the Governor's office as well. It shows you the trajectory we're on. We continue to work hard and keep adding numbers to this list. We continue to work at it. Obviously there is a lot of work to do and thank goodness we have an excellent team working on this. We have a number of grant applications submitted to address a lot of these bridges. The largest one to date we've submitted is for 34 bridges state-wide for \$68 million. We're keeping our fingers crossed on that one.

High Tension Cable Union Rail Project

Dwane Kailey gave an update on the high-tension cable union rail project. Dwane said I wish I had great news for you. Unfortunately it isn't. We have submitted our Biological Assessment and are waiting for a response from US Fish and Wildlife Service. We have communicated with them but they have their own biological opinion and that is what will authorize us to move ahead with our project. They have cited the end of May is when we can anticipate having that biological opinion back to us. From that point forward we anticipate some sort of mitigation requirement in that opinion. Long and short, their opinion is their opinion but we're bound by it, so whatever mitigation requirements they put in there, we're bound to it. We're hoping that we are satisfying a majority of their concerns with the corridor study we're doing in that area but we won't know until we get the opinion. Unfortunately we're on hold until May 30th.

Commissioner Aspenlieder asked what mitigation could coming. Duane Kailey said we anticipate the mitigation to be standard bear protected equipment, i.e., garbage cans all have to be bear proof, any kind of food sources have to be protected. Then the other mitigation would be the corridor study that we already plan to do. Aside from that, they could but we don't anticipate it but they could require some sort of wildlife crossing. We don't anticipate that.

Bitterroot Crossing Project

I'd like to bring this to your attention. We have a project down on the Bitterroot Crossing at Victor and we have recommended a roundabout for that intersection. Based on the accident clusters and fatalities in that area, all the data points to a roundabout to help mitigate that. While initially we had fairly strong public support for that project, it's fallen under substantial criticism as of late. There is a contingency in that community that is up in arms about putting in a roundabout rather than signalization. It elevated to the Director and the Governor's office and it will be a subject on the May meeting.

Headwaters Rest Area Update

The land transactions between Headwaters and the Bozeman Rest Area have been completed and that ownership is now swapped and the rest area is open and has been for about a month. The next item in sequence is Bozeman is intersection improvements on North 19th. As I understand it we have a project that is already being planned in that area and we plan to incorporate the intersection improvements

into that project rather than having two contracts working in the same area at the same time. It is more economical to roll that all into one project.

DBE Update

Meghan Strachan said she had good news to report to the Commission. As you know we've been doing everything within our power to try and meet our DBE goal this year. We've posted a lot of working events, finding creative ways to try and meet our goal race neutrally so we've been giving extra contract points to incentive participation in our networking events. Starting in the April 4th letting, we've been paying an incentive for using a DBE or SBE that hasn't been used in the last three years. The April 4th letting was the first letting where that went into effect and there was a business that got a subcontract that was eligible for that incentive. We're looking to start setting SBE goals starting in the June 6th letting. As a reminder our goal is 6.3% and right now we're sitting at about 5.7% - that's the best we've done since about November when we didn't have much money out the door. We're feeling good about that number and now the goal feels like it's within reach.

Something on our radar is the Disparity Studies which is how we set our goal. Disparity Studies cover five years. We're already taking about doing another one which will cover 2021 through 2025. So it's time to start thinking about getting money together and starting the process to conduct another study. Our current Disparity Study shows white women and subcontinent Asians are over utilized for highway projects. We're not sure if the new Disparity Study will show those same groups are over utilized or not but that is why we want to do everything we can right now to race neutrally meet our goals so we don't have to exclude those groups.

The other big new in the DBE Program is there was a final rule published on April 9th. That was a pretty major overhaul of the DBE Program. Most of those things will impact me and my staff but most people won't notice the changes. It did increase the personal net worth limit which is great news because we've had several businesses size out of the program because of the personal net worth limit. I'm not sure if we'll get those businesses back in the program but I'm hopeful we can keep the businesses that are starting to work their way up to that limit in the program a little longer. The other thing the rule change did is to put in a regular timeframe to increase the personal net worth limit. The gross receipt limit is increased every year but they didn't have a mechanism to increase the personal net worth limit. The personal net worth limit was at \$1.32 million for a very long time because they had to go through the whole formal rulemaking process to increase that. Now it will be increased on a regular basis.

The other thing in the final rule is a bunch more reporting requirements for us. For the most part that will only impact our office. There are a few requirements for bidder's lists and when we collect information on who Prime's tend to use for subcontractors and who they received quotes from that will impact the contracting community.

The final rule was published April 9th. Some of the changes go into effect May 9th so we are scrambling to make sure we understand what is in the final rule and make sure we can hit all the timelines and deadlines we're obligated to meet. They are putting on a bunch of webinars. We've read through it but we're still trying to digest a lot of it. I'm happy to answer any questions you have pertaining to the DBE program or the final rule.

Rest Areas (Continued)

Rob Stapley said you had some questions about rest areas specifically why there was no rest area west of Culbertson, no rest area between Hardin and Broadus, and no rest area between Roundup and Malta.

West of Culbertson – we looked at that in 2018. There a need for one and it was recognized back in 2018. The big issue is funding. Rest areas like the rest of our projects fall into our prioritization list and to find funding to make that happen sometimes can be challenging. That is the issue west of Culbertson. There is an existing rest area near Vandalia. There was a study to determine whether that should be converted to truck parking or be rehabilitated as an existing rest area. The study showed it should be a rest area and I believe that is in our TCP moving forward.

Hardin to Broadus – we have worked in the Hardin area for 10 years to find property, water, and there's been an assortment of issues around putting a rest area in the Hardin area. To date we haven't been successful with that. That is still out there and still a lot of work to be done but it's not an area that has been overlooked.

Roundup to Malta – based on the relatively low traffic volumes along US 87 this has not made it up the priority list. It still remains an area that we won't be focusing on in the near future.

Commissioner Sansaver asked about the rest area west of Culbertson. We're talking 100 miles and a good portion of that is on the Reservation. Is it because we can't work with the Reservation to assist? I know at one point in time they jumped way ahead of everybody and started a rest area on Hwy 2 east of Malta but the state shut that down. Is it possible to renegotiate that with the Ft Peck Tribe to get some money from the Ft. Peck Tribe to assist in the building? It seems to me that would be the halfway point between Culbertson and Vandalia. Then we'd have a rest area right at the intersection of two very busy highways, Hwy 13 North and Hwy 2. I think we could revisit that with Ft Peck Tribe. I know the State of Montana has had difficulty working with the Ft Peck Tribes because of some inability to cross the Missouri River. I would like to see us work with Ft. Peck Indian Reservation to see what can be done. If there is any way I can be of assistance I'd be happy to do that to see a rest area be put in.

Rob Stapley said I was not aware of that; so that's news to me. I will do some follow-up on that and see what I can find out. I appreciate the offer for assistance. Commissioner Sansaver said this goes back to the 90's when the Tribes tried to build one. They asked for my assistance and I instructed an engineer to help them with it and the next thing I know before the engineer could meet with them, the state stepped in and said not on Hwy 2 you're not. The bricks and mortar are already there, we just need to conclude that with the best wishes of the state to do that. It would show some uniformity between governments and we should encourage that. If there are issues from the past, those are in the past. We sometimes look so far forward that we stumble over already developed areas. I would like to see that.

Urban Areas around Bozeman

Duane Kailey said with the new urban areas defined around Bozeman that population should reach 50,000 and by state statute that will prompt a change on the Interstate from 80 mph down to 65 mph. So we're having an interesting civics lesson trying to find what authority the Commission may have in that regard. Normally if the speed reduction was prompted by Commission action, my understanding is we could raise it back up. It is a state statute. Commissioner Frazier said I think it's a state or federal statute. Duane Kailey said it's a state statute. The question I have is there a path to overturn that reduction. From what I understand the Commission can ask for a speed study and if that speed study warrants an increase in the speed limit that would be the avenue we should take. It does not have to be prompted by a local government. Commissioner Frazier said there is a 65 mph speed limit near Great Falls that falls under that same statute.

Commissioner Aspenlieder said to be consistent with how we do these things, I think it would be prudent to follow through with a speed study to either verify that is the right speed for the traveling public or not. I don't think it's great from a statute standpoint and I hope we can put that on our list of things to address with the Legislature. Senator Rusher said he is excited to take that one on as a sponsor and take it down. I hope we put that on our list of statutes to clean up and get rid of. I'll pose to the Commission that we ask our staff to do a study on that section of Interstate to verify whether that was the right move or not to lower the speed limit. I think it would be a good idea for us to make sure that was a sound decision or not or reverse course by doing our own study.

Commissioner Sanders asked why the speed reduction happened. Commissioner Frazier said it was because the population reached 50,000 and it becomes an MPO by statute. There is a state statute that mandates the Interstate speed limit through a metropolitan area be 65 mph. Commissioner Sanders said then you're asking for a statute to change that. Commissioner Aspenlieder said my motion is for a speed study to verify whether that is the right speed or not. A speed study can address that.

Chris Nygren said the question is whether the Commission itself can initiate a speed study without a request from a local authority. That statute is very confusing because it is designed to address a normal situation of a local authority requesting a speed study. I talked to the Governor's counsel and we've come to the opinion that yes the Commission has the ability to initiate a speed study on its own. As far as how we got in the situation is once the MPO is designated, it automatically happens. Now it is there and we can do the speed study and if it warrants we can raise it back up. There isn't anything preventing it because we do have the authority to set the speed limit there.

Duane Kailey said the motion said the City of Bozeman, can we clarify to include the whole limits of the 65 mph speed limit.

Commissioner Aspenlieder moved to request MDT staff to conduct a speed study on the speed reduced stretch of I-90 in Bozeman. Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Federal Appropriations Bill

In terms of federal funding the FY 24 Appropriations Bill finally passed through Congress on March 9th. The key issue for us is the appropriate bridge funding was removed so we lost \$30 million per year that we gained in IAJ. We're down a little bit in bridge funding but we will gain it back at some point. At this point in time that was the impact of the appropriations bill.

Green House Gas Legislation

There has been quite the conversation on greenhouse gas and the ability to impose reduction targets for us. There's been a number of lawsuits throughout the country. Robert Fisk said there were two lawsuits filed in Texas and Kentucky. The State of Montana signed on with Kentucky as well as four surrounding states. The federal court in Texas ruled first vacating the rule on March 28th. That was followed a couple of days later by the Judge from Kentucky concluding the rule was arbitrary and capricious and exceeded the statutory authority for rulemaking. Then on April 10th the Senate voted for a Congressional Review Act Resolution disapproving the greenhouse gas rule. I think it's important to note that both of our Senators voted in support of this Resolution. You don't see that very often. The next step is this goes to the House and who knows where they will go. If the House votes for this then it

goes to the President and he will veto it. It's just them putting their voice out there. More to come but as of right now there are no performance measures required for greenhouse gas.

Larry Flynn said we had joined in the Kentucky suit filed in the Western District of Kentucky, so that ruling specifically finds for the State of Montana ... it basically pushes back any requirement to perform a baseline greenhouse gas emission study at this point. That may be appealed but at this point that is where it is.

Commissioner Sansaver said as far as greenhouse gases are concerned, I deal with quarterly submissions by all of these companies wanting to come in and speak because I work at the Ford Dealership regarding these electrical vehicles. The State of Texas doesn't have any grid for this and as far as I'm concerned the State of Montana doesn't have a grid to handle it. Now if it is the case, we're going to be forced to do that. There's going to have to be a lot of Level 3 outlets on the Interstate and up on Hwy 2 to be able to plug into when you travel. We only have Levels 2's at this point and you have to stop and charge for eight hours to get a full charge. But as far as the State of Montana is concerned and probably North Dakota, Wyoming, and Idaho the grid isn't sufficient enough to handle what their requiring by year 2035. If it is the case where we will be mandated to follow the greenhouse gas rules and regulations, what are we going to do as a Commission to enforce that if we don't have the money? It costs \$300,000 to put in one Level 3 charging station. How many of those are we going to get the State of Montana to support? It's going to fall back on this Commission at some point to fund those Level 3 chargers. What are we going to do? I'm not talking about it happening 50 years from now, I'm talking 2035. That is something to be cognizant of.

Commissioner Frazier said I'll continue to drive my 1994 Ford. Commissioner Sansaver said me too. Larry Flynn said that is also the concern in a state like Montana with a smaller population. They're wanting to target greenhouse gas emissions and it's aspirational but totally unrealistic. As you said we have no network but the sheer fact that we're bringing more and more people and more and more vehicles into the state every day and any kind of a mandate to reduce the growth of greenhouse gases in this state would be disastrous.

Transportation Alternative Projects

Ryan Dahlke said as you are aware, the preference of the Commission is to have local agencies administer their transportation alternative projects whenever possible. We had a last round when those Transportation Alternative projects came to the Commission, a lot of them were moved forward on the condition that the local agencies administer them. We have a new round of TA coming out this fall to January and we want to be able to set the expectations for those local agencies on what we're expecting of them in advance so they can make proper decisions on whether they pursue transportation alternatives funding or not. I'm not looking for an answer today but I do want to put it on your radar and ask you to consider this so we can get some guidance from you on what your expectation is on this next round. Whether it be all transportation alternatives projects that are administered by a local agency or if it is population based say over 5,000 or under 5,000, but we're looking for some guidance.

For some background, agencies the vast majority of the time are struggling with federal aid compliance administering federal aid projects. We do have a project manager in our program administrator for TA assisting those agencies. We're not seeing a significant reduction in staff for those projects, granted they are just getting to know how to do this. They are learning and we anticipate more compliance and better knowledge as we move forward. I'm asking the Commission to consider providing us guidance so we can then give the local agencies some guidance on what the expectations are so that a small little town like Winnett doesn't put in for a TA

application and then be told you got it but the only way it can move forward is if you administer it. We just need to be able to tell them up front. My only contribution to the decision is to note that by federal law 25% of the program is allocated to agencies under 5,000. So there's a high probability that a lot of those small little towns will say if we have to administer it, we're out because we cannot risk having to pay back federal funds. That is a risk but as long as the Commission tells us that up front and we're able to convey that to the local agencies in that release for interest for TA projects, we want to be as open and transparent with our communication as possible with the next round. So in the next few months if we can get some feedback that would be a great help.

Commissioner Frazier said going back to a previous meeting, the City of Great Falls had a question on whether they could take that on. We had a pretty good discussion with them and turns out that the City of Great Falls was having staffing issues, they are down on staff, their trained staff wasn't there. They are willing and would like to administer those but will need help along the way. Commissioner Aspenlieder said I think that is nonsense. They hire the same consultants that work for MDT and do these projects. That is just a bogus excuse and a cop-out for a city that should be able to handle that. I don't buy it, I don't believe it and it's continuing to use MDT as a crutch. Every city figures this out. My perspective on this would be to set the limit at the same as Federal Highway for 25% participation. That seems logical to me. Those communities under 5,000, that's our Class B level communities from a school perspective and that seems logical to me. Figure it out – if you want the money figure it out.

Commissioner Sansaver asked if the city of Sidney, population 7,500, would be able to handle this. Commissioner Aspenlieder said I think so because they have an established Public Works Department where their Public Works Director, like Culbertson, isn't out mowing the park; there's different capacity there. They also use consultants who do this work. So I do think so. Commissioner Sansaver said I wonder if it should be changed to under 10,000 people because some of the cities really fluctuate and could have an influx of people but don't have the infrastructure to handle it.

Duane Kailey said I'm not asking for official action and I will lean on Chris to see if that is something that needs to be advertised for public comment for you to take action. Right now I just wanted to get that on your radar to start considering and thinking about.

Agenda Item 19: Change Orders January & February 2024

Dave Gates presented the Change Orders for January & February 2024 to the Commission. The Change Orders for January and February total \$731,992.94. Some of the highlights are – 13% is to replacing items damaged by traffic, 30% is for adding storm drain features, 22% is on I-90 for the Miles City area project for additional quantity to complete the farm fencing, 25% is on the Yellowstone River 90 miles NE of Miles City project for an expansion plate and deck panel connection. Those items consist of 89% of the total. This is an informational item only.

Agenda Item 20: Letting Lists

Dave Gates said the Letting List is in your packet for your information. We have seven total contracts and we received 12 bids we will share with you next week.

Agenda Item 21: Billings Transportation Management Area (TMA)

Duane Kailey presented the Billings Transportation Management Area (TMA) to the Commission. We were requested by Commissioner Aspenlieder to find ways to empower cities to be more involved and more importantly have more authority over what happen in their cities.

The Agenda Item says Billings Transportation Management Area which is a characterization not an actuality. There are four levels of local governments recognized by the federal rules by population: (1) below 5,000 they have no requirements; (2) over 5,000 they become an urban area with certain requirements to have a transportation improvement plan; (3) a population over 50,000 they become a metropolitan planning organization (MPO) and are required to do a high level planning for that community; and (4) a population of 200,000 they become a TMA Transportation Management Area and take over the role of managing the transportation system within that urbanized area. We're calling Billings a TMA recognizing that Billings isn't at 200,000 but essentially we're trying to see if there's a way to set them up ahead of time to actually manage what happens within their city. One caveat on this entire discussion so there is no confusion is they are in agreement and we are adamant that our discussion does not include anything on the Interstate. We will retain full authority over the Interstate because there are all kinds of federal rules and regulations on the Interstate. Everything else is on the table.

Commissioner Aspenlieder said we've had a number of meetings at every level where MDT is sitting at the table and participating in this as is every department in Billings. The goal is to try and get MDT out of the MPO boundary and pushing the decisions to the local level. Sometimes we're going to like those and sometimes we're not, but that's what we get when ceding control to the local community. The goal here is not to impact the Interstate but it is truly to look at the Urban routes and NH routes within the city that are a key component of the city's transportation network. We don't have the same goals and alignment on a lot of those things or some of those things but I think empowering the locals to make those decisions on the roads that impact those communities is probably good policy and a good step forward. It also takes us out of doing the things and allows us to focus on some of the things we do best which is not necessarily operating in the urban environment with all the nonsense and BS that comes with the cities.

I think we're making good steps forward. I understand there's draft agreements of the first steps in digestible chunks so we're not trying to sign an MOU that has the whole thing all at once because that's never good. So taking the low hanging fruit and trying to get those things in place and then stepping into the harder discussions like maintenance. Maintenance and the cost associated with it and reimbursement associated with it is going to be the biggest hurdle to overcome. That's probably the last one to undertake. This is a good direction. The City of Billings is excited and 100% motivated to move down this road outside of the maintenance side of things. I think it's good and it forces MDT to stretch our legs a little bit which has been healthy and good for conversation.

Duane Kailey said for clarity we have three big areas. One is permitting which we are looking to hand off to the city. Those go through both the city and state MDT review. Second is maintenance. The third area is project identification, nomination and development and eventually construction. Are there risks? Absolutely there are risks. Our staff is working together to help minimize and identify and prevent but there are risks.

There are two main purposes of this Agenda Item: One is to inform you of what is going on in the City of Billings. There are two statutes tied to this that we need your input on and how you'd like us to approach this. The two statutes are 60-2-110 and

60-2-111, MCA. The first one is your authority to prioritize the projects for the transportation system and the second one is the letting and award of projects on the transportation system. This is just an option, we could modify those statutes that when a local government is taking charge of their system they could have that delegated authority or we could do what we did with the TA projects in December. We brought the nomination for you to approve and the very next agenda item was the delegation of authority to let and award those projects to the local government. We could either modify statute or we could modify our process and get all that done. They have to bring the projects to us no matter what because they will not have access to the federal aid management system called BEMIS. We have to put those into BEMIS so they have to bring the projects to us to get them into the federal aid system. That would be our opportunity to bring them to you, you could approve the prioritization and then ultimately letting those projects.

Commissioner Frazier said after working extensively with a western Montana city, if they would have had full control over design, development and everything else, you would not be able to move trucks through the town to I-90 or up Hwy 93. You would be dealing with 8-foot traffic lanes and you'd be blocked by busing. This is also a community where their whole goal was to try and put a bridge across Hwy 93 for a bike path, which is fine, but their whole goal was to make is low enough so they couldn't move mega-loads to stop the oil development in Canada. Regarding the designs, if we wouldn't have had federal highways coming in on the designs on Russell Street saying this is a national highway route so we're doing 12-foot lanes to get large vehicles through the town, end of story. So there needs to be some oversight in design.

The other item that concerns me is funding and the hassle of funding. You get a TMA and they get a certain amount of money. There's going to be a fight over how much goes to highways and how much goes to the TMA. Then because you haven't quite reached that level here, you're going to have a couple of "me too" areas, like Kalispell, Missoula, Great Falls all wanting the same treatment as Billings. Are we ready for that? Those are my areas of concern.

Commissioner Aspenlieder said my perspective is Missoula has succeeded in all the things you just mentioned even with MDT's oversight. MDT has a tendency of saying we just can't trust them, at the same time we bang the drum for local control and pushing the decision-making authority to the lowest levels and getting it as close to the people as possible is the best. The fact that some communities are not moving in the direction we agree with, that's the decision of their voters and it is what it is. I understand in Billings, I think they are equipped to the level with staff and expertise and knowledge that maybe Kalispell is not or that Belgrade is probably not. There is a proven track record in history of being able to accommodate this. This is not saying you have to do this in every community but it still gives us the ability to determine who is capable and who is not. There will probably be other communities at some point in time like Bozeman who is not far behind that will want to start moving down this road. That is a conversation for that time but saying we have one person we're questionable about so we're not going to let anybody do that, I don't think that is the right approach. Trying to protect the state from one person and throw the policy out, I don't agree with that.

Commissioner Frazier said the National Highway System and the Interstate have the goal to move traffic and to move commerce, so you should maintain some control on that. The rest of it, fine, let the cities do what they want. I've got a couple of decades of experience with Missoula and the fight over nine foot traffic lanes to where you couldn't move a tractor downtown, then having someone step in and say no this is our authority and we're going to keep the national highway open to where you can't cut off commerce.

Commissioner Sansaver said I've been on the Commission a long time and I think it's real important to be progressive. I think it's real important for the Commission not to just rule on what is or what isn't but for what could be. Regarding Commissioner Aspenlieder's comments, I think it's real important that we continue to look into the possibility/probability of having local cities by setting parameters on what they are capable of handling. Then address the Chairman's concerns about how much control will we have once we turn it over to the cities. I think it's important to set standards and continue to set standards to promote this Commission and not just sit back and talk about the standards set in 1964. I would encourage our staff and this Commission to continue to move forward with the goal of the cities taking over and not have the state continue to babysit the cities.

When I was working in Washing D.C. for HUD, all of the communities across the U.S. called us "Mother HUD". We saw some of that over the years of trying to decontrol all across the United States and for those communities to start promoting themselves and taking on these responsibilities. I think this is where we're at with this. I encourage us to continue to move forward.

Commissioner Aspenlieder said we're certainly going to stub our toe along the way. I think it's also healthy for us to remember that failing every once in a while means that we're pushing the envelope which is a good thing. It's an opportunity for us to grow in the process and for the cities to grow in the process. Failing once doesn't mean the whole process needs to be stopped and returned to the safe haven of MDT. I think it's also looking at the fact that we've got limited resources, we are juggling a hundred chainsaws right now and if we can off-load some of that responsibility to governmental entities that are equally as equipped to handle that allows us to return our focus to some of the higher priorities we've got. I think that is also helpful from a staff management standpoint and a workload management standpoint. It pushes the responsibility back to the appropriate level. I think there's a lot of benefits here. There's certainly going to be some problems along the way but if we come into it with an open mind, I think we can work through all of those.

Duane Kailey asked how to proceed. Commissioner Aspenlieder said the way we did it with the TA projects is a good slow walk into seeing how this works.

TMA Inter-modal Transportation Systems

Duane Kailey said the other statute we have to talk about has nothing to do with the TMA, it has to do with how they do books. In going through the statutes and prepping for the TMA, we identified that there is a statute that unfortunately in my entire history I don't think we've ever followed. I don't think it's intentional, it's simply a miss. In short, 60-2-129, MCA, states "that the Commissions shall allocate all federal transit administration funds ... for improvements for rail and transit inter-modal transportation systems." I'm not aware that we've ever brought those projects to you to approve. So our question is do you want those to start coming to you or would you rather have us adjust the statute legislatively. We have no preference; we just wanted to bring it to your attention and ask for guidance on how to proceed. Would you like to start seeing transit projects come to your attention for your approval?

Commissioner Frazier said the way it is happening now is the transit money comes and we just send it out; kind of a pass through. Duane Kailey said FTA funds come through MDT and are passed on. MDT does not have transit projects. We buy buses and vans on behalf of the locals but they put those orders in through us because there are requirements we have to follow. As far as having FTA projects, we really don't have any.

Commissioner Frazier said I would prefer that we keep doing business as we've done it for however long this has been going on and we address the statute to have it match the way we do it.

Commissioner Sanders said why do you think the original statute had them coming before the Commission? What was the original intent? Duane Kailey said I don't know, the original bill was drafted in 1993, amended in 1995 and then amended again in 2019. I don't know what the amendments were in 2019 nor the intent. Chris Nygren said in looking at the history in 1993 it coincides with the consolidation of the Department of Transportation and the Department of Highways. That's when we adopted some of those transit functions. My assumption is they just rolled it in and we just never honored it. Larry Flynn said the timing supports that and there was no explicit intent in that regard. It was transportation related and they just put it in with MDT. So it isn't that we didn't honor it, we just didn't recognize it. Commissioner Sanders said does it do anything by not having it come before the Commission. Chris Nygren said no.

Commissioner Sansaver said I am good with leaving it the way we've been doing it. Duane Kailey said we will draft a bill and run it by you before we take it to the Legislature.

Next Commission Meetings

The next Commission Conference Calls were scheduled for May 7, 2024, May 28, 2024, and June 18, 2024.

The next Commission Meeting was scheduled for June 27, 2024.

Meeting Adjourned

Commissioner Loren Frazier, Chairman
Montana Transportation Commission

Larry Flynn, Interim Director
Montana Department of Transportation

Kelsie Watkins, Secretary
Montana Transportation Commission