

Montana Transportation Commission

**November 7, 2024 Meeting
Commission Room
2701 Prospect Avenue
Helena, Montana**

IN ATTENDANCE

Loren Frazier, Transportation Commission Chair (District 3)
Kody Swartz, Transportation Commissioner (District 1) Absent
Shane Sanders, Transportation Commissioner (District 2)
Noel Sansaver, Transportation Commissioner (District 4)
Scott Aspenlieder, Transportation Commissioner (District 5)
Chris Dorrington, MDT Director
Larry Flynn, MDT Deputy Director
Jess Bousliman, MDT Commission Secretary
Dustin Rouse, MDT Chief Engineer
Dave Gates, MDT Construction Engineer
Valarie Balukas, MDT Acting Chief Legal
Rob Stapley, MDT Planning Administrator
Ryan Dahlke, MDT Preconstruction Engineer
Jim Wingerter, MDT District 3
Katy Callon, MDT
Kolby Manderle, MDT
Nicole Pallister, MDT
Brenden Borges, MDT
Lucia Olivera, FHWA
Danica Nelson

On Line:

Megan Handl, MDT
Maghan Strachan, MDT
Bob Vosen, MDT District 1
Geno Liva, MDT District 2
Mike Taylor, MDT District 5
Darin Reynolds, MDT
Mikki Lloyd, MDT
Teresa Manzella
Bill Lussenheide

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 Kelsie Watkins at (406) 444-6201, kwatkins@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 August 20, 2024, August 29, 2024, September 10, 2024 and October 1, 2024 were presented for approval.

Commissioner Sansaver moved to approve the minutes for the Commission Meetings of August 20, 2024, August 29, 2024, September 10, 2024 and October 1, 2024. Commissioner Sanders seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 0: TCP Approval

Ryan Dahlke said we are here to adopt or approve the Tentative Construction Plan (TCP) as presented to the Commission and today we are asking for your approval. On behalf of MDT I would like to thank the Commission for their participation, not just yesterday but leading up to the TCP and all through the year. Thank you for all your service and effort on that. If you have any questions, please ask. The recommendation from staff is to approve the TCP as presented yesterday in our stand-alone meeting.

Commissioner Frazier said thank you to everyone involved in the hard work yesterday for the tentative construction plan approvals and over the years. I've seen 20 years of evolution and I am pleased with what I saw yesterday. Well done and I commend staff for all the hard work they put in ahead of time. Thank you. You listened to us last year for the bridges and I like what I see.

Commissioner Aspenlieder said Commissioner Sanders said it yesterday and I want to echo that because I think it's important. One of the things you should be incredibly proud of, especially the leadership team, is how responsive you are to the things we ask and the direction we try to give. I think that showed up very clearly in what was presented yesterday. I can't tell you how much I appreciate the effort and the work and seeing you are listening. I'm incredibly proud of the work you have done and you should be too with your teams. That was the best TCP I've been a part of and it was the most complicated one we've seen. Those two things coming together and being able to say that is a statement to the effort and work your teams have put into it. I highly commend you for that.

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

The motion passed unanimously.

Agenda Item 1: Construction Project on State Highway System Conclow Fishing Access Site – Dayton

Rob Stapley presented the Construction Project on State Highway System, Conclow Fishing Access Site – Dayton 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.

This is a construction project on the State Highway System, specifically Conclow Fishing Access Site – Dayton. The Montana Department of Fish, Wildlife and Parks (FWP) is proposing modifications to US-93 (N-5) near Dayton to address traffic generated by the new Conclow Fishing Access Site. Proposed improvements include the installation of a southbound left-turn lane (on US-93) at the Montebello Lane intersection. MDT headquarters and Missoula District staff have reviewed and concur with the recommended improvements.

FWP will provide 100 percent of project funding and will be required to complete MDT's design review and approval process (to ensure that all work complies with MDT design standards). When complete, MDT will assume all maintenance and operational responsibilities associated with the proposed improvements.

Staff recommends the Commission approve these modifications to US 93 - pending completion of applicable state (and local) design review and approval processes.

Commissioner Frazier said we started this dialogue with Fish, Wildlife and Parks four years ago and it's nice to see they are finally going to be funding improvements on our highways for their activities. That's wonderful.

Commissioner Aspenlieder moved to approve the Construction Project on State Highway System, Conclow Fishing Access Site – Dayton. Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 2: Secondary Roads Program Additions to STPS Program (1 New Project)

Rob Stapley presented the Secondary Roads Program – Additions to STPS Program (1 New Project) to the Commission. The Surface Transportation Program – Secondary (STPS) finances highway projects on the state-designated Secondary Highway System. Secondary Roads are those routes that have been selected by the Montana Transportation Commission to be placed on the Secondary Highway System. Secondary Roads Program funding is distributed by formula and is utilized to resurface, rehabilitate and reconstruct roadways and bridges on the Secondary System. Capital construction priorities are established by the Counties and pavement preservation projects are selected by MDT (per the guidance in MCA 60-3-206).

At this time, MDT is proposing to add one new project to the STPS program in the Missoula District. The project on the attached list (Attachment A) meets the criteria set forth for STPS-funded projects.

The estimated total cost for all project phases is \$3,646,130 (\$3,156,822 federal + \$489,308 state match) – with the entirety of the federal funding originating from the Secondary Roads (STPS) Program.

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

Commissioner Frazier asked if this was for Philipsburg West. Rob Stapley said yes.

Commissioner Swartz moved to approve the Secondary Roads Program – Additions to STPS Program (1 New Project). Commissioner Sanders seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 3: Urban Pavement Preservation Program Additions to UPP Program (1 New Program)

Rob Stapley presented the Urban Pavement Preservation Program – Additions to UPP Program (1 New Program) to the Commission. The Urban Pavement Preservation (UPP) program provides funding for pavement preservation work on urban routes throughout the state. MDT Districts work with local governments to advance nominations that align with system needs (as identified by local pavement management systems).

At this time, the Butte District is requesting Commission approval for an Urban Pavement Preservation project in Anaconda. The project (shown on Attachment A) meets the criteria set forth for UPP-funded projects.

The estimated total cost for all project phases is \$1,936,885 (\$1,676,957 federal + \$259,928 state match) – with the entirety of the federal funding originating from the Urban Pavement Preservation (UPP) program.

Staff recommends the Commission approve the addition of this UPP project to the highway program. Notes/discussion

Commissioner Sanders moved to approve the Urban Pavement Preservation Program – Additions to UPP Program (1 New Project). Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 4: The Montana Scenic Historic Byways Program Council

Rob Stapley presented The Montana Scenic Historic Byways Program Council to the Commission. As outlined in MCA 60-2-601, the Transportation Commission is responsible for appointing an advisory council for the State Scenic-Historic Byways Program (SSHBP). The SSHBP Advisory Council fulfills the following purposes (per MCA 60-2-601/ARM 18.14.201-202):

- Assists the Department and the Commission in designing the program.
- Reviews applications for nominating roads to the SSHBP.
- Recommends to the Commission roads that should be included in or deleted from the SSHBP.

The advisory council is a technical oversight council comprised of members who must have expertise in one or more of the subjects of tourism, visual assessment, Montana history, resource protection, economic development, transportation, or planning. One member of the advisory council must be a representative of the Montana Chamber of Commerce. Administrative Rules recommend a member have expertise in tribal culture as well.

In August of 2009, the Transportation Commission appointed three individuals to the SSHBP Advisory Council for a three-year term. The Transportation Commission reappointed these individuals in 2012, 2015, 2018, and 2021.

Since 2009, the SSHBP Advisory Council has:

- Reviewed the Scenic-Historic Byways pilot project (MCA 60-2-606) and, based on ARM 18.14.205, determined that only four of the eight routes had potential for designation.
- Reviewed guidelines and website material developed by MDT to ensure information is current and up to date
- Recommended byway designation to the Transportation Commission for two qualifying applications: Giant Springs Road – Great Falls and Lake Koocanusa (portion of MT-37) which the Commission approved in May of 2011.

In preparation for the sunset of the SSHPB Advisory Council's term in 2024, MDT reached out to existing Council members and confirmed their interest in remaining on the advisory council. As such, MDT offers the following candidates:

- Ed DesRosier – Mr. DesRosier has served on the SSHBP Advisory Council since 2009. He offers expertise in the areas of tourism, economic

development and tribal culture and history. He has been the owner and operator of Sun Tours in Glacier National Park for over three decades. He is an enrolled Blackfeet tribal member and served on the Governor's Tourism Advisory Council for Montana for eight years.

- Sheila Ludlow – Ms. Ludlow has served on the SSHPB Advisory Council since 2018. She works in MDT's Rail, Transit & Planning Division and, until fall 2020, was the Scenic Byways Coordinator for the SSHBP on behalf of the Department. She offers her expertise in transportation and planning as well as skills in research, analysis, and interpretation of laws and guidelines.
- Elizabeth Casselli – Ms. Casselli has worked in natural resources for over thirty years and is currently the Forest Landscape Architect and Recreation Specialist with the Helena-Lewis and Clark National Forest. Ms. Casselli has functioned as a scenery specialist and has developed a number of campgrounds and public use areas. Additionally, she was the Center Director for the Lewis and Clark National Historic Trail in Great Falls for four years where she was engaged in the interpretation of historic landscapes and their impact on the tourism and the economy of the Great Falls area.

The Helena National Forest is a member of the Helena Chamber of Commerce.

MDT staff recommends that the Transportation Commission appoint Ed DesRosier, Sheila Ludlow, and Elizabeth Casselli as the State Scenic-Historic Byways Program Advisory Council.

Commissioner Sansaver asked if these folks had been with the Council since 2009 or are they brand new people. Rob Stapley said Ed DesRosier has been with the Council since 2009, Sheila Ludlow has been involved since 2018 but is newer to the program, and Elizabeth Casselli is brand new to the program. Commissioner Sansaver asked if the two previous chose reinstatement to the Council. Rob Stapley said they wanted to be back on.

Commissioner Frazier asked if someone could draft up a participation letter for me to sign should we approve them.

Commissioner Swartz said for consideration although this is an MCA with limited eligibility and the need for review of councils and perpetuating the need for councils, I mean no disrespect to councils but sometimes we perpetuate a council because it is in statute not because it is necessary. With limited eligibility, I want the Commission to consider that we have a council and there's not a lot of new routes that are going to be added because of limited eligibility across the state. I think this is a program we could review as to whether a council is necessary in a grander scheme outside of Commission action. I would appreciate your thoughts as you take a look at something like this.

Commissioner Aspenlieder said I appreciate that and I would encourage the department to do that. We don't need to facilitate this in perpetuity. If this is something the Commission can do without designating a specific council, I think we should consider doing that.

Commissioner Sanders said 2011 was the last time we did this and it feels like we're just doing this because it's in the MCA. This is an area where red tape would really play in well. I don't think the council is that necessary. That doesn't mean the work isn't important. I would ask Rob his thoughts. I know we're a ways down in selecting individuals but I don't like councils that are perpetuated for no need.

Commissioner Aspenlieder said we just can't not do something that is in the MCA. This is something that needs to be moved forward legislatively in the next Session to eliminate and move those responsibilities back up to the Commission if staff deems that is appropriate. Director Dorrington said we don't have a plan for a bill right now but this would be a pretty light one.

Commissioner Sansaver said in light of the new information provided by our Director I think it would be best to wait until we see legislation but we should go ahead and approve the request as recommended by the staff. So as it stands now we should approve the motion.

Commissioner Sansaver moved to approve The Montana Scenic Historic Byways Program Council. Commissioner Swartz seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 5: Speed Limit Recommendation US 2 (N-1) – Libby

Dustin Rouse presented the Speed Limit Recommendation, US 2 (N-1) – Libby to the Commission. In August of 2022, Lincoln County requested a speed study be performed in July or August of 2023 on US 2 for the Kootenai Falls Park extending at least a mile east and west. After reviewing the study area MDT determined the main area of concern was approximately at milepost 21 and therefore began the speed study at milepost 19 continuing to milepost 24.

A review of the spot speed samples shows that the prevailing speeds along US 2 match with the set speed limits. The 85th percentile speeds and upper limits of the pace are within ± 4 mph of the 70-mph posted speed limits. In total, 100-percent of the stations showed prevailing speeds within ± 4 -mph of the speed limit. Furthermore, approximately 65-percent of drivers were on average observed traveling within 10-mph of each other. Considering the context of the roadway and the roadway meeting design standards, the proposed speed limit should be based on the 85th percentile. This would result in a no-change to the statutory 70 mph speed limit. There were two slight dips in the percentage of drivers traveling within 10 mph of each other and those two stations were located on either side of the Kootenai Falls parking area with the lowest dip being the station closest to the parking area. There is also a slight decrease in overall speed located by the Kootenai Falls parking area. When looking at the four nearest stations to this area, the average 85th percentile and 50th percentile decreased by 1.5-mph from the average speed of the entire study area. The average 85th percentile for the parking area is 70.5-mph and the average 50th percentile is 67-mph. Even though the speeds are slightly lower in this section, when using the 85th percentile or found justification for using the rounded down 85th percentile, the recommendation would still be consistent with the speeds of the whole study area. This would result in a no-change to the statutory 70-mph speed limit.

Lincoln County was contacted and understands that changing the speed limits for this section is not currently feasible. However, they requested additional safety features for this section in which the district is currently working with them to meet their needs and find a solution. We have repainted the parking area for a better flow in and out of that site and we are in discussions on developing a study for that area for additional improvements beyond that. Both of those are beyond a speed study request.

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

“No Change” in the existing speed zone configuration.

Commissioner Swartz moved to approve the Speed Limit Recommendation, US 2 (N-1) – Libby. Commissioner Sanders seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item 6: Speed Limit Recommendation
US 2 (N-1) – Havre**

Dustin Rouse presented the Speed Limit Recommendation, US 2 (N-1) – Havre to the Commission. In October of 2022, Hill County requested a speed study be performed on US 2 from the intersection with County Road 425 to the entrance with the Beaver Creek Golf Course. No desires or concerns were voiced by the county in their request. After reviewing the area MDT decided to begin the study at milepost 374 east of County Road 425 and continue east to milepost 379 near the existing 55/70-mph transition point.

A review of the spot speed samples shows that the prevailing speeds along US 2 match with the set speed limits. The 85th percentile speeds and upper limits of the pace are for the most part within ± 6 -mph of the 70-mph posted speed limits. Within the 70-mph speed zone about 57 percent of drivers are within 10-mph of each other with 50% of stations reporting speeds that are within the midrange of the pace. The percentage within the pace generally increases as you head west out of Havre, reaching approximately 65% within the pace in this section. The average 85th percentile in the 70-mph zone is approximately 72-mph and trends higher as you move away from Havre. The average 50th percentile shows similar trends with an average 50th percentile in the 70-mph being 66-mph and trends higher as you head away from Havre. This indicates that an elevated number of drivers are going above the posted speed limit. However, considering the roadway context, with no sight distance obstructions and passing zones through most of the study section, these values are not outside of the norm. As a result of inadequate shoulder widths, the proposed speed limit will be based on the rounded down 85th percentile. This would result in a no-change to the statutory 70-mph speed limit.

Hill County was contacted, and MDT received no comments within the 120-day comment period. MDT is currently working with a Hill County commissioner on finding alternative solutions outside the purview of this speed study to meet the needs of the Havre Community. A public petition was organized and sent to MDT by members of the community and their petition is attached. One of the big concerns with the public was there are intersections in that location. We have subsequently painted that as a no passing zone through that area. We did reach out to Hill County and they were appreciative of us taking that step. Additional steps would require a study and some measures beyond a speed study. That is the status of where we are right now. We are looking at an intersection control for that site and that discussion is on-going.

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

“No Change” in the existing speed zone configuration.

Commissioner Aspenlieder asked Dustin if he could run us through this. You referenced a lot of things that were asked from the community and some things that were being done. Can you specifically talk about what was requested, what you are working on, and what you are currently trying to coordinate with them?

Jim Wingerter, District Administrator said we have been in contact with the Havre community and folks who live out in that area. As the record shows we have performed speed limit studies and have recommended no change. However, in those petitions they asked for a number of items – school bus stops, they wanted school bus signs up, no passing zones, and a couple of other items. As we are a data driven agency, some of those things we could look at and consider and some of those we could not, the speed limit being one of them. There are a couple of other items we could take a look at and see if in fact we can address some of the items, a passing zone is one of those. We had our Traffic Engineer along with our Safety people take a look at that and were able to justify a no passing zone through that area because of alignments, grade, approaches, and site distances. So we made the decision to go ahead and stripe that area as a no passing zone. The bus stop issue, they do have a big turn out where the bus stops but we did not want to include bus stop signs that didn't meet our justifications. Now as that area continues to grow we're looking at potentially working with the county to work on some of those approaches so instead of an angled approach we can help them design a type of 90 degree approach. So we've tried to reach out to the community and those officials and residents to let them know we hear you and we know what you're concerns are. Some of those are hard data driven decisions that we can or cannot make in the District. Some of those we can look at and justify with our folks and make those decisions and we've done that. So we addressed their needs and questions and decided we can't change the speed limits but we can change and modify what we have up there and we continue to take a look at some of the other issues they have.

Commissioner Sansaver said as you stated you've addressed all of those things and spoken with the County Commissioners and the general public and they're satisfied with the results of your study. Jim Wingerter said I wouldn't say they are satisfied but I think they understand where we're coming from as an agency. As I said we will continue to work with them and help them as much as we can. If in fact in the future there are additional changes in that area we will continue to take a look at this and see what we can do in the future. We wanted to make sure they understand it is not a hard no from the beginning, it's a yes but how can we get there. So we're trying to work with the folks up there and satisfy their needs and requests.

Commissioner Sansaver asked if we've done some interim work there to address some of their concerns already. Jim Wingerter said yes. Commissioner Sansaver said concerning the passing lane MDT is going to stripe that, so that should be satisfactory for that issue? Jim Wingerter said yes for the passing lane. Commissioner Sansaver said it sounds like you've done a very thorough job there. Jim Wingerter said I have a great staff and they do a great job, thank you.

Commissioner Aspenlieder said concerning the bus stop issue, the safety of their children is the most important thing to people and even if we have to go a little further than we want that is the kind of area most appreciated by the community and the residents. I would encourage you to specifically work with them to get the level of satisfaction with the residents.

Commissioner Aspenlieder to approve the Speed Limit Recommendation, US 2 (N-1) – Havre. Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Public Comment:

Senator Manzella, Senate District 44

Senator Manzella said our issue is actually on the agenda, Agenda Item 7, and is a continuing conversation about the Bell Crossing roundabout. Is this an acceptable time to update you on the activities? Commissioner Frazier said go ahead. Senator Manzella continued. Thank you for the opportunity to speak to you today. I just wanted to convey where we're at in our community. I represent Senate District 44, and I am the Chairman of the Standing Transportation Committee in the Legislature as well as the Interim.

A brief chronological update: On May 23rd I shared a letter with you expressing the concerns surrounding the proposed Bell Crossing roundabout. The department has provided three public meetings and during those public meetings there were approximately 200 people who attended those meetings and many of them gave comments. I would like to ask that the comments be reviewed. I have asked Mr. Bozen and as of yet I haven't been able to read or review the comments but I know they did receive quite a few. In that same time period during the time the meetings were held, some citizens in our community did initiate a petition and gathered 4,000 signatures in opposition to a roundabout in the middle of Hwy 93. I would like that taken into consideration. They do feel strongly that a light is necessary and needed there because we do continue to have accidents but they are very strongly opposed to a roundabout in that area. We met with our County Commissioners on September 30th and they have written a letter opposing a roundabout and I want to make sure you have received a copy. If not I will make arrangements for you to receive it.

Commissioner Frazier said they had not received that letter yet. I will have staff look into that, they may have it and it hasn't made its way to us yet. Senator Manzella said she would be happy to provide a copy if it is needed. On October 9th I met with Director Dorrington, Mr. Rouse, and Mr. Bozen and had a very nice meeting. We all agree we're interested in creating good will for our community. They had decided to delay their decision on when construction would start on the roundabout. I conveyed to them what I've just shared with you that we do not have willing landowners and we have strong resistance to the roundabout and good will is desperately needed. We agreed that they would be talking to you today about replacing and relocating some signs that have been identified as visual obstructions on the south-east corner of that intersection and that they would be lowering the speed limit in the departure lane heading north from Victor which goes from 45 mph in town to 55 mph and then immediately to 70 mph. I did my own little case study and drove that section from the 55 mph change to Bell Crossing which is 1.2 miles and it took an extra 23 seconds of drive time to get there at the lower speed. I conveyed that to our community and most people were in agreement that lowering the speed limit in that stretch from Victor to some reasonable spot past Bell Crossing was a way to save lives and prevent accidents and eliminate a need for a roundabout.

Also Director Dorrington when asked for additional Highway Patrol coverage in that area because people do want to speed there, indicated he would and has done that. Our community was in support of that as well.

A summary again – we still feel strongly that we would like a smart signal at that intersection as opposed to a roundabout but we are happy with the interim suggestions that Director Dorrington or one of his staff will be presenting to you as you talk about Agenda Item 7 today. Thank you for the opportunity to share.

Bill Lussenheide, Ravalli County Central Committee

Mr. Bill Lussenheide said thank you very much. I'm an elected member of the Ravalli County Central Committee. We are facing significant budget deficits on the federal scale – social security is unable to meet its obligations in just eight years, Medicare is under financial strain. The proposed \$8 million expenditure for a roundabout at Bell Crossing feels like it is an unwise allocation of our hard earned tax dollars. Here in Ravalli County we are responsible for maintaining 300 miles of county roads and many are in dire need of repairs.

To offer a comparison perspective, \$10 million dollars could provide \$3,300 dollars for every mile of paved road in our county. Now I realize these are separate budgets but I believe it is very important to consider the relative cost effectiveness of this proposed project. For a fraction of the cost of a roundabout, just implementing simple speed reductions in the Bell Crossing area would significantly reduce accident rates. Not only would this approach be cost effective, it would be implemented immediately and monitored for results. If further measures were needed, a smart traffic signal could address those safety concerns at a much lower cost than a roundabout. It is worth noting that community support for a roundabout is underwhelming. People do not want it. Four thousand residents, about 10% of our entire adult population for Ravalli County, have signed a petition against this project. We recently held an on-site rally to express our collective concerns at the Bell Crossing.

In closing I encourage the Committee to consider this more fiscally sound, community supported approach to address the safety concerns in a responsible and sustainable way. I thank the Commission for your time and consideration.

**Agenda Item 7: Speed Limit Recommendation
US 2 (N-7) – Hamilton to Missoula**

Dustin Rouse presented the Speed Limit Recommendation, US 2 (N-7) – Hamilton to Missoula to the Commission. I provided a handout to each of you but right after printing we had an edit to make sure we included the Bell Crossing intersection into the adjustments of the speed limit which is reflected in the white copy.

In June of 2022, a request from Missoula County was made to review the speed limits along US 93 between Lolo and Missoula. Specific consideration was requested to be made when reviewing the speed limits around Cochise Drive. At the same time an internal review of the speed limits along US 93 from Hamilton to Lolo was begun. We only focused on the speed limits within the rural areas would be reviewed and not within the communities of Victor, Stevensville Y, Florence, and Lolo. Special consideration to the speed limits around Bell Crossing and Woodside Cutoff was determined to be desirable. Numerous concerns with safety and the existing speed limits were brought up by Missoula County and internally within MDT. Therefore, in July of 2022 MDT entered a contract to have KLJ conduct a speed study from milepost 49 to milepost 90 excluding the areas from milepost 59.1 to milepost 59.8, milepost 66.2 to milepost 67.8, milepost 74.0 to milepost 75.4, and milepost 82.7 to milepost 84.0. Attached is their report and recommendation. A summary of the recommendation can be found below. It was lengthy, there were multiple segments, multiple different areas so there was a pretty extensive speed study done to review this location.

In summary the 85th percentile speeds are for the most part at least 5-mph above the posted 70 mph and 65-mph speed limits. Observations show drivers have difficulty slowing down when transitioning into the more developed areas and the transition lengths were not up to our current standards. A lot of the recommendations are to give folks those longer durations to step down as they approach the area. Therefore

the 55-mph speed zones should be extended to 2,700-feet in length. Furthermore, a new 55-mph transitional speed zone should be introduced between the 45-mph speed limit and the 65-mph speed limit south of Missoula.

Missoula County reviewed the recommendations from KLJ and agree with the recommendations as outlined above and their concurrence/comments are given as an attachment.

The Lolo Community Council also reviewed the recommendations from KLJ and do not agree that extending the transitional zones will increase safety and instead would prefer traffic calming measures be pursued instead. Their comments are given as an attachment.

Ravalli County reviewed the recommendations from KLJ and do not agree with the transitional zone extensions and state they are satisfied with the current speed limits under the current road configuration. Their comments are given as an attachment.

In review of the study and the comments, MDT understands the concerns received pertaining to traffic calming measures and other needs desired by our local communities to improve safety on this corridor. However, such measures go beyond the scope of this speed study and align with the ongoing corridor study on this section of US-93. Those comments should be addressed in that corridor study. MDT also believes that appropriately set lengths for transitional zones do have a net safety advantage and helps drivers navigate different speed zones more effectively. Some of the existing 55-mph transitional zones are currently under 1,000-feet in length and are well below our recommended lengths. These transitional zone lengths are based on FHWA, NCHRP and research guidance and these lengths have been shown in MDT after-studies to reduce the speed differential and increase the percentage of drivers driving within pace. MDT strongly believes that these transitional zone lengths are appropriately set as recommended within this study. MDT concurs with the KLJ recommendations.

Our intent is to let those studies complete and then implement those improvements once we determine the best approach moving forward. As far as this speed zone request and the recommendations, all of these are following the criteria for recommended step down going in and out of communities with the exception of Bell Crossing where we have a crash history. Concerning the community outreach and our discussion with Senator Manzella and others, we are definitely focused on looking at what we can do in that location.

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

A 55-mph speed limit beginning at milepost 89.8, the existing 45/65-mph speed limit transition point, and continuing south to milepost 89.3, an approximate distance of 2,700-feet.

A 55-mph speed limit beginning at milepost 84.0, the existing 45/55-mph speed limit transition point, and continuing north to milepost 84.5, an approximate distance of 2,700-feet.

A 55-mph speed limit beginning at milepost 82.0, the existing 45/55-mph speed limit transition point, and continuing south to milepost 81.5, an approximate distance of 2,700-feet.

A 55-mph speed limit beginning at milepost 75.2, the existing 45/55-mph speed limit transition point, and continuing north to milepost 75.7, an approximate distance of 2,700-feet.

A 55-mph speed limit beginning at milepost 74.0, the existing 45/55-mph speed limit transition point, and continuing south to milepost 73.5, an approximate distance of 2,700-feet.

A 55-mph speed limit beginning at milepost 59.8, the existing 45/55-mph speed limit transition point, and continuing north to milepost 60.3 an approximate distance of 1.5 miles. (That is the transition in an around the Bell Crossing Intersection.)

A 55-mph speed limit beginning at milepost 59.1, the existing 45/55-mph speed limit transition point, and continuing south to milepost 58.6, an approximate distance of 2,700-feet.

A 55-mph speed limit beginning at milepost 52.1, the existing 45/55-mph speed limit transition point, and continuing north to milepost 52.6, an approximate distance of 2,700-feet.

A 55-mph speed limit beginning at milepost 51.8, the existing 45/55-mph speed limit transition point, and continuing south to milepost 51.3, an approximate distance of 2,700-feet.

A 55-mph speed limit beginning at milepost 49.7, the existing 45/55-mph speed limit transition point, and continuing north to milepost 50.2, an approximate distance of 2,700-feet.

No Change to all other existing speed limits.

Commissioner Sansaver said it appears to me that the distances are minimal between the 55 and the increased speed limit, so you go from 49.7 to 51.8 to 52.1, 59, and finally 74. In these transition periods the speed limit between 55 mph and the next community jumps to 70 mph? Dustin said 45 to 55 to 70 mph. I'll verify that with Brenden Borges but yes it is 45 mph to 55mph then to 70 mph. Commissioner Sansaver said how long is that period from 70 mph back to 55 mph – how many miles is that? Dustin said what we're proposing is in some locations the 55 mph zone does not extend the 2,700 feet that is recommended so those small adjustments are getting all those zones to the point where that 55 mph is consistent and every one of those zones is 2,700 feet. Today it varies so we're correcting that. Commissioner Sansaver asked is it to keep it consistent through the corridor? Dustin said if there is a 35 mph zone it would go from 35 to 45 to 55 mph.

Brenden Borges said the 55 mph transitions throughout this study are .5 miles and that is our guidance but in this corridor we have lengths all over the place. Some were only 800 to 1000 feet and the 55 mph transitions are not even close to that half mile length we require. So the intent is to unify all those 55 mph transitions to a singular length that meets our NCHRP guidance.

Commissioner Sansaver said we addressed this stretch last year in other speed studies going through each one of these communities and now apparently we're back into another change. Dustin Rouse said we have not adjusted the transitions going in and out of the communities until this recommendation. Commissioner Sansaver asked what they were working on last year in that corridor.

Director Dorrington said at Lakeside we did a similar step down speed up transition zones so it may not have been at this location. I think what Commissioner Sansaver is asking is if we're creating corridor consistency, are we treating this separately and are we doing this again. If you look at the paper, there is a lot of transitioning but once you look at the diagram it shows you're doing half mile transitions and this is a far better way than what is done today. Could you address that?

Dustin Rouse said you are correct, we have done transition adjustments in different locations on US 93. The recommendations we are implementing here on this section are consistent with the recommendations we're doing in other locations. We're following NCHRP guidelines and it is consistent across the state. We have not previously made the adjustments in this locations but these will provide consistency throughout this corridor. Commissioner Sansaver said if I recall correctly last year we were talking about turn outs coming onto that highway. Will this stay consistent with the Commission's recommendation and staff's recommendation from the previous year or are we changing up our approach on that. I believe the concern was there were so many existing housing units that turned out on this highway that either the Commission wasn't happy with or the community wasn't happy with. We made some decisions last year. Commissioner Aspenlieder said that was our approach to the approaches and where we were granting and not granting them and how they correlated to speed zones. Maybe the overarching concern is going to be addressed in the corridor study which is the better place to address this as opposed to the speed study. On US 93 in this area in particular it feels like we're addressing chunks and pieces and we're not looking at the holistic overall approach and making decisions without considering the overall condition and operation of the corridor as a whole. Commissioner Frazier said this is a 60 mph corridor. Commissioner Aspenlieder said I understand that but my point is the same, maybe the corridor study is how this is going to get addressed. It seems like we've made a lot of one-off decisions and the concern is we're not considering the overall impact of the incremental decisions we've been making on this corridor.

Dustin Rouse said those are great questions and the answer is yes there are on-going corridor studies that we're looking at that can impact our approach to the whole corridor and it could potentially impact the speed recommendations that we're proposing today. Part of those recommendations could be traffic calming measures that could reduce traffic speeds and there could be adjustments as we move forward with this study. However what we have in front of us is a series of speed study requests that we owe to the community and counties who have brought these forward. We have extended our study to incorporate all the requests you see. To the extent we can we are providing consistent transition zones in and out of these communities in alignment with national best practices. I really suspect the recommendations we're presenting today will remain even through the corridor study. That is what I'm presenting today.

Commissioner Aspenlieder said to that point, does it make sense for us to adopt this speed study knowing that we've got a corridor study coming, and you may be right it may very well not impact the speeds but what are we out in waiting for that corridor study to be completed before we address this? The works been done, the recommendations are developed, the community has comments and those comments generally, from MDT's perspective, are better dealt with in the corridor study. Does it make sense for us to just wait? We're not out anything in waiting for adoption and wait until the corridor study is completed and then make the adoption.

Dave Gates said I'm going to step through a few things starting with your recollection of a speed study on US 93. Keep in mind that at times we have system impact approach permits that are presented to the Commission because the magnitude of that work is going to potentially alter the nature or intent of the transportation system. So those items are brought to your attention for recommendation to make an improvement to the system based on an adjacent development. US 93 in this location is similar to some of other corridors across the state that have emerging and dynamic development considerations. So when those actions are being developed by the department in collaboration with the developers requesting access to our system, we're trying to take into consideration those impacts in relation to the existing safety of the route and associated signing and so forth. I don't know specifics of what action was brought to the Commission last year in regard to US 93 in this location. I would assume it was likely some sort of a system

impact request and that is where the confusion is and not a speed study because this is the speed study. The second part of your question if we should hold off for the corridor study, keep in mind a corridor study is intended to outline the short, mid and long-term projects or enhancements to a system for consideration so that districts and program managers can identify projects to advance forward. Yes, you could use a corridor study and it is a tool we use to help us identify these type of considerations, however, when a speed study is requested to be advanced forward, there is consideration for improving safety based on that request. We've already done the report at the location. This is going to contribute to improving safety in and out of those communities in the short-order and by the time we get a corridor study together and out to a consultant, it could be a couple of years. I think the two can go together. I don't see any value in holding off for the corridor study.

Commissioner Frazier said I'd like to add a little bit and this has to do with a stretch of road near Bozeman, which is my lifetime I've seen a bunch of speed zone changes between Bozeman and Four Corners. As we developed that project in the 1990s when I was helping acquire right-of-way to build the road that was going to last forever and then development happened and the speed zones changed to reflect the dynamics of the development. I think you're going to see a lot of that on the US 93 corridor. So we have the speed study now and the speed zones I've witnessed in the Bozeman area change over time. Corridor studies in my experience identify projects, long term fixes, expensive fixes that generally happen over time. I look at this as low hanging fruit that can help now. Is it going to stay forever? Probably not because the dynamics of the community will change over time. I look at them separately – the speed zone is one and the corridor study is to identify capital projects that could be done.

Commissioner Swartz said the big thing to me in looking through this traffic study is a picture is worth a thousand words and in this case it is worth about two hundred thousand words. Every speed study I've worked on has a diagram that shows you what the existing speed limit is and the proposed speed limits. I would recommend that the consultants do the same. Dustin Rouse said I absolutely agree. That made it challenging for me as well, so we'll correct that. I appreciate all the comments and they are valid. I think the study is a great approach and a lot of value will come out of that study but the implementation of that study are projects which take time to develop and get on the ground and get the time to see speed adjustments from those projects. Based on what we have on the ground today, this speed study provides consistency and I think it is a prudent approach with the conditions that are out there.

Danica Nelson, Lolo Community Council

Danica Nelson said I'm here on behalf of myself and am not representing anyone but myself. I appreciate that you did include our comments in the staff report to the Commissioners. I wanted to come down all this way to raise the level of importance of the area right around Lolo that was identified in the speed study. This has been a concern in our community. I looked back to 2015 and it looks like we brought this to the Commissioners as an area of concern for safety in our community. In my own research within the last year between mile marker 80 and 82 there have been four fatalities in that stretch of road. This is a huge concern for our community. It's not just that people are speeding through there which they are and the speed study showed that the speed was 10 miles over the posted limit in those areas. I understand that because when you drive it, these transition zones are one tenth of a mile and unless you slam on your brakes you can't slow-down that much. I see you are recommending increasing those zones an additional two tenths of a mile and I feel that is still not going to prevent these deaths in our community quite frankly. I know you are limited and this is just a speed study and not proposing any projects and I know the corridor study will hopefully do that. My fear in waiting for the corridor study is that then maybe we'll have to have feasibility studies on all the different

projects presented and we're looking at decades down the road before anything is implemented. I'm not sure what else is within your power right now to increase the safety of this stretch of road as you're entering Lolo. Again, I just wanted to come here today as a face and a voice in front of you to raise the level of concern within our community that we have in this stretch of road. Thank you for your time.

Commissioner Frazier said you mention in your letter a traffic calming device. Did you have something in mind? Danica Nelson said no one has suggested anything. I know personally driving US 93 quite often, the chicane going into Victor works quite well but I know that is an expensive solution because you've got right-of-way issues. Maybe a less expensive solution like some medians. I know this is a big ticket item and I know there is money in the Wildlife Pilot Program and there's a lot of wildlife that cross there but if we could put in an overpass – that's a big visual cue to drivers to slow down but I know that is millions of dollars and that would take a feasibility study too. It may be something to consider while the money is there. Just a few days ago as I was driving past the same section, about mile marker 78 there were about 100 elk trying to cross the road.

Commissioner Sanders said I'd like to thank you for being concerned enough to come and present this. It takes involved citizens to make this work so thank you for driving all this way and sharing with us. To Commissioner Swartz' point I would highly encourage administratively to make it a requirement to have that map because I think that would help all of us have a better understanding. I think it should be a requirement; it would help me understand better. My question as I'm looking at this, throughout the speed zone study, are there areas where they are just getting back up to speed and then hitting another transition zone and have to slow back down? What is the distance? I had a Grandfather who drove accelerator-brake, accelerator-brake without any transition zones. What is the minimum distance when someone gets to 70 mph and then has to slow back down? Dustin Rouse said that's a good point. That is something we definitely look at when we extend these transition zones, there is a risk of reducing zones to give enough distance between them to not go back and forth between 55 mph and 70 mph. Brendon Borges said the required distance is at least five miles.

Director Dorrington said to address Commissioner Aspenlieder's point, I really think the speed study is one component and I think we should advance it at this point. I think it does address some of that safety concerns but not all the safety concerns. The speed study is only one component of an entire corridor study. In light of your point Mr. Chair I do think we'll probably make changes in the future but I don't think we'll do it quickly or soon after this change. I do think given the amount of work put into this and compliance with design standards, I think we should advance

Commissioner Sansaver said I would like to echo Commissioner Swartz' concern. I've driven that stretch of highway once in my life and I know it's come up on speed studies, it's come up on various different venues over the past eight years I've been around here. I understand some of the area and the towns but I don't understand the highway between them. When you start bouncing a five mile stretches from 55 mph to 70 mph, I have no idea where that stretch is. It would really be nice to have a map or picture of that so I can keep track of that. So if the fine people of Hamilton all the way to Missoula have concerns and want to change things or if projects are developed in that area, I don't have a clue what their talking about. A map or picture would help. Dustin said we can put together a map and provide that to you. Commissioner Aspenlieder said I don't think it's necessary at this stage of the game but it is certainly something we need going forward. But the message is pretty clear what we need going forward. The aerial photos would be helpful.

Dustin Rouse asked if the Commission wanted to continue with the straight lines or would you be okay with the map? Commissioner Frazier said I would be okay with either but I don't need both. The aerial photos would be very helpful.

Senator Manzella

Senator Theresa Manzella said my understanding in my discussions with the department was that their intention was to make the ingress/egress from each little town consistent throughout the valley and I think that is needed and a great idea. In Darby we have the 25 mph zone that was strictly enforced by the town Marshal named Larry Rhodes. He made sure people were going through Darby at 25 mph. I don't know that we want to get that extreme with Victor and Stevensville because there simply isn't as much cross pedestrians walking in that area but I do appreciate the idea of trying to be a lot more consistent in the approach and departure from our little communities. I want to support the department in that. I also support the idea of having a picture of the area included in the packet.

Commissioner Swartz said he supported approving staff recommendations as presented on the new sheet.

Commissioner Sansaver asked if it is going to be satisfactory to the area and the people who are there. Will that help ease that or are we bucking against a system here? Dustin Rouse said with any of these speed studies and adjustments, there's a faction that is supportive and factions that are not supportive. The recommendations are based on criteria that we're using throughout the rest of the state to provide consistency going in and out of these communities. I believe that consistency and providing that additional transition zone will provide a safety benefit as well.

Commissioner Aspenlieder asked about the time line on completion of this. Dustin Rouse said my understanding is they are fairly close and my estimate would be within six months. I could verify that for you.

Commissioner Swartz moved to approve the Speed Limit Recommendation, US 2 (N-7) – Hamilton to Missoula. Commissioner Sanders seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 8: Certificates of Completion July & August 2024

Dave Gates presented the Certificates of Completion for July & August, 2024, to the Commission.

July 2024, there are six projects proposed for Certificates of Completion. The sum of the original bid amount for these projects was \$14,759,645.24. The sum of the final amount of these projects was \$14,284,787.36; 3.22% below the original bid amounts.

August 2024, there are eight projects proposed for Certificates of Completion. The sum of the original bid amount was \$28,706,152.51. The sum of the final amount was \$29,265,940.71; 1.9% above the original bid amounts. Of particular mention is the Bozeman Rest Area Relocation is now completed.

We recommend the approval of the Certificates of Completion for July & August 2024.

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

The motion passed unanimously.

Agenda Item 8b: Letting of October 24, 2024

Dave Gates presented the Letting of October 24, 2024, to the Commission. The contracts for this letting is six. We received 15 bids on the six projects with the total low bid amounts being \$61,783,526.44.

Call 201: Bad Route Interchange SW. Engineers Estimate is \$29,106,608.77. Award Guideline is 10%. We received four bids. Low Bidder was Riverside Contracting, Inc. of Missoula at \$26,894,559.60. 7.6% below the Engineers Estimate. 1% DBE participation and 1% SBE participation.

Call 202 Lodge Grass North: Engineers Estimate is \$11,257,148.36. Award Guideline is 10%. We received one bid. Low Bidder was Riverside Contracting, Inc. of Missoula at \$12,287,682.20. 9.15% above the Engineers Estimate. 10.8 DBE participation and 0.8% SBE participation.

Call 203: Tide Project, 6th Street NW Fox Farm Road, Great Falls with 6th Street SW Great Falls. Engineers Estimate is \$11,734,603.63. Award Guideline is 10%. We received two bids. Low Bidder was Tizack Concrete, LLC of MN at \$100,728,068.04. 8.58% below the Engineers Estimate. 0.9% DBE participation and 0.9% SBE participation

Call 204: N 19th Avenue Bozeman. Engineers Estimate is \$11,945,977.00. Award Guideline is 10%. We received three bids. Low Bidder was Riverside Contracting, Inc. of Missoula at \$8,482,425.00. 29.01% below the Engineers Estimate. 0.8% DBE participation and 0.8% SBE participation.

A mention of a couple of items on this project. As you see the apparent low bidder is significantly lower than the Engineer's Estimate. The estimated mobilization and plant mix were high on this project. We estimated the mobilization high with respect to the nature of the work on North 19th and the volume of traffic and historical mobilization estimating for projects in Bozeman.

In particular the plant mix was estimated high because it's an experimental highly modified asphalt. Those were the two big items on this project that came in lower than estimated. However, as you see there were three bids with some pretty competitive pricing and very consistent with what we've seen in some of the recent bids that were brought up in the last award meeting.

Call 205: Bridge Street, Big Fork. Engineers Estimate is \$3b485b928.20. Award Guideline is 10%. We received four bids. Low Bidder was Battle Ridge Builders, LLC of Belgrade at \$2,598,742.20. 25.45% below the Engineers Estimate. 0% DBE participation and 0% SBE participation

Again, looking at the bid prices of the four proposals there was a range of numbers and in reviewing the bid tabs Battle Ridge had some competitive pricing in their bid. Nothing else in particular.

Call 206: US 93 in Wyoming Street, Kalispell. Engineers Estimate is \$840,842.00. Award Guideline is 15%. We received one bid. Low Bidder was Stillwater, Inc. of Kalispell at \$894,049.40. 5.56% below the Engineers Estimate. 0% DBE participation and 0% SBE participation

Those are our proposed awards. We recommend the approval of Calls 201-206 the Letting of October 24, 2024.

Commissioner Aspenlieder said I noticed on all of these, our DBE and SBE goal targets are zero. Does that mean we've hit our federal targets for the year? Why is that the case? Dave Gates said we still set aspirational goals and we're not federally required to set a hard goal. We're continuing to engage with the Montana Contractors Association. Our DBE staff are constantly providing them with resources and information. We're still trying to find creative ways to improve our DBE usage. One of those methods is using more SBE and on some of our large contracting projects we are specifically requiring the non-zero amount but we haven't gone to that yet with our contracting. Right now it is not required.

Commissioner Aspenlieder said I get that and I appreciate that you are tracking this and understanding why. The only comment I would make is that maybe you can reconsider the way you're presenting this. When you set a DBE goal and an SBE goals of zero I think that sends the absolute wrong message. If what we're going to do is just track what we're doing, maybe that is what we should do and not put our goals on here. When you say the DBE goal is zero I can guarantee you that every contractor is looking at that thinking we can meet that easily. It may not be a great idea to say our goal is 1% either but tracking and presenting this information I think can be done a little better being cognizant that we still don't hit our DBE targets set by the Feds. So maybe re-evaluate the way you're presenting that to us. I think it is sending the wrong message.

Commissioner Sanders said Call 205 says state furnished steel bridge, what does that mean? Dave Gates said prior to awarding this contract in order to expedite this project knowing the lead times on a steel truss structure, we chose in advance to procure the product. Then the contractor incorporates that product into the structure. Commissioner Sanders asked if they pay for the bridge or do we. MDT said we paid for the bridge already. We coordinated with the supplier and purchased the bridge. Then when the contractor comes in it is taken out of their bid. They don't have to procure that and it is taken out of their bid. They know that was supplied by us. Commissioner Sanders asked if their \$2.5 million bid included the cost of the bridge. Is that a single one-lane bridge? Dave Gates said yes it is a single lane bridge.

Commissioner Sanders asked if we considered adding capacity and making it a two-lane bridge. It seems like a good time to do that. Ryan Dahlke said the short answer is yes, the agency did engage the local agencies, the public, and we considered several different bridge types – concrete, truss, everything, in addition to multiple lanes, single lane. Through those efforts over time the ultimate decision was made to make this a single lane structure with a pedestrian path. That was the result of public involvement, community engagement, engagement with the county. It is their bridge and it's in their county. So that is how we ended up with a single lane bridge.

Commissioner Frazier said they came to that conclusion because they were following the process.

Dustin Rouse said I want to take this opportunity to commend staff for the effort it took to pull this together. This was a nightmare from utilities to environmental issues. As you're well aware it is one of the bridges we had to close and then rapidly come up with the response. This was a very, very challenging project and there are some heroes that made this happen.

Commissioner Aspenlieder said I don't know that I've seen one come through yet on my time on the Commission in which the department has procured materials provided to the contractor. I also know that never came through the Commission either. What are the guidelines about what we have to approve and what we don't have to approve? I know we have to approve the contract but we never did anything

with the approval of the procurement of the materials for this project. What are the rules around us approving procurement of materials for a project that we're ultimately responsible for approving contracting? Larry Flynn asked about the funding source for the procurement. Dave Gates said State Funds. Larry Flynn said we used state funds to buy the materials so that would not be a Commission Action because it is state funds. The contract is there but the procurement of materials we're basically donating to the contract from a state funding source. It boils down to the funding source. Commissioner Aspenlieder said we don't have to figure this out today. Can you give us an email on what and how the rules are and whether they were followed? Larry Flynn said we have used it in the past; we've procured box culverts and luminaries when we know they have long lead times. When we get to implementing a project, we bring that to you. While we are procuring the equipment or product, it's not going onto the system until we bring it to you.

Commissioner Aspenlieder said I completely agree with your methodology and approach to fast track this and I appreciate you thinking outside the box that way, I just need to know where the Commission comes in. Commissioner Frazier said when I worked with the department 15 years ago, we used to procure because of long lead times of 18 months, we used to anticipate what we needed for traffic signal parts, traffic poles, luminary poles, and buy those ahead of time and stockpile them in the yard at the department. We did that because of long lead times. Good question and I don't know the answer either but we'll find out.

Commissioner Swartz said I think it would be helpful in the future when we do procure items if that material cost is somewhere on there just so we're aware of what the entire total project cost is rather than just the installation cost. Commissioner Frazier said that answers my question that when we're looking at \$2.5 million to construct a bridge in a tight area with every utility known to man jammed in near a river on some of the most expensive real estate in the State of Montana. I was thinking we should put bridges like that everywhere if that's all it cost.

Commissioner Sansaver moved to approve the Letting of October 24, 2024.
Commissioner Aspenlieder seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 9: Directors Discussion

Director Chris Dorrington

AASHTO

Last week I spent the week with a couple of my leaders at AASHTO. We had a good discussion and honestly more cohesive than I thought given the more urban populated states and our more rural state. We are very well represented in our committees. We were very busy last week and we got a lot done in Philadelphia.

Legislative Bills

I would like to run through the handful of legislative bills we have proposed.

HB 55 EV Chargers. We have some clean up to do with the way the bill was written. It doesn't change much of what we're doing other than to make it easier and align with what we're actually doing.

Motor Fuels Point of Taxation Point of Clarification. Currently we collect at the end. What this does is to move the point of taxation to the first point of distribution. It doesn't affect any of the refiners but at the first point of distribution instead of the

last. You can have four-five transfers in that cycle as it is today and it's really quite complex to track. Also with multiple transfers there is the ability for some who are ill-intended to evade the tax. So we're really trying to make it more efficient not having to track every step and improve the accuracy of our fuel tax collection. It will not be without contest, there are a handful of distributors and three distributors that will be most affected by this. Most distributors will not be and are in favor but a couple are a little worried. The Petroleum Association representing the refiners are just fine.

Revised Route Description Requirements. Every time a new highway project goes through, MDT must record in the affected county both the detailed right-of-way plans as well as the separate route description in narrative form. Right-of-way plans are not augmented in any useful way by the narrative route description so this law amends the law to remove the narrative route description requirement. It was reflected a little bit on our speed study today – we're trying to make it simple and understandable and adding a bunch of narrative doesn't help people understand what we're trying to do. So it's taking the second part away; not removing that we're notifying people, just the complexity and volume of the language.

Repeal the Division Specific Language. This bill will align MDT's authorizing statute with every other executive branch. MDT authorizing statute requires MDT to include five identified named divisions within its organizational structure. As an example, we're told we must have a Highway Division but for anybody in the public who wants to find a bridge project, it's in the Highway Division. We just want the flexibility to name the divisions so people can understand what we're doing. We also align with that role is within a division. I'll note that it doesn't say in statute, it just says what we have to have "a Division" it doesn't say what that division is supposed to do or anything. We are trying to align and give ourselves the authority to name our divisions and then tell the public what we're up to with those divisions. It think it will be much more practical.

There is opposition to this especially from the industry associations that want to preserve one individual division. Motor Carriers Services being one example. I respect that people have an opinion but I still think the department should be able to name the divisions. People aren't going away because we're renaming the divisions.

Revised Commission Approval Requirement for Transit. I understand you know about this already but current law requires Commission approval for all transit grants. It adds bureaucracy and add time to the grant award process and is unnecessary because MDT staff are able to perform this function.

Eliminating Certification Requirements for Engineering Interns. Engineering Interns are exempt from collective bargaining but board certification is currently required of each Engineering Intern and expires if not renewed by the Intern. MDT must track the status of every certificate to maintain compliance with collective bargaining laws. This bill will not eliminate board certification for Engineering Interns only ends the need to track certification status. This one is surprising on how many people didn't know they were supposed to do this. Then there's the potential addition for Survey Interns and Architectural Interns because as some of the other agencies discovered what we're trying to do, they thought it was a great idea to not have to track something that is only in the collective bargaining law. It's quite an onerous task. It's only for collective bargaining and not for any other purpose.

We removed one piece of legislation in the last couple of weeks – a quick clearance legislation. We pulled that ourselves. The purpose of this bill was to improve safety and reduce secondary crashes while reducing incident-related congestion delay on state highways. Essentially it gave MDT the ability to quickly clear damaged or disabled vehicles and spilled cargo from the highway without incurring civil liability. The challenge is we became subject to a lawsuit for having done this in the past. So

while we're in litigation we're not going to work on legislation. We're trying to resolve this and work through the next step probably in 2027. Lots of other states do this.

Partnerships

I very much appreciate our partnerships with both the Commission, the Federal Highway partners and local governments and local representatives. We're going to 100% continue to pour ourselves into those relationships especially with locals. We have gained a lot of ground and I want to sustain the ground we've gained and work with the locals on how transportation can be more seamless between the state and the local entities to improve the services.

Reorganization of MDT

I'll note that organizationally, with the retirement of our COO Dwayne Kailey and our Chief Legal Officer and the moving-on of our MCS Administrator, all for their own reasons, I am looking at the organizational design of the agency. I think we can improve the way we serve our citizens and make more efficient decisions that increases our accountability. I think there are ways to do this. I talked senior staff on Monday and looked at the number of individuals who are eligible to retire in the agency, I don't think in looking forward five years that our current structure supports the ability to make quick decisions and move nimbly. I'm looking for an organization that is better aligned with quick delivery, quality, sustaining, and safety focus. As we move forward I'll keep you apprised of what that reorganization looks like.

DBE Program

As we were at AASHTO we learned about a decision out of Kentucky that effected the DBE Program mostly for the region but not completely irrelevant for us. I'll have Val touch on that.

Valerie Balukas said on October 31, 2024, the Eastern District of Kentucky issued a nation-wide preliminary injunction on state DOT's validity to enforce DBE goals. In those states there were two plaintiffs, Atlantic Milling Inc. and a trucking company. The injunction applies to any state where those plaintiffs are bidding on projects. The states are preliminarily enjoined from enforcing DBE goals while the lawsuit continues. We did check and it does not appear that either of those companies are bidding in Montana, however, if they do then the preliminary injunction would apply to MDT. The follow-up is that MDT does not currently have a DBE goal so there is nothing to be enjoined but it is something we need to be aware of and track.

This is just a preliminary injunction which means that plaintiffs came into court and said we think there is a problem so we're going to ask for some immediate relief. This is unusual because courts don't typically grant relief until the end of the lawsuit. So they asked for immediate relief and to obtain that you have to have a showing there is a likelihood that you'll be successful in the end. The court weighs this and then decides what is going to be the least damaging outcome – to enjoin enforcement right now or wait until the end of the lawsuit. In this case the court issued the preliminary injunction and that is in place until the case is heard and a decision is made on the merits of the case. The question is whether or not the DBE goals are a violation of numerous constitutional rights to the plaintiff's company. That will work its way through the court system but in the meantime the preliminary injunction stops the enforcement of DBE goals. The court did limit it to those two plaintiffs and not applicable to everyone. It is something we'll be tracking.

Director Dorrington said sometimes case law will roll through other implementing states so we're watching this closely because we're so deeply affected by our ability to move the needle. We're not going to stop anything, we're going to improve our goal setting on our sheets but also we're not going to stop trying to get DBE participation.

Along that line I wanted to note we're working with the Department of Commerce and the Department of Labor who have access to a lot of these same businesses. In some cases provide better outreach to that community. I think our on-going efforts there are going to generate a better response in our projects.

Commissioner Aspenlieder said your staff has done a really good job at the DBE level. I think some of their outreach especially in the last two years has been very good and has been successful. Continuing to engage with local Chambers of Commerce who have the SBA teams in place in those areas is another way to continue to improve that process. I would encourage us to continue to make efforts in reaching out to those SBA groups at the local Chambers and making sure they are a part of those conversations. My business gets a million emails a week from the Billings Chamber and their SBA group about Department of Energy, Department of Defense saying these people are coming to town, why don't you come sit down and meet with them. That's another way to improve our outreach. I will say that your team has done a really, really great job over the last two years of the engagement.

**Agenda Item 10: Change Orders
July & August 2024**

Dave Gates presented the Change Orders for July & August 2024 to the Commission. Included in your packets is a summary of our change orders. This is informational only.

July, 2024, the sum of the change orders is:	\$12,487,436.46
August, 2024, the sum of the change orders is:	<u>\$ 3,417,716.36</u>
Total	\$15,896,152.82

July Change Orders

The Salmon Lake project in the Missoula District had a change order in the amount of \$3,030,623.56 which was for increasing quantity required to complete the work with respect to excavation and rip-rap as a function of project changes. It was nothing to do with an error.

The Turn Bay North of Gallatin Gateway project on US 191 near Four Corners had a change order in the amount of \$645,142.60. This consisted of additional sub-excavation and special borrow for soils encountered during the excavation process.

Malta South project in the Glendive District had a change order in the amount of \$701,250.00 for an increase in the amount of traffic control devices needed. This project has utility relocation and it was issues outside of the contractor's control that required construction to last longer and resulted in more traffic control needed.

There was also a change order on Malta South in the amount of \$129,449.60 for adding extra work to move water and sewer lines that were in conflict with a detention pond required for the work.

Timber Bridge Glasgow Project in the Glendive District had a change order in the amount of \$6,314,476.61. This added an additional structure to the project and extended the completion date to 10-31-25. The timber bridge in the Glasgow area is a Design Build Project and has been great. This was an awesome addition to the project that helped get that bundle over.

Commissioner Swartz asked about the change order in the Glendive District for Reserve East. You said you adjusted the unit price of traffic gravel from \$30/cubic yard to \$27/cubic yard but then it shows an increase in price of \$135,000. Was that

meant to be a reduction in price or did it go from \$27 to \$30/cubic yard? Dave Gates said I believe that was additional quantity so it adjusted the unit price.

Commissioner Frazier said I would like to note that District 3 the change orders were minus so we reduced amounts for both months.

August 2024

SF 169 S-288 Curves Project in the Butte District had a change order in the amount of \$1,260,103.02 for additional sub-excavation and special borrow encountered during construction to unstable subgrade.

Rosebud Interchange East had a change order in the amount of \$340,208.40 for additional work for a detour and curb removal not on the plans. This was unique where we used an existing maintenance crossing on the Interstate to route traffic during construction.

Toluca E&W project in Billings had a change order of \$475,475.32 for simply increased quantity of plant mix.

Director Dorrington asked where you have change orders that result in thematic messages, can you explain how you're thinking through that, what estimating looks like and then your resulting change orders by category of work. How do you take that in and feed it back into the estimating loop? We estimate a project and once we let and start the project sometimes you discover things you didn't plan for. Where you continue to have change orders thematically, how does that feed back into what Mr. Dahlke has to do?

Dave Gates said we track that in a couple of different ways. On the project level we have our construction review process and they are constantly going out and reviewing the projects. They complete reviews during construction and after construction summarizing lessons learned and items we want to bring forward. That then feeds back into our process. We have internal construction and design coordinated meetings where we share some of those issues that arise. For instance, if we're seeing some systemic traffic control issues because of the number of over-sized loads we had to accommodate and a lot of those are accommodated at night where we're again and again missing the mark on what we're including for traffic control, those things come out of those reviews and discussions. We look at something like that and make the adjustment. We also complete a post-construction review where we meet with our staff, the construction folks that were out there, the design staff, and also the contractor who constructed it and talk through the issues we ran into and how best we can address those issues on a move-forward basis.

Through our change order process we have a fairly robust strategy on how we handle it from the construction at the project level, developing that, insuring the documentation is adequate and satisfies a change order that goes up through my staff and advances forward. At times there is a lot of collaboration and coordination regarding the specifics of the change orders. With the best of intentions we intend to incorporate lessons moving forward.

Agenda Item 11: Letting Lists

Ryan Dahlke presented the Letting Lists to the Commission. As in Agenda Item 10 with the request of the Commission we identified the person handling this item and added it as an Item. This includes all projects in the lettings from November 2024 through December 2025 as presented in the TCP that was just approved. It is informational only.

Next Commission Meetings

The next Commission Conference Calls was scheduled for November 26, 2024.

The next Commission Meeting was scheduled for December 12, 2024.

Meeting Adjourned

Commissioner Loren Frazier, Chairman
Montana Transportation Commission

Chris Dorrington, Director
Montana Department of Transportation

Jess Bousliman, Secretary
Montana Transportation Commission