

WORKSHOP AND REGULAR MEETING  
OF THE IDAHO TRANSPORTATION BOARD

October 19-20, 2016

The Idaho Transportation Board met at 2:35 PM on Wednesday, October 19, 2016 at the District 3 Office in Boise, Idaho. The following principals were present:

Jerry Whitehead, Chairman  
Lee Gagner, Vice Chairman – District 6  
Jim Coleman, Member – District 1  
Janice B. Vassar, Member – District 2  
Julie DeLorenzo, Member – District 3  
Jim Kempton, Member – District 4  
Dwight Horsch, Member – District 5  
Brian W. Ness, Director  
Scott Stokes, Chief Deputy  
Larry Allen, Lead Deputy Attorney General  
Sue S. Higgins, Executive Assistant and Secretary to the Board

Operations Workshop. Transportation Systems Engineer Caleb Lakey led an interactive workshop on various Programming scenarios. The intent was to conduct “what if” conversations about funding levels and trade-offs between Programs. It was an exercise for the Board to see the impacts that various funding scenarios would have on the condition of the surface transportation system.

The main discussions focused on the backlog of needs and safety. The consensus of the Board was to invest more money in safety projects.

WHEREUPON, the workshop ended at 4:00 PM.

October 20, 2016

The Board convened at 8:00 AM on Thursday, October 20, 2016 at the Idaho Transportation Department in Boise, Idaho. All members were present.

Board Minutes. Vice Chairman Gagner made a motion to approve the minutes of the regular Board meeting held on September 21-22, 2016 as submitted. Member Vassar seconded the motion and it passed unopposed.

Board Meeting Dates. The following meeting dates and locations were scheduled:  
November 17, 2016 – Boise  
December 14, 2016 – Boise  
January 18, 2017 – Boise

Consent Items. Member DeLorenzo made a motion, seconded by Member Horsch, and passed unopposed, to approve the following resolution:

RES. NO. WHEREAS, consent calendar items are to be routine, non-controversial, self-  
ITB16-42 explanatory items that can be approved in one motion; and

WHEREAS, Idaho Transportation Board members have the prerogative to remove items from the consent calendar for questions or discussion.

*NOW THEREFORE BE IT RESOLVED*, that the Board approves the amendment to the 2025 Idaho State Highway Functional Classification map, the contracts for award, and US-95, Smith Creek to Sheep Creek, Stage 1.

1) Idaho State Highway Functional Classification Map. District 4 proposed changing 24.161 miles of Other Principal Arterial mileage to Minor Arterial in order to remove routes off the National Highway System based on review of characteristics and uses of identified routes. No other changes were proposed to the functional classification map, as shown as Exhibit 476, which is made a part hereof with like effect.

2) Contract Awards for Approval. The low bids on the following projects were more than ten percent over the engineer's estimate requiring justification. Key #13385 – SH-3, Cattle Pass Creek Bridge, Benewah County, District 1. The main difference between the engineer's estimate and low bid was in the Excavation, Granular Borrow, Superpave Hot Mix Asphalt Pavement Including Asphalt and Additives, Seal Concrete F, 96' Pipe Culvert, and Special Controlled Density Fill items. District 1 believes the most significant differences are due to the small quantity of the bid items, the short amount of time it will take to complete the project, and the increased haul times due to the location of the project. It saw no evidence of bid manipulation and does not believe rebidding the project would result in a significant cost savings. Staff recommends awarding the bid. Low bidder: West Company, Inc. - \$1,075,294.

Key #13853 – US-95, Hangman Creek Overflow Bridge, Benewah County, District 1. The largest discrepancies between the engineer's estimate and low bid were in the Removal of Bituminous Surface, Excavation, Strong Excavation Schedule No. 1, ¾" Aggregate Type A for Base, Superpave Hot Mix Asphalt Pavement Including Asphalt and Additives Class Special 3, and Special Rock Fill items. The higher bid appears to be related to the relatively small project to be built in the middle of the construction season when contractors may anticipate having the majority of their resources committed to larger projects; a limited construction window due to hydraulic and environmental constraints; a remote location with limited availability of suitable materials sources and waste areas; excessive hauls and re-handling of material; and small quantities for material items. Staff does not believe a significant cost savings would be realized by modifying the design and rebidding the project, so recommends awarding the project. Low bidder: T. LaRiviere Equipment & Excavation Inc. - \$844,445.

3) US-95, Smith Creek to Sheep Creek, Stage 1. Staff requests exceeding the \$500,000 limit for task agreements by \$313,000 and the \$1,500,000 limit for all task agreements on a specific project by \$314,000. HDR, Inc. was selected to provide construction engineering staff augmentation services for the US-95, Smith Creek to Sheep Creek project, key #9458, in 2015. The project has encountered weather and owner-caused delays that require construction to extend significantly beyond the completion date. Staff would like to continue using HDR, Inc. for construction engineering services through the completion of the project and for project close-out

work. The supplemental work is estimated at \$314,000. HDR is performing or has completed consulting services under various work tasks on 12 other projects throughout the current two-year term, resulting in the agreements exceeding the \$1,500,000 limit for all task agreements.

Informational Items. 1) State FY17 Financial Statements. Revenues to the State Highway Account from all sources were ahead of projections by 3.1% at the end of August. Of that total, receipts from the Highway Distribution Account were 1.7% or \$750,000 more than the forecast. State revenues to the State Aeronautics Fund were ahead of projections by 9.7%. Expenditures were within planned budgets. Personnel costs had a savings of \$3.5 million or 14% due to vacancies and timing between a position becoming vacant and being filled.

The balance of the long term investments was \$109.8 million at the end of August. These funds are obligated against construction projects and encumbrances. Based on cash balances and anticipated cash flow requirements, an additional \$50 million was invested in this account in September. FY17 expenditures in the Strategic Initiatives Program Fund were \$16.5 million.

2) Monthly Reporting of Federal Formula Program Funding through September. Idaho closed out the federal fiscal year on September 19. Obligation Authority totaled \$297.1 million for the year. This corresponds to \$296.3 million with match after a reduction for indirect costs. Idaho received formula apportionments of \$290.7 million. Obligation Authority was 102.2% of apportionments for the year. All of the \$296.3 million allotted was expended.

3) Non-Construction Professional Service Contracts Issued by Business and Support Management (BSM). The BSM Section processed one professional service agreement for \$170,000 during the previous month.

4) Contract Awards and Advertisements. Keys #19543 and #18690 – US-95/US-12, Spalding Bridge to Junction US-12 and SH-3, Nez Perce County, and Spalding Bridge to Lewiston, Nez Perce County, District 2. Low bidder: Knife River Corporation – Northwest - \$9,075,000.

Keys #19407 and #19254 – Wilder South City Limits to Parma South City Limits and US-95, US-30, US-20 Seal Coats, District 3. Low bidder: Knife River Corporation - Northwest - \$1,430,000.

Key #12368 – Franklin Road; Black Cat to Ten Mile, Ada County, District 3. Low bidder: Staker & Parson Companies dba Idaho Materials – \$6,452,407.

Keys #13533, #19433, and #19213 – SH-81, Yale Road to Fisher Cutoff Road, 1050 East to Marsh Creek Bridge, and Fisher Cutoff Road to 1050 East Road, District 4. Low bidder: Western Construction, Inc. - \$2,997,000.

Key #19301 – FY16 Caribou County Pavement Preservation, District 5. Low bidder: Intermountain Slurry Seal, Inc. - \$3,920,144.

Keys #18784 and #19211 – I-15, Interchange #108 to Bonneville County Line and Lava Rocks North to Interchange #108, Bingham County, District 5. Low bidder: H-K Contractors, Inc. - \$8,555,777.

Key #11681 – US-20, 5000 South; US-20 to Archer Lyman Highway, District 6. Low bidder: Western Construction, Inc. - \$1,806,806.

Key #19565 – SH-33, Rexburg to Wyoming Line, District 6. Low bidder: TMC Contractors, Inc. - \$2,038,874.

The list of projects currently being advertised was provided.

5) Professional Services Agreements and Term Agreement Work Tasks Report. From September 1 through September 30, 33 new professional services agreements and work tasks were processed, totaling \$4,032,855. Six supplemental agreements to existing professional services agreements were processed during this period in the amount of \$170,900.

6) Innovative Project Contracting Update. District 3 has three active projects utilizing an alternative contract delivery method. Construction on the design/build SH-55, Gold Fork River Bridge project should be completed next month. The SH-45, Snake River Bridge, Walter's Ferry project should be in the final design stage by February 2017, using the construction manager/general contractor method. Staff is half-way through the procurement process for the design/build US-95, Milepost 122-139 Bridge Replacements and Weiser River and Mud Creek Bridge project. The other active project, District 1's SH-3, St. Joe River and St. Maries Railroad Bridges project, was advanced from FY17 to FY16. Staff is half-way through the procurement process and completed the Request for Qualifications phase for the design/build project.

7) FY16 District Infrastructure End of Year Statement. The Districts delivered 164 infrastructure projects in FY16, totaling \$332.4 million. Most of the projects were for pavement work, with 55 pavement preservation projects and 41 pavement restoration projects. Sixty-one projects were advanced into the FY16 Program, one project was added, and 17 were delayed.

8) License Plate Cost Recovery Legislation. At the August meeting, the Board advanced the License Plate Cost Recovery and Clean-up of Expired Special Plate Programs draft legislation. The Governor's Office approved the legislation; however, some of the language was revised to provide clarity. Staff presented the new language for the Board's review.

Director's Report. Director Ness concluded his District visits last month. He shared innovations from District 4. The Headquarters visits are still underway. He mentioned several awards and recognitions the Department received.

Chief Deputy Stokes said a new vendor was selected to provide driver's licenses. Some changes are being made, including improved security.

Chief Operations Officer (COO) Jim Carpenter reported that over \$30 million in construction payments were made last month. Most of the Districts met the project delivery goal, as 55% of the projects have been delivered to date. Eighty projects are ready to be advertised.

Chief Administrative Officer (CAO) Char McArthur said Congress passed a continuing resolution to fund the federal government through December 10, 2016.

Chairman Whitehead welcomed Representative Melissa Wintrow to the meeting.

Traffic Safety Resource Prosecutor. Jared Olson, Traffic Safety Resource Prosecutor, summarized the program, which focuses on impaired driving. Some of his activities include maintaining relationships with the state's prosecutors and law enforcement officers; providing technical assistance, training, and education; issuing newsletters; and working with law enforcement on saturation patrols. He is also assisting with the establishment of a 24/7 sobriety program in Idaho. He thanked ITD for its assistance and valuable partnership.

Highway Safety Manager John Tomlinson recognized Mr. Olson for serving as the Traffic Safety Resource Prosecutor for ten years. Chairman Whitehead also expressed appreciation for Mr. Olson's valuable service.

129,000 Pound Truck Route Request – US-30, District 5. Chief Engineer (CE) Kimbol Allen said ITD received a request to designate US-30 from milepost 330.82 to 333.447, as an up to 129,000 pound route. Staff's analyses confirmed that the route falls under the red route category, allowing 115-foot overall vehicle length and a 6.5-foot off-track; the two bridges on the route will safely support vehicle combinations up to 129,000 pounds, assuming the axle configuration conforms to the legal requirements; the roadway is generally in good condition with pavement in fair to good condition and the higher weight limits should not cause damage to the pavement; and safety would not be adversely affected. A 30-day public comment period was held with a public hearing. Of the five comments received, four were in support of designating the route for vehicles up to 129,000 pounds and one was opposed.

CE Allen presented the findings to the Board Subcommittee on 129,000 Pound Truck Routes earlier this month with a recommendation to approve the route. The Subcommittee concurred.

Vice Chairman Gagner made a motion, seconded by Member Horsch, and passed unopposed, to approve the following resolution:

RES. NO.        WHEREAS, Senate Bill 1117 was enacted in 2013 allowing the Idaho  
ITB16-43        Transportation Board to designate state highways for permitted vehicle  
                     combinations up to 129,000 pounds upon request; and

WHEREAS, the Board established a Subcommittee on 129,000 Pound Truck Routes to implement provisions of the legislation; and

WHEREAS, the Idaho Transportation Department has received a request for a 129,000 pound route in District 5: US-30, Milepost (MP) 330.82 to 333.447; and

WHEREAS, the Chief Engineer and ITD staff received the application and reviewed the proposed route by conducting an engineering and safety analyses of the route; and

WHEREAS, upon completion of the engineering and safety analyses, a 30-day public comment period was held, including an opportunity for verbal testimony, and five comments were received with four in support and one was opposed on the specific route; and

WHEREAS, the Chief Engineer presented his analysis to the Board Subcommittee on 129,000 Pound Truck Routes at its meeting on October 3, 2016, with a recommendation to approve the route; and

WHEREAS, after the Board Subcommittee reviewed the Chief Engineer's analysis and public comments, it passed a motion to approve the route request; and

WHEREAS, the Chief Engineer and the Board Subcommittee presented their analyses and recommendations to the full Board at the regularly scheduled Board meeting of October 2016.

*NOW THEREFORE BE IT RESOLVED*, that the Board accepts the Chief Engineer's analysis and recommendation on the US-30, MP 330.82 to MP 334.447 route and the recommendation of approval from the Board Subcommittee; and

*BE IT FURTHER RESOLVED*, that the Board directs the Chief Engineer to issue a Letter of Determination that approves the referenced route request in District 5.

Additional Revenue – HB 312 Strategic Initiative Fund. State Bridge Engineer Matt Farrar said ITD expects to receive \$11 million from the general fund as part of the Strategic Initiative Fund legislation. Earlier this year, the Board directed staff to consider funding bridge projects with this revenue, and provided \$1.48 million in Board Unallocated Account funds for the development of preliminary engineering for potential projects. Using the Design-Build method of delivery, 26 potential bridge replacement projects were identified totaling \$53 million. The structures meet the criteria of bridge deficiencies, bridge condition, bridge age greater than 50 years old, or restricting commercial traffic. He requested approval to add seven projects to the FY17-21 Idaho Transportation Investment Program in FY17. The bridges are on US-95 and SH-6 in District 1, SH-13 in District 2, two on US-89 in District 5, and two on SH-28 in District 6. Staff is reviewing options to fund the other 19 bridges identified in this exercise.

Member Coleman made a motion, seconded by Member Vassar, and passed unopposed, to approve the following resolution:

RES. NO. WHEREAS, HB312 Strategic Initiative Fund legislation provided, pending  
ITB16-44 confirmation by the legislature, additional funding of \$11,000,000 to the Idaho  
Transportation Department; and

WHEREAS, the Idaho Transportation Board will select, as directed by the legislation, the projects these additional funds are to be spent on; and

WHEREAS, the State Bridge Engineer presented a recommendation of seven bridge replacement projects for construction estimated to cost \$11,000,000.

*NOW THEREFORE BE IT RESOLVED*, that the Board accepts the recommendation of staff and directs that the seven bridges be included in the FY17-21 Idaho Transportation Investment Program in FY17 to be constructed with the Design-Build method of project delivery.

Chairman Whitehead thanked staff for its work on this important initiative. Member Kempton noted the backlog of infrastructure needs, as there are an additional \$40 million worth of bridge projects identified, but no funds available to construct them.

Transportation Alternatives Program (TAP) Update. TAP Program Manager Jared Holyoak provided an overview on the TAP, which focuses on non-motorized transportation. Projects are sponsored by local entities with a 7.34% match. ITD makes the program's full apportionment available each year. It commits available funds to delivered projects and makes changes as needed to fully utilize available funding. From FY13 to date, \$9.2 million has been obligated for TAP projects and \$21.2 million is programmed in the FY17-21 Program.

The Board thanked TAP Program Manager Holyoak for the presentation and for his efforts on this Program, which is important to local communities.

Overview on Transit Board Training. Public Transportation Manager (PTM) Mark Bathrick said "Transit Board 101" training was provided earlier this year. It was directed to those who serve on board of directors for public transportation companies in Idaho. The training covered a wide variety of topics, including the public transportation landscape, an overview of public transportation operations, roles and responsibilities of board members, and ideas on how to engage as a board member. The training also included a workbook. The workbook is an excellent tool that will be used in the future for new transit board members.

Chairman Whitehead thanked PTM Bathrick for the overview on the training and for his efforts on public transportation.

Employee Service Awards. The Board participated in the Employee Service Awards. Member Horsch provided remarks. Rick Potter from District 4 was recognized as the Maintenance Person of the Year and Tyler Hudman as the Safety Person of the Year.

FY16 Annual Report. Communication Manager Vince Trimboli said Idaho Code requires an annual report to the Governor on the financial condition and management of the Department. Some of the information included in the draft report is innovations, accomplishments, customer-focused performance measures, revenue, expenditures, and future focus areas.

The Board made several suggestions, including emphasizing the Department's backlog of infrastructure needs and reporting on the number of highway fatalities.

Truck Permitting Negotiated Rules. Government Affairs Program Specialist (GAPS) Ramon Hobdey-Sanchez said there was a public comment period from September 7 through

September 28 for four rules that were part of the negotiated rulemaking process earlier this year: 39.03.06 – Rules Governing Allowable Vehicle Size; 39.03.12 – Rules Governing Safety Requirements of Overlegal Permit; 39.03.22 – Rules Governing Overlegal Permits for Extra-Length, Excess Weight, and Up to 129,000 Pound Vehicle Combinations; and 39.03.23 – Rules Governing Revocation of Overlegal Permits. All four comments received concerned the restriction with mixed brake systems between the tractor and trailers in 39.03.12 and 39.03.22. He added that the fifth rule that was part of the negotiated rulemaking process was published in the October 5 bulletin and will be presented to the Board next month.

Discussion followed on the mixed brake restriction. Member Horsch believes mixing brake systems is a safety concern. Member DeLorenzo noted that the restriction is more stringent than federal requirements.

Member DeLorenzo made a motion and seconded by Member Vassar to approve the following resolution:

RES. NO. ITB16-45 WHEREAS, the Office of the Governor of Idaho has requested that the Idaho Transportation Board and Idaho Transportation Department initiate the negotiated rulemaking process concerning permitting for commercial motor vehicles; and

WHEREAS, the Board, at its June 16, 2016 meeting, reviewed the truck permitting draft rules for advancement in the negotiated rulemaking process; and

WHEREAS, for the five draft rules, staff held a negotiated rulemaking meeting on June 29 and had an open public comment period from June 16 – July 8, 2016; and

WHEREAS, staff has presented draft rules based on two rounds of submitted comments during the negotiated rulemaking process; and

WHEREAS, the Board, at the July 28, 2016 Board meeting, reviewed the truck permitting draft rules for advancement to the formal proposed rulemaking process.

*NOW THEREFORE BE IT RESOLVED*, that the Board directs staff to proceed to publishing a *Pending Rule Notice* in the Idaho Administrative Bulletin for the following proposed rules:

- 39.03.06 Deals with allowable length and overhang.
- 39.03.12 Deals with inspections and brake requirements without restriction of mixed brake systems
- 39.03.22 Deals with brakes and driver qualifications/requirements without restriction of mixed brake systems
- 39.03.23 Deals with revocation of permits due to Out-Of-Service by the Federal Motor Carrier Safety Administration.

The motion passed 5-1 by individual roll call vote with Member Horsch dissenting.

US-12 Administrative Rule 39.03.11. GAPS Hobdey-Sanchez said IDAPA 39.03.11 was published in the September 7 Idaho Administrative Bulletin. The public comment period was



from September 7 through October 14 and a public hearing was held on September 28. GAPS Hobdey-Sanchez presented the comments to the Board. Staff is in the process of reviewing all of the comments and preparing responses as appropriate. The intent is to present the rule to the Board next month for its consideration.

Executive Session on Personnel and Legal Issues. Member Vassar made a motion to meet in executive session at 12:05 PM to discuss personnel and legal issues as authorized in Idaho Code Section 74-206 (b) and (f). Member Kempton seconded the motion and it passed 6-0 by individual roll call vote.

The personnel issue discussed was an employee's performance. The legal matters related to the operation of the state highway system and an access request.

The Board came out of executive session at 1:20 PM.

Best of the Best Innovate ITD! Recognitions. CAO McArthur reported that innovations led to a savings of 70,000 hours. She recognized employees for submitting the best innovations in seven categories: safety, mobility, economic opportunity, cost savings, time savings, customer service, and employee development.

Chairman Whitehead congratulated the employees and thanked them for their innovations, resulting in savings and efficiencies.

Information Technology. Chief Information Officer (CIO) Chris Victory said Enterprise Technology Services maintains the existing information technology systems, fixes system outages, delivers on technology requests, manages and protects information, and designs and builds new information technology systems. Its FY17 budget is \$40.7 million. The Department contracts about 49% of the work. A new governance structure is being created to identify and prioritize technology projects. Some other goals are to increase visibility of the Division's value and align it to the Department's business outcomes, reduce redundancy of technology services, align all technology costs to services delivered, and increase customer satisfaction and the quality of service.

Chairman Whitehead thanked CIO Victory for the informative presentation.

Forest Service Management of Idaho Wilderness Airstrips. Aeronautics Administrator (AA) Mike Pape said the 1980 Central Idaho Wilderness Act included language that the existing airstrips in the designated wilderness are to remain open unless the state concurs with closing them. Because the language is vague, various stakeholders have interpreted it differently, resulting in conflicts. AA Pape acknowledged the benefits of the four Big Creek airstrips that have been in dispute, Mile Hi, Simonds, Dewey Moore, and Vines, for firefighting and emergencies; however, he also realizes that there are challenges at the airstrips due to their short runways and lack of windsocks. He has been involved with facilitating an acceptable resolution for those that would like the airstrips to close and those that would like the facilities to be maintained. He believes there are several options that could be explored, including state acquisition of the airstrips.

Member Kempton referenced a letter several Board members received from an Idaho Aviation Association member requesting the Board's involvement in ensuring the airstrips remain open. He supports AA Pape's approach to remain neutral and try to find an acceptable solution. Member DeLorenzo concurred. She noted that the Department has an interest in this issue, but believes AA Pape should continue working with the stakeholders.

Truck Permitting System. Reymundo Rodriguez, Motor Carrier Services Manager, said the truck permitting system is being updated. It will allow for better communication; improve efficiencies; and facilitate a single, statewide automated permitting system. The system will be moved off the main frame. Staff intends to release a Request for Proposal by the end of the year.

Some of the comments focused on buying a system off the shelf versus having a system custom-made; reviewing old rules and laws and eliminating them versus implementing the outdated requirements in the new system; and reviewing other states' systems for best practices.

Division of Motor Vehicles (DMV) Modernization. DMV Modernization Manager (DMVMM) Alberto Gonzalez said the DMV Modernization project has better goal clarity now. The project appears to be going better due to the improved teamwork and emphasis on identifying innovations. Although there is still a lot of work that needs to be done on the complex project, the schedule was moved up from a 2020 delivery to 2018. ITD will move off the mainframe by fall of 2017. Drivers' licenses should be REAL ID compliant by January 2018. The Port of Entry/Motor Carrier Services component will be the last one completed. He added that staff will provide regular updates on the status of the modernization project.

Chairman Whitehead thanked DMVMM Gonzalez for the update.

Chairman Whitehead announced COO Carpenter's retirement at the end of this year. He thanked COO Carpenter for his service and valuable contributions to the Department.

WHEREUPON, the Idaho Transportation Board's regular monthly meeting officially adjourned at 2:55 PM.

signed

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JERRY WHITEHEAD, Chairman  
Idaho Transportation Board

Read and Approved  
November 17, 2016  
Boise, Idaho