

REGULAR MEETING OF THE IDAHO TRANSPORTATION BOARD

November 17, 2016

The Idaho Transportation Board members attended the Pacific Northwest Economic Region conference in Boise, Idaho at 8 AM on Thursday, November 17, 2016. After the opening session, it attended part of the transportation session, including Chief Deputy Scott Stokes' presentation on efforts to harmonize truck size and weight regulations in the region.

The Idaho Transportation Board convened at 11:00 AM at the Idaho Transportation Department in Boise, Idaho. The following principals were present:

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
Scott Stokes, Chief Deputy
Larry Allen, Lead Deputy Attorney General
Sue S. Higgins, Executive Assistant and Secretary to the Board

Vice Chairman Gagner presided.

Board Minutes. Member DeLorenzo made a motion to approve the minutes of the regular Board meeting held on October 19-20, 2016 as submitted. Member Vassar seconded the motion and it passed unopposed.

Board Meeting Dates. The following meeting dates and locations were scheduled:

December 14, 2016 – Boise
January 18, 2017 – Boise
February 22, 2017 – Boise

Consent Items. Member Kempton noted that the FY16 Annual Report did not include information on the Department's backlog of infrastructure needs, as discussed at last month's workshop and meeting. He believes it may be prudent to continue referring to the \$262 million shortfall to maintain Idaho's roads and bridges as established by the Governor's Task Force on Transportation Funding. (See later minute entry.)

Member Kempton made a motion to approve the FY16 Annual Report. Member Vassar made a substitute 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-
ITB16-46 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.

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NOW THEREFORE BE IT RESOLVED, that the Board approves the FY16 Certification of Receipts and Disbursements; the contract with JUB Engineers for funds to exceed \$1,000,000; Public Transit Program delays from FY16 to FY17; the removal of Pole Line Road, Alameda to Quinn, Pocatello from FY17; the report of speed minute entry changes; and the FY16 Annual Report.

1) Certification of Receipts and Disbursements FY16. The FY16 certification of receipts and disbursements cash basis, as shown as Exhibit #477, which is made a part hereof with like effect, was submitted for Board approval in conformance with the requirements of Section 40-708, Idaho Code. Total receipts were \$625,147,100, disbursements were \$610,946,100, and the cash balance as of June 30, 2016 was \$103,851,800.

2) Contract with JUB Engineers for funds to exceed \$1,000,000. Staff requested approval to exceed the \$1,000,000 contract with JUB Engineers for the Strategic Initiatives Program Fund Development project, key #19805. The current agreement would increase from \$921,508 to \$1,200,000 to collect Topo survey information.

3) Public Transit Program Delays. Community Planning Association of Southwest Idaho requests delaying the following projects to FY17: key #12364, FY15 Transit Vehicle Purchase, Nampa, \$970,000; key #19147, Southwest Bus and Bus Facility, \$310,000; key #19235, University District Multimodal Connectivity, Nampa, \$358,000; key #19297, Park and Ride, Valley Regional Transit (VRT), Middleton, \$1,010,000; key #19398, Demand Response, Nampa, \$320,000; key #19609, College of Western Idaho Entrance and Roundabout, VRT, Nampa, \$779,000; and key #19716, Bus Stop Enhancement, VRT Middleton, \$20,000. These projects were scheduled in FY16; however, funds were not obligated as planned so the funds can be moved to FY17 as a carryover.

4) Remove Pole Line Road; Alameda to Quinn, Pocatello. The City of Pocatello and Local Highway Technical Assistance Council (LHTAC) request the removal of the Pole Line Road; Alameda to Quinn project, key #19596 from the Statewide Transportation Improvement Program (STIP). LHTAC also requests reallocating the \$232,000 to the St. Joe River Road; Durable Pavement Markings project, key #19432, and to amend the STIP accordingly.

5) Report of Speed Minute Entry Changes. Staff requested concurrence to increase the 65 mile per hour (MPH) speed limit on US-26 from milepost 272 to 299.450 to 70 MPH.

6) Annual Report. Idaho Code requires the Department to submit an annual report on its financial condition and management. Some of the information in the report includes innovations, accomplishments, performance measures, and what ITD is focusing on for the future.

Informational Items. 1) State FY17 Financial Statements. Revenues to the State Highway Account from all sources were ahead of projections by 5.7% at the end of September. Of that total, receipts from the Highway Distribution Account were 5.2% or \$2.5 million more than the forecast. State revenues to the State Aeronautics Fund were ahead of projections by 10.2%. Expenditures were within planned budgets. Personnel costs had a savings of \$5.1 million or 15% due to vacancies and timing between a position becoming vacant and being filled. Contract construction payments of \$91.5 million to date are the lowest of the past three years.

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The balance of the long term investments was \$160.1 million on September 30. These funds are obligated against construction projects and encumbrances. FY17 expenditures in the Strategic Initiatives Program Fund were \$22.9 million.

2) Status: FY18 Appropriation Request – Revision #1. The Department’s original FY18 appropriation request was filed September 1. Revision #1 was submitted on October 21. Two construction items were added to the FY17 supplemental appropriation request: almost \$7 million for FY16 obligation authority redistribution and \$6.8 million for a FASTLANE award. Revisions to the FY18 appropriation request consisted of an additional \$234,400 in operating costs for Statewide Indirect Cost Allocation Plan, a \$70,000 decrease in equipment to remove lab equipment that does not need to be replaced at this time, and \$2.8 million for contract construction to increase spending authority for available state funds.

3) Monthly Reporting of Federal Formula Program Funding through October. Idaho received obligation authority through December 9 via a continuing resolution. Obligation Authority is \$54.4 million. This corresponds to \$54.3 million with match after a reduction for indirect costs. Idaho received apportionments through October 31 of \$294.2 million, which includes Redistribution of Certain Authorized Funds. This is \$2.4 million less than in FY17 Fixing America’s Surface Transportation Act apportionment tables. Allocations have not been reduced yet, providing the new congress time to act. Currently, obligation authority is 18.5% of apportionments. Of the \$54.3 million allotted, \$64 million remains.

4) Non-Construction Professional Service Contracts Issued by Business and Support Management (BSM). The BSM Section did not process any professional service agreements in the previous month.

5) Contract Awards and Advertisements. Key #13929 – US-95, Weiser River Bridge to North of Midvale, Washington County, District 3. Low bidder: Knife River Corporation – Northwest - \$1,065,000.

Key #13922 – SH-19, Oregon State Line to South 4th Street West, Homedale, District 3. Low bidder: Central Paving Company, Inc. - \$517,596.

Key #18787 – SH-55, Overhead Message Sign to Avimor, Ada County, District 3. Low bidder: Central Paving Company, Inc. – \$808,521.

Key #13966 – US-20, Big Wood River Bridge, Blaine County, District 4. Low bidder: Concrete Placing Company, Inc. - \$3,696,872.

Key #19542 – SH-77, City of Rocks Back Country Byway Stage 6, Cassia County, District 4. Low bidder: Kloefer, Inc. - \$338,672.

Key #19503 – US-30, FY17 Bear Lake County Pavement Preservation Stage 1, District 5. Low bidder: Geneva Rock Products, Inc. - \$2,618,417.

Key #13400 – SH-33, Owsley Canal, Jefferson County, District 6. Low bidder: Knife River Corporation - Northwest - \$765,925.

The list of projects currently being advertised was provided.

6) Professional Services Agreements and Term Agreement Work Tasks Report. From October 3 through October 28, 31 new professional services agreements and work tasks were processed, totaling \$3,593,195. Four supplemental agreements to existing professional services agreements were processed during this period in the amount of \$144,068.

7) Roving Ports of Entry (POE) Guidelines for Safe Locations. Earlier, the Trucking Advisory Council expressed concern to the Board about safety at some of the roving POE locations. It questioned stopping sight distance, left turn movements, signing setups, roadway storage, and other geometric issues. Staff reviewed 342 roving POE locations, analyzing sight distances at entrances and exits; work and inspection area dimensions and conditions; availability of auxiliary lanes; and highway characteristics such as speed limit, vehicular volumes, and percentages of heavy vehicles. Improvements have been identified at 15 sites, including lengthening or widening turnouts, better access, and relocation. No funding has been identified for these improvements. The improvements will compete with other needed projects on the state highway system. Additionally, 63 sites will no longer be used for roving POEs due to urbanization of the area, high adjacent traffic volumes, insufficient site size, the need for flagging control during operation, and redundancy with other sites.

8) ITD FY16 New Revenue Report. The legislature approved a funding increase for transportation in 2015. The bill, known as House Bill 312 as amended or HB312a, increased vehicle registration and the fuel tax plus provided two years of funding from 50% of the general fund surplus. The legislative intent required an annual report on the funding provided via HB312a. FY16 user fee receipts totaled \$53.3 million, with payouts of \$22 million. An additional \$27.8 million are committed to projects currently under construction. Revenue to the Strategic Initiatives Program Fund in FY16 was \$11.2 million, with \$2.6 million in payouts.

Director's Report. Chief Deputy (CD) Stokes reported on innovations and awards the Department received, including at the recent annual American Association of State Highway and Transportation Officials' conference. He also mentioned that Director Brian Ness was absent because he was receiving the Navigator Award for his leadership efforts. CD Stokes also reported that the transition to the new drivers' license vendor is progressing well.

Chief Operations Officer (COO) Jim Carpenter said the Department switched to its winter performance metrics on November 1. Expenditures are continuing on the revenue from HB312a and all of the projects funded via the \$54.7 million from the FY16 Strategic Initiatives Program Fund are under contract. The US-20, Thornton Interchange project has been completed and the at-grade crossings have been closed. The US-95, Council Alternate Route should be open to traffic by the end of this year, and the contract for appraisal work for the US-95, Thorn Creek to Moscow project should be completed next month. COO Carpenter also said that progress is continuing on the horizontal career paths.

Leadership Summit Rapid Innovation Event. Chief Administrative Officer (CAO) Char McArthur summarized the recent Leadership Summit Rapid Innovation Event. More than 160 employees were assigned to ten teams to solve an ITD issue or improve a process. They received training and the Senior Leadership Team provided oversight and guidance. The winning team

streamlined the process to dispose of computers, reducing the steps from seven to three. Overall, she believes it was a successful event.

Vice Chairman Gagner thanked CAO McArthur for the informative report and for her efforts to organize this event.

Executive Session on Legal Issues. Member Vassar made a motion to meet in executive session at 11:50 AM to discuss legal issues as authorized in Idaho Code Section 74-206 (f). Member DeLorenzo seconded the motion and it passed 6-0 by individual roll call vote.

The legal matters discussed related to access issues, a contract construction claim, and operations.

The Board came out of executive session at 1:05 PM.

Truck Permitting Negotiated Rules – IDAPA 39.03.15. Government Affairs Program Specialist (GAPS) Ramon Hobdey-Sanchez submitted the three comments received on IDAPA 39.03.15, Rules Governing Excess Weight Permits for Reducible Loads during the public comment period from October 5 to October 26. The other four rules that were reviewed as part of the negotiated rule-making process were approved for publication in the Idaho Administrative Bulletin last month. In August, the Board created a subcommittee to work on the details of this rule's implementation with local jurisdictions; thus, the one month delay. At a special Board meeting in September, the Board approved revising the rule with the opt-in language for local jurisdictions wanting to participate in a statewide permitting system.

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

RES. NO. WHEREAS, the Office of the Governor of Idaho has requested that the Idaho
ITB16-47 Transportation Board and Idaho Transportation Department initiate the negotiated
rulemaking process concerning permitting for commercial motor vehicles; and

WHEREAS, the Board, at the June 16, 2016 Board 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; and

WHEREAS, at the August 18, 2016 Board meeting, the Board created a statewide permitting subcommittee to specifically address the concerns of IDAPA 39.03.15 and a statewide permitting system; and

WHEREAS, at a statewide permitting subcommittee meeting on August 31, 2016, the subcommittee decided to recommend the rule move forward with the opt-in language for local jurisdictions; and

WHEREAS, the Proposed Rulemaking Notice for IDAPA 39.03.15 was published on October 5 and had a public comment period of October 5 - 26; and

WHEREAS, on October 31, 2016, the Board received the submitted public comments made on IDAPA 39.03.15 during the October comment period.

NOW THEREFORE BE IT RESOLVED, that the Board directs staff to proceed to publishing a Pending Rule Notice for IDAPA 39.03.15 in the Idaho Administrative Bulletin.

US-12 Administrative Rule 39.03.11. GAPS Hobdey-Sanchez said IDAPA 39.03.11, Rules Governing Overlegal Permittee Responsibility and Travel Restrictions was published in the September 7 Idaho Administrative Bulletin. Comments submitted during the public comment period from September 7 through October 14 and a public hearing on September 28 were presented to the Board last month. Based on the comments, he proposed a revision to the rule.

Member Vassar made a motion to revise IDAPA 39.03.11 to state that enforcement personnel responsible for any section of highway shall carry out enforcement and action for violations involving overlegal permit operations and may delay movements. Member Coleman seconded the motion and it passed unopposed.

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

RES. NO. WHEREAS, on August 18, 2016, the Idaho Transportation Department presented
ITB16-48 draft modifications to IDAPA 39.03.11 – Rules Governing Overlegal Permittee
 Responsibility and Travel Restrictions; and

WHEREAS, at the August 18, 2016 meeting, the Idaho Transportation Board advanced IDAPA 39.03.11 to the formal, proposed rulemaking process; and

WHEREAS, a Notice of Proposed Rulemaking for IDAPA 39.03.11 was published in the September 7th Idaho Administrative Bulletin; and

WHEREAS, IDAPA 39.03.11 was open to public comment from September 7 to October 14 (38 days); and

WHEREAS, at the direction of the Board, the Department voluntarily elected to hold an administrative rule hearing for IDAPA 39.03.11 on September 28, 2016, from 4 pm -7 pm (MDT) via statewide video-conferencing; and

WHEREAS, at the October 20, 2016 Board meeting, all of the public comments received by the Department (including a transcript from the September 28, 2016 hearing) were presented to the Board for its review and consideration.

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NOW THEREFORE BE IT RESOLVED, that the Board does direct staff to submit a Pending Rule Notice for IDAPA 39.03.11; and

BE IT FURTHER RESOLVED, that the Pending Rule Notice for IDAPA 39.03.11 be submitted to the Idaho Office of Administrative Rules for publication in the January 2017 Idaho Administrative Bulletin with changes.

Strategy to Fund Remaining Design-Build Bridge Projects. Randy Gill, Planning Services Manager, said the Board approved developing design-build contracts for 26 bridge replacement projects in April. The Department expected to receive about \$50 million in new funds from the Strategic Initiative Program Fund (funded via surplus revenue in the state's general fund). The actual revenue ended up being \$11 million, which funded seven of the bridges. He proposed building as many of the remaining 19 bridge projects as possible by using money from bid savings, previous year project closeout savings, and other cost savings as they become available. This would be done in lieu of the traditional method of advancing projects from the next fiscal year. The main advantages to this are it will lessen the impact caused by disrupting the delivery schedule and, by authorizing this now, staff can utilize the already completed packages to obligate funds as they become available, resulting in projects being built a year earlier.

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

RES. NO. WHEREAS, 26 design-build bridge replacement projects were developed using
ITB16-49 FY16 unallocated funds in anticipation of receiving \$50 million in new Strategic
Initiative Program Funds (SIPF); and

WHEREAS, the new Strategic Initiative Program Funds total is \$11 million; and

WHEREAS, the Idaho Transportation Board selected 7 of these 26 projects to fully use the available \$11 million; and

WHEREAS, to help stabilize the program and to get projects completed earlier, staff recommends using funds as they become available through the year to fund the remaining 19 design-build bridge replacement projects up to \$39.7 million; and

WHEREAS, the design-build bridge replacement projects are proposed to be bundled into packages that are structured to effectively control the work and efficiently utilize ITD's resources.

NOW THEREFORE BE IT RESOLVED, that the Board accepts the recommendation of staff and directs that the first Design-Build Bridge Package include 3 of the 7 approved SIPF bridge projects and 4 of the 19 bridges included in this Board item. Also, that staff uses the remainder of the identified bridge projects up to \$39.7 million, as additional funds become available, and that they be included in the FY17- FY21 Idaho Transportation Investment Program in FY17 and be constructed with the Design-Build method of project delivery.

Annual Update on Research Program. Ned Parrish, Research Program Manager (RPM), said the budget for the Research Program for FY17 is \$1.8 million, with 14% from state sources. Federal statutes require 2% of funding for roads and bridges be used for planning and research.

Caleb Forrey, Senior Inspector East Boise Port of Entry, summarized the POE Study. It was commissioned to evaluate the strengths and weaknesses of the current POE program, gather information on best practices, and develop recommendations to improve operations. Jeff Marker, Freight Program Manager, summarized the 129,000 Pound Trucking Evaluations for Local Highway Jurisdictions research project. The intent of the project was to provide local highway jurisdictions an evaluation tool to assess 129,000 pound truck route requests.

RPM Parrish summarized other projects completed in FY16, including the constructive culture project, the use of recycled asphalt pavement as aggregate in concrete pavement, and a laboratory study of fiber-reinforced asphalt products. Some of the current projects underway are a field study of a new low-cost approach to monitoring bridge scour, the effectiveness and reliability of a Doppler radar wildlife detection system, and the safety impacts of wide pavement markings on two-lane rural highways. Some of the projects planned in FY17 are to assess concrete performance in aggressive salt environments, develop performance measures for asphalt mix design, and assess the accuracy of new software application for measuring roadway smoothness at construction sites.

Vice Chairman Gagner thanked the gentlemen for the informative presentation.

FASTLANE Grant Nomination. Division of Engineering Services Administrator (DESA) Blake Rindlisbacher said FASTLANE grant applications are due by December 15, 2016. The grants are to fund critical freight and highway projects across the country. There are two types of grants: large grants for projects costing more than \$87 million for Idaho and small grants for projects that cost between \$5 million and \$87 million. District 3 would like to apply for a grant on I-84 in Canyon County from the Northside Boulevard interchange to the Franklin Boulevard interchange, including work on both interchanges. The project is one of the key remaining segments of the estimated \$818.7 million I-84 corridor project in the area. The total estimated cost for this segment is \$98.3 million; however, the FASTLANE grant would request about \$59 million. The required 40% match, or \$39.3 million, would come from other federal funds, state funds, the City of Nampa, and Canyon County. DESA Rindlisbacher added that if the Board supports seeking a FASTLANE grant, the application would be developed in partnership with the Community Planning Association of Southwest Idaho.

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

RES. NO. WHEREAS, on December 3, 2015, the United States Congress passed the Fixing
ITB16-50 America's Surface Transportation (FAST) act; and

WHEREAS, the FAST act established a national highway freight program with the Nationally Significant Freight and Highway Projects Program to provide federal financial assistance to projects of national or regional significance to freight movement; and

WHEREAS, on November 3, 2016, the U.S. Department of Transportation released a Notice of Funding Opportunity for Nationally Significant Freight and Highway Program (FASTLANE Grants) for fiscal year 2017; and

WHEREAS, the Notice of Funding Opportunity specifies Idaho's minimum project size for a large grant is \$87 million where grant awards may not exceed 60 percent of future eligible project costs; and

WHEREAS, the Notice of Funding Opportunity specifies other federal assistance may satisfy the non-federal share requirement for a FASTLANE grant, but total federal assistance for a project receiving a FASTLANE grant may not exceed 80 percent of the future eligible project costs with 20 percent match requirement; and

WHEREAS, the Idaho Transportation Department District 3 recommends submitting a FASTLANE grant for Interstate 84 in Canyon County from the Northside Boulevard interchange to the Franklin Boulevard interchange, and improvements on both interchanges; and

WHEREAS, the project estimated cost is \$98.3 million with a \$39.3 million match requirement.

NOW THEREFORE BE IT RESOLVED, that the Idaho Transportation Board supports developing an Idaho FASTLANE grant application for Interstate 84 and if the grant is selected, supports meeting the match requirements.

Excellence in Transportation Awards. Communication Manager Vince Trimboli presented the winners of the Excellence in Transportation Awards. In addition to project-specific awards, there were also three personnel categories: Professional of the Year – Controller Dave Tolman, Career Achievement – District 4 Engineering Manager Scott Malone, and Engineer of the Year – District 6 Traffic Engineer Ben Burke.

Vice Chairman Gagner congratulated all of the recipients for their achievements and thanked them for their valuable contributions.

FY16 Annual Report, Revisited. Member Kempton referenced the infrastructure and funding needs outlined in the FY16 Annual Report. He acknowledged that the \$262 million maintenance shortfall that the Governor's Task Force identified is a credible, accepted number, and introducing the updated backlog dollar amount may be problematic at this time. He also noted the additional \$281 million shortfall that the Task Force established for safety and capacity projects. No revenue has been provided for that category, so the Annual Report implies no money is being spent in that category, which is misleading because the Board is funding safety improvements.

Member Coleman concurred with the observation on safety projects. He also reiterated the discussion at the workshop last month on the backlog of needs and that the needs are growing. Although the additional revenue the legislature provided in 2015 helps, those funds are restricted to maintenance, which limits flexibility.

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Member Horsch believes it is important to educate legislators on the transportation needs. Member DeLorenzo concurred, but added that the 2015 revenue increase should be acknowledged.

Member Kempton made a motion to direct staff to prepare information concerning federal funding available for maintenance, safety, and capacity projects to present to the legislature in 2017. Member Vassar seconded the motion.

Member Kempton believes emphasis should be placed on the importance of providing flexibility with transportation funds. He also expressed support for the Board members to discuss these issues with their respective legislators.

The motion passed unopposed.

WHEREUPON, the Idaho Transportation Board's regular monthly meeting officially adjourned at 4:05 PM.

signed

JERRY WHITEHEAD, Chairman
Idaho Transportation Board

Read and Approved
December 14, 2016
Boise, Idaho

November 17, 2016