

REGULAR MEETING AND DISTRICT THREE TOUR
OF THE IDAHO TRANSPORTATION BOARD

July 18-19, 2018

The Idaho Transportation Board met at 8:00 AM on Wednesday, July 18, 2018 in Boise, Idaho. The following principals were present:

Jerry Whitehead, Chairman
Jim Coleman, Vice Chairman – District 1
Janice B. Vassar, Member – District 2
Julie DeLorenzo, Member – District 3
Jim Kempton, Member – District 4
Lee Gagner, Member – District 6
Director Brian Ness
Sue S. Higgins, Executive Assistant and Secretary to the Board

District 3 Tour. The Board traveled east on I-84 to Mountain Home. Mayor Rich Sykes thanked the Board and District staff for its partnership. He said the city wants to be more pedestrian friendly and wants to address truck traffic. The I-84 interchanges and access issues are being reviewed. After traveling some local streets, the Board returned to Boise via I-84. It stopped at Borah High School where ITD coordinated an active shooter training exercise.

The Board traveled to Meridian on I-84. During lunch with the Community Planning Association of Southwest Idaho (COMPASS) executive board, COMPASS Director Matt Stoll commended the excellent partnership with District 3 Engineer (DE) Amy Revis and her staff. He summarized the unfunded needs and emphasized the funding shortfall. Discussion followed on the revenue shortfall and the importance of working collaboratively to inform the legislature of the transportation needs and to provide funding options for its consideration.

The Board traveled south on SH-69 to Kuna. Mayor Joe Stear elaborated on the growth in the area and expressed safety concerns with SH-69. CS Meat Packers representative Roger Cooper summarized the plant's operations and talked about its transportation needs, which are mainly on the local system. The Board returned to Boise via SH-69 north and I-84 east.

WHEREUPON, the tour ended at 3:40 PM.

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The Idaho Transportation Board convened at 8:30 AM on Thursday, July 19, 2018 at the District 3 Office in Boise, Idaho. Chairman Whitehead, Vice Chairman Coleman, and Members DeLorenzo, Kempton, and Vassar were present. Deputy Attorney General Larry Allen was also present.

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Board Minutes. Member Vassar made a motion to approve the minutes of the regular Board meeting held on June 20-21, 2018 as submitted. Member Kempton seconded the motion and it passed unopposed.

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

August 15-16, 2018 – District 1

September 12-13, 2018 – District 6

October 17, 2018 – Boise

Consent Items. On the Children Pedestrian Safety Program: 2019 Application, Member DeLorenzo questioned the ineligibility of agencies to apply for 2019 funding if it received funding in FY18. Local Highway Technical Assistance Council (LHTAC) Deputy Administrator Laila Kral said the agency does that with other programs so more local public agencies can participate. There is a lot of demand for this limited funding.

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

RES. NO. WHEREAS, consent calendar items are to be routine, non-controversial, self-
ITB18-24 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 addition of Exhibit #495 as part of the May 2018 meeting minutes; modifications to the Public Transit Program; the addition of Local Highway Technical Assistance Council Planning to FY19; the safety rest areas and oasis partnerships update; the 2019 Children Pedestrian Safety Program; contracts for award; and a contract for rejection.

1) Add Exhibit #495 as Part of the May 2018 Board Meeting Minutes. At the May 2018 meeting, the Board approved the relinquishment of the 2.1 mile I-84 Hammett Business Loop to the Glens Ferry Highway District. The Board signed the Official Minute authorizing this transaction. Historically, these Official Minutes and corresponding documents have been incorporated into the meeting minutes as exhibits, which are separate documents, but are considered part of the official Board meeting minutes. The May 2018 Board meeting minutes omitted the reference to this exhibit. Staff requests incorporating Exhibit #495 into the Board meeting minutes.

2) Modifications to the Public Transit Program. Staff requests modifications to the F17 Public Transit Program and authorization to amend the Idaho Transportation Improvement Program (ITIP) accordingly. District 4 received two nationally competitive capital grant awards. Mountain Rides will use the \$500,000 grant to purchase heavy-duty battery electric buses and fast charging infrastructure for its fixed route operations, and the \$540,000 grant to purchase new vehicles to replace old ones that have exceeded their useful life. District 1 and its partner Selkirk Pend Oreille Transit Authority and District 6 and the City of Driggs received a \$136,000 and

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\$240,000 grant, respectively, to purchase new transit vehicles to replace old ones that have exceeded their useful life.

3) Addition of FY19 LHTAC Planning. Staff requests the addition of \$250,000 Surface Transportation Program – Local Urban funds to augment LHTAC’s constituents’ planning efforts. The intent is to fund up to five new and/or updated transportation plans for small urban areas annually from FY19 through FY25. The ITIP would also be amended accordingly.

4) Safety Rest Areas and Oasis Partnerships. The FY18 rest area chart was updated to reflect the current average daily traffic count data. The Jerome Rest Area is designated for closure and the potential new Oasis Partnership Rest Areas on I-84 are depicted on the chart. The condition of the facilities was also provided; however, there is no funding dedicated for rest areas. The updated safety rest area chart and map are shown as Exhibit #498, which is made a part hereof with like effect.

5) 2019 Children Pedestrian Safety Program. Due to legislative action, ITD and LHTAC developed a joint program to fund children pedestrian safety projects from the Surplus Eliminator in FY18. They recommend funding the FY19 program at the same \$2 million funding level with 60% of funds targeted for state highway projects and 40% for local projects, and using the same program guidance and application process.

6) Contracts for Award. The low bids on the following projects were more than ten percent over the engineer’s estimate, requiring justification. The largest discrepancies between the low bid and engineer’s estimate on key #20072 – US Forest Service, District 2 High Water Fish Passage, Moose Creek, were in the Removal of Obstructions, Superpave Hot Mix Asphalt Pavement, Precast Footing, Dewatering, and Mobilization items. The U.S. Fish Service is funding 80% of the project. Its funding comes mainly from a grant that was not available until this spring, which led to a late advertisement and likely caused the high bids. The U.S. Forest Service must use the grant to improve fish passage this year or it will lose the grant. It will provide the additional funding. District 2 recommends awarding the project. Low bidder: ASCORP Inc. DBA Debco Construction - \$520,000.

The major differences in the engineer’s estimate versus the low bid on key #12382 – South 18th Street; 6th Street to American Legion Boulevard, Mountain Home, District 3, were in 13 items, with Mobilization accounting for the largest variance followed by granular subbase and ¾” aggregate. Excavation and soft spot excavation were more than double the costs in the apparent low bid, reflecting the escalating cost of materials and material movement. The cost increases are also tied to the timing of the bid and the current market. LHTAC believes the bid is reasonable and recommends awarding the project. LHTAC and the sponsor, the City of Mountain Home, have identified the additional funds. Low bidder: Knife River Corporation – Mountain West - \$2,248,278.

The primary differences between the engineer’s estimate and low bid on key #20011 – US-12, Valley View Drive Turnbay, District 2 were in the Excavation and ¾” Aggregate for Base items. The design consultant failed to take into account the late advertisement for the project and associated cost increase. District 2 recommends awarding the safety project. Low bidder: ASCORP Inc. DBA Debco Construction - \$999,999.

7) Contract for Rejection. The low bid on key #9894 – Old Highway 37, The Narrows, District 5 was more than ten percent over the engineer’s estimate, requiring justification. LHTAC recommends rejecting the bid because there were only two bids and one of those was determined irregular, the responsive bid was 30% over the engineer’s estimate, and the additional funding source has not been identified. The project sponsor, Oneida County, rejected the bids. Low bidder: Knife River Corporation – Mountain West - \$6,637,000.

Informational Items. 1) Contract Awards and Advertisements. Key #19961 – SH-51, I-84B, and US-20, FY19 Elmore County Seal Coats, District 3. Low bidder: Intermountain Slurry Seal, Inc. - \$1,911,029.

Key #14002 – I-15, Rose Road Interchange, District 5. Low bidder: Cannon Builders Inc. – \$10,843,119.

The list of projects currently being advertised was provided.

2) Professional Services Agreements and Term Agreement Work Tasks Report. From June 1 through June 28, 20 new professional services agreements and work tasks were processed, totaling \$5,197,820. Four supplemental agreements to existing professional services agreements were processed during this period in the amount of \$568,400.

3) Administrative Settlements in Right of Way Acquisitions. From January 1 through June 30, 2018, the Right of Way Section processed 59 parcels in the amount of \$602,102. Of those, 17 parcels had administrative settlements totaling \$103,200.

4) Annual Report of Activities to the Board of Examiners. ITD did not submit any requests to the full Board of Examiners for FY18.

5) State FY18 Financial Statements. Revenues to the State Highway Account from all state sources were behind projections by 2.2% at the end of May. This was a result of a timing difference of when the receipts from the sale of the Buy-Back Equipment were received. The forecast was to receive those funds in May, but they were actually received in June. With this adjustment, the total state receipts would have been 2.5% ahead of forecast. Total receipts from the Highway Distribution Account were 1.2% or \$2.3 million more than forecast. State revenues to the State Aeronautics Fund were ahead of projections by 11.4%, or \$285,000. Expenditures were within planned budgets. Personnel costs had savings of \$16.3 million or 13.9% due to reserves for horizontal career path increases, vacancies, and timing between a position becoming vacant and being filled. In May, \$5.8 million was transferred to Highways to fund one-time operating costs. ITD had 106 vacancies at the end of May. Contract construction cash expenditures of \$378 million through May exceeded any from the past three years.

The balance of the long term investments was \$165.2 million at the end of May. These funds are obligated against construction projects and encumbrances. The long term investments plus the cash balance of \$74.9 million were \$32 million less than the end of June. Expenditures in the Strategic Initiatives Program Fund through May were \$10.8 million. Deposits into the new Transportation Expansion and Congestion Mitigation Fund were \$19.6 million year-to-date.

6) Monthly Reporting of Federal Formula Program Funding through June. Idaho received obligation authority of \$276.4 million through September 30 via the Appropriations Act signed in March. In May the Board resolved to distribute \$14.4 million of Highway Infrastructure general funds to ITD and its partners. The combined amount, \$290.8 million, corresponds to \$290.5 million with match after a reduction for indirect costs. Idaho has received apportionments and general funds via notices through April 17 of \$316.6 million, which includes Redistribution of Certain Authorized Funds. Currently, obligation authority is 91.85% of apportionments. Of the \$290.6 million allotted, \$46.6 million remains.

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

8) Six Year Capital Facilities Program. The Department owns and operates nearly 700 office buildings, maintenance buildings and sheds, and yard sites. Operation funds are allocated for districts' and headquarters' capital buildings and statewide and aeronautics' alterations and repairs. The FY19 budget is \$3.6 million. Starting in FY20, the intent is to identify facility needs on an annual basis through a more effective process to annually assess, evaluate and prioritize capital facility deficiencies based on overall condition and operation needs. The FY21 program, totaling \$22.1 million, includes \$15 million for a new District 4 Office building.

Member Kempton asked for an update on the District 4 Office building. Capital Facilities Manager Tony Pirc said the Division of Public Works is responsible for the facilities' oversight. A consultant has completed a feasibility study. Some other entities expressed interest in co-locating with ITD in the I-84 and US-93 vicinity. DE 4 Devin Rigby added that co-locating with another agency may expedite the Department's efforts on a new facility. He anticipates presenting a proposal to the Board for its consideration in September.

Member Gagner joined the meeting at this time.

Adopt-A-Highway (AAH) Presentation. Member DeLorenzo thanked the Payette County Sheriff's Inmate Labor Program for its participation in the AAH Program. The group has been picking up litter along Idaho's highways since 1991 and is currently responsible for 59.4 miles.

Director's Monthly Report on Activities. Director Ness said the I-84 GARVEE project will be advertised next week. Because road construction and fire season coincide, ITD is partnering with the Bureau of Land Management and the Idaho Department of Fish and Game to combat wildfires. ITD was awarded \$150,000 to purchase mowers, tractors, and other items to help protect sage grouse land from wildfires. He commended other valuable partnerships and recognized employees for their innovations and exemplary service.

Chief Deputy Stokes said the Department plans to move the driver's licenses and identification cards from the mainframe computer to a more reliable and secure system on August 13. Final testing and training is currently in progress. The motor vehicle offices will be closed for two days during this transition. The legislative interim committee on commercial vehicle registrations will meet in the near future. ITD and LHTAC will receive \$36 million and \$24 million, respectively, from the Surplus Eliminator fund. He also announced the receipt of

public transit grants and thanked Public Transportation Manager Kim McGourty and staff for the cooperative applications with the public transit providers. Districts 1 and 3 are preparing joint grant applications with local officials for Better Utilizing Investments to Leverage Development (BUILD) transportation discretionary grants. District 1 is partnering with the Kootenai Metropolitan Planning Organization on three grants and District 3 and COMPASS are preparing an application for a US-20/26 project near Caldwell. The latter application has numerous partners, including the City of Caldwell, Canyon County, an urban renewal district and private partners that are pledging funds for the project. ITD would contribute non-Highway Distribution Account funds for the project if the grant award is successful.

The entire Director's Board Report can be viewed at <http://itd.idaho.gov/Board>.

Chairman Whitehead thanked Director Ness and Chief Deputy Stokes for the reports.

Safety Presentation: Association of Idaho Cities (AIC) and Work Zone Videos. Highway Safety Manager (HSM) John Tomlinson said staff participated in the youth track at the recent AIC conference. Groups were tasked with putting together public service announcements on a specific highway safety topic. He mentioned other activities involving youth groups.

Bill Kotowski from the Communication Office emphasized the importance of work zone safety. The engaged driving, or SHIFT, campaign is focusing on construction zones. Brian Cottier, Creative Director/Partner from SOVRN expressed appreciation for the opportunity to work with ITD on highway safety, including partnering on the AIC exercise and developing the SHIFT videos.

Chairman Whitehead thanked the gentlemen for the presentation. Member Gagner commended the focus on positive instead of negative behaviors.

Distracted Driving Legislation. HSM Tomlinson said there were 64 fatalities related to distracted driving in 2016. In response to last month's request, he presented potential distracted driving legislation. The draft legislation makes it illegal to use hand-held devices except in emergencies and to use head phones or ear buds in both ears while operating a motor vehicle. The violations would be a primary offense.

Government Affairs Manager (GAM) Mollie McCarty mentioned prior attempts on highway safety legislation, including failed legislation in 2018 to ban cell phone use. The general attitude appears to be reluctance to impose government restrictions. There were also some concerns that the legislation may be difficult to enforce and for motorists to understand.

Member DeLorenzo believes her personal right to make a phone call or text while driving should not supersede other people's safety. She believes the Board needs to take a stand on safety. Member Kempton emphasized that safety is the highest priority. He believes partnering with numerous entities like Idaho State Police and law enforcement would improve the chances of the legislation's success. He also believes a culture change is needed to improve highway safety, and sometimes it takes legislation to change the culture. Member Gagner added that seatbelts are very effective, and consideration should be given to proposing seatbelt legislation.

GAM McCarty said the Governor's Office recommends only submitting mission critical legislative ideas. Although the deadline to submit ideas was last week, she believes the Governor's Office may be receptive to an additional idea. She added that the legislative idea form should be fairly detailed, including a fiscal impact and stakeholder interest.

Member DeLorenzo thanked staff for its work on this important topic. She also questioned the Department's process and timeline to ensure the legislative due dates are met.

Vice Chairman Coleman made a motion to submit the legislative idea for hands-free cell phone devices to the Division of Financial Management for its consideration. Member Vassar seconded the motion and it passed unopposed.

Member Gagner made a motion to move up the Department's legislative schedule by one month to better accommodate the Governor's Office's due dates. Vice Chairman Coleman seconded the motion and it passed unanimously.

Delegation – City of Star. City of Star engineering consultant Mark Butler thanked the Board members for their time. He understands the Department's need to balance safety and mobility. Star is working with ITD on the SH-16 corridor. An economic corridor access management plan is being developed. As part of the modeling effort, the city would like ITD to add signals at two intersections with SH-44 to determine what those traffic impacts would be.

Member Vassar indicated she would prefer a recommendation from staff before the Board takes any action. Member DeLorenzo encouraged the city and ITD to continue working on this. Chairman Whitehead thanked the delegation for addressing the Board.

Delegation – City of Garden City. Garden City Mayor John Evans thanked the Board for its time and District staff for the good working relationship. He expressed concern with pedestrian safety along Chinden Boulevard. The city would like to make that corridor more attractive to development and would like improvements between the fog line and right-of-way, such as sidewalks, utilities, and landscaping.

Vice Chairman Coleman believes IDAPA rules related to access management plans enable the city to pursue these amenities. Member DeLorenzo said ITD will continue to partner with the city, particularly on safety concerns, and thanked Mayor Evans for his comments.

District 3 Report. DE 3 Revis reported on performance metrics. Staff achieved a winter mobility metric of roads being clear of ice and snow about 87% of the time, exceeding the goal of 73%. The FY17 construction cost at award versus the estimate was 108% and the construction cost of the contract award was 102%. All of the FY18 projects plus some additional ones were delivered by the due date and all of the FY19 projects were delivered on time. She also summarized the horizontal career path achievements, partnerships, and safety focus areas.

Chairman Whitehead thanked DE 3 Revis for the report and for her leadership.

Long-Range Transportation Plan. As a follow-up to last month's update, Planning Services Manager (PSM) Ken Kanownik reported that 24% of the driver's licenses surrendered

in Idaho last year came from Californians, with the majority of those surrendered in Meridian. Washington motorists surrendered 16%, with most of those turned in at the Post Falls office.

PSM Kanownik reported that there were 559 participants in the interactive public opinion survey, with 92% reporting that cars are their main mode of transportation. Almost 42% of respondents were from Ada County, and he believes the rural areas may be under represented. Respondents believe 19% of additional unmarked revenue should be spent on preservation and maintenance followed by 18% for expansion and capacity, 15% on bridges and structures, and 14% on safety. Transit infrastructure, bicycle/pedestrian, intelligent transportation systems, and freight also received support; however, PSM Kanownik noted that the categories are not mutually exclusive. The results of the survey will be used to develop the long-range plan, identify topics for further informational campaigns, and support follow-up items regarding transportation planning.

Chairman Whitehead thanked PSM Kanownik for the update on the long-range plan.

Executive Session on Personnel and Legal Issues. Vice Chairman Coleman made a motion to meet in executive session at 12:15 PM to discuss personnel and legal issues as authorized in Idaho Code Section 74-206(b), (c), and (f). Member DeLorenzo seconded the motion and it passed 4-0 by individual roll call vote. Member Vassar was absent for the vote.

The discussions on legal matters related to operations and facilities. The personnel items related to the performance of employees.

Member Gagner left the meeting during the personnel discussions.

The Board came out of executive session at 2:25 PM.

Policy Introduction. PSM Kanownik presented Board Policy 4050 Bicycle and Pedestrian Coordination, formerly Board Policy B-09-08, Bicycle and Pedestrian Facilities. The intent is for ITD to be a resource for other entities as they plan and coordinate bicycle and pedestrian facilities. An administrative committee would help facilitate statewide coordination. He also presented the corresponding administrative Policy 5050 Bicycle and Pedestrian Coordination, formerly A-28-04, Bicycle and Pedestrian Facilities, which expands on the Bicycle and Pedestrian Coordinator's responsibilities and the Bicycle and Pedestrian Administrative Committee's role.

Member Kempton made a motion to approve Board Policy 4050 Bicycle and Pedestrian Coordination. Member Vassar seconded the motion and it passed unanimously.

Vice Chairman Coleman made a motion to concur with Administrative Policy 5050 Bicycle and Pedestrian Coordination. Member Vassar seconded the motion and it passed unopposed.

Railroad/Utilities Coordinator Barbara Waite presented new Board Policy 4085 and Administrative Policy 5085 Rail-Highway Crossing Program.

Member Kempton made a motion, seconded by Member Vassar, and passed unopposed, to approve Board Policy 4085 Rail-Highway Crossing Program.

Member Kempton made a motion to concur with Administrative Policy 5085 Rail-Highway Crossing Program. Member Vassar seconded the motion and it passed unanimously.

Member Vassar said the Board Subcommittee on Policies reviewed Administrative Policy A-01-23, Local Request to Idaho Congressional Delegations for Federal Aid Transportation Funding, which staff recommends for deletion. Member Vassar made a motion to concur with the recommendation to delete Administrative Policy A-01-23. Member DeLorenzo seconded the motion and it passed unopposed.

Commercial Motor Vehicle Permit Rules. Commercial Motor Vehicle Permits Supervisor (CMVPS) Lance Green said staff has been conducting negotiated rulemaking for commercial motor vehicle permitting due to Senate Concurrent Resolution 130. These rules provide the authority, process, and details for issuing commercial motor vehicle permits. The 22 rules have been consolidated into 8, resulting in fewer single and annual permits.

CMVPS Green said two statewide meetings to negotiate the rule changes were held, allowing stakeholders and customers the opportunity to participate and engage with the rule change process. There was also a public comment period on the rules. He summarized the proposed rule changes and public comments, emphasizing that the main concerns appear to be with the removal of the annual oversize/overweight permit. The proposed rules were presented this month for information. Staff will request a decision on advancing the formal rulemaking process at the August meeting.

Chairman Whitehead thanked CMVPS Green for the informative presentation.

WHEREUPON, the Idaho Transportation Board's regular monthly meeting adjourned at 3:00 PM.

JERRY WHITEHEAD, Chairman
Idaho Transportation Board

Read and Approved
August 16, 2018
Coeur d'Alene, Idaho

July 19, 2018