

## REGULAR MEETING OF THE IDAHO TRANSPORTATION BOARD

March 18, 2020

The Idaho Transportation Board convened at 8:30 AM on Wednesday, March 18, 2020 at the Idaho Transportation Department in Boise, Idaho. The following principals were present:

Bill Moad, Chairman  
Julie DeLorenzo, Member – District 3  
Brian W. Ness, Director  
Scott Stokes, Chief Deputy  
Larry Allen, Lead Deputy Attorney General  
Sue S. Higgins, Executive Assistant and Secretary to the Board

The following participated remotely:

Jim Kempton, Vice Chairman – District 4  
James R. Thompson, Member – District 1  
Janice B. Vassar, Member – District 2  
Dwight Horsch, Member – District 5  
Bob Hoff, Member – District 6

Safety/Security Share. Project Manager Mark Campbell emphasized the importance of work zone safety. He reminded motorists to be aware of their surroundings, don't drive distracted, plan ahead, leave early, and leave sufficient room between your vehicle and the vehicle in front of you. He said a lot of construction is occurring on I-84 in the Nampa area and the Department has an extensive communication plan to keep motorists informed of the activity.

Chairman Moad thanked Project Manager Campbell for the important message.

Board Minutes. Member DeLorenzo made a motion to approve the minutes of the regular Board meeting held on February 19, 2020 as submitted. Member Hoff seconded the motion. Via a roll call vote, the motion passed 4-0 due to technical difficulties with Districts 2 and 5.

Board Meeting Dates. Chairman Moad said the workshop planned in conjunction with the Board meeting in District 2 next month is being postponed. The business meeting will be on the 16<sup>th</sup>; however, the location will be determined at a later date. The following meeting dates and locations were scheduled:

April 16, 2020 – location to be determined  
May 20-21, 2020 – District 5  
June 16-17, 2020 – District 3

Consent Items. Due to audio difficulties, Member DeLorenzo relayed Member Vassar's concern with the policies on the consent calendar. The Board Subcommittee on Policies did not review those revisions. Executive Assistant Higgins explained that the Subcommittee was established to review every policy and either re-format the policy or delete it. After a policy has been re-formatted, if revisions are proposed, the policy is presented to the full Board. Those

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policies have not been reviewed by the Subcommittee. Vice Chairman Kempton confirmed that process, and added that the Board may hold policies for a 30-day review period.

Chairman Moad recommended removing Administrative Policy 5508 Smoking Policy and Board and Administrative Policies 4052 and 5052 Official Travel by Department Personnel from the consent calendar and re-submitting them next month.

Member DeLorenzo made a motion, seconded by Member Hoff, and passed 4-0 by individual roll call vote, to approve the following resolution:

RES. NO.        WHEREAS, consent calendar items are to be routine, non-controversial, self-  
ITB20-07        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 distribution of FY20 Highway Infrastructure Program funds; adjustments to the Transportation Alternatives Program in the FY20-26 Idaho Transportation Investment Program; a consultant agreement; and a contract for award.

1) Distribution of FY20 Highway Infrastructure Program Funds. Last month the Federal Highway Administration notified Idaho that it would receive \$14.1 million in Highway Infrastructure Program funds, with \$8.5 million for Bridge Replacement and Rehabilitation and \$5.7 million for the State Transportation Block Grant. The latter funds are not subject to obligation limitation, require a non-federal match, must be obligated by September 30, 2023, have some limitations as to project eligibilities, and are to be sub-allocated by population. Because these funds are unique, staff recommends deviating from Board Policy 4028 Allocation of Federal Formula Highway Apportionments to Local Public Agencies. It requests approval to distribute the funds as follows: \$696,074 (12.3%) to Urban – Transportation Management Area; \$357,427 (6.3%) to Urban – Urban Balancing Committee; \$357,427 (6.3%) to Rural – Local Highway Technical Assistance Council (LHTAC); and \$4,262,521 (75.4%) – any area – ITD.

2) Adjust Transportation Alternatives Program (TAP) in the FY20-26 Idaho Transportation Investment Program (ITIP). Staff requests the removal of the \$148,000 SH-55, Bosma to Labor Camp Sidewalk, Marsing project, key #22072 from the FY20 TAP. It also requests advancing the Local, Stoddard Path Extension Phase 2, Nampa, project, key #22070 to FY20 for \$473,000.

3) Request to Approve Consultant Agreement. In accordance with Board Policy 4001 Authority to Sign Contracts, Agreements, and Grants and Requirement to Report Certain Contracts, staff requests approval to exceed the \$1 million agreement limit for key #20662 – US-95, McArthur Lake, Boundary County for completion of design services and engineer of record services in the estimated amount of \$1,500,000.

4) Contract for Award. The low bid on key #13419 – STC-5804, Westside Road, Trout Creek Bridges was more than ten percent over the engineer's estimate, requiring justification and

Board approval. The major differences between the engineer's estimate and low bid were in the Superpave Hot Mix Asphalt Pavement Including Asphalt, Concrete Class 40-A Schedule No. 1, Prestress Stringer, Provide and Drive 16" Diameter Steel Shell Pile, Special Bridge – Spray–Applied Waterproof Membrane, and Mobilization items. The engineer's estimate was prepared a year before the project was advertised, and it was not reviewed prior to advertisement. Rebidding the project is not anticipated to result in savings. LHTAC and the project sponsor, Boundary County, believe the bids are reasonable considering the current bidding climate and location of the project, and recommend awarding the contract. Boundary County will provide the additional funds. Low bidder: C.E. Kramer Crane and Contracting Inc. - \$943,663.

Information Items. 1) Contract Award and Advertisements. Key #19595 – US-95, FY20 District 2 Bridge Repair. Low bidder: Truesdell Corporation - \$1,544,544.

The list of projects currently being advertised was provided.

2) Professional Services Agreements and Term Agreement Work Tasks Report. From February 1 through February 26, 33 new professional services agreements and work tasks were processed, totaling \$4,099,263. Six supplemental agreements to existing professional services agreements were processed during this period in the amount of \$323,604.

3) State FY20 Financial Statements through January. Revenues to the State Highway Account from all state sources were ahead of projections by 5.6%. Receipts from the Highway Distribution Account were 4.6% or \$6 million more than forecast. State revenues to the State Aeronautics Fund were ahead of projections by 4.4%, or \$92,000. This is primarily due to the receipts for aircraft registrations; however, total receipts from aviation fuel taxes were below the forecast by 2.4%. Expenditures were within planned budgets. Personnel costs had savings of \$7.6 million or 9.8% due to reserves for horizontal career path increases, vacancies, and timing between a position becoming vacant and being filled. Contract construction cash expenditures of \$327.6 million exceeded any from the past three years.

The balance of the long-term investments was \$109.5 million and the cash balance was \$77.8 million at the end of January. Expenditures in the Strategic Initiatives Program Fund were \$19.2 million. No additional funds, other than interest earned on the cash balance, are coming into this fund due to the expiration of the law effective May 31, 2019 that required the transfer. Deposits into the Transportation Expansion and Congestion Mitigation Fund were \$10.8 million year-to-date. Expenditures in the GARVEE Capital Projects Fund through January were \$13.1 million.

4) Monthly Reporting of Federal Formula Program Funding through February. Idaho received obligation authority of \$286.6 million through September 30 via an appropriations act signed in December 2019. This includes \$936,200 of Highway Infrastructure General Funds carried over from last year in the Transportation Management Area. Last month Idaho received \$14.1 million of General Funds, of which \$8.5 million of bridge funds were distributed evenly with local officials as part of a Board agenda item last month. The disposition of the remaining \$5.7 million Highway Infrastructure General Funds was submitted under the Consent Calendar this month. Obligation authority is \$295 million, which corresponds to \$295.4 million with

match after a reduction for prorated indirect costs. Idaho received apportionments via notices through February 13, 2020 of \$331.7 million, including Redistribution of Certain Authorized Funds and Highway Infrastructure General Funds. Obligation authority is currently 90.7% of apportionments. Of the \$295.4 million allotted, \$170.7 million remains.

5) 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.

Director's Monthly Report on Activities. Director Ness announced the resignation of Chief Operations Officer Travis McGrath. Chief Deputy Stokes and he will assume the Chief Operations Officer's duties until that position is filled. He testified at a Senate Banking Committee meeting on public transportation last month. Because of concerns with the novel coronavirus pandemic, next month's workshop with legislators and local officials in District 2 is being postponed. Other Department activities included Districts 4, 5, and 6 identified various collaboration opportunities; continuation of the Star Card campaign; and the initiation of a new hiring process that will reduce the amount of time it takes to fill positions. He also recognized Financial Manager – Financial Planning and Analysis Joel Drake's service and congratulated him on his upcoming retirement.

Chief Human Resources Officer (CHRO) Brenda Williams summarized the efforts to address the novel coronavirus concerns and the response to the Governor's declaration of a state of emergency. The top priorities are the safety and well-being of employees and customers and the continuity of operations. A number of conferences and meetings have been cancelled. Other measures include allowing employees to work from home, determining if training can be provided online, and eliminating all non-essential travel. CHRO Williams added that leadership will continue monitoring the situation and communicating with the Governor's Office.

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

Chairman Moad thanked Director Ness and CHRO Williams for the reports.

Legislative Report. Governmental Affairs Manager (GAM) Mollie McCarty reported that three of ITD's legislative proposals have been signed into law, those relating to the local bridge inspection program, aligning fees for driver's licenses and identification cards with the administrative process, and minimum sales requirements for dealers and salesman licensing renewals. The elimination of validation decals for commercial motor vehicles has passed both chambers. It does not appear the last proposal regarding reinstatement of a lifetime disqualification for a commercial driver's license will be approved this year. Staff is continuing to monitor other legislative proposals, including on distracted driving, transportation funding, dyed fuel, specialty license plates, and drones. She also mentioned that Senate confirmation hearings were held last week for Member Hoff and Todd Hitchcock, who was appointed to the Aeronautics Advisory Board.

Chairman Moad thanked GAM McCarty for the legislative report.

Status: FY21 Appropriation – Joint Finance and Appropriation Committee (JFAC)  
Actions. Justin Collins, Financial Manager – Financial Planning and Analysis (FM-FP&A) reported that the FY21 appropriation bill is awaiting the Governor’s signature. He summarized changes JFAC made to the Governor’s recommended budget. Three Full Time Equivalent positions and personnel funding of \$276,600 were transferred from Highways to the Division of Motor Vehicles to implement the Insurance Verification Program. The \$3.5 million inflationary adjustment in Highways was funded through a transfer from Personnel to Operating, and the \$25,000 Visitor Center line item was not approved. Those costs are to be absorbed within the Highways Operations budget. The total FY21 appropriation is \$782,602,500, which is \$2,818,800 less than the Governor’s recommended budget, and 1,648 full time positions.

Chairman Moad thanked FM-FP&A Collins for the update.

Plan to Address District 4 Office Building Deficiencies. Facility Program Manager (FPM) Tony Pirc said the District 4 office building in Shoshone is being assessed to determine the best approach to keep the building in sufficient working condition without making significant long-term expenditures. Modifications are planned to address Americans with Disabilities Act requirements; the heating, ventilation, and air conditioning system; and deficiencies in the Materials Lab. Some windows will also be replaced. FPM Pirc said these modifications, estimated at \$186,750, will be made with funds from the existing Facility Management Program.

Chairman Moad thanked FPM Pirc for the report.

Recognition of Employees’ Service. Chief Administrative Officer Charlene McArthur said that due to concerns with coronavirus, the employees who have reached a milestone in their service will be presented their certificates in October. She read the names of the employees who are being recognized for their state service in five-year increments.

Chairman Moad congratulated the employees on their milestones.

Temporary Waiver of Limitations for Emergency Movements – Process Improvement Recommendation. Compliance Program Manager (CPM) Reymundo Rodriguez summarized the Board’s authority to issue exemptions to the permit process in emergencies. Because the hardship requiring an exemption is usually time sensitive, CPM Rodriguez requested the Board delegate this authority to the Chief Engineer and Motor Vehicle Administrator. He explained how that process would work, including an engineering and safety analysis and necessary traffic control requirements.

In response to Chairman Moad’s question on the appeal process, DAG Allen replied that the Idaho Administrative Procedures Act will be followed. After staff’s review and analysis, a recommendation to approve or deny the request will be presented to the Chief Engineer. The Chief Engineer’s decision may be appealed to a hearing officer. The hearing officer will make findings and issue a decision for the Director to act on. If the applicant is not satisfied with the Department’s final decision, that decision may be appealed to district court.

Member DeLorenzo made a motion, seconded by Member Vassar, and passed 6-0 by individual roll call vote, to approve the following resolution:

RES. NO. WHEREAS, the Idaho Transportation Board may waive existing permit policy  
ITB20-08 limitations in the event of an emergency, which is defined in IDAPA  
30.03.03.630; and

WHEREAS, these requests can be time sensitive in nature due to the emergency;  
and

WHEREAS, the Board may grant authority to delegate as per Idaho Code 40-505  
to appropriate staff.

*NOW THEREFORE BE IT RESOLVED*, that the Board grants authority to the  
Division of Motor Vehicles Division Administrator and Chief Engineer to review,  
approve or deny requests for the waiver of existing permit policy limitations. The  
Board approves the process that has been brought before it as it provides that each  
request is analyzed utilizing engineering and safety criteria pertaining to  
appropriate Idaho laws, rules, and regulations in the movement of vehicles that  
exceed legal size and weight. The Board shall have findings reported via an  
informational Board agenda item.

Public Transportation 2020-2022 Application Funding Recommendations. Shauna Miller,  
Grants/Contracts Officer (G/CO), said a two-year competitive application process for the 5310  
Enhanced Mobility of Seniors and Individuals with Disabilities, 5311 Formula Grant for Rural  
Areas, 5339 Bus and Bus Facilities, and Vehicle Investment Programs was recently completed.  
After reviewing the applications, staff presented the prioritized list of projects to the Public  
Transportation Advisory Council. The Council approved the funding recommendations for the  
2020-2022 rural awards in the amount of \$20,008,309. G/CO Miller added that not all of the  
requests could be funded, and that some funding remains in other Programs because the funding  
requests did not equal the amount of money available.

Member DeLorenzo made a motion, seconded by Member Vassar, and passed 6-0 by  
individual roll call vote, to approve the following resolution:

RES. NO. WHEREAS, the Public Transportation Office is charged with soliciting,  
ITB20-09 reviewing, and programming public transportation projects in the rural areas of  
Idaho; and

WHEREAS, the Idaho Transportation Board serves as the final approver of  
Federal Transit Administration (FTA) funded projects in Idaho before being  
submitted to FTA; and

WHEREAS, the funding sources include three FTA grants, the 5310 Elderly and  
Persons with Disabilities Program, 5311 Rural Formula Program, and 5339 Bus  
and Bus Facilities Program, and one state grant Vehicle Investment Program; and

WHEREAS, the Public Transportation Office has solicited, reviewed, provided for public comment, presented and received unanimous concurrence from the Public Transportation Advisory Council on the proposed projects.

*NOW THEREFORE BE IT RESOLVED*, that the Board acknowledges the projects proposed, as shown as Exhibit #519, which is made a part hereof with like effect, and approves the rural funding amount of \$20,008,309, for submittal to the FTA for final approval; and

*BE IT FURTHER RESOLVED*, that these projects are submitted for inclusion in the FY20-26 Statewide Transportation Investment Program and programmed in FY20.

Corridor Plan: SH-44 (North Glenwood Street). Planning Services Manager (PSM) Ken Kanownik requested approval to complete a 20-year corridor plan for a portion of SH-44 in Garden City in-house. The area is impacted by extensive growth and a number of things are occurring in the corridor, including the creation of an Ada County advisory committee to explore the best use of the property housing Expo Idaho, Les Boise Park, and the fairgrounds, which are adjacent to the highway. The Plan would determine the best use of the existing geometry and right-of-way and determine Garden City’s ultimate vision for the corridor.

Senior Planner Cecilia Awusie said the project will develop partnerships, collaborate with stakeholders to identify potential transportation/environmental issues, allow stakeholders to suggest corridor solutions and planning issues, notify property owners of potential land use for transportation purposes, and increase overall transportation efficiency. She added that District 3 is involved with this proposal.

Member DeLorenzo made a motion, seconded by Member Vassar, and passed 6-0 by individual roll call vote, to approve the following resolution:

RES. NO.       WHEREAS, Idaho Code § 40-310 directs the Idaho Transportation Board with  
ITB20-10       powers and duties over the state highway system; and

WHEREAS, the Scope of Work for State Highway 44 (Glenwood Street) corridor plan has been approved by the Idaho Transportation Department District 3 and the City of Garden City; and

WHEREAS, the Garden City Council received a corridor plan informational briefing on February 24, 2020; and

WHEREAS, ITD staff has coordinated closely with Garden City and will lead this planning effort for SH-44 and ITD staff is proposing to complete a corridor plan without any Idaho Transportation Investment Program funding associated.

*NOW THEREFORE BE IT RESOLVED*, on March 18, 2020, the Board approves of ITD staff commencing with the corridor planning process for SH-44 (Glenwood Street).

2020 Board Outreach Workshops – Overview. PSM Kanownik said that due to concerns with the coronavirus pandemic, the Department will be flexible in planning and scheduling the workshops with local officials and legislators. The intent of the workshops is to improve efficiency, understand major factors impacting transportation, and document unmet transportation needs. The agenda consists of an overview on current coordination efforts and identifying other potential coordination opportunities; a discussion on statewide trends, focusing on the aging bridges, growth, and the changing needs of transportation users; and identifying the unmet regional transportation needs.

Chairman Moad thanked PSM Kanownik for the overview on the workshop plans.

Executive Session on Personnel and Legal Issues. Member DeLorenzo made a motion to meet in executive session at 11:05 AM to discuss personnel issues as authorized in Idaho Code Section 74-206 (b) and legal issues as authorized in Idaho Code Section 74-206 (c). Member Vassar seconded the motion and it passed 6-0 by individual roll call vote.

The discussions on legal matters related to the acquisition of real property. The discussion on personnel matters related to the performance of an employee.

The Board came out of executive session at 11:50 AM.

WHEREUPON, the Idaho Transportation Board's regular monthly meeting officially adjourned at 11:50 AM.

signed

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BILL MOAD, Chairman  
Idaho Transportation Board

Read and Approved  
April 16, 2020  
Boise, Idaho

March 18, 2020