

REGULAR MEETING OF THE IDAHO TRANSPORTATION BOARD

October 15, 2020

The Idaho Transportation Board convened at 9:40 AM on Thursday, October 15, 2020. The following principals were present in Coeur d'Alene, Idaho:

Bill Moad, Chairman
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
Brian W. Ness, Director
Scott Stokes, Chief Deputy
Sue S. Higgins, Executive Assistant and Secretary to the Board

The following principals participated remotely:

Julie DeLorenzo, Member – District 3
Larry Allen, Lead Deputy Attorney General

Safety/Security Share. District 1 Operations Manager (OM) Jerry Wilson said today is the annual shake out – a preparedness drill for earthquakes. In the event of an earthquake, drop to the floor, cover your head and neck with one arm, crawl under a table or desk, and hold on to that object with your other hand. If you are not able to crawl under something, go to a wall away from windows until the shaking stops.

OM Wilson also warned about scams, especially with the holidays approaching. Be cautious with suspicious emails and telephone calls, and confirm their authenticity.

Chairman Moad thanked Operations Manager Wilson for the important messages.

Board Minutes. Member Vassar made a motion to approve the minutes of the regular Board meeting held on September 16, 2020 as submitted. Member Horsch seconded the motion and it passed 6-0 by individual roll call vote.

Board Meeting Dates. The following meeting dates were scheduled:

November 19, 2020
December 17, 2020
January 21, 2021

Consent Items. Member Vassar made a motion, seconded by Vice Chairman Kempton, and passed 6-0 by individual roll call vote, to approve the following resolution:

RES. NO. WHEREAS, consent calendar items are to be routine, non-controversial, self-ITB20-54 explanatory items that can be approved in one motion; and

October 15, 2020

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 2020-2021 omnibus administrative fee rule reauthorization; the addition of Community Planning Association of Southwest Idaho transit project to the Idaho Transportation Investment Program; the addition of State Transportation Innovation Councils incentive grant; the addition of FY21 Canyon Road Bridge Feasibility Study; the delay of SH-13 Curve Improvement and advance SH-62 Zenner to Nezperce; the addition of Aht'Wy Interchange and Plaza project to FY21; consultant agreements; and a contract for award.

1) 2020-2021 Omnibus Administrative Fee Rule Reauthorization. The Department is working through a second year of reauthorizing its administrative rules. There are 44 total rules, with seven involving fees. None of the rules were rejected during the 2020 legislative session, so the 37 non-fee rules automatically became temporarily effective in March. The fee rules require a more rigorous process. The rules are being advanced with no changes. Staff recommends adoption of the reauthorization of the pending fee rules in IDAPA Title 39.

2) Addition of Community Planning Association of Southwest Idaho (COMPASS) Transit Project to the Idaho Transportation Investment Program (ITIP). COMPASS and Valley Regional Transit request the addition of the \$2,675,000 Transit Fueling Station and Parking Lot project to FY21 of the ITIP due to the receipt of a Federal Transit Administration grant.

3) Addition of State Transportation Innovation Councils (STIC) Incentive Grant. The Local Highway Technical Assistance Council (LHTAC) requests the addition of the Local, Complete Advanced Environmental Wetland Mitigation project to FY21. Idaho received an FY20 STIC incentive grant for \$66,936. LHTAC will provide the \$16,734 match.

4) Addition of FY21 Canyon Road Bridge Feasibility Study. LHTAC and East Side Highway District request the addition of the \$250,000 Canyon Road Bridge Feasibility Study to FY21. Funding for the project is from the FY21 Local Bridge Highway Funds or transfer from existing projects, with the highway district providing the match.

5) Delay SH-13 Curve Improvement Near Kooskia and Advance SH-62 Zenner to Nezperce. Staff requests delaying the \$1,154,000 SH-13 Curve Improvement Near Kooskia project, key #19861 from FY22 to FY23. The SH-62 Zenner to Nezperce paving project, key #22221, is ready for advertisement, so staff requests advancing it to FY22 for \$1,751,000.

6) Addition of Aht'Wy Interchange and Plaza Project. The Nez Perce Tribe received a Better Utilizing Investments to Leverage Development Transportation Discretionary Grant for \$19,134,710. The funds will be used to construct the Aht'Wy interchange on US-95/12 near Lewiston. The project will remove the at-grade crossing, improving safety. After the structure is complete, ITD will assume ownership and maintain it. The Nez Perce Tribe will provide the match of \$1,007,090. Staff requests the addition of the Aht'Wy Interchange and Plaza Project to FY21 of the ITIP for \$20,141,800.

7) Request to Approve Consultant Agreements. 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 keys #20559 and #20596 – I-86, Jerome Interchange to Twin Falls Interchange Westbound and Eastbound Lanes, District 4 for construction engineering, inspection, and testing for approximately \$1.4 million; key #20675 – Kimberly Interchange (SH-50), Jerome County, District 4 for design and engineer of record services for approximately \$1.8 million; and key #20053 – Chester to Ashton, Fremont County, District 6 for environmental services and environmental documentation of approximately \$2.8 million.

8) Contract for Award. The low bid on key #19999 – SH-51, South Side Canal Culvert, District 3 was more than ten percent over the engineer's estimate, requiring justification and Board approval. The majority of difference between the engineer's estimate and low bid was in the Precast Concrete Culvert 5' X 12' and Special Temporary Traffic Control items. Due to the Precast Concrete Culvert item being measured by lump sum and a wide variability of designs between projects, it can be difficult to estimate this work. Also, there is a tight work window on this project due to in-water work needing to be completed before the opening of the canal on March 15, 2021. Staff believes the contractor thinks there are risks associated with the Temporary Traffic Control as a lump sum item instead of itemized. Staff believes the engineers' estimate did not accurately take into account additional risks associated with the two lump sum items or the small work window for the project. The District recommends awarding the contract. Low bidder: Knife River Corporation – Mountain West - \$644,705.

Information Items. Vice Chairman Kempton asked for additional information on the crashes on the interstate in relation to the speed limit increase to 80 miles per hour. Highway Safety Manager (HSM) John Tomlinson said the crash rate did not change significantly after the speed limit was increased; however, the severity of crashes did.

1) Contract Awards and Advertisements. Key #20165 – SH-25, North Canal Bridge, District 4. Low bidder: Coldwater Group Inc. - \$1,592,866.

Key #20613 – Intersection Lone Star and Middleton Road. Low bidder: Knife River Corporation – Mountain West - \$1,698,857.

Key #19730 – I-15, FY21b District 5 Bridge Repair. Low bidder: Coldwater Group Inc. - \$1,401,364.

Key #20457 – SH-34, Tin Cup Creek Bridge Milepost 106.818, District 5. Low bidder: Engineered Structures Inc. - \$1,668,983.

The list of projects currently being advertised was provided.

2) Professional Services Agreements and Term Agreement Work Tasks Report. From August 25 through September 23, 31 new professional services agreements and work tasks were processed, totaling \$15,237,662. Six supplemental agreements to existing professional services agreements were processed during this period in the amount of \$460,488.

3) Update on the 80 Mile Per Hour (MPH) Speed Zones, I-15, I-84, and I-86. After legislative action, the Department increased the speed limit from 75 MPH to 80 MPH on rural sections of I-15, I-84, and I-86 in 2014. The 2020 report indicates that the 85th percentile speed is 83 MPH, which has remained basically the same since the speed limit was increased to 80 MPH. The before and after differential speeds between light and heavy vehicles has also remained relatively unchanged, with a differential speed of 11 MPH average today as opposed to a 10 MPH differential when the speed limit was 75 MPH. The fatal and serious injury crash rates have also remained relatively constant, with between one and five fatal and serious injury crashes per one hundred million vehicle-miles of travel. This matches the crash rate prior to raising the speed limit to 80 MPH. In summary, the observed vehicle speeds and crash experience since raising the speed limit on these sections of interstates indicate operations have remained relatively unchanged from the prior speed limit and that the higher 80 MPH speed limit is appropriate and should remain unchanged at this time.

4) State FY21 Financial Statements. Revenues to the State Highway Account from all state sources were ahead of projections by 37% as of August 31. Receipts from the Highway Distribution Account were \$13.3 million more than forecast; although the forecast was lowered due to COVID-19. State revenues to the State Aeronautics Fund were below projections by 16%, or \$74,000. Expenditures were within planned budgets. Personnel costs had savings of \$1.2 million or 5.9% due to vacancies and timing between a position becoming vacant and being filled. Contract construction cash expenditures were \$56.3 million.

The balance of the long term investments was \$110.7 million at the end of August. These funds are obligated against construction projects and encumbrances. The cash balance was \$79.8 million, and includes the reserve to mitigate the impact of COVID-19 on FY21 revenue. Expenditures in the Strategic Initiatives Program Fund were \$6.6 million in August. Deposits into the Transportation Expansion and Congestion Mitigation Fund were \$3.5 million, and expenditures were \$8.3 million. The federal CARES Act provided \$27 million for public transportation in FY20. Expenditures totaled \$1.4 million.

5) Monthly Reporting of Federal Formula Program Funding through September. 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. In February \$14.1 million of Highway Infrastructure General Funds were received; however, \$4.2 million earmarked for bridges will not be used until FY23 and the Boise Transportation Management Area will not use its \$426,000 until FY21. Obligation authority through September 30 is \$334.5 million after receipt of \$38.5 million Redistribution of Obligation Authority Not Used by Other States on August 28. This corresponds to \$334.7 million with match after a reduction for indirect costs. Idaho received apportionments via notices through February 13 of \$327 million, including Redistribution of Certain Authorized Funds and Highway Infrastructure General Funds. Obligation authority is currently 102.3% of apportionments. All of the \$334.6 million allotted has been obligated.

The federal Fixing America's Surface Transportation (FAST) Act expired on September 30, 2020. A replacement act has not been passed by Congress, so we are working under an

extension to the FAST Act. Annual appropriation acts provide the authority to obligate those apportionments and Congress has not passed an appropriations act for FY21. A Continuing Resolution has been passed that provides obligation authority through December 11.

6) Economic Emergency Permits – Approved. Economic emergency permits allow travel on a specific section of road with a vehicle combination that exceeds current legal requirements. The Board delegated the authorization of these permits to staff. Permits issued related to the federal declaration of emergency due to the Corona Virus included 26 to transport feed/livestock; 18 for fuel; 9 for food stuff; and 6 for general freight. Two state economic emergency permits were also issued. One was to transport cattle from Oreana to Donnelly and New Meadows on SH-55 and US-95, and the other was to transport coke, coal and soda ash on US-30 from the Wyoming border to the junction of SH-34 and on a portion of SH-34.

7) Performance Measurement Report for the Division of Financial Management (DFM). Idaho Code requires an annual Performance Measurement Report and a Strategic Plan. Both reports were submitted to DFM after Board approval. DFM requested wording be added to the report about how the performance targets were established. The report was modified to state that the targets were established through internal research or accepted industry standards.

Monthly Report on Activities. Director Ness said a safety stand down was held last month, with activities for employees and the contracting industry. The Department’s supervisors met virtually for a leaders’ workshop. The main theme was focus and simplify, emphasizing employees’ work needs to be tied to the strategic plan. The best innovations were also recognized in eight categories: safety, mobility, economic opportunity, ideal workplace, customer service, time savings, cost savings, and a special COVID-19 category.

Chief Deputy Stokes commended the Enterprise Technology Services employees for their valuable assistance enabling telecommuting due to the COVID-19 virus. During the pandemic, the Division of Motor Vehicles (DMV) employees continued serving the public and implementing the fourth phase of the DMV modernization project.

Motor Vehicle Administrator Alberto Gonzalez said the vehicle phase of the modernization project went live on October 13. Although there were some glitches, 80% of the transactions required little or no assistance from DMV staff. The Department will meet with some of its county partners next week to discuss the implementation and continue refining the vehicle component. He also said staff is continuing to implement the new vehicle insurance verification program.

Chairman Moad thanked staff for the reports.

District 1 Impaired Driving. HSM Tomlinson said there have been 157 highway fatalities to date, compared to 187 at this time last year. He recognized Coeur d’Alene Police Officer Nick Knoll for his valuable partnership and commendable efforts to reduce impaired driving fatalities.

Officer Knoll reported that impaired driving fatalities decreased 35% in Kootenai County last year. He credited the efforts of the North Idaho Driving Under the Influence (DUI) Task

Force for this accomplishment. He summarized the various activities conducted during 2019, including media campaigns, emphasis patrols, a no-refusal weekend, and partnering with Washington and Montana law enforcement agencies on a border-to-border safety campaign.

The Board thanked Officer Knoll for his valuable service.

District 1 Annual Report. District 1 Engineer (DE) Damon Allen also praised Officer Knoll for his service and valuable partnership on highway safety. DE Allen reported on performance measures: the six FY19 projects were delivered on time plus staff advanced four projects, and the roads were clear of ice and snow 84% of the time during the 2019-2020 winter, exceeding the goal of 73%. He mentioned several partnerships, including on the Kootenai County Traffic Management Center, the US-95 North Corridor Access Improvement project, and the Cataldo Bridges. Some of the major construction projects underway or coming up include the US-95 GARVEE projects north of Coeur d'Alene and the SH-41 corridor expansion and I-90 interchange. He also highlighted staff and several innovations.

Chairman Moad thanked DE Allen for the report and for his leadership.

FY20 State Highway System Projects End of Year Statement. Chief Operations Officer Dan McElhinney commended maintenance team members across the state for their essential services for communities and keeping the roads safe with our Idaho State Police partners during the pandemic. He also recognized the Department's delivery partners and ITD staff for delivering 52 projects, more than the 49 planned, for FY20 state highway system projects. All but two construction contracts have been awarded, and those two are scheduled for bid opening this fall. As a result, ITD finished the year capturing 2.3% additional redistributed obligation authority funds with total federal funds obligated of \$261,258,642 and state funds of \$139,379,300.

Chairman Moad congratulated staff for its project delivery accomplishments.

Revisions to Board Policy 4078 Board Meetings and Resolutions. Executive Assistant to the Board (EAB) Higgins proposed changes to Board Policy 4078 Board Meetings and Resolutions. Two paragraphs are being recommended for deletion. The first paragraph references an outdated Idaho Code Section related to amending the agenda. Language regarding amendments to the agenda and the open meeting requirements are contained in Board and Administrative Policy 4008 and 5008 Open Meeting Requirements. The other paragraph addresses old resolutions. The previous update to Board Policy 4078 established the life of resolutions as either four years or until the matter is completed, whichever occurs first. Because that was a new process, the policy contained language on how to handle the old resolutions. There are no resolutions older than four years in effect now, so that paragraph is obsolete.

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

RES. NO. WHEREAS, the Idaho Transportation Board is charged with setting policies for ITB20-55 the Idaho Transportation Department; and

WHEREAS, Board Policy 4078 Board Meetings and Resolutions was developed to provide guidance on conducting Board meetings and the use of resolutions; and

WHEREAS, Board Policy 4078 contains outdated information on adding items to the meeting agenda and handling old resolutions and contains an incorrect Idaho Code citation.

NOW THEREFORE BE IT RESOLVED, that the Board approves revisions to Board Policy 4078 Board Meetings and Resolutions, deleting the outdated information because it is no longer applicable.

Chairman Moad thanked EAB Higgins for the policy update.

Administrative Rule Correction. Ramón Hobdey-Sánchez, Governmental Affairs Program Manager (GAPM), said that chapter cover pages were to be created as part of the Governor's Red Tape Reduction Act. During this process, two chapters had sections dealing with the appeals process unintentionally deleted. He requested reinstating this language via the temporary rulemaking process. No language is being changed or modified. The rules are advancing exactly as previously written.

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

RES. NO. ITB20-56 WHEREAS, the Idaho Transportation Department requests to restore administrative rule language that was inadvertently deleted; and

WHEREAS, the two administrative rules impacted are:

- 39.03.42 – Rules Governing Highway Rights-of-Way Encroachments on State Rights-of-Way; and
- 39.03.43 – Rules Governing Utilities on State Highway Right-of-Way; and

WHEREAS, the language being restored is the “Appeals” section of each chapter (Section .003); and

WHEREAS, the temporary effective date for these chapters is October 15, 2020.

NOW THEREFORE BE IT RESOLVED, that the Idaho Transportation Board approves that these two (2) administrative rules be published in the Idaho Administrative Bulletin and become temporary.

Chairman Moad thanked GAPM Hobdey-Sánchez for the presentation.

FY20 Annual Report. Office of Communication Manager Vince Trimboli presented the draft FY20 Annual Report. Idaho Code requires a report on the financial condition and management of the Department. Some of the information included in the document is the Department's response to the COVID pandemic, accomplishments, performance measures, innovations, revenue, expenditures, and focus areas for the next five years.

The Board expressed appreciation for the user-friendly format and the content of the report.

FY22 Revision #1 Appropriation Request. Financial Manager – Financial Planning and Analysis (FM-FP&A) Justin Collins presented the revised FY22 appropriation request. Contract construction and right-of-way increased due to the receipt of federal grants totaling \$27.7 million. The base increased \$410,000 for Highway Operations State Communication Emergency Medical Services and Statewide Cost Allocation, but highway operations decreased \$1.77 million for personnel and due to the removal of the Geographic Information System Phase 4 project. The estimated ending cash balance increased to \$4.6 million. The total appropriation request is \$764.6 million, an increase of \$26.3 million.

FM-FP&A Collins also referenced a few changes to the FY22 appropriation request that were made after the Board item was submitted. The changes will be entered into the Revision #1 submission, which is due to the Division of Financial Management and Legislative Services Office on October 23. These revisions will affect the overall grant total, cash balance, total request amount, and some other minor adjustments. All changes made will be outlined in an information item during the November Board meeting.

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

Executive Session on Personnel and Legal Issues. Member DeLorenzo made a motion to meet in executive session at 11:45 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 Horsch seconded the motion and it passed 6-0 by individual roll call vote.

Chairman Moad announced that the Board meeting will adjourn immediately after the executive session.

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

The Board came out of executive session at 1:00 PM.

WHEREUPON, the Idaho Transportation Board's regular monthly meeting officially adjourned at 1:00 PM.

signed
BILL MOAD, Chairman
Idaho Transportation Board

Read and Approved
November 19, 2020
Boise, Idaho

October 15, 2020