

## REGULAR MEETING OF THE IDAHO TRANSPORTATION BOARD

November 19, 2020

Due to the COVID-19 virus, the meeting was conducted remotely.

Idaho Transportation Board Chairman Bill Moad called the meeting to order at 8:30 AM on Thursday, November 19, 2020. The following principals participated:

Bill Moad, Chairman  
Jim Kempton, Vice Chairman – District 4  
James R. Thompson, Member – District 1  
Janice B. Vassar, Member – District 2  
Julie DeLorenzo, Member – District 3  
Bob Hoff, Member – District 6  
Brian W. Ness, Director  
Scott Stokes, Chief Deputy  
Larry Allen, Lead Deputy Attorney General  
Sue S. Higgins, Executive Assistant and Secretary to the Board

Chairman Moad said District 5 Board Member Dwight Horsch is absent due to a personal conflict.

Chairman Moad said the Safe Routes to School delegation cancelled its presentation. Member DeLorenzo moved to amend the agenda to remove the Safe Routes to School presentation. Member Vassar seconded the motion and it passed 5-0 by individual roll call vote.

Safety Share. As a follow-up to last month's presentation on the success of the North Idaho Driving Under the Influence (DUI) Task Force, Executive Assistant to the Board (EAB) Higgins said the Task Force had a successful Halloween weekend with zero serious or fatal injury crashes. The Task Force estimated that half of the DUI drivers it located were due to other motorists reporting suspected impaired drivers. EAB Higgins commended the motorists for recognizing that driving impaired is not acceptable and reporting it. ITD has been working toward a similar culture regarding safety. If employees see a safety hazard, they are to speak up and/or fix the unsafe situation.

Chairman Moad thanked EAB Higgins for the message.

Board Minutes. Member DeLorenzo made a motion to approve the minutes of the regular Board meeting held on October 15, 2020 as submitted. Member Vassar seconded the motion and it passed 5-0 by individual roll call vote.

Board Meeting Dates. The following meeting dates were scheduled:  
December 17, 2020  
January 21, 2021  
February 18, 2021

November 19, 2020

Consent Items. Member Vassar made a motion, seconded by Vice Chairman Kempton, and passed 5-0 by individual roll call vote, to approve the following resolution:

RES. NO. ITB20-57 WHEREAS, consent calendar items are to be routine, non-controversial, self-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 certification of receipts and disbursements; the FY20 Annual Report; the addition of the Lakeshore Connection Planning project to FY21; the McMillen Jacobs Associates individual task agreement; the David Evans & Associates term agreement; consultant agreements; and contracts for award.

1) Certification of Receipts and Disbursements. The FY20 certification of receipts and disbursements cash basis, as shown as Exhibit #530, 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 \$788,487,700, disbursements were \$771,510,100, and the cash balance as of June 30, 2020 was \$93,433,800.

2) FY20 Annual Report. The FY20 Annual Report, which is required by Idaho Code, reports on the financial condition and management of the Department. Minor revisions to address the changing needs of users were made to the draft report that the Board reviewed last month.

3) Addition of Lakeshore Connection Planning Project to FY21. The City of Ponderay received a Better Utilizing Investments to Leverage Development Transportation Discretionary Grant for \$1,399,786. The grant will fund the design and engineering of a multimodal link from Ponderay to the Pend d'Oreille Bay Trail and preliminary design for bicycle and pedestrian safety enhancements to SH-200. The municipality will provide the \$349,946 match. Staff requests the addition of the Lakeshore Connection Planning project to FY21 of the Idaho Transportation Investment Program (ITIP).

4) McMillen Jacobs Associates Individual Task Agreement Extension. In accordance with Board Policy 4001 Authority to Sign Contracts, Agreements, and Grants and Requirement to Report Certain Contracts, staff requests ratifying McMillen Jacobs Associates' consultant individual task agreement limit of \$500,000 for consultants selected from the term agreement list up to \$521,000. The consultant has been providing assistance with the US-95, Milepost 188 Rock Slide Mitigation, near Riggins, District 2 project, key #23078. The emergency project required immediate response, and due to its complexity and uncertainty, a supplemental agreement is now required for the design and inspection services for the catchment berm/tecco mesh in the amount of \$221,775, exceeding the \$500,000 limit.

5) David Evans & Associates Term Agreement Extension. In accordance with Board Policy 4001, staff requests ratifying David Evans & Associates' term agreement limit to exceed \$1,500,000. The consultant was selected to perform slope stability monitoring for the US-95, Milepost 188 Rock Slide Mitigation, Near Riggins project, key #23078. The professional service needs for this project have expanded due to the additional unforeseen scope required to collect

November 19, 2020

the topography to design the final grading plan for Old Pollock Road and to collect the topography and tie in the US-95 right of way for the design of a catchment area at the toe of the US-95 slide. The estimated cost for these additional services is \$96,000.

6) Request to Approve Consultant Agreements. In accordance with Board Policy 4001, staff requests approval to exceed the \$1 million agreement limit for keys #19526, #19195, and #19653 – Junction SH-6 Turnbay/Deep Creek Bridge/Washington–Idaho Railroad Bridge, Latah County, District 2 for additional environmental, right of way, and design services of approximately \$1.3 million; key #20033 – SH-75, Elkhorn Road to River Street, Ketchum, District 4 for design and environmental re-evaluations of approximately \$3.2 million; key #20053 - Chester to Ashton, Fremont County, District 6 for design of approximately \$1.9 million; key #20065 – I-15/US-20 Connector, Bonneville County, District 6 for preliminary design and environmental of approximately \$5.2 million; and keys #22595, #22596, #22593, #22594, #22597, #22598, #22599, and #22431 – South Idaho Bridge Bundling Project Local Highway Technical Assistance Council (LHTAC) for design of approximately \$3.4 million.

7) Contracts for Award. The low bid on the following projects were more than ten percent over the engineer's estimate, requiring justification and Board approval. The majority of difference between the low bid and engineer's estimate on key #20584 – SH-8, SH-9, and US-12, FY21b District 2 Bridge Repair was in the Superpave Hot Mix Asphalt Paving Including Asphalt and Additive Class Special 3, Special Temporary Illumination, Special Temporary Traffic Control, Special Smoothness Grind, and Mobilization items. The first item was difficult to estimate because of the small quantities for four bridges with a 100 mile spread in a rural part of the state. The unknown contractor's material source locations and hauling distance were also factors. The lump sum items for the Temporary Illumination, Temporary Traffic Control, and Special Smoothness Grind items plus multiple site locations can vary the prices. The Mobilization item was difficult to estimate because of unknowns regarding the location of the contractor's resources to the project sites, multiple site locations, and how the contractor plans to manage the contract. The District does not believe re-advertising the project will result in lower estimates and recommends awarding the contract. Low bidder: Clearwater Construction DBA Clearwater Western - \$985,000.

The Chip Seal and Temporary Traffic Control items accounted for the majority of difference between the engineer's estimate and low bid on key #20738 – I-84, Broadway to Eisenman, Boise, District 3. The project has a start window of May 15 to June 19, 2021, which is the beginning of the annual work window for chip seals. The potential for lower temperatures introduces risk for reduced productivity. The project is also on a high volume freeway, presenting additional risks associated with production, safety, and the potential for damage claims. For the Temporary Traffic Control item, the engineer's estimate failed to provide traffic control maintenance funding included in the lump sum item. Staff does not believe re-advertising the project would result in lower prices and recommends awarding the contract. Low bidder: H-K Contractors Inc. - \$1,859,669.

The main difference between the low bid and engineer's estimate on key #19046 – Ruby Creek #2 Bridge was in the Removal of Bridge and Prestress Slab – 48" Width x 18" Depth items. LHTAC did not fully anticipate the high level of inflation when it considered the remote location of the project. The bridge replacement project addresses a significant structural

November 19, 2020

deficiency that will increase safety. LHTAC believes the low bid is reasonable and recommends awarding the contract. The sponsor, Boundary County, is prepared to provide the additional match. Low bidder: Braun-Jensen Inc. - \$886,000.

Information Items. 1) Contract Awards and Advertisements. Key #19830 – US-30, Bliss to Hagerman, District 4. Low bidder: Knife River Corporation–Mountain West - \$2,474,963.

Key #20025 – FY21 District 4 I-84 Bridge Repair. Low bidder: Cannon Builders Inc. - \$1,932,859.

Key #20251 – FY21 District 3 I-84 East Bridge Repair. Low bidder: Cannon Builders Inc. - \$952,100.

Key #20112 – SH-3, SH-7, SH-11, SH-162, and US-12, FY21 District 2 Bridge Repair. Low bidder: Truesdell Corporation - \$513,513.

Key #13476 – SH-44, Half Continuous Flow Intersection Intersection Eagle Road and SH-44, Eagle, District 3. Low bidder: Knife River Corporation-Mountain West - \$6,161,468.

Key #20191 – I-84, Westbound Declo Port of Entry, District 4. Low bidder: Knife River Corporation-Mountain West - \$10,867,817.

Key #19399 – US-95, Little Salmon River Bridge, District 3. Low bidder: Braun-Jensen Inc. - \$2,980,000.

Key #19248 – US-95, Sandpoint Long Bridge over Pend O’Reille, District 1. Low bidder: McMillen Jacobs Associates - \$9,680,932.

Key #19866 – US-93, Nevada State Line to Hollister, District 4. Low bidder: Geneva Rock Products Inc. - \$1,636,582.

Key #19682 – SH-4, Mullan Avenue to Prairie Avenue, Post Falls, District 1. Low bidder: Scarsella Bros., Inc. - \$21,379,646.

Key #13998 – STC-2822, West Glendale Road and Canal Bridge. Low bidder: Knife River Corporation-Mountain West - \$1,608,105.

Key #20094 – STC-1697, French Gulch/Fernan Hill Road, East Side Highway District. Low bidder: Interstate Concrete & Asphalt Co. - \$868,611.

Key #22638 - US-12, Cherry Lane Bridge. Low bidder: Cascade Bridge LLC - \$15,792,206.

The list of projects currently being advertised was provided.

2) Professional Services Agreements and Term Agreement Work Tasks Report. From September 24 through October 27, 23 new professional services agreements and work tasks were

November 19, 2020

processed, totaling \$3,282,507. Seven supplemental agreements to existing professional services agreements were processed during this period in the amount of \$852,382.

3) Annual Report on Rail-Highway Crossing Program. The State Railroad Grade Crossing Protection Fund receives \$250,000 annually for projects in the Rail-Highway Crossing Program. The goal of the program is to reduce the number and severity of vehicle-train collisions at public rail-highway crossings. The Fund also provides \$25,000 to support public education and safety programs that promote awareness of public safety at railroad grade crossings. The five-year fatality rate at railway-highway crossings for 2015-2019 was 1.4, a decrease from the 2014-2018 rate of 1.6.

4) Sponsorship of Department Programs. In accordance with Board Policy 4041 Sponsorship of Department Programs, staff is to report sponsorship activity. There are no sponsorship agreements at this time.

5) State FY21 Financial Statements. Revenues to the State Highway Account from all state sources were ahead of projections by 28% as of September 30. Receipts from the Highway Distribution Account were \$16.2 million more than forecast; although the forecast was lowered due to COVID-19. State revenues to the State Aeronautics Fund were below projections by 18%, or \$130,000. Expenditures were within planned budgets. Personnel costs had savings of \$1.5 million or 5.2% due to vacancies and timing between a position becoming vacant and being filled. Contract construction cash expenditures were \$41 million.

The balance of the long term investments was \$110.8 million at the end of September. These funds are obligated against construction projects and encumbrances. The cash balance was \$76.1 million, and includes the reserve to mitigate the impact of COVID-19 on FY21 revenue. Expenditures in the Strategic Initiatives Program Fund were \$8.9 million through September. Sales tax deposits into the Transportation Expansion and Congestion Mitigation Fund were \$5.2 million, and expenditures were \$11.8 million. The federal CARES Act provided \$27 million for public transportation. Expenditures totaled \$1.6 million.

6) Monthly Reporting of Federal Formula Program Funding through October. Idaho received obligation authority of \$59 million through December 11 via a continuing resolution. This corresponds to \$58.9 million with match after a reduction for prorated indirect costs. It includes \$425,527 of Highway Infrastructure General Funds carried over from last year in the Transportation Management Area. An extension to the federal Fixing America's Surface Transportation Act was signed on October 9, 2020. Idaho received apportionments of \$313.7 million. Obligation authority is currently 18.8% of apportionments. Of the \$58.9 million allotted, \$53.1 million remains.

7) FY22 Revision #1 Appropriation Request. The FY22 appropriation request revision #1 was delivered to the Division of Financial Management and Legislative Services Office on October 23. It included the following changes from the October 15, 2020 Board item: a decrease of \$33.4 million in federal carryover due to a maximum carryover authority amount of \$250 million; a decrease of \$6.1 million in federal funds due to the \$7.5 million Magic Valley Rail Safety and Capacity Expansion Federal Railroad Administration Grant being moved to FY21 and the receipt of additional grants; and a \$27.3 million decrease in expenditures for personnel and

November 19, 2020

contract construction. The total appropriation request is \$668,792,400 plus \$68,591,600 for GARVEE bond debt service.

Monthly Report on Activities. Because November is a traditional time to give thanks, Director Ness said his report will focus on appreciation. Due to the COVID-19 pandemic, 2020 has been an unusual year. The Department's goals to address and respond to the pandemic were safety, continue providing services, and be flexible. Some of the employees he recognized for safety efforts included the Division of Aeronautics for distributing masks and hand sanitizer throughout the state, employees who are exhibiting respectful practices like wearing masks and social distancing, and leadership and other employees who are reaching out to their subordinates and peers to stay in touch. He commended employees for continuing to provide services, whether in the field, in the office, or from home. The Ports of Entry remained open, facilitating the movement of goods and supplies. The construction industry adapted to safety concerns and continued working; although a number of states shut down construction. The earthquake at the end of March created an additional burden, but staff responded immediately to ensure the safety and integrity of the transportation system.

Director Ness also thanked all of the employees for their flexibility. The Enterprise Technology Services staff did a commendable job ensuring employees could work remotely. The Human Resources employees continued paying employees and hiring new employees. The Office of Communication did an exceptional job communicating and keeping employees informed. In closing, he said it has been 11 years since he was hired as the director of ITD, and it has been a pleasure serving in this capacity.

Chief Deputy Stokes thanked Director Ness for his service. He said the Department has been making a concerted effort to reduce vacancies. He commended Human Resources for its efforts on this and said more information will be provided later in the meeting. He also recognized GARVEE Program Manager Amy Schroeder and her staff for receiving an award from the Community Association of Southwest Idaho on the safety efforts on the I-84 GARVEE corridor projects. Contractors were hired to patrol the corridor to provide assistance to motorists to help ensure a safer construction zone.

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

Administrative Surplus Property Rules and Procedures as it Pertains to ITD Administrative Facilities. Department of Administration Director Keith Reynolds said his charge is to efficiently manage the state's assets. There have been discussions over the years regarding ITD's Headquarters campus. A legislative committee was formed in 2018 to study state agencies' locations, particularly in the Boise area where the value of commercial property has been increasing significantly.

Director Reynolds said the surplus property statute could be used to sell the ITD campus and relocate the Department. The statute allows state agencies to declare administrative facilities as surplus if it is no longer suitable for their needs. If the Board of Examiners agrees, the property is transferred to the Department of Administration for disposal. The first offer is to other state agencies and if there is no interest, the property may be sold to the highest bidder. He recommended issuing a Request for Proposal (RFP) for the sale of ITD's property. ITD's main

November 19, 2020

office building is 60 years old and has deferred maintenance needs. It sits on a valuable piece of property that could return to the tax role. If the property is sold, the Department of Administration would take a 15% administrative fee. The remaining sale proceeds would be returned to ITD. The proceeds could be used for highway construction and/or a new Headquarters building, either existing or to be constructed, via a line item appropriation from the State Highway Account or a Division of Financial Management receipt to appropriation.

In response to numerous questions from the Board, Director Reynolds provided additional information. He concurred that the proposal to sell ITD's property is the Department of Administration's idea, not ITD's; however, the decision is the Board's. Regarding the time frame, initially he hoped to have a proposal to the legislature during the 2021 session; however, that schedule may not be realistic. The next step would be for the Board to declare the campus as surplus, stating it is no longer suitable for ITD's needs because a large portion of the approximate 45-acre property is not being used, and the property is surrounded by residential and commercial property. Because ITD cannot issue an RFP, another option may be for it to issue a Request for Information.

Director Reynolds acknowledged similar conversations have been held on the District 3 facility in Garden City. He believes that property is similar to the Headquarters' campus and is no longer suitable for the District's needs, but he does not recommend combining the two facilities into one package. If the Headquarters property is deemed surplus, the method for the appropriation would be determined prior to closing, and if no acceptable proposal is received, the surplus property declaration would be withdrawn and the property would be transferred back to ITD. Director Reynolds does not believe there is an existing building at the Idaho Chinden Campus to accommodate ITD's needs, so a new building would be constructed. He confirmed that excess funds from the sale would be transferred to ITD. They would not be deposited into the General Fund.

Chairman Moad thanked Director Reynolds for the presentation. He said the issue of declaring the Headquarters' campus as surplus property will be on the agenda next month.

Trucking Advisory Council (TAC) Annual Report. TAC Chairman John Pocock said the Council met four times in 2020. Some of the legislative proposals it reviewed addressed dyed fuel and increasing truck registration fees. It continues to stay abreast of 129,000 pound truck routes and issues. It has some concern with the time-consuming process to designate these routes and also with short sections of highways that have not been approved for vehicle combinations up to 129,000 pounds. Oregon and Washington have more vehicle size and weight restrictions than Idaho, which the TAC hopes can be addressed. TAC Chairman Pocock said some of the focus areas for 2021 will be securement of hay and straw bales, pursuing the discrepancy with the distracted driving law regarding points, and increasing the interaction between TAC members and Board members.

Chairman Moad thanked TAC Chairman Pocock for the report. He supports more interaction between the two groups and recommended the TAC members participate on Board tours when those resume.

Division of Motor Vehicles (DMV) Update. Motor Vehicle Administrator (MVA) Alberto Gonzalez said the fourth and final stage of the modernization project went live last month. Approximately eight million records were migrated from the mainframe to the new system. There were slowdowns during the transition, but he said the number of transactions being processed is almost back to normal. Some of the remaining challenges include remedies for registration transfers, fee issues, and linking orphan records; keeping up with system improvements; training; county offices closed due to COVID-19; and implementing the new insurance verification program. He expressed appreciation to the county partners and DMV staff for their efforts.

In response to Chairman Moad's question on the STAR card, MVA Gonzalez replied that the federal government extended the due date for STAR, or REAL ID, cards to October 2021. To date, about 400,000 REAL ID drivers' licenses have been issued.

Chairman Moad thanked MVA Gonzalez for the informative report and for the services DMV is providing.

Human Resources (HR) Annual Report. Chief Human Resources Officer (CHRO) Brenda Williams said COVID-19 and the initial stay-at-home order issued in March have resulted in challenges and additional work for the HR staff (such as contact tracing). The Office's supporting mission is to attract and retain the best talent. Some of its strategic goals are to make ITD an ideal workplace, improve the employee experience, leadership career development, and promote employee safety.

HR staff members reported on highlights. A concerted effort is being made to fill vacancies. At the end of October, 1,634 of the 1,648 full-time equivalent positions were filled. Of the voluntary separations in FY20, 41% were due to personal reasons, 37% were due to retirement, 15% were transfers to another state agency, and 7% went to the private sector. In-person training has generally been replaced with virtual classes. A heavy equipment operator program was conducted with a federal grant. Most of the participants have been offered jobs in the industry. The critical incident stress management program has been beneficial, particularly when a District 6 employee was killed in the line of duty earlier this year. The recordable injury incidents in FY20 were 40, a decrease from 51 in FY19 and 44 in FY18. The total incident rate of 2.37 in FY20 compares to 3.13 and 2.65 in FY19 and FY18, respectively.

CHRO Williams concluded by summarizing the current focus areas, including improving the employee experience, leadership career development, leadership engagement, improving the onboarding experience, revising the employee handbook, and establishing a stretch and flex program.

Chairman Moad thanked staff for the informative presentation.

SH-28 Little Sawmill Creek Culvert Project. District 6 Engineer (DE) Jason Minzghor said the Idaho Office of Species Conservation and Lemhi Soil and Water Conservation District obtained a grant to improve a culvert under SH-28 in Lemhi County. District 6 would like to partner in this effort to enhance fish passage in the drainage. He requested a \$100,000 project in the Idaho Transportation Investment Program for construction in the summer of 2021.

November 19, 2020

Member Vassar expressed support for the project, noting that District 2 has partnered on a number of successful fish passage projects.

Member Hoff made a motion, seconded by Member DeLorenzo, and passed 5-0 by individual roll call vote to approve the following resolution:

RES. NO. WHEREAS, the Idaho Transportation Board supports the Idaho Transportation  
ITB20-58 Department mission of safety, mobility, and economic opportunity; and

WHEREAS, it is in the public interest for ITD to fund SH-28 Little Sawmill Creek Culvert Project; and

WHEREAS, ITD is prepared to incorporate this project into the approved Idaho Transportation Investment Program (ITIP).

*NOW THEREFORE BE IT RESOLVED*, that SH-28 Little Sawmill Creek Culvert project be added to the ITIP at a cost of approximately \$100,000 using FY2021 State statewide balancing; and

*BE IT FURTHER RESOLVED*, that the Idaho Transportation Board approves the staff to adjust the Program and amend the approved FY2020-2026 Statewide Transportation Improvement Program accordingly.

Chairman Moad thanked DE Minzghor for the presentation.

Annual Update on the Research Program. Ned Parrish, Research Program Manager (RPM), said federal statutes require 2% of federal funding for roads and bridges be used for planning and research, with a minimum of 25% of those funds devoted to research-related activities. The FY21 Research Program budget is \$1.87 million.

Several staff members summarized research projects on state highway system historical context to ensure compliance with environmental and historic preservation laws and regulations and consider effects of ITD activities on historic properties; an environmental document preparation and data management system to support project delivery efforts; and roadside monarch and pollinator habitat inventory to address the decline of native pollinators across North America.

RPM Parrish said some of the projects completed in FY20 were an assessment of new American Association of State Highway and Transportation Officials test method for alkali-silica reaction potential for evaluation of Idaho aggregates, development of a prediction model for pavement temperature, and a DMV customer web portal study. A Highway Safety Improvement Program project performance evaluation study, implementation of a balanced asphalt mix design of asphalt mixtures and use of rejuvenators for enhanced performance, roadside vegetation management to reduce invasive weeds and fire risk, and a qualified products list system needs study are some of the new research projects planned.

Chairman Moad thanked RPM Parrish and staff for the overview on the Research Program.

November 19, 2020

Revisions to Board Policy 4076 Use of Unallocated Idaho Transportation Investment Program (ITIP) Funds. Chief Engineer (CE) Blake Rindlisbacher presented revisions to Board Policy 4076 based on discussions at the September Board meeting. The Board Members and respective District Engineers are encouraged to identify potential projects to fund with the Unallocated Account. They are encouraged to reach out to partners and stakeholders, including advisory boards and committees, to identify unmet needs on the State Highway System. Some of the eligible projects would be urgent safety projects; partnering efforts to address safety, mobility, or economic opportunity; match for federal grants; and advance right of way purchase.

Vice Chairman Kempton noted the omission of funding highway system adjustments. There have been a number of state highway relinquishments funded through the Unallocated Program. CE Rindlisbacher said the list is not all-inclusive and highway system adjustments are an eligible activity.

Vice Chairman Kempton made a motion to include state highway system transactions as an eligible project for Unallocated funds. Member Vassar seconded the motion.

Member DeLorenzo suggested having the minutes reflect that highway system transactions are an eligible activity for funding. CE Rindlisbacher said staff is making a concerted effort to fund highway system transactions through the ITIP, but the policy can be revised.

Chairman Moad noted the consensus of the Board was to include state highway system transactions as an eligible funding activity in Board Policy 4076. He stressed the importance of flexibility and the ability to expedite these projects. The Board Members and District Engineers are familiar with their areas and needs, so should provide input and make project recommendations.

Vice Chairman Kempton withdrew his motion. The second, Member Vassar, concurred.

Chairman Moad called for a vote to accept the revisions to Board Policy 4076 Use of Unallocated Idaho Transportation Investment Funds. It passed 5-0 by individual roll call vote.

Chairman Moad thanked CE Rindlisbacher for revising the policy.

Update Guide for Utility Management 2020 Edition. Senior Transportation Planner (STP) Robert Beachler proposed adding a new chapter to the Guide for Utility Management. The chapter on broadband infrastructure would provide clarity due to demands of technology. The information will address private sector for-profit telecommunications facilities and provide updated guidance and procedures to staff. It will include methods for determining fair market value and potential compensation options. For broadband fiber optic telecommunications, he recommends shared resources agreements. He recommends adopting the Federal Communications Commission's presumptive fee structure for small wireless facilities for broadband wireless telecommunications with ITD reserving the right to change the fee structure based on future guidance from the Federal Communications Commission or Federal Highway Administration.

Chairman Moad thanked STP Beachler for the update.

Executive Session on Personnel and Legal Issues. Member Vassar made a motion to meet in executive session at 12:10 PM 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 Thompson seconded the motion and it passed 5-0 by individual roll call vote.

The discussions on legal matters related to acquiring real property. The discussions on personnel matters related to the performance of employees.

The Board came out of executive session at 1:50 PM.

Administrative Settlement over \$200,000. Right of Way Manager Justin Pond said Board Policy 4005 Management of Department-owned Property requires Board approval for administrative settlements exceeding \$200,000. An administrative settlement is an offer in excess of the approved just compensation. It is used under certain circumstances to motivate amicable settlement with an owner and avoid recourse to legal proceedings.

Member Vassar made a motion, seconded by Member DeLorenzo, and passed 5-0 by individual roll call vote to approve the following resolution:

RES. NO.       WHEREAS, the Idaho Transportation Department is acquiring right of way  
ITB20-59       along US-91 for Project No. STP-1836(108), key #9225; and

WHEREAS, the Department and the property owner have engaged in good faith negotiations; and

WHEREAS, both parties agree that additional payment is justified in order for the Department to fairly compensate the property owner.

*NOW THEREFORE BE IT RESOLVED*, that the Idaho Transportation Board approves an Administrative Settlement in the amount of \$362,307.00.

WHEREUPON, the Idaho Transportation Board's regular monthly meeting officially adjourned at 1:55 PM.

signed

---

BILL MOAD, Chairman  
Idaho Transportation Board

Read and Approved  
December 17, 2020  
Boise, Idaho

November 19, 2020