

REGULAR MEETING OF THE IDAHO TRANSPORTATION BOARD

March 18, 2021

The Idaho Transportation Board convened at 9:30 AM on Thursday, March 18, 2021 at the Idaho Transportation Department in Boise, Idaho. The following principals were present:

Bill Moad, Chairman  
Janice B. Vassar, Vice Chair– District 2  
James R. Thompson, Member – District 1  
Julie DeLorenzo, Member – District 3  
Jim Kempton, Member – District 4  
Dwight Horsch, Member – District 5  
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

Confirmation of Vice Chairman. Member Horsch noted that Idaho Code requires the members of the Board to select the vice chairman. Member Horsch made a motion to confirm Jan Vassar as vice chair, as selected by Chairman Moad last month. Member DeLorenzo seconded the motion and it passed 5-0 by individual roll call vote with Vice Chair Vassar abstaining.

Board Minutes. Member DeLorenzo made a motion to approve the minutes of the regular Board meeting held on February 18, 2021 as submitted. Vice Chair Vassar seconded the motion and it passed unanimously.

Board Meeting Dates. Chairman Moad asked Vice Chair Vassar to explore the feasibility of meeting in Districts 2 and 4 in April and May. The following meeting dates were scheduled:  
April 22, 2021  
May 19, 2021  
June 23, 2021

Consent Items. Vice Chair Vassar made a motion, seconded by Member Kempton, and passed unopposed, to approve the following resolution:

RES. NO.       WHEREAS, consent calendar items are to be routine, non-controversial, self-  
ITB21-17       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 administrative rule language; the addition of FY21 Eastriver Milepost 10, 11, 11.2, Bonner County; the addition of FY22 District 5 Wetland Maintenance to the

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Program; JUB Engineers individual task agreement extension; and a consultant agreement.

1) Administrative Rule Language. As part of the Governor's Red Tape Reduction Act and efforts to update the Idaho Administrative Procedures Act, chapter cover pages were to be created. During this process, two ITD chapters had sections unintentionally deleted. Staff requests extending the authority of this language via temporary rulemaking to ensure consistency and transparency. No language is being changed or modified. The temporary effective date will be March 18, 2021. The chapters are 39.03.42 – Rules Governing Highway Right-of-Way Encroachments on State Rights-of-Way and 39.03.43 – Rules Governing Utilities on State Highway Right-of-Way.

2) Addition of FY21 Eastriver Milepost 10, 11, 11.2, Bonner County to the Program. The Local Highway Technical Assistance Council has been working with Bonner County on obligating the Eastriver Milepost 10, 11, 11.2 emergency project, key #20346. The right-of-way plans were not ready in time to obligate the project in FY20. The Federal Highway Administration concurred with obligating it in FY21. Staff requests delaying the \$2,286,993 Eastriver Milepost 10, 11, 11.2, Bonner County project to FY21 of the approved FY21-27 Idaho Transportation Investment Program (ITIP).

3) Addition of FY22 District 5 Wetland Maintenance to the Program. The FY22 District 5 Wetland Maintenance project, key #21892, was unintentionally removed from the ITIP during the last update. Staff requests adding the \$326,400 project to FY22 of the ITIP.

4) JUB Engineers Individual Task Agreement Extension. Staff requests approval for JUB Engineers to exceed the consultant individual task agreement limit of \$500,000 for consultants selected from the term agreement list, up to \$550,000. JUB Engineers was selected in 2016 for Plans, Specifications and Estimate services for \$336,000 for the Garden Creek Road project, key #18933, in District 6.

5) Request to Approve Consultant Agreement. In accordance with Board Policy 4001, staff requests approval to exceed the \$1 million agreement limit for key #12122 – East 1300 North, Ora Road Bridge, Fremont County, District 6 for additional construction, engineering, and inspection services of approximately \$1.15 million.

Information Items. Member DeLorenzo asked for information on the SH-55, Little Goose Creek Bridge professional services agreement. District 3 Engineer (DE) Caleb Lakey said he will get information and report back. (See later minute entry.)

1) Contract Awards and Advertisements. Key #19246 – US-95, Pine Creek Bridge, District 3. Low bidder: Knife River Corporation - Mountain West - \$2,702,043.

Key #19871 – US-26, Junction SH-31 to Wyoming State Line, District 6. Low bidder: H-K Contractors Inc. - \$5,357,769.

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Key #21942 SIA – FY22 District 5 Revegetation. Low bidder: Snake River Reclamation LLC - \$101,004.

Key #19603 – FY21 Power County Pavement Preservation, District 5. Low bidder: Knife River Corporation – Mountain West - \$2,143,000.

Key #22428 SIA – US-93, FY21 District 6 Rock Fall Mitigation. Low bidder: Rock Supremacy LLC - \$100,500.

Key #22426 SIA – US-20, Rigby Lighting, District 6. Low bidder: Mountain West Electric - \$1,090,453.

The list of projects currently being advertised was provided.

2) Professional Services Agreements and Term Agreement Work Tasks Report. From January 30 through February 24, 26 new professional services agreements and work tasks were processed, totaling \$5,820,942. Seven supplemental agreements to existing professional services agreements were processed during this period in the amount of \$289,688.

3) State FY21 Financial Statements through January. Revenues to the State Highway Account from all state sources were ahead of projections by 12.7% as of January 31. Receipts from the Highway Distribution Account were \$17.5 million more than forecast; although the forecast was lowered due to COVID. State revenues to the State Aeronautics Fund were below projections by 10%, or \$184,000. Expenditures were within planned budgets. Personnel costs had savings of \$3.4 million or 4.5% due to vacancies and timing between a position becoming vacant and being filled. Contract construction cash expenditures were \$14.9 million during the month.

The balance of the long term investments was \$111.4 million at the end of January. These funds are obligated against construction projects and encumbrances. The long term investments plus the cash balance of \$90.3 million includes reserves to mitigate the impact of COVID on FY21 revenue. Expenditures in the Strategic Initiatives Program Fund through January were \$16 million. Sales tax deposits into the Transportation Expansion and Congestion Mitigation Fund were \$12.1 million, and expenditures were \$27.7 million year-to-date. The federal CARES Act provided \$27.3 million for public transportation. Expenditures totaled \$3.8 million year-to-date.

4) Monthly Reporting of Federal Formula Program Funding through February. Idaho received obligation authority of \$279.3 million through September 30 via an Appropriations Act signed in December. This corresponds to \$278.4 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. Congress also passed a COVID relief package. An extension to the federal Fixing America's Surface Transportation Act was signed in October 2020. Idaho received apportionments of \$315.4 million. Obligation authority is currently 88.5% of apportionments. Of the \$278.4 million allotted, \$102 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.

6) Dealer Advisory Board (DAB) Annual Report. The DAB was created via Idaho Code to provide guidance and assistance to the Department in the administration of vehicle dealer and salesmen regulations and issues related to the industry. Its members represent new and used vehicle dealers, a recreational vehicle dealer, and an off-road vehicle dealer.

Due to COVID, the DAB met twice in 2020, but engaged with staff throughout the year. During the first half of the year, its topics related to the pandemic, including whether dealerships qualified as essential businesses and concerns with the closure of county offices. Discussions during the second half of the year focused on the Division of Motor Vehicles' modernization project and future initiatives.

Monthly Report on Department Activities. Director Ness summarized some legislative actions. Member DeLorenzo and Chris Pomeroy were confirmed as members of the Idaho Transportation Board and Idaho Aeronautics Advisory Board, respectively; the FY21 supplemental request was approved and is awaiting the Governor's signature; and the FY22 appropriation request passed the House and is awaiting Senate action.

President Biden signed the COVID-19 American Rescue Plan. It provides funding for public transportation and airports; although Idaho's funding levels are unknown at this time. Director Ness reported on a successful annual meeting with the Idaho Association of General Contractors. He emphasized the importance of the two agencies working collaboratively, especially as the state continues to experience extensive growth. He also congratulated Lead Deputy Attorney General Allen and Local Highway Technical Assistance Council (LHTAC) Administrator Jeff Miles on their upcoming retirement and LHTAC Deputy Administrator Laila Kral on her promotion to Administrator.

In response to Member DeLorenzo's earlier question, DE Lakey said the \$585,906 work task for the SH-55, Little Goose Creek Bridge project is to proceed with supplemental design work to replace a box culvert with a full bridge. He also reported that SH-55 was closed north of Smiths Ferry because of a rock slide. The road has been cleared; however, the highway remains closed due to safety concerns with additional slides. District 2 staff and a consultant are providing assistance with the project. That portion of road was previously only closed from 10 AM to 2 PM Monday through Thursday for blasting in the active construction project farther north.

Chairman Moad congratulated DAG Allen and LHTAC Administrator Miles on their upcoming retirement and Deputy Administrator Kral on her promotion, and thanked Director Ness and DE Lakey for their reports.

Legislative Report. Governmental Affairs Manager (GAM) Mollie McCarty reported that the Senate Transportation Committee approved the Department's rules, but the rules have not been presented to the House Transportation Committee (HTC). ITD's legislative proposal related

to the federal odometer disclosure requirement passed both bodies and is awaiting the Governor's signature. The other proposal relating to surrendering driver's licenses and clean-up language was held in HTC. Staff is continuing to answer questions, provide information, and monitor legislation, including on three revenue proposals, electronic vehicle credentials, the 129,000 pound route fund for locals to analyze roads, and a driver privilege card.

Chairman Moad thanked GAM McCarty for the update and staff's efforts on legislation.

Division of Motor Vehicles (DMV) Update. Motor Vehicle Administrator (MVA) Alberto Gonzalez said the number of daily DMV transactions is back to normal after last fall's implementation of the last phase of the modernization project and issues related to the pandemic, which closed some county offices and reduced staffing levels. ITD is supporting county offices by processing the backlog of titles and documents mailed in and submitted online. It also offered to reimburse counties for overtime employees incurred while working on the backlog of transactions. Almost 800 system improvements have been implemented since GEM went live last fall. Additional system upgrades and cleanup are planned, along with other activities like establishing a dealer portal and providing more online services. The Department will also continue working closely with the counties.

MVA Gonzalez also reported that extensive outreach has been conducted on the Star Card. The more secure driver's license will be required for federal identification purposes on October 1, 2021. To date, about 465,000 Star Cards have been issued out of approximately 1,250,000 licenses.

The Board thanked MVA Gonzalez for the report and for his staff's exemplary work.

Airfield Management Acceptance Process. Jeff Marker, Aeronautics Administrator (AA), outlined the Department's authority to open, close, or accept management of a state operated airfield. Per Board Policy 4065 Acquisition and Closure of State Airports, some of the criteria to consider include cost, safety, public opinion, and alternative plans. He has been working with partners on the potential acquisition of the Hoodoo Meadows airstrip, which is in the wilderness area west of Salmon. The Forest Service facility has not been operational since the 1980s and is in need of maintenance. As part of the process, the Department is seeking public comments on the proposal. The next step is for the Aeronautics Advisory Board to consider the acquisition and make a recommendation to the Transportation Board. AA Marker said he will presumably be back next month to request Board action on the proposed acquisition.

Member Hoff said he is familiar with the Hoodoo Meadows airstrip. He believes there is a lot of support for the state to acquire and maintain it, which would open access to more recreational opportunities.

In response to Member Kempton's question on the difficulty of the airstrip, AA Marker said it has a slight incline but is not a difficult backcountry airstrip. It is about 2,200 feet long.

Vice Chair Vassar asked about the budget, noting the airstrip will presumably need extensive work. AA Marker said funding is being explored, including with a number of partners.

Chairman Moad thanked AA Marker for the presentation.

Status: FY22 Appropriation Joint Finance and Appropriations Committee (JFAC) Actions. Financial Manager – Financial Planning and Analysis Chris Bray reported that JFAC approved ITD’s FY22 appropriation. The net appropriation request was increased \$146 million to a total of \$882 million. It includes a 2% change in employee compensation and all of the line items totaling \$182 million. JFAC also approved a \$70 million FY21 supplemental request.

Chairman Moad thanked Financial Manager Bray for the update.

Revisions to Board Policy 4051 and Administrative Policy 5051 Use of Department Facilities and Equipment. Controller Dave Tolman said one minor change is being proposed to Board Policy 4051 Use of Department Facilities and Equipment to reference the accurate subsection of Idaho Code. The corresponding administrative policy revisions include adding language from Administrative Policy A-06-18, Sales Activities in the Workplace to authorize supervisors to allow posting of notifications of commercial sales activities on bulletin boards. It must be noted that the product or service is not endorsed by ITD. With the inclusion of this language, Controller Tolman recommends deleting A-06-18.

Vice Chair Vassar said the Board Subcommittee on Policies reviewed these proposals and supports them.

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

RES. NO.       WHEREAS, the Idaho Transportation Board is charged with setting policies for  
ITB21-18       the Idaho Transportation Department; and

WHEREAS, Board Policy 4051 Use of Department Facilities and Equipment was developed to provide guidance and procedures for the use of Department facilities and equipment; and

WHEREAS, Board Policy 4051 Use of Department Facilities and Equipment is in need of a minor update; and

WHEREAS, Administrative Policy 5051 Use of Department Facilities and Equipment is being modified to include a portion of Administrative Policy A-06-18, Sales Activities in the Workplace, which is being deleted.

*NOW THEREFORE BE IT RESOLVED*, that the Board approves the revisions to Board Policy 4051 Use of Department Facilities and Equipment, and concurs with the changes to Administrative Policy 5051 Use of Department Facilities and Equipment and the deletion of A-06-18, Sales Activities in the Workplace.

Revisions to Administrative Policy 5053 Employee Overtime and Other Time Considerations. Controller Tolman requested minor revisions to Administrative Policy 5053

Employee Overtime and Other Time Considerations. The main change deletes the requirement that vacation or other leave time must be taken in 30 minute increments.

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

RES. NO. WHEREAS, the Idaho Transportation Board is charged with setting policies for  
ITB21-19 the Idaho Transportation Department; and

WHEREAS, Administrative Policy 5053 Employee Overtime and Other Time Considerations was developed to establish controls over Department employment and compensation; and

WHEREAS, Administrative Policy 5053 Employee Overtime and Other Time Considerations has minor modifications to update a title and to eliminate wording prescribing minimum amount of leave to be taken as it is covered in the payroll manual.

*NOW THEREFORE BE IT RESOLVED*, that the Board concurs with the changes to Administrative Policy 5053 Employee Overtime and Other Time Considerations.

Chairman Moad thanked Controller Tolman for the work on these policies.

Revisions to Administrative Policy 5505 Operating State-Owned Vehicles and Deletion of 5535 State Owned Vehicle Usage Practices. Employee Safety Manager (ESM) Randall Danner presented Administrative Policy 5505 Operating and Usage Practices of State-Owned Vehicles. The title was changed from Operating State-Owned Vehicles because the revised policy incorporates Administrative Policy 5535 State Owned Vehicle Usage Practices, which would be deleted. In addition to the consolidation of the policies, revisions include edits to reflect modernization and compliance with current policies, and language on the use of telematics to collect data from vehicles.

Vice Chair Vassar said the Board Subcommittee on Policies did not review these policy revisions and recommended a 30-day review period.

Member Kempton asked how the policy applies to rented or leased vehicles, particularly when non-state employees are passengers. He specifically asked about guests accompanying the Board on District tours. ESM Danner believes the Release and Acknowledgement of Responsibility form would need to be signed prior to participation on the tour.

Vice Chair Vassar noted that the Division of Aeronautics occasionally charts flights for the Board and asked about that practice. ESM Danner said non-state employees are required to sign the form before flying on state planes. Those forms are retained so repeat passengers do not have to sign it every time.

Chairman Moad requested these policies be presented next month for the Board's consideration.

Board Policy 4048 Freight Advisory Committee Update. Vice Chair Vassar said the Board Subcommittee on Policies did not review the revisions to 4048 Freight Advisory Committee. Chairman Moad said the Board will take a 30-day review period for the proposed revisions to Board Policy 4048.

SH-75, Hailey to Ohio Gulch Intersection. DE 4 Jesse Barrus requested the addition of SH-75, Hailey to Ohio Gulch Intersection to the ITIP using Board Unallocated Funds. The \$1.2 million project would restripe the highway with a modified configuration to add an acceleration lane. This would help alleviate some of the concerns with entering SH-75 at Ohio Gulch because a traffic signal is not warranted. The distressed pavement from Hailey to Ohio Gulch would be patched and chip sealed. The project should be ready to construct in one or two months.

Member Kempton expressed support for this project, noting the extensive growth in the Sun Valley area. Chairman Moad also supported the project and stated that he envisioned the Board Unallocated funds to be used for projects like this. He encouraged the Board to consider additional projects with the remaining \$1 million in the account.

In response to Member DeLorenzo's question on when the Board Unallocated funds get swept, Chief Engineer (CE) Blake Rindlisbacher said in April.

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

RES. NO.      WHEREAS, the Idaho Transportation Board supports the Idaho Transportation  
ITB21-20      Department mission of safety, mobility, and economic opportunity; and

WHEREAS, it is in the public interest for the Department to improve and re-stripe SH-75, Hailey to Ohio Gulch Intersection; and

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

*NOW THEREFORE BE IT RESOLVED*, that the SH-75, Hailey to Ohio Gulch Intersection be added to the ITIP at a cost of approximately \$1,200,000 using FY21 Board Unallocated Funds; and

*BE IT FURTHER RESOLVED*, that the Board approves the staff to adjust the program and amend the approved FY21-27 Statewide Transportation Improvement Program accordingly.

Chairman Moad thanked DE Barrus for the presentation.

COVID-19 Relief Funds and Bridge Federal General Funds Distribution Plan. CE Rindlisbacher said the President signed a COVID Relief and Bridge Federal General funding



package in December 2020. Idaho will receive \$71 million of COVID-19 Relief funding for highway projects and \$17 million of Bridge Federal General funding for bridge projects. The Board has discretion on the distribution of the funds, which must be obligated to projects by September 2024.

There is a federal requirement to allocate \$3,974,863 of the COVID-19 Relief Funds to the Transportation Management Area. CE Rindlisbacher recommends taking those funds off the top, splitting 12.6% of the remaining balance between the Local Urban and Local Rural Programs, and allocating the rest to ITD for the state highway system. Because Idaho's bridge deficiency is equally distributed between the state and local system, CE Rindlisbacher recommends splitting the \$17 million of bridge funds equally between ITD and the locals. Although the federal guidelines do not require a match, he recommends a 7.34% match.

Chairman Moad asked if this distribution plan is consistent with past practices. CE Rindlisbacher said that overall, yes, it follows previous plans and generally follows the guidance in Board Policy 4028 Allocation of Federal Formula Highway Apportionments to Local Public Agencies.

In response to Chairman Moad's request for comments, LHTAC Administrator Miles said he worked with ITD on the recommended distribution plan. He supports it and appreciates the recommendation, especially to split the bridge funding equally between the state and local system. Overall, it is consistent with past distribution plans with the exception of safety funds. He also expressed appreciation for the Board's and Department's support during his extensive career at ITD and LHTAC.

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

RES. NO. WHEREAS, it is the intent of the Idaho Transportation Board to effectively  
ITB21-21 utilize all available federal, state, local, and private capital investment funding;  
and

WHEREAS, the Idaho Transportation Department (ITD) will receive \$71 million in COVID-19 Relief funds; and

WHEREAS, ITD proposes to split the funds with the Transportation Management Area's (TMA's) share taken from the total amount; and

WHEREAS, the balance after the TMA's share is removed will be split following the general guidelines set in Board Policy 4028 with 12.6% of the funds being distributed to the Local Public Agencies (LPAs) that will then be divided equally between Urban and Rural LPAs; and

WHEREAS, ITD will also receive \$17 million in Bridge Federal General Funds, which is being proposed to be split 50/50 with the Local Highway Technical Assistance Council; and

WHEREAS, the typical Idaho match rate of 7.34% be provided for all projects using these funds; and

WHEREAS, ITD intends the increased anticipated funding to target critical investments.

*NOW THEREFORE BE IT RESOLVED*, that the Idaho Transportation Board approves the COVID-19 Highway Relief Funds and Bridge Federal General Funds Distribution Plan.

2021 Infrastructure for Rebuilding America (INFRA) Grant Applications. CE Rindlisbacher said staff intends to submit two applications for the federal INFRA Grant Program. District 1 will request \$39.5 million for the SH-53, Pleasant View Interchange and Huetter Port of Entry Relocation. The project would construct a new interchange on SH-53 at Pleasant View Road to consolidate three crossings and relocate the Huetter Port of Entry. The total project is estimated at \$55.5 million. ITD would provide \$11.6 million as match and the Post Falls Highway District and Burlington Northern Santa Fe Railroad would contribute \$3.7 million and \$660,000, respectively.

The other project is I-84, Centennial Interchange to Franklin Road Interchange in District 3, according to CE Rindlisbacher. The request is for \$62 million of the \$108 million project. The capacity and safety improvements include adding general purpose lanes and auxiliary lanes, reconstructing the interchange at 10<sup>th</sup> Avenue, replacing the pedestrian bridge, slip lining the Golden Gate Canal crossing, and improving the drainage system. ITD's match would be up to \$46 million and the City of Caldwell would commit \$100,000; however, other partners may be identified before the application is submitted. Staff is exploring the use of up to \$30 million in non-user fees, such as the Strategic Initiatives Program Fund or Transportation Expansion and Congestion Mitigation fund, because the contribution of non-user fees generally increases the chances of an application's success. If the application is successful, some District 3 projects may be delayed to divert funding for the match.

Chairman Moad thanked DE Rindlisbacher for his presentations.

Executive Session on Legal and Personnel Issues. Member DeLorenzo made a motion to meet in executive session at 12:05 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). Vice Chair Vassar seconded the motion and it passed 6-0 by individual roll call vote.

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

The Board came out of executive session at 1:40 PM.

Office of Communication Annual Report. Senior Public Information Officer (SPIO) Aubrie Spence reported on the Department's social media activities in 2020, with goals of delivering information, engaging the public, and reaching more people. She also summarized the

virtual public engagement efforts. Overall, more comments were received via virtual meetings than traditional in-person meetings; however, she emphasized that a hybrid method will be used in the future. Traditional in-person meetings are not being eliminated.

Communication Manager (CM) Vince Trimboli stressed the importance of communicating with staff last year when employees were sent home to work due to the COVID-19 pandemic. A special page on the Department's internal site was established to provide information related to the pandemic. The portal page on the internal site was also redeveloped, making it more user friendly. Some of the current projects are to provide more talking points on specific topics, update the external website, update the "Guide to Public Involvement", implement a social media policy, and develop a communication plan for the recently updated Strategic Plan.

In response to Chairman Moad's question about conducting extensive outreach to ensure more people and groups, other than special interest groups, submit comments, CM Trimboli replied that he believes staff is doing that. For example, more than 30 stakeholder groups were contacted before construction started on District 3's SH-55 project north of Smiths Ferry. He reiterated that traditional efforts such as information in newspapers, flyers, phone calls, and face-to-face meetings will continue in addition to virtual outreach efforts.

Chairman Moad thanked SPIO Spence and CM Trimboli for the informative presentation and the Office of Communication for its various activities.

WHEREUPON, the Idaho Transportation Board's regular monthly meeting adjourned at 2:25 PM.

signed  
BILL MOAD, Chairman  
Idaho Transportation Board

Read and Approved  
April 22, 2021  
Jerome, Idaho

March 18, 2021