

REGULAR MEETING
OF THE IDAHO TRANSPORTATION BOARD

September 22, 2021

The Idaho Transportation Board met at 10:30 AM on Wednesday, September 22, 2021 in Boise, Idaho. The following principals were present:

Bill Moad, Chairman
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
Tim Thomas, Lead Deputy Attorney General
Dan McElhinney, Chief Operations Officer
Lorraine Dennis, Executive Assistant to the Board

Members Janice B. Vassar, Vice Chair – District 2 and James R. Thompson, Member – District 1 participated remotely.

Safety Share. Planning and Services Manager Ken Kanownik reported the department is updating its American's with Disabilities Act Transition Plan, Safety for Mobility Impaired Pedestrians. The update is out for public comment through October 18, 2021. Some of the improvements include color contrast low vision pedestrian ramps and reduced gutter counter slopes for wheelchair dependent pedestrians.

Chairman Moad thanked Planning and Services Manager Kanownik for the important message.

Board Minutes. Member DeLorenzo made a motion to approve the minutes of the regular Board meeting held on August 17-18, 2021 as submitted. Member Horsch seconded the motion and it passed unanimously.

Board Meeting Dates. The following meeting dates and locations were scheduled, amending the October meeting to a one-day session:

October 20, 2021 – Boise
November 18, 2021 – Boise
December 9, 2021 - Boise

Consent Items. Member DeLorenzo made a motion and seconded by Member Hoff to approve the consent calendar resolution and it passed unanimously.

The motion to approve the following resolution passed unopposed:
RES. NO. WHEREAS, consent calendar items are to be routine, non-controversial, self-
ITB21-60 explanatory items that can be approved in one motion; and

September 22, 2021

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 Transportation Expansion and Congestion Mitigation corridor programming adjustment; J-U-B Engineers individual task agreement extension; consultant agreements; contracts for award; and a contract for rejection.

1) Transportation Expansion and Congestion Mitigation Corridor Programming Adjustment. Staff requests an administrative adjustment to the approach and funding type within the SH-55, Pear Lane to Middleton Road corridor. Approval of this request will 1) consolidate four current ITIP projects into two; 2) swap the TECM funds to the eastern half of the corridor (Farmway Road to Middleton Road) and the Safety & Capacity funds on the western half of the corridor (Pear Lane to Farmway Road); and 3) increase the Preliminary Engineering/Preliminary Construction budget \$950,500 for state-forces to administer the TECM-funded design contract.

2) J-U-B Engineers Individual Task Agreement Extension. Staff requests approval to exceed the consultant agreement limit of \$500,000 for consultants selected from the term agreement list set by Board Policy 4001 for J-U-B Engineers on the Garden Creek Road, Project No. A018(933), Key No. 18933. Custer County is the local sponsor. After submittal of the final design package, a historic property was confirmed on the south side of Garden Creek Road. To avoid the impact of the historical property, design centerline needs to be adjusted and new retaining wall will be necessary on the north side of Garden Creek Road to minimize wetland impacts and property acquisition. Staff requests approval up to \$635,000.

3) Request to Approve Consultant Agreements. In accordance with Board Policy 4001, staff requests approval to exceed the \$1 million agreement limit for key #19338 - I-84, South Jerome Interchange, Jerome County, District 4, for design services of approximately \$2.76 million; and key #22293 - I-90, Washington State Line to Coeur d'Alene, Kootenai County, District 1, for design services of \$6.2 million.

4) Contracts for Award. The low bids on the following projects were more than ten percent over the engineer's estimate, requiring justification. On key #22472, US-30, dynamic message sign, the differences between the low bid and engineer's estimate were mainly in the Dynamic Message Sign Structure/Foundation Design and Installation, and Mobilization. On Key #22776, SH-64, Nez Perce to Drake Road, repairing soft spots, cracks and sealing the roadway, MP 21.51 and 23.73, the differences between low bid and engineer's estimate were mainly in Traffic Control and Mobilization. The engineer's estimate was developed using the average bid costs of previous projects in the area plus assumed price increases. The District does not believe re-advertising the projects would result in a lower bid, and recommends awarding the contracts. Low bidders, for key #22472: Angle and Associates - \$475,713.25, and key #22776: Knife River Corporation-Mountain West - \$269,000.

5) Approval of Contract for Rejection. The low bids on the following projects were more than ten percent over the engineer's estimate, and are recommended for rejection. Key #21990, railroad crossing near Sandpoint, Bonner County, for construction of 100-feet of pavement on

each side of the tracks, installation of thermoplastic crossbucks, and installation of LED flashing railroad crossing warning signs. Three bids were received and all were at least 50% more than the Engineer's Estimate (EE). The apparent low bidder is Razz Construction at \$1,279,323.80 which is \$444,361.70 (53%) over the EE. Bonner County and LHTAC wish to reject all bids, revise the project scope and rebid the project for construction in the Spring of 2022.

Information Items.

1) Contract Awards and Advertisements. Key #23120, US-95, Sagle Rd. to Long Bridge, phase 1, District 1. Low bidder: McMillen Jacobs Associates - \$724,664.63.

Key #22766, US-95, Byway Bridge approaches, District 1. Low bidder: Razz Construction Inc. – \$399,364.00.

The list of projects currently being advertised was provided.

2) Professional Services Agreements and Term Agreement Work Tasks Report. From July 28 through September 2, 2021, 25 new professional services agreements and work tasks were processed, totaling \$3,456,845. Seven supplemental agreements to existing professional services agreements were processed during this period in the amount of \$2,752,146.

3) District 3 Speed Zone Modifications – SH-55 in Lake Fork. In response to a request from the Valley County Commissioners, District 3 evaluated and developed proposed revisions to the speed zones through the community of Lake Fork in an effort to promote more uniform traffic flow through the use of appropriate transitions between speed zones. The planned speed zone revision adds a 55 mph transition between the 45 mph and 65 mph speed zones approaching Lake Fork from the south. Changes will be made to the Minute Entries for Speed Control Zones on SH-55, MP 137.532 to MP 138.200, from 65 mph to 55 mph.

4) District One US-95, Garwood to Sagle, Parks Rd IC and Frontage Roads. The district requests this project be added into the FY22 Statewide Transportation Improvement Program as an Early Development project. And requests \$2.5 million for design engineering to develop the project including final plans prepared by end of 2024. The right-of-way and construction costs are estimated at approximately \$35 million; however, no construction funds are requested at this time. Board action regarding the request is included in the Recommended FY22-28 Idaho Transportation Investment Program item presented later in the meeting.

5) State FY22 Financial Statements. Revenues to the State Highway Account from all state sources were ahead of projections by 2.4% as of July 31. Receipts from the Highway Distribution Account were \$3.7 million more than forecast. State revenues to the State Aeronautics Fund were ahead of projections by 88%, or \$167,000. The Department's expenditures were within planned budgets. Personnel costs had savings of \$32,000 or 0.3% due to vacancies and timing between a position becoming vacant and being filled. Contract construction cash expenditures were \$33.1 million during the month.

The balance of the long-term investments was \$112.3 million at the end of July. These funds are obligated against construction projects and encumbrances. The cash balance was \$160

million. Expenditures in the Strategic Initiatives Program Fund through July were \$0.3 million. Additional receipts include interest earned of \$16,000 based on the cash balance. Deposits into the Transportation Expansion and Congestion Mitigation Fund of \$9.4 million is the first month of the new 4.5% of Sales Tax authorized during the last Legislative session. Expenditures in this fund were \$0.6 million. The federal CARES Act provided \$27 million for public transportation. Expenditures for July totaled \$10,000.

6) Monthly Reporting of Federal Formula Program Funding through August. Idaho received obligation authority of \$381.9 million through September 30, 2021 via an Appropriations Act signed in December 2020 which includes \$30.7 million Redistribution of Obligation Authority Not Used By Other States received on August 30. This corresponds to \$413.2 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, \$66.7 million COVID Relief, and \$5.3 million of FY21 Highway Infrastructure General Funds. An extension to the federal Fixing America's Surface Transportation Act was signed in October 2020. Idaho received apportionments of \$387.3 million. Obligation authority is currently 98.6% of apportionments. Of the \$413.2 million allotted, \$71.3 million remains as of August 31, 2021.

7) State Transportation Innovation Council Funding Allocation to Implement Idaho Career Opportunities Next In Construction. The Board will be informed of the receipt of a \$100,000 State Transportation Innovation Council award. The funding will increase the number of skilled workers on Idaho construction projects through the Office of Civil Rights' heavy equipment operating program in eastern Idaho. The five-week program is for residents to obtain education and experience in operating heavy equipment, concrete cement masonry work, welding, ironwork, rural first-aid and CPR, traffic control, flagging, and occupational safety.

Monthly Report on Department Activities. Director Ness reported on the Highway Safety Summit held August 23 – 25. The summit addressed strategies to reduce crashes and make roads safer. Director Ness also gave an update on the senate's \$1.5 trillion federal funding infrastructure bill that includes reauthorization for highways, rail, and non-highways and safety projects. Idaho could potentially receive an \$80 - \$100 million annual appropriation increase of 25%. The current federal appropriation is due to expire September 30. Congress can opt to pass a continuing resolution carrying funding through December 3rd or consider an extension. Director Ness reported the department's three goals in light of continued spikes in COVID-19 are: 1) continued customer service; 2) keeping staff and customers safe; and 3) maintaining flexibility.

Chief Engineer Rindlisbacher informed the Board about the POW/MIA US-20/26 highway dedication that will be held on October 6th in Carey, Idaho. Passed during the 2021 legislative session, House Bill 132 dedicates US-20/26 as POW/MIA memorial highway. The highway spans from the Oregon to Wyoming border. He showed one of the 10 signs that will be posted along the highway.

Chief Operation Officer (COO) McElhinney reported on the Western Association of State Highway Transportation Officials (WASHTO) Annual meeting held September 12 – 15 in Salt Lake City, UT. He and Idaho FHWA Pete Hartman updated USDOT FHWA Administrator

Stephanie Pollock on Idaho's readiness to deliver state and local projects when new federal funding legislation passes, and the unique LHTAC leadership success for Idaho teaming with ITD versus local delivery risks in other states. He also gave an update on the Transportation Expansion and Congestion Mitigation bonding program team's successful progress in just 3 months completing all 13 consultant contract selections to begin fall 2021 environmental or design delivery activities on the recently Board approved corridors. The selections share the work across many companies including 8 different primary engineering firms and 30 total firms that make up these teams. Environmental and other field work has begun in four of these corridors for project studies before the weather changes.

In addition, COO McElhinney also stated the new variable speed limits construction corridor implementation on the I-84 corridor in Nampa is going very well; the Eagle Road and SH-44 intersection project lane reconfiguration will be done on schedule in October; and each district office has a COVID-19 shed closure action plan in place if services need to be redirected. He acknowledged team members and partners including all our ITD maintenance foreman for encouraging COVID-19 safety best practices and the Associated General Contractors (AGC) and Idaho State Police for their teamwork on I-84 Work Zone Safety. He announced that later today the 2021 ITD/AGC Excellence in Construction Partnering Awards second annual call for state/local project nominations will be sent. He also thanked the numerous managers leading the way solving issues this summer including: Chad Clawson, Amy Schroeder, Monica Crider, Wendy Terlizzi, Kevin Sablan, Matt Farrar, Jason Brinkman, John Bilderback, Aubrie Spence, and our 6 statewide district engineers.

Chairman Moad thanked staff for the report.

Greater Idaho Falls Transit Pilot Project to the approved FY21 – 27 ITIP. Public Transportation Program Manager Ron Duran is requesting approval to add a \$4.2 million transit pilot project for Idaho Falls, to the approved FY21-27 Idaho Transportation Investment Program (ITIP). The Public Transportation Office has been collaborating with the Bonneville Metropolitan Planning Organization to re-establish transit service in the greater Idaho Falls area since the dissolution of the previous provider, Targhee Regional Public Transportation Authority. The City of Idaho Falls will have oversight and management of a two-year pilot project for micro-transit services. CARES Act apportionments will be used to fund the project in FY22 and FY23.

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

RES. NO. ITB21-61 WHEREAS, the Public Transportation Office is charged with programming public transportation projects in the small urban area of Idaho Falls, 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 source for the proposed Greater Idaho Falls Transit Pilot Project is FTA 5307 CARES grant; and

WHEREAS, the Public Transportation Office has reviewed and collaborated with the Bonneville Metropolitan Planning Organization on the proposed project.

NOW THEREFORE BE IT RESOLVED, that the Board acknowledges the project proposed and approves the small urban funding amount of \$4,200,000, for submittal to the FTA for final approval; and

BE IT FURTHER RESOLVED, that this project is submitted for inclusion in the FY21-27 Statewide Transportation Investment Program and programmed \$2,100,000 in FY22 and \$2,100,000 in FY23.

Chairman Moad thanked Public Transportation Program Manager Duran for the report.

Capital Facilities Program. Capital Facilities Manager Tony Pirc reported on the funding history of the Facility Management Program. The most recent funding increase was in 2014, seven years ago. With the market rate fluctuation, new construction cost per square foot has increased 200% in the last three years, and of the 670 buildings statewide, 27 are older than 60 years. The majority of budgets cost are going towards repairs instead of operations. Statewide operation needs are estimated at \$90.9 million which does not include Port of Entry or Rest Area building needs. Employee safety and experience is one of the top priorities.

Chairman Moad thanked Facilities Manager Pirc for the report.

Proposed FY23 Appropriation Request. Financial Planning and Analysis Manager Justin Collins presented the Department's proposed FY23 appropriation request change in capital facilities. The original request contained a one-time line item request of \$19 million, leaving the base untouched at \$3,615,000. The proposed request includes the \$19 million as ongoing, increasing the base for future years to \$22,615,000.

Member DeLorenzo pointed out, even with the ongoing request, it still does not fully address the growing deficit in facility needs.

Member Hoff made a motion, seconded by Member Horsch, and passed unopposed, to approve the following resolution:

RES. NO. WHEREAS, the FY2023 Department Budget Request will be prepared in
ITB21-62 accordance with instruction in the Division of Financial Management's Budget
Development Manual; and

WHEREAS, the Board has reviewed and approved the Proposed FY2023 Budget Request Summary, which listed Capital Facilities Line Item Request as one-time for \$19,000,000.

NOW THEREFORE BE IT RESOLVED, that the Transportation Board has reviewed the budget request change to Capital Facilities from a one-time request to an ongoing request and authorizes the change to the FY2023 budget request submitted to the Division of Financial Management and Legislative Services Office.

Chairman Moad thanked FP&A Manager Collins for the informative presentation.

Recommended FY 2022 - 2028 Idaho Transportation Investment Program (ITIP). Financial Planning and Analysis Manager Justin Collins presented the department's recommended FY22-28 ITIP. The ITIP includes the Highways, Public Transportation, and Aeronautics Programs as of September 2021. The recommended ITIP indicates changes from the draft ITIP that was reviewed at the Board's June Workshop.

Senior Public Information Officer Aubrie Spence reviewed the ITIP public outreach process and comments received. New to the outreach effort are explainer You-Tube videos linked through the department's social media and website correspondence. The majority of public comments were received through social media – 286 out of the 335. Traffic control and congestion had the highest percentage of responses.

Transportation Program Manager Randy Gill reviewed program updates and the FY21 \$30.7 million redistribution of obligation authority for the state highway system. There is \$22.3 million remaining in the state highway system after redistribution with 98.6% of the federal appropriation obligated for projects.

Member DeLorenzo noted the Middleton City Council voted on October 15, 2021, to remove the Middleton Bypass from the city's comprehensive plan which will affect Corridor 44 in the ITIP. ITD, COMPASS and Canyon County Highway District staff members and Member DeLorenzo attended the council meeting and urged the Council to keep the Middleton Bypass in place.

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

RES. NO. ITB21-63 WHEREAS, it is in the public's interest for the Department to publish and accomplish a current, realistic, and fiscally constrained Idaho Transportation Investment Program (ITIP); and

WHEREAS, it is the intent of the Transportation Board to effectively utilize all available federal, state, local, and private capital investment funding; and

WHEREAS, the 2016 Fixing America's Surface Transportation (FAST) transportation act requires that a fiscally constrained list of projects covering a 4-year minimum be provided in a statewide transportation improvement program; and

WHEREAS, Highways, Public Transit, and Aeronautics have recommended new projects and updated the costs and schedules for projects in the Recommended FY 2022 - 2028 ITIP; and

WHEREAS, the Recommended FY 2022 – 2028 ITIP was developed in accordance with all applicable federal, state, and policy requirements including adequate opportunity for public involvement and comment; and

WHEREAS, the Recommended FY 2022 - 2028 ITIP incorporated public involvement and comment whenever appropriate while maintaining a fiscally constrained Program; and

WHEREAS, it is understood that continued development and construction of improvements are entirely dependent upon the availability of future federal and state capital investment funding in comparison to the scope and costs of needed improvements;

NOW THEREFORE BE IT RESOLVED, that the Idaho Transportation Board approves the Recommended FY 2022 - 2028 Idaho Transportation Investment Program (ITIP).

BE IT FURTHER RESOLVED, that staff is authorized to submit the federal version of ITIP (the Statewide Transportation Improvement Program; or STIP) for federal approval in accordance with the provisions of FAST.

Chairman Moad thanked staff for the presentation.

Board Policy 4051 and Administrative Policy 5051. Business and Support Manager Michelle Doane presented changes to Board Policy 4051, Use of Department Facilities and Equipment that adds reference to Idaho Code 40-505, and provides clarification on the buildings and locations covered in the policy. Administrative Policy 5051, Use of Department Facilities and Equipment had several changes. Language regarding security of department facilities from Administrative Policy A-06-16 will be incorporated into Administrative Policy 5051 changing the title to Use, Safety, and Security of Department Facilities and Equipment. Also, it includes reference to Idaho Code 40-505 and provides clarification to the buildings, locations and title of responsible parties.

Member Hoff 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
ITB21-64 policies for 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 an update: and

WHEREAS, Administrative Policy 5051 Use of Department Facilities and Equipment is being modified to include a portion of Administrative Policy A-06-16, Security of Department Facilities, 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, Safety, and Security of Department Facilities and Equipment and the deletion of A-06-16, Security of Department Facilities.

Chairman Moad thanked Business and Support Manager Doane for the policy update.

Board Policy B-11-05 and Administrative Policy A-11-05 Deletion. Planning and Services Manager Ken Kanownik reviewed the recommended policy changes to delete Board Policy B-11-05 and corresponding Administrative Policy A-11-05 regarding the federal Congestion Mitigation and Air Quality (CMAQ) Program based on a review of the departmental practices, funding allocation and new state funded transportation programs. These findings include the department's practice of transferring CMAQ funds to other eligible federal programs, the creation of the Transportation Expansion and Congestion Mitigation Program, and air quality improvements throughout Idaho. Any future guidance for CMAQ will be included in the annual Program Update Manual if the program has any non-transferable federally authorized funding in the future.

Member Hoff made a motion, seconded by Member Horsch, and passed unopposed, to approve the following resolution:

RES. NO. ITB21-65 WHEREAS, in April 2008 the Idaho Transportation Board passed a resolution transferring funding from the Congestion Mitigation and Air Quality Program to eligible federal programs; and

WHEREAS, beginning in fiscal year 2018, a state funded program, the Transportation Expansion and Congestion Mitigation (TECM) program was created; and

WHEREAS, Idaho Transportation Department Administrative Policy 5011 directs staff to utilize annual guidance on program update in lieu of publishing individual policies for each program; and

WHEREAS, the Idaho Transportation Board Subcommittee on Policies reviewed staff's proposal to delete Idaho Transportation Board Policy B-11-05 and Idaho Transportation Department Administrative Policy A-11-05 on August 17, 2021;

NOW, THEREFORE BE IT RESOLVED that the Idaho Transportation Board deletes Idaho Transportation Board Policy B-11-05 and Idaho Transportation Department Administrative Policy A-11-05.

Chairman Moad thanked Planning and Services Manager Kanownik for the presentation.

Chairman Moad announced the last board agenda item regarding an administrative settlement is being removed from the agenda.

Executive Session on Legal and Personnel Issues. Member DeLorenzo made a motion to meet in executive session at 12:00 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 (f). Member Hoff seconded the motion and it passed 5-0 by individual roll call vote. Vice Chair Vassar exited the meeting prior to the motion to enter into executive session.

The discussion on legal matters related to personnel matters related to employment of an employee.

The Board came out of executive session at 1:13 PM.

WHEREUPON, the Idaho Transportation Board's regular monthly meeting adjourned at 1:14 PM.

Signed _____
BILL MOAD, Chairman
Idaho Transportation Board

Read and Approved
October 20, 2021
Boise, Idaho

September 22, 2021