

REGULAR MEETING
OF THE IDAHO TRANSPORTATION BOARD

October 20, 2021

The Idaho Transportation Board met at 8:00 AM on Wednesday, October 20, 2021, in Boise, Idaho. The following principals were present:

Bill Moad, Chairman
James R. Thompson, Member – District 1
Jim Kempton, Member – District 4
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

Due to the number of board member absentees, the chairman participated as a voting member.

Safety Share. Senior Transportation Technician Tyson Ruffing, District 2, presented on road work site safety. He discussed an accident on US-95 involving four vehicles because a driver failed to yield to slowed traffic which resulted in minor injuries to the driver. He also offered some solutions to help bring greater awareness; such as, innovation in public communication.

Chairman Moad thanked Sr. TT, Ruffing for the important message.

Board Minutes. Member Kempton made a motion to approve the minutes of the regular Board meeting held on September 22, 2021, as submitted. Member Thompson seconded the motion and it passed unanimously. Member Kempton also made a motion to approve the minutes of the special Board meeting held on October 1, 2021, as submitted. Member Hoff seconded the motion and it passed unanimously.

Board Meeting Dates. The following meeting dates and locations were scheduled:
November 18, 2021 – Boise, HQ January 13, 2022 – Boise, HQ
December 9, 2021 – Boise, HQ February 17, 2022 – Boise, HQ

Consent Items. Member Kempton 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-
ITB21-67 explanatory items that can be approved in one motion; and

October 20, 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 consultant agreement and contract for award.

1) Request to Approve Consultant Agreements. In accordance with Board Policy 4001, staff requests approval to exceed the \$1 million agreement limit for key #09294 – US-95, Thorn Creek to Moscow, Latah County, District 2, construction, engineering and inspection services of approximately \$3.0 million.

2) Contract for Award. The low bid on the following project was more than ten percent over the engineer's estimate, requiring justification. On key #19053, I-15, E. Alameda Road and Yellowstone Ave, District 5, the differences between the low bid and engineer's estimate were mainly in the Traffic Signal Installation – pole and signal cabinet. 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 project would result in a lower bid, and recommends awarding the contract. Low bidder, for key #19053: Angle and Associates - \$669,847.00.

Informational Items.

1) Contract Awards and Advertisements. Key #20514, SH-47, overlay, District 6. Low bidder: Sunroc Corporation - \$1,960,298.40.

Key #19849, I-15, Arimo Road IC#40, District 5. Low bidder: Cannon Builders Inc. – \$6,364,369.83.

Key #20669, SH-27, Burley CL to Jct. I-84, District 4. Low bidder: Staker & Parson DBA Idaho Materials Construction – \$2,661,096.00.

Key #23351, SH-97, MP 65 to Cemetery Hill, District 1. Low bidder: Poe Asphalt Paving Inc. – \$862,268.78.

Key #20455, SH-39, Sterling N. Road to RRX, District 5. Low bidder: H-K Contractors Inc. – \$4,894,676.00.

Key #23352, SH-3, pavement preservation, various counties, District 1. Low bidder: Knife River Corp. – Mountain West – \$3,890,000.00.

Key #20397, I-90, Wallace to Mullan IC 68, District 1. Low bidder: Interstate Concrete & Asphalt Co. – \$4,481,309.29.

Key #20131, SH-21, Elk Creek Bridge, District 4. Low bidder: Braun-Jensen Inc. – \$1,639,000.00.

The list of projects currently being advertised was provided.

October 20, 2021

2) Professional Services Agreements and Term Agreement Work Tasks Report. From September 3 through September 29, 2021, 10 new professional services agreements and work tasks were processed, totaling \$2,207,574. Four supplemental agreements to existing professional services agreements were processed during this period in the amount of \$276,192.

3) 80 MPH interstate speed zones 2021 update. In July 2014, the Idaho Transportation Department raised the speed limit on rural sections of Interstate Highways 15, 84, and 86 from 75 MPH to 80 MPH. The following observations have been made since the speed limits were changed: the 85th percentile speeds indicate a flat to slightly increasing trend with operational speeds now average around 83 MPH for I-84 and I-86 and 84 MPH for I-15; before and after differential speeds between light and heavy vehicles has remained relatively unchanged with a 11 MPH average under 80 MPH conditions as opposed to 10 MPH with the speed limit at 75 MPH; fatal and serious injury crashes have remained relatively constant ranging between 1 and 6 per one hundred million vehicle-miles of travel; and compared to national rates, operations along these 80 MPH corridors are comparable if not slightly better. Staff recommends maintaining the designated 80 MPH speed zones.

4) Board Policy 4041 Sponsorship of Department Programs. In accordance with Board Policy 4041, staff reports there are no sponsorship agreements at this time.

5) State FY22 Financial Statements. Revenues to the State Highway Account from all state sources were ahead of projections by 20% as of August 31. Receipts from the Highway Distribution Account were \$8.5 million more than forecast. State revenues to the State Aeronautics Fund were ahead of projections by 114%, or \$377,000. The Department's expenditures were within planned budgets. Personnel costs had savings of \$581,000 or 2.8% due to vacancies and timing between a position becoming vacant and being filled. Contract construction cash expenditures were \$88.1 million for July and August.

The balance of the long-term investments was \$112.4 million at the end of August. These funds are obligated against construction projects and encumbrances. The cash balance was \$150.9 million. Expenditures in the Strategic Initiatives Program Fund for August were \$0.5 million. Additional receipts include interest earned of \$33,000 based on the cash balance. Deposits into the Transportation Expansion and Congestion Mitigation Fund of \$9.1 million is the second month of the new 4.5% of Sales Tax authorized during the last Legislative session. Expenditures in this fund were \$4.7 million year to date. The federal CARES Act provided \$27 million for public transportation. Expenditures totaled \$281,000 year to date.

6) Monthly Reporting of Federal Formula Program Funding through September. Idaho received obligation authority of \$345.7 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 \$413.3 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, \$30.3 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 on October 9, 2020. Idaho received apportionments of \$351 million. Obligation authority is currently 98.5% of apportionments. Of the \$413.3 million allotted, all funds were expended as of September 30, 2021.

7) Non-construction professional services report. In accordance with Board Policy 4001, staff reports there were no professional service agreements executed in the previous month.

Subcommittee on Policies Update. Subcommittee Chairman Hoff, reported the subcommittee met yesterday and held a stakeholder Listening Workshop. The subcommittee will continue to gather information regarding the review of Board Policy 4028 that defines sharing of federal formula funds between the State and local highway entities. The subcommittee also concurred with staff's recommendations to rescind two administrative policies that will be brought to the Board next month.

Monthly Report on Department Activities. Director Ness acknowledged the Board's appointment of Chief Deputy Stokes as the new incoming director. He was unable to attend the board's special session when the announcement was made. He applauds the Board's decision and congratulated CD Stokes on the well-deserved appointment. He is confident in CD Stokes abilities as a leader and his commitment to the department and looks forward to working together with him over the next months to ensure a smooth transition in leadership.

Director Ness reported on the current Fixing America's Surface Transportation Act, which was set to expire on September 30, 2021. On October 2, President Biden signed a short-term measure into law to extend the funding until October 31, 2021, and the debt-ceiling limit was extended to December 3, 2021. In the event of a government shutdown, the department will continue its operations and construction program without disruption or slowdown.

Director Ness also acknowledged the four department employees who won the 2021 Western Snow & Ice conference national title that Chief Operations Officer Dan McElhinney will formally recognize later in the meeting. He extended his congratulations. Finally, he congratulated the employees who reached a service anniversary in 2020 and 2021. Milestones ranged from 5 years to 50 years of public service. For 2020, there were 390 years of service and 1,225 for 2021 totaling 1,615 years of service. He thanked employees for making a difference every day and being a highly valued member of our team.

Chairman Moad thanked Director Ness for the report.

FY23 Appropriations Request Revision #1. Financial Manager Chris Bray reviewed the FY23 appropriation request changes from the September original budget submission. The highlighted changes are: \$33.5 million base, with reductions in contract inflationary, due to a liability insurance formula change, (-\$42,800) and the Statewide Cost Allocation Plan (-\$1,056,200); Overall Line Item changes totaling \$139.6 million – with additions in capital facilities one-time changed to ongoing (\$19 million), projected unspent Transportation Expansion and Congestion Mitigation (TECM) cash above appropriation in FY22 and the request for spending authority in FY23 (\$15 million) as well as Bureau of Lands Management

Wildfire Mitigation District 3 federal spending authority (\$125,000). As a result, the FY23 base was adjusted to \$639,161,500 with a total FY23 program funding of \$859,335,000.

Chairman Moad thanked FM Chris Bray for the update.

Idaho Transportation Department FY21 Annual Report. Program Specialist Angie Heuring reported on ITD's FY21 Annual report. Idaho Code, Section 40-316, requires the Idaho Transportation Board to submit an annual report to the Governor on the financial condition and management of the department. She noted there would be an update in the annual report to align with the Governor's office branding change from Building Idaho's Future to Leading Idaho's Future.

The report focuses on four major areas:

- Leading Idaho's Future revenue package and surplus funding, highlights ITD's commitment to delivering on our mission of safety, mobility, and economic opportunity and provides a five-year comparison of Idaho growth rates.
- ITD's customer service focused accomplishments, outcome-based performance measures and employee-driven innovations.
- Financial information from FY18-21, including expenditures, strategic initiatives funds and the GARVEE program.
- An outlook on what ITD is focusing on for the next five years (2022–2026), by addressing Idaho's rapid growth through the planning and development of new corridors across the state, aging infrastructure, and funding needs.

Chairman Moad thanked PS Heuring for the report.

Use of Amazon Transportation Mitigation Funds. District 3 Engineer Caleb Lakey co-presented with Tom Points City of Nampa Public Works Director. DE Lakey reviewed the project timeline starting with initial negotiations with Amazon and completion of the traffic impact study in 2018, a memorandum of understanding (MOU) and construction started in 2019, Amazon opened in 2020, and this year the City of Nampa made its project recommendations for ITD Amazon in-lieu dollars. He also shared some facts about the new 61-acre, 650,000 square foot footprint building and highlighted the traffic impact study. Sixteen intersections were evaluated. During peak operation season, the development is expected to generate approximately 6,897 trips per day and \$14.2 million in off-site traffic improvements exaction is required.

Public Works Director Points thanked the Board for all they do and the great partnership they have with District 3 and Headquarters staff. The City of Nampa is projecting to collect \$46 million in impact fees over ten years, \$9 million of which is allocated to state highway partnership projects. He reported the \$14.2 million is the largest exaction for any Amazon facility – representing five projects. Amazon mitigated excessive delays by staggering shift changes, off-peak freight scheduling and improving signal timing – the 15 signals timed were

done in partnership with City of Nampa and ITD. In accordance with the MOU, the \$4.7 million ITD Amazon in-lieu dollars are dedicated to improve roadways and intersections in the area surrounding the project. Director Points reviewed the three projects recommended for allocation of the \$4.7 million Amazon in-lieu funding and the benefits: 1) Idaho SH-16: I-84 to Idaho SH-44, \$2.3 million; 2) Intelligent Transportation and Emergency Management System Phase I, \$1.2 million; and 3) Franklin Road widening and Idaho SH-16 connection, \$1.2 million. He also thanked the board for the eight projects in the Nampa area; such as, the Karcher overpass widening and SH-45 and Locust intersection.

In response to Chairman Moad's question regarding the roundabout to signalization replacement at Franklin and Star Road, PW Director Points explained the change was part of Amazon project. Roundabouts are based on a 10-year modeling plan and that one would have sustained had it not have been for the project. The city anticipates its continued use of roundabouts for safety and traffic volumes under 20,000.

In respect to the Board's Subcommittee on Policies Listening Workshop yesterday regarding urban and rural funding, Member Kempton inquired about the funding restriction for use on capital projects. Chief Deputy Stokes explained the Surface Transportation Program (STP) funds are the most flexible with no restrictions and can be used for capital projects.

Chairman Moad also questioned the use of property taxes for transportation projects. PW Director Points stated not all property tax funds go to transportation. Some of the funds are used for non-federal aid route local road projects; such as, sealcoats and sidewalk improvements. However, there has been a decline in these projects due to use of these funds for federal-aid projects.

Chairman Moad thanked PW Director Points and DE-3 Lakey for the informative presentation.

Motorcycle Interactive Training. Highway Safety Manager John Tomlinson reported there were 29 motorcycle fatalities through September 2021, in comparison to 26 in 2020. Idaho Skills Training Advantage for Riders (STAR) Training Manager Carlos Teixeira presented on its motorcycle interactive training course. He provided a summary of what the training involves and the many ways they engage youth in the 90-minute Driver's Education safety outreach course. They collaborated with YouTube to include a variety of targeted messages, movie trailers, and incorporated various activities to illustrate distracted driving behavior. The topics included four factors on why motorcycles can be invisible - Saccades, selective attention, peripheral blindness and beam blindness. The Saccades refers to the rapid movement of the eye between fixation points where a driver can miss seeing a motorcycle, which underscore the importance of slowing down ones gaze and looking twice. Some additional highlights included safe versus legal rider and driver decisions, lane splitting, road rage, motorcycle group riding and protective clothing.

In response to Member Kempton's comments about federal guidelines and decisions made where helmet usage is not required, and the potential to incorporate messaging on head injuries into his presentation, STAR Training Manager Teixeira appreciated the feedback. He

stated he would include the suggestion into his training course. He also added that all driver's education students are required to wear helmets.

Chairman Moad thanked STAR Training Manager Teixeira for the presentation.

Utility Accommodation Rulemaking Update. Planning Services Program Manager Robert Beachler updated the Board on how ITD is supporting broadband in Idaho, the importance of dig once, potential solutions in the coordination and installation of broadband conduit, and a recent briefing to the Idaho Broadband Advisory Board. ITD owns and manages the right-of-way along the State highway system and wants to help expand broadband infrastructure throughout the State. The Broadband Task Force Plan calls for formalizing dig once and hang once policies as way to deploy broadband efficiency. The department is working on administrative rulemaking to update the Guide for Utility Management and Utility Accommodation policy; stakeholder outreach; proactively installing conduit during construction projects; and seeking federal and state grant opportunities. ITD is also interested in how it could participate in a future state conduit and fiber exchange registry recommended in the Broadband Task Force Plan. Staff briefed the Idaho Broadband Advisory Board on its efforts and asked for its input on the department's proposed utility accommodation rulemaking, and its consideration for additional conduit capacity installation with future broadband grants in support of dig once. Department staff will participate in the Broadband Advisory Board's Dig Once/Hang Once Subcommittee at its request to help develop policies.

Next steps in rulemaking is to continue work with the Broadband Advisory Board and stakeholders, engage in the development of the State Broadband Plan and pursue rulemaking efforts for small wireless facilities in the 2022 legislative session. For small wireless facilities (SWF), the division of highways and the wireless providers enter into a master license agreement. Subsequently, the permitting process is done at the district level. Staff recommends adoption of FCC 18-133 SWF fee structure and FCC permit review guidance.

In response to Member Hoff's inquiry, PM Beachler stated local and regional phone exchanges are typical stakeholders, and there has been coordination with neighboring states such as Utah. Many states are building capacity to the state line developing conduit infrastructure.

Chairman Moad thanked PM Beachler for the update.

Administrative Policy 5515, Disaster/Emergency Support and FHWA Relief. Highway Construction and Operations Administrator Dave Kuisti presented Administrative Policy 5515, Disaster/Emergency Support and FHWA Relief. Administrative Policy 5515 is a new policy combining Administrative Policies A-05-38, Disaster/Emergency Support and A-01-26, FHWA Emergency Relief. These two Administrative policies will be combined under the new format and the content updated to reflect operational and organizational changes that have occurred at the Department. Both policies pertain to emergency response, so combining them to form one new policy consolidates the subject matter and reduces the total number of policies. Since the Board's Subcommittee on Policies review on August 17, language was added to clarify the department's response to emergency plans and procedures for facilities outside of ITD's

ownership. Emergency response under those circumstances can be initiated by executive order of the Governor.

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

RES. NO. WHEREAS, Board Policy 4067 authorizes the Idaho Transportation
ITB21-68 Board to set policies for the Idaho Transportation Department; and

WHEREAS, Administrative Policy 5515 Disaster/Emergency Support and FHWA Emergency Relief was developed to delegate responsibilities and procedures in the event of a disaster or emergency; and

WHEREAS, the Idaho Transportation Department may apply for Federal Highway Administration (FHWA) Emergency Relief funds in the event the Federal-aid system (state and/or local highway systems) sustains damage; and

WHEREAS, Administrative Policy 5515 combines Administrative Policies, A-05-38 Disaster/Emergency Support and A-01-26 FHWA Emergency Relief.

NOW THEREFORE BE IT RESOLVED, that the Board concurs with the revisions to Administrative Policy 5515 and the subsequent deletion of A-05-38 and A-01-26.

Chairman Moad thanked Administrator Kuisti for the policy update.

FY21 State Highway System Projects End of Year Statement. Chief Operations Officer Dan McElhinney presented the end of year statement for the state highway system projects. He reported the department committed to delivering 54 projects ready for construction, with the good news, districts helped advance or add to the FY21 delivery, for 77 projects total. He thanked districts for their focus and hard work on getting the projects delivered. He meets monthly with the statewide district engineers to review projects' scope, cost and schedule commitments, and thanked them for their leadership. He noted the \$66 million US-95 Thorn Creek Road to Moscow project is in pre-bid now with plans for construction next year. He also commented the department is ready and on schedule to deliver state and local bridge projects statewide for next year.

Chairman Moad thanked COO McElhinney for the presentation.

Employee National Title Recognition. COO McElhinney recognized district staff who won the Best Agency Team national title at the fall Western States 2021 Snow & Ice Conference Equipment Roadeo competition in Colorado. The districts hold local and statewide Equipment Rodeos annually to test skills with various course events such as backhoe, snowplow, loader and grader. The top four 2021 agency winners are: Brandon Steffens, District 5, Jed Henderson District 1, Stacey McCurdy, District 6, and Dakota Morgan, District 4. COO McElhinney

acknowledged the winners for their skills in safety and excellence which are key daily work zone safety benefits for our teams. The respective district engineers then presented each of them with an ITD safety coin. The Board watched a local news video clip showcasing the event and accomplishments. District 4 Dakota Morgan, expressed his thanks to the Board and being able to represent the department. He commented on what a great opportunity it is for the public to see what they do.

Chairman Moad commended staff and shared he has received many comments from the public.

Executive Session on Legal and Personnel Issues. Member Kempton made a motion to meet in executive session at 9:55 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 (f). Member Hoff seconded the motion and it passed unanimously.

The discussion on legal matters related to operations and personnel matters related to department organization.

The Board came out of executive session at 9:59 AM.

Administrative settlement over \$200,000. Right of Way Manager Justin Pond presented an administrative settlement for KN 20788 – SH-16, I-84 to US-20/26.

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

RES. NO. WHEREAS, the Idaho Transportation Department is acquiring right-
ITB21-69 of-way along SH-16, I-84 to US-20/26 for Project No. A020(788); and

WHEREAS, the Idaho Transportation 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
Idaho Transportation 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 \$442,500.00.

Administrative settlement over \$200,000. Right of Way Manager Justin Pond presented an administrative settlement for KN 22165 – US-20/26, I-84 to Middleton Road, Canyon County.

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

RES. NO. WHEREAS, the Idaho Transportation Department is acquiring right-
ITB21-70 of-way along US-20/26 for Project No. A022(165); and

WHEREAS, the Idaho Transportation 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 Idaho Transportation 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 \$687,910.00.

WHEREUPON, the Idaho Transportation Board's regular monthly meeting adjourned at 11:31 AM.

SIGNED

BILL MOAD, Chairman
Idaho Transportation Board

Read and Approved
November 18, 2021
Boise, Idaho

October 20, 2021