

REGULAR MEETING
OF THE IDAHO TRANSPORTATION BOARD

November 18, 2021

The Idaho Transportation Board met at 10:30 AM on Thursday, November 18, 2021, in Boise, Idaho. The following principals were present:

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

Vote on Idaho Transportation Board Interim Vice Chair. Chairman Moad began by appointing Member Thompson to the Board's Subcommittee on Policies. Chairman Moad recommended Member DeLorenzo for the interim vice chair position and asked the Board for additional candidate recommendations. Hearing none, Member Kempton made a motion to elect Member DeLorenzo as the interim vice chair. Member Hoff seconded the motion and it passed unanimously.

Safety/Security Share. District 6 Engineer Jason Minzghor promoted a vehicle check prior to winter. Noting specific items to check; such as, batteries and terminals, tire pressure, drive belt, and coolant levels. He recommended carrying an emergency road kit. In respect to security, DE6 Minzghor recommended setting up separate laptop passwords for visiting family members. He had a personal experience where some costly items were charged to his account.

Chairman Moad thanked DE6 Minzghor for the important message.

Board Minutes. Member Kempton made a motion to approve the minutes of the regular Board meeting held on October 20, 2021, as submitted. Member Thompson seconded the motion and it passed unanimously.

Board Meeting Dates. The following meeting dates and locations were scheduled:

December 9, 2021 – Boise, HQ January 13, 2022 – Boise, HQ
February 17, 2022 – Boise, HQ March 23 & 24, 2022 – District 4

Consent Items. In regards to contracts for award that exceed the engineer's estimate by more than 10%, Chairman Moad questioned if there are future pricing escalators in place. COO McElhinney stated yes, 2% per year, and in addition, we reviewed inflation factors recently with economists from Associated General Contractors and American Road & Transportation Builders

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Association. The major trend of 20-30% increases are in steel and asphalt. There is a 2% escalation factor in the 5-year State Transportation Improvement Program, which may need to be adjusted. He noted, FHWA, and most states, do not have a steel index. Next month, staff will provide the Board with a forecast and summary report for bids exceeding 10% of the engineer's estimate.

In response to Chairman Moad's follow up question if any contractors hedge commodities, COO McElhinney replied that bidders tend to add some risk based on input from suppliers; however, the contractor is held accountable for their low bid submitted during a contract although ITD reviews requests on asphalt or fuel indexing and supply issues to provide some flexibility.

In reference to approve the consultant agreements, Member Kempton commented the District 4 Engineer was not aware of shifting funds (savings) from a District 4 project to the I-84 Karcher Interchange. COO McElhinney responded as programming funds shift between projects, programming staff works diligently to balance fund needs and savings; however, he appreciated the reminder to keep the local district engineers apprised as well.

Member Horsch made a motion and seconded by Member Kempton 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-
ITB21-71 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 FY21 certificate of receipts and disbursements, FY21 Idaho Transportation Department Annual Report, moving US-95 Aht'Wy Interchange and Plaza project to FY22 of the approved FY21-27 ITIP, modify Rail-Highway Crossing Program in the approved FY21-27 ITIP, consultant agreements, contracts for award, and contract for rejection.

1) FY21 Certificate of Receipts and Disbursements. In accordance with Idaho Code Section 40-708, certification of receipts and disbursements must be approved by the Board, shown as Exhibit 543, which is made a part hereof with like effect. The Controller requests approval to certify ITD's State Highway Fund cash balance, \$154,708,000 as of June 30, 2021.

2) FY21 Idaho Transportation Department 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. Since last month, the report was updated to align with the Governor's office branding change from Building Idaho's Future to Leading Idaho's Future. Also, one outcomes based performance measure was updated changing the days to process vehicle titles in 2020 from 3 days to 6 days, which includes titles processed by the counties.

3) Request to Move US-95 Aht'Wy Interchange and Plaza project to FY22 of the approved FY21-27 Idaho Transportation Investment Program (ITIP). The Nez Perce Tribe received a BUILD (Better Utilizing Investments to Leverage Development) Transportation Discretionary Grant in September 2020. This project was placed in FY21 of the FY21-27 ITIP. The grant is for \$19,134,710 and the total project cost is \$20,141,800. The sponsor, the Nez Perce tribe, will pay the match of \$1,007,090. District 2 in conjunction with the Nez Perce Tribe is finalizing the plans in preparation for advertisement in January 2022. As per policy 5011 ITIP, the purpose is to request approval to move the project from FY21 to FY22 in order to preserve a place in the FY22 of the FY21-27 ITIP.

4) Request to Modify Rail-Highway Crossing Program in the approved FY21-27 ITIP. Per policy 5011 ITIP, and Administrative Policy 5085 Rail-Highway Crossing Program, staff requests delay of the following two projects in the Rail-Highway Crossing Program:

- Key Number 20621, Offsystem, Elmira Rd UPRR RRX, Bonner Co, (construction estimate \$300,000)
- Key Number 22035, STC-5815, Atlas Rd UPRR RRX, Near Hayden (construction estimate \$300,000).

Funding is available for both projects in FY28.

5) Request to Approve Consultant Agreements. In accordance with Board Policy 4001, staff requests approval to exceed the \$1 million agreement limit for key #13494 – Old Highway 30, West Plymouth Street Bridge, Canyon County, District 3, design services of approximately \$2.9 million; key #23336 – I-84, Karcher Interchange, Canyon County, District 3, design services of approximately \$3.0 million; and key #21935, I-90, Coeur d'Alene River Bridges, District 1, design services of approximately of \$2.3 million.

6) Contracts for Award. The low bids on the following projects were more than ten percent over the engineer's estimate, requiring justification. On key #20129, FY21 capital maintenance, phase 2, Ada County Highway District (3), the differences between the low bid and engineer's estimate were mainly in the mobilization, removal of curb and gutter and superpave. On key #20587, US-93, Grandview to Blue Lakes Blvd., District 4, the differences between the low bid and engineer's estimate were mainly in the resealing joints, traffic control and mobilization. On key #22006, pedestrian path connection plan, Idaho Falls, Local Highway Technical Assistance Council (6), the differences between the low bid and engineer's estimate were mainly in the mobilization. The engineer's estimate were developed using the average bid costs of previous projects in the area plus assumed price increases. The District, ACHD and LHTAC do not believe re-advertising the projects would result in lower bids, and recommends awarding the contracts. Low bidder, for key #20129: Staker & Parson Companies DBA, Idaho Materials Construction - \$2,961,975.25; key #20587: Penhall Company - \$1,593,102.22; and key #22006: JM Concrete Inc. - \$385,790.80.

7) Contract for Rejection. In accordance with Board Policy 4001, staff requests approval to reject the \$1 million agreement limit for key #20544 – SH-31, District 6, overlay and guardrail upgrade. Contractor - Knife River Corporation-Mountain West, \$10,792,500.

Informational Items.

1) Contract Awards and Advertisements. Key #19530, 97 South, LHTAC (6), Idaho Canal Bridge. Low bidder: Cannon Builders - \$973,854.24.

Key #20564, SH-24, SH-25, US-26, SH-46 & SH-50, seal coats, District 4. Low bidder: Geneva Rock Products Inc. – \$3,009,796.68.

Key #22888, SH-3, Goosehaven Road to Round Lake Road, District 1. Low bidder: Knife River Corporation-Mountain West – \$12,961,000.00.

Key #21890, SH-78, Int. SH-167, improvements, District 3. Low bidder: Staker & Parson Companies, Idaho Materials Construction – \$540,670.00.

Key #20439, US-30, over Snake River Bridge repairs, District 4. Low bidder: Cannon Builders Inc. – \$736,261.20.

Key #20244/19948, I-90, Division Street IC Opass, Kellogg, District 1. Low bidder: Concrete Placing Company Inc. – \$17,371,443.49.

Key #23064, Recessed pavement marking pilot, District 3 (HQ). Low bidder: Apply-A-Line LLC. – \$289,605.41.

The list of projects currently being advertised was provided.

2) Professional Services Agreements and Term Agreement Work Tasks Report. From September 30 through October 25, 2021, 16 new professional services agreements and work tasks were processed, totaling \$43,761,380. Three supplemental agreements to existing professional services agreements were processed during this period in the amount of \$91,922.

3) Annual Rail-Highway Crossing Program Report 2021. Board Policy 4085 specifies a report be made to the Board annually on the status of the State Railroad Grade Crossing Protection Fund (Fund), which receives an annual allotment of \$250,000 in accordance with Idaho Code 63-2412(c) and 62-304. This Fund provides money and match for projects in the Rail-Highway Crossing Program. Projects in this program are incorporated into the Idaho Transportation Investment Program. The goal of this 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 which promote awareness of public safety at railroad grade crossings.

4) State FY22 Financial Statements. Revenues to the State Highway Account from all state sources were ahead of projections by 21.8% as of September 30. Receipts from the Highway Distribution Account were \$13.4 million more than forecast. State revenues to the State Aeronautics Fund were ahead of projections by 72%, or \$506,000. The Department's expenditures were within planned budgets. Personnel costs had savings of \$1.3 million or 4.6%

due to vacancies and timing between a position becoming vacant and being filled. Contract construction cash expenditures were \$131.1 million for July through September.

The balance of the long-term investments was \$112.5 million at the end of September. These funds are obligated against construction projects and encumbrances. The cash balance was \$157.4 million. Expenditures in the Strategic Initiatives Program Fund for September were \$0.8 million. Additional receipts include interest earned of \$49,000 based on the cash balance. Deposits into the Transportation Expansion and Congestion Mitigation Fund of \$9.1 million is the third month of the new 4.5% of Sales Tax authorized during the last Legislative session. Expenditures in this fund were \$5.7 million year to date. The federal CARES Act provided \$27 million for public transportation. Expenditures totaled \$293,000 year to date.

5) Monthly Reporting of Federal Formula Program Funding through October. Idaho received obligation authority of \$64.9 million through October 31, 2021 via an Appropriations Act signed on October 2, 2021. It includes \$2.1 million of Highway Infrastructure General Funds carried over from last year in the local urban and off-system bridge programs, and \$39 million COVID Relief funds carried over from last year in the Transportation Management Area, Local Urban and SHS Programs. An extension to the federal Fixing America's Surface Transportation Act was signed on October 2, 2021. Idaho received apportionments of \$67.8 million. Obligation authority is currently 95.7% of apportionments. As of October 31, 2021, \$70.0 million was allocated with \$29.0 million remaining program funding.

6) FY23 Revision #1 Appropriate Request. The department's Fiscal Year Appropriation Request Revision #1 was delivered to the Division of Financial Management and the Legislative Services Office on October 22, 2021. The summary of values carried in the FY23 Revision #1 Appropriation Request are: \$ 605,694,300 FY23 Base plus \$32,867,800 Base Adjustments for a total Adjusted FY23 Base of \$638,562,100. Adding \$140,119,000 for Line Items and \$80,537,00 for Debt Service brings the FY23 total program funding to \$859,218,000.

Monthly Report on Department Activities. Director Ness reported the Infrastructure Investment and Jobs Act (IIJA) passed the U.S. Senate on August 10 by a vote of 69-30. Both Idaho senators voted in favor of the bill. The current Fixing America's Surface Transportation Act, was extended again until December 3. On November 5, the U.S. House passed IIJA on a 228-206 vote, and President Biden signed it into law on November 15. IIJA will provide five-year reauthorization of federal highway, highway safety, transit, and rail programs for FY22 through FY26. Idaho is projected to receive an additional annual amount of approximately: \$91 million across highway program categories, \$45 million for bridges, \$11 million across public transit program categories, and \$6 million for electric vehicle infrastructure. A new bridge discretionary program is created for larger projects over \$100 million at 50% federal funding. Grant programs focus on resiliency and congestion management. Program delivery eliminates fiscal constraint after four years. Buy America is expanded to construction materials. IIJA also allows states and localities to implement local hire programs, and safety and contingency funds to be used in work zones prior to or during construction. With the passage of IIJA, funding needs to be delivered through appropriations. The federal debt limit has yet to be increased to allow for additional funding in many programs, so state departments of transportation need to stay involved in the policy implementation process – especially for rural states. Because of these factors, the timing of any federal funding increases is uncertain and may be subject to delay.

Director Ness reported ITD received three American Association of State Highway and Transportation Officials (AASHTO) President's Awards in late October. Since 2010, ITD has received 20 President's Awards, more than any other state, and it is the second time ITD has received these specific awards in one year. The awards received were in the following locations and categories: District 4 for Environment; District 3 for Highway Traffic Safety; and District 1 for Highways. More specific project information will be shared next month. Director Ness concluded the awards demonstrate that ITD is on its way to becoming the best transportation department in the country.

Chief Deputy Stokes shared ITD received an award from Teton County recognizing staff for its help and support during the pandemic. He also reported on the recent help provided to the Canyon County DMV who had planned to close its office for a week because of staffing shortages. ITD learned after the announcement, but was able to provide staff allowing them to retain over 100 appointments scheduled and provide services to additional walk-ins, minimizing the closure to only two days. He thanked DMV staff for their quick response.

CD Stokes reported on license plates production in light of challenges procuring aluminum. Because of planning and forethought with Correctional Industries, Idaho ordered enough materials in advance that it did not experience delays in license plate production. In July 2021, license plate replacement requirements changed from a 7-year to a 10-year cycle.

Lastly, CD Stokes reported in respect to the new IJA federal legislation, ITD will need to modify its FY23 appropriation request to accommodate for the increase in funding. They will make the change and have the Board ratify those changes at its meeting next month. He provided some preliminary IJA funding estimates, which are expected to be shared with local jurisdictions. It includes a \$128,189,100 overall increase in base funding. The IJA represents a 20% increase in federal funds from the current FAST Act.

Chief Engineer McElhinney provided a progress report on the Transportation Expansion and Congestion Mitigation program. A handout was provided showing the 13 TECM corridors. A series of meetings were held this week. On November 15, the TECM Right-of-Way Workshop met to discuss plan appraisals, acquisition and resources. On November 16, the eight TECM prime contractors and principles met and then the statewide district engineers held an all teams partnering workshop – TECM Program Manager Amy Schroder led discussions. Lastly, on November 17, the Idaho State Police/ITD Annual Managers meeting was conducted, which included discussions on work zone safety. COO McElhinney also shared some upcoming items: risk management for program delivery success, monthly project status, quarterly executive progress sessions, accountability for delivery and efficiency by teams, and a December Board update on TECM corridors and bonding.

Member Horsch encouraged staff to continue communication with counties on local land use planning in an effort to better coordinate future projects. COO McElhinney responded regional planning meetings are held with the metropolitan planning organizations with many of the district engineers in attendance.

Chairman Moad thanked staff for the report.

District Engineer Report. District 6 Engineer Jason Minzghor's report was on operations, design, construction, planning, public involvement and accomplishments for the year. He highlighted a dust storm project on I-15 from Idaho Falls to Osgood removing 35,000 yards of material and dust. It took 22 dump trucks making 2,913 loads over 2.5 weeks to complete the project. In FY22, they had 14 projects totaling \$56 million under construction, which in a typical year, many of those projects would be advertised this fall. And there are six projects totaling \$22 million ready for advancement. The I-15/US-20 Connector, Planning and Environmental and Linkages study report received FHWA endorsement. There were several public meetings held throughout the year; however, the virtual meeting held due to COVID-19, garnered the most support with over a 1,000 participants and 310 comments received. DE6 Minzghor concluded by sharing the heroism of a local math teacher who disarmed a school shooter at Rigby Middle school earlier this year. He also commended staff for quickly mobilizing to help with traffic control and other needed services.

Chairman Moad thanked DE6 Minzghor for the report.

Innovate ITD! FY21 Best of the Best Recognition. Motor Vehicle Administrator Alberto Gonzalez, introduced Continuous Improvement Facilitator Business Analyst Laura Meyer to discuss the program and present the recognition awards. She provided an overview on the inception of the program from 2014 to 2022, and the benchmarks established for five objective areas. Highlights include the development of continuous improvement of innovation processes and tools in 2015, formation of continuous improvement teams in 2017, and leader focused engagement in 2019. Key lessons learned are to reserve judgement, make decisions closest to where the work is done, and provide recognition for ideas. The process starts by submitting an innovative idea through the ITD internal website portal. The Continuous Improvement staff provide support to ITD teams assessing and improving processes and workspaces and providing facilitation. ITD has statewide Innovation Stewards who are nominated by their division or district leader to represent their organization.

Through video-taped messages from the Innovation Stewards, the Best of the Best Innovation Awards for 2021 were announced for each of the following categories:

- Safety, announced by Niki Benyakhlef – to District 4 and 3 for “Wildlife Vehicle Collision Mobile App” (Brent Brumfield, Connie Jones, Wendy Terlizzi, Dough Hoskinson, Mark Cox, Jeremy Wolf, Brett Sergenian, Jeanne Fisher, and Larry Anderson);
- Mobility, announced by Vicky Calderone – to Highways Construction, Operation and GIS for “Tracking Traffic Counter Deployment” (Trent Maupin, Raymond Wong and Jet Johnstone);
- Economic Opportunity, announced by Jenny Klein – to Port of Entry and District 4 for “Port Entry Sign and Safety Improvement” (Carl Horn, Brad Adams, Jerry Ford, Ryan Manley, Brandon Mendoza, and Randy Hubsmith);
- Customer Service, announced by Heather Perkins – to DMV for “Registration Renewal QR Code” (Kristall Gutierrez, Brian Duran, Bill Finke, Natasha Arnesen, Lisa

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McClellan, Mayank Dhulekar, Beth Thompson, Abhinav Gandhi, Raja Kasidi, Rebecca Morris, and Neil Snyder);

- Cost Savings, announced by Taylor Bothke – to District 5, Highway Development, Construction, Operations and Administration for “Statewide Asset Attribute Inventory” (Nik Sterbentz, Margaret Pridmore, Kimberly Love, Brett Sergenian, Christopher Higginbotham, Vladimir Borek, Brent Brumfield, Anne Rector, Nick Jorgensen, Robert Beachler, Will Thoman, Ryen Johnson, Sydney Lewis, Rod Reed, and Kelly Campbell);
- Time Savings, announced by Laura Meyer – to DMV for “Address Change Online” (Raja Kasidi, Abhinav Gandhi, Beth Thompson, Lisa McClellan, Rebecca Morris, Kim Stump, Mayank Dhulekar, and Aruna Bandanadam);
- Idaho Workplace, announced by Brent Brumfield and Doug Hoskinson - to District 5 Blackfoot Shed Crew for “Building Uplift” (Ryan Burgin, Rocky Messick, Jared Loosli, Bryson Johnson, Bruce Martin, Jeff Reaves, Logan Dial, Brandon Steffens, and Troy Despain).

In conclusion, Laura Meyer reported on the historical Best of the Best winners; Innovation Scorecard data –highlighting 1201 implemented innovations reflecting \$19.6 million in savings/efficiencies; future objectives in communication, leader focused engagement, and recognition; and the staff comprising ITD’s Innovation efforts from executive leadership to support staff.

Chairman Moad commended staff for a job well done.

In the interest of time, Chairman Moad delayed the 2021-22 ITD Omnibus Pending Administrative Rulemakings and Utility Accommodation Rulemaking Update items to after lunch following the Dealer Advisory Board’s Annual report.

Director’s Monthly Report (Continued), Tribute to Former Vice Chair Janice Vassar. Director Ness began his tribute by sharing a friendly rivalry story between his Michigan State alma mater and former Vice Chair Vassar’s Washington State. They shared a special bond because they both started on the same day in 2009, and she quickly became a mentor to him. Coming from the public sector, she understood the issues and advocated for employees. As former Lewiston city manager, she was described as tough, but fair, and from a professional standpoint, was a good listener and gracious. She made a great impact at ITD in supporting employees and leaves a huge hole in her absence. Director Ness encouraged staff to check-in with Board members and other District 2 staff to offer support, and shared personal comments with Mr. Vassar who was attending virtually at the District 2 office.

Member DeLorenzo offered condolences to Mr. Vassar sharing that former Vice Chair Vassar was one the kindest women she has met. Member DeLorenzo also acknowledged that Vice Chair Vassar’s most important job was being a wife, a mother and grandmother and hopes Mr. Vassar finds comfort in knowing how much she was loved.

Member Kempton appreciated former Vice Chair Vassar’s level of engagement and shared she was a true statesman.

District 2 Engineer Doral Hoff presented Mr. Vassar with a framed picture of former Vice Chair Vassar and shared a few stories and sentiment.

The Board recessed at 12:33 p.m. to have an informal lunch with Trucking Advisory Council. Chairman Moad reconvened the meeting at 1:45 p.m.

Annual Trucking Advisory Council Report. Trucking Advisory Council Chairman John Pocock thanked the Board for the opportunity to serve. He reported the council met every quarter this year to discuss trucking and safety issues. He introduced two new council members Tim Christopherson, District 2 and Troy Thurgood, District 6. He highlighted meetings held with Truckers Against Human Trafficking, thanked Ramon Hobdey-Sanchez for the presentation on legislative ideas and all his support, and updates on the 129,000K Pound Truck Routes and dyed diesel. He reported TAC met with Idaho State Police mid-year to discuss Port of Entry operations and restated their support in having POE remain assigned to ITD. Chairman Pocock stated TAC stands ready to assist the Board, provide feedback on industry concerns, and make recommendations when called upon.

Chairman Moad thanked TAC Chairman Pocock for the presentation.

Dealer Advisory Board Annual Report. Dealer Advisory Board Chairman Grant Petersen provided an update on DAB activities. He reported on a new approach to dealer enforcement. In response to DAB asking for a more comprehensive approach to enforcement, ITD implemented a new structured and proactive approach. Motor Vehicle Investigators set new standards and now have timeliness, quality, and quantity metrics to gauge performance and effectiveness. Investigators implemented a new remote audit process allowing them to measure dealer compliance and identify key indicators of major financial issues. In the last four months, 107 individual customer issues have either been successfully resolved or resulted in a dealer being suspended. Dealer newsletters are providing better communication, a platform for recognition and enhanced DAB participation by encouraging dealers to get involved and communicate with their representative. He also reported on the Idaho Consumer Asset Recovery Fund and challenges with chip and labors shortages, and efforts made through dealer education.

Chairman Moad thanked DAB Chairman Petersen for the presentation.

2021-22 ITD Omnibus Pending Administrative Rulemakings. Governmental Affairs Program Manager Ramon Hobdey-Sanchez presented the department's two Omnibus pending rulemaking notices. This is the final reauthorization piece of the process to ensure all of ITD's rules are pending before the 2022 Idaho Legislature. In June and July of 2021, the Board approved rule changes in alignment with Governor Little's Red Tape Reduction Initiative. Changes were predominantly focused on non-substantive modifications and removing restrictions and redundancies within particular rule chapters. Proposed changes were made to 10 of 35 non-fee chapters and 5 of 7 fee chapters. However, no changes are being made or proposed at this stage and the rules are being processed as adopted this summer, with one exception. The chapter for Rules Governing Utilities on the State Highway Right-of-Way is being removed from the Pending Notice. It is being independently advanced for review by the 2022 Idaho Legislature because of Broadband and small wireless facilities stakeholder negotiations.

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

RES. NO. WHEREAS, the Idaho Transportation Department is working through the
ITB21-72 3rd consecutive year of reauthorizing the administrative rules under
IDAPA Tile 39; and

WHEREAS, there are 34 non-fee rules and 7 fee rules within the Omnibus rulemakings and

WHEREAS, these rules are currently temporary with the full force-and-effect of the law; and

WHEREAS, these rules implement the duly enacted laws of the state of Idaho, provide citizens with the detailed rules and standards for complying with those laws and assist in the orderly execution and enforcement of those laws; and

WHEREAS, the Governor has found that the fees or charges being imposed in the fee rules are justified and necessary; and

NOW THEREFORE BE IT RESOLVED, that the Idaho Transportation Board approves these rules to be presented as pending to the 2nd Regular Session of the 66th Idaho Legislature with publication in the Special Edition of the December 2021 Idaho Administrative Bulletin.

Chairman Moad thanked PM Hobdey-Sanchez for the informative presentation.

Utility Accommodation Rulemaking Update. Governmental Affairs Program Manager Ramon Hobdey-Sanchez reviewed the proposed rule that was published on November 3. The proposed rule includes a new chapter on Small Wireless Facilities and Utility Accommodation Policy (UAP) update. Efforts on Broadband were slowed to allow the Governor's Broadband Advisory Board to engage in the development of a state master plan. Final draft rule and UAP will be presented to the Board at its meeting next month. The proposed rule will require both house and senate approval because of the associated fee additions.

Planning Services Program Manager Robert Beachler provided an overview on Small Wireless Facilities (SWF). The division of highways and wireless providers enter into a master license agreement and the permitting of SWF is done at the district level. Staff recommends adoption of FCC 18-133 SWF fee structure and implementation of FCC SWF permit review guidance, commonly referred to as "shot clocks." In other states; such as, Utah, they impose non-refundable fees to review applications, installations, annual access right-of-way and annual attachment fees for collocation on utility poles. On November 16, staff held a SWF stakeholder meeting. Public comment regarding SWF rulemaking will be taken until November 24, and final draft rule and UAP will be presented to the Board at its meeting next month.

In response to Member Kempton's question if we are coordinating with the Public Utilities Commission, PM Beachler confirmed that they are; however, fiber optics are not considered a public utility and therefore not regulated.

Member Kempton questioned the responsibility to monitor companies if they are being allowed within the right-of-way and the incorporation of language to address liability from accidents and other roadway damage. DAG Thomas stated permits should be written as such to include indemnification language shifting liability from the state, and would be happy to work with staff.

In response to Member Hoff's question regarding removal of abandoned or obsolete equipment, PM Beachler stated the company has that responsibility to remove equipment. However, because of lack of tracking, it is difficult to confirm if that is happening. Per the permit, companies are required to move equipment at their own expense.

Chairman Moad thanked GAPM Hobdey-Sanchez and PM Beachler for the update.

Administrative Policy A-38-02 Accident Cost Information. Highway Safety Manager John Tomlinson presented deleting Administrative Policy A-38-02, Accident Cost Information. In consultation with FHWA, the information has not been used in many years and is no longer required. Procedures and processes have changed making the administrative policy obsolete. The Board's Subcommittee on Policies reviewed the policy on October 19 and supported staff's recommendation to delete.

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
ITB21-73 Board to set policies for the Idaho Transportation Department; and

WHEREAS, Administrative Policy A-38-02 Accident Cost Information describes previous process for estimating economic costs resulting from motor vehicle crashes; and

WHEREAS, the Federal Highway Administration (FHWA) has archived and no longer uses the Technical Advisory T 7570 as the basis for determining crash cost figures; and

WHEREAS, Administrative Policy A-38-02 is no longer applicable to the economic cost of crashes.

NOW THEREFORE BE IT RESOLVED, that the Board concurs with the deletion of Administrative Policy A-38-02 Accident Cost Information.

Chairman Moad thanked HSM Tomlinson for the policy update.

Administrative Policy A-05-37 Allocation and Management of the Highway Maintenance Budget. Mobility Services Engineer Nestor Fernandez proposed deleting Administrative Policy A-05-37, Allocation and Management of the Highway Maintenance Budget. The policy has been in effect since 2014, and this process is no longer applicable. Current business practices have changed incorporating transparency on how the budget is disseminated and allocated on a statewide basis. The Board's Subcommittee on Policies reviewed the policy on October 19 and supported staff's recommendation to delete.

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
ITB21-74 Board to set policies for the Idaho Transportation Department; and

WHEREAS, Administrative Policy A-05-37 Allocation and Management of the Highway Maintenance Budget describes previous process for the allocation of funds to each district; and

WHEREAS, the Idaho Transportation Department currently allocates operations budget as part of the ongoing budgeting process; and

WHEREAS, Administrative Policy A-05-37 is no longer applicable to the current highway operations budget process.

NOW THEREFORE BE IT RESOLVED, that the Board concurs with the deletion of Administrative Policy A-05-37 Allocation and Management of the Highway Maintenance Budget.

Chairman Moad thanked MSE Fernandez for the policy update.

Historical Transportation Document Preservation. Planning Services Manager Ken Kanownik introduced Intern Braeden Dickinson who provided information regarding a historical transportation planning studies project from the 1950's, 60's and 70's. Documents selected came from each of the metropolitan areas around the state and one project that occurred in a rural area. The documents had to hold some historical element and significance and have good pictures and graphics. Documents were analyzed and annotated for important phrases, numbers, and any other aspects that were important to include in short write-ups.

The planning studies preserved through this process are:

Interstate 90 Route Study, East Coeur D'Alene to Wolf Lodge Junction – July 1964

US 95 Route Study & Determination Whitebird Hill – July 1962

US 95 Lewiston Hill Study – February 1972

Boise Valley Interstate Route Analysis – June 1958

Kimberly – Hansen Bridge - April 1964

Interstate Routing Report – January 1971

Idaho Falls Urban Transportation Study - October 1961

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The documents were on display in the lobby for board members to view.

Chairman Moad thanked Intern Dickinson for the presentation.

State Planning and Research Program Update. Research Program Manager Ned Parrish presented an overview of State Planning and Research (SPR) funds and described the programs and activities supported with this funding. Federal code requires 2% of federal funds received for roads and bridges be used for SPR with a minimum of 25% of those funds devoted to research related activities. Annual SPR work program is developed and included in the Idaho Transportation Investment Program as grouped projects.

Planning units supported in whole or in part with SPR funds include Financial Planning and Analysis, Planning Services, Highway Data, Geographic Information Systems (GIS), Contracting Services, and Environmental Services. The SPR FFY22 budget is \$6.89 million of which \$1.67 million is for the Research Program. There were seven recently completed ITD projects, which included development of a statewide landslide inventory database and a precast pier system for accelerated bridge construction in Idaho. There are seven planned projects for FFY22; such as the analysis of bicycle and pedestrian crashes and contributing factors, and Unmanned Aerial Systems technology, airspace design, privacy and safety in Idaho. A new position was added to support the research program in FY22.

Chairman Moad thanked RPM Parrish for the informative report.

Human Resources Annual Report. Chief Human Resources Officer Brenda Williams, led discussions by highlighting what has come to be known as the “Great Resignation.” Boise is ranked second, below Vancouver, as the least affordable city. Overall, Georgia, Kentucky and Idaho had the highest rates of employees leaving their jobs. HR’s mission is to attract and retain the best talent while striving to create an ideal workplace where employees are engaged in their work and provided opportunities for development and growth. Based on ITD’s 1648 Full-Time Equivalent (FTE) count, June’s complement was 1620. HR actively monitors hires and separations. ITD has a 3-step career path for transportation technicians and a 4-step path for technical engineering positions. Training is provided by ITD.

HR Manager Jim Spears reported ITD has a 98% complement fill rate, and has experienced a 60% decrease in job applicants. He also shared some 2021 outreach efforts through partnership with Boise State University and University of Idaho, conducting job fairs, and airing recruitment videos through social media.

Program Manager Jessica Garrison reported HR has four cross functional teams serving ITD employees: recruitment (to address becoming more efficient and innovating strategies); onboarding (to create great employee experiences); compensation; and improving SharePoint resources. As of October 31, ITD had 28 COVID cases, down by 24 from the previous month. Overall for FY21, ITD’s 6% turnover rate is lower than the State’s 10.8% rate. Primary reasons for voluntary separation are external career advancement and family/personal reasons.

Civil Rights Compliance Officer Ester Ceja presented on Disadvantage Business Enterprise program. They have an agreement with FHWA. Through the support of management, the districts and contracting community they met their DBE goal. In the Fall 2020, they had 20 trainees enrolled in the 5-week Highway Construction Work Program course – 70% obtained a job within 13 months. This year, three schools partnered with the Workforce Development Council and Associated General Contractors and received \$300,000 workforce funds from FHWA. They also created a permanent construction course with simulators.

Safety Manager Randy Danner reported on ITD's safety recognition coin. As an example, the Incident Reduction Committee in District 1 eliminated vehicle backing accidents by having staff back into parking spaces. The committee was rewarded with a safety recognition coin. SM Danner also reported they completed safety training for supervisors, promoted positive outcomes through safety shares and Transporter articles, and rewrote the safety manual. ITD's Total Incident Rate (a percent of injuries per 100 employees) for FY21 was 1.89% in comparison to FY20's 2.37%.

Training and Development Manager Frank Decarvalho reported T&D developed a training and development model to provide structure and direction to the many learning efforts and initiatives ongoing throughout the organization. The five focused ITD constructive behaviors of communication, accountability, collaboration, safety, and results are critical components to supporting and increasing positive customer and employee experiences. FY21 witnessed a large portion of training classes move from the traditional in-class environment to a virtual or online environment. This was the norm for all training types with the exception of our equipment operator training, which was accomplished primarily through hands-on face-to-face instruction. With the introduction of new employees across ITD and T&D's 33% personnel turnover, they achieved communication and leadership completion rates of 75.4% and 86.2% respectively. Some initiatives completed include talent discussion session and emerging leaders program.

Chief Human Resources Officer Brenda Williams concluded with a snap shot of the road ahead on key initiatives; such as, Leadership Career Development Plan, Leadership Engagement and Accountability Process, and coming this spring - the employee engagement/culture survey.

In response to Chairman Moad's suggestion to make recruitment videos, CHRO Williams stated they air radio advertisements, produce bumper stickers and hand out fliers but can do more outreach to attract talent.

In response to Member DeLorenzo's comments about locals and cities paying more, CHRO replied it is an unusual time with businesses raising rates to retain employees. HR is doing all it can to be creative. They hope to have the Division of Human Resources' annual report that may provide avenues to help raise rates. They have focused on targeted positions, which has helped but it continues to be a challenge everywhere.

Chairman Moad thanked the HR staff for the informative annual report.

Executive Session on Legal and Personnel Issues. Member DeLorenzo made a motion to meet in executive session at 4:23 PM to discuss issues as authorized in Idaho Code Section 74-

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206 (b) and in Idaho Code Section 74-206 (f). Member Thompson seconded the motion and it passed unanimously by roll call vote.

The discussion on legal matters related to highway operations.

The Board came out of executive session at 5:10 PM.

Linder Village (Orchard Park) Sales Tax Anticipated Revenue Agreement (STAR).
District 3 Engineer Caleb Lakey provided an update on Linder Village (Orchard Park) STAR agreement. Idaho Code, 63-3641 sets funding limits with a minimum of \$6 million and maximum of \$35 million. STAR agreements are a mechanism to encourage more than just minimal transportation improvements – 60% of sales tax generated is used for reimbursement. In January 2019, ITD signed the STAR agreement for the US-20/26 Linder Village (Orchard Park) project spanning from Linder Road to Locust Grove Road. The remaining widening section is less than a mile stretch east of Meridian Road. Final acquisition is being planned for construction next year.

Chairman Moad thanked DE3 Lakey for the update.

WHEREUPON, the Idaho Transportation Board's regular monthly meeting adjourned at 5:15 PM.

Signed
BILL MOAD, Chairman
Idaho Transportation Board

Read and Approved
December 9, 2021
Boise, Idaho

November 18, 2021